

~~Chairperson Dunphy stated the Commission would take a short recess.~~

~~(Recess: 8:53 PM to 9:05 PM)~~

~~Chairperson Dunphy called the meeting back to order to 9:05 PM. He stated the Commission would continue with Agenda Item #9 (1841 Crooks Road)~~

9. NEW BUSINESS

9A. 2006-0105 1841 Crooks Road (HDC File #99-011)

Applicant: Fred Dunn
Sidwell: 15-20-428-003
District: Non-Contiguous
Request: Notice to Proceed (Demolition of House)

Chairperson Dunphy asked Mr. Delacourt for a brief summary regarding the request.

Mr. Delacourt stated the Historic Districts Commission (HDC) was familiar with Mr. Dunn and his property. He noted Mr. Dunn had been before the Commission several times over the last several years for review of applications pertaining to 1841 Crooks Road, which was a non-contiguous designated Historic District within the City. The site consists of a single family house and a barn, noting the survey sheets were included in the packet.

Mr. Delacourt stated the last time Mr. Dunn was before the Commission was for approval of an addition and renovation to the existing structure, which the Commission approved. Since that time, Demolition by Neglect notices had been issued by the Commission. Upon receipt of the first notice, Mr. Dunn complied by securing the structure and it was inspected by the Building Department. He noted the structure was not completely "mothballed" but it was protected against the elements and met the intent of Commission's notice.

Mr. Delacourt stated that the second Demolition by Neglect notice led to a discussion between he and Mr. Dunn regarding the structure. Mr. Dunn requested that he take a look at the property. Subsequently, he and Kelly Winters, the Deputy Director of the City's Building Department, walked through the property. Mr. Dunn felt that since he had been issued a Building Permit and started the work, new information had come to light and he wanted the City to take a look at it. He stated Mr. Dunn indicated at a subsequent meeting he wished to make a request to demolish the structure.

Mr. Delacourt stated the Staff Report detailed the Notice to Proceed section of the Ordinance, and Mr. Dunn submitted information related to that request. He stated he and Mr. Winters were present to answer any questions the Commissioners might have.

Jennifer Hill, Booth Patterson, P.C., 1090 W. Huron, Waterford, Michigan, was present and stated she represented Mr. Dunn in this proceeding. Fred Dunn, 1104 Maple Leaf Drive, was also present.

Ms. Hill stated they were seeking a demolition permit in order to remove the home located at 1841 Crooks Road. Her understanding of the history of the home and the reason it was in the Historic District was because it is an example of an upright and wing old American farmhouse that represents the history of Avon Township, now Rochester Hills. It represents the reason why the Township was formed because of the fertile soil, which brought immigrants to the area.

Ms. Hill stated the current condition of the home was beyond repair and noted they had received estimates that it would cost approximately \$90,000.00 to repair the structural integrity of the home so the outside structure of the home can be maintained.

Ms. Hill stated Mr. Dunn did receive a Certificate of Appropriateness on July 7, 2006 after he had appeared before the Commission multiple times. She stated Mr. Dunn had paid \$5,500.00 in permit fees as of this point to complete the work. When Mr. Dunn began tearing off the drywall on the inside of the home, he discovered it was completely destroyed. She stated they had photographs of the interior, which Mr. Dunn would explain.

Ms. Hill stated that when the Historic Districts Commission was originally formed, the Township Supervisor suggested at the organizational meeting that the Commission administer the Ordinance in a very reasonable fashion and encouraged the Commission to be flexible and work with the residents of the City. She stated they were asking for some real consideration of their request to demolish and consideration of whether \$90,000.00 was reasonable to require a citizen to restore this home. She stated even if the house was destroyed, there were still items on the property that show the agrarian nature of the property, such as the barn. She pointed out it was also a 3-acre property which was open property.

Ms. Hill stated the Standard by which this matter was being reviewed is set forth in the City Code, which states: "retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner" and under the second part which states: "retaining of the resource is not in the interest of the majority of the Community". Ms. Hill believed only one of the above prongs was necessary for the Commission to grant the Notice to Proceed to allow Mr. Dunn to demolish the home.

Ms. Hill stated they had submitted a letter from Usztan, LLC, who is a builder and who provided bids to Mr. Dunn. She explained Mr. Dunn was acting as the General Contractor in this matter; however, Mr. Usztan would be doing some of the work. The letter indicates the existing foundations are leaking and have become compromised in certain areas. They are not below the current requirements of 42-inches, and since the structure is not heated, frost damage to the footings has occurred. The letter also indicates that several structural components have been cut or removed; a portion of the framing has been exposed to significant water damage and needs replacement; the roof structure is in need of complete removal as the existing shingles/shakes and plywood underlay require replacement, while the extent of the roof truss damage cannot be determined, the condition is suspect. The letter also stated there is significant mold growth. The exterior siding is not original and does not meet historic requirements; and the windows and doors cannot be salvaged. The letter further states that the existing plumbing, electrical and HVAC systems are completely removed or destroyed beyond repair.

Ms. Hill stated that in Mr. Usztan's opinion it was not feasible or reasonable to bring the structure up to the condition it needed to be to maintain the outside structure at this point. She stated Mr. Dunn would explain the photographs that were submitted.

Mr. Dunn explained that after he got his approval for building, he got a demolition permit from the Building Department and he started to remove those items a former owner had put on the building without a permit and without any instructions from anyone.

Mr. Dziurman asked if Mr. Dunn had a time line because the work covered a long period of time.

Mr. Dunn stated the former owner did that work before he purchased the property, noting he did not know it was a designated Historic District when he purchased it. It was not in his paperwork nor was it on his Deed. He found that out after the fact, and noted he had owned old homes before so it did not surprise him and he decided to work with that.

Mr. Dunn stated he came with his original architect and received an approval, but that architect never showed the plans to he and Mrs. Dunn before he showed them to the Commission. He and his wife did not like those plans and did not build that house. He stated they waited a year and came back with a different architect and received an approval in 2007. After he received the permit to build, he obtained a demolition permit from the Building Department and started to do the demolition work. As he started to do the demolition work and started to remove things from the house, both inside and outside, they started to see what had been done by a previous owner. It became very apparent there was nothing he could do, and explained he had to prop the building up after he took some of the drywall off

because that was all that was holding up the walls. He stated beams had been cut, walls removed, and sections of the foundation had been removed. One room was built over a cistern and no foundation was installed. However, the existing foundation behind that room was torn out (he provided photographs of these areas).

Mr. Dunn stated that a door had been installed to the upstairs and had an apartment upstairs, which was illegal, and required walking across the roof. Walking across the roof wore out the shingles and rotted all the studs and beams. On that wall there is nothing left. He provided photographs of areas where the water came down through where the roof was destroyed. He stated he also had photographs of where studs and beams were cut, where stairwells were moved, and where fireplaces were moved.

Mr. Dunn described a photograph of a room that had been added that contained a heater and pointed out where the foundation had been cut, and instead of the beams holding up the floors on the foundation, the beams were now on pieces of 2x4's. That was what was holding up the whole basement.

Mr. Dunn described a photograph of the cistern he found underneath one room, and pointed out the foundation to that room was missing, which he subsequently boarded up. He noted an area where the roof had leaked where the occupants were walking across the roof to get to the apartment. He pointed out where the roof had leaked and where the studs were pieced back together, compromising that room. He stated he had to install support beams after he removed the drywall.

Mr. Dunn discussed a photograph of the wall opposite the wall where the foundation had been removed. He explained that wall had originally contained a window, which had been filled in so the other room could be added. He described an area where studs had been installed to hold the rafters up in the second story of the original portion of the house. He noted the house had been pieced together twice. He stated the original house was only the two-story building with the lower section added on as the first add-on. Subsequently, three different rooms were added on.

Mr. Dunn discussed a photograph of a beam where a wall had been removed which was a support wall for the upstairs bedroom. The wall was removed to extend the living area into a one-room living area, which was being held up by a 1x6 - the whole upstairs facility. He pointed out it was bowing.

Mr. Dunn explained a photograph of the back of the room that was over the cistern. He pointed out where the ceiling had been lowered and rotted and noted a fake ceiling had been installed because it had already rotted the ceiling out. He noted the lower 2x4s holding up the drywall that had been installed by a previous owner.

Mr. Dunn described a photograph depicting the original ventilation for a kettle stove, which had been removed. He discussed a photograph depicting the area where the kitchen had been knocked out and an addition added. He noted where the beams had been cut, and when the rafters were put back, they were put on top of drywall. He noted that was how the previous owner had leveled the house, it was not done with beams, it was done with drywall. The beam was split three different times and was no longer a solid beam, but was just pieces. He stated the beam was about 30-feet long on an outside wall.

Mr. Dunn discussed a photograph depicting where a staircase had gone up to a second story, and where the beams had been cut. The beams are no longer holding anything, but are just there and were behind the drywall. He pointed out photographs depicting where a second ceiling was applied and pointed out where wood had rotted because of roof problems.

Mr. Dunn pointed out a photograph depicting an area from the south wall to the north section of the building (the lower section of the house over to the two-story section), showing that the studs had been cut to install a wall. He noted a photograph depicting the extra bracing he had to install after removing the drywall. He discussed a photograph depicting more cut rafters, noting he did not know why the rafters were cut as nothing was there except drywall.

Mr. Dunn stated when he finished with the demolition work, he felt that about 75% of the construction of the building had been compromised. He explained with the windows alone previous owners had replaced 52% with Plexiglas. Of the remaining windows, about 20% were rotten and needed to be taken totally out of the house. He stated less than 30% of the original windows would be left, noting 50% were already gone.

Mr. Dunn referred to the structural components of the house, and stated he thought at least 80% had been compromised. That is why he felt all he was doing was putting brand new construction into the house, and it would not be the original house, it would be new. He stated if he was going to do that, he thought he should just tear it down and build it new. He commented that would be cheaper.

Ms. Hill pointed out that as could be seen from the pictures, the house was severely damaged, noting the structural integrity and the foundation, and stated they were looking at real problems. She stated Mr. Usztan had experience building in historic districts, as he had built two historic homes and also done a city hall, police station and fire station as well as a wide range of homes having been a builder for 30 years, from small-end homes to five million dollar homes. She stated Mr. Dunn was previously a builder before owning his own steel company. He was a builder back in the 1960s for approximately seven years.

Ms. Hill stated the estimate to repair the foundation was \$25,000; to redo the structural integrity of the home was approximately \$15,000, and the roof structure would cost \$35,000. She stated the repairs would cost approximately \$75,000, and noted she had previously given the Commissioners a different number, and clarified the repairs would amount to around \$75,000.

Ms. Hill stated this was clearly outside of Mr. Dunn's control, and it was not just because there was an issue with the title insurance and it was never placed on the record. She stated all of the structural damage was caused by previous owners, of which Mr. Dunn had no knowledge when he was before the Commission to obtain the Certificate of Appropriateness.

Ms. Hill stated she had reviewed the City files relating to this property. She stated back in August of 1985, the City took action against Ms. O'Neill-Pottery because she had not pulled permits for electrical work she was doing. Ms. O'Neill-Pottery also did heating and cooling work without obtaining permits. The work done on the inside of the property was done without permits being pulled. Ms. Hill stated Mr. Dunn had absolutely no way of knowing the damage that had been done, such as removing a support wall and band-aiding that removal by placing a 1x6 board which would not hold up the home.

Ms. Hill referred to "interest to the Community" and stated she and Mr. Dunn had asked neighbors to attend the meeting, but they did not. She explained Mr. Dunn had spoken extensively with numerous residents in the Christian Hills Subdivision, which is adjacent to the property, and those neighbors said they would attend the meeting to request that the property be taken down and that they supported his application for demolition, but they did not attend this meeting. She did want to present that to the Commission. She indicated she would answer any questions the Commissioners might have.

Chairperson Dunphy noted that a representative from the City's Building Department was present and asked if he had any information for the Commission. Mr. Delacourt stated he had asked Mr. Winters to attend the meeting to answer any questions the Commissioners might have about what he saw when he walked the site, or to answer any other questions. Mr. Winters was not asked to present any material regarding this matter.

Dr. Stamps asked if Mr. Winters could share what he observed at the site.

Kelly Winters, Deputy Director, Building Department, introduced himself to the Commissioners. He stated that Mr. Dunn's pictures did not do justice. He explained when he went to the site with Mr. Delacourt, Mr. Delacourt did not even enter the building because it was that scary. He acknowledged it was in pretty rough shape.

Mr. Miller asked if having seen what he saw going through the building, if it was not a historic structure, would he recommend it be demolished. Mr. Winters replied absolutely.

Mr. Miller stated the fact it was a historic structure was why it was before the Commission. He referred to the letter from Mr. Usztan and his comments about the structure, and stated he would like to present the other side. The beams that were cut could now be replaced with new beams, and what Mr. Dunn would have was new beams alongside old lumber. He noted Mr. Dunn had not said the old lumber was totally rotted and decrepit although it looked old and had nail holes and drywall marks, but it was still solid. Mr. Dunn responded "some of it".

Mr. Miller stated when he read that the structural integrity had totally been compromised, he commented on a house this age, what the Commission was seeing in terms of what had been cut out and not cut out, he had seen before and it was not that uncommon, or in terms of where a stairway had been run up or where the heat shield was regarding the heating and cooling. He stated he had been at the house when Ms. O'Neill-Pottery lived there and he saw where they just walked across the roof. He pointed out Mr. Dunn had also seen then when he looked at the house before he bought it. He was a little surprised Mr. Dunn waited to do any investigation inside of the house until he removed the additions connected to it. He disagreed with the fact it would be cheaper to redo it, although it might be easier for the contractor, and Mr. Dunn might be happier with the end result, but that was often true of old houses. He stated to find contractors who knew how do that work was not the same as finding a competent carpenter or contractor. He noted the contractors who did that work did charge more. He stated any foundation would cost \$20,000, especially for the size of the house being discussed.

Mr. Miller stated he was also disappointed that for the length of the time Mr. Dunn held the house, he was not surprised to hear about water deterioration and weather deterioration, because with a house that age, if it is let sit it will deteriorate and will continue to deteriorate. Hence the action taken by the Commission earlier regarding the house.

Mr. Miller referred to the windows and stated that whenever possible on a historic structure, the windows should be retained. He commented that was not a make or break, nor were the doors. If there was a historic structure that had all the windows broken out, the Commission would not approve a notice to proceed with demolition. Rather, the Commission would require them to be replaced.

Mr. Miller stated his own personal feeling was that the house needed a lot of work, but he knew that without ever having seen Mr. Dunn's pictures. Having seen the pictures, if there was going to be any protection of the investment of the house, some of the outside work needed to be done right away. He knew the previous owner did many things, but when Mr. Dunn purchased the home, he assumed a home inspection was done as that was quite common because it provided a degree of separation for any liability in events like this. He believed Mr. Dunn was not quite as stunned to find some of the things he did find. He hoped Mr. Dunn had been aware of that or he should be disappointed in the home inspector that did the report for him.

Mr. Miller stated that the fact the house was old and messed up does not make it any less historic. In fact, in some ways it made it more precious. With a house built at this age, it was not uncommon for the roof rafters to be 2x4s; it was not uncommon for the floor joists to be 2x4s or 2x6s; for there to be large bows and large problems with settling. He stated the foundation on old houses oftentimes is not what it looks like above the ground with nice dress stone. Underneath the ground, sometimes all there is some cobble thrown in which is what the stones were set on top of. He acknowledged the current Building Codes were much different and there was a good reason for that. That still did not make this house less valuable.

Mr. Miller understood there was a lot of damage and the house needed some work, but that did not mean it was completely irreparable. He noted the question was whether there was enough historic value to the building "as is" to make it worthy of trying to save or whether it should be demolished, which was the question the applicant was asking the Commission to consider. He personally did not see anything that would cause him to approve demolition.

Mr. Kilpatrick asked if the Building Department had inspected the home recently. Mr. Winters stated he was at the site about two months ago. Mr. Delacourt stated the original application had been submitted for the August meeting, but had been postponed at the request of the applicant to the September meeting. He thought the inspection might have taken place about 90 days prior to this meeting.

Mr. Kilpatrick asked when the last inspection occurred, prior to the one done 90 days ago. Mr. Winters stated he did not have that information.

Mr. Kilpatrick asked if Mr. Winters could ascertain what damage had been done from the time Mr. Dunn submitted his application request in 2006 until now. Mr. Winters stated he became involved in the project when the building permit was moving along in 2008, and did not have any previous history prior to when he started working with the City in 2006.

Mr. Kilpatrick clarified Mr. Winters did not know what damage may or may not have not occurred through the acts of the applicant or lack thereof. Mr. Winters responded he did not.

Mr. Thompson asked what the total rehabilitation costs for the home would be. Mr. Dunn stated he had quotes between \$270,000 and \$410,000. Ms. Hill added that the damage done on the inside of the home added an extra \$75,000 to any cost.

Mr. Thompson asked if the applicant had an idea of what the property would be worth after the rehabilitation work was completed. Mr. Dunn shook his head no.

Mr. Thompson asked how long Mr. Dunn had owned the property. Mr. Dunn thought he purchased the property in 2002.

Mr. Thompson stated the Commission had issued demolition by neglect motions, and stated he was having trouble deciphering what damage was there and what was caused by the structure being left in the condition it was. He had no doubt some interior damage was there, but did not know what had occurred since Mr. Dunn purchased the property. He noted the property had been neglected for quite a while, and he was struggling with what damage had been done since then. He asked Mr. Winters if the house was considered a hazard in its present condition. Mr. Winters responded he had to say he did.

Dr. Stamps asked what it meant if the house was a hazard. Mr. Winters explained his concern was with the structure noting some of the structural items had been removed or destroyed. He stated there were headers that in no way, shape or form would meet Code requirements for spans or loading. He referred to the picture with the log with the steel beam under it that was now being supported by a 2x4 that made him nervous. In walking across the floor, it creaked and groaned and moved a bit. He noted there were holes in the floor, and commented Mr. Dunn referred to a header that was installed that was furred on top with drywall, that was something he had never seen. Those concerns made him nervous about the stability of the house.

Dr. Stamps apologized that Mr. Dunn was not informed or aware that the house was listed on the historic register of the City when he purchased it. He thought that was a serious problem the Commission needed to correct by putting signs on the designated resources so potential purchasers can be flagged and be aware of that.

Dr. Stamps reminded the Commission that the house was designated in part because it was an example of one of the original farms and farmhouses upon which the City was founded. He asked if this one was lost, how many were left. He was not sure if there was another one left.

Ms. Hill stated she had asked that question and believed there was one on Avon Road just west of the City Municipal Building. She did not know how many were left.

Dr. Stamps stated it was one of just a few remaining, which is why the Commission was concerned. He stated it could be replaced with a new building that looked the same, but noted the City liked to have the original structures. He had some concern about the current condition of the house. He stated he walked through it when a previous owner held an estate sale, and commented the floors creaked then; it was kind of a patched on place; the addition on the south side was an added on piece; but it was not in nearly the shape when Mr. Dunn purchased it that it is presently. He stated a house had to have a roof to prevent it from going down, and roofs only lasted so long. He asked when the roof had last been replaced. He thought Mr. Dunn would have realized it was an old roof. If a house is not heated, frost will get into it; and if there were openings, animals would get in and dig around the foundation.

Dr. Stamps agreed that a previous owner had done some rebuilding, changing and cutting, but he was not sure the Commission could put all the blame on the previous owner(s). He commented the fact the house has stood for over a hundred years, said there was something structurally okay about it. He thought some of the damage had been more recent. He agreed it needed work and some tender loving care, but he thought it still had potential to be rehabilitated.

Mr. Dziurman commented that Mr. Dunn stated he was a builder in the 1960s, and had had two architectural firms go through the building, and now seven years later he discovered these problems. He thought there was something wrong because someone did not do their job. During that period, Mr. Dunn spent a lot of time and money, and the Commission had spent a lot of time working with him. Now Mr. Dunn wanted to demolish the house. He asked if Mr. Dunn built a new home, how large it would be. He commented the price given by Mr. Dunn of \$270,000 to \$410,000 amounted to a price range of about \$100 to \$200 a square foot which was not out of line for new homes. Mr. Dunn stated those prices were for the work to the home that was approved by the Commission. Mr. Dziurman thought the rehabilitation of the existing house might still be cheaper than constructing a new house.

Mr. Dziurman stated that demolition by neglect was a real issue for the Commission because it was seven years later; after two professional firms had been through, and the applicant had a building background, now a problem had been discovered. He stated he had heard all the rumors about what went on in the house, but it was still standing. He found it difficult to approve a demolition because he thought the applicant could rehabilitate the existing house at the same price it would cost to build a new house. He commented the applicant would end up with basically a new house as well.

Chairperson Dunphy stated he had received a request for public comment.

Melinda Hill, 1481 Mill Race, stated the applicant actually purchased the house in 2000, and in 2002 was before the Commission requesting approval of work to be done, including removal of the portions that have been removed, and a new addition. Certificates of Appropriateness were given at that time; however, no action happened and they expired. He also appeared before the Commission in February, March, May of 2006, and in June of 2006, a Certificate of Appropriateness was given to remove the additions that were not pertinent and to construct new additions to create the new home. One of the conditions on the Certificate of Approval said removal should not happen prior to the plans being approved by the Building Department for the new addition. Unfortunately, the pieces were removed and no action had been taken since then. She truly believed the applicant did not meet the requirements for a Notice to Proceed. She commented the Commission had seen other historic structures that were in worse condition. This was truly caused by inaction on the applicant's part. There was a great deal of discussion about problems with the foundation, the cistern and other things. She clarified Ms. O'Neill-Pottery did not sell the home to this applicant, as she sold it to Mr. Root who owned it about a year, and did some interior work. She stated there was discussion about how the interior looked and things that were going to be removed, noting the whole house was going to be gutted. She noted the applicant stated it would cost him extra money to reinforce the structure, which was correct, but that was not a reason to require a demolition permit. There was no reason that fits the requirements to issue a Notice to Proceed for that permit. She agreed there was an additional cost, but that was all part of creating this new structure. She thought it was self-imposed and provided pictures for the Commission's review of the home in 2002 depicting how the exterior looked at that time. She stated this property carried a lot of significance for the Community and she begged the Commission to deny the request before them. She believed the last Certificate of Appropriateness that had been issued had expired and it would have to come back before the Commission before any new work was done. She thought this matter should go to Circuit Court to request stabilization of the property because it was truly demolition by neglect over nine years.

Dr. Stamps asked if Ms. Kidorf had any insight or expertise she could share with the Commission.

Ms. Kidorf stated it was a difficult case. It sounded like there had been some demolition by neglect, although it was difficult for her because she had not been provided with all the materials or the experience the Commission had. She pointed to the State Historic Preservation Office (SHPO) document on economic hardship, since that is what the applicant appeared to be requesting. She suggested the Commission make sure it asks all the questions it wanted to ask to determine if this was a case of economic hardship or not, including the questions about the total cost of rehabilitation, and what the property would be worth after that.

She thought it was a good point already discussed by the Commission about the cost of new construction versus rehabilitation. She stated she would review the SHPO economic hardship documentation if the Commission requested her to do so.

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Mr. Delacourt pointed out he had not asked Ms. Kidorf to review this application prior to the meeting. He had asked her to stay knowing some questions might be asked that her expertise could assist with.

Dr. Stamps stated the Commission loved Mr. Dunn's house and did recognize it had problems. He felt this was becoming a confrontational situation between the applicant and the Commission and he did not want that to exist. He asked the applicant not to take this personally, and pointed out the Commission was trying to save what limited historic resources the City had and were trying to fulfill their responsibility to preserve the Community's historic resources because there were so few. The Commission became concerned when they received a request to demolish a resource. He hoped they could reach a resolution other than a negative one.

Mr. Kilpatrick asked if it was the applicant's intention to add the other additions to the home, noting he agreed the Certificate of Appropriateness for that work had expired. He asked if it was a fair statement that the applicant intended to add the additions to the home. Mr. Dunn responded he did not know about that right now.

Mr. Kilpatrick asked if Mr. Dunn had intended to present a new plan. Mr. Dunn stated he did not have any plans until after this meeting, noting if the house was demolished, he would not have to worry about it.

Mr. Kilpatrick stated he had read that it was Mr. Dunn's intention to use the prior plan. Ms. Hill clarified there was a mistake in the original application. She thought the old plan would be built, and noted she made that correction in her supplemental information. The supplemental information indicated that if approved, the house would be demolished and plans for a new house would be presented to the Commission for review and approval.

Mr. Kilpatrick stated there was a lot of compromise when the rehabilitation plans were approved in 2006. From what he recalled, the plans were quite large compared to the size of the existing resource. He commented it stretched the sensibilities of the Commission to allow the additions to take place, and at that point in time, it appeared it would cost a lot of money for that plan in and of itself as the additions would be quite substantial. When Mr. Dunn came before the Commission in 2006, he was left with the impression that he was prepared to spend a lot of money on the new additions, not taking in to account the rehabilitation of

the house. He asked if he was correct in that assessment. Mr. Dunn asked if Mr. Kilpatrick was referring to the plans approved in 2006. Mr. Kilpatrick indicated that was correct. Mr. Dunn stated the pricing on that had gone from \$270,000 to \$410,000, noting he had four different quotes for that proposed work.

Mr. Kilpatrick stated he was referring to the additions itself. Mr. Dunn stated that was for the whole project. Mr. Kilpatrick clarified it went from \$270,000 to \$410,000. Mr. Dunn stated that was the range of quotes, and explained \$100,000 of that was just to pick up the old house to fix the foundation. With the \$410,000 quote it was \$100,000; with the \$270,000 quote it was about \$66,000. Mr. Kilpatrick asked if those were the figures Mr. Dunn received in 2006 or if that had changed recently. Mr. Dunn responded yes, just to get the house up so the foundation work could be done. Mr. Kilpatrick clarified that was in 2006. Mr. Dunn stated in 2006.

Mr. Kilpatrick clarified that Mr. Dunn had indicated that price has increased substantially since that point in time. Mr. Dunn state "no, now that I've got it demolished". He thought he was not allowed to touch it before and reminded the Commissioners when he purchased the house he did not know it was historic and he was going to tear it down and was stopped. When he found it was historic, he thought he would make it work and get it done. The first architect he hired just kept giving the Commission different plans and never asked, but just did it. Finally he got rid of that architect because he was not listening to anybody. When he got the permit for the second set of plans was when he started the demolition. In the meantime, the house was sinking and stated he had invested \$55,000 in just leveling the floors, jacking up the back of the house where it had dropped 38 inches, and leveled it up. He did that prior to getting the permit because he did not know he was not allowed to keep it from falling in. That money was spent prior to getting the Commission's approval to put the additions on. He reiterated he had invested \$55,000 for just the way it was sitting now. For someone to tell him he had to spend another \$100,000 to improve it, plus he would have 60% to 70% of the building new, and asked how that it would still be an old house.

Mr. Kilpatrick understood but noted that was why Mr. Dunn had come before the Commission. At that time, Mr. Dunn had told the Commission the house was like a beacon or a welcoming center to the Community. He remembered the comment because of the house being situated at the top of the hill. That was part of the compromise on the part of the Commission because part of the old house would be intact. The Commission was concerned about the additions and where they would be located, and determined that traffic driving by would still see the original farmhouse. The barn, lilacs and the size of the property added to that picture. The picture was that someone had added additions for a house that met 2006 living conveniences, but the flavor of the mid-1800s home would remain. He struggled with this because it appeared the applicant was prepared to spend a lot of money

back in 2006, and he did not see where there was a substantial hardship that made a difference now. He understood the \$55,000 already spent, and asked if the \$55,000 was the total money that had been put into the home, absent what was going to be placed on this project. Mr. Dunn responded "right".

Mr. Thompson asked if the structure was demolished, whether the remaining structure would be enough to justify the historic designation. Ms. Kidorf stated that based on the survey conducted in 2002, she did not think so, but noted that would be up to the Study Committee to decide.

Mr. Thompson stated that if the house was demolished, the property would still remain a designated historic district. Any new building would have to be approved by the Commission, unless or until the process was followed and the property was delisted. He wanted to clarify that just tearing down the house did not mean the designation would disappear.

Mr. Miller asked about the statement in Mr. Usztan's letter that the siding was not original and non-historic. He asked if that referred to the original clapboard siding on most of the house. Mr. Dunn stated it was new wood siding, noting that 100 years ago you could not buy that type of siding. He did not know when that siding was put on the house.

Mr. Miller asked what was between that and the studs on the outside walls of the house. Mr. Dunn responded "nothing". Mr. Miller asked how Mr. Dunn knew it was put on later. Mr. Dunn stated it was new siding. Mr. Miller asked if that meant the whole house, not just a portion next to an addition. Mr. Dunn stated he originally thought it was just the addition, but it was the whole house.

Mr. Miller inquired about the entire roof needing to be stripped. He noted that was not uncommon and was more of a maintenance issue on many houses, and that point was not a reason to tear down a house because it needed a new roof.

Mr. Miller wondered why it was going to be so expensive for the house to be restored to some sort of structural solidity. He thought that would be a legitimate argument if it could not be made safe and livable. He did not think anyone would require the applicant to hold on to a not safe and unlivable house that could not be made to do so. On the other hand, the Commission would not let it be torn down just because it would cost some money.

Mr. Dunn acknowledged anything could be made safe and livable, all it required was enough money. Mr. Miller understood that because he lived in a historic house.

Chairperson Dunphy called for any other questions or discussion by the Commission. Upon hearing none, he asked if the Commission was prepared to make a motion.

Mr. Thompson stated he was ready to make a motion.

Chairperson Dunphy stated if the Commissioner's wanted additional time to consider this matter, they should be very clear about what additional information they needed to receive.

Mr. Thompson asked if the Commissioners had more questions or required additional information. If not, he would move the motion. No more questions were asked and no additional information was requested.

Mr. Thompson made the following motion:

MOTION in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now Rochester Hills) and Oakland County in the 19th Century.
4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure. Over the years, prior owners of the resource made many improper renovations to the interior of the house, contributing to its structural deficiency and deterioration.
5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship.

Chairperson Dunphy called for a second to the proposed motion on the floor. Mr. Kilpatrick seconded the proposed motion. Chairperson Dunphy then called for discussion on the proposed motion on the floor.

Mr. Miller asked that some of the statements in the Findings be deleted. He referred to Finding #4 and suggested the second sentence be deleted. He suggested Finding #5 be deleted in its entirety. He did not know that the Commission could make that Finding.

Mr. Thompson agreed to remove the second sentence of Finding #4. Mr. Miller stated the Commission did not have accurate information about the cost to rehabilitate or restore to decide whether that was burdensome or unreasonable as stated in Finding #5.

Mr. Thompson stated he would strike Finding #5, and proposed a new Finding #5 as follows:

5. The applicant has not met the burden of proof.

Dr. Stamps asked if the applicant's legal counsel had something to add.

Ms. Hill pointed out that Section 118-168 regarding the demolition or removal of resources states that applications to demolish a resource shall include a detailed explanation of why the resource needs to be demolished, and what will occur on the site after the demolition. She thought the applicant had met that burden. She explained they had told the Commission it would cost another \$75,000, which is the undue financial hardship. She asked if it was reasonable to require a citizen to pay an extra \$75,000 to rehabilitate a home when some of the characteristics that represented the agricultural history of the City would still be reflected on the property. She stated no application had been submitted to tear down the barn, nor an application to divide the lot in any fashion.

Ms. Hill referred to the discussion about the roof and whether or not it would have to be replaced. It was not just a matter of whether the roof had to be replaced, the contractor believed that the truss damage could not be determined at this point. She thought it was more than just the replacement of shingles, there was suspected structural damage to the roof.

Ms. Hill stated she had spoken to the Road Commission for Oakland County and had spoken to City Staff, and no one could actually confirm or deny, but it was her understanding that a project was slated to be completed by the Road Commission in 2020 to widen the road. If the road is widened, it would put the road approximately six feet from the home as it stands now. She thought that factor should be considered.

Mr. Dunn referred to the comments made about the demolition by neglect. He stated the roof does not leak, and he had leveled the house and kept the house clean

and there were no animals in it. He stated that if the Commission could prove he neglected it, he would leave and build the house the Commission had approved previously. He stated there was no neglect since he purchased the house, and commented the house was in the same condition it was when he purchased it. He would have torn it down had it not been historic. He stated he would have put a new house up, but not in the same location because he knew the road would be widened. That was why he said he needed to do something else.

Chairperson Dunphy stated he had heard the Crooks Road Project was scheduled to end at Hamlin Road. The last version he heard involved putting up the second bridge over M-59 when funds are available, and continuing the divided highway that currently ends at M-59 past the Hamlin Road intersection. He was not aware it was intended to go any further.

Chairperson Dunphy did not agree that the applicant had made the case or met the criteria at this point. The Commission had heard many statements made but had seen very little in the way of documentation. He was not comfortable the case had been made. He stated he has been on the Commission for a number of years and was involved in both of the decisions when the applicant received his two previous Certificates of Appropriateness. He was disappointed they had reached this point in the process. He explained the reason he asked for additional information was because the Commission could make a decision at this meeting, or could ask the applicant to provide more detailed information about the financial impact and other things that were germane to the discussion, or the Commission could go forward as the motion stands on the floor.

Mr. Kilpatrick referred to the demolition, and stated the Commission did not know what would be built on the property if the demolition occurred. No plans had been submitted to indicate what the house would be replaced with. That initial burden was not met. He understood the applicant's desire to demolish, but the Commission had received incomplete information. He stated the applicant indicated there was a misunderstanding with respect to the Certificate of Appropriateness and the new home, but that would still have to be brought before the Commission for review and approval. He would also like more about the finances, such as what it would cost to do the project the way the applicant wanted to. He felt the application was incomplete at this point.

Ms. Franey stated that based upon the information provided to the Commission she assumed that the applicant's intent when he purchased the property was to enjoy the property and put up a new house on the property. She asked if that was correct. Mr. Dunn responded yes.

Ms. Franey stated it was obvious what everyone would like to see was to keep the historical structure intact if at all possible, which she believed Mr. Dunn tried to do previously when he was before the Commission. She asked if there were structural pieces of the house that were salvageable based on what the Commission was trying to do and what Mr. Dunn was trying to do.

Mr. Winters responded as a carpenter, the answer would be yes. He noted he was not a historic architect, but having been a carpenter for almost 40 years, yes parts could be saved. He could not say what could be saved. He explained siding probably would have to be removed; there were references to the roofing that would have to be removed, and stated he could answer as to what he saw on the inside where the structure had been compromised. He referred to the comment that enough money can fix anything. Could it be fixed - absolutely, but it depended on how much time, money and effort someone wanted to put into it.

Ms. Franey did not believe it was her decision to say how much the applicant can or cannot afford for this house, especially in today's economy. She was sure he had a budget. If the Commission knew what the potential plans were, it might be easier if the Commission knew what the applicant was proposing, and if possible, if the applicant was proposing something that was salvageable. She wondered if there was some portion of the structure of the house that could be saved, or whether a carpenter could install the necessary beams to hold the structure.

Mr. Dunn stated it was his understanding that if he was given a demolition permit, he was not permitted to put back up a house similar to the one being removed. He was told it would never be permitted to put a similar house up. He was going to build a farmhouse and explained both he and his wife were from farmland and they had owned the second oldest house in Ohio, although they no longer owned that home. They knew what old houses were and what historic houses were. There was so much damage to this house that he did not feel the money was properly appropriated to repair it and end up with 20% of an old house and 80% of a new house. He stated that was not an old house anymore, it was a new house that looked like an old house. He did not have plans for the farmhouse they wanted to build because he did not know what was going to happen at this meeting.

Chairperson Dunphy stated there was a motion on the floor, which was in the process of being amended. He asked if the amendments were resolved. He understood that Finding #4 was revised to remove the second sentence, and asked if Finding #5 had been removed.

Mr. Thompson suggested he would read the entire motion again for the Commission's clarification.

MOTION in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now Rochester Hills) and Oakland County in the 19th Century.
4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure.
5. The cost to rehabilitate and/or restore the existing resource has not met the burden of proof and will not cause undue financial hardship.

Mr. Thompson stated if the Commissioners required additional information, he would withdraw his motion in order for that information to be provided.

Mr. Dziurman recommended that Finding #5 be revised to include the following:

"based on the figures provided to the Commission by the applicant of \$270,000 to \$410,00, the cost would be \$100 to \$200 per square foot which is comparable to construction in the area".

Mr. Dziurman stated the Finding was trying to show there was not a burden because if the applicant was building new, he would be building the same thing, which was his point.

Mr. Thompson agreed he would revise Finding #5. Mr. Dziurman pointed out those were the only figures provided by the applicant.

Mr. Thompson suggested Finding #5 be reworded as follows:

"5. "The cost to rehabilitate and/or restore the existing resource has not met the burden of proof and will not cause undue financial hardship. Based on the financial figures provided by the applicant, the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Chairperson Dunphy clarified the sentence was added to the end of Finding #5. Mr. Thompson stated it was added to the end.

Mr. Dziurman asked if the actual figures should be included in the Finding. Dr. Stamps suggested the numbers be inserted in parentheses. Mr. Thompson agreed the numbers could be included, as follows:

"...Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Mr. Kilpatrick was concerned about the burden of proof because the statute asked if that has become burdensome and unreasonable. He thought the original language was better language. Mr. Dziurman explained all he wanted to do was include the numbers. Mr. Kilpatrick stated as seconder of the motion that was the language he would like to see. Chairperson Dunphy asked if Mr. Kilpatrick wanted to strike the first sentence of Finding #5. Mr. Kilpatrick stated the first sentence was fine, but the wording stated "he has not meet the burden of proof" and the reason why it has not become burdensome and unreasonable is based on the costs.

Chairperson Dunphy clarified that Finding #5 would read:

"5. The cost to rehabilitate and/or restore the existing resource will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs."

Mr. Thompson stated that the phrase "burdensome or unreasonable" should be included. He clarified the Finding should read:

"5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs. "

Mr. Kilpatrick agreed to the wording as the seconder of the motion.

Mr. Thompson advised the applicant that if the Notice to Proceed was denied, there was an appeal process through the State Historic Preservation Office (SHPO).

Mr. Dziurman advised the applicant that he appeared to have been using the wrong people. He suggested the applicant take a look at the information available through the Michigan Historic Preservation Network that has a Resource Directory listing qualified individuals, contractors and professional consultants. He stated the people listed in that Directory were qualified to handle this type of job. It appeared to him that the applicant had not received good feedback from the architects he worked with, which was wrong. He stated the applicant might save money in the process because the professionals listed in the Directory should understand the Secretary of the Interior's Standards and how to make this work. He indicated he was familiar with Usztan Construction and thought they were a good firm, but he did not consider them a historic firm. He stated he knew Boris Usztan and knew his father, Andy, and knew they were good people but in his opinion they were not experts in historic restoration, but agreed they were good contractors. He suggested the applicant contact the Michigan Historic Preservation Network located in Lansing and request a copy of the Resource Directory.

Chairperson Dunphy called for any further discussion on the motion on the floor. Upon hearing none, he called for a roll call vote.

Complete Motion (as amended and voted):

A motion was made by Thompson, seconded by Kilpatrick, that this matter be Denied. The motion CARRIED by the following vote:

Aye 8 - Dziurman, Miller, Stamps, Kilpatrick, Dunphy, Thompson, Franey and Luginski

Absent 1 - Cozzolino

RESOLVED in the matter of HDC File No. 99-011 (1841 Crooks Road) regarding the request to allow the removal (demolition) of the house located at 1841 Crooks Road, the Historic Districts Commission **DENIES** a Notice to Proceed with the following Findings and Conditions:

Findings:

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2. The resource (house) is an Early American Farmhouse of wood frame construction. The structure was identified for local designation in 1978.
3. An Intensive Level Survey conducted in 2002 identified this historic resource as significant in both the areas of architecture and agriculture. The home was described as a good, intact example of the upright and wing house type popular in Avon Township (now

Rochester Hills) and Oakland County in the 19th Century.

4. The resource (house) has not become deteriorated to the point it is no longer feasible to restore or rehabilitate the structure.

5. The cost to rehabilitate and/or restore the existing resource has not become burdensome and unreasonable and will not cause undue financial hardship. Based on the financial figures provided by the applicant (\$270,000.00 to \$410,000.00), the cost to rehabilitate and/or restore the structure will not exceed current new construction costs.

~~10. ANY OTHER BUSINESS~~

Chairperson Dunphy called for any other business.

Mr. Miller stated he was appalled at the fact that a person could purchase a designated property in a real estate transaction and not know it is designated. He stated more needed to be done so that did not happen. Also, perhaps there was an avenue the applicant could have taken on his end.

Chairperson Dunphy agreed that anything the Commission could do to regarding that issue should be considered. He stated that had occurred with other applicants in the past, and it was always disappointing to hear that was not made clear at the time of purchase. He stated the Commission had made outreach to some of the local real estate firms. He suggested the Commission could discuss it at their next meeting to see if there is anything more specific they want to do.

2008-0678 Stoney Creek Village (Tienken Road Bridge) - Speed Limit in Historic Districts

Chairperson Dunphy stated something the Commission might also want to consider for the next meeting was asking City Council to review the weight limits and speed limits for the bridge area on Tienken Road.

Ms. Luginski stated she had prepared a motion addressing the speed limits. She read the following motion, noting the matter had been discussed at several meetings and she felt it was time for the Commission to do something formally.

Mr. Dziurman stated he would second the motion.

Chairperson Dunphy stated the motion had been duly made and seconded and called for discussion on the proposed motion on the floor.

Dr. Stamps inquired about the 25 mph speed limit and asked if most school districts were 25 mph, noting the speed limit posted by the Brewster School said slow to 35 mph. He asked if Ms. Luginski wanted the motion to say 25 mph. Ms. Luginski indicated she did noting in her experience most school districts were 25 mph. She stated that was the speed limit the residents in the area had discussed.