



PREPARED FOR THE PLAN COMMISSION

Project Address: 4341 Mineral Point Rd. (District 11 - Ald. Gruber)
Application Type: Demolition Permit
Legistar File ID # [42557](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant & Property Owner: Pamela Mather; 4337 Mineral Point Rd.; Madison, WI 53703

Contact: Andrew Braman-Wanek; Ginkgo House Architecture; 3157 Milwaukee St.; Madison, WI 53714

Requested Action: The applicant requests approval of a Demolition Permit to demolish an existing nonconforming accessory dwelling unit.

Proposal Summary: The applicant is seeking approval of a Demolition Permit to demolish an existing nonconforming accessory dwelling unit. No new construction is proposed as part of the application. The principal residence will remain. A grass lawn will be restored in the area of the demolition.

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

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the Demolition Permit standards are met and **approve** the request to demolish an existing nonconforming accessory dwelling unit at 4341 Mineral Point Rd.

This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located at 4341 Mineral Point Rd., just east of the intersection of South Midvale Boulevard and Mineral Point Road and is comprised of approximately 40,165 square feet (0.92 acres). The project site is a through-lot that takes access from Mineral Point Road, but that also has frontage on Critchell Terrace, which is located on the southeast side of the subject property.

The site is in Aldermanic District 11 (Ald. Gruber), the Madison Metropolitan School District and the Midvale Heights/Westmoorland Joint Neighborhood Plan planning area.

Existing Conditions and Land Use: Currently the project site is comprised of several structures, including:

- A two-story, roughly 3,800 square-foot single-family residence constructed in 1896 according to the City Assessor's records;
- A two-story nonconforming accessory dwelling unit, roughly 841 square feet in size, clad in wood shake shingles with a gable roof configuration and second story dormer. According to the City Assessor's records the structure was constructed in 1920. The accessory unit is considered a nonconforming use because accessory dwelling units are only permitted through Conditional Use approval in all residential zoning districts (Section 28.032, MGO). Given the date of construction of the existing building, its existence predates the current zoning code and is therefore considered a nonconforming use. As indicated in the applicant's Letter of Intent, the existing nonconforming accessory dwelling unit proposed for demolition has fallen into disrepair, including rot and mold; and
- Two accessory structures, including a barn and carport.

Surrounding Land Use and Zoning: The project site is zoned Traditional Residential-Consistent 1 (TR-C1). The intent of the TR-C1 zoning district generally speaks to:

- Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- 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.
- Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

North (across Mineral Point Road): Single-family residential; TR-C1 zoning;

South: Single-family residential; TR-C1 zoning;

East: Single-family residential; TR-C1 zoning; and

West: Single-family residential; TR-C1 zoning.

Zoning Summary:

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	40,165 sq. ft.
Lot Width	50'	157.68'
Front Yard Setback	20'	76.3' existing residence to remain
Max. Front Yard Setback	30 ft. or up to 20% greater than clock average	76.3' existing residence to remain
Side Yard Setback	One-story: 6' Two-story: 7'	55.0' west 65.2' east
Rear Yard Setback	Lesser of 30% lot depth or 35'	Adequate
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	2 stories
Number Parking Stalls	1 (location only)	Existing driveway and parking area
Number Bike Parking Stalls	None	None
Building Forms	None	Existing single-family residence
Number Parking Stalls	1 (location only)	Existing driveway and parking area
Number Bike Parking Stalls	None	None
Building Forms	None	Existing single-family residence

Zoning Table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan recommends low density residential development for the project site and surrounding area. As defined in the Comprehensive Plan, LDR is categorized for its low density (0-16 dwelling units/acre), primarily single-family detached dwelling unit residential development (Pgs. 2-79 through 2-80).

Adopted Neighborhood Plan: The project site is located within the Midvale Heights/Westmoorland Neighborhood and is subject to the Midvale Heights/Westmoorland Joint Neighborhood Plan. The plan identifies the project site as being in an area that is recommended for low density residential development, with densities ranging from 0-8 dwelling units per acre. The neighborhood plan also provides general guidelines for neighborhood preservation with regard to new construction, redevelopment and remodels in existing areas, including those related to preserving neighborhood character, maintaining setbacks, building heights and number of stories, overall size, lot coverage and architectural appearance (Pgs. 59-60).

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 is requesting the approval of a Demolition Permit to demolish an existing nonconforming accessory dwelling unit that was constructed in 1920 according to the City Assessor’s records. No new construction is proposed and the existing main residence will remain. The building’s foundation will be backfilled and seeded for a grass lawn. Interior and exterior photos of the existing building are included in the submission and can be viewed online at:

https://www.cityofmadison.com/dpced/planning/documents/4341mpr_site.pdf

As stated in the applicant's Letter of Intent, "The reason for the removal is that the cottage is not used and is in disrepair, including rot and mold."

Analysis and Conclusion

Staff believes that the proposed demolition meets the Demolition Permit approval standards pursuant to Section 28.185(7), MGO, including:

- The applicable zoning district provisions for the TR-C1 zoning district;
- The intent and purpose statement expressed in the Zoning Code for the TR-C1 zoning district;
- The adopted neighborhood plan;
- The city's Comprehensive Plan; and
- The report from the City's Historic Preservation Planner.

Staff believes that the proposed demolition and future use are consistent with the Zoning Code, Comprehensive Plan and Midvale Heights/Westmoorland Neighborhood Joint Plan in that:

- Demolition of the existing nonconforming accessory structure will remove a nonconforming element from the project site and overall, will bring the project site further into compliance with the current zoning code development standards and the TR-C1 zoning district.
- By maintaining the principal single-family residence, the single-family residential character that is prevalent in the area is being preserved, consistent with both intent statement for the TR-C1 zoning district and the adopted neighborhood plan which speak to protecting and preserving character.
- No new construction is proposed that warrants analysis for consistency with zoning standards or the additional recommendations identified in the adopted neighborhood plan. The proposed demolition is consistent with the Midvale Heights/Westmoorland Neighborhood Joint Plan in that the existing residential land use is being maintained.
- All existing mature landscaping is being maintained and, as proposed, grass yard will be restored in the location where the demolition is occurring.
- As stated in the Historic Preservation Planner's Report and Landmarks Commission Minutes dated April 18, 2016, while the existing building does have historic value related to the vernacular context Madison's building environment, the existing building itself is not historically, architecturally or culturally significant.

At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that Demolition Permit standards are met and **approve** the request to demolish an existing nonconforming accessory dwelling unit at 4341 Mineral Point Rd.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

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

City Engineering Division (Contact Timothy Troester, (608) 267-1995)

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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. The Applicant shall demonstrate compliance with sections 37.07 and 37.08, MGO 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 5.0 tons per acre per year.
4. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

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

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

6. Section 28.185(7)(a)5, MGO, 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).
7. Pursuant to Section 28.185(10), MGO, every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)(5), MGO, shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
8. Pursuant to Section 28.185(9)(a), MGO, a demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
9. Approval of the demolition permit will require the removal of the house, foundation, and associated structures. The disturbed area will be filled, graded, and seeded or landscaped per City of Madison Engineering requirements.

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

10. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner (608)516-9195.

Parks Division (Contact Janet Schmidt, (608) 266-4714)

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

Water Utility (Contact Dennis Cawley, (608) 261-9243)

12. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO.

13. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.
The Madison Water Utility shall be notified to remove the water meter prior to demolition.

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

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

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

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