



## PLANNING DIVISION STAFF REPORT

October 28, 2019

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5646 Lake Mendota Drive (District 19 – Ald. Furman)  
**Application Type:** Conditional Use  
**Legistar File ID #** [57487](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant:** Tanya Cunningham; 5646 Lake Mendota Drive; Madison, WI 53705

**Requested Action:** The applicant requests a conditional use to construct an accessory building on a lakefront property at 5646 Lake Mendota Drive.

**Proposal Summary:** The applicant proposes to place a 96-square foot shed on a lakefront property occupied by a single-family house. The shed was required to be removed as a condition of approval for a 2017 demolition permit and conditional use approval for the house on the site.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory building on zoning lots abutting Lake Mendota and associated bays shall require Conditional Use approval.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses lakefront development are met and **approve** the conditional use request to place an accessory building on a lakefront property at 5646 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 10,570-square-foot (0.24-acre) subject property is located on the western (lake) side of Lake Mendota Drive, between North Ingersoll Street and North Few Street. The site is within Aldermanic District 19 (Ald. Furman) as well as the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 2,777-square-foot, two-and-a-half-story single-family home. City Assessor's records indicate the home was constructed in 1912 and has five bedrooms, two full bathrooms and two half bathrooms. The site also includes a two-stall attached garage and a one-stall detached garage located northwest of the residence.

#### Surrounding Land Use and Zoning:

**West:** Across Laurel Crest, single-family homes zoned TR-C1 (Traditional Residential - Consistent 1) district;

**East:** Single-family homes zoned TR-C1;

**North:** Lake Mendota; and

**South:** Across Lake Mendota Drive, single-family homes zoned TR-C1.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends “low residential” land uses for subject site and surrounding properties. The [Spring Harbor Neighborhood Plan](#) (2006) does not have specific recommendations for this site.

**Zoning Summary:** The property is zoned TR-C1 (Traditional Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000	14,811
Lot Width	50 ft	50 ft
Front Yard Setback	20 ft	Adequate
Side Yard Setback	3 ft (accessory building)	3 ft
Lakefront Setback	64.4 ft	Adequate
Usable Open Space	1,000 sq ft	Adequate
Maximum Lot Coverage	50%	<50%
Maximum Building Height	15 ft (accessory building)	8 ft

<b>Other Critical Zoning Items</b>	Floodplain
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*Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**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. The proposed new construction is not located within this area.

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

## Project Description, Analysis, and Conclusion

The applicant requests a conditional use in order to construct an accessory building on a lakefront parcel with a single-family residence.

### Previous Approvals

The existing home was originally constructed in 1925 as a seven bedroom 3,070-square foot house. In 2017, a demolition permit and conditional use were approved, which enabled the property owners to demolish and portion of the building and add additional space. The house is now two stories and 4,617 square feet, with four bedrooms, two-and-one-half bathrooms, and an attached garage. As part of the previous approval, an existing detached garage was proposed to be converted to a shed. As residential lots are not permitted to have separate driveways leading to separate garages, the applicant was required to remove the concrete apron providing access to the detached garage. A second accessory building, an 8’ by 12’ shed located on the eastern property line was an existing, non-conforming structure. It was proposed for removal and the previous staff report indicated that conditional use approval would be needed if it were to be returned to the site.

### Project Description

The owner and applicant now requests approval to place a pre-built 8-foot tall, 8-foot by 12-foot shed between the existing accessory building (formerly the detached garage) and new attached garage. It is unclear whether this is the same shed originally required to be removed, but the current request is for placement compliant with zoning; the previous placement of the on-site shed was within the accessory building sideyard setback. According

to the letter of intent, the shed is to be mounted on skids and placed directly on the ground, with no permanent foundation. The elevations provided by the applicant do not label materials or colors, but letter of intent indicates that the shed is wood, with an asphalt shingle roof.

### **Adopted Plan Recommendations**

The [Comprehensive Plan](#) (2018) recommends “low residential” land uses for subject site and surrounding properties, which includes one- and two-family residences at densities less than 15 dwelling units per acre. The [Spring Harbor Neighborhood Plan](#) (2006) does not have specific recommendations for lakefront residential areas, but does encourage that new and redeveloped homes be of a height and scale relative to the neighborhood and sensitive to the area’s natural character.

### **Conditional Use Approval**

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. However, this request is for an accessory building. Staff has analyzed the properties in the study area to include living areas, enclosed porches, estimated attached garage space, and all detached accessory building. Using this analysis, staff found that the surrounding total building bulk range from under 2,500 to nearly 5,900 square-feet. The total floor area of all structures proposed for 5646 Lake Mendota Drive is 5,500 square feet, the second most of the study area, and would be 20 percent above the mean and 10 percent above the median with the shed. Nearly all of the bulk is existing, as the shed is less than 100 square feet. The Zoning Code’s definition of bulk also includes FAR, or floor area ratio, which compares the total floor area (on all floors) to lot area (An FAR of 1.0 would indicate the total building floor area is equal to the lot area). The calculated FAR for the adjacent lots along Lake Mendota Drive range from 0.13 to 0.30. The calculated FAR for this property is 0.36, the highest of the surrounding homes. However, it should be noted that the subject parcel is the smallest of the lots in the study area, 25 percent smaller than the median. Additionally, staff again notes that the shed is a minor contributor to the site’s overall FAR. Staff also reviewed the study area to review the size and number of accessory buildings on nearby properties. Six of the ten properties in the study area have accessory buildings or detached garages, two of which are larger than the total ground floor area of both accessory buildings proposed for this property. Staff believes the addition of an eight-foot tall shed less than 100 square feet in area will have a limited effect on the total bulk of all development on the lot.

### **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 a narrow area adjacent to the lakefront falls within the flood storage district. No changes are proposed in this area.

## Conclusion

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be found met. This proposal is also consistent with the Comprehensive Plan and Spring Harbor Neighborhood Plan's recommendation for lower-intensity residential land uses. The size of the shed and the proposed location between the principal structure and the larger accessory building on site will minimize the visual impact of the shed, both from the Lake Mendota Drive and Lake Mendota. As such, the staff believes the accessory building to be compatible with the varied development pattern along Lake Mendota Drive and the lakeshore.

At time of report writing, Staff is unaware of any public comment.

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses lakefront development are met and **approve** the conditional use request to place an accessory building on a lakefront property at 5646 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 Colin Punt, (608) 243-0455)

1. Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. 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. The following information is provided for the reference of the applicant because the site may be associated with Native effigy mounds and archaeological 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 cataloged land contiguous to a cataloged 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 cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

*The Assistant Zoning Administrator, Engineering Division, Traffic Engineering Division, Fire Department, Parks Division, Forestry Division, and Metro Transit have reviewed this request and have recommended no conditions of approval.*