



Milwaukee Historic Preservation Commission Staff Report

LIVING WITH HISTORY

HPC meeting date: 6/12/2023

Staff reviewer: Tim Askin

Ald. Stamper

CCF #230111

Property

2658 N Grant Boulevard

Grant Boulevard

Owner/Applicant

Patrick Betts & Jessica Holly

Proposal

Retain replacement windows that were installed by prior owners.

Staff comments

The property was owned by a church when the violation was first observed. The church sold the property to a large private equity mega-landlord, [SFR3](#), about a month after the violation was issued. Upon the change in ownership, DNS cited SFR3 in March 2021. SFR3 cannot deny knowledge of the violation. They paid over \$500 in fines before selling, accordingly, the violation is a known material defect.

The present owners acquired the property in February 2022. Upon DNS re-inspection and discovery of the change in ownership, they were cited in March 2023.

Vinyl windows have never been approved by HPC. They do not meet the guidelines as they are in no way similar in design to original wood windows. As with other recent cases, the original windows had simple leaded glass upper sash.

It was the intent to have a more formal process to certificates of repose, but there is sufficient information to rule on the matter now. Criteria a-e must be met to qualify. The criteria are for a certificate of repose are as follows.

- a. Formal title transfer in at least one arm's length transaction prior to notice of violation. **Yes.**
- b. More than three years have elapsed since the work was performed. **No.** First violation issued in February 2021.
- c. Presents no safety hazards. **Yes.** There is no evidence that the windows a safety hazard.
- d. Costs more than \$1,000 to remediate. **Unproven, but yes.** It is within the general knowledge of HPC and the HPC staff that replacing the majority of windows on this house would cost more than \$1,000.
- e. No citation issued to prior owners. **No.** This is the third consecutive owner to be cited in two years.

Neither the criteria for a certificate of appropriateness nor repose are met. Mothball status can be granted to stay fines until the work is remediated. As the owners will be able to demonstrate that the windows were replaced prior to their ownership through DNS's documentation, restoration of the original windows should qualify for the preservation tax credit.

As the seller was aware of the violation, civil legal remedies are the appropriate venue for any harm to the buyers rather than HPC. Staff must recommend denial of the application.

Recommendation

Recommend HPC Denial. Grant mothball status if so requested in hearing.

Conditions

Previous HPC action

Previous Council action