

## ANN ARBOR HISTORIC DISTRICT COMMISSION

### Staff Report

**ADDRESS:** 1218 W Huron Street, Application Number HDC23-0146

**DISTRICT:** Old West Side Historic District

**REPORT DATE:** September 14, 2023

**REPORT PREPARED BY:** Jill Thacher, Historic Preservation Coordinator

**REVIEW COMMITTEE DATE:** September 11, 2023

	<b>OWNER</b>	<b>APPLICANT</b>
<b>Name:</b>	Robert Brumley Guang Yang	Baker Street Properties
<b>Address:</b>	14900 Nelson Way San Jose, CA 95124	1327 Jones Dr Unit #202 Ann Arbor, MI 48105
<b>Phone:</b>	(610) 952-2844	(734) 389-7337

**BACKGROUND:** This two-story Queen Anne first appears in Polk City Directories in 1894 as the Wagner home at 126 W Huron Street. Its construction date may be earlier. The house is a contributing resource in the Old West Side Historic District. The garage has two bays, each with double leaf (hinged) doors. There are several six-light fixed windows, including in the front gable. Siding is wood double-lap with wood trim and corner boards. The garage that appears on 1947 aerial photos matches the garage seen on 2022 aerial photos (see end of staff report).

**LOCATION:** The site is located on the north side of West Huron Street, west of Arbana and slightly east of the terminus of Crest Avenue.

**APPLICATION:** The applicant seeks a Notice to Proceed to demolish a garage on the site and not replace it. The garage is a contributing structure in the Old West Side Historic District.

### **APPLICABLE REGULATIONS:**

#### **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.**

The HDC may approve work that does not qualify for a Certificate of Appropriateness by issuing

what is called a Notice to Proceed. There are four circumstances under which a Notice to Proceed may be granted by the HDC. The applicant has decided to apply under circumstances (a) and (d), shown below.

- (1) 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.
  - (d) Retaining the resource is not in the interest of the majority of the community.

## STAFF FINDINGS

1. It is not appropriate to demolish or relocate historic resources within the historic district. The demolition of a historic resource will only be permitted if the conditions to issue a Notice to Proceed are met.
2. The application proposes the removal of a residential garage. The massing, design and materials of the garage are consistent with garages constructed around the 1920s. The garage also appears on 1947 City aerial photos. The Historic District Commission has determined that retaining and maintaining resources from the period of significance for the Old West Side Historic District is appropriate. Since a notice to proceed presumes that the work is inappropriate for the district, the HDC's usual standards and guidelines do not apply.
3. To receive a Notice to Proceed under subsection (a), an applicant must show that the resource (in this case, the garage) is (1) a hazard to the safety of the public or to the structure's occupants, and (2) that the proposed removal is necessary to substantially improve or correct the hazard. The burden is on the applicant to present documentary evidence of the safety hazard and why the proposed work is necessary to substantially improve or correct the hazard.
4. Staff's conclusion is that the resource does constitute a hazard to the safety of the structure's occupants, in this case, the tenants of the house on the same lot. The garage itself has no tenants and the public has no access to the garage. The garage has been neglected and proof of this neglect is provided in the submitted photos and narrative.
5. Staff's conclusion is that the proposed demolition work is not necessary to substantially improve or correct a hazard to the safety of the structure's occupants. The garage can be made safe by following the *Secretary of the Interior's Standards and Guidelines for Rehabilitation* and the *Ann Arbor Historic District Commission Design Guidelines* and rehabilitating the garage while retaining as many of the historic materials as possible and substituting or reinforcing with new matching materials in matching dimensions where necessary.
6. The application includes the following explanation of how the resource constitutes a hazard to the safety of the public or to the structure's occupants:

“The structure has little to no salvageable materials. In its current state, the roof is caved in completely on one side and cracked on the other, the foundation and footing is cracked and decayed on an eroding hill and much of the wood is rotted and unstable. It is unsafe for tenants of the house to utilize the garage in the current condition and would need to be demolished completely with minimal if not no salvaging of existing material”

7. To receive a Notice to Proceed under subsection (d), an applicant must show that retaining the historic character and integrity of the historic resource is not in the interest of the majority of the people of the City of Ann Arbor, and that the proposed work is necessary to substantially improve or correct this. That is, the HDC must find that the interest of the majority of the community in demolishing the garage outweighs the interest of the majority of the community in preserving the historic character of the garage.

The community's interest in retaining a historic resource is presumptively very strong. The City of Ann Arbor has demonstrated the interest of the community in retaining this resource by placing it in a local historic district. Staff believes that the proposed demolition does not outweigh the greater goal of safeguarding the historic character of the site and the surrounding district. Staff concludes that these benefits will not affect the majority of the people of the City of Ann Arbor and are insufficient to outweigh the damage to the Old West Side Historic District caused by the permanent removal of the historic garage.

8. The application states the following reasons why retaining the garage is not in the interest of the majority of the community:

“We believe in preserving the historical integrity of Ann Arbor. However the garage is in complete disrepair as it was not maintained by past owners. We are unable to maintain the current structure due to the state that it's in. We have deep concerns regarding the location of the garage with its vicinity of the ravine. Preserving the ravine in its natural state holds historical and aesthetic value, reflecting the way our community has coexisted with nature over the years.

The ravine area is delicate, susceptible to erosion and soil instability. The work involved to shore up the hillside would destroy habitat for existing animals that have made home in the trees and burrowed in the hillside alongside it.

To shore up the area, 5 trees would need to be removed and rebuilding would put the land along the hillside at increased risk of landslides and loss of vital nutrients that support the local ecosystem. Removing the trees and stumps is a disruption to the habitat for wildlife species and will further erode the hillside of the ravine as root systems would need to be removed to not affect a new foundation.

We strongly believe that we could demolish the garage in a delicate manner with minimal disruptions to the ecosystem that surrounds it and that we could do stronger work with preserving the natural area if able to demolish rather than rebuild.”

9. It is unfortunate that the property owner did not learn from the previous owner, their real estate agent, or through due diligence that the site is in a local historic district and what that means in terms of code requirements. If this notice to proceed is denied, the owner or applicant must return with an assessment of the garage's historic materials (including

but not limited to siding, framing, windows, doors and trim) and a proposal to repair the garage while retaining as many of these historic materials as possible.

10. Staff does not believe that demolishing the garage is necessary to substantially improve or correct a hazard to the safety of the structure's occupants or that the stated benefits of the proposed demolition outweigh the benefits of retaining the historic character of the site in relation to the Old West Side Historic District and recommends denial of the application.

**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.)

I move that the Commission issue a Notice to Proceed for the application at 1218 W Huron Street to demolish a garage that is a contributing structure in the Old West Side Historic District, as proposed. The Commission finds that the garage constitutes a hazard to the safety of one of the structure's occupants, and that the proposed work is necessary to substantially improve or correct this condition.

I move that the Commission issue a Notice to Proceed for the application at 1218 W Huron Street to demolish a garage that is a contributing structure in the Old West Side Historic District, as proposed. The Commission finds that the retention of the resource is not in the interest of the majority of the community and that the proposed demolition is necessary to substantially improve or correct this condition.

**MOTION WORKSHEET:**

I move that the Commission issue a Certificate of Appropriateness for the work at 1218 W Huron Street in the Old West Side Historic District

\_\_\_\_\_ Provided the following condition(S) is (ARE) met: 1) STATE CONDITION(s)

The work is generally compatible with the size, scale, massing, and materials and meets the Secretary of the Interior's Standards for Rehabilitation, standard(S) number(S) (*circle all that apply*): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

**ATTACHMENTS:** Notice to proceed narrative, photos, statement of condition.

1218 W Huron, 2022 (Courtesy Google Street View)



1947 and 2022 Aerial Photos (City of Ann Arbor)

