



Report to the Plan Commission

December 14, 2009

Legistar I.D. #16827
5722 Lake Mendota Drive
Demolition Permit

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a demolition permit to allow demolition of a single-family residence located at 5722 Lake Mendota Drive to provide additional open space for an adjacent single-family residence located at 5718 Lake Mendota Drive.

Applicable Regulations & Standards: Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: If after the public hearing the Plan Commission can find the standards are met to approve a demolition permit to allow a single-family residence at 5722 Lake Mendota Drive to be razed to create open space for an adjacent residence under the same ownership, this request should be **approved** subject to input at the public hearing, conditions recommended by the Planning Division, and the conditions recommended by other reviewing agencies.

Background Information

Applicant / Contact / Owner: Edwin Tallard, 5718 Lake Mendota Drive; Madison, WI 53705

Proposal: The applicant proposes to demolish a single-family residence located at 5722 Lake Mendota Drive to provide additional open space for an adjacent single-family residence he owns at 5718 Lake Mendota Drive. The applicant wishes to commence demolition as soon as all regulatory approvals have been granted.

Parcel Location: An approximately 9,900 square-foot parcel (0.23 acres) located on the northeast side of Lake Mendota Drive, at its intersection with Baker Avenue. This property is not a waterfront parcel. The property is within Aldermanic District 19 and the Madison Metropolitan School District.

Existing Conditions: The site is currently developed with a single-family residence. Further information on the condition of this structure has been provided by the applicant and is summarized in this report.

Surrounding Land Use and Zoning: The subject site is located on the shores of Lake Mendota surrounded by other single-family residences in the R1 (Single-Family Residence) Zoning District. Single-family homes on the opposite side of Lake Mendota Drive are zoned R2 (Single-Family Residence District).

Adopted Land Use Plan: The Comprehensive Plan and the Spring Harbor Neighborhood Plan recommend low-density residential uses in this area.

Environmental Corridor Status: The site is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing R1 (Single-Family Residence District) zoning:

Requirements	Required	Proposed
Lot Area	8,000 sq ft	9,900 sq ft
Lot Width	65'	66'
Usable Open Space	N/A	N/A
Front Yard	30'	TBD
Side Yards	6' one-story / 7' two story	TBD
Rear Yard	40'	TBD
Lot Coverage	N/A	TBD
Building Height	2 Stories	TBD
Landscaping	Required	(See Comments 6 and7)
Other Critical Zoning Items: None		
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review & Analysis

The applicant requests approval of a demolition permit to raze a one-story, single-family residence located at 5722 Lake Mendota Drive. This 2,039 square foot ranch-style residence was constructed in 1955 and contains two bedrooms and one bathroom according to City Assessor records.

The property owner proposes to demolish the single-family residence for the purposes of providing additional open space for the single-family residence he owns next door at 5718 Lake Mendota Drive. At this time, no structures are proposed to be erected on the subject site, which the applicant indicates will be seeded with grass following demolition. The site plan indicates a garden would be located on a portion of the site.

The applicant indicates that he purchased the subject residence in 2008, with this building already in “a severe state of disrepair.” An inspection report commissioned by the applicant from Southern Wisconsin Home Inspection is attached. That report notes the presence of several significant leaks leading to both structural damage and instances of mold throughout the structure. This report concludes the “structural stability of the building is in poor condition and the leaks and water intrusion will be the cause of major expenses to bring the building into a safe, habitable condition.” In addition, the applicant has provided interior and exterior photographs documenting the condition of the structure. While Planning Division staff have not conducted a formal inspection of the building proposed for demolition, the submitted photographs indicate the building likely has several deficiencies.

Notwithstanding the condition of the residence to be demolished, the proposed alternative use of the property represents an atypical application of the demolition permit standards. Though, staff note that the Plan Commission has recently approved similar requests for properties at 312 North Hamilton Street and 5210 Harbor Court. As opposed to the majority of demolition permits that come before the Commission for approval, which are accompanied by detailed plans for a proposed structure on the property post-demolition, the applicant proposes open space for an adjacent residence under common ownership as the proposed alternative use of the 5722 Lake Mendota Drive site.

Section 28.12 (12)(b), Application for [Demolition] Permit, states that any application for a demolition permit "...shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved. An application for a permit also shall include a site plan for any proposed future use..." In this case, staff believes that the applicant's submittal satisfies the Zoning Ordinance requirement excerpted above, which while not providing what the Plan Commission might consider to be a customary proposal for a proposed alternative use, does depict the applicant's intention for the property following demolition.

The Zoning Ordinance further instructs the Plan Commission to find that both the requested demolition and proposed use of the property are compatible with the purpose of the demolition permit section and the intent and purpose of the zoning district in which the property is located. The statement of purpose for the demolition permit section places an emphasis on the maintenance and rehabilitation of existing buildings, the provision of affordable housing, the implementation of adopted plans, the protection of neighborhood character, the preservation of historic buildings, and encourages compliance with building and minimum housing codes while discouraging buildings from falling into a state of severe disrepair from a lack of maintenance. The Plan Commission may also consider the structural soundness of a building in deciding whether or not to approve a demolition.

In the case of the subject site, staff believe this proposal is not inconsistent with the recommendations of the Comprehensive Plan or Spring Harbor Neighborhood Plan, both recommending low-density residential development for the subject site and surrounding area. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it does encourage that redevelopment activities reflect the neighborhood height and scale and are sensitive to its natural character. At the time of report writing, staff was not aware of any formal objections to this proposal.

The block layout in this area is somewhat unusual as the subject property is relatively shallow and not a waterfront property. A single-family home on a separate waterfront property is directly behind the subject site. That property is accessed from Baker Avenue. Please see the attached air photo for further information. That property is under separate ownership and no changes are proposed to that property or home with this request. Considering the Barker Avenue home that will remain, staff do not believe the removal of the subject residence would result in a significant change to the overall character of the block, nor should it have a detrimental visual impact on surrounding properties.

Staff is not aware of the long-term plans for this property. Since this property is not subject to the waterfront development standards, future building plans would not automatically return to the Plan Commission, should this demolition request be approved. In similar instances, the Plan Commission has conditioned the demolition approval on the owner executing a restrictive covenant requiring the Plan Commission to approve the proposed alternative use of the property prior to the issuance of building permits for any new construction.

Finally, the demolition standards require that the Plan Commission consider the report of the City's preservation planner regarding the historic value of the property. Rebecca Cnare, Acting Preservation Planner, notes that the residence at 5722 Lake Mendota Drive has no known historic value and does not have objections to the proposed demolition.

Conclusion

Considering the specific context, staff does not believe demolition of the home for the purposes of expanding the adjacent side yard would have an adverse impact on the normal and orderly development of the rest of the surrounding properties. Staff would not normally recommend the demolition of a building in advance of more detailed development plans. In this case however, the establishment of a yard and garden may be an appropriate future use, considering the somewhat atypical development pattern in which there is already a lakefront home behind the building proposed for demolition. With these factors, staff believe the Plan Commission may be able to find that the demolition standards are met with this application despite the absence of more substantial plans for the proposed alternative use of the site following demolition.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

If after the public hearing the Plan Commission can find the standards met to approve a demolition permit to allow a single-family residence at 5722 Lake Mendota Drive to be razed to create open space for an adjacent residence under the same ownership, this request should be **approved** subject to input at the public hearing, conditions recommended by the Planning Division, and the conditions recommended by other reviewing agencies.

1. That the property owner execute a restrictive covenant prior to issuance of the demolition permit, which requires, at a minimum, 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 in contained in Section 28.12 (12) of the Zoning Ordinance (unless the future use requires other land use approvals, including conditional uses or planned unit development zoning). The form of the restrictive covenant shall be approved by the Planning Division and City Attorney's Office.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

1. For site plan clarification, identify the existing adjacent 33 feet wide Baker Avenue public right-of-way along the northwesterly side of this parcel.
2. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6)) and MGO 35.02(4)(c)(2)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
3. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks

in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no recommended conditions of approval.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permits being issued.
5. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
6. Approval of the demolition permit will require the removal of all structures including the driveway landscaped and seeded to minimize erosion or a building permit issued for a new residence.
7. Future development shall meet applicable building and zoning ordinances following applicable processes. As the result of no application for the proposed use, the site shall be landscaped and seeded to minimize erosion into the lake.
8. Remove asphalt driveway and apron and replace with curb and gutter. During demolition and prior to curb and gutter, installation of barriers shall be installed across the driveway to prevent the parking of vehicles.

Water Utility (Contact Dennis Cawley, 261-9243)

The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit a response to this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit a response to this request.