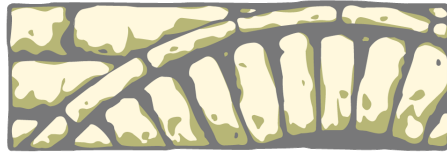


MADISON TRUST



for Historic Preservation

Advocacy News

June 2023

Old Spring Tavern: The Saga Continues

By Kurt Stege

Advocacy Committee Co-chair

Articles in last year's [August](#), [September](#) and [November](#) issues of [Advocacy News](#) outline the path of a developer's proposal to redivide the two lots of property containing the Old Spring Tavern at 3706 Nakoma Road, a Madison landmark (1972), on the National Register (1974), and a contributing property to the Nakoma National Register Historic District (1998). The developer sought to redivide the land "in order to create another build-able parcel."

Despite extensive and thoughtful opposition to the proposal, the Landmarks Commission passed a motion in July of 2022 to approve the developer's land division request. Because the application called for the new lot division to be reflected on a Certified Survey Map (CSM), approval of the CSM was later obtained from both Madison's Plan Commission and from the Common Council. The Tavern building (now being used as a private residence) is sited on the eastern portion of the property (Lot 1) and a new residence could be built on the western portion (Lot 2).

The developer's success in July 2022 was somewhat limited because the combined lots remain a local landmark site. In other words, the Landmarks Commission did not excise Lot 2 from the site. As a consequence, any new structure constructed on Lot 2 (or on Lot 1, for that matter) must satisfy the rehabilitation standards established by the Secretary of the Interior, which include:

(Continued)

1. A [landmarked] property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
4. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
12. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.



Image from Supplemental Renderings in Legistar file 77464

On April 24, 2023, roughly six months after the Landmarks Commission approved the redivision of the site, the new owners of Lot 2, Jon and Brenda Furlow¹, filed an application with the Commission for a Certificate of Appropriateness authorizing a new residence at 3701 Council Crest.² The application was assigned [Legistar file 77464](#),

(Continued)

¹ The Furlows had lived for 22 years in the Nakoma neighborhood before moving to Minneapolis in 2015.

² Only the Landmarks Commission had the authority to review the application. No other approval was required.

which contains the application and other documents referenced in this article. At 23 pages, the application was extensive. They later supplemented their application with another ten pages of text, photographs, and renderings.

The application called for the construction of a 4,500 square foot residence that appeared to narrowly stay within all of the setback requirements applicable to the dimensions of Lot 2. The back of the new home was three stories in height and, given a significant difference in elevation between the two buildings, seemed much taller than the two-story front of the Tavern, which would be just 77 feet away. The trunk of the approximately 250-year-old black walnut tree that dominates Lot 2 was just 20 feet from the footings of the new building. Because of the significant downward slope of the landmark site from the top of Lot 2 to the bottom of the Tavern's Lot 1, previous owners of the Tavern had carefully created swales and channels to direct water away from the structures found on Lot 1. The application from the new owners of Lot 2 provided little information about how the drainage issues would be addressed, but noted that the "approved [Certified Survey Map] creating our lot includes a drainage easement in favor of our lot on to the Tavern lot."



Image from Supplemental Renderings in Legistar file 77464

On April 29, and merely by chance, neighbors close to Lot 2 who had opposed the lot redivision in 2022 were fortunate to learn of the application. They also learned that the application would be considered by the Landmarks Commission on May 15.³

(Continued)

³ Absent the special circumstances that allowed the neighbors to learn of the application so early, notice of the proposal wouldn't have been available to the neighborhood or the Madison Trust until about May 8 when the matter was listed on the agenda issued in advance of the Landmarks Commission meeting a week later.

The Madison Trust's Advocacy Committee scheduled a special meeting for May 2 to assess the proposal and was able to identify nearly 20 objections and steps that might be taken in opposition to the application. One of those suggestions generated an [article](#) in the Wisconsin State Journal by Dean Mosiman on May 7.

The new owners of the Tavern lot also filed a letter with the Commission opposing the application to construct the new residence on the higher elevation present in Lot 2. They carefully reviewed the various steps taken in earlier decades to protect the Tavern from the hill's drainage and criticized the limited information on the topic found in the application.

Upon the recommendation of the Advocacy Committee, the Madison Trust filed a [letter](#) with the Landmarks Commission on May 8 requesting the application, with the design it reflected, be denied.

The Advocacy Committee scheduled a second special meeting for May 13 for final preparations in advance of the Landmarks Commission meeting two days later.

However, on May 10, the applicants notified the Landmarks Commission they were withdrawing their application. This news generated a [second article](#) in the Wisconsin State Journal, this one on May 12. It quoted the Furlows, the owners of Lot 2, as having made a decision "to take a step back and reconsider all the possible options for developing our lot . . . including going forward with our current plan."

The withdrawal means that the Furlows are free to file a second application, which could be substantially similar to the original or could be completely different. There is no indication they have given up on their desire to build a residence on Lot 2. This conclusion was reinforced by a comment at the May 15 meeting made by the Chair of the Landmarks Commission that the matter will be "coming back at a later date."