

CITY OF MUSKEGON
HISTORIC DISTRICT COMMISSION
MINUTES

January 5, 2021

Chairperson S. Radtke called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: S. Radtke, Muskegon, Michigan; K. George, Muskegon, Michigan;
A. Riegler, Muskegon, Michigan; T. Emory, Muskegon, Michigan

MEMBERS ABSENT: L. Wood, excused; K. Panozzo, excused

STAFF PRESENT: J. Pesch, R. Cummins, L. Mikesell

OTHERS PRESENT: J. Garcia, 1261 Ransom Ave.; D. Hippchen, 325 Houston Ave.; D.
Pintoski, 1181 Peck St.

APPROVAL OF MINUTES

A motion to approve the regular meeting minutes of December 1, 2020 was made by K. George, supported by A. Riegler and approved with S. Radtke, T. Emory, A. Riegler, and K. George voting aye.

NEW BUSINESS

Case 2021-01 – 1261 Ransom Avenue (Rehabilitation). Applicant: Jeremy Garcia. District: McLaughlin. Current Function: Residential. J. Pesch presented the staff report. The applicant is seeking approval to 1) convert an existing house addition to a garage with a new garage door, 2) remove and close off a second-floor exterior door, and 3) remove a second-floor exterior deck/walkway that fell off. Staff explained that this work had been approved and issued a building permit but had not started, and the property owner was willing to follow through with HDC review.

According to a photograph from the 1970s contained in the HDC's files, the house addition in question had once been a garage, and was constructed sometime between 1911 and 1950. J. Garcia explained that he purchased the house eight months ago and work had been delayed considerably due to the pandemic. He stated that work had only started on the interior, but that he was requesting to convert the former garage – which had been converted to a bedroom – to a garage again. J. Garcia also noted that the second-floor door and deck proposed to be removed was not original, and that removing it would bring the house closer to its original appearance.

S. Radtke asked that the board begin with a review of the proposed garage conversion. A. Riegler asked if there was an existing driveway that still came up to the proposed garage and if there was any other place where the garage could be sited on the lot. J. Garcia stated that the lot was very small. S. Radtke asked about the style of the proposed garage door. J. Garcia explained that a white, solid door was proposed, and that the house would retain its white and yellow color scheme. S. Radtke stated that the request was fairly straightforward in that the opening for the garage door

was still there, and only the door itself had been removed. K. George asked if a service door had existed or would be added. J. Garcia stated that a service door would not be added.

The board moved on to discuss the second-floor door and deck. J. Garcia explained that this area of the house had been converted into a laundry room at some point, and that he was proposing to frame in the existing door opening, then reside the exterior with matching wood siding. S. Radtke asked if the porch had originally been a sleeping porch or part of the main body of the house. J. Garcia explained that it appeared to be part of the main body of the house, but that the stairs and door were likely added on much later as they did not match anything else on the house. The board reviewed the photos in the staff report and T. Emory stated that it appeared that the porch was enclosed. S. Radtke noted that it was unlikely that the door was original as the garage was also not original, and that the windows did not appear to be original either. J. Garcia confirmed that the windows were all storm windows that did not appear to be original to the house.

A motion that the HDC approve the request to convert an existing house addition into a garage with a new garage door, remove and close off a second-floor exterior door, and remove a second-floor exterior deck/walkway as long as the work meets all zoning requirements and the necessary permits are obtained, was made by A. Riegler, supported by K. George and unanimously approved, with S. Radtke, A. Riegler, T. Emory, and K. George voting aye.

Case 2021-02 – 325 Houston Avenue (Windows). Applicant: Dollie Hippchen. District: Houston. Current Function: Residential. J. Pesch presented the staff report. The applicant is seeking approval to remove and replace three wood windows with vinyl replacement windows to match the other replacement windows on the house and to install aluminum trim around the three replacement windows to match the others. The work had already been completed. Staff went on to explain that, upon reviewing the property, it became clear that the proposed work had already been completed, even though a building permit had not been issued; there appeared to be a discrepancy in the date the building permit application was submitted and the date Staff was notified of this request. The work needing approval included the final three windows to be replaced on the house (one in the top left corner of the front elevation, one in the top right corner of the left elevation, and a small one in the back of the house located in a bathroom) aside from any leaded-glass windows, which were mainly on the front porch and would be retained. A series of HDC approvals over past years had resulted in the replacement of all other windows on the house with vinyl windows and aluminum trim.

A. Riegler asked for clarification on which three windows were included in this request. Staff and board members reviewed the photos that were included in the staff report, and J. Pesch explained that the new vinyl windows matched the size and appearance of the original wood windows.

A motion that the HDC approve the request to remove and replace three wood windows with vinyl replacement windows to match the other replacement windows on the house and to install aluminum trim around the windows to match the others as long as the work meets all zoning requirements and the necessary permits are obtained, was made by A. Riegler, supported by K. George and unanimously approved, with S. Radtke, A. Riegler, T. Emory, and K. George voting aye.

D. Hippchen joined the meeting, but was having audio issues so it was agreed that her comments would be heard later in the meeting.

J. Pesch noted that Case 2021-03, because it was reviewed and approved in 2018, would instead be listed in the meeting minutes by its original case number, Case 2018-11, under Old Business.

OLD BUSINESS

Case 2018-11 – 1181 Peck Street (Windows). Applicant: Dennis Pintoski. District:

McLaughlin. Current Function: Residential. J. Pesch presented the staff report. The applicant is seeking approval to replace 13 windows (29 ¼" x 78 ¼") with vinyl windows of the same size. J. Pesch noted that the proposed work was included in a request that was approved in April 2018. The property owner had purchased all the windows, but had not yet started the work; the HDC's policy allowed work to be completed within one year of approval, so the applicant was seeking renewal of the approval.

A. Riegler asked if the board requested anything specific for the muntin arrangement in 2018. J. Pesch explained that the motion, which was included in the staff report, referenced an image depicting the style of window that was proposed at the time, which was also included. A. Riegler noted that she was not in attendance at the April 2018 meeting, and that renewal of the approval was difficult since the existing windows constituted one of the few defining architectural features of the home. She went on to explain that the approval did not meet the Secretary of the Interior's Standards for Rehabilitation because the replacement window, aside from the fact that it was a vinyl window replacing a wood window, did not match the original window configuration. It was established that no board member that voted to approve the work in 2018 was present at the current meeting. S. Radtke stated that it seemed to have been the general policy of the HDC back then to approve almost all requests, and although he did not agree with the past approval, it didn't make much sense not to renew the approval since the approval had already been granted once and the applicant had already ordered the windows; A. Riegler agreed. J. Pesch noted that, under the circumstances, the HDC could recommend an add-on grill that would mimic the muntin arrangement of the original windows. K. George and A. Riegler stated that they would rather see the plain double-hung window than an attempt to mimic the old look in vinyl.

A motion that the HDC approve the request to replace 13 windows (29 ¼" x 78 ¼") with vinyl windows of the same size as long as the work meets all zoning requirements and the necessary permits are obtained, was made by K. George, supported by T. Emory and unanimously approved, with S. Radtke, A. Riegler, T. Emory, and K. George voting aye.

D. Hippchen spoke briefly on her case that was reviewed earlier in the meeting. She explained the issues she was having with her contractor and the permitting process, and assured the board that she would keep Staff aware of any further changes to the house.

OTHER BUSINESS

CLG Status and Available HDC Positions – K. George asked about the status of the City's Certified Local Government application with SHPO. J. Pesch stated that he was still working on

the application but would be submitting it shortly; he was able to assemble a number of requested documents and wanted to get changes to the board's members settled. L. Wood would be resigning from the HDC following this meeting after serving for 14 years on the board. J. Pesch explained the application process for those interested in serving on the HDC as well as some of the various composition requirements for the HDC.

Work Completed Without HDC Approval – K. George asked if signs could be installed near the boundaries of the historic districts to assist with informing property owners of their location in a historic district, especially with the uptick in unapproved work. A. Riegler agreed that signage could help, but pointed to the larger issue of work being issued building permits without HDC approval due to the ongoing issues with the building inspections department, SAFEbuilt. K. George agreed that the signage would not replace the effort needed to improve the cooperation of other departments in ensuring that the HDC reviews all necessary work.

The board discussed the possibility of bringing the issue to the attention of the City Commission at an upcoming Worksession. J. Pesch stated that going to the City Commission may be less helpful than getting the proper City Staff involved first, simply due to the fact that the City Commission did not deal directly with the issues being discussed on a regular basis. A. Riegler noted that the issues had been addressed numerous times already by Staff. S. Radtke stated that he and J. Pesch had discussed gathering information on unapproved work to present together to the City Manager prior to any issues potentially being brought to the City Commission. L. Mikesell, Director of Development Services for the City, offered to set up a meeting between SAFEbuilt leadership and the appropriate staff from that department, the Division Heads for both Public Safety (which oversees SAFEbuilt), and Development Services (which comprises the HDC Staff). She stated that she was not opposed to City Commission involvement, but recognized that they would likely direct Division Heads to address the issues.

The board again noted that the recurring issues continue despite Staff's efforts to address them. A. Riegler reminded those in attendance that the HDC review process was a law and that they had the ability to issue fines of up to \$5000 for improperly completed work. L. Mikesell stated her concerns with fining a property owner for work being completed without HDC review when the City was ultimately responsible for not following the proper approvals process. The board also expressed concerns about accountability and recommended that SAFEbuilt be responsible for coming up with a plan for following the proper approvals process. L. Mikesell mentioned the possibility of including a clause in the contract between the City and SAFEbuilt that would specifically address this.

Various board members explained that work that was not properly reviewed or approved directly undermined the purpose of the HDC. With so many of Muskegon's historic buildings already lost, the city's remaining historic resources were critical to protect. Historic resources in the historic districts – just as is the case across the country – have legitimate protection from substantial alteration, demolition, etc.. With the current disconnect between SAFEbuilt and the HDC, the historic districts and the HDC begin to look like a nuisance, rather than the asset they are meant to be.

J. Pesch stated that at some point the HDC seemed to have lost their way and many of the correct protocols and regulations were not properly followed; only in more recent years had efforts really been put forth to understand and correct this.

Enforcement of HDC Motion – S. Radtke asked about the status of 1561 Peck Street as it related to the HDC's ruling to correct work completed without HDC review or approval or building permits. Staff summarized the enforcement process, noting that the property owner had appealed the HDC's ruling to the State Historic Preservation Review Board where it was denied a hearing due to the fact that it was filed after the 60-day deadline for filing had passed. A series of Municipal Civil Infractions had been issued since the work was denied by the HDC. The violation was then bumped up to a Civil Infraction which, if desired, could be fought in court; the property owner asked that the Civil Infraction be sent to the courts so that a hearing could be set. Presently, City Staff was waiting to hear back from the courts regarding the status of the Civil Infraction. HDC members noted that there appeared to be renters living in the house without a rental certificate (which was on hold due to the now-expired building permit that ran counter to the HDC's ruling), and that the rental situation did not seem to be enforced. It was requested that Staff also discuss this issue with SAFEbuilt as part of the planned meeting regarding unapproved work.

2021 HDC Meeting Schedule and Election of Officers – Staff advised the board that the 2021 HDC Meeting Schedule would be available for review by the next meeting. The Election of Officers would also take place at the next meeting.

Public Comment Period – Time was allotted for public comment with contact information provided. D. Pintoksi, the owner of 1181 Peck from Case 2018-11 (above) called in and stated that he was unable to join the meeting earlier. He asked if the board had any questions regarding what was approved at this address back in 2018, and he clarified that not all the existing windows had the same muntin arrangement as the one shown in the staff report. The board had no further questions for the applicant.

There being no further business, the meeting was adjourned at 5:10 p.m.

JP