



Report to the Plan Commission

June 18, 2012

Legistar ID # 26695

1026 Sherman Avenue

Conditional Use and Demolition Permit

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval to demolish a single-family residence to construct a new single-family residence on a waterfront parcel.

Applicable Regulations & Standards: Section 28.04 (19) of the Zoning Code requires that new principal buildings must obtain conditional use approval. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.04(19) provides the guidelines and regulations for the approval of waterfront development.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approves** the request to demolish an existing single-family home for the purpose of constructing a new home on a waterfront property at 1026 Sherman Avenue, subject to the recommended conditions and input provided at the public hearing.

Background Information

Applicant / Owner / Contact: Michael Major / Katrina Kisiolek; 333 West Mifflin Street #8120; Madison, WI 53703

Proposal: The applicant proposes to demolish a 3,158 square foot single-family residence and build a new single-family residence of a similar size. The applicant anticipates starting project work as soon as all approvals are secured.

Parcel Location: The parcel is an approximately 0.15-acre (7,698 square foot) waterfront parcel located along the southern shores of Lake Mendota. This parcel is located within the Sherman Avenue National Historic and within the limits of Aldermanic District 2 and the Madison Metropolitan School District.

Existing Conditions: This lot includes a 3,158 square foot residence, built in 1915. Further information about the existing structure is found in the applicant's materials and the body of this report. The property also includes a detached garage that is built over the property line and shared with the neighbor to the east. No changes to that structure are proposed as part of this application.

Surrounding Land Use and Zoning: This property is surrounded by other lake-fronting single-family homes zoned R2 (Single-Family Residence District). There are a small number of two-family homes within the surrounding area. Immediately across the street are other single-family homes and one existing three-unit building, with the same zoning.

Adopted Land Use Plan: The Comprehensive Plan recommends low-density residential uses for this area.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. A portion of the property nearest to the lake is in the flood fringe, though the proposed building appears to be outside of that area.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned R2 (Single-Family Residence District)

	Required	Proposed
Lot Area	6,000 sq. ft.	7698.18 sq. ft.
Lot width	50'	36'
Usable open space	1000 sq. ft.	Adequate
Front yard	30'	20.8'
Side yards	10'8"	4'1"
Rear yard/waterfront	Average	TBD – See Zoning Comment
Building height	2 story (35 Feet)	2 story
Number parking stalls	1	2
Landscaping	Existing	Existing
Other Critical Zoning Items	Flood plain, Water front development	

Table Prepared by Pat Anderson, Assistant Zoning Administrator

Analysis, Evaluation, & Conclusion

The applicants request approval to demolish an existing single-family home on a waterfront lot for the purpose of constructing a new single family home. This request is subject to the conditional use, waterfront development, and demolition standards of the Zoning Code.

The existing home was built in 1915, according to City Assessor records. This two-story home is 3,158 square feet in area and includes four (4) bedrooms and four (4) bathrooms. Planning Division staff have not conducted a formal inspection of the structure.

The letter of intent includes a detailed assessment of the existing conditions. The home sat vacant for four years and was in poor condition when the applicants purchased the property in late 2011. They had considered remodeling and renovating the existing structure, but received opinions from contractors noting that some of the home's existing deficiencies could not be completely addressed through a comprehensive renovation. The letter of intent further indicates that the home has large amounts of mold and has structurally unsound elements including 1970 and 1980s era additions with sinking footings and bent floor joists. The letter of intent also states that there are significant amounts of asbestos within the building. According to the applicant, many of the home's historically significant elements were removed as part of previous renovations. The applicant's letter of intent, including the interior and exterior photographs, is included in the packet and available for online viewing at: http://www.cityofmadison.com/planning/projects/reports/1026sa_intent.pdf

The proposed home is of a similar size, and features a more simplified design which incorporates some craftsman-style design elements. It includes roughly 2,900 square feet of living area on the first and second stories and an additional 650 feet of living space below grade. The lower level also includes a partially exposed 690 square foot lower level garage accessed from the existing lakeside driveway. The plans indicate the new structure will include four (4) bedrooms, three (3) bathrooms and one (1) half bathroom. The building includes an elevated, covered front porch, which is roughly five and one-half feet above grade.

From the front, the building measures 29 feet, eight (8) inches in height from the ground to midway between the roof peak and eave. Staff recommend that height dimensions are labeled on the the side and rear elevation drawings submitted for final sign-off.

During recent discussions on the new Zoning Code, the Plan Commission requested staff compare the bulk and Floor Area Ratio (FAR) of lakefront redevelopment to surrounding properties. The proposed home is similar to the both the existing structure and other lakefront homes in the surrounding area. Utilizing the lakefront bulk measurement defined in the new zoning code, the new home measures only 300 square feet larger than the current structure. Compared to the surrounding ten homes, the home is about 600 square feet (roughly 19%) larger than the median home size, though over 1,300 square feet smaller than the largest home and about 200 square feet smaller than the neighboring residence immediately to the west. Based on that, staff believe the size of the structure is compatible with the surrounding properties.

Staff have also compared the proposed building's FAR to the surrounding 10 properties along the lakefront. This calculation measures the relationship between building and lot size. In this situation, the subject property is much smaller than the surrounding lots, which impacts this calculation. While generally consistent with the width of surrounding lots near the Sherman Avenue frontage, this wedge-shaped lot tapers to a narrow 16 feet closest to the lake. The resulting lot has a size of 7,698 square feet, making it easily the smallest lot among the surrounding 10 properties. As a comparison, three of these ten properties have lot areas in excess of 14,000 square feet. Thus, while the proposed home is of a comparable size based on the actual square footage, the FAR is higher than those of the surrounding homes. Both the existing and proposed homes on this property have similar FARs, higher than those of surrounding properties. As such, staff does not view the FAR measurement to be a useful gauge of the actual bulk and mass impacts in this situation.

The Zoning Board of Appeals approved area exceptions for both the east and west side yards as noted in the Zoning Comments and included materials. Staff note that the footprint of the proposed structure is very similar to that of the existing building. In fact, along the Sherman Avenue frontage, the new building is slightly narrower than the current home.

Staff note that no significant changes are proposed on the site plan. Existing driveways are not shown to change and it does not appear that any vegetation is being removed to accommodate the new home. The provided grading information shows that the finished grades along the front corners of the house are essentially the same from the existing condition. Finished grade information at the rear building corners was not provided. The applicants' contractor has confirmed to staff that there will be no changes to site grade. This information should be clarified on the plans provided for final staff sign-off.

The property is within the Sherman Avenue National Historic District. Properties within national historic districts are eligible to receive federal or state historic preservation tax credits to finance historically sensitive rehabilitation, though the City does not administer these programs. Unlike locally designated historic districts, Landmarks Commission approval for demolitions or new construction is not required in a national register district. A report from the City's Preservation Planner is attached. Her report does

not provide objections to the proposal, but notes that the existing building is a contributing structure to the district. She believes the proposed home to be of a similar mass and scale to the existing structure and other homes in the district.

Staff note the applicants have met with planning staff and the Preservation Planner and have incorporated many of staff's suggestions in the plans before the Plan Commission. While the underlying home plan is consistent with the applicants' earlier plans, they have incorporated several improvements that include:

- Creating a direct connection from the sidewalk to the front porch, and added wider, front-facing stairs;
- Providing architecturally integrated planter boxes to improve the transition between the front sidewalk and elevated porch;
- Providing different columns and spacing to better reflect a craftsman style design;
- Providing a combination of wider and narrower siding, reflecting a more typical craftsman style detail.

Exterior materials are not labeled on the elevation drawings though a section drawing indicates a composite siding will be used on the most visible front and eastern sides. The applicants have confirmed with staff that this will also be the primary material on the rear and western facades.

Staff believe the applicable approval standards can likely be met. Based on information provided by the applicants, the existing home, while contributing to the national register historic district, is in poor condition. There appears to be limited economic feasibility is renovating the existing structure. Further, contractors hired by the applicants have indicated that it may not be possible to completely resolve the building's underlying deficiencies. The proposed building is very similar in size to the existing home and believed to be compatible in scale and mass to the surrounding homes. Staff is not currently aware of any objections to this proposal. At the time of report writing, staff have not received formal comments from the neighborhood association though understands from the applicants that the neighborhood and surrounding neighbors are supportive of this request.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded
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Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approves** the request to demolish an existing single-family home for the purposes of constructing a new home on a waterfront property at 1026 Sherman Avenue, subject to the recommended conditions and input provided at the public hearing.

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| <ol style="list-style-type: none">1. The applicant's final sign-off plans shall include dimensioned elevation drawings for all sides of the building that label the finished-grade elevations at the building corners for approval by Planning Division staff. |
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2. That the applicant provides additional grading detail, showing the final site grades and highlighting any changes for staff approval. Submitted plans suggest there will not be significant grading changes.

The following conditions have been submitted by reviewing agencies:

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

3. The storm sewer inlets are shown in the driveway and garage on sheet 5 but there is no information on how the internal drainage is supposed to function. Revise plans to show the proposed underground drainage system and proposed discharge for these drains.
4. Revise the plan to show additional information for the grades of the building and the drainage pattern for the property. Provide information on the lowest entrance opening to the home and garage, which shall be at an elevation of 853.5 or higher.
5. The proposed drainage from the house, garage and downspout or any grading shall not be allowed to discharge to the adjacent properties but shall be directed down the common lot lines or internally on the property to drain to the lake.
6. 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. (POLICY)
7. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
8. All damage to the pavement on Sherman Avenue, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
9. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. 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)
10. 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

This agency submitted a report with no recommended conditions of approval.

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
12. 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.
13. Provide surveyors verification pursuant to section 28.04(19)(b)1. establishing the existing development pattern, setback from the normal high water mark. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern. Please work with zoning staff to establish said setback, which is measured to the principal building on the lot which includes all decks three feet or more above the normal grade. Survey shall be submitted with plans for final sign off, showing an accurate existing development pattern prior to a building permit being issued.
14. Side yard area exceptions were granted by the Zoning Board of Appeals on April 19, 2012.
15. Lake front development shall comply with City of Madison General Ordinances Section 28.04 (19). The cutting of trees and shrubbery shall be limited in the strip of land 35' inland from the normal waterline. In addition, not more than 30% of the frontage of the lot shall be cleared of trees and shrubbery. (Note: Within the waterfront setback requirements tree and shrub cutting shall be limited to consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.)

Note – Any earth disturbing activity along the lake shore (rip rap, seawalls) may require a permit from the Department of Natural Resources. For more information contact the DNR at 266-2621.

Fire Department (Contact Bill Sullivan, 261-9658)

16. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and Comm 82.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
17. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

Water Utility (Contact Dennis Cawley, 261-9243)

18. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit a response to these requests.

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Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to these requests.