Report to the Plan Commission

February 4, 2013

Legistar I.D. #28788
5840 Thorstrand Road
Conditional Use

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Actions: Approval of a conditional use to allow construction of an accessory building on a lakefront lot at 5840 Thorstrand Road.

Note: The current application for this project was filed on December 19, 2012 under the 1966 Zoning Code and is subject to review under that ordinance.

Applicable Regulations & Standards: Section 28.04(19) identifies the development of a new principal building, additions to an existing principal building totaling in excess of 500 square feet during any 10-year period, or any accessory building on a waterfront lot as a conditional use in all zoning districts. 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 standards met and **approve** a conditional use to allow construction of an accessory building on a waterfront lot at 5840 Thorstrand Road, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicant: Amy Hasselman, Architecture Network, Inc.; 116 E. Dayton Street; Madison.

Property Owner: Scott & Keri Peterson; 5840 Thorstrand Road; Madison.

Proposal: The property owners wish to construct a 780 square-foot boathouse near the shore of Lake Mendota. Construction will commence as soon as all regulatory approvals have been granted, with completion anticipated this spring.

Parcel Location: An approximately 1.5-acre parcel located on the northerly side of Thorstrand Road, a private road that generally extends east from University Avenue at Overlook Pass to serve a series of other single-family residences; Aldermanic District 19 (Clear); Madison Metropolitan School District.

Existing Conditions: The site is developed with a single-family residence with lakeside deck and dock, zoned SR-C1 (Suburban Residential-Consistent 1) [formerly R1 (Single-Family Residence District)].

Surrounding Land Use and Zoning: The subject site is surrounded by other single-family residences located on Thorstrand Road, zoned SR-C1 [formerly R1].

Adopted Land Use Plan: The Comprehensive Plan generally identifies the subject site and nearby properties for Low-Density Residential uses.

The site is also located within the limits of the Spring Harbor Neighborhood Plan, which was adopted in 2006 to guide redevelopment activities in the Spring Harbor neighborhood, including the subject site. While the plan does not contain specific recommendations for lakefront residential areas, it does

encourage that new/ redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to the natural character of the neighborhood.

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

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

Zoning Summary: The site is zoned SR-C1 (Suburban Residential–Consistent 1) [formerly R1 (Single-Family Residence District). The proposed conditional use shall be reviewed under the R1 zoning under which it was submitted.

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	65,083 sq. ft existing
Lot width	65’	269’ existing
Usable open space	1,300 sq. ft. per lot	Adequate
Front yard	N/A	---
Side yards	3’ for accessory building	10’ 8” to easterly property line
Rear yard	N/A	---
Floor area ratio	N/A	---
Building height	15’ for accessory building	1 story from lake elevation

Other Critical Zoning Items	
Yes:	Waterfront Development, Utility Easements
No:	Urban Design, Floodplain, Wellhead Protection; Landmark; Adjacent to Park, Barrier Free

Prepared by: Pat Anderson, Asst. Zoning Administrator

For Informational Purposes Only: Section 28.138 of the 2011-2012 Zoning Code requires that new principal buildings, additions to principal building totaling in excess of 500 square feet during any 10-year period, or any accessory building on zoning lots abutting Lake Mendota, Lake Monona, Lake Wingra, Monona Bay, and associated bays require conditional use approval unless located more than 300 feet from the Ordinary High Water Mark (OHWM) or is separated from the OHWM by a street or public right of way

Project Review, Analysis & Conclusion

The property owners are requesting approval of a conditional use to allow construction of an accessory building on their lakefront lot located at 5840 Thorstrand Road. The property is developed with a one-story single-family residence and attached garage, which are located on the northerly third of the 1.5-acre property. The site is zoned SR-C1 under the 2011-2012 Zoning Code but is subject to review under the provisions of the R1 zoning district of the 1966 Zoning Code under which the application was submitted.

Most of the subject site is characterized by a modest slope from south to north toward the lake that leads to a steeper slope down to the lake along the northernmost 50 feet of the property, where a rip-rap wall exists. Mature trees are scattered across the property, including approximately a dozen oak trees located on the slope leading down to Lake Mendota to the west of the proposed boathouse. The applicant indicates that one existing tree will be removed to accommodate the accessory building. A landscaping plan for the area surrounding the boathouse calls for native shrubs and coarse fescues to

be planted along the slopes adjacent to the building and for invasive species along the lakefront to be removed.

The proposed boathouse will contain 780 square feet of floor area (26 feet wide by 30 feet deep), which will consist of a restroom, wet bar, and space for storage of recreational equipment, and will be connected to the residence by a subterranean tunnel. Decks are proposed on the roof of the proposed boathouse and along the front of the structure adjacent to the lake, where a new wood deck will connect to existing deck and dock.

Staff believes that the standards for approval of conditional uses can be met with this request, and that the proposed accessory building will not have a negative impact on the uses, values and enjoyment or the normal and orderly development of surrounding properties, including some that have similar lakefront amenities, including patios, pools, and boathouses. Staff feels that the proposed boathouse is well designed and appears to be well integrated into the heavily vegetated slope along the lake. Staff also believes that the waterfront development standards can be met with this request, including the limitations on vegetation removal within 35 feet of the ordinary high water mark along the lake. The boathouse has been sited so as to preserve all but one of the oak trees located along the shoreline of the site, and the proposed planting plan should address the standard limiting waterfront development's effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients into the lake.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory building on a waterfront lot at 5840 Thorstrand Road, subject to input at the hearing and the following conditions:

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

1. The Madison Metropolitan Sewerage District (MMSD) has a permanent easement on the property for operation and maintenance of the sewer. The width of the easement is not defined in the 1931 document, but is maintained at 30 feet, centered on the pipe centerline. The applicant shall show this easement on the site drawings. A copy of the easement can be provided upon request to MMSD or is available from the Dane County Register of Deeds (Volume 95, Page 336, Document No. 526877).

2. Provide 'MMSD' label on sewers and manholes along Lake Mendota shoreline. Provide note for MMSD contact information on the site plan to arrange for inspection prior to construction. The MMSD contact should be Ray Schneider at 347-3628. The contractor shall provide a minimum of two business days' notice prior to excavating near sewer.

3. Place a note on plans requiring the contractor to expose MMSD's 16-inch interceptor sewer at each corner of the proposed boathouse, at a minimum, prior to excavating for the building or installing any sheeting.

4. Show and dimension the extents of the sheeting installation along the front of the boathouse on the site plan.

5. Show on site plan the proposed sanitary sewer service for the boathouse. MMSD prefers that the connection be made to a manhole, if possible. The plumbing contractor shall obtain a Direct Connection permit from MMSD's system. A copy of the permit shall be required prior to final approval of the conditional use.

6. A portion of this project comes under the jurisdiction of the Wisconsin Department of Natural Resources for a Chapter 30 permit. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional floodplain.

7. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)
This agency submitted a response with no conditions of approval for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)
This agency did not submit a response for this request.

Parks Division (Contact Kay Rutledge, 266-4714)
This agency did not submit a response for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

8. Due to the lack of Fire Department access to the proposed tunnel and the boathouse, the Madison Fire Department recommends the installation of a fire sprinkler system in accordance with NFPA 13D.

Water Utility (Contact Dennis Cawley, 261-9243)

9. In accordance with MGO 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.