



PREPARED FOR THE PLAN COMMISSION

Project Address: 5632 Lake Mendota Drive (District 19, Alder Slack)
Application Type: Demolition Permit, Conditional Use
Legistar File ID # [80428](#), [80429](#)
Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: James Coons; Coons Construction of Verona, LLC; 1827 Locust Drive, Madison, WI 53593

Property Owner: Laura and Mike Huggett; 7313 Ashwabay Lane, Madison, WI 53719

Requested Action:

- ID [80428](#) – Consideration of a demolition permit to demolish a single family building; and
- ID [80429](#) – Consideration of a conditional use to allow construction of a single family building on a lakefront property.

Proposal Summary: The applicant is seeking approval to construct a two-story, 5,318 square-foot single family building on a lakefront parcel.

Applicable Regulations & Standards: Standards of approval for demolition permits are found in Section 28.185(6) M.G.O. Standards for conditional use approvals are found in Section 28.183(6) M.G.O. General Regulations for lakefront development are found in Section 28.138 M.G.O.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 5632 Lake Mendota Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the standards for demolition permits met and **approve** the demolition of a single family building at 5632 Lake Mendota Drive; and
- That the Plan Commission find the standards for conditional uses met and **approve** the request to construct a single family building on a lakefront parcel.

Background Information

Parcel Location: The 19,318 square feet (.44-acre) parcel is located along Lake Mendota Drive between Laurel Crest and Upham Court. It is located within District 19 and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is occupied by a two-story, approximately 1,700 square-foot single family residence built in 1952. It is zoned Traditional Residential-Consistent 1 (TR-C1) District.

Surrounding Land Use and Zoning:

North: Lake Mendota;

East: Single family residences, zoned Traditional Residential-Consistent 1 (TR-C1) District;

South: Across Lake Mendota Drive, single family residences, zoned TR-C1 District; and

West: Single family residences, zoned TR-C1 District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. The [Spring Harbor Neighborhood Plan](#) (2006) does not include specific land use recommendations for the subject site.

Zoning Summary: The property is in the Traditional Residential-Consistent 1 (TR-C1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	19,318.51 sq. ft.
Lot Width	50'	71.34'
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback	One-story: 6' Two-story: 7'	7' northwest side 7' southeast side
Lakefront Yard Setback	66.2' Section 28.138(4)(a)1.	66.7'
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	<50% (3)
Maximum Building Height	2 stories/35'	2 stories/<35' (4)

Section 28.138(4)(a)1. Lakefront Yard Setback. The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Landscaping and Screening	Inventory of shoreline vegetation	Yes
Building Form and Design	Yes	Single-family detached dwelling (1)

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, a small area near the shoreline is partially located within the flood storage district.

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

Project Description, Analysis, and Conclusion

The applicant is requesting approval to demolish a single family building at 5632 Lake Mendota Drive. Per data from the Assessor's Office the subject site is occupied by a two-story, approximately 1,700 square-foot single family residence built in 1952. The applicant provided [demolition photos](#) of the interior and exterior of the building.

Upon demolition, the applicant proposes to construct a two-story, 5,318 square-foot single family building with an attached garage. The building has a gable roof, and the overall building height is approximately 28'. The building materials include lap siding, board and batten siding, and stone veneer.

The building would be setback 66.3' from the Ordinary High Watermark (OHM). There is a 20" diameter at breast height (DBH) tree within 35' of the OHM that would be preserved. A 24" DBH tree more than 35' from the OHM would be removed during construction.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for this site, a land use designation predominantly made up of single-family and two-unit structures, but that may include smaller two-, three-, and four-unit apartment buildings and row houses. The [Spring Harbor Neighborhood Plan](#) (2006) does not contain specific recommendations for lakefront residential areas. It does include a recommendation that any future residential redevelopment must be at a height and scale that is compatible with and is sensitive to the built character of the neighborhood. Given due consideration of the adopted plan recommendations, the Planning Division believes that the proposed use is consistent with the adopted plans.

Demolition Permit Standards

The Plan Commission shall consider the seven approval standards in Section 28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

Standard one states, "The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building." Per the applicant, the cost to repair and relocate the building would exceed the value of the home.

Standard four states, "That the Plan Commission has received and considered the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission." At its September 18, 2023 meeting, the Landmarks Commission found that the building at 5632 Lake Mendota Drive has no known historic value, but the site is culturally significant to the Ho-Chunk people and the property owners must receive a Request to Disturb from the Wisconsin Historical Society due to the presence of uncatalogued burial sites.

Standard six states, "The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal..." Per the applicant, the building condition is poor and the beams and floor and roof joists are sagging and weak.

Staff believe the demolition standards can be found met.

Lakefront Development Regulations

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, view sheds, 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.

Staff believe the lakefront development standards have been met.

Conditional Use Standards

Per Section 28.138(2)(a) buildings on zoning lots abutting Lake Mendota shall require conditional use approval.

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Staff notes that state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

The approval standard for lakefront development (standard 13) states that "When applying the above standards to lakefront development under MGO §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 note that the surrounding buildings are two stories. As a further estimate of total bulk of the surrounding principal structures, staff utilized data from the Assessor's Office to estimate principal building size for the homes on the five developed lots to the east and the five developed lots to the west. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes of the applicable homes range from approximately 4,401 to 7,841 square feet. The median size of the homes is 5,405 square feet. The applicant is proposing to construct a two-story, 5,318 square-foot building.

Per Section 28.031 M.G.O attached garages must be recessed at least two feet behind the building façade, however the Plan Commission may eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible. Staff note that the prevailing development pattern include garages located towards Spring Court, with the residence behind. The proposed site plan with a forward facing garage is consistent with this prevailing development pattern. Staff recommends eliminating the attached garage setback.

Staff believe the conditional use standards can be found met.

Public Input

At the time of report writing, staff received a comment from a neighboring property owner regarding a shared sanitary lateral and zoning considerations. Staff note that the Engineering Division's recommended conditions of approval address the comment to the extent practical. Staff also note that the proposed building complies with the Zoning Ordinance.

Conclusion

The Planning Division believes that the proposed use is consistent with the Comprehensive Plan (2018) and Spring Harbor Neighborhood Plan (2006). Additionally, staff note that the proposed building is similar in size to neighboring properties. Staff believe the applicable approval standards can be found met.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends the following to the Plan Commission regarding the applications for 5632 Lake Mendota Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the standards for demolition permits are met and approve the demolition of a single family building at 5632 Lake Mendota Drive; and
- That the Plan Commission find the standards for conditional uses met and approve the request to construct a single family building on a lakefront parcel.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Lisa McNabola, 243-0554)

1. The property at 5632 Lake Mendota Drive is located within the boundary of the Uncatalogued Burial Sites 47-DA-0129/47-BDA0384 (Mendota Beach Mound Group) and 47-DA-0821/47-BDA-0536 (Burton Mortuary Area). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society. <https://www.wisconsinhistory.org/Records/Article/CS15239>. Contact Kim Cook at the Wisconsin Historical Society to secure the Request to Disturb permit. 608-264-6493 \ kimberly.cook@wisconsinhistory.org

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 catalogued land contiguous to a catalogued 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 very close to those 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.

2. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation's National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181 ext. 1121. Email: bill.quackenbush@ho-chunk.com

Engineering Division (Tim Troester, 267-1995)

3. The proposed garage appears to be located on top of the sanitary sewer lateral serving property west of the lot improvement being improved, 5632 Lake Mendota Drive. Applicant shall relocate the lateral so that it is no longer in conflict with the proposed garage and dedicate a private sanitary sewer easement to the neighboring property. Installation of a cleanout at west property line on lateral is recommended for both cleaning and for future verification of the location of sewer lateral.
 4. Applicant shall denote the regulatory floodplain elevation on the plan set. Additionally the minimum entrance elevation shall be 856.0 USGS datum.
5. 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))
 6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
 7. Revise the site plan 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 (Jenny Kirchgatter, 266-4429)

8. The submitted plans show that the attached garage door will face the street. The Plan Commission may reduce or eliminate the requirement for attached garage setback as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.
9. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
 10. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 50%. Lot coverage is defined as 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 the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
 11. Show the height of the proposed house on the elevations. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

12. 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.

Fire Department (Matt Hamilton, 266-4457)

13. 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://https://homefiresprinkler.org/](https://homefiresprinkler.org/)
14. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266- 5946.

Water Utility (Jeff Belshaw, 261-9835)

15. Upon construction, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main in the ROW or Easement with the shut-off valve located in the public right-of-way or Easement (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Contact Jeff Belshaw of Madison Water Utility (jbshaw@madisonwater.org or 608-261-9835) to discuss options on how to address the water services for 5632 & 5630 Lake Mendota Dr.

16. 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/plumbers-contractors>), 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

City Engineering Division – Mapping Section (Julius Smith, 264-9276)

17. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to utilities, that are necessary to accomplish the site development as proposed prior to final sign off. The document(s) shall be executed prior to building permit issuance.
18. The proposed garage is displacing the sewer lateral leading to the adjacent Lot 2 (5642 Lake Mendota Dr) from the Manhole located in the Public Easement in Document no. 2689287 located within the subject parcel. Provide an easement agreement to the adjacent parcel for this lateral at the new location to access the public sewer.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Forestry Division, Metro Transit, Parks Division and Parking Utility