

**PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
August 11, 2006**

CONDITIONAL USE PERMIT APPLICATION, 5046 LAKE MENDOTA DRIVE:

1. Requested Action: Approval of a conditional use permit to construct a new boathouse on a waterfront lot.
2. Applicable Regulations: Section 28.04(19) of the Zoning Code provides the general regulations for waterfront development. Section 28.12(11) provides the requirements for the approval of conditional use permits.
3. Report Drafted By: Michael Waidelich, Principal Planner.

GENERAL INFORMATION:

1. Applicant: Robert H. Fillingame, 5046 Lake Mendota Drive, Madison, Wisconsin 53705.
2. Status of Applicant: Owner.
3. Development Schedule: August-September 2006.
4. Parcel Location: On Lake Mendota, approximately 600 feet east of Spring Harbor. Aldermanic District 19.
5. Parcel Size: Approximately 12,065 square feet.
6. Existing Zoning: R2 Single-Family Residence District.
7. Existing Land Use: Single-family house with attached garage and a detached garage.
8. Surrounding Land Use and Zoning (See map):
 - North: Lake Mendota.
 - West: Single-family houses, zoned R2 Single-Family Residence District.
 - South: Single-family houses, zoned R2 Single-Family Residence District.
 - East: Single-family houses, zoned R2 Single-Family Residence District.
9. Adopted Land Use Plan: The *Comprehensive Plan* recommends this area for Low-Density Residential uses. The draft Spring Harbor Neighborhood Plan, currently being reviewed, apparently does not include a general recommended land use map, but includes the goal of maintaining the existing residential character within the neighborhood.
10. Environmental Corridor Status: No Environmental Corridors are designated on this property.

PUBLIC UTILITIES AND SERVICES:

The full range of urban services are currently available to this property.

ANALYSIS, EVALUATION AND CONCLUSION:

This is a request for a conditional use permit to construct a new boathouse on a waterfront lot. The subject property is a very deep, relatively narrow lot approximately 50 feet wide and 270 feet deep, on average. At the lake, the property narrows to about 35 feet wide. The lot slopes steeply down from the street to the lake and the total drop in elevation seems to be about 50 feet or a bit more. The house with attached garage is set back about 29 feet from the street and the detached garage is at the right-of-way (the corner actually encroaches about six inches into the right-of-way).

The proposed boathouse would be located on the lower part of the lot, about 40 feet back from the ordinary high water line, and four feet from the west property line. The proposed structure is 12 feet wide at the front (facing the lake) and 20 feet long, with a low hip roof. The boathouse will be about 10 feet 4 inches in height to the ridge of the roof. The lake end of the boathouse will have a wide garage-type door, with a smaller access door and window on the east elevation. The west side and rear of the building have no doors or windows. The building will be built on a concrete slab, with vinyl siding and shingles selected to match the siding and shingles on the existing house. A stone retaining wall and landscaping will be added to the bank behind and beside the proposed boathouse, and a gravel path installed along the east side of the boathouse to provide access. The applicant indicates that the boathouse will be used to store light watercraft such as a canoe, kayak, sailboard or small sailboat, as well as the components of their pier during the winter months.

Because of its placement on this steeply sloping lot, the proposed boathouse will have relatively little effect on lake views from this or surrounding properties. The back of the structure will be largely screened by the steep bank of the yard, and the west side will be obscured by an existing cottage on the adjoining property. The building will be set farther back from the lake than the cottage and about four feet from the west property line. The cottage is about two and one-half feet from the common property line. No shoreline vegetation will be removed as part of the project. The applicant indicates that they have discussed the project with the adjoining neighbors and have received their approval. The Planning Unit is unaware of any opposition to construction of the proposed boathouse.

Planning Unit staff believe that this proposed project can satisfy the standards for approval of a conditional use for waterfront development.

There is a group of Indian mounds in this area that are partially located within portions of this property. The mounds are on the higher ground farther from the lakeshore, but the applicant will be required to be alert for any archeological remains or artifacts that may be uncovered during construction, and to stop work if any are discovered until the site can be evaluated.

RECOMMENDATION:

The Planning Unit recommends that the conditional use permit to build a new boathouse on a waterfront lot at 5046 Lake Mendota Drive be approved subject to:

1. The comments of the reviewing agencies.
2. If any excavation is done as part of the project, keep a watch for any unearthed archeological remains or artifacts. If any remains or artifacts are found, immediately stop work and contact Leslie Eisenberg, the state burial sites coordinator at the Wisconsin Historical Society.

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: July 31, 2006

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 5046 Lake Mendota Dr.

Present Zoning District: R-2

Proposed Use: Construct a 12' x 20' boathouse (240 sq. ft.) on a waterfront property.

Conditional Use: 28.04(19) Waterfront development is a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. The final site plan shall show dimensions of the building and setbacks from the property line. The boathouse shall be a minimum of 3' from a property line.
2. 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 any landscape elements to be removed within 35' of the high water mark** 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 effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.)
3. Show designated flood plain area on the site plan. Any construction within a flood plain shall meet flood proofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.04(20)(b) of the Madison General Ordinances.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	12,183 sq. ft.
Lot width	50'	50'
Usable open space	1,000 sq. ft.	adequate
Front yard	30'	0' existing
Side yards	3' accessory bldg. setback	(1)
Rear yard	3'	(1)
Building height	15' to av. mean of acc. bldg.	11' 4" av. mean of acc. bldg.

Site Design	Required	Proposed
Number parking stalls	1	1
Landscaping		(2)

Other Critical Zoning Items	
Urban Design	No
Historic District	No
Landmark building	Adjacent to a landmark
Flood plain	Yes (3)
Utility easements	None shown
Water front development	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.



Department of Public Works
City Engineering Division

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DATE: August 4, 2006
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 5046 Lake Mendota Drive Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Site plan must accurately show the existing public sanitary sewer easement as recorded in Document No. 3377664. Sewer facilities were field surveyed for basis of this public sewer easement as required by previous conditional use application in 2001.
2. As stated in the recorded public sewer easement document cited above, no buildings or structures of any kind shall be built over the easement area without written (and suggested recorded) permission by the City of Madison Engineering Division.
3. Boathouse needs to be relocated so that it is not located on the top of the City sanitary sewer.
4. Informational Purposes Only: "Dry" boathouses built upward of the Observed High Water Mark (OHWM) do not require a DNR permit. ("Wet" boathouses are generally prohibited.)

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: NONE



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