



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY:

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

TO: Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: August 26, 2020

RE: 2387 N. Terrace Avenue
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Forestry and Sanitation Services
(Name of City Department)

Amount of the charges \$ 999.50

Charge relative to: Tall Grass and weeds

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

Please See attached letter as basis for appeal.

Christopher M Klotz Attorney for Appellant
Signature

Christopher M Klotz
Name (please print)

N96W18821 County Line Rd, Suite 200
Mailing address and zip code
Menomonee Falls, WI 53251

612-804-0871
Daytime phone numbers

cmk@theklaw.com
E-Mail Address(s)

**STATE OF WISCONSIN ADMINISTRATIVE REVIEW MILWAUKEE COUNTY
APPEALS BOARD**

AT TERRACE, LLC

Appellant,

v.

CITY OF MILWAUKEE,

Respondent.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that the undersigned attorney, Christopher M. Kloth of MCDONALD & KLOTH, LLC, hereby enters his appearance of record for the Appellant, AT Terrace, LLC, in the above-captioned matter.

Dated on this 26th day of August, 2020.

MCDONALD & KLOTH, LLC
Attorneys for Appellant

By: s/Christopher M. Kloth
Christopher M. Kloth
WI State Bar No. 1061498
MCDONALD & KLOTH, LLC
N96W18221 County Line Road
Suite 200
Menomonee Falls, WI 53051
Direct: (612) 804-0871
Office: (262) 252-9122
Fax: (414) 395-8773
cmk@themklaw.com



Christopher M. Kloth
612.804.0871 mobile
cmk@themklaw.com

August 26, 2020

Administrative Review Appeals Board
200 E. Wells Street
Room 205
Milwaukee, WI 53202

Re: 2387 N. Terrace Avenue Appeal

Dear Board,

My client is appealing the fines assessed to their property for several reasons. First, my client does not believe that the proper procedure was followed in accordance with Ordinance 80-17. According to Nuisance 80-17(6), a person found in violation of this section shall be subject to a special charge of \$50.00 for the first violation if the violation is not abated within 72 hours. According to the DNS website, my client was charged \$50.00 on the same date of the first inspection on June 19, 2020. *See* Exhibit A. In addition, on July 2, 2020, the City abated the property by mowing the grass, which was considered to be in violation of 80-17. My client, however, was billed \$800.00 for the cost of the abatement on June 30, 2020. *Compare* Exhibit A and B. My client will address the issue of the long grass below, but it simply defies logic that it would cost \$800.00 to mow a lawn. My client has no idea how the City arrived at \$800.00 because there is no information contained within the DNS website providing the basis for such cost. *See id.* Moreover, how is it that the Forestry Department knew the cost of abatement prior to actually mowing the grass, which only consists of half of the lot in question. Finally, my client was billed another \$149.50 on August 5, 2020. *See* Exhibit A. Apparently, my client was found to have committed a second violation, which resulted in the fine of \$149.50. However, the DNS website does not indicate that an inspection has occurred since June 30, 2020, or after the abatement on July 2, 2020. *Compare* Exhibit A and B. Therefore, the \$149.50 fine issues on August 5, 2020, is not in compliance with 80-17(6)(b).

Second, my client believes that the City is applying the ordinance in an unequal manner. For instance, I viewed several properties in the areas that currently or have had grass and weeds longer than 7 inches for months. I have attached several pictures regarding these properties, which were all taken on August 11, 2020. Exhibit C depicts property located at the Southwest corner of N. Summit Avenue and North Avenue. Exhibit D depicts property located at 2275 N. Summit Avenue. Exhibit E depicts property located at the Northwest corner of N. Summit Avenue and

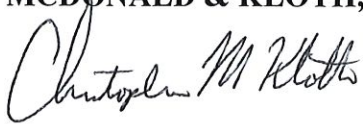
North Avenue. Exhibit F depicts property located at 3431 N. Lake Drive. Exhibit G depicts property located at 3247 N. Marietta Avenue. Exhibit H depicts property located at 2515 N. Maryland Avenue. Finally, Exhibit I depicts property located at 2410 N. Murray Avenue. I was able to obtain these pictures within 30 minutes of driving around the area near the lot in question. As is evident, the ordinance is not being applied evenly to properties in the neighborhood. Also, as discussed below, the area related to the lot in question had never been mowed before my client purchased the property from Ascension. It is important to understand that my client is not raising this argument to employ a whataboutism, but to provide evidence of why they believed they were not in violation of the ordinance and to show the actual practice of enforcement.

Third, my client was confused about their obligations to address potential nuisances based on prior and current events. In addition to the numerous examples of current violations discussed above, my client has had a significant history with the lot in question. One of the owners of AT Terrace, LLC, spent well over a year looking for a place to build a home on the Eastside. She and her family spent their weekends driving around neighborhoods close to N. Lake Drive to try and locate a property that would allow them to build a home for themselves and their two young children. She sent "cold-call" letters to property owners with double lots to see if those owners would partition their property. As a result, they were intimately familiar with the properties along Terrace Avenue. During that time, my client specifically recalls seeing the part of the lot in question unmowed that entire summer. When my client made its offer to purchase the three lots from Ascension,¹ my client never saw the part of the lot in question mowed during the negotiations or upon closing. Ascension had only ever mowed the first two southern lots, the entire space between the road and sidewalk, and the entire space between the sidewalk and wrought iron fence/tree line. Following the purchase, Ascension continued to mow the two southern lots and my client mowed the front part of the lot in question, which included the area between the road and sidewalk and the area between the sidewalk and the wrought iron fence/tree line. When my client received the first notice, they had not mowed the front part of the lot in question for two weeks and thought it pertained to that area. My client then took action to abate that portion of the lot, leaving the back portion (between the wrought iron fence/tree line and Ascension's parking structure) unmowed like it had been for years. When my client received the second notice, which included a bill for \$999.50, they retained my firm and decided to file this appeal. Since receiving the bill for \$999.50, my client has retained a landscaping company to mow all of the lot in question so as to not run afoul of the nuisance ordinance.

In the end, my client now understands that these three vacant lots need to be maintained and that they are responsible for the maintenance. My client also understands that the City should not be responsible for the cost it actually underwent in order to mow the lawn. However, charging my client \$800.00 to mow half a lot, along with the other fines, which appear to run afoul of 80-17(6), is inappropriate and unreasonable. Therefore, my client respectfully requests that the fines be reduced to cover the actual cost of mowing the back portion of the lot in question.

¹ The three consecutive lots, which lie east of Ascension's parking structure, sat on the northern side of the green space. Between the sidewalk and Ascension's parking structure lies a wrought iron fence and line of trees that runs parallel to the street.

Respectfully,
MCDONALD & KLOTH, LLC

A handwritten signature in black ink, appearing to read "Christopher M. Kloth". The signature is written in a cursive, flowing style.

Christopher M. Kloth
Attorney at Law
cmk@themklaw.com

Encls.

Directory

Residents

Business

Visitors

Online Services

For all permit fees and submittal information, please see our Info Sheets
<https://city.milwaukee.gov/DNS/permits/DNSinfo>

Announcements(1) ▼

Register for an Account

Log Out

Notice: NOTICE: Starting July 20, 2020 the City of Milwaukee reserves the right to stop or suspend work in the public right-of-way. NOTICE: No excavation work will be permitted to occur from July 20t... [more](#)



Mark as Read

Home Building Development Enforcement Licens

Create an Application

Search Records

Record PWCF-20-05150:

Forestry Weeds

Record Status: Billed

Record Info ▼

Payments ▼

Fees

Outstanding:

Date	Invoice Number	Amount	Pay Fees
08/05/2020	1659574	\$100.00	
08/05/2020	1659574	\$49.50	
06/30/2020	1659574	\$800.00	
06/19/2020	1659574	\$50.00	
Total outstanding fees: \$999.50			

EXHIBIT

A

Directory

Residents

Business

Visitors

Online Services

Announcements(1) ▼

Register for an Account

Log Out

For all permit fees and submittal information, please see our Info Sheets
<https://city.milwaukee.gov/DNS/permits/DNSInfo>

Notice: NOTICE: Starting July 20, 2020 the City of Milwaukee reserves the right to stop or suspend work in the public right-of-way. NOTICE: No excavation work will be permitted to occur from July 20t... [more](#)



Home

Building

Development

Enforcement

Licenses

Mark as Read

Create an Application

Search Records

Record PWCF-20-05150:

Forestry Weeds

Record Status: Billed

Record Info ▼

Payments ▼

Processing Status

The green checkmark indicates a completed task. An hour glass indicates an active task.

The right arrow and/or plus symbol indicate that additional information can be viewed by clicking on the symbol.



Inspection

Assigned to TBD

Marked as Posted on 06/19/2020 by Kurt Klemstein



Re-inspection

Assigned to TBD

Marked as Violation on 06/30/2020 by JW



Abatement

Assigned to TBD

Marked as Abated on 07/02/2020 by Tharics Williams



Billing

Assigned to TBD

Marked as Billed on 08/05/2020 by Tharics Williams

Appealed



Payment

Assigned to TBD

Marked as TBD on TBD by TBD

Assessment

EXHIBIT

B

[Directory](#)[Residents](#)[Business](#)[Visitors](#)

Online Services

For all permit fees and submittal information, please see our Info Sheet:
<https://city.milwaukee.gov/DNS/permits/DNSInfo>

[Announcements\(1\)](#)[Register for an Account](#)[Log Out](#)

Notice: NOTICE: Starting July 20, 2020 the City of Milwaukee reserves the right to stop or suspend work in the public right-of-way. NOTICE: No excavation work will be permitted to occur from July 20th... [more](#)

[Home](#) [Building](#) [Development](#) [Enforcement](#) [Licenses](#)
[What's New](#)[Create an Application](#)[Search Records](#)**Record PWCF-20-051****Forestry Weeds****Record Status: Billed**[Record Info](#)

6/19/2020 12:55 PM

[View Status History](#)[View Result Comments](#)

Status History

Showing 1-4 of 4

Status	Status Date/Time	Inspector	Update Time	Updated By
Posted	6/19/2020 12:55 PM	Kurt Klemstein	6/19/2020 12:55 PM	Kurt Klemstein
Scheduled	6/20/2020 12:00 AM	Kurt Klemstein	6/19/2020 12:53 PM	JW
Scheduled	6/20/2020 12:00 AM	JW	6/19/2020 12:51 PM	Kurt Klemstein
Scheduled	6/20/2020 12:00 AM	JW	6/19/2020 12:51 PM	Kurt Klemstein

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
No records found.			

Inspections

Upcoming

You have not added any inspection.

Completed (1)

Posted - 1

Posted Tall Grass and Weeds In
 Result by: Kurt Klemstein on 06/19/2020

[Directory](#)[Residents](#)[Business](#)[Visitors](#)

Online Services

[Announcements\(1\)](#)[Register for an Account](#)[Log](#)

For all permit fees and submittal information, please see our Info Sheet:
<https://city.milwaukee.gov/DNS/permits/DNSinfo>

Notice: NOTICE: Starting July 20, 2020 the City of Milwaukee reserves the right to stop or suspend work in the public right-of-way. NOTICE: No excavation work will be permitted to occur from July 20th... more

[Home](#)[Building](#)[Development](#)[Enforcement](#)[Licenses](#)[Mark as Read](#)[Create an Application](#)[Search Records](#)

Record PWCF-20-051

Forestry Weeds

Record Status: Billed

[Record Info](#)

Tall Grass and Weeds Inspection (31890534, Optional)

2387 N TERRACE AV
 MILWAUKEE WI 532110000

[Print](#)

Status

Details

Posted
 6/19/2020 12:55 PM
 Desired Date: TBD

Record
 PWCF-20-05150
 Forestry Weeds

Last updated
 Kurt Klemstein
 6/19/2020 12:55 PM

[View Status History](#)[View Result Comments](#)

Inspections

Upcoming

You have not added any inspection

Completed (1)

Posted: 1

Posted Tall Grass and Weeds Ins
 Result by: Kurt Klemstein on 06/19/20

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
No records found.			

Directory

Residents

Business

Visitors

Online Services

For all permit fees and submittal information, please see our Info Sheets
<https://city.milwaukee.gov/DNS/permits/DNSinfo>

Announcements(1) ▼

Register for an Account

Log Out

Notice: NOTICE: Starting July 20, 2020 the City of Milwaukee reserves the right to stop or suspend work in the public right-of-way. NOTICE: No excavation work will be permitted to occur from July 20t... [more](#)



Mark as Read

Home Building Development Enforcement Licenses

Create an Application

Search Records

Record PWCF-20-05150:

Forestry Weeds

Record Status: Billed

Record Info ▼

Payments ▼

Inspections

Upcoming

You have not added any inspections.

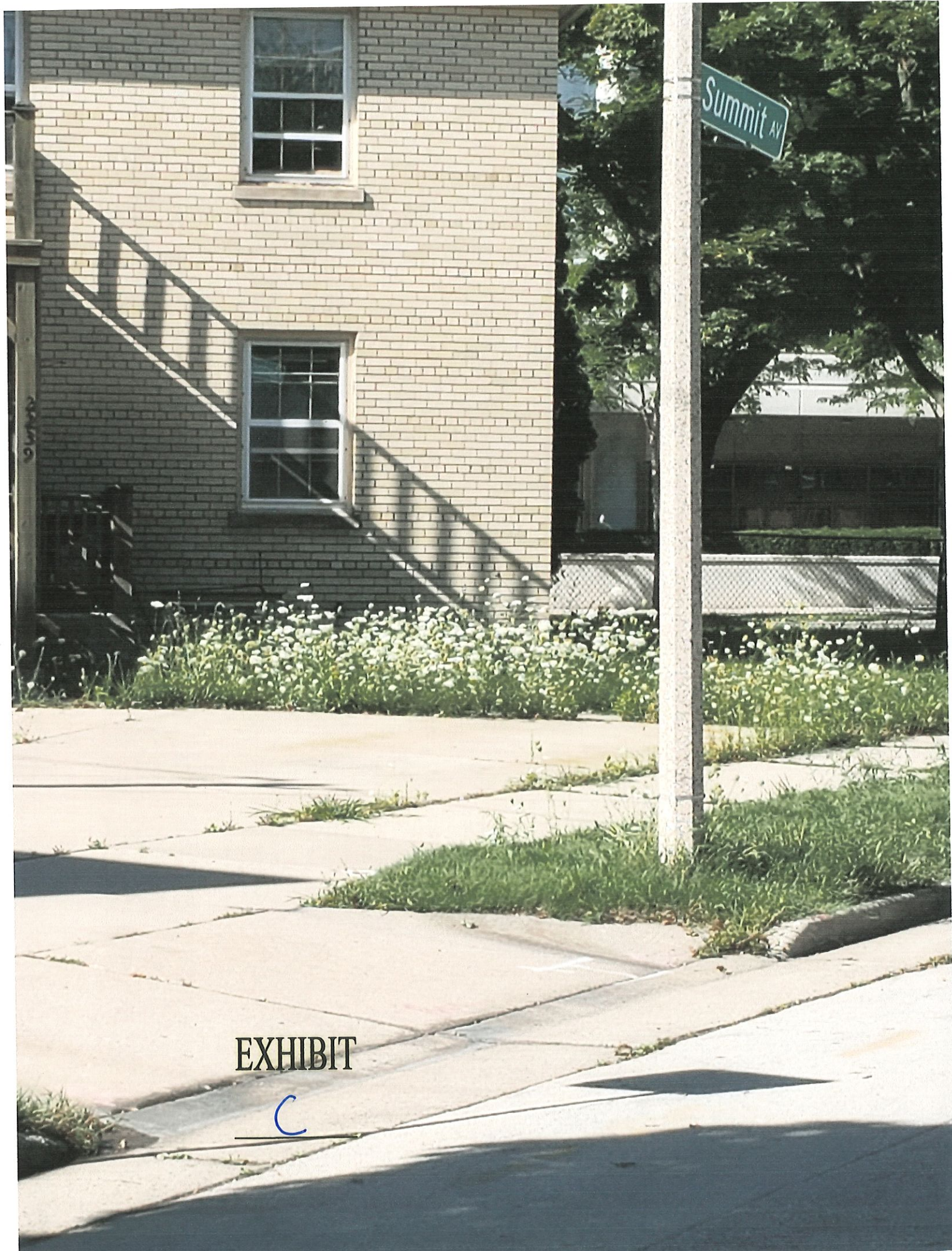
Completed (1)

Posted - 1

Posted Tall Grass and Weeds Inspection (31890534)

Result by: Kurt Klemstein on 06/19/2020 at 12:55 PM

[View Details](#)



EXHIBIT

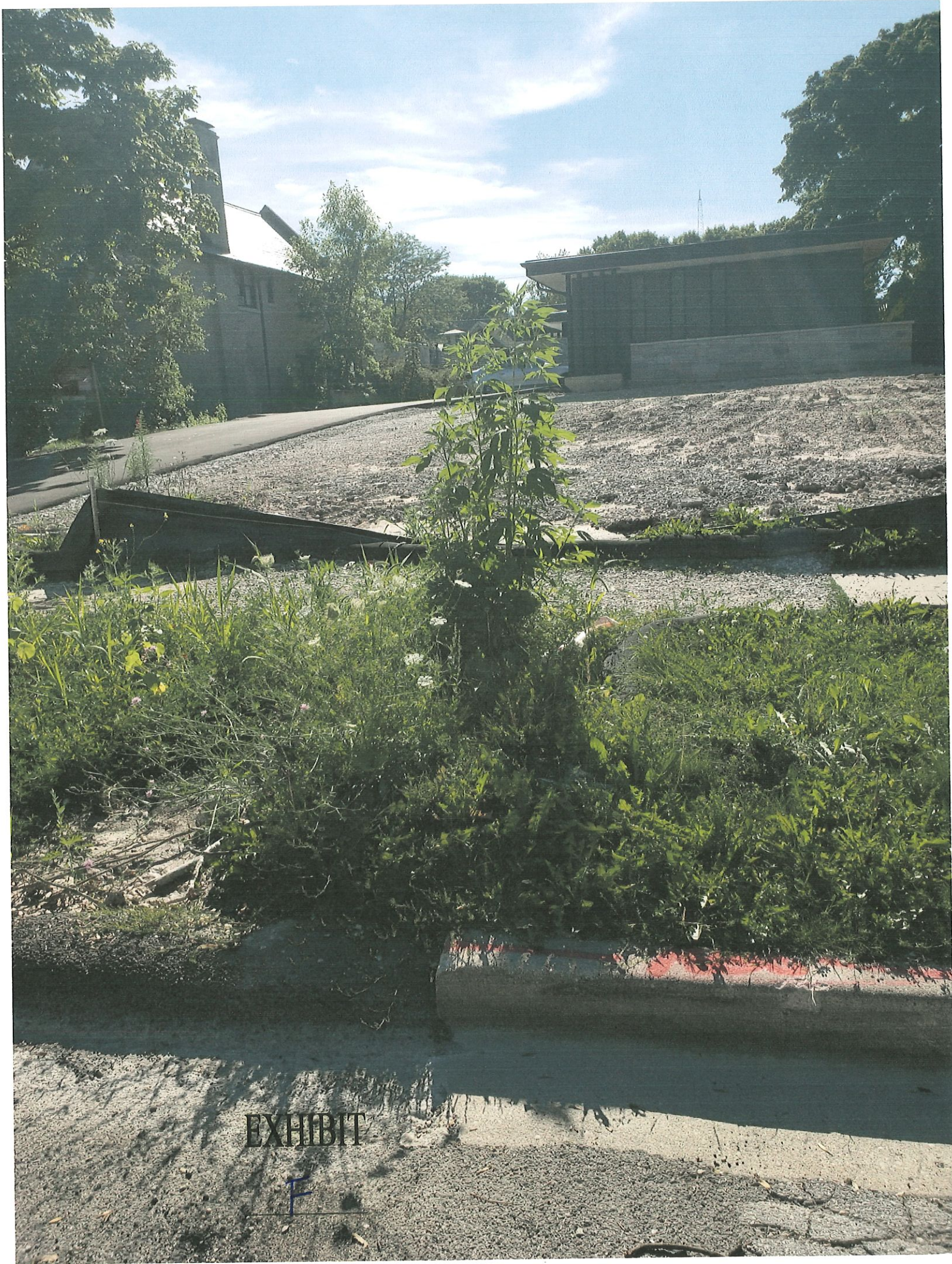
C





EXHIBIT

E



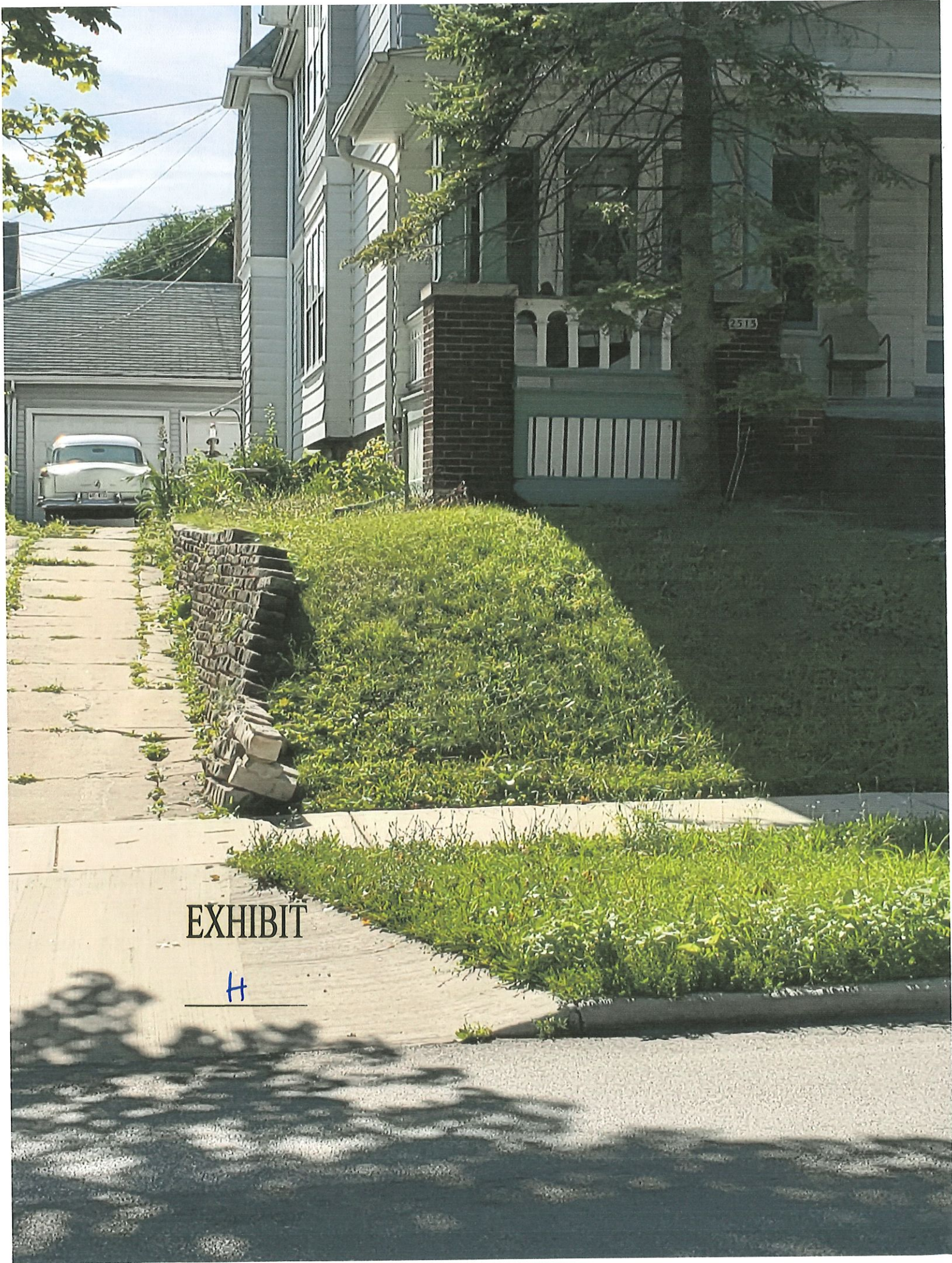
EXHIBIT

F



EXHIBIT





EXHIBIT

H



EXHIBIT

I

Receipt of A.R.A.B. Appeal Fee

Date: 9/2/2020

Received Of: Atty. Christopher Kloth

Property at: 2387 N. Terrace Ave.

Received By: LME

Check # (If Applicable): 1816
\$25.00