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South Fourth and South Fifth Avenues
Historic District Study Committee
Public Hearing Minutes
May 5, 2010
Council Chamber, 2nd floor
City Hall, 100 N Fifth Avenue
Ann Arbor, MI

Study Committee Members Present: Tom Whitaker, Susan Wineberg, Rebecca Lopez-Kriss, Patrick McCauley, Ina Hanel-Gerdenich, Sarah Wallace, and Kristi Gilbert. There were no Study Committee Members absent.

Also Present: Kristine Kidorf, project consultant, and Jill Thacher, City Planner/Historic Preservation Coordinator.

The public hearing was called to order at 7:03 pm by Chair Patrick McCauley. McCauley introduced the Study Committee members and explained the order of business.

Kristine Kidorf, project consultant, explained the process and timeline to date and future steps. She went over the Public Hearing publication process and additional advertising undertaken by the Committee. Kidorf explained the boundaries of the proposed district as presented by the Study Committee report, and summarized the significance of the district and its history from the Study Committee report. She presented slides of some buildings in the district that are included in the report, and their history.

Kidorf explained that in Ann Arbor historic districts, change to buildings is not prohibited, but it is managed to ensure the integrity of the district. She said that handouts are available at the podium that answer frequently asked questions about historic districts. Kidorf went over a flowchart showing the HDC application process.

Public Hearing

Tom Luczak: Impressed with the dedication and diligence of the committee. He thinks the district would be worthwhile to the city as a whole and will enhance their property values. He defers to the committee's judgement about boundaries, though he thinks it would have been good for the neighborhood to extend the boundaries to the south, but he prefers to have a historic district with these boundaries rather than none at all. Thank you for your good work.

Alice Ralph: She is a member of the Washtenaw County Historic District Commission, and part of their mission is to work with other commissions. She hasn't been directly involved, but lives in Burns Park and is pleased to see community members working together on this effort. She thinks property value increases are good for the community, and pointed out that tax credits are available for property owners to help offset property tax increases. She would prefer the district boundaries to be as generous as possible because we don't often get the chance to preserve neighborhoods in this way.

Piotr Michalowski: He lives at Packard and Fourth. His home used to be in the Individual Properties Historic District and he would like to see it returned to a district. It is important to his family to keep the neighborhood intact and preserve his house for future owners. It is not anti-development, as there are plenty of places to develop in Ann Arbor.

John Floyd: Former resident of Old West Side. What makes the OWS special is the neighborhood character. He would like the district around Germantown to be as generous as possible. The purpose of this group is to make a technical recommendation. He feels if the committee can make the district larger, it should. He thinks it's an asset to the city that isn't available many other places.

Beverly Strassman did not receive email notification of this hearing. Many people below Packard could not be here because they did not hear about the public hearing. How can they state their case if only the people within the boundaries had the good fortune of being notified? This is too much like the workings of the Planning Commission. The exclusion of the houses below Packard is not justified, and the only intact block in Germantown is on south Fifth Avenue. Others have parking lots or other interruptions. It is erroneous that the neighborhood to the north is less blue-collar than the south. She spoke to John Mann who is an ancestor of one of the City's founders. The Mann family continues to own property on the 500 block of S Fifth Avenue, one of which was built in 1830. She strongly encourages the committee to include the houses south of Packard in the district.

Claudius Vincenz: Thank you for your work on a volunteer basis. He would like to comment on what is left out of the report and is a detraction from a historic district -- the two parking lots on South Fifth Avenue and the small size of the district. Size matters - - single homes may not be historical anymore, so it makes

sense to designate the whole neighborhood. Looking at settling patterns, and geographic boundaries, the southern boundary was the floodplain which flows along Madison and that is how the houses were built. The ones to the south are not as stately, but they are equally as old. Excluding them is simply neglect. The floodplain is a perfectly natural southern boundary and everything else is very arbitrary. It is the committee's place to point out from an expert point of view and make that case to the politicians. All of the arguments in favor of a historic district also apply south of Packard. If anything, the southern blocks have survived better than up on the hill.

Graham Miles: He has two houses on Fifth Avenue, 526 and 528. He lived at 539 for a few years, and Ms. Mann across the street lived in 528 her whole life. It is in good shape. He also has four houses on South Fourth Avenue in the 500 block, and he's pretty sure they're from the 1860s. The floor joists are logs and you can still see the bark on them. He gutted the 521 house a few years ago and when he took off the lathe and plaster he found old newspapers and bricks lining the walls. It was intended to moderate the temperature between night and daytime. One of the houses was moved to the back of the lot to make room for others. He would like to see the houses south of Packard included in the historic district.

Ethel Potts: has never seen a task force get off to such a fast start and do all the work themselves instead of relying on staff and she applauds that. Preservation is supported by the state and federal governments and we're part of a wider movement. This is a truly historic neighborhood, though it is larger than the area presented. She is distressed at the number of historic buildings the town has lost over the years, making the city and campus more and more bland. The UM has a disturbing record of demolishing its own buildings. This recommendation is not just for property owners. The Planning Commission and Historic District Commission meetings did not have much attendance by the Study Committee members or neighborhood residents. Patrick McCauley did a good job representing the committee at the planning commission meeting. Advocacy is the next step - - there are a variety of groups out there to help, and if you do it alone, it's by choice.

Rita Mitchell: is here to advocate for workman-like houses. She has lived in one for over 15 years. It has real wood doors and floors and plaster walls. It wasn't built for famous persons, and she's not famous, and that's good. The consistency found in the old west side is very, very good for the neighborhood and residents. She is for preserving what you have in the neighborhoods you are considering. She suggests the committee look further than it is now. People who live in these areas do love the places, and she has found living in a historic district to be no burden.

Shirley Semple: 424 S Fourth Ave, moved here in 1977 and never thought about this being a historic district. It has been a pleasant district to live in. When she goes to other university towns and walks around the neighborhoods, she's come

to believe that all college towns have neighborhoods like this with their own historic personality that lends to the community. She wants the committee to think very strongly about keeping what we have and not destroying it and throwing it away.

Ellen Ramsburg: thanks the committee for their time and effort and knows it was rushed. She thinks it was too bad that the political process put a boundary on the committee at the beginning and that's one of the reasons the committee hears from neighbors who are upset at not being included. This also happened on a study committee she worked on earlier. She hopes the committee can revisit the boundaries, or urge council to create another study committee to continue the work on the south side. Districts do not disallow change - - she gave the OWS as an example. In this city we see the benefits of historic districts and should all be advocates for those benefits.

Scott Munzel: is representing Fifth Avenue Limited Partnership. It's clear that a lot of work went into the study committee report, however, he believes that the recommendation violates both Michigan and federal law. In *Draprop v City of Ann Arbor* the court struck down a district the city had enacted. The rationale is strikingly similar to that presented by this study. The resources must be related by history, archaeology, etc. You have a district based on three theories that are not related and will fail to meet state law. Secondly, the district as described won't meet the equal protection law that you treat people similarly. There is zero rationale for why you have excluded south of Packard, east on Jefferson, etc. It doesn't take a rocket scientist to figure out why the boundaries were drawn there, and it doesn't take a smart lawyer to figure out equal protection problems. The district needs to be larger, not smaller. Bethlehem Church is excluded and the historic district won't apply to it anyway. Perhaps these legal problems can be rectified, perhaps not. Thank you for your time.

Bob Giles: Owner of 541 S Fourth Avenue. He appreciates the work you are doing. He was involved in trying to save the Evans house in the 1980s. He also owns 903 East Huron, the Bannister house. The home at 541 S Fourth they purchased in 1983 from the previous owner, who lived there for 40 years and took very good care of it. He respects the house and fell in love with its charm and beauty. The neighborhood seems to be very closely attached to the streets south of Packard. The impact of excluding it would be far reaching. He presented the abstract of his property dating to 1856, which he said reads like the history of Ann Arbor. He would love to work with the committee to be a part of the historic designation. He loves the history of Ann Arbor and the buildings in Ann Arbor, and feels like the buildings south of Packard would be an excellent addition.

Alex de Parry: has been in Ann Arbor on Fifth Avenue since 1971. He says it is kind of ironic that he agrees with most of the comments made during the hearing. He feels the boundaries are flawed and that there are issues, but that is beside the point. He has presented a document that states why the study is flawed. He

would like to note that there are six people opposed to the district within the current boundaries, though one passed away last night.

Peter Webster: has submitted his comments in writing and will leave a hard copy with staff. The report's handling of many surveys and prior study committee reports must be included as part of the report. There is only one sentence in the report that addresses prior reports. Many studies, many analyses, all concluded that there is not supposed to be a district here. The phraseology of the three themes are not identified in any of the prior study reports, which raises the question: what is different between then and now? The report is supposed to inventory all the resources, including historic features. It doesn't do that. Then it is supposed to come up with a percentage of what is historic and what is not. It does identify every single building as historic. He would like to point out that more is identified in his letter.

Ann Eisen: She bought 442 S Fourth Ave in 1995 and the house had a plaque on it so she believed it had historic protection. When she found out it did not, she began advocating for it. When the issue came up this time, she was ready to support the district. The house is very beautiful and neighbors often comment on the beauty of her gardens. A new development five feet from the sidewalk isn't going to convey this. City Council has told her that she was stupid to buy in this neighborhood because it would be redeveloped, but she feels this district would help the neighborhood. She hopes the committee has also looked at the nearby neighborhoods where boxes are built to the sidewalk and the property line.

Ray Detter: owns houses in the Division Street Historic District and the Old Fourth Ward Historic District. He worked to establish two of the city's historic districts. Every historic district has arbitrary boundaries. They thought boundaries out very carefully when they jumped Huron street. He recognizes the value of the neighborhood, especially that south of Packard. They deserve to be preserved. They tried individual properties, but that didn't work, though he feels Draprop doesn't apply to this new study. The goal of the downtown plan was to preserve neighborhoods near downtown. All of the historic districts have been established to limit density. It is a policy of the Chamber of Commerce that further downtown historic districts should be curtailed. Development should be encouraged. We should be very careful in this regard, and we should encourage the preservation of these properties.

Frank Richard Jacobson: Owner of 538 S Fifth Avenue since 1992. He showed an aerial photo of the neighborhood and said the area to the north is much more broken up than the neighborhood to the south. The committee report is not correct on the date of his house being built (1880 v 1860). His house was excluded from the study area and it predates those recommended for the district. It should be included to help tell the story of the neighborhood. The experience of those visiting the historic district should extend south on Fifth Avenue. He finds the southern boundary peculiar and not in keeping with state law. He said that

one member of the committee who lives in the district suggested that the boundary should be just within his range of vision from his home.

The public hearing was closed at 8:08pm.

Frank Jacobson asked where historic maps could be obtained. Committee members responded that many are available on the Ann Arbor District Library website, and also from the Bentley Historical Library.

Ina Hanel-Gerdenich asked Ms. Strassman if she had the names of people who wanted to be in the district south of Packard, and she said she did. She said it's overwhelming south of Packard. Only two houses are not supporting it on South Fifth Avenue that are not owned by the Moravian - - and with those they could not contact the owners to find out if they support it. She read off several names and estimated it at 80% support. On south Fourth Avenue, she also found broad support and read off about eight names. She also pointed out that on Madison there is the Raoul Wallenberg house which would be a shame to exclude. Also, Walter Spiller's house on South Fifth at Madison has a Madison address and should be included.

McCauley said that the committee will be submitting the final report to City Council for first reading at its June 21 meeting. The committee will reconvene on May 17 to finalize the study committee report. Second reading at City Council will most likely be in July.

The meeting ended at 8:18pm.