



## Report to the Plan Commission

April 1, 2009

Legistar I.D. #14245  
6234 S. Highlands Avenue  
Deep Residential Lot Certified Survey Map

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

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**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the Greenwald property located at 6234 S. Highlands Avenue creating a deep residential lot.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions. Section 28.04 (11) stipulates that the Plan Commission may approve the creation of a deep residential lot based on the criteria for such lots and in consideration of the standards and procedures set forth in Section 28.12 (11) for conditional uses.

**Summary 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 6234 S. Highlands Avenue, creating a deep residential lot, subject to input at the hearing and the conditions from reviewing agencies beginning on page 4 of this report.

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### Background Information

**Applicants & Property Owners:** Roger & Nancy Greenwald, 6234 S. Highlands Avenue; Madison.

**Surveyor:** Al Kaukl, Badger Surveying & Mapping Service, LLC; 3602 Atwood Avenue, Suite 2; Madison.

**Proposal:** The applicant proposes to subdivide the subject property into two lots, including one deep residential lot. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Parcel Location:** An approximately 1.78-acre parcel located on the east side of S. Highlands Avenue, approximately 250 feet south of N. Highlands Avenue; Aldermanic District 19; Madison Metropolitan School District.

**Existing Conditions:** An existing two-story single-family residence is located on the eastern half of the property, with a pool and deck located in the front yard closer to S. Highlands Avenue.

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by other single-family residences located in the Highlands neighborhood, which is zoned R1-R (Rustic Residence District).

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and surrounding area for low-density residential uses.

**Environmental Corridor Status:** The subject property is not located within a mapped environmental corridor

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

**Zoning Summary:** Existing R1R (Rustic Residence District).

Bulk Requirements	Required	Proposed
Lot Area	0.6 acres	All proposed lots will exceed
Lot width	30' for deep residential lot	34.5'
Usable open space	N/A	---
Front yard	50'	Ex. house on prop. lot: 51'
Side yards	30'	Ex. house on prop. lot: 67.9
Rear yard	40'	Ex. hse on prop. lot: 62.9'   63.7'
Floor area ratio	---	---
Building height	3 stories	---
Building Coverage	15%	Existing house: 9% on new lot
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

This application is subject to the conditional use standards of Section 28.12 (11)(g). In addition, Section 28.04 (11) of the Zoning Ordinance includes the following criteria for deep residential lots (excerpted):

- (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.
  1. The Plan Commission may allow, after consideration of the standards set forth in Section 28.12(11)(g), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that the front lot shall have a lot width not less than that required in the district in which it is located, and further provided that the rear lot shall have an access to an improved public street through an unobstructed strip of land not less than thirty (30) feet in width. Such strip of land shall be a part of the rear lot and shall not be used to satisfy any area, yard or usable open space requirement.

Project Review, Analysis & Conclusion

The applicants are requesting approval of a Certified Survey Map to subdivide their 1.78-acre property located at 6234 S. Highlands Avenue into two lots. The site is zoned R1R (Rustic Residence District) zoning and is developed with a 4,475 square-foot, two-story single-family residence with attached two-car garage per City Assessor records. An asphalt driveway extending along the southerly portion of the site provides access to the attached garage. A pool and deck are located approximately halfway between the front wall of the residence and the front property line at S. Highlands Avenue.

The subject site is located in the Highlands neighborhood and is surrounded by a variety of other single-family residences on generally large lots of varying size and configuration in the R1R zoning district. The site and surrounding properties are generally characterized by rolling terrain and heavy tree cover. The subject parcel itself is characterized by approximately 30 feet of grade change from the southeasterly corner of the property and along the eastern property line to a low point at the northwesterly corner of the site adjacent to the street, with mature tree cover present across most of the

site. The southernmost 25 feet of the property is restricted through a private land use restriction agreement and “no clear zone” between the applicants and property owner to the south.

The applicants propose to divide the property into two parcels. Lot 1 of the proposed Certified Survey Map will be a 0.64-acre parcel with approximately 194 feet of frontage along S. Highlands Avenue. The proposed lot will be undeveloped except for the pool and deck serving the residence, which will need to be removed prior to recording of the CSM, since the pool is considered accessory to the residence, which will now be located on a separate parcel. The remaining 1.14-acres of property will comprise Lot 2 of the CSM and will include the existing residence. Lot 2 will be connected to S. Highlands Avenue by a 34.75-foot wide strip of property extending along the southern property line, which will include the 25-foot wide land use restriction area. The driveway serving the existing residence will be located across the southern edge of proposed Lot 1, with a 20-foot joint driveway easement proposed to benefit Lot 2.

Lot 2 is considered a “deep residential lot” under the Zoning Ordinance, which permits such lots if the Plan Commission concludes that the conditional use standards are met. As described above, a deep residential lot may be created provided that at least one of the lots in the proposed subdivision provides the requisite amount of frontage along a public street per the zoning district. R1R zoning requires that new lots contain a minimum of 0.6-acres of lot area, with no prescribed street frontage in the district. Lot 1 appears to comply with this requirement. In addition, the 34.75-foot wide peninsula provided for Lot 2 complies with the access requirement for the deep residential lot as stated in the ordinance. In the case of deep residential lots, “access” is considered akin to frontage. Planning and Zoning staff have determined that the R1R zoning district does not require that the driveway serving a deep residential lot be located within the 30-foot access strip.

Any new residence built on Lot 1 will be required to comply with R1R yard requirements, which require a 50- foot minimum front yard, 40-foot rear yard and 30-foot side yards. The existing residence on proposed Lot 2 appears to comply with these setback requirements. The front yard for the existing residence is measured from a tall raised planter that extends out from the front wall of the building.

The Planning Division generally believes that the conditional use standards can be met in granting approval of the deep residential lot. The surrounding neighborhood is generally characterized by a variety of single-family lots of varying sizes and a number of uniquely shaped parcels, including other deep residential lots and lots of a character similar to deep residential lots that were created prior to the enactment of the specific deep lot design requirements in 1975. While the overwhelming development pattern in the Highlands area favors large residences with substantial unobstructed front yards between the homes and the street, there are a number of examples throughout the Highlands of residences constructed in the front yards of other residences similar to the development pattern that will result on the subject site if the CSM request is approved. Such a pattern exists just to the southwest of the site in the case of four residences constructed on smaller parcels in what were the former front yards of other homes. The existence of this lot pattern leads the Planning Division to conclude that approval of the proposed deep residential lot would not be inconsistent with the development pattern present in at least this portion of the neighborhood.

Planning staff is aware of concerns expressed by the community association and an adjacent property owner about possible drainage impacts related to the applicants’ property and the proposed land division (see attached correspondence). The applicants have discussed these concerns with staff from the City Engineering Division, who recently visited the site and submitted conditions of approval, which they feel will adequately address the concerns about drainage (proposed conditions #5 & 6 in the next section). With these conditions, which the applicants have indicated they will accept, Planning staff feels that the conditional use standards generally related to the provision of adequate drainage and limiting the impact on surrounding properties can be met with this application.

## Recommendations and Proposed Conditions of Approval

**Major/Non-Standard Conditions are shaded**

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

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 6234 S. Highlands Avenue, creating a deep residential lot, subject to input at the hearing and the following conditions:

1. That the applicant receive the necessary permits to remove or enclose the pool and deck on proposed Lot 1 per Planning Division and Zoning Administrator approval prior to final signoff of the CSM for recording. The pool and deck will be accessory uses located on a lot without a principal use.

The following conditions have been submitted by reviewing agencies:

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

2. The recording of this Certified Survey Map will require changes made to the existing addresses for this site. The existing house located on proposed Lot 2 had an address of 6234 S. Highlands Avenue that shall be changed to 6228 S. Highlands Avenue. Proposed Lot 1 (pool lot) shall have an address of 6232 S. Highlands Avenue.
3. There are some errors in the legal description found on Page 2 of 4 relative to the south line of this proposed Certified Survey Map that shall be corrected.
4. A separate sanitary sewer lateral shall serve each property.
5. City Engineering has been alerted to the potential for drainage problems with the approval of this CSM. Prior to final approval of the proposed CSM, the applicant shall provide information on proposed drainage for the lots. This shall be accomplished by using existing and proposed spot elevations, drainage arrows, and/ or contours. 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. The proposed drainage plan is subject the review and approval of the City Engineer prior to final CSM approval.
6. If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane County Register of Deeds.
7. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
  - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of

the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.

- b.) All lots within this survey are subject to a public easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

8. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering signoff.
9. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

10. The applicant shall execute and return declaration of conditions and covenants for streetlights and traffic signals prior to sign off.

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

11. Work with Zoning staff to provide a building envelope for Lot 1.

**Parks Division** (Contact Tom Maglio, 266-6518)

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| <ol style="list-style-type: none"><li>12. The developer shall pay park fees for the added single-family residence, totaling \$3,122.65 for park dedication and development fees. The developer must select a method for payment of park fees before signoff on the CSM.</li></ol> |
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**Fire Department** (Contact Scott Strassburg, 261-9843)

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| <ol style="list-style-type: none"><li>13. Address for both lots has to be visible from the street. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.</li></ol> |
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**Water Utility** (Contact Dennis Cawley, 261-9243)

14. The water service lateral to the existing house on Lot 2 crosses Lot 1. A private water service lateral easement shall be granted across Lot 1 and a new water service lateral shall be installed to serve Lot 1.

15. In accordance with MGO 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

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

This agency did not submit a response for this request.

• HIGHLIGHTED PARCELS SHOW SUBDIVISIONS APPROVED w/ DEEP RESIDENTIAL  
 LOTS SINCE DEEP RESIDENTIAL LOTS ALLOWED IN 1975. LOTS CONFORM  
 TO R1R REQUIREMENTS (1989). OTHER DEEP LOTS CREATED PRE-1975 OR  
 DO NOT CONFORM.

