



## Report to the Plan Commission

January 10, 2011

**Legistar I.D. #20768**  
**5426, 5428, and 5430 Lake Mendota Drive**  
**Demolition, Rezoning, & CSM**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** Approval to demolish a single-family residence to provide open space for adjacent residences and re-divide three parcels into two lots with conforming zoning.

**Applicable Regulations & Standards:** Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.12 (10) provides the process for zoning map amendments. Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the City of Madison.

**Summary Recommendation:** The Planning Division recommends the Plan Commission find that the applicable standards are met and forward zoning map amendment ID 3516, rezoning 5426, 5428, and 5430 Lake Mendota Drive to the R2 (Single-Family Residence) District, to the Common Council with a recommendation of **approval**. The approved future use would be open space for adjacent residences. The Planning Division further recommends the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map for the subject properties. These recommendations are subject to input at the public hearing and the conditions from reviewing agencies.

### Background Information

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**Applicants / Owners:** Albert Toon; 5430 Lake Mendota Drive; Madison, WI 53705  
John Wiencek; 5426 Lake Mendota Drive; Madison, WI 53705

**Contact:** Wayne Barsness; D'Onofrio Kottke & Associates; 7530 Westward Way; Madison, WI 53717

**Proposal:** The applicants propose to demolish a single-family residence to provide open space for the adjacent two residential properties. To accomplish this, the applicant further proposes to re-divide the existing (3) three parcels into two lots and rezone them from the R1 (Single-Family Residence District) to the R2 (Single-Family Residence District) to provide conforming zoning.

**Parcel Location:** The subject site is approximately 30,928 square feet (0.71 acres) in area and located on the "lake" side of Lake Mendota Drive near its intersection with Clifford Court. The parcels are within Aldermanic District 19 and the Madison Metropolitan School District.

**Existing Conditions:** There are single-family homes located on each of the three parcels. All parcels currently are zoned R1 (Single-Family Residence District) but are non-conforming due to lot size or lot width. More information about the condition of the building proposed for demolition is within the report.

**Surrounding Land Use and Zoning:** This property is surrounded by other lake-fronting single-family homes, zoned R1. Other lake front single-family homes on R2-zoned lots are located just over 400 feet from the subject properties, south of Norman Way.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential uses for these properties.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor. Portions of the properties nearest to the lake are within the flood fringe.

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

**Zoning Summary:** The subject properties are proposed for the R2 (Single-Family Residence District).

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft. (R-2)	18,860 sq. ft. (Lot 1) 12,044 sq. ft. (Lot 2)
Lot width	50' (R-2)	80' (Lot 1) 51.52' (Lot 2)
Usable open space	1,000 sq. ft. (R-2)	Adequate
Front yard	30' (R-2)	Existing
Side yards	6' - 1 story / 7' - 2 story	Existing
Lake Setback Average	TBD	Existing
Building height	2 stories/35' (R-1 & R-2)	Existing 2 story
Number parking stalls	1	2
Landscaping	As shown	Lands. within 35' of lake not changing. ( See Condition #12)
<b>Other Critical Zoning Items</b>	Flood plain, utility easements, water front development	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## **Project Review, Analysis, and Conclusion**

This request is to demolish a waterfront single-family home to provide additional open space for the adjacent two residential properties. This proposal is subject to the standards and procedures for demolition permits, zoning map amendments, and land divisions.

The two-bedroom subject home was built in 1900 and includes 1,362 square foot of area according to City Assessor records. The applicant has provided interior and exterior photos of the building and indicates the home and foundation are in poor condition. Planning Division staff have not conducted a formal inspection of this home, but note that the supplied photographs appear to show foundation damage, broken and missing windows, and worn interior and exterior surfaces. The photos can be viewed online at: [http://www.cityofmadison.com/planning/projects/reports/5428lmd\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/5428lmd_photos.pdf) The City's Preservation Planner has reviewed this request and did not provide objections to the proposed demolition.

To accomplish the proposed future use, the applicants also request approval of a Certified Survey Map (CSM) to formally re-divide the subject properties, combining the three (3) existing parcels into two (2) larger lots. The existing three lots are already undersized and are legally non-conforming under their existing R1 (Single-Family Residence District) zoning.

New lots created by CSM must comply with the underlying zoning. As proposed, the larger 18,860 square foot lot (Lot 1) would meet the R1 district standards. The smaller 12,044 lot (Lot 2) would not conform, though some of the existing non-conformities would be reduced. The issue for this property is lot width. Properties with R1 zoning must have a lot width of at least 65 feet and only a 50 foot width is provided. While it appears that the CSM could be reconfigured to create two (2) conforming 65-foot

wide lots, the applicants have decided to pursue the CSM as shown, requiring the zoning map amendment. Both properties would conform to the R2 (Single-Family Residence District) standards.

While this is a somewhat atypical request, staff believe it can likely meet the applicable approval standards. Staff believe that providing more landscaped area and less imperious surface close to the lake and eliminating the existing zoning non-conformities could be considered to be in the public interest. This request is not inconsistent with the broad recommendations contained within the Comprehensive Plan or Spring Harbor Neighborhood Plan. Staff also note that there have been a small number of similar rezoning requests including 3502 Sergeant Street and 1421 MacArthur Road that have been recently approved. In both cases, small areas were rezoned to a smaller-lot residential district, while the surrounding areas retained their original larger-lot zoning.

The R1 and R2 districts are very similar as noted below. The minimum lot size and width are the most significant site development differences. The usable open space standards also differ, though considering these are both relatively large and deep lots, staff do not anticipate this standard will have a practical impact on any future redevelopment on these lots. Further, the lakefront “averaging” process will also apply to determine the lake (rear yard) setbacks for redevelopment or additions.

	<b>R1</b> (Single-Family Residence District)	<b>R2</b> (Single-Family Residence District)
Minimum Front Yard Setback	30 feet	30 feet
Minimum Side Yard Setbacks	6 feet 1-story or 7 feet for 2-story	6 feet 1-story or 7 feet for 2-story
Maximum Height	2 stories / 35 feet	2 stories / 35 feet
Minimum Lot Size	8,000 square feet	6,000 square feet
Minimum Lot Width	65 feet	50 feet
Usable Open Space	1,300 square feet per dwelling unit	1,000 square feet per dwelling unit

The resulting lots would be consistent with the surrounding development pattern. Of the 17 waterfront parcels between Norman Way and Epworth Court, eight (8) do not conform to the minimum R1 lot width of 65 feet. Of the nine (9) parcels that do conform, staff note that three (3) properties exceed the 80 foot width proposed for the larger corner site. And while the subject sites are immediately surrounded by R1-zoned properties, R2-zoned properties are located just over 400 feet south of the subject site south of Norman Way.

From a use standpoint, the R1 and R2 districts are both intended to be primarily single-family residential districts. More intensive residential uses including duplexes or other apartment buildings are not allowed as permitted or conditional uses. The R2 district does permit two additional school-type uses (including schools with children of emotional disabilities and non-profit schools of theatre arts for children). As a practical consideration, staff does not anticipate these lakefront lots being utilized for such purposes. If so, any new construction or additions over 500 sf would require conditional use approval under the waterfront development standards.

Finally, staff note that this request proposes to rezone both resulting properties, though the larger corner property (Lot 1) does comply with the underlying R1 standards. Staff believes the applicable standards can likely be met as submitted, but note the zoning ordinance does allow the Plan Commission to recommend that the smaller lot be the only one rezoned. Staff was not aware of any opposition to these requests at the time of report writing.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends the Plan Commission find that the applicable standards are met and forward zoning map amendment ID 3516, rezoning 5426, 5428, and 5430 Lake Mendota Drive to the R2 (Single-Family Residence) District, to the Common Council with a recommendation of **approval**. The approved future use would be open space for adjacent residences. The Planning Division further recommends the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map for the subject properties. These recommendations are subject to input at the public hearing and the conditions from reviewing agencies.

### ***The following conditions have been submitted by reviewing agencies:***

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

#### ***Rezone & Demo Comments:***

1. Applicant shall record a private sanitary sewer easement for the private sanitary sewer that crosses the three (3) lots in this proposed CSM.
2. 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)
3. 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 7.5-tons per acre per year.
4. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6)) and MGO 35.02(4)(c)(2)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
5. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

#### ***CSM Comments:***

6. Label and identify the water edge designation on the Certified Survey Map. (i.e. Observed Ordinary High Water Mark, etc.)
7. The City of Madison prefers individual lot area calculations be shown to both the meander line and the water's edge and both clearly identified. If the Surveyor desires to show only one area calculation, identify which is being shown for convenience.

8. Include graphical representation of the underlying subdivision plat name, platted lot lines and lot numbers.
9. The PLSS land tie intent is a straight line extension of the Certified Survey Map boundary line. There appears to be a transposed bearing shown on this line.
10. Applicant shall record a private sanitary sewer easement and maintenance agreement for sanitary main crossing lots in the proposed CSM.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

This agency submitted a report with no recommended conditions of approval.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

11. 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.
12. 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 landscape elements to be removed 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.)
13. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued
14. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

**Water Utility** (Contact Dennis Cawley, 261-9243)

15. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency submitted a report with no recommended conditions of approval.

**Parks Division** (Contact Tom Maglio, 266-6518)

This agency did not submit a response to this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.