

Sub: Delisting Request for 2371 Livernois

24th August 2010

Dear HDSC/Council Members,

The HDSC held their regular August meeting to hold a Public Hearing for 2371 Livernois delisting request. I was the only person at the meeting and expressed my views. Tremendous amount of data and overwhelming evidence in all areas was presented i.e. a) Lost Physical Insignificance – Additions , Moving b) Insignificance- No historical, architectural, people or event, does not meet the requirements of National Register for Single Resource Districts c) Defective Procedure – did not meet the Age criteria, architectural type wrong, wrong address, wrong affidavit, did not follow 399.214 to change boundaries. As per my research there is no delisting request with such a volume of evidence in all areas.

As in the past, I am certain that all members shall protect the Property Rights of the Owners and do justice in delisting this property due to overwhelming evidence and it seems that it was accidentally and unintentionally designated. The 1978 Committee did a tremendous job, but this one just fell thru the crack, as it did not even meet their very first criteria of Age. So therefore no other criteria needs to be applied and even if applied, as per the comments by the members in the various meetings, it does not meet any other criteria.

I was sorry to see that the Committee did not recommend a Final Report. I am sure that with a few revisions in the language the Committee will be able to recommend delisting. The most controversial point of contention seems to be to remove explicit or implied reference to any negligence or inaccuracies by the original committee e.g “insignificant as originally thought”. As much as I agree that we should not point finger at any body, the reference was duplicated from old reports and no harm was meant.

1. 1978 Survey Age Criteria;

The 1978 survey did not indicate age and year of construction and the committee, if it knew about the age and year built would not have considered this property. A further research has revealed that the original committee of 1978 had established a explicit criteria (Exhibit A) of which AGE was the first and foremost criteria. The age criteria was 50 years or more. **This house did not meet their very first test of age.** We present you a list compiled from the 1978 survey showing that the average age of the Study was 105 years (See Exh B) and NO HOUSE WAS STUDIED THAT WAS LESS THAN 50 YEARS OLD. As there were numerous “ High Significance “ properties dating back to early 1800’s to early 1900’s , there was no room for a “ poor quality’ resource.

- Page 3 of Historic Districts Property Owners Guide (see Ex C) published February 2000
” What are the criteria for local designation?” ..The **property must be 50 years old**

and possess (at least one of the following) significance in architecture, craftsmanship and events or association with significant people”. So here too the first criteria is Age and then must meet one other criteria. But it must meet the first criteria. The age criteria was always there (as in National Park Service and National Preservation Act of 1966 from where the PA 169 of 1970 was born) and was adopted by the city and there is no documentation, ordinance or correspondence supporting that the published book was in error (as claimed by Ms Kidorf in her Preliminary Report Ex DD). All my research has not shown any support about the error. Therefore I suggest that the Preliminary Report should be corrected.

2. No Statements of Historical or Architectural Significance as per standards:

- All designations must have a statement of significance stating why it is significant- due to history of the house, people or event or why it is architecturally significant due to craftsmanship, era, or rare style. This is required by PA 169 of 1970 and the National Register Criteria for establishment of Single Historic Districts.
- The original survey of 1978 (Exh D), DID NOT have Age , Date of Construction, nor any statement for Historical or Architectural Significance as per National Register Criteria (req as per PA 169 of 1979 399.203 Section 1 (c)). Mr. Delacourt verified this and stated so in the HDSC meeting of January 14th (Exh H) The Preliminary Report by Ms. Kidorf is incorrect in that regard perhaps due to confusion of survey reports of 1993 and must be corrected.
- The house is 1945 house (architecturally insignificant), does not have any history other than moved from old location and was owned by George Berklich- no famous person, no event associated, or any other significance as per the National Register. Bob Morris our consultant calls it a Colonial Revival, Dr. Busch calls it a Colonial Revival (2002 Survey) Exh AA a common type of homes during that time.

3. Member Supporting Comments for Delisting:

- November 12th 2009 HDSC Meeting:

Mr. Delacourt stated “ Original Survey did not identify a “year built’ date and the architectural type was wrongfully identified. Mr. Dziurman agreed with -the procedure could be considered defective” page 15 (Exhibit E)

Mr. Dziurman states” It was pretty clear according to the National Register guidelines that if a resource was moved off site, it was almost automatically forgotten about “page 16 (Exh F)

- January 14th HDSC Meeting

Chairman Thompson thought the Preliminary Report looked solid ..asked if the committee was ready to accept the report and transmit it to the State” Page 9 (Exh G)

Mr. Hannick stated if the house was moved or a porch or addition was added that had an effect on the house.then this house did not fit the guidelines because it was moved and had been changed drastically in its style” The style added by a former owner changed the original house” Page 10 (Exh H)

Mr. Delacourt stated unfortunately no documentation was included in the original designation on this instance. The survey sheet available did not list the year of construction of the house . The original Study Committee report does not identify why and current Study Committee did not have the benefit of that information to know what criteria or standard was used to qualify. Page 10 (Exh H)

Dr Stamps... asked if the house was that significant. He referred to the comment about the architect , the committee would have known that. He commented to say “we should save it because he was a great architect...He thought that the architect did not reach the level of significance that would justify. This is in part why the Committee turned to a knowledgeable consultant and took the consultants word for it. If someone could provide new information that indicated that this was designed by architect who built the twin towers in New York, then the Committee would have to consider that information. Page 11 (Exh I)

Dr Stamps recalled that the Historic Districts Commission stated at every meeting that they made decisions in accordance with the National Register Department of Interiors guidelines Page 11 (Exh I)

Dr. Stamps stated he could agree to delist it Page 13 (Exh J)

- February 8th 2010 City Consultant Ms. Kidorf letter to City:

“I have confirmed from the State Historic Preservation Office that when reviewing delisting requests the committee should use todays standards not the standards when the district was designated” Page 1 (Exh K)

”neither property (1525 & 2371) was significant the way previously defined which was for their architecture” Page 1 (Exh K)

“that the property is not significant in the way previously defined” Page2

- 56187 Dequindre Road Dr. Jane Busch Report: (Exh L)

‘.. the Local Historic Districts Act requires that the study committee s be guided by the criteria for listing in the National Register of Historic Places. “ Page 5

..Colonial Revival design , a popular style at the time. Page 6

Given the large wings that were added to this formerly small house in 1962 , it did not retain sufficient historic character in 1978 to warrant designation as an example of an architectural style or type. Page 6

National Register Criteria Considerations (Exceptions):

B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

Dr Busch: Property that have been moved from their original locations are not eligible for listing in the national register except in the circumstances described above. The house at 56187 Dequindre Road has been moved from its original location. Its architectural integrity has been lost due to additions... It cannot be considered significant for its architecture. Page 6

It should be noted that a clarification from the SHPO office confirms that the National Register Standards of today should be used to evaluate any delisting as has been practiced by the consultant in all the three delisting reports 56187 Dequindre, 1585 Rochester Road, and 2371 Livernois.

4. National Register Applied over and over by HDSC :

- HDSC Delisting request for 1805 S. Rochester Road. Property be eliminated due to demolition of Bordine house. (Exh V)
- 1998 Listing of 655 Michelson Road. Council Denied not famous or significant person Exh W
- 1996 Listing of 71 N. Livernois Denied by State- Gibbs not famous enough to be National Register Exh X

As per the HDSC delisting of Dequindre Rd (listed in 1978) , HDSC recognizes that **National Register is applicable in regards to delisting properties designated in 1978.** (Ms Kidorf letter “ *I have confirmed from the State Historic Preservation Office that when reviewing delisting requests the committee should use today’s standards not the standards when the district was designated” Page 1 (Exh K)*

- Statement in Ms. Kidorf preliminary report should be modified to reflect the above (She states’ national register criteria is not valid grounds to de-designate a single resource historic district before 2002” Exh DD) . Hence National Register Criteria A, B, C are applicable and the house does not meet any of the requirements of High Significance either Historical or Architectural (see Ex X – HDSC Adams listing request criteria and description of two areas of significance History and Architectural.) This house fails any

criteria of History or Architectural significance required and does not meet “Famous” event or people criteria as well and hence does not qualify to be a Single Resource District.

5. Property Rights:

- Amy Arnold Letter to Michael Kilpatrick HDC dated Feb 19, 1999 (Exh AA)

‘It is always difficult to obtain historic designation for a single resource if the property owner is not in favor of it’

- On April 11, 1978 HDSC held a public hearing for the new Historic District Ordinance 4-06. A large number of people showed up and many expressed their concern about property rights of the owners being violated. (see Exh BB, CC)

- House Bill 5504 as Introduced (Exh N)

Many legislatures were against and said it infringed on the property rights and suggested tax rebates.

The courts supported “police powers” only in exceptional , unique sites like French Quarters and Mackinaw Island.

6. Does not meet Single Resource Districts Criteria:

- Non Contiguous Single Resource Districts must be of very high national significance as stated below and must be eligible for the National Register. (Exh O)
- Bob Conway of SHPO April 2006 addressed to Mr. Freeman of Troy in “ SHPO did not a(and does not) support the creation of single resource districts....The criteria specify that a single resource district must be distinguishable.....Examples of single resource district would be a county court house, an armory, a house designed by Frank Lloyd Wright, the summer time cottage of Ernest Hemingway, Henry Fords first factory...” (Exh P)

7. Defective Procedure (Incorrectly Designated)

- Mr. Dziurman agrees “ the procedure could be considered defective..” see Exh E due to wrong designation of architectural type Greek Revival vs Colonial Revival
- Mr. Delacourt states” There was a paper error involved...” Page 14 November 12 HDSC (Exh Q)
- Designated house was 2409 not 2371. (Exh R) Records never corrected by using the proper procedures as set forth in 399.203 and 399.214 to modify..
- Affidavit filed for 2409 not 2371. (Exhibit R)
- Rochester Hills Ordinance No 369 Adopted 2 Aug 1995 (Exhibit S) Page 3 item .12 “Non Contiguous District”. eliminated the 100ft boundary. Page 6 Item .03 changed the address from 2409 to 2371; and item .04 states “ within 30 days ...the Mayor shall cause a document to be recorded with the Registrar of deeds describing such land. No such recording took place for 2371. This item did not meet the requirements of PA 169 of

1970 as amended 399.214 **which required to follow Section 3 (1)(c) to modify boundaries.** (Exhibit T)

- No information at State regarding 2371. SHPO letter from Bob Christenson (Exhibit U)

8. Structure Moved from original location:

- Mr. Dziurman states” **It was pretty clear according to the National Register guidelines that if a resource was moved off site, it was almost automatically forgotten about**”page 16 (Exh F)
- Mr. Hannick stated if the house was moved or a porch or addition was added that had an effect on the house.**then this house did not fit the guidelines because it was moved** and had been changed drastically in its style” The style added by a former owner changed the original house” Page 10 (Exh H)
- Dr Busch: Property that have been moved from their original locations are not eligible for listing in the National Register ..” Page 6 Exh L

9. Additions and Changes to Original Structure:

- Big addition on the Front of the house (east elevation) and huge full length of the house porches on the west elevation. The new owner, Louis Berklich (old owner George) was an architect and changed the entire house elevations. Drawings available for verification. Building permits available, and after building for seven years occupancy permit available.
- Mr. Hannick stated if the house was moved or a porch or addition was added that had an effect on the house.**then this house did not fit the guidelines because it was moved** and had been changed drastically in its style” The style added by a former owner changed the original house” Page 10 (Exh H)
- Dr Busch 56817 Dequindre Road delisting by HDSC. “Its architectural integrity has been lost due to additions... It cannot be considered significant for its architecture. Page 6

SUMMARY OF FACTS:

1. IN 1978 2409 DESIGNATED HOUSE NOT 2371
2. DID NOT MEET THE AGE CRITERIA
3. INCORRECT STYLE TYPE GREEK REVIVAL VS COLONIAL REVIVAL
4. DR.BUSCH, MS. KIDORF, BOB MORRISS THREE CONSULTANTS CLASSIFY IT AS COLONIAL REVIVAL-COMMON TYPE OF HOME
5. NO HISTORICAL OR ARCHITECTURAL SIGNIFICANCE DATA
6. NO FAMOUS PEOPLE OR EVENT

7. MOVED - LOST SIGNIFICANCE
8. MAJOR ADDITIONS- NOT ARCHITECTURALLY SIGNIFICANT
9. DOES NOT MEET THE NATIONAL CRITERIA FOR SINGLE RESOURCE DISTRICTS
10. IN 2002 SURVEY DR. BUSCH SAYS"NEED MORE INFO FOR NATIONAL REGISTER"
11. BOUNDARIES CHANGED WITHOUT PROPER PROCEDURE
12. ADDRESS CHANGED WITHOUT PROPER PROCEDURE
13. MEMBERS AGREE THAT IT IS DEFECTIVE PROCEDURE
14. MEMBERS AGREE LOST SIGNIFICANCE DUE TO MOVING
15. STAFF AGREES THAT ERROR TOOK PLACE IN PAPER WORK
16. CITY CONSULTANT, RECOMMENDS DELISTING
17. OUR CONSULTANT RECOMMENDS DELISTING
18. CITY SUPPORTS PROPERTY RIGHTS

The report needs to be modified and finalized as soon as possible. Member have clearly expressed their opinions to delist and it is evident that a delisting is justified due to multiple reasons. Senior member Dr. Stamps says "Delist", Mr. Dziurman says "its defective procedure" Mr. Hannick says" it does not meet the guidelines" "Chairman Thompson says"the Preliminary Report looked solid". We therefore request that the property be delisted immediately without causing any further harm to the owner and let the city be proud of quality designations rather than a completely insignificant piece of property that does not even meet the age criteria.

Mukesh Mangla , Owner

(A)

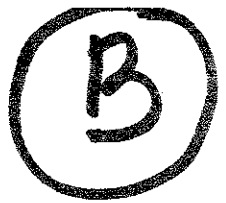
Criteria of Selection

In order to safeguard the rights of the property owners who might ultimately be affected by inclusion in a Historic District zoning area, the Committee adopted an explicit set of criteria to be used in making final selections for the Preliminary Report and Inventory.

These guidelines, or standards of selection, are as follows:

1. Age of structure (arbitrary figure of 50 years was used)
2. Condition of structure
3. Architectural integrity of structure
4. Feasibility of restoration or preservation of structure.
5. Extent to which structure reflects the cultural, social, economic, political or architectural history of the township.
6. Master Plan compatibility
7. Stabilization and improvement of property values in the immediate area.
8. Presence of other historical structures in the immediate area.
9. Impact on civic beauty.
10. Impact on local economy.
11. Educational potential of structure.

Property of
Rochester City Museum
Archives



SORTED BY YEAR BUILT

	ADDRESS	YR	AGE
	1005 Romeo	1823	155
1502476002	Van Hoosen Farm	1823	155
	3861 Adams	1824	154
	6381 Winkler Mill	1825	153
1505326011	Brewster	1827	151
	1005 Dutton	1827	151
	999 Tienken	1827	151
	1251 Washington	1830	148
	972 Tienken	1837	141
	5753 Cherry Crest	1840	138
	54225 Dequindre	1840	138
	1050 Tienken	1840	138
	Ewell Mill	1845	133
	820 Auburn	1850	128
	1005 Runyan	1850	128
	1081 Tienken	1850	128
	1750 Tienken	1851	127
	860 Avon	1860	118
	Roberson Mill	1860	118
	1580 S.Blvd	1860	118
	Storycreek	1860	118
	947 Tienken	1860	118
	1040 Tienken	1860	118
	1266 Washington	1860	118
	1291 Washington	1862	116
	1990 Avon	1863	115
	705 Bloomer	1864	114
	2498 Tienken	1868	110
	1009 Runyan	1870	108
	1002 Tienken	1870	108
	1002 Tienken	1870	108
	1431 Washington	1870	108
	6481 Sheldon	1875	103
	1005 Bloomer	1880	98
	1481 Dutton	1884	94
	1071 Bloomer	1889	89
	1261 Bloomer	1890	88
	3610 Livernois	1890	88
	1106 Runyan	1890	88
	1809 Runyan	1890	88
	1470 Tienken	1895	83
	2332 Avon	1897	81
	991 Runyan	1900	78
	991 Runyan	1900	78
	1160 S.Blvd	1900	78

1526326001	Ferry Morse Seed Farm	1902	76
1583	S. Rochester	1902	76
1812	S. Rochester	1910	68
56187	Dequindre	1915	63
971	Runyan	1915	63
971	Runyan	1915	63
992	Tienken	1915	63
986	Tienken	1915	63
992	Tienken	1915	63
1921	Washington	1920	58
6400	Winkler Mill-Dillman Res	1920	58
1100	Mead	1927	51

Average Age 105

MANY MORE BUT DATA WAS NOT THERE AT THE MUSEUM.

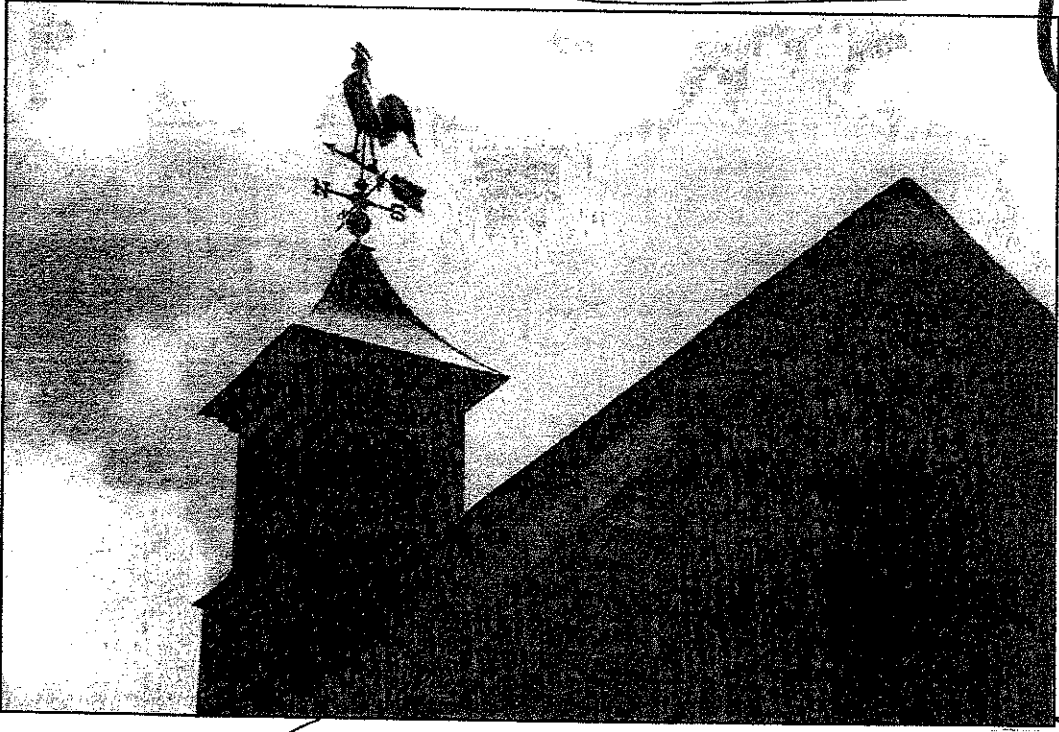
1207	Livernois	?	Moved from Troy	Listed
1425	E.Auburn	?	Frame add on original Greek Revival building	
1365	W.Tienken	?	Previous Owner Angelo Calas Currently being totally remodeled	
1650	S.Rochester	?		
1841	Crooks	?		
3030	Crooks	?		
1021	Harding	?		
2409	S.Livernois	?	Greek Revival	

Historic Districts

MUST BE 50 YRS

C

City of Rochester Hills



Property Owner Guide

Frequently Asked Questions

1. Will the interior of my designated house be affected by the ordinance and review process?
No, reviews are only done for work affecting the exterior appearance. Any work that might change the exterior appearance of a locally designated district requires a Certificate of Appropriateness.

2. Are tax credits available for rehabilitation done on an historic house? Recently, two bills were passed by the Michigan State Senate that provide a 25% state tax credit to owners of designated historic properties. There is also a Federal tax credit that provides a 20% tax credit for work completed on an income producing property.

MPF → 3. What are the criteria for local designation? The property must be 50 years old and possess (at least one of the following) significance in architecture, craftsmanship and events or association with significant people.

4. What if I want to do maintenance on my house that replaces an existing material, but doesn't

Printed in the USA - City of Rochester Hills, Michigan
First Printing February 2000

Township of Avon

(D)

Parcel Number 15.27.101.014

Address 2409 S. LINCOLN

Current Owner Louis Berklich

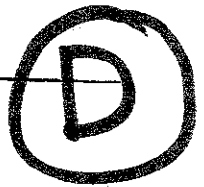
GREEK REVIVAL - PLANTATION STYLE
WOOD FRAME
EXCELLENT EXTERIOR CONDITION
ARCHITECTURALLY SIGNIFICANT

HISTORICAL DATA

Age or Year Built _____

Type of Construction _____

Additional Remarks:



RESIDENCE: Louis Berklich (c.)

STYLE OF BUILDING: Greek Revival - Plantation Style

TYPE OF CONSTRUCTION: Wood Frame

LOCATION: 2409 South Livernois Road

CURRENT OWNER'S NAME: Louis Berklich

ADDRESS: 2409 S. Livernois Rd., Rochester, MI 48063



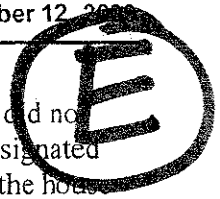
HISTORICAL DATA:

Robert Jones (V.A. Moran)

NOT ON
ORIG.

ADDITIONAL REMARKS:

Excellent exterior condition. Architecturally significant.



V. INPT || 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.

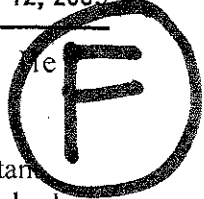
Mr. Delacourt stated it was explained to City Council that the Study Committee would make a recommendation about whether the property met the criteria for designation. City Council asked the Study Committee to evaluate the property and make a recommendation.

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.

MOVED || 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.

Sept

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.

empt

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

Approved as presented at the December 10, 2009 Regular Historic Districts Study Committee Meeting

Mr. Delacourt asked for comments from the Committee on the draft Preliminary Report, the recommendation from the consultant, and how they would like to proceed.

Imp | Chairperson Thompson thought the Preliminary Report looked solid, noting the Committee had briefly discussed the property at the December meeting. He asked if the Committee was ready to accept the Report and transmit it to the State Historic Preservation Office (SHPO).

Mr. Delacourt reminded the Committee that even if the Report was submitted to SHPO, they still had the opportunity to revise the conclusion or the recommendation as part of the Final Report process. That can be done at any time.

Melinda Hill, 1481 Mill Race, stated she had read the report and had similar comments to the comments she made about 1585 S. Rochester Road. In fact, she was bothered that the report read almost identical to that one in some respects. She had a problem with the conclusion from the standpoint of it saying things were different from what the committee originally thought. She did not think we knew what the committee originally thought. It is not the same as "previously defined". The house has always looked the same. She had trouble with the style of architecture because it truly has the appearance of a Greek Revival Plantation style piece and has always looked that way. If one looked that up, as she was not an expert in the field, she was curious if there was perhaps a mistake because it talks about it being a Colonial Revival style. It has the appearances, but not the same as the plantation by any means. Again, there were not that many examples talked about in Rochester Hills for one thing of that style. When it talked about Criteria B about moving a house and not meeting National Register Standards that again is addressing it in today's context, not in the context of when it was moved where it had no obligation or requirement to meet National Register criteria to be designated. To state that is one of the reasons that it failed is not really appropriate. That may be what happens today, but it certainly was not at the time it was designated. Again, she has a problem when the conclusion says it was not what it was thought to be by the original Study Committee, because it is exactly what it was defined as by the original Study Committee. We do not know what they were thinking or they did not have as much to research, but we have not shown either in this report very much research. She also was not sure she could agree with the conclusion just because there was not a lot known about Jack Burns as an architect or that we had not found a lot of evidence or he was insignificant for the time. She stated he did the "Black and White Cow" house, but was he really a well thought of architect at that time or very prominent she did not know as that would take some more research. Maybe there is more that can be found to add to this Report, but it disturbed her a little that the Committee would say they agreed it did not have any significance or it was insignificant. That same thing about Rochester Road and that was what bothered her about the report in both cases.



gmp

Mr. Hannick stated the Committee looked at older homes that the owners had made changes to because they liked a particular style which changed the look of the house. He questioned how that was reviewed or if it followed the review standards versus reviewing a house that always looked the same. He commented if the house was moved or a porch or addition was added, that had an effect on the house. He stated if the Committee was operating under those guidelines, then this house did not fit the guidelines because it was moved, and had been changed drastically in its style. The style added by a former owner changed the original house. It was not the same as a house like the Brooks farm house in Troy, Michigan, south of the Kresge building, that house had not changed. He asked if the Van Hoosen farm house had changed or if additions had been added. He wanted to know where the Committee drew the line. He noted Mr. Webster's house was a historical house and asked if that house had had any changes.

(Enter John Dziurman, 6:23 PM)

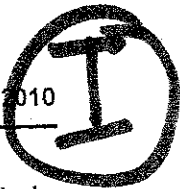
Chairperson Thompson stated that in some instances additions were inappropriately added and they did change the structure. It also depended on when they were added, where the additions were located and if they had been approved by the Historic Districts Commission.

Melinda Hill, 1481 Mill Race, stated that both this property and the other were designated after they had been moved and after they had been changed. Since the time of designation back in 1978, nothing had changed. That is what one is judging it on, not what it looked like when it sat at the corner of Auburn and Rochester Road. That is not what was being talked about. What was being talked about is the structure as it existed in 1978 on the property known at 2371 S. Livernois. That is what one should be judging its significance against. Yes, properties have changed, but they were not designated, or even the Rochester Road one, it was changed but changed in 1971 and then designated in 1978. So the people in 1978 who looked at these properties looked at the histories of them and designated them at that point for certain reasons. But if it was for an architectural style, they were designated for the style at that particular point in time.

Dr. Stamps stated he heard Ms. Hill clearly about imposing modern day criteria on a former decision. He wondered if there were times when it could be said that maybe they had made the decision but they did not have all the information.

gmp

Mr. Delacourt stated that unfortunately no documentation was included from the original designation in this instance. The survey sheet available for the structure did not list the year of construction for the house. The original Study Committee report does not identify why, and the current Study Committee did not have the benefit of that information to know what criteria or standard was used to qualify. The only thing the Committee can look at is what stands today.



V. 17PT

Dr. Stamps stated even though he understood Ms. Hill's comments, and the Committee had to be careful about judging on a different set of standards, maybe sometimes that had to be done. He asked if the house was really that significant. He referred to the comment about the architect, and noted if the architect was a significant architect, the Committee would have known that. He commented that to say "we should save it because he was a great architect", and pointed out that most great architects get their name listed in the Architects of Michigan or Architects of America or some other publication. He thought the architect probably did not reach the level of significance that would justify. This is in part why the Committee turned to a knowledgeable consultant, and took the consultant's word for it. If someone could provide new information that indicated that "this was designed by the architect who built the twin towers in New York" then the Committee would have to consider that information.

Chairperson Thompson stated the original 1978 Study Committee did a good job considering how many of the properties they designated remained designated. However, they had looser standards at that time and he asked what criteria this Study Committee should set and whether the Committee was obligated by the standards that were almost non-existent then or apply the current standards. He did not think he had a definite answer, but would not want to see all properties designated in 1978 coming back requesting delisting.

Mr. Delacourt stated that research done validated over 95% of what was designated in 1978 although those properties did not have individual reports from 1978. He commented that this property and the 1585 S. Rochester Road property were both probably marginal by today's standards, although he did not have the benefit of understanding what the standards were in 1978.

Chairperson Thompson did not want to criticize what had been done in 1978 because they did a wonderful job considering there were not a lot of guidelines at that time. He agreed that 95% of what had been designated was still standing and solid.

V. 17mpt

Dr. Stamps recalled that the Historic Districts Commission stated at every meeting that they made decisions in accordance with the National Register Department of Interior guidelines. If the Committee follows those standards, they could be holding the buildings to a higher standard than what they were originally designated under.

Mr. Dziurman noted he had arrived late and had not heard the earlier conversation, but stated he could assure the Committee that the original Study Committee did not



Frankly, it was open to what it used to be prior to 1992 when the State Act made a change that said "shall be guided by" and then in 2002 SHPO set forth some criteria rules. We are prior to either one of those and that is what allows us to look back at the report that was there and decide were those people correct in the fact that they felt this particular structure was worth saving and preserving. They felt it was and the City at that time felt it was. Does that make it any lesser of an entity today than it was then and in trying to apply the moving criteria when she said right in the report that it has no bearing so to speak, and all of a sudden she contradicts herself in this report. Really, the question is "does this body feel that it still has the significance that it had then" because there was no other. She's saying "we don't think it does compared to what they thought" and that was still her argument about what was it identified as and what was identified as a certain structure, which is still the exact same structure today. She did not think that argument held water. She would like to see anything else that we could obtain to make the report a better report about the structure. To come to the conclusion that it was not significant and we should not have it listed anymore, she had a difficult time with.

Chairperson Thompson stated it appeared the Committee would like more time to review this more thoroughly. He suggested the matter could be rescheduled for the next meeting.

Impt

Dr. Stamps stated he could agree to delist it and pointed out it was still a beautiful house.

Mr. Delacourt suggested that the consultant could be invited to attend the next meeting to discuss the research and report.

Chairperson Thompson reminded the Committee the Public Hearings were scheduled for the February meeting, and he did not know if there would be sufficient time to address additional Agenda items prior to the Historic Districts Commission meeting beginning at 7:00 PM. He suggested the Committee could consider a special meeting with the consultant or schedule this matter for the Regular March Meeting. He asked that Staff contact the consultant to see when she was available to meet with the Committee.

This matter was Discussed

~~8B 2010-0017 Election of Officers - 2010
Chairperson
- Vice Chairperson
- Secretary
Dr. Stamps asked if the current officers were willing to continue serving, or if~~

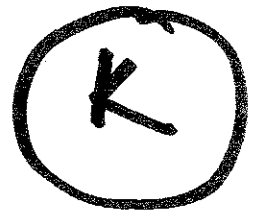


Kidorf Preservation Consulting

451 East Ferry Street Detroit, Michigan 48202

Phone: 313-300-9376

Fax: 313-872-5632



February 8, 2010

Derek Delacourt
Deputy Director
Planning & Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

SHOULD USE TODAY'S
STANDARDS.

RE: Draft Preliminary Study Committee Reports, 1585 South Rochester Road and 2371 Livernois Road

Dear Derek,

In response to Ms. Hill's comments at the January 14th Historic Districts Study Committee meeting I offer the following comments to the study committee.

I apologize for incorrectly using the language "originally thought" in both reports. That was an error on my part, I incorrectly remembered the state and local ordinance language. I recommend the committee change the language in the report to "previously defined." However, the language used in stating the "committee's findings" is the standard language used when writing draft reports for the committee, regardless of the recommendation. The committee is free to change these recommendations or language as they see necessary.

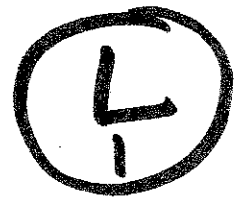
imp I have confirmed with the State Historic Preservation Office that when reviewing de-designation requests the committee should use today's standards, not the standards from when the district was designated.

I spent a great deal of time and thought in developing my draft reports with recommendations for the committee. Both requests for de-designation were difficult because I was unable to find much historical information and the records from the study committee's original work are not as detailed as reports and records that are generated today. Ms. Hill is correct, we do not know their original thoughts, and we can only go with the written records of their work. Additionally, in both cases, new information about the history of the houses was discovered that does not appear to have been available in 1978 or in 2002. At times architecture can be deceiving about when it was constructed, which is why "windshield surveys" are followed with intensive level surveys to document the architecture and history of a property before designation is considered. In both cases the new information formed my opinion that neither property was significant in the way previously defined which was for their architecture.

1585 S. Rochester

The designation information consists of two survey sheets, both calling the main house and second house (demolished) "Classic Greek Revival" in style, and under historical data stating, "E.C. Kraut farm on 64 acres, known as Fairview Farm, was built about 1902. The farm was purchased by the Eddys in 1934 and following major cleaning and restoration, the family moved in two years later." Under additional remarks it states: "Good exterior condition. Historically significant." The additional research completed by Dr. Busch in 2002 updates and clarifies the history and significance, stating "The 1908 atlas map shows E.C. Krout's Fairview Farm of 64 acres, with a house that could be this one. The rural property inventory gives us an 1891 construction date for the house. The farm was purchased by the Eddy family in 1934. In 1938 Eddy's farm was 106.05 acres. A smaller house and all of the farm buildings were demolished in 1993. The farm is now occupied by the Eddington Farms Subdivision. Despite the loss of the other farm buildings and aluminum siding on the house, it remains a good local example of the Neoclassical style."

Starting with this information my research on the property involved reviewing a circa 1915 photograph of the property (in the report) that showed the house in a different style and form. Based on the cited references it does not appear that the historic photograph was available during the 1978 and 2002 surveys. It is possible that earlier researchers concluded that



FINAL HISTORIC DISTRICT STUDY COMMITTEE REPORT
56187 DEQUINDRE ROAD HISTORIC DISTRICT
ROCHESTER HILLS, MICHIGAN

INTRODUCTION

In 2002 the city of Rochester Hills engaged Jane C. Busch, LLC, in collaboration with Hamilton Anderson Associates, Inc., to complete the *Rochester Hills Historic Districts Survey*. The survey was designed to augment and update information about the city's designated and potential local historic districts. The recommendations of the survey included eliminating three existing local historic districts, one of which is the property at 56187 Dequindre Road.

CHARGE OF THE HISTORIC DISTRICTS STUDY COMMITTEE

The historic districts study committee was established by the Rochester Hills City Council on December 15, 1999, pursuant to the Rochester Hills Code of Ordinances, Chapter 118, as amended in 1999. The study committee is a standing committee charged with conducting the duties and activities of a study committee on a continuing basis. These duties include inventory, research, and preparation historic district study committee reports to establish or eliminate historic districts. Study committee members serve two year terms. A list of current committee members follows.

STUDY COMMITTEE MEMBERS

John Dziurman, a registered architect with a practice focused on historic preservation, meets the federal professional qualification standards for historic architect. He has served on the Rochester Hills Historic Districts Commission for over fifteen years, many of those years as chairperson.

Peggy Schodowski has a strong background in research and analysis, and is currently employed part-time as a Marketing Director/Research Analyst for a locally owned company. She has recently provided research assistance to a local private school regarding the historic background of their school building, and has also assisted several local communities with research about historic buildings.

Richard Stamps is an associate professor of anthropology at Oakland University. A professional archaeologist with a strong interest in history, he is also a member of the Rochester Hills Historic Districts Commission.

Jason Thompson is chairperson of the Historic Districts Study Committee, and is a member of the Rochester Hills Historic Districts Commission. He has received a bachelor's degree in history from Oakland University, and a masters of public administration from Oakland University. His academic and work activities include a strong background in research and grant writing.



Gerard Verschueren has been involved with many of the City's Boards and Commissions over the last 15 years. Originally from the Netherlands, he owned a European company specializing in the repair and restoration of churches and castles that were hundreds of years old. He was the past historical building advisor and consultant for the State of Ohio, and a past consultant for the Detroit Roofing Consulting Service regarding historical buildings.

Lavere Webster is an art and antiques conservator who lives in one of the city's designated local historic districts. He has served on the board of directors of the Rochester-Avon Historical Society for more than six years.

Pamela Whateley is a minister and healing counselor interested in the city's building and development. She served for two years on the subcommittee for the city's Earl Borden Historic Preservation Award.

Kristine M. Kidorf, Kidorf Preservation Consulting, and *Jane C. Busch*, Jane C. Busch LLC, assisted the study committee with their work.

INVENTORY

An initial survey was conducted by Avon Township (now Rochester Hills) in 1978, out of which the property at 56187 Dequindre was designated a local historic district. In 1993 and 1994, the staff members of the Rochester Hills Museum updated the photo documentation of properties previously designated. A photographic inventory of the district was conducted in 2002 as part of the *Rochester Hills Historic Districts Survey*. Copies of the inventory forms are located at the Rochester Hills Planning Department, the Rochester Hills Museum, and the State Historic Preservation Office. Additional photographs were taken in May 2007 as part of the preparation of this report.

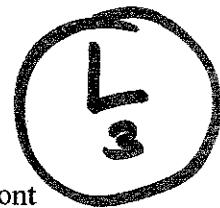
DESCRIPTION OF THE DISTRICT

The one-and-a-half story house at 56187 Dequindre Road, built about 1915 is located at the end of a long gravel drive that slopes slightly upward from Dequindre and accesses two other houses. The house at 56190 Dequindre is located between 56187 and Dequindre and a newer house sits directly to the north of 56187. The house is surrounded by a row of evergreen trees to the north and deciduous trees to the south. A small flat lawn and asphalt paved driveway are located in front of the house.

The house faces ^{east} north, with the gable end parallel to Dequindre. The original portion is Cape Cod in form, and has a center entrance flanked by twelve-over-twelve double-hung windows on both sides. The steeply pitched asphalt-covered gable roof has three flush skylights across the front. There is a massive brick chimney at the east end.

A one-and-a-half story wing has been added to the east end of the original house covering the end chimney. It has matching double hung windows in the front and end, and the pitch of the gable roof matches the main house. A smaller one-story wing has been

*2. 1/2 story
wing*



added to the west end of the original house. A two-car attached garage with a gable-front has been added to the west wing. Two wood-paneled garage doors face front. A brick colonnade has been constructed in front of the garage and the west wing. The entire house is sided in tan vinyl siding with aluminum trim. The three first floor windows in the original section of the house have a projecting trim piece at the top.

1) Parcel added to lot & det.

2) New wing on east side

COUNT OF HISTORIC AND NON-HISTORIC RESOURCES

The 56187 Dequindre Road Historic District contains no historic resources and one non-historic resource.

BOUNDARY DESCRIPTION

The 56187 Dequindre Road Historic District consists of parcel number 15-01-278-005 and is further described as follows:

T3N, R11E, SEC 1 PART OF NE 1/4 BEG at PT DIST N 89-45-00 W 529.14 FT FROM E 1/4 COR, TH N 89-45-00 W 352.12 FT, TH N 00-15-00 E 230 FT, TH N 79-10-30 E 152.75 FT, TH N 77-48-40 E 183.22 FT, TH S 04-12-20 E 299.64 FT TO BEG (2.14 AB 10E)

BOUNDARY JUSTIFICATION

The district consists of the parcel that has contained the house since it was moved to this location in 1962. A new house has been constructed to the north, and a large subdivision of new houses has been constructed to the south.

HISTORY OF THE DISTRICT

This one-and-a-half-story side-gabled frame house was built ca. 1915 in Shelby Township as part of the Maxwell Case Farm. It was moved to this location in Rochester Hills when the Stony Creek Metropark was developed in 1962. After it was moved two wings were added to the house, and about 1990 an attached two car garage was added.

CRITERIA FOR DISTRICT ELIMINATION

Pursuant to Rochester Hills Code of Ordinances, Chapter 118, as amended in 1999, and PA 169 of 1970 as amended, if considering elimination of a historic district, the study committee shall follow the procedures set forth in this division for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

- 1) Lost physical characteristics. The historic district has lost those physical characteristics that enabled establishment of the district;
- 2) Insignificance. The historic district was not significant in a way previously defined; or



- 3) Defective procedure. The historic district was established pursuant to defective procedures. (Section 118-34, Rochester Hills Code of Ordinances)

Lost Physical Characteristics

The house was moved to its present location in 1962 and remodeled at that time. The remodeling added two wings and removed a portion of the rear of the house to become a shed. Since then a two car attached garage has been added to the west wing. The house has been sided with vinyl siding with aluminum trim and skylights have been added to the roof.

According to National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*: According to National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*: "A property that is significant for its historic association has integrity if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible *if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation.* The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style."¹ The wings on the house at 56187 Dequindre overwhelm the original, small Cape Cod house. The vinyl siding covers the wood siding—a key character-defining feature on a simple, vernacular house such as this. The front skylights also diminish the historic character of the house. In sum, the house at 56187 Dequindre does not retain integrity.

Insignificance

In 1978, when the Avon Township Historic District Study Committee conducted their investigation of potential historic districts in the township they had relatively little guidance. Michigan's Local Historic Districts Act, PA 169 of 1970, instructed study committees to conduct studies and research and make a written report on the cultural, social, economic, political, architectural, or historical significance of the property under consideration. The law did not specify how to go about this study, what the report should include, or what criteria should be used to evaluate historical significance. Furthermore, in the 1970s methods to identify and evaluate historic properties were less sophisticated than they are today.

A primary purpose of the 2002 Rochester Hills Historic Districts Survey was to reevaluate all of the properties that were designated in 1978. This was because the practice of historic preservation has progressed greatly since then and techniques for

¹ National Park Service, *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin 15 (Washington, D.C.: National Park Service, n.d.), p. 46.

L₅

identifying and evaluating historic properties have advanced notably. Michigan's Local Historic Districts Act has been amended extensively. The 1992 amendments specify requirements for study committee reports in some detail and require study committees to be guided by the evaluation criteria for the National Register of Historic Places.

Rochester Hills' historic preservation ordinance has also undergone substantive amendment, in large part to follow state law. The original ordinance limited the local historic district to one hundred feet from the primary structure. This was amended in 1995 to include the entire parcel in the local historic district. Thus, it became necessary to evaluate all of the resources on the property. Finally, the former Avon Township had grown and changed tremendously since 1978. It was necessary to evaluate the historic districts within the context of the Rochester Hills of 2002.

As stated above, the amended Local Historic Districts Act requires that study committees be guided by the criteria for listing in the National Register of Historic Places. National Register Criteria A and C and Criteria Consideration B are relevant to the designation of 56187 Dequindre Road. Evaluation of the property according to these criteria leads to the conclusion that the property is not historically significant.

The National Register Criteria

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history.

Agriculture is the central theme in the city's history and is its most significant pattern of events. Note that the events referred to in National Register Criterion A are not necessarily single events. As explained in *How to Apply the National Register Criteria for Evaluation*: "Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends, such as the gradual rise of a port city's prominence in trade and commerce."²

The original study committee determined that the property contributed to the pattern of settlement and agriculture as the house was constructed about 1915 and was originally part of the Maxwell Case Farm. However, the farm was located in Shelby Township and has no relationship to the history of Rochester Hills.

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic

² National Park Service, *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin 15 (Washington, D.C.: National Park Service, n.d.), 12.

L6

values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

IMPT POINT

Residential architecture dominates Rochester Hills, and most of the houses that have been designated are single-family houses, usually former farmhouses, some with associated outbuildings. The construction date of 56187 Dequindre is estimated about 1915. The Cape Cod house was a type of Colonial Revival design, a popular style at the time. The form was one or one-and-a-half stories tall with a side-gabled roof and a central entrance with windows on either side. Additional windows were found on the ends. These houses were small, and the rectangular form is a significant feature.

IMPT

Given the large wings that were added to this formerly-small house in 1962, it did not retain sufficient historic character in 1978 to warrant designation as an example of an architectural style or type.

9 IMPT

National Register Criteria Considerations (Exceptions)

B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

Properties that have been moved from their original locations are not eligible for listing in the National Register, except in the circumstances described in Consideration B above. These circumstances do not apply to the house at 56187 Dequindre Road.

IMPT

The house at 56187 Dequindre Road has been moved from its original location. Its architectural integrity has been lost due to alterations such as the addition of two wings and an attached garage, covering the wood clapboard in vinyl siding, and the addition of skylights in the front of the roof. It cannot be considered significant for its architecture. Since the house was moved from another municipality, the structure has no historical connections with Rochester Hills, and it is not the surviving structure associated with a person or event significant to the history of Rochester Hills.

In summary the house at 56187 Dequindre Road is not significant in the way the original study committee thought. It is not significant with events or persons significant in the history of Rochester Hills. It no longer retains enough of its historic character to be considered significant for its architecture.

Defective Procedure

The procedures followed in establishing the 56187 Dequindre Road Historic District were not defective. When the property was designated a local historic district in 1978, the Avon Township Board and Avon Township Study Committee correctly followed the procedures prescribed by state law at that time. The study committee adopted evaluation criteria, conducted an inventory, prepared inventory sheets on each property, prepared a preliminary and a final report, drafted an ordinance, and undertook the required

see 1978 criteria



transmittals and public hearing. Of the several hundred properties that the study committee inventoried, sixty-five were recommended for local historic district designation. The Avon Township Board designated thirty-one of these as non-contiguous historic districts each containing one building, and the remainder as part of the Stoney Creek and Winkler Mill Pond Historic Districts.

The historic districts ordinance that Avon Township adopted in 1978 limited a non-contiguous district to the designated structure on the property and the area within one hundred feet from that structure (or to the property line if that was less than one hundred feet away). In 1995, the city of Rochester Hills amended their ordinance to include the entire parcel with all of its historic and non-historic resources.³

CONCLUSION

In conclusion, the study committee finds that the house at 56187 Dequindre Road should no longer be designated as a local historic district. The original study committee did not have the benefit of the National Register criteria or exceptions to evaluate a moved property and its significance to the history of Rochester Hills. The house does not possess the historic integrity needed for it to be considered significant for its architecture. Neither is it associated with a person or event significant to the history of Rochester Hills.

BIBLIOGRAPHY

Busch, Jane C. "Rochester Hills Historic Districts Survey." City of Rochester Hills, Rochester Hills, MI., 2002. Photocopy and compact disc.

"City of Rochester Hills Designated Historic Site Survey." 1993. Historic Home Information, Rochester Hills Museum Archives, Rochester Hills, Michigan.

"Inventory of Historic Properties, Avon Township." 1978. Historic Home Information, Rochester Hills Museum Archives, Rochester Hills, Michigan.

Rochester Hills Historic Districts Study Committee. "Preliminary Historic District Study Committee Report, Demay-Potere Farm Historic District, Rochester Hills, Michigan" no date.

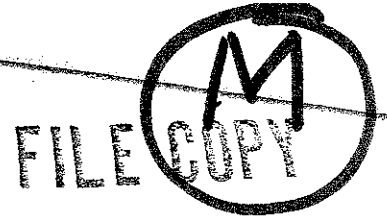
³ Rochester Hills Historic Districts Study Committee. "Preliminary Historic District Study Committee Report, Demay-Potere Farm Historic District, Rochester Hills, Michigan" no date, p. 13.



Candice S. Miller, Secretary

Lansing, Michigan 48918-0001

STATE HISTORIC PRESERVATION OFFICE
Michigan Historical Center
717 West Allegan Street
Lansing, MI 48918-1800



February 19, 1999

FROM AMY
ARNOLD

Ms. Michael Kilpatrick
Chairperson, Historic District Commission
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

Dear Mr. Kilpatrick:

We received your letter dated December 18, 1998 regarding denial of a proposed historic district designation for the Rochester Hills Golf and Country Club Clubhouse (655 Michelson Road) by the Rochester City Council. It is not the policy of the State Review Board to offer opinions on city council decisions. However, we in the State Historic Preservation Office (SHPO) have had experience working with many of the provisions of the Local Historic Districts Act, and are pleased to share our interpretations with local governments. Please understand that the SHPO lacks the authority to give legal advice.

In regard to your inquiry on the appropriateness of the discussion of the city council, it is our understanding that the meeting process of the local unit of government is beyond the purview of PA 169, Michigan's Local Historic District Act. The act does state that "the legislative body of the local unit, *at its discretion*, may introduce and pass or reject an ordinance or ordinances." [PA 169 399.203, Sec. 3(3)(b)] (*italics added*).

9 mpt

It is always difficult to obtain historic district designation for a single resource if the property owner is not in favor of it. You may want to consider embarking on an education program that will help the property owner to understand the benefits of preservation, especially in terms of state and federal tax credits. For your information, I have enclosed a brochure on the new state tax credit that you might want to share with the property owner. Perhaps you could connect him with property owners who have successfully utilized the historic district designation to their advantage. You may also wish to consider the possibility of designating a larger district in which the clubhouse would be just one of many contributing resources.

Should you decide to submit the historic district study committee report to the city council for reconsideration in the future, we would make the following suggestions:

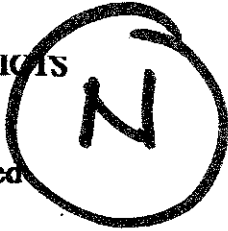
Since the additions to the structure were an issue during the discussions, we recommend that the date of construction and a short history of each addition be specifically documented in the report.

RECEIVED

MAR 24 1992

LIBRARY OF MICH./LAW

LOCAL HISTORIC DISTRICTS



House Bill 5504 as introduced
First Analysis (3-9-92)

Sponsor: Rep. Ilona Varga
Committee: State Affairs

THE APPARENT PROBLEM:

Public Act 169, the local historic districts act, has been amended only twice in the past twenty years: A 1980 amendment added open meetings act provisions, and a 1986 amendment clarified what properties in a local historic district fall under the jurisdiction of the local district ordinance. Local historic district commissions have raised a number of concerns about the act, including the need for clearer definitions and for clarification of administrative procedures. At the request of a state-wide non-profit historic preservation advocacy group legislation has been introduced to address these concerns.

Inpt

THE CONTENT OF THE BILL:

The bill would make a number of technical and clarifying amendments to Public Act 169 of 1970, the enabling act for local historic district commissions. It would expand definitions; clarify the process and procedure for establishing historic district study committees, creating historic district ordinances, appointing historic district commissions, and providing guidelines under which commissions and ordinances would operate; and add penalties for non-compliance with local historic district ordinances.

More specifically, the bill would:

- * name the act the "Local Historic Districts Act";
- * redefine the duties of historic district study committees and limit their studies to a year (unless extended by the local legislative unit);
- * make a number of minor changes in the composition and establishment of historic district commissions, and the appointment and termination of commission members;
- * clarify the permit process;
- * address the problems of "demolition by neglect" and unapproved changes in historic resources;
- * clarify the ongoing designation activities allowable in local governments and provide procedures and

Inpt

standards for eliminating established local historic districts;

- * allow local units of government to temporarily protect historic resources while going through the process for historic designation; and
- * establish criminal penalties for violations of the act and allow courts to order restoration costs.

Definitions. Currently, the act defines "historical preservation" to mean "the protection, rehabilitation, restoration, or reconstruction of districts, archaeological and other sites, buildings, structures and objects." Under the bill, "historic preservation" would mean the "identification, evaluation, establishment, and protection" of "resources significant in history, architecture, archaeology, engineering, or culture."

Historic district study committees. Before a local unit of government establishes a historic district, it must appoint a historic district study committee. Study committee members are appointed by the local legislative body and have representation from historical preservation societies. The committee does "studies and research" and reports on the historical significance of the various features in the local unit. The report also recommends the area to be included in the proposed historic district, and copies of the report are sent for review and recommendations to the local planning commission, to the Michigan Historical Commission, and to the state Historical Advisory Council (as well as being made available to the general public).

The bill would require that historic district study committees consist entirely of people who had a "clearly demonstrated interest in or knowledge of historic preservation (as well as continuing to have representation from organized local historic preservation organizations). The bill also would redefine the duties of study committees, requiring them to do each of the following:

- * in accordance with procedures established or approved by the state Bureau of History, do a

House Bill 5504 (3-9-92)



demolition or penalties for non-compliance with local historic district ordinances.

The Michigan Historic Preservation ~~Commission~~ supports the bill. (3-4-92)

The bill would clarify, but not radically alter, the process of establishing local historic district ordinances; would provide uniform definitions of preservation terminology and would promote consistency in establishing local historic districts. It would not change the existing process of obtaining a certificate of appropriateness, but would more clearly outline the procedure that local historic district commissions and property owners would follow in reaching agreements. It also would give the Bureau of History a greater role in establishing guidelines for historic district study committee reports, in reviewing ordinances, and in helping in preparing certificate of appropriateness guidelines.

Representatives from the following groups presented testimony in support of the bill (3-4-92):

- * The Ann Arbor Historic District Commission
- * The Holland Historic District Commission
- * Cityscape Detroit, Inc. (a citywide historic preservation organization)

Against:

The bill would amend an act that already infringes too much on the property rights of private citizens. The establishment of local historic district, with all of the restrictions that this places on the property owners in such districts, is clearly a government "taking" and should either be compensated or, at the very least, subject to a vote of the people affected. For example, tax breaks could be given as economic incentives for participation in such districts. And in order for such districts to be established (since they currently are established by local units of government based on the recommendation of an appointed, not elected, committee), the law should require a vote of approval by the people whose property would be affected by such a district.

SUPPORT

Response:

Historic preservation is a concept that has been accepted and used successfully in Michigan and across the nation, and has been upheld by the U.S. Supreme Court as well [in Maier v New Orleans, 516 F2d 1051 (1976)]. The bill would amend an act passed over twenty years ago, and one amended only twice since its passage, which would seem to indicate that there have been no serious problems with the act's supposed infringement on private property rights. But quite apart from this legislative history, clearly communities have rights to preserve certain values, rights which sometimes may clash with individual rights. The art of government is intended to mediate just such potential conflicts, and in this case seems to have done so quite well.

ONLY FOR
UNIQUE FRENCH
QTRS - NATIONAL

NO OTHER EXAMPLES
OF SINGLE HISTORIC
DISTRICTS.

POSITIONS:

The Department of State supports the bill. (2-18-92)

House Bill 5504 (3-9-92)

aesthetic and historic considerations may be upheld.

In **Maher v New Orleans**, 516 F2d 1051 (CA 5, 1975), cert den 426 US 905 (1976), the Court sustained the constitutionality of the Vieux Carre ordinance, an architectural control ordinance specifically applicable to all buildings and lands within the French Quarter of **New Orleans**. Pursuant to a 1936 constitutional amendment to the Louisiana Constitution, art 4, Sec. 22A, there was vested in the city the authority to create a commission to preserve buildings in the Vieux Carre Section of the city. The Vieux Carre ordinance declares as its objective:

'The Vieux Carre shall have for its purpose the preservation of such buildings in the Vieux Carre section of the City as, in the opinion of the Commission, shall have architectural and historical value and which should be preserved for the benefit of the people of the City and State.' 516 F2d 1051, 1060.

In **Maher, supra**, the plaintiff owned a cottage within the Vieux Carre district, which he desired to demolish and thereafter erect on the cleared site a seven-apartment complex. The Commission refused to grant a demolition permit, and the City Council ultimately forbade issuance of the permit. In sustaining the constitutionality of the Vieux Carre ordinance, the Court of appeals quoted with approval the language of the district court below (371 F Supp 653, 661 (Ed La)):

"The courts have repeatedly sustained the validity of architectural control ordinances as police power regulation, especially when historic or touristic districts like the Vieux Carre are concerned." 516 F2d 1051, 1059-1060, footnote 44.

Sante Fe v Gamble-Skogmo, Inc, 73 NM 410; 389 P2d 13 (1964); **Town of Deering ex rel Bittenbender v Tibbets**, 105 NH 481; 202 A2d 232 (1964); **Reid v Architectural Board of Review of Cleveland Heights**, 119 Ohio App 67; 192 NE2d 74 (1963); **Opinion of Justices**, 103 NH 268; 169 A2d 762 (1961); **Sunad, Inc v Sarasota**, 122 So 2d 611 (Fla, 1960); **State ex rel Saveland Park Holding Corp v Wieland**, 269 Wis 262; 69 NW2d 217, cert den, 350 US 841 (1955); **Opinion of the Justices**, 333 Mass 773; 128 NE2d 557 (1955); **New Orleans v Levy**, 223 La 14; 64 So 2d 798 (1953). Anno, **Validity and Construction of Zoning Ordinance Regulating Architectural Style and Design of Structure**, 41 ALR 3d 1397.

Other cases, contrary to **Maher, supra**, state the minority position that architectural control ordinances are not a valid exercise of the police power where aesthetic considerations are the motivating factors. **City of West Palm Beach v State ex rel Duffey**, 158 Fla 863; 30 So2d 491 (1947); **Board of Supervisors of James City County v Rowe, supra**.

The Court of Appeals in **Maher, supra**, then observed:

'Proper state purposes may encompass not only the goal of abating undesirable conditions, but of fostering ends the community deems worthy. . . .

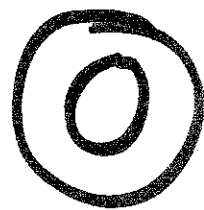
'Nor need the values advanced be solely economic or directed at health and safety in the narrowest senses. The police power inhering in the lawmaker is more generous, comprehending more subtle and ephemeral societal interests. The values [that the police power] represents are spiritual as well as physical, aesthetic as well as monetary. It is within the domain of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.'

One of the nation's distinctive historic districts is found in **New Orleans**. The federal, state and local government have each ascertained that benefits would be conferred on society by preservation of the French Quarter.

Throughout the country, there appears to be a burgeoning awareness that our heritage and culture are treasured national assets. Many locales endowed with historic sites have enacted protective measures for them.

... UNIQUE

The Court is not free to reverse the considered judgment of the legislature that it is in the public interest to preserve the status quo in the Vieux Carre and to scrutinize closely any proposed change in the ambiance by private owners. Where a legislative determination is 'fairly debatable, the legislative judgment must be allowed to control.' We thus conclude that, considering the nationwide sentiment for preserving the country's heritage and with particular regard to the context of the unique and characteristic French Quarter, the objective of the Vieux Carre Ordinance falls within the permissible scope of the police power.' [Emphasis supplied.] 516 F2d 1051, 1060-1061.



**Michigan Department of History, Arts and Libraries
Michigan Historical Center
State Historic Preservation Office**

**Criteria for Evaluating Resources for
Inclusion in Local Historic Districts**

Legal Authority

Section 3(1) of Michigan's *Local Historic Districts Act*, 1970 PA 169 (MCL 399.203) states that counties, cities, villages and townships may, by ordinance, establish one or more local historic districts. The section further states that before a district is created, the legislative body of the local unit of government must appoint a historic district study committee. The section says that in evaluating the significance of historic resources to be included in districts, a committee shall:

|| "be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department (of history, arts, and libraries), if any." ||

Applicable Definitions

The United States Secretary of the Interior promulgated a definition of the word "district" at 36 C.F.R. § 60.3, as follows:

"A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history."

Section 1a(i) of the *Local Historic Districts Act* (MCL 399.201a) indicates that the term "historic district" means:

0
2

"an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture."

Criteria for Historic District Boundary Determinations

The criteria that a historic district study committee must apply when determining the historic significance of historic resources and the boundaries of historic districts are the criteria and considerations developed by the U.S. Secretary of the Interior for the creation of historic districts, as set forth in *National Register Bulletin 15: How to Apply the National Register Criteria* (pp. 5-6), *National Register Bulletin 16A: How to Complete the National Register Registration Form* (pp. 56-57), and *National Register Bulletin 21: Defining Boundaries for National Register Properties* (p. 2) [see Appendix].

Criteria for Establishing Single Resource Districts

The criteria that a historic district study committee must apply when establishing a single resource district are those set forth in the preceding paragraph, plus the criteria set forth below.

A single resource historic district in Michigan is one in which the single resource individually meets the criteria for eligibility established by the U.S. Secretary of the Interior for inclusion in the National Register of Historic Places on its own merit for:

- Criterion A: Association with a significant person
- Criterion B: Association with a significant event or pattern of history
- Criterion C: Design and construction
- Criterion D: Information potential

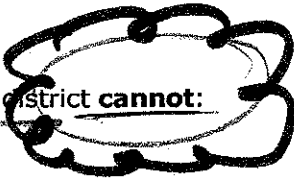
In other words, boundary selection is based on the nature of the resource's significance, integrity, and physical setting. However, a district is seldom defined by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.



Examples of single resource historic districts would be: a county courthouse; a fire station; an armory; an isolated, intact farmstead; a house designed by Frank Lloyd Wright; the summer cottage of Ernest Hemmingway; or the first automobile plant where Henry Ford utilized mass production techniques.

Accordingly, a single resource historic district must be distinguishable from the surrounding resources in the immediate vicinity by virtue of geography, historic significance, or integrity.

Therefore, a single resource historic district **cannot:**



- share its significance of historic development or association with surrounding resources. If the resource does share those characteristics with surrounding resources, then the single resource district cannot stand alone and must be included as part of a larger district. Examples of inappropriate and thus impermissible single resource districts include one bungalow in the middle of a neighborhood of bungalows, or one Queen Anne or Italianate house in a larger neighborhood of Victorian style homes.
- be a commercial building, separated from a larger commercial district by demolition or new infill, if the building does not meet the National Register criteria on its own merit.
- be one contributing resource in a National Register of Historic Places designated district, if the resource does not individually meet the criteria for inclusion in the National Register.
- be based solely on property ownership.
- be based solely on the consent of property owners.

Script

Single resource historic districts that the Michigan Historical Center determines to be inappropriately designated will not qualify for the state historic preservation tax credit.

Boundary Description

Each historic district study committee must issue reports. The historic district study committee report must include a written boundary description that is a legal description. Examples include: a legal parcel number; block and lot number; metes

6

and bounds; or the dimensions of a parcel of land, reckoning from a landmark, such as a natural or cultural feature.

Boundary Justification

A historic district study committee report must also include a boundary justification statement. The boundary justification statement shall be a brief and concise explanation of the reasons for selecting the proposed historic district boundaries. Each directional boundary shall be individually addressed in the boundary justification statement. A boundary's justification must be based on physical geography, historic significance, or physical integrity.

Photographic Documentation for Single Resource Districts

Streetscape photographs showing the resources located on both sides of the block on which a single resource district is being designated must be included with the historic district study committee report.

Additional Information and Questions

Requests for additional information, as well as questions about the criteria listed here, may directed to:

Ms. Amy Arnold
Preservation Planner
State Historic Preservation Office
Michigan Historical Center
Department of History, Arts and Libraries
717 W. Allegan Street
P.O. Box 30740
Lansing, MI 48909-8240

Ms. Arnold may also be reached by e-mail: arnolda@michigan.gov and by telephone: (517) 335-2729.

Approvals and Issuance*

Approved: June 24, 2002
Brian D. Conway, State Historic Preservation Officer

Established and Issued: August 19, 2002
Sandra S. Clark
Director, Michigan Historical Center
Department of History, Arts and Libraries

*Signed copy on file: State Historic Preservation Office, Michigan Historical Center

SHPO DOES NOT SUPPORT

SINGLE RESOURCE CRITERIA

P

"(b) Conduct basic research..

"(c) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources in that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department (of history, arts and libraries), if any" [emphasis added]

The SHPO is an organizational subunit of the Department of History, Arts and Libraries and exercises the department's authority relative to historic preservation matters.

Since the enactment of the LHDA, sixty-seven Michigan communities have enacted local historic district ordinances, many of which include individual resource historic districts. As noted above, following the enactment of 1998 PA 534 and 535, single resource districts proliferated. By law, the Michigan Historical Commission and the State Historic Preservation Review Board both receive study committee preliminary reports, and observed, along with the SHPO, that the establishment of single resource districts was on the rise. The SHPO did not (and does not) support the creation of single resource districts where larger historic districts clearly exist. Accordingly, in 2002 the SHPO exercised the department's authority under section 3(1)(c) and established criteria for evaluating resources for inclusion in local historic districts. The criteria specify that a single resource historic district must be distinguishable from surrounding resources, stand on its own merit, and have individual historic significance using the criteria for eligibility established by the Interior Secretary for National Register inclusion. Examples of a single resource district would be: a county courthouse, an armory, a house designed by Frank Lloyd Wright, the summertime cottage of Ernest Hemingway, Henry Ford's first factory, and an isolated, intact farmstead.

INPT

Inpt

CRITERIA

Let me conclude my response by saying that, like you, we are concerned about any failures to follow the law. We are dedicated to complying with the law at the state level, and to assisting our partners on the local level with understanding the historic preservation regulatory scheme and applying the law in a proper manner. Lastly, we hope to continue the dialogue with you and others, and do what we can do to help resolve issues such as the ones you raise.

Please let me know if you have additional questions.

Brian D. Conway
State Historic Preservation Officer
Michigan Historical Center
Department of History, Arts and Libraries
702 W. Kalamazoo, PO Box 30740, Lansing, MI 48909-8240
Phone: 517-373-0511 Fax: 517-335-0348
conwaybd@michigan.gov
www.michigan.gov/shpo



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.

177PT

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 de:

Mr. Delacourt stated Staff researched the original survey depicted the 2371 Study Committee to designate the 23 wrong address on it, because the hou attached to the 2371 house title work

Mr. Delacourt stated the property ov 2371 house and found the house wa in 1945. The property owner's argi 50 years old when designated. Mr less than 50 years old.

Mr. Delacourt stated the property c Guide, which said a property must

COUNTY OF OAKLAND) ss.

AFFIDAVIT

(R)

I, Earl E. Borden, swear and state:

1. Affiant is the Supervisor of the Township of Avon, Oakland County, Michigan.

2. Avon Township has adopted an Ordinance to regulate Historic Structures and Historic Districts.

3. Notice is hereby given pursuant to the Ordinance that the said Ordinance, being Chapter 4-6 of the Code of Ordinances, applies to and places certain restrictions upon the structure and the land within one hundred (100) feet therefrom, or the property line, whichever is less, located at 2409 S. Livernois Road Rochester, MI 48063 Avon Township, Oakland County, Michigan, which is on the property which is more particularly described as: 15-27-101-014

2409
NOT
2371 | 9 apt

T3N, R11E, SEC 27
PT DIST S 2070.84 FT
TH S 533.88 FT,
TH N 00-24-45 E 534.02 FT,
TC 8EG 1G A

PART OF NW 1/4 BEG AT
FROM NW SEC COR,
TH N 89-29-30 E 813.63 FT,
TH S 89-29-30 W 817.36 FT
B4C41-2

4. Inquiry as to the Ordinance provisions may be made at the offices of Avon Township.

Earl E. Borden
Earl E. Borden

Subscribed and sworn to before me
this 18th day of August, 1978.

Doris J. Keyton
Doris J. Keyton
Notary Public, Oakland County, Michigan
My Commission expires: September 30, 1980

Prepared by:
Lawrence R. Ternan
Ten West Square Lake Road
Bloomfield Hills, MI 48013

Return to:
Earl E. Borden, Supervisor
Township of Avon
P. O. Box 250
Rochester, Michigan 48063

PATTERSON & PATTERSON, WHITFIELD, MANHOFF AND WHITE, TEN WEST SQUARE LAKE ROAD, BLOOMFIELD HILLS, MICHIGAN 48013

copy

ORDINANCE NO. 369

ADOPTED: 2 AUG 95
EFFECTIVE: ~~15~~ AUG 95

5

AN ORDINANCE TO AMEND CHAPTER 4-06, HISTORIC DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, IN ORDER TO CONFORM TO THE PROVISIONS OF 1970 PA 169, AS AMENDED BY 1992 PA 96; MODIFY AND ADD DEFINITIONS; REGULATE CITY-OWNED HISTORIC RESOURCES; REVISE HISTORIC DISTRICTS COMMISSION MEMBERSHIP REQUIREMENTS AND DUTIES; REFINES THE PROCEDURE FOR THE ESTABLISHMENT OR MODIFICATION OF HISTORIC DISTRICTS; MODIFY REGULATIONS AND PROCEDURES GOVERNING WORK DONE ON RESOURCES WITHIN DISTRICTS; ADD REGULATIONS GOVERNING DEMOLITION BY NEGLECT AND WORK DONE WITHOUT A PERMIT; PRESCRIBE A CIVIL FINE AND REMEDY FOR VIOLATIONS; AND REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 4-06 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

CHAPTER 4-06

HISTORIC DISTRICTS

4-06.01 Purpose

Pursuant to Act 169 of the Public Acts of 1970, of the State of Michigan, as amended, ~~IT~~ HISTORIC PRESERVATION is declared to be a public ~~necessity~~ PURPOSE, AND THE PURPOSE OF THIS CHAPTER SHALL BE TO DO ONE OR MORE OF THE FOLLOWING:

(a) ~~To~~ Safeguard the heritage of the City of Rochester Hills by preserving HISTORIC districts in the City ~~which~~ THAT reflect elements of ~~its/cultural/ social/economic/political/or/architectural/history~~ THE CITY'S HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE;

(b) ~~To~~ Stabilize and improve property values in ~~and/adjacent/to/such/districts~~ EACH DISTRICT AND THE SURROUNDING AREAS;

(c) ~~To~~ ~~promote/civic/beautification/of/structures and/lands/within/the/history/districts/or/history and/cultural/preservation~~ FOSTER CIVIC BEAUTY;

(d) ~~To~~ Strengthen the local economy;

(e) ~~To~~ Promote the use of Historic Districts ~~and local/history~~ for the education, pleasure, and welfare of the citizens of the City, State and Nation.

of this Chapter as a Historic District, said areas not necessarily having contiguous boundaries, THAT CONTAINS A RESOURCE OR A GROUP OF RESOURCES THAT ARE RELATED BY HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING OR CULTURE.

106 .10 Historic Preservation: The IDENTIFICATION, protection, conservation, rehabilitation, restoration, or reconstruction of Historic Districts and the sites, buildings, structures, and objects contained therein, through implementation of the provisions of this Chapter RESOURCES THAT ARE SIGNIFICANT IN HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

.11 HISTORIC RESOURCE. A PUBLICLY OR PRIVATELY OWNED BUILDING OR STRUCTURE THAT IS SIGNIFICANT IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE OF THIS STATE OR A COMMUNITY WITHIN THIS STATE, OR OF THE UNITED STATES.

107 .12 Noncontiguous Historic District. Any Historic District created by the City for purposes of this Chapter which is not included in the Stoney Creek and Winkler Mill Pond as described in Section 4-06.04 of this Chapter. The area included in a noncontiguous Historic District shall be the structure on the property and one hundred (100) feet therefrom, or the property line, whichever is less.

CHANGED BOUNDRIES

.13 NOTICE TO PROCEED. THE WRITTEN PERMISSION TO ISSUE A PERMIT FOR WORK THAT IS INAPPROPRIATE AND THAT ADVERSELY AFFECTS A RESOURCE PURSUANT TO A FINDING UNDER PARAGRAPH 4-06.07.04.D.

Open Space is missing ->

108 .14 Ordinary Maintenance and Repair. The restoration without change of the exterior appearance of a structure and without consideration of color or a good and sound former condition following decay or damage. KEEPING A RESOURCE IN GOOD CONDITION THROUGH ONGOING MINOR INTERVENTION, UNDERTAKEN FROM TIME TO TIME, IN ITS EXTERIOR CONDITION. ORDINARY MAINTENANCE DOES NOT CHANGE THE EXTERNAL APPEARANCE OF THE RESOURCE EXCEPT THROUGH THE ELIMINATION OF THE USUAL AND EXPECTED EFFECTS OF WEATHERING. ORDINARY MAINTENANCE DOES NOT CONSTITUTE WORK FOR THE PURPOSES OF THIS CHAPTER.

53

.03 Noncontiguous Historic Districts. The following described parcels shall be noncontiguous Historic Districts, as illustrated in Section 4-06.0B Appendix B (except selected sites within the Stoney Creek and Winkler Mill Historic Districts), which is a part of this Chapter.

REF. NO.	DISTRICT	STREET ADDRESS	SIDWELL NO.
3	NONCO	3861 Adams	15-31-301-011
4	NONCO	1100 Mead	15-01-100-001
5	NONCO	1081 E. Auburn	15-33-200-009
6	NONCO	1950 Avon Road	15-13-427-002
8	NONCO	1005 Dutton	15-04-227-001
9	NONCO	1481 Dutton	15-04-201-002
10	NONCO	Brewster Cemetery	15-05-326-011
12	NONCO	1207 Livernois	15-04-427-008
17	NONCO	1425 E. Auburn	15-25-382-013
19	NONCO	56187 Dequindre	15-01-278-005
21	NONCO	1160 South Blvd.	15-33-476-020
22	NONCO	1580 South Blvd.	15-33-378-031
23	NONCO	1365 W. Tienken	15-09-201-005
24	NONCO	1750 W. Tienken	15-04-351-001
26	NONCO	2498 W. Tienken	15-05-454-005
40	NONCO	1585 S. Rochester	15-23-300-001
41	NONCO	1812 S. Rochester	15-22-451-014
44	NONCO	1568 W. Avon	15-16-377-037
45	NONCO	2332 W. Avon	15-17-454-017
46	NONCO	1631 W. Avon	15-21-126-002
47	NONCO	1470 W. Tienken	15-04-377-035
48	NONCO	1805 S. Rochester	15-23-300-002
49	NONCO	2409 2371 S. Livernois	15-27-101-014 151-003
50	NONCO	3610 S. Livernois	15-33-426-006
52	NONCO	861 E. Avon	15-14-477-018
53	NONCO	1841 Crooks	15-20-428-003
55	NONCO	3030 Crooks	15-32-228-037
56	NONCO	800 W. Avon	15-15-451-002
57	NONCO	1021 Harding	15-15-327-002
60	NONCO	1385 S. Adams	15-20-151-003
72	NONCO	23 Mi. S Dequindre	15-13-426-001

CHANGED
2409 to 2371

RECORDING
WITHIN
30 DAYS

.04 Recording of Designation. Within thirty (30) days after any land has been designated under this Chapter as part of a Historic District, the Mayor shall cause a document to be recorded with the Oakland County Register of Deeds describing such land and indicating it has been included within a Historic District pursuant to the provisions of this Chapter.

TO ELIMINATE/MODIFY
FOLLOW SECTION 3

THOSE
T

399.211 Appeal of decisions.

Sec. 11. Any citizen or duly organized historic preservation organization in the local unit, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 5(1) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 5(2).

History: 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

399.212 Effect of act as to existing legislation and historical commissions.

Sec. 12. This act does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Act No. 213 of the Public Acts of 1957, as amended, being sections 399.171 and 399.172 of the Compiled Laws of 1948, may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 4.

History: 1970, Act 169, Imd. Eff. Aug. 3, 1970.

399.213 Powers and duties of historic district commission.

Sec. 13. The local legislative body may prescribe powers and duties of the historic district commission, in addition to those prescribed in this act, that foster historic preservation activities, projects, and programs in the local unit.

History: Add. 1986, Act 230, Imd. Eff. Oct. 1, 1986.

399.214 Local units; establishing, modifying, or eliminating historic districts; study committee; considerations; review of applications within proposed historic district; emergency moratorium.

Sec. 14. (1) A local unit may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the legislative body of the local unit shall, except as provided in subsection (2), comply with the procedures set forth in section 3 and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, local units may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

ELIMINATION

(2) If considering elimination of a historic district, a committee shall follow the procedures set forth in section 3 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing 1 or more of the following:

- (i) The historic district has lost those physical characteristics that enabled establishment of the district.
- (ii) The historic district was not significant in the way previously defined.
- (iii) The historic district was established pursuant to defective procedures.

(3) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the legislative body of a local unit may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 5 and 9. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than 1 year, or until such time as the local unit approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

NOT MORE THAN 1 YR

(4) If the legislative body of a local unit determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the legislative body may by resolution declare an emergency moratorium of all such work for a period not to exceed 6 months. The legislative body may extend the emergency moratorium for an additional period not to exceed 6 months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

History: Add. 1992, Act 96, Imd. Eff. June 18, 1992.

399.215 Violation; fine; payment of costs.

T

(r) "Repair" means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this act.

(s) "Resource" means 1 or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.

(t) "Smoke alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.

(u) "Standing committee" means a permanent body established by the legislative body of a local unit under section 14 to conduct the activities of a historic district study committee on a continuing basis.

(v) "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

History: Add. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

399.202 Historic preservation as public purpose; purpose of ordinance.

Sec. 2. Historic preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance shall be to do 1 or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.
- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

History: 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

399.203 Historic districts; establishment; study committee; duties; public hearing; notice; actions; availability of writings to public.

Sec. 3. (1) A local unit may, by ordinance, establish 1 or more historic districts. The historic districts shall be administered by a commission established pursuant to section 4. Before establishing a historic district, the legislative body of the local unit shall appoint a historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from 1 or more duly organized local historic preservation organizations. The committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the department.

(b) Conduct basic research of each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

- (i) The charge of the committee.
- (ii) The composition of the committee membership.
- (iii) The historic district or districts studied.
- (iv) The boundaries for each proposed historic district in writing and on maps.

(v) The history of each proposed historic district.

(vi) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

Sept

10/26/2009

Windows Live Hotmail Print Message

Re: FW: HDC

From: **Bob Christensen** (ChristensenRO@michigan.gov)
Sent: Mon 10/26/09 3:30 PM
To: Mukesh Mangla (mukeshmangla@hotmail.com)



I have the file for Rochester Hills' local historic districts in hand. The oldest version of the city's historic district ordinance we have on file is an amended version that says "Revised April 1985." That version lists 2409 S. Livernois, parcel 15-27-101-014, as one of the "non-contiguous districts." Each property on the list evidently designated as a separate district (I assume from the use of the plural "districts").

We do not have copies of the Michigan History Division Building-Structure Inventory Forms for Rochester Hills properties you mention.

2371

As I noted in our phone call, in 1978 because of staff loses and hiring freezes this office had only two employes, who were overwhelmed in keeping up with the basic mandated work of reviewing federally funded projects, and probably would have been unable to respond to local districting matters. I know this only because I came in early in 1979.

>>> Mukesh Mangla <mukeshmangla@hotmail.com> 10/26/2009 2:15 PM >>>

Date: Thu, 1 Oct 2009 09:39:32 -0400
From: McKayR@michigan.gov
CC: ArnoldA@michigan.gov; ConwayBD@michigan.gov;
ChristensenRO@michigan.gov
Subject: Re: HDC
To: mukeshmangla@hotmail.com

Dear Mr. Mangla,

By this e-mail I am referring your questions on to our designation staff. I suspect that we will have very little information on file, as this appears to be a local designation rather than a National Register or State Register listing. Designation of local historic district is the responsibility of the unit government with jurisdiction over the property. As this is a local issue it is the responsibility of that unit to maintain a permanent record of the information and process used to make their determination.

Sincerely Yours,

DEWISI KEX
1805, S. Rochester 1998
"BORDINE"

RECOMMENDATION:



As per subsection 4-06.07 Elimination of District, the following are to be considered and applied:

- A. Lost Physical Characteristics. The Historic District has lost those physical characteristics that enabled establishment of the district;
- B. Insignificance. The Historic District was not significant in a way previously defined; or
- C. Defective Procedure. The Historic District was established pursuant to defective procedures.

The study committee concurs with the staff analysis, dated 2/2/98, prepared by Michele Goldstein, Planning Intern

ANALYSIS:

- 1. The request for elimination is a result of the demolition of the historic structure that was located on the site.
- 2. The originally designated site has lost those physical characteristics that enabled establishment of the district because the structure has been demolished.
- 3. The applicant would like to pursue elimination of the historic district designation in order to proceed with redevelopment of the site.
- 4. No other historic or cultural features of the site were identified in the preliminary report therefore there appears to be no purpose to the retention of the historic district designation.

The study committee therefore recommends that the property be eliminated as an historic district, with the following condition:

- 1. Per Historic Districts Ordinance Sec. 4-06.06.02 Evaluation Criteria. In evaluating the significance of historic resources, the Commission shall be guided by the selection criteria issued by the U. S. Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R., Part 60 and criteria established or approved by the Bureau of History of the Michigan Department of State, if any.

SHALL BE GUIDED

APPLIED NATIONAL REGISTER NO EXCEPTIONS

Considering the National Register Criteria for Evaluation, item (d) that have yielded, or may be likely to yield, information important in prehistory or history, the study committee recommends notification, including transmittal of this report to the Michigan State Department of Archeology, to afford them the opportunity of further study of the historic district or comment on the proposed elimination of an historic district.

City of
ROCHESTER HILLS - 1000 Rochester Hills



Kenneth D. Snell, Mayor ♦ City Council Members: John Dalton • Susan deCaussin • John Gaber • Lois Golden • Mem...

**DEPARTMENT OF
PLANNING**

Patricia A. Goodwin
Director
(248) 656-4701

Telephone
(248) 656-4660
FAX
(248) 656-4758

Paul Rizzardi
Planner
(248) 656-4662

Michele Goldstein
(248) 656-4661

Planning Commission
(248) 656-4660

Zoning Board of Appeals
(248) 656-4662

Local Development
Finance Authority
(248) 656-4701

General Development Services
(248) 656-4701

Historic District Commission

Conditional Land Use
Demographics

Density
Future Land Use
Rezoning Applications
Setbacks
Site Plans

Special Land Use
Subdivision Development
Tree Removal Permits
Variances

Wetland Determinations
Wetland Use Permits
Wetlands Map

City Hall
Customer Service
(248) 656-4600

Kenneth D. Snell
Mayor
(248) 656-4664

Marc A. Ott
Assistant to the Mayor/
City Administrator
(248) 656-4664

12.28.98

Mr. Brian Conway, State Historic Preservation Officer
Michigan State Historic Preservation Office
Review Board
717 West Allegan
Lansing, MI 48918

Dear Mr. Conway;

The City of Rochester Hills City Council recently denied a proposed historic district designation for the Rochester Hills Golf and Country Club Clubhouse (655 Michelson Road in the City of Rochester Hills). This property was recommended for historic district designation as a noncontiguous district in a final report from the Study Committee of the Historic Districts Commission. The SHPO Review Board contributed observations to the study in a letter dated February 14, 1998.

The Historic Districts Commission feels that the City Council discussion which led to the decision for a denial, may not have been in accordance with the Historic Districts Ordinance and state law that guides these decisions. In general the discussion held by the City Council did not reflect the public purpose of historic preservation which the Historic Districts Ordinance upholds.

Research conducted by the study committee came across documentation that indicated that the architectural firm of C. Howard Crane designed this structure in 1928. Members of Council questioned the name of a particular draftsman of Mr. Crane's firm, associated with the Clubhouse. Council felt that since Mr. Crane himself was not proven to be directly involved, that there was no merit to the significance of the architect. The HDC believes that the research of the study committee followed the Secretary of Interior Guidelines. In particular significant events/people associated with the property as well as significant architect and craftsmanship.

MUST BE SIGNIFICANT

The City of Rochester Hills HDC would like to request an opinion from the SHPO Review Board regarding this matter. Please advise on the course of action that the HDC might take.



MI 'HIGAN DEPARTMENT OF STATE

Candice S. Miller, Secretary of State

Lansing, Michigan 48918-0001



STATE HISTORIC PRESERVATION OFFICE

Michigan Historical Center
717 West Allegan Street
Lansing, Michigan 48918-1800

December 20, 1996

FILE COPY

Mr. John Dziurman AIA, Chair
Rochester Hills Historic Districts Commission
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Dear Mr. Dziurman:

Staff members of the State Historic Preservation Office have reviewed the preliminary historic district study committee report for 71 N. Livernois. A copy of our comments is enclosed. We offer these comments in order to assist communities to prepare final study committee reports that meet the requirements of Michigan's Local Historic Districts Act and provide a strong legal basis for protecting historically significant resources. The decision whether or not to designate a resource as a local historic district belongs to the local government.

We have also revisited our September 30, 1996 opinion that the house is not eligible for listing in the National Register of Historic Places, taking into consideration the historical information provided in the study committee report. If Oliver Gibbs, who lived in the house, played an important role in the town's development during his years as township supervisor, then the house would be national register eligible. In order to make this determination we would need information about Gibbs's accomplishments as township supervisor and his impact on the township's history.

National Register applied to famous people

I will present the report to the Michigan Historical Commission and the State Historic Preservation Review Board at their next meetings on January 23 and February 7, respectively. I will send you copies of their comments, if any, after they have both reviewed the report. We would appreciate copies of the final study committee report when it becomes available. If we can assist you further, please contact Jane Busch at 517-335-2729.

Sincerely,

Jane E. Busch for -

Kathryn B. Eckert, State Historic Preservation Officer

KBE:jcb

Lansing, Michigan 48918-0001

AA

STATE HISTORIC PRESERVATION OFFICE
Michigan Historical Center
717 West Allegan Street
Lansing, MI 48918-1800

FILE COPY

February 19, 1999

Ms. Michael Kilpatrick
Chairperson, Historic District Commission
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

Dear Mr. Kilpatrick:

We received your letter dated December 18, 1998 regarding denial of a proposed historic district designation for the Rochester Hills Golf and Country Club Clubhouse (655 Michelson Road) by the Rochester City Council. It is not the policy of the State Review Board to offer opinions on city council decisions. However, we in the State Historic Preservation Office (SHPO) have had experience working with many of the provisions of the Local Historic Districts Act, and are pleased to share our interpretations with local governments. Please understand that the SHPO lacks the authority to give legal advice.

In regard to your inquiry on the appropriateness of the discussion of the city council, it is our understanding that the meeting process of the local unit of government is beyond the purview of PA 169, Michigan's Local Historic District Act. The act does state that "the legislative body of the local unit, *at its discretion*, may introduce and pass or reject an ordinance or ordinances." [PA 169 399.203, Sec. 3(3)(b)] (*italics added*).

It is always difficult to obtain historic district designation for a single resource if the property owner is not in favor of it. You may want to consider embarking on an education program that will help the property owner to understand the benefits of preservation, especially in terms of state and federal tax credits. For your information, I have enclosed a brochure on the new state tax credit that you might want to share with the property owner. Perhaps you could connect him with property owners who have successfully utilized the historic district designation to their advantage. You may also wish to consider the possibility of designating a larger district in which the clubhouse would be just one of many contributing resources.

Should you decide to submit the historic district study committee report to the city council for reconsideration in the future, we would make the following suggestions:

Since the additions to the structure were an issue during the discussions, we recommend that the date of construction and a short history of each addition be specifically documented in the report.

Suite 212.
1460 Valt n Blvd.
Rochester, Michigan 48063
Telephone: 313 651-0421

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY • MILWAUKEE

NMI

BB

JOHN H. PETERSON, CLU, Special Agent

Stephen T. Mellinger, Jr., General Agent

April 12, 1978

RECEIVED

APR 13 1978

AVON TOWNSHIP

Supervisor Earl Borden
Avon Township
407 Pine St.
Rochester, MI 48063

Dear Earl:

I did attend the Historical District proposal hearing on April 11, 1978. I have now read the proposed ordinance (draft). I do favor some action to preserve that bit of history that remains because it is unique to this area and because I disagree with those who would remove anything that's old. I do own a proposed site.

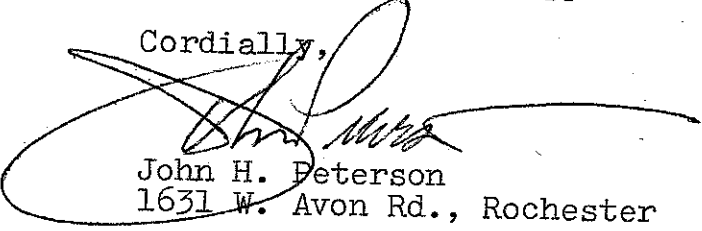
With respect to the proposal, my feelings are that Avon Township need not follow what some others may have done to conserve their historical sites. Instead I believe philosophically that more can be accomplished through incentives than through restrictive rules.

Society is moving quite rapidly to oppose added regulations from any governmental unit. We seem to have decided that such regulations have not produced promised results -- only more restriction of our freedom at considerable tax cost. This seemed to be the thinking expressed by many at the hearing. The thought came out often that people don't want more restrictions on what they can do with the property they own.

I feel Avon Township may find itself in constant litigation over historical rules if they are made too restrictive. Your experience on zoning in general shows the pattern.

Specifically, I urge action to preserve history with a minimum of restrictions in the ordinance but with economic incentives (tax relief or other) to encourage owners in a cooperative spirit to care for and conserve sites, such action designed as a positive force to accomplish the goals through wide community support.

Cordially,


John H. Peterson
1631 W. Avon Rd., Rochester

cc: Chairman, Avon Twp. Historical Study Committee
Chairman, Avon Twp. Planning Commission



Avon Township Board of Comm.
Avon Township Hall
407 Pine Street
Rochester, Mich 48063

April 14, 1978
cc: *Earl Borden*

RECEIVED



APR 17 1978

AVON TOWNSHIP

Attention: Mr Earl Borden Supervisor
Subject: Historic Study Committee Report

Gentlemen:

My wife and I attended the Public Hearing of the Historical Study Committee Report Tuesday evening, April 11, 1978.

We would like to say that it was very well presented and showed a tremendous amount of expertise; and no doubt many hours of labor was put into the effort.

We, however, were not prepared to comment on some of the issues that were presented in response to some of the questions raised. Frankly, we are uneasy when a governmental entity reaches out and says - "we have selected you". Whenever that happens, we feel that another line has been tied on to us.

Specifically, you have already threatened us by punishment for violations, as written in the Ordinance. OK, lets start from a point of beginning.

1. The Historic Committee has taken the 'liberty' to determine what is a historic landmark. They recommended many and after research dropped some sites and affirmed others. Of the selection, our place was one of the some.

Tuesday evening revealed the fact we were caught in a net and were considered 'legal size' and we cannot escape. I don't appreciate a situation of that kind. I wonder why a Committee member didn't stop by or contact us some way and advise us that 3610 Levernais had some historic value to the community and what would we say to becoming a part of the plan? Frankly, we were pleased to note that the site was considered, but after hearing details, we became suspicious.

2. We have an area designated as "open space". Directly across the street (Ruby Av.) the land is divided into lots. It and/or when-

We want to sell, we would have to report to some department that Mr + Mrs X want to buy some acreage and what do we have to do? We would no doubt advise X that this piece of ground is different than across the street because it is "Historic" and X would have to check to see if their chosen house style would be acceptable. If not, and they don't want to change, I'm lost out.

The restrictions on the sites may be too inflexible.
In so being, it can well be an abridgment of my liberty. The Committee can say today - "no problem." However, in the future there could be problems, and serious ones. You cannot deny that when a governmental body, or entity, gets in, John Q is most likely to be pinched.

3. With the restrictions and regulations dictated to the Historical Committee by the State of Michigan, John Q sure would have a hell of a time trying to fight a Complaint of infraction of rules regardless who institutes the Complaint. The Township or me, either one.

I know from experience. When Oakland County put through water lines on my property a few years ago, they did not restore my land like it was before trenching, as contracted and promised. I had to rake, level, pick up rock and gunk, and re-seed property myself.

I also mention Avon Township Public Service. I have had drain problems from my land via drain under Ruby Ave (south side drainage). I have contacted the department several years about it. Last Spring, 1977, I was promised something would be done about it last Summer. They couldn't during the spring due to problems more pressing. The drain still isn't doing the job.

We still are wondering, Mr Gordon, what do we receive from all of the wonderful nostalgic things the committee is molding? Of what benefit is all this to us? Please don't give me a type of JFK ^{answer}
"Don't ask what the Country can ^(do for) give you - etc." Could it be the dot on the township map as indicated in 4-6.2.6?

✓

Katy and I were genuinely impressed and happy that our home is named of historic value. It is an old building but is in need of minor repair. Because I am now retired due to poor health and we will from now on out be living on our savings and retirement funds we cannot be doing major things any longer, either financially or physically. The ordinance is somewhat of a threatening document and I don't like it.

I will appreciate hearing from you in response to my show of feelings as written.

Sincerely,
Thomas + Catherine Galloway
3610 Liversois Rd (Apt.)
Rochester, Me 48063

DD

since then and techniques for identifying and evaluating historic properties have advanced notably. Michigan's Local Historic Districts Act has been amended extensively. The 1992 amendments specify requirements for study committee reports in some detail and require study committees to be guided by the evaluation criteria for the National Register of Historic Places.

Rochester Hills' historic preservation ordinance has also undergone substantive amendment, in large part to follow state law. The original ordinance limited the local historic district to one hundred feet from the primary structure. This was amended in 1995 to include the entire parcel in the local historic district. Thus, it became necessary to evaluate all of the resources on the property. Finally, the former Avon Township had grown and changed tremendously since 1978. It was necessary to evaluate the historic districts within the context of the Rochester Hills of 2002.

It is important to note that at no point did Michigan's enabling legislation, PA 169 of 1970 as amended, or Chapter 4-06, Historic Districts, of the Rochester Hills Code of Ordinances as amended, ever specify that a property had to be fifty years old to qualify for historic designation. The 2002 *City of Rochester Hills Historic Districts Property Owner Guide* erroneously stated that the property had to be fifty years old as part of the criteria for local designation. The statement in the *Owner Guide* was not taken from state law, local ordinance, or the national register criteria, and has no bearing on past or future local historic district designations.

After the 1992 amendments to Public Act 169 of 1970, and prior to 2002, Public Act 169 of 1970, as amended (PA 169) required that study committees be "shall guided by" the criteria for listing in the National Register of Historic Places. In 2002, the State Historic Preservation Office, per Section 399.205 (3) of PA 169, adopted rules regarding local historic district designation that every study committee is required to follow. Those rules state that any local historic district--single or multiple resource--"shall follow" the criteria for listing in the national register. Any local historic district established between 1992 and 2002 was created under the "shall be guided by" requirement, which then existed in Public Act 169. Previous to the 2002 rules, PA 169 of 1970 allowed the local community more autonomy in determining what they considered to be historic and worthy of protection. Therefore not meeting the national register criteria is not valid grounds to de-designate a single resource historic district designated before 2002.

National Register Criterion C along with criterion exception B is relevant to the designation of 2371 South Livernois Road. Evaluation of the property according to these criteria leads to the conclusion that the property is not significant as originally thought.

The National Register Criteria

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

The 2002 Rochester Hills Historic Districts survey report states, "residential architecture dominates Rochester Hills, and most of the houses that have been designated are single-family houses, usually former farmhouses,