

## PLANNING DIVISION STAFF REPORT

May 22, 2017



### PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4930 Lake Mendota Drive (District 19 – Ald. Clear)  
**Application Type:** Demolition and Conditional Use  
**Legistar File ID #** [46773](#)  
**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** Jeff and Mariel Simon; 147 Lansing Island Drive; Indian Harbor Beach, FL 32937

**Contact:** Jim Gempeler; GMK Architecture, Inc.; 3220 Syene Road, Suite 101; Madison, WI 53713

**Requested Action:** The applicant requests a demolition permit to demolish 50 percent or more of the exterior walls of a single-family residence. The applicant also requests conditional use approval to 1) construct an addition in excess of 500 square feet on a lakefront property and 2) construct an accessory building in TR-C1 zoning on a lakefront property at 4930 Lake Mendota Drive.

**Proposal Summary:** The applicant proposes to demolish an existing one-story residence and then construct a two-story, 5,600-square-foot single-family residence along with a 680-square-foot, detached, one-car garage. Both buildings require conditional use approval.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition and Removal permits [Section 28.185(7)], Conditional Uses [Section 28.183], and Lakefront Development [Section 28.138]. Section 28.211 states that one of the definitions of a demolition as: "An act or process that during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building." Section 28.138(2)(a) states that additions to principal building totaling in excess of five hundred (500) square feet during any ten (10) year period, or any accessory building on zoning lots abutting Lake Mendota ... shall require conditional use approval and shall meet the requirements of this subsection.

**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 requests to demolish 50 percent or more of the exterior walls of a single-family residence, construct an addition in excess of 500 square feet, and construct an accessory building in TR-C1 zoning on a lakefront property at 4930 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 14,454-square-foot (0.33-acre) subject property is located on the north (lake) side of Lake Mendota Drive, roughly one-tenth of a mile east of the intersection with Merrill Springs Road. The site is within Aldermanic District 19 (Ald. Clear) and is within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 3,080-square-foot, one-story single-family home. City Assessor's records indicate the home was constructed in 1959 and has three bedrooms and two and a half full bathrooms. The existing home also has an attached two-car garage.

**Surrounding Land Use and Zoning:**

North: Lake Mendota;

South: Across Lake Mendota Road is the Blackhawk Country Club, Zoned CF (Community Facility District) (Village of Shorewood Hills Zoning);

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.	14,454 sq. ft.
Lot Width	50'	66.06'
Front Yard Setback	20'	20' 6" detached garage setback (See Comment #9)
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback	One-story: 6' Two-story: 7'	7' 1" east 7' 4" west (See Comment #9)
Lakefront Yard Setback	See Sec. 28.138(4)(a)1. below 69.1'	69.1' (See Comments #4 & #9)
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50% (See Comment #11)
Maximum Building Height: Principal Building	2 stories/ 35'	23' 8"
Maximum Building Height: Accessory Building	15'	14' 9"

**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 attached garage Proposed detached garage (See Comment #3)
Landscaping and Screening	Inventory of shoreline vegetation	Yes (See Comment #5)
Building Forms	No	Existing single-family dwelling with additions less than 50%

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements
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**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor, though a small portion of the property adjacent to the lake is within the flood storage district. Neither the proposed new construction nor accessory building is proposed in this area.

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

## Project Description

The applicant first proposes to demolish 50-percent or more of the exterior walls of an existing one-story lakefront residence. This will require a demolition permit. The applicant then proposes to construct an addition in excess of 500 square feet to the residence as well as an accessory building in TR-C1 zoning on a lakefront property. Both structures will require conditional use approval.

The existing one-story single-family home was constructed in 1959 according to City Assessor's records. It includes 1,870 square-feet of living area with three bedrooms and two and a half full bathrooms. The existing home also has an attached two-car garage.

The proposed renovation of the existing single-family residence will convert the existing one-story house into a two-story house. Due to grade sloping towards the lake (i.e. south to north) across the site, both the existing and proposed structures have the lower level fully exposed on the lake side elevation.

Regarding the proposed renovation of the existing structure, the submitted drawings (included in your packet of materials) indicate which walls, both exterior and interior, will be removed and which will be added. After the construction is finished, the program for the basement and first floor will remain primarily the same as the existing while the proposed new house will have a second floor with two bedrooms, two full bathrooms, and an office.

Whereas the existing house is a mid-century one-story ranch with brick siding and a cross-hipped roof, the proposed house will be modern, rectilinear composition with flat roofs. A white, composite, horizontal, clapboard siding will be the primary exterior material, with a similar clapboard siding in olive green used as an accent. While portions of the existing brick will be maintained on the lower levels, it will be stained charcoal grey. The roof fascia will be a white metal. Finally, while the existing lakefront deck will be preserved, a roughly 12-foot long section of a roughly 12-foot tall perforated metal panel spanning from the existing railing down to grade is proposed along the western side of the deck.

The proposed detached one-car garage is similar to the primary residence in terms of architectural style and materials. It also engages the existing grade in a similar fashion with its lower-level becoming fully exposed on the lake side. The lower level of the garage will house a single automobile stall while the upper floor, accessed via an external stair along the western façade, will provide storage space. An upper walkway, which becomes a bridge as the grade falls away, will provide additional access directly to this storage space from the street. Regarding materials, the same palette as the principal residence will be used on the garage save for a frosted-glass garage door on the lower level. Perforated metal panel have also been proposed along the east side of the upper walkway as well as on the west side of the exterior staircase.

The landscaping plan for the site calls for groupings grasses, perennials, shrubs and small trees to be placed in order to highlight features over much of the site. All of the large trees save for an Ash at the southeast corner of the site will remain. Three Aspen trees are proposed to be added nearby as a replacement. Two meandering paths constructed of pavers will be added and connect the house with the staircase with leads to the dock. Many of the waterfront features (the dock, staircase, and retaining walls) will be repaired or replaced.

## Analysis and Conclusion

These proposals are subject to the approval standards for Demolition, Conditional Uses, and Lakefront Development.

### Demolition Details & Standards

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 existing building and proposed buildings are not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. The proposed buildings are 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 May 1, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

### Conditional Use Approval

The Planning Division also believes the standards for Conditional Uses can be found 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." 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 1,063 to 6,081 square-feet. The median size is approximately 4,786 square-feet, compared to 5,600 square-feet for the proposed principal structure (which is 17-percent above the median). Furthermore, staff notes that the 14,454-square-foot subject lot is the fourth largest out of the ten lots in the study area. For immediate comparison, the adjacent home to the west is approximately 4,990 square-feet (and sits on a 13,926 square-foot lot) and the adjacent home to the east is approximately 4,000 square-feet (and sits on an 11,375 square-foot lot).

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 proposed principal structure is 0.39, which is 30-percent above the estimated median 0.30 FAR 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 23.75 feet (and a detached garage at an approximate height of 14.75 feet). Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures.

While the median garage footprint in the study area is 576 square-feet, the footprint of the proposed garage is 332 square-feet (with a second story of 347 square-feet for a storage room). Including just the footprint would put the garage at roughly 43-percent below the median, while including the second story would put the garage just 17-percent above the median. For direct comparison, the detached 3-car garage next door at 4926 Lake Mendota Drive is approximately 720 square-feet, so the subject garage falls within the range of approved accessory buildings in the area. Regarding percentage of lot area coverage, it is 2.2-percent lot coverage is minute due to the spacious 23,167-square-foot lot that it sits on.

### **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.

In conclusion, the Planning Division believes that the standards for Lakefront Development and Conditional Uses can be met. The new home and new accessory building are believed to be compatible with the varied development pattern along Lake Mendota Drive. This proposal is 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. 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 requests to demolish 50 percent or more of the exterior walls of a single-family residence, construct an addition in excess of 500 square feet, and construct an accessory building in TR-C1 zoning on a lakefront property at 4930 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

### **Engineering Division (Main Office)** (Contact Brenda Stanley, 261-9127)

1. Applicant shall maintain drainage from S to N along both side lot lines and not fill to force all water to be directed to neighboring lots. A grading plan shall be added to the plan set to show how the side yards shall be explicitly graded.

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

2. An 8-inch sanitary sewer runs through the rear yard of this site. The sewer was constructed circa 1959 with a general easement per Document No. 964094 without specific location or width. For the sewer in this area, when redevelopment occurs, City Engineering requires the owner to grant a 15' wide sanitary sewer easement centered on the existing facilities. Applicant shall coordinate with and have their surveyor provide a map and legal description of the required easement to Jeff Quamme. ([jquamme@cityofmadison.com](mailto:jquamme@cityofmadison.com)) The easement document will be drafted by City Real Estate for execution by the owner(s) and subsequently recorded by City Real Estate Staff.

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

3. Remove the existing paved parking area located in the front yard setback between the proposed detached garage and Lake Mendota Dr. Return the section of paved area that is located on the private property to a grass or landscape surface. Return the section of paved area that is located in the City right-of-way to a grass surface per City Engineering requirements.
  4. Verify that the studwall will not be removed behind the existing elevated deck, and provide details regarding the repair of the deck. The deck is an existing encroachment within the lakefront yard setback. If the wall supporting the deck is removed or if the deck structure is removed, the deck may not be replaced within the lakefront setback.
  5. It appears that screening is proposed on the west side of the existing elevated deck within the lakefront setback yard. Screening must comply with the provisions of Section 28.142(11).
6. 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).
  7. 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.
  8. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
  9. Clearly show the location of the roof eaves and gutters in relation to the property lines and setbacks. Roof eaves and gutters may project up to two (2) feet into a side yard setback and three (3) feet into the front or lakefront yard setbacks.
  10. 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. Any earth disturbing activity along the lake shore may require a permit from the Department of Natural Resources. Contact the Department of Natural Resources for more information.
  11. Provide lot coverage information for the area within thirty-five (35) feet of the Ordinary High Water Mark (OHWM). Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit. Provide details of proposed pervious paver areas.

12. 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)

13. 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/>

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

14. 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.
15. 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.