

PLANNING DIVISION STAFF REPORT

March 19, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 1719 Boyd Avenue (District 12 – Ald. Palm)
Application Type: Demolition Permit
Legistar File ID #: [50427](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Owner

& Contact: Elizabeth Dollar; 200 Simonson Street; Deerfield, WI; 53531

Requested Action: Approval of a demolition permit to raze a one-story single-family residence and construct a new single-family residence at 1719 Boyd Avenue.

Proposal Summary: The applicant proposes to demolish a single-family residence and construct a new two-story, single-family residence with an attached garage and porch.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits (M.G.O. §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 1719 Boyd 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 south side of Boyd Avenue and west side of Crowley Avenue. It is within Aldermanic District 12 (Alder Palm) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 4,750-square-foot (0.11-acre) site is developed with a one-story single-family residence originally constructed in 1935. The property is zoned Traditional Residential – Consistent 4 (TR-C4).

Surrounding Land Use and Zoning:

North: Single-family and two-family residences, zoned TR-C4, with Shabazz City High School and Sherman Middle School beyond;

East: Single-family and two-family residences, zoned TR-C4;

South: Two vacant lots, zoned TR-C4, with single-family and multi-family zoned TR-V1 (Traditional Residential – Varied 1) beyond; 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) for the subject site. The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) includes this property in a “Primary Rehabilitation Zone.” According to the Plan, “Design of new residential structures should follow the basic design patterns of the existing houses in the neighborhood. These include size; height; and main roof configuration. Roof pitch for new residential structures should be within the range found on houses on that block. In cases where a new residence is built to replace a house formerly located on the lot, the new structure should follow the same footprint as the former house. Exceptions may be made if the original house was placed off center or its set-back was not in the range of contributing houses. If the original house was exceedingly small, the replacement house may be larger but should be within the size and range of contributing houses.”

Zoning Summary: The property is zoned Traditional Residential – Consistent 4 (TR-C4).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	4,750 sq. ft.
Lot Width	40'	40'
Front Yard Setback	20'	20'
Max. Front Yard Setback	30' or up to 20% greater than block average	20'
Side Yard Setback	One-story: 5' Two-story: 6' Section 28.045(2)(a): 4'	4.01' North side 8' South side (12)
Rear Yard Setback	Lesser of 30% lot depth or 30'	Adequate
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height	2 stories/ 35'	2 stories (11)
Other Critical Zoning Items	Utility Easements, Wellhead Protection District (WP-07)	

28.045(2)(a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a side yard setback of ten percent (10%) of the lot width.

Site Design	Required	Proposed
Number Parking Stalls	1 (location only)	Attached garage (1)
Building Forms	Yes	Single-family detached dwelling

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.

Project Description

The applicant proposes to demolish a single-family residence and construct a new single-family residence in its place. This proposal is subject to the approval standards for demolition and removal permits (M.G.O. §28.185). Staff notes that a single-family home is a permitted use and no conditional use approval is sought.

The 4,750-square-foot (0.11-acre) site is developed with a one-story single-family residence, originally constructed in 1935. Photos of the existing home's exterior and interior are included in the meeting packet and are available online at: <https://madison.legistar.com/View.ashx?M=F&ID=5797407&GUID=FB5E2526-BA2F-413F-B225-D6A3CC997562>. The parcel is zoned Traditional Residential – Consistent District 4 (TR-C4). According to the City Assessor's information, the existing 342-square-foot house has one bedroom and one bathroom, with a 111-square-foot enclosed porch. The existing house has fallen into disrepair and has been designated unfit for human habitation per M.G.O. §27.08(2). A letter from City Building Inspection has been included as Attachment 1. The City's Assessor's records indicate that the current owner and applicant purchased the home in December, 2017.

The proposed 2,034-square-foot two-story single-family residence will include three bedrooms and two and one-half bathrooms. The home will also have a 580-square-foot attached two-car garage facing the back of the site and a covered porch off the front of the house, as well as an unfinished basement. Most single-family homes on Boyd Avenue, Crowley Avenue, and Sherman Avenue are one or one-and-one-half stories. The proposed home is slightly taller than the surrounding houses, at two-stories and roughly 33 feet tall.

Regarding exterior materials, the applicant is proposing a combination of vinyl siding with either stone or brick detailing. According to the applicant, a few trees on the site are proposed for removal because they are located where the proposed rear driveway would be. The applicant has indicated that whatever trees would be taken out in order to build the new structure would be replaced with complementary landscaping around the new home. 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 the TR-C4 (Traditional Residential – Consistent 4) Zoning District. A copy of the statement of purpose is provided as Attachment 2. 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 in the previous section of this report, and the Planning Division believes that the proposal can be found to be generally consistent with those recommendations.

The new home follows the same general footprint as the existing house, however it is slightly larger and therefore lies closer to both Boyd and Crowley Avenue. Even with this expansion, the proposed home is still within the Zoning setback requirements. The proposed home has a pitched roof, which fits in with the architecture of the surrounding homes. While the proposed home is two-stories, and the surrounding homes are primarily one or one-and-one-half stories tall, Staff does not believe that the larger home will disrupt the neighborhood character given its simplistic architectural detailing. Furthermore, the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) classifies this area as a "Primary Rehabilitation Zone". Given the No Occupancy Order and condition of the existing house, the demolition request and proposed new home helps achieve this neighborhood goal.

It is important to note that separate from this demolition request, the applicant is planning on building new homes on the two adjacent lots to the south along Crowley Avenue. These two properties are currently vacant, and single-family residences are permitted uses in TR-C4 zoning districts. Therefore, these two developments do not require Plan Commission review. The applicant is proposing to build a driveway off Boyd Avenue, in the rear of the subject site, which will connect to all three new homes. The Zoning requirements for this proposed driveway will be addressed through the site plan review process for the other two homes and during final sign-off for this demolition proposal. The applicant has indicated that these two new homes to the south will be similar in size and style to the home at 1719 Boyd Avenue. The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) states that if the original house was exceedingly small, the replacement house may be larger but should be within the size and range of contributing houses. Further south of these three lots are two four-unit apartment buildings, and therefore Staff believes that having larger homes that face Crowley will fit in with the size and range of contributing structures.

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 January 29th 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 1719 Boyd Avenue. The existing home, per M.G.O. §27.08(2), is unfit for human habitation. Demolishing the existing structure and building a new single-family home will improve the overall site. 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), and the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#), which classifies this area as a "Primary Rehabilitation Zone".

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, (608) 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 1719 Boyd 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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The applicant shall provide finished grade elevations at the building corners for final sign-off.

Engineering Division Main Office (Contact Brenda Stanley, (608) 261-9127)

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. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)

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

4. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
6. The proposed single family house will face Crowley Ave. Therefore, the address of the proposed house is 1334 Crowley Ave. The existing house address of 1719 Boyd Ave will be inactivated when the current house is demolished. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Zoning (Contact Jenny Kirchgatter, (608) 566-4429)

<p>7. Reduce the amount of paved driveway located within the 30 foot required rear yard setback. A maximum of forty percent (40%) of the rear yard setback may be paved and used for driveway and parking purposes.</p>

8. 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).
9. 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.
10. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
11. Show the height of the proposed building on the elevations. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

12. Show the covered grill deck on the site plan with the distance to the side property line. A covered deck or a deck that is more than three (3) feet above ground level may not encroach into the 4-foot side yard setback.
13. Include the basement floor plan with the final site plan submittal.

Fire Department (Contact William Sullivan, (608) 261-9658)

14. 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>
15. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at tburrus@cityofmadison.com or (608)266- 5959.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

16. The existing point well located outside, off of the SE corner of the foundation, must be properly abandoned to receive demolition approval. Please contact Water Quality staff at (608) 266-4654 for additional information.
 17. 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 to schedule an on-site private well survey prior to demolition approval, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
18. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
 19. 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.
 20. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

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

21. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann –bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. 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.

22. 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/2018/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.



Department of Planning & Community & Economic Development

Building Inspection Division

Madison Municipal Building, Suite LL-100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
Phone: (608) 266-4551
Fax (608) 266-6377
www.cityofmadison.com

* ATTACHMENT
1 *

March 28, 2016

JOHN L O'BRIEN
PO BOX 8807
MADISON, WI 53708-8807

Subject: Premises Located at 1719 Boyd Ave.

Dear Mr. O'Brien:

Pursuant to Section 27.08 of the Madison General Ordinances, this letter shall serve as legal notice that the above property has been posted "No Occupancy," and shall not be used for human habitation.

An initial inspection of the property revealed various code violations including but not limited to the lack of water, the lack of a permanent heat source, and unacceptable electrical supply wiring. The property shall remain vacant until all interior and exterior code violations have been corrected. When you believe you have corrected all violations present and are ready to re-occupy the unit please contact me at 608-261-4236 to confirm that the house is ready for re-occupancy.

Once I have re-inspected the house and confirmed all violations have been corrected I will remove the 'No Occupancy' placard and give written permission to re-occupy. Occupancy of this unit before the posting has been lifted will result in referral to the City Attorney's office for prosecution.

If you have any questions, please call or write.

Sincerely,

Brian Linaberry
Code Enforcement Officer II
Phone No.: 608-261-4236

SR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

28.041 TRADITIONAL RESIDENTIAL - CONSISTENT DISTRICTS.

(1) Statement of Purpose.

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions 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) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) 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.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) 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.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.