



## Report to the Plan Commission

August 23, 2010

**Legistar I.D. #19485**  
**4942 Lake Mendota Drive**  
**Conditional Use and Demolition Permit**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** Approval to demolish a single-family residence to construct a new single-family residence and reconstruct a boat house on a waterfront parcel.

**Applicable Regulations & Standards:** Section 28.04 (19) requires that new principal buildings or and accessory buildings must obtain conditional use approval. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.04(19) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approve** the requests to demolish an existing single-family home for the purposes of constructing a new home and the construction of a replacement boathouse on a waterfront property at 4942 Lake Mendota Drive, subject to the recommended conditions and input provided at the public hearing.

### Background Information

**Applicant/Owner:** Herman Baumann and Kay Schwichtenberg, 4942 Lake Mendota Drive; Madison, WI 53705

**Agent / Contact:** Daniel Wanke, Capital Builders Inc, 6400 Gisholt Drive, STE 105, Madison, WI 53713

**Proposal:** The applicant proposes to demolish a 1,580 square foot single-family residence and build a 3,766 square foot single-family residence. Additionally, the applicant proposes to raze an existing boathouse and build a replacement 250 square foot boathouse. The applicant anticipates starting project work in September of this year with completion scheduled for September of 2011.

**Parcel Location:** The parcel is an approximately 0.30-acre (13,134 square foot) waterfront parcel located along the southwestern shores of Lake Mendota. This parcel is located within Aldermanic District 19 and the Madison Metropolitan School District.

**Existing Conditions:** This lot includes a 1,580 square foot residence, built in 1938. The property also includes a two-stall detached garage and a 187 square foot boathouse. The applicant has provided photos of the residence proposed for demolition and further discussion is included in the project analysis section of this report.

**Surrounding Land Use and Zoning:** This property is surrounded by other lake-fronting single-family homes on relatively large lots, zoned R2 (Single-Family Residence District). Immediately across the street is the Blackhawk Country Club in the Village of Shorewood Hills. Other single-family residences, zoned R1 (Single-Family Residence District), are located to the west on the opposite side of Lake Mendota Drive.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low-density residential uses for this area.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor. A small portion of the property nearest to the lake is in the flood fringe. Zoning has requested the flood plain be clearly labeled on the applicant’s site plan.

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

**Zoning Summary:** The property is zoned R2 (Single-Family Residence District)

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	13,134 sq. ft.
Lot width	65'	66.06'
Usable open space	1,300 sq. ft.	Adequate
Front yard	30'	approximately 55'
Side yards	7 each side	10.2' (RS) 10.83' (LS)
Lake Setback Average	Average 5 lots each side	69.8' as per waterfront setback variance (6)
Building height	2 stories/35'	2 story, less than 35'
Site Design	Required	Proposed
Number parking stalls	1	3
Landscaping	Yes	Yes (1)
Other Critical Items	Sewer Easements, Flood Plain	

*Table Prepared by Pat Anderson, Assistant Zoning Administrator*

**Analysis, Evaluation, & Conclusion**

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There are two conditional use considerations with this request. First, the applicant requests approval to demolish an existing single-family residence and construct a replacement single-family home on a waterfront parcel. Second, the applicant requests approval to build a new boathouse after demolition of the existing structure. These requests are subject to the conditional use, waterfront development, and demolition standards of the Zoning Ordinance.

The site now includes the existing home, a 187 square foot boathouse, and a detached two car garage. The existing plat of survey is included in the Plan Commission’s materials.

The existing home was built in 1938, according to City Assessor records. This two-story home is 1,580 square feet in area and includes four (4) bedrooms and three (3) bathrooms. Planning Division staff have not conducted a formal inspection of the structure. Pictures of the structure are included with the applicant’s materials and indicate the home is well maintained, though there appears to be some foundation cracking and other evidence of structure settling. These pictures can be viewed from the following site: [http://www.cityofmadison.com/planning/projects/reports/4942lmd\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/4942lmd_photos.pdf)

The proposed new residence is a larger single-family home with a partially exposed lower level facing the lake. The plans indicate the new structure would be 3,766 square feet in area and include three (3) bedrooms, four (4) full bathrooms, one (1) half-bathroom, and an attached 768 square foot garage. The kitchen, great room, and dining room are on the 1,660 square foot main floor. Other bedrooms and home office space are located on the 2,106 square foot second floor. The basement is partially

exposed and includes additional living space and unfinished areas for mechanicals and storage. The garage would be "side-loaded" with the overhead doors not facing the street.

This residence has a height of 27 feet, six inches measured from midway between the roof peak and eave, as labeled on the south (street-facing) elevation drawing. As typically requested, staff recommend that the applicant's final sign-off plans label the height dimensions on the elevation drawings and label the finished-grade elevations at the building corners.

The plans indicate the primary exterior building materials would be a combination of shake fiber cement siding with stone base along the street and lake elevations.

The proposed residence would be setback 59 feet from Lake Mendota Drive and just under 70 feet from the ordinary high water mark of the lake. The Zoning Board of Appeals approved a 7.7 foot waterfront setback variance in July 2008. Zoning staff indicates these plans are consistent with that approval. The proposed side yards are roughly 10 and 11 feet.

The applicant also proposes to demolish the existing 187 square foot boathouse. The letter of intent indicates that there are cracks in that structure's foundation and notes that the building does not meet the applicable sideyard setback. A new, slightly larger boat house with an area of 250 square feet is proposed. The exterior would match that of the new home and the applicant indicates it would comply with applicable zoning setbacks. Zoning has provided an informational comment noting that the structure must be setback at least three (3) feet from the side property line and the ordinary high water mark.

The applicant also proposes to make some landscape changes along the shoreline, though the existing seven trees will be preserved. The landscape plan includes a note stating that other lower non-native perennials will be replaced with native plantings. A new retaining wall would also be added. Zoning staff has requested further details on the shoreline landscaping to ensure that these alterations comply with the waterfront development standards of the zoning code. Engineering has also recommended the a portion of the proposed retaining wall be revised to maintain the current drainage patterns. Other changes in the shoreline area include the creation of a new patio and walkway. Please note, earth disturbing activity along the lake shore (rip rap, seawalls, etc) may require a permit from the Department of Natural Resources.

Other site changes include the removal of the detached garage along the street frontage and the construction of a new driveway.

The proposed changes are consistent with the Comprehensive Plan's recommendation for low-density residential land use. The subject property is also within the planning area for the Spring Harbor Neighborhood Plan, 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. Many new buildings have been approved with a variety of building sizes and architectural styles, and staff believe that the proposed changes would not be out of character with the neighborhood or the adjacent residences.

Staff believe that the waterfront development and conditional use standards can be met with this proposal, subject to the noted conditions. At the time of report writing, staff was not aware of any objections to this request. Several neighbors have signed letters of support for these alterations, including the adjoining neighbors on either side of the property. Additionally, the City's Preservation Planner has reviewed this request and did not raise objections to the proposed demolition.

## **Recommendations 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 that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approve** the requests to demolish an existing single-family home for the purposes of constructing a new home and the construction of a replacement boathouse on a waterfront property at 4942 Lake Mendota Drive, subject to the recommended conditions and input provided at the public hearing.

1. The applicant's final sign-off plans shall include dimensioned elevation drawings for all sides of the building that label the finished-grade elevations at the building corners for approval by Planning Division staff.

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

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

2. The design of the retaining wall on the east side yard shall be revised to direct drainage around the wall and to allow drainage to continue in existing patterns.
3. The 1"=10' scale shown on the landscape plan makes it appear this plan has been reduced for application purposes. The landscape plan does not show the existing sanitary sewer. No improvements of any kind, including landscaping, are permitted over the existing public sanitary sewer. Informational note: The existing public sanitary sewer main shown on Walker Surveying Inc. Plat of Survey is contained within public easement grant to the city of Madison per recorded easement Document No. 0964094 recorded August 22, 1958.
4. All work in the public right-of-way shall be performed by a City licensed contractor.
5. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at:  
<http://www.cityofmadison.com/engineering/permits.cfm>.
6. Prior to approval of the 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

#### **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)

7. Lake front development shall comply with City of Madison General Ordinances Section 28.04 (19) 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.)
8. 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.
9. Boathouse setback shall be a minimum of three feet from the side lot line and the ordinary high water mark.
10. 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
11. 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.
12. Zoning Board of Appeals on July 8, 2010 approved a variance of 7.7' as per the plans submitted. Proposed new residence to be setback 69.8' to the ordinary high water mark of Lake Mendota.
13. Note – Any earth disturbing activity along the lake shore (rip rap, seawalls) may require a permit from the Department of Natural Resources. For more information contact the DNR at 266-2621.

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

14. 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. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

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

This agency did not submit a response to these requests.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency did not submit a response to these requests.

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

This agency did not submit a response to these requests.



**ADDENDUM** Report to the Plan Commission

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**Agenda Item #7**

Please note the following clarifications:

- The date of the approved variance was July 8, 2010.
  - The height of the proposed boat house is 10 feet (measured along the lake-facing facade, from the base of grade to midway between the peak and eave.)
  - The Fire Department provided a report with no recommended conditions of approval.
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