

Mr. Delacourt asked if the Study Committee had any information they wanted to give to the preservation consultant before she completed her report.

Chairperson Thompson stated the Committee would follow the process and would await receipt of the Preliminary Report. Once all the information was received, the Committee would discuss their recommendation.

Dr. Stamps stated the property was examined; it was designated; and the property owner agreed when the PUD Agreement was approved. He questioned the use of the PUD, and why the argument against designation was not made at that time.

Mr. Delacourt stated there are advantages to designation; however, agreeing to the designation and agreeing it is historic are two different things. He stated if there was an advantage for the development of the property, the property owner did not have to agree with the designation. He was aware of a similar situation where a developer questioned the historic designation, but recognized the designation as a benefit to the proposed development.

Cornell Vennettilli, the property owner, added that there was never an in-depth investigation in the past as was done now. He explained that special experts had been called in to review the property.

Mr. Dziurman stated that the property owner may not have conducted an investigation, but the Study Committee at that time did. He explained there was a Committee at the time of designation.

Mr. Vennettilli stated the experts he recently brought in to investigate determined the house was not the historic structure it was previously thought to be.

Chairperson Thompson stated that the Committee would review all the information it received in making its recommendation. He called for any other comments or questions about the property. Upon hearing none, he stated the matter would be scheduled for the next meeting agenda.

This matter was Discussed

- 8B. 2009-0437 2371 S. Livernois Road
 - Referral from City Council
 - Request to Delist

Chairperson Thompson stated this matter was referred to the Study Committee by City Council at its October 26, 2009 meeting, and was a request to delist.

Mr. Delacourt stated this was an interesting matter because there was a paperwork error involved that confused the issue for quite some time. He stated this was a ten-acre parcel on the east side of Livernois, north of M-59 with a single family home on the property.

Mr. Delacourt stated this property was designated as part of the original designations in 1978. When the property was designated, there were two single family homes on the property. Pictures of the second home were included in the packet information. One parcel with two single family homes with two separate addresses (2409 S. Livernois and 2371 S. Livernois). When the original designation was done, the picture included on the survey sheet was of the 2371 structure with the correct sidwell number for the entire parcel; however, the address of the 2409 structure was identified on the survey sheet.

Mr. Delacourt further explained that the Affidavit filed with the Oakland County Register of Deeds and attached to the title work reflected the 2409 S. Livernois address. That house was a block house that was demolished in 2001.

Mr. Dziurman inquired about the Affidavit. Mr. Delacourt explained that when the properties were designated in 1978, Affidavits were prepared and filed with the Oakland County Register of Deeds. If anyone purchased a home, the Affidavits appeared on the record.

Mr. Delacourt explained that originally the property owner believed the 2409 house was the house that was designated, which had been demolished, and requested that the 2371 house be delisted. The property owner believed there had been a defective procedure in the original designation.

Mr. Delacourt stated Staff researched the original paperwork and determined that the original survey depicted the 2371 house and it was clearly the intent of that Study Committee to designate the 2371 house. Even though the Affidavit has the wrong address on it, because the houses were on the same parcel, it had stayed attached to the 2371 house title work.

Mr. Delacourt stated the property owner then did some additional research on the 2371 house and found the house was designated in 1978 and had been constructed in 1945. The property owner's argument then became that the house was not even 50 years old when designated. Mr. Dziurman commented that a structure can be less than 50 years old.

Mr. Delacourt stated the property owner referred to the City's old Property Owner's Guide, which said a property must be 50 years old.

Mr. Delacourt stated the property owner's argument was two-fold; one it did not meet the criteria even if the house is now 50 years old; and two it was designated through a defective procedure because the City did not identify how old the house was when it was designated. Mr. Delacourt stated the original survey sheet did not identify a "year built" date and the architectural type was wrongly identified. Mr. Dziurman agreed the procedure could be considered defective.

Mr. Delacourt stated it was a valid argument but that argument would cease to matter because the Study Committee would evaluate the structure based on what it was currently to determine if it meets the criteria.

Mr. Dziurman asked who had prepared the submitted information. Mr. Delacourt stated the property owner had used research information from the City to prepare his material.

Mr. Dziurman asked about the reason for the request. Mr. Delacourt stated the property was currently up for sale, and the property owner felt the designation limited the number of prospective purchasers and scares purchasers away. The property owner is no longer going to develop the property and would like it delisted for sale. If the new owner wanted to embrace the designation, that new owner could request a reconsideration of the designation.

Mr. Delacourt stated it was explained to City Council that the Study Committee would make a recommendation about whether the property met the criteria for designation. City Council asked the Study Committee to evaluate the property and make a recommendation.

Mr. Dziurman asked if the City's preservation consultant was preparing a Preliminary Report. Mr. Delacourt indicated that was correct.

Chairperson Thompson asked if the Study Committee would have the Preliminary Report by the next meeting. Mr. Delacourt stated he had requested it be done by then.

The Committee discussed when the home was actually built. Mr. Delacourt stated based on the information provided, it appeared the house was built in 1945. He noted the house was moved to its present location in 1971. It was moved from the site of the former Pat Moran Oldsmobile Dealership on Rochester Road, which is now the Lowe's site. He pointed out that when the house was moved, several additions were added. He stated that information was being verified by the consultant.

Chairperson Thompson stated it was clear the Committee needed to review the

Preliminary Report since there were so many issues involved with this site. He asked if there were any questions or comments from the Committee.

Mr. Delacourt asked if the Committee had any thoughts on what the consultant should research or any concerns the Committee would like the consultant to look into.

Dr. Stamps inquired about a resource losing its value once it is had been moved. Mr. Delacourt stated that does have an impact. He explained it could be offset by the level of integrity.

Mr. Dziurman asked when the resource was designated. Mr. Delacourt stated it was designated in 1978 by the original Study Committee. Mr. Dziurman commented the original Study Committee did a pretty good job noting they did not have all the tools available today.

Mr. Delacourt agreed, noting the requirements were not at the same level they are currently. The investigation necessary to determine a designation was not near what it is today. He pointed out the Intensive Level Survey conducted in 2002 verified the 1978 work. He stated the amount of information from the 1978 designation is not enough to counter the type of information being presented now, particularly with the guidelines and the National Register. He explained what was done in 1978 was a series of survey sheets and addresses.

Mr. Dziurman stated property owners were now saying nothing was done at that time, which was not correct. Mr. Delacourt stated for that time, work was done. He stated he had asked the consultant to review the property as she would any new property being considered for designation, specifically, does it meet the criteria. That is the same question being asked of the Study Committee.

Dr. Stamps stated he had asked the question because a couple of weeks ago he was taken on a tour of Corktown in Detroit. Every block had a house that had been moved in to a space. He had become aware there was much more moving of houses years ago, even in the 1890s. He commented that moving structures was a more common phenomenon. He referred to the Rochester College historic district, noting the setting or the context was important as well. He thought a case could be made that structures were moved around and still have value after they were moved. He did not know how SHPO currently viewed moved structures.

Mr. Dziurman stated he was involved in a project in Ann Arbor where three or four houses may be moved a few feet forward. He stated while SHPO could not commit to anything, it might be allowed. He thought it was pretty clear according to the National Register guidelines that if a resource was moved off a site, it was almost automatically forgotten about.

Dr. Stamps stated that was part of the case made by the applicant before City Council. The applicant stated that the National Register guidelines do not allow structures to be moved; therefore, the property should be delisted.

Mr. Dziurman pointed out that structures can be moved on the same property because it still retains its context. He stated that some of the homes in the Stoney Creek Village had been moved back to get them off the road.

Mr. Delacourt suggested the preservation consultant attend the next meeting to discuss the Preliminary Reports with the Committee. The Committee agreed that was a good idea.

This matter was Discussed

9. ANY OTHER BUSINESS

Chairperson Thompson stated that the next regular meeting was scheduled for Thursday, December 10, 2009 at 5:30 PM. Chairperson Thompson asked if there was any other business.

Dr. Stamps advised the Committee he would be out of town on December 10, 2009 and unable to attend that meeting. Chairperson Thompson asked if any other members would be unable to attend, noting a quorum was required to hold an official meeting.

Chairperson Thompson asked if there was any other business. No other business was presented.

10. ADJOURNMENT

Upon motion duly made and seconded, Chairperson Thompson adjourned the meeting at 6:55 PM.

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

Judy A. Bialk, Recording Secretary