



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## General Certification

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I, Ronald D. Leonhardt, do hereby certify that the attached is a true and correct copy of section 308-81-9-f of the Milwaukee Code of Ordinances, in effect as of the date of this certification.

CITY CLERK

*Ronald D. Leonhardt*

6/23/2008

*Date:*

c. Notification. Notice of hearing shall be by certified letter addressed to the applicant at his or her residence or place of business, or if the applicant is a corporation, at the address stated in the application. There shall also be public notice given by the commission, as well as notice to the parties cited in sub. 8-a. The letter to the applicant may contain requirements for supplemental information, including but not limited to any photographs, plans, floor plans, elevations and detail drawings of any structure or portion thereof to be subject to change. If the applicant is unable to furnish any or all required supplemental information by the date set for a hearing on the application, the applicant may request such a delay in the hearing as may be reasonable for obtaining the same. The commission may also grant a request for a delay for any other good cause.

d. Hearing. If upon a hearing by the commission it appears that the proposed changes in the application are consistent with the character of the individual property or those of its district, the commission shall immediately direct the commissioner of city development to issue a certificate to the applicant. In making its determination on any application under this section, the commission shall apply the criteria set forth in sub. 10.

e. Issuance of Certificate. The commission may, at its discretion, direct issuance of a certificate conditioned upon applicant's acceptance of certain changes in his plan.

f. Appeal. If upon a hearing by the commission the application for a certificate is disapproved and no conditional certificate is issued, or the applicant refuses to accept the changes in the plans recommended by the commission, the commission shall notify the applicant of its decision by certified mail within 15 days. The aggrieved applicant may appeal to the common council. Appeals shall be by a written request filed with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing, the council may, by vote of 2/3 of its members, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property

and the interest of the owner in using it for his or her own purposes, the council finds that, owing to special conditions pertaining to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal of modification of the commission's decision.

g. Demolition. Notwithstanding the provisions of the preceding paragraphs, if an applicant for a certificate of appropriateness seeks approval for demolition, the commission may by affirmative vote within 30 days after the public hearing defer determination on the application for a period not to exceed one year from the date of application for the demolition permit, and shall provide the applicant with a written report setting forth the reason or reasons for its deferral on the certificate application. An applicant whose application for certification of appropriateness for demolition has been deferred may appeal the deferral to the administrative review appeals board pursuant to s. 320-11. If the commission determines to defer a demolition on the application, the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time, the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of the one year period, the commission shall act on the suspended application by either granting or refusing to grant a certificate of appropriateness for the proposed demolition.

h. Certificate of Appropriateness. In determining whether to issue a certificate of appropriateness for any demolition, the commission shall consider and may give decisive weight to any or all of the following:

h-1. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state.