

Ekberg, Meri Rose

From: Tim Mathison <trmathison@uwalumni.com>
Sent: Monday, June 8, 2026 4:44 PM
To: Madison Landmarks Commission
Subject: 113 Ely Place Submittal

Categories: Heather

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Dear Commission Members,

I echo the comments of several of my neighbors in correctly stating that the subject submittal does not comply with MGO § 48.18, and that § 41.03(2) must be interpreted broadly to give primacy to the Historic Preservation Ordinance over Chapter 28 (Zoning). Staff's recommendation for approval is not in keeping with these provisions.

It should be noted that this flagpole configuration bears no resemblance to the parcel at 1833 Van Hise Avenue, which has 46' of frontage on Van Hise Avenue and enough frontage on North Roby Road to accommodate a driveway within the parameters of the City's zoning requirements.

I have registered in opposition to this submittal.

Sincerely,

Tim Mathison
138 North Prospect Avenue

Ekberg, Meri Rose

From: Tommy McGhee <tommytomatoo@gmail.com>
Sent: Monday, June 8, 2026 4:37 PM
To: Madison Landmarks Commission
Subject: Land division #93071 113 Ely place- Historic district- district 5

Categories: Heather

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It is inconceivable to us that however vigorous lobbying efforts may have been brought to bear that there can even be a question of the unsuitability of this proposal. If this site was to be made available for new construction, it would not only be enormous upheaval for all the residents whose plot surrounding this tiny strip of land and those adjacent on this historic hillside as it is entirely closed but for the narrow bit immediately next to the Schnoes house at 1806 Summit Ave, plot 9531. I expect you have looked at the plot map where this is quite obvious. Excavation and utilities facilitation not to mention the assault on the existing natural green space would be overwhelming and so wrong for the established residents and ruinous of the historic aspect and be disrespectful for those who live here maintaining this precious hillside and pay considerable property taxes to be here. Was the historical Society even consulted about the matter?

And does zoning not require 20 feet distance from any building to the property line?

We strongly object to this proposal.

Thomas McGhee and Raphael Kadushin

Bailey, Heather

From: Katrina Forest <kdtforest@gmail.com>
Sent: Monday, June 8, 2026 6:42 PM
To: Madison Landmarks Commission
Subject: 113 Ely Place lot division

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Dear Commission,

I was registered in opposition to agenda item #3, and willing to answer questions.

One of the commissioners asked if the lots have ALWAYS been divided with the "flagpole" and so I raised my hand to answer that question. Heather quickly said "yes" and the conversation and the vote to some extent hinged on that point.

The answer however was NO. The original division of University Heights did NOT have that flagpole. It was the "Rosa Replat" which put that in, and there is no evidence that the plat owners at that time every planned to build on the new oddly shaped lot. Indeed they likely intended to use it as a path (not a driveway) to a quiet nature area at the top of the hill.

Thank you,
Katrina Forest

M E M O R A N D U M

Date: June 8, 2026

To: Landmarks Commission

From: Alex Saloutos

RE: **113 Ely Place land division (Legistar File No. 93071): the proposed lot is incompatible with adjacent lot sizes under MGO 41.18(4)**

The applicant asks the Commission to approve a Certificate of Approval for the division of 113 Ely Place into two lots. The Commission should deny the application. The proposed new lot is incompatible with the adjacent lots, contrary to MGO 41.18(4), and the staff report reaches the opposite conclusion without the facts the standard requires.

The standard, and what defeats it

MGO 41.18(4) directs the Commission to approve a land division unless it finds that the proposed lot sizes:

1. adversely impact the historic character or significance of a landmark,
2. are incompatible with adjacent lot sizes, or
3. fail to maintain the general lot size pattern of the historic district.¹

The three standards are joined by “or.” A finding that any one standard is not met requires denial. Staff read the standard the same way. Its March 19, 2024, report to the Common Council on the 1908 Arlington Place division listed “three grounds for denying a lot combination/proposal.”² This memo rests on the second standard, adjacent lot sizes.

"Adjacent" means adjoining, and the proposed lot is incompatible with the adjacent lots

The meaning of “adjacent” in 41.18(4) is settled. In the 1908 Arlington appeal, the City Attorney advised that adjacent is properly read as adjoining, consistent with the ordinance, the dictionary, and the City’s past practice.³ The Preservation Planner wrote the same in her report to the Common Council:

While not specifically defined in the zoning code, the City consistently uses “adjacent lot” to mean adjoining. In other words, lots that directly abut one another in a 360 degree view. This method of review and interpretation of adjacency has been used in

¹ Madison General Ordinances § 41.18(4), available at https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIVCH32--45_CH41HIPR_SUBCHAPTER_41FCEAPROLALASIHIDI_41.18STGRCEAP.

² Planning Division Staff Report to the Common Council, 1908 Arlington Place, March 19, 2024 (Legistar File No. 82175), available at <https://madison.legistar.com/LegislationDetail.aspx?ID=6549490&GUID=93BDD8EC-E0A3-4FDF-A4E1-C65249B94D28>.

³ Memorandum, Office of the City Attorney, 1908 Arlington Place Certificate of Appropriateness Appeal, March 19, 2024 (Legistar File No. 82175), available at <https://madison.legistar.com/LegislationDetail.aspx?ID=6549490&GUID=93BDD8EC-E0A3-4FDF-A4E1-C65249B94D28>.

every land combination/division approval from the Landmarks Commission since that process was implemented in 2015.⁴

This is not a question of preservation expertise. It is a defined term applied to undisputed numbers. Proposed Lot 2 is 4,001 square feet, according to the applicant's own survey.⁵ The three lots adjacent to it are 101 Ely Place at 9,531 square feet, 1806 Summit Avenue at 7,000 square feet, and 167 N. Prospect Avenue at 12,737 square feet, according to City Assessor data.⁶ Their average is 9,756 square feet. The proposed lot is smaller than every adjacent lot. It is 41 percent of their average, and the smallest adjacent lot is 75 percent larger than it. A new lot that is less than half the size of the adjacent lots is incompatible with adjacent lot sizes.

The 1908 Arlington record shows the contrast. There, the Planner recommended approval because the application showed "a solid precedent for both of the lot sizes, particularly among the adjacent lots."⁷ Here, the new lot is smaller than all of the adjacent lots.

The staff report gives no facts on adjacent lot sizes, and the facts it gives are the wrong ones

The report states that the proposed lot sizes "are of a comparable size to the other lots on the block and in the district and are compatible with the adjacent lot sizes."⁸ It provides no adjacent lot sizes or comparisons. It is a conclusion without supporting evidence or analysis.

The figures it cites are not adjacent lots. It relies on a block-and-district range of 3,288 to 12,736 square feet.⁹ The 3,288-square-foot figure is for 202 N. Spooner Street, the smallest lot on the block, which is not adjacent to the proposed lot. Using the smallest non-adjacent lot to show compatibility with adjacent lots is the opposite of the method the City endorsed in 1908 Arlington, where the Planner wrote that "only the lots that directly abut the subject property were included in the review of compatibility with adjacent lot sizes."¹⁰ It does not matter whether the new boundary is called a shifted line or a new one. The standard governs the proposed lot sizes, and the proposed lot is undersized compared to the adjacent lots.

The standard that the Planner applied two years ago should be applied here. Measured against the lots actually adjacent to the proposed lot, the application fails.

The finding is the Commission's, and it must rest on the record

A Certificate of Approval is a quasi-judicial decision. The Commission applies a fixed standard to the facts after a public hearing, and the decision is reviewable in court. The City Attorney described that review in the 1908 Arlington appeal. On certiorari, a court asks "(1) whether the municipality kept within its jurisdiction; (2) whether it proceeded on a correct theory of law; (3) whether its action was arbitrary, oppressive, or unreasonable and represented its will and not its judgment; and (4) whether the evidence was such that it might reasonably make the order or determination in question."¹¹ The

⁴ 1908 Arlington Place Staff Report to the Common Council, *supra* note 2.

⁵ Certified Survey Map, 113 Ely Place, prepared by Burse Surveying & Engineering (April 20, 2026), Application for Certificate of Approval (Legistar File No. 93071), available at <https://madison.legistar.com/LegislationDetail.aspx?ID=8008214&GUID=71EDACCF-D97E-4478-96F4-84962B80FCF6>.

⁶ City of Madison Assessor records, available at: <https://www.cityofmadison.com/assessor/property/>.

⁷ Planning Division Staff Report to the Landmarks Commission, 1908 Arlington Place, February 12, 2024 (Legistar File No. 81638), available at <https://madison.legistar.com/LegislationDetail.aspx?ID=6481324&GUID=A582BEAC-AC85-4438-BCC1-FDB4A982A169>.

⁸ Planning Division Staff Report to the Landmarks Commission, 113 Ely Place, June 8, 2026 (Legistar File No. 93071), available at <https://madison.legistar.com/LegislationDetail.aspx?ID=8008214&GUID=71EDACCF-D97E-4478-96F4-84962B80FCF6>.

⁹ *Id.*

¹⁰ 1908 Arlington Place Staff Report to the Common Council, *supra* note 2.

¹¹ Memorandum, Office of the City Attorney, *supra* note 3.

same memo instructed that a decision must “state findings and cite evidence,” and that “The reasoning on the record should be clear for a potential court review on appeal.”¹²

The Commission relies on the Preservation Planner, and that is appropriate for questions of preservation expertise. But deference runs to reasoned analysis, not to a conclusion offered without facts. Where the Staff Report states only a result, there is nothing to defer to. Adopting that result as a finding is the Commission substituting staff’s will for its own judgment, which is the first thing certiorari review condemns.

Conclusion

The Commission should find, on the undisputed record, that the proposed lot sizes are incompatible with adjacent lot sizes under MGO 41.18(4) and deny the Certificate of Approval. A finding on that single standard requires denial.

¹² Id.

From: [Jonathan Knisley](#)
To: [Madison Landmarks Commission](#)
Cc: [Suzelle Tempero Knisley](#)
Subject: 6/8/26 Agenda item 93071
Date: Monday, June 8, 2026 12:31:12 PM

You don't often get email from jbknisley@gmail.com. [Learn why this is important](#)

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Hello:

We write to join the opposition to the proposed land division. Specifically, we write to add our names to the list of those included as supporting the comments provided by the owner of 167 N. Prospect.

Additionally, regarding the Planning Division Staff Report:

- Without acknowledging that the public comments raise significant questions regarding the accuracy of the lot sizes, the Report instead simply relies upon the numbers presented by the applicant. The lot size discrepancy appears to be one of the major issues in this discussion and should be subject to a full analysis.
- The Report then minimizes and summarizes the public comments as raising issues regarding the National Register and development of the vacant lot, it reminds / cautions the Landmarks Commission its review must address the applicable standard 41.18.
- However, it goes on to create a wholly new standard not seen in 41.18 of "comparable" to other "lots on the block and in the district" when the applicable standard in 41.18 depends upon the proposed lots being "incompatible with adjacent lot sizes."
- As detailed in the public comments, there are few lots actually "adjacent" and those adjacent lots are significantly larger than the proposed smaller lots, particularly the proposed 4001 sq ft lot.
- The Report only supports their "comparable" statement by providing numbers the lot sizes for the block, but not from the larger district despite apparently relying on this in support of their recommendation.
- Similarly, the Report mentions "a lot development pattern" in the district but this "irregular lot configuration" seemingly makes it unique enough that it would not easily fit into any sort of pattern that developed elsewhere in the district not facing the unique topography issues of this specific block.
- The Report supports its recommendation for approval stating that this property does not contain a landmark nor is it a landmark site. The standard does not require this finding. It does require that the proposed lot sizes may not adversely impact the "historic character or significance of a landmark."
- The Report acknowledges the new vacant lot could be "redeveloped for infill housing." In this circumstance, and despite the applicant's trying to claim that the re-development of this site is a separate issue to be addressed later by a separate Landmarks Commission review, this cannot be ignored even at this early stage. As such even the Report mentions this eventuality. It is plainly the obvious endgame. The issues raised in other public comments indicate the many ways the realities of the improvement of the new smaller vacant lot would adversely impact adjacent landmark properties both immediately during construction and on-going as a result of any improvement.

Sincerely,
Jonathan Knisley
Suzelle Knisley
209 N. Spooner

From: [Chuck Bauer](#)
To: [Vidaver, Regina](#); [Madison Landmarks Commission](#); [Chuck Bauer](#)
Subject: Fwd: RNAListserv 113 Ely Place -- Buildable lot issue comes before Landmarks Commission Monday, June 8, 5 p.m.
Date: Monday, June 8, 2026 6:26:51 AM

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Kindly see that my letter below reaches The Madison Landmarks Commission ASAP for today's public hearing which I cannot attend. Thank you, CHUCK BAUER

----- Forwarded message -----

From: **Chuck Bauer** <ctbauer@gmail.com>
Date: Sun, Jun 7, 2026 at 7:48 PM
Subject: Re: RNAListserv 113 Ely Place -- Buildable lot issue comes before Landmarks Commission Monday, June 8, 5 p.m.
To: Ronnie Hess <rlhess@wisc.edu>
Cc: regentneighborhoodassn Rna <regentneighborhoodassn@googlegroups.com>, Katherine Rankin <kitty.rankin@gmail.com>

Gentlepeople,

Extremely interesting, Thank you very much
Chuck Bauer
- Owner and builder of 1833 Van Hise Ave.
AKA - "The Soap Opera house."

<https://www.bauerbeckwithresidence.com/index.php>

We built our house 1989-90, Val Dunis, Architect, against significant and possibly self-serving neighborhood objections now dissipated, or deceased.

In the face of these objections, and to avoid a variance, we were obliged to design to satisfy every possible interpretation of our lot's unfortunately unspecified formal zoning classification.

Our house, also occupying a small and challenging lot, is now considered one of the more significant late twentieth century architectural contributions to the neighborhood.

I suggest not being too quick to judge. Small lots can offer great opportunities.

The appeal of our neighborhood is its diversity. Any fifteen minute walk will

show high profile "houses of record", together with more modest domestic and architectural expressions, existing side by side.

Is that so bad?

Respectfully,

CHUCK BAUER

Past Chairman of The Madison Landmarks Commission, 1991-2000.

On Sun, Jun 7, 2026 at 5:06 PM 'Ronnie Hess' via regentneighborhoodassn
<regentneighborhoodassn@googlegroups.com> wrote:

Dear Neighbors,

I'd like to call your attention to a land division issue at 113 Ely Place, a property in the heart of the University Heights neighborhood, where its first house, the Buell House, at 115 Ely Place, was built in 1894. 113 Ely Place is the house once owned by Lynn Gilchrist and before her historian Merle Curti. It is now owned by Robbie Quintana.

Mr. Quintana has asked the City to separate his back lot into a buildable lot. In 100 years, this part of the drumlin has not been built upon — it's a very small plot, comprising both hill and dale, connected only to the street (Summit Avenue) by a long, 10-foot-wide "panhandle."

The hearing before the Landmarks Commission is Monday June 8 at 5 pm.

Details are here, including the staff's rendering as well as several neighbors' comments against Mr. Quintana's proposal.

<https://madison.legistar.com/LegislationDetail.aspx?ID=8008214&GUID=71EDACCF-D97E-4478-96F4-84962B80FCF6>

Best,
R

--

You received this message because you are subscribed to the "regentneighborhoodassn" Google group.

The RNA listserv etiquette guidelines apply to all postings.

To post to this group, send email to regentneighborhoodassn@googlegroups.com

For more options, visit this group at

<http://groups.google.com/group/regentneighborhoodassn?hl=en>

You received this message because you are subscribed to the Google Groups "regentneighborhoodassn" group.

To unsubscribe from this group and stop receiving emails from it, send an email to regentneighborhoodassn+unsubscribe@googlegroups.com.

To view this discussion visit

<https://groups.google.com/d/msgid/regentneighborhoodassn/1C2339AA-1AA7-4458-9D2F-61BFFB38525C%40wisc.edu>.

--

CHUCK BAUER

Tempus gravitatem concedit.

Time grants gravity.

Madison, Wisconsin 53726

ctbauer@gmail.com

ctbauer.com

(No texts please.)

608-203-6155 primary landline

608-233-3839 secondary landline (machine only)

608-523-4987 weekend landline

608-833-4433 direct landline for CHUCK BECKWITH in B259 Assisted

Living at Attic Angel Community, Middleton, WI

--

CHUCK BAUER

Tempus gravitatem concedit.

Time grants gravity.

Madison, Wisconsin 53726

ctbauer@gmail.com

ctbauer.com

(No texts please.)

608-203-6155 primary landline

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608-523-4987 weekend landline

608-833-4433 direct landline for CHUCK BECKWITH in B259 Assisted

Living at Attic Angel Community, Middleton, WI

File #93071, Landmarks Commission, response to staff report
Submitted 2:44 am, June 8, 2026

Dear Commissioners,

Staff's report counsels the Commission to attend to 41.18(4), while dismissing the public's comments for not doing so. One cannot tell whether staff has accidentally overlooked public comments or not read them at all. But public comments do address 41.18(4), and unlike staff, do so rigorously and conscientiously.

We will not repeat already published public comments here, but it is important to shine a spotlight on what and how staff argues. It first asserts that the proposed lot has "comparable size to the other lots on the block and in the district," a novel addition of an "on the block" criterion, albeit not dramatically dissimilar to "the general lot size pattern of the historic district" wording in 41.18(4).

Its map then uses our lot, at 202 North Spooner Street, the smallest on the block, to buttress its case, since after all it is both on the block and in the district.

Staff then veers back to the crucial adjacency clause in 41.18(4) and concludes that the proposed lot's size is "compatible with the adjacent lot sizes" while providing no evidence, whereas public submissions demonstrate the opposite.

What troubles us particularly is staff's attempt to sway the Commissioners by linking **our small lot** to its specious logic. Once again, the relevant clause in 41.18(4) concerns **adjacent** lots, and our lot is **not** adjacent to the proposed lot. This is an objective fact, not a matter of staff nor AI nor extra-terrestrial opinion. Staff's sleight of hand cannot make our lot nor any other non-adjacent lot adjacent.

If staff wants the Commissioners to consider the adjacency clause of 41.18(4), it should play by its own rules. Fairly.

Respectfully,
Chamond Liu & Ruth Kearley
202 North Spooner St

From: [Aaron Gary](#)
To: [Madison Landmarks Commission](#); jkemorrison@gmail.com; [Duncan, John](#); knkaliszewski@gmail.com; rba@stonehousedevlopment.com; Taylor@mfirstweber.com; molly.harris@wisc.edu; eledesma@wisc.edu
Subject: Landmarks Commission - tomorrow's meeting - agenda item 3
Date: Sunday, June 7, 2026 11:22:47 AM
Attachments: [1908 Arlington staff report.pdf](#)
[Warranty deed 113 Ely Pl.pdf](#)
[Attachment I map of block with lot sizes and dates.pdf](#)

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Re: Staff report, 113 Ely Pl land division (Legistar 93071) – June 8 meeting agenda item 3

Dear Landmarks Commission members:

The staff report dated June 4 should be given no weight because it is contrary to law and contradicts the staff's own prior statements of governing law.

The staff report compares lots that are not “adjacent” to the proposed lot, contrary to MGO 41.18. In the recent land division matter at 1908 Arlington Pl (one block from Ely Pl), a central issue was the meaning of “adjacent” in MGO 41.18 (4). On appeal of the Commission’s decision to the Common Council, the staff report dated March 14, 2024 (attached) advised the Common Council as follows: “While not specifically defined in the zoning code, the City consistently uses “adjacent lot” to mean adjoining. In other words, lots that directly abut one another in a 360 degree view. This method of review and interpretation of adjacency has been used in every land combination/division approval from the Landmarks Commission since that process was implemented in 2015.” (See p. 3, attached staff report dated 3/14/24) (emphasis added.) With input from the city attorney, the Common Council agreed with this interpretation and denied the appeal. Yet, the staff report in this matter at 113 Ely Pl fails to apply the staff's own recognized standard and therefore misapplies the governing law. In the 1908 Arlington Pl land division, the staff emphasized that it can look only at adjacent lots in addressing MGO 41.18 (4)’s requirement of compatible lot sizes, but in its staff report in this matter the staff fails to look at the adjacent lots. In its cursory analysis, the staff merely refers to a “mix” of lot sizes “on the block” and refers to a lot size of 3288 SF, which is 202 N Spooner St., a lot that is not adjacent to the Applicant’s proposed new lot. (See “attachment I” to this email.) Comparison of the staff report in this matter with the attached staff report in the 1908 Arlington matter shows that this staff report ignores governing law, is arbitrary, and cannot be relied on.

As highlighted in my 5-18-26 objection, there are only three lots adjacent to the Applicant’s proposed new lot. The proposed new lot is substantially smaller than all 3 lots and is less than half (41%) of the size the average of the three adjacent lots. Again the only adjacent lots are 101 Ely Pl (9,531 SF), 1806 Summit (7,000 SF), and 167 N Prospect (12,737 SF). (See “attachment I” to this email, “public comment 5-18-26” at 4-5, and “public comment 6-4-26” at 2.) Under MGO 41.18 (4), as staff emphasized in the 1908 Arlington Pl matter, these are the only lots the Commission may consider in determining whether the proposed new lot is compatible with “adjacent lot sizes.” This is not a close call. The proposed new lot is tiny compared to the adjacent lots. For this reason alone, the Certificate of Approval for land division must be denied.

The property at issue is not currently two lots. The staff report also includes another

critical misstatement of law. The staff's novel suggestion that there are already two existing lots and the "proposal is to shift the lot line" reflects confusion between the historic plat system and the meaning of "lot" as defined in MGO ch. 41 and, again, the staff's statement in this matter is contradicted by the staff report to the Common Council in the 1908 Arlington Pl matter. As the staff advised the Common Council in the attached March 14, 2024 staff report, the term "lot" is defined in MGO 41.02 as "a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds." MGO 41.02 (emphasis added). As staff described to the Common Council, "A 'lot' is a documented subdivision of land with a legal description" – as recorded with the Dane County Register of Deeds. I have attached the legal description of the Applicant's property recorded with the Dane County Register of Deeds. All of the property described in the attached Warranty Deed for 113 Ely Pl is currently **one lot** under MGO ch. 41. This is not surprising. This is why an application for land division was submitted. The application states that it is submitted "for a land division The proposed division would create two lots from the existing 11,334 square foot parcel" By law, logic, and the Applicant's own submission, 113 Ely Pl is currently a single lot. Concluding otherwise would lead to an absurd result. Like many properties in University Heights, my property consists of two historic plats, identified in the property description on the city assessor's website as "lot 3 and all of lot 4, exc" Certainly no one believes that I could sell or build on half my property without Landmarks Commission approval. That would be absurd because my property, with the boundaries specified as recorded with the Dane County Register of Deeds, is one "lot" under MGO 41.02 even if it occupies two plat sections.

The staff report entirely ignores the "lot size pattern" requirement in MGO 41.18 (4).

The staff report dismisses consideration of this requirement by suggesting the irrelevance of "information from the National Register nomination." As developed in my objection, the historic district nomination written by the Landmarks Commission describes the "general lot size pattern" for University Heights, which is the legal standard under MGO 41.18 (4). I encourage the Commission to review my objection and make an independent determination on this issue. The Landmarks Commission itself noted in the foundational document for University Heights that there is a lot size pattern.

The Commission should completely disregard the fatally flawed staff report and instead rely on the well-developed arguments in the public comments of 5-18-26, 5-27-26, and 6-4-26 posted on Legistar to deny the application. The Commission should also consider the 1908 Arlington Pl land division as instructive in another way. That matter involved a "ghost" LLC (formed without identifying beneficial owners or their location, never filed an annual report, now listed as "delinquent" in DFI's records) that bought the historic property for \$1.025 million, obtained the Commission's approval for land division, and sold it nine months after purchase for \$1.4 million. Then the LLC was gone, leaving long-term residents with diminished historic integrity and a distorted site orientation for a historic property. Do such scenarios actually improve housing affordability? The Commission should strictly apply the legal requirements for land division and reject a "Build Baby Build," at any cost, agenda that harms existing residents, some of whom have been in their home for 50 years.

Attorney Aaron Gary
167 N Prospect Ave

Attachments:

1. Staff report for 1908 Arlington Pl land division (also available under agenda item 4 at

this link to the Common Council proceeding, <https://www.cityofmadison.com/city-hall/committees/common-council/2024-03-19>).

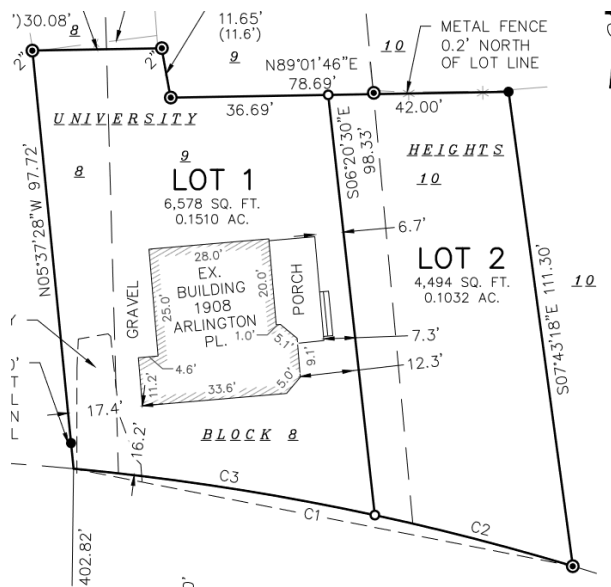
2. Warranty Deed for Applicant's purchase of 113 Ely Pl
3. "Attachment I" included in "public comment 5-18-26" posted on Legistar



Topic: Appeal of Madison Landmarks Commission Decision
1908 Arlington Place
Legistar File ID # [82175](#)
Prepared By: Heather Bailey, Preservation Planner, Planning Division
Date Prepared: March 14, 2024

Landmarks Commission Project Approval

The Landmarks Commission reviewed and approved a proposal to remove two underlying lot lines on the parcel at 1908 Arlington Place and create a new lot line that would result in two lots rather than the parts of three lots that the parcel currently contains. 1908 Arlington is in the University Heights Historic District and therefore requires a Certificate of Appropriateness ("CoA") from the Landmarks Commission for all land divisions and combinations. Under the proposal, the existing home would be the western lot (Lot 1) and the eastern lot (Lot 2) would be vacant:



On February 12, 2024, the Madison Landmarks Commission found that the proposal met the conditions of approval and granted a CoA. The Commission found that both of the proposed lots would meet zoning criteria and be of a similar size to other lots in the district and on this block. The Landmarks Commission only evaluates the adjacent lot sizes as part of their review and then the general lot size pattern for University Heights Historic District to complete their review. Any future construction would need to meet historic district standards. And obtain a separate CoA.

Landmarks Commission Standards of Approval

[MGO 41.18\(4\)](#)

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.

Note that the Landmarks Commission reviews lots, not parcels. A “lot” is a documented subdivision of land with a legal description. A “parcel” is a quantity of land for taxation purposes. The size of other *parcels* in the historic district are not relevant to the CoA.

MGO 41.02

Lot means a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds.

The historic preservation ordinance encourages sensitive incorporation of new construction in relation to historic resources and is not intended to prevent development. Any new construction on the new vacant lot would need to meet the new construction standards in the historic district.

Per the applicable standards, there are three grounds for denying a lot combination/proposal:

1. Proposed lot sizes adversely impact the historic character or significance of a landmark
Only applicable to designated landmarks. Subject property is not a landmark.
2. Proposed lot sizes are incompatible with adjacent lot sizes
Ensures that the new configuration has compatible configuration with adjacent lots.
3. Proposed lot sizes fail to maintain the general lot size pattern of the historic district
Allows for a larger perspective in looking at the pattern of the district as a whole and how the pattern can shift across a district.

For a full analysis of how the project complies with the standards of approval in MGO 41, please see the following staff report, staff presentation, and the Landmarks Commission’s Action Report:

[81638 - 1908 Arlington STAFF REPORT 2-12-24](#)

[Staff Presentation 2-12-24](#)

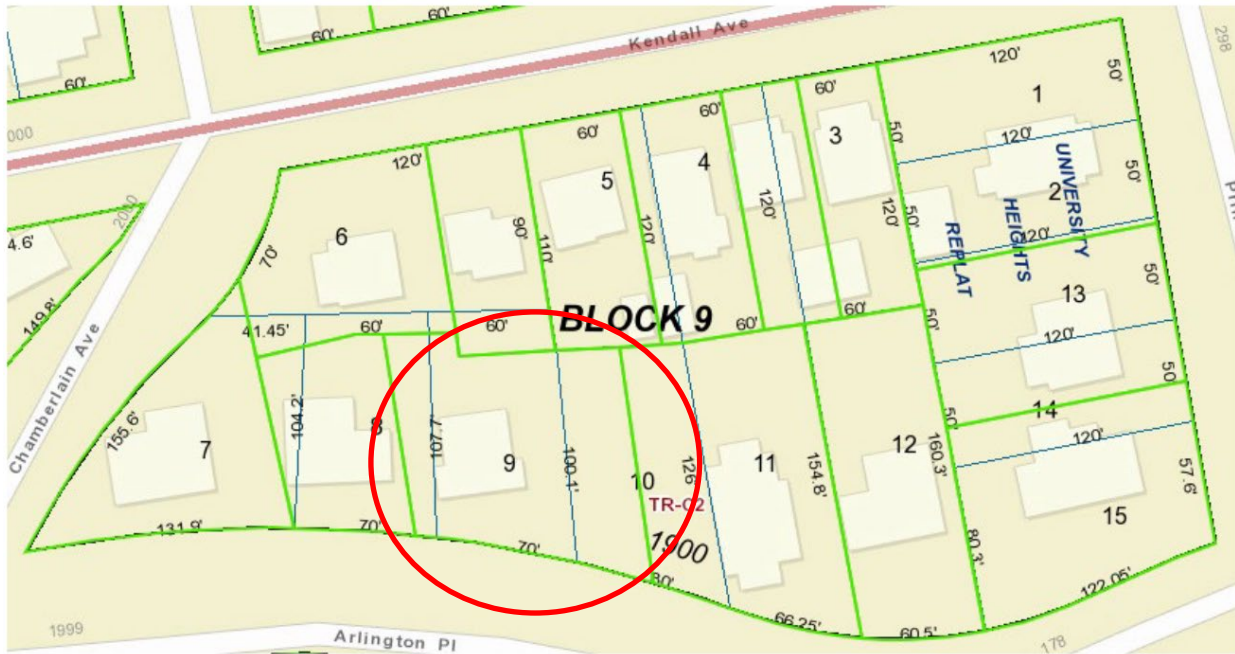
[81638 LC Report 2-12-24](#)

Appeal

Neighbors filed an appeal of the Landmarks Commission’s project approval on February 21, 2024. The appeal represents that the Commission:

- 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.”*

Staff completes a review of all applications prior to writing a staff report. In this instance, staff reviewed the lot sizes and dimensions in City GIS in addition to reviewing the application materials. The lot size pattern of the historic district is apparent on the historic district map and in city mapping of parcels and lots. Below is the City aerial GIS map of Block 9 where the parcel (red circle) is located:



That analysis was present in both the staff report and presentation at the meeting for the Commission to review. During the meeting, staff again conducted the analysis to report the exact measurements of the adjacent lots and included visual comparisons for how the proposed new lots would look on Block 9. Historical aerial maps were also provided as visual aids. In the decade of completing these reviews for land combinations and divisions, staff has not included a numerical analysis into the text of staff reports and the standards of approval do not require this.

The Commission's review of the maps concluded that the new lots clearly met the varied lot development pattern of the district and were compatible with adjacent lot sizes. University Heights Historic District does not have a single lot size throughout the district. The additional historic map provided as part of public comment showed how the lot development pattern in the district evolved over time.

- c. *"Defined the word 'adjacent' in MGO 41.18(4) as meaning only 'adjoining,' a truncated and incorrect interpretation of the ordinance because 'adjacent' also means 'nearby.'"*

While not specifically defined in the zoning code, the City consistently uses “adjacent lot” to mean adjoining. In other words, lots that directly abut one another in a 360 degree view. This method of review and interpretation of adjacency has been used in every land combination/division approval from the Landmarks Commission since that process was implemented in 2015. They have also used that definition of “adjacency” since they began providing advisory comments to Plan Commission on developments adjacent to a designated landmark in 1996.

For 1908 Arlington Place, adjacent lots include properties that front on Arlington Place and the properties behind the parcel that front on Kendall Avenue. The properties across the street – or across the right-of-way – are not considered adjoining. Staff’s review and presentation to Landmarks Commission took into account the other properties on that block that front onto Arlington Place and properties fronting Kendall Avenue. While there is a topographical change where Kendall Avenue is lower in elevation than Arlington Place, that is irrelevant to adjacency.

The properties across the street from the subject property on Arlington Place were included in the consideration of the “general lot development pattern of the district,” but only the lots that directly abut the subject property

were included in the review of compatibility with adjacent lot sizes. Landmarks Commission examined both property groupings and concluded that the proposed new lots would not be out of character with the properties on Arlington Place or in the district.

- d. *“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.”*

During their analysis, Landmarks Commission discussed several other properties in the University Heights Historic District, including 202 Forest Street and 120 Ely Place. At the Landmarks Commission meeting, public comment argued that the new lot configuration would impact the house by potentially changing the orientation of the front door. The houses on Forest Street and Ely Place were used as examples of front doors facing interior lot lines in the district.

While the Commission did discuss these properties, the orientation of the front door of a historic house is not one of the standards of approval. The Commission explained this at the meeting. As there is no designated landmark on the subject property, there is no consideration of how the proposed lot configuration will impact the historic character of a landmark.

- e. *“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.”*

Again, while the application materials only highlighted comparables on Kendall Avenue and Chamberlain Avenue, staff completed an analysis that included all of the adjoining/adjacent lots, while also taking into account the lot development pattern in the district as a whole and in the immediate vicinity to ensure that the proposed new lot configuration was both compatible with adjoining/adjacent lots and with how the lot development in the district had evolved in this area of the historic district. The Commission evaluated the lot configurations as required in the standards of approval.

Associated Approval and Regulations

The City's Subdivision Regulations, MGO Section 16.23, defines a “Land Division” as “the division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four (4) or less parcels or building sites of 40 acres or less in area.” A Certified Survey Map (CSM) is (emphasis added) “a drawing meeting all the requirements of Sec. 236.34 Wis. Stats. which is a map or plan of record of a **land division**, including combination of parcels for building development.” The City's ability to approve land divisions is established by Section 16.23(3)(b), and the process for approval is outlined in Section 16.23(4)(f). Additionally, Section 16.23(3)(a)6 states that “For land divisions and subdivision plats of landmark sites and properties in Local Historic Districts, no land shall be divided or combined without the approval of the Landmarks Commission under MGO Section 41.18(4).”

MGO Section 16.23(4)(f)6 states “The Plan Commission or its Secretary and the Common Council shall act on the land division within ninety (90) days of the filing of a complete application, unless the time is extended by written agreement with the applicant.” This requirement follows direction in Wis. Stats. Section 236.34(1m)(f), which states: “Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.”

The CSM of 1908 Arlington Place was submitted to the Planning Division for review pursuant to Section 16.23(4)(f) on January 8, 2024. Therefore, the 90-day limit for the City of Madison to act, including its Common Council, boards, committees, and commissions, is April 7, 2024. This includes the Landmarks Commission's ability to review land divisions given it by Section 16.23(3)(a)6. In order for the City to act on the proposed division of 1908 Arlington Place within the 90 days given it by statutes, staff recommends that the appeal of the Landmarks Commission be decided at the March 19 Common Council meeting, and that the appeal not be returned to the Landmarks Commission.

The Plan Commission reviewed the proposed land division at its March 11, 2024, meeting and recommended approval. The Common Council is scheduled to approve the resolution approving the land division also at its March 19 meeting (see ID [81560](#) for more information on the Plan Commission review).

Possible Common Council Actions

Per [MGO 41.20\(4\)](#), "after a public hearing, the Common Council may, by favorable vote of a majority of its members, reverse or modify the decision of the Landmarks Commission with or without conditions, or refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to the applicable standards under Secs. 41.18."

The Common Council may take any of the following actions:

1. Deny the Appeal
Findings: The Landmarks Commission's decision complied with the standards of approval in MGO 41.18
2. Approve the Appeal and Reverse or Modify the Decision of the Landmarks Commission
Findings: The Landmarks Commission's decision was contrary to the applicable standards in MGO 41.18
3. Refer Back to the Landmarks Commission
Common Council will need to specify how the Commission should reevaluate the project. *Note: Any referral back to the Landmarks Commission shall be decided before April 7, 2024 in accordance with MGO Section 16.23(4)(4) and Wis. Stats. Sec. 236.34.*



WARRANTY DEED

This Deed, made between **Lynn O. Gilchrist, a single individual**

Grantor and **Robert Louis Quintana, a single person and Stephen M. Quintana, a married person**
Grantee,

Grantor, for a valuable consideration, conveys to

Grantee the following described real estate in **Dane County, State of Wisconsin:**

Lots One (1) and Four (4), Rosa Replat of Lots 7, 8, and 9, Block 14, University Heights, in the City of Madison, Dane County, Wisconsin.

That part of Lot Three (3), Rosa Replat of Lots 7, 8, and 9, Block 14, University Heights, in the City of Madison, Dane County, Wisconsin, lying North of the line between Lots 1 and 2 of said Rosa Replat extended in a straight line Easterly until it meets the lot line between Lots 3 and 4 of said Rosa Replat.

**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

DOCUMENT #

5839416

06/08/2022 12:26 PM

Trans Fee: 2,104.50

Exempt #:

Rec. Fee: 30.00

Pages: 1

****The above recording information
verifies that this document has
been electronically recorded and
returned to the submitter.****

RETURN TO:

**Robert Louis Quintana and Stephen M.
Quintana**

113 Ely Place

Madison, WI 53726

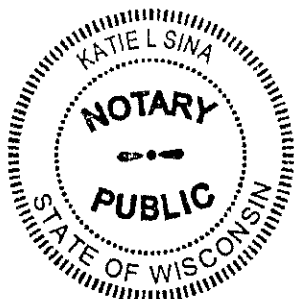
Tax Parcel No. 251/0709-222-2006-0

This is  **is not** a homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging; and **Lynn O. Gilchrist** warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except recorded restrictions, covenants, easements of record and all applicable zoning ordinances, and will warrant and defend the same.

Dated **Seventh day of June, 2022**


Lynn O. Gilchrist



THIS INSTRUMENT WAS DRAFTED BY
P. Ninedorf at the direction of Lynn O. Gilchrist

(Signatures may be authenticated or acknowledged.
Both are not necessary.)

ACKNOWLEDGEMENT

State of Wisconsin

SS:

Dane County

Personally came before me this **Seventh day of June, 2022** the above named **Lynn O. Gilchrist** to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.



Katie L Sina

Notary Public **Dane County, Wisconsin**

My Commission is permanent.

If not, state expiration date: **July 6, 2025**



Attachment I

From: [Ron Rosner](#)
To: [Madison Landmarks Commission](#)
Subject: Public Testimony Legistar #93071
Date: Saturday, June 6, 2026 1:37:26 PM

You don't often get email from rosner7@charter.net. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: landmarkscommission@cityofmadison.com

RE: Opposition to Land Division Application for 113 Ely Place. Legistar #93071

To the Landmarks Commission

We live at 1819 Summit Avenue, diagonally across from the Morehouse House.

We are opposed to the request for separation of the lot at 113 Ely Place for the reasons below.

The question, raised here, must be a very difficult one for the Commission to decide without having had an opportunity to visit the property under debate. A site visit would make it abundantly clear why this parcel has not been built upon in the 100+ years since it was platted.

We understand the purview of the Commission is limited to objective criteria so we will not dwell on the real world challenges created for construction on the environmentally unique interior parcel, along the crown of University Heights. Nor will we dwell on the expected problems of drainage, and access by fire and other vehicles, nor the insult, as well as danger, to the owner of 1806 Summit, whose property is immediately adjacent to the 10-foot access corridor, nor the loss of view scape for 167 North Prospect Avenue, to the north of the parcel. As such, we're left with the single issue of parcel size, which per 41.18 (4) appears to be the sole criterion upon which the Commission must base its decision.

The Commission has already received considerable testimony focusing on how the parcel's small size, totally incompatible with adjacent lot sizes, provides adequate basis for rejection of the application. We concur with those observations.

Further, as regards lot size, the applicant appears to misstate the developable area of Lot 2 as 4,001 square feet, "exclusive of the panhandle strip." According to the Certified Survey Map (CSM), submitted by the applicant, the size of lot 2 is 4,001 feet **including** the roughly 550 square feet of the panhandle, leaving a developable lot size of about 3,500 square feet.

In its role in administering the governing ordinances for Landmarks, the Commission must be prepared to address this fundamental question: Will the landmark we are asked to protect be enhanced or diminished by our actions today? Stated differently, who is our client? Is it the University Heights landmark we are obliged to protect and preserve, or the owner of property whose sole interest in the landmark district is to monetize a portion of his property. And recognize that if this separation results in an infill dwelling the Commission will then be obliged to insure that each construction detail conforms with the stringent standards for new construction in a landmarked district.

It is regrettable the applicant has chosen not to resolve this matter directly with affected

neighbors in light of their well-intentioned efforts to preserve the land and the historical role it plays in enhancing the historic quality of the neighborhood.

We respectfully ask that the Commission deny the request for separation.

Ron Rosner and Ronnie Hess
1819 Summit Avenue
Madison, WI 53726

Supplemental Objection

Legistar File #93071

113 Ely Place — Land Division — University Heights Historic District

Submitted by Diane M Bless, 101 Ely Place

This supplement addresses matters not fully covered in the objections previously filed by Aaron R. Gary (May 18, 2026), Chamond Liu and Ruth Kearley (June 4, 2026), and David Yang and Susan Thibeault (May 27, 2026). It does not repeat arguments already on the record.

1. The Commission Has Denied a Similar Application Under This Standard

On October 10, 2022, the Landmarks Commission denied a Certificate of Appropriateness for a land combination at 826 Williamson St and 302 S Paterson St in the Third Lake Ridge Historic District (Legistar File #73458). The vote was 4–2, on a motion by Commissioner McLean, seconded by Commissioner Arnesen.

That application had eleven registrants in support and zero in opposition. The Commission denied it nonetheless, based on the lot-size standards of MGO 41.18(4).

At the same meeting, the Commission approved a separate land division at 933 Williamson St (File #73459) as a consent item. This confirms the Commission applies the 41.18(4) standard on a case-by-case basis, granting or denying based on the facts of each application rather than adopting a blanket posture.

The 113 Ely Place application presents a stronger case for denial than the Williamson Street matter. Proposed Lot 2 at 4,001 sq ft is 41% of the adjacent lot average (9,756 sq ft). It would be smaller than every adjacent lot. The site is surrounded by three designated landmarks. These facts are more extreme than the lot-size issues in the Williamson Street denial.

2. The Applicant’s “Restoration” Argument Is Contradicted by the Evidence

The Applicant’s narrative asserts that the proposed division “returns the property to the two-lot configuration that was originally platted in 1924” and represents a “restoration of the original platting intent.” This characterization fails on its own terms:

The proposed lot line does not match the 1924 line. The Applicant’s CSM places the garage on Lot 1. Under the original 1924 Rosa Replat, the garage falls on the Lot 4 side of the historic boundary. The Applicant acknowledged the historic lines in his submittal. The proposed and historic lines are not the same, as the annotated CSM in the Liu/Kearley objection demonstrates.

The 1924 plat did not contemplate vehicular access via the panhandle. In 1924, automobiles were a luxury. The panhandle was platted at a width suitable for foot traffic, not driveway

access. The 1923 house at 1806 Summit Ave was built within feet of this strip—consistent with a pedestrian path, not a vehicular route.

Lot 4 was held undeveloped for 80 years. Charles Rosa kept Lot 4 for 25 years without building on it, then transferred it in 1946 to Merle Curti, who already owned Lot 1. Lots 1 and 4 have been in common ownership since 1946. As documented in the chain-of-title research submitted with the Gary objection (May 18, Attachment M), the historical evidence indicates Lot 4 was preserved as green space, not held for future development.

The “restoration” framing is not supported by the historical record.

3. Chapter 41 Prevails Over Zoning Where More Restrictive

The Applicant’s narrative relies on the TR-C2 zoning minimum of 4,000 sq ft as evidence of compatibility. This conflates two distinct review standards.

MGO 41.03(2) provides that where Chapter 41 (Historic Preservation) imposes standards more restrictive than Chapter 28 (Zoning), the more restrictive standard prevails. The 2025 Housing Forward amendments to Chapter 28, which permit flag lots with 10-foot access strips, do not modify the Chapter 41 standards applicable in historic districts.

Meeting a zoning minimum does not satisfy the Landmarks Commission’s independent obligation under 41.18(4) to evaluate compatibility with adjacent lot sizes and the district’s lot size pattern. These are separate inquiries.

4. Proposed Lot 2 Is Effectively Landlocked

The previous objections document why the panhandle cannot support a compliant driveway. In summary:

MGO 10.08(3)(b) requires a driveway entrance to be at least 5 feet from each adjacent property line. A Class I driveway entrance requires a minimum of 8 feet of width. The total required at the entrance is 18 feet. The panhandle is 10 feet wide.

MGO 10.08(3)(e) prohibits a driveway entrance where a city street tree is present unless no other location is available. A mature city tree occupies the Summit Ave terrace at the proposed entrance point.

The hardship waiver under 10.08(3)(b) is discretionary and requires the joint agreement of three city officials. It is not a right. A lot that cannot be accessed without discretionary waivers that have not been granted is, for practical purposes, landlocked.

5. Summary of Grounds for Denial Under MGO 41.18(4)

The Commission shall approve a Certificate of Approval for land divisions in historic districts *unless it finds* any of the following:

Ground 1—Adverse impact on historic character or significance of a landmark. Proposed Lot 2 is immediately adjacent to the Morehouse House and Buell House, both designated local landmarks. The Gilmore House (Frank Lloyd Wright) is across the street. Driveway construction would require excavation adjacent to the Morehouse House’s historic stone retaining wall, a recognized site feature under the City’s Historic District Design Guidelines.

Ground 2—Incompatible with adjacent lot sizes. Proposed Lot 2 at 4,001 sq ft is 41% of the average of the three adjacent lots (9,756 sq ft). It is smaller than every adjacent lot. The smallest adjacent lot (1806 Summit Ave, 7,000 sq ft) is 75% larger than proposed Lot 2.

Ground 3—Fails to maintain the general lot size pattern. The National Register nomination documents a hilltop-to-periphery lot size gradient. Proposed Lot 2 would be an island lot at mid-slope, surrounded by lots two to three times its size, contrary to the documented pattern.

Any one of these grounds is independently sufficient for denial.

Respectfully submitted,
Diane M Bless
101 Ely Place
June 5, 2026