

From: [Dave Walther](#)
To: [Plan Commission Comments](#)
Cc: jim.twesme@gmail.com
Subject: REVISED: Immediate Neighbor Next to Proposed Remodel 5106 Spring Ct.-Letter of Support
Date: Tuesday, May 23, 2023 3:06:36 PM

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David and Edyie Walther
5104 Spring Ct.
Madison, Wisconsin 53705

May 23, 2023

City of Madison Planning Commission
215 Martin Luther King Blvd #017
Madison, Wisconsin 53703

Dear Commission,

We are writing this letter in support of our neighbors, Jim Twesme and Cathy Sullivan, who are planning to remodel their detached garage at 5106 Spring Court in order to add an additional bedroom and living space. As long-time residents of this community and their immediate neighbor to the east, we believe that responsible structural remodeling can add significant value to our neighborhood, and we strongly believe that my neighbor's proposed changes will enhance the beauty and livability of our area.

We have had the opportunity to discuss the plans for the proposed remodeling, and we are impressed with the thought and care that has gone into the design. The additional bedroom and living space will not only make the garage and the whole structure more comfortable and spacious for my neighbor's family, but it will also improve the overall appearance of the property and contribute positively to the neighborhood.

We understand that any remodeling project must comply with local zoning regulations and building codes, and we are confident that our neighbor will work closely with the city planning department to ensure that all necessary permits and approvals are obtained before work begins. We believe that the proposed remodeling project will be an asset to our community, and we urge you to approve the necessary permits and support my neighbor in this endeavor.

Thank you for your attention to this matter, and please do not hesitate to contact us if you require any further information or assistance.

Sincerely,
David and Edyie Walther
5104 Spring Ct.
Madison, Wisconsin 53705
davidpwalth@charter.net

June 13, 2023

Dear Commission,

My name is Jeannine Sievert. I live at 5101 Spring Ct across the street from 5106, the site of the proposed garage remodeling. My objection to this proposal is twofold.

When I looked for a home in 1988, I wanted a ready-to-live-in house or condo. 5101 Spring Court was anything but. It had a steep driveway, a trashed interior and smelly carpets. I couldn't get out fast enough. What drew me back for a second look and ultimate purchase was the view over the rooftops to the lake and far distant shore. That view was the only reason I purchased my home.

That same view will be the primary selling point of my otherwise very ordinary two bedroom house. The proposed elevated garage at 5106 would greatly devalue my house and property by cutting out much of that view. Moreover, if this application is successful, it is highly likely that the occupants of 5104 next door will apply for a similar variance, reducing the value of my property even more.

Sharing my home is my 67 year old disabled son. The house and proceeds from the eventual sale of it will determine the quality of care he can afford after my death.

In summary, my protest is about more than aesthetics. It is about economics. The impact of the proposal would be enormously detrimental financially to me, and to my son.

Several years ago, an agent from First Weber Group asked to prepare a sales document, in case I wished to sell my house in the future. He gave me a mock-up of a sales leaflet. As you will see the main selling point consists of the lake views.

Thank you.

Jeannine D. Sievert

Lake Views!



\$\$\$

- ✓ Overlooks Lake Mendota
- ✓ Brick fireplace wall
- ✓ Wood burning fireplace in LR
- ✓ Large 3-season sun room
- ✓ 1-car extra deep garage

- ✓ 2 bedroom 1 3/4 bath
- ✓ Ceramic tile in main bath
- ✓ 7 x 11 finished storage room
- ✓ Large master bedroom
- ✓ Park-like setting



Kathy Klein
828-5134



First Weber Group
7979 Greenway Blvd.
Middleton, WI 53562



Terry Hollenback
828-5139

June 20, 2023

Plan Commission, (Meeting June 26, 2023, 5106 Spring Ct)

It is with deep regret that once again we are asking for your assistance for our neighborhood. We would be there in person but it is a view only meeting. As you probably know, Spring Ct, which is only a single block, has been one of the heaviest developed areas in Madison over the last several decades. With this development we have lost many, many lakeside trees as lots were clear cut and the street is now substantially hotter in the summer. We also lost significant parking as mostly 1 car driveways were turned into two and three car driveways. Parking is so difficult that often we ask our neighbor to use his driveway to put our car in so a maintenance truck can use ours (heating, plumbing, etc).

I regret writing this letter as Cathy and Jim are fine neighbors. That is not our issue, our issue is the overused lot which has been a struggle since 1980 when a single lot was subdivided into two undersized lots. (attch:undersize lots) The initial houses at 5104 and 5106 (almost identical shape) both then required variances to be built. Later both houses requested second stories. 5106 was turned down at zoning. 5104 went through to the Planning Commission where it was turned down for not meeting subsection #3. (Attach Legislative File ID 13002 p1,2). **Decision “Plan Commission members cited the diminished views of Lake Mendota from surrounding properties and the resulting potential impact on the value of those properties caused by the added roof height. Motion to reject was passed.”**

We believe that this current standard (#3) still holds. *The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in the foreseeable future.*

We are very concerned regarding the devaluation it will have on our two very long-time neighbors at 5101 and 5105 Spring Ct. We too will lose a view, but we are at a distance such that the value of our house will likely not be affected – but definitely the enjoyment of our property will, which has been the case over the years with other overdevelopment. Additionally, as we’ve mentioned we are very concerned about parking as they have indicated plans to do rentals. (attch: rental) There is no more space on this street for more cars.

We hope you will listen to the long-term residents who this will affect. We see the adjacent owners at 5104 have written favoring development, but this is actually their second home and not their main residence as it is for us who will be affected.

We are attaching (original lot-cottonwoods) a few photos so you can see the dramatic changes over time in just this one lot. Forty years of construction (we’ve been here since 1979) on Spring Ct has been exhausting. Please stop unnecessary and unwanted building.

Sincerely,

Alice and David Erickson
5109 Spring Ct

11. 13002 Consideration of a major alteration to an existing conditional use to allow construction of an addition to a single-family residence on a lakefront lot at 5104 Spring Court, 19th Ald. Dist.

In rejecting this matter, the Plan Commission found that the proposed project did not meet MGO 28.12 (11)(g), including subsection #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." Plan Commission members cited the diminished views of Lake Mendota from surrounding properties and the resulting potential impact on the value of those properties caused by the added roof height.

A motion was made by Bowser, seconded by Sundquist, to Reject. The motion passed by voice vote/other.

Speaking in support of this item was Peter Barden, Schorr Construction, 5117 Menoqua Crescent, Madison, representing the applicant.

Registered in support and available to answer questions was the applicant David Walther, 7525 Red Fox Trail, Madison.

Speaking in opposition to this item were: Jeannine Sievert, 5101 Spring Court; Liz Metzloff, 5105 Spring Court; Robert Nelson, 5100 Lake Mendota Drive; Alice Erickson, 5100 Spring Court; Kim McBride, 5114 Lake Mendota Drive; and Ald. Mark Clear, representing the 19th District.

Zoning Text Amendment



City of Madison

display
original
version

Legislative File ID 13002

print

email

Type: Conditional Use Status: Denied

Enactment Date: Enactment No.:

Title: Consideration of a major alteration to an existing conditional use to allow construction of an addition to a single-family residence on a lakefront lot at 5104 Spring Court, 18th Aid. Dist.

Controlling Body: PLAN COMMISSION

Introduced: 12/9/2008 Version: 1

Final Action: 12/15/2008 Contact: tparks@cityofmadison.com

Name: CU - 5104 Spring Court

Extra Date 1:

Requester:

Sponsors:

Attachments: Legislative File Text
Map&Plans.pdf
Comments.pdf
Add Comments 121508.pdf

Legislative History

| Date | Acting Body | Action Taken | Motion |
|---|-----------------|--|--------|
| 12/15/2008 | PLAN COMMISSION | A motion was made by Scherer, seconded by Sandberg. Vote to Reject. The motion passed by voice vote. | |
| <p>Notes: In rejecting this matter, the Plan Commission found that the proposed project did not meet MGO 28.12 (1)(b), including subsection 2, "that the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no reasonable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use." Plan Commission members cited the diminished views of Lake Mendota from surrounding properties and the resulting potential impact on the value of those properties caused by the added roof height.</p> | | | |

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Re: Garage Remodel

From: Jim Twesme (jim.twesme@gmail.com)
To: alicetraz@sbcglobal.net
Cc: cathysullivan48@gmail.com
Date: Wednesday, May 10, 2023 at 09:34 AM CDT

Alice - Thanks for your email. I'm responding as Cathy is working today.

We understand and appreciate your and Dave's concerns. We know that the Walthers proposed a second story before we moved in, and our understanding is that Madison Zoning approved their plan, but Planning did not. We're not sure about the basis for the the Planning denial.

At any rate, our intention is to use the remodeled garage for our own use, for use by our guests/kids (and grandkids) when they visit, with the option to rent the space, although we do not currently expect to do rentals on a routine basis. We know that parking on the street is an issue, and I'm sure it can be a challenge for you and Dave at times. But we will still have plenty of room in our driveway for an additional car if need be.



5116 SPRING

city-county building, madison, wisconsin 53709

OF MADISON

September 22, 1980

Commission Members

Judy Bowser, Twenty-First District

Agenda Item VII, B. 6

My proposal has been taken to the Zoning Board of Madison since the sale and construction would result in the creation of two undersized lots. I supported the proposal at that level and it was approved.

I hope the Plan Commission will look favorably upon my request.

In regard to Item VI, C. -- I understand this to be a trade-off of one form of private open space for another, and I have no objection.

Date 9/22/80

The undersigned
for a condition

(1) Location of
Street Address

(2) Legal Description

Lot

(3) Proposed Use

to

(4) This is a

(5) Development

(6) Attached

Section 28.11 of
the City Plan
are present:

1. That the proposed use detracts from the public health, safety or welfare of the community.
2. That the proposed use is not in conformity with the official zoning ordinance.
3. That the proposed use is not in conformity with the official comprehensive plan.
4. That the proposed use is not in conformity with the official subdivision ordinance.
5. That the proposed use is not in conformity with the official design standards.
6. That the proposed use is not in conformity with the official historic preservation ordinance.

I own 5116

I have reviewed the proposed use and it complies with the official zoning ordinance.

Respectfully,

W. J. O.
Name

Opposition to 5106 Spring Ct. Conditional Use ITEM 77935
June 26th 5:30 pm

Kyle and Liz Metzloff
5105 Spring Ct.

View of Lake Mendota:

There have been several attempts to build up on Spring Ct. at 5106 and 5104 and all previous attempts have failed either in the Variance stage or Conditional Use stage. In the past there needed to be hardship proven at the variance stage. The current rules for ADU have allowed the variance step and public hearing to be bypassed in this case. The additional space for visitors to 5106 will completely block my view of the lake. I have over 100k of time and money on our rooftop deck that overlooks these homes. It has been said by people on the lake "if you want a view live on the lake" while in other cities and states residents have view rights from their properties. In the City of Madison there seems to be no written rules regarding the obstruction of views.

Fact: The approval of this remodel will decrease the value of my home significantly while increasing the value of the house across the street. How is this fair? If the city does not regulate this activity, neighbors will start suing each other as there are real monetary damages at stake.



View over 5106 Spring Ct.



Our favorite Place above the house.

Sewer line under garage and easement

The proposed addition to 5106 Spring Ct. will be on top of a sewer line that should be on the deed see below. It should not have a structure within 5 feet of the sewer line it is my understanding that the garage and the house are in violation and therefore there needs to be some sort of reinforcement and a fund set aside to repair this. See below. Other houses on the street needed to stay away from this sewer line when they rebuilt why not 5106?

001288

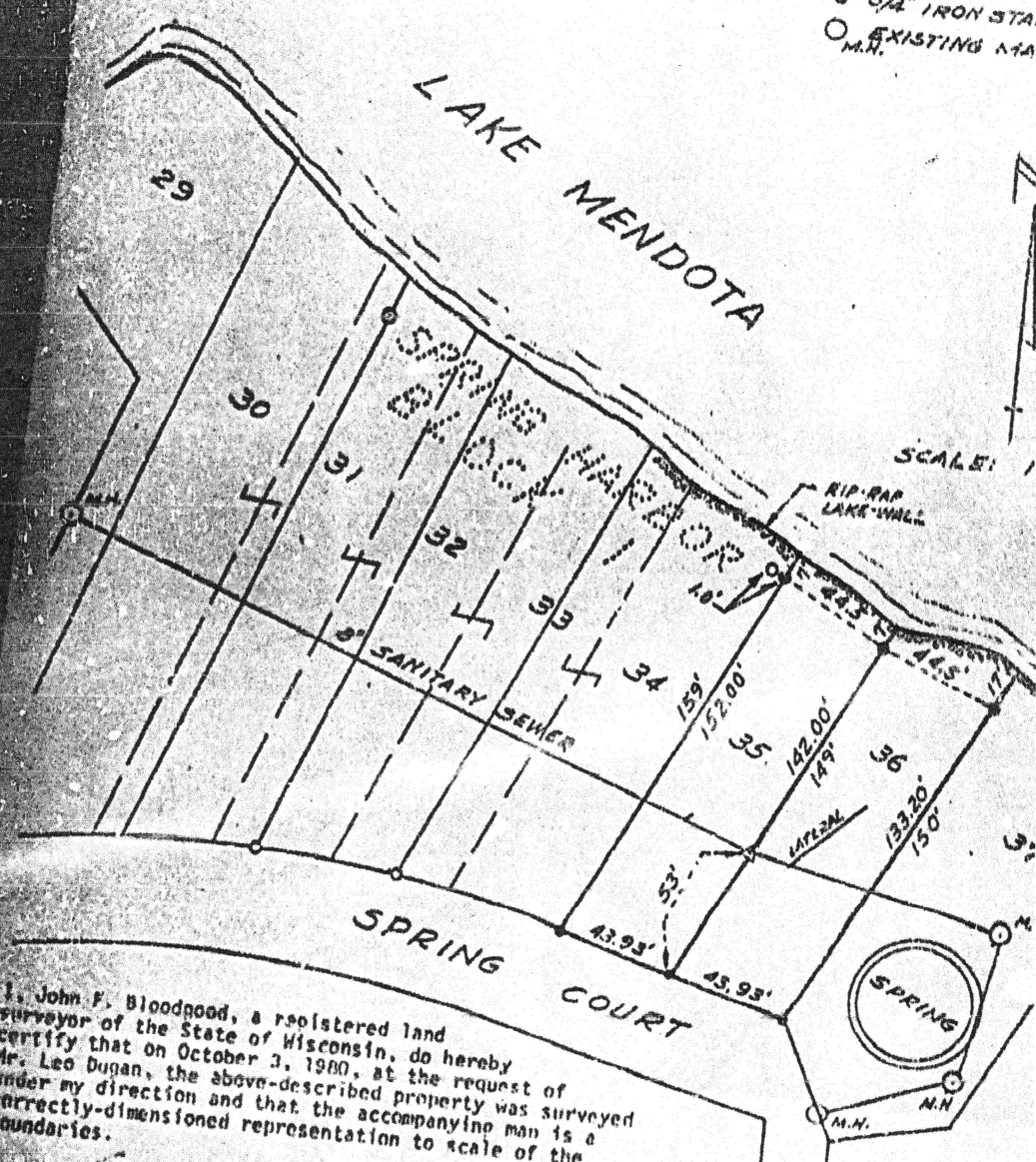
CLIENT: Leo Dugan
6102 Spring Court
Madison, Wisconsin 53705

SU

DESCRIPTION: Lots 35 & 36, Block 1, Spring Harbor,
Madison, Wisconsin

LEGEND

- △ PK NAIL SET
- IRON STAKE
- 3/4" IRON STA.
- EXISTING M.A. M.H.



I, John F. Bloodgood, a registered land surveyor of the State of Wisconsin, do hereby certify that on October 3, 1980, at the request of Mr. Leo Dugan, the above-described property was surveyed under my direction and that the accompanying map is a correctly-dimensioned representation to scale of the boundaries.

John F. Bloodgood
John F. Bloodgood, S-1343



MEAD and HUNT, INC.
Engineers - Surveyors
Madison, Wisconsin
Tel: (608) 231-2700

Draw No. N7743-3
Sheet 1 of 1

Wisconsin
City of Madison

September 23, 1980

V. C. O'Neill
Milltop Drive
Wiso. WI 53711

Dear Mr. O'Neill:

The Plan Commission at its September 22, 1980 meeting, conditionally approved your application for conditional use for a lakefront residence at 105 Spring Court.

The conditions of approval are:

1. Title evidence concerning the existence of a public sanitary sewer easement over the existing sanitary sewer main crossing through the front yard of this property shall be provided to the City Engineering Division. If no easement exists, a minimum of 10.0 foot wide public sanitary sewer easement shall be dedicated to the City of Madison, without cost, as a condition of approval of this conditional use permit.
2. The proposed garage to be constructed on this site shall be located a minimum of 5.0 feet from the existing sanitary sewer main. Should it be proposed that the garage be located closer to 5 feet from the existing sewer main or located over the existing sewer main, it will be necessary to reinforce the existing sanitary sewer main with cast iron pipe. If it is determined necessary to reinforce the existing sanitary sewer, the owner shall enter into an agreement with the City of Madison and provide a Surety Bond or Irrevocable Letter of Credit in the amount of the estimate of the City Engineer for the reinforcement of the sanitary sewer. This agreement shall be executed in a bond provided prior to the construction commencing on this site.
3. The Zoning Board of Appeals shall need to approve an 18-foot setback variance.

BOB TURNER
18' 9-23-80
78 BILLA

CONTACT THE FIRE DEPARTMENT IF YOU HAVE QUESTIONS ON THE FOLLOWING TWO ITEMS:

4. Provide approved method of storage and handling of combustible waste - M.C.O. 34.23(4).
5. Provide smoke detectors adjacent sleeping area according to M.C.O. 34.14(11).

Madison City Planning Department
City-County Building • 210 Monona Avenue
Madison, Wisconsin 53709 • Phone (608) 265-4515

Traffic and Parking

Merrill Springs Park is one house away from 5106 Spring Ct. there are three parking spots within maximum within easy walking distance of the park further congestion of the street will not be good for the use of this park and the residents of the street as it gets harder and harder to park. The decrease in size of the driveway will take the driveway from 4 cars to 2 cars and therefore increase the parking problem that already exists. If this proposal gets approved there it is very likely that there are several more detached garages on the street that will use the new ADU rules to bypass the variance rules and make the street a wall without sufficient parking.

Summary:

The negatives outweigh the positives of this proposal. There is no hardship and people will not be living there for most of the time. Meanwhile our house value is reduced and the reason for building the deck on our roof is completely negated. There have been several previous denials on this property to build up so how come now it is ok for this to happen.

There should be an easement for the sewer line. I have not found any reference to this in the drawings and building on top of this sewer was not allowed in recent builds to give access to the sewer. Has the city given permission now to do this when in the past they have had restrictions?

The street and Merrill Springs Park will be less accessible especially for disabled people that would like to park near the park to enjoy its beauty.

It is for these reasons that I fervently oppose the approval of the conditional use of 5106 Spring Ct.

Respectfully Submitted,

Kyle & Liz Metzloff 5105 Spring Ct. Madison, WI 53705 608-345-5953 kmetzloff@gmail.com