



To: Teardown/Rebuild Review Committee  
Subject: Meeting of **Monday, April 16, 2018**  
From: Paul Boening – Village Manager

The meeting will begin at 5:00pm in the Whitefish Bay Library Program Room (2<sup>nd</sup> Floor).

Summary of agenda items:

- **Meeting Agenda**

The meeting agenda is attached.

- **Approval of minutes from March 19, 2018.**

DRAFT minutes are attached.

- **Discussion/action regarding topics/process modifications/submittal requirement changes for staff to research and subsequently present to the Village Board for consideration.**

To date, the Committee has reviewed the following topics:

- Demolition Permit Process
- ARC Submittal Process
- ARC case study (Presented by Roy Wagner)
- 2017 ARC activity/data
- ARC composition (and comparison to other municipalities), rotating schedule, etc.

At the March 19<sup>th</sup> meeting, the Committee suggested a few topics as potential future agenda items (Get information from the point of view of developers, research on other comparable communities dealing with teardowns/rebuilds and what have been the challenges, review of the current design area and review of scale and massing guidelines). With regard to soliciting information from developers, the Committee was previously provided with a copy of an email from Ramin Eghbali detailing his experience of building a new home in Whitefish Bay. In addition, developer Jason Hernandez (Pilot Builders) spoke at the March 19<sup>th</sup> meeting. Concerning research on other comparable communities,

the primary comparable is the Village of Shorewood. Per Shorewood's Zoning Code, the same requirements are utilized to regulate residential construction (lot coverage maximum, setbacks, height restrictions, etc.). Finally, conducting comprehensive reviews of design area criteria and scale/massing guidelines are possible, but staff will need considerable time to address all pertinent aspects.

Following last month's meeting, I have been working with Chairperson Fuda on formulating a plan for transitioning from the Committee review process to a staff/Village Board analysis of potential recommendations. Given the work that has taken place since January, Chairperson Fuda feels that the Committee will be in a position on Monday evening to forward recommendations to staff to research and subsequently present to the Village Board for consideration.

At the previous meetings, the following topics/concepts were frequently referenced and may be worth additional consideration for inclusion as recommendations for staff to research:

- Educational Opportunities for ARC Members (Attorney Jaekels to meet with ARC on a semi-regular basis and/or orientation with all new members)
- Requiring ARC Applicants to include PDF plans with submittal to allow placement on the Village website
- Increasing ARC Submittal Deadline to enable longer notice period in advance of meetings
- Floor Area Ratio
- Creation of an ARC subcommittee to review certain types of projects (based on scope, dollar value threshold?) to enable review by the same members (consistency)
- Potential modifications to ARC submittal checklist
- Review of existing Design Area Criteria
- Providing ARC members with a staff review memo for certain types of projects

At the conclusion of Monday's discussion, the Committee can then vote to recommend which specific topics/process modifications/submittal requirement changes staff should research and subsequently present to the Village Board for consideration. The timeline necessary for such research will depend on the specific items that are included.

Please let me know if you have any questions, and I look forward to Monday's meeting.

Paul



**VILLAGE OF WHITEFISH BAY  
TEARDOWN/REBUILD REVIEW COMMITTEE – AGENDA**

**April 16, 2018 – 5:00pm**

**Whitefish Bay Public Library – Program Room (2<sup>nd</sup> Floor)  
5420 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.
2. Approval of minutes from March 19, 2018.
3. Discussion/action regarding topics/process modifications/submittal requirement changes for staff to research and subsequently present to the Village Board for consideration.
4. Adjournment

**Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Architectural Review Commission may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website ([www.wfbvillage.org](http://www.wfbvillage.org))**

Dated: April 13, 2018

Committee Members: Trustee Carl Fuda (Chairperson)  
Trustee Tara Serebin  
Roy Wagner (ARC Representative)  
Meg Baniukiewicz  
Lynn Ludke  
Sarah Malik



**Ad Hoc Teardown/Rebuild Review Committee Minutes**  
**Monday, March 19, 2018, at 5:00 pm**  
**Whitefish Bay Library Program Room**

**I. Call to Order and Roll Call:**

The meeting was called to order at 5:03 pm

Present: Trustee Fuda (Chairman), Trustee Serebin, Roy Wagner, Meg Baniukiewicz, Lynn Ludke, Sarah Malik

Also Present: Paul Boening – Village Manager, Joel Oestreich – Building Services Director, Tim Blakeslee – Assistant Village Manager, Chris Jaekels – Village Attorney

**II. Approval of minutes from February 5, 2018.**

Sarah Malik moved to approve the minutes from February 5, 2018. Lynn Ludke seconded. Motion passed 6-0.

**III. Update from Village Attorney regarding discussion with ARC**

Village Attorney Chris Jaekels stated that he has met with ARC on two occasions over the past several months. He made sure that he made the same presentations both times so as many of the people in attendance were able to hear the same thing. Jaekels mentioned that he still hasn't been able to be able to present to all ARC members, but is hoping to do so. He believes that ARC has found their voice in recent meetings.

Lynn Ludke stated that the presentations were very helpful. Meg Baniukiewicz and Trustee Serebin asked if the presentation could be recorded for future members or the public. Baniukiewicz thought it would be good to have on the website.

Roy Wagner says that he meets with every new member on the board and reviews the process and regulations.

Trustee Fuda stated asked for audience feedback

*Theresa Quantance (725 Lake View) stated that she's been to two ARC meetings recently and stated that ARC is doing a better job adhering to the guidelines since the presentations.*

**IV. Progress report to date and Committee suggestions regarding process modifications, submittal requirements and other related options.**

Trustee Fuda stated that he would like to provide a checkpoint of where we've been. He hopes that at the end of this process this group can provide recommendations to the Village Board. Fuda stated that he believes ARC has found its voice and that ARC is tabling projects for scale and massing per the design guidelines. He stated that he would like to make sure ARC can keep its voice after the attention is no longer on it. Fuda spoke about create review consistency for projects and maybe creating a large scale project board that would meet only once a month.

He stated that staff prepared information regarding what neighboring communities do and compared them to Whitefish Bay. Fuda also believes that an ARC staff memo could help create a framework for discussion and help eliminate noise.

Lynn Ludke believes that Trustee Fuda suggestions are good. She also believes that we need factual information in submittals. She also thinks a checklist of design guidelines would be helpful. Trustee Fuda asked if setbacks are provided to ARC. Building Services Director Joel Oestreich said that ARC is provided with a video of the neighborhood but not actual setbacks.

Sarah Malik agreed and stated that the factual information needs to be in a staff report right off the bat. Lynn Ludke commented that this would put the burden on staff to collect the information, so the cost should pass through to the developer. Trustee Serebin said that this info should be provided by the developer and double checked by staff. Sarah Malik agreed that a fee should reflect staff effort. Trustee Serebin believes that a staff memo could follow a project all of the way through.

Roy Wagner believes that ARC already has a checklist and that they are on the table when projects are discussed. Sarah Malik thought it could be repackaging and that it may help the interested public. There was a discussion with Roy and the committee members about what is already on the checklist.

Trustee Serebin asked about what the design area ought to be. Trustee Fuda thought that constraining the design area was a slippery slope and thought that this is where the staff memo could come into play. The design guidelines need to be flexible.

Trustee Serebin believes the PDFs of plans need to be online ASAP so the public and ARC have a chance to view easily before the meeting. Serebin also believed that ARC members should drive by homes prior to meetings to get a sense of the neighborhood. Village Manager Paul Boening stated that PDFs of plans should come from the builder. There was a discussion on the best way to receive plans with regards to network security.

Lynn Ludke stated that she believes that there is no mechanism to review drainage plans and asked about the consequences for poor plans. Ludke also stated that she was very concerned about lead paint in teardowns and that there need to be procedures in place.

Roy Wagner stated that ARC has approximately 95% unanimity in cases and that the group is made of professionals and that everyone has done a mental checklist of each project. Roy always asks for comments from the group and from the audience and that for approved projects they don't give a reason.

Wagner doesn't know what would be a fair way to determine the scope of the large project committee. He believes that those projects that would go to the monthly meetings would feel picked o. Wagner and Serebin discussed the various tools that could help ARC. There was a discussion regarding Floor Area Ratio (FAR), set-back limits, and lot coverage.

Wagner believes having plans online to help citizens is fine. He also mentioned that the reason that videos are done is that sometimes volunteer members are not able to drive by the house during the day before nightfall. Wagner stated that ARC doesn't feel qualified to review drainage plans, and would need objective standards to review.

Sarah Malik stated that the staff reports help bridge the gap between the public and those with inherent knowledge. They are to help create a history of the project as well as providing support to ARC.

Trustee Serebin asked about the order of ARC items on an agenda. Joel Oestreich says that he tries to put what he anticipates as less complicated items earlier on the agenda so that those applicants do not have sit through the complicated items.

Lynn Ludke stated that more time is required for review of applications prior to approval, especially for those that work full time. Trustee Fuda asked how many days are provided. Joel Oestreich said that notice signs are placed the Wednesday or Thursday prior. Paul Boening stated that if we wanted to provide more time we would need to change the submittal deadline.

Roy Wagner discussed the intent of the design guidelines and that they are subjective by intent. He feels more tools are needed by ARC in the code.

Trustee Fuda stated that out for 4500 homes that we are dealing with about 20 teardowns in 13 years. He would be very reluctant to make code changes that would make homes legal non-conforming. He believes that some of the discussion tonight has provided good ideas that can be implemented before going as far as adjusting the zoning code.

Sarah Malik asked about the Floor Area Ratio of existing homes. Attorney Jaekels stated that it would depend on what the Floor Area Ratio was set at. Lynn Ludke asked about legal non-conforming and how it would affect the Village. Attorney Jaekels stated that a legal non-conforming status affects title insurance and lenders. Paul Boening said that a legal non-conforming house cannot make improvements greater than 50% of its structural assessed

value. Attorney Jaekels such restrictions could apply. Trustee Serebin wondered if we could find floor area number that would limit the number of legal non-conforming homes. Trustee Fuda stated he wanted to bring this discussion back to the original scope, and that he thinks that doing something like making code change that would make homes legal non-conforming is too big a change for the scope of the problem.

Lynn Ludke asked about the number of teardowns where just one wall is left. Joel Oestreich believes there are two.

*Trustee Fuda stated asked for audience feedback*

*Susie Van Cleave (5353 N BERKELEY BLVD): Stated that the committee needs to talk about additions as well. She spoke about the design guidelines and what she believes Roy Wagner is asking for at ARC. Lastly, she believes that for drainage plan a person must be able get rid of their own water.*

*Aaron Hoffmans (4725 N MARLBOROUGH DR): Believes the system is subjective. He believes that Burlingame, California has a good example of design guidelines. He does not want to create something that is too strict that causes paralysis in the market.*

*Theresa Quantance (725 LAKE VIEW AVE): Discussed teardowns that do not fit in with the neighborhood.*

*Paul Spiroff (814 E BIRCH AVE): Has a half a dozen homes for sale on the block and he worries if these are going to be large teardown/rebuilds. Stated that residents are taking the long-term risk, while the developers are in it for short-term gain.*

*Jason Hernandez (5109 N WOODBURN ST): As a developer, he cautions on the board on making changes that would change the view of Whitefish Bay to outsiders. He worries about red-tape.*

#### **V. Discussion and direction to staff regarding future agenda items.**

Trustee Fuda summarized the plan for future staff meetings based on the comments:

1. Get information from the point of view of developers
2. Research on other comparable communities dealing with teardowns/rebuilds and what have been the challenges.
3. Review of the current design area
4. Review of scale and massing guidelines.

#### **VI. Next Meeting – Monday, April 16th at 5:00 pm (Library Program Room).**

#### **VII. A motion was made by Trustee Serebin to adjourn the meeting at 6:02 p.m. Seconded by Ludke. Motion carried 6-0.**