



**Project Address:** 121, 123, and 127 West Gilman Street  
**Application Type:** Certificates of Appropriateness for demolition and new development in the Mansion Hill historic district  
**Legistar File ID #** [32027](#)  
**Prepared By:** Amy L. Scanlon, Preservation Planner, Planning Division  
Katherine Cornwell, Planning Division Director

## Summary

**Applicant/Property Owner:** Dan Seeley

**Requested Action/Proposal Summary:** This development proposal requires multiple actions from the Landmarks Commission. This report covers the following actions:

The Landmarks Commission shall act on the request for a Certificate of Appropriateness for the following items related to Legistar #32027 as discussed in this staff report:

- Demolition of structure located at 121 West Gilman (Certificate of Appropriateness approved 11/25/13)
- Demolition of structure located at 127 West Gilman
- New development in historic district on West Gilman

The Landmarks Commission shall also provide the Plan Commission with an advisory recommendation on the following items related to Legistar #32027 as discussed in this staff report:

- Land division/combination in a historic district
- New development adjacent to landmark site 120 West Gorham (favorable recommendation approved 11/25/13)

See Legistar #32076 for other actions required by the Landmarks Commission relative to this development proposal.

The Landmarks Commission reviewed this proposal on November 25, 2013 and January 22, 2014.

**Applicable Regulations & Standards:** Section 33.19 and Chapter 28 of the Madison General Ordinances (see below)

**Review Required By:** Landmarks Commission, Plan Commission

## Background Information

**Parcel Location:** The subject sites are located in the Mansion Hill (local) historic district and in the Mansion Hill National Register Historic District.

**Relevant Ordinance Sections:**

The definition of demolition is being included so the Commissioners understand the standards for review.

### 28.211 Definitions

Demolition. Demolition is an act or process that removes, pulls down, tears down, razes, deconstructs or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building. This provision does not apply to the repair or replacement of windows, doors, or siding.

### 33.19(5)(c)3. Standards. (for Demolition)

In determining whether to issue a Certificate of Appropriateness for any demolition, the Landmarks Commission shall consider and may give decisive weight to any or all of the following:

- a. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
- b. Whether the building or structure, although not itself a landmark building, contributes to the distinctive architectural or historic character of the District as a whole and therefore should be preserved for the benefit of the people of the City and the State;
- c. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Sec. 33.19 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
- d. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- e. Whether retention of the building or structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;
- f. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;
- g. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.

33.19 (1) Purpose and Intent It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
- (c) Stabilize and improve property values.
- (d) Foster civic pride in the beauty and noble accomplishments of the past.
- (e) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (f) Strengthen the economy of the City.
- (g) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the City.

### 33.19(10)(e) Guideline Criteria for new Development in the Mansion Hill Historic District.

1. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related (visually related area).

2. In the street elevation(s) of a new building, the proportion between the width and the height in the façade(s) shall be visually compatible with the buildings and the environment with which it is visually related (visually related area).
  3. The proportions and relationships between width and height of the doors and windows in new street façade(s) shall be visually compatible with the buildings and environment with which it is visually related (visually related area).
  4. The rhythm of solids to voids created by openings in the façade of the new structure should be visually compatible with the buildings and environment with which it is visually related (visually related area).
  5. All new street façades should blend with other buildings via directional expression. When adjacent buildings have a dominant vertical or horizontal expression, this expression should be carried over and reflected.
- 33.19(5)(i)1. Review proposed land divisions and subdivision plats of landmark sites and properties in Historic Districts to determine whether the proposed lot sizes negatively impact the historic character or significance of a landmark or landmark site and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the Historic District. The Landmarks Commission review shall be advisory to the Plan Commission.

**28.144 DEVELOPMENT ADJACENT TO A LANDMARK OR LANDMARK SITE.**

Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

## **Analysis and Conclusion**

Each Certificate of Appropriateness and advisory recommendation will be discussed separately in this section. The items related to this project that were previously approved have been removed from this report.

Certificate of Appropriateness for Demolition of structure at 127 W Gilman
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The building at 127 W Gilman was constructed in 1893 as the Jabez Smith Residence in the Stick Style. It should be noted that the preservation file explains that there are records (City Directories and tax records) of a house (c. 1858) on this site that was presumably demolished, but that it is also possible that this existing house is the c. 1858 house that was relocated and altered by Jabez Smith. In 1922 the residence became the home of a Jewish organization and in 1927, the Phi Sigma Delta fraternity house. The property was purchased by Steve Brown Apartments in 1994 as part of a package deal. The building had suffered fire damage and foundation issues prior to the acquisition by Steve Brown Apartments.

A brief discussion of the demolition standards (33.19(5)(c)3) follows:

- a. Is the building of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State? This specific structure is not of such architectural or historic significance that it meets standards for landmark designation as the language of this standard suggests. Instead, with the other vernacular structures in the district, this structure represents the stratification of the social classes in history and better relates to standard b as the Landmarks Commission has discussed.
- b. Does the building or structure, although not itself a landmark building, contribute to the architectural and historic character of the district as a whole and therefore should be preserved for the benefit of the people of the City and the State? The preservation plan identifies the extent of the Mansion Hill Historic

District. Per the Ordinance, the standards and criteria apply to the extent. The Ordinance also references the Preservation Plan, which defines subsets including a “core area”, a “buffer zone”, individual landmarks, and “priority buildings”. This structure is in the buffer zone and it is not listed as a priority building. Inclusion of this building in what the preservation plan calls the “underutilized land” of the buffer zone was intended to prevent the “constant pressure” for new high-rise, high density development (like the Highlander). The building is a vernacular structure that was built in an early development period of Madison. The building is not representative of the apex buildings (the grand stone/masonry homes) occupied by the elite residents of Mansion Hill, rather it represents the structures occupied by Madison’s middle class of the time. The architecture is consistent with the period of development significance and is compatible with other buildings of the same period of development. The loss of this structure will diminish the number of structures in this area that communicate this architectural and historic character.

- c. Would the demolition of this structure be contrary to the purpose and intent of this Ordinance and the objectives of the preservation plan for the district? The Landmarks Commission is charged with protecting and enhancing the perpetuation of historic districts and the City’s cultural heritage. The demolition of any structure would be contrary to the purpose and intent of this Ordinance and the objectives of the preservation plan for the district. It is with these factors in mind that the Landmarks Commission considers any request for demolition.

The Preservation Plan calls for the preservation and enhancement of the architectural character of the Mansion Hill neighborhood. The preservation plan recognizes this structure as part of the “buffer zone” surrounding what the plan calls the “core area” of the Mansion Hill Historic District. The preservation plan also states that inclusion of these structures in the historic district was fueled in part by a desire to prevent new high-rise, high-density development (like the Highlander) in the buffer area, because such structures would restrict vistas into the core area. While the proposed development is of greater density/intensity than the existing structure (which the preservation plan refers to as “underutilized”), it does not restrict vistas into the core area.

Since the adoption of the Mansion Hill Historic District Plan in 1976, new plans and zoning have been developed by the community. The new Downtown Plan and subsequent zoning that implements the plan do two things that are aligned with the spirit and intent of the historic district plan. First, the zoning no longer permits the high rise development that was once possible in the buffer zone surrounding the core area. Second, the zoning requires a host of features such as maximum building widths, façade articulation, and entrance orientation to ensure consistent and compatible development patterns. So while the loss of this building would not be fully aligned to the intent of the Ordinance and the objectives of the Preservation Plan, current plans and zoning call for a development pattern that is far more sensitive than the 1970s era zoning. Please review the discussion of standards e and f below.

The purpose and intent of the Landmarks Ordinance also focuses on stabilizing and improving property values, and strengthening the economy of the City as it concerns the architectural quality and historic significance of the city. When considering demolition and new construction in a historic district the bar for the architecture of the new development is extremely high. Buildings constructed in this time should become future landmarks that interpret the evolution of the city.

- d. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense? The building does not meet this criterion, though it is an original vernacular structure. The structure could be repaired or reconstructed using common materials and market rate costs; however, the extent of repairs required would involve the removal of the majority of the existing fabric and the integrity of the original construction methods

and materials would be lost. The building is not of such extraordinary value that it could not be replaced.

- e. Would retention of the building promote the general welfare of the public by encouraging the study of American history, architecture and design or by developing an understanding of American culture and heritage? The building does not meet this criterion. However, the general welfare of the public is promoted by the retention of the City's cultural resources and historic identity, as well as high quality design and construction of new development. The Landmarks Ordinance promotes both the retention of historic resources, as well as the construction of new buildings that may become future landmarks for their architectural and construction quality.
- f. Is the building in such a deteriorated condition that is is not structurally or economically feasible to preserve or restore it? Was any hardship or difficulty claimed by the owner self created or the result of any failure to maintain the property in good repair? The Applicants provided City staff with access to the building to assess the structural condition. A structural condition assessment report (dated January 30, 2013) was prepared by Kyle Bunnow, P.E., City of Madison Housing Inspection Supervisor. This report concludes that "the damage and deterioration of the structure at 127 W. Gilman Street is so significant that it is not reasonable to expect that the building can either be repaired or moved; rather, the building would need to be completely deconstructed and replaced with new materials to be returned to a functional state."

A property owner in a historic district is charged with keeping their property in good repair. The intent of this provision is to maintain the building stock in good condition so that demolition by neglect cannot be used to damage the essence of the historic district. Steve Brown Apartments was not responsible for the building's fire damage and foundation issues. SBA did not rectify the issues once they were discovered and the structure has deteriorated further.

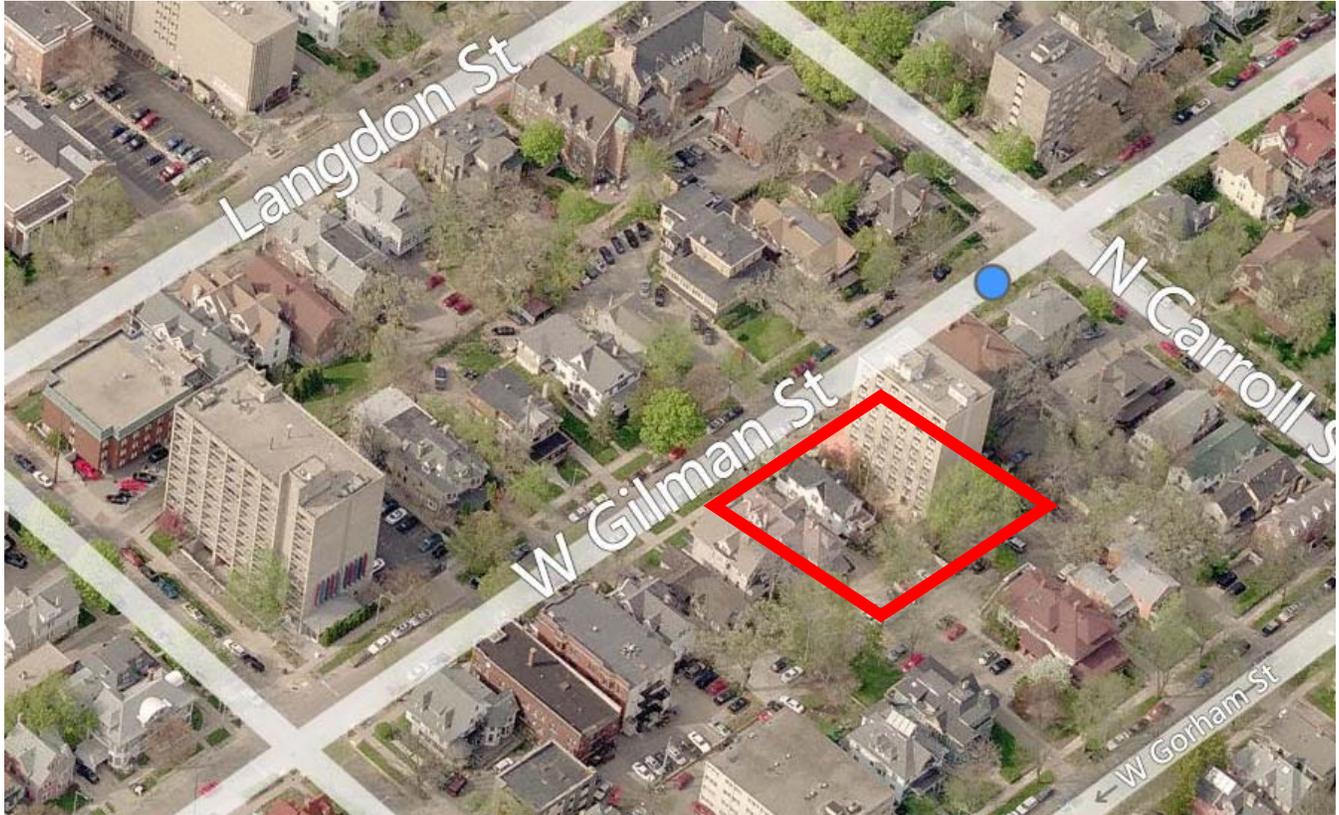
During discussions at previous Landmarks Commission meetings, the Commission has explained that the Ordinance language is interpreted such that if the building is structurally or economically infeasible to restore/repair and the current owner holds some responsibility in the failure to maintain the building in good repair, a Certificate of Appropriateness for demolition would have to be granted based on the weighted review of the other standards in this section.

Most conditions are repairable or reproducible and the Landmarks Commission must weigh the historic integrity. Given these factors, Staff believes that it is reasonable to find that the structural condition of 127 makes it structurally and economically infeasible to repair.

- g. Analysis of the compatibility of the new development proposal is found below.

Certificate of Appropriateness for new development on W Gilman

The Visually Related Area (VRA) map showing existing conditions is attached to this report for interpretation of the Ordinance.



Bing maps aerial view

A brief discussion of the criteria for new development (33.19(10)(e)) follows:

A total of five guideline criteria for new development in the Mansion Hill Historic District provide the basis for determining the compatibility of new development with the visually related area.

1. **Gross height & volume.** The proposed buildings have taller stories and deeper footprints resulting in larger building volumes than the buildings in the visually related area. The proposed buildings are also rectangular volumes that are compatible with other multifamily structures in the VRA. However, the majority of structures in the VRA are or were historically single family structures that include pitched roofs and lower story additions.

The Applicants provided information about other examples in the historic district where a representative building in a VRA is adjacent to a building that is 4 times the size of the representative building. These examples include 1 Langdon (1929), 416 N. Carroll (1914), and 114 W. Gilman (1880) which were all built within the Mansion Hill period of significance. 2 W. Gorham (1946) and 116 E. Gilman (1961) were built after the period of significance, and prior to the establishment of the historic district (1976).

Since the Landmarks Ordinance does not specifically define what does or does not constitute a compatible volume, the Commission should exercise its discretion to make a decision on this criterion. The volume of the proposed structure is larger than other structures in the VRA. The form is consistent with the other flat roofed structures in the VRA (and the additional one just outside the VRA on the same block as the proposed structures). The Applicants have revised the design of the building masses to provide more articulation in the façades, provide 10 foot and 12 foot step backs on two of the

buildings at the fifth floor on the front façade, and use architectural elements in an effort to achieve visual compatibility with other buildings in the VRA.

2. **Width to Height Ratio.** The Applicant has provided calculations related to the ratios of width to height of other buildings in the VRA. According to these calculations, the proposed buildings are mathematically compatible in size. The Landmarks Ordinance does not specifically define what does or does not constitute a visual compatibility by definition, and the Commission should exercise its discretion to make a determination on this criteria.

The Applicants have met with staff several times to discuss the design of the proposed buildings. The Applicants have revised the building designs per staff recommendations to provide more articulation in the façades and to provide a step back on two of the buildings at the fifth floor on the front façade. Additionally the applicant has used architectural elements in an effort to achieve visual compatibility.

3. **Proportions of Windows & Doors.** The proportions and relationships between width and height of the doors and windows in the street façades of the proposed buildings are generally visually compatible with the buildings and environment with which it is visually related if one looks at the overall amount of window size and door size to exterior wall size as a composition.
4. **Rhythm of Solids & Voids.** The rhythm of solids to voids created by openings in the façade of the new buildings may be visually compatible with the buildings and environment with which they are visually related. Generally, the proposed buildings have an appropriate amount of door and window openings (voids) spaced equally in a rhythm in the building wall (solid) of the front elevations. The rhythm of solids and voids on the proposed building at 121 is less successful and may need more void. See condition 6 under the conditions of approval.
5. **Horizontal & Vertical Expression.** The proposed street façades (aside from the aforementioned issues) blend with the existing adjacent buildings via directional expression. Generally the existing buildings have a dominant vertical expression with horizontal details that are carried over and reflected in the proposed buildings. The submission materials convey the horizontal and vertical expression of the proposed buildings related to the other multi-family residential structures. The Applicants have revised the building design to provide more articulation in the façades, to provide a step back on two of the buildings at the fifth floor on the front façade, and have used architectural elements in an effort to achieve visual compatibility with the structures in the visually related area.

Building materials can affect the directional expression of buildings and the proposed materials are not noted in sufficient detail in the submission materials. While the overall massing and composition of the building façades blend with adjacent buildings via directional expression, more information about the proposed materials is necessary for the Commission to review the proposal.

Land division/combination in historic district advisory recommendation
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To comply with the building and zoning codes, the Applicants will (at some time in the future) request a land division through Certified Survey Map (CSM) which will create one large development lot from three existing smaller lots. The creation of one large lot in this historic district context is not compatible with adjacent lot sizes and does not maintain the general lot size pattern of the historic district. However, if the CSM is tied to this specific project which shows three building masses above grade (on top of the underground parking structure) and this project is approved, staff can support the lot combination since the lot size does not translate into a single large building.

## Recommendation

Each Certificate of Appropriateness and advisory recommendation that has not been addressed will be discussed separately in this section.

### Certificate of Appropriateness for Demolition of structure at 127 W Gilman

In the previous staff reports for this proposal, staff came to the conclusion that the standards for granting the Certificate of Appropriateness for the demolition of the building at 127 W Gilman were not met and recommended that the Landmarks Commission deny the request. This conclusion was made by weighing all demolition standards equally. Given the structural assessment report prepared by Building Inspection and the Landmarks Commission discussion upholding the interpretation of demolition standard f, it is necessary to weigh the demolition standards differently than previous considerations have evaluated them. Staff recommends that the Commission weigh standards a – e with considerable weight given to standard g. Regardless of the final action of the Commission, staff recommends that the motion include specific information to explain the basis for the decision.

### Certificate of Appropriateness for new development in historic district

Staff believes the mathematical gross volume of the new buildings has a questionable relationship to the VRA; however, the revised (most recent) design solutions reduce the building massing and make the buildings more visually compatible than earlier proposals. Staff recommends that the Landmarks Commission determine whether the proposed structures have sufficiently met the five guidelines for compatibility of new construction in the Mansion Hill Historic District. If the Landmarks Commission finds that the standards are met, staff recommends that the motion include the following conditions of approval:

1. The Applicants shall confirm that the grade along the front of the buildings is not elevated to accommodate the underground parking structure. The current drawings indicate that the buildings are placed on a raised plinth (the parking structure) and that the front edge of that plinth aligns with the front wall of the buildings which means a continuous wall will visually link the three buildings. This appearance is not desirable and should be changed so that the buildings are not sitting on a plinth.
2. The Applicants shall confirm that all elevations of the fifth story of the two shorter buildings are going to be of brick. The current drawings do not show the indication of brick on the front elevations and interferes with the understanding of the visual weight of the upper story in a line drawing.
3. The Applicant shall provide staff with proposed building materials for final review and approval if they are different from those discussed and shown during the meeting.
4. The Applicant shall consider removing the upper “over door” portion of the front entry elements on both of the shorter buildings. Staff believes that these elements are not appropriate to the design and strongly suggests that they be removed.
5. The Applicant shall confirm which window treatment will be used for the side elevations of 121 (and presumably 127 since an elevation was not provided). There are different treatments shown in the current drawings. Staff assumes that the window treatment shown on the right in drawing 1/A304 would be used on the left of drawing 2/A304 to remedy the missing window trim and that similar treatments would be used for 127.
6. The window (void) area should be increased on the proposed building located at 121. Staff strongly suggests that the paired windows be changed to triple windows on the front elevation to address the Ordinance standards.

7. The Applicant shall change the size of the windows on the second floor of the two shorter buildings above the front door to match the adjacent window size.
8. The Applicant shall provide Staff with complete design drawings showing the elevations of all buildings and material notes for review and final approval. Staff will not issue the Certificate of Appropriateness until all conditions of approval have been addressed.
9. The Applicant shall receive approval by the Landmarks Commission or designee on any deviations from the design as submitted to and reviewed by the Landmarks Commission before a building permit is obtained.

Land division/combination in historic district advisory recommendation
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Staff recommends that the Landmarks Commission provide a favorable recommendation to the Plan Commission for the land division/combination with the condition of approval that the favorable recommendation is tied to this development proposal.