

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

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.

Matthew Baka, Sr. Planner