


CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: June 1, 2009

TO: Plan Commission

FROM: Timothy M. Parks, Planner, Planning Division  for

SUBJECT: **Proposed additional conditions of approval for 6234 S. Highlands Avenue Certified Survey Map**

The Planning Division offers the following additional conditions of approval for the Plan Commission to consider for the Roger & Nancy Greenwald Certified Survey Map request for 6234 S. Highlands Avenue:

1. That the property owners grant a driveway easement over the existing shared driveway prior to the sale of either lot created by this Certified Survey Map. No building permits may be issued for either lot until this easement has been granted and recorded and a copy provided to the Zoning Administrator.
2. The Plan Commission may also consider whether building lines are needed on the face of the final approved CSM. Building lines may be requested by the Plan Commission to ensure the location and type of development contemplated by a subdivision is appropriate beyond the regulations of the underlying zoning. As noted in the staff reports, R1R zoning requires a 50-foot front yard, 30-foot side yards and 40-foot rear yard. Where building lines are not shown, it should be assumed that the yards required by the Zoning Code would be enforced.

Parks, Timothy

From: Noonan, Katherine
Sent: Monday, June 01, 2009 4:28 PM
To: Murphy, Brad; Parks, Timothy; Tucker, Matthew
Subject: deep residential lot development

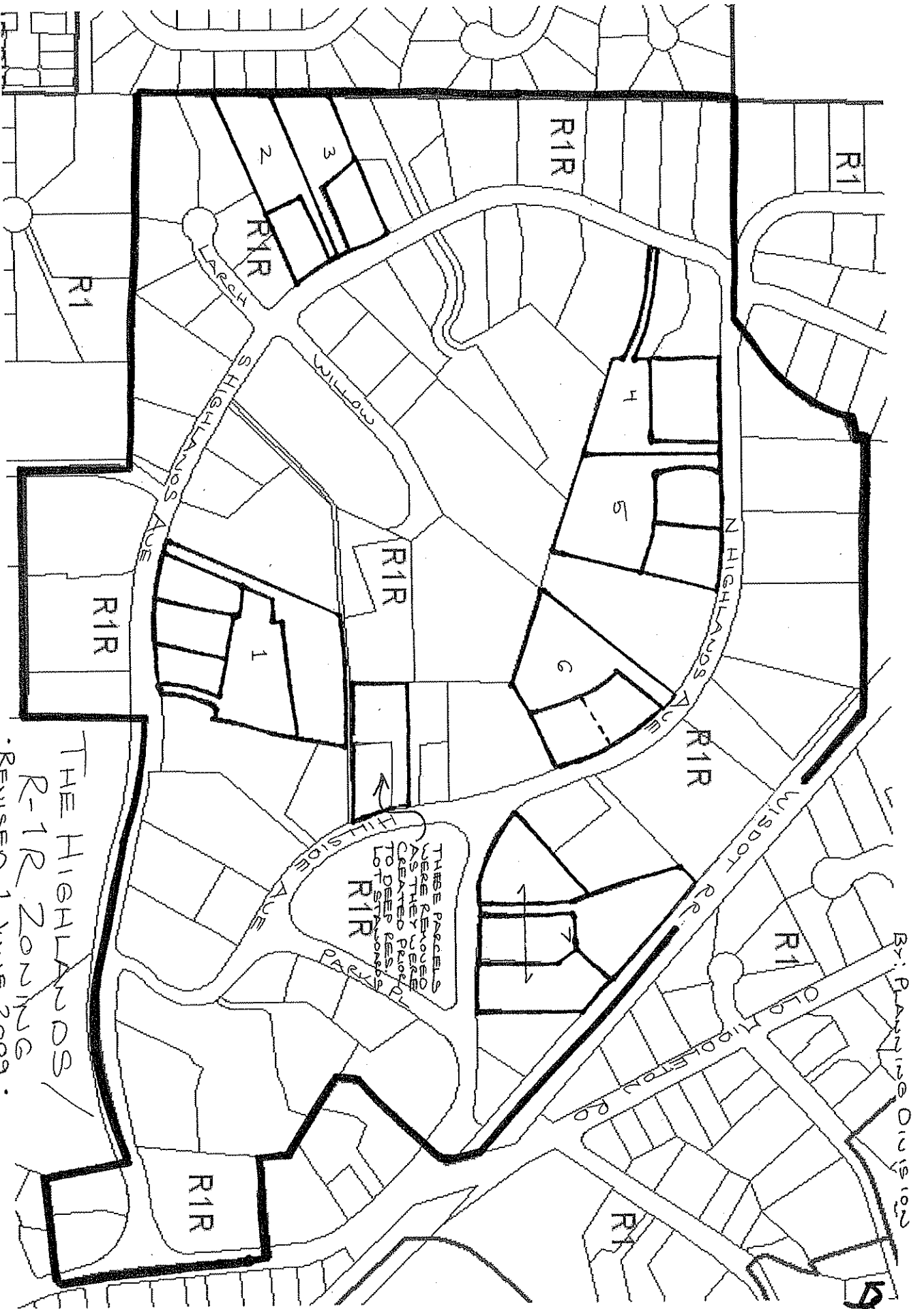
Brad et al. - The submitted CSM for 6234 S. Highlands meets the requirement under Sec. 28.04(11)(b)1. in that it provides unobstructed access at least 30 feet wide from the rear lot to the public street. Trees are not considered to be "obstructions" as that term is used throughout the zoning code. The CSM shows that the rear lot will have an approximately 34 ft. access strip to the public road. Because trees are not obstructions under the code, the question of whether the trees on that strip can or will be removed is not a determination required to be made under the ordinance. (Even if it were, the City does not enforce private agreements, therefore, zoning approval would not turn on the existence of the agreement.)

The owners of the property at 6234 S. Highlands have proposed to enter into an agreement for a shared driveway outside of the 34 ft. strip. This fact suggests that they wish to maintain the wooded nature of the property and do not intend to remove trees in the 34 ft. strip in order to install a driveway to the rear lot. If the City wishes to encourage the maintenance of the vegetation in the strip, it may condition approval on the recording of such a shared driveway agreement at a point when the lots are no longer owned by the same party and some development permit is required. (Since the current owners obviously have no need to enter into an agreement with themselves, any condition requiring the recording of such an agreement must be tied to some future event.)

Let me know if you have additional questions. Kitty

6/1/2009

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• HIGHLIGHTED PARCELS SHOW SUBDIVISIONS APPROVED w/ DEEP RESIDENTIAL
 LOTS SINCE DEEP RESIDENTIAL LOTS ALLOWED IN 1975. LOTS CONFORM
 TO R1R REQUIREMENTS (1989). OTHER DEEP LOTS CREATED PRE-1975 OR THAT
 DO NOT CONFORM TO DEEP RESIDENTIAL LOT STANDARDS OR R1R ZONING.

THE HIGHLANDS
 R-1R ZONING
 • REVISED 1 JUNE 2009