

**From:** [Tucker, Matthew](#)  
**To:** "Candy Schrank"; [Zoning](#)  
**Cc:** [Bannon, Katherine J](#)  
**Subject:** RE: Error in draft ZA report wrt 5050 LMD deck variance  
**Date:** Thursday, October 20, 2022 10:10:21 AM

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Hi Candy- Thanks for sending this. I appreciate the opportunity to clarify this for you outside of the hearing, because it can be awkward to try and explain the technical details of the zoning ordinance during the hearing.

Here is the sentence in the staff report that you are referring to:

*The previous owners of the property sold a portion of their lot to expand the City of Madison's Merrill Springs Park, located to the west of the property. This sale created a narrowness in the rear half of the lot which resulted in a unique condition.*

Land division history:

I was initially contacted by the owners back in 2007 (or so) to talk about their long-term vision for the property. This was an estate, multiple children, attempting to figure out what they could do with the property. I was also a part of the staff team working on the land division back in 2008 (ultimately recorded in 2011). The owners decided to maximize their opportunity by splitting the larger lot into two lots, for potential individual sale. The opportunity also existed to sell both lots as one and develop the site as one. The intent of the land division was to keep a corridor of access to the lake for 5050 Lake Mendota Drive if it was to be sold separately, but also retain lake access for the remaining portion of the land that ultimately went to the park. The owners chose the narrow 25'± access corridor, because they get to make that choice.

The land division proposed by the owners created two development sites. Lot #1 (5050 Lake Mendota Drive) and lot #2 (now part of park). This was done to potentially maximize their return on the sale of the land. However, there was no requirement for the two lots to be sold separately, and a potential outcome of the sale also included the likelihood the lots could be purchased by a single entity and developed as a single "zoning lot". I discussed this option with the previous owners, prior to them marketing the land for sale.

The zoning ordinance "zoning lot":

MGO 28.211, Definitions

*Lot, Zoning . A planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.*

This definition allows multiple adjoining lots under the same ownership to be used and developed as a single lot".

Establishment of individual lots / development sites:

The sale of the lot #2 to the City ended the "zoning lot" situation, because the lots were no longer in common ownership and are not to be used as a single lot.

The staff report correctly explains the situation. I don't really think it matters much, however, because the previous owner executed the land division, and not the current owner. It is simply a condition that exists, which the staff report attempts to identify and explain.

Matt Tucker