

**AMENDED PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of April 2, 2008**

RE: I.D. #09438, Certified Survey Map – 205 N. Prospect Avenue

1. Requested Action: Consideration of a two-lot Certified Survey Map of property owned by Harvey & Gertrude Barash located at 205 N. Prospect Avenue.
2. Applicable Regulations: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicant & Property Owner: Harvey & Gertrude Barash; 205 N. Prospect Avenue; Madison.

Surveyor: Noa Prieve & Ron Williamson, Williamson Surveying, LLC; 104A W. Main Street; Waunakee.
2. Development Schedule: The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.
3. Parcel Location: An approximately 0.56-acre parcel located one lot east of N. Spooner Street on the easterly side of N. Prospect Avenue; University Heights Historic District; Aldermanic District 5; Madison Metropolitan School District.
4. Existing Conditions: The site is currently developed with a single-family residence located on the southwesterly half of the property, zoned R2 (Single-Family Residence District).
5. Proposed Use: The applicant is requesting approval of a land division creating a new single-family lot.
6. Surrounding Land Use and Zoning: The subject site is generally surrounded by other single-family residences in R2 (Single-Family Residence District) zoning in the University Heights area.
7. Adopted Land Use Plan: The Comprehensive Plan identifies this area for low-density residential uses.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Public Utilities & Services: This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the standards for Certified Survey Maps.

PREVIOUS HEARING

On March 10, 2008, the Plan Commission referred this matter to allow the applicants an opportunity to meet with their neighbors on this request. For the next hearing, the Commission asked that the applicant show a building envelope on the survey map, for more information to be provided on stormwater management on this property, and for the statement of purpose for the University Heights Historic District to be provided to the members.

ANALYSIS, EVALUATION AND CONCLUSION

The applicants are requesting approval of a Certified Survey Map to divide a .56-acre parcel located one lot east of N. Spooner Street on the easterly side of N. Prospect Avenue into two single-family lots. The site and surrounding residential properties are zoned R2 (Single-Family Residence District) and are located in the University Heights Local Historic District, which includes all of the properties generally bounded by University Avenue, Breese Terrace, N. Allen Street and Regent Street.

The subject site is developed with the 2.5-story Ely House, which was constructed in 1896 and is designated as an individual local landmark in addition to being located within the historic district. Designed by regionally important architect Charles Frost of Chicago, the Ely house is a late Victorian version of a Georgian Revival structure and is one of the first such styled homes to be built in Madison. Mr. Ely was a nationally known progressive economist and professor at the University of Wisconsin in the late Nineteenth Century.

The single-family residence sits on the southwestern half of the irregularly shaped property near the top of a secondary hill in the University Heights neighborhood. The landmark structure stands prominently in this portion of the neighborhood, with approximately 6-16 feet of grade change from the subject property down to the adjacent properties on N. Spooner Street, N. Prospect Avenue and Summit Avenue. In addition to the slopes present on the subject site, the undeveloped northeasterly portion of the property is characterized by a variety of mature trees of varying condition. An approximately 550 square-foot detached two-car garage sits in the southerly tip of the site, with a driveway serving the property extending along the southwesterly side property line.

The subject property will be divided to create a 10,763 square-foot parcel, shown as Lot 2 on the draft Certified Survey Map, which will consist of the undeveloped northerly portion of the site. The existing residence will occupy Lot 1 of the Certified Survey, with a 9.9-foot side yard proposed between a one-story screened porch located along the easterly side wall of the residence and the proposed common lot line created by this survey. A detached modular shed located along the southeasterly rear lot line will sit 12.5 feet from the proposed common line. These yards appear to conform to the required side yards for this property under the underlying R2 zoning. The proposed division will not otherwise impact the other required yards for the

existing structure. In all, both lots proposed will provide the minimum 6,000 square feet of lot area required for parcels in the R2 district. The lot widths provided also comply with the minimum 50 feet of frontage required under R2 zoning. Lot 1 will have approximately 113 feet of lot frontage along N. Prospect Avenue, while proposed Lot 2 will have 51.8 feet of frontage as measured from the back of the required 30-foot front yard line as depicted on the survey. While there are a number of design-related provisions that apply to this site under the University Heights Historic District, there are no provisions for lot area or frontage that would apply to this request.

Since the prior hearing, the applicant has revised the Certified Survey Map to include a 30-foot front building line parallel to N. Prospect Avenue to reflect the 30-foot front yard required in R2 zoning and a 9-foot side yard building line parallel to the northerly side property line. The 9-foot building line represents a 2-3 foot greater setback than the R2 required side yard. It is staff's understanding that this line was agreed to by the applicant and adjacent property owner. A note has also been added to the revised survey that requires a drainage plan to be approved by the City Engineer. The plan would run with the land and would require that runoff from any new construction on Lot 2 be less than existing conditions.

[Note: A "building envelope" is the informal term used to describe the intersection of four or more building lines on a lot. Building lines may be requested by the Plan Commission to ensure the location and type of development contemplated by a subdivision is appropriate beyond the regulations of zoning. Where building lines are not shown, it should be assumed that the yards required by zoning would be enforced.]

As noted previously, a land division request such as the one proposed would be reviewed administratively by staff to ensure conformance with various City regulations, including but not limited to the Zoning Ordinance and Subdivision Regulations. However, the Planning Division felt that, given the prominence of the existing landmark structure on the property and its location in the University Heights Historic District, this land division request should be referred to the Plan Commission for review as provided for in the Subdivision Regulations. Public hearing notices were sent to the applicants and to property owners within 200 feet of the property in advance of this hearing.

In reviewing a Certified Survey Map, Section 16.23 (5)(g)3 of the Subdivision Regulations stipulate that:

"The map shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, the official map or neighborhood unit development studies."

Regarding the design of lots, Section 16.23 (8)(d) of the Subdivision Regulation stipulate that:

"1. The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The

lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The lots shall be oriented to maximize solar access to buildings. Solar access is generally the greatest when the buildings' longest axis is east to west and southerly building exposures are maximized. Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction.

2. Every lot shall front or abut on a public street. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division provided said lot is in an approved Planned Commercial Site or a Planned Development District for which an approved specific implementation plan has been recorded and which is limited by a reciprocal land use agreement or plan of plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal ingress and egress system for buildings, loading and parking sites.
3. Lot dimensions shall conform to the requirements of the Zoning Code and except for lots in an approved Planned Commercial Site or Planned Development District shall have a minimum average depth of one hundred (100) feet and lots in the R2S, R2T, R2Y, and R2Z Districts shall have a minimum average depth of eighty (80) feet. Where not served by a public sewer, lot dimensions and areas shall in addition conform to the requirements of the State Board of Health. The lot width shall normally be measured at the rear line of the required front yard except that for deep residential lots and for triangular or gore shaped lots where the setback line is noted on the plat and is greater than the required yard, the lot width shall be measured at the indicated setback line.
4. Side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, except where more flexible lot line orientation is necessary to secure solar access to the lot, such as in the case of inter-cardinal streets where the side lot lines are located as close as possible to the north-south axis.
5. Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
6. In case a parcel is subdivided into large parcels, such parcels shall be arranged so as to allow the re-subdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
7. Excessive depth in relation to width shall be avoided and a proportion of two to one (2 to 1) shall be normally considered as a desirable ratio.
8. Lot lines shall follow municipal boundary lines rather than cross them.

9. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
10. Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
11. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.”

There are no adopted neighborhood plans for the University Heights neighborhood at this time. The Comprehensive Plan identifies the site and surrounding area for low-density residential uses and generally encourages infill development to be “compatible with established neighborhood character.” Additionally, the Comprehensive Plan generally recommends that redevelopment and infill projects be compatible with and compliment existing historic resources and characteristics of an area (Objective 3, Section 8, Volume II, page 8-4).

Planning Division staff does not believe that the proposed division of the Barash property runs counter to the above recommendations. Additionally, Kitty Rankin, the City’s preservation planner, informally shared the proposed land division of the Barash property with the Landmarks Commission at its meeting on February 25, 2008. The Landmarks Commission will be required to review and approve any new construction on proposed Lot 2 following a public hearing, as required by the Landmarks Commission ordinance, Section 33.19. Due to the division of land from the existing landmark property, staff recommends that a note be placed on the Certified Survey Map stating that any new construction on proposed Lot 2 will be subject to the criteria and standards for alterations and new construction on landmark properties as set forth in the Landmarks Commission ordinance. Staff believes that the landmark-specific standards are more specific than the standards that apply to the University Heights Historic District overall and will allow the Landmarks Commission to ensure that any new structure on Lot 2 is approved with careful consideration to the landmark Ely House as well as the historic district in general. Staff also recommends that a tree survey and tree preservation plan be submitted for approval when plans are presented for Lot 2.

In closing, the Planning Division believes that the proposed division of the Barash property can meet the R2 zoning requirements and the standards for approval for Certified Survey Maps in the Subdivision Regulations. In considering approval of the Certified Survey Map, the Commission should determine if the building lines proposed are acceptable for guiding future construction on Lot 2 following input from the district alderperson and comments at the public hearing.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map of property located at 205 N. Prospect Avenue subject to input at the hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the following notes be placed on the Certified Survey Map:
 - a.) Any new construction on proposed Lot 2 will be subject to the criteria and standards for alterations and new construction on landmark properties as set forth in the Landmarks Commission ordinance, Section 33.19 of the Madison General Ordinances;
 - b.) A tree survey and tree preservation plan shall be submitted as part of any plans for new construction on Lot 2 and shall be approved by Planning Division staff and the Landmarks Commission.
 - c.) The stormwater management note on page 2 shall be revised to clarify when the stormwater management (drainage) plan will be prepared. Planning staff recommends that the plan be prepared and approved by the City Engineer prior to the issuance of permits for any construction of a new principal building on Lot 2.
 - d.) "Prospect Street" shall be shown as "N. Prospect Avenue."

Appendix – Statement of purpose for University Heights Historic District (and related)

From Section 33.19, MGO, Landmarks Commission:

(12) University Heights Historic District.

- (a) Purpose and Intent . It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character of historic interest and significance. This area, to be called University Heights Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Section 33.19(6)(d) entitled "Creation of Historic Districts" of the Madison General Ordinances [which follows].

(6) (d) Creation of Historic Districts.

1. For preservation purposes, the Landmarks Commission shall select geographically defined areas within the City of Madison to be designated as Historic Districts and shall, with the assistance of the City Department of Planning and Community and Economic Development, prepare an historic preservation plan in ordinance form for each area. An Historic District may be designated for any geographic area of particular historic, architectural, or cultural significance to the City of Madison which:
 - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 - b. Is identified with historic personages or with important events in national, state or local history; or

- c. Embodies the distinguishing characteristics of architectural type specimens inherently valuable for the study of a period or periods, styles, methods or construction, indigenous materials or craftsmanship; or
- d. Is representative of the notable works of master builders, designers, or architects who influenced their age.

Each historic preservation plan prepared for or by the Landmarks Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

- 2. Guideline criteria to be considered in the development of Historic District plans are as follows:
 - a. All new structures shall be constructed to a height visually compatible with the buildings and environment with which they are visually related.
 - b. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - c. In the street elevation(s) of a building, the proportion between the width and height in the facade(s) should be visually compatible with the buildings and environment with which it is visually related.
 - d. The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.
 - e. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
 - f. The existing rhythm created by existing building masses and spaces between them should be preserved.
 - g. The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.
 - h. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - i. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
 - j. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

- k. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
 - l. All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
 - m. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
3. The guideline criteria for construction of and alterations and additions to buildings and structures in historic districts are designed to provide an understandable set of standards to ensure that alterations to the exterior of existing buildings and the creation of new buildings will be done in a manner sensitive to the character of each historic district. It is not the intent of this ordinance to discourage contemporary architectural expression that is visually compatible with its environment and otherwise meets the standards in the ordinance, to encourage the rote emulation of existing building styles or to prevent the prior lawful conforming use of buildings that are reconstructed following destruction by fire or other natural disaster. A sensitively designed building in a contemporary style may better preserve and enhance the inherent characteristics of a historic district than a mediocre adaptation of a more traditional style.

Planning Division
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P.O. Box 2985
Madison, WI 53701

Cc: Tim Parks (tparks@cityofmadison.com)
Cc: Harvey and Trudy Barash, 205 N Prospect Ave. Madison, 53726

Planning Division

We write in regard to the Public Hearing on March 10, 2008 re: id #09438 concerning the property at 205 N Prospect and proposed lot #2. We live at 211 N Prospect the lot that borders the proposed Lot #2 to the north. We will plan on attending the public hearing and speaking but would like to provide some of our thoughts in writing.

We oppose the proposed subdivision of the property at 205 N Prospect for several reasons. First, is the integrity and feel of the University Heights neighborhood was originated over 100 years ago. The neighborhood has no city parks and no common green space of any substance other than that of the Randall School and the attached Olive Jones Park (the playground of the school which is 80% or more pavement). I am sure that as this neighborhood was planned and developed with a vision of having a few larger lots to absorb some of the biggest homes in the neighborhood and accommodate the unusual (hilly) land contours and the curving streets like N Prospect Ave. This vision is what attracted our family to purchase a home that was in ruins and invest significant dollars into its restoration and rejuvenation which lives the plan for this neighborhood.

Second is that due to the elevation of 205 Prospect property we at 211 and the neighbors at 1717 Kendall (downhill) deal with significant water runoff and basement leakage, garage flooding and soil erosion as the property currently sits. The placement of more pavements, roof runoff and other issues with more building could significantly worsen the issue. We have used all of the lot we have south of our home and with the Barash's cooperation have graded our lot into their property. At a minimum drainage plan and culvert between our home and any new building (if it were approved) would need to be established. It would be very helpful that any building envelope would take into consideration extra space on the north lot line of Lot #2 to accommodate a drainage culvert prior to our home. As our home is close to this lot line additional space to deal with these issues would be required.

The thought that 100+ years later a building and lot code designed for contemporary urban neighborhoods would be applied to a registered historic home and landmark neighborhood to peel off a Lot which has been dedicated to a single family home is something that we cannot support. This would significantly affect the overall value and intention of this urban historic neighborhood and specifically this unusual 5 sided block of land. We think that caution and deliberate care should be applied in making this decision as opposed to a check the box compliance with current zoning and standards.

The block on which this lot sits is one of the few 5 sided blocks in the area. I do not think that there is a level lot or square corner in the block. The 6044 square foot and two car garage home that currently occupies 205 N Prospect is one of the most grand in scale and appearance in the neighborhood and deserves a lot like it has. It should be understood that all though other lots on this block are measurably smaller the average size of house on this block is less than $\frac{1}{2}$ the size of the 6000+ ft house at 205. The proportions of each house compared to its lot do not significantly differ from that of the 205 Property intact. In fact the Lot 1 with the existing home would be proportionately among the smallest on the block. I do not think anyone who set out to plan this neighborhood over the last 100 years or over the next 100 years should consider dividing this property into a building site.

We all have made sacrifices to be the fortunate few who can experience the urban living and enjoy the 100+ year old history of one of the most famous Madison neighborhoods. I truly respect Harvey and Trudy and wish them well in what ever they do next but cannot support the division of their property into a build able lot.

Parks, Timothy

From: Cnare, Lauren
Sent: Tuesday, March 11, 2008 12:47 PM
To: jim-carlson@excite.com
Cc: Parks, Timothy
Subject: RE: See this note now on land vote

Mr. Carlson or Carlon - I'm not sure where you saw all those computers up and running, since neither neither of my neighbors nor I had them, therefore sending "live" testimony didn't work. It's very best to appear live at the meetings where you have a concern or insight, or send comments ahead of time.

All plan commission decisions are based standards, which we all take into account with the current situations. There are two sides to every issue and things change. Decisions made for a reason 100 or 10 years ago should be re-evaluated whenever the opportunity arises. This is a great example. As you know, this was referred for further neighborhood discussion.
Lauren Cnare

Watching now Ms. Cnare on City 12,
this about dividing the land this
couple dearly wants to do.

Why not ask this telling question
to them for a repsonse?

Sir and/or mam, please tell us on
the plan commission why, so many
years ago, you both decided to
purchase and live on this property
now in question tonight?

their answer Ms. Lauren Cnare will be
something like...well, we love the
area, large land mass, old area,
the many wooded lots, trees...
etc.

And you, Ms. Cnare should respond

back by saying, well if we approve
this notion tonight, then are we
not preventing other couples in
the future of giving us this same
answer as you did...why deny the
right for some future owner to
have a large piece of property
that you have now?

Ms. Chare, urge a strong NO
vote---if only to keep what is
one of last remaining pieces
of similiar property for future
generations, to say nothing of
this so-call historic area.
Vote no...and tell them to
appreciate what they have or
move into this so called smaller
home life elsewhere....

I see from watching City 12
tonight you all have computers
up and running, I hope you
see and respond to this urgent
email...comment?

Jim Carlon

Dedicated to
preserving
Madison's
historic
heritage

March 31, 2008

Plan Commissioners
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To the Plan Commission:

The University Heights Historic District was established as a national historic district prior to the establishment of Madison's own Landmarks Commission. The neighborhood felt strongly that there was a need to preserve and maintain the character of the unique setting and homes that are connected to much of Madison's history before the city itself developed such policies. Neighborhood feeling has not changed. The March 27 neighborhood meeting about the Ely House and property concluded with neighbors unanimously favoring that the Ely property remain with its historic amount of green space. While the neighbors respect the legal right of the owners to make property line changes, the neighborhood advocates a strong sense of historic appreciation.

Be mindful that the Ely House sits as it has since 1896. The proposed division of the Ely House property for possible construction of another house is contrary to the preservation of the historic nature of this National Register house setting. We question the wisdom of dividing a lot next to such an important home in the historic district before any specific plans have been drawn or any massing studies have been conducted. The utmost caution is necessary with any plan that could potentially damage the historic context and character of this important local and national historic district.

Respectfully,

James R. Westring
President
Madison Trust for Historic Preservation