



PREPARED FOR THE PLAN COMMISSION

Project Address: 105 Lakeview Avenue (District 15 – Alder Ahrens)
Application Type: Demolition Permit
Legistar File ID # [51764](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact & Property Owner:

Ted Butor; 230 Belmont Road; Madison, WI 53714

Requested Action: Approval of a demolition permit with no proposed use at 105 E Lakeview Avenue.

Proposal Summary: The applicant proposes to demolish a one-story single-family residence at 105 E Lakeview Avenue. No specific site plans or future uses are proposed at this time.

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

Review Required By: Plan Commission (PC)

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 105 E Lakeview Avenue 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 parcel is located on the south side of Lakeview Avenue, near the intersection with Buckeye Road. The site is within Aldermanic District 15 (Ald. Ahrens), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 7,200-square-foot (0.16-acre) subject site includes a two-bedroom, approximately 596-square foot, one-story, single family residence constructed in 1926. The property is zoned Suburban Residential – Consistent 2 (SR-C2).

Surrounding Land Use and Zoning:

North: Single-family homes, zoned SR-C1 and SR-C2;

East: Single-family homes, zoned SR-C2;

South: Single-family homes, zoned SR-C1 and SR-C2, with one lot zoned SR-V1 (Suburban Residential – Varied 1); and

West: Single-family homes, zoned SR-C1 and SR-C2

Adopted Land Use Plan: The [Comprehensive Plan](#) (2006) recommends Low Density Residential (LDR) uses for the subject site.

Zoning Summary: The property is zoned Suburban Residential – Consistent 2 (SR-C2) District. No new development is proposed at this time; future redevelopment will require review by the Zoning Administrator.

| Requirements | Required | Proposed |
|-------------------------|--------------------------------|---------------|
| Lot Area (sq. ft.) | 6,000 sq. ft. | 7,200 sq. ft. |
| Lot Width | 50' | 60' |
| Front Yard Setback | 30 | TBD |
| Side Yard Setback | One-Story: 6' Two-Story: 7' | TBD |
| Rear Yard Setback | Lesser of 30% lot depth or 35' | TBD |
| Maximum Lot Coverage | 50% | TBD |
| Maximum Building Height | 2 stories/35' | TBD |

| | |
|------------------------------------|------|
| Other Critical Zoning Items | None |
|------------------------------------|------|

Prepared by Jenny Kirchgatter, 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, Analysis, and Conclusion

The applicant requests approval of a demolition permit in order to demolish a single-family residence with no proposed future use. The applicant intends to leave the lot as open space in the near term, with an intention to build a residence on the lot in the future. The structure proposed for demolition is an approximately 596-square foot, two bedroom, one-story house constructed in 1926.

This request is subject to the standards for demolition permits, specifically those with no proposed use, as found in MGO §28.185(7)(b). The statement of purpose in MGO §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...”

Per MGO §28.185(7)(b), absent a proposed use, the Plan Commission must find that, based on evidence from the Fire Department, Police Department, and/or Building Inspection Division, a hazard, nuisance, or health and safety concern supports the demolition or removal of the building before a future use is proposed. A copy of the 2014 “No Occupancy” notice, as well as a letter from the Director of Building Inspection, detailing the current condition of the home, are included as Attachments 1 and 2.

In the letter of intent, the applicant stated that the house was previously owned by Ray Peterson is in a “state of disrepair” and that the property was “deemed uninhabitable” before he purchased it in 2017. According to the applicant, the house has been uninhabited since at least 2016. The provided [photos](#) of the property show the mold damage throughout the house.

George Hank, Director of the Building Inspection Division, has provided the [attached](#) letter which notes that the demolition is supported due to overall building deterioration, foundation cracks and standing water, inadequate floor framing, and a sagging ceiling. Mr. Hank concluded the letter by urging the Plan Commission to support the issuance of a Demolition Permit. In order to promote normal and orderly development and compatibility with adopted neighborhood and the Comprehensive Plan, the Plan Commission may add a condition requiring that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under MGO §28.175(8)(a). However, the Planning Division believes that given the size of the lot and the requirements and restrictions for the Suburban Residential – Consistent 2 (SR-C2) Zoning District, future residential development would not disturb the normal and orderly development on Lakeview Avenue, nor contradict the recommendations in the [Comprehensive Plan](#).

Furthermore, the Landmarks Commission reviewed the proposed demolition on October 16, 2017 and found that the building had no known historic value. At the time of report writing, staff did not receive any public comment on this proposal. Due to the issues outlined in the letter of support from Building Inspection, and the information provided by the Applicant, the Planning Division believes that the **standards for Demolition Permits can be found met**.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish the existing structure at 105 E Lakeview Avenue 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

Engineering Division – Main Office (Contact Brenda Stanley, (608) 261-9127)

1. 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
2. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)

Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

3. Correct the depth of the lot dimension to 121.8 feet.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

4. 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).

5. 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.
6. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
7. Approval of the demolition permit will require the removal of all structures including the single-family dwelling and driveway. The driveway apron shall be removed as per City of Madison Engineering and Traffic Engineering requirements. Disturbed areas shall be filled, graded and seeded or sod planted to minimize erosion.

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

8. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at tburrus@cityofmadison.com or (608)266- 5959.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

9. The age of the house at 105 E. Lakeview is 1926; the age of the water main is 1950. A private well likely 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.

10. 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.
11. 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 permits for the proposed demo.



Department of Planning & Community & Economic Development

Building Inspection Division

Madison Municipal Building, Suite LL-100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
Phone: (608) 266-4551
Fax (608) 266-6377
www.cityofmadison.com

***Attachment
1***

DATE: June 22, 2018

TO: Plan Commission

FROM: George C. Hank, Director
Building Inspection Division

SUBJECT: Demolition of 105 E. Lakeview Avenue

I have been asked to review the condition of the single family home located at 105 E. Lakeview Avenue on the City's East side. The property was in the Town of Blooming Grove when the house was originally built. Our first records were an Official Notices requiring basic maintenance in 1964. The building was purchased by Ray Peterson in 1974 and was rented until the City forced the sale of all of Mr. Peterson's rental properties as a result of a public nuisance action. The building has been vacant since 2014. The building is within a half mile of two schools including an elementary school.

I visited the property on June 20, 2018 and conducted an inspection of the building. The building is on a steep lot and has no positive drainage around the rear third of the building. The roof covering is fairly new but was installed over a roof structure with significant sagging. The chimney above the roof line will need to be rebuilt. The fascia is cracked and damaged in multiple locations around the building. The panel siding is mainly intact but was poorly installed. The right side entry landing and stairs is severely deteriorated and is in danger of collapse.

The concrete block foundation has many horizontal cracks and some step cracking. Water was seeping through in multiple locations and the floor was covered with standing water. The only bathroom in the house is located in the left rear corner of the basement. The house was broken into and all of the cooper piping has been removed. The electrical service should be replaced.

The floor framing of the first floor is inadequate consisting mainly of 2 X 6 joists. The front area (a former porch that has now been enclosed) consists of 2 X 4 joists. The beam is under sized and is poorly supported in a couple of locations.

The original front exterior wall between the living room and porch has been removed and was not properly supported. There is a significant sag in the beam. The ceiling height in the living room extension drops down to approximately five feet along the front wall. There are two small rooms behind the living room. One room leads to the kitchen. There are no interior doors to provide privacy throughout the house. The shag carpeting is worn, torn and dirty throughout the house. The kitchen floor tiles are cracked, damaged and poorly installed. The mismatched kitchen cabinets are well worn and have exceed their useful life.

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The building is vacant and has been secured but this only prevents people who generally obey the law from entering the building. In its current condition and location, the building constitutes a public nuisance and should be removed. I am writing to urge support for the issuance of the Demolition Permit.





Department of Planning & Community & Economic Development

Building Inspection Division

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215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
Phone: (608) 266-4551
Fax (608) 266-6377
www.cityofmadison.com

* ATTACHMENT
2 *

October 29, 2014

RAY A PETERSON
619 MORNINGSIDE AVE
MADISON WI 53716

Subject: Premises Located at 105 E. Lakeview Avenue
Official Notice No. CB2014-301-10416

Dear Property Owner:

Pursuant to Section 27.08 of the Madison General Ordinances, this letter shall serve as legal notice that the above property has been posted "No Occupancy," and shall not be used for human habitation.

An initial check of the property revealed various code violations. The property shall remain vacant until all interior and exterior code violations have been corrected. When you believe you have corrected all violations present and are ready to reoccupy the unit please contact me at 608-261-4236 to confirm that the unit is ready for occupancy.

Once I have reinspected the unit and confirmed all violations have been corrected I will remove the placard and give written permission to reoccupy. Occupancy of this unit before the posting has been lifted will result in immediate referral to the City Attorney's office for prosecution.

If you have any questions, please call or write.

Sincerely,

Brian Linaberry
Code Enforcement Officer I
Phone No.: 608-261-4236

BLL:ljm