



Report to the Plan Commission

January 9, 2012

Legistar I.D. #24896
3060 East Washington Avenue
Demolition Permit – No Proposed Future Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a demolition permit for a single-family residence with no future use proposed.

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

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions are met and **approve** a demolition permit for 3060 East Washington Avenue, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Applicant / Contact: Thomas J. Geier; Bache Funding of Wisconsin; 131 West Washington Avenue; Madison, WI 53703

Property Owner: Union Federal Savings and Loan Association, 115 West Washington Avenue; Madison, WI 53703

Proposal: The applicant requests approval of a demolition permit for a single-family residence. No future use proposed at this time.

Parcel Location: The subject site is approximately 6,720 square feet in area, located along the north side of East Washington Avenue southwest of its intersection with McCormick Avenue. The property sits between the pedestrian overpass bridge and a commercial building now occupied by an auto title loan business. The parcel is located within Aldermanic District 12; Urban Design District 5; and within the boundaries of the Madison Metropolitan School District.

Existing Conditions: The property includes a vacant single-family residence, constructed in 1921 and a detached garage. City Assessor's data indicates the home is approximately 984 square feet in area and has three bedrooms and one full bathroom. The property owner, Union Federal Savings and Loan, acquired the property through foreclosure in 2010. As stated in the letter of intent, the home was purchased with numerous deficiencies and multiple insurers have deemed the property to be an uninsurable risk. Additional information is included in the applicant's letter of intent and within the body of this report.

Surrounding Land Use and Zoning: The adjacent East Washington Avenue-fronting properties to the east/northeast include auto-oriented commercial development zoned C3 (Highway Commercial District). An undeveloped parcel, owned by the City of Madison's Stormwater Utility abuts the property to the north and west and sits between the subject site and Starkweather Creek. Residential properties zoned R4 (General Residence District) are located on the opposite side of the creek. Other commercial development is located on the opposite side of East Washington Avenue and zoned C2 (General Commercial District).

Adopted Land Use Plan: The Comprehensive Plan recommends community mixed-use development for the subject site and surrounding properties.

Environmental Corridor Status: Portions of the subject property adjacent to Starkweather Creek are within a mapped environmental corridor and within the designated floodway, flood fringe and flood storage districts.

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

Zoning Summary: The property is zoned C3 Highway Commercial District

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	6,720 sq. ft. existing
Lot width	50'	40' existing
Usable open space	TBD.	No proposal
Front yard	0' / 20'	No proposal
Side yards	0' / 5'-12'	No proposal
Rear yard	10' – 30'	No proposal
Building height	TBD	No proposal
Number parking stalls	TBD	No proposal
Other Critical Zoning Items	Urban Design District (District #5); Floodplain	

Table Prepared by Matt Tucker, Zoning Administrator

Project Analysis, Evaluation, and Conclusion

The applicant requests approval to demolish a vacant single-family residence and no future use is proposed at this time. This request is subject to the demolition standards of Section 28.12 (12) of the Zoning Ordinance.

The subject property has an area of 6,720 square feet. It is roughly 40 feet wide by 192 feet deep at its longest point. Commercial development abuts the site to the east/northeast along East Washington Avenue. The site is also adjacent to property owned by the City's Stormwater Utility. Starkweather Creek is immediately north of the subject site within the City-owned lands. Portions of the subject site nearest to the creek are within designated floodway, flood fringe and flood fringe districts.

According to City Assessor records, the house proposed for demolition was built in 1921. The structure includes approximately 984 square feet of living area with three bedrooms and one bathroom. The property also includes a detached garage at the rear of the site. The property owner, Union Federal Savings and Loan, acquired the property through foreclosure in 2010. As stated in the letter of intent, multiple insurers have deemed the property to be an uninsurable risk due to a history of vandalism, break-ins, and other deficiencies. Damage to the residence includes plumbing and electrical wiring that have been stripped during these break-ins. Interior and exterior photographs of the structure suggest the building is not in a habitable condition. Copies of these photos are included in the Plan Commission packets and are available for online viewing at the following website:

http://www.cityofmadison.com/planning/projects/reports/3060ewa_photos.pdf

The following is a summary of the standards that apply to the demolitions of residential buildings with no proposed future use that are not landmarks or within a local historic district:

- The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Neighborhood Preservation and Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed.
- The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.
- 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.
- Every person who is required to submit a reuse and recycling plan pursuant shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition

Regarding the first standard noted above, the Police Department has provided a letter noting their support of this demolition request. This correspondence is attached and states there is evidence of individuals squatting in this structure for temporary shelter or using the building for illegal activities. The Madison Police Department responded to this address eight times during 2011 and a summary of the reported activities are provided. These include burglary, arson, trespassing, and a suicide.

Considering the other standards, the City's Preservation Planner raised no objections to this request. A reuse and recycling plan has been submitted by the applicant and is under review by the City's Recycling Coordinator.

The Planning Division supports the demolition of this structure. Based on the information provided by the applicant, there appears to be little feasibility in rehabilitating this modest structure into a habitable condition.

This property is within Urban Design District 5 and as such, the design of future mixed-use, larger residential buildings, or non-residential development must be approved by the Urban Design Commission (UDC) after a public hearing. Staff note that residential buildings containing fewer than eight dwelling units is not subject to UDC review. However, any residential-only development would require conditional use approval from the Plan Commission.

If the home is demolished, City Ordinance also requires that the accessory building be removed and the site reseeded with grass. Considering both the home's condition and its proximity to Starkweather Creek and the adjoining undeveloped city-owned lands, staff believe an interim condition of a vacant, seeded property is an aesthetic improvement.

At the time of report writing, staff was not aware of any objections to this request. Correspondence from the Eken Park Neighborhood Association is attached and indicates that there was no opposition to the proposed demolition.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find that the standards for demolitions are met and **approve** a demolition permit for 3060 East Washington Avenue, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

The following conditions have been submitted by reviewing agencies:

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

1. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
2. 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. (POLICY)
3. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
4. All damage to the pavement on East Washington, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
5. 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.
6. 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.

<http://www.cityofmadison.com/engineering/permits.cfm>.

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

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

7. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permits being issued.
8. 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.
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. Future development shall meet applicable building and zoning ordinances following applicable processes.

Water Utility (Contact Dennis Cawley, 261-9243)

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.

Fire Department (Contact Scott Strassburg, 261-9843)

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

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.