

**Project Address:** **1109 Seminole Highway****Application Type:** Certified Survey Map (CSM) Referral**Legistar File ID #** [91295](#)**Prepared By:** Timothy M. Parks, Planning Division

Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Kathryn A. K. McQueen; 1109 Seminole Highway; Madison.**Surveyor:** Noa Prieve, Williamson Surveying & Associates, LLC; 104A W Main Street; Waunakee.**Requested Action:** Approval of a Certified Survey Map (CSM) of property owned by Kathryn A. K. McQueen located at 1109 Seminole Highway.**Proposal Summary:** The applicant and property owner are requesting approval of a CSM to divide 1109 Seminole Highway into two lots in TR-C1 (Traditional Residential-Consistent 1 District) zoning. The CSM will be recorded once all regulatory approvals have been granted.**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations. Regarding the review of land divisions and Certified Survey Maps in Section 16.23(4)(f), the Secretary of the Plan Commission or her/his designee may approve, approve conditionally, or refer the CSM to the Plan Commission for its consideration. The Secretary of the Plan Commission has referred the land division to the Plan Commission as allowed by Section 16.23(4)(f)6 to allow the Plan Commission to approve the proposed lots, one of which does not comply with the minimum 75-foot lot depth required in Section 16.23(6)(d). Section 16.23(8) of the Subdivision Regulations allow the Plan Commission to consider a variance to the lot design requirements in Section 16.23(6)

If the proposed CSM is approved by the Plan Commission, a resolution approving the survey and accepting the dedications contained therein will be presented to the Common Council for approval at its February 10, 2026 meeting.

Review Required By: Plan Commission and Common Council.**Review Schedule:** The State's subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The application was accepted for review on December 15, 2025. Therefore, the 90-day review period for this CSM will end circa March 15, 2026.**Summary Recommendation:** The Planning Division believes that the Plan Commission can find that the proposed land division can meet the approval criteria and recommends that the Plan Commission **approve** the two-lot Certified Survey Map of property located at 1109 Seminole Highway subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on **page 4** of this report.

Background Information

Parcel Location: A 13,760 square-foot (0.32-acre) parcel located at the northeastern corner of Seminole Highway and Manitou Way; Alder District 10 (Figueroa Cole); Madison Metropolitan School District.

Existing Conditions and Land Use: Single-family residence and attached two-car garage, zoned TR-C1 (Traditional Residential–Consistent 1 District).

Surrounding Land Uses and Zoning: The subject parcel is mostly surrounded by other single-family residences in TR-C1 zoning. A corner of the University of Wisconsin Arboretum, zoned CN (Conservancy District), is located across Manitou Way from the subject site.

Adopted Land Use Plans: The Comprehensive Plan as amended through 2024 recommends the subject site and surrounding residential properties for Low Residential (LR), while the University of Wisconsin Arboretum to the south and Nakoma Country club to the east are identified as Park and Open Space (P). There are no adopted neighborhood or sub-area plans that include the subject site or surrounding area.

Zoning Summary: The property is zoned TR-C1 (Traditional Residential–Consistent 1 District).

Requirements	Required	Proposed
Lot Area (sq. ft. per unit)	5,000	Both lots will comply
Lot Width	45'	Lot 1: 92.31' Lot 2: 70.10'
Minimum Front Yard Setback	20'	Lot 1: 29.8' Lot 2: TBD at time of permitting
Maximum Front Yard Setback	30' or up to 20% greater than block average	
Side Yard Setback	6'	Lot 1 will comply
Reversed Corner Side Yard Setback	15'	Lot 2: TBD at time of permitting
Rear Yard	Lesser of 30% lot depth or 30'	Lot 1: 9.7' Lot 2: TBD
Maximum Lot Coverage	50%	See Zoning condition
Maximum Building Height	2 stories/ 35'	Existing house complies
Building Forms	Single-Family Detached Building	Existing house complies
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Barrier Free, Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park, Transit-Oriented Development (TOD) Overlay	
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>		

Environmental Corridor Status: The subject property is not located in a mapped environmental corridor. The University of Wisconsin Arboretum located to the south of the site is located in a mapped corridor.

Public Utilities and Services: The subject site is served by a full range of urban services.

Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to divide their property at 1109 Seminole Highway into two residential lots. The 0.32-acre parcel is located at the northeastern corner of Seminole Highway and Manitou Way and is zoned TR-C1. The property is developed with a two-story single-family residence located on the northern third of the parcel. The subject site is characterized by approximately 10 feet of slope that falls from the northern property line to the southeastern corner of the site and by mature conifers located adjacent to Manitou Way.

The applicant proposes to place the existing residence on an approximately 92.4-foot wide and 70-foot deep Lot 1 (6,478 square feet), which will front onto Seminole Highway. The remaining 7,280 square feet of the property between the residence and Manitou Way will comprise Lot 2 of the CSM.

Analysis & Conclusion

The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations, with the process for land divisions and Certified Survey Maps outlined in Section 16.23(4)(f).

Procedurally, a CSM shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the comprehensive plan and any adopted neighborhood, sub-area and transportation plans, all ordinances, administrative rules and regulations. The comments from agencies are to be submitted to the Secretary of the Plan Commission. Following review under this subsection, the Secretary of the Plan Commission or their designee may administratively approve or approve conditionally the Certified Survey Map, or refer it to the Plan Commission for its consideration. If the proposed CSM is approved by the Plan Commission or its Secretary, a resolution approving the survey and accepting the dedications contained therein shall be presented to the Common Council for approval. The Plan Commission and Common Council shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. If not acted upon within 90 days and the time extended by the applicant, the CSM is deemed approved and is entitled to recording.

In this case, staff has referred consideration of the land division to the Plan Commission as allowed by Section 16.23(4)(f)6 due to the depth of proposed Lot 1, which is less than the 75-foot minimum average lot depth required by Section 16.23(6)(d)3. of the Subdivision Regulations. While the depth of existing parcel and proposed Lot 2 comply with the 75-foot depth requirement when measured from Manitou Way north, the property cannot be divided as shown on the CSM unless a variance is granted by the Plan Commission for Lot 1.

Section 16.23(8) of the Subdivision Regulations, entitled "Variances," states (excerpt):

"When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (6) of this Ordinance because the subdivision or land division is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions associated with development form, density, and standards so that substantial justice may be done and the public interest secured."

The Planning Division has reviewed the proposed CSM and believes that the Plan Commission may find that the applicable criteria for approval are met despite the proposed lots being smaller in area than most of the other lots located within the area immediately surrounding the subject site based on an unscientific review of parcel areas using the City's geographic information system. The subject site and surrounding area are not located within the boundaries of an adopted sub-area or neighborhood plan, and there are no recommendations in the Low Residential (LR) land use category in the Comprehensive Plan that would suggest that the proposed lots should not be approved. No conditions of approval have been submitted by reviewing agencies that would suggest that the lots cannot be approved as proposed.

The proposed lots will comply with the 45-foot minimum lot width and 5,000 square-foot minimum lot area prescribed for the TR-C1 zoning district in which the property is located consistent with the requirements in the Subdivision Regulations. Section 28.135 of the Zoning Code requires that an improved zoning lot shall not be reduced in size or divided into two or more separate lots unless each lot that results from such reduction or division meets all requirements of the zoning district in which it is located. The Zoning Administrator has determined that the setbacks of the existing residence from the northern and eastern property lines are existing nonconformities that would not preclude the proposed land division, while the setback of the house from the proposed line between Lots 1 and 2 will exceed the side yard required.

Staff also believes that the Plan Commission may find that the existing site layout creates an extraordinary hardship for dividing a lot that otherwise appears capable of being divided into an additional lot with a conventional rectilinear shape but for the depth of one of the proposed lots. The existing parcel is 13,760 square feet in area in a zoning district that only requires 5,000 square feet for a lot to be developed with a single- or two-family residence. The placement of the existing residence on the northern third of the site allows it to occupy a proposed lot that will be more than 20 percent larger than the minimum area required while allowing the vacant land located to its south to be divided into a lot for an additional residence, which staff feels can be found to be in the public interest. Additionally, staff feels that the applicant should not be prevented from creating two relatively conventional rectilinear lots when it appears they could create a less conventional deep residential lot (as allowed by Section 28.135(3) of the Zoning Code) by-right by extending a minimum 10-foot wide strip of Lot 1 along one of the north-south lot lines to Manitou Way. The conventional lot configuration allowed if a variance is granted per Section 16.23(8) could also be found to be in the public interest, as there does not appear to be any other unconventional lot configurations in the surrounding area like those possible if a deep residential lot was created instead.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed land division and recommends that the Plan Commission **approve** the two-lot Certified Survey Map of property located at 1109 Seminole Highway subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Gretchen Aviles Pineiro, (608) 266-4089)

1. Madison Metropolitan Sewerage District (MMSD) connection charges are due and payable prior to City Engineering Division 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.

2. A minimum of two (2) working days prior to requesting City Engineering sign-off on the CSM contact either Kathleen Kane (West) (608)266-4098 (kkane@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
3. Add note to CSM "Lot 2 of this Certified Survey Map will be required to have a sanitary sewer lateral and water service as part of any building permit for the said lot."

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

4. The 'Building Lines" shown and noted on this Certified Survey Map are the 'Building Lines" as shown on Replat B of Blocks 15, 16 and Other Land, Nakoma. The building lines were not noted as a restriction on that plat as required by a public body and also the plat does not name a public body as a grantee, promise, or beneficiary. Therefore, the building lines are not specifically enforceable by the City of Madison.
5. Note the Nakoma Homes Company Agreement recorded as Document No. 397427 and its modifications recorded in Document Nos. 445495 and 529078 on the face of the CSM. No release of this document could be found in the title work provided. It is not fully clear whether there is any entity still in existence that is named in the agreement.
6. The Nakoma Homes Company Agreement recorded as Document No. 397427 and its modifications recorded in Document Nos. 445495 and 529078, contained restrictions on building limits, building size, setbacks among other items. While the City does not enforce any of these conditions as listed in the private document, the developer/owner are responsible for confirming that the proposed lots will conform to any such private restrictions and/or be permitted to create the lots as proposed.
7. Revise the Common Council Certificate with the current City Clerk, Lydia McComas.
8. 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 shall 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 Jule Smith, City Engineering (jsmith4@cityofmadison.com).
9. Prior to City Engineering Division final sign-off by main office for Certified Survey Maps (CSM), the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
10. Per Wis. Stats. Sec. 236.20(2)c, the length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets, and alleys, and all lot lines, ... Where the exterior boundary lines show bearings or lengths that vary from those recorded in abutting plats or certified surveys there shall be the following note placed along the lines, "recorded as (show recorded bearing or length or both)."

There are two distances along the North lines of Lot 1 and 36 of Nakoma Replat B that only show the recorded distance. It is unclear if this was meant to mean that the measured distance was the same as the recorded.

Per the state statute, if this is the case, only the measured distance is shown as it does not "vary" from recorded. Show the measured distances along these north lines.

11. Per Wisconsin Admin. Code AE-7.05(11): When coordinate values are shown on the face of the map, the map shall comply with and be subject to the provisions of Wis. Stats. Sec. 236.18, and include the coordinate system, datum, and adjustment. Provide the Datum and Adjustment used on for the coordinates shown.
12. The applicant shall submit to Julius Smith, prior to final Engineering sign-off of the subject CSM, 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 shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

This agency has reviewed this request and recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

13. Provide a calculation for lot coverage for Lot 1. The lot coverage maximum is 50%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed this request and recommended no conditions of approval.

Parks Division (Contact Emma Krug, (608) 263-6850)

14. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

Water Utility (Contact Jeff Belshaw (608) 261-9835)

15. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped. For condominiums and townhomes located on a single parcel, it will be the developer's choice whether to master meter or individually meter each unit.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

This agency has reviewed this request and recommended no conditions of approval.

Forestry Section (Contact Zachary Eckberg, zeckberg@cityofmadison.com)

This agency has reviewed this request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval.

Office of Real Estate Services (Trent D. Milliken, (608) 266-5940)

16. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. If any of the land within the CSM boundary is under contract for sale or purchase, and said transfer will be conducted at the time of CSM recording, an escrow agreement may be necessary. Please discuss closing plans with ORES in advance of CSM signoff. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, 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.
17. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
18. If a mortgage or other financial instrument is reported in record title but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
19. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please 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).
20. 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.
21. Update Common Council Certificate signature line as shown below:

Lydia A. McComas, City Clerk
City of Madison, Dane County Wisconsin

22. Pursuant to MGO Section 16.23(5)(b)(5) and Wis. Stats. Sec. 236.21(2)(a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

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

By: _____
Matthew Wachter, Secretary of the Plan Commission

Date: _____

23. As of January 12, 2026, the 2025 real estate taxes are not yet paid Per 236.21(3) Wis. Stats., 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. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
24. As of January 12, 2026, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(4)(f)(3).
25. Pursuant to MGO Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Trent Milliken (tmilliken@cityofmadison.com), 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 (November 12, 2025) 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. The 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.