



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved LANDMARKS COMMISSION

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Monday, November 16, 2009

4:45 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 5 -

Daniel J. Stephans; Stuart Levitan; Robin M. Taylor; Christina Slattery and Erica Fox Gehrig

**Excused:** 2 -

Bridget R. Maniaci and Michael J. Rosenblum

### APPROVAL OF November 2, 2009 MINUTES

**A motion was made by Taylor, seconded by Slattery, to Approve the Minutes of the November 2, 2009. The motion passed by voice vote/other.**

### PUBLIC COMMENT

There was no public comment.

### CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

- 1. [16550](#)** 113 Bascom Place - University Heights Local Historic District  
Proposed alteration to the north façade in order to create a new entry and deck.  
Contact: Sue Thering

Lou Host Jablonski, 2098 Atwood Ave, gave a brief presentation about the proposed changes to the house at 113 Bascom Place. He discussed the original placement of the doors, and the original grade of the yard in terms of the new project.

Ms. Gehrig asked if the larger garage doors would work as entry doors. Mr. Host-Jablonski replied that one door would be fixed, and that the other would sweep open.

**A motion was made by Slattery, seconded by Gehrig, to Approve the Certificate of Appropriateness as submitted. The motion passed by voice vote/other.**

### SPECIAL ITEM OF BUSINESS

- 2. [16368](#)** 617 - 619 Mendota Court - Advisory report to Plan Commission on the demolition of two existing buildings, and construction of an 8 story apartment building within the Langdon National Register Historic District.  
Contact: Gary Brink

Gary Brink and Josh Wilcox, 8401 Excelsior Dr, registered in support and gave described the relationship of the proposed building to the surrounding context, and presented the building plans and revised elevations. Patrick Corcoran, 3718 Country Grove Dr, registered in support and was available to answer questions.

Ms. Gehrig asked how the design changes came about and asked for clarification on the material between the windows on the side facades. Mr. Brink replied that the revised plans had been developed after discussions with the Urban Design Commission and City staff. He added that the panels were proposed to be concrete with a stamped pattern.

Ledell Zellers, 510 N Carroll St., registered in opposition and raised the issue that the house at 619 Mendota Court is considered to be a contributing building in the Langdon Street National Register Historic District. She is disappointed that we are losing this historic district bit by bit, and that we should do more to save it. Mr. Levitan asked how they could do that. Ms. Zellers replied that the city could make the National District a local district, or ask that the Plan Commission make a policy that it will not allow the demolition of contributing buildings in National Register Historic Districts.

Ms. Gehrig said that she had spoken with someone at the State Historical Society, and that they are not able to battle to save every building in National Districts. She added that there may be a 30-day stay of demolition required in order to allow the building to be photographed. Ms. Slattery added that she isn't sure about that requirement. Mr. Stephans added that he is also unaware of a 30-day stay. Mr. Levitan discussed that the Plan Commission has a very different role in land development than the Landmarks Commission. Ms. Zellers said that the Plan Commission sub-committee that worked on the revised demolition ordinance was concerned about this issue.

Mark Landgraff, 5964 Executive Ave, registered in support and stated that staff has greatly helped them work through this process, and that the letter from the former Preservation Planner, Kitty Rankin, in October of 2008 helped the land owner come to the decision to pursue a redevelopment project. He added that he thinks that the architect has really been listening to staff on revisions to the building design.

Ms. Taylor and Ms. Gehrig both agreed that the new revisions are much better.

Mr. Levitan said that the Commission is faced with a three sided problem: (1) They do not want to encourage demolitions of contributing buildings, (2) they also do not want to issue a blanket order against all demolitions of contributing buildings and (3) they have to reconcile these two issues with the very brief e-mail that Ms. Rankin wrote that did not object to these particular demolitions. Ms. Slattery noted that perhaps these homes have been so altered, that they could perhaps no longer be considered contributing.

**A motion was made by Levitan, seconded by Taylor, the Landmarks Commission found that while the Commission generally opposes the demolition of contributing buildings in historic districts, it is mindful that the former Preservation Planner did not oppose these demolitions, and that the buildings are in poor condition, therefore will Approve the demolition of 617 and 619 Mendota Court. The Commission further finds that the November 16, 2009 iteration of the proposed building is consistent with the architecture and design of Downtown Design Zone 3 and the surrounding buildings. The motion passed by the following vote:**

**Excused:** 2 -

Bridget R. Maniaci and Michael J. Rosenblum

**Ayes:** 4 -

Daniel J. Stephans; Stuart Levitan; Robin M. Taylor and Christina Slattery

**Noes:** 1 -

Erica Fox Gehrig

**Roll Call****Present:** 6 -Bridget R. Maniaci; Daniel J. Stephans; Stuart Levitan; Robin M. Taylor;  
Christina Slattery and Erica Fox Gehrig**Excused:** 1 -

Michael J. Rosenblum

**RECONSIDERATION**

3.

[15469](#)

2021 Van Hise Avenue - University Heights Historic District

Consideration of Issuance of Certificate of Appropriateness for a side yard addition.

Contact: Colin Godding

Fred Osborne, 2021 Van Hise, read a statement about the process in regards to his feeling that he did not receive adequate direction and comments from the Commission during the July 27, 2009 informational hearing that would have dissuaded him from continuing on in the design process. Mr. Osborne said that if the project was not approved this evening, that he would be using both emotional and financial hardship as a basis for an appeal to the Common Council. Mr. Osborne added that if the design is rejected, then he would pursue the re-platting of this and the adjacent parcels in order to build a new house on a larger lot, and what would become of the Sellery House would be unknown.

Mr. Levitan asked if he was the owner of the house prior to the July 27, 2009 meeting. Mr. Osborne stated that he had purchased the house five days prior to that meeting.

Colin Godding, 107 N Hamilton Street, described the changes to the proposed addition and garage. He stated that they raised the windows sills and moved back the garage 10 feet as discussed at the last meeting. He added that he had not resized the addition, and was asking the Commission for what would be an acceptable reduction in size. He also distributed a rough drawing of a potential back side addition that was considered early in the process.

Ms. Slattery asked if they are willing to reduce the size by more than just a foot or two, as the scale of this addition has been discussed repeatedly at every meeting. Mr. Stephans added that each time the Commissioners make suggestions or comments to help make the proposal more in keeping with the ordinance, the applicant argues against many or all of our suggestions. Mr. Godding stated that at the first meeting, the discussion seemed to focus on the attached garage, and at the September meeting, they brought back photographic examples of other attached garages in the neighborhood.

Mr. Levitan agreed that at the July 27, 2009 meeting, this project immediately preceded a discussion on the Edgewater Hotel redevelopment, and that may have factored into why our comments were not more detailed. Mr. Levitan then asked the applicant about moving the garage back an additional few feet, since the 15" oak tree was probably going to be lost anyway. Mr. Godding replied that they do not want to move it back any further.

Mr. Levitan asked the Commissioners to ponder whether any side addition would detract from the front façade composition. Mr. Levitan also noted that the drawing of the proposed back yard addition, as shown and roughly designed, would also be a travesty.

Alder Maniaci asked about her original motion at the last meeting regarding the removal of the bump-out. She noted her disappointment that the bump-out has not been removed on this latest set of plans. Ms. Taylor also noted her concerns about the bump-out remaining in the new plans. Mr. Godding replied that removing the bump-out would have made the function of the interior space not function, so they would not be removing it.

Ms. Slattery asked the applicant to if the only changes in the new proposal were the raised sills and the garage placement. Mr. Godding affirmed the statement.

Joyce Knutson, 24 N. Prospect registered in support and was available to answer questions. Linda Shriberg, 2015 Van Hise Ave, registered in opposition but did not wish to speak.

Lawrence Shriberg, 2015 Van Hise Ave., registered in opposition and stated that the plans have not substantially changed since the neighborhood meeting at the end of September. He noted the information and opinion that he sent to the Commission from Donald Aucutt, editor and publisher of Prairie Magazine, and the founder and editor of the Geo. W. Maher Quarterly. Mr. Shriberg said that there is a flaw in the Landmarks Commission approvals process, specifically noting that there can't be a sufficient dialogue between the Commissioners and the audience during the discussion. Mr. Shriberg stated that the garage plans do not show the true overhang of the roof, and that the owner is misrepresenting the idea that the house is being enhanced; it is just too small for the needs of this owner. He also took offense at the comments from Mr. Osborne stating that the Commission and several neighbors have been mean spirited. He said that he has been nothing but civil to the owners. Mr. Levitan asked what he thought about the garage that is moved back. Mr. Shriberg does think that there is a lot of asphalt, but there is enough room to have it moved back.

Alder Maniaci asked staff if the garage meets the zoning requirements. Staff replied after a brief conversation with Zoning staff, the garage generally meets zoning guidelines, although there may be a small question about the location of the steps next to the garage.

Lynn Gilchrest, 113 Ely Place, registered in opposition and stated that she is proud of her diverse and vibrant neighborhood with both retirees and new families moving in. She added that after conversations with the neighbors and the Commission, she expected to see a rear addition option shown at the neighborhood meeting. She added that a rear addition could be feasible, but the owners dismissed this idea in order to pursue a side addition. She said that just because they might have to get a variance, as Mr. Godding said that they would need, doesn't mean that it should be considered. She added that historic districts take a lot of staff time, volunteer time and care from property owners, and that this decision will impact an important part of the larger historic district. She urged the Commission to re-affirm their previous decision to not issue a Certificate of Appropriateness for the side addition. Mr. Levitan noted that getting a variance from the Zoning Board of Appeals is not an easy thing to do.

James Pawley, 21 N Prospect Ave, registered in support. He believes that the owner had made a reasonable effort to redesign his proposal, and worries that a rear yard addition would be three stories tall. He also noted that 2113 Chamberlain has such a side yard addition. Alder Maniaci asked Mr. Pawley what he would think if the side addition didn't go forward and the owner built on the separate lot. Mr. Pawley replied that while he may not like it, it would certainly be legal and he wouldn't object. Mr. Levitan asked Mr. Pawley about the condition of the house, and whether he thinks a family could live in it. Mr. Pawley said that he cannot judge the needs of any specific family. Mr. Shriberg added that Converse Blanchard and his wife raised four children in the house. Mr. Osborne stated that only he and his family know what their needs and future plans are for the family and that they do not have to share that information. Mr. Shriberg also stated that the backyard slope is not that great, and could accommodate a rear yard addition. Mr. Godding replied that nobody said that it was impossible, but functionally it would not work very well.

Alder Bidar-Sielaff thanked the Commission for reconsidering this decision and noted that her intent was to have a good discussion about the issues. She said that she respects the final decision of the Commission. Mr. Levitan asked if she would be appealing this to the Council. Alder Bidar-Sielaff stated that the decision is up to the owner. Alder Maniaci asked about which design the neighborhood saw at their meeting. Alder Bidar-Sielaff stated that they saw the October 19 version.

Ms. Gehrig noted that if the owner wished to build a new house on the adjacent lot, that it would also require approval from the Landmarks Commission. Alder Maniaci asked if the re-platting would also come to the Landmarks Commission. Staff noted that the last re-platting was approved through the Plan Commission, and unless something was specifically referred to the Landmarks Commission, it would not be seen by them.

Mr. Stephan walked through the past Commission meeting minutes on discussions of this proposal. He stated that he felt more comfortable after reading them that the Commission had done their job in giving the applicant constructive comments and had done everything right in terms of the process. Mr. Stephans noted that throughout the process, beginning in July, the comments were mostly about the size and scale of the proposed addition. He said that the

applicant had improved the design by separating the garage, and the submittals from both July and September may have not even received the three votes that it did in October. Mr. Stephans stated that we have two different issues to consider, the garage, which he believes is in compliance with the ordinance, and the side addition, where there is contention about whether or not it meets the ordinance. Mr. Stephans added that he believes that the side addition is too large, and that the Commission would be less particular about a rear addition as it relates to the ordinance language. He suggested that the applicant consider a side addition that is more hidden, or reduced in size, which could potentially be approved.

Mr. Levitan stated that the garage is generally okay, and asked the Commissioners about the specific language in the ordinance. Do we honor the ordinance that states that a side additional shall not detract, or do we look at the larger general quality of the neighborhood in terms of a large rear addition or a new house on a separate lot? He said that an appeals process could potentially look at the larger policy implications.

Mr. Levitan noted that approving this side addition would not guarantee that in the future this owner or a new owner would not sell the extra lot in order for a new house to be built. Mr. Osborne stated that if they are allowed to building the addition, it is not their intention to sell the lot.

Ms. Taylor noted that the rear addition on the Maher house in Winnetka seemed to work better than the side addition on that same house.

Ms. Slattery noted that Mr. Stephans really laid out their charge for the evening, and noted that it always had come down to the size, scale and proportion that they have been discussing throughout the process. She added that if the neighborhood wants to allow these types of addition, then they should consider amending the ordinance.

Ms. Gehrig stated that Mr. Godding has used the perspectives to illustrate that at least the addition is set back away from the important façade, and that even with the addition it is possible to distinguish the new from the original.

Alder Maniaci expressed frustration that the bump-out remains, and stated that the Commission doesn't want to throw out arbitrary numbers about what size would be acceptable. She noted that creative interior space planning could allow for a better solution to the exterior addition. She added that she is not seeing enough changes that made this worthy of reconsideration. Alder Maniaci stated that any new house on the other lot would also have to be approved by the Commission. She also doesn't want to take what could happen to that lot in consideration when making the decision about this application.

Mr. Stephans noted that the Commission generally doesn't ask for the removal of existing features, such as the bump-out, when considering alteration proposals. He added that perhaps the bump-out may even help separate the addition, since it could be providing a feature that is in the foreground of the addition.

Mr. Levitan wondered if the discussion would have been different if there was a modifier in front of the language such as "...substantially detract" as the current language really is a bright line of distinction. Mr. Godding stated that in that case they should never approve any side addition. Mr. Stephans noted that it is more of an issue with this specific house, as a rambling Queen Anne may be very well able to have an appropriate side addition.

Mr. Levitan discussed the approval of the garage. Noting that the Commission had been accused by the owner of being arrogant and not discussing their proposal in good faith, Mr. Levitan wanted to make a gesture of good faith by moving approval of the detached garage before the further discussion of the side addition. (The motion is at the end of the minutes, and the garage was approved by a voice vote.)

Mr. Levitan asked the Commissioners if they thought that there could be some sort of side addition that could be approved by the Commission, or is the symmetry so important that nothing could be built. Mr. Stephans thinks that a side addition could be approved, but doesn't know exactly what that could mean. In real-life the addition appears too prominent and he believes that it will come down to reducing he size and pushing it further back before it could be approved. Mr. Godding said that pushing it further back makes the interior functions not work.

Mr. Levitan stated that seems like it is all or nothing for them, and asked them if that was true. Mr. Godding said that the Commission has not been specific. Ms. Gehrig noted that the Commission has continually said that the addition should be smaller and pushed back or on the rear of the house throughout this process.

Mr. Levitan asked Mr. Osborne why they bought a house that didn't meet their needs. Mr. Osborne stated that they never thought that they would not be able to have an addition, and it comes across as mean spirited when you ask this question. Alder Maniaci stated that perhaps the owner should have done more due diligence before purchasing the house in whether or not a large side addition would be acceptable.

Mr. Levitan asked if there were any other ways the addition could be acceptable to the Commissioners. Mr. Stephans noted that less mass and more setback would help. Ms. Slattery added that while symmetry is important there are other issues related to the ordinance that are just as important.

Mr. Levitan stated that the Commission needs to come to some sort of decision, and that he would offer up a general motion in order to get the Commission on a decision path. Mr. Levitan noted that his motion was only a starting point and that it would not be about the final approval of a Certificate of Appropriateness, just whether or not some kind of side addition could be approved by the Commission. He added that if the motion fails, then the discussion is really over, but if it passes then discussion should continue. (The motion is at the end of the minutes and a statement affirming that some kind of side addition could be acceptable to the Commission was approved by a voice vote.)

Mr. Stephans asked the Commissioners if there was any other direction that they could offer.

Ms. Slattery stated that revisions were less about the specific size, but more about how it is executed, adding that pushing it back would be better. Alder Maniaci mentioned the idea of stepping the addition down.

Mr. Osborne stated that these iterations are very expensive. Mr. Levitan stated that they have spent many hours trying to help. Alder Maniaci added that the Commission has given many ideas and option, but they may not be the options that the applicant wants.

Mr. Stephans stated that when he looked over the minutes, it is possible to see all of the different suggestions that had been given over time. He added that perhaps a redesign of the roof to make it shorter, but in proportion could help the proposal.

Ms. Taylor noted that many times when the Commission has offered suggestions that could help the project get approved, that the owner and architect argue and say that they cannot be done because of some reason or another. The Commission has offered up many different ideas, most of which have been rejected by the architect and owner.

Ms. Gehrig discussed the idea of a simpler less ornate design, which would fit the Secretary of Interior Standards for making additions to historic buildings visually separate from the original building. After several minutes of discussion, the Commission decided that it was better to have a design that was architecturally in harmony with the original building.

Alder Bidar-Sielaff stated that from what she has heard, one or two feet further back or smaller will not really make enough difference, and it would take a larger redesign to be able to be approved. Mr. Levitan agreed that her statement was probably correct, but that he didn't know what the threshold for approval would be.

Mr. Stephans thinks that perhaps three changes, pushing it back, narrowing it, and lowering the roof may be worth the applicant's time.

Alder Bidar-Sielaff stated that the challenge is to make the changes significant enough to warrant approval without compromising the interior spaces, and that task may be difficult.

**A motion was made by Levitan, seconded by Maniaci, to Approve a Certificate of Appropriateness for the detached garage with the recommendation that the applicant seriously consider a permeable surface for the driveway and**

approach. The motion passed by a voice vote/other.

A subsequent motion was made by Levitan, seconded by Maniaci, that the Commission make a statement that finds that a side addition could be built at 2021 Van Hise that would not detract from the design composition of the original facade, and invites the applicant to have continued discussions with both preservation staff and the Commission in order to arrive at a mutually acceptable design that meets the Landmark Ordinance. The motion passed by voice vote/other.

Gehrig made a motion to approve the side addition as submitted. The motion failed due to the lack of a second.

#### OTHER BUSINESS - DISCUSSION

4. [08717](#) Buildings proposed for demolition

There were no additional structures that came through the demolition notification system. There was no discussion.

5. [07804](#) Secretary's Report

Staff distributed the submittals for the proposed Edgewater Hotel redevelopment. Staff also passed out agenda for the Joint Urban Design Commission and Landmarks Commission meeting to be held on Wednesday, November 18th. This meeting was scheduled to allow for an informational presentation and discussion amongst the two Commissions regarding the proposed Edgewater Hotel Redevelopment project.

#### ADJOURNMENT

A motion was made by Maniaci, seconded by Taylor, to Adjourn at 8:45 p.m. The motion passed by voice vote/other.