

HISTORIC DISTRICT COMMISSION
Minutes
September 20, 2005

City Commission Chambers
2nd Floor, City Hall
241 W. South Street
Kalamazoo, MI 49007

Members Present: Bill Snyder, Chair; Lisa Poole-Woldring, Vice Chair;
Fred Decker; 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 5:05 p.m.

AGENDA (September 20, 2005)

Ms. Ferraro stated that the applicant for 628 S. Park St. requested that his application be reviewed at next month's meeting in order to allow time for a walk-through of the property by the applicant and Ms. Ferraro. Mr. Oudsema requested that Ms. Ferraro review the signage on the second floor at 628 S. Park to determine if it is in compliance with the codes. Mr. Nave mentioned that the roof edge at the 628 S. Park address should not have been painted white.

With a voice vote, the September 20 Historic District Commission Agenda was approved.

PUBLIC COMMENT

None

DISCLAIMER

Ms. Ferraro read the disclaimer into the record.

OLD BUSINESS

214-24 S. Kalamazoo Mall

Steve Hassevoort, Diekema Hamann Architecture, was present to discuss the application. He provided drawings of the building elevations. Mr. Hassevoort stated that the plan calls for restoration of the front (east) facade of the two-story building with rest of the building to be demolished and replaced with a new structure replicating the shape, height, material, cornices and windows. There have been the following changes to the plans for the alley (north) elevation since the last meeting: the front portion of the building is pretty much the same, but there is a new entrance to the apartments, which is more contemporary, the materials of construction will be mostly limestone and brick. He pointed out the portion of the building replicates the shed/carriage barn in the northwest corner will have a balcony above for use by the upstairs apartment. There will also be delivery doors for Gazelle Sports and doors to the break room and stockroom on the north side of the shed/carriage barn in a similar location to the large door on the demolished shed/carriage barn. Arched windows will be installed on the side and rear of the building. The proposal is for aluminum-clad windows with divided lites and limestone caps throughout. On the back, there will be two balcony levels; final plans for the window placement are still being developed. Currently, the plan is to have two brick colors, one on the shed/carriage barn and the remainder a red/coral color similar to the historic bricks.

Mr. Nave referred to the front elevation and inquired if there would be a new cornice on the top of the main building. He commented that old photos showed decorative features on the frieze board. Mr. Hassevoort indicated that he would look into that possibility.

Ms. Ferraro inquired as to why the cornice line extends around the corner on the north side of the three-story section. Mr. Hassevoort advised that it was the client's preference to have the cornice extend around the corner. The intent is to make the alley more than an alley; it will be a main entrance and they want to dress it up. Ms. Ferraro mentioned that the cornice on the north side on the three-story section won't be visible from the alley. Mr. Hassevoort stated that he didn't have a good historical picture of that area and Ms. Ferraro indicated that she could provide a picture showing the details.

Mr. Nave suggested bringing the main cornice around the building as far as the corner and having a simpler cornice on the side of the building, since that would be more historically accurate. Mr. Nave suggested having a 2 or 3 stage flat metal step-down detail on the side of the building. He inquired if the metal handrails on the balconies would show from the street and Mr. Hassevoort stated that he thought they would be visible from the alley but not from the street. He further advised that the railing would probably be a dark, matte-finish bronze. The intention is to have a traditional look on the east facade at the main entrance by the street. The application is considering using smaller mortar joints and using lighter blond/orange brick for the shed area and

something darker for the rest of the building, similar to the Whistle Stop. The limestone would match the existing tinted mortar; it would look old and not stand out.

Ms. Ferraro mentioned that the mortar joints would not have been raked out but would have been almost flush on the side of the building so the shadow lines would have been different. Mr. Hassevoort mentioned that the alley is more public now than when the building was built and that's why more details are being added. For instance, the new entry will be recessed to allow for potted plants in that location during the summer months. Mr. Hassevoort advised that Marvin windows are being considered for this project.

Ms. Poole-Woldring inquired if the current plan called for the removal of the shed/carriage barn for parking. Mr. Hassevoort stated that the shed/building on the proposed plan is a new building and it is in a different location than the original shed/carriage barn. The new plan is just alluding to the old shed/carriage barn but it's recessed so there's parallel parking along the back of the building.

Mr. Oudsema inquired if 214-24 S. Kalamazoo Mall was in the historic district. Ms. Ferraro advised that 214-24 S. Kalamazoo Mall is in the local historic district; the National Register nomination went through last Friday but this structure is not officially listed on the National Register yet. The local district on the mall includes only 214-24 and the building next door which currently houses the Dragon Inn. The National Register Historic District doesn't impose design review but makes buildings with that designation eligible for the historic tax credit. The National Register District includes the buildings around the corner on South Street, the Park Building and buildings on the other side of the street starting with the Style Shop and continuing down the street to the former Malnight's building. The National Register is honorary and is protective of the property from federally funded projects and the property is eligible for federal income tax credits. The local historic district is similar but also provides design review guidelines.

Mr. Snyder inquired as to what the applicant was seeking at this point. Mr. Hassevoort advised that he was seeking approval for the changes to the entry tower and the new arrangement of the windows. The developer has a November 1st deadline to send the package out for bid. Mr. Hassevoort indicated that he was looking for approval on as many details as possible at this point.

Ms. Ferraro advised making one motion to deal with approval of the demolition of the old structure behind the façade, and another motion to approve the new construction with further details to be worked out at subsequent meetings or with the coordinator.

Mr. Oudsema, supported by Mr. Decker, moved to allow demolition of 214-24 S. Kalamazoo Mall retaining the existing historic of the east façade on the Kalamazoo Mall as proposed in the drawings provided by the applicant.

Mr. Snyder referred to a letter from the HPC and inquired if there were any citizen comments.

Citizen Comments

Ben Barton, a representative of Scott Gordon, inquired if the issue before the commission was the revocation of the historic district designation. Mr. Snyder stated that this was not the issue.

There were no further citizen comments.

Ms. Poole-Woldring inquired as to what criteria should be considered with regard to the motion for demolition. Mr. Snyder advised that Ms. Ferraro had already provided information regarding the circumstances necessary to allow the demolition to proceed based on preservation law. The HDC could ask for more information, deny the motion or have the applicant appear in front of the HDC again.

Ms. Ferraro suggested amending the motion to state that the demolition may proceed only if the project is approved as presented. Mr. Oudsema and Mr. Decker both agreed to the amendment.

Mr. Snyder inquired as to the basis for approving the demolition. Ms. Ferraro stated that the project can't be approved under the Secretary of the Interior's Standards and Guidelines because they are standards for rehabilitation and the presumption is that the building would remain. The demolition could be approved based on the city code of ordinances, section 23 which states: "Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions: A. The resource constitutes a hazard to the safety of the public or to the structure's occupant; B. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances; C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of god or other event beyond the owner's control created the hardship and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner; D. Retaining the resource is not in the interest of the majority of the community.

Ms. Ferraro advised that the demolition could be approved pursuant to rebuilding under "B" or "C" depending on how much evidence the HDC required regarding financial hardship. Ms. Ferraro stated that she thought the applicant had explored feasible alternatives over the past decade. Mr. Snyder agreed with that statement but advised that

no documentation had been presented with regard to the possible financial hardship. Ms. Ferraro referred to the letter presented by the applicant at the last meeting, which detailed all the efforts by the applicant to find financing for the project. However, a balance sheet was not presented. Discussion followed with regard to the possibility of the applicant providing proof of undue financial hardship. Ms. Ferraro advised that Kalamazoo does not yet have a means test for economic hardship set up as part of the procedure in the ordinance. Usually, financial hardship is claimed on appeal and is proven during the appeal process. Accordingly, this would require the HDC to deny the motion for demolition today so that the applicant could proceed with the appeal at the state level. The results of the appeal hearing would be presented to the State Historic Preservation Review Board for confirmation. The review board only meets 3 times a year and they just met last Friday, September 16th.

Mr. Hassevoort inquired if they could use the condition that further delay would be holding up a “major improvement program”, etc. Ms. Ferraro read “B” as listed in the code and stated that it would be a possibility. Mr. Snyder advised that such conditions had not been met. Discussion followed with regard to site plan approval and zoning requirements that will be required if approval is granted by the HDC. **It was suggested that the motion be amended to state that the buildings will remain intact until all planning and zoning requirements are met to ensure that the project doesn’t stop midstream. With the approval of Mr. Oudsema and Mr. Decker, the motion was so amended.**

Discussion followed with regard to different ways to approach the project. Mr. Oudsema stated that he thought that consideration should be given to what has happened with commercial real estate in downtown Kalamazoo. He referred to a property that he had sold 8 or 9 years ago for nearly twice what it was recently sold. Mr. Oudsema advised that passing on this opportunity would send a message that’s counter productive. He commented that he thought the proposed demolition and maintenance of the façade could be supported by the language in the ordinance

Mr. Snyder stated that he had been contacted by members of the Historic Preservation Commission with regard to their lack of support for the “façade-ectomy.” He further stated that he thought this project was a tremendous opportunity for the entire area and that he would be voting in favor of it.

Ms. Poole-Woldring inquired if economic hardship would have to be proven in order for the building to be demolished and Ms. Ferraro stated that it would not have to be proven. Ms. Poole-Woldring advised that she would not be voting in favor of the demolition.

Mr. Oudsema inquired as to what would happen if the HDC denied the application and the applicant appealed the decision. Ms. Ferraro advised that the appeal would be handled at the state level based on “B” or “D” as stated in the ordinance. Mr. Snyder commented that this project is for the “benefit of the community” as stated in the codes.

Mr. Oudsema mentioned that it might be difficult for Greenleaf to prove financial hardship. Discussion followed with regard to the sale of the building to Greenleaf. Mr. Snyder summarized the situation as follows: "The project doesn't go forward if the sale doesn't occur and the sale doesn't occur unless they get an affirmative vote tonight."

Ms. Poole-Woldring commented that the financial hardship had not yet been proven. Mr. Oudsema advised that it was not up to the HDC to prove financial hardship. Ms. Ferraro added that the decision to demolish could be based on any one of the four criteria not all four of the criteria. Further discussion followed with regard to the details of the project.

With a roll call vote, the motion carried by a majority vote.

Ayes: Decker, DeYoung, Nave, Oudsema, Snyder, Tribu
Nays: Poole-Woldring

Discussion followed with regard to possible approval in concept for this project as it was presented tonight. The modifications to the drawings as presented tonight will come before the HDC at a later date. Mr. Nave stressed that the front façade should be very close to the original; Ms. Ferraro advised that she will provide pictures of the façade.

Mr. Hassevoort inquired if anyone would be available for a consultation during the reconstruction process if there were concerns. Mr. Snyder suggested Mr. Nave as a contact person since he is an architect, and Ms. Ferraro to review the changes. If necessary, the HDC can hold a special meeting to further discuss the details.

Mr. Oudsema, supported by Mr. Nave, moved approval of the exterior shell proposal presented regarding 214-24 S. Kalamazoo Mall with major changes to come back before the Historic District Commission and, in the interim, minor changes are to be discussed with Mr. Nave and Ms. Ferraro. Ms. Ferraro is to determine if a special meeting of the Historic District Commission will be required. With a voice vote, the motion carried by a majority vote.

Ayes: Decker, DeYoung, Nave, Oudsema, Snyder, Tribu
Nays: Poole-Woldring

701/629 W. Walnut (Case #: IHA 05-0039)

Bob Miller was present to discuss the application. The application requests approval of the final details of the parking lot at 629 W. Walnut.

Mr. Miller stated that there had been some concern in the past regarding how the fence would tie in on the street side to the south and east sides where the neighboring houses are. Those two sides will have a 27" high retaining wall with a 45" fence on top of that.

The north and west (street sides) of the parking lot would have a 72" tall fence so the top of the fence would be at the same level on all sides. Mr. Miller suggested that, for visual purposes, the best way to tie in the retaining wall might be to put one full section of 6' fence returning from the two street sides toward the two house sides and then the retaining wall would start. This would put the concrete retaining wall past the site line of the front porches of the adjoining houses, which would satisfy the ZBA requirements for the parking wall and the screening requirement for the lights. Five feet of the parking lot inside the fence on the two street sides is to be lawn or landscaping.

Mr. Snyder referred to an error in the Certificate of Appropriateness which stated that the cement wall would be 2 ½" to 3" "inches" rather than "feet." Mr. Miller advised that the shorter version of the (Miranda) fence would be 45" and the full height would be 72" and the difference is 27" (the height of the retaining wall). Mr. Snyder commented that this would be a little below what was approved by the HDC for the retaining wall and it should be noted in the motion. Mr. Snyder inquired as to where the parking would be since there is concern regarding headlights and damage to the fence. Mr. Miller advised that there is no setback but the retaining wall will be on the east and south sides. On the north and west sides there will be five feet of green space between the parking area and the fence to help prevent the cars from hitting the fence. Mr. Tribu inquired as to the details of the fence. Mr. Miller advised that the fence will be constructed of steel and it will be set in the cement with footings to the frost level. The columns will be two inches square.

Mr. Nave suggested that the corner and end columns be a minimum of 4" and a maximum of 6" steel to improve the appearance and keep the fence from being pushed over. Mr. Miller advised that the fence would stop 2' short of the curb cut, which is required to be 20' wide.

Mr. Miller stated that he had spoken with Rob Bauckham about lighting the lot. He confirmed that it is not necessary to have several small lights sitting around the lot. It was suggested that Consumers Power could put an additional light on an existing pole if there isn't enough light already. The light would be overhead and shielded since there is concern regarding vandalism. Mr. Miller confirmed that there is already at least one streetlight in the area. Mr. Snyder mentioned that Consumers Power would probably not be very cooperative with such a request and he advised not considering such a project if it wasn't needed. Mr. Miller advised that there appeared to be enough lighting already and that he would deal with the subject of additional lighting if it became an issue in the future. Ms. Ferraro advised downplaying the parking lot by not drawing too much attention to it with lighting.

Ms. DeYoung inquired as to the location of the entrances to the parking lot. Mr. Miller advised that the entrance to the parking lot is to the north off Walnut Street. The parking lot will accommodate 12 cars; it will be paved and have yellow stripes running east and west.

Mr. Nave, supported by Mr. Tribu, moved approval of the plans as submitted with the additional requirement that 4" to 6" square steel stock be used on any open-ended portion of the fencing. The wall is to be 8" to 10" thick and the foundation will conform to the code requirements. With a roll call vote, the motion carried unanimously.

NEW BUSINESS

914 S. Westnedge (Case #: IHA 05-0227)

Bill LaValley appeared to discuss the application. The application requests demolition of a carpenter ant damaged garage.

Mr. LaValley stated that he is considering purchasing the property from Ben Emrick. The garage has not been maintained and is leaning to the north. There is a hole in the roof, the decking is rotted and there is a carpenter ant infestation. Mr. LaValley stated that the inspector informed him that the garage is not original to the 1890's house and was probably built in the 1950's. Mr. LaValley advised that he is a therapist and he hopes to turn the property into a duplex and rent out the lower portion of the building to residential tenants, keeping his office and renting office space to other therapists. There are three stalls in the garage but the tenants only use one of the stalls because of the condition of the structure. Mr. LaValley stated that he doesn't intend to replace the garage.

Mr. Snyder advised that he didn't have a chance to look at the garage and, therefore, would not be voting on the motion.

Mr. Nave stated that there was a hole in the garage roof but, otherwise, the garage is not in such bad condition that it couldn't be fixed. He commented that the garage was probably built in the 1920's. He added that the bead board on the inside is in great shape. The cellulose and insulation hanging down could be easily removed and cleaned up and the ant damage could be repaired. Mr. Tribu commented that the ant damage was caused because the roof is wet and ants are attracted to wet areas. Mr. Nave added that only two of the front four columns were hit and leaning and the front façade could be easily fixed. Steel overhead doors could be installed for about \$500 a piece. The north wall could be jacked up and a new plate installed. Mr. Nave advised keeping the garage.

Mr. Oudsema inquired as to the cost of repairing the garage. Mr. Nave advised that it would cost approximately \$500 to repair one side of the roof. Repair of the fascia, four columns and three doors would cost approximately \$3,000 and this would make the garage operable for 3 cars. Mr. Tribu commented that by the time the foundation and the building are removed, it would cost at least half the price of repairing the garage. He further commented that it would be an advantage for future buyers if the applicant were to keep the garage.

Mr. LaValley stated that he had a time line to adhere to; the second floor business needs to be brought up to code first and it would be quite awhile before he could deal with the garage. Mr. LaValley provided a brief review of the repairs to be made to the house and the approximate cost.

Mr. Oudsema mentioned that the application indicates the applicant intends to invest over \$10,000 in remodeling and structural improvements to the house. Mr. LaValley stated that he needs to address the safety issues, code issues and some aesthetics. He stated that he thought those improvements plus the second floor rehab of the kitchen and bathroom would cost approximately \$10,000. The tenants have advised that work needs to be done to repair damaged doors and broken latches. Mr. Oudsema stated that he thought the house was spectacular and worthy of a significant project and that he would like to see the owner's resources directed toward repairs to the house rather than the garage.

Mr. Snyder advised that replacement of exterior doors would have to be approved by the HDC. Mr. LaValley advised that most of the exterior doors are original and can be rehabbed.

Further discussion followed with regard to the garage. Mr. LaValley advised that the owner has agreed to contribute \$500 to the demolition of the garage but he isn't willing to contribute to repair of the garage.

Ms. Poole-Woldring mentioned that there are many "for rent" signs in the neighborhood and maintaining the garage might help the owner rent the house. Mr. LaValley stated that he hopes to eventually expand his practice and convert the downstairs from tenant rental to a professional office. Mr. Nave advised that if the business is set up as an LLC (limited liability corporation) and rent is received from the apartment and the garages, each of the repair items can be written off over time. Mr. LaValley advised that, if the deal goes through, he has someone who is willing to invest in the improvements.

Mr. Decker commented that most of the decking on the garage still looks pretty good and that straightening the building would be a major improvement. Mr. Tribu stated that covered parking is an advantage and he suggested making sure the garage was stabilized for now.

Ms. Poole-Woldring, supported by Mr. Nave, moved to deny the razing of the garage at 914 S. Westnedge based on the Secretary of the Interior's Standards and Guidelines #2. With a roll call vote, the motion carried by a majority vote.

Ayes: Decker, DeYoung, Nave, Tribu, Poole-Woldring
Nays: Oudsema
Abstain: Snyder

716 McCourtie (Case #: IHA 05-0238)

George Wade was present to discuss the application. The application requests repairs to the fire damaged house as follows: 1. Turn the first floor east rear enclosed porch into an additional area for the adjacent kitchen. 2. Raise the rear, single-story wing to be two stories. 3. Remove first floor, west side window behind exterior staircase. 4. Install vinyl siding.

Mr. Wade advised that he wants to convert the existing porch on the first floor, east side to a dining area. He wants to remove the two existing storm windows and the screen door and put in regular windows to match the rest of the house and reinstall the storm windows and door. He also advised that he would like to remove the old board that sticks out from under the aluminum siding. Mr. Wade stated that he would like to extend the shed roof on the rear of the house and make it higher to accommodate a full story bathroom which will measure approximately 12' x 14'. The 3' x 8' section along the driveway burned and must come off; it will be raised to two stories to create a new bedroom on the second level.

Mr. Nave inquired as to the slope of the roof over the new section. Mr. Wade advised that it will probably remain a shed roof and the two existing windows will remain. Mr. Wade advised that he wants to remove the window in the downstairs bedroom since, according to code, the stair shouldn't pass the window.

Mr. Wade advised that the house currently has aluminum siding he would like to install vinyl siding. The building inspector had suggested using Dutch lap vinyl siding to match the original. Ms. Ferraro mentioned that there are currently two layers of siding: a layer of Insulbrick and aluminum siding over it. The vinyl should match the bottom layer if allowed. Mr. Nave mentioned that the aluminum siding was melted/burned from the fire. Mr. Wade advised that he could buy aluminum siding to match.

Mr. Snyder inquired as to the condition of the wood and Ms. Ferraro advised that it tends to be in good shape under the layers of siding. Mr. Snyder suggested exposing the wood to determine what shape it's in and then making a decision. Ms. Ferraro suggested approval in concept and having the owner return with more details.

Ms. Ferraro suggested incorporating the stairway to the second floor into the new addition so that it doesn't have to be on the exterior anymore. If it's not on the outside, that will help with the parking issue by the driveway. Mr. Snyder encouraged the applicant to investigate the possibility of incorporating the stairway into the addition since this would allow the original window to remain in its current location.

Mr. Nave, supported by Mr. Tribu, moved approval in concept for the addition of the 2nd floor on the back of the house at 716 McCourtie, with the same roof slope as the existing roof. The windows are to be similar to the existing double-hung, historic windows. If possible, the siding should be similar to the existing siding to be

determined upon further investigation. The applicant is to investigate moving the stairway and enclosing it in the rear addition.

Due to the extensive details that were discussed, Mr. Snyder provided a brief summary of the decision at the applicant's request.

Mr. Wade advised that he would like to begin the project within the next week or two. He estimated that it would take 30 to 60 days to frame it in and the rest will depend on the weather. Mr. Oudsema commented that if the siding is good it should be painted and that probably won't be done until spring. If the siding is bad, it could be repaired with aluminum siding but that would have to be reviewed and approved by the HDC. Mr. Snyder commented that it was rare for the HDC to approve vinyl siding.

With a roll call vote, the motion carried unanimously.

910 W. Main (Case #: IHA 05-0238)

Rod Moore, Facilities Manager from the Church of Jesus Christ of the Latter Day Saints, was present to discuss the application. The application requests the installation of a granite identification sign on the front of the building facing Woodward on the left side between the corner and the "column". The application also requests installation of an address sign in matching granite, but only approximately 8"-10" in height, below the identification sign and facing West Main.

Mr. Moore advised that the church would like to make some changes that will improve the appearance of the church, including the addition of this sign on the front of the church and replacement of the barrier-free ramp that is currently in place. The church would come before the HDC at a later date with a proposal for a new handicap ramp.

Mr. Moore advised that the proposal is for a sign with the church logo to be placed on the left side of the building as you're facing it. The sign is approximately 34 ½" high by 51" wide and about 1 ½" thick. The address sign will be an 18" tall granite sign. The sign needs to be visible from Main Street for the convenience of Public Safety.

Mr. Oudsema, supported by Ms. Poole-Woldring, moved approval of the installation of the granite identification sign at 910 W. Main on the façade facing Woodward on the left side between the corner and the column. The approximate dimensions of the sign are 36" x 52". An additional address sign is to be placed around the corner facing Main St.

The applicant advised that the sign is to be affixed with stainless steel fasteners. The hooks will extend across the top and bottom of the granite.

Mr. Oudsema, supported by Ms. Poole-Woldring, amended the motion to state that the sign will be anchored through the mortar joints, not the brick. With a roll call vote, the motion carried unanimously.

Ms. Ferraro advised the applicant to consider constructing the new ramp off the north end of the existing front porch and wrapping it around the building. The applicant advised that the sides of the concrete ramp would be brick to match the rest of the building. Shrubs would be added in front of the ramp and a wrought iron fence would be installed to match similar fencing in the neighborhood. Ms. Ferraro advised installing something similar to the interior handrail, which is visible through the window. The applicant advised that the intention was to have minimum maintenance. Ms. Ferraro advised that the railing could be metal/wrought iron but with a similar pattern as the wood railing inside. Mr. Nave advised that there are local shops that produce steel railings. Mr. Moore stated that he would prefer anodized, dark aluminum, which would be less susceptible to rust and deterioration. Ms. Ferraro advised that the anodized aluminum would be acceptable.

MINUTES (August 16, 2005)

Mr. Snyder advised postponing approval of the August minutes until the October meeting since most of the Commissioners didn't have time to review them. Ms. Ferraro stated that she would provide the August minutes via e-mail and in the October packet.

OTHER BUSINESS

Discussion followed with regard to violations that were discussed at a prior meeting involving a handicap ramp. Mr. Nave pointed out that the original ADA guidelines provided the HDC with authority to overrule the ADA rules. Ms. Ferraro mentioned that the guidelines have been changed: the HDC cannot deny the ramp but it can regulate the location of the ramp, etc. Mr. Nave advised that the ADA guidelines provided three exceptions to the ADA rules: 1. church; 2. historic district; 3. lack of money. Ms. Ferraro advised that those rules applied to someone who was being asked to comply with ADA rules and, in this case, the occupant made the request to have the ramp. The ADA specifies that it is up to the tenant to remove the ramp once the tenant vacates the house, and to make any necessary repairs in conjunction with the ramp. Ms. Ferraro advised that there wasn't a way for the HDC to deny the ramp on a house of this significance. Denial of a handicap ramp might be possible on a house with more unique characteristics, such as the octagon house.

Mr. Snyder made reference to another handicap ramp, which should have been removed when the tenant left, but the ramp is still in place. Ms. Ferraro advised that the aforementioned ramp is being used as an example of how a ramp should be constructed. The hope is to find someone to whom the ramp can be donated. Ms. Ferraro stated that she would remind the owner of the prior agreement regarding removal of the ramp.

Ms. Ferraro stated that she spoke with someone in the City Attorney's office who will sign a letter stating that the situation at 530 W. South Street needs to be resolved as quickly as possible. The letter will probably be sent out before the end of the week. Per the request of Mr. Oudsema, Ms. Ferraro provided information regarding the three buildings on the Kalamazoo mall that are in the local historic district. Those buildings were designated in 1995 when a prior owner was trying to development and he wanted to obtain the historic tax credit. That district was established outside the usual guidelines for establishing a historic district, which says if there are other surrounding eligible properties they should all be included in the historic district. Buildings are not normally spot-designated as in this instance. Mr. Oudsema inquired if the present owners could opt out of the historic designation. Ms. Ferraro advised that it might be possible for the current owners to have those three buildings disestablished as a historic district, but it would have to be based on Public Act 169, which is very specific.

Mr. Oudsema inquired if there was a procedure by which an outside community group or interested parties could impose a local historic designation on a national historic district. Ms. Ferraro advised that there is currently no procedure for doing that under Michigan law.

Mr. Oudsema inquired as to what would happen if a majority of property owners in a national historic district decided it was in their best interest to be part of a local historic district – would the historic designation be imposed on the property owners who were not interested in being part of the district? Ms. Ferraro advised that such requests would be subject to a public hearing process and the results would depend on the outcome of the public hearing. Ms. Ferraro advised that being in a national historic district would not make a property more vulnerable to being included in a local historic district. A short discussion followed on that topic.

ADJOURNMENT

Mr. Oudsema, supported by Ms. Poole-Woldring, moved to adjourn the September 20, 2005 Historic District Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 7:20 p.m.

Prepared by: _____ Dated: _____
(Recording Secretary)

Reviewed by: _____ Dated: _____
(Historic Preservation Coordinator)

Approved by: _____ Dated: _____
(HDC Chair)