

## Instructions for Using the Board of Housing Appeals Minutes Archive

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**BOARD OF HOUSING APPEALS**  
**Minutes**  
**March 31, 2015**

MEMBERS PRESENT: Anita Faraone, Loren Keating, Andrew Schmidt, Peter Sinsky

MEMBERS EXCUSED: Mary Poletti

STAFF PRESENT: Jeffrey Labahn, Martha Swartz

The meeting was called to order at 5:00 p.m. by Jeffrey Labahn; the roll was called.

A motion was made by Anita Faraone and seconded by Loren Keating, to approve the minutes of August 4, 2010. The motion passed. (Ayes 4, Noes 0)

**1. Election of Officers**

a) Chairperson

Anita Faraone nominated Loren Keating for Chairperson. The nomination was seconded by Peter Sinsky. There being no further nominations, Loren Keating was elected Chairperson. (Ayes 4, Noes 0)

*At this time, Mr. Labahn turned over leadership of the meeting to Mr. Keating.*

b) Vice Chairperson

Chairperson Keating requested nominations for Vice Chairperson. Andrew Schmidt nominated himself for Vice Chairperson. Peter Sinsky seconded the nomination. There being no further nominations, Andrew Schmidt was elected Vice Chairperson. (Ayes 4, Noes 0)

c) Secretary

Chairperson Keating requested nominations for Secretary. Anita Faraone nominated Peter Sinsky for Secretary. The nomination was seconded by Loren Keating. There being no further nominations, Peter Sinsky was elected Secretary. (Ayes 4, Noes 0)

The option of holding monthly meetings was discussed. It was the consensus of the Board that they would like to have a fixed schedule. If there are no agenda items, the Board will be notified by staff that the meeting is canceled. When there is an upcoming item, staff will poll the Board regarding availability. The Board agreed on meeting dates and times as follows: the first Tuesday of every month at 5:00 pm.

A schedule will be drafted by staff and sent to all Board members.

**2. Role and Responsibility of the Board of Housing Appeals**

Mr. Labahn introduced staff to the Board members.

Martha Swartz, Senior Property Maintenance Inspector, explained procedures regarding the Orders to Repair for Property Maintenance Complaints and the Neighborhood Inspection Program (NIP) and the appeal process. She explained to the Board that most issues can be resolved by staff; therefore, appeals are not usually necessary. If a property owner can not afford to make repairs, loans and grants are available on a limited basis. The inspectors often give extensions until a property owner can afford to make the repairs.

Mr. Keating asked if the Board could defer an item and request additional information. Mr. Labahn answered in the affirmative.

Mr. Keating also asked who provides legal advice to the Board. Mr. Labahn said that the City Attorney's Office is able to advise the Board if necessary.

Mr. Labahn informed the Board that by-laws for the Board will be drafted and discussed at a future meeting. He also stated that Chapter 16 (Property Maintenance Code) is under review and changes are anticipated.

#### **Public Comments**

There were no public comments.

#### **Board Comments**

There were no Board comments.

#### **Staff Comments**

Mr. Labahn welcomed the Board and thanked them for their service.

#### **Adjournment**

Anita Faraone made a motion to adjourn the meeting at 5:42 p.m., Peter Sinsky seconded the motion. The motion passed. (Ayes 4, Noes 0)



Jeffrey B. Labahn  
Board of Housing Appeals

Minutes prepared by:  
Sue Zampanti  
Department of Community  
Development & Inspections

# BOARD OF HOUSING APPEALS

## Minutes

October 6, 2015

MEMBERS PRESENT: Anita Faraone, Loren Keating, Mary Poletti, Andrew Schmidt

MEMBERS EXCUSED: Peter Sinsky

STAFF PRESENT: Jeffrey Labahn, Martha Swartz, Doug Kroening

The meeting was called to order at 5:00 p.m. by Loren Keating; the roll was called.

A motion was made by Anita Faraone and seconded by Andrew Schmidt, to approve the minutes of March 31, 2015. The motion passed. (Ayes 3, Noes 0)

- 1. Request for Relief from the City of Kenosha's Property Maintenance Code Requirement that at Least One (1) Water Closet and Lavatory be Located in the Same Story as the Bedroom or an Adjacent Story [Section 16.22 D(4)(c)]; Property Address: 4711 29<sup>th</sup> Avenue, Rear Building; Petitioner: Kenneth Kolstedt. HEARING**

As the petitioner was unable to attend due to a work conflict; and, there being no one present to speak on this item, a motion was made by Anita Faraone and seconded by Andrew Schmidt to defer the item until November 3, 2015. The motion passed (Ayes 3, Noes 0)

- 2. Request for Relief from the City of Kenosha's Property Maintenance Code Requirement that Every Bathroom and Toilet Room Shall be Equipped with a Ventilation System [Section 16.22 C(2)]; Property Address: 4711 29<sup>th</sup> Avenue, Rear Building; Petitioner: Kenneth Kolstedt. HEARING**

As the petitioner was unable to attend the meeting due to a work conflict; and, there being no one present to speak on this item, a motion was made by Andrew Schmidt and seconded by Anita Faraone to defer the item until November 3, 2015. The motion passed (Ayes 3, Noes 0)

- 3. Request for Relief from the City of Kenosha's Property Maintenance Code Requirement that Waste Containers and Dumpsters Shall be Stored in an Enclosed Area, Dwelling, or Structure, or Located in the Rear or Side Yard for the Dwelling or Structure [Section 16.20 C(3)(f)]; Property Address: 4831 47<sup>th</sup> Avenue; Petitioner: Volunteers of America Wisconsin, Edwards House. HEARING**

Public Hearing opened.

Keith Friedrich, N49 W16526 Lilac Lane, Menominee Falls, Wisconsin, spoke. He stated to the Board that, to avoid the substantial cost of moving the dumpsters, he would like them to remain in the front of the building. He is willing to file for a permit for a trash receptacle enclosure to hide the dumpsters from public view.

Mr. Friedrich feels that Option #1 specified in the staff report would place the dumpsters too close to the living room window; and, would pose an odor problem. Mr. Friedrich had several pictures that he showed to the Board. He also feels that Option #2 is not a good option due to the fact that the residents use the north side of the property for outdoor recreation.

Mr. Keating asked Mr. Friedrich if his pictures, as well as the pictures provided by staff, accurately depicted the property. Mr. Friedrich answered in the affirmative.

Mr. Friedrich is the Maintenance Supervisor for the building.

Jesse Salazar, 3813 60<sup>th</sup> Place, Kenosha, Wisconsin, voiced disapproval of the petitioner's request.

Public hearing closed.

A presentation was given by Staff.

Jeff Labahn explained that a dumpster enclosure in front of the building would be prohibited by Ordinance – any enclosure or fence would have to be of a design that is 50% open and decorative; and, that would not hide the dumpsters from view. Mr. Labahn also explained that part of the front yard is in the public right-of-way; and, the dumpsters are closer to the property line than they appear.

Ms. Faraone recommended denial of the petitioner's request. She asserted that the dumpsters in the front yard were not aesthetically appealing; and that giving an exception would set a precedent.

Mr. Keating said that after consideration of the pictures, staff comments, and public comments, he will seek to affirm the City's position.

*Mary Poletti arrived.*

Mr. Keating added that the dumpsters could and should be moved to a different location.

Ms. Poletti asked if two (2) large dumpsters were needed for 8 residents and how often they were emptied. Mr. Friedrich answered that they were necessary and that the garbage dumpster was emptied once per week and the recyclables were picked up every two (2) weeks. He added that the dumpsters were full on a weekly basis due to the fact that there were disabled residents in the dwelling.

A motion was made by Anita Faraone and seconded by Andrew Schmidt, to deny the petitioner's request. The motion passed. (Ayes 4, Noes 0)

#### **Public Comments**

There were no public comments.

#### **Board Comments**

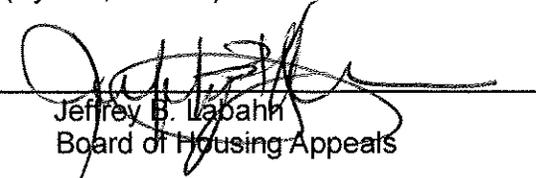
There were no Board comments.

#### **Staff Comments**

Mr. Labahn informed the Board that there would be a meeting on Tuesday, November 3. Items being considered include Items #1 and #2 on the current agenda, and one (1) additional item.

#### **Adjournment**

Andrew Schmidt made a motion to adjourn the meeting at 5:45 p.m., Anita Faraone seconded the motion. The motion passed. (Ayes 4, Noes 0)

  
Jeffrey B. Labahn  
Board of Housing Appeals

**BOARD OF HOUSING APPEALS**  
**Minutes**  
**November 3, 2015**

**MEMBERS PRESENT:** Anita Faraone, Loren Keating, Mary Poletti, Andrew Schmidt, Peter Sinsky

**STAFF PRESENT:** Jeffrey Labahn, Martha Swartz, Doug Kroening

The meeting was called to order at 5:16 pm by Chairman Keating; the roll was called and all members were in attendance, constituting a quorum of the Board.

A motion was made by Anita Faraone and seconded by Andrew Schmidt, to approve the minutes of October 6, 2015; the motion carried unanimously (Ayes 5, Noes 0).

A motion was made by Anita Faraone and seconded by Andrew Schmidt, for Items #1 and #2 to be read together; the motion carried unanimously (Ayes 5, Noes 0)

**1. Request for Relief from the City of Kenosha's Property Maintenance Code Requirement that at Least One (1) Water Closet and Lavatory be Located in the Same Story as the Bedroom or an Adjacent Story [Section 16.22 D(4) (c)]; Property Address: 4711 29 Avenue, Rear Building; Petitioner Kenneth Kolstedt. (Deferred from October 6, 2015, Meeting) HEARING**

**2. Request for Relief from the City of Kenosha's Property Maintenance Code Requirement that Every Bathroom and Toilet Room Shall Be Equipped with a Ventilation System [Section 16.22 C (2)]; Property Address: 4711 29 Avenue, Rear Building; Petitioner Kenneth Kolstedt. (Deferred from October 6, 2015, Meeting) HEARING**

Public Hearing opened.

Petitioner Kenneth Kolstedt, 4400 Wright Avenue, Racine, WI 53403; spoke. Mr. Keating explained to Mr. Kolstedt that Items #1 and #2 will be consolidated but voted upon separately.

Mr. Kolstedt explained a single lavatory in the basement was the way the home was built. He felt there is no room on the first floor to put another lavatory. Mr. Kolstedt also stated he was informed that this issue was brought before the Board of Appeals in 2004, but had no evidence as this was before he purchased the property. Peter Sinsky asked how many people live in the home. Mr. Kolstedt indicated the house is now vacant; but, at the time the order was issued, there were three (3). There are two (2) homes on the lot and the rear home is 900 square feet. Mr. Keating asked Mr. Kolstedt about the layout of the house and the square footage. Mr. Kolstedt replied there is an 8'X10' bedroom, 10'X14' living room and an eat in kitchen on the first floor, a second bedroom on the second floor and the bathroom in the basement. Mr. Kolstedt stated the City of Kenosha Housing Authority inspected and passed the property and a tenant lived there for 9 months. Mr. Keating asked Mr. Kolstedt if renting the house as a one (1) bedroom was an option and Mr. Kolstedt replied that it wasn't at the time of the inspection, as there was a tenant. Mr. Keating asked if the City Inspector discussed options with Mr. Kolstedt and Mr. Kolstedt stated that the City had not, and asked how one could stop a new tenant from using the second floor living space as a bedroom. Mr. Keating suggested regular landlord inspections of the space would deter the use of the second floor as a bedroom. He also advised Mr. Kolstedt to discuss with the City what his options may be for the second floor.

In regard to Item #2, Mr. Kolstedt recommended making the mud room (pictured) into an All-Season room with window screens on all walls that can be open all the time, satisfying the ventilation requirement for the basement lavatory. Anita Faraone suggested to Mr. Kolstedt that he convert the mudroom into a bathroom. Mr. Kolstedt stated that the mudroom is unheated and it would be too costly to convert the room to a bathroom. Mr. Keating asked Mr. Kolstedt if the City had recommended any options. Mr. Kolstedt said the City recommended installing an exhaust fan and pipe through the mud room, but he thought that would be in the way.

Public Hearing closed.

Doug Kroening, Property Maintenance Inspector, explained that Chapter 16 does not allow a bedroom that is two (2) floors from a bathroom. The City Assessor's office lists the property as a two (2) bedroom home, but it may not be a legal use of the space, as defined by City of Kenosha Property Maintenance Code. City staff suggested two (2) options for the second floor space: 1. restore the upper level to attic space, or 2. add another bathroom to the first floor of the home.

Anita Faraone made a motion to deny the petitioner's request. No one seconded the motion at this time.

Andrew Schmidt and Peter Sinsky asked about the appeal from 2004. Staff stated there are no records of this address in the Board of Housing Appeals records. Anita Faraone asked how the home passed a "Housing" inspection. Ms. Swartz responded that "Section 8" is governed by Federal Guidelines, not City Ordinances, which are stricter. Mary Poletti asked if the other violations on the orders have been cured and Ms. Swartz responded that the other violations have not been appealed. Mr. Kroening added that only a few small items are left. Additional options, including the addition of a second floor bathroom, were discussed. Ms. Poletti asked if Mr. Kolstedt can rent the house as it is now. Ms. Swartz stated that Mr. Kolstedt can rent the home as a one (1) bedroom, but needed to comply the violations prior to renting. Mr. Kroening reported the violations to the City of Kenosha Housing Authority, which administers the Section 8 Program.

Ms. Poletti stated that the ordinance is clear and that the burden to bring the home into compliance is on Mr. Kolstadt for the health and safety of the individuals he rents to. Mr. Keating reiterated that the City checked for evidence of a hearing regarding these same issues in 2004 and found no records. Mr. Keating also stated that the City does not have to follow Section 8 guidelines, and the Board, when making a determination, should consider the City's ordinance. Mr. Kolstedt felt the appeals process very vague and that not enough of information was given to him regarding the appeal process to help him make his case. He would like to have brought estimates with him.

A motion was made by Anita Faraone and seconded by Mary Poletti to deny the petitioner relief from Property Maintenance Code Requirement for at least one (1) water closet and lavatory to be located in the same story as the bedroom or an adjacent story. (Ayes 5, Noes 0)

A motion was made by Anita Faraone and seconded by Andrew Schmidt to deny the petitioner relief from Property Maintenance Code requirement that every bathroom and toilet room shall be equipped with a ventilation system. (Ayes 5, Noes 0)

**3. Request For Relief from the City of Kenosha's Property Maintenance Code Requirement that a Stairway having more than Three (3) Risers and a Porch that is More than 24" in Height Have Handrails on Both Sides; Property Address: 3828 5 Avenue; Petitioner: William P. Ligget HEARING**

Public Hearing opened.

Jeff Labahn reported that Mr. Ligget would like Alderman Haugaard to attend with him and has asked for a deferral to the December 1, 2015 meeting.

A Motion was made by Peter Sinsky and Seconded by Andrew Schmidt, to Defer this item until December 1, 2015; the motion carried unanimously (Ayes 5, Noes 0).

Public Hearing closed.

### **Public Comments**

There were no public comments

### **Board Comments**

Mary Poletti commented that although she hasn't seen the reverse side of the Order to Repair, she hoped that it stated the Petitioner can bring evidence to a hearing. Mr. Keating feels that landlords should be more "hands on". Ms. Faraone inquired about the "HELP" Program, Staff stated that program was for "Owner Occupied" properties.

### **Staff Comments**

Jeff Labahn- Item 3 will be deferred to December 1, 2015. There will be a Zoning Board of Appeals meeting next week.

### **Adjournment**

A motion was made by Andrew Schmidt and seconded by Peter Sinsky to adjourn the meeting at 6:28 pm. The motion carried unanimously (Ayes 5, Noes 0).

  
Jeffrey B. Labahn  
Board of Housing Appeals

Minutes prepared by:  
Jillian Urban  
Department of Community  
Development & Inspections