

ANN ARBOR HISTORIC DISTRICT COMMISSION

Staff Report

ADDRESS: 310 S Ashley, Application Number HDC21-037

DISTRICT: Main Street Historic District

REPORT DATE: March 11, 2021

REPORT PREPARED BY: Jill Thacher, Historic Preservation Coordinator

REVIEW COMMITTEE DATE: March 8, 2021

	OWNER	APPLICANT
Name:	Second Ward Public Hall LLC	Staff
Address:	310 S Ashley St Ann Arbor, MI 48104	
Phone:		

BACKGROUND: The Second Ward Public Building was built in 1901 as a polling place and meeting hall for the city's predominantly German second ward. It is brick with stone sills and lintels. On the front elevation there are three person doors -- two with transoms -- on the first floor and a triple window on the second. Carved in a stone near the top is "Second Ward Public Building". After decades as a storage building, it was purchased by the Hathaway family in 1969 and is once again used as a gathering space.

LOCATION: The site is located on the west side of South Ashley, south of West Liberty and north of West William.

STAFF REQUEST: Staff requests that the Historic District Commission make a determination on work that was completed without a certificate of appropriateness. If the HDC finds that the work does not qualify for a certificate of appropriateness, staff requests that in lieu of an order to restore or modify the work, the HDC requires the property owner and contractor to communicate a plan and timeline to complete the work.

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:

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

Roofs

Recommended: Retaining and maintaining original historic roofing materials, roof shape, dormers, cupolas, chimneys, and built-in or decorative gutters and downspouts.

Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof-shape, such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

From the Ann Arbor Historic District Design Guidelines (other Ann Arbor guidelines may also apply):

Roofs

Appropriate: Retaining and maintaining original historic roofing materials, roof shape, dormers, cupolas, chimneys, and built-in or decorative gutters and downspouts.

Designing and constructing a new feature when the historic feature is completely missing, such as a chimney or cupola with an accurate restoration using historical, pictorial, and physical documentation.

Not Appropriate: Removing or altering historic roof features such as chimneys, dormers, cupolas, lightning rods, built-in or decorative gutters.

STAFF FINDINGS

1. In February of 2020, the HDC approved work (HDC20-014) on the building at 312 S Ashley Street (formerly Nalli Music). Building permits were issued in August of 2020 and work commenced. In October 2020, the property owner informed staff that a brick chimney had been removed from the roof of 310 by the contractor working on 312 without authorization. It was eventually replaced with a metal duct (shown at end of report). The chimney vents the building's furnace.
2. The bricks on the former chimney appear to be mostly common brick that matches the rest of the building. You can see a yellowish replacement brick near the top, and some of the other bricks are too coated with mortar to be able to identify their color. It is not an example of fine workmanship – there is nothing ornate or decorative about it. It is also not visible from any public right of way. The chimney was certainly old, however, and very likely from the period of significance (pre-1945).
3. Staff requests that the HDC make a decision on whether the replacement of the brick chimney with a metal one is appropriate. There are additional private property issues between the owners of 310 and 312 S Ashley, including a lawsuit. At this time this is the only matter staff is requesting that the HDC consider.
4. Two possible motions are below. The first finds that the replacement chimney is appropriate. If the first motion fails, a second motion is required. The second motion confirms that the chimney does not qualify for a certificate of appropriateness and that it will need to be replaced. It also requires that a remediation plan and timeline be submitted by the property owner for reconstructing the chimney. If a plan that is acceptable to staff and meets the standards and guidelines is submitted, staff will be able to sign off on a building permit for the remediation. If the remediation plan falls short or is not forthcoming in a timely manner after the completion of the civil suit between property owners, staff will either return the matter to the HDC or initiate other enforcement activities.

POSSIBLE MOTIONS: (Note that the motion supports staff findings and is only a suggestion.)

I move that the Commission issue a certificate of appropriateness for the application at 310 S Ashley Street, a contributing property in the Main Street Historic District, to replace a brick chimney with a metal chimney, as built. The work is compatible in exterior design, arrangement, texture, material and relationship to the surrounding resources and meets the *Ann Arbor Historic District Guidelines* for roofs, and *The Secretary of the Interior's Standards for Rehabilitation*, in particular standards 2, 5, 6, and 9, and the guidelines for roofs.

If the motion fails:

I move that the Commission finds that the completed chimney work does not qualify for a certificate of appropriateness. The property owner shall restore the chimney to the condition the chimney was in before the inappropriate work or modify the work so that it qualifies for a certificate of appropriateness. The property owner is required to contact staff within 30 days to discuss a proposed remediation plan and timeline for completion.

ATTACHMENTS: Photos

310 S Ashley Chimney, photos courtesy of property owner
2018



Received via email May 27, 2020 (312 S Ashley roof demo beyond)



May 28, 2020



December 21, 2020 City Inspector photo

