

CITY OF YPSILANTI
HISTORIC DISTRICT COMMISSION
MINUTES OF APRIL 24, 2018

CALL TO ORDER AND ROLL CALL

Mike Davis, Jr. Vice-Chair 7:00 PM

Meeting Location: SPARK East, 215 W Michigan

Commissioners Present: Mike Davis, Jr., Erika Lindsay, Hank Prebys, Alex Pettit, Ron Rupert, Jane Schmiedeke

Commissioners Absent: Anne Stevenson

Staff Present: Cynthia Kochanek, Preservation Planner

APPROVAL OF AGENDA

Kochanek: Removed 201 S Washington as an administrative approval.

Motion: Rupert (second: Schmiedeke) moved to approve the agenda as amended.

Approval: Unanimous. Motion carries.

PUBLIC COMMENT ON AGENDA ITEMS

Larry Yapp- owner of 32-42 N Huron

Stated that he has owned the building for about 15 years and he has 10 tenants in the building. Stated that he was unaware of the previous HDC approval at the time that it happened and that he believes that the commission was misled at that time. Stated that he objects to the farm/cattle gate being installed since that is the way that his tenants enter the property and he believes that it is inappropriate. Also he is not giving permission to install any fencing on his property line. Stated that he had to remove the fencing since it was not on their property and that he has numerous property complaints. Stated that the owner there believes that they own that property and alley. Stated that that right-of-way has been there since the 1920s. Stated that there is a prescriptive easement on the corner of the property in questions since they have had to cut that corner for years. States that at the end of the day, his neighbor is trying to shut that alley down and they have had to take the neighbor and the City to court.

Phil Donovan-32 N Huron-owner of World of Rocks

Explained how they access their parking on the site. Stated that with the post there that many vehicles are not able to fit through, much less the larger utility vehicles. Stated that if you do not take the corner just right then you could hit the building or the post for the gate. [*Provides pictures of damage to the building and his personal car.*] Stated that the

neighbor has been contentious, confrontational and unwilling to compromise in any way. At most she has 2 cars in her spacious lot with easy access and will not let them use 4 square feet on the unused corner of her lot so that they can safely access their lot. Stated that she has a personal vendetta against their property owner. Stated that this will end up resulting in more possible damage to the building. He stated that the needs of their growing strip of businesses are small and asked that the commission deny this individual's request to add dangerous hazards to their tiny driveway. He asked that the fencing be denied which has the sole malicious purpose of keeping essential utility vehicles from reaching their properties.

Jeannie Odonie- 36 N Huron

Stated that she does not have much more to add but that she has scraped her car within in 2 weeks of starting there. It is almost impossible to pass in the winter and she echoes all the sentiments of the previous statements.

Alex Munro- 56 N Huron

Stated that this is an obstacle for him to renting and remodeling his property. That it is an impediment to emergency vehicles accessing the buildings at the rear.

PUBLIC HEARING—none

OLD BUSINESS

116-118 W Michigan

**Application is for front & rear façade work; window & door replacement & window reopening, roof deck & balcony installation, rear expansion, painting & cleaning*

Applicant: Van Hunsberger, architect and Adam Tasselmeyer, owner- present

Discussion: Davis: Asked for an update on the progress.

Hunsberger: *[Provided handouts of storefront elevations for the commission]*
Stated that he is looking to study the front of the building. Stated that they would like to try something a little different. That one of the commissioners was looking for a door or storefront presence on the west side. Stated that they are now looking to place a functioning door on the west storefront. Stated that they are now planning turning the door on the east side to the front and are no longer planning on recessing that door. He explained the differences between the storefront elevations that were in the handouts and stated that they are looking for feedback from the commission.

Davis: Stated that there was more information that the commission was looking for in order to make a decision on this application. Asked what the applicants are looking for from the commission today.

Hunsberger: Stated that they are strictly looking for direction on the storefronts.

Rupert: Stated that instead of the concrete on the front, why not use brick to replicate what is above.

Hunsberger: Stated that they shied away from brick while comparing this storefront to other gothic storefronts.

Prebys: Stated that he liked option C. He likes the differentiation on this option. Stated that he stumbled on the oval door since it is inappropriate. Stated that he does not mind the precast concrete base, which it may hold up better than brick in this area.

Rupert: Stated that a hard fired brick will hold up just as good as concrete.

Tasslemeyer: Stated that when he looked at other Gothic buildings, they all seemed to have that concrete base.

Lindsay: Stated that the proportions seem to be a little off.

Hunsberger: Stated that he spent hours trying to get the proportions to work with the upper levels to no avail.

Schmiedeke: Stated she likes option E and option C; but that option C is probably more appropriate for the two buildings without the oval door.

Tasselmeyer: Asked if they are looking for the differentiation in the transom areas.

Prebys: Agreed, that is what he believes is appropriate.

Davis: Stated that he prefers the concrete to the brick, but would also be open to a stone option. Recapped that option C is the better option and that the oval glass door was not appropriate.

Hunsberger: Wanted to know if the western storefront would be ok with aluminum clad wood framing and composite trim. The right hand side would be stick framed.

Lindsay: Stated that the preference is for wood rather than composite.

Prebys: Stated that composite makes sense from a durability standpoint. Stated that modern wood might be a maintenance issue.

Rupert: Agreed with that the composite would be ok the right hand side as well.

Davis: Asked about what was found after the signboard was removed.

Hunsberger: Stated that some 4 x 4s were being crushed between steel beams and that they will need to shore that up.

Schmiedeke: Asked about the awning and where the sign will be located.

Hunsberger: Stated that it is more of a trellis or sunshade and it is needed for shading due to the direction of the building. The sign will be at the end of the awning.

Davis: Asked if they had any other questions.

[*The applicants indicated none.*]

Motion: Prebys (second: Pettit) moved to table the application for 116-118 W Michigan pending further information.

Approval: Unanimous. Motion carries.

NEW BUSINESS

412 N Washington

**Application is for the installation of an egress window*

Applicant: James Barnes, applicant –Present

Discussion: Barnes: Stated that they are seeking permission to install an egress window at 412 N Washington.

Prebys: Asked what size the new window will be.

Barnes: Stated that it would be a 29" x 47" casement aluminum clad window by Pella.

Prebys: Asked what width the current window is.

Barnes: Stated that it is about 4' wide.

Prebys: Asked what the 6 x 6 refers to.

Barnes: Stated that that is for the wooden frame for the well.

Pettit: Asked if the width of the window is same as what exists there.

Barnes: Stated that they are similar but that he actually didn't measure that.

Pettit: Asked if he is using the same opening but then going down.

Barnes: Stated that is correct, that he would need to go about 2' feet below grade.

Davis: Asked what the configuration of the window will be.

Barnes: Stated that it will be a casement window, states that he would not be able to get a one-over-one in there.

Davis: Asked if there will be any impact on the porch.

Barnes: Indicated none.

Motion: Prebys (Second: n/a) moved to approve the work at 412 N Washington to include the installation of one Pella 450 series aluminum clad wood casement window in the dimensions of 29" high 47" wide to replace the existing basement window. Work to also include the installation of a treated 6 x 6 stacked wood egress well to measure 48" wide and 36" deep. The new window and treated wood egress will be painted to match the existing trim color of the structure.

Secretary of the Interior Standards:

#9- Contemporary designs shall be compatible and shall not destroy significant original material.

#10- New work shall be removable.

Pettit: Stated that a point of clarification was that the measurements were reversed in the motion, that the 29" is the width and that the height was 47".

Davis: Confirmed.

Prebys: Stated that he understood that differently and he would not approve a picture window for the front of the building; he withdrew his motion to approve this application.

Schmiedeke: Stated that you would not see it.

Davis: Confirmed that the motion is withdrawn and to return to discussion.

Discussion: Lindsay: Asked again how wide the existing window is and what the sides of the window will be filled in with.

Barnes: Stated that there is concrete next to the window. He could use wood for infill. Asked for suggestions.

Davis: Stated that the new window will be a little bit narrower and that it will be 4' in height.

Barnes: Confirmed that is the case.

Lindsay: Stated that it depends on what the existing window width is. Guessed it at about 36" so that there will be the need for about 6" of infill on the sides.

Barnes: Stated that there is a concrete foundation surrounding what he supposed was a stone foundation originally. Stated that the new window will be flush with the current window.

Rupert: Suggested that the filler be placed on the right hand side, whether it be block or stone, since it will create more room for the person to get out.

David: Asked if the commission feels that it needs to state what that infill needs to be.

Prebys: Asked if the egress window needs to be located on the front of the building.

Barnes: Stated that it cannot go along the side since there is only 4' to the property line on that side.

Dais: Asked if the commission would like to see the egress well be even higher off of the ground to act as screening.

Pettit: Asked how high the egress well edge will be off of the grade.

Barnes: States that it can be any amount, 2". He can also extend it along the front for a flower bed.

Schmiedeke: Asked about far the well will be from the front wall of the house.

Barnes: Stated that it needs to be 3'.

Davis: Asked if the extension for the flower bed is what the commission would like to see.

Schmiedeke: Stated that she does not think that it is a good solution. That the full extent of this window will only been seen if you walked up onto the property but that from the street you would not see as much.

Pettit: Stated that he is not sure that you will see that much more glass than what is there now.

Lindsay: Stated that a lot of this is guess work since there is no drawing to make it clear what will be there.

Rupert: Stated that he believes that the motion should be to table the application.

Motion: Pettit (second: Rupert) moved to table the application for 412 N Washington for more information including the front elevation of the house with a clear indication of where the grade line is with respect to the foundation, the

exact location of the new window, what will happen with any infill and the proposed final height of the top of the well, shown in elevation that shows how it lays out in a drawing.

Secretary of the Interior Standards:
N/A

Approval: Yays: 4, Nays: 2. Motion Carries.

119 N Adams

**Application is for painting*

Applicant: C. Hedger Breed, owner – Present

Discussion: Breed: Stated that he has previously proposed these same colors on his other house. Stated that he is looking to differentiate the house from the church next door. Stated that he is looking for a higher contrast.

Davis: Asked for clarification on the Olympic Range color; whether it is a green or a black.

Breed: Sated that it is a green.

Schmiedeke: Asked what the window sash color would be.

Breed: Stated the same as the trim/brown color.

Prebys: Stated that all the trim is brown, including the windows.

Motion: Prebys (second: Pettit) moved approval of the application for painting at 119 N Adams to include the house and the outbuilding in Sherwin Williams 7595-Sommelier for the trim and Sherwin Williams 7750-Olympic Range for the main color.

Secretary of the Interior Standards:
#7- Clean building gently—no sandblasting.
#9- Contemporary designs shall be compatible and shall not destroy significant original material.
#10- New work shall be removable.

Approval: Unanimous. Motion Carries.

Breed: Asked what color should be used for the fence.

Lindsay: Stated that the trim/red-brown color would be fine.

24 N Huron

**Application is for fence installation at the rear of property*

Applicant: Bessie Pappas, owner– Present

Discussion: Pappas: Asked for an extension of the fence application approval that was previously provided by the commission.

Prebys: Stated that there is a lot of controversy about the fence. Stated that there are some regulations about where the fence can go. Stated that this is creating an issue for the neighbors.

Pappas: Stated that it is her property and she is just looking to extend her fence work permit. Stated that the fence was placed on her property lines according to her survey and that it was then destroyed.

Davis: Stated that the property is within the historic district and that is why she is here tonight. Stated that the commission has some questions about the fence and asked if she would like to answer them.

Pappas: Stated no, that she just wants her extension. Stated that he took it down.

Kochanek: Advised the owner that her application is no longer an extension since the building department permit has expired. That now this is treated as a new application. Stated to the commission that they do not have any say over property line disputes. Stated that their decision should only be based on whether or not the materials used are appropriate and an overall look at the location. Stated that a determination of where the property lines are is not required of the HDC but that the building department will request a property survey and that is where those determinations will be made.

Davis: Asked about the style of the gate.

Pappas: Stated that it is an aluminum gate. Stated that it is a regular gate. [*Shows a picture of the gate.*] Stated that it is a photo taken after the neighbor destroyed the gate.

Davis: Asked about the need for a gate in the proposed location when there is a desire to protect the building farther back on the property.

Pappas: [*Shows on a photo the damage to her boiler building.*] Stated that this building has been destroyed by snow being stored next to it.

Davis: Asked about why she wants a gate so far from the building then.

Pappas: Stated that would give the property away. That she wants to park there. Asked why she should leave the property for anyone to go through.

Davis: Asked if there are any more thoughts on the materials.

Schmiedeke: Stated that the wood fence is residential in nature.

Lindsay: Stated that her concern is it is not appropriate and that there is a mixture of materials proposed.

Pettit: Stated that the submitted drawings don't really depict what will be installed.

Davis: Stated that he objects to the style of the gate and the placement of the gate. Asked for other comments.

Pappas: Asked what he meant by that.

Davis: Stated that historically the area would not have been gated or fenced.

Kochanek: Asked for clarity as to what the objections are.

Davis: Stated that he objects to the materials and the style of the gate. Stated that he heard from Commissioner Schmiedeke that the wood fence was more residential in nature and is inappropriate in this commercial application.

Prebys: Asked about what type of fencing would be appropriate.

Davis: Stated that an aluminum or wrought iron fence may be appropriate.

Schmiedeke: Stated that it is a commercial and almost an industrial type area so a decorative fencing is inappropriate. Chain-link might be appropriate.

Prebys: Agreed but that he would probably have it painted a dark color.

Lindsay: Asked if any view of the park would be obstructed.

Davis: Stated that it would not.

Prebys: Asked what the commission should do next, if they should deny or have the application amended.

Kochanek: Stated that it is cleaner with the denial and a fee waiver when she returns.

Davis: Agreed.

Pettit: Stated that he doesn't know why the commission is proposing the chain-link fence.

Rupert: Stated that the DTE building already has a chain-link fence in this area.

Pettit: Stated that he has never been fully satisfied with the materials that have been submitted for this proposal, both now and in the past application.

Lindsay: Stated that in her opinion that she would like to see something more holistic on the site; that there is 5 different things going on here.

Prebys: Stated that that is a reason for denial since there is a mixture of materials, that the commission would approve a fence and a gate of identical material and that they would consider chain-link.

Davis: Stated that this fence does not take into account the location, visibility or the character of this setting.

Lindsay: Stated that something of a more low profile in nature might be more appropriate.

Motion: Prebys (second: Schmiedeke) moved to deny the application for 24 N Huron because of the lack of consideration for location, visibility and the historic character of the site and the mixture of inappropriate materials in the proposal.

Secretary of the Interior Standards:
N/A

Approval: Unanimous. Motion Carries.

Discussion: Davis: Stated that he heard the applicant ask about concrete.

Schmiedeke: Stated that concrete is not easily moved, but that chain-link would be.

Lindsay: Stated that she is looking for something that is more cohesive. That there is already three different things on site and that nothing is really compatible with that.

Pappas: Asked for the commission to tell her what to do.

Lindsay: Stated that the commission cannot design the fence but that the applicant may return with various options.

Pappas: Stated that the gate is like what is at car dealers. That she wants to know what the commission wants.

Davis: Stated that chain-link fence is one possibility.

Pappas: Asked what about wood fence.

Davis: Stated that they have already covered that.

Kochanek: Advised the applicant to return a fence work permit within 14 days.

15 E Cross

**Application is for sign installation and patio/outdoor seating area installation*

Applicant: Patrick Echlin, Alexander Mers and Brian Jones Chance, applicants –Present

Discussion: Echlin: Recapped the work that has previously taken place. They are now looking to do a patio at the front within the three parking spaces and they are looking to put up a sign.

Davis: Asked for an explanation of the patio drawing.

Chance: Stated that it is a box created by joined 4 x 4 beams. That there is a cut out on the building side to allow for accessibility. There will be landscape fabric and gravel inside to allow for drainage. That there will be 2 x 6 cap and a 2 x 4 bracers on the top and bottom. Stated that he prefers the more architectural style of the steel braided cables. It will be a sandbox type setup rather than a deck and the gravel will not get out due to the attached landscape fabric.

Lindsay: Asked about how the ADA access would work with the gravel.

Chance: Stated that there would be flat surface and path for accessibility.

Davis: Asked about why the patio is in the front as opposed to the rear of the building.

Echlin: States that the parking in the rear is gated and that there would be issues with the liquor control board putting the outdoor seating there.

Rupert: Asked where the deck will be placed.

Chance: Stated that there is a sidewalk in front of the entrance and that the patio will not be flush up against the building and it will not be over the right-of-way.

Prebys: Asked about how tall the railings will be.

Chance: Stated that it will be 36" high.

Davis: Stated that he is concerned about the safety of the patio.

Chance: Stated that it is safer than just placing the tables out on the lot.

Prebys: Stated that the wood should be finished in a paint or an opaque stain.

Davis: Stated that this should be painted a light color to differentiate it from the asphalt.

Chance: Asked if the style of the railings were a concern since he prefers the braided steel cables to the turnbuckle style.

Prebys: Stated that the braided steel is fine for the cables.

Davis: Agreed and stated to move on to the sign.

Schmiedeke: Asked what material it will be.

Davis: Stated that it is a composite aluminum.

Schmiedeke: Asked what color the sign will be.

Echlin: Stated that it is a black background with white writing and yellow accents.

Davis: Stated that it appears that they have not thought of lighting.

Echlin: Stated that they will need to return for lights.

Chance: Asked if they could do a painted sign on the Rice St side.

Davis: Stated that it may be a possibility but that they would need to verify that they have enough area with the zoning ordinance.

Motion: Pettit (second: Prebys) moved approval of the application for work at 15 E Cross. Work to include the installation of a 13' x 2'6" aluminum composite sign as depicted in the submitted documentation and a seasonal patio at the front of the structure for outdoor seating as depicted in the drawings submitted with the application subject to right-of-ways and appropriate offsets. All wood used in the construction of the patio should be coated with a paint or an opaque stain.

Secretary of the Interior Standards:

#9 - Contemporary designs shall be compatible and shall not destroy significant original material.

#10- New work shall be removable.

Approval: Unanimous. Motion Carries.

414 Maple

**Application is for window installation*

Applicant: Erin Cicero and Ann O'Sullivan, owners –Present

Discussion: Cicero: States that they are looking to install the Alexandria windows on just the addition on the home.

Prebys: Asks about the color of the windows.

Cicero: The color will be white.

Motion: Prebys (second: Schmiedeke) moved approval of the application for 414 Maple for the installation of ten vinyl replacement windows by Alexandria to replace the existing aluminum windows on the rear, mid-century addition of the structure with the finding that this type of window from this manufacturer and on the mid-century addition at the rear of the home could be considered appropriate under these circumstances. The windows will be white.

Secretary of the Interior Standards:

#9 - Contemporary designs shall be compatible and shall not destroy significant original material.

#10- New work shall be removable.

Approval: Unanimous. Motion Carries.

Cicero: Asked if the commission would be ok with aluminum-clad wood windows for the replacements on the front.

Prebys: Stated that that would be possible.

STUDY ITEMS—none

ADMINISTRATIVE APPROVALS

114 N River

**Application is for window replacement*

Motion: Prebys (second: Schmiedeke) moved to approve the administrative approval for 114 N River for window replacement.

Approval: Unanimous. Motion Carries.

OTHER BUSINESS

Demolition Process/application discussion

Kochanek: Stated that this application may need some updates and the inclusion of a description page. Stated that the reasoning for demolition approvals may need to be looked at as well. That potentially someone could request a demolition under

one of the conditions that do not require all the previous approvals from planning and zoning to be in place prior to applying.

Property Monitoring

6 S Washington

Kochanek: Stated that a second notice has been sent and that she will send a 3rd notice for the work without a permit soon.

206 N Washington

Kochanek: Stated that she has not heard anything from the property owner recently.

322 Maple

Kochanek: Stated that she will go out to check the progress of the work at this location.

401 E Forest

Kochanek: Stated that she will restart the demo by neglect process on this property toward the end of May.

302 E Cross

Kochanek: Stated that she will start the demo by neglect process on this property soon.

LED lighting strips resolution /policy

Kochanek: Stated that she has no updates at this time.

AUDIENCE PARTICIPATION ON NON-AGENDA ITEMS –none

HOUSEKEEPING BUSINESS

Approval of the minutes of April 10, 2018

Motion: Pettit (second: Prebys) moved to approve the minutes as submitted.

Approval: Unanimous. Motion carries.

ADJOURNMENT

Motion: Pettit (second: Lindsay) moved to adjourn the meeting.

Approval: Unanimous. Motion carries.

MEETING ADJOURNED at 9:21 p.m.

The following pages were submitted as public comment on 24 N Huron for the 4-24-18
Historic District Commission Meeting

Cynthia Kochanek

From: Mara Evenstar (Evans) <arammai.services@gmail.com>
Sent: Monday, April 23, 2018 10:08 AM
To: Cynthia Kochanek; HDC Intern
Cc: Jeanne Adwani; russ@evenstarschalice.com; Larry Yapp
Subject: HDC discussion of gate

Hi Cynthia,

I am Mara Evenstar, one of the owner's of Evenstar's Chalice located at 36 N. Huron which we lease. I understand that there is potential for the post, fence, and gate to go back up in the very tight turn of our back easement that leads to our parking.

I wanted to add my voice to any other voices of concern about this. I have no desire or need to make use of the space that is being fenced off, it is the fencing/post that causes potential issues for me. I have a small car, and so most of the time I am fine. However, when I drive a larger vehicle through there to haul materials, or if there is snow or ice, I feel in danger of either damaging the back staircases to the buildings on that corner, or damaging my vehicle with the post on the other side. In the winter, there are times that I have to get enough speed to get up the hill, but then that speed is too fast to do the corner, so there is a great risk of getting stuck or sliding into once again the staircase or the post.

I hope when you are making your decision, you take into consideration everyone who needs to use that drive to access their home or business. In tight spaces such as this, we need to cooperate and coordinate with one another.

Please forward to those in decision-making around this issue.

Thanks,
Mara Evenstar

--

Mara Evenstar, MTP
www.arammai.com

If we have no peace, it is because we have forgotten that we belong to each other."
~ Mother Teresa

Cynthia Kochanek

From: Larry Yapp <lyapp@monterra.biz>
Sent: Sunday, April 22, 2018 11:57 AM
To: Cynthia Kochanek; HDC Intern; murdock.sweeney@comcast.net
Cc: Scott E. Munzel (smunzel@psedlaw.com)
Subject: HDC agenda - 04/24/18
Attachments: 0258_001.pdf; 2018-03-12 corner & farm gates.pdf; 2017-07-07 Parking lot damage.pdf

Cynthia

Being the weekend, I have not spoken to my attorney. I will get back with you once we have decided upon an appropriate response to the 24 North Huron submission..

Several facts the board should be aware of:

1. There is existing lawsuit in process against 24 North Huron and its owners. The lawsuit involves the fence and farm gates.
2. Most of the posts and fences installed after the 2016 HDC approval had to be removed
 - a. Pappas failed to obtain a stakes in place survey & most of what was installed was not on Pappas property
 - b. A recent picture of the corner is attached.
 - c. Pictures of last summer's damage to my parking lot are attached.
3. The highway barriers, railroad ties and steel gates violate prescriptive easement claims of right to traverse the Pappas property
4. There is currently a restraining order that prevents the installation of the post and gates as submitted.

Larry

We know pizza dough



Larry Yapp, CPA
Monterra Franchise Services, Inc.
435 Joe Hall Drive Ypsilanti, MI 48197
[Accounting Done Better](#)
O: 734-390-2390 ext 116
F: 734-390-2394 | email: lyapp@monterra.biz

PRIVILEGED AND CONFIDENTIAL

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address. Thank you.

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

32-42 N. Huron LLC,
Plaintiff,

vs.

Case No: 17-523-CH
Honorable Carol Kuhnke

Bessie Pappas; Panagiotis Papanastasopolous (aka
Pete Pappas); 22 North Audio LLC; Jackson
Cleaners, Inc.; Visiliki Pappas (aka Vasiliky
Pappas); and Maria Pappas; and the Heirs of
George Moorman, deceased,
Defendants,

and

Bessie Pappas; Panagiotis Papanastasopolous (aka
Pete Pappas); Jackson Cleaners, Inc.; Visiliki
Pappas (aka Vasiliky Pappas); and Maria Pappas,
Counter Plaintiffs,

vs.

32-42 N. Huron LLC,
Counter Defendant.

Scott E. Munzel (P39818)
Pear Sperling Eggan & Daniels, P.C.
Attorneys for Plaintiff/Counter-Defendant
24 Frank Lloyd Wright Dr., Suite D2000
Ann Arbor, MI 48105
(734) 665-4441
E-mail: smunzel@psedlaw.com

Ian James Reach (P25316)
Reach Law Firm
Attorney for Defendants/Counter-
Plaintiffs Bessie Pappas; Panagiotis
Papanastasopolous (aka Pete Pappas);
Jackson Cleaners, Inc.; Visiliki Pappas
(aka Vasiliky Pappas); and Maria
Pappas
106 N. Fourth Ave.
Ann Arbor, MI 48104
(734) 994-1400
E-mail: ijsreach@reachlawfirm.com

FILED

JAN 11 2018

WASHTENAW COUNTY, MI
CLERK OF THE COURT

MUTUAL RESTRAINING ORDER

MUTUAL RESTRAINING ORDER

At a session of said Court, held in the City of Ann Arbor, County of Washtenaw,
State of Michigan, this 11 day of January 2018

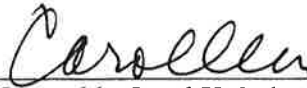
PRESENT: Honorable Carol Kuhnke
Trial Court Judge

THIS MATTER having come before the Court on Defendants' Motion for Mutual Restraining Order and the Court having given all parties an opportunity to be heard and having reviewed the pleadings and record before it;

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Neither party shall breach the peace;
2. Neither party shall trespass on the opposing party's property provided that Plaintiff may temporarily use a three foot by three foot triangle consisting of approximate 4.5 square feet on the corner of Defendants' property as set forth on Exhibit A attached hereto pending further order of this Court. It is understood and agreed that the rights of both parties as to the area in question are preserved for purposes of this pending litigation;
3. Neither party shall move anything on the opposing party's property;
4. Neither party shall take anything that belongs to an opposing party;
5. Neither party shall talk to the opposing party;
6. Neither party shall harass or attempt to intimidate the opposing party through conduct or speech;
7. Neither party shall photograph the opposing party when they are on their own property; and
8. Neither party shall contact any tenants of the opposing party for any purpose without prior Court approval.

9. Violation of this Mutual Restraining Order may result in holding the offending party in contempt of this Court in which case sanctions may be ordered.



Honorable Carol Kuhnke
Trial Court Judge

P5534E

Prepared by:

Reach Law Firm

By: 
Ian James Reach (P25316)

Attorney for Defendants/Counter-Plaintiffs Bessie Pappas; Panagiotis Papanastasopolous (aka Pete Pappas); Jackson Cleaners, Inc.; Visiliki Pappas (aka Vasiliky Pappas); and Maria Pappas
106 N. Fourth Ave.
Ann Arbor, MI 48104
(734) 994-1400
E-mail: ijreach@reachlawfirm.com

Submitted under the 7-day Rule
MCR 2.602(B)(3)
No Objections Timely Filed

CERTIFIED EASEMENT EXHIBIT

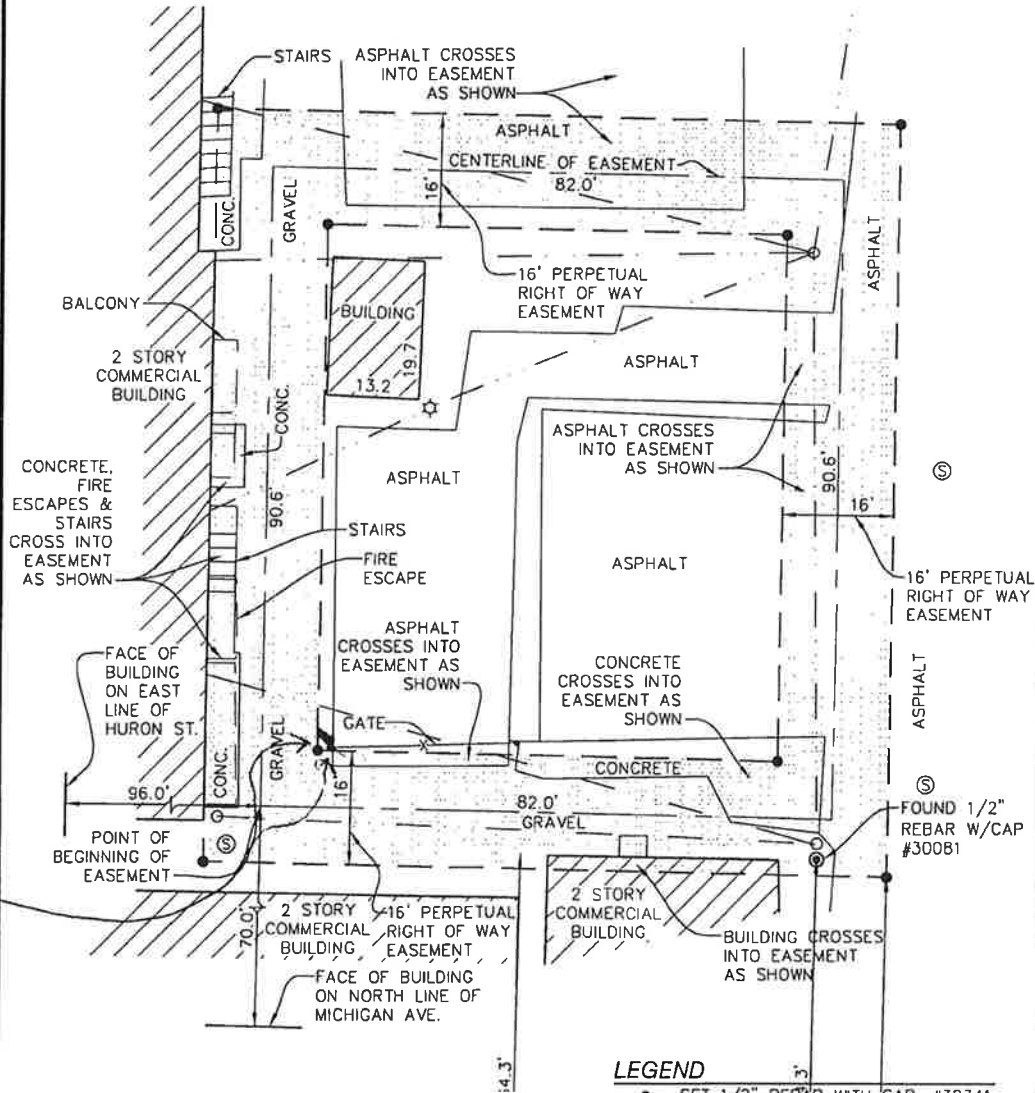
EXHIBIT A

PROPERTY DESCRIPTION:

A PERPETUAL RIGHT OF WAY IN COMMON TOGETHER WITH THE OWNERS OF OTHER ADJACENT PARCELS THERETO OVER A PARCEL OF LAND 16 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 96 FEET EAST OF THE EAST LINE OF NORTH HURON STREET AND 70 FEET NORTH OF THE NORTH LINE OF WEST MICHIGAN AVENUE, THENCE NORTH PARALLEL WITH HURON STREET 90.6 FEET; THENCE EAST PARALLEL WITH MICHIGAN AVENUE, 82 FEET; THENCE SOUTH PARALLEL WITH HURON STREET 90.6 FEET; THENCE WEST PARALLEL WITH MICHIGAN AVENUE, 82 FEET TO THE PLACE OF BEGINNING, AND RIGHT OF WAY FROM THENCE TO MICHIGAN AVENUE BETWEEN PREMISES FORMERLY OWNER BY BREWER AND PREMISES NOW OWNED BY ZECK, SAID PARCELS 1 AND 2 BEING A PART OF LOTS 175, 176 AND 177, ACCORDING TO THE ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF YPSILANTI AND A PART OF FRENCH CLAIM 691 IN SAID CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN.



SCALE: 1"=20'



LEGEND

- SET 1/2" REBAR WITH CAP, #32341
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

THOMAS G. SMITH, P.S. NO. 32341



KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
(586)772-2222 • FAX (586)772-4048

CERTIFIED TO: 32-42 N HURON LLC

FIELD SURVEY: TS MR

DATE: MARCH 31, 2017

DRAWN BY: NS DLD

SHEET: 1 OF 1

SCALE: 1" = 20'

JOB NO.: 17-00978















03/12/2018 6:49 PM

Cynthia Kochanek

From: Larry Yapp <lyapp@monterra.biz>
Sent: Friday, April 20, 2018 11:28 PM
To: Cynthia Kochanek; HDC Intern; murdock.sweeney@comcast.net
Subject: Heads up - Fence and post application
Attachments: 2018-04-24 HDC - 24 NH documents.pdf

Hi all

As you all know we had issues with the fence and post last summer. We were able to remove them because they were not on the property of the person that installed them. The neighbor was not able to reinstall them because the building permits had expired.

I learned today that an application has been submitted to reinstall the post/metal gate and the fence.

The dispute with the neighbor is not about me but about your experience of living in the City of Ypsilanti. If you are motivated, please feel free to write the HDC and tell them your experience with the fence & post and/or any interactions with the neighbor that installed them. If you do write, please let them know your address.

If you are interested in sharing your thoughts with the HDC, the meeting is this coming Tuesday at 7 PM Address: SPARK East, 215 W Michigan Ave

Although you are all blind copies for security purposes, this email is being sent to the HDC contact and an elected city council member so they can see what I sent to you.

Cynthia- Please respond to all if the meeting is not at the Spark East as this doesn't agree with the Web site meeting address. (1 West Michigan, council chambers)

Thank you all.

Larry

Lawrence R Yapp, Member
32-42 N Huron LLC
Cell: 734-218-0396
larryyapp@comcast.net & lyapp@monterra.biz



HDC Work Permit Staff Review

Property address: 24 N Huron

Date of Application: April 9, 2018

Date of Review: April 20, 2018

Date of Meeting: April 24, 2018

Proposed work: fence installation at the rear of property

Materials: 4' wood picket fence in white, 5 metal bumper posts, and a metal gate with posts

Staff review:

1. The applicant is applying to install a fence, a gate and posts at the rear of the structure.
2. The applicant was previously approved by the HDC for this fence installation back on May 10, 2016 however the building permit and HDC permits have since expired.
3. The applicant is looking to install a 4' wood picket fence on the north side of the property, a metal gate on posts on the south side of the property and 5 metal posts to the southeast of the auxiliary building along the property line that runs east-west.
4. Photos indicate that the railroad ties and concrete blocks already exist on site and are not part of this application.
5. A building department permit will be required for this work and will need to be obtained prior to the start of any work. A zoning compliance review may also be required.

Relevant Secretary of the Interior's Standards:
#9, #10

Recommended Motion:

Move to approve the work at 24 N Huron to include the installation of a 4' wood picket fence in white, 5 metal bumper posts and a metal gate with posts at the rear of the property as depicted in the application dated April 9, 2018.

1. Use property for original purpose or provide compatible use with minimal alteration.

2. Do not destroy original character. Do not remove or alter historic material or features.

3. Do not imitate earlier styles.

4. Preserve significant changes acquired over time.

5. Preserve distinctive features.

6. Repair, don't replace. Replacements shall match original.

7. Clean building gently—no sandblasting.

8. Preserve archaeological resources.

9. Contemporary designs shall be compatible and shall not destroy significant original material.

10. New work shall be removable.



**City of Ypsilanti
Historic District Commission
Work Permit Application**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

R. 23577
#1284
PHDC-18-0028

OFFICE USE ONLY

Date Filed:

Meeting Date:

Action Item/Study Item

To complete this application:

1. Complete this form.
2. Attach the following documents:
 - a. Photo(s) showing all locations where work is proposed (can be emailed).
 - b. Catalog cut sheets or similar details for windows, doors, light fixtures, and any other manufactured or preassembled components—this includes information from catalogues, professional quotes, or websites (can be emailed).
 - c. Dimensioned drawings of any new construction or modifications to existing structures, including awnings and signs.
 - d. A sketch plan, if proposal is for work on the grounds and not just the main structure (e.g., installing a new driveway, fence, or shed). This can be drawn on a scaled copy of a mortgage survey.
3. Applications and materials must be received by the Building Department **no later** than 4pm on the Tuesday one week prior to the meeting.

INCOMPLETE APPLICATIONS WILL BE REJECTED

Property

Address

24 N. Huron

Applicant

**If applicant is not owner of property, a written statement from the owner authorizing this application must be included.*

Name

Besie Peppers

Address

23244 Montclair

Farmington Mich

City

State

4336

Zip

Phone / Fax

1313 5501473

E-Mail

Contractor

Contractor Name & Contact Info

Type of work

- ☐ Roofing
☐ Window/Door
Replacement

- ☐ Porches
☐ Sign
☒ Fence (or other sitework)

☐ Other

Complete Description of Proposed Work:

Fence Installation
in Rear Parking lot
See attached

Materials (for paint include color chips or samples with application):

Permit Application Fee (action items only)

The fee is \$35 for the first \$3,000 in construction cost plus \$5 for every additional \$3,000 of construction cost.
An additional fee of \$50 applies to HDC work started without the applicable permit.

Construction Cost:

2800⁰⁰

Permit fee:

\$35 +

35⁰⁰

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

I further affirm that this property has, or will have before the proposed work is completed, a fire alarm system or smoke alarm complying with the Stille-DeRossett-Hale single-state construction code, PA 230 of 1972, as amended.

Signature

[Redacted Signature]

Date:

4/9/18

Print Name

VASILIK Peppas

If you have questions about what the HDC generally permits or does not permit, or what they need to see in an application to render a decision, please call the office at 734-483-9646, email us at ckochanek@cityofypsilanti.com, or view our factsheets at cityofypsilanti.com/hd.

All other necessary Building Permits must be acquired before beginning work.

- RR ties

TESTS

NORTH

MASONIC
Temple
BLDG -017

DETROIT EDISON
Bldg
-016

Detroit Edison
Power Station

6 015 "KRUGER"
1 0149 015 F 01.00
#46- NIANGA
#54 Boutique
Dupuis Ink for
-014 Life
G.T. Unlimited

#32-
 #42
 -019 Interior Design
 VERBICK Touch of
 DECOR

M 28-30 -012
 FOX
 Consignment
 Gallery

JACKSON CLEANERS
#24 - 011
\$5.00

22.02 #20-22 010
ORIENTAL GROCERY
88.00

12 - ~~12~~ TAYLOR
- 000
PARRAS 82 AM

30.00'

41.09'

ALLEY

68.00'

DUE

#2-10
eye care
-000

HAAB BROTHERS	# 14-18
------------------	---------

401

BLACK WALL
DOE EAST 66.00
#32-42
PARKING LOT
-019-

SET P.M. NAIL

BRACE MEW		
ALL ONE EAST		
BLOG	68.00	10

JACKSON ONE EAST
42.00

Thompson N
-004

PARKING LOT

28.00' 42.00'

22.00
Shoe
Repair

McHARR
Thompson
-009

#12 52.08 #8-10

22.00 $\rightarrow$ 43.95
↑
private

SET IRON ROD
W/CAP 13000

SET IRON ROD -
W/CAP 130001

SET IRON ROD
W/ GAP 100081

FD. 1 1/4" PIPE.
1/29283 DET. EDISON

DUE EAST

FD. 1. 1/4" PIPE
#20252 DET. EDISON CO.

SET IRON ROD
W/CAP 130081

10
 10001
 10001

DUE EAST

PART OF E.O.W. AS MENTIONED
IN L2098, P.812, L1707, P.838,
AND L3028, P.250

-001

BLOG
DECK

CONCRETE
PARKING
LOT

MATERIALS
UNLIMITED
BLDG

Lowe

Del,
BLDG

A 2
SET ON
52

N 10049.5001
E 10320.4122

UNDER
DETROIT
YP3-24

RESMT. FOR
RESOLUTION
DATED MAR

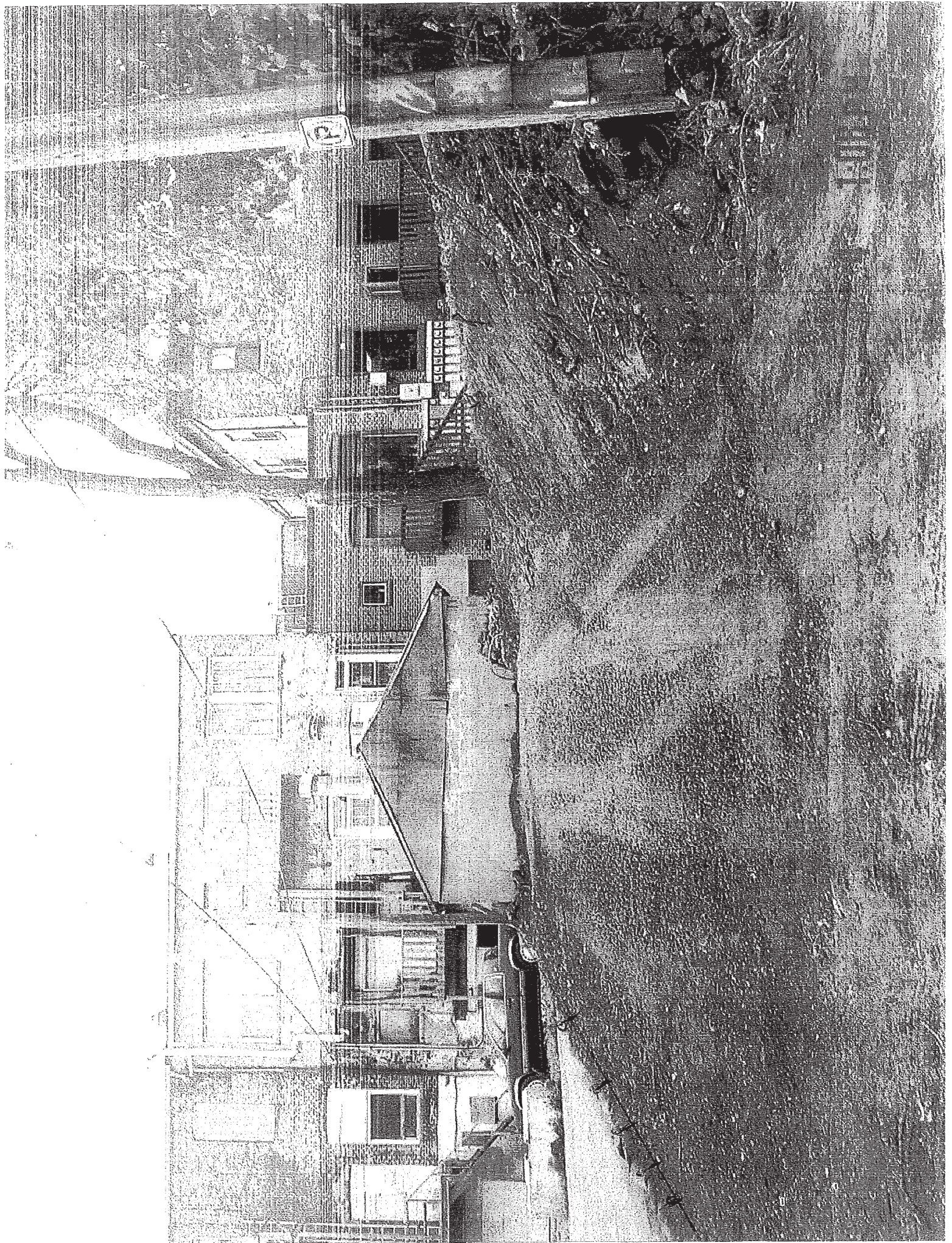
EASEMENT
EACH SIDE
UNDERGROUND
RIGHT OF
ACROSS S.
TO THE E
L 1003 P

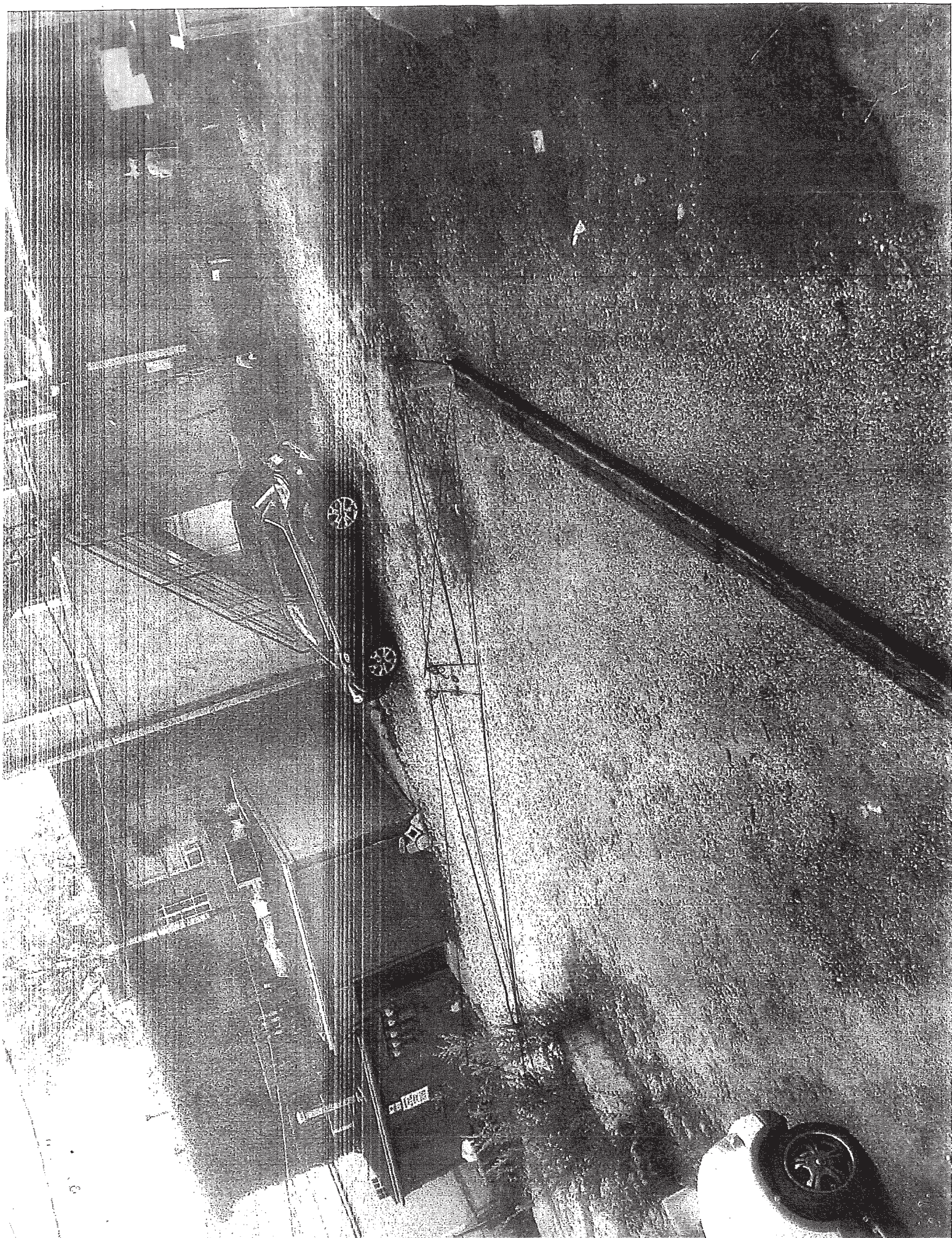
NOTE:
L. 24
12 V
NOW
RUMIN
STREI
AVEN

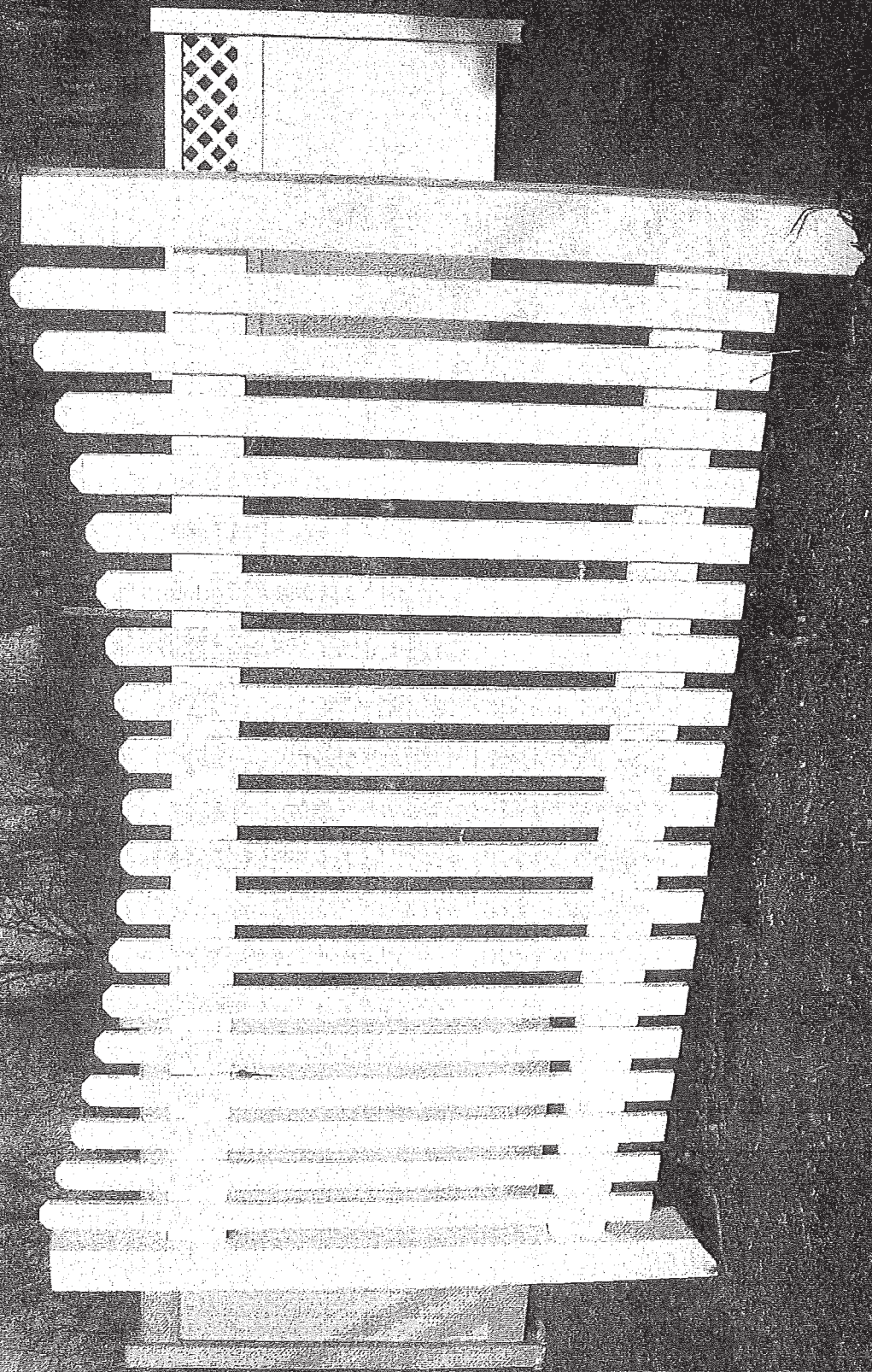
PUBLIC LAND ENCROACHMENT

UNAUTHORIZED
VEHICLES
WILL BE TOWED
AT OWNER'S
EXPENSE
BUDGET STADIUM
GLEN ANN
MILAN TOWING
(734) 485-2055









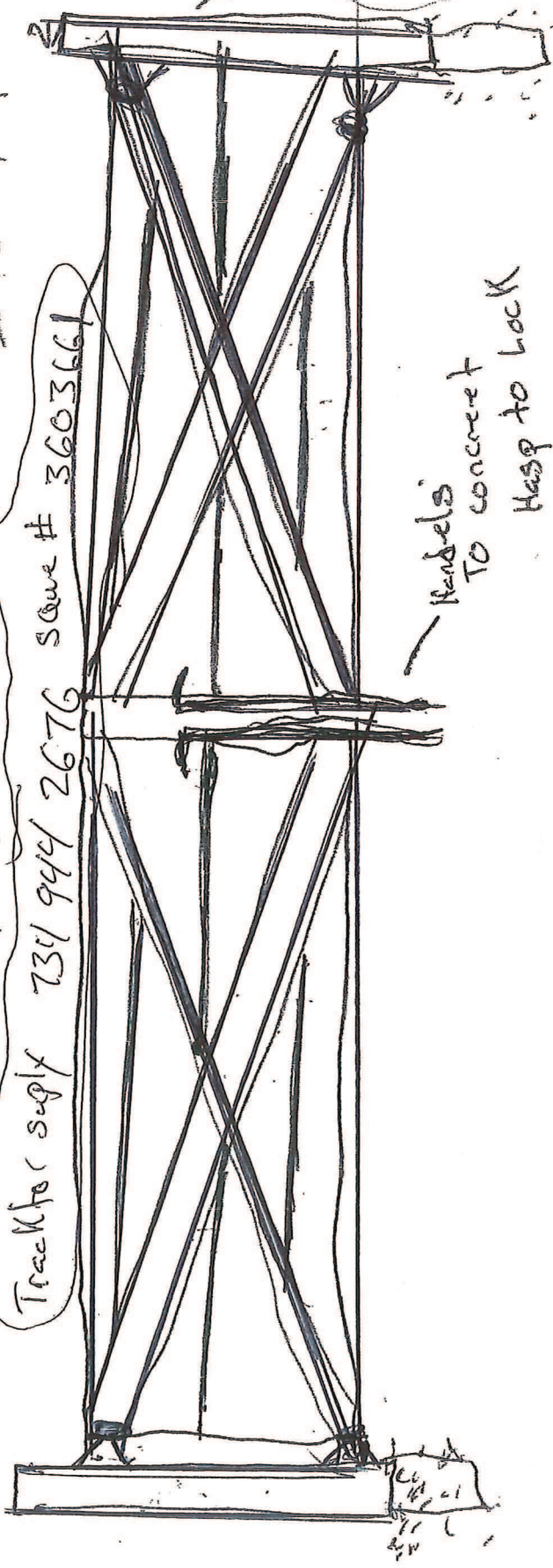
pm
734)

Gots concrete
734/39 1528

Delux Rental

102 day power Ruger

Track for sigly 734 944 2676 save # 3603661



Handels
to concrete
Hesp to Lock

12 10' x 4' x 6' for

9 post at 4 inch spacing 2 per Lin FT

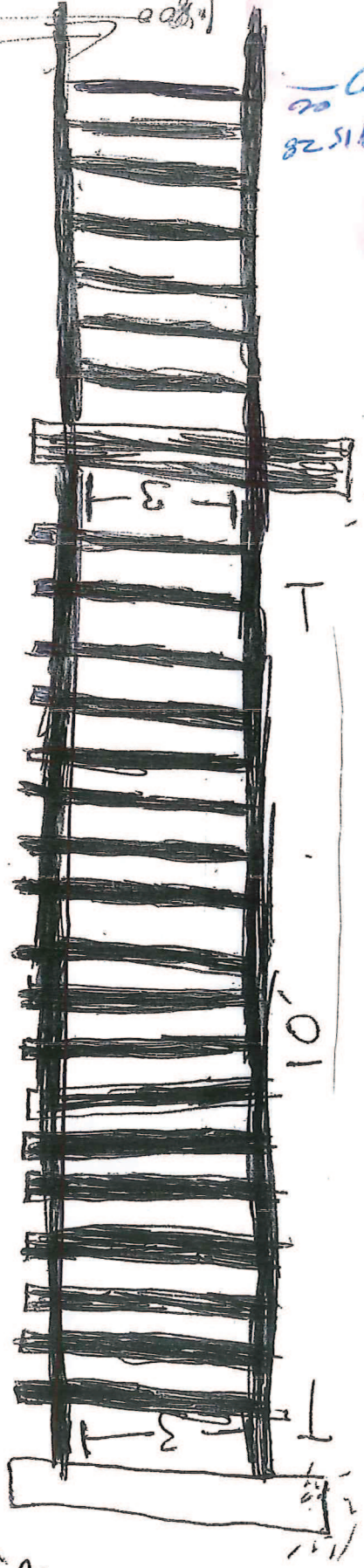
120 Slat

Screws

Handels

2 gates

concrete

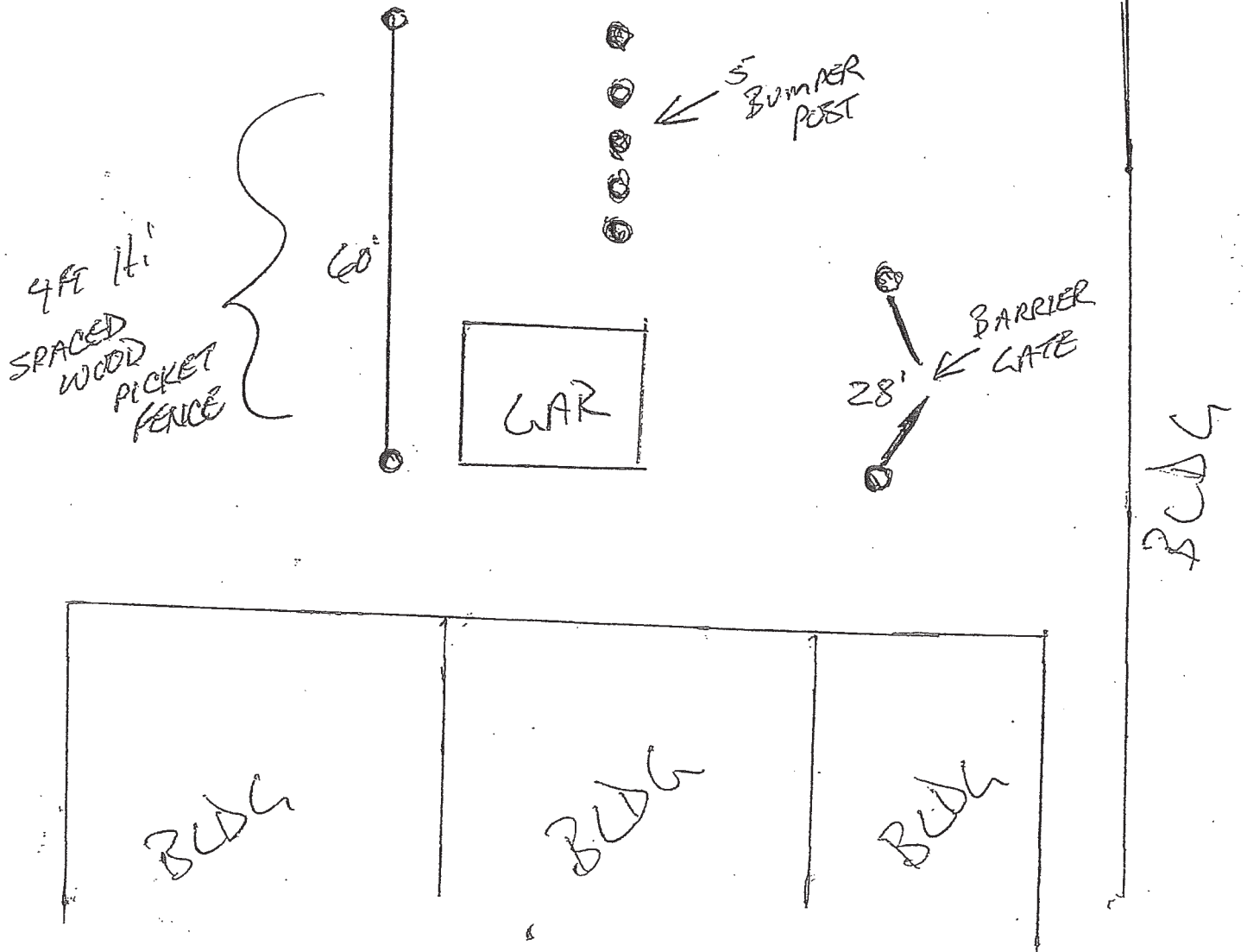


- 1 X
- 2 X
- 3 X
- 4 X
- 5 X
- 6 X
- 7 X

8 X gate
9 Post

ARC
734 499 15 28
1800

FENCE DIAGRAM





Cynthia Kochanek

From: Scott Munzel <SMunzel@psedlaw.com>
Sent: Monday, April 23, 2018 4:18 PM
To: Cynthia Kochanek
Cc: Richard Stokan; Ian Reach; Larry Yapp; chazgroh@grohslaw.com
Subject: Historic District Commission fence application- 24 N. Huron Street
Attachments: letter to HDC opposing ap 23 18.pdf

Hi Ms. Kochanek- I am submitting this letter of opposition to the HDC for its consideration when it reviews Ms. Pappas' fence/post and gate application behind 24 N. Huron Street. I will send over a hard copy tomorrow. Will the HDC members see this letter for the first time at the meeting or will they receive it before hand? Thanks, Scott Munzel

Scott E. Munzel
Pear Sperling Eggan & Daniels, PC
24 Frank Lloyd Wright Drive, Suite D 2000
Ann Arbor, MI 48105
Direct dial 734 821 1049
Office 734 665 4441
Fax 734 665 8788
smunzel@psedlaw.com



EDWIN L. PEAR
LAWRENCE W. SPERLING¹
ANDREW M. EGGAN
THOMAS E. DANIELS
JAMES B. NELSON
JEROLD LAX
HARVEY I. WAX
WENDY S. ALTON
MARK W. NELSON*
JEREMY C. KENNEDY
STEVEN P. TRAMONTIN
MARTIN J. BODNAR
SCOTT E. MUNZEL

PEAR SPERLING EGGAN & DANIELS, P.C.
24 FRANK LLOYD WRIGHT DRIVE
SUITE D-2000
ANN ARBOR, MICHIGAN 48105

TEL (734) 665-4441
FAX (734) 665-8788
www.psedlaw.com

¹ ADMITTED TO PRACTICE IN FLORIDA
* OF COUNSEL

April 23, 2018

Historic District Commission
City of Ypsilanti
1 S. Huron Street
Ypsilanti, MI 48197

Via Hand Delivery and email to ckochanek@cityofypsilanti.com

Re: Opposition to Fence Application- 24 N. Huron Street

Dear Members of the Historic District Commission:

We represent Larry Yapp and 32-42 N. Huron Street, LLC, which own property just north of 24 N. Huron Street. By this letter, Mr. Yapp objects to the fence application submitted by Ms. Pappas. First, the proposed posts and gate at the south end of her property fails to meet the Secretary of Interior's standard No. 9 because it is not at all compatible with the historic nature of the area. The drawing shows what appears to be a country gate, more fitting for a cattle or horse pasture. Such a fence is not compatible with the historic nature of the surrounding buildings and will not comply with standard No. 9. Yapp requests that you deny the application.

Second, there is ongoing litigation regarding the property lines and the rights of adjoining property owners, such that approving the application at this time is premature. It is likely the fences will not be constructed as proposed because the six month deadline will expire (requiring another review by the HDC), and because the litigation may impact the location of the fences (requiring HDC review for a different location). Moreover, for Ms. Pappas to obtain a building permit to construct the fences on the property lines (the location is unclear in the application), she must obtain the approval of the adjoining property owners. In their present locations, Mr. Yapp will not be granting approval. Mr. Yapp requests that you postpone consideration of the fence application until the litigation is resolved.

Mr. Yapp also wants to make several other points. First, the railroad ties and concrete blocks located in the area never received City approval. The Staff report mentions those items, and it could be inferred that they are not objectionable, but those items never received City approval and thus violate City ordinances. Second, Ms. Pappas did in fact unlawfully install some of this proposed fencing without a City-issued building permit. We have attached some photos of the "cattle gate" she previously installed, which is unattractive and incompatible with the historic nature of the area. Please be sensitive to the fact that many of Mr. Yapp's tenants access their premises from this area; as such, it really is the "front door" for many of them and the application should be treated with all the thoughtful review that it deserves, even though the fences are proposed at the rear of these buildings.

Sincerely,

Pear Sperling Eggan & Daniels, P.C.


Scott E. Munzel

cc: Larry Yapp
Richard Stokan, Jr.
Jim Reach
Building Department



03/12/2018 6:49 PM



