

Paul and Carol Rubitsky
4828 W. Washington Blvd.
Milwaukee, WI 53208

March 10, 2009

TO: The Common Council / City Clerk's Office
200 E. Wells Room 205
Milwaukee, WI 53201

RE: Appeal of Historic Preservation Commission denial of Certificate of Appropriateness
for the property located at 3123-25 N. Sherman Blvd. in Milwaukee

To The Honorable Common Council:

We are asking for a hearing to appeal the denial of a Certificate of Appropriateness for the
property we own at 3123-25 N. Sherman Blvd.

Enclosed is a copy of our file including:

Copy of the Denial from Historic Preservation Commission

The original letter from Department of Neighborhood Services asking us to obtain a Certificate of
Appropriateness or remove the work.

Copy of extension of time from Standards & Appeals

Application for Certificate of Appropriateness , including:

PHOTOS

1. Front of house as seen from the sidewalk
2. Photo showing original storm doors, wood windows with scallop detail above. We feel these
are important historical features of the home, and we maintain them as such, glazing
replacing old wood, painting, etc.
3. Architectural scroll detail at S.E. corner not removed
4. Front and N. side of property showing new gutters, and trim.
5. S. side of property showing new gutters and trim
6. View from alley of back and N. side
7. Front of garage from alley
8. N. side of garage
9. E. side of garage from back yard of property.

2009 MAR 11 PM 4:21
REYNALD D. LEONHARDT
CITY CLERK
CITY OF MILWAUKEE

SKETCHES

1. Top portion of front of house.
2. Side view (N. and S. sides are similar in design and length)

We purchased this house in 1990, prior to its inclusion in the Historic District. We have neither removed nor altered any historic features of the home. These are tough economic times for this area, and we have tried to preserve the integrity and appearance of the structure.

Approximately 2 years ago we had the gutters on the house replaced with black aluminum seamless gutters of the same size and design of the metal gutters there when we purchased the home. No architectural features were altered or removed.

In August of 2008 we had the gutter fascia and soffits clad with black low-sheen aluminum coil and soffit material, to match painted trim. Previously, somewhat corroded silver metal covered the fascia behind the gutters and under the soffit. Much of it was missing, giving it a raggedy appearance and causing deterioration of the wood behind it. The fascia on gables was clad as well, to continue the visual lines of the gutter system where it meets at all corners, and to prevent the wood fascia at the roof line from deteriorating, because removal and replacement of this wood would cause the slate tiles to crack at the edges, and most likely damage the stucco, which was originally applied after the wood. No architectural features were altered or removed.

We had the plastic gutter system on the garage, which had cracked and broken in many areas, removed and replaced with black aluminum. There was no real continuous soffit, some of it was plastic, some left open.

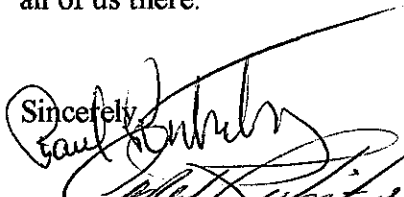
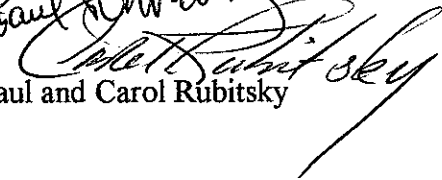
The vinyl siding on the garage, and the silver aluminum windows and doors on the house were installed before we acquired the property in 1991.

It did not occur to us that we needed a Certificate prior to doing the work because we were not changing the structure of the building in any way or removing any architectural embellishments, and, in fact, the guidelines on the website regarding metal referred only to siding over wood. We live in a home in an area listed on the National Register and are not subject to these restrictions. We always try to preserve and protect important design features, and plan all other work to provide as little visual impact as possible. We feel we have done an excellent job of this on Sherman Blvd., as shown in the photos, all taken since completion.

It is our understanding that the gutters will be allowed, but that the work supporting them remains at issue.

We are by no means "absentee landlords", and we take pride in being able to provide affordable, well-maintained homes for people who are too old or do not have sufficient income to purchase a home. We have a large stake in the Sherman Park area, and a continual presence there. We are

concerned about the appearance and maintainence of the houses and commerical buildings of the neighborhood, and deeply concerned about the economic conditions and crime issues that affect all of us there.

Sincerely,


Paul and Carol Rubitsky



LIVING WITH HISTORY
MILWAUKEE HISTORIC PRESERVATION COMMISSION
P.O. Box 324
MILWAUKEE, WI 53201-0324
(414) 286-5712

February 21, 2009

CERTIFIED MAIL

Paul & Carol Rubitsky
4828 W. Washington Boulevard
Milwaukee, WI 53208

Dear Mr. & Mrs. Rubitsky:

The Historic Preservation Commission at its February 16, 2009 meeting denied your second Certificate of Appropriateness to apply aluminum trim to the soffits and eaves at 3123 N. Sherman Boulevard, in the North Sherman Boulevard Historic District. The aluminum gutters can remain.

In the event you wish to appeal this decision you must contact the Council Administration Manager in the Office of the City Clerk at (414) 286-2221 to schedule an appeal hearing before the Zoning, Neighborhoods and Development Committee of the Milwaukee Common Council. You must make that contact within 20 days of the date of this letter or you will forfeit your right to an appeal.

Please call me if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Jakobovich".

Paul Jakobovich
Historic Preservation

c: Ald. Willie Wade

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

**CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES**
Zoning Inspection Section
841 N. Broadway
Milwaukee, WI 53202



PSRALM LTD
PAUL RUBITSKY - REGISTERED AGENT
4828 W WASHINGTON BL
MILWAUKEE, WI 53208

Serial #: 007043711
Inspection Date: October 14, 2008
District #: 374
CT: 49

sing-com

Recipients:
PSRALM LTD, PAUL RUBITSKY - REGISTERED AGENT, 4828 W WASHINGTON BL, MILWAUKEE, WI 53208

Re: 3123-3125 N SHERMAN BL

Taxkey #: 288-0728-000

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below **within 30 days of service of this order.**

1. 308-81-9-i
Violations of Chapter 308 of the Milwaukee Code of Ordinances are subject to the penalty provisions of s. 200-19 and the building code enforcement provisions of s. 200-11-3 and s. 200-12-1.
2. 308-81-9
Alteration or reconstruction of the exterior of the subject property is prohibited without a Certificate of Appropriateness from the Historic Preservation Commission. Restore the exterior of the property to the condition in existence at the time that the property became subject to the historic preservation regulations of Chapter 308 of the Milwaukee Code of Ordinances or obtain a Certificate of Appropriateness and any related permits. (Obtain a Certificate of Appropriateness for gutter system and trim work for the Historic Preservation Commission.)

For any additional information, please phone **Rebecca Rabatin** at **[414]-286-5030** between the hours of **7:30am-9:30am** or **2:00pm-3:00pm** Monday through Friday.

Per Commissioner of Neighborhood Services By-

Rebecca Rabatin

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. The fee is \$50 for the first reinspection, \$75 for the second, \$150 for the third, and \$300 for the fourth and all subsequent reinspections. As of January 1, 2009, the third fee will increase to \$200 and the fourth and subsequent fees will increase to \$350, as per Common Council File #080486 approved September 12, 2008. Reinspection fees shall be a lien upon the real estate where the reinspections were made and shall be assessed and collected as a special tax. If you wish to contest the assessment of a reinspection fee, contact the inspector, and, if necessary, the inspector's supervisor. If no agreement is reached, an appeal form will be mailed to you, which you can complete and send to the City's Administrative Review Appeals Board. Any question regarding the actual appeal process, please contact the Administrative Review Appeals Board at (414) 286-2221. Please be aware that there is a fee required when filing an appeal.

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellate board and maintain compliance, may subject you to prosecution and to daily penalties of \$150 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days, not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414-286-2503.

Violations of Chapter 295 of the Milwaukee Code of Ordinances must be appealed to the Board of Zoning Appeals, 809 N. Broadway, 1st floor, Milwaukee, Wisconsin 53202, phone 414-286-2501. All appeal applications must include the required information outlined in sec. 295-311-6.

If an appeal is pursued, it is your responsibility, as the recipient of this order, to file with the appropriate department. Please contact the inspector that issued this order if you are unclear on this issue. Filing an appeal with the incorrect department may render your appeal null and void.

RIGHT TO APPEAL

This order may be appealed in writing to the Historic Preservation Commission pursuant to Section 308-81-9, provided an application for appeal is received within 20 days of service. If the order was served by mail, any appeal of the order shall be made in writing within 30 days of the date of the order. For further information, contact the Historic Preservation Officer, Dept. of City Development, 809 N. Broadway, Milwaukee WI 53202 (Telephone 286-5927). There is no fee or filing this application. No hardship created by an owner shall serve as a basis for reversing or revising an order. Failure to appeal an order issued by the Department shall create a rebuttable presumption that a violation existed on the date of the issuance of the order (200-17-8).

TRADUCCION EN ESPAÑOL

Si Ud. necesita ayuda para la traducción de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414)384-3700, o Community Advocates, 4906 W. Fond du Lac ave., Milwaukee, WI, 53216, Teléfono: (414)449-4777.

LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

Paul & Carol Rubitsky
4828 W. Washington Blvd.
Milwaukee, WI 53208

October 12, 2008

To: Standards & Appeals
841 N. Broadway
Milwaukee, WI 53202

RE: 3123-25 N. Sherman Blvd.

Violations 308-81-9i and 308-81-9

Tax Key#: 288-0728-000

On October 14, 2008 we received a letter from Rebecca Rabatin giving us an order to remove gutter system and trim from the above property or receive a Certificate of Appropriateness, within 30 days. We called every day for 2 weeks to find out whether we had received staff approval. We applied for the certificate with 24 hour notice of the meeting deadline, and were denied the COP at the meeting Monday 11/10. Since then we have not been able to reach anyone in order to clarify some of the issues we need to address in regard to removal of new gutter systems, or to discuss an appeal process. This letter is our appeal for additional time.

Paul Rubitsky
Carol Rubitsky

414-202-7625

cc: Atty. Christopher Meisel



Standards and Appeals Commission

MEMORANDUM OF DECISION

No. 7017

In the Matter of the Appeal of:
Carol Rubitsky

Re: Premises -- 3123-35 North Sherman Boulevard

The above matter came on for hearing before the Standards and Appeals Commission on December 18, 2008, on an appeal of Order #007043711 dated October 14, 2008 of the Commissioner of Neighborhood Services, to obtain a Certificate of Appropriateness from the Historic Preservation Commission, as required by the Milwaukee Code of Ordinances.

The Commission, having heard the evidence of the appellant and of the City of Milwaukee and being fully advised in the matter, a motion was duly made, seconded and unanimously carried that a variance from the Milwaukee Code of Ordinances is GRANTED, subject to the following conditions:

1. That the subject building in all other respects complies with all other applicable building and zoning code regulations.
2. That any required permits be obtained prior to construction.
3. That the variance is subject to revocation upon a finding that these conditions have not been fully complied with.
4. That an extension is granted for a period of 18 months, extending from the date of this written decision, in order to comply with Order #007043711.

The Commission, in arriving at this decision, took into consideration the following:

1. The request for this variance will vary only a reasonable minimum from the literal regulation of this code but will comply with the spirit, purpose and intent of the Milwaukee Code of Ordinances.

IT IS SO ORDERED
Dated and filed at
Milwaukee, Wisconsin
January 23, 2009
RP:jn

STANDARDS AND APPEALS COMMISSION

BRIAN JOST, CHAIRMAN

Paul and Carol Rubitsky
4828 W. Washington Blvd.
Milwaukee, WI 53208

October 29, 2008

TO: The Historic Preservation Commission
Department of City Development, 1st Floor
809 N. Broadway
Milwaukee, WI 53208-3617

RE: Certificate of Appropriateness for 3123-25 N. Sherman Blvd.

PHOTOS

1. Front of house as seen from the sidewalk
2. Photo showing original storm doors, wood windows with scallop detail above. We feel these are important historical features of the home, and we maintain them as such, glazing, replacing old wood, painting, etc.
3. Architectural scroll detail at S.E. corner not removed
4. Front and N. side of property showing new gutters, and trim.
5. S. side of property showing new gutters and trim
6. View from alley of back and N. side
7. Front of garage from alley
8. N. side of garage
9. E. side of garage from back yard of property.

SKETCHES

1. Top portion of front of house.
2. Side view (N. and S. sides are similar in design and length)

Approximately 2 years ago we had the gutters on the house replaced with black aluminum seamless gutters of the same size and design of the metal gutters there when we purchased the home. No architectural features were altered or removed.

In August of this year we had the gutter fascia and soffits clad with black low-sheen aluminum coil and soffit material, to match painted trim. Previously, somewhat corroded silver metal covered the fascia behind the gutters and under the soffit. Much of it was missing, giving it a raggedy appearance and causing deterioration of the wood behind it. The fascia on gables was clad as well, to continue the visual lines of the gutter system where it meets at all corners, and to prevent the wood fascia at the roof line from deteriorating, because removal and replacement of this wood would cause the slate tiles to crack at the edges, and most likely damage the stucco, which was originally applied after the wood. No architectural features were altered or removed.

We had the plastic gutter system on the garage, which had cracked and broken in many areas, removed and replaced with black aluminum. There was no real continuous soffit, some of it was plastic, some left open.

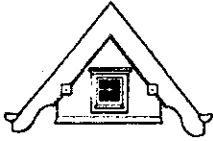
The vinyl siding on the garage, and the silver aluminum windows and doors on the house were installed before we acquired the property.

It did not occur to us that we needed a Certificate prior to doing the work because we were not changing the structure of the building in any way or removing any architectural embellishments, and, in fact, the guidelines on the website regarding metal referred only to siding over wood. We live in a home in an area listed on the National Register and are not subject to these restrictions, We always try to preserve and protect important design features, and plan all other work to provide as little visual impact as possible. We feel we have done an excellent job of this on Sherman Blvd., as shown in the photos, all taken since completion..

This application includes your form, pages 1 and 2, nine photos, 2 drawings, and copy of proposal listing details and dimensions. The inspector who whole the order was not sure we needed to file an application and referred us to Paul Jakubovich, who indicated he would look into it. We called daily for more than a week to contact him for a determination and received a call from Carlen Hatala yesterday, informing us that we did need to file because Paul was not able to view the work at this time, and that the application deadline for your next meeting was today at noon. We hope you will consider this application on the basis of the information we could provide at short notice, and on the merits of the care and consideration taken in planning and performing the work..

Sincerely,

Paul and Carol Rubitsky



CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

Incomplete applications will not be processed for Commission review.

Please print legibly.

1. HISTORIC NAME OF PROPERTY OR HISTORIC DISTRICT: (if known)

SHERMAN BLVD.

ADDRESS OF PROPERTY:

3123-25 N. SHERMAN BLVD.

2. NAME AND ADDRESS OF OWNER:

Name(s): PAUL & CAROL RUBITSKY

Address: 4828 W. WASHINGTON BLVD.

City: MILWAUKEE

State: WI

ZIP 53208

Email:

Telephone number (area code & number) Daytime: 414-202-7625 Evening: 414-259-9232

3. APPLICANT, AGENT OR CONTRACTOR: (if different from owner)

Name(s):

Address:

City:

State:

ZIP Code:

Email:

Telephone number (area code & number) Daytime:

Evening:

4. ATTACHMENTS

A. REQUIRED FOR ALL PROJECTS:

Photographs of affected areas & all sides of the building (annotated photos recommended)

Sketches and Elevation Drawings (1 full size and 2 reduced to 11" x 17" or 8 1/2" x 11")

Material and Design Specifications (see next page) *SEE PROPOSAL*

B. NEW CONSTRUCTION/DEMOLITION ALSO REQUIRES:

Floor Plans (1 full size and 1 reduced to 11" x 17")

Site Plan showing location of project and adjoining structures and fences

Other (explain):

PLEASE NOTE: YOUR APPLICATION CANNOT BE PROCESSED UNLESS BOTH PAGES OF THIS FORM ARE PROPERLY COMPLETED.

5. DESCRIPTION OF PROJECT:

Describe all existing features that will be affected by proposed work. Please specify the condition of materials, design, and dimensions of each feature (additional pages may be attached)

NO ARCHITECTURAL FEATURES REMOVED OR ALTERED.
WORK AFFECTS ONLY THE GUTTERS, FASCIA BOARDS,
& SOFFITS WHICH WERE DETERIORATING METAL.
GARAGE HAD PLASTIC GUTTERS & NO SOFFIT.

Photo No.

Drawing No.

B. Describe all proposed work, materials, design, dimensions and construction technique to be employed (additional pages may be attached)

REPLACEMENT OF CORRODED GUTTERS & INSTALLATION OF
SOFFIT MATERIAL TO CLOSE ALL OPENINGS - 25' X 128'
REPLACEMENT OF GUTTERS @ TOP & BOTTOM ROOF EDGES WITH
SIMILAR ALUMINUM MATERIAL & DESIGN. FASCIA
BEHIND GUTTERS, AND SOFFIT BELOW THEM TRIMMED
W/ BLACK COIL TO MATCH TRIM TO CONTINUE ON GABLES,
BACK & FRONT TO PROTECT EDGES OF SHINGLE
& SUPPORTS.

Photo No. SEE ATTACHED

Drawing No.

6. SIGNATURE OF APPLICANT

LETTER, PHOTOS, AND DRAWINGS #1 and #2,
AS WELL AS COPY OF PROPOSAL WITH
DIMENSIONS.

Signature

PAUL & CAROL RUBITSKY

Date

2/3/09

This form and all supporting documentation **MUST** arrive by 12:00 noon on the deadline date established to be considered at the next Historic Preservation Commission Meeting. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Hand Deliver Form to:
Historic Preservation Division
Department of City Development
809 North Broadway - 1st Floor
Milwaukee, WI

or

Mail Form to:
Historic Preservation Division
Department of City Development
1st floor
Milwaukee, WI 53202-3617

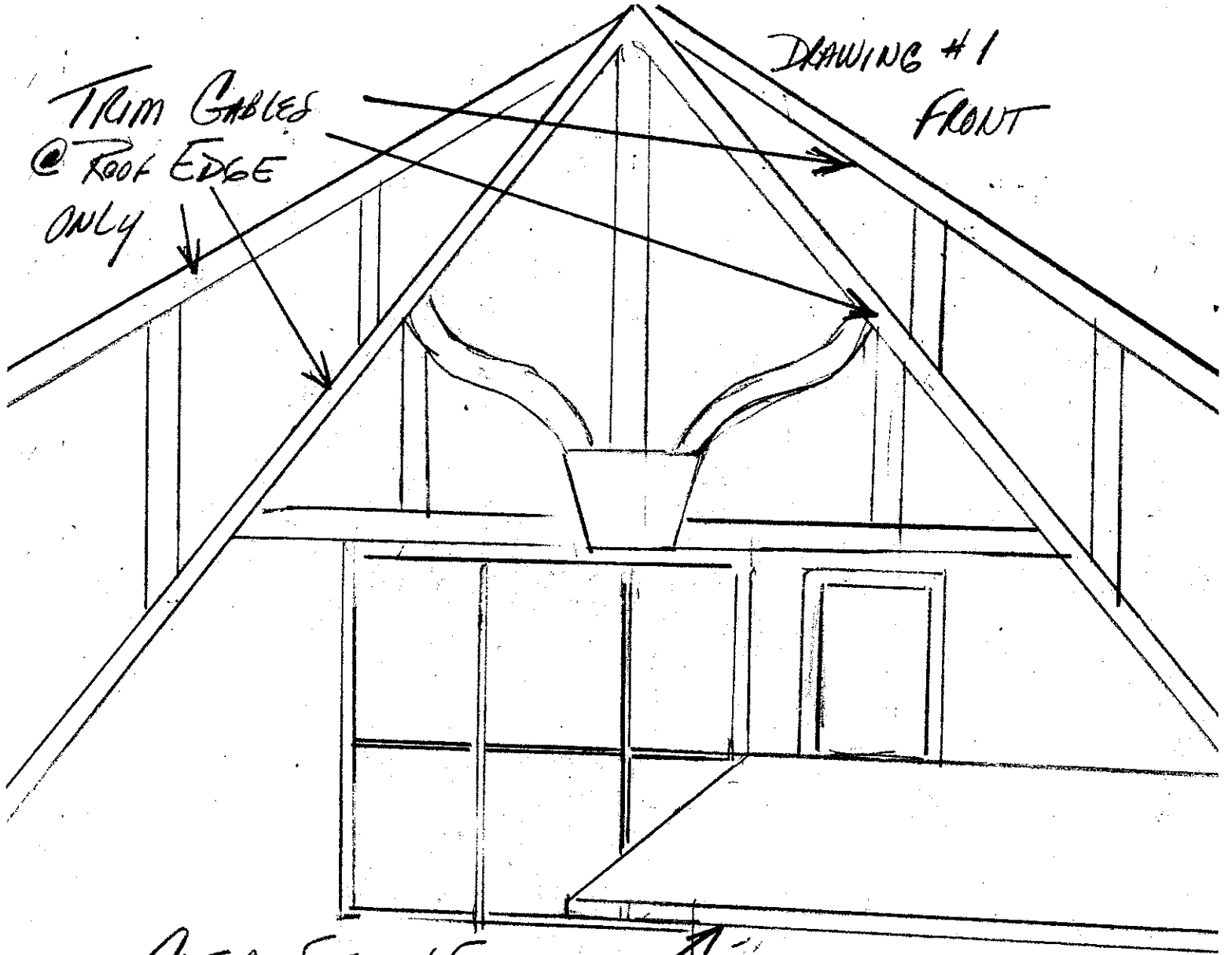
PHONE: 414.286-5712

FAX: 414. 286-0232

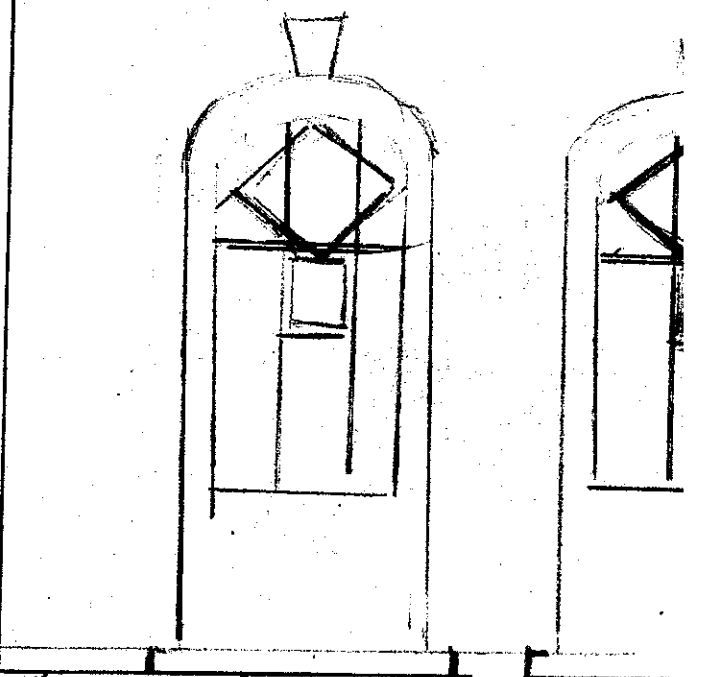
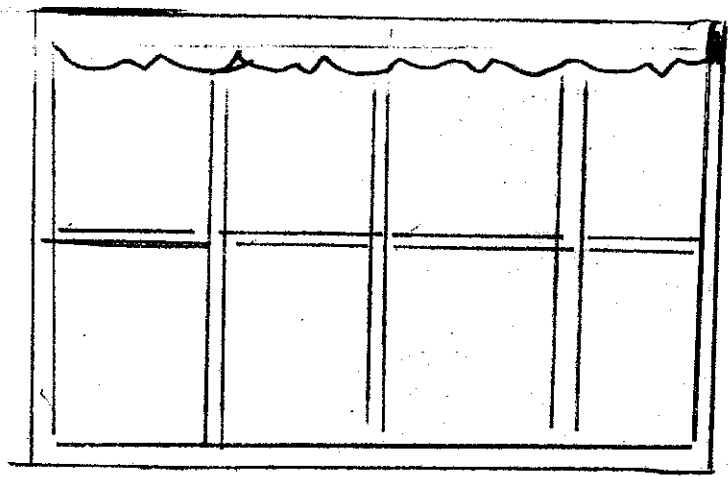
www.mkedcd.org/planning/historic

DRAWING #1
FRONT

Trim Gables
@ Roof Edge
ONLY



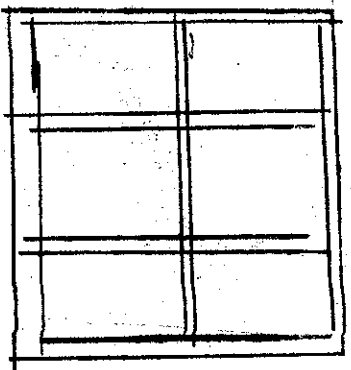
CUTTER, SOFFIT & FASCIA
AROUND PORCH



EAST ELEVATION

3123-25 N. HERMAN BLVD.

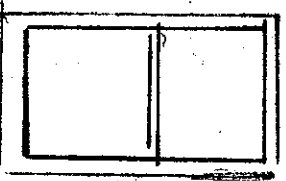
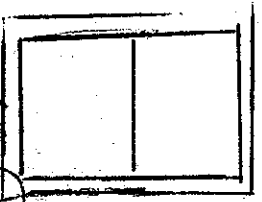
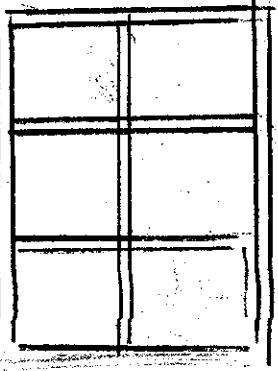
SLATE ROOF



GUTTER FASCIA & SOFFIT
UPPER & LOWER

DRAWING # 2

SLATE



WINDY SOUND SIDES

3133-35 N. SHERMAN BLVD.

TO GABLE
THIN CURTAIN
MED SYSTEM
@ QUINCY'S

PROPOSAL

DATE: July 28, 2008

PROPOSAL SUBMITTED TO:

WORK TO BE PERFORMED AT:

NAME: Paul Spencer	ADDRESS: 3123/3125 North Sherman Blvd
ADDRESS: 3123/3125 North Sherman Blvd Milwaukee, WI	Milwaukee, WI
PHONE: 414-350-6529	PHONE: 414-350-6529

We hereby propose to furnish the materials (unless agreed upon otherwise below) and perform the labor necessary for the completion of the following:

House:

1. Install 247' of soffit and fascia.
2. Install 184' of trim to molding below lower soffit.
3. Install 120' of fascia, only to front and back of both gable ends, upper & lower.

Front porch:

1. Install 32' of soffit, fascia and lower molding.

Back porch:

1. Install 32' of freeze board and fascia.

Garage:

1. Remove vinyl fascia from garage.
2. Install 116' new soffit and fascia.
3. Install 58' of gutter to ~~8~~ sides of garage.
4. Install 10' of downspouts and 3 A elbows to 5 W corners.

*Paid In Full
8-13-08*

All trim will be consistent with the original architectural design of the home to preserve it's original design.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings (if applicable) and specifications submitted for the above work and completed in a substantial professional manner for the sum of **Four Thousand One Hundred Eighteen Dollars (\$4,118.00)** with payments to be as follows:

\$1,500.00 down and \$2,618.00 payment upon completion of work.

*finger paid 5/5
7-31-08*

Respectfully submitted by: Steven Fuller

Per: in person

Note - This proposal may be withdrawn by us if not accepted within 10 days.

Any alteration or deviation from the above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or any delays beyond our control.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Homeowner is not responsible for any personal injuries incurred by workers at the above address. Payments will be made as outlined above.

Signature *[Handwritten Signature]*

Date 7/31/08

Signature *[Handwritten Signature]*

Date 7-31-08