



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5010 Lake Mendota Drive (District 19 – Ald. Clear)  
**Application Type:** Demolition and Conditional Use  
**Legistar File ID #** [48968](#)  
**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:** Roderick Price; 5010 Lake Mendota Drive; Madison, WI 53705

**Contact:** Jason Franzen; Hart DeNoble Builders, Inc.; 7923 Airport Road; Middleton, WI 53562

**Requested Action:** The applicant requests a demolition permit and conditional use to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property at 5010 Lake Mendota Drive.

**Proposal Summary:** The applicant proposes to demolish an existing two-story residence and then construct a two-story, 9,850-square-foot single-family residence on a lakefront property. This new structure will require conditional use approval. The proposed residence’s footprint will be larger than as its predecessor and will also be shifted towards the lakefront. The existing boathouse, which will remain, will be re-sided to match the new principal residence.

**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]. Section 28.138(2)(a) of the Zoning Code states that all new principal buildings on a lakefront lot are a Conditional Use.

**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 and conditional use requests to demolish an existing two-story house and construct a new single-family residence in TR-C1 zoning on a lakefront lot at 5010 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 20,525-square-foot (0.47-acre) subject property is a double lot located on the north (lake) side of Lake Mendota Drive, a few parcels east of the intersection with Merrill Springs Road. The site is within Aldermanic District 19 (Ald. Clear) and the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 2,912-square-foot, two-story single-family home. City Assessor’s records indicate that the home was constructed in 1927 and has three bedrooms and two-and-a-half bathrooms. The existing home also has a detached two-car garage.

**Surrounding Land Use and Zoning:**

North: Lake Mendota;

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

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

West: 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.	20,525 sq. ft.
Lot Width	50'	101'
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'	9' 6" West 12' 8" East
Lakefront Yard Setback	74.8' Section 28.138(4)(a)3.	82.6' (See Comment #10)
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	41.2%
Maximum Building Height	2 stories/ 35'	2 stories/ less than 35'

**28.138(4)(a)3. Lakefront Yard Setback.** The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing detached garage Proposed attached garage (See Comment #13)
Landscaping	Inventory of shoreline vegetation	Yes (See Comment #12)
Building Forms	Yes	Single-family detached dwelling

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not within a mapped environmental corridor but a small portion of the property adjacent to the lake is within the flood storage district.

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

## Project Description

The applicant first proposes to demolish an existing two-story lakefront residence (the existing, detached, two-car garage will remain). This will require a demolition permit. The applicant then proposes to construct a two-story, roughly 9,850-square-foot, single-family residence. The new structure will require conditional use approval.

The existing home was originally constructed in 1927 according to City Assessor's records. It includes 2,912 square feet of living area with three bedrooms and two-and-a-half bathrooms. The 20,525-square-foot site is 100 feet wide (which is twice the average of the neighboring lots) and also includes an existing, detached, two-car garage. The applicant notes that the existing home is not up to code in many areas, including electrically; it does not allow for handicap access as most doors are 2-feet-6-inches wide and the main hall is extremely narrow; and is well below current energy efficiency standards. Photos of the existing residence have been included in the Plan Commission packet of materials.

The proposed building will be two-stories above grade with a lower level (basement). The lower level, while completely hidden on the road side (i.e. the southern side), because of the grade on site sloping down towards the lake, is fully exposed on the lake side. The proposed house will have five bedrooms, five-and-a-half bathrooms, and an attached, two-car garage. It will have a footprint of 3,365 square feet, compared to the 1,820 square feet of the existing residence. Regarding the lakefront setback, the proposed residence will be setback 82.5 feet from the lake, roughly 31 feet closer than the existing residence's 113.5-foot setback. Exterior materials will consist of a stucco, solid stained cedar shutters, and composite roofing tiles.

Regarding landscaping, while the overall landscaping masterplan will remain largely the same, there will be a few changes to accommodate the new, larger building footprint. Firstly, in order to comply with the Zoning Code, the existing looping driveway will be reduced to have only one entry point from Lake Mendota Drive (the removed portion will be seeded). The driveway will serve the proposed, attached, two-car garage while still continuing to serve the site's existing, detached, two-car garage. The large existing planting beds which flank the driveway at the road's edge and are outlined with stone walls, will remain.

Perennials, small and medium deciduous shrubs, evergreen shrubs, and ornamental grasses will be added around the entire perimeter of the proposed residence. Natural limestone boulders will be used to create terraced planting beds from the sloping grade along the eastern and western sides of the house. Evergreen shrubs and an ornamental shade tree will also be added on the lakefront side, in between the two proposed patios.

A small rain garden is proposed to be added along the western property line, just to the south of the eight-inch sanitary sewer pipe (along with the accompanying easement) which cuts through the lakefront (rear) lawn. Nearby, the existing walkway, which leads down to the existing boat house, will be reconstructed with new pavers.

Seven trees are proposed to be removed to make room for the new residence: four spruces and one oak tree along the western property line, a 24-inch oak tree near the center of the site (i.e. where the applicant intends to locate the large, central brick patio), and another 24-inch oak tree within the northeast corner of the proposed residence's footprint.

The applicant has stated that no vegetation will be cleared from within 25 feet of the Ordinary High Water Mark (OHWM). The only proposed change within this area will be to update the boathouse with new exterior materials added to match the new residence.

## Analysis and Conclusion

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

### Demolition Details & Standards

As proposed, the existing home would be demolished (or possibly relocated from the site). As noted in MGO Section 28.185(7), the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the zoning district. (A copy of the district's statement of purpose is provided as Attachment 1). Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. While the subject building is not a landmark building, nor does it lie within a local historic district, the Plan Commission shall consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

Staff believes that the demolition standards are met with this proposal. The removal of the building and proposed residence is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. The proposed building is consistent with the [Comprehensive Plan \(2006\)](#) which recommends low-density residential for this site as well as the [Spring Harbor Neighborhood Plan \(2006\)](#), which recommends "maintaining the existing residential character within the neighborhood." (Spring Harbor Neighborhood Plan, Pg. 43). Finally, at their August 28, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

### Conditional Use Standards

The Planning Division also 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 principal building sizes range from approximately 2,658 to 6,183 square feet. The median size is 4,894 square feet, compared to the 9,850 square feet of the proposed principal structure (which is almost exactly twice the area median).

When analyzing bulk, the zoning code also includes floor area ratio (FAR), 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 0.14 to 0.47. The calculated FAR for the proposed principal structure is 0.39, which is the just five percent higher than the estimated median for the surrounding homes of 0.37. This is due to the fact that while the proposed building is twice the area median size (as noted in the preceding paragraph), it is also located on a site that is a double lot (i.e. 100 feet wide as opposed to the typical 50-foot wide TR-C1 (Traditional Residential - Consistent 1) Zoning District lot). As a result, the large house and the large lot average each other out and the FAR for this proposal is in line with its surroundings.

In regards to height, the proposed home appears to be just under the maximum allowable height for the district of 35 feet, with a depicted height of approximately 34.8 feet (averaged across the four elevations). Staff notes that the heights of the surrounding homes are varied, consisting of primarily 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.

Staff also note that the subject site is not located in a mapped environmental corridor, although roughly the 15 foot strip adjacent to the lakefront falls within the flood storage district.

### Conclusion

In conclusion, the Planning Division believes that the standards for Lakefront Development and Conditional Uses can be met. Though large, the new home is on a large lot and because the floor to area ratio (FAR) is in line with the surrounding properties, the new home is therefore believed to be compatible with the varied development pattern along Lake Mendota Drive. 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.

At the time of report writing, staff was not aware of concerns regarding this proposal.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, (608) 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 and conditional use request to demolish an existing two-story house and construct a new single-family residence in TR-C1 zoning on a lakefront lot at 5010 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. The applicant's final sign-off plans shall include a grading plan that labels the finished-grade elevations at the building corners for approval by Planning Division staff.

2. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native American effigy mounds and archeological 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 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.

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

3. Applicant shall dedicate at 10' permanent public stormwater easement along the eastern property line running from Lake Mendota Drive to the Lake. A temporary construction easement shall be granted to allow installation of pipe in this area. Additionally, the applicant shall coordinate with City Engineering Operations crews to allow installation of a storm pipe in this easement prior to beginning the new house construction.

4. Concrete drive apron as shown will not be approved. Revise to typical drive apron or remove from plans.

5. 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))

**Engineering Division (Mapping)** (Contact Jeffrey Quamme, (608) 266-4097)

6. City of Madison Survey Staff have located in the field the Public 4" sanitary force main lying over the northerly portion of this property. In order to properly document and set forth rights and responsibilities in regard to this existing public utility, the City Engineer and the City Office of Real Estate Services shall prepare 15' wide sanitary sewer/forcemain easement centered on the pipe for execution by the Owner of the property and subsequent recording at the Dane County Register of Deeds. Contact Jeff Quamme (266-4097 or [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) with any questions.

7. A 10' Storm Sewer Easement and Temporary Construction Easement is being required by Engineering along the east side of this property. In order to properly document and set forth rights and responsibilities in regard to this proposed easement, the City Engineer and the City Office of Real Estate Services shall prepare a 110' wide easement along the east side of this property for execution by the Owner of the property and subsequent recording at the Dane County Register of Deeds. Contact Jeff Quamme (266-4097 or [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) with any questions.
8. The site plan shall remove the sanitary sewer shown, and shall show the field located force main. There is not gravity sewer through this property as is currently shown. The proposed easements shall also be shown on the site plan.

**Traffic Engineering Division** (Contact Sean Malloy, (608) 266-5987)

The agency reviewed this request and has recommended no conditions or approval.

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

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. Show the lakefront yard setback on the site plan. Show the setback distance of the balconies (loggia) as measured to the Ordinary High Water Mark.
13. 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. Identify the existing trees to remain and the trees to be removed consistently on the site plan and landscape plan. 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.
14. On the site plan, clearly show the area of the existing driveway to remain and the driveway area to be removed. Show the width of the driveway measured at the front property line. Per Section 28.141(9)(b)(1), the maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty-two (22) feet.
15. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. Obtain necessary erosion control permits.

16. 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** (Contact Bill Sullivan, (608) 261-9658)

17. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com) or (608) 516-9195.
18. 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.

**Parks/Forestry Review** (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions or approval.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

19. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
20. 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.
21. 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.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.



## **Attachment 1**

### **(MGO §28.041(1)) Statement of Purpose for Traditional Residential – Consistent Districts (TR-C1, TR-C2, TR-C3 & TR-C4)**

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.