

**123 W. Gilman Street**

ARCEL: 0709-144-1803-7 123 W OILMAN ST 53753

ADDRESSEE: CLARENBACH, DAVID E

AGENT: NO  
MANAGER: NO  
MORTGAGE: 000

1035 EHERMAN AVE  
MADISON MI 53703

CODE:  
CLASS: S.F.  
UNIT-USE:  
ZONING: R6H

LOT DATA:  
WIDTH: 33.00  
DEPTH: 132.00  
SQ FT: 4,356.00  
SHAPE: NORMAL LOT

FRONTAGE: 0033.00  
STREET: 0266  
LOT: 0006  
BLOCK: 0006

LEGAL DESCRIPTION: ORIGINAL PLAT SH 1/2 OF

OCCUPANCY (OTHER THAN RESIDENTIAL):

*Resto Occupied*

DWELLING UNITS 1ST FLOOR

*4 bedroom house w/ 15 carport*

OR  
LODGING ROOMS 2ND FLOOR

(NUMBER OF ROOMS  
& OCC. FOR EACH 3RD FLOOR

(UNIT)

OTHER

REPORT - CLASS

NUMBER OF STALLS

*0*

NUMBER ILLEGALLY PENTED

*0*

AVERAGE STALL RENTAL FEE

*0*

NUMBER OF STALLS ILLEGALLY EXISTING

*0*

OFFICIAL NOTICE

NOW

SECTION NUMBERS

ORDER NUMBERS

FUTURE SECTION NUMBERS

ORDER NUMBERS

COMMENTS:

*Open Space Grass lawn area (3500)  
Paved on 1st and 2nd floors*

1231  
103

*No Parking*

INSPECTOR

DATE

SUPERVISOR

Building Permit - Short Form				PERMIT NO. <b>B 28820</b>
<div style="display: flex; justify-content: space-between;"> <div>PROJECT LOCATION <input checked="" type="checkbox"/> CONSTRUCTION <input type="checkbox"/> HVAC <input type="checkbox"/> ELEC <input type="checkbox"/> PLUMB</div> <div style="text-align: right;"> zoning District</div> </div>				
<div style="display: flex;"> <div style="flex: 1;">           Building address  <b>172 S. W. GILMAN ST. WAB</b>  <b>DAVID CLARK BACH 172 S. W. GILMAN ST. WAB</b>  <b>MUSKOGEE COUNTY 32037</b> </div> <div style="flex: 1; border-left: 1px solid black; padding-left: 5px;">           Owner  <b>DAVID CLARK BACH 172 S. W. GILMAN ST. WAB</b>            Occupancy No.  <b>32037</b> </div> </div>				
<div style="display: flex; justify-content: space-between;"> <div>           PROJECT <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Other            (A.S. &amp; A.S.)         </div> <div>           USE <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non Residential         </div> <div>           TYPE OF AREA BEING REMODELED  <input type="checkbox"/> Core Non-Residential Building  <input type="checkbox"/> Non-Building (Tanks, Swimming Pools, etc.)  <input type="checkbox"/> Attached Garage  <input type="checkbox"/> Detached Garage         </div> </div>				
<div style="display: flex; justify-content: space-between;"> <div>           AREA (For Addressing Only)            Building grade floor _____ sq. ft.            Usable Area _____ sq. ft.            Square foot and above _____ sq. ft.            Garage _____ sq. ft.            TOTAL _____ sq. ft.         </div> <div>           STORIES <input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Three <input type="checkbox"/> Other         </div> <div>           CLASS OF CONSTRUCTION  <input type="checkbox"/> 1a. Ex. 1a. Non-Residential  <input type="checkbox"/> 1b. Ex. 1b. Non-Residential  <input type="checkbox"/> 1c. Ex. 1c. Non-Residential  <input type="checkbox"/> 1d. Ex. 1d. Non-Residential  <input type="checkbox"/> 1e. Ex. 1e. Non-Residential         </div> <div>           NEW UNITS ADDED OR DELETED            Family _____            Condo's _____         </div> </div>				
BRIEFLY DESCRIBE PROJECT: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <b>REMOVE EXISTING ROOFING AND INSTALL</b>  <b>NEW ROOFING</b>  <b>3 TAB REPLACE 3 TAB.</b> </div>				
<div style="display: flex; justify-content: space-between;"> <div>           NOTE: Mechanical Supplement sheet provided with this application is to be completed and returned to the            Inspection Unit by the appropriate Plumbing, HVAC, and Electrical contractors prior to start of work. No inspection            will be made until received.         </div> <div style="text-align: right;">           ESTIMATED COST  <b>3,200.00</b> </div> </div>				
The applicant agrees to comply with the Wisconsin Uniform Building Code and other applicable ordinances and with the conditions of this permit. The applicant understands that the issuance of this permit does not constitute an approval of the project or the design, and that the applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities.				
SIGNATURE OF APPLICANT: <u><i>David Clark Bach</i></u> DATE: <u>3/5/87</u>				
CONDITIONS OF APPROVAL - This permit is issued subject to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.				
<div style="display: flex; justify-content: space-between;"> <div><b>GRABER</b></div> <div><b>AD TO LANDMARK</b></div> <div><b>NO CHANGES</b></div> </div> <div style="display: flex; justify-content: space-between;"> <div><b>HIST DIST</b></div> <div><b>SAME COLOR</b></div> </div>				
<div style="text-align: center; margin-top: 20px;"> <i>Approved</i>  <i>John P. [Signature]</i>  <b>3/5/87</b> </div>				
<div style="display: flex; justify-content: space-between;"> <div>           FEES            Plan Review ..... \$ <b>20.00</b>            Inspection ..... \$ <b>20.00</b>            TOTAL ..... \$ <b>40.00</b>            Vendor No. <b>32037</b>            SEE GROUP <b>C-6</b> </div> <div>           PERMITS ISSUED  <input checked="" type="checkbox"/> Construction and Other  <input type="checkbox"/> HVAC  <input type="checkbox"/> Electrical  <input type="checkbox"/> Plumbing  <input type="checkbox"/> Certificate of Occupancy         </div> <div>           PERMIT ISSUED BY            Name <b>W.B. (P.E.) (R.H.)</b>            Date Issued <b>3</b> Mo <b>5</b> Day <b>87</b>            City <b>HA</b> </div> </div>				

DULH 520 527 1100    WHITE - Inspect A/Inspector    YELLOW - DULH    PINK - Inspector    DULH 520 527 1100 - Owner/Agent

City of Madison

# ELECTRICAL

- ☒ PERMIT APPLICATION - FOR (Alterations & Replacements)  
☐ SUPPLEMENT - FOR NEW BUILDINGS & ADDITIONS  
TO EXISTING BUILDINGS - FEES PAID BY OTHERS

PROPERTY LOCATED AT 123 W. Gilman  
Street Address (PLEASE PRINT)

OFFICE USE ONLY

PERMIT DATE

PERMIT NO. 043425

VOUCHER NO. 98959

OWNER Tedd Mc Grath  
Name (PLEASE PRINT) Mailing Address

FROM:

ELECTRICAL CONTRACTOR Penn Electric  
(PLEASE PRINT)

LICENSE HOLDER NO. 10195

Mailing Address 2721 Warner St.

Phone 255-0550

Paul S. Smith  
ELECTRICAL CONTRACTOR (Signature)

ELECTRICAL CONTRACTOR (Signature)

TO: BUILDING INSPECTION  
215 Monona Avenue  
Madison, WI 53710

☐ NEW BUILDING

☐ Single Family

☐ Commercial

☐ Multi-Family (units)

☐ Industrial

☐ EXISTING BUILDING

☐ ADDITION

☒ ALTERATION

☐ REPLACEMENT

☐ COMBINATION

(Alteration & Addition)

COST

COST

COST

The above signed hereby applies for a permit for the work indicated below. It is hereby agreed that all work will be installed in accordance with all City Ordinances and department rules relating to such work.

## FEES

NEW BUILDINGS & ADDITIONS TO EXISTING BUILDINGS. . . . Fees paid at time of issuing building permit.

## EXISTING BUILDINGS

(Number of Openings Added) (Includes: Convenience Outlets, Switches, Fixture, Fixed Appliances, etc.)

1 - 5 - \$11	31 - 35 - \$52	71 - 90 - \$84
6 - 10 - 21	36 - 40 - 58	91 - 90 - 89
11 - 15 - 26	41 - 45 - 63	91 - 100 - 94
16 - 20 - 37	46 - 50 - 68	All openings: Over 100 - \$0.53 per opening
21 - 25 - 42	51 - 60 - 73	
26 - 30 - 47		

No. of Openings 7-0 = \$ 20.00

SERVICE ENTRANCE . . . . . @ \$30.00 = \$

LATE FILING FEE (Double Regular Fee) . . . . . Regular X 2 = \$

TOTAL FEE . . . . . \$ 20.00

DESCRIPTION OF WORK BEING PERFORMED: Add outlets & switches

OFFICE USE ONLY

Date Supplement Sent

Date Supplement Received/Issued





State of Wisconsin  
Department of Industry,  
Labor & Human Relations  
Division of Safety & Buildings  
201 E. Washington Ave  
Box 7969  
Madison, WI 53707  
Wisconsin Statute 101.63

13-251  
Wisconsin Uniform  
Building Permit Application

PERMIT NO.  
**B 14318**

PARCEL NO.

PROJECT LOCATION

☒ CONSTRUCTION ☐ HVAC ☐ ELEC ☐ PLUMB

Building Address <b>123 W GILMAN</b>	Phone	Lot No.	Block No.
Zoning District <b>R6</b>	Lot Area	Front	Rear
Side	Left	Right	

PERMIT REQUESTED

Contractor's Name <b>TAYLOR MAINTENANCE</b>	Mailing Address	Phone	Identification No. <b>C10700</b>
Owner's Name <b>STEVE BROWN</b>	Mailing Address <b>120 W. GORHAM MADISON</b>	<input checked="" type="checkbox"/> Owner Project <input type="checkbox"/> Federal Project	<input type="checkbox"/> Tenant Project <input type="checkbox"/> City Project

<b>1. PROJECT</b> <input type="checkbox"/> New <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Raze <input type="checkbox"/> Addition <input type="checkbox"/> Move <input type="checkbox"/> Combination (Alt. & Add'n.) <input type="checkbox"/> Non-Permanent (Tents, etc.) <input type="checkbox"/> Foundation <input type="checkbox"/> Zoning Only <input type="checkbox"/> Change of Use	<b>2. USE:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	<b>3. ELECTRICAL</b> Entrance Panel Size: <input type="checkbox"/> 100 amp <input type="checkbox"/> 200 amp <input type="checkbox"/> Service: <input type="checkbox"/> Underground <input type="checkbox"/> Overhead	<b>4. HVAC</b> <input type="checkbox"/> Forced Air <input type="checkbox"/> Hot Water <input type="checkbox"/> Heat Pump <input type="checkbox"/> Steam or Vapor <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Other	<b>5. ENERGY SOURCES</b> Fuel: <input type="checkbox"/> LP Gas <input type="checkbox"/> Nat. Gas <input type="checkbox"/> Fuel Oil <input type="checkbox"/> Electric <input type="checkbox"/> Wood <input type="checkbox"/> Solar <input type="checkbox"/> Coal <input type="checkbox"/> Space Htg. <input type="checkbox"/> Water Htg. <input type="checkbox"/>
<b>9. AREA (Outside Dimension)</b> Basements (below grade floors) sq. ft. <input type="checkbox"/> Usable Area (grade floor and above) sq. ft. <input type="checkbox"/> Garage sq. ft. <input type="checkbox"/> TOTAL sq. ft. <input type="checkbox"/>	<b>6. CONST. TYPE</b> <input checked="" type="checkbox"/> Site constructed <input type="checkbox"/> Manufactured	<b>7. FOUNDATION</b> <input type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input type="checkbox"/> Treated Wood <input type="checkbox"/> Other	<b>8. PLUMBING</b> <input type="checkbox"/> Sewer <input type="checkbox"/> Municipal <input type="checkbox"/> Septic - Permit No. <input type="checkbox"/>	<b>12. WATER</b> <input type="checkbox"/> Private Utility <input type="checkbox"/> Municipal Utility <input type="checkbox"/> On-site Well & Pump
	<b>10. STORIES</b> (Above Grade) <input type="checkbox"/> 1-Story <input checked="" type="checkbox"/> 2-Story <input type="checkbox"/> Other	<b>11. USE (Res.)</b> <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Other	<b>13. RES. UNITS Added or Deleted</b> Family(s) <input type="checkbox"/> Condominium(s) <input type="checkbox"/> Hotel, Motel, Dorm. <input type="checkbox"/>	<b>14. HEAT LOSS (Calculated)</b> Envelope <input type="checkbox"/> BTU/HR <input type="checkbox"/> Infiltration <input type="checkbox"/> BTU/HR <input type="checkbox"/>

<b>15. CLASS OF CONSTRUCTION</b> <input type="checkbox"/> 1. Fire Resistive Type A <input type="checkbox"/> 2. Fire Resistive Type B <input type="checkbox"/> 3. Metal Frame - Protected <input type="checkbox"/> 4. Heavy Timber <input type="checkbox"/> 5a. Ext. Masonry - Protected <input type="checkbox"/> 5b. Ext. Masonry - Unprotected <input type="checkbox"/> 6. Metal Frame - Unprotected <input type="checkbox"/> 7. Wood Frame - Protected <input checked="" type="checkbox"/> 8. Wood Frame - Unprotected	<b>16. TYPE OF USE (Non-Residential)</b> <input type="checkbox"/> Amusement, Recr. <input type="checkbox"/> Church, Religious <input type="checkbox"/> Industrial <input type="checkbox"/> Parking Garage, Lots <input type="checkbox"/> Service Station, Repair Garage <input type="checkbox"/> Hospital, Inst'l. <input type="checkbox"/> Office, Bank, Prof. <input type="checkbox"/> Stores, Mercantile <input type="checkbox"/> Warehouse <input type="checkbox"/> Restaurant/Tavern <input type="checkbox"/> Educational <input type="checkbox"/> Public Utility <input type="checkbox"/> Other Non-Res. Buildings <input type="checkbox"/> Non-Buildings (Tanks, Swimming Pools, etc.) <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage	<b>17. BRIEFLY DESCRIBE PROJECT:</b> <b>Replace LR Windows</b> <b>NO CHANGES</b>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------

NOTE: Mechanical Supplement sheets provided with this application must be completed and returned to the Inspection Unit by the appropriate Plumbing, HVAC, and Electrical contractors prior to start of work. No inspections will be made until received.

18. ESTIMATED COST:

\$ **1,000**

The applicant agrees to comply with the Wisconsin Uniform Dwelling Code and other Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, on the Department or Municipality; and certifies that information is accurate.

19. SIGNATURE OF APPLICANT **Stephen D. Brown** **10/21/92**

<b>20. FEES</b> Plan Review \$ <input type="checkbox"/> Inspection \$ <b>10</b> S/O \$ <input type="checkbox"/> Erosion \$ <input type="checkbox"/> Wis. Permit Seal \$ <input type="checkbox"/> Parking \$ <input type="checkbox"/> Start Work \$ <input type="checkbox"/> Sewer \$ <input type="checkbox"/> Wrecking \$ <input type="checkbox"/> Tent/Awning \$ <input type="checkbox"/> Other \$ <input type="checkbox"/> TOTAL \$ <b>10</b> Voucher No. <input type="checkbox"/>	<b>21. CONDITIONS OF APPROVAL</b> <b>60-10 DOWNTOWN FIRE</b> <b>ADJ TO LANDMARK</b> <b>HIST DIST.</b> <b>REPAIRING OR REPLACING EXISTING FABRIC WITH</b> <b>NO CHANGES IN APPEARANCE PROVIDED THAT THE</b> <b>EXISTING COMPONENTS WERE LEGALLY INSTALLED</b> <b>OCT 22 1992</b> <b>APPROVALS BY:</b> Zoning <input type="checkbox"/> Yes <input type="checkbox"/> No Architect or Professional Engineer <input type="checkbox"/> Yes <input type="checkbox"/> No State of Wisconsin Plan No. <input type="checkbox"/> <b>23. PERMIT FEES PAID</b> <input checked="" type="checkbox"/> Construction and Other <input type="checkbox"/> HVAC <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Certificate of Occupancy <b>24. PERMIT ISSUED BY</b> NAME <b>MB</b> <b>MIV</b> DATE ISSUED <b>10</b> <b>21</b> <b>92</b> CERT. NO. <input type="checkbox"/>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Department of Planning  
and Development  
Planning Unit

City of  
Madison



November 5, 1992

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
608 266 4635

Mr. Stephen D. Brown  
120 W. Gorham St.  
Madison, WI 53703

Re: 123 W. Gilman Street

Dear Mr. Brown:

At its meeting on November 2, 1992, the Madison Landmarks Commission reviewed, in accordance with the provisions of the Mansion Hill ordinance, your plans for the installation of new windows on the front of your property at 123 W. Gilman Street. The Commission voted to approve the project as being in character with the historic qualities of the neighborhood, with the following conditions:

The new windows will be four casements (fixed or operable as you so choose) the same size as the existing. Windows shall either be true divided light windows or shall have a single pane of glass with exterior applied muntins to resemble the appearance of the existing windows. When you have decided on what type of window you will use, please come for final review and approval.

This letter will serve as your "certificate of appropriateness" for the project. When you apply for a building permit, take this letter with you to the Building Inspection Counter, Department of Planning and Development, Lower Level, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

Please note that failure to comply with the conditions of your approval is subject to a forfeiture of up to \$200 for each day during which a violation of the Landmarks Commission ordinance continues (see Madison General Ordinances Sec. 33.01).

If you have any questions, please call me at 266-6552.

Sincerely yours,

Katherine H. Rankin, Secretary  
Madison Landmarks Commission

KHR:mjt/9

cc: Building Inspection

City of  
MadisonCity of Madison • Wisconsin  
CODE ENFORCEMENT WORKSHEET

HOUSE NUMBER	DIR.	STREET NAME	TYPE
123	W	Gilman	St
NAME OF BUSINESS PERSON TO CONTACT, ETC.			

REMARKS
Systematic Inspection

OWNER
NAME: Stephen D. Brown

ADDRESS, CITY, STATE	ZIP CODE
120 W. Gilman St	

NO. OF UNITS INSPECTED	NOTES
1	House

NO. OF UNITS ACCESS. DISAB.
~

NO. OF DEFECTS ON ORDERS
16

DETERMINATION
<input checked="" type="checkbox"/> ZONING <input type="checkbox"/> SNOW <input type="checkbox"/> ENERGY <input type="checkbox"/> PLUMBING <input type="checkbox"/> HEATING <input checked="" type="checkbox"/> ELECTRICAL <input type="checkbox"/> STRUCTURE <input checked="" type="checkbox"/> PROP. MTC. <input type="checkbox"/> WEEDS <input checked="" type="checkbox"/> SECURITY

1-6 OBSERVED CONDITIONS	
INTERIOR:	EXTERIOR:

OCCUPANCY				NEW CASE NO.
TYPE	OWNER OCC.	NO. UNITS	NO. STALLS	SURFACE
SF	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
UNIT NUMBER	SF			
# OF PEOPLE R or U				
NO. OF BEDROOMS	4			

1-1 COMPLAINT 1-2 FIELD OBSERVATION 1-3 REFERRAL 1-4 PROGRAMMED 1-5 OTHER	2-1 INSPECTION 2-2 RE-INSPECTION 2-3 POTENTIAL RENT ABATEMENT 2-4 POSTED NO OCCUPANCY	3-1 ORDERS 3-2 VERIFY 3-3 EXTENDED VERIFY 3-4 CITATION	4-1 SENT TO C.A. 4-2 H/O FINE 4-3 HEARING 4-4 SUMMONS & COMPLAINT 4-5 C.A. EXTENSION
---------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	--------------------------------------------------------------------------------------------------

CASE NUMBER
95-00942

<input type="checkbox"/> COMPLAINT <input type="checkbox"/> FIELD OBSERVATION <input type="checkbox"/> REFERRAL <input checked="" type="checkbox"/> PROGRAMMED <input type="checkbox"/> OTHER	DATE INITIALS
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------

ACT. CODE	INSP. INITIALS	DATE	OPER. INITIALS
ASSIGN TO:	MO.	DAY	YR.
	Lee	2	13
21	Lee	2	13
23	Lee	2	13
31	Lee	2	13
32	Lee	5	20
22	Lee	5	24
22	Lee	5	24
23	Lee	5	24

INSPECTOR
5/10

5-1 TRIAL 5-2 VERIFY	9-1 DISMISSED - NO VIOLATION 9-2 DISMISSED - OTHER 9-3 COMPLIANCE 9-4 NON COMPLIANCE - HANDSHIP 9-5 NEW CASE 9-6 CLOSED - NO TIME 9-7 FINE PAID
-------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------



ljm

City of Madison

95-00942

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**OFFICIAL NOTICE**

**From:** Inspection Unit  
P.O. Box 2984  
215 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

Page 1

Property Located at: 123 West Gilman StreetOwner: STEPHEN D BROWNAddress: 120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
<p align="center"><b>123 WEST GILMAN STREET</b></p> <p align="center"><b>PROGRAMMED INSPECTION</b></p> <p><b>NOTE:</b> ENCLOSED ARE 2 SEPARATE NOTICES WITH 2 DIFFERENT DUE DATES.</p> <p align="center"><u>Basement</u></p>		
1.	27.05(2)(i) OK 5/24	Secure the 2nd winder tread on the basement stairs.
2.	27.05(2)(i) OK 5/24	Return the smoke detector to working condition.
3.	27.05(2)(g)2 OK 5/24	Remove all the accumulated ash and debris at the base of the chimney. The chimney shall be unobstructed from the top of the chimney to the clean out door. NOV 5/24
4.	27.04(2)(g)* OK 5/24	Install a cover plate on the outlet in the furnace room. NOV 5/24
5.	27.04(2)(d) OK 5/24	Discontinue using the room in the basement as a bedroom. Remove the dresser and closet. Compliance shall be on a continuous basis.
6.	27.05(2)(i)* OK 5/24	Install a handrail on the basement stairs. The handrail shall be installed on the left side as one mounts the stairs at a height of 30 to 34 inches above the nosing of the tread.
7.	27.05(2)(h)5* OK 5/24	Replace the broken vent lock on the side window in the living room
8.	27.05(2)(h)5* OK 5/24	Install vent locks on the windows in the second floor front bedroom.

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4651.

ljm

City of Madison

95-00942

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**OFFICIAL NOTICE**

Page 2

From: Inspection Unit  
P.O. Box 2984  
215 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

Property Located at: 123 West Gilman StreetOwner: STEPHEN D BROWN120 W GORHAM STAddress: MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
9.	27.05(2)(h)4* OKS/24	Replace the broken sash lock on the side window in the second floor front bedroom.
10.	27.05(2)(g)3 OKS/24	Recaulk between the bathtub and flooring.
11.	27.04(2)(g)3* OKS/24	Have a licensed electrical contractor obtain a permit and install an outlet protected by a ground fault circuit interrupter in the bathroom. (The outlet that is there is higher than 72 inches.) Handwritten: Handwritten
12.	27.05(2)(g)1* OKS/24	Repair the bathroom flooring behind the toilet (the flooring is bubbling up).
13.	27.05(2)(h) OKS/24	Return the door latch on the back bedroom entrance door to working condition.
14.	27.05(2)(h)4* OKS/24	Install a sash lock on the side window in the back bedroom.
15.	27.05(2)(h) OKS/24	Replace the cracked back window in the back bedroom.
16.	27.05(2)(h) OKS/24	Install a door closer on the second floor rear storm door.
		<p>This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit will refer the situation to the City Attorney's Office.</p> <p>The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. <u>If you have questions or problems, it is important to contact me before the due date at the number listed below.</u> You should also contact me on or before the due date if you wish to attend the follow up inspection.</p>

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

ljm

City of Madison

95-00942

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

**OFFICIAL NOTICE**

Page 3

From: Inspection Unit  
P.O. Box 2984  
215 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

Property Located at: 123 West Gilman StreetOwner: STEPHEN D BROWN120 W GORHAM STAddress: MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
	NOTE:	<p>Any items on this notice not corrected by the due date may be subject to rent abatement claims. The items marked by the asterisks ( *) are, in this department's judgement, the most likely to actually result in an award. Actual abatement, if applied for, will be determined by a Hearing Examiner.</p> <p>THE APPLICATION FOR AND GRANTING OF AN EXTENSION OF TIME TO COMPLETE REPAIRS WILL NOT STOP THE RENT ABATEMENT PROCESS. ABATEMENT, IF APPLICABLE, WILL BE BASED ON YOUR ORIGINAL DUE DATE.</p>

Please notify the inspector when work is completed.

Telephone: 266-4289

Inspected By: Linda Elmore

On: 2-13-95

Date Issued: 2-17-95

The violations shall be corrected on or before:

May 20, 1995

Code Enforcement Officer:

Linda Elmore

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.





ljm

City of Madison

95-00939

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**OFFICIAL NOTICE**

Page 1

From: Inspection Unit  
P.O. Box 2984  
215 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

Property Located at: 123 West Gilman StreetOwner: STEPHEN D BROWN120 W GORHAM STAddress: MADISON WI 53703

Item No.	Violation Section No.	CORRECTIONS REQUIRED
		<p align="center"><b>123 WEST GILMAN STREET</b></p> <p align="center"><b>PROGRAMMED INSPECTION</b></p> <p>NOTE: ENCLOSED ARE 2 SEPARATE NOTICES WITH 2 DIFFERENT DUE DATES.</p> <p align="center"><b><u>EXTERIOR</u></b></p>
1	27.05(2)(i) OK	Tuckpoint the posts for the back porch. 1008/2
2	27.05(2)(i)* OK	Secure the guardrail system for the rear porch. 1008/2
3	27.05(2)(g)2 OK 9-18	Replace the section of fascia on the left side of the building that has a hole in it. 1008/2
4	27.05(2)(i) KS/2	Tuckpoint the posts for the front porch.
5	27.05(2)(i) OK 8/2	Replace the rotted bases of the columns for the front porch.
6	27.05(2)(g)2 OK 9-18	Tuckpoint the chimney above the roof line wherever the mortar is loose, missing or deteriorated. 1008/2
		<p>This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit will refer the situation to the City Attorney's Office.</p>

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

ljm

City of Madison

95-00939

**Notice:** An inspection discloses that certain sections of the City Ordinances are being violated.

**OFFICIAL NOTICE**

Page 2

**From:** Inspection Unit  
P.O. Box 2984  
215 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

Property Located at: 123 West Gilman StreetOwner: STEPHEN D. BROWN120 W GORHAM STAddress: MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
		<p>The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. <u>If you have questions or problems, it is important to contact me before the due date at the number listed below.</u> You should also contact me on or before the due date if you wish to attend the follow up inspection.</p>

Please notify the inspector when work is completed.

Telephone: 265-4289

Inspected By: Linda Elmore

On: 2-13-95

Date Issued: 2-17-95

The violations shall be corrected on or before:

August 1, 1995

Code Enforcement Officer:

*Linda Elmore*

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

## EXTENSION REQUEST

PROPERTY ADDRESS:

123 W. Gilman St

PROPERTY OWNER OR OPERATOR:

Stephen Brown

OFFICIAL NOTICE NUMBER:

95-00939

I HEREBY REQUEST AN EXTENSION OF THE DUE DATE FOR ITEM NUMBER(S):

3470

ON THE OFFICIAL NOTICE NUMBER INDICATED ABOVE UNTIL:

To be completed by October 1st, 1995

REASON FOR EXTENSION:

Contractor is lined up but needs the extra time

DATE:

8-8-95

SIGNATURE (OWNER/OPERATOR):

Tom D. Wadley

### OWNER/OPERATOR AGREEMENT

Regarding beginning date for rent abatement eligibility for their tenant(s)

By signing below I acknowledge that if the Extension is granted, I am making an agreement that the rent abatement eligibility date at this property shall occur on a date earlier than previously established by the Building Inspection Unit. The date of the reinspection listed below will be the revised rent abatement eligibility date for my tenants.

REINSPECTION DATE:

DATED:

WITNESSED BY:

INSPECTOR:

DATED:

Exl. 04 THA

PROPERTY OWNER OR AGENT AGREES TO THESE TERMS  
BY SIGNING BELOW AND STATES THAT HE/SHE HAS  
AUTHORITY TO MAKE THIS AGREEMENT.

PROPERTY OWNER/AGENT:

Department of Planning & Development  
Inspection Unit

City of  
Madison



August 10, 1995

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
608 266 4551  
FAX 608 266 6377

Stephen D. Brown  
120 W. Gorham Street  
Madison, WI 53703

RE: PREMISES LOCATED AT 123 West Gilman Street  
OFFICIAL NOTICE # 95-00939  
ISSUED ON 2-17-95

Dear Mr. Brown:

Your request for an extension of time to complete the code corrections at the above referenced address has been considered by supervisory staff.

Since there has been substantial progress in getting the violations corrected, an extension is being granted on Item Numbers 3 and 6.

The extended due date for these items is October 1, 1995.

Please contact me, on or before the extended due date, and arrange for a reinspection. The work must be completed by the extended due date in order to avoid legal action. The Inspection Unit cannot consider second extensions.

Yours very truly,

Linda Elmore  
Inspector  
Phone No.: 266-4289



Sims, Sheila

---

From: Sarah Hart [smhart@stevebrownapts.com]  
Sent: Tuesday, May 25, 2010 1:19 PM  
To: Sims, Sheila  
Subject: 123 W Gilman  
Attachments: 123 & 404 gutters & roof (Universal).pdf

Priority: \*\*  
Delay Delivery: 0  
Why Priority: 1:0:0.5;

*123 W. Gilman*  
*Case # CB 2010-039-00019*

Sheila,

I am formally requesting an extensions on item # 26 of the inspection for 123 W Gilman Street. We would rather just replace the entire gutter system rather than just one side in order to get a more long term fix.

We are also looking into possibly replacing the roof at the same time.

Attached is a proposal to replace the gutters, showing a cost of over \$800 just for the gutter replacement. Due to the cost of this project and the fact that we would be going above and beyond what is being asked, I respectfully request an extension to spring of 2011 so that we can properly plan for the replacement.

Please feel free to contact me with any questions. Thank you in advance for your consideration.

Sincerely,

--  
Sarah Hart  
Community Manager  
Steve Brown Apartments  
120 W Gorham Street  
Madison, WI 53703  
PH: 608-255-7100  
F: 608-255-4278  
[www.stevebrownapts.com](http://www.stevebrownapts.com)

-Celebrating 30 Years of Exceptional Housing and Service



Department of Planning & Community & Economic Development  
**Building Inspection Division**

---

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building, Suite LL100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

June 23, 2010

GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

RE: PREMISES LOCATED AT 123 West Gilman Street  
OFFICIAL NOTICE # CB2010-039-00019  
ISSUED ON 3-17-10

Dear Property Owners:

Your request for an extension of time to complete the code corrections at the above referenced address has been considered by supervisory staff.

Since you have decided to do more than the minimum to correct the code violations and your work plan has been approved by the Inspection unit, an extension is being granted on Item Number 26.

The extended due date for this item is June 1, 2011.

Please contact me, on or before the extended due date, and arrange for a reinspection. The work must be completed by the extended due date in order to avoid legal action. The Building Inspection Division cannot consider second extensions.

Sincerely,

Sheila Sims  
Code Enforcement Officer I  
Phone No.: 266-4216

:ljm

From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
<b>PROGRAMMED INSPECTION</b>		
1.	27.05(2)(h)*	Replace the cracked pane in the den.
2.	27.05(2)(h)*	Replace the broken window lock in the den.
3.	27.05(2)(w)* 34.42*	Replace the missing smoke alarm at the kitchen.
4.	27.05(2)(g)1*	Remove all loose plaster or peeling paint on the kitchen ceiling. Properly repair the area. Paint the repaired area. All surface repairs shall be completed to closely match the existing surface color and texture.
5.	27.05(2)(g)3*	Remove the deteriorated caulk and recaulk the joints where the basin meets the wall in the first floor bathroom.
6.	27.05(2)(h)*	Replace the broken second floor rear bedroom window(s).
7.	27.05(2)(h)4*	Install a sash lock on the second floor rear bedroom window(s).

From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

**Notice:** An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
8.	27.05(2)(h)5*	Install a ventilating lock on the second floor rear bedroom. The ventilating lock(s) shall be installed to allow each window to be locked at one (1) to five (5) inches open. Such bolts or locks must be movable to permit the window to be fully opened from inside of the dwelling.
9.	27.05(2)(h)*	Repair the second floor rear bedroom window(s) so that they open and close with reasonable force, stay open without the use of a prop, and lock properly.
10.	27.05(2)(h)*	Repair the second floor rear bedroom window(s) so that they open and close with reasonable force, stay open without the use of a prop, and lock properly.
11.	27.05(2)(w)* 34.42*	Install an approved smoke alarm in the attic.
12.	27.05(2)(g)1*	Remove all bubbling paint on the second floor ceiling. Properly repair the area. Paint the repaired area. All surface repairs shall be completed to closely match the existing surface color and texture.
13.	27.05(2)(g)1*	Take whatever steps necessary to remove the mold and mildew from the second floor bathroom walls. If the paint is stained, it may be necessary to paint with stain-suppressing paint before repainting to cover the stains.
14.	27.05(2)(h)*	Replace the broken window lock in the second floor bathroom.



From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
15.	27.05(2)(g)3*	Remove the deteriorated caulk and recaulk the joints where the basin meets the wall in the second floor bathroom.
16.	27.05(2)(g)3*	Remove the deteriorated caulk and recaulk the joints where the bathtub meets the wall in the second floor bathroom.
17.	27.05(2)(g)1*	Repair the damaged wall in the second floor bathroom. Remove all loose plaster/sheetrock and properly patch all holes. Paint the repaired area. All surface repairs shall be completed to closely match the existing surface color and texture.
18.	27.05(2)(g)1	Finish the wall at the access panel in the second floor bathroom. Properly seal all openings. Paint the repaired area. All surface repairs shall be completed to closely match the existing surface color and texture.
19.	27.05(2)(h)*	Repair or replace the defective window lock(s) in the right bedroom.
20.	27.05(2)(h)*	Repair or replace the defective window lock(s) in the front bedroom.
21.	27.05(2)(h)*	Repair the right bedroom window(s) so that they open and close with reasonable force, stay open without the use of a prop, and lock properly.
22.	27.05(2)(g)1	Repair the loose ceiling molding near the front stairway.

From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
<u>Exterior</u>		
23.	27.05(2)(e)	Scrape and repaint the exterior surfaces of the upper front trim where the existing paint is deteriorated, chipping, cracking, or peeling.
NOTE:		Buildings constructed before 1978 are likely to have paints containing lead. Care must be taken when disturbing lead painted surfaces. For more information on the proper procedures for lead-safe home improvement, please call Public Health for Madison and Dane County at 266-4821. You can view or download a lead-safe home improvement guide from the City website at: <a href="http://www.cityofmadison.com/health/envhealth/pdf_files/LeadGuide.pdf">http://www.cityofmadison.com/health/envhealth/pdf_files/LeadGuide.pdf</a>
24.	27.05(2)(e)	Scrape and repaint the exterior surfaces of the upper and lower shutters where the existing paint is deteriorated, chipping, cracking, or peeling.
NOTE:		Buildings constructed before 1978 are likely to have paints containing lead. Care must be taken when disturbing lead painted surfaces. For more information on the proper procedures for lead-safe home improvement, please call Public Health for Madison and Dane County at 266-4821. You can view or download a lead-safe home improvement guide from the City website at: <a href="http://www.cityofmadison.com/health/envhealth/pdf_files/LeadGuide.pdf">http://www.cityofmadison.com/health/envhealth/pdf_files/LeadGuide.pdf</a>
25.	27.05(2)(e)	Scrape and repaint the exterior surfaces of the first floor rear porch ceiling and railings where the existing paint is deteriorated, chipping, cracking, or peeling.
NOTE:		Buildings constructed before 1978 are likely to have paints containing lead. Care must be taken when disturbing lead painted surfaces. For more information on the proper procedures for lead-safe home improvement, please call Public Health for

From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

Madison and Dane County at 266-4821. You can view or download a lead-safe home improvement guide from the City website at:  
[http://www.cityofmadison.com/health/envhealth/pdf\\_files/LeadGuide.pdf](http://www.cityofmadison.com/health/envhealth/pdf_files/LeadGuide.pdf)

26.	27.05(2)(a) 27.05(2)(l)	Replace the deteriorated left side gutters. Return the gutter system to a working condition.
-----	----------------------------	----------------------------------------------------------------------------------------------

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Building Inspection Division may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Building Inspection Division is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

**NOTE:** Any items on this notice not corrected by the due date may be subject to rent abatement claims. The items marked by the asterisks (\*) are, in this department's judgment, the most likely to actually result in an award. Actual abatement, if applied for, will be determined by a Hearing Examiner.

THE APPLICATION FOR AND GRANTING OF AN EXTENSION OF TIME TO COMPLETE REPAIRS WILL NOT STOP THE RENT ABATEMENT PROCESS. ABATEMENT, IF APPLICABLE, WILL BE BASED ON YOUR ORIGINAL DUE DATE.

From: Building Inspection Division  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 WEST GILMAN STREET

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

\*\*\*\*\*  
**Madison General Ordinances Section 27.09(5)(a) REQUIRES THAT A FEE OF  
\$50.00 BE CHARGED FOR REINSPECTIONS THAT DO NOT RESULT IN A  
COMPLIANCE. ATTEMPTED REINSPECTIONS (NO ENTRY) ARE  
BILLED AT \$35.00 EACH.**  
\*\*\*\*\*

**Please notify the inspector when work is completed.** Telephone: 266-4216  
Inspected by: Sheila Sims On: 3-10-10 Date Issued: 3-17-10  
**The violations shall be corrected on or before:** June 20, 2010.

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Building Inspection Division is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE BUILDING INSPECTION DIRECTOR IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.



City of Madison

DUE DATE

# CODE ENFORCEMENT

REVIEW DATE

02/08/2010

## Worksheet

0709-144-1803-7

123 W Gilman ST Madison, WI 53703		INSP	CASE NBR	CASE TYPE
		Sims, Sheila	CB2010-039-00019	Programmed
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE
h: w:			Inspections 02/08/2010 - Open Status	
REMARKS			SDS - 03/10/2010 - Official Notice SDS - 06/04/2010 - Reinspection DMB - 06/14/2010 - Compliance	
OWNER		ORIGINAL TO:		
GILMAN HOUSE LLC % STEPHEN D BROWN 120 W GORHAM ST MADISON, WI 53703		GILMAN HOUSE LLC % STEPHEN D BROWN 120 W GORHAM ST MADISON, WI 53703		
CC 1:		CC 2:		
NOTES			Workflow 02/08/2010 - Open Status	
06/04/2010 exterior not finished-#23-26. will be requesting extension on #26.			Due Date -	
06/14/2010 not done-#26.				

Printed4/3/2014 8:57:12AM

Madison Fire Department  
Fire Prevention Division

201250007

GCH

Madison Fire Department  
325 W. Johnson Street  
Madison, WI 53703-2285  
(608) 266-4484  
FAX 267-1153**Fire Inspection Referral Notice**

During an inspection of the building listed below, I discovered the following condition(s) to exist which appears to be in violation of the Building Codes. This/These item(s) are referred for your follow-up.

**Building Address:** 123 W Gilman St.**Business Name:** Steve Brown Apartments**Owner/Tenant Address:** Steve Brown 120 W. Gorham St. Madison WI 53703**Owner/Tenant Phone No.** 1-608 255-7100

**Observed Conditions:** I went to the above address, there is someone sleeping in the basement. The boiler room did not have fire doors they were wooden doors. The hot water heater was outside of the boiler room also. The boiler room ceiling rating and wall rating was not maintained. I was also concerned as to the size of the escape window in the basement. The property is a 5 bedroom 2 bath rental property.

- ☒ I would appreciate a Written Response from Building Inspection regarding the above. Thanks!
- ☒ This Referral originates from a firefighter inspection and is forwarded to Building Inspection via the Fire Prevention Div.

**Inspector:** Theresa Peters **Date of Observation:** 9/8/01**Referral Reviewed By:** Cheryl Peters Fire CEO

If you need additional information regarding the above, please contact the fire inspector at 266-4484. We would very much appreciate your prompt assistance and look forward to receiving information regarding your follow-up.



City Of Madison

# Street Occupancy Permit

Permit #

Date

Expiration Date

7/13/05

7/19/05

Street Address of Job Site 121 & 123 WEST GILMANN

Length of Occupancy Requested 100 ft Width of Occupancy Requested 20 ft Number of Days Requested 18

Type of Occupancy Requested ☒ Sidewalk ☒ Street ☐ Terrace Use of Occupancy Concrete Pour

Company Name BACHMAN CONSTRUCTION INC.  
Address 1207 S. STOUT ST. MADISON, WI 53704  
Insurance Company GENERAL CASUALTY  
1/1/06

Yes No

☒ An Alternate Sidewalk is Available For Pedestrians.

☐ Bulk Materials Will Be Placed on The Sidewalk ( Example Sand or Gravel).

☐ Heavy Equipment Will driven over the Curb or Sidewalk.

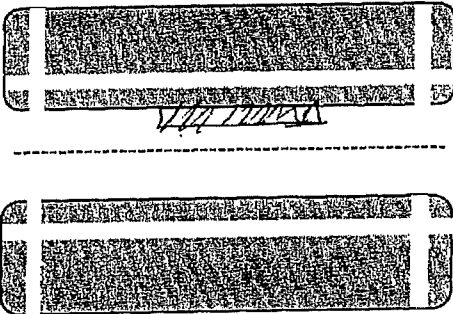
☐ Material will Be Hoisted over Public Sidewalk

☐ Max. Height above Sidewalk work will be Done NA ft

☐ Excavation will take place next to the Street or Sidewalk (depth) NA ft

☐ Will excavation take place within 15' of a terrace tree.

Sketch



## Special Requirement for Occupancy

- ☐ "Sidewalk Closed Use other Side" signs are required at each end of the block.
- ☒ "No Parking Anytime" Signs are required along the occupancy area at the street (3)
- ☐ Parking Meter hoods must be purchased from the Madison Parking Utility for all meters affected by this occupancy.
- ☐ Reflective yellow sheeting or steady burn lights are required on each corner of a dumpster / obstruction that is located in the street.
- ☐ Corner vision Clearances are to be maintained.
- ☐ No Work will be done between the following hours:
- ☐ Illuminated covered walkways are required.
- ☐ Contact The Forestry Dept. prior to excavation. For Required Permits
- ☐ Other:

## General Requirements of and for Street Occupancy

- a. Walking surfaces must be kept clean and smooth
- b. Keep pedestrians protected from construction in your immediate area
- c. Construction Machinery, equipment, and vehicles loading or unloading is permitted
- d. Parking is prohibited within the occupancy.
- e. All signing, barricading and electric arrow boards shall be placed in conformance with the Federal Highway Administrations manual on "Uniform Traffic Control Devices" and City of Madison standards.

## FOR OFFICE USE ONLY

Approval by Traffic Engineering  
By

Approval by Board of Public Works  
By

Issued by Building Inspection  
By FMR

Permit Fee \$ 50

A COPY OF THIS PERMIT MUST BE ON THE JOB SITE AT ALL TIMES

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
<hr/>		
<b>NOTE:</b>		
<b>COMPLAINT INSPECTION</b>		
ENCLOSED ARE 3 SEPARATE NOTICES WITH 3 DIFFERENT DUE DATES.		
<b>INTERMEDIATE TERM NOTICE</b>		
<b><u>Exterior</u></b>		
1.	27.05(2)(h)	In the attic you can see light coming in around the front chimney. Repair the flashing around the chimney.
<hr/>		
2.	27.05(2)(i)*	Replace the missing front porch guardrail (in back of the bench seat).
<hr/>		
3.	27.05(2)(i)*	Repair the rear porch. Replace all rotted and deteriorated wood in the deck and joists at the left rear corner of the porch. Replace all rotted, broken or loose deck boards along the left edge of the porch. Replace any damaged, deteriorated or loose trim boards on the left side of the porch. Repair and secure the guardrail for the porch at the stair.
<hr/>		
4.	27.05(2)(g)2*	Replace the missing siding corner/trim at the stair to the rear porch.
<hr/>		
5.	27.05(2)(g)2	The tenants claim that there are animals in the building. Metal has been installed over the soffit/fascia on the right side of the one story portion of the building and in the right rear corner of the building. There is a hole in the corner of the fascia on the right front corner of the building and a probable hole in the fascia toward the rear on the left side. Remove the metal patches and repair all holes in the soffits/fascia with wood that matches the existing wood.



From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
6.	27.05(2)(g)2	Replace the missing shingles along the front edge of the main roof.
7.	27.05(2)(g)2	Secure the loose trim on the front, one story portion, of the building.
8.	27.05(2)(g)2 27.05(2)(l)	Replace the damaged vent terminator for the first floor bathroom exhaust vent. Properly install the vent and remove the window screen that has been installed around the vent.
9.	27.04(2)(f)*	In the storm window assemblies, replace any missing storm window sashes.
<b><u>Interior</u></b>		
10.	27.05(2)(g)1*	Take whatever steps necessary to remove the mold and mildew from the walls and ceiling of the second floor bathroom. If the paint is stained, repaint the area to match the existing walls/ceiling. Note: It may be necessary to paint the stained areas with stain-suppressing paint before repainting to cover the stains.
11.	27.05(2)(l)	Take whatever steps necessary to correctly install/repair the second floor bathroom exhaust fan. The exhaust fan must be ducted to the exterior of the building.

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
12.	27.05(2)(l) 27.05(2)(j)*	<p>At the time of the inspection there was a small puddle of water on the floor between the toilet and the bathroom entry door. There does not appear to be any leaks in the toilet. The diverter spout for the tub is loose and leaks and the corner of the wall between the toilet and tub appears to be water damaged.</p> <p>Take whatever steps necessary to repair leaks in the diverter spout, shower valves and showerhead. Ensure that the shower works properly when the knob on the diverter spout is raised.</p>
13.	27.05(2)(g)3*	<p>In the second floor bathroom, remove all loose and damaged caulk where the walls meet the bathtub. Secure any loose panels of the shower enclosure. Recaulk the joint so that it is waterproof.</p>
14.	27.05(2)(g)2	<p>In the second floor bathroom repair the wall between the tub and the toilet. Remove all loose or deteriorated plaster and patch all holes. Repaint the repaired area to match the existing walls.</p>
15.	27.05(2)(g)1*	<p>Replace the vinyl floor covering in the second floor bathroom. When it was installed, the floor covering was not cut in straight lines around the tub and door. Near the tub there is close to an inch gap between the edge of the floor covering and the tub. Ensure that the new floor is installed so that it butts up tightly to the tub and walls. Ensure the floor is easily cleanable and eliminate any gaps that would allow the accumulation of objectionable materials.</p>

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
16.	27.05(2)(h)*	In the living room replace the defective window ventilating sash fasteners.
17.	27.04(2)(g)	Remove or properly install the living room ceiling fan.
18.	27.04(2)(g)*	Repair the outlet to the right of the kitchen sink; the top half of the outlet is dead.
19.	27.05(2)(g)4	Properly install the dishwasher. Install the missing trim around the dishwasher.
20.	27.05(2)(h)	Install the missing strike plate for the rear building exit door.
21.	27.05(2)(g)1	In the first floor bathroom, caulk the joint between the wall and the back splash for the sink.
21.	27.05(2)(g)1*	Remove the mold and mildew from the first floor shower.
22.	27.05(2)(i)*	In the rear stair between the first and second floor, replace the broken and cracked stair tread near the bottom of the stair.
23.	27.04(2)(g)	In the basement ceiling, secure the loose conduit (emt) and junction box near the door to the furnace room.

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
24.	27.05(2)(g)1	Remove the mold from the stair to the basement and in the left front corner of the front basement room (as viewed from the street).
25.	28.03(2) 28.08(1)(a)	This is a single-family building. The maximum occupancy for this building in is a family and four roomers (5 unrelated persons). Reduce the occupancy of the building to not more than a family and four roomers. The Inspection Unit may be willing to consider extending this item until the end of the semester or the end of the lease; give me a call on this item.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

NOTE: Any items on this notice not corrected by the due date may be subject to rent abatement claims. The items marked by the asterisks (\*) are, in this department's judgment, the most likely to actually result in an award. Actual abatement, if applied for, will be determined by a Hearing Examiner.

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

THE APPLICATION FOR AND GRANTING OF AN EXTENSION OF TIME TO  
COMPLETE REPAIRS WILL NOT STOP THE RENT ABATEMENT PROCESS.  
ABATEMENT, IF APPLICABLE, WILL BE BASED ON YOUR ORIGINAL DUE  
DATE.

\*\*\*\*\*

**MGO 27.09(5)(a) REQUIRES THAT A FEE OF \$50.00 BE CHARGED FOR  
ALL REINSPECTIONS IN EXCESS OF ONE. ATTEMPTED  
REINSPECTIONS (NO ENTRY) ARE BILLED AT \$35.00 EACH.**

\*\*\*\*\*

**Please notify the inspector when work is completed.**

Inspected by: Tom Adamowicz

On: 10-15-02

Telephone: 266-6503

Date Issued: 10-17-02

**The violations shall be corrected on or before:**

November 30, 2002

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.



# City of Madison

## CODE ENFORCEMENT

### Worksheet

DUE DATE

11/30/02

NEW DUE DATE

06/10/03

0709-144-1803-7

123 W Gilman St		INSP.	CASE NBR.	CASE TYPE	
		THA	202284016	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
JOSH ORTON			GCH	10/11/02	FIRST ENTRY
h: 345-8511			tHa	10/14/02	INSPECTION
w: 255-6758			tHa	10/16/02	ORDER TYPING
REMARKS			tHa	10/16/02	COPY NEW CASE
MOLD IN APARTMENT			tHa	10/16/02	COPY NEW CASE
			tHa	10/16/02	COPY NEW CASE
			tHa	10/16/02	COPY NEW CASE
			tHa	10/17/02	INSPECTION
			SLB	10/18/02	ISSUED ABATEMENT
OWNER			tHa	12/05/02	RE-INSPECTION
GILMAN HOUSE LLC			tHa	01/23/03	RE-INSPECTION
% STEPHEN D BROWN			SLB	01/30/03	EXTENDED
120 W GORHAM ST			tHa	06/17/03	RE-INSPECTION FEE
MADISON, WI 53703			tHa	06/25/03	RE-INSPECTION
			tHa	06/25/03	COMPLIANCE
Original To: GILMAN HOUSE LLC % STEPHEN D BROWN 120 W GORHAM ST MADISON, WI 53703					
CC:					
CC:					
CC:					
NOTES					
06/17/03 Item #5 not done, hole still in right front					

N 194224

WISCONSIN UNIFORM MUNICIPAL  
COURT CITATION AND COMPLAINT☐ Juvenile\*Deposit Permitted  
\$100.00☐ Cash  
☐ Card

(For Court Use only)

## You Are Notified To Appear

Is this a mandatory appearance? ☐ yes ☒ no  
(Read the reverse side of this citation for court information.)

Date 12-04-02

Time 8:30 ☒ AM ☐ PM

City of Madison Municipal Court

Rm 201 210 Martin Luther King

Madison WI 53709

Defendant Name - Last

Gilman House LLC c/o Stephen Brown

Street Address

120 W. Gorham St

Post Office

Madison

State

WI

Zip Code

53703

Driver License Number or Other I.D. (specify)

State

Exp. Yr.

Date of Birth

Sex

Race

Height

Weight

Hair

Eyes

License Plate Number

Plate Type

State

Exp. Yr.

Plaintiff: ☒ City ☐ Village ☐ Town

OF: Madison

Defendant Violated:

Ordinance No.

27.06(4)

Adopting  
State  
Statute No.

Description of Violation

Using basement as habitable space (as a bedroom) without inspection unit approval

Week Day

Month - Day - Year

Time

☒ AM ☐ PM

At:

123 W. Gilman St

County:

Dane

Name &amp; Address of Parent/Guardian/Legal Custodian (if minor defendant)

Mailed to Reg Agent

Stephen Brown

120 W. Gilman St

Case # 202-289008

Citation Served:

☐ Personally☒ Mailed to defendant's last known address☐ Left with person residing at defendant's residence: Name

Department

I.D. No.

Date Citation Issued

Telephone Number of Parent/Guardian/Legal Custodian

Print Officer Name

Thomas Adamowicz

BI

571

10-16-02

MC-2000, 10/01

COURT COPY

## AGENCY RECORD

Date of Disposition

FINDING:

☐ Guilty☐ Dismissed☐ Default☐ Forfeiture☐ Not Guilty☐ No Contest☐ Other Disposition:

Court Officer

Comments

Incident Report

On February 17, 1995 an Official Notice was issued

that asked, in part, this owner to discontinue using the

basement room as a bedroom. The notice warned that

compliance must be on a continuous basis. On January

22, 2002 this building was inspected after a Fire

Department referral for sleeping in the basement. No

sleeping in the basement was observed at that time, but

the Official Notice (#201250007) that was issued at

that time for other items warned this owner that the

basement could not be used as habitable space. On

October 15, 2002, this building was inspected after a

complaint from a tenant. The front basement room was

being used as a bedroom (There was a person sleeping

in a large bed in this room). The use of the basement

as habitable space has never been

approved by the inspection unit.

***BUILDING INSPECTION UNIT  
PENALTY ACTION REVIEW***

**Case No.** 202289008

**Inspector:** Thomas Adamowicz

**Date:** 10/17/02

**Supervisor:** George Hank

**City Attorney Referral** ☐ **Citation** ☒

**Property located at:** 123 W Gilman St

**Preferred Party** Gilman House LLC  
**For Action:** c/o Stephen D Brown

**Tenant:** ☐

**Owner:** ☒

**Operator:** ☐

**Address:** 120 W Gorham St

**Telephone:** 255-7100

**Telephone:**

**Photos Taken:** **Yes** ☐ **No** ☒

**Total No. of Units in Building** 1

**Check if Exterior Only** ☐

**Building Owner Occupied** ☐

**Rental** ☒

**Commercial** ☐

**Vacant** ☐

**Comments; Hazards, Unusual or Significant Conditions:** Basement being used as a bedroom

**Initial Inspection:** 10/15/02

**Original Due Date:**

**Extension(s):**

**Reinspections:**

**Activities:** On February 17, 1995, Linda Elmore issued Official Notice #95-00942. It asked the owner, among other things, to discontinue sleeping in the basement. The Notice warned that compliance must be on a continuous basis.

On January 22, 2002 this building was inspected after a referral from the Fire Department about sleeping in the basement. While I did not observe sleeping in the basement at that time, I issued Official Notice #201250007. The notice asked the owner to repair some smoke detectors and warned him that the basement was not to be used for habitable purposes.

On October 15, 2002, I inspected this building as a result of a tenant complaint. During this inspection I found the front room of the basement is being used as a bedroom. I also observed a desk and computer in the basement in the area between the furnace room and the front room to the basement.

This is a continuing violation. Stephen Brown or the Gilman House LLC (registered agent is Stephen Brown) have owned this unit since before the Linda Elmore notice in 1995.

OK for citation. George Hank

(Please sign as you pass this file)

**Supervisor** \_\_\_\_\_

**Date** \_\_\_\_\_

**Clerk Typist** \_\_\_\_\_

**Date** \_\_\_\_\_





City of Madison

# CODE ENFORCEMENT

## Worksheet

DUE DATE

11/03/02

NEW DUE DATE

11/03/02

0709-144-1803-7

123 W Gilman St		INSP.	CASE NBR.	CASE TYPE	
		THA	202289008	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
JOSH ORTON			GCH	10/11/02	FIRST ENTRY
h: 345-8511			tHa	10/15/02	SPLIT FROM 202284016
w: 255-6758			tHa	10/16/02	ORDER TYPING
REMARKS			PLK	10/25/02	CITATION
sleeping in basement			tHa	12/03/02	RE-INSPECTION
			tHa	12/03/02	COMPLIANCE
			OWNER		
			GILMAN HOUSE LLC		
% STEPHEN D BROWN			h:		
120 W GORHAM ST			w:		
MADISON, WI 53703			Original To:		
CC:			GILMAN HOUSE LLC		
CC:			% STEPHEN D BROWN		
CC:			120 W GORHAM ST MADISON, WI 53703		
NOTES			CC:		

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman St

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

NOTE: **COMPLAINT INSPECTION**  
ENCLOSED ARE 3 SEPARATE NOTICES WITH 3 DIFFERENT DUE DATES.  
**SHORTER TERM NOTICE**

**Interior**

- |    |              |                                                                                                                                                                                                                      |
|----|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 27.05(2)(h)  | Secure/ properly install the front attic window.                                                                                                                                                                     |
| 2. | 27.04(2)(g)* | In the second floor right front bedroom replace the broken outlet and coverplate.                                                                                                                                    |
| 3. | 27.05(2)(w)  | Return the smoke detector in the dining room to an operable condition.                                                                                                                                               |
| 4. | 27.05(2)(h)* | Repair the first floor bedroom window so that it opens and closes with reasonable force and stays open without the use of a prop. Ensure that the bottom sash closes fully and that the meeting rails meet properly. |
| 5. | 27.05(2)(l)* | Repair the refrigerator on the outside wall of the kitchen. Install the missing door handle and repair or replace the door gasket so that it seals properly.                                                         |
| 6. | 27.05(2)(l)* | Repair the refrigerator on the front wall of the kitchen. Repair or replace the door gasket so that it seals properly.                                                                                               |
| 7. | 27.04(2)(g)* | Replace the broken cover plate for the kitchen light switch.                                                                                                                                                         |

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman St

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
8.	27.04(2)(g)*	Replace the missing coverplate in the first floor bathroom.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

NOTE: Any items on this notice not corrected by the due date may be subject to rent abatement claims. The items marked by the asterisks (\*) are, in this department's judgment, the most likely to actually result in an award. Actual abatement, if applied for, will be determined by a Hearing Examiner.

THE APPLICATION FOR AND GRANTING OF AN EXTENSION OF TIME TO COMPLETE REPAIRS WILL NOT STOP THE RENT ABATEMENT PROCESS. ABATEMENT, IF APPLICABLE, WILL BE BASED ON YOUR ORIGINAL DUE DATE.

\*\*\*\*\*

**MGO 27.09(5)(a) REQUIRES THAT A FEE OF \$50.00 BE CHARGED FOR ALL REINSPECTIONS IN EXCESS OF ONE. ATTEMPTED REINSPECTIONS (NO ENTRY) ARE BILLED AT \$35.00 EACH.**

\*\*\*\*\*

**Please notify the inspector when work is completed.** Telephone: 266-6503  
Inspected by: Tom Adamowicz On: 10-15-02 Date Issued: 10-17-02  
**The violations shall be corrected on or before:** October 27, 2002

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.



## City of Madison

**CODE ENFORCEMENT****Worksheet**

DUE DATE

**10/27/02**

NEW DUE DATE

**10/27/02**

0709-144-1803-7

<b>123 W Gilman St</b>		INSP.	CASE NBR.	CASE TYPE	
		THA	202289009	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
JOSH ORTON				10/11/02	FIRST ENTRY
h: 345-8511			tHa	10/15/02	SPLIT FROM 202284016
w: 255-6758			tHa	10/16/02	ORDER TYPING
REMARKS			SLB	10/18/02	ISSUED ABATEMENT
short term repairs; refrigerators and outlets etc			tHa	10/30/02	RE-INSPECTION
			tHa	10/30/02	COMPLIANCE
OWNER					
GILMAN HOUSE LLC			h:		
% STEPHEN D BROWN			w:		
120 W GORHAM ST					
MADISON, WI 53703					
Original To:					
GILMAN HOUSE LLC					
% STEPHEN D BROWN					
120 W GORHAM ST MADISON, WI 53703					
CC:					
CC:					
CC:					
NOTES					

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

**NOTE:**

**COMPLAINT INSPECTION**  
ENCLOSED ARE 3 SEPARATE NOTICES WITH 3 DIFFERENT DUE DATES.  
**LONGER TERM NOTICE**

1. 27.05(2)(e) Paint the exterior wood surfaces of the building wherever the existing paint is chipping, peeling or deteriorated. This includes, but is not limited to the ceiling of the rear porch, the porch decks, the soffits and fascia and the window and door trim.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

\*\*\*\*\*

**MGO 27.09(5)(a) REQUIRES THAT A FEE OF \$50.00 BE CHARGED FOR  
ALL REINSPECTIONS IN EXCESS OF ONE. ATTEMPTED  
REINSPECTIONS (NO ENTRY) ARE BILLED AT \$35.00 EACH.**

\*\*\*\*\*

**Please notify the inspector when work is completed.** Telephone: 266-6503  
Inspected by: Tom Adamowicz On: 10-15-02 Date Issued: 10-17-02  
The violations shall be corrected on or before: June 15, 2003

Code Enforcement Officer: \_\_\_\_\_

**Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.**



# City of Madison

## CODE ENFORCEMENT

### Worksheet

DUE DATE

06/15/03

NEW DUE DATE

06/15/03

0709-144-1803-7

123 W Gilman St		INSP.	CASE NBR.	CASE TYPE	
		THA	202289010	COMPLAINT	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
JOSH ORTON			GCH	10/11/02	FIRST ENTRY
h: 345-8511			tHa	10/15/02	SPLIT FROM 202284016
w: 255-6758			tHa	10/16/02	ORDER TYPING
REMARKS			SLB	10/18/02	ISSUED
exterior paint, long term notice			tHa	06/17/03	RE-INSPECTION
			tHa	06/25/03	RE-INSPECTION
			tHa	06/25/03	COMPLIANCE
OWNER					
GILMAN HOUSE LLC			h:		
% STEPHEN D BROWN			w:		
120 W GORHAM ST					
MADISON, WI 53703					
Original To:					
GILMAN HOUSE LLC					
% STEPHEN D BROWN					
120 W GORHAM ST MADISON, WI 53703					
CC:					
CC:					
CC:					
NOTES					
06/17/03 nothing done					
06/25/03 Did exactly what I told them to paint over the phone on					
6/19. I told them wrong. some peeling paint remains					

b dele-2013-06012

APPLICANT (Last Name, First Name)		Certificate of Electrical Inspection	
Steve Brown Prop		7-1-13	
SERVICE ADDRESS	UTILITY		
123 W. Colman St	Am	11612	
PERMIT NO.	ELECTRICAL CONTRACTOR		
	W. H. H. H. H.	31-0036-1-13	

This is to certify that final service inspection was made at the above service address and connection of the service is authorized.

☐ Overhead

☒ Underground

- |                |                                        |                             |
|----------------|----------------------------------------|-----------------------------|
| New Service    | <input type="checkbox"/> 1Ø            | <input type="checkbox"/> 3Ø |
| New Meter      | <input type="checkbox"/> 1Ø            | <input type="checkbox"/> 3Ø |
| New Meter      | <input type="checkbox"/> SC            | <input type="checkbox"/> TT |
| Change Service | <input checked="" type="checkbox"/> 1Ø | <input type="checkbox"/> 3Ø |
| Change Meter   | <input checked="" type="checkbox"/> 1Ø | <input type="checkbox"/> 3Ø |
| Change Meter   | <input checked="" type="checkbox"/> SC | <input type="checkbox"/> TT |

REMARKS	INSPECTOR FOR	
	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> TOWNSHIP
	<input type="checkbox"/> VILLAGE	
	OF: 11612	
	INSPECTOR'S SIGNATURE	DATE
	<i>C. H. H. H.</i>	7-1-13

Distribution: White - Electrical Inspector Yellow & Pink - Utility



# City of Madison

## ELECTRICAL

### Permit

**Inspector Assigned**

Dan Christoph  
608-266-4565

DChristoph@cityofmadison.com

Property located at: <b>123 W GILMAN ST</b>	Permit date: <b>06/03/2013</b>	Permit number: <b>BLDELE-2013-06012</b>
Owner name <b>GILMAN HOUSE LLC</b>	Owner mailing address <b>120 W GORHAM ST MADISON, WI 53703</b>	

Contractor Name: <b>WESTPHAL &amp; COMPANY, INC.</b>	License holder number <b>LME10740-01</b>
Contractor Mailing address <b>PO BOX 7428 MADISON, WI 537077428</b>	Phone <b>(608) 222-0105</b>

This permit is issued for execution of the work indicated. It is hereby agreed that all work will be installed in accordance with all City of Madison Ordinances and department rules relating to such work.

TYPE OF BUILDING: **1 & 2 FAMILY**  
PROJECT DESC: **SERVICE UPGRADE FROM OVERHEAD TO UNDERGROUND SERVICE**  
NATURE OF JOB: **REPLACEMENT**

#### EXISTING BUILDING

(Number of Openings Added) (Includes: Convenience Outlets, Switches, Fixture, Fixed Appliances, etc.)

Minimum fee \$10.00

\$2.00 per opening for the first 20 openings, plus

\$1.50 per opening for the additional 21-40 openings, plus

\$1.00 per opening for the additional 41-99 openings, plus

\$0.50 per opening for all openings over 100.

#### **FEES:**

Item Description	Units	Fee
Number of Openings Added or Moved	1	15.00
Service Entrance	1	30.00

**TOTAL INSPECTION FEES: 45**



<b>CITY OF MADISON BUILDING INSPECTION</b> 215 Martin Luther King Jr. Boulevard P.O. Box 2984 Madison, WI 53701-2984		<b>Madison Uniform Building Permit Application</b>		Permit No. <b>BLDRPR-2011-06653</b>	
				Parcel No. <b>070914418037</b>	
<b>PROJECT LOCATION</b> <b>Construction</b>					
Building Address <b>123 W GILMAN ST</b>			Phone	Lot No. <b>0</b>	Block No.
Zoning District <b>HIS-MH R6H</b>	Lot Area <b>4,356 SF</b>	Subdivision <b>ORIGINAL PLAT, BLK 62, SW 1/2 OF LOT 6.</b>			
<b>PERMIT REQUESTED</b>					
Contractor's Name <b>UNIVERSAL ROOFING CO INC</b>		Mailing Address <b>2887 HWY MN STOUGHTON, WI 53589</b>		Phone <b>(608) 838-2528</b>	Project Owner
Owner's Name <b>GILMAN HOUSE LLC</b>		Mailing Address <b>120 W GORHAM ST MADISON, WI 53703</b>		Phone  Fax	Building Inspector Assigned <b>Roger Schrader 608-266-4553 RSchrader@cityofmadison.com</b>
<b>PROJECT</b>					
tear off and reroof					
USE	PROPERTY USE			CONST. TYPE	
<b>Residential</b>					
CONST. CLASS		FOUNDATION	STORIES	USE (Res.)	UNITS Added or Deleted
REA	ELECTRICAL				
sq. ft.	Entrance Panel Size:		Service:		
BRIEFLY DESCRIBE PROJECT:					
tear off and reroof					
NOTE: Mechanical Supplement sheets provided with this application must be completed and returned to the Inspection Unit by the appropriate Plumbing, HVAC, and Electrical contractors prior to start of work. No inspection will be made until received.				ESTIMATED COST:	
				<b>\$8,300.00</b>	
<b>FEES</b>					
Existing Building Alterations and Repairs Inspection Fee					90.00
<b>Total</b>					<b>90.00</b>
STATE SEAL NO.			CONDITIONS OF APPROVAL This permit is issued to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.		
			PERMIT ISSUED BY:	DATE:	ZONING APPROVAL:
			Mike VanErem	06/14/2011	N/A

# 123

CITY OF MADISON

## BUILDING PERMIT

### NOTICE OF NON-COMPLIANCE

This issuing jurisdiction shall notify the applicant in writing of any violations to be corrected. All cited violations shall be corrected within 30 days after notification, unless extension of time is granted.

This permit card must be displayed in a conspicuous location unobstructed from public view.

**SITE ADDR.**

123 W GILMAN ST

**PROJECT**

tear off and reroof

BLDRPR-2011-06653

**OWNER**

GILMAN HOUSE LLC

**ISSUED BY**

Mike VanErem

**DATE**

06/14/2011

INSPECTION OFFICE:

**266-4551**

**INSPECTOR**

Roger Schrader

608-266-4553

## City of Madison



# SAVE

## Owner Permit Help Sheet

**Location:** 123 W Gilman ST  
Madison, WI 53703

Dear Homeowner:

You have now completed the first phase of your project by obtaining a permit. The next phase is the inspection/construction phase. All projects require inspections during construction. If you have a specific question or wish to call for an inspection, please call the appropriate inspector listed below between 7:30 and 9:00 am.

### REQUIRED INSPECTIONS (DON'T COVER IT BEFORE IT CAN BE INSPECTED!)

#### ***Building Inspections***

New building or addition

1. Footing
2. Framing (after plumbing, heating, and electric runs are made but before anything is covered up)
3. Insulation (includes installed vapor retarder)
4. Final

Alterations

1. Framing
2. Final

#### ***Mechanical Inspections***

1. Trench depth (for exterior trenches)
2. Rough (electrical, plumbing, and/or heating runs made without fixtures or devices connected)
3. Final (with devices connected)

#### ***Inspectors***

<b>Building</b>	<b>Plumbing</b>
Name: Roger Schrader Phone: 608-266-4553	Name: James Wolf Phone: 608-266-4561
<b>Heating</b>	<b>Electrical</b>
Name: James Wolf Phone: 608-266-4561	Name: Dan Christoph Phone: 608-266-4565

Please note that building permits issued for One and Two Family Dwellings expire 24 months after the date issued



Department of Planning & Development  
**Inspection Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TDD 608 266 4747  
FAX 608 266 6377  
PH 608 266 4551

January 31, 2003

GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

RE: PREMISES LOCATED AT 123 West Gilman Street  
OFFICIAL NOTICE # 202284016  
ISSUED ON 10-17-02

Dear Property Owners:

Your request for an extension of time to complete the code corrections at the above referenced address has been considered by supervisory staff.

Since there has been substantial progress in getting the violations corrected, an extension is being granted on Item Numbers 5, 6, and 7.

These items shall be corrected and approved no later than June 10, 2003.

You must contact me, on or before the extended due date, and arrange for a reinspection. If you fail to complete the work by the extended due date, this case will be promptly forwarded to the City Attorney for appropriate legal action pursuant to the directions of the City Council.

Yours very truly,

Thomas Adamowicz  
Inspector  
Phone No.: 266-6503



# City of Madison

## CODE ENFORCEMENT

### Worksheet

DUE DATE

**02/10/02**

NEW DUE DATE

**02/10/02**

0709-144-1803-7

<b>123 W Gilman St</b>		INSP.	CASE NBR.	CASE TYPE	
		THA	201250007	REFERRAL	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
<div>h:</div> <div>w:</div>			GCH	09/07/01	FIRST ENTRY
REMARKS			tHa	11/06/01	INSPECTION
BASEMENT BEDROOM, CHECK WINDOW SIZE. CHECK FIRE ENCLOSURE OF BOILER ROOM. SEE ATTACHED REFERRAL.			tHa	01/22/02	INSPECTION
			tHa	01/24/02	ORDER TYPING
			SLB	01/28/02	ISSUED
			tHa	02/13/02	RE-INSPECTION
			tHa	02/13/02	COMPLIANCE
OWNER					
GILMAN HOUSE LLC % STEPHEN D BROWN 120 W GORHAM ST MADISON, WI 53703					
Original To: GILMAN HOUSE LLC % STEPHEN D BROWN 120 W GORHAM ST MADISON, WI 53703 CC:					
CC:					
CC:					
NOTES					

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item  
No.      Violating  
            Section No.

CORRECTIONS REQUIRED

**REFERRAL INSPECTION**

**NOTE:**

This inspection was conducted as a result of a Fire Department referral for sleeping in the basement and for lack of isolation of the boiler room and water heater. The Fire Department was also concerned about the size of the "escape" window. Building Inspection records indicate that this is a four-bedroom house that can be occupied by not more than 5 unrelated persons. Sleeping has been ordered out of the basement in the past.

On my inspection of January 18, 2002, I found three bedrooms on second floor (one was vacant) and one bedroom on first floor; there was no evidence of sleeping in the basement. This building is a single-family dwelling and the flame burning appliances do not need to be isolated.

Building Inspection records do not show any approval for the habitable use of the basement. The basement may not be used for habitable purposes. In order to use this space as a habitable space, you must first obtain a building permit and zoning approval. To obtain approval, you would need to resolve at least these issues: inadequate headroom for the basement stairs, inadequate headroom in the basement. You may have to deal with issues like inadequate light or ventilation and with egress windows and areaways.

The following violation was noted:

1. 27.05(2)(w) Return all smoke detectors to an operable condition.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

From: Inspection Unit  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
123 West Gilman Street

**OWNER:**  
GILMAN HOUSE LLC  
C/O STEPHEN D BROWN  
120 W GORHAM ST  
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
-------------	--------------------------	----------------------

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below. You should also contact me on or before the due date if you wish to attend the follow-up inspection.

\*\*\*\*\*

**MGO 27.09(5)(a) REQUIRES THAT A FEE OF \$35.00 BE CHARGED FOR  
ALL REINSPECTIONS IN EXCESS OF ONE. ATTEMPTED  
REINSPECTIONS (NO ENTRY) ARE BILLED AT \$25.00 EACH.**

\*\*\*\*\*

**Please notify the inspector when work is completed.** Telephone: 266-6503  
Inspected by: Thomas Adamowicz On: 1-22-02 Date Issued: 1-25-02  
**The violations shall be corrected on or before:** February 10, 2002

Code Enforcement Officer: \_\_\_\_\_

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

## PLANNING DIVISION STAFF REPORT

November 25, 2013

PREPARED FOR THE LANDMARKS COMMISSION



**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

### Summary

**Applicant/Property Owner:** Dan Seeley

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

The Landmarks Commission shall also act on the request for a Certificate of Appropriateness for the following items related to Legistar #32076 as discussed in a separate staff report:

- Removal/relocation (demolition) of structure located at 123 West Gilman (see Legistar #32076)
- New development in historic district at 113 West Gorham (relocation site) (see Legistar #32076)

**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 facade(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 facade(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 facade 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 facades 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.

### Certificate of Appropriateness for Demolition of structure at 121 W Gilman

The building at 121 W Gilman was constructed in a style and for a purpose that marks a specific period of development in the City. The building was constructed in 1967 before the creation of the Landmarks Ordinance and the Mansion Hill historic district and does not relate to the significant architecture otherwise found throughout the district.

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

- a. The building is not of architectural or historic significance
- b. The building does not contribute to the architectural or historic character of the district
- c. The demolition would not be contrary to the purpose and intent of this Ordinance or the objectives of the preservation plan for the district
- d. The building is not of such old and unusual or uncommon design
- e. Retention of the building will not promote the general welfare of the public
- f. The building is not in deteriorated condition and a hardship is not being claimed
- g. The new structure proposed for this site may meet zoning code requirements, but it does not meet the Landmarks Ordinance. Further analysis of the new development proposal is found below.

Because the Ordinance allows the Commission to give decisive weight to any or all of the demolition standards, staff suggests that the Commission weigh standards a. through f. under this Certificate of Appropriateness and consider the appropriateness of the new development on the site under a different Certificate of Appropriateness (discussed in this staff report).

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

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 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, but was rented until 1997 and has recently been used for storage.

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

- a. The building is of architectural and historic significance. The building is a vernacular structure in that it represents the stratification of the social classes – it 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 loss of this structure will diminish the number of structures in this area that communicate this historical record.
- b. The building does contribute to the architectural and historic character of the district. The building is a vernacular structure that was built in an early development period of Madison. The architecture is consistent with the period of development significance and is compatible with other buildings of the same period of development which creates an architectural character. With other buildings in the district, this building conveys cultural and social significance as an example of a mid-size residence built in an early development period of the City by an owner with ample means. The loss of this structure will diminish the number of structures that communicate this overall character.
- c. The demolition would 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 Preservation Plan calls for the preservation and enhancement of the architectural character of the Mansion Hill neighborhood. The loss of this building would be contrary to the intent of the Ordinance and the objectives of the Preservation Plan. 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 and historical significance of the city. When considering demolition and new construction in a historic district the bar for architecture is extremely high. Buildings constructed in this time should become future landmarks that interpret the evolution of the city.
- d. The building is not of such old and unusual or uncommon design, but it is an original vernacular structure. The structure could be reconstructed, but the integrity of the original construction methods and materials would be lost.
- e. Retention of the building will promote the general welfare of the public. The general welfare of the public is promoted by the retention of the City's cultural resources and historic identity.
- f. The building is in deteriorated condition and a hardship is being claimed. While the property had already suffered damage by fire and foundation issues before being acquired by Steve Brown Apartments, the building was not repaired to rectify the issues and has deteriorated further. 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.
- g. The new structure proposed for this site may meet zoning code requirements, but it does not meet the Landmarks Ordinance. Further analysis of the new development proposal is found below.

Staff has requested that the project team investigate the relocation of this building. The maintenance and repair of buildings in the historic district is a priority for the City of Madison. To respond to this request, the project team has submitted numerous condition and structural reports which describe the condition of the structure.

Because the Ordinance allows the Commission to give decisive weight to any or all of the demolition standards, staff suggests that the Commission weigh standards a. through f. under this Certificate of Appropriateness and

consider the appropriateness of the new development on the site under a different Certificate of Appropriateness.

Certificate of Appropriateness for new development on W Gilman

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



Bing maps aerial view

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

1. Based on the provided submission materials, staff cannot conclude that the gross volume of the proposed buildings are visually compatible with the buildings and environment with which they are visually related. 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 void of any pitched roofs, projecting bays and porches, and lower story additions which results in a visual incompatibility with the majority of the buildings in the VRA that do possess these features. The majority of the buildings in the VRA were originally constructed as single family residences and have a residential scale and residential features that provide a different environment than the proposed buildings which are being constructed as larger scale multi-family residential buildings.

The Landmarks Ordinance does not specifically define what does or does not constitute a compatible volume by definition. The volume of the proposed structure is larger than other structures in the VRA. The form is consistent with the other flat roofed structure in the VRA (and the additional one just outside the VRA) on the same block as the proposed structures. The Landmarks Commission should determine what constitutes a compatible building volume for new construction in the VRA and whether the flat roof design is sufficiently consistent.

2. Staff cannot conclude that the proportions between the width and the height of the street facades are visually compatible with the buildings and the environment with which they are visually related. The height of each story is taller than the relative heights of the adjacent buildings. However, due to the taller stories, transom windows have been added to the proposed buildings to increase the overall size of the window openings and reduce the amount of wall brick which generally helps the proportional relationships. In addition, architectural details like stone banding, masonry soldier courses, and changes in material treatments have been included to break up the elevations which helps the proportion.

The "traditional" design of the proposed buildings to look like circa 1900s brownstones has been discussed in numerous staff and project team meetings. The buildings as currently designed are not historically appropriate. Given the design preference of staff and the owner to have a traditionally styled building, staff suggests that the design be changed to incorporate an historically appropriate traditional style and that the project team provide visual examples of the desired style.

3. The proportions and relationships between width and height of the doors and windows in the street facades 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. As described above, due to the taller stories, transom windows have been added to the proposed buildings to increase the overall size of the window openings. As an example, the treatment of the transom and lower windows are historically inappropriate. In traditional architectural styles, the glass proportion is based on a proportion of 8 wide:10 high which directly corresponds to the fabrication size of early glass. The glass size shown in the submission drawings is square and in some cases is rectangular on the horizontal. While the transoms have continuous mullions that relate to the windows, in an historically appropriate application, the transom muntins shall align with the window muntins below. The pairing of the windows does not allow for the muntins to align. Staff has many concerns about the appropriate treatment of the windows and doors as currently submitted and encourages the project team to provide visual examples of the desired style.
4. The rhythm of solids to voids created by openings in the facade 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 blank wall areas of the side elevations should be redesigned to incorporate windows.
5. The proposed street facades (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 is carried over and reflected in the proposed buildings. However, the use of stone on the base of the proposed buildings is not successful and does not help the design achieve the appropriate expression. The same is true for the change from stone to siding on the rear portions of the buildings. Staff strongly suggests that the inappropriate details be removed from the design and that the buildings have four elevations of brick.

Land division/combination in historic district advisory recommendation
------------------------------------------------------------------------

Due to nonconformance with the building and zoning codes, the project cannot be constructed as proposed with one parking structure accessing three separate buildings on three separate lots. To comply with the building and zoning codes, the project team 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 the underground parking structure and this project is approved, staff can support the lot combination since the lot size does not translate into a large building.

**New development adjacent to landmark site at 120 W Gorham advisory recommendation**

The building at 120 West Gorham was constructed in 1907 in the Prairie Style for Addie and Frank Wootton. It was later the residence of Daniel Mead who was a UW professor of engineering and a world-famous designer of dams and hydroelectric power plants. After 1948, the residence was purchased by Sigma Nu fraternity which remained in the building until the 1960s.

The proposed buildings meet the rear yard setback (30') and are being realized as numerous smaller buildings instead of one large building; therefore, staff believes the proposed buildings are not so large and visually intrusive and do not adversely affect the historic character and integrity of the adjacent landmark.

**Recommendation**

Each Certificate of Appropriateness and advisory recommendation will be discussed separately in this section.

**Certificate of Appropriateness for Demolition of structure at 121 W Gilman**

Staff believes that the standards for granting the Certificate of Appropriateness for the demolition of the building at 121 W Gilman may be met and recommends approval by the Landmarks Commission.

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

Staff believes that the standards for granting the Certificate of Appropriateness for the demolition of the building at 127 W Gilman are not met and recommends that the Landmarks Commission deny the request. Staff also suggests that the Landmarks Commission discuss the relocation of the structure.

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

Because the gross volume of the new buildings has a questionable relationship to the VRA and because the design is not appropriate, Staff believes the standards for granting a Certificate of Appropriateness for the new development are not met and recommends that the Landmarks Commission refer the request at this time so that the project team can continue to work with staff to develop a project that meets the Ordinance. Staff suggests that the Landmarks Commission discuss the attributes of the project and provide the project team with design direction that would be appropriate in the Mansion Hill historic district.

**Land division/combination in historic district advisory recommendation**

Information will be submitted for this recommendation in the future. Staff recommends that the Landmarks Commission refer this review and recommendation to a future meeting.

**New development adjacent to landmark site at 120 W Gorham advisory recommendation**

Staff concludes that the proposed buildings are not so large and visually intrusive and do not adversely affect the historic character and integrity of the adjacent landmark and that the Landmarks Commission should provide a similar recommendation to the Plan Commission.

## PLANNING DIVISION STAFF REPORT

January 6, 2014

PREPARED FOR THE LANDMARKS COMMISSION



**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

### Summary

**Applicant/Property Owner:** Dan Seeley

**Requested Action/Proposal Summary:** This development proposal requires multiple actions from the Landmarks Commission. The Landmarks Commission reviewed this proposal on November 25, 2013 and numerous items were referred at that time.

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)

The Landmarks Commission shall also act on the request for a Certificate of Appropriateness for the following items related to Legistar #32076 as discussed in a separate staff report:

- Removal/relocation (demolition) of structure located at 123 West Gilman (see Legistar #32076)
- New development in historic district at 113 West Gorham (relocation site)(see Legistar #32076)(Certificate of Appropriateness approved 11/25/13)

**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 facade(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 facade(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 facade 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 facades 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 that were previously approved have been removed from this report.

<b>Certificate of Appropriateness for Demolition of structure at 127 W Gilman</b>
-----------------------------------------------------------------------------------

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 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, but was rented until 1997 and has recently been used for storage.

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

- a. The building is of architectural and historic significance. The building is a vernacular structure in that it represents the stratification of the social classes – it 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 loss of this structure will diminish the number of structures in this area that communicate this historical record.
- b. The building does contribute to the architectural and historic character of the district. The building is a vernacular structure that was built in an early development period of Madison. The architecture is consistent with the period of development significance and is compatible with other buildings of the same period of development which creates an architectural character. With other buildings in the district, this building conveys cultural and social significance as an example of a mid-size residence built

- in an early development period of the City by an owner with ample means. The loss of this structure will diminish the number of structures that communicate this overall character.
- c. The demolition would 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 Preservation Plan calls for the preservation and enhancement of the architectural character of the Mansion Hill neighborhood. The loss of this building would be contrary to the intent of the Ordinance and the objectives of the Preservation Plan. 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 and historical significance of the city. When considering demolition and new construction in a historic district the bar for architecture is extremely high. Buildings constructed in this time should become future landmarks that interpret the evolution of the city.
  - d. The building is not of such old and unusual or uncommon design, but it is an original vernacular structure. The structure could be reconstructed, but the integrity of the original construction methods and materials would be lost.
  - e. Retention of the building will promote the general welfare of the public. The general welfare of the public is promoted by the retention of the City's cultural resources and historic identity.
  - f. The building is in deteriorated condition and a hardship is being claimed. While the property had already suffered damage by fire and foundation issues before being acquired by Steve Brown Apartments, the building was not repaired to rectify the issues and has deteriorated further. 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.
  - g. The new structure proposed for this site may meet zoning code requirements, but it does not meet the Landmarks Ordinance. Further analysis of the new development proposal is found below.

Staff has requested that the project team investigate the relocation of this building. The maintenance and repair of buildings in the historic district is a priority for the City of Madison. To respond to this request, the project team has submitted numerous condition and structural reports which describe the condition of the structure.

Because the Ordinance allows the Commission to give decisive weight to any or all of the demolition standards, staff suggests that the Commission weigh standards a. through f. under this Certificate of Appropriateness and consider the appropriateness of the new development on the site under a different Certificate of Appropriateness.

Certificate of Appropriateness for new development on W Gilman
----------------------------------------------------------------

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



Bing maps aerial view

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

1. Based on the provided submission materials, staff cannot conclude that the gross volume of the proposed buildings are visually compatible with the buildings and environment with which they are visually related. 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 void of any pitched roofs, projecting bays and porches, and lower story additions which results in a visual incompatibility with the majority of the buildings in the VRA that do possess these features. The majority of the buildings in the VRA were originally constructed as single family residences and have a residential scale and residential features that provide a different environment than the proposed buildings which are being constructed as larger scale multi-family residential buildings.

The Landmarks Ordinance does not specifically define what does or does not constitute a compatible volume by definition. The volume of the proposed structure is larger than other structures in the VRA. The form is consistent with the other flat roofed structure in the VRA (and the additional one just outside the VRA) on the same block as the proposed structures. The Landmarks Commission should determine what constitutes a compatible building volume for new construction in the VRA.

2. 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. However, staff cannot conclude that the proportions between the width and the height of the street facades are visually compatible with the buildings and the environment with which they are visually related. The Landmarks Ordinance does not specifically define what does or does not constitute a visual compatibility by definition.

The project team met with staff after the November 25 Landmarks Commission meeting to discuss the "traditional" design of the proposed buildings and the project team made several revisions. Staff suggests that the design continue to be revised to incorporate more historically appropriate elements to achieve a visual compatibility that is mathematically and aesthetically successful.

3. The proportions and relationships between width and height of the doors and windows in the street facades 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.

The project team revised the windows to have a more appropriate proportion and the muntins were removed. The project team previously explained that the sliding doors shown in the elevation drawings would be changed to swinging single leaf French doors with possible adjacent sidelight or fixed door panel.

4. The rhythm of solids to voids created by openings in the facade 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 blank wall areas of the side elevations should be redesigned to incorporate windows or visual interest.
5. The proposed street facades (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 is 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, but do not show how the proposed buildings relate to the adjacent vernacular single family residential building type. The submission materials do not note the proposed material shown on the lower levels of the middle building. While the Ordinance specifically addresses the street façade, the proposed buildings should have an appropriate appearance on all four sides to fit harmoniously within an existing context. The use of siding on the sides and rear of the building does not help the design achieve the appropriate expression. Staff strongly suggests that the buildings have four elevations of brick.

#### Land division/combination in historic district advisory recommendation

Due to nonconformance with the building and zoning codes, the project cannot be constructed as proposed with one parking structure accessing three separate buildings on three separate lots. To comply with the building and zoning codes, the project team 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 the underground parking structure and this project is approved, staff can support the lot combination since the lot size does not translate into a 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

Staff believes that the standards for granting the Certificate of Appropriateness for the demolition of the building at 127 W Gilman are not met and recommends that the Landmarks Commission deny the request. Staff also suggests that the Landmarks Commission discuss the relocation of the structure.

Certificate of Appropriateness for new development in historic district

Because the gross volume of the new buildings has a questionable relationship to the VRA and because the design is not appropriate, Staff believes the standards for granting a Certificate of Appropriateness for the new development are not met and recommends that the Landmarks Commission refer the request at this time so that the project team can continue to work with staff to develop a project that meets the Ordinance. Staff suggests that the Landmarks Commission discuss the attributes of the project and provide the project team with design direction that would be appropriate in the Mansion Hill historic district.

Land division/combination in historic district advisory recommendation

Information will be submitted for this recommendation in the future. Staff recommends that the Landmarks Commission refer this review and recommendation to a future meeting.

## PLANNING DIVISION STAFF REPORT

February 17, 2014 version 2

PREPARED FOR THE LANDMARKS COMMISSION



**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.

<b>Certificate of Appropriateness for Demolition of structure at 127 W Gilman</b>
-----------------------------------------------------------------------------------

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 it 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.

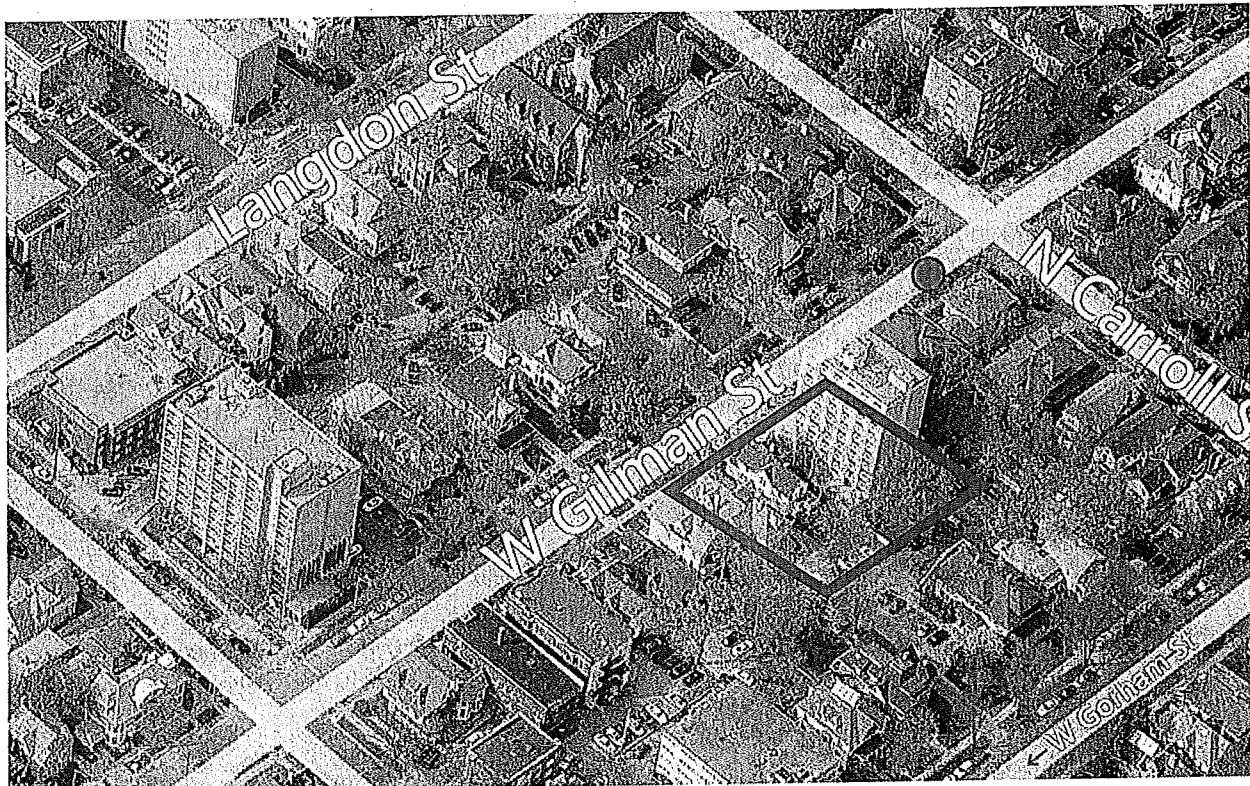
During discussions at previous Landmarks Commission meetings, the Commission has explained that the Ordinance language is interpreted such that if the building is structurally or economically infeasible to restore/repair and the current owner holds some responsibility in the failure to maintain the building 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
------------------------------------------------------------------------

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
------------------------------------------------------------------------

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.

Dear Colleagues,

At our April 8 Council meeting we will be considering two appeals in District 2 related to a project proposal in the Mansion Hill Historic District. The first appeal is of the Landmarks Commission's unanimous decision not to grant a certificate of appropriateness for new construction due to the proposal being incompatible with the buildings in the "visually related area". The second appeal is the result of the Landmarks Commission not having taken action on two requested demolitions. I ask that you vote in both cases to deny the requested "Certificate of Appropriateness". In a reference binder I have provided some resource material including applicable ordinances, Downtown Plan excerpts, the various applicant submittals etc. This binder will be in your alder mailbox by the end of the day Friday, April 4.

### **Context**

The Mansion Hill Local Historic District was designated in 1975 and was the first local historic district designated Madison. Since then four more local historic districts have been designated. **The five local historic districts make up less than 1% of City of Madison land.** Much has been made by some people of the limited number of new developments within the Mansion Hill Historic District since it was designated as a local historic district. That makes sense, since as most of you are aware, the point of a historic district is to preserve the historic streetscape to provide a visual connection to our past. The most successful historic districts retain the historic buildings within their boundaries. Historic *districts* are not about just the large mansions, or places where famous people lived, or buildings built by a famous architect. Rather the importance and significance of historic *districts* is to include intact streetscapes, including smaller, less grand structures where people of more modest means lived. This maintains the context of all buildings in the district and allows it to be a viable livable neighborhood not simply a museum for a few mansions. Several locations for possible infill development in the Mansion Hill Historic District were identified in the draft Mansion Hill Neighborhood Plan. A good example of an adaptive reuse and addition is the Quisling clinic on the corner of Gorham and Wisconsin Avenue.

### **Interplay of zoning and landmarks ordinance**

While some may like to choose the ordinances they wish to follow, we are obligated to abide by all of our ordinances. While adhering to the zoning code in an historic district is certainly required it is not the only ordinance which must be followed related to land use. A developer must also adhere to the landmarks ordinance. This requirement has been clearly articulated by our city attorney. The zoning code language is clear: **"Where the conditions imposed by any provision of this [zoning] ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail unless an exception to this is specifically noted."** (28.004(2))

## Standards for New Structures in the Mansion Hill Historic District

### *Subjective?*

The Landmarks Commission determined that the proposed three new structures do not comply with the criteria for new development in the Mansion Hill Historic District. The ordinance requirement is that: **"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)."** (Ordinance 33.19 (10) (e) 1.) Some have challenged this as being subjective. While this requirement is not formulaic, it is data driven and is interpreted based on the professional judgment of our appointed Landmarks Commission members. The appointed Landmarks Commission, in making this decision, has the benefit of more quantifiable information than does our Plan Commission when making a decision about a conditional use and weighing whether "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

Consideration was also given to the street scape and how the proposed new buildings fit in with the surrounding buildings in the visually related area. It is because of the judgments which must be made that we appoint commission members with the experience and knowledge and judgment to make determinations based on the prescribed standards. **The vote of the Landmarks Commission that the proposed new buildings are not compatible in the location in which they are being proposed was unanimous.**

### *Size matters*

In regard to data related to the gross volume<sup>1</sup> of the proposed new structures, ***each of building is approximately 5 times the volume of the average of the other buildings in the visually related area (200 foot circle around the project). Each of them is nearly the size of the Highlander***, the large apartment building proposed to be demolished.

The developer in a January 20, 2014 letter talked about buildings in the Mansion Hill Historic District that are larger than their next-door neighbors. They did not talk about the *average* of the volume of the buildings in the area, as the Landmarks Commission was viewing the issue; they simply made a comparison to the building immediately next door. Not only that, two of the large structures they referenced, like the Highlander, were built prior to the landmarks ordinance being passed and were among the reasons for passing the landmarks ordinance. The two examples they cite which actually are within the visually related area are only about two times the average volume of the other buildings within the visually related area...not 5 times larger as are each of the proposed buildings. In addition, the westernmost apartment tower is over 10 times the volume of its immediate next-door

---

<sup>1</sup> Please note that the developer indicates they have used AIA Document D101 for their calculations of volume. This does not include "utility chases" and eaves, for example, while it does include finished covered areas such as open porches multiplied by an area factor of 0.50.



neighbor. Also, the proposed new buildings are 8 to 10 feet from their neighbors while one of the pairs they cite to try to support the size of their proposed buildings, has 40 feet between the comparator buildings and is more than 40 and 30 feet respectively from the sidewalk (as compared to 15 feet for each of the proposed new buildings).

As noted in the staff report the developers made changes on the front of the buildings for their February submittal "in an effort to achieve visual compatibility with other buildings in the VRA." This effort, while appreciated, was insufficient to comply with the landmarks ordinance. **As a matter of fact, despite the urgings of the Landmarks Commission to reduce the size of the buildings, they got bigger from their December submission (206,205 cu. ft. per a January 20, 2014 letter from Dan Seeley) to their February submission (an average of 248,698 cu. ft. per February 17, 2014 testimony by SBA). That's a 21% increase in size...when the Landmarks Commission had made it clear that smaller buildings were required to be appropriate in the historic district.**

The developer accomplished this *growth* (rather than reduction) in the size of the buildings by a quirk in the interpretation of the rear yard setback. That interpretation measures the rear yard setback from the property line furthest from the front property line. To grow the buildings, the developer is proposing to annex 10 feet of land on the rear of the property for approximately 1/3 of the rear property line. This meant he was able to grow the buildings by 10 feet. As a result two of the buildings are only 20 feet from the rear property line rather than the 30 feet one might expect when reading the zoning code...which requires a 30 foot rear yard setback.

**The three new structures should not be approved because:**

*These extremely large buildings are out-of-scale with the buildings in the visually related area in this historic district. The Landmarks Commission got it right. The proposed buildings do not comply with the landmarks ordinance requirements.*

### **Demolition request**

The point of a local historic district is to retain buildings that contribute to the historic fabric of the district.

Any requested demolition in a Madison local historic district must have a Certificate of Appropriateness. Since the Landmarks Commission did not act on the requested demolitions, those requested demolitions were deemed not approved and have come to the Council on appeal.

The demolition standards are found in ordinance 33.19 (5) (c) 3. The ordinance requires that each standard be considered in making a determination on whether to approve demolition. One or more standard may be given decisive weight.

The applicant has contended that the building located at 127 W. Gilman is in "such a deteriorated condition that it is not...economically feasible to preserve or restore it" which can be a reason for

approving a demolition under 33.19(5) (c) 3. f. However the ordinance provision goes on to say that "any failure to maintain the property...cannot qualify as a basis for the issuance of a Certificate of Appropriateness."

The applicant purchased 127 W. Gilman in 1994. In 1995 there was a city of Madison building inspection of the property which noted 46 items that needed attention, several of which were in the basement. All the problems noted in this building inspection were satisfied. In 2002 there was another city of Madison inspection of the building. This inspection was of the exterior only. Six problems were noted. All were satisfied. SBA rented out 127 W. Gilman for approximately 8 years until 2002.

**In 2002 SBA stopped renting the building. It deteriorated rapidly from that point. Kyle Bunnow, Housing Inspection and Property Maintenance Supervisor for the City of Madison, at the February 17, 2014 Landmarks Commission meeting stated: "I would put the majority of the damage [to 127 West Gilman] in the last 19 years." He also stated: "If you repaired whatever deficiencies were there in '94 and continued maintenance I feel very strongly that it would be in a livable state."**

In 2011 there was a city inspection of 127 West Gilman St. SBA did not make the required repairs because of their goal to demolish this building. **In July 2013 the case was referred to the city attorney. The building inspector indicated on the "Penalty Action Review" form that: "The building is located in a historic district so demolition may not be possible and it appears that the owner attempting to allow the building erode through neglect and plans on using deteriorated conditions as justification and support for demolition at future date."**

A similar case was a carriage house at 124 E Gorham Street in the Mansion Hill Historic District which was allowed to deteriorate by its owner. In 2001 the Landmarks Commission turned down a request for a Certificate of Appropriateness to simply demolish that building based on its deteriorated condition. Instead the Landmarks Commission required that the carriage house be rebuilt as a matter of good public policy and in compliance with the landmarks ordinance. That was done by the owner.

SBA is a sophisticated property owner/manager/landlord. They are aware, or certainly should be aware, of their obligation under ordinance 33.19(8), to maintain their property. This ordinance reads: **"Every person in charge of an improvement on a landmark site or in an Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair."**

**The demolition should not be approved given:**

**1) The ordinance subsection which notes that "any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness" (33.19(5)(c)3.b.), and**

2) The fact that this building is a contributing structure to the historic district. See (33.19(5)(c)3.b.) which says to consider "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", and

3) Given that there is not a proposed new structure which "is compatible with the buildings and environment of the district in which the subject property is located". (33.19(5)(c)3.g.)

### **Condo quality assertion**

While having high quality development everywhere in our city is an important goal, "condo quality" is not a standard under the zoning code or landmarks ordinance. There has been quite a discussion recently about condo owners' expectations in regard to light and air and separation between buildings. Marina condo owners made it clear they felt 29 feet between buildings was inadequate. Weston Place condo owners are indicating 49 feet between their building and the proposed apartment is inadequate. The distance between the three SBA proposed buildings is 10 feet. The distance between the existing houses on either side of the three proposed new SBA buildings is approximately 8 feet.

### **Downtown Plan**

The Downtown Plan strongly supports retention and maintenance of our historic places. There are numerous objectives and recommendations related to rehabilitating "existing housing stock" in the Mansion Hill Historic District, ensuring "that new development is compatible with the historic context in scale and design", etc. Attached are some excerpts from the Downtown Plan. The actual pages from the plan itself are in the reference binder I have provided for each of you.

A recommendation in the Downtown Plan which is being claimed by the developer to apply to this development proposal does not apply. While the Highlander is an "out-of-context" building (which is why the landmarks commission approved it for demolition), **the Highlander is not a "zero lot line" residential building.** As a matter of fact the Highlander is about 19 feet from the lot line on one side and about 35 feet on the other.

### **Meaning of "The Mansion Hill Historic District Preservation Plan and Development Handbook"**

"The Mansion Hill Historic District Preservation Plan and Development Handbook" does not have the weight of an ordinance per the city attorney since the landmarks ordinance does not specifically "adopt" or "incorporate by reference" the plan.

However some portions of the document are included verbatim in the ordinance. This includes the statement: "The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related." (p. 19) **"The Mansion Hill Historic District Preservation Plan and Development Handbook" contains illustrations (p. 19-20) to accompany this statement.**

According to the city attorney these illustrations can be used to help interpret the meaning of this ordinance language. The illustrations make the "gross volume" language less subjective.

In contrast to the concept of gross volume which is *incorporated* into the ordinance, the concept of core and buffer discussed in the handbook is conspicuously absent in the ordinance. In **"The Mansion Hill Historic District Preservation Plan and Development Handbook"** the concept of core and buffer is a descriptive construct to illustrate how the Mansion Hill area evolved but it was not incorporated in the ordinance. The concept of core and buffer is clearly not intended to be used in a manner which would jeopardize buildings in the buffer area. The document on page 10 says about the buffer area: "The boundaries of the Mansion Hill Historic District have been extended beyond the core area to include this historically mixed residential area since many of its occupants had blood, business, governmental and/or academic ties with people living in the core area, and since many handsome, though generally less grand, structures still exist in the buffer zone." In addition on page 16 it says "in order to preserve the **structures themselves** [emphasis added] and the remaining vistas to the core area and in anticipation of efforts to replace this housing stock and to obstruct vistas by new high-rise high density development, the buffer zones have been included in the district."

And indeed, the Mansion Hill Local Historic District map which was adopted as the boundaries of the district does not distinguish between the core and the buffer areas. The buffer area was included as a full-fledged part of the historic district. Both the core and the buffer area carry the same weight and the same protections in our law.

### **Appeal ordinance**

*Must preclude any and all reasonable use*

The Council must find that "failure to grant the Certificate of Appropriateness will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Landmark Commission's decision."

The Highlander at 121 W. Gilman is currently being rented and although it is not high end luxury apartments it can contribute to the much needed more affordable housing in the downtown. Given Madison's desire to be identified as a green sustainable community, it seems inconsistent to throw away a masonry four sided brick structure. And given recent local and national trends for micro apartments, these units could be refreshed for a new generation.

The middle house, at 123 W. Gilman (proposed for relocation to W Gorham St.), is also currently being rented.

127 W. Gilman, the house that has been sorely neglected, had a recent "no contingencies" offer at the assessed value. Clearly rejection of a certificate of appropriateness for the proposed new structures

and rejection of a certificate of appropriateness for demolition would not "preclude any and all reasonable use of the property".

*Serious hardship that is not self-caused*

It is hard to anticipate a claim of "serious hardship" in being turned down for a certificate of appropriateness that would not be related to the self-caused condition of 127 W. Gilman.

*Balancing test*

**In regard to "balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes", the city has designated the Mansion Hill Historic District and four other local historic districts which include less than 1% of the city's land because it is "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 ..."**

**(33.19(1))** Among the specific intents of the landmarks ordinance are that it should:

- (a) "Effect and accomplish the protection, enhancement and perpetuation... 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."

Historic districts are a connection to our history, our predecessors and the stories that tell us how Madison became the city we all enjoy. The landmarks ordinance and the landmarks commission are the means by which we accomplish the protection of the small segments of our city which have been designated as local historic districts.

**Please protect this historic district by upholding the decision of the Landmarks Commission in which they fairly applied the Landmarks Ordinance to this proposal. Please vote against reversing or modifying the Landmarks Commission's decisions. This is important not just to District 2 but is indeed important to our city as a whole.**

Sincerely,



Ledell Zellers  
Alder, District 2

## **Downtown Plan: Madison, Wisconsin**

Adopted July 2012

*Excerpts related to historic districts/neighborhoods*

### **KEY 3: ENSURE A QUALITY URBAN ENVIRONMENT**

p.36

#### **Building Heights**

The Maximum Building Heights Map illustrates the maximum height of the tallest building within each colored area, and does not illustrate the more subtle height limits that may result from the protection of specific view corridors, building street setbacks, upper story building setbacks, desired variety in building heights, or landmark or historic district designations.

### **KEY 4: MAINTAIN STRONG NEIGHBORHOODS AND DISTRICTS**

p. 55

#### **Mansion Hill**

...possesses a rich architectural heritage as reflected by inclusion of most of the neighborhood in local and National Register Historic Districts.

Objective 4.10: Mansion Hill's historic character is a major asset and establishing a "complete historic district experience" of restored buildings, distinctive streetscape amenities and a limited amount of new residential development that preserves and reflects these historic attributes should be pursued. The large historic homes provide a diversity of housing opportunities. Encourage sustainable rehabilitation of existing housing stock and period architecture and owner occupancy.

Recommendation 98: Rehabilitate existing housing stock while encouraging selective infill.

Recommendation 99: Prepare a plan for the Mansion Hill Neighborhood, including recommendations to preserve the character of Mansion Hill historic district and ensure that new development is compatible with the historic context in scale and design.

### **KEY 7: BUILD ON HISTORIC RESOURCES**

p. 85-86

Downtown is home to the majority of the city's historic resources. These resources include dramatic structures that are iconic within the community and smaller collections of historic houses but all contribute to the uniqueness of Downtown.

...

It has long been the City's policy to protect its historic resources. Tools currently available to

preserve them include both regulatory measures through the Landmarks Ordinance, and financial incentives through the National Register of Historic Places designation. Of these, the Landmarks Ordinance is the one that the City relies on most heavily.

...

The maintenance of historic properties, especially rental properties, is an ongoing issue. ... There is a perception that some landlords simply seek to make the most of their investment by spending only what is necessary to meet minimum housing codes. Still others purchase properties speculating that they will one day be able to redevelop them and in the meantime properties fall into disrepair leading to a de-facto "demolition by neglect."

Objective 7.1: Preserve historic building and groupings of buildings that contribute to the essential character of Downtown and its neighborhoods.

Recommendation 182: Review and if necessary, revise the requirement of the Mansion Hill and First Settlement Local Historic Districts to better reflect their uniqueness, protect contributing structures, and identify opportunities for compatible new development that would strengthen these historic districts for the long term.

#### **KEY 9: BECOME A MODEL OF SUSTAINABILITY**

p. 100

This Downtown Plan advances the goal of sustainability and includes recommendations that provide for a mix of uses in higher density developments, a variety and mix of housing types, preservation of existing structures...