

Bailey, Heather

From: Koeppen, Joel <jkoeppen@kahlerslater.com>
Sent: Wednesday, May 14, 2025 3:05 PM
To: Bailey, Heather; 'Bruce Bosben'
Cc: Firchow, Kevin; Moskowitz, Jacob; Ochowicz, William; Bissen, Peter; Noelck, William; Sinnett, Joe
Subject: RE: Feedback on 124 E Gorham submittal to Landmarks Commission
Attachments: 25-0416_Landmarks Submittal_KS MARKUPS_Zoning + Permitting Comments.pdf

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Heather and team,

Thank you for these comments. Please excuse the delay in response as some of us have been out traveling for much of the last two weeks. I have provided responses below in **red** for review. The permitting and zoning comments are mostly attainable for us and are noted in the attached site plan markup in addition to some comments/questions below. We discussed as a team and would like to keep the Landmarks comments as discussion for the upcoming LC meeting on 5/19 to keep the feedback loop formal, but I have added some responses/questions below to help facilitate that discussion. Let us know if this seems reasonable to you.

We have a complicated problem to solve on this site with a lot of moving parts! We appreciate your willingness to work with us on finding the best solution that works for all.

Please let us know if there are any other questions or comments based on the responses below.

Thank you,
Joel

Joel M. Koeppen, AIA
Design Leader, Associate Principal

414-290-3731 Direct
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From: Bailey, Heather <HBailey@cityofmadison.com>
Sent: Thursday, May 1, 2025 2:28 PM
To: 'Bruce Bosben' <BBosben@apexrents.com>; Koeppen, Joel <jkoeppen@kahlerslater.com>
Cc: Firchow, Kevin <KFirchow@cityofmadison.com>; Moskowitz, Jacob <JMoskowitz@cityofmadison.com>; Ochowicz, William <district2@cityofmadison.com>
Subject: Feedback on 124 E Gorham submittal to Landmarks Commission

Bruce & Team,

I took your submittal to a few colleagues to gather feedback to make sure that you don't hit any unexpected roadblocks as you proceed. I am looping the alder in on this feedback because he's been getting a lot of inquiries about this proposal. Here's a compilation of staff feedback:

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. Your design does not meet that standard.

- We are right at 3'-0" on the east property boundary bay window projections (the only relevant location on the new construction, since the west property line is dissolving), but can reduce by a few inches for tolerance or we could just eliminate the bay windows altogether. The existing carriage house is being placed back where it is currently located, with a subtle shift to resolve the property line encroachment (inches) on the North – this subtle adjustment was a request from CoM made early on in our December 20th mtg. Since this triggers fire code issues, we need to evaluate our options for rated glass (expensive) or consider infilling existing openings (bad for units). Moving the carriage house inward on the site creates issues for access and pinches us even more on the site, but we will study the specific implications of this.

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.

- The overhangs for new construction will comply. Could we consider a variance for the overhangs on the carriage house in this circumstance? We discussed this back in November and December mtgs (Heather, Matt, Kevin and Chris from CoM) and determined that the intent is that we would keep the existing carriage house in its original location, provided we resolved the lot line encroachment issue on the North and a no build easement could be pursued on the east and north. Out of curiosity, if we just left the carriage house as is in its existing location and not repositioned it, what would be the evaluation of this constraint in the case of a simple interior renovation?

Landmarks Commission

Your submittal says that staff has previously provided evidence that the land combination meets the standards, but you provide no evidence to support your case. Your submittal must make the case for the land combination. Provide evidence and a narrative.

- Existing documentation and an old parcel map were shared with us by Heather Bailey on November 7th, 2024 mtg with Kevin Firchow and Bruce Bosben. Do we need to request this be sent to us from the city and then submit it back to the city as evidence? We can provide more narrative language on this.

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.

- Yes, agreed and this was stated in the narrative. We can eliminate the other language referring to HDS.

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.

- Can do. The thought was that we would cover this information contextually as to not lose track of what is existing around the property. We understand this is not part of the case for Landmarks directly.

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.

- We received feedback from Landmarks commission on 3/10/2024 that this was acceptable as drawn, with the caveat that we would consider it a demountable or detachable structure. Is this no longer a viable path? If not, how can we preserve a connection with the carriage house to keep it connected with the new construction? There is also the notion that this historic façade (especially the connector) will not be seen from the street once the development is complete. Is there any consideration to this given to the resulting visibility from the street?

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.

- This space was improved from the previous design presented at LC on 3/10/2024. In the comments, there was not any direct reference to any specific dimension we needed to abide by. We will consider increasing this dimension, but as you know we are very limited with space on this site. We will need to agree on a dimension to work to as to not keep guessing, but also to preserve units as much as we can.

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. Maybe having the drive aisle on the side with a side garage entrance will assist with this?

- There was no specific reference to dropping another story or significantly reducing the massing of the building in the previous 3/10 LC meeting. We already did this once based on 11/7 and 12/20 meeting's feedback. The same street elevation and 3D views were shared at the previous LC meeting with opportunity to comment, but received no further comment like this. We would like to understand what changed since then?

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 comment seems a bit vague. Are you referring to a specific detail or to the overall composition/articulation? Please provide more specificity.

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.

- We will consider this. However, it is important to know that it will significantly change the yield and proforma of the project. It will likely result in a loss of at least 2 units per floor, totaling a loss of 8 units on a 24 unit project. There was no specific comment to reduce this in our previous LC meeting, only the question of what the setback was and a question about what any reduction would mean for unit count – we did not receive direction or recommendation to reduce this. Any specific reason why the perception has changed? For reference, there are historic MF properties on the block (referenced in our Visual Compatibility map) that have comparable setbacks to what we are proposing (e.g. 144-150 E Gorham and 111-115 E Gorham).

Historic building 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.

- Correct. Our podium construction represents the entire ground floor (half in and half out of the ground) and encompasses a garage opening for cars. This needs a more robust material meeting the ground plane. 116 and 130 Gorham both do this at the base with stone where it emerges from grade at the street. Is the comment that it reads too strong? If that is the case, we can bring less contrast to this material at the base to soften the read.

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.

- This is what we talked about in our December meeting and was agreed upon as the intended approach. If we were to leave the carriage house as is and not reposition, what is the assessment on this?

Zoning

Because this project includes multiple residential buildings on one zoning lot, it is a residential building complex that requires conditional use and Urban Design Commission approval.

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.

- Our *new construction* complies with the 30' setback on the rear. The existing carriage house is on the lot line – is the comment that the carriage house doesn't comply? Are you considering the new construction and existing carriage house as one continuous development regardless of the connector and whether or not we reposition the existing building? If so, we would be interested in pursuing a modification at PC.

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.

- We can eliminate the bay windows that do not comply. However, is there an opportunity for a variance on this?

The open porches shown on the front façade are permitted to encroach 7' into the required 15' front yard setback.

- **Correct. This is the current condition shown in the proposed plan.**

Per Sec. 28.071(3)(d), the minimum ground story height is 12 feet, measured from the sidewalk to the second story floor.

- **Our current FTF height at the ground level is 11'-0", due to the grades onsite as we understand them. Raising another foot could be done, but creates are more difficult condition to resolve grades and accessible slopes onsite or pushes us further into the ground (accessibility at the street entry could be affected). We will look into this, but would there be an opportunity for a variance on this if it creates a hardship?**

If parking is to be leased to nonresidents, the following supplemental regulations apply:

- The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.
- Occupants of the principal use shall have first right of refusal for the parking facilities.
- The lessee shall provide the owner of the facility documentation establishing their place of residence.
- **All parking provided in the proposed development is intended to be used by residents onsite (116 + 124 E Gorham) and from the Gilman house to the north.**

Plan Commission

The project as proposed will need a conditional use approval. Please coordinate with a development planner. **Noted.**

*Finally, I've just gotten a second call from someone going by to take a look at the property to get a feel for what is being proposed where the person noted that the front porch on the Brown House is falling apart. I want to give you a chance to take care of this basic building maintenance before I ask Building Inspection to check it out. I think that you will get a lot more folks in the neighborhood visiting the site and I would expect many comments at the public hearing about the deteriorated and unsafe conditions at the property.

- **See email response from Bruce.**

As the new structure as proposed cannot be approved by building permitting for building and fire code violations, I would recommend redesigning it before the Landmarks Commission considers this proposal. Let me know how you want to proceed.

- **We have discussed this as a team, and would like to continue with the proposal as is for the May 19th hearing. We would like to keep the landmarks comments and feedback within the constructs of the formal meetings to prevent anything from getting lost in informal discussions. Does this seem like a viable plan?**



Heather L. Bailey, Ph.D. *(she/her)*

Preservation Planner
Neighborhood Planning, Preservation + Design Section

Department of Planning + Community + Economic Development

Planning Division

215 Martin Luther King, Jr. Blvd.; Suite 017

PO Box 2985

Madison WI 53701-2985

Email: hbailey@cityofmadison.com Phone: 608.266.6552

SITE PLAN

Comments from Heather Bailey email 5/1/2025

Building Permitting

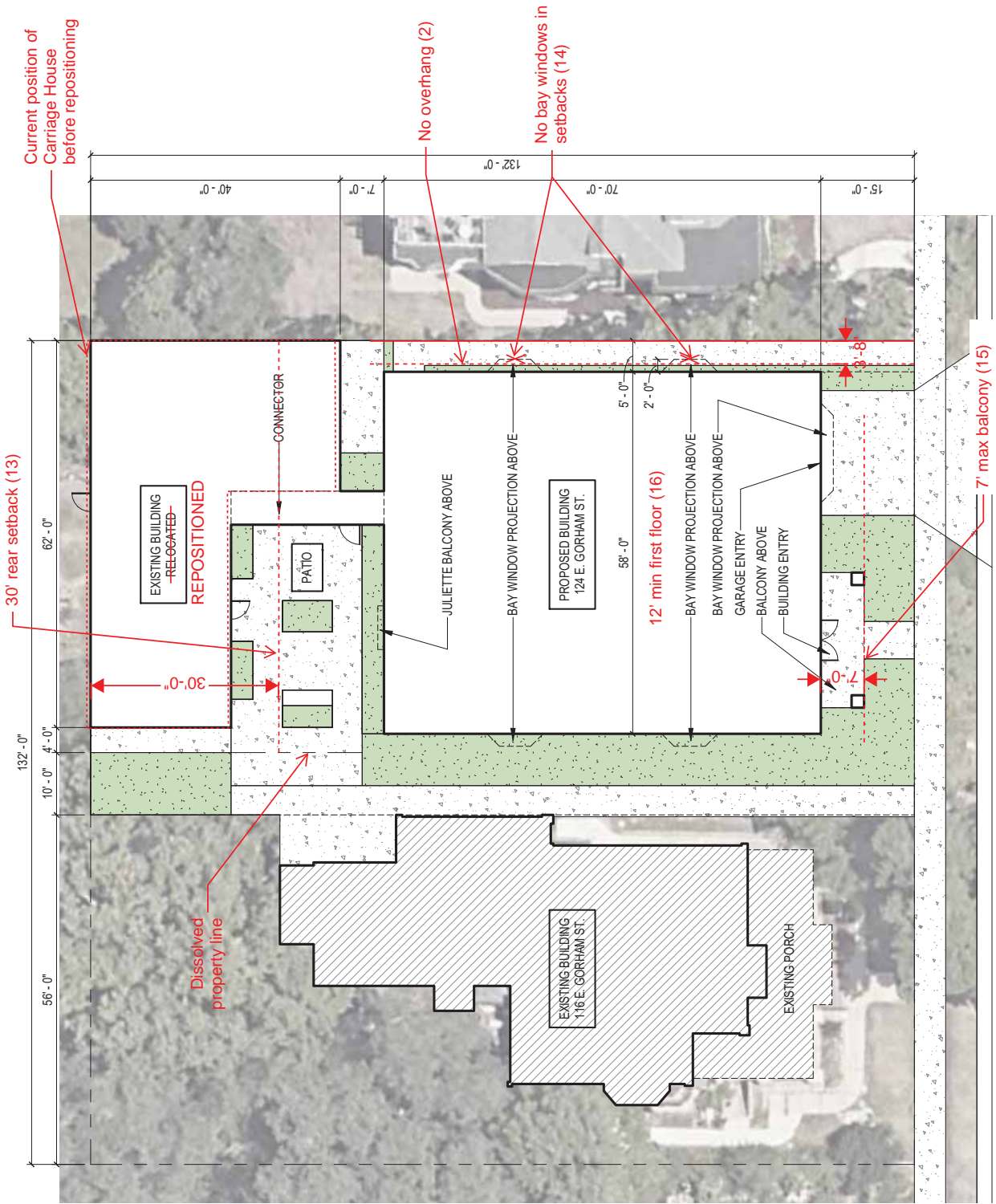
- 1) Per Fire Code, windows must be more than 3-feet from the property line. This is true for both the carriage house and the new structure. Your design does not meet that standard.
- 2) Per Building Code, building overhangs cannot be within 44-inches of the property line. The new structure's overhangs 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.

Landmarks

(We would like to discuss these comments in 5/19 meeting).

Zoning

- 12) Because this project includes multiple residential buildings on one zoning lot, it is a residential building complex that requires conditional use and Urban Design Commission approval.
- 13) 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.
- 14) 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.
- 15) The open porches shown on the front façade are permitted to encroach 7' into the required 15' front yard setback.
- 16) Per Sec. 28.071(3)(d), the minimum ground story height is 12 feet, measured from the sidewalk to the second story floor.



Bailey, Heather

From: Bailey, Heather
Sent: Wednesday, May 14, 2025 9:57 AM
To: Bruce Bosben
Cc: Firchow, Kevin; Moskowitz, Jacob; Ochowicz, William; Koeppen, Joel
Subject: RE: Feedback on 124 E Gorham submittal to Landmarks Commission

This work will need a Certificate of Appropriateness before you complete work. I do not recommend reinstalling the aluminum because it hides deterioration, but does not prevent it. And that creates situations like this one.



Heather L. Bailey, Ph.D. *(she/her)*
Preservation Planner
Neighborhood Planning, Preservation + Design Section

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215 Martin Luther King, Jr. Blvd.; Suite 017
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From: Bruce Bosben <BBosben@apexrents.com>
Sent: Wednesday, May 14, 2025 9:39 AM
To: Bailey, Heather <HBailey@cityofmadison.com>
Cc: Firchow, Kevin <KFirchow@cityofmadison.com>; Moskowitz, Jacob <JMoskowitz@cityofmadison.com>; Ochowicz, William <district2@cityofmadison.com>; Koeppen, Joel <jkoeppe@kahlerslater.com>
Subject: RE: Feedback on 124 E Gorham submittal to Landmarks Commission

Thank you Heather,
I have been told that a piece of aluminum, apparently decades old, was covering that area, but recently fell off. I don't believe we have a current water infiltration issue, but that will be investigated.
We will attend to the rotted wood right away. Once replaced, do you want the aluminum re-installed?

From: Bailey, Heather <HBailey@cityofmadison.com>
Sent: Wednesday, May 14, 2025 8:54 AM
To: Bruce Bosben <BBosben@apexrents.com>
Cc: Firchow, Kevin <KFirchow@cityofmadison.com>; Moskowitz, Jacob <JMoskowitz@cityofmadison.com>; Ochowicz, William <district2@cityofmadison.com>; Koeppen, Joel <jkoeppe@kahlerslater.com>
Subject: RE: Feedback on 124 E Gorham submittal to Landmarks Commission

Bruce,

I went by the property this morning and took some pictures for you. I've marked up the first one to show where the deterioration is on the porch and then did some up close pictures so you can see more clearly the areas that are rotting away and that the rot is spreading. You have a water infiltration issue that is going to spread to the rest of the porch roof. Hope this helps.



Heather L. Bailey, Ph.D. *(she/her)*
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From: Bruce Bosben <BBosben@apexrents.com>
Sent: Tuesday, May 13, 2025 3:26 PM
To: Bailey, Heather <HBailey@cityofmadison.com>
Cc: Firchow, Kevin <KFirchow@cityofmadison.com>; Moskowitz, Jacob <JMoskowitz@cityofmadison.com>; Ochowicz, William <district2@cityofmadison.com>; Koeppen, Joel <jkoeppe@kahlerslater.com>
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Hello Heather,
I'll leave addressing your development comments to Joel, but I wanted to inquire about the Brown House porch comment. I visited the house today and am baffled about the disrepair comment. As you may recall, we did an extensive re-hab of the exterior a few years ago. It still looks great. If your critic has anything specific to report, I'd like to know what it is. If you intend to invoke Building Inspection, I hope that you will verify any allegations before proceeding.
Bruce

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