



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes HISTORIC PRESERVATION COMMISSION

MATTHEW JAROSZ CHAIR

Ann Pieper Eisenbrown, Vice-Chair

**Randy Bryant, Ald. Robert Bauman, Brad Hoeschen, Allyson
Nemec, and Blair Williams**

**Staff Assistant, Chris Lee, 286-2232, Fax: 286-3456,
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**HPC Planners: Carlen Hatala, 286-5722,
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Monday, February 11, 2013

3:00 PM

Room 301-B, Third Floor, City Hall

Meeting convened at 3:00 p.m.

Present: 7 - Nemec, Pieper Eisenbrown, Jarosz, Bauman, Bryant, Williams,
Hoeschen

Individuals also present:

Carlen Hatala, Historic Preservation Commission Staff Planner

Paul Jakubovich, Historic Preservation Commission Staff Planner

Jim Owczarski, City Clerk

- 1. Roll Call.**
- 2. Approval of the Previous Minutes of January 14, 2013.**

Ald. Bauman moved approval, seconded by Ms. Pieper Eisenbrown, of the minutes of January 14, 2013. There were no objections.

- 3. Discussion on the Historic Preservation Commission and Chapter 320-21 of the Milwaukee Code of Ordinances.**

Mr. Owczarski said that one area under the ordinance that the commission should address pertains to those situations for which there is both a general or detailed planned development in a historic district. There is concern about the relationship between the City Plan Commission (CPC) and the Historic Preservation Commission (HPC) and which body trumps the other. The ordinance concludes that an attempt should be made at a joint review or even a joint meeting of both bodies for the purpose of reviewing plans. Although instances of this sort are few, the request is for initial direction from the commission on how to proceed on these instances before potential controversial facts come up. Tentative conversations with staff at the Department of City Development have occurred. The recommendation is to have a joint meeting with both bodies since CPC would be discussing the business of both bodies.

Ald. Bauman said that staff from both bodies should work among themselves and that

a joint meeting of both bodies would not be of any use. He added that the commission will deal with any problems that would arise.

Mr. Owczarski said if the commission is content to delegate this matter to staff, he will schedule a meeting between staff from both HPC and CPC and himself to agree on the rules of engagement on the next instance and report back to the commission for comment.

Mr. Hoeschen said that he prefers that the commission be active as opposed to reactive.

Mr. Jarosz said that a commissioner should participate in a session with CPC assuming that these instances can be anticipated. The commission should get advance notice. A commissioner can volunteer, especially if a session occurs around the time the commission has a regular meeting.

Mr. Owczarski said that he can contact Mr. Jarosz on suggesting a commissioner to participate. The meeting can be done with staff, individual members, or as a group. He added that a communication on the matter will be sent to DCD.

Mr. Owczarski said that the other area under the ordinance that the commission should address pertains to creation of a plaquing program. The ordinance states that the commission shall create a plaquing program and sets out generalized criteria on what the commission shall do. Clerk staff can do surveys on what other communities have done, but there is an obligation placed on the commission by the ordinance to create such a program. From a legislative drafting standpoint, the request for the plaquing program came from Ald. Terry Witkowski.

Ald. Bauman said that he thinks the program is worthless but was codified to placate parties. He suggested that the Legislative Reference Bureau do a slow and deliberate analysis on what other communities have done.

Mr. Hoeschen inquired if the plaquing program be prospective or retrospective?

Mr. Owczarski replied that the ordinance is mute on whether currently designated properties should receive a plaque under the program. It would be at the discretion of the body.

Ms. Pieper Eisenbrown asks if issuing plaques can be done by way of requests?

Mr. Owczarski said that the ordinance only calls for a plaquing program that identifies sites of historical importance in the city but does not address much else in terms of criteria. Issuing plaques can be done by way of requests. The commission should come up with further criteria. Consideration can even be made for historical spots or items that are not buildings, such as the spot where Teddy Roosevelt was shot.

Mr. Williams said that the commission has no obligation to do anything other than establish the program itself. The commission could establish a program and choose to never do anything with it.

Mr. Bryant said that there are many remnants of plaquing programs out there, such as the plaquing program carried out by the Milwaukee County Historical Society. He added that research should be done, the intentions of Ald. Witkowski should be known, a recommendation be done, and feedback be provided to the commission.

certificate for roofing work at 2640 N. 1st Street, the Henry L. Palmer Lodge/Love Tabernacle, a locally-designated building, for Love Tabernacle, agent Clara Atwater.

Sponsors: THE CHAIR

Mr. Jakubovich gave an overview on the proposal for a mothball certificate for the Henry Palmer Lodge. The building was recommended for local designation by the commission a few months ago. It has exterior and interior condition problems, and one of the issues is the condition of the exterior flat roof that has been leaking in a number of places. The roof has been temporary patched, but the goal is to complete have a new flat roof by September 21, 2013. A mothball certificate would suspend any possible fines, citations, and raze orders directed toward the building. A mothball certificate would also set a timeline for the owner to complete the rehabilitation of the roof, which needs repair before any serious work can occur in the interior. The hope is that the owner will work with the Department of Neighborhood Services (DNS) to remediate the first floor and close off the second and third floors of the building until enough funds are raised to extend to those floors. Touissaint Harris represents the congregation that has requested the mothball permit.

Mr. Harris appeared and requested for additional time beyond September 21, 2013 to restore other parts of the building on the first floor to compliment the exterior of the building. He added that the roof is expected to be finished by September 21st. The temporary patching on the roof is a rubber membrane.

Mr. Williams said that the commission only has jurisdiction regarding the historic integrity of the exterior of the building and the owner is free to take the time to do the interior work. The commission is faced with reviewing only the roof at this time.

Mr. Jakubovich said that the owner wants to suspend any potential raze order on the building with a mothball certificate. If more time is needed, the owner will have to work with DNS for a restoration agreement. If the building is not being used in the interior, it can be mothballed generally, become a vacant building, and incur potential fees.

Ron Roberts from DNS appeared and gave insight on the violations of the building. DNS condemned the building in January 2012. At the suggestion of DNS, the owner has followed through with the historic designation and mothball request. DNS has no intention on pursuing the raze order. A mothball certificate would aide the owner in addressing serious issues and saving the building without the fear of fines or penalties. In addition to the roof, DNS would like for other major and minor details to be repaired both externally and internally, such as the chimney. The September deadline would not be enough time. A vacant building can be subject to vacant building inspections and fees.

Mr. Roberts said that the owner should submit a written plan to DNS depicting the phases of rehabilitation, development, and occupancy of the building from the first floor up. DNS will support a mothball and extension of time to avoid any enforcement and complete the plan provided that a plan be written and detailed.

Mr. Roberts said that beyond the 10,000 square feet roof there are roof foundation problems that would need repair or replacement. Those costs will not be known until a contractor exposes all of the roof materials, which may result in costing more money than expected.

Mr. Roberts responded that the building cannot be occupied in its current condition

and would require substantial investment to ensure long term use and habitability. He added that the building does require major mechanical system repairs such as electrical, plumbing, and HVAC.

Mr. Jarosz said that a percentage of the costs will be for essential issues that need to be addressed right away and then on other aspects to be able to occupy the building.

Mr. Hoeschen said that he was concerned about the fixing the long term problems of the building if the commission does not have jurisdiction outside of the roof to deal with issues like the chimney and HVAC.

Mr. Bryant said that the commission would be able to consider the roof, chimney, and other potential code violations if they are spelt out in the plan that would be provided.

Mr. Jarosz said that a comprehensive plan should be submitted for the commission to consider all at once so that the commission can avoid revisiting issues beyond the roof. He added that a month seemed reasonable for the owner to come back with a written plan. It should have structure, time limit, identified funds, and priorities.

Mr. Bryant said that the owner should have a realistic understanding that there may not be enough funds to finish all repairs beyond the roof and the property may be lost as a result.

Mr. Harris said that he understood the scope of work needed to be done. He added that his congregation would be collecting rent, doing fundraisers, and receiving private donations.

Ald. Bauman moved to hold in committee, seconded by Mr. Bryant, of a Certificate of Appropriateness for a mothball certificate for roofing work at 2640 N. 1st Street, the Henry L. Palmer Lodge/Love Tabernacle. There were no objections.

A motion was made by ALD. BAUMAN, seconded by Randy Bryant, that this Resolution be HELD IN COMMITTEE. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

5. [121399](#)

Resolution relating to a certificate of appropriateness for the installation of solar panels on the roof at 929 N. 33rd Street in the Concordia Historic District for Tom and Amy Fritz.

Sponsors: THE CHAIR

Mr. Owczarski said that the details of the Certificate of Appropriateness (COA) for 929 N. 33rd St. are left to the commission's discretion, but there is some precedent that will be potentially set with the COA. Based on conversations with the City Attorney's office, there is a state statute relating to the installation of solar panels that appears to exclude the ability of the Historic Preservation Commission to weigh in on the aesthetics of a solar energy system installation with very narrow exceptions.

Ald. Bauman said that he disagrees with the conclusion of the City Attorney's office that the commission has no jurisdiction or ability to render a judgment on the appropriateness of a particular solar installation. A legal opinion of the City Attorney's office should not be accepted before it preferably goes into litigation for a judge to

decide. This is another case of the dislike for historic preservation and its process. There are deed restrictions in connection to historic preservation. Solar panels can screw up historic properties, but this particular installation may possibly be passable. Other options have been looked at. Maybe the Milwaukee Code of Ordinances should be amended to have structures in a historic district that have solar panels become noncontributing structures and be ineligible for state tax credits. The State Historical Society may already have entered into a superseding arrangement with the Federal Energy Department on this particular issue.

Atty. Greg Hagopian from the City Attorney's office appeared and said that the City Attorney has not issued an opinion yet. The commission has some jurisdiction on this COA due to the building being in a historic district and a COA being applied for. Under the statute there are factors to consider regarding whether any restrictions placed on an installation or use of a solar energy system serves to protect public health or safety, does or does not significantly increase the costs of the system or decrease its efficiency, and allows for an alternative system of comparable costs and efficiency.

Ald. Bauman said that he is concerned about city agencies fighting each other and about the Office of Environmental Sustainability saying that the commission has no jurisdiction while the matter is not very clear at this point.

Ms. Nemec questioned about the commission's purview and the possibility of tabling the matter if the commission's purview cannot be defined?

Mr. Owczarski said that the State Historical Office expressed strong concerns about their role, the federal government's role, and whether or not there will be federal laws or regulations that would supersede. The State Historic Office will respond to clerk staff soon. Without that knowledge, there is a general feeling that a final framework on the commission's purview cannot be attained.

Mr. Jakubovich gave a summary of the solar panel installations at 929 N. 33rd St. The panels were installed on the south elevation of the house. An electrical permit was pulled by the contractor, but no building permit was pulled. As a result, a COA was not triggered. The contractor said that he was unaware of the requirement to pull building permits for solar panel installations. The contractor has done about forty other solar panel installations in the City of Milwaukee.

Atty. Hagopian said that a building permit and COA is required for a solar panel installation in the City of Milwaukee, and the commission has jurisdiction on whether to issue a COA.

Amy Heart, Solar Program Manager from the Office of Environmental Sustainability, appeared and said that there has been confusion among installers not knowing that they need to pull a building permit. The installer on this particular installation is trying to rectify the situation and is helping with the completion of new forms with the Department of Neighborhood Services. Clarification of the building permit process for solar energy installers is occurring, and installers are being informed of the correct process going forward.

Mr. Jakubovich said that electrical permits are typically for interior work and not considered to have a major impact on the exterior of a building. As a result, electrical permits do not necessarily trigger a COA requirement.

Atty. Hagopian said that, according to the state statute when there is a solar energy system, no political subdivision may place any restriction either directly or indirectly or

in effect on the installation or use of a solar system unless the restriction satisfies one of the following: serves to protect public health or safety, does or does not significantly increase the costs of the system or decrease its efficiency, and allows for an alternative system of comparable costs and efficiency.

Ald. Bauman gave additional comments. The owners of the house can appeal through the Common Council process if the commission orders to remove the solar panels. He was assured at the time of deliberation of the new solar energy zoning ordinance that no problems would come up as COAs and building permits would be obtained. The historic district and deed restrictions of the district were created long before the state statute concerning solar energy systems. Through the deed restrictions, there is a mutual agreement between citizens, not the City, to impose restrictions on each other consistent with the guidelines. According to the discussion between the State Historical Society and the Federal Energy Department, the state statute was not intended to say that solar panels on roofs trump everything

Mr. Williams asked if satellite dishes would require permitting and a COA?

Mr. Jakubovich replied that staff does require a COA for a satellite dish. If a dish is installed without a COA in the wrong place of a building, staff will issue an order for its removal. A satellite dish is not recommended to be put up at the front of a house, and there are other means of getting the same services of a satellite dish.

Ms. Nemec said that the commission should wait until next month to find out more information.

Ms. Nemec moved to hold in committee for the March HPC meeting, seconded by Mr. Bryant, of a Certificate of Appropriateness for the installation of solar panels on the roof at 929 N. 33rd St. in the Concordia Historic District for Tom and Amy Fritz. There were no objections.

Mr. Jarosz said that there was a Supreme Court case about two or three years ago that upheld the restriction of satellite dishes in a historic district.

Mr. Williams said that other than disclosure on an offer and title, there is a serious disconnection among homeowners understanding that they live in a historic district. At the very least historic district associations should be contacted on an annual basis, and the associations should spread the word out.

A motion was made by that this Resolution be HELD IN COMMITTEE. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

6. Discussion of HPC Preservation Awards.

Ms. Hatala said that the last preservation awards was done at the end of 2011 and another one could not be done in May 2012 during national preservation month. She asked if the commission would want to do the awards ceremony every other year and if there should be an award ceremony in May 2013?

Mr. Jarosz said that it appears the awards ceremony is now every other year given last year's lack of a ceremony. He added that the ceremony should occur sooner

rather than later; perhaps fuse with the Loyalty Building or the unveiling of the Iron Block restoration in March.

Ms. Nemec moved approval of a Cream of City Awards in May 2013 with a location to be finalized and with consideration of projects from the last award date to the current date. Mr. Bryant seconded. There were no objections.

7. Announcements and Updates.

Mr. Jakubovich announced that he believes there will be an uptick in construction and renovation in the season coming up; thus, an increase in Certificates of Appropriateness with the majority expected to be staff approved.

8. The Following Files Represent Staff Approved Certificates of Appropriateness:

Ms. Nemec moved approval, seconded by Ms. Pieper Eisenbrown, of the staff approved Certificates of Appropriateness.

a. [121372](#)

Resolution relating to a Certificate of Appropriateness for the installation of signage at 2532 E. Bellevue Place in the Downer Avenue Historic District for Megan Heitke.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

b. [121373](#)

Resolution relating to a Certificate of Appropriateness for the installation of replacement HVAC units on the roof at 1344 E. Brady Street in the East Brady Street Historic District for Jimmy John's.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

c. [121384](#)

Resolution relating to a Certificate of Appropriateness for the installation of two central air conditioning units (not visible from the Street) and the installation of a vent in the rear wall for a new kitchen fan at 2505 N. Wahl Avenue in the North Point North Historic District for Mike and Julie Schinzer.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

d. [121388](#)

Resolution relating to a Certificate of Appropriateness for rear yard treillage style cedar fencing and landscaping at 2530 N. Summit Avenue in the North Point North Historic District for Michael and Karla Benton.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

e. [121440](#)

Resolution relating to a Certificate of Appropriateness for the installation of new sidewall venting for furnaces at 1722 N. Franklin Place, the Francis Niezarawski house, for Laurel Canyon Properties.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

f. [121441](#)

Resolution relating to a Certificate of Appropriateness for the installation of non-illuminated signage above the apparatus doors on the Bungalow Fire House Historic Building at 1615 W. Oklahoma Avenue for the Milwaukee Fire Department Museum.

Sponsors: THE CHAIR

A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen

No: 0

- g. [121456](#) Resolution relating to a Certificate of Appropriateness for the installation of signage at 2551 E. Bellevue Place in the Downer Avenue Historic District for Starbucks Coffee Company.
- Sponsors:** THE CHAIR
- A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:**
- Aye:** 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen
- No:** 0
- h. [121491](#) Resolution relating to a Certificate of Appropriateness for the installation of new HVAC equipment at 2134 N. Terrace Avenue in the North Point South Historic District for Michael White.
- Sponsors:** THE CHAIR
- A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:**
- Aye:** 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen
- No:** 0
- i. [121492](#) Resolution relating to a Certificate of Appropriateness for the reconstruction of the lower half of the front porch at 2674 N. Summit Avenue in the North Point North Historic District for David Klehm.
- Sponsors:** THE CHAIR
- A motion was made by Allyson Nemec, seconded by Ann Pieper Eisenbrown, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:**
- Aye:** 7 - Nemec, Jarosz, Bryant, Pieper Eisenbrown, Bauman, Williams, and Hoeschen
- No:** 0

Meeting adjourned at 4:15 p.m.

Chris Lee, Staff Assistant

This meeting can be viewed in its entirety through the City's Legislative Research Center at <http://milwaukee.legistar.com/calendar>.