



## Report to the Plan Commission

March 7, 2011

**Legistar I.D. #21561**  
**1020 Sherman Avenue**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** Approval to construct a replacement accessory building (garage) on a lakefront lot

**Applicable Regulations & Standards:** Section 28.04 (19) requires that new accessory 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 that the conditional use standards and waterfront development are met for the proposed accessory building on a waterfront parcel at 1020 Sherman Avenue and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

### **Background Information**

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**Applicant / Owner/ Contact:** Michael Theisen; 1020 Sherman Avenue; Madison, WI 53703

**Proposal:** The applicant proposes to the construction of a replacement one-car garage on a waterfront property.

**Parcel Location:** The parcel is an approximately 0.23 acre (10,019 square foot) waterfront parcel located along the southern shore of Lake Mendota. This parcel is located within Aldermanic District 2, Sherman Avenue National Register Historic District and the Madison Metropolitan School District.

**Existing Conditions:** This lakefront property includes an existing one-car detached garage, measuring approximately 325 square feet in area. The applicant indicates the structure is unsound and beyond repair.

**Surrounding Land Use and Zoning:** The subject site is located on the southern shores of Lake Mendota surrounded, by other single-family residences zoned R2 (Single-Family Residence District).

**Adopted Land Use Plan:** The Comprehensive Plan recommends low-density residential uses for this property and the surrounding area.

**Environmental Corridor Status:** The property is not within an environmental corridor, though a portion of the property nearest to the lake is in the flood fringe. The proposed accessory structure would not be built within this area.

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

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

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft	10,666.67 sq. ft.
Lot width	50'	40'
Usable open space	1,000 sq. ft	Adequate
Front yard	30'	Adequate
Side yards	3' accessory building setback	3' R/S
Lake Setback Average	TBD	See Comment # 4
Building height	15' to average mean height of acc. building	9'
Number parking stalls	1	n/a
Landscaping		Existing
Other Critical Zoning Items:	Flood Plain, Waterfront Development	
	<i>Table Prepared by Pat Anderson, Assistant Zoning Administrator</i>	

**Analysis, Evaluation, & Conclusion**

The applicant proposes to demolish an existing one-car garage and build a slightly larger replacement garage on a waterfront parcel. Construction of new accessory buildings on waterfront properties requires conditional use approval. This proposal is subject to both the conditional use and waterfront development review standards.

The existing garage is roughly 325 square feet in area. The applicant indicates the structure is structurally unsound and beyond repair. The replacement structure is two feet longer in length with a total floor area of 336 square feet.

Like the original structure, the new garage is located roughly 20 feet behind the site's home and roughly 87 feet from Sherman Avenue. Plans also show the garage is set back nearly 100 feet from the Lake Mendota ordinary high water mark. Also similar to the existing garage, the proposed garage features a flat roof. The height of the structure is just over nine (9) feet, below the 15 height foot maximum height allowed for accessory buildings. In pre-application meetings with staff, the applicant has indicated that he has selected this design to minimize the height of the structure to limit the blocking of lake views.

Plans show the exterior of the structure would be clad in vertical board (T1-11) siding. Windows would be provided on the eastern building wall, facing out onto the applicant's rear yard. A service door is provided along the lakeside of the structure. There are no doors or windows proposed on the western building wall.

The subject property is within the Sherman Avenue National Historic District. As a national district, approval by the Landmarks Commission is not required. Considering its modest size and location away from the street, staff believe the replacement garage will have very limited visual impact from the street. As such, staff do not believe an advisory recommendation from the Landmarks Commission is necessary at this time. At the time of report writing, staff was not aware of any concerns regarding this request. Staff believes the project meets the applicable standards and recommends approval.

## **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 find that the conditional use standards and waterfront development are met for the proposed accessory building on a waterfront parcel at 1020 Sherman Avenue and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

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

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

1. City Engineering contacted Paul Spetz, RLS-2525 who prepared the site plan suggesting some minor edits to be made that would clarify the title accuracy of the property represented in this plan. These changes were simply suggestive for final site plan submittal clarification and are not necessary for final approvals.

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

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

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

2. Accessory buildings shall meet all building code requirements and shall not be used for human habitation pursuant to City of Madison General Ordinances Section 28.04(19)(b)7.
3. 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. 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.) Note – Any earth disturbing activity along the lake shore (rip rap, seawalls) may require a permit from the Department of Natural Resources. For more information contact the DNR at 266-2621.
4. Provide surveyors verification pursuant to section 28.04(19)(b)1. establishing the existing development pattern, setback from the normal high water mark. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern.

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

5. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

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, and not need a copy of the approved plans.

**Parks Division** (Contact Tom Maglio, 266-6518)

This agency did not submit a response to these requests.

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

This agency did not submit a response to these requests.