

Item – 74187

I oppose the variance requested for the deck at 5050 Lake Mendota Drive. I am an avid park user. I live at 5109 Spring Ct (3 houses from Merrill Spring Park). In 2015 I co-founded the Friends of Merrill Spring at the suggestion of Parks Superintendent Eric Knepp. I am currently president. I am not writing in this capacity but only to show my deep love and concern for this Madison treasure. This is an unusual pocket park with almost no vehicle parking so it has the look and feel of a conservancy. It is used constantly by walkers near and far, who come to enjoy a sunset or a break at lunch from work or who have stumbled on it while biking in the area. The Friends of Merrill Spring logbook shows that it is used not only by people throughout the city of Madison but from other states and countries. Additionally, it is a teaching area, used by Spring Harbor Middle School for classes in Science, English and Extras.

The look and feel of the park changed tremendously this summer when, through a miscommunication with Parks, the owners of 5050 clear cut the Southeast corner of the lot to enhance their view, rather than the permitted trimming allowed by their easement. Shocking as that was to park users, that was just the start. The total clearing and view they now have from every window of the lakeside of the house is not enough. Heavy equipment started running up and down the hillside putting the majestic oak roots at great danger. Large stonework was placed and now an enormous deck is built to loom over the park and provide yet another angle for them to view the lake.

Their request does not align with the standards required for a variance for the following reasons.

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

This unusual 20ish foot strip of land is not the norm for the neighborhood. It was created when the 'prior' owners sold land to the park and kept a strip for themselves to access the lake. The prior owners had no problem with access and felt no need to add a deck or patio for this strip of land. This was not what the strip was intended for. The only difficulty is that the current owners are trying to shovel a deck into a piece of their lot which was not intended for such use. Instead, the hardship is falling on the many, many users of Merrill Spring Park who have lost the look and feel and privacy of this area. Additionally, where it was once dark to watch a moon rise over the lake, it is now string of lights down the hillside. Just this summer the Madison City Council voted 16-2 in favor of a resolution committing the city to responsible outdoor lighting in order to apply to be an International Dark Sky Community.

**#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**

It greatly harms the enjoyment of the many users of the park because it encroaches on the privacy of the park.

**#1 Conditions unique to the property of the applicant that do not apply generally to the other properties in the district.**

In making their case for this item, the owner's site "We chose to put the deck next to an area of the park that is removed from where people gather. The deck is next to a slope that is unmaintained, largely covered with invasive species." In June, the owners showed the Friends of Merrill Spring a plan where

they wanted to redo the Southeast corner of the park with erosion control mats and then seed a low growth prairie. They requested fundraising help from the Friends. "The estimated cost of the proposed project will range between \$4000 to \$5000". This stalled and thus they moved forward with clearcutting.

That piece of land is still an open issue with Parks in terms of restoration and maintenance. My question is, is this a piece of ugly land that needs restoration or is it just a vehicle for these owners to achieve desired lakeside views at the expense of park users, the neighborhood and the City?

I urge you to deny this variance. The only hardship is what they created themselves by trying to have a massive view of the lake without any consideration for the many, many users of Merrill Springs Park.

Respectfully submitted,

Alice Erickson

CLEBRATING THE PARK, SUMMER 2021



AGAIN IN SUMMER 2022 WITH PRIVACY LOST AND DECK STILL TO BE CONSTRUCTED

