RE: Opposition to Land Division Application for 113 Ely Place, University Heights Historic District (District 5) — Legistar File #93071

Dear Members of the Landmarks Commission,
We respectfully submit this comprehensive letter in formal opposition to the proposed land division application for 113 Ely Place, located within the University Heights Historic District (District 5). We are writing as neighboring property owners with direct, material concerns regarding this application's compatibility with established district standards, its practical feasibility, and the broader implications for neighborhood character preservation.

I. Our Standing and Proximity to the Affected Property

We reside at 1809 Summit Avenue, a property situated directly across the street from the proposed new driveway access point for the subdivided parcel at 113 Ely Place. Our location provides us with an elevated vantage point from which to observe and assess the proposed development's potential impacts on the surrounding streetscape and neighborhood character. Additionally, we maintain neighborly relationships with the residents at 1806 Summit Avenue, the property that will be most significantly and directly affected by any land division of 113 Ely Place. Our proximity to both the subject parcel and the most-affected neighboring property gives us substantial standing to comment on this application. We possess intimate, day-to-day knowledge of the site conditions, topography, existing infrastructure, traffic patterns, and neighborhood context that would inform the practical and aesthetic impacts of this proposed subdivision. We have observed the site through multiple seasons and weather conditions, allowing us to understand how the landscape functions and how any new development would interact with existing conditions.

II. Fundamental Incompatibility with University Heights Historic District Standards

A. Violation of MGO 41.18(4) Lot-Size Requirements

Madison General Ordinance 41.18(4) establishes explicit standards that the Landmarks Commission must apply when evaluating proposed alterations and subdivisions within historic districts. The ordinance requires that any proposed modifications "maintain the general lot size pattern of the historic district" and ensure that new parcels are "compatible with adjacent lot sizes." The applicant's proposed land division directly violates both of these mandatory standards.

Current Lot-Size Analysis

The existing parcel at 113 Ely Place, prior to subdivision, represents a substantial holding appropriate to the neighborhood's historic character and development pattern. The proposed subdivision would create a new buildable parcel with less than 4,000 square feet of usable area—a dimension that represents a dramatic and unjustifiable departure from established neighborhood norms. Our own property at 1809 Summit Avenue comprises 9,700 square feet and is consistent in size with other residential parcels throughout the immediate neighborhood and broader University Heights Historic District. Informal survey of adjacent properties reveals that the typical lot size in our neighborhood ranges from approximately 8,500 to 11,000 square feet. This consistency is not coincidental; rather, it reflects the deliberate lot divisions and development patterns established over a century ago when University Heights was first platted as a residential neighborhood. The applicant's proposed new parcel—at less than 4,000 square

feet—represents only approximately 41 percent of the average adjacent lot size. Put differently, the proposed parcel would be less than half the size of properties that immediately surround it. This represents a profound and unjustifiable break from the district's established sizing conventions.

B. Historical Documentation Supporting Lot-Size Pattern

The significance of University Heights' lot-size pattern is not a matter of contemporary opinion or informal observation. Rather, it is explicitly documented in the very historical designation application that established this neighborhood as a protected historic district worthy of preservation. In March 1981, the Madison Landmarks Commission's preservation staff prepared the formal Historic District Designation Application for University Heights. This authoritative historical document was submitted to support the neighborhood's designation as a protected historic district. The application did not treat lot sizes as incidental or arbitrary features. Rather, it explicitly identified and emphasized the meaningful interconnection between the neighborhood's distinctive topographic features—specifically its steep terrain, significant elevation changes, and challenging landscape conditions—and the corresponding lot configurations that evolved in response. The 1981 application made clear that the lot-sizing patterns reflected thoughtful, deliberate adaptation to the district's natural geography. Lot sizes were not randomly determined. Rather, they represented careful judgment by the original developers and property owners regarding how to create livable residential parcels while accommodating the neighborhood's naturally steep slopes and drainage patterns. The steep terrain made larger lots necessary—not as a luxury, but as a practical necessity for achieving functional residential development. By proposing a subdivision that would create a parcel substantially smaller than the historically documented pattern, the applicant's application directly contradicts the foundational rationale for the neighborhood's historic district designation. The applicant cannot simultaneously benefit from historic district protections (which may restrict what the applicant can do with the parcel) while simultaneously ignoring the very lot-size patterns that those protections were designed to preserve.

III. Severe Practical and Site-Specific Constraints

A. Extraordinarily Constrained and Impractical Driveway Configuration

Beyond the abstract question of lot-size compatibility, the proposed land division presents severe practical constraints that raise fundamental questions about the parcel's actual utility and developability. The proposed driveway configuration is extraordinarily narrow and geometrically problematic. The applicant has proposed a driveway that would provide access to the new buildable parcel by running along the side of the existing residence and adjacent properties. However, the spatial constraints of the site and the adjacent property lines have resulted in a driveway design that is frankly impractical and raises serious safety and livability concerns.

Safety and Ingress/Egress Issues

As currently proposed, this driveway would run directly alongside the residence at 1806 Summit Avenue, with minimal or no clearance between the driveway edge and the neighbor's structure. This creates an untenable and unsafe situation: residents of 1806 Summit Avenue who exit their home through doors that face toward the proposed driveway would step directly into an active vehicular driveway. This violates basic principles of residential safety and creates a daily hazard for the neighboring property's residents. Additionally, a driveway of such minimal width would

create practical difficulties for vehicle operation. Residents would have minimal clearance on either side of their vehicle and would struggle to navigate the narrow passage, particularly during winter months when snow accumulation would further constrain the available width. Emergency vehicles would face difficulty accessing the property in case of fire or medical emergency. The design fails basic standards of residential livability and practical functionality.

B. Historic Retaining Wall and Structural Integrity Issues

The site contains a historic retaining wall that provides necessary structural support and slope stabilization. This wall likely dates to the original development of University Heights in the early twentieth century and contributes to the historic character and integrity of the district. The wall has presumably served its function for over a century, managing drainage and slope stability for the properties adjacent to it. Any land division and subsequent development of the proposed parcel would require modification of or work adjacent to this historic structure. Current building codes and safety standards may require that the wall be reconstructed, reinforced, or substantially modified to meet contemporary safety requirements. Such work would be expensive and would necessarily alter or damage this historic element.

Critical Unanswered Questions Regarding Cost Responsibility

Critically, the application provides no clear answer to a fundamental question: Which party would bear the substantial costs associated with rebuilding or reinforcing this historic structure? If the existing property owner (the applicant) is responsible for these costs, the financial feasibility of the subdivision is cast into serious question. If the neighboring property at 1806 Summit Avenue, or 101 Ely Ave is somehow expected to bear these costs, this represents an unjust shifting of burden and an inappropriate externalization of the applicant's development costs. If the costs are to be shared, the application provides no mechanism for cost allocation or dispute resolution. We also note that residents at 1806 Summit and 101 Ely Ave are not in favor of this proposed land subdivision. The Landmarks Commission should not approve a subdivision that leaves fundamental questions of financial responsibility and structural integrity unresolved.

IV. Historical Context and the Preservation Mission

The University Heights Historic District was designated to preserve a neighborhood of distinctive character. That character derives not only from the architecture of individual homes but also from the broader development pattern—including lot sizes, topography, street relationships, and the overall spatial organization that has defined the neighborhood for more than a century. When a property owner purchases land within a historic district, that owner accepts certain restrictions on their ability to modify the property in ways that would undermine the district's character. These restrictions exist for the benefit of the entire community and the preservation of irreplaceable historic resources. It is fundamentally unfair to apply these restrictions to prevent property owners from making changes deemed incompatible with district character, while simultaneously allowing other property owners to subdivide their land in ways that equally violate district character standards. The applicant cannot have it both ways. If lot-size patterns are important enough to preserve (as reflected in MGO 41.18(4) and the district's founding documents), then they must be preserved consistently and fairly across all properties in the district.

V. Precedent and Neighborhood Impacts

Approval of this subdivision would establish a troubling precedent for future land divisions within University Heights Historic District. If the Commission approves a parcel that is less than half the average lot size in the neighborhood, it sends a message that the district's lot-size standards are not actually mandatory requirements but rather guidelines subject to exception when an applicant presents a sufficiently compelling argument (or applies sufficient pressure). Other property owners in University Heights would thereafter have grounds to propose similar subdivisions, arguing that if the Commission approved one undersized parcel, it should approve others. The result would be gradual erosion of the neighborhood's historic character and established development patterns. Preservation of historic districts depends on consistent application of standards. The Commission must not create exceptions that undermine the very standards the district designation was established to protect.

VI. Recommendation

For the reasons outlined comprehensively above, we respectfully and urgently urge the Landmarks Commission to *deny* this land division application. The proposal:

- Fails to comply with MGO 41.18(4) requirements regarding lot-size compatibility and historic patterns
- Creates an impractical driveway configuration that presents safety hazards to neighboring residents
- Leaves unresolved critical questions regarding modification of the historic retaining wall and allocation of associated costs
- Would establish a problematic precedent that could undermine district preservation standards

The University Heights Historic District deserves protection. This subdivision application should be denied.

Respectfully submitted,
David Yang and Susan Thibeault
1809 Summit Avenue Madison, Wisconsin
May 27, 2026