

ANN ARBOR HISTORIC DISTRICT COMMISSION

Staff Report

ADDRESS: 332 S Division Street, Application Number HDC11-052

DISTRICT: Division Street Historic District

REPORT DATE: May 5 for the May 12, 2011 HDC Meeting

REPORT PREPARED BY: Jill Thacher, Historic Preservation Coordinator

REVIEW COMMITTEE DATE: Monday, May 9, 2011

	OWNER	APPLICANT
Name:	Lagos Investment Co. Basile J. Lagos	Same
Address:	1581 Knight Road Ann Arbor, MI 48103	
Phone:	(734) 972-5368	

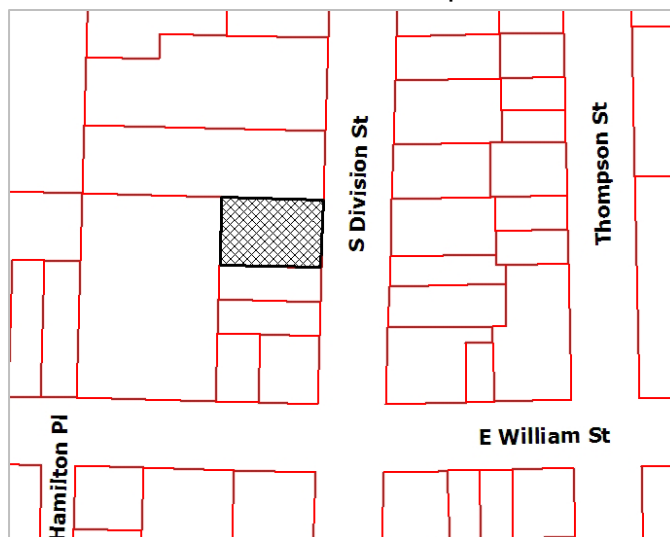
BACKGROUND: The Elizabeth J. Hyde house is a c.1875 Italianate featuring bracketed eaves, bay windows on the front and sides, triple and paired windows, a stucco exterior, and a recessed front porch. It is one of a handful of Italianate homes built in the 1850s-1870s in the William Street Historic District.

HDC approvals are on file for rebuilding a doorwell and steps in 2006, and replacing rear stairs in 2001. It is not known when the front porch was enclosed. There is no application or approval on file for the removal of lawn/landscaping from the southeast corner of the property or installation of the south gravel parking area and driveway.

The house's original driveway is located along the north lot line. Residents and people renting parking behind the house have been driving between this house and the house to the south and jumping the curb for an additional informal driveway. The area from around the front wall of the houses to the sidewalk was previously landscaped with lawn and bushes and bumper blocks, but is now gravel. Survey and aerial photos from 1992 and 1997, respectively, do not show the informal driveway. The 2002 aerial is inconclusive, but the 2005 aerial clearly shows the driveway. (See photos at end of staff report.)

LOCATION: The site is located on the west side of South Division, south of East Liberty and north of East William Street.

APPLICATION: The applicant seeks a certificate of appropriateness to retroactively approve the unauthorized removal of lawn/landscaping and its replacement with the current gravel parking lot/driveway in the



southeast corner of the property, and to install a second curb cut and driveway approach to South Division Street to serve the south driveway. The applicant has also requested permission to repair the existing curb cut serving the north driveway – this repair does not require a certificate of appropriateness.

APPLICABLE REGULATIONS:

Ann Arbor City Code Chapter 103 § 8:421(3)

When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may request for the city to seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission may request for the city to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. When acting pursuant to an order of the circuit court, the city may enter a property for purposes of this section.

From the Secretary of the Interior's Standards for Rehabilitation:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property will be unimpaired.

From the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings (other SOI Guidelines may also apply):

Building Site

Recommended: Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of historic relationships between the building or buildings and the landscape.

Not Recommended: Locating any new construction on the building site in a location which contains important landscape features or open space, for example removing a lawn and walkway and installing a parking lot.

Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features, or be intrusive to the building site.

Setting

Not Recommended: Destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new streets or parking.

STAFF FINDINGS:

1. The removal of lawn and landscaping and its replacement with a gravel parking area and driveway in the southeast corner of the property were done without the permission of the Commission and in violation of Ann Arbor City Code Chapter 103 and the Michigan Local Historic Districts Act.
2. The Downtown Development Authority has installed a parking meter in front of 332 South Division that would, if the street parking space were in use, result in the area currently used as a second driveway being completely blocked. The property owner is therefore seeking retroactive approval for the use of the southeast corner of his front yard as a second driveway, which would require a certificate of appropriateness from the HDC as well as a variance from the Zoning Board of Appeals (only one curb cut is allowed per lot under the streets ordinance).
3. The second driveway would allow the property owner to add more parking spaces to the yard, per the submitted site plan, including stacking cars in the legal north driveway. A total of nine spaces are shown. Several spaces are not used by building tenants - - they are rented out to people who work in the vicinity, per the attached letters of support.
4. The legal driveway along the north property line is currently compromised by the construction activities on the underground parking structure immediately to the north. Safe use of the driveway will not be restored for four to six months, per the construction project manager.
5. The illegal second driveway destroys the historic relationships between buildings and landscape features, negatively impacts both the historic buildings at 332 South Division and at 336 South Division next door, is very intrusive, destroys important open space (the front yards), inappropriately changes landscape features and materials, and is not in keeping with the Secretary of the Interior's Standards and Guidelines for Rehabilitation.

POSSIBLE MOTIONS: (Note that the motion supports staff findings and is only a suggestion. The Review Committee, consisting of staff and at least two Commissioners, will meet with the applicant on site and then make a recommendation at the meeting.)

I move that the Commission deny the application at 332 South Division, a contributing property in the Division Street Historic District, for a certificate of appropriateness to remove lawn and landscaping and install a parking area, driveway, and second curb cut, as documented in the owner's application. As proposed, the work is not compatible in exterior design, arrangement, materials, and relationship to the house and the surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular standards 1, 2 and 10 and the guidelines for building site and district or neighborhood setting. Because this work was done without permission of the Commission and

does not qualify for a certificate of appropriateness, the property owner is required to restore the property to its prior condition under section 8:421 of Ann Arbor City Code. The owner must 1) remove the gravel from the southeast portion of the front yard and lawn extension, 2) restore lawn or other landscape plantings from the historic back (west) wall of the front porch to the sidewalk and in the lawn extension, and 3) install bumper blocks between 332 South Division and 336 South Division that are parallel to the street and no closer to the front of the lot than the historic back (west) wall of the front porch. The work must be completed within ninety days of the restoration of access to the north driveway by the neighboring construction project.

MOTION WORKSHEET:

I move that the Commission

____ Issue a Certificate of Appropriateness

____ Deny the Application

For the work at 332 S Division in the Division Street Historic District

____ As proposed.

____ Provided the following condition(S) is (ARE) met: 1) CONDITION(s)

The work

____ Is generally compatible with the size, scale, massing, and materials and meets the Secretary of the Interior's Standards for Rehabilitation, standard(S) number(S) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

____ Is not generally compatible with the size, scale, massing and materials, and DOES NOT MEET the Secretary of the Interior's Standards for Rehabilitation, standard(S) number(S) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 for the following reason(S): 1) REASON(s)



ATTACHMENTS:

application,
drawings, photos,
letters of support

332 South Division
Street

1997 City Aerial



2002 City Aerial



2005 County Aerial

