



**Agenda**  
**Board of Housing Appeals Meeting**  
**Municipal Building, 625 52nd Street – Room 204, Kenosha, WI**  
**Tuesday, October 10, 2023**  
**5:00 pm**

Amy Lonergan, Chairperson  
Brandon Gray, Vice-Chairperson  
Mitch Ferraro

Mathew Loewen  
Aishia Nunez  
Shane Hollerich, Alternate

Call to Order  
Roll Call  
Citizens' Comments

Approval of Minutes from the Meeting held May 5, 2020

1. Petitioners, Olga DeBartolo and Fabio DeBartolo, are appealing an Order to Repair for an incorrectly installed fence on the property located at 2904 22<sup>nd</sup> Ave. (07-222-24-488-012). (District 6) PUBLIC HEARING

Commissioners' Comments  
End of Meeting

*IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 262.653.4263 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.*

**BOARD OF HOUSING APPEALS**  
**Minutes**  
**May 5, 2020**

MEMBERS PRESENT: Dennis Filippelli, Richard Gallo, Michael Hawes, Anderson Lattimore, Amy Lonergan

STAFF PRESENT: Rich Kath, Supervisor of Inspections; John Mielke, Property Maintenance Inspector; Martha Swartz, Property Maintenance Inspector

The meeting was called to order at 5:00 pm by Chairman Richard Gallo; the roll was called.

A motion was made by Amy Lonergan and seconded by Michael Hawes, to approve the minutes of November 5, 2019; the motion carried unanimously. (Ayes 5, Noes 0)

- 1. Request for Relief from the City of Kenosha's Property Maintenance Code requirement that "All Structures shall be kept free from infestation." (Section 16.21A); Property Address: 5406 25<sup>th</sup> Avenue; Petitioner: Kolstedt Properties, LLC**

The meeting was opened to a public hearing.

Kenneth Kolstedt, 2048 Thurston Avenue, Racine, Wisconsin, spoke. He stated that he had mailed documentation to the City that stated bedbug infestation can be treated with a heat treatment of 118 degrees for 30-40 minutes; and, therefore, a professional exterminator would not be needed. He paid \$600.00 for a professional exterminator and is asking the City to reimburse him.

Alderman Patrick Juliana spoke. He encouraged the Board to deny Mr. Kolstedt's request.

Public hearing closed.

John Morrissey, Director of City Inspections, spoke. He stated that the inspector for this case, Martha Swartz, is present to answer any questions. He also asked that the Board deny Mr. Kolstedt's request. He explained that the ordinance clearly states that bedbugs are a health hazard and extermination is the responsibility of the landlord. He added that the City of Kenosha received a compliance statement from Mr. Kolstedt on March 9.

Amy Lonergan asked Martha Swartz how many units were affected. Ms. Swartz answered that one (1) unit was affected; however, staff recommends all units be treated. Ms. Lonergan asked if more than one (1) bedbug was found – staff answered there were a total of four (4) in the trap.

Ms. Lonergan commented that since 2003, many of the greatest courts of the land have recognized that bedbugs are not only an infestation and a health hazard, but one of the most pernicious and most scarring, both mentally and physically, things

that a landlord can allow to happen to his or her tenants.

Anderson Lattimore asked if all of the units were treated. Martha said that a report was obtained from "Critter Gitters" that stated all units had been tested. Mr. Lattimore mentioned that he did not understand how Mr. Kolstedt could not be clear regarding the requirements.

Mr. Kolstedt requested that he be given a chance to make one more comment. He stated that bedbugs are not brought in by the landlord but by the tenant; and, he reiterated that he had sent information to the City regarding the heat treatment. Mr. Morrissey said that staff had not received the information. He also reiterated that the ordinance is clear about the requirement that the landlord is responsible to hire a licensed exterminator.

Alderman Juliana, as well as Ms. Lonergan, does not feel that Mr. Kolstedt has the correct information regarding extermination and heat treatment.

A motion was made by Amy Lonergan to deny the petitioner's request. Dennis Filippelli seconded the motion. On a roll call vote, the motion passed. (Ayes 5, Noes 0)

Several Board Members thanked Alderman Juliana, the staff, and Mr. Kolstedt for exercising his right to appeal.

A motion was made by Amy Lonergan to adjourn the meeting at 5:20 p.m. Andrew Lattimore seconded the motion. The motion passed. (Ayes 5, Noes 0)

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John Morrissey  
Board of Housing Appeals

**Item 1. Petitioners, Olga DeBartolo and Fabio DeBartolo, are appealing an Order to Repair for an incorrectly installed fence on the property located at 2904 22<sup>nd</sup> Ave. (07-222-24-488-012). (District 6)  
PUBLIC HEARING**

**NOTIFICATIONS AND APPROVAL REQUIREMENTS:**

Aldersperson Brandi Ferree, District 6, has been notified. The Board of Housing Appeals is the final review authority.

**LOCATION AND ANALYSIS:**

Mrs. DeBartolo is appealing the City's Order to Repair on her rental property at 2904 22nd Ave on the basis that the fence was erected in 2010 with a proper permit, inspected and had received no "fails" noted at that time by the inspector. She also contends that the neighboring properties at that time stated that they were OK with the good (smooth) side placed toward 2904.

**Zoning Ordinance: Section 16.03. - Fence Installation.**

- A. General Requirements. No Fence shall be installed, except in strict compliance with this Ordinance, site specific permit conditions, and the following requirements:
1. Structural and support components of a Fence shall face away from adjacent properties.
  2. Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a "Good Neighbor Fence" is installed.

**September 14, 2023:** A complaint was received by a neighbor regarding the incorrect installation of fencing. The neighbor was also cited for not placing the correct side out of their fencing. They then reported 2904 22nd Ave as also being in violation of the fencing code. Contact was made with the occupant, Fabio DeBartolo, who allowed the inspector to investigate the fencing in the rear yard. It was determined that the fencing was in violation of the city code as stated above.

**September 15, 2023:** An Order to Repair was posted at 2904 22nd Ave and also mailed. The order advised that the fencing was not installed with the finished side facing the adjacent property and fence posts were not located inside the fence. The comply by date was October 16th, 2023.

**September 25, 2023:** An appeal form was received by the Department of City Inspections on September 25th, 2023.

**RECOMMENDATION:**


A recommendation is made to **DENY** the petitioner's request based on the following:

1. The fencing permit that was filled out and signed by the then-owner, Angelo DeBartolo, on July 13th, 2010 **clearly** states on the permit (just above the signatory line) that the fence shall be installed with the finished side facing the adjacent property or public right-of-way.

2. The petitioner states that the neighbors at that time were OK with the incorrect side of the fencing facing out. The City does not dispute that fact. However, approval from neighbors to arbitrarily change the language of the Zoning Code has no legal basis and is not allowed.

3. The inspector who conducted the inspection on August 4th, 2010 of the finished fencing noted that it passed inspection. This was incorrect and a violation of both Departmental policy and City Code. This failure was not found by the management of the department at that time. It should be noted that failure of an inspector to carry out their duties in accordance with departmental policy and City Code is **not** an acceptable reason for the property owner to violate the Code. One cannot "grandfather in" a clear violation of the Code.

  
James S. Jensen, Property Maintenance Inspector

  
Gary D. Roberts, Director of City Inspections



FOR OFFICIAL USE ONLY
Date filed _____
Receipt number _____

**BOARD OF HOUSING APPEALS APPLICATION FORM**  
**Form #DCI164 (rev. 12/22)**

\$25.00 APPLICATION FEE

- Name of Appellant or Applicant Olga DeBartolo (Fabio)  
 Address 2615 - 28th Avenue Kenosha, WI 53140  
 Home Phone 262-989-7127 Business Phone 262-948-7127
- Address of Property Complaint is for 2904 - 22nd Avenue Kenosha, WI 53140  
 Owner Olga DeBartolo Parcel # \_\_\_\_\_  
 Lot No. 4,5,6 Subdivision Hood's subdivision Zoning Classification \_\_\_\_\_  
 Date of Order to Repair/Order to Cut Grass 9-15-2023
- Summary of Relief Being Requested See Attached  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- On a separate 8 1/2 x 11 sheet of paper please state why you are requesting an appeal and any alternative solutions you may suggest to resolve the inspector's *Order to Repair*. Please be specific.

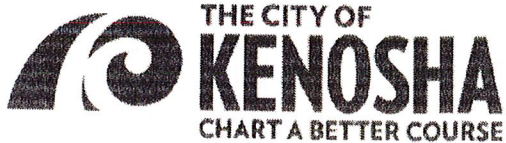
**PLEASE SEE ATTACHED PAGES FOR ADDITIONAL INSTRUCTIONS.**

*Olga DeBartolo*

Signature of Applicant

9-25-2023

Date



FOR OFFICE USE ONLY	
Date received	_____
Permit #	_____ or _____
Case #(s)	_____
Meeting Date	_____

**APPLICATION FOR APPEAL TO COMMON COUNCIL**  
**Form #CDI162 (rev. 03/16)**

Property Address: 2904 22nd Avenue Kenosha, WI 53140 Date: 09/24/2023

Appeal is for:  Special Charge  Reinspection Fee  Board-up Fee  Penalty Fee  
 Vision Clearance  Other Fence (Z230065)

Amount: \_\_\_\_\_

Property Owner: Olga DeBartolo

Petitioner: Olga DeBartolo

Mailing Address: 2615 28th Avenue, Kenosha, WI 53140

Home Phone Number: 262-748-7127 Daytime Phone Number: 2624844851

E-mail Address: fdebartolo11@gmail.com

Reason for Appeal (if more space is needed, please attach information to this form): We are appealing the order to repair, since the fence was put in 2010, proper permit was approved on 07/28/2010 and Completed Date documented as 08/04/2010.

No Fails were logged with Angelo DeBartolo, Olga DeBartolo or property at that time nor the years to follow until 09/15/2023

The neighboring (3) back parcels at the time agreed it could be put up good finished side towards 2904 22nd Avenue.

~~These same property owners and neighbors have not logged any complaints as written they wish it be changed~~

Petitioner's Signature: *Olga De Bartolo*

Please return to:  
 Department of Community Development and Inspections  
 625 52<sup>nd</sup> Street, Room 100, Kenosha, Wisconsin 53140  
 Phone: 262.653.4263; Fax: 262.653.4254

Page 2 Application for Appeal (Case Z230065)=Fence

Current Property Owner=

Olga DeBartolo, 2904 22<sup>nd</sup> Avenue Kenosha, WI 53140

Mailing Address=2615 28th Avenue, Kenosha, WI 53140

We also would like to mention that the original owner Angelo DeBartolo that placed the fence and was approved to do so, after he completed a land survey in the previous months, took out the proper permits and used correct installation, passed away in August of 2013. At that time, he was renting it to Giulio.

After his passing the new owner became Olga DeBartolo, in September of 2013 and the new renter is Fabio DeBartolo and his son, the fence in question that runs on the west boundary line for approx. 121ft, along with the chain-link one in back of it, which those photos show, on those grounds would be grandfathered in as well. Since he was approved in August of 2010 as completed with no fails.



**Appeal:** Olga DeBartolo is appealing her Order to Repair for an incorrectly installed fence on her property located at 2904-22nd Ave. In her appeal, she is claiming fence permit was approved on 07/28/10 and completed on 08/04/10. Also, no violations were cited with Angelo or Olga DeBartolo until 09/15/23. Lastly, neighbors on surrounding back parcels in 2010 agreed finished side of fence could be facing toward 2904-22nd Ave. No complaints had occurred by any property owners until 09/14/23.

**Inspector's Timeline:**

- 09/14/23 – Complaint was taken by our office by neighbor regarding violation of fence installation. Conducted initial inspection of back property with permission from Mr. Fabio DeBartolo, son who lives at 2904-22nd Ave.
- 09/15/23 – Order to Repair was posted at property and mailed, cited for finished side of fence not facing the adjacent west property. I also explained violation to Fabio DeBartolo and provided him with contact information to Dept. Supervisor Richard Kath for any further questions.
- 09/22/23 – Rich Kath talked to Julio DeBartolo about incorrect fence installation and that father Angelo DeBartolo had signed the Fence Permit Application which noted: All fences shall be installed with the finished side facing the adjacent property or public right-of-way. Also, Julio had informed Supervisor Kath that his father Angelo had letters from the neighbors stating they were ok with fence installed incorrectly. However, Julio did not provide letters from neighbors with appeal.
- 09/25/23 – Application for Appeal to Board of Housing was received by our office.



Department of City Inspections  
625 52<sup>ND</sup> Street, Room 100, 262.653.4263

### ORDER TO REPAIR

**Location of Violation:** 2904 22 AVE  
**Case #:** Z230065  
**Owner/Violator:** OLGA DEBARTOLO  
2615 28TH AVE  
KENOSHA, WI 53140

A recent inspection of the premises referenced above was made by a representative of the City of Kenosha, Department of City Inspections.

The inspection revealed conditions that violate the **Code of General Ordinances of the City of Kenosha, Wisconsin**. Below is an **Order to Repair** notice which lists each violation and the time allowed for compliance.

You are required to correct the following violations by **October 16, 2023 (except where otherwise noted)**. If repairs cannot be made by the date noted on this form, you **MUST** contact the inspector by email, phone, or in person to discuss the specifics of the case. Failure to make repairs or contact the issuing inspector by the deadline noted will result in reinspection fees, municipal citations, and/or a legal complaint being filed with the municipal court.

All repairs shall be made in a quality manner. All repairs shall match existing materials, architecture, and colors.

1. FENCE IN BACKYARD WAS NOT INSTALLED WITH THE FINISHED SIDE FACING THE ADJACENT PROPERTY AND FENCE POSTS WERE NOT LOCATED INSIDE THE FENCE. 16.03  
A1 & 2 - Structural supports shall face away from adjacent properties. Fences shall be installed with finished side facing adjacent properties.

If you have any questions regarding this matter, please call me at 262-653-4229. If it is more convenient, you may email me at [jjensen@kenosha.org](mailto:jjensen@kenosha.org).

JAMES JENSEN, Inspector  \_\_\_\_\_

Date of Inspection 09-14-23 \_\_\_\_\_

Posted on 09-15-23 by  \_\_\_\_\_

*This Order to Repair may be appealed if a written petition for a hearing is filed with the Department Director within ten (10) days after the date this order was served.*



City of Kenosha  
 Department of Neighborhood Services and Inspections  
 625 52nd Street, Room 100, Kenosha, WI 53140  
 Phone: 262.653.4263, Fax: 262.653.4254

Office Use Only:

Date 7/13/10  
 Permit # 144549  
 Needs Approval \_\_\_\_\_  
 IP \_\_\_\_\_  
 Fee'd  6mm 7/13/10

**APPLICATION FOR  
 FENCE PERMIT**

Permit Fee: \$60.00

Please **print** all information, with the exception of signatures.

This document must be legible or will be returned.

**For commercial projects:** You will be notified when your permit is ready; please do not submit payment with application.

Project Address 2904 22 Avenue  
~~2104 2900~~

Check one:  Commercial  Multi-family  1 or 2 family  
 If commercial or multi-family, City Development approval is required.

City Development Authorization \_\_\_\_\_

Owner Angelo Rebartolo

Contractor \_\_\_\_\_

Mailing Address 2904 2204 - 22a

Mailing Address \_\_\_\_\_

City Kenosha State W Zip 53140

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (262) 551 7127

Phone (\_\_\_\_\_) \_\_\_\_\_

Property Owner e-mail: \_\_\_\_\_

Contractor e-mail \_\_\_\_\_

Estimated Cost of Project \$ 2,000 <sup>plus</sup>

Project Name (if commercial property) \_\_\_\_\_

Front Yard Fence Height \_\_\_\_\_ Fence Type:  Split Rail  Wrought Iron  Vinyl  Picket  
 Note: Front yard fences shall be 50% open decorative fencing – Chain link and stockade fencing not permitted in front yards)

Rear Yard Fence Height 6' Side Yard Fence Height \_\_\_\_\_

Rear/Side Yard Fence Type:  Solid Privacy  Split Rail  Wrought Iron  Picket  
 Chain Link  Lattice  Other Reg Ear

- Property is a corner lot:  Yes  No
- Will the fence be located adjacent to a sidewalk?  Yes  No A 6" setback from the public sidewalk is required.
- Will the fence be located adjacent to a driveway, alley, or other vehicular roadway?  Yes  No  
 (If yes, applicant agrees to maintain required vision clearance triangle areas)
- Will the fence be closer than 3' in front of a door or window of a home?  Yes  No  
 (If yes, a review by the Zoning Coordinator is required prior to issuance of permit)
- Will the fence encroach within an easement area or area subject to other use restrictions?  Yes  No

**Note: All fences shall be installed with the finished side facing the adjacent property or public right-of-way.**

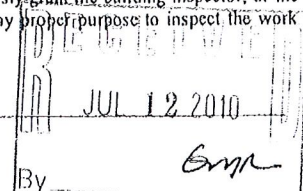
**Fence height information is required on the reverse side of this application.**

A separate site plan (size 8 1/2" x 11" or 11" x 17") is required for commercial fence installations.

I agree to comply with all applicable codes, statutes, and ordinances, and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and, certify that all the above information is accurate. Fencing installed at the rear of double-frontage lots shall adhere to front yard setback requirements. Fence installation shall be completed within 180 days of issuance of permit. The applicant is responsible for locating fence on intended property and certifies that fence does not encroach onto public right-of-way, easements, or neighboring properties. The applicant is responsible for removal and replacement of fencing located in easement areas. Applicant agrees to maintain required vision clearance triangle areas. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

Applicant Signature Angelo Rebartolo

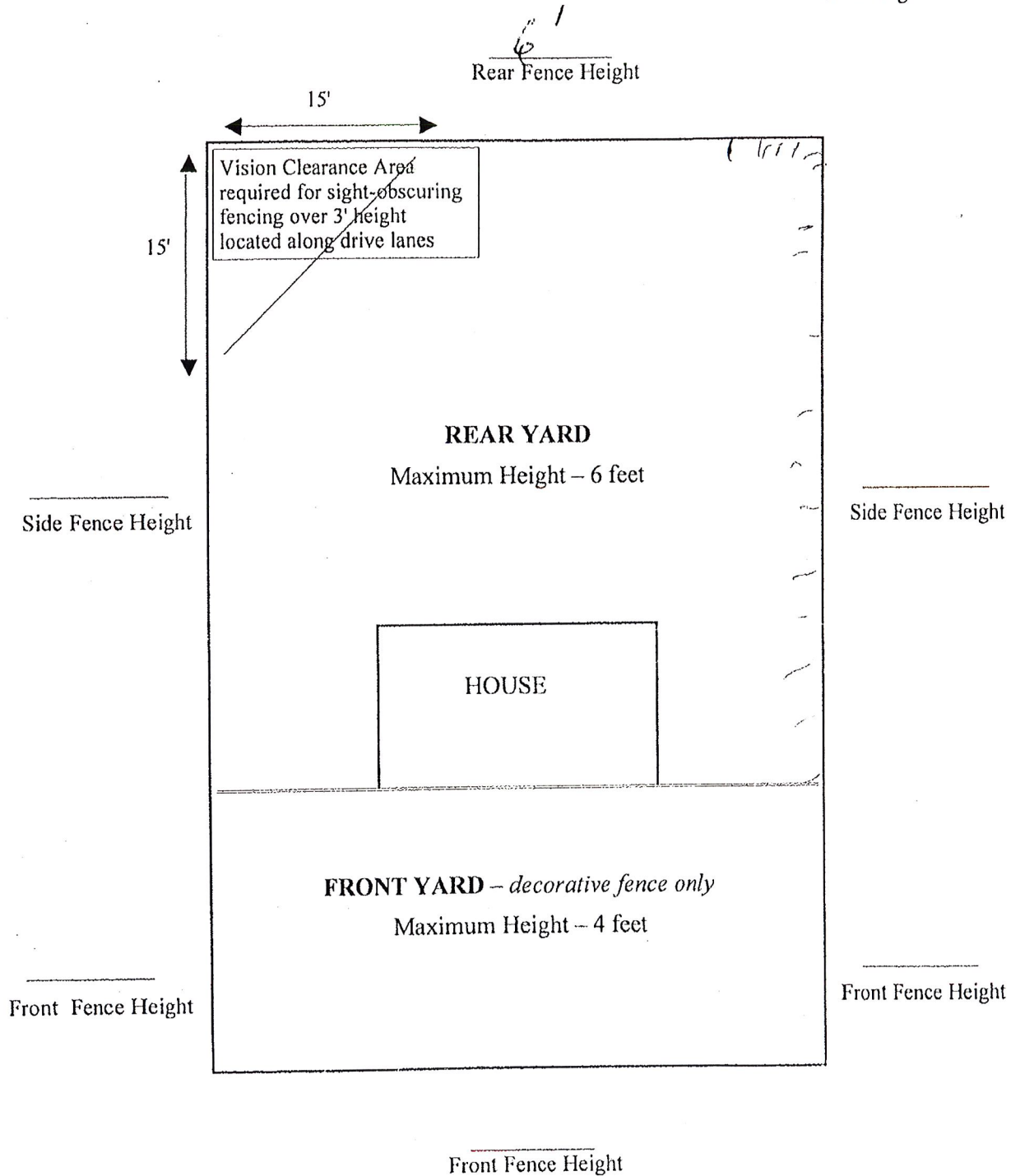
Date JUL 12 2010



APPLICATION FOR FENCE PERMIT – Page Two

List fence height at proposed locations of fence installation: Example:

6'  
Fence Height



A separate site plan (size 8 1/2" x 11" or 11" x 17") is required for commercial fence installations.





2904 22nd Ave, Kenosha, WI 53140, USA  
89m b  
September 13, 2023 10:39 AM



2908 22nd Ave, Kenosha, WI 53140, USA  
89m b  
September 13, 2023 10:48 AM



2909 23rd Ave, Kenosha, WI 53140, USA  
89m.b  
September 15, 2023 11:10 AM



HOV1EWID

CITY OF KENOSHA

Permit #144549

Project: 2904 22ND AVENUE

COMMUNITY DEVELOPMENT & INSPECTIONS Application Date: 07/13/10

Location: Type:FENCE Fee: \$60.00

Parcel #: 7222244880120 Penalty Applied: \$.00

==== O W N E R ===== C O N T R A C T O R =====

DEBARTOLO, ANGELO DEBARTOLO, ANGELO

==== I N S P E C T I O N S Page 1 =====

1)	Init	Date	Desc	Pass (P)	Fail (F)	Comment
1)	PAB	8/ 4/10		P		

APRUA  
RUISE

F2=Next F3=Prev F4/ASR Add Comments F6=Fees Esc=Return [ ]