



PREPARED FOR THE PLAN COMMISSION

Project Address: 2121 Jefferson Street and 1007 Edgewood Avenue (13th Alder District - Alder Evers)

Application Type: Demolition Permit

Legistar File ID # [86419](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Sami and Brittany Kawas; Edgewood Park LLC; 1050 E Washington Avenue, Apt 1011; Madison, WI 53703

Contact: Robert C. Proctor; Axley Brynerson, LLP; 2 E Mifflin Street, #200; Madison, WI 53703

Requested Action: Consideration of a demolition permit to demolish two single-family residences, at 2121 Jefferson Street and 1007 Edgewood Avenue.

Proposal Summary: The applicant proposes to demolish two 2-story, single-family residences – one at 1007 Edgewood Avenue, which was constructed around 1909, and one at 2121 Jefferson Street, which was constructed in 1905. A previous request to demolish these buildings was denied by the Plan Commission on September 23, 2024 (Legistar File ID [84825](#).) Following that denial, the applicant filed an appeal to the Common Council, however prior to hearing that appeal, it was found that supporting documents including building inspection reports for the two structures which had been submitted by the applicant, were inadvertently not uploaded to the Legislative file. As a result, the applicant withdrew the appeal and decided to resubmit their application and supporting materials to be considered by the Plan Commission. As with the earlier consideration, the applicant intends to construct a new single-family residence, which is a permitted use and not before the Plan Commission.

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: If the Plan Commission can find that the standards for demolition permits are met, the Planning Division recommends that it **approve** demolition of the single-family residences, at 2121 Jefferson Street and 1007 Edgewood Avenue, subject to input at the public hearing and the conditions from reviewing agencies at the end of this report.

Background Information

Parcel Location: The underlying platted lot is made up of two development parcels (i.e. two lots of record) – the 3,600-square-foot 2121 Jefferson Street parcel to the northwest and the 3,600-square-foot 1007 Edgewood Avenue parcel to the southeast. The platted lot is located on the northeast side of Edgewood Avenue, between Jefferson Street and Adams Street. It is located within Alder District 13 (Alder Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The underlying platted lot is zoned Traditional Residential – Consistent 2 (TR-C2) District and is developed with two 2-story, single-family residences – one at 1007 Edgewood Avenue, which was constructed around 1909, and one at 2121 Jefferson Street, which was constructed in 1905.

Surrounding Land Use and Zoning:

Southwest: Across Edgewood Avenue is the Edgewood campus, zoned CI (Campus Institutional);

Southeast: Single-family residences, zoned TR-C2 (Traditional Residential – Consistent 2);

Northeast: Single-family residences, zoned TR-C2; and

Northwest: Across Jefferson Street are single-family residences, zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject site which is describes as up to 15 dwelling units per acre and one to two stories. Neither the [Monroe Street Commercial District Plan](#) (2007) nor the [Brittingham-Vilas Neighborhood Plan](#) (1989) have recommendations for the subject parcels.

Zoning Summary: The property is in the Traditional Residential – Consistent 2 (TR-C2) District

Other Critical Zoning Items	
Yes	TOD Overlay
No	Urban Design; Historic District; Floodplain; Adjacent to Park; Barrier Free (ILHR 69); Wetlands; Utility Easements; Wellhead Protection District

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. Metro Transit operates daily transit service along Monroe Street.

Related Reviews

On September 23, 2024, the Plan Commission found that the request for approval of a demolition permit to demolish two single-family residences at 2121 Jefferson Street and 1007 Edgewood Avenue (Legistar File ID [84825](#)) did not meet the standards for approval and denied the request.

Specifically, the Plan Commission found that the demolition permit request did not meet standard #7: *"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."* In finding that the standard was not met, members cited the report provided by the City’s historic preservation planner and Landmarks Commission regarding the buildings as contributing structures in the Wingra Park Historic District and their adjacency to many other structures in the historic district and the Edgewood campus as well as the condition of the buildings as the basis for denying the demolition permit.

Project Description, Project Analysis, and Conclusion

The applicant proposes to demolish two 2-story, single-family residences – one at 1007 Edgewood Avenue, which was constructed around 1909, and one at 2121 Jefferson Street, which was constructed in 1905. The applicant has submitted [demolition photos](#) and, regarding the condition of the structures, stated that both *"have also suffered decades of deferred maintenance and neglect prior to being sold to our clients, leading to structural and systemic damage."* Planning Division Staff has not inspected the buildings.

While the two structures appear to sit on separate parcels, Staff note that the underlying platted lot was never formally divided. Instead, many years ago, a deeded dividing line separated the original full lot into two “half-lots” on which each was eventually constructed a single-family residence. As these smaller lots were never formally replated, they can be merged together without the need for a Certified Survey Map (and/or any approval from Plan Commission and Common Council).

Staff note that this is the same request as was denied by the Plan Commission back on September 23, 2024. However, shortly before that meeting it was discovered that supporting documents including an inspection report of the two structures from an independent residential inspection company, which had been submitted by the applicant, were inadvertently not uploaded to the Legistar file by Staff. As a result, the applicant decided to resubmit their application and supporting materials to all be considered together.

Upon demolition, the applicant intends to construct a new single-family residence, which is a permitted use and is also not before the Plan Commission.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject site which is described as up to 15 dwelling units per acre and one to two stories. The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) recommends Low-Medium Density Residential development which it describes as up to 15 dwelling units per acre and composed of such types of housing as “single-family detached houses on individual lots.” Staff believes this request would be consistent with these recommendations.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of the proposed future use as a factor in approving demolition requests. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The statement of purpose in Section 28.185 states, in part:

“The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances...”

Standard 1 states that “the applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.” In submitted materials, the applicant notes that, “A study was conducted regarding the potential to relocate the two existing houses on the site. Both houses have structural deficiencies that introduce a risk of them surviving a move. Additionally, the utility lines and tree canopies surrounding the houses on all sides (and throughout the neighborhood) obstruct a clear path away from the site. The costs to facilitate relocation were abnormally high.” Furthermore, they note a lack of affordable, vacant lots within the Wingra Park National Register District area to potentially move the structure to. As a result of the points noted above, they concluded that relocating the houses was not reasonably feasible.

Staff also makes note of Standard 4, *“That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”* At its August 5, 2024 meeting, the Landmarks Commission recommended to the Plan Commission that the existing buildings at 1007 Edgewood Avenue and 2121 Jefferson Street have historic value related to their status as contributing resources to the Wingra Park National Register District. (Here is the [link](#) to the August 5, 2024 Landmarks Commission meeting report) Their motion also included the condition *“The site is also significant for the human burial site associated with the Ho-Chunk people. Any ground-disturbing activities will need to secure a Request to Disturb from the Wisconsin Historical Society. We also recommend that the property owner send notification to the Ho-Chunk Nation Tribal Historic Preservation Office when they submit the Request to Disturb.”* This has been added as a condition of approval at the end of this staff report.

Regarding the history of the two structures, the [August 5, 2024 Planning Division Staff Report to the Landmarks Commission](#) contains the following notes:

For the structure at 1007 Edgewood Avenue, it notes, *“The preservation file names this the John & Helen Bong Residence, an American Foursquare house contributing to the Wingra Park National Register District. The file notes it is likely the first house on Edgewood Ave and served as housing for the Dominican Sisters of Edgewood. This property is located within the boundary of the Jefferson Street Mounds human burial site (DA-0179, BDA-0408). The WHS Site File contains similar information.”*

For the structure at 2121 Jefferson Street, it notes, *“The preservation file names this the Sacred Heart Academy Rectory, a Queen Anne house contributing to the Wingra Park National Register District. The file notes it served as a rectory from 1907-1939, and then a nunnery until at least 1988. This property is located within the boundary of the Jefferson Street Mounds human burial site (DA-0179, BDA-0408). The WHS Site File contains similar information.”*

The September 2024 staff report included discussion regarding the structures’ inclusion in the Wingra Park National Register District. In summary, the applicants noted that they believed that these two structures would be considered ‘non-contributing’ were the National Historic District application submitted today due to ‘unsympathetic alterations’ including that original siding and windows were replaced with poor quality vinyl versions (as well as removal/replacement of some interior historic elements) subsequent to the 1990 National Historic District designation. In response, the City of Madison Preservation Planner Heather Bailey previously noted:

“For the review of these proposed demolitions before the Plan Commission, the applicant asserts that neither of these properties would be considered contributing to a historic district if a nomination were submitted now. This assertion is conjectural. These two buildings are listed as contributing to the National Register historic district and there has been no change to that designation. There is a wealth of precedent of property owners making use of preservation tax credits to both rehab these types of structures for new and ongoing uses, and to remove unsympathetic alterations. However, both of these buildings are still able to convey their historic associations and retain an adequate amount of historic integrity. There is no documentation from the Wisconsin State Historic Preservation Office or the National Park Service that these two buildings are no longer considered contributing to the historic district and the applicant does not appear to have sought an official re-evaluation of the contributing status of these buildings.”

Ultimately, the Plan Commission is required to consider the recommendations of the Preservation Planner and Landmarks Commission, though they are the deciding body on the demolition request and must base their request on the applicable standards. Since adoption of the revised demolition standards, there have been instances in which the Plan Commission approved and denied demolition requests that were found to have historic value, based on the specific information for each proposal.

In regards to Standard 6, Planning Division staff have not inspected either structure and note that while the Zoning Code states that the building's condition must be *considered*, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition. Planning Division staff have not received any comments from City Building Inspection, Fire, or Police.

As noted above, the applicant has provided an [inspection report](#) from a residential inspection company which has been uploaded to the public record for this request, Legistar File ID [86419](#). As noted above, this information was not previously before the Plan Commission. For both structures, the report notes findings of beams inadequately supporting floor joists, cracked/split joists, improper headers, joists which have moved from the nailers and beams, potential asbestos, unsafe electrical issues (knob and tube wiring), evidence of plumbing system leaks, etc. The report also contains photos supporting these findings.

Standard 7, which includes references the standards 1-6 states that *"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."* In applying this standard, the Plan Commission must consider the required information and advisory recommendations and make findings related to the demolition section's statement of purpose overall health, prosperity, safety, and welfare of the City. Staff advises that careful consideration should be given to those advisory reports, though the Plan Commission is the deciding body on the demolition requests.

Planning Division staff believe all other standards of approval can be found met or are not applicable to this request.

At the time of report writing, public comments, both for and against, have been received regarding this request. They have been uploaded to the two Legislative Files associated with this request – [86419](#) (the newer submittal) as well as [84825](#) (the previous submittal).

Conclusion

The applicant is requesting approval of a demolition permit to raze two single-family residences. No other approvals are before the Plan Commission or Common Council. A certified survey map to recombine the properties into a singular lot is not required as the underlying platted lot was never formally divided, and this lot pattern is consistent with the balance of the block.

Ultimately, the Plan Commission is the deciding body on the demolition request and staff does not believe that the Commission is precluded from approving the requested demolition should it find the applicable standards are met. Since adoption of the revised demolition standards, there have been instances in which the Plan Commission has both approved and denied demolition requests that were found to have historic value by the Landmarks Commission. On balance, Staff believes it is possible that the demolition standards can be found met given the submitted inspection reports, though note careful consideration should be given to the historic preservation considerations referenced in this report. Staff notes that the proposal is consistent with adopted plan recommendations related to land use.

Recommendation

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

If the Plan Commission can find that the standards for demolition permits are met, the Planning Division recommends that it **approve** demolition of the single-family residences, at 2121 Jefferson Street and 1007 Edgewood Avenue, subject to input at the public hearing and the conditions from reviewing agencies that follow.

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

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

1. The property at 2121 Jefferson Street and 1007 Edgewood Avenue is located within the boundary of the Jefferson Street Mounds human burial site (DA-0179, BDA-0408). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society. <https://www.wisconsinhistory.org/Records/Article/CS3129>. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation's National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181. Email: bill.quackenbush@ho-chunk.com.

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

2. 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))

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

3. Note: Any future building will require a new address. The address will be determined when building floor plans are provided to Engineering Mapping.
4. Note: After demolition of the buildings and prior to submittal for building permits for the NEW structure, the proposed home, the Owner will need to contact the City Assessor's Office and request a tax parcel combination to have the new parcel and address created for the proposed home.
5. Show and label the 6' x 6' easement to MGE per Doc No 2041542 in the southerly corner of the parcel located at 2121 Jefferson St.
6. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
7. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

Traffic Engineering (Contact Luke Peters, (608) 266-6543)

8. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

9. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
10. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

11. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

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

Forestry Review (Contact Bradley Hofmann, (608) 267-4908)

13. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
14. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
15. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.

16. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
17. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
18. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
19. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

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

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| <p>20. 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. 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.</p> |
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The following agencies have reviewed this request and has recommended no conditions of approval:

Parks Division; Parking; and Metro