



Report to the Plan Commission

July 15, 2009

Legistar I.D. #14706
1022-1024 Sherman Avenue
Certified Survey Map Referral

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

Requested Action: Consideration of a one-lot Certified Survey Map of 0.2 acres of property owned by Peter Melone and located at 1022-1024 Sherman Avenue.

Applicable Regulations & Standards: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the one-lot Certified Survey Map of property located at 1022-1024 Sherman Avenue subject to the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicant & Property Owner: Peter Melone; 1022 Sherman Avenue; Madison.

Surveyor: Paul Spetz, Isthmus Surveying, LLC; 2146 Oakridge Avenue; Madison.

Proposal: The applicant proposes to use a Certified Survey Map to clarify the boundaries of his property. Staff is not aware of any formal development proposals related to this proposed action.

Parcel Location: An approximately 0.2-acre parcel located on the westerly side of Sherman Avenue between N. Breatly and N. Ingersoll streets; Aldermanic District 2; Madison Metropolitan School District.

Existing Conditions: The subject site is developed with a nonconforming two-family residence in the R2 Single-Family Residence District.

Surrounding Land Use and Zoning: The subject property is primarily surrounded by single-family residences in the R2 zoning district, though staff is aware of the existence of one or two non-single-family buildings zoned R2 that are located nearby. The rear of the subject site and neighboring properties to the north and south front Lake Mendota.

Adopted Land Use Plan: The Tenney-Lapham Neighborhood Plan identifies the subject site and nearby properties along Sherman Avenue for low-density residential development up to 15 units an acre consistent with the existing development pattern, and generally calls for the preservation of the residential character present throughout most of the neighborhood.

Environmental Corridor Status: This property is not located in a mapped environmental corridor, though the corridor map reflects the presence of 100-year floodplain on the property generally parallel to the existing shoreline of Lake Mendota.

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

Zoning Summary: Existing R2 (Single-Family Residence District) zoning.

| Bulk Requirements | Required | Proposed |
|--|--|----------------------------------|
| Lot Area | 6,000 sq. ft. | 8,738 sq. ft. existing |
| Lot width | 50' | 51' at front of building |
| Usable open space | 1,000 sq. ft | Adequate (see cond. #5, pg. 4) |
| Front yard | 30' | 17' ex. (see cond. #5, pg. 4) |
| Side yards | 2 story 7' each side | 4.3' north side, 4.9' south side |
| Rear yard | 40' | Adequate(see cond. #5, pg. 4) |
| Floor area ratio | N/A | --- |
| Building height | 2 stories/35' | existing |
| Other Critical Zoning Items | | |
| Yes: | Floodplain, Waterfront Development, Utility Easements | |
| No: | Urban Design, Historic District, Landmark Building, Adjacent to Park, Barrier Free | |
| <i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i> | | |

Project Review, Analysis & Conclusion

The applicant is requesting approval of a one-lot Certified Survey Map (CSM) of his approximately 8,738 square-foot (0.2-acre) parcel located at 1022-1024 Sherman Avenue, which is located on the westerly, Lake Mendota side of Sherman Avenue between N. Brearly and N. Ingersoll streets. The site is zoned R2 Single-Family Residence zoning and is developed with a nonconforming two-family residence located on the front half of the parcel closest to Sherman Avenue. The property has approximately 49 feet of frontage along Sherman Avenue and 219 feet of depth extending to the current shoreline of Lake Mendota as measured along the northerly, side property line. The CSM states that the subject property has 24.8 feet of frontage along the lake.

During agency review of the proposed CSM, staff from the City Assessor's Office, City Engineering Division and Office of Real Estate Services raised concerns about potential discrepancies in the ownership of the property shown as Lot 1 on the CSM. The concerns arose in part as a result of two different Plats of Survey filed on the subject property with the Dane County Surveyor by two different land surveyors. The first Plat of Survey, dated December 4, 2007 excludes an approximately 18.47-foot wide triangular section of the applicant's lake frontage adjacent to the neighboring property at 1020 Sherman Avenue and includes a note stating that this area is not included in the applicant's warranty deed. It also notes that the triangular area is not included in the legal description in the deed of the neighboring property (noted as "adjoiner" on the survey). The second Plat of Survey dated June 26, 2008 includes the lake frontage excluded from the previous survey and shows that 24.8 feet of lake frontage exists, which in turn is reflected on the proposed CSM. The second survey notes that the area shown between the old shoreline of Lake Mendota and the existing shoreline/ dockline has been included in other deeds transferring the subject property. However, the legal description on the 2008 Plat of Survey does not describe the portion of the applicant's property located between the old shoreline and current dockline. A memo from Jeff Ekola , Office of Real Estate Services, is attached, which outlines these issues and issues of the ownership of the filled area between the existing and former lake shorelines.

The proposed CSM was referred to the Plan Commission for review because City staff was unable to complete its review within the 45 days provided in the Subdivision Regulations for administrative

approval of land divisions due to the potential ownership issue. After 45 days, a CSM is automatically referred to the Plan Commission for consideration, with a decision required within 90 days of submittal as required by the State's subdivision statute, WS 236, unless a written extension is granted by the applicant. The application was submitted on February 18, 2009 and the 90-day period ended on May 18, 2009. After initially granting a written extension to allow additional discussions with staff, the applicant has requested that the Plan Commission act on his CSM.

While one-lot Certified Survey Maps are occasionally used to combine multiple parcels into larger development lots, typically for nonresidential projects, the Planning Division believes that the CSM before the Plan Commission represents a somewhat unique and atypical application of the survey instrument. However, although it may be uncommon for a CSM to be used to establish the boundaries of a stand-alone single- or two-family residential property such as the applicant's, staff does not believe that the proposal before the Plan Commission is inappropriate and believes it can be approved subject to the applicant providing sufficient information to assert complete and clear ownership of the entire property shown as Lot 1 on the CSM. The final determination of ownership of the CSM lot will be made by the Office of Real Estate Services in consultation with the City Attorney's Office.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the one-lot Certified Survey Map of property located at 1022-1024 Sherman Avenue subject to the following conditions:

Office of Real Estate Services (Contact Jeff Ekola, 267-8719)

1. That the owner provide sufficient evidence that he has title to the filled land between the old shoreline of Lake Mendota and the existing shoreline/ dockline to the satisfaction of the Office of Real Estate Services in consultation with the City Attorney's office.

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

2. Coordinate title work review and necessary land records updates with the City Assessor's Office, Engineering Mapping Section and the Office of Real Estate Services.

3. 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. 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.

4. 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)

5. 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)

6. Any new construction, additions to or reconstruction of, by demolition or otherwise shall require the structure to meet all provisions of the R2 zoning district and the waterfront development standards of the Madison General Ordinances, Sections 28.08 (3) & 28.04 (19).

Parks Division (Contact Tom Maglio, 266-6518)

Note: The proposed CSM does not create any additional dwelling units, therefore payment of park impact fees is not applicable.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.