



Demolition by Neglect Appeal 121 Langdon St.

November 11, 2019



Background

- June 24, 2019
 - LC finding of Demolition by Neglect
- July 10, 2019
 - Property Owner filed appeal to CC
- August 6, 2019
 - CC referred back to LC for reconsideration due to substantial onsite work
- August 30, 2019
 - BI work order items completed by property owner
- September 16, 2019
 - LC refers consideration to Nov. 11 meeting to complete COA & Zoning site work
- November 1, 2019
 - Zoning deadline for site work
- November 5, 2019
 - Zoning finds site work substantially incomplete



Common Council Motion

A motion was made by Heck, seconded by Bidar, to Refer to the LANDMARKS COMMISSION and should be returned by 9/16/2019. The motion passed by voice vote/other with the following instructions:

1. Rescind the previous finding of demolition by neglect if the property owner is found to be in full compliance with the conditions of the December 6, 2018 Certificate of Appropriateness, or
2. Refer the Appeal back to the Common Council if the property owner continues to be in non-compliance.



Applicable Standards

41.15 DEMOLITION BY NEGLECT. The owner of a landmark, improvement on a landmark site, or improvement in a historic district, may not allow the landmark or improvement to undergo demolition by neglect.

- (3) Landmarks Commission Finding. If, after a public hearing, the Landmarks Commission finds that a landmark or improvement is undergoing demolition by neglect, it shall report its finding to the Common Council, the Building Inspector and the Office of the City Attorney. A Landmarks Commission finding of demolition by neglect is prima facie evidence of demolition by neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists under sec. 27.05(3) of the Madison general ordinances.





Staff Recommendation

Staff believes that the property owner has not met the conditions of the motion from the Common Council for all work related to the December 6, 2018, COA to be completed. As such, the instruction from Common Council was for the Landmarks Commission to refer the Demolition by Neglect Appeal back to Common Council for their reconsideration.

Staff recommends the Landmarks Commission:

1. Refer the appeal back to Common Council as the property owner is still in non-compliance with the terms of the December 6, 2018, Certificate of Appropriateness.
2. Direct staff to update the Demolition By Neglect Report to Common Council.

