

12/8 REVISION STAFF REPORT: DECEMBER 8, 2021 MEETING

PREPARED BY: A.DYE

APPLICATION NUMBER: 21-7614

ADDRESS: 3546 BURNS

HISTORIC DISTRICT: INDIAN VILLAGE

APPLICANT: ZACHARY ROSEN

PROPERTY OWNER: ZACHARY ROSEN

DATE OF PROVISIONALLY COMPLETE APPLICATION: NOVEMBER 15, 2021

DATE OF STAFF SITE VISIT: NOVEMBER 19, 2021

SCOPE: REPLACEMENT OF ORIGINALLY ERECTED WITHOUT APPROVAL FENCE* (WORK DONE WITHOUT APPROVAL)

EXISTING CONDITIONS

The project site is a vacant lot at the southeast corner of Burns and Mack, the northeastern boundary of the Indian Village Historic District. The parcel is enclosed by a 6-foot wood fence built with standard dog-eared pickets, set back slightly from the sidewalks. It replaces a previously installed wood privacy fence at the same location.



Above: Looking east along Mack Avenue. HDC staff photo, November 2021.

Right: Looking southeast along Burns. HDC staff photo, November 2021.



PROPOSAL

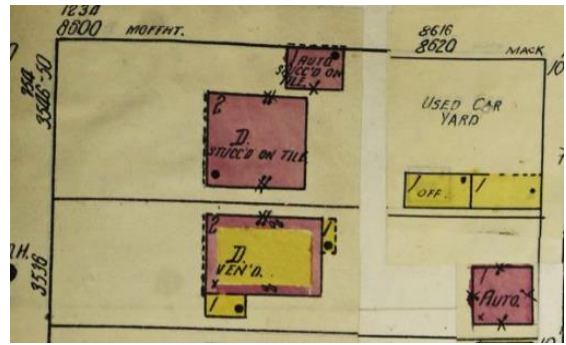
Per the submitted documents, the applicant is proposing to retain the recently installed wood privacy fence that runs along the south, east, and west property lines.

STAFF OBSERVATIONS AND RESEARCH

- The Indian Village Historic District was established in 1971.
- The lot at 3546 Burns has been empty since 1970, when the early 20th century wood frame/stucco house was demolished (per the BSEED building card). The photo below shows the empty lot in the foreground and the neighboring house at 3536 Burns in the background. The Sanborn map shows the location of the now-demolished house and detached garage.



HDAB photo, 1980



Sanborn Map, v.8, 1915-1951, Map 52 –

- HDC staff doesn't know the exact date a fence was installed around the perimeter of 3546 Burns. However, a violation is listed in the Detroit Property Information System at 3536 Burns, dated May 10, 1999, for a "side yard wood fence at sidewalk".

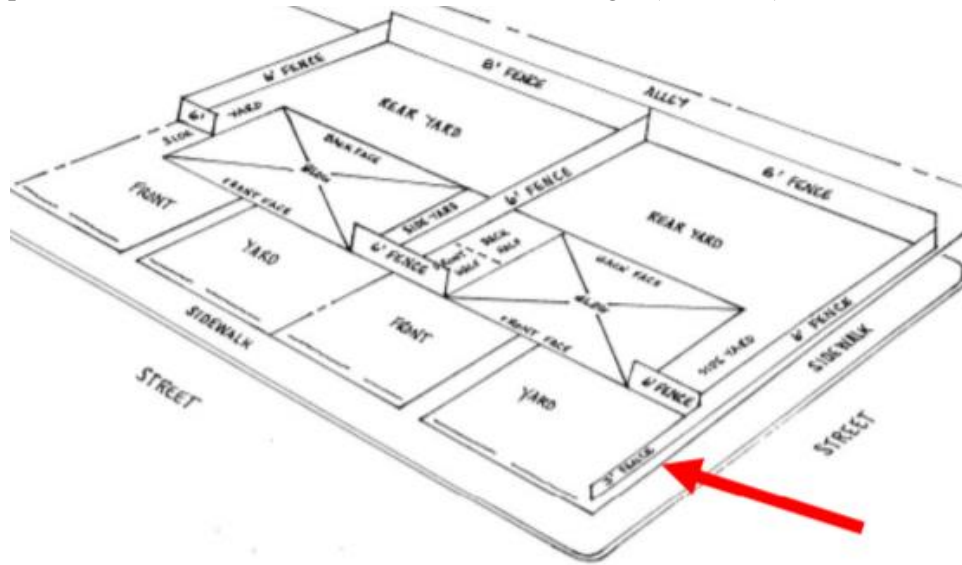


Above: Google street view, August 2019. Below: HDC staff photo, November 2021.



- Though the Guidelines speak to fences on lots occupied by houses, it is staff's opinion a corner vacant lot should be viewed in the same context, as the intent of the guidelines is to preserve historic vistas and reinforce the urban landscape of the district.

- The fence as erected violates the spirit of the Commission’s Fence and Hedge Guidelines, which states that “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.” The accompanying diagram illustrates this guideline, which additionally specifies that the fence would be limited to 3’ in height (red arrow).



- The style and material are consistent with the Fence and Hedge Guidelines and appropriate to the district. **The Guidelines allow for two types of fencing material on a single lot.**



Looking east at 3536 Burns. HDC staff photo, November 19, 2021

- Staff observes that the 6’ run of fencing, projecting past the neighboring house’s setback and then north along the Burns sidewalk, does in fact disrupt the historic character and views of the district, which are discussed in the following excerpted Elements of Design:
 - **Element #12, Walls of Continuity.** *The major wall of continuity is created by the buildings with their uniform setbacks within the blocks. New buildings should contribute to this wall of continuity...Fences across side lots contribute to the major wall of continuity where placed at the front yard setback line.*

- **Element #13, Relationship of significant landscape features and surface treatment.** ...Hedges between properties, and ornamental front yard fences or hedges are not uncommon...Side lots are not uncommon in the district, and a number of these form a part of the original site plan for the residence. Such side lots are usually landscaped, often fenced at or near the setback line, and very occasionally contain paved areas such as a tennis court... The street right-of-way of 80 feet combined with a pavement width of between 24 and 29 feet creates wide tree lawns or berm areas, which adds to the generous ambience of the urban landscape of the district... Fencing ranges widely in type; fencing in public view was generally designed to compliment the style, design material, and date of the residence.
- **Element #17, Rhythm of building setbacks.** Because of the existence of various subdivisions and their related subdivision and deed restrictions, setbacks vary from area to area within the district, though they are consistent within each block or area. The varying designs of the houses, occasionally with slight setbacks in the façades, cause the houses to relate to the front setback line in different ways; this creates a slight variation in the setback line. Nevertheless, within each block or area, a wall of continuity is created.
- **Element #22, General environmental character.** The Indian Village Historic District, with its long, straight streets, its hierarchy of walls of continuity (lamps, trees, buildings) and its large, dignified homes, has an urban, substantial, low density residential character.



At the corner of Burns and Mack, looking south into the Indian Village Historic District. HDC staff photo, November 19, 2021

- There are several examples of full corner front yard fencing, including vacant lots, within the Indian Village Historic District. The consistent detail these installations share is a high degree of transparency. Following this staff report are three different fencing designs, or conditions, to demonstrate a more transparent front yard enclosure.

ISSUES

- It is staff's opinion that the height, massing, and placement of the fence, which abuts the Mack and Burns sidewalks, should be mitigated. Options include:

- Redesigning the existing fence to conform with the Commission’s fence guidelines. This would require removing, or reducing to 3’ in height, the fence along Mack that is forward of the Burns setback; and removing and/or relocating the run of 6’ fence along the Burns sidewalk to the east, in alignment with the setback line of 3536 Burns (as per the illustrated Guidelines).
- Installing a fence that is more transparent and designed to compliment the adjacent house. This fence style would start along the north property line (at Mack) in line with the Burns setback, turn south at Burns and run along the west property line (adjacent the Burns sidewalk) and then turn east, and run along the southern property line, ending at the Burns setback adjacent 3536 Burns. This type of enclosure is discussed in the Elements of Design #13 “*Hedges between properties, and ornamental front yard fences or hedges are not uncommon...Side lots are not uncommon in the district...Such side lots are usually landscaped, often fenced at or near the setback line...Fencing ranges widely in type; fencing in public view was generally designed to compliment the style, design material, and date of the residence.*”



Looking east from the Burns sidewalk, showing a small section of fence properly aligned with the setback line.
HDC staff photo, November 19, 2021

RECOMMENDATION

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

It is staff’s opinion the erection of a fence is compatible with the massing, size, scale, and architectural features of its environment and does not destroy historic materials that characterize the site. Staff therefore recommends the proposal should qualify for a Certificate of Appropriateness as it meets the Secretary of the Interior Standards for Rehabilitation and the Indian Village Historic District’s Elements of Design, with the conditions that meet one of the following options:

Option One

- Pull the wood privacy fence back to the Burns setback line.
 - The fence shall be modified so that the portion extending beyond the setback line formed by the houses along the east side of Burns would be a 3’-0” height and will terminate at the Burns sidewalk, in accordance with the Commission’s Fence and Hedge Guidelines.

- The 6'-0" fence currently erected at the Burns sidewalk would be relocated to start at the setback established by the house at 3536 Burns and end at the fence positioned near the sidewalk at Mack.
- The 6'0" fence which runs from the northeast corner of the parcel (at the alley) to the Burns setback line can remain in place.

Option Two

- The wood privacy fence, starting at the Burns setback (along the north and south property lines) and Burns (west property line) will be removed, and a highly transparent fence installed. This option is similar to the three conditions described as A, B, or C (or modify the existing wood fence in a way to become more transparent).
 - A site plan denoting the location of the transparent fence and catalog cut of the fencing material (confirming height, material, design, and finish) will be submitted for staff review before the permit is issued.
- The wood fence will be painted or stained in a color that complements the adjacent house. The selected color will be submitted for staff review. The paint or stain will be applied after the wood has time to dry out, no earlier than May 2022 and no later than October 2022.



Southeast corner of Iroquois and Charlevoix, Condition "A", full transparent fence (grown in)



Southeast corner of Seminole and Charlevoix, Condition "A", full transparent fence ("Centennial Garden")



Northeast corner of Seminole and Charlevoix – Condition “B”, open fence with transition to wood – one zone



Another view of same location Condition “B”, open fence with transition to wood at setback line



Northeast corner of Burns and Charlevoix – Condition “C”, open fence with transition to wood – two zones



Northwest corner of Burns and Charlevoix – Condition “C”, open fence with transition to wood – two zones



Wide view of existing conditions at 3546 Burns (subject of review)

Description of Existing Conditions @ 3546 Burns St
Parcel # 17006202

Over the summer, on two separate occasions, cars smashed through 3 sections of our 6' high cedar fence. Further, large sections of the fence have seen a lot of wear and tear since it was erected years prior to our purchasing the lot.

Description of Project @ 3546 Burns St

Since large sections of the fence were destroyed by hit and run events car crashes, and other sections face wear and tear from use over time, we want to replace the existing fence with a new fence of the same size and material (6', cedar)

Detailed Scope of work @ 3546 Burns St

- Replace wood
- Cut old poles at or below grade
- Replace with approximately 374' of 6' high treated dog eared flat board style fence on posts.

M Act Existing Fence

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3546 Empty lot

Existing Fence

sidewalk

3536
Home

driveway

● - new fence

