

ANN ARBOR HISTORIC DISTRICT COMMISSION

Staff Report

ADDRESS: 306 North State Street, Application Number HDC21-336

DISTRICT: Old Fourth Ward Historic District

REPORT DATE: December 9, 2021

REPORT PREPARED BY: Jill Thacher, Historic Preservation Coordinator

REVIEW COMMITTEE DATE: Monday, December 6, 2021

	OWNER	APPLICANT
Name:	Chaz Stucker	Cabrio Development LLC
Address:	306 N State St Ann Arbor, MI 48104	2350 Huron Pkwy Ann Arbor, MI 48104
Phone:		9234) 994-7374

BACKGROUND: This two-and-a-half-story Queen Anne was constructed c.1895 as 20 N State Street. It features a half-width front porch with a mansard roof (the wood porch deck structure was replaced with concrete in the 1950s), gable corner returns, a cut stone foundation, one-over-one windows, and half-moon attic windows in each gable. Staff estimates, based on these features, that it was built in the 1880s.

LOCATION: The site is located on the east side of South State Street, north of Catherine Street and south of Lawrence Street.

APPLICATION: The application requests after-the-fact approval to demolish a single-car garage.

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 Chapter 103 Historic Preservation:

8:407 Definitions.

- (13) *Notice to Proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource pursuant to a finding under section 8:416.
- (18) *Resource* means 1 or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

8:416. Notice to proceed.

Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

- (a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- (b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- (c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- (d) Retaining the resource is not in the interest of the majority of the community.

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

- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (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):

Building Site

Recommended: Replacing in kind an entire feature of the building or site that is too deteriorated to repair if the overall form and detailing are still evident. Physical evidence from the deteriorated feature should be used as a model to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended: Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

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

Residential Accessory Structures

Appropriate: Maintaining and restoring historic barns, garages, sheds, trellises, and other accessory structures to match the historic materials and configuration.

Not Appropriate: Removing historic barns, garages, sheds, trellises, or other historic accessory structures.

STAFF FINDINGS:

1. A July 21, 2020 Rental Housing Inspection Report (Trakit record number CR061328) by city rental housing inspector Brandon Boggs noted that the garage was non-compliant in the following ways:
 - a. Roof must be weather tight and free from leaks. Details: Repair garage roof.
 - b. Exterior condition must be in good condition, free of rot, holes and no more than 15% of surface peeling/chipping/bare. Details: Repair deteriorated garage.

Three photographs from the report that document those observations are included at the end of this staff report. One photo shows a hole in the low-slope roof and the other two show gaps in the two front corners of the structure between the sill plate and poured concrete slab.

2. In response to this report, the property management company, Cabrio Development LLC, demolished the garage without the required building permit or HDC approval. When asked for more details, Cabrio provided the letter dated 12/1/21 that is attached to the application.
3. This management company has previously done work on this house without permits or HDC approvals. In 2018 staff received a complaint that the front porch guardrail had been replaced. No certificate of appropriateness or building permit had been applied for or approved. In December 2018 staff approved an application from the current property owner (Stucker) and property management company (Cabrio) for a different guardrail design for the front porch that better met the *Ann Arbor Historic District Design Guidelines*, and that railing was installed after building permit approval for the work.
4. Staff completed a search of past building permits and none were found pertaining to

reconstruction, rehabilitation, or related work to the garage.

5. **Contributing Historic Structure.** The garage appears on 1925, 1931 and 1947 Sanborn Fire Insurance Maps in the same location and footprint. The garage appears on a 1947 city aerial photo. Photos from Google Street View in 2019 and 2020 show that the garage had wood shiplap/Dutch lap siding, a single square window on the east side elevation with simple trim, a roof that sloped from north to south, and parapet walls on the front (north) and sides. Rental inspection photos show that the vehicle opening was on the north elevation, the structure was framed in wood, and a wood sill plate sat on a concrete curb built up a few inches above a concrete floor. The exterior design, massing, materials, and arrangement of the garage is consistent with other Ann Arbor garages built between 1916 and 1925. The garage that was demolished was a contributing historic structure. (Sanborn Maps, aerial photos and Google Street View images noted above may be found at the end of this staff report.)

6. To address all of the possible scenarios for work done without permits, the HDC will consider up to **three motions**. First is a Certificate of Appropriateness. If the HDC finds that demolishing the garage was not appropriate and denies a Certificate of Appropriateness, it will move on to a Notice to Proceed. If the HDC denies a Notice to Proceed, it will move on to a motion to order reconstruction of the garage.
 - a. **Certificate of Appropriateness.** If the HDC believes the structure was not a contributing historic structure and that the demo work was appropriate, it should consider passing the first suggested motion. Staff believes the garage was a contributing historic resource.

 - b. **Notice to Proceed.** It is not appropriate to demolish a historic structure in a local historic district. The only way the Historic District Commission may sanction inappropriate work is by approving a Notice to Proceed that meets one of four criteria. Staff does not believe the garage demolition meets any of these criteria (*staff comments in italics*).
 - (a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
The garage was located on private property and not accessible by the public. The structure, a garage, was not occupied (i.e. no one was living or working in it). Staff cited this criterion in the suggested motion below since structural deterioration was cited as the reason for demolition.

 - (b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
There was neither an improvement program (which are typically large municipal or state projects, like highway building) or planning and zoning approvals before the garage was demolished.

 - (c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market

value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

The owner made no attempt to retain the resource (garage) or repair it. The property contains a six-bedroom rental house. No undue financial hardship has been claimed or demonstrated.

- (d) Retaining the resource is not in the interest of the majority of the community. *Representatives of the residents of the City of Ann Arbor created the Old Fourth Ward Historic District to preserve historic structures built before 1945. The garage that was demolished fit this description and its retention was therefore intended by the majority of the community.*

- c. **Reconstruction.** If the HDC believes the garage demolition was not appropriate and does not qualify for a Notice to Proceed, they should order the reconstruction of the garage based on documentary, physical, and pictorial evidence. The garage was a historic feature of the site, neighborhood, and Old Fourth Ward Historic District. Replacement of the garage with one that matches the old in design, color, texture, and materials meets *The Secretary of the Interior's Standards for Rehabilitation*, in particular standard 6 and the guidelines for building site. Where details like trim are unknown, they should be installed in a simplified style that is appropriate for a garage built before 1925.

POSSIBLE MOTIONS: (Note that the motion supports staff findings and 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.)

Certificate of Appropriateness

I move that the Commission issue a certificate of appropriateness for the after-the-fact application at 306 N State Street, a contributing property in the Old Fourth Ward Historic District, to demolish a noncontributing garage. As proposed, the work is compatible in exterior design, arrangement, materials, and relationship to the building and the surrounding area and meets *The City of Ann Arbor Historic District Design Guidelines* for Residential Accessory Structures, and *The Secretary of the Interior's Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings*, in particular standards 2 and 6, and the guidelines for Building Site.

Notice to Proceed

I move that the Commission issue a Notice to Proceed for the application at 306 N State Street to demolish a wood-framed garage behind the house, as proposed. The Commission finds that the resource constitutes a hazard to the safety of the public or to the structure's occupants and that the demolition was necessary to substantially improve or correct this condition.

Motion to Order Reconstruction

I move that the Commission finds that the demolition of the garage at 502 North State Street does not qualify for a certificate of appropriateness, and that the property owner is ordered to reconstruct the garage to be substantially the same as it was before demolition, with all permits finalized by June 9, 2022. A new Historic District Commission application for the reconstructed garage will be required with the building permit application and will be reviewed by staff with input from the officers of the Historic District Commission.

ATTACHMENTS: application, letter, drawing, photos of existing conditions.

306 N State St (November 2020 Google Street View)

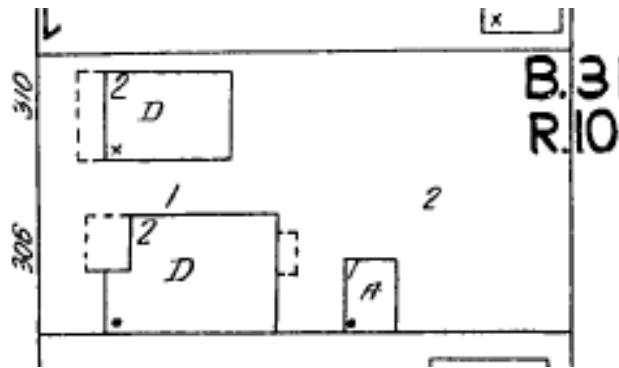


July 21, 2020 Rental Housing Inspection photos of garage:

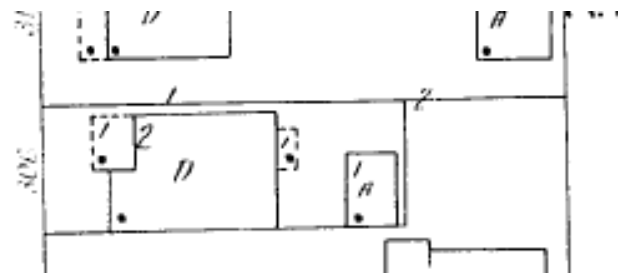




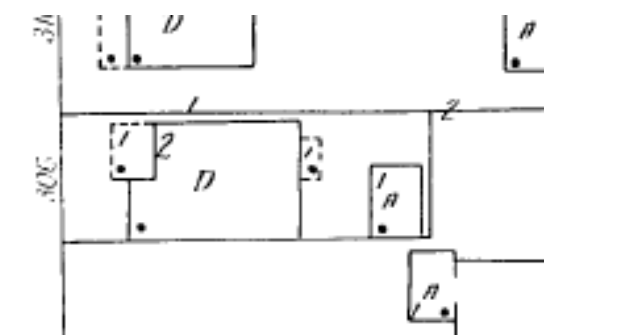
1925 Sanborn Fire Insurance Map



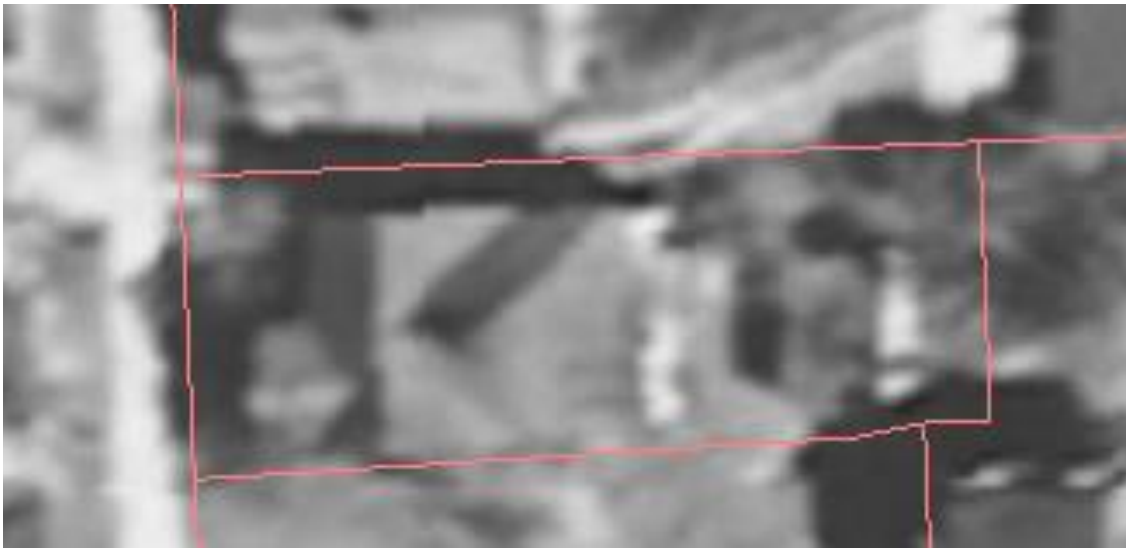
1931 Sanborn Fire Insurance Map



1948 Sanborn Fire Insurance Map



1947 City of Ann Arbor Aerial Photo



2020 City of Ann Arbor Aerial Photo



July 2018 Google Street View (from Catherine Street)



July 2019 Google Street View (from Thayer Street)





HISTORIC DISTRICT COMMISSION

PLANNING AND DEVELOPMENT SERVICES

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265 ext. 42608

ithacher@a2gov.org

Fax: 734.994.8460

OFFICE USE ONLY	
Permit Number	HDC# _____
	BLDG# _____
DATE STAMP	

APPLICATION MUST BE FILLED OUT COMPLETELY

PROPERTY LOCATION/OWNER INFORMATION

NAME OF PROPERTY OWNER <i>Chaz Stucken</i>		HISTORIC DISTRICT <i>Yes</i>	
PROPERTY ADDRESS <i>306 N State</i>			CITY ANN ARBOR
ZIP CODE <i>48104</i>	DAYTIME PHONE NUMBER <i>()</i>	EMAIL ADDRESS <i>chazstucken@gmail.com</i>	
PROPERTY OWNER'S ADDRESS (IF DIFFERENT FROM ABOVE) <i>306 N State</i>			CITY <i>Ann Arbor</i>
			STATE, ZIP <i>MI,</i>

PROPERTY OWNER'S SIGNATURE		
SIGN HERE	PRINT NAME	DATE

APPLICANT INFORMATION

NAME OF APPLICANT (IF DIFFERENT FROM ABOVE) <i>Cubrio Development LLC</i>			
ADDRESS OF APPLICANT <i>2350 S Huron Parkway</i>			CITY <i>Ann Arbor</i>
STATE <i>MI</i>	ZIP CODE <i>48104</i>	PHONE / CELL # <i>(734) 994-7374</i>	FAX No <i>(734) 661-4825</i>
EMAIL ADDRESS <i>info@cubrioproperties.com</i>			

APPLICANT'S SIGNATURE (if different from Property Owner)		
SIGN HERE	PRINT NAME <i>x DeShon Blaylock</i>	DATE <i>9/1/2021</i>

BUILDING USE - CHECK ALL THAT APPLY					
<input type="checkbox"/> SINGLE FAMILY	<input type="checkbox"/> DUPLEX	<input checked="" type="checkbox"/> RENTAL	<input type="checkbox"/> MULTIPLE FAMILY	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INSTITUTIONAL

PROPOSED WORK

Describe in detail each proposed exterior alteration, improvement and/or repair (use additional paper, if necessary).

DESCRIBE CONDITIONS THAT JUSTIFY THE PROPOSED CHANGES:

Due to the extensive amount of damage to the roof and walls of the garage we took down the structure. It was becoming a safety hazard and the damage was beyond repair.

For Further Assistance With Required Attachments, please visit www.a2gov.org/hdc



HISTORIC DISTRICT COMMISSION APPLICATION

FEE CHART	
DESCRIPTION	
STAFF REVIEW FEES	
Application for Staff Approval	\$35.00
Work started without approvals	Additional \$50.00
HISTORIC DISTRICT COMMISSION FEES	
All other proposed work not listed below	\$100.00
Work started without approvals	Additional \$250.00
RESIDENTIAL – Single and 2-story Structure	
Addition: single story	\$300.00
Addition: taller than single story	\$550.00
New Structure - Accessory	\$100.00
New Structure – Principal	\$850.00
Replacement of single and 2-family window(s)	\$100 + \$25/window
COMMERCIAL – includes multi-family (3 or more unit) structures	
Additions	\$700.00
Replacement of multi-family and commercial window (s)	\$100 + \$50/window
Replacement of commercial storefront	\$250.00
DEMOLITION and RELOCATION	
Demolition of a contributing structure	\$1000.0
Demolition of a non-contributing structure	\$250.00
Relocation of a contributing structure	\$750.00
Relocation of a non-contributing structure	\$250.00

FOR COMMISSION REVIEWS:

- Application withdrawals made before public notice is published will qualify for a 50% refund of the application fee.
- Application withdrawals made after public notice is sent but before the public hearing will qualify for a 25% refund of the application fee.

INSTRUCTIONS FOR SUBMITTING APPLICATIONS

All HDC applications must be signed by the property owner and the applicant, if different, with the exception of staff approvals, which may be signed by only the applicant.

All completed HDC applications and their attachments may be submitted to Planning and Development Services by mail, in person (paper or digital), faxed, or via email to building@a2gov.org.

We accept CASH, CHECK, and all major credit cards. Checks should be made payable to "City of Ann Arbor"

HDC applications that are incomplete or not submitted with the required documentation or payment will not be processed or approved.

APPLICATION EXPIRATION

HDC applications expire three (3) years after the date of approval.

OFFICE USE ONLY

Date of Hearing:		
Action	<input type="checkbox"/> HDC COA	<input type="checkbox"/> HDC Denial
	<input type="checkbox"/> HDC NTP	<input type="checkbox"/> Staff COA
Staff Signature		
Comments		
Fee:	\$ _____	
Payment Type	<input type="checkbox"/> Check: # _____ <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card	



RE: 306 N. State Garage Demo

12/1/21

Brandon Boggs was the initial inspector for 306 N. State. During that initial inspection, the garage was deemed as unsafe, and an option was given to either re-build it, or tear it down. With the current state of the garage, re-building it was not a reasonable option, so we decided to demo the garage since the tenants never used it anyway. The garage had several holes in the siding, the wood was rotting, and the foundation was unstable.

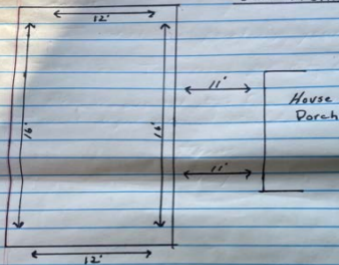
Our city inspection specialist was under the impression that we only needed a permit if the plan was to re-build the garage, so a permit was not pulled prior to the demo.

When we had the re-inspection, completed by Jeff Malone, that's when we were aware of needing a permit for the garage demo that we already completed. We then reached out to Jill Thatcher to find out our next steps, and what all was needed considering the property is located in a historic district.

Thank you

Cabrio Properties

306 N. State.



12x16

Drive Way

STATE
51









N State St

Catherine St

N Ingalls St