

NEW BUSINESS

2021-0552

Request for Approval of Certificate of Appropriateness or Notice To Proceed With Demolition - City File No. 20-034.2 - to demolish structures at 1021 Harding Ave., zoned RCD One Family Residential Cluster District, Parcel No. 15-15-327-002, Nancy A. Filipek, Applicant

(Reference: Staff report, prepared by Kristine Kidorf, dated December 1, 2021 and associated application documents and photos had been placed on file and by reference became a part of the record thereof).

Present for the Applicant were Nancy Filipek, property owner, and Nick Romano, Ms. Filipek's son-in-law and builder.

Chairperson Thompson asked whether there was any additional information that the applicant or staff wished to present this evening.

Ms. Kidorf stated that she had no additional comments to present.

Ms. Kapelanski stated that she had no additional information at this time, and noted that Mike Viazanko was in attendance representing the City's Building Department who would be able to speak to any structural questions.

Ms. Filipek and Mr. Romano introduced themselves. Ms. Filipek stated that she brought some photographs to display on the overhead, which she commented showed the condition that the property and the animals that were left on the property were left in. She explained that there was about a foot and a half of chicken manure left in the cages and stated that chickens were living in a box and most likely had not been out until she let them out. One chicken had been pecked. She commented that this is how the owner had been keeping his property for a long time. She mentioned that there was animal tranquilizer found in the rubble outside of the building.

She showed photos to indicate what the yard looked like when they took possession, stating that the previous homeowner emptied the entire barn into the yard and took what he most likely thought was of value. She noted that they removed eight dumpsters worth of items just from the yard. Another photo depicted where three little goats were living in a dog cage and were living on top of excrement. She added there is not a fence around the entire yard and the animals were free ranging around the neighborhood. Another photo showed the area in back of the barn, and another side had stacked lumber against it. Once the lumber was removed, the condition of the foundation was exposed. She stated that in front of the barn there was not any foundation and the barn had moved forward off of any footing that existed. A corner of the foundation was sitting on a rock and photos showed holes into the structure. She stated that the whole foundation is cracked and crumbling. More photos showed the garbage that they encountered lined all up and down the driveway and all over the yard. A photo showed trees growing around a tractor showing that the tractor had been there for a long time. She commented that this is not just neglect from the fire

forward, it shows decades of neglect.

Chairperson Thompson asked for any questions from the Commissioners.

Ms. Janulis thanked Ms. Filipek for the photos and stated that she does not have any questions as she has driven by several times. She noted that most of the Commissioners had gone out to look at the property over a year ago and could clearly see that the owner had issues. She stated that it does not cost anything to clean up garbage and it was a mess. She commented that given that, she would like to tell her fellow Commissioners that she thought long and hard over this as the Commission has had issues before where nothing could get done. She stated that she even talked to a civil engineer and an architect and shared the paperwork that she had with them. She stated that while it may not be popular to her colleagues, and certainly it does not fall under the category of Certificate of Appropriateness, she does not see how she could to anything but vote for a notice to proceed. She commented that when she reads the summary that states removal of the house or the barn would destroy one of the few remaining houses and barns, while that is very true and very sad, the building is already destroyed.

She noted that a year ago, the one piece of information that they didn't have was an independent assessment from a structural engineer and the Commission now has that information. To ask someone to get a price on fixing up something that is not structurally sound does not make sense to her. She stated that the building itself is a hazard, and while the summary mentions that it is not a hazard because people are not living there, she believes that any building that is not secure is a hazard. She commented that as grownups, walking into that house and feeling that it is soft, they be smart enough to back right out of there. She pointed out that a child would feel the softness and jump up and down. To suggest that it is not a hazard to the community, she believes the structure is a hazard as it is not sound and is not secure. She commented that even though it is talked about that this would not be a major improvement or a substantial benefit to the community, if you were to ask anyone living on Harding they would tell you that it is an eyesore and has been a mess for years and they are probably glad that there is new ownership. She pointed out that this house has been in violation of so many City Ordinances even before the building was not sound just by the way the previous owner lived in it. She commented that she feels bad about taking that position and is sorry that the new owner has undertaken this. She said that even looking at the alternate notion of a notice to proceed, she would comment that it makes more sense to her. She stated that she looks forward to hearing her colleague's opinions. She noted that she really tried to find a reason to want to keep the property, and in looking at the independent reports she does not see how it is possible for any cost.

Chairperson Thompson pointed out that even if there was a notice to proceed and the buildings were demolished, the property will still be a Historic District, and new homes would still have to come for review and approval from the HDC. He stated that no one could reasonably argue that this is not in poor condition, as it was severely neglected. He pointed out that the owners will still have to follow all of the processes anyway. He questioned whether there any proposals of what the applicants wanted to build.

Ms. Filipek responded not at this time. She commented that they have a mess to look at and clean up and it is hard to get past that.

Chairperson Thompson questioned Mr. Viazanko whether there was anything that the City has to indicate the building may be salvageable.

Mr. Viazanko stated that he is Manager of Building Services and stated that he was the inspector that went on site and entered the house, and said he had to proceed with extreme caution due to the condition of the floors and rafters and structural damages. He noted that brick is falling off the house and the porches are at high risk of collapse. He commented that he does not know what would be salvageable and does not even know if the foundation would be salvageable. He mentioned that the back barn is definitely not salvageable with respect to the foundation. He pointed out that with the structural members on the roof and the second floor, he would not go up to the second floor as everything is at a high risk for collapsing. He stated that he would say unfortunately that the house does not have much that can be salvageable if anything without putting workers at high risk of getting injured.

Chairperson Thompson questioned whether even having workers out there would put them at risk, and commented that it is just not safe.

Mr. Viazanko responded that was correct.

Chairperson Thompson stated that this is what is disappointing, commenting that this is not directed at the new owner. He stated that he had some understanding of what was needed, and pointed out that the previous owner even served several years on the Commission. He commented that to see the property in the condition that it is, noting that this did not happen overnight or even in the last decade.

Mr. Tischer thanked the owners for purchasing in Rochester Hills and starting to clean up the property. He stated that this is a tough position as there are not many houses and barns left in Rochester Hills like this. He commented that it is sad to see the condition that it has become. He stated that this is Crooks Road all over again in a little different manner. He stated that he has had some conversations with the City to see what they can do to ensure this does not happen again and questioned whether the new owners were aware that this was in a Historic District when they purchased the property.

Ms. Filipek responded that she did know it was historic, but did not know fully what that would mean for her.

Mr. Tischer stated that the Commission has run into that a lot where people will buy a nice older home and are not told that it is historic and do not realize that they have to come before the HDC to change a paint color or add a fence. He stated that as much as it pains him he has to agree with his colleagues that he does not see anything salvageable at this point on this house and it is essentially demolition by neglect. He was thinking earlier in the week maybe the barn could be saved, but looking at the foundation it is mostly gone and the

structure is starting to lean and would just be a matter of time before mother nature and gravity takes its course.

Mr. Viazanko responded that was correct, noting that the east side of the barn has basically lost the cobblestone foundation already and the back side that was depicted in a photo earlier has a significant rot in the structural members to the point where everything is sagging. He commented that once again he did not make it too far into the barn because of concerns for his safety and made it in 10 feet at most and then backed out.

Chairperson Thompson stated that it is very telling when even City staff can only go so far as it is in that bad of condition. He stated that it sadly speaks volumes.

Ms. Janulis mentioned both the civil engineer and the architect that she spoke with, and noted that the architect was even less creative than the engineer. She stated that they both encouraged her to mention the fact that there are other ways that you can honor the history of that property and that land and many ways of using the old brick to produce something such as a sign or different creative options. She stated that she would hope that the owners embrace the fact that you are in a historical district, noting that they knew that when they purchased the property. She said that they would have something historical to move forward that will remind people what that property once was.

Mr. Romano stated that there is a nice pillar out front that they would leave, and commented that they have talked about trying to save some bricks.

Ms. Filipek stated that they have the name of a guy who sorts and cleans bricks to reuse.

Chairperson Thompson questioned whether there were any other comments by the Commissioners. Seeing no other comments, he asked if anyone wished to make a motion.

Ms. Janulis moved the alternate motion in the packet, supported by Mr. Tischer.

After the vote, Chairperson Thompson wished the applicant well and noted that this was still a historic district. He commented that the Commission would be at the ready when they wished to come back before the Commission.

A motion was made by Janulis, seconded by Tischer, that this matter be Approved. The motion carried by the following vote:

Aye 7 - Elias, Granthen, Janulis, Lemanski, Lyons, Thompson and Tischer

Excused 2 - Altherr-Rogers and Stamps

Resolved, in the matter of HDC file No. 20-034.2 (1021 Harding Avenue) regarding the request to allow the removal (demolition) of the house, barn, and pumphouse at 1021 Harding Avenue, the Historic Districts Commission **APPROVES** the request for a Notice to Proceed with the following Findings and Conditions:

Findings:

1. The subject site is a locally designated non-contiguous Historic District located in the City of Rochester Hills.
2. The Eureka Fruit Farm at 1021 Harding is an individual historic district that was designated by the City of Rochester Hills in 1978. The house appears to have been constructed in about 1865 and the barn in approximately 1905. The pumphouse is considered to be non-contributing.
3. The property is an individually designated historic district and is one of the few remaining farmhouses with a barn remaining in the city. It is significant for its association with Eureka Fruit Farm.
4. The resources (house, barn and pumphouse) have become deteriorated to the point that it is no longer feasible to restore or rehabilitate the structures. The previous owners did not maintain the property; there was a fire in 2017 and the buildings were left open to the elements, which contributed to their structural deficiency and deterioration.
5. The structural damage to the house, barn and pumphouse is not due to any act of the current owner.
6. The resources constitute a hazard to the safety of the public or to the resources' occupants.

Condition:

1. The applicant shall receive all appropriate permits from the City's Building Department prior to removal (demolition).