

February 28, 2011

168 North Prospect Avenue

Madison, Wisconsin 53726

Madison Landmarks Commission

Dear Landmarks Commission Members:

The contentious 2008 division of the historic Ely property at 205 North Prospect Avenue and the new structure now proposed on a part of the property by Matthew and Julie Sager point out a need for the City of Madison to amend its procedures in historic districts. The two-step process of considering land division separately from building plans was unfair both to the Landmarks Commission and to the neighborhood.

In 2008 Harvey and Trudy Barash approached the Plan Commission, asking that a certified survey map be approved: "We'd like to downsize, but we'd also like to remain in our neighborhood because of its beauty, convenience, and the people we know. We'd like to build a smaller home which will complement the one we live in now." (Remarks presented to Plan Commission 3/10/08) Trudy Barash justified the land division by citing Jane Jacobs' advocacy of density in her book, *The Death and Life of Great American Cities*. The book is actually a celebration of the life that occurs on the sidewalks in dense mixed-use urban neighborhoods, such as Greenwich Village—very different from the house on the hill that the Barashes surrounded with a fence.

The proposed land division caused a lot of neighborhood debate, which then-alderperson Robbie Webber graciously sought to mediate. Harvey Barash was asked at the time, since he was proposing to build a house, whether he thought it would be fair to the neighbors to share the design so they could see how another structure might work on the challenging site. If he had developed any conceptual plans, he did not share them. The City approved the land division, although the new lot's narrow frontage (approximately 37 feet), its topography and the proximity of the existing house at 211 North Prospect left the question of whether the site was buildable without diminishing the adjacent structures.

According to City Assessor records, the Barashes sold the newly created lot at 209 North Prospect Avenue to Matthew and Julie Sager in October 2010 for \$350,000.

The proposal by the Sagers has generated a new neighborhood debate three years later. It has consumed more time of all parties: Alder Shiva Bidar-Sielaff, the City staff, the City committees, the neighbors and the applicants. Instead of being able to consider whether *any* structure should be built

between the existing houses at 205 and 211, the Landmarks Commission's latitude has been limited. It has been reduced to considering only whether this particular house should be approved. The new house has essentially been presented to the neighbors as a done deal.

The City of Madison should adopt the policy in historic districts that a land division will not be considered without simultaneously considering what is proposed to be built on the additional parcel(s) and what the impact of the new structure will be on the district. There is certainly precedent for that approach in the way the City considers prospective demolitions. An application for a demolition permit "shall contain a clear, detailed and complete statement of...any use proposed to be made of the property if the demolition or removal permit is approved." (Zoning Code Sec. 28.12 (12)(b)) In other words, the City will not approve losing something without knowing what it will get in its place.

The Landmarks Commission should review the City's rationale in creating historic districts. Is it to be the City's policy that density trumps everything—that the rhythm of open spaces and structures is unimportant? Is it to be the City's policy that the impact of a new structure on neighboring structures is not of importance?

While I have yet to see a composite elevation or perspective drawing that includes the proposed residence, its curb cut, its driveway and the neighboring homes at 205 and 211 North Prospect Avenue, I believe that the proposed structure diminishes both neighbors. It is not a question of architectural style. It's an issue of the interplay between open spaces and structures in the district. Given the width of the Ely House, it needs an ample side yard for the sake of visual proportion.

Sincerely,



Thomas Neujahr

Cc. Alderperson Shiva Bidar-Sielaff