



Report to the Plan Commission

June 15, 2009

Legistar I.D. #15040
 2021 Monroe Street
 Conditional Use

Report Prepared By:
 Heather Stouder, AICP
 Planning Division Staff

Requested Action: Approval of a demolition permit for a fire-damaged single-family home in the R4A (Limited General Residence) District.

Applicable Regulations & Standards: Section 28.12 (12) provides the guidelines and regulations for the approval of demolitions.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards can be met and **approve** the demolition request subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant/Property Owner/Project Contact: Adam Coyle; 5193 Nannyberry Dr.; Madison

Proposal: The applicant is seeking approval to demolish a fire-destroyed single-family home in the R4A (Limited General Residence) district and rebuild an equivalent single-family home on the lot within conforming setbacks.

Parcel Location: A 4,455 square foot parcel located on the southeast corner of Monroe Street and Lincoln Street; Aldermanic District 13 (Kerr); Madison Metropolitan School District.

Existing Conditions: The site is developed with a vacant 2.5-story single-family home that sustained irreparable fire damage in March 2009. A small, detached garage sits in the rear of the property, with access from Lincoln Street.

Surrounding Land Use and Zoning: The site is immediately surrounded by single-family homes, with some two and three unit residential buildings in the area.

North and West: Across Monroe Street to the north and across Lincoln Street to the west, single-family residences and a two-family residence in the R2 (Single-Family Residence) district.

East and South: One, two, and three-family residences in the R4A (Limited General Residence) district.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Low-Density Residential uses for the site and the surrounding area. The Brittingham-Vilas Neighborhood Plan (April, 1989) does not include a specific recommendation for this site, but generally recommends retaining existing neighborhood zoning districts and density levels.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, including weekday and weekend Metro Transit Routes.

Zoning Summary:

Requirements	Required	Proposed
Lot area	2,000 sq. ft.	4,638 sq. ft.
Lot width	50'	50'
Usable open space	500 sq. ft. per unit	Adequate as shown
Front yard	10.25' (setback average)	12'
Side yards	6.25' (west), 6' (east)	6.5' (west), 7.5' (east)
Rear yard	35'	60'
Building height	Up to 2 stories	2 stories
No. parking stalls	1	1 existing

Other Critical Zoning Items	
Flood plain	No
Utility easements	None shown
Historic district	No
Landmark building	No
Adjacent to park	No

Prepared by Pat Anderson, Asst. Zoning Administrator

Project Description

Existing Conditions

The 2-story, 5-bedroom single-family home on the site is severely fire-damaged, and has been vacant and boarded up since March 2009. Constructed in 1914, the placement of the structure on the lot is currently nonconforming to the R4A setbacks, as it sits approximately 2.5 feet from the Lincoln Street right-of-way, within the required side yard. A small, detached garage with access from Lincoln Street sits in the rear yard. Prior to the fire, the home had a legal, nonconforming occupancy in the R4A District, as it was occupied by five unrelated adults.

Description of Proposal

The applicant proposes demolition of the structure and replacement with a nearly identical single-family home on a new foundation, indicating in discussions with staff an interest in maintaining occupancy of the structure with five unrelated adults after construction is completed.

Slight changes between the original and proposed structure are as follows: First, in order to bring the proposed home into compliance with the required side yard for the R4A district, the new foundation and structure will be shifted four feet to the east, sitting 6.5 feet from the Lincoln Street right-of-way and 7.5 feet from the neighboring property to the east. Second, in conjunction with a proposed enlargement of the kitchen on the first floor, a majority of the small rear porch would be enclosed and converted to interior living space, while retaining a rear entrance at this location. As proposed, this portion of the building would align with the west side of the structure, and a new window opening would be added to the rear of the home. Aside from these changes, the proposed structure has the exact same footprint as the existing structure. Changes to the exterior include new fiber cement, rather than wood, siding, and an altered roof design on the front porch and rear portion of the home (formerly the rear porch).

Evaluation and Conclusion

The proposed single-family home is consistent with the Comprehensive Plan, which recommends Low Density Residential land use for this site. The Brittingham-Vilas Neighborhood Plan (April, 1989) does not include a specific recommendation for this site, but generally recommends retaining existing neighborhood zoning districts and density levels. Further, the acting Preservation Planner has noted that there are no historic preservation issues regarding the demolition of this severely fire-damaged building.

Planning Division staff believes that its demolition and replacement would be a significant improvement to this block of Monroe Street. The proposed structure is almost exactly the same as that which existed prior to the fire, and is equivalent in use, bulk, and mass. Planning Division staff believe that the very slight changes proposed would enhance the property for near future use as either a rental or owner-occupied home. The adjustment of the building setback from Lincoln Street will bring the structure into compliance with the side yard requirements for the R4A District. The enclosure of the rear porch as additional kitchen space has very little impact on the perception of the building from either street, and the additional window openings and altered roof over the rear entry constitute improvements to the south elevation.

City Engineering staff note that based on plans submitted, the existing small garage in the rear of the property might encroach into the public alley behind the lot. This will need to be clarified in final plans submitted for review by staff. Although not prepared to do so at this time, the applicant has indicated a desire to replace the garage with a new structure in the future, which would be required to conform to all standards for the R4A District.

The Planning Division is aware that there may be opposition from some nearby property owners regarding the continued use of this property as a single-family rental home with five unrelated occupants. This issue is somewhat irrelevant to the decision before the Plan Commission regarding demolition, but merits discussion, nonetheless.

The R4A District was established in with the purpose and intent to “stabilize and protect the essential characteristics of certain medium-density residential areas normally located in some inlying urban parts of the City, and to promote and encourage a suitable environment for family life where children are members of most families”. The single-family home being proposed for this site is a permitted use within the R4A District. The definition of “family”, MGO Sec. 28.03(2), prohibits five unrelated individuals in a dwelling unit within the R4A District, unless one is the owner of the property. In normal circumstances, a new structure on this property would be required to adhere to the family definition for the R4A District, so as to preclude continued occupancy by 5 unrelated tenants, which is desired by the applicant for the near future. The Assistant City Attorney has indicated that in this case, the previous use and occupancy are permitted to continue based on Wisconsin Statute 62.23(7)(hc), which provides that in the case of natural disasters, property owners rebuilding essentially the same building should not suffer any loss of the use of property, even if it does not conform to current standards (see below).

WisStats 62.23(7)(hc)

1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to subd. 2., location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

- a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.*
- b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.*

2. An ordinance enacted under this subsection to which subd. 1. applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

Ultimately, it will be the responsibility of the Zoning Office to identify the legal occupancy, along with the issuance of a Certificate of Occupancy for the building.

The applicant discussed project details at a June 8, 2009 meeting with the Vilas Neighborhood Association. Comments from the Neighborhood Association received on June 10 pertaining to the Plan Commission decision indicate a desire to prevent the use of the majority of the back yard for parking, ensuring adequate usable open space and landscaping, and the designation of a trash and recycling area behind the house on the final site plan to be specified in a lease to tenants. The applicant has indicated a willingness to designate areas for parking and trash storage on the final plan set to address these concerns. Planning Division staff agrees that the designation of these areas should be required on final plans for approval by staff, and recommends that the applicant clearly demonstrate that the 500 square foot area required as usable open space in the R4A District does not overlap with these areas.

In conclusion, Planning Division staff believe that the demolition standards can be met with this proposal, and recommend that the Plan Commission **approve** the request to demolish the fire damaged structure and construct the proposed single family home, subject to input at the public hearing and recommended conditions of approval.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition standards can be met and **approve** the request to demolish the existing fire-damaged single-family home and construct a new, equivalent structure, subject to input at the public hearing and the following recommended conditions of approval:

1. On final plans drawn to scale for approval by staff, the applicant shall show designated areas for parking and a designated area for the storage of trash and recycling receptacles behind the house, clearly demonstrating that these areas are outside of that required for usable open space.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

2. The site plan submittal identifies the garage location encroaching into the alley public right-of-way. Confirm the accuracy of the garage location on the site plan. If the garage does in fact encroach into the public alley right-of-way, the owner shall file an Encroachment Agreement application, and pay any associated fees thereto, to the Office of Real Estate Services. The Encroachment Agreement shall be approved and granted in order for the existing garage to remain and continue to encroach.
3. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
4. All work in the public right-of-way shall be performed by a City licensed contractor.
5. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
6. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

NOTE: Permit applications for Nos. 5 and 6 above are available on line at:

<http://www.cityofmadison.com/engineering/permits.cfm>

Zoning Administrator (Contact Pat Anderson, 266-5978)

7. Provide a reuse/recycling plan, to be reviewed and approved prior to a demolition permit being issued.
8. Sec. 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

Fire Department (Contact Scott Strassburg, 261-9843)

9. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, and numbers shall be in contrast to the background and visible from the street.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response for this request with no comments.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency did not submit a response for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.