

MANSION HILL GILMAN STREET STEERING COMMITTEE

April 4, 2014

Alder Lauren Cnare
5218 Kevins Way
Madison, WI 53714

Dear Alder Cnare:

We, the members of the Mansion Hill Gilman Street Steering Committee, appreciate the opportunity to present our reasons why you should uphold the Landmarks Commission's unanimous vote to deny a certificate of appropriateness for the 60-unit apartment proposal located at 121-123-127 West Gilman.

The developer, Steve Brown Apartments (SBA), argues that the decision of the Landmarks Commission should be overturned because its project complies with the zoning ordinance. This argument is beside the point. The project is required to comply with *all* City ordinances, including the Landmarks Ordinance. The zoning ordinance explicitly recognizes that other ordinances continue to be effective [Sec. 28.004(1) & (2)].

The fact that the proposal does not comply with the Landmarks Ordinance is clear. The Landmarks Commission, after thorough deliberation, voted unanimously to deny a certificate of appropriateness because the proposal violated the Landmarks Ordinance restriction on gross volume.

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SBA's proposed demolition of the house at 127 West Gilman Street also violates the Landmarks Ordinance requirement that owners maintain buildings. As you can see from our attachments, the house was in good shape when SBA purchased it, but they intentionally caused or permitted it to deteriorate. In fact, the building inspection division has referred the case to the City Attorney's office for prosecution for demolition by neglect. However, even after all the years of abuse and neglect, the building is not so far deteriorated that it cannot be economically restored for occupancy consistent with the requirements of the Landmarks Ordinance.

In order to reverse the decision of the Landmarks Commission, you must determine either that the ordinance prevents all reasonable use of the property or that the ordinance imposes serious hardship on the owner that is not self created. Neither of those conditions exists. Reasonable use of the property can continue to be made, and the only hardship is that created by SBAs failure to maintain the property.

We want to stress that the Landmarks Ordinance serves important public purposes. It protects this piece of Madison's architectural and social history so it can be experienced by our citizens—today and tomorrow. It protects Mansion Hill property owners against inappropriate development—an assurance owners have relied on for 38 years.

We understand that some may not agree with the restrictions of the Landmarks Ordinance. If that is the case, the appropriate remedy is to amend the ordinance, not to ignore it. The rule of law is essential to ethical and democratic government.

Finally, there is one widely-held impression of our group that we want to dispel: that we are against all new construction. That is false. We encourage new construction *providing* that it conforms to the requirements of the Landmarks Ordinance.

Please take the time to read and study the ring binder we have prepared for you, and when you do, we think you will agree that the only right decision is to uphold the Landmarks Commission and to reject a certificate of appropriateness for the demolition of 127 West Gilman. The precedent set by a Common Council that votes against Madison ordinances is not pretty.

Sincerely,

Gene Devitt,
Steering Committee Chair and President of the Mansion Hill Neighborhood Association

Laura Fabick
Steven Fabick
Franny Ingebritson
John Martens
Fred Mohs
David Mollenhoff
Leigh Mollenhoff
Peter Ostlind
Kitty Rankin
Gary Tipler
Ross Wuennenberg