



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
HISTORIC DISTRICT COMMISSION OF THE CITY OF ANN ARBOR
Thursday, June 12, 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 and Brenda Acquaviva, Administrative Support Specialist V, Planning and Development Services (2)

CALL TO ORDER: Commissioner White called the Regular Session to order at 7:00 p.m.

ROLL CALL: Quorum satisfied.

APPROVAL OF THE AGENDA: The Agenda was approved without objection.

A - HEARINGS

A-1 637 ½ FIFTH STREET - OWSHD

BACKGROUND: This vacant lot sits between a two-story, glazed brick house (c. 1920) to the south and a frame one-and-a-half story house (c. 1930) to the north. This area of the city does not appear on the Sanborn maps from 1909, 1916, or 1925 and the lot appears to have always been vacant.

LOCATION: The property is located on the east side of Fifth Street, south of West Madison Street. It backs up to Turner Park Court. The west side of Fifth Street is not in the historic district in this area.

APPLICATION: The applicant requests HDC approval to construct a new two-and-a-half story, single-family house on a vacant lot.

STAFF FINDINGS:

1. The vacant lot is 33.4 feet wide by 123.5 feet deep. There is one large pine tree and some overgrown brush on the site that does not appear to contribute to the district. The site slopes upward from the north to the south sides.
2. The applicant proposes to construct a two-and-a-half story tall, gable front, single family house with a raised basement. The site will be graded to allow access to a garage in the basement level at the rear of the house. A concrete driveway from Turner Park Court to the garage will take up the majority of the rear yard.
3. The front setback of the main wall of the house appears to be slightly forward of 639 Fifth (to the north), and behind 637 Fifth (to the south). There is an 8' deep front porch which sits on the required 25' front yard setback line. The north side of the house lies on the required 3' side yard setback line. The south side of the house is setback 7' from the south property line (3' side yard setback is required).

- 52 4. The house is proposed to be 23' wide by 50' deep with an 8' deep front porch and a 6'
53 deep deck at the rear at the first and second floors. The house will be about 27' 5" to the
54 bottom of the eave from grade at the front of the house.
55
- 56 5. The house is rectangular in plan with symmetrically placed windows and doors, there is a
57 one-story, thee-sided bay on the south elevation.
58
- 59 6. The foundation will be split face block, the siding and fish scale shingles will be
60 cementitious siding (Hardie), the trim will be wood, the roof will be asphalt shingles. The
61 windows will be vinyl-clad wood, double-hung. The Craftsman style front door will be
62 wood. The front porch will have a treated wood deck and railings, the columns will be
63 "perma-cast." The rear sliding doors will be vinyl-clad wood and the decks will be
64 pressure treated wood. The rear garage door will be paneled in design and constructed of
65 steel.
66
- 67 7. The proposed house is differentiated from the historic buildings in the district by the use
68 of new materials and by design – having the garage integral to the house.
69
- 70 8. The proposed house is slightly taller and narrower than the houses to the north on Fifth
71 Street. The houses to the south sit at a higher elevation and are generally newer than the rest
72 of the district. The proposed house is generally compatible in exterior design, arrangement,
73 texture, material and relationship to the rest of the building and the surrounding area and meets
74 *The Secretary of the Interior's Standards for Rehabilitation*, particularly numbers 9 and 10.
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76 **Owner/Address:** Amy Shuler, 2666 White Oak Dr., A2, MI 48103
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78 **Applicant:** Paul Maturo, 346 Village Green #107, A2, MI 48105
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80 **Review Committee:** Commissioners Shotwell and Giannola visited the site.
81

82 Commissioner Shotwell – The lot does narrow from the pictures, but when you're standing in it
83 and look at the required setbacks, it does fit well in that space. We both agreed with staff's report
84 that the proposed construction and design would fit in with the neighborhood.
85

86 Commissioner Giannola – Concurs with Commissioner Shotwell. From the back from Turner
87 Court, the driveway slopes down and goes under the house, so it will not block the home behind
88 this one (the house to the north has another house tucked behind it).
89

90 **Applicant Presentation:** Mr. Paul Maturo was present to speak . He stated that they are making
91 the house accessible, which is unusual for the Old West Side. This is why we placed the garage
92 under the basement or block the rear houses. We're going for 'energy star' approval. We tried to
93 be conscious of size in the area as well.
94

95 **Questions of the Applicant by the Commission:**
96

97 Commissioner Bruner – You're pursuing an energy star rating? (Yes. There are different levels
98 of ratings. They visit and do certification that you meet certain standards – and you must build
99 according to their standards as far as insulation, wall thickness, etc.)
100

101 Commissioner Henrichs – Are you building this house to live in it or to sell it? (To sell it.)
102 (*Discussion regarding the elevation of the house being higher than those in the rest of the block,.*)
103

Audience Participation:

1. Mr. Timothy Hall, 637 Fifth Street, A2, MI. - He stated that his house is to the immediate north of the proposed house. He had questions as to the space between 637 and 637 ½ . I'm not certain if the drawing shows that the garage behind the house actually sticks out more than the house itself. Also, I'm concerned with storm water drainage issues. There is a slope there and a lot of impervious land. There could be water drainage issues with my house. Historically, this lot was a part of 637 Fifth Street, then was subdivided. The house at 637 is designed with a lot of windows on the south face that would be facing the new project and particularly if this is a very tall house, it would impact the light coming into my house.

Rebuttal from the Applicant – I'm unaware about the land division. As to the water retention, the building department will address that. There is a storm drain in Turner Park Court, which we will tap into for our storm water. It is an old neighborhood, so houses tend to be somewhat close together, but we're following the zoning laws.

Commissioner Bruner (To Applicant) – Looking at your site plan and the building envelope that's outlined, you've biased the construction to the north, but the south is rising. If you tried to move this house more toward the south to give your neighbor a bit more space between the homes, you would also be encountering a problem with the amount of soil that you would excavate and retain. (The front portion of the house next door is smaller, so we're giving that one more space so as not to dwarf that one from the street side.)

Discussion by the Commission:

Commissioner Bruner – In favor of the application. It's a fine example of infill housing that is appropriate for a site like this. My only concern is that the applicant could provide a bit more room between his property and the one to the north, as was pointed out by the neighbor.

MOTION

Moved by Commissioner Shotwell, Seconded by Commissioner Giannola, **“that the Commission issue a Certificate of Appropriateness for the application at 637 ½ Fifth Street, to construct a new 2 ½ story, single-family home as proposed. The work as proposed is generally compatible in exterior design, arrangement, texture, material and relationship to the rest of the buildings in the surrounding area, and meets the Secretary of Interior's Standards for Rehabilitation, particularly numbers 9 and 10.”**

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

A-2 252 CREST AVENUE - OWSHD

BACKGROUND: This 1 ¾ story gable front house features second-story wood shakes and a full-width stucco porch. Its first occupants in 1918 were George W. Lutz, a post office carrier, and his wife Mary B. The Lutz's later opened a sporting goods store at 113 W Washington. They both occupied the house until 1965, and Mary lived there in 1966. The next occupant was Erwin F. Lutz, who occupied the house until at least 1979.

LOCATION: The site is located on the west side of Crest Avenue, between West Washington and Bemidji Drive.

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APPLICATION: In October, 2007 the Commission approved a new basement egress window for the previous owners. When the window was installed it was not recessed within the basement wall but projects from the wall. The applicant seeks HDC approval to have the egress window project from the basement wall as installed and for a new patio and steps at the rear of the house. Staff has already approved landscaping on the property.

STAFF FINDINGS:

1. The egress window replaced and expanded vertically an existing basement window, and the top of the new window aligns with the other basement windows. During installation the contractor discovered the foundation widens below grade and felt the window should sit out on the wider part of the foundation in order to prevent damage to the lower part of the foundation. Therefore a 5” deep wood frame was constructed on the outside of the basement wall that the window was placed in. A sloping shed roof runs from the wood siding to cover the projecting window bay.
2. The wood has been painted to match the rest of the house and the current owner proposes to plant tall grasses or shrubs around the well to hide the protruding window.
3. The basement egress window as constructed is not compatible with the historic character of the house and needs to be re-installed to be in the same plane as the historic basement windows within the basement wall. The work as completed does not meet *The Secretary of the Interior’s Standards for Rehabilitation* standards, in particular standards numbers 2 and 9.
4. The proposed brick patio will be located at the rear of the house, around an existing rear deck. Three steps will be added to the rear edge of the deck to access the patio. The patio will be brick pavers at grade level and will be approximately 26’ wide (the width of the house) and 15’ deep behind the deck. There will still be grass between the edge of the patio and the garage for the characteristic rear yard space in the neighborhood.
5. The proposed patio installation and deck alteration appear to be generally compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the surrounding area and meets *The Secretary of the Interior’s Standards for Rehabilitation*, in particular standard number 9.

Owner/ Address/Applicant: Kate & Ronald Meza, 252 Crest Avenue, A2, MI 48103

Review Committee: Commissioners Shotwell and Giannola visited the site.

Commissioner Giannola – We verified that the window did have an extra ledge below the window that the architect felt had to be built out farther to prevent leakage. According to the architect, if they reconstruct it to be flat with the plan, there might be water leakage. The patio in the back would compliment the backyard nicely. The porch will remain as is with the addition of three steps up to the deck.

Commissioner Shotwell – Concurs with Commissioner Giannola. The patio will make a nice addition to the backyard. It doesn’t interrupt any character defining features in the rear. As to the egress window, it’s a pity that this was done by the former owner, but when you see it up close, it doesn’t appear ‘terrible;’ it certainly isn’t something we would recommend and because it doesn’t comply with the standards, it’s something we should discuss. It is a small addition to the side and not easily visible from the street, although our purview is all four sides of the home.

208 **Applicant Presentation:** Mr. Ronald Meza, owner and applicant, was present to speak. He
209 stated that through the discussions we've had regarding the window, we've heard there might be
210 an issue and how that would impact the basement. It was a long, wet winter, and this window
211 held up nicely. We've had no water issues in the basement. We priced out the reinstallation of
212 the window and it would be roughly an additional \$1,650.00, so from our point of view, the
213 window had been previously approved and installed and we're looking at reinstallation.

214
215 **(Administrative Staff Note:** *Building Department records show that this entire house had four*
216 *new foundation walls installed previous to installing this new egress window (which was not*
217 *compliant with the HDC Approval formerly given to it).*

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219 **Questions of the Applicant by the Commission:**

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221 Commissioner Bruner – How deep is the well below where the sill is located? (Petitioner – I
222 would guess approximately one foot.)

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224 *(General discussion by the Commission on the window and foundation wall)*

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226 **Audience Participation:** None.

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228 **Discussion by the Commission:**

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230 Commissioner Bruner – I'm sorry to see that the window was executed this way. Having
231 encountered that additional step-out or sill in the foundation, as an architect, I would see that a
232 simpler solution would be to set the window where it was proposed – flush with the plane of the
233 upper part of the window, and simply install a sub-sill at the lower part of the window so that it
234 extends out over the additional area of the foundation.

235
236 All this extra work they did to expedite the work to accomplish what they felt was a correct
237 solution was probably more expensive than installing that simple sub-sill. By the dates of the
238 letters – both the previous approval for a window according to the proper standards (which
239 occurred in October of 2007) and a letter that Coordinator Thacher sent in December of 2007,
240 was very close to the time that construction had taken place. In her letter she recommends
241 rectification of this situation. At that time the house may have been owned by the previous
242 owners, but it was early enough to have resolved it, so I can't support approving this. I do
243 support the motion as made to deny this.

244
245 Commissioner Henrichs – I would agree in general with Commissioner Bruner's comments,
246 especially on how they could have remedied this issue. I would add that it seems that the
247 thinking over egress windows is evolving that they should be allowed and work when they are
248 compatible with the existing house, and if they're not compatible, then perhaps those egress
249 windows should not be allowed at all. To me, this would not be something that we would want to
250 allow – from a design point of view. Therefore, I'm in support of the motion to deny.

251
252 Commissioner White – I realize that it doesn't meet the standards, but I also feel there is an
253 economic waste here. We have a window that is waterproof, kept the basement dry, and we may
254 cause a situation here where it will cause moisture. I realize it doesn't comply and under normal
255 circumstances (if they hadn't run into the problems with the foundation), they may have designed
256 it to comply. The new owners are now having this difficulty. I'll vote no on approving the motion.

257
258 Commissioner Glusac – I'm in support of the motion as read. I don't think it is a very good
259 precedent to set. This should have been handled differently during the construction process.

This sets a bad precedent for future changes that would affect others. This window is very visible from the front façade. It's unfortunate that the current owners inherited this issue.

Commissioner White – They'll be planting shrubs, etc. so that won't be seen.

Commissioner Henrichs – I think that this is a bad precedent to set is important for a couple of reasons; one, from a design prospective, how they went about this – it was changed after what the Commission had set forth conditions to approve it, and two, it should have been revisited before the work was done. The financial consideration is important, but I don't think that is our primary charge here – is to decide things based on that. It's to review the standards and interpret those and deal with issues relative to those standards.

MOTION #1

Moved by Commissioner Glusac, Seconded by Commissioner Henrichs, “**that the Commission deny the application and order the work corrected for the egress window as constructed, extending from the basement window with a wood frame and shed roof. The work is not compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the district and does not meet *The Secretary of the Interior's Standards for Rehabilitation* standards, in particular standards numbers 2 and 9. The basement window must be recessed within the wall to the same plane as the basement window that was removed.**”

On a Voice Vote – MOTION TO DENY EGRESS WINDOW - *PASSED – 6 YEAS, 1 NAY (Application Denied - Work must be corrected to the approved standards.)*

**YEA (6) – Commissioners Glusac, Henrichs, Bruner, Shotwell, Ramsburgh and Giannola.
NAY (1) - Commissioner White.**

MOTION #2

Moved by Commissioner Bruner, Seconded by Commissioner Shotwell, “**that the Commission issue a Certificate of Appropriateness for the application at 252 Crest Avenue in the Old West Side Historic District to install a rear brick patio and three wood steps as proposed. The work is generally compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the surrounding area and meets *The Secretary of the Interior's Standards for Rehabilitation* standards 2 and 9.**”

On a Voice Vote – MOTION TO APPROVE – *PASSED – UNANIMOUSLY (Partial Application Approved – (patio and steps))*

A-3 511 KINGSLEY STREET - OFWHD

BACKGROUND: Most likely constructed prior to 1897, in the 1897 City Directory this house is occupied by Charles H Kline an attorney and Amelia McLaren a UM clerk. The longest occupants appear to be William and Louise Wedemeyer, he was attorney. They were in the house by 1901 and Mrs. Wedemeyer lived there until at least 1932.

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LOCATION: The house is located on the north side of E. Kingsley Street, at the northwest corner of Elizabeth Street.

APPLICATION: The applicant received staff approval in early May, 2008 to remove asbestos siding from the west wall of a rear ell and restore and paint the wood siding below. During construction staff observed that instead of repairing the wood siding the applicant was installing cement “Hardi plank” siding. A stop work order was issued and the owner has submitted an application requesting to use the Hardi-plank siding on this section of the rear ell instead of wood. The owner states that the wood siding was deteriorated beyond repair and that they special ordered Hardi-plank in the same dimension and reveal, and that once painted it will be indistinguishable from the wood siding.

STAFF FINDINGS:

1. Staff originally approved the removal of asbestos siding and the repair/restoration of the wood siding remaining underneath. Once the owner discovered the wood siding was deteriorated he proceeded to replace the wood with Hardiplank cement siding without consulting with staff.
2. Photos provided by the applicant of the last remaining section of wood siding show that some boards are cracked in half, are missing paint, and showing some signs of rot. Because the remaining section of wall has already been replaced with the cement siding it is impossible to know whether the wood siding was deteriorated beyond repair.
3. Because of the length of the cement siding it appears that additional vertical wood trim pieces have been installed in the middle of the wall, this does not duplicate the appearance of historic wood siding.
4. The existing house has a variety of siding types including wood and aluminum. It is unclear whether the new cement siding exactly matches the historic wood siding. It appears to have a different bevel and edge than the wood siding.

Owner/ Address: Robert M. Rubin, PO Box 7967, A2, MI 48107

Applicant: Arbor Builders, 321 E. Ann #1 A2, MI 48104

Review Committee: Commissioners Shotwell and Giannola visited the site.

Commissioner Shotwell – It was difficult to evaluate the deterioration level since it was covered. Looking at the pictures, it did appear fairly deteriorated; however it is noted that this change in plan should have come before staff. They did not that prior to this step, there had been asbestos siding covering everything, so it’s difficult to say how the trim may have originated since there were a number of changes through the years. They’re trying their best to put that back to match the rest of the house. It’s hard to say if the pieces of trim had been there historically.

Commissioner Giannola – Concurs with Commissioner Shotwell.

Applicant Presentation: Mr. Robert Rubin, owner, was present to speak. He stated that he was trying to match the new materials with the existing materials. He had no reason to replace the wood siding if he could have preserved it, as it costs money to replace it. During conversation with others in the district (Marc Rueter in particular), the Hardi-Plank material was suggested, as once it’s painted, you can’t tell the difference at all.

361 *(The speaker expounded on various homes he owns in the area in which he has been presented*
362 *preservation awards for. He stated that he was trying to improve the home, and that it did not*
363 *occur to him that he needed to go before the Commission for approval of this material since*
364 *others in the district were already using it. He stated that he didn't know that this needed*
365 *approval until a Stop Work Order was issued by the City)*
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367 **Questions of the Applicant by the Commission:**

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369 Commissioner Bruner – You stated you sought counsel from others, but did you ask the Building
370 Department? (No. All the other homes around me were using this material).

371
372 **(Administrative Staff Note:** *No building permit was ever issued for replacement of siding. If it*
373 *had been issued, the petitioner would have been notified of this stipulation.)*
374

375 Commissioner Bruner – You stated that you've received commendation for other homes you've
376 restored around town? (Yes. 521 Fifth Street and 315 North Thayer Street.)
377

378 Commissioner Henrichs – What was the initial scope of this project? (To paint the whole house.)
379 Did you remove the entire asbestos siding from the house? (Yes.) Were there areas where the
380 wood siding was restored and painted? (Yes.) What percent of the house is that? (Not much.
381 The back section of the house is terrible. The rest of the house was not too bad.)
382

383 The amount that you successfully restored is less than half? (I'm not the workman, so I don't
384 know. I don't think it was that extensive – possibly ten percent?) So, ninety percent of it now is
385 exposed and hasn't been touched, at that point in time? (No. We did the other section last fall
386 and this section in the spring.)
387

388 Commissioner Glusac – Has any of the original siding been completely removed? (No.)
389

390 *(The Commission tried to discern exactly what the extent of the scope of work had been.)*
391

392 **Audience Participation:** None.
393

394 **Discussion by the Commission:**

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396 Commissioner Bruner – What we do here has the effect of administrative law, and a principal in
397 law is precedent. There is precedent in this area (the Old Fourth Ward), about three blocks from
398 this property on High Street, where an owner proceeded to strip off the wood siding and replace it
399 with Hardiplank without benefit of a Building Permit, not to mention review or approval by the
400 HDC. In that case as well, the applicant was required to remove the Hardiplank and replace it
401 with wood siding as had been originally found on the building. There were aspects of that project
402 that allowed some Hardiplank to remain on portions of that building that did not fall into the period
403 of 'historic significance' of the property, but those additions were from the 40's and 50's on a
404 house that originated in the 1880's.
405

406 Commissioner Henrichs – I'd like to ask staff or the review committee to clarify what the scope of
407 this issue was. I'm still not clear on this.
408

409 K. Kidorf – What was found in the file was what I thought was an approval to 'repair' the wood
410 siding underneath and not replace it. It says "Remove asbestos siding, restore underlying siding
411 and trim where missing or unusable. Does not apply to new cement board siding ("hardiplank") –

HDC approval required.” This is dated May 7th, 2008. The stop work order was issued on May 6th, 2008. There was work ongoing without approval.

Commissioner Henrichs – Were there any drawings submitted with this? (No. Just a letter.)
The area in question is how much again? (The letter states it's in the back section of the building, not visible from the street but only visible to the apartment house next door. This section appears to be an addition that was added after the original house was built. The applicant indicated it was this particular section of wall (indicated on power point photo.)) So we would just be asking them to correct the two or three panel area indicated? (Yes.)

Commissioner Ramsburgh – It is discouraging that owners who appear to have worked on properties in historic districts appear to be avoiding the process of getting staff and/or HDC approvals, so it's difficult to support what they're doing. We've seen several instances during the time I've been on the Commission where work was recognized that it might not be approved by staff or the HDC, but they went ahead with the work and consequently may have incurred greater expense and trouble by having to 'undo' something that was done incorrectly. There is also a difference is using Hardiplank in new construction as opposed to replacing existing wood siding in an older structure.

Commissioner Henrichs – Stated that he supported the statement made by Commissioner Ramsburgh. There have been prior projects in recent history where the applicant was very involved with staff and go through a process of discovery and ask what the right procedure is. There would be a lot of interaction and a thorough process that they endured, and I think that is the kind of process and procedure that we want to be supportive of. Some applicants go off and discover things and make up their own solutions and think that this is the end of the matter. That is not the kind of activity we want to encourage. The question isn't whether Hardiplank is an appropriate material or not – but that the siding should have been restored as opposed to replaced with something else.

Commissioner Bruner – The two examples that the applicant gave (Jefferson Street) are new construction or a very large garage, which as an outbuilding, was approved prior to the change of the ordinance which requires approval of outbuildings now as well.

MOTION

Moved by Commissioner Bruner, Seconded by Commissioner Henrichs **“that the Commission deny the application at 511 E. Kingsley Street in the Old Fourth Ward Historic District to replace wood siding with cement “Hardiplank” siding, as proposed and partially constructed, and order the remaining wood siding be repaired and the cement siding replaced with wood siding that exactly matches the original. The work is not generally compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation* in particular standard number 6.”**

**On a Voice Vote – MOTION TO DENY - PASSED – UNANIMOUS
(Application Denied - Work must be corrected to the approved standards.)**

A-4 418 ½ & 420 DETROIT STREET and 322 KINGSLEY STREET - OFWHD

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460
461 K. Kidorf - Because the applicant is applying to demolish 3 different structures all for the same
462 purpose we are holding one public hearing and I am preparing one staff report for the three above
463 applications. Please note that there are three different motions, one for each application.
464

465 Within the report I have broken the background and findings up into information for each address.
466 Please note that the motion worksheet at the end of the report contains the wording to issue a
467 Notice to Proceed; however, the Commission's bylaws prohibit the consideration of a Notice
468 to Proceed at the same meeting for applications which do not qualify for a certificate of
469 appropriateness. Specifically: "Applications that do not qualify for a certificate of appropriateness
470 shall not be considered for a Notice to Proceed at the same meeting."
471

472 If the next regularly scheduled meeting is after the 60 day Commission deadline, the applicant will
473 be required to extend the time for review until the next regularly scheduled meeting or the
474 application will be denied. The Commission may require additional information or evidence to
475 consider a notice to proceed."
476

477 **418 ½ Detroit** – This former 1 ½ story garage was constructed at an unknown date and altered
478 sometime between 1973 and 1986 with the addition of the bay windows on the front, in the former
479 garage door opening, probably when the building was converted into an antiques store. In 1974
480 and 1986 photos of 420 Detroit Street the building appears to be associated with 420 Detroit as a
481 garage. The building also appears to be oriented 90 degrees from its current orientation. There is
482 no record in the HDC files for an application to rotate the building.
483

484 **420 Detroit** – According to histories provided by previous staff reports, Susan Wineberg, and
485 the architect, it is believed that this house used to be located at the corner of Detroit and
486 Kingsley, facing Detroit. It is believed it was then pushed back and rotated to face Kingsley in
487 the 1890s. In 1902 the house was moved to its present location and oriented again toward
488 Detroit Street. In 1987 Zingerman's reconstructed the front porch to accommodate an addition to
489 the main brick store building, and painted the building. Since that time the windows have been
490 covered with signage, the paint has begun to fail, and the wood siding and eaves have been
491 allowed to decay without maintenance.
492

493 **322 E. Kingsley** – This 1 ½ story house was constructed sometime before 1888, as it appears in
494 that year's Sanborn maps as a side gable-house with a small rear ell. By 1908 the house
495 configuration changed with what appears to be a narrower main house and a different rear ell.
496 By 1908 the house configuration changed with what appears to be a narrower main house and a
497 different rear ell and a front porch. The City Directories show a variety of residents over the years;
498 a mason, a painter, a sausage maker, 2 firemen, and a barber.
499

500 **LOCATION:** 418 ½ Detroit Street is located at the southeast corner of the Zingerman's
501 complex. 420 Detroit Street is just to the south of Zingerman's Deli, between the main building
502 and "Zingerman's Next Door." 322 E. Kingsley is on the south side of Kingsley, just east of
503 Detroit Street.
504

505 **APPLICATION:** The applicant seeks HDC approval to demolish all three buildings in
506 preparation to seek approval for a new addition to the building at 422 Detroit Street. The
507 Commission discussed the application at a working session following the May 2008 meeting.
508

509 **STAFF FINDINGS:**

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511 1. The Old Fourth Ward Historic District is comprised of residential, commercial, religious,
512 and educational buildings that all tell the history of the neighborhood. Only those
513 buildings which were built outside of the period of significance, or those buildings that
514 were dramatically altered or moved after the end of the period of significance for the
515 district can be considered non-contributing or unimportant to the story. The period of
516 significance for the district ends in 1931 according to the study committee report.
517

518 2. 418 ½ Detroit – although constructed at an unknown date the former garage most likely
519 was constructed during the district's period of significance. However, the conversion of
520 the door opening into a storefront and the possible rotation of the building have
521 happened more recently. It appears that this building does not contribute to the history
522 of the district.
523

524 3. 418 ½ Detroit – the removal of this non-significant structure appears to be generally
525 compatible in relationship to the rest of the surrounding area and meets *The Secretary*
526 *of the Interior's Standards for Rehabilitation* in particular standard number 2.
527

528 4. 420 Detroit – although possibly moved twice, including a change of orientation, all of the
529 changes were completed before 1902, well within the period of significance. Recently
530 the owners have allowed the building to fall into disrepair as the building appears to be in
531 good condition in photographs from 1986.
532

533 5. 420 Detroit – Although the applicant makes the argument that the residential nature of
534 the building is out of place and that it no longer addresses Detroit Street, it is in fact the
535 commercial building that is unusual for the site, and the house still addressess Detroit
536 Street. Alterations of the site in front of and around the house made by the current
537 owners are what have changed the feel of the house's setting, not the location of the
538 house itself.
539

540 6. 420 Detroit –The removal of this contributing structure is not generally compatible in
541 relationship to the rest of the surrounding area and does not meet *The Secretary of the*
542 *Interior's Standards for Rehabilitation* in particular standard number 2.
543

544 7. 322 E. Kingsley – The house was constructed before 1888 and was last substantially
545 altered by 1908, within the district's period of significance. Since that time the building
546 has been covered with vinyl siding, and a fire in 2006 damaged a portion of the building.
547 Although the building has been unoccupied since that time the building is not damaged
548 beyond repair and could be rehabilitated as seen in a recent site visit by staff with the
549 owner and architect.
550

551 8. 322 E. Kingsley - The applicant is requesting demolition under a Notice to Proceed citing
552 that the building is a hazard to the safety of the public or the occupants. As the building
553 has no occupants the building is not a hazard to them. The building can be secured
554 better (such as temporary fencing, better boards on the basement window) against
555 trespass by the public. The structural report from 2006 concludes that the building may
556 be cost prohibitive to repair, but it does not state that the building is a hazard or that it is
557 structurally unsound.

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9. 322 E. Kingsley – The applicant makes the argument that the house has lost its integrity of design because the massing and proportions have been lost due to the rear additions and enclosure of the front porch, however this is not accurate. It is clear from the massing of the property that this was once a vernacular mid-1800's house with a front porch added in the early 1900s and ells have been incrementally added to the rear. Covering the original siding is a common past alteration to buildings within historic districts and does not automatically place them into a non-contributing category.
10. 322 E. Kingsley – The applicant has stated that the entire house will need to be rebuilt from the frame up, that the structure does not meet current code, and that it is cost prohibitive to do so and that no historic fabric would remain. However, no rehabilitation costs or plans to evidence these facts have been provided. The condition of the wood siding under the vinyl siding is unknown. No evidence has been provided that the windows and doors are deteriorated beyond repair and would have to be replaced. There is no information on how the house would not meet code to be re-used as a single family dwelling, which is the historic use of the property.
11. 322 E. Kingsley - The removal of this contributing structure is not generally compatible in relationship to the rest of the surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation*, in particular, standard number 2.

Owner/Address: Deli Partners, L.L.C., 422 Detroit Street, A2, MI 48104

Applicant: Ken Clein, Quinn Evans Architects, 219 ½ Main Street, A2, MI 48103

Review Committee: Commissioners Shotwell and Giannola visited the site.

Commissioner Giannola – 418 ½ Detroit Street, I concur with the staff report regarding the garage – it's a non-contributing structure. 420 Detroit, I'm torn. It does look like it could be repaired. I'll leave that to the architects to tell me if it is repairable or not. Personally, I think this house adds to the charm of Zingerman's Plaza. 322 E. Kingsley, I don't see anything left on the exterior that adds to the historical integrity of the house. It appears that all the non-original doors (sic – 'contributing') and windows are gone, we're unsure about the wood behind the siding. If there is anything historical left, it might be on the inside, and I don't know if we can use that to justify keeping the house. For me, it's not a contributing house for the condition it's in.

Commissioner Shotwell – I definitely concur with Staff's report on 418 ½ Detroit Street – the garage behind is certainly not contributing to the Historic District; 420 Detroit Street, I also concur with Staff's report. While it is in disrepair, I do believe that despite the fact that it has been moved, the date of both moves fell well within the period of significance and I believe that it is still a contributing structure. 322 E. Kingsley – While it is a 'contributing structure,' I do believe that because of the way it's been closed up, it has lessened any possible danger to the public. I would like to hear more discussion surrounding the condition of this house, whether it is repairable. Due to the extent of the damage, I'm not sure it's feasible to save it; however, it does contribute to the residential character of this street, and for that reason should be very carefully considered.

Applicant Presentation: Kenneth Clein, Preservation Architect and a principal with Quinn Evans Architects and Eileen Tyler, also a principal with Quinn Evans Architects, were present to speak on behalf of the appeal.

610 Mr. Clein stated that Quinn Evans Architects has history in preserving several historic buildings in
611 this area, including the State Capital and the Wayne County Courthouse, etc. He stated that
612 they feel that the applications before the Commission to remove these three structures are a
613 reasonable request and that Zingerman's remains committed to stewarding the historic resources
614 on its property (commonly referred to as "Zingman's Next Door.")
615

616 It is in the owner's interest both as a business owner and a resident to maintain the character of
617 the Old Fourth Ward, Kerrytown and Zingerman's. The removal of these structures in question
618 will allow for a contextually sensitive expansion that would relieve the stress that food service
619 operations are placing on the especially historic deli building. They believe that Zingerman's Deli
620 and its contribution to the community for over one hundred years is more important than the
621 contributions of these minor structures whose integrity has already been compromised.
622

623 Any proposed modifications will, of course, need HDC approval and we anticipate working with
624 this Commission in the best interest of the larger Ann Arbor community, the Old Fourth Ward
625 neighborhood and Zingerman's. The application packets we've submitted show why the owner
626 should be allowed to remove these structures. You also have the staff report, while although
627 prepared by a knowledgeable and professional consultant in the absence of local staff, this is the
628 perspective of someone who is not a resident of Ann Arbor and perhaps, for this reason, may
629 have misinterpreted the history and character of the Kerrytown area in some instances.
630

631 Irene Tyler – Members of the HDC are appointed as stewards of local historic resources, and it is
632 the responsibility of the Commissioners to interpret the Secretary of the Interior's Standards for
633 Rehabilitation as they apply to our community's local districts and resources. The applicable
634 guidelines and standards in this case do not recommend removing historic buildings or resources
635 which (and I quote) "are important in defining the overall historic character of the district or the
636 neighborhood."
637

638 In order to determine if a resource is important under this definition, we applied national register
639 criteria for evaluating integrity, using seven aspects of integrity that are defined by the National
640 Register Bulletin #15 (used to establish integrity of resources). Those are: 1) Location, 2)
641 Setting, 3) Design, 4) Materials, 5) Workmanship, 6) Feeling and 7) Association. She stated that a
642 full copy of that publication was included in the application packet to the Commission.
643

644 418 ½ Detroit Street – This is a one-story former garage located behind Next Door coffeehouse,
645 has been altered significantly prior to Zingerman's ownership, and does not possess, in our
646 professional opinion, historic integrity, and as staff recommend that it be considered 'non-
647 contributing' to the rest of the district. We urge your support for the staff finding on this particular
648 building, and appreciate that the Review Committee has agreed.
649

650 420 Detroit Street - When considering the integrity of a historic resource within a district, it is
651 important to remember that much more than the building's bricks and mortar define integrity.
652 Residential buildings within the Old Fourth Ward generally conform to characteristics of a 'typical'
653 residential neighborhood streetscape. These include a relatively uniform setback and orientation
654 toward the street and the presence of domestic yards at the front and rear.
655

656 While this building's physical features are relatively intact, it has undergone at least two
657 relocations, documented in historic Sanborn maps from 1892, 1899 and 1908. Further research
658 indicates that once moved to make way for the current 1902 Deli Building, ownership was
659 transferred to the adjacent property at 418 Detroit, and the building was rented to occupants
660 unconnected to the Deli Building.

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After 1902, census records demonstrate that the owners of the Deli Building lived in the apartment above the retail store, not at 420 Detroit Street (a deviation of the history written by former Commissioner Wineberg). Contrary to the staff report, the Deli Building is not unusual for that site. This is where we disagree with the finding that was read in the staff report. Well before its construction, Sanborn maps and city directories show a number of small retail and commercial and retail businesses both on that block and up and down Detroit Street, including grocers, a meat market and a bakery.

The Deli Building has an unbroken history as a retail grocery store, stretching back to its construction and before its construction when there was an attachment to the house that was at the corner that goes back to the 1892 Sanborn maps. Its presence is typical of the mixed use character of the Kerrytown neighborhood. It is our professional opinion that these relocations and the disassociation with the original owners have diminished the historic integrity of the building. While it is true that the relocations of the building occurred during the period of significance, that fact alone does not, in our mind, make them 'significant.'

It must be judged within the context of the character defining features of the district as a whole. Specifically, this residence and rental property has lost the relationship with the street that characterizes the District. Its relocation situates it tight to property lines on the north and east sides and eliminated side and rear yards. At the same time, it lost both the setback and orientation toward the street toward other residential structures. While the staff report argues that it still addresses Detroit Street, it only nominally faces the street, and it does not relate to the streetscape in the same manner as other contributing residential structures within the District. The remaining yards have lost their residential context and domestic landscaping have been paved over.

The staff report suggests that it was alterations by the current owner that changed the feel of the houses' setting; however, the photo from 1984, prior to Zingerman's occupation of the property, demonstrates that the residential character of this property was already gone at that time. The loss of the domestic yard is connected to the conversion of the garage at 418 ½ Detroit Street (an antique shop) and 420 Detroit Street (to a retail shop in the early 1980's, but not directly when occupied as Zingerman's. Historic integrity is defined in part as a resources ability to convey its historic character to an observer. We believe that, through its relocations and its loss of domestic surroundings that 420 Detroit Street is no longer able to convey its character as a late-19th Century residential building and has therefore has lost some of its historic integrity.

It is not an important resource in defining the overall historic character of the District or the neighborhood. We ask that based on these criteria, you consider (with favor) the application to determine this as 'non-contributing' within the Old Fourth Ward Historic District.

322 E. Kingsley Street – This structure is on the lot directly east of the Deli Building along Kingsley Street. As noted in our application and by staff, the original structure on this site dates from the mid 1800's. It first appears on the 1988 Sanborn map (sic – 1888 Sanborn map) as we don't have any information pre-dating that.

Significant alterations, although within the period of significance of the District have almost completely obscured the original structure and the more recent modifications, including siding, roofing, windows, doors, trim and a devastating fire (all under previous ownership – which have destroyed what historic fabric remained) – there is very little that remains. There are doors and windows gone, they are not original, the trim is gone inside and although the siding underneath the vinyl remains, it is in poor condition because of the way that the vinyl siding was attached to it

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as well as other deterioration we could selectively look at. The building was declared by the City of Ann Arbor Fire Department as 'unsafe' and the owner has followed City Housing Code with respect to 'Abandoned or Vacant Buildings' and there has been no further deterioration since Zingerman's purchased the property.

This building presents a public hazard, in that as any unoccupied building, it becomes a target for graffiti, an unsupervised place for teens for the adjacent Community High to gather and carries a greater risk of fire which may further endanger the entire neighborhood. The staff report claims that rehabilitation is a possibility. I've been in the building three times, and I know that when we went there with the staff and Commissioners that there was a certain amount of 'reluctance' to entering the building (which I can understand), as I have a sense of when I'm comfortable or not, and there are definitely areas in there where no one should feel 'comfortable.' Since the staff report, we have undertaken further investigation to follow up the comments about our not delving deeply enough into the adequacy of structure and building codes.

Specifically, building codes that are non-conforming are: ceiling height, means of egress and structural load requirements. We did have time to further check with the engineer working with us on this project to update or enhance some of the detail beyond what was given in the structural report. Regarding ceiling heights -The entire second floor would be considered uninhabitable space based on a 7 ft. high requirement, and the roof would have to be significantly raised up in order to get a 50 percent area that could be occupied to meet the requirement.

Regarding means of egress, there are no doors that meet requirements of an exit door, meaning 3 ft. wide by 6 ft. 8" high, the stair to the second floor does not meet requirements for stair width, rise and run or headroom. To construct a stair within the space that would meet these requirements, major interior wall locations would have to be performed, and depending on where the stair was placed, modifications to the exterior roofline may have to be altered, and at the very least, the stair would effectively reduce effective habitable space by the extension of the stair run into the habitable space on the first floor. **(ADMIN. NOTE: CHECKED MICROFILM RECORDS AND HOUSING RECORDS – THE UPSTAIRS WAS NOT AUTHORIZED HABITABLE SPACE, AND THE HOUSING INSPECTORS CITED THEM FOR THIS REPEATEDLY AND TOLD THEM TO VACATE THIS UNINHABITABLE SPACE OR DE-CONSTRUCT IT. NO BUILDING PERMITS WERE EVER SECURED FOR THE UPSTAIRS "BEDROOM."**

Regarding structural load requirements, the first floor framing is overstressed, based on the spacing and depth of the joists and would require reinforcement, not to mention complete replacement of many that are damaged from insects. First floor sub-floor is overstressed and would need to be reinforced if the floor material was intended to be preserved. The spacing of the joists exceeds the normal 16 inches on center (existing are 20 inches). The first floor's ceiling joists of the center structure have been cut through, resulting in a compromise of structural capacity due to modifications made to the roofline when the 1 ½ story front portion was installed – they changed the slope of the original cross gable piece to add on to make a shed roof up to the two story portion.

Joists are cut in many places and all would have to be replaced. This is where the fire damage and charring occurs – to the rafters. The second floor framing is 40 percent overstressed and would need to be reinforced with complete removal of the first floor ceiling over the two-story portion.

762
763 The wall framing of the two-story portion is 100 percent overstressed, exceeding allowable
764 loading twice, and this would require some diagonal framing and bracing as there isn't any, nor is
765 there any sheeting. The entire structure with the aforementioned deficiencies would either need
766 to be completely sheathed from the exterior or laterally braced (also exterior) to meet code. This
767 would require exterior siding to be completely removed, regardless of condition (which we believe
768 is in poor condition) and exposing the section underneath. Based on these code requirements,
769 we feel that rehabilitation of 322 E. Kingsley is not a viable option due to the extensive code
770 deficiencies present in the existing building.

771
772 Potential rehab is further complicated by the chronology of modifications to the structure, the fact
773 that the floor framing is not connected between any of the three sections of the building – they are
774 independently framed up and only at the roof sheeting do you have any continuity. The
775 differences in the underlying structural arrangements of these three sections would make
776 rehabilitation more difficult and it would make relocation virtually impossible. The degree of
777 reconstruction needed would result in the loss of any remaining exterior or interior historic
778 integrity, and this would contradict the Secretary of the Interior's Standards for Rehabilitation and
779 not satisfy the National Register criteria for integrity. Therefore, we respectfully ask the
780 Commission to approve the application for demolition at 322 E. Kingsley.

781
782 Mr. Clein then quoted from city code, Chapter 103 (Historic Preservation), paragraph 8:406 –
783 “The purpose of this chapter is to: 1) Safeguard the heritage of the city by preserving Historic
784 Districts which reflect elements of the city history, architecture, archeology, engineering or
785 culture. 2) Stabilize and improve property values in the Districts and surrounding areas.
786 3) Foster civic beauty. 4) Strengthen the local economy and 5) Promote Historic Districts for the
787 education, pleasure and welfare of the citizens of the city and the state of Michigan.

788
789 We suggest to you that Zingerman's has in mind fulfilling all of these five points with their
790 contemplated renovation, expansion and rehabilitation. Removal of these buildings which have
791 either lost their historic integrity or pose a hazard to the community are not viable candidates for
792 rehabilitation and this reasonable request should be approved.

793
794 **Questions of the Applicant by the Commission:**

795
796 Commissioner Glusac – Has there been further damage to the Kingsley property since the fire of
797 2006? During our working session, I recall something happening to the home? (I. Tyler – There
798 was an incidence once the owner acquired it after the fire that they talked about shutting down
799 the building and shutting off the water. The water didn't get turned off and there was a fair
800 amount of water that had accumulated before it was noticed. People had to go down and turn off
801 the water, then it proceeded to dry out. By the time I saw it, it had dried out and most of that
802 moisture seemed not to have been absorbed into the wood (it's dry) and so nothing further is
803 happening since it's been 'mothballed.'

804
805 Commissioner Bruner – I would disagree that it has been properly and effectively 'mothballed.'
806 No provision has been made for proper ventilation of the interior so that moisture and humidity
807 levels could grow in there and the securing of the building and the windows could be stronger to
808 prevent intrusion. (I. Tyler – The important thing is that they're trying to 'monitor' those
809 deficiencies and stay on top of them if there is any breach of that.)

810

811 Commissioner Bruner – In particular to the quick points you made – you mention the ceiling
 812 height at 322 E. Kingsley – the 7 ft. high restriction. What code were you quoting at that time?
 813 (Mr. Clein – The 2003 Michigan Residential code – it’s the code currently used by the city of Ann
 814 Arbor.) Under the Rehabilitation Code, since this is an existing structure, that ceiling height
 815 wouldn’t be 7 feet. (Mr. Clein – That’s an excellent question – With the Rehabilitation Code,
 816 because of the extent of the work that would be done here, it would throw it into a “Level 3”
 817 Rehabilitation, which would essentially invoke the current code requirements. The ceiling height
 818 in there currently is 6 ft. 5” at the highest point and only 4 ft. wide.)

819

820 Commissioner Glusac – Has a cost estimate been done by the owners for 322 E. Kingsley in
 821 order to rehabilitate the home? (Mr. Clein – Not at this time, no.) (I. Tyler – You’d have to look at
 822 the extent of changes to meet the code, or those that could be approved by this body – increasing
 823 the roof levels, etc., or do you abandon the second floor? There are variables that would have to
 824 be addressed on a completely different path, and we weren’t prepared to do that.)

825

826 (Mr. Clein estimated that rehabilitation for this building would cost something in the area of
 827 \$1000.00 per square foot, and the main portion of the building is 660 square feet.)

828

829 Commissioner Ramsburgh – Please clarify the sequence of events. The fire was in 2006 and
 830 Zingerman’s purchased the building after the fire in 2006 or 2007? (Mr. Clein – August of 2007.)
 831 Was the intent at time of purchase to demolish the building? (I don’t know that.)

832

833 Commissioner Bruner – I think Mr. Clein’s letter addresses that; in fact, he states something to
 834 the effect of “it was purchased and mothballed until such time as a decision could be rendered on
 835 its condition and future use.” I assume the owner was participating in its decision of its future use
 836 as well.

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838

Audience Participation:

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840 1. Gary Bruder - Attorney working with Quinn Evans for Zingerman’s Deli – Stated that he
 841 had two letters of support from neighbors (submitted to staff.) Residents of 500 Detroit
 842 Street and 503 Detroit Street state that they feel the property at 322 E. Kingsley is an
 843 eyesore and a safety concern, and they encourage the Commission to approve the
 844 removal of that building.

845

846 2. Commissioner Bruner – Since staff pointed out that the Commission had also received two
 847 letters against this petition, that those be read into the record. The first letter is from Chris
 848 Crocket of E. Kingley Street, resident member and president of the OFWHD, and the other
 849 from Ray Detter, Chair of the Downtown Citizen’s Advisory Council. Ms. Crocket’s letter
 850 stated that everyone agrees that Zingerman’s is a much respected establishment in Ann
 851 Arbor, however, many of us have worked diligently over the years to enhance this
 852 neighborhood as well as the integrity of its primarily residential character.

853

854 The buildings being considered for demolition are modest structures; the home of an early
 855 storeowner, the home of the first Jewish settler in Ann Arbor and a garage. These are all
 856 part of the heritage. Both Ray Detter and I have met several times with representatives of
 857 Zingerman’s about their desired expansion. We have discussed their aspirations for their
 858 business, our aspirations for the Old Fourth Ward Historic District, and the requirements of
 859 the current law. At the most recent meeting with them, we emphasized that any demolition
 860 is strictly the decision of the Historic District Commission, which must follow the provisions
 861 of the law and the standards set by the Secretary of the Interior.

862
863 We are surprised that there are no plans showing what would replace the aforementioned
864 buildings if demolition were permitted. We have complete that the Commission will
865 thoroughly review this petition and make a decision based on the requirements of the law.”
866

867 Second letter – From Ray Detter of The Downtown Area Citizen’s Advisory Council – “Past
868 positions of the DACAC led us to strongly support the carefully developed findings and
869 recommendations of Kristine Kidorf, Historic District Consultant. We object to Zingerman’s
870 applications to demolish the buildings at 418 ½, 420 Detroit Street and 322 E. Kingsley
871 Avenue. While the garage at 322 E. Kingsley Avenue might be removed as
872 ‘non-significant’ to the Old Fourth Ward Historic District, the two houses are clearly
873 contributing to the historic character of that District and the neighborhood.
874

875 They should be retained in compliance with the Secretary of the Interior’s Standards for
876 Rehabilitation. In the case of the house at 420 Detroit Street, deterioration of that property
877 over the last two decades has been the direct result of what all of us know as ‘demolition
878 by neglect;’ its owners should not be ‘rewarded’ with an approval of their application for
879 demolition. In the case of the house at 322 E. Kingsley, it is a residential property in an
880 R4C neighborhood, as well as being a contributing part of the Old Fourth Ward Historic
881 District.
882

883 Zingerman’s Deli makes no secret of its intent to move its commercial interest onto that
884 residential site. It appears to thumb its nose at us and shows disrespect for the historic
885 and residential character of that site by not even submitting a clear plan for what might
886 replace the house if it were demolished. The HDC has the final decision on the
887 appropriateness on whatever might replace that house.
888

889 There is no justification for approving the demolition of a property that could be
890 rehabilitated, particularly when we have seen no acceptable plan for what might take its
891 place. All plans adopted by the city – the downtown plan, the central area plan, the
892 Calthorp plan, the A2D2 plan and our HDC ordinances encourage and provide for the
893 protection of historic and residential neighborhoods that border the downtown.
894 Demolitions, changes in zoning and PUD plans that threaten our commitment and further
895 encourage development pressures should not be allowed to set a dangerous precedent.”
896

- 897 3. Peter Pollack – A neighbor living at 515 Detroit Street – Spoke in support of the applicant’s
898 wish to demolish the property. He stated that there are a number of things in Chapter 103
899 that go well beyond architectural protection, but in ‘Standards for Review,’ there is a
900 discussion about a) Historic OR b) Architectural – OR Architectural value, and significance
901 of the resource and its relationship to the historic value of the surrounding area. This is a
902 site that has been a retail site for a very long time. The proposal in front of you today is no
903 different from what the Deroff’s did when they built that Market in 1902.
904

905 When you look east, you see houses, when you look west, you see a wonderfully mixed
906 neighborhood. That is the culture of Ann Arbor. The request before you is to remove
907 three structures. The value of those three structures, I ask you to put in context with the
908 historic development of what has occurred on this property. Buildings have been
909 relocated, reoriented and adjusted. This is in the same spirit of that reorientation and
910 adjustment. If you look at the “Notice to Proceed,’ this is a major deterrent to an
911 improvement program, and I say that this is exactly the case.

912 It's not without restrictions that I'd like to see this change occur; from my point of view, all
913 retail activity focus to Detroit Street in a reconfigured, rebuilt site. There should be no
914 example of retail on E. Kingsley. You can have windows, but no access and no extension
915 around the corner. It's enough when the line comes around the corner from Zingerman's
916 on Football Saturdays. The other important thing is the setback of the E. Kingsley Street.
917 I would like to see that respected as well, and that would almost guarantee that the retail
918 activity focus west on Detroit street.
919

920
921 When Deroff's Market was built, it was built in the 'vocabulary' of the day. I would clearly
922 like to see a replacement structure, respectful of the District, but built in the 'vocabulary' of
923 today, so that fifty years from now, we will look back on this Zingerman's addition from
924 2010 and perceive its value as significant as the original market. I don't mean
925 contemporary architecture – what I mean is a building that is expressive of today – its use
926 inside, its materials, its green architecture, its sustainability, its awareness of people. I am
927 here to support the request to demolish all three buildings from a cultural aspect, the
928 economic aspect and the fact that I believe it is consistent what has happened on this site
929 in the past.

930
931 I also sit on the Kerrytown Association Board, and for your information, we took a vote and
932 passed a resolution today in support of removal of these three structures.
933

- 934 4. Ethel Potts – 1014 Elder Street, Ann Arbor, MI (Planning Commission Member and A2
935 Resident) - Ms. Potts stated that this is the kind of project that puts Historic Preservation to
936 the test. Do we really mean it, or don't we? You have the Secretary of the Interior's
937 Standards for demolition and we don't know what will replace this, but the quality of life
938 and the making of Ann Arbor into a special place has to do with Historic Preservation as
939 much as anything. Zingerman's is quite special, and we all wish it well, but the question is,
940 when does one conflict with the other.
941

942 There are other parts of town where there are historic buildings that aren't architecturally
943 special, some are historical as important people have lived in them; there are other homes
944 that are not protected and are in jeopardy quite regularly. Where there is a Historic
945 District, we need to hang on to those buildings, because we're losing all those that are not
946 protected. There is more to Historic Preservation than the 'structure' itself; there's also the
947 streetscape and the neighborhood. When you have an entire District like the Old Fourth
948 Ward, it's more than just 'building, building, building...." It has to do with their yards,
949 landscaping, streetscape, and in my mind, the importance of these two houses. I have no
950 particular opinion about the garage.
951

952 The houses on Detroit Street have been there. They have changed uses but they are a
953 part of that streetscape. Detroit Street will not be the same if those houses are removed.
954 Yes, they've been neglected, and I think the owner should do a better job of upkeep on
955 their property, but this is not sufficient reason to demolish them. This complex of buildings
956 is a lot of space – about five or six city lots. These homes used to have back yards which
957 are now paved. There is quite a lot of space, and whether or not everything should be
958 removed to give them more space, I'm not certain. I think the lot area behind the house is
959 plenty of area to build. What worries me the most is the future and what would be put in
960 place of these buildings if demolition is approved?

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Applicant Rebuttal: Mr. Clein – Stated that they wanted to make note of a few comments made – the fact that they are not presenting plans or designs to replace these structures with. It was at the suggestion of staff that we separate that issue from the issue for request for demolition.

Discussion by the Commission:

In regard to 418 ½ Detroit Street:

Commissioner Bruner – I’m in agreement with the staff report on this issue and the motion as read.

Commissioner White – Will also support the motion.

MOTION #1

Moved by Commissioner Giannola, Seconded by Commissioner Shotwell, “**that the Commission issue a Certificate of Appropriateness for the application at 418 ½ Detroit Street in the Old Fourth Ward Historic District to remove a non-contributing former garage structure as proposed. The work is generally compatible in relationship to the surrounding area and meets *The Secretary of the Interior’s Standards for Rehabilitation* , in particular standard 2.”**

On a Voice Vote – MOTION TO APPROVE DEMOLITION – *PASSED - UNANIMOUSLY* (*Application to Demolish is Approved*)

In regard to 420 Detroit Street:

Commissioner Bruner – I’m in support of the staff findings on this as well, and will support the motion as read. I would like to reinforce what Ms. Potts stated earlier about Detroit Street as in ‘incubator’ for businesses. They may be residential in character but there have been a variety of businesses located there and different businesses have begun at these locations. Perhaps they flourished and moved on, but they offer the kind of opportunity for new businesses to begin and start their life in a small and affordable location that nevertheless enjoys a lot of foot traffic.

Commissioner Henrichs – I’m in support of staff findings for this and the motion as read. I think that Zingerman’s is a textbook example of the economics of Historic Preservation, which as many of us saw at a lecture last night, from a national expert in this area. Part of the character and charm of Zingerman’s are these little small buildings that they’re situated in, and I think it’s part of why people like going there and also part of their success. I’m a bit surprised that they would want to take this approach to these buildings – I’m a bit flabbergasted. It seems to deny the thing that helped to make them successful to begin with.

Commissioner Glusac – I also support the motion as read, and picking up on a comment that was made that I don’t feel that these buildings are a ‘deterrent’ for the future of Zingerman’s at this site – in particular, the building located at 420 Detroit Street. I also support staff findings. Because the move happened during the ‘period of significance,’ that doesn’t detract from the fact that it is a contributing structure to the District.

Commissioner Henrichs – Stated he would like to support Commissioner Glusac’s statement, in that I am not convinced that some new project or expansion couldn’t take place here and also

1013 preserve these buildings, yet still maintain the scale and character of the neighborhood.
1014 Commissioner Bruner concurred with this statement as well.
1015

1016 Commissioner Glusac – Pointed out that although they are not discussing 322 E. Kingsley yet,
1017 she feels that there is a direct correlation between this issue and that one, and that the
1018 Commission should think about it in that context. For me, the 322 E. Kingsley property – worst
1019 case scenario is that the building remains boarded up in its current condition, and obviously that
1020 wouldn't be a positive influence for the neighbors or for the District overall, so I have some issues.
1021 I support staff's findings for 322 E. Kingsley, in that it is a contributing structure to the District.
1022 Even though there have been additions made, it has been within the 'period of significance,' so I
1023 don't feel that we could approve the project to demolish based on the Secretary of Interior's
1024 Standards. There could be extenuating circumstances for that project.
1025

1026 **MOTION #2**

1027
1028 Moved by Commissioner Ramsburgh, Seconded by Commissioner Glusac, “**that the**
1029 **Commission deny the application at 420 Detroit Street in the Old Fourth Ward Historic**
1030 **District to remove a contributing house as proposed. The work is not generally compatible**
1031 **in relationship to surrounding area and does not meet *The Secretary of the Interior's***
1032 ***Standards for Rehabilitation*, in particular standard 2.”**
1033

1034 **On a Voice Vote – MOTION TO DENY DEMOLITION – *PASSED – UNANIMOUSLY***
1035 ***(Application to Demolish is Denied) * NOTE: “Applications that do not qualify for a certificate of***
1036 ***appropriateness shall not be considered for a Notice to Proceed at the same meeting. If the next***
1037 ***regularly scheduled meeting is after the 60 day Commission deadline, the applicant will be***
1038 ***required to extend the time for review until the next regularly scheduled meeting or the application***
1039 ***will be denied. The Commission may require additional information or evidence to consider a***
1040 ***notice to proceed.”***
1041

1042 **In regard to 322 E. Kingsley Avenue:**

1043
1044
1045 Commissioner Giannola – I agree with the other two determinations, but for this home that is
1046 boarded up due to a fire and would be outrageously expensive just to bring up to code, it doesn't
1047 seem like it's contributing to the neighborhood. There would be very little left of anything on the
1048 outside that would be historic. For me, it's not a contributing structure, and after reconstruction,
1049 the only thing it would be is 'old' at that point.
1050

1051 Commissioner Bruner – Stated that at one time, early in my tenure on the Commission, that I felt
1052 as Commissioner Giannola does. In fact, in regard to another house on E. Kingsley, just two
1053 blocks away on the corner of State Street. That house had also been subject to a fire and had
1054 gutted the 2 ½ story building up to the occupied attic space and was represented in the same way
1055 – a hazard to the community, a nuisance for squatters, etc., and I have to say that I had the same
1056 reaction – that its day was done and that a tragic incident had occurred. I voted in favor of
1057 demolition of that house and stood alone against the rest of the Commission at that time, only to
1058 find that in a year or so, someone did buy the house, did restore it and it's occupied now.
1059

1060 The owner did so economically and he continues to move about and restore other properties as
1061 well. He was also here more recently for a project that we had reservations about, but he has
1062 found a viable niche in doing the kind of thing that some people seem to think is impossible. The
1063 preservation at the District edges is more of what I am concerned with.

1064
1065 This is zoned residential and there is something in the air about a new plan, which we've seen
1066 (not to be coy about it), and we've had concerns about it, but we're here to decide whether this
1067 house should be demolished. I've had my head completely turned on these issues – something
1068 else amazingly happen to this property.

1069
1070 Commissioner Shotwell – Agreed with both points of view, but stated that she completely agreed
1071 with Commissioner Bruner that it's amazing what can be done with homes that have been gutted
1072 by fires. My main concern about this property is that the specifications of the house itself makes
1073 it unique, not the amount of work required to bring it up to code – completely separate of cost –
1074 I'm not concerned with cost, but I am concerned that the work would diminish if not destroy what
1075 makes this a 'contributing structure,' both inside and out.

1076
1077 I'm afraid if it were brought up to code and no longer 'contributing,' the reason we saved it would
1078 be gone. So for that reason, while it is incredibly difficult to look at a structure as this and say that
1079 I would support demolition, I will support demolition. I am concerned with the possible
1080 streetscape and the structure of the neighborhood, so I will be eager to look at the building plans
1081 and the streetscape plans if this is approved.

1082
1083 Commissioner Henrichs – Stated that he is in support of the motion as read and staff findings. I
1084 think there have been many examples of structures like this that have been successfully restored
1085 both in Ann Arbor and elsewhere. It may be expensive and difficult to do so, but it's definitely
1086 possible. I don't see that as a reason for not keeping this building in tact. The issue regarding
1087 code compliance, I think 'where there's a will, there's a way,' and if they identify specifically what
1088 these code limitations are, that they can find creative solutions to those if motivated to do so. We
1089 have dealt with structures such as this where additions were added, where the roof line was
1090 altered if necessary, so it's not to say that the house couldn't be altered somehow to make it code
1091 compliant. I don't think that in and of itself is a reason to have it removed.

1092
1093 Commissioner White – Stated that he looked at the house and the windows and doors aren't
1094 there (from a historic standpoint), and they would have to knock it down again and start over, it's
1095 not going to be the same house. It would be a house sitting on the same foundation, but not
1096 historically significant. He is opposed to the motion.

1097
1098 Commissioner Bruner – As Commissioner Henrichs mentioned on having attended a seminar last
1099 night on the economics of historic preservation and what was mentioned about incubation of
1100 businesses, and the fact that Zingerman's was born here and grew here and became an
1101 internationally recognized success story and great credit to Ann Arbor, indicates that they've
1102 grown a great deal. This may be less than what they need, but there stands today, a project that
1103 we reviewed and was approved, a development that includes a 20,000 square foot commercial
1104 retail area with parking that is begging to be occupied.

1105
1106 As preservationists that want to encourage the success of economic projects in the city, perhaps
1107 Zingerman's should consider moving their location as they have with their Creamery, which is at a
1108 satellite location, their Bakery which is at a satellite location, their Roadhouse that is a satellite
1109 location – this could be relocated as a satellite component at another location, nevertheless
1110 retaining this location as it is. At one time, an international book store didn't want to open another
1111 store in another part of town, for fear that it would be competing with itself, until a competitor
1112 opened a store. Then they saw the need to open this other location. They realized that two
1113 stores in the same town wasn't a bad idea, and that they shouldn't consider themselves
1114 completely 'married' to the site, because they may be overburdening the site and the
1115 neighborhood and opportunities for other businesses to have opportunities to exist there.

1116
1117 Commissioner Ramsburgh – One of my concerns with demolition is this. In one of the letters
1118 submitted by Quinn Evans, they went through the criteria for consideration of Historic Integrity –
1119 location, design, setting, workmanship, feeling and association.
1120

1121 I tried to play the devil's advocate for their points. As to location, the house on Kingsley has been
1122 on that site since at least 1888. Its design is vernacular, and the same design is still apparent
1123 under the siding. It looks like the little house at the corner of Jackson and Dexter road where the
1124 fork in the road is. It's the same little cottage that we see all over Ann Arbor.
1125

1126 As to materials and workmanship, I know a lot has been lost, but under the siding is perhaps
1127 retrievable clapboard, and I think that replacement is a possibility here. Workmanship is simple to
1128 begin with, the cottage is simple. The feeling of the cottage is lost right now under the siding, but
1129 I think it could certainly be recovered. The 'feeling' or association of this site is that essentially its
1130 been there for 140 years or so and it's certainly a legitimate association. On the preservation
1131 question, I think the structure has credibility. My concern is that if we grant the demolition, but still
1132 limit the scale of what Zingerman's would put in its place, would that satisfy Zingerman's needs?
1133 I think that they should be mindful of that, because this side of the property goes into the
1134 residential area, the scale will have to be smaller and perhaps set back.
1135

1136 Commissioner White – What we're talking about is the backyard. We need to develop a way to
1137 preserve and let them move forward.
1138

1139 Commissioner Giannola – Everyone thinks it would be a cute, quaint cottage, but after meeting all
1140 the code, will it be that same house?
1141

1142 Commissioner Bruner – Stated that as to sustainability, nothing could be less sustainable than
1143 tearing down a house and dragging it to a landfill. Nothing could be more sustainable than
1144 moving into an existing building.
1145

1146 *(Discussion by the Commission on what might be built in the way of the original house.)*
1147

1148 Commissioner Ramsburgh – There is quite a bit of openspace. With the garage gone, there is
1149 the opportunity for something else to be on that site.
1150

1151 Commissioner White – 322 E. Kingsley - Reminded everyone there was a fire there.
1152

1153 Commissioner Henrichs – In a wood frame building like this, it's fairly common carpentry to be
1154 able to replace 2 x 8's or 2 x 10 floor joists and rafters and fix the damage done by the fire. I
1155 don't see that as an issue at all in a house like this. The house is still standing, it's not leaning or
1156 sagging or anything structurally happening in the photo's. The code issue – there are ways to
1157 address those things – such as making a story and a half type of space inside or using part of the
1158 upper floor as storage or not use it at all, there are a lot of options there, and I don't think that this
1159 justifies removing a building that has been here in excess of one hundred years.
1160

1161 Commissioner Glusac – I agree with Commissioner Henrichs that there are many design
1162 possibilities and construction wise there aren't limiting factors – just time and effort to bring it up
1163 and showcase the home. The details are there, it's just a question of bringing them to the
1164 forefront.
1165
1166
1167

MOTION #3

Moved by Commissioner Bruner, Seconded by Commissioner Henrichs, “**that the Commission deny the application at 322 E. Kingsley Street in the Old Fourth Ward Historic District to remove a contributing house as proposed. The work is not generally compatible in relationship to the surrounding area and does not meet *The Secretary of the Interior’s Standards for Rehabilitation*, in particular standard 2.”**

**On a Roll Call Vote – MOTION TO DENY DEMOLITION – PASSED – 4 YEAS & 3 NAYS
YEAS (4) – Commissioners Bruner, Henrichs, Glusac and Ramsburgh
NAYS (3) – Commissioners Giannola, Shotwell and White**

***(Application to Demolish is Denied)* * NOTE: “Applications that do not qualify for a certificate of appropriateness shall not be considered for a Notice to Proceed at the same meeting. If the next regularly scheduled meeting is after the 60 day Commission deadline, the applicant will be required to extend the time for review until the next regularly scheduled meeting or the application will be denied. The Commission may require additional information or evidence to consider a notice to proceed.”**

A-5 116 EAST LIBERTY – MSHD

BACKGROUND: This building was constructed in 1906 for Martin Haller Furniture, which remained in the building until the early 1970s when a fire partially destroyed the building. The storefront and upper windows were remodeled in a contemporary style at that time. In 1995, the Commission approved the awning on the east two-thirds of the building.

LOCATION: The building is located on the south side of E. Liberty Street, between Main and Fourth Streets.

APPLICATION: The applicant is proposing to replace an existing sign with a new “V-Carved” rectangular sign that is 16’ wide and 2’6” high and will read “CUPCAKE STATION” in the signband of the existing storefront. Two gooseneck lights are proposed to project out over the sign. A new triangular shaped awning with scalloped edges is proposed above the windows and doors of the storefront. It will be burgundy “Sunbrella” fabric and will project 3’ from the building front and will be 2’ 2” high.

STAFF FINDINGS:

1. The proposed sign, lighting, and awning locations are appropriate for a historic storefront.
2. The proposed awning, sign, and lighting are compatible in size and color for the historic storefront, building, and district.
3. The sign, light fixtures, and awnings should be mounted through mortar joints instead of masonry units where possible.
4. The proposed work is generally compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the surrounding area and meets *The Secretary of the Interior’s Standards for Rehabilitation* in particular, standard number 9.

1220
1221 **Owner/ Address:** Ed Shaffran, 209 S. 4th Ave, A2, MI 48104
1222

1223 **Applicant:** The Cupcake Station, Tom Holleman, 136 N. Old Woodward Avenue, Birmingham, MI
1224 48009
1225

1226 **Review Committee:** Commissioner’s Shotwell and Giannola did not revisit the site.
1227

1228 Commissioner Shotwell – This is near the same location that we looked at previously. We agree
1229 with staff’s report.
1230

1231 Commissioner Giannola – Concurs with the staff report.
1232

1233 **Applicant Presentation:** Mr. Tom Holleman was present to speak on behalf of the application.
1234 He stated that they found a different building than they had previously petitioned for, but wanted a
1235 similar awning as a previous proposal.
1236

1237 **Questions of the Applicant by the Commission:** None.
1238

1239 **Audience Participation:** None.
1240

1241 **Discussion by the Commission:**
1242

1243 **MOTION**
1244

1245 Moved by Commissioner Shotwell, Seconded by Commissioner Bruner, “**that the Commission**
1246 **issue a certificate of appropriateness for the application at 116 E. Liberty Street in the Main**
1247 **Street Historic District to install the new sign, lighting, and canopy on the condition that**
1248 **they are mounted through masonry joints where possible. The work is generally**
1249 **compatible in exterior design, arrangement, texture, material and relationship to the rest of**
1250 **the building and the surrounding area and meets *The Secretary of the Interior’s Standards***
1251 ***for Rehabilitation* in particular, standard number 9.”**
1252

1253 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Application Approved)***
1254

1255 **B - OLD BUSINESS – None.**
1256

1257 **C - NEW BUSINESS**
1258

1259 **C-1 Awards Committee Appointments – Ellen Ramsburgh and Susan Nenadic**
1260

1261 Moved by Commissioner Bruner, Seconded by Commissioner Shotwell, “**to appoint Ellen**
1262 **Ramsburgh and Susan Nenadic to the Awards Committee.”**
1263

1264 **On a Voice Vote – MOTION TO APPROVE – *PASSED – UNANIMOUSLY***
1265

1266 **AUDIENCE PARTICIPATION – GENERAL (Limited to 3 Minutes per Speaker) – None.**
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D - APPROVAL OF MINUTES – None Available. Commissioner Bruner reiterated that management appears to still not be providing adequate staffing levels in order to accomplish the workload of the Community Services Unit.

E - REPORTS FROM COMMISSIONERS – None.

F - ASSIGNMENTS

F-1 June 2008

- A-1 637 ½ Fifth Street - Commissioner White
- A-2 252 Crest Avenue – Already has a monitor
- A-3 322 Kingsley Street – Denied – None Needed.
- A-4 418 and 420 Detroit Streets – Commissioner Bruner
- A-5 116 E. Liberty Street – Commissioner Giannola (previously Shotwell)

Review Committee for July – Commissioners Glusac and Bruner

G - STAFF ACTIVITIES REPORT

G-1 April and May reports were handed out to the Commission.

H - CONCERNS OF COMMISSIONERS

Commissioner Bruner – There has been a lot of info in the press lately about the five properties that were formerly in the Independent Historic Properties District that was later found to be incorrect in its establishment. Since the district is no longer protected, there is a developer who proposes to demolish those. He stated that part of their charge is to give input on the creation and/or historic district establishment. He stated that he thought it was appropriate for the Commission to generate a letter involving those particular properties and any others in the area to conduct a study for the possible creation of a district there.

Commissioner White – Are any of the citizens in that area interested in participating? (Bruner – There is support from the A2 Preservation alliance which has members throughout the city.)

Commissioner Ramsburgh – At the public hearings for the proposal of demolition of these homes along with the new construction proposals, there were residents in attendance from Fourth Avenue who were strongly against demolition and strongly in favor of preserving that neighborhood. I think we should start the ball rolling.

Commissioner Bruner offered to draft a letter that the Commission could review.

I - COMMUNICATIONS

ADJOURNMENT

The Meeting was adjourned at 10:50 p.m. without objection.

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