



**CITY OF MADISON**  
**ZONING BOARD OF APPEALS**  
**VARIANCE APPLICATION**

**\$300 Filing Fee**

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Address of Subject Property: 1405 Emil Street

Name of Owner: Lawrence Schmidt

Address of Owner (if different than above): \_\_\_\_\_

Daytime Phone: 608-576-8606 Evening Phone: Same

Email Address: jfreebird68@aol.com

Name of Applicant (Owner's Representative): John/Cindy Vesperman

Address of Applicant: 1814 Hadder Hill Drive  
Madison, WI. 53593

Daytime Phone: 608-576-6473 Evening Phone: Same

Email Address: jfreebird68@aol.com

Description of Requested Variance: The variance requested with this application is in reference to condition #12 of the Plan Commission approval letter dated August 5, 2014. The condition says "Provide lot coverage calculations for existing development and proposed expansion. Note: if the existing development exceeds 75% lot coverage, pervious paving or wood decking must be used for new outdoor seating area, as this does not count toward an increase in lot coverage". With the existing lot exceeding the 75% lot coverage, we recommend a solution using a bio-filter in combination with concrete pavement versus that of pervious paving or wood decking.  
(See reverse side for more instructions)

**FOR OFFICE USE ONLY**

Amount Paid: \$300  
Receipt: 159331  
Filing Date: 10/16/14  
Received By: JK  
Parcel Number: 0709-344-0203-6  
Zoning District: 1L  
Alder District: 14 John Strasser

Hearing Date: 11/6/14  
Published Date: 10/30/14  
Appeal Number: 110614-1  
GQ: C. U.  
Code Section(s): 28.088 (3)

## Standards for Variance

**The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:**

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

*No.*

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

*No. The solution is consistent with the spirit, purpose and intent of the zoning district regulations.*

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

*Future maintenance of facility as well as environmental factors.*

5. The proposed variance shall not create substantial detriment to adjacent property.

*No, The neighboring properties will not be adversely affected.*

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

*Yes, very much consistent with the existing neighboring properties as well as recently improved neighboring properties.*

## Application Requirements

**Please provide the following Information** (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>
<input checked="" type="checkbox"/>	<b>Site plan</b> , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <ul style="list-style-type: none"><li><input type="checkbox"/> Lot lines</li><li><input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li><li><input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li><li><input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features</li><li><input type="checkbox"/> Scale (1" = 20' or 1" = 30' preferred)</li><li><input type="checkbox"/> North arrow</li></ul>
<input checked="" type="checkbox"/>	<b>Elevations</b> from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input checked="" type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	<b>Front yard variance requests only.</b> Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	<b>Lakefront setback variance requests only.</b> Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	<b>Variance requests specifically involving slope, grade, or trees.</b> Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature:

*Lawrence Schmitt*

Date:

*10/1/2014*

----- (Do not write below this line/For Office Use Only) -----

### DECISION

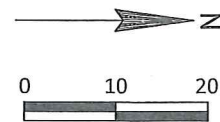
The Board, in accordance with its findings of fact, hereby determines that the requested variance for \_\_\_\_\_ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

The Zoning Board of Appeals: ☐ Approved ☐ Denied ☐ Conditionally Approved

Zoning Board of Appeals Chair:

Date:

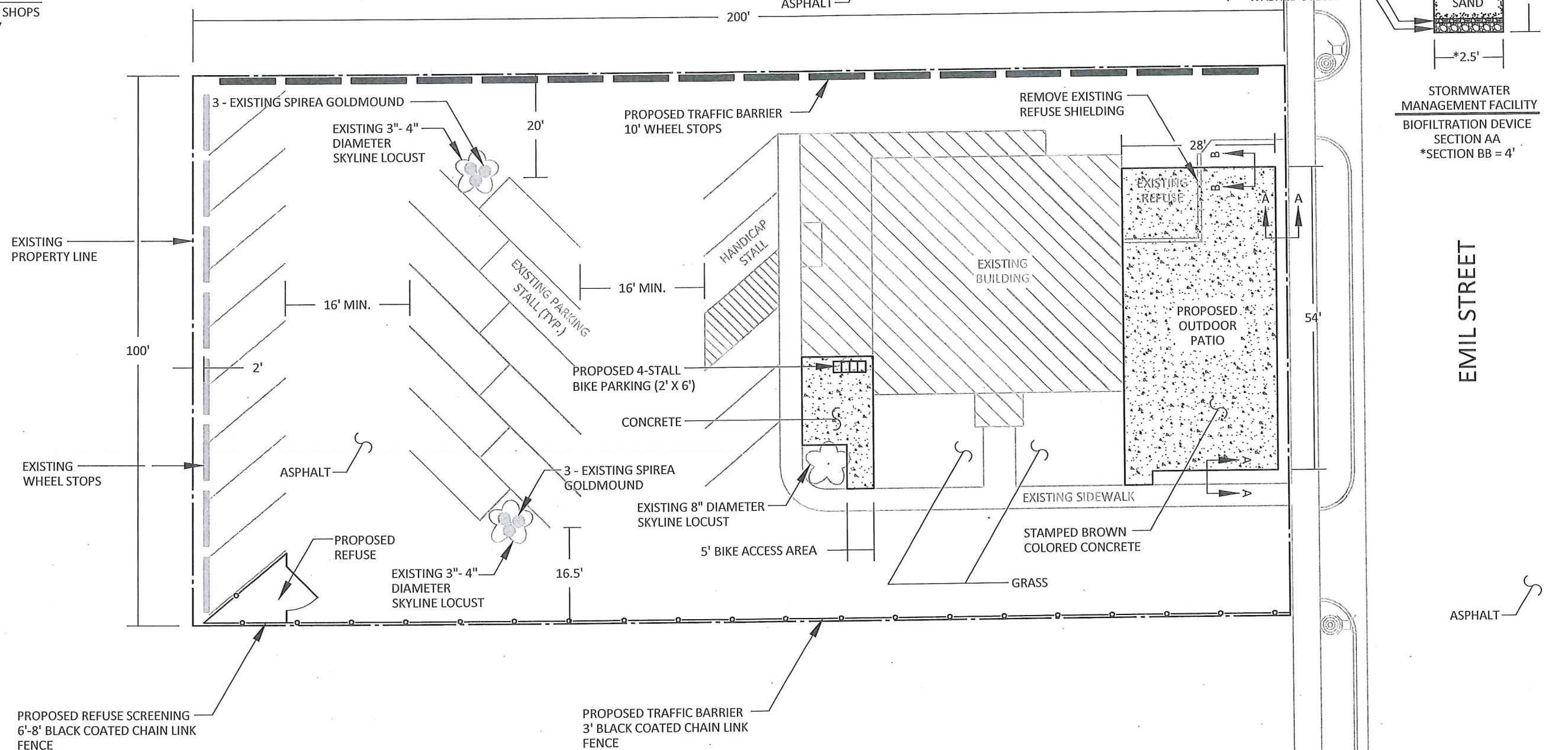




LEGAL DESCRIPTION  
LOT 0, BLOCK 0, MADISON SHOPS  
PLAT, N 200.5 FT. OF LOT 7

*ADD outdoor seating Area for Tavern  
Lot coverage  
75% maximum Required \*  
95.6% Provided  
20.6% Lot coverage increase*

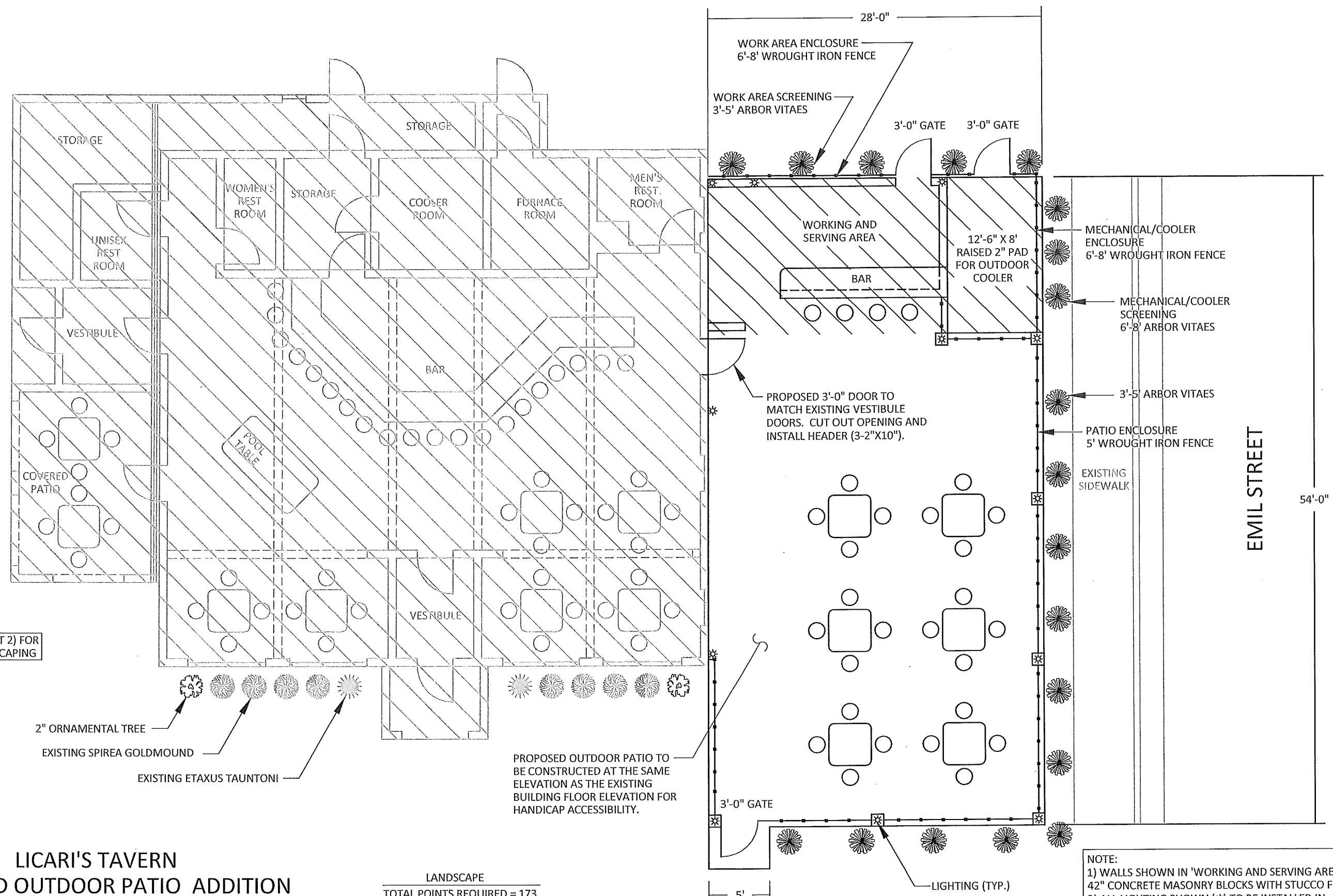
*\* Existing Development Provides 89% lot coverage*



NOTE:  
1) EXISTING APPROVED PARKING STALL AND LOT CONFIGURATION TO REMAIN  
2) EXISTING LANDSCAPING TO REMAIN. SEE PROPOSED LANDSCAPING AND PATIO FLOOR PLAN FOR PROPOSED LANDSCAPING.  
3) GRAY SHADED OBJECTS REPRESENT EXISTING FACILITIES.  
4) ALL PARKING STALLS ARE 9' X 18'  
5) ALL PARKING STALLS ARE AT A 50° ANGLE

## LICARI'S TAVERN PROPOSED OUTDOOR PATIO ADDITION

1405 EMIL STREET  
PARKING AND SITE PLAN  
OCTOBER 2014



SEE SITE PLAN (SHEET 2) FOR  
PARKING LOT LANDSCAPING

2" ORNAMENTAL TREE  
EXISTING SPIREA GOLDMOUND  
EXISTING ETAXUS TAUNTONI

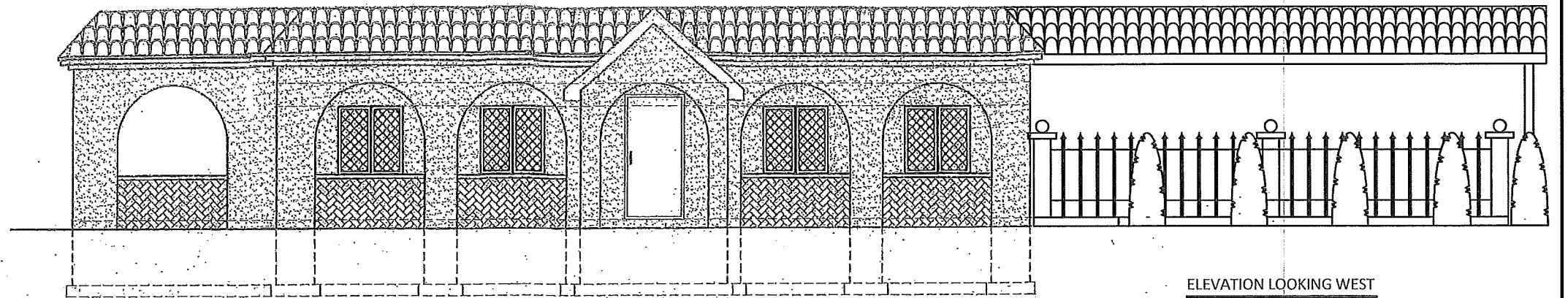
PROPOSED OUTDOOR PATIO TO  
BE CONSTRUCTED AT THE SAME  
ELEVATION AS THE EXISTING  
BUILDING FLOOR ELEVATION FOR  
HANDICAP ACCESSIBILITY.

# LICARI'S TAVERN PROPOSED OUTDOOR PATIO ADDITION

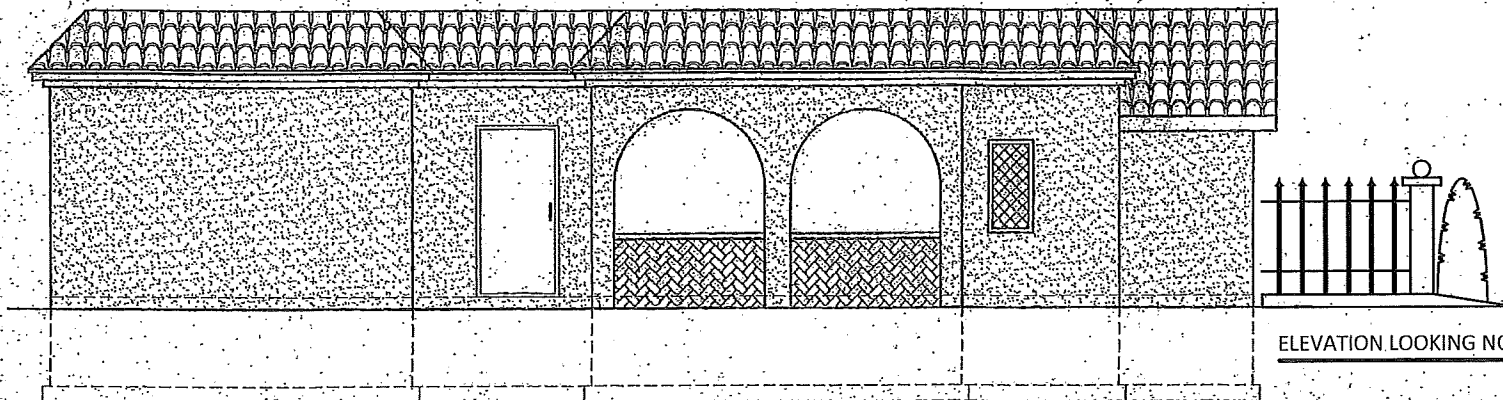
1405 EMIL STREET  
LANDSCAPE AND PATIO FLOOR PLAN  
OCTOBER 2014  
SCALE: 1/8" = 1'

LANDSCAPE  
TOTAL POINTS REQUIRED = 173  
EXISTING POINTS = 117  
NEW POINTS = 253  
TOTAL POINTS = 370

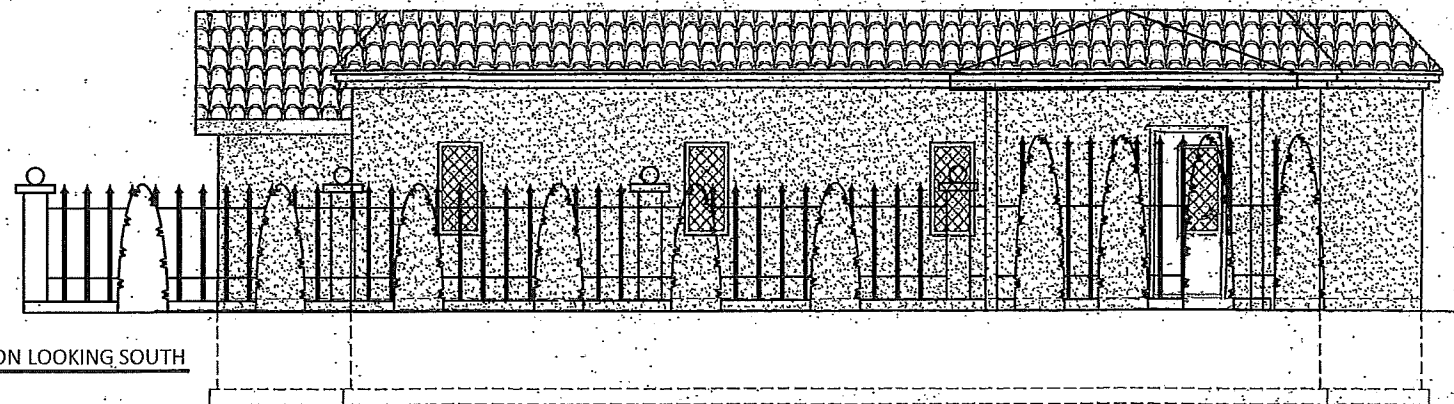
NOTE:  
1) WALLS SHOWN IN 'WORKING AND SERVING AREA' ARE  
42" CONCRETE MASONRY BLOCKS WITH STUCCO FINISH.  
2) ALL LIGHTING SHOWN (⌘) TO BE INSTALLED IN  
COMPLIANCE WITH MGO 10.085.  
3) HATCHED AREAS REPRESENT A ROOFED ENCLOSURE  
4) GRAY SHADED OBJECTS REPRESENT EXISTING FACILITIES.



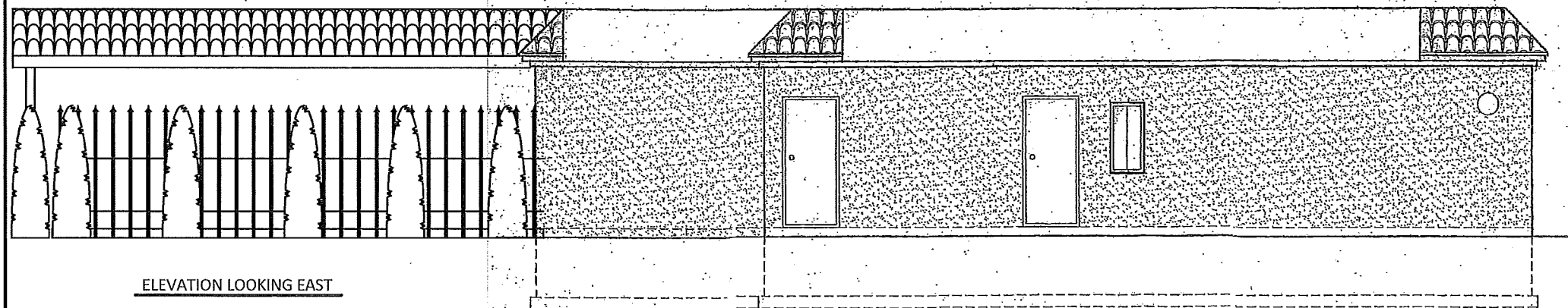
ELEVATION LOOKING WEST



ELEVATION LOOKING NORTH



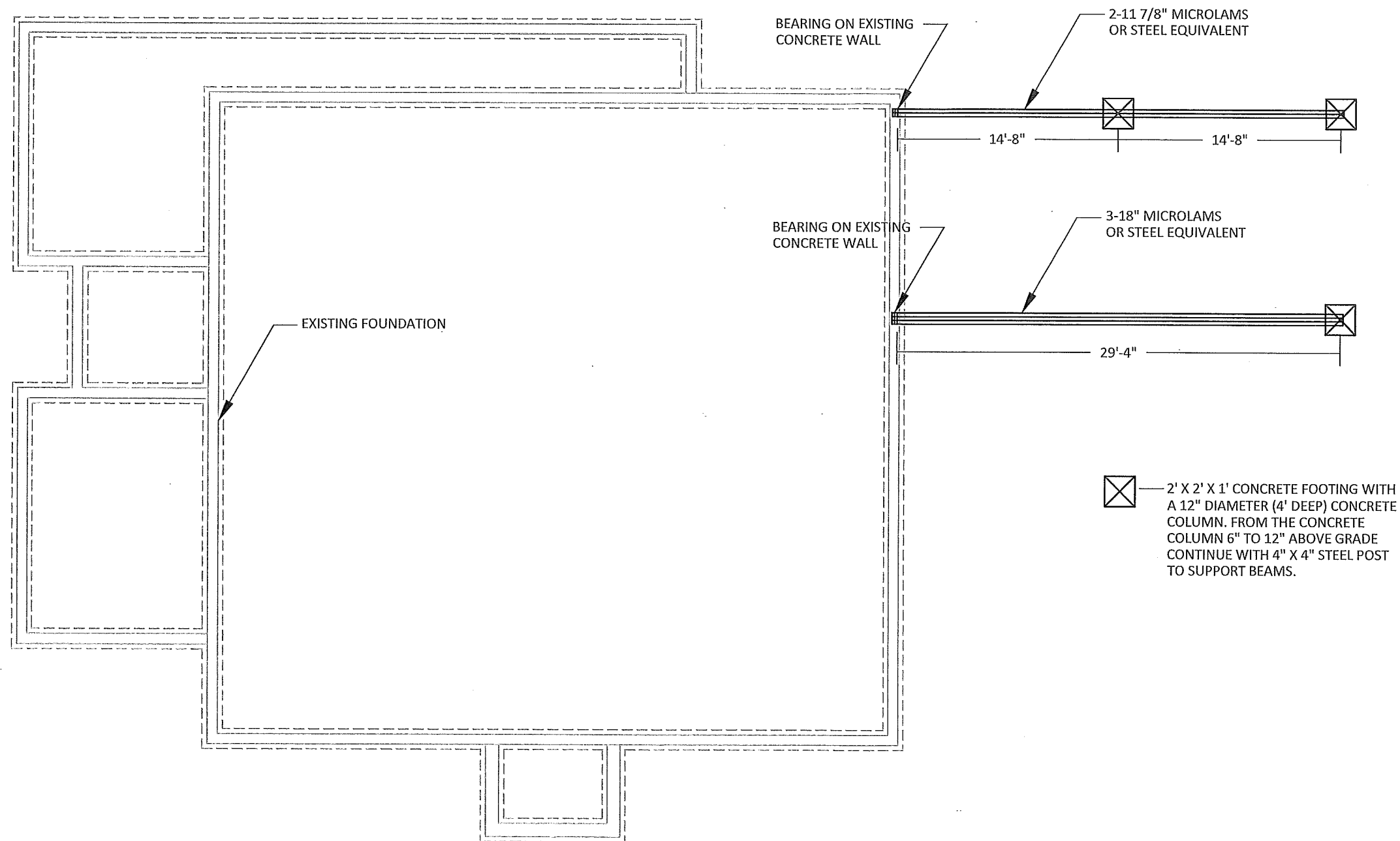
ELEVATION LOOKING SOUTH



ELEVATION LOOKING EAST

**LICARI'S TAVERN  
PROPOSED OUTDOOR PATIO ADDITION**

1405 EMIL STREET  
PATIO ELEVATIONS  
OCTOBER 2014  
SCALE: 1/8" = 1'



# LICARI'S TAVERN PROPOSED OUTDOOR PATIO ADDITION

1405 EMIL STREET  
COVERED WORK AREA FOOTING AND STRUCTURE PLAN  
OCTOBER 2014  
SCALE: 1/8" = 1'



To: Tim Troester, City of Madison

From: John H. Vesperman, PE

Subject: Post Construction Stormwater Management for Licari's Exterior Patio / Serving Area.

1405 Emil Street, Madison, WI

Date: September 18, 2014

**Purpose:** This memorandum is submitted in support of a Conditional Use Permit (CUP) submitted by Licari's at 1405 Emil Street and it documents the post construction stormwater management features proposed for the outside patio and serving area. The proposal will show how the features will not only achieve the desired results for this outdoor improvement but will also allow us to improve the stormwater management for the site by treating some of the runoff from the building roof that was previously discharged directly into the city's storm sewer system.

**Project Description:** This project involves the addition of a new outside patio, bar and serving area. It includes a concrete patio surface with the perimeter bordered by columns made of stucco and decorative lighting on top of the columns. Between the columns there will be wrought iron decorative railing / fencing. There will be a food and drink serving area which will be adjacent to a new outdoor cooler. The property is 20,000<sup>\*</sup> sq. ft. with an existing impervious area of 17,805 sq. ft. or 89 % of the property. The proposal includes adding an additional 1370 sq. ft. of impervious area to the property.

This site is served by public storm sewer along Emil Street which is where the majority of the existing property drains today.

**Post Construction Stormwater Management:** We analyzed the existing site conditions by preparing three(3) test locations. These locations are shown on the attached plan view and were excavated to a depth of three(3) feet below the existing elevation of the sidewalk. There were 12- inch long sections of 8-inch diameter sonotube installed at each location at the bottom of the excavation. Each 12- inch section of sonotube had a measuring device attached to it. Each tube was filled with water on September 17, 2014 at 9:15AM. Each location was checked and the measurement taken at 15 minute to one hour intervals over a 3 hours and 45 minutes period. The infiltration rate table is also attached. You will notice that the most conservative infiltration rate for this site is that of 1.5 inches per hour to a maximum rate of 5 inches per hour. For our analysis we used the rate of 0.66 inches per hour. That is obtained from the hour two averages, then factored with the rate of 3.5.

We propose to excavate the perimeter of the area between the new concrete patio and the sidewalk to a depth of 3 feet. We will place back 7-inch depth of 1-inch washed stone. On top of that we will place



2-inches of pea gravel(small stone) then 2-feet of a sand and compost mixture topped with a couple inches of mulch. This structure creates a new Bio-Filter and will serve to provide significant water quality improvements by not only by providing an improved situation than exists prior to the new improvements and concrete patio, but also allows us to capture some of the stormwater runoff from the existing roof that previously drained into the cities storm sewer system.

**Stormwater Management Maintenance Provisions:** The proposed system should require little maintenance, although the property owner will evaluate the condition of the Bio-filter on an annual basis and clean the required materials as is necessary.

**Conclusion:** The subject property and proposed improvements at 1405 Emil Street demonstrate that the proposed design not only meets the spirit and intent of the City of Madison, but goes beyond and improves the site to a condition greater than that of the existing pre – improvement conditions.

## Infiltration Data

Data Collected on September 17, 2014 for 1405 Emil Street

### Outside Patio / Serving Area

Time of Day	Test Location Northwest Corner #1	Test Location North #2	Test Location Northeast Corner #3	Rate of Infiltration Average of Three Test Locations
9:15AM	2- ¼ inches	2- ½ inches	10 inches	
9:30AM	3- ¼ inches	3 inches	8 inches	
9:45AM	3- ½ inches	3- ½ inches	6 inches	
10:15AM	4 inches	4 inches	4 inches	
11:00AM	5 inches	5 inches	1 inch	
11:30AM	6 inches	6 inches	0 inches@11:15	
12:00 Noon	7 inches	7 inches	0 inches	
1:00 PM	8- ¼ inches	8 inches	0 inches	
Infiltration Rate	1.6 inches / hour	1.5 inches / hour	5 inches / hour	2.7 inches / hour

We can see from the data that the average infiltration rate is 2.7 inches per hour. Although the most conservative rate is 1.5 inches per hour for test location #2. The rate of infiltration that was modeled utilized the hour two values, divided by correction factor 3.5, for the infiltration rate of 0.66 inches / hour. Therefore we would expect even better results if we utilized the average rate of the entire duration of the measurements.

Data file name: C:\Files\Projects & Analysis\Licari's\01 BF.mdb  
WinSLAMM Version 10.1.1  
Rain file name: C:\WinSLAMM Files\Rain Files\WisReg - Madison WI 1981.RAN  
Particulate Solids Concentration file name: C:\WinSLAMM Files\v10.1 WI\_AVG01.pscx  
Runoff Coefficient file name: C:\WinSLAMM Files\WI\_SL06 Dec06.rsvx  
Residential Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std  
Institutional Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Commercial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Industrial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Other Urban Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std  
Freeway Street Delivery file name: C:\WinSLAMM Files\Freeway Dec06.std  
Apply Street Delivery Files to Adjust the After Event Load Street Dirt Mass Balance: False  
Pollutant Relative Concentration file name: C:\WinSLAMM Files\WI\_GEO03.ppdX  
Cost Data file name:  
Seed for random number generator: -42  
Study period starting date: 01/01/81 Study period ending date: 12/31/81  
Start of Winter Season: 12/02 End of Winter Season: 03/12  
Date: 09-19-2014 Time: 22:53:53  
Site information:

LU# 1 - Commercial: Commercial 1 Total area (ac): 0.041  
2 - Roofs 2: 0.011 ac. Pitched Connected Connected  
31 - Sidewalks 1: 0.024 ac. Connected Connected  
51 - Small Landscaped Areas 1: 0.006 ac. Normal Sandy

LU# 2 - Commercial: Commercial 2 Total area (ac): 0.025  
1 - Roofs 1: 0.025 ac. Flat Connected Connected

Control Practice 1: Biofilter CP# 1 (DS) - DS Biofilters # 1

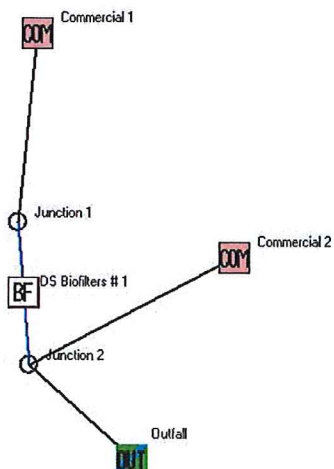
1. Top area (square feet) = 289
2. Bottom area (square feet) = 289
3. Depth (ft): 3.1
4. Biofilter width (ft) - for Cost Purposes Only: 10
5. Infiltration rate (in/hr) = 0.66
6. Random infiltration rate generation? No
7. Infiltration rate fraction (side): 0
8. Infiltration rate fraction (bottom): 1
9. Depth of biofilter that is rock filled (ft) 0.6
10. Fraction of rock filled volume as voids = 0.38
11. Engineered soil infiltration rate: 3
12. Engineered soil depth (ft) = 2
13. Engineered soil void ratio = 0.4
14. Percent solids reduction due to flow through engineered soil = 0
15. Biofilter peak to average flow ratio = 3.8
16. Number of biofiltration control devices = 1
17. Particle size distribution file: Not needed - calculated by program
18. Initial water surface elevation (ft): 0

Soil Data Soil Type Fraction in Eng. Soil

Compost as Amendment 1.000  
Saturation water content percent (Porosity) = 0  
Field capacity (%) = 0  
Permanent Wilting Point (%) = 0  
Infiltration rate (in/hr) = 3

Biofilter Outlet/Discharge Characteristics:

Outlet type: Broad Crested Weir  
1. Weir crest length (ft): 10  
2. Weir crest width (ft): 4  
3. Height of datum to bottom of weir opening: 3



SLAMM for Windows Version 10.1.1  
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All Rights Reserved

Data file name: C:\Files\Projects & Analysis\Licari's\01 BF.mdb  
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Rain file name: C:\WinSLAMM Files\Rain Files\WisReg - Madison WI 1981.RAN  
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Runoff Coefficient file name: C:\WinSLAMM Files\WI\_SL06 Dec06.rsvx  
Residential Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std  
Institutional Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Commercial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Industrial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
Other Urban Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std  
Freeway Street Delivery file name: C:\WinSLAMM Files\Freeway Dec06.std  
Pollutant Relative Concentration file name: C:\WinSLAMM Files\WI\_GEO03.ppdX  
Start of Winter Season: 12/02      End of Winter Season: 03/12  
Model Run Start Date: 01/01/81      Model Run End Date: 12/31/81  
Date of run: 09-19-2014      Time of run: 22:54:26  
Total Area Modeled (acres): 0.066  
Years in Model Run: 1.00

	Runoff Volume (cu ft)	Percent Runoff Volume Reduction	Particulate Solids Conc. (mg/L)	Particulate Solids Yield (lbs)	Percent Particulate Solids Reduction
Total of all Land Uses without Controls:	4888	-	48.90	14.92	-
Outfall Total with Controls:	2006	58.96%	33.00	4.132	72.31%
Annualized Total After Outfall Controls:	2011			4.143	



Data file name: C:\Files\Projects & Analysis\Licari's\02 BF.mdb  
 WinSLAMM Version 10.1.1  
 Rain file name: C:\WinSLAMM Files\Rain Files\WisReg - Madison WI 1981.RAN  
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 Industrial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std  
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 Freeway Street Delivery file name: C:\WinSLAMM Files\Freeway Dec06.std  
 Apply Street Delivery Files to Adjust the After Event Load Street Dirt Mass Balance: False  
 Pollutant Relative Concentration file name: C:\WinSLAMM Files\WI\_GEO03.ppd  
 Cost Data file name:  
 Seed for random number generator: -42  
 Study period starting date: 01/01/81      Study period ending date: 12/31/81  
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 Date: 09-19-2014      Time: 22:52:06  
 Site information:

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     2 - Roofs 2: 0.011 ac.      Pitched      Connected      Connected  
     31 - Sidewalks 1: 0.024 ac.      Connected      Connected  
     51 - Small Landscaped Areas 1: 0.006 ac.      Normal Sandy

LU# 2 - Commercial: Commercial 2      Total area (ac): 0.025  
     1 - Roofs 1: 0.025 ac.      Flat      Connected      Connected

Control Practice 1: Biofilter CP# 1 (DS) - DS Biofilters # 1

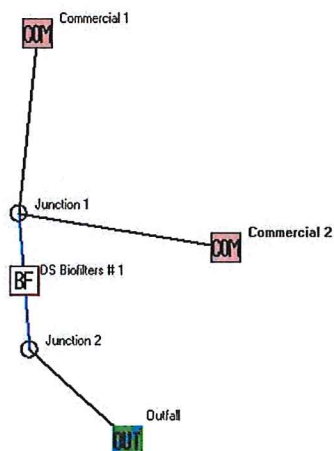
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2. Bottom area (square feet) = 289
3. Depth (ft): 3.1
4. Biofilter width (ft) - for Cost Purposes Only: 10
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7. Infiltration rate fraction (side): 0
8. Infiltration rate fraction (bottom): 1
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10. Fraction of rock filled volume as voids = 0.38
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14. Percent solids reduction due to flow through engineered soil = 0
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16. Number of biofiltration control devices = 1
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Soil Data      Soil Type Fraction in Eng. Soil

Compost as Amendment      1.000  
 Saturation water content percent (Porosity) = 0  
 Field capacity (%) = 0  
 Permanent Wilting Point (%) = 0  
 Infiltration rate (in/hr) = 3

Biofilter Outlet/Discharge Characteristics:

Outlet type: Broad Crested Weir  
     1. Weir crest length (ft): 10  
     2. Weir crest width (ft): 4  
     3. Height of datum to bottom of weir opening: 3



SLAMM for Windows Version 10.1.1

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All Rights Reserved

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Particulate Solids Concentration file name: C:\WinSLAMM Files\vl0.1 WI\_AVG01.pscx

Runoff Coefficient file name: C:\WinSLAMM Files\WI\_SL06 Dec06.rsvx

Residential Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std

Institutional Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std

Commercial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std

Industrial Street Delivery file name: C:\WinSLAMM Files\WI\_Com Inst Indust Dec06.std

Other Urban Street Delivery file name: C:\WinSLAMM Files\WI\_Res and Other Urban Dec06.std

Freeway Street Delivery file name: C:\WinSLAMM Files\Freeway Dec06.std

Pollutant Relative Concentration file name: C:\WinSLAMM Files\WI\_GEO03.ppdxd

Start of Winter Season: 12/02 End of Winter Season: 03/12

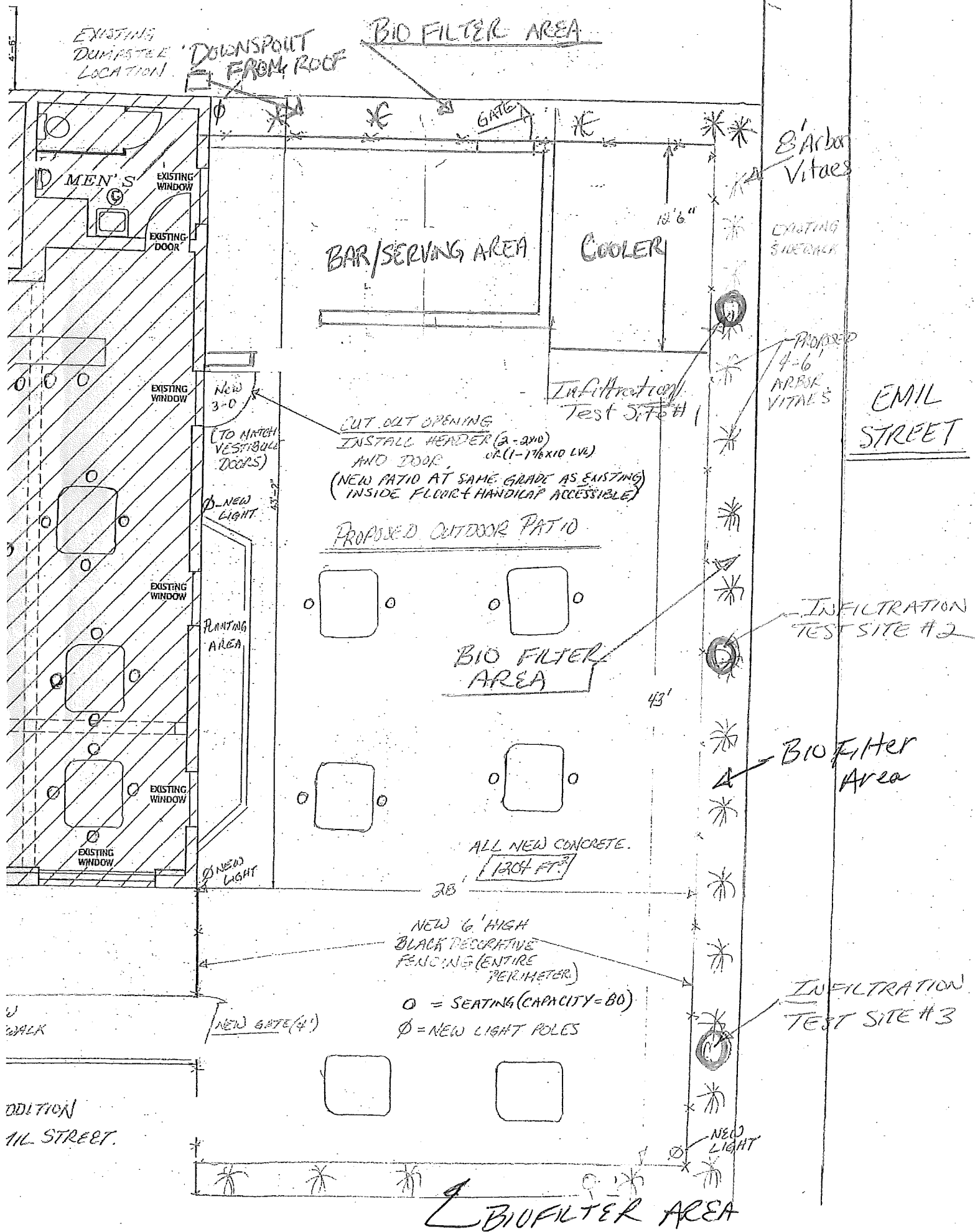
Model Run Start Date: 01/01/81 Model Run End Date: 12/31/81

Date of run: 09-19-2014 Time of run: 22:51:24

Total Area Modeled (acres): 0.066

Years in Model Run: 1.00

	Runoff Volume (cu ft)	Percent Runoff Volume Reduction	Particulate Solids Conc. (mg/L)	Particulate Solids Yield (lbs)	Percent Particulate Solids Reduction
Total of all Land Uses without Controls:	4888	-	48.90	14.92	-
Outfall Total with Controls:	6.486	99.87%	49.89	0.02020	99.86%
Annualized Total After Outfall Controls:	6.504			0.02026	



**From:** Troester, Timothy <TTroester@cityofmadison.com>  
**To:** 'jfreebird68@aol.com' <jfreebird68@aol.com>  
**Subject:** RE: 1405 Emil Street Stormwater Management Results  
**Date:** Mon, Sep 29, 2014 4:19 pm

---

John,

These look OK.

I will save to compare with the final submitted plans.

Tim

**Timothy N. Troester, P.E.**

Engineer III

Department of Public Works

Engineering Division

City-County Bldg., Rm. 115

210 Martin Luther King, Jr. Blvd.

Madison, WI 53703-3342

608 267 1995 PH

608 264 9275 FX

[ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)

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**From:** [jfreebird68@aol.com](mailto:jfreebird68@aol.com) [<mailto:jfreebird68@aol.com>]  
**Sent:** Monday, September 22, 2014 6:29 PM  
**To:** Troester, Timothy  
**Cc:** [jfreebird68@aol.com](mailto:jfreebird68@aol.com)  
**Subject:** 1405 Emil Street Stormwater Management Results

Tim - thank you for your time last Friday and for your review of this proposal and results.



I hope this meets your expectations. We are certainly excited about the results and the ability to provide a positive solution here!!!

John Vesperman