



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 534 Oak Street (12<sup>nd</sup> Aldermanic District, Alder Palm)  
**Application Type:** Demolition Permit  
**Legistar File ID #:** [47471](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Michelle Herbert; Robert Design; 8272 Mid Town Road; Madison, WI 53719  
**Contact & Property Owner:** Dave Robert; Robert Design; P.O. Box 45260; Madison, WI 53744

**Requested Action:** Approval of a demolition of a single-family residence and construction of a new single-family residence at 534 Oak Street.

**Proposal Summary:** The applicant proposes to demolish a single-family residence and construct a new single-family residence.

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

**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 single-family residence in order to construct a new single-family residence at 534 Oak Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The subject parcel is located on the west side of Oak Street, between Hoard Street and Commercial Avenue; within Aldermanic District 12 (Ald. Palm); and within the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 4,510-square-foot (0.10-acre) site is developed with a one-story, two-bedroom, one-bath, roughly 760-square-foot, single-family home, originally constructed in 1901. The lot is zoned Traditional Residential – Consistent 4 (TR-C4).

### Surrounding Land Use and Zoning:

North: Single-Family Residences, zoned Traditional Residential – Consistent 4 (TR-C4);

East: Across Oak Street are Multi-Family Residences, zoned Traditional Residential – Varied 1 (TR-V1);

South: Single-Family Residences, zoned TR-C4; and

West: Single-Family Residences, zoned TR-C4.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends Low-Density Residential (0-15 units per acre) uses for this site. While not providing specific recommendations for the subject site, the [Emerson-East-Eken Park-Yahara Neighborhood Plan \(2015\)](#) does contain such land use, housing and urban design-related recommendations as: *Increase owner-occupancy of housing throughout the planning area (#6)*; and *Encourage rehabilitation and energy efficiency improvements to housing (#7)*.

**Zoning Summary:** The property is in the Traditional Residential-Varied 1 (TR-V1) District. Zoning Staff Report to be submitted separately.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a range of urban services. All-day Metro Transit access is located 300 feet to the north at the intersection of N. Oak Street and Commercial Avenue.

## Project History

The applicant's letter of intent provides information related to the history of the request. City records indicate that the current owner purchased the home from the Dane County Sheriff's Department in November 2015. Based on the provided letter, the home had extensive damage prior to being purchased by the applicant. Specific issues included: 1) caved-in flat roof at the rear of the structure; 2) exterior walls both constructed with multiple layers of siding and cardboard; 3) walls constructed with studs four feet on center in some locations; and 4) a dilapidated foundation with a buckling southern wall.

It was not until the applicant obtained building permits and started the renovation did the extent of the structural damage become known. As noted in the application materials, once the caved-in rear roof was removed, it became clear to the applicant that all areas (including the walls) needed to be opened up for safety reasons and significantly reconstructed. Staff understands that the applicant proceeded with the renovation process, not aware of the threshold that would require Plan Commission Demolition Permit approval.

During a site visit, City Building Inspection noted that portions of the exterior walls had been removed to accommodate the renovations. Upon consultation with the Zoning Administrator, it was determined that activities met the technical definition of "demolition." Note, the Zoning Code defines demolition as an act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building."

Before the work was stopped, the applicant repaired the interior face of the foundation walls which also allowed them to correct the angle of the southern foundation wall, making it both parallel to the southern property line as well as compliant with the required side setback for residential buildings in TR-C4 zoning (which requires a house on the subject property to have a side setback of no less than 3½ feet, the applicant's will be four feet). They also installed a new floor system and new interior and exterior walls. However, after being notified that a demolition permit would be required prior to proceeding, the applicant immediately filed the necessary application materials and is now before the Plan Commission. While work has been on hold since that time, their plan is to eventually finish the house to replicate the existing structures in the area.

## Project Description, Analysis, and Conclusion

As the proposed renovation work has met the Zoning Code's technical definition of "demolition", the applicant seeks approval to demolish a vacant single-family residence to construct a new single-family residence. This request is subject to the approval standards for demolition permits. Staff notes that a single-family home is a permitted use and no conditional use approval is sought.

Upon completion of the project, the resulting two-story single-family residence would include two bedrooms and two bathrooms. The home includes a small covered front porch and would be primarily clad in greyish-blue horizontal cement board siding. The upper stories of the front and rear elevations will be clad with a shaker-style cement board siding, also in a greyish-blue. The trim will be a composite material and white in color. The roof will have charcoal-colored asphalt shingles. The windows will be vinyl and the front door wood.

In order to approve a demolition request, 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-C4 Zoning District. (A copy of the statement of purpose is provided as Attachment 1). The purpose of the Demolition 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, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

The standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed use should be compatible with adopted plans. A summary of Plan Recommendations is included above and the Planning Division believes that the proposal can be found consistent with those recommendations.

Finally, the demolition standards 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. At their May 1<sup>st</sup> meeting, the Landmarks Commission found that the subject building had no known historic value.

While it is unfortunate that this proposal came to the Plan Commission after the demolition process had begun, staff nonetheless believes the standards can be found met and believe it is in the public interest to approve this request to allow the renovation work proceed.

At the time of report writing, staff was not aware of any public comments on this item.

## 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 a single-family residence in order to construct a new single-family residence at 534 Oak Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

#### **City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

1. The rear of this property drains to an enclosed depression in the middle of the block. The applicant shall provide plans showing how all impervious surfaces are being drained back to the ROW on Oak Street, or shall show how the volume leaving the site is not greater than it is currently in all events up to an including a 10-year event.
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))

#### **Engineering Division (Mapping)** (Contact Jeffrey Quamme, (608) 266-4097)

3. The site plan shall identify lot and block numbers of recorded Plat. It shall also provide the dimensions of all of the property lines.

#### **Zoning Administrator** (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.

#### **Fire Review** (Contact William Sullivan, (608) 261-9658)

6. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/fire-sprinkler-guide/>

#### **Parks/Forestry Division** (Contact Janet Schmidt, (608) 261-9688)

7. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. 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.