

PLANNING DIVISION STAFF REPORT

August 25, 2014

PREPARED FOR THE PLAN COMMISSION



Project Address: 827 East Gorham Street
Application Type: Demolition
Legistar File ID #: [34480](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Contact: Peter Zembrowski; Construction and Design Services; PO Box 8873, Madison, WI 53707

Property Owner: Blue Mountain Realty Homes, LLC; 707 Aldridge, Vacaville, CA, 95688

Requested Action: Approval of demolition of a single-family home for the construction of a two-family home in the TR-V2 District.

Proposal Summary: The applicant proposes to demolish a single-family home constructed in 1874. A new two-family home is proposed for the site. An existing 5-car garage in the rear of the property would remain and would be improved on the site, accessed via a new paved driveway.

Applicable Regulations & Standards: This proposal is subject to the standards for demolitions (MGO Section 28.185).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards can be met and **approve** the request at 827 East Gorham Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The property is located on the south side of East Gorham Street between North Livingston and North Paterson Streets; Traditional Residential – Varied 2 (TR-V2) District; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with a 1.5-story single-family home constructed in 1874. The home has significant insect, fungi, and fire damage to the structural framing components. A driveway from East Gorham Street leads to a gravel parking area behind the building, and to a five-car garage located along the rear property line.

Surrounding Land Use and Zoning:

North: Across East Gorham Street to the north, two- and three-family homes in the TR-C4 and TR-V2 Districts

East: Two-family home in the TR-V2 District

South: Small office building and two- to four-family residential buildings in the Neighborhood Mixed-Use (NMX) District

West: Single-family home in the TR-V2 District

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends medium-density residential uses for this area. The Tenney-Lapham Neighborhood Plan (2008) recommends Medium Density Residential 1, with residential development at a density of 16-25 units per acre.

Zoning Summary: The property is in the Traditional Residential – Varied 2 (TR-V2) District

Dimensional Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	8,712 sq. ft.
Lot Width	40'	66'
Front Yard Setback	20'	16' average
Side Yard Setback	6'	16' – RS 10' - LS
Rear Yard Setback	Lesser of 25% lot depth or 25'	Adequate
Maximum Height	2 stories / 35'	2 stories / 34'
Maximum Lot Coverage	70%	63%
Usable Open Space	500	2,440 sq. ft.

Site Design	Required	Proposed
Number parking stalls	1 per d.u. (2)	5
Landscaping	No	No
Lighting	No	No
Building Forms	Yes	Meets building forms requirements
Other Critical Zoning Items: Wellhead protection #24		

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, including transit routes running along Johnson and Gorham Streets.

Project Description, Analysis, and Conclusion

The applicant requests approval to demolish an existing single-family home for construction of a new two-unit building, which is a permitted use in the TR-V1 District on this 8,700 square foot property. The proposal is subject to the demolition standards in MGO Section 28.185. As part of the project, the applicant will make repairs to an existing five-car detached garage running along the rear property line. The garage is a legal nonconforming accessory structure, and repairs of up to 50% of the value of the structure may be completed without conditional use review. The applicant has provided documentation to Zoning staff on the appraised value and an estimate for repairs meeting this requirement, and this documentation will need to be verified by the Zoning Administrator and staff in the City Assessor's Office, as per Zoning Condition No. 25.

The existing 1.5-story building was constructed in 1874, and is a contributing building in the Fourth Lake Ridge National Register Historic District. While the exterior has recently been updated with new siding, the structural components of the building are in very poor condition, as seen in the submitted narrative and [photographs](#) from a structural engineering firm, which are enclosed for reference. In their informal review of the proposed demolition on May 5, 2014, the Landmarks Commission noted regret for the loss of the structure, and concern that they were not given information about the proposed building. (Since that meeting, the applicant submitted the formal land use application – the Landmarks Commission does not typically review proposed uses unless they lie within local historic districts or adjacent to landmark buildings.)

The proposed two-unit building is 40 feet wide and 34 feet deep, with two similar two-bedroom units. The ground floor unit can be accessed through entrances from the front and back porches, and the second floor unit is accessed from the back porch. The proposal includes an unfinished basement with egress windows which could feasibly be converted into a third dwelling unit in the future, so long as all zoning and building code standards could be met at that time. This is not being pursued by the applicant at this time.

While not noted on submitted elevations, the applicant has indicated that the primary building material on all facades would be either fiber cement or vinyl lap siding, with a stone exterior on the large front porches stretching the width of the building on both floors. The building has generous window openings on the front and rear facades, and sufficient openings on the sides of the building.

Demolition Standards- Staff believes that the demolition standards can be met with this proposal as follows:

First, the Plan Commission must find that both the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent of the TR-V1 District (see below).

The TR-V Districts are established to stabilize, protect, and encourage through the City the essential characteristics of mature residential areas and to accommodate a full range of life-cycle housing while encouraging a suitable environment for family life. 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.*
- d) 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.*
- e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood corridor or special area plans.*

Staff believes that the proposal generally meets this statement of purpose. The building contributes to the variety of building types already existing along this stretch of East Gorham Street, and provides high-quality new housing units in this desirable central neighborhood. While the facade of the building is wider than most in the area, the subject property is twice as wide as others on this side of the block, which supports the wider facade. Importantly, the proposed building maintains a strong orientation to East Gorham Street, and involves the replacement of an informal gravel parking area with usable open space for the residents of the building.

Second, the proposed use should be compatible with recommendations in the Comprehensive Plan (2006) and the Tenney-Lapham Neighborhood Plan (2008). Staff notes that the proposed two-unit building represents a residential density of 10 units per acre on this site, which is less than the 16-25 units per acre recommended for medium-density residential uses in the neighborhood plan. While additional units or even a second building on a newly created lot would be supportable here, the applicant has chosen to move forward with the two-unit building as proposed.

When making a finding, the Plan Commission shall consider and may give decisive weight to any relevant facts, including but not limited to:

- a) The effects of the proposed demolition and proposed use on normal and orderly development and improvement of surrounding properties*
- b) The reasonableness of efforts to relocate the buildings, and*
- c) The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.*

Staff believes that the proposed building would not preclude normal and orderly development of surrounding properties. The subject site is twice as wide as other lots on the south side of this block, but there are several other properties of this width in the area which accommodate varied building types. Staff does not believe that relocation of the existing building is feasible or advisable, based on significant structural issues.

Recommendation

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 at 827 East Gorham Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Heather Stouder, 266-5974)

1. Final plans shall include a sidewalk connecting the driveway and garage area to the rear entrance of the building.
2. Final elevations submitted for staff review and approval shall have all materials labeled. The applicant is encouraged to utilize fiber cement lap siding.

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

3. The front first floor apartment is assigned an address of 827 E Gorham St # 101; the rear second floor apartment is assigned an address of 827 E Gorham St # 201; the rear basement apartment is assigned an address of 827 E Gorham St # 1. Coordinate wayfinding signage with the Madison Fire Department as the rear apartment cannot be seen from the street.
(NOTE – this comment pertains to a previous version of the plans with three dwelling units. Applicant shall work with City Engineering on addressing details)
4. The site plan shall show the Joint Driveway Easement per Doc. No. 5007963. See Isthmus Surveying survey by Paul Spetz of June 6, 2014, as provided in the original application for this site.
5. The site plan shall show the lot dimensions. See Isthmus Surveying survey by Paul Spetz of June 6, 2014, as provided in the original application for this site.
6. Provide the proposed distances from the buildings to the property lines on all sides on the site plan.
7. Drainage from the reconstructed site shall not be allowed to drain onto adjacent private property without significant mitigation. Discharge to the right-of-way shall be allowed as needed. Provide a detailed drainage plan.

8. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
9. Submit a PDF of all floor plans to izenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
10. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
11. 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).
12. 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).
13. All damage to the pavement on E. Gorham Street, 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).
14. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY AND MGO 10.29).
15. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
16. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
17. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site, and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.
18. 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).
19. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas

- d) Lot lines and right-of-way lines
 - e) Street names
 - f) Stormwater Management Facilities
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)
20. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan (POLICY).
21. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).

Zoning Administrator (Contact Pat Anderson, 266-5978)

22. 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, Mr. George Dreckmann (608-267-2626).
23. 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.
24. Section 28.185(9)a A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
25. The existing detached garage is a non-conforming structure pursuant to Section 28.190. Structural repairs or structural alterations to the structure shall not exceed fifty percent (50%) of the total assessed value of the structure. The applicant has submitted an appraisal with an estimated cost of repairs, however, an appraisal does not represent the total assessed value for this structure. A variance may be required, or Conditional use required if the value of the structural repairs exceeds 50% of the value of this structure. Confirm value information and setback information prior to commencing work on the garage.

Parks Division (Kay Rutledge, 266-4714)

26. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Tenney, Law & James Madison park impact fee district (SI26). Please reference ID# 14139 when contacting Parks about this project.
27. 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. 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/2013/Part1.pdf>.

Fire Department (Contact Bill Sullivan, 261-9658)

28. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
29. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

Water Utility (Contact Dennis Cawley, 266-4651)

30. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
31. This property is located in wellhead protection district WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee.
32. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

No other agencies submitted comments for this request.