

HISTORIC DISTRICT COMMISSION
Minutes
January 18, 2005

Third Floor Conference Room
City Hall
241 W. South Street
Kalamazoo, MI 49007

Members Present: Bill Snyder, Chair; Lisa Poole-Woldring, Vice Chair; Linda DeYoung; Nelson Nave; Bob Oudsema; James Tribu

City Staff: Sharon Ferraro; Historic Preservation Coordinator; Maggi Smith, Housing Inspector; Amy Thomas, Recording Secretary

CALL TO ORDER

Mr. Snyder called the meeting to order at 5:00 p.m.

APPROVAL OF AGENDA (January 18, 2005)

Ms. Ferraro requested that a discussion regarding 701 W. Walnut and 621-629 W. Walnut be added to the end of the agenda.

Mr. Oudsema, supported by Ms. Poole-Woldring, moved approval of the January 18, 2005 Historic District Commission agenda as amended. With a voice vote, the motion carried unanimously.

PUBLIC COMMENT

None

DISCLAIMER

Ms. Ferraro read the disclaimer into the record.

OLD BUSINESS

None

NEW BUSINESS

926 Davis (Case #IHA 04-0424)

Ken Schaeffer was present to discuss the application. The application requests installation of a spiral metal fire egress from the new third floor door on the east side of the house and a change in pitch of the north, first floor, flat roof.

Mr. Schaeffer stated that his original wooden stairway exit proposal was rejected by the Historic District Commission last July. He has applied to the Housing Board of Appeals (HBA) for a variance.

In the past the exit had come out the rear/north bedroom window to a wooden staircase that descended to a lower flat roof. This was removed when he re-roofed. Mr. Schaeffer stated that the reason for the east side exit is that the gable could accommodate a full size 36" x 80" door and that is what the new code requires. Mr. Schaeffer has applied for the variance in order to use the window on the north side where the exit is now. If the variance is granted, then a staircase could be built on the rear of the building from the north window. The exit would be the size of the window or slightly larger. The size of the door or window opening would be limited because of the low ceiling in the bedroom. Mr. Schaeffer stated that, if the HBA grants the variance, he could build a staircase on the north side (back side) of the property and very little of it would be visible from the street. Economically, this would be the best option since the spiral staircase represents a major investment. Ms. Schaeffer stated that there is currently a window/door opening on the third floor but no staircase to get to the ground.

Ms. Snyder inquired as to when Mr. Schaeffer would have acknowledgement of the variance. Ms. Ferraro advised that the Housing Board of Appeals meeting was scheduled for the last week of January. Mr. Snyder stressed the need for further specifications regarding the proposed project. He further advised that he would not be in favor of the installation of a new door and staircase on the east side even if the HBA grants the variance.

Ms. Ferraro stated that she could attend the Housing Board of Appeals meeting and advocate the option of having a north door. Mr. Schaeffer commented that having the north door would be his preference.

Mr. Nave inquired if the old window was an escape window and Mr. Schaeffer answered in the affirmative. He commented that the house had passed inspection for the last 10 years because it was grandfathered in. Ms. Ferraro stated that the roof was replaced and the previous structure was removed. Once the removal occurs it cannot be put back as it had been and the house is no longer in compliance. Mr. Schaeffer commented that his rental housing inspector Maggi Smith had advised him that the house would not have been in compliance anyway because of the change in the code.

Ms. Smith advised that there is another issue with the back stairway: there are two bedrooms upstairs and no hallway. The outside exit existed because it was the only option where two rooms could exit without one of the occupants passing through the other bedroom. The way the rooms are currently set up, the room with the egress window could only be used as a computer room/study room and not as a bedroom with a lockable door. Mr. Schaeffer advised that the prior inspector had granted permission to use both rooms as bedrooms provided there was no lock on the door. The tenants have

added a lock to the door. Mr. Schaeffer stated that, if he received a variance to use the north exit, he might be able to get a variance allowing one of the rooms as a bedroom as long as the door was removed and a curtain installed in its place. This would allow access to the egress window, if necessary.

Discussion followed with regard to possible options for egress. Ms. Ferraro stated that another option was to not allow the two third floor bedrooms to be occupied. Mr. Schaeffer stated that it would be a \$650 per month loss if he had to vacate those bedrooms.

Mr. Oudsema stated that he was sympathetic to the situation but that he would not vote for a stairwell coming down on the east/side elevation of the house. This elevation faces Davis Street. He added that he thought the stairwell was not in the best interest of the property or the neighborhood. Mr. Oudsema commented that, if the stairwell were allowed on the side of the house, it might set a precedent for the other properties in the area. He advised that pursuing the variance would be the best option.

Mr. Snyder agreed with Mr. Oudsema and expressed concern that Mr. Schaeffer had not yet sought the variance in front of the HBA. Mr. Snyder suggested that a denial by the HDC might strengthen the applicant's position with the HBA. Ms. Ferraro advised the applicant that, if he appeared in front of the HDC again, he would need to submit another application.

Mr. Schaeffer inquired if the code for the door opening size is state mandated. Ms. Ferraro responded in the affirmative and advised that it would be under the jurisdiction of the HBA and that they could make an exception to the rule.

Mr. Oudsema, supported by Ms. Poole-Woldring, moved denial of the application regarding 926 Davis as presented, based on the Secretary of the Interior's Standards and Guidelines numbers 6 and 9. With a roll call vote, the motion carried unanimously.

MINUTES (December 21, 2005)

Mr. Snyder requested the following changes to the minutes: Page 2, under 831 W. Lovell, the last sentence before the motion, "8-foot tall fence" should read "6-foot tall fence." Page 3, under 812 S. Westnedge, fifth sentence, "provided" should be "provide." Page 4, first paragraph after the motion, last sentence, insert "to" after inspector.

701 W. Walnut

Bob Miller was present to discuss the property. This property originally appeared on the HDC agenda in December 2002. At that time, a site visit was scheduled for January 7, 2003. Following is an excerpt from the meeting:

“Mr. Miller proposes to buy the property and rehabilitate it. The application calls for rehabilitating the building at 701 West Walnut into a storefront and four apartments and adding windows to the rear of the first floor, as necessary to meet code requirements.

The following members of the HDC were present at the special meeting: Lynn Houghton, Chair; Dana Amore; Rob Chamberlin; David James; Bob Oudsema; Bill Snyder; David Williams. The following motions were made at the January 7 special meeting:

Mr. Snyder, supported by Mr. Oudsema, moved approval IN CONCEPT of the plans for 701 W. Walnut with the stipulation that the north addition and northeast bump out be removed. Reconstruction should be to Historic District standards and guidelines. With a roll call vote, the motion carried unanimously.

Mr. Oudsema, supported by Mr. Snyder, moved approval of the structural elements of the proposed parking lot at 621-629 W. Walnut, in concept. Approval of this project is subject to conditions being met at 701 W. Walnut and is not to be precedent setting. With a roll call vote, the motion carried unanimously.

Shortly after the January 2003 meeting, ownership issues arose and work was delayed. Mr. Miller advised that the ownership issues were resolved in October 2004. A building permit was obtained and it is hoped that the new roof will be on by the end of March. A timetable for repairs has been approved by the Dangerous Buildings Board. Mr. Miller is hoping to have a majority of the work finished by the end of September.

Mr. Miller advised that more issues have arisen during the two years that he has owned the property. The property is very close to the sidewalk. There is concern that an open front porch would create a problem with loitering. There is a basement underneath the front of this building. Mr. Miller had agreed to remove part of the structure in the front of the building but then it was discovered that there is a basement under that part of the building.

Mr. Miller referenced the site visit from January 7, 2003 but he was not able to remember all of the details of the meeting. He commented that one of the biggest issues was the need to use the empty lots across the street (621-629 W. Walnut) as a parking lot. One of the biggest issues with the HDC was that the 1950's addition on the front of the building should be removed.

Ms. Ferraro stated that the building permit was dated August 1950 regarding the addition on the front of the building. Mr. Miller pointed out that, technically, the addition is now historic. Mr. Miller advised that he didn't want to tear off the front of the building because it would not be economical to deal with the basement underneath the addition. Having an open front porch might not be in the best interest of the property due to the

close proximity of the building to the sidewalk. Mr. Miller suggested coming up with a plan to maintain the front of the building but have it look more pleasing.

Mr. Snyder expressed concern that the effort expended to make the building look better might exceed the cost of tearing off the addition and restoring the front. He expressed concern regarding the conditions associated with the parking lot and the Zoning Board of Appeals variance which granted explicit use of the property across the street. Use of the property across the street for a parking lot was contingent upon removal of the front addition at 701 W. Walnut.

Mr. Nave referred to similar properties on Burdick and commented that it had been common during the 1930's and '40's to convert a portion of residential structures for retail use. Ms. Ferraro advised that 701 Walnut was originally built with the retail space on the first floor. Mr. Oudsema advised that the addition was not part of the original retail space.

Mr. Oudsema commented that the concessions made at the special meeting in 2003 were predicated on removal of the front addition. He stated that he would continue to advocate for that position. Mr. Oudsema stated that he thought it would not be difficult to put up a new concrete wall in the basement and fill the space in.

Mr. Nave mentioned potential problems with historic tax credits and inquired as to the state's position on the proposed changes.

Mr. Snyder concurred with Mr. Oudsema. Mr. Oudsema suggested keeping the front porch and giving up the basement and third floor occupancy since they were not originally intended for occupancy. Ms. Ferraro stated that the third floor had originally been living space and that the basement doorways, trim and windows were exactly the same as the rest of the building on the second and third floors. Mr. Snyder pointed out that the basement under the addition would have been added at the same time as the addition. Otherwise, it would have been an open space. Discussion followed as to how the basement might have originally been configured. Ms. Ferraro stated that, either the entire basement is original to the house since the windows and doors all match, or someone obtained identical materials when the addition was built.

Ms. DeYoung inquired if the 1950's addition would have had windows. Ms. Ferraro stated that the addition would have had windows on the first floor; it was a grocery store. Discussion followed as to whether the second story was part of the '50's storefront addition. Ms. Ferraro commented that there is no indication in the building permit as to the details of the addition. Further discussion followed as to the history and details of the building. Ms. Ferraro suggested speaking with Don Worth who has lived three doors away from 701 W. Walnut since 1919, to find out if he can remember any details about the building.

Mr. Miller stated that he needs the state and federal tax credits for this project and he inquired as to how to proceed. Mr. Snyder stated that, quite some time ago, he spoke to Robb McKay at the State Historic Preservation office in Lansing. Mr. McKay stated that there was a façade that is now historic and he wanted to see it. Mr. Snyder advised Mr. McKay that the HDC did not feel that it was appropriate to proceed as suggested at that time. Mr. McKay didn't agree. Ms. Ferraro advised the Mr. McKay is not the one who would make the decision at the state level; he would review the matter and forward it to the National Park Service for a final decision. However, he has some idea as to what the final outcome might be.

Mr. Snyder commented that the HDC would not necessarily approve the project just because it is what the state wants. Mr. Snyder stressed the need for everyone to work together to find a solution to this situation.

Discussion followed with regard to the investment Mr. Miller has already made in the property. Further discussion followed with regard to the current rental market and the available historic tax credits.

Mr. Miller advised that another option would be to do the minimum repairs necessary to bring the house up to code and turn it into a single-family unit. This would not be the best option but it would eliminate the need for the parking lot across the street.

Ms. Ferraro advised that the federal historic tax credit is worth 25% of the eligible rehabilitation expenses. At this point, that would amount to at least \$30,000 for the property at 701 W. Walnut. Ms. Ferraro advised that the 1950's historic addition on the front of the building could potentially provide Mr. Miller with a choice of options. However, the National Park Service might not consider the 1950's addition to be historic. Mr. Miller requested clarification. Mr. Ferraro provided the following example: If someone had a house that was built in 1860 and it had a simple entry porch, then in 1900 someone put a fancy porch on the house. Theoretically, the owner might have the choice of going back to the original 1860's porch or leaving the porch as it was reconfigured in 1900. The choice would depend on the strength of the case presented to the National Parks Service for what the owner wants done.

Mr. Snyder pointed out that Mr. McKay might not have known that the addition was constructed in the 1950's. Ms. Ferraro agreed and stated that she had only discovered this information about six weeks ago. Ms. Ferraro advised that Mr. McKay had stressed the need to preserve the commercial appearance on the front of the building. The commercial appearance could still be preserved with the 1950's addition.

Mr. Nave inquired if the state would allow the 1950's addition to be removed and Ms. Ferraro responded that she thought they would allow it. Mr. Snyder recalled that a discussion had occurred at the HDC meeting as to whether or not the building should look like a home or a business. The HDC decided it should look like a home but Mr.

McKay's position was that it had been a commercial building almost since the time it was built. Therefore, he wanted to see the commercial aspect of the building and in his opinion, the National Park Service would concur. That was where the controversy occurred. The additional information regarding the 1950's addition seems to present more options.

After further discussion, it was decided that the first step would be to talk with Mr. Worth to find out what he could remember about the building. The second step would be to speak with Robb McKay to obtain feedback from the State Historic Preservation Organization.

Ms. Ferraro commented that Mr. Miller had established what he would like to do with about 85% of the building but questions still remain as to what should be done with the front portion. Ms. Ferraro advised Mr. Miller to provide some rough sketches for Mr. McKay to review. The prior approval for removal of the front addition has expired.

Mr. Oudsema suggested that KNHS or Vine Ventures might contribute funds toward repair of 701 W. Walnut. Discussion followed with regard to future investment in the property and the limited funds available. Further discussion followed with regard to whether the original commercial portion of the building would be visible if the 1950's commercial addition were removed. Ms. Ferraro stated that she is continuing to research the property in hopes that an early photograph will be found.

Ms. DeYoung asked Mr. Miller for clarification as to what he would like to do with the building. Mr. Miller stated that his preference would be to work out a plan to make the front of the building appealing to the neighborhood and still be eligible for tax credits. A suggestion was made to have Mr. Miller provide sketches of what he wants done to the building and have Ms. Ferraro approach this matter at the state level when she goes to the State Preservation Office in February.

Mr. Tribu inquired about the history of the Historic District Commission's involvement with this property. Mr. Snyder provided a brief summary of HDC involvement with this property.

Mr. Miller provided sketches for the HDC to review. Mr. Nave gave a brief verbal review of the three options provided and discussion followed with regard to the details.

Mr. Oudsema suggested contacting Rob McKay to find out if he would allow the 1950's addition to be removed, the tax credit to be allowed, and the owner to proceed with the project as follows: remove the '50's addition on the front of the building, construct a basement wall to the front/north of the building, fill in the basement where the addition had been and rebuild/restore the front façade. Mr. Miller agreed to this scenario as long as the aforementioned changes would allow him to receive the tax credit.

Mr. Snyder inquired if any of the members of the HDC would oppose the aforementioned scenario suggested by Mr. Oudsema. The HDC members were all in favor of Mr. Oudsema's suggestion. Mr. Oudsema suggested to Mr. Miller that he install a sprinkling system at 701 W. Vine. Discussion followed with regard to the benefits of having the sprinklers installed.

Ms. Ferraro suggested that she meet with Mr. Miller to discuss the details of the project and the tax credit prior to meeting with Mr. McKay in Lansing. Mr. McKay should be able to advise on how best to proceed.

OTHER BUSINESS

Ms. Ferraro suggested the last Tuesday in March as a possible retreat date for the Historic District Commission and the Historic Preservation Commission (HPC) to meet. Ms. Ferraro advised that the retreat would probably last a couple of hours and would provide a way for the two commissions to meet and discuss projects and issues with which they are involved. Several historic buildings were suggested as possible meeting places for the retreat.

Ms. Ferraro inquired if anyone was interested in volunteering for the Historic Preservation Awards Committee. Traditionally, the Awards Committee consists of two HDC members, two HPC members and Ms. Ferraro. Ms. DeYoung and Mr. Tribu volunteered for the committee.

Ms. DeYoung requested an update regarding 530 W. South Street. Ms. Ferraro advised that it would be on the February HDC agenda.

Ms. Ferraro advised that the City of Kalamazoo Historic District Commission would be holding a joint meeting with the Portage Historic District Commission on January 25, 7:00 p.m., in the third floor conference room at City Hall. The subject of the meeting is to discuss ideas for Historic Preservation month. Training for commissioners on the Historic District Commissions will also be discussed.

ADJOURNMENT

Ms. Poole-Woldring, supported by Mr. Nave, moved to adjourn the January 18, 2005 meeting of the Historic District Commission. With a voice vote, the motion carried unanimously.

The meeting adjourned at 6:35 p.m.

Prepared by: _____
(Recording secretary)

Dated: _____

Reviewed by: _____
(Historic Preservation Coordinator)

Dated: _____

Approved by: _____
(Chairperson)

Dated: _____