



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

DATE: October 10, 2022

RE: 5372 North 37th Street
(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 Public Works
(Name of City Department)

Amount of the charges \$ _____

Charge relative to: Plan review determination regarding outdoor screened trash enclosure

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:

This petition seeks to appeal a decision made by DPW on September 29th, 2022,
regarding the eligibility of a construction project proposed in the City of Milwaukee to
receive a building permit based on a non-conformance of the site design with a
section of the city's Code of Ordinances. It is our position that if the cited ordinance
were to be followed to the letter of the law, it would make the redevelopment of the
subject property difficult or impossible. Additional narrative, supporting evidence,
and filing fee are enclosed.

Signature

Daniel M. Kornaus, Gorman Architectural, LLC

Name (please print)

200 N. Main St, Oregon, WI 53575

Mailing address and zip code

(608) 835-5223

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Administrative Review Board of Appeals
City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

This petition seeks to appeal a decision made by the Department of Public Works on September 29th, 2022, regarding the eligibility of a construction project proposed in the City of Milwaukee to receive a building permit based on a non-conformance of the site design with a section of the city's Code of Ordinances. It is our position that if the cited ordinance were to be followed to the letter of the law, it would make the redevelopment of the subject property difficult or impossible, as well as impose an inconvenience on residents of the proposed apartment community.

The site in question, located at 5372 North 37th Street, is the former Thomas A. Edison Middle School/North Milwaukee High School. The project proposes to adapt the historic school building into 63 senior apartments and add 12 family townhomes on the south end of the site, facing Rohr Avenue. Trash collection for the site is proposed in a centrally located, fully screened enclosure located between the former school and the townhome building. The Department of Public Works concluded their review of the plans on September 29, 2022.

In its review of the project, the Department of Public Works determined that the placement of solid waste containers serving the property within a screened enclosure was not in conformance with Milwaukee's Code of Ordinances Chapter 79-5-7, which requires that solid waste containers be located within a fully indoor location. Further, the Department determined that a building permit for the project could not be issued until the nonconformance was rectified, unless the decision were to be successfully appealed to the Administrative Review Board of Appeals (ARBA.)

Due to special circumstances of this site, full adherence to the cited ordinance has an unintended adverse effect on the project. Because the former Edison School building is nominated for placement on the National Register of Historic Places and is receiving tax credit financing for the preservation of the historic building, there are policies and procedures administered by the State Historic Preservation Office and the National Park Service that restrict modifications to the exterior appearance of the building that would substantially detract from the historic character of the existing structure. Retrofitting the historic building to provide a fully enclosed, indoor refuse collection room that could be accessed by waste collection would force substantial changes to the appearance of the existing building, such as the addition of non-historic openings large enough to enable the movement of dumpsters and the collection of waste, and the alteration of interior floor levels, since much of the ground floor of the historic building is below grade and the first floor is entirely above grade. It is highly likely that these modifications would be found to detract from

the historic appearance and character of the building and would be unacceptable to SHPO and NPS, as the building never featured openings of that scale or purpose at any time during its existence. Additionally, the location of refuse collection within the former school building would create an inconvenience for the residents of the townhome building, who would be forced to carry their trash a longer distance into the former school to dispose of it.

With these challenges in mind, the design team chose to locate refuse collection for the site in a fully screened enclosure in a central location on the site that could easily be accessed by residents living in the former school building as well as residents of the new townhome structure. The city's Design Review Team (DRT) evaluated the proposed site design and made the determination that given the nature of the existing building and the large scale of the site, the central trash enclosure location proposed in the reviewed site design was appropriate for the site, provided that the enclosure be constructed with a high quality cladding, such as a brick veneer. A copy of a letter from DRT dated August 1, 2022 that conveyed this determination is included with this correspondence.



Daniel M. Kornaus

Lead Architect, Wisconsin

Gorman Architectural, LLC

**THE INFRASTRUCTURE SERVICES DIVISION HAS REVIEWED AN
APPLICATION FOR A BUILDING PERMIT AT**

5372 North 37th Street

COM-NEW-22-00081

OUR RECOMMENDATIONS FOLLOW

Milwaukee Code of Ordinances Sections 79-5-7 and 79-36 require that all storage containers for garbage and recycling be stored in a fully indoor location on the premises. The building permit for this development cannot be issued until garbage and recycling storage is shown in a fully indoor location or until an appeal to the Administrative Review Board of Appeals (ARBA) has been granted. Please contact Ms. Dawn Schmidt at dawn.schmidt@milwaukee.gov with questions regarding this matter.

Please See Attached Water, Environmental, and Field Engineers Comments.

Bicycle parking must be provided per Milwaukee Code of Ordinances Section 295-404.

A Stormwater Management Plan (SWMP) was approved on 09/16/2022.

A flow allocation request for this development was approved by MMSD on 09/27/2022.

This permit application is ONLY for a building permit and ONLY covers work done within the property limit lines. A Department of Public Works permit must be obtained prior to the start of ANY work in the public right-of-way.

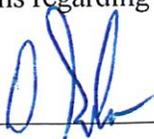
Any walk, curb, driveway, street pavement or alley pavement constructed, or any portion of the public way disturbed or damaged due to construction, shall be constructed or reconstructed according to City of Milwaukee Department of Public Works specifications. This also applies to sidewalk area or street alterations necessary to accommodate new or modified pedestrian and vehicular access points, or changes in first floor elevations. Significant changes in elevation may require sidewalk, curb and gutter, and pavement replacement. Limits of construction shall be determined solely by the Commissioner of Public Works or his representative, in order that the City's design standards are adhered to. The developer will be responsible for all costs associated with the necessary alteration and/or reconstruction. This includes any costs the City may incur in designing, staking, and inspecting the work, and any alterations of City utilities to accommodate the work. Department of Public Works permits must be obtained prior to the start of any work in the public right-of-way.

If any portion of the alley or abutting street right-of-way is to be occupied by the contractors for the subject project, for reasons such as, but not limited to, site security fencing, barricades, silt fences, walkways, equipment and/or supplies, a Department of Public Works occupancy permit shall be obtained prior to beginning that activity.

Existing driveways which are no longer needed as a result of this development shall be removed, and proper restoration of the right-of-way shall be undertaken. (Section (115-25), Milwaukee Code of Ordinances).

Any questions regarding these comments should be directed to Mr. Tony Smith at (414) 286-2487.

Signed



Date

9-29-2022



Date: August 1, 2022

To: Rhonda Szallai

From: City of Milwaukee, Design Review Team

Re: 5273 N 37th Street

The Design Review Team (DRT) has reviewed your submittal for the redevelopment of existing school and addition of new construction on the site which is comprised of a full city block located at 5273 N 37th Street. This memo reflects updated plans, dated August 1, 2022

Previously, we said “The dumpster location placement is quite understandable, given the larger site plan. The city ordinances now require dumpsters to be stored in a building, but we understand that given the existing building this might be difficult. However, if you continue with this outdoor location, this placement quite visible, as it is out front of the building along 37th Street. As such, we request that the cladding be improved from the proposed split face block to something of a higher quality, such as brick veneer.”

The dumpster enclosure has been updated per Planning’s request. However as mentioned in our last memo, the project will still need to seek an exception for placement outdoors.

As previously mentioned, a landscape plan is required to show compliance with both street edge landscaping at the parking lots as well an overall landscape count to fulfil interior parking lot landscape requirements. Please see requirement in Chapter 4 of the Zoning Code. Here is a link: <https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-2/CH295-sub4.pdf>

Per the updated drawings, this has NOT been achieved. Only shrubs are shown and only at a portion of the parking lot’s west side. At the street edges of the parking lot, a combination of trees and low planting are required. Here is an additional link to help assist in updating the plan: <https://city.milwaukee.gov/LandscapeDesignGuide>

Previously we said: “Long Term Bicycle Parking is required to be indoors or in an approved shelter. Short Term bicycle parking is shown near the entrances to the school building, which is acceptable. Please see long term provisions at 295-404-4-c on page 732.”

The updated plans are unclear as to where the bicycle parking is located. If located in the school building, please explain or highlight in the plan set and please verify that the elevator lift can fit the length of a bicycle (approx. 6’), as the path to bicycle parking cannot be up a staircase.

In summary, please submit an updated landscape plan, and resolved the long term bicycle parking location or structure. Please share this memo with the developer.



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

September 10, 2021

Mr. Michael Redman
Edison School Apartments, LLC
200 N. Main St.
Oregon, WI 53575

PROPERTY: North Milwaukee High School, 5372 North 37th St., Milwaukee, WI
PROJECT NUMBER: 43298

Application: Part 1
Action: Approval

This letter supersedes the denial of the Part 1 issued on June 1, 2021.

Dear Mr. Redman:

The National Park Service (NPS) has reviewed the amended Historic Preservation Certification Application -- Part 1 for the property cited above, and has determined that the property appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.

This determination is preliminary only. This building will become a "certified historic structure" only when the nomination has been submitted by the SHPO and accepted by the Keeper for listing in the National Register of Historic Places.

Regulations require NPS to review the rehabilitation work as a single overall project, and to issue rehabilitation certification on the merits of the overall project rather than only for the structure. Consequently, a Part 2 application must describe all proposed work on the property, although the 20% investment tax credit is based only on costs for the rehabilitation of "certified historic structures".

A copy of this decision will be forwarded to the Internal Revenue Service. If you have any questions regarding the review of your Part I application, please the State Historic Preservation Office or me at 202-354-2278.

Sincerely,

Roger G. Reed, Historian
National Register of Historic Places

cc: IRS
WI SHPO
Emly Ramsey, MacRostie Historic Advisors

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

Date:	10/14/22
Received Of:	Daniel Kornaus
Property at:	5372 N. 37 th St.
Received By:	LME
Check # (If Applicable):	Cash
Amount:	\$25.00