

MINUTES OF THE REGULAR MEETING OF THE HISTORIC DISTRICT COMMISSION HELD TUESDAY, SEPTEMBER 13, 2022 AT 1:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, MACKINAC ISLAND, MICHIGAN

Chairman Finkel called a regular meeting of the Mackinac Island Historic District Commission to order at 1:00 p.m.

PRESENT: Lee Finkel, Andrew Doud, Alan Sehoan, Lorna Straus Nancy Porter

ABSENT: None

STAFF: Zoning Administrator, Dennis Dombroski, Architect, Richard Neumann, Attorney, Gary Rentrop (via Zoom), Erin Evashevski (via Zoom)

Motion by Straus, seconded by Sehoan to approve as written, and place on file the minutes of the regular meeting Tuesday, August 9, 2022. All in favor. Motion carries.

Motion by Sehoan, seconded by Straus to approve as amended and place on file the Agenda. The amendments were to add letters from Shea's, Schueller's and Croghan re: the Steiner bluff patio, letter from Past Perfect LLC re: Study Timeline, and a letter from Steiner requesting to table his application, under *Correspondence*. All in favor. Motion carries.

CORRESPONDENCE

- **Letter from Meta Valentic re: Steiner Patio**
- **Notice from Army Corp of Engineers re: Enbridge Tunnel Project**
- **Past Perfect LLC re: House on 7th Street**
- **Letter from Shea and Schueller's re: Steiner Patio**
- **Letter from Steiner Requesting to Table Application**
- **Letter from Melissa Croghan re: Steiner Patio**
 - Croghan read her letter aloud
- **Past Perfect LLC Timeline on Study**

Finkel read all letters, with the exception of the Croghan letter, aloud.

COMMITTEE REPORTS

- **None**

STAFF REPORTS

- **R322-062-052(H) Grand Housing Siding – Chad Ruddle**
Dombroski summarized the project as replacing rotted siding, like for like.
- **CD-22-006-054(H) Hahn Pool Repairs**
Dombroski summarized the project as repair of marcite and replacement of tiles, all like for like.

- **CD22-002-055(H) Schueller Roof Replacement**

Dombroski summarized the project as a like for like roof shingle replacement.

- **R322-037-051(H) McIntire Roof Replacement**

Dombroski summarized the project as a like for like wood shingle roof replacement.

- **MD22-068-058(H) Little Stone Church Parish Like-for-Like Repairs**

Dombroski summarized the project as repairs on the porch stair railings and window repairs.

Motion by Sehoan, second by Doud to accept the Staff Report. All in favor. Motion carries.

- **Job Status Report**

- **Discussion on Cedur Roofing Material**

Neumann presented sample of real cedar wood shingles. Neumann then presented several alternate roofing products including Cedur, Brava, and Davinci. Neumann stated that Davinci's "Fancy Shake" is the closest product to the sawn cedar shingle. Neumann stated that he doesn't feel that any of them are a great substitute. If any of the options were to be considered he would only approve the Davinci Fancy Shake. Dombroski stated that the City has a leaky roof on the Court House building and a grant is being submitted to cover the cost of a new roof. The deadline is nearing and the City must decide on what product will be used. Dombroski stated the contractor was told to quote the Davinci product, based on Neumann's recommendation. Cedar was also quoted but does not have the same life as it used to. Dombroski noted that the Cedur product does not require an underlayment, like the Davinci does. Rilenge stated that he had placed a piece of the Brava in the freezer, and when he took it out it split in half when bent. Rilenge feels real cedar is a better choice. Motion by Sehoan, second by Doud to approve real cedar shingles for the court house building. Roll call vote: Ayes: Doud, Finkel, Sehoan, Straus, Porter. Nays: None. All in favor. Motion carries.

OLD BUSINESS

- **CD22-003-012(H) Steiner Bluff Patio Agreement**

Rentrop stated he has spoken with Steiner's attorney, Jim Murray, and they have come to a proposed agreement, that Steiner has signed, agreeing to table any action by the HDC on his application until October 11, 2022. Finkel read the Agreement aloud. Steiner stated that he is aware of the emotion involved with the application and he is not trying to duck any of the issues. The property ownership and public park vs private property seems to be the big issue. Steiner feels the public park dating back to 1882 is not applicable to the title and ownership of the property. Steiner does not feel the HDC should make a judgement at this point until the dispute is resolved. Steiner stated that Fidelity Title has issued a claim number for the title work. Steiner plans to come back next month with additional paperwork and a new plan. Melissa Croghan addressed the commission

stating that today's subject of discussion is about the historic area and asked the commission to vote today for the removal of the patio. Shea stated that the delay is the best way to buy time. Shea agrees with Croghan and had not heard any reasoning to allow a delay. Shea stated that Rentrop has already rendered his opinion and there is an easement in existence. A dedication of a park for less than the public is not valid and is unenforceable. This is the logic of Mr. Lund. The park was intended for the residents of Hubbard's Annex. The case quoted by Rentrop showed that private dedications are valid and enforceable and the owners and occupants have a legal right. At such time as an application by the Steiner's does come before the Commission for action, Rentrop recommended acting on the application as you would any other application, meaning looking at it from a historic preservation standpoint. Assess if it meets the secretary of interior standards. Steiner stated he appreciates Shea's comments. Further there was no architectural review done, very similar structures in ROW for a number of neighbors, there are many questions on the public park, and the issue of the ROW location. Steiner stated he believes the patio can be brought in to compliance if it is determined the public park is still in effect, by removing about 3' on the lake side. The rest of the patio would be in the ROW, and a use permit would need to be granted by the City. With all of the issues at hand Steiner believes tabling the application would be a better choice to answer all of the questions. Rentrop added that Steiner did a video where he ran a string where he determined the ROW vs the public park area was and if that is accurate the lions share of the patio is in the City's ROW. Doud asked why a review has not been done. Neumann stated he did not, based on the fact that he does not think a structure can be reviewed until it is determined the structure is allowed there. Motion by Finkel, second by Doud to agree to the extension as proposed. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Straus, Porter. Nays: None. All in favor. Motion carries. Doud requested that Neuman do a review on the project for next month. Pereny is to send Neumann the new plans for review once they have been submitted. Shea asked why the new plans were not submitted ahead of time. Steiner stated that he made a mistake and he is trying to make things right. Schueller commented that the issue is the easement, not beautifying the area. Sehoyan confirmed that it is the task of the Planning Commission to order removal, not the HDC. Puttkammer stated that her first letter quoted Steiner as saying "it is my property, I can do what I want".

- **C17-055/56-027(H) Benser – Mr. B's Roof Top Amendment**

Benser stated he is asking for a stairway up to the roof to access the mechanical equipment. Neumann did a favorable review. Dombroski stated that a stairway is much safer for accessing the roof. Motion by Sehoyan, second by Porter to approve the amendment. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Straus, Porter. Nays: None. All in favor. Motion carries.

- **CD21-002-060(H) Schueller – Permit Extension Request**

Schueller was not able to complete the window repairs last year so is asking for an extension. They will be pulling the windows out and sending them down state to be rebuilt. Motion by Doud, second by Porter to approve the permit extension for one year. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Straus, Porter. Nays: None. All in favor. Motion carries.

NEW BUSINESS

- **MD22-074-053(H) Beeck – Mini-Split Installation**

Neumann stated he did a favorable review on the project that will be mounted on the back of the building on the second story deck. Essentially the unit is like a condenser unit that is mounted on a wall instead of the ground. Motion by Finkel, second by Sehoyan to approve the application. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Straus, Porter. Nays: None. All in favor. Motion carries.

- **CD22-029-056(H) Barnwell, Sam – Patio**

Barnwell stated his application is an after the fact application for work previously done. Neumann did a positive review. Motion by Sehoyan, second by Doud to approve the application. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Straus, Porter. Nays: None. All in favor. Motion carries.

Straus stated she wanted to express on behalf of herself and the Annex residents that she hopes that Barnwell has read the expectations of the residents in the Annex. The excuse that it did not occur to you, is a little thin. Barnwell replied that he questioned Dombroski and the Commission as to where to read what specifically calls for review. There is a lot of grey area as to what should be reviewed and believes the HDC should review this. Steiner stated he supported Barnwell's position.

- **CD22-025-059(H) Sulkowski – Storm Windows**

Rilenge introduced the Sulkowski family, new to the island. The applicant would like to install storm windows. The windows will be similar to the windows at Idylwood and white. The bedroom windows will have a divider for egress. Neumann stated that his initial review was negative. He did not understand what the applicant intended. After Neumann spoke with Rilenge he gave a favorable review. Motion by Sehoyan, second by Doud to approve the application. Roll call vote: Ayes: Doud, Finkel, Sehoyan, Porter. Nays: Straus. Majority in favor. Motion carries.

Andrew Doud stepped down from the table.

- **C22-034-062(H) A. Doud – Exterior Building Alteration (Broken Spoke)**

Doud stated that he would like to make some exterior changes to the Broken Spoke building. Doud has more information from the architect that he will submit in October. Doud would like to remove the awning, put the sign on the building, move the door to the middle as it originally was, put 4 windows on the second floor, keep the cornices and wider siding. Neumann did a

favorable review but stated he would like to see Doud's additional information. Motion by Sehoan, second by Finkel to table for more information. All in favor. Motion carries.


• **C22-046-063(H) Libby – Main Street Pub Side Deck Alteration (Smokey Jose's)**

Libby stated that first off, they have not sold their building.. They would like to do a minor alteration to the patio. They would like to do a 4' inset for a service area, under the center dormer. Neumann did a favorable review. Motion by Straus, second by Finkel to approve the application. Roll call vote: Ayes: Doud, Finkel, Sehoan, Straus, Porter. Nays: None. All in favor. Motion carries.

PUBLIC COMMENT

Melissa Gembis stated that the HDC does not rule on plantings so is wondering why a review must be done for Steiner. Doud stated he agrees but there was never any review done. With all of the questions it is better to wait for October. Neumann stated that the HDC does focus on buildings, but the Standards refer to "properties", which is bigger than the just the building. It includes open space and features on the site.

With no further business there was a Motion by Sehoan, second by Finkel to adjourn the meeting. All in favor. Motion carries. Meeting was adjourned at 2:30 p.m.



Lee Finkel, Chairman



Katie Pereny, Secretary