



PREPARED FOR THE PLAN COMMISSION

Project Address: 4918 Lake Mendota Drive (19th District, Alder Furman)
Application Type: Conditional Use
Legistar File ID # [57982](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Contact: Mark M. Wohlferd; Design Shelters, LLC. 3207 Glacier Ridge Rd.; Middleton, WI 53562

Property Owner: Mustafa Baskaya; 3322 Blackhawk Dr. Madison, WI 53705

Requested Action: The applicant requests a demolition permit and conditional use approval to demolish an existing single-family home and construct a new single-family residence on a lakefront property at 4918 Lake Mendota Drive.

Proposal Summary: The applicant proposes to demolish an existing, one-story, single-family home and construct a two-story single-family home with an attached garage on the lakefront parcel.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Lakefront Development [MGO §28.138], and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) of the Zoning Code states that all new principal buildings on zoning lots abutting Lake Mendota and associated bays require Conditional Use approval.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing single-family home to construct a new single-family home in the TR-C1 (Traditional Residential – Consistent 1) zoning district on a lakefront property at 4918 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 19,965-square-foot (0.46-acre) subject property is located on the north side of Lake Mendota Drive, east of Merrill Springs Road, less than 100 yards west the boundary between Madison and Shorewood Hills. The site is within Aldermanic District 19 (Ald. Furman) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is a lakefront parcel zoned TR-C1 (Traditional Residential – Consistent 1). The site includes the existing 1,063-square-foot, one-story, single-family home. City Assessor’s records indicate the home has two bedrooms and one bathroom. Assessor records list the house being built in 1926, though the City Preservation Planner, Wisconsin Historical Society, and the Madison Trust for Historical Preservation indicate it was built in the 1880s. A small deck and accessory building are located at the northeast corner on the lakeshore. The site also contains a large panther-shaped effigy mound situated east-west across the width of the parcel.

Surrounding Land Use and Zoning:

North: Lake Mendota

South: Across Lake Mendota Drive, a golf course in the Village of Shorewood Hills;

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](#) (2018) recommends low residential land uses for the subject site and surrounding properties While the [Spring Harbor Neighborhood Plan](#) (2006) makes no specific recommendations about the subject parcel, it does state that its housing 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	19,965
Lot Width	50 ft	99 ft
Front Yard Setback	20 ft	34 ft
Side Yard Setback	7 ft	9 ft, 11 ft
Lakefront Yard Setback	72 ft	84 ft
Usable Open Space	1,000 sq ft	13,301 sq ft
Maximum Lot Coverage	50%	31%
Maximum Building Height	2 stories/35 ft	25 ft (Zoning comment 5)

Section 28.138(4)(a)3. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

Other Critical Zoning Items	Floodplain, Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, a small area near the shoreline is partially located within the flood storage district.

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

Project Description

The site is located on the north side of Lake Mendota Drive, east of Merrill Springs Road, less than 100 yards west of the boundary between Madison and Shorewood Hills, and directly north of the boundary between the City and Village that runs along Lake Mendota Drive. The site currently includes an existing 1,063-square-foot, one-story, single-family home. The City Preservation Planner, the Wisconsin Historical Society, and the Madison Trust for Historical Preservation indicate it was built in the 1880s. A small deck and accessory building are located at the northeast corner on the lakeshore.

The applicant proposes to demolish the existing residence and remove two large trees within the proposed building envelope, one immediately south of existing building, and one immediately east. The submitted [photos](#) of the existing building show an older building with peeling paint, overgrown vegetation, and signs of water damage in the basement and a leaking roof. The existing driveway will be repaved and reconfigured, though plans show it largely replacing the existing driveway in the same location. The applicant has indicated that the existing deck and accessory building on the lakeshore are to remain.

The applicant proposes to build a 4,538-square foot, two story home with a two-stall attached garage. The proposed house has four bedrooms, four bathrooms, and two half bathrooms. The home also features a partially exposed basement, screen porch, and deck. Except for one portion of the building with a sloped metal roof, the house features a flat roof. It is proposed to be clad primarily with neutral-color smartside lap siding, with masonry veneer, aluminum fascia, and longboard aluminum siding trim and accents. Access to the garage is via a new driveway from Lake Mendota Drive.

Of particular interest on the site is a panther-shaped effigy mound situated east-west across the width of the parcel, which is catalogued by the State Historical Society. All known burial sites in Wisconsin are protected under State Statute 157.70. In brief, burial sites are divided into two categories – catalogued and uncatalogued. Cataloguing a burial site awards the site additional protections. The panther mound at 4918 Lake Mendota Drive has portions that are both catalogued and uncatalogued. The mound itself is catalogued, providing it with the greatest protection, while the surrounding area is uncatalogued. The area of work for the demolition and the building envelope of the proposed new house are within the uncatalogued portion. The applicant has submitted plans and a Request to Disturb form the State Historic Preservation Office for authorization to undertake ground-disturbing work. The owner and/or contractor are required to have an archaeological monitor on-site during any ground-disturbing activities. The applicant has indicated their intent to follow the requirements for construction and land disturbing activities near the catalogued area.

Analysis

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Lakefront Development [MGO §28.138] and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) of the Zoning Code states that all new principal buildings on zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval. This section begins with an analysis of demolition and removal standards, before reviewing applicable conditional use standards, and finishing with lakefront development standards.

Demolition and Removal Standards

The existing house is proposed to be demolished. 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. The Plan Commission shall also consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

The proposed building is generally consistent with the [Comprehensive Plan](#) (2018), which recommends low residential land uses for the subject site and surrounding properties. Low residential areas are predominantly made up of single-family and two-unit structures. While the [Spring Harbor Neighborhood Plan](#) (2006) makes no specific recommendations about the subject parcel, it does state that its housing goal is to “maintain the existing residential character within the neighborhood.” Specific recommendations in the Neighborhood Plan are to “maintain the current mix of housing types in the neighborhood, at various prices, to offer a variety of housing options to current and new residents” and to “encourage residential property owners to use sustainable building practices, low impact development methods, and incorporate green building materials into their construction projects.” Staff believes the request is also consistent with the neighborhood plan.

According to the City Preservation Planner, President Cleveland had lunch on the property, and the Madison Trust for Historic Preservation has been working with the new owner to document the property prior to its possible demolition. At their October 14, 2019 meeting, the Landmarks Commission found that the building requested for demolition may have historic value, but the building itself is not historically, architecturally, or culturally significant; and the effigy mound makes the site historically and culturally significant. The report of the Landmarks Commission is attached.

Of additional concern is the effigy mound on the site, especially regarding sanitary sewer and stormwater issues. The letter of intent states that requirements are being followed and that the applicant has been working with the State to comply with all regulations of the State Historic Preservation Office. However, the existing sanitary sewer connects to a public sewer that runs parallel to the lakeshore north of the mound via a lateral under the mound. Further, as the mound stretches across the width of the site, stormwater drainage must be directed appropriately to drain to the lake. If this request is approved, the applicant will need to provide plans that can meet both the requirements of the State Historic Preservation Office and the City Engineer.

Staff believes the Plan Commission can find the demolition standards are met with this proposal.

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. As stated above, staff believe the proposal is generally consistent with both the Comprehensive Plan (2018), as well as the Spring Harbor Neighborhood Plan (2006).

The conditional use standard for lakefront development (Standard 13) states that "when applying the above standards to lakefront development under M.G.O. §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. It should be noted that there are only two homes to the east of 4918 Lake Mendota Drive. Using this analysis, staff found that the principal building sizes range from approximately 3,051 to 6,225 square feet. The median size of the surrounding homes is approximately 4,970 square feet, compared to the roughly 6,678 square feet for the proposed principal structure (which is 34 percent above 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. (A 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 0.33, which is slightly lower than the estimated median 0.34 FAR for the surrounding homes.

Staff believes the conditional use approval standards can be found to be met, or are not applicable.

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. MGO §28.138(3)(a) states that "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.” The applicant has indicated in the letter of applicant that no vegetation within 35 feet of the shoreline will be affected.

Staff notes that while none of the subject site is not located in a mapped environmental corridor and a small portion of the property adjacent to the lake appears to be located in the flood storage district, because there is no construction or changes proposed anywhere near the sensitive 35 feet of land adjacent to the lake’s edge staff believe the lakefront development standards are met.

Conclusion

In conclusion, the Planning Division believes that the standards for Demolition and Removal, Lakefront Development, and Conditional Uses can be met. The new home is believed to be compatible with the residential development pattern along Lake Mendota Drive. This proposal is also believed to be consistent with the Comprehensive Plan, as well as the Spring Harbor Neighborhood Plan. Staff notes again that the applicant must satisfactorily address conditions of the City Engineering Division, as well as the requirements of the State Historic Preservation Office, with regards to drainage across, under, or around the effigy mound. While the Plan Commission has power to review and approve this demolition and conditional use request, approvals regarding the effigy mound are under the jurisdiction of the State Historic Preservation Office.

Staff has received several public comments regarding this proposal, which are attached to this report.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing single-family residence and build a new single-family residence in the TR-C1 (Traditional Residential – Consistent 1) zoning district on a lakefront property at 4918 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. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of 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 catalogued land contiguous to a catalogued 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).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. 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.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

2. 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).
3. 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.
4. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
5. 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.
6. Show the height of the proposed building on the elevations. The maximum height is 35 ft. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

7. Applicant required to survey location City sewer that crosses the property and include location on plan. A 15 ft wide easement centered over the City sewer will be required as a condition of plan approval.
8. Demonstrate how drainage from lot will be directed towards the lake. The eastside of the lot appears to direct water onto adjacent property to the E that may not be able to accept it. This requirement may include piping and swales to get water to the west past the effigy mound.
9. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
10. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
11. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)

12. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
13. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

14. Demonstrate how drainage from lot will be directed towards the lake. This may include piping and swales.
15. 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. (jrquamme@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. Note that additional rights of access as necessary around the burial mound will also be within the terms of the final document.

16. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
17. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
18. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Fire Department (Contact Bill Sullivan, (608) 261-9658)

19. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>
20. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at tburrus@cityofmadison.com or (608)266- 5959.

Forestry Division (Contact Brad Hoffman, (608) 267-4908)

21. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.

22. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

23. 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 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

24. 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.

The Traffic Engineering Division and Metro Transit have reviewed this request and have recommended no conditions of approval.