

City of Madison Landmarks Commission

APPLICATION



City of Madison Planning Division, 215 Martin Luther King Jr. Blvd., Suite LL.100, P.O. Box 2985, Madison, WI 53701-2985

1. LOCATION Project Address: 710 Ordon Court, Madison Aldermanic District: 6

2. PROJECT Project Title/Description: Variance for demolishing kneewalls of front porch.

This is an application for: (check all that apply)

- Alteration / Addition to a Designated Landmark
Land Division/Combination of Designated Landmark site
Alteration / Addition to a building adjacent to a Designated Landmark
Alteration / Addition to a building in a Local Historic District (specify):
Land Division/Combination in a Local Historic District (specify):
New Construction in a Local Historic District (specify):
Demolition
Variance from the Historic Preservation Ordinance (Chapter 41)
Referral from Common Council, Plan Commission, or other referral
Landmark Nomination/Rescission or Historic District Nomination/Amendment

43523 Registrar #
PLANNING DIVISION USE ONLY

Other (specify): Modification of existing Certificate of Appropriateness.

3. APPLICANT

Applicant's Name: Andrew Rubsam Company: n/a
Address: 710 Ordon Court, Madison WI 53703
Telephone: 608-839-7243 E-mail: ajr82@yahoo.com
Property Owner (if not applicant): Andrew Rubsam
Address:

Property Owner's Signature: [Signature] Date: 5/25/16

NOTICE REGARDING LOBBYING ORDINANCE: If you are seeking approval of a development that has over 40,000 square feet of non-residential space, or a residential development of over 10 dwelling units, or if you are seeking assistance from the City with a value of \$10,000 (including grants, loans, TIF or similar assistance), then you likely are subject to Madison's lobbying ordinance (Sec. 2.40, MGO). You are required to register and report your lobbying. Please consult the City Clerk's Office for more information. Failure to comply with the lobbying ordinance may result in fines.

4. APPLICATION SUBMISSION REQUIREMENTS (see checklist on reverse)

All applications must be filed by 4:30 p.m. on the submission date with the Preservation Planner, the Department of Planning & Community & Economic Development, Planning Division, located in Suite LL-100, of the Madison Municipal Building, 215 Martin Luther King, Jr. Blvd. Applications submitted after the submittal date or incomplete applications will be postponed to the next scheduled filing time.

JUN 2 2016 12:40 PM Planning & Community Development

APPLICATION SUBMISSION REQUIREMENTS CHECKLIST:

In order to be considered complete, every application submission shall include at least the following information unless otherwise waived by the Preservation Planner.

- Landmarks Commission Application w/signature of the property owner (1 copy only).
- Twelve (12) collated paper copies 11" x 17" or smaller (via mail or drop-off) of submission materials (see below).
- Electronic files (via email) of submission materials (see below).
- Narrative Description/Letter of Intent addressed to the Landmarks Commission, describing the location of the property and the scope of the proposed project.
- Architectural drawings reduced to 11" x 17" or smaller pages which may include:
 - Dimensioned site plans showing siting of structures, grading, landscaping, pedestrian and vehicular access, lighting, signage, and other features;
 - Elevations of all sides showing exterior features and finishes, subsurface construction, floor and roof;
 - Floor Plan views of levels and roof;
 - For proposals of more than two (2) commercial or residential or combination thereof units, a minimum of two (2) accurate street-view normal perspectives shown from a viewpoint of no more than five (5) feet above existing grade.
- Any other information requested by the Preservation Planner to convey the aspects of the project which may include:
 - Photographs of existing conditions;
 - Photographs of existing context;
 - Manufacturer's product information showing dimensions and materials;
 - Other _____

CONTACT THE PRESERVATION PLANNER:

Please contact the Preservation Planner with any questions.

Amy Scanlon, Registered Architect
City of Madison Planning Division
215 Martin Luther King Jr. Blvd., Suite LL100 (physical address)
P.O. Box 2985 (mailing address)
Madison, WI 53701-2985
ascanlon@cityofmadison.com
608 266 6552

June 2, 2016

Amy Scanlon, Registered Architect
City of Madison Planning Division
215 Martin Luther King Jr. Blvd., Suite LL100
Madison, WI 53703

ascanlon@cityofmadison.com

Dear Ms. Scanlon:

As you know, the Landmarks Commission reviewed and approved my plan to repair the exterior of my home at 710 Orton Court, Madison at its May 16, 2016 meeting. You issued the Certificate of Appropriateness on May 21, 2016, a copy of which is attached for reference. The COA required, in part, that “the stair knee walls shall be repaired/replaced in kind.” My original proposal called for the demolition of the knee walls in favor of replacement with railings on each side of the stairs, which are also to be replaced.

The Landmarks Commission stated that, after receiving the COA, I may apply for a variance and seek to demolish the knee walls without repairing or replacing them “in kind.” Please consider this letter, and the attached documents, to be my application for a variance.

City of Madison Ordinance 41.19 provides that a property owner “may request a variance from one or more standards under Sec. 41.18” for various reasons. The information requested under Sec. 41.19(2) is as follows:

- (a) My name and address are Andrew Rubsam, 710 Orton Court, Madison, WI 53703
- (b) The location of the property to which the request pertains is 710 Orton Court, Madison, WI 53703
- (c) The Certificate of Appropriateness application for this request is attached.
- (d) The types of variance requested are (1) economic hardship; (2) historic design; and (3) alternative design.
- (e) The specific standards under sec. 41.18 from which I request a variance are 41.18(c) and 41.18(d), because I seek to alter the exterior of the property located in the Third Lake Ridge Historic District and because this project requires a certificate of appropriateness.
- (f) For the reasons set forth below, the circumstances and supporting evidence justify one or all of the requested types of variance.

Economic Hardship Variance

My request for an economic hardship variance meets the standards set forth in Sec. 41.19(4). The strict literal application of the standard will deny me a reasonable return on my investment of my home purchase and will impose upon me an unreasonable and unnecessary financial hardship. The original request for a COA was for permission to complete several repairs to the front porch of the building. Specifically, the repairs will remediate the lead paint (which is within reach of my child), repair the sagging right side of the porch (which is about 2 inches

lower than the left), replace the decking (which my contractor says has served its useful life), and repair the sagging roof of the porch.

This project is expensive and, with the requirements imposed by the Landmarks Ordinance, is now more expensive than I had budgeted.

My contractor informs me that rebuilding the knee walls will add about 10% of the cost to the project. Rebuilding the knee walls appears to be cheaper than repair, due to the condition of the knee walls. But the additional cost associated with rebuilding the knee walls will likely cause me to have to delay the completion of the project.

The circumstances justifying the variance are unique to the property in question because it appears, from viewing properties in my neighborhood, that few properties have knee walls. The ones that do are usually made of brick, not wood. Indeed, no other building facing Orton Court has knee walls.

The circumstances were not caused by my failure to maintain the property. The building was built in 1914, so it is over 100 years old.

The variance does not apply to a substantial portion of the historic district or historic resources within 200 feet of the property. Indeed, my neighbors will probably not even notice that the knee walls have been removed.

The variance would not alter the historic character of the historic district or historic resources within 200 feet of the subject property. Again, the plan for this project is to replace the knee walls with railings. As the COA dated May 21, 2016 states, I “shall work with staff to finalize the approval of the appearance of the stair railing(s).” This will ensure that the final appearance of the front steps will not deviate from the historic character of the District

Sec. 41.19(4)(c) requests the following information, some of which is not applicable:

1. Property purchase cost: \$350,000 sale price in June 2013
2. Rental income: zero (it is owner-occupied)
3. Real estate listings, disclosure statements, asking prices, and purchase offers: N/A
4. Tax assessments and real estate listings for comparable properties: N/A
5. Improvements made, and improvement costs incurred, during ownership: examples include:
 - a. Re-roofing of garage: \$1,000
 - b. Installation of new garage opener: about \$200
 - c. Landscaping: about \$2,500
 - d. Painting some interior rooms: about \$50
 - e. Installed ceiling fan
 - f. Replaced some old interior outlets with new: about \$50
6. Routine maintenance costs incurred include:
 - a. Maintenance of furnace/AC: about \$600
 - b. Roto rooter: about \$100

- c. Fixed broken window: about \$25
 - d. Chimney inspected and sealed: about \$150
7. Costs to comply with the standard from which a variance is requested: \$1,640

Based on the nature of this variance request, it should be unnecessary for me to submit real estate listings for my property and other properties under Sec. 41.19(4)(c)4 and 5. It would be difficult and cost inefficient to attempt to determine the value of the knee walls.

Historic Design Variance

My request for a historical design variance meets the standards set forth in Sec. 41.19(5). Most of the local properties that have similar porch designs to my home do not have knee walls.

- (a) I have attached photos to show other local structures, of similar age and style, have similar elements as part of their designs (e.g. they lack knee walls), including all of the houses that face Orton Court:
 - a. 705 Orton Court
 - b. 709 to 711 Orton Court
 - c. 717 Orton Court
 - d. 716 to 720 Orton Court
 - e. 1145, 1147, 1149, 1151 Rutledge Street (about 2 blocks away)
 - f. 606 and 610 South Dickenson Street (about 2 blocks away)
- (b) The proposed alteration complies with all of the other applicable standards under Sec. 41.18 because this alteration will modify the front step area to be similar to other properties in the Third Lake Ridge District. The end result will “fit” the District.
- (c) The proposed alteration will not destroy significant architectural features on the building because the knee walls are not significant. During the May 16th meeting, at least one member of the Commission pointed out that the decorative curved arch on the porch is more important than the knee walls.

The staff report regarding my first request for a COA stated: “Removing the knee wall elements from the front stairs will alter the appearance. The side walls are a characteristic of the style and should not be removed in their entirety. The knee walls should be repaired or replaced as part of the stair replacement.” A copy is attached for reference.

As shown in the photos attached with this application, the presence of knee walls is not essential or integral to the style of the District. In fact, it appears to be an optional feature.

Consider 612 South Dickenson Street and 614 South Dickenson Street in the Third Lake Ridge District. These properties are mirror images of each other’s style but one has knee walls and the other does not. Would the Landmarks Commission prohibit the owners of 612 from removing their knee walls in order to look more like 614? What if 614’s owner wanted to add knee walls so that the building looked more like 612?

Alternative Design Variance

My request for an alternative design variance meets the standards set forth in Sec. 41.19(6) in the event that the Commission concludes that the removal of the knee walls would result in “elements that are otherwise prohibited under Sec. 41.18.”

- (a) The removal of the knee walls and replacement with railings on each side will enhance the quality of the design. The current knee walls are wooden with aluminum end caps, which is different from the design of the entire rest of the house, which is vinyl siding.
- (b) The design complies with all other applicable standards of Sec. 41.18 because it will mirror the style of other homes in the District.
- (c) The design does not allow material deviations from the historic district standards and guidelines that would undermine the character or purpose of the historic district because the installed railings and rebuilt steps, under the COA dated May 21, 2016, will maintain the historic nature of the building façade.
- (d) The design will have a beneficial effect on the historic character of the area within 200 feet of the subject property because the variance will result in a design that is consistent with the other properties in the District and on the block.

I request that, under Sec. 41.19(3)(a), the Landmarks Commission schedule and hold a public hearing on my variance request and my request for a COA to remove the knee walls. Please inform me of the date and time of the public hearing.

Sincerely,



Andy Rubsam



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

May 21, 2016

Andy Rubsam
710 Orton Court
Madison, WI 53703

Re: Certificate of Appropriateness for 710 Orton Court

At its meeting on May 16, 2016 the Madison Landmarks Commission reviewed, in accordance with the Madison General Ordinances pertaining to provisions of the Historic Preservation Ordinance, your plans to alter the exterior of the existing building located at 710 Orton Court in the Third Lake Ridge Historic District. The Landmarks Commission voted to approve the issuance of Certificates of Appropriateness for the project with the following conditions of approval:

1. The Applicant shall work with staff to finalize the approval of the appearance of the stair railing(s).
2. The Applicant shall confirm that the arched beam retains a curve and is not segmented.
3. The stair knee walls shall be repaired/replaced in kind.
4. The new porch flooring shall be installed to match the direction of the existing flooring.

This letter will serve as the "Certificate of Appropriateness" for the project. When you apply for a building permit, take this letter with you to the Building Inspection Counter, Department of Planning and Development, Lower Level Suite LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

Please note that any major design changes from the plans submitted and the additional information provided to the Landmarks Commission must receive approval by the Landmarks Commission, or staff designee, prior to the issuance of the building permit. This Certificate is valid for 24 months from the date of issuance.

Please also note that failure to comply with the conditions of your approval is subject to a forfeiture of up to \$250 for each day during which a violation of the Landmarks Commission ordinance continues (see Madison General Ordinances Chapter 41, Historic Preservation Ordinance).

Please contact me (608-266-6552 or ascanlon@cityofmadison.com) with any questions.

Sincerely,

Amy Loewenstein Scanlon, Registered Architect
Preservation Planner
City of Madison Planning Division

cc: Building Inspection Plan Reviewers
City preservation file



Project Name/Address: 710 Orton Court
 Application Type: Certificate of Appropriateness for exterior alteration
 Legistar File ID #: 42423
 Prepared By: Amy L. Scanlon, Preservation Planner, Planning Division
 Date Prepared: May 10, 2016

Summary

Project Applicant/Contact: Andrew Rubsam
 Requested Action: The Applicant is requesting a Certificate of Appropriateness for exterior alterations in the Third Lake Ridge historic district.

Background Information

Parcel Location: The subject site is located in the Third Lake Ridge Historic District.

Relevant Landmarks Ordinance Section:

41.23 THIRD LAKE RIDGE HISTORIC DISTRICT.

- (9) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use.
 - 1) Any exterior alterations on parcels zoned residential use that are located within 200 feet of other historic resources shall be visually compatible with those historic resources in the following ways:
 - (a) Height
 - (b) Landscape treatment
 - (c) Rhythm of mass and spaces
 - 2) Alterations of the street façade(s) of any existing structure shall retain the original or existing historical proportion and rhythm of solids to voids.
 - 3) Alterations of the street façade(s) of any existing structure shall retain the original or existing historical materials.
 - 4) Alterations of the roof of any existing structure shall retain its existing historical appearance.
 - 5) Alterations of the street facade(s) shall retain the original or existing historical proportional relationships of door sizes to window sizes.

Analysis and Conclusion

The Applicant originally asked about installing a column on the opposite side of the steps to assist in the deflection of the beam and to wrap architectural elements in aluminum to encapsulate lead paint. Staff explained that the wide beam span at the front porch and curved beam ends were indicative of the architectural style and the addition of a column would not be appropriate. The Applicant submitted materials related to the repair of the porch beam and for wrapping architectural elements. At that time, staff believed these items could be administratively approved. In continued conversations with the Applicant it has become apparent that the project should be formally reviewed by the Landmarks Commission.

Staff understands that the following items may be part of the proposed project:

- Repair the porch roof sag.
- Repair general porch sag on right side.
- Cover all columns, top of railing, curved porch beam and porch ceiling with aluminum.
- Paint small curved beam elements.
- Remove porch decking, front steps and stair knee walls.
- Replace porch decking and stair treads with composite material.
- Install railings on both sides of stair.
- Knee walls are not proposed to be replaced.

A brief discussion of the standards of 41.23 (9) follows:

1. N/A
2. N/A
3. The proposed alterations of the street façade will affect the existing historical materials.
 - Wrapping the arched beam in aluminum will require joints to accommodate the curved ends and/or the curves will become segmented. Staff asked the Applicant if the curved beam could be painted like the smaller side beam elements.
 - Removing the knee wall elements from the front stairs will alter the appearance. The side walls are a characteristic of the style and should not be removed in their entirety. The knee walls should be repaired or replaced as part of the stair replacement.
 - A simple railing can be added to both sides of the stair in a manner that will not detract from the architectural style. The reuse of the existing iron railing may be appropriate and it could be installed closer to the side wall.
 - The removal of the existing wood porch floor and replacement with composite material may be appropriate if the decking material is run in the direction of the existing material.
 - Covering the existing porch ceiling beadboard (to encapsulate lead paint) with unvented soffit material with a 2" joint spacing to replicate the appearance of the existing beadboard may be appropriate.
4. N/A
5. N/A

Recommendation

Staff believes that the standards for granting a Certificate of Appropriateness for the alterations may be met and recommends that the Landmarks Commission approve the request with the following conditions of approval:

1. The Applicant shall describe the appearance of the proposed stair railing(s) for Landmarks Commission review.
2. The Applicant shall confirm that the arched beam retains a curve and is not segmented.
3. The stair knee walls shall be repaired/replaced in kind.
4. The new porch flooring shall be installed to match the direction of the existing flooring.

710 Orton Court
(subject property)





The knee walls (to be removed) are circled in black.



Orton Ct

705 Orton Court

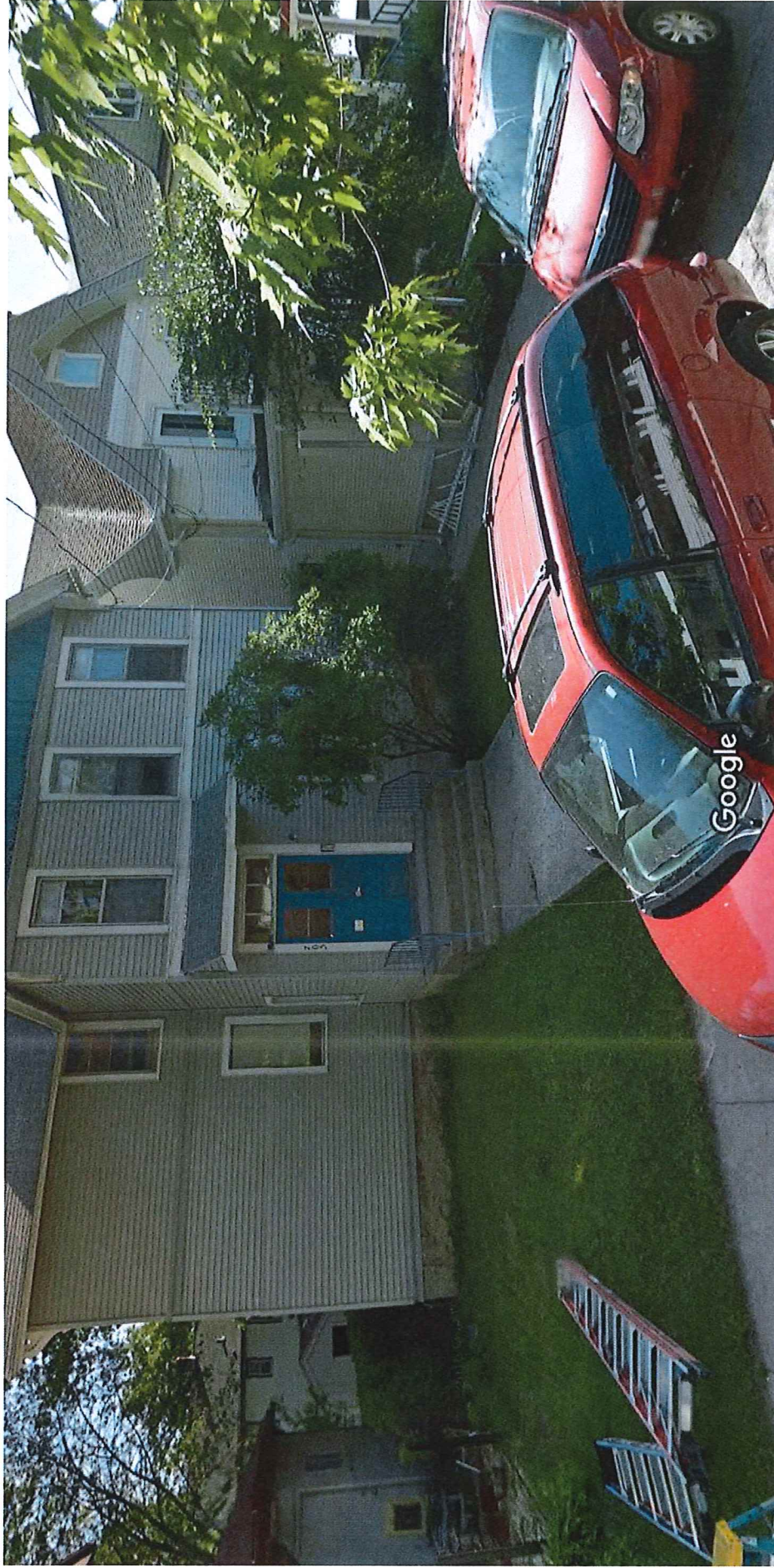


Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin
Street View - Jun 2011



Orton Ct

709 Orton Court (left) and 711 Orton Court (right)

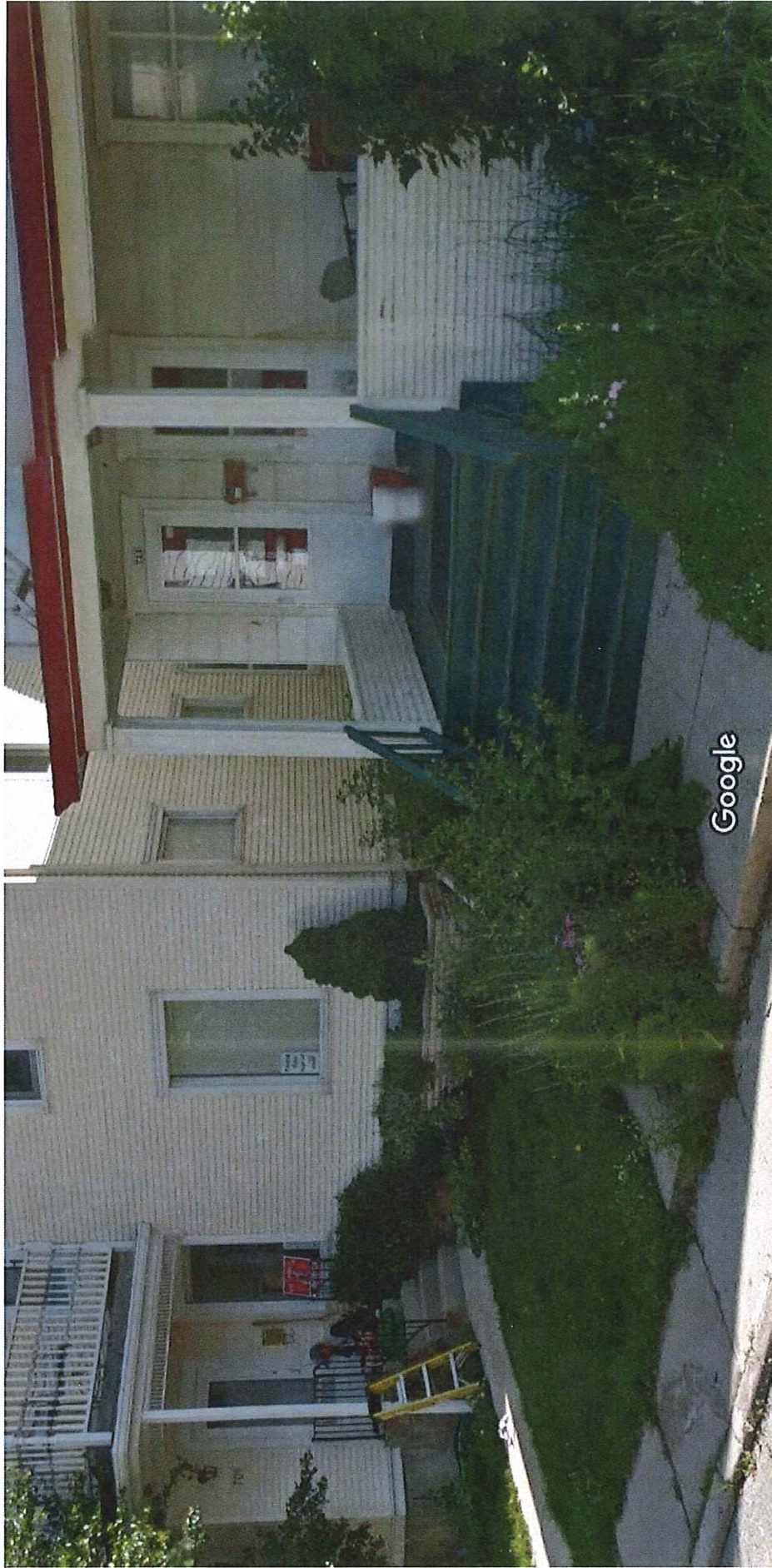


Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin

Street View - Jun 2011



Orton Ct

717 Orton Court

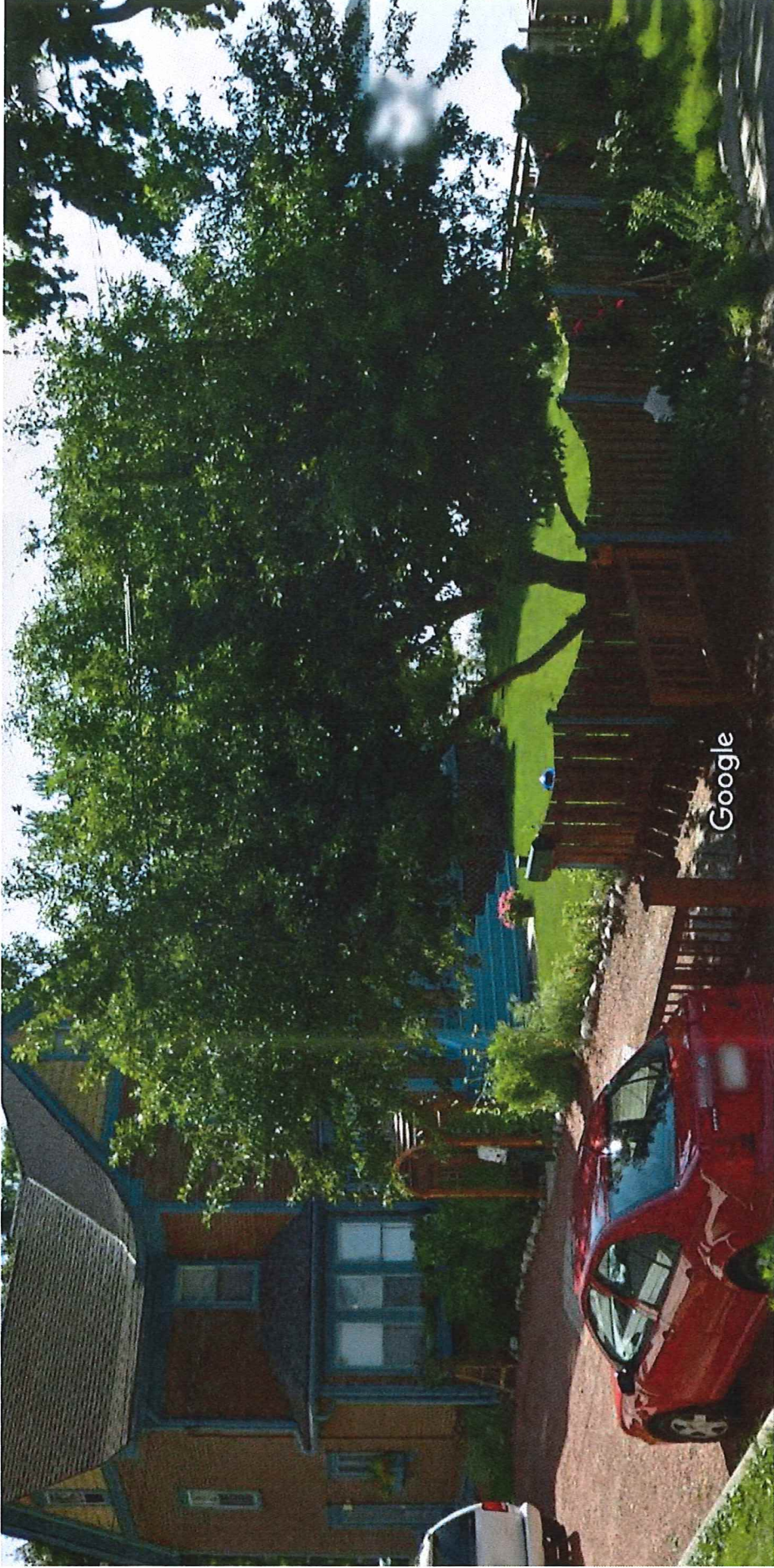


Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin

Street View - Jun 2011



Orton Ct

716 Orton Court (right) and 720 Orton Court (left)



Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin

Street View - Jun 2011



Rutledge St

1145 Rutledge Street (right), 1147, 1149, 1151 Rutledge Street (left)

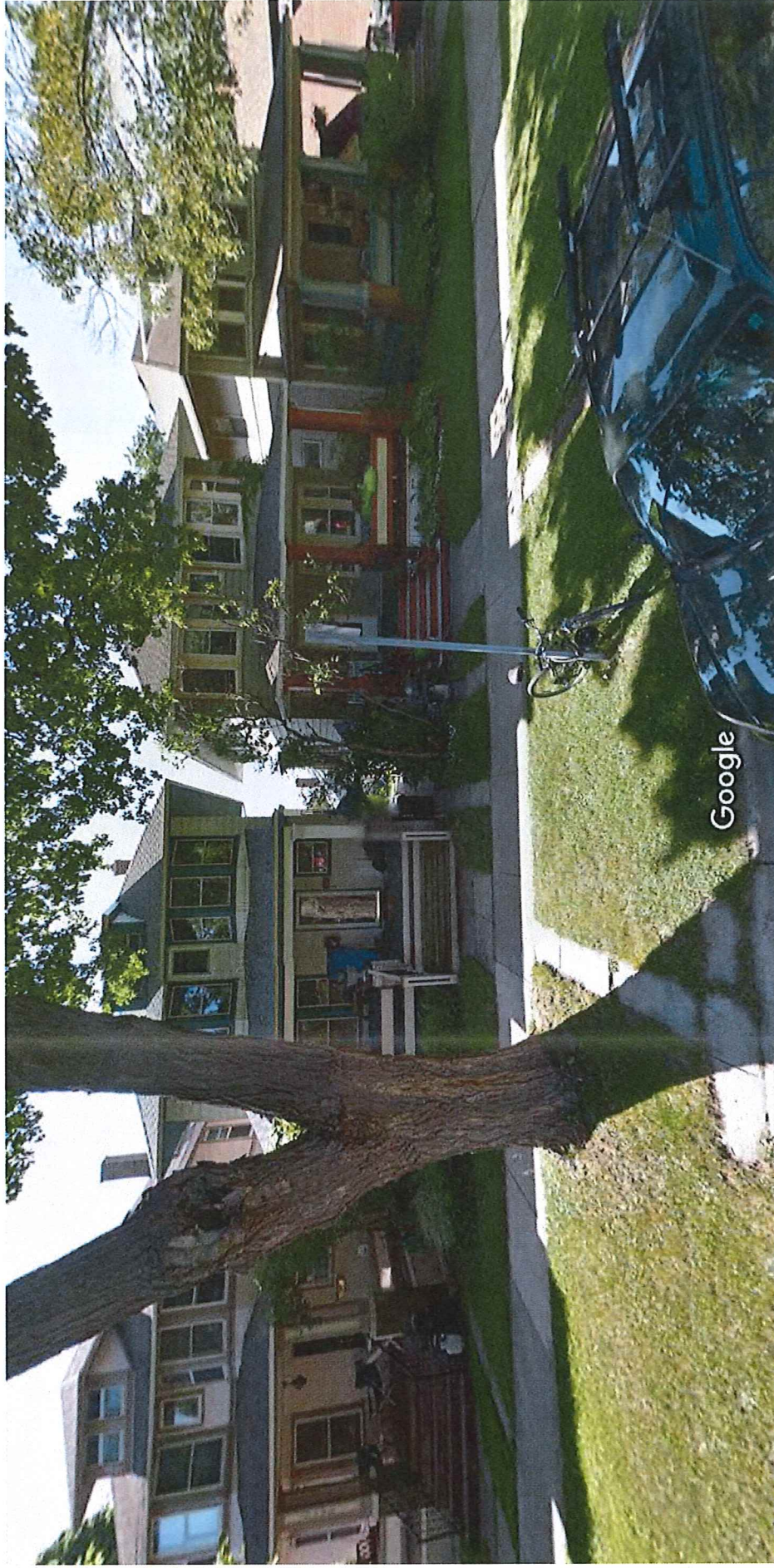


Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin
Street View - Jun 2011



S Dickinson St

606 S. Dickinson St (right) and 610 S. Dickinson St (left)

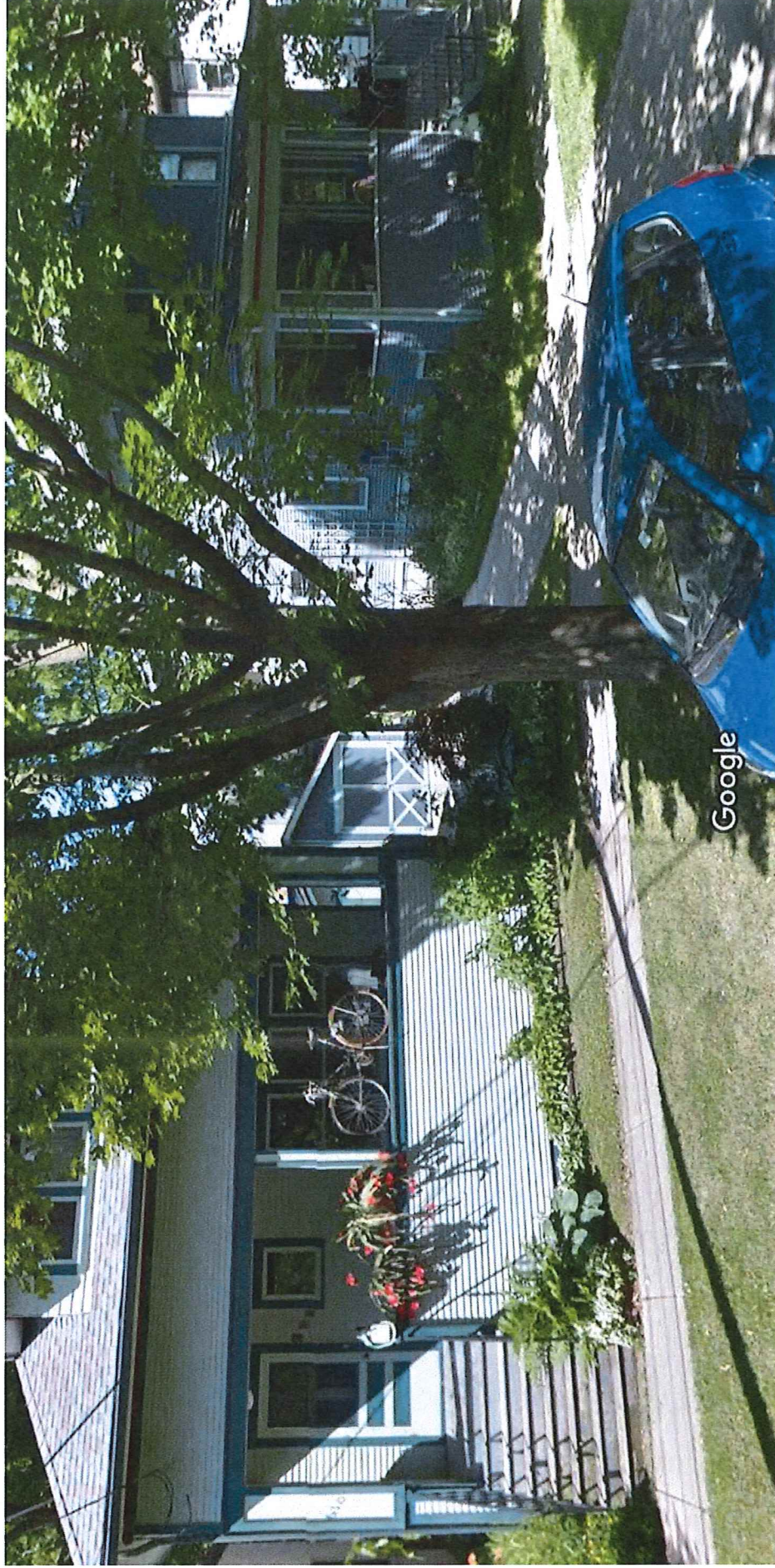


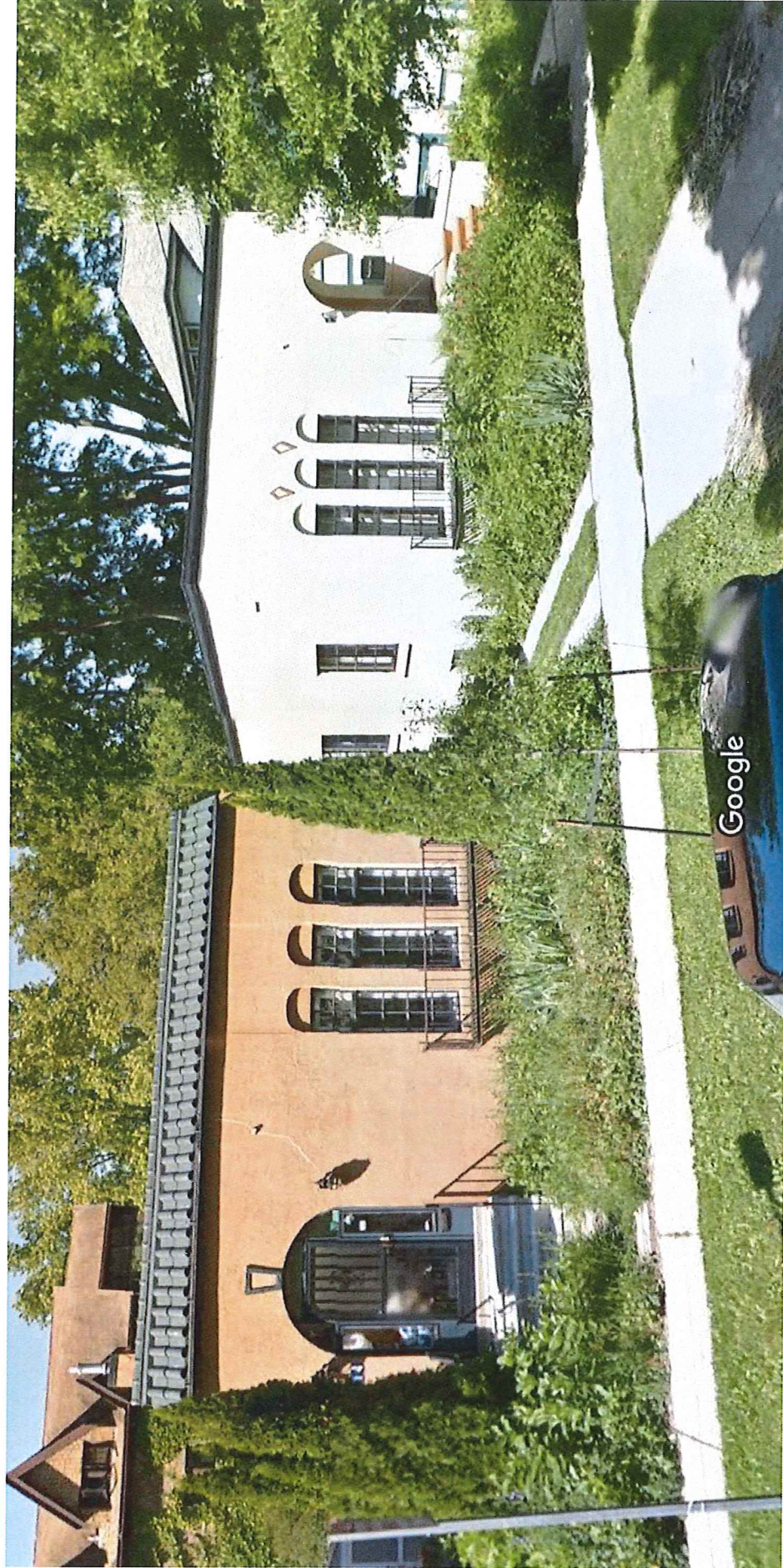
Image capture: Jun 2011 © 2016 Google

Madison, Wisconsin
Street View - Jun 2011

Google Maps

S Dickinson St

614 S. Dickinson Street (left) and 612 S. Dickinson Street (right)



Madison, Wisconsin
Street View - Jun 2011

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