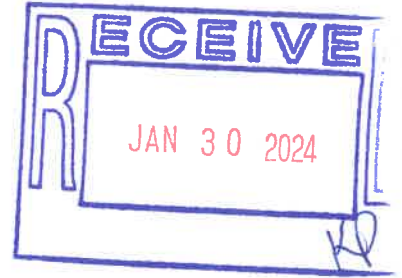


PLUNKETT  COONEY



January 30, 2024

Mackinac Island Historic District Commission
City of Mackinac Island, MI 49757

RE: 6948 Main Street, Mackinac Island, MI

Dear HDC:

File No. HB24-041-009
Exhibit B
Date 1-30-24
Initials KP

We are attorneys for Cheryl Nephew Jaquiss, as Trustee of the Cheryl Nephew Jaquiss Individual Living Trust uad 11/10/2008 (the "Trust" or the "Owner"). The Trust is the owner of property located on Mackinac Island commonly known as 6948 Main Street, Parcel ID No. 051-525-041-00 (the "Property").

The purpose of this correspondence is to seek the approval from the Mackinac Island Historic District Commission ("HDC") for demolition of the building located on the Property. In support of this request, attached are the following documents:

1. General Application for Work (demolition).
2. Design for new home, modeled after the existing structure, as prepared by architect Richard Clements.
3. Check payable to the City of Mackinac Island for the application fee of \$1,500
4. Letter from Belonga Excavating
5. Letter from Dickinson Homes
6. Photos
7. Other documents referenced below

In addition, we thought it would be helpful to provide members of the HDC with the background concerning this request as a formal request to demolish the structure was originally made in March of 2022.

Letter to Dombrowski with application for Building permit/Plan Examination (Demolition)	3/24/2022
Letter to Planning Commission Building Dept re demolition	7/21/2022
City imposes Moratorium (No. 2022-002)	7/27/2022
Planning Commission meeting (noting moratorium)	8/9/2022

ATTORNEYS & COUNSELORS AT LAW

HDC Meeting (noting moratorium)	8/9/2022
Letter from City Denying the demolition permit (due to moratorium)	8/10/2022
Tolling Agreement	8/23/2022
Moratorium expired	1/26/2023
City Council passed resolution requiring demolition permits to be reviewed by HDC	7/12/2023

The City has been considering whether to expand the historic district to this area since at least November 3, 2021, with little progress and no zoning legislation. The delay has interfered with the Owner's rights to the Property. The resolution of November 3, 2021, charged the Historic District Study Committee ("HDSC") with **immediately** beginning the task of recommending potential additions to the district. More than four months later, on March 24, 2022, a demolition permit was requested by the Owner so that a substantially similar and safer building could be constructed in place of the current building. The City delayed action for four (4) months, then issued a moratorium **exclusively** to this Property for the purpose of summarily denying the permit. The finding that the demolition would cause irreparable harm was not supported by any statement of fact in the preamble of the resolution. During the time of the "emergency" moratorium, no zoning legislation was passed. Two and a half years later, this Property is still not within the Historic District and the Owner has incurred the costs associated with two-years' delay in reconstruction and inflation, as the direct result of legislative decisions seemingly targeting this specific property. The more than two-year time frame makes the "emergent" need for these legislative decisions questionable at best and smacks of spot-zoning in an arbitrary and capricious manner.

In support of the application, we are furnishing the HDC with the General Application for Work Located within a Historic District, as well as copies of the materials referenced in the chronology described above.

Local Historic District Act - Act 169 of 1970 (the "Act")

The request before the HDC is somewhat unusual in the fact that the Property is **not** located in a historic district. Rather, it is simply being brought before the HDC based on the July 12, 2023, resolution of the City. The application before the HDC is not to be construed as an admission that the Property is subject to the conditions of the Act. Rather, as an accommodation to the City, we are nevertheless seeking approval of the HDC consistent with the City's resolution.

The Owner retained Richard Clements to arrive at a plan to build a single-family home that was in keeping with the Act, the character of the Island and as similar to the existing home as reasonable possible. In doing so, Mr. Clements worked with the City architect Rick

Neuman and HDC attorney Gary Rentrop. The proposed new home will be constructed as a pre-manufactured home by Dickinson Homes ("Dickinson"). Many accommodations were made by the Owner, Mr. Clements and Dickinson to take suggestions made by Mr. Neuman. **What the HDC has before it, is a negotiated plan that we understand Mr. Neuman has supported as being in the interest of the Island community.** A copy of the proposed home is attached. As you will note, the plans incorporate many characteristics of the current home and include all the changes proposed by Mr. Neuman.

This request is being made under MCLA 399.205(6), which provides that demolition of a building, "*shall be permitted through the issuance of a notice to proceed*" if HDC finds that any of the following conditions prevail and the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

1. *(c) 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.*

Attached is a photo of the Property taken in the late 1800s. This is the earliest known photo. As you will note, it does not resemble the current structure. The current structure has undergone multiple renovations over the years. The Owner has been unsuccessful (because it is impossible) to move the current structure (not to mention there is no current "historical district" set by the City).

The fact that retaining the home in its current condition will cause undue financial hardship is undisputed and further, given the current Owner has only owned since the end of 2019, the hardship is due to the passage of years. Homes built in the late 1800s clearly do not meet modern building and safety codes. As for those building and safety codes, this Property is lawfully non-conforming so it may be used without bringing the home up to current codes. The costs to save the structure are in excess of the cost to rebuild. Mackinac Island lacks an adequate supply of builders, sub-contractors and laborers. As such, the plan is to use a pre-manufactured home built by Dickinson Homes. The Owner has solicited bids from every competent builder and not one can build in the next 5 years, and none can remodel the existing structure adequate to meet modern safety standards. Time itself becomes a financial hardship.

According to both Belonga and Dickinson Homes, the current foundation does not meet current building codes and is not capable of being utilized. The foundation likely dates back to the late 1800s. The demolition will be done by Belonga Excavating and to modernize the structure the foundation will need to be removed.

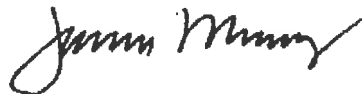
2. *(d) Retaining the resource is not in the interest of the majority of the community.*

The Property is currently zoned Hotel. As such, the Owner may use the non-conforming structure to house employees or may convert to a hotel. Both uses far exceed what the owner is requesting. The Owner plans to build a single-family residence for their family. Without question, what is in the best interest of the City of Mackinac Island is to eliminate a lawful but non-conforming structure with a modern home that meets or exceeds all applicable building codes. Use as a single-family home is also in the best interest of the City and entire Island community when one thinks of density and the City's Master Plan.

In short, the Owner is seeking the HDC's approval to demolish a non-conforming structure with a new home. Not a hotel and not a boarding house. A simple single-family home in lieu of what exists.

Thank you .

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Murray". The signature is fluid and cursive, with a prominent initial "J" and "M".

James J. Murray
Plunkett Cooney
Direct Dial 231-348-6413

JJM/tll

Enclosures

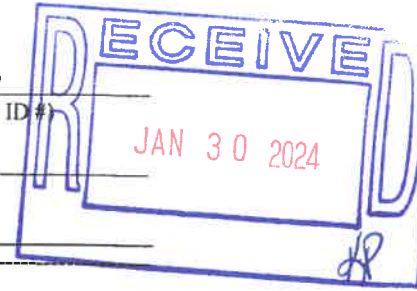
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B) NEW CONSTRUCTION & DEMOLITION OR MOVING OF STRUCTURES

PROPERTY LOCATION: 6948 Main Street 051-525-041-000
(Number) (Street) (Property Tax ID #)

LEGAL DESCRIPTION OF PROPERTY: Lot 86, Assessor's Plat No. 2
(Attach supplement pages as needed)

ESTIMATED PROJECT COST: _____



APPLICANT/CONTRACTOR

(Applicant's interest in the project if not the fee-simple owner): Contractor

Name: Belonga Excavating, LLC Email Address: belongaexcavating@outlook.com

Address: 903 Church Street, St. Ignace, MI 49781
(Street) (City) (State) (Zip)

Telephone: 906-643-7680; 906-430-0389
(Home) (Business) (Fax)

I certify that the information provided in this Application and the documents submitted with this Application are true to the best of my information, knowledge and belief.

Signature: _____ Date: _____

PROPERTY OWNER(S) AND ALL PARTIES WITH A CLAIM OF RIGHT IN PROPERTY¹ This includes mortgagees, easement holders, and lien holders. You may be asked to provide a title search of the property and if the estimated is in excess of \$250,000 you are required to do so. Attach additional pages listing the person(s) or entity(ies) with legal interest(s) in the property and the nature of the legal interest(s).

Name: Cheryl Nephew Jaquiss Individual Living Trust Email Address: cjnjaquiss@gmail.com
uad 11.10.2008

Address: 5318 Miller Avenue, Dallas, TX 75206
(Street) (City) (State) (Zip)

Telephone: 501-890-7305
(Home) (Business) (Fax)

File No. HB24-041-009
Exhibit A
Date 1-30-24
Initials KP

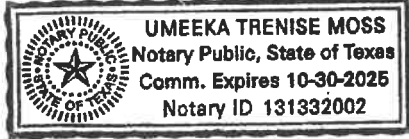
The undersigned certify(ies) and represent(s)

1. That he/she, it or they is (are) all of the fee title owner(s) of all of the property involved in the application; and
2. That he/she, it or they has (have) attached a list which identifies all parties with a legal interest in the property at issue other than the undersigned owner(s) and has (have) identified the nature of each legal interest; and
3. That the answers and statements herein attached and materials provided are in all respects true and correct to the best of his, her, its or their information, knowledge and belief. The undersigned hereby further certify(ies) and represent(s) that he/she, it or they has (have) read the foregoing and understand(s) the same.
4. That the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MLC 125.1501 to 125.1531.

Signature _____ SIGNATURES Cheryl Nephew Jaquiss
Signature

Please Print Name _____ Cheryl Nephew Jaquiss, Trustee
Please Print Name

Signed and sworn to before me on the 24th day of January, 2024



Shonda J. Moore
Notary Public
Dallas County, Michigan Texas
My commission expires: 10-30-2025

¹ The decision by the Historic District Commission may be in the form of Restrictions to which such Parties may be required to agree. (revised 04/17)

GENERAL APPLICATION FOR WORK LOCATED WITHIN A HISTORIC DISTRICT

- Minor Work (Complete Section A and refer to General Directions)
- New Construction (Complete Section B and refer to General Directions and Item B)
- Demolition (Complete Section B and refer to General Directions and Item C)

Application Deadline: Application and materials must be completed and submitted by 4:00 p.m. ten (10) business days before each Commission Meeting. Late applications will be placed on the agenda for the following month. Decision by the Commission will not necessarily occur at the meeting at which the application materials are first received.

A) MINOR WORK

PROPERTY LOCATION: _____
(Number) (Street) (Property Tax ID #)

PROPERTY OWNER

Name: _____ Email Address: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

APPLICANT/CONTRACTOR

Name: _____ Email Address: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

____ Attach a brief description of the nature of the minor work proposed and the materials to be used.
____ Attach one or more photograph(s) of the whole building including façade and any relevant elevations showing the area, item or feature proposed to be repaired or replaced. The Building Official or Historic District Commission may require additional information necessary to determine the work to be Minor Work.

If the Building Official determines that the proposed work is not Minor Work, the Building Official shall direct the applicant to complete an Application for New Work and/ or Application for Demolition or Moving work which will then be referred to the HDC.

I certify that the information provided in this Application and the documents submitted with this Application are true to the best of my information, knowledge and belief; and that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MLC 125.1501 to 125.1531

SIGNATURES

Signature _____ Signature _____
Please Print Name _____ Please Print Name _____

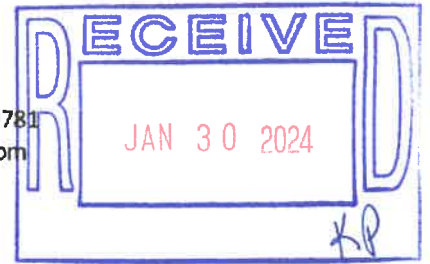
NOTE: All photos, drawings and physical samples, etc., become the property of the HDC/City of Mackinac Island. These may be returned to the applicant upon request after they are no longer needed by the Commission/City.

**RETURN THIS FORM AND SUPPORTING MATERIALS TO:
MACKINAC ISLAND BUILDING OFFICIAL
7358 MARKET STREET, MACKINAC ISLAND, MI 49757
PHONE: (906) 847-4035**

File Number: AB24-041-009 Date Received: 1-30-24 Fee: 1,500 -
Received By: B. Pereny Work Completed Date: _____



P.O. Box 93 • 903 Church Street • St. Ignace, Michigan 49781
Phone (906) 643-7660 • belongaexcavating@outlook.com



January 23, 2024

James Murray
Plunkett Cooney
Attorneys & Counselors at Law

File No. HB24-041-009
Exhibit F
Date 1-30-24
Initials KP

RE: Demolition of 6948 Main Street, Mackinac Island, Michigan

Jim,

Belonga Excavating would be able to perform the demolition on the house. Asbestos abatement must be completed by a licensed abatement company prior to demolition.

It appears the foundation may be fieldstone, if that is the case it would probably not survive the demolition. If it did survive the demolition the integrity would be questionable.

Sincerely,

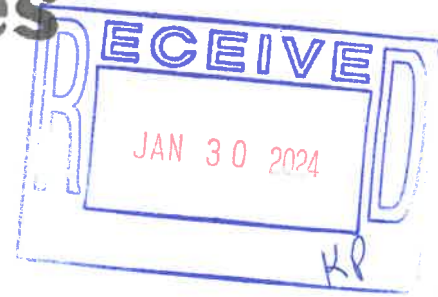
Chad Belonga

Above information is not an invoice and only an estimate of services described.

Land Clearing Site Prep • Foundation Excavation • Septic Installations • Water & Sewer Installations

Dickinson Homes

SINCE 1977



January 30, 2024

Historic District Committee,

The current stone foundation does not meet the requirements of the Michigan Residential Code. There are other noticeable deficiencies related to structurally supporting the home above, the current condition of foundation-bearing walls, and the stability of both the foundation and home.

In the event the home was torn down there would be no chance that the current foundation would be acceptable to build a new structure on top of. Heavy machinery would exert sufficient lateral ground force to heave the stone walls inward. The removal of the main floor system would also leave the walls further damaged. To secure and brace the current foundation to survive the home being removed would take considerable time along with great cost.

In the event the home was lifted to allow access to replace the foundation, similar structural concerns would be faced. The foundation would need to be supported for heavy machinery and to allow the construction of a platform built below the floor joists and supported by multiple I-beams. There is no guarantee that the home would survive this process based on its age. Resetting the home on a new foundation could result in its collapse or severe damage and be unrepairable. This process would require even more time and at a much greater cost.

Best,

Albert Santoni

ALBERT SANTONI RA, PE

DICKINSON HOMES, INC

File No. HB24041-009

Exhibit E

Date 1.30.24

Initials KP

RECEIVED
JAN 30 2024
KP



File No. HB24-041-009
Exhibit C
Date 1-30-24
Initials KP





