



**Project Name & Address:** 711-719 Jenifer  
**Application Type(s):** Certificate of Appropriateness for land division in a historic district (PUBLIC HEARING)  
**Legistar File ID #** 43525  
**Prepared By:** Amy L. Scanlon, Preservation Planner  
**Date Prepared:** September 13, 2016

**Background Information**

**Project Applicant/Contact:** Paul Spetz, Isthmus Surveying  
**Parcel Location/Information:** The property is located on Jenifer Street in the Third Lake Ridge historic district  
**Relevant Ordinance Sections:**

- 41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS.** A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.
- (4) Land Divisions and Combinations. The commission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

**Analysis and Conclusion**

The Landmarks Commission reviewed the land division request at their meeting of August 22, 2016. After public testimony and review of the Ordinance standards, the Commission referred their action on the land division request to a future meeting. The referral was made to allow the property owner time to revise the request so that the residential property could maintain access to the lake and therefore also maintain the historic patterning of lots on the south side of Jenifer Street in the historic district.

The Elks intend to divide their existing lot to make two lots. One lot would contain all of the improvements related to the Elk's Lodge and the other lot would contain the historic residence. The Elks revised the lot being created for the historic residence so that it has a portion that extends to the lake. The property line was drawn to allow exterior improvements of the Elks Lodge to remain in place. This configuration is similar to other adjacent residential lots and maintains the patterning of lots on the south side of Jenifer Street in the historic district.



Third Lake Ridge historic district map showing the approximate location of the proposed property line at 719 Jenifer related to the existing context of lot size patterns.

**Recommendation**

Staff believes that the standards for granting a Certificate of Appropriateness for the land division are met and recommends that the Landmarks Commission approve the Certificate of Appropriateness.

**AGENDA # 1**

City of Madison, Wisconsin

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REPORT OF: LANDMARKS COMMISSION	<b>PRESENTED:</b> September 19 <sup>th</sup> , 2016
TITLE: 711-719 Jenifer St Third Lake Ridge Historic District Land Division of Property 6 <sup>th</sup> Ald. Dist. Contact: Pault Spetz, Isthmus Surveying LLC	<b>REFERRED:</b> <b>REREFERRED:</b>  <b>REPORTED BACK:</b>
AUTHOR: Amy Scanlon, Secretary	<b>ADOPTED:</b> <b>POF:</b>
DATED: September 19 <sup>th</sup> , 2016	<b>ID NUMBER:</b> 43525

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Members present were: Stuart Levitan, Chair; Anna V. Andrzejewski, Vice Chair; Lon Hill, Erica Gehrig, David WJ McLean, and Marsha A. Rummel. One Commission seat is currently vacant.

**SUMMARY:**

Levitan opened the public hearing.

Dave Johnson, registering in support and available to answer questions. Johnson explained that the proposed land division has been revised to accommodate the request of the Landmarks Commission and that the Elks would prefer to divide the property as previously proposed. Johnson explained that the current proposal was suggested by Planning.

Levitan asked how the current proposal came to be this configuration. Johnson explained that Planning would not allow a panhandle and that the property line is set back 5 feet from the existing stair. Levitan asked if the proposed property line could be parallel with the northern lot line.

Tim Parks, Planning Division was in attendance and available to answer questions.

Levitan asked Parks to describe the subdivision regulations. Parks explained that the subdivision regulations are not nuanced or considered interpretable. He explained that the subdivision regulations allow the creation of rectangular lots or require special conditions when being reviewed by the Plan Commission. Parks explained that the proposed property line placement is one way to address the issues. He explained that the proposed property lines seem to address building codes and zoning set back requirements. Levitan asked for clarification on the placement of the lot line around the stair. Parks drew on the whiteboard to illustrate the 5 foot set back around the stair and the options that could be proposed. Parks explained that lake frontage is not a Plan Commission concern.

Rummel asked Parks for clarification on the creation of two lots and how this will affect the future development of this site. Parks explained that there are three underlying platted lot lines that the Elks Lodge is currently built over. He explained that while the Elks are dividing the lot for the residential

structure, it makes sense to create a Certified Survey Map (CSM) to create two lots. One lot will be for the residential building and the other lot will be comprised of underlying lots 1, 2, 3 and part of 4.

Parks explained that recording utility easements on CSMs is easier when the lots are rectangular.

He also explained that obtaining a Certificate of Appropriateness from the Landmarks Commission is one requirement of many toward approval of this land division and recording of the CSM.

Dick Wagner, registering in support and wishing to speak. Wagner explained that this is an example where a modern zoning code requirement to create a rectangular lot does not fit a historic context of oddly shaped narrow lots. He explained that the current proposal allows lake access and that a 5 foot wide lake access is better than no lake access. Wagner explained that the proposed lot maintains the historic pattern.

Lindsey Lee, registering in support and wishing to speak. Lee explained that he is a neighbor and a member of the Elks. He explained that the smaller lot will cost less to purchase and will allow a smaller historic building form to remain on the site. He explained that providing lake access will create a more expensive site and the taxes will be high. The small footprint of the existing house will not justify the large tax bill and may cause the property owner to want to create a larger building on the site. Lee explained that the larger lot will change the historic character of the house. Lee also explained that if the originally proposed rectangular lot were approved, nothing would be developed behind the house at 719 Jenifer which would block the view of the lake.

Gehrig asked Lee if he felt an addition to the existing house would be appropriate. Lee explained that he would not be supportive of addition an addition to this house since an addition would negatively affect its simple modest form.

Levitan explained that there are written statements from the Mollenhoffs and MNA at each Commissioner's seat for their review.

Levitan closed the public hearing.

Rummel explained that she appreciates the compromise of the current proposal.

Hill explained that he thinks the Elks did their part to show adequate historic pattern.

There was general discussion about the shape of the lot and the review by the Plan Commission. Parks explained that the unique lot configuration will require Plan Commission review. Levitan explained that numerous agencies have independent review standards that must be met and that one agency does not trump another. Parks explained that the current proposal shows one way to divide the lot.

McLean explained that the 5 foot lake access is a minimum and that a wider frontage would be approved by the Landmarks Commission. There was general discussion about more lake frontage being better and that the current proposal of five feet is a minimum.

**ACTION:**

A motion was made by Rummel, seconded by Andrzejewski, to approve the Certificate of Appropriateness for the land division as currently proposed because it maintains the historic lot pattern of the historic district and to note that the proposed 5 foot width of lake access is a minimum width that the Commission would consider. The motion passed on a voice vote.

**Parks, Timothy**

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**From:** Rummel, Marsha  
**Sent:** Saturday, November 12, 2016 9:27 AM  
**To:** Parks, Timothy  
**Subject:** Support 711 & 719 Jenifer lot division

Tim Parks and Plan Commission members-

I support the lot division. I've worked with the Elks Club through my position on the Landmarks Commission to encourage the applicant to craft a lot division that upholds the Third Lake Historic District standards to maintain the general lot size pattern of the block. In this case, that means that 719 Jenifer should maintain lake access, since all other lots on the south side of the block have access. The Elks Club revised their proposal after listening to LC concerns, I appreciate their response.

The historic pattern on this block exhibits variation in size so while the proposed frontage for 719 Jenifer is very narrow at 5', it satisfies the intent of the ordinance. It is not ideal but it is compatible with the standards. The proposed configuration permits the Elks Club to maintain access to the stairs and other improvements on the east side of the property which was important to them.

Some of the public testimony at LC raised the question of affordability of the modestly sized Vogel house if the lot size were to include lake frontage but that consideration was not in the purview of the Landmarks Commission.

Thank you for your consideration-

Marsha