



## Report to the Plan Commission

September 14, 2009

**Legistar I.D. #15950**  
**5210 Harbor Court**  
**Demolition Permit**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** Approval of a demolition permit to allow demolition of a single-family residence located at 5210 Harbor Court to provide additional open space for an adjacent single-family residence located at 5206 Harbor Court.

**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 met to approve a demolition permit to allow a single-family residence at 5210 Harbor Court 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

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**Applicant / Contact:** Kevin V. Kochaver; KVK Design; 607 Glenway Street; Madison, WI 53711

**Property Owner:** John W. Thompson; 5206 Harbor Court; Madison, WI 53705

**Proposal:** The applicant proposes to demolish a single-family residence located at 5210 Harbor Court to provide additional open space for an adjacent single-family residence he 5206 Harbor Court. The applicant wishes to commence demolition as soon as all regulatory approvals have been granted.

**Parcel Location:** An approximately 3,544 square-foot parcel (0.082 acres) located on the north side of Harbor Court; Aldermanic District 19; Madison Metropolitan School District.

**Existing Conditions:** The site is currently developed with a single-family residence.

**Surrounding Land Use and Zoning:** The subject site is located on the shores of Lake Mendota surrounded by other single-family residences in the R2 (Single-Family Residence) Zoning 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, though a portion of the property nearest the lake is located within the flood fringe adjacent to Lake Mendota.

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

**Zoning Summary:** Existing R2 (Single-Family Residence District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	3,543.75 (existing)
Lot Width	50'	33.75'
Usable Open Space	1,000 sq. ft.	TBD
Front Yard	30'	TBD
Side Yards	6'/ 7 for 2 Story	TBD
Rear Yard	40'	TBD
Lot Coverage	2.0	TBD
Building Height	2 Stories of 35 Feet	TBD
Landscaping	Yes	See Conditions # 9 and 11
<b>Other Critical Zoning Items</b>		
	Water Front Development, Utility Easements	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

**Project Review & Analysis**

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The applicant is requesting approval of a demolition permit to allow a two-story, single-family residence located at 5210 Harbor Court to be demolished. This 972 square foot bungalow-style residence was constructed in 1925 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 5206 Harbor Court. 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 applicant indicates that the residence at 5210 Harbor Court “is in serious disrepair and currently uninhabitable. Structural components which have been severely compromised by neglect of maintenance by the previous homeowner and weather damage over the years would pose a threat to anyone that would entertain occupying this property. The exterior envelope of this structure has also been compromised and applicable weatherization techniques and practices required by current building codes are non-existent. The building in its current condition, after a thorough inspection by a registered architect would certainly be considered non-salvageable and un-safe for occupation.” In addition, the applicant has provided several 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 approved a similar request for a property at 312 North Hamilton Street at the August 17, 2009 meeting. 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 5210 Harbor Court 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.

Initially, the demolition will create open space for the adjacent residence at 2106 Harbor Court, which will result in the loss of one of 12 residences on the north side of Harbor Court. With a width just over 30 feet, the subject property is one of two atypically narrow properties on this portion of the block. The adjacent property at 5212 Harbor Court is the other narrow lot. Considering the relatively narrow lot widths and the property's location near the end of Harbor Court, staff do not believe the creation of a larger side yard would adversely affect area aesthetics nor negatively impact the normal and orderly development of the surrounding area.

During a pre-application meeting, the applicant indicated long-term plans for the property are unknown, but could include a building addition to the 2106 Harbor Court residence, or potentially the construction of a new residence. Staff note that as a waterfront property, construction of a new residence or building additions over 500 square feet would require Plan Commission approval of a conditional use permit.

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 5210 Harbor Court has no known historic value and does not have objections to the proposed demolition.

## **Conclusion**

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The Planning Division believes that the largest issues to be addressed by the Plan Commission are the condition of the building and the proposed alternative use of the property following demolition. Though a formal inspection of the building has not been performed, information provided by the applicant suggests the existing residence has several deficiencies and is not currently in a habitable condition, largely due to neglect from previous owners. It is possible that repairing the house may not be economically feasible, though no information to this effect has been presented for staff or Plan Commission consideration. 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 larger side yard may be an appropriate future use, considering the relatively small lot size and the site's isolated location at the end of Harbor Court. Further, as a waterfront lot, the construction of a new residence or addition exceeding 500 square feet would require Plan Commission approval. Therefore, conditions recommended for the aforementioned Hamilton Street demolition requiring lot combinations and restrictive covenants are not believed to be necessary in order to provide Plan Commission review for future development proposals.

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**

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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 5210 Harbor Court 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 following demolition, the subject site be graded and seeded with grass and that no parking occur on the newly planted grass area at any time. A landscaping plan for the area of the demolished residence shall be approved by Planning Division staff prior to the issuance of permits.

**The following conditions have been submitted by reviewing agencies:**

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

2. City records indicate the public sanitary sewer service for this property, which was built by the town well before the property was annexed to the City of Madison, may exist within an easement on private properties. The City of Madison does not have record of an easement grant to the town across the subject property. Public easement grants may be necessary. The City Engineering Division will perform a field survey to determine the accuracy of our sanitary sewer records and update if necessary. Note that in the future, if the property owner makes an application for improvements to this site, the site plan shall include the location of the public sewer main by locating both sanitary structures on each end of the main adjacent to this property.
  3. The letter of intent and city records indicate the applicant owns the adjacent property to the east at 5206 Harbor Court. The property owner may make a written request to the City Assessor to combine this proposed vacant land parcel with their other property if they desire.
  4. Prior to approval, verify location of existing public sewer main and private sewer lateral, both with respect to property boundaries and proposed new home.
5. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
  6. 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 did not submit a response to this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

7. 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.
8. 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.
9. 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.

10. 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.
11. 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.