

April 7, 2008

City Plan Commission
Dept. of Planning and Community & Economic Development
215 Martin Luther King, Jr. Boulevard
Madison, WI 53701-2985

RE: Item #09438 of Plan Commission Agenda for April 7, 2008
Barash CSM, 205 North Prospect Avenue
Proposal to divide property into two lots

I am writing to express support for the proposed division of the subject property, as requested by the current owner. When first learning of the proposal, in a letter from Mr. and Mrs. Barash describing their desires, it seemed to me an entirely reasonable course of action. Knowing their commitment to being good stewards of the neighborhood and the City of Madison in general, I fully supported their proposal. After careful consideration of the reasons stated in opposition, my support remains unchanged.

As stewards of the University Heights Historic District, we all recognize the tradeoffs involved, whether they are smaller lot size or ongoing maintenance of older homes. In the case of this year's record snowfall, the tradeoff between our picturesque streets and the difficulties of navigating our hills and curves was readily apparent! The charm of the neighborhood and its housing stock, though, more than offset these deficiencies. In my own maintenance and renovations to a Frank Riley house, at 1722 Summit Avenue, I have attempted to be respectful not only to the architecture of the dwelling, but to the character of the neighborhood as well.

It may be helpful to point out, though, that our historic neighborhood is not a set museum piece, but rather an organic entity that has evolved over its first century and more, and will continue to evolve for the next century and beyond. While I agree that "pockets" of private green space are attractive amenities, they are simply not part of the "grand design" of how the neighborhood should look; instead, they are more often the result of individual citizens purchasing a large lot and not subdividing it, or intentionally purchasing a second lot to have private green space. To prohibit this process from continuing is, I feel, an inappropriate infringement of owners' rights and contrary to the nature of cities and neighborhoods as entities that dynamically respond to a multitude of present day conditions.

As for the potential loss of green space, Frank Lloyd Wright's design of Taliesin provides a relevant example. Instead of orienting his house to the magnificent valley of the Wisconsin River, extending for miles, Wright designed prominent views to the much more modest, but still beautiful, Wyoming Valley to the east. Wright strongly maintained that one should "own his view", and he could not imagine acquiring control over the vast landscape of the Wisconsin River. Likewise, unless one takes the initiative to own private greenspace, it remains unfair to require others to maintain it for their enjoyment. For parkland owned by the public, on the other hand, the expectation that it be maintained as such is an entirely reasonable presumption. Furthermore, the creation of more urban greenspace in the public realm should be pursued; to that end I have volunteered literally hundreds of hours to Madison's proposed Central Park.

As correctly pointed out by others, though, land division approvals that potentially impact the historic character and integrity of the University Heights Historic District must be carefully considered. Even though the proposed division meets the requirements based on simple "number crunching", i.e. minimum lot area, lot widths, setbacks and sideyards, etc., the extraordinary specifics of this particular proposal suggest that more than the typical administrative

staff review should be required. I agree with the decision to refer this case to the Plan Commission for a public review. Planning Division staff has wisely recommended approval under two conditions that relate to the property's historic character and its natural features:

- "any new construction on proposed Lot 2 will be subject to the criteria and standards for alterations and new construction on landmark properties as set forth in the Landmarks Commission ordinance." This is required for any exterior alteration in the District, but staff goes above and beyond this to state "any new structure on Lot 2 [should be] approved with careful consideration to the landmark Ely House..."
- "Staff also recommends that a tree survey and tree preservation plan be submitted for approval when plans are presented for Lot 2." My interpretation of this statement is not that every single tree is to be preserved, but rather that the existing topography and landscaping be carefully considered when designing and orienting a new dwelling, subject for approval.

Based on a concern raised by the property owners at 211 North Prospect Avenue, which is downhill from the subject property, care should also be taken to address stormwater runoff onto adjacent properties. While confident the current owner will continue to cooperate with neighbors to alleviate problems associated with this, perhaps a grading and/or stormwater intervention easement should be required, in addition to the Landmarks Commission review and tree preservation plan described earlier.

Lastly, there has been much discussion in the neighborhood, some of it repeated in opposition to this proposed lot division, about the large addition at the corner of Lathrop Street and Kendall Avenue. This unfinished structure truly is an eyesore not only to the neighborhood, but to the city as well. The offense is particularly acute to the homeowners at 210 Lathrop Street, whose property squarely faces the abandoned construction site. While there are many opinions regarding its architectural quality, though, or lack thereof, I suspect that in approving the design Landmarks Commission took into account issues such as massing, roof lines and pitch, and material choices with respect to the original house. Attempts were clearly made by the designers to relate the structure to its context and preserve the streetscape by designing garages on the interior of the lot. The tragedy is not that it is a large addition (there are many very large houses in the neighborhood that are beloved landmarks), but rather that, like many homeowners now facing foreclosure, the owners were simply overextended financially and left the neighborhood with a "white elephant". As a precedent for denying a very reasonable proposal to subdivide the property at 205 North Prospect Avenue, though, it simply does not apply as the issues are very different.

If you have further questions, you may contact me at (608) 238-3626.

Sincerely,

Jeff Gaard, AIA, LEED AP
1722 Summit Avenue
Madison, WI 53726

Cc: Tim Parks (tparks@cityofmadison.com)
Harvey and Trudy Barash, 205 North Prospect Avenue

Remarks presented to Plan Commission 4/7/08

Good evening. At the Plan Commission meeting on Monday, March 10th, it appeared that the Commission had been prepared to approve the proposal we had introduced to divide our property into two lots, which had been recommended by the Planning Division. At the request of our Alder, Robbie Webber, the Commission referred the vote until tonight, so we could have additional conversations with our neighbors.

In the interim, we engaged in two major conversations.

First we spoke extensively with our immediate neighbors to the north and we shaped agreements and language addressing their concerns. We agreed to a north lot line setback of 9 feet from their lot line instead of the minimum 7 feet. We agreed to include a note on the CSM requiring us to provide a satisfactory water drainage plan to be approved by City Engineering should a new home be built on Lot #2. We also provided to them in a private contract a Right of First Refusal and rights relating to the extent of driveway paving. In spite of our differences, the discussions were civil and amicable.

The second conversation took place at a two hour meeting on March 27th, attended by nearly 20 people most of whom expressed concerns ranging from setbacks to future home design. The group arbitrarily suggested a front setback of 35 feet instead of the standard 30 foot setback to be sure the new home would not block the view of our present home as one ascends the hill on Prospect Ave. After careful study of the layout, including measuring, walking, and driving up the hill, it became clear that a 30 foot setback would be perfectly adequate to protect the view of the Ely House. Our next door neighbor, who has reviewed the issue extensively, agrees. Therefore, in our revised CSM, the front setback remains at 30 feet.

Most of the discussion that evening, however, related to our neighbors' concerns about altering the grounds on which our Historic Landmark home sits and our moral right to do so. We propose, that in view of concerns about urban sprawl, downtown density, and viability of our neighborhood schools, one might rather consider whether it is appropriate for one family to occupy so much land in one of Madison's premier downtown neighborhoods. We are talking about more than half an acre of land which would be divided into two generous quarter acre lots, each of which would be among the five largest lots of the 16 lots on our block. Another family moving to Prospect Avenue could well bring children, provide taxes for the schools, and add vibrant energy to the neighborhood. Many of our friends and neighbors agree. Several have registered here tonight and others have written to Robbie Webber.

In summary, four weeks ago, after thorough review, the Planning Division of the Department of Planning recommended approval of our proposal with several conditions relating to tree preservation and new construction. This evening we hope you will vote to approve the revised CSM, reflecting building line changes and adding drainage requirements. The proposed new lot conforms to all city requirements, and the added revisions represent a sincere effort to accommodate our neighbors' requests. Thank you.

Remarks presented to Plan Commission 3/10/08

We have previously written to and spoken to the friends who have come to speak this evening and are confident that we'll remain friends though we may be speaking to different ideas regarding the use of our land.

Our home was on the market for a long time before we purchased it in 1970. It was in disrepair, had been partially partitioned, the mechanicals, electrical and plumbing were substandard. In short our home was considered a "white elephant."

We rescued it and restored it. We received an Orchid from Capitol Community Citizens for the restoration and the home was placed on the National Registry of Historic Homes and also made a Madison Landmark. We also later won an Orchid for the restoration of the Canterbury Building downtown at 315 W. Gorham. If any of you remember, it was an office building covered in stucco before we bought and restored it to its original appearance.

We've lived in this home for 37 years, raising four sons here, but it's becoming a bit too large for us. We'd like to downsize, but we'd also like to remain in our neighborhood because of its beauty, convenience, and the people we know. We'd like to build a smaller home which will complement the one we live in now.

We think that this is entirely feasible given the shape and size of the two lots we are trying to create. The new lot will be nearly 11,000 square feet and conforms to all requirements for lots in our neighborhood with regard to overall size, relationship to nearby properties, and front, side, and rear setbacks. It is 5000 square feet larger than the minimum requirement of 6000 square feet and both of the new lots would be among the five largest lots of the 16 on our block.

If it's green space that's wanted there would still be nearly 9000 square feet of green, even with a larger footprint of, say, 2000 square feet. We're also just a hop, skip, and a jump over the Ashman bridge to all the green that anyone could want, with a lake and trees as well.

The term "keyhole project" has been applied to this idea for a new home. We'd hardly say that this home would occupy a keyhole, when 5 of the 16 lots on the block are under 7000 square feet and 11 of the 16 lots on the block are under the size of the new parcel to be created.

As for the debacle on the corner of Lathrop and Kendall Avenue, I wouldn't mention it in the same breath with our proposal. That lot is 14,000 square feet, and I'd estimate the footprint there, with its five garages to be about around 7000 square feet or half the total - an unfortunate monstrosity.

In summary, our proposal has been thoroughly reviewed by the Planning Division of the City of Madison. Approval has been recommended with two conditions. We are in entire agreement with those recommended conditions regarding:

1. Standards for new construction on Landmark properties, and
2. The need for a tree preservation plan as part of any new construction plans.

We urge that you vote to approve this application. We own the land. The proposed lot conforms to all city requirements. We think our past credentials insure that we will pay great attention to the appropriate "character and rhythm" of the neighborhood, as articulated in the Planning Division recommendation.

Plan Commission Meeting April 7, 2008

As was suggested at the last Plan Commission meeting, we've met with neighbors to discuss our proposal to divide our half acre property into two quarter acre parcels.

Most of the passionate discussion during the two hour meeting related to our wish to reconfigure property that has surrounded a landmark house for 100 + years. The point was made that we are but tenants in the house for however long we live in it, and that it will remain standing long after we've left.

That is true. Our family has cherished the thirty-seven years we've lived in the Ely House, and we treasure its history more than we can say. However, it is also true that at the time the Ely house was built in 1896, it was at the far reaches of the city, one of three large houses on the block for many years. Year by year, twelve more houses were built on our five sided block, that is now regarded as being essentially inner city Madison—an easy walk to the University and to the Capitol.

The group's second concern was for the diminishment of inner city green space. In that regard, I look to Jane Jacobs, long a heroine of mine, and author of the classic text, *The Death and Life of Great American Cities*. Jane Jacobs celebrates city density and complexity and decries sentimentalizing nature.

She writes succinctly and to the point about those who would consider every inch of inner city green space sacrosanct.

“There are dangers in sentimentalizing nature. Most sentimental ideas imply, at bottom, a deep if unacknowledged disrespect. It is no accident that we Americans, probably the world's champion ‘sentimentalizers’ about nature, are probably the world's most voracious destroyers of wild and rural countryside... Each day, several thousand more acres are eaten by bulldozers, covered by pavement, dotted with suburbanites who have killed the thing they thought they came to find.”

In recognition of the changes that have taken place in our neighborhood over the last century, our family proposes to honor Jacob's principle of valuing inner city density with due consideration for the history of the Ely House and for its site. As we were twice awarded Orchids from Capitol Community Citizens for the restoration of our home and for the renovation of the Canterbury building, we hope our neighbors will have confidence that it not at all our intention to do harm to the house or to the neighborhood.

If our proposal is approved, when we decide to build a home, you may be sure that we will set it far enough back so as not to obstruct the view of the Ely House, we will allow for maximum green space to surround it, and will respectfully design it to complement the Ely House's classic Georgian Revival architecture.

Many thanks for your consideration.

Trudy Barash