



**Project Address:** 5328 Lake Mendota Drive  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [30132](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Jim Coons; Coons Construction of Verona; 1827 Locust Drive; Verona, WI 53543  
**Contact:** Same as Applicant  
**Property Owner:** Joan Korb and Fredrick Wills; PO Box 410; Egg Harbor, WI 54209

**Requested Action:** The applicant requests approval of a demolition permit and a conditional use to allow the demolition of an existing residence to allow the construction of a new residence on a lakefront lot.

**Proposal Summary:** The applicant proposes to demolish the existing single-family home, constructed in 1890, to allow the construction of a 4,050 square foot home. An existing 480 square foot accessory garage would remain, while a smaller accessory building would be razed. Home demolition would begin as soon necessary approvals are granted. The application indicates new construction would commence within two years.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7), Conditional Uses [Section 28.183], and Lakefront Development [Section 28.138].

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the request to demolish a single-family home to construct a new single-family home at 5328 Lake Mendota Drive, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 13,953 square foot subject property is located on the east side of Lake Mendota Drive, just south of its intersection with Harbor Court. The site is within Aldermanic District 19 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 1,200 square foot single-family home, detached garage, and second accessory building. The frontage of the side is largely screened with existing vegetation. City Assessor's records indicate the home was constructed in 1890 and has two bedrooms and one bathroom. Information provided by the applicant shows the home is in very poor condition.

**Surrounding Land Use and Zoning:**

North: Single-Family homes, zoned TR-C2 (Traditional Residential-Consistent 2)

South: Single-Family homes, zoned TR-C2 (Traditional Residential-Consistent 2)

East: Spring Harbor and Lake Mendota

West: Spring Harbor Elementary School, zoned TR-C1 (Traditional Residential Consistent 1)

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Spring Harbor Neighborhood Plan (2006) recommend Low Density Residential land use for the area.

**Zoning Summary:** The property is zoned TR-C2 (Traditional Residential-Consistent 2).

	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	13,953 sq. ft.
Lot Width	40 '	adequate
Front Yard Setback	20'	19' (See Comment #13)
Side Yard Setback	Two-story: 6'	10.7' RS / 10'+ LS TBD (See Comment #13)
Waterfront Setback measured to NHWM.	Ave. of adjoining properties: 31.9'	TBD (See Comments #14 & 16)
Maximum height	2 stories/35	3 stories/ less than 35' (See Comment #12)
Maximum lot coverage	50%	36%
Usable open space (sq. ft. per d.u.)	1,300 sq. ft.	adequate
Site Design	Required	Proposed
Number parking stalls	1	2
Landscaping	Yes	Yes (See Comment # 19)
Lighting	No	No
Building forms	Yes	Meets building forms req.
<b>Other Critical Zoning Items</b>	Floodplain	

Table Prepared by Patrick Anderson, 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 fringe and flood storage districts. The proposed home will not be constructed within this area.

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

## Project Description

The applicant proposes to demolish the existing 1,200 square foot single-family home and an accessory building for the purpose of constructing a larger single-family home. Building photos of the existing structure have been provided and can be viewed on line at:

[http://www.cityofmadison.com/planning/projects/reports/5328lmd\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/5328lmd_photos.pdf)

The new two-story home has a footprint of about 2,780 square feet and a total area of 4,050 square feet. The lake setback is estimated at about 50 feet, though the exact dimension is not labeled. It does appear to well exceed the 31.9 foot minimum setback.

Measured to the roof peak, the structure is about 29 feet tall. (Staff notes that dimensions to the roof peak should be labeled on plans submitted for final sign off.) The new house includes a lake-side tower element which is about 33 feet in height. The owner has indicated that this feature is an important design element, intended to create a lighthouse-type effect for the structure.

The existing 480 square foot garage would remain though an additional accessory building near Lake Mendota Drive will be removed. The driveway will be slightly reconfigured and expanded.

Plans show that two trees located about 30 feet from the front property line will be removed to accommodate construction. Information provided indicates that the building and impervious site improvements result in 36% lot coverage. Detailed grading information has not been provided.

## **Analysis and Conclusion**

The applicant seeks approval of a demolition permit and conditional use. This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7), Conditional Uses [Section 28.183], and Lakefront Development [Section 28.138].

### **Demolition Approval Standards**

Staff believes the demolition standards can be met. In considering the demolition standards, the Plan Commission must find that the proposed demolition is both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. Regarding the latter, the standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Noting the poor condition of the existing home, relocation does not appear to be a feasible option. No objections to this demolition request were raised by the City's Preservation Planner or Landmarks Commission.

### **Conditional Use Approval Standards**

Staff also believes the conditional use standards, including those for lakefront development, can be met.

The conditional use standard for lakefront development (Standard 13) 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." Based on City Assessor's data for homes within 300 feet, the proposed 4,050 square foot residence is more than double the median home size within this study area. These lakefront homes currently range in size from 1,316 to 2,733 square feet. However, staff notes that the 13,953 square foot subject lot is over twice as large as all but one of these surrounding properties. As such, the resulting floor area ratio (comparing building floor area to lot size) is well below the median floor area ratio among the surrounding properties.

In further considering bulk, staff notes that the home does not meet the attached garage setback standard that require garages are recessed at least two feet from the front of the house. That standard also states that the attached garage door may occupy no more than 50% of the width of that building façade. Considering the uniqueness of lakefront development, the code allows the Plan Commission to reduce or eliminate these requirements where physical constraints make compliance infeasible as part of the conditional use approval. Considering factors such as the “pie-shaped” lot, existing vegetation, the applicant’s desire to maintain the existing garage, and the desire to locate the living area on the lake side of the lot, staff believes that such a finding can likely be made.

Conditional Use Standard 7 states that “The conditional use conforms to all applicable regulations of the district in which it is located.” The Assistant Zoning Administrator has noted two “non-standard” conditions necessary to bring the project into conformance with applicable regulations. The first condition relates to the aforementioned tower element. While the element appears to comply with bulk standards, the interior configuration includes a loft within the tower which counts as a third story, which is not permissible. The second issue is the front setback, which appears to be only 19 feet, where a 20 foot setback is required. The applicant is aware of these concerns and has indicated she will be working with her architect on necessary revisions or potentially a variance application.

Finally, as a clarification, the application states that while demolition is scheduled to occur shortly after all approvals are granted, new construction may not begin for up to two years. This will require an extension of this conditional use, noting that the building permits must be issued within one year of the Plan Commission approval. For non-controversial projects, such extensions have often approved administratively upon the favorable recommendation of the district Alderperson. The code allows conditional use extensions up to 36 months.

## Conclusion

The existing home appears to be in very poor condition. Staff believes the proposal can meet the demolition and conditional use standards, though some alterations to the new home plans are necessary to meet zoning requirements. Staff does not anticipate that these alterations will add or significantly alter the mass of the project. As such, staff believes the proposal can be approved subject to the recommended conditions. As with all conditional uses, significant changes would require further consideration by the Plan Commission. At the time of report writing, staff was not aware of any neighborhood concerns on this proposal. Staff concludes the approval standards can be met.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 266-5974)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the request to demolish a single-family home to construct a new single-family home at 5328 Lake Mendota Drive, 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 Kevin Firchow, 261-9688)

1. That the applicant provides more grading information that clearly depicts any proposed changes to site grading. Any changes shall be approved by staff.
2. That the plans submitted for final site plan include all height and setback dimensions, showing compliance with the Zoning Code. Elevation drawings shall also label the finished grade elevation at the building corners. This information shall be provided for staff approval.

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

3. This property appears to be connected to MMSD sanitary sewer in Lake Mendota Drive. A temporary sewer plug permit shall be taken out with the City prior to approval of the demolition permit. In addition, the contractor performing the work shall contact Ray Schneider of MMSD at 347-3628 to inspect plugging of the lateral.
4. Prior to approval, confirm existing sanitary sewer connection. Revise plans to show proposed sanitary sewer connection. Reuse of sewer connection reliant upon 5324 Lake Mendota Drive, shall not be permitted.
5. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
6. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
7. 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))
8. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

9. When the applicant submits plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines,

addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

10. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
11. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

12. The overall height of the building is within the maximum allowed in the zoning code, however, plans represent a building that qualifies as a three-story building, where a maximum of two stories is allowed. Final plans must be modified, for the building to qualify as a two-story building, which can be accomplished by removal of the loft space or modification to this space to have it function as a clear story or ceiling above the 2nd floor.
  13. The submitted site plan does not provide the setbacks of the proposed building to the property lines, including the OHWM of lake Mendota. When measured, the proposed building does not provide the minimum 20' front yard setback. There is space to shift the building to toward the lake, which will result in compliance with the 20' front yard setback. A complete site plan, including all distances between the proposed structure and the property lines (including OHWM) is required prior to final sign-off. NOTE: Zoning variances may be required, but this cannot be determined with the submitted plans.
14. Sec. 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, Mr. George Dreckmann. (608-267-2626).
  15. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a) 5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
  16. Show location of regulatory floodplain on final submitted plan.
  17. State setbacks and State building requirements including but not limited to a soils engineering report. Contact Fred Rehbein (608-267-8688) with the building permit review staff regarding these requirements.
  18. Provide surveyors verification pursuant to Section 28.138(4)(a)1. establishing the existing development pattern, setback from the normal high water mark. For purposes of this section, the existing development pattern shall mean the average setback of the principal buildings on the (2) adjoining lots, provided that the setbacks of those buildings are within (20) feet of one another. For all zoning lots, the principal building setback shall be not less than the existing development pattern. Setbacks are measured to the principal building on the lot which includes all decks three feet or more above the normal grade. Survey shall be submitted with plans for final sign off, showing an accurate existing development pattern prior to a building permit being issued.

19. Section 28.138 (3)(a) provide the development plan shall show 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. 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. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
20. Pursuant to section 28.141 (9)(b)1. Within a front yard setback or street side yard setback, including the extension of the side yard setback into the rear yard setback (see Figures I8 and I9). The driveway must lead only from a street to the nearest garage or to a parking area located in compliance with Subsection (8)(c) above. Maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty two (22) feet. Final plans shall dimension driveway at the right of way no wider than 22 feet. The submitted plan reflects a driveway wider than 22' at the property line.
21. It appears that the applicant has requested the Plan Commission to waive the attached garage setback as part of the Conditional Use process pursuant to section 28.031 (3).
22. As part of final sign-off, provide documentation of the existing detached accessory structure, including floor plans and photographs or elevation drawings of all sides of the exterior of the building, for documentation of this Conditional Use.

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

23. 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: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
24. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

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

25. 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 Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

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

This agency did not provide comments for this request.