



**Project Name & Address:** 5101 Lake Mendota Drive

**Application Type(s):** Certificate of Appropriateness for demolition and new construction on a landmark site

**Legistar File ID #** [58739](#)

**Prepared By:** Heather Bailey, Preservation Planner, Planning Division

**Date Prepared:** January 8, 2020

**Summary**

**Project Applicant/Contact:** Erik Infield and Marie Dietrich

**Requested Action:** The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness for the demolition of the existing garage structure and construction of a new garage structure.

**Background Information**

**Parcel Location/Information:** The landmark site is located at 5101 Lake Mendota Drive

**Relevant State Statute Section:**

**Wisc SS 62.23(7)(em)2m.** In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

**Relevant Ordinance Sections:**

- 41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS.** A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.
- (1) New construction or exterior alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
    - (a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior’s Standards for Rehabilitation.
    - (b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior’s Standards for Rehabilitation.
    - (c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.
    - (d) In the case of any exterior alteration or construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City’s historic resources.
  - (2) Demolition or Removal. In determining whether to approve a certificate of appropriateness for any demolition or removal of any landmark or structure within a historic district, the Landmarks

Commission shall consider all of the following, and may give decisive weight to any or all of the following:

- (a) Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
- (b) Whether a landmark's designation has been rescinded.
- (c) Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State.
- (d) Whether demolition or removal of the subject property would be contrary to the policy and purpose of this ordinance and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council.
- (e) Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
- (f) Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
- (g) The condition of the property, provided that any deterioration of the property which is self-created or which is the result of a failure to maintain the property as required by this chapter cannot qualify as a basis for the issuance of a certificate of appropriateness for demolition or removal.
- (h) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the historic resources of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site.

Prior to approving a certificate of appropriateness for demolition, the Landmarks Commission may require the applicant to provide documentation of the structure. Documentation shall be in the form required by the Commission.

#### **Secretary of the Interior's Standards for Rehabilitation**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## Analysis and Conclusion

The applicant is requesting a Certificate of Appropriateness to demolish the existing garage and construct a larger garage with attached shed. The property includes a designated landmark, which is one of the sites included in the Merrill Springs Mound Group. The house and garage on the property are not part of the significance of the landmark site. However, the Landmarks Commission does need to review this project to ensure that the demolition of the existing garage and construction of a new garage do not damage or otherwise impact the landmark archaeological site.

As such, the application does not include renderings of the proposed new construction as the style of the new building is not at issue, just its siting. It does include a site plan to show the location of the proposed construction activities. As a property with a recorded human burial site, the project requires an approved Request to Disturb from the Wisconsin Historical Society (WHS). The WHS has archaeologists review the work to ensure that appropriate measures are undertaken to not disturb the site. Included in the packet is the approval from WHS, which includes the following conditions: no heavy machinery near the burial site, and archaeological monitoring during ground disturbing activities. The Preservation Planner has also reviewed a site plan that details the location of the new construction in relation to the location of the identified mound. That site plan is not included in the formal submittal as a measure to protect the mound location from potential harm. Staff's review concurs with the recommendation of WHS that the proposed project will not impact the landmark archaeological site.

**41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS.** A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

- (1) New construction or exterior alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
  - (a) N/A
  - (b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.
  - (c) N/A
  - (d) In addition to review by the WHS, the Preservation Planner has reviewed detailed plans to ensure that the landmark site will not be impacted, thereby protecting the public interest in preserving this significant site.
- (2) Demolition or Removal. In determining whether to approve a certificate of appropriateness for any demolition or removal of any landmark or structure within a historic district, the Landmarks Commission shall consider all of the following, and may give decisive weight to any or all of the following:
  - (a) The demolition of the garage would not be detrimental to the public interest.
  - (b) N/A

- (c) The garage is not historically or architecturally significant and is not related to the archaeological significance of the landmark site.
  - (d) The demolition of the garage is not detrimental to the standards of this ordinance.
  - (e) The garage is not architecturally distinctive so as to require its preservation.
  - (f) The garage is not significant so as to require its preservation in order to promote the general welfare of the public.
  - (g) The proposed demolition is to enable new and ongoing uses at the property, not due to deterioration or negligent stewardship by the property owner.
  - (h) The new garage and shed is located well away from the archaeological site and its location on the property will not negatively impact the site, thereby making it compatible with the historic resource. It is compatible with other such structures in the vicinity.
- Staff does not believe that this garage would require additional documentation prior to its demolition.

**Secretary of the Interior’s Standards for Rehabilitation**

1. The archaeological site will not be modified and the new garage will be located in approximately the same location as the existing garage.
2. No archaeological materials are proposed to be removed from the site. As part of the WHS approval, an archaeologist will monitor all ground disturbing activities.
3. A new garage will not create a false sense of history for the property.
4. The garage is not historically significant in its own right.
5. N/A
6. N/A
7. N/A
8. The significant archaeological resources will be preserved. Both the Preservation Planner and archaeologists with the WHS have reviewed the work, and the WHS has stipulated conditions for the work so as to protect the landmark site.
9. The new construction will not destroy significant features or resources of the property.
10. The new garage could be removed in the future, but as it is located well away from the archaeological site, neither its introduction nor removal will impact the significance of this site.

**Recommendation**

Staff believes that standards for granting a Certificate of Appropriateness (CoA) are met and recommends that the Landmarks Commission approve the project with the following condition:

1. File the final archaeological monitoring report with the Preservation Planner upon completion of the construction activities.