



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5404 Lake Mendota Drive (District 19 – Ald. Clear)  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [44819](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant and Owner:** Mary Morgan and David Sheriff; 5404 Lake Mendota Drive; Madison, WI 53562

**Contact:** Robert Lackore; Bouril Design Studio, LLC; 6425 Odana Road Suite 2, Madison, WI 53719

**Requested Action:** The applicant requests approval to demolish a single-family residence and construct a new single-family residence on a lakefront lot.

**Proposal Summary:** The applicant proposes to demolish a single-family residence constructed in 1948 for the purpose of constructing a new two-story residence. The proposed residence has approximately 6,000 square feet of living area and a 970 square foot attached garage. A previous request by the same applicant for a larger single-family residence with attached and detached garages was withdrawn by the applicant and placed on file by the Plan Commission in December 2015.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [MGO § 28.185], Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138].

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition permits, conditional uses, and lakefront development can be met and **approve** the request to demolish a single-family residence and construct a new single-family residence on a lakefront lot at 5404 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The property is on the north side of Lake Mendota Drive between Clifford Court and Norman Way. The parcel is within Aldermanic District 19 (Ald. Clear) and is within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is a 23,719 square foot lakefront property that is currently developed with a one-story, 2,660 square foot single-family home, constructed in 1948. The home has a 2-car attached garage and a 2.5-car detached garage.

**Surrounding Land Use and Zoning:** The subject site is surrounded by single-family homes in the TR-C1 District.

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Spring Harbor Neighborhood Plan (2006) recommend low density residential land use for the area.

**Zoning Summary:** The property is zoned TR-C1 (Traditional Residential-Consistent 1). A zoning summary table was not provided in time to be included in this report. Zoning Comments are provided in a separate report.

**Environmental Corridor Status:** The subject site is not located within (but is adjacent to) a mapped environmental corridor. A portion of the property adjacent to the lake is within the flood fringe and flood storage districts.

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

## Project History

In 2015, the property owner submitted an application for a Demolition Permit and Conditional Use to raze the subject residence to construct a two-story, single-family home. That proposal went through different modifications. That proposed residence, which was larger than what is currently proposed, had a calculated total square footage just under 11,000 square feet and included both an attached two-car garage and a detached two-car garage. That request was ultimately withdrawn by the applicant and the Plan Commission placed that request on file without prejudice at its December 7, 2015 meeting. Further information related to that request can be viewed online at the City's Legislative Information Center under [Legislative File #37368](#).

## Project Description

The applicant has made a new application to demolish an existing single-family residence for the purpose of constructing a new single-family residence.

The existing residence was constructed in 1948. City Assessor records indicate that this one-story structure has an area of 2,660 square feet. Photos of the residence are included in the applicant's materials and can be viewed online at: [https://www.cityofmadison.com/dpced/planning/documents/5404lmd\\_photos2.pdf](https://www.cityofmadison.com/dpced/planning/documents/5404lmd_photos2.pdf)

The proposed two-story residence has been revised compared to the aforementioned proposal submitted in 2015. The current proposal includes a smaller residence with approximately 6,000 square feet of living space and a 970-square foot attached garage. The structure's footprint measures approximately 4,000 square feet. No basement is proposed.

The lake (rear) setbacks vary. At its closest point, a portion of a second floor deck is set back approximately 67 feet from the ordinary high water mark (OHWM). The building's rear wall is otherwise set back approximately 75 feet. Side yard setbacks are just over seven feet on both sides. The building is set approximately 100 feet from Lake Mendota Drive. At its widest point, the building is approximately 68 feet in width. The structure depth varies, with a maximum depth of approximately 96 feet including the attached garage. Along the side lot lines, the garage-side (north) of structure is about 78 feet deep and the non-garage side (south) is approximately 67-feet deep.

The proposed residence has a maximum height of about 28 feet, though a majority of the structure has a height less than 24 feet. The roof is primarily a flat roof with a barrel-design component along the street-side. The building will be clad in a combination of stone veneer, composite wood siding, and stone tile.

## Analysis and Conclusion

This request is subject to the approval standards for Conditional Uses, Lakefront Development, and Demolition Permits.

### Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met. In regards to the adopted plans, the project is consistent with the underlying Comprehensive Plan recommendation for low density residential development. The subject property is also within the planning area for the Spring Harbor Neighborhood Plan, adopted to guide redevelopment activities in the Spring Harbor neighborhood. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it encourages that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

During the review of the 2015 proposal, the Planning Division raised concerns regarding the size and design of that structure, noting in part, that precedents did not exist for approving a structure that was so much larger than its surroundings. Specific concerns were raised on Conditional Use Standards 9 and 13. The previous staff report indicated that it was unclear whether Conditional Use Standard 9 was met. That standard states:

**Conditional Use Standard 9.** *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.<sup>1</sup> In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

In considering the current proposal against this standard, the Planning Division notes that several design modifications have been made. The mass and the footprint have both been reduced in size and the basement has been entirely removed. The current proposal has approximately 3,800 square feet less living space and 3,900 square feet of total area than what was previously proposed. While the side yard setbacks remain at about seven feet, some of the building mass has been reduced along the side lot lines. On the north side, the mass along the property line has been reduced by approximately 39 feet. On the south side, the overall mass has increased by about seven feet, but portions of the second floor are now further recessed. Staff also notes that the building material palette has been revised and includes stone veneer and wood composite siding, which is more common among homes compared to the large amount of EIFS that was previously proposed.

During the review of the previous proposal, the Planning Division also noted concerns regarding Conditional Use Standard 13 related to lakefront development that states the following:

**Conditional Use Standard 13.** *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.*

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<sup>1</sup> An excerpt from the Zoning Code including the statement of purpose for the TR-C1 District is provided as an attachment.

For this proposal, an estimate of total bulk was prepared utilizing City Assessor’s data. This study estimated principal building size for homes within 300 feet of the subject property and included living areas, enclosed / screened porches, total basement areas, and estimated attached garage space. Using this analysis, staff found that the principal structures within 300 feet range in total square footage from approximately 860 to 5,200 square feet. The median size is approximately 3,000 square feet. The adjacent homes are both approximately 3,000 square feet in area, based on this analysis.

The Zoning Code’s definition of bulk also includes FAR, or floor area ratio, which compares the total building floor area (on all floors) to lot area. (An 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 0.29, somewhat higher than the 0.21 median FAR. Staff notes however, other properties have similar FARs with the highest FAR in the study area at 0.50.

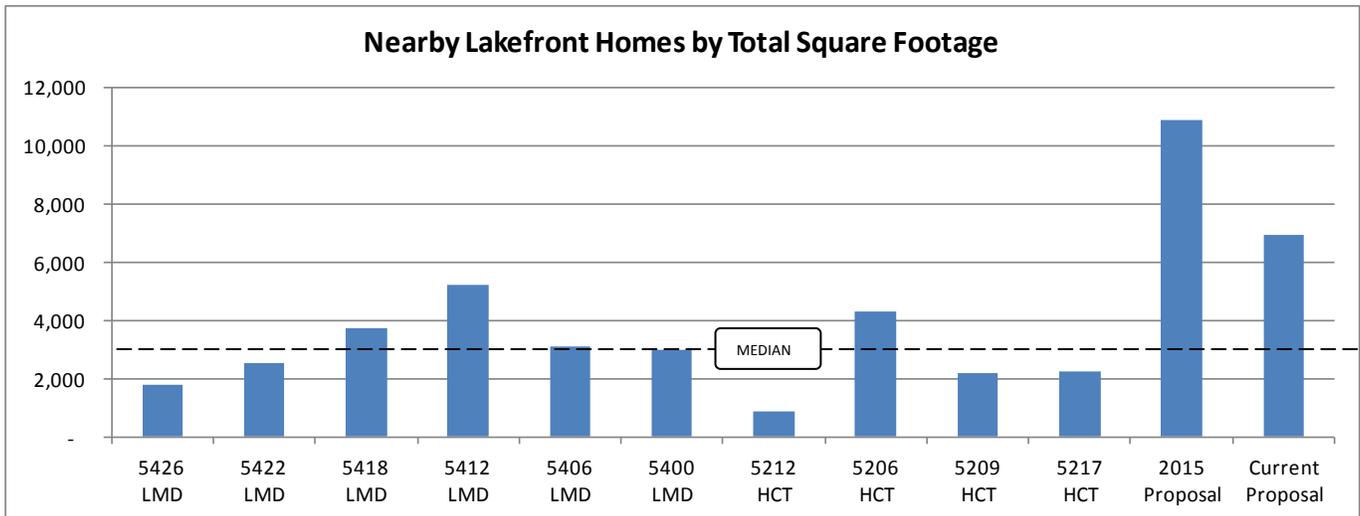
When looking at the living area or total square footage estimates, the current proposal is more than double the median size for the surrounding homes. However, adjustments made with the current plan set have brought the FAR more consistent with surrounding properties.

The following table and charts provide more information on this analysis.

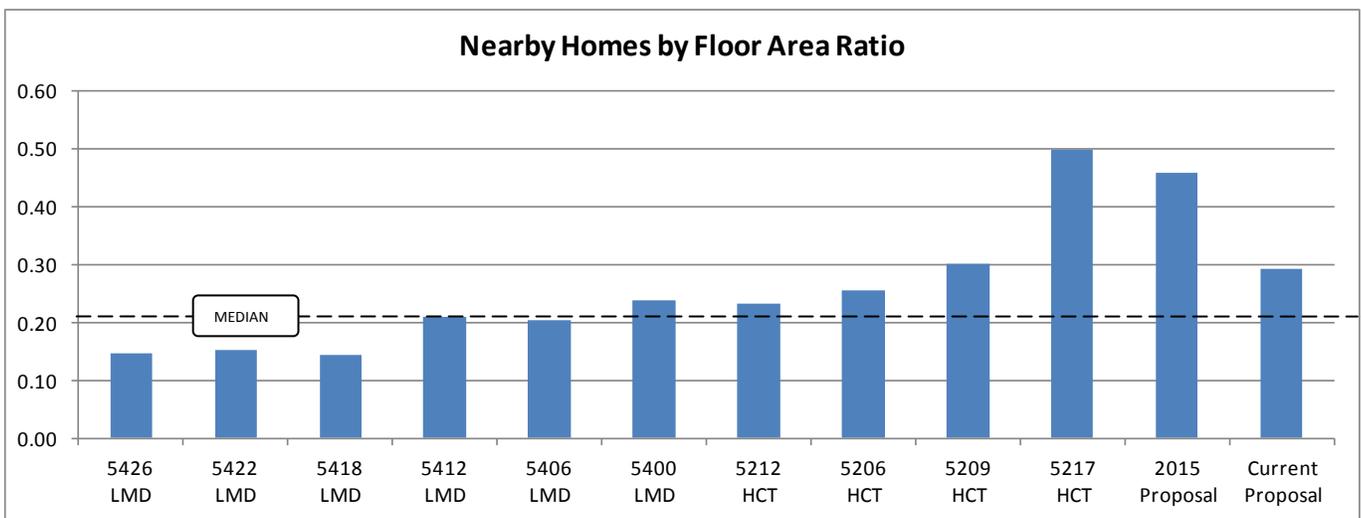
**Table 1: Area and Floor Area Comparison of Nearby Properties**

House #	Street	Year Built	Living Area	Total Sq Ft	Lot Area	Floor Area Ratio
5426	Lake Mendota Dr	1986	1,636	1,780	12,044	0.15
5422	Lake Mendota Dr	1901	1,489	2,567	16,962	0.15
5418	Lake Mendota Dr	1967	3,192	3,768	26,037	0.14
5412	Lake Mendota Dr	2008	3,380	5,223	24,951	0.21
5406	Lake Mendota Dr	1916	2,521	3,097	15,180	0.20
5400	Lake Mendota Dr	1974	1,852	3,022	12,700	0.24
5212	Harbor Ct	1925	856	856	3,662	0.23
5206	Harbor Ct	2013	3,717	4,293	16,774	0.26
5209	Harbor Ct	1925	1,188	2,178	7,257	0.30
5217	Harbor Ct	1925	1,044	2,258	4,519	0.50
<b>Median of Properties within 300 Feet</b>			<b>1,852</b>	<b>3,022</b>	<b>15,180</b>	<b>0.21</b>
5404	Lake Mendota Dr	2015 Proposal	9,810	10,876	23,719	0.46
<b>5404</b>	<b>Lake Mendota Dr</b>	<b>Current Proposal</b>	<b>5,998</b>	<b>6,968</b>	<b>23,719</b>	<b>0.29</b>

**Figure 1: Total Square Footage for Nearby Lakefront Homes**



**Table 2: Floor Area Ratio of Nearby Properties**



Standard 13 also discusses height impacts. While height information is not available for all properties, staff notes that the heights of the surrounding homes are varied, consisting primarily two-story structures. From the street, the views to some homes are somewhat obscured due to detached garages, vegetation, or site topography. The applicant’s materials (Drawing E1.2) includes exhibits showing that the proposed height is similar to that of adjacent properties at 5400 and 5406 Lake Mendota Drive.

Finally, in regards to the conditional use standards, staff has been made aware of concerns from neighbors regarding stormwater management and soil condition concerns. This relates most closely to Conditional Use Standard 5. The applicant has provided a detailed stormwater management plan, which has been reviewed by the City Engineering Division. Staff notes that this level of detail exceeds what is typically provided as part of the land use entitlement phase of a project. The City Engineering Division has recommended no further conditions of approval related to stormwater management.

The Planning Division is also aware of related neighborhood concerns regarding soil suitability and concerns over lack of foundation construction details provided in this plan set. The project architect has indicated that a geotechnical analysis was performed in the fall of 2015. Follow up analysis is anticipated to determine if an engineered foundation system (e.g. helical piers or other system) will be necessary. City Building Inspection has noted that foundation construction details are among those reviewed and approved by Building Inspection after their review of the soil conditions. That would occur prior to permits being issued. Such level of construction detail is not required and not typically provided as part of the review of land use applications, even along lakefront properties.

Despite being a large structure, the Planning Division believes that the conditional use standards can be met.

### **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 regards to setback, the building appears to comply with the 58-foot lake setback. A row of shrubs along the southern property line are proposed for removal, some within 35 feet of the shoreline. This however, appears to comply with the ordinance standards. Please also see the comments in the attached Zoning Administrator's report for compliance on these standards. The Planning Division believes that the standards for Lakefront Development can be met.

### **Demolition Permit Standards**

In considering the Demolition approval standards, the Plan Commission must find that both the requested demolition or removal and the proposed use are compatible with the purpose of the demolition section and the intent and purpose expressed in the TR-C1 Zoning District. The purpose of the Demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings. An excerpt from the Zoning Code including the statement of purpose for the TR-C1 District is provided as an attachment.

The 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. The demolition standards also state that the proposed use should be compatible with adopted plans, which are discussed above.

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. The Landmarks Commission has found that there is no known historic value of the residence proposed for demolition.

The Planning Division believes that the demolition permit standards can be found met.

## Public Input

At the time of report writing, the Planning Division was aware that the applicant has presented at a neighborhood meeting. Several neighbors have signed a letter acknowledging improvements with the current design but stating ongoing concerns with the overall size of the structure, requesting that greater side yard setbacks be included. That correspondence is provided in the Plan Commission packets.

## Conclusion

The applicant proposes to demolish a single-family residence for the purpose of constructing a new two-story residence. The proposed residence has approximately 6,000 square feet of living area and a 970 square foot attached garage. A previous request by the same applicant for a larger single-family residence with attached and detached garages was withdrawn by the applicant and placed on file by the Plan Commission in December 2015.

This request is subject to the approval standards for Demolition Permits, Lakefront Development, and Conditional Uses, which should be carefully considered by the Plan Commission along with the materials provided by concerned neighbors. While the proposed development remains larger in area than the surrounding residences, the calculated floor area ratio (FAR), a comparison of building to property size, is more consistent with the surrounding pattern. The Planning Division did not believe that the 2015 request met the conditional use approval standards. The current proposal, while still larger than surrounding residences, has been reduced in size and efforts have been made to reduce the mass along the side lot lines. The character of the building is believed to be more residential in nature than what was previously proposed. The Planning Division believes the revisions have better aligned the project with the applicable approval standards and believes it possible to find that the approval standards can be met.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolition permits, conditional uses, and lakefront development can be met and **approve** the request to demolish a single-family residence and construct a new single-family residence on a lakefront lot at 5404 Lake Mendota Drive. 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
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### Planning Division (Contact Kevin Firchow, (608) 267-1150)

The agency reviewed this request and has recommended no conditions or approval.

### City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. 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. The permit

application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14))

2. All outstanding 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))
3. 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)
4. 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)
5. 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)
6. All damage to the pavement on Lake Mendota Dr, 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)

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

7. As per the previous land division application, the pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

8. Note and show on the site plan the permissive use agreement area per Doc. No. 3664315 along the southeasterly side of the property.

**Traffic Engineering** (Contact Eric Halvorson, (608) 266-6527)

This agency reviewed this request and has recommended no conditions or approval.

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

9. 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>
10. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner (608)516-9195.

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

A report was not provided in time to be included in this report.

**Parks / Forestry** (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions or approval.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

11. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
12. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), 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.
13. The applicant's utility contractor shall obtain an excavation permit prior to commencing the water main or service construction in the public right-of-way. This permit application is available on the City Engineering Division website (<http://www.cityofmadison.com/engineering/permits.cfm>).

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.