

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date: April 4, 2019**

**To: Plan Commission**  
**From: Matt Tucker, Zoning Administrator**  
**Subject: 1630 Adams Demolition Request**



---

This memo chronicles the events relative to the demolition request for the subject property being considered by the Plan Commission on April 8, 2019. I will also explain what our office has observed in regard to the approach to construction under the current demolition ordinance.

Events related to the demolition request

On or about November 5, 2018, building plans were submitted by Destree Architecture and Design to the Building Inspection Plan Review office for modifications and addition to the single-family home at the subject address. These plans showed removal of exterior walls to accommodate additions and some new construction. The plans were forwarded to the Zoning office for review on 11/7/18.

The Zoning staff reviewed the plans for compliance with requirements, including but not limited to lot coverage, setback, height, usable open space. Since the project involved exterior wall removal, the zoning staff review for the potential of technical demolition. For reference purposes, here is the definition of “demolition” from the City’s Zoning Ordinance:

*28.211, Definitions*

*Demolition. 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. This provision does not apply to the repair or replacement of windows, doors, or siding.*

Zoning staff carefully measured the exterior wall removal as shown on the plans, to determine the calculation of exterior wall being removed. The Zoning Inspector verified the proposed work would not remove the entire street-facing wall and would not exceed the amount of wall removal which would trigger technical demolition. The Zoning Inspector issued a zoning approval for the plans on 11/7/18.

Inspections staff were aware that the project was carefully designed to avoid the technical demolition triggers. Prior to the issuance of the permit, Zoning staff met with the area Building Inspector to carefully calculate the wall removal, to be sure the proposal was in compliance with the ordinance. It was noted the wall removal was very close to the 50% maximum (actual approved wall removal was calculated as 49.6%).

On 1/4/19, the area building inspector visited the site, and noticed what appeared to be more wall removal than allowed per the building permit. The additional wall removal appeared necessary due to extensive deterioration of the existing wall and sill plate, discovered as the walls and siding were opened to expose the framing. A code conference was conducted with the architect,



and attached is the plan submitted by the architect showing the extent of wall removal (titled "DEMO REVIEW 01/04/19). The calculation of walls removed is 62.7%. A "stop work" order was issued and the matter put on hold until the Plan Commission approves the demolition. An application for demolition approval was submitted on 1/22/19.

Revised building plans were submitted on 3/8/19 and these plans have been approved by Building Inspection Plan Review. These plans show all-new walls and sill plate on the existing foundation, in addition to the proposed addition, which appears unchanged.

#### Approach to construction under the current demolition ordinance

The requirement for Plan Commission demolition approval introduces a process that creates a delay to a project, generally between six and ten weeks. The Plan Commission approval requirement also creates some uncertainty about a project, being that a project requires the Plan Commission to approve the demolition, and the process is part of a public hearing where neighbors are noticed and allowed to voice their opinions about a demolition. A building repair or addition project that removes wall within the Zoning Ordinance allowances has no public process.

There have been several cases where wall removal exceeded the allowable threshold, and technical demolition was triggered. The "stop work" order and subsequent weeks of time before the Plan Commission can consider the request cause construction delays, expose portions of the building to the elements for extended periods of time, which is not good for the portions of the structure which were intended to be retained, such as floor trusses and foundations. The delays also and create visual blight and safety concerns for neighbors and general public, because the site is in an open state of construction for weeks, pending the demolition approval.

The demolition ordinance has set a "line in the sand" for wall removal in certain projects, which has resulted in some owners proposing to remove only portions of walls, rather than employ best construction practices to build new walls (and sill plates) out of contemporary materials on existing or repaired foundations and sill plates. Often existing walls have not been explored for rot or other forms of deterioration, and a property owner does not know what condition a wall may be in until the construction starts. Also, building inspectors sometimes visit the active construction sites and determine additional wall removal is necessary which otherwise has not been proposed.

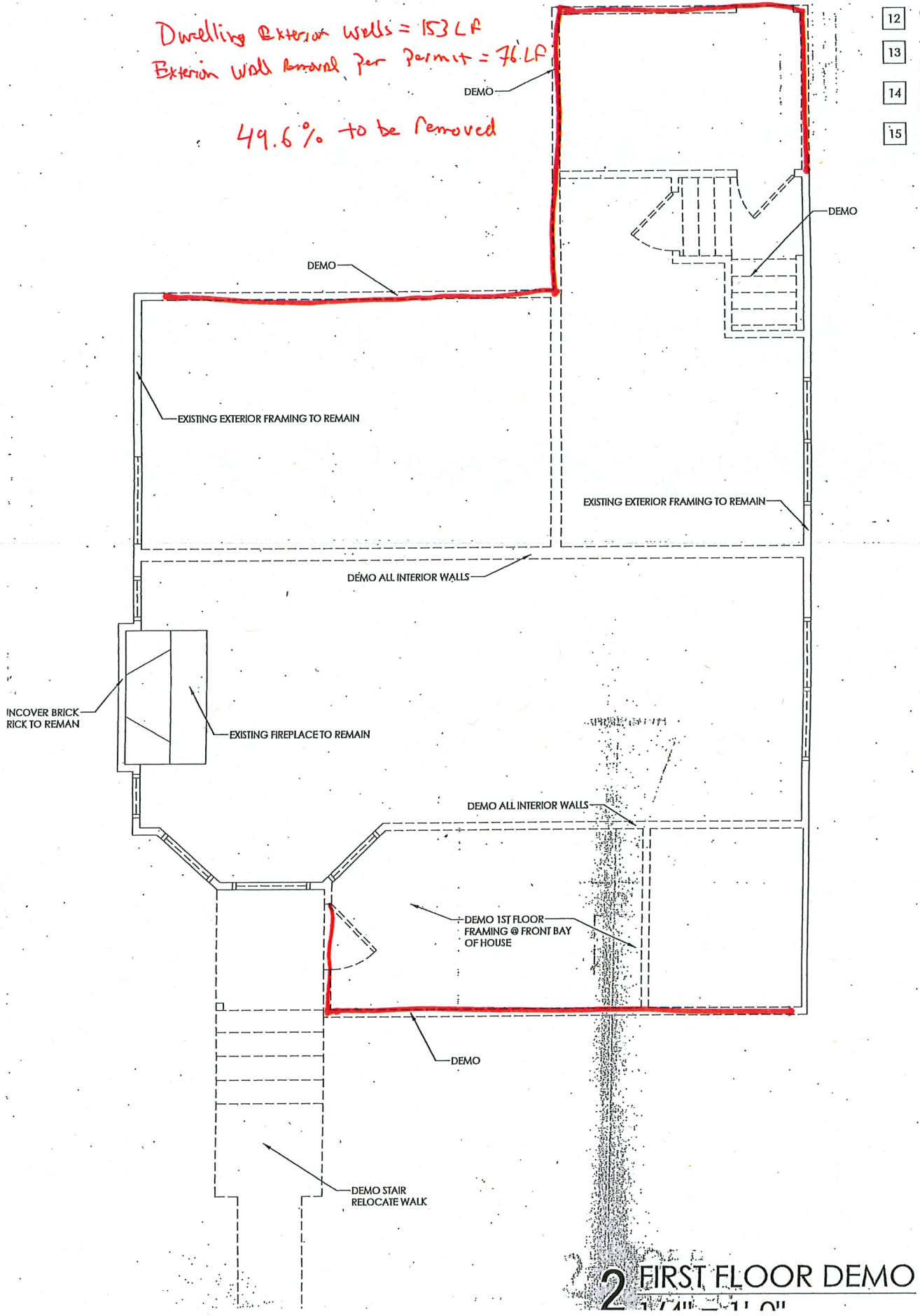
The current demolition process had created a situation where some owners have decided to utilize otherwise substandard construction measures to preserve walls that would be otherwise appropriate for replacement. For example, aged wood or materials that are inferior to contemporary construction materials are being retained. The result is that there can be insulation problems, moisture problems and structural integrity problems with this approach. Walls, either old or new, are concealed behind siding, so there is no indication that a wall is original to the structure or new, but an original wall has a shorter structural lifespan than a new wall, with all factors being otherwise equal. Structures that decide to retain original walls end up inferior to contemporary construction, because of this approach.

# Exterior walls approved For Removal With building Permit.

- 9 AZ
- 10 PC & N/
- 11 8" SE
- 12 CI
- 13 IS RI
- 14 B/ RI
- 15 SI D

Dwelling Exterior Walls = 153 LF  
Exterior Wall Removal per Permit = 76 LF

49.6% to be removed



2

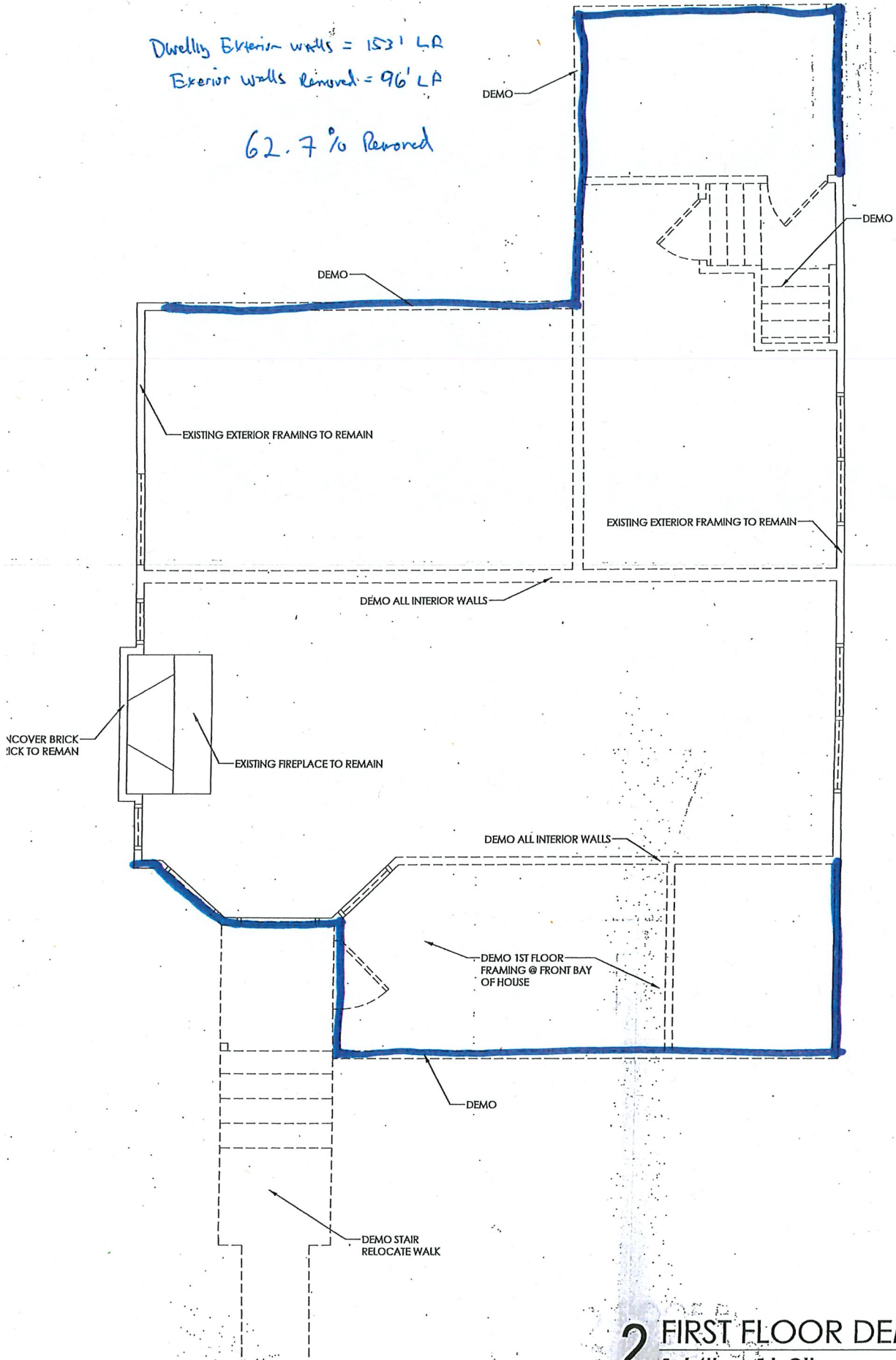
# Exterior walls Removed at time of STOP-Work order

Overall Exterior walls = 153' LA

Exterior walls Removed = 96' LA

62.7% Removed

- 9 AZ
- 10 PC & N/
- 11 8" SE
- 12 CI
- 13 1S RI
- 14 B/ RI
- 15 ST D



*Handwritten signature or mark*