

CITY OF MACKINAC ISLAND

MINUTES

HISTORIC DISTRICT COMMISSION

Thursday, March 21, 2024 at 10:00 AM

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

I. Call to Order

The meeting was called to order at 10:00 AM.

II. Roll Call

PRESENT

Andrew Doud
Alan Sehoyan
Lorna Straus
Nancy Porter

Staff: Gary Rentrop, Richard Neumann, Dennis Dombroski

ABSENT

Lee Finkel

IV. Approval of Minutes

- a. February 13, 2024 Minutes

Motion to approve as written.

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

V. Adoption of Agenda

Motion to approve as amended. Amendment was to add Rentrop letter to Correspondence.

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

VI. Correspondence

- a. Letter re: acting within 60 days after complete application is filed with Commission

Doud read the letter aloud. Motion to place on file.

Motion made by Straus, Seconded by Sehojan.
Voting Yea: Doud, Sehojan, Straus, Porter

Doud summarized a letter from Rentrop. Rentrop stated that for health reasons he may not be available for a year. He is alerting the HDC to his condition and if the HDC wishes to get a new law firm that is ok. He would like to continue but would understand. Motion to place on file

Motion made by Straus, Seconded by Sehojan.
Voting Yea: Doud, Sehojan, Straus, Porter

VII. Committee Reports

None

VIII. Staff Report

- a. Job Status Report

Motion to place on file.

Motion made by Doud, Seconded by Sehojan.
Voting Yea: Doud, Sehojan, Straus, Porter

- b. May Residence Discussion/Potential Demolition By Neglect

Dombroski stated that their application to repair has not been done and the front porch is close to falling down. Dombroski thinks Rentrop should write them a letter from the HDC. The front beam on porch is ready to collapse. Porter asked if the letter should come from building department. Dombroski said it is possible Demolition by Neglect which is part of the Historic District Ordinance. Commissioners think it should come from building department. Rentrop read the ordinance aloud which states the Commission has to identify Demolition by Neglect. After much discussion on who the letter should come from there was a Motion by Straus stating that having had a report from Dombroski, building inspector, the Commission is aware of his concern that following the application for repair and request for

extension, nothing has been done and the reason for needing repair continues in place and is a clear indication of Demolition by Neglect. We have heard his report and endorse it. The Motion failed to pass.

Motion by Doud, second by Sehoan, that the condition has progressed to the point that may be a safety issue and as such the HDC has the ability to suggest it is Demolition by Neglect. Rentrop state that if Dombroski were to do a written report of findings and report to the HDC and request that the HDC do a finding by Demolition by Neglect. Doud withdrew his motion. Dombroski will provide a report to the HDC next month. Motion to table until April.

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

IX. Old Business

a. RS24-048-013(H) Public Library Exterior Art Installation

New Business

Dombroski stated he is ok with this. The art will be displayed May to November. Motion to approve for all locations in town.

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

b. HB24-041-009 Jaquiss Home Demolition

Porter stepped down from the table.

Doud read aloud the correspondence from Murray dated March 14, 2024. Doud then read the Jaquiss letter dated March 12, 2024, aloud. Doud stated before they dive in, there is another letter that refers to the application. Rentrop stated there are some statements not true in the Murray letter. On March 18 Rentrop responded to Murray. The statement that Rentrop made a unilateral decision that application was incomplete is not true. Rentrop actually stated he would recommend to the HDC that the application is incomplete. Second he didn't schedule a special meeting. Rentrop told the HDC that the 60 days would be up March 30th so HDC meeting was rescheduled by Finkel. Doud apologized to Jaquiss for the meeting being scheduled on the 21st but it was only day before the 60 days. Rentrop was also accused of being inconsiderate to applicant but it was the only date. In terms of the most recent submittals, there is an obligation to submit materials to the HDC 10 days before meeting; this was 4 days. Rentrop stated he provided a very detailed list on why

application is incomplete. The applicant must come in with numbers that it is too much and prove that financially they are unable to restore. Rentrop further stated that the whole notion that Neumann and Clements reached an agreement on replacement house is not supported by emails or Neumann. Rentrop quoted a comment from Clements referring to keeping the front of the house. Doud wanted to address the application. Murray asked if the application won't be reviewed because the application is incomplete? Murray stated he got an email less than 24 hours before meeting further explaining why application is incomplete. Doud asked Rentrop if he is recommending it be extended 60 days. Rentrop stated we cannot extend unless we have a tolling agreement with Murray. Rentrop stated we can only deem the application is incomplete. Sehoian asked if we have accepted other applications in the past that were incomplete. Doud stated he struggles with the fact that we had the whole February meeting and it was not mentioned that application was incomplete. I think we are aware of what is going on here. Doud asked if any commissioners think they should deny based on incomplete application? Straus stated there has been a lot of talk but she stated we have three pages spelling out how the application is incomplete and turning it down on the grounds of incompleteness would be a whole lot cleaner than continuing to discuss. At this point the bottom line appears to be that it is not complete and suggests leaving it at that. Doud stated if we had done that in the February meeting he would agree. Straus also said there were elements that were not put forward as clearly as they have been in the past 6 weeks. As of today, the application is not complete. Rentrop stated he takes responsibility for this. What is unique is that this is for demolition that requires all sorts of additional information. Rentrop does not get involved in administrative part of applications. Rentrop stated he got involved when he saw that demolition requirements were not met. Rentrop immediately let everyone know, including Murray. Doud does not agree with Rentrop. Motion to accept the application as presented in February.

Motion made by Doud, seconded by Sehoian.

Voting Yea: Doud, Sehoian

Voting Nay: Straus

The application has been accepted to review. Doud read Neumann's review aloud. Neumann stated the important point is the distinction between Notice To Proceed and the Certificate of Appropriateness. Typically Certificate of Appropriateness would say the project is appropriate to proceed in a district. Neumann's second point is while the applicants commitment to try and do a good job replicating the historic house, while he admires the most recent letter, the point is there is an existing historic house and in over 45 years experience he has found just about anything can be saved, rebuilt and renovated, rather than removing. Basically you are still restoring an existing house rather than building a replica which is a degradation of the resources on the island. Doud stated we have done things for greater good with bike licenses and Mr. B's, and disagrees it is not in the interest of the greater good of the community. Doud thinks they have the right to make a deal for the greater good. Neumann stated this is a well documented historic

structure. Doud stated his point is that he thinks they have options. He thinks we have gone down this road before with economic hardship, safety hazard or greater good, and our definition of greater good has evolved. Rentrop stated there is a whole body of law. If this was to go before an appeal, these are the standards that apply. Rentrop stated Mr. B's was approved without the recommendation from Neumann or Rentrop and with no basis for demolition. Murray stated he is here because Jaquiss cannot be in attendance. Murray handed out an email and pictures. This was forwarded to Rentrop so he could see as well. Murray would like to start with the items we all agree on. Nobody is happy to be demolishing the house. There is no dispute that we all respect the rich history of the red house and the house has been used for half century for a boardinghouse. If we are respecting history, the oldest picture doesn't have a front porch or bay window on the west side. The current front door is made of steel. We are here to respect history. Over a year ago there were other plans. The owner has been working in good faith before there was a moratorium. Murray presented the February 21st plans that Clements and Neumann were trying to come to a win win with. the March 7th email from Neumann notes Clements made mores suggestions (concessions by owner) that Neumann quoted as quite positive. Murray would like this email included in the record. One year ago we were trying to come to an agreement. Murray referred to Neumann's letter, on page 2 in the middle, he talks about concessions on Clements drawings and stated ""this was acceptable to me as the City's reviewing architect, but was never formally submitted to the HDC by the Applicant". Murray referred to owner's list that the owner is conceding to. Murray asks what is left? She is building a single family home that looks as much like the red house as possible, what is left. We are down to 2x4's. If you deny what basis are you doing it on? You risk litigation if denied. You risk a hotel, a boardinghouse in current condition, or a materially very different house. If approved you are saving or replicating most of the front except for the 2x4's. Murray asked about the greater good. You want the commission and people of the island to decide what is for the greater good. Murray believes it is better to build a new house that is replicating the old house and he feels that is in the best interest of the community. Sehojan asked Neumann to respond to Murray. Neumann stated when trying to save the front portion of the house he was ok with removing the rear additions. the bay window has become an historic element in itself. Preserving the front of the house with some changes might be OK. The proposed design presented doesn't show the one window on each side of tower that they had discussed. The other thing he wanted to respond to was Murray's comment on 2x4's. The existing foundation is pretty visible and not sure what the new foundation is proposed to be. The existing foundation could be preserved and would be lost if the house is replaced. Sehojan asked if the proposed design would ever be acceptable with any changes? Neumann stated that is where they were a year ago. Doud asked what parts are not acceptable. Neumann stated the main issues are the windows on top of the tower and a new fireplace chimney instead of the historic bay window. It still is not the same as preserving the existing house. They are proposing to remove an historic resource and that is not appropriate. Doud stated the replica has not been discussed and it is a 'give" by the applicant. Doud further stated If the applicant had agreed to keep the front wall it would have been a slam dunk approval. We have been doing that for 60 years. Murray stated the plans presented today were based on the February plans with Neumann's

suggestions. Murray now thinks windows and the location of the fire place seem to be the issues. The owner would prefer the three windows as shown. Doud would like to see the owner agreeing to that but asked Neumann what he thought. Neumann stated when making an addition to a house it should be a little set back, visually, from the rest of the house. Murray read a text from applicant that if it is down to the windows, she would agree to the one window on each side. Neumann stated that stylistically the bay window is historic in itself. Porter commented that the fireplace is safer on the outside of the house. Doud commented on the foundation as a real burden on the owner to have to save. Belonga and Dickinson both submitted letters that the foundation can not be saved. Dickinson will not put their home on the existing foundation. Doud acknowledged that a law suit will happen if not approved. Sehoyan asked if with these changes were made, would it be appropriate. Neumann stated if the house burned down, yes. Doud asked when they were negotiating with Murray and Jaquiss, were you negotiating economic hardship, based on safety, or the greater good. Neumann stated he only discussed the project with Clements. Rentrop stated he had no negotiations with Murray. Murray stated he only has the authority to agree with the plans presented, changing to one window, and stone on the foundation. Rentrop asked about saving the front of the building. Doud stated his point was the best scenario is saving the front and worst scenario is getting in a law suit and it ends up a 100-room hotel. Doud believes everyone would like to see it change from employee housing to a single family home. Doud asked if Murray could be persuaded to extend the review time. Doud feels we have the right to make a deal like was done with the bike licenses and Mr. B's. Motion by Doud to make a deal with the applicant. There was no support and the Motion died. Doud asked if everyone agreed that there is a deal to be made. Murray stated the applicant will agree to the window and stone change, but it has to be today. Doud asked Rentrop if a deal has to be made today. Rentrop stated you have to deny or have the applicant agree to an extension. Murray stated they will not agree to an extension. Straus stated that having current version in front of them with the wrong windows and a list of concessions that we have yet to see, she is troubled making a deal based on an unseen version of what would be a pseudo red house. Motion to vote no to the application for demolition and the applicant can come back with a current version of elevations, floor plans and windows, for the Commission to review at that point. Doud stated this is the first time we have talked about this route and instead of denying or approving, we could request an extension. Murry stated he could not agree to an extension. Doud then stated then that is on the applicant. Murray reminded the Commission that these plans were in front of them last month but were not reviewed until they could see an engineering study. Rentrop stated a third alternative is to deny proposed plans. The applicant can go to board of review or court. Rentrop also stated that if the demolition is denied, a new application with the proposed new house is not needed.

Motion made by Straus, Seconded by Sehoyan.
Voting Yea: Doud, Sehoyan, Straus

Straus wanted it on the record that she is concerned about the completeness of the application.

Porter returned to the table.

X. Public Comment

Myers asked about the criteria that is to be reviewed. She did not understand what a deal would be. If you are going to make a deal, everyone needs to understand what a deal is based on and be very clearly defined. In terms of greater good stated by applicant, staying a single-family home is not guaranteed since the property is zone Hotel/Boardinghouse. Doud responded with we have done bike licenses and Mr. B's. We have done deals for the greater good here before. Myers stated that the application came very close to being approved based only on the architecture and she questioned where the greater good with only along that line would be. Myers stated they claim it is for the greater good based on the structure going from boardinghouse to single family home, but the single-family home is a temporary change; it is not a guaranteed change. Doud stated it is also avoiding a law suit. Myers stated we have an HDC that has withstood lawsuits and we have the Ordinances and that is where you need to focus.

Kate Thomasik, with Askison,Need,Allen & Retnrop Law Firm, introduced herself. Tomasik state she is happy to offer any assistance. She was not able to comment at the time, but would recommend to include the definition of Demolition by Neglect in the letter to Mays.

Doud asked where we go now in terms of legal representation. Rentrop stated he does not plan on any change at this point. Doud suggested we need to have a conversation as a commission or form a committee regarding commissioners being more involved on whats going on. Stephanie Fortino reminded Doud that a round robin meeting is a violation of the Open Meetings Act. Doud asked that an agenda item for next meeting to review is Commission to review policies with legal, architect and City Council.

Rentrop stated he welcomes the Commission involvement. Also he has been involved for 48 years and knows he shouldn't drive the train. If he is, he will back off.

XI. Adjournment

Motion to adjourn at 12:38 PM

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

Andrew Doud, Acting Chairman

Katie Pereny, Secretary