

**HISTORIC DISTRICT STUDY COMMITTEE
MINUTES OF JULY 26, 2018**
Birmingham City Hall Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Thursday, July 26, 2018. Chairperson Gigi Debbrecht called the meeting to order at 6:05 p.m.

1. ROLL CALL

Present: Chairperson Gigi Debbrecht; Board Members Paul Beshouri, Patricia Lang, Michael Xenos

Absent: Board Member Jonathan DeWindt

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

2. APPROVAL OF THE DECEMBER 7, 2017 HDSC MINUTES

Motion by Mr. Xenos

Seconded by Ms. Lang to approve the Minutes of December 7, 2017 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Xenos, Lang, Beshouri, Debbrecht

Nays: None

Absent: DeWindt

3. PUBLIC HEARING

361 E. Maple Rd.

De-Designation Request

Mr. Baka recalled that the last time the HDSC met, they finalized the report to be sent to the State Historic Preservation Office ("SHPO") for their comments. SHPO came back with three things that they thought should be added to the report:

- The charge of the committee should include the date the City Commission adopted the resolution to initiate a study to modify the District, which was July 24, 2017.

- 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.

There are three criteria that are to be used when considering a property for de-designation:

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.

The HDSC did not feel the Historic District met any of the three criteria and their recommendation was to deny the request for de-designation. The Planning Board and the HDC felt that the building was not significant enough to stop progress; however they both made comments that it would be appropriate if the facade of the building was incorporated into the new structure and it could be built up from there.

Mr. John Gaber, Attorney with Williams, Williams, Rattner & Plunkett, spoke to represent Mr. Victor Simon, the applicant and owner of the property. Mr. Gaber was present with Mr. William Finnicum, Historic Architect, who is responsible for their report that comes to a different conclusion than the HDSC's preliminary report.

Mr. Gaber presented a PowerPoint that was based a lot on Mr. Finnicum's report. He noted they believe that 361 E. Maple Rd. is not significant in this context. If someone would try to designate it today it would not meet the National Register criteria. It is a small, 20 ft. wide building with minimal architectural features. In 1984 it was selected as a landmark because it was an example of a cohesive one and two-story downtown shopping corridor.

It is their belief that the three de-listing criteria are met in this case. What has happened since 1984 when the Historic District was created is that in 1996 the 2016 Plan and the Downtown Overlay District were adopted. As a result the Downtown character was changed from a small town to a more urban small city that permitted large two to five-story buildings.

There are 29 landmark buildings within the area. They can co-exist with the Downtown Overlay because of several different reasons that insulate them from the influence of larger surrounding buildings:

- Mass and scale such as the Wabeek and Briggs Buildings;
- Strong architectural features as exemplified by the theater and Peabody Mansion;
- Grouping together.

361 E. Maple Rd. is overwhelmed by the adjacent development and is rendered irrelevant in the grand scheme of the Historic District. It no longer exemplifies that one and two-story downtown shopping corridor that existed in 1983. Therefore the historical significance has been lost.

One concern about de-listing 361 E. Maple Rd. is that it would set a precedent and everyone would be in front of this board asking to have their landmark de-designated. Mr. Gaber does not think that is the case because the other landmarks remain significant due to mass, grouping, architectural characteristics, or their isolated locations.

Therefore, Mr. Gaber requested the HDSC to revise their report before it is issued to the City Commission in order to be consistent with the findings and rationale set forth in Mr. Finnicum's report.

Mr. Beshouri noted that the presentation has alleged that because the corridor is no longer intact, the building doesn't have any architectural elegance or significance. He thought that is a distortion of what the designation is because 361 E. Maple Rd. was designated as a good example and one of the few remaining examples of a 1920's storefront and a particular type of architecture that has survived unchanged.

Mr. Gaber pointed out that the inventory card that was prepared by Mr. Max B. Horton of the Historic District Commission on May 3, 1983 indicated the building has no historical significance. and no architectural significance. The building could not be designated under the rules today because it doesn't meet any of the National Register criteria of importance.

Mr. Beshouri explained that one of the eligible criteria for being designated historic is that the building exemplifies a particular period in time and is a prime example of that style of architecture. Mr. Baka added it might be worth noting that the SHPO found the building to be a good representative example of a small commercial building from the period.

Mr. Beshouri went on to say that all the buildings that are around 361 E. Maple Rd., and as the applicant says rendering it irrelevant, have gone through the process of meeting the criteria of the Overlay District, one of which is ensuring

that this building is still relevant. So it is strange for him to hear that because of all these things that were approved by the City and that have gone through the various processes that are supposed to guarantee that the historic integrity is intact are, as per this presentation, rendering it irrelevant

Mr. Gaber noted that the impact of those buildings has significantly changed the character of the corridor so that it doesn't exemplify what existed in 1984. This building doesn't have any of the characteristics of mass, scale, isolation, architectural prominence that would protect it from being affected by the Overlay District.

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.

They previously submitted a report from Mr. John Dziurman, Certified Historic Architect, who went through all of the criteria with regard to the designation and the continued value of this building. Further, SHPO in its report back confirms the HDDSC findings and doesn't recommend de-listing. It agrees this is a great representation of the architecture from that time era. The building remains in the same condition as when it was built in the 1920's.

Now the argument being made is that because it is a small building and it doesn't have the mass of the theater or the size of the other buildings, we should just disregard it and get rid of it. Only those buildings that are large and take up a half a block or a quarter of a block should be maintained. That clearly is not the reason this building was saved. The building was saved because it is a small storefront Art Deco kind of building that existed in the 1920's that was part of the Birmingham heritage which now this applicant is asking to be destroyed.

In summary, what the petitioner is now saying is that because 1) something else could happen to the adjacent properties; and 2) because the building is small, we should get rid of it. If this building is de-listed, the other historic building on the block will go the same way. There is no proof that 361 E. Maple Rd. has destabilized property values along the corridor which is evidenced by the fact the applicant has purchased the building two doors down.

They think that the original findings of this body were the correct findings and the confirmation made by SHPO as to this body's findings supports that and allows for this area of the City of Birmingham to continue in a manner that is both stabilizing, beneficial to economic values, and provides educational opportunities for the people of the City of Birmingham to see its history in real life as opposed

to having a picture. For those reasons Mr. Stoker asked members of the HDDSC to stick with their original recommendation that the building not be de-listed.

Mr. Mel Kaftan, 369 E. Maple Rd. said when they were designing their building he relied on the fact that the building next door was historic and would not be torn down. So he put windows on that side. He went on to speculate if anyone thinks the applicant plans to build a 20 ft. wide office building. His theory was that they must have some way to purchase the Christian Science Reading Room next door and combine the properties. In that case, parking will be a problem.

Mr. Gaber indicated that it is wrong for Mr. Kaftan to speculate with respect to his client's future intentions. It has no bearing in terms of what is in front of the Committee today.

Ms. Gerry Kaftan, resident at 369 E. Maple Rd., said they picked that spot to build their home because of the street being so charming. Working with the City, they wanted to keep the look of limestone and brick and continue on with the charm of that block. The street would start to lose its charm if that building were to go. The wonderful little boutiques are what brings people into their city. That would be gone with all high rises going in. She would hate to see the charm being lost.

Mr. Beshouri said he is comfortable with the Committee's report. The Committee has listened to both sides and done their job. They have heard this information before and he doesn't see anything that he would want to change about the report. There hasn't been anything new tonight that would make him want to change the report. Other members agreed.

Chairperson Debbrecht commented that she has a hard time accepting that the owner didn't know the building was historic when it was purchased.. So she has a little problem with people buying something and then trying to get the rules changed.

Motion by Ms. Lang

Seconded by Chairperson Debbrecht to forward the study committee report for 361 E. Maple Rd. to the City Commission as presented, recommending denial of the request to eliminate the historic designation of 361 E. Maple Rd.

Motion carried, 4-0.

VOICE VOTE

Yeas: Lang, Debbrecht, Beshouri, Xenos

Nays: None

Absent: DeWindt

4. HDSC PRIORITY LIST

Mr. Baka advised that at the direction of the City Commission, the City Manager has requested that the HDSC create a priority list of projects 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 on their website of the types of programs that can be funded through the Certified Local Government ("CLG") program.

Chairperson Debbrecht remembered that just shortly after she joined this Committee there were several initiatives that they worked on:

- Plaques for the heritage homes;
- Certain historical plaques that need to be refurbished;
- Eco City Presentation;
- Survey of mid-century modern structures.

Mr. Baka said the Commission wants the Committee to brainstorm and see what they feel are priority projects. Projects that effectively address the goals for the Historic Preservation Program based upon the Michigan Comprehensive Historic Preservation Plan are:

- Survey Projects
- Nominations
- Planning
- Public Education
- Restoration Planning Development

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

Discussion turned to the previous topic. Mr. Baka advised if the building gets de-designated by the City Commission it would have to go back to the HDC for approval of the proposed project.

5. ADJOURNMENT

No further business being evident, the committee members motioned to adjourn at 7:05 p.m.

Matthew Baka, Sr. Planner