

5109 Spring Ct
Madison, WI 53705
January 16, 2006

Re: 5116 Spring Court

Dear Planning Commission,

I would like to provide additional background before a decision is made on the issue of 5116 Spring Court. In particular I would like to show (pertinent to Ordinance Standard #2) how the value and enjoyment of the property on the non lakeside portion of Spring Court has been affected over the past 25 years, and will continue to be, as long as lakeside owners can construct oversized structures. I hope this will demonstrate why a second 3-car garage should not be constructed on this court.

Spring Court has a long, vibrant history. It was "the site of a prehistoric Indian village of the Woodland Culture the limits of which appear to have extended along the Lake Mendota shore from the present grounds of the Black Hawk Country Club on the east to Mendota Beach beyond the Springs on the west." Regarding the Spring at the end of Spring Court, "They (Winnebago Indians) regarded this big spring as a medicinal spring, one having curative properties for many ills of human king." (State Historical Museum Archives).

After the historic Indian era, it became a resort site. "At the conclusion of the ceremony at the bear mound, seats in the waiting carriages were resumed and the pilgrims were born northward... to the shore of Lake Mendota... Leaving the latter the carriages progressed for a distance of several miles... and at length disembarking at the resort known as Merrill Springs. At this place, which is rapidly becoming a favored summer resort for Madisonians, there are several very interesting groups of mounds." (The Wisconsin Archeologist – August to November 1910).

Even presidents visited! "When President Cleveland visited Madison with his wife on Oct 9 and 10, 1887, he was taken on a fishing trip on Lake Mendota and was entertained at the Rex Magnus cottage at Merrill Springs" (Wisconsin State Journal – yr?). I believe this is the property located at 5042 Lake Mendota Dr (which is at the end of Spring Ct and served as the Spring house - a spring in the basement- to supply water to nearby folks before the wells were built.) This house, constructed in 1875 and remodeled in the last few years – while being lakeside property – maintains a modest size of 2000 square feet.

This is the neighborhood that my husband and I bought into in 1979. It was an extraordinary mix of cottages, houses, wonderfully beautiful and tall shade trees – truly an almost wild feel. Hardy souls lived on this street – Dugan, Harley, Homer, Ruth, Mrs. McKay all lived alone into their 90s on this street. Neighbors watched after one

another. Things came to change in 1980. Dugan (5106) decided to sell and move permanently to Florida. His property was 89 feet wide. His plan with future owner Mr. O'Neill, was to split the property into two tiny lots both of which Mr. O'Neill would purchase. At that time in history the zoning board leaned more towards the will of the owner. The 4 surrounding neighbors opposed this each step of the way (land split, variances on house 1, variances on house 2). Enclosed are two letters from the neighbors on this subject (A1, A2 -Zoning Commission Archives). Tricks were used to build these homes. (Green Sheet A of photos)

- Standards for Variance: #3 "The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner." Mr. O'Neill stated publicly during one of the board meetings that he wanted to have 2 properties in order to build a house for his sister. The 2nd house was put on the market purely for gain - his sister never lived there
- Being lakefront property, one cannot dig very deep. O'Neill's lot was not large enough for a 2 story house. The desire for a functional basement on a street where the water table lies 3 feet below grade resulted in a large portion of the basement being above ground. Our understanding was that it must be at least 50% underground to not be considered a story. Mr. O'Neill brought in dump trucks of dirt for both houses to raise the lot level on both houses.
- The lots were too small to have attached garages. He built the garages about 3 feet from the houses with overlapping roofs basically making one long continual structure.
- Every tree (very beautiful tall shade trees) was removed from these 2 lots
- While building his home, he burned refuse building materials in his backyard. He was ticketed by the fire department for this.

Mr. O'Neill sold his home several years ago leaving 'his' legacy forever on the street.

The next owner, Brian Cason, of this property (5106) wanted lakeside property. He planned to enlarge this home which already taxed the land it was on. His architect called the surrounding neighbors to discuss enlargement of the structure before he finalized the purchase. At least 3 neighboring households indicated opposition to additions. Mr. Cason bought it anyway and presuming he would be granted a permit to build, went forward and gutted the inside of the house. At the subsequent zoning meeting, he was unanimously turned down and given a warning about his attitude. With no concern to neighbors, his visitors continued to park on our yard (one side of the street parking). [Parking is a chronic problem. I had to stop once at 10 pm and knock on doors to find an illegally parked car's owner because the street was too narrow for my Ford Windstar to pass by.] Trying to be neighborly, I put notes (did not call the police) on the windshields saying "Please do not park on this side of the street, one side of the street parking". Mr. Cason's response was to show up on my front porch, drink in hand, and threaten me. Please check his Circuit Court record. You will see he has a long history of

violence. I am very appreciative of Ald. Steve Holtzman's support regarding this incident. Mr. Cason eventually moved out and we now have wonderful neighbors there.

The next upsizing occurred at 5116 when this property was sold in 1981 to the Boyntons. This couple was in their 60s and had raised their kids in a large home in the national parks area of Madison on the west side. Because they were moving to this smaller place, they tore down the reasonable size 2 car garage (Green Sheet C photos) and constructed a monstrosity to hold their possessions. Again, they moved on and Spring Court was left with the legacy garage. It was personally distressing as we were very close to the Boyntons and their grown children and families.

The next heartbreaking change in our neighborhood occurred directly across the street at 5114 Spring Court. Harley had been one of our 90 year olds and when he passed away his daughter and her husband moved in. We had tight bonds with Harley – we helped him put his pier in and out each year and he in return would drop a surprise package of Paoli cheese at our door now and then. We've continued that friendship with the Oregon's. The house was old and it was reasonable to demolish. But to our shock, the lot was clear cut and not a single tree or bush was planted on the remodeled lot. What used to be a beautiful shady area of the street is now burning hot. Additionally, even though they constructed a 2 car garage, they graveled a third driveway thus taking up one more parking spot on the street. [Green Sheet B of photos]. Please notice also that the house to the right (east) also graveled a driveway taking up still another parking spot. The miscellaneous driveway of the brown house was put in 'before' the current owner.

Upsizing went through the roof in 1999 when the property at 5136 turned over. A house was moved off the property to make way for a residence that dwarfs its neighbors. (Green Sheet C photos). Again, personally distressing as we and our children were already friends with this family through school and soccer.

Most recently, 5128 was remodeled.. A bungalow dating back to 1925, it is now a 3699 sq ft residence with a 3 car garage. While the zoning board again unanimously voted against this construction, this neighbor and his architect modified the plans. By disconnecting the house from the garage and rotating the garage, it gave the neighborhood less of a feel of being a car lot. Because of the owner's attempt at good faith, we reached back and said we approved even though it is still too much structure for the lot. The combined house, garage and driveway leaves an enormous footprint on this lot. (Sheet D)

The current proposal by 5116 is truly unbelievable. Six bathrooms in the structure, a structural length of just over 130 feet when including the deck, a three car garage with basement and walk up stairs, attic, wide driveway and a car lift. It's overwhelming. It will be like living across the street from Jiffy Lube.

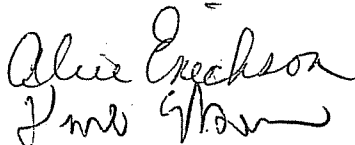
We are becoming more and more the alley way of the lakeside folks. We approach the feeling of Middleton Beach, except that Middleton Beach only has houses on the lakeside. In closing, what follows is an itemized list of how our neighborhood has changed for the worse because of uncontrolled construction on the lake.

- We have lost many shade trees to cool the neighborhood
- We have lost parking spaces
- The houses and driveways are covering a large proportion of the lots thus allowing more runoff into the lake
- Houses are building basements in an area where basements were not meant to be. To allow, this sump pumps must be installed.
- Neighbors truck in dirt to raise lots in order to have basements
- While we try to have neighborly relations, we are losing the neighborliness that used to exist and it has become more an 'us' and 'them' situation.
- We look upon a wall of garages.

I know your time is limited, but I hope you will take time to read through this and look through the attached items. Please do not allow the 2nd three car garage to go in on the street. A final attachment (Sheet E) itemizes the existing garages on Spring Court. This large garage will definitely affect enjoyment of our home and could be a precedence setting move.

Thank you.

Sincerely,



Alice and Dave Erickson

(A1)

Dear Sirs;

We would like to request a reconsideration of the Zoning Board of Appeals decision of September 11, 1980 concerning the property located at 5106 Spring Court. We have several points which were not brought up at the previous hearing.

1. Zoning Code Section 28.12(8)(d)3. states that '...in no event shall the area or width of the lot be less than ninety percent (90%) of the required lot area or width.' According to the plat survey, the width at the street is 44 ft. or 88% of the required 50 ft.
2. Mr. O'Neill stated at the September 11 meeting that the zoning of the lot into 2 undersized lots would be the only variance needed. Two more variances (an 18 ft. setback and a 3 ft. 4 in. sideyard variance) have been requested.
3. The lot has been recently surveyed and conversations with the surveying team indicate that the lot may be about 44 ft. 6 in. wide on the lake and 43ft. 9in. wide on the street. The survey also showed the depth of the lot to be about 20 ft. less than the 177 ft. indicated on the lot description.

We hope the board will consider our motion and grant us a hearing after the new survey results come in.

Sincerely,

Alice Erickson 5109 Spring Ct. Oct 6, 1980
 David Erickson 5107 Spring Ct. Oct 6, 1980
 Arthur Johnson 5110 Spring Ct. Oct 6, 1980
 Mary Jane Johnson 5110 Spring Ct. Oct 6, 1980
 Don J. Suetnick 5101 Spring Ct. Oct 6, 1980
 David Suetnick 5101 Spring Ct. Oct. 6, 1980
 Joseph Montague 5105 Spring Ct. Oct. 7, 1980
 James Montague 5105 Spring Ct. Oct 7, 1980

A2

5 September 1980

Mr. Jeffrey Gallacher, Chairman
Zoning Board of Appeals
City of Madison
Madison, Wisconsin

Re: Appeal #091180-4
Voucher #47802

Division of ownership of Lot #35#5106 and Lot #36#5102 and allowing houses to be built on 44 foot lots would unduly penalize the property owners who adhered strictly to zone requirements and would jeopardize the valuation of existing properties.

Separating ownership appears to be a technicality as the buyer has agreed to purchase both lots - one now and the other at a later date - thus putting both lots under one owner again and allowing the buyer to build a total of two houses.

Under the assumption the buyer carries out his agreement with the seller the transaction would not appear to be in agreement with the ordinance regarding division of ownership on contiguous lots. If the buyer should sell the other lot we then would still have two houses each on a 44 foot lot which leads to overcrowding.

We presently are plagued with parking problems, limited driveway access, one side of street parking, a narrow driveway and problems associated with a small city park which abuts the properties involved and has no separate parking facilities.

A building situated to utilize both properties would be more in keeping with the neighborhood.

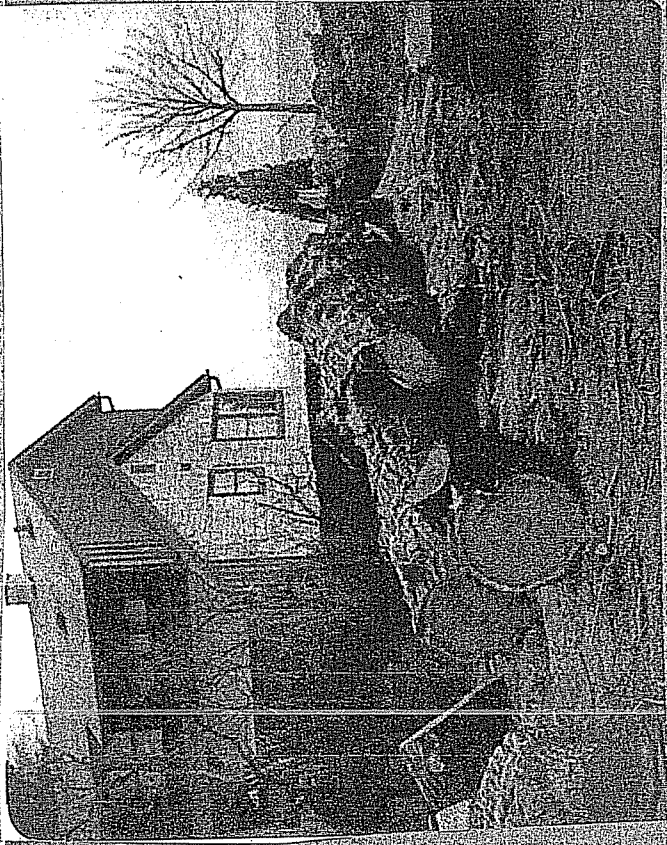
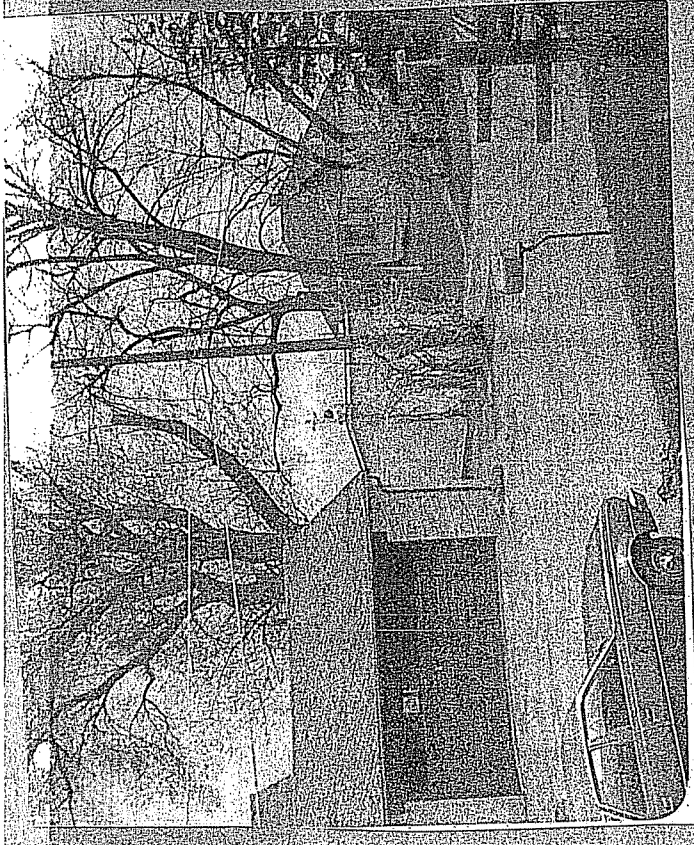
Arnold Smith 5101 Spring Court
Homer Montague 5105 Spring Court
Mary Jane Johnson 5110 Spring Court

0012

REC-1637

A

All trees cleared

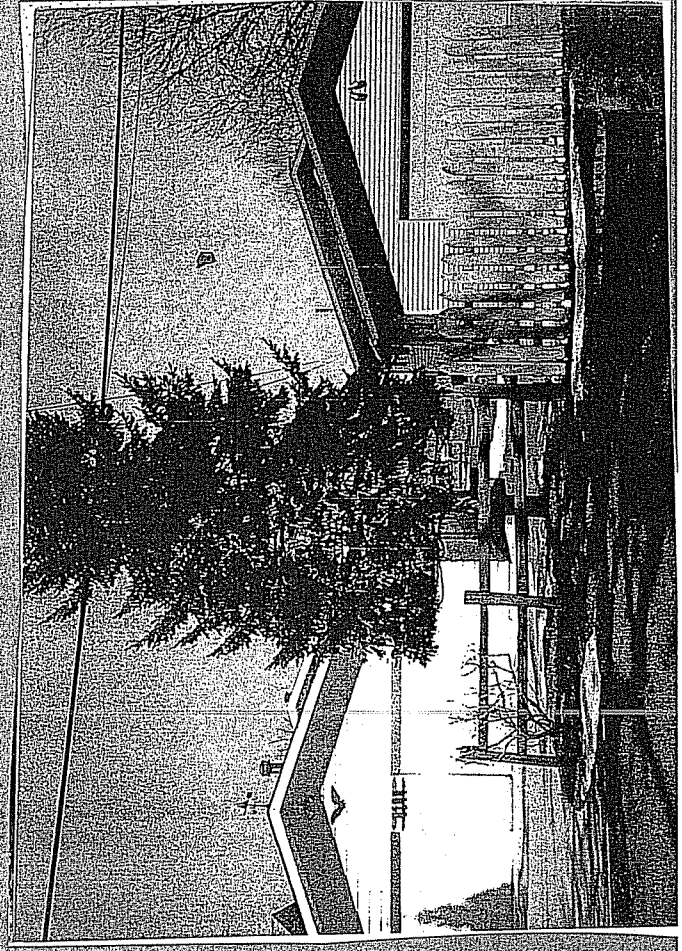
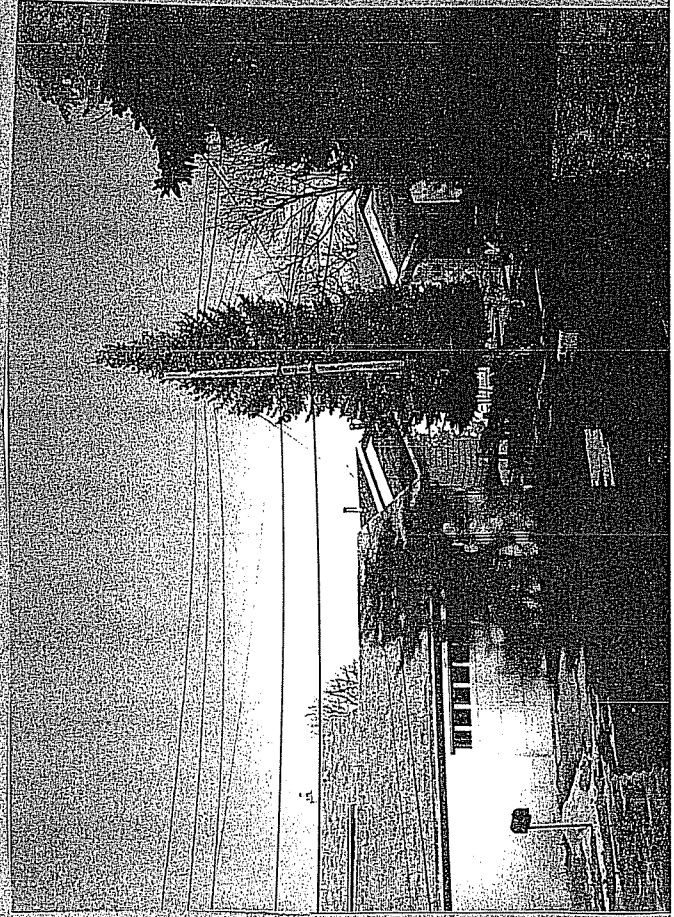


6104 Springs
5106 Court

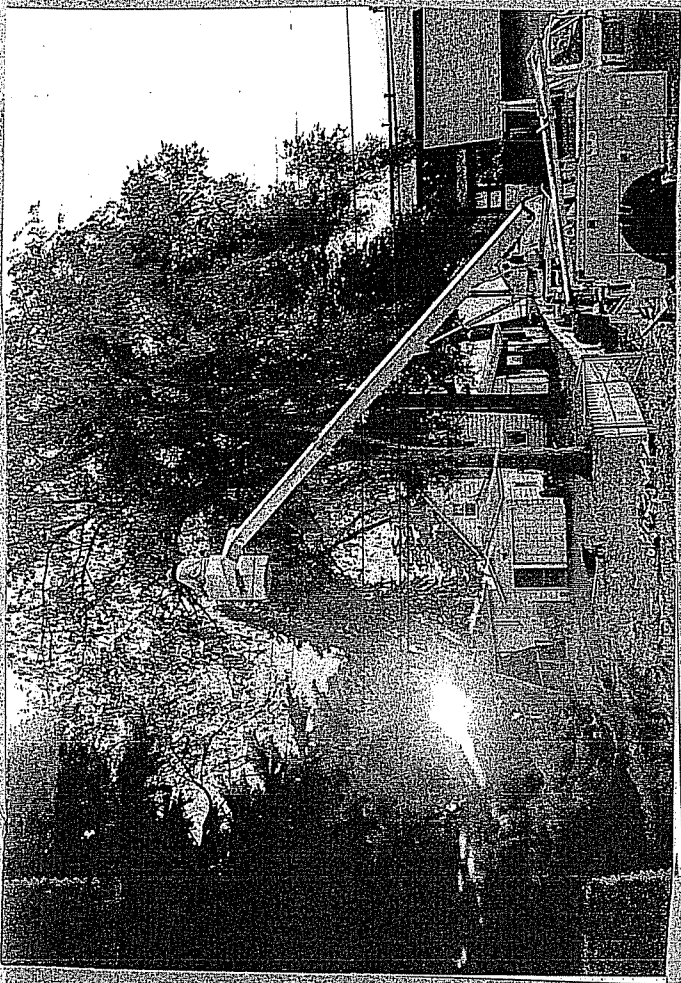


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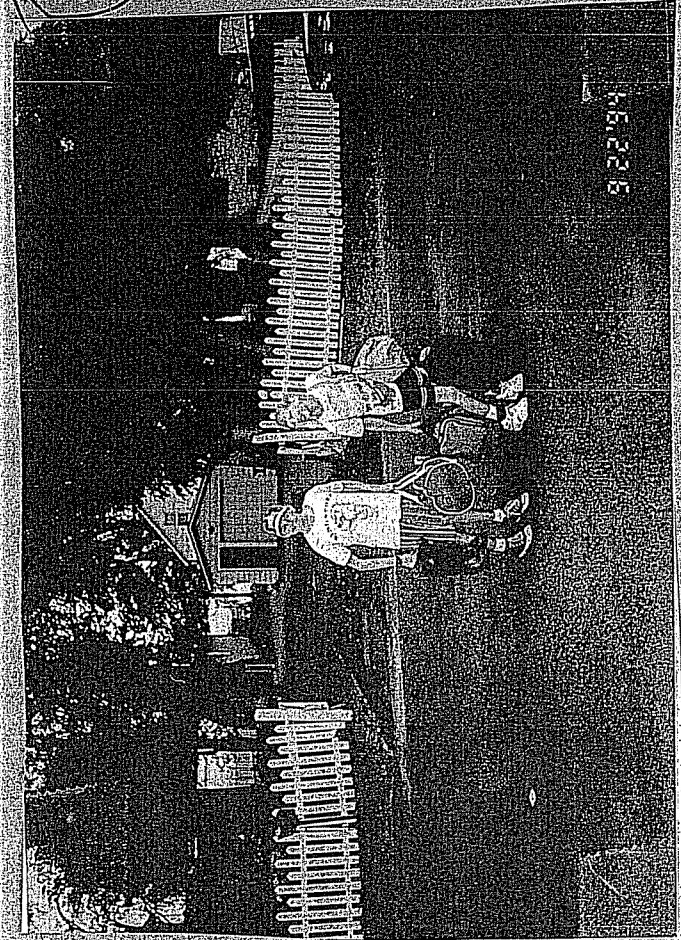
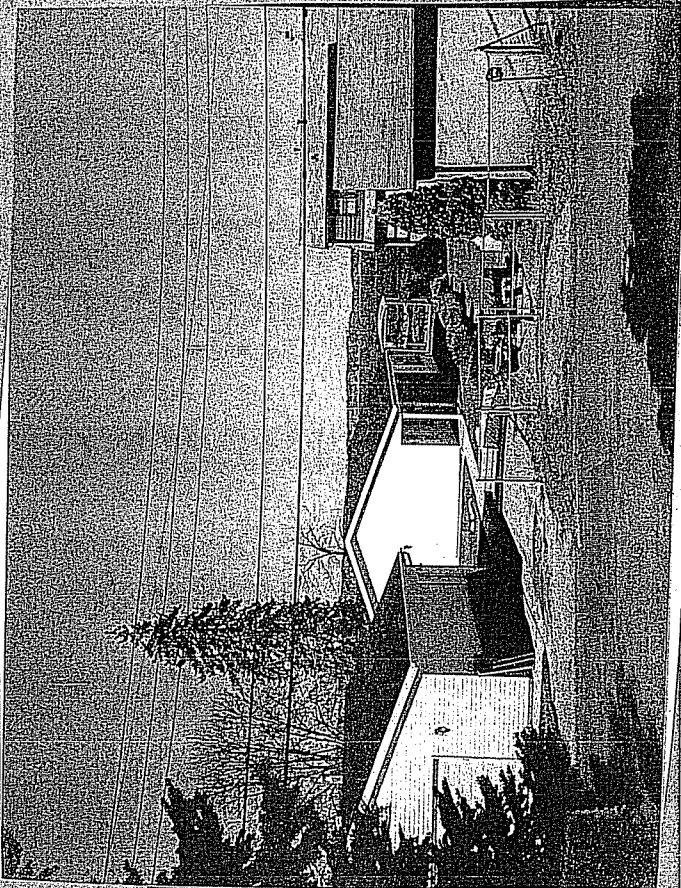
subdivided into
2 - 44.5' lots



10

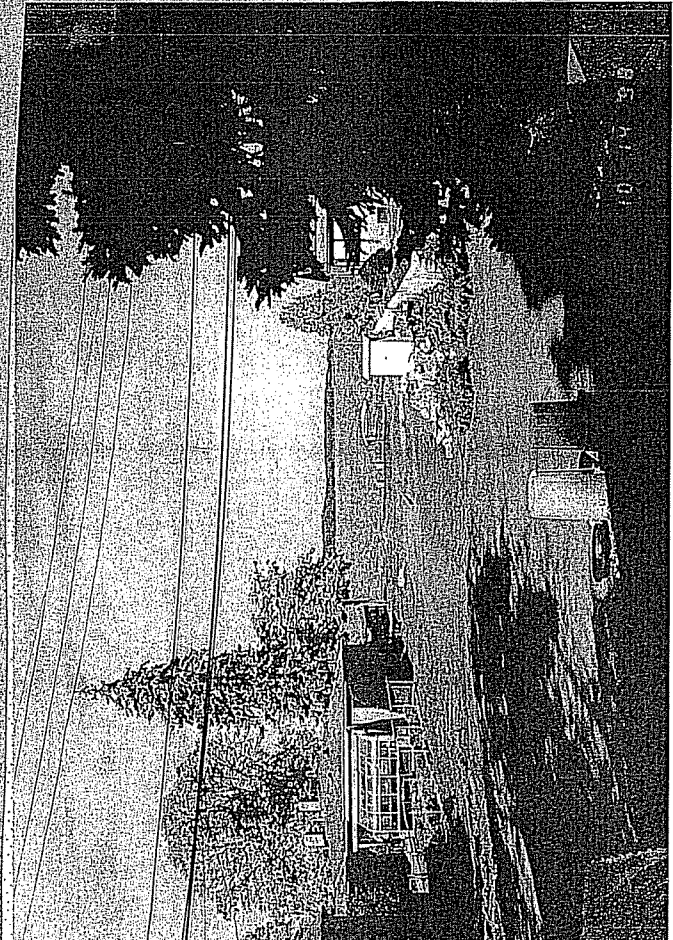


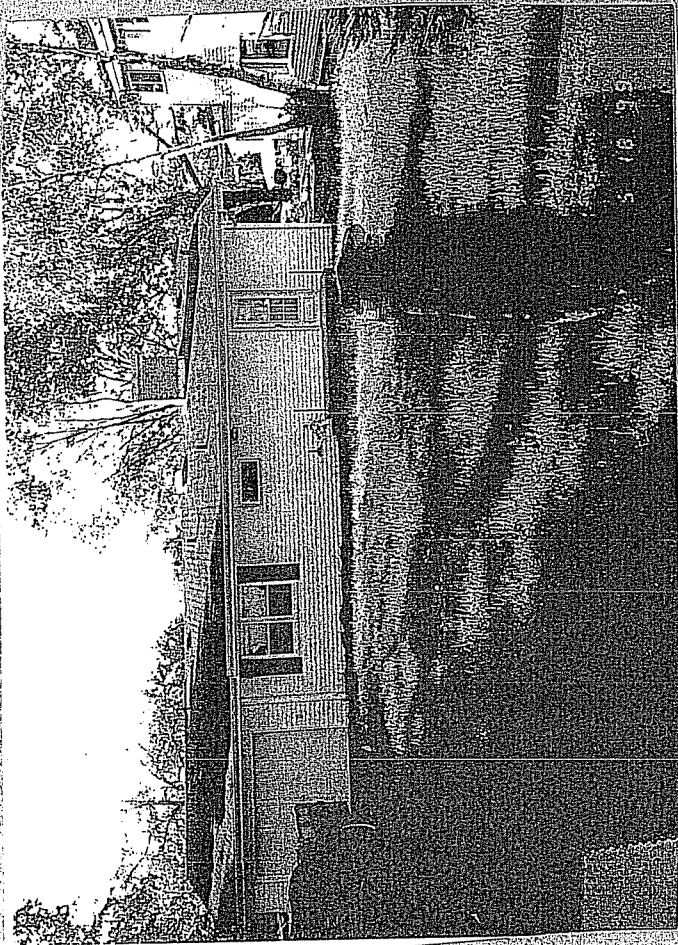
55' lot



514
Spring
CT

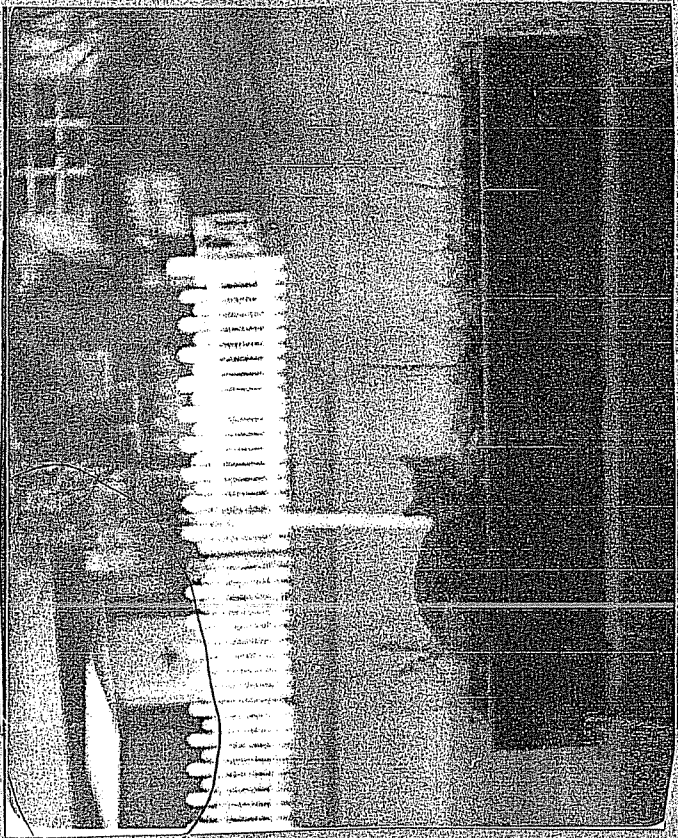
All trees removed





5136 Spring Ct

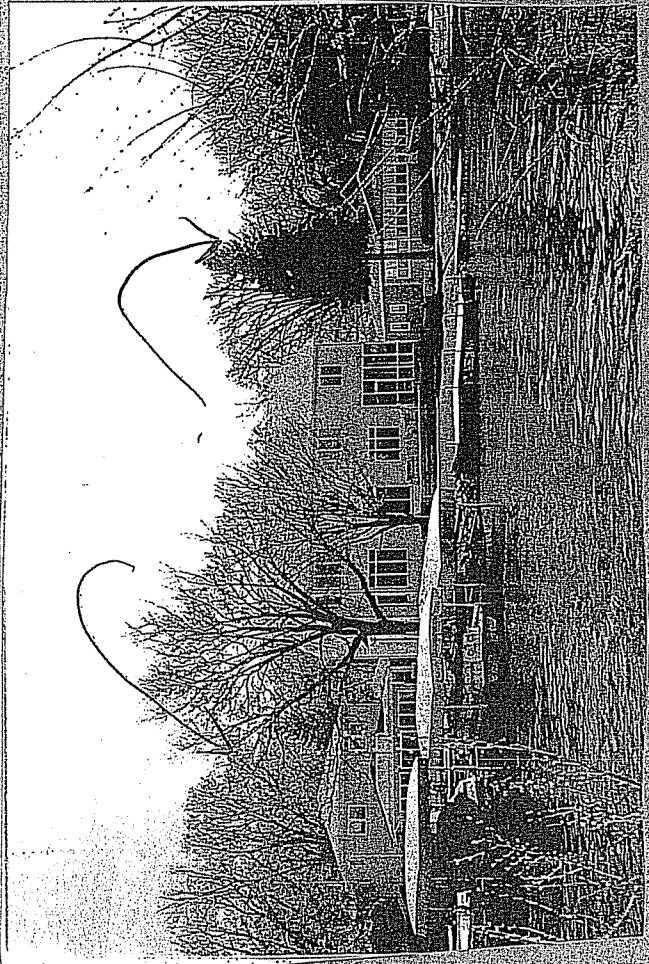
Towers over neighbors



10 Quince Mills

Garage is already oversized compared to neighborhood garages

60' lot



10




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Claim - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites History Mail Print

Address <http://www.digitalmemoriesproduction.com/claims/claim55011/>



Proof 3
Purchase this
image

Done Internet



Address	House Sq Ft	Lot Sq Ft	Garage	From City Assessors page Fall 2005
5101	960	4,850		1.0
5104	1,120	7,458		2.0
5105	1,896	7,717		1.0
5106	1,268	7,877		2.0
5109	2,017	8,811		1.0
5110	1,757	12,307		2.5
5114	1,756	11,305		2.0
5116	1,400	11,430		2.0
5118	2,922	14,900		2.0
5120	954	11,338		2.0
5121	859	3,944		0.0
5122	1,637	11,235		2.0
5125	668	3,729		0.0
5128	3,699	11,712		3.0
5129	1,238	10,706		1.0
5132	1,818	5,696		0.0
5136	2,725	10,174		2.5
5137	840	6,175		1.0
5140	907	10,418		0.0
5141	1,044	5,960		1.0
5144	1,692	11,820		1.0
5148	2,776	10,022		2.0
5152	1,170	11,045		2.0
5156	1,760	5,414		2.0
5158	1,684	5,244		1.5
5160	1,591	6,390		1.0

1621 avg sq ft 8,756 avg lot

Garage Stalls

no stalls - 4
1 stall - 8
1.5 stall - 1
2 stalls - 10

} 23 homes

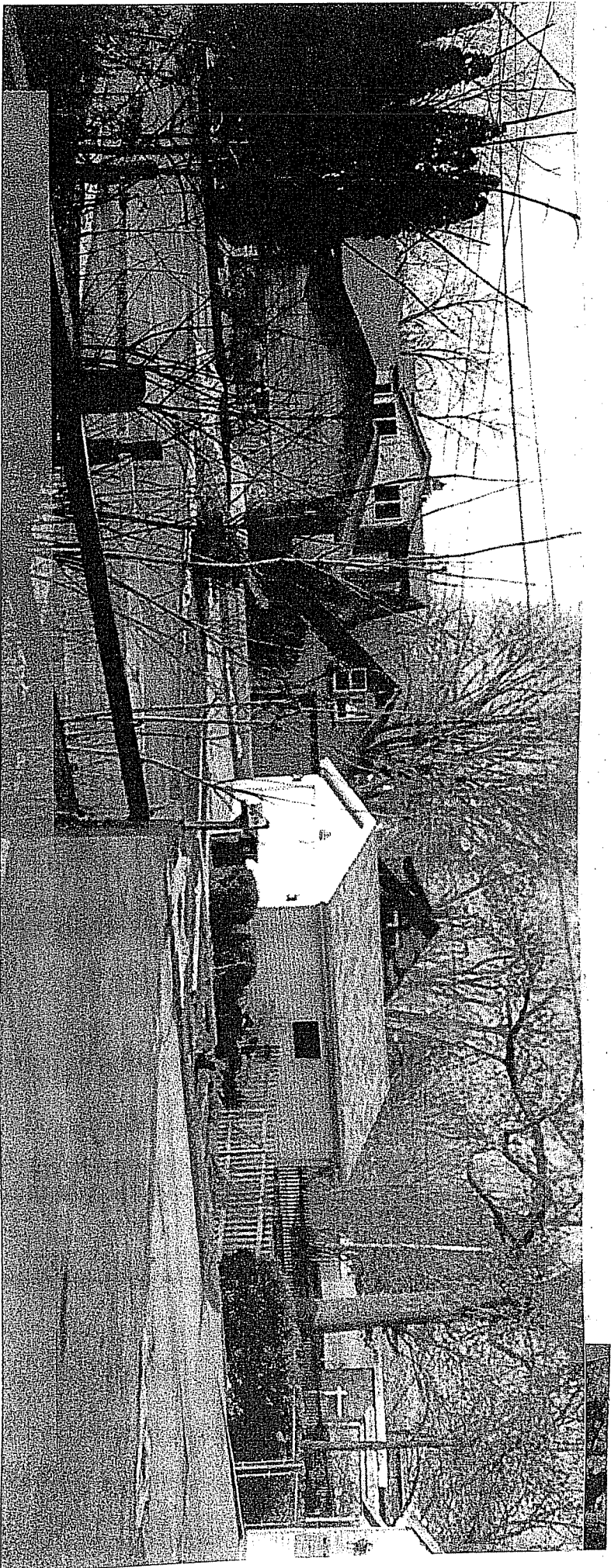
2.5 stalls - 2
3 stalls - 1

} 3 homes

PANDORA PHOTOS ALONG SPRING CT

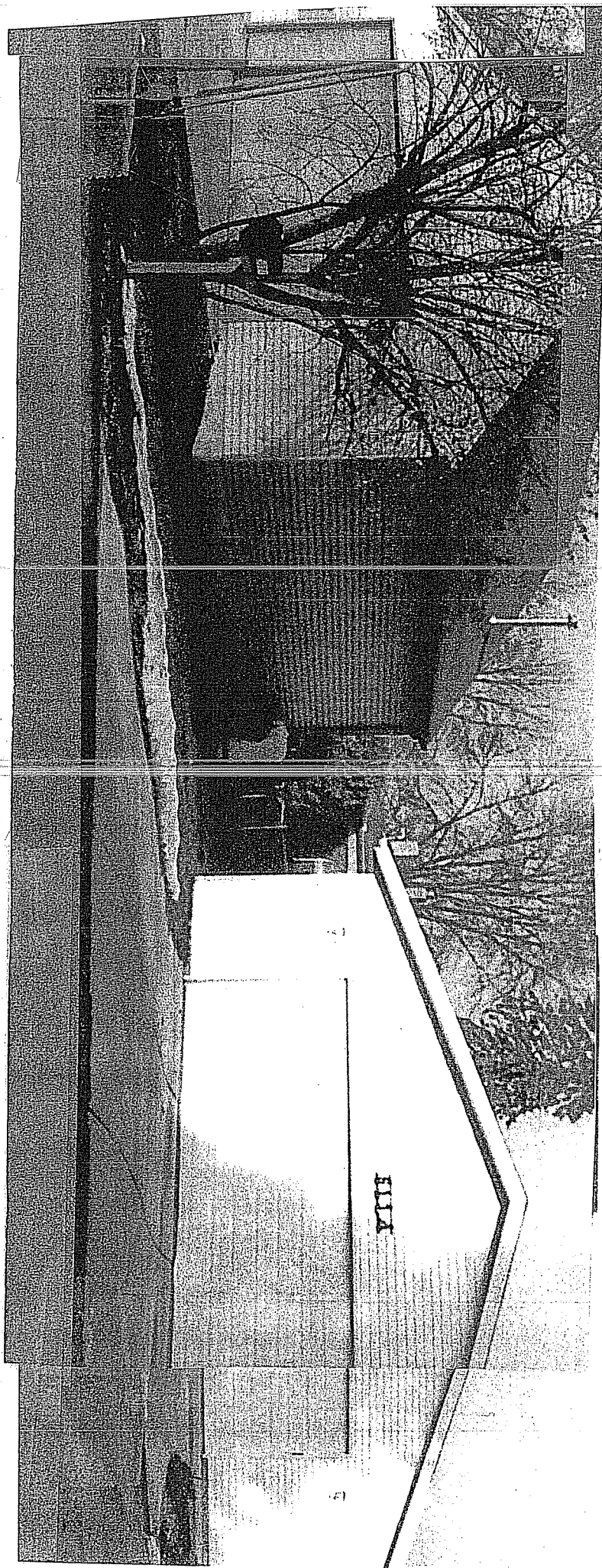
1 of 3

2



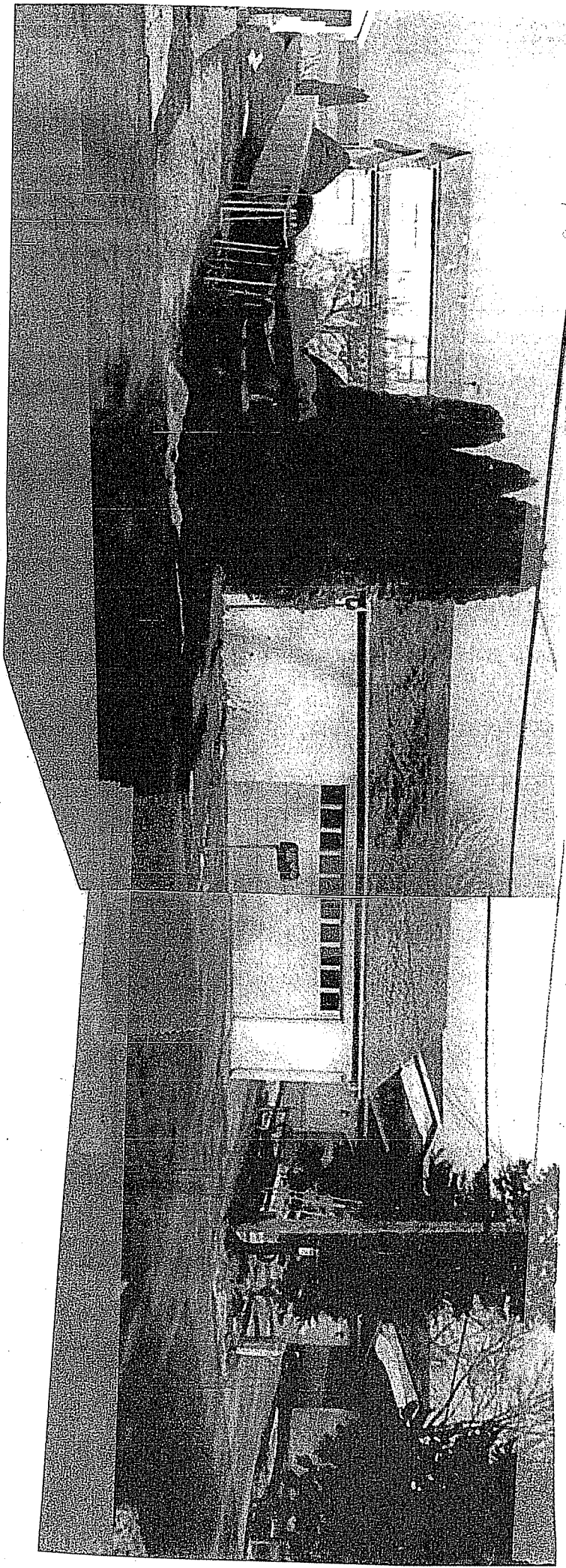
MATCH A →

← MATCH A



MATCH B →

2 OF 3



← MATCA B.

3 of 3

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From: Noel Radomski
To: TParks@cityofmadison.com
Date: 1/9/06 4:43PM
Subject: Noel's comments re: 5116 Spring Court

Tim:

As we discussed on the phone, I apologize for the late submission of my comments regarding the proposed demolition/construction at 5116 Spring Court. Although I was originally planning to attend tonight's Plan Commission meeting, unfortunately I will not be able to attend so please accept this email as a "substitute" for my physical presence.

I am not opposed to the proposed demolition/construction. My lack of opposition to the proposal is based on reading the proposal; based on my consultations with the owner, developer, the neighborhood association, and city staff; and based on precedent established with other Lakefront demolition/construction proposals. I do recognize, as do many neighbors, that the Plan Commission will need to focus on standard number 2:

"That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of this conditional use."

After talking with Planning and Development and Zoning staff I understand that there was neighborhood input at the Zoning Board of Appeals regarding the side yard area exception that were approved by the Zoning Board of Appeals. I concur with staff that there is a high likelihood that the conditional use standards can be met. Unless compelling information is presented to the Plan Commission demonstrating that the ordinance standards cannot be addressed, I conclude that the standards can be met.

Thank you.

Noel

Noel Radomski
Aldersperson, District 19
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