

STATE OF MICHIGAN  
MICHIGAN DEPARTMENT OF STATE  
STATE HISTORIC PRESERVATION REVIEW BOARD

In the Matter of:

CRAIG W. TROMBLEY  
Applicant/Appellant,

v

Docket No. 94-45-HP

ANN ARBOR HISTORIC DISTRICT COMMISSION,  
Appellee.

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FINAL DECISION AND ORDER

This matter involves appeals of decisions of the Ann Arbor Historic District Commission denying requests for permission to install a deluxe front door and to reconstruct the front porch of the building situated at 512 W. William, which is located in the Old West Side Historic District, in the City of Ann Arbor, Michigan.

The State Historic Preservation Review Board (hereafter "the Review Board") has appellate jurisdiction to consider such appeals under section 5(2) of the Local Historic Districts Act, as amended, being section 399.205 of the Michigan Compiled Laws.

At the direction of the Review Board, an administrative hearing was conducted on August 4, 1994, for the purpose of receiving relevant evidence and argument.

A Proposal for Decision was issued on November 29, 1994, and copies were mailed to all parties pursuant to section 81 of the Administrative Procedures Act, as amended, being section 24.281 of the Michigan Compiled Laws.

The Review Board fully considered the appeal, along with the Proposal for Decision and all materials submitted by the parties at a board meeting conducted on Friday, June 9, 1995.

Having considered the Proposal for Decision and the official record made

in this matter, the Board voted 5 FOR, 1 ABSTENTION to ratify, adopt and promulgate the Proposal for Decision as the Final Decision of the Board, and to incorporate the Proposal into this document; and,

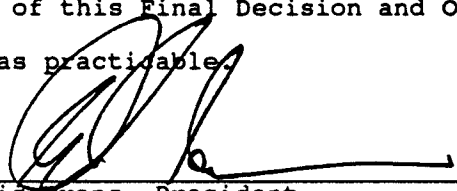
Having done so,

IT IS ORDERED THAT the appealed decisions of the Ann Arbor Historic District Commission are affirmed.

IT IS FURTHER ORDERED THAT the appeals are denied.

IT IS FURTHER ORDERED THAT a copy of this Final Decision and Order shall be transmitted to both parties as soon as practicable.

Dated: 9 JUNE 95

  
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David Evans, President  
State Historic Preservation Review Board

Note: Under section 5(2) of the Local Historic Districts Act, this final decision and order may be appealed to the Washtenaw County Circuit Court. Under section 104(1) of the Administrative Procedures Act, such appeals must be filed with the court within 60 days after the date of mailing notice of the final decision and order of the Board.

STATE OF MICHIGAN  
MICHIGAN DEPARTMENT OF STATE  
HEARINGS DIVISION

In the Matter of:

CRAIG W. TROMBLEY,  
Applicant/Appellant,

v

Docket No. 94-45-HP

ANN ARBOR HISTORIC DISTRICT COMMISSION,  
Appellee.

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PROPOSAL FOR DECISION

This matter involves appeals of two separate but related decisions of the Ann Arbor Historic District Commission (hereafter, the Commission) regarding a residence located at 512 W. William, in the City of Ann Arbor, Michigan. The principal decision being appealed is the denial of an application submitted by Craig W. Trombley (the Appellant) to replace the pre-existing front door at his residence with a somewhat more elaborate and arguably more attractive wooden door containing an oval shaped, beveled-glass window. The Appellant also appeals a Commission decision denying his subsequent application to remodel the "open" front porch that he constructed at his residence. After the Appellant's door request was denied, the Appellant asked for permission to return his porch to a prior enclosed configuration; however, that request was also denied. Appellant further indicates that if his appeal concerning the front door is granted, he will withdraw his other appeal regarding the reconfiguration of his front porch.

The appeals were both filed under section 5(2) of Michigan's Local Historic Districts Act.<sup>1</sup> Among other things, this section provides that if a person is aggrieved by any decision of an historic district commission, the person may then appeal to the State Historic Preservation Review Board (the Review Board), which is an agency of the Michigan Department of State.

Upon receipt of the Appellant's appeals, the Review Board directed the Michigan Department of State, Hearings Division, to convene an administrative hearing for the purpose of receiving relevant evidence and arguments from the parties. The Hearings Division conducted an administrative hearing on Thursday, August 4, 1994, in Hearing Room No. 121, the Mutual Building, Lansing, Michigan. The hearing was held pursuant to procedures prescribed in Chapter 4 of the Administrative Procedures Act of 1969.<sup>2</sup>

Craig W. Trombley, who jointly owns 512 W. William with his wife, Patricia Striho, appeared in person at the hearing and represented himself. Mrs. Striho was also in attendance. The Commission was represented by Stacey M. Washington, Assistant City Attorney, City of Ann Arbor. Nicholas L. Bozen, Administrative law Examiner, Michigan Department of State, Hearings Division, conducted the hearing. Brain Conway, the Architectural Coordinator for the Michigan Department of State, Bureau of History, appeared as an observer on behalf of the Review Board.

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<sup>1</sup> 1970 PA 169, § 5, as amended by 1992 PA 96; MCL 399.205; MSA 5.3407(5).

<sup>2</sup> 1969 PA 306, § 71 et seq; MCL 24.271 et seq; MSA 3.560(171) et seq.

Issues on Appeal

During the administrative hearing in this matter, the Appellant presented arguments concerning why he believes the decisions in question were improper and should be reversed.

With respect to the so-called "elaborate" door, the Appellant asserted that the Commission was in error when it said such a door was in violation of historic preservation standards and guidelines. In that regard, he pointed out that a conglomeration of doors, door styles, and houses currently exists within the boundaries of the historic district where his house is located, and he argued that the door at issue is entirely in keeping with the character of the district and the surrounding neighborhood.

The Appellant also argued that the Commission acted in an arbitrary and capricious manner. With respect to this contention, the Appellant indicated that he had received overwhelming support from the community for his front door project. He also asserted that the Commission had been combative and non-communicative, and had singled him out for an adverse decision. He added that the Commission had acted punitively, denying his door application because he had performed restoration work himself rather than employ local architects, local contractors and other local businesses. In addition, he indicated that the Commission had engaged in selective law enforcement. That is, he asserted that the Commission had attempted to enforce its historic preservation law against him but not against other homeowners who had installed similar doors on other homes throughout the district.

With regard to the porch, the Appellant argued that, technically, the Commission could not deny his request to reconfigure the front porch to an earlier configuration, since he had previously obtained a building permit allowing "repairs" but had never received a final certificate of completion or occupancy.

The Appellant further argued that the Commission had used a flawed procedure when processing his and other requests for exterior work. The Appellant stated that the Commission does not, as a matter of practice, advise people - and did not advise him - that homeowners can simply repair their homes rather than restore them. The Appellant stated that the Commission wants to guide people into making historic renovations, as opposed to repairs.

In its opening statement at the hearing, the Commission responded to the Appellant's charges by contending that historic preservation standards were in fact followed in this case, adding that the door in question was much too ornate for the Appellant's home and clearly was not in keeping with the character of the Appellant's simple residence. The Commission also asserted that community support for an ornate door is not determinative, and that this particular door was installed without permission in any case.

Moreover, the Commission argued that the open porch was also installed without permission, but that the unapproved configuration was mostly in keeping with historic preservation standards and that a subsequent retroactive application was later approved. The Commission said the new porch was more in keeping with preservation standards than the old one and should not be changed back.

Summary of Evidence

Under Michigan law, a party who occupies the position of a plaintiff or a petitioner has the burden of proof in an administrative proceeding. 8 Callaghan's Michigan Pleading & Practice (2d ed), § 60.48, p 176; Lafayette Market and Sales Co v City of Detroit, 43 Mich App 129, 133; 203 NW2d 745 (1972); Prechel v Dep't of Social Services, 186 Mich App 547, 549; 465 NW2d 337 (1990). The Appellant clearly occupies that position in this matter and consequently bears the burden of proof.

Section 5(2) of the Local Historic Districts Act, supra, provides that appellants may submit all or any part of their evidence and arguments in written form. In this vein, the Appellant presented 27 exhibits, many of which included multiple pages or photographs. Appellant's Exhibit No's. 1 and 2 consisted of copies of materials pertaining to the appealed decisions, as well as an application for permission to repair certain portions of the residence. Exhibits 3 through 17 consisted of 15 sets of two photographs showing a variety of door styles and door windows on buildings located in the Old West Side Historic District in Ann Arbor. The Appellant also submitted a "temporary" certificate of compliance and occupancy, a brochure depicting 80 doors currently available from a specified vendor, 27 additional photographs depicting the extent of the repairs and improvements he made to his residence, a cardboard sign which had been posted in the front yard of 512 W. William for about two months and which invited passers-by to write down their comments concerning the door at issue, and a

"notice of support" in petition format containing 38 signatures, along with fives letters of support, various supportive letters to the editor, and a favorable newspaper editorial. The Appellant also submitted a survey letter and photographs, a letter from the president of an antique materials shop who wrote that the plain beveled oval glass door used as the front entrance at 512 W. William is not out of character for the architecture of the structure or of the surrounding neighborhood. The Appellant also presented 13 additional photographs showing extensive fire damage to his residence prior to the commencement of restoration work.

Trombley testified in support of his appeals during the administrative hearing. In brief, he stated that after purchasing the house at 512 W. William, he expended a tremendous amount of time, effort, energy, and money to make the house as beautiful as he could. He indicated that when he bought his home, he was unaware that it was located in an historic district. He stated that, overall, the Commission has been difficult to work with, that its members did not understand what he was trying to do, that they were petty with him as an outsider and with others such as the lady who had had difficulty with them regarding her request for replacement windows, and that the Commission had become punitive. He added that he was trying to do the best he could, and he hoped to obtain a favorable ruling from the Review Board.

The Commission also presented evidence during the hearing. In terms of exhibits, the Commission presented a 62-page submission (Commission Exhibit No. 1) consisting of a copy of its file



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regarding the Trombley appeals. The Commission also submitted a copy of the current Ann Arbor Historic Preservation Ordinance (CE 2) and a copy of the Historic District Study Committee Final Report on the Old West Side. (CE 3) The Commission also submitted photographs of the Trombley residence at various stages of restoration, as well as excerpts of all Commission minutes which were relevant to the decisions on appeal. (CE 4 & 5)

The Commission also presented testimony from a single witness, Louisa Pieper, who is the Historic Preservation Coordinator for the City of Ann Arbor and who is currently assigned to the City's Building Department. In brief, Ms. Pieper testified regarding the actions taken by her and by the Commission during its deliberations on Trombley's applications for restoration work and/or repairs. Under cross-examination by Trombley, Pieper testified as to her view that some of Trombley's behavior had been "volatile", that Trombley had not been "singled out", and that the Commission had done its job according to procedures in every respect. (Hearing Transcript, page 81) She also testified that action had not been taken against other homeowners in the district who might now have improper doors because the Commission was waiting for the decision in this case on the issue of whether the Commission could legally enforce its decisions.

#### Findings of Fact

Based upon the evidence presented during the administrative hearing, the facts of this matter are found to be as follows:

**A. Background Information**

1. Ann Arbor's Old West Side is a compact neighborhood consisting primarily of 19th Century homes located south and west of the City's downtown. It is bounded on the east by South Main Street and the Ann Arbor Railroad, on the north by West Huron Street and West Park, on the west by Crest, Liberty and Seventh Streets, and on the south by West Madison, Fifth Street, Wurster Park and Kock Street. (CE 3)

2. Between 1848 and 1861, William S. Maynard, known as a pioneer, mayor, successful merchant, and real estate developer, subdivided and added to the village the area bounded roughly by Seventh, Liberty, Ashley, and Mosley and Madison - what is today considered to be the heart of the Old West Side Historic District. The district's lots are still fairly uniform in size - 66 feet wide by 132 feet deep - and the grid pattern of the blocks forms a counterpoint to the rising slope of the land to the southwest. (CE 3)

3. The majority of the buildings in the neighborhood are modest, gable-fronted, clapboard-sided houses, one-and-one-half to two stories tall, with wide front porches and generous side yards. Nearly every Nineteenth and early Twentieth Century architectural style can be found in the district, including small Classic Revival houses from the 1830s and 1840s, Italianate "cubes", examples of Queen Anne from the very simple to the most fanciful, Colonial Revival, Craftsman, and Bungalow. (CE 3)

4. The residence located at 512 W. William is a modest one-and-a-half-story, gable-fronted frame house that was probably built

around 1910 and first appeared in the 1917 City Directory as the home of electrician Alfred A. Graf and his wife Anna. For nearly ten years, this was the only house on this block of W. William, though maps indicate that houses had previously been there from the 1860s through the 1880s. (CE 1, p 13, CE 5) . The home's original porch had been open but was later replaced with an enclosed porch, probably in the 1940s. At some point, Argus Camera used the house as a pay station or accounting office. (HT, p 105)

5. In 1978, the City of Ann Arbor established the Old West Side Historic District, which included the house at 512 W. William. The district was established for the following reasons:

A. Architecturally, the structures within the district are of eclectic revival styles, with related historic associations. They are positioned on their lots in a similar pattern so as collectively to express a particular environmental quality.

B. Conservation and preservation of particular characteristics will protect and enhance the historic environmental quality of the neighborhood.

C. The community as a whole will benefit from district stabilization, from the improved quality of the housing stock, from increasing property values, and from the enhancement of the overall appearance of this neighborhood, as well as from the protection of a major cultural resource. (CE 2, p 33)

6. Subsequent to the establishment of the district, the City of Ann Arbor adopted revised historic preservation standards to govern exterior construction in the district. Among other things, the standards prohibited the total enclosure of front porches in the Old West Side Historic District. (HT, p 30; CE 2, p 36)

7. In 1991, the City of Ann Arbor again revised the local ordinance which governed the Old West Side Historic District. Among its provisions, the ordinance provided that no person shall alter any portion of a building in the district in a manner which affects its exterior appearance visible from a public street without first obtaining permission from the Commission. (CE 2, pp 34 - 35) The ordinance also provided that any alteration in the district shall comply with the Secretary of the Interior's Standards and Guidelines for Rehabilitation, including:

(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.

(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 elements from other buildings, shall not be undertaken.

\* \* \*

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires the 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.

8. During 1992, Trombley began to explore the possibility of purchasing the residence located at 512 W. William. The structure had been severely damaged in a fire which destroyed the roof and damaged the back wall and the upper level floor. Despite the fact that the house had been fire-gutted and was considered an eyesore, Trombley was interested in fixing it, making it into a liveable

family residence, and also making it as beautiful as he could. However, he had no idea that the house was situated in an historic district. (HT, pp 97 - 98; AE 22, pp 25 - 27)

**B. The Renovation and Application Process**

9. The first notice Trombley received that his new house was part of an historic district was in the summer of 1992, when he applied for a building permit to repair much of the fire damage. Not having any knowledge as to what was involved in historic districts, he completed the forms he was given based on what he intended to repair. (HT, 97; AE 2; CE 1, p 4)

10. Trombley completed a form entitled, "Notice To All Applicants For Building Permits in Historic Districts". The form indicated:

The information below will help city staff determine as quickly as possible whether or not the work proposed is permitted or whether the Historic District Commission's approval is necessary before a permit is issued. \* \* \*

\* \* \*  
Please supply drawings and/or photographs adequate to explain work proposed. If work is intended to restore building to an earlier appearance, provide documentation of that appearance either through old photographs of the building or current photographs of similar buildings.

If you have questions, contact the Historic District Commission staff at 996-3008. \* \* \*  
(AE 2; CE 1, p 4)

11. In the "Comments" portion of the form, Trombley wrote, "I am repairing fire damage to my home". In the "Work Proposed" portion, he checked boxes to indicate he planned to repair chimney flashing, shingle siding in the rear, windows and the front door, the front porch, and other items. On or about July 23, 1992,

Pieper reviewed, "okayed", and initialled this form. She felt she had authority to do so since Trombley's statements failed to indicate he proposed exterior restoration, as opposed to repairs. After initialling the form, Pieper added, "Repair Only". (HT, 24; AE 2; CE 1, p 4)

12. On or about January 15, 1993, Trombley requested and received permission from the Commission to replace the foundation of his house. (CE 1, p 40)

13. At a meeting convened on March 11, 1993, the Commission approved an additional request from Trombley; namely, a request for permission to raise the level of his house's foundation by 12 inches. The Commission approved the request subject to the proviso that Trombley use plain block with an exterior stucco finish for the above-grade portion. At this same meeting, Trombley was told he would need to return later with plans to rebuild his front porch. When he bought the house, it had a front-gabled, half-front porch with a block foundation, a clapboard base, short square columns, and enclosing windows. Historical photographs show the original porch to have been a full porch with a rock-faced block base and foundation, and short round columns. (HT, 24; CE 1, p 40)

14. On or about May 5, 1993, Trombley requested and received permission from the Commission to replace the rear bathroom window at the house. (CE 1, p 40)

15. Later in May, Trombley took a ten-day vacation. During that time, people who worked for him installed a front porch which was historically inaccurate. When he returned home, he took note

of the obvious fact that his newly rebuilt porch was historically incorrect. (HT, 98)

16. On or about June 2, 1993, the Commission approved requests from Trombley for permission to install a flat skylight, to relocate the rear door, and to add a rear window to his house. These approvals also stated that Commission action would be required for installation of a proposed new front door. (CE 1, p 40)

17. At about this time, Trombley filed two more requests with the Commission. He requested after-the-fact permission to rebuild his front porch and replace the front door. He proposed a new front porch with wood 6 x 6 posts on the corners and at the top of the steps. The requested door would be mahogany with an oval insulated decorative window in the upper two-thirds and square panels below. (CE 1, p 24)

18. On June 3, 1993, Pieper prepared a staff report regarding these requests. In her report, Pieper recommended denial of the porch application, indicating that the Commission should require that the balustrade, steps, and stair handrail be built in a more appropriate design, although the new elements would not duplicate the character of either the original or the later porch. She recommended approval of the proposed new front door because, although it was her opinion that the door would be somewhat fancy for Trombley's simple house, she felt the porch would be deep enough to screen most of the door's impact. (CE 1, p 25)

19. The Commission meet on June 10, 1993 to consider, among

other things, Trombley's request for after-the-fact approval of the changes to his front porch. However, prior to addressing Trombley's request, the Commission dealt with another person regarding a gable door and a double-hung or casement window. During the meeting, Trombley felt that the Commission was being "very petty" in its dealings with her. When it was Trombley's turn to make his presentation, he was already disappointed that the Commission had not been more helpful to this woman with respect to her request for permission to make a home improvement. (HT, 99; CE 1, p 27)

20. During his presentation, Trombley told the Commission that he wanted to build a porch like the one across the street from his house, and he asked the Commission to approve his idea in principle. Eventually, he felt he was getting nowhere and that the Commission was "very, very upset" with him. At one point, Trombley said, "hey, look, I just want to go ahead and get this thing ready so that my family and I can move in". Despite his request, the Commission indicated that Trombley was unprepared; the matter was then tabled and Trombley was asked to return later with detailed plans, including drawings with specific materials and precise dimensions. (HT, 26 - 27, 99 - 100; CE 1, p 27)

21. At that point, Trombley said, "well, what about the door?" The door he had requested was the "Z-1 Standard" model, which was panelled mahogany with an oval leaded glass window. This door appeared in a catalog he had submitted containing 80 different wooden doors. The Commission responded that none of the doors in



the catalog was acceptable, and particularly not the one he had requested. Thereafter, Trombley felt that he and the Commission had become "non-communicative". (HT, p 27, 100; AE 19, CE 1, pp 27 - 30)

22. On or about June 16, 1993, Pieper sent Trombley a letter which reiterated various points made during the June 10th meeting. She advised that the deadline for the submission of documentary materials for Commission consideration on July 8, 1993 was June 28, 1993. She further indicated that the Commission had denied his door request based on the unanimous conclusion that the Z-1 Standard door was not appropriate for the humble style of his house. She added that in denying the request, the Commission was following the Secretary of the Interior's Standard No. 3, which states: "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 elements from other buildings, shall not be undertaken." Pieper also added that to gain a better understanding of the decision, Trombley should look at houses similar to his in the Old West Side District. She further indicated that books on catalog houses indicate the more modest the house, the more modest the door, and that the Commission would favorably consider a request for any door which could be shown to be appropriate. In her concluding paragraph, she wrote that the Commission was well aware of and supported Trombley's efforts to save his house; however, she added that the Commission was bound by law to follow

the historic preservation standards of the Old West Side District and the Secretary of the Interior. She added that she was quite willing to work with Trombley to achieve design solutions which met those standards. (CE 1, pp 27 - 28)

23. Throughout the summer, Trombley and his wife devoted extensive amounts of time, effort and money to prepare, rebuild, and rehabilitate the house. In the course of their work, they installed a new door on the house. (HT 98; AE 22)

24. On or about August 24, 1993, Pieper sent Trombley a letter stating that she had not heard from him in some time. The letter also informed Trombley of the Commission's fall meeting schedule, and it included submission deadlines. She received no reply. (CE 1, pp 31, 40)

25. On or about September 9, 1993, Commission staff showed the Commission slides of Trombley's rebuilt porch, and violation proceedings were begun relative to the porch. (CE 1, p 40)

26. On or about September 23, 1993, Pieper sent a memo to the building director requesting written confirmation that changes had been made to the front porches of four specified buildings, including the residence at 512 W. William, without the issuance of a building permit. She received confirmation regarding 512 W. William on or about September 29, 1993. (CE 1, pp 32, 33, 40)

27. On or about November 5, 1993, Pieper sent Trombley a letter informing him that the Commission would determine at its first meeting in December whether or not the changes to his front porch and the installation of the new front door constituted

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violations of Ann Arbor's Historic District Code. The letter also indicated that the door he had used appeared to be the "Z-0 Deluxe" model listed in the pamphlet submitted along with his request for permission to use the "Z-1 Standard" model, which request was denied. (CE 1, 34)

28. On or about December 3, 1993, Trombley telephoned Pieper and gave her a list of addresses for 11 other buildings in the district which had doors with oval windows that were possibly also in violation of Ann Arbor's Historic District Code. (CE 1, p 37)

29. Trombley appeared at the Commission meeting convened on December 9, 1993. At that time, he apologized for his previous behavior. He stated that he had been in a hurry to move into the house with his family, and he added that he had taken direction from the staff letter which accompanied his earlier request for the Z-1 Standard door. He added that he had been concerned over the length of time it takes to order a door and that the prior door was very insecure after having been kicked in by the fire department. (CE 5)

30. With regard to the porch, he described the dimensions of that structure as rebuilt and said his research indicated it was first reconfigured in 1947. He added that he had tried to duplicate the porches he had seen in his neighborhood, as well as to duplicate what was there at his own house originally. Commissioner Ward asked him about the permit he was working on, and Trombley replied that he had several permits for repairs and for the foundation. Trombley stressed the amount of renovation work he

had done. Commissioner Ward asked why no drawings had been presented. Trombley replied that he had been very frustrated after the June meeting, but he apologized now. Ward pointed out that submitting drawings in advance would have saved him a lot of time and money. Trombley responded that he hoped what he had done would be acceptable. Further discussion ensued. Thereafter, a motion to approve the front porch as rebuilt in its open configuration carried unanimously, with the condition that the two central posts be shortened to a height of 36 inches or less, capped to match the newel posts at the bottom and as meeting the Secretary of the Interior's Standard No. 9. (CE 1, 41; CE 5) Those modifications were in fact made shortly thereafter. (CE 5)

31. In terms of the front door, Trombley said he felt the Z-0 Deluxe door was a good compromise between oval and leaded glass doors, and he stressed the diversity of the doors in the district. Commissioner Schroer pointed out that the staff letter sent to Trombley did not contain anything which authorized Trombley to proceed with the installation of any type of new front door without prior Commission approval. Commissioner Dodd added that installing a standard storm door would do a good job of covering up the new door. Commissioner Culver said she found the new front door completely incompatible with the house and the district, whether it had a storm door in front of it or not. She stated that approving a storm door under these circumstances would set a difficult precedent, particularly since Trombley had already cited another illegal door on Sixth Street. Commissioner Kestenbaum said he had

previously stated that an oval door could be appropriate on this house, but that this particular door was significantly different from others found in the district. He suggested asking Trombley for alternatives. Commissioner Tyler agreed; however, he added that it would be more consistent to find the door unacceptable. The Commission then passed a motion which determined that the front door as installed was in violation of the Historic District Code. The motion also requested that Trombley return by February with one or more alternative proposals. (CE 1, p 41; CE 5)

32. At its February 10, 1994 meeting, the Commission granted Trombley an additional two months to comply with its decision from December. (CE 1, p 48)

33. Trombley subsequently submitted a request to install a new, painted wood storm door to conceal the new front oval glass door. (CE 1, p 49)

34. The Commission considered Trombley's request at its meeting of April 14, 1994. Commissioner Culver said she could not support disguising a violation with another door of any kind. She felt it created a dangerous precedent and would make it impossible to enforce the Code relative to doors. Commissioner Kestenbaum said that any doubts he may have had about the front door's inappropriateness were settled when he actually saw it in place. He concluded that the problem was not so much the oval window, as it was the elaborate panelling. A motion to approve installation of a storm door to conceal the front door was voted down. (CE 5)

35. Trombley subsequently filed a request to reconfigure his

new porch back to its previous enclosed configuration and also to reinstall the fire-damaged door. The Commission met on May 12, 1994 to consider those requests. At that meeting, Trombley said he was very disappointed with the historic district process, that no one had told him why his new front door was so bad, and that other doors which may have been in violation of the Code were not pursued. He said he felt he should be able to return his porch to the enclosed configuration without approval and that no one had ever told him he would not be able to do so. He said he did not understand the Commission's reluctance to accept his storm door proposal. Commissioner Culver replied that she did not understand why Trombley did not understand. Commissioner Tyler pointed out that the porch could not be restored to its previous configuration since the foundation had been elevated. Commissioner King stated that reinstalling the earlier door would be a good solution. Commissioner Kestenbaum stated that no one had expected the situation to go to such an extreme, and he felt the Commission should establish a positive relationship with Trombley. He reiterated that the elaborate moldings on the new door gave it an overall unacceptable appearance. He stated that this was now a "no-win" situation, which he regretted. He stressed that the Commission was not there to "punish" Trombley. Kestenbaum also said he appreciated the time and money Trombley had spent on rehabilitating the property. The Commission then approved a motion to deny Trombley's request to replace the new porch with another porch which would be enclosed. The motion noted that an enclosed

porch would not need meet Interior Secretary Standards, No.s 2, 3 and 6. (CE 1, p 62; CE 5)

36. Trombley filed his appeals on May 18, 1994. (AE 1)

37. An article concerning Trombley's dispute with the Commission appeared in the Ann Arbor News on May 22, 1994. The article was sympathetic to Trombley's position. (AE 22, p 11)

C. Other Pertinent Information

38. Trombley and his family have unquestionably expended considerable time, energy, and money in order to restore the residence located at 512 W. William in Ann Arbor. Everyone agrees that they did in fact do a beautiful job. (HT 97 - 100; AE 20)

39. Trombley has received overwhelming supporting for his efforts from his neighbors and from many other persons in the community. When he posted a placard in his front yard and asked for written comments on his front door project, those comments were overwhelmingly favorable. (AE 22)

40. No fewer than 15 other houses and buildings in an around the Old West Side Historic District have front doors which include oval windows. These windows vary greatly in glass decoration and etching, as does the ornamentation on the doors themselves. (AE 3 - 17)

41. Reynold Lowe, President of Materials Unlimited, which is an antique and architectural materials business, provided a letter to Trombley indicating as follows:

In my experience, there are many examples of houses with typically plain lines that originally were built with front entrances that were more elaborate than the architectural simpli-

city of the structures in which they were used.

It is my feeling that the door with the plain beveled oval glass used as the front entrance at 512 W. William, Ann Arbor, MI is not out of character for the architecture of the structure or the surrounding neighborhood in which it is found. (AE 24)

42. Carol A. Kamm wrote on behalf of the Board of the Old West Side Association as follows:

The Board of Directors of the Old West Side Association has reviewed the records regarding the modifications to 512 W. William St. It is our opinion . . . that the commission is within its jurisdiction in its determination regarding the new front door at the above home.

Furthermore, we would like to reiterate that the board supports the process by which such modifications are approved. The OWS district ordinance was developed with input from the residents in the neighborhood, and the commission has done an excellent job of applying it with the spirit of the neighborhood in mind. The board does not support work done without approval through the appropriate channels or without proper permits. (CE 1, p 61)

#### Conclusions of Law

As previously indicated, section 5(2) of the Local Historic Districts Act, supra, allows persons aggrieved by the decisions of a commission to appeal to the Review Board. Section 5(2) also empowers the Review Board to affirm, modify, or set aside a commission's decision and, where appropriate, to order a commission to issue a certificate of appropriateness or a notice to proceed. Relief should, of course, be granted whenever a commission has exceeded its legal authority, acted in an arbitrary or capricious