

BEFORE THE CITY OF MADISON COMMON COUNCIL

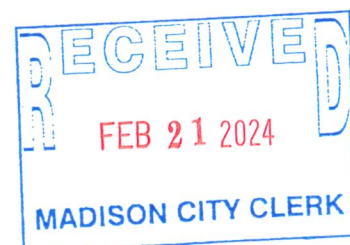
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**Petition of Appeal of the Decision of the City of Madison Landmarks Commission Approving on February 12, 2024 a Certificate of Appropriateness to 1908 Arlington Place LLC for a Land Division at 1908 Arlington Place in the University Heights Historic District**

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Petitioners, Lester A. Pines (“Pines”) and Roberta Anne Gassman (“Gassman”), are the owners of the property located at 1915 Arlington Place, Madison, Wisconsin which is within 200 feet of the boundaries of 1908 Arlington Place, Madison, Wisconsin. They have signed this Petition below and are joined in this Petition by additional owners of property within 200 feet of the boundaries of 1908 Arlington Place who have signed the attached signature pages, which are incorporated herein by reference, and who in combination with Pines & Gassman are hereinafter referred to as “the Petitioners”.

Pursuant to Chapter 41.20, *et seq* of the Madison General Ordinances (MGO) the Petitioners hereby appeal to the City of Madison Common Council (“the Common Council”) the February 12, 2024 decision by the City of Madison Landmarks Commission approving a certificate of appropriateness for a land division at 1908 Arlington Place, Madison. As grounds for this appeal, the Petitioners respectfully state as follows:



### **The Petitioners Qualification to Appeal**

1. There are twenty-nine properties that are within two hundred (200) feet of the boundaries of the subject property, 1908 Arlington Pl., Madison, Wisconsin, as verified by a copy of an Excel spreadsheet that was provided to Pines by email on February 15, 2024 by Heather L. Bailey, Ph.D, the City of Madison's Preservation Planner in the Neighborhood Planning, Preservation & Design Section of the Department of Planning, Community, & Economic Development, Planning Division, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.
2. Pursuant to MGO 41.20(1), the Petitioners are qualified to file this Petition because they comprise a group of owners consisting of at least twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the boundaries of 1908 Arlington Place as shown on Exhibit A.

### **The Petitioners Grounds for Appeal**

3. On February 12, 2024, the Madison Landmarks Commission ("the Commission") approved a certificate of appropriateness for a land division at 1908 Arlington Place which is within the University Heights Historic District.
4. When considering a certificate of approval for land division the Commission must follow the requirements of MGO 41.18(4) which states:

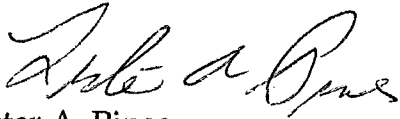
Land Divisions and Combinations. The commission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

5. The Commission, on February 12, 2024, when considering the request for a certificate of appropriateness for a proposed land division at 1908 Arlington Place did not comply with MGO 41.18(4) because it:
  - a. Failed to determine before the hearing the general pattern of lot sizes in the University Heights Historic District to determine if the proposed lot deviated from that general pattern.
  - b. Then, during the hearing, relied on a cursory review of a map of lots in University Heights which did not contain any numerical dimensions or other information regarding the size of the lots on the map, while ignoring other more relevant maps provided in advance in a written communication from a neighbor of the property.
  - c. Defined the word "adjacent" in the MGO41.18(4) as meaning only "adjoining," a truncated and incorrect interpretation of the ordinance because "adjacent" also means "nearby."
  - d. Used the truncated definition of the word "adjacent" to exclude any consideration of whether the proposed land division was incompatible with the non-adjoining lots on the west, east and south sides of Arlington Place.
  - e. Relied on the orientation of a home at the corner of Chamberlain Ave. and Forest Street, as the basis, in part, for its determination that the proposed two small lots for 1908 Arlington Place were compatible with the larger lots that surround it on its west, east and south sides.
  - f. Improperly compared the new proposed lot sizes for 1908 Arlington Place only to lots located on Kendall Ave., which are below and, therefore, not on the same plane as those on Arlington Place.

## Conclusion and Request for Relief

The Petitioners respectfully request that the Common Council reverse the February 12, 2024 decision of the Madison Landmarks Commission to approve a certificate of appropriateness for the proposed land division at 1908 Arlington Place, Madison and to deny a certificate of appropriate for that proposal.

Respectfully submitted,



Lester A. Pines



Roberta Anne Gassman

and those property owners whose signatures are found on the attached signature pages.

<i>Owner_1</i>	<i>Owner_2</i>	<i>Address</i>	<i>City</i>	<i>St</i>	<i>Zip</i>
REAM, EDWARD K	& REBECCA REED	166 N PROSPECT AVE	MADISON	WI	53726
CHANDLER, JEFFREY C		1902 ARLINGTON PL	MADISON	WI	53726
VERNON, MARY K		1900 ARLINGTON PL	MADISON	WI	53726
PASSMORE, BEN HILL	SUSAN RACINE PASSMORE	2002 CHAMBERLAIN AVE	MADISON	WI	53726
REDFORD, JOSIAH T	SARA E REDFORD	1914 KENDALL AVE	MADISON	WI	53726
PANCZENKO, RUSSEL & PAULA		160 N PROSPECT AVE	MADISON	WI	53726
KARRAS PROPERTY	MANAGEMENT LLC	BOX 333	ELKART LAKE	WI	53020
FOREST, CARY BRETT	KATRINA THOMPSON FOREST	115 ELY PL	MADISON	WI	53726
DELISLE, KENNETH W	& JILL M DELISLE	1924 KENDALL AVE	MADISON	WI	53726
MCBAIN, MARTIN OILIBHER	CATHERINE ARABELLA MCBAIN	1920 ARLINGTON PLACE	MADISON	WI	53726
KIEFFER REV LIV TRUST,	BRUCE D & MONICA M	1914 ARLINGTON PL	MADISON	WI	53726
DIBO, ALAYNA	& MICHAEL P MARTOCCIO	1913 KENDALL AVE	MADISON	WI	53726
COTTINGHAM, DAVID JOHN	JEAN MARIE HALFERTY	629 HARVARD ST	WILMETTE	IL	60091
PARKS LIVING TRUST		302 CHAMBERLAIN AVE	MADISON	WI	53726
1908 ARLINGTON PLACE LLC		1908 ARLINGTON PL	MADISON	WI	53726
NEUJAHN, HILDEGARD		168 N PROSPECT AVE	MADISON	WI	53726
ZAHED, SOFIA REFETTOFF		1918 KENDALL AVE	MADISON	WI	53726
SHOHEI, J LEON & AMY L		1937 ARLINGTON PL	MADISON	WI	53726
WALLER REV LIV TR, W & L		222 PRINCETON AVE	MADISON	WI	53726
KAHN, BRUCE W	PATRICIA M PATTERSON	1911 KENDALL AVE	MADISON	WI	53726
PONDROM, LEE G & CYRENA N		210 PRINCETON AVE	MADISON	WI	53705
GIFFEY, JESSICA	& JOSHUA E GIFFEY	163 N PROSPECT AVE	MADISON	WI	53726
STTELEY LIVING TRUST		1921 KENDALL AVE	MADISON	WI	53726
PINES, LESTER A	& ROBERTA A GASSMAN	1915 ARLINGTON PL	MADISON	WI	53726
JACOBSON, ERIK		1925 KENDALL AVE	MADISON	WI	53726
IVEY, MICHAEL E		526 W LAKESIDE ST	MADISON	WI	53715
THOMAS, CHRISTOPHER M		1915 KENDALL AVE	MADISON	WI	53726
LIVORNI, ERNESTO	& MONICA L MESSINA	1917 KENDALL AVE	MADISON	WI	53726
ALD REGINA VIDAVER		2314 CHAMBERLAIN AVE	MADISON	WI	53726

Exhibit A

BEFORE THE CITY OF MADISON COMMON COUNCIL

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**Petition of Appeal of the Decision of the City of Madison Landmarks Commission  
Approving on February 12, 2024 a Certificate of Appropriateness to 1908 Arlington  
Place LLC for a Land Division at 1908 Arlington Place in the University Heights  
Historic District**

---

I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Mary K Vernon  
Name

1900 Arlington Place, Madison WI 53726  
Address

Mary K  
Signature

BEFORE THE CITY OF MADISON COMMON COUNCIL

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Jeffrey Chandler

Name

1902 Arlington Place

Address

Jeffrey Chandler

Signature

BEFORE THE CITY OF MADISON COMMON COUNCIL

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

MARTIN REED - MCBAIN  
Name

1920 ARLINGTON PL, MADISON, WI 53726  
Address

  
Signature



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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

CATHERINE REED - MCBAIN  
Name

1920 ARLINGTON PLACE, MADISON, WI, 53726  
Address

  
Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Jean M. Parks

Name

302 Chamberlain Ave, Madison WI 53724

Address



Signature

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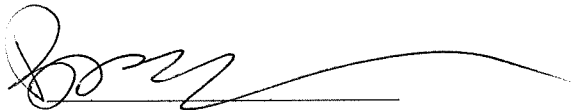
I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Brian M. Parks

Name

302 Chamberlain Ave - Mad, WI 53706

Address

A handwritten signature in black ink, appearing to read 'Brian M. Parks', written over a horizontal line.

Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Jean Helferty  
Name

1919 Arlington Place, Madison, WI 53726  
Address

Jean M. Helferty  
Signature

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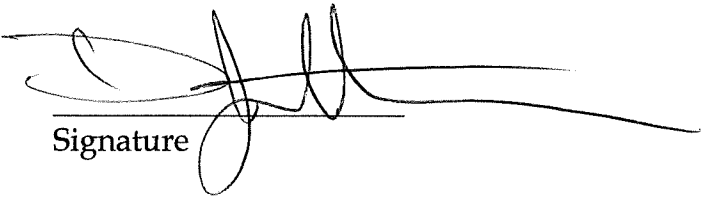
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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

David J. Cottingham  
Name

1919 Arlington Place, Madison, WI 53726  
Address

  
Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Edward K. Rean

Name

166 N. Prospect Ave

Address

E. K. Rean

Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Rebecca Reed

Name

166 N Prospect Ave  
Address  
Madison, WI

Rebecca Reed

Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

MONICA L. MESSINA

Name

1917 KENDALL AVE, MADISON, WI 53726

Address

Monica Messina

Signature



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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

ERNESTO LIVORNI

Name

1917 KENDALL AVE, MADISON WI 53726

Address

Ernesto Livorni

Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

LOUISA JONES WALLER

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

222 Princeton Ave, Madison WI 53726

A large, stylized handwritten signature in blue ink, which appears to read "Louisa Jones Waller". The signature is written over a horizontal line that is part of the signature label.

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Will Walker

Name

222 Princeton Ave

Address

Will Walker

Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF APPEAL:

Ben Passmore

Name

2002 Chamberlain Ave, Madison 53726

Address



Signature

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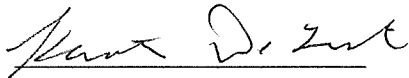
I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

KENNETH DELISLE

Name

1924 KENDALL AVE

Address

  
Signature

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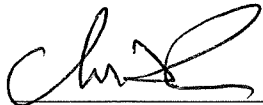
I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Christopher Thomas

Name

1915 Kendall Ave

Address



Signature

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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Katrina Forest  
Name

115 Ely Place, Madison WI 53726  
Address

*Katrina J. Forest 2/19/24*  
Signature

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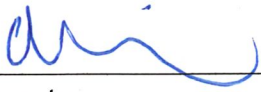
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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Alayna Dibo  
Name

1913 Kendall Ave.  
Address

  
Signature



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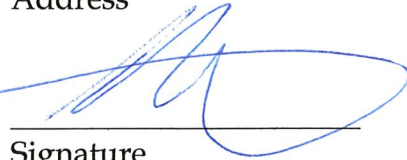
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I HEREBY JOIN AS A PETITIONER IN THE ABOVE-ENTITLED PETITION OF  
APPEAL:

Michael Martoccio  
Name

1913 Kendall Ave  
Address

  
Signature