



**Project Address:** 1437 Morrison Street  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [29723](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Mark M. Wohlferd; Design Shelters, LLC; 3207 Glacier Ridge Road; Middleton, WI 53562  
**Contact:** Same as Applicant  
**Property Owner:** John and Mariann Bertram; 1437 Morrison Street; Madison, WI 53705

**Requested Action:** The applicant requests approval of a demolition permit and conditional uses to allow the demolition of an existing two-unit residence to build a new single-family home and two accessory structures on a lakefront lot.

**Proposal Summary:** The applicant proposes to demolish the existing two-unit home, constructed in 1923, to allow the construction of a 2,581 square foot home. This measurement includes the proposed finished attic area. A 430 square foot detached garage is proposed in front of the home with a smaller 216 square foot accessory building proposed in the rear yard.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)], Conditional Uses [Section 28.183], and Lakefront Development [Section 28.138].

**Review Required By:** Plan Commission

**Summary Recommendation:** Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the request to demolish a two-unit residence to construct a new single-family home and two accessory buildings. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 4,668 square foot subject property is located on the south side of Morrison Street, adjacent to Morrison Park. The site is within Aldermanic District 6 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 1,706 square foot two-unit home and detached garage.

**Surrounding Land Use and Zoning:**

North: Single-family and two-unit residences, zoned TR-C4 (Traditional Residential-Consistent 4) and one 4-unit residence zoned TR-V1 (Traditional Residential-Varied 1);

South: Lake Monona;

East: Morrison Park with single-family residences zoned TR-C4 and one three-unit residence zoned TR-V1 beyond, and;

West: Single-family and two-unit residences, zoned TR-C4 (Traditional Residential-Consistent 4) and one 4-unit residence zoned TR-V1 (Traditional Residential-Varied 1)

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential development for this site and surrounding properties. There are not more specific neighborhood plan recommendations.

**Zoning Summary:** The property is zoned TR-C4 (Suburban Residential-Consistent 1).

	<b>Required</b>	<b>Proposed</b>
Lot Area (sq. ft.)	4,000	4,805 sq. ft. existing
Lot Width	40'	38.9' existing
Front Yard Setback	20' or setback average	20'
Side Yard Setback	On lots less than 50' shall be 10% of lot width or 3.89'	4.75' - RS 4.50' - LS
Waterfront Setback	Median setback 44.5' as per Birrenkott plat of survey dated 10/6/2010.	46' (7)
Maximum height	2 stories/35	2 stories
Maximum lot coverage	65%	Less than 65%
Maximum building coverage, nonresidential	50%	13%
Usable open space (sq. ft. per d.u.)	750 sq. ft.	TBD
Number parking stalls	1	2
Landscaping	Yes	Yes (3)
Lighting	No	No
Building forms	Yes	Meets building forms req.
<b>Other Critical Zoning Items</b>	Lakefront	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor, though portions of the property adjacent to the lake are within the flood fringe district. It appears that the lakeside accessory building may encroach into the flood fringe district. Buildings, including accessory buildings are allowed in the flood fringe district when allowed by the underlying zoning.

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

## Project History

In June 2011, the applicant was denied side yard variances by the Zoning Board of Appeals for a similar project, proposed under the previous zoning code. Under the current TR-C4 Zoning, variances are not required.

## Project Description

The applicant proposes to demolish the existing 1,706 square foot, two-unit home and detached garage for the purpose of constructing a larger single-family home and two accessory buildings. Exterior building photos of the existing structure have been provided and can be viewed on line at:

[http://www.cityofmadison.com/planning/projects/reports/1437ms\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/1437ms_photos.pdf)

The proposed two-story home has a footprint of about 987 square feet and a total area of 2,581 square feet, including the finished attic space. (Note, the smaller square footage stated in the letter of intent only includes the first and second floors.) Measured to the roof peak, the structure is 34 feet tall. The home is just under 30 feet in width, leaving side yards of under five feet on either side. The proposed lake set back is just about 46 feet. The home will be clad in horizontal siding, with eight inch wide siding on the lower stories and narrower six inch along the attic area.

Plans also include a new street-facing detached garage in front of the home. The two-car garage measures 21.5 by 20 feet, for a total area of 430 square feet. That structure is just under 15 feet tall (measured to midway between the roof peak and eave) and just under 19 feet to the roof peak. The garage will be clad in siding to match the house and includes a decorative garage door with window above the garage door.

A second accessory building, labeled as both the "shed" and the "lake room" on the submitted plans, measures 216 square feet in area. That structure is also clad in horizontal siding and has a height of about 11 feet (measured to midway between the roof peak and eave) and 14 feet to the roof peak. Staff notes that this building's height is not dimensioned on the attached drawings.

The existing driveway, which now shares a curb cut with the driveway to the west will be relocated to the west by about six feet. The proposed driveway has a width of about 17 feet.

Planning staff has estimated the lot coverage at about 43% of the lot. The applicant has indicated that the rear yard patio area will be pervious pavers. Pervious pavers would not count towards the overall lot coverage percent. Staff estimates that if non-pervious pavers were used, the lot coverage would be about 50% of the lot. Finally, the applicant has indicated that no vegetation within 35' feet of the ordinary high water mark will be impacted. No site grading changes have been proposed.

## Analysis and Conclusion

This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)], Conditional Uses [Section 28.183], and Lakefront Development [Section 28.138]. This analysis begins with a description of the surrounding context. Following that is a summary of the adopted plan recommendations, as many of the specific approval standards reference these recommendations.

## Surrounding Context

Morrison Street is a three block street located between South Baldwin Street and South Thornton Avenue. The subject site sits between an existing two-unit home with a deep street setback and Morrison Street Park, which includes about 200 feet of street frontage providing views to Lake Monona. The surrounding residential buildings, which include single and two-unit dwellings along with a few interspersed three and four-unit buildings, reflect a variety of architectural styles. To the east, most lakeside homes appear to be between 24 and 30 feet in width. The lakefront homes to the west are generally wider. The letter of intent states that the subject property is the narrowest lot on the entire street. At a width of 38.75 feet, it is among the narrowest lots, though there are some lakeside lots to the west that are 33 feet in width.

Along the lake side of the street, five homes have garages placed near Morrison Street. This includes the home on the opposite side of Morrison Park that has a two-car garage, setback about 30 feet from the street. None of these properties have homes located entirely behind a garage. The applicant has noted that properties with garages located behind the homes are at least 44 feet wide. This appears true for the lakefront lots, noting that there are some lots on the non-lakeside of Morrison Street that have rear garages on lots as narrow as 33 feet.

Morrison Street is not within a designated local or national historic district. However, both the Marquette Bungalow and Third Lake Ridge Local Historic Districts are located within blocks of this site.

## Conformance with Adopted Plans

The Comprehensive Plan recommends low density residential development for the subject site and the surrounding properties. From a land use standpoint, the demolition of a two-unit building for the purpose of building a single-family home is consistent with this recommendation.

There are not specific redevelopment recommendations for this area, though the plan includes general objectives and policies for established neighborhoods and redevelopment. As noted above, the applicant proposes to construct a two-car detached garage in front of the home. While such a form is common among other lake-fronting lots elsewhere in the City, very few homes along this three-block area of Morrison Street are configured with prominent street-oriented garages. Staff has included the following Plan excerpts from the "Objectives and Policies for Established Neighborhoods" related to infill development:

**Objective 42:** Ensure that new development is compatible with the existing and planned design and development characteristics of the neighborhood and minimize land use conflicts between infill or redevelopment projects and existing neighborhood development.

**Policy 1** (For the above objective): Infill development or redevelopment in existing neighborhoods should be designed to incorporate or improve upon existing positive qualities such as building proportion and shape, pattern of buildings and yards, building orientation to the street, and building materials and styles.

Staff's most significant question is whether the orientation of this garage is consistent with the general redevelopment policy guidance noted above. Arguably, a garage set forward of the house could be considered compatible, while not being entirely consistent with the prevailing development pattern in the surrounding blocks. Such compatibility could be based on factors such as the design of the street facing façade, overall massing, or surrounding context.

## Demolition Approval Standards

In order to approve the requested demolition, the Plan Commission must find that the proposed demolition and future use are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. The demolition standards also state that the proposed use should be compatible with adopted plans.

Regarding the first part of the aforementioned finding, the proposed land use is consistent with the TR-C4 (Traditional Residential-Consistent 4) District zoning. Aside from the lake setback clarifications requested by Zoning, the proposal also appears to comply with the district's bulk and dimensional requirements. However, new accessory buildings on lakefront lots are not permitted by right and require conditional use approval.<sup>1</sup> The statement of purpose for the Traditional Residential-Consistent districts includes the following:

- Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, façade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

As noted above, there are a variety of home types and architectural styles along Morrison Street. The prevailing form of surrounding development has no garages or has garages located behind the homes. As noted in a previous section, there are some examples where the garages have a more prominent location near the street, including the house on the opposite side of the park. There isn't another example where the home is set entirely behind the garage, however.

Regarding the second part of the finding, the Demolition section statement of purpose includes aiding in the implementation of adopted City plans, protecting neighborhood character, preserving historic buildings, encouraging reuse/relocation, and discouraging buildings from falling into a severe state of disrepair.

The applicant's letter of intent states that the existing structure has some deficiencies including outdated electrical and mechanical systems, lack of insulation, and concerns over interior room layout. The submitted photos show settling of the front porch, rotting trim, and narrow interior stairs.

As with all demolition requests, the Preservation Planner provided these plans to the Landmarks Commission who found that the existing building has no known historic value. The Landmarks Commission further requested that the Plan Commission encourage replacement architecture that is compatible with the character and scale of the existing context.

The standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts when making their findings on the demolition request, including impacts on the normal and orderly development. While the proposed future use includes a garage orientation that is not consistent with the surrounding properties, the Plan Commission may be able to find the standards are met considering compliance with the underlying zoning bulk standards and finding general consistency with the surrounding bulk and mass and other architectural details.

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<sup>1</sup> As a clarifying note, attached garages in all residential districts are required to be recessed two-feet from the remainder of the street facing façade. That standard can be waived for lakefront homes with conditional use approval. This standard does not apply to detached garages, though conditional use is required for all detached accessory structures on lakefront lots.

## **Lakefront Development and Conditional Use Approval Standards**

The Lakefront Development regulations are 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 the lakes. The specific regulations limit the amount of vegetation removal, limit lot coverage near the shoreline, and address filling and grading on these lots. Staff believes these technical standards are met.

The approval standards for Conditional Uses state that the City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the Comprehensive Plan.

The specific conditional use standard for lakefront development 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." Staff notes that these surrounding residences are two story structures including some taller two-story structures with attic or living space above the second floor. These structures range in size from roughly 1,500 to 3,800 square feet, with a median size of about 2,080 square feet. Staff notes the largest of these structures is a four-unit building. Including the finished attic space, the proposed structure has about 2,500 square feet of living space, making it the fourth largest structure within this study area. Based on the submitted information, Zoning staff believes the project complies with the height and bulk regulations in the zoning ordinance.

Staff notes that the other conditional use standards apply for both the house and the two accessory buildings. The standards that are most closely related to this proposal are Standards 3, 4, and 9. These relate to "uses, values, and enjoyment of surrounding properties," "normal and orderly development," and the "construction of new buildings," respectively. Staff believes the Plan Commission may be able find these standards are met. Staff notes that the project is consistent with the underlying bulk requirements and is a conditional use due only to its location on a lakefront property.

## **Public Input**

At the time of report writing, staff has not received any comments on the proposed demolition and conditional use request. Staff notes that concerns were raised neighbors on the orientation of the garage when a similar proposal was going through the aforementioned variance process in 2011.

## **Conclusion**

The applicant proposes to demolish a two-family structure for the purpose of building a larger single-family structure with two accessory buildings. The subject lot is among the narrowest lots on Morrison Street. At just under 30 feet in width, the proposed structure would also be among the wider lake-fronting structures east of the park, which range from about 24 to 30 feet in width.

Staff's primary concern with the proposed redevelopment is the placement of the attached two-car garage in front of the house. While this orientation is typical along other lake fronting streets such as Lake Mendota Drive or Waunona Way, it is not currently found along Morrison Street. Morrison Street has had relatively few recent redevelopment proposals compared to other lake-fronting areas. Efforts have been made to articulate the street-facing garage façade. The applicant also correctly notes that the project meets applicable setbacks and

that there are no technical zoning requirements that would prohibit the location of a detached garage in front of a home, provided all applicable setbacks are met. As a lakefront lot, however, the new home and each accessory structure require conditional use approval. The Plan Commission needs to find those standards along with the demolition and lakefront standards are met in order to approve the request. Despite the concerns raised in the report about the orientation of the garage, staff believes the Plan Commission may be able to find these standards are met.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the request to demolish a two-unit residence to construct a new single-family home and two accessory buildings. 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 Kevin Firchow, 267-1150)

1. That the height dimensions for all buildings, including the rear accessory buildings are clearly labeled.

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

2. Applicant shall convey runoff to rear yard without impacting adjacent properties.

3. Value of sidewalk installation under \$5000. The Applicant shall install public sidewalk along Morrison Street. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. (MGO 16.23(9)(d)(6) This permit application is available on line at
4. <http://www.cityofmadison.com/engineering/permits.cfm>.
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
6. 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)
7. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
8. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or

Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

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

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

9. Sec. 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, Mr. George Dreckmann. (608-267-2626).
10. Sec. 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.
11. Section 28.138 (3) (f) Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit. Provide details of lot coverage in this sensitive area. The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of said area, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement.
12. Section 28.045 (2) & 28.140 (1) Dimensional requirements for usable open space is 750 sq. ft. per dwelling unit. Call out and dimension on site plan the usable open space pursuant to section 28.140 MGO.
13. The proposed accessory structures appear to comply with MGO28.
14. Provide on final plan sets the driveway width at the front property line.
15. Provide surveyors verification pursuant to Section 28.138(4)(a) 2. establishing the lakefront setback of existing principal buildings from the Ordinary High Water Mark. Lakefront yard setback shall be calculated using 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. In no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet. Setbacks are measured to the principal building on the lot which includes all permitted decks three feet or more above the normal grade. Survey shall be submitted with plans for final sign off, showing an accurate existing development pattern prior to a building permit being issued.

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

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| 16. Per SPS 321.03(3) Provide an automatic sprinkler system in accordance with NFPA 13D or provide a second exit from the attic level. |
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17. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

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

18. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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 will not need a copy of the approved plans.

**Parks Division** (Contact Kay Rutledge, 266-4714)

19. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. 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.
20. The Applicant shall provide a detailed site grading plan with all proposed contours for review prior to the final approval of the project; this property is adjacent to Morrison Park.
21. Pruning of trees or shrubs on City property is not permitted without prior written approval from City Forestry.
22. Earthwork or excavation within 5 feet of any tree on City property is not permitted without prior written approval from City Parks.

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

This agency did not provide comments for this request.



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## **REVISIONS TO RECOMMENDED CONDITIONS**

1. The following additional recommended “standard” comment from the Engineering Division should have been included in the original staff report and is recommended:
  - Prior to approval, the owner or owner’s representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
2. Engineering Comment #3 in the original staff report regarding sidewalk installation was made in error. That is not a recommended condition of approval for this project.