



# Rochester Hills Minutes

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Home Page:  
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## Historic Districts Study Committee

*Chairperson Jason Thompson, Vice Chairperson Dr. Richard Stamps  
Members: John Dziurman, James Hannick, Peggy Schodowski,  
Sue Thomasson, LaVere Webster*

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Thursday, February 11, 2010

5:30 PM

1000 Rochester Hills Drive

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**MINUTES** of a **ROCHESTER HILLS REGULAR HISTORIC DISTRICTS STUDY COMMITTEE** meeting held at the City Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan.

### 1. CALL TO ORDER

Chairperson Thompson called the meeting to order at 5:30 PM.

### 2. ROLL CALL

**Present** 6 - Richard Stamps, John Dziurman, Jason Thompson, LaVere Webster, James Hannick and Sue Thomasson

**Absent** 1 - Peggy Schodowski

Others Present: Derek Delacourt, Deputy Director, Planning  
Judy Bialk, Recording Secretary

Chairperson Thompson stated that Ms. Schodowski had left prior notice she could not attend this meeting and was excused.

### 3. DETERMINATION OF A QUORUM

Chairperson Thompson stated for the record that a quorum was present.

### 4. ANNOUNCEMENTS / COMMUNICATIONS

Chairperson Thompson called for any announcements or communications. No announcements or communications were provided.

### 5. PUBLIC COMMENT (Non-Agenda Items)

Chairperson Thompson called for any public comments. He reminded those in attendance in the audience that if they wished to speak on any Agenda Item, they should complete a speaker's card and turn it in to the recording secretary.

**Alice Benbow, 1582 Northumberland Drive**, stated that Rochester Hills had a blight Ordinance and she saw several historically designated properties that were not being property maintained. She referred to the property located on Crooks Road that was the former site of Helen O'Neill's pottery studio, and stated the roof

was sagging. She stated the Ordinance was meant to have all property owners protect their property. She would like to see the proper protocols followed so that owners that had a historic designation on their property who were purposely ignoring the maintenance of their properties were made to maintain their properties.

Chairperson Thompson explained that property maintenance fell under the jurisdiction of the City's Historic Districts Commission. He stated the Commission was aware of the condition of the former pottery barn property and was following the Ordinance provisions. He noted the Study Committee did not have any authority over those matters.

## 6. PUBLIC HEARINGS

Chairperson Thompson explained the purpose of the Public Hearing was to take comments from the public regarding the properties listed on the Agenda. Due to the number of speaker cards submitted and the fact another meeting was scheduled for 7:00 PM in the auditorium, comments would be limited to three minutes in length. He asked that all comments be addressed to the Chairperson, and explained that any questions would be addressed at the end of the meeting. No debate would occur between the speakers and the Study Committee during the Public Hearing. He reiterated the Public Hearings were only to receive public comment on the Agenda items.

### 6A. 2005-0537 PUBLIC HEARING - FILE NO. HDSC 05-002

Location: 3976 S. Livernois Road, located on the northwest corner of Livernois Road and South Boulevard, and further identified as Parcel Number 15-33-476-02, zoned R-4 (One Family Residential).

Purpose: To receive public comment regarding a proposal to establish the subject property as a Historic District within the City of Rochester Hills, in accordance with Public Act 267 of 1976 (MCL 15.261 et seq., MSA 5.3407(3) et seq.) and the Rochester Hills Historical Preservation Ordinance, Section 118-131.

Chairperson Thompson explained the information received at this Public Hearing would be included in the Historic Districts Study Committee (HDSC) Final Report for the property commonly identified as 3976 S. Livernois Road.

Chairperson Thompson stated that 3976 S. Livernois had been studied by the Historic Districts Study Committee in accordance with the City's Historic Preservation Ordinance, and a Preliminary Report generated. The Preliminary Report was subsequently revised to include a reduced proposed Historic District. He explained the minutes from this Public Hearing would be included in the Final Report, along with all other relevant material. He noted that once the Final Report

is completed, it would be forwarded to City Council for action.

Chairperson Thompson summarized the procedure used to establish a district. He explained the duties of the Study Committee outlined in Section 118-130 of the Rochester Hills Code of Ordinances included conducting a photographic inventory of the resource; conducting basic research regarding the proposed historic district; determining the number of historical and non-historical resources within the proposed district; preparing the Preliminary Report, which included the charge of the Committee, the composition of the Committee, the boundaries of the proposed historic district, the history of the proposed historic district, the significance of the proposed district, and the Committee's recommendation to establish, modify or eliminate.

Chairperson Thompson stated the Study Committee transmitted a copy of the revised Preliminary Report for review and recommendation to the State Historic Preservation Office on December 15, 2009. No response had been received from the Preservation Office to date.

Chairperson Thompson stated that in accordance with Section 118-131 of the City's Historic Preservation Ordinance, the Public Hearing is to be held sixty (60) days after the transmittal of the revised Preliminary Report to the SHPO. The Public Hearing is held in accordance with Public Act 267 of 1976, as amended (the Open Meetings Act), which includes notice to the property owner of any proposed district no less than fourteen (14) days prior to the Public Hearing. He noted written notice was provided to the property owner of record on January 27, 2010.

Chairperson Thompson stated that notice of the Public Hearing was published in the Rochester Post on January 21, 2010, as required by Ordinance to be published one time only at least fourteen (14) days prior to the date of hearing.

Chairperson Thompson stated that in accordance with Section 118-132 of the City's Historic Preservation Ordinance, the Study Committee would prepare a Final Report with a recommendation, along with any recommendation received from the Planning Commission, to be submitted within one (1) year after holding the Public Hearing to the Mayor and City Council. He noted if the Study Committee's recommendation was to establish a district, the Final Report would include a draft Ordinance Amendment.

Chairperson Thompson noted for the record that if the Study Committee's recommendation was to establish a district, any final action on this matter would be taken by City Council.

Chairperson Thompson stated the intent of the Public Hearing was not to conduct debate or dialog between the members of the HDSC and the public, but rather to allow the public to place any comments or concerns they may have on public record to be provided to City Council. He noted the Study Committee Members would be available for questions at the conclusion of the meeting.

Chairperson Thompson opened the Public Hearing at 5:43 PM.

**Alice Benbow, 1582 Northumberland Drive**, stated she was in favor of anything that could be made historic be designated historic. She stated she had had the opportunity to travel to Europe and other countries, and had lived outside Williamsburg, Virginia and lived in Lexington, Virginia. She appreciated the arts as she had an undergraduate degree in the arts. She was in favor of having any kind of historic designation to the Stiles School and other buildings as well.

**Melinda Hill, 1481 Mill Race Road**, stated she was in favor of seeing this designated. She believed it had all the criteria to meet designation, as well as listing on the National Register. She thought the Study Committee did a good job in looking at retaining the historic portion of this school and a portion of the property versus trying to designate the whole piece. She thought schools had played a significant role in most communities and certainly has in this and this has been since 1929 an educational facility and still is today. We have one other designated district as a school and that is the Ross School on Brewster and Tienken. It was an original 1800s schoolhouse, and is a stone building that is extremely significant; however, it is still not utilized today as that type of a facility because it is now a private residence. That is why designating the Stiles School is extremely significant because it has been a part of this Community since 1929. Also, its architecture, not only exterior but the interior portion, although she knew we were only concerned with the exterior, but the interior also contains a great deal of history architecturally. She thought it was important that building be designated.

**Paul Miller, 1021 Harding**, stated he would like to speak in favor of historic designation for the Stiles School. He remembered it was not all that long ago we were concerned about perhaps losing the entire building and having new development on the property. While being a strong supporter of the Waldorf School philosophy as well as this particular school, he did encourage the Committee to support and move forward with designation and he hoped City Council agreed. As was just mentioned, in terms of the school itself, it is historic and care has been taken to delineate the historic portions as opposed to those which are not.

Chairperson Thompson asked if anyone else wished to speak on this matter. Upon hearing none, he closed the Public Hearing at 5:47 PM. He stated the Committee was pleased to receive the input.

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This matter was Discussed – Public Comment Received.

**6B. 2009-0411 PUBLIC HEARING - FILE NO. HDSC 03-003**

Location: 1585 S. Rochester Road, located on the east side of Rochester Road, north of Hamlin Road and south of Avon Road, and further identified as Parcel Number 15-23-300-001, zoned B-2 (General Business) with a Planned Unit Development (PUD) overlay.

Purpose: To receive public comment regarding a proposal to eliminate the subject property as a Historic District within the City of Rochester Hills, in accordance with Public Act 267 of 1976 (MCL 15.261 et seq., MSA 5.3407(3) et seq.) and the Rochester Hills Historical Preservation Ordinance, Section 118-131.

Chairperson Thompson explained the information received at this Public Hearing would be included in the Historic Districts Study Committee (HDSC) Final Report for the property commonly identified as 1585 S. Rochester Road.

Chairperson Thompson stated that 1585 S. Rochester Road had been studied by the Historic Districts Study Committee in accordance with the City's Historic Preservation Ordinance, and a Preliminary Report had been generated regarding the proposed elimination of the Historic District. He explained the minutes from this Public Hearing would be included in the Final Report, along with all other relevant material. He noted that once the Final Report is completed, it would be forwarded to City Council for action.

Chairperson Thompson summarized the procedure used to eliminate a district. He explained the duties of the Study Committee outlined in Section 118-134 of the Rochester Hills Code of Ordinances regarding the elimination of a District included following the procedures for issuing a Preliminary Report with the intent of showing one or more of the following: 1) Lost physical characteristics; 2) Insignificance, or 3) Defective procedure. The Preliminary Report will also contain the Committee's recommendation.

Chairperson Thompson stated the Study Committee transmitted a copy of the Preliminary Report for review and recommendation to the State Historic Preservation Office on December 15, 2009. No response had been received from the Preservation Office to date.

Chairperson Thompson stated that in accordance with Section 118-131 of the City's Historic Preservation Ordinance, the Public Hearing is to be held sixty (60) days after the transmittal of the Preliminary Report to the SHPO. The Public Hearing is held in accordance with Public Act 267 of 1976, as amended (the Open Meetings

Act), which includes notice to the property owner of any proposed district no less than fourteen (14) days prior to the Public Hearing. He noted written notice was provided to the property owner of record on January 27, 2010.

Chairperson Thompson stated that notice of the Public Hearing was published in the *Rochester Post* on January 21, 2010, as required by Ordinance to be published one time only at least fourteen (14) days prior to the date of hearing.

Chairperson Thompson stated that procedures outlined in Section 118-132 of the City's Historic Preservation Ordinance indicated the Study Committee would prepare a Final Report with a recommendation, along with any recommendation received from the Planning Commission, to be submitted within one (1) year after holding the Public Hearing to the Mayor and City Council.

Chairperson Thompson stated the intent of the Public Hearing was not to conduct debate or dialog between the members of the HDSC and the public, but rather to allow the public to place any comments or concerns they may have on public record to be provided to City Council. He noted the HDSC Members would be available for questions at the conclusion of the meeting.

Chairperson Thompson opened the Public Hearing at 5:50 PM.

**Melinda Hill, 1481 Mill Race Road**, stated she moved here in 1977 and one of the reasons was the history and charm of this area. She remembered driving Rochester Road and seeing the Eddy House and Fairview Farm with all of its outbuildings; seeing the large Ferry Seed barns and seeing other large neoclassical homes along Rochester Road. It was all a very interesting part of Avon Township's landscape and an interesting and diverse place to locate. In 1978 the Township was truly historic, distinctive and progressive. Individuals had foresight in 1978 to form the Historic Districts Commission, and the Ordinance to designate 31 out of 60-some resources as historic districts in order to preserve a little of the area's history from becoming another strip mall. In 1995 the Ordinance was enhanced to allow protection for the entire parcel rather than just 100-feet out from the resource. Unfortunately, G&V prior to the Ordinance change demolished the Eddy property outbuildings. Since the designation of the Eddy House, formerly the Fairview Farm in 1978, and G&V's purchase of the property in 1986, not much has changed about the house - the outbuildings were demolished but the house is the same except for its disrepair and demolition by neglect, which is not a reason for delisting. The Final Report, when issued to Council, needs to make a recommendation with the intent of showing that one or more of the following has happened to a designated resource for it to be delisted: Loss physical characteristics, insignificance or defective procedure. The one chosen in the Preliminary Report is insignificance. At the time this property was designated, the State Act allowed the local community more autonomy in determining what they considered to be historic and worthy of protection.

In 2002 a survey report done by Dr. Jane Busch stated that the Fairview Farm House is one of four properties in Rochester Hills in the neoclassical style. The other three properties are the 1910 Burch house located at 1812 S. Rochester Road, and one on Walton and one on John R; however, the property at 1585 S. Rochester is the second-most architecturally significant intact example of the neoclassical style. In summary, the Report at this point has said that the significance is not the same; that the way the original Study Committee thought it was. She questioned how the consultant ever knew what the original Committee thought. She knew a number of members on that original Committee and they certainly knew at that time what they were talking about. She did not believe the Report demonstrated that anything has changed since that time. In conclusion, she believed the recommendation in the Preliminary Report is both inappropriate and premature. She did not believe the conclusion met the burden of proof. She did not feel the Study Committee spent the time discussing this issue, and perhaps needs to address it further. It lacks conclusive evidence. Just because the owner has allowed the house to go into an extensive state of disrepair, does not mean it is not significant in the way it was designated. She has seen much worse rehabilitated and adaptively reused. In fact, retention and rehabilitation of the house was an important factor in the Historic Districts Commission's approval of the present Planned Unit Development (PUD) Agreement. The Final Report should recommend against delisting. The owner should be required to repair the damage and prohibit any further deterioration. Let's not undermine the foresight of our forefathers - let's not destroy our history for another strip mall - let's truly be the words on the Rochester Hills gateway sign - historic, distinctive, progressive.

**Lorraine McGoldrick, 709 S. Essex Drive**, stated she lived in Eddington Farms towards the back of the subdivision. She has always enjoyed seeing this historical house and has watched it being held in esteem in two developments. The last one was just two years ago and they were willing to pick it up, adjust it and use it for a community center. It was not in such disrepair that they could not rehabilitate it and make it something worthy to fit their planning. She was very concerned. She watched the meeting in which it was presented to the City Council to divert this process. Luckily the lawyer was present and told them there is an established policy and it was put down to here to be reviewed. There are other things that he said that she questioned. He indicated he has proof of a Five Thousand Dollar water bill to prove there was water damage inside the home. She had personal knowledge of driving into the subdivision that there was a water leak in the yard that bubbled up. She called her homeowner's association feeling like they were paying for that water just bubbling up and they assured her it wasn't theirs and that he had been contacted. Three days later when she entered the subdivision, she still saw the bubbling up water come out and tracked down the owner and personally informed him the water was leaking. The Five Thousand Dollar water bill was not an internal leak solely and she had personal knowledge of that. That made her question a lot of his intent.

She did not think the diligence to change this designation is based on probable cause of the historical nature of things but to line his pockets with money. She believed in making money on new things, but if he did not want this designation, try to sell it and establish the fair market value of it. She was sure there would be interest with it. He just wants to hold onto this and make more money and sell it to a realtor, probably a strip mall, and he will get a better value without the historic designation. She thought that was his thinking and she would hate to play victim to that or anything that might have been decide behind closed doors. He has let this property go bad. She talked with the renters that were in that location and asked if they were being asked to move because of the new PUD and they said no they were being evicted. She was very alarmed to see in January that it was all marked for demolition, all the pipes and things like that, and he is ready to go as soon as he gets the word. Seeming to think he has some type of pre-knowledge that this is the way it is going to go. That was very alarming and concerning for her. She encouraged retention of the historical designation on this piece of property.

**Alice Benbow, 1582 Northumberland Drive**, stated she thought back upon seeing the frescos in Italy and going to the DIA and seeing the work there, going to the Chicago Institute of the Arts, and just going to historic landmarks and she thought we had an obligation to keep this as historic designation and not to cause any kind of shortage in historic designated buildings for a strip mall. We owe it to future generations to come.

**Martha Black, 2408 Jackson Drive**, stated it was an honor to be on the historical committee, which she thought said it all. In Rochester Hills there was so much history and history educates and inspires. She thought "us being the keeper of the gate, we're only here for a short time to pass it on to the next generation". In such a fast-paced world, where it is "use it, abuse it, throw it away", she thought we need to slow down. When we have these historic districts and these historic homes, it gives us time to pause, to reflect and to remember where we've come and where we are and where we're going. These historic homes are so far and few between and so many are getting torn down for the almighty dollar, and she thought we were better than that. She knew we were better than that. To preserve what we have as a community uplifts everybody and makes everybody proud of what we have. Instead of tearing it down and saying it's not worth it and we need another strip mall. She encouraged the Committee to put in its recommendation to honor that heritage and to keep this home part of our Community.

**Scot Beaton, 655 Bolinger Street**, stated he was a former member of the Rochester Hills City Council, and actually worked with John back in the late 1980s on the Ordinance that put the Committee here tonight. He stated they were a terrific board and he was sure they were thankful they had heard from the residents this



evening and their hearts were close to the history in Rochester Hills. He asked if the Preliminary Report was not the Committee's report but was done by an outside consultant that had already reached a conclusion to tear down the structure. He stated the Committee was not the only victim of this, but took the winds out of the sails of a public hearing if they already made a conclusion in their Preliminary Report that the Committee wanted to remove the significance of the structure as being historic. He thought in all fairness to the process of a public hearing and the process of democracy, the Preliminary Report should not have a pre-designated conclusion. The public hearing should be first, then the Committee should review those minutes, and then should bring the minutes back and make a conclusion. The other thing he thought was of great importance was the Committee really had to understand their decision. It was mentioned that the final decision was left to City Council, but the Committee was the expert with the degrees, the credentials and the incredible knowledge of making the right decision. If the Committee makes the decision to remove this as historic significance in Rochester Hills, then the Committee will have condemned its death. There really is no way after the Committee has made its decision that a municipal's legal department can ever defend the property. Any intelligent judge in the world is going to look at your decision and not the emotions of the Rochester Hills City Council and the elected officials of saving this property or not. They would look at the Committee's report and any intelligent judge would certainly respect the Committee's report way above that crowd. He really appreciated that the Committee took serious consideration on their decision about what they wanted to do with this piece of property. If the Committee does decide the significance of this 1900 Queen Anne house was not worthy of keeping in the City and they want to remove it from the site, obviously the developer wants to tear it down tomorrow, he wanted the Committee to "please" strongly recommend that we also send a message to the City Council that the PUD is null and no good anymore. He wanted the Rochester Hills City Council to know, especially with John's history of the City, that this property was zoned single family residential and that this property should be reverted back to single family residential if this particular developer desires to tear down this house. He or she certainly has the full ability of a U.S. citizen of a capitalist "you name it" to come back before the City Council and ask for a rezoning. They asked for a brand new PUD to be written. He wanted to make sure that in the Committee's recommendation and also from the Planning Department, that because this particular property was so tied in to drafting these PUDs, to either build a strip mall or an office complex or whatever, that the Committee strongly recommend that because the Committee made the decision that this home be torn down or they made the decision to allow this home to be torn down, that the Committee also put in its report that they strongly recommend to the Rochester Hills City Council that this property be reverted to back to its original intent which was a single family residential development. Obviously they knew as well as he did that the reasons that he made to save the house and build office is you can't build a 1,800 square foot house next door to a gigantic house. You can't take this house and turn it into clubhouse for a condominium complex, it would be way too expensive for any

condominium development for its upkeep, and it could not be turned in to a funeral home, and it could not be turned into a church. He was sure he exhausted all possibilities of what to do with the house, but at least these Minutes be passed on to the Rochester Hills City Council and the Committee does make the strongest recommendation if they de-designate the house as historic, that their recommendation to the Rochester Hills City Council that the property be rezoned again single family residential.

**John Gaber, 1024 Adele Court**, stated he represented the owner of the property and was speaking on their behalf as they were out of town and could not attend the meeting. He said there were no plans to demolish the house right now. This house is covered by a PUD and the PUD specifies the house is to be maintained and relocated on the site. He assured the Committee it would not be torn down tomorrow. He wanted to talk about the designation, the Preliminary Report and the work of the consultant. The designation basis for this property in looking back through the records was its architectural features. It was not because it was a significant contribution to the broad patterns of history. The original survey sheets, Dr. Busch's report and the Preliminary Report essentially say it was because of the neoclassical nature of the house. The architectural features were why the house was designated and why the house should be considered a historic resource. Looking at the basis of architectural significance, the Committee had to determine, as the consultant said in the report, whether or not the house and its architectural features possess a high level of integrity of design. That was the standard in the report which emanated from Dr. Busch's survey. He stated this was a Queen Anne style house at the turn of the 1900s; it was converted to a neoclassical house; certain features were taken away such as the porch; the front of the house was reconfigured from facing west to facing south at that point in time, and there were many elements that were cobbled together at that point in time. The porch columns are questionable in terms of their neoclassical style; there was aluminum siding and trim; the front door is a standard panel door with a disproportional door surround; the second floor on the northeast corner of the house was added at a much later time, and the garage was added at a much later time. All these features together show that the house came to be what it is today as a progression over a long period of time. It did not start that way and it has not been that way for a particularly long period. In terms of looking for adaptive re-uses and restoration, he wanted to assure the Committee his client did that and that information was presented to City Council. His clients actually hired a historic architect to look at the house. William Finnicum, is a local historic architect, and has been for the last 36 years; is from the Village of Franklin, Michigan and was chairman of their Historic Districts Commission and their Historic Districts Study Committee. Mr. Finnicum is very credentialed in this area. Mr. Finnicum looked at the adaptive re-use issue and also looked at the quality and significance of the architectural features for this building. He issued a letter that City Council received a copy of and which Mr. Gaber provided to the Study Committee to be made a part of the record. As the letter indicated, Mr. Finnicum looked at the restoration of the facility both to be restored

and used as a residence, and as some type of adaptive re-use. As the letter states, the cost to restore it for residential purposes is very cost-prohibitive, and his conclusion is that it is not economically feasible to do that. The house did not fit well for any of the potential adaptive re-use categories, noting Mr. Finnicum went into some discussion with respect to the lay-out, the configuration, the architectural features of the house, and quite a few features that led to that conclusion. He stated it was not just the City's consultant, Ms. Kidorf, who reached that same conclusion that the architectural features were not significant in this particular structure, but there was another expert who looked at it as well. He said in terms of the concerns about demolition by neglect, his client did receive those letters in 2007; met with the City at that point in time, and did make some modifications and shored up some external features of the building at that time. He did not have any knowledge of his client receiving additional letters since then.

**Greg Domka, 891 River Bend Drive**, stated this home had been a significant feature in the lives of residents who travel up and down Rochester Road for the last hundred years. More so in the last fifty, during the time of our greatest population growth, it has been a gateway to the City, inviting passersby to view our Community with an air of being a rural place to live and visit, while being only thirty minutes from Downtown Detroit. As he drove past the house, he was reminded as to why he moved to the area over ten years ago. The following statements were based on his review of the G&V attorney's report as well as the historical districts committee study of November 25, 2009: Page 2 of the G&V attorney's report, paragraph 3, states "the historical designation was only due to the neoclassical style of the porch". The study states on page 2, paragraph 3, that "the house is a two-story cross-gabled neoclassical style", and does not limit the style designation to just the porch. Page 2, Item A, of the attorney's report, states "the home has not made a significant contribution to the broad pattern of our history". He disagreed because throughout history this home has become a landmark to people as they enter the community. Page 3, paragraph 1, of the attorney's report states "the house is not associated with any significant events". He disagreed because he felt it contributed to the character that defines the Community and the history and richness it provides. On the same page in the next paragraph the report states "the change in character in the surrounding area diminishes the historical significance of this house". In this case, he challenged Planning and Development and City Council's decision in approving a commercial development in that area in such close proximity to a historical feature in the Community. He referred to the restoration costs mentioned on page 3 of \$956,000.00, and stated as a general contractor, he knew it was not uncommon for an owner to request a contractor to be overly conservative in developing estimates for construction. On page 4 the projected selling price in this economy of One Million Dollars is unlikely. Perhaps the developer, who has owned this property for many years, should have acted sooner in a better economy when a buyer who appreciates the character of a home like this would have been more likely to purchase it at its projected price.

Page 4, mold and dangerous conditions stated by the developer were the result of their continued neglect, which is against the City's laws and Ordinances. Had the home been maintained, it may have been rented out, as it has been but just not taken care of, or at least have been occupied by a caretaker free of rent to have it maintained, and it might be in a better position at this time. He noted page 5 states "no market for any adaptive uses" and commented there was no market for his house either. He should have done something earlier as should have the speaker. He referred to page 6 under "impact on the City PUD" and stated he was sorry he missed that City Council meeting as he would have rallied with the rest of the community not to approve further development in this proposed area. In fact, he thought City Council should request an updated financial projection for this PUD in light of the current economy as it may no longer be feasible for the City financially. In his introduction he stated why this building was such a large part of this Community. Do not tear it down.

**Dr. Lisa Winarski, 194 Bedlington**, stated she represented the Eddington Farms Homeowners Association and they had dealt with Mr. Gilbert for the last ten years on this property, and it was not only the house that was historic, it is the entire property in front of Rochester Road. They have contacted Mr. Gilbert numerous times regarding the disrepair of the house and to maintain his property, at which point he has said he is not willing to put much into it. The disrepair was his own fault and he was never willing to put any money into it. She knew the historic committee had received many telephone calls from their subdivision wanting to know what there was to do to make him responsible for his own property. The last thing ever done was the big column that fell onto the house, and after months of it lying on the side of the house, he finally repaired it. The PUD was based on this specific house and this property. MDOT has stated they are not putting in another driveway on Rochester Road. Rochester Road is 50 mph right in front of their subdivision and, therefore, the driveway would have to be used towards the Eddington Boulevard, their subdivision entrance driveway. To demolish the house for his own financial gain is not a reason to deem it non-historic. Mr. Gilbert has not been truthful with anybody, including us, and they already knew that Miss DIG had come and marked up the property and do have knowledge that Miss DIG came because it was scheduled for demolition. She thought the process of going through this should be done out in the open and not behind closed doors, and if this was just a formality that the Committee had to go through in order to say they did but had already made the conclusion prior to this, that was not what the City was for. She felt this house was in disrepair because of him and he had no intention on ever maintaining this house. It was questionable at the PUD whether or not this house was repairable and able to be moved as was suggested. She thought it odd that Mr. Gilbert did not get the historic architect's opinion prior to the PUD. Mr. Gilbert has also gone to the extent of planting bogus farmland as he had actually tried to create a crop without any seeds just to get a tax write-off for an agricultural point of view. He was not a very truthful individual and she hoped the Committee took that into

consideration. His intention on making this non-historical had nothing to do with disrepair of the property, but for financial gain.

**Paul Miller, 1021 Harding**, stated the fact that some may have grown up driving by this house long ago really did not add or detract from the historical significance according to the strict definition and interpretation of the Ordinance. However, he pointed out not all houses or buildings could have been designed or built by Frank Lloyd Wright, and Abraham Lincoln did not live in all of these houses, and noted he could make many of the same arguments about his designated historic home - that it was not that wonderful of a house and there was some things wrong with it. He thought the fact it was a part of the history of Avon Township and that it was one of the farms that lined Rochester Road and that it was still being used a farm longer than many of the other properties along Rochester Road were. He had some personal experience with the house because the elderly women that lived there in the very early 1970s hired him and a friend to work on the property. They painted the house, and re-tarred the smaller house that used to be to the north. It was interesting in reading the report that Jerry Eby was the person who deemed that the outbuildings were not historically significant as he did not have a lot of training, although Mr. Miller disagreed and thought they were significant. He stated this house has been there a long time and over time has been in better repair and then some disrepair. He could also point to the police reports that the owner had been there several times, and either knew or should have known of the state of the property, and chose to ignore it. He said if disrepair and expensive rehabilitation is a reason for delisting, there could be a long list of people requesting delisting. The fact it has been changed from its original structure and was not a Queen Anne any longer, but a neoclassical, he noted that those changes over time became part of the historical portion of the property. Very few buildings, historic or otherwise, lived in by a famous person or not, have not changed, and that adaptive re-use then became part of the historical record. He wanted to point out that the seeming desire to find an adaptive use for it has been fairly recent, after his request for demolition, and it does appear that whether the owner had any intentions of demolishing the house or not, it is going on. He felt a decision needed to be made as to whether this is historic or not, and if it is, he needs to be held liable like anyone else who lives in a historic designated house.

Chairperson Thompson asked if anyone else wished to speak on this matter. Upon hearing none, he closed the Public Hearing at 6:26 PM.

Chairperson Thompson stated the Committee was pleased to receive the input and thanked those who had attended and spoke.

**This matter was Discussed – Public Comment Received.**

**6C. 2007-0313 PUBLIC HEARING - FILE NO. HDSC 98-012**

Location: 2040 S. Livernois Road, located on the west side of Livernois Road, south of Hamlin Road and north of the M-59 Freeway, and further identified as Parcel Number 15-27-151-003, zoned R-3 (One Family Residential) with a Mixed Residential (MR) overlay.

Purpose: To receive public comment regarding a proposal to establish the subject property as a Historic District within the City of Rochester Hills, in accordance with Public Act 267 of 1976 (MCL 15.261 et seq., MSA 5.3407(3) et seq.) and the Rochester Hills Historical Preservation Ordinance, Section 118-131.

Chairperson Thompson explained the information received at this Public Hearing would be included in the Historic Districts Study Committee (HDSC) Final Report for the property commonly identified as 2040 S. Livernois Road.

Chairperson Thompson stated that 2040 S. Livernois Road had been studied by the Historic Districts Study Committee in accordance with the City's Historic Preservation Ordinance, and a Preliminary Report had been generated. He explained the minutes from this Public Hearing would be included in the Final Report, along with all other relevant material. He noted that once the Final Report is completed, it would be forwarded to City Council for action.

Chairperson Thompson summarized the procedure used to establish a district. He explained the duties of the Study Committee outlined in Section 118-130 of the Rochester Hills Code of Ordinances included conducting a photographic inventory of the resource; conducting basic research regarding the proposed historic district; determining the number of historical and non-historical resources within the proposed district; preparing the Preliminary Report, which included the charge of the Committee, the composition of the Committee, the boundaries of the proposed historic district, the history of the proposed historic district, the significance of the proposed district, and the Committee's recommendation to establish, modify or eliminate.

Chairperson Thompson stated the Study Committee transmitted a copy of the Preliminary Report for review and recommendation to the State Historic Preservation Office on December 15, 2009. He noted a Staff Report and Comments had not been received from the State Historic Preservation Office (SHPO) and the State Review Board to date.

Chairperson Thompson stated that in accordance with Section 118-131 of the City's Historic Preservation Ordinance, the Public Hearing is to be held sixty (60) days

after the transmittal of the Preliminary Report to the SHPO. The Public Hearing is held in accordance with Public Act 267 of 1976, as amended (the Open Meetings Act), which includes notice to the property owner of any proposed district no less than fourteen (14) days prior to the Public Hearing. He noted written notice was provided to the property owner of record on January 27, 2010.

Chairperson Thompson stated that notice of the Public Hearing was published in the Rochester Post on January 21, 2010, as required by Ordinance to be published one time only at least fourteen (14) days prior to the date of hearing.

Chairperson Thompson stated that in accordance with Section 118-132 of the City's Historic Preservation Ordinance, the Study Committee would prepare a Final Report with a recommendation, along with any recommendation received from the Planning Commission, to be submitted within one (1) year after holding the Public Hearing to the Mayor and City Council. He noted if the Study Committee's recommendation was to establish a district, the Final Report would include a draft Ordinance Amendment.

Chairperson Thompson noted for the record that if the Study Committee's recommendation was to establish a district, any final action on this matter would be taken by City Council.

Chairperson Thompson stated the intent of the Public Hearing was not to conduct a debate or dialog between the members of the HDSC and the public, but rather to allow the public to place any comments or concerns they may have on public record to be provided to City Council. He noted the HDSC Members would be available for questions at the conclusion of the Public Hearing.

Chairperson Thompson opened the Public Hearing at 6:28 PM.

**Alice Benbow, 1582 Northumberland Drive**, stated if anything can be done to preserve historic buildings that would be great. She commented that if not for family members and friends who had taken the necessary steps to purchase properties, like antique log cabins and reassemble them, those things would have been bulldozed down. If the Committee can do whatever necessary to keep these historic buildings designated or make them historic that would be great.

**Paul Miller, 1021 Harding**, stated the fact that the building was not the Taj Mahal or that George Washington was not born there did not necessarily mean that the house was not historic. He found it interesting that a person was in favor of historic designation when they thought it would protect their house, but if it will cost money, then they were in favor of delisting. The reason that the Study Committee was appointed was because it was impartial, educated, and scientific. He urged the Committee to consider very carefully and provide the proper recommendation to City Council.

Chairperson Thompson stated that the Committee had received written comments from the property owner, **Patrice Sinclair**, dated February 4, 2010, who could not attend this meeting. Her comments will be included in their entirety with the Minutes from this meeting in the Final Report.

Chairperson Thompson asked if anyone else wished to speak on this matter. Upon hearing none, he closed the Public Hearing at 6:30 PM.

Chairperson Thompson stated the Committee was pleased to receive the input and thanked those individuals who had attended and spoken on this matter.

**This matter was Discussed – Public Comment Received.**

## **7. ANY OTHER BUSINESS**

Chairperson Thompson stated he was very impressed with the number of public comments received at this meeting, and noted the Committee appreciated the comments. He explained the items would be discussed further by the Study Committee, and would ultimately be sent to City Council.

Chairperson Thompson referred to the conclusions contained in the Preliminary Reports, and explained they were a combination of the consultant's input and the Committee's input, and once accepted by the Committee, become the Committee's conclusions. He explained the final recommendations are made based on debate and discussion of the Committee.

Chairperson Thompson explained the Committee was limited in the scope of their studies following a strict set of standards to review against. The Committee will be present when the recommendations are scheduled for a City Council meeting, but the ultimate decision is made by City Council. He noted the Committee was created by and worked for City Council.

Chairperson Thompson stated the Minutes from the Public Hearing and all Study Committee Minutes related to the individual properties would be included with the Final Report submitted to City Council, along with all materials reviewed by the Committee during its study.

Chairperson Thompson stated that the Study Committee meetings are posted and conducted in compliance with the Open Meetings Act.



Chairperson Thompson stated the Committee would continue to follow the process outlined in the Ordinance in conducting its studies, and the Public Hearing was a part of that process, prior to the Committee making its final recommendation. He could not speak for the other Committee members but noted he had not reached a conclusion at this time.

Chairperson Thompson noted the comments about Miss DIG and the Rochester Road property and asked if Staff was aware of anything happening with that site or if any demolition permits had been pulled.

Mr. Delacourt stated he was not aware of any submittal for a demolition permit. He noted the property was still regulated by a Planned Unit Development (PUD) Agreement. The owner had a right to request a permit, and had a right to have Miss DIG mark any utilities at any time as the City did not have any involvement in that. In order to demolish the house, a permit would be required from the City, and the PUD Agreement would have to be rectified before that permit could be issued. He did not think there was any question that before City Council could make any final decision regarding delisting the house, noting when the request to delist was brought forward, Council discussed the fact the development agreement had to be dealt with at the same time.

Mr. Delacourt added that all the Study Committee Minutes were available in the Planning and Development Department as well as on-line. He clarified that all Study Committee meetings were open meetings, not just the Public Hearings. The meetings are noticed; are regularly scheduled for the second Thursday of the month at 5:30 PM, and the Agendas are posted and available on-line. Members are allowed to provide comment on any Agenda item being heard at the meetings. He referred to the public comments made about "closed doors" and reiterated everything done by the Study Committee was done at open meetings and the public is welcome to attend and provide public comment. He suggested anyone interested contact the Planning Department if they require additional information.

Chairperson Thompson noted if someone could not attend a Study Committee meeting, they could always submit their comments in writing and those comments will be made part of the record and reviewed by the Committee.

Chairperson Thompson stated the March Study Committee would be held on March 11, 2010 at 5:30 PM in the auditorium.

Mr. Dziurman thanked everyone for attending the meeting and speaking, noting he listened to them and they had some great comments. He was very much gratified by having them come out and tell the Committee their feelings. He asked if there was a penalty for demolition without a permit.

Mr. Delacourt assumed so, noting demolition required a permit. He did not know what the penalty was as he had never been asked that question or run into the circumstance where there had been demolition without a permit. He did not know what the penalty would be.

Mr. Dziurman stated this Community had seen some things like that happen with the Parke Davis barns, which were demolished on a Holiday weekend when no one was around. He would not go into this property, but stated things had happened in the past. He was concerned about that because it sounded like there was some effort to consider that out there.

Chairperson Thompson stated that Mr. Gaber had made it clear there was no intent at this point to do that.

Chairperson Thompson asked if there were any questions or comments from the Committee. No questions or comments were offered.

**7A. 2010-0076 Discussion Regarding Letter from City Attorney**  
- Letter dated January 21, 2010

Chairperson Thompson stated the Committee had received a copy of the letter and asked if there were any comments or questions about it. No questions or comments were received.

**This matter was Discussed**

**7B. 2010-0077 Discussion Regarding New Meeting Venue**

Chairperson Thompson stated the Committee had received a copy of a Memorandum regarding the meeting location, and asked if there were any questions or comments. He summarized that for convenience and to make it clear under the Open Meetings Act that all Study Committee would be held in the City Hall Auditorium on the second Thursday of the month beginning at 5:30 PM. No questions or comments were received from the Committee.

**This matter was Discussed**

Chairperson Thompson stated that the next regular meeting was scheduled for Thursday, March 11, 2010 at 5:30 PM. Chairperson Thompson asked if there was any other business. No other business was presented.

## **8. ADJOURNMENT**

Upon motion duly made and seconded, Chairperson Thompson adjourned the

meeting at 6:45 PM.

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Jason Thompson, Chairperson  
City of Rochester Hills  
Historic Districts Study Committee

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Judy A. Bialk, Recording Secretary

Approved as \_\_\_\_\_ at the \_\_\_\_\_, 2010 Regular Historic Districts Study Committee Meeting.

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