



PREPARED FOR THE PLAN COMMISSION

Project Address: 5050 Lake Mendota Drive (District 19 – Alder Furman)
Application Type: Conditional Use
Legistar File ID #: [74256](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Jessica Harrison; 5050 Lake Mendota Drive; Madison, WI 53705

Requested Action: Consideration of a conditional use to construct an accessory building on a lakefront parcel at 5050 Lake Mendota Drive.

Proposal Summary: The applicant is requesting approval to construct an accessory building – a 32-square-foot (8-foot by 4-foot) shed – more than 50 feet from the Lake Mendota Drive property line. The shed was installed without conditional use approval.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory buildings on zoning lots abutting Lake Mendota shall require conditional use approval.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request to construct an accessory building on a lakefront parcel at 5050 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject property is located on the north (lake) side of Lake Mendota Drive, in between Merrill Springs Road and Risser Road, and adjacent to Merrill Springs Park. The site is located within Alder District 19 (Ald. Furman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject property is a 10,082-square-foot (0.23-acre) lakefront lot. The site is occupied by a one-story, 1,433-square-foot, single-family home built in 1995. It also contains a two-car detached garage. The parcel is zoned Traditional Residential – Consistent 1 (TR-C1).

Surrounding Land Use and Zoning:

North: Lake Mendota;

East: Lake fronting single-family homes, zoned Traditional Residential – Consistent 1 (TR-C1);

South: Across Lake Mendota Drive, single-family homes, zoned Suburban Residential – Consistent 1 (SR-C1); and

West: Merrill Springs Park; lake fronting single-family homes, zoned Traditional Residential – Consistent 2 (TR-C2).

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Low Residential (LR) uses for the subject site. While the [Spring Harbor Neighborhood Plan](#) (2006) does not provide specific recommendations with regards to the subject site, it states, as one of its land use goals, “The residential character of the neighborhood should be enhanced and preserved.”

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	10,082 sq. ft.
Lot Width	50'	50.37'
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback: Accessory building	3'	7' east side yard
Lakefront Yard Setback	3' from OHWM	Adequate
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	<50%
Maximum Building Height: Accessory building	15'	<15' (5)

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing garage
Landscaping and Screening	Not required	Existing landscaping
Building Forms	Not required	Accessory building

Tables Prepared Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor, though portions of the property adjacent to the lake are within the Flood Storage District. The proposed accessory building is not 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 requests consideration of a conditional use request to add an accessory building on a lakefront parcel. 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. Please note, recent changes to 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 applicant has already constructed the 32-square-foot (8-foot by 4-foot) cedar wood shed. Per the letter of intent the structure is eight feet in height. The shed was installed without conditional use approval as the applicant was unaware that it was required. A photo of the existing condition is provided, though dimensioned elevation drawings are not included.

As the site is within the Merrill Springs Mound Group, staff have provided its customary advisory note regarding state requirements for site disturbance.

Considering the modest size of the structure and its apparent placement adjacent to existing vegetation, staff believes the applicable conditional use standards can be found met. Verification of the building height is required by Zoning, and Engineering Mapping staff have noted a condition noting that other existing improvements appear to be within a Public Sanitary Easement, which will require additional agreements for those approvals and access to the shed.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request to construct an accessory building on a lakefront parcel at 5050 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

Planning Division (Contact Lisa McNabola, 243-0554)

1. The property at 5050 Lake Mendota Drive is located within the boundary of the Merrill Springs II Mound Group (DA-0699, BDA-0274). 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
2. 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 cataloged 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 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.

3. 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 – Mapping Section (Contact Julius Smith, 264-9276)

4. The Prepare a detailed drawing showing newly landscaped area directly behind the existing house. There appears to be new retaining walls, planters and paving surfaces lying within the City of Madison Easement for Public Sanitary Sewer per Doc No. 4479319, a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities, fees and requirements in conjunction with the proposed improvements. Additionally the right to access the structure along the easterly side of the property from Lake Mendota drive will be added to the agreement. Coordinate with Julius Smith at jsmith4@cityofmadison.com.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

5. Provide the height of the shed. The maximum height is fifteen (15) feet.

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