



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5200 Lake Mendota Drive (District 19 – Ald. Clear)  
**Application Type:** Demolition and Conditional Use  
**Legistar File ID #** [46774](#)  
**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:** Matt Parnell; Vintage Homes, LLC; 1605 Tierney Drive; Waunakee, WI 53597

**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 5200 Lake Mendota Drive; 19th Ald. Dist.

**Proposal Summary:** The applicant proposes to demolish an existing 1½-story residence and then construct a two-story, 2,100-square-foot single-family residence. This new structure will require conditional use approval. The structure will be located in the same general area as its predecessor but will be moved slightly to the northwest (i.e. towards Lake Mendota) in order to conform to the zoning requirements for the district.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition and Removal permits [Section 28.185(7)], Lakefront Development [Section 28.138] and Conditional Uses [Section 28.183]. Section 28.138(2)(a) of the Zoning Code states that all new principal buildings on a lakefront lot is 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 as well as conditional use request to demolish an existing 1½-story house and construct a new single-family residence in TR-C1-zoning on a lakefront lot at 5200 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 6,270-square-foot (0.14-acre) subject property is located on the north (lake) side of Lake Mendota Drive at the northwest corner of the intersection with Spring Court. The site is within Aldermanic District 19 (Ald. Clear), Wellhead Protection District #14, and is within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 930-square-foot, 1½-story single-family home. City Assessor’s records indicate the home was constructed in 1925 and has two bedrooms and one full bathroom. The existing home also has a detached two-car garage.

**Surrounding Land Use and Zoning:**

North: Single-family homes, zoned TR-C2 (Traditional Residential - Consistent 2 District);

South: Single-family homes, zoned TR-C2;

East: Across Spring Court are single-family homes, zoned TR-C2; and

West: To the Northwest is Lake Mendota; to the Southwest is Spring Harbor Park, zoned CN (Conservation)

**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-C2 (Traditional Residential-Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	6,269.58 sq. ft.
Lot Width	40'	45.32'
Front Yard Setback	20'	57.5'
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback	One-story: 5' Two-story: 6' Sec. 28.043(2)(a) below (4.5')	5.7' north 13.7' south
Lakefront Setback	Sec. 28.138(4)(a)2. below (43.6')	47.0' <i>(See Comments #9)</i>
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height	2 stories/ 35'	2 stories/ 27' 1"

**28.043(2)(a) Side Yard Setback.** Lots with single-family detached dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

**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	1 (location only)	Existing detached garage
Landscaping	Inventory of shoreline vegetation	Yes
Building Forms	Yes	Single-Family Detached Building

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements; Wellhead Protection District (#14)
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site appears to be located in a mapped environmental corridor, with roughly the entire western half of the property (and both the existing as well as the proposed principal structures) falling partially within this area. A small portion of the property adjacent to the lake is also within the flood storage district. Prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.

**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 1½-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 2,100-square-foot single-family residence. The structure will be located in the same general area as its predecessor but will be moved slightly to the northwest (i.e. towards Lake Mendota) in order to conform to the Zoning setback requirements for the district. The new structure will require conditional use approval.

The existing home was constructed in 1925 according to City Assessor's records. It includes 933 square-feet of living area with two bedrooms and one bathroom. The site also includes an existing two-car detached garage.

The proposed building will be two-stories above grade with a basement. Exterior materials will consist of a horizontal cement board siding, cement board for the trim, a cultured stone veneer on the base, and either architectural-grade asphalt shingles or a metal roof. Regarding landscaping, no changes to the site's existing trees and shrubs are planned.

## 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 districts. 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 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 generally 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 April 3, 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 1,863 to 4,052 square-feet. The median size is approximately 2,660 square-feet, compared to roughly 2,100 square-feet for the proposed principal structure (which is 21-percent below the median).

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 0.20 to 0.59. The calculated FAR for the proposed principal structure is 0.33, which is the same as the estimated median for the surrounding homes. In regards to height, the proposed home appears to be well under the maximum allowable height of 35 feet, with a depicted height of approximately 27 feet. Staff notes that the heights of the surrounding homes are varied, consisting of one and 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 clarifies that the height of the rear deck is not elevated not more than 3 feet above the adjacent ground level (as noted by the Zoning Administrator).

Staff also note that the subject site appears to be located in a mapped environmental corridor, with roughly the entire western half of the property (and both the existing as well as the proposed principal structures) falling partially within this area. A small portion of the property adjacent to the lake is also within the flood storage district. Prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.

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 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, 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 as well as conditional use request to demolish an existing 1½-story house and construct a new single-family residence in TR-C1-zoning on a lakefront lot at 5200 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

1. That prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.

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

2. Applicant shall show the limits of the 100-year regulatory floodplain on the plan set.
3. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

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

4. The site plan shall be revised to show, dimension and label the Public Sanitary Sewer Easement per Document No. 2710757. Additionally, a deck is proposed within a portion of the sanitary sewer easement. A deck is not a permitted use within the easement area per the document. Applicant shall contact Mark Moder of City Engineering (261-9250) for approval of any proposed deck improvements within the easement and near the sanitary sewer. If the deck is approved within the easement, A Consent to Occupy Easement document shall be drafted and recorded to define responsibilities and requirements in conjunction with the proposed improvements shown within the sanitary sewer easement. A City of Madison Real Estate project will be required along with a \$500 for administrative fee to create the document, obtain required approval(s) and record with the Register of Deeds. Coordinate with and provide legal descriptions and map exhibits along with the \$500 for administrative fees to Jeff Quamme at [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com) or 1600 Emil Street, Madison, WI 53703 (Ph. 608-266-4097).
5. Application indicates Matt Parnell is owner of the property. Assessor records indicate Renegade Properties LLC - Steven Goetz is the owner.
6. The site plan shall be revised to label and note the Encroachment Agreement per Document No. 4782573 for Decorative Cedar Fence and landscaping permitted in the Public right of way of Lake Mendota Drive.

7. The site plan shall be revised to show and label the Public Storm Sewer Easement per Doc no. 1091462.
8. The site plan shall label and locate the Ordinary High Water Mark at elevation 850.7 per the Wisconsin DNR. A site benchmark shall be noted and labeled on the site plan.

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

9. Show the height of the lakefront deck measured from ground level. An uncovered deck, elevated not more than three (3) feet above adjacent ground level, may encroach into the lakefront yard. A deck elevated more than three (3) feet above adjacent ground level or covered by a roof or pergola structure must meet the lakefront yard setback.
10. 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).
11. 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.
12. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
13. Show the designated flood plain area on the site plan. Any construction within a flood plain shall meet floodproofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.121(12) of the Madison General Ordinances.
14. 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.
15. 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, 261-9658)

16. 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: <https://homefiresprinkler.org/fire-sprinkler-guide/>
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.

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

18. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
19. 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.