

ANN ARBOR HISTORIC DISTRICT COMMISSION**Staff Report****ADDRESS:** 710 East Ann Street, Application Number HDC12-230**DISTRICT:** Old Fourth Ward Historic District**REPORT DATE:** January 4, 2013**REPORT PREPARED BY:** Jill Thacher, Historic Preservation Coordinator**REVIEW COMMITTEE DATE:** Monday, January 7 for the Thursday, January 10, 2013 HDC meeting

	OWNER	APPLICANT
Name:	Young Kim Young & So Sun Co, LLC	Same
Address:	2067 Bay Hill Ct Ann Arbor, MI 48108	
Phone:	(734) 996-9264	

BACKGROUND: This Queen Ann was originally 2 ½ stories, but infill of all four corners of the cross gables have essentially made it three stories. It features very large one-over-one windows on the front and side elevations, and a center window flanked on both sides by smaller fixed windows in each of the cross gables. It was first occupied in 1899 by Alfred Fruehauf, a carpenter and contractor.

The house now contains seven efficiency and one one-bedroom apartments, with a maximum total occupancy of 16 people.

HDC records show the following past work on the property while under the current ownership:

- 1991 staff certificate of appropriateness (CofA) to repair fire escape
- 1991 Housing Board of Appeals decision to require three windows to be replaced in Unit 6 on the third floor. A CofA for one of those windows (on the rear elevation) is in the file.
- 1991 Building Department enforcement action for failure to obtain permits before installing a curbcut and driveway.
- 1996 staff CofA for vinyl replacement windows from wallside (but no indication of *which* windows is included on the form).
- 1998 staff CofA for a reroof.
- 2001 two staff CofAs to repair fire escape (to different contractors)
- 2009 Building Division enforcement action for failure to obtain permits before replacing fire escape; subsequent staff CofA to rebuild fire escape and front stairs.

On October 18, an inspector from the Building Division visited the property after a complaint was received about windows being replaced without building permits or a CofA. (This information can be looked up by anyone online in the City's eTrakit system). On October 19, the inspector visited the site again and posted a stop work order. Twenty-three windows had been replaced with new vinyl windows.

LOCATION: The site is located on the south side of East Ann Street between East Washington Street and East Liberty Street.

APPLICATION: The applicant seeks after-the-fact HDC approval to replace 22 wood, vinyl, and aluminum windows with vinyl windows.

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:

- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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

Windows

Recommended: Identifying, retaining, and preserving windows – and their functional and decorative features – that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and molding, and interior and exterior shutters and blinds.

Recommended: Repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.

Replacing in kind an entire window that is too deteriorated to repair – if the overall form and detailing are still evident – using the physical evidence to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended: Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.

Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

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

Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.

From the City of Ann Arbor Historic District Design Guidelines:

Windows

Appropriate:

If a window is completely missing, replacing it with a new window based on accurate documentation of the original or a new design compatible with the original opening and the historic character of the building. Materials other than wood will be reviewed by the Commission on a case-by-case basis.

Not Appropriate: Failing to maintain and repair existing windows.

Replacing an entire window that is not deteriorated beyond repair.

Removing or radically changing a window that is important in defining the overall historic character of the property.

STAFF FINDINGS:

1. The property owners met with staff on October 19, 2012 to discuss the window situation, and a follow-up letter was sent to the owners on October 26 (see attached) explaining steps to take to bring an application to the HDC for consideration.
2. Per a window schedule provided by the applicants, and the staff modifications listed below, eleven of the windows replaced were vinyl, nine were wood, and three were aluminum. The schedule says window N-9 was wood and not replaced, but a photo provided clearly shows a vinyl window. Another window, F-3 on the front elevation, appears very clearly to be wood in the "before" photo provided, but the schedule says it

was vinyl.

3. The owners reported that the wood windows had weights and pulleys, and matched the fixed wood windows (see photos provided by applicant) that were not replaced. Based on this, staff is confident that the wood windows were installed during the period of significance for the district.
4. The replacement of wood windows with vinyl windows is not appropriate under the Secretary of the Interior's Standards or Guidelines, and the City of Ann Arbor Historic District Design Guidelines. The replacement of vinyl or aluminum windows with appropriate wood windows is preferred to in-kind replacement.
5. The replacement of a single double-hung window with a pair of double-hung windows in the same original opening is not appropriate, as was done on windows F-5, F-6, S-7, S-10, N-3 and N-5. The owner explained that this was done because of cost constraints to put in such a large sized window, and because the house has shifted and the opening is no longer square.
6. In staff's opinion, the replacement of wood windows with vinyl ones does not qualify for a certificate of appropriateness. Since the wood windows removed from the house were immediately discarded, reinstallation is not an option. Therefore, where wood windows previously existed, modifying the work by removing the vinyl windows and installing compatible wood windows that meet the City of Ann Arbor Design Guidelines for Historic Districts is recommended by staff. The replacement of vinyl or aluminum windows with vinyl windows qualifies for a certificate of appropriateness.
7. Three suggested motions are listed below. A) The first would allow the new vinyl windows to stay in openings that previously had vinyl or aluminum windows. Two of those windows would need to be replaced with a single doublehung instead of a pair. If a vinyl doublehung is not available to fit an opening that large, a wood window may be substituted. Staff recommends approval of this motion. B) The second would allow the new vinyl windows to stay in openings that previously had wood windows. Staff does NOT recommend approval of this motion. C) The third motion would require that wood windows of the original size be reinstalled in openings that previously had wood windows. Staff recommends approval of this motion.

POSSIBLE MOTIONS: (Note that the motion 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.)

Vinyl/aluminum to vinyl windows:

I move that the Commission issue a certificate of appropriateness for the portion of the application at 710 East Ann Street, a contributing property in the Old Fourth Ward Historic District, to replace windows F-4, F-5, S-1, S-4, S-6, S-7, S-8, S-11, S-12, N-2, N-4, N-7, B-1, and B-2 with vinyl one-over-one double-hung windows, provided the following conditions are met: windows F-5 and S-7 must be replaced with a single window, not a pair, in the original opening. Further, per section 8:421 of Ann Arbor City Code, the work on windows F-5 and S-7 must be completed and pass city inspection within eight months. The work as conditioned is compatible in exterior design, arrangement, texture, material and relationship to the rest of the building and the

surrounding area and meets *The City of Ann Arbor Design Guidelines for Historic Districts*, and *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular standard 6 and the guidelines for windows.

Wood to vinyl windows (to approve what has already been installed):

I move that the Commission issue a certificate of appropriateness for the portion of the application at 710 East Ann Street, and contributing property in the Old Fourth Ward Historic District, to replace wood windows F-3, F-6, S-3, S-9, S-10, N-3, N-5, N-6, and N-9 with one-over-one double-hung vinyl windows, 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 City of Ann Arbor Design Guidelines for Historic Districts*, and *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular standard 6 and the guidelines for windows.

Wood to vinyl windows (if the previous motion does not pass):

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 ordered to restore windows F-3, F-6, S-3, S-9, S-10, N-3, N-5, N-6, and N-9 to their prior condition, or to modify the windows so that they would qualify for a certificate of appropriateness, consistent with section 8:421 of Ann Arbor City Code, by replacing the windows with wood windows, under the following conditions: the owners must apply for and receive a staff approval for the proposed replacement windows before building permits are issued, and windows F-6, S-10, N-3 and N-5 must be replaced with a single window, not a pair, in the original opening. The windows must be restored to their prior conditions or replaced as stated by July 10, 2013.

MOTION WORKSHEET:

I move that the Commission issue a Certificate of Appropriateness for the work at 710 East Ann Street in the Old Fourth Ward 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, drawings, photos.

710 East Ann Street (assessor's 2009 photo)





City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES

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12-17-12

ANN ARBOR HISTORIC DISTRICT COMMISSION APPLICATION

Section 1: Property Being Reviewed and Ownership Information

Address of Property: 710 E. ANN

Historic District: Old Fourth World

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

Address of Property Owner: 2067 Bay Hill

Daytime Phone and E-mail of Property Owner: 734-996-9264, YKim3358@Comcast.net

Signature of Property Owner: [Signature] Date: 12/17/2012

Section 2: Applicant Information

Name of Applicant: _____

Address of Applicant: _____

Daytime Phone: (____) _____ Fax: (____) _____

E-mail: _____

Applicant's Relationship to Property: ___owner___ architect ___contractor___ other

Signature of applicant: _____ Date: _____

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: JK

Summary - Windows:

We did not replace any wood fixed single glass windows at unit #7 and hall ways. Those windows with single glass window were OK and remain as original windows. Wood windows replaced with new vinyl windows at unit #1 & unit #2 were beyond repairable. Gap between windows too wide with noise, wood was rotten badly could not hold glass tightly despite several times to repairs, and large windows could not lock windows due to building had been shifted.

- All replacement windows are high end quality of Anderson thermo double glass vinyl windows.
- **All wood frames were remained same as original wood frame.** All wood frames were repaired and painted then replaced windows.
- All fixed wood frame windows (Unit #7 and hall ways) were not replaced. (single glass with wood frame –it appears seal properly and no sign of rotten wood)
- We always winterized windows every year with old windows, but heating bill was still very high. Now, it is revealed significant heat savings from DTE energy, initial bill shows savings looks more than 70% of bill without winterize with new window – we need more data to verify heat savings.

Condition of Windows: (Photo 3)

Old house was maintained original wood windows in the first floor and hall ways. We don't know how long ago they renovated to the building (total : 8 units) by previous owner. All windows in the each unit for 2nd and 3rd floor were mixed with a few wood windows, mostly vinyl, and some aluminum frame windows (smaller size) in the bathroom.

Condition of window (Unit #8) is shown in Photo. Most of south side view windows are similar condition, and north side window frame are looks better and OK. When we had rain, water intruded unit #8 rotten window wood frame (bottom) and water travel to unit #4 ceiling, and water pour in thru drywall to the floor.

Before (Photo 1) & After (Photo 2) Replacement of window:

See two Photos – Before and after replacement of windows. Before some screen doors old aluminum frame and/or some were vinyl frame screens. After replacement, all are vinyl new screen door with good condition of wood frame.

Previous Window Replacements:

Approx. 20 years ago, we replaced some windows for Unit #6 and Unit #8 in order to receive the certification of occupancy. City inspector requested either repair or replace of windows due to malfunction of windows. That time all windows were vinyl with single glass windows. These windows were replaced by wall side windows, vinyl thermo double glass windows.

City inspection checked all were OK, and we received the certification of occupancy.

Status of New Anderson Window Replacement

Front View	OLD	New (Anderson thermo double glass window)
F-1	Wood-Fixed window	No
F-2	Escape Door	No
F-3	Vynal <i>Wood per photo.</i>	Yes
F-4	Vynal <i>JST</i>	Yes
F-5	Vynal	Yes
F-6	Wood	Yes
Back View	Old	New
B-1	Aluminium frame window	Yes
B-2	Aluminium frame window	Yes
South View	Old	New
S-1	Vynal	Yes
S-2	Vynal	No
S-3	Wood - middle	Yes
S-4	Vynal	Yes
S-5	Fire Escape door	No
S-6	Vynal	Yes
S-7	Vynal	Yes
S-8	Vynal	Yes
S-9	Wood	Yes
S-10	Wood	Yes
S-11	Vynal	Yes
S-12	Aluminium frame	Yes
North View	Old	New
N-1	Vynal	No
N-2	Vynal	Yes
N-3	Wood	Yes
N-4	Vynal	Yes
N-5	Wood	Yes
N-6	Wood	Yes
N-7	Vynal	Yes
N-8	Wood	No
N-9	Wood	No <i>Yes. See photo. JST</i>
N-10	Wood	No

Photo 1

BEFORE Window Replacement



Front View



South View



photo 3

S-1 (South View) condition



North View



North Views



Back View





AFTER WINDOW REPLACEMENT

Photo 2



Unit #7 - FIXED WOOD WINDOW



Unit #7 - Fixed wood window and New windows





City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

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October 26, 2012

Dear Mr. and Mrs. Kim,

On Thursday, October 18, the Planning and Development Division of the City of Ann Arbor received a complaint that windows were being replaced on the house at 710 East Ann Street, in the Old Fourth Ward Historic District. Neither building permits nor a certificate of appropriateness from the Historic District Commission (HDC) had been applied for or issued for the work. A building inspector visited the site on October 18 and October 19, and a stop work order was posted on the 19th.

You met with me in City Hall on Monday, October 22 to discuss the matter. You described the wood windows that you replaced as having ropes and pulleys and not in good shape. I explained that vinyl windows are not appropriate replacements for wood windows in the historic district, and that if you or your contractor had applied for building permits or HDC approvals before beginning the work, I would have advised you of this. As it stands, nearly all of the windows have been replaced with vinyl ones.

I have consulted with the City Attorney and your next step is to apply to the Historic District Commission for a Certificate of Appropriateness. You will need to fill out the enclosed application form and provide photographs or drawings of the four elevations of the building with the replaced windows numbered, along with interior and exterior close-up photos of a representative vinyl window. Please also provide a close-up photo of the interior of all remaining wood windows. If you have any manufacturer's cut sheets or other information on the vinyl windows, please attach that as well.

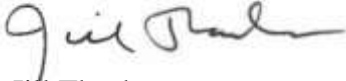
Please also attach a description of all windows that were removed, including the style and material, and attach any supporting documentation, including photographs, building permits, historic district approvals, invoices, inspections, or other documentation you believe may be relevant. Please provide the same for any previous window replacements made during the time you have owned the property.

The application fee is \$100. The application and fee should be submitted to the building permit desk on the first floor of City Hall. November 21 is the application deadline for the December 13, 2012 meeting.

Once I have your complete application and fee, your application will be scheduled to appear on an HDC agenda. The HDC will consider the matter and either issue a certificate of appropriateness for some or all of the work that it believes conforms to Chapter 103 Historic Preservation of city code, or order you to reverse some or all of the work.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Thacher". The signature is fluid and cursive, with the first name "Jill" being more prominent than the last name "Thacher".

Jill Thacher
City Planner/Historic Preservation Coordinator

c: Ralph Welton, Chief Development Inspector
Chris Frost, Assistant City Attorney