

PLANNING DIVISION STAFF REPORT

May 19, 2025

PREPARED FOR THE LANDMARKS COMMISSION



Project Name & Address: 124 E Gorham Street

Application Type(s): Certificate of Appropriateness for land combination, new construction

Legistar File ID # [87103](#)

Prepared By: Heather Bailey, Preservation Planner, Planning Division

Date Prepared: May 14, 2025

Summary

Project Applicant/Contact: Bruce Bosben, Apex Real Estate Holdings LLC

Requested Action: The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness for a land combination and new construction

Background Information

Parcel Location/Information: The subject property is located within the Mansion Hill local historic district and once the land is combined, all of the project will be on a designated landmark site

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.
- (4) Land Divisions and Combinations. The commission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

Secretary of the Interior's Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will 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 elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will 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 proposed project is to combine the parcel at 124 E Gorham and 116 E Gorham and then to construct a new principal structure at the front of the property that is currently 124 E Gorham. The property at 116 E Gorham is the Brown House, designated a [Madison Landmark in 1972](#). The Italianate structure was built in 1864. A contemporaneous carriage house for that property is located at the rear of what is now 124 E Gorham. The proposal is to temporarily relocate the existing carriage house during excavation of below-grade parking, then reinstall the structure with a zero-lot-line placement. The carriage house would be connected to the new structure at the front of the property with a glass corridor.

Land Combination

While staff has provided guidance to the applicant team that their request to combine the lots appears to have historic precedent and is likely to meet the standards of approval, they have not provided any justification or evidence to support their case other than that staff has previously provided evidence to support this. Staff has asked for those materials. The applicant has not provided them. Staff would recommend a referral on this item so that the applicant can provide the necessary evidence of their proposal meeting the standards of approval. Staff routinely provides guidance to applicants on how to make their case and what materials they should pull from, but then the applicant must provide those materials and make their case.

New Construction

The new construction as proposed is not constructable. In reviewing the application materials, the Preservation Planner coordinated with Building Permitting and Zoning to get their feedback to ensure that what the Landmarks Commission reviewed would also meet their requirements, just as we do with all other applications before they come before the commission. Staff shared that feedback with the applicant on May 1, 2025, with the recommendation that they redesign prior to review by the Landmarks Commission. The applicant has chosen to bring the project to the public hearing as submitted. A summary of staff feedback is as follows:

Building Permitting

- Per Fire Code, windows must be more than 3-feet from the property line. This is true for both the carriage house and the new structure. This design does not meet that standard.
- Per Building Code, building overhangs cannot be within 44-inches of the property line. The new structure's overhangs appear to not meet this standard and the relocated carriage house will not meet this standard as currently proposed with it resting on the lot line.

Zoning

- The proposed building does not comply with the required 30' rear yard setback in the DR1 zoning district. However, the Plan Commission can modify this setback requirement as part of the conditional use approval.
- The bay window projections are not permitted in the required 5' side yard and 15' front yard. Only a one-story bay window meeting the definition in Sec. 28.211 is permitted.
- The open porches shown on the front façade are permitted to encroach 7' into the required 15' front yard setback.
- Per Sec. 28.071(3)(d), the minimum ground story height is 12 feet, measured from the sidewalk to the second-story floor.

Landmarks Commission

- The submittal says that staff has previously provided evidence that the land combination meets the standards, but you provide no evidence to support your case. The submittal must make the case for the land combination. Provide evidence and a narrative.
- Once the land combination is approved, then all of the work will have to abide from the Secretary of the Interior's Standards rather than the Historic District Standards. Recommend removing language in the application about Zoning (as it is not part of the Landmarks Commission's purview), information on historic districts standards as they are not applicable, and reference to nonhistoric multi-unit buildings as they are not comparables.
- The corridor attachment to the front of the carriage house will not meet the standards as it is making an alteration to the front of a historic structure. The Landmarks Commission has a consistent precedent of denying alterations to the front of a historic structure.
- The LC recommended providing space between the historic carriage house and the new structure. At 7 feet, that is not a lot of room, and I think this will not meet their approval.
- The new structure looks a lot better with the brick detailing up in the front gable-end and the articulation of the facades. However, it is still entirely too massive to meet the SOI for the site or blend with the historic resources in the vicinity. Recommend removing 1 story, making the width of the front façade comparable to the width of the front façade of the historic Brown House and nesting additional bulk on the back of the new structure. Consider relocating the drive aisle on the side with a side garage entrance to assist with this.
- The front balconies and main entrance of the new building look like a rear deck and patio entrance. The design details need to be for a front entry on a residential structure in the historic district. Please look at the Brown House and the other historic resources in the vicinity.
- This new structure needs a contextual setback. In addition to being the most massive building on the block as proposed, by having it set forward as far as it can go, it accentuates the overly large mass. The front wall plane of the building needs to align with the front façades (not porches) of the buildings on either side. This will be in compliance with the SOI standards that the Landmarks Commission uses for their approvals.

- Historic buildings in the district have a foundation course and then the rest of the building resting on top of that. Your material choices treat the entire first floor as a foundation course on the proposed new structure.
- While building code, fire code, and zoning code all would require the carriage house to be set back from the property lines at least 3 feet when it is relocated, the Landmarks Commission will also support this as in its current location, you would have to enter into an agreement with the adjacent property owner in order to access the sides of the zero-lot-line condition in order to perform building maintenance.

Given that as proposed, this project does not meet Zoning requirements that are not eligible for a variance, and also does not meet Building and Fire Code in several ways that are not eligible for variances, staff recommends that the applicant redesign to meet these requirements, while also incorporating feedback on how to make the redevelopment compliant with the Secretary of the Interior's Standards for Rehabilitation.

A discussion of relevant standards follows:

Secretary of the Interior's Standards for Rehabilitation

1. This property converted to a multi-unit residential use some time ago. Introducing infill on this site for more residential uses is possible, but the size and mass of the proposed new structure would have an adverse effect on the spatial relationships between the historic resources on the property. In 2012, the Landmarks Commission approved the relocation of the Steensland House (a designated landmark that was located at 315 N Carroll Street at that time) because its siting and character on this property would allow for the evolution of the use of this property while still maintaining the historic character of this site.
2. The properties on this block face all feature substantial front yards and side yards. The proposed structure removes nearly all of the front yard and crosses the side yard in ways that do not meet Zoning, Building, or Fire Code. This will negatively alter the historic character of this part of the historic district.
3. The new building will read as a product of its time as it is out of character with the surrounding historic resources. The front porch and front entry are more of a style for commercial residential structures of the 1950s and 1960s and is not compatible with the historic character of this site.
4. The surface parking lot that would be replaced with a new multi-unit structure is not historically significant.
5. The proposal would reuse the existing historic carriage house. Its adaptive reuse will allow the preservation of this historic resource.
6. N/A
7. N/A
8. There are no previously identified archaeological resources on this site. This highly disturbed site is unlikely to have archaeological potential.
9. The introduction of an addition off of the front of the carriage house disrupts the front façade of the historic resource and also limits the accessibility to view this structure. The new structure has a façade that is substantially wider than historic resources; it is set far in front of the contextual setback of the other historic resources on either side; and its height and mass are substantially out of scale with the historic resources on the site and in the vicinity. In addition to not meeting the SOI standards, as proposed this does not meet Zoning, Building, or Fire Code requirements. The proposed new structure is not architecturally compatible. The width of the façade, height of the building, and contextual setback all need to be addressed to meet the SOI standards. The front porch and main entrance of the new structure also need to be architecturally compatible. The historic carriage house will need to be relocated to be setback 3-feet from the rear and side property lines and no additions made to the front of that structure. As proposed the redevelopment would damage the historic integrity of the property and its environment.
10. If this new building is removed in the future, the historic carriage house would rest on top of the parking structure. It would need to be relocated to rest on infilled ground.

Recommendation

Staff believes that the standards for granting a Certificate of Appropriateness are not met and recommends the Landmarks Commission refer this project to a future meeting with guidance to the applicant on how to meet the standards of approval.