



PREPARED FOR THE PLAN COMMISSION

Project Address: 714 Clark Court (13th Aldermanic District, Alder Evers)
Application Type: Demolition Permit
Legistar File ID # [58486](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Tom Haver; Haver Design & Construction, Inc.; 3863 Clover Lane; Madison, WI 53714
Contact: Jason Rhyner; Haver Design & Construction, Inc.; 3863 Clover Lane; Madison, WI 53714
Property Owner: Leigh Weaver; 714 Clark Court; Madison, WI 53715

Requested Action: The applicant requests approval of a demolition permit to raze the existing single-family home and construct a new single-family residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 714 Clark Court.

Proposal Summary: The applicant proposes to demolish an existing, two-story, single-family home and construct a two-story, single-family home.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. It is also subject to MGO §28.045, which pertains to development in the TR-C4 (Traditional Residential – Consistent 4) zoning district.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence and build a new single-family residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 714 Clark Court. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 2,854-square-foot (0.07-acre) subject property is located to the north of the intersection of Clark Court and Rodney Court. The site is within Aldermanic District 13 (Ald. Evers) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site and the surrounding properties are zoned TR-C4 (Traditional Residential – Consistent 4). The site includes the existing 1,127-square-foot, two-story, single-family home. City Assessor’s records indicate the home was constructed in 1887 and has three bedrooms and one bathroom. There property contains a gravel driveway and no garage.

Surrounding Land Use and Zoning:

Northwest: Two-unit residences, zoned TR-C4 (Traditional Residential – Consistent 4);

Northeast: Two-unit residence, zoned TR-C4, beyond which, across Proudfit Street, is Proudfit Park, zoned CN (Conservancy) District;

Southeast: A three-unit and single-family residences, zoned TR-C4; and

Southwest: Single-family residences, zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends low-medium residential land uses for the subject site. The [Triangle Monona Bay Plan](#) (2019) identifies the subject parcel within its Focus Area 6 (Monona Bay). Relevant to this staff report, for Focus Area 6, the Plan recommends the “*replacement of a principal structure should be comparable to the size and scale of the existing structures.*” Regarding transportation recommendations, Figure 8.5 on page 44 points to the immediate area around the subject parcel and notes: “*When and if properties redevelop along Proudfit St. between W. Main St. and Clark Ct., consider establishing a north-south pedestrian pathway from Rodney Ct. to S. Proudfit St.*”

While the [Brittingham-Vilas Neighborhood Plan](#) (1989) makes no specific recommendations about the subject parcel, it does state that one of its goals is to “*improve and maintain the residential housing stock in the neighborhood...*” and one of its land use recommendations is to “*retain existing neighborhood zoning classifications and districts at current density levels.*”

Zoning Summary: The property is zoned TR-C4 (Traditional Residential-Consistent 4).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	2,854 sq. ft.
Lot Width	40'	33'
Front Yard Setback	20'	20'
Max. Front Yard Setback	30' or up to 20% greater than block average	20'
Side Yard Setback	Lot width <50': 10% lot width (3.3')	4' northwest side 9' southeast side (See Comment #13)
Rear Yard Setback	Lesser of 30% lot depth or 30' (25.8')	27'
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height	2 stories/ 35'	2 stories/ less than 35' (See Comment #12)

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Uncovered parking space
Building Forms	Yes	Single-family detached dwelling

Other Critical Zoning Items:	Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property 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

The applicant requests approval of a demolition permit to raze the existing single-family home and construct a new single-family residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 714 Clark Court.

The existing residence is a 1,127-square-foot, two-story, three-bedroom and one-bathroom, single-family home which City Assessor's records note was originally constructed in 1887. The [submitted photos](#) of the existing building are included and the applicant notes "was constructed in a marshy area and did not have an adequate foundation. Over the years it has settled significantly and unevenly, making improvements to the property untenable." The existing driveway – a gravel pull off area located on the lot, near the street – will be removed.

In its place, the applicant proposes to build a 1,348-square-foot, two-story home with two bedrooms and two-and-a-half bathrooms on the 2,854-square-foot (0.07-acre) subject property. The footprint will be roughly 140 feet smaller than its predecessor. The basement will be mostly unfinished and contain a workshop, office, mechanical room, and half bathroom. The first floor, roughly 600 square-feet in size, will contain an entry area, living room, full bathroom, and kitchen, the later leading out onto a small, roughly 95-square-foot deck located in the rear yard. The second floor, also roughly 600 square-feet in size, will contain a bedroom, full bathroom, and office.

The structure will have all gable roofs, except for the front porch, which will have a shed roof. All will be clad with copper-colored, standing-seam metal. The applicant is proposing a redwood-colored, composite lap siding with dark brown, composite trim. The windows will be bronze-colored aluminum and the rear deck will be constructed of black locust wood.

A driveway – constructed of two concrete runners for the wheel treads spaced eight feet apart – will be added to the southeast of the house and stretch roughly halfway back onto the lot.

Of note, Planning Division Staff understand that the property is one of several located atop the former Sandhill Cemetery. As a result, because all known burial sites in Wisconsin are protected under State Statute 157.70, the applicant will need to submit plans and obtain a Request to Disturb form the State Historic Preservation Office for authorization to undertake any ground-disturbing work.

Analysis

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. It is also subject to MGO §28.045, which pertains to development in the TR-C4 (Traditional Residential – Consistent 4) zoning district.

Demolition and Removal Standards

The existing house is proposed to be demolished. As noted in MGO Section 28.185(7), the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the Traditional Residential – Consistent (TR-C) zoning district. The Statement of Purpose for the TR-C District says, in part:

The TR-C Districts are intended to 1) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features; and 2) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. The Plan Commission shall also consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

The Planning Division believes the proposed building is consistent with the [Comprehensive Plan](#) (2018), which recommends low-medium residential land uses for the subject site. The Plan states that low-medium residential areas are made up of small-lot, single-family development, two-unit buildings, three-unit buildings, rowhouses, and small multifamily buildings.

Staff also believe the proposal is generally consistent with the [Triangle Monona Bay Plan](#) (2019) which identifies the subject parcel within its Focus Area 6 (Monona Bay), and recommends that the *“replacement of a principal structure should be comparable to the size and scale of the existing structures.”* Regarding transportation recommendations, Figure 8.5 on page 44 points to the immediate area around the subject parcel and notes: *“When and if properties redevelop along Proudfit St. between W. Main St. and Clark Ct., consider establishing a north-south pedestrian pathway from Rodney Ct. to S. Proudfit St.”* Staff do not believe this connection across the subject property is necessary to meet the approval standards for demolitions permits. That said, Staff note that the subject parcel is only 33 feet wide and even with the very modest, 20-foot-wide house proposed, there isn’t sufficient space for a multi-use path. Furthermore, the subject property only extends halfway from Rodney Court to Proudfit Street, and would therefore provide only half of the needed connection through the block. The Planning Division believes that there appears to be more viable locations for the path located nearby to the southeast on through-parcels, which are much wider and appear to have sufficient space to spare for the path without their development opportunities being severely affected or constrained.

Staff also believe the proposal is consistent with the [Brittingham-Vilas Neighborhood Plan](#) (1989) which makes no specific recommendations about the subject parcel, but does state that one of its goals is to *“improve and maintain the residential housing stock in the neighborhood...”* and one of its land use recommendations is to *“retain existing neighborhood zoning classifications and districts at current density levels.”*

Regarding the building proposed for demolition, Staff note that at their December 11, 2019 meeting, the Landmarks Commission found that the building “has historic value related to the vernacular context of Madison’s built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally, or culturally significant.” The following is a summary of the Landmark Commission’s discussion of the demolition from its December 9 minutes:

“[Preservation Planner Heather] Bailey said that 714 Clark Court was constructed in 1887, but nothing on the exterior looks like it is from 1887. Kaliszewski said that it was part of the vernacular context of Madison, and McLean agreed.”

The Planning Division believes that the proposed demolition and new single-family residence can be found to meet the standards of approval for demolition permits. The existing structure appears to be in subpar condition given the information provided by the applicant as the inadequate foundation, given the soils, make any substantial renovations or additions impractical. Staff believe the proposed residence should fit well within the housing stock present in the immediate vicinity given its modest footprint, two-story height, and gable roof.

At the time of report writing, Staff had not received any public comment on this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence and build a new single-family residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 714 Clark 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 Chris Wells, (608) 261-9135)

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

2. The applicant shall include a backflow preventer on the sanitary sewer lateral.
3. The applicant shall include a basement sump pump dewatering system which shall be directly connected to the existing public storm sewer.

4. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
5. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)

6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
7. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
8. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Engineering Division (Mapping) (Contact Lori Zenchenko, (608) 266-5952)

The agency reviewed this request and has recommended no conditions of approval.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

The agency reviewed this request and has recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

9. Section 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, Bryan Johnson at streets@cityofmadison.com.
10. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
11. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
12. Show the height of the proposed single-family dwelling on the elevations as measured from the existing grade. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
13. Show the southeast side yard setback distance as measured to the covered side porch.
14. Show the Bilco basement access stairs on the site plan.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

15. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608) 712-6277.
16. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>. An upgrade to include a fire sprinkler system with a cost estimate shall be made available to the owner.

Forestry Division (Contact Brad Hofmann, (608) 267-4908)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

17. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

Parks Division (Sarah Lerner, (608) 261-4281)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.