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May 6, 2022

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DELIVERED BY EMAIL

Mr. Tim Askin
City of Milwaukee
Historic Preservation Commission
841 N. Broadway, Room B-1
Milwaukee, WI 53202
hpc@milwaukee.gov

Dear Mr. Askin:

Re: 3319 North Lake Drive (the "Property")
Chris & Jennifer Abele (the "Applicant")
File No. 211976

This firm represents Ms. Suzanne C. Spenner-Hupy, the owner of the residential property located at 3340 West Windermere Court, Parcel #2780501100 (the "Hupy Property") and immediately adjacent to the northern boundary of the above-captioned Property. Pursuant to the above-captioned File Number, we have reviewed the Applicant's submittal for a Certificate of Appropriateness to construct a four-car garage and spa room, glass enclosed swimming pool and conservatory, and associated support facilities on the Property (the "Project") and respectfully request clarification on the issues described below.

The Property is located in the North Lake Drive Estates Historic District (the "District"). Milwaukee Code of Ordinances § 320-21-11-g-3 provides that when reviewing an application for a Certificate of Appropriateness, the City of Milwaukee Historic Preservation Commission ("HPC") shall consider whether an applicant's proposed new construction "*conforms to the objectives of the preservation plan for the district as duly adopted by the common council*" (the "Study Plan").

Based on the Applicant's submittal, the Project appears to be a single building with a total footprint of approximately 7,711 square feet consisting of (i) a four-car garage and spa room, (ii) glass enclosed swimming pool and conservatory, and (iii) associated support facilities (kitchen, laundry, bathroom). Given the proposed height of the building, the total volume of the proposed building (and its impact on the surrounding neighborhood) is significantly larger than the 7,711 square foot footprint.

The Project fails to conform to the Guidelines for New Construction in the District's Study Plan in at least three (3) fundamental ways:

1. *“Overall building **height and bulk**; the expression of major building divisions including foundation, body and roof; and individual building components such as porches, overhangs and fenestration **must be compatible with the surrounding structures**” (emphasis added). See Section IX, Paragraph C, Subsection 2 of the District’s Study Plan.*

As depicted in the Architect’s Presentation submitted to HPC as part of the application, the Project includes a glass enclosed swimming pool and conservancy, as shown on Exhibit A-1 attached to hereto, at a height of approximately 118 feet, 9 ¼ inches. The application does not include a lighting plan or a landscaping plan for the Project. In its Project summary, the Applicant notes that *“we are planning for a row of evergreen trees directly to the north of the Hartford Avenue wall. This row of vegetation will help to screen views of the glass roof of the pool house from Hartford Avenue.”* However, the Project (as presented) provides for no reciprocal accommodation to screen views of the glass roof of the pool house from the Property’s northern boundary along Windermere Court and the Hupy Property. The tall trees depicted along the Property’s northern boundary line on several slides submitted with the application (including the slide reproduced as Exhibit A-1 herein) currently do not exist. The “existing photos” of the Property submitted with the application do not include a photo of the existing condition of the Property’s northern boundary. It appears it will require several very tall and very large trees to properly screen the glass roof of the pool house from Windermere Court and the Hupy Property.

2. *The **building materials that are visible from the public right-of-way** should be consistent with the colors, textures, proportions, and combinations of cladding materials traditionally used in the district. The physical composition of the materials may be different from that of the historic materials, but **the same appearance should be maintained**” (emphasis added). See Section IX, Paragraph C, Subsection 4 of the District’s Study Plan.*

To our knowledge, there are not any structures in the District that are compatible with the proposed 118 feet, 9 ¼ inch tall glass pool house. If not properly screened, the height of the modern designed glass pool house will fundamentally change the character of the District and its glass composition will create light pollution issues for the surrounding properties. We request clarification on (i) whether the proposed glass swimming pool enclosure will be visible from the street and/or the Hupy Property, (ii) what is the lighting plan for the enclosure and what steps have been taken to prevent light from the glass pool enclosure being visible at night from the street and/or the Hupy Property, and (iii) will a Certificate of Appropriateness be conditioned on the Applicant providing an approved lighting plan and an approved landscape plan that requires the Project to be screened from the Hupy Property, as suggested by the slides submitted with the application.

3. *“The **construction of any single building addition or accessory building shall not increase the total gross floor area of all structures on the lot by more than 20%. The total gross floor area of all additions or accessory buildings constructed after July 27, 1984, shall not exceed 50% of the total gross floor area of all structures on the lot on that date” (emphasis added). See Section IX, Paragraph C, Subsection 2 of the District’s Study Plan.***

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The above language from the Study Report (a) caps the size of any individual accessory building constructed on the Property to no larger than 20% of the total gross floor area of all structures currently on the Property, and (b) limits the combined total gross floor area of all individual accessory buildings constructed on the Property to not exceed 50% of the total gross floor area of all structures on the Property after July 27, 1984.

On the Existing Site Plan, submitted as part of the Architect's Presentation (at page 8), the Applicant calculates that the current "Building Square Footage" for the Property consists of (i) the Primary Residence at 21,007 square feet, (ii) the Caretaker's Cottage at 1,356 square feet, and (iii) the Stable at 2,478 square feet, for a total of **24,841** square feet. If one were to accept the Applicant's calculations as presented, the Study Report requirements would result in any newly constructed accessory building to be no larger than **4,968** square feet (20% of 24,841 square feet).

In addition, the Existing Site Plan states that the total building square footage in July 1984 is **26,974** square feet. The Applicant arrives at this figure by taking the alleged 24,841 square feet of the current Building Square Footage and adding a total of 2,133 square feet from 2 residences that were built in the southwest corner of the Property in the 1970's and later demolished in the 1990's. Based on these calculations, the Applicant concludes that per the Study Report requirements, the Project is allowed to have a total square footage not to exceed **13,487** square feet (50% of 26,974 square feet as of July 1984).

However, there are several concerns with how the square footage calculations on the submitted Existing Site Plan were presented:

A. The 21,007 square footage calculation for the Primary Residence includes 4,733 square feet attributed to the Primary Residence's "lower level" or basement. Additionally, the 2,478 square foot calculation for the Stable includes 825 square feet attributed to the Stable's "lower level" or basement. Basements, or below grade spaces, are typically not included in residential square footage calculations.

B. The 21,007 square footage calculation for the Primary Residence includes 5,314 square feet of space attributed to the "third level". The 1,356 square feet of the Caretaker's Cottage includes 631 square feet of space attributed to the "second level". Is it unclear from the Applicant's submittal whether the referenced "third level" and "second level" space is attic space (which is not typically included in residential square footage calculations) or living space that was part of the original design of the Primary Residence and Caretaker's Cottage respectively.

C. The 21,007 square footage calculation for the Primary Residence also appears to include the square footage of the attached garage. Garage space is not typically included in residential square footage calculations.

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Please see the Applicant's drawing of the Project's north elevation attached hereto as Exhibit A-2 for a depiction of the three levels plus lower level of the Primary Residence that appear to be included in the square footage calculation.

The current City of Milwaukee Assessor details for the Property, attached hereto as Exhibit B, show the City calculates the total square footage for all structures currently on the Property to be **13,304 square feet** (or 11,537 square feet less than the Applicant's calculation). If one were to subtract the questioned square footage amounts described in items A, B & C above, the total would be approximately **13,338 square feet** – very similar to the City Assessor's calculation of 13,304 square feet:

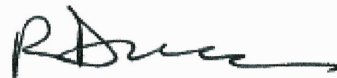
Primary Residence: 21,007 sft – 4,733 sft (lower level) – 5,314 sft (third level) = **10,960 sft**
Caretaker's Cottage: 1,356 sft – 631 sft (second level) = **725 sft**
Stable: 2,478 sft – 825 sft (lower level) = **1,653 sft**
TOTAL = 13,338 sft

Using the City Assessor's square footage calculations and applying the Study Report requirements, any individual accessory building constructed on the Property shall be no larger than **2,661** square feet (20% of 13,304) and the combined total of all individual accessory buildings on the Property shall not exceed **7,719** square feet (50% of 13,304 + 2,133).

Based on the foregoing, we respectfully request that HPC obtain additional information from the Applicant (i.e., lighting plan, landscape plan, basis for square footage calculations) to complete its review of the application and to respond to the concerns raised herein.

Thank you for your time and assistance in this matter. Please contact the undersigned with any questions.

Yours very truly,



Richard W. Donner

cc: Alderman Nicholas Kovac, 3rd District (via email)
City Clerk Jim Owczarski (via email)
Ms. Linda Elmer (via email)

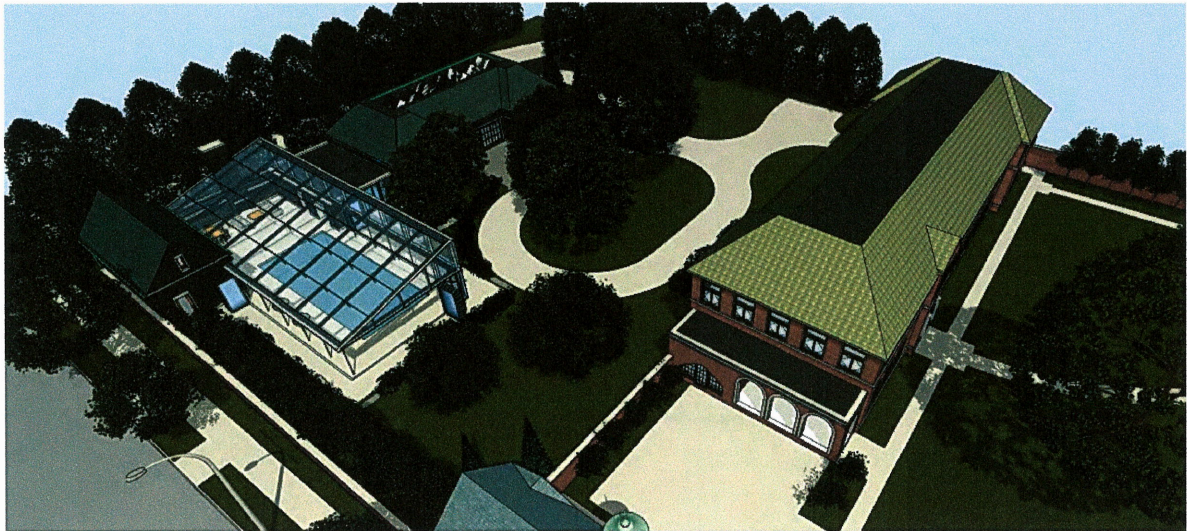
Exhibit A-1 – Applicant's Project elevation
Exhibit A-2 – Depiction of Primary Residence
Exhibit B – City of Milwaukee Assessor details for 3319 North Lake Drive

EXHIBIT A-1

Applicant's Project Elevation

SD801

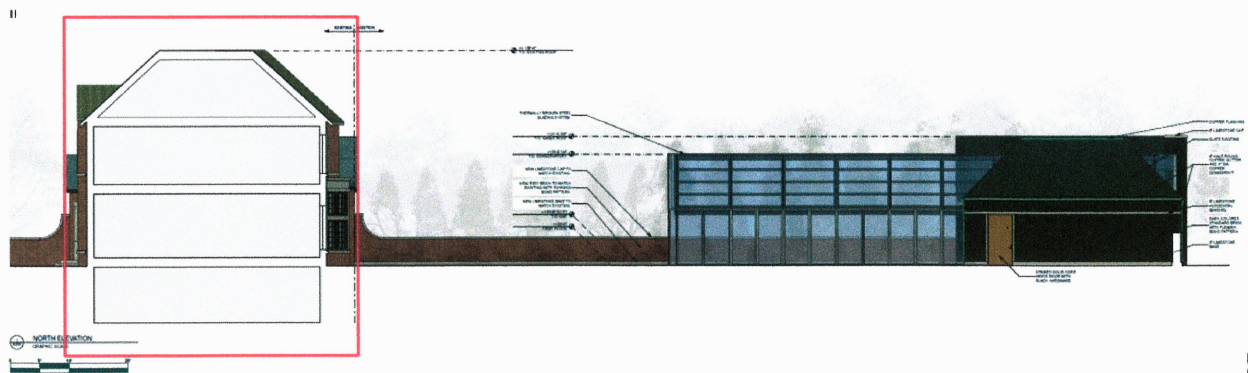
AERIAL
ROOF OPTION 'A'



G A L B R A I T H C A R N A H A N A R C H I T E C T S

EXHIBIT A-2

Depiction of Primary Residence



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EXHIBIT B

City of Milwaukee Assessor details for 3319 North Lake Drive

5/5/22, 7:05 AM

<https://assessments.milwaukee.gov/SearchResults.asp?SearchParcel=2781341110>

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**Click on the Column Headings to sort accordingly.
Click on the Parcel ID to view the parcel detail.**

<u>Taxkey</u>	<u>Location</u>	<u>Owner</u>	<u>Built Type</u>	<u>Total Value</u>	<u>Beds Baths</u>	<u>Lot size Fin area</u>	<u>LUC Description</u>	<u>Sale date Sale price</u>
2781341110	3319 N LAKE DR	CHRISTOPHER S ABELE	1913 Mansion Res O/S A & 1/2 Res O/S A & 1/2	\$2,058,700	9 6	65,158 13,304	1 Residential	

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