

# PLANNING DIVISION STAFF REPORT

October 16, 2017



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4301 Maher Avenue (District 15, Alder Ahrens)  
**Application Type:** Demolition Permit  
**Legistar File ID #:** [48773](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicants & Owners:** Melissa and Jack Gieche; 4301 Maher Avenue; Madison, WI 53716

**Contact:** Meri Tepper; Associated Housewrights; 1217 Culmen Street; Madison, WI 53713

**Requested Action:** Approval of a demolition permit to raze a one-story single-family residence and construct a new single-family residence at 4301 Maher Avenue.

**Proposal Summary:** The applicant proposes to demolish a single-family residence and construct a new one and a half-story, single-family residence with an attached garage and deck.

**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 for a demolition permit to raze the single-family residence and construct a new single-family residence at 4301 Maher Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by other reviewing agencies.

## Background Information

**Parcel Location:** The subject parcel is located on the west side of Maher Avenue, at the corner of Davies Street and Dempsey Road; in Aldermanic District 15 (Ahrens) and is within in the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 5,433-square-foot (0.12-acre) site is developed with a one-story single-family residence with an attached deck, originally constructed in 1928 and is zoned Suburban Residential – Consistent District 2 (SR-C2).

**Surrounding Land Use and Zoning:**

North: Single-family residences, zoned Suburban Residential - Consistent District 1 (SR-C1) and Suburban Residential Consistent District 2 (SR-C2), with Lake Edge Park beyond;

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

South: Single-family residences, zoned SR-C2 with SR-C1 beyond; and

West: Single-family residences, zoned SR-C1.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends Low-Density Residential (0-15 units per acre). There is no neighborhood plan for this site.

**Zoning Summary:** The property is in the Suburban Residential – Consistent District 2 (SR-C2). The site is located on the corner lot at the Maher and Davies intersection. Given the non-traditional lot, this project must adhere to site specific zoning requirements. These are listed in the Zoning Division Conditions of Approval.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	4,800 sq. ft.
Lot Width	30'	40'
Front Yard Setback	20'	20'
Max. Front Yard Setback	30' or up to 20% greater than block average	20'
Side Yard Setback	Lot width < 50': 10% of lot width (4')	4' North 7' 4" South
Rear Yard Setback	Lesser of 25% lot depth or 25'	Adequate
Usable Open Space	500 sq. ft.	Adequate
Maximum Lot Coverage	70%	Less than 70%
Maximum Building Height	2 stories/ 35'	2 stories
<b>Other Critical Zoning Items</b>	<b>Utility Easements</b>	

*Table 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, including Madison Metro Bus Routes 38 and 39 that run along Davies Street.

**Project Description**

The applicant proposes to demolish a single-family residence and construct a single-family residence in its place. As this will require a demolition permit, the proposal is subject to the approval standards for demolitions (MGO §28.185). Staff notes that a single-family home is a permitted use and no conditional use approval is sought.

The 5,433-square-foot (0.12-acre) site is developed with a one-story single-family residence, originally constructed in 1928. Photos of the existing home’s exterior and interior were included in the submission and are available online at [https://www.cityofmadison.com/dpced/planning/documents/4301ma\\_photos.pdf](https://www.cityofmadison.com/dpced/planning/documents/4301ma_photos.pdf). The parcel is zoned Suburban Residential – Consistent District 2 (SR-C2). According the Assessor information, the existing two-bedroom, one-bath, 625-square foot house is built on a concrete slab foundation and had its roof

replaced in 2015. This house was previously owned by Ray Peterson and has been designated unfit for human habitation per Madison General Ordinance 27.08(2).

The proposed 711 square-foot one-story with a second story loft single-family residence will include one bedroom and one bathroom, as well as a 277 square-foot attached garage and 70 square-foot covered deck. Most single-family homes on Maher Street and Davies Street are one-and-one-half stories. The proposed home is approximately 28 feet tall.

Regarding exterior materials, the applicant is proposing a white vinyl siding with black window frames and an asphalt shingled roof. The proposed front entry and deck will be made of wood with black lattice styled steps for the side porch. According to the applicant, no trees on the site are proposed for removal. A grading plan has not been provided, and the applicant does not intend to make any grading changes to the site.

## Project Analysis and Conclusion

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 SR-C2 (Suburban Residential – Consistent District 2). (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. The Landmarks Commission, at their August 28 meeting, found that the building itself was not historically, architecturally, or culturally significant.

Staff believes that the demolition standards are met with this proposal for 4301 Maher Avenue. **The existing home, per Madison General Ordinance 27.08(2), is unfit for human habitation.** Demolishing the existing structure and building a new single-family home will improve the overall site. Finally, the proposed building can be found to be generally consistent with the [Comprehensive Plan \(2006\)](#) which recommends Low-Density Residential (0-15 units per acre).

At the time of report writing, staff has not received any public comment on this proposal. The Planning Division believes that the applicable standards can be met with the recommended conditions.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request for a demolition permit to raze a single-family residence and construct a new single-family residence at 4301 Maher Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by other reviewing agencies.

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

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

1. An egress window seems proposed for the rear of the home. Additional detail shall be provided on elevation and construction methods to document this will not allow water into the home via this entry point.
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. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)

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

4. Applicant's Surveyor (Paul Spetz) shall provide an electric CADD drawing with the boundary and corner monumentation included to assist in correcting City of Madison base mapping in this area.

### Traffic Engineering (Contact Eric Halvorson, 266-6527)

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

### Zoning Review (Contact Jenny Kirchgatter, 566-4429)

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. The required rear yard area shall remain unoccupied and unobstructed, except for the one-story attached garage encroachment. A one-story garage projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward.

**Fire Department** (Contact William Sullivan, 261-9658)

10. 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/building-residential-fire-sprinklers>
11. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com) or (608)516- 9195.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

12. A private well may have 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 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

13. 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, 261-4289)

14. Metro Transit currently operates weekday service along Davies Street through the Maher Avenue intersection. Bus stop ID #7445 is adjacent the proposed project site along the east side of Davies Street, with the bus stop zone encompassing the area from the existing bus stop sign pole north through the Maher Avenue intersection.
15. Due to the unimproved public right-of-way shoulder, used by Metro Transit passengers to access this bus stop zone, the property owner should ensure conformance with the City's adopted terrace planting guidelines: <http://www.cityofmadison.com/mayor/priorities/food/terrace-and-yard-plantings>
16. The applicant shall include the location of the transit stop on the final documents filed with their permit application.

**Parks/Forestry Department** (Contact Janet Schmidt, 261-9688)

17. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5

feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

# \* Attachment 1

**28.033 RESIDENTIAL DISTRICT BUILDING FORMS.**

Building Form	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P
Single-Family Detached Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civic/Institutional Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Two-Family, Two-Unit			✓	✓	✓				✓	✓	✓	✓	✓		✓
Two-Family - Twin			✓	✓	✓				✓	✓	✓	✓	✓		✓
Three-Unit Building				✓	✓				✓	✓	✓	✓	✓		
Single-Family Attached				✓	✓					✓	✓	✓	✓		✓
Small Multi-Family Building				✓	✓						✓	✓	✓		✓
Large Multi-family Building					✓						✓	✓	✓		✓
Courtyard Multi-Family Building					✓						✓	✓	✓		✓
Podium Building												✓	✓		✓

(Am. by ORD-14-00028, 2-18-14)

**\* 28.034 SUBURBAN RESIDENTIAL - CONSISTENT DISTRICTS.**

(1) Statement of Purpose.

The SR-C Districts are established to stabilize and protect the essential characteristics of low- to moderate-density residential areas typically located in the outlying parts 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:

- (a) 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.
- (b) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (c) 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.
- (d) Facilitate the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (e) In new development, use of the SR-C1 District, in conjunction with other residential districts, should be limited to insuring a mix of housing types, or for reasons related to topography, stormwater management, or other environmental considerations.