

PLANNING DIVISION STAFF REPORT

March 8, 2021



PREPARED FOR THE PLAN COMMISSION

Project Address: 2822 Milwaukee Street (District 6 – Ald. Rummel)
Application Type: Demolition Permit
Legistar File ID # [63783](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Katie Lichte; Speedway Sand & Gravel; 8500 Greenway Blvd Ste 202; Middleton, WI 53562

Owner: David A Leucinger; 2822 Milwaukee St; Madison, WI 53704

Requested Action: Approval of a demolition permit with no proposed use at 2822 Milwaukee Street

Proposal Summary: The applicant proposes to demolish a one-story single-family house at 2822 Milwaukee Street. No specific site plans or future uses have been proposed at this time.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(7)].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a one-story single-family home at 2822 Milwaukee Street with no proposed future use. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The subject property is located on the north side of Milwaukee Street between Oak Street and North Marquette Street. The site is within Aldermanic District 6 (Ald. Rummel), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 4,440-square-foot subject site includes a one-story, 769-square-foot single family home constructed in 1924, zoned TR-C4 (Traditional Residential-Consistent 4 District).

Surrounding Land Use and Zoning:

North: Single-family residences and a three-unit residence, all zoned TR-C4 (Traditional Residential-Consistent 4 District);

South: Across Milwaukee Street, single-family residences, TR-C4;

East: Single-family residences, TR-C4; and

West: Single-family residences, TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential for the subject site. [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#) (2000) recommends “preserving the existing land use pattern in the neighborhood.”

Zoning Summary: The property is zoned TR-C4 (Traditional Residential – Consistent 4 district). No new development is proposed at this time.

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000	4,440
Lot Width	40 ft	40 ft
Front Yard Setback	20 ft	N/A
Max. Front Yard Setback	30 ft	N/A
Side Yard Setback	4 ft	N/A
Rear Yard Setback	30 ft	N/A
Usable Open Space	750 sq ft	N/A
Maximum Lot Coverage	65%	N/A
Maximum Building Height	2 stories/35 ft	N/A

Other Critical Zoning Items	Utility Easements
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Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site 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, Project Analysis, and Conclusion

Project Description

The applicant, a contractor chosen by the City of Madison Building Inspection Division, is requesting approval to demolish a condemned single-family home and detached garage with no proposed future use at this time at 2822 Milwaukee Street. The applicant intends to leave the lot as open space for the foreseeable future. The structure proposed for demolition is 769-square-foot that was built in 1924. The City of Madison Assessor’s Office lists the house as having one bedroom and one bathroom. A single-stall detached garage on the lot is also proposed for demolition. Because of the poor condition of the property, only exterior [photos](#) are available. According to the applicant, the house and garage will be deconstructed and less than half of the lot will be disturbed during demolition. After demolition, the site will be restored to level grade and grass will be established on the property. The applicant anticipates deconstruction and site remediation will take one week and proposes to complete work in April 2021.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. Low Residential areas are predominantly made up of single-family and two-unit structures at densities of less than 15 units per acre. [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#) (2000) recommends preserving the existing land use pattern in the neighborhood. The neighborhood plan further recommends retaining and maintaining existing single and two-family housing, while encouraging mixed-use projects along major transportation corridors. Promote owner-occupancy within single family, duplex, and three- to four-unit structures.

Demolition Permit Standards

In order to approve a demolition request, M.G.O §28.185(7) requires that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section of the zoning code and the intent and purpose of the TR-C4 District. Furthermore, the proposed use following demolition or removal should be compatible with adopted neighborhood plans and the Comprehensive Plan. Those recommendations are outlined above.

Per §28.185(7)(b) MGO, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the TR-C zoning districts, which states they are established to “stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing.” The districts are also intended to:

- Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- 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.
- Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- 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.
- 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, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes...” According to a [memo](#) from the City of Madison Building Inspection Division, the property at 2822 Milwaukee Street has been declared a public nuisance, is vacant, is not habitable, and continues to deteriorate. Building Inspection supports demolition of the house and detached garage at 2822 Milwaukee Street to prevent further blight on the surrounding properties. On June 26, 2020, Dane County Circuit Court [found and ordered](#) that the house and detached garage at 2822 Milwaukee Street is a public nuisance and that the City of Madison could raze the structures.

The demolition standards also state that 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. The Landmarks Commission reviewed the proposed demolition at its February 15, 2021 meeting and found that the building has no known historic value.

Due to the issues outlined above, the deteriorated condition of the structure and the accompanying Court order, the Planning Division believes that the standards for Demolition Permits can be met.

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

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division believes that the demolition standards can be found met and recommends that the Plan Commission **approve** the request to demolish the existing structure at 2822 Milwaukee Street with no proposed future use. 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

Zoning (Contact Jacob Moskowitz, 266-4560)

1. 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).
2. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
3. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Engineering Division (Brenda Stanley, 261-9127)

4. 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))

Engineering Division – Mapping (Contact Jeffrey Quamme, 266-4097)

5. Identify on the plans the lot number of the Lot from the recorded Plat. (Lot 37)
6. Provide a full and complete legal description of the site or property being subjected to this application on the site plan. (Lot 37, Clyde A. Gallagher Replat of Part of 113 of Farwell's Eastern Addn. to Madison, in the City of Madison, Dane County, Wisconsin)

Fire Department (Contact William Sullivan, 261-9658)

7. 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.

Parks Division (Contact Kathleen Kane, 261-9671)

8. Park Impact Fees may be due if the unspecified future use returns residential on the site. Park Impact Fees must be paid prior to the issuance of any early start or regular building permit.

Water Utility (Contact Jeff Belshaw, 261-9835)

9. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

The Planning Division, Traffic Engineering Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval.