



# Report to the Plan Commission

August 9, 2010

**Legistar I.D. #19426**  
**5206 Harbor Court**  
**Demolition and Conditional Use Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a single-family home and a conditional use for construction of a new single-family home in the R2 (Single-Family Residence) District on a waterfront parcel.

**Applicable Regulations & Standards:** Section 28.04 (19) requires that new principal buildings or additions to buildings on a waterfront parcel must obtain a conditional use permit. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the project meets all applicable demolition, waterfront, and conditional use standards and **approve** the proposed request for residence demolition and new construction on a waterfront lot at 5206 Harbor Court, subject to the recommended conditions and input provided at the public hearing.

## Background Information

**Applicant/Property Owner:** John Thompson; 5206 Harbor Ct.; Madison

**Project Contact:** Arlan Kay; Architecture Network; 116 E Dayton St.; Madison

**Proposal:** The applicant proposes the demolition of an existing 1,477 square foot single-family home to construct a new single-family home on a waterfront lot. The applicant intends to initiate demolition when all approvals are received.

**Parcel Location:** 5206 Harbor Court is located on the north side of the eastern end of Harbor Court on Lake Mendota, Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions:** The existing 1,477 square foot, two-story home, constructed in 1916, sits on a lot nearly 13,000 square feet in size in the R2 (Single-Family Residence) District. The applicant has provided interior and exterior photographs of the structure.

**Surrounding Land Use and Zoning:** The area surrounding the property is zoned R2 (Single-Family Residence District), and consists of single family homes on relatively small lots.

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Spring Harbor Neighborhood Plan (2006) recommend continued Low Density Residential land use for the area.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The property is served by a full range of urban services.

**Zoning Summary:** The property is in the R2 (Single-family Residence) District

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	12,915 sq. ft. existing
Lot width	50'	102'
Usable open space	1,300 sq. ft.	15'
Front yard	26.88' (Setback Averaging)	14.2' <i>(ZBA Approved Area Exception)</i>
Side yards	6' /7' for 2-story	43.28'
Rear yard (Lake side)	43.28' (Avg. 5 lots each side)	43.28'
Building height	2 stories / 35'	2 stories / less than 35'

**Site Design**

No. Parking stalls	1	2
Landscaping	Yes	
<b>Other Critical Zoning Items</b>		
Urban Design		No
Flood Plain		Yes
Utility Easements		Yes
Waterfront Development		Yes
Adjacent to Park		No
Barrier Free (ILHR 69)		No

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Analysis and Evaluation**

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**Existing Conditions**

The 12,915 square foot parcel is located on the north side of the eastern end of Harbor Court, with over 250 feet of Lake Mendota frontage on its north and east sides. Harbor Court, Spring Court to the south, and the adjoining segment of Lake Mendota Drive have a wide variety of single-family homes on lots ranging in size from under 3,800 to nearly 13,000 square feet, with a median size of approximately 5,800 square feet. This property is the largest lot in the immediate area, resulting from a lot combination years ago, which is likely the origin of other large lots. Homes in this area were constructed between 1890 and 2008, with a median construction year of 1925.

The existing two-story house sits in the southwest corner of the lot. Its two-car attached garage, which was added in the 1940's sits within less than five inches of the southern property line facing Harbor Court. The home and garage together have a combined footprint of approximately 1,480 square feet. Both the interior and exterior of the house appear to be in good condition, as shown in the photos submitted with the plan set. According to the Assessor's records, the 1,477 square foot home has three bedrooms, one bathroom, and an unfinished basement. The assessed value (of the improvements alone) is nearly \$192,000. The applicant has noted issues with regard to poor weatherization of the structure and a basement prone to flooding.

The above-grade portion of the original home, if severed from the garage addition, could be an excellent candidate for relocation to a variety of lots within the City. The applicant was strongly encouraged to pursue possibilities to relocate the existing structure, but staff understands that the maneuvering necessary to do so may be compromised at this location at the end of Harbor Court. If the structure cannot be relocated, the applicant should clearly demonstrate a significant effort in the required recycling and reuse plan to maximize the reuse of high-quality materials (flooring, windows, interior doors, etc.) from the home following demolition approval.

**Site and Building Plans**

The proposed home, with a two-car attached garage, has a footprint of roughly 2,000 square feet, and is shifted slightly north and east of the footprint of the existing home. Its placement maintains the required 43 foot waterfront setback to the north and east, but an area exception was required to allow for its attached garage to be placed within sixteen feet from the southern (street side) property line. Although closer than the distance which would be required using setback averaging, this results in a significant improvement over the current attached garage location, only inches from the property line.

The home has two bedrooms and 2 ¾ bathrooms, with several common areas on both levels. With 2,185 square feet of finished floor area, the proposed home is larger than most in the area, but due to the large property, the floor-area-ratio would intuitively be significantly less than most. As proposed, the

exterior materials include a stone base, cement stucco with cedar trim, and a roof comprised of cedar shakes and copper accents. The roofline is extremely varied and almost whimsical, including a series of gables with an approximately 12:12 pitch, hipped roof elements over portions of the first floor, a curved “eyebrow” element over a second floor window facing the street, a couple of small shed dormer windows, and a pointed turret in the northeast corner. Aside from the chimney, the top of the pointed turret is the highest point at approximately 32 feet from grade. While taller than the existing home, the additional height has little impact on area property owners. Final plans submitted should include a grading plan to ensure that the proposed grades are similar enough to the existing grades so as not to add more height to the new home.

The front entrance facing the street is the most prominent, with a curved door surrounded by stone. Additional entrances on the northwest and east sides of the home open it up to Lake Mendota. Much like the roofline, the windows are varied in size and proportion throughout the structure, and seem to maximize the amount of natural light in the interior spaces.

According to the plans submitted, the existing trees on the periphery of the property would remain on the site, and the only landscaping proposed to be removed is the foundation plantings around the existing house. Zoning staff has requested the preparation of a landscape plan for staff review and approval, but so long as trees and existing shoreline vegetation will remain as shown in submitted plans, Planning Division staff has no recommended conditions of approval related to landscaping.

### **Related Approvals**

On May 13, 2010, the Zoning Board of Appeals **approved** on a vote of 4-1 an area exception allowing the house to be built approximately 11 feet into the required front yard (street side) setback. While at least one member questioned whether area exceptions were not intended for use on properties this large, others noted that the proposed placement is an improved situation when compared to the existing attached garage, which lies less than a foot from the street side property line. They also noted appreciation for the fact that the new structure must respect the lakefront setback on two sides, due to its location at the end of the Harbor Court peninsula.

Note: The applicant also owns the adjacent property (5210 Harbor Court), where demolition was approved by the Plan Commission on September 14, 2009, with the proposed future use being additional green space for 5206 Harbor Court. The demolition permit was issued in early October, 2010, and nothing new is being proposed for the property in conjunction with this application, although the applicant notes that the lot may be sold for the development of another home in the future.

### **Public Input**

Neighbors have been aware of the proposal since at least May, when some of them attended the Zoning Board of Appeals meeting to learn more about it. There is no known opposition at this time.

### **Conclusion**

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On balance, staff believes that the demolition and conditional use standards can be met with the proposal. While unfortunate that an existing home in such good condition would be demolished, it is indeed relatively modest when compared to the large lakefront lot it sits on. Due to the eclectic mix of homes and properties already in this area, the proposed home does not unduly deviate from an otherwise consistent form. After careful consideration, staff recommends that the Plan Commission **approve** the demolition and conditional use request.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

### **Planning Division** (Contact Heather Stouder, 266-5874)

1. The applicant is strongly encouraged to pursue opportunities to relocate the existing structure. If relocation is infeasible, the reuse and recycling plan shall be approved by both the Recycling Coordinator and Planning Division staff, and shall include a thorough inventory of materials to be reused from the current structure.
2. Final plans submitted for staff review and approval shall include a grading plan demonstrating that the proposed grades are similar to existing grades, and will not contribute to a further increase in the height of the new home.

### ***The following conditions have been submitted by reviewing agencies:***

#### **City Engineering Division** (Contact Janet Dailey, 261-9688)

3. Driveway width shall be revised (narrowed) to no more than 20 feet at the property line.
4. Any damage to the pavement shall be restored in accordance with the City's Pavement Patching Criteria.
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
6. All work in the public right-of-way shall be performed by a City licensed contractor.
7. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
8. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the sanitary sewer or storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
9. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

10. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
11. MGO Sec. 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
12. Zoning Board of Appeals on May 13, 2010 approved a front yard area exception of 11.88' with the overhang projection of 4' as per the plans submitted. The new home is to come within 43.28 feet to the normal high water mark of Lake Mendota and 14.2 feet of the adjoining property on the left side.
13. Lakefront development shall comply with MGO Sec. 28.04(19). The cutting of trees and shrubbery shall be limited in the strip of land 35' inland from the normal waterline. Provide a landscape plan to show landscape elements to be added to the site. In addition, not more than 30% of the frontage of the lot shall be cleared of trees and shrubbery (Note: Within the waterfront setback requirements, tree and shrub cutting shall be limited to consideration of the effect on water quality protection and scenic beauty, erosion control, and reduction of the effluents and nutrients from the shoreland).
14. Show designated flood plain area on the site plan. Any construction within a flood plain shall meet flood proofing protection measures and such design shall be certified by a registered professional engineer or architect per MGO 28.04(20)(b).

**Water Utility** (Contact Dennis Cawley, 261-9243)

15. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
16. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

This agency submitted a response with no conditions of approval for this request.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency submitted a response with no conditions of approval for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.