

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

In the Matter of:

LOUISE DEJONG,
Applicant/Appellant

Docket No. 95-04-HP

v

GRAND RAPIDS HISTORIC PRESERVATION COMMISSION,
Respondent/Appellee.

FINAL DECISION AND ORDER

This matter involves an appeal of a decision of the Grand Rapids Historic Preservation Commission denying an application for permission to remove damaged clapboard and replace the clapboard with aluminum siding, and to perform other work associated with such removal and replacement, on a carriage house located at 504 College S.E., in the Heritage Hills Historic District of Grand Rapids, Michigan.

The State Historic Preservation Review Board (the 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 Board, an administrative hearing was held on November 10, 1994, for the purpose of receiving evidence and argument.

A Proposal for Decision was issued on December 19, 1994, and copies were mailed to all parties pursuant to section 81 of the Administrative Procedures Act, as amended, being section 24.281 of Michigan Compiled Laws.

The Board fully considered the appeal, along with the Proposal for Decision and all materials and any exceptions submitted by the parties, at its regularly

scheduled meeting conducted on Friday, February 24, 1995.

Having considered the Proposal for Decision and the official record made in this matter, the Board voted 6 to 0, with 0 abstention(s), 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 appeal be and the same is hereby granted.

IT IS FURTHER ORDERED that the appealed decision of the Grand Rapids Historic Preservation Commission is therefore set aside and, further, that the Commission shall issue a Certificate of Appropriateness to the Appellant with respect to the Appellant's application to install aluminum siding on her carriage house.

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

Dated: 24 Feb 95



David Evans, President
State Historic Preservation Review Board

Note: Section 5(2) of the Local Historic Districts Act provides that a permit applicant aggrieved by a decision of the State Historic Preservation Review Board may appeal the Board's decision to the circuit court having jurisdiction over the commission whose decision was appealed to the Board. Under section 104(1) of the Administrative Procedures Act, such appeals must be filed with the circuit court within 60 days after the date of the mailing of notice of the Final Decision and Order of the Board. In addition, MCR 2.105(G) and 7.205 may prescribe other applicable rules with respect to appeals of decisions of administrative agencies.

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STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF STATE
HEARINGS DIVISION

In the Matter of:

LOUISE DEJONG,
Applicant/Appellant

Docket No. 95-04-HP

V

GRAND RAPIDS HISTORIC PRESERVATION COMMISSION,
Respondent/Appellee.

PROPOSAL FOR DECISION

This matter involves an appeal of the decision of the Grand Rapids Historic Preservation Commission (the Commission) denying an Application for Historic Preservation Code Approval to remove damaged clapboard and replace the clapboard with aluminum siding, and to perform other work associated with such removal and replacement, on a garage located at 504 College S.E., in the Heritage Hills Historic District of Grand Rapids, Michigan. The Commission's decision was issued on September 19, 1994.

This appeal was filed under section 5(2) of the Local Historic Districts Act (the Act).¹ Section 5(2) provides that a person who is aggrieved by a decision of an historic district commission may appeal the decision to the Michigan Department of State, State Historic Preservation Review Board (the Board).

¹ 1970 PA 169, §5, as amended by 1992 PA 96; MCL 399.5; MSA 5.3407(5).

Upon receipt of the appeal, the Board directed the Michigan Department of State, Hearings Division, to convene an administrative hearing for the purpose of taking relevant evidence and considering arguments. The Hearings Division conducted a hearing on November 10, 1994, in Hearing Room No. 121, the Mutual Building, 208 N. Capitol Avenue, Lansing, Michigan 48918. The hearing was held pursuant to the procedures prescribed in Chapter 4 of the Administrative Procedures Act² and also in the Michigan Administrative Code.³

Louise DeJong, the Appellant property owner, appeared on her own behalf. Michael J. Page, staffperson, and James O'Connor, commissioner, appeared on behalf of the Commission. Kristine Wilson, Environmental Review Coordinator, Bureau of History, appeared as an observer/representative on behalf of the Board. Gary W. Brasseur, Administrative Law Examiner, Michigan Department of State, Hearings Division, presided at the hearing.

Issues on Appeal

On October 5, 1993, Louise DeJong filed an initial application for an Historic Preservation Code Approval with the Commission. The Commission denied her first application on October 20, 1993, for the reason that the application did not meet the Commission's written policy for artificial siding and because the water damage could be corrected/repared by the installation of a gutter/downspout system on both properties. The denial was appealed to the Board on December 16, 1993. On March 24, 1994, a

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

³ 1979 AC, R 11.1 et seq.

hearing was convened. However, following submission of evidence, the hearing was recessed to afford the parties an opportunity to negotiate a settlement. Ms. DeJong submitted a written withdrawal of that appeal on April 5, 1994. An Order of Dismissal was entered on April 21, 1994.

In the instant appeal dated September 23, 1994, Ms. DeJong asserts that she agreed to cover the entire east side of the garage with aluminum siding; however, she believes that the Commission's requirement that the damaged clapboard be replaced with new clapboard before covering the surface of her garage with aluminum siding, instead of permitting replacement of the clapboard with plywood sheeting before covering the exterior surface with aluminum siding, reflects both an unreasonable attitude and an improper application of historic preservation standards. As stated in her first appeal in December of 1993, Ms. DeJong believes the Commission's demands to be frivolous and very costly to her. She indicates that she has worked on her Heritage Hill home for 20 years and hopes to live there after she retires. She states that the attitude of the Commission will force good residents to leave.

In denying the application, the Commission asserts that the critical issue is whether Ms. DeJong is prepared to repair the clapboard siding at issue prior to covering the entire east side of her carriage house with aluminum siding. The Commission does not object to the aluminum siding. However, the Commission opposes Ms. DeJong's plan to repair the water damaged clapboard by replacing it with plywood siding rather than with new clapboard.

Summary of Evidence

Section 5(2) of the Act, supra, provides that an appellant may submit all or part of her evidence and arguments in written form. At the initial hearing conducted on March 24, 1994, 25 commission exhibits and 16 appellant exhibits were received into evidence. A composite of all documents received at that time was re-marked as a single exhibit for identification purposes and re-received into evidence at the hearing held on November 10, 1994. Some of the documents submitted by the Commission and the Appellant were exact duplicates. One additional document was also offered by the Commission, i.e., a publication entitled, The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings. The documents submitted with the Appellant's September 23, 1994 appeal were also received into evidence.

The Appellant's exhibits include: a request for appeal by letter dated December 13, 1993; Notice of Denial dated October 28, 1993; relevant minutes of the Commission meeting held on October 20, 1993; a Notice of Tabled Application dated October 15, 1993; an Application for Historic Preservation Code Approval dated October 5, 1993; and eleven photographs. The additional documents submitted with Appellant's appeal and received on November 10, 1994 include: Appellant's request for appeal dated September 23, 1994; a Notice of Denial dated September 19, 1994; and an Application for Historic Preservation Code Approval dated August 29, 1994.

In her current appeal, the Appellant states that she withdrew her prior appeal because it appeared that the Commission was willing to

work out a reasonable solution concerning the installation of siding to be applied to the east side of her 5-1/2 stall garage. Appellant states that she and her contractor, Greg Bryan, proposed putting aluminum siding only on the lower half of the garage, which was not visible beyond the garage next door, some 27 inches away. When the Commission rejected that proposal, the Appellant agreed to cover the entire surface with aluminum siding. Appellant states further that it is the Commission's insistence to have damaged clapboard with new clapboard siding before covering the surface of the garage with aluminum siding, that she finds to be unreasonable and an improper application of the standards.

The eleven photographs submitted by Appellant present views of the building from various perspectives. Exhibits 11, 12, 13 and 16 - particularly exhibit 16 - demonstrate the proximity of the Appellant's carriage house to the next door neighbor's garage. Exhibits 14, 15 and 16 - and particularly exhibits 14 and 15 - illustrate the severity of the water damage to the existing clapboard siding. Exhibit 16 portrays that the damaged clapboard is essentially confined to the area below the roof line of the neighbor's garage.

In her opening statement, the Appellant indicated that she feels her appeal only concerns the nature of the material to be installed underneath the new aluminum siding. Ms. DeJong began her testimony with a restatement of her belief that the Commission has displayed an unreasonable attitude in denying her application. She testified further that her contractor first suggested using treated plywood

as an underlay, before installing aluminum siding on the exterior surface. No one has yet suggested how to handle the water runoff problem emanating from the neighbor's garage. The distance between the wall of DeJong's garage and the wall of the adjacent building is only 27 inches. Ms. DeJong stated that studs underneath the damaged surface need repair. Treatment of the studs is more important than what is placed on the walls. It is crucial to ensure that the carriage house does not fall down. She does not want to throw good money away for something that is going to be covered-up and no longer visible to passers-by.

Ms. DeJong also testified in response to questions by Mr. O'Connor. She acknowledged she does not have an estimate of the cost to replace the wood siding with wood. However, the estimate for aluminum siding is \$2000. It is her opinion that the cost for new clapboard would be at least double that amount. Ms. DeJong further maintained that if the damaged siding had to be replaced with clapboard, the entire wall would have to be replaced. The siding would not look nice if it were replaced with a dab here and there. The area above the roof line of the neighbor's garage is not damaged.

Ms. DeJong made some inquiries about installation of a gutter on the neighbor's garage. There is no place for water to runoff from the neighbor's building. The response to her inquiry about installing a gutter was not positive. The business that is run out of the adjacent building is not doing well.

DeJong also pointed out that her carriage house is structurally unsound and is out of plumb. However, she does not think her building is in immediate danger of collapsing. She continues to park vehicles in the carriage house.

Ms. DeJong testified further in response to questions posed by Ms. Wilson. It is DeJong's understanding that repair of the studs would be accomplished by putting new studs along the sides of the old studs. The studs are not exposed on the inside of the building. Repairing the studs would be done from the outside. Ms. DeJong does not know the number of existing studs that would have to be supported by new studs. She is relying on the contractor who examined her garage. She notes that he also performs building inspections for HUD and FHA. The contractor recommended removing the damaged siding, installing plywood sheeting, and then covering the entire wall with aluminum siding.

In the October 28, 1993 Notice of Denial, the Commission stated that the application to install aluminum siding on the east side of the garage was denied because the proposal did not meet the Commission's written policy for artificial siding and because the water damage could be corrected/repared by the installation of a gutter/downspout system to DeJong's property and the garage next door.

In the September 19, 1994 Notice of Denial, the Commission stated that the application is denied for the reason that the Commission would like further information from the Hearing Officer, and the Applicant indicated that she needs a decision to obtain the

information. The principal issue concerns whether and how Ms. DeJong may repair the clapboard siding underneath and cover the entire east side with aluminum siding.

The Commission's exhibits include: an Application for Historic Preservation Code Approval of October 5, 1993; Historic Preservation Commission Minutes - 10/06/93; a decision to table the application for site inspection by Commission members October 15, 1993; Historic Preservation Commission Minutes - 10/20/93, a Notice of Denial, dated October 28, 1993; a letter to Louise DeJong from Michael J. Page, staffperson, regarding an appeal dated November 10, 1993; 16 photographs depicting various views of the building; the Grand Rapids Historic Preservation Commission Policy on Artificial Siding and Trim, City of Grand Rapids Instructions to Applicants, Chapter 68 Historic Preservation Commission; and The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Commission exhibit 2, the minutes from a Commission meeting held on 10/06/93, includes an agenda item to add aluminum siding to the east side of the garage at 504 College S.E. to prevent further water damage. The entry reports that the application was tabled pending a site inspection by the Commission members. Commission exhibit 4, the minutes from a Commission meeting held on 10/20/93, includes an agenda item for 504 College S.E. Commission photo exhibits 11, 12, 14, 16 and 17 illustrate the contrast between the garage's east wall and the adjacent walls. Commission photo exhibits 13 and 14, and to a lesser extent 16, illustrate the

extent of the damage to the east wall of the structure. Commission photo exhibit 22 shows a south elevation of the carriage house, including clapboard siding.

In an opening statement on behalf of the Commission, Commissioner James O'Connor stated that the Commission could approve installation of aluminum siding if the project were done properly. He said Commission's concern is that the clapboard underneath the aluminum siding be repaired or replaced. Mr. O'Connor testified that the issue is whether the damaged clapboard should be repaired and replaced with new clapboard. The Commission discussed the matter at considerable length prior to and during its last meeting. The Commission relied on a number of documentary sources, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (particularly Standards Nos. 2 and 6) in making its decision. The Commission also relied upon the recommendations for siding and finishes. There was a consensus that there could be an exception allowing aluminum siding in this case if the clapboard were repaired or replaced. The Commission felt it had found ample support for its position in the federal and local guidelines.

Mr. O'Connor testified further in response to questions by Ms. DeJong. He did not specify the size of the gutters that would be required to handle the water run off from a large 5-1/2 stall garage. He recommended installing gutters along the carriage house roof line and along the roof line of the neighbor's adjoining

garage. Without installation of a gutter on the neighbor's garage, water runoff will continue to be a problem.

Michael Page also testified. He made a brief statement that the Commission has considered all that it needed to consider in making a decision under the ordinance and state enabling legislation. He said, specifically, that the Commission had relied upon the three standards that appear on page 6 and on the recommended methods as set forth on pages 16 through 18 of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Mr. Page also testified in response to questions from Ms. DeJong. He said he had no idea when Ms. DeJong's carriage house and/or the adjacent garage were constructed or who approved the construction of the small, upper-level portion of the garage.

Findings of Fact

Based upon the evidence submitted at the November 10, 1994 hearing, the facts of this matter are found to be as follows:

A. Background Information

1. The garage (carriage house) located at 504 College Street S.E. is a two-story, frame structure, with two of the exterior walls (west and north) covered with aluminum siding and two of the exterior walls (east and south) covered with wooden clapboard. All of the exterior sides of the main house at 504 College S.E. are covered with aluminum siding. The garage is situated in the rear portion of the lot facing College S.E. Approximately two-thirds of the garage is visible when facing the structure from College S.E.,

as the remaining portion of the garage is blocked from view by the main house. 504 College S.E. The structure can hold up to five vehicles, i.e., it contains 5-1/2 stalls. Two of the stalls are accessible through separate doors facing west, while the other stalls are accessible from three doors which face north.

2. The east wall of the carriage house has been extensively damaged by water below the roof line of the neighbor's garage. The distance between the wall of the carriage house and the adjacent garage, which is a one-story structure, is approximately two feet. Due to the closeness visibility of the east wall of the carriage house is quite limited. The distance between the most easterly portion of the roof of the neighbor's garage and the east wall of the carriage house is less than one foot. The height of the roof line of the neighbor's garage is approximately eight feet. Significant damage to the east side of the carriage house was caused by water falling from the roof of the carriage house onto the roof of the neighbor's garage together with the water runoff from the roof of that structure. The east wall of the carriage house above the roof line of the neighbor's garage has little or no damage. Similarly, the south elevation of the garage has little or no damage to its clapboard siding.

3. DeJong unsuccessfully tried to secure installation of gutters on the neighbor's garage to control the water runoff from that structure on to the lower portion of the east wall of her carriage house.

B. The Heritage Hill Historic District

4. The Heritage Hill Historic District was established by ordinance on April 24, 1973. The ordinance was amended July 16, 1991. The entire district is subject to regulations which also appear in Chapter 68 of the Grand Rapids City Code.

5. The residence and carriage house at 504 College S.E are located within the Heritage Hill Historic District.

C. Applications for Historic Preservation Code Approval

6. Louise DeJong submitted two Applications for Historic Preservation Code Approval seeking permission from the Commission to repair the east wall of the carriage house at 504 College S.E. and to cover that wall with aluminum siding. Her first application, which she filed in October of 1993, was denied by the Commission for the stated reasons that her proposal did not meet the Commission's written policy for artificial siding and because the water damage could be corrected/repared by the installation of a gutter/ downspout system to both properties. DeJong appealed the Commission's denial to the Board and later withdrew her appeal in an attempt to settle her dispute with the Commission on an informal basis. Unfortunately, a settlement could not be reached; therefore DeJong filed another application with the Commission. DeJong's second application was denied by the Commission for the stated reason that the Commission lacked adequate information and DeJong indicated she needed a decision to obtain the information.

D. Repairs and Installation of a Gutter/Downspout System

7. Repair of the east wall of the carriage house requires removal of the damaged clapboard below a point across from the roof line of the adjacent garage and the installation of new studs as required to support the east wall. The new studs would be attached to the existing studs, which would not be removed. The number of new studs to be installed cannot be determined until the exterior clapboard is removed, thereby exposing the existing studs for evaluation of the extent of the water damage.

8. After installing new studs as required, there are three alternatives for treatment of the east wall of the carriage house. The alternatives are as follows: 1) the water damaged portion and any other ruined portion of the exterior surface could be replaced with clapboard comparable to the undamaged clapboard, 2) the water damaged portion of the exterior surface could be replaced with clapboard comparable to the undamaged clapboard and then the entire surface could be covered with aluminum siding, or 3) the water damaged portion of the exterior surface could be replaced with treated plywood or some other suitable material and then covered with aluminum siding.

9. The cost for completion of repairs under alternatives 1 and 2 has not been determined or even estimated. The cost of completing repairs under alternative 3 would be about \$2000.

10. Without installing gutter/downspout systems on both the carriage house and the adjacent neighbor's garage, water will continue to splash against the east wall of the carriage house

below the roof line of the neighbor's garage. Aluminum siding would withstand the effects of water runoff better than wood.

Conclusions of Law

As previously indicated, section 5(2) of the Local Historic Districts Act, supra, allows persons aggrieved by a decision of a commission to appeal to the State board. Section 5(2) also provides that the Board may affirm, modify, or set aside a commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed. Relief should be granted whenever a commission has acted in an arbitrary or capricious manner, exceeded its legal authority, or committed some other substantial or material error of law. Conversely, whenever a commission has achieved an appropriate decision, relief should not be granted.

The Appellant has argued two grounds in support of her appeal regarding the Commission's denial of her most recent application.

A. Following Historic Preservation Standards/Guidelines

Appellant's first argument is that the Commission's requirement that the damaged clapboard be replaced with new clapboard before covering the surface of the carriage house with aluminum siding, instead of permitting replacement of the clapboard with plywood sheeting, reflects an unreasonable attitude and as well an improper application of historic preservation standards and that the Commission's demand is frivolous and would be very costly to her.

In the instant case, the Commission has relied upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for

Rehabilitation of Historic Buildings, and the Grand Rapids Historic Preservation Commission Policy on Artificial Siding and Trim, to support its decision.

The Commission specifically relied upon No. 2 and No. 6 of the Secretary of the Interior's Standards for Rehabilitation. The introduction to the Standards, and Standard No. 2 and No. 6, provide as follows:

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

* * *

(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.

* * *

(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.

The Commission has also relied upon its own Policy on Artificial Siding and Trim governing properties located in historic districts in the City of Grand Rapids. The Policy provides in pertinent part as follows:

Purpose

In any case where artificial siding is proposed for use by a property owner or building contractor, the following items are

required as part of the application for certificate:

- A) The property owner shall be required to submit a signed letter stating, in detail, the intent and scope of the proposed artificial siding and trim installation. Such a letter is also to include the identification of any deterioration occurring to the existing building. The cause and extent of this deterioration must be clearly stated.

- B) The property owner or building contractor shall submit a detailed written description, (including drawing and photos), of exactly how all of the proposed artificial siding and trim is to be installed. Material and color samples shall be submitted with this written description.

* * *

The following conditions of installation shall be met by all proposals to install artificial siding or trim:

- 1) All existing deterioration and its causes, shall be repaired prior to the installation of artificial siding or trim.

- 2) Any installation of artificial siding shall simulate the appearance of the existing building material it is intended to cover. This simulation shall take into account the size, shape, color, texture and linear direction of the existing building material.
 - a. When covering existing clapboard siding with artificial siding, the difference between the exposed width of an artificial clapboard, and the exposed width of an existing clapboard, shall be less than one (1) inch. Also, this artificial siding shall be installed in such a

manner as not to create any vertical seams between sections of the artificial siding.

* * *

- 4) To avoid the creation of an exterior vapor barrier, the following guidelines shall be followed:
 - a. All artificial siding and trim shall be properly ventilated, through the use of a weep holes or other approved means.

Although the Commission did not state that it relied upon specific Secretary of Interior's Standards for Rehabilitation, other than Standards Nos. 2 and 6, it is evident that the Commission was also cognizant of Standard No. 10 when it required the Appellant to replace the damaged clapboard with new clapboard before installing aluminum siding. Standard No. 10 provides:

(10) Wherever possible, new additional or alterations to structures shall be done in such a manner that if such addition were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

The evidence in the hearing record establishes that the Appellant did not fully comply with all of the application requirements as prescribed in paragraphs A and B of the Policy on Artificial Siding and Trim. Notwithstanding the Appellant's failure to fully comply, the Commission still considered and processed her application. The evidence submitted at the administrative hearing further establishes that the Commission eventually reached a consensus, although the Commission did not expressly concede the fact, that it was appropriate to grant a exception to the Secretary of the

Interior's Standards and permit installation of aluminum siding so long as the Applicant replaced the clapboard with new clapboard before covering the east wall with aluminum.

The Commission has represented that the Secretary of the Interior's Standards and the Commission's Policy on Artificial Siding and Trim were considered and applied concomitantly and properly. The Secretary's Standards and the Commission's Policy are neither incompatible nor mutually exclusive; however, whereas the Secretary's Standards Nos. 2, 6 and 10 are broad and general, the Commission's Policy on Artificial Siding and Trim is quite specific.

In that regard, the Policy on Artificial Siding and Trim specifically requires that any installation of artificial siding shall simulate the appearance of the existing material it is intended to cover. Additional specific requirements are also stated within the policy. For example, the focus of the Policy with respect to the materials to be used in conjunction with artificial siding, is to avoid creation of an exterior vapor barrier. However, nowhere in the Policy is there a provision which requires the replacement of original material with the same material before installation of artificial siding. While there is some authority under federal Standard No. 10 to support the requirement that new clapboard be installed as an underlay so that if the aluminum siding were to be removed in the future, the essential form and integrity of the structure would be unimpaired, there is no similar provision within the Commission's Policy which

would require any applicant to replace original clapboard with new clapboard before covering an exterior surface with aluminum siding.

B. Installation of a Gutter/Downspout System.

Appellant's second argument is that she has no control over the installation of a gutter/downspout system on the adjacent property, and without such a system replacement of the water damaged clapboard with new clapboard will again result in water damage to the east wall of the carriage house, thereby damaging whatever material is underneath. The water damage to Appellant's carriage house is essentially confined to the east wall below the roof line of the neighbor's garage. Installing a gutter/downspout system on the Appellant's carriage house would reduce some of the total water falling onto the neighbor's garage which in turn is then diverted onto the east wall of her garage, however, unless a gutter/downspout system is installed on Appellant's building and the neighbor's building water will continue to runoff onto the east wall of her building. Installing aluminum siding does not solve the water runoff problem. Installing aluminum siding minimizes the damage from the water runoff.

Given all of the above, there are six factors which establish that the proposal to use aluminum and plywood was reasonable. First, this case involves existing water damage to the east wall of the carriage house. Second, two walls of the carriage house are presently covered with aluminum siding, and the main house at 504 College S.E. is also covered with aluminum. Third, while there has been no determination of the cost to replace the damaged clapboard with new clapboard, and while there is only minimal authority to support the Commission's decision under Standard No. 10 of the


Appellant's carriage house and the neighbor's garage, and the installation of a gutter/downspout system on both properties is not within the Appellant's control. Fourth, covering the surface with aluminum siding is the only way to minimize the water damage until a gutter/downspout system can be installed on both properties.

In view of the discussion set forth above, it must be concluded that the Appellant's proposal has merit and should have been approved as reasonable under the applicable preservation laws. It is therefore concluded that the Commission erred when it denied the Appellant's second application.

Recommendation

Having determined that the Commission erred by rejecting the Appellant's application, it is recommended that the decision on appeal in this case be set aside.

Dated: December 16, 1994


Gary W. Brasseur
Presiding Officer