



## Report to the Plan Commission

October 15, 2012

**Legistar I.D. #27944**  
**1101 Gammon Lane**  
**Demolition Permit**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

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**Requested Action:** Approval of a demolition permit to allow demolition of a fire-damaged single-family residence at 1101 Gammon Lane with no proposed alternative use.

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the demolition permit standards met and **approve** the demolition of a fire-damaged single-family residence at 1101 Gammon Lane with no proposed alternative use, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

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**Applicant & Property Owner:** H. Shawn Khazai; Khazai Construction Co.; 22 Prairie Hill Court; Madison.

**Proposal & Existing Conditions:** The applicant is seeking approval to demolish a one-story single-family residence that was significantly damaged in a structural fire on June 4, 2011. No new use of the site is proposed following demolition, with the site to be graded and seeded following removal of the building. Demolition is scheduled to commence as soon as all regulatory approvals have been granted. The site is zoned R4 (General Residence District).

**Parcel Location:** An approximately 0.47-acre parcel located on the east side of Gammon Lane, approximately 500 feet south of S. Gammon Road; Aldermanic District 1 (Subeck); Middleton-Cross Plains School District.

**Surrounding Land Use and Zoning:** The subject site is primarily surrounded by a variety of two-family and multi-family residential uses in R4 (General Residence District) and PUD zoning.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and surrounding properties for Medium-Density Residential uses. The site and surrounding properties are located within the boundaries of the 2008 Southwest Neighborhood Plan, which includes a number of housing, community safety and neighborhood cohesiveness recommendations for the Park Ridge area that includes Gammon Lane. The plan does not make any specific land use recommendations for this site or surrounding area.

**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.

**Zoning Summary:** Existing R4 (General Residence District) zoning; the existing improvements on the site will be removed and the site seeded with grass. Future proposed alternative use of the site will be required to receive approval from the Plan Commission and comply with the Zoning Code prior to the issuance of building permits.

## **Project Review, Analysis and Conclusion**

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The applicant and property owner at the direction of the Building Inspection Division is requesting approval of a demolition permit to allow a one-story, 1,124 square-foot single-family residence to be demolished with no future use of the site proposed. The residence occupies a 116-foot wide, 177-foot deep parcel located on the east side of Gammon Lane, approximately 500 feet south of S. Gammon Road. According to City Assessor records, the ranch-style residence contains two bedrooms and one bath and was constructed in 1956. The residence contains an attached two-car garage located along the southern portion of the building. The exterior consists of wood siding and brick. The site is zoned R4 (General Residence District) and is located in an area primarily developed with a mix of two-family condominiums and small apartment buildings generally located east of S. Gammon Road and McKenna Boulevard and south of Schroeder Road.

The applicant has submitted photos of the interior and exterior of the residence, which was significantly damaged in a structural fire on June 4, 2011. The severity of the fire compromised the structural stability of the building, which caused the Fire Department to remove fire crews from the inside of the building and to fight the fire and overhaul the structure from the outside. The fire report for this incident indicates that the Fire Department was called back to the scene the next day to extinguish a flare up of the previous day's fire. The applicant indicates that the cause of the fire is unknown.

The letter of intent submitted with the demolition permit request indicates that the property owner began to repair the residence following the fire. However, due to the extensiveness of the fire damage, which caused "major structural damage", the applicant determined that the cost to repair and restore the building was too great, resulting in the request to raze the structure. Following demolition, the applicant indicates that he has "no immediate plans" for the property.

Section 28.12(12)(c)2. of the Zoning Code allows the Plan Commission to approve the demolition of a residential building before a future use is proposed based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division that a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern exists. In this case, George Hank, Director of the Building Inspection Division has provided correspondence dated October 8, 2012 supporting the proposed demolition, noting the building in its condition "constitutes a public nuisance and should be removed as soon as possible."

The Planning Division generally believes that the standards for approval of demolition permits can be met with this application despite the absence of plans showing how the site will be redeveloped in the future. The building has been determined to be unsound and a hazard to the community and it appears unlikely that the structure could be feasibly rebuilt given the apparent extent of the fire damage. Staff, however, recommends that a restrictive covenant be recorded on the property prior to issuance of a building permit for the demolition, which requires that any new construction on the property come before the Plan Commission for approval. Staff believes that such a restriction would provide the Commission with an opportunity to review any new construction on the site for consistency with the Comprehensive Plan and for any impacts on the normal and orderly development of surrounding properties.

The Planning Division has not toured the building but has conducted a windshield survey of the property and believes based on the evidence provided, including the correspondence from the Building Inspection Division, that the demolition standards can be met with this request. The Landmarks

Commission informally reviewed the proposed demolition on January 9, 2012 and stated that the building did not have any historic value or interest.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of wrecking permit and the commencement of demolition activities.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the demolition permit standards met and **approve** a demolition permit to allow a fire-damaged single-family residence located at 1101 Gammon Lane to be demolished with no proposed alternative use, subject to input at the public hearing, the following Planning Division condition(s), and conditions from reviewing agencies:

1. That following demolition, the subject site be graded and seeded with grass, all drive openings closed or removed, the site secured and that no parking occur on the grass area at any time.
2. That the property owner execute a restrictive covenant prior to issuance of the demolition permit, which requires, at a minimum, 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 28.12(12) of the Zoning Code unless the future use requires other land use approvals, including conditional use or planned development zoning approval. The form of the restrictive covenant shall be approved by the Planning Division in consultation with the City Attorney's Office.

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

3. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
4. All damage to the pavement on Gammon Lane adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
5. Prior to final approval of the demolition permit application, the owner shall obtain a permit to plug each existing sanitary and or storm 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.

### **Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit comments for this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

6. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the 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.
7. Future development shall meet applicable building and zoning ordinances following applicable processes.
8. Approval of the demolition permit will require the removal of all structures including the driveway. The site shall be landscaped and seeded to minimize erosion, the asphalt driveway and apron removed and replaced with curb and gutter as per the City Engineering Division and Traffic Engineering Division requirements. During demolition and prior to installation of curb and gutter, barriers shall be installed across the driveway to prevent the parking of vehicles.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

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

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

**Police Department** (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.

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

9. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.