



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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[www.cityofmadison.com](http://www.cityofmadison.com)

August 21, 2018

Roger Smith  
Design Coalition Architects  
2088 Atwood Avenue  
Madison, WI 53704

RE: Approval of a demolition permit, a conditional use to construct a new single-family residence and boathouse on a lakefront property, and a conditional use for an accessory dwelling unit at 5438 Lake Mendota Drive (ID 52567; LNDUSE-2018-00079).

Dear Mr. Smith;

At its August 20, 2018 meeting, the Plan Commission found the standards met and **approved** your demolition permit and conditional uses for 5438 Lake Mendota Drive. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

**Please contact Tim Troester of the Engineering Division at (608) 267-1995 if you have any questions regarding the following six (6) items:**

1. The existing property appears to currently share the sanitary sewer lateral with home located at 5442 Lake Mendota Drive. This is a legal sewer lateral connection but it is not necessarily a desirable if their a maintenance concerns. If a new lateral is pursued, a permit from MMSD will be required to make this lateral connection. The sewer main in Lake Mendota Drive is a Madison Metropolitan Sewerage District (MMSD) owned facility. Contact Curt Sauser [curts@madsewer.org](mailto:curts@madsewer.org) for permitting 709-1830.
2. A permit is needed from the WDNR for shoreline work. A line on the plan shall be placed demarcating the 100-year regulatory floodplain.
3. 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))
4. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE)

computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. An Erosion Control Permit shall be required for the demolition.

5. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. This includes the presence of wetland indicator soils. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain. (NOTIFICATION)
6. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

**Please contact Jacob Moskowitz, Assistant Zoning Administrator at (608) 266-4560 if you have any questions regarding the following nine (9) items:**

7. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery.
8. The proposed boathouse is within the Flood Storage District. Compliance with Sec. 28.125 is required.
9. Section 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, Bryan Johnson (608-266-4682).
10. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
11. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
12. Provide the height measurements from the midpoint of the width of each façade to the peak of the roof.
13. Provide the setback measurement for the boathouse from the ordinary high water mark. Comply with all Department of Natural Resources regulations and permitting requirements regarding the alteration of the shoreline for the boat ramp. Contact the Department of Natural Resources for more information.
14. The accessory dwelling unit shall comply with the supplemental regulations Section 28.151. Prior to issuance of a building permit for the Accessory Dwelling Unit, the property owner shall execute a restrictive covenant providing that the Accessory Dwelling Unit may only be used when the property is owner-occupied. The form of the restrictive covenant shall be approved by the Zoning Administrator and City Attorney's Office and shall be recorded with the Dane County Register of Deeds.
15. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

**Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:**

16. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>. A cost estimate to upgrade the house with fire sprinklers shall be made available to the owner.
17. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at [tburrus@cityofmadison.com](mailto:tburrus@cityofmadison.com) or (608)266- 5959.

**Please contact Adam Wiederhoeft of the Water Utility at (608) 266-9121 if you have any questions regarding the following two (2) items:**

18. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
19. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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.

**Please contact my office at (608) 243-0554, if you have questions regarding the following five (5) items:**

19. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites

Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

20. The applicant's final sign-off plans shall include the finished grade elevations at the building corners for approval by Planning Division Staff.
21. The applicants shall provide further detail of all existing and proposed rain gardens on site.
22. The applicants shall indicate all new vegetation and landscape plantings on the site plan.
23. MGO § 28.031(3) requires that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. As allowed under MGO § 28.031(3), the Plan Commission waives this requirement under the basis that it is a lakefront lot where physical constraints make compliance infeasible.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining permits for your project:**

1. After the plans have been revised per the above conditions, please file **seven (7) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, 126 S. Hamilton Street. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
3. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date.
4. A conditional use approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.

6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at (608) 243-0554.

Sincerely,



Sydney Prusak  
Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.

\_\_\_\_\_  
*Signature of Applicant*

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*Signature of Property Owner (if not the applicant)*

cc: Tim Troester, Engineering Division  
Jacob Moskowitz, Assistant Zoning Administrator  
Bill Sullivan, Fire Department  
Bryan Johnson, Streets Division  
Adam Wiederhoeft, Water Utility

LNDUSE-2018-00079			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Prusak)	<input type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: