



To: Teardown/Rebuild Review Committee  
Subject: Meeting of **Monday, September 23, 2019**  
From: Paul Boening – Village Manager

The meeting will begin at 6:00pm in the Village Board Room (Village Hall – 2<sup>nd</sup> Floor).

Summary of agenda topics/supplemental materials:

- **Meeting Agenda**

The meeting agenda is attached.

- **Item 2 – Approval of minutes from October 22, 2018.**

DRAFT minutes are attached.

- **Item 3 – Introduction from Committee Chairperson and review/discussion regarding process to date.**

Trustee Fuda will make some introductory remarks and will summarize the key components of the review process to date.

I will provide an overview of the Committee's previous recommendations (and resulting procedural/Zoning Code changes as approved by the Village Board). Those items included:

- Newly appointed ARC and BOA members will participate in an educational session with the Village Attorney.
- "Refresher" educational sessions will take place for both ARC and BOA every three years or on as-needed basis.
- The ARC submittal deadline was increased from 10 days to 17 days to allow additional time to provide notice to residents residing within the "Design Area" of a specific proposal. The increased deadline also ensures that ARC will not review a previously

tabled proposal unless a minimum of 17 days has passed (i.e. to encourage additional time for applicants incorporate ARC feedback in revised plans).

- To require Floor Area Ratio data points be provided for all properties located within the project design area and to require submittal of the existing and proposed square footage, existing and proposed Floor Area Ratio, lot dimensions, setbacks, and height be provided for the subject property (data intended to provide additional tools for ARC members to analyze the scale and massing of a proposed structure).
  - To require full plan sets for new homes and additions to be included in the meeting packet and to require posting of full plan sets and written feedback online.
  - Creation of a revised project review checklist aimed at facilitating consistent review of projects.
  - To include ARC project checklists in the corresponding meeting minutes.
  - Granting the Building Inspector approval authority over pergolas, arbors, garages and sheds to enable ARC to focus on larger scale projects.
  - Revised definition of "Design Area".
- **Item 4 – Six-month review of procedural and Code change impacts and discussion with ARC Chairperson Lauren Triebenbach.**

ARC Chairperson Lauren Triebenbach will be in attendance for a discussion with the Committee about how the adopted changes have impacted the ARC process and ARC's review of proposed homes in the six months following implementation. Joel Oestreich (Director of Building Services) will also be present to provide staff perspective on the aforementioned changes.

- **Item 5 – Public Comments**

Meeting attendees will be given an opportunity to provide comments after the conclusion of item 4.

- **Item 6 – Adjournment**



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

**September 23, 2019 – 6:00pm**

**Whitefish Bay Village Hall  
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.
2. Approval of minutes from October 22, 2018.
3. Introduction from Committee Chairperson and review/discussion regarding process to date.
4. Six-month review of procedural and Code change impacts and discussion with ARC Chairperson Lauren Triebenbach.
5. Public Comments
6. 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: September 19, 2019

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



**Ad Hoc Teardown/Rebuild Review Committee Minutes**  
**Monday, October 22, 2018, at 6:00 pm**  
**Whitefish Bay Village Hall Board Room**

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

The meeting was called to order at 6:02 pm

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

Absent with notice: Roy Wagner

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 April 16, 2018.**

Trustee Serebin moved to approve the minutes from April 16, 2018. Meg Baniukiewicz seconded. Motion passed 5-0.

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

Trustee Fuda introduced the topic and summarized the meetings thus far and what the committee charged staff to research. Village Manager Boening provided community background on the topic. Boening said that staff will review each committee recommendation from the previous meeting item followed by committee discussion to provide a direction moving forward.

Item 1: Village Manager Boening began by summarizing item 1 and suggesting that education continues for new ARC members via the Village Attorney immediately following their appointment. Additionally, staff recommends that the Village Attorney conducts a refresher course for ARC members every 3 years or on an as-needed basis. Trustee Fuda agrees with Village Manager and thinks this has been an important step already for ARC members.

Trustee Serebin suggests using the term “required” vs. recommended training and that it should be for ARC and BOA.

Lynn Ludke said that ARC has done a really good job, but there still have been some questions about rear setback requirements. She sees additions that have gone beyond their neighbors and is wondering how that is the case. Building Services Director Oestreich says there are two layers to this and that a hard line is in the zoning code and then ARC can use the design guidelines to apply a more stringent guide based on the neighborhood. Ludke said they should all be compatible but some are way beyond. Building Services Director Oestreich said he can't say why ARC approved some and not others, but the checklist that is being developed will help. Village Attorney Chris Jaekels said that many of the homes she is discussing pre-date the design guidelines and was part of the reason they were created in the first place.

Sarah Malik asks about the design area that the guidelines take into consideration. Trustee Serebin and Trustee Fuda summarize the design area issue.

Item 2: Village Manager Boening began by summarizing item 2. Staff recommends continuing to add plans on the village website. These plans are public and are easy to access including outside of Village Hall hours. If needed, interested residents would be able to view plans at the library if they do not have home Internet access. Staff recommends not implementing the recommendation to make 10 copies of plans for each item. Meg Baniukiewicz asked what is PDFed and on the website? Oestreich says that it's just for new homes and additions. Trustee Serebin asked if there has been pushback from developers. Oestreich said there has not been. Meg Baniukiewicz suggested making sure the full plan set for these is posted online. There is agreement from the board and this will be covered under another item.

Item 3: Village Manager Boening began by summarizing item 3. Staff recommends changing the submittal deadlines to 17 days from 10 days. A 17 day submittal deadline would allow more prep time for Village Staff, would allow agendas to be sent to neighbors approximately 7 days sooner and would prevent items from a quick turnaround at the next meeting if an item is tabled. Lynn Ludke asked how this would help residents. Oestreich said that it will give residents approximately 7 days more time to review. Lynn Ludke suggested a deadline for neighbor comments to be included in the packet provided to ARC, otherwise they need to show up at the meeting. Oestreich said this is a good idea. Village Attorney Jaekels and Trustee Serebin talk about neighbor submissions and public records.

A member of the audience, Terry Quantance (725 Lake View), asked what is considered a teardown, does it include a house that is removed with one wall standing. Oestreich described that a teardown as a total removal. Trustee Fuda says that teardowns were the charge of the committee.

Item 4: Village Manager Boening began by summarizing item 4. Staff recommends to not institute a FAR but to instead continue focusing on the education of ARC members and consistent application of the Design Guidelines. Boening notes that of the municipalities referenced above, those that utilize a FAR are not considered comparable to Whitefish Bay with regard to average lot size and age of housing stock. The Village of Shorewood, which is very comparable to Whitefish Bay in terms of single-family residential development, does not utilize a FAR. Boening describes the issues with legal non-conforming homes and that staff is looking to educate and create consistency with the design guidelines so a FAR is not needed. Trustee Serebin asked how the various communities were chosen to research. Assistant Manager Blakeslee said it was based selecting a variety of community sizes and the accessibility of various zoning codes.

A member of the audience, Kathy Rodgers (5059 Woodburn), asked why legal non-conforming homes are an issue. Trustee Fuda and Village Attorney Chris Jaekels describe issues related to value, resale, and fairness with other property owners. Kathy Rodgers asked if there are legal non-conforming structures in the Village now. Village Attorney Chris Jaekels stated that yes this is the case, but it's not good policy to create more. Trustee Fuda believes there would be unintended consequences for creating a max FAR, such as developers building all future homes to the max FAR. Lynn Ludke asked could you create a FAR for just rebuilt homes moving forward. Jaekels was concerned with creating legal non-conforming properties and giving some property owners more right to improve their property than others. Sarah Malik welcomed the FAR data that was provided and did not expect most homes to be between 20% and 40%. She expected it to be higher. She said we need time to see how these recommendations play out before moving forward. Trustee Serebin recommended providing FAR as a data point for ARC meetings, but not as a requirement. Sarah Malik thought this was a great idea. Meg Baniukiewicz cautions using FAR as the only tool, developers will work around it.

A member of the audience and ARC member, Dave Domres (5021 Idlewild), was asked if FAR as a data point would be helpful. He said that it would be helpful as a data point, but wasn't sure he would want it as a requirement. What would be more helpful was clarifying the design area.

A member of the audience, Douglas Guinn (820 E Birch), said that ARC Member and Teardown member Roy Wagner said ARC didn't feel comfortable deciding size and that there need to be rules.

Item 5: Village Manager Boening began by summarizing item 5. Staff does not recommend the creation of an ARC subcommittee due to scheduling logistics and time constraints for members. Oestreich stated that he has worked on revisions to the ARC checklist and it is included in the packet. Oestreich also believes staff can review pergolas, arbors, garages, and sheds to cut down on ARC reviewing them. Village Manager Boening also described the staff reports from other communities.

A member of the audience and ARC member, Dave Domres (5021 Idlewild), said that cutting down the minor projects would greatly help ARC. There was a discussion about what ARC currently reviews.

Lynn Ludke asked about working on the design area. Trustee Fuda said that reviewing the design area could and should be an entirely different meeting. There was a discussion on any future Teardown meetings. Trustee Fuda and Village Manager Boening suggested that ARC set a meeting to review the design area that the Village Manager Boening will keep the Teardown Committee informed. ARC deals with the design area most and should review it.

Lynn Ludke asked about rear setbacks. Oestreich stated that the new checklist brings more attention to them but it is the onus of the applicant to answer.

Sarah Malik stated she believes that a checklist that stays with the project would be just as good as a staff memo. Trustee Serebin asked if the checklist would be part of the public record. Oestreich stated that it would be.

A member of the audience, Kevin Whaley (722 Lake View), said he wanted to see more done about area/mass. He read his email that he sent to the committee. There was a discussion about how to obtain the FAR on a property. Trustee Fuda reminds attendees of the scope of the committee and that we need to remember the rights of all individual including the homeowner/property owners and mentioned these rebuilds have generated about \$30,000 of additional tax revenue which keeps the Village tax rate stable for everyone else. Mr. Whaley says that is fundamentally wrong and that the design guidelines are the expressed social policy of the Village. Trustee Fuda thanked Mr. Whaley for his comments.

The Committee proceeded to make the following motions based on the discussion:

Sarah Malik moved to recommend that the Village Board approve required educational sessions with the Village Attorney for new ARC and BOA members upon their initial appointment and that refresher educational sessions be conducted with ARC and BOA members every three years or on an as-needed basis. Trustee Serebin seconded. Motion passed 5-0.

Trustee Serebin moved to recommend that the Village Board adopt revised ARC submittal deadlines that would change the deadline for submittals from 10 days prior to the meeting to a deadline 17 days prior to the meeting. It was further moved that neighbor comments must be received two business days prior to an ARC or BOA meeting for them to be included in the meeting packet for each respective committee. Residents may still attend in person and provide feedback after the packet submittal deadline. Meg Baniukiewicz seconded. Motion passed 5-0.

Sarah Malik moved to recommend that the Village Board direct staff to require Floor Area Ratio data points be provided on new homes and rebuilds of the subject property, two adjacent properties, and the rear abutting property on the ARC predevelopment checklist. It

was further moved that the packet of items provided to ARC members prior to a meeting and posted online should include full plan sets of new homes and additions and it should include neighbor comments that meet the deadline imposed in the second motion above. Motion passed 5-0.

Trustee Serebin moved to recommend that the Village Board direct staff to provide the ARC project checklist for a project as part of ARC meeting minutes. It was further moved that Village staff should review pergolas, arbors, garages, and sheds as opposed to ARC. It was further moved that ARC and Village staff should set a meeting at a future date to discuss and further define the concept of 'design area' in the Village. Motion passed 5-0.

IV. A motion was made by Trustee Serebin to adjourn the meeting at 8:12 p.m. Seconded by Sarah Malik. Motion passed 5-0.