PLANNING DIVISION STAFF REPORT

July 7, 2025

PREPARED FOR THE PLAN COMMISSION

Project Address: **1626-1634 Baker Avenue**

Application Type: Certified Survey Map (CSM) Referral

Legistar File ID # 88557

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants & Property Owners: Jacob & Jennifer Aleckson; 1626 Baker Avenue; Madison; and Tyler & Stacey Novogoratz, 1634 Baker Avenue; Madison.

Surveyor: Don Carroll; 5717 Williamsburg Way; Madison.

Requested Action: Approval of a Certified Survey Map (CSM) of property owned by Jacob & Jennifer Aleckson and Stacey & Tyler Novogoratz located at 1626 and 1634 Baker Avenue.

Proposal Summary: The applicants and property owners are requesting approval of a two-lot CSM to formally reconfigure their abutting parcels to allow an accessory building at the rear (west) of the residence at 1634 Baker to be located on the 1626 Baker parcel. The CSM will be recorded as soon as 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)6-7 to allow the Plan Commission to approve a non-standard lot design for Lot 1 of the proposed CSM.

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 July 15, 2025 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 May 27, 2025. Therefore, the 90-day review period for this CSM will end circa August 27, 2025.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on **page 5** of this report.

Background Information

Parcel Location: The subject parcels total approximately two (2) acres of land and are located on the westerly side of Baker Avenue, approximately 550 feet north of Capital Avenue; Alder District 19 (Guequierre); Madison Metropolitan School District.

Existing Conditions and Land Use: Each site is developed with a single-family residence, zoned SR-C2 (Suburban Residential–Consistent 2 District). A one-story, approximately 990 square-foot accessory building is located at the rear of the 1634 Baker Avenue parcel.

Surrounding Land Uses and Zoning: The subject parcel is generally surrounded by other single-family residences in SR-C2 zoning. A City of Madison greenway forms the westerly boundary of the two parcels.

Adopted Land Use Plans: The West Area Plan (2024) recommends the subject properties and two adjacent parcels to the north adjacent to University Avenue for Medium Residential (MR). The surrounding parcels to the south and east are recommended for Low Residential (LR), while the City-owned greenway is identified as Park and Open Space (P).

Zoning Summary: The property is zoned SR-C2 (Suburban Residential–Consistent 2 District).

Requirements	Required	Proposed
Lot Area (sq. ft. per unit)	6,000	Both lots will comply
Lot Width	50’	Both lots will comply
Front Yard Setback	30’	Existing condition
Side Yard Setback	6’	Both residences will comply
Rear Yard	Lesser of 30% lot depth or 35’	Lot 1: Will comply | Lot 2: 87.6’
Maximum Lot Coverage	50%	Both lots will comply
Maximum Building Height	2 stories/ 35’	Existing houses will comply
Building Forms	Single-Family Detached Building	Existing houses will comply

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

Prepared by: Planning and Zoning staff

Environmental Corridor Status: The westernmost corner of 1626 Baker Avenue and the adjacent City-owned greenway are located in a mapped environmental corridor.

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

Previous Approvals

On November 12, 2010, the Secretary of the Plan Commission administratively approved Certified Survey Map of 1634 Baker Avenue to combine underlying parcels into one lot. Resolution 10-00905 to approve the one-lot CSM was adopted by the Common Council on November 9, 2010. The approved CSM was recorded as CSM 13091 on May 3, 2011.

On August 26, 2013, the Plan Commission approved a conditional use for 1634 Baker Avenue to allow construction of a 994 square-foot accessory building to be used for a home occupation (photography business). The use of the accessory building for a home occupation is limited to a photography studio unless a different home occupation use is approved by the Plan Commission.

Project Description

The applicants and property owners are requesting approval of a Certified Survey Map (CSM) to reconfigure their abutting parcels located at 1626 and 1634 Baker Avenue.

The parcel addressed as 1626 Baker Avenue is 1.03 acres (44,853 square feet) in area and is developed with a 1.5-story, 2,086 square-foot single-family residence constructed in 1932 per City records, while the parcel at 1634 is 0.93 acres (40, 675 square feet) in area and developed with a two-story, 2,920 square-foot single-family residence built in 2011. A 994 square-foot accessory building is located in the southwestern corner of the 1634 parcel, approximately 120 feet west of the principal residence. The two properties share a driveway. The subject parcels are characterized by substantial tree cover throughout and by a grade that generally falls from the street to the westerly property line, which is shared with a City-owned greenway. Baker Avenue is a local street that was platted to extend between University Avenue and Capital Avenue; however, the pavement for Baker Avenue ends in a cul-de-sac approximately 115 feet south of the edge of pavement along University Avenue.

The re-division of the two parcels is intended to place the 994 square-foot accessory building located at the rear of the 1634 parcel onto the 1626 parcel. Lot 1 of the proposed CSM will be an L-shaped 1.34-acre parcel that will see an approximately 73-foot by 151-foot section of the current parcel at 1634 added to the parcel at 1626. Lot 2 of the CSM will contain the remainder of the current parcel at 1634. Lot 2 will be 0.68 acres in area and at least 175 feet deep as measured along the northerly side property line. The accessory building will be 24.9 feet from the proposed line to be created between it and the residence at 1634 Baker on Lot 2.

The proposed lots will comply with the minimum 50-foot lot width and 6,000 square feet of lot area required in the SR-C2 district. The existing buildings also appear to meet the bulk requirements of the district, including the setbacks required between the structures and proposed lot lines.

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. The subdivider shall be notified in writing of any conditions of approval or the reasons for referral to the Plan Commission. 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 configuration of proposed Lot 1, which will be L-shaped as described above.

As noted in the letter of intent that accompanies the land division application, the owners of 1626 Baker Avenue desire to own and use the accessory building originally built at the rear of the residence at 1634 Baker. Due to the location of the accessory building, reconfiguring the parcels to place the accessory building on the same property as the residence at 1626 requires that a lot with a non-standard configuration be created.

Section 16.23(6)(d) requires that side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, except where more flexible lot line orientation is necessary to secure solar access to the lot. In general, the size, shape and orientation of the lots shall also be appropriate for the location of the subdivision and for the type of development and use contemplated, and the lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

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 to create an atypical layout for Lot 1, including approving a variance pursuant to section (8) above. The only way to place the accessory building located on the parcel at 1634 onto the parcel at 1626 absent a re-division of the two properties would be for the 994 square-foot structure to be moved somewhere onto the 1626 parcel, which staff believes the Plan Commission could find to be an "extraordinary hardship." Staff has received no comments or conditions of approval from reviewing agencies that would suggest that the proposed lots cannot be approved.

Staff also does not believe that the proposed configuration of the two lots would significantly affect the ability for them to be redeveloped in the future as recommended by the 2024 West Area Plan. The area plan designates a total of five properties generally located between Julia Street and University Avenue on the west side of Baker Avenue (including 1626 and 1634) for Medium Residential (MR). Consistent with the Comprehensive Plan, the MR category in the West Area Plan envisions residential development up to 90 units an acre in up to five-story tall buildings. Implementation of the MR recommendation in the area plan would likely require assembly of some or all of the five parcels on the west side of Baker and access from University Avenue to be fully realized. Staff does not believe that the proposed lot configuration makes implementation of the MR recommendation in the future any more or less possible than the existing configuration of the subject parcels.

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 1626-1634 Baker Avenue 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 Kathleen Kane, (608)266-4098)

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. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private storm sewer/drainage easement/agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

4. Add a note to the CSM as follows: "The "Building Lines" shown and noted on this Certified Survey Map are the "Building Lines" as shown and denoted on Mendota Beach Heights Replat of Backer's Replat of Baskerville's Subdivision. 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. Add the following note to the drainage arrow in the legend: "Arrows indicate the direction of surface drainage swale at individual property lines and said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer."

6. Remove the drainage arrows along the Baker Avenue right of way.

7. The Joint Driveway Agreement per Document No. 4743300 shall be amended post recording of this CSM to acknowledge the new lots created by this CSM. Provide a draft for review prior to final CSM sign-off.

8. Dimension the location of the existing 20-foot wide Public sanitary sewer within the CSM and within Lot 1 and Lot 2.

9. Add calls to the courses around the CSM in the legal description. Also include the volume, page, and document number in the description for CSM 13091.

10. In the header on the sheets and also for the legal description for the reference to the vacation of Adelia Street, revise the text to read "vacated Adelia Street as per Document No. 18338997…"

11. The surveyor and/or applicant shall submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).

12. The Certified Survey Map shall have bearings and coordinates referenced to WISCRS–Dane County NAD 83 datum as required by the City of Madison Subdivision Regulations. The Map shall reference City of Madison published Coordinates on all PLS corners on the Certified Survey Map. The surveyor shall identify any deviation from City Control with recorded and measured designations. Visit the Dane County Surveyor's Office webpage for current tie sheets and control data that has been provided by the City of Madison. The bearing reference shall also be revised accordingly and shall identify which adjustment of the required datum was utilized.

13. Prior to Engineering Division final sign-off by main office for Certified Survey Maps, the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.

14. Remove the empty paragraph (d) on sheet 3.

15. Revise the City Clerk signature block to read “Michael Haas, Acting City Clerk”.

16. The applicant shall submit to Jeff Quamme, 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)

17. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

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

Parks Division (Contact Morgan Matthews, (608) 266-6517)

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

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

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

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

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

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

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

18. 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). The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain 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. 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.

22. Any special assessments levied against the property during the review period and prior to CSM approval sign-off shall be paid in full prior to CSM sign-off pursuant to MGO Section 16.23(4)(f).

23. Pursuant to MGO Section 16.23(4)(f), the owner shall furnish an updated title report to the Office of Real Estate Services 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 submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update. A title commitment may be provided, but will be considered only as supplementary information to the title report 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.

24. The Office of Real Estate Services may have additional comments on the proposed CSM that will need to be addressed prior to final approval and recording.