

PLANNING DIVISION STAFF REPORT

May 6, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 412 North Street (District 12 – Ald. Abbas)
Application Type: Demolition Permit
Legistar File ID # [55171](#)
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: Ryan Zerwer; Rhone, LLC; 1111 Oak Way; Madison, WI 53705

Requested Action: The applicant requests approval of a demolition permit to demolish an existing single-family residence and construct a new two-unit residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 412 North Street. The proposal is subject to the standards for Demolition and Removal Permits [§28.185(7) MGO].

Proposal Summary: The applicant proposes to complete demolition of a partially-demolished single-family residence and construct a new two-story two-unit residence at 412 North Street.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [§28.185(7) MGO].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and removal are met and **approve** the request to demolish a single-family residence and construct a new two-unit residence in the TR-C4 (Traditional Residential – Consistent 4) zoning district at 412 North Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 5,808-square-foot (approximately 0.13-acre) subject property is located on the west side of North Street, between Hoard Street and Upham Street. The site is within Aldermanic District 12 (Ald. Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site had, until recently, been occupied by a one-story, one-bedroom, one-bath house. In addition to the 592-square-foot house, built in 1930, the site also included a detached carport. Prior to this land use application, the previous owner had removed most of the house in order to remodel it.

Surrounding Land Use and Zoning:

North: Single-family house and four-unit residential building zoned TR-C4 (Traditional Residential – Consistent 4);

South: Single-family house and two-unit house zoned TR-C4;

East: Across North Street, single-family houses zoned TR-C4 and a small mixed-use building zoned PD; and

West: Single-family house and two-unit house zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential uses for the subject parcel. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2015) recommends broadening the variety of housing types, preserving single-family housing character, preserving existing housing affordability, and providing affordable housing units in redevelopment areas

Zoning Summary: The property is zoned TR-C4 (Traditional Residential-Consistent 4).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000	5,808
Lot Width	40 ft	44 ft
Front Yard Setback	20 ft	20.1 ft
Max. Front Yard Setback	30 ft	20.1 ft
Side Yard Setback	4.4 ft	6.1 ft, 10 ft
Rear Yard Setback	30 ft	56 ft
Usable Open Space	1500 sq ft	1793 sq ft
Maximum Lot Coverage	65%	44%
Maximum Building Height	2 stories/35 ft	2 stories/33.1 ft

Other Critical Zoning Items	None
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property 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 proposing to complete the demolition of an partially-demolished single-family house, and construct a new two-flat building on the site.

Project Background

The applicant acquired the property in November 2018. In late 2017, the previous owner had sought permits to undertake a whole-house remodel, complete with the addition of a second-floor loft. The 592- square foot, one-bedroom, one bathroom existing house was set back 78.5 feet from the front lot line, making it non-compliant with the zoning code’s 30-foot maximum setback requirement. Very little of the original home was intended to remain as a result of the project, and the proposal was viewed as new construction. Because of this and the bulk expansion of the structure, the owner applied for a zoning variance for the maximum front yard setback in early 2018. The Zoning Board of Appeals (ZBA) did not grant the variance and it was determined that to proceed in any manner, the project would require Plan Commission approval for the demolition of the existing principal structure, due to the removal of the front (street facing) wall and addition and a potential wall removal to accommodate

new window and door openings. In the months following the ZBA's decision, the previous owner worked with the City to renovate the existing structure in a manner compliant with zoning and building codes. The project's second iteration from summer 2018 did not include the originally-proposed partial second story and was intended to be a remodel and repair of the existing structure. In September 2018, this previous owner requested a second, lesser maximum front yard variance for a remodel design without a second floor, but with an addition to the front house. During the renovation process, the previous owner's contractor removed a greater portion of the structure than permitted without a demolition permit, and the City issued a stop work order. At that time, the owner was informed he would need a demolition permit in order to bring the work that had been performed into compliance, but that in obtaining demolition permit approval, he would likely be required to construct a new structure in compliance with the maximum setback requirement. It was at this time that the applicant acquired the property and began working with City staff to proceed with a demolition permit review and approval process to address what was now considered an illegally razed building. A construction safety fence was erected around the building site while new plans and the demolition application were reviewed.

Proposal Description

The applicant now proposes to complete the demolition of the single-family home, filling the basement and foundation, and removing the carport. On the lot, the applicant proposes a two-story two-unit residential building within the building envelope required by the zoning code. The letter of intent indicates the applicant has made an effort to design a building that conforms with all applicable zoning requirements. Each unit is approximately 1,100 square foot with two bedrooms and one bathroom each. A front porch with access to the first floor unit faces North Street. A second recessed entry, with access to both units on the south façade opens onto the driveway, which leads to two parking spaces to the rear of the structure. The overall building design is similar to the front-gabled residential vernacular design of the buildings on either side, particularly the two-and one-half story two-unit building directly to the south. The building is to be sided with a lap-style siding, predominantly light gray, with a darker graphite shade accenting the central portion of both side elevations of the first floor. The building is to be roofed with asphalt architectural shingles, the upper-floor deck is contained by a cable railing with stainless steel uprights, and conventional vinyl windows feature on all elevations. The applicant intends to begin construction in summer 2019, with completion by the end of 2019.

Project Analysis and Conclusion

This request is subject to the standards for demolition permits. In order to approve a demolition request, M.G.O §28.185(7) requires that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the Traditional Residential-Consistent (TR-C) zoning districts. The statement of purpose for TR-C districts says, in part:

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) 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.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

The demolition standards further state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition 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 submitted by the Landmarks Commission.

The [Comprehensive Plan](#) (2018) recommends Low Residential uses for the subject parcel. Low Residential areas typically include a mix of single-family and two-unit structures. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2015) provides general housing recommendations that include broadening the variety of housing types, preserving single-family housing character, preserving existing housing affordability, and providing affordable housing units in redevelopment areas. Among the stated housing goals of the neighborhood plan are improving stability and cohesiveness of residential areas and ensuring that new infill single-family, multi-family, and mixed-use development remain compatible with, and sensitive to, the existing form of the neighborhood as a whole. While the neighborhood plan also recommends increasing owner-occupancy of housing throughout the planning area and encouraging rehabilitation to housing, the house previously on this lot was in very poor condition and occupied a nonconforming location on the lot. Due to its small size, condition, and nonconformities, rehabilitating the home to a modern livable standard proved to be fraught with difficulties, even for an owner for whom this was his express intention.

By unanimous consent, the Landmarks Commission voted to recommend to the Plan Commission that the building at 412 North St has no known historic value at its November 5, 2018 meeting.

While it is regrettable that the house at 412 North Street was razed prior to receiving Plan Commission approval, the numerous challenges faced by this site and the previous owner have led to the proposal before the Plan Commission for a zoning-compliant proposed use that augments the neighborhood's housing stock in a scale appropriate to its context. In considering the findings of the Landmarks Commission, the plan recommendations in place for this location, and the applicant's proposal, the Planning Division believes that the applicable demolition standards can be found met with the recommended conditions enumerated below.

Staff notes that in the Assistant City Attorney's memo regarding a previous application for demolition approval for a demolition undertaken without approval that the assignment of penalties is within the purview of the Municipal Court; not the Plan Commission, whose role is to apply the standards for demolitions found in the Madison General Ordinances.

At the time of report writing, Staff was not aware of public comment regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal are met and **approve** the request to demolish an existing single-family residence and construct a new two-unit residence at 412 North 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

Planning Division (Contact Colin Punt, (608) 243-0455)

1. Label proposed finished first floor elevation on plans.

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

2. 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).
3. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
4. 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.

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

5. 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>.

Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

6. The address of Unit 1 is 414 North St. The address of Unit 2 is 412 North St. 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.

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

7. 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)

8. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park -Infrastructure Impact Fee district. Please reference ID# 19020 when contacting Parks about this project.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

9. The Madison Water Utility shall be notified to remove any remaining water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

10. A Water Meter Application Form and fees must IN diameter 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/plumberscontractors>), 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 (larger diameter requires new connection at the main), 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.