

Askin, Tim

From: Michael Hosale <michael_hosale@msn.com>
Sent: Monday, November 11, 2019 1:20 AM
To: Hatala, Carlen
Cc: Askin, Tim
Subject: 2822 E Bellevue / HPC Referral to Common Council

Tim and Carlen,

We want to thank you for meeting with us on Friday, November 8th for a very collaborative and productive conversation. We appreciate your efforts to work with us. Carlen, we realize that Tim is away for two weeks so our request for information will fall to you in a very busy time. We look forward to working closely with Tim when he returns.

Tim suggested that we submit new COA applications [before Tuesday, November 12th](#) and we submitted two applications, one for [2604 N. Lake Drive](#) and one for [2822 E. Bellevue Place](#), early on Saturday, November 9th.

[On Saturday afternoon](#) we received certified mail dated November 5th containing the Historic Preservation Commission's referral of our denial to the Common Council. Based on our current understanding of the referral, we do not wish to file an appeal. However, we would like to clarify several issues prior to the [November 26th](#) due date for an appeal to make sure we have an accurate understanding of the denial and the necessary steps to work with you to reach a resolution.

The referral document states: "Your applications listed above [resolutions relating to Certificates of Appropriateness for driveway permeable pavers at [2822 E. Bellevue Place](#) and [2604 N. Lake Drive](#)] were heard at the Historic Preservation Commission meeting of November 4, 2019. At this meeting, the Commission approved the recommendations of staff as contained in the staff report. Staff was not opposed to any of the existing work, except staff did not support the same brick being used for both driveways as it appears too much as a parking space. Staff would recommend either continuing the retaining wall or the planter in the driveway to break up that expanse. Staff recommended denial of the retaining wall that is parallel to the sidewalk at [2822 E. Bellevue Place](#)."

It seems that the principal statements in the referral are "At this meeting, the Commission approved the recommendations of staff as contained in the staff report," and "Staff recommended denial of the retaining wall that is parallel to the sidewalk at [2822 E. Bellevue Place](#)."

We appreciate the time and consideration of our interests that went into the preparation of the staff report and are grateful that the Commission approved your recommendations because we are aware that they could have rejected them. We currently understand the Commission's acceptance of the staff report to mean that the denial relates only to the retaining wall that is parallel to the sidewalk, and that we are allowed to continue to work with you to address your concerns related to the separation of the driveways.

In order to make sure we are all on the same page, we have several questions and clarifications about the staff report that we would like to discuss with you. They are:

1. The staff report states: "This house [2822 E. Bellevue] was once the carriage house for the Gustav Trostel House around the corner on [2611 North Terrace Avenue](#). It was sold off and became a residence. The driveway was asphalt and bordered by dry stack Lannon stone retaining walls. There appears to have been a lannon stone planter bed close to the front wall of the house. The walkways and steps were poured concrete. The lawn sloped

down in a gentle berm. Between 2009 and 2011 photos show a front retaining wall was built. There is no record of a COA being approved for this wall. *Dianne Dziengel purchased the property on June 6, 2008. She is also one of the owners of the adjacent property at [2604 North Lake Drive](#). Assessor's records show she sold the property to Michael Hosale in 2017. During the extensive construction at [2604 North Lake Drive](#), this property was used as a staging area for building materials."*

We are confused by the reference to Assessor's records. Dianne Dziengel, Michael Hosale and Cynthia Hosale have owned [2604 N. Lake Drive](#) since 1989 and all three of us purchased 2822 E. Bellevue in 2008. Our tax assessments issued in April 2019 list all three owners at both properties.

2. The staff comments of the staff report state: "As noted above, the driveway at this property has been bordered by stone retaining walls since at least 2007. Brick pavers like the ones installed here have been used at other properties in the district. In this instance the brightly contrasting border differs from other applications. It was the owner's intent to match the driveway at his own residence at [2604 North Lake Drive](#) yet separate the two by a small stone wall. The large expanse of paving is not necessarily typical of paving in the area, but it constitutes a substantial improvement of the previous broken asphalt. Had a COA been applied for before the work began, *staff would have recommended using different color pavers to distinguish the two properties and lessen the impact of the large paving area.* The brick pavers as selected are more appropriate in color to [2604 North Lake Drive](#) than this house."

The staff recommendation further states: "*This is a difficult submission. The expanse of the same brick at two side-by-side properties creates an almost parking lot effect. The brick needs to be differentiated between the two properties,*" and "*The parking lot appearance could possibly be addressed by continuing the driveway dividing Lannon stone wall toward the sidewalk for better visual separation or creating a short and narrow raised planting bed in this location. This would use materials already purchased while avoiding the cost of removing the already installed paver blocks for a change in color.*"

During the meeting with Tim on November 8th he mentioned that he had researched pavers of other colors and found them to be unattractive. We would like to confirm that the Belden Bellcrest 760 clay permeable pavers that we have used will now be considered acceptable.

As noted in the conversation with Tim on November 8th and our COA application submitted on November 9th, we would like to continue to work with you to design the continuation of the Lannon stone wall toward the sidewalk.

3. The staff comments state: "Staff believes the Lannon stone retaining wall that runs between the two driveways and perpendicular to the sidewalk is appropriate and acceptable. The reconstructed retaining wall on the east side of the driveway and also perpendicular to the driveway is essentially a repair and serves a purpose that is not in conflict with the preservation guidelines. They match the Lannon stone of the garage and foundation. "

We appreciate your approval of this retaining wall. As stated above, we look forward to working with you to extend this wall toward the sidewalk.

4. The staff comments state: "As noted above, a Lannon stone retaining wall was constructed between 2009 and 2011 and replaced a lawn with a gentle berm. Staff would not have recommended that wall had a COA been applied for as it interrupted the berm. The current Lannon stone retaining wall is again set back from the sidewalk and wraps around to border the east side of the driveway. The Lannon stone retaining wall allows for planting beds along the sidewalk. The applicant has submitted a revised plan to slope the planting bed. The applicant, since he now owns both this house and [2604 North Lake Drive](#), wanted a cohesive design along Bellevue, but *staff does not feel this adequately addresses the primary concern of the general prohibition of retaining walls replacing a berm up against the sidewalk.*

The staff recommendation further states: “The use of Lannon stone to border the drive and the low planter bed against the house are appropriate. The retaining wall appearance, even with a sloped planting bed at the sidewalk is a difficulty.”, and “While Mr. Hosale has offered to slope the planting beds toward the retaining wall. This is likely to settle within a few years. *Staff therefore still has deep concerns about allowing the retaining wall at the front of the yard that is parallel with the sidewalk*”. The referral to the Common Council states: “*Staff recommended denial of the retaining wall that is parallel to the sidewalk at [2822 E. Belleview Place](#)*”.

We are willing to amend the COA application submitted on November 9th and immediately remove the retaining wall that is parallel to the sidewalk at [2822 E. Belleview Place](#) and replace it with a gentle berm to the street when the weather allows the creation of the berm. We believe that this would require amending the stop work order that is currently in effect to allow us to remove the wall.

It is our hope that removing the retaining wall will expedite resolution of any other issues related to obtaining your recommendation for Certificates of Approval for [2604 N. Lake Drive](#) and [2822 E. Belleview Place](#).

5. The staff comments state: “The steps and walk to the front door had been located at the east end of the property. They are now aligned with the front door. A path from the front door to the driveway has also been slightly realigned and repaved. The concrete steps have been replaced with lannon stone steps. The walkway is now paved with paver brick to match the driveway. *The new location and materials are acceptable for the steps. Piers are being constructed to frame the steps and are also appropriate.*

The staff recommendation further states: “The use of pavers for the walkways has precedent in the neighborhood. The guidelines for North Point North state to use traditional “landscaping, fencing, signage and street lighting that is compatible with the character and period of the district. Avoid introducing landscape features ...inappropriate to the character of the district.” While staff would ordinarily recommend denial of the retaining wall and piers, the HPC did allow a wall to be built at the adjacent property at [2604 N. Lake Drive](#) and there have been piers or other accents built where the front walk meets the city sidewalk. *Staff recommends approval of the new stairs, the piers, the new path locations, and the retaining walls that are perpendicular to the street.*

We would like to confirm that this means that if we are able to resolve the issue of the extension of the retaining wall that is perpendicular to the street and any other issues and are able to receive your recommendation for approval of our COA applications, the recommendation will include approval of the new stairs, the piers, the new path locations, and the retaining walls that are perpendicular to the street.

We recognize that we should have worked with you much earlier than we did, and we do appreciate your willingness to take our interests into consideration both in our communications over the summer and in the staff report. As you know, it has been our goal to enhance both of our properties in a way that is environmentally sound and attractive. We have been very pleased by all of the people who took the time to stop by over the summer to admire the flowers and express appreciation for the work being done, and we are grateful to the neighbors who took the time to write the letters of support that we have submitted to you. That said, we apologize that our confusion and late submission of the original COA application provoked letters of complaint that you have had to address.

We look forward to discussing the way forward with you.

Michael