



## Report to the Plan Commission

August 20, 2012

**Legistar I.D. #27377**

**5206 Harbor Court**

**Conditional Use (Addition to Waterfront Residence)**

Report Prepared By:

Kevin Firchow, AICP

Planning Division

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**Requested Action:** Approval to construct an addition to an existing residence 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.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the project meets the applicable waterfront and conditional use standards and **approve** the proposed request for additions to an existing residence on a waterfront lots at 5206 and 5210 Harbor Court, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Background Information**

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**Applicant / Owner / Contact:** John W. Thompson and Jane Bartell; 5206 Harbor Ct; Madison, WI 53705

**Proposal:** The applicant proposes to add an approximately 2,183 square foot addition to an existing lakefront home.

**Parcel Location:** The development site includes two properties: 5210 and 5206 Harbor Court. Combined, these properties have an area of 16,459 square feet. This parcel is located within Aldermanic District 19 and within the limits of the Madison Metropolitan School District.

**Existing Conditions:** 5206 Harbor Court includes a two-story 1,477 square foot residence, built in 1916. 5210 is a vacant parcel also owned by the applicant.

**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:** The subject site is not located in a mapped environmental corridor.

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

**Zoning Summary:** The property is zoned R2 (Single and Two Family Residence District)

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	12,915 sq. ft. existing
Lot width	50'	102'
Front yard	26.88' Ave.	15'
Side yards	6' / 7 for 2 story	9.2'
Lake Front	43.28' Ave.	45.00' (1)
Building height	2 stories or 35 feet	2 stories / less then 35 feet
Number parking stalls	1	2 existing
Landscaping	Yes	existing
<b>.Other Critical Zoning Items</b>	Flood Plain, Utility easements, Water front development	

*Table Prepared by Pat Anderson, Assistant Zoning Administrator*

**Analysis, Evaluation, & Conclusion**

The applicant requests conditional use approval to construct additions to a residence on a waterfront parcel. This request is subject to the conditional use and waterfront development standards of the Zoning Code.

The project site includes two properties at the end of Harbor Court (5206 and 5210). Combined, these properties have an area of 16,459 square feet. There is water frontage on both the north and east sides. Note, the home previously at 5210 Harbor Court was demolished in 2009 and that application noted that a potential future use of that site may be an expansion of the 5206 structure. Staff also note that in 2010, the Plan Commission approved a demolition permit for the structure at 5206 Harbor Court to allow for the construction of a new home. That approval has since expired.

The existing residence on 5206 Harbor Court was built in 1916, according to City Assessor records. This two-story home is currently 1,477 square feet in area and includes three (3) bedrooms and one (1) full bathroom. The property includes an existing 551 square foot garage built to the front Harbor Court property line.

The proposed additions would add approximately 2,183 gross square feet of floor area to the house, bringing the total square footage to 4,211. This includes 3,660 square feet of living area and the existing 551 square foot attached garage. The additions include expanding the second story above the existing structure and adding a new two-story addition on the west side. The additions bring the building eight (8) feet closer to the lake on the north side and remain unchanged on the east side. The building would be set approximately nine (9) feet from the adjacent western property line. The plans show the completed house would include five (5) bedrooms, three (3) full bathrooms, and one (1) half bathroom. The existing garage would be retained, though the garage door would be reoriented from the front (south side) of the home to its west side.

The height of the building is approximately 26 feet. Staff recommend that the elevation drawings submitted for final sign-off clearly label the height dimensions on all sides of the structure. Staff also note that no detailed grading information is provided. Staff recommend that final plans include a grading plan and that the elevation drawings noting the finished grade elevation at the building corners.

Plans indicate that some existing shrubs around the foundation will be removed. Based on the submitted plans, it does not appear any vegetation within 35 feet of the shoreline is proposed to change. However, it appears that least one existing mature tree on the 5210 lot would be removed to facilitate the construction of the addition. Staff recommend the applicant confirms the vegetation proposed for removal on the plans submitted for final sign-off.

As recently requested by the Plan Commission, staff has compared the size of the resulting residence to that of the adjoining 10 lakefront properties on either side. The proposed structure is beneath the median Floor Area Ratio (FAR) within this study area. Using City Assessor data, these nearby homes ranged in size from about 850 to 2,000 square feet in total living area. While the resulting subject structure is larger in size than these nearby residences, the subject site is over twice as large as the next largest lot, and nearly four times larger than many of the other properties in close proximity.

The Comprehensive Plan and Spring Harbor Neighborhood Plan both recommend low-density residential development for the subject site and surrounding area. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it does encourage that redevelopment activities reflect the neighborhood height and scale and are sensitive to its natural character.

Finally, the letter of intent indicates that the applicant will make an application to combine the two subject properties as part of a separate application. Building code requires this occur prior to the issuance of building permits for the new structure.

Staff believes the applicable standards are met and recommend approval subject to the recommended conditions. Staff believe the resulting home would be generally consistent with the established development pattern and neighborhood character. At the time of report writing, staff was not aware of any concerns regarding this proposal.

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

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission finds the project meets the applicable waterfront and conditional use standards and **approve** the proposed request for additions to an existing residence on a waterfront lots at 5206 and 5210 Harbor Court, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the applicant adds height dimension labels for all sides of the building. These drawings shall also label the finished grade elevation at the building corners. This information shall be provided for staff approval.
2. That the applicant provides more grading information that clearly depicts any proposed changes to site grading. Changes shall be approved by Planning Staff.

3. That the applicant clearly identifies, for staff approval, any vegetation that is planned to be removed as part of this request.
4. That a Certified Survey Map (CSM) be approved and recorded prior to the final sign-off of this conditional use.

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

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

5. Additional drainage information shall be shown to indicate how the proposed site grading will accommodate the existing drainage from adjacent properties to the west. Provide contours, spot elevations and arrows indicating the direction of drainage.
6. The building code requires the underlying platted lot lines be dissolved by legal land subdivision consolidation or fire walls be installed along those lot lines. A one lot consolidation Certified Survey Map (CSM) can be recorded to legally dissolve them. Submit a separate CSM application to the Planning Division for administrative approval so that the CSM can then be recorded with the Dane County Register of Deeds.
7. City Engineering and Assessor's offices each recommend that the owner include both properties (5206 Harbor Ct – 251/0709-184-0412-3 & 5210 Harbor Ct – 251/0709-184-0411-5) be included in the one-lot CSM consolidation.
8. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
9. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
10. All damage to the pavement on Harbor Court, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
11. 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. (POLICY)
12. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e.

gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency submitted a report with no recommended conditions of approval.

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

13. 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 addition requires a minimum setback of 43.28 feet to the normal high water mark of Lake Mendota.
14. Lake front development shall comply with City of Madison General Ordinances Section 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 removed and show a detailed plan showing sizes and number of 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.)
15. 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 28.04(20)(b) of the Madison General Ordinances.

**Fire Department** (Contact Bill Sullivan, 261-9658)

16. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

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

17. 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. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.