PLANNING DIVISION STAFF REPORT

August 14, 2023

PREPARED FOR THE LANDMARKS COMMISSION

Project Name & Address:	**3701 Council Crest**
Application Type(s):	Certificate of Appropriateness for new construction
Legistar File ID #	79099
Prepared By:	Heather Bailey, Preservation Planner, Planning Division
Date Prepared:	August 8, 2023

Summary

Project Applicant/Contact:	Jon and Brenda Furlow
Requested Action:	The Applicant is requesting that the Landmarks Commission approve a Certificate of Appropriateness for the construction of a new principal structure.

Background Information

Parcel Location/Information: The subject property is a Designated Madison Landmark.

Relevant Ordinance Sections:

41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS

A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

(1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:

(a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.

(d) In the case of any exterior alteration or construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.

Secretary of the Interior's Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Analysis and Conclusion

The proposed project is to construct a new principal structure on the west side of the Old Spring Tavern landmark site. The Old Spring Tavern was designated a Madison Landmark in 1972 for the building, which was constructed in 1854 as a stagecoach stop and tavern. It is listed as significant for its architecture and for its association with transportation history. At the time of designation, the property contained two lots, which became the landmark site. In the ca. 1880s, Helen Gorham likely had the two-story kitchen addition constructed and operated a bakery out of it. The building converted to being a single-family residence in 1895. When Professor James Dickson purchased the property in 1925, he updated the exterior by adding the two-story porch, topped with a balcony, converted the kitchen addition to a garage, and installed the stone fence along Nakoma Rd, which was designed by Frank Lloyd Wright. The most recent physical change to the property was construction of a 26’ x 22’ two-story garage, and restoration of the kitchen addition, approved by the Landmarks Commission in 2000.

The proposed new structure is a house with attached garage. It would read as two-stories facing Council Crest and three-stories from the backyard, which faces the historic tavern. The structure is proposed to be clad in stucco with large window openings facing towards the historic resource. The stucco with wood-appearing trim around the windows and the sloped roof form between the garage and front door create the suggestion of Tudor-Revival style residential architecture. The house is located so as to provide room for preservation of the old black walnut tree on the property, using guidance from a certified arborist, and the rest of the backyard features a masonry retaining wall, landscaping, and a rain garden.

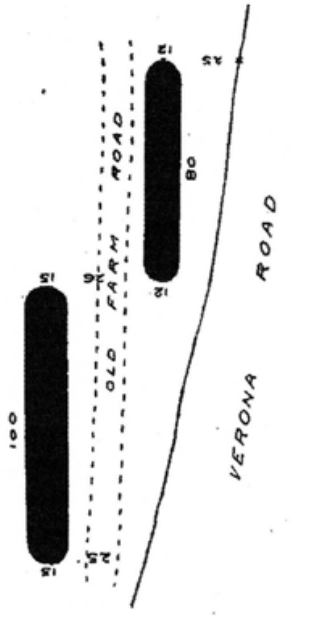
Siting, Massing, Architectural Style
At the time of landmark designation, the property contained two lots with the designated building located on the eastern lot. In July 2022, the Landmarks Commission reviewed and approved the lot line adjustment as part of a Certified Survey Map (CSM) to redefine the shape of the two lots contained within the landmark site boundary. The western lot has served as a terraced yard for this property, which has been located within the Nakoma neighborhood since the 1920s, with most of the nearby houses constructed in the 1920s-1930s. While originally this property was a rural setting, the historic context has been within a neighborhood, surrounded by houses, for

nearly a century. In evaluating the setting and placement of the surrounding houses, staff looked at the style and size of the buildings and estimated the distances from those buildings to the historic tavern building by using the City's GIS information.

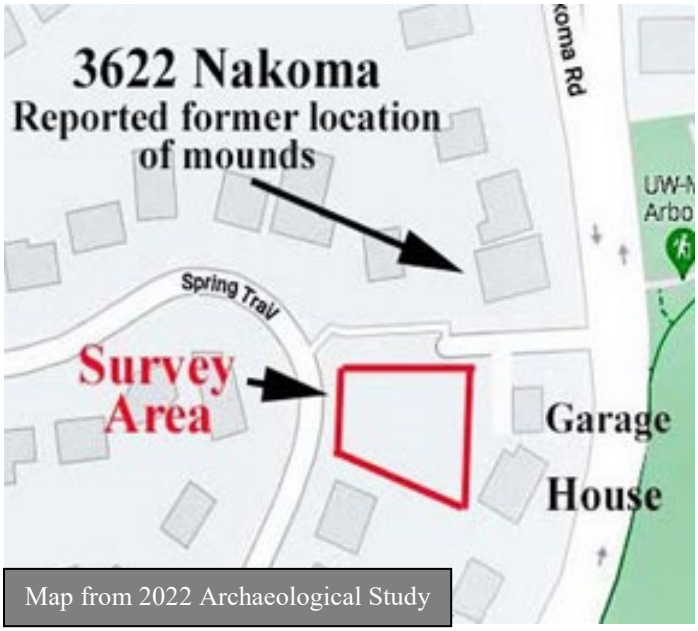
The most recent house constructed near the landmark building was at 3714 Nakoma Rd. This building, located 45 feet to the south of the landmark building, was completed in 1974 and secured Zoning variances to encroach into the front yard setback and for its height as a three-story building facing the street. In looking at the context of the other buildings surrounding the Old Spring Tavern, 3622 Nakoma Rd is located approximately 65 feet to the north of the garage on the landmark site and 100 feet from the historic building. Behind the historic resource, the property at 3705 Council Crest is also approximately 100 feet from the historic building. The proposed new principal structure would be located 77.8 feet away from the historic structure, per the application materials, which would be more in keeping with the two principal structures further located to the southwest and north than the one that is 45 feet to the south.

In terms of the physical form, due to the steep slope of this area all of the existing buildings in the vicinity have exposed ground-level elevations facing east that show as one less story facing west. The historic tavern reads as three-stories facing Nakoma and two-stories facing towards the back yard and the detached garage is one story facing the back yard and two stories facing Nakoma. This also translates into the three-story appearance of 3714 Nakoma Rd and 3705 Council Crest as seen facing towards the historic structure. While there are a variety of lot and building sizes within the Nakoma neighborhood, the grouping of houses in closest proximity to the landmark site trend towards the larger and more architecturally grand in styling. The architectural vocabulary of the proposed new structure has strong references to the large house immediately across the street at 3702 Council Crest.

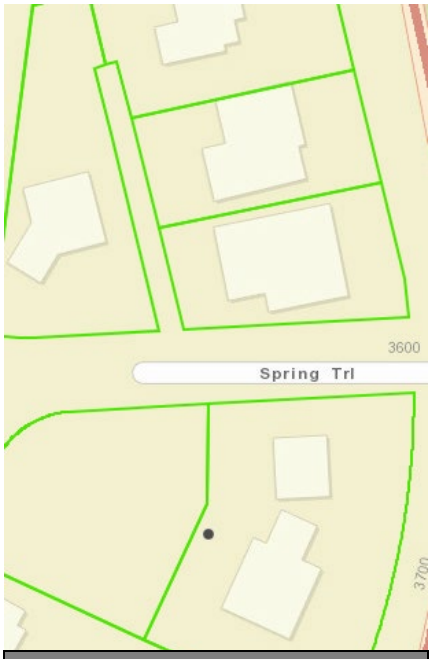
In the landmark nomination, the narrative claims that oral tradition held that the old stage road was located to the northwest of the back of the historic tavern. Archaeological investigation of the building site (see archaeology section below) did not yield any evidence of this claim. The extreme slope of the proposed building location negates the probability of any road being in that location. However, the site map drawn by Charles Brown in 1915 is in the vicinity of the current driveway location at the historic tavern, with the alley that is located to the northwest of the landmark site being a little west of the "old farm road."



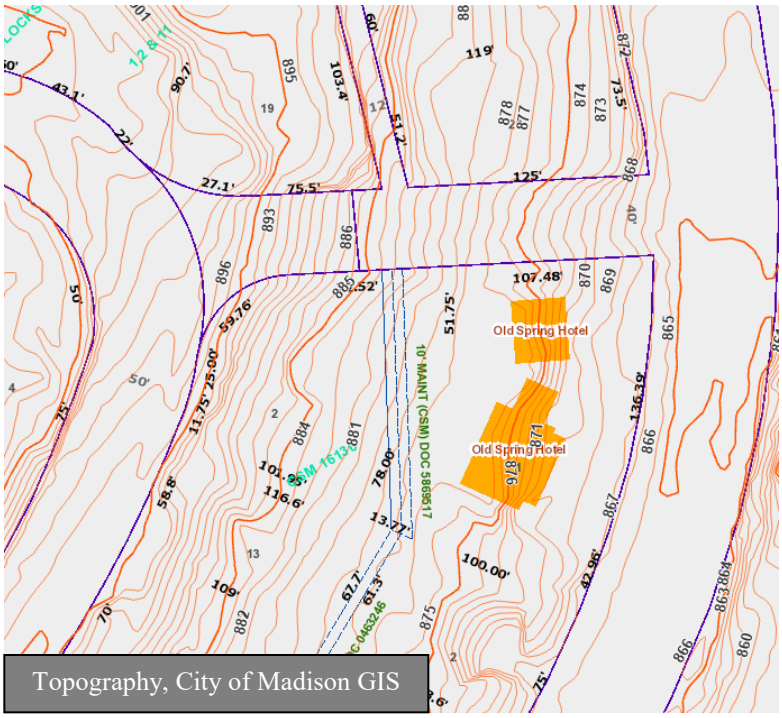
1915 site map, Charles E. Brown



Map from 2022 Archaeological Study



City of Madison GIS



Topography, City of Madison GIS

Stormwater Mitigation
When the Landmarks Commission approved the lot line adjustment, it chose to maintain the boundary of the landmark site in part to review the architectural compatibility of any new construction on the second lot, but also to review the stormwater impacts of that construction. As a site with a steep slope there is a great deal of public stormwater infrastructure throughout that area, but as the subject lot was vacant it largely does not have this infrastructure. The proposed site plan was designed to mitigate the stormwater circumstances. The application materials include a stormwater analysis showing that the proposed landscaping and stormwater mitigation more than addresses the drainage concerns. While a site of this scale is not typically reviewed by City of Madison Engineering Division, Stormwater Engineer Phil Gaebler with the City reviewed the plans and confirmed the analysis is correct. The City does not execute stormwater management plans for individual single-family residential lots. Staff analysis is that this redevelopment will help to protect the physical preservation of the historic resource on the adjacent lot through the designed stormwater mitigation within the landmark site.

Archaeology
There were once Native American mounds located north of the subject properties. These lots are within the boundary of what the Wisconsin Historical Society would require archaeological investigations for any ground-disturbing work. Last year as part of the CSM process, the property owner hired retired Wisconsin State Archaeologist Bob Birmingham to complete a phase 1 archaeological survey of the property. He found no evidence of any Native American or later Anglo-period artifacts on the property. His additional research provided evidence that the stage road likely passed east of the property, per the 1861 map of Dane County and the total lack of archaeological evidence showing stagecoach artifacts on the western side of the property. However, in discussions with the contractor who completed the garage excavation in 2000, supposedly a great deal of artifacts were uncovered at that time. But without an associated archaeological report, the history that could have been told from that excavation is now lost. The excavation for a proposed new principal structure is an opportunity to learn anything that this site may yet be able to provide. The previously completed archaeological survey meets the Wisconsin Historical Society's requirements for the required Request-to-Disturb documentation, but the Landmarks Commission made archaeological monitoring and a subsequent report a requirement for construction of a new principal structure on the subject lot as part of its approval of the CSM.

Zoning
Concerns have been raised about Zoning and setback issues. The proposed development meets all Zoning requirements and does not require any variances (see attached memo from Zoning staff).

Black Walnut Tree
The Landmarks Commission has previously stated that the old black walnut tree on the landmark site is not a part of the commission's review. The commission only reviews removal of trees in instances where the landscaping is a part of the historic designation, such as properties designated for their landscape architecture. There is no discussion of the tree in the landmark nomination. In the rare instances that the commission reviews work impacting elements such as trees, the commission uses the guidance from the Secretary of the Interior's Guidelines for the Treatment of Cultural Landscapes, which views elements such as trees as ephemeral resources to be maintained when possible, but with the knowledge that plantings die.

A discussion of relevant standards follows:

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(1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:
   (a) N/A. The proposed work is not to the designated landmark, which is the Old Spring Tavern, but rather to the landmark site.
   (b) The proposed work must meet the Secretary of the Interior's Standards for Rehabilitation as the new construction would be within the boundaries of the landmark site in which the Old Spring Tavern is located.
   (c) N/A
   (d) The proposed work with its efforts to mitigate the existing stormwater concerns of the site allows for the protection and conservation of the Old Spring Tavern. It also allows for infill development in a way that blends with the historic context and is substantially set back from the historic resource.

Secretary of the Interior's Standards for Rehabilitation

1. The landmark site was listed for the significance of the Old Spring Tavern, which operated as an inn and hotel from 1853-1895. After that point, the property became a residence. When the Nakoma neighborhood was platted in 1926, a few houses had already been built (like 3710 Council Crest, constructed in 1923), the owners of the Old Spring Tavern property retained two of the lots for the development. Gradually houses came to surround the historic resource, with most of them dating to the 1930s. The north lot, which is the subject property was vacant and gradually transformed to be a yard more typical of a suburban neighborhood through the introduction of landscaping. The two-lot landmark site has functioned as a residential property located within a residential neighborhood of similarly sized houses for nearly a century. The introduction of another house within this setting, and having that house located significantly far away from the historic resource meets this standard's requirements of minimal change to the defining characteristics of the setting and no changes to the physical character of the historic building itself other than mitigating the stormwater that currently impacts the historic resource.
2. There are no historic materials proposed to be removed. The deep yard on the western half of the landmark site is proposed to have a house located on it, which matches the neighborhood setting in which the historic tavern is located.
3. The new house will read as a product of its time and will not create a false sense of history. It uses a similar architectural vocabulary to the nearby residential structures, but is obviously a new design.
4. The suburban style yard on the west side of the property has not achieved significance in its own right.
5. There are no distinctive features to this side of the landmark site and no examples of craftsmanship to preserve.
6. N/A
7. N/A
8. The archaeological survey from 2022 determined that it is unlikely there are significant archaeological resources remaining on this lot. The Landmarks Commission's previously approved requirement of archaeological monitoring will ensure that any archaeological information remaining on the subject property can be gathered and interpreted.
9. The new construction is located 78 feet away from the historic resource. The new building will read as a building of its time, but it still compatible with the size and style of houses found in that part of the Nakoma neighborhood.

10. As this new structure is located on a vacant lot, it could be removed in the future and the landscaping returned to an approximation of its current condition.

Recommendation

Staff believes that the standards for granting a Certificate of Appropriateness are met and recommends the Landmarks Commission approve the project with the following conditions:

1. Submit archaeological monitoring report at conclusion of ground-disturbing activities.

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: August 8, 2023

TO: Landmarks Commission

FROM: Jacob Moskowitz, Assistant Zoning Administrator

SUBJECT: **3701 Council Crest Zoning Setbacks**

The property at 3701 Council Crest is zoned TR-C1, and therefore has a front yard setback of 20 ft, a side yard setback of 7 ft (for a two-story house), and a 35 ft rear yard setback.

Sec. 28.211 (definition of Lot Line, Front) states that "In the case of lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties." When Zoning reviewed the CSM we noted that Lot 1 could potentially have its front yard on Council Crest or Spring Trail, although a front yard on Council Crest created more flexibility and fit better with the existing development pattern of the block.

Based on their submitted site plan, the applicant has chosen Council Crest as their front lot line, which means the lot is a regular corner lot with the above listed setbacks. Zoning would not enforce any private covenants, only the setbacks and land use restrictions required by the zoning code. The site plan as submitted appears to be in compliance.