

Robert & Melissa Meyer

4510 Windigo Trail; Madison, WI 53711 (608) 238-5307 Fax (240) 526-8076 supportstaff@tds.net

December 11, 2005

To: **Madison Plan Commission & Madison City Council Members**

From: **Melissa & Robert Meyer**

Re: **Conditionally Approved at October 10, 2005 meeting; Lot split at 941 Pontiac Trail**

Please review the attached neighborhood statement signed by all adjoining property owners to 941 Pontiac Trail, several surrounding affected neighbors and other concerned neighbors that wanted to also sign.

According the Madison Zoning Code, Section 28.04 (11) (a) regarding Development of Deep Residential Lots, the statement of purpose indicates that, "...The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest." (Am. by Ord. 5197, 10-31-1975)

The Planning Unit Report (that you reviewed to approve this split) of October 10, 2005 LD 02091 page 3 states, "The Planning Unit believes that the conditional use standards can be met in granting approval of the deep residential lot. The lot configurations proposed should not impact the use or enjoyment of neighboring parcels or have a detrimental impact on the development pattern."

Section 28.12(11)g gives "Standards. No application for a conditional use shall be granted by the City Plan Commission unless such commission shall find all of the following conditions are present:" condition 3, "That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use."

And in the October 11, 2005 letter to Birrenkott Surveying Inc LD0530 outlining the conditions that the Plan Commission approved states, "The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against this approved conditional use (a deep residential lot is approved as a conditional use). Upon bringing this to Ken Golden's attention he asked Tim Parks to re-issue the letter and this paragraph was deleted.

We would like to bring attention to this matter and state our concerns/complaints. **We are concerned that the public interest has not been assessed nor applied in the case of the subdivision of the lot at 941 Pontiac Trail.** In what manner did the Plan Commission *determine* the public interest in this case? Since *public notification was neither given nor public input requested*, we are baffled at how this "privilege" was seen as serving the public interest.

We have shared our concerns with our alder, the city attorney, Planning Unit, the Fire Department, City Engineering Department, and Zoning Department (see enclosed letters), but would like to summarize the situation for the Plan Commission from our point of view:

1. We are not convinced proper procedure has been followed in the processing of this land split and potential subsequent development. We have raised several questions as to the definitions, ordinances applied and level of enforcement that will be required for final sign offs and are not getting satisfactory nor consistent answers. Some of our questions are: What is the definition of a "deep residential lot"? Does the original parcel fall under that definition? Is this a conditional use or not (that answer has changed)? Which ordinances actually apply when it comes to public notification and hearing? Does the Plan Commission have jurisdiction over replatting of land or only in land use issues? Is it actually the City Common Council that must approve such divisions?

2. Fire department condition #16 will very much limit (or make the site location of a house impossible to comply with) without installing a new fire hydrant. By our measurements the nearest hydrant is over 500 feet from the closest possible home location, as all exterior walls must be reached. A letter to John Lippitt has been sent with several questions and we have asked the Fire Department to enforce the condition set forth in that letter.

3. The City Engineering conditions 1-10 were well written and IF enforced will protect neighbors' property from run-off, but it will be very difficult to comply fully. We have asked Engineering to enforce the conditions set forth in the approval letter.

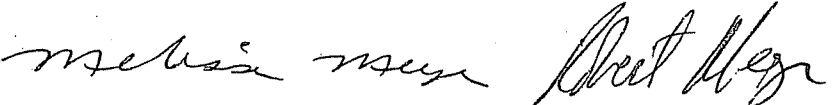
4. ~~Zoning/Set Back issues: We are told by Zoning that a new home could be built 7 feet from the back property lines of homes on Windigo Trail.~~ The is the side setback footage and it is our rear lot that is adjoining. We'd like to request rear to rear setbacks, 40 feet. There is plenty of space to put a home and still give all neighbors a full setback! This will also provide more room for planting natural screening barriers, like what is currently on the property.

5. We are not sure the CSM is accurate as it differs from the City Assessor's Office total square footage for the full parcel. There are other numbers that just don't look right and we do not know if there is a process or which City agency would be responsible for verifying the accuracy of the main document for satisfying many conditions.

6. Neighbors are worried about the removal of 100+ year old trees and natural barriers and screening that have defined the original farmstead for years. This natural beauty is a big part of why many of us purchased our homes adjacent to this 1905 farmhouse and horsebarn. Without these barriers and the addition of a 140+foot driveway, headlights will be shining in our homes for all evening entrances and departures out of the new house. There is also historic significance of this property to the neighborhood that causes an emotional response by many. (Photos provided upon request)

These are just some of the issues that we would have liked to have had the opportunity to present at a public hearing prior to your conditional approval of this land division. We are hoping the phrase, "better late than never" will be beneficial in this case!

Sincerely,



Robert & Melissa Meyer

December 12, 2005

Larry Nelson & Gary Dallmann
City Engineering
City County Building Room 115
210 Martin Luther King Jr Blvd
Madison, WI 53703

Re: 941 Pontiac Trail conditionally approved deep residential lot split

Dear Mr. Nelson & Mr. Dallmann,

Please review the attached neighborhood statement signed by all adjoining property owners to 941 Pontiac Trail, several surrounding affected neighbors and other concerned neighbors that wanted to also sign.

As a follow-up to our November 5, 2005 letter we have *further* questions and concerns we'd like addressed (please combine this letter with original letter for our full engineering-related concerns.)

Does the recorded plat, covenants or deed restrictions prohibit or restrict in any way the splitting of the lots in this subdivision? Would the non-compliance with current code of the existing home on Lot 1, prevent the splitting of the parcel into two lots per **Section 28.04 (6) (b) which explains that a land split of existing zoned lots is not permitted, unless both new lots can meet all regulations in 28.04 (9). The current home does not meet the 30 foot setback rule.**

Upon further review we noted that your original recommendation stated, "The City Engineer shall require a site plan...." Tim Parks mistyped your condition on the October 10, 2005 conditional approval letter to Birrenkott Surveying, "The City Engineer may require a site plan..." We encourage you to **require a site plan with specific location, size and footprint of the proposed home, garage and drive as per your original recommendation.** Please require in the site plan details regarding drainage, sewer, water lines, setbacks and easements. All surrounding property owners on Windigo Trail request wider setbacks of 40 feet along the deep lot side yards that coincide with the existing rear yards on Windigo. We'd like the rear-to-rear setbacks, because we are not side-to-side lots.

Will existing fire hydrants also be shown on the site plan? We believe the nearest fire hydrant is NOT close enough to meet the 500 foot fire protection restriction per MFD. We assume the owner will be required to install a new hydrant. Is there adequate water pressure to reach a two story home?

Please clarify what standards the MMSD (Sewer District) will use to approve the land division and ensure compliance. Is the sanitary sewer deep enough to extend to the deep lot home without raising building height 3 feet above ground?

Is a developer's agreement needed to cover pavement replacements, a new fire hydrant, install new sewer, water and storm laterals? Are there any private wells or abandoned septic systems on the site that need to be properly abandoned per code?

We mentioned several concerns regarding drainage in our original letter (please review). In addition, do electric poles and pedestals restrict drainage flow? Are drainage easements exclusive of other utility easements? Per our original letter we again ask that you maximize and enforce all easements.

Headlights in neighboring windows during evening entries and exits and privacy are major concerns for several neighbors. Please consider natural barriers to screen vehicle headlights into others' homes by either ensuring they remain in tact, be replaced or if natural barriers are impossible, please require fencing. Please also consider the current natural barriers for breaking wind damage.

The length and accessibility of the driveway is also a major safety concern. Will it be required to have enough room to turn an emergency service vehicle or handicap accessible bus around in front of their home? How many off street parking stalls will be required, where would they be located and how will they be screened from neighbors?

Does Madison Metropolitan School District require handicap bus accessibility for all new homes being built within the city? Will that been taken into consideration when reviewing the site plan?

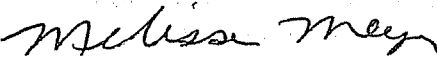
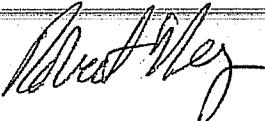
The disturbance of the original fence lines (for drainage) may impact the wildlife trails connecting the city's park system. Deer, turkeys, possum, hawks have all been seen on or near this property. This homestead is full of natural beauty! The number and age of trees, bridal veil and other natural screening barriers that will need to be removed truly effect the enjoyment and use of our property.

Is there a way for your agency to verify the accuracy of the CSM submitted? There are a few measurements that just do not look right. Only with complete and accurate information can your department responsibly sign off on these conditions.

Once again, we would appreciate your attention to enforce site plan conditions and recommendations set forth by Gary Dallman in his original recommendations approved by the Plan Commission.

Also, please let us know when the site plan is submitted to your agency, so we can follow the progress of this project.

Thank you,

Robert & Melissa Meyer

cc Ken Golden, Alder
Madison Plan Commission

December 12, 2005

John Lippitt
Madison Fire Department
325 W. Johnson St.
Madison, WI 53703-2295

Re: 941 Pontiac Trail conditionally approved deep residential lot split

Dear Mr. Lippitt:

Please review the attached neighborhood statement signed by all adjoining property owners to 941 Pontiac Trail, several surrounding affected neighbors and other concerned neighbors that wanted to also sign. Please note, there are large trees, other flammable natural barriers and this property is very close to neighboring properties' homes and outbuildings.

As a follow up to our November 4, 2005 letter, we have *further questions and concerns* we'd like addressed. Please combine this letter with original letter for our full fire department related concerns.

Based on the measurements on a plat map we have, the closest possible exterior wall of a new home would be about 498 feet from the nearest hydrant. Will MFD require existing hydrants be shown on the submitted site plan? How can the lot be split and be considered buildable without installing a new hydrant?

Is there adequate water pressure for a two story home that far away from a hydrant if a new one is not installed? Will a sprinkler system be required for the new home to assure my home is protected? What minimum size lateral would be required to satisfy a sprinkler system?

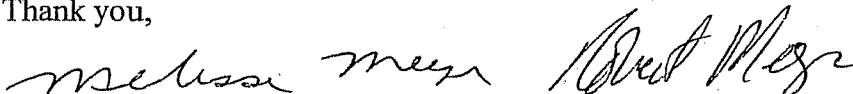
Will a new hydrant be permitted, if required? How much will it cost the developer to install a new hydrant? Who installs it and when (before MFD signs off of this condition or after?) If the MFD signs off before it is installed, what assurance do you have that it was actually installed and that the MGO 34.20 was complied with?

Please consider access issues prior to signing off on this land split. Can a fire truck to the residence and turn around? Please confer with Madison Police Department, Madison Metropolitan School District and EMS personnel as well to ensure the safety of future residents and neighbors through visibility, security, surveillance and accessibility to that property from Pontiac Trail.

Please be prepared to verify compliance with the identification condition added by the Plan Commission prior to approval.

Also, please let us know when the file arrives in your department for sign off, so we can follow the progress of this project.

Thank you,



Robert & Melissa Meyer

cc Ken Golden, Alder
Madison Plan Commission

December 12, 2005

George Carran & Kathy Voeck
Zoning Administrator
V215 Martin Luther King Jr. Blvd
Rm. LL-100, Municipal Bldg. 53703-3352

Re: 941 Pontiac Trail conditionally approved deep residential lot split

Dear Mr. Carran & Ms. Voeck,

Please review the attached neighborhood statement signed by all adjoining property owners to 941 Pontiac Trail, several surrounding affected neighbors and other concerned neighbors that wanted to also sign.

Greg and Ron, of your staff, repeatedly told neighbors that we would receive written notice and a sign would be posted on the property if a project was submitted. We even asked if there was any possibility that the property owner could be going through a different process with another City agency and Zoning would not be aware of it. They assured us paperwork would come through zoning first and we'd get a notice in the mail! We felt betrayed when we received an email from Timothy Parks on October 31st, saying it was approved at the Plan Commission on October 10th WITHOUT public notification nor hearing!

Here are our questions and concerns that we would appreciate being heard by Zoning:

1. According to the Madison Zoning Code, Section 28.04 (11) (a) regarding Development of Deep Residential Lots, the statement of purpose indicates that, "...The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest." (Am. by Ord. 5197, 10-31-1975) What was the public interest?
2. The Planning Unit Report of October 10, 2005 LD 02091 page 3 states, "The Planning Unit believes that the conditional use standards can be met in granting approval of the deep residential lot. The lot configurations proposed should not impact the use or enjoyment of neighboring parcels or have a detrimental impact on the development pattern." We strongly disagree with this conclusion!!
3. Section 28.12(11)g gives "Standards. No application for a conditional use shall be granted by the City Plan Commission unless such commission shall find all of the following conditions are present:" condition 3, "That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use." How was this determined? We feel this requirement was not met.
4. Does the recorded plat, covenants or deed restrictions prohibit or restrict in any way the splitting of the lots in this subdivision? Would the non-compliance with current code of the existing home on Lot 1, prevent the splitting of the parcel into two lots? (per Section 28.04 (6) (b) which explains that a land split of existing zoned lots is not permitted, unless both new lots can meet all regulations in 28.04 (9).) NOTE: The current home does not meet the 30 foot setback rule.

RM

5. Is there a way for your agency to verify the accuracy of the CSM submitted? There are a few measurements that just do not look right. Only with complete and accurate information can city agencies responsibly sign off on conditions.

6. If there is no way to reverse the current approval without litigation and if this project moves forward, all surrounding property owners on Windigo Trail request wider setbacks of 40 feet along the deep lot side yards that coincide with the existing rear yards on Windigo. In other words, we'd like the rear-to-rear setbacks, because we are not side-to-side lots. There is plenty of space to put a home and still give all neighbors a full setback! This will also provide more room for planting natural screening barriers, like what is currently on the property. We also ask that you maximize and enforce all easements.

7. Headlights in neighboring windows during evening entries and exits and privacy are major concerns for several neighbors. Please consider natural barriers to screen vehicle headlights into others' homes by either ensuring they remain in tact, be replaced or if natural barriers are impossible, please require fencing. Please also consider the current natural barriers for breaking wind damage.

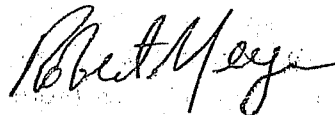
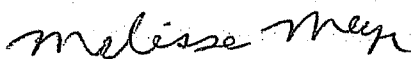
8. The length and accessibility of the driveway is also a major safety concern. Will it be required to have enough room to turn an emergency service vehicle or handicap accessible bus around in front of their home? Can Fire equipment and hoses access/reach the future home site?

9. The disturbance of the original fence lines (for drainage) may impact the wildlife trails connecting the city's park system. Deer, turkeys, possum, hawks have all been seen on or near this property. This homestead is full of natural beauty! The number and age of trees, bridal veil and other natural screening barriers that will need to be removed truly effect the enjoyment and use of our property.

10. Many neighbors are very saddened at the potential dismantling of this historic farmstead and demolition of the horsebarn. It has lent character and history to our neighborhood and seeing it go with 150 year old trees to erect a prefab home drastically reduces the use and enjoyment of surrounding lots. Many of us purchased in this location due to the openness of our backyards and worry about a negative impact on our future property values.

Please let us know when the site plan is submitted to your agency, so we can follow the progress of this project. We would also appreciate your contacting us if you need further clarification on our concerns addressed in this letter.

Thank you,



Robert & Melissa Meyer

cc Ken Golden, Alder
Madison Plan Commission

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

We, the adjacent and surrounding neighbors, are disappointed that the City Plan Commission and Common Council were able to approve the CSM to create a deep residential lot at 941 Pontiac Trail **without public notification nor public hearing**. At least two neighbors took the time to check on the project filing status monthly throughout the summer of 2005. The neighbors were repeatedly assured by zoning staff that all property owners within 200 feet would receive written notice of the public hearing date, a sign would be posted on the property and we would have ample opportunity to provide input.

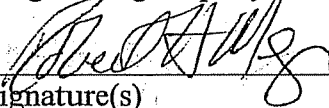
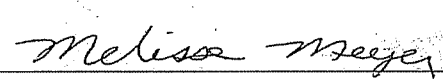
Since we were not given opportunity to provide input, we request your review and consideration of the points outlined in the attached letter(s). NOTE: Each agency is receiving individual letters with considerations relating to their area of expertise and conditions set forth in the conditional approval. Most importantly, **we request that you enforce 100% compliance with the conditions recommended by your agency regarding this property.**

We also respectfully request notification when the file arrives in your agency for sign off, so that we can follow the progress of this project. Please contact Melissa Meyer at 608-238-5307 or supportstaff@tds.net as the main contact and information coordinator for the affected neighbors.

Consensually signed,

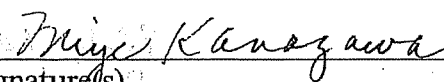
Robert H & Melissa K MEYER
PRINT Name(s) of property owner(s)

4510 Windigo Trail MADISON WI 53711
Neighboring Property Address

  12-3-05
Signature(s) Date

HENRY & MIYE KANAZAWA
PRINT Name(s) of property owner(s)

4502 WINDIGO TRAIL MADISON, WI 53711
Neighboring Property Address

 12-3-05
Signature(s) Date

FERN & ARTHUR KAVITZ
PRINT Name(s) of property owner(s)

4609 Windigo Trail, Madison, WI 53711
Neighboring Property Address

  12-3-05
Signature(s) Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
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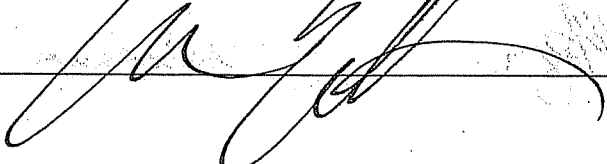
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Consensually signed,

Kathleen Estock, Eric Estock
 PRINT Name(s) of property owner(s)

10 Rosewood Cir.
 Neighboring Property Address

Kathy Estock 
 Signature(s) 12-4-05
Date

Reid and FRANCES BRYSON
 PRINT Name(s) of property owner(s)

11 Rosewood Circle
 Neighboring Property Address

Reid Bryson Frances Bryson
 Signature(s) 12/5/05
Date

William and Hollis Westler
 PRINT Name(s) of property owner(s)

9 Rosewood Circle, Madison, WI 53711
 Neighboring Property Address

Hollis Westler
 Signature(s) 12/6/05
Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

We, the adjacent and surrounding neighbors, are disappointed that the City Plan Commission and Common Council were able to approve the CSM to create a deep residential lot at 941 Pontiac Trail **without public notification nor public hearing.** At least two neighbors took the time to check on the project filing status monthly throughout the summer of 2005. The neighbors were repeatedly assured by zoning staff that all property owners within 200 feet would receive written notice of the public hearing date, a sign would be posted on the property and we would have ample opportunity to provide input.

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Consensually signed,

Barbara K. Mueller
PRINT Name(s) of property owner(s)

937 Pontiac Trail
Neighboring Property Address

Barbara K. Mueller 12-3-05
Signature(s) Date

Joanne L. Wagner
PRINT Name(s) of property owner(s)

4601 Windigo Trail
Neighboring Property Address

Joanne L. Wagner 12-03-2005
Signature(s) Date

MARK WIGGEN
PRINT Name(s) of property owner(s)

4509 WINDIGO TRL
Neighboring Property Address

Mark Wiggen 12-03-05
Signature(s) Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

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Consensually signed,

PATRICK D. MCGUIRE SANDRA MCGUIRE

PRINT Name(s) of property owner(s)

925 PONTIAC TR MADISON WI 53711

Neighboring Property Address

Patrick McGuire

Signature(s)

12/2/05

Date

VITO GERVASI JOE D. GERVASI DENNIS R. GERVASI

PRINT Name(s) of property owner(s)

4602 WINDIGO TR.

Neighboring Property Address

Vito Gervasi Joe D. Gervasi Dennis R. Gervasi

Signature(s)

12-3-05

Date

MARY A. BASS

PRINT Name(s) of property owner(s)

4613 WINDIGO TR.

Neighboring Property Address

Mary A. Bass

Signature(s)

12-4-05

Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

We, the adjacent and surrounding neighbors, are disappointed that the City Plan Commission and Common Council were able to approve the CSM to create a deep residential lot at 941 Pontiac Trail **without public notification nor public hearing**. At least two neighbors took the time to check on the project filing status monthly throughout the summer of 2005. The neighbors were repeatedly assured by zoning staff that all property owners within 200 feet would receive written notice of the public hearing date, a sign would be posted on the property and we would have ample opportunity to provide input.

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Consensually signed,

KENNETH GEISHIRT & VIOLET GEISHIRT
PRINT Name(s) of property owner(s)

949 PONTIAC TR. MADISON, WI. 53711
Neighboring Property Address

Kenneth Geishirt Violet Geishirt 12/4/06
Signature(s) Date

William Lanier & Susan Vilbrant
PRINT Name(s) of property owner(s)

938 Pontiac Trl
Neighboring Property Address

William Lanier Susan Vilbrant 12/4/05
Signature(s) Date

GEORGE DIMODICA
PRINT Name(s) of property owner(s)

945 Pontiac Trl
Neighboring Property Address

George Dimodica 12/4/05
Signature(s) Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

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Consensually signed,

Cindy Zander
PRINT Name(s) of property owner(s)
4606 Windings Trail
Neighboring Property Address
Cindy G. Zander
Signature(s)
12-4-05
Date

LOUISA MEDARIS
PRINT Name(s) of property owner(s)
4513 ONAWAY PASS
Neighboring Property Address
[Signature]
Signature(s)
12-7-05
Date

Gina M Landucci
PRINT Name(s) of property owner(s)
4614 Onaway Pass
Neighboring Property Address
Gina M Landucci
Signature(s)
12/7/05
Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

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Consensually signed,

MARI PALTA

PRINT Name(s) of property owner(s)

68 Rosewood Circle

Neighboring Property Address

[Signature]

Signature(s)

12/4/05

Date

Jessica Carrier

PRINT Name(s) of property owner(s)

3 Rosewood Circle

Neighboring Property Address

[Signature]

Signature(s)

12/5/05

Date

Brett Margward

PRINT Name(s) of property owner(s)

Jenna Margward

20

1005 Chestnut Lookout

Neighboring Property Address

[Signature]

Signature(s)

[Signature]

12/6/05

Date

TO: City agencies reviewing 941 Pontiac Trail deep residential lot land division & development
FROM: Affected neighbors
RE: Neighborhood Statement of Opinion and Requests

We, the adjacent and surrounding neighbors, are disappointed that the City Plan Commission and Common Council were able to approve the CSM to create a deep residential lot at 941 Pontiac Trail without public notification nor public hearing. At least two neighbors took the time to check on the project filing status monthly throughout the summer of 2005. The neighbors were repeatedly assured by zoning staff that all property owners within 200 feet would receive written notice of the public hearing date, a sign would be posted on the property and we would have ample opportunity to provide input.

Since we were not given opportunity to provide input, we request your review and consideration of the points outlined in the attached letter(s). NOTE: Each agency is receiving individual letters with considerations relating to their area of expertise and conditions set forth in the conditional approval. Most importantly, we request that you enforce 100% compliance with the conditions recommended by your agency regarding this property.

We also respectfully request notification when the file arrives in your agency for sign off, so that we can follow the progress of this project. Please contact Melissa Meyer at 608 238-5307 or supportstaff@tds.net as the main contact and information coordinator for the affected neighbors.

Consensually signed,

Chris Niendorf
PRINT Name(s) of property owner(s)
4610 Windigo Trl
Neighboring Property Address
Chris Niendorf
Signature(s)
12/4/05
Date

Sean Krick & Nichifemmy
PRINT Name(s) of property owner(s)
4605 Windigo Trl
Neighboring Property Address
Sean Krick Nichifemmy
Signature(s)
12/4/05
Date

Jane A. Arbogast Jane A. Arbogast
PRINT Name(s) of property owner(s)
4701 Windigo Trl
Neighboring Property Address
Jane A. Arbogast
Signature(s)
12/6/05
Date

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Consensually signed,

DAN HANSON

PRINT Name(s) of property owner(s)

4508 WINDIGO TRAIL, MADISON 53711

Neighboring Property Address

Dan Hanson

Signature(s)

12/4/05

Date

PRINT Name(s) of property owner(s)

Neighboring Property Address

Signature(s)

Date

PRINT Name(s) of property owner(s)

W

Neighboring Property Address

Signature(s)

Date