

PLANNING DIVISION STAFF REPORT

December 12, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 629 Spruce Street (13th Alder District - Alder Evers)
Application Type: Demolition Permit
Legistar File ID # [74538](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jared Dubey; 504 Pine Street; Madison, WI 53715

Requested Action: Approval of a demolition permit for a single-family residence at 629 Spruce Street.

Proposal Summary: The applicant proposes to demolish a two-story, single-family residence at 629 Spruce Street. Upon demolition, the applicant intends to construct a new single-family residence, which is a permitted use and not before the Plan Commission.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(7)].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a single-family residence at 629 Spruce Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 7,500-square-foot (0.17-acre) property is located on the south side of Spruce Street between S Park Street and Hickory Street. It is located within Alder District 13 (Alder Evers) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential - Consistent 2 (TR-C2) District and is developed with a two-story, 1,780-square-foot, single-family residence built in 1929. There is also a detached two-stall garage at the rear of the site.

Surrounding Land Use and Zoning:

North: Across Spruce Street are single-family residences zoned TR-C2 (Traditional Residential - Consistent 2 District);

South: Single-family residences zoned TR-C2;

East: Single-family residences zoned TR-C2; and

West: Single-family residences zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. The [South Madison Neighborhood Plan](#) (2005) and [Bay Creek Neighborhood Plan](#) (1991) do not have specific recommendations for this site.

Zoning Summary: The property is in the Traditional Residential - Consistent 2 (TR-C2) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	7,500 sq. ft.
Lot Width	40'	50.0'
Front Yard Setback	20'	TBD
Max. Front Yard Setback	30' or up to 20% greater than block average	TBD
Side Yard Setback	One-story: 5' Two-story: 6' Lot width <50': 10% lot width	TBD
Rear Yard Setback	Lesser of 30% lot depth or 30'	TBD
Usable Open Space	750 sq. ft.	TBD
Maximum Lot Coverage	65%	TBD
Maximum Building Height	2 stories/ 35'	TBD
Other Critical Zoning Items	Utility Easements	

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

The owner/applicant is requesting approval to demolish a two-story single-family residence at 629 Spruce Street. The applicant has submitted [demolition photos](#) which shows a modest house suffering from leaks and structural issues. Furthermore, an [assessment report](#) from a structural engineering firm was submitted which notes several sizable concerns regarding the house's structure – such as the finding that the roof system is not capable of supporting itself and needs to be replaced, and the second floor is most likely not able to handle residential loads and therefore must to be reinforced. Staff has not inspected the building. Following demolition, the applicant intends to construct a two-story single-family residence, a permitted use in this zoning district; this future use is not before the Plan Commission.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. LR areas are predominantly made up of single-family and two-family structures, generally at densities less than 15 dwelling units per acre. The [South Madison Neighborhood Plan](#) (2005) and [Bay Creek Neighborhood Plan](#) (1991) do not have specific recommendations for this site.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding

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.

On balance, the Planning Division believes that the standards for Demolition Permits can be found met, but provides the following comments regarding Standards 1, 4, and 6.

Standard 1 states that *“the applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.”* As noted previously in this report, the applicant has submitted an assessment report from a structural engineer noting findings that the underlying structure is unsound and needs to be replaced/reinforced. Given those findings, the applicant states that relocation is not a viable option. Staff have not received or reviewed information regarding costs of moving or impacts on street trees but do note that there are two existing street terrace trees directly in front of the house.

Staff also makes note of Standard 4, *“That 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.”* At its October 10, 2022 meeting, the Landmarks Commission found that the existing building at 629 Spruce Street has no known historic value.

Finally, Standard 6 states that *“The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.”* Given the findings laid out in the assessment report from the structural engineer, Staff believe the Plan Commission can find this standard met.

Planning Division staff believe all other standards of approval can be found met or are not applicable to this request.

At the time of report writing, staff is not aware of public comment regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a single-family residence at 629 Spruce Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Engineering Division (Tim Troester, (608) 267-1995)

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)).

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

2. 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, (608) 261-9658)

3. 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.
4. 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>. Obtain a price for a multipurpose sprinkler/domestic plumbing system from the project plumbing contractor, or a standalone sprinkler system from a fire sprinkler contractor for any future houses on site.

Forestry (Contact Brandon Sly, (608) 266-4816)

5. 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 (diameter 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.
6. 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.
7. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
8. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.

9. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
10. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
11. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

12. 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.

13. 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.

Items not directly related to the demolition permit are reference items for future permitted use site plan review

The Planning Division, Engineering-Mapping, Traffic Engineering Division, Parks Division, and Metro have reviewed this request and have recommended no conditions of approval.