



**CITY OF STURGEON BAY
HISTORIC PRESERVATION COMMISSION
AGENDA**

Thursday, April 14, 2022 @ 11:30 AM
Council Chambers, City Hall
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of meeting minutes from March 30, 2022.
4. Consideration of: Roof rail system for Anthony Scimeca located 242 Michigan Street.
5. Adjourn.

NOTE: DEVIATIONS FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Committee Members:

Chair: Dave Augustson
Vice Chair: Mark Schuster
Chad Shefchik
Trudy Herbst
Barry Mellen
Dennis Statz
Eric Paulsen

4/11/22
11:30 AM
PSQ

CITY OF STURGEON BAY
 Historic Preservation Commission
 Wednesday, March 30, 2022
 Council Chambers, City Hall, 421 Michigan Street
 12:00 Noon

A meeting of the Historic Preservation Commission was called to order at 12:18 P.M., by Commission Member Dennis Statz in Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members present were City Engineer Chad Shefchik, Dennis Statz, Eric Paulsen and Barry Mellen. Chairperson Dave Augustson was excused. Members Trudy Herbst and Vice-Chair Mark Schuster were absent. Also present from the City were Community Development Director Marty Olejniczak, Planner / Zoning Administrator Christopher Sullivan-Robinson and Municipal Services Secretary Patty Quinn.

Adoption of the Agenda: Moved by Dr. Paulsen and seconded by Mr. Shefchik to adopt the following agenda:

1. Roll Call.
2. Adoption of the agenda.
3. Approval of meeting minutes from August 9, 2021.
4. Consideration of: Roof rail system for Anthony Scimeca located 242 Michigan Street.
5. Consideration of: Certified Local Community (CLG) Historic Preservation Program.
6. Adjourn.

All in favor. Carried.

Approval of meeting minutes from August 9, 2021: Moved by Dr. Paulsen and seconded by Mr. Shefchik to approve the meeting minutes from August 9, 2021.

All in favor. Carried.

Consideration of: Roof rail system for Anthony Scimeca located 242 Michigan Street: Mr. Anthony Scimeca, 6535 Monument Bluff Pass, Egg Harbor, was present and is the owner of the Fairfield Building. Mr. Scimeca distributed a packet of information (see Exhibit A) that included photos and the plans for the roof cable rail system, as well as a sample of roof cable rail metal selected for this project.

Mr. Scimeca provided history of the building and indicated his commitment to preserving and restoring it and that the purpose of installing the system is for the safety of life and not for any other purpose. He has maintenance scheduled to the roof and to the mechanical systems happening this spring and feels the need for a safety system to surround 100% of the roof line prior to any work being completed on the roof.

Various questions were asked by the commission and a number of compromises were suggested to Mr. Scimeca in working to bring the building up to current code and still preserve the integrity of the architecture. The commission didn't really like the idea of adding a cable railing around the entire perimeter. The commission didn't think it complemented the architecture of the building. There are several rooftop HVAC units and skylights on the roof. Current codes would require railings near some of the items. Several options were thrown around to address these issues. Some options included allowing the cable railing in some areas that were not visible from the street along with some options that provided for railings along the street that may possibly require a masonry parapet versus a cable railing. After several of the options were discussed, the owner became confrontational citing delays in his planned

maintenance if his proposal was not fully approved at this meeting. He questioned the commission's level of authority on the matter and stated that the City cannot restrict what needs to be done and indicated that the Commission is putting aesthetics ahead of safety.

A motion was made by Mr. Shefchik and seconded by Mr. Statz to table this decision until three questions can be answered (no later than April 23rd):

- 1) What would code require if this building were new today (to be discussed with the City Building Inspector)?
- 2) If the commission would deny railings in areas where they would not be required by today's codes, would the City of commission have any potential liability if someone were to fall?
- 3) Does the commission have the authority to require masonry that would complement the current architecture of the building versus a cable railing?

All in favor. Carried.

Consideration of: Certified Local Community (CLG) Historic Preservation Program: Enrollment in this program was originally suggested by the Historical Society and has many benefits including access to grants and being registered with the National Historical Society. There is no cost to the City to enroll and all that is required is annual reporting and submission of the meetings' minutes.

A motion to approve was made by Dr. Paulsen and seconded by Mr. Statz to seek enrollment in the Certified Local Community (CLG) Historic Preservation Program.

All in favor. Carried.

Motion to adjourn by Dr. Paulsen and seconded by Mr. Statz. All in favor. Carried. Meeting adjourned at 1:13 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia S. Quinn". The signature is fluid and cursive, with the first name "Patricia" being more prominent.

Patricia S. Quinn
Municipal Services Secretary

Louis Sullivan coined the phrase "Form Follows Function"

This is a perfect example, does life safety lead or follow?

If not for the William Fairfield foundation resurrecting the building 22 years ago the building may not be standing today.

Prior to the Fairfield foundation acquiring the property its prime tenants were sea gulls that found their way into the building through holes in the roof.

Yesterday, I spoke with the prime architect, Alex Krikharr. He regaled me with stories from that time as if it were yesterday.

When the foundation set its course to build a museum/gallery the house the artwork of Henry Moore they were well along their way to build a new building.

At the 11th hour JJ Pinney building now known as the Fairfield became available.

They abruptly changed course and went on a preservation crusade.

They chose Windows, doors, and many other architectural elements to preserve the historical value of the property.

They almost had it right.

Form did not follow function when it came to life safety.

Prior to the renovation there was very little or no need for access to the roof.

There wasn't any mechanical equipment that needed regular or emergency maintenance on the roof.

As a part of the renovation, two 25 ton HVAC systems were installed, connecting ductwork, and two mechanical exhaust systems.

The building parapet for all intents and purposes is nonexistent.

As you will see by the pictures there is no impediment that will stop a person from falling to their death.

National building code states:

Any mechanical equipment within 10 feet of the edge of a building must have a safety device installed to prevent falling.

With a minimum of 42 inches in height and a maximum space of 21 inches between its rungs.

Currently, there are areas on the roof that mechanical equipment is within one foot of the edge of the roof.

Then, as now the building is in violation of National Building code and OSHA regulation.

Even in Sturgeon Bay we can see evidence that the laws have been respected.

If we look at the rooftop air conditioning perched above the walk-in cooler at the Firehouse Restaurant and bar you will see a safety guardrail.

This is a potential catastrophe that you as a governing body have the ability and the authority to thwart.

If this request is not approved and a person should meet their demise as a result from the lack of a protective device it would be a tragedy that will be felt forever.

This request is predicated on life safety only. There is no intent to build a beer garden on the roof.

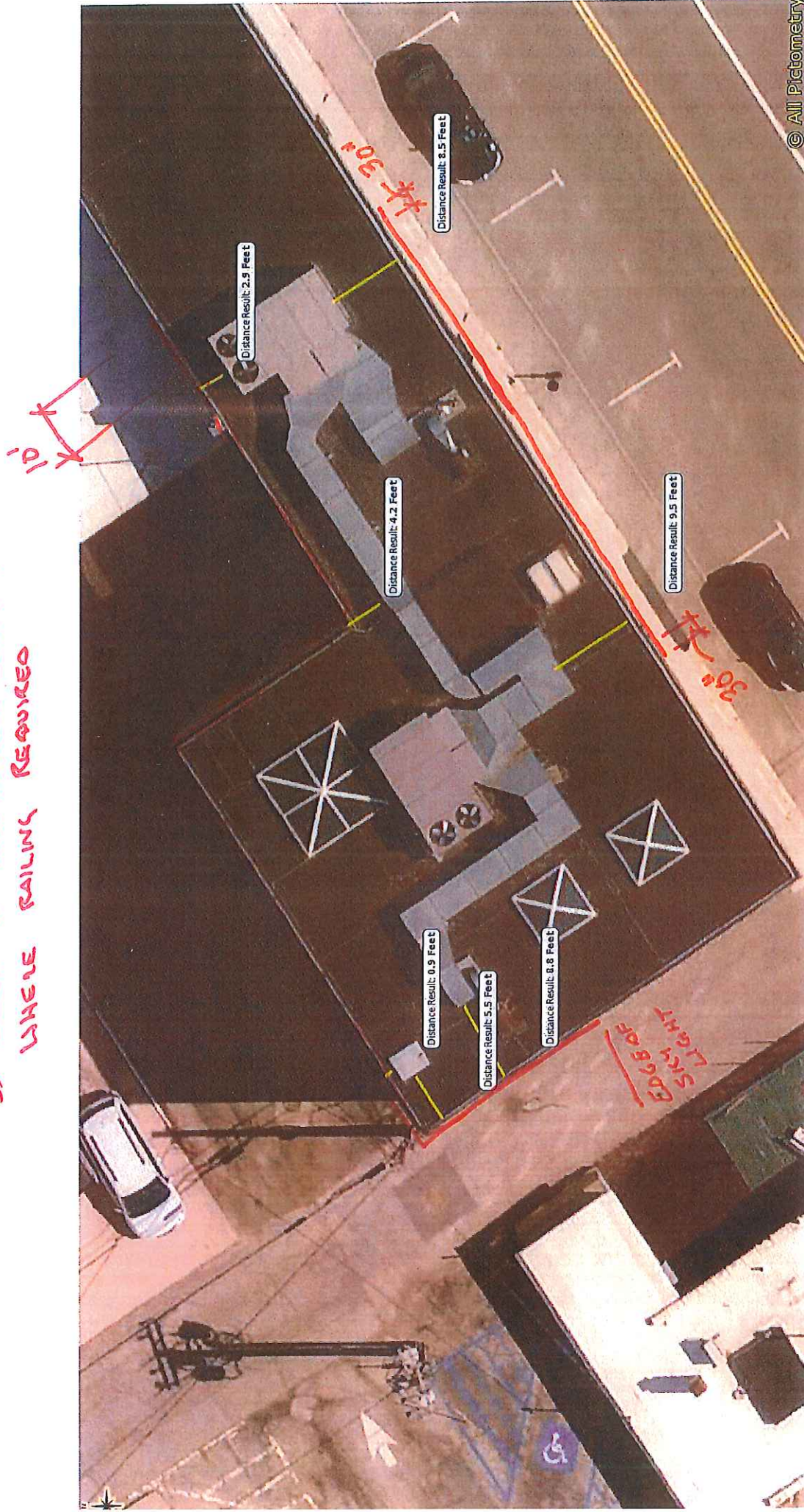
The materials that we have selected and brought here today for your review are very unobtrusive.

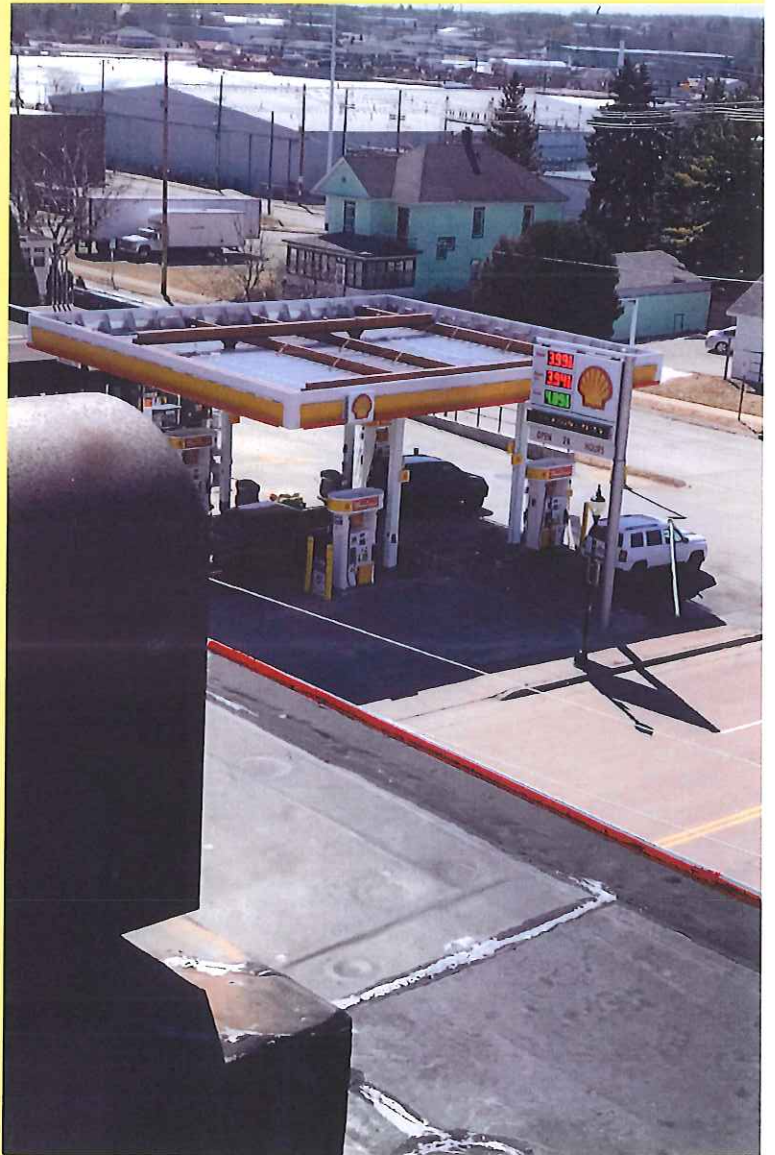
We request that the entire perimeter of the roof is protected with the attempt to save lives.

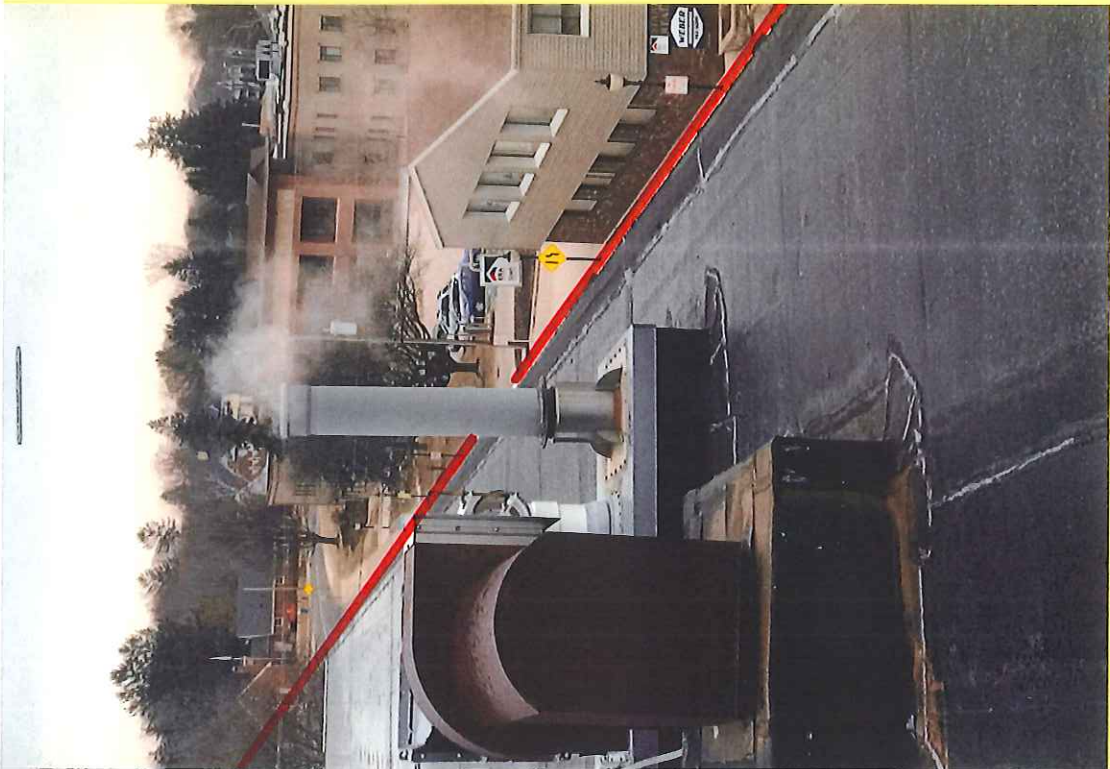
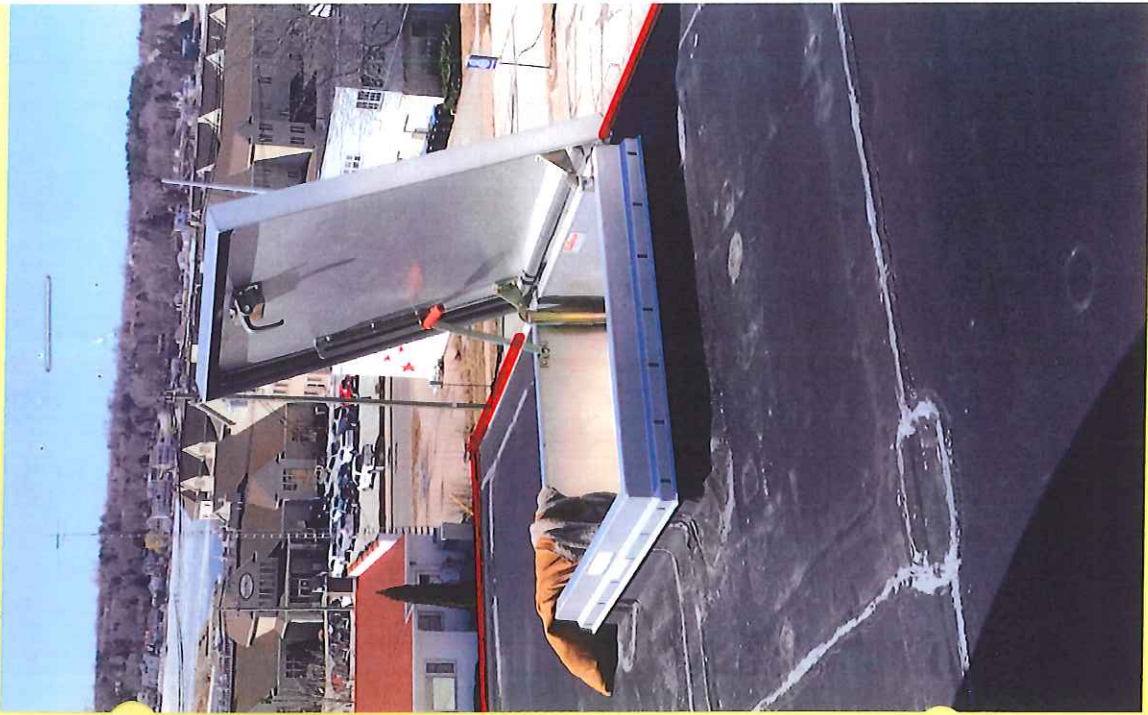
I have provided a copy of this presentation to the authority with the request of having it entered into the permanent minutes.

Thank you very much for this opportunity, I welcome all questions, comments, and suggestions.

- 1) LIABILITY IF DENIED
 - 2) REQUIRE MASONRY OR
 - 3) BRICK IF THIS A NEW BUILDING
- WHERE RAILING REQUIRED









MEMO

To: Historic Preservation Commission
From: Christopher Sullivan-Robinson
Date: Thursday, March 24, 2022
Subject: Application Review – 242 Michigan Street

Tony Scimeca, property owner of 242 Michigan Street, is petitioning for the approval of a railing systems to be installed on the outside wall of the roof. The applicant's intention is primarily safety for individual accessing the roof as all there is mechanical equipment on the roof. The building is situated on the northwest corner of Michigan Street and 3rd Avenue which is the most active corner within our downtown. The building has a historic survey, which was completed by the State Historic Society back in the 1982. A sample of the railing system will be provided at the meeting.

Based on the committee guidelines the following items should be considered:

1. The design of the roofline of an improvement should be visually compatible with the improvements and environment with is visually related.
2. Whenever possible, new additions or alternations to an improvement should be done in such a manner that if such addition or alteration were to be removed in the future the essential form and integrity of the original improvement would be unimpaired.
3. The distinguishing original qualities or character of an improvement and its environment should not be destroyed. The removal or alteration of any historic materials or distinctive architectural features should be avoided when possible.
4. All improvements should be recognized as products of their own time. Alterations which have no historical basis or which seek to create an inappropriate earlier appearance should be discouraged.
5. Materials, textures, and patterns used on the street façade should be visually compatible with the improvement and the environment with which it is visually related.

Options: The committed has the ability to approve a certificate of appropriateness as presented or with conditions. Or, the committee can deny the proposal.

CITY OF STURGEON BAY

HISTORIC PRESERVATION COMMISSION

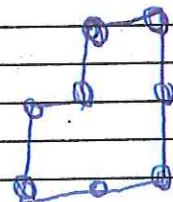
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

NAME: Anthony Scimeca

OWNER OF PREMISES: SAME

ADDRESS OR LEGAL DESCRIPTION OF PREMISES:
242 Michigan St Sturgeon Bay WI 54235

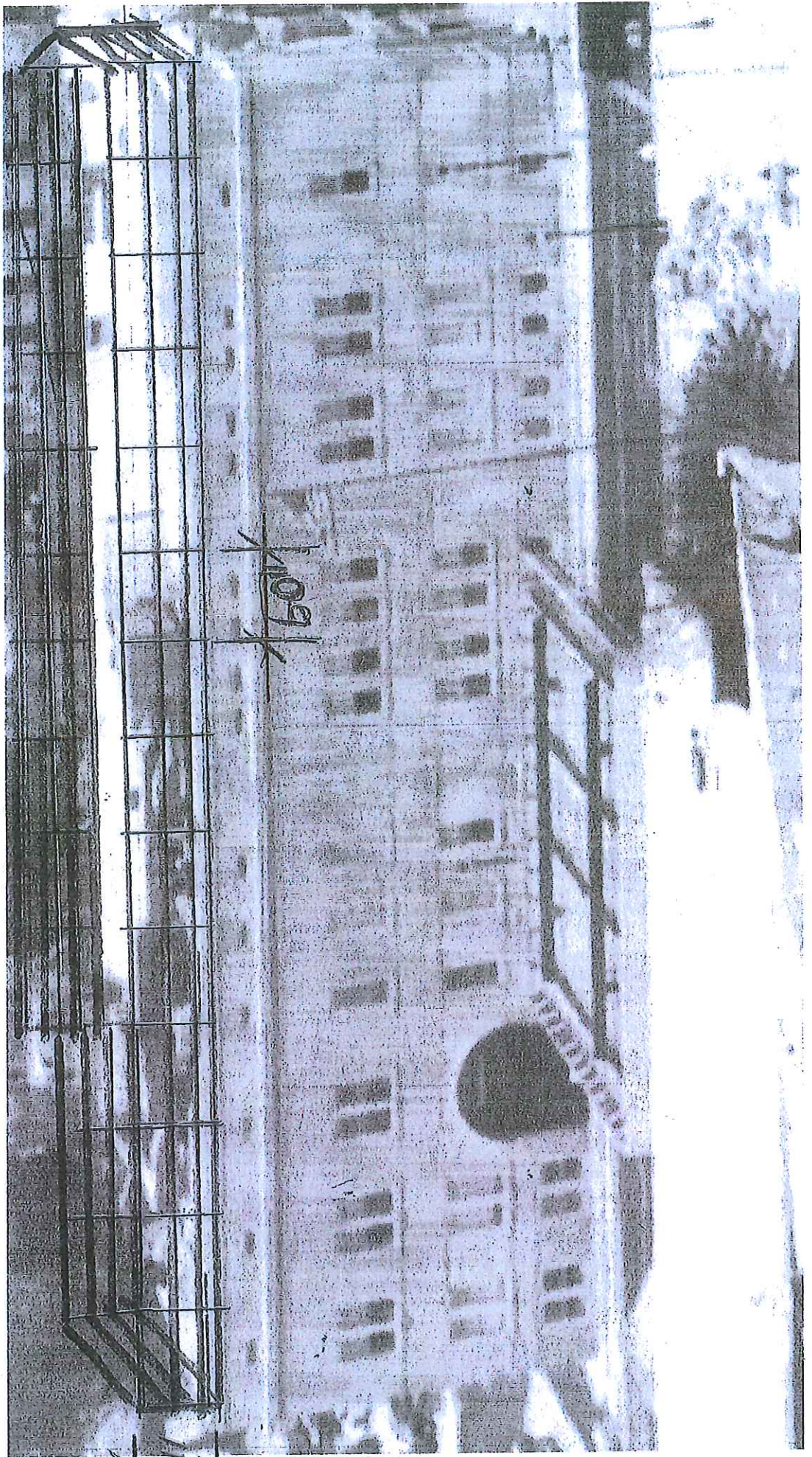
STATEMENT OF SPECIFIC ITEM REQUESTED FOR APPROVAL:
INSTALL A 4' RUN SAFETY FENCE
ON THE ROOF TO PREVENT DEATH
BY FALLING OFF THE ROOF



3-7-22
DATE

Anthony Scimeca
APPLICANT

DATE RECEIVED:
DATE APPROVED/DENIED:



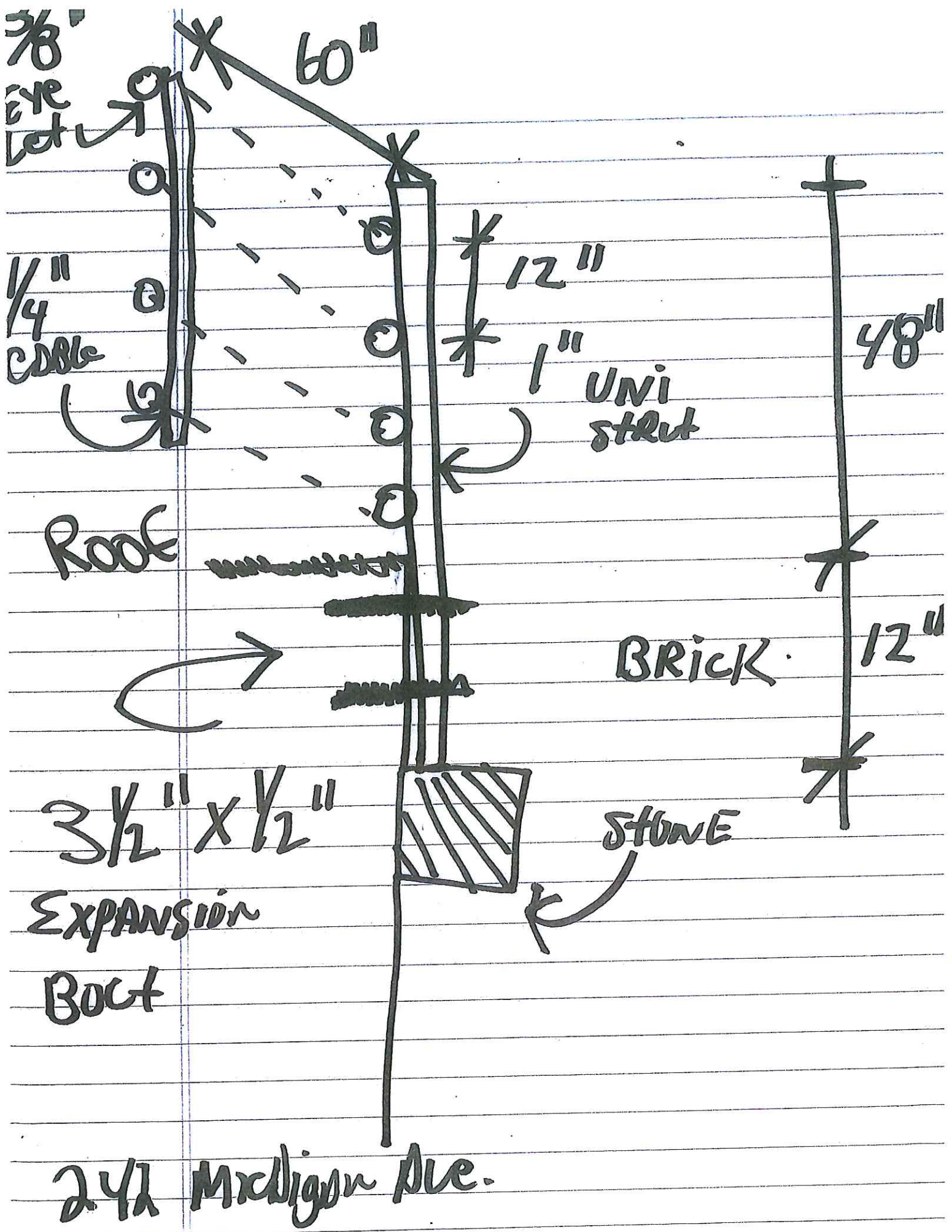
X 1109 X

X 421 X

North Third Avenue
(APPROX. POSITION)

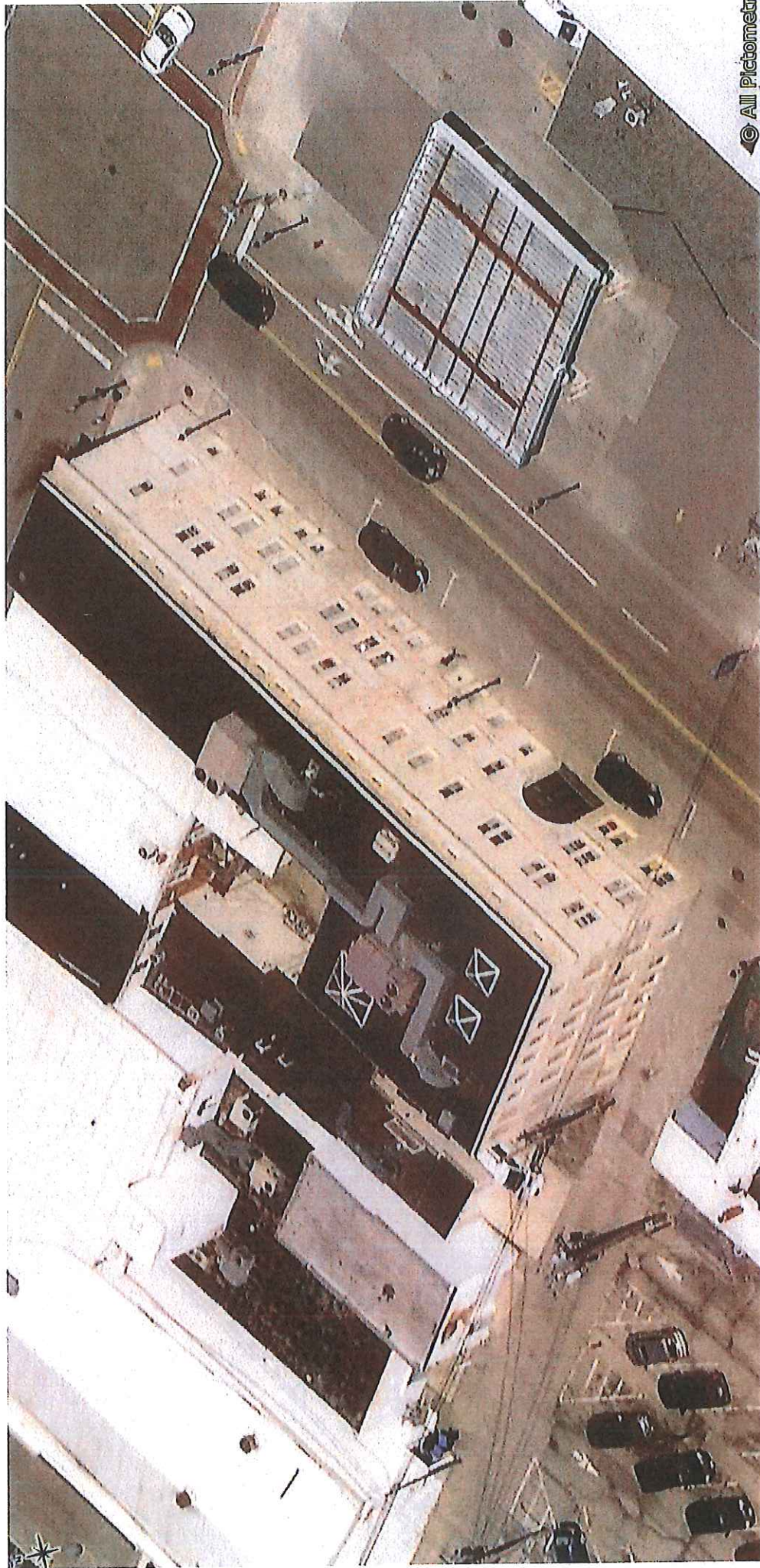
Michigan Street
(APPROXIMATE)

Alley



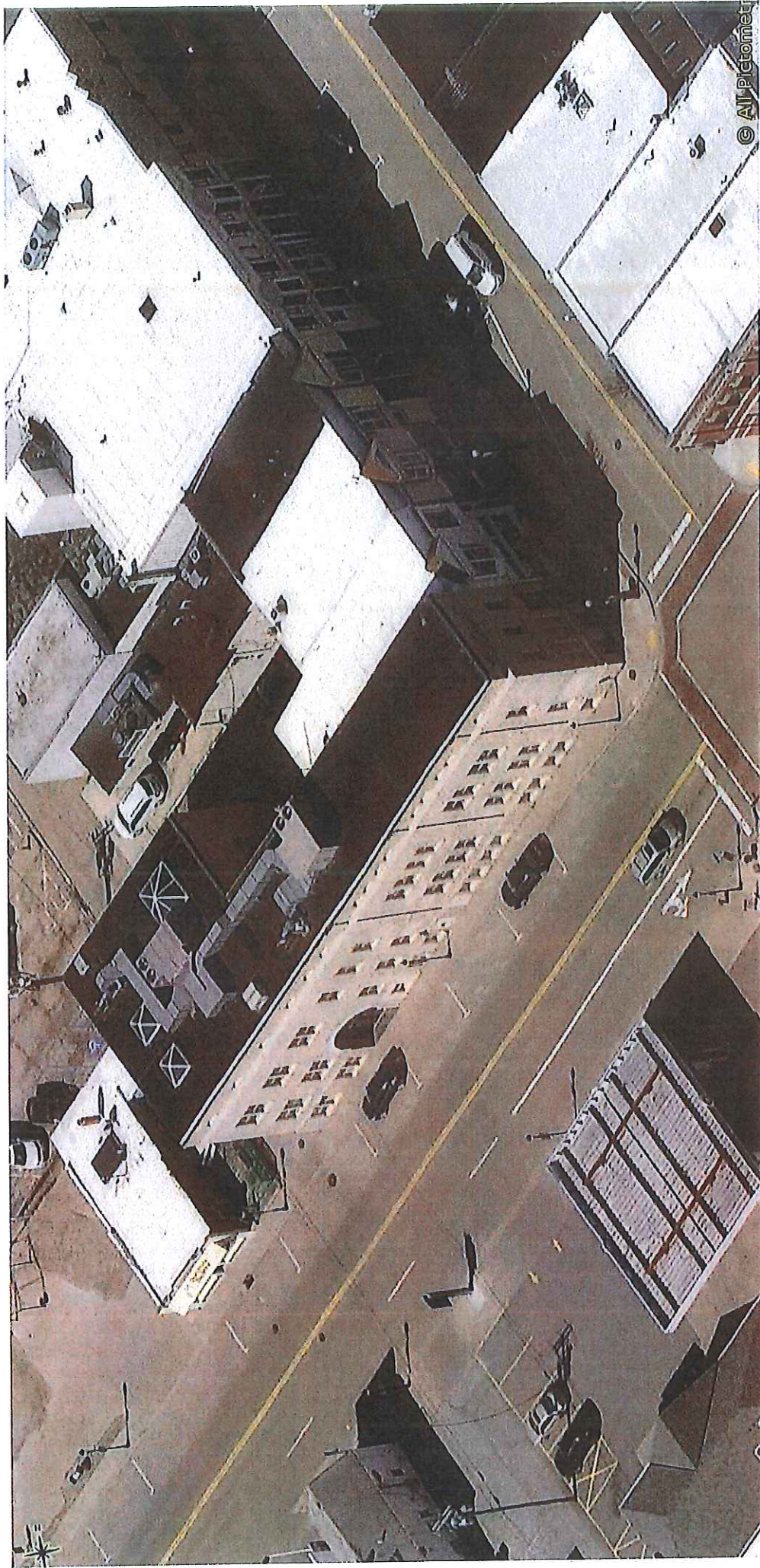






© All Pictometer

03/29/2021

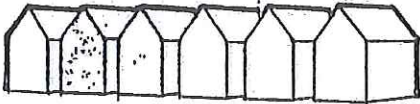


Sturgeon Bay Historic Preservation Commission

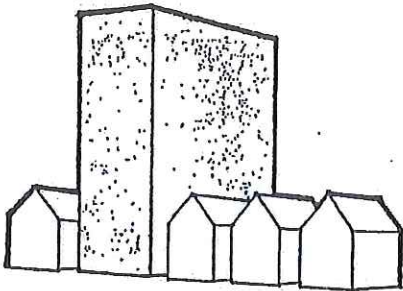
Attachement No. 1. Architectural Guidelines for New Construction

HEIGHT

Consider—Relating the overall height of new construction to that of adjacent structures. As a general rule, construct new buildings to a height roughly equal to the average height of existing buildings from the historic period on and across the street.

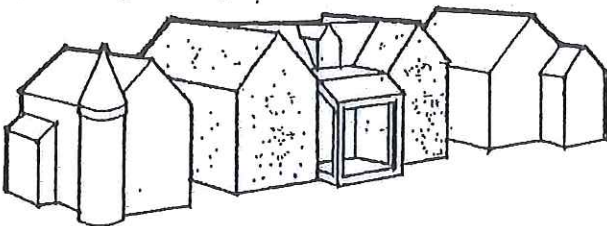


Avoid—New construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

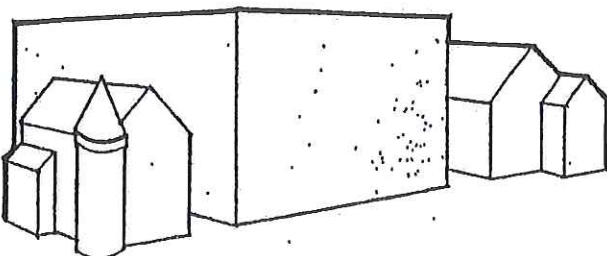


SCALE

Consider—Relating the size and proportions of new structures to the scale of adjacent buildings. Although much larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.

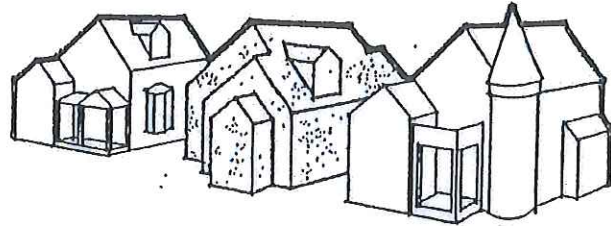


Avoid—Buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.

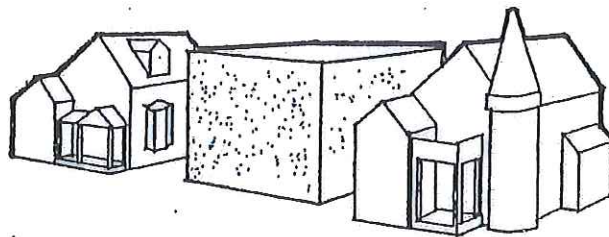


MASSING

Consider—Breaking up uninteresting boxlike forms into smaller, varied-masses such as are common on most buildings from the historic period. Variety of form and massing are elements essential to the character of the streetscape in historic districts.

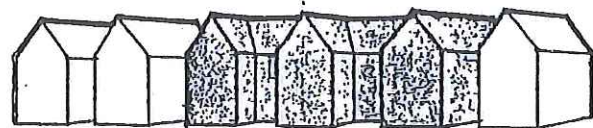


Avoid—Single, monolithic forms that are not relieved by variations in massing. Boxlike facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



DIRECTIONAL EXPRESSION

Consider—Relating the vertical, horizontal, or nondirectional facade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical adjacent structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape.

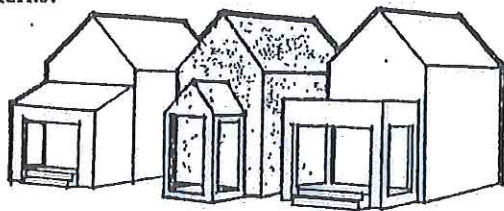


Avoid—Strongly horizontal or vertical facade expressions unless compatible with the character of structures in the immediate area. The new building shown does not relate well to either its neighbors or to the rhythm of the streetscape because of its unbroken horizontal facade.

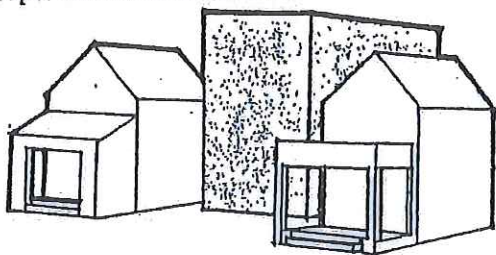


SETBACK

Consider—Maintaining the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings. If exceptions are made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.



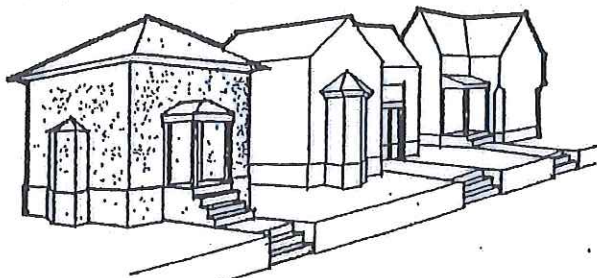
Avoid—Violating the existing setback pattern by placing new buildings in front of or behind the historic facade line. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting already exists, even if proper setback is maintained.



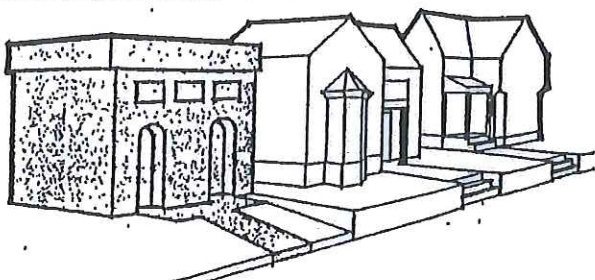
PLATFORMS

Consider—The use of a raised platform is a traditional siting characteristic

This visual "pedestal" is created by retaining walls and terracing up to the building or by high foundation walls and stepped entries.

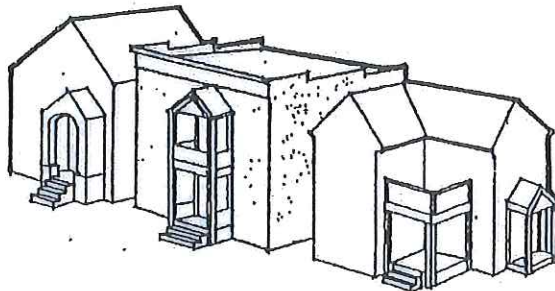


Avoid—Bringing walls of new buildings straight out of the ground without a sense of platform, i.e., without maintaining the same entry height as neighboring buildings. Such structures seem squat, visually incomplete, and do not relate well to their elevated neighbors. Also avoid leveling off terraced slopes or removing retained platforms.

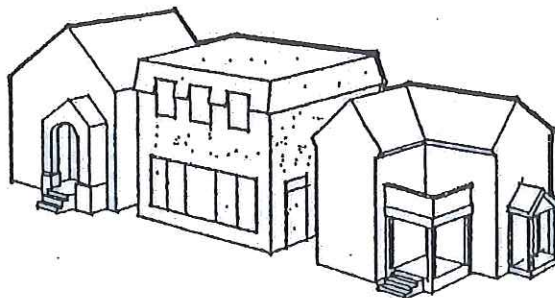


SENSE OF ENTRY

Consider—Articulating the main entrances to the building with covered porches, porticos, and other pronounced architectural forms. Entries were historically raised a few steps above the grade of the property and were a prominent visual feature of the street elevation of the building.

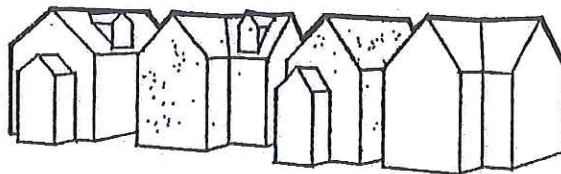


Avoid—Facades with no strong sense of entry. Side entries or entries not defined by a porch or similar transitional element result in an incompatible "flat" first-floor facade.

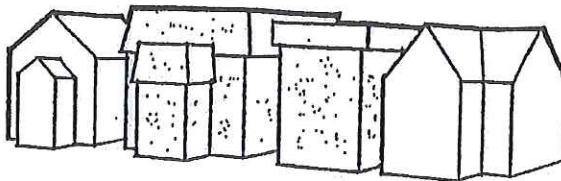


ROOF SHAPES

Consider—Relating the roof forms of the new buildings to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches, and materials on new construction is one way of making new structures more visually compatible.



Avoid—Introducing roof shapes, pitches, or materials not traditionally used in the area.

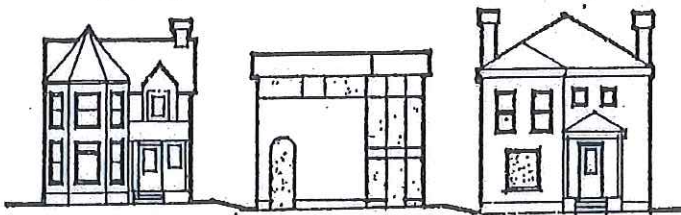


RHYTHM OF OPENINGS

Consider—Respecting the recurrent alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade. The placement of openings with respect to the facade's overall composition, symmetry, or balanced asymmetry should be carefully studied.

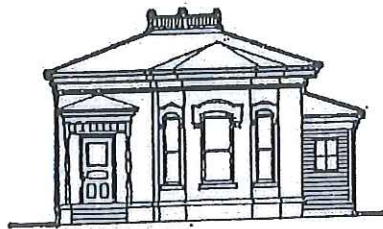


Avoid—Introducing incompatible facade patterns that upset the rhythm of openings established in surrounding structures. Glass walls and window and door shapes and locations shown in the example are disrespectful to the adjoining buildings.

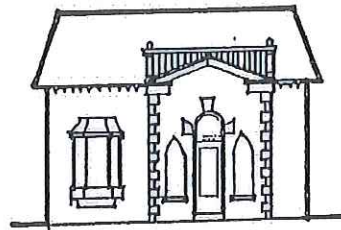


IMITATIONS

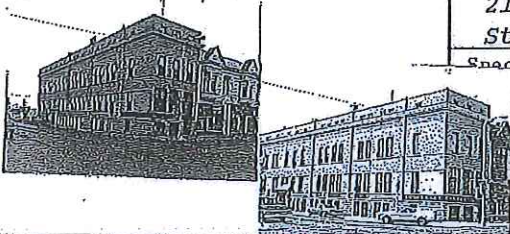
Consider—Accurate restoration of or visually compatible additions to existing buildings, and, for new construction, contemporary architecture that well represents our own time, yet enhances the nature and character of the historic district.



Avoid—Replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if done well, present a confusing picture of the true character of the historical area.



INTENSIVE SURVEY FORM Historic Preservation Division State Historical Society of Wisconsin

1 City, Village or Town: Sturgeon Bay		County: Door	Surveyor: PHA/Kriviskey		Date: 18 Feb. 82	Street N. Third
Street Address: 11 North Third Avenue		Legal Description: Assessor's Map Sly 1/4 Lot 6 & all of Lot 7 Blk. 16		Acreage:	Number 11	
Current Name & Use: Retail/Office		Current Owner: H & H Enterprises				
Film Roll No. DR 7 Dr-16			Current Owner's Address: 215 N. Third Avenue Sturgeon Bay, WI.			
Negative No. 10/27			Special Features Not Visible In Photographs:			
Facade Orient. E			Interior visited? <input type="radio"/> Yes <input checked="" type="radio"/> No			

2	Original Name & Use: J.J. Pinney Block (296 Cedar St.)	Source A/B	Previous Owners	Dates	Uses	Source	Town Range
	Dates of Construction / Alteration 1906 (A)	Source A					
	Architect and/or Builder: Unknown	Source					

3 Architectural Significance

☐ Represents work of a master

☐ Possesses high artistic values

☒ Represents a type, period, or method of construction

☐ Is a visual landmark in the area

☐ Other: _____ ☐ None

Architectural Statement:
This large 2 1/2 story commercial block anchors the corner of an intact commercial blockface within the District. The late Classical Revival detailing at the cornice and the use of rockfaced local limestone is of interest. A third story (above the cornice) appears to have been added about 1915 but does not detract from the original architectural character of this handsome, albeit simply detailed, early 20th century brick commercial block. It is an excellent and relatively intact example of a once common style and is the only such commercial block within the District constructed of both brick and local limestone.

4 Historical Significance

☐ Assoc. with lives of significant persons

☐ Assoc. with significant historical events

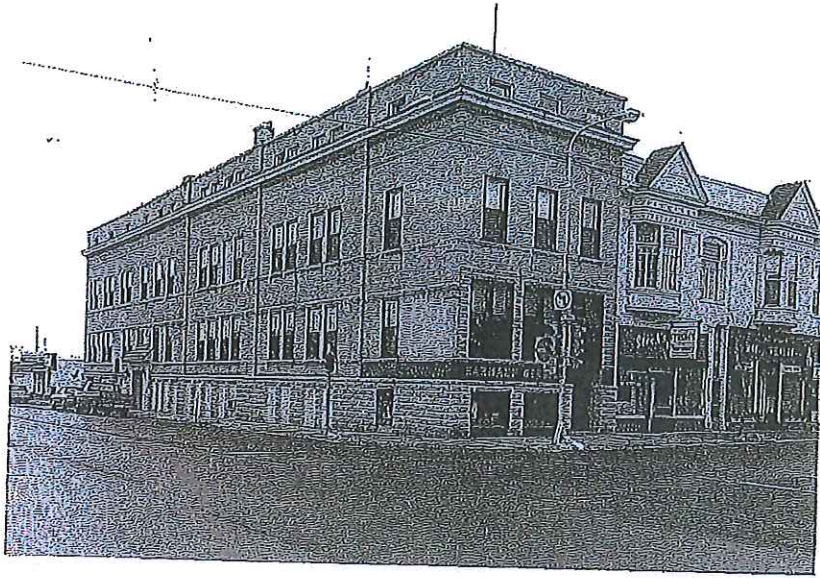
☐ Assoc. with development of a locality

☐ Other: _____

☒ None

Historical Statement: **296 Cedar - 1911 (B)**
In 1898, the above noted property was vacant. Two years later, Mrs. J.P. Graass had a building constructed on the site valued at \$2200 for both land and improvements. In 1906, J.J. Pinney acquired the property and the value of the site nearly tripled. Pinney's building was valued at \$4500, exclusive of the land. J.J. Pinney was the son of G.W. Pinney. J.J. Pinney was the editor of the Door County Democrat. G.W. Pinney was a newspaperman and commercial tree grower.

5	Sources of Information (Reference to Above) A Carved stone on facade	6 Representation in Previous Surveys <input type="radio"/> HABS <input type="radio"/> NAER <input checked="" type="radio"/> WIHP <input type="radio"/> NRHP <input type="radio"/> landmark <input type="radio"/> other: _____	Map Name Sturgeon Bay - District	
B	Sanborn-Perris Maps of Sturgeon Bay 1904-1911	7 Condition <input type="radio"/> excellent <input checked="" type="radio"/> good <input type="radio"/> fair <input type="radio"/> poor <input type="radio"/> ruins		Map Code 7-10, 16-27 3rd / Downtown
C	WIHP Card	8 District: <u>Third Avenue/Downtown</u> <input checked="" type="radio"/> pivotal <input type="radio"/> contributing <input type="radio"/> non-contributing initials: _____ date: 18 Feb. 82		
D	Tax roll - City of Sturgeon Bay	9 Opinion of National Register Eligibility <input checked="" type="radio"/> eligible <input type="radio"/> not eligible <input type="radio"/> unknown <input type="radio"/> national <input type="radio"/> state <input checked="" type="radio"/> local initials: _____		
E				
F				



Quinn, Patricia

From: Shefchik, Chad
Sent: Sunday, April 10, 2022 2:03 PM
To: Quinn, Patricia; Barry Mellen; Dave Augustson; Dennis Statz; Eric Paulsen; Mark Schuster; Trudy Herbst
Subject: Historic Preservation Commission Information
Attachments: WIN_20220407_11_31_32_Pro.jpg; WIN_20220407_11_32_22_Pro.jpg; WIN_20220407_11_32_33_Pro.jpg; WIN_20220407_11_32_45_Pro.jpg

See below and attached for information I received from Brett Temme (building inspector) regarding information pertinent to Thursday's meeting.

Thanks,

Chad Shefchik
City Engineer

City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

Office: 920-746-2913
Mobile: 920-493-1039
Email: cshefchik@sturgeonbaywi.org

Good afternoon Chad,

In researching the alterations which took place in 1998-2002 at the Fairfield Gallery I was able to locate the original State plan approval letter (see attached) which was approved on March 02, 1998. The commercial building code applicable to this project was ILHR 50-64 and 69. In review of that 1998 code, there was no finding of a building code requirement for guards to be placed around rooftop equipment within a given distance from the roof edge. When the State adopted the International Building Code in June of 2002 the requirement for guards at rooftops (areas 30 inches above grade below) for equipment, walking surface edge and roof hatches within 10 feet of the roof edge was adopted. So the Fairfield building is code compliant IAW the 1998 State Building code for which it was reviewed and approved.

Certainly there are safety concerns that the owner is responsible for and should be concerned about with needing to provide safe access to rooftop elements such as Hvac equipment, skylights, roof drains, leaks, etc.. which require servicing, maintenance and cleaning. OSHA, ANSI, IWCA, CFR 1926 also have minimum safety requirements for providing fall protection for workers/personnel which might need to provide services, maintenance and repairs on the roof.

Under the current commercial Building code – 2015 IBC and 2015 IMC (see attached) roof access hatches, walkways and equipment requiring servicing that are within 10 feet of the roof edge, require a 42 inch guard system. For this roof if applying today's code, a 42 inch rail would start 30 inches beyond the east edge of the south end exhaust fan, continue to the SW corner of the building, continue along the west edge of the building past the access hatch, continue along the walking edge to a point 30 inches past the edge of the most northern RTU (roof top unit). A guard would also be

required on the East side - starting 30 inches past the edge of the North RTU and continue 30 inches past the blower fan unit located near the east edge (see plan).

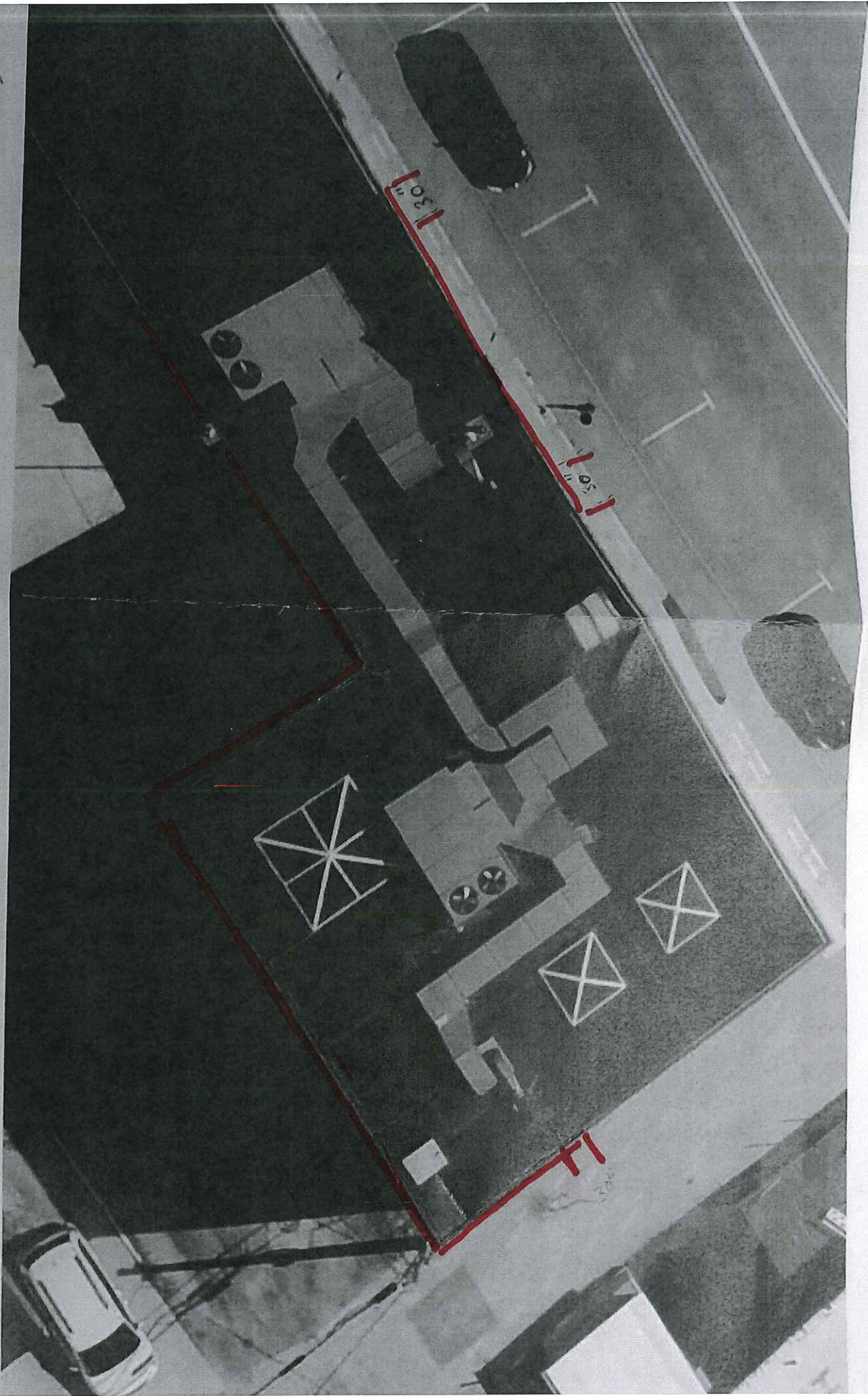
Since there is no building code mandate for the owner to update to the current commercial building codes (unless new rooftop equipment is added, not including direct equipment replacements), it would be the owners choice to install a guard system. If deciding to adopt the guard requirements of the 2015 IBC and IMC, then installation needs to comply with all the minimum requirements - the minimum height, strength and minimum extension past equipment, access hatches and walkways.

Guard systems or other fall protection systems are also available from manufactures which meet OSHA, ANSI specific requirements, but are outside of the review and enforcement of the Building Inspection Department.

A hard copy of the above photos are also in your in-box.

Sincerely,

Brett Temme
Municipal Building Inspector
(920) 495-1863



7. In assembly seating areas at cross aisles in accordance with Section 1029.16.2.

1015.2.1 Glazing. Where glass is used to provide a *guard* or as a portion of the *guard* system, the *guard* shall comply with Section 2407. Where the glazing provided does not meet the strength and attachment requirements of Section 1607.8, complying *guards* shall be located along glazed sides of open-sided walking surfaces.

1015.3 Height. Required *guards* shall be not less than 42 inches (1067 mm) high, measured vertically as follows:

1. From the adjacent walking surfaces.
2. On *stairways* and stepped *aisles*, from the line connecting the leading edges of the tread *nosing*s.
3. On *ramps* and ramped *aisles*, from the *ramp* surface at the *guard*.

Exceptions:

1. For occupancies in Group R-3 not more than three stories above grade in height and within individual *dwelling units* in occupancies in Group R-2 not more than three stories above grade in height with separate *means of egress*, required *guards* shall be not less than 36 inches (914 mm) in height measured vertically above the adjacent walking surfaces or adjacent *fixed seating*.
2. For occupancies in Group R-3, and within individual *dwelling units* in occupancies in Group R-2, *guards* on the open sides of *stairs* shall have a height not less than 34 inches (864 mm) measured vertically from a line connecting the leading edges of the treads.
3. For occupancies in Group R-3, and within individual *dwelling units* in occupancies in Group R-2, where the top of the *guard* also serves as a *handrail* on the open sides of *stairs*, the top of the *guard* shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from a line connecting the leading edges of the treads.
4. The *guard* height in assembly seating areas shall comply with Section 1029.16 as applicable.
5. Along *alternating tread devices* and ships ladders, *guards* where the top rail also serves as a *handrail* shall have height not less than 30 inches (762 mm) and not more than 34 inches (864 mm), measured vertically from the leading edge of the device tread *nosing*.

1015.4 Opening limitations. Required *guards* shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required *guard* height.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1067 mm), *guards* shall not have openings that allow passage of a sphere $4\frac{3}{8}$ inches (111 mm) in diameter.

2. The triangular openings at the open sides of a *stair*, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas that are not open to the public within occupancies in Group I-3, F, H or S, and for *alternating tread devices* and ships ladders, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, *guards* required at the end of aisles in accordance with Section 1029.16.4 shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, *guards* shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
6. Within individual *dwelling units* and *sleeping units* in Group R-2 and R-3 occupancies, *guards* on the open sides of *stairs* shall not have openings that allow passage of a sphere $4\frac{3}{8}$ (111 mm) inches in diameter.

1015.5 Screen porches. Porches and decks that are enclosed with insect screening shall be provided with *guards* where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

1015.6 Mechanical equipment, systems and devices. *Guards* shall be provided where various components that require service are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The *guard* shall extend not less than 30 inches (762 mm) beyond each end of such components. The *guard* shall be constructed so as to prevent the passage of a sphere 21 inches (533 mm) in diameter.

Exception: *Guards* are not required where permanent fall arrest/restraint anchorage connector devices that comply with ANSI/ASSE Z 359.1 are affixed for use during the entire roof covering lifetime. The devices shall be reevaluated for possible replacement when the entire roof covering is replaced. The devices shall be placed not more than 10 feet (3048 mm) on center along hip and ridge lines and placed not less than 10 feet (3048 mm) from the roof edge or open side of the walking surface.

1015.7 Roof access. *Guards* shall be provided where the roof hatch opening is located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The *guard* shall be constructed so as to

installed and located in accordance with their listing and the manufacturer's instructions. Ventilation shall be required in accordance with Section 304.5.1, 304.5.2 or 304.5.3 in public garages, private garages, repair garages, automotive motor fuel-dispensing facilities and parking garages that contain hydrogen-generating appliances or refueling systems. For the purpose of this section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

[FG] 304.5.1 Natural ventilation. Indoor locations intended for hydrogen-generating or refueling operations shall be limited to a maximum floor area of 850 square feet (79 m²) and shall communicate with the outdoors in accordance with Sections 304.5.1.1 and 304.5.1.2. The maximum rated output capacity of hydrogen-generating appliances shall not exceed 4 standard cubic feet per minute (0.00189 m³/s) of hydrogen for each 250 square feet (23.2 m²) of floor area in such spaces. The minimum cross-sectional dimension of air openings shall be 3 inches (76 mm). Where ducts are used, they shall be of the same cross-sectional area as the free area of the openings to which they connect. In such locations, equipment and appliances having an ignition source shall be located such that the source of ignition is not within 12 inches (305 mm) of the ceiling.

[FG] 304.5.1.1 Two openings. Two permanent openings shall be provided within the garage. The upper opening shall be located entirely within 12 inches (305 mm) of the ceiling of the garage. The lower opening shall be located entirely within 12 inches (305 mm) of the floor of the garage. Both openings shall be provided in the same exterior wall. The openings shall communicate directly with the outdoors and shall have a minimum free area of 1/2 square foot per 1,000 cubic feet (1 m²/610 m³) of garage volume.

[FG] 304.5.1.2 Louvers and grilles. In calculating free area required by Section 304.5.1, the required size of openings shall be based on the net free area of each opening. If the free area through a design of louver or grille is known, it shall be used in calculating the size opening required to provide the free area specified. If the design and free area are not known, it shall be assumed that wood louvers will have 25 percent free area and metal louvers and grilles will have 75 percent free area. Louvers and grilles shall be fixed in the open position.

[FG] 304.5.2 Mechanical ventilation. Indoor locations intended for hydrogen-generating or refueling operations shall be ventilated in accordance with Section 502.16. In such locations, equipment and appliances having an ignition source shall be located such that the source of ignition is below the mechanical ventilation outlet(s).

[FG] 304.5.3 Specially engineered installations. As an alternative to the provisions of Sections 304.5.1 and 304.5.2, the necessary supply of air for ventilation and dilution of flammable gases shall be provided by an approved engineered system.

304.6 Public garages. Appliances located in public garages, motor fueling-dispensing facilities, repair garages or other areas frequented by motor vehicles, shall be installed not less than 8 feet (2438 mm) above the floor. Where motor vehicles are capable of passing under an appliance, the appliance shall be installed at the clearances required by the appliance manufacturer and not less than 1 foot (305 mm) higher than the tallest vehicle garage door opening.

Exception: The requirements of this section shall not apply where the appliances are protected from motor vehicle impact and installed in accordance with Section 304.3 and NFPA 30A.

304.7 Private garages. Appliances located in private garages and carports shall be installed with a minimum clearance of 6 feet (1829 mm) above the floor.

Exception: The requirements of this section shall not apply where the appliances are protected from motor vehicle impact and installed in accordance with Section 304.3.

304.8 Construction and protection. Boiler rooms and furnace rooms shall be protected as required by the *International Building Code*.

304.9 Clearances to combustible construction. Heat-producing equipment and appliances shall be installed to maintain the required clearances to combustible construction as specified in the listing and manufacturer's instructions. Such clearances shall be reduced only in accordance with Section 308. Clearances to combustibles shall include such considerations as door swing, drawer pull, overhead projections or shelving and window swing, shutters, coverings and drapes. Devices such as doorstops or limits, closers, drapery ties or guards shall not be used to provide the required clearances.

304.10 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending not less than 3 inches (76 mm) above adjoining grade or shall be suspended not less than 6 inches (152 mm) above adjoining grade. Such support shall be in accordance with the manufacturer's installation instructions.

[BE] 304.11 Guards. Guards shall be provided where various components that require service and roof hatch openings are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof, or grade below. The guard shall extend not less than 30 inches (762 mm) beyond each end of components that require service. The top of the guard shall be located not less than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

Exception: Guards are not required where permanent fall arrest/restraint anchorage connector devices that comply with ANSI/ASSE Z 359.1 are affixed for use during the entire lifetime of the roof covering. The devices shall be re-evaluated for possible replacement when the entire roof covering is replaced. The devices shall be placed not more

STURGEON BAY INSPECTION DEPARTMENT
1000 W. ALASKA ST.
STURGEON BAY, WI 54235

PLAN NO. _____
VOLUME _____
INSP. FEE PAID _____

PLAN EXAMINATION LETTER

DATE MARCH 02, 1998

Note: This Preprinted Plan Review letter is being used at the discretion of the plan examiner to expedite the plan review. This form serves as the review correspondence.

TO ALEX KRIKHAAR
1147 WEST OHIO STREET
CHICAGO, IL 60622

Occupancy 56 MUSEUM
Tenant FAIRFIELD PUBLIC GALLERY
Owner WILLIAM FAIRFIELD FOUNDATION
Location 11 N. 3RD AVENUE
Municipality STURGEON BAY
County DOOR

Supervising Professionals
ALEX KRIKHAAR

Plans have been reviewed by the City of Sturgeon Bay for compliance with important code requirements.

The BUILDING REMODELING plans are:

☒ COND. APPROVED

☐ WITHHELD

☐ NOT APPROVED

If the plans are stamped "CONDITIONALLY APPROVED" construction may proceed, but all items that are required to be changed by this letter must be corrected before commencing that part of the work.

You are hereby advised that the owner as defined in Chapter 101.01(2)(l) of the Wisconsin State Statutes is responsible for all code requirements not specifically cited herein. Code requirements are set forth in Chapters 50 through 64 of the rules of the department.

The building will be inspected during and after construction by The Inspection Department to insure complete compliance with Wisconsin Codes. The owner may notify the building inspector listed below if a final inspection is desired before taking possession of the building.

IND. 50.15 EVIDENCE OF APPROVAL The architect, professional engineer, designer, builder or owner shall keep at the building site, one set of plans bearing the stamp of approval.

THIS BUILDING HAS BEEN CLASSIFIED AS NO. _____ CONSTRUCTION. ☒ SPRINKLERED ☐ UNLIMITED AREA

COMMENTS:

- 1) SHALL BE IN ACCORDANCE WITH STATE APPROVED PLAN #9754056 DATED 2-25-98.
- 2) SHALL BE IN ACCORDANCE WITH HISTORIC PRESERVATION COMMISSION APPROVALS
- 3) REQUIREMENTS OF ILHR 50-64 & 69, LOCAL ORDINANCES AND FIRE DEPARTMENT REGULATIONS SHALL BE COMPLIED WITH.
- 4) SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HVAC & SIGNAGE.

Plans for the following shall be submitted to this office and approved prior to construction of that component.

☐ Trusses ☐ Precast Concrete ☐ Heat & Vent Systems ☐ Illumination ☐

Local Inspector ROGER STREGE

Area Code

Phone (414) 746-2908 920-746-2915

BY:

PLAN EXAMINER ROGER STREGE

CC. MARK - O.M. CONSTRUCTION

CC. _____

Shefchik, Chad

From: Kalny, James M. <jkalny@dkattorneys.com>
Sent: Monday, April 11, 2022 7:33 AM
To: Olejniczak, Marty; Shefchik, Chad
Cc: VanLieshout, Josh
Subject: RE: Urgent Historic Preservation Commission Questions

Morning Marty and Chad,

See my responses below in red. I would be happy to explain further.

Jim

From: Olejniczak, Marty <MOlejniczak@sturgeonbaywi.org>
Sent: Tuesday, April 5, 2022 11:43 AM
To: Kalny, James M. <jkalny@dkattorneys.com>
Cc: VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>
Subject: FW: Urgent Historic Preservation Commission Questions

CAUTION: This email is from an external source. Use caution with opens/clicks. – Davis|Kuelthau IT Team.

Jim:

Please see the info below from Chad. This is related to the Historic preservation code (chapter 28). We need your legal advice on questions 2 and 3. Thanks.

Marty

From: Shefchik, Chad
Sent: Tuesday, April 5, 2022 9:39 AM
To: Olejniczak, Marty <MOlejniczak@sturgeonbaywi.org>
Cc: VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>
Subject: Urgent Historic Preservation Commission Questions

Last Wednesday the Historic Preservation Commission met to consider a proposal by the owner of the Fairfield Building (242 Michigan Street) to add a cable railing system to the top of the building. He claimed that his intention for adding this railing was to prevent falls of maintenance workers on the roof. The commission didn't really like the idea of adding a cable railing around the entire perimeter. The commission didn't think it complemented the architecture of the building. There are several rooftop HVAC units and skylights on the roof. Current codes would require railings near some of the items. Several options were thrown around to address these issues. Some options included allowing the cable railing in some areas that were not visible from the street along with some options that provided for railings along the street that may possibly require a masonry parapet vs a cable railing. After several of the options were discussed the owner became confrontational so ultimately the issue was tabled until the following questions could be answered:

- 1) Brett Temme (building inspector) is currently reviewing the roof to let the commission know where railings would be required if the building was built today.
- 2) If the commission would deny railings in areas where they would not be required by today's codes would the City or commission have any potential liability if someone were to fall? **As a potential, yes. A claim could be filed trying to set blame on the Commission for not requiring the railing. However imposing a duty on the Commission to require more**

than is required by law would be a strong defense, particularly in light of the Commission's charge to safeguard the historic appearance of the building. The purpose of the Commission is provided at 28.02 SBCO:

(2) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and continued use of properties of special architectural character or special historical significance located within the corporate limits of the city are public necessities and are required in the interest of the health, prosperity, safety and welfare of the people of the city. The purpose of this chapter is to:

(a) Effect and accomplish the protection, enhancement and continued use of such properties and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

(b) Safeguard the city's historic and cultural heritage as embodied and reflected in such properties and districts.

(c) Stabilize and improve property values.

(d) Foster civic pride in the beauty and notable accomplishments of the past.

(e) Protect and strengthen the city's attractiveness to residents, tourists and visitors thus serving as a support and stimulus to business and industry.

The decision to deny the railing would therefore would also be an exercise of discretion of a municipal entity "within interest of the health, prosperity, safety and welfare of the people of the city". When exercising powers so designated, the Courts have traditionally given deference to those decisions.

The incident would also be covered by insurance as it is action within the scope of the duties of the Commission and its members.

- 3) I think the commission is willing to allow some sort of railing wherever current codes would require them. However, does the commission have the authority to require masonry that would complement the current architecture of the building vs a cable railing? Under the express provisions of our current code, yes- with some qualifications. 28.08(5) provides

"If the application for a certificate of appropriateness is disapproved or the applicant refuses to accept changes recommended by the commission, the commission shall notify the applicant of its decision by letter within 15 days."

This language implies that the Commission may make recommendations and deny the application if the applicant does not comply with a recommendation. To deny the application the Commission would have to find:

"...the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which such work is to be done."

It is a reasonable position that the steal railing would change or at least adversely affect the exterior architectural feature of the building and requiring the masonry would be a way to avoid that adverse impact.

There is also some support for requiring masonry in the statutes. Section 62.23(7)(em) 2m provides:

2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

If the Commission requires as opposed to allows the masonry, they would be going beyond the protection of this statute. In the spirit of the state law quoted above, one option would be to "allow" either no railing or an architecturally acceptable railing in areas where the railing would be visible. This option also would further isolate the City from liability as the applicant would be making the decision on the liability issue and still complying with charge of the Commission.

Brett should be getting me the answer to question 1 by the end of the week. Can you provide the answers to questions 2 and 3 as soon as possible? If you need to get Kalny involved feel free to have him give me a call if needed.

Thanks,

Chad Shefchik
City Engineer

City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

Office: 920-746-2913

Mobile: 920-493-1039

Email: cshefchik@sturgeonbaywi.org