



Report to the Plan Commission

August 17, 2009

Legistar I.D. #15650
312 N. Hamilton Street
Demolition Permit

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a demolition permit to allow demolition of a single-family residence located at 312 N. Hamilton Street to provide additional open space for an adjacent single-family residence located at 314 N. Hamilton Street.

Applicable Regulations & Standards: Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: If after the public hearing the Plan Commission can find the standards met to approve a demolition permit to allow a single-family residence at 312 N. Hamilton Street to be razed to create open space for an adjacent residence under the same ownership, the approval shall be, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Daniel Gobel; 1017 Nichols Drive; Raleigh, North Carolina.

Proposal: The applicant proposes to demolish a single-family residence located at 312 N. Hamilton Street to provide additional open space for an adjacent single-family residence he owns at 314 N. Hamilton Street. The applicant wishes to commence demolition as soon as all regulatory approvals have been granted.

Parcel Location: An approximately 1,909 square-foot parcel (0.044 acres) located on the west side of N. Hamilton Street midway between E. Gorham and E. Johnson/ N. Butler streets; Aldermanic District 2; Madison Metropolitan School District.

Existing Conditions: The site is currently developed with a single-family residence.

Surrounding Land Use and Zoning: The subject site is located shares the triangularly shaped 300-block of N. Hamilton, N. Butler and E. Gorham streets with a variety of other one-, two- and multi-family residences in R6 (General Residence District) zoning. McBride Point Apartments, zoned PUD-SIP, are located east of the site across N. Hamilton Street. James Madison Park is located at the northern end of the block.

Adopted Land Use Plan: The Comprehensive Plan includes the subject site in the First Settlement-Old Market Place Residential Sub-District, which generally calls for the development of high-density multi-unit residential buildings up to 60 units an acre, mixed-use buildings, office and service uses, and institutional uses in two- to eight-story structures within the sub-district.

Environmental Corridor Status: The site is not located within a mapped environmental corridor.

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

Zoning Summary: Existing R6 (General Residence District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	1,909 sq. ft.
Lot Width	50'	31.55' (existing)
Usable Open Space	70 sq. ft. per bedroom	N/A
Front Yard	20'	N/A
Side Yards	5' per side	N/A
Rear Yard	30'	N/A
Floor Area Ratio	2.0	N/A
Building Height	N/A	---
No. Parking Stalls	N/A	---
Other Critical Zoning Items		
Yes:	None	
No:	Urban Design District, Historic District, Landmark Building, Adjacent to Park, Floodplain, Waterfront Development, Utility Easements	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review & Analysis

The applicant is requesting approval of a demolition permit to allow a two-story single-family residence located at 312 N. Hamilton Street to be demolished. The residence was constructed in 1885 and contains four bedrooms and two bathrooms according to City Assessor records. The building is sided with wood and vinyl and includes a small screened front porch and an open rear deck. An asphalt driveway shared with the single-family residence at 310 N. Hamilton straddles the southern property line of the site, which is otherwise characterized by the presence of older-growth canopy trees located along the westerly, rear property.

The applicant proposes to demolish the single-family residence for the purposes of providing additional open space for the two-bedroom single-family residence he owns next door at 314 N. Hamilton Street. No structures are proposed to be erected on the site of the 312 N. Hamilton residence, which the applicant indicates will be seeded following demolition. The driveway shared with the house to the south is proposed to remain. The applicant indicates that the 312 N. Hamilton Street lot will be combined with the 314 N. Hamilton Street parcel to make his two properties into one 3,319 square-foot tax parcel. This parcel combination request will be requested from the City Assessor's Office and should be accomplished before any permits for the demolition are issued.

The applicant indicates that the residence at 312 N. Hamilton Street suffers from "[severe] structural damage due to the balloon framing shifting off a stone foundation" and rotted wood framing for the structure. The applicant offers a Programmed Inspection Report from the City's Building Inspection Division as substantiation for his request to demolish the residence. The Building Inspection report dated August 2007 notes that the screened front porch is pulling away from the building and sinking and that the first floor contains "inappropriate" support structures. However, in discussing the ongoing code enforcement case with Building Inspection staff, Planning staff will note that the Building Inspection orders on the property are not meant to serve as justification for demolition but rather items that must be addressed in order for the structure to remain and to be occupied. As the orders suggest, the repair work may be costly, though it is unknown to staff if the cost of those repairs would exceed the

cost of the residence. A memo discussing the status of the property from Tom Adamowicz, Building Inspection Division Housing Inspection Supervisor, is attached.

Notwithstanding the condition of the residence to be demolished, the proposed alternative use of the property following the definition represents an atypical application of the demolition permit standards in staff's opinion. As opposed to the majority of demolition permits that come before the Commission for approval, which are accompanied by detailed plans for a proposed structure on the property post demolition, the applicant proposes open space for an adjacent residence under common ownership as the proposed alternative use of the 312 N. Hamilton Street site. Section 28.12 (12)(b), Application for [Demolition] Permit, states that any application for a demolition permit "...shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved. An application for a permit also shall include a site plan for any proposed future use..." In this case, staff believes that the applicant's submittal satisfies the Zoning Ordinance requirement excerpted above, which while not providing what the Plan Commission might consider to be a customary proposal for a proposed alternative use, does depict the applicant's intention for the property following demolition.

The Zoning Ordinance further instructs the Plan Commission to find that both the requested demolition and proposed use of the property are compatible with the purpose of the demolition permit section and the intent and purpose of the zoning district in which the property is located. The proposed use should be consistent with adopted neighborhood plans and the Comprehensive Plan and the normal and orderly development and improvement of surrounding properties. The statement of purpose for the demolition permit section places an emphasis on the maintenance and rehabilitation of existing buildings, the provision of affordable housing, the implementation of adopted plans, the protection of neighborhood character, the preservation of historic buildings, and encourages compliance with building and minimum housing codes while discouraging buildings from falling into a state of severe disrepair from a lack of maintenance. The Plan Commission may also consider the structural soundness of a building in deciding whether or not to approve a demolition.

In the case of the subject site, the memo from Tom Adamowicz indicates that the applicant, who has owned the property since August 2000, has not made timely repairs to the property based on the orders that were issued by the Building Inspection Division in 2007. However, Mr. Adamowicz verbally stated to Planning staff that it was not his intention to suggest that the applicant is solely responsible for the current condition of the building. He further clarified that some of the conditions present likely predate the applicant's ownership of the property, dating in some cases as far back as its original construction circa 1885.

Initially, the demolition will create open space for the adjacent residence at 314 N. Hamilton Street, which will result in the loss of one of three residences that face N. Hamilton Street in this block (two others on the block abut N. Hamilton Street but are oriented towards other streets). However, the applicant met with Planning staff and others in early 2008 about the potential redevelopment of his two adjacent parcels, though those discussions have not proceeded past the review of a concept plan to redevelop the two sites with a single multi-family building. No recent discussions have occurred and it is possible that redevelopment of the properties may not proceed in the foreseeable future.

Finally, the demolition standards require that the Plan Commission consider the report of the City's preservation planner regarding the historic value of the property. Rebecca Cnare, Acting Preservation Planner, notes that the residence at 312 N. Hamilton Street has no known historic value and that the Landmarks Commission did not express any concerns about its proposed demolition when the Commission briefly reviewed this request as part of its routine discussion of upcoming demolitions.

Conclusion

The Planning Division believes that the largest issues to be addressed by the Plan Commission are the condition of the building and the proposed alternative use of the property following demolition. Staff has not toured the subject residence but feels that a finding could potentially be made that the building is structurally unsound based on its condition as suggested by the applicant and stated by the Building Inspection Division. While it could be concluded that the applicant has not been the best steward of this house since purchasing it approximately nine years ago, it appears that at least some of the current structural conditions predate his ownership, possibly dating back to the original construction of the house. It's also possible that repairing the house may not be economically feasible, though no information to this effect has been presented for staff or Plan Commission consideration. The Plan Commission may wish to request additional information regarding this issue before making a final decision. The demolition of the residence will create a gap in the previously intact blockface of the 300-block of N. Hamilton Street, though staff does not feel that it will have an adverse impact on the normal and orderly development of the rest of the surrounding properties.

Staff would not normally recommend the demolition of a building in a location like this without a replacement structure being proposed. In this case however, the condition of the building may allow the Plan Commission to find that the demolition standards are met with this application despite the absence of more substantial plans for the proposed alternative use of the site following demolition.

If approved, staff recommends that a restrictive covenant be recorded on the property prior to issuance of a building permit for the demolition, which requires that any new construction on the property come before the Plan Commission for approval. While it is likely that any future use of the site beyond open space for the adjacent residence will require review as a R6 conditional use at a minimum, staff feels that a restrictive covenant would ensure that the Commission has the opportunity to review any new construction on the site for consistency with the Comprehensive Plan and for any impacts on the normal and orderly development of surrounding properties as required by the Zoning Ordinance.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

If after the public hearing the Plan Commission can find the standards met to approve a demolition permit to allow a single-family residence at 312 N. Hamilton Street to be razed to create open space for an adjacent residence under the same ownership, the following Planning Division conditions and the conditions from reviewing agencies shall be applied:

1. That the applicant combine the 312 N. Hamilton Street parcel with the adjacent parcel at 314 N. Hamilton Street at the City Assessor's Office prior to final approval and issuance of a demolition permit for 312 N. Hamilton.
2. That following demolition, the subject site be graded and seeded with grass and that no parking occur on the newly planted grass area at any time. A landscaping plan for the area of the demolished residence shall be approved by Planning Division staff prior to the issuance of permits.

3. That the property owner execute a restrictive covenant prior to issuance of the demolition permit, which requires, at a minimum, Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. The standards for approval of the proposed alternative use shall be those in contained in Section 28.12 (12) of the Zoning Ordinance (unless the future use requires other land use approvals, including conditional uses or planned unit development zoning). The form of the restrictive covenant shall be approved by the Planning Division and City Attorney's Office.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

4. The letter of intent suggests that the property owner intends to combine this future vacant green space parcel with the residential dwelling parcel at 314 N. Hamilton Street, which he also owns. This could be accomplished most effectively by submittal, approval and recording of a one-lot Certified Survey Map (CSM). A CSM compilation would provide a worthy benefit to the property owner by improving the owner's title, better defining the property boundaries and greatly improve all public records related to this property. If the property owner does not desire to incur the cost burden of a CSM, a written request must be made to the City Assessor in order to combine this proposed vacant land parcel with their other property as a less costly alternative.

5. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
6. The applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
7. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
8. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

Zoning Administrator (Contact Pat Anderson, 266-5978)

9. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

10. Approval of the demolition permit will require the removal of all structures including the driveway landscaped and seeded to minimize erosion or a building permit issued for a new residence.
11. Future development shall meet applicable building and zoning ordinances following applicable processes. As the result of no application for the proposed use, the site shall be landscaped and seeded to minimize erosion.
12. Remove asphalt driveway and apron and replace with curb and gutter. During demolition and prior to curb and gutter, installation of barriers shall be installed across the driveway to prevent the parking of vehicles.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no conditions of approval for this request.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.