

**AGENDA**  
**BIRMINGHAM HISTORIC DISTRICT STUDY COMMITTEE**  
**MUNICIPAL BUILDING-COMMISSION ROOM-151 MARTIN STREET**  
**THURSDAY – July 26, 2018**  
**\*\*\*\*\*6:00 PM\*\*\*\*\***

- 1) **Roll Call**
- 2) **Approval of the December 7, 2017 minutes**
- 3) **Public Hearing - 361 E. Maple De-designation request**
- 4) **HDSC priority list**
- 5) **Adjournment**

*Notice:* Individuals requiring accommodations, such as interpreter services, for effective participation in this meeting should contact the City Clerk's Office at [\(248\) 530-1880](tel:2485301880) at least on day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública.  
(Title VI of the Civil Rights Act of 1964).

**A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS MUST BE PRESENT AT THE MEETING.**

**HISTORIC DISTRICT STUDY COMMITTEE**  
**MINUTES OF DECEMBER 7, 2017**  
Birmingham City Hall Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Thursday, December 7, 2017. Chairperson Gigi Debbrecht called the meeting to order at 1:05 p.m.

**1. ROLL CALL**

**Present:** Chairperson Gigi Debbrecht; Board Members Paul Beshouri (arrived at 1:06 p.m.), Jonathan DeWindt, Patricia Lang, Michael Xenos

**Absent:** None

**Administration:** Matthew Baka, Senior Planner  
Carole Salutes, Recording Secretary

**2. APPROVAL OF THE NOVEMBER 16, 2017 HDSC MINUTES**

**Motion by Ms. Lang**

**Seconded by Mr. Xenos to approve the Minutes of November 16, 2017 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Lang, Xenos, Debbrecht, DeWindt

Nays: None

Absent: Beshouri

**3. 361 E. MAPLE RD.**  
**De-Designation Request**

Mr. Baka recalled that the owner of the property located at 361 E. Maple Rd. has requested that the City Commission consider removing the historic designation of their building as a contributing historic resource within the City of Birmingham. The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.

As required by Section 127-5 of the City Code, Establishing additional, modifying, or eliminating historic districts, the HDSC has been directed by the City Commission to consider modifying an existing Historic District by evaluating the Hawthorne Building, which is a contributing resource within the Central Business District Historic District, for consideration for removal from the list of historically designated properties in the City of Birmingham.

The HDSC is required to follow the procedures as set forth in Section 127-4 of the City of Birmingham Historic Districts Ordinance, as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

Based on the failure to meet these three criteria, the HDSC has been recommending not de-designating the Hawthorne Building.

The Hawthorne Building has elements that made it worthy of designation. It is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. De-designating the building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. The de-designation of this structure has the potential to set a precedent that would have long-lasting effects on the City that cannot be reversed.

On August 10, August 24, and November 16, 2017 the HDSC held study sessions regarding the request of the property owner.

The next step will be for the HDSC to hold a public hearing, but prior to doing that the preliminary report requires that it be sent to the State Historic Preservation Office ("SHPO") as well as the Planning Board and Historic District Commission for their comments. Then within 60 days of submitting to those bodies the HDSC needs to have a public hearing and make their formal recommendation to the City Commission. The City Commission has one year to act on that recommendation.

Mr. John Gaber, Attorney with Williams, Williams, Rattner & Plunkett, spoke to represent the owners of 361 E. Maple Rd. Mr. Gaber talked about why they think the Hawthorne Building should be de-designated. He stated that there is not much that is significant about the building.

An Inventory form that was prepared by Mr. Max B. Horton of the Historic District Commission ("HDC") on May 3, 1983 indicates the building has no historical significance. Mr. Gaber noted the only reason the building was designated is because it is an example of an older storefront within the City of Birmingham.

They believe this area of the contiguous Historic District has lost its significance over time, which is one of the criteria for de-listing. Mr. Max Horton has noted relative to the establishment of a contiguous historic district:

*To select individual landmark buildings for designation without regard to the other structures in the downtown is contrary to the purpose of creating an historic district. Careful attention must be paid to the structures which abut the landmark properties and other buildings in the downtown which have an effect on these landmarks. Therefore the recommendation is for a contiguous historic district with well defined standards for both landmark and non-landmark properties.*

Therefore, as a contiguous historic district you don't just look at the historic resource itself, you must consider the surrounding properties. Looking at this district, the streetscape was not the same in 1983 as it is now. What has happened is that taller, newer buildings have gone up that have seriously diminished the integrity of the historic district, and that impacts this particular building. So, the significance of designating 361 Maple Rd. as a landmark building and including it as a contributing resource doesn't remain because the character of the adjacent neighborhood has changed. Therefore they believe this building has become insignificant over time when one looks at the context of the area and what has happened over the past 30+ years.

They will be coming forward with a more detailed report before the public hearing. Mr. Gaber asked that his handouts be transmitted to SHPO.

Mr. Bedros Avedian indicated he owns several properties near the subject building, from 261 E. Maple Rd. to 323 E. Maple Rd. He spoke in favor of removing the historical designation of 361 E. Maple Rd. He thinks the building is ugly. In response to the Chairperson, Mr. Avedian said four little stores that he owns next to the Jos. A. Bank Building are designated historic.

Mr. Timothy Stoker, Attorney, represented Mr. Mel Kaftan and his wife who live right next door to the subject property. When Mr. and Mrs. Kaftan bought their property they designed their building based on 361 Maple Rd. being designated as historic. Now the proposal is to de-list the building and demolish it which will impact the Kaftan's development. The historic character of the Hawthorne Building when it was designated has not changed from the time the Kaftans bought until today.



In 1984 the HDC concluded the following in making its recommendation to the City Commission that this property and the other 28 landmark properties be designated historic:

*While there may not be a clear answer to what constitutes good relationship between old and new buildings, which should not stop us from trying to find a solution, it is only in a quality built environment that we can achieve a quality life. The 29 landmark structures represent what is left of quality development from a previous era. . . It is our sincerest hope that they will go forward in enacting the proposed Ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.*

In the paragraph preceding that, the HDC recognizes that there will be changes in architecture. It was noted that should not impact or result in the loss of the historic resource that they recommended to be included. The modern movement should not result in the loss of the historic structure and its value to the community. The City Commission followed the strong and well thought out recommendations of the HDC and included this building and other buildings within the district.

Mr. Stoker noted that if the rationale for this building is that it should be de-listed, then the City will be approached with that same rationale as to every other building in Downtown Birmingham, saying that things have changed and therefore they should be de-listed.

Mr. John Dziurman, Certified Historic Architect, addressed the Ordinance criteria and the requirements of the Secretary of the Interior. He has made sure that the process of establishing the historic district in 1984 was appropriate and done well. All of the reasons for designating the building historic were met. The Hawthorne Building is built in the Art Deco style of the 1920's and it virtually has not changed since that time. This committee is charged with the responsibility of protecting the heritage of the City.

Mr. Beshouri inquired what Mr. Max Horton meant when he said the building has no historical significance. Mr. Dziurman replied that he went through the ten Secretary of the Interior Standards for Rehabilitation and all ten were met with regard to giving this building landmark and historic status within the City. He further stated he thinks this is a beautiful building that has remained the same since it was built in 1927.

Mr. Mel Kaftan, the owner of 369 E. Maple Rd. with his wife, said when he bought the property the City told him the property to the west side is historic. So he built his building with windows on the west side based on that. He hoped the

committee will stick with saving the building. Some people think it is ugly but he does not and is prepared to buy it and keep it the way it is.

Mr. Emile Terkishof, Commercial Broker, spoke to represent Mr. Victor Simon, the developer. He noted:

- The opponents of de-designation have put up a good fight, but not because the building is zoned historic, but because the new building will block their views.
- Every report they have shows there is no significance for this building being designated historic.
- The building has sat vacant for four years and stands out as a sore thumb.

Mr. Victor Simon stated that Mr. Kaftan offered him \$150 thousand not to go up and block his windows. The subject building has no redeeming architectural features. He takes care to preserve his historic building at 159 Pierce and it will be beautiful when it is completed.

Mr. Gaber pointed out:

- The historic district has lost those physical characteristics that enabled its establishment in this particular area.
  - They are talking about a single building that is not contiguous to any of the other 28 resources.
  - He does not think there was a contemplation in 1984 that the Ordinance would be changed to allow five-story buildings along E. Maple Rd. What has happened is the character of this E. Maple Rd. corridor has changed and that has affected the value and the character of the historic resources and the reason for which they were designated in the first place.
- He asked the committee to focus on their responsibilities under the Ordinance and look at the physical characteristics of the area and the significance of this building in that area of E. Maple Rd. and determine whether or not those physical characteristics have been preserved since 1984.

Mr. Beshouri indicated that he feels the HDSC's research and the way they looked at the criteria has been largely reinforced by the information they have gotten today. Therefore his opinion has not changed since the last meeting, which was to recommend keeping the historic designation.

Mr. Xenos agreed with Mr. Beshouri, and his decision from last month has not changed.

Committee members agreed that the report should be submitted as-is to the State.

**Motion by Ms. Lang**

**Seconded by Mr. Beshouri to accept the report as-is and to forward it to the appropriate bodies.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Lang, Beshouri, Debbrecht, DeWindt, Xenos

Nays: None

Absent: None

#### **4. ADJOURNMENT**

No further business being evident, the committee members motioned to adjourn at 1:10 p.m.

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Matthew Baka, Sr. Planner



## MEMORANDUM

Planning Division

**DATE:** July 19, 2018

**TO:** Historic District Study Committee

**FROM:** Matthew Baka, Senior Planner

**SUBJECT:** Public Hearing - 361 E. Maple, The Hawthorne Building – Historic Designation Elimination Request

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As required by Section 127-5, **Establishing additional, modifying, or eliminating historic districts**, the HDSC prepared a study committee report for consideration by the City Commission with a recommendation to deny the request to eliminate the historic designation of 361 E. Maple. One of the requirements of Section 127-5 is that the report be sent to the State Historic Preservation Office for comment before being considered by the City Commission. After a lengthy delay due to staffing and scheduling issues at the State office, SHPO has sent the City their comments regarding the report. The comments focus on the format and content of the report. The SHPO provided the following comments:

- *The charge of the committee should include the date the city commission adopted the resolution to initiate a study to modify the district.*
- *The report should include the historic photographs cited on page 3. Any changes to the building over time should be delineated, along with the approximate time period of their occurrence. It appears that a historic photograph was included on the title page but there is no date assigned to it.*
- *The report should include the pages from the 1983 study report that give the reader a sense of the history and significance of the district, as well as the appropriate pages from that report that address this resource.*

Accordingly, the report has been revised to reflect these comments.

In addition to the comments on the report the SHPO also sent a letter in which the following comments were provided;

*"The report was presented to the State Historic Preservation Review Board on May 11, 2018 and they concurred with the SHPO comments. They found the building to be a good representative example of a small commercial building from the period. The report was sent to the Michigan Historical Commission for their review and they provided us with no further comments."*

The final step required before sending the request to the City Commission is to hold a public hearing regarding the report to allow public comment and make a final determination as to what the recommendation to the City Commission should be regarding the requested elimination of the historic designation of 361 E. Maple, the Hawthorne Building. The public hearing was scheduled for July 26, 2018. Notice of the meeting was sent to all properties within 300' of the subject site. This agenda includes the study committee report and various attachments as well as two reports written by outside consultants on behalf of the applicant and also the neighbor. The report written by Mr. William Finnicum was provided by the applicant while the report written by Mr. John Dziurman was provided by the neighbor immediately abutting to the east.

#### SUGGESTED ACTION

To forward the study committee report for 361 E. Maple to the City Commission as presented, recommending denial of the request to eliminate the historic designation of 361 E. Maple



June 4,

RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
LANSING

EARL J. POLESKI  
EXECUTIVE DIRECTOR

2018

Mr. Matthew Baka  
Senior Planner  
The City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

Dear Mr. Baka:

Staff members of the State Historic Preservation Office (SHPO) have reviewed the preliminary historic district study committee report to de-list the resource at 361 E. Maple from Birmingham's Central Business Historic District. Our comments on the report are enclosed. We offer these comments in order to assist communities to prepare final study committee reports that meet the requirements of Michigan's Local Historic Districts Act and provide a strong legal basis for protecting historically significant resources. These comments and recommendations are based on our experiences working with local historic districts. The SHPO lacks authority to give legal advice to any person or agency, public or private.

The report was presented to the State Historic Preservation Review Board on May 11, 2018 and they concurred with the SHPO comments. They found the building to be a good representative example of a small commercial building from the period. The report was sent to the Michigan Historical Commission for their review and they provided us with no further comments.

We appreciate the city of Birmingham's efforts to protect its historic resources. If we can assist you further, please contact Amy Arnold at 517-335-2729 or [ArnoldA@michigan.gov](mailto:ArnoldA@michigan.gov).

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC: ALA

**Michigan State Housing Development Authority  
State Historic Preservation Office**

**Staff Comments, April 9, 2018  
Delist 361 E Maple, Birmingham**

The charge of the committee should include the date the city commission adopted the resolution to initiate a study to modify the district.

The report should include the historic photographs cited on page 3. Any changes to the building over time should be delineated, along with the approximate time period of their occurrence. It appears that a historic photograph was included on the title page but there is no date assigned to it.

The report should include the pages from the 1983 study report that give the reader a sense of the history and significance of the district, as well as the appropriate pages from that report that address this resource.

**361 E. Maple**  
**Birmingham Historic Resource**  
**Report from the Historic District Study**  
**Committee**  
November 28<sup>th</sup>, 2017



**Committee Members**

Gigi Debbrecht, Chair  
Patricia Lang  
Michael Xenos  
Paul Beshouri  
Jonathan Dewindt

**Staff Liaison**

Matthew Baka, Senior Planner





### **Charge of the Committee**

In accordance with Chapter 127 of the Birmingham City Code, the Historic District Study Committee (HDSC) has been directed by the City Commission, per the resolution adopted at the meeting of July 24, 2017, to consider modifying an existing Historic District by evaluating the Hawthorne Building, which is a contributing resource within the Central Business District Historic District, located at 361 E. Maple for consideration for removal from the list of historically designated properties in the City of Birmingham.

The request for removal of the designation came from the owner of the property in question. They are requesting that the City Commission remove the designation of the property in order to allow the demolition of the building and construction of a new five story building.

### **Description of the District**

The legal description of the property at 361 E. Maple is T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 W PART OF LOT 11 MEAS 20 FT ON S LOT LINE & 20.62 FT ON N LOT LINE. The Central Business District boundaries are indicated on the map below.

### **Count of Historic and Non-Historic Resources in the CBD Historic District**

The Central Business District Historic District has 29 historic (contributing) and 44 non-historic resources.



\*depiction of the Downtown Historic District and Shain Park Historic District

### **De-designation evaluation criteria**

The HDSC is required to follow the procedures as set forth in Section 127-4, of the City of Birmingham Historic Districts Ordinance, as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

#### **1. The historic district has lost those physical characteristics that enabled the establishment of the district.**

The property at 361 E. Maple remains virtually unchanged from the condition it was in when designated in 1983. This is demonstrated by historic and contemporary photographs. It is decorated with a sign band that is defined by patterned brick and limestone. The parapet has a small pediment and limestone urns at the party walls. It is believed that the pressed metal store front is original.

In addition, since the creation of the CBD Historic District, all exterior changes to the contributing and non-contributing resources have been reviewed by the Historic District Commission. Any proposed change to a resource in the district has been measured against the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings (attached). The Standards for Rehabilitation address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property

which are significant to its historic, architectural, and cultural values." Accordingly, the historic character of the district at large has not been altered in such a way that would eliminate the physical characteristics that enable the establishment of the district.

## **2. The historic district was not significant in the way previously defined.**

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. At the time, the Historic District Study Committee determined that 29 structures in central Birmingham were worthy of special treatment. Although not every structure met all of the above criteria, each structure given "landmark" designation was determined by the Commission to have one or more of the elements that made it worthy of designation. The property at 361 E. Maple was selected as a contributing resource as it was a good example of a small store design from the 1920's with patterned brick and limestone. The parapet has a slight pediment and limestone urns at the party walls. Although the structure is simple and conservative, it is in excellent condition. The fact that it also maintained its original condition made it a valuable visual anchor in the preservation of the north side of E. Maple. The architectural significance cited in 1983 is as evident today as it was at the time.

## **3. The historic district was established pursuant to defective procedures.**

The procedures followed in the designation of the Central Business District Historic District were established in chapter 127 of the City Code pursuant to Public Act 169 of 1970. In 1980 the City Commission appointed the Historic District Commission to serve as a Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham as required by chapter 127 of the City Code. As documented by the committee members at the time, the research was conducted by interviewing Birmingham "oldtimers" who had first-hand knowledge of the history of many buildings, reviewing materials at the Baldwin Library including reading issues of the Birmingham Eccentric, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other resources. The selection of 361 E. Maple for historical designation in 1983 as a part of the Central Business District Historic District was done after careful review and evaluation in compliance with the required procedures.

On October 22, 1983, the Birmingham City Commission adopted Ordinance No. 1276 amending the City Code adding Chapter 43 of the Birmingham City Code to establish the Central Business District Historic District and the Shain Park Historic District.

## **Recommendation**

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;
- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

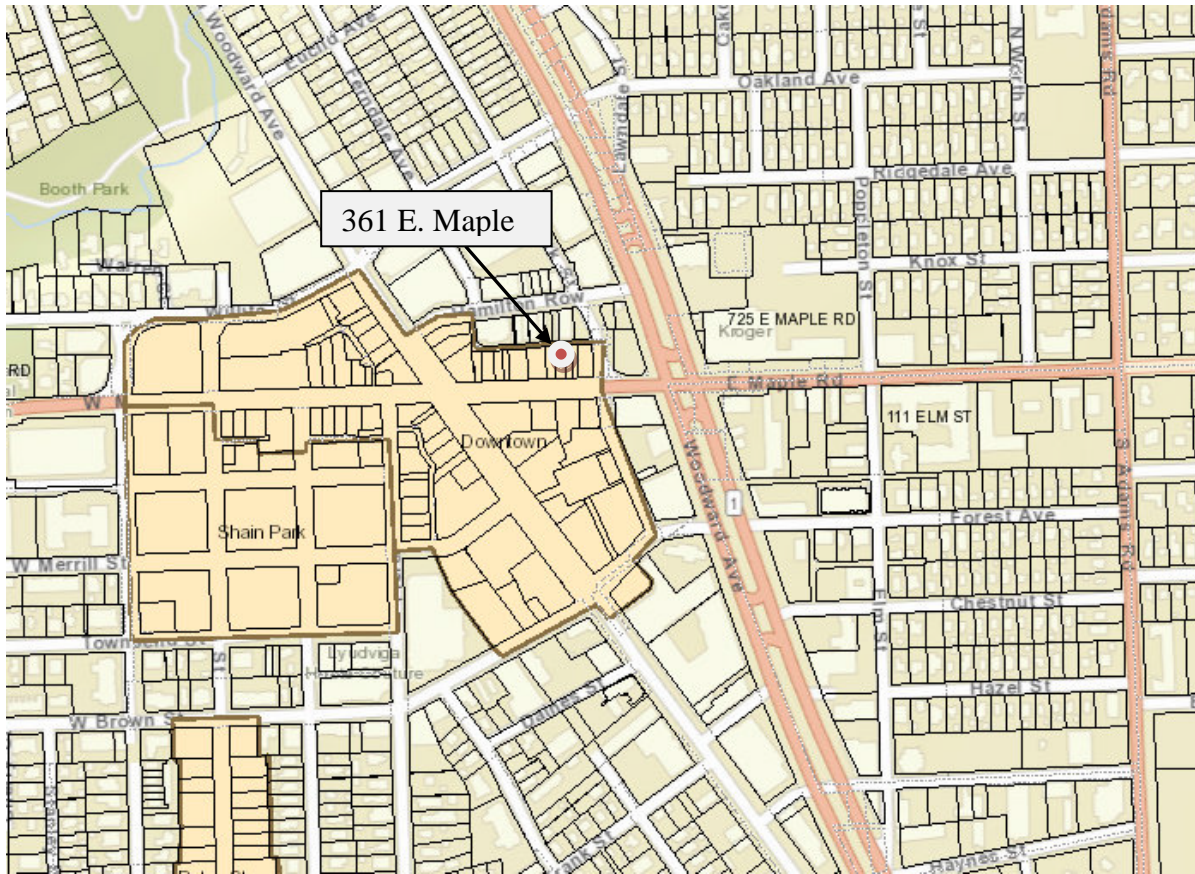
The Hawthorne building is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. It provides historic context of the traditional downtown that has personified Birmingham over its history. De-designating this building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. These historic structures have distinguished Birmingham from its surrounding neighbors as a traditional downtown which has undoubtedly contributed to its sustained success over the years. In addition, the methods and procedures followed during the designation process in the 1980's strictly adhered to the guidelines established at the local, state and federal levels. It was the intention of the City Commission of that time to take these steps to ensure that Birmingham would retain its character and history for future generations to appreciate and enjoy. The de-designation of this structure has the potential to set a precedent that would have long lasting effects on the City that cannot be reversed.

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc;
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations;
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

The Historic District Study Committee recommends maintaining the historic designation of this property as it **does not** meet any of the following criteria for de-designation listed in Chapter 127 of the City Code:

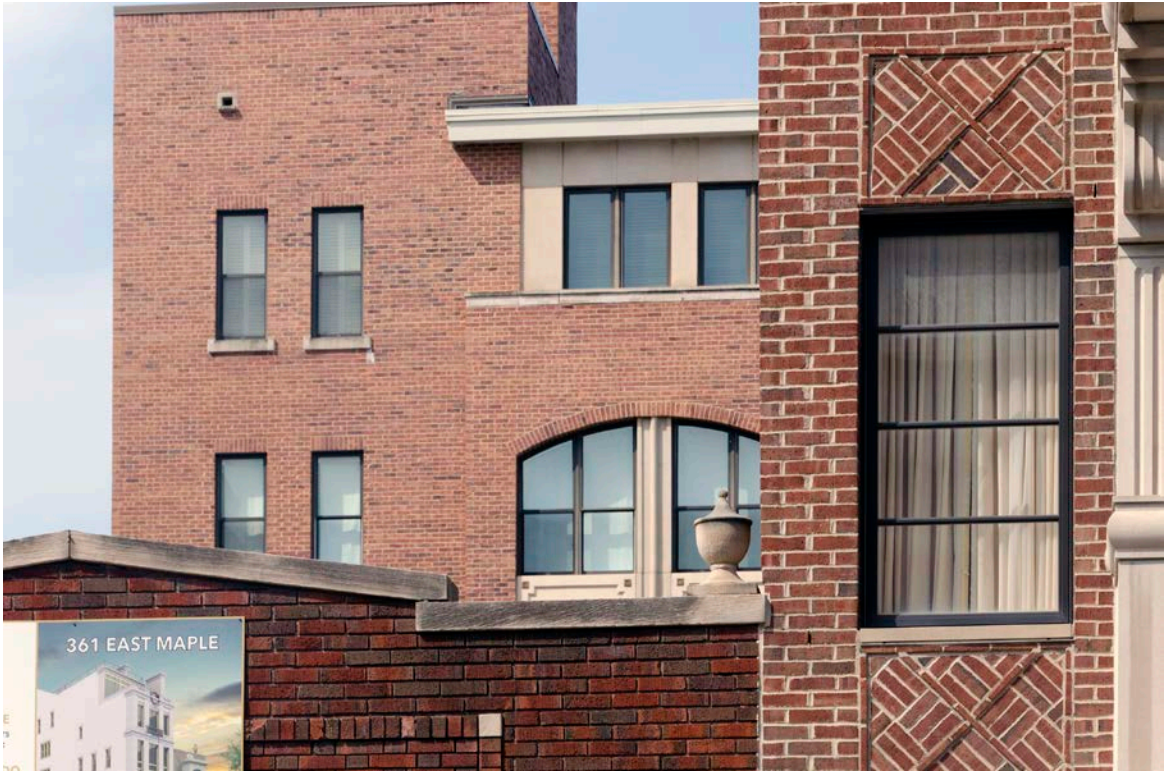
1. The historic district has **not** lost those physical characteristics that enabled the establishment of the district.
2. The historic district **is** significant in the way previously defined.
3. The historic district was **not** established pursuant to defective procedures.



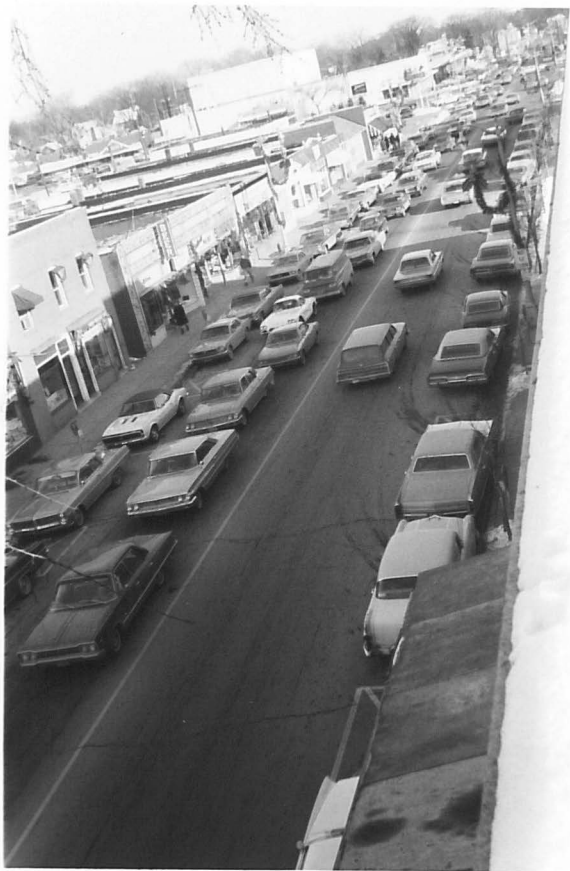








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October 18, 1984

City Commission  
Birmingham, Michigan

From: Max B. Horton, Chairman Historic District Study Committee  
(Historic District Commission)

Subject: Central Business Historic District and Shain Park Historic District

Dear Commissioners:

Approximately three years ago, the City Commission appointed the Historic District Commission to serve as an Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee spent many hours examining each building in the study area. The research was conducted by interviewing Birmingham "oldtimers" who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800's and early 1900's, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. As you know, the Historic District Commission has decided that 29 structures in central Birmingham are worthy of special treatment. Although not every structure meets all of the above criteria, each structure suggested for "landmark" designation has been determined by the Commission to have one or more of the elements that make it worthy of designation.

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;

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- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

As a Commission, it is our hope that the Birmingham City Commission will recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Several other communities throughout the state have designated historic districts in their downtowns. They include small villages such as Linden, Chelsea and Milford; medium sized cities such as Ann Arbor, Traverse City and Ypsilanti, and large cities such as Jackson, Saginaw and Grand Rapids. Some historic districts have almost every single building designated as a "landmark" structure while other historic districts, such as Birmingham, have undergone many changes resulting in the "landmark" structures being in the minority. This is not unusual or undesirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown. The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. We all also know that no ordinance exists to prevent demolition of those structures in central Birmingham which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

Currently, we have 47 historic district properties in the City of Birmingham. They are primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, we do not believe this is the proper approach for the commercial area. Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual "landmark" buildings for designation without regard for the other structures in the downtown is contrary to the purposes in creating an historic district. Careful attention must be paid to the

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structures which about "landmark" properties and other buildings in the downtown which have an affect on the "landmarks." The suggestion that only "landmark" properties compose the historic district would be similar to saying that the Planning Board should have Design Review over just a portion of a particular block. This selectiveism in the review process will not work. Therefore, our recommendation is for contiguous historic districts with well defined standards for both "landmark" and "district resource" properties.

The Historic District Commission has already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design Approval or Exterior Approval and possibly Site Plan Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: "What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing scale is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, that should not stop us from trying to find a solution. It is only in a quality built

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environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with a decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

Very truly yours,

*Max B. Horton*

Max B. Horton, Chairman  
William R. McGregor, Vice-Chairman  
Carolyn Johnson  
Kay Johnson  
Michael Tomasik  
Goeffrey Upward  
Willem Tazelaar

MBH/jb  
10/18/84



## MEMORANDUM

Planning Division

**DATE:** July 17, 2017

**TO:** Joseph A. Valentine, City Manager

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** 361 E. Maple – Historic Designation Removal Request

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The owner of the property located at 361 E. Maple has requested that the City Commission consider removing the historic designation their building as a contributing historic resource within the City of Birmingham. The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.

The process for removing designation from a property or structure as a contributing historic resource is outlined in section 127 of the City Code. Section 127-5, **Establishing additional, modifying, or eliminating historic districts**, states the following:

- (a) *The city commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, the standing historic district study committee, as established in section 127-4, shall follow the procedures as stated in section 127-4. The committee shall consider any previously written committee reports pertinent to the proposed action.*
  - (b) *In considering elimination of a historic district, a committee shall follow the procedures set forth in section 127-4, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:*
    - (1) *The historic district has lost those physical characteristics that enabled the establishment of the district.*
    - (2) *The historic district was not significant in the way previously defined.*
    - (3) *The historic district was established pursuant to defective procedures.*
- (Ord. No. 1880, 7-24-06)

The first step in the process towards considering eliminating the historic designation of this property is for the City Commission to pass a resolution directing the Historic District Study Committee to commence with the creation of a study committee report as outlined in section 127-4 of the City Code.

In accordance with sec. 127-04 of the City Code, when directed by a resolution passed by the city commission, the standing historic district study committee shall meet and do all of the following:

*(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state historic preservation office of the state historical center.*

*(2) Conduct basic research of each proposed historic district and historic resources located within that district.*

*(3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR Part 60, and criteria established or approved by the state historic preservation office of the state historical center.*

*(4)*

*Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:*

*a. The charge of the committee.*

*b. The composition of committee membership.*

*c. The historic district(s) studied.*

*d. The boundaries of each proposed historic district in writing and on maps.*

*e. The history of each proposed historic district.*

*f. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.*

*(5) Transmit copies of the preliminary report for review and recommendations to the city planning board, the state historic preservation office of the Michigan Historical Center, the Michigan Historical Commission, and the state historic preservation review board.*

*(6) Make copies of the preliminary report available to the public pursuant to Section 399.203(4) of Public Act 169 of 1970, as amended.*

*(7) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls.*



*The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.*

*(8) After the date of the public hearing, the committee and the city commission have not more than one year, unless otherwise authorized by the city commission, to take the following actions:*

*a. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the city planning board and the historic district commission, to the city commission as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).*

*b. After receiving a final report that recommends the establishment of a historic district(s), the city commission, at its discretion, may introduce and pass or reject an ordinance(s). If the city commission passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the register of deeds. The city commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.*

*(9) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the historic district commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.*

Thus, to consider the applicant's request for the removal of the historic designation on 361 E. Maple the City Commission may wish to direct the Historic District Study Committee to prepare a report as outlined in Sec. 127-4 of the City Code.

#### SUGGESTED ACTION:

The City Commission approves the attached resolution directing the Historic District Study Committee to prepare a study committee report for 361 E. Maple as outlined in section 127-4 of the City Code.

**361 E. MAPLE  
HISTORIC DESIGNATION ELIMINATION REQUEST  
JULY 24, 2017**

**WHEREAS**, the owner of the Property located at 361 E. Maple have requested that their property be removed as a contributing resource in the Central Business District Historic District within the City of Birmingham,

**WHEREAS**, The land for which the Historic designation is sought is located on the north side of Maple between Park and N. Old Woodward Ave.,

**WHEREAS**, Section 127-5 of the City Code, Historic Districts, requires that the City Commission pass a resolution directing the Historic District Study Committee to prepare a Study Committee Report;

**WHEREAS**, The Birmingham City Commission has reviewed the request of the property owner and has found that a Study Committee Report to determine the historic merit of the structure at 361 E. Maple is warranted;

**NOW, THEREFORE, BE IT RESOLVED**, The Birmingham City Commission directs the Historic District Study Committee to prepare a Study Committee Report as outlined in section 127-4 of the City Code for the property located at 361 E. Maple:

I, Cherilynn Brown, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and, correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 24, 2017.

---

Cherilynn Brown, City Clerk

CITY OF BIRMINGHAM  
MICHIGAN

CITY COMMISSION PROCEEDINGS

OCTOBER 22, 1984

Minutes of a Regular meeting of the Birmingham City Commission held Monday, October 22, 1984, at 8:05 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Appleford, Commissioners Hockman, Jensen, Jeske, Kain, Miller and Sights

Absent: None

Administration:

City Manager - Robert S. Kenning  
City Clerk - Phyllis Armour  
City Attorney - Jon Kingsepp  
City Planner - Bonnie Cook  
City Engineer - William Killeen  
Director of Public Services - Darrel Middlewood  
Chief of Fire - Gary Whitener

8:05

10-1115-84: INTRODUCTION - BASCC COORDINATOR -  
LOIS RYAN

Richard Sneed, President of the Birmingham Area Senior Coordinating Council (BASCC), introduced the new BASCC coordinator, Lois Ryan.

Ms. Ryan thanked the City for its support of the BASCC organization.

8:06

10-1116-84: APPROVAL OF MINUTES - CITY COMMISSION  
MEETING - OCTOBER 15, 1984 - AS SUBMITTED

MOTION: Motion by Sights, supported by Kain:  
To approve the Minutes of the City Commission meeting held October 15, 1984, as submitted.

VOTE: Yeas, 7 Nays, None

8:08

10-1117-84: PUBLIC HEARING RE: CREATION OF CENTRAL  
BUSINESS HISTORIC DISTRICT - SHAIN PARK  
HISTORIC DISTRICT - ADOPT ORDINANCE NO. 1276

Mayor Appleford announced that this was the date and time, as advertised, for a public hearing to consider the adoption of a new Chapter 43, which new chapter will create a Central Business Historic District and a Shain Park Historic District.

Max Horton, Chairman, reviewed the report of the Historic District Commission recommending creation of the historic districts.

Larry Sherman, Chairman of the Planning Board, reviewed the Board's report recommending against the creation of the historic districts.

The City Attorney reviewed his report regarding authority for design controls.

Commissioner Hockman commented that he is employed by a Birmingham developer and questions have been raised regarding the impropriety of his conduct as a commissioner and an individual pertaining to matters before this Commission regarding property in the community; that he believes there will be no impropriety on his part in discussing and making a judgment decision which he feels is in the best interest of the City on the matters under discussion in this hearing. He added that an impropriety does not exist and that he would like to introduce a Motion so that discussion can begin; that he does not want to give the appearance of encumbering the process or tainting the discussion since properties owned by his employer will be part of that discussion, therefore, questioning his propriety in the discussion.

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1276 to create a Central Business Historic District and Shain Park Historic District, not including the Wabeek Building, 256 West Maple; Detroit Edison Company Building, 220 East Merrill, and the Brown Street Centre Building.

Commissioner Jeske stated that she supported the Motion since her son is also employed by the same developer and that she also did not want to give the appearance of encumbering the hearing or tainting the discussion.

MOTION: Motion by Kain, supported by Sights:  
To amend the previous Motion by including all properties recommended by the Historic District Commission for discussion purposes only.

Discussion was held on whether or not discussion by Commissioners Hockman and Jeske on the properties excluded in Commissioner Hockman's Motion would constitute a conflict of interest.

The City Attorney stated that there is no conflict of interest since there is no pecuniary interest.

VOTE ON AMENDMENT: Yeas, 3 Nays, 2 (Appleford, Jensen)  
Abstain, Hockman, Jeske

Commissioners Hockman and Jeske abstained from voting due to a conflict of interest.

AMENDING MOTION FAILED

Discussion was held on the historical value of the buildings proposed for the district.

The following persons spoke in opposition to the creation of the Central Business Historic District: William Wetsman, owner of the Parks Building, 100-116 North Woodward; Bernard Levinson, owner of the Quarton Building, 142 West Maple; Edward Pugh, an attorney acting on behalf of a trust which owns the National Bank Building, 152-176 North Woodward; George Nahas, owner of the O'Neal Building, 106-110 South Woodward; Robert Gwynn, owner of the Johnston-Shaw Building, 112-114 South Woodward; Gay Yankee, owner of the St. Calir Edison Building, 135-159 Pierce; Paul Kurth, owner of Huston Hardware; Lloyd Smith, owner of the Blakeslee Building, 138 West Maple, and Irving Kay, owner of one of the Huston Buildings.

The following persons spoke in support of the creation of the Central Business Historic District: Karen Robinson, 679 Harmon; Christine Barnes, 216 Hawthorne, and Linda Teegarden, President of the Birmingham Historical Society.

Commissioner Kain asked if owners of designated buildings were contacted to assess their feelings regarding the designations.

The City Planner explained that the initial contact was through a report given to the Chamber of Commerce, and that notices of the Historic District Commission and City Commission hearings were sent to owners of buildings and to property owners within 300 feet of the properties.

Commissioner Miller stated that there has been an understanding in the community that this process was taking place, and that property owners should have asked questions when they learned of the proposed historic district.

VOTE: Yeas, 5 Nays, 2 (Kain, Sights)

11:10 P.M. - Meeting recessed

11:20 P.M. - Meeting reconvened

MOTION: Motion by Appleford, supported by Sights:  
To add the Wabeek Building, the Detroit Edison Company and the Brown Street Centre Building properties to Ordinance No. 1276, said ordinance to read as follows:

CITY OF BIRMINGHAM

ORDINANCE NO. 1276

AN ORDINANCE TO AMEND TITLE V, CHAPTER 43, OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. Title V, Chapter 43, Section 5.701, is hereby amended to read as follows:

5.701 Purposes and Definitions.

(1) Purposes. The purposes of this Chapter are:

- (a) to provide for the establishment of historic districts within the City of Birmingham,
- (b) to safeguard the heritage of the City of Birmingham by preserving districts in the City which reflect elements of its cultural, social, economic, political and architectural history,
- (c) to stabilize or improve property values in and adjacent to such districts,
- (d) to promote civic beautification of historic districts.
- (e) to promote the use of local history for the education, pleasure and welfare of the citizens of the City of Birmingham, State of Michigan, and the Nation.

(2) Definitions.

As used in this Chapter, the phrases set forth below shall have the meanings indicated:

- (a) "Historic District" - An area of land or group of areas of land not necessarily having contiguous boundaries designated as a "historic district" by means of an ordinance adopted by the City Commission and which contains one or more landmarks and which may have within its boundaries district resources that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

- (b) "Landmark" - A site, structure or natural feature designated as a "landmark" by means of an ordinance adopted by the City Commission that is worthy of historic preservation because of its historic and/or architectural significance to the City of Birmingham.
- (c) "District Resource" - Any site, structure or natural feature located within an historic district that is not designated as a "landmark".
- (d) "Structure" - Anything constructed or erected which requires location on or in the ground or attachment to something having location on or in the ground including but not limited to buildings, walls, fences, signs and lighting.
- (e) "Historic Preservation" - The protection, rehabilitation, restoration or reconstruction of landmarks.

Section 2. Title V, Chapter 43, Section 5.702, is hereby amended to read as follows:

#### 5.702 Historic Districts

- (1) Mill Pond District - The Mill Pond District shall consist of the following described lands and landmarks in the City of Birmingham.

- (a) Historical Park Landmark

"Willit's Northern", Lot 57

- (b) Baldwin Park Landmark

Part of N.W. 1/4 of Section 36, described as follows:  
Bounded on north by Maple Avenue; on east by Southfield Avenue; on the south and west by "Bird's Addition" and "A. P. No. 12."

A parcel of land in the N.W. 1/4 Section 36, described as: Beginning at a point on the east line of Baldwin Avenue located N 87° 51' 25" E, 279.10 ft. along the north line of said Section 36, and S 3° 31' 35" W, 179.00 ft. along the east line of Baldwin Avenue from the northwest corner of said Section 36; thence southeasterly and upstream 50 ft. more or less along the centerline of a branch of the River Rouge to a point which is located south 3° 31' 35" W, 28.00 ft. along the east line of Baldwin Avenue, and S 61° 54' 35" E. 28.00 ft. from the point of beginning; thence S 61°

54' 35" E, 72.00 ft.; thence N 82° 44' 00" E, 120.00 ft.; thence N 3° 54' 15" E, 127.00 ft.; thence N 87° 50' 50" E, 5.33 ft.; thence N 01° 20' 40" E, 120 ft. more or less to a point on said north line of Section 35; thence N 87° 51' 25" E, 651.20 ft. along said north line of Section 36 to a point; thence S 2° 15' 41" E, 45.73 ft. to a point on the north line of West Maple Avenue; thence westerly along said northerly line of West Maple to the easterly line of Baldwin Avenue. Thence northerly along the easterly line of Baldwin Avenue to the point of beginning.

- (c) John W. Hunter House Landmark - 500 West Maple  
Allen House Landmark - 556 West Maple

Beginning at a point on the south line of Section 25 which is bearing N 87° 51' 25" E, along said south line a distance of 1116.90 ft. from the southwest corner of Section 25; from said point of beginning thence N 1° 54' 25" W, 267.22 ft.; thence N 87° 51' 25" E, 301.44 ft. plus; thence S 1° 35' 30" E, 234.23 ft. plus or minus to the northerly line of Maple Avenue; thence S 87° 44' 19" W, 20.35 ft.; thence on a curve to the left with a radius of 442.25 ft., a central angle of 31° 42' 37", a long chord of 241.70 ft., which bears S 71° 53' 01" W, and an arc of 244.76 ft. to a point; thence S 56° 01' 42" W, 26.96 ft.; thence N 2° 15' 41" W, 45.73 ft.; thence S 87° 51' 25" W, 24.90 ft. plus or minus to the point of beginning.

- (d) Mill Pond Landmark

Land in N.W. 1/4 of Section 36, being covered by the following description except the N 160 ft. thereof as measured on E and W lines bounded on the E by Baldwin Avenue; on the S by Maple Avenue on the W by Replat of Lots 175 to 178 of Q. L. E.; on the N by Whitehead and Mitchell Add.

Lots 1, 2, 3, 4 and Overbrook Drive of Replat of Lots 175 to 178 inclusive and part of lots 179 to 186 inclusive of Quarton Lake Estates Replat of East Park; except lands now platted in "Millrace Park" subdivision. "Waterfall Lane" subdivision, and that portion of Lot 4 lying westerly of the easterly line, as extended of said "Waterfall Lane" subdivision, and lying southerly of Lot 5 of said "Waterfall Lane" subdivision; also excepting lands being used for Maple Avenue right-of-way.



"Quarton Lake Estates" Replat of East Part of "Q.L.E. subdivision". Outlot A, except that part in Millrace Park Subdivision; also "Quarton Lakeside Subdivision" Lots 1 to 6 incl., also lots 4, 5 and 6 of "Millrace Park."

(e) Village Water Works Landmark

"Assessor's Plat No. 12", Lot 7. Also "Birmingham Park Allotment Sub., "Lots 109 and 111.

(f) Chatfield-Hiram Campbell House Landmark - 460 W. Maple

"Willets Addition", all of Lot 11, also the S 20 ft. of Lot 14, except part taken for street right-of-way.

(g) Edward Baldwin House Landmark - 484 W. Maple

Lot 12 and S 16.5 ft. Lot 13 "Willets Addition" and part SW 1/4 Section 25 described as beginning at SW corner Lot 12 "Willets Addition" W 20 ft., N 133 ft., E 20 ft., S 133 ft., on W line Lot 12 and 13 to P.O.B.

(h) Edgar Lamb House Landmark - 487 Willits

N 100 ft. Lot 13, "Willets Addition" and pt. SW 1/4 Section 25 described as beginning at NW corner Lot 13 "Willets Addition", W 20 ft. on straight line, S 100 ft., E 20 ft., N 100 ft. on W line Lot 13 to P.O.B.

(i) Stickney House Landmark - 412 Willits

"Willits Northern", Lot 48

(j) Ebenezer Raynale House Landmark - 300 Warren Court

"Warrens Replat of Lot 45 and part of Lots 46 and 54 Willits Northern Add., " Lot 5.

(k) Benjamin Daniels House Landmark - 372 Harmon

"Assessor's Plat No. 17, a Replat of part of Lot 61 of Willits Northern", Lot 10.

(l) Greenwood Cemetery Landmark

All that parcel of land in the N.W. 1/4 Section 25, described as follows: Beginning at W 1/4 corner Section 25; thence S 8° 14' E, 694.57 ft.; thence N 0° 31' E 498.45 ft.; thence N 83° 15' 30" W, 203.28 ft.; thence N 78° 34' W 487.74 ft.; thence S 1° 46' 30" W, 580.16 ft. to P.O.B.

- (2) Shain Park District - The Shain Park District shall consist of all of the land within the boundaries of said Shain Park District as hereby established on the Historic District Maps which are attached hereto. The Shain Park District shall consist of the following described landmarks in the City of Birmingham.

Municipal Building Landmark - 151 Martin Street

Shain Park Landmark

Baldwin Library Landmark - 300 Merrill Street

Birmingham Community House Landmark - 380 S. Bates

United States Post Office Landmark - 322 Martin

- (3) Merrill, Townsend, Brown District - The Merrill, Townsend, Brown District shall consist of the following described lands and landmarks in the City of Birmingham.

Abigail Carter House Landmark - 415 Merrill Street

"Castle Addition", Lot No.18, except that part taken for road right-of-way.

Irving House Landmark - 439 Merrill

"Castle Addition:", Lot 19

Daisy Benedict House Landmark - 535 Merrill

"Castle Addition", Lots 24 and 25

Hewitt House Landmark - 211 Townsend

"Merrill's Plat", all of Lot 115 and the easterly 35 ft. of Lot 116.

Langley House Landmark - 404 S. Bates (At Townsend)

"Merrill's Plat", Lots 121 and 122

Townsend House Landmark - 339 Townsend

"Merrill's Plat", Lot 123

Toms-Dickinson House Landmark - 464 Townsend

"Castle Addition", Lot 36

Houston-Logan House Landmark - 504-506 Townsend

"Castle Addition", Lot 34

Stewart House Landmark - 505 Townsend

"Castle Addition", Lot 43

Fall House Landmark - 523 Townsend

"Castle Addition", Lot 44 also E 1/2 vacated alley

Schuyler House Landmark - 544 Townsend

"Castle Addition", Lot 32 and W 1/2 vacated alley,  
also E 10 ft. of Lot 31

Cinderella Patch House Landmark - 347 W. Brown

"Assessor's Replat Torrey's, Hood's and Smith Addn.",  
W 60 ft. Lot 19 and 20 as measured on side lot lines.

William Bell House Landmark - 384 W. Brown

"Torrey's Addition", Lots 2, 3 and 4 exc. part taken for  
street widening.

- (4) Bates Street District - The Bates Street District shall consist of the following described lands and landmarks in the City of Birmingham.

United Presbyterian Parsonage Landmark - 539 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn.",  
Lot 49.

Koontz House Landmark - 544 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
E 120 ft. of the N 65 ft. of Lot 21.

Peck House Landmark - 571 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
N 1/2 of W 1/2 of Lot 52

John Hall House Landmark - 584-588 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
E 120 ft. of Lot 23

Major Jones House Landmark - 607 S. Bates

Part of Lot 53 of "Assessor's Replat of part of Torrey's Addition, Hood's Addition and Smith's Addition", commencing at the Southwest corner of said Lot 53, for a point of beginning; thence N 01° 09' 00" E, 86.68 ft. (previously recorded as 86.72 ft.), along the Westerly line of said Lot 53, to the Northwest corner of said Lot 53; thence S 88° 52' 03" E, 121.76 ft., along the Northerly line of said Lot 53; thence S 00° 59' 29" W, 86.70 ft. to the Southerly line of said Lot 53; thence N 88° 51' 30" W, 122.00 ft., along the Southerly line of said 53, to the point of beginning.

John W. Perry House Landmark - 651 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 54.

McBride House Landmark - 668 S. Bates

"McBride Subdivision of the N 261.3 ft. of Lot 29 Wm. Torrey Addn.", Lot 8

- (5) Other Non-Contiguous Districts - These districts shall consist of the following described lands and landmarks in the City of Birmingham.

Hood House Landmark - 555 Stanley

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 9

Grooms House Landmark - 587 Stanley

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 10

Trollop House Landmark - 536 Southfield

"Stanley and Clizbe Sub." The N'ly 13 ft. of Lot 25, said N'ly 13 ft. being 13 ft. as measured on E'ly and W'ly lot lines, also all of Lot 25.

Randall-Latham House Landmark - 1128 Southfield Road

"McCormick Subdivision", Lot 4

Daniels House Landmark - 1128 Pierce

"Place De La Miche'le Subdivision", Lot 1

Eli Wooster House Landmark - 1876 Northlawn

"Assessor's Plat No. 9", S 1/2 of the W 20 ft. of Lot 26,  
also S 1/2 of Lot 27

Schlaak House Landmark - 839 Knox

"H. A. Poppleton's Addition", Lot 5, Block 4

King-Argus House Landmark - 743 West Frank

"Argus Addition", Lot 19 and the easterly 25 feet of  
Lot 18.

Stewart-Watkins House Landmark - 146 Puritan

"Quarton Lake Estates Sub." Lot 277 exc. S 40 ft. thereof,  
all of Lot 278 also pt. of Lot 279 described as beginning  
at SE corner, thence N'ly along E line 8.0 ft.; thence  
W'ly parallel to S line of said Lot 52., thence SW'ly  
8.50 ft. to a pt. on S line of said lot 55 ft. W of SE  
corner said lot, thence E'ly along S line 55.0 ft. to  
P.O.B.

Quarton Homestead Landmark - 1155 Quarton

A parcel of land in Section 26 described as follows:  
beginning at pt. at N line Section 26, said pt. being  
88° 43' W, 405.87 ft. from NE corner of said Section  
26, thence S 1° 30' 45" W, 229.67 ft., thence S 89°  
46' 30" W, 511.36 ft., thence N 1° 51' 30" E, 242.90 ft.  
to N line Section 26, thence S 88° 43' E, along N line  
Section 26, 509.67 ft. to P.O.B.

Birmingham Grand Trunk Western Railroad Depot Landmark - 245  
S. Eton

"A parcel of land located in the N 1/2 Section 31,  
Township of Troy (now City of Birmingham) more  
particularly described as: Beginning at the point on  
the east line of Eton Road (as relocated), said point  
being N 88° 16' 37" W 117.95 ft. along the E-W Section  
line in Maple Road (66 ft. wide) and S 34° 11' 27" E,  
87.17 ft. along the easterly right-of-way line of Eton  
Road (50 ft. wide) extended from the N 1/4 corner of  
said Section 31: thence continuing S 34° 11' 27" E,  
112.57 ft. along said right-of-way line: thence S 1°  
59' 10" West 236.98 ft. along the east line of Eton  
Road; thence S 88° 20' 47" E, 245.76 ft.; thence  
N 33° 44' 54" W., 390.56 ft. parallel and 0.5 ft.  
westerly of an existing concrete retaining wall,

thence S 56° 34' 45" W, 16.90 ft., thence N 33° 36' 11" W., 57.77 ft. to the south line of Maple Road as widened for R.R. bridge (43 ft. = 1/2 R.O.W.); thence N 88° 16' 37" W., 22.56 ft. along said right-of-way; thence S 29° 04' W., 31.10 ft. along the easterly right-of-way of Eton Road as relocated to the point of beginning and containing 1.056 AC. or 45,977 sq.ft. of land, together with the Grand Trunk Western Railroad's right-of-way located immediately adjacent to and north-east of said parcel.

- (6) Central Business District - The Central Business District shall consist of all of the lands within the boundaries of said Central Business District as hereby established on the Historic District maps which are attached hereto.

The Central Business District shall consist of landmarks in the City of Birmingham.

Wabeek Building Landmark - 256 W. Maple

Leonard Building Landmark - 166 W. Maple

Quarton Building Landmark - 142 W. Maple

Blakeslee Building Landmark - 138 W. Maple

Billy McBride Building Landmark - 122 W. Maple

Ford Building Landmark - 101 N. Woodward and  
120 W. Maple

Erity and Nixon Building Landmark - 163-167 N. Woodward

Bell Building Landmark - 191 N. Woodward

Schlaack Building and Huston Building 1916 Landmark -  
205 - 219 N. Woodward

Huston Building 1923 Landmark - 237-243 N. Woodward

National Bank Building Landmark - 152-176 N. Woodward

Wooster Building Landmark - 132-136 N. Woodward

Parks Building Landmark - 100-116 N. Woodward

Madison Building Landmark - 297-323 E. Maple

Hawthorne Building Landmark - 361 E. Maple

Shain Townhouses Landmark - 378, 386, 390 E. Maple &  
112, 120, 124 Brownell

Briggs Building Landmark - 111 S. Woodward

Birmingham Theater Building Landmark - 211 S. Woodward

Ford-Peabody Mansion Landmark - 325 S. Woodward

Detroit Edison Building Landmark - 220 E. Merrill

D.U.R. Waiting Room Landmark - 138 S. Woodward

McBride Building Landmark - 124 - 128 S. Woodward

Johnston-Shaw Building Landmark - 112-114 S. Woodward

O'Neal Building Landmark - 106-110 S. Woodward

St. Clair Edison Building Landmark - 135 - 159 Pierce

Telephone Exchange Building Landmark - 148 Pierce

Bigelow-Shain Building Landmark - 115 W. Maple

Field Building Landmark - 135-141 W. Maple

Section 3. Title V, Chapter 43, Section 5.703 is hereby amended to read as follows:

#### 5.703 Boundaries

- (1) The boundaries of the Shain Park Historic District and the Central Business Historic District are hereby established as shown on the maps which are attached hereto. Said maps with all notations, references, and other information shown thereon shall hereby be incorporated herein and shall be a part of this Chapter. Unless otherwise shown, the boundaries of these Districts shall be lot lines, and centerlines of streets or alleys or such lines extended. The boundaries of all other Historic Districts shall be as legally described in Section 5.702.
- (2) The boundaries of the Historic District may be changed from time to time so as to add lands to the District or delete lands therefrom, such changes to be made by means of an Ordinance adopted by the City Commission after giving consideration to a report and recommendation of the Planning and Historic District Commission.

Section 4. Title V, Chapter 43, Section 5.704 is hereby amended to read as follows:

5.704 Landmarks

The City Commission shall from time to time designate by Ordinance landmarks which are within an Historic District and are determined to be landmarks within the definition thereof as set forth in this Chapter, such designation to be made by the City Commission after giving consideration to a report and recommendation of the Planning and Historic District Commission.

Section 5. Title V, Chapter 43, Section 5.705 is hereby amended to read as follows:

5.705 Public Hearings and Notice

- (1) No Ordinance shall be adopted establishing or altering the boundaries of an Historic District until the City Commission has held a public hearing at which the proposed Ordinance is considered, notice of which hearing shall be given to all persons owning land within the proposed District or proposed to be added to or deleted from the District in the manner hereinafter provided as the owners of such land appear upon the tax assessment rolls of the City.
- (2) No Ordinance shall be adopted designating a landmark until the City Commission has held a public hearing at which the proposed Ordinance is considered, notice of which hearing shall be given to the owner(s) of the landmark as the owner(s) of such landmark appear upon the tax assessment rolls of the City.
- (3) The notices required by Subsections (1) and (2) above shall be given by publication at least once in a newspaper having general circulation within the City at least 15 days prior to the date of the hearing and by regular mail addressed to each owner as such address appears on the City tax assessment rolls at least seven (7) days prior to the date of the hearing.



Section 6. Title V, Chapter 43, Section 5.706 is hereby amended to read as follows:

Historic District Review

- (1) Before any construction, alteration, repair, moving or demolition affecting the exterior appearance of a landmark or district resource is made within an Historic District, other than those changes authorized in Section 5.707 below, the person proposing to construct or make such changes shall secure a Certificate of Approval from the Planning and Historic District Commission. Application for such approval may be filed with the Birmingham Planning Department. The application, together with plans pertaining thereto, shall be referred to the Planning and Historic District Commission.

It shall be the duty of the Planning and Historic District Commission to review such plans and applications and no permit shall be granted until the Planning and Historic District Commission has acted thereon as hereinafter provided.

- (2) In reviewing plans for changes to a landmark, the Planning and Historic District Commission shall give consideration to:
  - (a) the historical or architectural value and significance of the landmark and its relationship to the historical value of the surrounding area,
  - (b) the relationship of the exterior architectural or historical features of such landmark to the rest of the subject site and to the surrounding area,
  - (c) the general compatibility of the exterior design, arrangement, texture and materials proposed to be used. and

- (d) any other factor, including aesthetic, which it deems to be pertinent including:
    - (i) the preservation standards which the Planning and Historic District Commission shall adopt and maintain for landmarks in each historic district in the City.
- (3) In reviewing plans for changes to a district resource, the Planning and Historic District Commission shall determine the following:
  - (a) The site layout, orientation and location of all buildings, their relationship to one another and adjacent buildings and to open space is such as to not adversely affect the use, appearance or value of adjacent properties.
  - (b) The location and definition of pedestrian and vehicular areas are such as to not interfere with or be hazardous to pedestrian and vehicular traffic.
  - (c) The total design, including but not limited to colors and materials of all walls, screens, towers, opening windows, signs, as well as treatment to be utilized in concealing any exposed mechanical or electrical equipment, is compatible with the intent of the Urban Design Plan or such future modifications of that Plan as may be approved by the Commission of the City, and
  - (d) The standards which the Planning and Historic District Commission shall adopt and maintain for district resources in each historic district in the City.
- (4) The review of plans for changes affecting the exterior appearance of a landmark shall be based upon the Secretary of the Interior's "Standards for Rehabilitation" as follows:

- (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced. wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
  - (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
  - (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (5) The Planning and Historic District Commission shall pass only on exterior features of a landmark or district resource and shall not consider interior arrangements, except for public resources specifically authorized to do so by the City Commission. The Planning and Historic District Commission shall disapprove applications only on the basis of the considerations set forth in subsections 5.706(2), (3) and (4) above.
- (6) In case of an application for repair or alteration affecting the exterior appearance of a landmark or district resource or for its moving or demolition which the Planning and Historic District Commission deems so valuable to the City, State or Nation that the loss thereof will adversely affect the public purpose of the City, State or Nation, the Planning and Historic District Commission shall endeavor to work out with the owner an economically feasible plan for preservation of the landmark or district resource.
- (7) An application for repair or alteration affecting the exterior appearance of a landmark or for its moving or demolition shall be approved by the Planning and Historic District Commission if any of the following conditions prevail and if the Planning and Historic District Commission determines that the proposed changes will materially improve or correct these conditions:
- (a) the landmark constitutes a hazard to the safety of the public or the occupants
  - (b) the landmark is a deterrent to a major improvement program which will be of substantial benefit to the community

- (c) retention of the landmark would cause undue financial hardship to the owner
  - (d) retention of the landmark would not be in the interest of the majority of the community.
- (8) The Planning and Historic District Commission shall file with the Building Department its Certificate of Approval or rejection of the application submitted to it for review. The Planning and Historic District Commission shall transmit a record of its action to the applicant and in the event of rejection, the Planning and Historic District Commission shall set forth the reasons for rejection. No work shall begin until the Certificate granting approval is filed with the Building Department. In the event the application is rejected, the Building Official shall not issue any required permits. The failure of the Planning and Historic District Commission to act within sixty (60) days after the date on which the application was filed with the Planning Department shall be deemed to constitute approval unless the applicant and the Planning and Historic District Commission mutually agree to an extension of such period.
- (9) In instances where a landmark or district resource is located in a zone district requiring site plan review, design review or exterior appearance review under Chapter 39 of the City Code, such review shall not be required or undertaken.

Section 7. Title V, Chapter 43, Section 5.707 is hereby amended to read as follows:

5.707 Planning Department Approval

Departmental approval of changes within a district is authorized in those instances where the proposed work will have a minimal impact on the historical significance of the landmarks and district resources therein. The Planning and Historic District Commission shall adopt and maintain a list of those changes which require only Planning Department approval and adopt standards for those changes. Examples of changes requiring only Department approval include painting a previously painted surface to a similar color, changing or adding mechanical equipment that is not readily visible to the public, changes in the public right-of-way, and maintenance or repair of buildings or structures.

Section 8. Title V, Chapter 43, Section 5.708 is hereby amended to read as follows:

#### 5.708 Maintenance of Historic Landmarks and District Resources

- (1) Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any landmark or district resource.
- (2) The exterior of every landmark or district resource shall be so maintained by the owner or person in control thereof so as to preserve the character of its District, promote the purposes of this Chapter and so as not to have a detrimental effect upon the District.
- (3) Neglect of a landmark resulting in serious health or safety hazards shall constitute demolition by neglect and shall be a violation of the Birmingham City Code.

Section 9. Title V, Chapter 43. Section 5.709 is hereby amended to read as follows:

#### 5.709 Grants and Gifts.

The City Commission may accept grants from the State of Michigan or from the Federal Government for historical restoration purposes. It may accept public or private gifts for historical purposes. It may make the Planning and Historic District Commission its duly appointed agent to accept and administer grants and gifts for historical preservation purposes.

Section 10. Title V, Chapter 43, Section 5.710 is hereby added to read as follows:

#### 5.710 Acquisition of Property.

If all efforts by the Planning and Historic District Commission to preserve an Historic landmark fail, or if it is determined by the Historic District Commission and the Historical Board that public ownership is most suitable, the City Commission, if deemed to be in the public interest, may acquire such property using public funds, gifts for historical purposes, grants from the State or Federal governments for acquisitions of historic properties or proceeds from revenue bonds issued for historical preservation purposes. Such acquisitions may be made after receiving and considering the recommendations of the Planning and Historic District Commission and the Historical Board. Commencing January 1, 1977, the Planning and Historic District Commission shall have responsibility for the maintenance of publicly owned historic structures using its own funds, if not specifically earmarked for other purposes, or those public funds committed

for this use by the City Commission, unless specifically directed to delegate maintenance of any such structure to the Historical Board by the City Commission. An account of all receipts and expenditures shall be maintained which shall be a public record and property of the City.

Section 11. Title V, Chapter 43, Section 5.711 is hereby added to read as follows:

5.711 Recording Notice of District Designations.

Within thirty (30) days after any land has been designated under this Chapter as part of an Historic District or has been removed from such a designation by the City Commission, the City Manager shall cause a document to be recorded with the Oakland County Register of Deeds describing such land and indicating that it has been included within or deleted from an Historic District pursuant to the provisions of the Birmingham City Code.

Section 12. Title V, Chapter 43, Section 5.712 is hereby added to read as follows:

5.712 Appeals

Any persons jointly or severally aggrieved by a decision of the Planning and Historic District Commission shall have the right of appeal to the Board of Zoning Appeals or to Circuit Court.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

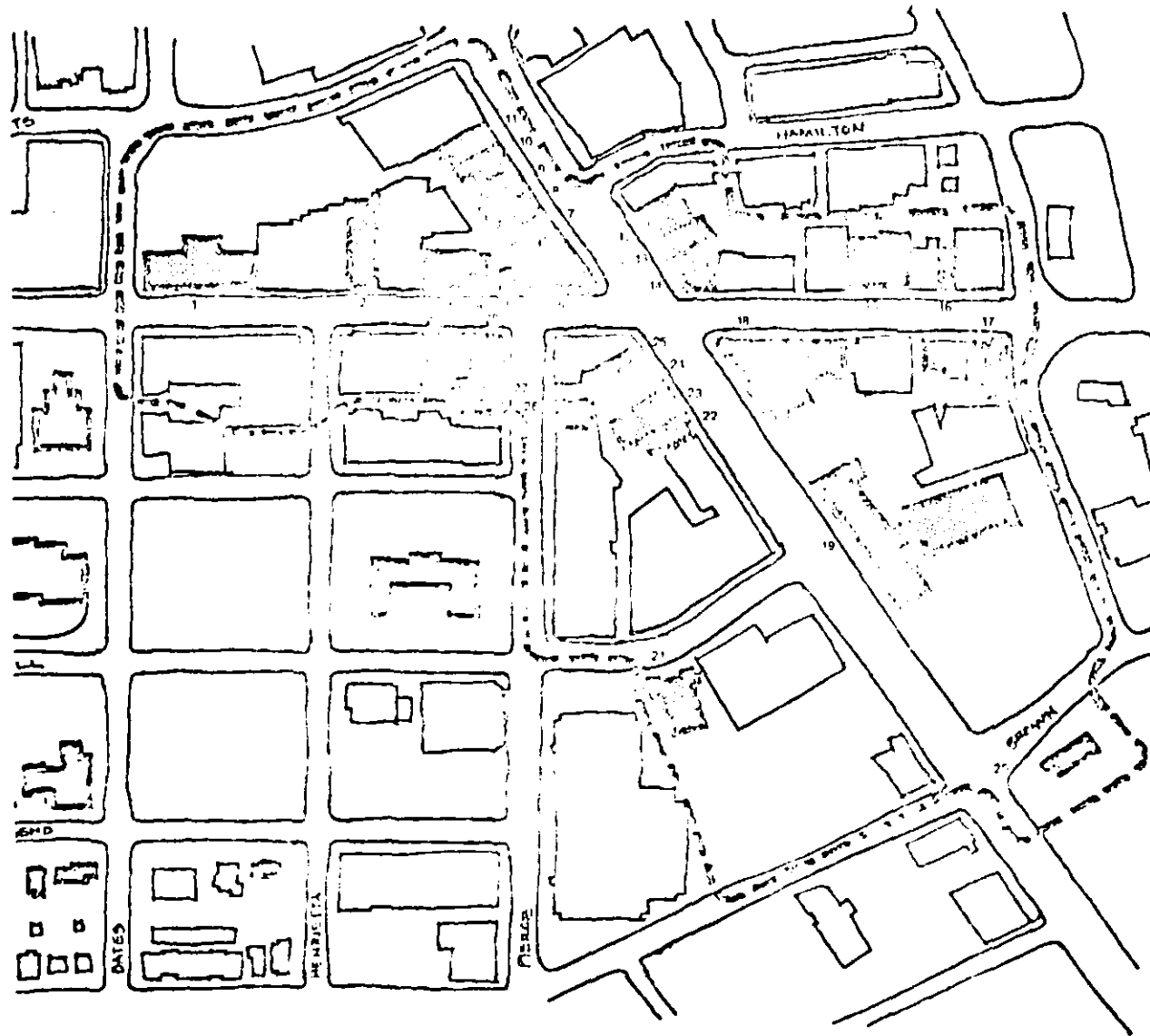
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

BBC/sf  
Rev. 10/2/84

VOTE: Yeas, 4 Nays, 1 (Kain) Abstain, Hockman, Jeske  
Commissioner Hockman and Jeske abstained from voting because of a conflict of interest.

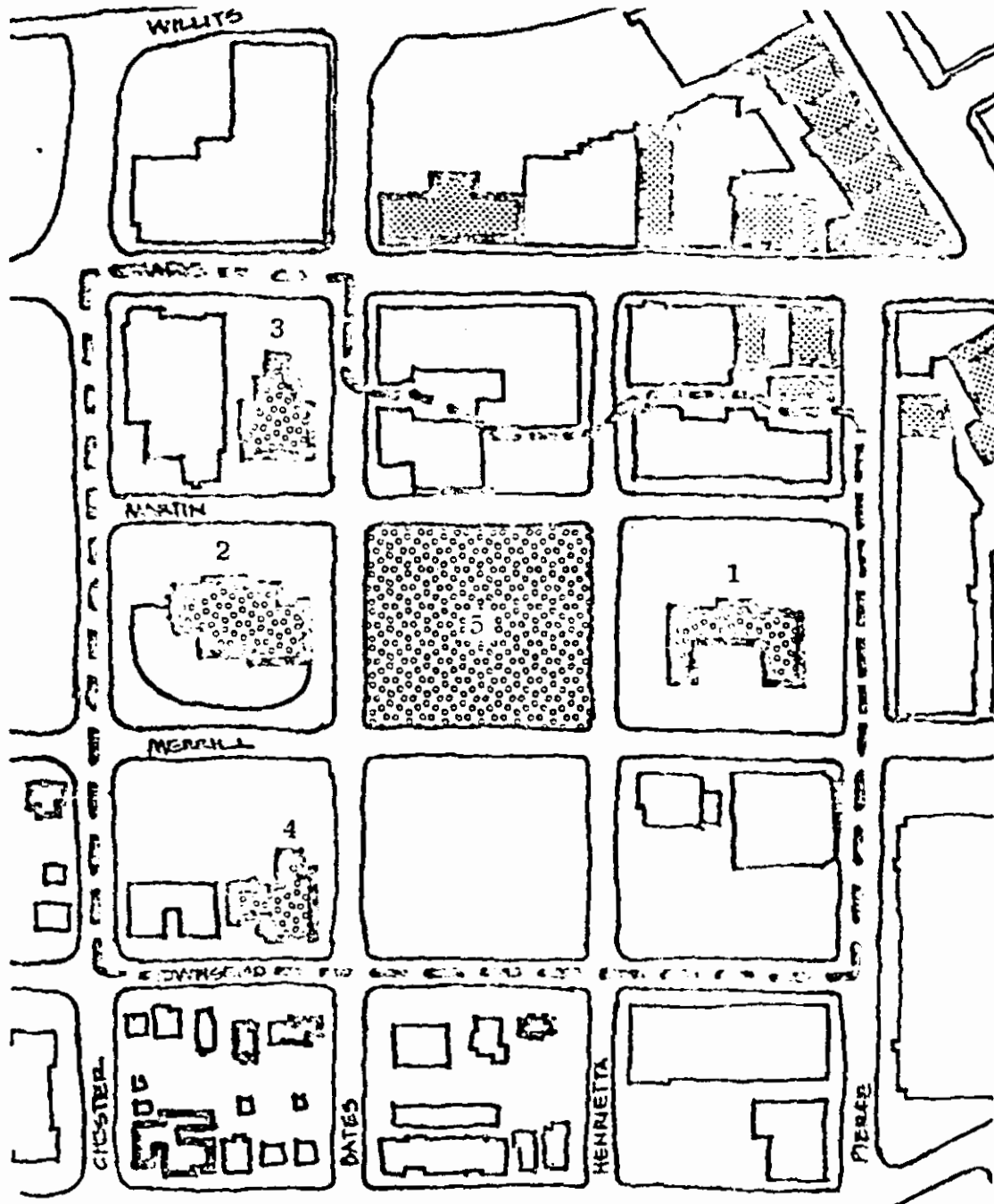
# Central Business Historic District



1. Wabek Building - 255 W. Maple
2. Leonard Building - 165 W. Maple
3. Quarton Building - 142 W. Maple
4. Blakeslee Building - 138 W. Maple
5. Billy McBride Building - 122 W. Maple
6. Ford Building - 101 N. Woodward and 120 W. Maple
7. Erity and Nixon Building - 163-167 N. Woodward
8. Bell Building - 191 N. Woodward
9. Schlaack Building - 205-219 N. Woodward
10. Huston Building 1916 - 205-219 N. Woodward
11. Huston Building 1923 - 237-243 N. Woodward
12. National Bank Building - 152-176 N. Woodward
13. Wooster Building - 132-136 N. Woodward
14. Parks Building - 100-116 N. Woodward
15. Madison Building - 297-323 E. Maple
16. Hawthorne Building - 361 E. Maple
17. Shain Townhouses - 378, 386, 390 E. Maple & 112, 120, 124 Brownell
18. Briggs Building - 111 S. Woodward
19. Birmingham Theatre Building - 211 S. Woodward
20. Ford-Peabody Mansion - 325 S. Woodward
21. Detroit Edison Company - 220 E. Merrill
22. D.U.R. Waiting Room - 138 S. Woodward
23. McBride Building - 124-128 S. Woodward
24. Johnston-Shaw Building - 112-114 S. Woodward
25. O'Neal Building - 106-110 S. Woodward
26. St. Clair Edison Building - 135-159 Pierce
27. Old Telephone Exchange Building - 148 Pierce
28. Bigelow-Shain Building - 115 W. Maple
29. Field Building - 135-141 W. Maple



# Shain Park Historic District



1. Municipal Building - 151 Martin
2. Baldwin Public Library - 300 Merrill
3. United States Post Office - 322 Martin
4. Birmingham Community House - 380 South Bates
5. Shain Park - Bounded by Martin, Merrill, Bates and Henrietta

11:26

10-1118-84: PUBLIC HEARING - COMBINE PLANNING BOARD  
AND HISTORIC DISTRICT COMMISSION INTO  
PLANNING AND HISTORIC DISTRICT COMMISSION -  
ADOPT ORDINANCE NUMBERS - 1277, 1278, 1279  
AND 1280

Mayor Appleford announced that this was the date and time, as advertised, for a public hearing to consider amendments to the Code of the City of Birmingham to combine the existing Planning Board and Historic District Commission into one combination Planning and Historic District Commission which would have all of the duties and responsibilities of the existing two groups.

The City Planner reviewed her report re: Creation of a New Planning and Historic District Commission.

Larry Sherman, Chairman of the Planning Board, reviewed his report recommending that the Planning Board and Historic District Commission not be combined into one board.

Commissioner Jensen stated that he questioned the advisability of combining the two boards.

Referring to Item No. 3 in Mr. Sherman's report, Commissioner Jeske stated that she felt that the Special Land Use process should be retained by the City Commission. She added that she supported a two-step process for the Certificate of Approval, but that the first step should be informal.

Mr. Tomasik commented that flexibility should be granted to the board as to whether one or two reviews are required.

Commissioner Jeske suggested that the Historical Board might assume the research of historical residences.

Christine Bernhard, 1253 Yosemite, and Mildred Wesch, 1550 Lakeside, spoke in opposition to combining the two boards.

George Nahas, owner of the O'Neal Building and a Birmingham resident, spoke in support of combining the two boards.

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1277 as follows:

ORDINANCE NO. 1277

AN ORDINANCE TO AMEND TITLE I, CHAPTER 3,  
OF THE CODE OF THE CITY OF BIRMINGHAM

THE CITY OF BIRMINGHAM ORDAINS:

Title I, Chapter 3, Section 1.114 is hereby amended to read as follows:

1.114. Planning Department. The Planning Department shall be headed by the Planning Director who shall make the necessary studies and surveys of matters relating to City growth and development, advise the Manager as to the implimentation of the City plan, furnish technical advice and assistance in planning and

zoning matters and furnish such information and data to the City Planning Board AND HISTORIC DISTRICT COMMISSION as it may require in the performance of its duties and functions.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1278 as follows:

ORDINANCE NO. 1278

AN ORDINANCE TO AMEND SECTIONS 5.32; 5.40; 5.48; 5.57; 5.66; 5.76; 5.81; 5.86; 5.96; 5.105; 5.114; 5.123; 5.132; 5.250 AND SUBSECTIONS 5.16(1); 5.24(1),(2),(3),(5),(9),(11); 5.58(3),(8); 5.67(1); 5.102(6); 5.124(2); 5.188(1); 5.190(6); 5.191(2),(3),(3a),(3b), (3c), (3d),(4b),(5),(6a),(6b); 5.192(2),(3ai),(3aiv),(3b),(3c),(3d),(4),(5); 5.193(2a),(4); 5.194(8b); 5.205(2ci); 5.215(2),(3f), OF TITLE V, CHAPTER 39, OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. The names "City Planning Board" "Planning Board" or "the Board" are hereby amended to read "Planning and Historic District Commission" in the following:

Subsections 5.16(1); 5.24(1),(2),(3),(5),(9),(11)  
Sections 5.32; 5.40; 5.48; 5.57  
Subsections 5.58(3),(8)  
Section 5.66  
Subsection 5.67(1)  
Sections 5.76; 5.81; 5.86; 5.96  
Subsection 5.102(6)  
Sections 5.105; 5.114; 5.123  
Subsection 5.124(2)  
Section 5.132  
Subsections 5.188(1); 5.190(6); 5.191(3),(3a) (3b),(3c), (3d),(4b),(5),(6a),(6b); 5.192(2),(3ai),(3aiv),(3b),(3c), (3d),(4),(5); 5.193(4); 5.194(8b); 5.205(2ci); 5.215(2), (3f)  
Section 5.250

Section 2. Subsection 5.191(2) is hereby amended to read as follows:

- (2) Developments requiring site plan review. EXCEPT FOR PROPERTIES LOCATED WITHIN HISTORIC DISTRICTS DESIGNATED UNDER CHAPTER 43 OF THE CITY CODE, the following PROPERTIES AND types of developments require site plan review:

- (a) Single family cluster developments
- (b) Accessory buildings in all zone districts except single family
- (c) Attached single family residential (R-8)
- (d) Two family residential (R-4)
- (e) Multiple family residential (R-5, R-6, R-7)
- (f) Neighborhood business (B-1)
- (g) General business (B-2)
- (h) Office-residential (B-3)
- (i) Business-residential (B-4)
- (j) Office (O-1)
- (k) Office commercial (O-2)
- (l) Parking (P) and all off-street parking facilities in any zone district except in a district zoned single family residential when the area thereof accomodates three (3) or less vehicles.

Section 3 Subsection 5.193(2)(a) is hereby amended to read as follows:

- (a) In instances where Design Review is required by the provisions of Section 5.192 OR A CERTIFICATE OF APPROVAL IS REQUIRED BY CHAPTER 43, a permit shall not be required, but the Planning Board AND HISTORIC DISTRICT COMMISSION, prior to authorizing the issuance of the building permit pursuant to Section 5.192(5), shall first determine that the information required to be submitted by this section has been received and that provisions of this section have been fulfilled.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1279 with revisions suggested by the Planning Board to Section 5.405 and Section 5.406.

MOTION AND SUPPORT WITHDRAWN

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1279 with revision suggested by the Planning Board to Section 5.406 as follows:

#### ORDINANCE NO. 1279

AN ORDINANCE TO AMEND TITLE V, CHAPTER 40,  
OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. The title of Chapter 40, is hereby amended to read as follows:

## CHAPTER 40 PLANNING AND HISTORIC DISTRICT COMMISSION

Section 2. Section 5.401 is hereby amended to read as follows:

### 5.401. Planning and Historic District Commission

There is hereby created the Birmingham Planning and Historic District Commission which shall consist of seven (7) members whose residences are located in the City of Birmingham. Members shall be appointed by the City Commission for terms of office of three (3) years except that two (2) members of the first Commission shall be appointed to serve for the term of one (1) year, two (2) for the term of two (2) years and three (3) for a term of three (3) years. All members shall hold office until their successors are appointed. Members of the Planning and Historic District Commission shall be eligible for reappointment. A vacancy occurring in the membership of the Planning and Historic District Commission for any cause shall be filled by a person appointed by the City Commission for the duration of the unexpired term.

At least two (2) members of the Planning and Historic District Commission shall be appointed from a list of citizens submitted by a duly organized and existing preservation society or societies, at least one (1) member shall be an architect duly registered in this state, if such person is available for appointment (at least one (1) member shall be an owner of property in one of the Historic Districts, if such person is available for appointment) and the other members shall represent insofar as possible, (the legal profession, the financial or real estate professions, and planning or design professions).

All members of the Planning and Historic District Commission shall serve without compensation. The City Manager, City Engineer and City Planner or the authorized representatives of any of them, shall be members ex-officio of the Planning and Historic District Commission, and shall have all rights of membership thereon except the right to vote.

Section 3. Section 5.402 is hereby amended to read as follows:

### 5.402. Removal.

Members of the Planning and Historic District Commission may, after a public hearing, be removed for cause.

Section 4. Section 5.403 is hereby amended to read as follows:

### 5.403. Organization and Meetings.

The Planning and Historic District Commission shall, from its appointed members, elect a chairman and a vice-chairman whose terms of office shall be fixed by the Planning and Historic District Commission. The chairman shall preside over the Planning and Historic District Commission and shall have the right to vote. The vice-chairman shall, in the case of the absence or disability of the chairman, perform the duties of the chairman. The City Planner, or his or

her authorized representative shall act as secretary of the Planning and Historic District Commission and shall keep a record of all of its proceedings.

At least four (4) members of the Planning and Historic District Commission shall constitute a quorum for the transaction of its business. The Planning and Historic District Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings. The Planning and Historic District Commission shall provide for the calling of special meetings by the chairman or by at least two (2) members of the Planning and Historic District Commission. The Planning and Historic District Commission shall adopt rules for the transaction of its business, and shall keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the City Commission and to the public upon request.

All meetings of the Planning and Historic District Commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the Planning and Historic District Commission makes its decision.

The concurring affirmative vote of four (4) members of the Planning and Historic District Commission shall be required for approval of plans before it for review or for the adoption of any resolution, motion or other action by the Planning and Historic District Commission.

Section 5. Section 5.404 is hereby amended to read as follow:

5.404. Assistance.

The Planning and Historic District Commission may call upon the City Manager for such services and data by the various departments as it may require. The Planning and Historic District Commission may recommend to the City Commission the securing of such professional and consulting services as it may require, provided, however, that no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the City Commission.

Section 6. Section 5.405 is hereby amended to read as follows:

5.405. Duties.

It shall be the function and duty of the Planning and Historic District Commission to advise the City Commission in regard to the proper development of the City of Birmingham. The Planning and Historic District Commission is authorized to advise with and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City of Birmingham. The Planning and Historic District Commission is authorized to prepare a recommendation for the physical development of the municipality, either in its entirety, or in part. Such recommendation, together with accompanying maps, plats,

charts and descriptive matter, shall show the Planning and Historic District Commission suggestions for the development of such territory. Said Planning and Historic District Commission is also authorized to recommend for the guidance of the City Commission, amendments to the City Code relating to the control of the height, area, bulk, location and use of buildings and premises. Said commission is also authorized to recommend for the guidance of the City Commission, amendments to the City Code relating to the control and development of lands within Birmingham's historic districts. The Planning and Historic District Commission may from time to time, amend, extend or add to such recommendations, and the same shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs. The Planning and Historic District Commission may hold such public meetings and/or hearings from time to time, as it may deem advisable or necessary in connection with the proper performance of its functions hereunder.

Not later than the first day of April in each year, the Planning and Historic District Commission shall prepare and submit to the City Manager, a tentative outline of its program for the ensuing year. Joint meetings of the City Commission and of the Planning and Historic District Commission, shall be held at least quarterly at a time to be designated by the Mayor, and it shall be the duty of the Mayor to call such meeting in accordance with the provisions hereof.

Section 7. Section 5.406 is hereby amended to read as follows:

5.406. Reviews and Recommendations.

The Planning and Historic District Commission shall have the responsibility for Site Plan Review, Design Review and Exterior Appearance Review as outlined in Chapter 39 of the City Code. The Planning and Historic District Commission shall have the responsibility to review and issue Certificates of Approval or rejection for changes within Birmingham's historic districts. It shall be the function of the Planning and Historic District Commission to pass upon all matters referred to it by the City Commission and to give to the City Commission the benefit of its judgement with relation to such matters so referred. Matters so referred may include, but not be restricted to, requests for change of zoning, request for closing, opening or altering a street, or an alley, requests for issuing building permits, and any other matters which bear relation to the physical development or growth of the municipality. When any recommendation has been made by the Planning and Historic District Commission, the same shall be referred to the City Commission or other appropriate City boards.

Section 8. Section 5.407 is hereby deleted.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1280 as follows:

ORDINANCE NO. 1280

AN ORDINANCE TO AMEND TITLE VIII, CHAPTER 79,  
SECTION 8.4(113.10) OF THE CODE OF THE CITY  
OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Title VIII, Chapter 79, Section 8.4(113.10) is hereby  
amended to read as follows:

113.10. Planning Board AND HISTORIC DISTRICT  
COMMISSION APPROVAL.

Each application for a permit to erect or remodel  
a building within the City of Birmingham may,  
at the discretion of the Building Official,  
be referred to the Planning AND  
HISTORIC DISTRICT COMMISSION for review. All  
plans for buildings, other than single family  
residences shall be submitted to the  
Planning AND HISTORIC DISTRICT COMMISSION  
by the Building Official prior to issuance of  
a permit.

ORDAINED this 22nd day of October, 1984, by the Commission  
of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To designate December 1, 1984, as the effective date for the  
foregoing ordinances.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Hockman, supported by Jeske:  
To request the Birmingham Historical Society to provide a  
list of nominees for the newly created Planning and Historic  
District Commission, with resumes for each nominee, said  
list to be submitted within two weeks, and to urge that the  
list contain more than two names.

VOTE: Yeas, 7 Nays, None

11:35

10-1119-84: COMMUNICATIONS RE: PROPOSED  
HISTORIC DISTRICTS

Communications regarding the proposed historic districts  
were received from the following: Michigan History Division  
of the Department of State in support of the historic  
districts; Robert Gwynn, in opposition to the Central Business  
Historic District; Charles Clippert, on behalf of Maplewood  
Associates, in opposition to the Central Business Historic  
District.



11:35

10-1120-84: LEONARD MAZOR - GRIEVANCE RE: SERGEANT  
PROMOTIONS - JOSEPH SEDANO/TRACY MAYES  
Communication dated October 18, 1984, received from Leonard  
Mazor, Attorney, advising that Joseph Sedano and Tracy  
Mayes withdrew their grievance on sergeant promotions  
scheduled for hearing on October 22, 1984.

11:35

10-1121-84: MEETING OPEN TO THE PUBLIC  
William Brownfield, Managing Director of the Chamber of  
Commerce, invited City Commissioners and City Department  
Administrators to a dedication of the Chamber Flag Pole  
on October 29, 1984, at 10:00 A.M.

11:37

10-1122-84: RESIDENTIAL LEAF COLLECTION  
Report received from the Director of the Department of  
Public Services and the City Manager re: Residential Leaf  
Collection.

11:37

10-1123-84: BID AWARD - PURCHASE OF FERTILIZER  
MOTION: Motion by Kain, supported by Sights:  
To receive the report of the Director of the Department of  
Public Services and the City Manager recommending that the  
bid for purchase of fertilizer for application in City  
parks and Greenwood Cemetery be awarded to the low bidder,  
L and E Distributors, in the amount of \$2,461.20; to concur  
in the recommendation as submitted.

VOTE: Yeas, 7 Nays, None

11:37

10-1124-84: BID AWARD - LARGE TREE PURCHASES  
MOTION: Motion by Jeske, supported by Hockman:  
To receive the report of the Director of the Department of  
Public Services and the City Manager recommending that  
large street trees requested by residents for fall or  
spring planting be purchased from low bidders as follows:

Wade & Gatton Nurseries, Belleville, Ohio:

2 Tulippoplar 2 1/2-3" B & B @	@ \$100.	\$ 200.
2 Tulippoplar 4" B & B	@ \$250.	500.
6 Emerald Queen Norway Maple 4 1/2-5" B&B @	@ \$250.	1500.
3 Emerald Queen Norway Maple 3 1/2-4" B&B @	@ \$150.	450.
1 Marshall's Seedless Green Ash 5" B&B	@ \$300.	300.
4 Bowhall Red Maple 5" B&B	@ \$250.	1000.
1 Shademaster Honeylocust 4 1/2-5" B&B	@ \$250.	250.
Total		\$4200.

George Yount Nursery, Oak Park, Michigan

1 Gerling Red Maple 3-3 1/2" B & B	@ \$150.	\$ 150.
------------------------------------	----------	---------

VOTE: Yeas, 7 Nays, None

11:38

10-1125-84: ACLU VS CITY OF BIRMINGHAM  
MOTION: Motion by Kain, supported by Jeske:  
To receive the report of the City Attorney re: ACLU vs City  
of Birmingham; to grant permission to the American Jewish  
Congress to file an amicus curiae in support of the appellees  
in the aforementioned matter.

VOTE: Yeas, 7 Nays, None

11-38

10-1126-84: POLICIES RE: ISSUANCE OF MONTHLY  
PARKING PERMITS

MOTION: Motion by Hockman, supported by Miller:

To receive the report of the Advisory Parking Committee recommending that a deposit of \$20.00 be required from persons wishing to be on a waiting list for City parking facilities, said deposit to be refunded upon cancellation of the permit or withdrawal from the waiting list, or to be forfeited upon non-payment of the monthly fee, and that the deposit be effective immediately for new permit holders and new waiting list applicants, and effective January 1, 1985, for all current permit holders and those now on waiting lists; that a \$5.00 replacement fee be charged for a lost or damaged magnetic parking card; to concur in the recommendation as submitted.

VOTE: Yeas, 6 Nays, None Abstain, Kain

Commissioner Kain abstained from voting because of a conflict of interest.

MOTION: Motion by Kain, supported by Sights:

To concur in the recommendation of the Advisory Parking Committee that the policy of issuing permits to individuals only be reaffirmed, and that existing permits be converted to an individual basis.

MOTION: Motion by Appleford, supported by Sights:

To table the previous Motion for one week.

VOTE: Yeas, 6 Nays, 1 (Jensen)

12:45

10-1127-84: APPROVAL OF WARRANTS

MOTION: Motion by Miller, supported by Sights:

That the Warrant List dated October 18, 1984, less payment of \$329.90 to Muellers, and less payment of \$625.00 to Thornton and Grooms, for an amended amount of \$358,413.31, having been audited and approved by the Director of Finance, be approved for payment.

VOTE: Yeas, 7 Nays, None

12:46

10-1128-84: GENERAL BUSINESS

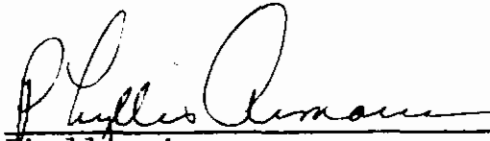
MOTION: Motion by Jeske, supported by Miller:

To schedule a Closed Meeting for November 12, 1984, at 7:00 P.M., in the Conference Room, to discuss labor negotiations.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Commissioner Jeske to adjourn

Meeting adjourned at 12:47 A.M., Tuesday, October 23, 1984.

  
Phyllis Armour  
City Clerk

124 Peabody

Birmingham

Michigan

48009

CHRISTOPHER J LONGE AIA  
ARCHITECTURE

Matthew Baka, Senior Planner  
c/o City of Birmingham  
151 Martin Street  
Birmingham, Michigan 48009

July 5, 2017

Re: 361 East Maple Road  
Historic designation

Matthew;

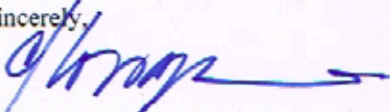
As you know we have submitted design drawings for Final Site Plan and Design Review.

At this time we are (will be) respectfully requesting that the Hawthorne Building @ 361 East Maple Road be 'un-designated' as Locally Designated Historic Building since the building itself is not significant in the way previously defined (see the attached documents) and should alternatively be considered a 'non-contributing resource'.

We are therefore requesting that the Planning board application be processed. We will make the proper application to the HDC at the appropriate time.

Should there be any questions regarding this request – please give me a call.

Sincerely,



Christopher J. Longe, AIA

T 248 258 6940

F 248 258 5568





## **361 EAST MAPLE THE HAWTHORNE BUILDING**

**CITY OF BIRMINGHAM • OAKLAND COUNTY • MICHIGAN**

**REPORT IN CONSIDERATION OF DE-DESIGNATION AS LANDMARK**  
**FINNICUM BROWNLIE ARCHITECTS**

**JANUARY 8, 2017**



FINNICUM BROWNLIE ARCHITECTS

January 8, 2018

Ms. Amy Arnold  
Preservation Planner  
Local Districts  
Michigan State Historic Preservation Office  
735 East Michigan Avenue  
Lansing, MI 48912

Historic District Study Committee  
c/o Matthew Baka,  
Senior Planner  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

Re: Proposed de-designation of Hawthorne Building  
361 East Maple Road, Birmingham MI 48009

Dear Ms. Arnold and Committee Members,

The City of Birmingham Historic District Study Committee issued a report in response to a request to de-designate The Hawthorne Building, 361 East Maple, a locally designated landmark structure Central Business Historic District. Given my over 40-year career as an historic architect (please see attached Curriculum Vitae) the owner of the property has requested I provide additional information that bears on the matter.

A recommendation to de-designate a landmark structure can be made by the Historic District Study Committee if one or more of the following conditions can be demonstrated:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

*Michigan PA 169 of 1970 as amended and Birmingham City Code Chapter 127-5 (b)*

To analyze the building's background and context, my staff and I studied the State enabling legislation; the Downtown Birmingham 2016 Plan; the zoning ordinance current at the time of designation; the current overlay district ordinance; the historic district ordinance; minutes and correspondence of the 1983 historic district study committee; and the recent 361 E. Maple Report by the HDSC. We also toured the Central Business Historic District; reviewed maps on the City web site and researched photos in the Birmingham Historical Museum archives.

After careful consideration of these resources, it is my professional opinion that 361 East Maple, the Hawthorne Building, does in fact meet the conditions for de-designation.

## 1. THE HISTORIC DISTRICT HAS LOST THOSE PHYSICAL CHARACTERISTICS THAT ENABLED THE ESTABLISHMENT OF THE DISTRICT.

The creation of a contiguous historic district comprised by the central business district was a sound idea and an important action taken by preservationists in 1983. Max Horton, as the Chairman of the Historic District Study Committee / Historic District Commission, led the way. In his October 18, 1984 letter (attached at [Appendix A](#)) to the Birmingham City Commission recommending the creation of the proposed Central Business Historic District with its 29 Landmark structures, Mr. Horton, quoted the state enabling act PA 169 of 1970, stating historic preservation accomplishes the following:

- “A. Safeguards the heritage of the community by preserving a district which reflects elements of its culture, social, economic, political or architectural history;*
- B. Stabilizes and improves property values in such districts;*
- C. Fosters civic beauty;*
- D. Strengthens local economy; and*
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.”*

Mr. Horton goes on to explain the reasoning behind declaring the entire Central Business District an historic district containing many landmark buildings.

*“Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual structures for designation without regard for the other structures is contrary to the purpose of creating an historic district. Careful attention must be paid to the structures which about ‘landmark’ properties and other buildings in the downtown which have an effect on the ‘landmarks’.”*

**The message was clear and strong: The strength of historic downtown Birmingham is the entire cluster of Midwestern, low-rise Victorian and Art Deco storefronts. Each supportive of the next; the whole district is dependent upon each piece. The effect of changes made to a non-contributing district resource on an adjacent landmark structure is as important as changes made to the landmark structure itself. Neither exists in a vacuum, thus all are subject to review.** Please see [Appendix B](#) for historical photographs of East Maple and [Appendix C](#) for a pictorial inventory of landmark buildings.

What has transpired in the interim between the designation of the CBHD and now, is that another sound and important action was taken by the citizens of Birmingham: In 1996 The Downtown Birmingham 2016 Plan was adopted, resulting in the creation of the Overlay District Ordinance. The intensive community discourse that preceded the development of the plan revealed that the citizens of Birmingham overwhelmingly favored Birmingham forsaking its status as a town for that of a small city. This change in self-image is why the historic district has lost those physical characteristics that enabled the establishment of the district. The predominately one and two-story CBHD, the modest,

recently protected, Mid-western town quickly began its urban metamorphosis as the community embraced the plan and pushed it forward.

The Overlay Ordinance was conceived to incentivize development of a larger, more urban environment. The Overlay District blankets the entire Central Business Historic District. Although a stated goal of the Downtown Birmingham 2016 Plan Vision Statement is to *“Strengthen the spatial and architectural character of the downtown area and ensure the buildings are compatible, in mass and scale, with their immediate surroundings and the downtown’s traditional two and four-story buildings.”* the Overlay Ordinance has had a contrary effect. By eliminating the Floor Area Ratio of 100% (now unlimited), increasing the height from 48 FT to 70 FT and a maximum five stories; and establishing two-stories as a minimum height, it is driving the city’s vigorous new large urban scale.

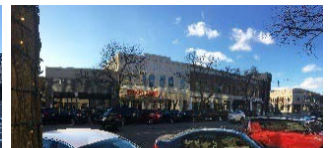
**The extent and success of the Plan’s implementation is “*remarkable, even stunning*”, commented its author, Andres Duany** at the twenty-year review. The change has been fluid and unimpactful for most of the Historic District (See CBHD Map at [Appendix D](#)). In the blocks containing densely situated, contiguous two-story landmark structures infill is not possible, for example Landmarks 6-10; 11-13; 2-5; 21-24; and 26-28 (See [Appendix C](#)).



Landmarks 6 – 10



Landmarks 11 – 13



Landmarks 21 – 24

The landmark structures that have scale and architectural prominence are significant enough to coexist with new structures designed under the Overlay Ordinance, noteworthy in this regard are: Landmark 1 The Wabeek Building and Landmark 17 The Briggs Building (See [Appendix C](#)). which, in fact, has been expanded by one story, for example.



Landmark 1



Landmark 17

Others, although smaller in stature, like Landmark 18 The Birmingham Theatre, Landmark 19 The Peabody Mansion and Landmark 20 The Edison Building have such strong architectural integrity they can stand alone (See [Appendix C](#)).





Landmark 18



Landmark 19



Landmark 20

As illustrated in [Appendix E](#), the Central Business Historic District Density Map is useful for visualizing the patterns of landmark structures with district resources and one, two, three and greater story structures within the new urban fabric. Visible are groupings of two story landmarks with little exposure to potential edge development; isolated landmarks freestanding beyond the direct influence of neighboring change; and 361 East Maple, the Hawthorne building exposed to monumental change on each side. The densely-situated, two-story landmark structures; those landmarks with substantial scale and architectural prominence; and the stand-alone architecturally significant landmarks have all survived the transition from town to city. They will continue to thrive due to surrounding circumstances.

**The Hawthorne Building, Landmark 15, is unique from virtually all the other landmark structures listed.**



1975 to NW



2017 to NW

When designated, it was part of a one-story block of non-contributing district resources, as there is just one other landmark in the block (See [Appendix B](#) for historical photos). The Hawthorne Building does not have the protection by way of density of two-story structures or the advantage of scale, of architectural prominence or isolation that the other landmarks possess. It is in direct conflict with the Overlay Zoning Ordinance. The building is 20 feet wide and 15 feet high; it cannot be changed. Already, a 4-story, 50-foot building towers above it immediately to the East. Another building of 5 stories towers 70 feet high two doors to the West (See [Appendix F](#) for current photos). The adjoining single-story property to the west can potentially be developed as a 70-foot-high building with another 10-foot story for mechanical equipment. The Historic District was formed to preserve elements of the city's heritage – its small-scaled, Mid-western, historic downtown. Changes to Landmarks within the CBHD must conform to the Department of Interior Standards for Rehabilitation. Non-contributing District Resources are charged with matching the “character” of downtown. The “character” applied as the measure is the new larger-scaled urban image to which the 2016 Plan aspires.



The Hawthorne Building, 361 East Maple, is overwhelmed, rendered nearly invisible within the new urban fabric. It was not designated a landmark because it was a robust architectural specimen. Any notable architectural features are minimal at best.



2017 to NE

The strength of the Hawthorne Building when designated was as an element of a cohesive one and two-story downtown district. The cohesion was lost when 369 East Maple was constructed. Recall Max Horton's caution to the City Commission in his letter (Appendix A) that,

*"Careful attention must be paid to the structures which abut 'landmark' properties and other buildings in the downtown which have an effect on the landmarks."*



1966 to NE

Adequate consideration was not given to the Hawthorne Building when the adjoining structure gave way to a 50-foot-high replacement. The vast discrepancy in size, scale, material, color and texture between the two buildings renders the protection of 361 East Maple no longer justified. The physical characteristics of the low-rise cluster of storefronts on the north side of East Maple has been compromised by the subsequent redevelopment of this area pursuant to the Overlay District (Compare photos in [Appendix B](#) to [Appendix E](#)). The streetscape drawings below illustrate this dramatic change in character:



## Appendix G: East Maple Streetscapes

Note: The Present 2017 streetscape accurately represents the elevation of the East end of the North side of East Maple Street. The Past 1983 streetscape is a volumetric representation of what existed when the CBHD was formed. The Future streetscape depicts what can potentially be constructed under the Overlay Ordinance. They are representational only.

In the case of 361 East Maple the context has drastically changed due to the discrepancy between the goals of the Downtown Birmingham 2016 Plan and the goals of historic preservation. If it were to have been protected, standards that are being applied to the Hawthorne Building should also have been applied to its surroundings, including the adjacent district resource removed at the adjacent 369 East Maple and the new 4 story replacement building at 369 East Maple as well. Those physical characteristics that enabled the establishment of the district have been lost in the shadow of the new large urban scale.

## **2. THE HISTORIC DISTRICT WAS NOT SIGNIFICANT IN THE WAY PREVIOUSLY DEFINED.**

In 1983, the HDSC declared the Hawthorne Building a landmark structure because

“its good condition and original condition make it a candidate for a valuable visual anchor in the preservation of the north side of East Maple.”

It is questionable if this modest, 20-foot wide building ever had the architectural substance to anchor an entire block. Clearly, it is now so dominated by a four-story, 50-foot 369 East Maple next door and a 5-story, 70-foot 335 East Maple two doors to the west that, if it ever existed, the potential value as a visual anchor has been lost.

The Hawthorne Building was originally designated as part of the entire contiguous Central Business Historic District. The 2017 HDSC report states,

“It provides historic context of the traditional downtown that has personified Birmingham over its history”.

At the time of designation, the building did not “provide” the context but *contributed* to the downtown context as part of its 1-story and 2-story small town image. The image no longer exists on the north side of East Maple – it was eliminated by the first projects under the Overlay Ordinance. If the Hawthorne Building was currently a district resource and its designation as a landmark was to be sought the request would be rejected. The building cannot meet the criteria for designation.



2017 to NW



1975 to NE

### 3. THE HISTORIC DISTRICT WAS ESTABLISHED PURSUANT TO DEFECTIVE PROCEDURES.

Selection of a property for designation as a landmark structure finds its basis in the National Register Criteria used by the Department of Interior, National Trust for Historic Preservation:

*“The quality of significance in American History, architecture, archeology, and culture is present in districts, site, buildings, structures, and objects that possess the integrity of location, design, setting, materials, workmanship, feeling, and association, and:*

*A. That are associated with events that have made a significant contribution to the broad patterns of our history; or*

*B. that are associated with the lives of persons significant in our past; or*

*C. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*

*D. that have yielded or may be likely to yield, information important in prehistory or history.”*

The National Register Criteria are used as a guide throughout the hierarchy of preservation organizations: from the Keeper of the National Register to local districts for making decisions concerning the significance and historic integrity of properties. To be reliable, the criteria must be applied within related historic contexts: a body of information about historic properties organized by theme, place and time.

What was the historic context that led to the determination that 361 East Maple deserved designation as an historic landmark? The HDSC report cites a list of activities undertaken by the original study committee. However, it offers no evidence of what was found by interviewing “old-timers”, reviewing library materials, reading old newspapers, examining building and county records, etc. In the 1966 and 1975 historic photographs, charm is the only factor that remotely distinguishes 361 East Maple from the other one-story buildings. At best, The Hawthorne Building’s designation as a landmark building was an emotional choice due to its modest charm within the whole of the low-keyed downtown. At worst, choosing it as a landmark over other one-story buildings of similar size and configuration was arbitrary. The building was designated not because it was associated with events that have made a significant contribution to our history; or was associated with the lives an important historical figure; or embodied significant architectural significance, nor was designed by a notable architect or built by a prominent builder; and not because it held important historical information. Charm is not a

strong enough criterion to justify designation. **The context by which the Hawthorne Building was designated has been obliterated by the conscious, willful imposition of a new urban context in its place.**

Protecting 361 East Maple as a landmark building does not contribute to any of the five reasons for designation under the State Act:

- A. It does not safeguard the heritage of the community by preserving a district which reflects elements of its culture, social, economic, political or architectural history.
- B. It does not stabilize and improve property values in such districts.
- C. It does not foster civic beauty.
- D. It does not strengthen local economy nor
- E. It does not promote the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

Virtually all the other landmark buildings within the Birmingham CBHD do so because they have the advantage of protection provided by the compatible scale of two-story structures or the advantage of size or of architectural prominence. Unlike the Hawthorne Building, these landmarks are not vulnerable to being dominated by adjacent large-scale development.

The Hawthorne Building should not have been designated a landmark structure. The reconnaissance Building-Site Inventory Form (see [Appendix H](#)) created by Max Horton for the HDSC in 1983 lists only the date of construction “1927” under “Architectural significance” and “None” under Historic significance”. 361 East Maple is an example of a 1920’s storefront with minimal Art Deco trim. It is by no means a robust example. Its distinguishing features are two limestone urns and a limestone coping. A façade is character-defining in a multi-building district, but it is important as just one criterion. Streetscape and context also must be considered in determining if a property is historic. 361 East Maple is now overwhelmed by the larger, urban context that has evolved under the Overlay District.



For just the second time in my 40+ year career, I am supporting de-designating an historic resource. I have spent my career protecting, defending and enhancing our architectural heritage. Over time, I've come to realize not all buildings are created equal. A city is a living organism, its components ever-changing. The Hawthorne building lost its historic value when the City of Birmingham self-image changed; the Overlay Ordinance manifested new opportunities in contrast with former values, and the context changed forever. **The best action is de-designation of the Hawthorne Building to enable the transformation of Birmingham to continue as laid forth in the Downtown Birmingham 2016 Plan.** Birmingham's urban fabric will continue to evolve, and its remaining landmarks' significance enhanced by the resulting consistent balance with the new architecture.

Respectfully submitted,  
Finnicum Brownlie Architects, Inc.



William L. Finnicum AIA NCARB  
President

## **Appendices:**

Appendix A	October 18, 1984 Max Horton Letter
Appendix B	361 East Maple Historical Photographs
Appendix C	Pictorial Inventory of Landmark Buildings
Appendix D	Central Business Historic District Map
Appendix E	CBHD Density Map
Appendix F	361 East Maple Current Photographs
Appendix G	East Maple Streetscapes
Appendix H	Building-Site Inventory Form
Appendix I	Overlay District Map

## **References:**

*State of Michigan enabling legislation PA 169 of 1970 as amended*  
*National Register Bulletin 16, Guidelines for completing NRHP forms, US DOI*  
*Downtown Birmingham 2016 Plan*  
*City of Birmingham Zoning Ordinance 1983*  
*City of Birmingham Overlay District Ordinance*  
*Birmingham City Code Chapter 127: Historic Districts*  
*Minutes and Correspondence of Birmingham Historic District Study Committee 1983*  
*Birmingham Historic District Study Committee 361 E. Male Report, Nov. 16, 2017*  
*Mapping: City of Birmingham GPS web site and field observation*  
*Photographs: City of Birmingham Historical Museum photo archive; Google Street view;*  
*Finnicum Brownlie Architects*

Appendix A: October 18, 1984 Max Horton Letter:

October 18, 1984

City Commission  
Birmingham, Michigan

From: Max B. Horton, Chairman Historic District Study Committee  
(Historic District Commission)

Subject: Central Business Historic District and Shain Park Historic  
District

Dear Commissioners:

Approximately three years ago, the City Commission appointed the Historic District Commission to serve as an Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee spent many hours examining each building in the study area. The research was conducted by interviewing Birmingham "oldtimers" who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800's and early 1900's, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. As you know, the Historic District Commission has decided that 29 structures in central Birmingham are worthy of special treatment. Although not every structure meets all of the above criteria, each structure suggested for "landmark" designation has been determined by the Commission to have one or more of the elements that make it worthy of designation.

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;



- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

As a Commission, it is our hope that the Birmingham City Commission will recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Several other communities throughout the state have designated historic districts in their downtowns. They include small villages such as Linden, Chelsea and Wilford; medium sized cities such as Ann Arbor, Traverse City and Ypsilanti, and large cities such as Jackson, Saginaw and Grand Rapids. Some historic districts have almost every single building designated as a "landmark" structure while other historic districts, such as Birmingham, have undergone many changes resulting in the "landmark" structures being in the minority. This is not unusual or undesirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown. The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. We all also know that no ordinance exists to prevent demolition of those structures in central Birmingham which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

Currently, we have 47 historic district properties in the City of Birmingham. They are primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, we do not believe this is the proper approach for the commercial area. Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual "landmark" buildings for designation without regard for the other structures in the downtown is contrary to the purposes in creating an historic district. Careful attention must be paid to the

structures which about "landmark" properties and other buildings in the downtown which have an affect on the "landmarks." The suggestion that only "landmark" properties compose the historic district would be similar to saying that the Planning Board should have Design Review over just a portion of a particular block. This selectiveism in the review process will not work. Therefore, our recommendation is for contiguous historic districts with well defined standards for both "landmark" and "district resource" properties.

The Historic District Commission has already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design Approval or Exterior Approval and possibly Site Plan Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: "What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing scale is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, that should not stop us from trying to find a solution. It is only in a quality built

environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with a decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

Very truly yours,

*Max B. Horton*

Max B. Horton, Chairman  
William R. McGregor, Vice-Chairman  
Carolyn Johnson  
Kay Johnson  
Michael Tomasik  
Goeffrey Upward  
Willem Tazelaar

MBH/jb  
10/18/84

**Appendix B: 361 East Maple Historical Photographs:**



**1975, Looking North West**

**1975, Looking North East**



**1966, Aerial Looking East**



**Unknown date, Looking East**



## Appendix C: Pictorial Inventory of Landmark Buildings:

1. 256 W. Maple - Wabeek Building:



2. 166 W. Maple - Leonard Building:



3. 142 W. Maple - Quarton Building



4. 138 W. Maple - Blakeslee Building



5. 122 W. Maple - Billy McBride Building



6. 101 N. Woodward and 120 W. Maple - Ford Building



7. 163-167 N. Woodward - Erity and Nixon Building



8. 191 N. Woodward - Bell Building



9. 205 - N.Woodward - Schlaack Building



9. 215 - 219 N.Woodward - Huston Building – 1916



10. 237 - 243 N.Woodward - Huston Building – 1923



11. 152 - 176 N. Woodward - National Bank Building





**12. 132 - 136 N. Woodward - Wooster Building**



**13. 100 - 116 N. Woodward - Parks Building**



**14. 297 - 323 E. Maple - Madison Building**



**15. 361 E. Maple - Hawthorne Building**



**16. 378, 386, 390 E. Maple & 112, 120, 124 Brownell - Shain Townhouses**



**17. 111 S. Woodward - Briggs Building**





18. 211 S. Woodward - Birmingham Theater Building



19. 325 S. Woodward - Ford-Peabody Mansion



20. 220 E. Merrill - Detroit Edison Building



21. 138 S. Woodward - D.U.R. Waiting Room



22. 124 - 128 S. Woodward - McBride Building



23. 112-114 S. Woodward - Johnston-Shaw Building



**24. 106-110 S. Woodward – O-Neal Building**



**25. 135 - 159 Pierce - St. Clair Edison Building**



**26. 148 Pierce - Telephone Exchange Building**



**27. 115 W. Maple - Bigelow-Shain Building**

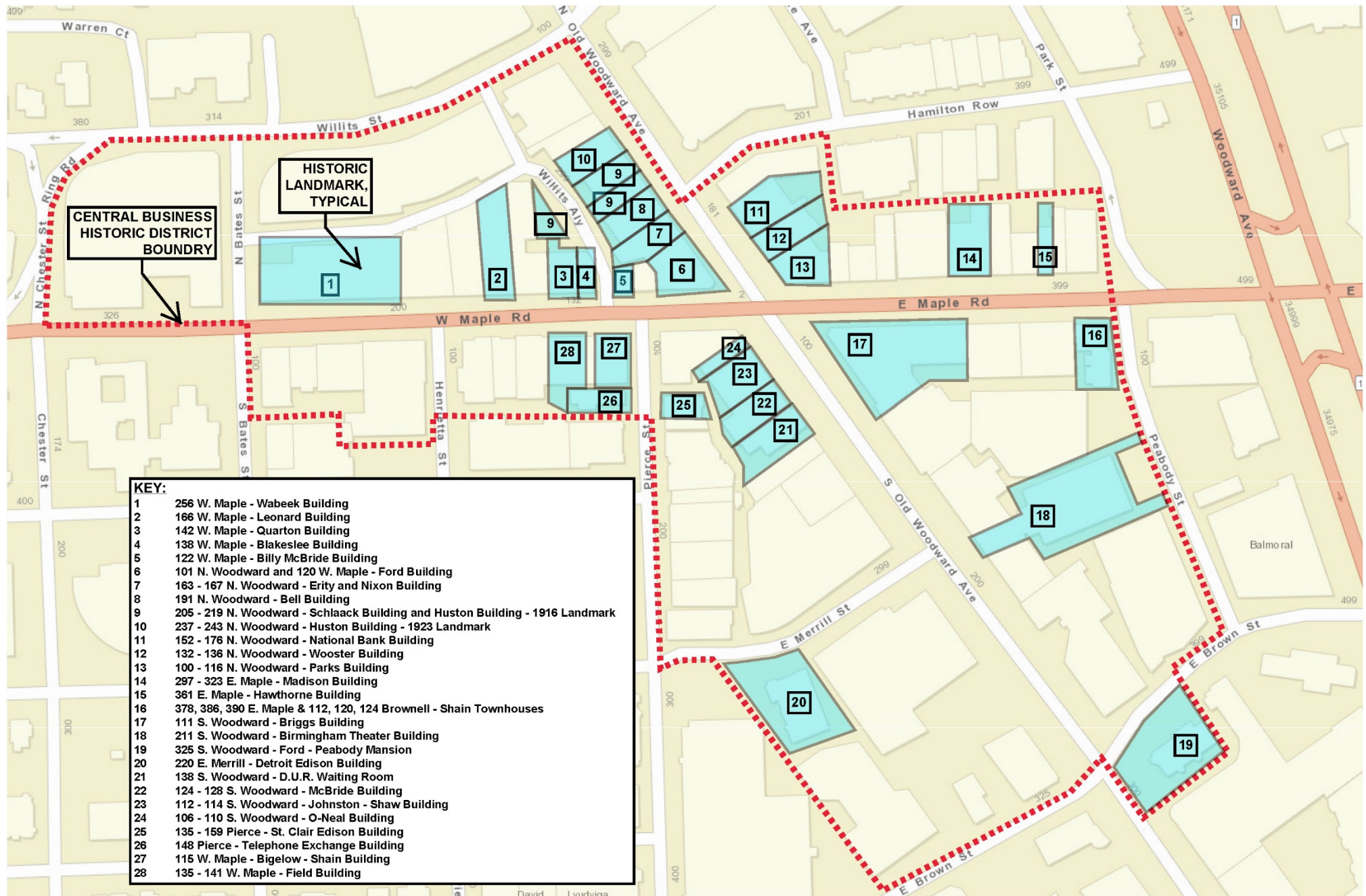


**28. 135 - 141 W. Maple - Field Building**



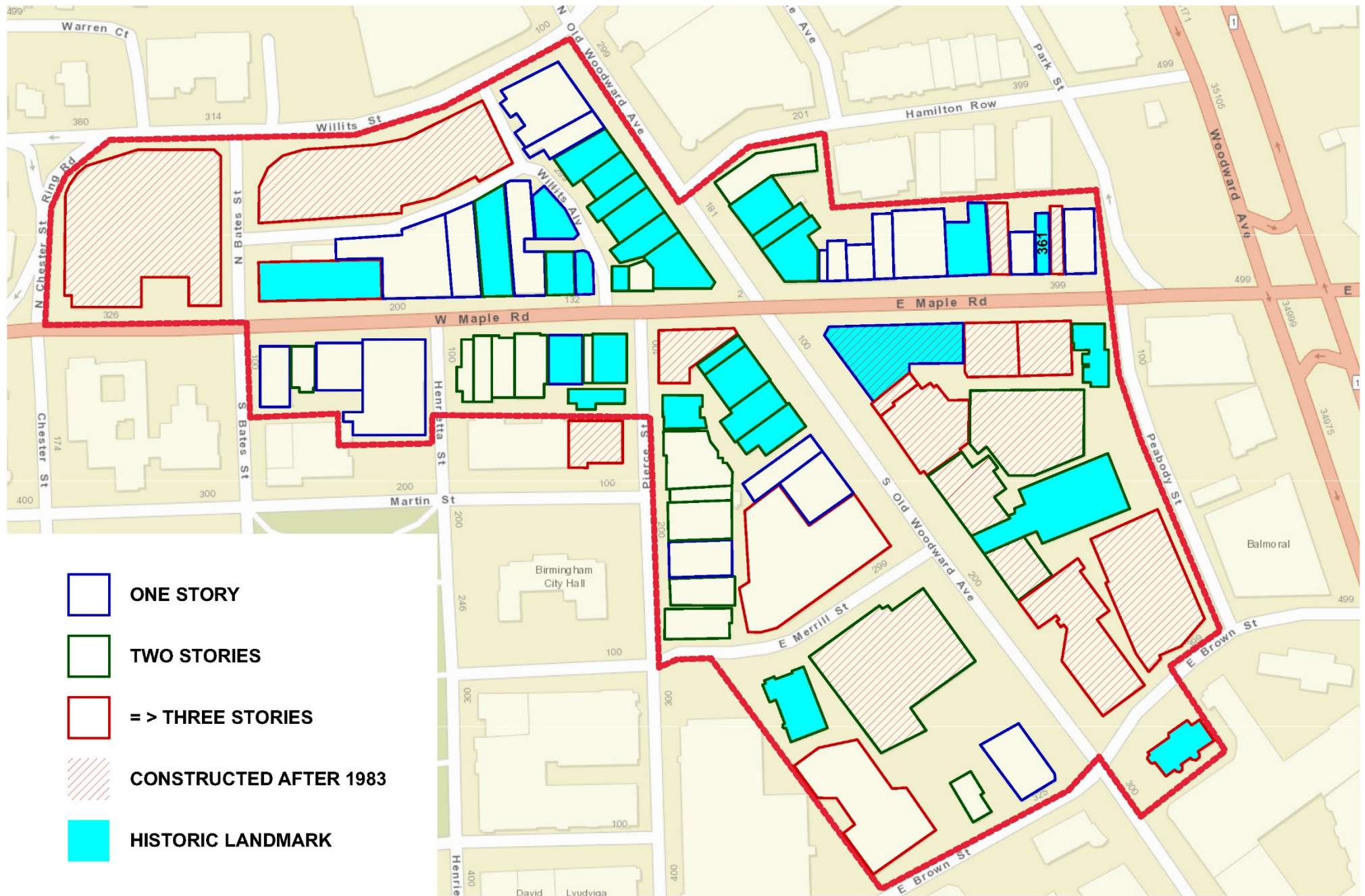


## Appendix D: Central Business Historic District Map:





## Appendix E: CBHD Density Map:





**Appendix F: 361 East Maple Current Photographs:**



**361 East Maple (Hawthorne Building)**



**View from South**





**East Maple looking North East**



**East Maple looking North West**



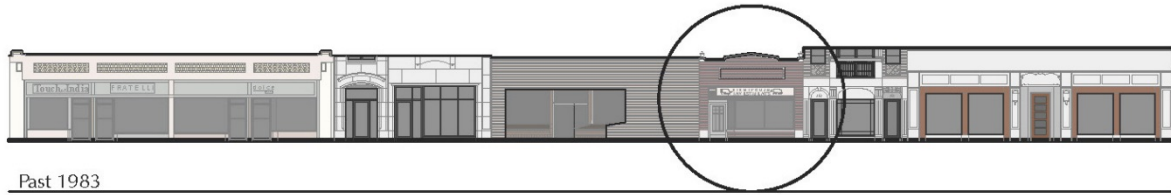


**361 East Maple and surrounding buildings**



**361 East Maple rear door**

## Appendix G: East Maple Streetscapes:



Note: The Present 2017 streetscape accurately represents the elevation of the East end of the North side of East Maple Street. The Past 1983 and Future streetscapes are volumetric representations of what existed when the CBHD was formed and what can potentially be constructed under the Overlay Ordinance. They are representational, only.



## Appendix H: Building-Site Inventory Form:

### CITY OF BIRMINGHAM BUILDING-SITE INVENTORY FORM

Fill in as applicable - Attach 5" x 7" or 8" x 10" black and white photo with negative.

#### Identification

1. Building or Site Name Hunter  
Birmingham Public Education Bldg.  
2. Street address 361 East Maple City Birmingham  
3. Legal description 08-19-25-456-027

4. Ownership: Public \_\_\_\_\_ Private ✓  
5. Present Owner C. B. Barnes Address 835 Parry Birmingham 48209  
6. Zoning B-4  
7. Use: Original Commercial Present Commercial

#### Description

8. Site: Open land \_\_\_\_\_ woodland \_\_\_\_\_ landscaped \_\_\_\_\_  
Buildings ✓ if so, what? One story red brick  
9. Building material: Clapboard \_\_\_\_\_ stone \_\_\_\_\_ brick ✓ shingles \_\_\_\_\_  
board & batten \_\_\_\_\_ stucco \_\_\_\_\_ other horizontal trim  
10. Structural material: Wood frame \_\_\_\_\_ masonry load bearing wall ✓  
other \_\_\_\_\_  
11. Condition: Excellent \_\_\_\_\_ good ✓ fair \_\_\_\_\_ deteriorated \_\_\_\_\_  
12. Integrity: Original site ✓ moved \_\_\_\_\_, if so, when? \_\_\_\_\_  
from where? \_\_\_\_\_  
13. Alteration: Unaltered ✓ altered \_\_\_\_\_, if so when? \_\_\_\_\_  
How? \_\_\_\_\_  
Architect \_\_\_\_\_  
14. Related outbuildings and property: barn \_\_\_\_\_ garage \_\_\_\_\_ shed \_\_\_\_\_  
shop \_\_\_\_\_ greenhouse \_\_\_\_\_ landscape features \_\_\_\_\_ other land

15. Surroundings of the building or site: Open land \_\_\_\_\_ woodland \_\_\_\_\_  
densely built up \_\_\_\_\_ Commercial ☒ residential \_\_\_\_\_ other \_\_\_\_\_
16. Notable features of building or site attache example of  
1930's small commercial building
17. Threats to building or site: None known ☒ zoning \_\_\_\_\_ roads \_\_\_\_\_  
developers \_\_\_\_\_ deterioration \_\_\_\_\_ other \_\_\_\_\_

Significance

18. Architectural significance

Date of construction: Actual 1937 estimated \_\_\_\_\_

Architect: \_\_\_\_\_

Builder: \_\_\_\_\_

Are original plans on file? \_\_\_\_\_ Notations on original plan and specifications \_\_\_\_\_

19. Historical significance: none.

20. Sources (for primary and secondary sources, give complete facts of publication: author, title, place of publication, date): \_\_\_\_\_

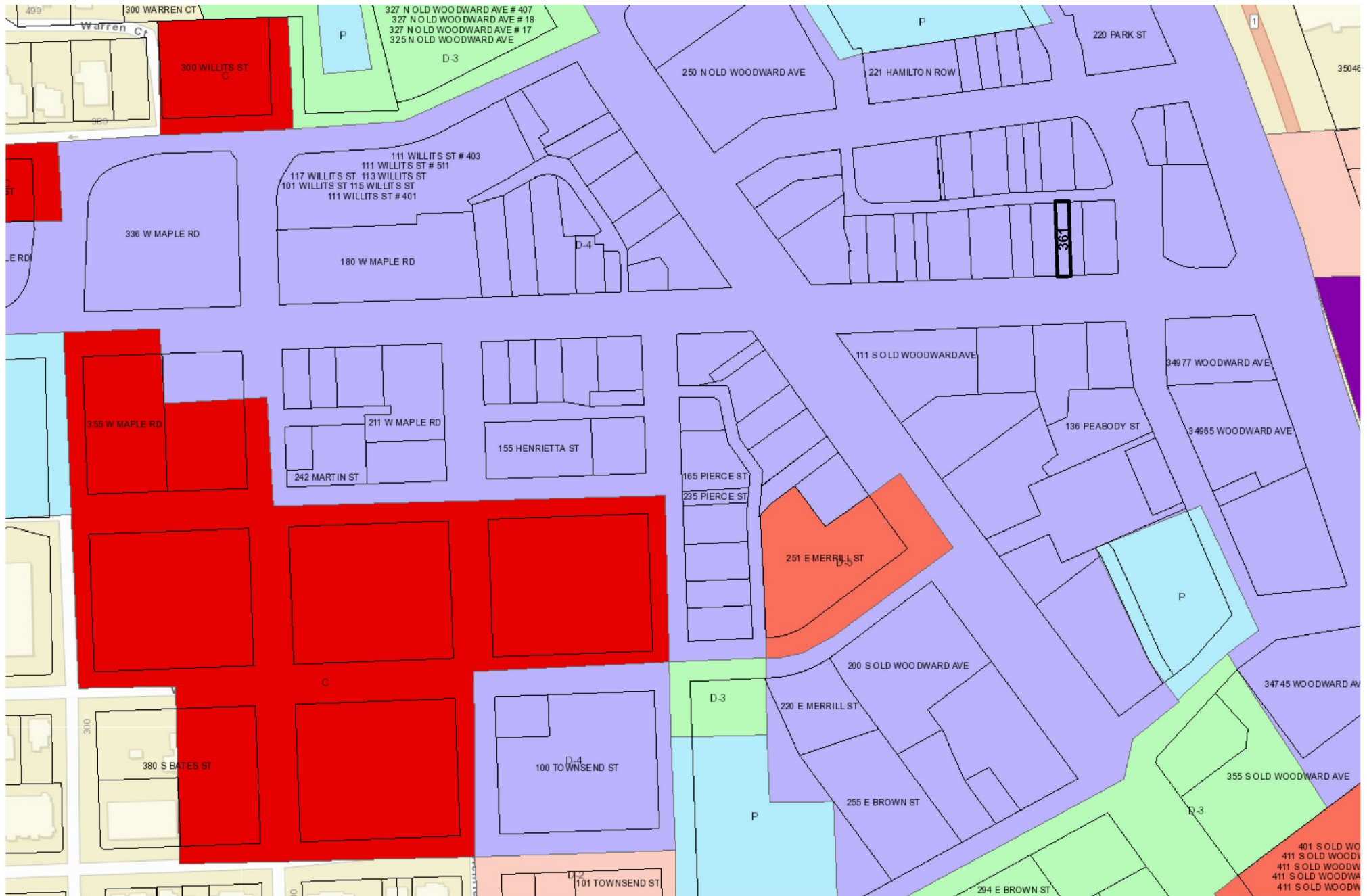
City government data.  
Abundant.

Prepared by Max B. Horton Date May 3, 1983

Address 757 Greenwood Telephone No. 644-5389

Organization Historic District Commission

## Appendix I: Overlay District Map:





## **William L. Finnicum III AIA NCARB**

### **Curriculum Vitae**

---

**Education:** Bachelor of Architecture  
Ohio University, 1969, Cum Laude

**Honors:** Architects Society of Ohio Award of Merit  
For Outstanding Architectural Graduate, 1969

American Institute of Architects, School Medal and  
Certificate of Merit for Excellence in the Study of  
Architecture 1969

**Certification:** National Council of Architectural Registration Boards, 1973

**Licenses:** Pennsylvania, \*Michigan, Florida, North Carolina, Texas, Louisiana, \*Indiana (\*Active)

**Practice:** Partner with Anthony J. Stillson and Associates, Pittsburgh, PA, 1972-1974  
  
Opened private architectural practice in Michigan, 1974  
  
Formed Finnicum Brownlie Architects, Inc. with Ian A. Brownlie, 1984 to present

**Service:** Chairman Franklin Village Historic District Commission, 1979 - 2007  
  
Chairman Franklin Village Historic District Study Committee, 1990 through 1996  
  
Building Official Village of Franklin, 1980 through 1996  
  
Main Street Oakland County Community Selection Committee 2001, 2002, 2005  
  
Main Street Oakland County Advisory Board 2002 to 2016  
  
Main Street Franklin Design Committee 2009 to 2015  
  
Horizons Upward Bound Advisory Board, Cranbrook Schools, 2001 to present  
  
Shain Park Ad Hoc Steering Committee, City of Birmingham, 2008 to 2012  
  
Detroit Economic Club Reception Committee, 1995 to present

**Published:** Builder Magazine, B & P Magazine, Residential Architect, Detroit Free Press,  
Remodeler Magazine, Detroit News, Detroit Home; Birmingham Observer &  
Eccentric and Birmingham Patriot and Jewish News, CAM Magazine, Hour  
Detroit, Oakland Press

**Awards:** 1<sup>st</sup> annual Farmington Hills Historic Preservation Award for relocating and  
restoring Botsford Inn barn to the Stewart farmstead, 2008  
  
City of Birmingham Historic Preservation Award for restoration of the  
Historic Peck House, 2003



Builder's Choice Special Focus Award from Builder Magazine for the Cinderilla Patch Historic Landmark Townhouse Project, Birmingham, MI, 1997

Best Historic Rehabilitation, Hour Detroit, for the Hinnant Residence, 2004

Best Children's Room Design, Hour Detroit, for the Hinnant Residence, 2004

Salon of the Year Award, Salon Magazine, for the Ginger Group Salon, 1988

Dearborn Beautification Award, historic adaptive reuse, Hair Designs Unltd, 1986

Project of the Month, Builder Magazine, for the Brown Street Condominiums 1985

### **Representative Projects:**

Botsford Inn: Restored to the Henry Ford Era, 2007 to 2009

Historic McBride House: Rehabilitated, Birmingham, MI 1999

Historic United Presbyterian Parsonage: Rehabilitated, Birmingham, MI 2016

Historic Major Jones House: Rehabilitated, Birmingham, MI 2017

Strand Theatre: HSR / adaptive reuse plan, Pontiac MI 2010

Old Central School: HSR / adaptive reuse plan as proposed Pontiac Public Library, Pontiac MI 2012

Fochtman's Department Store: HSR / development plan for theatre conversion, Petoskey, MI 2013

JOHN DZIURMAN ARCHITECTS Ltd.  
CONSULTING HISTORIC ARCHITECT  
**REVIEW AND HISTORIC EVALUATION REPORT**  
**APPLICATION TO DE-DESIGNATION AND DEMOLITION OF THE**  
**HAWTHORNE BUILDING (HISTORIC NAME)**  
**361 E. MAPLE BIRMINGHAM, MICHIGAN**

## **INTRODUCTION**

Dickinson Wright PLLC engaged John Dziurman Architects Ltd., to undertake a Review and Historic Evaluation Report relating to the Opposition to Application to De-Designate/Remove 361 E. Maple, Birmingham, Michigan, (“Hawthorne Building”) as a historic contributing Landmark building in the Central Business Historic District in downtown Birmingham.

Our Review and Historic Valuation Report was for the purpose evaluating the City’s initial inclusion of the Hawthorne Building under the City’s historic district ordinance and to evaluate the criteria governing the review of the pending application to eliminate the Hawthorne Building as a historic district under Section 127-5 of the City’s Code.

In conducting our review we examined records of the Birmingham Historic District Study Committee in 1981 and the records of the Birmingham City Commission between 1981-84 & 2017, conducted a site visit to ascertain the current condition of the Hawthorne Building and reviewed the records, documents and minutes with regard to current Birmingham Historic District Study Committee review of the pending application to eliminate the Hawthorne Building as designated historic district.

## **BACKGROUND**

Mr. Mrs. Melvin Kaftan, are owners and residents of the property directly east of the Hawthorne Building and , oppose the de-designation of this historic property and have requested that the Birmingham Historic District Study Committee ("BHDSC") recommend to the City Commission that the de-designation application be denied.

Mr. and Mrs. Kaftan have asserted and I have confirmed in my review the following:

- The Hawthorne Building had historic value as required by City Code when it was originally designated as a historic district;
- That the historic value of the Hawthorne Building has not diminished since its historic designation and that such historic value and purpose merits retention as a historic district under the City Code.

When the Kaftan’s purchased the adjoining property they did so knowing that the Hawthorne Building was in a historic district and designed and constructed their building which includes their personal residence based upon such designation. Accordingly, elimination of the Hawthorne Building has a historic district will not only result in the loss of valuable historic resource, but will result in development of 361 E. Maple in a manner

inconsistent with the design and use of the Kaftan building which is their home.

At all times the Kaftans have been willing and able to purchase the Hawthorne Building for same price as the current owner and attempted to do so before it was purchased by the current owner.

As residents in this area of the City, the Kaftans have been advised that other owners of similarly historically designated buildings will seek elimination of their buildings from the historic district if the pending de-designation application is granted.

Along with the pending de-designation application, it is Kaftan's understanding that the current owner of the Hawthorne Building has submitted an application to the Planning Board requesting to demolish the Hawthorne Building as part of a redevelopment proposal.

#### REVIEW OF DE-DESIGNATION APPLICATION BY THE CITY OF BIRMINGHAM

The process for removing designation of a property and/ or structure as a contributing historic resource and from the historic district is outlined in section 127-5 of the City Code. The first step in the process which has occurred is for the City Commission to pass a resolution directing the BHDSC to commence with the creation of a study committee report as outlined in section 127-4 of the City Code. That process has occurred and the BHDSC has been meeting for a number of months reviewing the application and was considering a recommendation to deny the application.

Specifically, at the BHDSC November 16, 2017 meeting, the BHDSC presented their report – “361 E. Maple Birmingham Historic Resource Report from the Historic District Study Committee”, and recommended not to support the de-listing of the Hawthorne Building for the following reasons:

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc.;
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations; and
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

Simply stated, it appears that to date, the BHDSC was of the opinion that the criteria for de-designation listed in Chapter 127 of the City Code was not satisfied since:

1. The Hawthorne Building as a historic district has not lost those physical characteristics that caused the establishment/creation of the district in 1984.
2. The Hawthorne Building as a historic district remains significant in the manner previously defined.
3. The designation of the Hawthorne Building as a historic district complied with proper procedure.

## **REVIEW OF CRITERIA**

### **1. The historic district has not lost those physical characteristics that enabled the establishment of the district.**

The property at 361 E. Maple remains virtually unchanged from the condition it was in when designated in 1983. This is demonstrated by historic and contemporary photographs. It is decorated with a sign band that is defined by patterned brick and limestone. The parapet has a small pediment and limestone urns at the party walls. It is believed that the pressed metal store front is original.

In addition, since the creation of the CBD Historic District, all exterior changes to the contributing and non-contributing resources have been reviewed by the Historic District Commission. Any proposed change to a resource in the district has been measured against the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings (attached). The Standards for Rehabilitation address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values". Accordingly, the historic character of the district at large has not been altered in such a way that would eliminate the physical characteristics that enable the establishment of the district.

### **2. The historic district remains significant in the manner as previously defined.**

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were architecture and uniqueness of each structure was evaluated. At the time, the Historic District Study Committee determined that 29 structures in central Birmingham were worthy of special treatment. Although not every structure met all of the above criteria, each structure given "landmark" designation was determined by the Commission to have one or more of the elements that made it worthy of designation. The property at 361 E. Maple was selected as a contributing resource as it was a good example of a small store design from the 1920's with patterned brick and limestone. The parapet has a slight pediment and limestone urns at the party walls. Although the structure is simple and conservative, it is in excellent condition. The fact that it also maintained its original condition made it a valuable visual anchor in the preservation of the north side of E. Maple. The architectural significance cited in 1983 is as evident today as it was at the time.



### **3. The historic district was properly established.**

The procedures followed in the designation of the Central Business District Historic District were established in chapter 127 of the City Code pursuant to Public Act 169 of 1970. In 1980 the City Commission appointed the Historic District Commission to serve as a Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham as required by chapter 127 of the City Code. As documented by the committee members at the time, the research was conducted by interviewing Birmingham "old-timers" who had first-hand knowledge of the history of many buildings, reviewing materials at the Baldwin Library including reading issues of the Birmingham Eccentric, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other resources. The selection of 361 E. Maple for historical designation in 1983 as a part of the Central Business District Historic District was done after careful review and evaluation in compliance with the required procedures.

On October 22, 1983, the Birmingham City Commission adopted Ordinance No. 1276 amending the City Code adding Chapter 43 of the Birmingham City Code to establish the Central Business District Historic District and the Shain Park Historic District.

### **Recommendation Against De-Designation**

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;
- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

The Hawthorne Building is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. It provides historic context of the traditional downtown that has personified Birmingham over its history. De-designating this building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. These historic structures have distinguished Birmingham from its surrounding neighbors as a traditional downtown which has undoubtedly contributed to its sustained success over the years. In addition, the methods and procedures followed during the designation process in the 1980's strictly adhered to the guidelines established at the local, state and federal levels. It was the intention of the City Commission of that time to take these steps to ensure that Birmingham would retain its character and history for future generations to appreciate and enjoy. The de-designation of this structure has the potential to set a precedent that would

have long lasting effects on the City that cannot be reversed.

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc.
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations;
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

Based upon the foregoing, it is clear that there is no basis for de-designation of this historic building and the same and historic district must be preserved.

## **THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

In my review of the Hawthorne Building, I also examined the Secretary of the Interior Standards for Rehabilitation and reached the following findings and conclusions.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

*This property has been used for its historic purpose (commercial) since it was built in the 1920s, and has had little to no alteration within its lifetime.*

- (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.

*The historic character of this property has been retained and preserved as original, and due to no removal of materials or alterations of features, it has retained the original character of the property.*

- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

*In the 1920s, the City of Detroit and Michigan area were designing and building Art Deco skyscrapers, factories, schools, post offices, city halls and commercial buildings. Some other design category names used were Art Moderne, ZigZag Moderne and Streamline. This small commercial building in downtown Birmingham is a jewel for the historic*

*district, the city and the Detroit area.*

- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.  
*The historic significance of this building has never changed and has retained and preserved all of its original Art Deco features on the façade.*
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.  
*This one story, one bay, reddish face brick store, with attractive trim was built in 1927. The building has been well kept and is an example of good, small store design and craftsmanship from the 1920s.*
- (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.  
*Although the structure is simple and conservative, it is in good condition and original condition makes it a candidate for a valuable visual preservation anchor in the Birmingham Central Business District Historic District.*
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.  
*The façade of this Art Deco style building never experienced any chemical or physical treatment, only the gentlest means of clean water.*
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.  
*In 1929, the shed at the rear of the property was removed. Since the building was built in 1927, there was no information if there were any significant resource found.*
- (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, size, scale, and architectural features to protect the historic integrity of the property and its environment.  
*An exterior wood addition was built in the rear for storage and other rooms related to the businesses that were using the building. This addition is differentiated from the brick facade and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.  
*The only addition to this brick building was the wood addition described with Standard*

*#9. If the rear addition was removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Based upon the foregoing, it is clear that the de-designation application should not be granted.

## **THE OCTOBER 18, 1984 MINUTES FROM THE FIRST HISTORIC DISTRICT STUDY COMMITTEE**

**The following is recitation of the above referenced minutes. We have included the same as the discussion contained in the minutes focuses on the importance of historic resources and districts and the relationship of the historic district to the character of central Birmingham and adjoining properties. It is believed that the conclusions reached by the first Historic District Study Committee confirm why the historic district designation of the Hawthorne Building should not be removed.**

The Birmingham City Commission established the Central Business Historic District and Shain Park Historic District in 1981. At that time, the City Commission appointed the Historic District Commission to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee examined each building in the study area. The research was conducted by interviewing Birmingham “old-timers” who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800’s and early 1900’s, researching City assessment and building records, examining recorded data from Oakland County and reviewing published material from the various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a landmark. First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. Based on this background, the Historic District Commission decided that 29 structures in central Birmingham were worthy of special treatment. In addition, the Commission determined to have one or more of the elements that make it worthy of designation.

### **LOCAL HISTORIC DISTRICTS ACT Act 169 of 1970**

The Commission also reviewed that in 1970, the Michigan State Legislature declared historic preservation to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance is to do one or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.

- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

The Birmingham Historic District Commission noted at that time the Birmingham City Commission will always recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Also, some communities throughout the state have almost every single building designated as a “landmark” structure, while other historic districts in their downtowns, such as Birmingham, have undergone many changes resulting in the “landmark” structures being in the minority. This is not unusual or desirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown.

The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. Both know that no ordinance exists to prevent demolition of those structures in central Birmingham, which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

At that time, there were 47 historic district properties in the City of Birmingham. They were primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, they did not think that the proper approach for the commercial area was working as well. Since commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual one "landmark" buildings for designate without regard for the other structures in the downtown is contrary to the purposes for creating an historic district. Careful attention must be paid to the structure which abut “landmark” properties and other buildings in the downtown which have an effect on the “landmarks” The suggestion that only “landmark” properties compose the historic district would be similar to saying that Planning Board should have Design Review over just a portion of a particular block. This recommendation is for contiguous historic districts with well-defined standards for both “landmark” and “district resource properties.

The Historic District Commission already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design approval or Exterior Approval and possibly Site Plan

Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, which should not stop us from trying to find a solution, it is only in a quality built environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

### **CONSULTING HISTORIC ARCHITECT OPINION**

Application to De-Designation/Remove  
Hawthorne Building (Historic Name)  
361 E. Maple Birmingham, Michigan

1. The Application for the De-Designation of the Hawthorne Building;
  - a. Is contrary to the 10 Standards of the Secretary of the Interior Standards for Rehabilitation,
  - b. Would result in the demolition of one of the 29 Landmarks in the Central Business Historic District
  - c. Would significantly compromise the use of an existing 3 stories residential property at 363 E. Maple
  - d. Does not meet the criteria for de-designation listed in Chapter 127 of the City Code.

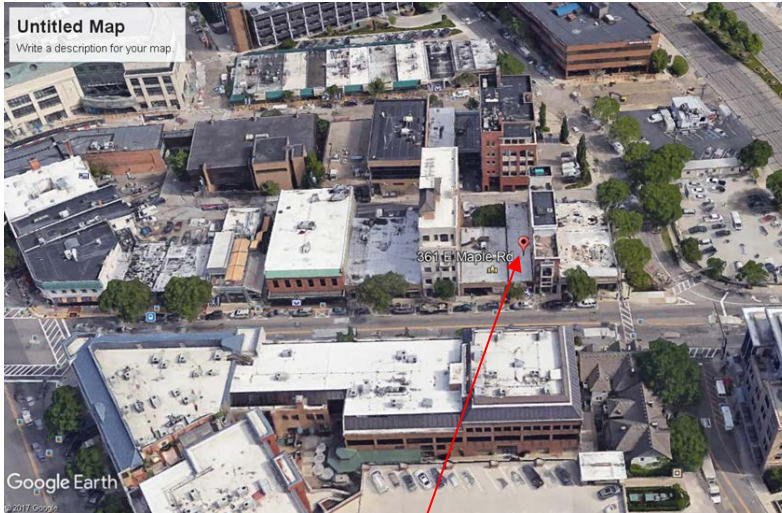






Sec. 127-25. Central Business District.

The central business district shall consist of all of the lands and resources within the boundaries of the central business district as hereby established on the district maps. The central business historic district shall consist of the following historic resources in the city.



1. Wabeek Building, 256 W. Maple.
2. Leonard Building, 166 W. maple.
3. Quarton Building, 142 W. Maple.
4. Blakeslee Building, 138 W. Maple.
5. Billy McBride Building, 122 W. Maple.
6. Ford Building, 101 N. Woodward and 120 W. Maple.
7. Erity and Nixon Building, 163-167 N. Woodward.
8. Bell Building, 191 N. Woodward.
9. Schlaack Building and Huston Building 1916, 205-219 N. Woodward.
10. Huston Building 1923, 237-243 N. Woodward.
11. National Bank Building, 152-176 N Woodward.
12. Wooster Building, 132-136 N. Woodward.
13. Parks Building, 110-116 N. Woodward.
- 14. Madison Building, 297-323 E. Maple.**
15. Hawthorne Building, 361 E. Maple
16. Shain Townhouses, 378, 386, 390 E. Maple and 112,120, 124 Brownell.
17. Briggs Building, 111 S. Woodward.
18. Birmingham Theater Building, 211 S. Woodward.
19. Ford-Peabody Mansion, 325 S. Woodward.
20. Detroit Edison Building, 220 E. Merrill.
21. D.U.R. Waiting Room, 138 S. Woodward.
22. McBride Building, 124-128 S. Woodward.
23. Johnston-Shaw Building, 112-114 S. Woodward.
24. O-Neal Building, 106-110 S. Woodward.
25. St. Clair Edison Building, 135-159 Pierce.
26. Telephone Exchange Building, 148 Pierce.
27. Bigelow-Shain Building, 115 W. Maple.
28. Field Building, 135-141 W. Maple.

## New Construction

Mixed – Used / Retail, Office and Luxury Condo

361 E Maple Rd #TBD

Birmingham, MI 48009

2 Bd 2.1 Ba 4,120 SF

NEW- Luxury Penthouse offering dramatic skyline views in downtown Birmingham! Rise to the top in this 2-story home occupying the 4th & 5th floors of this new construction 5-story building. Park in your private 2 car garage & take your private elevator OR private stairs up to this amazing 4,120 SF home! The library greets you at the heart of the 4th floor. Large master bedroom on this level offers southern views, his & her closets, separate ensuite bathroom w/window. Large second bedroom on north end offers plentiful windows, large closet, ensuite bathroom w/window. Whether taking the elevator or main staircase, the 5th floor living area is an entertainer's delight! Living room w/fireplace opens to south terrace w/outdoor fireplace. Separate dining room, wet bar, kitchen w/eat-in & north terrace, separate pantry, powder room, and spiral staircase to fabulous rooftop terrace! On rooftop enjoy sun & stars or bask in glow of another outdoor fireplace!

Architects: Christopher Longe & Associates

Estimated Home Value

\$3,028,200

Downtown Birmingham

Built in 2018

Mortgage

\$11,855/month

Condominium

\$801/SF



South Elevation

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Realcomp





## MEMORANDUM

Planning Division

**DATE:** July 19, 2018

**TO:** Historic District Study Committee

**FROM:** Matthew Baka, Senior Planner

**SUBJECT:** HDSC Priority list

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At the direction of the City Commission, the City Manager has requested that the Historic District Study Committee create a priority list of projects that you would like to pursue that would foster and promote historic preservation in the City of Birmingham. The Committee should consider the potential for utilizing Certified Local Government grants when compiling the priority list. The Michigan State Housing Development Authority has a list of the types of programs that can be funded through the CLG program on their website. The projects and a short description are as follows:

### **What types of projects can be funded?**

Each year the SHPO staff develops broad goals for the Historic Preservation Program, based upon the Michigan Comprehensive Historic Preservation Plan. Projects that effectively address these goals in the following areas are eligible for funding:

### **Survey Projects**

The inventory of historic and archaeological sites may be conducted as intensive level research or thematic identification. All documents produced by a survey project are added to the permanent inventory at the Michigan Historical Center.

### **Nominations**

Nomination projects may include the preparation of single site, historic district or multiple property nominations to the National Register of Historic Places, the official listing of the nation's cultural resources worthy of preservation.

### **Planning**

Planning projects establish historic contexts as the basis for resource identification, evaluation and registration. They also establish management goals and set priorities for preservation efforts.

### **Public Education**

Public education activities may include providing information to the community about local historic resources and strategies for their protection. Special events that educate the public about local history, National Register sites or preservation issues may also be eligible.

**Restoration Planning**

Restoration planning projects include plans and specifications, feasibility studies, historic structures reports, facade recommendations, and marketing studies for buildings listed on the National Register of Historic Places.

**Development**

Development projects include the protection, stabilization, preservation, restoration, or rehabilitation of properties listed on the National Register of Historic Places. Such projects, however, may be funded only when the conditions regulating the annual federal appropriation will allow this activity.

The HDSC should consider these categories and potential projects that would be eligible for grant funding when compiling a priority list.