



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2012 Waunona Way (District 14 – Ald. Carter)  
**Application Type:** Conditional Use  
**Legistar File ID #** [62310](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

**Summary**

**Applicant:** Sheahan + Quandt Architects; 2728 Russell Street; Berkley, CA 94705  
**Contact:** Patrick Sheahan; Sheahan + Quandt Architects; 2728 Russell Street; Berkley, CA 94705  
**Property Owner:** Daniel N Abrahamson; 1415 Allston Way; Berkley, CA 94708

**Requested Action:** The applicant requests approval of a demolition permit and conditional use to demolish an existing single-family residence and construct a new single-family residence and an accessory building exceeding 576-square-feet with an accessory dwelling unit (ADU) on a lakefront property in the Traditional Residential – Consistent 1 (TR-C1) Zoning District at 2012 Waunona Way.

**Proposal Summary:** The applicant proposes to demolish an existing two-story single-family residence and accessory building (detached garage) and construct a new two-story, 7,145-square-foot single-family residence with a finished basement on a lakefront parcel. The applicant also proposes to construct a two-story, 710 square-foot accessory building containing garage space and an accessory dwelling unit (ADU).

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that all new principal buildings and accessory buildings on zoning lots abutting Lake Monona and associated bays, shall require conditional use approval. Additionally, MGO §28.131(1)(b) states that no individual accessory building shall exceed 576-square-feet at the ground level in Traditional Residential (TR) Districts except by conditional use approval. Furthermore, MGO §28.032(1) lists accessory dwelling units (ADUs) as conditional uses in all Residential Zoning Districts, subject to the Supplemental Regulations under MGO §28.151.

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing two-story single-family residence and construct a new two-story single-family residence and accessory building, exceeding 576-square-feet with an accessory dwelling unit (ADU), on a lakefront property in the Traditional Residential – Consistent 1 (TR-C1) Zoning District at 2012 Waunona Way. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 13,653 square-foot (approximately 0.31-acre) subject property is located on the north side of Waunona Way, near the Hoboken Road Intersection. The site is within Aldermanic District 14 (Ald. Carter) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes a 2,828 square-foot, two-story, single-family residence and a detached two-car garage (accessory building). According to the City Assessor’s records, the residence was constructed in 1900 and contains three bedrooms and three bathrooms. According to the letter of intent, the existing structure is in deep disrepair. Photos of the existing structure are available in the Legislative File linked [here](#).

**Surrounding Land Use and Zoning:**

North: Lake Monona;

East: Single-family residences zoned TR-C1;

South: Single-family residences, zoned TR-C1; and

West: An unimproved public road (Lathrop Drive), with single-family residences, zoned TR-C1, beyond.

**Adopted Land Use Plan:** Both the [Comprehensive Plan \(2018\)](#) and the [Broadway-Simpson-Waunona Neighborhood Plan \(1986\)](#) recommend low-density residential development for the subject site and surrounding properties.

**Zoning Summary:** The property is zoned TR-C1 (Traditional Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	13,653 sq. ft.
Lot Width	50'	60'
Front Yard Setback	20'	20' (ADU)
Side Yard Setback	7'	7'
Lakefront Yard Setback	44.5'	51.5'
Usable Open Space	1,000 sq. ft.	2,400 sq. ft. (9)
Maximum Lot Coverage	50%	39%
Maximum Building Height	2 stories/35 ft. (House) 25 ft. (ADU)	30 ft. (House) 25 ft. (ADU)

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements; Wetlands
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*Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** While the property is not located in a mapped environmental corridor, portions of the property closest to Lake Monona contain wetlands and are within a flood storage district, per the City of Madison Zoning Map.

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

## Project Description

The applicant is seeking demolition and conditional use approvals to allow the demolition of an existing two-story lakefront residence in order to construct a new two-story, 7,145-square-foot single-family residence with a

finished basement. The applicant also proposes to construct a two-story, 710-square-foot accessory building, containing a garage and accessory dwelling unit (ADU), which will be located in front of the proposed primary residence. An existing accessory building is also proposed for demolition, though that does not require Plan Commission approval. Staff notes that the proposal has been revised in order to address Zoning Compliance issues found in the original submittal.

As proposed, the new primary residence will have a flat roof and will be clad with a combination of wood siding, stone panels, and large windows. The accessory building will primarily be clad with wood siding and zinc roofing and will contain a large wood screen second floor deck. In regards to color, both structures will complement each other with grey hues.

## **Project Analysis and Conclusion**

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that all new principal building and any accessory building on zoning lots abutting Lake Monona and associated bays shall require conditional use approval.

### **Demolition Details & Standards**

In order to approve a demolition request, MGO §28.185(7) states that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the TR-C1 (Traditional Residential - Consistent 1) Zoning District. The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

Staff believes that the demolition standards can be found met with this proposal. This proposal is consistent with the [Comprehensive Plan \(2018\)](#) and [Broadway-Simpson-Waunona Neighborhood Plan \(1986\)](#) recommendations for low-density residential development. Moreover, the removal of the existing home is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. Lastly, at their September 19, 2020 meeting, the Landmarks Commission found that the building itself has no known historic value, however the sites are culturally significant and warrant careful consideration during redevelopment. The Landmarks Commission strongly recommended that the applicant consult with the Ho-Chunk National Tribal Preservation Office. Staff notes that the applicant will also need to obtain a Request to Disturb permit from the Wisconsin Historical Society prior to demolition and construction.

### **Conditional Use Standards**

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. Please note that recent changes to state law require that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and are not based on personal preference or speculation.

The Planning Division believes that the Conditional Use Standards can be found met. As part of this application, the following conditional uses are sought: 1) Development of a primary structure on a lakefront parcel; 2) Development

of an accessory building on a lakefront parcel; 3) Development of an accessory building exceeding 576-square-feet at ground level in a Traditional Residential (TR) Zoning District; and 4) Development of an accessory dwelling unit (ADU) in a Residential Zoning District. As stated above, Staff believes the proposal is generally consistent with the low density land use recommendations contained in the [Comprehensive Plan \(2018\)](#) and the [Broadway-Simpson-Waunona Neighborhood Plan \(1986\)](#).

The Conditional Use Standard for lakefront development (Standard 13) states that “when applying the above standards to lakefront development under MGO §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 to the north and the five (5) developed lots to the south of the subject property. This calculation includes living areas, enclosed porches, total basement areas, and estimated attached garage space. Using this analysis, Staff found that the principal building sizes range from approximately 2,280 to 6,406 square-feet. The median size of the surrounding homes is 4,768 square-feet. Based on these calculations, at 7,145 square-feet, the proposed principal structure is larger than surrounding residences.

The Zoning Code’s definition of bulk also includes FAR, or floor area ratio, which compares the total building floor area (on all floors, including the basement) to lot area. (A FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the proposed principal structure is 0.52, which is larger than the estimated median 0.33 FAR for the surrounding homes. In regards to height, the proposed home appears to be below the maximum allowable height of 35 feet, at 30 feet as determined by Zoning. Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures.

The Planning Division notes that proposed accessory building, which contains an ADU, has considerable bulk when compared to a standard two-car detached garage. As proposed, the accessory building has a 680 square-foot building footprint and totals 1,390 gross-square feet. It is difficult to compare the size of the proposed accessory building with the existing accessory buildings on neighboring properties, as the exact size of the structures is not known. However, staff notes that six of the ten properties included in the study area have two-stall detached garages. While the proposed accessory building is believed to be larger than the surrounding accessory buildings in both height and width, staff believes that proposed accessory building can still meet the applicable standards.

More specifically, Standard #4 states, “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.” While the accessory building will be located in front of the proposed residence, and may appear slightly taller due to the downward slope of the lot towards the lake, the Zoning Administrator determined that the ADU conforms to all Zoning requirements including size, height, and building placement.

Furthermore, Standard #3 states, “The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” Given the Plan recommendations for Low Density Residential, which allows up to 15 dwelling units per acre (du/ac), staff believes that the development of an ADU would generally be consistent with this recommendation.

While the proposed structures are larger than the surrounding residences, the merits of the new home and accessory building should not be based solely on size. The conditional use approval must be made only with due consideration of the standards in MGO §28.183, especially Standard 13 regarding the height and bulk of this lakefront development. Furthermore, in keeping with the Zoning Administrators findings, this proposal is in compliance with lot coverage and open space requirements per MGO §28.042. Though larger than all the surrounding homes, Staff does not have evidence that the proposed residence would not meet applicable standards.

## 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. Given the fact that the new single-family residence and accessory building are located outside of the lakefront setback, staff believes the lakefront development standards are met.

## Supplemental Regulations

Accessory dwelling units (ADUs) are also subject to the Supplemental Regulations of MGO §28.151. Generally, the Supplemental Regulations speak to consistency and compatibility of the proposed ADU with the principal residence, including the overall size, design/appearance, and placement. Staff believes that the design of the proposed ADU is compatible with the proposed principal residence. While it is more typical for ADUs to be placed behind the primary structure, staff acknowledges the site constraints on a lakefront parcel. Given the large front yard setback and varied pattern of development along Waunona Way, with many detached accessory buildings located in front of the primary structure, staff believes that the placement of the ADU is also compatible with the principal residence.

Supplemental Regulation #7 for ADUs state that, “the maximum size of an accessory unit shall be seventy-five percent (75%) of the principal dwelling’s floor area, up to a maximum of seven hundred (700) square feet.” Given that the ADU portion of the accessory building is 680-square-feet and the rest of the structure is either garage or storage space, Staff notes that this requirement is met.

The standards also outline occupancy requirements of the ADU and accompanying single-family residence. As a condition of approval, Zoning added a restrictive covenant requirement to ensure that either the principal residence or ADU is owner-occupied prior to construction and remains owner-occupied if there is any transfer of ownership at any point in the future.

## Public Input

At the time of report writing, staff did not receive any public comment regarding this proposal.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal permits, conditional uses and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing single-family residence and construct a new single-family residence and an accessory building exceeding 576-square-feet with an accessory dwelling unit (ADU) on a lakefront property in the Traditional Residential – Consistent 1 (TR-C1) Zoning District at 2012 Waunona Way. 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, [sprusak@cityofmadison.com](mailto:sprusak@cityofmadison.com))

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 archeological 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. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also contact the Ho-Chunk National Tribal Historic Preservation Office of the proposed undertaking.
3. The Plans before the Plan Commission have been revised to address zoning compliance issues with the initial submittal. These plans were not provided in time for reviewing agencies to update their comments. This approval is subject to additional or revised agency comments found necessary to meet applicable City requirements.

**Engineering Division (Main Office)** (Contact Tim Troester, (608) 267-1995)

4. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

7. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. 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)

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

8. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

**Zoning** (Contact Jacob Moskowitz, (608) 266-4560)

9. The Accessory Dwelling Unit shall comply with the supplemental regulations Section 28.151. Prior to issuance of a building permit for the Accessory Dwelling Unit, the property owner shall execute a restrictive covenant providing that the Accessory Dwelling Unit may only be used when the property is owner-occupied. The form of the restrictive covenant shall be approved by the Zoning Administrator and City Attorney's Office and shall be recorded with the Dane County Register of Deeds.
10. Show the required usable open space on the plan. Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%).
11. Show the designated flood plain area on the site plan. Any construction within a flood plain shall meet floodproofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.121(12) of the Madison General Ordinances.
12. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
13. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
14. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

**Fire Department** (Contact Bill Sullivan, (608) 266-4560)

15. Training Division to discuss possibilities: Division Chief Paul Ripp at [pripp@cityofmadison.com](mailto:pripp@cityofmadison.com) or (608)712-6277.
16. 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>  
A cost estimate to provide fire sprinkler protection shall be made available to the home owner.

**Parks Division** (Contact Sarah Lerner, (608) 261-4281)

17. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 20040 when contacting Parks about this project.

**Forestry** (Contact Brad Hoffman, (608) 267-4908)

18. Damaging Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
19. Excavation As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
20. Protection On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
21. Pruning Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
22. Soil Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
23. Street All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
24. Tree An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be



removed and the reason for removal.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

25. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
26. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Engineering Division – Mapping Section** (608-266-4097)

27. The existing Sanitary Sewer Easement per Document No 861668 shall be amended to have the easement centered on the existing sewer main and widen the easement to be 15'. A draft map exhibit has been provided and comments returned. Continue to coordinate the amendment with Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) The map exhibit shall also include, label and acknowledge the proposed private improvements permitted within the easement. Those improvements shall be the owner's responsibility to replace if removal is required to maintain or replace the public sewer by the City of Madison. Real Estate project No.

28. Correct the street name on the site plans along the west side of the lot to Hoboken Road.