

~~He agreed the bank needed to know the property had to stay in conformance with Code, and asked if the name of the bank was known. Ms. Hill stated she could email the realtor's name to Mr. Delacourt and they were keeping an eye on it.~~

~~Ms. Franey asked if documents were posted identifying a designated district when properties were turned over to a new owner.~~

~~Mr. Delacourt stated all the designated properties had paperwork included with their title work identifying the designation. He was not sure what depth the title work was reviewed by new owners. He explained there had been plenty of instances where property owners said they were not aware a property was designated. City Staff tried to send letters and other information about the designation once they were aware there was a change in ownership. Unfortunately, most of the change in ownership information was filed with the County and it took some time for the City to become aware ownership had changed.~~

~~Ms. Franey referred to foreclosure situations and asked if the City would contact listing realtors and let them know. Mr. Delacourt stated if the City was aware a property was listed, Staff tried to contact the realtor. How successful the City was in convincing the realtor to explain it to potential purchasers was unknown. He commented the more likely scenario is that the City is contacted, such as the realtor realizing the home is in a historic district, and contacting the City to find out what that meant. He stated that was certainly the case with the Ross School property as Staff had received numerous calls about that property.~~

~~Chairperson Dunphy called for any other public comments. No other public comments were received.~~

## 8. NEW BUSINESS

- 8A. 2010-0023 Vacant Parcel - Winkler Mill Pond Historic District  
- Discussion  
- N. Brock (Proposed Barn Move) (HDC File #08-001)

Nathaniel Brock, 6425 Winkler Mill Road, was present and came forward to the presenter's table.

Mr. Delacourt stated Mr. Brock had lived in the Winkler Mill Pond Historic District for some time and owned three parcels, including the parcel his home is situated on; the parcel that contains the restored orchard previously before the Commission, and a vacant property in question which was the old mill property. Mr. Brock had approached the City about the possibility of relocating a barn structure to the vacant parcel. There were several issues involved, which included setbacks, zoning, and

building code. A discussion needed to take place early on with the Commission regarding the implications of moving a barn structure to the site and how that related to the Secretary of the Interior's Standards and the criteria that would have to be met.

Mr. Delacourt stated it was important for Mr. Brock to appear before the Commission to discuss the idea before going any further to determine whether the Commission felt this was in keeping with the Secretary of the Interior's Standards or could be done in such a way that ultimately could be approved by the Commission. He explained he had previously forwarded an email requesting input from the Commission, which email had also been sent to the State Historic Preservation Office, the City's preservation consultant, and members of the Rochester-Avon Historical Society requesting input so Mr. Brock could better prepare for tonight's meeting. Subsequently, he had a discussion with the City Attorney about whether that email was a violation of the Open Meetings Act. The email was not a violation, but was something that could spiral into a violation. He wanted it on the record that the email was sent, and had only been done in an attempt to provide as much information as possible to a resident dealing with a historic property. There was no violation, but if someone had additional information about this matter, email responses should be sent directly to Staff and they would be packaged up and sent to the applicant, thus avoiding an email-string dialog taking place among the Commissioners.

Chairperson Dunphy stated he was relieved to see that the email discussion did not take on a life of its own. However, he did see that Mr. Dziurman had a number of questions about the structure and how it would be situated on the property, which would be addressed at this meeting.

Mr. Delacourt stated the intent and goal of the email was to give Mr. Brock the opportunity to prepare answers to those types of questions prior to attending the meeting.

Mr. Miller asked if was appropriate for a property owner to email the Commissioners and receive comments back individually.

Mr. Delacourt stated it was probably fine on an individual basis. However, utilizing the "reply to all" email response feature could give the appearance the Commission was deliberating amongst themselves about an item they may ultimately make a decision on. There was no request made in this instance and no deliberation back and forth between the Commissioners, so it did not come close to meeting that standard. It would be appropriate to respond if a property owner sent an email and asked a direct question, but it would be inappropriate to forward the email to the rest of the Commissioners and solicit their opinion before responding.

Mr. Miller stated he understood that. He stated he read the responses and did not have anything to add and stayed hands off. He commented it was similar to his contacting a City Council member to discuss something and get some feedback, which would be appropriate.

Chairperson Dunphy clarified individual back and forth emails were not a problem. When it became a matter of mass emails back and forth about an issue that would come before the Commission was when the flags started to go up. He reminded the Commissioners their business was conducted in public and was not conducted by email. That was a matter of law and was an ethical responsibility shared by the Commissioners. He then asked the applicant to provide a summary of his proposal.

Mr. Brock stated his property did not have a garage on it and it never had. That was one interest in the proposed barn project. He and his family had some other ideas about uses for the barn structure. He then had the idea it would be nice to find a barn that was slated for demolition or on its way out and he could bring into the area and onto the site. He did not want to do that if it was not something that worked with the Secretary of the Interior's Standards. He loved the idea of historic preservation, but was did not know if bringing a building in to the District was acceptable. He was before the Commission to hear their thoughts and comments. He provided a site plan prepared by a surveyor depicting the property.

Mr. Brock pointed out the location of the Winkler Mill that burned down in 1985, and noted the portions of the mill's foundation that still remained on the site. He pointed out the level area of the site, and the location of Winkler Mill Road, and the main driveway to his house. He asked what the Commission thought about the proposal.

Mr. Miller thought it was a great idea, noting this was one of the few properties left in Rochester Hills where they could actually have a pony. He understood about moving an older structure in and thought it was more appropriate to try to save an existing structure than to build a brand new one. The Commission allowed building brand new structures in historic districts which had been done repeatedly. He stated the proposed parcel was a separate parcel from the parcel which the house sat on, but they were contiguous and were used together as one yard and it was an imaginary boundary that separated the two parcels. It came down to what sort of structure it would be, although he understand Mr. Brock had not found one yet. He did not have a problem with the type of design the applicant was looking for, as it was probably the most common design used for accessory structures. He was in favor of the idea and thought it was an exciting idea. He commented there used to be a lot of barns in the City and almost all of them were demolished or burned. He recalled two on this site before the mill burned down back in the late 1960s. He thought this was adaptive on-going use and viewed it favorably. He pointed out the City's Ordinances were set up for much more of an urban environment, although the City still had very rural areas such as where the applicant resided.

Dr. Stamps thanked the applicant for being supportive of the historic district and being sensitive to the issues and for wanting to put something in that would be compatible. He appreciated that this was a nice family activity. He pointed out the survey identified two old mill foundations, and envied the applicant having that archeological resource in his backyard. He hoped that any activities would be sensitive to those potential archeological resources. Even if the applicant's house was not historic, the property did have history in those archeological resources.

Dr. Stamps referred to the 60-foot future right-of-way and 40-foot right-of-way setback depicted on the survey, and asked if Winkler Mill Road was being widened.

Mr. Delacourt explained every road had a defined right-of-way that is wider than the curb to curb radius. There was no proposed expansion of the road, but City Code required the proposed right-of-way be identified on plans because that is where setbacks are measured from. Right-of-way on residential streets is usually 60-feet wide or 30-feet from center on either side. The 30-feet is measured from the center line and that is where setbacks are measured from. He stated those lines are shown strictly as a dimensional requirement for setbacks. He explained the 40-foot setback is identified for the building from the proposed right-of-way. The proposed right-of-way is identified in the City's Master Thoroughfare Plan.

Dr. Stamps asked if he could cross out "future" right-of-way on the plan. Mr. Delacourt stated future right-of-way was the appropriate term. Future right-of-way or proposed right-of-way were the accepted terms and explained any road anywhere has a future or proposed right-of-way associated with it.

Chairperson Dunphy asked if the applicant's property was considered contributing or non-contributing. Mr. Delacourt responded he did not have the information with him. He asked when the applicant's house was built. Mr. Brock stated it was built in 1826. Mr. Delacourt thought the house was contributing and since the vacant parcel was the old mill property with the foundations still remaining, in his opinion all the properties contributed to the District.

Mr. Miller inquired about the 33-foot right-of-way line noted on the survey. He assumed the property was a metes and bounds parcel. Mr. Delacourt agreed it was a metes and bounds parcel.

Mr. Miller asked why the setbacks had to be measured from a future right-of-way line, since it did not currently exist. Mr. Delacourt explained all setbacks since the inception of the City's Ordinance have been measured from either existing or future right-of-way whichever is greater.

Mr. Miller understood that for planning purposes. However, very few of the existing buildings in the historic districts met that setback requirement. He asked if it was common for those property owners to appear before the Zoning Board of Appeals (ZBA) and receive consideration for their proposal because of that situation. Mr. Delacourt stated the Master Land Use Plan and the City have always supported historic designation as a valid argument for dimensional relief from the City's zoning ordinances. He believed that as a planner, and believed that helped it meet the criteria, although there were other criteria that had to be met. The historic designation and the nature and character of the area were valid reasons to be considered for either a dimensional or use variance.

Mr. Miller asked if that included an outbuilding on a vacant parcel. Mr. Delacourt responded potentially yes. Mr. Miller thought that was an acceptable historic use in a historic district. Mr. Delacourt stated if a building was to be built on a property that was contiguous or abutted a parcel under common ownership, which is a reason in and of itself, and the structure being placed on the property, even though there's no main structure, increased the integrity of the district, he would argue that was a valid reason for consideration of a variance.

Mr. Brock stated he would like to keep the parcels separate if he can, but was also open to joining them if need be. However, then he would have the issue of limitations on accessory structures.

Mr. Dziurman stated the questions the applicant asked were good. He provided some history stating that a long time ago the Commission and the City were able to come to agreement that the ZBA would take into consideration historic properties if the Commission would submit something for their consideration, which was a positive.

Mr. Dziurman stated there were a couple other issues and he talked to the applicant about them. He stated the Zoning Ordinance was written by technical planners, and the only way an outbuilding could be built today was to make it like a garage. That was an issue because he knew the applicant's neighbors across the street wanted to build a stable and they ended up putting up a stable that looked like a garage. He thought that was about twenty years ago, and was part of what led to the Commission talking to the ZBA about those types of issues.

Mr. Dziurman stated the applicant was right about the empty lot without a house on it. That was another issue that would have to be decided upon because it was against the Zoning Ordinance.

Mr. Dziurman stated if this project moved forward, he thought a Phase I archeological survey would be required for that property before anything happened on the site. He explained that was an investigation to see if anything worthwhile was on the site, and was not a full-blown dig, but that was a very historic piece of property. It would be his recommendation before anything was done construction-wise that a Phase I survey took place.

Mr. Dziurman stated he made mention in his email that he looked at this as a new building coming on the site, which is what it would be, because the applicant would take it apart and put it back together, not just move it. The Commission would have to issue a Certificate of Appropriateness.

Mr. Dziurman asked where the barn at 6081 Winkler Mill Road was located. Mr. Brock stated that was the Duffield Estate, which was around the corner. Mr. Dziurman clarified just a bit north of the applicant's property. Mr. Brock responded yes. He noted that within a short distance of that barn were two barns at the corner of Winkler Mill and Mead Road in Oakland Township. Mr. Dziurman noted those were not in the historic district. Mr. Brock agreed, but stated those barns were similar gambrel roof barns.

Mr. Dziurman stated the key was that they were all gambrel in that area, which was the style shown in the photograph of the Meadowbrook barn provided by the applicant.

Mr. Dziurman stated he just wanted to point out those items that had to be handled which the Commission needed to understand because the Commission might want to support this but there might be other factors that would prevent it from being done.

Mr. Delacourt stated the conversation with the Commission was very important when it came to the consideration of the variances and the location. If this enhances the integrity of the District and is a bonus for preservation and enhances the integrity of the Winkler Mill Pond Historic District as a whole, then those are valid reasons for variances. If it just similar to any other garage and treated that way and does not increase the integrity and the record does not reflect that as the matter is reviewed, it may be treated by the ZBA as any other out building or structure.

Mr. Delacourt asked what the Commission thought about the proposal if it was done appropriately and within the Secretary of the Interior's Standards, and if the proposed barn would enhance the integrity of the District, without violating the rules regarding replicating. The applicant needed to know that before he went forward pursuing the other necessary items.

Mr. Dziurman stated he would not know if the proposed barn increased the integrity until he saw what was proposed. He thought he understood the applicant was going to make a workshop out of the barn or some sort of educational item. Mr. Brock clarified that was another project he was thinking about.

Mr. Dziurman asked if that other project was more on the site of the original mill. Mr. Brock responded possibly.

Mr. Miller stated the applicant had referenced agricultural interests as part of his desire for this project. He referred to the survey sheet for the barn located at 6081 Winkler Mill which indicated the area of significance as being agriculture and architecture. The applicant's proposed project, if handled in the way the applicant is trying to do by being extremely sensitive to the area, he thought would increase the integrity of the District. He thought it was important for the Commission to remember that along with trying to preserve history, the Commission's decisions create history as well. Decisions such as whether or not to allow some agricultural use even though it was within the City limits, was part of that effort to continue to preserve and help make history in a way that connects directly to the earlier history of the Community. He thought the fact it was architectural and agricultural was aligned exactly with the Commission's mission as well as their interests. He was happy to see the proposal met the setback requirements and the applicant's sensitivity for the project.

Mr. Thompson stated he supported the idea based on what had been shown so far. He agreed it needed some further development but thought the applicant was on the right track. He noted that if the project moved forward, there would need to be some distinction that the structure was not originally on the parcel, but was moved there. The structure may be within the time frame, but was not part of the original parcel.

Mr. Brock stated he had planned to come with photographs of ideas, but it was a tedious process looking for or hunting down a barn that was very specific in size. He noted if the Commission did not agree with his proposal, he had not wanted to spend time on that part of the project. He explained the barn contractor he had discussions with believed they could find something similar proportionately to the Meadowbrook barn. He stated he would bring photographs if he brings this matter back before the Commission.

Dr. Stamps thought the proposed barn had the potential to enhance the District and he was in favor of supporting it. He agreed the Commission would like to see photographs of the actual structure and further detail.

Chairperson Dunphy stated he was also generally supportive of the proposed project. He agreed with Mr. Thompson's comment, which was also part of Ms. Kidorf's recommendation, that the Commission would want to be sure that the historic record remained accurate and the project did not do anything to suggest it was original to property. The Commission had to maintain the integrity of the historic record. He thought that was something the Commission could deal with at the time.

Mr. Dziurman stated the appropriateness was helped by the fact the structure would be on another site. It was not part of the original parcel and he thought that helped. He encouraged the applicant to keep on going to see what happens.

Mr. Brock stated that some places tell him he could have the barn if he would just come and take it and clean up the site. He stated it was all over the map in terms of what was out there and available.

Mr. Dziurman commented it was probably a matter of finding the right size within a reasonable distance.

**Melinda Hill, 1481 Mill Race Road**, concurred with a lot of what had been said by the Commission and certainly encouraged Mr. Brock to pursue this. She thought he was well aware of some of the difficulties but she believed the Commission was favorable. That would help to at least go and have this discussion with the ZBA. She thought that is probably what will be needed to really see how these challenges can be overcome or worked out. She agreed with Dr. Stamps and hoped that there would be some archeological study or some attempt to do that. This property has remained pretty much the way it's always been since the mill was burnt down. There actually is a State Historic Marker and she thought if this all moves through and becomes a reality, it would be lovely to see some other type of interpretive marker in conjunction with that one placed back on the property. She thought this helps to promote history and guessed she would be cautious to say "does it enhance the integrity of the District", but with what's been said she agreed with Mr. Dziurman in saying that this is not on the parcel the home is on but is on a piece that we are well aware of what was there before. She thought if we treat this in an appropriate manner, that it can be a real plus. As a neighbor and as part of the historic district she certainly could see this being a nice addition. She also wanted to say this was not the first time - if one looks at the Cockey residence across the way - that was a log cabin brought in from Canada, not original to the District and it was not a contributing resource and has been added to since the cabin was first re-erected on the site, but they have maintained some of the outbuildings to their original integrity. We do have precedence of this happening within the Winkler Mill Pond Historic District. She wanted to make the Commission aware of that as well from that standpoint. She certainly encouraged the applicant and wished him the best of luck because she thought it would be a plus.

Dr. Stamps referred to the old mill foundations depicted on the survey, noting the angle of the two did not look like they were for the same structure. His image of the mill was that it was a big rectangular shaped building.

Mr. Brock stated one of the walls was actually curved or bowed and stated he had some great photographs showing the mill and the wall. He pointed out the location of the mill and stated the wall was not attached to the mill but was part of the retaining wall.

Dr. Stamps asked if the foundation actually went away from the road. He hoped the applicant would be sensitive to whatever resources are there, even if the applicant just did some kind of a survey to locate where the foundations were and planted short hedges to depict the dimension of the old mill, or mowed the grass and put in a little gravel pathway to depict the dimensions of the mill and the location of the wheel. Some kind of interpretive item. He commented it appeared the location where the barn was being proposed would not impinge on the former mill area.

Mr. Brock invited any of the Commissioners who were interested to visit the site firsthand.

Chairperson Dunphy asked if the Commissioners had any other questions for the applicant.

Mr. Delacourt stated he had heard that it appeared this could be done in an appropriate manner and that it should be distinguished so it does not appear to have been original to the site. He asked for suggestions on how to distinguish the barn other than foundation materials. If the applicant were to dismantle an older structure that was appropriate for the District, bring it to the site and re-establish it, could that be accomplished in a way that would be acceptable to the Commission. In other words, allowing the structure to be placed on the site, but still having it be distinguished or obvious it is not original to the site.

Mr. Miller stated that quite commonly when barns were erected, they had a cornerstone or some part of the barn that said directly when it was built. If the applicant incorporated something like that in an obvious manner that said "this barn was moved from so and so and re-erected on this site" that would clearly put a physical record on the structure itself. He thought that would take care of the issue as long as it was a permanent sign. He noted it would all be included in the historic record through the Commission's Minutes and approvals, as well as the Minutes of any other board the applicant appeared before.

Dr. Stamps referred to the image of the Meadowbrook barn noting it showed the barn on a cobblestone foundation. He thought putting the barn on a modern-day cement block foundation would be another marker and it would be clear it was a newer foundation. He agreed some signage would be helpful. He referred to the barn that was moved to Cranberry Lake in Oakland Township. He explained they got a group together and it was a great learning experience because they had a barn taking down and a barn raising and it was a good Community and educational activity. He stated they made a video which the applicant might want to look at to get an idea of the magnitude of the project and the number of hours involved.

Mr. Delacourt asked if there were any concerns with the proposed location as it was conceptually noted on the survey, or if there were any concerns with the style of the barn architecturally as it was proposed. He asked if Commissioners felt that was the most appropriate style for the District. He wanted to provide as much information as possible to the applicant.

Mr. Dziurman thought the roof style suggests the location well. He stated he would prefer that because there was one down the street and more to the north. It appears that was the style for that area.

Chairperson Dunphy thought the Commissioners seemed to be comfortable with the proposal. He called for any other discussion from the Commission. No other discussion was heard. Chairperson Dunphy wished the applicant well.

Mr. Brock stated he planned to come back with more formal plans.

Mr. Dziurman added that if the applicant needed any assistance before the ZBA, the Commission might want to provide that assistance. Mr. Delacourt stated the Commission would be notified if the applicant appeared before the ZBA.

Mr. Dziurman stated the Commission could provide a letter of support. Chairperson Dunphy stated the Minutes from this meeting would reflect the Commission's general support.

Mr. Delacourt stated if the matter moved forward, Staff could prepare a resolution of support for the Commission to review.

**This matter was Discussed**

~~87 2010-0010 Establish 2010 Meeting Schedule~~

~~Chairperson Dunphy stated the Commissioners had received copies of the proposed 2010 Meeting Schedule and a resolution to establish the schedule. He asked if there was any discussion regarding this matter.~~

~~Mr. Miller moved the following resolution to adopt the 2010 meeting schedule, seconded by Ms. Franey. Chairperson Dunphy called for discussion on the proposed motion on the floor. Upon hearing none, he called for a voice vote on the motion to approve.~~

~~A motion was made by Miller, seconded by Franey, that this matter be Approved.~~

~~The motion CARRIED by the following vote:~~

~~Approved as presented at the February 11, 2010 Regular Historic Districts Commission Meeting~~