



MINUTES

**City of Ypsilanti
HISTORIC DISTRICT COMMISSION MEETING
One South Huron Street
Ypsilanti, Michigan 48197**

**Tuesday, May 14, 2019
7:00 P.M.**

CALL TO ORDER AND ROLL CALL

Mike Davis, Jr. Chair 7:04 PM

Commissioners Present: Mike Davis, Jr., Hank Prebys, Alex Pettit, Erika Lindsay, Jane Schmiedeke,
Ron Rupert

Commissioners Absent: Anne Stevenson

Staff Present: Scott Slagor, Preservation Planner
Nancy Hare-Dickerson, Commission Recording Secretary

APPROVAL OF AGENDA

Discussion: 323 Maple and 215 S Washington were added to the agenda as study items by request of the property owners.

Motion: Prebys (second: Rupert) moved to approve the agenda as amended.

Approval: Unanimous. Motion carried.

PUBLIC COMMENT ON AGENDA ITEMS

Re: 58 E Forest

Comment: Jeremy Kennedy, Esq. - Pear, Sperling, Egan & Daniels
Stated an objection, on behalf of Kathleen Talley, property owner at 56 E Forest, to the administrative approval of the fence extension for the property at 58 E Forest, which is next door. Stated that there is a back door running from the basement out to the back of 56 E Forest. Stated that the proposed fence essentially runs from the retaining wall across the southern property line between Ms. Talley's and Ms. Herzog's property. Stated that the current design of the proposed fence extension will block Ms. Talley in to her house preventing her from getting to the basement of her house. Stated that litigation occurred with Ms. Herzog over the use of that particular strip of land in the Washtenaw Circuit Court. Stated that Judge Timothy Connors granted Ms. Talley an easement to get in and out of the basement through that back door.

Stated that the addition of the fence will prevent Ms. Talley from using that easement. Stated that it is also possibly a fire hazard because the only way out would be to go up from the basement around through the fence to the front yard next to a potentially burning building. Stated that in Ms. Herzog's initial application, a picket fence and a privacy fence were proposed. Stated that the picket fence was to run north and south between the two properties along the property line and the privacy fence would run east and west at the southern end of the picket fence. Stated that Ms. Herzog built a privacy fence along the entire property line running north/south and then it ran a 90-degree jog where it goes about another six feet. Stated that it exceeds the initial approval and should not be allowed to be extended.

Response: Commissioner Davis: Explained that the Commission allows staff to administratively review certain applications under certain guidelines. Stated that the Commission will review the application separately from the other administrative approvals.

Comment: Kathleen Talley, 56 E Forest - Property Owner
[Provided background information and reiterated Attorney Kennedy's comments]

PUBLIC HEARING—none

OLD BUSINESS

401 E Forest

**Application for Demolition by Neglect Timeline for Repair was moved to the end of the agenda as the applicant was not present.*

302 E Cross

**Demolition by Neglect Timeline for Repair*

Applicant: Maxwell Ziebarth, owner- present

Discussion: Davis: Stated that the Commission approved the roof replacement in February 26, 2019. Stated that the Planning and Building Department staff were able to tour and look at the property with the owner in April, 2019. Asked applicant to discuss the timeline for the repair.

Ziebarth: *[Updated the Commission re: roofing and foundation issues, and progress]*

Davis: Asked when the roof would be done.

Ziebarth: Stated in the next week or two.

Davis: Asked if there is an application for the foundation.

Slagor: Confirmed. Stated that it is on the agenda under New Business.
[Discussed the Demolition by Neglect process]

Davis: Asked the Commission about any particular items of concern beyond the timeline.

Prebys: Asked about the trees that have been removed. *[Discussion ensued]*

Davis: Asked about the timing for the foundation repair.

Ziebarth: Stated that applicant has been currently working on the property. Stated that the plan is to have the foundation and roof done near the end of May.

Schmiedeke: Asked to have an actual date set for the foundation and roof repair.
[Discussion ensued to clarify a date for follow up and completion of repairs]

Davis: Stated that the Commission would request that applicant return in two weeks to confirm that the roof is completed, to give a report on the foundation and then a timeline for that repair.

Ziebarth: Acknowledged.

Davis: Asked for a timeline for repairs of the damaged/missing siding, damaged windows and doors, and deterioration of the porches on the façade and west elevation.

Ziebarth: Stated that the timeline for completion of the three items would be late summer.
[Discussion re: repair plans and proposed types of materials]

Lindsay: Asked for an actual timeline date for the damaged/missing siding, damaged windows and doors, and deterioration of the porches on the façade and west elevation.
[Discussion ensued to clarify a date for completion of repairs]

Davis: Asked if October 1st would seem reasonable for a completion date for all the identified items.

Ziebarth: Confirmed.

Lindsay: Stated that there can be discussion to adjust dates, as time goes on, if necessary.

Prebys: Stated that dates could be set up for the applicant to return and discuss proposed plans as study items.

Davis: Requested that applicant return to discuss the porch repair as a study item at the first June meeting and to return to discuss windows, doors and siding at the first August meeting.

Lindsay: Asked applicant to bring in any cut sheets, drawings and ideas he may have.

Davis: Stated that the goal is to complete the identified repairs by October 1, 2019.

Ziebarth: Acknowledged.

Motion: Lindsay (second: Prebys) moved to accept the property owner's proposed timeline for repairs of the house at 302 E Cross, as presented at the Historic District Commission on May 14, 2019; the approved roof replacement to be complete by the HDC meeting scheduled for May 28, 2019; the

HDC will also receive an update on the condition of the foundation at the May 28 meeting, with foundation work to be complete by June 8, 2019; porch repair to be submitted as a study item at the June 11 or June 25, 2019 meeting; repair of windows, doors, and siding to be submitted as a study item at the July 9 or July 25, 2019 meeting. All proposed repairs to be completed by October 1, 2019.

Approval: Unanimous. Motion carried

NEW BUSINESS

302 E Cross Street

**Foundation repair.*

Applicant: Maxwell Ziebarth, owner -present.

Discussion: Davis: Stated that the repair of the three elevations on the south elevation of the house that were damaged by the old cistern had been discussed. Stated that the Commission needing to know the full extent of the work had also been discussed. Stated that per the Staff Review, the work proposed includes deconstructing the existing foundation on the aforementioned elevations, constructing a new footing, building new foundation walls of concrete block and veneering the foundation with brick above-grade to match the rest of the house. Stated that the Staff Review also indicates that the proposed foundation reconstruction is on elevations that are largely not visible from the street right-of-way and could be obscured by garden plantings in the future.

Ziebarth: Acknowledged. *[Discussed proposed repairs in further detail]*

Davis: Stated that per the agreed upon timeline, a foundation update from applicant will occur in two weeks, on May 28.

Ziebarth: Confirmed.

Motion: Prebys (second: Rupert) moved to issue a certificate of appropriateness for the work at 302 E Cross as submitted in the application dated April 19, 2019 for repair and replacement of the foundation walls of the rear ell and south elevation. The new foundation walls shall be brick veneered above-grade to match the foundation on the rest of the house.

Secretary of the Interior Standards:

#9 – Contemporary designs shall be compatible and shall not destroy significant original materials.

Approval: Unanimous. Motion carried

112 S Washington

**Application for fence installation was moved to the end of the agenda as the applicant was not present.*

40-44 E Cross

**Application for removal of chimney was moved to the end of the agenda as the applicant was not present.*

216 S Washington

**Window replacement.*

Applicant: Dustin Santini, owner- present
Brett Mahaffey and Larry Jones, representatives for Renewal by Andersen- present

Discussion: Davis: Asked applicant to walk the Commission through the application.

Mahaffey: Stated that the homeowner wishes to replace fifteen wood windows on the house.
[Discussed condition of windows]

Prebys: Asked about the proposed window type.

Mahaffey: Stated that the Renewal by Andersen windows are a composite material window.

Davis: Asked if they are the Fibrex.

Mahaffey: Confirmed.

Davis: Asked if the proposed windows are aluminum clad.

Mahaffey: Stated that a coating is put on the window at the factory.

Prebys: Asked if it is double pane glass.

Mahaffey: Confirmed.

[Discussion continued outlining a description of the muntins/appropriateness re: grille patterns and types/sash replacement]

Rupert: Asked if it is an insert rather than a complete window unit replacement.

Jones: Stated that that is an option that can be done.

Rupert: Indicated that that option would not be appropriate.

Jones: Stated that the other option is that when the weights and pockets are taken out, it could be set up as a split jam but then we are cutting back into the face of the exterior where the cedar is because all the front cedar that can be seen *[reference materials]*, the one-by-six, is connected to the wall and the existing jam.

[Further discussion re: installation, sizing and appearance considerations]

Davis: Stated that, to clarify, there appear to be twelve windows from the street *[reference materials]*, with fifteen windows total. Asked if it is all the windows on the front, plus three other windows.

Mahaffey: Stated that except for these four in the center *[reference materials]*.

Lindsay: Stated that these appear to be designed to be casement windows *[reference materials]*.

Mahaffey: Stated that the owner wanted the windows to match. Stated that since everything is double hung, then the owner would want double hung there. Stated that these really are not casement windows *[reference materials]*. Stated that they do not crank. Stated that they are just on hinges.

Lindsay: Asked if repair of the existing windows was considered. Stated that especially on the front elevation, the Commission would like to know about other avenues that may have been pursued.

Santini: Stated that window repair had been pursued. Stated that the cost would be approximately one thousand dollars per window with no guarantee that it would be any more energy efficient. Stated that it seemed that going with new windows would help with the energy efficiency and the draftiness of the home. Stated that the paint is peeling on the front windows.

Lindsay: Stated that those type of things can be repaired. Stated that the larger issue when looking at the upfront elevation of the home, is that when you think about two inches all around, it will drastically change the appearance of the home.

Davis: Stated that it is important for the Commission to maintain the façade. Stated that it does not appear from the photos that there is anything about the sills that is so unique to the house to hinder any architectural integrity that might need to be sacrificed from being done on the inside instead of the outside.

[Discussion ensued re: exterior vs interior installation options]

Lindsay: Stated that it would be helpful for applicant to provide multiple options. Stated that a large concern is that there is currently a cohesive façade on the front elevation. Stated that aluminum cladding is going to look quite different than the cedar around the edge. Stated that unless the cedar is replaced with aluminum, it is not going to match and it will not look cohesive in the way that it currently looks.

Jones: Asked if the Commission had previously indicated there was not a problem with something being done with a couple of windows on the side of the house.

Lindsay: Stated that those windows are not original.

Jones: Asked if Renewal could be allowed to do a couple of the windows on the side of the house. Stated that the exterior trim would be left on, if possible. Stated that the Commission could then come out and evaluate it at that point.

Davis: Stated that the Staff Review note indicates that there are a string of four casement windows on the first story of the north elevation that is proposed to be changed to a single horizontal sliding window without grilles; that this appears to be ca.1950 and are inconsistent

with the window type on the rest of the house. Stated that that would be one that could be change that might be appropriate. Stated that the Staff Review note also indicates that there is a single ca. 1950 casement window on the north elevation that is proposed to change to a double-hung window with no grilles.

Jones: Stated that with the window on the side *[reference materials]*, he believes he could mimic what he would do on the front of the house and leave the integrity of the outside.

[Discussion continued as to installation options]

Davis: Stated that more information would be helpful; i.e., an actual mock-up of exactly what is being proposed. Stated that if it can be done with a window which is already appropriate for replacement and that is not the front elevation, that may be a good start.

[Further discussion re: installation]

Santini: Stated that applicant was hoping to have more glass because the kitchen is dark. Stated that those are four individual crank-out windows. Stated that a slider would bring in more light.

[Discussion continued re: installation/materials options]

[Discussion re: most efficient way to proceed – table application vs amendment]

Slagor: Recommended amending the application, returning as a study item with a new proposal and then submitting a new application for the façade windows if replacement is proposed.

[Discussion clarifying installation in re: to amendment of application]

Davis: In moving forward, recommended that the privacy screen be left off, initially, to allow time for the Commission to come out and look at the window; that applicant provide more details of the proposed work on the façade on the front, and installation; see if what was mentioned with sliding in from the side is possible; and possibly do some research on the sash packs that were discussed.

Motion: Lindsay (second: Prebys) moved to amend and issue a certificate of appropriateness for the application for window replacement work at 216 S Washington to allow for the north elevation replacement of four individual casement windows with either two horizontal sliding or one full horizontal sliding window, and to replace the single casement window on the same elevation with a one-over-one double-hung window. New windows are to be Renewal by Andersen in Red Rock as submitted in the application on May 3, 2019. The new windows are to retain the current glass area and are to include privacy screens.

Secretary of the Interior Standards:

#2 – Do not destroy original character. Do not remove or alter historic material or features.

#5 – Preserve distinctive features.

#6 - Repair, don't replace. Replacements shall match original.

Rupert: Asked, regarding the single kitchen window, if that will be done as was suggested, when you take out the pulleys and slide it in.

Mahaffey: Stated that it is a casement window right now.

Jones: Stated that before it goes that far, he will go there to see how much can be pulled back. Stated that at this point, it should be brick mold still on the outside with a three-quarter buck around it. Stated that he would go there with one of the measure techs and would drill in and see if there is enough room that will give the extra inch and a half that will hide the frame and give the most glass available. *[Further discussed installation details]*

Approval: Unanimous. Motion carried

224 N River

**Repaint and replace trim.*

Applicant: Judy Weinburger, owner- present

Discussion: Davis: Stated that the application is for repainting and replacing trim.

Prebys: Stated that there was previous discussion as a study item in April.

Weinburger: Stated that those are the original chips from Benjamin Moore Paint *[reference materials]*. Stated that applicant's house is not historic but it is in the Historic neighborhood. Stated that applicant proposes to repaint the exterior in a different color scheme and to replace the cedar trim with fiberboard due to a carpenter bee infestation. *[Discussion re: issue with bees]*

Motion: Prebys (second: Pettit) moved to issue a certificate of appropriateness for work at 224 N River as submitted in the application dated May 7, 2019, for replacing the cedar trim with fiberboard and repainting the house in a base of Dragonfly, vertical trim in Everglade, and window trim in Chambour.

Secretary of the Interior Standards:

#9 – Contemporary designs shall be compatible and shall not destroy significant original materials.

Approval: Unanimous. Motion carried

STUDY ITEMS—

323 Maple

Applicant: Michael Kozura

Discussion: Kozura: Stated that the house has a front porch and a bay window. Stated that the middle of the porch sags slightly and has dropped probably about an inch or two. Stated that there is a secondary pillar that is holding up most of the porch. Stated that the plan would be to replace the pillars with a cypress or something that will be historically accurate and remake the

pillars like how they should be. Stated that the roof on both have an internal gutter and the plan is to come up with a better way of drainage.

[Discussed background history, thoughts re: drainage improvement, porch repair, appropriate pillar replacement]

[Staff discussed steps for applicant to request placement of items on the agenda]

215 S Washington

Applicant: Pace Nielson

Discussion: Stated that there was previous discussion with the Commission regarding the three windows and what was originally a porch that was enclosed back in the fifties. Stated that the plan is to replace the three windows with the Pella 450 which was previously discussed. Stated that they are wood windows, aluminum clad, same glass. Stated that the plan is to do a hardy board "Smart Side" *[reference pamphlet]* on the addition to replace the aluminum siding.

[Discussion re: the house elevation, painting, lighting requirements and appropriateness of different lighting styles]

36 E Cross

Applicant: Jason Branham

Discussion: Branham: Discussed a proposal to install a small air conditioner on the ground behind the fence on the patio.

Davis: Asked if it would be central air.

Branham: Confirmed.

Davis: Asked if it would be behind the fence and not visible.

Branham: Confirmed.

[Discussion as to air conditioning unit and installation details]

Slagor: Indicated that an administrative approval could be done.

ADMINISTRATIVE APPROVALS

58 E Forest

**Amendment to expired fence application*

Applicant: Pamela Herzog, owner –present

Discussion: Davis: Indicated that although the Commission normally accepts administrative approvals, they retain the right not to accept. Indicated that the review of the administrative approval for 58 E Forest will be reviewed separately.

Slagor: Stated that the property owner called and indicated to Staff that the application was previously approved, that the work was never completed and asked if she would have to refile. Stated that Staff advised applicant that it was necessary for her to refile, that permits expire after one year. Stated that owner indicated she was keeping the same style of fence and the same location that was previously approved but the plan would be to add a gate so the neighbor could access and go out the back door. Stated that after discussion with supervision, since it was essentially a continuation of something that was already approved in the same style, that Staff did an administrative approval.

Davis: Stated that per the Public Comment heard earlier in the meeting, that there was mention of some possible Circuit Court decisions about easements.

Slagor: Explained that from the HDC perspective, whether or not there is an easement is really between the two property owners. Stated that the HDC reviews the style of the fence and whether it contributes to or detracts from the historic significance of the property.

Davis: Asked if it goes through the Building Department for approval.

Slagor: Stated that per speaking with the Building Department, they confirmed there is a fence permit. Stated that Staff can look into when the permit expires.

Davis: Asked if a new application is needed.

Slagor: Stated that a new application was submitted. Stated that Staff administratively approved it because it was essentially an amendment to something that was earlier approved.

Davis: Stated that since he was not on the Commission in 2015 and had not reviewed the information, that he is unable to vote for administrative approval.

[Further discussion re: consideration differences between the Historic District Commission and the Building and Zoning Departments]

Lindsay: Asked if the amendment is just to add the gate.

Slagor: Confirmed. Stated that the way it was presented in the application and to Staff is that it will be located in the same place that was approved in 2015 -- just that a gate will be added in the same style of fence.

Herzog: Acknowledged that she would like to continue the same style with the addition of the gate.

Motion: Rupert (second: Schmiedeke) moved to accept the administrative approval of the amended fence application for 58 E Forest.

Approval: Rupert, Pettit, Schmiedeke, Prebys, and Lindsay: support. Davis: opposed.
Motion carried.

224 N Grove

**Roof replacement*

101 S Huron

**Roof replacement*

40-44 E Cross

**Roof replacement*

211-215 W Michigan

**Roof replacement*

216 S Washington

**Garage roof replacement*

330 Maple

**Roof replacement on two garages*

38 E Cross

**Stair replacement and chimney repair*

Motion: Schmiedeke (second: Prebys) moved for acceptance of the administrative approvals for 224 N Grove, 101 S Huron, 40-44 E Cross, 211-215 W Michigan – each for roof replacement; 216 S. Washington for garage roof replacement; 330 Maple for roof replacement on two garages; and 38 E Cross for stair replacement and chimney repair.

Approval: Unanimous. Motion carried.

OLD BUSINESS

**Returned to Old Business after hearing all other business items for those in attendance.*

401 E Forest

**Demolition by Neglect Timeline for Repair*

Applicant: Curtis L. Mullins and Kay F. Morgan, owners –not present

Discussion: Slagor: Stated that per Staff discussion with the City Attorney, that since the timeline is negotiated between the HDC and the property owner, that if the owner is not present, the matter should be tabled. Stated that the owner is allowed an additional chance to appear before transfer to Circuit Court.

Motion: Rupert (second: Prebys) moved to table discussion of the demolition by neglect timeline for repair of 401 E Forest, as the owner was not present at the meeting.

Approval: Unanimous. Motion carried.

NEW BUSINESS

**Returned to New Business after hearing all other business items for those in attendance.*

40-44 E Cross

**Removal of chimney.*

Applicant: Johnny Ell Beverly, contractor- not present

Discussion: Rupert: Stated that the work has already been completed.

Schmiedeke: Stated that per the Staff Review notes, the owners indicated that it was an emergency repair.

Slagor: Stated that the Building Department identified the repair as being done without a permit. Stated that it was repaired with in-kind brick.

[Discussion re: reference materials]

Motion: Lindsay (second: Prebys) moved to issue a notice to proceed for the work already completed at 40-44 E Cross for the removal of the chimney on the south elevation with the condition that the newly bricked surface shall be painted to match the wall and flashing in-place.

Secretary of the Interior Standards:

#9 – Contemporary designs shall be compatible and shall not destroy significant original materials.

Approval: Unanimous. Motion carried

112 S Washington

**Fence installation.*

Applicant: Mary Jentzen, owner- not present.

Discussion: Lindsay: Indicated that the owner was before the Commission as a study item on April 23, 2019.

Motion: Schmiedeke (second: Rupert) moved to issue a certificate of appropriateness for the work at 112 S Washington for installation of a 4' tall Bella Vista Classic Aluminum Fence, in black as specified in the application dated April 23, 2019.

Secretary of the Interior Standards:

#9- Contemporary designs shall be compatible and shall not destroy significant original material.

#10 – New work shall be removable.

Approval: Unanimous. Motion carried

OTHER BUSINESS

Property Monitoring

215 S Washington

Slagor: Indicated that two windows were replaced and siding was removed. Stated that Staff mailed a letter to owner.

109 Maple

Slagor: Indicated that siding came off. Stated that Staff mailed a letter to owner.

208 E Cross

Slagor: Indicated that an application has not yet been submitted for the driveway and siding.

206 N Huron

Schmiedeke: Stated that the fence approved by the Commission has been installed but is not painted.

Davis: Asked Staff to mail a reminder letter for the fence to be painted.

208 Emmet

Rupert: Inquired about the proposed solar panel installation.

Slagor: Stated that Staff visited with Amy Strutz with the solar company and looked at her sample panel. Stated that Ms. Strutz indicated that the owners would appear before the Commission for approval if they decide to move forward with solar for the home.

101 W Michigan

Rupert: Indicated that work on the windows has begun.

218 N Washington

Rupert: Stated that the back porch of the Ladies' Literary Club has been redone with composite tongue and groove and composite plank boards and the work is now completed.

116-118 W Michigan

Davis: Inquired about the elevator shaft constructed. *[Discussion ensued]*

AUDIENCE PARTICIPATION ON NON-AGENDA ITEMS

None.

HOUSEKEEPING BUSINESS**Approval of the minutes of April 23, 2019**

Motion: Prebys (second: Schmiedeke) moved to approve the minutes as submitted.

Approval: Unanimous. Motion carried.

ADJOURNMENT

Chairperson Davis adjourned the meeting, citing the end of the agenda with no further items to discuss.

MEETING ADJOURNED at 9:25 p.m.