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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.**