



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

November 3, 2023

Hart DeNoble
Hart DeNoble Builders
7923 Airport Road
Middleton, WI 53562

RE: – Consideration of a demolition permit to demolish two single-family residences; consideration of a conditional use to allow construction of a single-family residence on a lakefront property; consideration of a conditional use in the Traditional Residential-Consistent 2 (TR-C2) District for a building exceeding 10,000 square feet in floor area; and Consideration of a Certified Survey Map (CSM) to create one lot. (ID [79964](#), [79965](#), [79980](#) LNDUSE-2023-00070, LNDCSM-2023-00026)

On October 30, 2023, the Plan Commission found the standards met and **conditionally approved** your demolition permit, conditional uses, and Certified Survey Map for 5116-5118 Spring Court. A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division will be reviewed by the Common Council at its November 7, 2023 meeting. In order to receive final approval of the demolition permit, conditional use and for any other permits that may need to be issued for your project, the following conditions shall be met:

Land Use Request

Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following six (6) items:

1. Applicant shall provide survey of sewer located in Spring Court (Rim/Invert elevation, horizontal location) to confirm whether property can be provided sanitary sewer service off of Spring Court. If the existing sewer in Spring Court will work for the proposed home, applicant shall connect to the sanitary sewer Spring Court as a condition of plan approval. If it will not work, applicant can continue to use the sewer located in the easement next to homes. This easement sewer will be taken out of service in the future.

2. The City intends to construct a new sewer in Spring Court at a lower elevation and require all property owners to relocate laterals to connect to the future City sewer in Spring Ct. Applicant is recommended (not required) to build a separate inactive future lateral up to the road right of way (southwest corner) at an invert elevation of 845.00. This elevation will all allow for connection to the future sewer in Spring Court. The lateral will otherwise be rerouted from the easement sewer to the sewer in Spring Court by the property owner with City offering partially reimburse for the sewer lateral rerouting work (plumbing conversion policy reimburses up to \$14,125 (2023 rate).
 3. Applicant shall maintain a minimum first floor entrance elevation of 854.5. Additionally, the current regulatory floodplain shall be shown on the plan set.
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4. If Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
 5. 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))
 6. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
- Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following five (5) items:**
7. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
 8. Show the designated flood plain area on the site plan. Any construction within a flood plain shall meet floodproofing protection measures and such design shall be certified by a registered professional engineer or architect per Section 28.121(12) of the Madison General Ordinance.
 9. Show the height of the proposed building on the elevations measured to the highest point on the roof or parapet. The chimneys can be excluded from the height measurement. The maximum height is 35 feet. 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.

10. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass, at least eighty-five percent (85%) of the glass must be treated. All glass within fifteen (15) feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings and all glass on above-ground bridges must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
11. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Please contact William Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

12. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266- 5946.
13. 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>
An upgrade to include a fire sprinkler system shall be offered along with a cost estimate for all initial single- or two-family home sales.

Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items

14. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. 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. 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.

15. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's

Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Jeffrey Qaumme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following seven (7) items:

16. The Additional public sanitary sewer easement areas shall be required to be granted between the home and garage and in the southwestern corner of the site where existing sewer crosses the lot. The east line of that new easement area should be 10' east of the center of the existing pipe.

17. A separate Real Estate Project will be necessary to amend the current easement to include the new easement areas. The easement shall also have the terms updated in paragraph 1 (c) to acknowledge the proposed private improvements that will be permitted within the easement as part of the site plan review.

18. Provide the map exhibit (also provide a map exhibit of the proposed improvements and second story bridge to be permitted within the easement) and legal descriptions to Jeff Quamme (jrquamme@cityofmadison.com) to set up the Real Estate project.

19. 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)

20. The Owner/Applicant/Contractor are collectively responsible to obtain the necessary permissions or easements for the construction and maintenance of the retaining walls that would disturb any adjacent property.

21. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

22. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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 or early start permit.

Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following one (1) item:

23. This applicant shall submit a site grading, drainage and foundation plan to City Engineering for review and approval prior to issuance of any Building Permits for the site. This plan shall show how drainage is allowed through and off of the site post redevelopment.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Forestry Division, Metro Transit, Parks Division and Parking Utility

Land Division Request

Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following three (3) items:

24. Show the regulatory FEMA floodplain on the CSM.
25. The new structure shall have a minimum entrance opening of 854.00 USGS datum.

26. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

Please contact Jeffrey Qaumme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following nineteen (19) items:

27. The CSM shall note the proposed new sanitary sewer easement areas as "Public Sanitary Sewer Easement per Document No. _____ " (Amendment to Document No. 4336154)". A separate Real Estate Project will be necessary to amend the current easement to include the new easement areas. It also shall have the terms updated, paragraph 1 (c) to acknowledge the proposed private improvements that will be permitted within the easement as part of the site plan review.
28. Also the amendment shall also include additional Easement area in the southwesterly corner of the lot where public sanitary sewer crosses the lot. The east line of that new easement area should be 10' east of the center of the existing pipe.
29. Provide the map exhibit (also provide a map exhibit of the improvements and second story bridge to be permitted within the easement) and legal descriptions to Jeff Quamme

30. 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 must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
31. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
32. Provide at tie distance from the southeast corner of the Lot to the existing Public Sanitary Sewer Easement per Doc 4336154.

33. Provide a dimension to the found iron in the middle of the frontage of the new lot. Also provide a 15' dimension from the SE line of Lot 31 to the exterior boundary of the CSM.
34. The Ordinary High Water Mark shall be shown on the CSM. Lake Mendota has an OHWM elev of 850.7. All lot dimensioning shall be to the OHWM and not the existing water's edge. All dimensioning to the OHWM shall also be noted as +/- (more or less).
35. Add a dimension of 124.67 between the two northeastern most iron stakes along the Northwest side of the CSM.
36. Provide a recorded as distance of 269.7 along the Northwest line of the CSM.
37. Place a note on sheet 1 that all existing buildings are to be demolished.
38. Numerous surveys and CSM's indicate the radius of the right of way to be 440 feet. Please revise accordingly or provide justification of current radius.
39. Provide the area of the lot to the OHWM as more or less. Also provide an area to the meander line.
40. Add to the sheet header and legal description that this CSM is also within Government Lot 3 of Section 18.
41. Add text to the legal description under the Surveyor's Certificate that includes the lands lying between the meander line and the OHWM of Lake Mendota between the Northwesterly and Southeasterly lines of the CSM.
42. The Surveyor's Certificate is missing certification text required by statute and a statement that the surveyor has complied with the subdivision ordinance of the City of Madison.
43. Provide a tie to the sanitary easement from the southeast corner of the CSM.
44. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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.
45. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - a) Right-of-Way lines (public and private)
 - b) Lot lines
 - c) Lot numbers
 - d) Lot/Plat dimensions
 - e) Street names
 - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Please contact Heidi Radlinger of the Real Estate Office at (608) 266-6558 if you have any questions regarding the following six (6) items:

46. OWNER'S CERTIFICATION

Prior to approval sign-off by the Office of Real Estate Services, the Owner's Certificate shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

The City and the Register of Deeds are now accepting electronic signatures. A .pdf of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

47. CERTIFICATE AND CONSENT REQUIREMENTS

- a. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
- b. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

48. REAL ESTATE TAXES

2022 real estate taxes are paid in full for the subject properties.

Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.

49. SPECIAL ASSESSMENTS

There are no special assessments reported on the subject parcels. If special assessments are levied against the property during the review period prior to CSM approval sign-off they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

50. TITLE REPORT UPDATE

Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services 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 (9/8/2023) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be

considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

51. COPY OF RECORDED CSM

The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering, Zoning, Fire Department, Forestry Division, Water Utility, Metro Transit, Parks Division and Parking Utility

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining your conditional use:

1. After the plans have been revised per the above conditions, please submit one (1) complete digital plan set in PDF format and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com (note: A 20MB email limit applies and multiple transmittals may be required). The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. The conditional use approval is valid for two (2) years from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

Please now follow the procedures listed below for obtaining your demolition permit:

1. After the plans have been revised per the above conditions, please submit one (1) complete digital plan set in PDF format and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com (note: A 20MB email limit applies and multiple transmittals may be required). The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
3. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
4. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 12 months from the expiration date.

Please now follow the procedures listed below for the Certified Survey Map:

1. In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner (lmcnabola@cityofmadison.com). The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.
2. Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recorded at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 243-0554 or lmcnabola@cityofmadison.com.

Sincerely,



Lisa McNabola
Planner

cc: Jenny Kirchgatter, Asst. Zoning Administrator
 Brenda Stanley, Engineering Division
 Jeffrey Quamme, Mapping Section
 William Sullivan, Fire Department
 Jeff Belshaw, Water Utility
 Heidi Radlinger, Real Estate Office

I hereby acknowledge that I understand and will comply with the above conditions of approval for conditional uses.

Signature of Applicant

Signature of Property Owner (if not the applicant)

LNDUSE-2023-00070, LNDCSM-2023-00026			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div.	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Other: Real Estate