

<p>Municipal Building 625 52nd Street – Room 204</p>	<p><b>Kenosha Historic Preservation Commission Agenda</b></p>	<p>October 31, 2013 5:00 p.m.</p>
<p><i>Alderman Jan Michalski - Chairman and Merike Phillips - Vice-Chairperson, Peter Shaw Johnson, Royanne Moon, Sue Dyke O'Day and William Siel</i></p>		

*Call to Order and Roll Call*

Approval of Minutes from September 26, 2013 and October 17, 2013

1. Proposed Historic Artifact - Kenosha County Courthouse Murals at 912 56th Street. (District #2)  
PUBLIC HEARING
2. Certificate of Appropriateness for Rhode Theater at 514 56th Place. (Rhode Opera House) (District #2) PUBLIC HEARING
3. Discussion on Demolition by Neglect Ordinance
4. Discussion on Certified Local Government (CLG) Designation

Public Comments

Commissioner Comments

Staff Comments

*Adjournment*

**HISTORIC PRESERVATION COMMISSION**  
**Minutes**  
**September 26, 2013**

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**MEMBERS PRESENT:** Alderman Jan Michalski, Merike Phillips, Peter Shaw  
Johnson, Royanne Moon, Sue Dyke O'Day, William Siel

**STAFF PRESENT:** Mike Maki

The meeting was called to order at 5:00 p.m. by Alderman Michalski and roll was taken.

A motion was made by Mr. Siel and seconded by Ms. Phillips to approve the minutes of the August 29, 2013 meeting. The motion passed unanimously. (Ayes 6; Noes 0)

**1. Proposed Historical Artifact Listing - Faulkner Mosaic at 6501 Third Avenue. (District #2) PUBLIC HEARING**

Public hearing opened.

John Moyer, Kenosha County Corporation Counsel, 912 56th Street, represented the County, owner of the Kemper Building. Mr. Moyer said the County object to the designation because of the limitations that would be attached to the mosaic.

Don Gillespie, 2023 73rd Street, President of Kemper Board said they appreciate the designation, but they concur with the County and also oppose the designation.

Public hearing closed.

Mike Maki, Community Development Specialist, said the owner has the right to object to the designation. Because of the objection, the Common Council will not be able to place the Faulkner Mosaic on the List of Historical Artifacts. Mr. Maki said he would send a memo to the members of the Common Council.

Ms. Phillips said she is on the Buildings and Grounds Committee for Kemper and knows they will preserve the mural.

A motion was made by Ms. O'Day and seconded by Ms. Phillips to Receive and File the proposal for the Faulkner Mosaic. The motion passed. (Ayes 6; Noes 0)

**2. Discussion on Historical Artifacts**

Mr. Maki said the next item we are working on for Historical Artifact designation are the murals and the County Courthouse and we can anticipate the same response from the County. Mr. Maki will discuss the proposed designations before they come to the Historic Preservation Commission.

Alderman Michalski asked if the proposed murals should be discussed with the Corp Counsel or with the County Executive? Mr. Maki suggested with Mr. Moyer of the Corp Counsel, since he reviewed this item.

Alderman Michalski asked about the murals in Reuther, would you contact the Kenosha Unified? Mr. Maki said yes, I will contact them as well.

Ms. Phillips said these items are important and we should proceed. Mr. Maki said we will proceed and contact the owners.

Mr. Siel asked if the owner objects, they get to speak for everyone else that may want the designation. Mr. Maki said yes, the Common Council cannot approve a historic architect with an owner's objection.

The Commissioners agreed that the research and the public hearing at a Historic Preservation meeting are still a record and will show the importance of the item and give the item credibility.

Mr. Siel asked if the County Courthouse is currently a historical landmark? Mr. Maki said yes, it is a Local, State and National designated landmark.

### **Public Comments**

No public comments.

### **Commissioner Comments**

Ms. Phillips asked for:

- an update on the Elks Club - Mr. Maki said there is nothing to report yet;
- an update on the Liberty Statue - Mr. Maki said he discussed this with Mr. Pacetti - they will try to get Mr. Bosman to the next meeting to explain;
- an update to the possible Kenosha cannon in Racine - Mr. Maki has not had time to pursue this matter.

Alderman Michalski asked with the Southport Beach House would be on the agenda. Mr. Maki said possibly next month they would look for approval on the doors. Ms. Phillips asked if the City has the original drawings? Mr. Maki said yes, the original doors were wood, but Parks Department has concerns with wood doors.

Ms. Phillips said she has asked about work on the signs, benches and trash cans that is needed in Library Park. Mr. Maki said he has shared this information with Alderperson Schwartz and the Parks Department. They are reviewing the Park Plan. Mr. Maki said there are historic district signs in Eichelman Park, Civic Center Park and Library Park.

Mr. Johnson said he appreciates the appointment to the Commission. Mr. Johnson mentioned the upcoming History Walk and Lantern Tours.

### **Staff Comments**

No Staff comments.

A motion was made by Ms. O'Day and seconded by Mr. Siel to adjourn the meeting. The motion passed unanimously. (Ayes 6; Noes 0) The meeting adjourned at 5:43 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*

**HISTORIC PRESERVATION COMMISSION**  
**Minutes**  
**October 17, 2013**

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**MEMBERS PRESENT:** Alderman Jan Michalski, Merike Phillips, Sue Dyke O'Day and William Siel

**EXCUSED:** Peter Shaw Johnson and Royanne Moon

**STAFF PRESENT:** Mike Maki and Jeff Labahn

*Other present included: Alderperson Chris Schwartz*

The meeting was called to order at 5:00 p.m. by Alderman Michalski and roll was taken.

**1. Resolution by the Mayor - To Approve the Route of the Streetcar System Expansion and to Commence Project Design and Engineering (District #2)**

Mike Maki, Community Development Specialist, said this meeting is to review the route of the streetcar through the Library Park Historic District only. This item was deferred at the October 7, 2013 Common Council meeting and referred to this Commission for review. Mr. Maki further explained that a Certificate of Appropriateness will be brought forward for review at a future date, once the route has been determined. This item will be back on the Common Council on October 21, 2013 for a vote on the Resolution.

Ron Iwen, Transit Director, gave an overview of the project, noting the following: the City has obtained federal funding that covers 80% of the project cost; the streetcar will not take up parking spaces; the poles are 100 feet apart and some will be existing poles; and the streetcars previously ran in this area in 1902.

Alderman Michalski opened the meeting to public comments.

Kathy Brand, 6108 5th Avenue, is opposed to the route going through Library Park. Ms. Brand is concerned with the wires and poles that will distract from the beauty in Library Park. Supports the streetcar, but not in Library Park.

John Doyle, 4049 Ellington Avenue, Western Springs, IL, supports the proposed route. Mr. Doyle wrote a book regarding information the the Kenosha streetcar system.

Jane Maki, 10812 80th Street, is opposed to the route going through Library Park. Ms. Maki is concerned with the bike races that are held in the park, suggests this project be studied more and then put to a referendum. Supports the streetcar, but not in Library Park.

Carol Schweinfurth, 6028 8th Avenue, of the Women's Club, is opposed to the route going through Library Park. Ms. Schweinfurth is concerned with the serenity, poles & wires and traffic. Supports the streetcar, but not in Library Park.

Jeff High, 305 54th Street, is opposed to the route going through Library Park. Mr. High suggests the route go to the uptown area. Supports the streetcar, but not in Library Park.

Kathy Grissom, 6005 5th Avenue, is opposed to the route going through Library Park.

Ms. Grissom suggests the route go toward Union Park. Supports the streetcar, but not in Library Park.

Steve Schwimmer, 6027 7th Avenue, is opposed to the route going through Library Park. Mr. Schwimmer said the bike races bring 20,000 in one day, this would be eliminated. Supports the streetcar, but not in Library Park.

Michel Brey, 4720 83rd Place, Pleasant Prairie, is opposed to the route going through Library Park. Supports the streetcar, but not in Library Park.

Therese Wazorick, 326 55th Street, is opposed to the route going through Library Park. Ms. Wazorick has concerns on the screeching noise the streetcar makes. Supports the streetcar, but not in Library Park.

Tom Noer, 6117 5th Avenue, is opposed to the route going through Library Park. Supports the streetcar, but not in Library Park.

Adrienne Jaquith, 410A 55th Street, is opposed to the route going through Library Park. Ms. Jaquith suggests the route go toward Carthage College and the activities there. Supports the streetcar, but not in Library Park.

Kurt Wicklund, 6913 27th Avenue, suggested the route go toward Carthage College and/or the uptown area. The streetcar could be used as the "downtown circulator" and people could use it to tour the City.

Lou Rugani, 4526 29th Avenue, supports the streetcar route and expansion of the system.

Robert Favorite, 5021 20th Avenue, said the information on the proposed route has been available for months.

Rosemarie Demichele, 318 57th Street, ask if the trolleys have to have the wires and cables.

Mary Dixon, 6201 5th Avenue, is opposed to the route going through Library Park. Ms. Dixon is concerned with the affect of the streetcar on the funeral home and Armitage School.

Michael Brey asked why this is in front of Historic Preservation now, why not before?

John Billotti, 8546 36th Avenue, said he has called Alderman Rosenberg to ask him about the costs of the trolley barn, the electricity and usage of the streetcar and how much the taxpayers are spending.

Ken Hebior, 4628 5th Avenue, is opposed to the route going through Library Park. Mr. Hebior also opposes it going to Carthage and spoiling the lakefront view. Supports the streetcar, but not in Library Park.

Joel Blonshine, 4446 Harrison Road, supports the route. Mr. Blonshine said there is plenty of room, the view of the poles is "hogwash", we should bring back some nostalgia and this would promote tourism to go around Library park.

Ed Skinner, 316 60th Street, is opposed to the route going through Library Park.

Mary Brabender Hughes, 2537 Lincoln Road, is opposed to the route going through

Library Park. There are other places we could put the street car.

Bill Jordan, 6235 7th Avenue, said the people will use the trolley, but has questions. Can the City do anything to improve the aesthetics? Possibly get historic light poles in this area? Can the noise the streetcar be quieted?

Doug Williams, 2602 23rd Avenue, said the streetcar is a step to bringing business back to the downtown.

Paul McDonough, President of the Business Improvement District supports the route and said it is laid out in the Downtown Plan. Mr. McDonough said it is important to include Library Park and show it off.

Public hearing closed.

Mr. Iwen addressed some of the questions that were asked:

- Emergency vehicles - the streetcar will not block access to the homes for emergency vehicles.
- Road Improvements - there will be some road improvements where the tracks are installed.
- Costs of the streetcar - this will not be a 80/20 split on cost with a Federal Grant.
- Streetcar noise - the mechanic has addressed this problem and they are continuously doing repairs to the wheels as well.
- Previous reviews - this item did not come before the Historic Preservation Commission before because it was only in the planning stages; there was nothing to discuss.

Alderman Michalski asked how snow removal would be handled, after a heavy snowfall and the streets narrow. Mr. Iwen said they will bring equipment in to remove the snow rather than pushing it to the side.

Alderman Michalski asked about the congestion with the school and funeral home in the area. Mr. Iwen said the streetcar will wait or move slowly just like any other service vehicle.

Alderman Michalski asked if we can ensure homeowners that no street corners will be "cut back" or rounded and property lost. Mr. Iwen said that would be finalized by the engineering people.

Mr. Maki reminded everyone that the construction of public improvements, pole location, track location and aesthetic affects are preliminary at this point. We are here to discuss the route only. We cannot act on a Certificate of Appropriateness without all of the information.

Ms. Phillips informed everyone that she has checked with the City Attorney and confirmed that she is eligible to comment and vote on this item, even though she is a resident of Library Park. Ms. Phillips is opposed to the route going through Library Park. She supports revitalizing the Downtown area, but wants to maintain the quietness of Library Park. The traffic and bike safety should be considered.

Mr. Siel said he has concerns with the route going through Library Park. There are no engineering schematic to review and this will have a detrimental affect. Mr. Siel opposes the route going through Library Park.

Sue O'Day concurs with other Commission members. We must preserve the integrity and not deface it. Ms. O'Day opposes the streetcar route going through Library Park.

Alderman Michalski said it is the consensus to expand the streetcar route, but we can help the Downtown area just as effectively if we move it slightly north and not through Library Park.

A motion was made by Mr. Siel and seconded by Ms. O'Day to Inform the Common Council that Library Park be left off of the proposed expansion. The motion passed. (Ayes 4; Noes 0)

**Public Comments**

**Commissioner Comments**

**Staff Comments**

A motion was made by Mr. Siel and seconded by Ms. Phillips to adjourn the meeting. The motion passed unanimously. (Ayes 4; Noes 0) The meeting adjourned at 6:53 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*

Community Development Division 625 52nd Street - Room 308 Kenosha, WI 53140 262.653.4030	Kenosha Historic Preservation Commission  <b>FACT SHEET</b>	October 31, 2013	Item 1
<b>Proposed Historic Artifact - Kenosha County Courthouse Murals at 912 56th Street. (District #2)</b> <b>PUBLIC HEARING</b>			

**HISTORIC DISTRICT:**

Civic Center Historic District

**NOTIFICATIONS/PROCEDURES:**

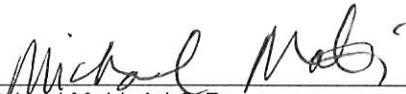
The following people have been notified of the proposed Historical Artifact: Mayor Bosman, all Aldermen, Police Chief, Fire Chief, Directors of Kenosha Public Museums, Public Works, Kenosha Water Utility and Community Development & Inspections. Kenosha County was also notified. The Common Council is the final review authority.

**ANALYSIS:**

- Chapter 38 of the General Code of Ordinances established standards for listing historical artifacts on the City's inventory of Historic Artifacts. Chapter 38 was adopted to provide for the identification, protection, enhancement, perpetuation and use of artifacts that reflect special aspects of the City's historical, architectural, cultural, or aesthetic heritage.
- The proposed historical artifact is required to be either a minimum of 50 years old, or associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or a City landmark.
  - The murals were determined to be at least 50 years old, installation occurred in 1925 at the courthouse.
- The proposed historical artifact must also meet one or more of five (5) additional items for designation. It was also determined that the murals meet the following criteria:
  - The item embodies distinguishing characteristics of architecture an architect, architectural materials, craftsmanship or works of nature.
  - The item is in its inherent historical nature provides the citizenry with educational or aesthetic enrichment.
  - The item is located in a designated local, State or National Register property or district.
- Additional information on the description of the Kenosha County Courthouse murals and their significance is provided in the attached Historical Artifact Determination.

**RECOMMENDATION:**

A recommendation is made to forward the Kenosha County Courthouse Murals determination to the Common Council for listing as a historical artifact since it is at least 50 years old and meets three out of five possible definitions of a local historical artifact.

  
 Michael Maki, A.I.C.P.

  
 Jeffrey B. Labahn, Director

**KENOSHA HISTORIC PRESERVATION COMMISSION  
HISTORICAL ARTIFACT DETERMINATION**

<b>ARTIFACT NAME/DESCRIPTION</b>	<i>Kenosha County Courthouse Murals</i>
<b>ADDRESS</b>	<i>912 56th Street</i>
<b>CONSTRUCTION DATE</b>	<i>Installed in 1925</i>
<b>ARCHITECT/SCULPTOR/BUILDER</b>	<i>Charles Holloway, A.E. Foringer, William Peaco and William De Leftwich-Dodge</i>

<b>STANDARDS FOR DESIGNATION - MUST CHOOSE 1 OR MORE</b>		
X	1	Item is a local historical artifact that is at least 50 years old.
X	2	Item is associated with a property that meets the criteria for listing on the National Register of Historic Places.

<b>STANDARDS FOR DESIGNATION - MUST CHOOSE 1 OR MORE</b>		
	3	Item exemplifies or reflects the cultural, archaeological, political, economic, social, or religious history.
	4	Item is identified with personages, events, or periods of history which personages, events, or periods are significant to the community.
X	5	Item embodies distinguishing characteristics of architecture, an architect, architectural materials, craftsmanship, or works of nature.
X	6	Item is in its inherent historical nature provides the citizenry with educational or aesthetic enrichment.
X	7	Check here if the historical artifact is located in a designated local, State, or National Register property or district.

<i>Level of Action</i>	<i>For Listing</i>	<i>No Listing</i>	<i>Removal from Listing</i>
<b>COMMUNITY DEVELOPMENT &amp; INSPECTIONS</b>	X		
<b>PUBLIC HEARING DATE: 10/31/13</b>	<b>RECOMMENDATION DATE:</b>		
<b>HISTORIC PRESERVATION COMMISSION</b>			
<b>COMMON COUNCIL</b>			
<b>DATE OF COUNCIL ACTION:</b>			

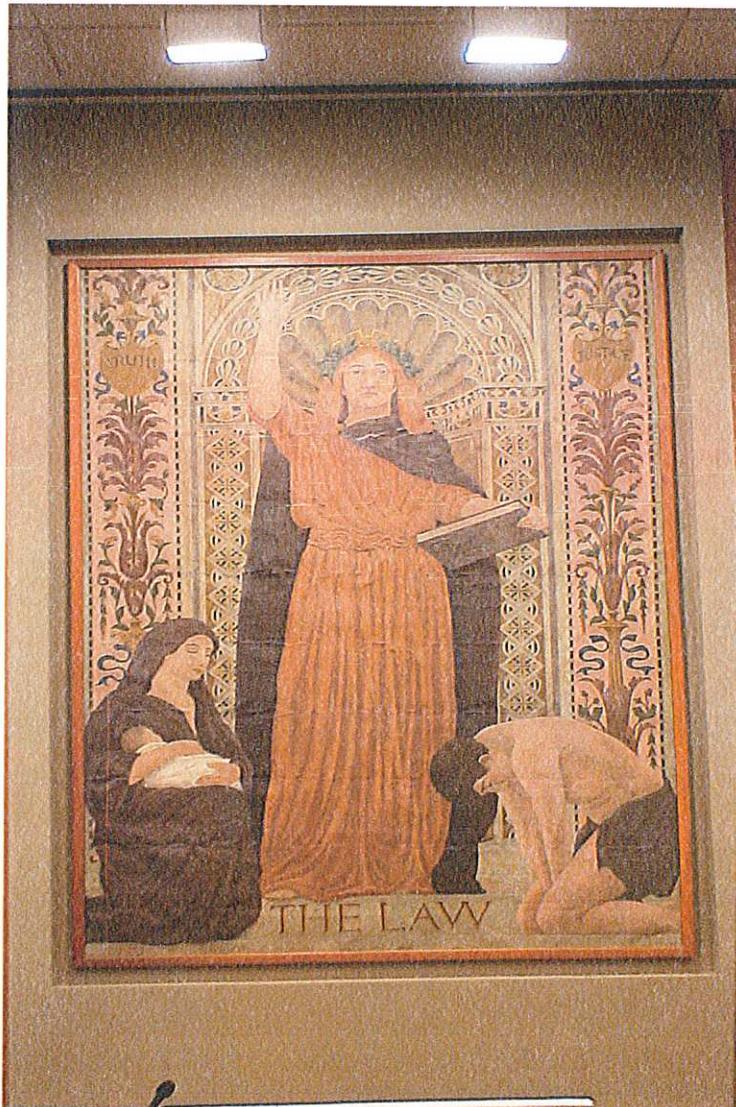
## DESCRIPTION

The Kenosha County Courthouse, completed in 1925, once featured eight murals completed by four artists. Today, five are still displayed in public areas of the building, as well as inside one of the court rooms. The original murals were painted by four artists; four murals by Charles Holloway, two by A.E. Foringer, one by William Peaco, and one by William De Leftwich-Dodge.

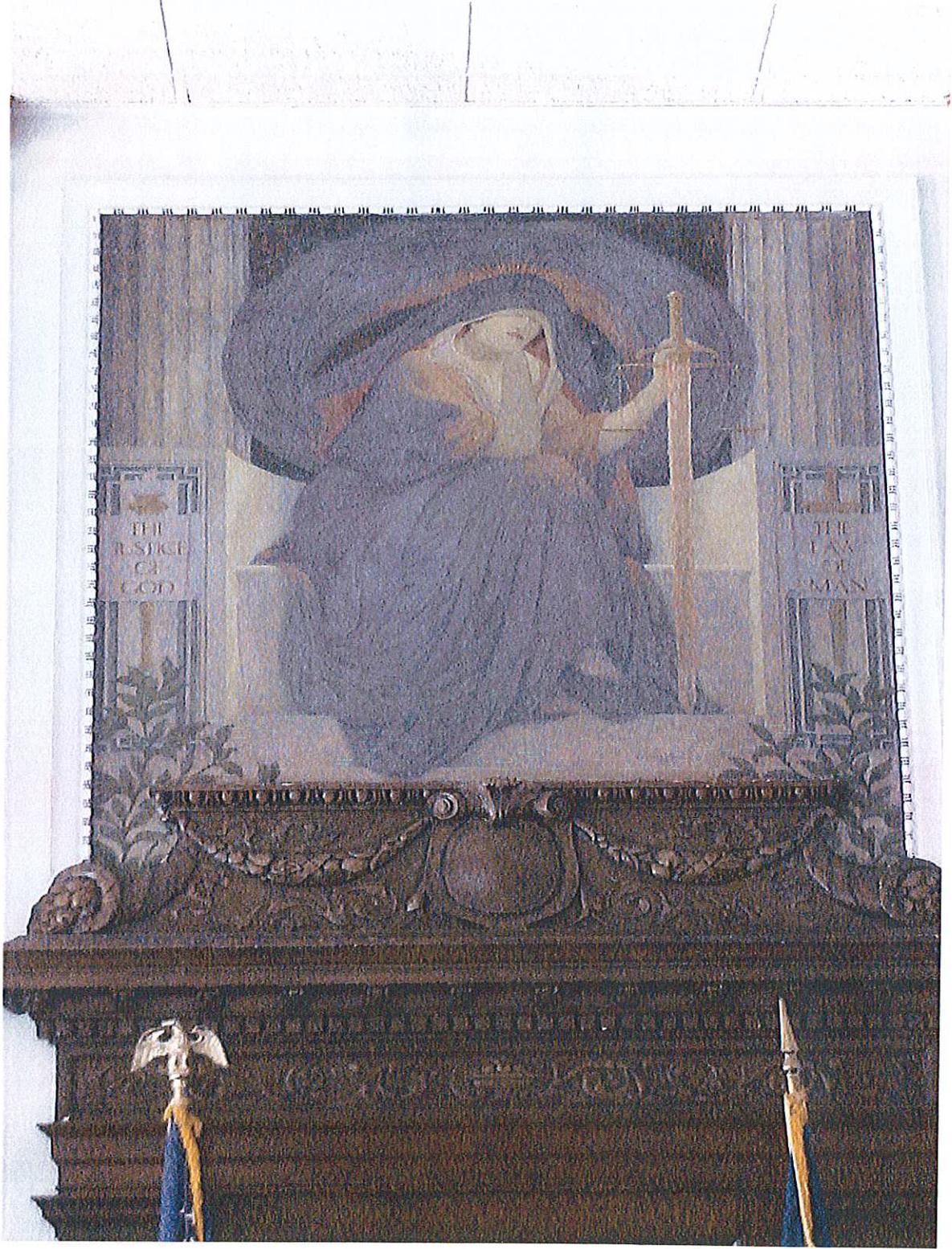
**Court Room Murals** - There were originally four murals that were executed by Mr. Charles Holloway. Two are still located within the Courthouse.

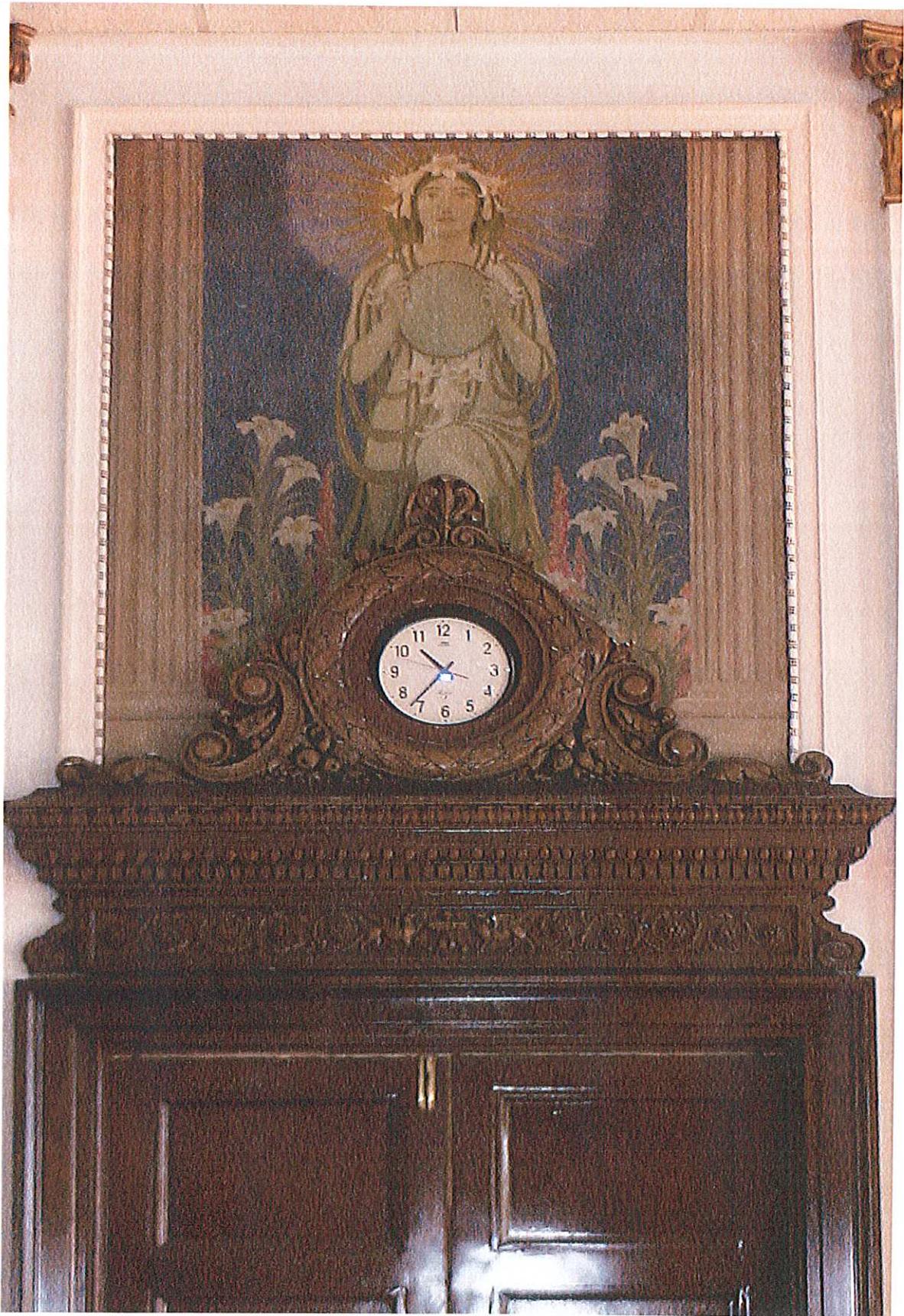
In Circuit Court Room 205, formerly the Municipal Court, the mural over the doorway depicted the "*Spirit of Mercy*", who shows pity and compassion as the guardians of the natural law demand the penalty of the offenders. Today, it is not known if this mural still exists; a drop ceiling was installed just above the doorway.

Mr. Holloway also executed the "*Spirit of the Law*", a mural which once was located over the judge's bench in the former Municipal Court. The mural features a figure at the left which is the mother appealing to the law for protection, while the one at the right is the man guilty of the wrong. This mural is now located within the Kenosha County Board Chambers inside of the Kenosha County Administration Building.



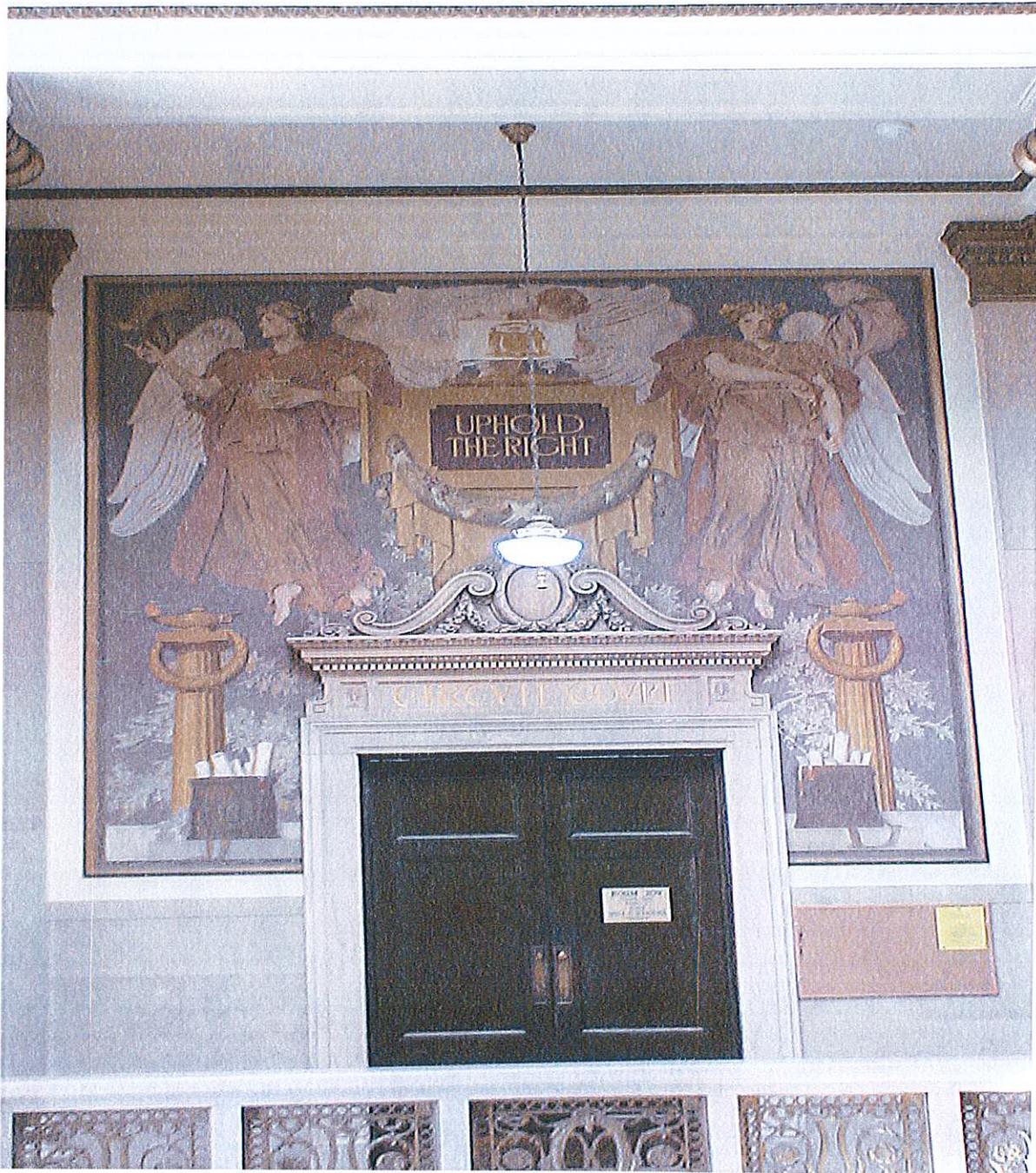
In Circuit Court Room 209 and above the judge's bench is shown the "Spirit of Justice." The figures on each side are those who have been tested and who have failed to balance the Scale of Justice. Over the main doorway is "Truth." in whose mirror is reflected all that was, is, and will be.





**Entrance To Court Rooms** – Both of the murals outside Circuit Court Rooms 205 and 209 are by Mr. A.E. Foringer.

The mural over the entrance to Circuit Court Room 208 symbolizes Civil Law introduced by two winged figures flanking a tablet with the inscription “*Uphold the Right.*” The one figure, bearing a torch, typifies “*Knowledge.*” The other, bearing the fasces, “*Power.*” Below and on both sides of the doorway are two Roman braziers suggesting the Roman origin of much of our jurisprudence.

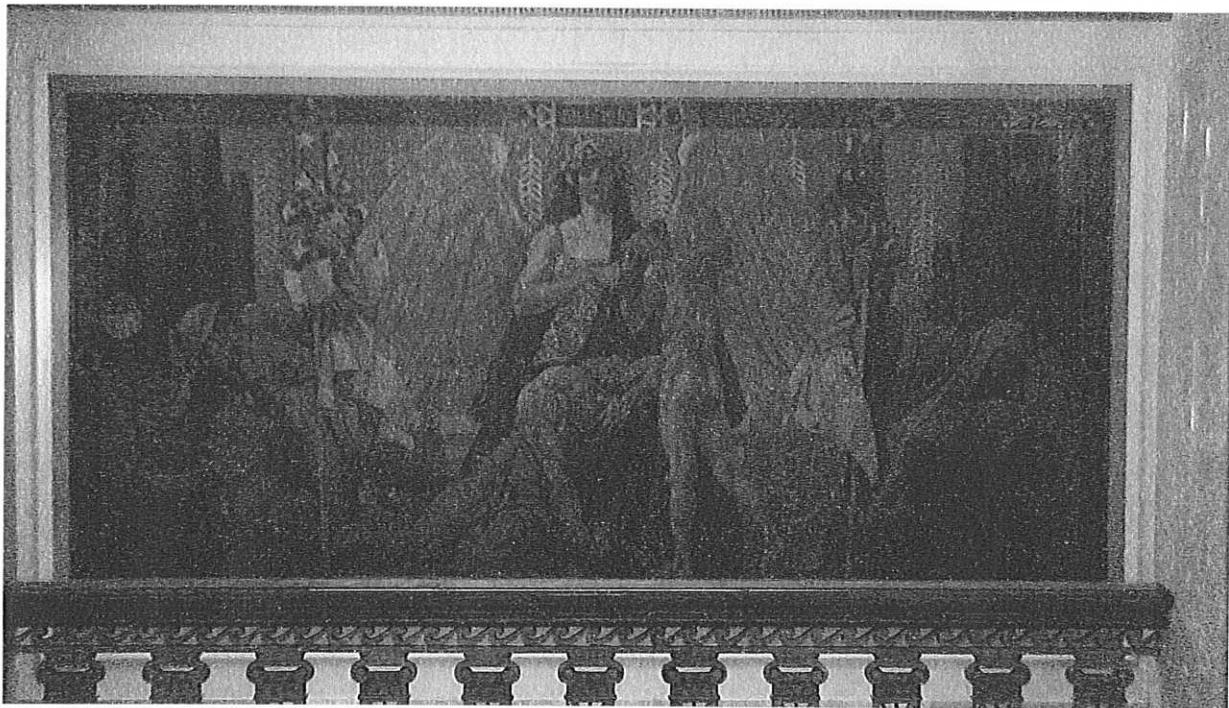


The mural over the entrance to Circuit Court Room 205, formerly the Municipal Court, is in a general way similar as to composition. In this panel, the figures represent "Mercy" and "Force" respectively, with the quotation "Prevent the Wrong" on the tablet. The colors used on the mural are blues, gold and white, which harmonize with the Botticino marble that is extensively used in the surrounding architecture of the Court House.



**Memorial Hall** - This mural was executed by Mr. William Peaco and portrayed the early days of Southport, as Kenosha was then known. This location and existence of this mural is unknown.

**Grand Staircase** – The mural titled “*In Memoriam*”, completed by Mr. William De Leftwich-Dodge, is located on the landing between the second and third floors of the grand staircase. The composition consists of a dominating central winged figure representing the State in mourning for her dead in World War I; a wounded soldier at the left side, the hand of the central figure is on a young orphan boy. The figure at the extreme left represents an American soldier placing a wreath on a soldier's grave while holding an American flag to denote that the soldier died for his Country. The figure on the extreme right represents the Red Cross, mourning for the dead child in her lap. Gold palms on a blue-gray background signify that the palms were won for valor. The entire composition is one great dramatic power and is executed in the rugged style for which the artist is noted.



#### **SIGNIFICANCE:**

The Kenosha County Courthouse, a contributing building to the Civic Center Historic District, is architecturally significant as an outstanding example of the Neoclassical style adapted to public buildings. The Kenosha County Courthouse building was completed in 1925, a time when murals were regarded as an essential element of most public architecture.

The mural paintings were furnished by The William G. Andrews' Decorative Company, Chicago, and overseen by W.G. Andrews, who personally designed the ornament and color schemes throughout the Court House. All of the murals were completed by noted artists.

*A.E. Foringer* designed panels in the Supreme Court, Utah State Capitol; noted panels in large churches throughout the United States; and decorative designs for governments of France, Bulgaria, Greece, Serbia and Russia.

Artist *William De Leftwich-Dodge*, one of the most prominent muralists of his time, designed murals in the dome of the Administration Building for the World's Fair in Chicago, as well as decorations for the Library of Congress, and the Waldorf-Astoria Hotel in New York. Mr. De Leftwich-Dodge received many medals including: New York-Gold Medal Prize Fund, American Artist, 1889-Paris-Third-Class Medal, Exposition 1889, and the Chicago-World's Fair Medal, 1893. He provided decorations for theaters, banks, hotels, and educational buildings in several cities.

Artist *Charles Holloway* executed cartoons and sketches for the Paris Exposition, which were then bought by the French government. At the St. Louis Exposition, he won first prize for his subject on the Louisiana Purchase. He also designed the "*I Will*" figure for Chicago, and murals and panels for court houses, theaters, and churches in several states.

Artist *William Peaco* designed panels in court houses for Indiana, Illinois, Iowa, and Ohio. He was also designed twenty-four historical panels for the South Dakota Capitol.

<p>Community Development Division 625 52nd Street - Room 308 Kenosha, WI 53140 262.653.4030</p>	<p>Kenosha Historic Preservation Commission</p> <p style="text-align: center;"><b>FACT SHEET</b></p>	<p>10/31/13</p>	<p>Item 2</p>
<p><b>Certificate of Appropriateness for Rhode Theater at 514 56<sup>th</sup> Street (Rhode Opera House). (District #2)</b> <b>PUBLIC HEARING</b></p>			

**PURPOSE:**

Review of proposed alteration

**NOTIFICATIONS/PROCEDURES:**

The alderman of the district, Alderman Schwartz, has been notified.

**ANALYSIS:**

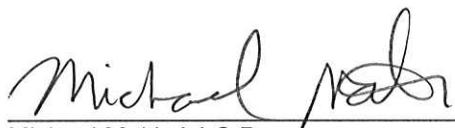
- Section 15.10 of the Zoning Ordinance requires a Certificate of Appropriateness for any exterior alteration, rehabilitation, reconstruction, or restoration of a Historic Structure that is not classified as an exempt item.
- Lakeside Players is the owner of the property and has submitted a Certificate of Appropriateness application for the replacement of three (3) steel arched windows with new aluminum insulated units.
- The existing windows are single pane units without storm windows. The exterior finish of the windows are corroded and do not have the energy efficiency of modern thermopane windows. The muntins (strips that separate panes of glass) are all uniform in size. The bottom and top rails (horizontal outside members) and stiles (vertical outside edge of window frame) are all uniform in size.
- The proposed windows are insulated glass with two panes. Muntins are “sandwiched” between the two pieces of glass. The new windows are composed of the arched unit, two units that are 50 3/4” high and one unit that is 25 1/4” high. The rails between each of series of horizontal window units are not uniform. The bottom rail will be 1 15/16” in width, the next rail up will also be 1 15/16” in width, the next (which is a stacked head) is 2 7/8” in width, the next will be 1 15/16” in width, the next will be 2 7/8” in width (another stacked head), and the final is a stacked head which will be joined with the arched window unit. The stiles are a third width, at 1 3/16”. The muntins are a fourth width, at 3/4”.
- Comparing the original window with the proposed window:
  - There are two different widths represented in the existing window; one for the muntins and one for the stiles.
  - The proposed window include four different widths; one for the muntins, one for the stiles, and two for the rails (one for a stacked head and one for the portions that are not stacked heads).
- Section 15.10 D. of the Zoning Ordinance establishes standards for granting a Certificate of Appropriateness. The Commission also applies the U.S. Secretary of the Interior's Guidelines for Rehabilitation in the review of a Certificate of Appropriateness.
- Per Section 15.10 D.7 of the Zoning Ordinance, “Deteriorated features are retained rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

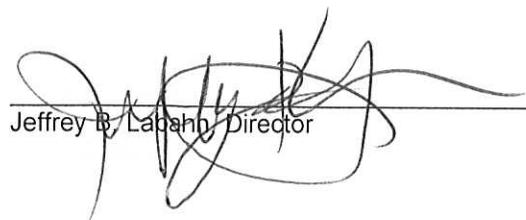
Community Development Division 625 52nd Street - Room 308 Kenosha, WI 53140 262.653.4030	Kenosha Historic Preservation Commission  <b>FACT SHEET</b>	10/31/13	Item 2
<b>Certificate of Appropriateness for Rhode Theater at 514 56<sup>th</sup> Street (Rhode Opera House). (District #2)          PUBLIC HEARING</b>			

- The Secretary of Interior's Standards note that "Removing a character-defining window that is unreparable and replacing it with a new window that does not convey the same visual appearance" is not recommended. It is also not recommended to "change the historical appearance of windows through the use of inappropriate designs, materials, finishes, or colors which radically change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame."
- The Historic Preservation Commission, in its review of Certificates of Appropriateness, applies both the Standards for Granting a Certificate of Appropriateness, as well as the Secretary of Interior's Standards.
- When the Standards for Granting a Certificate of Appropriateness are reviewed, the new windows do not match the old in design, color, texture, and other visual qualities or materials. The color of the new windows are a shiny aluminum finish, however, they could be painted to look more similar to the existing windows. The new windows are aluminum, whereas the existing are steel. The visual quality does not match since muntin strips are embedded within the two panes of glass, vs the true divided lites of the existing. The visual quality is also different since there are two different widths of the rails that will be used.
- The Secretary of Interior's Standards also do not recommend a different finish and color, as well as a different appearance of the frame.
- The Commission is charged with the review of the Certificate of Appropriateness as to whether or not a proposed change is appropriate. The Ordinance standards as well as the Secretary of Interior's Standards are reviewed to make that determination. Once the Commission makes a determination and approves or denies a Certificate of Appropriateness, the recommendation is advisory and the property owner may proceed with the proposal, or choose to follow the Commission's recommendation.

**RECOMMENDATION:**

A recommendation is made to deny the Certificate of Appropriateness in conformance with Standard 15.10 D.7. of the Zoning Ordinance, as well as the recommendations of the Secretary of Interior's Standard's for Rehabilitation.

  
 Michael Maki, A.I.C.P.

  
 Jeffrey B. Labahn, Director

**KENOSHA HISTORIC PRESERVATION COMMISSION  
CERTIFICATE OF APPROPRIATENESS APPLICATION**

<b>PROPERTY ADDRESS</b> 514-56 ST	<b>DATE OF APPLICATION</b> OCT 24 2013
<b>OWNER/APPLICANT</b> LAKESIDE PLAYERS	<b>ARCHITECT/DESIGNER/BUILDER</b> PHILIP PETROWSKI
<b>ADDRESS</b> 514-56 ST	<b>ADDRESS</b> 6829-23 Ave
<b>CITY, STATE, ZIP</b> KENOSHA WI 53140	<b>CITY, STATE, ZIP</b> KENOSHA WI 53143
<b>DAYTIME PHONE NUMBER</b> 262-748-2778	<b>DAYTIME PHONE NUMBER</b> 262-605-8811

**PROJECT DESCRIPTION**

REPLACE STEEL ROUND TOP WINDOWS  
WITH ALUMINUM INSULATED UNITS

**PROJECT TYPE**

- > NEW CONSTRUCTION, ADDITIONS, DEMOLITIONS, AND PUBLIC IMPROVEMENTS
- > NEW CONSTRUCTION, ADDITIONS, DEMOLITIONS, EXTERIOR ALTERATIONS, REHABILITATION, RECONSTRUCTION AND RESTORATIONS
- > ALL PROJECTS
- > IN THE INSTANCE OF INTRODUCING MATERIALS WHICH DO NOT DUPLICATE THE ORIGINAL
- > IN THE INSTANCE OF INTRODUCING NEW ARCHITECTURAL DETAILS OR ARCHITECTURAL DETAILS WHICH DO NOT DUPLICATE THE ORIGINAL

**REQUIRED DOCUMENTATION**

- SITE PLAN  
(1 SET 24"x32" AND 12 SETS MAXIMUM SIZE 11"x17")
- BUILDING ELEVATIONS [EXISTING AND PROPOSED]  
(1 SET 24"x32" AND 12 SETS MAXIMUM SIZE 11"x17")
- PHOTOGRAPHS (DIGITAL PREFERRED)
- MATERIAL SAMPLES
- PICTURES OR DRAWINGS

YOUR APPLICATION WILL BE FORWARDED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS, INSPECTIONS DIVISION FOR REVIEW AND INPUT. REQUIRED DOCUMENTATION MUST BE SUBMITTED TO COMMUNITY DEVELOPMENT & INSPECTIONS A MINIMUM OF TWO WEEKS PRIOR TO THE MEETING DATE TO ALLOW FOR THE APPLICATION TO BE PLACED ON THE HISTORIC PRESERVATION COMMISSION MEETING AGENDA.

APPLICANT'S SIGNATURE: *Philip Petrowski*

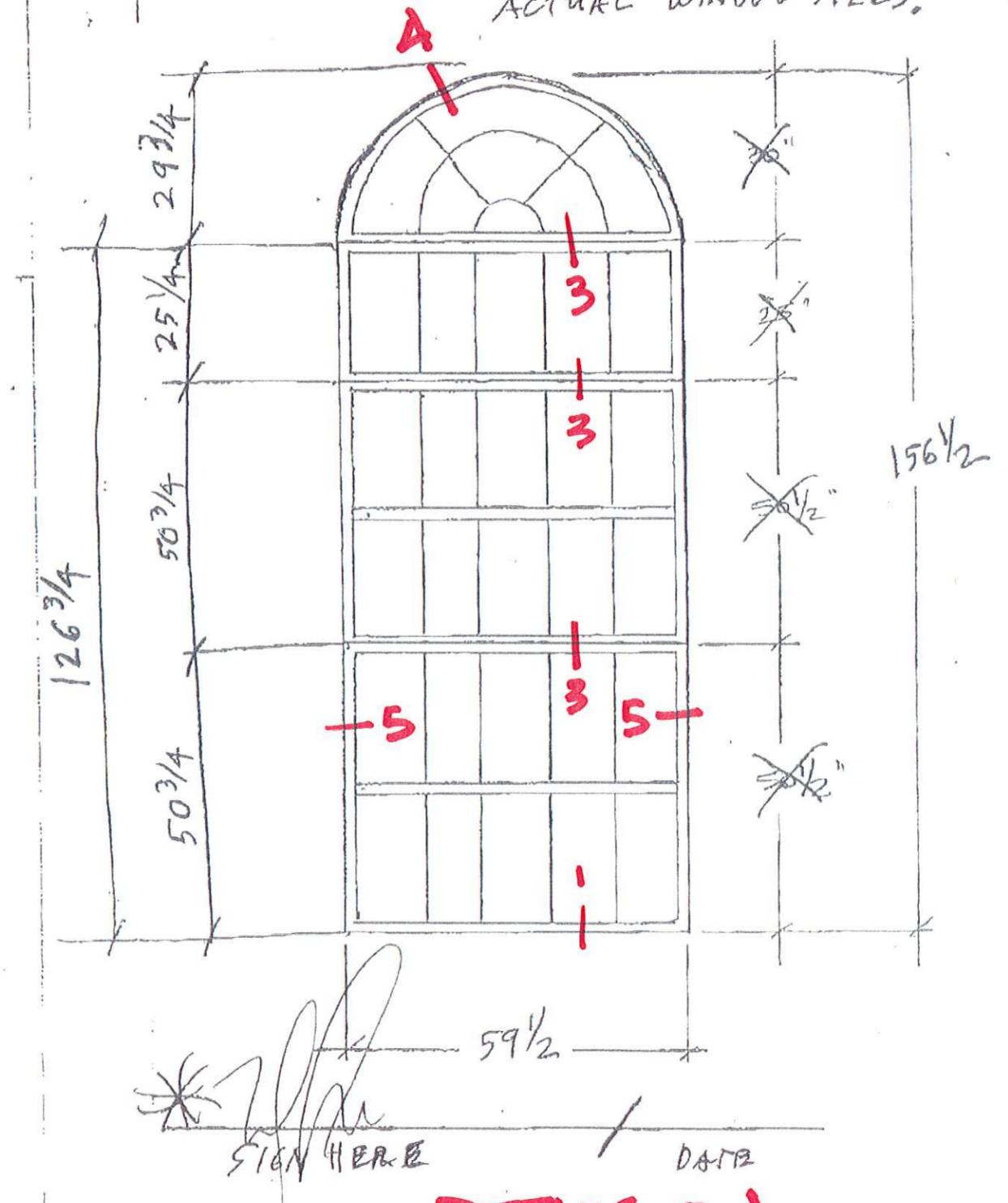
DATE: OCT 24 2013

SOUTHVIEW SUPPLY  
LAKESIDE PLAYERS

ATTN: DAN

FROM: TROY @ GREEN

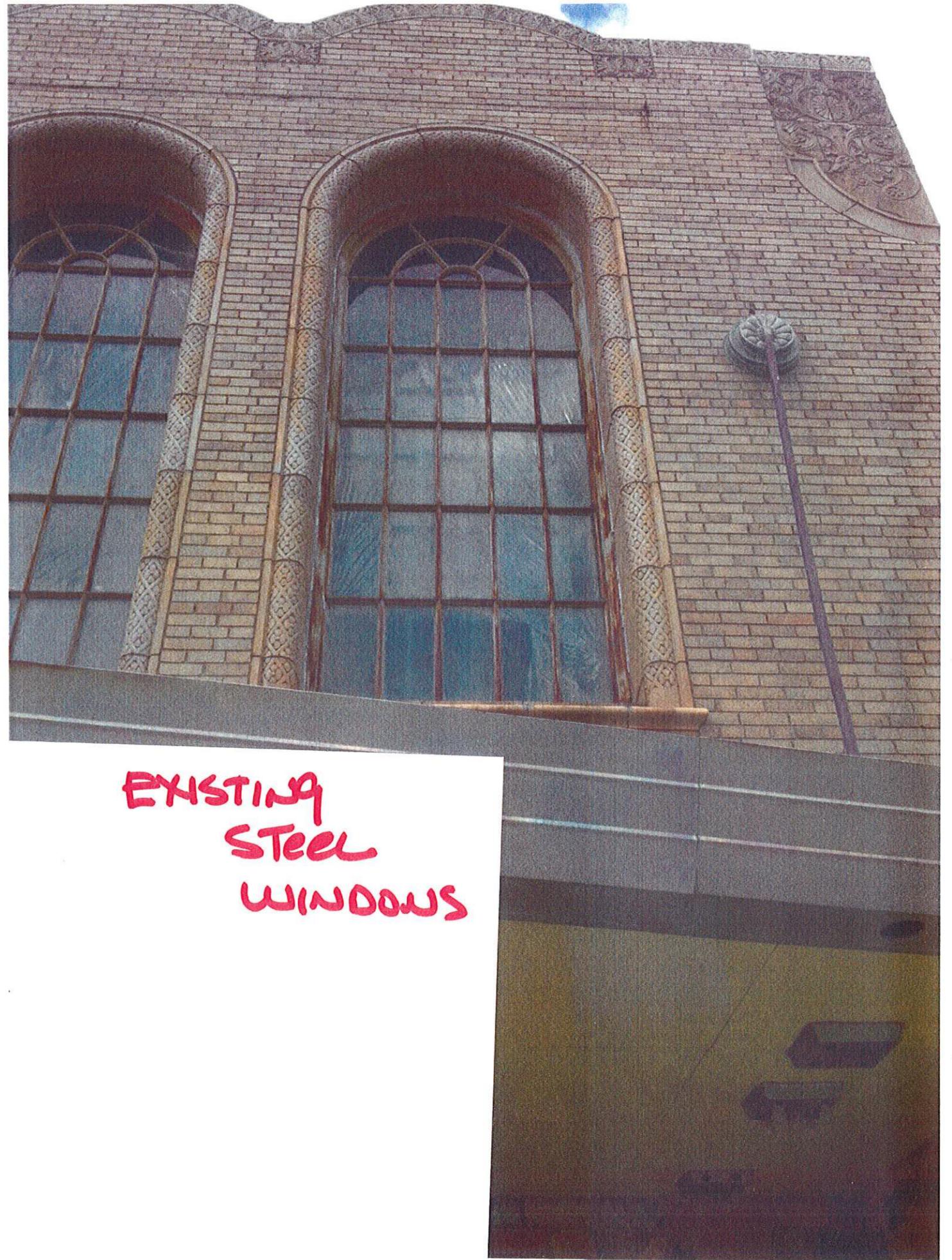
ALL DIMENSIONS SHOWN ARE  
ACTUAL WINDOW SIZES.



**DETAILS ON  
SHEET 1**



EXISTING  
STEEL  
WINDOWS



EXISTING  
STEEL  
WINDOWS

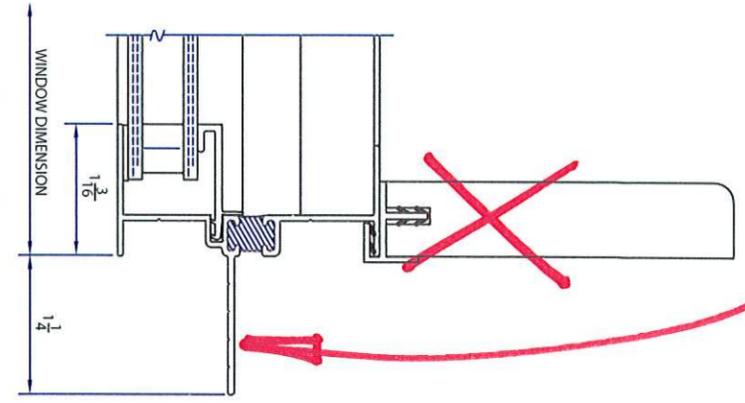
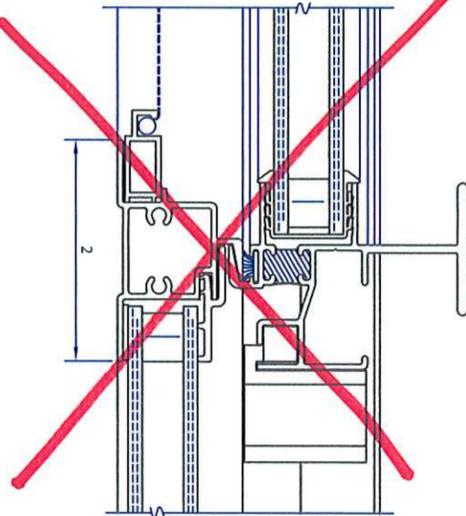
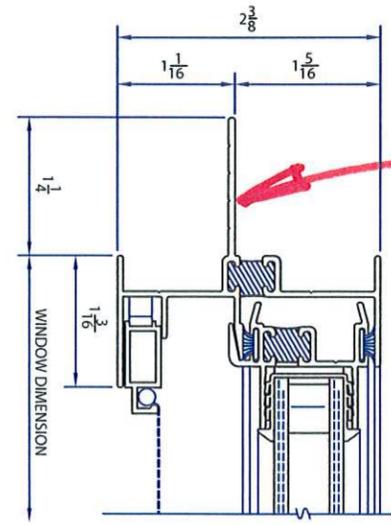
### 5000 SERIES HORIZONTAL SLIDING WINDOW



5 OPERATOR JAMB

6 MEETING RAIL

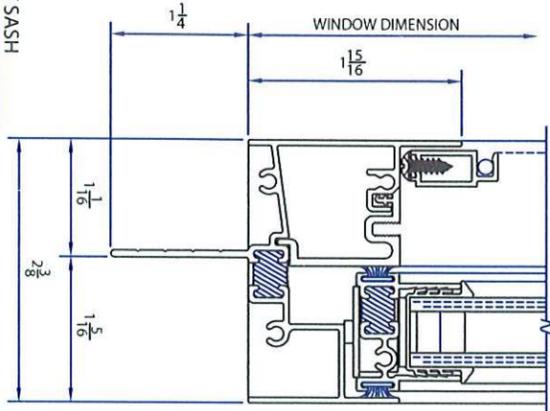
7 FIXED JAMB w/ EXTENSION JAMB



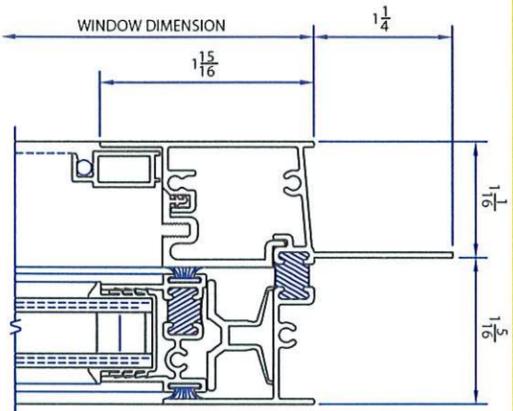
NAIL FIN OMITTED

### 5000 SERIES HORIZONTAL SLIDING WINDOW

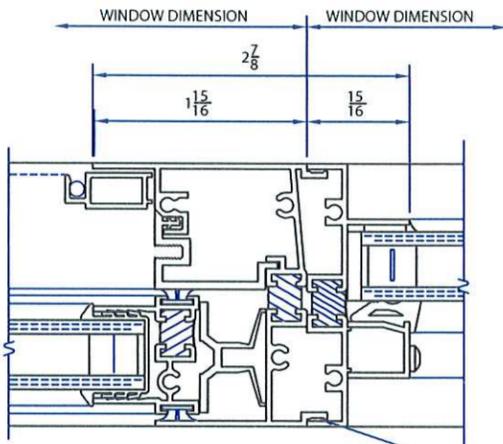
1 SILL AT SASH



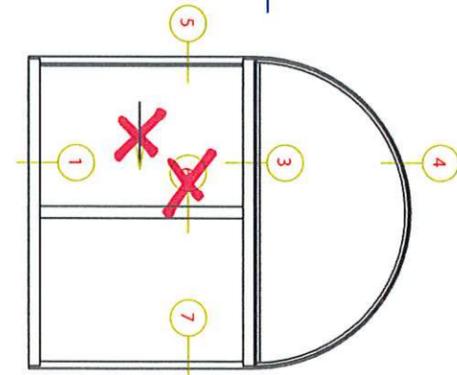
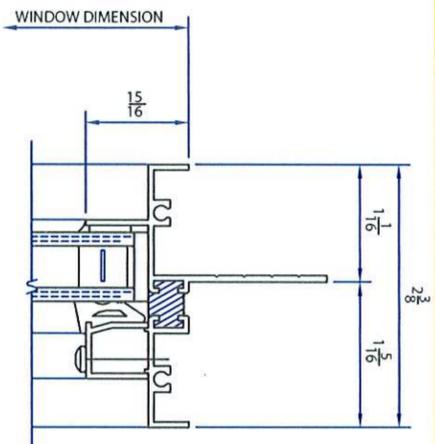
2 HEAD AT SASH



3 STACKING HEAD



4 HEAD AT ROUND TOP



GERKIN WINDOWS & DOORS RESERVES THE RIGHT TO CHANGE OR DISCONTINUE MANUFACTURING ANY OF ITS STANDARD WINDOW SYSTEMS OR COMPONENTS WITHOUT PRIOR WRITTEN NOTICE.



New

5

5



New

5



*Item #3*

**Discussion on  
Demolition by Neglect Ordinance**



TRAINING MATERIAL

## Demolition by Neglect: Ordinance Provisions

### Chapter 9: Preservation Commission Design Review, Page 4 of 6

One of the toughest preservation issues a commission can face is demolition by neglect. This occurs when a property owner allows a property to deteriorate, sometimes beyond repair. The property may have been abandoned or the owner may have passively deferred maintenance until it got out of hand.

Too often, however, neglect is used as a strategy to demolish buildings and other structures and redevelop the property.

### Use Ordinance Provisions to Address Cases of Neglect

Issues of neglect must be addressed via local ordinance, such as with the local preservation ordinance. The best way to do this is to require that historic properties comply with all codes and regulations regarding maintenance of properties, and that all structures be protected from decay and deterioration and kept free of structural defects.

Some Wisconsin communities have enacted minimum maintenance standards by local ordinance that contain provisions similar to demolition by neglect ordinances. Commissions should be familiar with any such standards and work with their building inspection department when historic structures are threatened.

The local preservation ordinance should include set procedures for dealing with demolition by neglect cases. In particular, the preservation ordinance needs to make it clear that demolition by neglect will prevent owners from claiming economic hardship in the review process for a Certificate of Appropriateness.

### Identify Conditions of Neglect

The commission and its staff should have a good working relationship with the local inspection and code enforcement office. Effective communication between these groups can help to identify and correct problems of neglect with a property. These groups should agree on the specific conditions that constitute demolition by neglect and ensure that personnel in these offices, as well as property owners, are familiar with them.

These are some common conditions of neglect:

- Deteriorated foundations, walls, floors, ceilings, or rafters
- Ineffective waterproofing of roofs, walls, or foundations, including broken doors and windows, deteriorated paint, brick, mortar, or stucco
- Signs of rot or decay, such as holes, or any deterioration that creates a hazardous condition
- Lack of maintenance of the surrounding environment, such as fences, retaining walls, and outbuildings

### Specify Enforcement Procedures

## Specify Enforcement Procedures

The procedures for handling cases of demolition by neglect should specify how the provisions will be enforced:

- Identify when and how stop-work orders and citations will be made
- Give specific time frames for correcting problems
- Provide procedures for appeals
- Stipulate the exact penalty or fine if owners fail to comply with the ordinance

## Example Language for Demolition by Neglect Ordinance Provisions

While developing a demolition by neglect provision in your ordinance, consider adding this representative language:

The purpose of this ordinance is to protect the City's historic architectural resources by intervening when a significant resource is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of property located in a Historic District to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations.

### **Control of Demolition by Neglect of Structures within Designated Historic Districts**

In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to properties in designated Historic Districts.

Conditions of Neglect Defined and Prohibited Owners or others having legal possession, custody or control of a property in Historic Districts shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation of the City's Ordinance to not remedy a condition of neglect within the period of time set by a final administrative determination, as described in Section (C), below.

**SECTION B: Conditions of neglect include, but are not limited to, the following:** 1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling or deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling; 2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling; 3. Deterioration or crumbling of exterior plasters or mortars or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors; 4. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering; 5. Rotting, holes, and other forms of decay; 6. Deterioration of exterior stairs, porches, handrails, window and door

frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling; 7. Deterioration that has a detrimental effect on the surrounding historic district or deterioration that contributes to a hazardous or unsafe condition; 8. Deterioration of fences, gates, and accessory structures.

**SECTION C: Procedure for Enforcement.** Upon receipt of a complaint or upon observation, if the City Manager makes a preliminary determination that a property in a Historic District is being neglected, the Manager shall inform the property owner of the preliminary determination and notify the Historic District Commission of the preliminary determination. The Manager will seek remedial action by the property owner. If remedial action has not commenced within 30 days of initial notification, the City Manager, after consultation with the Historic District Commission, shall make a finding of violation.

In the event of a finding of violation and the corrective action specified in the notice is not instituted within the time allotted, the Manager may institute, perform and complete the necessary remedial work to prevent deterioration. Labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.



TRAINING MATERIAL

## Demolition by Neglect: Enforcement Actions

### Chapter 9: Preservation Commission Design Review, Page 5 of 6

When a historic property is being neglected, the local preservation commission needs to take action. The best approach is prevention, but the local preservation ordinance should outline the penalties and enforcement actions that will be taken when building owners do not comply.

### Get Involved to Prevent Neglect

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The best defense against neglect is a good offense. Commissions can assist the community in maintaining its historic properties by:

- Developing and maintaining good relationships with property owners
- Providing economic incentives to encourage the maintenance and rehabilitation of historic properties
- Assisting low-income residents to maintain their properties by involving volunteer programs
- Providing property owners with information on assistance programs, and if possible, guiding them through the process of obtaining assistance
- Helping owners to seek alternative uses for their property or potential new buyers

### Address Problems Directly with Property Owners

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If an issue of neglect arises, the commission should try to address problems directly with property owners in an informal manner before the issue becomes a major problem. A written letter from the commission staff to property owners stating the problem or violation and offering suggestions to correct it might be all that is necessary.

### Take Enforcement Actions

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When preventive actions are ineffective, enforcement actions must be taken. The local preservation ordinance should clearly state the rules of compliance for property maintenance, the penalties and actions taken for noncompliance, and the enforcement procedures that will be followed. The conditions and procedures for neglected properties are described in **Demolition by Neglect: Ordinance Provisions**.

Fines are a common method of penalty for noncompliance with property maintenance provisions. Another effective method of enforcement is to authorize the local government to make the necessary repairs and then charge the owner by putting a lien on the property. If necessary, the commission may want to authorize the local government to acquire the property through eminent domain. Rehabilitation and resale become options once the local government acquires the property.

**Demolition by  
Neglect: Ordinance  
Provisions**

**Demolition Delays**

*Item #4*

**Discussion on  
Certified Local Government (CLG) Designation**



WISCONSIN  
HISTORICAL  
SOCIETY



TRAINING MATERIAL

## Certified Local Government (CLG) Program

### Chapter 2: Preservation Laws and Programs, Page 4 of 7

The Certified Local Government (CLG) program is a national preservation program initiated in 1980 as part of the National Historic Preservation Act. This program helps local governments integrate historic preservation concerns with local planning decisions.

A Wisconsin CLG is any city, village, county, or town that has been certified by Wisconsin's State Historic Preservation Office and the Department of the Interior as meeting the following criteria:

1. Enforces an appropriate local ordinance for the designation and protection of historic properties,
2. Has established a qualified historic preservation commission by local ordinance,
3. Maintains a system for the survey and inventory of local historic properties, and
4. Provides for public participation in the local historic preservation program.

### Benefits of CLG Status

The key benefit of CLG status is becoming eligible to apply for federal historic preservation grant money that is available only to CLGs. These grants can cover a wide variety of historic preservation activities, such as survey projects, preparation of National Register nominations, educational activities such as workshops, video programs, or the development of preservation publications, development of municipal preservation plans, and the administration of local historic preservation programs.

CLG status also gives local governments more authority regarding preservation activities. CLGs can authorize the use of the Wisconsin Historic Building Code for locally designated historic buildings. CLGs are also responsible for reviewing National Register nominations for properties within their municipal boundaries before the applications are sent to the State Historic Preservation Review Board.

State Historic  
Preservation Office

National Register  
and State Register of  
Historic Places



## HISTORIC PRESERVATION

### How Does My Community Become a CLG?

Certified Local Governments are designated by the State Historic Preservation Officer (SHPO) and the National Park Service through a formal application process.

The chief elected official of the local government submits a letter requesting certification to the State Historic Preservation Officer, Division of Historic Preservation, Wisconsin Historical Society, 816 State Street, Madison, WI 53706. The request must consist of the following:

1. Assurance that the local government enforces appropriate state and local legislation for the designation and protection of historic properties and will coordinate its activities with the SHPO.
2. A copy of the local historic preservation ordinance, including amendments.
3. A list of properties and districts designated under the local ordinance, including proper names and addresses.
4. A list of the local historic preservation commission members, including qualifications or expertise in fields related to historic preservation.
5. If the local preservation commission does not include professional members from the disciplines of history, architectural history, architecture, or archaeology, a statement demonstrating that the local government has made reasonable efforts to appoint such members.
6. If the disciplines of history, architectural history, architecture, and archaeology are not all represented on the commission, a proposal on how the local preservation commission will obtain such expertise needs to be submitted to the SHPO. This expertise is necessary to review National Register of Historic Places nominations or take other delegated actions that will impact properties normally evaluated by professionals in these disciplines.
7. A copy of the local historic preservation plan or a brief statement describing the local preservation program.
8. If appropriate, a list of any additional duties, responsibilities or activities that the local government agrees to undertake if certified.
9. If all of the above requirements are not presently met, a statement must be included indicating how and when they will be fulfilled.

The SHPO will respond to an adequately documented request for certification in less than 60 days. If the local government fulfills the requirements, the SHPO will approve the certification request and prepare a written Certification Agreement for signature by the chief elected official of the local government. It will list the specific responsibilities of the local government when certified. The Certification Agreement and the CLG application will then be sent to the Department of the Interior for review and approval. Upon approval, the CLG will be eligible for benefits.



**HISTORIC  
PRESERVATION**

**Minimum Requirements for Certified Local Governments**

The Wisconsin State Historic Preservation Office (SHPO) administers the Certified Local Government program for the National Park Service in Wisconsin. The federal law defining the Certified Local Government program can be found in 36 CFR Part 61, Section 61.5 "Approved Local Programs." This section of the law lays out the four minimum requirements for participation in the CLG program. A community must:

1. establish a qualified historic preservation commission
2. enforce appropriate State or local legislation for the designation and protection of historic properties
3. maintain a system for the survey and inventory of local historic resources
4. provide for public participation in the local historic preservation program

Section 61.5 (b) also states, "Beyond the minimum delegations of authority that must be made to all CLGs, States may make additional delegations of responsibility to individual CLGs." The Wisconsin SHPO has set forth these additional requirements:

1. The CLG must enact and enforce a historic preservation ordinance that regulates historic property
2. A CLG must provide annual reporting to the SHPO on CLG activities
3. A CLG must send copies of meeting minutes and agendas to the SHPO following each meeting
4. The ordinance must not allow owners to "opt-out" of designation
5. Designation must not require owner consent before landmark designation
6. The commission must approve work on locally designated properties and recommendations may not be "advisory"

Local commissions, once created, must receive strong support from a local government's power structure, and direction required to the extent that informal policies contravening the intent of the ordinance are not adopted. Commissions sometimes adopt an informal policy, not supported by their enabling ordinance, that an owner's permission must be granted to designate a property. The latter, of course, completely guts the intent of a local ordinance by robbing it, in fact, of its ability to pursue the public's interest in local preservation issues by sublimating the public's interest to private desires. Like all other zoning powers of the community, the owner must conform to the requirements of designation, and the actions of the commission must serve to regulate historic property. When actions allow owners to opt-out of regulatory control, or only consider the recommendations of the commission as advisory, the commission holds no true regulatory powers.

The CLG must conform with all of the above requirements or the SHPO may revoke CLG certification.