



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

Wednesday, April 10, 2019

5:00 PM

215 Martin Luther King Jr. Blvd.
Room 013 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 4 - Ledell Zellers; Marsha A. Rummel; Keith Furman and Shiva Bidar

Excused: 1 - Steve King

APPROVAL OF MINUTES

A motion was made by Zellers, seconded by Rummel, to Approve the March 14, 2019 Minutes. The motion passed by voice vote/other.

SUSPENSION OF RULES

A motion was made by Zellers, seconded by Rummel, to Suspend the Rules. The motion passed by voice vote/other.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

1. [54447](#) Discussion of Consultant's Recommendations

Jim Murphy, registering neither in support nor in opposition and wishing to speak

David Mollenhoff, registering in support and wishing to speak

John Martens, registering neither in support nor in opposition and wishing to speak

Jeff Vercauteren, registering neither in support nor in opposition and available to answer questions

Linda Lehnertz, registering in opposition and wishing to speak

Jim Murphy, representing the Marquette Bungalows Neighborhood Group, said that they have always advocated for allowing homeowners to make their own decisions. He suggested that the phrase "at owner's discretion" be added to the ordinance section regarding window replacement, and said that property owners should have the ability to alter their homes without approval from the Landmarks Commission if they meet the standards. He spoke about

the importance of empowering stakeholders and asking what their needs are. He said that some property owners in Marquette Bungalows are unhappy with the proposed ordinance language and will no longer want to be part of a historic district if the ordinance is too prescriptive. He suggested they find a balance between meeting the needs for historic preservation and allowing property owners to make their own decisions.

David Mollenhoff, representing the Madison Alliance for Historic Preservation, summarized key points of the document the Alliance submitted prior to the meeting regarding the Standards for New Structures. He said that the Alliance agrees that there should be minimum uniform standards for all historic districts. In order to create standards that are clear and measurable, they suggest use of terms such as "shall" or "shall consider all of the following" rather than "may consider." He explained that in their submitted New Primary Structures section, they tried to eliminate jargon and make the language easier to understand. He emphasized the importance of having general and district-specific standards and as an example, referenced the complexity of the zoning in Third Lake Ridge. He said the Alliance is concerned about the prohibition of specific items such as picture windows and bay windows with angled sides. He said that 14 new definitions should be included, which are listed on pages 3-4 of the document. Lastly, he described their concerns about making substantial changes to the structure of the ordinance, and suggested they keep sections A-F intact.

John Martens spoke about the Standards for Maintenance, and said that he doesn't agree with the use of the word "appropriate" because in some cases it is too general and in others it is overly specific. He asked the Committee to consider what is reasonable because the Secretary of the Interior's Standards are primarily applied to National Register properties, but in this case, we are dealing with homeowners and landlords, and there is a significant difference in how a National Register property should be treated as opposed to how the average homeowner should maintain their buildings. He suggested that staff revisit the terminology and consult with local contractors who will be interpreting this language and would have the best understanding of local materials and methods. He said that maybe there should be a differentiation between standards and guidelines. He pointed out that the public is not as receptive to the need to preserve, and this is an opportunity to advocate for preservation; however, if the ordinance is too burdensome, it will have the opposite effect.

Linda Lehnertz said that she does not like the current ordinance draft because it uses the Secretary of the Interior's Guidelines, which she said are not meant to be applied across the board and should instead be used as guidance. She said that they should not take away the discretion that could normally be exercised by someone applying these guidelines. She mentioned that she thinks it is an issue that the draft Maintenance, Repairs, and Alterations Sections treat properties in historic districts more strictly than landmarks. She pointed out that some items could create conflicts with

Building Code and may not need to be included. She suggested they be cognizant of cost and consider a balanced approach; she said that the hardship variance does not cover maintenance requirements, which can be costly. She also pointed out the differences in requirements for commercial versus residential properties. She said that Madison used to be a leader in historic preservation, but she does not see this ordinance continuing that leadership.

Scanlon explained that staff concluded that the Alterations section should be divided into three individual sections, Maintenance, Repairs, and Alterations, in order to provide more clarity on a broad range of activities. Bailey discussed the spectrum of review, part of which includes determining which items staff can approve and which items the Landmarks Commission should approve. She said that as part of the spectrum of review, staff has decided to include information regarding best practices for maintenance, but will not require a Certificate of Appropriateness for all maintenance. She explained that by having specific language about alterations, repairs, and maintenance practices, Planning and Building Inspection staff can pass along consistent instruction to the public.

Bidar said that the ordinance standards need to be enforceable, and suggested that guidelines be pulled out into a separate document and not be incorporated in the ordinance itself. Strange said that in LORC Phase 1, there was an effort to get away from using guidelines in the ordinance, but if using guidelines would allow for the flexibility mentioned by the public speakers, they can look at ways to reincorporate guidelines within the ordinance or in a separate document. There was discussion on what information to include in the standards versus the guidelines, and Bidar suggested they codify the minimum requirements and refer to the guidelines for additional information on how to meet the requirements and how to go above and beyond so that the ordinance itself isn't too prescriptive. Rummel said that in comments from the public, they are hearing that it isn't fair that the Secretary of the Interior's Standards are now being applied to average homeowners in historic districts, and while it is important to make that information available, it needs to be balanced so that the ordinance isn't so prescriptive that people struggle to follow it. Zellers said that it is a difficult division and delicate balance they will have to strike. She said that some public comments have requested a clear ordinance so people know what is required, while others say it is too prescriptive; the Committee needs to try to walk that line and ensure that Madison's historic districts mean something and retain their historic character.

Bidar proposed they work through the document and pick out the minimum requirements as well as the extra details that go beyond the requirements. Strange suggested they consider the level of specificity to include. He pointed out that this higher level of specificity is included in some existing ordinance sections, and provided the example of University Heights. He asked the group to consider how the existing ordinance sections work as compared to the

proposed language, and to decide how prescriptive they would like the new ordinance based on that. Zellers said that Mansion Hill is vulnerable because the existing ordinance doesn't have much detail, and because University Heights and First Settlement are more detailed, those historic districts are currently better protected. Furman asked for staff's thoughts, and Scanlon said that their response was to add more detail because of what staff sees every day in terms of requests being made and the way buildings are being damaged by prohibited treatments. She explained that it is important to have language that is codified that staff can point to in order to explain what can and cannot be done; people need to see it in the ordinance or they don't know that the requirements exist.

Bidar said that if someone doesn't understand the standards, they should have a place to go that will explain what they need to do, so the inclusion of guidelines would be helpful in providing that guidance. Rummel asked if people are going to have to look in multiple places for the information if they create separate guidelines. Strange said that the guidelines could be added within the document or in an appendix or separate document depending on how many they end up with. The Committee discussed the Standards for the Review for Alterations section to assess whether certain details could be pulled out and added to a guidelines section instead.

2. [54448](#) Discussion of Next Steps and Schedule

Furman said that without knowing who the new alders appointed to the LORC will be, they are unable to schedule their next meeting at this time. He suggested they try to meet every two weeks going forward as they work through the draft ordinance language.

ADJOURNMENT

**A motion was made by Zellers, seconded by Rummel, to Adjourn at 6:59 pm.
The motion passed by voice vote/other.**