

PLANNING DIVISION STAFF REPORT

May 9, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 114 N Blount Street (6th Alder District - Alder Benford)
Application Type: Demolition Permit
Legistar File ID # [70727](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Gregory Werth; 1210 Troy Drive; Madison, WI 53704

Requested Action: Approval of a demolition permit for a single-family residence at 114 N Blount Street.

Proposal Summary: The applicant proposes to demolish a two-story, single-family residence. While not before the Plan Commission, the applicant's has indicated their intent is to construct a single-family residence of similar size and in the same location on the site at 114 N Blount Street.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(9)(c)].

Review Required By: Plan Commission

Summary Recommendation: If the Plan Commission concurs with the findings of the Landmarks Commission and finds that demolition permit approval standards #4 and #7 (or others) are not met, the Plan Commission should place this item on file without prejudice. Staff note that the Commission must provide findings of fact, listing the standards that have not been met and the reasons such standards were not met.

In the alternative, if the Plan Commission finds that the proposal meets the approval standards, it should approve the requested demolition permit. This recommendation is subject to the input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The 4,356-square-foot (0.1-acre) property is located on the southwest side of N Blount Street, between E Dayton Street and E Mifflin Street. It is located within Alder District 6 (Alder Benford) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential- Varied 1 (TR-V1) District and is developed with a two-story, four-bedroom, one-bathroom, 1,220-square-foot single-family residence which, according to City Assessor's records, was constructed in 1910.

Surrounding Land Use and Zoning:

Northeast: Across N Blount Street is a roughly 43-unit condominium building Planned Development (PD);

Northwest: A vacant lot and single-family residence (the Hill Grocery and Residence at 120 N Blount Street, a Designated Madison Landmark), both zoned Traditional Residential- Varied 1 (TR-V1) District; and single-family residences and a 2-unit zoned PD, the later being the Miller House at 647 E Dayton Street, a Designated Madison Landmark;

Southeast: Single-family residences zoned PD and a 2-unit zoned TR-V1; and

Southwest: Land along the Dayton Row right-of-way, zoned PD.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) uses for the subject site while the [Tenney-Lapham Neighborhood Plan](#) (2008) recommends Medium-Density Residential 2 (MDR2) development. Pertaining to the block on which the subject site is located, the Tenney-Lapham Plan does also note, “Tear down and rebuilding can be acceptable in this area except for the buildings of historic significance at the northeast corner of the block – Madison’s first African American neighborhood.”

Zoning Summary: The property is in the Traditional Residential- Varied 1 (TR-V1) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	4,356 sq. ft.
Lot Width	30’	33’
Front Yard Setback	20’	10’
Max. Front Yard Setback	30’ or up to 20% greater than block average	10’
Side Yard Setback	<50’: 10% of lot width (3.3’)	3.3’
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%

Other Critical Zoning Items	Utility Easements; Historic District (Adjacent to a Landmark); Wellhead Protection District (WP-24)
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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, Project Analysis, and Conclusion

Project Description

The owner and applicant is requesting approval to demolish the two-story, four-bedroom, one-bathroom, 1,220-square-foot single-family residence at 114 N Blount Street which, according to City Assessor’s records, was constructed in 1910. According to City historical records, the building was known as the Ida Carmichael Residence and was moved to the subject site in 1923. Ida Carmichael was the mother-in-law of John Hill, who owned the grocery store nearby.

The house at 114 N Blount Street is one of the three contributing structures which make up the East Dayton Street National Historic District which sits to the south of the intersection of N Blount and E Dayton Streets. (see Image 1 below) The other two structures are the Hill Grocery and Residence at 120 N Blount Street and the Miller House at 647 E Dayton Street, both of which have been designated as Madison Landmarks. These three structures are historically significant as they were part of the first African-American neighborhood in Madison.

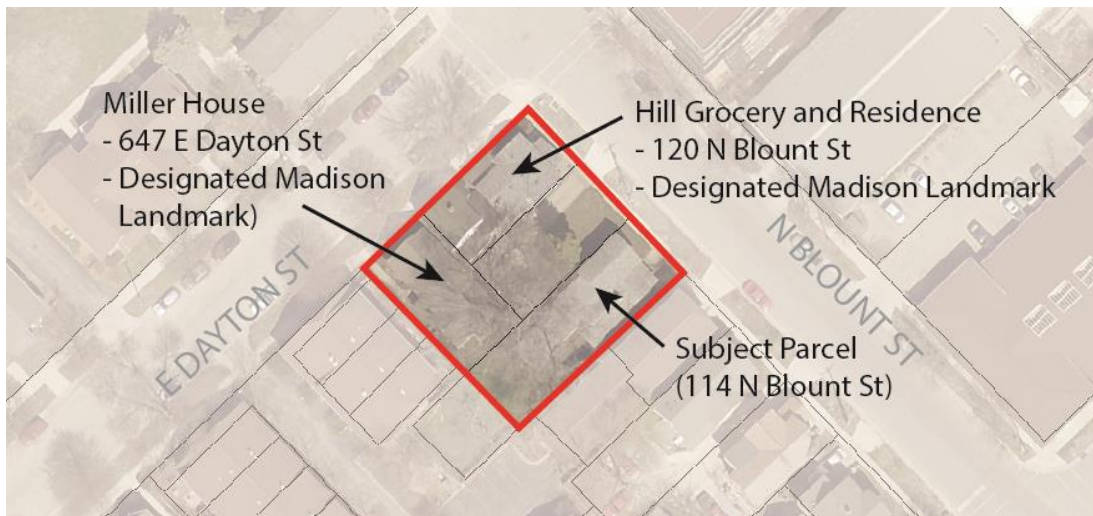


Image 1: The Extents of the East Dayton Street National Historic District

The submission states that the applicant purchased the property in December 2021 with the intent of restoring it to a habitable condition. As for the condition of the structure, a detailed description of the building's condition and multiple deficiencies are noted in the applicant's [Letter of Intent](#). This information is further depicted in the provided [demolition photos](#). These materials indicate that the building has experienced neglect, poorly-constructed additions/modifications, and leaking roofs over the years that have resulted in a compromised structure with a foundation that is cracked and heavily bowing inward, and a substantial amount of rot throughout. Planning Division staff have not inspected the structure and the Building Inspection Division does not have current repair orders on the property.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) uses for the subject site. The Plan notes that LMR areas are "made up of any or all of the following types of housing: small-lot single-family development, two-unit buildings, three-unit buildings, rowhouses, and small multifamily buildings."

The [Tenney-Lapham Neighborhood Plan](#) (2008) recommends Medium-Density Residential 2 (MDR2) development for the subject site and the entire block bound by N Blair, E Dayton, N Blount, and E Mifflin Streets. The Plan describes MDR2 as consisting of single-family detached houses, two and three flats and small apartment buildings at a density of 26-40 units per acre. Especially relevant to this proposal, regarding the area recommended for MDR2 uses, the Plan states on Page 16, "Tear down and rebuilding can be acceptable in this area except for the buildings of historic significance at the northeast corner of the block – Madison's first African American neighborhood."

Given the recommendation against the razing of the historic buildings at the northeast corner of the block – one of which is proposed as part of this application – Staff do not believe that the proposed demolition is consistent with this recommendation.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council revised the City of Madison's demolition permits ordinance section to remove consideration of proposed future use for demolition applications. In order to approve a demolition request, the Plan Commission must consider the factors and information specified in §28.185(9)(c) MGO and find that the proposed demolition or removal is consistent with the statement of purpose of the

demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The 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 that may be submitted by the Landmarks Commission. At its March 7, 2022 meeting, the Landmarks Commission found that the existing building at 114 N Blount Street has historic value based on its status as a contributing structure in a National Register Historic District and its significant role in the African-American settlement of Madison and Wisconsin. (Materials related to that review from the March 7, 2022 Landmarks Commission meeting can be found here: [Staff Report](#) | [Meeting Report](#).)

Based on the findings of the Landmarks Commission, Staff believe careful consideration should be given to Standards #4 and #7. Standard #4 states, *"The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission."* Standard #7 states that *"The Plan Commission shall consider the factors and information specified in items 1—6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison. In regards to the statement of purpose, that section states, in part, "The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances..."* Considering the references to Plan Consistency and the historic value noted in the report of the Landmarks Commission, Planning staff believe raise questions as to whether these standards could ultimately be found met.

Public Input

At the time of report writing, staff have received several public comments opposing the demolition due to the historic nature of the structure and significance to the City's African-American history. All have been added to the public record for this request (Legistar File [70727](#)). Many other public comments regarding the demolition were submitted prior to the March 7, 2022 discussion at Landmarks Commission, and are available for review [here](#).

Conclusion

The applicant is seeking a demolition permit to demolish a two-story residence at 114 N Blount Street. The applicant, who purchased the property in December 2021, has provided a detailed assessment of several concerns related to the building's deteriorated condition. However, the Landmarks Commission has recommended that the building was found to have historic value based on its status as a contributing structure in a National Register Historic District and its significant role in the African-American settlement of Madison and Wisconsin. Furthermore, the demolition also appears inconsistent with the specific recommendation not to raze this building in the [Tenney-Lapham Neighborhood Plan](#). Therefore, Staff raise concerns of being able to find the approval standards for demolition permits met.

Should the Plan Commission find that the project can meet the applicable standards based on the building's condition (or other factors), the Planning Division advises the Plan Commission to provide clear findings of the specific factors it used to reach this conclusion.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

If the Plan Commission concurs with the findings of the Landmarks Commission and finds that demolition permit approval standards #4 and #7 (or others) are not met, the Plan Commission should place this item on file without prejudice. Staff note that the Commission must provide findings of fact, listing the standards that have not been met and the reasons such standards were not met.

In the alternative, if the Plan Commission finds that the proposal meets the approval standards, it should approve the requested demolition permit. This recommendation is subject to the input at the public hearing and the comments and conditions recommended by reviewing agencies.

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

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

1. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

2. Identify on the plans the lot and block numbers of recorded Plat. (Parts of Lots 8 & 9, Block 135)
3. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
4. It is advised the Owner have the parcel surveyed by a Professional Surveyor prior to the future construction of the new residential structure on the parcel.
5. The site plan drawing indicates a Studio ADU above the garage. Neither the application nor the letter of intent mentions the ADU above the garage. The addition of an ADU will require an address change for the proposed new house. Confirm the intended use of the proposed garage. 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.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

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

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

6. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Fire Department (Contact William Sullivan, 261-9658)

7. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266-5946.
8. 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>

Parks Division (Contact Kathleen Kane, 608-261-9671)

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

Forestry Division (Contact Bradley Hofmann, (608) 267-4908)

9. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
10. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
11. City Forestry will issue a street tree removal permit for a 6" Japanese Lilac Tree due to due installation. The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

12. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Water Utility (Contact Jeff Belshaw, 261-9835)

13. 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, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. 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.
14. 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.
15. This property is in a Wellhead Protection District–Zone (WP-24). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Jeff Belshaw at jbelshaw@madisonwater.org for additional information, including a summary of the submittal requirements.
16. If a new water service is proposed a Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

17. If proposing to use the existing water service 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/plumbers-contractors>), 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.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

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