



**Project Address:** 5234 Harbor Court  
**Application Type:** Demolition Permit  
**Legistar File ID #** [35163](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Contact/ Property Owner:** Barry B. Mirkin; 5236 Harbor Court; Madison, WI 53705

**Requested Action:** The applicant requests approval of a demolition permit to raze a vacant single-family home for the purpose of creating open space for the adjacent residence.

**Proposal Summary:** Upon demolition of the existing structure and removal of existing improvements, the applicant proposes to utilize the lot as yard space for the adjacent home under same ownership.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)].

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the demolition permit to raze a single-family home for the purpose of creating open space for the adjacent residence at 5234 Harbor Court. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 6,088 square foot subject property is located between Harbor Court and Norman Way. The site is within Aldermanic District 19 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes an unoccupied single-family home.

### Surrounding Land Use and Zoning:

**North:** Spring Harbor Beach (owned by the City of Madison) with single-family homes, beyond. Properties are zoned TR-C1 (Traditional Residential – Consistent 1).

**South:** Single-family homes, zoned TR-C2 (Traditional Residential-Consistent 2);

**East:** Single-family homes, zoned TR-C2; and

**West:** Single-family homes, zoned TR-C2.

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Spring Harbor Neighborhood Plan (2006) recommend continued Low Density Residential land use for the area.

**Zoning Summary:** The property is zoned TR-C2 (Traditional Residential – Consistent 2)

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	11,863 sq. ft. (Zoning Lot)
Lot Width	40'	87.22 (Zoning Lot)
Front Yard Setback	20'	N/A
Max. Front Yard Setback	No more than – 20% greater than block average, up to 30' max.	N/A
Side Yard Setback	5' – one story 6' – two story	adequate
Rear Yard Setback	30'	
Usable Open Space	7,50 sq. ft.	adequate
Maximum Lot Coverage	50%	adequate
Maximum Building Height	2 stories/35'	N/A
Site Design	Required	Proposed
Number Parking Stalls	Yes	N/A
Number Bike Parking Stalls	No	N/A
Landscaping	No	N/A
Building Forms	Yes	N/A
<b>Other Critical Zoning Items</b>	None	

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project Description, Analysis, and Conclusion

The applicant proposes to demolish the existing 1,123 square foot single-family home for the purpose of creating open space for the adjacent residence at 5236 Harbor Court. Both properties are owned by this applicant, whose current residence was approved as part of a demolition request in 2013. The subject property is not a lakefront lot. This project is subject to the approval standards for Demolition Permits.

The letter of intent states that the applicant purchased this property in June 2014, initially hoping to renovate the house and rent it out. Based on assessments they received from different builders, the applicant was advised that it would be “financially unwise” to proceed with such renovations due to the extensive improvements needed. The applicant states that this includes addressing a failing foundation and sloping floors. Other needed improvements include the replacement of plumbing, heating, and other systems and fixtures. Further information is listed in the letter of intent. Additionally, interior and exterior photographs of the home have been provided and can be viewed online at:

[http://www.cityofmadison.com/planning/projects/reports/5234hc\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/5234hc_photos.pdf)

At this time, the proposed future use is an expanded yard for the adjacent property. While no detailed landscape plans are provided, the letter of intent states that the applicant will plant grass, flowers, bushes and possibly a small vegetable garden. The Zoning Administrator has determined that these two properties would function as one “Zoning Lot” and that this proposal should be reviewed against the standards for “Applications

With a Proposed Future Use.” While not a common request reviewed by the Plan Commission, the Commission has approved a few similar requests in which the future use, at least in the interim, was an expanded yard.

As noted in the submitted materials, the applicant may choose to sell or develop the property at some time in the future. The “Conditions and Guarantees” section of the Demolition Section states that “any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations.” Thus, future development on the subject site, other than the proposed yard, is required by ordinance to return to the Plan Commission. In the below conditions, staff has recommended the recording of a restrictive covenant noting that a revised future use of this property requires Plan Commission approval. This is not necessary to enforce the above standard, but has the benefit of providing additional notice, through a property title search, that such a requirement exists for the property.

Staff believes the demolition standards can be met. In considering these standards, the Plan Commission must find that the proposed demolition is both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. The demolition standards also state that the proposed use should be compatible with adopted plans. The Comprehensive Plan and Spring Harbor Neighborhood Plan both recommend low-density residential development for the subject site and surrounding area. An expanded yard is not inconsistent with these recommendations. No objections to this demolition were raised by the Preservation Planner or by the Landmarks Commission who found that there was no known historic value to the structure.

At the time of report writing, staff was not aware of other neighborhood concerns on this proposal.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the demolition permit to raze a single-family home for the purpose of creating open space for the adjacent residence at 5234 Harbor Court. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Kevin Firchow, 267-1150)

1. That the property owner executes a restrictive covenant prior to the issuance of the demolition permit stating that Plan Commission review of an alternative use of the property is required as stated in Section 28.185(8)(b). The form of the restrictive covenant shall be approved by the Planning Division and City Attorney’s Office.

### City Engineering Division (Contact Janet Schmidt, 261-9688)

2. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)

3. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
4. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
5. City of Madison Environmental Project Staff are not aware of any land dedications required for this plat/CSM. As a result, a Phase 1 Environmental Site Assessment (ESA) will not be required of the applicant. If Right of Way is dedicated as a result of the project, the applicant shall notify Brynn Bemis (608.267.1986) to determine if a Phase I ESA will be required. (MGO 16.23(5)(g)(2))

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

This agency submitted a report with no recommended conditions of approval.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

6. Sec. 28.185 (7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).
7. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a) 5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
8. Section 28.185 (9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
9. Approval of the demolition permit will require the removal of all structures including the driveway, landscaped and seeded to minimize erosion, remove asphalt driveway and apron and replace with curb and gutter as per City Engineering & Traffic Engineering requirements. During demolition and prior to curb and gutter, installation of barriers shall be installed across the driveway to prevent the parking of vehicles
10. The site shall be maintained with grass/landscaping until a future development is proposed.

**Fire Department** (Contact Bill Sullivan, 261-9658)

11. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Water Utility** (Contact Dennis Cawley, 261-9243)

12. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.