

PLANNING DIVISION STAFF REPORT

July 30, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 4214 Doncaster Drive (District 10 – Alder Cheeks)
Application Type: Demolition Permit
Legistar File ID # [52206](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Heather Stouder, AICP, Planning Division Director

Summary

Applicants & Property Owners: Laura Kubesheski & Gary Gruetzmacher; Tyche Investments, LLC / MI Saves Homes, LLC; P.O. Box 5451; Madison, WI 53714

Contact: Laura Kubesheski; Tyche Investments, LLC; 2121 Van Hise Avenue; Madison, WI 53726

Requested Action: Approval of a demolition permit to demolish a single-family residence with no proposed use at 4214 Doncaster Drive.

Proposal Summary: The applicants propose to demolish a 1½-story, single-family residence at 4214 Doncaster Drive. Back on March 17 of this year, a fire consumed much of the structure's first floor, the stairs, and portions of the second floor. The Director of the City's Building Inspection Division reviewed the current condition of the structure, and, based on his belief of the public danger posed to anyone who enters the structure due the compromising effect of the fire, submitted a letter to the Plan Commission urging approval of the Demolition Permit. 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 1½-story, single-family home at 4214 Doncaster Drive 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 north side of Doncaster Drive, between Danbury Street and Seminole Highway. The site is within Aldermanic District 10 (Ald. Cheeks), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 9,600-square-foot (0.22-acre) subject site includes an approximately 1,560-square-foot, 1½-story, three-bedroom, single-family residence, originally constructed in 1948. The structure also contains an attached, two-car garage. The property is zoned Traditional Residential – Consistent 2 (TR-C2) and is located within Wellhead Protection District #10.

Surrounding Land Use and Zoning:

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

East: Single-family residences, zoned TR-C2;

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

West: Single-family residences, zoned TR-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 Traditional Residential – Consistent 2 (TR-C2) District. No new development is proposed at this time; future redevelopment will require review by the Zoning Administrator.

Bulk Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	9,601 sq. ft.
Lot width	40 ft.	80 ft.

Other Critical Zoning Items	Wellhead Protection (District #10)
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Tables prepared by Jacob Moscovitz, 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 applicants request approval of a demolition permit in order to demolish a single-family residence with no proposed future use. Following approval, the applicants intend to first remove the site's existing structure - an approximately 1,560-square-foot, 1½-story, three-bedroom, single-family residence, originally constructed in 1948. Afterward, as stated in the applicants' submitted materials, the plan is to then regrade and reseed the lot and leave it as open space in the near term, with the possibility of rebuilding in the future.

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.

In the letter of intent, the applicants stated that the house experienced a fire on March 17, 2018, which consumed much of the structure's first floor, the stairs, and portions of the second floor. Additionally, in order to extinguish the fire, large portions of the roof were removed by the fire department. The photos of the property, submitted by the applicants and included in the Plan Commission's materials for review, show the extent of the fire damage.

Also included with the packet of materials for review of this request is a letter from George Hank, Director of the Building Inspection Division. Mr. Hank reviewed the effects of the fire and drafted the letter which notes his support for the demolition due to the extensive fire damage, the partially-collapsed first and second floors, and the holes in the roof, which have resulted in a structure of compromised integrity and therefore a public safety risk. Mr. Hank concluded the letter by urging the Plan Commission to support the issuance of a Demolition Permit.

The subject site, at 80 feet in width and roughly 9,600 square feet in size, is actually a combined, double-wide lot. While the current structure straddles the underlying lot line, and is therefore considered an existing, nonconforming structure, should the applicants decide to eventually construct a residence of similar size and location to the one currently on the site, approval of a Certified Survey Map (CSM) would be required in order to dissolve the underlying lot line. A CSM would also be required should the applicants decide to subdivide the lot into two.

The Landmarks Commission reviewed the proposed demolition on May 14, 2018 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 Applicants, the Planning Division believes that the **standards for Demolition Permits can be found met.**

Recommendation

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

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 4214 Doncaster Drive 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

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

1. As a future use was not presented at the time of application, the Plan Commission requires that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under Section 28.175(8)(a) MGO. The property owner shall execute a restrictive covenant prior to issuance of the demolition permit, which requires Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. The standards for approval of the proposed alternative use shall be those contained in Section 28.185 of the Zoning Ordinance. The form of the restrictive covenant shall be approved by the Planning Division and City Attorney's Office.

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

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, 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))

3. This site will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Please submit the Erosion Control Permit Application (with USLE calculations and associated fee) to City Engineering, for approval.

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

4. The Owner should be aware there is a property survey of the parcel that was completed in 2006 by Birrenkott Surveying. It is filed at the County Surveyor's Office as map no. 2006-00388.
5. Will the driveway also be removed and any other impervious surfaces (patio and concrete slab)?

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

The agency reviewed this request and has recommended no conditions or approval.

Zoning (Contact Jacob Moscovitz, (608) 266-4560)

6. 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).
7. 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.
8. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
9. 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)

The agency reviewed this request and has recommended no conditions or approval.

Parks/Forestry Review (Contact Sarah Lerner, (608) 261-4281)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

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.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.