



**Project Address:** 5236 Harbor Court  
**Application Type:** Demolition Permit  
**Legistar File ID #** [29565](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant / Contact:** Michael Loveland; Loveland Structural Concepts, LLC; 6950 Rembrandt Rd; De Forest, WI  
**Property Owner:** Barry Mirken; 6 Glacier Court; Madison, WI 53705

**Requested Action:** The applicant requests approval of a demolition permit for a single-family residence to allow the construction of a new single-family residence.

**Proposal Summary:** The applicant proposes to demolish the existing single-family home, constructed in 1940, to allow the construction of a 2,116 square foot home. A 576 square foot detached garage is proposed in front of the structure. This garage does not require conditional use approval, though a structure exceeding this size would. Demolition and construction would begin as soon as all necessary approvals are granted. Please note, this is not a lakefront lot.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)]

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the request to demolish a single-family home to construct a new single-family home at 5236 Harbor Court, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 5,740 square foot subject property is a through-lot fronting on Harbor Court and Norman Way. The site is across Norman Way from the Spring Harbor Beach, a City of Madison park. The site is within Aldermanic District 19 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 895 square foot home. City Assessor's information indicates the home was constructed in 1940 and has three bedrooms and one bathroom. The letter of intent states the applicant has owned this property since November 2011 and it was unoccupied and not in a habitable condition prior to their purchase of this property.

**Surrounding Land Use and Zoning:**

North: Spring Harbor Beach (owned by the City of Madison) with single-family homes, beyond. Properties are zoned TR-C1 (Traditional Residential – Consistent 1).

South: Single-family homes, zoned TR-C2 (Traditional Residential-Consistent 2);

East: Single-family homes, zoned TR-C2; and

West: Single-family homes, zoned TR-C2.

**Adopted Land Use Plan:** Both the Comprehensive Plan (2006) and the Spring Harbor Neighborhood Plan (2006) recommend continued Low Density Residential land use for the area.

**Zoning Summary:** The property is zoned TR-C2 (Traditional Residential – Consistent 2).

	Required	Proposed
Lot Area (sq. ft.)	6,000	5,740 sq. ft.
Lot Width	40 ‘	40’ existing’
Front Yard Setback	20’	20’ to 2 <sup>nd</sup> story balcony
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below: 4.00’ + 2’6” = 6’6” Sidewall Offset	6’ LS 8’ RS
Rear Yard Setback	Lesser of 30% of lot depth or 30’	n/a
Maximum height	2 stories/35	2 stories
Maximum lot coverage	65%	adequate
Usable open space (sq. ft. per d.u.)	750	adequate
Number parking stalls	1	2
Landscaping	No	No
Lighting	No	No
Building forms	Yes	Meets building forms req.
<b>Other Critical Zoning Items</b>	Utility easements	

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.

## Project Description

The applicant proposes to demolish the existing 895 square foot single-family home for the purpose of constructing a larger two-story single-family home and detached garage. The letter of intent notes that the home has been unoccupied for over two years and describes the structure as being uninhabitable at the time it was purchased. Interior and exterior photos of the home are included in the packet and can be viewed online at: [http://www.cityofmadison.com/planning/projects/reports/5236hc\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/5236hc_photos.pdf)

The proposed two-story home has a footprint of about 1,204 square feet and a total area of about 2,116 square feet. The home has three bedrooms and two and a half bathrooms. The base of the home is clad with a stone base veneer, with composite horizontal siding above.

Plans also include the construction of a new 576 square foot detached garage. That garage is set back 20 feet from Harbor Court and separated from the house by 19 feet. The garage features a hip roof and has two street-facing overhead doors. Exterior materials match the proposed home.

The letter of intent also states that a tree on the east side of the lot will be removed.

## **Analysis and Conclusion**

The applicant seeks approval of a demolition permit and as such, this request is subject to the demolition standards of Section 28.185(7). Please note, this is not a lakefront lot and therefore, this proposal is not subject to the conditional use standards or the lakefront development standards.

### **Demolition Approval Standards**

Staff believes the demolition standards can be met. In considering these standards, the Plan Commission must find that the proposed demolition is both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. With a small site adjustment (noted below), the home meets the applicable zoning standards. The proposed home is believed to be compatible in design and character with the surrounding homes on Harbor Court, many of which feature large front yard home setbacks with garages located closer to the street.

The demolition standards also state that the proposed use should be compatible with adopted plans. The Comprehensive Plan and Spring Harbor Neighborhood Plan both recommend low-density residential development for the subject site and surrounding area. While the neighborhood plan does not contain specific recommendations, it does encourage that redevelopment activities reflect the neighborhood height and scale and are sensitive to its natural character.

No objections to this demolition were raised by the Preservation Planner or by the Landmarks Commission.

### **Requested Clarifications and Revisions**

The applicant has indicated no site grading changes are proposed. Due to its proximity to Spring Harbor Beach, a City-owned park, Parks has requested further grading information be provided for Parks Division approval. City Engineering has also requested more detailed grading information.

Zoning has noted that the house needs to be moved six inches to the east to comply with applicable side yard setbacks.

### **Conclusion**

Staff believes the project is consistent with the surrounding development pattern. With the required shifting of the house about six inches to the east, the project meets applicable setback standards. At the time of report writing, staff was not aware of any neighborhood concerns on this proposal. Staff concludes the approval standards can be met.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 266-5974)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the request to demolish a single-family home to construct a new single-family home at 5236 Harbor Court, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

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

1. Revise site plan to provide detailed drainage information for review.
2. The Applicant shall replace all 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)
3. 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)
4. All damage to the pavement on Harbor Court and Norman Way, 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)
5. 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)
6. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

### Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

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

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

7. Building as proposed needs to provide a 6'6" left side yard setback which can be accomplished by shifting the foundation 6" to the east.

8. Sec. 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).
9. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

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

10. 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>
11. 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)

12. 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)

13. The applicant shall submit the grading and/or drainage plan for approval by the City of Madison Parks Division. Spring Harbor Beach Park is adjacent to this property.
14. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
15. Please reference ID# 13125 when contacting the Parks Division about this project.

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

This agency did not provide comments for this request.



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### **Correction**

Condition 7 from Zoning should be revised as follows:

7. Building as proposed needs to provide a 6'6" left side yard setback which can be accomplished by shifting the foundation 6" to the east north.

Please note, the references in the staff report to that condition are also incorrect and should also reflect the need to shift the building to the north.