

# CITY OF MACKINAC ISLAND

## MINUTES

### HISTORIC DISTRICT COMMISSION

Tuesday, October 10, 2023 at 1:00 PM

City Hall – Council Chambers, 7358 Market St., Mackinac Island, Michigan

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#### I. Call to Order

The meeting was called to order at 1:04 PM

#### II. Roll Call

##### PRESENT

Andrew Doud

Lee Finkel

Alan Sehoan

Nancy Porter

##### ABSENT

Lorna Straus

Staff: Rentrop

#### III. Pledge of Allegiance

#### IV. Approval of Minutes

##### a. September 12, 2023 Minutes

Motion to approve the minutes as written.

Motion made by Porter, Seconded by Sehoan.

Voting Yea: Doud, Finkel, Sehoan, Porter

#### V. Adoption of Agenda

Motion to approve the Agenda as written.

Motion made by Porter, Seconded by Sehoan.

Voting Yea: Doud, Finkel, Sehoan, Porter

#### VI. Correspondence

##### a. Rentrop August 31st Statement

Rentrop summarized his statement.

Motion to place on file.

Motion made by Sehoan, Seconded by Porter.  
Voting Yea: Doud, Finkel, Sehoan, Porter

b. Benser Mr. B's Certificate of Appropriateness Extension Request

Motion to approve the extension.

Motion made by Sehoan, Seconded by Porter.  
Voting Yea: Doud, Finkel, Sehoan, Porter

## VII. Committee Reports

None

## VIII. Staff Report

a. Education Segment - Franchise Businesses (Formula Business)

Rentrop discussed formula businesses. Franchises in an historic district could undermine the historic integrity in a district. Starbucks and Kilwins are on the island. The existing franchise ordinance would be enforceable. Is there a place that franchise businesses could be located? Rentrop does not think there is one place better than the other. However, the fact that people reach the island through Mackinaw City where there are franchises, and the opportunity for franchises fulfill the requirement under International Outpour Billboards vs City of Livonia in that the prohibited business can be located in proximity to where the business is prohibited. The City of Mackinac Island having a franchise ordinance is somewhat unique except on the east and west coast of the US. Our ordinance looks to the standardization of building appearance, logos, etc. A number of constitutional issues can arise including First Amendment freedom of speech right with aesthetics as the basis to restrict that freedom of speech, equal protection under the law, and you can't treat two businesses differently. The Commerce Clause prohibits a municipality from treating out-of-state businesses differently than in-state businesses. Existing franchise businesses can continue but can't amplify the franchise like with new additional standardized franchise indicia like new signage. This ordinance applies to restaurants, hotels and retail businesses.

b. C23-012-075(H) MIFC Dock Repair Like for Like

Dombroski stated MIFC experimented with replacing a section of concrete deck and some dock beams underneath. Finkel asked if the permit was received before they started. Dombroski stated the fine was assessed for working before getting a permit. Finkel asked if anyone else remembered Drew promising that they would never do work without a permit previously. Other Commissioners did recall this. This will be addressed when reviewing the fee schedule. Rentrop stated you can do a graduated penalty fee. Finkel asked Rentrop for a suggestion on a change

Motion to place on file.

Motion made by Porter, Seconded by Finkel.  
Voting Yea: Doud, Sehoan, Porter

c. MD23-008-076(H) Spata Porch Floor Repair

Dombroski stated the floor deck had issues with rot and the applicant would like to replace, like-for-like.

Motion to place on file.

Motion made by Porter, Seconded by Finkel.  
Voting Yea: Doud, Finkel, Sehoan, Porter

d. C23-019-077(H) Coal Dock-Painting of the Buildings

Dombroski stated the ice house building on coal dock had some rotted boards that had to be replaced when painting.

Motion to place on file.

Motion made by Porter, Seconded by Finkel.  
Voting Yea: Doud, Finkel, Sehoan, Porter

e. MD23-031-079(H) Thompson Siding Repair

Dombroski stated the applicant would like to replace rotted siding on the back side of Lilac house.

Motion to place on file.

Motion made by Porter, Seconded by Finkel.  
Voting Yea: Doud, Finkel, Sehoan, Porter

f. C23-054-081(H) Seabiscuit Trim Replacement

Dombroski stated the applicant would like to replace rotted trim and siding boards.

Motion to place on file.

Motion made by Porter, Seconded by Finkel.  
Voting Yea: Doud, Finkel, Sehoan, Porter

g. MD23-026-085(H) Benser Porter Rose Gazebo Building Alterations

Dombroski stated the applicant requested that this item be tabled.

h. C23-051-087(H) MICT Ticket Office Paint and Siding

Dombroski stated Carriage tours would like to paint and repair any rotted boards on the ticket office.

Motion to place on file.

Motion made by Porter, Seconded by Finkel.

Voting Yea: Doud, Finkel, Sehoyan, Porter

i. East End Mission District Report and Map

Porter stated 1392 and 1396 are still showing as contributing and she does not think it should be. Metz stated they did determine they have been altered but are historic. Metz will get Porter the documentation for it. Doud stated this report and map is much cleaner. Metz stated the structures were built in 1870 for front and 1900 for back one. The Period of Significance normally has a 50 year cut-off period. Metz is waiting on SHPO to approve the 1941 rule. Doud asked Rentrop if the fact that the contributing structures from Truscott to Yoder dock is very dominant and the other side is not should be considered. Doud asked if there was a percentage to consider an area an Historic District. Rentrop stated there is no percentage. Porter asked if something is on the list with a date but has been changed so much it bears no resemblance to original structure what happens? Rentrop stated it loses its contributing value and it would fall off the contributing list. Metz stated that if the change is so old, the change can be significant in its own right and could remain a contributing structure. Rentrop further stated that if aluminum siding had been place on a building, that siding could be removed and the status could be reversed back to contributing.

## IX. Old Business

a. MD23-011-067 (H) McGreevy Fence

McGreevy stated that a revision was submitted based on comments from Rick Neumann. The fence is now wood and where old meets new, the pickets are stepped up to meet the existing. Motion to approve.

Motion made by Porter, Seconded by Sehoyan.

Voting Yea: Doud, Finkel, Sehoyan, Porter

b. C23-053-070(H) Trayser Demolition

Dombroski stated that if you look at what was submitted it is a stab at what the building might look like. There are no dimensions and it does not show any buildings

on the side. Neumann agreed that this submittal did not satisfy the request of the HDC as to what it will look like. Devan Anderson, project architect, stated that to lay out initially, what was submitted was to get through a FEMA hurdle. They agree with Neumann and it is what they intend to provide. What was presented isn't the final plan. Anderson stated they are looking for a Notice To Proceed to demolish the building because the building constitutes a hazard to the safety of the public or the inhabitants of the building. The presence of the existing seawall is an impediment to our updated FEMA flood zone petition and our inability to submit for FEMA flood zone puts this property in some jeopardy. Finkel stated he is still unwilling to approve demolition to do soil testing. Doud stated this is not enough to approve demolition. Dombroski stated all of the shore soil is the same from Windermere to Chippewa. You are not going to find something different. Anderson stated the limestone wall is what they are trying to locate. Dombroski stated the worst case would be at the edge of the seawall. You should be able to dredge and get the answer. Sehoyan asked if Rentrop had any input. Rentrop stated there are very strict standards for demolition. If they are claiming a hazard good proof needs to be submitted. Rentrop stated typically in this situation a structural engineer could be brought in to confirm or deny those assertions. Dombroski stated he is at a loss as how this poses an immediate hazard. Right now the lake is going down and improving as to any immediate flood concern. In 20 years or so the level will go back up. So there is not an immediate danger. Rentrop would like to see reports. Anderson asked if they could either submit reports or design seawall without the appropriate geotechnical data in order to advance the project to the design of a building. Rentrop stated there are a lot of little pieces to put together. Geotechnical report needs to show demolition needs to be done. Doud is wondering best avenue here. Dombroski stated we don't want to approve demolition and then nothing goes back up. Doud asked if they could dig a hole in the floor to get the tests done. Dombroski stated they could. Doud believes our biggest challenge are demolitions. He feels they have a good argument that they have valuable lake frontage that could be put to a better use, but that is not the argument before us. Porter asked them to come up with a design with the information they already have. They could change if need be as the sea wall is done. Anderson stated the sea wall will define the design of the new building. Rentrop suggested denying today, due to the decision clock, and having them resubmit. The applicant was given the option to withdraw the application. Anderson stated they will accept the denial. Motion to deny based on an incomplete application citing Neumann's review.

Motion made by Sehoyan, Seconded by Doud.  
Voting Yea: Doud, Finkel, Sehoyan, Porter

## **X. New Business**

### **a. MD23-075-084(H) Town Crier Building Webcam**

Stephanie Fortino stated the reason for the webcam is to add a camera to their building, similar to their bridge cam, to engage readers. The camera would be

stationary looking up at the fort. Dombroski suggested placing it on the corner board halfway up the upper bay window. Neumann did a favorable review. Motion to approve.

Motion made by Sehoan, Seconded by Doud.  
Voting Yea: Doud, Finkel, Sehoan, Porter

b. Historic District Commission Fee Review

The Commissioners would like to add the maximum \$5,000.00 fee to the schedule, from the Historic District Ordinance. Finkel would like to recommend a ramp up in fees for successive work without approval. The fine would be tied to the contractor. Rentrop is to come up with a recommendation on this. Finkel suggest \$250, \$1000, \$5000. Motion for Rentrop to submit a draft at the next meeting.

Motion made by Sehoan, Seconded by Doud.  
Voting Yea: Doud, Finkel, Sehoan, Porter

c. 2024 Meeting Dates for Adoption

Motion to approve as submitted.

Motion made by Sehoan, Seconded by Doud.  
Voting Yea: Doud, Finkel, Sehoan, Porter

## **XI. Public Comment**

Doud - applications online are all 8.5 x 11. Doud asked Michael Straus if the Planning Commission would consider changing their application to letter size. Straus has no problem with that change and would present to the Planning Commission. Dombroski stated it would have to go to 3 pages because of the volume of information on the application.

Doud stated he struggles with demolition by hardship. Similar to the rules on HIPPA, can we ask for financial information? Rentrop stated yes. Doud would like that looked at. Rentrop will provide some information.

Doud asked about the theory that you can't rebuild as it was. Rentrop stated the notion is that we don't want people trying to duplicate historic buildings. The exception is if you have documentation to duplicate exactly. Doud confirmed it is a board decision. Dombroski gave the example of Fort Holmes and Notre Dame being rebuilt.

Doud stated some people think that a new historic district would prevent the construction of condos. it would not. Sehoan asked how we can educate people before the hearing. Straus said if someone asked him that, he said look at downtown as an example.



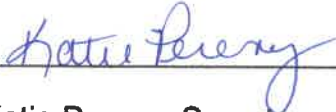
**XII. Adjournment**

Motion to adjourn at 2:38

Motion made by Doud, Seconded by Sehoan.  
Voting Yea: Doud, Finkel, Sehoan, Porter

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Lee Finkel, Chair

  
Katie Pereny, Secretary