

**STAFF REPORT:** 03/25/2025 REGULAR MEETING

**PREPARED BY:** D. RIEDEN

**APPLICATION NUMBER:** HDC2025-00044

**ADDRESS:** 90 EDISON

**A.K.A.:** HORACE RACKHAM HOUSE

**HISTORIC DISTRICT:** BOSTON-EDISON

**APPLICANT/ PROPERTY OWNER:** SHERLEY FOSTER

**DATE OF PROVISIONALLY COMPLETE APPLICATION:** 02/17/2025

**DATES OF STAFF SITE VISITS:** 02/28/2025, 03/05/2025

**SCOPE:** ERECT FENCE AT PROPERTY LINES (WORK COMPLETED WITHOUT APPROVAL)

### EXISTING CONDITIONS

Built in 1907, the property at 90 Edison is a 2 ½ story, residence on the north side of the block between Woodward and 2<sup>nd</sup> Avenue. The hipped asphalt-shingled roof features a pair of wide-eave dormers, each with double casements. Broad eaves overhang the brown brick cladding and the elongated front porch, which is supported by groupings of columns. A two-story bay features ribbons of double-hung windows. An arched, second-story casement is centered over the main entrance, which is surrounded by a transom and sidelights, tucked under the front porch roof. The front porch is elevated with a brick knee wall and has matching flanking brick walls on either side of the front porch stair to the modest concrete walkway and green lawn below. The lawn is lightly sloped from the front porch to the public sidewalk where the front walkway has a 4'-6" tall steel gate and fence that was installed in 2005 without the Commission's approval. This fence outlines the 0.4-acre lot with a 130 ft frontage along the public walkway. A second gate for the driveway is located west of the main entrance that leads to the garage at the rear of the property.



*Site Photo 1, by Staff Feb. 20, 2025: (South) front elevation*



*Site Photo 2, by Staff Feb. 20, 2025: (South) front and side elevations facing northeast showing location of driveway gate, fence near public sidewalk (at property line), and flagpole.*

This property has the following HDC application and violation history:

- July, 2007 VIOLATION: Installation of fence and flag pole.
- July, 2007 DENIED: Install front yard fence. COA: Installation of flag pole.
- March, 2008 DENIED: Install front yard fence.
- June 26, 2019 HDC "CORRECTION ORDER": "The front yard fence must be relocated to the front façade of the house." (HDC Minutes: Moved by Commissioner Miriani, Supported by Commissioner Hosey: motion passed 6-0.)
- August, 2022 Notice of Work Observed letter sent: Installation of fence.
- August, 2023 Notice of Work Observed letter sent: Installation of fence.



Designation Photo 1974: (South) front elevation showing no fence in the front yard.



Aerial of Parcel #02001474

**PROPOSAL**

The proposed work is the installation of a 4'-6" high steel fence in a wrought-iron style with Lift-master power gates at the driveway and front walkway. The lengths of the fence are 84'-3" on the east side of the house, 128'-4" at the front of the property, and 62'-6" along the west property line. The fence was installed in 2005 without approval, and the applicant seeks the Commission's approval to have the fence remain in place. All fencing is painted brown. The application also includes the planting of a row of arborvitae shrubs along the east and west property lines to the front property line.



Site Photo 3, by Staff Feb. 20, 2025: (South) front yard facing northwest showing design and color of 4'-6" fence. and Fig 1, by Applicant: Proposed location and height 4'-6" steel fence.



Site Photo 4, by staff Feb. 20, 2025: (South) front yard facing northwest with the neighbor's front yard obscured by the arborvitae hedge row and fence along the front property line.



Site Photo 5, by staff Feb. 20, 2025: (South) front yard facing northeast with the neighbor's front yard obscured by the arborvitae hedge row and fence along the front property line.

## STAFF OBSERVATIONS AND RESEARCH

- The Boston-Edison Historic District was established in 1973.
- The property is located midblock on Edison, and not a corner property where other fence-lines and/or hedgerows may enclose the front yard.
- Staff confirmed that the height of the fence is an average 4'-7" along the front walkway. (The posts can be as tall as 4'-10" and the pickets at 4'-5".)
- The Boston-Edison Elements of Design state:
 

*"Hedges between properties and along front property lines are not uncommon. It is characteristic for corner lots to have hedges or fencing at side lot lines along the sidewalk. There is a wide range in the type of fencing. Fencing within the public view was generally designed to compliment the style, design material, and date of the residence."*

*[(13) Relationship of significant landscape features and surface treatments.]*

Staff has no issue with the material and design of the fence. However, its placement in the front yard at this height and at this midblock location, is in conflict with the established historic character of the Boston-Edison Historic District. Staff surveyed historic photos and current conditions in the neighborhood and observed that the established historic pattern of fence and hedgerows consist of the following: the corner lots may have fences and/or hedges that enclose the front yard along the property lines, but midblock location of properties would be limited to no fences or hedges that exceed 3'-6" feet. *(Please see site photos 7-14 below.)* It is staff's opinion that introducing a fence that is over 4'-6" in height along the front property line creates a secondary "wall of continuity" at a location and height that is historically inappropriate along this midblock location. Similar to the shorter hedges, a fence that is less than 3'-6" could conceivably be appropriate in staff's opinion, without disrupting the historic "walls of continuity" at this midblock location.

- Regarding the proposed arborvitae planding, the *Walls of Continuity (12)* of the Boston-Edison Elements of Design state that "hedges along front lot lines exist in numbers". Also, *Relationship of Significant*



Site Photo 6, National Register of Historic Places (NRHP), 1975: (South) front yard facing northwest showing no fence line enclosure.

*Landscape Features and Surface Treatments (13)* states that “Hedges between properties and along front property lines are not uncommon”. It is staff’s observation that hedges are typically of a height that allows for visibility over their massing, thereby maintaining sight-lines along Boston-Edison’s public walkway corridor. The height of this arborvitae massing along the midblock location of this property, however, introduces a new feature that obstructs these historic sight-lines.

- The HDC's Fence and Hedge Guidelines recommend that no fences or hedgerows be in front yards unless they are along the corner lot, and not to exceed 3’ in height. (See this link here for the [HDC Guidelines](#).) However, note that staff reviewed the Boston-Edison HD designation photos and identified the below-cited examples of front yard hedgerows that had existed along the front property lines at the time of the district's designation/prior to the publication of the HDC's fence and hedges guidelines. It is therefore staff’s opinion that these plantings have established a historic pattern in the neighborhood that would potentially provide the planting of new hedgerows in the front yard at the guidelines' recommended height of 3’ or less.

		
<p>Site Photo 7, by staff Mar. 5, 2025: (Facing South) front yard of 151 Edison, at the <b>corner</b> of 2<sup>nd</sup> Ave, showing hedgerows enclosing the front yard.</p>	<p>Site Photo 8, by staff Mar. 5, 2025: (Facing southeast) front yard of 151 Edison, at the <b>corner</b> of 2<sup>nd</sup> Ave, showing hedgerows enclosing the front yard.</p>	<p>Site Photo 9 by staff Mar. 5, 2025: (Facing northwest) front yard of 610 W. Boston, at the <b>corner</b> of 2<sup>nd</sup> Ave, showing hedgerows enclosing the front yard.</p>
		
<p>Site Photo 10, by staff Mar. 5, 2025: (North) front yard of 670 W. Boston, <b>midblock</b>, showing hedgerows at the front property line less than 3’ high.</p>	<p>Site Photo 11, by staff Mar. 5, 2025: (Facing northwest) front yard of 1130 W. Boston, at the <b>corner</b> of Hamilton, showing fence enclosing the side lot on the corner, but does not extend to the front yard of the home itself.</p>	<p>Site Photo 11, by staff Mar. 5, 2025: (Facing northwest) front yard of 1130 W. Boston, at the <b>corner</b> of Hamilton, showing fence enclosing the side lot on the corner, but does not extend to the front yard of the home itself.</p>
		
<p>Site Photo 12, by National Register of Historic Places (NRHP), April 1975: (Facing west) Chicago Blvd. facing west, <b>midblock</b>, showing an approximately 3’ hedgerow along the front property line but no fences.</p>	<p>Site Photo 13, by National Register of Historic Places (NRHP), April 1975: (Facing east) Longfellow Blvd. at Voigt Park, <b>midblock</b>, showing hedgerows at height of about 3’ but no fence lines.</p>	<p>Site Photo 14, by National Register of Historic Places (NRHP), April 1975: (Facing west) Boston Blvd. looking towards Rosa Parks Blvd (12<sup>th</sup> Street), <b>midblock</b>, showing open front lawns and no fence lines.</p>

- For the current application, staff took an objective approach to assess and analyze the applicant’s proposal *independent* of past decisions. For the Commission’s reference, staff has provided copies of the following documents that illustrate previous denial motions and a court order regarding the fence for this property. In each instance, previous staff reporters and Commissioners have stated that the fence is inappropriate for its location at the front property line. (*See attached appendices.*) :
  - July 11, 2007 Staff Report
  - July 11, 2007 Meeting Minutes (p 1): HDC issued a Denial for the fence to be installed and a Certificate of Appropriateness for the installation of flagpole, fountain and garage doors.
  - March 12, 2008 Staff Report
  - March 12, 2008 Meeting Minutes (p 2): HDC issued a Denial for the fence to be installed.
  - March 14, 2008 “*Notice of Denial and Order*”
  - September 15, 2010 – State of Michigan, Wayne County Circuit Court, “*Order of Agreement and for Dismissal*”
  - June 26, 2019 HDC Meeting Minutes – (p 14-15): HDC issued a “Correction Order” to move the front fence back to the front façade line of the house.
  - June 26, 2019 “Notice of Order”
- The applicant states that the purpose of the front yard fence is to provide security for the owner.

## ISSUES

- Staff has no issue with the material and design of the fence. Its height, along with the placement beyond the front façade of the dwelling and along the front property line, however, is not consistent with Boston-Edison Elements of Design nor with the established historic pattern of the district, where midblock properties do not have fencelines at this height and location.
- Sight-lines along the neighborhood are a distinctive character-defining feature of the Boston-Edison historic district, particularly within the midblock areas of the neighborhood (ie., not the corner lots). The introduction of hedges that go above 5’ introduces a feature that is inappropriate and alters this feature.

## RECOMMENDATION

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

#### Recommendation 1 of 1, Denial: Erect Fence at Front Property Lines, Plant Tall Evergreen Shrubs

Staff recommends that the proposed work will be inappropriate according to the Secretary of Interior’s Standards for Rehabilitation and the Boston-Edison Historic District’s Elements of Design, specifically:

- *Standard 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.*
- *Standard 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

and Elements of Design 12 & 13.

For the following reasons:

- Both the fence and arborvitae planting alter the district’s historic character by introducing significant walls of continuity and landscape features that obscure and detract from the established context.
- This property, located midblock to the neighborhood, is characterized by having open sight-lines that do not obscure views through the neighborhood. A front yard fence at a height over 3’-6” and tall arborvitae hedgerows are not consistent with the general characteristics this historic neighborhood, and introduces inappropriate features that obscure the distinctive character-defining historic feature of this neighborhood.

APPENDIX A: July 11, 2007 Staff Report

## PROPOSAL

The applicant proposes to construct a front yard fence, the work has been started. Several calls from neighbors alerted staff to the installation, Buildings & Safety Engineering issued a stop work order and the application was submitted. The fence is 4.5' tall with wrought iron style sections. There is an existing wood fence that is from the rear face of the house on the east elevation, along the rear of the property and on the west lot line setback to the front face of the house. There it meets an existing wrought iron fence and gate that runs across the yard and driveway to meet the house. The new fence is proposed to meet at the side lot lines and surround the front yard. A gate is proposed over the walkway and a double swing gate is proposed over the 11' wide driveway.

The application includes other work that was completed at the property without a permit. A 25' tall flagpole was placed near the southwest corner of the house. A small fountain was placed on the east side of the walkway in front of the house. Its design is gathered rocks into a low pool. Another fountain is proposed for the area in front of the garage and driveway but the design is unknown. The applicant also states on the application that three garage doors were replaced, which were wood swing style with large windows in each door. The replacement garage doors are one two-car and one one-car wood doors without windows.

## ELEMENTS OF DESIGN

- 13) **Relationship of significant landscape features and surface treatments.** The typical treatment of individual properties is a flat or graded front lawn area in grass turf, often subdivided by a straight or curving walk leading to the front entrance. Materials for such walks are concrete, brick, stone, or combinations of those materials. Hedges between properties and along front property lines are not uncommon. It is characteristic for corner lots to have hedges or fencing at side lot lines along the sidewalk. There is a wide range in the type of fencing. Fencing within the public view was generally designed to compliment the style, design material, and date of the residence. Straight side driveways leading from the street to rear garages are the norm, although access to garages is also off the alley, especially in areas of the district that were developed earlier. Side lots are not uncommon for the larger properties 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 and are often fenced at or near the setback line. The width of tree lawns varies from block to block.

## RECOMMENDATION

### **From the Detroit Fence and Hedge Guidelines:**

- New fences or walls should be differentiated from the old and should be designed to compliment the style, design, color and material of the historic building(s) and its features.

### Allowable Locations:

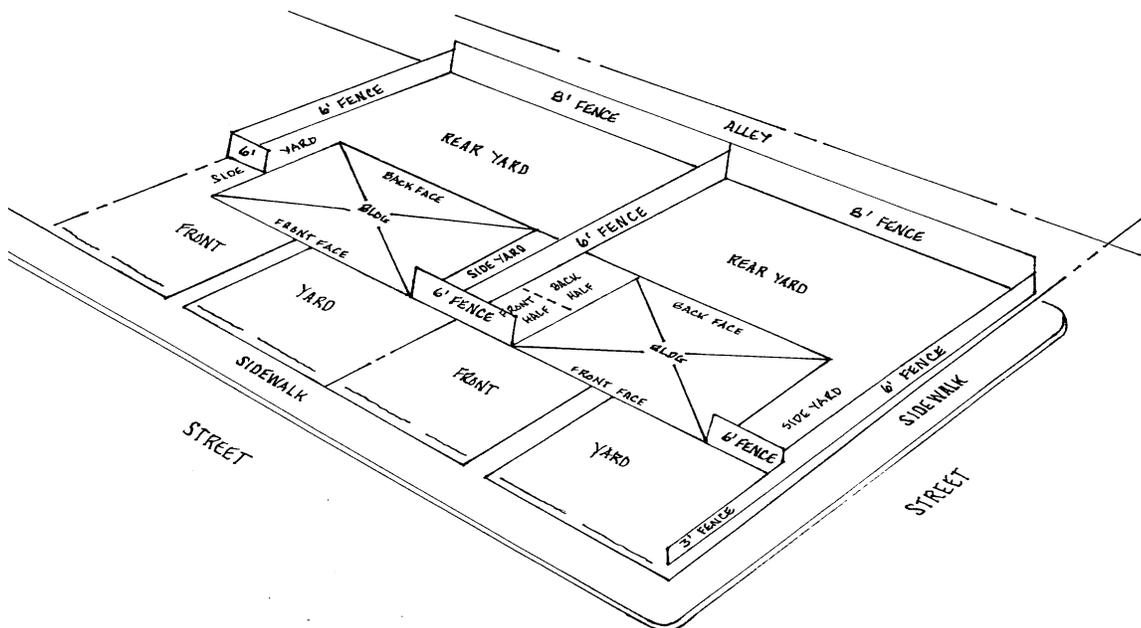
- Side yard and across side lots, at the front face of the house (setback line)
- The side yard alone at the front face of the house, the back face or at a point between
- Rear yard, from the back face of the house to the rear property line (can be considered with the side yard as well)
- Rear property line or alley line
- Front yard fencing is not allowed except on a corner lot and then only from the front face of the house on the side of the public right of way to the front walk.

- Established property line patterns and street and alley widths must be retained.
- Front yard and full perimeter fencing will be allowed only in districts where such fencing has been shown to be contextual in that district's Element of Design. Front yard fencing is allowed on corner lots along the walk adjacent to the side lot line from the front face of the house to the front corner (see below)

## Variances

The Detroit Historic District Commission may allow variance to the previously stated guidelines if the Commission views such variance as beneficial to the overall appropriateness of a fencing proposal.

The Historic District Commission reserves all rights to amend or update this guideline or to deny the use of certain fencing if they are deemed inappropriate in any specific location.

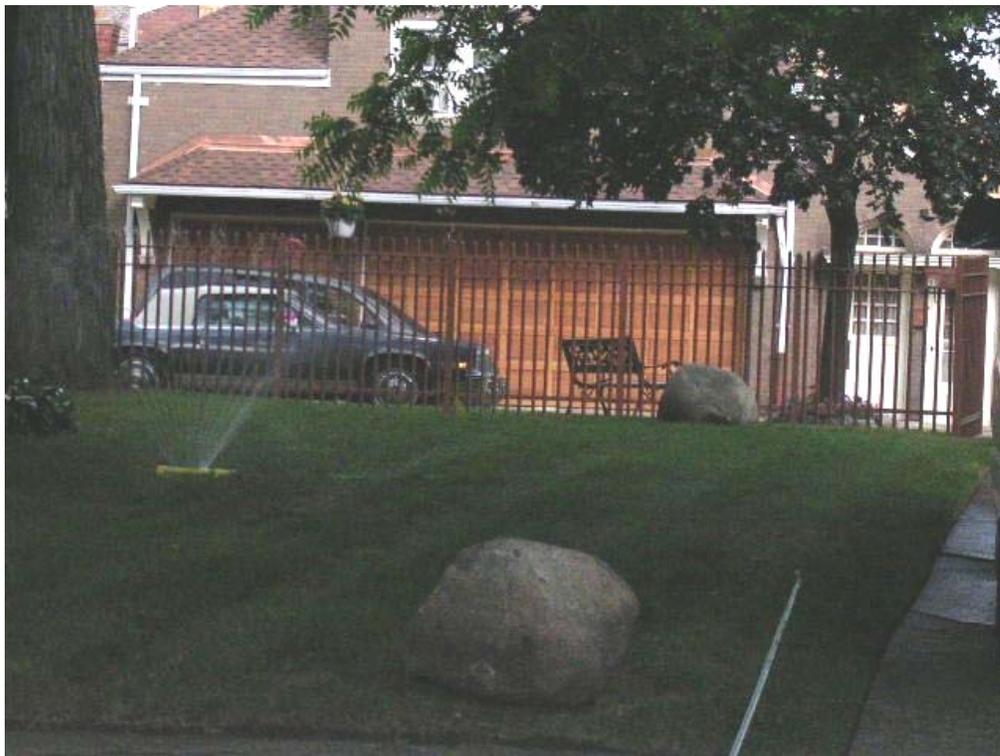


I recommend the Commission issue a Certificate of Appropriateness for the replacement of the installation of the fountain and the flag pole as completed, they or not alter the historic character of the property or district. The work meets “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9, “New additions, exterior alternations, or related new construction shall not destroy historic material that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment.”

There are very few front yard fences it the Boston Edison district. Front yard fences are not appropriate for the district and do not meet the standards. I recommend the Commission deny the application and order the fence removed, the work does not meet “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9, “New additions, exterior alternations, or related new construction shall not destroy historic material that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment.”



90 Edison, photo of garage doors from 1980, above, and current below





90 Edison, front of house showing the fence and fountain



90 Edison, east elevation showing existing hedge fence



90 Edison, west elevation with flag pole.

APPENDIX B: July 11, 2007 Meeting Minutes

Meeting Called to Order at 5:35 PM

**ROLL CALL**

Devan Anderson	<i>Present</i>	Themilie Bush	<i>Present</i>
Rainy Hamilton	<i>Present</i>	Julie Long	<i>Present</i>
Lisa Phillips	<i>Present</i>	Steve Wasko	<i>Present</i>
Hester Wheeler	<i>Present</i>		

**AGENDA**

Commissioner Hamilton moved to approve the agenda as revised.

Commissioner Wasko- Supported

Aye - 4                Nay - 0

**MOTION CARRIED**

**POSTPONED APPLICATIONS**

**1068 Hubbard**

**Interested Parties:        None Present**

**Hubbard Farms Historic District**

**Installation of front yard fencing**

Commissioner Hamilton denied application, does not meet “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9.

Commissioner Wasko - Supported

Aye - 4                Nay – 0

**MOTION CARRIED**

**2711-25 Beaubien**

**Interested Parties:        None Present**

**Brush Park Historic District**

**Eight new construction town homes**

Commissioner Hamilton moved to issue a Certificate of Appropriateness for the new construction with conditions; the work meets; “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9.

Commissioner Wasko – Supported

Aye - 5                Nay – 0

**MOTION CARRIED**

**APPLICATIONS SUBJECT TO PUBLIC HEARING**

**Russell Woods**

**Interested Parties:        Tim Karl, Recreation Department**

**Sullivan Park-Russell Woods-Sullivan Historic District**

**Dan Pateria, Design Program-Detroit Design**

**Initiative New design for Jazz Pavilion**

**Jack Nickerson, RWS**

Commissioner Wasko moved to issue a Certificate of Appropriateness for pavilion; the work meets “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9.

Commissioner Hamilton - Supported

Aye – 5                Nay – 0

**MOTION CARRIED**

**90 Edison**

**Interested Parties:        Berry Foster, Son of Owner**

**Brush Park Historic District**

**George Cushionberry, Attorney for Owner**

**Install front yard fence and flag pole**

Commissioner Hamilton moved to issue a Certificate of Appropriateness for the installation of the flag pole, garage doors and the fountain as completed; the work meets “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 9.



**DETROIT HISTORIC DISTRICT COMMISSION**  
**Meeting Minutes**  
**Sherwood Forest Historic District**  
**Replace wood shingle roof with asphalt**

July 11, 2007  
Page 3

Commissioner Wasko moved to denied the application, the work does not meet “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” standard number 5.

Commissioner Hamilton - Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

**1068 Hubbard**  
**Hubbard Farms Historic District**  
**Installation of front yard fencing**

**Interested Parties:           Miro Deljanin**

Commissioner Anderson moved to revisit 1068. Hubbard

Commissioner Hamilton – Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

Commissioner Hamilton motioned to overturn previous decision to deny.

Commissioner Long - Supported  
Aye -2           Nay – 3

**MOTION DOES NOT CARRY**

**DEMOLITION BY NEGLECT**  
**160 Longfellow**  
**Boston Edison Historic District**

Commissioner Anderson would like to hear report at next meeting or request BS&E to ticket the property.

Commissioner Wasko –Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

Commissioner Wasko moved to have staff write letter at 950 Van Dyke about fire damage           condition.

Commissioner Hamilton - Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

**MINUTES**

Commissioner Anderson moved to accept the June 13, 2007 minutes as corrected.

Commissioner Hamilton - Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

**OLD BUSINESS**

Commissioner Wasko moved to revisit the application for 44 W. Adams discussed at the March 2007 meeting.

Commissioner Hamilton - Supported  
Aye -5           Nay – 0

**MOTION CARRIED**

Commissioner Wasko moved to clarify that the existing large window on the west elevation of the building be retained in the new design.

Commissioner Hamilton - Supported  
Aye -5           Nay – 0

**ADJOURNMENT**

Commissioner Hamilton moved to adjourn the meeting at 9:12 p.m.

Commissioner Long– Support

Aye – 5            Nay – 0

**MOTION CARRIED**

APPENDIX C: March 12, 2008 Staff Report

## PROPOSAL

This application is being resubmitted from the July 2007 meeting with new evidence. The applicant proposes to construct a front yard fence, the work has been completed. Several calls from neighbors alerted staff to the installation, Buildings & Safety Engineering issued a stop work order and the application was submitted. The fence is 4.5' tall with wrought iron style sections. There is an existing wood fence that is from the rear face of the house on the east elevation, along the rear of the property and on the west lot line setback to the front face of the house. There it meets an existing wrought iron fence and gate that runs across the yard and driveway to meet the house. The new fence is proposed to meet at the side lot lines and surround the front yard. A gate is proposed over the walkway and a double swing gate is proposed over the 11' wide driveway.

The applicant has submitted a brief with supporting documentation. The brief starts with statement regarding the economic status of Detroit, the investment by the homeowner into house, and the health concerns and disabilities of the owner, Mr. Foster. It references MCL 37.1506 and MCL 37.1102 regarding the refusal of a building permit to a person with a disability and housing standards for the handicapped as a civil right respectively. The historic district ordinance 25-2-126 (13) is then referred to, specifically that fences should be designed to compliment the style, material and date of the property. (The entirety of 25-2-126 (13) is below listed as the elements of design.) The brief continues with statements from Crime Prevention Through Design which states that crime is less likely when a) there is visibility and b) takes undue effort. In conclusion, the applicant requests that a variance is given for the fence as completed for the safety (and the perception of safety) of the applicant since the fence is, by design/material standards, appropriate to the house, the neighborhood and the district. The applicant requests an addition to the deed that at the time of transfer, the fence would be removed. Section 1 of the appendix contains articles about Detroit arson situations and foreclosure throughout the nation. Section 2 starts with a planning professor testifying in 2007 before a congressional subcommittee for government reform regarding sub-prime mortgages from the 1990s to present and its affect to middle and low income urban communities. There is also an undated study of the impact of mortgage foreclosures to crime in neighborhoods. Section 3 is a Sanborn map of the nearby blocks with highlighted areas of abandoned homes and incidences of crime. Section 4 is from the Justice Department Office for Victims of Crime, working with victims of crime with disabilities. This report offers advocacy programs, services and further information regarding ADA rights and recommendations for disabled victims of crime with an aim toward government departments and other advocacy groups. Section 5 is from Crime Prevention Through Environmental Design (CPTED) general information, reference in the brief, a brochure/checklist from Tacoma WA, and a CPTED guidelines from Anaheim CA with a section for single-family homes. Section 6 is an article from Bloomington MN about crime prevention for people with disabilities.

## ELEMENTS OF DESIGN

- 13) ***Relationship of significant landscape features and surface treatments.*** The typical treatment of individual properties is a flat or graded front lawn area in grass turf, often subdivided by a straight or curving walk leading to the front entrance. Materials for such walks are concrete, brick, stone, or combinations of those materials. Hedges between properties and along front property lines are not uncommon. It is characteristic for corner lots to have hedges or fencing at side lot lines along the sidewalk. There is a wide range in the type of fencing. Fencing within the public view was generally designed to compliment the style, design material, and date of the residence. Straight side driveways leading from the street to rear garages are the norm, although access to garages is also off the alley, especially in areas of the district that were developed earlier. Side lots are not uncommon for the larger properties 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 and are often fenced at or near the setback line. The width of tree lawns varies from block to block.

## RECOMMENDATION

### From the Detroit Fence and Hedge Guidelines:

- New fences or walls should be differentiated from the old and should be designed to compliment the style, design, color and material of the historic building(s) and its features.

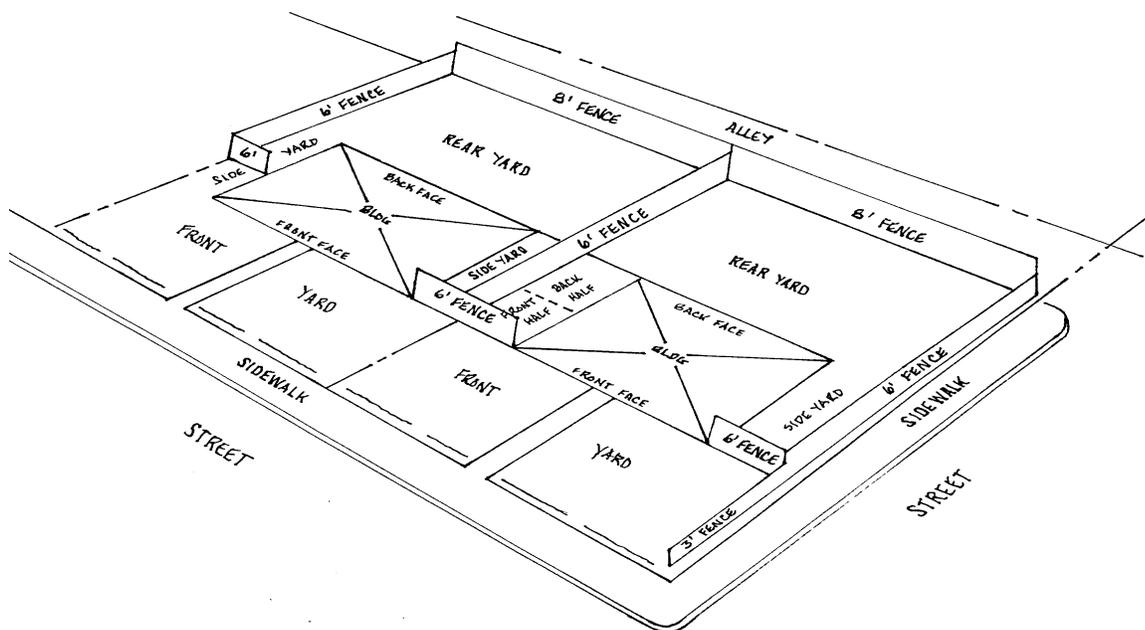
### Allowable Locations:

- Side yard and across side lots, at the front face of the house (setback line)
- The side yard alone at the front face of the house, the back face or at a point between
- Rear yard, from the back face of the house to the rear property line (can be considered with the side yard as well)
- Rear property line or alley line
- Front yard fencing is not allowed except on a corner lot and then only from the front face of the house on the side of the public right of way to the front walk.
- Established property line patterns and street and alley widths must be retained.
- Front yard and full perimeter fencing will be allowed only in districts where such fencing has been shown to be contextual in that district's Element of Design. Front yard fencing is allowed on corner lots along the walk adjacent to the side lot line from the front face of the house to the front corner (see below)

## Variances

The Detroit Historic District Commission may allow variance to the previously stated guidelines if the Commission views such variance as beneficial to the overall appropriateness of a fencing proposal.

The Historic District Commission reserves all rights to amend or update this guideline or to deny the use of certain fencing if they are deemed inappropriate in any specific location.



There are very few front yard fences in the Boston Edison district. Front yard fences are not appropriate for the district and do not meet the standards. I recommend the Commission deny the application and order the fence removed, the work does not meet "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" standard number 9, "New additions, exterior alterations, or related new

construction shall not destroy historic material that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment.”



90 Edison



90 Edison, looking northeast



90 Edison, looking northwest



90 Edison, photos from the site visit with S. McBride and J. Nader showing a detail of the fence gate and the view down the sidewalk, above. To the right showing where a fence post corresponds to the side of the house. Below is the existing fence and gate at the rear face of the house which is very similar in style and height to the proposed fence.



APPENDIX D: March 12, 2008 Meeting Minutes

Meeting Called to Order at 5:45 PM

**ROLL CALL**

Devan Anderson	<i>Present</i>	Themilie Bush	<i>Present</i>
Rainy Hamilton	<i>Present</i>	Julie Long	<i>Present</i>
Lisa Phillips	<i>Present</i>	Steve Wasko	<i>Present</i>
Hester Wheeler	<i>Absent</i>		

**AGENDA**

Commissioner Anderson moved to approve the agenda with corrections

Commissioner Hamilton - Support

Aye – 5           Nay - 0

**MOTION CARRIED**

**APPLICATIONS SUBJECT TO PUBLIC HEARING**

**779 Seminole**

**Interested Parties: Brain Rebain, owner**

**Indian Village Historic District**

**Build 2 car garage, rear patio**

Commissioner Wasko moved to issue a Certificate of Appropriateness for the garage, patio and rear porch as proposed, the work meets the “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Hamilton – Supported

Aye – 5           Nay – 0

**MOTION CARRIED**

**2189 Burns**

**Interested Parties: Barbara O’Hair, owner**

**Indian Village Historic District**

**Replace side deck with brick porch**

Commissioner Hamilton moved to issue a Certificate of Appropriateness for the replacement of the side deck with the porch as proposed, the work meets the “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Wasko – Supported

Aye – 5           Nay – 0

**MOTION CARRIED**

**3100 Woodward**

**Interested Parties: Cindy Warner, owner**

**Brush Park Historic District**

**Install signs and awnings**

Commissioner Long moved to issue a Certificate of Appropriateness for the sign and awning with light as proposed, the work meets the “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Phillips – Supported

Aye – 4           Nay – 0           Abstain – 1 (Commissioner Hamilton)

**MOTION CARRIED**

**54-56 Watson**

**Interested Parties: James Rodbard, owner rep.**

**Brush Park Historic District**

**Gates and landscaping or parking lot**

Commissioner Hamilton moved to issue a Certificate of Appropriateness for the gates and landscaping as proposed, the work meets the “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Wheeler – Supported

Aye – 6           Nay – 0

**MOTION CARRIED**

**Interested Parties: Frank Rhodes, attorney for owner; Jeff Foster, owner; Barry Foster, owner’s son; Marilyn Matchell, Historic Boston Edison Association; Jim Hamilton, Historic Boston Edison Association**

Commissioner Hamilton moved to issue a Notice to Proceed for the installation of the fence as completed with the following conditions: a) a fine of \$1,000 is issued to the property owner for work without a permit; and b) a deed restriction to remove the fence at the time of transfer is placed on the property. The work meets the following criteria: (1) The resource constitutes a hazard to the safety of the public or the occupants.

Commissioner Bush – Supported  
Aye – 0            Nay – 3            Abstain - 3

**MOTION DOES NOT CARRY**

Commissioner Long moved to deny the installation of the fence and order it removed to meet the front face of the house, the work does not meet “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Wasko – Supported  
Aye – 3            Nay – 3

**MOTION DOES NOT CARRY**

Commissioner Hamilton moved to deny the application and order the fence removed, with the option to move the old fence located at the rear face of the house to the front face of the house. The work does not meet “Secretary of the Interior Standard’s for Rehabilitation” number 9.

Commissioner Wasko – Supported  
Aye – 4            Nay – 2 (Commissioner Bush, Commissioner Phillips)

**MOTION CARRIED**

**APPLICATIONS NOT SUBJECT TO PUBLIC HEARING**

**15450 Piedmont**

**Interested Parties: Patricia Folks, owner**

**Rosedale Park Historic District**

**Replace steel windows with vinyl replacement windows**

Commissioner Hamilton moved to postpone the application to give the owner time to get more information regarding the condition of the windows.

Commissioner Wasko – Supported  
Aye – 4            Nay –

**MOTION CARRIED**

**APPROVAL OF MINUTES**

Commissioner Anderson moved to postpone the approval of the February 13, 2008 minutes until the next meeting.

**ADJOURNMENT**

Commissioner Hamilton moved to adjourn the meeting at 8:45 p.m.

Commissioner Anderson – Supported  
Aye – 4            Nay- 0

**MOTION CARRIES**

APPENDIX E: March 14, 2008 “*Notice of Denial and Order*”

March 14, 2008

**NOTICE OF DENIAL AND ORDER**

Jeff Foster  
90 Edison  
Detroit, MI 48202

**RE: Application Number 08-19; Submitted in Response to a Violation Notice that was Issued for the Unlawful installation of a front yard fence at 90 Edison in the Boston Edison Historic District**

Dear Mr. Foster:

At its regularly scheduled meeting on March 12, 2008 the Detroit Historic District Commission ("Commission") reviewed the above-referenced application for building permit. Pursuant to Section 25-2-24 of the 1984 Detroit City Code, the Commission hereby issues a notice of denial which is effective as of March 15, 2008. The Commission finds that the proposed work does not qualify for a certificate of appropriateness for the following reasons:

The installation of the fence does not meet "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" standard number 9, "New additions, exterior alternations, or related new construction shall not destroy historic material that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment."

Pursuant to MCL 399.205(12) and Section 25-2-10 of the 1984 Detroit City Code, the Commission hereby **orders the fence removed. The applicant has been given the option of moving the fence to the front face of the house.** The replacement and/or reconstruction of this significant architectural feature will bring your property at 90 Edison, into conformance with the historic character of the neighborhood, as defined by the remaining buildings in the Boston Edison Historic District.

When you are prepared to comply with the Commission's Order remove the front yard fence, you must file a new application for a building permit for the Commission's consideration prior to performing the work. Alternatively you may also file a new application with the Commission if additional information is obtained regarding the application or if the scope of work changes.

Please be advised that a permit applicant that is aggrieved by a decision of the Detroit Historic District Commission concerning a permit application, may file an appeal with the State Historic Preservation Review Board. Within sixty (60) days of your receipt of this notice, an appeal may be filed with:

Brian D. Conway  
State Historic Preservation Officer

CITY OF DETROIT  
HISTORIC DISTRICT COMMISSION

65 CADILLAC SQ., SUITE 1300  
DETROIT, MICHIGAN 48226  
PHONE 313-224-6536  
FAX 313-224-1300

Michigan Historical Center  
717 W. Allegan Street  
P.O. Box 30740  
Lansing, Michigan 48909-8240

Once this administrative right of appeal has been exhausted, a permit applicant may file an appeal of the decision of the State Historic Preservation Review Board with the circuit court.

If you have any questions regarding the foregoing, please contact John Nader, Counsel for the Commission at (313)237-3034.

On behalf of the commission:

Susan M. McBride  
Staff  
Detroit Historic District Commission

copy: Shanker Warriar, B&SE  
John Nader, Law

APPENDIX F: September 15, 2010 – State of Michigan,  
Wayne County Circuit Court, “Order of Agreement and for  
*Dismissal*”

**FILED**  
**CATHY M. GARRETT**  
**WAYNE COUNTY CLERK**  
**SEP 15 2010**  
 BY *[Signature]*

OK  
 To  
 CERT  
 9/15/10



November 09, 2010 11:01 AM  
 Liber 48834 Page 1030-1032  
 #2010376805 ORD FEE: \$21.00

Bernard J. Youngblood  
 Wayne County Register of Deeds

STATE OF MICHIGAN  
 IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JEFF FOSTER,

Plaintiff,

FOSTER, JEFF v DETROIT CITY OF  
 Hon. Gershwin A Drain 06/15/2009

v.



09-014686-NO

DETROIT HISTORIC DISTRICT  
 COMMISSION, and/or the CITY  
 OF DETROIT,

Defendants.

2010 NOV -9 AM 11:00

FRANK K. RHODES III (P-24119)  
 Attorney for Plaintiff  
 19080 W. Ten Mile Road  
 Southfield, MI 48075  
 (248) 350-0110

MICHAEL M. MULLER (P-38070)  
 Attorney for Defendant  
 660 Woodward Avenue, Suite 1650  
 Detroit, MI 48226  
 (313) 237-5052

ORDER OF AGREEMENT AND FOR DISMISSAL

At a session of the Court held on SEP 15 2010  
 in the City of Detroit, Wayne, County, Michigan,

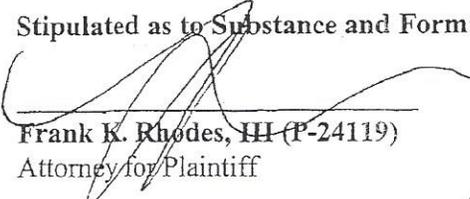
Present: Hon. GERSHWIN A. D.  
 Circuit Court Judge

The parties being desirous of settling this matter without further litigation, hereby agree to entry of this Order Of Agreement And For Dismissal pursuant to the terms set forth below:

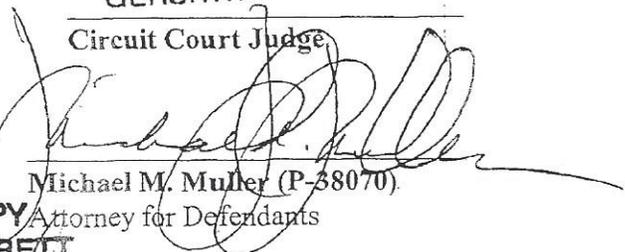
1. The property that is the subject of this lawsuit (subject property) is described as Lots 435, 436 and the West 30 feet of Lot 434, Voight Park Subdivision, as recorded in Liber 22 of deeds, Page 94 of Plats, Wayne County Records. More commonly known as 90 Edison Avenue, Detroit, MI 48202, Ward 02, Item 001474.

2. In consideration for dismissal with prejudice of above captioned matter and execution of a separate Release and Agreement by plaintiff, Jeff Foster, can have and maintain the currently existing metal decorative perimeter fence beyond the front facing of the home located at 90 Edison Avenue, Detroit, MI until such time as he sells the subject property, no longer resides at the subject property, recovers from his disability or dies. In the event that one of the aforesaid contingencies occurs, then and in that event, Jeff Foster or his estate, heirs, executors, administrators and/or successors shall immediately remove the metal decorative perimeter fence beyond the front facing of the home at his or his estate, heirs, executors, administrators and/or successors expense. Finally, Jeff Foster shall not discuss the terms of this settlement with anyone other than his attorney or as required pursuant to Michigan law.
3. As a condition precedent to entry of the within Order, plaintiff, Jeff Foster shall sign a separate Release and Agreement to be supplied by defendants.
4. The parties agree to a dismissal with prejudice and without costs to any party of any and all claims set forth in the above captioned matter.
5. The within Order may be recorded with the Wayne County Register of Deeds.
6. This Court retains jurisdiction in the above captioned matter to enforce any terms contained in this Order.
7. This resolves all pending claims in the above captioned matter, and this case is now closed.

Stipulated as to Substance and Form:

  
 Frank K. Rhodes, III (P-24119)  
 Attorney for Plaintiff

**GERSHWIN A. DRAIN**  
 Circuit Court Judge

  
 Michael M. Muller (P-38070)  
 Attorney for Defendants

**A TRUE COPY**  
**CATHY M. GARRETT**  
**WAYNE COUNTY CLERK**

K:\DOCS\LT\mulim\26000\order\MM3952.WPD

BY   
 DEPUTY CLERK

L 48834 - P 1031

No. A 54200

E-314 BK.

STATE OF MICHIGAN, }  
County of Wayne } ss.

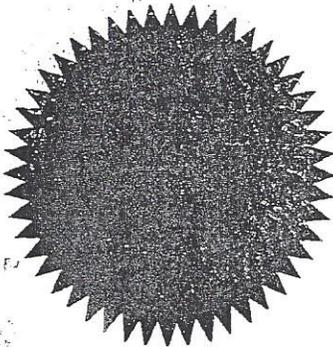
**CERTIFIED COPY — "LAW"**

I, CATHY M. GARRETT, Clerk of Wayne County, and Clerk of the Circuit Court for the County of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of

09. DIT-686  
Order of agreement or for Dismissal

entered in the above entitled cause by said Court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County, at Detroit, this day of 9/11/0 A.D. 20 10



CATHY M. GARRETT, Clerk

Fee, \$ 12 Amela Oles, Deputy Clerk

APPENDIX G: June 26, 2019 HDC Meeting Minutes

**DETROIT HISTORIC DISTRICT COMMISSION SPECIAL MEETING**

**Date: 6/26/2019**

**Coleman A. Young Municipal Center, 13<sup>th</sup> Floor Auditorium**

**Detroit, MI 48226**

**I. Chair Hamilton called the meeting to order at 5:32 pm.**

**II. ROLL CALL**

	ABSENT	PRESENT		ABSENT	PRESENT
Dennis Miriani, Vice Chair .....		X	Katie Johnson.....		X
James Hamilton, Chair .....		X	Richard Hosey.....		X
Alease Johnson .....		X	<del>Matthew Williams</del>		
Tiffany Franklin .....		X			

**STAFF PRESENT**

Jennifer Ross, PDD	X	Taylor Leonard, Law Dept.	X
Brendan Cagney, PDD	X	Pamela Parrish, Law Dept.	X
Ann Phillips, PDD	X		
Garrick Landsberg, PDD	X		

**III. APPROVAL OF THE AGENDA**

Staff requested the following changes to the agenda:

- Remove 2254 Longfellow
- Add 90 Edison (Correction Order)
- Add Resolution 19-03

Commissioner T. Franklin made a motion to approve the Agenda as modified.

Commissioner K. Johnson – SUPPORT

Ayes – 4            Nay – 0

**MOTION CARRIED**

**IV. APPROVAL OF THE CONSENT AGENDA**

Commissioner K. Johnson made a motion to move the following projects to the Consent Agenda for approval as submitted:

- 671 Edison
- 1258 Washington Blvd.

Commissioner A. Johnson – SUPPORT

Ayes – 4            Nay – 0

**MOTION CARRIED**

**V. APPROVAL OF MEETING MINUTES**

NA

## **VI. POSTPONED APPLICATION**

NA

## **VII. APPLICATIONS SUBJECT TO PUBLIC HEARING**

**\*\*\*\*\*COMMISSIONER HOSEY RECUSED HIMSELF due to a past business relationship with the applicant**

**Address:** 4130 Trumbull

**Historic District:** Woodbridge Farm

**Scope Summary:** Erect new building

**Interested Party:** Jason Jones and George Bailey

**Public Comment:**

- Robert M. likes the design, but does not like that it is to be erected at the current location. He thinks that it is too tall and that the design does not conform to the surrounds
- Tim Flintoff supports the design. He thinks that the design is sensitive to the neighborhood
- Angie Gaabo feels that the developer has made a good effort to engage the neighborhood. She supports the staff recommendations. She supports density and new construction/infill
- Jackie O. does not support the development. She thinks that it is too large relative to the adjacent buildings, and that it is too wide. She also thinks that the 6-car garage will add to traffic issues

With the current proposal, the applicant is seeking the Commission's approval **to erect a new multi-family (6 units), 3-story building at the project site per the submitted drawings**. According to the applicant:

“The front façade motif is planned to employ mostly brick and is accented with glass, wood, and metal siding in order to effectuate a historically considerate, yet clean and lively aesthetic. The residential units will be flat, apartment-style and are approximately 1,050 square feet. There will be a 6-car garage in the rear offering one space per unit for the resident's parking. The garage will be accessed through the rear alley.

The floor plans within this project are designed to maximize the living experience of the resident. The singular goal is to provide serenity and privacy while maintain a strong connection to the Woodbridge neighborhood at large. The plans offer great natural light through large windows in every room and two separate large balconies. One directly accessible from the living room and one off the master bedroom as well. As is required within quality contemporary design, the plans offer an open floor plan and have great ceiling heights topping out at 10 feet. The kitchens present stone counter tops and stainless-steel appliances as standard appointments. The living areas offer hardwood floors throughout the living spaces and have ample closet space. These units will be structured as condominium units and will be sold at completion of the project to residential homeowners.”

Commissioner Comment:

- Commissioner Miriani wants to understand the height and width of the building in relation to the adjacent buildings. The applicant has noted that the height is general consistent with the existing adjacent buildings

- Commissioner Katie Johnson does feel that the materiality is consistent, but that the scale is somewhat larger/inconsistent with the adjacent
- Commissioner Hamilton agrees with Commissioners Katie Johnson
- Commissioner Mirani is ok with this because most of the homes nearby share a similar footprint and he feels that the design does adequately reference the historic fabric. He feels that it is appropriate

**Commissioner Miriani** moved to *issue* a Certificate of Appropriateness for the work as proposed in application number 19-6286 because the work as described meets the Secretary of Interior’s Standards for Rehabilitation Number 9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

However, this COA shall be issued with the following conditions:

- Applicant to submit all building material and product cut sheets/brochures for staff review prior to the issuance of the COA.
- HDC staff shall be afforded the opportunity to review and approve the final construction documents prior to the issuance of the COA.

Commissioner Alease Johnson – SUPPORT

Ayes – 5                      Nay – 0

**MOTION CARRIED**

**Address:** 468 Prentis Street

**Historic District:** Warren-Prentis

**Scope Summary:** Erect a new rear addition

**Interested Party:** Michael Thompson and John Gilchrist

**Public Comment:** Carol Baker, *neighbor* - in support

Kathleen Verano, *neighbor* – in support

With the current proposal, the applicant is seeking the Commission’s approval **to erect a new 3-story addition at the rear of house per the attached drawings**. The addition is part of a rehabilitation to transform the existing five-units into a 3-family dwelling in accordance with zoning allowances. The following scope items are included in the proposal:

- **Removing existing rear open porch structure:** The existing back porch facing the back alley would be demolished.
- **Basement:** (3) new proposed egress windows with below grade areaways.
- **First floor:** An attached two-car garage off the rear with an interior stair going up to level two. A small covered porch and decorative column at the back-alley entrance. A new sliding glass door and small balcony added to the back of the existing house. Note that the existing and un-finished cinder block wall of the existing rear addition is being re-clad.
- **Second floor:** A “great room” addition over the garage below. This includes activating the existing rooftop over the existing 1916 addition and adding a new access door and a metal decorative guardrail. Note that this flat roof originally had a “sun porch” according to the City records from 1916.
- **Third floor:** A master bedroom suite added with an outdoor deck with planting beds. Note that this project per City

- **Roof profile:** The master-bedroom suite would have a low sloped shed style roof to align in height with house’s existing ridge.
- **Site work:** The garage has two required off-street parking spaces and one outdoor space. The new paving next to the alley would be pervious using precast cement units that will allow rain water to absorb. Three ground-mounted condensers in the side yard and screened from view with evergreen shrubs. The three added basement egress areaways will be flush with grade and will be designed to not be seen. A rain barrel will be incorporated to collect roof top rain water for plant irrigation.
- **Exterior materials:** The existing house exterior materials include re-claimed brick, carved stone accents, slate shingles at the upper gables, asphalt roof shingles, and decorative wood trim. The new proposed materials would include a matching brick base, metal horizontal siding (color to match flat gray slate), and trim to match the existing house colors.

**Commissioner T. Franklin** moved to *issue* a Certificate of Appropriateness for project as proposed in application number 19-6290 because the work meets the Secretary of the Interior’s Standards for Rehabilitation Number 9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.* With the following conditions:

- Applicant to submit all building material and product cut sheets/brochures for staff review prior to the issuance of the COA.
- HDC staff shall be afforded the opportunity to review and approve the final construction documents prior to the issuance of the COA.

Commissioner K. Johnson – SUPPORT  
 Ayes – 5                      Nay – 0

**MOTION CARRIED**

**Address:** 511 Woodward  
**Historic District:** Detroit Financial District  
**Scope Summary:** ReClad existing building  
**Interested Party:** Mike Lawrence and Brad Verdegan  
**Public Comment:** None

The applicant is seeking the Commission’s approval for the following scope:

- Removal of the existing curtain wall and replacing with a new curtain wall system with Low E butt glass.
- Addition of a 1’-6” deep screen wall over most of the building facade.
- Maintain the existing screen walls at roof.
- Addition of stair to cover floors 1 and 2 for the east end of the building.
- Development of the exterior plaza to lower the finish floor elevation to match the west end of the building along Congress. Plaza floor level and 1st floor of the building will match. Outdoor patio space to be activated from the tenant areas on the 1st floor.
- Provide 2 NANA walls at 1st floor plaza levels.
- Historical marker to remain on site and will be developed as an integral part of the site plan.
- Exterior controllable building lighting to be provided that will accent the building and accentuate the dramatic building wall screen.

- New building tenant signs will be designed in accordance with city code. Exact sign location will be developed with tenants. General sign location and size indicated on current building plans.
- Update building to meet current renovation building codes.
- Renovate back side of the building along the alleyway with paint. Existing gates to remain.
- Provide new building roof.

Commissioner Comment:

- Commissioner Hamilton wants to understand how the design is compatible with the existing historic buildings
- Commissioner Miriani feels that the design that play off of the nearby Yamazaki buildings. He thinks it is compatible
- Commissioner Franklin wants to understand the durability of the proposed FRP screen

**Commissioner Katie Johnson** moved to *issue* a Certificate of Appropriateness for project as proposed in application number 19-6299 because the work meets the Secretary of the Interior’s Standards for Rehabilitation Number 9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

With the following conditions:

- Applicant provide to staff additional detailed drawings concerning the proposed screen walls, including but not limited to:
  - Design development or construction drawings showing additional detail
  - Resolution of perimeter and edge conditions
  - Assembly and interconnections of constituent elements, including fasteners
  - Locations and nature of lighting proposed
- Staff be afforded the opportunity to review and approve the final construction documents. Staff may return any items found non-appropriate to the Commission for additional review.

Commissioner T. Franklin– SUPPORT

Ayes – 6            Nay – 0

**MOTION CARRIED**

**Address:** 2010 Atkinson

**Historic District:** Atkinson Avenue

**Scope Summary:** Erect a new garage, replace existing rear porch with new porch

**Interested Party:** Keisha McKinney and Robert McKinney

**Public Comment:** None

The applicant seeks the Commission’s approval to continue the rehabilitation of the home with the following proposed items:

- Replace all original windows (16) and vinyl replacement windows (2)

- Proposed: Royal Plus II double-hung, single-pane windows (vinyl)
- Remove the existing rear doorway (kitchen) and infill with matching brick
- Remove (3) windows (wood) & Create new doorway into sunroom at same location
  - Proposed: Mastercraft French Patio Door with Exterior Grilles, 72" W x 80"
- Replace exterior siding at the rear enclosed porch walls
  - Proposed Material to be vinyl (to match existing) or composite (hardi)
- Demolish deteriorated concrete porch (rear)
- Build new wood deck / porch
  - Treated wood, 22'x 12'
- Build 20'x20' two car garage at the location of an existing slab
  - Roof shingles to match home
  - Siding to match home vinyl or composite (hardi)
  - There will be one man door (steel)

Commission Comments:

- Commissioner Miriani asked about the property owners efforts to repair the windows

**Commissioner Katie Johnson** moved to *deny* the issuance of a Certificate of Appropriateness for the proposed replacement of the wood windows at the home with new vinyl windows because the work as described does not appear to meet the Secretary of the Interior's Standards for Rehabilitation Number 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.*

Commissioner Miriani – SUPPORT

Ayes – 5                      Nay – 0

**Commissioner Miriani** moved to *issue* a Certificate of Appropriateness for the following work items because they meet the Secretary of the Interior's Standards for Rehabilitation Number 9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.*

- Remove the existing rear doorway (kitchen) and infill with matching brick
- Remove (3) windows (wood) & Create new doorway into sunroom at same location
  - Proposed: Mastercraft French Patio Door with Exterior Grilles, 72" W x 80"
- Replace exterior siding at the rear enclosed porch walls
  - Proposed Material to be composite (hardi) or any other material that staff deems appropriate
- Demolish deteriorated concrete porch (rear)
- Build new wood deck / porch
  - Treated wood, 22'x 12'
- Build 20'x20' two car garage at the location of an existing slab
  - Roof shingles to match home
  - Siding to match home vinyl or composite (hardi)

- There will be one man door (steel)

With the following conditions:

- Applicant provides more information to the satisfaction of the Commission regarding the construction of the porch and garage.

Commissioner Franklin – SUPPORT

Ayes – 5                  Nay – 0

**Address:** 616 Pallister

**Historic District:** New Center Area

**Scope Summary:** Install new playscape

**Interested Party:** Elise Fields

**Public Comment:** None

The applicant seeks the Commission’s for the following scope items:

- Construct a play area on the southeast corner of the south portion of Pallister Park
- Install Three circular areas for play equipment
  - 2” concrete curbing surrounding each play area infilled with engineered wood fiber
  - (1) “Tyre Swing” Circle – 32’-6” dia.
  - (1) “Tree House” Circle – 27’-0” dia.
  - (1) “Log Scramble” Circle – 30’-8” dia.
- Install one trash receptacle / dog waste station
  - Surrounded by wood
- Install new landscaping, including:
  - Grasses, ornamental plants
  - Boulders to define edging
  - (3) Maple Trees
- Temporary construction fencing
  - Any disturbed lawn will be replaced

**Commissioner Hosey** moved to *issue* a Certificate of Appropriateness for the proposed work items proposed in application number 19-6292 because the work as described does not meet the Secretary of the Interior’s Standards for Rehabilitation Number 10) *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Commissioner Alease Johnson – SUPPORT

Ayes – 6                  Nay – 0

**MOTION CARRIED**

**Address:** 3521 Seminole

**Historic District:** Indian Village

**Scope Summary:** Erect new terrace/patio at side elevation; convert windows to doors

**Interested Party:** Robert Pia

**Public Comment:** None

With the current proposal, the applicant is seeking the Commission's approval **to erect a new raised patio per the submitted drawings**. Including the following scope items:

- On the south façade, remove (6) existing windows and the associated portions of wall below their sills and replace with wood doors. The doors will be painted to match the existing windows and will include grilles (at the exterior of the glazing) per the drawings.
- Erect new elevated brick patio. The perimeter walls of the proposed patio will finish 3'-0" above grade and will be constructed of brick to match the existing brick at the house. The walls will be topped with a concrete cap. The floor surface of the patio will also be concrete

Commissioner Comment:

- Commissioner Hamilton would like for the applicant to retain the existing decorative wood sills
- Commissioner Miriani thinks that the work is compatible

**Commissioner Miriani** moved to *issue* a Certificate of Appropriateness for the work proposed in application #19-6291 because the work as proposed meets the following Secretary of the Interior's Standards for Rehabilitation:

- 9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- 10) *New additions and related adjacent or relate new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Commissioner Hosey – SUPPORT

Ayes – 6                  Nay – 0

## **MOTION CARRIED**

- **Address:** 2221 Wabash

**Historic District:** Corktown

**Scope Summary:** Partial demolition and addition to existing structure

**Interested Party:** Timothy Flintoff

**Public Comment:**

- Judith Christiansen – She lives next door. She is afraid that that the new building will cutoff access to her house but she general approves

The applicant is seeking the Commission's approval for the following scope:

Demolition Work:

- Demolish existing rear addition complete; including foundations (original structure to remain)
- Remove existing fence and site debris

- Remove existing rear deck and concrete pads in rear of property

Existing Structure:

- Tuck point/repair existing masonry foundations
- Repair foundation of existing original structure
- Replace existing vinyl windows: Pella wood clad double hung windows
- Repair/replace and paint: lap board siding, trim, eave, rake, soffit
- Replace gutters and down spouts
- Repair/replace and paint: porch roof to match existing including deck boards, steps, railing and balusters

Addition:

- New Standing seam metal roof
- New windows: Pella wood clad double hung windows
- New brick and ship lap siding
- New gutters and down spouts

Site:

- New landscape area and planter beds in front of property
- Replace sod as required due to construction damage
- New concrete walkway from front on house to rear of property

Commissioner Comment:

Commissioner Katie Johnson moved to issue a Certificate of Appropriateness for the work proposed in application #19-6300 because it meets the Secretary of the Interior’s Standards for Rehabilitation Numbers 5, 9, and 10, contingent upon the applicant working with staff to identify a material other than masonry for the addition above the level of the foundation wall.

With the following conditions:

- The new windows must be 2/2
- The color should conform to the home’s existing color chart. Staff shall be afforded the opportunity to approve the color
- The applicant work with staff to identify a siding other than brick above the foundation wall at the new addition (the brick siding material should be limited to the foundation wall)

Commissioner Miriani – SUPPORT

Ayes – 5                      Nay – 1

**MOTION CARRIED**

- **Address:** 2225 Wabash  
**Historic District:** Corktown  
**Scope Summary:** Erect new building  
**Interested Party:** Timothy Flintoff  
**Public Comment:**

- Judith Christensen – She likes the desing in general, doesn't like the color, and doesn't like the metal roof/wall

The applicant is seeking the Commission's approval for the following scope:

New Construction of a two-family flat to include:

- 2x6 wood construction with R-38 in ceiling and R-19 in walls and new Tyvek house wrap
- Standing seam metal roof
- Windows: Pella wood clad double hung windows
- Install Brick and ship lap siding
- Gutters and down spouts
- Install masonry planter boxes as part of building design with vertical growing wall panels
- Second floor unit with front entry and side balcony.
- First floor unit to have side entry

Site:

- New wood fence in rear and sides of property with gates parking area
- Install concrete parking pad for two cars
- New landscape area and planter beds in front and side of property
- Replace sod as required due to construction damage
- New concrete walkway from front on house to rear of property

Commissioner Comment:

**Commissioner Miriani** moved to *issue* a Certificate of Appropriateness for the work proposed in application #19-6300 because the work as proposed meets the Secretary of the Interior's Standards for Rehabilitation Numbers 5, 9, and 10, contingent upon the applicant working with staff to identify a material other than masonry for the addition above the level of the foundation wall.

Commissioner Hosey – SUPPORT

Ayes – 6                  Nay – 0

**MOTION CARRIED**

## **VIII. CITY PROJECTS SUBJECT TO PUBLIC HEARING**

NA

## **IX. APPLICATIONS NOT SUBJECT TO PUBLIC HEARING**

**Address:** 1723 Longfellow

**Historic District:** Boston Edison

**Scope Summary:** Rehab rear porch and landscaping

**Interested Party:** Jennifer Jarena

With the current proposal, the applicant is seeking the Commission's approval to complete the following work **as per the submitted proposal:**

Landscaping:

- Remove existing sod and excess soil in rear yard
- Level yard
- Remove two trees in corner of yard near power lines
- Remove existing slab from garage
- Replace sod in backyard to establish new lawn per design

Rear Fence:

- Remove existing chain-link fence
- Replace with new wood fence in conformance with the fence guidelines

Rear Patio:

- Remove existing wooden steps from doorways
  - Replace with raised brick porch
- Remove existing concrete patio
  - Replace with new paver patio, as shown on concept plan (22'x25')
  - Fendt "Holland" Brick Pavers- 4"x8" (color -TBD)
  - Fendt "O.W. Cobblestone" Tumbled Wall Block (color -TBD)
  - Fendt "O.W. Bullnose" Tumbled Wall Coping (color -TBD)
    - To be installed to spec, on 21AA Crushed Limestone & NS Sharp Bedding Sand and polymeric Jointing Sand
- Replace steps with Fendt Wall Block and Coping per design
- Install grill enclosure with Fendt Wall Block and Coping per design
- Create Patio with Fire Pit using Fendt Wall Block, Fire Pit Block and Coping per design
  - Including 14' dia. seating wall and

Commissioner Comment:

- In general, the Commissioners do not like vinyl fencing

**Commissioner Katie Johnson** moved to *issue* a Certificate of Appropriateness for the proposed work items proposed in application number 19-6254 because the work as described does not meet the Secretary of the Interior's Standards for Rehabilitation Number 9) *New addition, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.* With the condition that staff be able to review final construction drawings/design selections for the work.

With the following conditions:

- That the fence be wood and conform to the fence guidelines and stained within 6 months

- That the staff be afforded the ability to approve the fence

Commissioner Hosey – SUPPORT

Ayes – 6                  Nay – 0

## **MOTION CARRIED**

- **Address:** 671 Edison  
**Historic District:** Boston Edison  
**Scope Summary:** Modify wing walls at porch from concrete to brick  
**Interested Party:** Keith Zendler

With the current proposal, the applicant is seeking the Commission’s approval to complete the following work associated with the overall rehabilitation of the building **as per the following project description:**

### **Porch Rebuild**

- Demo porch walls, raise existing concrete cap with jack and support while disposing of debris
- Clean and prep area for new brick
- Relay Brick to match existing brick on home (best possible)
- Build and interior course with either brick or CMU.
- Build brick “columns” (2)
  - Build out brick courses 4-1/2” offset from porch
- Install limestone cap Approx. 2’ x 40”
- Apply water sealant – “chimney saver sealer”

### **Concrete Porch Cap**

- Demo existing 11’x 7’ porch cap
  - Set forms and pour new 4” porch cap, Rebar or pin into house as needed
- Pull forms the following day
- 4000 psi concrete.
- Broom finish unless noted otherwise
- Saw cut concrete slab if needed
- Seal concrete upon completion

### **Concrete Front Walkway**

- Removal of existing concrete
- Check grades, re-pitch as needed
- Lay crushed concrete 21aa as needed
- Pour new concrete walk from Porch to sidewalk to original design total 110sq'
- Broom finish
- Pull forms the following day, saw cut
- Seal all concrete

### **Miscellaneous Repairs**

- Tuckpoint Back Porch wing wall

- Tuck point Front wall left of porch near bottom
- Replace Dying Arborvitae and upgrade flowers/landscaping

**APPROVED VIA CONSENT AGENDA**

**Address:** 1258 Washington Boulevard

**Historic District:** Washington Boulevard

**Scope Summary:** Add 2 new mechanical units on existing roof

**Interested Party:** James Flora, Detroit Beer Exchange LLC

With the current proposal, the applicant is seeking the Commission’s approval to complete the following work associated with the overall rehabilitation of the building, specifically a tenant build-out for a restaurant at the basement and first level of the existing building. Although Resolution 19-01 allows HDC staff to approve exterior wall penetrations for the installation of ventilation/mechanical, electrical, or plumbing utilities at the side and rear elevations, staff is *unable* to approve the addition of rooftop mechanical units. See attached drawings for locations of the following proposed work items:

- Installation of (2) new mechanical rooftop units on the existing 2<sup>nd</sup> floor roof. The second floor roof is located at the southeast corner of the building and faces the alley located adjacent to the building on the east side.
- Installation of (2) wall-mounted air intake ductwork on the east (alley side) façade.
- Installation of (2) exhaust grilles and (1) wall-mounted fan at various locations on east (alley side) façade .

**APPROVED VIA CONSENT AGENDA**

**X. APPLICATIONS FOR WORK INITIATED/COMPLETED WITHOUT HDC APPROVAL SUBJECT TO PUBLIC HEARING**

NA

**XI. APPLICATIONS FOR WORK INITIATED/COMPLETED WITHOUT HDC APPROVAL NOT SUBJECT TO PUBLIC HEARING**

NA

**XII. OLD BUSINESS**

- **Address:** 9321 Rosa Parks  
**Historic District:** Atkinson Avenue  
**Scope Summary:** Revision to deck and ADA ramp  
**Interested Party:** Antonio Luck and Jason Faraday

With the current application, the property owner is seeking to revise the deck’s design according to the following:

- Erect a new wood deck with integrated bench seating of pressure-treated pine. The deck will be wrapped by ramp of 5/4” x 4” pine boards with a wood balustrade of 1.5” x 1.5” balusters. The bench seating will be pine with occasional perforated metal inserts in the risers. The deck will be painted green.

**Commissioner Miriani** moved to *issue* a Certificate of Appropriateness for the work because it meets the Secretary of the Interior’s Standards for Rehabilitation Number 10) *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

With the following conditions:

- All of the wood elements, at the deck/ramp/steps/seating structure shall be painted a color which conforms to the building’s assigned color chart. The wood must be painted within one calendar year of this meeting
- HDC staff shall be afforded the opportunity to review and approve the final construction drawings before the permit is pulled for the work.

Commissioner Alease Johnson – SUPPORT

Ayes – 6            Nay – 0

**MOTION CARRIED**

**XIII. NEW BUSINESS**

**Address:** 90 Edison

**Historic District:** Boston Edison

**Scope Summary:** Commission to issue correction order re: the removal of the existing fence

**Commissioner Miriani** moved to *issue* an Order that the following violation at 90 Edison in the Boston-Edison Historic District be corrected:

- The erection of a front yard fence without a Certificate of Appropriateness; the fence must be removed back to the front façade line of the house.

Before the correction work is begun, a Certificate of Appropriateness issued by the Commission for the correction work must be obtained. The Certificate of Appropriateness must be obtained **no later than three months** from the date of this Notice. Furthermore, the violation must be corrected **no later than six months** from the date of this Notice.

If the violation is not corrected by the specified date, the Commission may propose legal action against the owner of record on that date; the owner shall be sent a notice of this Order; it may be recorded with the Wayne County Register of Deeds; this Order shall run with the land until corrected.

Commissioner Hosey – SUPPORT

Ayes – 6            Nay – 0

**MOTION CARRIED**

**Resolution 19-03**

**Scope Summary:** Resolution to Protect Detroit Homebuyers by Recording Commission Notices of Order of Correction to Titles of Properties

**Commissioner Miriani** moved to *adopt Resolution 19-03*

Commissioner Hamilton – SUPPORT

Ayes – 6            Nay – 0

**MOTION CARRIED**

**ADJOURNMENT**

Commissioner Franklin motioned to adjourn the meeting at 9:09 pm.

Commissioner Miriani– SUPPORT

Ayes – 6    Nay – 0

**MOTION CARRIED**

**MEETING ADJOURNED**

APPENDIX H: June 26, 2019 “Notice of Order”

## NOTICE OF ORDER

**To:** Executor  
Estate of Jeff Foster  
90 Edison  
Detroit, MI 48202

**Re: 90 Edison, Detroit, Michigan [PIN] (Boston-Edison Historic District) (the “Property”)**

**Date: June 26, 2019**

The front yard fence at the Property was **erected without a Certificate of Appropriateness** issued by the Commission and is a **violation** of Sections 25-2-24(3), 25-2-20, and 25-2-18 of the 1984 Detroit City Code. This violation has been the subject of legal proceedings, as recounted in our letter to you of January 15, 2019. Per an Agreement settling those proceedings, the fence is to be removed when Mr. Foster no longer resides at the residence.

To date the Commission has not received from you a plan for removal of the fence, as requested in the letter of January 15, 2019.

Accordingly, at its meeting of June 26, 2019, **the Commission issued an Order of Correction**, pursuant to its authority under Sec. 25-2-10(e), that the **violation be corrected and the fence removed**.

Before correction work is begun, a Certificate of Appropriateness must be obtained from the Commission verifying that the planned correction work is appropriate.

The Commission set **two deadlines** in its Order.

- First, the Certificate of Appropriateness must be obtained **no later than three months** from the date of this Notice.
- Second, the violations must be corrected **no later than six months** from the date of this Notice.

This Notice of Order of Correction has been recorded in Building, Safety, Engineering, and Environmental Department’s property database and will remain until the violation is corrected.

The Notice may be recorded to the title of the property with the Wayne County Register of Deeds, in either of the following situations.

- The property is listed for sale without the violation having been corrected.
- Either of the deadlines specified in the Order is missed.

Owners have a grace period from the date of this Notice until the deadlines to pursue correction of the violation in good faith.

If the deadline for correcting the violation is missed, the Commission then may also request that BSEED issue a ticket for the violations in 36th District Court.

The Order will run with the land and apply to the Property until the violation is corrected.

This Notice of Order of Correction in no way prevents or prohibits further enforcement actions by the City against the Property.

This represents a True Order of the Historic District Commission

DETROIT HISTORIC DISTRICT COMMISSION

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By: James L. Hamilton

Its: Chairperson

**Motion**

I move that the Commission issue an Order that the following violation at 90 Edison in the Boston-Edison Historic District be corrected:

- The erection of a front yard fence without a Certificate of Appropriateness; the fence must be removed back to the front façade line of the house.

Before the correction work is begun, a Certificate of Appropriateness issued by the Commission for the correction work must be obtained. The Certificate of Appropriateness must be obtained **no later than three months** from the date of this Notice. Furthermore, the violation must be corrected **no later than six months** from the date of this Notice.

If the violation is not corrected by the specified date, the Commission may propose legal action against the owner of record on that date; the owner shall be sent a notice of this Order; it may be recorded with the Wayne County Register of Deeds; this Order shall run with the land until corrected.