



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.
 Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK
 When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY:

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

TO: Administrative Review Appeals Board
 City Hall, Rm. 205
 200 E. Wells St.
 Milwaukee, WI 53202
 (414) 286-2231

DATE: 1-9-20

417
 RE: 501 N. Richards St.
 (Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Department of Neighborhood Services
 (Name of City Department)

Amount of the charges \$ 406.40 + 25.00 fee

Charge relative to: Order to Correct for Paving And Non-Permitted Use

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

The orders at issue are attached as

Exhibit #1. Those orders have been appealed
by the timely filing of a Notice of Appeal
And Application for Review which was filed
on 12/5/19 And Attached AS Exhibit #2.

There is no violation at the property because
this is a licensed Contractors yard And the
Alley Adjacent is Gravel, thus No Violations

the reinspection action was taken prior to the appeal of
the order being decided.

Andrew P. Areni Attorney at law
 Signature SBN 1019417

Name (please print)

Andrew P. Areni, Areni Law Offices, LLC

110 Old World 3rd St. #210 414-645-6100

Mailing address and zip code

Daytime phone number



BOARD OF ZONING APPEALS - CITY OF MILWAUKEE

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

Address of Property: 4117 N. Richards St.

Petitioner Info

Petitioner Name: Earl Grunewald

(petitioner must have interest in land)

Contact Info
Primary Contact

Attorney Andrew P. Arena
1110 Old World 3rd St.

Relationship to
petitioner

(e.g. Architect, Attorney, Contractor)

Property Information:

Present Use of
Property:

Contractor's Yard

Proposed Use of
Property:

Investment in
Property*:

Do you:

Own the property?
 Lease the property? Term of the lease: _____
 Have an offer to purchase the property?
 Have another type of interest in the property _____

*Please provide the estimated dollar amount
necessary to complete the proposed project or
implement the proposed use.

Petitioner's Signature:

Earl Grunewald by Andrew P. Arena Date: 12/5/19

Validation for \$ _____ fee must appear here
Type 0209

Staff Use Only:

Previous BOZA history at this site:	Lot Area:
Previous case no.	Zoning:
Hearing date	Qtr Section:
Property use changing?	Ald. District:
Is this a new operator?	

Please make checks payable to :
"City of Milwaukee"

Note: Depending upon your application,
additional fees may be required prior to your
hearing. For a complete list of fees, please refer
to s.200-33-65 MCO. This application will not be
accepted for review unless the validation block
indicates that the FEE has been paid. ALL FEES
ARE NON-REFUNDABLE.



**Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202**

Inspection Date
11/11/2019
ORD-19-21186

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Re: 4117 N RICHARDS ST

Taxkey #: 242-0015-100

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 11/25/2019

1) 295-403.3.b Paving. All areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in S. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

Correct By Date: 12/09/2019

2) 295-803-1 Outdoor Salvage in an IL2 District is permitted only as a special use, which will require approval from the Board of Zoning Appeals. YOU MUST EITHER APPLY FOR A CERTIFICATE OF OCCUPANCY AT THE PERMIT DESK AND SUBMIT A COMPLETE APPLICATION FOR YOUR SPECIAL USE TO THE BOARD OF ZONING APPEALS OFFICE OR DISCONTINUE THE NON-PERMITTED USE.

For any additional information, please phone Inspector **Ken Kenitz** at **414-286-5486** or **KKENIT@milwaukee.gov** between the hours of **8:00 a.m. to 10:00 a.m. Monday through Friday.**
Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

Ken Kenitz
Inspector

Recipients:

EARL GRUNEWALD, 4117 N RICHARDS ST, MILWAUKEE, WI 53212

OFFICIAL NOTICE OF VIOLATION
The City of Milwaukee - Department of Neighborhood Services

ARENA LAW OFFICES, L.L.C
1110 NORTH OLD WORLD THIRD STREET
RIVERFRONT PLAZA, SUITE 210
MILWAUKEE, WISCONSIN 53203

ANDREW P. ARENA

(414) 645-6100

FAX (414) 645-3500

December 5, 2019

To: City of Milwaukee

Re: Appeal of Order: ORD-19-21186
Tax Key #: 242-0015-100

The owner of the above referenced property, Earl Grunewald, appears by and is represented by Attorney Andrew P. Arena. This written submission is in support of his appeal of the order, which was mailed to the owner after a November 11, 2019 inspection by Ken Kenitz. This order was mailed, therefore, it is submitted that pursuant to MCO 295-311 this appeal is within the time limits in the Ordinance.

The property at issue has been granted the permits to be a Contractor's Yard for over 40 years, and it has always been used as such. The owner used to build buildings and conduct various contracting businesses, and used the yard to stage materials. Some trailers are there to move materials, and the necessary vehicles to use in the process. The owner still does house and building moving in other parts of the State, and has recently moved a garage in Two Rivers, WI. All current items are necessary for the moving business, which requires 4x4 wood posts and iron beams to rest buildings on. There is iron boilers that are used as counter-weight, or weight to put on the back of a lift that lifts the building. These items are not for scrap or salvage.

The area in question has had many loads of gravel put in for the parking of Construction items in the yard. This was done in the early 1970's and was an allowed material at the time. This is in fact not a problem and not a violation. The MCO that the order is based on is MCO 295-403.3.b, states that as a matter of the general zoning requirements an area that is designated for the "parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved spaces as required in MCO s. 252-74"

The Ordinance as applied to the appellant does not apply for two reasons. The first of which is that this is an area that is a Contractors Yard, not an area designated for the storage or parking of motor vehicles and trailers. The clear reason this ordinance does not apply is that the paving requirements in 252.74.4. has a clear and unequivocal exception to the requirement of pavement. Paragraph 4. States as follows: "EXCEPTIONS. This section does not apply to any premises that fronts on a street or alley, the roadway of which is paved with gravel, crushed stone or cinders."

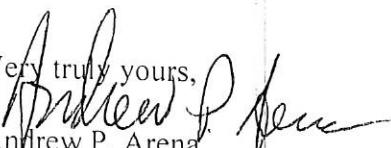
The ingress and egress gate used for the Contractors Yard of the Appellant opens onto an Alley that is adjacent to and along-side the Appellants yard which is used to remove equipment and access the area is not paved but contains gravel. Therefore, the order as written does not apply because the alley is gravel and there is a clear exception that does not require the yard in this case to be paved.

The second order alleges that the yard contains a salvage business. There is nothing further from the truth. The materials stored are used to move buildings and are part of the Contractor's Yard. The area at issue contains no unlicensed vehicles. There are trailers and material that is used to move houses. There is iron that is fashioned into support beams or structural support of a building that is being moved. An iron boiler used for counter-weight to lift a building, and trailers to move buildings and equipment. The definition of a Contractor's Yard is in MCO 295-201-125 and states that it is an "establishment used for outdoor repair, maintenance, or storage of a Contractors vehicles, equipment, or materials."

The order alleges that the fenced in area is an Outdoor Salvage yard. MCO 295-201-515 states a "Salvage Operation, Outdoor means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts."

The area is not an outdoor salvage yard because it does not have any unregistered vehicles and there is not an operation that dismantles anything for useable parts. All the wood posts, beams, iron, are used in the operation of moving houses and is not scraped to be recycled or reused for monetary gain in any way. The appellant states these facts with affirmation and alleges the inspector was at the property to harass him. It has been known for years and subject to previous litigation in the Circuit Court that the area was a Contractor's Yard. The City some years ago already invaded the area and removed all of the scaffolds and other business equipment alleging that it was not stored properly. Since that time the appellant has only been moving houses and not working in the building trade. As a result, the items in the yard are for the purpose of being engaged in the contracting business and not the salvage business.

Based upon the above statements the appellant respectfully requests that the orders be dismissed.

Very truly yours,

Andrew P. Arena
Attorney for Earl Gruenwald



**Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202**

January 06, 2020
Order #: ORD-19-21186

EARL GRUNEWALD
4117 N RICHARDS ST
MILWAUKEE, WI, WI 53212

Re: 4117 N RICHARDS ST

When a property is reinspected and violations remain uncorrected, the Milwaukee Code of Ordinances provides for these reinspection fees:

First reinspection \$177.80
Second reinspection \$355.60
All subsequent reinspections \$355.60

There is no charge for the reinspection that shows compliance with all violations.

All reinspections which show noncompliance with the order will be charged at the above rate. These fees will be assessed against the property as a special charge and will appear on the tax bill for this property. **On 01/06/2020, we imposed a \$175.00 reinspection fee, which includes a 1.6% training and technology surcharge. Any outstanding fees will automatically be assessed to your 2020 tax bill.**

As you can see, the cost of noncompliance with the code can add up quickly. The Department would prefer to see you put the money into correcting the violations and not into paying reinspection fees. Please contact me as soon as the violations have been corrected. If I do not hear from you, we will continue to reinspect until the property has been brought into compliance with the code. Please do not put us in that situation.

If you wish to appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with the: Administrative Review and Appeals Board, Office of the City Clerk, Room 205 City Hall, 200 E Wells Street, Milwaukee Wisconsin 53202, 414-286-2221. Please contact them to obtain the proper application form. There is a \$25 fee required when filing this appeal.

Please be advised that if you have filed for bankruptcy, this letter is for informational purposes and is not intended as to be construed as an attempt to collect a debt during the pendency of your bankruptcy as other conditions may apply.

To discuss the violations, please contact the inspector listed below. Please contact your attorney with any legal questions as this office cannot give legal advice

Please call Inspector Ken Kenitz at 414-286-5486 during the hours of 8:00 a.m. to 10:00 a.m. Monday through Friday for information on which violations remain uncorrected or if you have any questions. Violations can also be viewed on our website at www.milwaukee.gov/lms.

Remove outdoor salvage and discontinue parking vehicles on an unapproved surface to avoid additional fees.

Ken Kenitz

A handwritten signature in black ink, appearing to read 'Ken Kenitz'.





**Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202**

January 06, 2020
Order #: ORD-19-21186

Recipients

EARL GRUNEWALD, 4117 N RICHARDS ST, MILWAUKEE, WI 53212



Receipt of A.R.A.B. Appeal Fee

Date: 1/16/2020

Received Of: Atty. Andrew Arena

Property at: 4117 N. Richards St.

Received By: LME

Check # (If Applicable): Cash
\$25.00

CITY OF MILWAUKEE
2010 JAN 16 P 2:57
MILWAUKEE POLICE