



**Legistar I.D. #22832**  
**2528 Waunona Way**  
**Demolition and Conditional Use Request**

**Report Prepared By:**  
**Heather Stouder, AICP**  
**Planning Division Staff**

**Requested Action:** Approval of the demolition of a single-family home and a conditional use for the construction of a new single-family home in the R1 (Single-Family Residence) District on a waterfront parcel.

**Applicable Regulations & Standards:** Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits. 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 that the proposal meets all applicable demolition and conditional use standards and **approve** the request for demolition and new construction at 2528 Waunona Way, subject to the recommended conditions and input provided at the public hearing.

**Background Information**

**Applicant/Property Owner:** Karl Lang; 2528 Waunona Way; Madison

**Project Contact:** Michael DesBarres; MdB Design, LLC; 5800 Auburn Dr.; Madison

**Proposal:** The applicant proposes the demolition of an existing 3,900 square-foot single-family home to construct a new 5,900 square foot single-family home on a waterfront lot. The applicant intends to initiate demolition after all approvals are obtained and complete construction by spring 2012.

**Parcel Location:** 2528 Waunona Way is located on the north side of Waunona Way on Lake Monona, at the northern terminus of Raywood Road; Aldermanic District 14 (Bruer); Madison Metropolitan School District.

**Existing Conditions:** The existing 3,900 square foot two-story home, constructed in 1935, sits on a 15,184 square foot lot in the R1 (Single-Family Residence) District. The applicant has provided interior and exterior photographs of the structure. The access driveway from Waunona Way runs along the western property line.

**Surrounding Land Use and Zoning:** The area surrounding the property is zoned R1 (Single-Family Residence District), and consists of single-family homes on one quarter to one half acre lots.

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Broadway-Simpson-Waunona Neighborhood Plan (1986) recommend continued Low Density Residential land use for the area.

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

**Public Utilities and Services:** The property is served by a full range of urban services, including Metro Transit Route 12.

**Zoning Summary:** The property is in the R1 (Single-family Residence) District

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	8,000 sq. ft.	15,183 sq. ft.
Lot width	65'	61' existing
Usable open space	1,300 sq. ft.	Adequate
Front yard	30'	Greater than 30'
Side yards	7' each side, plus depth penalty	14' LS, 9-10' RS (see Condition No. ?, p. ?)
Lake Setback	Average 5 lots each side TBD, Minimum 71.8'	TBD (see Condition No. ?, p. ?)
Building height	2 stories / maximum 35'	2 stories, 35' (see Condition No. ?, p. ?)

**Site Design**

No. Parking stalls	1	2
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**Other Critical Zoning Items**

Flood Plain	Yes <i>(see Condition No. ?, p. ?)</i>
Utility Easements	Yes
Waterfront Development	Yes
Landmark Building	No
Historic District	No

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

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The applicant is requesting approval to demolish a 3,900 square foot single family residence for the construction of a new roughly 5,900 square foot single-family home, subject to standards in the Zoning Ordinance for demolitions and conditional uses for development on a waterfront lot. The proposal is consistent with recommendations in the Comprehensive Plan and the Broadway-Simpson-Waunona Neighborhood Plan for low-density residential land uses.

**Demolition**

The applicant has owned the property since 2004, and it has been owned by the applicant's family members for several decades. Historic records show the original construction date to be ca. 1891 with significant additions in the mid-1900's, but according to the City Assessor's records, the existing two-story home was built in 1935. The brick home currently has three bedrooms, one and one-half bathrooms, and an attached 2-stall garage accessed from a driveway running along the western property line.

The entire home and the existing driveway will be deconstructed, and many interior and exterior materials within the home have been identified as suitable for reuse through Habitat for Humanity Restore. The applicant is investigating the potential to reutilize crushed brick from the home within stormwater retention basins, and crushed concrete from the driveway and foundation for the roadbed of the new driveway, which would be reconstructed in roughly the same location on the site, although sunken below the existing grade in the area nearest the attached garage proposed for the new home.

The property includes two burr oak trees and a hickory tree north of the home, along with stone retaining walls. Between the home and the street to the south, there are extensive perennial gardens, as well as pine trees and a few others. Nearly all of the existing vegetation on the site will be maintained during demolition and construction, including the perennial gardens south of the home.

**Building Plans**

The proposed structure is a contemporary three-bedroom, three-bathroom home with three separate levels, each rotated slightly to optimize views of Lake Monona for both the owner and for those on and across Waunona Way from the south.

While the proposal involves significant excavation and regrading of the site, the home would respect the topography of the property such that the northern portion nearest the lake is the lowest, with its floor sunken approximately 13 feet lower than the highest existing grade. This level of the home includes an open two-floor studio area nearest the lake, an unfinished sub-basement, a living space with two bedrooms and a bathroom, and a sunken 2-stall garage on the south side. This lower level has both northern and southern rooftop decks on top of it, which can be accessed from the main living level above.

The roughly 1,400 square foot main level is stepped back from the lower level by approximately 15 feet on the north side and slightly rotated counterclockwise. This level includes an open kitchen, dining, and living area, and can be entered directly through sliding glass doors atop the sunken garage, or through a side door on the east side of the home atop a five-foot flight of exterior stairs. The upper level, a 500 square foot master bedroom suite, is stepped back from the main level by an additional 11 feet on the north side and again rotated counterclockwise.

The split levels and the topography on the site make for a difficult interpretation of height and number of stories. Zoning Condition No. 16 ensures that the structure will meet R1 requirements with regard to maximum height and number of stories. The height of the rooftop of the small upper level, though over 55 feet above the proposed grade on the lake side of the home, is 32 feet above the existing grade of the property on the south side facing Waunona Way.

Exterior materials on submitted elevation drawings include the use of either stone veneer or EIFS as a primary material, cement paneling, and a significant proportion of windows, especially on the north elevation facing Lake Monona. Staff recommends that the applicant utilize stone veneer rather than EIFS, especially in areas where the structure meets the ground, for increased durability

### **Related Reviews and Approvals**

At the January 27, 2011 meeting of the Zoning Board of Appeals, the applicant requested a variance to allow the new structure to be approximately 8 feet closer to the Ordinary High Water Mark (OHWM) than would be allowed by the ordinance, which calculates the waterfront setback based on an average of the five properties on either side of the subject property. The ZBA failed to find a hardship for new construction on the property, and voted unanimously to defer the request to a future meeting. They requested that if the applicant returns to request a similar variance, he be able to demonstrate a true hardship. The applicant does not intend to return to the ZBA.

On February 17, 2011, the applicant obtained an erosion control permit from the Wisconsin DNR to add rip rap to the shoreline. Six to eight feet of stones were installed by the applicant into Lake Monona north of the property, with the understanding that this would result in the additional distance needed to fulfill the required waterfront setback where the house was originally proposed. DNR staff has since clarified with the Zoning Administrator that the OHWM did not change as a result of these erosion control measures, and thus, the required waterfront setback was still not met with the application materials submitted by the applicant for review by the Plan Commission.

Subsequently, the applicant submitted a revised site plan showing the proposed home shifted 8 feet to the south, which should meet the waterfront setback requirement in MGO Section 28.04(19)(b)1. As per Zoning Condition Nos. 14 and 19, the applicant will need to submit a revised survey to confirm that the proposed home meets this requirement. Further, a one-lot Certified Survey Map will be required by Zoning in order to eliminate underlying historic platted lot lines (see Zoning Condition No. 22).

### **Public Input**

The Waunona Way Neighborhood Association supports the proposal (see enclosed letter), and staff is unaware of any opposition at this time.

### **Evaluation**

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#### **Demolition of Existing Home**

The existing home is in fair condition, and has many positive attributes, despite a need for general maintenance and tuck-pointing on the brick portions of the exterior. It is clear that the applicant has come to the conclusion that starting from scratch with a new home is more economically viable than retrofitting and adding to the existing structure with regard to energy efficiency and space needs. While the existing home would be very difficult to relocate, the applicant has carefully considered potential

reuse and recycling of materials, which will be reflected in a reuse and recycling plan submitted to the City's Recycling Coordinator.

The Historic Preservation Planner has no concerns with the proposed demolition, and Landmarks Commission members stated no opposition when it was reviewed in January 2010.

### **Proposed Building and Site Changes**

The proposed home is creatively designed with multiple levels built to respect the steep grade of the north side of the property. Through use of lower level rooftops, the design provides high-quality outdoor spaces as upper levels are stepped back from both north and south sides of the structure. While larger than the existing home and most homes in the area, the structure is narrower and deeper than the existing home, which provides slight improvements to lake views from and across Waunona Way to the south. Lake views from homes on either side should not be significantly affected by the new home.

Exterior materials are of high-quality, and the care taken during the design process to preserve existing vegetation on the property is appreciated. With regard to stormwater management on the site, details such as permeable pavers on the driveway, a rooftop garden, and rain gardens alluded to in the letter of intent should help to mitigate the added impervious surface from the new structure itself. The applicant should submit a landscape plan showing these features with the final plan set for staff review and approval.

Although the new zoning code is not yet effective, staff calculated the maximum Floor Area Ratio (FAR) that would be allowed under the new code as a reference. Under the new code, lakefront homes may be proposed at a maximum of 125% of the median FAR of the properties within 1000 feet on either side. This involves a calculation of the interior square footage (including finished attic space, attached garages, and full basements) of homes within 1000 feet on either side of the property, based on the assessor's records. The interior square footage is then divided by the lot area to derive the FAR for each property.

In this particular case, the FAR for homes on 31 other properties was determined. Their median interior square footage is 3,329 square feet, and the median FAR is 0.24. If the new code were effective today, a new home at this location would need to have a FAR of 0.30 or less (125% x 0.24). The proposed home has an interior square footage of just over 5,900 square feet, and a FAR of 0.38, which is much greater than what would be permitted in the future. The home would need to be approximately 1,200 square feet smaller than what is proposed in order to be permitted under the new code.

Although larger and likely taller than what would be permitted under the new code, the proposed home is supported by the Waunona Neighborhood Association, whose letter notes that the immediate neighbors have not opposed it. Staff believes that in this case, a significant effort was made by the applicant to take into account the specific characteristics of the site and its relationship to nearby properties. While the house is larger than others in the area, a large portion of its bulk is below the existing grade, which minimizes its impact on nearby properties. With the understanding that the Plan Commission is reviewing the proposal based on conditional use standards in the *current* zoning code, which do not include specific size limitations, staff believes that the demolition and conditional use standards can be met with this proposal.

### **Conclusion**

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The proposed demolition and new home will introduce a creative, contemporary architectural style to this portion of Waunona Way. While the proposed home is larger than most in the area, its massing and orientation provides for optimal lake views and demonstrates sensitivity to adjacent properties, as well as existing vegetation on the site.

After careful review, the Planning Division believes that the demolition and conditional use standards can be met with this proposal, and recommends that the Plan Commission **approve** the request subject to input at the public hearing and comments and conditions from reviewing agencies.

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

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

#### **Planning Division** (Contact Heather Stouder, 266-5874)

1. Final plans submitted for staff review and approval shall include a detailed landscape plan which includes a delineation of permeable pavers, rooftop gardens, and rain gardens.
2. Final plans submitted for staff review and approval shall include elevations labeled with the intended exterior materials. The applicant is encouraged to avoid the use of EIFS or stucco along the base of the building.

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

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

3. Williamson Surveying & Associates, LLC prepared a Plat of Survey for this site. This Plat of Survey appears to be the basis for the site boundary shown in this plan set. Inclusion of a copy of the final revised Plat of Survey within the final plan set would be beneficial.
4. The Plat of Survey prepared by Williamson did not contain a bearing reference. This firm has been asked to add the bearing reference and file a revised Plat of Survey with the Dane County Surveyor's Office.
5. It has been determined by the City of Madison Zoning Administrator that the Ordinary High Water Mark (OHWM) cannot be moved based on the DNR Permit # GP-SC-2011-13-00922 issued to allow rip-rap to be added along the existing shoreline. Williamson Surveying will revise the Plat of Survey to identify the original OHWM on the Plat of Survey.
6. The Williamson Plat of Survey made reference to a "Revised Shoreline Per DNR Approval". City Engineering has asked that the actual DNR Permit # GP-SC-2011-13-00922 that was issued to the owner/applicant be added to the revised Plat of Survey as well.
7. Additional information shall be provided on the 4-inch gutter drain below the pavement and the inlets to that system and the points of discharge for the system.
8. Drainage shall not discharge on adjacent properties.
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 work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).

11. All damage to the pavement on Waunona Way 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).
12. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
13. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

14. The submitted site survey reflects a building setback that utilizes the placement of riprap materials (erosion control) by DNR permit to extend the Ordinary High Water Mark (OHWM) into Lake Monona. Per determination form Wisconsin DNR officials, a shoreline erosion control permit under Chapter 30 of state statutes does not allow a landowner to create more upland. The intent of the permit is to protect the shoreline from erosion, not extend or modify the OHWM. A revised survey has since been submitted showing a compliant building location, and final plans must reflect compliance with the required setback for the new home.
15. The submitted plans do not include the proposed side yard setbacks. It appears as though the proposed home may project into the right side setback (including depth penalty), but there appears to be room to shift the home to the west to make it fit the building envelope. On final submitted plans, provide side yard setback information and shift the home accordingly to fit the building envelope, if necessary.
16. Submitted elevations do not clearly show the grade coverage for the lower level, which may result in the basement level counting as an additional story. If the basement area qualifies as a "story" the proposed building is a three-story building, where a maximum of two stories is allowed in the R1 District. Final plans must be modified to establish the basement/lower level facing the street as a not a "story" or bedroom level must be removed or modified.
17. The final site plan should show designated flood plain area on the site plan. Given the topography of the site, constructing in the floodplain does not appear likely. Please note, any construction within a flood plain shall meet flood proofing protection measures and such design shall comply with requirements of MGO 28.04(20)(b).
18. 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 affect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.)
19. Provide surveyors verification pursuant to MGO Section 28.04(19)(b)1: establishing the existing development pattern, setback from the normal high water mark. Please be advised that the normal high water mark is an elevation of 845.82 above mean sea level. 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. NOTE: riprap placement shall not be used to establish the OHWM elevation on subject or five adjacent properties to each side.

For all zoning lots, the principal building setback shall be not less than the existing development pattern. Please work with zoning staff to establish said setback, which is measured to the principal building on the lot which includes all decks three feet or more above the normal grade. The survey shall be submitted with plans for final sign off, showing an accurate existing development pattern prior to a building permit being issued. Provide proposed setbacks of improvements proposed for the subject property.

20. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued
21. MGO Sec 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
22. The legal description for the site includes parts of platted lots and some metes-and bounds lands. Per MGO Sec 28.12(5)(b) a "plat" must be submitted to verify compliance with zoning requirements. To approve the final site plan, a Certified Survey Map must be prepared prior to final sign-off and issuance of building permits.

**Traffic Engineering** (Contact Bryan Walker, 267-8754)

This agency submitted a report with no conditions of approval for this proposal.

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

This agency did not submit a response for this request.

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

This agency did not submit a response for this request.

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

This agency did not submit a response for this request.