

ANN ARBOR HISTORIC DISTRICT COMMISSION

Staff Report

ADDRESS: 617 W Madison Street, Application Number HDC11-085

DISTRICT: Old West Side Historic District

REPORT DATE: July 8, for the July 14, 2011 HDC Meeting

REPORT PREPARED BY: Jill Thacher, Historic Preservation Coordinator

REVIEW COMMITTEE DATE: Monday, July 11, 2011

OWNER

Name: Louis Breskman
Address: 617 W Madison
 Ann Arbor, MI 48103
Phone: (610) 952-5269

APPLICANT

Meredith Newman
 617 W Madison
 Ann Arbor, MI 48103
 (248)703-1057

BACKGROUND: This one-and-a-half story craftsman first appears in the 1927 City Directory as the home of Emil Hoppe, an employee of the telephone company and a student. It features a full width front porch with a large gable dormer above, siding on the first floor and shingles on the second, and blue glass in the top sash of several of the original three over one windows.

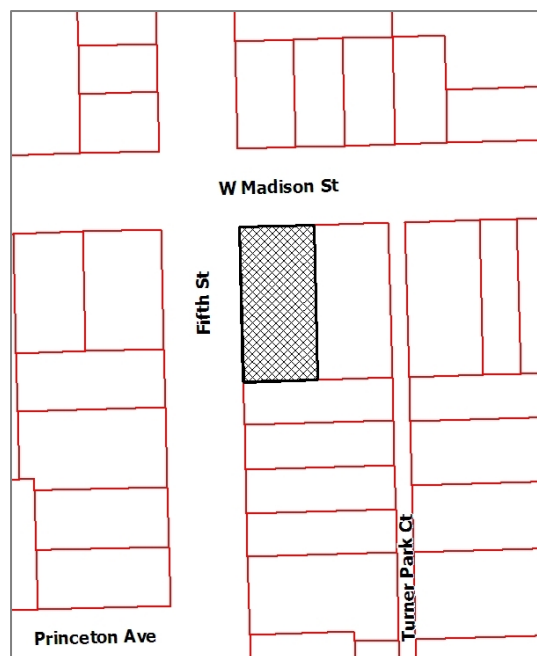
LOCATION: The site is located at the southeast corner of West Madison and Fifth Street.

APPLICATION: The applicant seeks HDC approval for a split rail fence that was constructed without a Certificate of Appropriateness or zoning compliance permit.

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

- (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)

District or Neighborhood Setting

Not Recommended: Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.

STAFF FINDINGS

1. On Friday, June 3, 2011 staff received a phone call from a neighbor about a fence being built without permits. A building inspector visited the site that day and found that a split rail fence had been installed along the Fifth Street sidewalk on this corner lot. The inspector issued a stop work order, which was also signed by a gentleman on site who staff believes was the person doing the work (Gary S_____).

Over the weekend the fence was installed along West Madison, despite the stop work order. The property owner faces a civil infraction or misdemeanor for violating the stop work order. This has not yet been issued by the building department, at the request of HDC staff. It may still be issued by the Building Official.

2. Staff may sign off on the "Installation of new fences, provided they meet the requirements of the *Historic District Design Guidelines*" on the Commission's behalf. Those guidelines say it is appropriate to use wood (picket or alternating board), wrought iron or metal (wrought iron style), or chain link (rear yards only) for fencing. Split rail fence does not conform to these guidelines, and therefore must be reviewed by the Commission.
3. Staff's opinion is that split rail fences in front yards are incompatible with the historic character of the district. They were not traditionally installed in the Old West Side, which is why staff may not sign off on them on the Commission's behalf. A fence of square or flat pickets with at least 50% opacity would be an appropriate design. As an example, there is an old wood picket fence along the south property line of this lot. The design appears to be traditional and appropriate for the district. See application photos of "our old fence".
4. The placement (along the lot line) and height of the fence appear to be appropriate.

5. The applicant provided photos of other fences around the west side. Several of these sites are not in the historic district (814 Fifth, 815 Third, 407 Wilder, 705 Davis). The remaining photos show three split rail fences running on side-lot lines that were installed prior to the adoption of the current Historic Preservation ordinance in 2007. The other two photos illustrate the height of fences, which is not an issue with this application. The applicant mentions that city parks have split rail fencing, and the Wurster Park fencing was also installed prior to the adoption of this ordinance.
6. Staff recommends denial of the first motion below. The installed fence is not an appropriate design for the Old West Side Historic District and does not meet The Secretary of the Interior's standard 9 or guidelines for neighborhood setting. If the application is denied, a new application may be made to staff or the commission to install a fence in a design that is appropriate for the district.

MOTIONS

I move that the Commission issue a certificate of appropriateness for the application at 617 West Madison Street, a contributing property in the Old West Side Historic District, for a split-rail fence that has already been installed along two front lot lines. The work is compatible in exterior design, arrangement, texture, material and relationship to 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 standard 9 and the guidelines for district or neighborhood setting.

If the above motion fails, staff suggests that the following motion be made:

I move that 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 remove the split rail fence within ninety days and restore the site to its previous condition.

MOTION WORKSHEET

I move that the Commission issue a Certificate of Appropriateness for the work at 617 W Madison Street in the Old West Side Historic District

_____ Provided the following condition(S) is (ARE) met: 1) STATE 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) (*circle all that apply*):

1, 2, 3, 4, 5, 6, 7, 8, 9, 10

ATTACHMENTS: application, photos.

617 W Madison (April 2008)





City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES
100 North Fifth Avenue | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

ANN ARBOR HISTORIC DISTRICT COMMISSION APPLICATION

Section 1: Property Being Reviewed and Ownership Information

Address of Property: 617 W. Madison

Historic District: Old West Side

Name of Property Owner (If different than the applicant):

Louis Breskman

Address of Property Owner: 617 W. Madison

Daytime Phone and E-mail of Property Owner: 616.952.5269 / Louisbreskman@yahoo.com

Signature of Property Owner: [Signature] Date: 6/8/11

Section 2: Applicant Information

Name of Applicant: Meredith Neuman

Address of Applicant: 617 W. Madison

Daytime Phone: (248) 703.1057 Fax: ()

E-mail: neumannmeredith@yahoo.com

Applicant's Relationship to Property: owner architect contractor other

Signature of applicant: Meredith Neuman Date: 6/8/11

Section 3: Building Use (check all that apply)

Residential Single Family Multiple Family Rental
 Commercial Institutional

Section 4: Stille-DeRossett-Hale Single State Construction Code Act
(This item **MUST BE INITIALED** for your application to be **PROCESSED**)

Public Act 169, Michigan's Local Historic Districts Act, was amended April 2004 to include the following language: " the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed completion date, a fire alarm or smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531."

Please initial here: [Initials]

Section 5: Description of Proposed Changes (attach additional sheets as necessary)

1. Provide a brief summary of proposed changes. We have a corner lot that people cut across all the time, and walk their dogs through our yard. We want to create a boundary but don't want a "thick fence" that is unfriendly. We would like to have a split rail fence to achieve that.

2. Provide a description of existing conditions. See above as well as attached pictures.

3. What are the reasons for the proposed changes? We would like to create a boundary for our property but don't particularly like picket fences. We want to plant Clematis along the split rail so that we actually end up with a fence of flowers.

4. Attach any additional information that will further explain or clarify the proposal, and indicate these attachments here. Please see powerpoint regarding our position.

5. Attach photographs of the existing property, including at least one general photo and detailed photos of proposed work area.

STAFF USE ONLY

Date Submitted: _____ Application to _____ Staff or _____ HDC
Project No.: HDC 11-085 Fee Paid: 100.00
Pre-filing Staff Reviewer & Date: _____ Date of Public Hearing: _____
Application Filing Date: 6/24-2011 Action: _____ HDC COA _____ HDC Denial
Staff signature: _____ _____ HDC NTP _____ Staff COA

Comments:



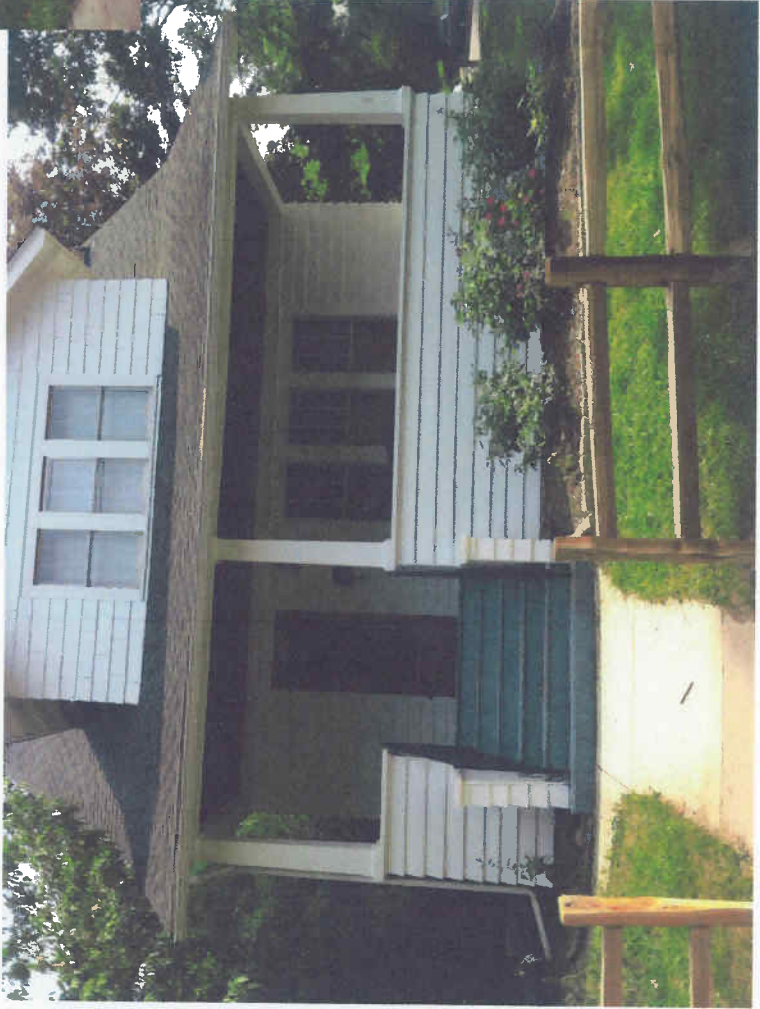
Our old fence



Where our new fence lines up with the existing fence on Fifth



Where our new fence lines up with the existing fence on Madison



Our new fence

A few examples of fences within a few houses that are taller than ours



718 Madison



525 Sixth



814 Fifth

A FEW examples of fences within a few streets that are split rail



717 Jefferson



815 Third



407 Wilder



705 Davis

A few more examples of fences within a few streets that are split rail



531 Third



508 Second

Not to mention the fact that all Ann Arbor parks have split rail fences, including the two that flank our streets, Fritz at the end of Fifth and Wuster on Madison.

Based on all the split rail fences our OWS neighbors have, as well as the city parks' split rail fences that surround our neighborhood, we feel the aesthetics of the fence match the neighborhood and the craftsman style of our home.

The fence is not a permanent structure, it can easily be taken out by a future home owner if they so choose. We would very much like to keep our fence. Removing the fence will greatly damage our relationship with our neighbors as well as destroy the look we want our home to have.