

Applicant respectfully submits this appeal and objects to the HPC's determination to disallow two, small side facing sola-tubes¹ on her roof because such determination is illegally inconsistent with other the HPC's longstanding record of application of its guidelines to allow roof-top protrusions in the immediate neighborhood, including skylights and air conditioners, that are visible from the public way.

Applicant seeks approval of her two side facing (but not front facing) sola tubes because:

1. The HPC has set a precedent in allowing both front and side facing skylights and to depart from it now is unfair & consistent. In at least 5 instances in the immediate neighborhood, the HPC has allowed highly visible skylights and roof top A/C units — including 5 examples within a 1-2 block radius. (*Please See chart below*). (It also allows front facing window A/C units). The sola tubes are far less intrusive and a smaller proportion of roof surface, than any other of these 5 examples, per objective metrics). Roof-mounted A/C units are not original—nor necessary— to the style or function of the NPN's historic houses, but are a discretionary lifestyle accessory that have been allowed; Applicant contends a sola tube is in the same category.
2. The Sola Tubes Fit the Style of Applicant's Residence and and be Further Limited in NPN on that Basis. The Applicant's residence is recognized by the HPC to be in the Modern Movement, or Mid-Century Modern², style, where skylights and sola tubes are common and intrinsic to the architectural goal of bringing light & nature in³. To allow applicant's sola tubes on the basis of architectural consistency with its MCM idiom would prevent a proliferation of more in the neighborhood—which overwhelmingly consists of 1900s Georgians and Colonials.
3. Every Adjacent Neighbor Agrees; HPC is Placing excessive weight on one dissenting gadfly. Every adjacent neighbor directly affected by the view of applicant's property

¹ A sola-tube is a roof mounted aperture that passively collects solar energy & light and emits (downward into the house) a soft light at night, qualifying for 30% federal tax credit. Given slope of roof, it stands between 4-7 inches above a roof—half of the protrusion is a translucent bubble).

² The 1970-1971 condo built properties were described as “two-story brick-veered Modern Movement duplexes with very-low pitched roofs [that] are out of scale with the rest of the district and unsympathetic in character.” See, Letter of Attorney David Reicher dated 9/3/2018 and provided to the HPC on 9/4/2018 at page 2, quoting the February 2000 National Register of Historic Places Registration Form. (Emphasis added).

³ Mid Century Modern describes an esthetic that includes architecture built between 1945-1975 characterized by minimalism and “ample windows and open floor plans” designed “with the intention of opening up interior spaces and bringing the outdoors in.” (See, *Wikipedia, Mid Century Modern*, accessed 9/14/2018.) They are designed to be flooded with natural light and some MCM architects were “pioneers in the incorporation of passive solar features in their houses.” Ibid.

has offered letters in support⁴. The ZND improperly relied on the contrary opinion of one zealously pro-HPC resident, Dawn McCarthy, whom Ald. Kovac sought out, given her history of opposition to similar projects (including the multiple conflicts between HPC and 2604 N. Lake, which is kitty-corner to Dawn’s house at 2587 N Lake)⁵.

4. The HPC accepts retroactive COAs. Here, the COA was retroactive because applicant had no notice of the existence of NPN historic district: not one of the real estate documents (deed, condo documents & disclosures, title report, listing materials) refer to a historic district and the Seller misrepresented the property as NOT in a historic area in the Real Estate Condition Report (line 28 in RECR checked as ‘NO’). The contractor, a reputable business with 25 years experience in the area also stated no permit was required (no alteration of roof structure, the ST slips between joists). This was truly inadvertent mistake, especially given the small size and 1971 age of the building⁶. The NPN district also does not go out of its way to give any notice to new residents of its existence, even though a paper insert with the Assessor walk-thru letter would be of minimal cost. (Conversation w. City Clerk Jim Owczarski, 9/18/18, City has considered but not implemented some sort of notice mechanism).

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**(chart on next page)**

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<sup>4</sup> See letter in appeal materials from surrounding neighbors. Example: Attorney Dave Reicher, who lives across the street stated: “I have lived directly across from the Subject Property for over 28 years” and when home, “spends most of my time at home in the West rooms facing the La Budde Condo”; it is a “safe bet I’ve spent more time viewing” the Subject Property “than anyone else in Milwaukee. ... I view the Sola-tubes as unobtrusive and unobjectionable both during the day and in the evening. Although I do have direct views of the Sola-tubes and the roof from inside and outside our house, I did walk around the corner block for other views from the street level and noticed that the Sola-tubes are blocked from numerous views by the North condo building and certain trees on the property. With respect to my direct views at night, I note that they are hardly noticeable when lit up, particularly when contrasted to the multiple larger lighted windows from the 4-story apartment building directly West of the La Budde Condo that towers over the condos and dominate our Western view far more than the small Sola-tubes. ...I certainly believe they are unremarkable additions to this property. ... We do not object to the Sola-tube that have been put in place.” (Atty Reicher letter at pages 1-2. Emphasis added.

<sup>5</sup> Conversation with Ald. Kovac, 10/9/18.

<sup>6</sup> Applicant is not a scofflaw but always seeks to comply with applicable rules: The “permit” link at the Milwaukee Assessor website for her prior residence (not in a historic district) discloses 21 permits over a 19-year period, all initiated by the homeowner or her contractor, none obtained retroactively. See, <https://aca3.accela.com/Milwaukee/Cap/GlobalSearchResults.aspx?QueryText=3170327000>, accessed 9/19/18). The database appears to go back only to 1997; Applicant lived in that house from 1991-2016, and also had permitted work before then.

**CHART Comparing Applicant's Project to other Permitted Roof Protrusions:**

| COMPARATIVE FOOTPRINT AND PERCENTAGE OF ROOF COVERED                                       |                                                  |                                                     | Skylights                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                            | Footprint of Sola Tube/ Skylight, in square feet | Approximate percentage of roof slope occupied       | HPC Disposition<br>(See <b>Section E</b> below for detail on HPC dispositions)                                                                                                                                                    |
| <b>Subject Property</b> -the 2 ST on the North slope (side view)                           | 2.12 sf                                          | <b>less than 1%</b><br><br>(2.12 divided by 547.25) | Denied                                                                                                                                                                                                                            |
| <b>2604 N. Terrace</b><br><br>Two large SIDE facing skylights                              | 4 sf (about 2 by 2')                             | 30% ~ estimate                                      | Installed in 1987, after District created (1983). <b>Allowed</b> , no order for removal pending. See HPC file memo from 1999.                                                                                                     |
| <b>2457 N Terrace</b><br><br>One large double-sized skylight—FRONT facing                  | 6 sf (about 2 by 3')                             | 10% ~ estimate                                      | <b>Allowed: A 2016 COA issued by HPC made removal optional</b> (see coy of 2016 in appeal Exhibits); owner has subsequently expanded scope of remodel, replacing with a dormer window}.                                           |
| <b>2604 N. Lake (corner lot)</b><br><br>Two large skylights: one FRONT and one SIDE facing | 4 sf (about 2 by 2')                             | 25% ~ estimate                                      | <b>Allowed</b> , no order of removal pending, even after a re-roof project agreement with HPC to remove of the front, but not side, sky light. See: HPC file documents (in appeal materials) & interview w Carlen Hatala 9/10/18) |
| COMPARATIVE HEIGHTS AND VOLUME                                                             |                                                  |                                                     | Other Roof-Mounted Objects                                                                                                                                                                                                        |
|                                                                                            | Approximate Height and Width                     | Approximate volume and footprint                    |                                                                                                                                                                                                                                   |

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|---------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------|--|
| Subject Property per sola tube                                            | 14" diameter by 12"high<br>or<br>1.167 foot by 1 foot | 1.06 sq. ft ~ footprint<br>1.07 cubic ft ~ volume |  |
| Rooftop Air Conditioner on <b>2506 N. Terrace</b> visible from the street | 2 feet by 2 feet                                      | 4 sq. ft ~ footprint<br>8 cubic ft ~ volume       |  |
| Rooftop Air Conditioner at <b>2370 N. Terrace</b> visible from the street | 3 feet by 3 feet                                      | 9 sq. ft ~ footprint<br>27 cubic ft ~ volume      |  |

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