



**Project Address:** 929 Williamson Street  
**Application Type:** Demolition Permit  
**Legistar File ID #** [50104](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant & Property Owner:** Caden Howell; 928 Jenifer Street; Madison.

**Requested Action:** Approval of a demolition permit to demolish a single-family residence at 929 Williamson Street with no proposed use.

**Proposal Summary:** The applicant and property owner is requesting approval to demolish a derelict single-family residence in anticipation of construction of an unknown use on the property in the future. Demolition will begin as soon as all regulatory approvals have been granted, with completion anticipated soon after commencement.

**Applicable Regulations & Standards:** Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**Review Required By:** Plan Commission.

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow a single-family residence at 929 Williamson Street to be demolished with no proposed use, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** The subject site is a 4,356 square-foot (0.1-acre) parcel located on the southeasterly side of Williamson Street, approximately mid-block between S. Paterson and S. Brearly Streets; Third Lake Ridge Historic District; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is developed with a one-story, 817 square-foot single-family residence constructed in 1879 according to City records. The site is zoned TR-V2 (Traditional Residential–Varied 2 District).

### Surrounding Land Uses and Zoning:

**North:** Madison Sourdough, Plan B nightclub, two-family residence, two-story mixed-use building, zoned TSS (Traditional Shopping Street District);

**South:** Single- and two-family residences along Jenifer Street, zoned TR-V1 (Traditional Residential–Varied 1 District);

**West:** Umami Ramen & Dumpling Bar, zoned TSS; mixed-use buildings and three-family residence, zoned TR-V2 (Traditional Residential–Varied 2 District);

**East:** Two-family residences, zoned TR-V2.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and adjacent properties on the southeasterly side of Williamson Street for High-Density Residential uses. Properties to the south are recommended for Medium-Density Residential uses, while properties across Williamson in the 900-block are recommended for Community Mixed-Use development.

The subject site is also located within the boundaries of the 1994 Marquette-Schenk-Atwood Neighborhood Plan. Overall, the plan emphasizes preservation of existing housing stock, which it notes is the highest concentration of housing units built before 1940. The south side of the 900-block of Williamson Street is identified as part of “Williamson Street Residential Area D”. This area is located between the existing and planned Williamson Street commercial nodes to the west and east centered at S. Paterson Street and S. Baldwin Street, respectively, and is characterized by mostly two-story single-family, two-family and three-family residential structures and an occasional commercial use. Construction of new residential structures is recommended to be medium-high density, include units of three bedrooms or more for families, and include an income mix of units. The plan recommends that, in some cases, substandard housing could be replaced with aesthetically pleasing developments and higher quality, energy efficient units. New construction and exterior remodeling on Williamson Street should reflect the aesthetic, overall character, and scale of existing buildings, and any parking provided should be placed in the rear or underground out of street view.

The 2004 Williamson Street Design Guidelines and Criteria for Preservation – 600-1100 Blocks include numerous design guidelines and criteria applicable to the site, with an emphasis on preservation and restoration of existing buildings. The guidelines include a section on demolition criteria, which largely parrot the standards for demolition applicable to this and other properties in the Third Lake Ridge Historic District, which are administered by the Landmarks Commission.

**Zoning Summary:** The subject property is zoned TR-V2 (Traditional Residential–Varied 2 District). No future use of the property is proposed at this time. Future use of the property will be reviewed for compliance with the Zoning Code prior to the issuance of permits for new construction subsequent to this demolition approval.

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

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

## Project Description

The applicant and property owner is seeking approval of a demolition permit to raze a single-family residence located at 929 Williamson Street in the Third Lake Ridge Historic District. Following demolition, no future use is immediately proposed, with the site to be graded and seeded pending future redevelopment of the property. The applicant and property owner’s primary residence on Jenifer Street abuts the southern property line of the subject site; the letter of intent indicates that the subject site will be used as greenspace for the adjacent residence until a future use is identified.

The building to be demolished is a one-story, 817 square-foot single-family residence constructed in 1879 according to City records. The residence contains one bedroom and one bath, and occupies a 33-foot wide, 4,356 square-foot parcel. Photos of the interior and exterior of the residence are included with the application materials.

The building is in poor condition, and the building and property have been the subject of a number of code enforcement actions over the last thirty-plus years, including being posted “No Occupancy” on November 5, 2015 by the Building Inspection Division. George Hank, Director of Building Inspection, issued a letter dated June 19,

2017 supporting demolition of the subject residence, which is attached to the materials for this application. Conditions noted in the letter include inadequate footings and foundations that have resulted in “significant” settling of the building, widespread rot of the structure, and outdated mechanical systems and exterior components, all of which would need to be replaced. The letter concludes by noting that the existing conditions represent a public nuisance and urges approval of the demolition request. **It is important to note that the condition of the building is almost entirely attributed to the previous owner of the property, and not to the current owner and applicant, who purchased the property in October 2016 from a court-appointed receiver and has been working with the Building Inspection Division to remedy the situation.** The outstanding orders against the property are in abeyance pending the outcome of this demolition permit. However, if the requested demolition permit is not approved, the applicant and property owner may be required to repair the building.

## Analysis

In order to approve the demolition of the existing commercial building, the Plan Commission shall find that the requested demolition or removal and the proposed use are compatible with the purpose of the Demolition and Removal section of the Zoning Code, Section 28.185, and the intent and purpose expressed for the zoning district in which the subject property is located, which is the TR-V2 (Traditional Residential–Varied 2) district. The TR-V zoning districts are established to stabilize, protect and encourage throughout the City the essential characteristics of mature residential areas and to accommodate a full range of life-cycle housing while encouraging a suitable environment for family life. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) 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.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

The statement of purpose in Section 28.185 encourages, in part, that it is “a matter of public policy that the good maintenance and rehabilitation of existing buildings...and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings...” The site is located in the Third Lake Ridge Historic District, which requires that the Landmarks Commission grant Certificates of Appropriateness for both the demolition and any new construction per MGO Chapter 41 prior to Plan Commission review.

As noted earlier in this report, the applicant is proposing no reuse of the site following demolition, which is ordinarily the second and occasionally most scrutinized part of the question regarding consideration of a demolition permit by the Plan Commission, and the opportunity for the community to weigh whether the proposed use is compatible with adopted neighborhood plans and the Comprehensive Plan, as well as the impact

the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. For applications to demolish a residential building with no proposed use, the Plan Commission shall also find that, based on evidence from the Madison Fire Department, Police Department, and/or Building 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 Planning Division believes that the Plan Commission can find the standards for demolition met with the request to raze the single-family residence with no proposed use. The existing building is in poor condition and has been the subject of numerous code enforcement activities for a few decades, and the Director of Building Inspection has provided written support for the demolition due to the condition of the structure, which he considers a public nuisance. The Landmarks Commission approved a Certificate of Appropriateness to demolish the existing building on June 5, 2017 (see attached reports and correspondence).

However, before granting a demolition permit, the Plan Commission may stipulate conditions and restrictions upon the proposed alternative use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements for demolition permits. Conditions the Plan Commission may impose include a requirement that a property owner obtain approval from the Plan Commission for an alternative use that is not known at the time of application. In this case, the Plan Commission should consider requiring that a restrictive covenant be recorded against the property requiring subsequent approval by the Plan Commission of any future use of the site. While future use of the site in TR-V2 zoning is likely limited to a single-family residence due to the bulk requirements (lot width, area, etc.) for denser residential uses, staff feels that a restriction on the property would allow the Plan Commission and interested members of the public the opportunity to consider whether any future use of the property is consistent with the normal and orderly development and improvement of surrounding properties, and with the recommendations in adopted plans.

In the case of the subject site, two plans provide detailed guidance for the 900-block of Williamson Street.

The 1994 Marquette-Schenk-Atwood Neighborhood Plan identifies the south side of the 900-block as part of "Williamson Street Residential Area D," which is located between the existing and planned Williamson Street commercial nodes to the west and east centered at S. Paterson Street and S. Baldwin Street, respectively. Residential Area D is characterized by mostly two-story single-family, two-family and three-family residential structures and an occasional commercial use. The plan strongly discourages the expansion of commercial uses and zoning on this block beyond the few instances where such uses and/or zoning exist, with an emphasis on maintaining the residential character. While the plan foremost emphasizes the preservation of existing housing stock, it also includes general recommendations for the construction of new residential structures related to density, unit size, and character and aesthetics that the Plan Commission would likely consider when reviewing a replacement structure for the subject site.

Future construction on the subject site will also be subject to the Williamson Street Design Guidelines and Criteria for Preservation – 600-1100 Blocks, which includes extensive design guidelines and criteria for new construction, preservation, and restoration in those six blocks of Williamson Street. In particular, the guidelines recommend that new construction generally be limited in height to two and a half-stories along most of Williamson Street, including the 900-block.

Although the construction of any new building on the site would be subject to approval by the Landmarks Commission in the Third Lake Ridge Historic District, Planning staff believes that there are aspects of the

recommendations in the above-referenced plans that could be better implemented by the Plan Commission through the review of a proposed use using the standards in Section 28.185 of the Zoning Code.

## Conclusion

The applicant and property owner is seeking approval to raze a derelict one-story single-family residence at 929 Williamson Street in the Third Lake Ridge Historic District. The Director of Building Inspection has submitted a letter in support of the demolition due to the poor condition of the structure caused by the previous owner, and the Landmarks Commission has granted a Certificate of Appropriateness to allow its demolition. The Planning Division believes that the Plan Commission can find the standards met to allow the existing building to be razed.

No use of the property is proposed at this time. Although the evidence required by the Zoning Code has been submitted to allow demolition or removal before a future use is proposed, the Planning Division believes that the Plan Commission should require a restrictive covenant on the property requiring that the applicant or her successors submit their plans for future use of the property for approval by the Plan Commission following a public hearing. Staff feels that such a restriction would allow the Plan Commission the opportunity to consider whether any future use of the property is consistent with the normal and orderly development and improvement of surrounding properties, the intent of the TR-V2 zoning district, and with the detailed recommendations in the Marquette-Schenk-Atwood Neighborhood Plan and the Williamson Street Design Guidelines and Criteria for Preservation – 600-1100 Blocks.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow a single-family residence at 929 Williamson Street to be demolished with no proposed use subject to input at the public hearing and the following conditions:

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

### Planning Division

1. The applicant shall execute a restrictive covenant on the property in a form approved by the Director of the Planning Division. That restriction shall require the applicant or his successors and assigns to submit their plans for future use of the property for approval by the Plan Commission following a public hearing using the standards in Section 28.185 of the Zoning Code.

### City Engineering Division (Contact Brenda Stanley, 261-9127)

2. Prior to approval, the owner or owner's representative 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 complete a sewer lateral plugging application and pay the applicable permit fees.

### City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

This agency reviewed the request and has recommended no conditions of approval.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency reviewed the request and has recommended no conditions of approval.

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

This agency reviewed the request and has recommended no conditions of approval.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

3. 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 MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at 266-4654 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
4. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

**Parks Division** (Contact Kathleen Kane, 261-9671)

5. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
6. 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*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

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, Bryan Johnson (608-266-4682). Section 28.185(10) requires that 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

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

This agency reviewed the request and has recommended no conditions of approval.