



**Project Address:** 121, 123, and 127 West Gilman Street  
**Application Type:** Certificates of Appropriateness for demolition and new development in the Mansion Hill historic district  
**Legistar File ID #** [32027](#)  
**Prepared By:** Amy L. Scanlon, Preservation Planner, Planning Division

## Summary

**Applicant/Property Owner:** Dan Seeley

**Requested Action/Proposal Summary:** This development proposal requires multiple actions from the Landmarks Commission. The Landmarks Commission reviewed this proposal on November 25, 2013 and numerous items were referred at that time.

The Landmarks Commission shall act on the request for a Certificate of Appropriateness for the following items related to Legistar #32027 as discussed in this staff report:

- Demolition of structure located at 121 West Gilman (Certificate of Appropriateness approved 11/25/13)
- Demolition of structure located at 127 West Gilman
- New development in historic district on West Gilman

The Landmarks Commission shall also provide the Plan Commission with an advisory recommendation on the following items related to Legistar #32027 as discussed in this staff report:

- Land division/combination in a historic district
- New development adjacent to landmark site 120 West Gorham (favorable recommendation approved 11/25/13)

The Landmarks Commission shall also act on the request for a Certificate of Appropriateness for the following items related to Legistar #32076 as discussed in a separate staff report:

- Removal/relocation (demolition) of structure located at 123 West Gilman (see Legistar #32076)
- New development in historic district at 113 West Gorham (relocation site)(see Legistar #32076)(Certificate of Appropriateness approved 11/25/13)

**Applicable Regulations & Standards:** Section 33.19 and Chapter 28 of the Madison General Ordinances (see below)

**Review Required By:** Landmarks Commission, Plan Commission

## Background Information

**Parcel Location:** The subject sites are located in the Mansion Hill (local) historic district and in the Mansion Hill National Register Historic District.

### Relevant Ordinance Sections:

The definition of demolition is being included so the Commissioners understand the standards for review.  
[28.211 Definitions](#)

Demolition. Demolition is an act or process that removes, pulls down, tears down, razes, deconstructs or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building. This provision does not apply to the repair or replacement of windows, doors, or siding.

33.19(5)(c)3. Standards. (for Demolition)

In determining whether to issue a Certificate of Appropriateness for any demolition, the Landmarks Commission shall consider and may give decisive weight to any or all of the following:

- a. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
- b. Whether the building or structure, although not itself a landmark building, contributes to the distinctive architectural or historic character of the District as a whole and therefore should be preserved for the benefit of the people of the City and the State;
- c. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Sec. 33.19 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
- d. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- e. Whether retention of the building or 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;
- f. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;
- g. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.

33.19 (1) Purpose and Intent It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
- (c) Stabilize and improve property values.
- (d) Foster civic pride in the beauty and noble accomplishments of the past.
- (e) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (f) Strengthen the economy of the City.
- (g) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the City.

33.19(10)(e) Guideline Criteria for new Development in the Mansion Hill Historic District.

1. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related (visually related area).

2. In the street elevation(s) of a new building, the proportion between the width and the height in the facade(s) shall be visually compatible with the buildings and the environment with which it is visually related (visually related area).
  3. The proportions and relationships between width and height of the doors and windows in new street facade(s) shall be visually compatible with the buildings and environment with which it is visually related (visually related area).
  4. The rhythm of solids to voids created by openings in the facade of the new structure should be visually compatible with the buildings and environment with which it is visually related (visually related area).
  5. All new street facades should blend with other buildings via directional expression. When adjacent buildings have a dominant vertical or horizontal expression, this expression should be carried over and reflected.
- 33.19(5)(i)1. Review proposed land divisions and subdivision plats of landmark sites and properties in Historic Districts to determine whether the proposed lot sizes negatively impact the historic character or significance of a landmark or landmark site and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the Historic District. The Landmarks Commission review shall be advisory to the Plan Commission.

**28.144 DEVELOPMENT ADJACENT TO A LANDMARK OR LANDMARK SITE.**

Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

## **Analysis and Conclusion**

Each Certificate of Appropriateness and advisory recommendation will be discussed separately in this section. The items that were previously approved have been removed from this report.

Certificate of Appropriateness for Demolition of structure at 127 W Gilman
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The building at 127 W Gilman was constructed in 1893 as the Jabez Smith Residence in the Stick Style. It should be noted that the preservation file explains that there are records of a house (c. 1858) on this site that was presumably demolished, but that it is also possible that this existing house is the c. 1858 house that was relocated and altered by Jabez Smith. In 1922 the residence became the home of a Jewish organization and in 1927, the Phi Sigma Delta fraternity house. The property was purchased by Steve Brown Apartments in 1994 as part of a package deal. The building had suffered fire damage and foundation issues prior to the acquisition by Steve Brown Apartments, but was rented until 1997 and has recently been used for storage.

A brief discussion of the demolition standards (33.19(5)(c)3) follows:

- a. The building is of architectural and historic significance. The building is a vernacular structure in that it represents the stratification of the social classes – it is not representative of the apex buildings (the grand stone/masonry homes) occupied by the elite residents of Mansion Hill, rather it represents the structures occupied by Madison’s middle class of the time. The loss of this structure will diminish the number of structures in this area that communicate this historical record.
- b. The building does contribute to the architectural and historic character of the district. The building is a vernacular structure that was built in an early development period of Madison. The architecture is consistent with the period of development significance and is compatible with other buildings of the same period of development which creates an architectural character. With other buildings in the district, this building conveys cultural and social significance as an example of a mid-size residence built

in an early development period of the City by an owner with ample means. The loss of this structure will diminish the number of structures that communicate this overall character.

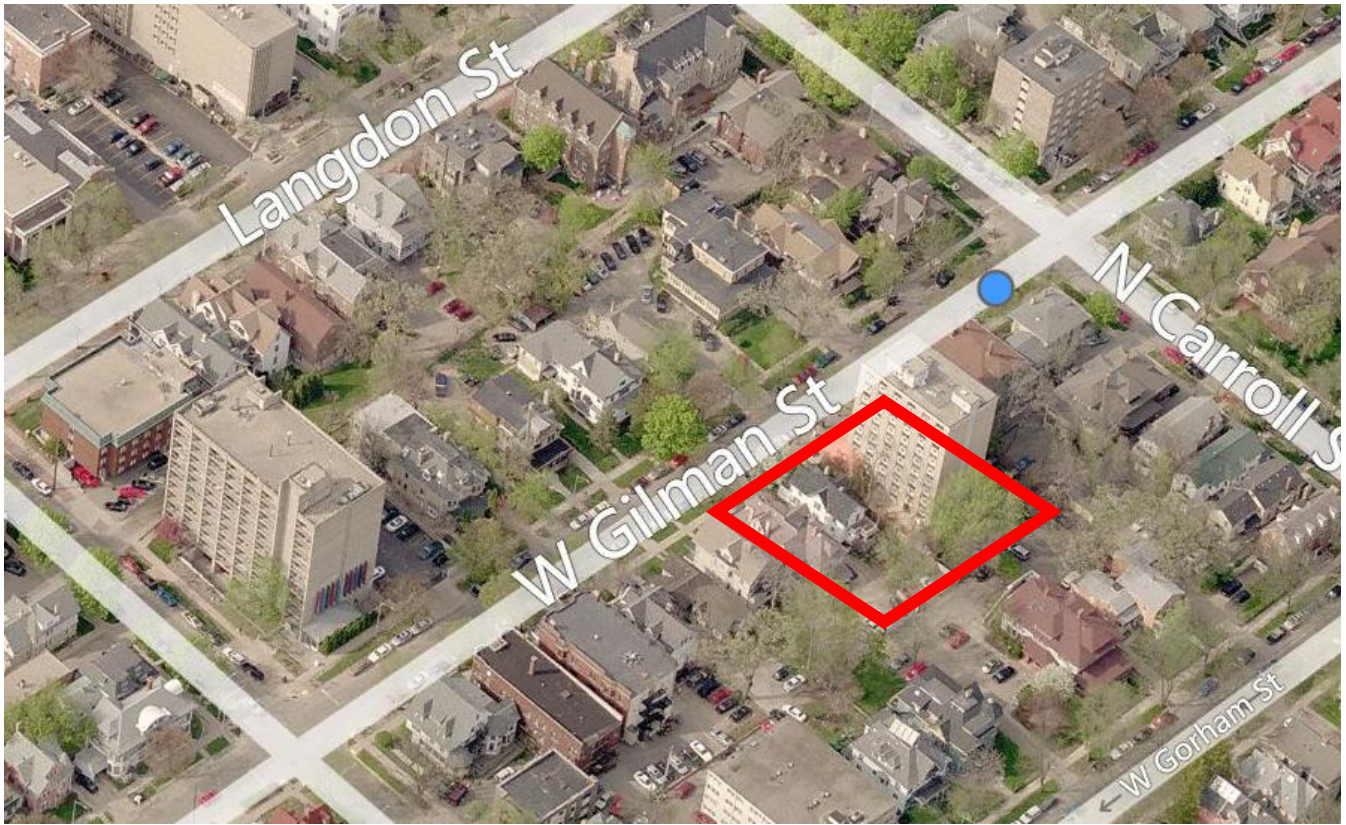
- c. The demolition would be contrary to the purpose and intent of this Ordinance and the objectives of the preservation plan for the district. The Landmarks Commission is charged with protecting and enhancing the perpetuation of historic districts and the City's cultural heritage. The Preservation Plan calls for the preservation and enhancement of the architectural character of the Mansion Hill neighborhood. The loss of this building would be contrary to the intent of the Ordinance and the objectives of the Preservation Plan. The purpose and intent of the Landmarks Ordinance also focuses on stabilizing and improving property values, and strengthening the economy of the City as it concerns the architectural and historical significance of the city. When considering demolition and new construction in a historic district the bar for architecture is extremely high. Buildings constructed in this time should become future landmarks that interpret the evolution of the city.
- d. The building is not of such old and unusual or uncommon design, but it is an original vernacular structure. The structure could be reconstructed, but the integrity of the original construction methods and materials would be lost.
- e. Retention of the building will promote the general welfare of the public. The general welfare of the public is promoted by the retention of the City's cultural resources and historic identity.
- f. The building is in deteriorated condition and a hardship is being claimed. While the property had already suffered damage by fire and foundation issues before being acquired by Steve Brown Apartments, the building was not repaired to rectify the issues and has deteriorated further. A property owner in a historic district is charged with keeping their property in good repair. The intent of this provision is to maintain the building stock in good condition so that demolition by neglect cannot be used to damage the essence of the historic district.
- g. The new structure proposed for this site may meet zoning code requirements, but it does not meet the Landmarks Ordinance. Further analysis of the new development proposal is found below.

Staff has requested that the project team investigate the relocation of this building. The maintenance and repair of buildings in the historic district is a priority for the City of Madison. To respond to this request, the project team has submitted numerous condition and structural reports which describe the condition of the structure.

Because the Ordinance allows the Commission to give decisive weight to any or all of the demolition standards, staff suggests that the Commission weigh standards a. through f. under this Certificate of Appropriateness and consider the appropriateness of the new development on the site under a different Certificate of Appropriateness.

Certificate of Appropriateness for new development on W Gilman
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The Visually Related Area (VRA) map showing existing conditions is attached for interpretation of the Ordinance.



Bing maps aerial view

A brief discussion of the criteria for new development (33.19(10)(e)) follows:

1. Based on the provided submission materials, staff cannot conclude that the gross volume of the proposed buildings are visually compatible with the buildings and environment with which they are visually related. The proposed buildings have taller stories and deeper footprints resulting in larger building volumes than the buildings in the visually related area. The proposed buildings are also rectangular volumes void of any pitched roofs, projecting bays and porches, and lower story additions which results in a visual incompatibility with the majority of the buildings in the VRA that do possess these features. The majority of the buildings in the VRA were originally constructed as single family residences and have a residential scale and residential features that provide a different environment than the proposed buildings which are being constructed as larger scale multi-family residential buildings.

The Landmarks Ordinance does not specifically define what does or does not constitute a compatible volume by definition. The volume of the proposed structure is larger than other structures in the VRA. The form is consistent with the other flat roofed structure in the VRA (and the additional one just outside the VRA) on the same block as the proposed structures. The Landmarks Commission should determine what constitutes a compatible building volume for new construction in the VRA.

2. The Applicant has provided calculations related to the ratios of width to height of other buildings in the VRA. According to these calculations, the proposed buildings are mathematically compatible in size. However, staff cannot conclude that the proportions between the width and the height of the street facades are visually compatible with the buildings and the environment with which they are visually related. The Landmarks Ordinance does not specifically define what does or does not constitute a visual compatibility by definition.

The project team met with staff after the November 25 Landmarks Commission meeting to discuss the “traditional” design of the proposed buildings and the project team made several revisions. Staff suggests that the design continue to be revised to incorporate more historically appropriate elements to achieve a visual compatibility that is mathematically and aesthetically successful.

3. The proportions and relationships between width and height of the doors and windows in the street facades of the proposed buildings are generally visually compatible with the buildings and environment with which it is visually related if one looks at the overall amount of window size and door size to exterior wall size as a composition.

The project team revised the windows to have a more appropriate proportion and the muntins were removed. The project team previously explained that the sliding doors shown in the elevation drawings would be changed to swinging single leaf French doors with possible adjacent sidelight or fixed door panel.

4. The rhythm of solids to voids created by openings in the facade of the new buildings may be visually compatible with the buildings and environment with which they are visually related. Generally, the proposed buildings have an appropriate amount of door and window openings (voids) spaced equally in a rhythm in the building wall (solid) of the front elevations. The blank wall areas of the side elevations should be redesigned to incorporate windows or visual interest.
5. The proposed street facades (aside from the aforementioned issues) blend with the existing adjacent buildings via directional expression. Generally the existing buildings have a dominant vertical expression with horizontal details that is carried over and reflected in the proposed buildings. The submission materials convey the horizontal and vertical expression of the proposed buildings related to the other multi-family residential structures, but do not show how the proposed buildings relate to the adjacent vernacular single family residential building type. The submission materials do not note the proposed material shown on the lower levels of the middle building. While the Ordinance specifically addresses the street façade, the proposed buildings should have an appropriate appearance on all four sides to fit harmoniously within an existing context. The use of siding on the sides and rear of the building does not help the design achieve the appropriate expression. Staff strongly suggests that the buildings have four elevations of brick.

Land division/combination in historic district advisory recommendation

Due to nonconformance with the building and zoning codes, the project cannot be constructed as proposed with one parking structure accessing three separate buildings on three separate lots. To comply with the building and zoning codes, the project team will (at some time in the future) request a land division through Certified Survey Map (CSM) which will create one large development lot from three existing smaller lots. The creation of one large lot in this historic district context is not compatible with adjacent lot sizes and does not maintain the general lot size pattern of the Historic District. However, if the CSM is tied to this specific project which shows three building masses above the underground parking structure and this project is approved, staff can support the lot combination since the lot size does not translate into a large building.

**Recommendation**

Each Certificate of Appropriateness and advisory recommendation that has not been addressed will be discussed separately in this section.

Certificate of Appropriateness for Demolition of structure at 127 W Gilman

Staff believes that the standards for granting the Certificate of Appropriateness for the demolition of the building at 127 W Gilman are not met and recommends that the Landmarks Commission deny the request. Staff also suggests that the Landmarks Commission discuss the relocation of the structure.

Certificate of Appropriateness for new development in historic district

Because the gross volume of the new buildings has a questionable relationship to the VRA and because the design is not appropriate, Staff believes the standards for granting a Certificate of Appropriateness for the new development are not met and recommends that the Landmarks Commission refer the request at this time so that the project team can continue to work with staff to develop a project that meets the Ordinance. Staff suggests that the Landmarks Commission discuss the attributes of the project and provide the project team with design direction that would be appropriate in the Mansion Hill historic district.

Land division/combination in historic district advisory recommendation

Information will be submitted for this recommendation in the future. Staff recommends that the Landmarks Commission refer this review and recommendation to a future meeting.