



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
HISTORIC DISTRICT COMMISSION OF THE CITY OF ANN ARBOR
Thursday, June 11, 2009.**

Commissioners Present: Diane Giannola, Patrick McCauley, Robert White, Jim Henrichs, Kristina Glusac and Sarah Wallace (6)

Commissioners Absent: Ellen Ramsburgh (1)

Staff Present: Jill Thacher, Planner and Historic District Coordinator and Brenda Acquaviva, Administrative Support Specialist V, Planning and Development Services (2)

CALL TO ORDER: Chair Wallace called the Regular Session to order at 7:00 p.m.

ROLL CALL: Quorum satisfied.

APPROVAL OF THE AGENDA: The Agenda was approved without objection.

A - HEARINGS

A-1 HDC09-062 – 537 DETROIT STREET - OFWHD

BACKGROUND: This one-and-a-half story Queen Anne cottage was built between 1897 and 1899, when it is depicted on the Sanborn Fire Insurance Map of that year. It was occupied by William H. and Mina E. Krapf. William worked as a carpenter and machine hand, and later served as foreman for Luick and Brothers Company on North Fifth Ave. (present day Kerrytown shops), a lumber and house parts company. One of William's relatives was Herman Krapf, who owned a planing mill, sash, doors and wood turning business located next door at 529 Detroit Street (present day Treasure Mart). The Krapf mill operated from about 1878 to sometime after before 1910, when it is no longer listed in the Polk City Directory. It seems likely that parts of the house at 537 Detroit were purchased from this mill.

On November 13, 2008 the current owner applied for and received a certificate of appropriateness to demolish a non-contributing garage, and replace three non-contributing windows and one contributing window that was deteriorated beyond repair. In addition, a portion of that application to replace a pair of double-hung windows in the second floor of the east elevation was denied. (HDC08-038)

On May 18, 2009 the current owner received a staff approval to repair the first floor stained glass windows; install the original front double doors in the original opening, which had been filled in to accommodate a non-original door; install new storms and screens; and replicate the original porch spindles and install them where spindles had been replaced.

LOCATION: West side of Detroit Street, between Madison and Mosley Streets.

APPLICATION: The applicant seeks HDC approval to replace the sash in three second-story wood windows: two on the east elevation and one on the south elevation.

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STAFF FINDINGS:

1. Two of the windows (the pair on the east elevation) were rejected for complete window replacement on November 13, 2008. The commission determined that the windows were not deteriorated beyond repair, and that their replacement would not comply with the Secretary of the Interior's standard number 6 (shown above).
2. Jill Thacher visited the site on April 3, 2009 with City of Ann Arbor Housing Inspector Nancy Sylvester. Sylvester was asked to inspect the condition of the two windows on the east elevation. (At the time, the third window on the south elevation was not under discussion.) She submitted the following written comments:

“At the request of Jill Thatcher, I inspected two second floor windows at the front of the building, in a room which is to be used as a bedroom. I was asked to comment on whether these windows could be repaired to a properly operating condition or if they were beyond repair. The sash cords are in place and there is no rotted wood. These windows do not meet the requirements of sections 8:509 and 8:503 of the Ann Arbor Housing Code and the following corrective actions should be taken to bring them into compliance:

1. Replace the cracked window pane in the right side window. 8:509
2. Break the paint seal so that the left side window can be opened. 8:509
3. Provide operable sash locks for both windows. 8:503

Please note that screens must be installed for the minimum required ventilation area from May 1 through September 30.”

3. At the April 3 site visit, Thacher completed an existing window condition survey for the two east windows, which is attached. It identifies the following problems: three of the four sash painted shut; difficulty operating the fourth sash; sloppy glazing putty; non-working latches; and delaminating/splitting stops.
4. Weather-stripping, making the windows weather tight, and installing storm windows are recommended for thermal efficiency and to protect the wood windows. Storms are not considered an impediment to egress by rental housing inspectors.
5. The two east elevation window sash are in generally sound condition, can be repaired, and are not deteriorated beyond repair. Staff has not inspected the south window, and will do so at the Review Committee visit on June 8.
6. The proposed window sash replacement for the two east elevation windows is not compatible in exterior design, arrangement, texture, material and relationship to the remainder of the house and surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation*, in particular standard number 6. Staff will make a recommendation to the commission on the south elevation window at the June 11 meeting, after inspecting it on June 8.

Owner/Applicant/Address: William Hall, 34194 Northland Drive, Livonia, MI 48182

NEW DATA FOR STAFF REPORT:

J. Thacher (Coordinator) – As mentioned, this pair of windows in question were rejected in 2008 by this Commission. It was determined by the HDC that the windows were not deteriorated beyond repair and the proposed replacements would not comply with the Secretary of Interior's Standards, #6.

I visited the city on April 3rd with city Rental Housing Inspector Nancy Sylvester. I asked Ms. Sylvester what she thought the condition of these windows was and if they could be made useable under the Rental Housing Code. She submitted the following written comments:

(Nancy Sylvester) “At the request of Jill Thacher, I Inspected two second floor windows at the front of the building in a room that is to be used as a bedroom. I was asked to determine whether these windows could be repaired to a proper operational condition or if they were beyond repair.

The sash cords are in place and there is no rotted wood. These windows do not meet the requirements of Section 8:509 and 8:503 of the Ann Arbor Housing Code, and the following corrective actions should be taken to bring them into compliance:

1. **Replace the cracked window pane in the right side window.**
2. **Break the paint seal so that the left side window can be opened.**
3. **Provide operable sash locks for both windows.”**

J. Thacher (Coordinator) – She (Ms. Sylvester) also notes that “**screens must be installed for a minimum required ventilation area from May 1st through September 30th**”. Also at that visit, I conducted an existing window condition survey (which was in the packet) which has some comments on some of the windows. It identifies the following problems:

Three of the four sash are painted shut, there is difficulty operating the fourth sash; there is sloppy glazing/putty on the glass, non-working latches and delaminating or ‘splitting’ stops. In the upper right hand photo you can see where the stop is cracked and pulling away from the wall. We were looking at those windows, not the stairwell window which was not in question at the time. I would like to go over my assessment, now that I’ve had a chance to see this pair of windows twice and the other stairwell once in person.

[STAFF SITE VISIT ASSESSMENT DETAIL](#)

BEDROOM WINDOWS – Window on left has both top and bottom painted shut (on the inside, but may be on the outside as well). There is a broken pane in the bottom sash. The meeting rails don't meet in the middle and the interior lower sash is ¼ inch above the top sash. Because they're sealed shut, it may be impossible to determine ‘why’. It could be that the top sash has ‘settled’ or is painted shut in a not-fully ‘up’ position. Possibly from house settling as one is slightly lower on one side of the sash, but the sash is painted shut, so impossible to tell why.

RIGHT HAND WINDOW of the pair – Top sash painted shut inside, (possibly on the outside as well) and has broken glass in the bottom sash. Bottom sash opens fairly easily – not perfect, but you can get it open without fighting with it. The bottom rail of the lower sash is slightly soft but not rotted beyond repair. Also has a gap of ¼ inch where the lock is – the meeting rail from the bottom sash is ¼ inch taller than the meeting rail of the top sash. Both of these have been painted fairly recently by the applicant. The applicant's daughter met them at site, said they were painted shut previously. I went back to our records in November when the site committee visit happened, and they were painted shut then, and had a different color of paint.

STAIR WINDOW

Top sash is painted shut from the outside. Bottom rail of the top sash has the worst deterioration on this window. It's separating from the side rails, the stiles and shows considerable wear and the bottom is fairly deteriorated and has some significant rot. Bottom opens but takes quite a bit of force to open it. Bottom rail on the bottom of the stiles on bottom sash has slight deterioration. Looks like the wood hasn't been oiled in many years – it's dry. Meeting rails don't meet – gap of ½ inch and it is level, but because the top sash is painted shut, not able to tell if it is operable.

SUMMARY

All three windows – Sash Cords are in tact;
Sills – Some wear, no significant signs of rot;
Construction of the Windows – Original to the home demonstrated by the sash cords, weights, etc
Lower Sash on bedroom window – No indication that that glass can't be replaced
None of the windows have storms or screens, which are highly recommended, to increase thermal efficiency and to protect the windows.
The two bedrooms windows appear to be original, intact and repairable.
The stair window has more deterioration than the bedroom windows, and in staff's opinion, may be repairable (debatable).
Storm windows: Not considered an impediment to egress by Housing Inspectors. Generally the rental housing inspectors expect that you can kick them out. There is no reason why you wouldn't have storms on a rental unit.

Review Committee: Commissioners McCauley and White visited the site.

Commissioner McCauley – Agrees completely with staff assessment and recommendations. The one window in the stairwell on the south side of the house - as staff mentioned there is some deterioration but the biggest problem is that the wood is dry and split on the top and bottom sash. And the Achilles heel of repair for this is the bottom rail had started to separate and that is what is causing the gap between where the sashes meet. In terms of repairing that it might be very difficult and very expensive. I'm not sure what would be left of it. It's an extensive repair on that top sash. Of any case in which window might be replaceable, that might be the one.

Commissioner White – Concurs with Staff and Commissioner McCauley and that the south elevation window may have to be replaced due to the extensive damage.

Applicant Presentation: Prudence Spink, owner of the home, was present to speak on behalf of the appeal. Stated she was here previously in November of 2008 where four windows were before the board for replacement. (She passed out information to the commission in the form of a packet). She thanked staff for her help and for the site visits.

She stated that after the last hearing, "She appealed the denial of the November 2008 case to the State Historic District in Detroit. There was a pre-trial scheduled before the administrative law judge. Part of the requirement of appealing the HDC decision is to attempt to settle the dispute before the court has to have a full hearing. I did get the name of a restoration specialist, Mr. Michael Condon (of Ypsilanti Restoration), (****See note below regarding this stated claim****) ****given to me by staff and the HDC, specifically following the direction given to me by this committee the last time with respect to the front windows. I was assured by commission staff that Mr. Condon was a contractor specializing in restoration.****"

201 (Spink... Continued)

202 “My first contractor recommended the sash replacement kits for all of the windows upstairs, after I
203 was denied the first two windows. In trying to satisfy the commission and repair the front two
204 windows, I did seek out Mr. Condon. He did come out and he did provide me with this letter that’s
205 in your packet. I presented this to the Administrative Law Judge in the pre-trial with the city
206 attorney, and there was a consent agreement that I could come back with this information (since I
207 was unable to find a contractor to repair the front windows) and as a part of the settlement
208 agreement, the front two windows are in adjournment on appeal. I was allowed to bring this
209 before you again to consider the new evidence that I had that the restoration expert that I was
210 given from your staff recommends sash replacement.”

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212 “I would again like to emphasize that I’m not talking about modifying the window in any way, I’m
213 very aware of the guidelines that we have to look at that have been enacted into Ann Arbor law,
214 and I understand your responsibility in taking a look at it, but in trying to find someone who would
215 be able to fix them like you want me to, the expert I was given by your staff again said “sash
216 replacements were the way to go.” As a part of the settlement agreement too, I was required by
217 the Administrative Law Judge to work with staff in providing the information. Jill was kind enough
218 to give me a list of the information that I needed to provide to bring this before you again. That
219 letter, in an email, is also provided in your packet. You can see all the things she required me to
220 do. In response to that, the person that put in the four windows that were already approved wrote
221 a slightly abbreviated explanation of why they have to be replaced with sash kits rather than
222 repaired and Commissioner McCauley pointed out that the one window would be very difficult and
223 the other windows possibly had settling.”

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225 “If you look at my second experts report (because now I’ve had three contractors tell me to do
226 sash replacement kits – that they can’t replace the windows), he has indicated that the house that
227 ‘settled.’ There is nothing other than jacking up the house (which I did do to another historic
228 house in which I put in a basement), we had a difficult time with those windows as most were
229 rolled glass, so I’m pretty well aware of what you need to do to bring a house back into square, if
230 it’s even possible.”

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232 “Mr. Charles Schrieber of Chelsea Woodworking – his is the report I gave in response to Ms.
233 Thatcher’s ‘list’; he said that this house has settled to an unlevel point where trimming the sash’s
234 to fit is not feasible (the report is extensive and won’t be repeated here). It certainly shows the
235 frames will be kept in tact, they will retrofit the new sash kits into the existing openings, the
236 exterior and interior trim will be unaffected. I’m trying my best to have the windows be functional
237 and also reasonable in terms of the fire codes and my own personal feelings about the safety of
238 the tenants that will be up there. I think Jill said you can ‘kick a window out’ – I’m not sure that is
239 what the firemen would recommend, but I do have a real concern for my tenants. With a sash
240 replacement kit, it’s as easy as pushing it around and jumping out the window, rather than trying
241 to kick your way through two windows.”

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243 “I called about five other contractors in an attempt to satisfy the Commission to repair them and
244 the only people who would look at it were Mr. Schriver and Mr. Condon. All the other contractors
245 that I called said “if it’s got to do with windows and the Historical Commission, you’ve got to be
246 kidding, I’m not going to get involved in anything like that” – so I don’t know what the Commission
247 is doing with other people and windows (since I live in Ohio), but obviously there’s some concern
248 on the part of local contractors that they don’t want to participate in trying to repair old windows.
249 Interestingly enough, in the November hearing – the staff findings said that it should be approved.

250 **(Spink.... Continued)** **“Most of the windows appear to be non-original to the house,**
251 **slightly different sash sizes, the other facing window appears to be a replacement as the**
252 **sash profile is different, but the front facing windows have mis-matched sash sizes – (Ms.**
253 **Spink states that this verbiage is all from the November 2008 staff report), and at that point in**
254 **November, staff was recommending that I be allowed to do the sash replacements, but the**
255 **Commissioners rejected it, based on the comments of Ms. Ramsburgh, I believe.”**

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257 “If you look at the June 9th, 2009 staff recommendations, it states *“deteriorated historic features*
258 *shall be repaired rather than replaced.”* (a quote from the Secretary of the Interiors Standards and
259 Guidelines). I would argue that these are not ‘historic features;’ two of the windows have already
260 been approved for replacement, determined by this Commission to be ‘non-contributing.’ I’m not
261 sure how the other window that is severely deteriorated, as noted by the Commission, is a
262 ‘contributing feature’ if the other two right next to it aren’t.”

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264 “I would say that these are not historic features as defined within the Secretary of the Interiors’
265 Standards for Rehabilitation. I would ask that you take that into consideration. Finding #5 of the
266 June 9th report – “The two east elevation windows are in generally sound condition” – Well, three
267 contractors have already told me no, including the recommended professional given to me by
268 staff (Mr. Condon) as well as another contractor. I’m not sure that the city inspector is an expert
269 in what can and cannot be repaired, although I certainly respect Ms. Thatcher’s opinion.”

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271 (Quote from Secretary of Interior’s Standards) – *“Proposed sash replacements are not compatible*
272 *with the exterior design, arrangement, texture, materials....”* “I would say, in rebuttal to that, that
273 this Commission has already said four of the exact same windows are compatible in exterior
274 design. I’ve already put them in. They do look slightly different as they’re not painted, but I’m not
275 sure how you get two windows two feet away that are compatible, and then another window next
276 to it that’s not.”

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278 The thing that disturbs me the most (in addition to trying to beautify the house and comply with all
279 the different regulations in a reasonable manner) is the finding – or suggested finding that the
280 replacements are not compatible with the neighborhood (you’ve already said that four are), and I
281 would ask of the Commission, what is the underlying fact that you would find these three windows
282 different and not compatible with the neighborhood.”

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284 “That defies explanation in my opinion but if there is one I’d be glad to hear it. Per the standards
285 of the *Secretary of the Interior*, I think you need to look at the historical significance. The
286 windows we’re talking about are not believed to be original based on the staff report, but they do
287 reflect that design intent of the building. They’re not of exceptional craftsmanship or design. I
288 looked through historical window books and can’t find any that match mine. I’m not even sure
289 that the window locks on the second floor match the window locks on the first floor. They’re not
290 of exceptional design or stained glass....”

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292 “If you look at compatibility with the neighborhood – the area of Detroit Street and Treasure Mart
293 – Next door to this house has replacement windows, same type of windows. I did talk to Jill about
294 it, and staff explained that the law had changed along the years, but I couldn’t even find a
295 construction permit for the house next door. This was from information from the person who
296 installed these three years ago. You can tell visually from the pictures that I’ve provided, that the
297 ones I’ve already done are compatible – as close as I could possibly get.”

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299 “I spoke to the Treasure Mart people – they want to replace all of their windows, but they’ve been
300 told they can’t (or something like that), but none of those are historic windows that have been
301 replaced at some time or another.”

(The Chair asked if the presentation could be wrapped up in the interest of time).

(Spink.... Conclusion) “Most of their windows on the garage side facing us are totally missing and have plastic just blowing in the breeze.” (She went on to talk about other homes in the neighborhood and their windows).”

Ms. Spink also asked the Commission to define the difference between “contributing” and “non-contributing” windows and how the Commission makes that determination.

Questions of the Applicant by the Commission:

Commissioner Giannola – (To Petitioner) - Did you say that one of these letters in your information came from the contractor that repaired your first floor windows? (Spink – No, I don’t have any first floor windows done yet – they’re approved, but not done yet. There is some concern as they are deteriorated (the two stained glass windows), but we’re going to give it a try.) So that person who is doing that is also recommending replacement for the second floor? (Yes, Mr. Schrieber. There are two contractors – Mr. Shriver and the other person that I got from staff from their ‘window list’ (Mr. Condon)).

J. Thacher (Coordinator) – ****Ms. Thatcher stated that she wanted to correct one thing that has been said and would like it corrected for the record;** “I don’t recommend contractors – in fact, I’m not allowed to. I would never say “you have to go to Ypsilanti Restoration” and I want to make that clear to the Commission. I will tell people, (when I give them the ‘windows list’) things like “these are contractors that have done window applications recently in front of the Commission” – or people will ask me “who did the work at a particular address,” and I’ll say “it’s this person on the list” (which is actually a matter of public record); however, I can’t endorse anyone on the list. I want to make it clear that I did not send Ms. Spink to this individual, whom I don’t even know.

(P. Spink – No, you didn’t, but I’m from Ohio, so I’m willing to try to comply with what you think is important. What I was told last time was to get information (which I did), and you didn’t say “I recommend them,” but I think I was advised that he had done some significant work at the Kempf House? Or something like that? I just want to say that I followed up on what you (Jill) told me to do, and that Jill has been very helpful throughout the whole process.) Ms. Spink thanked Ms. Thatcher for her assistance.

Audience Participation:

1. Ethel Potts, 1014 Elder Blvd., Ann Arbor, MI - Just in general, this house is cared for by the owners and the Commission has reason to treat it respectfully and try to do a good job for it, therefore I find it a little bit shocking that such a bad paint job was done on these windows. If you’re going to spend money on a house, you might as well have a painter that knows what they’re doing. Before one even starts painting windows, if they were previously painted shut, that should have been corrected before any painting began. Maybe we all need to pay more attention to who we hire to do our work.

Applicant Rebuttal –

P. Spink - Thanks for your comment – that is very well taken. I’ve had a string of bad luck with this house, living in Ohio. Trying to do this long distance is not the easiest thing to do. The windows were originally painted shut and should have been opened, but I would invite you to come over to see what steps we have taken. (She invited Ms. Potts to look at the home).

Discussion by the Commission:

Commissioner Wallace - I would like to ask staff about the information that differs from November of 2008, regarding the age or how original the windows are? Do we have notes from that?

J. Thacher – Yes. The November 2008 staff report was done by my temporary replacement while I was gone on maternity leave, and her findings were different from mine and the commission's the last time this application was before you.

Commissioner McCauley – I've worked on old houses most of my life, and judging by the construction of the windows, the joints are mortar and tendon (which usually indicates 19th century) and have sash weights, that and the wavy glass and pulley's, I would guess these are very much original windows.

Commissioner Giannola – This one is a bit difficult for me. Not being an expert on 'house settling' it's a big question in my mind. Obviously, the windows aren't that deteriorated. They look fine, no rot. Can any of the architects on the board tell if the windows are repairable or if the house is settling if they open up the windows? If the paint seal is broken, can you tell if it's repairable or not?

Commissioner McCauley – This is only a possibility on the front two, but when the top sash was painted shut, it doesn't look like it's been opened at all. The bottoms looked like they've moved more recently. That might be the reason why the rails don't meet up – where the sash lock is – I have no idea without getting them moving again which would require chipping out the paint. In my opinion, that could be why those rails don't meet up – but impossible to say without doing that work.

Commissioner Wallace – Announced to the audience that this is Commission discussion mainly related to the standard that was mentioned (Standard 6) about the severity of deterioration. I'm slightly concerned about the fact that from the pictures and the reports, it sounds and looks as though they're not terribly deteriorated; however, it also appears from the contractor letters that we've received that the petitioner has done a significant amount of research and consulting with others who also appear to know what they're talking about and coming to different conclusions. I'm not certain why so many contractors would state that they either don't want to or can't repair these, especially when I see the photo's in the report.

Commissioner Giannola – To me, deterioration means you can still fix something – so, even though they're not 'rotted,' if you can't fix it because the house is settled is another issue.

Commissioner White – Looking at the contractor information from Mr. Condon of Ypsilanti, he stated that he would like to do sash replacement which would also aid egress in case of a fire. We're at a situation where they can't currently open these windows.

Commissioner Wallace – I would also like to get opinions on health and safety code requirements and the energy retro-fitting, etc. It's been mentioned that there are a lot of 'ugly' storm windows out there, but it does say that the recommended method is to install interior storm windows with airtight gaskets (which aren't the most beautiful in the world), but when it comes to energy efficiency, those have been shown to have immense savings when it comes to energy. I agree with staff's report on this that storms would help. I don't know if I've ever tried to remove a storm window? Can someone speak to how easy and/or difficult that is?

Commissioner McCauley – If a storm window is working properly, it should open just like a double-hung window. There are tabs and they slide up. There is usually a screen if it's a double track window, and you'd lift up and either kick out the screen (required for ventilation).

Commissioner Glusac – (Question directed to the Review Committee) – Commissioners McCauley and White - Were there any significant cracks, that would support the letter from Mr. Schrieber regarding the house 'settling?' (Commissioner McCauley – The only thing I saw that was cracked at all is the 'stop' on the window on the right in the picture, as opposed to the one in the stairwell which had cracks all over it – in the wood.). Surrounding the window itself, anything coming from the ceiling? (I didn't see anything).

Commissioner White – The window on the right had two cracks on the window pane. It could be stress. (Commissioner McCauley – Impossible to say).

J. Thacher (Coordinator) – I'd like to make an additional statement that the letter from Ypsilanti Restoration states "The first floor windows are obviously more significant, both visually and historically. Obviously, the stained glass windows are hugely significant and historic, but I would argue that all the original windows on this structure as 'contributing,' and it's all the more reason to keep as much original material as possible, since some of them had been replaced.

Commissioner Wallace – It's not so much the 'look' of the sash or whether the proposed sash replacements don't fit with the neighborhood, but whether they are repairable. This may not be the proper time to look at replacement.

MOTION #1

For the pair of windows on the east elevation:

Moved by Commissioner White, Seconded by Commissioner McCauley, "that the Commission deny the application at 537 Detroit Street, a contributing property in the Old Fourth Ward Historic District, to replace the sash in two second story windows on the east elevation, as proposed. The proposed work is not compatible in exterior design, arrangement, texture, material and relationship to the rest of the house and the surrounding area and does not meet *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular standard number 6 and the guidelines for windows, health and safety code requirements, and energy retrofitting.

On a Voice Vote – MOTION TO DENY – PASSED – *Unanimous (Application Denied)*

Commissioner Wallace – The south elevation window – I felt as though based on Commissioner McCauley's comments as well as the photo's, this one appears to be in much worse repair than the other ones, but I would like additional comments.

Commissioner McCauley – I would say that in the case of this one – any window is 'repairable,' however the cost and the level of deterioration and the degree of the problem on the top sash would lead me to approve it being replaced.

Commissioner Wallace – Once again, I would like to stress that this has to do with the level of deterioration, not the look and it's a different situation than the first two windows we've discussed.

MOTION #2*For the south elevation window:*

Moved by Commissioner Wallace, Seconded by Commissioner White, “that the commission approve the application at 537 Detroit Street, a contributing property in the Old Fourth Ward Historic District, to replace the sash in the south elevation window 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 Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, in particular Standards Number 6, and the guidelines for Windows, Health, Safety Code and Energy Retro-Fitting.

On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS (Application Approved)

A-2 HDC09-064 – 209-211 SOUTH STATE STREET - SSHD

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. Parts of the house and carriage house are incorporated into the body of the building, though only portions of their roofs are identifiable. An extensive and interesting history has been provided as part of this application.

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. The straight sides and rear of the building are built out to the lot lines. An assortment of small businesses operate within the building.

J. Thacher (Coordinator) - In December, 2007 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. I wanted to remind those of you who were a part of the Commission at that time that this application is very similar.

LOCATION: East side of South State Street, south of East Washington and north of East Liberty.

APPLICATION: The applicant seeks HDC approval to demolish the existing building behind the front façade, retain and restore the front façade, and construct a new building on the existing footprint behind the front façade. The front façade restoration includes cleaning and repairing existing bricks and concrete sills, restoring two pairs of original wood double hung six over one windows, replicating the original windows in three more pairs of window openings that currently contain non-original windows, replicating the existing deteriorated metal cornice, installing three signs with gooseneck lamps, installing one blade sign based on a sign found in historic photos of the building, and replacing the non-original storefronts within the arches with aluminum storefront windows and doors and EIFS panels in the rounded arch tops. The new addition would extend three feet taller than the top of the existing parapet wall and be set one foot back from its face.

STAFF FINDINGS:

1. The façade work proposed is similar to the application that was approved by the Historic District Commission in 2007, including the brick and sill restorations, window restoration

and replacement, replacement storefronts, and blade sign. This new application does not propose to recreate Juliet balconies shown in early photographs, the storefront materials are different (aluminum instead of wood), and the roof is proposed to be raised.

2. The proposed roof would result in a new brick wall rising one foot behind and three feet above the top of the existing parapet wall. This adds about five feet to the overall height of the building, as measured from the current roofline near the street. The new wall rising behind the parapet would be brick on the front elevation and the brick would wrap ten feet back on the sides of the new building, behind which it would be concrete block. The applicant proposes the higher roof in order to allow adequate ceiling heights on the building's two floors for retail uses. The increased height is appropriate for the new use, distinguished from the parapet by the one foot setback, and does not compete with or distract from the historic front façade.
3. The three signs proposed within the arches do not indicate materials. Because of their simple design staff recommends that the commission consider approving them, and if any substantive changes in size or appearance are proposed, or if the signage looks otherwise incompatible with the façade, at the time sign permits are applied for, staff will return the sign application to the commission for review.
4. The aluminum storefronts are simple in design and compatible with the building. Staff has reservations about the proposed "carnival red" color, which looks brighter on the drawings than anticipated per the applicant's verbal description, and may detract from the restored front facade.
5. The building has grown organically over a century, and there are no character defining features on any of the other elevations behind the front façade. The protruding house and carriage barn roofs are fascinating but are fragments of buildings that are long gone. A roof alone does not comprise historic integrity. Therefore, the demolition of this structure behind the front façade, and its rebuilding in the same footprint, is appropriate.
6. The proposed façade restoration and new building are 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 2,5,6,9 and 10.

Owner/Address: Modena Holdings, LLC, 200 E 72nd Street, New York, NY 10021

Applicant/Address: John Baumann, Velmeir Companies, 5757 West Maple, Suite 800, West Bloomfield, MI 48322

Review Committee: Commissioners White and McCauley visited the site.

Commissioner McCauley – The current state is a bit of a 'hodge podge.' I tried to look to see if there was any evidence of the old façade and how the new proposed façade would look together with the historic fabric of the building. It was impossible to tell, as there wasn't enough to evaluate that. My only two concerns in addition to what staff mentioned about the signs, was the parapet wall being stepped back as well as what the new storefront would look like in comparison to the historic fabric of the building. There was discussion on the review committee since there is very little historic fabric left, that this could actually work, even though I wasn't necessarily convinced that it met the standards. Since it's a new design and we don't know what the original looked like, it probably would work.

559 Commissioner White – Agrees with staff on her findings. Likes the proposed design and that it
560 will be a good contribution to State Street.

561

562 Commissioner McCauley – Added that there are also two sets of original windows - but it's an
563 architectural mess – different windows added at different times. The replacement of those will be
564 a vast improvement. The work proposed to restore or replace the cornice is also an
565 improvement.

566

567 **Applicant Presentation:**

568

569 Mr. John Baumann of Velmeir Companies was present to speak on behalf of the appeal as well
570 as Scott Robach, Architect.

571

572 Mr. Baumann – Stated they were pleased to be before the Commission and that staff and the
573 Commission have worked closely with them to lend their comments on the proposal. They
574 believe that this proposed design will be representative of the historic district and a vast
575 improvement over what is currently in place. This project is like 'saving the Alamo,' but we have a
576 client that is willing to put the money up to do this, and with the help of Mr. Robach.

577

578 **Questions of the Applicant by the Commission:**

579

580 Commissioner McCauley – The parapet wall – will the brick match and will it be painted?
581 (S. Robach - We would be hard pressed to find the same brick, but will match as close and
582 possible and it will be painted.)

583

584 Commissioner Henrichs – This is a two story building? (S. Robach - Not exactly – There is a
585 basement and you have to walk down to the basement or up to the second floor. Because the
586 building is occupied, it's difficult to state). Are the joists tying into the façade or parallel to it? (Not
587 sure it will matter in the end, as we'll be building an entirely new frame to support that new
588 façade).

589

590 Sometimes, these old buildings have the joists fire cut into the masonry walls.

591 (Mr. Baumann – The Florida ceiling heights that we need for the client just don't work, and that's
592 why we have to raise the building and provide a whole new structure). I understand that, but I'm
593 asking about how this wall is to be supported. If the existing framing is tying into the wall, and
594 you're removing it, then you need to have a way to support it to keep it intact. (It's a self-standing
595 structure within the building.

596

597 The building next to it is separated by 6 inches.) I'm talking about the front, not the building next
598 door. (We'll have to shore it temporarily, demo the building, and then build another structure
599 behind it. The rest of the building won't be attached to that). So, have you had a structural
600 engineer look at that? (Yes. We estimate \$100,000.00 to shore up and save the existing
601 façade.) Is it a steel framed building you're building behind it? (Yes). So this will support that
602 façade? (Yes).

603

604 I was also looking at the masonry on the front. You indicated that it is currently painted? (Yes).
605 So in the specifications that are attached here, you're saying you're going to provide units with
606 color, surface texture, size and shape to match the existing brick work? Has any effort been
607 made toward getting samples of products to see if you can get a matching brick?

608 (Mr. Robach – In our office, we have 1000 brick samples, and I've also looked on the internet, but
609 this ribbed type of brick is hard to find). (*More conversation about materials.*)

610
611 (*Discussion between the contractor, architect and Commissioner Henrichs to specifically address*
612 *his questions.*) Is there 'back up brick' on this? (Architect – looks like brick on block.) So where
613 you replace or repair a brick, you'll do it as closely matching as possible? (Yes.)

614
615 Commissioner Glusac – What is hiding behind the wood on the base of the storefront? Will part
616 of that be exposed? (Some of the storefronts are wood, some are brick – we're going to put a
617 herringbone pattern on those.) The areas at the bottom won't be exposed? (No.)

618
619 Commissioner Henrichs – Would you consider any other materials in these arches besides EIFS?
620 EIFS isn't actually historic? Maybe opaque glass transom? Something that would carry the
621 storefront up into it?

622
623 Commissioner McCauley – To follow up on that comment, is there anything there now? (It's
624 solid, whatever it is.) It's like a stucco? (Yes.)

625
626 J. Thacher – Around the corner on the north wall there is existing brick – does that brick match
627 the front elevation, and if so, would you be reusing that brick for that first ten feet of that wall, or
628 would you be using that brick to infill problems on the front façade and using new brick on the
629 side? (It is common brick on that side.) Yes, you can see the red through the paint.

630

631 **Audience Participation:**

632

- 633 1. Ethel Potts – 1014 Elder Blvd., Ann Arbor, MI - All of the signs and awnings on this
634 building, it's hard to see what this building looked like and it would be nice to have it
635 brought back into a dignified form. It's only going to be set back five feet from the street,
636 and I'm not terribly happy that the additional height will make this will be visible from the
637 street. It was mentioned that it would be a bright red color, but I think they should use a
638 color with a bit more dignity.

639

640 **Applicant Rebuttal** – None.

641

642 **Discussion by the Commission:**

643

644 **MOTION #1**

645

646 Moved by Commissioner Giannola, Seconded by Commissioner White, **“that the**
647 **Commission issue a certificate of appropriateness for the application at 209-211**
648 **South State Street, a contributing property in the State Street Historic District, to**
649 **demolish the existing building behind the front façade, retain and restore the front**
650 **façade, and construct a new building on the existing footprint behind the front**
651 **façade, as proposed. The proposed work is compatible in exterior design,**
652 **arrangement, texture, material and relationship to the rest of the house and the**
653 **surrounding area and meets *The Secretary of the Interior's Standards for***
654 ***Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular**
655 **standards 2,5,6,9, and 10 and the guidelines for storefronts, windows, new**
656 **additions, and district/neighborhood.**

657

658 Commissioner McCauley – Wasn't there some concern about the signage – should we read that
659 into the motion that we want that approved by staff? Was that an issue?

660 J. Thacher – It would be appropriate to read it into the motion.

661

662 Commissioner Henrichs – I’d like to also suggest that it also include the brick samples and stucco
663 or various materials?

664

665 **FRIENDLY AMENDMENT – Moved by Commissioner Wallace, Seconded by Commissioner**
666 **White – (friendly amendment accepted by Commissioner Giannola) to include the**
667 **following: “On the condition that the signage, stucco, brick and color of aluminum are**
668 **approved by staff prior to being completed.”**

669

670 **MOTION #1 as amended**

671

672 Moved by Commissioner Giannola, Seconded by Commissioner White, “that the
673 **Commission issue a certificate of appropriateness for the application at 209-211**
674 **South State Street, a contributing property in the State Street Historic District, to**
675 **demolish the existing building behind the front façade, retain and restore the front**
676 **façade, and construct a new building on the existing footprint behind the front**
677 **façade, as proposed, “On the condition that the signage, stucco, brick and color of**
678 **aluminum are approved by staff prior to being completed.”** The proposed work is
679 compatible in exterior design, arrangement, texture, material and relationship to the
680 rest of the house and the surrounding area and meets *The Secretary of the Interior’s*
681 *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in
682 particular standards 2,5,6,9, and 10 and the guidelines for storefronts, windows, new
683 additions, and district/neighborhood.

684

685 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS (Application Approved)**

686

687

688

689 **A-3 HDC09-065 – 240 CREST AVENUE - OWSHD**

690

691 **BACKGROUND:** This 1 ½ story shingle-sided craftsman home features end gables, a full-width
692 front porch, and centered front and rear shed dormers. It first appears in the 1918 City Directory
693 as the home of Emmanuel J. Sodt, a policeman.

694

695 In April, 2009 the HDC denied an application to build a 1,767 square foot addition on the rear of
696 the house.

697

698 **LOCATION:** West side of Crest, south of West Washington and north of West Liberty Streets.

699

700 **APPLICATION:** The applicant seeks HDC approval to 1) build a twelve inch tall deck that is 16’
701 by 24’, next to a rear accessory building (the “studio”), and 2) demolish the garage.

702

703 **STAFF FINDINGS:**

704

- 705 1. The deck would be located next to a building used as a studio, in roughly the same location
706 as an earlier deck that was removed some time ago. It is proposed to be wood, and is low
707 enough to not require a railing. Zoning rules will shift the location to 3’ off the lot line or
708 shrink the size of the deck. If the deck is issued a certificate of appropriateness, staff will
709 review the building permit drawings (as always), and send the deck back to the HDC if the
710 design changes beyond the minimum required to meet zoning code.

711

- 712 2. The date of the garage's construction is unknown, though it appears on 1947 aerial
713 photos. It is partly wood frame and partly structural brick tile. Several non-original openings
714 have been cut into it. The garage's location is unusual - - a front corner of the garage is
715 attached to a rear corner of the house for about 18". According to the applicant, the garage
716 has shifted and is pulling the house out of alignment. The tile wall suggests that this might
717 have been a typical OWS flat-roofed garage at one time, but now it has a gable roof and
718 was lengthened at some point. Because of alterations to the building, its location, and a
719 lack of character-defining features, staff does not consider the garage to be a significant
720 structure. It is appropriate to remove it, especially if it is causing damage to the house.
721
- 722 3. The proposed deck and demolition of the garage are compatible in exterior design,
723 massing, arrangement, texture, material and relationship to the site and the surrounding
724 area, and meet *The Secretary of the Interior's Standards for Rehabilitation*, particularly
725 standards 2 and 9.
726

727 **Owner/Applicant/Address:** Tony & Stephanie Keene, 240 Crest Avenue, Ann Arbor, MI 48103
728

729 **Review Committee:** Commissioners White and McCauley visited the site.
730

731 Commissioner McCauley – Concurs with staff report. The garage is an odd building in
732 relationship to the house. It's hard to say what it looked like originally. I don't think there is
733 anything historic about it. I don't think the deck would interfere with the existing building back
734 there and it's a low enough profile that you won't see it from the street and it won't interfere with
735 any of the historic fabric of the site.
736

737 Commissioner White – Concurs with staff and Commissioner McCauley. I think this is an
738 excellent project and I recommend approval.
739

740 **Applicant Presentation:** Mr. Tony Keene was present to speak on behalf of the project. He
741 apologized for the initial project that they were denied for previously (April 2009). He stated that it
742 was a large project that was pretty much a disaster. It had good intent, but an inexperienced
743 client with an inexperienced architect in a historic district is a bad combination.
744

745 Some things have come to light since that initial project, and the reason we want to tear down the
746 garage is because if we want to do an addition, it (the garage) would have to be removed
747 anyway. Because we have some leveling to do on the initial structure, want to get the job 'shovel
748 ready' (digging out a basement, etc.), then a new roof, etc. All of this has sped up our timeline,
749 so after we do the deck and garage demo, we have new architects to work with you to go over
750 what we think is possible.
751

752 We easily get into the 'garage that ate the house' kind of situation if we start going up two stories
753 right next to it, so as we get into the next round of conversation, I'm pre-empting - that the reason
754 we're asking to remove the garage is mostly to get a jump on the project. Things may change,
755 and we may not, in fact, tear the garage down – until we know exactly what is going to be
756 happening in design (possibly July or August 2010).
757

758 **Questions of the Applicant by the Commission:**
759

760 **Commissioner McCauley** – How is the garage attached to the home? Do you have any idea
761 how that is built into the home? (T. Keene – its Clay brick. You have about eighteen inches on
762 one side, and it's a roofline nightmare. It's a mish-mash.)

763 **Commissioner Henrichs** – Are you intending to restore the corner where the garage touches it
 764 once the garage is removed? Put the finishes back? (T. Keene – We have a couple of concepts
 765 on how to use the image of the garage to lead into an addition off the back, but instead of
 766 carrying straight out behind the garage all the way as proposed in the first plan, we’re trying to
 767 move more toward an off-center, A-symmetrical box in the back that mirrors the house, but
 768 almost virtually invisible except for certain angles. We have a meeting about that afterwards, but
 769 for all intents and purposes, the tear-down of the garage is to get a jump on the other project.)
 770

771 **Commissioner Glusac (To Commission McCauley)** – What kind of foundation is it?
 772 (Commissioner McCauley - Terra cotta block) So it’s exposed in the back under the siding?
 773 (T. Keene - There is a newer addition on the back that got added at some point. That’s concrete.)
 774

775 **Audience Participation:** None.
 776

777 **Discussion by the Commission:**

778 Commissioner Henrichs – I’m generally in support of the motion, but concerned that if we approve
 779 this, that it obligates us to do accept an addition there, because they’re indicating that they are
 780 not intending to put the corner of the house back if the garage is removed.
 781

782 J. Thacher (Coordinator) – I don’t believe it obligates the Commission in any way. If you’re
 783 concerned about that corner of the house, it would be wise to amend the motion to state that at
 784 the time the garage is removed that the corner of the house must be restored, using materials
 785 that match those currently on the house.
 786

787 **MOTION #1**
 788

789 Moved by Commissioner McCauley, Seconded by Commissioner White, **“that the Commission
 790 issue a certificate of appropriateness for the application at 240 Crest, a contributing
 791 property in the Old West Side Historic District, to construct a deck at the rear of the
 792 property and demolish a no significant garage, as proposed. The proposed work is
 793 compatible in exterior design, arrangement, texture, material and relationship to the rest of
 794 the house and the surrounding area and meets *The Secretary of the Interior’s Standards
 795 for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, in particular
 796 standards 2 and 9, and the guidelines for building sites.”**
 797

798 **FRIENDLY AMENDMENT** - Commissioner Henrichs – Moves to amend the motion, Seconded by
 799 Commissioner White, **“that the existing corner of the house at the garage be restored – if or
 800 when the garage is removed.”** Commissioner McCauley accepts the FRIENDLY
 801 AMENDMENT.
 802

803 **MOTION #1 as amended**
 804

805 Moved by Commissioner McCauley, Seconded by Commissioner White, **“that the Commission issue a
 806 certificate of appropriateness for the application at 240 Crest, a contributing property in the Old
 807 West Side Historic District, to construct a deck at the rear of the property and demolish a non-
 808 significant garage and *that the existing corner of the house at the garage be restored – if or when
 809 the garage is removed*, as proposed. The proposed work is compatible in exterior design,
 810 arrangement, texture, material and relationship to the rest of the house and the surrounding area
 811 and meets *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for
 812 Rehabilitating Historic Buildings*, in particular standards 2 and 9, and the guidelines for building
 813 sites.”**
 814

815 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Application Approved)**

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B - OLD BUSINESS – None.

C - NEW BUSINESS – None.

AUDIENCE PARTICIPATION – GENERAL (Limited to 3 Minutes per Speaker) – None.

D - APPROVAL OF MINUTES –

D-1 Draft Minutes of the May 14, 2009 Regular Session.

Without objection, the minutes were approved as presented.

E - REPORTS FROM COMMISSIONERS – None.

F - ASSIGNMENTS

F-1 Monday July 6th at 5:00 p.m. – Commissioners White and Wallace.

G - STAFF ACTIVITIES REPORT

G-1 **Not available** - May and June at next month's meeting.

Ms. Thatcher reported that at the City Council meeting when the HDC awards were presented, Council was also presented with the 2008 Annual HDC report. She also thanked all of the Commissioners who were able to attend the awards.

H - CONCERNS OF COMMISSIONERS –

Commissioner Henrichs – My term on the Commission will be ending in August, so you will need a replacement for the Cobblestone Farm Association liaison, so the Commission will need a volunteer to fill that vacancy – (*Commissioner Giannola volunteers.*)

I - COMMUNICATIONS

I-1 Communication on Proposed Zoning Effects.

ADJOURNMENT

The Meeting was adjourned at 9:20 p.m. without objection.

SUBMITTED BY: Brenda Acquaviva, Administrative Service Specialist V, Planning and Development Services.