

RESOLUTION NO. _____
OF THE CITY OF MACKINAC ISLAND
HISTORIC DISTRICT COMMISSION (“HDC”)
NOTICE TO PROCEED AND NEW CONSTRUCTION
REGARDING THE “RED HOUSE”

WHEREAS, the Mackinac Island, Michigan Historic District Commission (“Commission”) has the responsibility for, among other things, review of plans and applications for work proposed within a historic district within the City of Mackinac Island; and

WHEREAS, on January 30, 2024, attorney James Murray, on behalf of his client, the owner, the Cheryl Nephew Jaquiss Individual Living Trust uad 11.10.2008 (“Applicant”), submitted to the Commission an application with attachments for demolition of a house located within a proposed historic district, as provided for under §18 of the Historic District Ordinance, City of Mackinac Island, Michigan, Ordinance No. 443, designated as “East End Mission Historic District” (hereafter the “Historic District”) at 6948 Main Street, City of Mackinac Island, Michigan (Property Number 051-525-041-00) (the “Red House”), seeking a notice to proceed permit. A second application was submitted on March 26, 2024 (collectively, the “Applications”); and

WHEREAS, the Commission has reviewed the Applications, which included the proposed demolition of an existing building in order to build a new manufactured home, and the following materials as part of its review process for the proposed demolition of the Red House:

1. A copy of the City of Mackinac Island Ordinance No. 443;
2. A report from Richard Neumann; letter from Jennifer Metz of Past Perfect, Inc.; and letter from counsel; and
3. The comments made by members of the public, including the Applicant.

NOW THEREFORE, the Commission makes the following Findings and Resolutions:

FINDINGS: The Commission makes the following Findings with regard to its review process as applied to this Applicant:

1. The application, review, and approval process created circumstances unique to this Application commencing in March 2022 and terminating with the approval of a Notice to Proceed in May 2024. The Commission does not in this Resolution address the process (which involved entities other than the Commission), or whether there were articulated standards for the denial of a demolition permit before the emergency moratorium was put in place in 2022. The determination of this issue was subject to a stipulated stay to permit it to be litigated if demolition was eventually denied. The Commission notes that the entire process involved two 180-day emergency moratoria, and after expiration of the moratoria, referral by the City Council of the demolition request to the Commission for a decision pursuant to Code Section 10-168 within a “proposed historic district” while the East End Mission District was under study to become a historic district. The process resulted in the passage of a substantial period of time. Given the unique circumstances and length of time involved, the Commission finds it is in the interest of the majority of the community to grant a Notice to Proceed subject to the Conditions below.

2. The Red House has been owned by the Applicant's family for approximately 60 years and during this time has not been used as a single-family residence. The building has been used as employee housing and has not been maintained in a condition suitable for single-family use.
3. The Red House was originally purchased by the Applicant's father. The Nephews' family, including Cheryl Nephews Jaquiss as the Applicant, have been long-time residents of the Island, and the family has demonstrated over the years respect for the historic heritage of the Island through the acquisition and maintenance of other historic buildings on the Island.
4. The Red House is in a line of nine historic homes along Main Street used for single-family residences. For this property to now be converted back to a single-family use, and not employee housing, is in the interest of the majority of the community, including the surrounding houses.
5. The Applicant is not proposing to eliminate a historic structure so that the property can be used for a profit-making venture such as the permitted use under the Zoning Ordinance of a hotel. The property shall be used for its historic purpose as a single-family residence consistent with one of the criteria under the secretary of the interior standards.
6. Applicant has made offers resulting in certain conditions which the Commission finds to be in support of the issuance by the Commission of a Notice to Proceed (the "Conditions"), which conditions for issuance of the Notice to Proceed are set forth below.

NOW THEREFORE,

CONDITIONS: The following are Conditions of the Notice to Proceed and are an integral part of the Commission's Findings:

1. The existing front façade of the house shall be removed by Applicant's contractor in a manner so that the contractor can salvage existing materials as much as possible. The front façade of the house shall replicate the appearance of the original Red House with the use of salvageable existing materials as much as possible, and the use of fabrication materials when original materials are not salvageable in order to maintain the historic appearance of the house, and the historic character of the immediate area ("New Façade").
2. New construction of the Replacement Residential Structure manufactured by Dickinson Homes shall be per plans and specifications as prepared by Richard Clements dated March 25, 2024, as may be modified with the New Façade, which plans are on file with the City of Mackinac Island (collectively the "Replacement Residential Structure"). These plans have been determined by the City's historic architect to be an appropriate design for a replacement house.

3. The use of the Replacement Residential Structure shall be limited to single-family use regardless of the hotel zoning classification in the City of Mackinac Island's Zoning Ordinance.
4. The Applicant has made a commitment to use the house for her and her family's personal use as a residential home.

NOW THEREFORE, BE IT RESOLVED:

That the Applicant is hereby issued a Notice to Proceed to permit the demolition of the Red House subject to the aforementioned Conditions.

BE IT FURTHER RESOLVED:

That Applicant shall file an Application for New Construction with the City as required for new construction, which application shall include this Notice to Proceed and New Construction Resolution as part of, and as a condition of, the permitted New Construction.

The Applicant is hereby notified of Applicant's right to appeal this decision as described in MCL 399.205(2), a copy of which is attached as Exhibit A.

The question on the resolution was called and the result of the voting is as follows:

Ayes:

Nays:

Absent:

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Historic District Commission of the City of Mackinac Island, County of Mackinac, Michigan at a meeting held on May 14, 2024, the original of which is on file in the Clerk's office and available to the public.

Dated: _____, 2024

Lee Finkel, Chair, Historic District
Commission