

CONCERNING: Proposed demolition and construction of a private residence at 4022 Manitou Way

The Planning Commission is compelled to deny the proposed demolition and construction of a private residence at 4022 Manitou Way immediately, *in toto*, and with prejudice.

TO: Heather Stouder, Planning Division, City of Madison, 215 Martin Luther King Jr. Blvd, PO Box 2985, Madison 53701. Cc: Amy Scanlon, Historical Preservation Planner, City of Madison, PO Box 2985, Madison 53701

FROM: Professor and Mrs. Todd K. Bender, Mandan Crescent, Madison WI 53711

DATE: August 19, 2015

I believe that all concerned parties endorse Alderman Cheeks's statement that a neighborhood "needs to be a living, breathing neighborhood and sometimes that means change" (Captimes, July 29, 2015, p. 18). Some changes are necessary, improving, and benefit all citizens fairly. Such changes deserve to be supported by the Planning Commission. The Proposed demolition and construction of a private residence at 4022, however, is **not necessary, is damaging to the site and its near neighbors, and benefits only the owner and builder, at the expense of all other citizens.**

The Planning Commission is compelled to deny the proposed demolition and construction of a private residence at 4022 Manitou Way immediately, *in toto*, and with prejudice.

(1) Demolition is not necessary because:

- a. **There is an ample supply of already existing large residential buildings for sale near 4022 Manitou Way and available for occupancy, whereas there is a need for more modest, less expensive, structures like the existing one on Lot 4022 which is proposed for demolition.**
- b. **The evidence and reasoning presented in the proposal is incomplete and inadequate to establish that the existing structure at 4022 is structurally not sound. Various individuals offer anecdotal opinions that the building is, for example, a "wreck." Other individuals flatly deny such assertions. In order to judge this dispute fairly, The Planning Commission needs to see a report by a qualified, neutral engineer addressing the following questions: (a) Is the existing structure sound? (b) If not sound, what exactly are the damages? (c) What is the estimated cost to repair these damages in comparison to the cost of the proposed demolition and construction? The proposal to demolish/construct at 4022 Manitou Way stands incomplete and lacks sufficient data to reach any reasonable conclusion at this time. Of course, any evidence provided by the builder, his relatives, or his architect is tainted by self interest. Only a report by a neutral, disinterested third party can shed light on the controversy. Let it be noted that the initial building inspection on the existing structure at 4022 Manitou Way which is the basis of the proposal to demolish was performed by Patrick Shannahan for New Roots Home Inspection LLC . This inspector is the brother of the owner of the property.**

c. The existing structure at 4022 Manitou Way was inhabited from about 1940 until about January 2015 by members of the same family. Long time friends of the last resident report that the home perhaps showed normal wear and tear, but was in habitable condition before it was acquired by its current owner (see O'Dell letter). I myself pass by the house several times a day and never noted any untidy or ruinous appearance until it came into the hands of its current owner. Since about February of 2015, however, signs of neglect appeared: broken windows were unrepaired or boarded up, piles of trash appeared on the front yard and filled the window wells. The owner's mother, G. Shanahan (see her letters), reports that interior conditions became filthy by mid-summer 2015. In violation of Madison Planning Commission Policies and Procedures Minimum Housing and Property Maintenance Code, chapter 27, the current owner permitted the removal of fixtures, woodwork, and cabinetry from the structure so as to render it uninhabitable. Likewise he failed to repair the small superficial crack in the stone facing on the SE corner of the garage and purposely enlarged the crack to make it seem more serious than in fact it is. The current owner began demolition even before he applied for a permit. **The house stands uninhabited and suffering from neglect imposed with the intention of justifying its demolition.** The proper action for the Planning Commission under Chapter 27 is to order the owner immediately to restore missing fixtures, woodwork, and cabinetry, to repair boarded up windows, to restore the stone facing on the SE corner of garage, and generally to maintain the property as a sanitary, inhabitable dwelling.

(2) We note that the current owner acquired 4022 Manitou Way in a private sale for \$ 69,100.00 less than its assessed value. The owner says he "befriended" the heirs of the vulnerable, grieving family of the last inhabitant by taking the property off their hands. Why would a "friend" not advise the heirs first to seek a qualified real estate dealer to establish the probable selling price of Lot 4022 in the local market. If no better offer materialized, the "friend" could then set a reserved price to buy it for demolition? **No attempt has been made to establish the open market value of this property, nor to seek a buyer interested in its preservation.**

(3) The proposal is damaging to the site and surroundings (see my letters dated August 4 and July 21, etc.)

(4) The Proposal benefits only the owner, his family, and his builder at the expense of other citizens.

The Planning Commission is compelled to deny the proposed demolition and construction of a private residence at 4022 Manitou Way immediately, *in toto*, and with prejudice. If any other decision or action is contemplated by the planning commission at this time, we respectfully request a reasonable postponement in order to scrutinize the revised proposal, and a reasonable time to present further arguments with full evidential support before the Planning Commission, to consult with legal counsel, and to secure testimony of expert witnesses, etc. Note that the revised proposal is dated Thursday, 18 August 2015, was made available to the public only after a delay, and placed on the agenda for this meeting on Monday, August 24, 2015.



August 19, 2015

Mr. Sean Shannahan
Manitou Way
Madison, WI 53711

Re: Shannahan Residence
4022 Manitou Way
Madison, WI 53711

Dear Mr. Shannahan:

Echelon Structures, LLC (ES) visited 4022 Manitou Way on August 12, 2015 to assess the structural condition of the house. The home is a two stories with a basement and a single car garage. It is constructed with sawn 2x roof, floor and wall framing. The house is founded on a cast in place concrete foundation. The exterior is clad with lannon stone and wood trim about the windows and doors.

Condition description:

Exterior – The outside of the house shows many years of neglect. The stone on the front of the garage is falling off. The back of the garage stone has diagonal cracking, which could be evidence of foundation settlement. The wood trim has not been kept up and is beginning to rot in some areas. Many of the doors and windows have broken glass panes. (Refer to pictures 1-3)

Interior – The basement concrete aggregate is exposed and the cement spalls off the wall upon touching along the south, west and north walls. Standing water was in the west/back of the basement, due to the yard sloping at the back of the home. Although the first floor joist appear to have been in contact with water they appear to be sound without evidence of rotting. There is evidence of water intrusion throughout the house, but the condition of the structural framing cannot be assessed without removal of the finishes. The roof rafters and decking show signs of mold due to poor attic venting or roofing issues. Upon entry to the house the smell is pungent, evidence of potential rotting and moisture intrusion. (Refer to pictures 4-8).

In conclusion the structure of the homes wood framing appears sound although there is evidence of water intrusion that needs to be addressed. The basement concrete corrosion is attributed to water intrusion from the yard sloping at the back of the home and likely lack of water proofing about the perimeter of the basement. The overall integrity of the cast in place wall is in question. The exterior façade need extensive tuck pointing and fixing of the windows and doors.

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Note the observations are based on a limited review of the home and are not a comprehensive study of the structural conditions that are covered by finishes.

Sincerely,

ECHOLON STRUCTURES, LLC



Thomas R. Boehnen Jr., PE, SE
Owner | Structural Engineer



1. Exterior front view of home. (East elevation)



2. Exterior stone settling and falling off front corner of garage.



3. Diagonal crack at back corner of garage due to settling of foundation.



4. South west corner of basement with exposed aggregate and deteriorating cement.



5. Interior water damage at first floor arch.



6. Water damage at interior ceiling.
7.



8. Evidence of mold on roof deck and joists in attic.