



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$300 Filing Fee

Ensure all information is typed or legibly printed using blue or black ink.

Address of Subject Property: 1725 Fritz Ave.

Name of Owner: MIG Homes Inc.

Address of Owner (if different than above): 1611 Norman Way
Madison, WI 53705

Daytime Phone: 608-238-3910 Evening Phone: 608-335-4847
CELL

Email Address: mighomes@gmail.com

Name of Applicant (Owner's Representative): Birkenkott Surveying

Address of Applicant: 1677 N. Bristol St, Sun Prairie WI 53590

Daytime Phone: 608-837-7463 Evening Phone: _____

Email Address: dbirkenkott@birrenkottsurveying.com

Description of Requested Variance: Proposed Lot 1 will need a Variance of 1.98
Feet. Proposed lot 2 will need a variance of 50 Feet. Due to
Fritz Ave. deadends only one lot will have actual road Frontage
A 50 Foot wide Joint Driveway easement will be created.
For the benefit of Lot 2.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: \$300⁰⁰
Receipt: 142200
Filing Date: 4/26/13
Received By: PDA
Parcel Number: 0709-182-1110-6
Zoning District: TR-C1
Alder District: 19 MARK CLEAR

Hearing Date: MAY 23, 13
Published Date: 5/16/13
Appeal Number: 052313-2
GQ: _____
Code Section(s): _____

Standards for Variance

The Zoning Board of Appeals shall not grant a variance unless it finds that the following conditions are present:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

Yes, the vacation of a portion of Fritz Ave. has opened up additional lot area. Allowing for two lots. Due to the fact existing Fritz Ave dead ends at the property, only one lot has 50' frontage

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

yes

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

yes

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

yes

5. The proposed variance shall not create substantial detriment to adjacent property.

yes

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

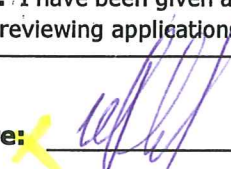
yes

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Lot lines <input checked="" type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input checked="" type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1" = 30' preferred) <i>1" = 50'</i> <input checked="" type="checkbox"/> North arrow
<input type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards, which the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: _____



Date: _____

4/22/13

----- (Do not write below this line/For Office Use Only) -----

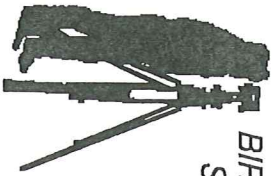
DECISION

The Board, in accordance with the findings of fact, hereby determines that the requested variance for _____ (is) (is not) in compliance with all of the standards for a variance. Further finding of fact is stated in the minutes of this public hearing.

The Zoning Board of Appeals: Approved Denied Conditionally Approved

Zoning Board of Appeals Chair:

Date:



**BIRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI, 53590
Phone (608) 837-7463
Fax (608) 837-1081

SITE PLAN

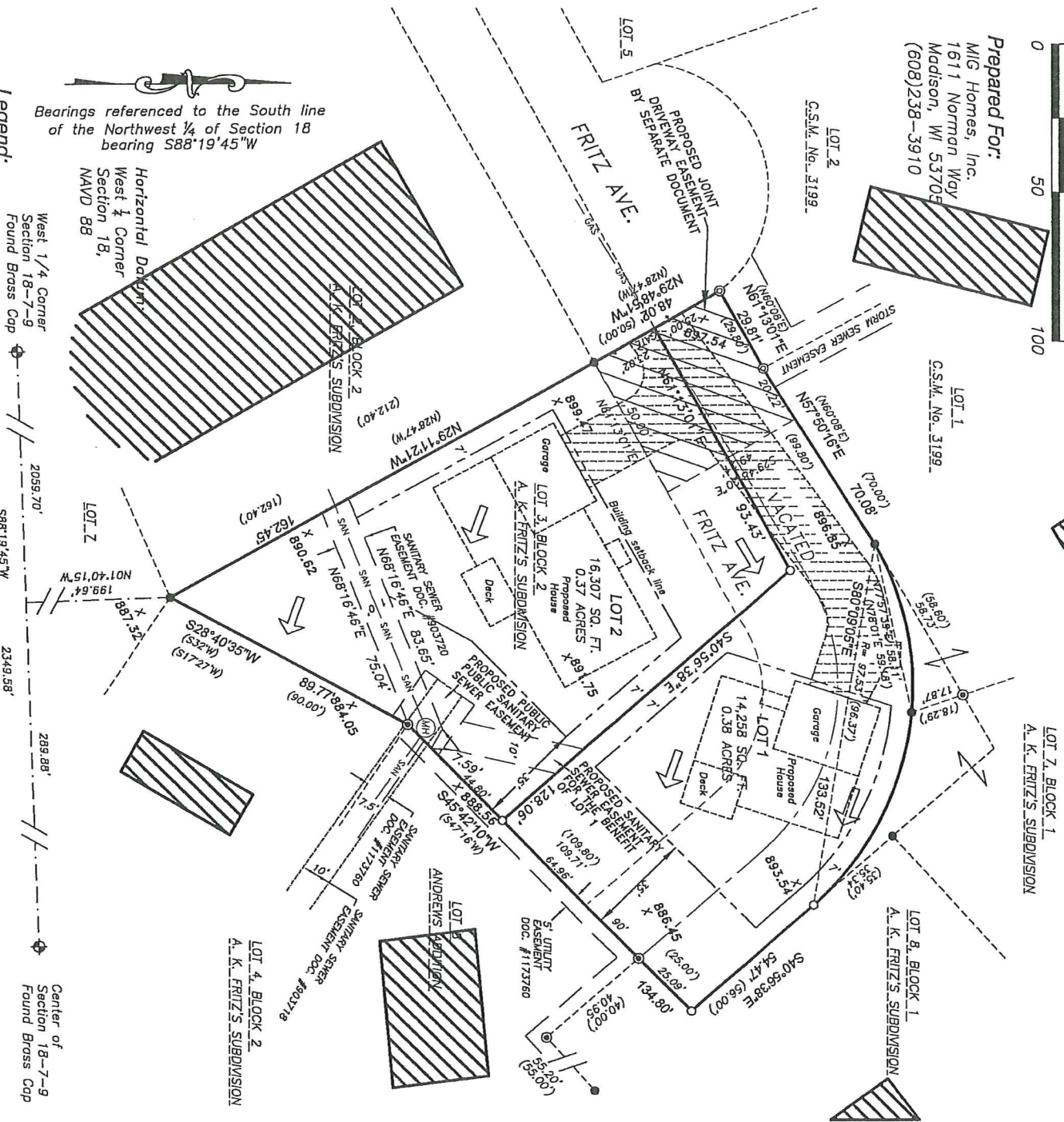
A PART OF LOT 3, BLOCK 2, AND PART OF VACATED FRITZ AVENUE, IN A.K. FRITZ'S SUBDIVISION OF BLOCK 14 MENAOTA BEACH SUBDIVISION, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, T7N, R9E, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SCALE 1" = 50'



Prepared For:

WIG Homes, Inc.
1611 Norman Way
Madison, WI 53704
(608)238-3910



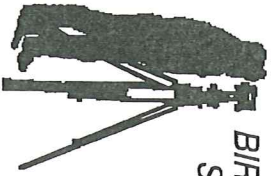
Bearings referenced to the South line of the Northwest 1/4 of Section 18 bearing S88°19'45"W

Legend:

- = Found 3/4" Iron Bar
- ⊙ = Found 1" Iron Bar
- ⊗ = Found 1" Iron Pipe
- = Set 1"x24" Iron Pipe min. wght. 1.13 lbs./ft.
- ➔ = Direction of Flow
- () = Recorded as data
- GAS — = Gas Line
- SAN — = 6" Sanitary Sewer Line
- — — = Building Setback Line
- ▨ = Public Sewer Easement
- ▨ = Approximate location of neighboring structures (per Aerial Photo)

NOTE: Proposed structures shown on Lots 1 & 2 are for graphical purposes only

Office Map No. 120403



**BIRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

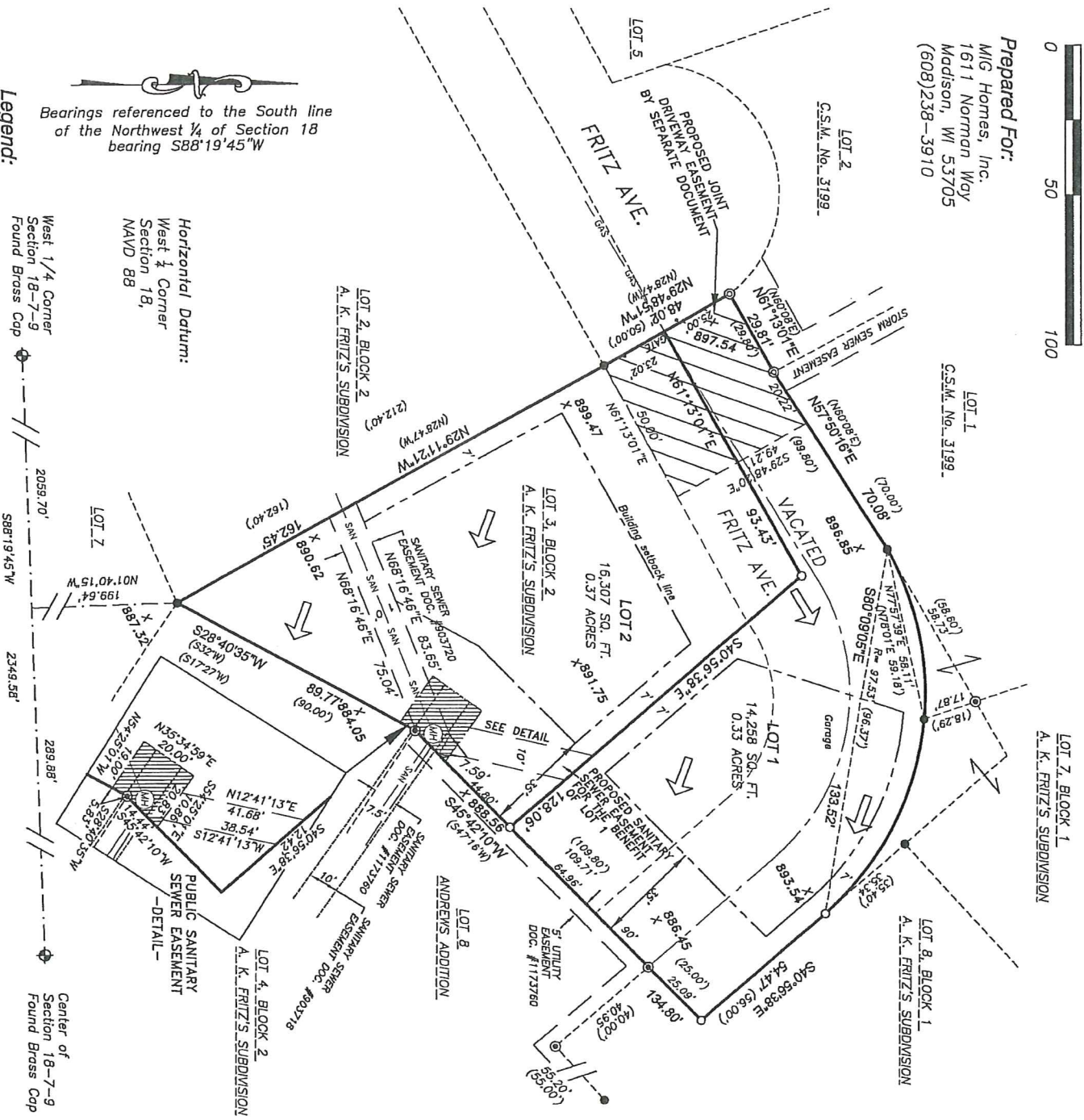
A PART OF LOT 3, BLOCK 2, AND PART OF VACATED FRITZ AVENUE, IN A.K. FRITZ'S SUBDIVISION OF BLOCK 14 MENDOTA BEACH SUBDIVISION, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, 77N, R9E, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SCALE 1" = 50'



Prepared For:

MIG Homes, Inc.
1611 Norman Way
Madison, WI 53705
(608)238-3910

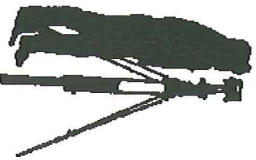


Bearings referenced to the South line of the Northwest 1/4 of Section 18 bearing S88°19'45"W



Legend:

- = Found 3/4" Iron Bar
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- ⇒ = Direction of Flow
- () = Recorded as data
- GAS — = Gas Line
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- = Building Setback Line
- ▨ = Public Sewer Easement



CERTIFIED SURVEY MAP DATED: April 19, 2013

A PART OF LOT 3, BLOCK 2, AND PART OF VACATED FRITZ AVENUE, IN A.K. FRITZ'S SUBDIVISION OF BLOCK 14 MENDOTA BEACH SUBDIVISION, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, T7N, R9E, CITY OF MADISON, DANE COUNTY, WISCONSIN.

**Birkenkott
Surveying, Inc.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

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

Steven R. Cover, Secretary
City of Madison Plan Commission

Dated _____

City of Madison Common Council Certificate:
Resolved that this certified survey map located in the City of Madison was hereby approved by Enactment Number File ID Number _____, adopted on the _____ day of _____, 2013, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this _____ day of _____, 2013

Maribeth I. Witzel-Behl, Clerk
City of Madison

Mortgagee's Certificate:
Starion Financial, mortgagee of the land described hereon, does hereby consent to the surveying, dividing, mapping and dedicating of the land described hereon, and does hereby consent to the certificate of the owners.

Starion Financial

Approved Authority

State of Wisconsin)
Dane County SS) Personally came before me this _____ day of _____, 2013, the above-named owners, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin.

My Commission Expires _____

Notes:

Utility Easement: No poles or buried cables are to be placed on any lot line or corner. The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands if present have not been delineated.

This survey is subject to any and all easements and agreements both recorded and unrecorded.

At the time these lots develop, stormwater infiltration/ detention shall be required, limiting downstream discharge to the current (undeveloped) rate and volume.

All lots within this plat are subject to public easements 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 easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Each lot shall be served by a separate and independent sanitary sewer lateral.

No changes in drainage patterns associated with development on any or all lots within this csn shall be allowed WITHOUT prior approval of the city engineer.

Each lot shall have a separate water service lateral connected to a public water main. Easements and rights incidental thereto in connection with the continued use and right of entrance, maintenance, construction and repair of municipal or utility facilities as may exist underground or over ground in or on that portion of the subject premises which were formerly a part of Fritz Road now vacated (discontinued).

Order Discontinuing Part of Fritz Avenue recorded January 20, 1955 in Volume 276 of Misc., page 241 as Document No. 888233.

Surveyed: T.A.S..
Drawn: T.R.K.

Checked:

Approved: D.V.B.
Field book 336/20-22
Tape/File: J:2012\

Document No. _____

Sheet 3 of 3

Certified Survey Map No. _____, Volume _____, Page _____

Office Map No.: 120403



Department of Planning & Community & Economic Development
Planning Division

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

April 10, 2013

Anthony Kasper
Birrenkott Surveying, Inc.
PO Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590

RE: File No. LD 1307 – Certified Survey Map – 1725 Fritz Avenue (MIG Homes, Inc.)

Dear Mr. Kasper;

The two-lot certified survey subdividing your client's property located at 1725 Fritz Avenue, Section 18, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby granted **preliminary approval** of the attached Sheet 1 of 2 lot configuration pending the granting of a lot width variance by the Zoning Board of Appeals. The site is zoned TR-C1 (Traditional Residential–Consistent District 1).

The conditions of approval from the reviewing agencies to be satisfied following approval of the necessary zoning variance(s) and before final approval and recording of the CSM are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following sixteen (16) conditions:

1. Reconcile the discrepancies between the curve data shown on the map and information contained in the legal description.
2. Reconcile the omission of interior lot dimensions for Lots 1 and 2.
3. Map the existing sanitary sewer based on field measured locations of all sanitary structures located on the site as well as a minimum of one additional structure upstream and downstream from the structure located on this CSM.
4. Revise the CSM to dedicate a public sanitary sewer easement, 10-foot by 10-foot, centered over the existing public sanitary sewer structure.
5. Map, dimension and reference the existing Register of Deeds document numbers (Document Nos. 903718, 903720 and 1173760) for all existing public sanitary sewer easements contained within, and adjacent to, this proposed CSM.
6. Map all existing dwelling structures located within the boundary of this proposed CSM.
7. It appears there may need to be a shared ingress and egress created for this proposed lots. Provide reference to this on the CSM if created and recorded pre-CSM by separate document.

8. Specify a horizontal datum basis of bearings on the CSM. If assumed, state as such.
9. Add the following note to the CSM: "At the time these lots develop, stormwater infiltration/ detention shall be required, limiting downstream discharge to the current (undeveloped) rate and volume."
10. The following notes shall be included on the CSM:
 - a.) All lots within this plat are subject to public easements 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 easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
 - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyor's: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

Note: In the event of a City of Madison Plan Commission and/or Common Council-approved 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.
11. Each lot shall be served by a separate and independent sanitary sewer lateral.
12. 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.
13. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) 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 the land division (and subsequent obsolesces of the existing parcel).
14. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise

collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.

15. In accordance with Section s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.
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 must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering Division. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the plat or CSM. Note: Land tie to two PLS corners required.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following item:

17. The developer shall pay \$3,687.96 in park dedication and development fees for the new single-family lots as shown in the CSM after a credit is given for the single-family residence that demolished in 2010. The developer must select a method for payment of park fees before signoff on the CSM. This development is within the Garner park impact fee district (SI29). Please reference ID#13116 when contacting Parks Division staff about this project.

Note: The park dedication requirement for single-family and two-family units equals 1,100 square feet per dwelling unit. The fee in lieu of parkland dedication for single- or two-family units is \$2,684.00 per unit in 2013. The park development fee for a single-family or two-family unit in 2013 is \$1,003.96 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:

18. Each lot shall have a separate water service lateral connected to a public water main.
19. Per MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following five (5) items:

20. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and 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.

21. A certificate of consent for mortgagee/vendor shall be included following the Owner's Certificate for any mortgagees/vendors of record.
22. As of March 26, 2013, the real estate taxes are partially paid for the subject property, with the second installment of \$896.63 owed. There are no special assessments reported. The owner shall provide paid receipts for the full amount of taxes owed on or before the time of sign-off of the CSM.
23. Please verify that stormwater management charges are paid in full by contacting Janet Dailey with City Engineering (261-9688) or Sharon Pounders with the Madison Water Utility (266-4641).
24. The following CSM revisions shall be made:
 - a.) Include a brief legal header on each sheet of the CSM.
 - b.) Update the sheet numbers to correctly represent what exists.
 - c.) Combine #3 and #4 from Part "A" of the title report and include as a note on Sheet 3 of the CSM.
 - d.) Remove the duplicated notes from Sheet 4.
 - e.) Update the label and description of the sanitary sewer easement to show what is reported in title and add the Document No. for said easement.
 - f.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
 - g.) Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off.
 - h.) If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a note on the proposed CSM.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division will be sent to the Common Council for approval after the necessary variances for the proposed land division have been approved by the Zoning Board of Appeals. The Secretary of the Plan Commission or his/her designee will not sign this CSM for recording unless all necessary variances have been granted.

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

If the variances are granted and as soon as the comments and conditions have been satisfied as verified with a completed affidavit form provided by the Planning Division, the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane

County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the 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 signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

Upon acceptance and recording of the Certified Survey Map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded within six (6) months of the date of the Common Council resolution approving it.** If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Matt Tucker, Zoning Administrator
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations