City of Stoughton, 381 E Main Street, Stoughton WI 53589

RESOLUTION OF THE COMMON COUNCIL

Lifting of Council-Imposed Demolition Moratorium for 217 S. Van Buren Street

Committee Action: None

Fiscal Impact: $0

File Number:	R-91-2018	**Date Introduced:**	April 24, 2018

WHEREAS, the City of Stoughton Common Council has placed a temporary moratorium on processing any applications for demolition of any structure within any historic district listed on the National Register of Historic Places, and

WHEREAS, the property at 217 S. Van Buren Street is located in such a historic district, and

WHEREAS, the structures at 217 S. Van Buren Street are non-contributing structures to the historic designation of the district, and

WHEREAS, the owners of this property demolished a detached garage structure without a permit during the temporary moratorium, and

WHEREAS, the owners desire to obtain a post-demolition permit and a permit to construct a new detached garage at 217 S. Van Buren Street, and

WHEREAS, the City Common Council must lift the temporary moratorium before a demolition permit may be issued: now therefore

BE IT RESOLVED by the Common Council hereby lifts the temporary demolition moratorium for 217 S. Van Buren Street to allow for the processing of the demolition permit application and subsequent permit application to construct a detached garage.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

The Department of Planning & Development discusses setback and construction issues with people on a daily basis. These discussions reinforce the requirement to get a permit before any work begins. If someone indicates they need to demolish or remove an existing garage we let them know a permit is necessary before demolition starts.

Timeline of events for 217 S. Van Buren St.

Sunday, April 8, 2018 – Digger's Hotline receives a request for a locate at 217 S. Van Buren from Eric Luebbers. The Digger's Hotline Ticket is received by our Department. The request indicates work is to start on Friday, April 13, 2018 for "Pouring concrete frost walls."

Monday, April 9, 2018 – Building Inspector Steve Kittelson visits the site and finds the ground disturbed but no existing garage was standing. At this time, he did not know a detached garage had previously existed here. He contacted Mr. Luebbers using the Digger's Hotline information and let him know a permit is necessary before work can begin.

Tuesday, April 10, 2018 – Mr. Luebbers brought in a permit application form but did not have a complete submittal including the site plan and building plans for the project. No permit or permission for work was granted. No discussion about removal of a garage took place. Building Inspector was still unaware a garage had previously existed at this location.

Wednesday, April 11, 2018 – The concrete contractor (Jim Hammis) for the project brought in the site plan and building plans for a detached garage since Mr. Luebbers could not bring them in during the day. The plans did not show that any previous building existed. Building Inspector Steve Kittelson told Mr. Hammis that we would review the permit and confirm the site plan before we can issue a permit for the work. Mr. Hammis reported to Mr. Kittelson that he planned to install a perimeter retaining wall that would be completed before work on the garage foundation would start. Mr. Kittelson indicated it was ok to install the retaining wall before the permit would be issued because it was not part of the garage. He also directed Mr. Hammis to install proper erosion control on the site before work commences.

Thursday, April 12, 2018 – Our Department started to review the project for compliance with City ordinances. During this review, we identified that a detached garage had been removed from the site that had not been identified or issued a permit. Furthermore, the City Council has placed a moratorium on all demolition permits in any historic district. We contacted Mr. Luebbers and told him all work needed to stop until we sort out the demolition of the structure without a permit and during the time a moratorium for such work is in place. At approximately 3:30 pm, Mr. Luebbers came to our office to discuss the situation. He indicated they had not planned to tear down the garage until later in the week but his contractor wanted to do it on Sunday, so they proceeded. He said ignorance of the regulations is not an excuse and apologized for starting without a permit. We indicated we will need to figure out how to deal with the demolition of a building without a permit and during a City imposed moratorium before we can issue a permit and work can start. He apologized again.

Friday, April 13, 2018 – We visited the site and found that the "retaining wall" that the contractor said he was installing, actually was the rear portion of the garage foundation and matches the dimensions of

the plan submitted and included anchor bolts. **This confirms that Mr. Hammis lied to our Building Inspector about the scope of work that was to be completed prior to issuance of a building permit.**

No Permit for the Demolition or Construction has been issued for this property.

<u>Violations:</u>

1. Demolition without a permit
2. Demolition of a structure during a City-imposed moratorium
3. Construction on a detached garage without a permit

Current situation:
We do not believe we can issue a permit to construct the detached garage until the improper demolition activity is reconciled with the City Council. Once the improper demolition is resolved, we can process the permit application. The applicant will need to be able to confirm the minimum setbacks (4 feet) will be met prior to issuance of a permit and this will likely require a surveyor since the plan they submitted shows their proposed sideyard setback to be 4’ 3”.