

**MEMORANDUM**

To: Historic District Commissioners

From: Jill Thacher, Historic Preservation Coordinator

Date: March 4, 2016

Re: 529 Sixth Street

Attached is the information previously submitted by the applicant, as well as the staff report, for the February 11, 2016 HDC meeting. No new information or public comments have been submitted at this time. Anything new that is received after publication of the meeting packet will be distributed at the March 16 HDC meeting.



# Liberty Pediatrics

Beth Barclay, MD  
Andy Seiler, MD  
Lauren Gold, MD  
Tansey Rosset, RN, FNP-BC  
Chelsea Valdes-Pierce, RN, FNP-BC  
Kyla Boyse, RN, CPNP-PC

February 10, 2016

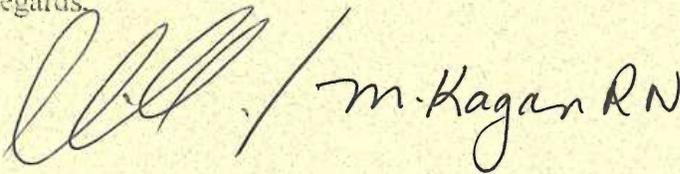
RE: [REDACTED] Waugh  
DOB: [REDACTED]

To the parent of [REDACTED] (to share with appropriate personnel City of Ann Arbor)

[REDACTED] is a patient at Liberty Pediatrics. She has significant allergies to Walnuts and Tree Nuts, both of which can cause anaphylactic allergic reactions. Anaphylaxis can be life-threatening. Mom has reported to our office, that the family home has a walnut tree growing in its backyard. Due to [REDACTED] allergy issues, the Walnut tree poses a health hazard to [REDACTED]. It is important that the Walnut tree be removed from the Waugh backyard to help mitigate the risk of anaphylaxis with [REDACTED].

Thank you for your attention to this matter. Feel free to contact our office at 734-994-5858 with any questions or concerns you may have regarding this issue.

Regards,



Dr. Andrew Seiler/M. Kagan RN  
Liberty Pediatrics



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## Current Situation

- A mature walnut tree can produce up to 5000 walnuts per year
- The drip line of the tree covers a majority of our back yard and our outdoor cooking and eating areas
- The squirrels take the walnuts back up into the tree and shell them, dropping particles of nutmeat and sharp pieces of the hard shell throughout the drip line of the tree

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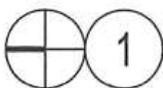
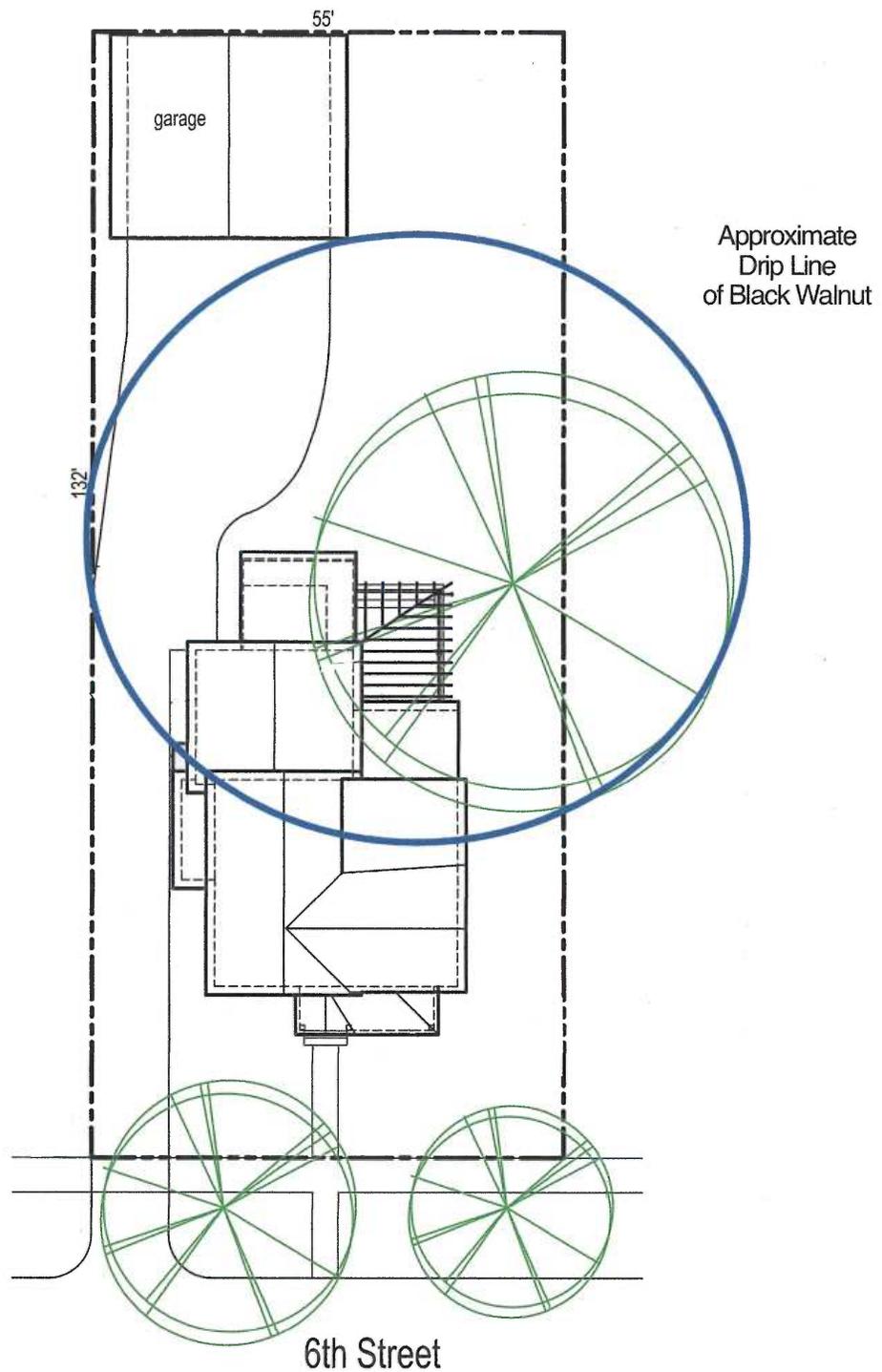
## Hazard

- Exposure to the hard shell and nut meat is a hazard due to a Black Walnut / Tree Nut allergy with history of anaphylaxis
- Exposure via a wound can provoke a faster and more severe reaction than via ingestion
- The relevant primary methods of exposure are
  - Exposure through a cut from the sharp pieces of the shell or an existing open wound.
  - Exposure by particles being transferred via hands or clothing
  - Exposure via particles dropping into food while cooking or eating outside

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## Mitigation

- Removing the tree will reduce the allergen present in our yard dramatically by eliminating a source of thousands of walnuts directly on our property and also by removing the ability for the squirrels to shell the walnuts from the tree branches which spreads the allergens throughout the majority of our back yard.



**SITE PLAN**

1" = 20'-0"

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**Waugh Residence**

HDC application

529 6th Street, Ann Arbor MI 48103

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## ANN ARBOR HISTORIC DISTRICT COMMISSION

### Staff Report

**ADDRESS:** 529 6<sup>th</sup> Street, Application Number HDC16-011

**DISTRICT:** Old West Side Historic District

**REPORT DATE:** February 11, 2016

**REPORT PREPARED BY:** Jill Thacher, Historic Preservation Coordinator

**REVIEW COMMITTEE DATE:** February 8, 2016

	<b>OWNER</b>	<b>APPLICANT</b>
<b>Name:</b>	Justin & Allison Waugh	Same
<b>Address:</b>	529 Sixth Street Ann Arbor, MI	
<b>Phone:</b>	(610) 283-4506	

**BACKGROUND:** This two-story gable-fronter first appears in the 1890-1891 Polk City Directory as 9 Sixth Street, the home of Frederick C. Strecker, a driver for John Ross. A Strecker lived in the home until at least 1910. The house features some original two-over-two windows and a bump-out on the north side. The two-story addition, the addition behind it, and the screen porch were added sometime after 1971.

In February of 2015 a Certificate of Appropriateness was approved by the HDC to expand the non-original front porch, modify the addition's roofline, re-side the additions, and other work, all of which has been completed.

**LOCATION:** The site is located on the east side of Sixth Street, south of West Jefferson and north of West Madison.

**APPLICATION:** The applicant seeks a Notice to Proceed to remove a landmark walnut tree because it poses a hazard to the safety of an occupant, who has a severe and life-threatening walnut allergy. The application specifies Notice to Proceed subsections (a) as the basis for the application. The application also requests a Certificate of Appropriateness to plant a replacement tree and install a rain garden.

#### **APPLICABLE REGULATIONS:**

##### **From Chapter 103 Historic Preservation:**

##### **8:407 Definitions.**

- (13) *Notice to Proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource pursuant to a finding under section 8:416.

- (18) *Resource* means 1 or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

#### **8:416. Notice to proceed.**

The HDC may approve work that does not qualify for a Certificate of Appropriateness by issuing what is called a Notice to Proceed. There are only four circumstances under which a Notice to Proceed may be granted by the HDC. This application falls under circumstance (a), shown below.

- (1) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:
- (a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

#### **From the Secretary of the Interior's Standards for Rehabilitation:**

- (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.

#### **From the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings (other SOI Guidelines may also apply):**

##### **Building Site**

Recommended: Retaining the historic relationship between buildings and the landscape.

#### **From the Ann Arbor Historic District Design Guidelines (other guidelines may apply):**

##### **Landscape Features**

Appropriate: Retaining historic relationships between buildings, landscape features, and open spaces.

Not Appropriate: Introducing a new landscape feature or plant material that is visually incompatible with the site or destroys site patterns or vistas.

#### **STAFF FINDINGS**

1. The application proposes the removal of a mature black walnut tree. The Historic District Commission has determined that retaining and maintaining mature trees is desirable and appropriate in Ann Arbor's historic districts, and that they are character defining features of historic residential properties. Since a notice to proceed presumes that the work is inappropriate for the district, the HDC's usual standards and guidelines do not apply.
2. To receive a Notice to Proceed under subsection (a), an applicant must show that the resource (in this case, the walnut tree) is (1) a hazard to the safety of the public or to the

structure's occupants, and (2) that the proposed removal is necessary to substantially improve or correct the hazard. The burden is on the applicant to present documentary evidence of the safety hazard and why the proposed work is necessary to substantially improve or correct the hazard.

3. As stated in the application, the applicants' 8 year old daughter has a severe, life-threatening allergy to tree nuts. When they purchased the house in 2014, the applicants didn't realize the tree was a black walnut. They have attempted to mitigate the problem by cleaning up the fallen fruit, but it has proven impossible since the nuts end up shredded by squirrels and all over the yard and outdoor living spaces.
4. The application also requests a certificate of appropriateness to plant a replacement tree and install a rain garden to mitigate the increased stormwater after the tree is removed. Both of these activities are appropriate, though more details are desired. Therefore, staff has proposed approval on the condition that staff reviews details of the tree planting and rain garden prior to installation.
5. Staff's opinion is that the proposed removal of a mature black walnut tree is necessary to substantially improve a hazard to the safety of one of the structure's occupants, specifically, a child with a life-threatening allergy to tree nuts. Staff recommends approval of the application.

**POSSIBLE MOTIONS:** (Note that the motion supports staff findings and is only a suggestion. The Review Committee, consisting of staff and at least two Commissioners, will meet with the applicant on site and then make a recommendation at the meeting.)

I move that the Commission issue a Notice to Proceed for the application at 529 Sixth Street to remove a mature black walnut tree, as proposed. The Commission finds that the tree constitutes a hazard to the safety of one of the structure's occupants, and that the proposed work is necessary to substantially improve or correct this condition.

I move that the Commission issue a certificate of appropriateness for the application at 529 Sixth Street, a contributing property in the Old West Side Historic District, to plant a tree and install a rain garden, on the condition that final details of the work are reviewed and approved by staff before work proceeds. As conditioned, the work is generally compatible with the site and the surrounding neighborhood and meets the *Ann Arbor Historic District Guidelines* for landscape features, and *The Secretary of the Interior's Standards for Rehabilitation*, in particular standard 2, and the guidelines for building site.

#### **MOTION WORKSHEET:**

I move that the Commission issue a Certificate of Appropriateness for the work at 529 Sixth Street in the Old West Side Historic District

\_\_\_\_\_ Provided the following condition(S) is (ARE) met: 1) STATE CONDITION(s)

The work is generally compatible with the size, scale, massing, and materials and meets the Secretary of the Interior's Standards for Rehabilitation, standard(S) number(S) (*circle all that apply*): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

**ATTACHMENTS:** application, description of work, photos, drawings.





**City of Ann Arbor**  
**PLANNING & DEVELOPMENT SERVICES — PLANNING SERVICES**

301 E. Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647  
p. 734.794.6265 | f. 734.994.8312 | [planning@a2gov.org](mailto:planning@a2gov.org)

**ANN ARBOR HISTORIC DISTRICT COMMISSION APPLICATION**

<b>Section 1: Property Being Reviewed and Ownership Information</b>
Address of Property: <u>529 6th St</u>
Historic District: <u>Old West Side</u>
Name of Property Owner (If different than the applicant): _____
Address of Property Owner: <u>529 6th St</u>
Daytime Phone and E-mail of Property Owner: <u>610-283-4506</u>
Signature of Property Owner: <u><i>Allison Waugh</i></u> Date: <u>01/05/2016</u>
<b>Section 2: Applicant Information</b>
Name of Applicant: <u>Allison Waugh</u>
Address of Applicant: <u>529 6th St</u>
Daytime Phone: (_____) <u>610-283-4506</u> Fax:(_____) _____
E-mail: <u>allison.waugh@gmail.com</u>
Applicant's Relationship to Property: <input checked="" type="checkbox"/> owner ___ architect ___ contractor ___ other
Signature of applicant: <u><i>Allison Waugh</i></u> Date: <u>01/05/2016</u>
<b>Section 3: Building Use (check all that apply)</b>
<input checked="" type="checkbox"/> Residential ___ Single Family ___ Multiple Family ___ Rental ___ Commercial ___ Institutional
<b>Section 4: Stille-DeRossett-Hale Single State Construction Code Act</b> (This item <b>MUST BE INITIALED</b> for your application to be <b>PROCESSED</b> )
Public Act 169, Michigan's Local Historic Districts Act, was amended April 2004 to include the following language: "...the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed completion date, a a fire alarm or smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531."  Please initial here: <u><i>AW</i></u>

**Section 5: Description of Proposed Changes (attach additional sheets as necessary)**

1. Provide a brief summary of proposed changes. \_\_\_\_\_

Notice to Proceed for removal of black walnut tree

Certificate of Appropriateness to plant a new tree and install a rain garden

in the side or back yard

2. Provide a description of existing conditions. \_\_\_\_\_

Large mature black walnut tree on property next to house

3. What are the reasons for the proposed changes? \_\_\_\_\_

Tree removal for hazard to occupant safety - Severe and life-threatening walnut allergy

Tree planting and rain garden to mitigate tree removal

4. Attach any additional information that will further explain or clarify the proposal, and indicate these attachments here.

See attached letter of explanation

5. Attach photographs of the existing property, including at least one general photo and detailed photos of proposed work area.

**STAFF USE ONLY**

Date Submitted: \_\_\_\_\_ Application to \_\_\_\_\_ Staff or \_\_\_\_\_ HDC

Project No.: \_\_\_\_\_ **HDC** \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Pre-filing Staff Reviewer & Date: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_

Application Filing Date: \_\_\_\_\_ Action: \_\_\_\_\_ HDC COA \_\_\_\_\_ HDC Denial

Staff signature: \_\_\_\_\_ \_\_\_\_\_ HDC NTP \_\_\_\_\_ Staff COA

Comments:

To the Commission,

We moved to Ann Arbor two and a half years ago because we felt it was the right culture and setting to raise our children. We loved the community, history, and quiet family-oriented setting of the Old West Side as well as its proximity to Bach Elementary. For a year we waited anxiously for the right house to become available in the neighborhood. Despite it being the ugliest house on the block due to some poorly designed additions and cosmetic changes over the years, we were very excited to purchase our house on 6th St in 2014, and we committed to restore it to highlight the historic structure while minimizing the incongruity of the non-historic additions (the work has now been completed as seen in the attached photos).

When we purchased the house, we did not realize that the tree on the south side of our house was a black walnut tree as it was not the fruiting season at that time and we are not very educated in identification of tree species. Unfortunately, our 8 year old daughter has a severe allergy to tree nuts with the highest sensitivity being to the various walnut species. Her reaction to the nut proteins is severe and life threatening. We are required to keep an epi-pen with us and at school at all times in case of accidental exposure.

At first we thought it might be tolerable as the exterior of the whole fruit is not an allergenic concern, but we quickly discovered that the fruit does not stay intact. Throughout the fruiting season, which seems to be much of the summer and all of the fall, the squirrels naturally eat the walnuts and in the process open the fruit and shred the nut. Our porch, deck, driveway, sidewalk, and entire yard get covered daily with the nut remains dropped by the squirrels from the tree above. We really enjoy using our outdoor spaces and encourage our kids to go out, have fun, and get dirty playing. We also enjoy eating outside in the summer and fall. These normal activities have become a risk, and cause us much concern. Allergenic material can drop into our food when we eat outside, and exposure to the allergen on the ground or other surfaces can easily happen during play. Exposure via a cut or scrape also causes a more severe reaction than through ingestion.

Because of this we would like to request a notice to proceed to remove the tree, due to it being a hazard to the occupants. We do not take this lightly and would like to mitigate the impact as much as possible. To that end we would also like to request a certificate of appropriateness for the following onsite actions:

- We will work with a tree expert in the spring to plant a new tree of a different species than walnut on our property.
- We will work with a rain garden expert to design and install a rain garden in our side or back yard to mitigate the increased stormwater runoff

Additionally, we plan to do the following off-site non-HDC related actions:

- We will plant several trees. It is our understanding that the rotary club plants many trees per year so we would be happy to provide several trees and work with them to do the planting.
- We will donate the wood from the tree. We are not sure of the quality of the wood as the tree has had damage from lightning, animals, and past pruning, but we will make sure it gets used in the best way possible.

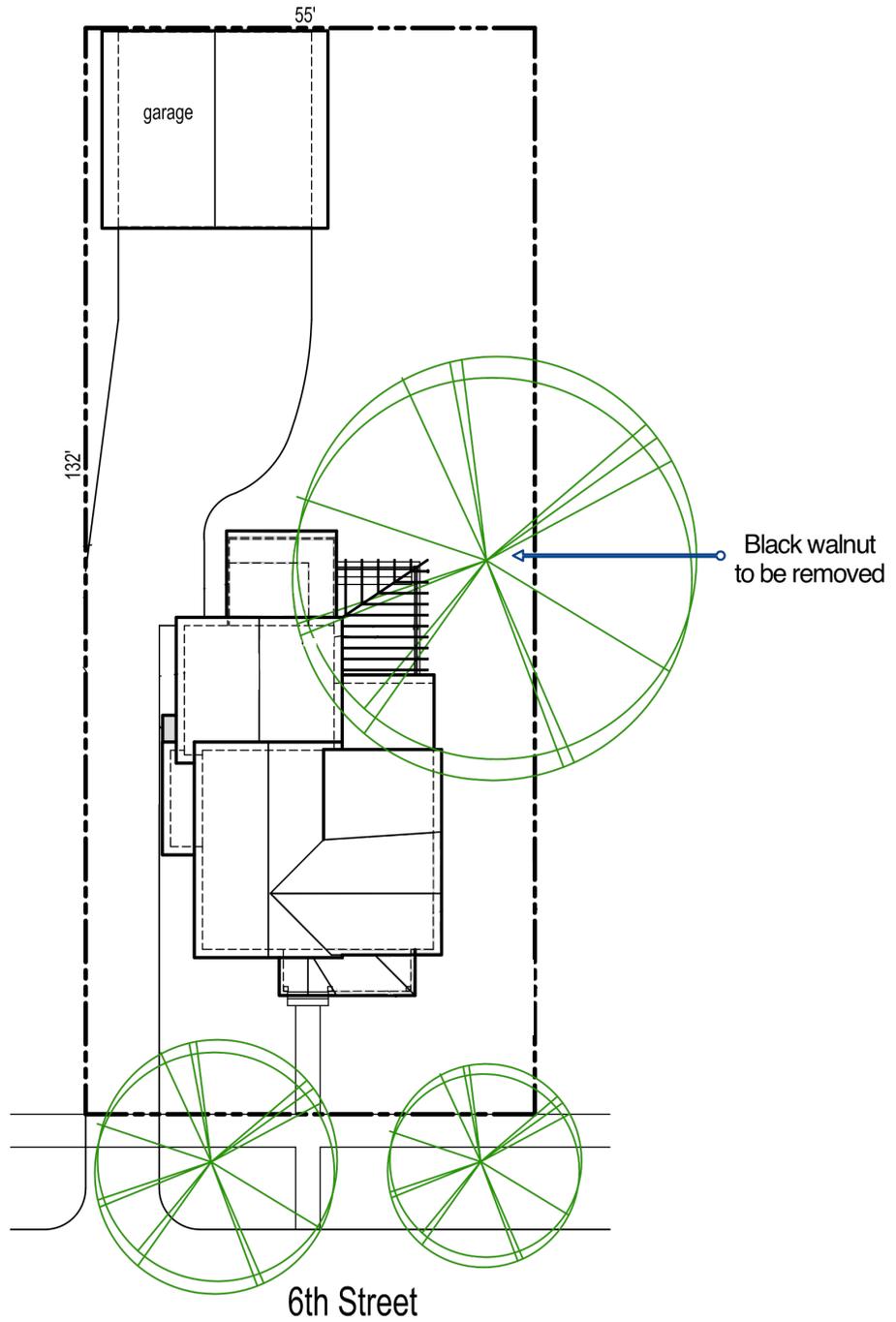
Thanks for your consideration,  
Allison and Justin Waugh



529 Sixth St



View of Black Walnut



 **1** SITE PLAN  
1" = 20'-0"

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# Waugh Residence

HDC application

529 6th Street, Ann Arbor MI 48103

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