



**Project Address:** 801 Erin Street  
**Application Type:** Demolition and Rezoning  
**Legistar File ID #:** [31423](#) and [31545](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
 Report Includes Comments from other City Agencies, as noted

**Project Updates and Additional Information**

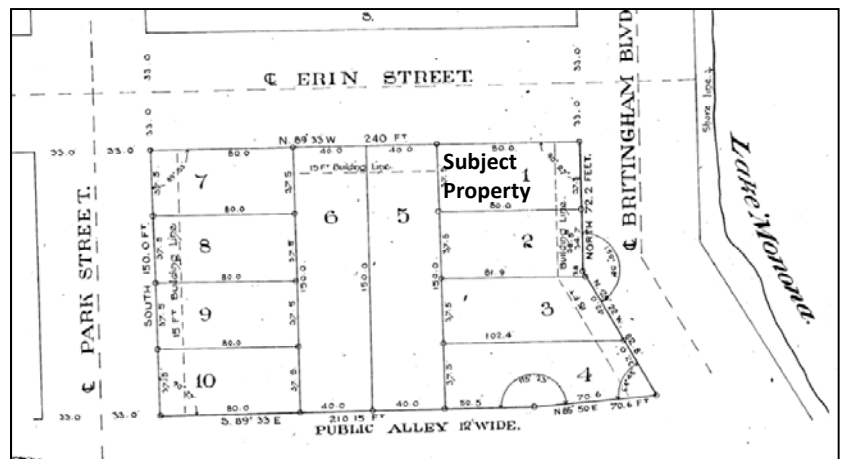
**Revised Plans** - This proposal was referred from the October 14 Plan Commission meeting to November 4, due to the fact that it did not receive approval from the ZBA on October 10 for requested variances. As mentioned in the October 14 report, the variances requested for usable open space and the side yard setback for the accessory building were both related to the small detached garage. Revised plans have eliminated the proposed garage, and replaced it with a small storage shed, while maintaining the same plans for the house. The resulting site plan meets all zoning requirements, and allows space for an off-street parking space accessed off of Erin Street.

**Condition of Existing Home** - At the request of staff, the applicant has provided additional information on the condition of the existing home in a letter dated October 28. The letter and supporting photos indicate structural and performance issues which have contributed to poor home inspections over the two year period the house has been vacant and for sale. While significant investments could correct these issues, the applicant would strongly prefer a new home with modern amenities, which takes advantage of views toward Monona Bay. Given this additional information, staff believes that it is easier to find that the demolition standards are met.

**Comparison of Front Setbacks** - As a reference, the *existing* home is set back 10'8" from the property line along West Shore Drive. The *proposed* home is set back at 15'1", but has a two-story open front porch encroaching into the front yard to a spot 8'9" from the front property line. This encroachment is allowable in the zoning code, so long as the front porch remains open to the air on the sides and has a rooftop over it.

As the Plan Commission is probably aware, a rezoning from TR-C2 to TR-C3 involves a change in the front yard setback requirement from 20 feet to 15 feet, which may lead to a concern that the proposed home will not be in line with others nearby. However, although the existing TR-C2 zoning district requires a 20' front yard setback, all buildings in the area predate this requirement. The "setback averaging" provision in the code, which would utilize an average of front setbacks for the block, would allow for the proposed home to locate almost exactly where it is being proposed, even under TR-C2 zoning.

Further, as mentioned by City Engineering staff in Condition No. 2, the Spohn-Levander Replat for this block, which was approved in 1917, actually set a 15-foot "building line" on the eastern edge of these properties, facing West Shore Drive and Monona Bay (see figure at right). This line impacts the three existing homes on this block (Lots 2 and 3 have since been combined), but was not adhered to by the existing house on the subject property. The main front wall of the proposed home will bring this back into compliance.



At the request of staff, the applicant has provided additional information on the front yard setbacks of homes facing West Shore Drive. In the area, existing front yard setbacks range from 12'6" to 26'8", with a variety of lot shapes due to the bend in West Shore Drive immediately to the south of the subject property. Unlike the open porches proposed on the subject property, most homes in the area currently have enclosed front porches (which are not allowed to encroach into the front setback, or stoops or open decks within three feet of the ground (both of which can theoretically be built all the way to the property line). However, the construction of new open front porches on these homes (at either the first or second story or both) would be allowable under the zoning code to extend just as close as or closer than the proposed porch on the subject property. After a more thorough analysis than was provided in the October 14 staff report, staff still believes that the positioning of the new home and its front porches are appropriate. There is no prevailing front yard setback in this area, and the placement of proposed home is adhering to all zoning requirements.

**Public Input** – Staff is not aware of any objections to the proposed home, and has included public input provided to the Zoning Board of Appeals for their consideration of the variances previously requested.

## Recommendation (Revised)

### Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and zoning map amendment standards are met and **approve** the request at 801 Erin Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Heather Stouder, 266-5974)

~~1. Either the proposed home must comply with zoning requirements in the TR-C3 District, or the Zoning Board of Appeals must grant requested variances for usable open space and accessory building placement.~~

*This condition is being removed, as it is no longer applicable.*

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

1. The site plan indicates that the flagstone retaining wall that encroaches a foot or so into Erin Street and West Shore Drive is to remain in its current location. The retaining wall shall be removed from the public right-of-way.
2. The plat of Spohn–Levander Replat of Block 25 Greenbush Addition denotes a 15 foot "Building Line" set back from West Shore Drive. This is also shown on the site plan. The consultant/owner shall confirm with City of Madison Zoning Staff that the proposed new improvements are in conformance with any City of Madison required setbacks.
3. The new house will face West Shore Drive. A new address of 702 West Shore Dr was created 7/25/2013.

4. 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
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)
5. 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)).
  6. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

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

~~7. The proposed single family home with detached garage will require Usable Open Space and accessory building setback variances, scheduled to be heard at the October 10 Zoning Board of Appeals meeting.~~  
*This condition is being removed, as it is no longer applicable.*

7. 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, Mr. George Dreckmann (608)267-2626).
8. Section 28.185 (1) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(6)(a) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
9. Provide usable open space calculations on final plans pursuant to Section 28.045(2), 28.211, and 28.140. ~~Applicant has requested a variance from usable open space.~~

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

10. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>
11. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 13151 when contacting Parks about this project.

12. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

13. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>.

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

14. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**No other agencies submitted comments or conditions for this request.**