

STATE OF WISCONSIN
CITY OF MILWAUKEE
ADMINISTRATIVE REVIEW APPEALS BOARD

SUZANNE C. SPENNER-HUPY
3340 West Windermere Court
Milwaukee, WI 53211

Petitioner,

vs.

CITY OF MILWAUKEE
HISTORIC PRESERVATION COMMISSION

Respondent.

**REQUEST FOR REVIEW OF HISTORIC PRESERVATION COMMISSION'S
GRANT OF A CERTIFICATE OF APPROPRIATENESS
PURSUANT TO MCO §320-11 & WIS. STAT. CH. 68**

Petitioner named above hereby files this request for a review of the determination by the City of Milwaukee Historic Preservation Commission (“HPC”) to grant a Certificate of Appropriateness (“COA”) to Chris & Jennifer Abele (“Abele”) regarding proposed new construction on the property located at 3319 North Lake Drive (the “Property”).

FACTS FORMING THE BASIS FOR CLAIMS FOR RELIEF

1. Abele is the current owner of the Property. The Property, known as the Erwin & Paula Uihlein Residence, is located in the City of Milwaukee’s North Lake Drive Estates Historic District and consists of an approximately 65,158 square foot lot with a primary residence and two accessory buildings known as the “Caretaker’s Cottage” and the “Stable”. While the Property is also on the National Register of Historic Places, HPC’s jurisdiction over the Property is limited to the City of Milwaukee Historic Preservation Code, as provided for under §320-21 of the City of Milwaukee Code of Ordinances (“MCO”).

2. Ms. Suzanne C. Spenner-Hupy (“Hupy”) is the owner of the residential property located at 3340 West Windermere Court, Parcel #2780501100, and immediately adjacent to the northern boundary of the subject Property (the “Hupy Property”). An ariel photo showing the locations of the Hupy Property and the subject Property is attached hereto as Exhibit A and incorporated herein.

3. Abele is seeking to construct an approximately 6,816 square foot accessory building on the Property consisting of (i) a four-car garage and spa room, (ii) glass enclosed swimming pool and conservatory, and (iii) associated support facilities (kitchen, laundry, bathroom) (collectively, the “Project”). Attached hereto as Exhibit B and incorporated herein is the proposed Site Plan for the Project submitted to HPC by Abele.

4. As the Property is located in the North Lake Drive Estates Historic District (the “District”), any new construction on the Property requires prior approval from HPC through the grant of a COA. MCO § 320-21-11-g-3 provides that when reviewing an application for a COA, HPC shall consider whether an applicant’s proposed new construction “*conforms to the objectives of the preservation plan for the district as duly adopted by the common council*” (the “Study Report”). Attached hereto as Exhibit C and incorporated herein is the Historic Designation Study Report for the North Lake Drive Estates Historic District adapted by the City of Milwaukee Common Council.

5. As noted above, pursuant to MCO § 320-21-11-g-3, HPC is charged with confirming that the Application conforms with the objectives of the approved Study Report. The District’s Study Report provides, in relevant part:

*“The **construction of any single building addition or accessory building shall **not increase** the total gross floor area of all structures on the lot **by more than 20%**. The total gross floor area of all additions or accessory buildings constructed after July 27, 1984, shall not exceed 50% of the total***

gross floor area of all structures on the lot on that date” (emphasis added).
See Section IX, Paragraph C, Subsection 2 of the District’s Study Report.

6. The current City of Milwaukee Assessor details for the Property, attached hereto as Exhibit D, show the City calculates the total square footage for all buildings currently on the Property to be 13,304 square feet. Using the City Assessor’s square footage calculations and applying the Study Report requirements, any individual accessory building constructed on the Property shall be no larger than 2,661 square feet (20% of 13,304). At 6,816 square feet, the proposed Project exceeds the size limitations required by the District Study Report by 4,155 square feet (or by 156%).

7. On or about April 8, 2022, Abele (through its architect Galbraith Carnahan Architects) submitted a Certificate of Appropriateness Application for the Project (the “Application”) to HPC. On the Existing Site Plan submitted as part of the Application, Abele calculates that the current “Building Square Footage” for the Property consists of (i) the Primary Residence at 21,007 square feet, (ii) the Caretaker’s Cottage at 1,356 square feet, and (iii) the Stable at 2,478 square feet, for a total of 24,841 square feet (or 11,537 square feet more than the City Assessor’s calculation). Attached hereto as Exhibit E and incorporated herein are the submitted Existing Site Calculations from the Application.

8. If one were to accept Abele’s calculations for Building Square Footage for the Property as presented, any individual accessory building constructed on the Property shall be no larger than 4,968 square feet (20% of 24,841). As noted above, Abele is seeking to construct an approximately 6,816 square foot accessory building on the Property. Therefore, the proposed Project (using Abele’s own square footage calculations) exceeds the 20% square footage cap required by the District’s Study Report by 1,848 square feet. Even assuming Abele’s square footage calculations were correct (despite a significant discrepancy with the square footage totals

used by the City Assessor), the proposed Project is in violation of the size limitation required by the District's Study Report.

9. The discrepancy between the City Assessor's square footage calculations and those submitted in the Application appear to be based on at least three factors:

- (i) The 21,007 square footage calculation for the Primary Residence in the Application (as shown on Exhibit E attached hereto) includes 4,733 square feet attributed to the Primary Residence's "lower level" or basement. Additionally, the 2,478 square foot calculation for the Stable includes 825 square feet attributed to the Stable's "lower level" or basement. Basements, or below grade spaces, are typically not included in residential square footage calculations.
- (ii) The 21,007 square footage calculation for the Primary Residence includes 5,314 square feet of space attributed to the "third level". The 1,356 square feet of the Caretaker's Cottage includes 631 square feet of space attributed to the "second level". It appears from the Application materials that the referenced "third level" in the Primary Residence and "second level" in the Caretaker's Cottage is attic space (which is not typically included in residential square footage calculations) or not living space that was part of the original design of the Primary Residence and Caretaker's Cottage respectively.
- (iii) The 21,007 square footage calculation for the Primary Residence also appears to include the square footage of the attached garage. Garage space is not typically included in residential square footage calculations.

Attached hereto as Exhibit F and incorporated herein is a depiction of the Project's north elevation showing the three levels plus lower level of the Primary Residence that Abele includes in its square footage calculation. Based on the foregoing, it appears that the Application artificially inflates the Building Square Footage numbers in an attempt to justify a larger Project.

10. On May 9, 2022, HPC held an initial hearing to review the Application. HPC's Staff Report for the Project for the May 9, 2022 hearing ("Staff Report #1") indicates the "*project must be split into two phases due to the square footage involved*" and goes on to state that "*Staff understands the project to be compliant with the size restrictions, as long as it is broken into two*

phases” (See Staff Comments section of Staff Report #1). A copy of Staff Report #1 is attached hereto as Exhibit G and incorporated herein. However, Staff Report #1 provides no legal authority or explanation for why it is permissible for HPC to arbitrarily divide the Project “into two phases” for the express reason of subverting the Study Report restrictions adopted by the Common Council. The size limitation in the Study Report is not discretionary and HPC is not authorized to simply disregard it:

*“The construction of any single building addition or accessory building **shall not** increase the total gross floor area of all structures on the lot by more than 20%” (emphasis added). See Section IX, Paragraph C, Subsection 2 of the District’s Study Report.*

11. Additionally, Staff Report #1 provides no legal authority or explanation for why simply dividing the Project – to construct a single 6,816 square foot accessory building – into two phases circumvents the Study Report’s size requirement. The language of the Study Report does not contain an exception to the square footage cap based on construction schedules. HPC Staff’s interpretation that the square footage cap does not apply to the fully-constructed accessory building, but only to each potential construction phase of the Project, is contrary to the plain language of the Study Report (which restricts the size of an accessory building, not individual construction phases of the proposed building) and renders the District Study Report’s size requirement meaningless. If HPC Staff’s interpretation was correct, an accessory building could be constructed that was 200% greater than the “*total gross floor area of all structures on the lot*” as long as the project was divided into enough construction phases to get each phase under the 20% limitation. In fact, the size limitation is not standard language in other historic designation study reports adopted by the Common Council and appears to be a unique requirement for this District. Given that the Common Council saw fit to include this unique size requirement in the

District's Study Report, HPC is required to enforce it - not allow it to be circumvented by creative accounting.

12. Further, Abele's Application clearly shows that the Project is one building. In the Application's Project Summary, Abele specifically states that the proposed Project is a single structure:

*"The project under consideration consists of **a new outbuilding** on the premises of the Erwin & Paula Uihlein Residence located at 3319 N. Lake Drive in Milwaukee Wisconsin. **The new structure** will house a four-car garage as well as a swimming pool and associated support facilities"* (emphasis added).

A copy of the Application's Project Summary is attached hereto as Exhibit H and incorporated herein.

13. Abele's intent that the proposed Project is a single structure is further demonstrated in its application for City of Milwaukee zoning approvals related to the Project. As noted above, the Property currently contains two accessory buildings, the "Caretaker's Cottage" and the "Stable". Per MCO 295-505-3-d, the Property is restricted from having more than two accessory buildings, so to build the Project as presented Abele needs a dimensional variance to exceed the two accessory building limitation. Attached hereto as Exhibit I and incorporated herein is Abele's Statement of Variance to the City of Milwaukee Board of Zoning Appeals ("BOZA") requesting a dimensional variance to exceed the "maximum number of outbuildings" by 1 additional building. In addition, attached hereto as Exhibit J and incorporated herein is the City of Milwaukee Development Department's BOZA Referral Letter for the Project showing Abele's request for a dimensional variance to exceed the maximum number of outbuildings on the Property by 1 additional building.

14. At the May 9, 2022 HPC hearing, Hupy raised several concerns with the Project, including the adverse impact the proposed 18 foot, 9 ¼ inch tall, fully-lighted, glass enclosed

swimming pool enclosure would have on her Property and the lack of specifics regarding Staff's determination that the Project was compliant with the Study Report's size limitations. No legal authority or explanation was provided by HPC during the hearing for why the Project was divided into two phases for purposes of calculating the square footage requirements or how it was finally determined that the Project complied with the Study Report's size restrictions. HPC conditionally approved "Phase I" of the Project subject to submittal and approval of a landscape plan and a lighting plan for the Project (*See* May 9, 2022 HPC hearing video transcript at 1:53:16; statements of Patricia Keating Kahn, Chair, HPC). In addition, HPC held over "Phase II" of the Project so Abele could "work with [HPC Staff] to come up with a more compatible design for the pool house roof." (*See* May 9, 2022 HPC hearing video transcript at 1:53:50; statements of Patricia Keating Kahn, Chair, HPC). Attached hereto as Exhibit K is the meeting minutes for the May 9, 2022 hearing. *See also* City of Milwaukee, Historic Preservation Commission video transcript of May 9, 2022 hearing at:

https://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=3170&meta_id=3030713

15. On July 11, 2022, HPC held a second hearing on the Application. Hupy again raised concerns regarding the adverse impact the Project would have on her property, particularly the potential light pollution issues resulting from the proposed 18 foot, 9 ¼ inch tall, fully-lighted, glass enclosed swimming pool enclosure. Additionally, Hupy raised concerns about inconsistencies in the Project's landscaping plan and incomplete specifications for the 11 different lighting fixtures in the Project's lighting plan. Again, no legal authority or explanation was provided by HPC during the hearing for why the Project was divided into two phases or how it was finally determined that the Project complied with the Study Report's size restrictions. HPC voted 3-2 to grant Abele a COA for the Project. Attached hereto as Exhibit L are the meeting

minutes for the July 11, 2022 hearing. *See also* City of Milwaukee, Historic Preservation Commission, video transcript of July 11, 2022 hearing at:

https://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=3243&meta_id=3063662

16. During the July 11th HPC hearing, multiple statements made by HPC Chair, Patricia Keating Kahn, indicated that she had prejudged this matter and had acted contrary to her quasi-judicial role as a HPC commissioner, thereby violating Hupy's due process right to have the matter decided by an impartial decision maker.

17. For example, Chair Keating Kahn admitted to visiting the Property on her own in an attempt to investigate this matter outside of official proceedings, in violation of her quasi-judicial role as a HPC commissioner:

- (i) To HPC commissioners: *"I drove to Windermere Court to see how this lays out, after the last meeting, because I was curious."* *See* July 11, 2022 HPC hearing video transcript at 3:26:47;
- (ii) Speaking to Hupy: *"You have neighbor's windows looking right into your house."* *Id.* at 3:39:24.
- (iii) Speaking to Hupy: *"I looked at your property and I can see your house. You can stand on the sidewalk and look."* *Id.* at 3:39:55.

18. Chair Keating Kahn repeatedly advocated for Abele and the Project during the July 11th hearing:

- (i) In response to Commissioner Peltz requesting to hear from Hupy: *"I agree with you, we should hear from the neighbor, but I would like to say it's an awesome project. It's quite lovely and I wouldn't expect anything less of [Abele architect Nick Carnahan]."* *See* July 11, 2022 HPC hearing video transcript at 3:26:06
- (ii) To Hupy: *"The other thing I'd like to say is the two homes that are next to your house practically are far closer than this pool house is going to be. So how can you live so close to those homes if this pool house is going to be a problem?"* *Id.* at 3:26:21.
- (iii) To HPC commissioners: *"The views of that glass enclosure are actually going to be stunningly beautiful, you know, you've seen [Abele architect*

Nick Carnahan]’s designs before, right? He’s a great architect.” Id. at 3:43:18.

19. Additionally, Chair Keating Kahn repeatedly interrupted Hupy and ridiculed her concerns about the Project:

- (i) To Hupy: *“So you don’t want to look at a glass building? That’s what you don’t like? I mean, it just doesn’t seem legal for you to say that. I don’t understand how we can be talking about that.” See July 11, 2022 HPC hearing video transcript at 3:35:51.*
- (ii) To Hupy: *“You allowed someone on Lake Drive to build a house right in front of yours? How did that happen? Right now, you have a [neighboring] house that looks into your backdoor.” Interrupting Hupy’s attempted response: “Look at it.” Id. at 3:39:35.*
- (iv) To Hupy: *“Those homes next to your house aren’t causing you light problems. This one is five times farther away.” Id. at 3:43:42*

20. Hupy has a due process right to expect that a decision by HPC will be made on the basis of facts obtained during official proceedings and applied to existing legal standards from the City’s historic preservation code. If a HPC commissioner prejudges the facts or the application of said legal standards, then Hupy’s due process right to an impartial decision-maker is violated.

FIRST CLAIM FOR RELIEF
(Failure to Comply with Applicable Law)

21. The allegations above are incorporated into this claim for relief.

22. Petitioner owns 3340 West Windermere Court, Parcel #2780501100, the residential property located immediately adjacent to the northern boundary of the subject Property. Petitioner will be aggrieved and incur special damages should the Project be allowed to go forward pursuant to HPC’s decision to grant the COA. Pursuant to MCO §320-11 and Wis. Stat. Ch. 68, Petitioner has a right to appeal HPC’s decision to grant a COA for the Project.

23. Petitioner has a right to protect the value of its property and its use and enjoyment thereof and this includes a due process right to require HPC to apply applicable law, including without limitation, the District Study Report. By arbitrarily dividing the Project into two phases,

HPC ignored the plain language of the District Study Report (which specifically restricts the allowable square footage of an accessory building on the Property, not individual construction phases of a proposed building).

24. Upon information and belief, HPC's review and approval of a COA for the Project was granted pursuant to an error of law and is therefore void.

SECOND CLAIM FOR RELIEF
(Denial of Right to a Fair Hearing)

25. The allegations above are incorporated into this claim for relief.

26. Hupy has a due process right to expect that a decision by HPC will be made on the basis of facts obtained in an official hearing applied to applicable law.

27. HPC's hearings on COA applications are quasi-judicial proceedings and as such HPC commissioners must make factual determinations about an individual matter from the testimony and documents that make up the record and then apply the applicable law to those facts. Chair Keating Kahn violated this obligation when she visited the Property between the May 9, 2022 HPC hearing and the July 11, 2022 HPC hearing on her own (outside of official proceedings) "to see how this lays out."

28. Chair Keating Kahn made multiple statements during the July 11th HPC hearing indicating that she had prejudged this matter, thus creating an impermissibly high risk of bias in HPC's review of the Project.

29. As a result of the actions of Chair Keating Kahn described herein, Hupy was denied her due process right to an impartial decision-maker. Therefore, HPC's decision to grant a COA for the Project must be vacated and the matter remanded to HPC for a new hearing, without Chair Keating Kahn's participation.

WHEREFORE, Petitioner requests that for the reasons described herein and based on the facts of record, the Administrative Review Appeals Board find and determine that the COA issued by HPC for the Project is void and issue other appropriate findings and declarations as sought herein.

Dated: Milwaukee, Wisconsin
August 10, 2022

Respectfully submitted,

REINHART BOERNER VAN DEUREN s.c.

By: 

Richard W. Donner
WI State Bar ID No. 1049521
Attorney for Petitioner

OUTBUILDING



KEY PLAN

SQUARE FOOTAGE

LOT AREA	10,705 S.F.
CONSERVATORY	8,815 S.F.
ACCESSORY BLDG	772 S.F.
STABLE	FOOTPRINT
TOTAL	19,592 S.F.
PHASE 1 TOTAL	9,634 S.F.

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- SITE PLAN - GENERAL NOTES**
- THE SCALE OF CONSTRUCTION FOR THIS PLAN IS 1/8" = 1'-0". ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 - CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 - 20' SETBACK FROM THE BUILDING TO THE FRONT PROPERTY LINE.
 - CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION.
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EAST HARTFORD AVENUE

NORTH WINDMERE COURT

1 SITE PLAN
 SCALE 1/8" = 1'-0"

NOT FOR CONSTRUCTION

C

HISTORIC DESIGNATION STUDY REPORT
NORTH LAKE DRIVE ESTATES HISTORIC DISTRICT

I. Name

Historic: None

Common: North Lake Drive Estates Historic District

II. Location

The district is located on Milwaukee's far upper eastside and includes nine mansions in the 3200, 3300 and 3400 blocks of North Lake Drive.

III. Classification

District

IV. Owner of Property

Multiple

V. Description

A. Boundaries

The North Lake Drive Estates Historic District consists of three non-contiguous parcels. The southernmost parcel is described as follows: Beginning at the intersection of the east curb line of North Lake Drive and the south property line of 3234 North Lake Drive, then east along this line to the shore of Lake Michigan; then north along the lakeshore to the north property line 3318 North Lake Drive; then west along this line to the west property line of 3319 North Lake Drive; then south along this line to the south property line of 3270 North Marietta Avenue; then east along this line to the east curb line of North Lake Drive; then south to the point of beginning in the City of Milwaukee.

The second parcel is described as follows: Beginning at the intersection of the east curb line of North Lake Drive and the south property line of 3400 North Lake Drive; then east along this line to the shore of Lake Michigan; then north along the lakeshore to the north property line of 3432 North Lake Drive; then west along this line to the east curb line of North Lake Drive; then south along the east curb line to the point of beginning in the City of Milwaukee.

The third parcel is described as follows: Beginning at the intersection of the east curb line of North Lake Drive and the south property line of 3450 North Lake Drive, then east along this line the shore of Lake Michigan; then north along the lakeshore to the Shorewood village limits; then west on the village limits to the east curb line of North Lake Drive; then south along the east curb line to the point of beginning in the City of Milwaukee.

B. General Character

The North Lake Drive Estates Historic District includes portions of a residential street that contains some of the city's finest mansions. The district is located on Milwaukee's upper eastside and is one of a number of upper income residential neighborhoods that extend northward from East Lafayette Place along Lake Michigan, east of Downer Avenue, to Edgewood Avenue. In general, the district is bounded on the east by Lake Michigan; on the north by the Shorewood village line; on the west by a series of upper-middle class early twentieth century residential areas; and on the south by North Lake Drive Historic District and a modern subdivision fronting on East Hampshire Street.

The district contains nine houses with outbuildings built between 1907 and 1928. All of the buildings were originally built as private residences, but over the last 40 years several of these properties have been adapted for institutional uses. These changes have not significantly affected the district's residential character. The focus of the district is Lake Drive. It is a wide, multi-lane arterial that also serves as State Highway 32.

Architect-designed, mansion-scale dwellings, some with outbuildings, set on expansive grounds, characterize the district. The lakeside of the district contains some of the largest estates in Milwaukee with setbacks of up to 300 feet and lots covering up to five acres. The architecture reflects the period revival styles popular in the early twentieth century and exhibits the highest quality in craftsmanship and materials. The residences are mostly two and one-half or three stories in height and are constructed of masonry materials. The most frequently used material was dark red and brown brick with extensive limestone trim.

VI. Significance

Date Built: 1907-1928

The North Lake Drive Estates Historic District is significant as an intact upper-class residential enclave displaying high quality domestic architecture designed by some of Milwaukee's leading architects. It is historically significant as the place of residence of many prominent Milwaukeeans.

VII. History

The development of the North Lake Drive Estates Historic District was the result of the growth of Milwaukee of the late 19th century. At that time the city's population was significantly expanding and people from all economic classes in need of homesites were moving beyond the established central city neighborhoods into wards far from the central business district. The upper eastside, above North Avenue, was considered to be on the city's periphery at that time. Developers, specifically owners of lakefront lands, envisioned distinctive neighborhoods housing Milwaukee's most prominent and wealthy citizens. The North Lake Drive Estates Historic District was of the last of the lake front

tracts to be improved for residential development. Lake Drive was planned as the successor to the former "Gold Coasts" along Grand and Prospect Avenues.

The residential development of the upper eastside was a slow process. Although subdivisions had been platted as far north as Bradford Avenue by 1876, there had been little house construction. Settlement in this area was so slow that between 1880 and 1885 only one major subdivision, Mitchell Heights, was platted. The land between East Locust Street and East Edgewood Avenue remained largely undeveloped until the early 1900's. The primary reason for this lag in growth was the lack of major urban services and public improvements. The wealthy homeowners wanted water lines, sewers and paved walks and streets in place before building a residence. This was in contrast to the middle and lower income groups of the northwest and southwest city wards that built extensive new neighborhoods before similar improvements were in place. As the area north of East Park Place was subdivided, developers made significant expenditures for these improvements and passed their costs along in the price of the lots.

The earliest land holders in the area were primarily pioneer businessmen and speculative investors. The largest know landowners in this group were attorney Donald A. J. Upham, civil engineer Peter Martineau, and real estate agent Charles Quentin. There was also some farming in the district with the largest known farm being that of Clarence Shepard located between Kenwood Boulevard and Hartford, and between Downer Avenue and Lake Michigan. It was subdivided in 1891 as Kenwood Park and Kenwood Park No. 2. Shepard was a wholesale hardware dealer with his shop in downtown Milwaukee, but he maintained his residence at the farm site. The land directly north of the Shepard farm to where Summit Avenue curves northeast to intersect with Lake Drive in the Village of Shorewood was owned by tanning magnate, Guido Pfister. When this tract was subdivided in 1913 and 1922 as Elmwood and Lake Dells Park, respectively, it was owned by members of Fred Vogel's family, Pfister's partner in the tanning business.

The first improvements in the area were roads. In 1872 Charles Andrews, proprietor of the Newhall House, received a charter from the State of Wisconsin to operate a toll road along the present route of Lake Drive. In that same year he began construction of the Whitefish Bay Toll Road, a plant road, which began at Kenwood Boulevard and extended north to the summer resorts. Likewise, Downer Avenue, which was surveyed and built by the City of Milwaukee in 1875, was not intended to serve as residential thoroughfare, but rather to serve as a roadbed for the construction of the Whitefish Bay Railway, which served the resorts.

The district was developed from Kenwood Park No. 2 on the west side of the street and from large tracts of land on the east side prior to the official platting of Lake Dells Park in 1922. Residential development occurred between 1907 and 1928. Included in the district are three residences of the locally prominent Uihlein family. They were the sons and daughters of the Uihlein brothers who assumed control of the Joseph Schlitz Brewing Company in 1875. The largest of the uihlein mansions was that built for Joseph Uihlein at 3318 North Lake Drive. Built in 1907 and enlarged in 1914 and 1917 it was designed in the Jacobean style by Milwaukee architects Charles Kirchoff and Leslie Rose. This firm was among the top designers in the City and the favorite of the Uihlein family. Kirchoff and Rose also designed the Erwin and Paula Uihlein House in 1913 across the street at 3319 North Lake Drive, an Early English Renaissance style

residence. The third residence was built in 1915 for Robert Uihlein at 3252 North Lake Drive. William J. Kozick designed it in the Georgian Revival.

Fitzhugh Scott was the architect of the Armin Schlesinger House at 3270 North Marietta Avenue. Originally addressed as Lake Drive, this residence was built in 1911 for Schlesinger who owned several companies that dealt in coal and coke. It was designed in a heavy handed variation of the Tudor Revival style and was featured in the August, 1914 issue of the *Western Architect* as one of Scott's most accomplished works and of the finest examples of that style in the City. In 1927 William Brumder, president of the Germania National Bank, purchased the house. The Milwaukee State Teacher's College (now the University of Wisconsin-Milwaukee) purchased the mansion in 1946 for use as a women's dormitory. It is still owned by the University and was converted to offices in 1970.

Alexander C. Eschweiler designed the Orrin W. Robertson House at 3266 North Lake Drive in 1912 and the Henry M. Thompson House at 3288 North Lake Drive in 1913. The Robertson House is a masterful example of the Chateausque style and was built at the request of Mrs. Robertson after a trip to Europe where she became acquainted with the Chateau Azay-le-Rideau in France's Loire Valley. Robertson was a local businessman and entrepreneur who was president of the Western Lime and Cement Company, manufacturers and distributors of oil products. He lived in the house from 1921 to 1928.

The third and longest single occupant was tanning executive David B. Eisendrath. He and, later, his wife, lived in the house from 1930 to 1963. The following year it was sold to a religious order, Our Lady of the Retreat in the Cenacle and became a residence for Catholic nuns. In 1971 the house was sold to the Community of St. Mary's, an Episcopal order of nuns, who in turn, sold it to the Daughters of Charity of St. Vincent de Paul, another order of Catholic nuns. The Daughters of Charity resided there until the present owners; Dennis and Mary Bersch purchased the house, in 1981. The Berschs' have returned the house to its original use as a single-family residence.

The Thompson House is a restrained adaptation of the Tudor Revival with a minimum of exterior ornament that is a combination of carved stone and wood. Thompson was a lumber executive who was secretary-treasurer of his father-in-law's company in Mosinee, Wisconsin and, later, president of three lumber companies in Zenda, Walworth and Elkhorn, Wisconsin. He came to Milwaukee in 1868 at the age of seven, where his father was a surgeon at the old Soldier's Home. Thompson remained in Milwaukee until 1888; he had been employed by the Marine Bank, when he married Stella L. Dessert, of one of Wisconsin's leading lumber families. After the extensive timber reserves were exhausted, the Thompson's returned to Milwaukee in 1902.

Mrs. Thompson purchased the present site of the house that year, but they would live at two other locations in Milwaukee before building their lakefront mansion. The Thompsons remained in this house until her death in 1946 and his death in 1947. The next year their daughter sold the house to Our Lady of the Cenacle, A Roman Catholic order of nuns, as a retreat house. This order occupied the house until 1973 when it was sold to the Western Province of the Community of St. Mary, an Episcopal order of nuns, for the same use.

There are two other estates in the district together with the subdivided lots that once comprised their grounds. These are the lakeside estates of Samuel A. Field at 3432 North Lake Drive and of Stanley I. Stone at 3474 North Lake Drive. The Field House was built in 1890 and originally located at the east end of State Street on Milwaukee's lower eastside. Field came to Milwaukee from eastern New York in 1849 and amassed a fortune in real estate. His Tudor mansion, designed by August Fiedler of Chicago, was built specifically to house his impressive art collection. George L. Kuehn purchased the Field House in 1920, but in 1928 the city condemned the site for the expansion of Juneau Park. Instead of allowing the residence to be demolished, Kuehn had it disassembled stone by stone and moved to its present Lake Drive site. Originally, the house was a full three stories, but in the rebuilding Kuehn had the roof lowered one floor and used the surplus stone to construct a four-car attached garage. Kuehn also added a new tile roof and solarium. The Stone House built in 1928, in an outstanding example of a French period revival mansion. Designed by the architectural firm of Whitney and Beck, it boasts an impressive green Vermont slate roof. Stone was treasurer of Herzfeld-Phillipson Company and an executive with Boston Store.

VIII. Staff Recommendation

Staff recommends that North Lake Drive Estates be designated a historic district in accordance with the provisions of Section 8-308 of the Milwaukee Code of Ordinances.

IX. Preservation Guidelines

The following preservation guidelines represent the principle concerns of the Historic Preservation Commission regarding this historic designation. However, the Commission reserves the right to make final decisions based upon particular design submissions. These guidelines shall be applicable only to the North Lake Drive Estates Historic District. Nothing in these guidelines shall be construed to prevent ordinary maintenance or restoration and/or replacement of documented original elements.

A. Guidelines for Rehabilitation

The North Lake Drive Estates Historic District is important as one of Milwaukee's best concentrations of well-designed mansions exhibiting fine craftsmanship and materials. Throughout the district's history, owners have maintained their properties in nearly original condition. This has resulted in a neighborhood of well-preserved period residences and intact sites. These guidelines are based upon those contained in Section 2-335(10) of this historic preservation ordinance. These guidelines are not intended to restrict an owner's use of his/her property, but to serve as a guide for making changes that will be sensitive to the architectural integrity of the structure and appropriate to the overall character of the district.

1. Roofs

- a. Retain the original roof shape. Dormers, skylights and solar collector panels may be added to roof surfaces if they do not visually intrude upon those elevations visible from the public right-of-way. Avoid making changes to the roof shape that would alter the building height, roofline, pitch or gable orientation.
- b. Retain the original roofing materials, wherever possible. Avoid using roofing materials that are inappropriate to the style and period of the building and neighborhood.
- c. Replace deteriorated roof coverings with new materials that match the old in size, shape, color and texture. Avoid replacing deteriorated roof covering with new materials that differ to such an extent from the old in size, shape, color and texture so that the appearance of the building is altered.

2. Exterior Finishes

a. Masonry

- (i) Unpainted brick or stone should not be painted or covered. Avoid painting or covering natural stone and unpainted brick. This is likely to be historically incorrect and could cause irreversible damage if it was decided to remove the paint at a later date.

- (ii) Repoint defective mortar by duplicating the original in color, style, texture and strength. Avoid using mortar colors and pointing styles that were unavailable or not used when the building was constructed.
- (iii) Clean masonry only when necessary to halt deterioration and with the gentlest method possible. Sandblasting brick or stone surfaces is prohibited. This method of cleaning erodes the surface of the material and accelerates deterioration. Avoid the indiscriminate use of chemical products that could have an adverse reaction with the masonry materials, such as the use of acid on limestone or marble.
- (iv) Repair or replace deteriorated material with new material that duplicates the old as closely as possible. Avoid using new materials, which is inappropriate or was unavailable when the building was constructed, such as artificial cast stone or fake brick veneer.

b. Stucco

- (i) Repair stucco with a stucco mixture duplicating the original as closely as possible in appearance and texture.

c. Wood

- (i) Retain original material, whenever possible. Avoid removing architectural features such as half-timbering, window architrave and doorway pediments. These are in most cases an essential part of a building's character and appearance that should be retained.
- (ii) Repair or replace deteriorated material with new material that duplicates the appearance of the old as closely as possible. Avoid covering architectural features with new materials that are inappropriate or were unavailable when the building was constructed, such as artificial stone, brick veneer, asbestos or asphalt shingles, vinyl or aluminum siding.

d. Terra Cotta

- (i) Unpainted terra cotta should not be painted or covered. Avoid painting or covering naturally glazed or finished terra cotta. This is historically incorrect and could cause irreversible damage if it was decided to remove the paint at a later date.

- (ii) Clean terra cotta only when necessary to halt deterioration and with the gentlest method available. Sandblasting terra cotta is prohibited. This method of cleaning destroys the material.
- (iii) Repair or replace deteriorated terra cotta with new material that duplicates the old as closely as possible. Precast tinted concrete or cast fiber glass are recommended replacement materials as long as it is finished with a masonry coating to resemble the original appearance. Avoid using new material that is inappropriate or does not resemble the original.

3. Windows and Doors

- a. Retain existing window and door openings that are visible from the public right-of-way. Retain the original configuration of panes, sash, lintels, keystones, sills, architraves, pediments, hood, doors, shutters and hardware. Avoid making additional openings or changes in the principal elevations by enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes. Avoid changing the size or configuration of windowpanes or sash. Avoid discarding original doors and door hardware then they can be repaired or reused.
- b. Respect the stylistic period or periods a building represents. If replacement of window sash or doors is necessary, the replacement should duplicate the appearance and design of the original window sash or door. Avoid using inappropriate sash and door replacements such as unpainted galvanized aluminum storm and screen window combinations. Avoid the filling in or covering of openings with materials like glass block or the installation of plastic metal strip awnings or fake shutters which are not in proportion to the openings or which are historically out of the character with the building. Avoid using modern style window units such as horizontal sliding sash in place of double-hung sash or the substitution of units with glazing configurations not appropriate to the style of the building.

4. Porches, Trim and Ornamentation

- a. Retain porches and steps visible from the public right-of-way that are historically and architecturally appropriate to the building. Avoid altering porches and steps by enclosing open porches or replacing wooden steps with cast concrete steps or by removing original architectural features, such as handrails, balusters, columns or brackets.
- b. Retain trim and decorative ornamentation including copper downspouts and guttering, copings, cornices, cresting, finials, railings, balconies, oriels, pilasters, columns, chimneys, bargeboards or decorative panels. Avoid the removal of trim and

decorative ornamentation that is essential to the maintenance of the building's historic character and appearance.

- c. Repair or replace, where necessary, deteriorated material with new material that duplicates the old as closely as possible. Avoid using replacement materials that do not accurately reproduce the appearance of the original material.

5. Additions

- a. Make additions that harmonize with the existing building architecturally and are located so as not visible from the public right-of-way, if at all possible. Avoid making additions that are unsympathetic to the original structure and visually intrude upon the principle elevations.

B. Guidelines for Streetscapes

The streetscape in North Lake Drive Estates is visually cohesive because of the intact building stock and the retention of period street and landscaping features. There are no noncontributing buildings or visually prominent inappropriate additions to historic structures. The traditional landscape treatment of the building lots and the period streetlights contribute to the maintenance of the district's traditional residential character.

1. Maintain the height, scale, mass and materials established by the buildings in the district and the traditional setback and density of the block faces. Avoid introducing elements that are incompatible in terms of siting, materials, height, or scale.
2. Use traditional landscaping, fencing, signage and street lighting that is compatible with the character and period of the district. Avoid introducing landscape features, fencing, street lighting, or signage that are inappropriate to the character of the district.

C. Guidelines for New Construction

It is important that additional new construction be designed so as to harmonize with the character of the district.

1. Siting

New construction must reflect the traditional siting of buildings in the district. This includes setback, spacing between buildings, the orientation of openings to the street and neighboring structures, and the relationship between the main building and accessory buildings. New buildings should not obstruct the vistas from the street to the house.

2. Scale

Overall building height and bulk; the expression of major building divisions including foundation, body and roof; and individual building components such as porches, overhangs and fenestration must be compatible with the surrounding structures. The construction of any single building addition or accessory building shall not increase the total gross floor area of all structures on the lot by more than 20%. The total gross floor area of all additions or accessory buildings constructed after July 27, 1984, shall not exceed 50% of the total gross floor area of all structures on the lot on that date.¹

3. Form

The massing of new construction must be compatible with the surrounding buildings. The profiles of roofs and building elements that project and recede from the main block must express the same continuity established by the historic structures.

4. Materials

The building materials that are visible from the public right-of-way should be consistent with the colors, textures, proportions, and combinations of cladding materials traditionally used in the district. The physical composition of the materials may be different from that of the historic materials, but the same appearance should be maintained.

D. Guidelines for Demolition

Although demolition is not encouraged and is generally not permissible, there may be instances when demolition may be acceptable if approved by the Historic Preservation Commission. The Commission shall take the following guidelines, with those found in subsection 9(h) of the ordinance, into consideration when reviewing demolition requests.

1. Condition

Demolition requests may be granted when it can clearly be demonstrated that the condition of a building or a portion thereof is such that it constitutes an immediate threat to health and safety.

2. Importance

Consideration will be given to whether or not the building is of historical or architectural significance or displays a quality of material and craftsmanship that does not exist in other structures in the area.

3. Location

¹ Resolution, File No. 980106, Common Council, adopted July 9, 1998

Consideration will be given to whether or not the building contributes to the neighborhood and the general street appearance and has a positive effect on other buildings in the area.

4. Potential for Restoration

Consideration will be given to whether or not the building is beyond economically feasible repair.

5. Additions

Consideration will be given to whether or not the proposed demolition is a later addition that is not in keeping with the original design of the structure or does not contribute to its character.

6. Replacement

Consideration will be given to whether or not the building is to be replaced by a compatible building of similar age, architectural style and scale or by a new building which would fulfill the same aesthetic function in the area as did the old structure (see new Construction Guidelines).

D

EXHIBIT D

City of Milwaukee Assessor details for 3319 North Lake Drive

5/5/22, 7:05 AM

<https://assessments.milwaukee.gov/SearchResults.asp?SearchParcel=2781341110>

[Print page 1 of 1](#)

**Click on the Column Headings to sort accordingly.
Click on the Parcel ID to view the parcel detail.**

<u>Taxkey</u>	<u>Location</u>	<u>Owner</u>	<u>Built Type</u>	<u>Total Value</u>	<u>Beds Baths</u>	<u>Lot size Fin area</u>	<u>LUC Description</u>	<u>Sale date Sale price</u>
2781341110	3319 N LAKE DR	CHRISTOPHER S ABELE	1913 Mansion Res O/S A & 1/2 Res O/S A & 1/2	\$2,058,700	9 6	65,158 13,304	1 Residential	

[Print page 1 of 1](#)

SD100

EXISTING SITE PLAN

SITE CALCS

LOT COVERAGE

PRIMARY RESIDENCE	5,646 S.F.
CARETAKER'S COTTAGE	873 S.F.
STABLE	822 S.F.
<u>TOTAL</u>	<u>7,341 S.F.</u>

LOT SIZE: 65,158 S.F.

$7,341 / 65,158 =$

11.26% LOT COVERAGE RATIO.

BUILDING SQUARE FOOTAGE

PRIMARY RESIDENCE

LOWER LEVEL	4,733
FIRST FLOOR	5,646
SECOND FLOOR	5,314
THIRD FLOOR	5,314
<u>TOTAL:</u>	<u>21,007 S.F.</u>

CARETAKER'S COTTAGE

FIRST FLOOR	725
SECOND FLOOR	631
<u>TOTAL:</u>	<u>1,356 S.F.</u>

STABLE

LOWER LEVEL	826
FIRST FLOOR	826
SECOND FLOOR	826
<u>TOTAL:</u>	<u>2,478 S.F.</u>

HISTORIC TOTAL

SQUARE FOOTAGE:	24,841
<u>20% ADDITION LIMITATION:</u>	<u>4,968</u>

JULY 1984 TOTAL

SQUARE FOOTAGE:	26,974
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50% TOTAL

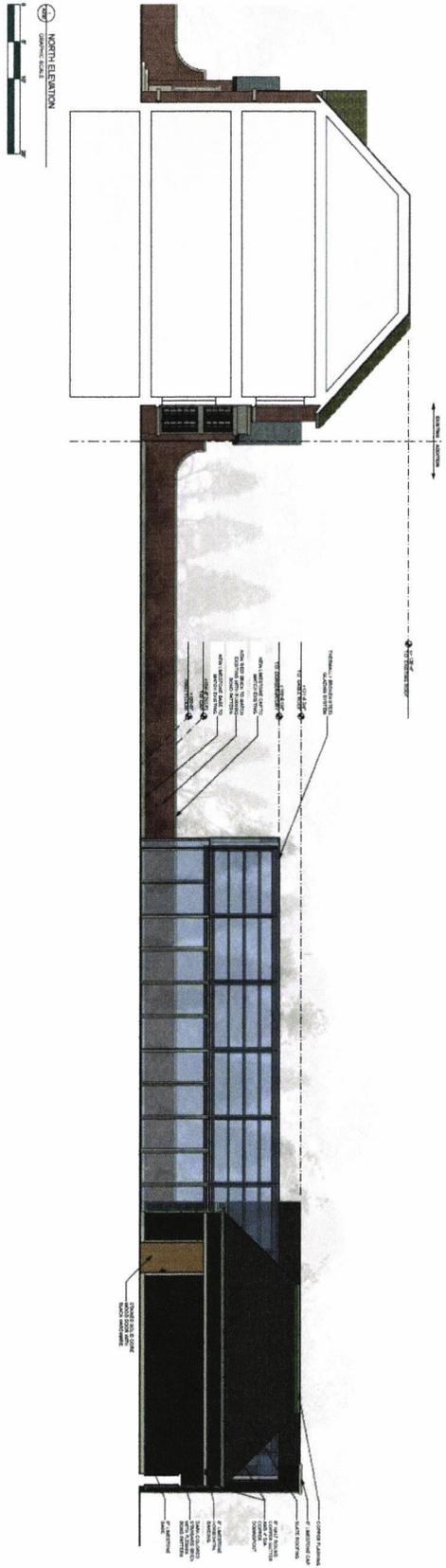
<u>NEW CONSTRUCTION LIMIT:</u>	<u>13,487 S.F.</u>
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F



EXHIBIT F





G





Milwaukee Historic Preservation Commission Staff Report

LIVING WITH HISTORY

HPC meeting date: 5/9/2022
Ald. Nik Kovac District: 3
Staff reviewer: Tim Askin
PTS #115259 CCF #211976

Property	3319 N. LAKE DR.	North Lake Drive Estates HD
Owner/Applicant	CHRISTOPHER & JENNIFER ABELE 3319 N LAKE DR MILWAUKEE WI 53211	Galbraith Carnahan Architects Wauwatosa, WI
Proposal	<p>This is a phased proposal for landscape alterations and a set of connected outbuildings that will be detached from the main residence. Construction will primarily occur along Windermere Court. The essence of the project is to create a garage and pool house in phase 1, while replacing existing fencing. The existing stockade fence will be replaced by a continuation of the red brick estate wall along Hartford. Along Windermere a new estate style brick wall will continue in a dark gray brick matching a new garage and pool house. Phase 1 includes 4894sf. Phase two adds an enclosed inground pool. Phase 2 adds 1922sf.</p> <p>The materials for the new structure consist of black concrete standard size brick with accents of a green glazed brick that ties in with the green glazed terracotta of the 1915 roof on the main house. The brick will be trimmed out with limestone caps, sills, and lintels to match the approach taken on the original 1915 house. Fenestration on the buildings will be a thermally broken steel window system to match the steel windows on the original house as well. The roof will be comprised of slate with copper flashing, gutters, and downspouts. The color palate these materials comprise is tied to the original house, but the goal is to be more congruous with the dense cedar grove and adjacent landscaping that borders Windermere Court. Phase two is a shed-roofed, all-glass conservatory serving to contain an inground pool.</p>	
Staff comments	<p>Preservation guidelines for the North Lake Drive Estates District are more detailed and complex than usual. The project must be split into two phases due to the square footage involved. The applicants have, nonetheless, submitted the full phased plan to comply with submission guidelines and to be clear about the full project intent.</p> <p>Staff understand the project to be compliant with the size restrictions, as long as it is broken into two phases. There were two additional houses on the property from the late 1970s into the mid-1990s, which allows for this significant expansion of buildings on the property, because they were present in 1984.</p>	

**Guideline
commentary**

Streetscapes. Phase one meets the guidelines. Phase two does create concerns with mass, scale and materials in B1. A glass shed roof does not match the massing found on other structures and buildings in the district.

Guidelines for New Construction

1. Siting. Placement is along street frontage and at the rear of the lot. These areas have never been fully integrated into the landscape design of the property. No public views of the historic structures are obstructed. Guideline is met across both phases.
2. Scale. Sufficient cues are taken in the height and bulk for Phase 1 and the guideline is met. The brick buildings present a modern simplicity that makes it clear they are secondary, while still maintaining a high level of design. Staff is not convinced that the bulk of the pool enclosure is compliant, even with its transparent nature.
3. Form. Phase 1 construction directly incorporates massing and detailing found throughout the district and the particular property. Again, the pool's shed roof present an issue. Shed roofs of the size are not part of the character of the district. There is also a requirement that buildings feature an identifiable base, middle, and top. Continuing the limestone foundation through pool area could add the necessary continuity and expression of the three parts.
4. Materials. Phase 1 uses modern brick colors and simplified fenestration, and copper and stone. Per the architect, "The color palate these materials comprise is tied to the original house, but the goal is to be more congruous with the dense cedar grove and adjacent landscaping that borders Windermere Court." Staff concurs with this description. There will be solar panels within a sunken roof in the garage. They are carefully positioned to avoid any public visibility. The criterion is met for Phase 1.

Conservatories have existed in this district and in others and are known historic features of Tudor-style estates in general. The pool enclosure is closest to meeting this criterion and would be there, except for distinction of "combinations of cladding materials." There is no combination here.

Pool enclosure/Phase 2

Staff believes it is feasible to achieve an enclosed inground pool on this site. This is not necessarily the right approach. The design is understandable for maximizing solar gain in this south-facing location, but the form and scale are not within the guidelines. Traditional conservatory forms are necessarily the end goal here, but more cues should be taken from them. The Garfield Park Conservatory in Chicago is offered as a reference point, though it is acknowledged that the curvature of that roofline impractical to construct and could look awkward in this very rectilinear building complex. Any design with this four roof configuration presents drainage issues. It would be important to see how the drainage is detailed within the architecture and in the the landscape.

Recommendation

Recommend HPC Approval of Phase One. Hold Phase Two.

Conditions

Previous HPC action

Lake Drive Estates Guidelines

B. Guidelines for Streetscapes

The streetscape in North Lake Drive Estates is visually cohesive because of the intact building stock and the retention of period street and landscaping features. There are no noncontributing buildings or visually prominent inappropriate additions to historic structures. The traditional landscape treatment of the building lots and the period streetlights contribute to the maintenance of the district's traditional residential character.

1. Maintain the height, scale, mass and materials established by the buildings in the district and the traditional setback and density of the block faces. Avoid introducing elements that are incompatible in terms of siting, materials, height, or scale.
2. Use traditional landscaping, fencing, signage and street lighting that is compatible with the character and period of the district. Avoid introducing landscape features, fencing, street lighting, or signage that are inappropriate to the character of the district.

C. Guidelines for New Construction

It is important that additional new construction be designed so as to harmonize with the character of the district.

1. Siting New construction must reflect the traditional siting of buildings in the district. This includes setback, spacing between buildings, the orientation of openings to the street and neighboring structures, and the relationship between the main building and accessory buildings. New buildings should not obstruct the vistas from the street to the house.
2. Scale
Overall building height and bulk; the expression of major building divisions including foundation, body and roof; and individual building components such as porches, overhangs and fenestration must be compatible with the surrounding structures. The construction of any single building addition or accessory building shall not increase the total gross floor area of all structures on the lot by more than 20%. The total gross floor area of all additions or accessory buildings constructed after July 27, 1984, shall not exceed 50% of the total gross floor area of all structures on the lot on that date.
3. Form The massing of new construction must be compatible with the surrounding buildings. The profiles of roofs and building elements that project and recede from the main block must express the same continuity established by the historic structures.
4. Materials The building materials that are visible from the public right-of-way should be consistent with the colors, textures, proportions, and combinations of cladding materials traditionally used in the district. The physical composition of the materials may be different from that of the historic materials, but the same appearance should be maintained.



H



PROJECT SUMMARY

The project under consideration consists of a new outbuilding on the premises of the Erwin & Paula Uihlein Residence located at 3319 N. Lake Drive in Milwaukee Wisconsin. The new structure will house a four-car garage as well as a swimming pool and associated support facilities.

The primary residence, designed by Milwaukee Architects Kirchoff & Rose was constructed in 1915-1916 in the Elizabethan Revival style. The property is a contributing structure to the national register Kenwood Park – Prospect Hill Historic District. It is also located in the smaller North Lake Drive Estates Historic District.

SITE DESIGN

The home, when initially designed was intended to sit on a block bounded on the East by Lake Drive, and Marietta Avenue along the West face. Plans to extend Marietta Avenue to the north were abandoned in the 1920's and the street extension as well as the underlying 18" sewer main were subsequently vacated to 3319 N. Lake Drive.

Following the vacation of Marietta Avenue to the West of the house the property was expanded westward to Windmere Court. The character and landscape design of the grounds to the West of the Uihlein Residence is markedly more relaxed and informal than the rigid formal gardens between the home and Lake Drive.

In the 1970's two residences were constructed in the Southwest corner of the site in an effort to offset some of the ongoing maintenance on the original house. These homes are visible in the 1980, 1985, and 1990 aerial images of the property. The easternmost home was demolished between 1990 and 1995 and the second home at the corner of Windmere and Hartford was removed following that.

In siting our new structure on the property, we recognized that the Southwest corner of the site had the least historic integrity of the overall property, was not part of the original 1915 design for the property, and had in fact been previously constructed upon in the 1970's. It was felt that this area was therefore the most appropriate place to site the building.

Further reinforcing this decision was the observation that the overall design concept of the original house consisted of buildings that anchored the three corners of the site (the house, the caretaker's residence, and the stable). Between these three objects stretched the taut brick walls that defined the perimeter of the property. By locating **the new outbuilding** in the Southwest corner of the site, the massing of **this structure** could continue that original vision of buildings that anchored corners of the property and were connected by thin masonry perimeter walls. In a nod to the interesting history of the site, it also creates a void on the property where Marietta Avenue was initially planned to extend.

BUILDING DESIGN

Once appropriately sited, we focused on the most sympathetic approach to the materials and form of **the new building**. To denote the full East / West extent of the property along Hartford Avenue, we are proposing extending the perimeter garden wall in a brick to match the existing structures on the site. The bond pattern would be changed from Flemish to running bond as a subtle way of differentiating between the two eras of construction.

For **the building** itself, the decision was made to maintain the general historic forms and proportions that exist in the 1915 design while altering the materials so that there would be no confusion about what was added as part of the current changes. This strategy is in keeping with the National Park Services' Secretary's Standards for Rehabilitation. Standard 9 and 10 state:

(9) "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."

(10) "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

The materials chosen for **the new structure** consist of black concrete standard sized brick with accents of a green glazed brick that ties in color wise with the green glazed terracotta of the 1915 roof on the main house. The brick will be trimmed out with limestone caps, sills, and lintels to match the approach taken on the original 1915 house. Fenestration on the buildings will be a thermally broken steel window system to match the

steel windows on the original house as well. The roof will be comprised of slate with copper flashing, gutters, and downspouts. The color palette these materials comprise is tied to the original house, but the goal is to be more congruous with the dense cedar grove and adjacent landscaping that borders Windmere Court.

LANDSCAPE DESIGN

Recognizing the role that landscape has played in the design of the original 1915 structure, we are also focusing attention on the landscape strategy for the new design. Most significantly, we are planning for a row of evergreen trees directly to the north of the Hartford Avenue wall. This row of vegetation will help to screen views of the glass roof of the pool house from Hartford Avenue.

We saw the traffic oval on the West face of the property as the most significant historical aspect of that portion of the site. Our siting of the garage sought to reinforce it's hierarchy by centering the garage approach on the west face of the oval and aligned with the main entrance to the West face of the house. The balance of the landscaping around the new outbuilding will maintain the more loose, English garden approach that has always existed to the West of the primary residence.





GALBRAITH CARNAHAN ARCHITECTS

RE: STATEMENT OF VARIANCE #1 – MAXIMUM NUMBER OF OUTBUILDINGS

June 16th 2022

New Outbuilding
3319 N. Lake Drive
Milwaukee, Wisconsin 53211

PRESERVATION OF INTENT

SEC. 295-505-3-d
ACCESSORY STRUCTURE STANDARDS
MAXIMUM NUMBER

Maximum Number. Not more than 2 accessory buildings may be located on a single lot.

The site for this project is the Erwin & Paula Uihlein Residence at 3319 N. Lake Drive. The property is zoned RS5 which has the following purpose:

"The purpose of the RS1-RS5 districts is to promote, preserve and protect neighborhoods intended for single-family dwellings and having a character slightly more suburban than the RS6 district. These districts require larger lots, larger setbacks and a smaller lot coverage than the RS6 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RS6 district. These neighborhoods were platted and developed, in large part, in the mid - to late - 1900's with some areas recently developed."

The site at 3319 N. Lake Drive is very unique in that it is an exceptionally large lot for the neighborhood and RS5 zoning in general. Compared with the other lots along Lake Drive, the site under consideration is 5.98 times their average size.

3300 BLOCK OF LAKE DRIVE – LOT SIZES	
3371 North Lake Drive:	11,560 S.F.
3365 North Lake Drive:	9,648 S.F.
3357 North Lake Drive:	12,560 S.F.
3347 N. Lake Drive:	10,062 S.F.
<u>3329 N. Lake Drive:</u>	<u>10,608 S.F.</u>
Average Neighboring Lot Size:	10,887 S.F.

3319 N. Lake Drive **65,158 S.F.**
5.98 x the Average Lot Size on the Street.

RECEIVED

JUN 16 2022

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

RECEIVED

JUN 16 2022

BOARD OF ZONING APPEALS
CITY OF MILWAUKEE

This unusual sized parcel allows for additional built density while preserving the lot coverage and character outlined in the zoning goals above.

EXCEPTIONAL CIRCUMSTANCES

As outlined above, the lot size itself creates exceptional circumstances that are not found in many other RS5 lots in the area. The granting of this variance based on the unique size of this property would not establish a precedent that could be repeated on other RS5 lots throughout the neighborhood where it would be less appropriate.

PRESERVATION OF PROPERTY RIGHTS

The requested additional outbuilding provides secure storage for automobiles that is needed to deter recent intrusions onto the property. These incidents create a safety risk that could be solved on other properties by a zoning compliant addition of a 1st or 2nd outbuilding.

Because of the historic status of the property, and the unique estate design that includes a stable and caretaker's cottage, we are unable to construct this security feature without either a variance, or a demolition permit for one of the historic outbuildings. Given that the latter is not desired, nor would be granted by the Historic Preservation Commission, we are seeking the variance to provide the needed security for the property.

ABSENCE OF DETRIMENT

The requested additional outbuilding would not pose a significant detriment to any of the neighboring properties. The location of the outbuilding on the site was carefully considered and orchestrated to seamlessly fit within the existing neighborhood.

The primary house shields the Lake Drive properties to the north from the building site. The interior lot at the end of Windermere Ct. is a significant distance from the proposed building. Additionally, a thick grove of evergreen and serviceberry plants are being proposed for the northern edge of the property to fully screen the views into the site. Westward, across Windermere Ct. the proposed outbuilding would be lower than the two-story garage building at the western corner of Windermere Ct. and Hartford Ave. The relationship of the outbuilding to Windermere Ct. would be very similar to the existing condition that the garage at Windermere and Hartford creates.

HARDSHIP OF DIMENSIONAL VARIANCE

The property owner did not create the hardships associated with the requested variance to the number of accessory structures. They stem from the appropriate historic and architectural response to the existing site which contains two obsolete accessory structures that are integral to the historic importance of the property.



BOZA Referral Letter

809 N. Broadway

Milwaukee, WI 53202-3617

414-286-8210

LMS ID: RES-NEW-22-00128

Premise: 3319 N LAKE DR

Zoning: RS5

Proposed use: Accessory Structure

Applicant

Nick Carnahan
Galbraith Carnahan Architects
6528 W North Ave
Wauwatosa WI 53213
414-291-0772
nac@galbraithcarnahan.com

Ald. District 12

Lot area: 65,158 SF

Code citation: MCO VII (295-503-1)

Owner

CHRISTOPHER S ABELE
3319 N LAKE DR
MILWAUKEE WI 53211

Your request for a permit cannot be granted at this time because, in accordance with the City of Milwaukee's zoning ordinance, the project requires approval by the Board of Zoning Appeals for the following:

Dimensional Variance Required

Code Section	Dimension	Required	Proposed	Shortage/Excess
295-505-3-d	Maximum Number.	2	1	1
295-505-3-e	Maximum Size	1,000 SFT	6,816 SFT	5,816 SFT
Table 295-505-3	Side Street Setback	62'-6" No closer than house	4'-1"	58'-5"
Table 295-505-3	Sidewall Height	10'-0"	12'-2"	2'-2"
295-505-5-f-5-a	Fences along Side Streets	4'-0"	6'-0"	2'-0"

Comments: The proposed new garage building is required to connect to the the street for plumbing. A Historic COA is required.

Plan examiner:

Nicolas Curich

Issued: 06/13/2022

If you wish to pursue this request, you must file an application with the Board of Zoning Appeals. An informational booklet is available to assist you in this process; information also is available on the Internet at www.mkedcd.org/BOZA. If you have questions about the zoning appeals process, please feel free to contact the Board office at (414) 286-2501.

You must appeal this denial within 30 days of the signed date. If you do not file an appeal within 30 days, you will need to obtain another statement of denial from the Milwaukee Development Center before pursuing your zoning appeal.

If you have questions regarding occupancy or building permits, please call the Milwaukee Development Center at (414) 286-8211. Permit information is available on the Internet at www.mkedcd.org/build.

K

Aye: 6 - Bauman, Pieper Eisenbrown, Jarosz, Keating Kahn, Garcia, and Peltz

No: 0

Excused: 1 - Robinson

5. [211976](#)

Resolution relating to a Certificate of Appropriateness for the construction of an outbuilding in two phases at 3319 N. Lake Drive, in the North Lake Drive Estates Historic District, for Chris and Jennifer Abele.

Sponsors: THE CHAIR

Mr. Tim Askin said this house has two fronts - one facing Lake and one facing Marietta. From 1977 to 1995 there were also two additional freestanding houses on the lot. The owner is proposing eliminating a stockade fence and replace with a brick fence, a multi-car garage and a covered, in-ground pool. Phase 1 is two brick buildings, a wall and phase 2 is the glass covering for the pool house. The pool would have a shed roof. The two houses were present in 1984 which relates to the North Point North historic district guidelines relating to square footage. Staff does not support the roof for the pool. Where the proposed site for the houses was an ignored, wooded corner and no public views are obstructed, so siting is met for both phases. Even with its transparent nature, staff doesn't believe the pool structure is in compliance. The materials criteria is met for Phase 1. Staff believes the guidelines are met for Phase 1, but has concerns about the pool enclosure for Phase 2. Staff is concerned about how the drainage would be handled from the bathhouse as it's a lot of rainwater to handle with a lot of new, impermeable surface. Staff recommends approval of Phase 1 and holding Phase 2 for additional consideration.

Nick Carnahan and Nia Lee - architects - the size of the buildings are being driven by the science of thermodynamics and also minimizing the amount it impacts the public view.

Thomas Carlson - Atty. and Suzanne Hupy - neighbor - thinks the application materials are incomplete, particularly as relates to the pool. There is no plan to screen these items from Windemere Court and Ms. Hupy's property. They should also submit a lighting plan and screening plan, particularly along Windemere Court.

Ald. Bauman moved to approve Phase 1 and hold Phase 2. Seconded by Ms. Peltz.

A motion was made by ALD. BAUMAN, seconded by Sally Peltz, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 6 - Bauman, Pieper Eisenbrown, Jarosz, Keating Kahn, Garcia, and Peltz

No: 0

Excused: 1 - Robinson

6. [211989](#)

Resolution relating to a Certificate of Appropriateness for a fence at 2205 N. Lake Drive, in the North Point South Historic District, Eric Wagner.

Sponsors: THE CHAIR

Mr. Tim Askin said in 2019 there was a fence proposal that was rejected by the Commission. No fence currently exists. Staff supports a 4 foot fence with a round top. The applicant is willing to accept it, but his preference is for a simpler fence.



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City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes

HISTORIC PRESERVATION COMMISSION

Patricia Keating Kahn, CHAIR

Rafael Garcia, VICE-CHAIR

*Ald. Robert Bauman, Ann Pieper Eisenbrown, Matt Jarosz,
Nicholas Hans Robinson and Sally Peltz*

*Staff Assistant, Linda Elmer, 286-2231, Fax: 286-3456,
lelmer@milwaukee.gov*

*Senior Planner: Carlen Hatala, 286-5722,
chatal@milwaukee.gov*

*Senior Planner: Tim Askin, 286-5712,
tim.askin@milwaukee.gov*

*Legislative Liaison, Jeff Osterman, 286-2262,
joster@milwaukee.gov*

Monday, July 11, 2022

3:00 PM

City Hall, Room 301-B

11. [220301](#)

Resolution relating to a Certificate of Appropriateness for the review of Phase Two of the construction of outbuildings and additional landscaping at 3319 N. Lake Dr., in the Lake Drive Estates Historic District, for Chris and Jennifer Abele.

Sponsors: THE CHAIR

Ms. Hatala said the pool enclosure, landscaping and lighting are included as part of this application. They worked with the architect on the glass roof slope which mimics the roof of the former conservatory. The landscaping will include trees around the pool house. There are 11 different lighting fixtures, which are contained on the grounds. There will be a hedge around the pool to give it a sense of base without obscuring the glass.

Nick Carnahan - architect

Richard Donner - atty. for Suzanne Hupy - she owns the property on the northern boundary

Mr. Jarosz moved to grant, seconded by Ms. Peltz.

A motion was made by Matt Jarosz, seconded by Sally Peltz, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 3 - Jarosz, Keating Kahn, and Peltz

No: 2 - Bauman, and Pieper Eisenbrown

Excused: 2 - Robinson, and Garcia