

# PLANNING DIVISION STAFF REPORT

July 24, 2017



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5646 Lake Mendota Drive (19<sup>th</sup> Aldermanic District, Alder Clear)  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [46966](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Property Owner:** Tanya Cunningham and Neil Robinson; 5646 Lake Mendota Drive; Madison, WI 53705

**Contact:** Mark Collin; Collin Building and Design; 6609 Boulder Lane; Middleton, WI 53562

**Requested Action:** The applicant requests a demolition permit and conditional use to allow a single-family residence to be partially demolished for the purpose of building an addition to a principal building totaling in excess of five hundred (500) square feet on a lakefront property at 5646 Lake Mendota Drive.

**Proposal Summary:** The applicant proposes to completely remodel an existing single-family residence. As part of the process, a few exterior walls will be removed and reconstructed, the existing third floor will be removed and roughly 1,400 square-feet in additions will be added to an existing, roughly 3,100-square-foot single-family residence. These additions will include an attached 2-car garage on the southern side and a deck as well as an enclosed porch (with balcony above) on the northern (lakefront) side. Note: the proposal has already received a side lot setback variance from the Zoning Board of Appeals for the second story addition. Per the conditions of approval, the existing foundation and first-story wall area located within the side yard setback must be maintained. Also, given the dilapidated condition of portions of the existing building, the applicant is not completely confident that additional sections of the house will need to be completely replaced as part of the remodeling. Therefore, in order to avoid any delays, the applicant has decided to apply for the demolition permit upfront.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition and Removal permits [MGO §28.185(7)], Lakefront Development [MGO §28.138] and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) of the Zoning Code states that additions to a principal building totaling in excess of five hundred (500) square feet during any ten (10) year period on zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition and removal; lakefront development; and conditional uses are met and **approve** the demolition permit as well as conditional use requests to allow a single-family residence to be partially demolished for the purpose of building an addition to a principal building totaling in excess of five hundred (500) square feet on a lakefront property at 5646 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 14,810-square-foot (0.34-acre) subject property is located along the Lake Mendota lakeshore, to the northeast of the intersection of Lake Mendota Drive and Laurel Crest. The site 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 includes the existing 3,070-square-foot, 2½-story single-family home. City Assessor’s records indicate the home was constructed in 1925, has seven bedrooms and 2½ full bathrooms, and a detached three-car garage.

**Surrounding Land Use and Zoning:**

North: Lake Mendota

South: Across Lake Mendota Drive are single-family homes, zoned TR-C1 (Traditional Residential - Consistent 1 District);

East: Single-family homes, zoned TR-C1; and

West: Across Laurel Crest are single-family homes, zoned TR-C1.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends low-density residential development for the subject site and surrounding properties. The [Spring Harbor Neighborhood Plan \(2006\)](#), while making no specific recommendation about the subject parcel, does state that a plan goal is to “maintain the existing residential character within the neighborhood.”

**Zoning Summary:** The property is zoned TR-C1 (Traditional Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	14,810.50 sq. ft.
Lot Width	50'	50'
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'	0.6' West 7' East
Lakefront Setback	Sec. 28.138(4)(a)2. (64.4')	64.4'
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	2 stories

**Section 28.138(4)(a)2. Lakefront Yard Setback.** If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Landscaping	Inventory of shoreline vegetation	No
Building Forms	Yes	Single-family detached building

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements
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**Environmental Corridor Status:** A small portion of the property adjacent to the lake appears to be located in a flood storage district.

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

## Previous Approvals

On April 13, 2017, the Zoning Board of Appeals approved the request by the applicant for a side yard variance to construct a second story addition. Per the conditions of approval, the existing foundation and first-story wall area located within the side yard setback must be maintained.

## Project Description

As part of a substantial remodeling and sizable expansion to an existing single-family residence on a lakefront parcel, the applicant has made two approval requests: 1) for a demolition permit and 2) for a conditional use for an addition to a principal building totaling in excess of five hundred (500) square feet during any ten (10) year period on zoning lots abutting Lake Mendota and associated bays. While the applicant does not intend to outright demolish the existing structure but instead significantly renovate it, there is concern that once construction is underway and the walls and substructure are opened up, more rot will be found than anticipated and removing those parts would require a demolition permit. To avoid the scenario where the work is required to be halted while a demolition permit is applied for and granted, the applicant has preemptively requested the demolition permit.

The existing home was originally constructed in 1925 according to City Assessor's records. It includes 3,070 square-feet of living area with seven bedrooms and 2½ bathrooms. The site also includes an existing three-car detached garage.

The applicant will first remove two small portions of the existing house along the western façade, including: 1) the two walls and concrete slab of the foyer and 2) the western wall and corresponding portions of the slab foundation of the workroom. These sections are being removed due to excessive rot. Next, the applicant proposes to demolish the eastern and southern walls of the living room and replace them with a 2 x 6 wall of modern wood balloon construction along with residing, insulation and drywall. On the first floor, the applicant proposes to completely change the interior walls and add several additions including a roughly 90-foot addition to the existing enclosed porch located along the northern portion of the house; a roughly 325-square-foot addition at the northeast corner of the house to serve as the new dining room; a roughly 130-square-foot mudroom located to the east of the existing workroom. The mudroom will lead to the first floor's largest addition, a 2-car, attached garage with a covered breezeway entry. Interestingly, to help address the water issues that have plagued the house, the applicant is proposing to literally raise the first floor height 18 inches. The original house's atypical style of construction will allow this to be done without affecting the exterior walls.

The footprint of the proposed second floor will follow that of the first, save for the enclosed porch and garage. Furthermore, like the first floor, the second will also be completely remodeled and the layout significantly adjusted. The six existing bedrooms and two bathrooms will be converted into four bedrooms, three bathrooms, lounge, and a balcony above the enclosed first floor porch. Finally, the existing third floor will be completely removed.

**TABLE 1: COMPARISON OF FOOTPRINTS - EXISTING VS. PROPOSED**

	<b>Existing</b>	<b>Proposed</b>	<b>Net Increase</b>
1st floor	1502	2747	1245
2nd floor	1273	1870	597
3rd floor	423	0	-423
	<b>3198</b>	<b>4617</b>	<b>1419</b>

It should be noted that the applicant was granted a side yard variance by the Zoning Board of Appeals on April 13, 2017, to construct a second story addition. Per the conditions of approval, the existing foundation and first-story wall area located within the side yard setback must be maintained. The applicant is abiding by this requirement and has stepped the second floor back 3½ feet. The second floor roof overhang, which is roughly two feet, will not encroach beyond the setback approved by the variance.

As part of the remodeling, the exterior of the entire house will be re clad with poly ash horizontal siding, colored a light beige with trim, also of the poly ash material, colored white. The roof will be an asphalt shingle.

Regarding site changes, a roughly 13½-foot by 22½-foot deck along the lakefront façade is proposed. While the northeastern corner is outside of the allowing location for the principal building, because of its height of 2 feet above the ground level, the deck meets the Zoning Code’s requirements for decks encroaching into setback areas (as outlined in MGO §28.131(1)).

Additionally, the existing garage is proposed to be turned into a shed. As residential lots are not permitted to have separate driveways leading to separate garages, the applicant shall be required to remove the existing concrete apron which provides access to the existing garage from Laurel Crest. The site’s other accessory building – an 8-foot by 10-foot shed, currently located along the eastern property line – is an existing, non-conforming structure. Proposed for removal, because any accessory building on a lakefront parcel requires conditional use approval, such approval will need to be obtained before it can be returned to the site.

While the applicant has noted the two trees on the lakefront side which will be removed, additional perennials and rock beds are anticipated to be added after construction to help channel runoff. As part of final sign off, a fully-detailed landscape plan will need to be prepared and will need to satisfy all relevant lakefront development regulations as outlined in MGO §28.138.

## **Analysis and Conclusion**

This proposal is subject to the approval standards for Conditional Uses and Lakefront Development.

### **Conditional Use Standards**

The Planning Division believes the standards for Conditional Uses can be found met. In regards to the approval standards, 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. These standards include one related exclusively to lakefront development (Standard 13) which 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.” As an estimate of total bulk, staff utilized City Assessor’s data to estimate principal building size for the homes on the five (5) developed lots on either side of the subject property. This calculation includes living areas, enclosed porches, basement areas, and

estimated attached garage space. Using this analysis, staff found that the surrounding principal building sizes range from approximately 1,700 to 5,007 square-feet. The median size is approximately 3,223 square-feet, compared to roughly 4,500 square-feet for the proposed principal structure. While 40-percent above the median, the proposed house would be just the third largest of those in the sample.

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 adjacent lots along Spring Court range from 0.07 to 0.27. The calculated FAR for the proposed principal structure is 0.32, which is 45-percent above the estimated median (of 0.22) for the surrounding homes. It should also be noted that however that the subject parcel, is by far the smallest compared to the neighboring lots. At 14,800 square-feet, it is 25-percent below the median of 19,640 square-feet and 24-percent below the next smallest. (If the proposed house were on a lot of median size for the neighborhood, it would result in a FAR of 0.23, just 4½-percent above the median FAR.) In regards to height, the proposed home appears to be well under the maximum allowable height of 35 feet, with a depicted height of 28-30 feet, depending on the elevation. Staff notes that the heights of the surrounding homes are varied, consisting of mostly two-story structures.

### **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. Staff believe the lakefront development standards are met as long as the applicant works with City staff to verify the forthcoming landscaping plan satisfies all relevant lakefront development regulations as outlined in MGO §28.138.

Staff also note that a small portion of the property adjacent to the lake appears to be located within the flood storage district. However, no buildings or site changes are proposed in this area.

In conclusion, the Planning Division believes that the standards for Lakefront Development and Conditional Uses can be met. The new home is believed to be compatible with the varied development pattern along Spring Court. This proposal is consistent with the [Comprehensive Plan's \(2006\)](#) recommendation for low-density residential land use. The subject property is also within the planning area for the [Spring Harbor Neighborhood Plan \(2006\)](#), adopted to guide redevelopment activities in the Spring Harbor neighborhood. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it does encourage that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

### **Public Input**

At the time of report writing, staff has received comments from the Spring Harbor Neighborhood Association noting their three remaining issues of neighborhood concern related to the plan as presented to the SHNA board on Tuesday, July 11, 2017. Their concerns were: 1) the development of a landscape and stormwater runoff plan for the building parcel showing location and direction of stormwater flow; 2) the maintenance of the right-of-way line along Laurel Crest due to the 7-inch side setback (which was approved by the variance); and 3) the relocation of the 8-foot by 10-foot shed which currently exists on the site. These comments are included in the Plan Commission materials.

In response to these issues, regarding SHNA's first concern, staff note that the applicant is preparing a landscaping and stormwater plan. Regarding SHNA's second concern, Engineering-Mapping has included a condition of approval for this project requiring the applicant to remove all encroachments within Laurel Crest Right-of-Way. If encroachment continues to be a concern, City Engineering can install a right-of-way marker to clearly define where the property line is. Regarding SHNA's third concern, the 8-foot by 10-foot shed, is an existing, non-conforming structure and considered an accessory building. As it is currently proposed for removal, adding the shed back on the site will require a separate conditional use approval.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal; lakefront development; and conditional uses are met and **approve** the demolition permit as well as conditional use requests to allow a single-family residence to be partially demolished for the purpose of building an addition to a principal building totaling in excess of five hundred (500) square feet on a lakefront property at 5646 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

#### Planning Division (Contact Chris Wells, (608) 261-9135)

1. 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 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. The applicant shall provide more grading information that clearly depicts any proposed changes to site grading. This information shall be provided for staff approval.
3. The applicant shall add height dimension labels for all sides of the building. These drawings shall accurately depict the proposed building's relationship to grade and label the finished grade elevation at the building corners. This information shall be provided for staff approval.

4. The applicant shall submit a detailed landscaping plan showing any proposed landscaping or site changes. This information shall be submitted for staff approval.

**Engineering Division (Main Office)** (Contact Timothy Troester, (608) 267-1995)

5. Owner shall remove all encroachments within Laurel Crest Dr Right-of-Way. A May 2017 inspection of the Laurel Crest Dr Right-of-Way showed the air-conditioning unit for the existing residence and some pier equipment located in the public right-of-way.

6. Applicant shall show the FEMA regulatory floodplain boundary on the plan set that is submitted.

7. 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)

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

8. Remove the existing driveway leading to the detached garage from the Laurel Crest right of way and remove the section of the concrete driveway apron from within the 7-foot side yard setback. Return the disturbed areas within the Laurel Crest right of way and side yard setback to grass.

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. The Zoning Board of Appeals granted a side yard variance at its April 13, 2017 meeting to construct a second story addition. Per the conditions of approval, the existing foundation and first-story wall area located within the side yard setback must be maintained.

13. Show the side yard setback distance measured from the attached garage to the east side property line. The minimum side yard setback is 7 feet.

14. Show the lakefront setback distance measured from the proposed screen porch to the ordinary high water mark.

15. Provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline.

16. Show the designated flood plain area on the site plan.

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

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 Adam Wiederhoeft, (608) 266-9121)

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.