

Memorandum For Record: Detroit Historic Commission, its parties and associated City of Detroit Departments and entities et al.

Subject: Home Renovation of 2465 Chicago Blvd. Detroit MI 48206.

Historic District: Boston: Edison

Property Owner: Hassan A. Mussawwir and Maurita Mussawwir

My name is Master Sergeant Hassan A. Mussawwir, I am currently deployed to the Middle East in support of ongoing United States of America's foreign policy goals. As such I am considered a protected person under The Servicemembers Civil Relief ACT (SCRA), Civil Right Act of 1957 50 U.S.C. 3901-4043 I am asking the Detroit Historic Commission to consider multiple variances to my home (2465 Chicago Blvd, Detroit Mi. 48206). My home is currently vacant, unable to be occupied, and under considerable renovations with a substantial home renovation loan being paid monthly. Your Commission is denying my ability to complete the renovations necessary for my family to occupy the property we own, leaving us essentially homeless.

The Secretary of Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings which you follow, are "guidelines" and state unequivocally that, "They are not meant to give case-specific advice..., they cannot tell a building owner which features of a historic building are important in defining the historic character and must be preserved or which features could be altered, if necessary, for new use." We have owned this property for numerous years and have completed a substantial amount of the work through my own labor, and the use of multiple licensed and bonded contractors costing my family over \$100,000.00 in costs so far. The current outstanding loan balance I hold is \$250,000.00 and the current estimated appraised value with the completed renovation is \$500,000.00 which would significantly improve the adjacent properties, and The Boston Edison Community overall home values. This home was to be moved into by my family but we are being denied access by this body. These considerable delays serve as an unreasonable burden preventing us from the use of clearly defined personal private property in a manner that we find satisfactory for our own use.

No Homeowners Insurance Company will insure properties in Detroit which are vacant, or homes with considerable construction delays, a property is considered significantly delayed where the work should have taken an approximated number of months to complete and has failed to make significant or no progress towards completion. It is now close to one year without movement. The insurance underwriting will only allow for 6 months to complete a renovation of this sort, and I can only seek approvals/corrections from this body at an almost bi-monthly hearing rate. This process has left us with no ability to secure insurance or safety to our investment. The total sum of these delays has injured my family and serves as an exclusionary tactic which is unreasonably obstructing residential renovation of private property. This process is in violation of MCL 125.3204. {Significantly, a zoning ordinance may not engage in exclusionary zoning, which means to "have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use . . . unless a location within

the local unit of government does not exist where the use may be appropriately located or the use is unlawful.”} MCL 125.3207. {The prohibition of exclusionary zoning constitutes an effort on the part of the Michigan legislature to limit land use restrictions motivated by a “Not in My Back Yard” approach.} This process also violates the Religious Land Use and Institutionalized Persons Act. 42 U.S.C. § 2000cc et seq. In enacting RLUIPA, Congress determined that there was a need for Federal legislation to protect religious individuals and institutions from unduly burdensome, unreasonable or discriminatory zoning, landmarking, and other land use regulations. Furthermore

Request For Variance: We are asking for a substantial variance of the following based on what I have stated.

1. Variances for the Window’s as they are of common use currently throughout the community and do not deviate from the intended architectural designed layout for “curb appeal”. The size of the windows currently in the home have not changed from what was originally built. The only difference now is the materials being used, as they are significantly stronger, more energy efficient, are available in quantity and quality, and meet current building code.
2. Installation of Soffits, and fascia which were preexisting to our purchase of the property, and do not deviate from what is currently present within the community. The soffits, fascia and down spouts were of the current aluminum materials which are the industry standard and not of historic nature.
3. Brick in basement exterior door, as it was the “Servants Entrance”, and poses an unreasonable burden to my family’s safety from home invasion, break-ins or robberies, as is a common occurrence within the city limits with so many rare facing entrances.
4. Replacement of the front door to include it’s framing and design, to a design which is currently common to the community, and as not a significantly deviation from the architectural designed “curb appeal” as it was intended. The current wood is not salvageable.
5. Installation of gutters and gutter coils which would replace the former as they were of the common and the current standards already in use and do not deviate from what is common within the community.
6. Replacement of 3 exterior rear facing doors to ones which are of the same quality, design and safety as the newly designed front door, with the only difference being the amount of decorative glass design. The rear doors will have less glass ensuring the home is safe for our family, allowing us to live free of fear of break-ins.

Scope of Project: 2465 CHICAGO BLVD. DETROIT MI. 48206

- Replace soffits, fascia
- Install gutters and gutter coils
- Brick in basement exterior door (circled in red), Reducing rear entrances to 2 versus 3
- Replace remaining 4 exterior doors
- Request window variance, replace 2 damaged windows.

2465 Chicago Blvd at time of Purchase (NOV 2014). FRONT



Original home as purchased (NOV 2014) - Rear



Original home as purchased (NOV 2014)– Rear. Replace upper rear exterior door



Original home as purchased (NOV 2014)– Side



Original home as purchased (NOV 2014)– Opposite Side



Current State of Home, Windows and roof replaced



Current State – Windows replaced side window covered to prevent vandalism

Rear door covered to prevent vandalism



Current State – Rear of home.

Replace 3 doors circled in blue. Requesting to brick in door circled in red.

We need an immediate certificate of appropriateness. My bank has suspended payments to my Contractor based on these proceedings preventing adequate progress while at the same not suspending payments on the property placing my family in a position of being now unable to live in the home we are contracted with a mortgage. I request to begin immediate work on home, to allow a certificate of occupancy that will aid in preventing any additional theft or vandalism of the home and prevent the home from being at risk of being unable to maintain home owner's insurance. The Historic Commission has positioned itself as the arbiters of a contract which you were not a party to. There was no agreement between myself and this commission for tax benefits for historic preservation, and the home's purchased condition left it in a state of nuisance as described by City Ordinance. The City of Detroit Land Bank on numerous occasions attempted to ticket and seize our home, while I was completing the initial interior abatements as required by law for a home which contained fire damage, knob and tube electrical wiring and cast iron piping. These are no longer accepted as they are dangerous and go against National Building Standards and Code and were subsequently removed.

Utilizing the Secretary's Standards for Rehabilitation I shall explain the property.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - a. The property had severe fire damage which was not disclosed at the time of sale, it had been open and exposed to the weather for multiple years as well as water damage. The property had zero working windows and over 20 boarded openings where absolutely no window frame existed.
2. The Historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
 - a. The property was placed onto the Blight list by the City of Detroit Land Bank which I had to show proof of significant work being done to the home with evidence that they have on record. Significate to that was their demand for windows be placed into it.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural element from other buildings, shall not be undertaken.
 - a. At the time of purchase the property had already sustained significant variance from its original state and as the property owner of record I cannot be held responsible for the acts of others.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - a. The requested variances are required to bring the home up to current building code, and represent no distinctive deviation to what is currently existing within the Boston Edison Historic District as multiple properties located within the district do not contain wooden single pained windows, but rather double hung double pained energy efficient windows.
5. Distinctive features, finishes, and constriction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - a. The craftsmanship of the windows was not of a level or quality to which showed extraordinary design and seemed normal of the period when present, the few remaining were of so ill repair that they were destroyed well prior to our purchase of the property. There was absolutely no reasonable method to retained, service or otherwise repair windows that do not exists and are such a deviation from current building codes as they would be considered non-beneficial and an extreme burden due to their lack of energy efficiency.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - a. There is no reasonable means to repair fire damaged, weathered beyond use windows, or decking which had been left exposed to the elements for multiple years prior to becoming the owner of record.

7. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - a. The exterior alterations required and requested are to meet current building codes as well as to make safe the property. Many of the exterior features were exposed and deteriorated to such a point as they were, and are dangerous and must be updated to the new building codes.

8. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - a. Without the requested variances the property is not inhabitable safely. The property must be brought up to current building codes in order for it to receive a certificate of occupancy.