

**CITY OF ROCHESTER HILLS
HISTORIC DISTRICTS STUDY COMMITTEE SPECIAL MEETING
Thursday, August 21, 2003**

MINUTES of a **ROCHESTER HILLS HISTORIC DISTRICTS STUDY COMMITTEE SPECIAL MEETING** held at 1700 West Hamlin Road, Rochester Hills, Oakland County, Michigan. The meeting was called to order at 7:30 PM

1. CALL TO ORDER

The meeting was called to order at 7:30 PM, by Committee Member John Dziurman, who served as Chairperson of the meeting.

2. ROLL CALL

Present: Members: John Dziurman, Linda Raschke, Dr. Richard Stamps, Rev. Dr. Pamela Whateley, LaVere Webster

Absent: None

QUORUM PRESENT

Others Present: Derek Delacourt, Planning Department
Judy Bialk, Recording Secretary

3. DETERMINATION OF A QUORUM

Chairperson Dziurman announced a quorum was present.

4. PUBLIC HEARING – FILE NO. HDSC 03-002

Chairperson Dziurman recited the location of the site and purpose of the Public Hearing for the record, as follows:

Location: 267 E. Hamlin Road, 321 E. Hamlin Road, 1894 Wayside Park, 1895 Wayside Park, 1910 Wayside Park, 1911 Wayside Park, 1926 and 1932 Wayside Park, 1933 Wayside Park, 1948 Wayside Park, 1949 Wayside Park, 1964 and 1970 Wayside Park, 1965 and 1971 Wayside Park, located on the north side of Hamlin Road, west of John R Road and east of Rochester Road, consisting of Parcel Numbers 15-23-300-025, 15-23-300-026, 15-23-300-029 and 15-23-300-030, Zoned R-4 (One Family Residential).

Purpose: To receive public comment regarding a proposal to establish 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 Dziurman explained the information received at this Public Hearing would be included in the Historic Districts Study Committee (HDSC) Final Report for the property commonly identified as Ferry Court, which Report would be presented to City Council. He stated the intent of the Public Hearing was not to conduct a debate or dialog between the members of the HDSC and the public, but rather to allow the public to place any comments or concerns they may have on public record to be provided to City Council. He noted the HDSC Members would be available for questions at the conclusion of the Public Hearing.

Chairperson Dziurman reviewed the requirements of the City's Historic Districts Ordinance, including the duties of the Study Committee (Section 118-130), which include:

- (1) Conduct a photographic inventory of resources;
- (2) Conduct basic research of each proposed historic district;
- (3) Determine the total number of historic and non-historic resources;
- (4) Prepare a Preliminary Historic Districts Study Committee Report that addresses the charge of the Committee, the composition of the Committee Membership, the historic district studied, the boundaries of each proposed historic district, the history of each proposed historic district, the significance of each district, and the Study Committee's recommendation as to the establishment, modification or elimination of the historic district;

Chairperson Dziurman stated the HDSC had been assisted by Dr. Jane Busch, who prepared the Preliminary Report on the Ferry Court property. He noted the Study Committee had accepted the report prepared by Dr. Busch as the Preliminary Report of the HDSC.

- (5) Transmit a copy of the Preliminary Report for review and recommendation to the Planning Commission and the State Historic Preservation Office.

Chairperson Dziurman stated the Ferry Court Preliminary Report had been transmitted to the Planning Commission and the State Historic Preservation Office.

- (6) Make copies of the Preliminary Report available to the public.

Chairperson Dziurman stated copies of the Preliminary Report were available at the back of the meeting room, and copies had been provided to the subject homeowners upon their request.

Chairperson Dziurman stated the Public Hearing procedure followed the City's Historic Districts Ordinance (Section 118-131), which requires that a Public Hearing be held not less than sixty (60) days after transmittal of the Preliminary Report, in accordance with Public Act No. 267 of 1976 (the Open Meetings Act). He stated the Ordinance required that a written notice of the Public Hearing be mailed to the property owners fourteen (14) days prior to the date of the Hearing. He noted such notice was mailed to the property owners on August 5, 2003. He indicated the Ordinance required publication of notice of the Public Hearing one (1) time at least fourteen (14) days prior to the date of the Hearing. He noted the Notice was published in The Eccentric on August 7, 2003.

Chairperson Dziurman stated the City's Historic Districts Ordinance required the Study Committee to prepare and submit a Final Report with its recommendations and those of the Planning Commission to the Mayor and City Council within one (1) year of the Public Hearing (Section 118-132). He explained if the Study Committee recommended establishment, modification or elimination of a historic district, the Final Report shall include a draft of a proposed Ordinance.

Chairperson Dziurman questioned whether any members of the Study Committee had any comments at this time. Hearing none, Chairperson Dziurman opened the Public Hearing at 7:41 PM.

Linda Ball, 1083 North Livernois, stated she and her husband were the owners of Wayside Park and 321 Hamlin Road, which are commonly referred to in the Study as Ferry Court. She indicated she was present to express her opposition to her property being designated historic. She stated she had attended two (2) City Council meetings held on January 22, 2003 and January 29, 2003, at which time she spoke and made it clear she wanted her property removed from consideration for historic designation. She noted her property was an income producing, investment property. She felt designating the property historic would limit what they could do with the property and would take away their rights as property owners.

Ms. Ball stated they had purchased the property seventeen (17) years ago with the intention of developing the property. She indicated approximately six (6) to ten (10) years ago they began putting in a road base, including the hiring of an architect and landscape architect, in an attempt to create a development plan for the property. She indicated they were informed by Pat Goodwin, the former Director of the Planning Department, that the Master Land Use Plan was in the process of being reviewed, and there was a good possibility the zoning of their property would be changed, possibly allowing for a medical or office use. She stated Ms. Goodwin had suggested the Balls wait on their proposed development, pending the outcome of the Master Land Use Plan review being conducted by Kate Beebe.

Ms. Ball stated they had also held meetings with Ms. Millhouse, Deputy Director of the Planning Department, and Ed Anzek, Director of the Planning Department. She indicated she did not feel the structures themselves were originally built with the

intention of homes that would remain. She explained the homes had very low basements, with the bathrooms located in the basements. She indicated the homes were not in very good condition; however, they had delayed making extensive repairs pending the decision of whether the property would be rezoned to office or something else. She felt their plans had already been delayed several times, and now they were being told the property might be designated a historic district.

Ms. Ball noted they were having many problems attracting high-quality tenants due to the condition and size of the homes. She indicated the property did not currently generate a sufficient amount of rental income to keep up the required repair and maintenance. She stated she and her husband were strongly opposed to historic designation. She requested their feelings and opinions as property owners be considered. She questioned whether this Public Hearing would be their last opportunity to speak regarding this matter.

Chairperson Dziurman informed Ms. Ball that she would have an opportunity to speak before City Council when the matter is scheduled before the Council.

Ms. Ball noted her husband had been unable to attend this Public Hearing, and there may be points he wished to make regarding the potential historic designation.

Chairperson Dziurman noted there were not many individuals requesting to speak, and suggested Ms. Ball could add to her comments after the remaining speakers are finished.

Rod Wilson, 403 Red Oak Lane, stated he was the President of the Rochester-Avon Historical Society, and stated he also sits on the Board of Directors for the Michigan Historic Preservation Network. He provided enlarged copies of postcards he had for Ferry Court, which were circulated among the HDSC Members, and placed on file and made a part of the record hereof.

Mr. Wilson stated the Ferry-Morse Seed Farm officially dates back to 1902, although he had not conducted research to determine if the company had leased the property prior to that time. He stated he had reviewed pay records from 1893, from Oakview, which is what the Rochester Farm was called at that time. He indicated the Ferry-Morse Seed Farm was a very important part of the history of Rochester, and it was one of the largest farms in the area. He stated the Ferry Court property, although it consisted of small homes, were identified as significant by Dr. Busch, who believed the site could be placed on the National Register as a National Historic place.

Mr. Wilson stated he believed Ferry Court was a community resource, noting many of the historic structures in the community were being lost. He provided a copy of a booklet entitled "The Economic Benefits of Historic Preservation" which has been placed on file and made a part hereof. He indicated the Michigan Historic Preservation Network (MHPN) published this booklet approximately six (6) months ago. He explained the MHPN conducted a study regarding the economic benefits of historic preservation, which indicated that over time, historic homes in historic districts increased in value in a greater percentage than those not in a historic district.

Mr. Wilson stated tax credits would be available to a designated historic district. He explained these credits would be available for renovation of the outside or façade of a structure. He indicated extra credits were available for income-producing properties. He stated he was aware that an income-producing project could receive extra credits, with a possible combination between Federal and State Credits amounting to Forty (40%) Percent. He stated some banks would buy tax credits as equity.

Mr. Wilson stated the members of the Historic Districts Commission could provide valuable assistance regarding renovations to the structures if the site were designated as a historic district.

Mr. Wilson stated although he understood owner's rights, there were also community rights to be considered. He felt the Ferry Court site was a community resource. He noted there were several court cases where property owners sued because they did not want to be designated as a historic district; however, the courts upheld that the properties could be designated as a historic district. He stated although that precedence had been set, it was preferable to work with the property owners.

Chairperson Dziurman called for any other individuals who wished to speak at this time.

Mike Allen, 267 Hamlin Road, stated he owned the farmhouse located at 267 Hamlin, which is a single residence. He indicated he was not sure his home had significant historical value, although the homes in Wayside Park were located behind his home. He noted the homes located in Wayside Park were not in the best of condition, and were not built with the greatest of integrity. He understood the Balls had purchased the property as an investment, and that rezoning the property could have benefited them financially, particularly if changed to a commercial rezoning. He felt it would be imposing on their rights as property owners to change the site to a historic district. He stated he would be opposed to Ferry Court being designated as a historic district.

Chairperson Dziurman questioned whether Mr. Allen would be opposed to his property being designated historic.

Mr. Allen responded he was not opposed to his property being designated; however, he would be opposed to Ferry Court being designated against the property owner's rights due to the fact it was an investment for them and they had hoped the site would be developed into something more than they have today.

There being no further persons wishing to speak, Chairperson Dziurman closed the Public Hearing at 7:54 PM.

Chairperson Dziurman stated the Study Committee members would be happy to hold an informal discussion with those present regarding any concerns they may have. Mr. Delacourt noted the formal portion of the Public Hearing had been completed, and suggested the property owners ask any questions they may have regarding the process or

the designation. He indicated any informal discussion would be kept as part of the record.

Mrs. Ball stated she had been invited to attend an informal meeting with the HDSC prior to the City Council meetings held in January, 2003. She stated at that time they requested their architect to come in because they had submitted plans to the City with the intent of developing and improving the site as a residential rental property. She indicated they had received approval for their plans, which included increasing the square footage of the homes to Eighteen Hundred (1,800) or Two Thousand (2,000) square feet.

Ms. Ball stated although she and Mr. Allen were neighbors, they had not discussed the situation prior to attending this meeting. She indicated if the designation were for her own personal home, she would probably feel as Mr. Allen did and did not believe she would be opposed to designation. She noted most individuals purchase an older home because they like older homes and their history. She stated she was not opposed to historical values and properties; however, they did not purchase Wayside Park with the intention of simply restoring it to its original state. Rather, it was purchased as an investment property.

Ms. Ball discussed the problems they had encountered in attracting tenants due to the condition of the homes. She noted the current rental income was not sufficient to allow them to improve or renovate the homes. She indicated she felt the Historic Districts Commission would be very limiting in requiring the integrity of the homes to be maintained. She stated the windows and doors had been replaced on the homes, the homes had been sided, and some had dormers added to them. She noted the interiors of several of the duplexes had been remodeled. She noted the homes were eighty (80) years old, and had required a variety of upkeep maintenance. She stated although the property had been purchased with the intent of making it a viable investment, it was not the investment they believed it would be.

Ms. Ball stated part of the problem was the designation looked at the property as an entire district due to its agricultural standpoint. She indicated their architect has suggested that one (1) of the smaller homes be restored and retained.

Ms. Ball stated she received the impression at the City Council Meetings in January that none of the property owners present supported historic designation. She noted most of those in attendance appeared to feel designation would limit their options and took away the value of the homes, and would make them hard to sell. She noted their parcel was a large parcel, and they were concerned the site would become a huge white elephant.

Mr. Webster questioned the size of the parcel. Ms. Ball responded it was approximately four (4) acres.

Ms. Ball discussed the tenant problems they were currently encountering, and noted it was difficult to attract a higher-quality tenant given the current condition of the homes.

Mr. Allen agreed he would also like to see the homes improved so they would attract better tenants. He noted his home was adjacent to the property, and although the situation had improved, approximately two (2) years the police were responding to situations at the complex on almost a nightly basis. He stated he would like to see the houses improved and remodeled, so they would attract better tenants.

Mr. Wilson questioned whether Ms. Ball had been provided an opportunity to discuss their plans with any of the members of the Historic Districts Commission (HDC). He noted he did not believe the restrictions would present as much of a hardship as the Balls currently believed they would. He suggested they review their plans with the HDC to see if the proposed revisions would be acceptable to the Commission. He agreed upgrading the homes would provide an opportunity for better tenants, while at the same time preserving the homes. He indicated he felt Balls could accomplish what they wanted to do in conjunction with the HDC, while receiving tax credits. He felt that would be a “win-win” situation for everyone involved, including the neighborhood and the community.

Dr. Stamps stated the Balls and their architect had previously met with the HDC. He noted although the site was probably conducive to another strip mall or other office or commercial use, he hoped a middle ground could be negotiated to preserve and upgrade the property. He indicated it was his recollection the HDC had suggested putting an alleyway behind the houses, and noted the HDC was flexible regarding what was done to the back of structures. He suggested the Balls would have the option of enlarging the homes at the back, while maintaining the sense of community with the drive in front of the homes. He noted the current set up of the site fit in well with the concept of modern urbanism with the community area in front of the homes. He felt it would be possible to enlarge the homes, move the bathrooms out of the basements, and perhaps put garages behind the homes.

Mr. Webster stated he could empathize with the Balls, noting he has been the owner of two (2) historic homes, located in Rochester Hills and in northern Michigan. He stated he had recently evicted his tenants at the northern Michigan location, put the home on the market, and actually sold the home at full market price, despite the fact the home required some repair. He noted his home in Rochester Hills had been purchased as a retirement home, although it has since created a substantial debt for him.

Mr. Webster stated at one time he considered making some renovations to his home, and had discussed those changes with some of the members of the HDC. He indicated he was told that compatible changes could be made to the back of the home. He stated he had considered raising the roof on the back of his home, and a former member of the HDC told him there was precedence for that because the house that Sara VanHoosen was born in had the roof raised and a “L” added to the back that was compatible to the building. He indicated he was also told that the HDC was mainly concerned with the appearance of a structure from the road, and the HDC was not concerned with the inside of the home. He stated although he had not made changes to his home, he felt the response from the members of the HDC was positive.

Ms. Raschke stated she respected property owners' rights, and noted the length of time the Balls had invested in their property. She indicated the ambiance of that area, if the opportunity arose to improve the homes, was immense. She noted improvements would certainly change the clientele.

Ms. Ball stated improvements such as lofts or skylights would change the tenant makeup of the complex. She noted the volume of disputes resulting in a police response drove many tenants away. **Mr. Allen** noted the problems requiring a police response had decreased somewhat during the past year.

Dr. Whateley stated she had spoken to Ms. Ball previously, and noted she felt it was possible for compromises to be made to allow the Balls to develop the property as they proposed.

Chairperson Dziurman stated the HDC had to follow certain standards by Ordinance, which were the Secretary of Interior Standards. He noted the Secretary of Interior Standards were also the national standards, and were very subjective standards and open to interpretation. He stated he was a certified historic architect, and the HDC existed to help and assist property owners. He questioned whether the Balls intended to continue their site as rental property or to demolish the structures.

Ms. Ball stated they had never talked about taking out the center road or the mature trees. She stated they had discussed clustering the units more at the end and creating garden apartments. She indicated they had not considered constructing a high rise or multi-story office building. She discussed the possibility of establishing a quaint office condominium type complex housing office or medical, which would retain the community aspect, with houses at the Hamlin Road end of the property. She stated they had considered having attached, staggered garden-style apartments at the northern end of the property, which would retain some privacy and have rear parking. She stated she would be willing to provide architectural renderings of their plans.

Chairperson Dziurman stated he had spoken to the Balls architect, although he had not reviewed any proposed plans, and the architect had told him he was not familiar with the Secretary of Interior Standards.

Chairperson Dziurman referred to the Preliminary Report, and noted Dr. Busch was very specific that one of the main reasons the property was historic was the context of the development --- the way the structures were grouped together. He noted saving just one (1) of the homes would destroy the context if the property were designated historic. He indicated a similar situation was occurring with the Rochester College barn delisting request, because the barn was part of a farmstead, which is what made the site important. He stated if the barn were moved, it would destroy the historic integrity.

Chairperson Dziurman stated the HDC had to interpret the Ordinance appropriately; follow the Secretary of Interior Standards, and use the National Register criteria for

potential designation of structures. He explained the Ferry Court site could be declared a National Register Site, which would not apply any restrictions to the property. He stated a National Register Site did not have any restrictions according to the law. He stated local Historic Districts did have restrictions, which followed the Secretary of Interior Standards. He indicated if the Standards are applied in a certain way, and the property owner does not agree with the decision, the property owner could request a hearing in Lansing and take the matter to court.

Chairperson Dziurman stated he personally felt the homes could be designed, following the Secretary of Interior Standards, while providing the property owners many of the options they were seeking. He stated the HDC could provide assistance to help the property owners follow the Standards.

Chairperson Dziurman noted Dr. Stamps' reference to neo-traditional town planning, which was a popular concept at this time. He explained that concept incorporated alley access to garages, noting the garages did not have to be attached. He stated the point was to retain the context and integrity of the site, while being able to distinguish between what was original and what had been added.

Chairperson Dziurman stated the HDSC would make its Final Report, which would be provided to City Council, and City Council would make the final determination. He stated he hoped the characteristics of the site could be preserved for the future generations of the community. He referred to Mr. Wilson's comments about tax credits, and agreed that many banks would provide seed money in exchange for tax credits, which could provide a portion of the financing necessary for the Balls to renovate the units. He explained there would be some creative financing options available to the Balls if the property was designated historic. He noted Federal tax credits could be available for income producing property.

Mr. Wilson pointed out that a site only had to be eligible as a National Register site for Federal tax credits to be available. Mr. Delacourt clarified if the site were restored, it had the potential to be eligible for the National Register.

Mr. Delacourt stated based on the proposed uses discussed, he was not clear whether a common ground existed between the HDC and the Balls. He noted Mrs. Ball had indicated they were interested in garden suites and other residential rental units, and stated he felt the potential existed for the HDC and the Balls to reach a compromise, keeping the existing structures through expansion and changing use. He explained the HDC could allow the use to be changed. He clarified if the Balls could reach a compromise in their plan that the HDC was willing to approve, the tax credits would provide a benefit to the Balls, if the Balls were willing to have the site designated historic.

Mr. Delacourt stated the HDSC had one (1) year from the date of this Public Hearing to present the recommendation to City Council. He suggested an informal workshop meeting be scheduled between the Balls and the HDC to review a proposed plan.

Chairperson Dziurman noted if a quorum was present, it would be a public meeting. Mr. Delacourt stated the meeting could be noticed as a workshop. He indicated if the Balls and the HDC could not reach an agreement or compromise, the HDSC would still complete the Final Report, which would be forwarded to City Council for a determination.

Ms. Ball noted the fact the site consisted of four (4) parcels, and stated part of their problem had been how to proceed should someone wish to purchase a unit or whether the property could be split.

Mr. Delacourt stated the site was currently master planned for mixed use, although the City did not have a "mixed use" zoning district. He explained if the property were redeveloped under a plan containing a mix of uses such as residential, office or commercial, it would follow the Planned Unit Development (PUD) process. He indicated the PUD would provide flexibility regarding property lines, parking, setbacks, and dimensional requirements. He cautioned a compromise on the design would have to be reached between the Balls and the HDC. Ms. Ball indicated she was familiar with the PUD process.

Chairperson Dziurman stated it would be helpful if the Balls would agree to such a meeting with the HDC. Ms. Ball stated she was not opposed to historic homes, having grown up in Romeo, Michigan; however, they did have a mortgage payment to be made.

Chairperson Dziurman stated he believed the HDC and the City could work with the Balls to turn the site into a very attractive, high income-producing site. Mr. Delacourt stated from a planning standpoint, the site could be very interesting to work with.

Mr. Webster explained tax credits were not deductions, but rather a credit off the bottom tax line. He pointed out rehabilitation costs could frequently be less than building new.

Dr. Stamps stated preservation and renovation of the site would help improve the quality of life for the community. He suggested the Balls could contact Rochester College and suggest the homes be used for married student housing. Ms. Ball stated they had considered the possibility of senior housing.

Dr. Stamps stated all property owners had to follow the City Ordinances, and some subdivision associations had strict rules and regulations. He believed the HDC operated in a larger context, applying the rules and regulations specified by Ordinance. He believed a compromise could be reached regarding the Ferry Court site.

Mr. Delacourt stated he would schedule a meeting between the Balls and the HDC. He cautioned the workshop was not a step toward delaying the HDSC process, but rather an attempt to determine if an agreement or compromise could be reached.

Chairperson Dziurman thanked those who had attended for their input and discussion.

5. ANY OTHER BUSINESS

No other business was presented.

6. ADJOURNMENT

There being no further business, upon motion made by Raschke and seconded by Stamps, Chairperson Dziurman adjourned the meeting at 8:33 PM.