

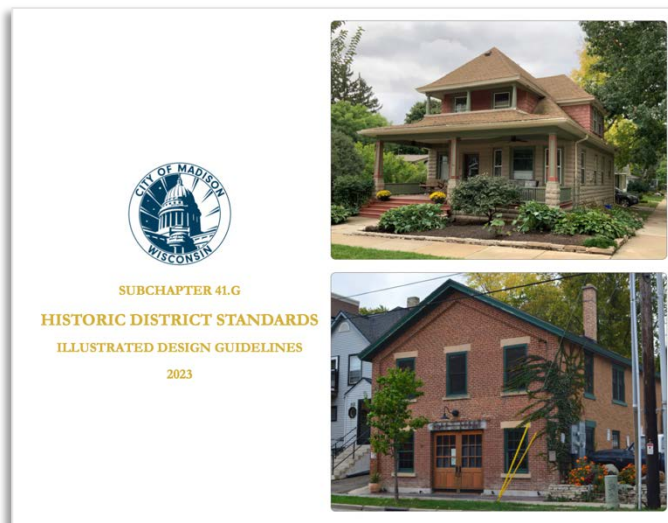


Advocacy News

April 2024

By Kurt Stege, Advocacy Committee Co-Chair

New Regulatory Materials Relating to Madison's **Local Historic Districts** are on Landmarks Commission's April 15 Agenda



Madison Historic District Illustrated Design Guidelines, image from web link.

At its most recent meeting, the Landmarks Commission was asked to adopt a 96-page document entitled "[Madison Historic District Illustrated Design Guidelines](#)." The guidelines were prepared by Heather Bailey, Preservation Planner, over the course of several months and are anticipated to be part of a "living" document, i.e. one that is subject to review and revision on a periodic, but regular, basis. In contrast to the underlying ordinance provisions, the illustrated guidelines are not subject to

adoption by the Common Council. **The Landmarks Commission delayed its review until its April 15th meeting. This delay provides a brief period for historic district property owners to critique the draft prior to any adoption.**

Guidelines had been expected to be produced out as part of the ad hoc Landmark Ordinance Review Committee (LORC) revisions of ch. 41, Madison General Ordinances, but had not been addressed by the time the second group of ordinance revisions were adopted in mid-2022. The draft document sets forth all of the "standards" found in the ordinance, but goes on to identify "guidelines" and to provide explanatory photographs and diagrams, a glossary, and references to "Preservation Briefs" issued by the National Parks Service.

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The illustrated guidelines will serve as a very important resource to property owners within Madison's six historic districts: Mansion Hill, Third Lake Ridge, University Heights, Marquette Bungalows, and First Settlement. The guidelines will carry significant weight in how the Historic District Standards are interpreted and applied by the Landmarks Commission and staff. While it is anticipated that the city will schedule one or more outreach meetings with historic district property owners after the guidelines document is adopted, you are encouraged to identify any issues or concerns at the April 15 Landmarks Commission meeting, before the guidelines go into effect.

If you would like to appear at the public hearing relating to the Guidelines, one way to go about doing so is by keeping track of the [City's Meeting Schedule](#). Note that the meeting will probably not appear on the schedule until approximately April 11th.



University Heights Land Division Generates Substantial Opposition by District Residents

In an action all too reminiscent of the hotly contested redivision of the two lots associated with the landmarked Old Spring Tavern in Nakoma, the Landmarks Commission approved a request¹ to redivide the two lots associated with a single residence at 1908 Arlington Place in the middle of the University Heights Historic District. The redivision is designed to permit a second residence to be built. Despite a spirited and well-articulated appeal to the Common Council² that was considered on March 19th,³ the Landmarks Commission's action was upheld.

The similarity of the lot redivisions is underlined by the fact that the same real estate developer was involved in both efforts. This should raise alarm bells in all of Madison's Historic Districts. Another similarity is that the front door of the existing historic property faces the newly redefined buildable lot.

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¹ Legistar File #[81638](#). The Landmarks Commission considered the land division at its meeting on February 12, 2024 as Item 2. The recording of that meeting is [here](#).

² Legistar File #[82175](#)

³ The matter was addressed by the Common Council between 0:54:58 and 3:49:03 of the video [recording of the meeting](#).



The front door of the 1908 Arlington Place faces north towards the side yard rather than towards the street that runs east/west. The steps to the (front) porch and front door of the existing house are approximately five feet from the west lot line of the new Lot 2. The Landmarks Commission approved the lot division even though the side setback along Lot 2's west lot line is a mere five feet for a single-story house built on Lot 2, and six feet for a two-story house. In other words, someone standing on the steps to the front porch of 1908 will be just 11 feet away from the side wall of a new two-story home. The width of Lot 2 is only 42 feet while Lot 1 containing 1908 will be about 67 feet in width. The southeast corner of new Lot 2 is noted on the photo.

The relevant ordinance applied by the Landmarks Commission is sec. 41.18(4), MGO:

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.

It is not possible in this limited space to do justice to the arguments raised by the many individuals who opposed the lot division.

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NOTE: When drafting this piece for the Advocacy Newsletter, the author was obviously aware of the decision by the Common Council to deny the appeal from the Landmarks Commission approval of the land division. However, the author was not aware that in a subsequent motion to adopt the certified survey map (CSM) of the reconfigured lots, the Council failed to generate the necessary 14 votes to approve the CSM. This surprising result presumably will require either reconsideration by the Common Council or an appeal to court by the applicant.



400 Block of State Street: A Victory of Indeterminate Duration



The north side of most of the 400 block of State Street.



The south side of most of the 400 block of State Street.

Another chapter has been written in the long-running saga of developer J. D. McCormick's effort to dramatically modify the 400 Block of State Street. On March 25th, Madison's Plan Commission voted to "place on file" the developer's application to demolish three historic buildings in the center of the last undisturbed block of Madison's premier street. None of the existing buildings on the block exceed a 3-story height. The development proposal would have replaced the three with a single 6-story building. Long-term neglect of the three buildings by their current owner (and, quite possibly, by prior owners) was central to the Plan Commission's deliberations. Comments by the Advocacy News has included numerous [articles](#) over the past years about this proposed

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development and its potential impact on the sense of history that engages pedestrians along State Street, a history that is under intense redevelopment pressure.

The deliberations by the Plan Commission were interesting in a variety of respects:

- The vote to refer (i.e., to deny the application for demolition) was quite close, with the Commission chair's vote required to generate the necessary 5 to 3 result.
- In response to a question from one of the Commissioners, the applicant's representative stated that the current owner acquired the three buildings in "late 2018." However, the City Assessor's website indicates the first one was conveyed in February, 2014, and the other two were conveyed just three months later.
- The same representative stated that the current owner acquired the three buildings with the intention of demolishing them and rebuilding on the combined property. He said that no major repair work had been performed on any of the buildings since their purchase, a statement that appeared obvious from photographs of decay that were submitted with the application.
- In addition to statements opposing demolition from members of the Madison Trust, there was testimony from a former commercial tenant in one of the buildings who now is operating in space located in a building on the other side of the 400 block. The former tenant remarked that the six-story building proposed for the site was too tall and would ruin the look and feel of State Street. She also recounted how the current owner of her leased space at 440 State had made no attempts to carry out any repairs.

Comments made by some of the Commissioners emphasized how the "historic value" recommendations advanced by the Landmarks Commission were highly significant in their deliberations, as was their recognition that State Street needs to be recognized as a very special component of Madison. Comments during the discussion also referenced the issue of how to address a property owner's refusal to maintain a State Street building.

Days after the Plan Commission's decision, the Wisconsin State Journal ran an [article by Dean Mosiman](#) that includes an image of the proposed building and quotes the development applicant's representative as follows: "It seems a little inconsistent and unfair. . . . We are exploring legal options."

If we learn of any further steps taken by the developer, we will pass that information along.