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Via Email

City of Milwaukee
Zoning and Neighborhood Developments Committee
c/o Chris Lee
City Hall – Room 205
200 East Wells Street
Milwaukee, WI 53202

***Re: Appeal of denial of application for certificate of appropriateness for 2017
N. Terrace Avenue – North Point South Historic District***

Dear Committee Members:

I have been retained and am legal counsel for the appellants Jim and Maura Otzko, owners of the subject property referenced above. We are appealing the HPC denial of the Certificate of Appropriateness and will appear tomorrow for the hearing on that appeal.

One of the issues that was discussed at the HPC was that the Otzkos should pursue legal claim against the Seller of the property, who represented that the property was not within a historic district. I have been retained by the Otzkos to pursue that civil action and that matter was filed in Milwaukee County Circuit Court as of last week. The case is captioned *Shutter House LLC (Otzko) v. Gallagher et al.* Case No. 20-CV-806

I will also appear tomorrow to assist the Otzkos on the appeal itself but will be having them make the primary presentation. The issue on the appeal is whether the use of modern hardie board and corner boards can be allowed in this case. We believe they should be allowed (and the COA granted) given the costs to undo the existing work and the limited impact of the historic features of the property, as well as the increased durability of the new siding. Photos of one of the facades “before” and “after” the work are enclosed for your consideration

We note that the HPC recommended holding any enforcement pending resolution of the court action. The Otzkos do appreciate that determination by the HPC and would ask that the Committee maintain that approach even if the HPC is otherwise affirmed.

Very truly yours,


Joseph R. Cincotta

Cc: Jim and Maura Otzko