



**APPROVED MINUTES OF THE SPECIAL SESSION OF THE
HISTORIC DISTRICT COMMISSION OF THE CITY OF ANN ARBOR
Wednesday, October 22, 2008.**

Commissioners Present: Sarah Shotwell, Diane Giannola, Michael Bruner, Robert White, Jim Henrichs, Kristina Glusac and Ellen Ramsburgh (7)

Commissioners Absent: None.

Staff Present: Kristine Kidorf, Kidorf Preservation Consulting (1)

CALL TO ORDER: Commissioner White called the Special Session to order at 6:00 p.m.

ROLL CALL: Quorum satisfied.

Commissioner Henrichs proposes to amend the agenda with the following:

MOTION

Moved by Commissioner Henrichs, Seconded by Commissioner Shotwell, **“to adjourn the Special Session no later than 9 p.m.”**

Discussion on Motion

Commissioner Bruner – Stated that he saw no need to adjourn the meeting until conclusion of the proposed business, regardless of the time. He stated that per the HDC by-laws, once a quorum is established, it is considered established throughout, and any member who feels the need to leave can do so.

On a Voice Vote – MOTION PASSED – 5 YES, 2 NO (Special Session to be Adjourned by 9:00)

YES (4) – Commissioners White, Henrichs, Shotwell, Glusac and Giannola

NO (2) – Commissioners Bruner and Ramsburgh

APPROVAL OF THE AGENDA: The Agenda was Approved as Amended without objection.

SPECIALSESSION - HEARING

SS-1 HDC08-029 – 1331 HILL STREET - OWSHD

BACKGROUND: The Delta Upsilon Fraternity was designed by Albert Kahn and constructed in 1903. The building is significant for being one of Kahn’s earlier residential designs, and for being the oldest fraternity house in Ann Arbor still being used by the organization that built it. Delta Upsilon is a non-secret fraternity and the Michigan chapter was chartered in 1876. Although the original slate roof had been replaced with asphalt shingles, the Tudor Revival style building had changed little from its historic appearance until a fire occurred in April, 2008. The fire destroyed much of the roof and second floor of the building.

LOCATION: North side of Hill Street, east of the intersection with Forest.

APPLICATION: The applicant is proposing to remove the fire damaged building above the first floor level and reconstruct the walls using masonry block and applied stucco. The windows and

52 roof would be reconstructed to match the existing. The rear bay window which is currently
53 cantilevered is proposed to have a brick base constructed in order to create a new interior
54 basement stair.

55
56 **STAFF FINDINGS:**

- 57
- 58 1. The existing roof is burned beyond repair and is collapsing into the second floor.
 - 59 2. The brick walls that the stucco is attached to are deteriorated beyond repair due to the fire
60 damage and wood nailers which have been burned and now exposed to weather for six
61 months.
 - 62 3. The applicant proposes to reconstruct the roof, stucco portions of the walls, and windows
63 based on the original drawings and photographs of the building before the fire to match the
64 condition before the fire. A new material will be used for the interior wall structure; new
65 stucco will be applied to the exterior to match the existing.
 - 66 4. Wood exterior trim and details will be re-created based on physical remains, photographs
67 and drawings.
 - 68 5. The first floor and basement brick walls will be repaired; wood trim will be repaired or
69 replaced to match.
 - 70 6. Windows throughout the house are proposed to be replaced with wood, true-divided lights
71 with insulated glass to match the existing windows.
 - 72 7. A change is proposed at the reconstructed rear bay window. A new brick wall is proposed to
73 be constructed below the replaced rear projecting bay window at the first floor to enclose a
74 basement stair. A door and two windows are proposed in the walls. By using matching brick
75 this may confuse the historic record. Staff recommends using a compatible material that will
76 read as an addition.
 - 77 8. More specific details need to be provided on the exact replacement windows, roof shingles,
78 new walls under the rear window, and wood trim.
 - 79 9. The existing roof, second and third floor walls and windows are deteriorated beyond repair
80 due to fire damage. The proposed reconstructed roof and walls are generally compatible in
81 exterior design, arrangement, texture, material and relationship to the rest of the building
82 and the surrounding area and meets *The Secretary of the Interior's Standards for*
83 *Rehabilitation* in particular standard numbers 2, 3, 5 and 6.
 - 84 10. The proposed new enclosure under the rear bay window is generally compatible in exterior
85 design, arrangement, texture, material and relationship to the rest of the building and the
86 surrounding area and meets *The Secretary of the Interior's Standards for Rehabilitation* in
87 particular standard number 9.
- 88

89 **Owner/Address:** MI Delta Upsilon Fraternity, c/o John Markiewicz, 2423 Foxway, A2, MI 48105

90
91 **Applicant:** Jeffery Scott Architects, 32316 Grand River Avenue, Farmington, MI 48336

92
93 **Review Committee:** Kristine Kidorf gave the Review Committee Report.

94
95 **Applicant Presentation:** Mr. Jeffrey Scott of Jeffrey Scott Architects was present to speak on
96 behalf of the appeal. He stated that also in attendance is James Markiewicz, Alumni Chapter
97 President. He thanked the Commission for holding the special meeting to assist in getting this
98 building restored. He also added that there is a deletion – they are not going to extend the stair to
99 the basement. All the detail under the café window will disappear, and it will be put back as it was
100 originally.

101
102 He stated that he received a report from the Structural Engineer who reported on the walls in
103 question as well as a report from his company outlining repairs. They are also waiting on

104 information from the insurance company, hoping for a positive outcome with the HDC, they will go
105 forward with the insurance procedures. They're actually talking about releasing some funds for
106 repair; up until now, they have felt that it classifies as an ultimate 'tear-down.'

107
108 He stated that he is there to work through that and that they are presenting viable options to the
109 insurance company to fix this building. We seek approval to do the demolition to the first floor. As
110 a part of that, we're looking to salvage items to replace back into this building either as salvage
111 and/or used as replication pieces.

112
113 **Questions of the Applicant by the Commission:**

114
115 Commissioner Ramsburgh – Asked the petitioner if the basement is ever used as habitable space,
116 i.e., for parties, etc? (Petitioner – Yes). And there is another exit? (Yes, an exterior stair). Do you
117 not have an exterior stair? (Yes, we will have a second stair – we're talking about eliminating the
118 third set of stairs – it was redundant). There is plenty of egress for fire? (Yes).

119
120 Commissioner Bruner – Staff suggested that you change the proposed materials that you were
121 going to construct that third stair with, and they may be why you're abandoning it. You're not just
122 asking for demolition, you're showing us what you're going to do, which is admirable. You will
123 have to come before us to get approval for renovations as you go ahead. You would be within
124 your rights to change this plan to add that back into the plan.

125
126 Commissioner Henrichs – Can you verify what the involvement of Balfour Company is? (Petitioner
127 – They were brought in as the initial company to board up the facility after the fire and have done
128 the protection of it). This company is known as a fire damage repair company, but I'm not sure that
129 they are restoration specialists. Will they be involved further in this project? (That is yet to be
130 determined. The current goal is to get it weatherproofed to preserve what we can before the
131 demolition. The Alumni Board will take bids for renovation and select a company. The insurance
132 company cannot dictate who does our restoration).

133
134 You also mentioned "pending the outcome" of the insurance company decision – what scenarios
135 could the insurance company could have an effect on? (They could say 'it's still too costly' to build
136 it from that platform up, and we'd have to take the whole thing down). So the project is being
137 completely funded through the insurance company? (Yes). So you don't have an actual 'budget'
138 established yet? (No. Just tonight was the first numbers that have been released by the insurance
139 company about possible costs. We've been looking for that number for four months now. At least
140 there is some momentum. I think economically we can become equivalent to building a new
141 building).

142
143 Have you done an estimate to what the proposed project will cost? (No. This is what we have to
144 work out and what can the insurance company require us to do, etc.).

145
146 Commissioner Bruner – If we give you permission to demolish down to the first floor, that will be all
147 you're allowed to do. If a contingency comes along where the insurance company says you need
148 to take further steps, you'll have to return to us again. (Commissioner Bruner asked staff if they
149 could write a communication in support of their project to the insurance company).

150
151 K. Kidorf – Stated that they could use the information from this meeting as a step in that direction.
152 Commissioner Bruner also suggested a letter from staff or the Commission as well. Ms. Kidorf
153 stated that she is certainly willing to work with the petitioners to aid them in any aspect of their
154 request.

156 Commissioner Henrichs – My question doesn't revolve around whether the first floor is going to
157 stay or not; my question has to do with the overall cost of restoring and reconstructing the building
158 of this size and type. With all the detailing which I think is fantastic, it's not typically the least
159 expensive way to build a building, so I'd like to know if the insurance company is supporting this
160 design effort or not.

161
162 Commissioner Bruner – Since that's been asked, I'd like to ask Kristine to affirm for me what I have
163 experienced in my years on the HDC, which is that cost has not been allowed to be a driving force
164 in the consideration of our decisions, except when it comes to issues that relate to demolition with
165 regard to specifically standing in the way of a significant civic improvement program. Otherwise, a
166 petitioner for example comes to us to replace a window with a 'cheaper' model, that has never
167 been allowed to consider into our deliberations. I don't know that the cost of this project should be
168 a consideration in our deliberations. (He asked staff to expound on that).

169
170 *(Commissioner White – Recognized Commissioner Henrichs to be heard as he was interrupted*
171 *before his question was answered. Commissioner Bruner was displeased that Chairman White*
172 *disregarded his question. In essence, there was a procedural process that was trying to be fulfilled*
173 *by the Chairman and this caused some friction at the table amongst the Commission).*

174
175 Commissioner White – Suggested that the Commission deal with just the issue of the proposed
176 demolition on the table. Commissioner Bruner was displeased and stated that the Chair was
177 ignoring his concerns, and that his question was asked of staff and not the Chair.

178
179 Commissioner White then mentioned statements made by the Ann Arbor Observer newspaper
180 regarding costs and historic properties – Commissioner Bruner stated that that issue was
181 completely different and has nothing to do with the matter at hand or his line of questioning to staff.

182
183 K. Kidorf – Stated that the Secretary of the Interior's Standards preamble does say "to apply the
184 standards in a reasonable manner, taking into consideration economic and technical feasibility."
185 So while you probably wouldn't base your decision solely on economics, you can take that into
186 consideration.

187
188 Commissioner Bruner – Reiterated his previous statements about supporting the petitioner to
189 convince the insurance company to support their project, but whether they have their money in
190 order is their battle and it remains their battle, but should not come into discussion to the degree
191 that this has. He stated that if the Commissioners want to leave by 9:00 p.m., that the get off of
192 that discussion.

193
194 Commissioner White – Once again followed procedure and gave Commissioner Henrichs the floor.

195
196 Commissioner Henrichs – Stated that the question he proposed was based on the fact that the
197 HDC is being asked to approve the demolition ahead of the design – so, we would want to know
198 that the design is actually 'viable' and are assured of that before we approve the demolition. If
199 there is anything that could put the design at risk, such as financing or any other outside issue, that
200 we could know what those were to be assured that the design will be executed as we're being
201 asked to approve this prior to the design coming forth.

202
203 Petitioner (Jeffrey Scott) – Stated that he understood the concern and that if the Commission
204 wants to wait for the design and/or the full insurance company's approval, they could come back in
205 the Spring. You're looking to delay it and get guarantees. What I'm telling you is that here is our
206 approach that we're going after – this is what I can give you today. By approving this approach,
207 that allows us to preserve what is on the lower level of this building. If we wait until the battles with

208 the insurance company are done, we're not going to be able to protect this in the meantime;
209 therefore, it will get torn down completely. Right now this is what we can present.

210 He went on to say that he doesn't understand why the HDC *wouldn't* approve their efforts, as the
211 insurance company is pushing to have it demolished, and they are proposing to salvage and
212 restore it.

213
214 Commissioner Ramsburgh – Inquired to staff if it would be possible to make a motion to approve
215 the demolition down to the first floor, based on the petitioner's belief that he will be able to replicate
216 the upper stories as the original designs were? Can't we qualify the motion in order to allow
217 demolition to the first floor, anticipating that the design will replicate the original drawings? If for
218 any reason the insurance company does not cooperate with the petitioner, they would have to
219 come back to the HDC again for any other action.

220
221 Commissioner Shotwell – That happens automatically. If their plans change at all, they have to
222 come back before the Commission to have anything else approved. (The petitioner stated that
223 they attempted to give the HDC their plans in their application where it shows elevations with the
224 reconstruction, as you had asked for reassurance that this is the approach we're going to take).

225
226 K. Kidorf – Asked the petitioner for clarification. She stated that her understanding of the
227 application and what I presented in the staff report was exactly that – not just demolition, but that
228 the upper stories would be reconstructed using the masonry concrete block with applied stucco....
229 Etc. (SEE STAFF FINDINGS FOR IN DEPTH INFORMATION). There were some details that
230 remained that we couldn't solve right now like what could or could not be replicated, what windows
231 could be saved and what they would propose to replace those that couldn't be saved, etc., but the
232 basic form and structure of the building – my understanding is that the walls and roof will go back
233 up and window openings go back up looking like they were designed.

234
235 Commissioner Shotwell – Pointed out that the staff report does outline the reconstruction in depth.

236
237 Commissioner Giannola – (To Petitioner) - Asked that if the insurance company does not come
238 through, and the petitioner comes back and they want to demolish it, we can say 'no,' correct?
239 Then you have to find more funding, possibly some other way, but we do not have to guarantee
240 that you can knock this down to the ground.

241
242 Commissioner Bruner – Stated that if the petitioner is economically challenged, the Commission
243 would be hard pressed in not granting that demolition.

244
245 Commissioner Glusac – Asked what the integrity of the first floor masonry wall was. (Petitioner
246 explained in depth). She also asked if they anticipate any window opening changes in order to
247 improve or allow egress. (No). She asked if they had spoken with the Building Official at all.
248 (Petitioner stated that he met with him at the counter, but they had not gone in depth about it.
249 Their discussions with him have been 'you have to get through the Historic Commission' as they
250 will dictate the window proportions." We've also proposed sprinkling the building which will aid in
251 any egress situations).

252
253 K. Kidorf – (To Commissioner Glusac) – In her conversations with Building Official Anthony Savoni
254 about egress windows, he did say that if buildings were sprinklered, that is an alternative to putting
255 in egress windows.

256
257 Commissioner Ramsburgh – Asked the petitioner about hardware and brackets proposed for use
258 and the proposed windows. (The petitioner stated that all the windows in the reconstructed upper
259 level would be new).

260
261 Commissioner Bruner (To Petitioner) – Do you know at this time if you will need elevator egress
262 which may impinge on toilet rooms, etc.? How far are you from knowing if you'll need an elevator?
263 (Petitioner – It's our understanding we will not require an elevator. This was something that we did
264 ask the Building Official. We'll sacrifice the pantry to expand the stair and install a toilet room on
265 the first floor).

266
267 Commissioner Bruner stated he wanted to remind the Commission that this was a catastrophic
268 event, and although this building was once on the National Historical Register, it's unfortunately
269 compromised, and it's not our task to require restoration. This was referenced in the case cited in
270 the A2 News, and something he personally voted to approve window replacement while the rest of
271 the Commission required that the rest of the windows be restored. He went on to say that they
272 cannot require restoration, and that was pointed out in the legal case referred to in the A2 News
273 article. Based on several factors, including that the petitioner wants to restore this building, it is
274 something I will support.

275
276 John Markiewicz – Stated that they are also working with Alan Lutz of Alpha Construction, and
277 Alan stated that Alumni want to look at the front façade of that building and see that it looks like it
278 did when they lived there – they want to walk into that foyer and see that it looks like it looked fifty
279 or sixty years ago – the second floor and third floor and bedroom appearances are not as critical.
280 The first floor is ever so important and that is a commitment of the Alumni Board to preserve that
281 tradition. *(Further discussion by the Commission and the Petitioner regarding the proposed*
282 *reconstruction).*

283
284 **Audience Participation:** None.

285
286 **Discussion by the Commission:**

287
288 Commissioner Bruner (To Staff) – Was a fee required of this applicant for this Special Meeting?
289 (K. Kidorf – Yes, they paid the standard application fee of \$50.00). So a Special Meeting is
290 allowed under this \$50.00 fee? (As far as staff knows, yes).

291
292 **B. Acquaviva - Staff Note for Informational Purposes:** *Special Meetings are only deemed*
293 *'Special' because the HDC by-laws indicate that any meeting that deviates from the Regularly*
294 *Scheduled Sessions must be called "Special" or something to differentiate from the Regular*
295 *meeting (and this must be published, etc.). A Special meeting is a special convenience to not only*
296 *the petitioner that presents special circumstances, but also expedites the possible hearing duration*
297 *that other petitioners would suffer if they had to wait in a Regular Session for a situation like this*
298 *one to be heard due to its complex nature. It does not preclude the petitioner from paying the*
299 *minimal \$50.00 fee. This is required of all applicants to the Commission, regardless of how their*
300 *hearing is held and heard. The \$50.00 fee is mandated and approved by the Ann Arbor City*
301 *Council, and staff cannot deviate from that fee.*

302
303 **MOTION**

304
305 Moved by Commissioner Giannola, Seconded by Commissioner Bruner, **“that the**
306 **Commission issue a certificate of appropriateness for the application at 1331 Hill**
307 **Street, to remove the top portion of the structure down to the top of the brick walls**
308 **and reconstruct the roof and stucco walls, and restore the exterior of the basement**
309 **and first story to match the appearance of the house before the fire provided the**
310 **following conditions are met:**
311

- 312
313
314 **1) the applicant returns to the Commission no later than the March, 2009**
315 **meeting to present specific replacement information on the proposed new**
316 **windows, the new basement wall under the rear bay window, and detailed**
317 **drawings of decorative exterior woodwork that will be replaced; and**
318
319 **2) the applicant returns to Commission staff no later than February 28, 2009**
320 **with information on the new roofing material. If the above conditions are**
321 **met the work is generally compatible in exterior design, arrangement,**
322 **texture, material and relationship to the surrounding area and meets *The***
323 ***Secretary of the Interior’s Standards for Rehabilitation* in particular standard**
324 **numbers 2,3,5,6, and 9.”**
325

326 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Application Approved)***
327

328
329 **B - OLD BUSINESS – None.**
330

331 **C - NEW BUSINESS – None.**
332

333 **AUDIENCE PARTICIPATION – GENERAL (Limited to 3 Minutes per Speaker) – None.**
334

335 **D - APPROVAL OF MINUTES – None.**
336

337 **E - REPORTS FROM COMMISSIONERS – None.**
338

339 **F - ASSIGNMENTS**
340

341 **F-1 October 22, 2008**
342

343 **HDC08-029 - 1331 Hill Street - Monitor - Commissioner Bruner**
344

345 **H - CONCERNS OF COMMISSIONERS**
346

347 Commissioner Bruner – Emphatically stated that these petitioners have paid a fee for this meeting
348 as they came here in good faith with a valid project. Merely stating and voting on the motion to
349 end this meeting’s business by 9:00 p.m., with or without a resolution for them is not only contrary
350 to getting business done, but contrary to our By-Laws. Our By-Laws allow that if the
351 Commissioner is here at the beginning of the meeting and a quorum is established, that any
352 Commissioner should feel free to go, and any Commissioner who does not wish to stay until the
353 business of this meeting is completed should do so or resign from the Commission. Setting a time
354 limit on a meeting is simply not right.
355

356 **I - COMMUNICATIONS – None.**
357

358 **ADJOURNMENT**
359

360 *The Meeting was adjourned at 7:55 p.m. without objection.*
361

362 ***SUBMITTED BY: Brenda Acquaviva, Administrative Service Specialist V, Planning and***
363 ***Development Services.***