



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

March 19, 2018 – 5:00pm

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

1. Call to Order.
2. Approval of minutes from February 5, 2018.
3. Update from Village Attorney regarding discussion with ARC.
4. Progress report to date and Committee suggestions regarding process modifications, submittal requirements and other related options.
5. Discussion and direction to staff regarding future agenda items.
6. Next Meeting – Monday, April 16th at 5:00pm (Library Program Room).
7. Adjournment

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Dated: March 16, 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, February 5, 2018, at 5:00 pm
Whitefish Bay Library Program Room

I. Call to Order and Roll Call:

The meeting was called to order at 5:02 pm

Present: Trustee Fuda (Chairman), Trustee Serebin, Roy Wagner (Arrived 8:05), 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 January 15, 2018.

Lynn Ludke moved to approve the minutes from January 15, 2018. Meg Baniukiewicz seconded. Motion passed 6-0.

III. ARC case study (presented by Roy Wagner).

This item was delayed until later in the meeting.

IV. Review of 2017 ARC activity/data.

Trustee Fuda details the data prepared for the meeting. There was a discussion on the ARC activity level with regards to major teardowns and rebuilds. Trustee Fuda noted that only one other community uses rotating members. Trustee Fuda asked if a dedicated set of eyes on teardowns and rebuilds would be a worthy idea.

Lynn Ludke noted that she doesn't feel like the neighbors are notified well enough in advance of the agenda items and they are not made aware of the design guidelines.

Chris Jaekels stated that Whitefish Bay was the first in the state that has this type of restrictive design guidelines. Jaekels stated that communities with these types of restrictions are mostly out west. Jaekels stated that he is not aware of similar guidelines in the other North Shore communities.

A member of the audience, Kathy Rodgers (5059 Woodburn), asked if these type of design guidelines have seen legal challenges. Chris Jaekels stated that he has not seen that. The

design guidelines are not hurting property values. Lynn Ludke asked if there have been legal challenges to the application of the design guidelines. Chris Jaekels stated that it has not been to circuit court.

Roy Wagner stated that prior to the design guidelines the Building Board was deciding how the community looked and they didn't have the tools that ARC currently has. He continued by saying that the design guidelines were intended to conserve the current home stock and encourage consistency within a design area. He stated that he believes the design guidelines are purely subjective.

A member of the audience, Susy Van Cleave (5353 Berkeley), stated that it would help the subjectiveness if there was more stepping back of features and a massing guideline. She asked if there was a height guideline. Joel Oestreich stated that there was a height guideline.

A member of the audience, Theresa Quantance (725 Lake View), stated that a new house nearby is 3 times the size of the one next to it, it looks at a giant wall, and that it blocks out the sun. She asked how that happens.

Lynn Ludke asked that if a new home was proposed on a street full of colonials, would only a colonial be approved. Roy Wagner stated that ARC tries to take into account neighborhood patterns and encourage compatibility. If there is a neighborhood with less standard designs it would be more likely a contemporary home would fit in. Lynn Ludke stated she believes the design guidelines are objective. Roy Wagner stated that a contemporary home in most locations would face great challenges.

A member of the audience, Laurie Haig (4837 Larkin), noted that a home under construction in her neighborhood on Fairmount has wood siding, but the rest of the homes on the street have brick or stone. She asked how a home like that gets through the process.

III. ARC case study (presented by Roy Wagner).

The committee returned to Item III. Roy Wagner went through a case study about how ARC reviews a teardown/rebuild agenda item. He stated that they first go through an aerial view and the look at an on-site video of the homes. This shows the design area and the size of the comparable homes. They then listen to the applicant describe what they want to do.

Wagner stated that ARC reviews the scale and massing of homes. Wagner stated that ARC tries to avoid the canyon effect by advising for setbacks on the second story. They then review the design guidelines and make recommendations as needed. Wagner stated that the ARC Board is full of very high caliber people.

He noted in his specific example that neighbors did not show up to provide feedback. Wagner stated that 90-95% of the time the board is unanimous in its decision. Wagner questioned if applicants are gaming the system by coming back a month later knowing that new members would be there due to the rotating board.

Trustee Serebin asked about splitting ARC and dividing major and minor projects between different members to promote consistency from project review. She also noted that an objective standard would be the goal. Serebin stated that it would be more difficult to game the system if meetings for major projects were less often (i.e. one a month). Roy Wagner thought that limiting meetings or splitting membership could be a possibility.

Sarah Malik asked if a zoning review is done at ARC or by Staff. Joel Oestreich said a review is done by Staff.

Wagner continued by describing the height limitations and other considerations that ARC contemplates. Lynn Ludke stated that rear setbacks seem to be missing when comparing adjacent homes. Wagner believes that ARC doesn't ignore this. Trustee Serebin recommended viewing a GIS Platte map, so distractions would be removed (trees, etc...).

Lynn Ludke asked if discussion at ARC is the same if no neighbors are in attendance. Roy Wagner stated that they always ask if anyone would like to speak, if there are any emails, or any letters regarding the project. Wagner stated that the description of the notice comes from the applicant. Lynn Ludke mentioned that the notices should be more transparent.

Sarah Malik asked if floor area ratio had been used or considered before. Trustee Fuda stated that the Village hasn't done that in the past. Lynn Ludke stated that residents need due process with regard to project notifications.

A member of the audience, Tom Florsheim (832 Birch), stated that he believes that the house needs to be based on the size of the lot.

A member of the audience, Kathy Rodgers (5059 Woodburn), compared the design guidelines to Village Ordinance and said that that they need to be objective.

Trustee Fuda thanking everyone for the interesting dialog and believes there is some low hanging fruit for discussion at the next meeting. Roy Wagner stated one item of low hanging fruit is putting review items online.

V. Update from Village Attorney regarding discussion with ARC

This item was postponed until the next meeting. There was not enough time for the discussion.

VI. Discussion and direction to staff regarding future agenda items.

Staff will meet with Trustee Fuda prior to the next meeting discuss agenda items.

VII. Next Meeting – Monday, March 5th at 5:00 pm (Library Program Room).

VIII. A motion was made by Trustee Serebin to adjourn the meeting at 6:02 p.m. Seconded by Wagner. Motion carried 6-0.

DRAFT



To: Teardown/Rebuild Review Committee

Subject: Meeting of **Monday, March 19, 2018**

From: Paul Boening – Village Manager

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

Summary of agenda items:

- **Meeting Agenda**

The meeting agenda is attached.

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

DRAFT minutes are attached.

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

Village Attorney Chris Jaekels spoke to ARC at its meetings on February 1st and March 1st. Attorney Jaekels will summarize the key points of his discussion from that meeting.

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

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.

This agenda item will enable the Committee to discuss whether process modifications and/or revised submittal requirements are warranted based upon the information reviewed to date. If so, what changes would Committee members suggest?

- **Discussion and direction to staff regarding future agenda items.**

This agenda item will enable the Committee to discuss potential topics for placement on future agendas.

- **Also Attached – Letter from Ramin Eghbali detailing his experience of building a new home in Whitefish Bay (shared with the Committee at the request of President Siegel and Chairman Fuda)**

From: Ramin Eghbali _____

Date: March 8, 2018 at 2:57:14 PM EST

To: _____

Subject: Home Building Experience in WFB

Reply-To: Ramin Eghbali _____

Dear Village Board,

We wanted to share our experience of building a new home in Whitefish Bay. My wife and I, and our three children, have been living in Whitefish Bay since 2006. We are completing construction and moving in to our new home in April 2018.

In order to meet our growing family's needs, we had been looking for several years (literally) to find a larger home in WFB, but were unsuccessful. As our kids became more integrated into the WFB schools, we did not want to leave, but we couldn't find anything, and started looking outside of WFB. Luckily in 2016, we found and purchased a home that was close to our current one, and was suitable for building a new larger home. Although we could have relocated and gotten more "house for the money" up the road, we wanted to stay in the WFB community we've grown to love.

The process of getting our plans approved was very arduous and unpleasant. Instead of being an exciting time for our family, it was very stressful. Although we had met all the Village requirements the very first time, it took us three visits to the ARC to get our plans approved. From our perspective as the home builders willing to make significant investment in our community, the process was very subjective, and inconsistent.

We had different ARC members at all 3 meetings. So recommendations from one ARC meeting may or may not have been made from one meeting to the next. The process was like going through "moving goal posts", costing time, money, and frustration. At all 3 meetings, neighbors were present and given the opportunity to make erroneous and irrelevant statements regarding our project, such as the house being larger than it was, being ahead of required setbacks etc. It became clear to us as the homeowners that this subjective and inaccurate neighbor commentary played a large role in unnecessarily delaying the approval of our project.

In order to improve the process, I would suggest giving more authority at the staff level (e.g. Joel and Mike), to ensure all projects meet Village rules. They could then make Yay or Nay recommendations to the ARC for each project, with the ARC making the final decision to accept, amend, or reject the recommendation based on architectural design. This would ensure consistency that approval process is based on facts and Village requirements, remove the subjective influence of neighbor commentary.

Sincerely,

Ramin Eghbali