



# City of Madison

## Meeting Minutes - Approved

### LANDMARKS COMMISSION

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

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Monday, November 5, 2007

4:45 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-130 (Madison Municipal Building)

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#### CALL TO ORDER / ROLL CALL

**Present:** 5 -

Daniel J. Stephans; Stuart Levitan; Robin M. Taylor; Randall A. Page and Erica Fox Gehrig

**Excused:** 2 -

Brenda K. Konkell and Michael J. Rosenblum

Guests: Mr. Alex DePillis, Mr. Jason Kotecki, Mr. Mike Bernhard, Mr. Doug Kotecki, Ms. Jenna Regis, Ms. Kim Kotecki, Mr. Mike Kohn, Ms. Helen Brewster, Ms. Sue Gudenkauf, Mr. Joe Lusson, Mr. J. Randy Bruce, Mr. John Leja, Mr. Steve Silverberg, Mr. Bill White, Mr. Gene Devitt, Ms. Ledell Zellers, Ms. Margaret Stafford

#### APPROVAL OF MINUTES

*There were no minutes submitted for approval.*

1. [06956](#) Amending Section 28.04(22) of the Madison General Ordinances to change various provisions of the ordinance regulating the demolition of buildings.

**A motion was made by Levitan, seconded by Taylor, to Rerefer to the LANDMARKS COMMISSION, due back on 12/3/2007. The motion passed by voice vote/other.**

#### NEW BUSINESS

##### Consideration of Issuance of Certificate of Appropriateness

2. [07793](#) 315 South Baldwin Street, Third Lake Ridge historic district - consideration of reconsideration of denials of Certificates of Appropriateness for skylight and solar collector

**A motion was made by Levitan, seconded by Gehrig, to Approve Certificates of Appropriateness for both the solar collector and the skylight. Then Stephans moved that the two items be separated, seconded by Taylor and passed by voice vote/other. Levitan then moved that a Certificate of Appropriateness be issued for the solar collector, seconded by Taylor. The motion passed on a vote of 3 (Levitan, Gehrig, Taylor) to 2 (Stephans, Page). Levitan then moved that a Certificate of Appropriateness be issued for the skylight, seconded by Taylor. The motion passed by voice vote/other.**

*Ms. Rankin reported that city staff had met with a city attorney to discuss what the Landmarks Commission should do when reviewing requests for solar collectors, in light of the state law restricting municipalities from regulating solar and wind devices. The attorney's interpretation of the state statutes is that the City is permitted to require building permits, to ensure the public health and safety. Madison General Ordinances stipulate that a permit cannot be issued for properties in historic districts and designated landmarks until the Landmarks Commission has issued a Certificate of Appropriateness for the project. The state statute says that a solar or wind device cannot be prohibited except in the event that there is an alternate location for a device that would be of similar or less cost than the option proposed and would provide for a similar amount of energy savings.*

*Mr. Kohn had provided to the Commission an opinion from an energy expert that there was no alternate location that would provide similar savings and be of comparable cost. A city staff person who works with solar collection devices also went out to the site and concurred with Mr. Kohn's consultant. Therefore, Ms. Rankin recommended that the Landmarks Commission had no choice but to approve the solar collector in the current location. She also recommended that the fifth skylight near the front of the house be approved because it was one of the most compatible skylight designs and would not harm the historic integrity of a building that had a huge solar collector on the other side of the gable.*

*Mr. Page then opened up the discussion to members of the audience. Mr. Jason Kostecki said that he is the president of the company that rents the building. He said that he was uplifted by the City's interest in retaining the solar collector. He said that the skylights in their building allow them to avoid almost all electric lighting during the day. He hoped that sometime in the distant future the building may be recognized as a landmark as one of the first remodeled with energy conservation in mind.*

*Mr. Bernhard introduced himself as the person who supervised the installation of the collector and did the study on alternate locations. He noted that roof solar systems are generally installed in a way that there is no permanent harm to the building, and could be removed at any time. He said that he always installs roof collectors flush with the roof because he does not like the appearance of collectors placed at different angles to the roof.*

*Mr. DePillis said that he works for the state energy office, mostly with wind collection devices, and he is conversant with the state statutes. He said that he agrees with Ms. Rankin's summary of how the state statute works.*

*Ms. Brewster noted that she has collectors on her house on Spaight Street and she hopes the Commission allows Mr. Kohn to keep his.*

*No one else wished to speak and so the Commission began its discussion of the project. Ms. Gehrig said that the Commission members had originally felt uncomfortable voting against an energy conservation measure, and will support it now, but noted that the Commission has a duty to follow Madison's ordinance, which in this case stated that original historic roofs must remain intact. Mr. Page said that he is less concerned about the skylights because he believes they are reasonably appropriate but he really believes that the state statute conflicts with the mission of the local historic district ordinances and he could not in good conscience as a Landmarks Commission member vote in favor of the solar collector. Mr. Levitan noted that the state statute specifically left out the term "welfare," which in many statutes follows the terms "health and safety." He believes that the omission was deliberate and meant that only health or safety issues could justify*

regulating a solar collector. Mr. Bernard noted that the renewable energy law is not new, having been adopted sometime in the early 1980s. Mr. DePillis noted that "other system" has been interpreted in his practice to mean a similar type of system, rather than different energy conservation measures, such as insulation, etc. Mr. Page said that, even so, he could not in good conscience vote in favor of the solar collector because it was clearly inappropriate in an historic district. Mr. Levitan responded that, given state law, the Commission had no choice but to approve it.

### Referrals from Other City Agencies

3. [07794](#) 1022 West Johnson Street - referral from Plan Commission staff for Landmarks Commission opinion of demolition of existing buildings at 309 North Mills Street and 1022 West Johnson Street and construction of a new residential building adjacent to Luther Memorial Church, 1021 University Avenue

*Mr. Stephans stated that Luther Memorial Church is clearly eligible to be a Madison Landmark and that the Landmarks Commission advises the UDC and the Plan Commission that this project as presented would have an adverse effect on the appearance of the church, and its size would be so large and its design so visually intrusive as to harm the historic character and context of the potential landmark. Furthermore, that the Commission members have suggested several avenues to explore in mitigating the adverse effect on the church.*

**A motion was made by Stephans, seconded by Gehrig, to Discuss and Finalize this project and report the above to the Plan Commission. The motion passed by the following vote:**

**Excused:** 2 -

Brenda K. Konkel and Michael J. Rosenblum

**Ayes:** 4 -

Daniel J. Stephans; Robin M. Taylor; Randall A. Page and Erica Fox Gehrig

**Abstentions:** 1 -

Stuart Levitan

*Mr. Bruce, the architect for the project, showed computer generated videos showing the proposed building and its relation to the other buildings in the area, particularly Luther Memorial Church. He also showed some perspective drawings of the proposed building and a drawing of the relative heights of buildings in the vicinity of the project. He said that he had heard some concerns about the views from John Nolen Drive and investigated it, but there were no places along John Nolen from which you could see the church tower. He noted that there is about 50 feet between the upper floors of the proposed building and the church tower.*

*Mr. Lusson spoke next. He said that he was concerned about the Landmarks Commission reviewing the design for the new building when the fate of the two existing buildings had not yet been resolved. He said he has mixed feelings about the effect of the new building on the tower of the church, noting that the effect of a new building on an adjacent one is not always easy to ascertain. He used the five-story apartment building next to the Lamp House as an example in which the drawings made it appear that the new building would be less imposing than it turned out to be.*

*Mr. Devitt noted that quite often it helps to assess the impact of a project on adjacent buildings by building a model.*

*Ms. Rankin explained that the questions being asked of the Landmarks Commission were "is the adjacent building eligible to be a landmark?" and, if so, "would the adjacent building be so large or so visually intrusive as to detract from the historic character of the potential landmark?" This wording comes from the Madison General Ordinances, which requires the Landmarks Commission to provide other boards and commissions advice on the affect of adjacent projects on designated landmarks.*

*The Commission members then discussed the project. Mr. Stephans said that he thought the proposed building would have an adverse effect on the context of the church, not only in its size but also in the removal of two residential buildings being lost. Mr. Stephans noted that recently the Commission has voted in favor of demolition when the context of the building had been lost, but in this case the Commission has an opportunity to protect what is left of the historic context of the church.*

*Ms. Taylor said that she had walked around the block earlier in the day. She said that the Conklin House is beautiful and has excellent details and complements the church next door. She said that she thought the proposed building was too massive for the site and obliterates the tower from most angles. She noted that the Landmarks Commission doesn't try to design projects for applicants, but she believes that lowering the height of the new building could help to reduce its impact on the church. Mr. Bruce defended his design, noting that from the start he tried to design a building that would complement the church and the other buildings in the immediate vicinity and not overpower the presence of the tower. He noted that from University Avenue the views in general would remain the same and the real loss of views was from Johnson Street, where other newer university buildings already encroached on the view. He noted that he had designed two elements in the corners of the new building to pay homage to the design of the tower, but added that those could be removed if Commission members believed that they competed with the tower itself.*

*Mr. Page suggested to Mr. Bruce that it might help to reconsider the design so that the side of the proposed building was located further away from the tower, perhaps by breaking up the one large mass into sections. Mr. Stephans said that the church currently dominates the immediate neighborhood. While he likes the design for the new building he thinks that it would intrude upon the preeminence of the church and its tower. He suggested making the building shorter, perhaps with more setbacks. Mr. Gehrig noted that the design of the proposed building contains a lot of different elements and wondered if simplifying the design would create a better backdrop to the church tower. She said that the current design competes with the tower on the church.*

*Mr. Bruce said that he used a transitional design to better blend with and reflect the traditional design of the church and neighboring historic campus buildings.*

*Mr. Page asked what the parishioners at Luther Memorial felt about the design and Mr. Leja replied that they are in support of the project because the money they will get from the sale of the parking lot will provide them with an opportunity to reinvest in their ministry, noting the repair work now being undertaken on the tower.*

*Mr. Page stated that the minutes of the Landmarks Commission should be submitted to the UDC. Mr. Page and other Commission members praised Mr. Bruce for the careful thought he gave to the new design and its surroundings, but that the current design was simply too massive to fit in well with the church and its tower*

4. [07833](#) 301 North Hamilton Street, Redevelopment of Block 258 - referral from Plan Commission staff for Landmarks Commission opinion on demolition of existing buildings at 318 E. Johnson St., 324 E. Johnson St., 308 N. Hancock St., 310 N. Hancock St., 303-309 N. Hamilton St., and 321-323 N. Hamilton St.

**A motion was made by Stephans, seconded by Levitan, to advise the Plan Commission to Approve the demolition. The motion passed by the following vote:**

**Excused:** 2 -

Brenda K. Konkel and Michael J. Rosenblum

**Ayes:** 4 -

Daniel J. Stephans; Stuart Levitan; Robin M. Taylor and Randall A. Page

**Noes:** 1 -

Erica Fox Gehrig

*Mr. Ed Freer, of the Alexander Company, presented plans for the block. The developer, who owns the entire block, is putting together a GDP for demolishing six buildings on the block, and retaining the seventh, which is the Rinder Grocery Store at 301 N. Hamilton Street (now Pinkus McBride). The demolished buildings would be replaced by a four-story apartment building, with the fourth story being set back from the front façade. He said that the owner would be open for the existing buildings to be relocated, but that the project wouldn't work if two of them were retained (namely, the yellow house at the corner and the apartment house at 303-309 N. Hamilton Street). He showed pictures of the buildings across the street from this block, noting that the block is a transitional one between the downtown residential and commercial core and the low-rise residential neighborhood to its east. The block to the east is the site of a large apartment complex. The height of the proposed first three stories matches the height of the existing grocery store. They plan to attract downtown working people by having the leases go from June 1 to June 1.*

*Mr. Lusson spoke as an interested neighbor. He said that the nicest buildings on the block besides the grocery store is the apartment building on Hamilton and the duplex at the corner overlooking James Madison Park. He said he is opposed to demolishing any of the buildings because the historic fabric of the downtown is endangered by demolitions and this demolition could be the beginning of a slippery slope of future redevelopment. He noted that the houses are in sound condition and had original woodwork. He said that inefficiency of the heating systems is not a good reason to allow demolition. He worried that this site is on the border with Mansion Hill and that only three of the 13 triangular blocks in the downtown are relatively intact. He said that he believed that the tide will turn and people will want to live in those houses.*

*Ms. Carol Crossan said that she did not believe it was likely that the houses on this block would be attractive to single family owner occupants in the future. She noted that while other parts of the downtown are attracting new owner-occupants, this particular area is in a dark, low spot and has not been of interest to permanent residents.*

*Ms. Ledell Zellers noted that there has not been a significant change in any of the downtown neighborhoods but that it was not too late to work for that to happen. She noted that the fact that a building has been altered was not a reason to allow demolition because most buildings in the downtown, including ones that have attracted owner-occupants, have been altered. She noted that fire damage was not a good reason*

to allow demolition, noting that her house had suffered from three fires and been fixed up after each one. She said that saving older buildings is the best form of energy conservation and she urged that the texture and history of this block be retained.

Mr. Gene Devitt noted that Mr. Hees is a good landlord and a true downtowner, and he did not want his comments to be taken as being against Mr. Hees personally. He said that even with the later siding, the old hospital building is a beautiful home. He agreed with Ms. Zellers that Mansion Hill has about the same number of owner-occupants as it did in 1975, but that does not mean that it needs redevelopment. He said he was worried that after this site is redeveloped, the demolition of houses could continue down Gorham Street facing the park. Discussing the new design he said that if the project is built he recommends entrances to units on the street to give it a more walkable urban character, unlike the plain walls of some of the other condo buildings.

Mr. Freer replied to the speakers by saying that he believed there was a strong argument for redeveloping the block because of its context near large condominium buildings and across the street from a block sized apartment/condo complex at the old Nichols Station. He noted that there are so many places downtown where development should not occur that prioritizing this triangular block for historic preservation did not seem like good planning. In their design they are taking care not to be overly large and to complement the surrounding neighborhood.

Ms. Gehrig began the commission discussion by noting that there are two buildings in this block that are connected with woman's history - the Sarah Vernon house and the hospital. She said that the buildings looked to be sound, especially the hospital building. She recommended that the buildings be retained. Ms. Rankin responded that although those two houses had some historic interest, they had been quite altered. She said that the yellow house only served as a hospital for four years and noted that the Commission had not opposed the demolition of Methodist Hospital because of its alterations. Mr. Levitan said that he thought the new development could restore some architectural prominence to one of the diagonal streets, which had always been problematic from a design standpoint.

Mr. Stephans said that the Landmarks Commission should focus its attention on the gems because the city is going to grow and change and we are going to have to let some downtown buildings be demolished. He asked the developer to show the Commission the design of the new building when it is studied in more detail and to consider moving the existing buildings to other sites, if possible. Mr. Hees agreed that he would bring the design back to the commission for its opinion and said he was considering relocation of one or more of the buildings. Ms. Gehrig disagreed stating that the Landmarks Commission's role is to promote restoration and rehabilitation and to keep history alive by supporting the reuse of our older building stock.

5. [07834](#)

1015 Hillside Avenue - referral from Plan Commission staff for Landmarks Commission opinion on demolition of existing house for expansion of yard for adjacent house

**A motion was made by Stephans, seconded by Levitan, to advise the Plan Commission to Deny the demolition. The motion passed by voice vote/other.**

Ms. Rankin explained that the Pyre house is clearly eligible to be a Madison Landmark, and is structurally sound but needs a lot of work. There is an offer to purchase this property contingent upon the demolition of the house. The buyers are the adjacent

*property owners who want to use some of the lot as an extension to their yard and then sell the site of the old house as a single-family building lot. She talked to the owners' attorney and suggested that they divide off the part of the lot that they want and then sell the rest of the property for the price they were going to ask for the lot and see if someone will purchase the house and its site to rehabilitate the house. It would save the buyers the costs of demolition and at the price of the lot it is possible that someone would be willing to put the effort into preserving the house. The owners were amenable to the idea in general, provided that if they could not sell it in a reasonable amount of time, they be assured that then they could demolish it.*

*Ms. Stafford, the executrix of the estate, said that they had tried to sell the house for some time and they had received not one offer. She said that this has been very difficult for her family and they couldn't hold onto the house indefinitely. She noted that it was in very deteriorated condition. Mr. Levitan asked if they had considered lowering the price and she said that the current offer was as low as they were willing to go.*

*Mr. Levitan said that he thought the building should not be torn down and that it would be marketable at the right price.*

## REPORTS

6.     [07804](#)     Secretary's Report  
                  None

## ADJOURNMENT

**The meeting adjourned at approximately 7:20 p.m.**