

From: [Erin Hunt](#) on behalf of [Fred Mohs](#)
To: [Jeffrey Vercauteren](#)
Cc: [Pete Ostlind](#); [Dave Mollenhoff](#); [REDACTED]; [fingebritson](#); [REDACTED]; [Verveer, Michael](#); [Scanlon, Amy](#); [Ledell Zellers](#); [Rummel, Marsha](#); [Strange, John](#)
Subject: RE: Materials for Next LORC Meeting
Date: Wednesday, July 23, 2014 3:38:36 PM
Attachments: [Vercauteren Landmarks Ordinance Comparison.pdf](#)
[Vercauteren Landmarks Purpose and Intent Revisions.pdf](#)

(Hard Copy Gene Devitt)

The test of a Landmarks Ordinance and of Landmarks Districts is whether or not they create an environment of confidence that those who rehabilitate and restore properties can reasonably expect their neighboring properties to be restored as well, until eventually the most mundane and ordinary of their neighboring properties is finally complete. The proof will be that properties in the district will be bought and sold on the basis of their value as existing buildings and not as potential development property. Developers are optimists and as long as there is a glimmer of hope that they can circumvent the requirements of the Landmarks District they will thoughtlessly attempt to betray what should be the objective of a Landmarks Ordinance.

Jeff:

Thank you for sending me the materials that you are going to submit to the Ad Hoc Committee. Below is my response.

Additional Overview of Landmarks Ordinance

Jeff Vercauteren has been kind enough to forward a number of people his thoughts on certain provisions of the Landmarks Ordinance. The following are my thoughts on his suggestions.

People who own or purchase property in Madison's Landmarks Districts, do or at least should be, familiar with the requirements of the Landmarks Ordinance and accessory documents, such as the Mansion Hill Historic Plan and Handbook that proceeded and explained the Landmark Ordinance and its objectives and methods of interpretation prior to the enactment of the Landmarks Ordinance and the creation of a Mansion Hill Historic District.

Both the ordinance and the handbook graphically explain the values and the standards for preservation, and in the case of vacant land, infill development. All of this is organized in order to create confidence in the minds of people who might adventure into property ownership in a Landmarks District. These assurances are much like plat restrictions in single-family real estate developments. As we all know, those plat restrictions not only have architectural review committees, but control almost every element of life, including the parking of recreational vehicles to where firewood might be stacked. The market seeks these limitations on freedom because they add value by reducing the risk of an unhappy experience with neighbors.

In the case of the Mansion Hill Historic District and the First Settlement Historic District, one of the limitations on success and motivating people to purchase and restore properties is the potential Buyer's worry about what will happen next door. At one point it was worry about the properties being inhabited to young people who would play loud music and have late night parties. The ultimate worry is that someone would buy the adjoining property and build something that would be very disappointing. Anybody can drive around Madison Landmark Districts and see some relatively new structures that don't fit in and detract. The worst of these are called the "big uglies."

So let's look at Jeff's suggestions:

1.) Purpose and Intent.

- The first suggestion "encourages new development to sensitively incorporate historic structures and artifacts." Might this be interpreted to justify new development because it does incorporate a structure or artifact. How much?
- "To enhance property values and to increase economic and financial benefits to the city and its inhabitants." This definitely should not be included because while this may be a good thing to hope for, it should not become an excuse to approve something that would otherwise not be approved. In other words, you would not let a duplex be built in a single-family subdivision just because it "increased economic and financial benefits..."
- Again, "stabilizing and improving property values, strengthening the economy..." No. While those are all good virtues, they should not be available to be seized upon by those who want to do something, such as demolish a contributing building, because it would do all of those other good things, any more than it would in a single-family subdivision.

My suggestion is that all of these purpose and intent provisions be left on the shelf.

2.) Definitions.

- I disagree that the current ordinance, particularly when interpreted with documents such as the Mansion Hill Historic Plan and Development Handbook are vague. The Building Inspection Department and the City Attorney know what "demolition by neglect is."
- Then we get to "Unnecessary Hardship exists where (1) the existing property cannot yield a reasonable return, (2) the plight is due to unique circumstances, and (3) hardship is not the result of any act or omission of the applicant." I want to warn against including provisions like

“Unnecessary Hardship exists where (1) the existing property cannot yield a reasonable return, (2) the plight is due to unique circumstances, and (3) hardship is not the result of any act or omission of the applicant.” All of these excuses revolve around “a reasonable return” or what are justifiable “unique circumstances.” Or whose act caused the hardship? The fundamental question is why should neighbors suffer because of someone else’s rate of return? In many cases, the asking price is so high that almost nothing can yield a “reasonable return.” Provisions like this lure people into making claims that volunteer boards find it very difficult to evaluate.

3.) Approval Standard.

- Basically there is nothing wrong with the existing approval standards. All of the points under this title add risk to the owner of the property in question. They all make it easier to move or demolish the building next door. They add risk to the historic preservationists which if it doesn’t eliminate potential buyers, makes them wary of financing the highest quality solutions. In successful historic districts, people occasionally have to wait years for the shabby structure next door to be rehabilitated, but eventually it happens because it is the only way out. Tough Landmarks Districts eventually produce a great product and weak ones never get there.

4.) Standard of Review.

- I would have to be convinced that any of these changes in standard of review strengthen our Landmarks Ordinance.

5.) Landmark and Historic District Designation.

- If all of the owners in a Landmark District had to consent to the creation of a district, we wouldn’t have any in the City of Madison. For instance, I wouldn’t have voted for the Mansion Hill Historic District. It took me awhile to understand that there is a great big world out there that can be developed and only a few places that are special and can tell the story of their community in its earliest stages. Once they are lost, they are lost. The City of Madison chose to have Landmarks Districts and to have a tough effective ordinance. These resources are more valuable day by day. Why do we want to weaken any of them now, or put barriers in the way of creating new historic districts should anyone want to purpose one?

6.) Commission Membership.

- I think what we have is just fine. I am not so sure that archaeology is that key. From my experience, very few issues that come before the Landmarks Commission have to do with archaeology. Expertise or at least a sincere interest in historic preservation is the best credential.

Sincerely,
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From: Jeffrey Vercauteren [<mailto:vercauteren@cwpb.com>]
Sent: Wednesday, July 23, 2014 9:39 AM
To: Fred Mohs
Subject: FW: Materials for Next LORC Meeting

FYI

From: Jeffrey Vercauteren
Sent: Sunday, July 20, 2014 4:49 PM
To: 'district11@cityofmadison.com'; 'district19@cityofmadison.com';
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Cc: 'Scanlon, Amy'; 'Strange, John'
Subject: Materials for Next LORC Meeting

Hello all,

Please find attached two documents I plan to present at the next Landmarks Ordinance Review Committee meeting. The first document is an overview of certain provisions from landmarks ordinances in other municipalities. The second document contains recommended revisions to the Purpose and Intent section of the ordinance. I look forward to discussing these on Wednesday.

Thanks,

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