

BIRMINGHAM HISTORIC DISTRICT COMMISSION
MINUTES OF JANUARY 2, 2018
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission (“HDC”) held Wednesday, January 2, 2018. Chairman John Henke called the meeting to order at 7:03 p.m.

1) ROLL CALL

Present: Vice Chairman Keith Deyer; Commission Members Doug Burley, Gigi Debbrecht, Natalia Dukas, Patricia Lang, Michael Willoughby; Alternate Member Kevin Filthaut

Absent: Chairman John Henke; Alternate Member Dulce Fuller; Student Representatives Grace Donati, Ava Wells

Administration: Matthew Baka, Sr. Planner
Carole Salutes, Recording Secretary

01-01-19

2) APPROVAL OF MINUTES
HDC Minutes of December 5, 2018

Motion by Ms. Debrecht
Seconded by Mr. Willoughby to approve the HDC minutes of December 5, 2018 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Debrecht, Willoughby, Deyer, Burley, Dukas, Lang, Filthaut

Nays: None

Absent: Henke

01-02-19

3) HISTORIC DESIGN REVIEW

- **539 S. Bates**
United Presbyterian Parsonage (postponed from December 5, 2018)

Zoning: R-3 Single-Family Residential

Proposal: Mr. Baka recalled the applicant was approved by the HDC to construct an addition and a two-story garage on a contributing historic house in the Bates Street Historic District on October 19, 2016. After being approved by the HDC it was discovered that the high-tension power lines at the north end of the property required an easement that would not permit the addition to be constructed as approved. Accordingly, the applicant was granted administrative approval by the City Manager to relocate the addition to the south in a fashion that provided enough room for the easement. The addition is now under construction.

On June 6, 2018 the applicant returned to the HDC to request permission to make additional changes to the historic portion of the home. At that time, they were requesting to create three new window openings on the side elevations of the historic portion of the home and to add an additional set of stairs off the side of the front porch. However the commissioners had reservations about allowing changes to the structure that were inconsistent with the rehabilitation guidelines of the National Park Service.

The applicant requested to be tabled until a future meeting to consider potential changes to the proposal. They are now returning to the HDC to request the addition of two new windows to the historic portion of the house instead of three, and have eliminated the steps and railing that were proposed for the porch. As requested at the June 20, 2018 meeting, the plans approved by the Commission in 2012 are included for review.

Background: The Victorian style, wood frame house was constructed c.1890, and was used as the parsonage of the United Presbyterian Church. A 222 sq. ft. two-story rear addition was added to the house in 1988, without approval from the HDDRC. In 1995, the former owners of the house applied to the HDDRC for vinyl siding on the north and south sides, and scalloped shingles on the front gable. The application was denied because the work did not meet the Secretary of the Interior's Standards. At that time, it was discovered that an existing rear addition already had illegal vinyl siding on it. A small one-story screened aluminum patio addition was attached to the north elevation at some point between 1995 and 2004, also without approval from the HDDRC.

Design: The applicant proposes to relocate two windows from their original positions in the historic resource in order to provide more natural light in the first floor of the historic resource by relocating them slightly west of the original positions. On the south wall of the great room, the applicant proposes to shift a previously eliminated 3 ft. x 6 ft. window 12 ft. west to pair with a like window that was previously approved. On the north elevation, they propose to shift a 3 ft. x 6 ft. window 8 ft. west to pair with a like window that was previously approved.

Recommendation: The National Park Service in its analysis of the rehabilitation guidelines, states the following is not recommended:

“Changing the number, location, size or glazing pattern of windows through cutting new openings, blocking-in windows, and installing replacement sash that do not fit the historic opening.”

Therefore the Planning Division recommends that the Commission DENY the historic design review application for 539 S. Bates. The work does not meet The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, standard number 9:

“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment.”

Or standard number 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.”

Ms. Barbara Horowitz, the homeowner along with her husband, Mr. Michael Horowitz, said they are asking to replace two windows on the historic house and to add one window on the north side of the house which was accidentally left off of their approved plans, but certainly conforms to the original style and configuration of the house. They are also asking to replace and enlarge one window on the south side of the house. It is a window inside of a small powder room that was added after the original farmhouse was built. They have eliminated the powder room, but the window remains. Everything about that window is different from the other windows in the house. In reconsidering their request that was made last summer, they have dropped their request to change the front porch entrance even though subsequent research revealed a picture showing that the front porch was moved in 1985 from the north side of the porch to the south side.

They believe their current application maintains the original character of the historic house, it is consistent with published guidelines, and it is necessary to provide adequate light into the historic part of the house.

Ms. Horowitz went on to explain the recent history of what happened before and after their purchase of the historic house.

Mr. Horowitz then showed slides illustrating how the original house has been changed to what currently exists, along with the architectural condition they would like to see, consistent with what the historic house looked like. Ms. Horowitz believed there is precedent with the historic house at 607 Bates for their request. Two new windows have been added there with approval from the City.

Mr. Baka established that on the plans that were submitted to the Commission, those windows were listed as existing. However, when the construction documents came in they were categorized as new windows. Therefore, the Commission was not informed those were going to be new windows when they reviewed that project.

Vice-Chairman Deyer observed many times actions by the Commission are viewed by the public as setting a precedent even though legally they do not. Further he appreciated the fact that the applicants' request is down to just two windows.

Mr. Horowitz noted that in their recommendation staff refers to one paragraph from the National Park Service as to why the request should be denied; however, there are eight other criteria that in his opinion either conform to, support, or have met the standards. So he thinks there are plenty of grounds to justify approval based on the staff report.

Also in the staff recommendation it is spelled out that when issuing a Notice to Proceed one of the conditions for approval is that 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 have been attempted and exhausted by the owner.

Mr. Willoughby said to him this is an interesting dilemma. To add the window on the ground floor on the north side actually does replicate the historic building more so than leaving it off. On the south side it seems clear that window is not original. Maybe there was no window there, which actually would be better than the little one. Therefore, he feels there is some room for discussion.

Ms. Horowitz established that when they bought the house the driveway was on the south side. However, in order to satisfy DTE and not cut off half of their addition they moved the driveway to the other (north) side. However, the stairway hasn't moved and they have to walk across the porch to get to it.

Mr. Filthaut thought the applicants wanting to go back to the original four windows shows him they are making efforts to bring back the historic look of the home. Mr. Burley agreed. He felt they would be doing the original historic structure a disservice if the fourth window is not added. Without that window the house is irreparably changed.

Ms. Debrecht brought up a new issue. She noted the one feature she feels ~~is~~ **was** so unique to this house ~~is~~ **was** the curve at the upper corners of the windows. Ms. Horowitz said they did not realize that was an issue in replacement of the windows. Ms. Debrecht suggested that in the future HDC members should probably go out and look at the existing house before it is torn apart.

There were no comments from members of the audience at 7:46 p.m.

It was agreed that before the powder room was added there would have been four windows on the south side. The Horowitz's had no objection to adding a window above as well, with materials to replicate original. Mr. Willoughby said he would stick with two windows on the bottom and one on top. Ms. Dukas cautioned that the Secretary of the Interior's Standards for Rehabilitation state they are not supposed to recreate what used to be; they are supposed to ~~compliment~~ **complement** it.

Mr. Horowitz said if they cannot put in a full sized window, their second choice would be to eliminate it.

Motion by Mr. Willoughby

Seconded by Ms. Debrecht with regard to 539 S. Bates to approve the addition of one window on the north side, as it best replicates the historic nature of the building, and to eliminate the small powder room window on the south side, which the Commission thinks was not part of the original structure as well.

The Vice-Chairman explained that doesn't preclude the petitioner coming back at some future point if they want to make modifications.

There was no one from the audience who wished to comment at 7:55 p.m.

Motion carried, 6-1.

VOICE VOTE

Yeas: Willoughby, Debrecht, Burley, Deyer, Filthaut, Lang

Nays: Dukas

Absent: Fuller, Henke

Ms. Dukas explained that she voted against the motion because she thinks the small window is part of the historic resource.

01-03-19

➤ **361 E. Maple Rd.**

Hawthorne Building (postponed from December 5, 2018 and requested by the applicant to be further postponed to a non-specific date).

01-04-19

4) STUDY SESSION (no discussion)

01-05-19

5) MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

- Administrative Approvals (none)
- Violation Notices (none)
- Demolition Applications
 - 1007 Mohegan
 - 1125 Birmingham Blvd.
 - 407 Greenwood
 - 517 Catalpa
 - 927 Ann
 - 1486 Cedar
 - 1580 Henrietta

B. Communications

- Commissioners' Comments (none)

101-06-19

ADJOURNMENT

No further business being evident, the Commissioners motioned to adjourn the meeting at 7:55 p.m.

Matthew Baka
Sr. Planner