



# Rochester Hills

## Minutes

### Historic Districts Study Committee

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

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Thursday, August 12, 2010

5:30 PM

1000 Rochester Hills Drive

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#### CALL TO ORDER

Chairperson Thompson called the meeting to order at 5:35 p.m.

#### ROLL CALL

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

**Absent** 1 - Richard Stamps

Also present: Derek Delacourt, Deputy Director, Planning  
Kristine Kidorf, Kidorf Preservation Consulting  
Sandi DiSipio, Recording Secretary

#### APPROVAL OF MINUTES

**2010-0338** June 10, 2010 Regular Meeting Minutes

Correction to Minutes:

Page 3, 4th paragraph - change "allowed public comments" to "called for public comments"

**A motion was made by Hannick, seconded by Webster, that this matter be Approved as Amended. The motion CARRIED by the following vote:**

**Aye** 6 - Dziurman, Thompson, Webster, Hannick, Thomasson and Kochenderfer

**Absent** 1 - Stamps

#### COMMUNICATIONS

No announcements or communications were brought forward.

#### PUBLIC COMMENT

No members of the public came forward to speak on non-agenda items.

## UNFINISHED BUSINESS

2009-0437      **PUBLIC HEARING - FILE NO. HDSC 04-006**

**Location:** 2371 S. Livernois Road, located on the east side of Livernois Road between Hamlin and Auburn Roads, and further identified as Parcel Number 15-27-151-003, zoned R-3 (One Family Residential) with a Mixed Residential Overlay.

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

Chairperson Thompson explained the purpose of a Public Hearing is to take comments from the public regarding the property listed on the Agenda. He then read the Public Hearing notice for File No. HDSC 04-006.

Chairperson Thompson opened the Public Hearing at 5:42 p.m.

**Mukesh Mangla, 1052 Oaktree, the owner of the subject property**, came forward and indicated he agrees with the consultant's report which was based on the earlier delisting of a house on Dequindre Road. That report said the original study committee did not have the benefit of the National Register criteria to evaluate the moved property and its significance to the history of Rochester Hills. In that context, the 2371 S. Livernois house is very much the same kind of house - it was moved and has no significance. He reported that a few weeks ago, original drawings of the house were located, and that besides the large additions to the house, both the front and back of the house have been totally re-done. The same criteria used in the report of the Dequindre property should be used for the 2371 S. Livernois report. Mr. Mangla indicated that most of the documents/sheets for 2371 S. Livernois from the 1978 survey are blank under the "historical significance or data" area. In 1988, a Michigan History Inventory sent to the State indicated no historical significance for 2371 S. Livernois. In 1993, city records indicate no historical significance for 2371 S. Livernois. In Dr. Busch's 2002 report, under National Register eligibility she indicated "more data needed". Mr. Mangla asked the Study Committee to do the fair thing that they have been entrusted to do.

There being no one else wishing to speak, Chairperson Thompson closed the Public Hearing at 5:46 p.m.

Chairperson Thompson commented that the time limit to return to City Council with the final report is September. He then asked the Committee if they had any direction for or further research suggestions for Ms. Kidorf.

Mr. Dziurman asked if comments have been received from SHPO. Mr. Delacourt responded that the Board meets in September, and we should have the comments prior to that meeting. Mr. Dziurman stated he would like to have these comments before going back to Council. He commented he has not

completed his research and asked that going back to Council be delayed until the Committee receives SHPO's comments - possibly October. Mr. Dziurman feels that the 1978 Committee members certainly knew what they were doing, they understood the community and its history better than anyone alive now. To say they were flawed in their approach and what their knowledge was, is an insult to them. These individuals were pillars of our community.

Mr. Kochenderfer asked what the State's report will include. Mr. Delacourt explained that the State does not provide staff with a report, they comment on the completeness of the preliminary report and any pieces that may be missing from it. They reaffirm that designation is a local decision. They will also comment on any information contained in the report that may need to be expounded upon. They do not submit a report back to staff or make a recommendation.

Mr. Delacourt suggested that the final report should not be presented to Council without the State's comments. He said he would not be comfortable making a recommendation without this information, and feels the report is incomplete without these comments. He asked the Committee if there is anything they want staff to look into, if any information contained in the preliminary report needs further explanation, if anything needs to be changed. Or is the Study Committee comfortable with the report as written, absent comments from the State.

Mr. Dziurman indicated he has started some research on it, and believes there is a lot of mis-information about the style of the house. Mr. Webster provided information from "The American Bungalow 1880-1930" describing a house almost identical to 2371 S. Livernois, and after researching still another book, Mr. Dziurman confirmed the subject house is a Dutch Colonial. He believes the incorrect title was given to the resource in the past. Often, there are differences in opinion on what a style is, but Mr. Dziurman believes he has enough information to back the fact that the subject structure is a Dutch Colonial. Mr. Dziurman then commented he has started initial local research, but needs additional time to complete it.

Mr. Delacourt stated if there is anything staff or Ms. Kidorf could be researching on the Committee's behalf, to please forward that information.

Ms. Kidorf said if the Committee wants, she can add the biographical information about Jack Burns that was found during research on 1585 Rochester, to this report.

Mr. Dziurman added that he heard that one of the architects (or his son) involved with the structure may have been a Council Member or Township Trustee at one time, and suggested staff research this possibility. Mr. Dziurman suggested researching the name Berklich.

Chairperson Thompson agreed that all the time Mr. Dziurman needs for research should be granted, and if it needs to be another request of City Council for an additional month or two, he has no objection.

Mr. Kochenderfer offered to help out any way he can in the research to help things move along. The Committee needs to do whatever it needs to do to complete a thorough review of the case in a timely manner to render a fair conclusion.

**This matter was Discussed**

## **NEW BUSINESS**

No new business was brought forward for discussion.

## **ANY OTHER BUSINESS**

Mr. Dziurman believes the Study Committee needs to address the issue of their relationship with City Council rejecting virtually everything that the Committee has brought before them in the last year. This includes both recommendations to list potential properties and recommendations to deny delisting. This concerns Mr. Dziurman because it appears to be a little unusual. He has prepared a potential motion that was passed out to the commissioners for review. Mr. Dziurman is concerned about what effect this has or will have on the ordinance. There are legal requirements and penalties for certain things contained within the ordinance. If the Council ignores that, that concerns Mr. Dziurman, because of what it does to the Committee's powers. When you have a Demolition by Neglect section, which carries penalties, and Council ignores this, Mr. Dziurman is afraid that in the future, someone will be able to say that our ordinance means nothing because Council doesn't follow it. The proposed motion asks the City Attorney to look into the legal requirements and procedures listed in the ordinance, the enforcement or lack of enforcement by the City of the legal and penalty requirements, and future enforcement issues, if any, that could result from these decisions by City Council. Mr. Dziurman wants to find out if there is any legal fall-out from the Committee's lack of being able to convince the City Council, with all the information that is being provided, to make their decisions. He is very concerned about what this might do to the Committee's ability to do what they are charged with doing. It is very disheartening to do all the research and be continuously turned down.

**MOTION** by Dziurman, seconded by Hannick, that based on a number of recent decisions by the City of Rochester Hills City Council rejecting the detailed documented recommendations from the HDSC to approve the designation of proposed historic properties or deny the delisting of designated historic properties listed in the City of Rochester Hills Chapter 18 - Historical Preservation of the Code of Ordinances - that the HDSC requests clarification of and information from the City Attorney relating to the City of Rochester Hills Chapter 18 - Historical Preservation of the Code of Ordinances - specifically relating to legal requirements and procedures listed in the code, the enforcement or lack of enforcement by the City of those legal and penalty requirements and the potential future enforcement issues (if any) that could result from these decisions by the City Council.

Mr. Kochenderfer indicated that because he is new to the Commission, he

would prefer having time to review the specific language of the ordinance and to determine the difference between the roles of the HDC and the HDSC before voting on the motion.

Chairperson Thompson feels that part of the motion is also applicable to the HDC. He indicated there have been several Demolition by Neglect motions made against 1585 S. Rochester Road's property owner. The City did not enforce these motions. This doesn't sit well with Mr. Thompson.

Mr. Delacourt has no issue with the motion itself, but would like to clarify the Demolition motions on 1585 S. Rochester Road. The HDC made one demolition by neglect motion, which Council never reviewed. Council did not have a role in the enforcement or non-enforcement of this issue. The Building Department conducted an inspection of the property and generated a list of issues they felt were violations and the cause of the demolition by neglect. The property owner responded to this list, and the items were reviewed and checked off by the Building Department. As time went on, the structure's condition deteriorated again. The HDC indicated to staff that they felt the property was in danger of demolition by neglect again, so a letter and the same motion was re-sent to the property owner. In response to that letter, the property owner requested the delisting. Any indication that Council didn't respond to the Demolition by Neglect motion is inaccurate - as it was never presented to them for any type of action.

Mr. Hannick asked why the attorney didn't get back with the Study Committee relative to the motions made on 1585 S. Rochester Rd.

Mr. Delacourt explained that there would be no response to the Study Committee because it's an HDC matter, and that staff did respond and let the HDC know, as they made the Demolition by Neglect motion. The Study Committee has nothing to do with the Demolition by Neglect motions. So there is no real response mechanism to them. The Study Committee's job, within the ordinance, is not impacted by that section of the code.

Chairperson Thompson called for a roll call vote. The motion CARRIED the following vote:

Aye 5 - Dziurman, Hannick, Thomasson, Thompson, Webster

Nay 1 - Kochenderfer

Absent 1 - Stamps

Mr. Mangla then requested to come forward again and indicated he is confused. When reading the report on the Dequindre house delisting, Mr. Mangla stated he sees a very significant criteria used for delisting that property -- and that was moving the structure and adding on to the structure. He feels the same criteria should be used for the report on 2371 S. Livernois, and asked why this property is being singled out.

## **NEXT MEETING DATE**

September 9, 2010

## ADJOURNMENT

Hearing no further business, the Chair adjourned the Regular Meeting at 6:19 p.m.

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Jason Thompson, Chairperson  
Historic Districts Study Committee

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Sandi DiSipio, Recording Secretary