

PLANNING DIVISION STAFF REPORT

December 15, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 208 W. Sunset Court
Application Type: Demolition Permit
Legistar File ID # [34630](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Chris Wolf, 2 Dogs Construction, LLC; 5677 Wolf Road; Mazomanie.

Property Owner: Mary Brewer, Kussow Revocable Trust; 222 N. Owen Drive; Madison.

Requested Action: Approval of a demolition permit to allow a single-family residence to be razed and a new residence to be constructed.

Proposal Summary: The applicant wishes to demolish the existing 1.5-story, 1,268 square-foot bungalow to allow construction of a two-story, approximately 2,500 square-foot single-family residence. The new home will have 3 bedrooms and 2.5 baths as depicted on the attached plans. The applicant wishes to proceed as soon as all regulatory approvals have been granted, with completion scheduled for April 1, 2015.

Applicable Regulations & Standards: Section 28.185 of the Zoning Code provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow construction of a new single-family residence at 208 W. Sunset Court subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is 7,560 square-foot (0.17-acre) parcel located on the west side of W. Sunset Court approximately 150 feet south of Hillcrest Drive; Aldermanic District 11 (Schmidt); Madison Metropolitan School District.

Existing Conditions and Land Use: Single-family residence, zoned TR-C1 (Traditional Residential–Consistent 1 District).

Surrounding Land Use and Zoning: The subject property is generally surrounded by other single-family residences in TR-C1 zoning.

Adopted Land Use Plan: The Comprehensive Plan recommends that the subject site and surrounding residential properties be developed with Low-Density Residential uses.

The site and surrounding area are also located within the boundaries of the 2014 Hoyt Park Area Joint Neighborhood Plan, which provides a series of land use, infrastructure, housing and neighborhood design recommendations for the area of the City generally bounded by University Avenue on the north, Midvale Boulevard on the west, Mineral Point Road on the south, and Franklin Avenue on the east.

Among the goals and recommendations in the adopted Hoyt Park Area plan are the strengthening of existing neighborhoods through the maintenance and renovation of the housing stock; promotion of home ownership; and preservation of the quaint, well-kept, mostly single-family character of the neighborhood. The subject site is located in a Neighborhood Preservation Area that comprises most of the planning area historically developed with single-family residences, which the plan emphasizes preservation of the existing character, land use, and building relationships. (The plan also includes Focus Areas where land use and building form changes are envisioned.) The adopted plan includes an extensive series of residential design guidelines to preserve the character of the single-family residences that comprise most of the planning area, which are intended to apply to new or renovated homes and additions.

Zoning Summary: The property is zoned TR-C1 (Traditional Residential–Consistent 1 District):

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	7,560 sq. ft. (existing)
Lot Width	50'	60' (existing)
Front Yard	20'	22.75'
Side Yard	One story - 6' Two-story - 7'	7.4' on north, 6.75' on south See Zoning conditions
Rear Yard	30% of lot depth but at least 35'	58.33'
Maximum Lot Coverage	50%	38%
Usable Open Space (per unit)	1,000 sq. ft.	Adequate
Maximum Building Height	2 stories, 35' principal; 25' accessory	1.5 stories, less than 35'
Required Parking	1 automobile stall	1
Building Form	Single-family detached building	Complies with form
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Barrier Free	
Prepared by: Pat Anderson, Asst. Zoning Administrator		

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map D9).

Public Utilities and Services: The site is served by a full range of urban services.

Project Description and History

On June 25, 2014, the applicant submitted a request to demolish a 1.5-story, 1,268 square-foot bungalow located on a 60-foot wide, 126-foot deep parcel located on the west side of W. Sunset Court, approximately midway between N. Sunset Court and Hillcrest Drive. W. Sunset and N. Sunset courts join S. Sunset Court and E. Sunset Court in forming a unique enclave of single-family homes that surround City-owned Sunset Park. The residence was constructed in 1940 according to City records and contained 3 bedrooms, 1 bath, a partially finished basement, and a one-car attached garage. Following demolition, the applicant proposed to construct a two-story, approximately 2,500 square-foot single-family residence with an attached garage with parking for up

to 3 automobiles (2 in a tandem stall). A staff report for the original request may be found [here](#); that proposal also elicited a series of comments from nearby property owners and residents, which may be viewed [here](#).

At the request of the applicant, the Plan Commission referred the proposed demolition permit at its August 11, 2014 meeting. Subsequent to that referral, the applicant and property owner revised their proposal and received permits from the City to renovate the existing single-family residence and construct a two-story addition at its rear. Following issuance of those permits, the applicant caused the residence to be demolished, leaving only a portion of the garage and foundation. The Building Inspection Division issued a “stop work” order for the property, and the demolition of the structure without the necessary approvals has been referred by the Zoning Administrator to the City Attorney’s Office for prosecution.

Following the permit violation, the applicant and property owner revised the plans for the new residence to now call for a smaller 1.5-story structure containing approximately 2,230 square feet of floor area with 3 bedrooms and 2.5 bathrooms. The existing one-car garage along the northern side wall of the new house will remain, and the new residence will have a raised deck and screened porch off the western, rear wall. The existing foundation will be reused and expanded into a full basement extending below the new residence, with exposure to the unfinished basement proposed on the west and south sides. The house is designed in the Cape Cod style. If the revised plans for the replacement house are approved, permits for the project may be subject to higher fees as determined by the Director of the Building Inspection Division.

Analysis and Conclusion

The revised plans and application materials were submitted to the City on November 5, 2014 in anticipation of a new public hearing on the demolition permit. Notices of the December 15 Plan Commission hearing were mailed to the owners and occupants of properties within 200 feet of the subject site and a Class 2 notice was published in the Wisconsin State Journal in accordance with the requirements in Table 28L-2 of Section 28.181 of the Zoning Code.

Although the residence that previously occupied the site has been demolished without the necessary approvals (including approval by the Plan Commission following a public hearing), the question before the Commission with the revised application is the same as with any demolition permit. In order to approve a demolition permit, the Plan Commission is required to find that both the requested demolition and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code regarding demolition permits, and the intent and purpose of the zoning district in which the property is located. The proposed use should be compatible with adopted neighborhood plans and the [Comprehensive Plan](#). When making this finding the Commission shall consider and may give decisive weight to any relevant facts, including but not limited to the effects the proposed demolition and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties. The statement of purpose for Section 28.185 includes emphasis on “the careful consideration and planning of changes in the urban landscape,” “the implementation of adopted City plans,” “protect[ion of] neighborhood character,” and “[preservation of] historic buildings.” On the last point, the razing of the former house is particularly noteworthy given that it was found to have historic value and consistent character in a neighborhood that was recently found to be eligible to be listed as a historic district on the National Register (proposed Sunset Village National Register Historic District as identified in the 2013 Near West Side Neighborhood Intensive Survey Report by Tim Heggland [link](#))

During its review of the previous proposal for a new residence on the subject site, staff expressed concern that the proposed demolition and new residence did not meet the standards for approval for demolition permits in light of the recommendations in the recently adopted [Hoyt Park Area Joint Neighborhood Plan](#) [link](#) and its

overarching emphasis on the preservation of the character of the single-family homes that comprised most of the planning area. In the plan, new housing and renovations and additions to existing homes are encouraged to complement the character and scale of existing homes while still allowing for neighborhood reinvestment, with a comprehensive set of residential design guidelines included in the plan for renovated, expanded and new homes (pages 51-60, with applicable guidelines on pages 56-60). In order for the Plan Commission to determine that the demolition permit standards could be met, including the impacts on the normal and orderly development of the surrounding area, Planning staff recommended that the application be referred to allow the new residence to be redesigned to better reflect the building articulation and fenestration guidelines in the plan, including the design of the earlier proposal's roof, the width of its attached garage, and the number and size of its window openings facing W. Sunset Court.

In reviewing the revised plans for the replacement single-family residence, Planning staff believes that the new structure is more in keeping with the historic development pattern present in Sunset Court, and that the revised request may be found to meet the standards for approval. From the street, the scale of the proposed house is consistent with the other bungalows and Cape Cod-style homes located nearby, including the more traditional story-and-a-half height and dormer windows that are synonymous with the design of the latter. The attached one-car attached garage is also more in keeping with the treatment of attached garages in the surrounding area than the two-door, tandem garage proposed on the previous home plans, which staff felt overwhelmed the front facade. While staff would appreciate the opportunity to work with the applicant and property owner to refine some of the details of the front façade of the new house (including the door opening, Newell post and alignment of front window to roof dormer), it believes that the Plan Commission can find that the request is consistent with the normal and orderly development of the surrounding area and the recommendations in the Hoyt Park Area Joint Neighborhood Plan.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow construction of a new single-family residence at 208 W. Sunset Court subject to input at the public hearing and the following conditions:

Major/Non-Standard Conditions are Shaded

Planning Division

1. The site plan shall be revised prior to issuance of demolition or building permits to be drawn to scale, with "W. Sunset Court" clearly labeled adjacent to the property. The revised plans shall clearly show the edge of pavement for the public street, and clarify whether the tree(s) not identified for removal will remain.
2. That the applicant work with Planning Division staff prior to final signoff and issuance of permits for the new construction to refine the alignment of first floor front window to the roof dormer above and to make the front door and Newell post a more prominent design feature of the new residence.

The following conditions have been submitted by reviewing agencies:

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

3. The dimensions of the lot along the side and rear lines vary substantially from the dimensions of record on the recorded plat of Sunset Village. Provide clarification if these dimensions are a product of a survey completed on the lot or if the dimensions need to be corrected on the site plan and any correction to the building ties need to be made.
4. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
5. All work in the public right of way shall be performed by a City-licensed contractor.
6. All damage to the pavement on W. Sunset Court adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
7. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

8. Provide a site plan showing setbacks to proposed residence. Submitted plans appear to indicate a 6.75-foot left side yard setback. A 7-foot minimum side yard setback shall be provided.
9. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Section 28.185 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.

Fire Department (Contact Bill Sullivan, 261-9658)

10. The Madison Fire Department recommends the installation of a residential fire sprinkler system for the ADU in accordance with NFPA 13D and SPS 382.40(3)(e).

Water Utility (Contact Dennis Cawley, 261-9243)

11. 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 in accordance with MGO Section 13.21.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.