



DEPARTMENT OF DEVELOPMENT  
John F. Stibal

414/302-8460  
414/302-8401 (Fax)

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

[www.westalliswi.gov](http://www.westalliswi.gov)  
[jstibal@westalliswi.gov](mailto:jstibal@westalliswi.gov)

December 15, 2011

The Honorable Mayor Devine and Members of the Common Council

RE: Communication from the Planning Manager seeking directive on the reconsideration of the Special Use Permit to reestablish occupancy for a mixed-use commercial and residential building located at 6416-18 W. National Ave.

The mixed-use property at 6416-18 W. National Avenue has been vacant for more than a year; and therefore, requires Plan Commission review to re-establish occupancy and Common Council approval to re-establish the Special Use Permit for mixed-use. An application was filed on September 15, 2010, and plans were received to do so. The Plan Commission offered its conditional approval on February 23, 2011. The Common Council held a Public Hearing on April 5, 2011, and ultimately denied the application.

At the time of denial, the property was facing a raze or repair order from June 14, 2010. That order followed up on previous non-compliance of orders from the Department of Building Inspections and Neighborhood Services. At the time of Common Council review, follow-up to that order, as well as to the conditions listed by the Plan Commission, was not complete. The City Attorney recommended denial based on the owner being unresponsive, default judgment in Circuit Court, and owner being uncooperative and not responding to requests from the Department of Building Inspections and Neighborhood Services, the City Attorney's Office and the Department of Development.

That raze or repair order has since been dismissed in court, due to a technical violation of how the order was served, and the applicant is seeking to once again move forward with the project.

In order to reconsider this request, it first must be determined that changed conditions of a material nature and/or new information is now available that would allow the applicant to resubmit the Special Use application to the Council. Since the previous denial was based in part on previous incompliance, which was since dismissed by the court, that judgment could be seen as being based on inaccurate information, thus warranting reconsideration.

Staff is recommending to move forward with the reconsideration of this project and to schedule a new public hearing on the matter, subject to re-application.

In the meantime, a second raze or repair, dated December 8, 2011, has since been filed. Staff in the Department of Development, Attorney's Office and Building Inspections and Neighborhood Services will proceed accordingly with this project.

If you have any questions relative to this matter, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Schaer".

Steven J. Schaer, AICP  
Manager, Planning and Zoning Division

cc: Scott Post, City Attorney  
Ted Atkinson, Director, Building Inspections and Neighborhood Services



DEPARTMENT OF BUILDING INSPECTIONS &  
NEIGHBORHOOD SERVICES

414/302-8400  
414/302-8402 (Fax)

City Hall  
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December 8, 2011

**ORDER TO RAZE OR REPAIR**

Pursuant to Wisconsin Statutes, Section 66.0413(1)(b)  
RW018

Prospect Holdings 3061, LLC  
Registered Agent: Thomas Nitschke  
1442 N Farwell Ave Suite 608  
Milwaukee, WI 53202

RE: 6416-18 West National Ave. West Allis, WI  
Tax Key: 454-0204-000

Legal Description: Lot (13), in Block One (1), in C.A. Maynard and Agnew's Subdivision No. 3, being in the Northeast One-quarter (1/4) of Section Three (3), in Township Six (6) North, Range Twenty-one (21) East, in the City of West Allis, Milwaukee County, Wisconsin.

To the Above:

Pursuant to the authority granted under Section 66.0413, State Statutes, the Building Inspector may, if a building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option, subject to the approval of the Building Inspector.

Buildings on the property consist of a two story single family dwelling with an attached commercial storefront, together with a detached metal accessory building. An exterior inspection of the building and premises together with its accessory building that are located at the above subject property, was conducted March 2, 2010 and periodically thereafter and the following general conditions were observed:

An unfinished re-roofing and siding project has left the building only partially roofed and sided thereby exposing the roof structure, walls and building interior to the elements. Rain gutters and downspouts are in disrepair or altogether not installed. Exterior windows and doors are in disrepair and/or boarded over. Exterior walls have wood trim with peeling paint or no protective finish whatsoever. Portions of the foundation are deteriorated and/or lacking fully mortared joints. The second floor interior has unfinished walls and ceilings from a prior remodeling project that is no longer covered by a valid building, plumbing, electrical or HVAC permits. Other portions of the first floor and the storefront have exposed framing due to disrepair and/or unauthorized remodeling. The building was found to be unoccupied and unsecured from unauthorized entry.

It is determined that the building is old, dilapidated, and/or in such disrepair as to render the building dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use.

Therefore I, Robert Woodard, Building Inspector for the City of West Allis, pursuant to the authority of Section 66.0413(1)(b) of Wisconsin Statutes, do hereby Order the building, together with its accessory building, to be razed and the premises returned to a dust-free, erosion free condition

within 30 days after the service of this Order, pursuant to law. Failure to raze the building will be cause for the building inspector to have the building razed, pursuant to Wisconsin Statutes, Section 66.0413(1)(f) or, the building inspector may apply to the Circuit Court of Milwaukee County for an Order determining that the property constitutes a public nuisance and, as such, to allow the City of West Allis authority to commence with razing procedures and charge the cost of such work to the property tax roll.

In lieu of razing the building, repairs may be considered in accordance with Wisconsin Statutes, Section 66.0413(1)(c). If the owner chooses to repair the building and building systems, cost estimates shall first be submitted to the undersigned for review and consideration in accordance with 66.0413(1)(c).

Any person affected by this Order may, within the time provided by Wisconsin Statutes, Section 893.76 apply to the Circuit court for a restraining order or forever be barred.

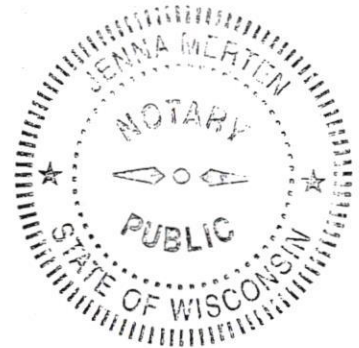
Before the building can be razed or repaired, appropriate permits must be obtained.

*Robert Woodard*

Robert Woodard, Building Inspector  
City of West Allis  
phone: (414)302-8408  
email: rwoodard@ci.west-allis.wi.us

Recorded w/Register of Deeds, Milwaukee County  
Published w/West Allis NOW

cc: Holders of Encumbrances  
City of Milwaukee  
Atty. Grant F. Langley  
200 E. Wells St.  
Milwaukee, WI 53202  
Milwaukee County Treasurer  
Milwaukee County Courthouse Rm. 102  
909 N. 9<sup>th</sup> St.  
Milwaukee, WI 53233  
Property File, Referral File  
Recall 45 days



#### AUTHENTICATION

Signature of Robert Woodard, is

AUTHENTICATED THIS 8<sup>th</sup> DAY OF Dec, 2011.

*Jenna Merten*  
Jenna Merten, Asst. City Attorney

TITLE: MEMBER STATE BAR OF WISCONSIN

This instrument was drafted by:  
Robert Woodard, Building Inspector

*Robert Woodard*



DEPARTMENT OF BUILDING INSPECTIONS &  
NEIGHBORHOOD SERVICES

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[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

June 14, 2010  
REVISED: July 8, 2010

REVISED  
SUPPLEMENTAL ORDER TO RAZE OR REPAIR ORDER  
BUILDING, ELECTRICAL & PLUMBING CODE VIOLATIONS  
RW018

Prospect Holdings 3061, LLC  
Registered Agent: Thomas Nitschke  
1442 North Farwell Avenue, Suite 608  
Milwaukee, WI 53202

RE: 6416-18 West National Avenue, West Allis, WI  
Tax Key: 454-0204-000

To the Above,

The following conditions were observed during an inspection of the building and premises March 8, 2010 and July 7, 2010. Reference is made to the following State and Local Codes together with all applicable codes adopted therein.

Building Code. The following violations reference the City of West Allis Revised Municipal Code (RMC) Chapter 13, Building Code, Section 13.01(6) Maintenance and Section 13.28 Property Maintenance Codes and the State of Wisconsin Department of Commerce (COMM), Chapters 60 to 65 Commercial Building Code, with specific reference to COMM Section 61.03(13) Existing Buildings and Structures.  
Electrical Code. (RMC) Chapter 14, together with all applicable codes adopted therein.  
Plumbing Code. (RMC) Chapter 16, together with all applicable code adopted therein.

**BUILDING**

All building systems (building, electrical, plumbing, mechanical, structural, and nonstructural), components, devices and/or safeguards installed at the construction, alteration or repair of any building or structure shall be maintained in good working order and in compliance with the Code in effect when installed and/or in accordance with the applicable manufacturer's requirements.

- a) Restore the roof and eaves to a weather tight condition.
- b) Exterior surfaces of the building that have a peeling paint are required to be repainted or provided with a comparable weather resistant finish.
- c) Install siding, soffit, fascia and trim that is missing from exterior walls.
- d) Repair or replace defective, broken and/or boarded over windows.
- e) Repair or replace defective, exterior doors and/or door hardware.
- f) Repair or replace defective rain gutters, conductors and components thereof.
- g) Straighten and restore foundation walls to good repair. The foundation shall be watertight and exterior storm water shall be effectively drained away from the foundation.
- h) Provide proper pedestals for wood supporting columns in the basement.
- i) Restore all interior stairways to good repair to include installation of proper handrails and guardrails.
- j) Restore all wall and ceiling finishes to good repair by replacing all missing or defective lath and plaster finishes or providing a comparable wall and ceiling finish.
- k) Restore all floor finishes to good repair by replacing all missing or defective sub-floor and/or underlayment.

- l) Restore the roof structure to good repair by replacing knee walls, ceiling joists, collar ties and other structural members. In lieu of conventional framing methods, an engineered structural design may be considered.
- m) Remove roof covering as needed to replace rotted or defective roof boards or sheathing.
- n) The heating system and masonry chimney have been removed from the building. A heating system is required to be installed in the building. An HVAC permit is required for this work.
- o) The building interior has exposed framing throughout, as a result of an abandoned remodeling project and further unauthorized alterations and/or interior demolition of interior rooms and finishes. Building, plumbing and electrical permits are required to be obtained from this department prior commencing alterations and/or repairs.
- p) Prior to obtaining a building permit, plans must be submitted to this department for review of compliance with applicable building codes.

#### ELECTRICAL

- q) The building electrical service and wiring is deemed condemned and shall not be re-energized. It shall be necessary to re-wire the entire building with a new electrical service and new electrical wiring installed to current code standards. A licensed electrician is required to obtain a permit for this work.

#### PLUMBING

- r) The water heater, fixtures and various water piping, drains and vents have been removed or disconnected. The plumbing system is assumed to have been subjected to freezing conditions. The plumbing system throughout the building is required to be reworked in accordance with the current plumbing code. A licensed plumber is required to obtain a permit for this work.

For consideration of the option to repair rather than raze the building, complete and detailed cost estimates (labor and materials) of all repairs listed in this correspondence shall be submitted to the undersigned for review. If repairs are permitted in accordance with Wisconsin State Statutes, Section 66.0413, then building, electrical and plumbing permit applications may be processed and restoration work authorized to begin.

Questions regarding this matter may be directed to the appropriate inspector.  
Building Inspector, Robert Woodard (414) 302-8408  
Electrical Inspector, Anthony Tadyak (414) 302-8405  
Plumbing Inspector, Mike Scherer (414) 302-8413

*Robert Woodard*

Robert Woodard, Building Inspector  
City of West Allis  
phone: (414)302-8408  
email: rwoodard@ci.west-allis.wi.us

cc: Property File  
Referral File