



PREPARED FOR THE PLAN COMMISSION

Project Address: 6021 Old Middleton Road
Application Type: Certified Survey Map (CSM) Referral
Legistar File ID # [86415](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Claire Mangasarian, Mangasarian Survivor's Trust, 6021 Old Middleton Road; Madison.

Surveyor: Chris Adams, Williamson Surveying and Associates, LLC; 104A W Main Street; Waunakee.

Requested Action: Consideration of a Certified Survey Map (CSM) of property located at 6021 Old Middleton Road to create two residential lots, including a deep residential lot.

Proposal Summary: The applicant and property owner wishes to create a new single-family lot from land adjacent to her existing single-family residence. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 16.23(4) of the Subdivision Regulations provides the requirements for land divisions. Section 28.135(3) of the Zoning Code provides the requirements for the creation of deep residential lots (see pages 2 and 3 of this report).

Review Required By: Plan Commission. A resolution approving the land division and any related dedications requires approval by the Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. Chapter 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on December 2, 2024. Therefore, the 90-day review period for this CSM will end circa March 2, 2025.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for land divisions and deep residential lots met with this request and **approve** a Certified Survey Map of property located at 6021 Old Middleton Road, creating one deep residential lot, subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 4** of this report.

Background Information

Parcel Location: The subject site contains approximately 1.23 acres of land located at the northwestern corner of Old Middleton Road and Veblen Place; Alder District 19 (Guequierre); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a single-family residence located on the easterly half of the parcel, zoned SR-C1 (Suburban Residential–Consistent 1 District).

Surrounding Land Use and Zoning: The subject site is surrounded on the south and east by single-family residences in SR-C1 (Suburban Residential–Consistent 1 District) zoning. The western edge of the property abuts an undeveloped lot zoned SR-C1, with a railroad right of way further to the west. The City of Madison’s Grassman Pond greenway is located north of the subject site, zoned CN (Conservancy District).

Adopted Land Use Plan: The 2024 [West Area Plan](#) recommends the subject site and adjacent undeveloped lot for Low-Medium Residential (LMR), with the surrounding residential properties recommended for Low Residential (LR) development. Grassman Pond is recommended for Park and Open Space (P).

Zoning Summary: The property is zoned SR-C1 (Suburban Residential–Consistent 1 District):

Requirements	Required	Proposed	
Lot Area	8,000 sq. ft.	Lot 1: 21,704 sq ft; Lot 2: 31,966 sq ft	
Lot Width	60'	Lot 1: Adequate Lot 2: 87.99'	
Front Yard Setback	30'	See conditions. The bulk requirements to the left will be applied to Lot 2 at the time of building permit issuance. The existing residence on proposed Lot 1 adequately meets these requirements.	
Side Yard Setback	6' for one-story 7' for two-story		
Reversed Corner Side Yard Setback	15'		
Rear Yard Setback	Lesser of 30% lot depth or 35'		
Usable Open Space	1,300 sq. ft. per lot		
Building Height	2 stories/ 35 feet		
Maximum Lot Coverage	50%		
Building Form	Single-Family Detached		
Other Critical Zoning Items			
Yes:	Adjacent to Park, Utility Easements		
No:	Landmarks, Urban Design, Wellhead Protection, Waterfront Development, Floodplain, Barrier Free; Transit-Oriented Development (TOD) Overlay		
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>			

Environmental Corridor Status: The subject site is not located within a mapped environmental corridor. Grassman Pond and nearby Skyview Park west of the railroad right of way are located in a mapped environmental corridor.

Public Utilities and Services: The property is served by a full range of urban services, including water and sanitary sewers located in Old Middleton Road and Veblen Place. However, the City Engineering Division indicates that the sanitary sewer in Veblen Place may not be deep enough to serve the site without installation of a grinder pump to get sewage from a future home on proposed Lot 2 into the City sewer.

Additional Requirements

Section 28.135(3) of the Zoning Code, entitled “Lot Division, Creation and Access” requires the following for deep residential lots:

- (3) Development of Deep Residential Lots.
 - (a) Statement of Purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted

to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.

- (b) General Regulations. The Plan Commission may allow, after a public hearing and notice as set forth in Sec. 28.183 and consideration of the [conditional use] standards set forth in Sec. 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that :
 1. The front lot(s) shall have a width not less than that required in the district in which it is located.
 2. The rear lot shall have frontage onto an improved public street for a width not less than 30 feet.
 3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot.
 4. All of the lots proposed shall have the minimum required lot area.
 5. The house numbers for all lots shall be on a sign visible from the public street.
- (c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

Project Description

The applicant and property owner are requesting approval of a Certified Survey Map (CSM) to divide an approximately 1.23-acre property at 6021 Old Middleton Road at the northwestern corner of Veblen Place into two lots. The subject site and surrounding residential properties are zoned SR-C1 (Suburban Residential-Consistent 1 District).

The subject property is Lot 1 of CSM 248, which was recorded in 1967; in addition to creating the subject parcel, it also created an undeveloped deep residential lot addressed as 25 Veblen Place, which is also owned by the applicant and property owner. The subject site is developed with a one- and a half-story single-family residence located on the easterly half of the lot approximately 50 feet west of Old Middleton Road and 29.5 feet north of Veblen Place. Veblen is a 475-foot long local street that extends west from Old Middleton Road before turning south to parallel it, ending in a cul-de-sac. The property is characterized by approximately 15 feet of grade change from south to north. Most of the land west and north of the house is mowed, with mature trees present between the building and abutting streets. Access to a garage on the rear wall of the residence is provided from a driveway from Old Middleton Road. The western edge of the property is formed by a Wisconsin Department of Transportation-controlled railroad right of way, while the northern edge of the property is formed by the City's Grassman Pond open space. Information available from the Wisconsin Department of Natural Resources suggests that wetlands may be present on the western portion of the 1.23-acre property and on the undeveloped lot located north and west of Veblen Place between the subject site and railroad.

Lot 1 of the proposed CSM will be a roughly 140-foot wide by 150-foot deep, half-acre parcel adjacent to Old Middleton Road, which will contain the existing residence and driveway. The remainder of the subject site will comprise Lot 2 of the land division. Proposed Lot 2 will be roughly 257 feet across and 120 feet deep, with most of the southerly line of the lot formed by the 30-foot wide "panhandle" of Lot 2 of CSM 248, which connects that lot to Veblen Place. Proposed Lot 2 (like the adjacent Lot 2 of CSM 248) will have 30 feet of frontage along Veblen Place.

Analysis and Conclusion

The Zoning Code defines a *front lot line* as “the boundary of a lot which abuts an existing, dedicated or officially mapped street or a park per MGO Section 28.135(2),” while *lot width* is defined as “the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.” *Frontage* is defined as “the relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas. The SR-C1 zoning district requires a minimum lot width of 60 feet, while the Zoning Code requires that all zoning lots front on an improved public street, with a minimum of 30 feet of street frontage except as noted by the lot division, creation, and access requirements in Section 28.135.

Staff has classified Lot 2 as a deep residential lot, which is governed by the provisions in Section 28.135(3) of the Zoning Code excerpted above. Most deep residential lots historically reviewed by the Plan Commission are “flag-shaped” parcels that feature a majority of lot area located behind or beside a more conventional single-family lot and connected to the street by a long, narrow peninsula of land like the configuration of the adjacent lot to the west (Lot 2, CSM 248). CSMS creating a deep residential lot requires approval by the Plan Commission following a public hearing and notice as set forth in Section 28.183 and consideration of the conditional use standards set forth in Section 28.183(6) (although the lots and resulting development are not themselves, conditional uses).

The Planning Division believes that the proposed land division to create an additional residential lot from the existing 1.23-acre parcel can meet the standards for approval, including the conditional use standards in Section 28.183(6), and the criteria for the creation of deep residential lots in Section 28.135(3). The 30-foot wide frontage of proposed Lot 2 along Veblen Place meets the minimum requirements for a deep residential lot, and staff believes that the more intensive development of the subject site proposed can be found to be in the public interest consistent with the statement of purpose for deep residential lots. Despite the unique lot configuration, the division of the subject site to create the deep residential lot should not have an adverse impact on the uses, values and enjoyment, or the normal and orderly development of surrounding properties, as stipulated in the conditional use standards.

Recommendation

The Planning Division recommends that the Plan Commission find the conditional use standards and deep residential lot criteria met and **approve** a Certified Survey Map of property located at 6021 Old Middleton Road creating a deep residential lot, subject to input at the hearing and the following conditions:

Planning Division (Contact Timothy M. Parks, (608) 261-9632)

1. The Wisconsin Department of Natural Resources (WDNR) Surface Water Data Viewer indicates that wetlands may be present on a portion of the subject site, which may come under the jurisdiction of the US Army Corp of Engineers (USACOE) and WDNR. Contact the WDNR and USACOE for a jurisdictional determination. Provide a digital copy of a wetland delineation current within five (5) years to the Planning Division prior to final approval and recording of this Certified Survey Map (CSM). Any wetlands and setbacks therefrom identified in the wetland delineation shall be shown on the final CSM.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

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

2. Depending on the elevation of the home being created, the sanitary sewer in Veblen Place may not be deep enough to serve the site without installation of a grinder pump to serve the site. Should the future building wish to be served to the north/west (toward the pond), there is a private sanitary sewer easement; however, construction of private sewer in that easement may be prohibitively expensive because the easement crosses the pond. A note to this effect approved by the City Engineer shall be added to the face of the CSM.
3. A new sanitary sewer lateral is required to serve the lot being created. The future home is responsible for all costs associated with installation of this lateral. A note to this effect approved by the City Engineer shall be placed on the face of the CSM.
4. Informational Comment: The Engineering Division has reached out to Madison Metropolitan Sewerage District (MMSD), who owns the sewer located in the Grassman Greenway parcel (pond parcel north of property being divided). MMSD (Aaron McFarlin, aaronm@madsewer.org) will allow connection to the sewer on the condition that a manhole is built where the lateral connection is made. The existing easement extends across the pond in the greenway parcel making this location a difficult connection. Alternate sewer lateral routes around the pond will be considered if the applicant would like to pursue a sewer lateral through the greenway parcel to the north. An easement will be required from the City on the selected route.
5. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures proposed by this application shall have a low entrance elevation that is a minimum elevation of 890.00. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.

6. A minimum of two working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Tim Troester at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to recording the land division (and subsequent obsolesces of the existing parcel).
7. A portion of this CSM may come under the jurisdiction of the US Army Corp of Engineers (USACOE) and Wisconsin Department of Natural Resources (WDNR) for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction. Contact the WDNR & USACOE for a jurisdictional determination. Provide digital copy of the wetland delineation. Wetland delineations shall be less than five (5) years old.

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

8. The applicant shall provide information on how proposed Lot 1 of this CSM and Lot 2 of CSM 248 to the southwest are to be served by new private sanitary sewer laterals connecting to public sanitary sewer. Any proposed off-site lateral crossing City of Madison lands to connect to MMSD sewer to the north shall be coordinated with City of Madison Engineering and Madison Metropolitan Sewerage District. Any offsite

easement over City lands shall be coordinated with Jeff Quamme (jrquamme@cityofmadison.com) regarding any Real Estate project necessary.

9. If there is any shared private sewer or water laterals between any lot within this CSM and any adjacent lot, provide for review a comprehensive reciprocal easement and agreement necessary to accomplish the land division as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to any building permit issuance.
10. There is a private sanitary sewer lateral easement that was granted to a previous owner of lands within this proposed Certified Survey Map. The easement was granted in gross to that owner. Upon the confirmation of the sewer service locations for Lot 2 of this CSM and Lot 2 of CSM 248 and any necessary easements or agreements, the owner shall release their rights to this easement. Contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate the necessary Real Estate project.
11. The shed encroaching onto City of Madison lands shall be moved off of City of Madison lands.
12. The text for intra-block drainage easements per MGO Section 16.23(9)(d)2 (a. & b.) shall be included on the final CSM.
13. The second paragraph of the Legal Description in the title report shall be corrected to be in the SE 1/4 of the NE 1/4 of Section 13, T7N, R8E.
14. The Certified Survey Map is not tied to a quarter line of the Section in which it is located. Therefore, a metes and bounds description is required to be added to the description under the Surveyor's Certificate.
15. The Surveyor's Certificate and Owners' Certificate shall be corrected to acknowledge conformance with City of Madison Ordinances and not Dane County. Also, the word 'dedication' shall be added to the Owners' Certificate.
16. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant shall submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments used in this survey, including center of sections of record, to Jeff Quamme, City Engineering Division (jrquamme@cityofmadison.com).
17. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
18. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM in PDF format shall be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal shall occur a minimum of two working days prior to final Engineering Division sign-off.
19. The applicant shall submit to Julius Smit prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate

layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Luke Peters, (608) 266-6543)

This agency has reviewed this request and recommended no conditions of approval

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

This agency has reviewed this request and recommended no conditions of approval

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

This agency has reviewed this request and recommended no conditions of approval

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed this request and recommended no conditions of approval

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval

Parks Division (Contact Kathleen Kane, (608) 261-9671)

20. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 24060 when contacting Parks Division staff about this project.

21. The developer shall put the following note on the face of the CSM: "The lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division will be required to sign off on this CSM.

Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

This agency has reviewed this request and recommended no conditions of approval

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

22. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Office of Real Estate Services (Heidi Radlinger, (608) 266-6558)

23. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.
24. Pursuant to MGO Section 16.23 and Wis. Stats. 236.21(2)(a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Matthew Wachter, Secretary of the Plan Commission

Date: _____

25. All real estate taxes and special assessments levied against the property shall be paid in full before recording the CSM pursuant to MGO Section 16.23(4)(f). Please provide copies of the receipts for the paid real estate taxes and/or special assessments prior to final approval and recording of this CSM.
26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to the City’s Office of Real Estate Services (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
27. The City’s Office of Real Estate Services is still reviewing the proposed CSM and may have additional comments to be addressed prior to final approval and recording of the CSM.