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VIA HAND DELIVERY

July 15, 2011

Matthew Tucker, Administrator
Department of Planning & Community & Economic Development
City of Madison, Zoning Department
215 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Re: 1001 University Avenue

Dear Mr. Tucker:

Please find enclosed an Appeal of the City Plan Commission Decision Denying Demolition Permit filed on behalf of LZ, LLC. We understand that this matter will be considered by the City of Madison Common Council at its next meeting and a date set for the hearing on the matter will be determined at that time.

Please let me know if you have any questions.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

William F. White

cc: Bradley J. Murphy, Planning Director
Kevin Delory, Attorney for the Episcopal Diocese
Harvey Temkin, Attorney for Luther Memorial Evangelical Lutheran Church of Madison,
Wisconsin
LZ, LLC
Steve Silverberg
Randy Bruce, AIA
Scott Resnick, Alder, District 8
Lauren Cnare, President, City of Madison Common Council
Honorable Paul Soglin, Mayor City of Madison
Nan Fey, Chair, City of Madison Plan Commission

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**APPEAL OF THE CITY PLAN COMMISSION
DECISION DENYING DEMOLITION PERMIT**



To: City of Madison, Common Council

The undersigned applicant LZ, LLC hereby appeals from the decision of the City Plan Commission denying a demolition permit for the property located at 1001 University Avenue which decision was made at a duly called and noticed meeting of the Plan Commission on July 11, 2011. The two (2) grounds for denial identified by the City Plan Commission are erroneous and contrary to the provisions of MGO § 28.12(12)(c)1. The first basis for denials is sub b..

The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the zoning code for the zoning district in which the property is located. Furthermore, the proposed use should be consistent with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. In making this finding the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the effects of the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building, and the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.

In addition, the Plan Commission identified the provisions of MGO § 28.12(12)(c)1.d.:

The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

The Staff Report and Addendum issued by the City of Madison Planning Unit clearly indicate that the proposed demolition is compatible with the purpose of this section of the Madison General Ordinances and the intent expressed in the Zoning Code for the R-6 Zoning District. In addition, the proposed use which was coupled with the proposed demolition is fully consistent with, and furthers the goals of the City of Madison's Comprehensive Plan. In addition, the report of the City's historic preservation planner regarding the historic value of the property and the report of the Landmarks Commission was advisory in nature and clearly did not prohibit the demolition of the subject property at 1001 University Avenue.

WHEREFORE, the applicant respectfully requests that the action of the City's Plan Commission be reversed by a two-thirds vote of the members of the Common Council voting on the matter after referral to a subsequent meeting of the Common Council for purpose of hearing this appeal.

Dated this 15th day of July, 2011.

LZ, LLC

By: 
Bradley S. Zellner, Member