



City of Ann Arbor

Formal Minutes

Historic District Commission

Thursday, September 9, 2010

7:00 PM

City Hall - Council Chambers

CALL TO ORDER

ROLL CALL

Present: 6 - Kristina A. Glusac, Diane Giannola, Robert White, Ellen Ramsburgh, Lesa Rozmarek, and Thomas M. Stulberg

Absent: 1 - Patrick McCauley

APPROVAL OF AGENDA

The Agenda was approved with amendment to add a closed session between items C-3 and C-4.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

PUBLIC COMMENTARY - (3 Minutes per Speaker)

None

A APPROVAL OF MINUTES

Present: 6 - Kristina A. Glusac, Diane Giannola, Robert White, Ellen Ramsburgh, Lesa Rozmarek, and Thomas M. Stulberg

Absent: 1 - Patrick McCauley

A-1 10-0912 Draft Minutes of the June 10, 2010 Meeting

Commissioner Ramsburgh noted the following corrections needed in the June 10, 2010 meeting minutes;

Line 598 should read, "Painted and the loose paint..."

Line 976 should read, "I've just seen..."

This matter was Approved with minor corrections by the Commission and forwarded.

B UNFINISHED BUSINESS

None

C NEW BUSINESS AND HEARINGS**C-1 10-0857** HDC10-106; 209-211 S State, SSHD, Installation of business sign

BACKGROUND: A two-story single-family frame dwelling is shown in this location on the 1899 Sanborn map. Additions were gradually built on the rear of the house and reached the rear lot line on the 1916 Sanborn. During this time it was used as a boarding house. On the 1925 Sanborn a large lot-width addition is shown on the front of the house, and a photo from 1930 shows the front façade that exists today.

The front of the current building is of yellow and grey brick with a simple cornice, decorative brickwork, five arched storefront windows/doors, and five pairs of second-floor windows above the arches. In June, 2009 the HDC issued a certificate of appropriateness to restore the front façade, demolish the remainder of the building, and build a new building behind the façade.

LOCATION: The site is located on the east side of South State Street, south of East Washington and north of East Liberty.

APPLICATION: The applicant seeks a Certificate of Appropriateness to install an 18" by 22" information sign for advertising circulars on the front elevation near the front door of the store.

APPLICABLE REGULATIONS:

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

(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.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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

Storefronts

Not Recommended: Using inappropriately scaled signs and logos or other types of signs that obscure, damage, or destroy remaining character-defining features of the historic building.

STAFF FINDINGS:

1. *The proposed sign is small and will not detract from character-defining features of the building. It is designed to hold changeable store information. The information panel details drawing says "Panel mounted to masonry column using ...threaded rods set in adhesive." Mounting the sign through masonry units is not appropriate; mounting through masonry joints is. On that condition, staff feels the application is appropriate.*

REVIEW COMMITTEE REPORT: Commissioners Rozmarek and Ramsburgh visited the site with staff and reported their findings to the Commission.

Thacher gave the staff report.

AUDIENCE PARTICIPATION:

Kelly Barber, 5757 E. Cork Street, Kalamazoo, MI spoke on behalf of applicant Sign Art for CVS Pharmacy.

DISCUSSION BY THE COMMISSION:

Commissioners Rozmarek and Ramsburgh agreed that the proposed signage would blend well into the surroundings.

A motion was made by Giannola, seconded by White, that the Commission APPROVE WITH CONDITIONS and issue a Certificate of appropriateness for the application at 209-211 South State Street, a contributing property in the State Street Historic District, to install a changeable store information sign on the condition that the sign is mounted through masonry joints, not masonry units. As conditioned, the work is compatible in exterior design, arrangement, materials, and relationship to 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 2 and 9, and the guidelines for storefronts. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

C-2 10-0858 HDC10-107; 442 Second St, OWS, Addition

BACKGROUND: This house began as a small 1 ½ story Greek revival structure which appears on the 1866 birds eye map. It is listed in the 1868 City Directory as the home of carpenter John George Lutz and his wife Agatha. Their descendents lived in the house until 1925. According to later birds eye maps, the north and rear wings were added by 1880 and the two-story Queen Ann addition was added by 1890. The original porch between the two front wings appears on the 1899 Sanborn map, but its cobblestone base and short square columns indicate that it was probably remodeled in the 1920s.

In 1989 the HDC issued a certificate of appropriateness to restore the front porch which had been illegally enclosed by a previous owner, and asbestos siding was removed at around that time.

LOCATION: The site is located on the west side of Second Street, south of West William and north of West Jefferson.

APPLICATION: The applicant seeks HDC approval to remove a modern one story addition and construct a 1 ½ story addition on the rear of the house.

APPLICABLE REGULATIONS:

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

(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.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(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):

New Additions

Recommended: Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Designing new additions in a manner that makes clear what is historic and what is new.

Locating the attached exterior addition at the rear or on an in-conspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

Considering the attached exterior addition both in terms of the new use and the appearance of other buildings in the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.

Not Recommended; Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.

Building Site

Recommended: Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserve the historic relationship between a building or buildings, landscape features, and open space.

Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features can include driveways, walkways, lighting, fencing, signs, benches, fountains, wells, terraces, canal systems, plants and trees, berms, and drainage or irrigation ditches; and archeological features that are important in defining the history of the site.

Retaining the historic relationship between buildings, landscape features, and open space.

Not Recommended: Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site.

Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the building site so that, as a result, the character is diminished.

STAFF FINDINGS:

- 1. The footprint of the house is nearly the same today as it was on the 1899 Sanborn map. Per the applicant, a one-story rear wing was removed and rebuilt in a similar configuration in the 1980s, though there are no HDC records of this work.*
- 2. The proposed addition would move the south one-story wall of the rear wing out four feet from its current location. The L shape on the back of the house would be filled in and most of the new rear wall would extend five feet beyond the existing rear wall of the one-story wing. On the north side, the line of the wall would be extended straight back for an additional 18'. The addition would result in 707 new square feet on the existing 1663 square foot house. The new rear wall of the house would be roughly aligned with the locations of the rear walls of the houses on either side (see aerial photo below).*
- 3. Cladding on the addition would be cement board siding with a 4 ½" to 5" exposure. Windows and doors would be wood with aluminum or vinyl cladding.*
- 4. The design of the proposed addition is complementary to the house. The addition will be nearly invisible from the street. Rebuilding the one-story rear wing is appropriate in the dimensions proposed. The new rear addition to the original Greek revival cottage will maintain the original cottage's roofline and cornice returns, and the new portion maintains a sense of the original but in a simplified and more modern form. The addition is proportionate without copying the existing too precisely. On the north elevation, staff's concern is that there is no break in the plane of the wall between the new and old portions. The foundation materials and window style are different, and it appears that the north-facing piece of the corner trim will be retained.*
- 5. Though the HDC does not review interior work, it should be noted that though there have been changes over time, the interior floor plan and trim in this house retain much architectural integrity. The house is probably average sized for the Old West Side, but reworking the*

floorplan to result in a more efficient use of space (by modern standards) would compromise that integrity.

6. The proposed addition 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 standards 2,5,9 and 10, and the guidelines for new additions and building site.

REVIEW COMMITTEE REPORT: Commissioners Rozmarek and Ramsburgh visited the site with staff and reported their findings to the Commission.

Thacher gave the staff report.

AUDIENCE PARTICIPATION:

Kathy and Toby Brzoznowski, 442 Second Street, Ann Arbor, spoke as the applicants and owners of 442 Second Street. They explained that they felt there were clear differences proposed between the old and new, both with the roof line as well as with the foundation.

Marc Rueter, 515 Fifth Street, Ann Arbor, architect for the project, spoke on behalf of the applicants for 442 Second Street. He noted that the north side was an almost invisible side and he had tried to be as creative as possible when designing the new addition and felt that there were distinct differences.

DISCUSSION BY THE COMMISSION:

Ramsburgh noted that the various additions to the house were built in a very distinct manner allowing observers to follow their historical timeline. She agreed with the staff report and supported the proposed addition. Ramsburgh noted that if there were a clearer break on the north side between the old and new addition she would feel even more comfortable about the design.

Rozmarek felt that the Greek Revival mimicking on the gable end wasn't reflective of 2010 and therefore could be considered to be in violation of the standards. She stated that the proposed addition was very beautiful.

A motion was made by Rozmarek, seconded by White, that the Commission APPROVE and issue a certificate of appropriateness for the application at 442 Second Street, a contributing property in the Old West Side Historic District, to remove an existing addition and build a rear addition as proposed. The proposed work is compatible in exterior design, arrangement, texture, material and

relationship to the rest of the house and the surrounding area and meets 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 new additions and building site. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

C-3 10-0862 HDC10-108; 217 S Seventh St , OWSHD; Solar Panels

BACKGROUND: This 1 ¼ story gable-fronter features a full-width front porch and cut stone foundation. This address first appears in City Directories in 1903 as the home of renter George Rustine, an engineer, and his wife Alice C. The Rustines probably also lived there in 1902, when they are listed as living in a house with no address on the same block. In 1910, Herman C. Steinke, a painter, and his wife lived there. In 1914 the owner was Philip Gauss, Jr., and the Gauss family continued to live at the address until 1947.

The house was purchased by the current owners in 2006, and they have removed asphalt siding and repaired the original wood clapboards, repaired the original wood windows throughout the house and installed new storms, installed a geothermal heating /cooling/hot water system, insulated the attic and walls, and performed numerous other energy efficiency activities.

LOCATION: This site is located on the east side of South Seventh Street, south of West Washington and north of West Liberty.

APPLICATION: The applicant seeks HDC approval to install solar panels on the south-facing slope of the roof. The overall dimensions of the panels would be 32' 4 ¼" by 15' 4". They would cover the entire roof except 2' 6" at the top (below the ridge), 3" on each side, and 5 ½" above the bottom eave (see roof layout drawing). The panels would be black with black trim.

APPLICABLE REGULATIONS:

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

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces

that characterize a property shall be avoided.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

From the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings:

Roofs

Recommended: Identifying, retaining, and preserving roofs--and their functional and decorative features—that are important in defining the overall historic character of the building.

Not Recommended: Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.

Energy Efficiency

Recommended: Placing a new addition that may be necessary to increase energy efficiency on non-character-defining elevations.

Not Recommended: Designing a new addition which obscures, damages, or destroys character-defining features.

Mechanical Equipment

Recommended: Providing adequate structural support for new mechanical equipment.

Not Recommended: Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.

Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.

STAFF FINDINGS:

1. The solar panels would be parallel to the angle of the roof and the top surface of the panel would be slightly less than 6" from the roof surface, per the submitted drawings. Panels would cover 83% of the roof surface, and extend to nearly the width of the roof. The roof of this house has reddish-brown asphalt shingles, and the solar panels are black-on-black. The photographs provided with the application show that the panels selected are very low profile and have a consistent dark color that minimizes the appearance of a grid. Additional information on the

panels and installation can be found in an email from the applicant that is attached to the application.

2. Staff's opinion is that it may be desirable to cover the entire roof surface of this house with panels since the panels and the roof color don't match exactly. Covering more of the roof may be less conspicuous than covering a patch that will contrast with the roof. This particular roof is visible from the street and sidewalk, but less obvious than many because of its slightly elevated setting and screening by trees on the property.

3. The proposed solar panels would be located 2 ½ feet below the ridge and would not impact the chimney. The current chimney does not match the more decorative one in the historic photo below -- it was probably replaced or possibly shortened.

4. Staff feels that the proposed solar panels do not destroy, obscure, diminish, or damage character-defining features of the house, and are easily removable and reversible.

REVIEW COMMITTEE REPORT: Commissioners Rozmarek and Ramsburgh visited the site with staff and reported their findings to the Commission.

Thacher gave the staff report.

AUDIENCE PARTICIPATION:

Matthew Grocoff, 217 S. Seventh Street, Ann Arbor, spoke as the applicant and owner of 217 S. Seventh Street.

Daren Griffith, 8130 N. Canton Center Rd. Canton, MI, of Mechanical Energy System, spoke on behalf of the applicant for 217 S. Seventh Street.

DISCUSSION BY THE COMMISSION:

Rozmarek agreed with Thacher that the solar panels were removable and it was a good idea for the Commission to support sustainable energy practices within the historic districts.

Ramsburgh commented that the Commission has learned a lot lately regarding solar panels and she agreed with the staff report and the comments made by Commissioner Rozmarek. She thanked the applicant for educating the Commission on their proposed project and for answering their questions and concerns.

Stulberg explained that the Commission could approve solar panels because they are non-permanent and they don't intrude on the properties.

A motion was made by Giannola, seconded by White, that the Commission APPROVE and issue a certificate of appropriateness for 217 South Seventh Street, a contributing building in the Old West Side Historic District, to install solar panels on the roof 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 2, 9, and 10 and the guidelines for roofs, mechanical equipment, and energy efficiency. On a roll call, the vote was as follows with the Chair declaring the motion carried

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

Closed Session

Closed session at 7:58 PM

A motion was made by White, seconded by Glusac, that the Commission go into Closed Session as permissible under the Open Meetings Act [Act 267 of 1976] Section 15.268(e). On a roll call, the vote was as follows, with the Chair declaring the motion carried.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

Meeting Reconvened

Meeting reconvened at 8:53 PM

A motion was made by White, seconded by Giannola, that the meeting reconvene. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stulberg

Nays: 0

Absent: 1 - Vice Chair McCauley

C-4 10-0863 HDC10-109; 422 Detroit St, OFWHD Demolition and New Construction

BACKGROUND:

418 Detroit – This two-story c. 1886 house is vernacular Italianate in style and features an L-shape with gabled roof, clapboard siding, Italianate hoods over the single upper windows on the street-facing gable elevation and the double window on the first floor side wing, unusual wall dormers on the street-facing elevation of the side wing, and turned wood trim on the gable peaks and dormers. The site's first listing in a City Directory is in 1886 when it was Gottlob

Hoefler's bakery, grocery store and residence. Zingerman's rehabilitated the structure and added a rear addition in the 1990s.

420 Detroit – According to histories provided by previous staff reports, Susan Wineberg, and the architect, it is believed that this house used to be located at the corner of Detroit and Kingsley, facing Detroit. It is believed it was then pushed back and rotated to face Kingsley in the 1890s. In 1902, the house was moved to its present location and oriented again toward Detroit Street. In 1987, Zingerman's reconstructed the front porch to accommodate an addition to the main brick store building, and painted the building. Since that time the windows have been covered with signage.

422 Detroit – Rocco Desderide's grocery store was constructed in 1902 and has served as a grocery store ever since. It is a two-story, red brick commercial vernacular style, with a flat roof, date stone and corbeled brick cornice, geometric brick work on the second floor of the front elevation, and 20 pane steel casement windows that were replaced in the mid-twenties. Zingerman's added a one-story side addition in the 1980s.

322 E. Kingsley – This 1 ½ story house was constructed sometime before 1888, as it appears in that year's Sanborn maps as a side gable-house with a small rear ell. By 1908 the house configuration changed with what appears to be a narrower main house and a different rear ell C- 4 (p. 2) and a front porch. The City Directories show a variety of residents over the years: a mason, painter, sausage maker, two firemen, and a barber. It was damaged by fire in 2006.

LOCATION: *The site is located on the southeast corner of Detroit Street and East Kingsley. The site consists of four addresses: 322 East Kingsley (referred to as Kingsley), 422 Detroit (the Deli), 420 Detroit (the Annex, which is currently painted orange), and 418 Detroit (Next Door).*

APPLICATION: The applicant seeks a Notice to Proceed to: demolish the house at 322 East Kingsley; build a two-story addition behind and perpendicular to the deli, to be attached by an atrium; rehabilitate the annex; perform various site improvements shown on the plans including re-grading walkways for improved accessibility and installing bike racks and landscaping; and build a permanent picnic shelter structure to replace the existing tent. Also included with the application are a financing commitment letter from United Structured Finance Co., a letter that includes a description of the work to be completed and the benefits of the project, project drawings, photos, other supporting documents, and letters of support for the project. Representatives from Zingerman's have attended three working sessions of the HDC (in November, 2009 and January and March of 2010) to get feedback from the Commission on this project.

APPLICABLE REGULATIONS:

Notice to Proceed

The proposed work does not qualify for a Certificate of Appropriateness (C of A) because a contributing structure is proposed to be demolished (322 East Kingsley). The HDC may approve work that does not qualify for a C of A by issuing what is called a Notice to Proceed. There are only four circumstances under which a Notice to Proceed may be granted by the HDC. Zingerman's has decided to apply under circumstance (b), shown below.

8:416 Notice to Proceed

(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 a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

C- 4 (p. 3)

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances. The approvals and clearances are required so that the HDC has as many assurances as possible that the applicant seriously intends to build the project and is in a position to do so. The approvals and clearances have no bearing on the HDC's actual decision, and the HDC will approve or deny the application based only on the proof of "substantial benefit".

STAFF FINDINGS:

Staff advised Zingerman's that, at a minimum, all of the following must be true before staff could recommend that the HDC issue a Notice to Proceed for demolition of any contributing structure.

1) There is substantial benefit from the proposed major improvement program. Staff's opinion is that the benefits listed in the application letter meet the threshold for "substantial". The benefits go well beyond an increase in the tax base and new construction jobs, which by themselves are important, but would not be substantial enough to warrant a notice to proceed. Benefits particular to the historic district include moving the kitchen out of the Deli, which will help preserve that historic structure, and restoring the exterior of the Annex and incorporating it into a new addition that is an appropriate size and scale for the neighborhood. Community benefits include 65 new permanent downtown jobs, retention and intensification of downtown business activity as opposed to peripheral sprawl, increased support to local non-profit organizations, increased entrepreneurial support for new local businesses, sustainable design that is expected to obtain LEED silver or gold certification and use local materials and vendors when possible, and many more (see also the application letter).

2) The substantial benefit accrues to the Ann Arbor community, that is, the city as a whole rather than a neighborhood or other sub-area. The proposed work will provide benefits specific to the neighborhood (such as a decrease in delivery vehicles), but the vast majority of the benefits listed in the application letter will be realized by the entire community (e.g. new jobs, enhancement of downtown business district, reduction of sprawl, spinoff businesses, support for non-profits, etc.)

3) The applicant has presented sufficient evidence proving that he/she has (a) all necessary planning and zoning approvals, (b) all necessary financing, and (c) all necessary environmental clearances to complete the major improvement program. a) The Planning Commission recommended approval of the site plan for the project on May 18, 2010, and City Council approved the site plan for the project on July 19, 2010. b) A financing commitment letter has been submitted by United Structured Finance Co. The city's Chief Financial Officer has reviewed the letter, spoken to representatives from Zingerman's, and recommends that the HDC accept it as proof of necessary financing.

C- 4 (p. 4)

c) An environmental assessment of the site showed that asbestos and lead-paint abatement may be necessary and that an underground oil

tank may be present (and needs to be removed). These are common findings around structures of this age, and they will be addressed as part of the project. No state or federal environmental clearances are required for the project. A brownfield plan for the site was approved by City Council on July 19, 2010. The brownfield plan was based on the presence of functionally obsolete buildings (Kingsley and the Annex) on the site, not on underground environmental contamination. 4) A resource (in this case, a contributing structure or structures) in the district is a deterrent to the major improvement program. The house at 322 East Kingsley has been determined by the HDC to be a contributing structure. The major improvement program proposed by this project requires its removal in order to construct a two-story addition behind the Deli at 422 Detroit. 5) Demolition of the resource is necessary, i.e. without demolition, the major improvement program will be deterred. The house at 322 East Kingsley must be removed for this project to be constructed. Zingerman's explored other options, including building a smaller, detached building behind Kingsley or incorporating Kingsley into the site, but determined that other options would not provide similar benefits.

REVIEW COMMITTEE REPORT: Commissioners Rozmarek and Ramsburgh visited the site with staff and reported their findings to the Commission.

Thacher gave the staff report.

AUDIENCE PARTICIPATION:

Ken Clein, 275 East Liberty, Ann Arbor, Quinn Evans, Architect for the project spoke on behalf of applicant for 422 Detroit Street.

Jim Mogensen, 3780 Greenbrier Blvd. Ann Arbor, spoke regarding the historic review process.

Christine Crockett, 506 E Kingsley, Ann Arbor, President of the Old Fourth Ward Association, spoke regarding the procedure of historic reviews.

Ray Detter, 120 N. Dunbar, Ann Arbor, Downtown Area Citizen Advisory Council, spoke in support of the Zingerman's project, and regarding the procedure of historic reviews.

Paul Saginaw, 1205 Olivia Ave. Ann Arbor, spoke on behalf of the applicant for 422 Detroit Street. He clarified that at no time had Zingerman's ever suggested they might leave the City of Ann Arbor.

DISCUSSION BY THE COMMISSION:

Commissioner Ramsburgh commented that all Commissioners had visited

Commissioner Stulberg expressed concerned with the possibility of setting a precedent in the historic district. He noted that this project is very unique and being approved on its own merits, therefore not setting a precedent.

Commissioner Giannola clarified that the Commission was voting on a Notice to Proceed and not on a Certificate of Appropriateness, which were very different. She supported the project that had been a long time coming because it would be a substantial benefit, helping the community as a whole as well as the economy.

Commissioner Rozmarek said she supported the motion that they were going to vote on because she didn't want Zingerman's to leave Ann Arbor and because the expansion would benefit the community as a whole; however she also had concerns that the Commission was opening a door that could undermined the fundamental reason the Historic District Commission exists.

Giannola commented that the difference was that Zingerman's was a destination in Ann Arbor and not just another business.

Ramsburgh thanked the Commission and the applicant for their hard work on the difficult project that was before them this evening. She said she supported the project because it was a well thought out project that was presented respectfully given the historic district and the relationship that the deli has with the surrounding community. She stressed its uniqueness and felt that it would benefit the community as a whole.

A motion was made by Giannola, seconded by White, that the Commission APPROVE and issue a Notice to Proceed for the application at 422 Detroit, 322 East Kingsley, 420 Detroit, and 418 Detroit, to demolish 322 East Kingsley, construct a two-story addition perpendicular to the rear of 422 Detroit, install a permanent shade structure, and perform other site improvements as proposed. The Commission finds that 322 East Kingsley is a deterrent to the applicant's proposed expansion and rehabilitation project, which is a major improvement program that will be of substantial benefit to the community. The Commission also finds that the applicant has obtained all necessary planning and zoning approvals, financing, and environmental clearances. The Commission finds that the demolition and other proposed work is necessary to correct the foregoing condition. On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Glusac, Giannola, White, Chair Ramsburgh, Rozmarek, and Stullberg

Nays: 0

Absent: 1 - Vice Chair McCauley

D REPORTS FROM COMMISSIONERS / CONCERNS OF COMMISSIONERS

None

E ASSIGNMENTS

Commissioners Giannola and Stulberg volunteered for the October Review Committee.

F REPORTS FROM STAFF

F-1 10-0864 August 2010 Staff Activities Report

F-2 10-0865 Old West Side Survey Presentation

Postponed

G COMMUNICATIONS

G-1 10-0913 Communication from Ethel Potts

10-0914 Zingerman's - Council Action

ADJOURNMENT

On a unanimous voice vote the meeting was adjourned at 9:45 pm.