



Legistar I.D. #19904
1725 Fritz Avenue
Demolition Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a single family home and associated accessory structures in the R1 (Single-Family Residential) District.

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 finds the project can meet all applicable demolition standards and **approve** the demolition request.

Background Information

Applicant/Property Owner: Dean Hellenbrand; Hellenbrand Brothers Excavating, Inc.; 5330 Ripp Rd.; Middleton, WI, 53562

Proposal: The new property owner would like to demolish all structures on the site, with no proposed use at this time.

Parcel Location: The property lies at the northeastern terminus of Fritz Avenue, which is just northwest of the intersection of University Avenue and Norman Way on the far west side of the City.

Existing Conditions: The 0.7-acre site is developed with a single-family home and accessory buildings, with an access driveway off of the terminus of Fritz Avenue. The buildings, which have housed a variety of uses through the years, are in a severe state of disrepair, and the principal structure was recently determined to be unlivable by Building Inspection staff.

Surrounding Land Use and Zoning: The property is surrounded on the north, east, and south by single-family homes in the R1 (Single-family Residence) District. To the immediate west is a 40-unit apartment building in the R5 (General Residence) District. Further west, fronting on University Avenue, are low-rise commercial buildings in the C1 (Limited Commercial) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Low Density Residential (LDR) for this property, and the Spring Harbor Neighborhood Plan (2006) has no specific recommendation for this property.

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

Public Utilities and Services: The property is served by a range of urban services, including water via Fritz Avenue and sanitary sewer via Wood Circle to the south. Metro Transit provides routes on nearby University Avenue.

Zoning Summary: The property is in the R1 (Single-Family Residential) District.

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	35,714 sq. ft. existing
Lot width	65'	adequate
Usable open space	1,300 sq. ft.	TBD
Front yard	30'	TBD
Side yards	6' for 1-story / 7' for 2-story	TBD
Rear yard	40'	TBD
Lot coverage	15% of the total lot area max.	TBD
Building height	2 stories max.	TBD

Site Design

No. Parking stalls	N/A	N/A
Landscaping	Yes	(Please see Condition No. 8, p. 3)

Other Critical Zoning Items

None

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The applicant, who recently purchased the property, proposes a demolition and removal of the single-family home and both accessory buildings, regrading, and reseeding of the site. There is no proposed future use at this time, although the applicant intends to sell the property for future development in the R1 (Single-family Residence) District. The site plan submitted shows that the existing asphalt driveway would remain for future use.

The unique 0.7-acre property is surrounded on three sides by single-family homes on large lots, and on the west by a 40-unit apartment building. Accessed via the terminus of Fritz Avenue from the west, the site is relatively isolated from the commercial uses fronting nearby University Avenue.

The existing home and accessory structures are dilapidated, have outstanding orders from the Building Inspection Division, and have been posted for "No Occupancy" due to their condition. Building Inspection staff have noted that repair of the structures, is nearly impossible, as they have been cobbled together over time (see submitted photos).

Evaluation

In order to approve the demolition of a residential structure with no proposed future use, MGO Section 28.12(12)(c)2.a. provides that the Plan Commission must find that, *"based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed."* Building Inspection staff provided a letter in support of demolition approval due to unsafe conditions, noting that the buildings on the site are an attractive nuisance (see enclosed letter dated September 10). Planning Division staff believes that this adequately demonstrates the need to allow the structures to be demolished in the near future.

The existing zoning on the property is R1 (single-family residence district), which will allow the construction of a new single family home as a permitted use or other uses that are allowed in the district.

Staff believes that maintaining the existing asphalt driveway makes sense for future construction staging, and that it may make sense for future use in conjunction with a new single family home on the site, but the driveway itself is not a desired condition in the long term. Staff recommends that it be removed, reseeded, and the apron replaced with curb and gutter if no building permits have been approved for a new home on the property within two years of the award of Plan Commission approval for the demolition.

Conclusion

After review, Planning Division staff recommends that the Plan Commission find that the demolition standards can be met and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

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 subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. The asphalt driveway shall be entirely removed and the area reseeded within two years of Plan Commission approval for the demolition.

The following conditions have been submitted by reviewing agencies:

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

2. Revise plan to show location of existing sanitary sewer lateral.
3. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work (MGO 10.05(6)) and MGO 35.02(4)(c)(2)). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>
4. 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>

Zoning Administrator (Contact Pat Anderson, 266-5978)

5. 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.
6. MGO Sec. 28.12(12)(e) requires the submittal of documentation demonstrating compliances 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. Approval of the demolition permit will require the removal of all structures, including the driveway, that the site is landscaped and seeded to minimize erosion, or a building permit is issued for a new residence.
8. Future development shall meet applicable building and zoning ordinances following applicable processes. As the result of no application for the proposed use, the site shall be landscaped and seeded to minimize erosion.
9. Remove asphalt driveway and apron. During demolition and prior to new construction, installation of barriers shall be installed across the driveway to prevent the parking of vehicles.

Fire Department (Contact Scott Strassburg, 261-9843)

10. The Madison Fire Department does not object to this proposal.

Water Utility (Contact Dennis Cawley, 261-9243)

11. 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 on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.