



PREPARED FOR THE PLAN COMMISSION

Project Address: 1027-1029 Vilas Avenue (District 13 – Alder Evers)
Application Type: Demolition Permit and Certified Survey Map
Legistar File ID # [58668](#) and 58669
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: Kevin Kavanaugh; 1027 Vilas, LLC; 2920 Bryant Road; Madison, WI 53713

Requested Action: The applicant requests approval of (ID 58668) a demolition permit to raze an existing two-family twin home and (ID 58669) a certified survey map to create two new single-family lots for two new single-family residences in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1027-1029 Vilas Avenue.

Proposal Summary: The applicant proposes to demolish an existing two-story two-family residence and construct two new two-story single-family residences on two new lots at 1027-1029 Vilas Avenue.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [M.G.O. §28.185(7)] and Certified Survey Maps [M.G.O. §16.23(5)]

Review Required By: Plan Commission, Common Council

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 raze an existing two-family twin home and construct two new single-family residences in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1027-1029 Vilas Avenue. Further, the Planning Division recommends that the Plan Commission forward the related Certified Survey Map creating two lots for single-family homes to the Common Council with a recommendation of **approval**. These recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies in this report.

Background Information

Parcel Location: The 7,053-square foot subject property is located on the southeast corner of the intersection of Vilas Avenue and Mills Street. The site is within Aldermanic District 13 (Alder Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with an existing 3,120-square-foot, two-story two-family twin house, originally constructed in 1978. Each of the two units contains three bedrooms and one and one-half bathrooms.

Surrounding Land Use and Zoning:

North: Across Vilas Avenue, single-family houses zoned TR-C3 (Traditional Residential – Consistent 3);

South: Single-family houses zoned TR-C3;

East: Single-family houses and a three-unit residence zoned TR-C3; and

West: Across South Mills Street, one-unit, two-unit, and four-unit residences zoned TR-C3.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (<15 dwelling units/acre) uses for the subject parcel. The [Brittingham-Vilas Neighborhood Plan](#) (1989) encourages owner-occupied housing. The [Greenbush Neighborhood Plan](#) (2008) places the subject site in “Area 2” and recommends that the existing housing stock should be preserved and rehabilitated. The plan also includes residential design guidelines to guide redevelopment, which are detailed below.

Zoning Summary: The property is zoned TR-C3 (Traditional Residential-Consistent 2).

Requirements	Required	Lot 1	Lot 2
Lot Area (sq. ft.)	3,000	3,208	3,845
Lot Width	30 ft	39.97 ft	48 ft
Front Yard Setback	15 ft	15 ft	15 ft
Max. Front Yard Setback	30 ft	15 ft	15 ft
Side Yard Setback	10% lot width (Lot 1: 4 ft, Lot 2: 4.8 ft)	7 ft	5 ft
Reverse Corner Side Yard Setback	Lot 1 only: 8 ft	8 ft	N/A
Rear Yard Setback	20 ft	20 ft	20 ft
Usable Open Space	500 sq ft	620 sq ft	960 sq ft
Maximum Lot Coverage	75%	39%	35%
Maximum Building Height	2 stories/35 ft	2 stories	2 stories

Other Critical Zoning Items	Utility Easements
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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 proposes to demolish an existing two-story two-family residence and create two new lots with new single-family residences at 1027-1029 Vilas Avenue. The applicant requests approval of a demolition permit to raze the building and Certified Survey Map necessary for the land division enabling construction of the two new houses. The existing structure is a two-story, 3,120-square-foot, two-family twin house (side-by-side duplex). Each unit has three bedrooms and one-and-on-half bathrooms. It was originally built in 1978. [Photos](#) provided by the applicant show an older building that has not been recently updated, and the application materials do not indicated specific deficiencies with the structure. Staff have not physically inspected the property.

The submitted Certified Survey Map divides the existing property into two lots. Lot 1 is located at the corner of Vilas Avenue and Mills Street. It is 3,208 square feet and approximately 40 feet wide and 80 feet deep. Lot 2, immediately to the east, is 48 feet wide and 80 feet deep. Both lots front on Vilas Avenue.

The applicant has provided plans for two single-family houses to be built on the proposed lots. Both proposed houses are front-gabled two-story structures street-facing garages. Both are clad with vinyl siding and architectural shingles, but colors were not provided by the applicant.

The house at 1027 Vilas Avenue is on the eastern proposed Lot 2, which is 3,845 square feet. The house features a two-stall garage and a front porch with a front gabled roof. The house includes four bedrooms and three-and-

one-half bathrooms within approximately 2,650 square feet of finished space on two floors. The unfinished basement is approximately 1,120 square feet. The one-foot garage setback from the front façade of the house is not compliant with the attached garage setback found in M.G.O. §28.031(3). This is addressed in the Zoning conditions and will need to be brought into compliance prior to final approval.

The house at 1029 Vilas Avenue is on the 3,208-square-foot western proposed Lot 1 on the Mills Street corner. This house features a one-stall garage and a front porch with side gable and metal roof. The house includes four bedrooms and three-and-one-half bathrooms within approximately 2,270 square feet of finished space on three floors, including a finished basement. The attached garage at 1029 Vilas Avenue is compliant with the required attached garage setback.

The applicant has estimated the project will be completed within six months of Plan Commission approval.

Analysis and Conclusion

This proposal is subject to the standards for Demolition and Removal Permits [M.G.O. §28.185(7)] and Certified Survey Maps [M.G.O. §16.23(5)].

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, that “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...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 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; maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening; and facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.”

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. At its December 9, 2019 meeting, the Landmarks Commission found that the existing building at 1027-1029 Vilas Avenue has no known historic value.

The [Comprehensive Plan](#) (2018) recommends Low Residential uses for the subject parcel. Low Residential areas are predominantly composed of single-family and two-unit structures, and include fewer than 15 dwelling units per acre. The [Brittingham-Vilas Neighborhood Plan](#) (1989) encourages owner-occupied housing. The [Greenbush Neighborhood Plan](#) (2008) places the subject site in “Area 2” and recommends that the existing housing stock should be preserved and rehabilitated. The Plan recommends that design guidelines should be applied to existing or newly constructed single-family homes and two-units within this area:

- In no case shall the front facade of the building consist of a blank wall or a series of garage doors.

- Developers are encouraged to vary design elements to avoid monotonous facades.
- One ground floor entry shall be oriented to the front of the lot on a public or private street. The ground floor entry shall be oriented to the street and shall have a sidewalk.
- Garages shall be sited in several ways:
 - In the rear yard, either attached or detached, accessed from a public street or an alley.
 - Accessed from a public street with the garage doors facing the public street provided - however that the garage shall be no greater than 15 feet in width (the garage for 1027 is 19 feet wide and the garage for 1029 is 13 feet wide).

Lastly, Staff notes that the existing two-family twin structure is a non-conforming use in the TR-C3 zoning district. Single-family detached dwellings are the only permitted family living residential use type in TR-C3.

The Planning Division believes that the applicable demolition approval standards can be found met with the recommended conditions. Further, the lots appear to conform to minimum zoning standards and the land division standards of M.G.O. §16.23(5) with the comments recommended below by reviewing agencies.

At the time of report writing, Staff is not aware of any public comment.

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 raze an existing two-family twin home and construct two new single-family residences in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1027-1029 Vilas Avenue. The Planning Division also recommends that the Plan Commission forward the related Certified Survey Map creating two lots for single-family homes to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval - Demolition Permit

Major/Non-Standard Conditions are Shaded

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

1. Label exterior materials and colors on building elevations.

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

2. Sec. 28.031(3) requires any street-facing wall that contains an attached garage door to be recessed at least two (2) feet behind the remainder of the façade.
3. 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 at streets@cityofmadison.com.
4. 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.

5. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
6. Provide a site plan showing dimensions for all setbacks.

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

7. Each proposed lot shall have a separate sanitary sewer lateral.
8. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit, surety to guarantee the construction of the improvements and a deposit to cover estimated City expenses will be required.
9. 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))
10. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
11. Remote sensing data indicates this area is extremely flat and accepts water from lands to the south. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
12. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
13. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

14. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
15. The site plan shall include all lot/ownership lines, proposed buildings with ties to property lines, demolitions, driveways, sidewalks (public and/or private), accurate existing and proposed utility locations and landscaping.
16. The locations of the sewer and water laterals serving the two proposed lots are unclear on the plan provided. The site plan shall accurately and clearly locate the proposed laterals. For any portion of any lateral crossing over or within 5 feet of an adjacent property, a recorded private easement agreement shall be provided between the two properties. Any agreement required shall be recorded after the proposed CSM has been recorded.

17. The addresses of 1027 & 1029 Vilas Ave will be retired with the demolition of the duplex. The addresses for the proposed houses are 1031 & 1033 Vilas Ave. 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)

18. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608)712-6277.

19. 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> An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

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

20. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

21. 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.

Forestry Section (Contact Brad Hofmann, (608) 267-4908)

22. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.

23. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

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

Recommended Conditions of Approval - Certified Survey Map

Major/Non-Standard Conditions are Shaded

Office of Real Estate Services (Contact Lance Vest, (608) 245-5794)

1. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
2. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off.
3. City of Madison Plan Commission Certificate: Natalie Erdman is no longer Secretary of the Plan Commission. Please coordinate with the Office of Real Estate Services prior to sign-off for the appropriate name to include in the Plan Commission certificate.
4. Register of Deeds Certificate: Please include the name of the Dane County Register of Deeds, Kristi Chlebowski, in the Register of Deeds Certificate.
5. As of 01/10/20, there are no 2019 real estate taxes or special assessments reported as due or owing. Per 236.21(3) Wis. Stats. the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)(1).
6. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Lance Vest in City's Office of Real Estate Services (lvest@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (10/25/19) submitted with the CSM application and include all associated documents that are referenced in the title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
7. Update signature blocks for the year 2020.
8. Update Note 2 to reflect the most current title report.

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

9. Each proposed lot shall have a separate sanitary sewer lateral.
10. Note: as a condition of building permits a drainage plan shall be required showing how water coming from the South shall continue to be allowed to drain across the site to the North as is currently the case.
11. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127

(bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

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

12. Add the following text to Note 5 on Sheet 2: In the event of a City of Madison Plan Commission and/or Common Council approved redivision of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.
Also, revise the text for the width of the easement to 6 feet on the perimeter of the CSM.
13. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
14. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
15. Add the recorded as distance of 88 feet along the north line of the exterior boundary of the CSM.
16. The spot elevations note under the Legend and elevations on the face of the CSM shall be referenced to NAVD88. Update the text in the legend accordingly.
17. Update Notes 1 and 2 on sheet 2 for the present CSM.
18. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
19. Submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded plat:
 - a) Right-of-Way lines (public and private)
 - b) Lot lines
 - c) Lot numbers
 - d) Lot/Plat dimensions
 - e) Street names
 - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

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

20. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

21. 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.

The Planning Division, Zoning Administrator, Traffic Engineering Division, Parks Division, Forestry Section Fire Department, and Metro Transit have reviewed this request and have recommended no conditions of approval.