



Rochester Hills

Minutes

Historic Districts Commission

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Home Page:
www.rochesterhills.org

Chairperson Jason Thompson, Vice Chairperson Julie Granthen

Members: Darlene Janulis, Kelly Lyons, Susan McKinnon, Steve Reina,

Dr. Richard Stamps, Tom Stephens, Charles Tischer

Wednesday, August 15, 2018

6:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Vice-Chairperson Granthen called the Special Meeting to order at 6:00 p.m. in the Auditorium.

ROLL CALL

Present 7 - Julie Granthen, Kelly Lyons, Susan McKinnon, Steve Reina, Richard Stamps, Tom Stephens and Charles Tischer

Absent 2 - Darlene Janulis and Jason Thompson

*Also Present: Kristen Kapelanski, Manager of Planning
Kristine Kidorf, Kidorf Preservation Consulting
Sandi DiSipio, Recording Secretary*

COMMUNICATIONS

No communications were brought forward.

PUBLIC COMMENT for Items not on the Agenda

No public comments were heard on non-agenda items.

UNFINISHED BUSINESS

[2018-0322](#)

FILE HDC #18-014

Request: Certificate of Appropriateness - Replacement of the fence on the east edge of the property

Location: 1812 Rochester Road

Parcel: 15-22-451-035

Owner: Stanley H. Finsilver

(Reference: Staff Report dated August 10, 2018, prepared by Kristine Kidorf, Kidorf Preservation Consulting, and associated documents were placed on file in the Planning and Economic Development Department and by reference becomes part of the record thereof.)

Ms. Kidorf summarized what occurred at the previous meeting which led to the scheduling of tonight's special meeting. At last week's meeting, the Commission considered an application that involved fencing on the south side of the lot, new playground equipment on the south side lawn, and two new doors

on the north side of the building. The Commission approved a 6 foot tall vinyl privacy fence along the south lot line of the property, replacement of the playground equipment as proposed, and the installation of the two new doors in the addition as proposed, and asked the applicant to come back with some renderings showing both the proposed vinyl picket and privacy fence along the east lot line of the property. The applicant has provided this information, and is included in the packet information. The first rendering in the packet shows the existing fence, the second rendering is Option #2 or Option #3, and the third photo is the applicant's preferred - Option #1, and the last page shows Option #1 with a red line indicating the height of the existing fence.

Ms. Granthen asked if she's correct - that Option #1 would not meet the Department of Interior Standards, to which Ms. Kidorf indicated that is her recommendation.

Mr. Stan Finsilver, the property owner, came forward and introduced himself. He was not at last week's meeting, but was represented by his son. He commented the Commission understands what the applicant would like to do and before he goes into a discussion about the preferred option and to save time, he would like to know where the members wound up and maybe everyone is on the same page. If not, he would be happy to review the renderings he submitted.

Mr. Reina asked the property owner if Option #1 is his preferred option, and the reasons why.

Mr. Finsilver clarified he would like the 6 foot high total privacy fence. From an aesthetic standpoint, as the building owner, he think it highlights the front of the building because it's a solid fence and brings out the railing on the front of the house and focuses your view that way. He likes the solid fence a lot better than the picket fence, and feels the picket fence is too busy. From the perspective of his new occupants, it's all about security; children not being able to climb over the fence, people not being able to see in, and Rochester Road being a very busy road. He really thinks it's a safety thing from the standpoint of height and visibility.

Mr. Reina asked if the fence in question faces Rochester Road.

Mr. Finsilver explained this 35 feet of fence would be parallel to Rochester Road.

Mr. Tischer asked Mr. Finsilver if he is a new owner of the building, or has he owned the building.

Mr. Finsilver indicated he built the building - he appeared before the Board back in the 80's for the addition.

Mr. Tischer believes the tenants said last week that they weren't aware that part of the building was historic.

Mr. Finsilver explained when he first started down the path, he was told the

building was historic and the property wasn't - and that he didn't need certain permits, including a fence permit. In all the years he's been involved in this, he knew the existing building was historic, but he didn't know that anything else was.

Dr. Stamps thanked the property owner for maintaining one of the jewels of the City, and putting up with perhaps some of the hassles of having one of the jewels in the City's crown. He indicated he was on the Commission when the request to put up the first fence came before them, and there was quite a discussion with Mr. John Dziurman, a former Commissioner and well known architectural historian. Mr. Dziurman really made the point that a picket fence would be OK because it fits the ambiance or setting, and contributes to the structure itself. There was lengthy discussion about the picket fence versus a solid fence, and came up with the picket fence. Dr. Stamps prefers the picket fence as it does a better job of highlighting the banister and facade on the front of the building. As far as privacy is concerned that someone walking along the sidewalk would look through the fence at the kids playing -- he doesn't get that.

Mr. Finsilver explains it's not so much the pedophile walking down the street as it is an estranged family member who wants to see his child and climb over the fence and take him. It's sometimes more the personal thing. If you have a picket fence, you can see inside, where the kids are and what's going on. We deal with that elsewhere; it's different than this particular issue, although it lends itself the same. He remembers when he bought the property, he removed all the bushes that hadn't been trimmed, and received a ticket for removing landscaping and having the building being exposed. Then he came in and got it approved. At the end of the day, a fence is a fence, and the reason the tenants are putting up the fence is for privacy and security. To him, the solid fence works better. This is an historic house that has vinyl siding and vinyl windows, it's not an old stone mansion. He's trying to tie it all together. If there's too much objection to the plain fence, he will put some arborvitae up and break it down a bit. The fence is really for security and is hoping the vision doesn't hurt.

Dr. Stamps wondered if the slats could be placed closer together, so if someone wanted to peak in, they would have to walk up to the fence and look through with one eye. For someone to steal kids, they would still have to climb over a 6 foot fence if they saw them.

Mr. Finsilver explained it's called a snatch and grab by the police departments. It's just not petty theft, it's a real issue.

Dr. Stamps said it's not a real "snatch" - it's a climb over a 6 foot fence, grab someone - and then how are they going to get them over the fence -- drop them?

Mr. Finsilver said they find out where the kids are - even if it's in a building - that's why the doors are locked in schools now and there is no glass so you can't see in. There's all kinds of different issues. He doesn't want to make this sound like there will be armed guards here; it's just a means of being able to deter an issue that may come up.

Ms. Lyons appreciates the applicant putting together multiple pictures to show

the different perspectives. These perspectives really help the Commission see the difference between the two options, as well as the setback and how far the fence is set back from the corner of the house. She agrees that in keeping with the Secretary of Interior Standards, it should be a picket fence. At the last meeting, she had asked the applicant to provide 4 - 5 - and 6 foot images, which was not done. But, at the same time, seeing the picket fence at the 6 foot height with the little setback from the corner of the house really helps her to visualize it. She is OK with the 6 foot fence, where she wasn't before based on the information provided at the last meeting. The Rochester public schools, including where they have pre-schools in their program, have permeable chain-link fences that are 4 feet tall. She understands the security issues as she works on a K-12 campus. She understands those concerns, but the Commission's sworn oath is to maintain the Secretary of Interior Standards, and despite her reservations last week about the 6 foot height, she would be OK with the 6 foot picket fence.

Ms. McKinnon said that without the constraints the Board might have based on rules for this kind of property, personally she would rather see the solid fence. She was at the property today; right next door it's all commercial and there is a lot of traffic. There aren't pedestrians walking around unless it's some strange person which is what we are concerned about. She prefers the solid fence for security and privacy. However, if the Board has guidelines that must be followed because of the property, she will go along with that.

Mr. Tischer said regardless of what type of fence goes in, as the Commission will come to a resolution tonight, the tenants can go ahead with their permits and open on the first day. Mr. Tischer commented if the Board approves a picket fence, the applicant could put landscaping in or extend the existing shrubbery over a bit more.

Mr. Finsilver indicated if he can put arborvitae in front of a solid fence, he can put in front of a picket fence, although there's not a lot of room. He indicated there were many conversations about this project, but doesn't think there was a request for any more landscaping - he thinks he was told he has enough landscaping, but can look into it.

Mr. Reina agrees with Ms. McKinnon and Mr. Tischer, and thanked the applicants for their concern about our other jewels, the children of the community, and their welfare, security and protection. These concerns are legitimate concerns for the Commission and feels it's legitimate for us to take this into consideration. He is in no way convinced that the solid fencing proposed does any great damage to the overall aesthetic nature of the property, and if he had to choose between an aesthetic concern and something that is going to improve and help guarantee the welfare and security of the children, for him - it's no contest. The children have to win every time. He thanked the applicants for coming back and showing the passion to protect children. He will vote so that the applicant's actions are rewarded with success.

Ms. Granthen commented the applicant indicated he might do something different to the solid fence, and asked if that would be in keeping with the Department of Interior Standards, or would the picket fence still be the best

option for the Standards.

Ms. Kidorf said planting arborvitae in front of the solid fence would lessen the mass of the fence. It's not necessarily a hard and fast rule, it's just that the solid fence presents really a solid wall that blocks the view of the side of the historic building - so it's just a bigger mass. If you soften that with some arborvitae, that might be a good compromise, although it may be hard to grow the arborvitae there because of the large tree, so she's not sure how much you can really add, but it's certainly an option. It would also provide a place for someone to hide. She's not sure if that's a good idea if we're trying to achieve the safety of the children - she's not sure adding that landscaping is beneficial.

Mr. Sproat thanked the Board for reconvening so quickly and commented that Dr. Stamps was talking about the width and length of the picket. If we're going to lessen the width of the picket and call it an 1-1/2 inch or a 2 inch gap - aren't we creating essentially a privacy fence that would be completely enclosed anyway? An inch isn't really that much to see through. The fence that was in place was more of a dog eared style picket fence. If he were to do a dog eared style picket fence that had a 1/2 inch gap - would that satisfy the picket fence needs of the Commission? Mr. Finsilver asked if they would be able to get this type of fence within a week. The tenants replied it would have to be a special order, and they don't feel a 2 inch gap is safe for the kids either. Mrs. Sproat believes one consistent fencing looks nicer; the south side fence was installed this week and looks wonderful. She said the large play structure is being installed, so the fence does the view of that and still draws your attention to the building, rather than everyone seeing the play structure.

Ms. Lyons asked what the gap is on the proposed picket fence. Mr. Sproat answered 3 inches. By law, it has to be less than 3-1/2 apart.

Dr. Stamps said the reason for the picket fence initially was - we're trying to put this building into the surrounding that it traditionally would have had. It fits in with the picket fence and doesn't fit in with a solid fence. If we can lessen the space, perhaps you could maintain the ambiance of the picket fence, but decrease the possibility of someone peeking in. He is leaning towards the picket fence. When you look at the sample motion, it says the replacement of the fence on the east side of the south lawn is or is not in keeping with the Secretary of Interior Standards for Rehabilitation and Guidelines - it really fits the historic integrity of the property, the environment - it fits in better as a picket fence.

Mr. Sproat said understanding the historical aspect of the building itself, what he views as the historical aspect as he drives by it, is the architecture that's on the front of the structure, the windows, the little window in the center, and the beams. That is what he views as the historical aspect of the building. When talking about the side of the house, we've already modernized everything on the house; it's vinyl siding and has air conditioning. The draw for the features should be toward the front of the house and not so much toward the south side of the house.

Ms. Lyons asked if the Secretary of Interior Standards are for basically the street view of the property. Ms. Kidorf explained it's for the entire property, so

all character defining features of the property need to be considered. In that respect, Ms. Lyons thinks that the proposal to add the fence, which wasn't originally there, was determined that it was in keeping with the historic nature of a very prominent home that sat pretty close to the street, and did make a statement. That is what the Commission is trying to maintain - the quality. By approving the 6 foot fence that abuts into the other 6 foot fence, she thinks we maintain that. The side right up against the parking lot - you can tell that the fence is contributing to the look of what you see there, as opposed to the fence along the drop off and the parking lot. She is prepared to offer a motion.

Dr. Stamps commented the applicants are creating memories for the kids. Years from now they're going to drive down the street and say - see that classical building? I went to school there. The image of the building will be in their mind. He feels we falsify the image by putting a solid fence right across. His personal preference would be to take the fence and move it back 20 feet, but is not proposing that because it would take away some of the play area. But if we really wanted to make it look proper, that's what we would do, but we've already mellowed and moved it out further than it should have been, and went with a picket instead of a solid. He's leaning towards the picket fence.

Mr. Finsilver said as long as the fence is 6 feet, and he believes the members know he prefers the solid, he guesses if he was the before the Board today doing what he did to that house, it would not have vinyl siding on it. It would have had to meet the Standards, and he would have scrapped the deal, because it would have never worked. The only way to save the house was to vinylize it. There are already some things that have been done to the house - that's why he tried to copy the front decking and astricles - the columns are the old columns and had to be fixed, which was not easy. Some of the details are not there, because they never were there, and there's no way to replace them. Mr. Finsilver said he wants to leave here tonight with a 6 foot fence - they would prefer that it be as secure as possible, but leaves the decision up to the Commission.

MOTION by Lyons, seconded by Tischer, in the matter of File HDC 18-014 - the south lawn east side fence - that the Historic District Commission **APPROVES** the request for a Certificate of Appropriateness for the replacement of the fence as proposed for the single-resource historic district located at 1812 S. Rochester Road, Parcel Identification Number 15-22-451-035, with the following findings and conditions:

Findings:

- 1. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence will not impact or alter the contributing resource on the property.*
- 2. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence appears to be compatible in mass, height, scale and design features with the existing resources in the District.*
- 3. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence is compatible with the existing structure and within the District.*

4. *The replacement of the fence on the east side of the south lawn with a 6' tall picket fence is in keeping with the Secretary of the Interior's Standard for Rehabilitation and Guidelines Numbers 9 and 10 as follows:*

9) *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.*

10) *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.*

Dr. Stamps suggested adding a condition to make the gap between the pickets as small as feasible.

Mr. Reina asked if the mover and seconder of the motion would entertain this friendly amendment.

Ms. Lyons would like to have discussion on this.

Mr. Reina then explained what Dr. Stamps is saying is that it would be a picket fence but it would be placed as narrowly as possible. Once a friendly amendment is proposed, the moving parties either agree or don't.

Ms. Lyons asked Dr. Stamps to elaborate on what he means by as narrow as possible.

Mr. Finsilver explained the tenants have to buy whatever's available at this point, so they are going to get a picket fence that has the least possible gap - if it's 1", 2" -- it's going to be less than 3-1/2". So they will buy the least open picket fence as possible.

Mr. Tischer said in his mind, in this motion we're not specifying the gap -- we are just saying a picket fence, not specifying if it's a 1 inch or a 2 inch. The tenants know it has to be less than 3-1/2". He's not sure if the friendly amendment is necessary.

Mr. Reina indicated the only reason he's asking is because it's going to determine how he's going to vote on the issue.

Mr. Tischer understands that - the way he's reading this we're not specifying a certain gap between each picket.

Mr. Reina guesses this reasoning would work the other way - if it doesn't make a difference, there's really no impediment to saying yes to the friendly amendment.

Ms. Lyons amended her motion with the condition that the picket fence will comply with the photographs as shown. Mr. Tischer agreed to this change.

Ms. McKinnon asked if originally there was a fence there when the house was

built. Ms. Kidorf said she doesn't know if there's any way to know if there was a fence there originally or not.

Ms. Granthen asked when the property owner came before the Commission the last time for a fence - early or late 2012 - as she's not sure she was on the board.

Mr. Finsilver explained when he appeared before the Commission for a fence in 2012, there hadn't been a fence on the property for many years - it was Mercy Care. He's trying to remember if there was a fence back in the 1980's. He believes there was one, but not a fence on the east side.

Ms. Kidorf assumes Ms. McKinnon meant if there was a fence when the house was built back in the 1840-50's. Ms. McKinnon wants it to look as much like the original as possible. Ms. Kidorf said picket fences show up in illustrations and county atlas's of houses of this nature, so it's possible it had some sort of a fence, but we don't know for sure.

Mr. Reina then suggested an proposed amendment to the motion - to allow the applicants to make a straight flat wall.

Ms. Granthen indicated this changes the nature of Ms. Lyon's motion. Mr. Reina explains what happens is once there's a motion, and once he notices his amendment, if they don't accept it as a friendly amendment, and if there's a second to the amendment, the amendment gets debated and voted on first, which yields to a discussion of the motion.

MOTION by Reina, seconded by McKinnon, that an amendment be added to the motion to allow the applicants to make a straight flat wall.

A motion was made by Reina, seconded by McKinnon, that this matter be Approved. The motion failed by the following vote:

Ayes 2 - McKinnon and Reina

Nays 5 - Granthen, Lyons, Stamps, Stephens, Tischer

Absent 2 - Janulis, Thompson

Vote on the Original Motion with the added condition:

MOTION by Lyons, seconded by Tischer, in the matter of File HDC 18-014 - the south lawn east side fence - that the Historic District Commission ***APPROVES*** the request for a Certificate of Appropriateness for the replacement of the fence as proposed for the single-resource historic district located at 1812 S. Rochester Road, Parcel Identification Number 15-22-451-035, with the following findings and conditions:

Findings:

- 1. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence will not impact or alter the contributing resource on the property.***
- 2. The replacement of the fence on the east side of the south lawn with a 6' tall***

picket fence appears to be compatible in mass, height, scale and design features with the existing resources in the District.

3. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence is compatible with the existing structure and within the District.

4. The replacement of the fence on the east side of the south lawn with a 6' tall picket fence is in keeping with the Secretary of the Interior's Standard for Rehabilitation and Guidelines Numbers 9 and 10 as follows:

9) 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.

10) 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.

Condition:

The picket fence will comply with the pictures as shown.

Mr. Finsilver asked for clarification that he's going to get a picket fence that looks like the photos, but to try and make the gap as small as possible.

Ms. Lyons said no, the motion as stated said the fence will comply "as pictured". The photograph she's referring to is the "proposed picket fence" as submitted with tonight's packet information that meets the minimum requirements of 3-1/2".

Mr. Reina said the way the motion was stated, he thought Mr. Finsilver's recitation was a fair one. And based on the motion, it's his understanding too.

Ms. Lyons said the motion was read as written in the staff report and she added an amendment to her own motion saying "as pictured". If the Chair chooses to revote on the motion, she would be open to that.

Ms. Granthen said the motion was worded clearly and the Commission has voted on it.

Ms. McKinnon asked if the width of the fencing or the spacing is up to the applicant? Mr. Reina indicated this is his understanding.

Mr. Finsilver said that's why he asked. The bottom line is this - the photo was something they pulled off the internet and stuck on renderings of a 6 foot privacy and a 6 foot picket fence so the Commission could see how it looks. He's not sure the gaps shown on the photos are less than 3-1/2" if you were to scale it. He didn't have a lot of time to put together the renderings. If the Commission is saying make it a picket fence and make it as private as you can still leaving gaps so it looks like a picket fence - he gets that. But in the photo it looks like the picket is basically the same width as the opening, and that may be 3-1/2" and won't be acceptable to the State. If he's being told to put a picket

fence up and make sure it meets code for the State, he's OK with that. He doesn't want to come back and have the photo scaled and be told it's not correct.

Mr. Reina suggested clarifying the language. Ms. Granthen said the Board has been saying less than 3-1/2 the whole discussion.

Mr. Finsilver explained if the members are saying less than 3-1/2", that's one thing. If they're saying follow what's in the photograph, he's not sure what's in the photo.

Ms. Kidorf indicated the applicant gave the Commission a fence product that they proposed to use - that's what's approved. The product they proposed meets the State guidelines.

Ms. Lyons clarified her condition to read "the picket fence will comply with the fence material as originally proposed at the August 9, 2018 meeting".

Ms. Kidorf confirmed the fence material as 72" Evolutions straight picket fence; the tenant has confirmed that this is what they are going to order, it meets the State requirements, this is what they are going to install. Everyone is on the same page.

The applicants thanked the staff and the HDC for holding the special meeting.

A motion was made by Lyons, seconded by Tischer, that this matter be Approved. The motion carried by the following vote:

Aye 6 - Granthen, Lyons, Reina, Stamps, Stephens and Tischer

Nay 1 - McKinnon

Absent 2 - Janulis and Thompson

ANY OTHER BUSINESS

Ms. Kapelanski commented the members were given yellow lanyards for their ID cards. Human Resources has asked that they be provided to all the Boards and Commissions and for you to wear them at the meetings. They're a way for emergency personnel to quickly identify who should be present and who should not. If anyone wants/needs a new badge, staff can arrange for a time to have this done. Ms. Granthen brought up the UHaul at Rochester and Tienken, and commented that a lot more trucks were out in front than the Commission had agreed on. She asked how many trucks the Board actually allowed them to have in the front. Ms. Kidorf doesn't remember exactly how many trucks were approved. Ms. Kapelanski offered to look into this issue. No other business was brought forward for discussion.

NEXT MEETING DATE

The next Regular Meeting is scheduled for September 13, 2018.

ADJOURNMENT

Hearing no further business, and upon Motion by Lyons, seconded by Stephens, the Vice-Chair adjourned the Special Meeting at 6:55 p.m.

*Julie Granthen, Vice-Chairperson
Historic Districts Commission
City of Rochester Hills*

Sandi DiSipio, Recording Secretary