



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved LANDMARKS COMMISSION

Wednesday, September 10, 2008

4:45 PM

215 Martin Luther King, Jr. Blvd.
Room LL-130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 -

Erica Fox Gehrig; Daniel J. Stephans; Stuart Levitan; Robin M. Taylor and Michael J. Rosenblum

Excused: 2 -

Brenda K. Konkel and Christina Slattery

Guests: Mr. Jim Skrentny, Ms. Ledell Zellers, Ms. Judy Karofsky, Mr. Paul Schoeneman, Mr. Bruce Martin, Mr. Philip Bradbury, Mr. Fred Mohs, Mr. Matthew Speer, Mr. Robert Gurda, Mr. Arthur Hill, Ms. Alice Mowbray, Mr. Darren Chicks, Mr. Dave Frisby, Ms. Jeanne Hoffman, Mr. Brad Murphy, Ms. Kitty Noonan

PUBLIC COMMENT

PUBLIC HEARING AND CONSIDERATION OF RECOMMENDATION TO COUNCIL REGARDING LANDMARK NOMINATION

1. [11169](#) Saint Raphael Cathedral, 222 West Main Street - Consideration of Landmarks Nomination

Applicant: Brock Riebe

A motion was made by Rosenblum, seconded by Taylor, to place the landmark nomination for St. Raphael's Cathedral on file, since the building was no longer extant and the Landmark nomination was not complete. The motion passed by voice vote/other.

Ms. Zellers said that the City was absolutely wrong not to hold its own public hearing on the demolition of the cathedral; although legal, it was not right. She said that the diocese had been insensitive and arrogant. She said that she did not support landmarking the site, now that the cathedral was almost gone, because landmark site nomination was to honor the inherent historic value in a site, such as an Indian mound. She would like to see a plaque in the terrace remembering the cathedral.

Ms. Rankin introduced George Hank, the director of Building Inspection. Mr. Levitan asked Mr. Hank if there had been an independent structural analysis of the building before demolition. Mr. Hank said that he had visited the site soon after the fire and it was his opinion at that time that the building had been rendered structurally unsound by the fire. Any building that no longer has a roof or a floor would be considered

structurally unsound and a danger. He noted that the City had given the diocese an order to raze or repair the building and that the diocese had chosen not to repair it. He noted that if the diocese had wanted to restore the building, the City would have been happy to work with them to rebuild it but he said it would have been very difficult to rebuild it after the fire. He explained that the City has a right to order buildings demolished if they are a danger to the health and safety of the public. Mr. Levitan said that the rules should be changed so that there is public input before an order to demolish is made.

To a question from Mr. Rosenblum, Mr. Hank noted that the term "structurally unsound" is not defined in the ordinances, but that an accumulation of all of the facts in this case clearly met the meaning, including no roof, walls crumbling from the top, no floor and lateral cracks in the walls. After the fire the building was close to being a pile of debris.

Ms. Rankin explained that she had written to the nominator of St. Raphael's, Mr. Riebe, asking him if he would be interested in rewriting the landmark nomination to reflect the current status of the site, but that he had not given her any evidence that he would be willing to do that. The Commission decided that it should have a discussion of historic plaques, both for Landmarks and other historic sites, at a future meeting.

CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

2. [11856](#) 1135 Jenifer Street, Third Lake Ridge Historic District - consideration of issuance of Certificate of Appropriateness for demolition of existing garage and construction of new one

Contact: Art Hill, Platinum Builders

A motion was made by Taylor, seconded by Rosenblum, to Approve a Certificate of Appropriateness for the garage project as presented, with the addition of a fascia board under the eaves on the front of the garage. The motion passed by voice vote/other.

Mr. Arthur Hill, the owner, briefly described the project. He said that the new garage will be more compatible with the design of the house.

3. [11857](#) 1810 Chadbourne Avenue, University Heights Historic District - consideration of issuance of Certificate of Appropriateness for rear addition

Contact: Matt Spear, Associated Housewrights

A motion was made by Gehrig, seconded by Rosenblum, to Approve a Certificate of Appropriateness for this project. The motion passed by voice vote/other.

Mr. Matthew Speer, the contractor, described the plans. The plans are to add a screen porch and utility room, a covered entry porch and a relocated chimney. He said all materials and details of the current house will be duplicated in the new addition.

4. [11858](#) 1301 Rutledge Street, Third Lake Ridge Historic District - consideration of issuance of Certificate of Appropriateness for front deck

Contact: Charlie Construction

Neither the contractor nor the owners were in attendance, so a motion was made by Levitan, seconded by Rosenblum, to Defer the issue to the next meeting. The motion passed by voice vote/other.

5. [11859](#) 315 North Pinckney Street, Mansion Hill Historic District - consideration of issuance of Certificate of Appropriateness for prior removal of chimney

Contact: Philip J. Bradbury, attorney

A motion was made by Rosenblum, seconded by Gehrig, to Deny a Certificate of Appropriateness and order the owner to replace the chimney, which was removed without a building permit or a Certificate of Appropriateness. Mr. Levitan suggested a friendly amendment, which was accepted, to set a deadline for the work to be completed by June 1, 2009, and that Ms. Rankin review and approve the plans for the replacement chimney before a building permit was issued. The motion passed by voice vote/other.

Mr. Philip Bradbury, attorney for the owners, spoke first. He said that his clients had received orders to repair the house. They had done their best to repair the house to meet the orders, but they had inadvertently not followed all of the procedures they should have. He said that his clients were committed to investing in the downtown and creating good living places for downtown residents. He said the owners had gone beyond the orders and spent \$20,000 on completely reroofing the house, and adding downspouts, along with other repairs to the house. He said that his clients had been given the impression by the building inspector that it would be okay to remove any chimneys that were no longer functionally necessary. They acknowledge that they should have applied for a permit first and gotten Landmarks Commission approval. He noted that there is nothing in the Landmarks Commission's ordinance for Mansion Hill specifically about preserving chimneys, unlike some of the other historic district criteria and suggested that that meant that chimneys were not a high priority in Mansion Hill. He said that his clients do not want a fake historic chimney on the house. He added that the mistakes his clients made would not happen again.

Mr. Levitan noted that the work orders were only to repair or remove the one chimney, to which Mr. Bradbury said that Mr. Levitan was correct, but that the inspector had told them it would be okay to remove others.

Mr. Fred Mohs spoke next. He showed the Landmarks Commission pictures of the chimneys on houses he owned that he had taken pains to restore. He said that reroofing a house is not so great of an enhancement to the neighborhood that the owner should be rewarded for it. He hoped that owners would understand that maintenance goes beyond just meeting work orders that the City imposes. He said that the historic chimneys in Mansion Hill are valuable assets in the historic district. He said people love all of the many historic details on these buildings. He urged the owners to spend the money to replace the lost chimney.

Ms. Ledell Zellers spoke next. She showed Commissioners a photo of the chimney that was taken down. She said that she was very disturbed about the active demolition of historic features in Mansion Hill. She said that she thought that some owners are ignoring the Landmarks ordinance perhaps because they think it is just easier to do the demolition and deal with the consequences. She urged the Commission to exercise its authority to assess fines. Ms. Rankin noted that the Commission is not the authority that fines owners, it is the courts. Mr. Levitan noted that punitive sanctions usually require some kind of malfeasance or misconduct and asked Ms. Zellers if she thought that was happening, to which Ms. Zellers replied that she is very concerned about the number of mistakes that are happening and urged that a major educational campaign be undertaken to make sure property owners know the regulations.

Mr. James Skrentny said that when he moved into an historic district, he took pains to find out what the regulations were. He said that he is slowly seeing the protections overlooked and nothing is stemming the tide. He said that the owners who tear off important features are nothing short of negligent, that everyone has a responsibility to know the regulations. He thought that the property owners in this case should own up to the consequences and not object to putting back the lost historic features. He showed a picture of the \$2500 chimney he had built for his property.

Mr. Paul Schoeneman noted that he agreed with the previous speakers and said that the multiple rooflines and decorative chimneys were important assets of our historic districts. He noted that when Richard Moe, the head of the National Trust for Historic Preservation, visited Madison, he said that Madison is losing too much of its heritage.

Ms. Judy Karofsky lives next door to the house at 315 N. Pinckney. She is getting ready to restore the chimney on her house and is taking great care to maintain the historic nature of her house. She noted that last winter wasn't good for the exteriors of all of our houses and believes that the chimney that was removed was a work of art. She said she understood that the chimney at the moment was serving no function because the fireplace has been closed off, but a future owner might want to use the fireplace and then the chimney would be necessary. She noted that what neighbors do affects the value of surrounding properties.

Mr. Levitan began the Commission's discussion by saying to the owner's attorney that his clients must have known they needed a permit, since they own several properties in the historic district. Mr. Bradbury replied that the point was that the owner's contractor did not intentionally disobey the ordinances but thought that they could follow work orders without needing a permit. He added that the fact that there is no mention of chimneys in the Mansion Hill ordinance, unlike some of the other historic district ordinances, implies that chimneys are not important features in Mansion Hill. Mr. Rosenblum said that it was incumbent on all owners to know the regulations regarding their property. Ms. Noonan noted that the City's standard practice for those times when an owner seeks a building permit after the fact is to charge them double for the permit. Mr. Stephans said that a decorative chimney was part of the defining character of an historic building. He said that this chimney enhanced the architecture of the house.

6. [11860](#)

315 North Carroll Street, Mansion Hill Historic District - consideration of issuance of Certificate of Appropriateness for prior removal of chimney

Contact: Alice Mowbray, Bethel Lutheran Church

A motion was made by Levitan, seconded by Gehrig, to Deny the Certificate of Appropriateness and require the owners to restore the chimney to its original appearance by June 1, 2009 and that Ms. Rankin review and approve of the designs before the building permit is issued for the work. The motion passed by voice vote/other.

Ms. Mowbray said that the chimney was damaged by lightning on June 12. Some of the bricks fell onto cars below, damaging the cars. They had to secure it right away because of leaks that occurred around the chimney and the potential for more bricks to fall on cars or people below. When the weather cleared they had their contractor remove the chimney. It no longer had a functional use. She said the church has no use for the Steensland House, which is a local Landmark. They have owned it since 1956 and have not had the money to do anything beyond basic maintenance since then. She asked the Commission to not require that the chimney be rebuilt because the church is a charitable organization. She noted that they had received an insurance payment on the costs of rebuilding the chimney but said that they had other priorities for the use of that money.

Ms. Zellers spoke next. She said that she has restored two historic chimneys on her house in Mansion Hill. She said that owners of historic buildings have the responsibility to be stewards of their properties. She said that the lack of maintenance of the Steensland House is showing. She said that she saw the chimney after the lightning strike and that most of it was still there afterwards. She was shocked to see that it had been removed. She urged the Landmarks Commission to require maintenance of the Steensland House. She said that the chimney should be rebuilt using the same kind of bricks and mortar as the original.

Mr. Chick showed photographs of the severe structural damage the lightning strike caused.

Mr. Skrentny said that the fact that a chimney is "non-operational" does not justify its removal. He noted that insurance is there to deal with this type of damage. He noted that if you own a building it is your duty to keep it well maintained and that all owners within an historic district share in that responsibility.

Mr. Mohs said that when the church was allowed to tear down the surrounding houses it was with the understanding that the church would preserve the Steensland House, which at that time was recognized by all as a gem of Madison's history. He said that the church is not caring for it properly.

Mr. Paul Schoeneman noted that the church received the insurance money for fixing up the chimney and they should do so.

Mr. Levitan stated that the Steensland House is a designated Landmark and wondered how the retention of the historic chimney could even be debatable.

REFERRALS

7. [11077](#) Amending Sec. 28.03(2), creating Sec. 28.04(18)(e); repealing Secs 28.08(2)(c)16., 28.08(9)(c)5., 28.08(11)(c)9., 28.12(13)(a)10.d.; renumbering current Secs. 28.12(13)(a)10.e. through g. to Secs. 28.12(13)(a)10.d. through f., respectively; amending Secs. 30.01(3)(b)5., 30.01(5)(b); repealing Secs.

30.01(9)(c)9. and 11.; renumbering current Sec. 30.01(9)(c)10. to Sec. 30.01(9)(c)9.; amending Sec. 30.05(2); repealing Sec. 30.05(5); renumbering current Secs. 30.05(6) through (17) to Secs. 30.05(5) through (16), respectively; amending Sec. 30.05(9); repealing 30.05(11)(e); creating new Sec. 30.05(13)(d); renumbering current Secs. 30.05(13)(d) through (f) to Secs. 30.05(13)(e) through (g); creating new Secs. 30.05(13)(h), 30.05(15)(b), 30.05(15)(c); renumbering current Secs. 30.05(15)(b) and (c) to Secs. 30.05(15)(d) and (e); and repealing Sec. 33.19(12)(d)3.; renumbering Sec. 33.19(12)(d)4. through 11. to 3. to 10.; repealing Sec. 33.19(12)(f)1.f.; renumbering Sec. 33.19(12)(f)1.g. to f.; repealing 33.19(13)(d)8. and renumbering Sec. 33.19(13)(d)9. through 13. to 8. through 12., respectively of the Madison General Ordinances to update provisions relating to solar/wind systems.

A motion was made by Levitan, seconded by Gehrig, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION. The motion passed by voice vote/other.

Ms. Hoffman noted that, after the Landmarks Commission had recommended approval, several other boards and commissions had concerns about the proposed ordinance changes regarding solar and wind systems. Since changes had been made to the ordinance as a result of that, it was felt that the Landmarks Commission should review the changes. Mr. Levitan noted that when the State passed the legislation limiting municipalities' role in reviewing such projects, "health" and "safety" were included in the wording, but "welfare" was deliberately not included, making it clear that the state did not intend to permit the municipalities to use aesthetic concerns as a reason to deny such energy-saving measures. Ms. Taylor noted that it appears that the State law trumps historic concerns. Mr. Murphy noted that the process that the Commission is now using will remain largely the same. Staff will carry out the initial review and if any alternatives of similar efficiency and cost are possible that would be less intrusive, those projects will go to the Landmarks Commission.

OTHER BUSINESS

8. [08717](#) Buildings proposed for demolition

Ms. Rankin passed out short reports on the buildings that have recently been proposed for demolition.

9. [07804](#) Secretary's Report

ADJOURNMENT