

PLANNING DIVISION STAFF REPORT

January 8, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 5006 Hammersley Road (District 10 – Alder Cheeks)
Application Type: Demolition Permit
Legistar File ID # [49537](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Owner & Contact: Robert Keller; Keller Real Estate; 448 W Washington Ave; Madison, WI 53703

Requested Action: Approval of a demolition permit with no proposed use at 5006 Hammersley Road

Proposal Summary: The applicant proposed to demolish a one-story single-family home at 5006 Hammersley Road. No specific site plans or future use have been proposed at this time.

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

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 to demolish a one-story single-family home at 5006 Hammersley Road with no proposed future use. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 0.5-acre subject property is located on the north side of Hammersley Road, immediately east of Whitcomb Drive. The site is in Aldermanic District 10 (Ald. Cheeks) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The 21,875-square-foot subject site includes a one-story, 1,781 square-foot three-bedroom, three-bathroom, single family home constructed in 1952, zoned SR-C1 (Suburban Residential – Consistent 1 District).

Surrounding Land Use and Zoning:

North: Single-family homes zoned Suburban Residential – Consistent District 1 (SR-C1) and small (16-24 unit) apartment buildings zoned Suburban Residential – Varied District 2 (SR-V2) owned by the Applicant;

South: Across Hammersley Road, single-family homes zoned SR-C1;

East: Across Whitcomb Drive, single-family homes zoned SR-C1; and

West: Single-family homes zoned SR-C1.

Adopted Land Use Plan: The [Comprehensive Plan](#) recommends general low density residential uses (up to 15 dwelling units per acres) for the subject site. The subject site is not within any adopted neighborhood plan.

Zoning Summary: The property is zoned Suburban Residential – Consistent District 1 (SR-C1). No new development is proposed at this time; future redevelopment will require review by the Zoning Administrator.

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	21,875 sq. ft.
Lot Width	60'	125'
Front Yard Setback	30'	TBD
Side Yard Setback	One-story: 6' Two-story: 7'	TBD
Rear Yard Setback	Lesser of 30% lot depth or 35'	TBD
Usable Open Space	1,300 sq. ft.	TBD
Maximum Lot Coverage	50%	TBD
Maximum Building Height	2 stories/ 35'	TBD

Other Critical Zoning Items	Utility Easements
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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, Analysis, and Conclusion

The applicant requests approval to demolish one single-family home with no proposed future use at this time. The applicant intends to leave the lot as open space for the foreseeable future. The structure proposed for demolition is a 1,781-square-foot, three-bedroom, three-bathroom house constructed in 1952. In the letter of intent, the applicant states the building is outdated, architecturally unattractive, is in need of repairs, and regularly has water in the basement. There is no proposed use for the property.

This request is subject to the standards for demolition permits, specifically those with no proposed use, as found in Section 28.185(7)(b). 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 SR-C1 Zoning District). (A copy of the statement of purpose is provided as Attachment 1). The applicant has not provided a proposed use on site in this application. Absent a proposed use, the Plan Commission must find that, based on evidence from the Fire Department, Police Department, and/or Building Inspection Division, a hazard, nuisance, or health and safety concern supports the demolition or removal of the building before a future use is proposed.

In the letter of intent, the applicant states that the house has “a cement block foundation and regularly has water in the basement” and is “outdated, not attractive architecturally and is in need of many repairs after many years of rental use.” The provided [photographs](#) of the property show a house that is dated and needs cosmetic work.

The statement of purpose in Section 28.185 encourages, in part, that it is “a matter of public policy that the good maintenance and rehabilitation of existing buildings...and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this 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...”

As noted earlier in this report, the applicant is proposing no reuse of the site following demolition, which is ordinarily the second and occasionally more scrutinized part of the question regarding consideration of a demolition permit by the Plan Commission, and the opportunity for the community to weigh whether the proposed use is compatible with adopted neighborhood plans and the Comprehensive Plan, as well as the impact the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. In order to approve the demolition of a residential building with no immediate proposed use, the Plan Commission must find that, based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed. George Hank, Director of the Building Inspection Division, has provided the attached letter that notes demolition is supported due to foundation cracks, water infiltration and damage, the presence of mold and rotting wood, and significant electrical violations. In order to promote normal and orderly development and compatibility with adopted neighborhood and the Comprehensive Plan, the Planning Division has added a condition requiring that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under Section 28.175(8)(a) MGO.

The Landmarks Commission informally reviewed the proposed demolition on October 30, 2017 and found that the building had no known historic value.

At the time of report writing, staff had not received any public comment on this proposal. The Landmarks Commission has reviewed the application and found no known historic value for the site. Due to the issues outlined in the letter from Building Inspection, the Planning Division **believes that the standards for Demolition Permits can be met.**

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish the existing structure at 5006 Hammersley Road with no proposed future use. 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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. 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).
2. 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.

3. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
4. Approval of the demolition permit will require the removal of all structures including the principal building, driveway, and walkways. The driveway apron shall be removed and replaced with curb and gutter as per City of Madison Engineering and Traffic Engineering requirements. During demolition and prior to curb and gutter, barriers shall be installed across the driveway to prevent the parking of vehicles. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

Planning Division (Contact Colin Punt, 243-0455)

5. As a future use was not presented at the time of application, the Plan Commission requires that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under Section 28.175(8)(a) MGO. The property owner shall execute a restrictive covenant prior to issuance of the demolition permit, which requires Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. The standards for approval of the proposed alternative use shall be those in contained in Section 28.185 of the Zoning Ordinance. The form of the restrictive covenant shall be approved by the Planning Division and City Attorney's Office.

Engineering Division – Main Office (Contact Tim Troester, 267-1995)

6. 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))
7. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
8. Applicant shall obtain an Erosion Control Simple Permit (\$100 fee) prior to any disturbance.

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

9. The demolition plan shall show the 50' Building Setback line from Hammersley Road per the plat of First Addition to Orchard Ridge.

Fire Department (Contact William Sullivan, 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 at jbuechner@cityofmadison.com or (608)516- 9195.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

11. 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.

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