



PREPARED FOR THE PLAN COMMISSION

Project Address: 4110 Veith Avenue (District 18 – Ald. Kemble)
Application Type: Conditional Use
Legistar File ID # [55913](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Patrick Whitty; Whitty and Sons Construction, LLC; 4111 Veith Avenue; Madison, WI 53704

Property Owner: Patty and Bob Manier; 4110 Veith Avenue; Madison, WI 54704

Requested Action: The applicant requests approval of a conditional use for an addition exceeding 500 square-feet for a single-family residence on a lakefront property at 4110 Veith Avenue.

Proposal Summary: The applicant proposes to remodel the street facing portion of the residence, which will include removing the existing attached garage and replacing it with a larger attached garage, as well as enclosing the front porch area and remodeling the second floor master bedroom and bathroom. The combination of these renovations exceeds 500 square feet and therefore requires conditional use approval.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that additions to a principal building totaling in excess of five hundred (500) square feet during any ten (10) year period on zoning lots abutting Lake Mendota and associated bays shall require conditional use approval.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct an addition exceeding 500 square feet to a principal building in the SR-C2 (Suburban Residential – Consistent 2) zoning district on a lakefront property at 4110 Veith Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 31,637 square-foot (approximately 0.73-acre) subject property is located on the west side of Veith Avenue, near the Mendota State Hospital property. The site is within Aldermanic District 18 (Ald. Kemble) and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 5,381-square-foot, bi-level single-family home. City Assessor’s records indicate that the home was constructed in 1963 and has four bedrooms and one and one half bathrooms.

Surrounding Land Use and Zoning:

North: Single-family homes zoned Suburban Residential – Consistent 2 (SR-C2);

South: Wisconsin Department of Natural Resources property and single-family home, zoned SR-C2, with Mendota State Hospital, zoned Campus Institutional (CI) beyond;

East: A single-family home, zoned SR-C2, with Meadow Ridge Park, zoned Conservancy District (CN) beyond; and

West: Lake Mendota.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) for the subject site, which is classified as less than 15 dwelling units per acre.

Zoning Summary: The property is zoned SR-C2 (Suburban Residential-Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	31,637 sq. ft.
Lot Width	50'	90'
Front Yard Setback	30'	45.7'
Side Yard Setback	One-story: 6' Two-story: 7'	7.1' north side 25.2' south side
Lakefront Yard Setback	126'11" Section 28.138(4)(a)3.	Greater than 126'11" (4)
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/35'	2 stories existing building

Section 28.138(4)(a)3. Lakefront Yard Setback. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Landscaping and Screening	Inventory of shoreline vegetation	Yes
Building Forms	Not required	Existing single-family detached dwelling plus addition

Other Critical Zoning Items	Floodplain; Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, the abutting shoreline is located within a flood storage district per the DNR Wetlands Map.

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

Project Description, Analysis, and Conclusion

The applicant is seeking conditional use approval to allow an addition in excess of 500 square-feet to a single-family residence on a lakefront property. The remodel includes the demolition of an existing attached garage and replacing it with a larger attached garage. As part of this remodel, the applicant also intends to enclose the existing screened-in porch on the south side of the structure and remodel the master bedroom and bathroom suite. The total floor area of the residence will increase by approximately 973-square-feet, with most of the expansion being garage space. In terms of building materials, the applicant proposes walnut colored vinyl siding to match the

existing residence. In order to construct the new garage and driveway 13 trees will need to be removed, with three of them located in the City's right-of-way. No additions on the lakefront side of the home are proposed.

This proposal is subject to the approval standards for Conditional Uses and Lakefront Development. MGO §28.138(2)(a) states that additions to a principal building totaling in excess of five hundred (500) square feet during any ten (10) year period on zoning lots abutting Lake Mendota and associated bays shall require conditional use approval. In terms of this proposal, the applicant intends to increase the total floor area by approximately 973-square-feet.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. As this is an addition to an existing single-family home, the Planning Division believes that this proposal is consistent with the [Comprehensive Plan \(2018\)](#) recommendations for Low Residential, which is defined as less than 15 dwelling units per acre.

Conditional Use Standards

Conditional Use Standard 13 relates exclusively to lakefront development and states that "when applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development." As an estimate of total bulk, staff utilized City Assessor's data to estimate principal building size for the homes on the five (5) developed lots on the north side of the property and the one (1) developed home to the south. The lot directly to the south of the subject property is vacant and owned by the State of Wisconsin Department of Natural Resources, and beyond the next developed property is the Mendota State Hospital and therefore were not included in the calculation. This calculation for bulk includes living areas, enclosed porches, finished and unfinished basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes range from approximately 4,548 to 5,615-square-feet, compared to roughly 4,678-square-feet for the proposed principal structure.

The Zoning Code's definition of bulk also includes the FAR, which compares the total building floor area (on all floors) to lot area. For example, a FAR of 1.0 indicates that the total building floor area is equal to the lot area. The calculated FAR for the adjacent lots along Veith Avenue range from 0.09 to 0.24. The calculated FAR for the proposed principal structure is 0.15 compared to the 0.19 estimated median for the surrounding homes. The proposed additions will increase the FAR by 0.3 (0.12 to 0.15). Furthermore, the remodel will not affect the height of the existing residence, which is 20 feet tall. Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures.

MGO § 28.031(3) requires that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible. Staff notes that the majority of garage space at the existing residence is neither recessed nor protruding. The new garage will sit approximately 16 feet in front of the balance of the structure. Most of homes on Veith Avenue do not have recessed garages, but this proposal will have one of the larger garage projections compared to the existing development pattern. The applicant has communicated to staff that the expanded garage space will be used to store the property owners' boat and other vehicles.

Given these considerations, staff believes Conditional Use Standard #4 which states that, "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district" can be found met. Despite the larger garage projection, this proposal is well within the range of the bulk and FAR in relation to the surrounding properties. Staff also acknowledges that

while 10 trees will be removed in the front yard, the area will still have roughly 12 trees to help screen the garage, with potential for the applicant to plant more species in the future.

Lakefront Development Standards

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes. This section includes additional regulations including limitations on the clearing of shoreline vegetation, requirements for public sewer, environmental protections, and additional lot coverage standards. This section also includes the methodology to establish the building setback from the lake. In keeping with the Zoning Administrator's findings, and the fact that no addition towards the lakefront is proposed, the Planning Division believes that the lakefront development standards can be found met.

Public Input

At the time of report writing, the Planning Division received comments from the neighboring property owners immediately to the north. They raised concerns over the long stretch of wall and the proposed sideyard setback from the property line. They requested clarification on the proposed garage door sizes, drainage, and the lack of landscape plan. Since the comments were received, the applicant updated the front elevations to show the correct proposal. The neighbors' comments are attached.

Conclusion

Given the size and scope of this addition (i.e. not resulting in a substantial increase of livable space, nor expanding towards the lakefront), the Planning Division believes that both the Conditional Use and Lakefront Development Standards can be found met. The new home is believed to be compatible with the varied development pattern along Veith Avenue. This proposal is also believed to be consistent with Low Density recommendations in the [Comprehensive Plan \(2018\)](#). While the proposed garage addition is larger than the adjacent garages on Veith Avenue, Staff believes the proposal can still be found to meet the applicable standards, and the merits of the new home should not be based solely on size. The conditional use approval must be made only with due consideration of the standards of MGO §28.183, especially Standard 13 regarding the bulk of this lakefront development.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct an addition exceeding 500 square-feet to an existing residence in the SR-C2 zoning district on a lakefront property at 4110 Veith Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

2. MGO §28.031(3) requires that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. The Plan Commission has eliminated this requirement as part of the conditional use process, MGO §28.183, as allowed in in the case of lakefront lots where physical constraints make compliance infeasible.

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

3. Re-label the stone retaining wall that was replaced a few years back and show and label the Turfstone strips that were also recently installed around the southerly side of the home.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

4. Show the lakefront yard setback distance as measured from the closest point of the existing lakeside covered deck to the Ordinary High Water Mark. The lakefront yard setback is a minimum of 126' 11".
5. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

6. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>

Forestry (Contact Brad Hofmann, (608) 267-4908)

7. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

8. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
9. City Forestry will issue a removal permit for trees show on plans in conflict with driveway installation. Please contact City Forestry (608) 266-4816 to obtain the street tree removal permit.