

STAFF REPORT: 6/14/2023 REGULAR MEETING

PREPARED BY: D. RIEDEN

APPLICATION NUMBER: #23-8396

VIOLATION NUMBERS: #690, 745

ADDRESS: 2405 BURNS

HISTORIC DISTRICT: INDIAN VILLAGE

APPLICANT/ PROPERTY OWNER: PAUL SHUERT

DATE OF PROVISIONALLY COMPLETE APPLICATION: 5/24/2023

DATES OF STAFF SITE VISITS: 1/3/23, 5/24/23, 6/5/23, 6/9/23

SCOPE: REPLACE VINYL WITH WOOD WINDOWS; REPLACE FENCE; REMOVE PAINT; REPAIR CHIMNEY, PORCH STEPS, AND FRONT WALKWAY (WORK COMPLETED WITHOUT APPROVAL)

EXISTING CONDITIONS

Built in 1914, the property at 2405 Burns is a 2 1/2-story residence that faces southeast on East Vernor Highway, on the corner of Burns and Vernor. The cross-gabled roof has asphalt shingles with eaves extending over a bracketed eave and brick cladding. The south and west sides of the house each have brick chimneys, where the house is clad with formerly white painted brick detailing. The current owner has since removed the white paint from the brick and painted the trim of the house without approval, which is one of the subjects of this proposal. Double-hung windows are grouped in ribbons of 3 or more with 6 or 4 over 1 divided lights. Many of the original wood windows have been replaced over time, some as far back as 1971, the time of designation. The current owner has since replaced most of the vinyl windows with wood windows without approval and is also included in this application. The covered front porch is supported by a brick column with cast stone banding. Cast stone details over the front door reveal the front door that was wood paneled door with a single set of 6 divided lights, that has been replaced by wood door with 3 picture windows. A herring-bone pattern of bricks from the front porch limestone steps leads you to the iron-wrought gate at the front entrance to the yard. This fence runs around the corner of the public-facing lot, enclosing an open lawn and garden beds. The back yard is enclosed by a wood-panel fence.



Site Photo 1, by Staff May 24, 2023: (Southeast) front elevation, showing vinyl windows from a previous owner and some wood windows.



Site Photo 2, by Staff May 24, 2023: (Northeast) side elevation, showing three white vinyl windows that were previously installed by a former owner and replaced by current owner before June 5, 2023. The other windows were replaced by the current owner, replacing vinyl windows.

This property has the following former HDC approvals and violation on Detroit Property Information System (DPI):

- Sept., 1993, HDC COA: Replace windows with same style color.
- Oct., 2000, HDC COA: Demolish garage. Construct 3 car garage, erect new fence, add screened porch, new driveway, add-on to porch roof.
- June 2002, HDC COA: Replace slate roof with asphalt shingles.
- Feb 2023, Violation: Replaced windows, installation of fence.
- May 2023, Violation: Removed paint from brick walls, painted trim, replaced front door.



Aerial 1 of Parcel # 17006633, by Detroit Parcel Viewer, showing front elevation facing E. Vernor Hwy.



Designation Image, 1980: (South) front-side elevation. (Full front elevation not available.)



Designation Image, 1980: (Northeast) side elevation.



Site Photo 3, by Google Streetview, July 2009: (Southeast) front elevation, showing original and vinyl windows (by previous owner), painted brick, and original front door.



Site Photo 4, by Google Streetview, July 2009: (Northeast) side elevation, showing original and vinyl windows (by previous owner), and painted brick.

PROPOSAL

Staff initially received an application for the replacement of windows and a fence. Upon site visits and subsequent observations, Staff observed additional work completed without approval and received confirmation from the applicant that this application consists of the following work: replacement of vinyl windows with wood windows, replacement of the front door, installation of a basement window well, front porch wingwalls rebuilt, removal of white paint from brick, repainting of house trim, tuck-pointing of brick walls and chimneys, reinstallation of front brick walkway, and replacement of existing rear, wood privacy fence and front yard metal fence with a new ones of similar design. All work was completed without approval except for the front brick walkway and proposed replacement of the front yard fence. The invitation to address the replacement of the front door and the repainting of the trim was received just before the time of this report. (Please see also the property page website for scope description and applicant photos of work completed.)

Please note that the applicant was asked to stop work during the application process, but the applicant continued to replace windows on the front and side elevation, as recently as June 5, 2023, whereupon HDC Staff requested the Buildings, Safety Engineering & Environmental Department (BSEED) to inspect and stop work. While a stop work order has not been posted, it does appear that work has now ceased.

REPLACEMENT OF WINDOWS AND FRONT DOOR (WORK COMPLETED WITHOUT APPROVAL)

The applicant states that he found original windows in storage in the garage and attic that were once replaced with vinyl windows by a previous owner. The applicant states that he hired Re-Lite Restoration's Mary Dindas of Berkley, Michigan, a specialist in window restoration, to support the window restoration work. (See attached letter dated January 5, 2023) The applicant states that the original windows found in storage were in excellent condition, only one broken pane of glass. He states that none of the window openings had changed, and the old windows fit in place. The applicant states that the installed vinyl windows were made smaller than the original frames so no alterations to the original openings were made. According to the applicant, the wood was in excellent condition. The process for the restoration of the original windows, as described by the applicant, includes removing the glass, stripping the old paint, removing, and cleaning the hardware. The applicant states that this process will take until next spring to complete. The applicant provided a description of the work for each window at each elevation, noting original wood windows that will remain, and all existing vinyl windows to be replaced with wood windows.

The applicant proposes to leave all north and west elevation vinyl windows in place, except for windows 25, 26, 29, 38, 40 and 41, which are original windows to be removed, renovated and reinstalled.

The window well windows at the northeast elevation have also been replaced. See the brick work section below regarding details of the reconstructed retaining wall for the new window well.

The original wood front door was replaced with a custom built, white oak, mortise and tenon constructed door with tempered glass. The applicant states that the newly constructed door has the same thickness as the original but now has 3 window openings, as opposed to the single, three-divided-light opening of the original.

REMOVAL OF PAINT FROM BRICK, REPAINTING HOUSE TRIM (WORK COMPLETED WITHOUT APPROVAL)

The applicant removed all paint from the brick surface of the house and repainted all trim. The applicant provided the following statement to describe the paint removal process from all the brick of the house:

"When I purchased the home in 2019, it was painted white. I have since power-washed the paint from the brick to expose the original, as build, brickwork. In addition, I have tuck-pointed the entire home (every mortar joint using Grunwell-Cashera as my contractor). Care was taken to match the mortar with a special mix to match the original used. No chemicals were used so as to not damage the glazing of the bricks."

The applicant intends to leave the brick unpainted.

The applicant has also painted all the trim around the house. The applicant states that green trim was discovered as the original paint, *“I have forensic samples scraped off the trim for comparison”* as stated by the applicant. The applicant used SW6187 Rosemary, from Sherwin Williams and *“was the closest match to the paint chip.”* The Black is trim also includes Sherwin Williams SW6258 Tricorn Black, and *“was also discovered in paint scrapings as the original color on the window frames.”* (Quotes are excerpts from the owner to show the discovery process.)

INSTALLATION OF BASEMENT WINDOW WELL, TUCK POINT OF BRICK WALLS AND CHIMNEYS, REBUILD FRONT PORCH WINGWALLS (WORK COMPLETED WITHOUT APPROVAL), AND RELAY FRONT BRICK WALKWAY

The applicant states that the basement window well at the southeast elevation was dug out and rebuilt. The applicant states that the walls of the well had crumbled and fallen, the windows were caged over and boarded up and brick laid to cover openings. The applicant provided photos of the process, showing that the original two (2) windows were removed, restored and replaced, and photos of the process for building brick window well with a limestone coping.

The applicant states that some tuck-pointing of the brick around the house has been done. The application includes a chimney inspection by Jeffries Inspection Services, which includes a recommendation to cap all chimneys with a spark arrestor and rain cap to prevent water and pest intrusion. The inspection states there is a slight lean to the south chimney but recommends only monitoring this for now. The inspection also notes that they were not able to see the very top of the chimneys to observe the conditions of the cap. The applicant notes that since the removal of the white paint, there are unmatched brick materials for the three chimneys. The applicant states that they will not be repainting the brick following the tuck-pointing work.

The applicant has restored the front porch wingwalls with contracted work by Grunwell-Cashero, a concrete and brick contractor. The limestone steps and caps were temporarily removed while the wingwalls were rebuilt. The applicant states that they found a small quantity of “new” brick that matched the original brick, matching the dimensions of the original brick, and color as close as possible. The front porch itself was not disturbed.

The applicant proposes to re-lay the existing brick walkway from the front porch to the public walkway to even out uneven surfaces and to meet the bottom step of the front porch, which currently has a gap. Because some bricks appear to be damaged or may be during the process, the applicant proposes to narrow the walkway by 8” to increase the supply of existing bricks for reuse during this process. The applicant proposes to remove all bricks, clean them, resurface the substrate, and then relay the existing brick with the herring-bone pattern.

REPLACEMENT OF REAR PRIVACY FENCE (WORK COMPLETED WITHOUT APPROVAL) AND FRONT YARD FENCE

The applicant replaced a red-painted, wood backyard fence with a wood, cedar privacy fence. The applicant states the conditions of the fence was rotted and hired the contractor, Kimberly Fence of Warren, Michigan to complete the work. The change from the previous picket-top design includes a dog-eared top and a cross-hatch detail under the top railing. Because the wood is cedar, the applicant does not plan to paint this fence.

The applicant also proposes to replace the front yard, 3’ iron fence with 3’ steel fence and double gate, as proposed by the attached drawings. The change of design includes a spear top and a ring adornment just under the top railing.

STAFF OBSERVATIONS AND RESEARCH

- Indian Village Historic District was established in 1970. Its Elements of Design (Sec. 21-2-103) provide the following guidance:
 - *“Proportion of openings within the façade. Window openings are virtually always taller than wide; several windows are sometimes grouped into a combination wider than tall. Window*

openings are always subdivided, the most common window type being guillotine sash, whose area are generally further subdivided by muntins."

- *"Relationship of colors. Natural brick colors (red, yellow, brown, buff) predominate in wall surfaces. Natural stone colors also exist. Where stucco or concrete exists, it is usually left in its natural state, or painted in a shade of cream... Paint colors often relate to style."*
- *"Relationship of significant landscape features and surface treatment. The typical treatment of individual properties is a flat front lawn area in grass turf, often subdivided by a walk leading to the front entrance, and sometimes with a walk at the side leading to the rear. Materials for such walks are concrete, brick, or stone, or combinations of those materials... Side lots are not uncommon in the district, and a number of these form a part of the original site plan for the residence. Such side lots are usually landscaped, often fenced at or near the setback line..."*
- *"Scale of façade and façade elements... Window sashes are usually subdivided by muntins, which affect the apparent scale of the windows within the façades."*

REPLACEMENT OF WINDOWS AND FRONT DOOR (WORK COMPLETED WITHOUT APPROVAL)

- From the designation photos and from Google Streetview images, it is staff's observation that the original windows were wood, double-hung with a 6/1 or 4/1 configuration. It is staff's opinion that these original wood windows, their double-hung operation, and their 4/1 or 6/1 configurations are distinctive character-defining features. Some of them remain, others have been replaced with vinyl by a previous owner.
- The designation slides of both 1975 and 1980 show that the Southeast and Northeast elevations had some windows replaced, particularly on the first floor. It is not clear their material, but they have been since replaced with vinyl windows, which was done before 2009. (See site photos 3 & 4).
- The applicant shows a letter from the restorationist that describes her credentials, but there is no mention of work that is particular to the scope described in this application. In other words, the window work is described solely by the owner/applicant.
- Some windows do not appear to be restored original windows, while others may be. For example, the applicant states the two picture windows of the first floor, southeast elevation (ie. windows 3&6) were "found in the garage, stripped, repaired, and reglazed" to replace the vinyl windows that were present. These windows, in staff's observation, appear to be newly constructed wood windows with modern insulated glass. They are of a design, operation and configuration that do not appear to be historic. The designation slides and other preceding images do not show the original windows either. Because at these window locations the configuration of the windows is unknown, staff has the opinion that the application shows *incompatible* solutions because they do not meet the following minimum conditions:

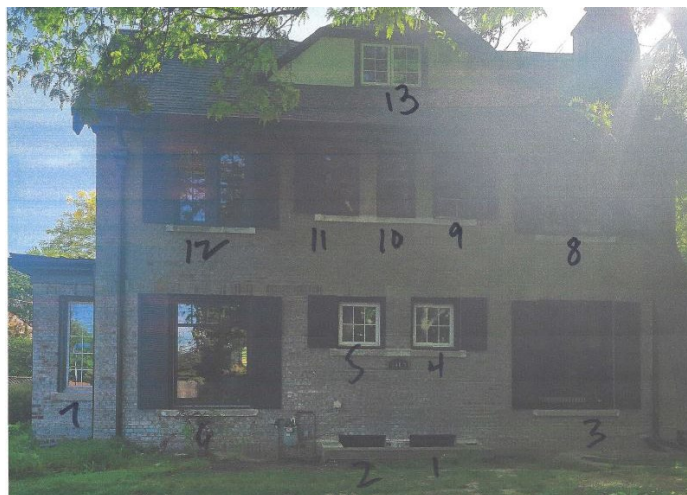


Figure 1, by Applicant: (Northeast) side elevation, picture windows #3 and #6, and replaced vinyl window #7.



Site Photo 5, by Staff May 24, 2023: (Northeast) side elevation, detail of window #6 showing what appears to be a newly constructed wood window.

- The operation of the windows are fixed, rather than double hung, and do not provide ventilation, which would be a distinctive historic function of these windows.
- The design language of this house has ribbons of double hung windows in sets of at least two with muntins to divide the individual sashes. These picture windows introduce a new scale and design that is not likely to occur for this type of architecture.
- The configuration of the picture window conveys a new style that calls attention to itself rather than blending in and being compatible with the 6/1 or 4/1 configuration of the adjacent original wood windows.



Figure 2, by Applicant: (Southeast) front elevation, showing existing vinyl windows #16.

- The same observation for windows #3 and #6 also applies to newly installed window #7, and its pairing (between windows #16 & #17) on the opposite side of the bay. This appears to be a newly constructed, fixed picture window. Similar to the concerns raised previously, it appears that the intention is to continue this pattern across the front elevation of the house, windows #16. (See site photo #5, and figures 1&2). The applicant states that no work was being done on window #7 in their application, but this window, and windows #4 & #5 and the one next to #16 facing the porch, were replaced during the application process. (See Site photos 2&5).
- Staff have not seen any window orders from a contractor that describes how the original windows are being restored to replace the vinyl windows. Staff observed that the applicant would like to custom construct windows where original windows are not found, but the only window that the applicant has identified as not found is attic window #23, at the front, west-facing elevation. From the observations provided above, it appears other newly constructed wood windows are potentially being created.
- Staff observed that this application requests 13 already installed vinyl windows to remain. At the rear west and north elevations of the house. Staff observed that these locations are less publicly visible.
- Staff requested photos of the original front door but did not receive them and therefore have not been able to determine if the conditions were irreparable. (See site photos 6&7).
- Staff observed that the new front door is different from the original design in the following ways:
 - The 6 divided light glass top portion and wood paneling below, is replaced with 3 large picture windows.
 - The wood is naturally stained instead of painted.



Site Photo 5, by Staff June 5, 2023: (Northeast) side elevation, detail of window #7 showing what appears to be a newly constructed wood window.



Site Photo 5, by Applicant 2023: (Southeast) front elevation, showing newly installed front door

- The design of this new door, in staff’s opinion, introduces a new scale for the windows of the door, while taking away the direct relationship of the divided light, smaller windows that matched the original windows.



Site Photo 6, by Googles streetview July 2009: (Southeast) front elevation, showing original front door.



Site Photo 7, by Staff May 25, 2023: (Southeast) front elevation, showing new front door (work completed without approval).

REMOVAL OF PAINT FROM BRICK, REPAINTING HOUSE TRIM (WORK COMPLETED WITHOUT APPROVAL)

- Although the application states that no chemicals were used and that power washing was done in a careful manner, staff observed that the brick still has a considerable amount of paint remaining, giving the appearance of a washed rather than a natural brick color look.
- Staff also observed that the brick appears to have an abraded surface which may or may not have been caused by the paint removal process. Staff observed that because the house was already painted at the time of designation, a repainting of the brick with an appropriated paint would likely have been the best approach to preserve the brick.
- It is staff’s opinion that the architecture of the house would best use Color System D for trim and sash colors. The already painted trim and sash are appropriate colors.



Site Photo 8, by Staff, May 24, 2023: (Northeast) side elevation, showing removed paint surface from brick and

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- Staff observed that both the windows and the window well at the northeast, side elevation are appropriate.
- Staff has no issues with the tuck-pointing of the brick work around the house and chimneys.
- Staff observed that the newly reconstructed brick wing-walls of the front porch do not match closely to the brick of the house due to the surface type of the brick and the “wash” effect of the removed paint from the house. The brick does match in scale and color to the front walkway. While the applicant states that some of the original brick was reused in the wingwalls, it appears that that all of the brick is new. (See site photo 9)



Site Photo 9, by Staff, May 24, 2023: (Southeast) front elevation, showing front porch steps and wing-walls.

REPLACEMENT OF REAR PRIVACY FENCE (WORK COMPLETED WITHOUT APPROVAL) AND FRONT YARD FENCE

- Although the material, height and location of the rear privacy fence is similar to the previously installed fence, staff observed the following differences:
 - The wood is cedar and appears to be a higher quality grade than the original fence.
 - The fence is not painted.
 - The fence top along the main stretch is dog-eared instead of spear topped.
- Although fences are recommended to be painted, Staff has the opinion that an unpainted, cedar fence at this location is appropriate because it will age and patina to recede into the landscape more closely.
- Although the material, height, color and location of the front yard metal fence is similar to the previously installed fence, staff observed the following differences:
 - The proposed fence is steel rather than the iron, original fence.
 - The fence design is slightly altered with spear-tips and double ring adornments under the top railing.
 - Staff has the opinion that the proposed fence is appropriate.

ISSUES

- Most work in this application was completed without Historic District Commission (HDC) approval. Work continued to happen during the application process, despite staff's request.
- Staff have not seen any work order content that demonstrates how the window specialist is supporting the window restoration work.
- As shown in the Elements of Design above, *Window sashes are usually subdivided by muntins, which affect the apparent scale of the windows within the façades*” AND “*Window openings are always subdivided, the most common window type being guillotine sash, whose area are generally further subdivided by muntins.*” It is staff's opinion that the construction of new picture windows are not compatible with the house, even though there is evidence that the original wood windows appear to have been replaced before designation, because of the following reasons:
 - The operation of the windows would likely open to provide ventilation, and not fixed.
 - The windows are not double hung like the remaining existing original windows.
 - The configuration of the divided light does not match the 4/1 or 6/1 pattern of the other original windows.
 - The absence of a muntin between two windows to create a single picture window for windows #3 & #6 breaks up the continuity of the window pattern, particularly with how the muntins would like align tie the first and second floors together.
- As work continued through the application process, staff has the concern that the practice of newly constructed windows, instead of true repair of existing windows, are continuing to proceed to other locations, such as windows #7 and #16, which is the set at the front elevation, one of which has also been replaced.
- Vinyl is not an appropriate material for windows in Indian Village. The previously installed vinyl windows by a previous owner that remain would remain as a violation on this property.
- Staff did not receive photo documentation of the front door that demonstrates that it could not be repaired.
- Staff has the opinion that the original wood panel door with one set of 6 divided lights at the same scale and design as the windows is a historic, distinctive character-defining feature of the house that was lost and replaced with a wood door with no wood paneling and 3 large panes of glass that introduces a scale that is not compatible with the historic architectural glazing of the house. The naturally stained surface of the door is also a new feature but could be considered not demonstrably inappropriate.
- Staff have concerns that the brick surface of the house may be exposed to greater damage due to the abrasion that may have occurred during the paint removal process. It is staff's opinion that a note from a professional to assess whether the brick should be repainted to restore protection is required.
- Staff have no issues with the remaining work of the proposal.

RECOMMENDATION

Section 21-2-78, Determination of Historic District Commission

Recommendation 1: Replacement of windows with newly constructed wood fixed windows, vinyl windows, front door replacement, and paint removal from the brick walls

Staff finds that the replacement of windows with fixed, wood windows, the remaining vinyl windows, the replacement of the front door, and removal of the paint from the brick surfaces does not meet the Secretary of Interior Standards for the following reasons:

- The newly constructed windows at the front and side elevations of the house are not compatible with historic architecture in the house in that they:
 - introduce a new operation, configuration, design and scale,
 - and destroy the distinctive, character-defining features of the relationship to the original remaining windows, particularly the muntins and ribbon series of windows of the house.
- Vinyl is not an appropriate material for windows in the Indian Village Historic District.
- The application does not include photo documentation that the front door replaced without approval was deteriorated beyond repair to an extent that merited its replacement.
- The newly constructed front door replaced the wood paneling by introducing glazing that is not in scale with the house, thereby destroying the relationship between the door and windows which shared the same scale and configuration of divided light, which are historic character defining features of the building.
- Signs of abrasion and potential harm to the brick may be apparent and requires further investigation.

Staff therefore recommends that the Commission issue a Denial for the above work items, as it do not meet the Secretary of the Interior's Standards for Rehabilitation, specifically Standards:

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, will be undertaken using the gentlest means possible.

Recommendation 2: Replacement of vinyl windows with original wood windows, repainting of house trim, installation of basement window well and window repair, tuckpointing of brick walls and chimneys, rebuilding front porch wingwalls, replacement of rear privacy fence (Work Completed Without Approval), relaying of front brick walkway, and replacement of front yard fence

It is staff's opinion that the replacement of vinyl windows with original wood windows, repainting of house trim, installation of basement window well and window repair, tuckpointing of brick walls and chimneys, rebuilding front porch wingwalls, replacement of rear privacy fence and front yard fence and the relaying of front brick walkway are appropriate. Staff therefore recommends the Commission issue a Certificate of Appropriateness for the work as

proposed because it meets the Secretary of the Interior Standards for Rehabilitation and the Indian Village Historic District Elements of Design.

Staff recommends the COA be issued with following conditions:

- The applicant provides staff with a clear window schedule of original windows to be replaced with photo documentation of each original window and their proposed location.
- Documentation of the window restoration process from a qualified craftsman or architect
- The applicant provides HDC staff with a review of the above items before installation.