



Office of the City Clerk

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October 8, 2024

CERTIFIED MAIL

Mark Bethel
Milwaukee Public Schools
1124 N. 11th St.
Milwaukee, WI 53233

Christopher Kidd
422 N. 15th St.
Milwaukee, WI 53233

RE: Resolution relating to a Certificate of Appropriateness for full window replacement, at 3360 - 3370 N. Sherman Boulevard, Townsend Elementary School, in the Sherman Boulevard Historic District, for Milwaukee Public Schools.

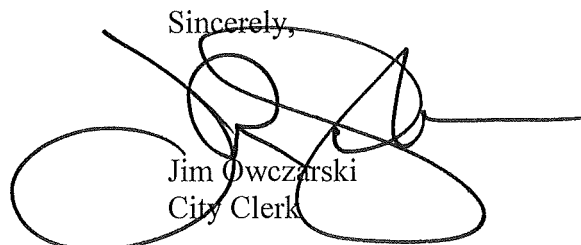
Dear Applicants:

Your application listed above was heard at the Historic Preservation Commission meeting of October 7, 2024. At this meeting, the Commission granted your application, with conditions, the main one being the need to repair rather than replace the windows in the four stair towers. I have attached a copy of the Staff Report, which provides more detail on the conditions requested by staff and approved by the Commission.

You can appeal the Commission's decision to the Common Council by filing a written request with the City Clerk by October 30th. I have also included a copy of any appeal requirements you might be required to comply with. The appropriate Common Council committee will hear your appeal at its next meeting.

If you have any questions relating to the appeal process, please feel free to contact Linda Elmer at 414-286-2231 or lclmer@milwaukee.gov

Sincerely,



Jim Owczarski
City Clerk





Milwaukee Historic Preservation Commission Staff Report

LIVING WITH HISTORY

HPC meeting date	10/7/2024	CCF # 240609
Ald. DiAndre Jackson	Staff reviewer: Tim Askin Updated language for October meeting in red.	
Property	3360 N Sherman Boulevard	Sherman Boulevard HD
Owner/Applicant	Milwaukee Public Schools	Christopher Kidd and Associates, LLC

Proposal

Complete window replacement with new thermally broken aluminum windows by Graham Architectural Products. Manufacturer has committed to reproducing the exact original brickmould and has shown the ability to do so.

Staff comments

The windows at Townsend have been in an appalling state for some time. It is easily demonstrated that many of the windows, particularly the double hung windows are beyond any economically feasible repair. Temporary fixes have been applied, including replacing select panes with acrylic and polycarbonate instead of glass. Ground level windows are presently glass block and most of the boiler room windows have been filled. It is believed nearly all others are original from 1928.

Milwaukee Public Schools has challenges unique among our property owners. MPS notes their extreme energy costs at this facility due to the condition of the windows. Maintenance and energy costs are chief among their concerns. In a prior project in from 2017, HPC rejected a window replacement proposal with a different aluminum window system and included preservation and restoration of the front windows.

The windows proposed this time are a much better much to the originals and essentially the same Graham product line as the HPC approved for the University Club earlier this year. In this case the windows will be custom profiles as there are surviving original windows which can be duplicated.

The ground floor windows, blocked up windows, and glass block windows should be approved for replacement with this proposal as is. Simple double-hung windows consisting of only two sashes should also be approved. Staff would like to see more information on the larger window configurations such as in the north elevation of the gymnasium and the front stair towers. It is HPC's remit to preserve as much original fabric as possible and if a window is not intended to be operable, it is much more reasonable to enclose it with fixed storm windows on the interior and exterior, which can themselves be double-pane and obtain equal or better energy efficiency and equal elimination of maintenance. There is not sufficient information at this time to deem the large and complex windows beyond repair and with potential for a form of encapsulated preservation.

October comments

The requested condition report for the windows in the stair towers has been completed and received. Unfortunately staff does not concur with the architect's findings that these windows are beyond repair. In any other situation, HPC would consider them highly repairable with minor carpentry needs. Some may need a new bottom rail, but muntins are highly intact, hardware can be reinstalled or repaired, broken sash cords can be replaced with chains for long-term durability. Areas featuring lead paint are all exterior surfaces. Permanent exterior storm windows, which can be made in double-pane will solve the majority of the maintenance issue for these stair tower windows.

Proper restoration of the stair tower windows and installation of permanent, high R-value storm windows will maintain the building's integrity. The windows notably already feature bronze, channeled weather stripping which is extremely effective at controlling drafts.

Attic level windows are of minor concern and have more visible damage even in long views and can be replaced with an appropriate Graham window.

Recommendation

Approve replacement of all ordinary, two-sash double-hung windows, all glass block windows, filled-in windows, ground floor windows, and attic windows. Stair tower windows can be cost effectively repaired and brought up to energy efficiency standards.

HPC Appeals Checklist for Financial Hardship

As set forth in s. 62.23(7)(em), Wis. Stats., it is a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special architectural character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety, and welfare of the people. The standards for appealing a decision of the Historic Preservation Commission based on a claim of financial hardship are high because of the importance of treating all property owners fairly while preserving original materials and design as much as possible. Therefore, appellants must submit the following information to the Historic Preservation Commission to support an appeal based on a claim of financial hardship.

Please check off boxes, fill in the the blanks, and attach supplementary materials as applicable to your circumstances.

Base Requirement

- Clear and convincing evidence that any hardship is not self-created or the result of failure to maintain the property in good repair.
- Owner-occupied single-family homes and duplexes are exempt from requirements to pursue selling the property and from providing certain information about owner financials. All other information is required, if it exists.

Required Supporting Materials

1. Property Purchase Information

- Purchase price _____
- Name and legal status of owner (e.g., natural person, sole proprietor, LLC, C corp) _____

- Date of purchase _____
- Name of seller _____
- Description of relationship between owner and seller _____

2. Property Value Information

(Search Assessment Data: assessments.milwaukee.gov/default.asp)

- Current assessed value _____
 - Value of the land _____
 - Value of improvements _____
- Appraisals, if any, from the last two years

3. Owner Financials

- Owner-occupied single-family or duplex:
 - Most recent two years of income tax returns
- Income-producing or commercial use properties:
 - Most recent two years of:
 - Tax returns showing annual gross income from the property
 - Itemized operating and maintenance expenses
 - Real estate tax statements
 - Proof of annual debt service (mortgage balance & terms, etc.)
 - Annual cash flow
 - Federal income tax deductions for depreciation of the property
 - Income tax returns

Required Supporting Materials (Continued)

4. All information within the owner's possession or control about:

- Attempts to sell the property
 - All listings of the property for sale or rent
 - Price(s) asked
 - Offers received

5. All information within the owner's possession or control regarding any attempt to develop profitable, adaptive uses of the property, such as:

- Plans
- Site assessments
- Other relevant information

6. Any other information that is relevant to the issue of whether denial of the certificate or the conditions placed on the certificate creates an unreasonable economic hardship for the owner, such as:

- Reports of licensed engineers or architects familiar with the property
- Cost estimates for work necessary to satisfy conditions on the certificate or the regulations contained or referenced therein
- Any additional information requested by the Common Council or Common Council committee

How to Submit:

Email the completed form and supplementary materials to: hpc@milwaukee.gov

Form and supplementary materials may also be mailed or delivered to:

Historic Preservation Commission

841 N. Broadway, Rm B1
Milwaukee, WI 53202

The completed form and supplementary materials must be received by our office at least 5 business days prior to any appeal hearing.



new construction that also involves an application for a zoning change to a planned development district pursuant to s. 295-907-2, the commission shall confer with the commissioner of city development and shall coordinate the review of the application for a certificate of appropriateness for new construction with the review of the application for creation of the planned development district. This review and coordination may include holding a joint meeting of the historic preservation commission and the plan commission to consider both applications. To the extent practicable, the historic preservation commission and plan commission shall strive for concurrent consideration of the application for a certificate of appropriateness for new construction and the application for creation of the planned development district, and shall endeavor to provide a joint report to the common council. In the event that concurrent consideration cannot be achieved, the historic preservation commission and plan commission do not agree on a joint report or the historic preservation commission fails to act within a reasonable time on the application for a certificate of appropriateness for new construction, the appropriate common council committee shall hold a hearing on both the application for a certificate of appropriateness for new construction and the application for creation of a planned development district. In that case, the common council's action with respect to the approval, denial or modification of the application for creation of a planned development district shall also constitute action on the application for a certificate of appropriateness for new construction.

j. **Additional Provisions; No Action Taken By Commission.** Notwithstanding anything to the contrary herein, if the commission does not grant, grant with conditions, deny or, in the case of a request to demolish a structure, defer action on a certificate of appropriateness within 75 days of the date that the staff of the commission determined that the application was complete as to form, the application for a certificate of appropriateness shall be deemed deferred and the procedures set forth in par. f-2 shall govern further proceedings.

k. **Issuance of Certificate.** Upon the granting or conditional granting of a certificate of appropriateness by the commission, the commission's staff shall issue a certificate of appropriateness to the applicant. In the case of conditional granting of a certificate, the certificate shall only be issued upon the applicant's acceptance of the conditions placed on issuance of the certificate by the commission.

L. **Appeal.** If, upon a hearing by the commission, the application for a certificate is

denied or the certificate is granted conditionally and the applicant refuses to accept the conditions placed on the granting of the certificate, the applicant may appeal the denial or conditional granting of the certificate to the common council by filing a written request with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing at the next regularly-scheduled meeting of the appropriate common council committee, the council may, by majority vote of the common council, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the council finds that, owing to special conditions concerning to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property or will cause unreasonable economic hardship for the owner, provided that any self-created hardship or failure to maintain the property in good repair shall not be a basis for reversal or modification of the commission's decision. If claiming that denial of the certificate or the conditional approval of the certificate causes unreasonable economic hardship for the owner, the applicant shall provide clear and convincing evidence that any hardship is not self-created or the result of failure to maintain the property in good repair, that there is no reasonable use for the property, that there is no reasonable way to adapt the property for alternative use, and that there has been no reasonable offer to purchase the property despite at least 2 years of ongoing substantial effort to sell the property other than an owner-occupied one- or 2-unit residential property, the applicant shall provide the following information to the city clerk not less than 5 days prior to the public hearing:

L-1. **Property purchase information,** including the purchase price the owner paid for the property, the name and legal status of the owner, the date of purchase and the name of the party from whom the property was purchased, including a description of the relationship, if any, between the owner of the property and the person from whom the property was purchased.

L-2. **Property value information,** including the most recent assessed value of the land and improvements thereon and any appraisals in the owner's possession or control prepared within the previous 2 years in connection with any purchase, financing, ownership change or attempt to sell the property, and the current and past uses, for at least the last 5 years, of the property.

320-21-12 Boards, Commissions and Committees

L-3. For an income-producing property, financial documentation for the property during the past 2 years, including tax returns showing annual gross income from the property, itemized operating and maintenance expenses for the property, real estate tax statements, proof of annual debt service, including mortgage balance and terms, annual cash flow and any federal income tax deductions or depreciation claimed for the property. For an owner-occupied residential property, income tax returns for the last 2 years.

L-4. All information within the owner's possession or control about attempts to sell the property, including all listings of the property for sale or rent, the price asked and any offers received.

L-5. All information within the owner's possession or control, such as plans, site assessments and other information, regarding any attempt to develop profitable, adaptive uses of the property.

L-6. Any other information that is relevant to the issue of whether denial of the certificate or the conditions placed on the certificate creates an unreasonable economic hardship for the owner, such as reports of licensed engineers or architects familiar with the property or cost estimates for work necessary to satisfy conditions on the certificate or the regulations contained herein, including any additional information requested by the common council or common council committee.

m. Location of Utility Meter. New installation of a natural gas meter or a utility meter on a historic structure, or on a structure on a historic site or within a historic district, shall not be permitted on a street-facing elevation of the structure.

n. Building Code Compliance. Insofar as it is applicable to a historic structure, historic site or structure within a historic district designated under this section, any provision of the building code shall apply, unless waived by the appropriate state or city officials as permitted by law. The commission may support or propose such waivers before the appropriate state or city appeals bodies.

12. GUIDELINES FOR REHABILITATION. In determining whether to issue a certificate of appropriateness for rehabilitation, the commission shall consider and may give decisive weight to any or all of the following:

a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the exterior of a building, structure or site and its environment.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal

of alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without a certificate of appropriateness.

h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations and additions do not destroy significant historical, architectural or cultural material, and the design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

13. TEMPORARY DESIGNATION. a. Application. Any resident of the city seeking to nominate a structure, site or geographic area for designation as a historic structure, historic site or historic district may also seek temporary designation of that structure, site or geographic