

June 27, 2006

WRITER'S DIRECT LINE
608.258.4293
aamtsen@foley.com EMAIL

CLIENT/MATTER NUMBER
037730-0102

Mr. Brad Murphy
Department of Planning and Development
215 Martin Luther King, Jr. Boulevard
Madison, WI 53701

Re: 5116 Spring Court

Dear Mr. Murphy:

This letter is in support of Jason and Laurie Smith's request for a conditional use permit for their home at 5116 Spring Court. A conditional use permit for the home was approved by the Madison Plan Commission earlier this year. However, unexpected construction conditions and the discovery of some inaccuracies in the approved plans have required my clients to alter the approved plans, for which we request Plan Commission approval.

In a nutshell, higher than expected groundwater levels at the Smith residence required that the basement floor be raised three feet from the level indicated on the approved plans. To accommodate this without increasing the above ground mass of the building, my clients reduced the height of each of the floors in the building by one foot. This redesign also required modifying a floor joist. The net result is the house is six inches higher at the eaves than on the approved plan.

In order to reduce the overall mass of the building and address concerns about maintaining lake views from properties across the street, my clients reduced the roof pitch and the peak height of the house by 17 inches. The alteration in the floor heights caused my clients to reduce the height of the windows on the first and second floors by one foot and to raise and increase the height of the basement windows.

The overall impact of these alterations has been minor. The footprint of the building is unchanged. The building is 17 inches shorter at the peak and six inches higher at the eaves, and the windows and the sod materials have minor changes. Because the footprint and overall envelope of the building are essentially unchanged from the structure that was previously approved by the Plan Commission, we request approval of the revised plans and issuance of a revised conditional use permit.



FOLEY & LARDNER LLP

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Finally, in the course of proceeding with the above alterations, we learned that an elevation in the plans that the Smiths' prior architects, Zingg Associates, had prepared for the Smith house did not accurately depict the dimensions of neighboring houses to scale and that a side elevation omitted the portion of home between the first floor level and the exterior grade. The Smiths regret and apologize for the inaccuracies in the previously approved plans. They have been corrected on the plans submitted with this request.

Please contact me with any questions. Thank you for consideration of this request.

Very truly yours,

FOLEY & LARDNER LLP

Allen A. Arntsen

Enclosure



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266 4747
FAX 608 266-8739
PH 608 266-4635

January 26, 2006

Mark Zingg
Zingg Design
6603 University Avenue
Middleton, WI 53562

Lori & Jason Smith
5116 Spring Court
Madison, WI 53507

SUBJECT: 5116 Spring Court

Dear Mr. & Mrs. Smith and Mr. Zingg:

The Plan Commission, at its January 9, 2006 meeting, determined that the ordinance standards could be met subject to the conditions below for a demolition permit-conditional use for the demolition of the existing house and garage located at 5116 Spring Court. The approval included the new house and attached garage.

In order to receive final approval of your proposal, the following conditions must be met:

The Plan Commission specifically directed that the drive be narrowed as much as possible and that the landscape plan be reviewed to see if the view on the garage can be screened.

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following seven items:

1. A Street Terrace permit is required for installation of new drive within the right-of-way.
2. The owner/applicant must hire a registered land surveyor to prepare a plat of public sanitary sewer easement map and legal description. Submit map and description with a \$500.00 check, payable to the City Treasurer, to City Engineering, Attention Eric Pederson. Engineering will coordinate the preparation and recording of this easement with City Real Estate staff. Fee collected covers staff time, administrative costs, and recording fees.
3. Easement language shall include provisions for proposed skywalk within easement area, if approved.
4. City Engineering recommends the installation of a secondary sanitary lateral for future connection to Spring Court at such time the public sewer is moved to the street. Approval may be contingent upon owner agreement.
5. All work in the public right-of-way shall be performed by a City licensed contractor.

6. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
7. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

Please contact Bill Roberts of Planning Unit staff at 266-4635 if you have questions regarding the following two items:

8. As required by ordinance, the applicant shall submit a reuse and recycling plan for approval by the City of Madison Recycling Coordinator prior to demolition permits being issued. The applicant is encouraged to explore the possibility of moving this house to another site, but does not recommend that the Plan Commission impose this as a condition of approval.
9. The applicant shall verify that there will be no construction activity or site work within the mapped environmental corridor and 100-year flood plain along the lakeshore. This area shall be shown on the site plan and noted clearly to prevent any encroachment.

Please contact the Madison Fire Department at 266-4484 if you have questions regarding the following item:

10. All portions of the exterior walls of newly constructed one and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Approval of this proposal does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

Please follow the procedures listed below to receive your conditional use approval.

1. Please revise plans per the above conditions and submit seven (7) sets of the final site plans (including drainage and landscaping plans) to the Zoning Administrator. The final plans are reviewed and approved by Traffic Engineering, Fire Department, City Engineering, Planning and Zoning. Any of these agencies may call you to request additional information or to resolve problems.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.

3. No alteration of this proposal shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Section 28.12(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against this approved conditional use.

IF YOU HAVE ANY QUESTIONS REGARDING OBTAINING YOUR BUILDING PERMIT OR OCCUPANCY PERMIT, PLEASE CALL KATHY VOECK OF THE CITY ZONING STAFF AT 266-4551.

Sincerely,

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

Bill Roberts
Planning & Development

Applicant

cc: Zoning Administrator
City Engineering
Traffic Engineering

Zoning City Engineering Traffic Engineering Planning (BR)
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June 26, 2006

Re: Jason and Laurie Smith Residence, Spring Court, Madison, WI 53705

To Whom It May Concern:

We are aware that deviations from the original house plans have occurred. However, there is no way these changes represent a significant enough change to the original design to stop construction.

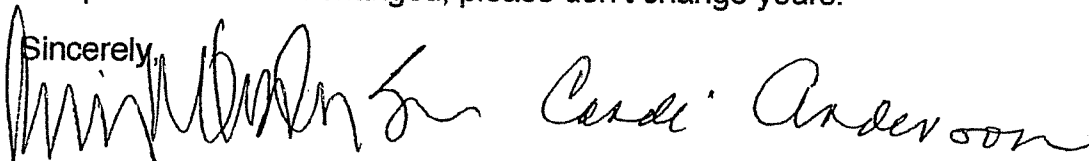
It is my wife's and my opinion the reasons for stopping the construction are minor and without substance.

We were excited to see the construction start and bring a fresh new look to the neighborhood. However, we are **not** happy to see the construction delayed and the disruption to our neighborhood extended.

Please do not let one neighbor influence you into thinking these changes are a bad thing. My wife and I have been **very** supportive of the Smith's new house project from the very beginning and have testified to that support at both the zoning hearings and the planning commission.

Our position has not changed, please don't change yours.

Sincerely,

A handwritten signature in black ink, appearing to read "David and Candi Anderson". The signature is written in a cursive, flowing style.

David and Candi Anderson
5132 Spring Court
Madison, WI 53705

City of Madison
Zoning and Planning Commission
216 Martin Luther King Blvd
Madison, WI 53703

June 23, 2006

Re; Mr. and Mrs. Jason Smith
5116 Spring Court
Madison, WI 543705
New Construction Project

Dear Committee,

As a resident and owner of 5104 Spring Court we have reviewed the plans of Jason and Laurie Smith's new construction on several occasions as it was presented in November of 2005 and again in the spring of 2006. We also have seen the construction in its present form as the outside of the structure is being completed.

We find no objection to the present dimensions and feel that it is reasonable as noted in earlier drawings. We feel that this is a fine addition to the neighborhood and will only affect the values in a positive way.

Sincerely,



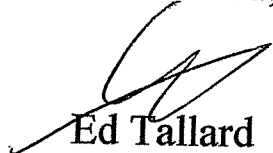
David P. and Edyie A. Walther
5104 Spring Court
Madison, WI 53705

Brad Murphy
Department of Planning and Development
City of Madison

Mr. Murphy,

We strongly support the project at 5116 Spring Court. The height of the house is what we expected to see, there are no surprises. Please let Jason and Lori start building again, we do not want this project to be held up any longer. Holding up the house in a half completed state by sending them back through Zoning and Planning is the worst thing you could do to our neighborhood.

Thank You,



Ed Tallard
5112 Spring Court

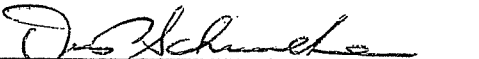
To Whom It May Concern:

The undersigned reside at 5118 Spring Court. We have owned our home for over 38 years and have seen many changes in our neighborhood during this period of time. The proposed house for 5116 Spring Court is a definite improvement to the area. We approved the plans as explained and shown to us. We have no objection to the house as constructed now.

Our main concern is that a disgruntled neighbor can cause a further delay in the completion of this house. Once the house is completed, a beautiful new home will adjoin our home. As we are in the construction cycle now we desire it to be completed as soon as reasonably possible.

Dated this 21st day of June, 2006


Cynthia A. Schumacher



Duane P. Schumacher

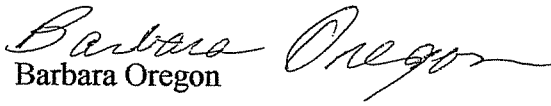
To whom it may concern:

We live at 5114 Spring Court which is adjacent to the east of the property of Jason and Lori Smith; we were approached last fall by them with plans for razing the existing house and building a new house on their lot. Both of us looked the plans over and asked Jason and Lori questions about the plans and we told them that we thought that what they wanted to do was very nice. We continued to follow the progress they had made with the planning commission and were apprised of the changes as they were made to gain approval of the commission. When construction started the contractor stopped at our house and told us what they were going to do and gave us a business card so if we had any complaints we could call them. We have watched as the house has gone up, it looks like the plan that we remember, we think that it looks nice with unique lines that make it look like it fits into the neighborhood.

I understand that the neighbor across the street is complaining about the height of the house and that she took pictures of the front of the house, which she had to trespass on my property to do. I fail to understand how someone that has lost this fight before the planning commission can now stop the progress. We also fail to see how it is any business of hers as to how they trimmed the trees in the front of the house; we certainly don't think that we should have any say when they trim their trees. We DO NOT want to see this tied up in legal hassling and the house sitting there as an unfinished eyesore. When if it could and would be completed it would be a beautiful home and add a lot to the lake front area of Spring Court.

Sincerely


Larry Oregon


Barbara Oregon