



City of Ann Arbor

Formal Minutes

Historic District Commission

301 E. Huron Street
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Thursday, December 10, 2015

7:00 PM

Larcom City Hall, 301 E Huron St, Second floor, City Council Chambers

A **CALL TO ORDER**

Chair Benjamin Bushkuhl called the meeting to order at 7:00 p.m.

B **ROLL CALL**

Jill Thacher called the roll.

Staff Present: Jill Thacher

Present: 5 - Robert White, Ellen Ramsburgh, Benjamin L. Bushkuhl, John Beeson, and Evan Hall

Absent: 2 - Thomas Stulberg, and Jennifer Ross

C **APPROVAL OF AGENDA**

The agenda was unanimously approved as presented.

D **AUDIENCE PARTICIPATION - PUBLIC COMMENTARY - (3 Minutes per Speaker)**

None

E **HEARINGS**

E-1 **15-1466** HDC15-224; 228 Eighth - Screen Room - OWSHD

Jill Thacher presented the staff report. See attached in agenda packet.

REVIEW COMMITTEE REPORT AND RECOMMENDATIONS:

Commissioners Ramsburgh and Hall visited the site as part of their review.

Hall reported that the application was very straight forward, and the staff report covered the request thoroughly and he supported the application.

Ramsburgh agreed, noting that this application caused less changes to the historic structure than the earlier application the Commission had approved. She said the window movement is in an inconspicuous location and allows the owner to capture some interior space, without too much disturbance to the outside of the house.

PUBLIC HEARING:

Jimmy Bevilacqua, designer and applicant was present to respond to enquiries from the Commission. He reviewed the application with the Commission (see video of hearing).

Noting no further public speakers, the Chair declared the public hearing closed.

Moved by Hall, seconded by White, that the Commission issue a certificate of appropriateness for the application at 228 Eighth Street, a contributing property in the Old West Side Historic District, to construct a 131 square foot screened-in porch behind an existing rear addition, infill a door and window on the existing addition, and move a kitchen window. as proposed. The work is compatible in exterior design, arrangement, materials, and relationship to the house and the surrounding area and meets the City of Ann Arbor Historic District Design Guidelines for additions, and The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, in particular standards 2, 9, and 10 and the guidelines for Additions, Building Site, and Windows.

COMMISSION DISCUSSION:

The members of the Commission took into consideration the presented application and discussed the matter.

On a voice vote, the vote was as follows, with the Chair declaring the motion carried. Vote: 5-0

Certificate of Appropriateness Granted

Yeas: 5 - White, Ramsburgh, Chair Bushkuhl, Vice Chair Beeson, and Hall

Nays: 0

Absent: 2 - Stulberg, and Secretary Ross

E-2 [15-1467](#) HDC15-228; 201 Glen - New Hotel - OFWHD

Moved by Bushkuhl, seconded by White, to go into Closed Session for the purpose of discussing attorney client privileged communication, under section 15.268 Closed sessions; permissible purposes; Sec 8 (h) of the Open Meetings Act. On a roll call vote, the vote was as follows, with the Chair declaring the motion carried.

Yeas: 5 - White, Ramsburgh, Chair Bushkuhl, Vice Chair Beeson, and Hall

Nays: 0

Absent: 2 - Stulberg, and Secretary Ross

Commission convened to a Closed Session at 7:22 p.m.

Moved by Ramsburgh, seconded by White to come out of Closed Session at 7:41 p.m. On a roll call vote, the vote was as follows, with the Chair declaring the motion carried.

Yeas: 5 - White, Ramsburgh, Chair Bushkuhl, Vice Chair Beeson, and Hall

Nays: 0

Absent: 2 - Stulberg, and Secretary Ross

ROLL CALL

Arrival of Stulberg at 7:30 p.m.

Present: 6 - Robert White, Ellen Ramsburgh, Thomas Stulberg, Benjamin L. Bushkuhl, John Beeson, and Evan Hall

Absent: 1 - Jennifer Ross

[15-1467](#) HDC15-228; 201 Glen - New Hotel - OFWHD

Jill Thacher presented the staff report. See attached in agenda packet.

REVIEW COMMITTEE REPORT AND RECOMMENDATIONS:

Commissioners Ramsburgh and Hall visited the site as part of their review.

Ramsburgh commented that they did not have anything further to add and that she believed all Commissioners had been to the site.

PUBLIC HEARING:

Craig Singer, managing member of Catherine Ann Development Company, 121 W. Long Lake Road, Suite 300, Bloomfield Hills, MI., was present to respond to enquiries from the Commission. He reviewed the application and request for a Notice to Proceed with the Commission (see video of hearing), adding that they were bringing this request under Section 8.416.

Dere Wong, 22345 Rotha Drive, Novi, MI., Environmental Consultant working for the applicant, reviewed his report before the Commission.

Mark Jacob, 400 Renaissance Center, Detroit, Environmental Lawyer for 27 years, reviewed his comments before the Commission.

Larry Deitch, Miller Singer and Company, 121 W. Long Lake Road, Suite 300, Bloomfield Hills, MI., reviewed his written comments with the Commission.

Jeff Crockett, 506 E. Kingsley, Ann Arbor, Communications Officer of the Old Fourth Ward Association, said if this had been determined to be a hazard, why didn't the City do anything, and if there is an imminent danger, why didn't they put up a fence, adding that was a fairly cheap solution. He said he has no idea how the \$ 5 million clean up cost estimate was arrived at, but suggested they get more bids. He praised Jill Thacher and her staff report, adding that the issue is that a 9-story structure will create too much traffic and he suggested that Michigan Department of Transportation will not approve the project. He warned the Commission of the possibility of precedent setting, stressing that there are strong reasons why they should deny this project. He asked the Commission to reject this application.

Chris Crockett, 506 E. Kingsley, Ann Arbor, President of the Old Fourth Ward Association, said the issue tonight before the Commission was not asking for their approval of this development, since the Commission had already turned them down; this was an end run to try to persuade the Commission to get an unapproved building built based on what they have cited as the need for the order to proceed. She said the most germane point has been the issue of danger. She said, City staff Jill Thacher wrote a very thorough and clear staff report and we got an independent advisor, a geologist, to evaluate all of the information that we currently have on hand, and the developer has a lawyer. She said the issue seems that they are trying to present to you why this building should be approved and it's

not strictly speaking just about the community, but about the Old Fourth Ward Historic District neighborhood. She said if the developer had had such deep ethical concerns that they profess to have about the hazards of the site, why didn't they put up a fence, and if they are so concerned with ethics, why did they never talk to Julie Ritter and John who live one half block from this site. She asked, why did they never talk to Mary Ivers and Tony Ramirez or any of the people who live in the condominium projects on Catherine, even though she and Ray Detter personally gave to the developer the names, phone numbers and emails of a number of them. She said they didn't want to talk to them. She asked why they disregarded staff comment that their starting point for this could not be the previously denied project. She said she has never been to any developer meeting where the developers don't often always talk about Brownfield mitigation, about it getting grant money for mitigation of hazardous products in the soil. She said this is not the first time a former gas station site has been redeveloped; it is happening all over the country and there is money to do this and even with the presented \$5 Million figure for mitigation, there is grant money for that. She said that too is beside the point, since our consultant has said that this is not a danger and an unapproved building is not a solution to this problem.

Gary Ran, Founder and Chairman of Thomas Capital, 110 Miller Avenue, Ann Arbor, spoke about the lack of appropriate hotel space in Ann Arbor. He said as a business owner he knows of the difficulty doing business in a business friendly manner while there is a lack of first class hotel accommodations and it is a shame, given that Ann Arbor is well known across the country, yet because of events going on in the City he can't recommend to his clients a place to stay and it is detrimental to business. He said he thinks the empty site lends itself to that type of development, downtown, and while it is in a historic district there are no historic structures associated with it and as a business owner downtown her would love to see this facility built.

Julie Ritter, 920 Catherine Street, Ann Arbor, said the process we are engaged in results from the fact that the developers of The Glen paid enormous amounts of money for a small piece of property and they are attempting to recoup their investment by proposing an enormous building out of keeping with the historic nature of the Old Fourth Ward. She said someone in their process of developing The Glen the team did not get or did not understand the vital information that the property that they purchased is in a historic district and is separate from the University of Michigan and from the downtown zoning, the PUD template that they were using had expired and specifically excluded as a basis for their

development, which they ignored. She said it appears that somewhere there was a profound lack of due diligence on their part, and it is not the responsibility of the Historic District Commission or the City of Ann Arbor to make up for this lack of thorough understanding by granting approval of their proposal, which was made clear to the developers when they rejected their proposal earlier this fall. She said the benefits presented on their behalf have been benefits to the University of Michigan and its affiliates and not benefits to the citizens of the Old Fourth Ward or Ann Arbor at large. She said the donations to the affordable housing fund are certainly nice, but unless the City does something with that fund it makes no difference to the life of the City; the residential units being proposed for The Glen, to her understanding, are 3-month extended stay hotel rooms, not actually apartments that fulltime, long-term residents might call home. She said the fact that the developers are trying to explain these extended stay units as residential while at the same time referring to the rest of the rental units in the Old Fourth Ward as non-residential is greatly confusing to her. She said as much as UM is an integral part of Ann Arbor and brings great benefits, it does not constitute the entire City and there are many benefits that come from the City, other organizations, institutions, and businesses. She said there are also many, many ways in which the City of Ann Arbor already benefits the University. She said, the fact, again, that out of town developers have arrived and attempted to force a hugely inappropriate out of scale, out of use building onto the resident citizens of the Old Fourth Ward by touting benefits that pertain to nothing but the University is something that she is glad to see halted. She said we have the Bell Tower, Campus Inn, and the new Radisson Inn, all nearby, if people want a hotel. She said the current process of proposals and approvals, starting with this Commission, is in place for a reason; to protect our residential historic neighborhood and she is deeply grateful the process seems to be working in this situation and she thanked the Commission for their sincere consideration of the proposal and the arguments for and against. She said the fact that the current proposal was not approved does not mean that the developers can't propose a different use or building for their property, adding that she would welcome a open conversation with them to discuss solutions that will meet the needs of The Old Fourth Ward to maintain its integrity while meeting the needs of the developer and correcting the environmental hazard that they claim exists. She said it will just take open-mindedness, flexibility and imagination – things that Ann Arbor excels at!

Ray Detter, 120 N. Division Street, Ann Arbor, read a letter addressed to the Historic District Commission from Tony Ramirez and Mary Ives (attached to the file).

Detter stated that the plans specify that the City does not want to encourage commercial moving into historic residential neighborhoods, and that is exactly what this proposes.

Joe Vig, 157 E. Hoover, Ann Arbor, JS Vig Construction Company, said the sister company to his company is Project Green Consulting; principally a commercial contractor that has completed a hundred buildings over the past decade in Washtenaw County, using sustainable building practices. He said he has followed this project site and development for some time, adding that they do a lot of work in Ann Arbor and for the University of Michigan and his understanding of this project as presented is that it is a sustainable project, a rational project that makes a lot of good sense for the community. He said one of the ways of balancing sustainability with what makes good economic sense in his opinion in a building like this; it provides the community with much needed hotel space, it provides the district and region with a very high quality development, and it addresses a very significant Brownfield need. He said he was present as an advocate to this project, as a responsible, logical, and sustainable project.

Tedi Milgrom, 501 W. Davis, Ann Arbor, said there were a lot of different arguments going on tonight and she could sympathize with both sides and opinions being expressed. She said her background is in public health and she works for Washtenaw County Public Health as well as for the University of Michigan Health System and the Notice to Proceed that is being considered this evening is a discussion of the hazards of the property and not how suitable this project is to the historic district. She said she felt that both of the environmental assessments that have been done, by the City as well as by the developer, both prove that there are known hazards on the property that prove a danger to people as well as the environment, which is ultimately what is being considered here tonight. She said whether leaving the contaminants in the ground or not is a viable options in terms of not affecting the health of the citizens, the different exposure routes, both vapor and dermal exposure, can both um, any type of construction or use of this property whether a slab construction or construction that is underground would put people at risk for vapor and dermal exposure, not only the residents that live in Old Fourth Ward historical district surrounding this property but also residents who are employees at the University of Michigan and other citizens who are residing in the area. She said regardless of what happens with this property there are known hazards there and the fact that the City is just comfortable leaving them in the ground while they continue to leech into

the ground water and pose a hazard to people who are living and working in the area is mind-baffling to her. She said we see how, recently in Flint, there have been issues with changing of the water and lead access and now there are all of these children that have been affected by that exposure to lead and that is something that is not reversible. She said in her work at the hospital she regularly sees children who are exposed prenatally to lead and neuro chemical toxins and having to assist their families and meet the needs of these children and these affects are not reversible and the fact that the City is willing to just say, Oh just leave them there, or we'll just put a vapor barrier there which will hopefully solve the problem is mind-baffling to her. She said there is a similar issue going on at a property on Water Street in Ypsilanti, adding she didn't have all the facts about it but said the proposed affordable housing development where they said that any construction in that area would put residents and future residents of the proposed housing at risk for vapor exposure to any contaminants that are left in the ground. She said the fact that they recognize that and are not willing to put their citizens working and living in that area at risk, yet the residents living in the area yet the planning committee is willing to put our citizens at risk seems unacceptable to her. She said regardless of the property and its suitability for the historical district she thinks it is irrefutable that there are hazards in the ground on this property currently and that leaving them there poses a risk to the citizens and those residing in that area and those living in the City of Ann Arbor.

Ethel Potts, 1014 Elder Blvd., Ann Arbor, said after listening to the discussion this evening and reading the staff report she had a major question; why is it just this one particular building that is being proposed. She said it is a vacant piece of land, think of the many kinds of things you could build on a vacant piece of land, and why are we going back to this building that has already been denied. She said who knows what this Commission would consider if something else had been proposed.

John Olszewski, 6221 Joy Road, Ann Arbor, said he is a 38 year resident of Ann Arbor, since he graduated with a degree in architecture from U of M. He said he became aware of this project through Neumann Smith whom he does a lot of business with, adding that he had read all the development papers and environmental report and the rejection commission November 12th. He provided background information on his family in Ann Arbor, noting that he never practiced architecture but has been involved in construction his whole career and as construction manager on a large firm which has allowed him and given him experience in environmental remediation above and below ground and a

bevy of historic preservation projects which in the last 5 years he has been in charge of all the construction for the Bedrock Real Estate Development in downtown Detroit, which has put him in front of the Detroit Historic Commission on a regular basis. He said that Commission and this Commission has no skin in the game in economic development and supporting projects but certainly do control them getting out of the gates, and in this case these developers are not even looking for federal historic tax credits but in his experience that is what we do on the 80 properties that have been acquired in the almost \$ 2 Billion worth in construction projects and the acquisition costs that have gone in downtown [Detroit] with all those historic buildings in the financial district area, which he hopes people are aware of through public relations. He said in Detroit he is the point person for strategy and making it through historic submissions and he is responsible for protecting his development efforts in securing those federal historic tax credits and he is extremely versed in historic techniques, means and methods and costs. He spoke about his work in Detroit. He said he does not necessarily agree on how the standards were interpreted here and that is the problem with the subjectiveness of those interpretations and he definitely has a great appreciation for architecture and all the historic elements in those types of buildings. He said in regards to remediation he is dumb-founded that a City that prides itself in green space, parks, takes a high road, wants to leave alone a contaminated site, adding that he hasn't heard what anyone thinks will happen on this site if you don't have a development here that is a benefit to the community with the type of use that is going on, the jobs, the hotel, the retail for the neighborhood, the economic base; nobody is going to afford to go in and dig out this site before it spreads further, which he thinks has been proven, and who wants to build a home and live on top of a contaminated site. He said he knows about liners and they are not exaggerating with the costs of remediating it and the City has an opportunity on behalf of the community to have somebody else pay for this remediation and actually put an asset and an amenity that benefits the community and we are getting hung up. He said this development will take care of a problem that will never ever, ever going to go away and he can't understand that they would not want to remediate that problem right now.

John Brezer, 6960 Orchard Lake Road, West Bloomfield, First Holding Company, said they are substantial real estate owners in Ann Arbor, owning the Shore Lake apartments close to the proposed development and Ann Arbor is sort of a second home to him. He said he is sensitive to wanting to respect both sides of an argument and wanting to respect the historic significance of the historic neighborhood as well as the

environment concerns. He said he is saddened and troubled by the number of people who have come up and the reports that suggest that this contaminated condition should remain in our neighborhood and in our town and he thinks it's a really unfortunate position to be hearing what he thinks he is hearing and he can't believe he is hearing it. He said when they do business in the City they run into the same problem as previously mentioned, trying to find suitable hotel accommodations in town and he has found himself driving out of town for accommodations because of vacancy rates and quality of accommodations which he finds to be troubling in a town where they have substantial investment in and so much love for, so he is a supporter of the development and he would like to see this hazard removed from our community.

Craig Singer provided a rebuttal to comments made. He said the previous Freed project had proposed a 3-story parking and vapor barrier under that with some of the contaminants being removed. He said they are not looking to throw away money but looking for ways to remediate all of the contaminated soils and that is why they added the additional underground parking level because they wanted to get down to a point where they would not need a vapor barrier. He said they had a citizen participation meeting where they met and spoke to people about the proposed project. He said the \$ 5 Million cost was only for stabilizing the perimeter of the site and remove all of the contaminated soil and take it to a contaminated landfill, and if they were to build residential structures they would have to pay another \$ 1 Million to bring in fill to fill up the cavity created from the removal of soils. He said the Freed project had a fence around the property and the City asked that it be removed because it was in disrepair, so when they purchased the property there was no fence and their due care plan didn't suggest a fence was needed but after getting into all of the environmental details they have ordered a fence application be applied for because he believes there should be a fence around the perimeter of the property. He said the immediate surface is really not a danger, adding that it would only be a danger if someone excavated 6-12 inches in certain areas it could be dangerous.

Robert Carson, continued the rebuttal, referring to the staff report, page 2, said, " the definition under Section 8; 407; Notice to Proceed, means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource pursuant to a finding under Section 8; 416. It is the established rules of the Historic District Commission that if any one of the four findings are met, you are obligated, it says shall, as we will see, to issue the Notice to Proceed. It takes into account that the determination has already been made that something is inappropriate under the

Historic District Commission's concepts, but still there is a way that you are obligated to still allow the work to go forward if any one of these conditions are met, and that is your obligation. You are obligated, not to dwell upon the fact that something was inappropriate, you are to dwell upon the facts as to whether these criteria or any one of them is established; it stated under 8; 416, as you will see, under 1. 'Work within a Historic District shall be permitted through the issuance of a Notice to Proceed, by the Commission, if any of the following conditions prevail and if the proposed work can be demonstrated by finding of the Commission to be necessary to substantially improve or correct any of the following conditions.' Now with respect to resources if you go back up, to the definitions, Resource means one or more publicly or privately owned historic or non-historic building, structure, sites, objects, features or open space located within an historic district. This property is vacant or open space within an historic district, so it's a resource. And the question is will the work that is proposed, and the work that is proposed is the dig out four stories deep to remove the contaminated soils, under 1, before we even get to A, is there any doubt that the removal is necessary to substantially correct the following conditions. No one, not the City's consultant who is a geologist or the PhD with 30 years of experience, Dr. Wong, whom you heard speak tonight, has said that the environmental conditions would not be substantially improved by the removal of the contaminated soils. No one disputes that the soils are contaminated, no one can dispute that it's a resource. So, the question becomes, is the removal necessary to substantially improve; it's unrebutted that's the case. So, all we have to demonstrate of the four conditions, we've asked the Commission for conditions, we've asked the Commission to concentrate on only two, although I think we could make otherwise a good case. So let's look at the first one, that is number A, the resource constitutes a hazard to the safety of the public or to the structure's occupants. While there are no structures on the site right now, it is proposed by the action of the Historic Commission, that there be five or four structures built there as residential housing and there is no doubt that the site conditions now, which exceed residential permission, or conditions that are allowed by the State of Michigan, are a hazard to people that would live there, and I dare say, none of us, without a remediation of this site would want to live there or allow our children or grandchildren, as was mentioned, to live there. If you find otherwise, you are essentially saying to yourself, that you and your children or your family would be happy to live on that site if it is not remediated. If you can do that with good conscience, so be it, I don't know anybody who would, and everybody would have to have notice of it because it would have to be a public filing with respect to it, that's why, in his experience, ladies

[turning to ladies in the audience] Mr. Jacobs has never done a residential development on such a property. There is no doubt that there is a hazard, the question really in the Tetra Tech report is, 'Is it an immediate hazard?' Well, it's not a hazard if the City, through this Historic District Commission, prevents it from ever being used. I'm not so sure that would be the case either, that it wouldn't be a hazard, because one thing it's going to leach into that ground water, which runs out of that property, and in that point in time, it will not be so blithely that the neighbors look upon this property or the lost opportunity to have it fully executed - excavated. So the question becomes is this condition met that the resource constitutes a hazard that those chemicals at that contamination on that site, which is undisputed, creates a hazard to the safety of the public or the people who might live there. With all the contamination on that site exceeds what the public has determined in the interest of the health of the community; all of it. I don't think I want to say too much more about that, I mean it would be stunning to me if it's not a hazard. But let's look at D, and what I'm not going to do about D, is I'm not going to talk about hotel rooms and I'm not going to talk about community gathering space, I'm not going to talk about the contour of the land that dips down there or the buildings that are across the street, what I'm going to talk about it what is obvious, which is; Is the retaining of the resource, the retaining of the resource is not in the interest of the majority of the community. The majority of the community. You sitting here today are not here on this issue to uphold the historic district building criteria, you are charged, your obligation tonight, is to see this contaminated site and say what is in the best interest of Ann Arbor, not whether this property should be built to the criteria of the historic district commission. It's already given if we are in this space that it wouldn't be that it's this criteria. Now, can any of you say in good conscience that this opportunity to fully excavate this site is not in the best interest of the City of Ann Arbor to create this opportunity to have this site cleaned up because if you do not vote in favor, of this Notice to Proceed it's exactly what you are saying. We believe as a board, you would be saying, or Commission, it is not in the best interest of Ann Arbor with the opportunity that is in front of it or the work that's been proposed, that will fully dig out this site, that you have to say that it is not in the best interest of the entire community because you no longer have the obligation to represent this historic district only. Your charge, under your regulations mandates that you see it otherwise, because that's exactly what it says and it doesn't say that you look at the site planning issues and it doesn't say that you look at traffic, and it doesn't say that you look at how high the building is; it doesn't say anything about that criteria. It assumes, it assumes, that the work before you does not meet the standards of the historic district building criteria;

that's what we are here for. And in that circumstance your charge is totally different. Now, if the City of Ann Arbor or in your belief you want to charge to establish a criteria for the City of Ann Arbor that says, leave the contaminated site in place and that's okay, then I guess you vote against it. If you would be comfortable living there without it being remediated and have your children play there with the stuff at the surface and the vapors that could be flowing from it and the ground water contaminated then I suppose you vote against it, if you can ignore both the Tetra Tech report, and the report that you were given by the other consultant, that's a PhD, with 30 years experience then you might be able to vote against it. There is no way that this Notice to Proceed under these circumstances, with the work that's in front of you, should be turned down, and you can't turn a blind eye to the cost of what's going on here. Now, let's look at it in a totally different way; instead of looking negatively upon the proposal and the people called developers who brought it before you, they didn't contaminate this site, they didn't allow this site to be contaminated; Ann Arbor allowed this site to be contaminated or the people who proceeded them to this site allowed it to be contaminated. They found a way with the economics that are in place, and the terrible conditions that exist, to remediate it and you're obligated, if any of these criteria exist to allow it to happen. And I am confident that you will do that and I appreciate the time you have given me. Thank you very much."

Noting no further public speakers, the Chair declared the public hearing closed.

Moved by White, seconded by Beeson, that the Commission issue a Notice to Proceed for the application at 201 Glen Avenue to construct a nine-story hotel/mixed use building, as proposed. The Commission finds that the site consisting of 201, 213, 215, and 217 Glen Avenue, and 1025 East Ann Street constitutes a hazard to the safety of the public or to the structure's occupants, and that the proposed work is necessary to substantially improve or correct this condition.

COMMISSION DISCUSSION:

The members of the Commission took into consideration the presented application and discussed the matter.

On a voice vote, the vote was as follows, with the Chair declaring the motion carried. Vote: 4-2

Notice to Proceed Granted.

Yeas: 4 - White, Chair Bushkuhl, Vice Chair Beeson, and Hall

Nays: 2 - Ramsburgh, and Stulberg

Absent: 1 - Secretary Ross

The applicant withdrew the second half of their request.

E-3 [15-1468](#) HDC15-226; 435 South First - Rear Addition - OWSHD

Jill Thacher presented the staff report. See attached in agenda packet.

REVIEW COMMITTEE REPORT AND RECOMMENDATIONS:

Commissioners Ramsburgh and Hall visited the site as part of their review.

Hall reported that the staff report is very thorough and they received a very nice tour of the house. He felt the proposed design is very appropriate and he supports the application.

Ramsburgh agreed with Hall and the staff report.

PUBLIC HEARING:

Carl O Hueter, 1321 Franklin Blvd. Ann Arbor, applicant was present to respond to enquiries from the Commission. He reviewed the application with the Commission (see video of hearing).

Noting no further public speakers, the Chair declared the public hearing closed.

Moved by Beeson, seconded by White, that the Commission issue a certificate of appropriateness for the application at 435 S First Street, a contributing property in the Old West Side Historic District, to replace steel front porch columns with wood columns; add a pair of double hung windows on the north elevation near the rear of the house; construct a small second floor gabled dormer on the center of the north elevation; construct a 21'10" x 18' rear addition over a garage; replace four basement windows; and construct a gable roofed dormer on the rear wing of the south elevation, on the following conditions: the basement windows are replaced with appropriate two light windows that are reviewed by staff. As conditioned, the work is compatible in exterior design, arrangement, materials, and relationship to the house and the surrounding area

and meets the City of Ann Arbor Historic District Design Guidelines for additions, and The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, in particular standards 2, 5, 9, and 10 and the guidelines for Additions, Building Site, and Windows.

COMMISSION DISCUSSION:

The members of the Commission took into consideration the presented application and discussed the matter.

On a voice vote, the vote was as follows, with the Chair declaring the motion carried. Vote: 6-0

Certificate of Appropriateness Granted

E-4 [15-1469](#) HDC15-227; 1310 Hill - Basement egress -- WHHD

Jill Thacher presented the staff report. See attached in agenda packet.

REVIEW COMMITTEE REPORT AND RECOMMENDATIONS:

Commissioners Ramsburgh and Hall visited the site as part of their review.

Ramsburgh reported that in visiting the site it was very disheartening to see the evidence of changes to the house which are massive in scale and the total disregard for the property itself and the disregard for the process of coming through the HDC for approval was obvious.

Hall agreed with Ramsburgh, adding that the mass of the changes were enormous and caught him off guard. He agreed with the staff report.

PUBLIC HEARING:

Dan Pampreen, 1608 Shadford Road, Ann Arbor, applicant was present to respond to enquiries from the Commission. He reviewed the application with the Commission (see video of hearing).

Peter Nagourney, 914 Lincoln, Ann Arbor, President of the North Burns Park Association, said their community is familiar with the work of Dan Pampreen, and he doesn't think he has much political clout. He said he is very disturbed by this application and it seemed very straight forward that this was work done on a historic structure without approval. He said

ignorance of the law does not justify violation of the law. He said putting a dedicated party space in the house might be good for the inhabitants but the rest of the neighborhood will have to deal with the consequences of a dedicated party space; he referenced previous noise complaints received from neighbors. He said the fact that a historic house in the historic district was violated without permits strikes him as completed justification that this house should be restored to its complete original condition and this violation should not be allowed to set precedence.

Ethel Potts, 1014 Elder Blvd., Ann Arbor, thanked the Commission for the work they do. She said in this situation she was shocked to see the damage done to the house, the backyard and the trees, adding that you can't get close to the old trees with machinery without killing them. She said Mr. Pampreen will now have to learn how to treat landmark trees and she hoped that the Commission requires him to restore the house back to its original state and not allow further work be done to this house. She said this house is an exceptional house, and as a former neighbor, she values this house as an aspect of the town, adding that it was sad that the Commission doesn't have purview over interior changes. She said so many houses are divided up into multiple apartments and no house survives that kind of thing. She said it is very hard to enforce the number of residents in a house and when the inspectors are coming a truck comes and loads the beds and partitions and this is a regular occurrence in these student neighborhoods. She said she hoped this beautiful house would be ordered to be restored and that original foundation stones would be used.

Noting no further public speakers, the Chair declared the public hearing closed.

Moved by Ramsburgh, seconded by White, that the Commission issue a certificate of appropriateness for the application at 1310 Hill Street, a contributing property in the Washtenaw Hill Historic District, to complete the following work that has already been started: excavate the rear basement wall in two places and remove the cut stone wall and three wood windows to install one double patio door and one single full light door; install a 6' wide by 14' long staircase leading down to the double door, with up to 7' block retaining walls on both sides; install another door well with up to 7' retaining walls on the angled southeast corner of the house; install three mini split systems, two on the east side and one on the west, with line sets across both sides and the rear elevations; and install a radon exhaust pipe on the west side elevation, as proposed. The work is 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 and Guidelines for Rehabilitating Historic Buildings, in particular standards 1, 2, 5, and 9 and the guidelines for entrances, health and safety, additions, and building site; and the Ann Arbor Historic District Design Guidelines for safety codes and mechanical equipment.

COMMISSION DISCUSSION:

The members of the Commission took into consideration the presented application and discussed the matter.

On a voice vote, the vote was as follows, with the Chair declaring the motion defeated. Vote: 0-6

Yeas: 0

Nays: 6 - White, Ramsburgh, Stulberg, Chair Bushkuhl, Vice Chair Beeson, and Hall

Absent: 1 - Secretary Ross

Moved by Ramsburgh, seconded by White that because this work was done without permission of the Commission and does not qualify for a certificate of appropriateness, the property owner is ordered to restore the basement walls, basement windows, wood siding, grading, fencing, landscaping, and mechanical heat and air units to their prior condition. The restoration work must be completed by January 9, 2016; if weather does not allow completion of the work by this date, the owner must obtain a written extension to a date certain from the Building Official in consultation with the Historic Preservation Coordinator.

COMMISSION DISCUSSION:

The members of the Commission took into consideration the presented application and discussed the matter.

On a voice vote, the vote was as follows, with the Chair declaring the motion carried. Vote: 6-0

F UNFINISHED BUSINESS

G NEW BUSINESS

H **APPROVAL OF MINUTES**

15-1404 Minutes of the November 12, 2015 HDC Meeting

Postponed to a future meeting of the Historic District Commission.

I **REPORTS FROM COMMISSIONERS**

J **ASSIGNMENTS**

**Review Committee: Monday, January 11, 2016, at noon for the January 14, 2016
Regular Meeting**

Stulberg, and Beeson volunteered for the January Review Committee.

K **REPORTS FROM STAFF**

15-1402 November 2015 HDC Staff Activities

Received and Filed

L **CONCERNS OF COMMISSIONERS**

M **COMMUNICATIONS**

15-1403 Various Communications to the HDC

Received and Filed

N **ADJOURNMENT**

The meeting was unanimously adjourned at 11:16 p.m.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx*
- *Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.*

The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.