

# **PONTIAC HISTORIC DISTRICT COMMISSION**

**TUESDAY – August 13, 2019 - 6:00 P.M.**

**LION'S DEN – 1<sup>st</sup> FLOOR**

**47450 WOODWARD AVENUE – PONTIAC, MICHIGAN**

## **AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS
4. MINUTES FOR REVIEW: May 14, 2019
5. NEW BUSINESS
  - 6.1 HDC 19-23 – 344 W. Iroquois – Rear Yard Deck & Fencing
  - 6.2 Drafted HDC Ordinance Review
6. PUBLIC COMMENTS
7. ADJOURNMENT

# CITY OF PONTIAC, MICHIGAN

## HISTORIC DISTRICT COMMISSION

### REGULAR MEETING MINUTES

TUESDAY, MAY 14, 2019

6:00 P.M.

#### COMMISSION MEMBERS:

Rick David, Chairperson

Robert Karazim, Vice Chairperson

Kathy Henk, Member

Linda Porter, Member

Ken Burch, Member

#### FROM THE CITY:

Donovan Smith, Associate Planner

#### MINUTES RECORDED BY:

Quentina R. Snowden, (CSR-5519) QRS Court Reporting, LLC  
800-308-0068 (o) 810-691-4226 (after hours)

#### MEMBERS OF THE PUBLIC ADDRESSING THE COMMISSION:

Lee Roumaya

1. CALL TO ORDER: Chair David called the meeting to order at 6:10 p.m.

2. ROLL CALL (PRESENT):

Rick David, Chairperson

Robert Karazim, Vice Chairperson

Kathy Henk, Member

Linda Porter, Member

#### ABSENT:

Ken Burch, Member

(Quorum present.)

(Minutes recorded as follows:)

CHAIR DAVID: Call the May 14th meeting to order. Roll call, please. Do you have some of the names? Because she doesn't know the names.

MR. SMITH: So Linda Porter.

VICE CHAIR KARAZIM: On her way.

MR. SMITH: Kathy Henk.

MEMBER HENK: Here.

MR. SMITH: Robert Karazim.

VICE CHAIR KARAZIM: Karazim.

MR. SMITH: I've never had to say your name actually.

VICE CHAIR KARAZIM: Is that good or bad? I guess that's good here.

CHAIR DAVID: Rick David, here.

MR. SMITH: We have Ken Burch not coming.

All right. So we do not have a quorum, but we're going to proceed forward.

CHAIR DAVID: Go straight down this. Is there any communications that you want to talk about under number three?

MR. SMITH: There are no communications at this time.

CHAIR DAVID: Are we inviting for this -- this training additional people beyond ourselves?

MR. SMITH: I do not anticipate additional people. Do we have something in mind?

CHAIR DAVID: Did we talk about it or no? Who else would be appropriate?

MR. SMITH: I'll --

MEMBER HENK: I forgot who we sent. We were talking maybe about a council person, but we then said no.

MR. SMITH: I know we talked about when we got deeper into the ordinance review that we might want to go to the subcommittee meeting or do something joint with Planning Commission and City Council. But that was I think separate of the actual training.

CHAIR DAVID: So, just I hope that we have everybody there, then that would be great. Okay. So now that's communication. Then minutes. Do we have minutes here?

MR. SMITH: Minutes I did receive them yesterday, so what we'll do is I'll e-mail them out, you'll get them tomorrow and then they will go next month.

VICE CHAIR KARAZIM: I see how that works.

MEMBER HENK: Do we have to move or --

MR. SMITH: No. They just need to be reviewed next month.

CHAIR DAVID: Here she comes.

MR. SMITH: All right. Perfect.

CHAIR DAVID: Is there a motion to adjourn the meeting?

(Member Linda Porter enters.)

VICE CHAIR KARAZIM: You were supposed to bring us lunch. You're late.

CHAIR DAVID: State your name, Linda.

MEMBER PORTER: I thought that our meeting next Monday was instead of this one.

MR. SMITH: We have to make a motion for that meeting. So we scheduled it but we have to make a motion.

MEMBER PORTER: Is that why we're here today, is to do that?

MR. SMITH: No.

VICE CHAIR KARAZIM: Lee brought us a keg of beer.

MEMBER PORTER: Oh, hi, Lee.

MR. SMITH: All right. So we did start. We're on --

VICE CHAIR KARAZIM: Let's talk about these so we can get out of here.

CHAIR DAVID: So number five. So go ahead, Donovan.

MR. SMITH: So, we're going to jump to 6.3, HDC 19-07, 7 North Saginaw for a wall-mounted sign. The applicant, Fillmore 13, they're requesting to do a projected

building sign. The way our ordinance reads, the sign has to be constructed of metal or wood. The square footage of the sign is 21 square feet. The ordinance limits projected signs to 12 to -- signs 21. And so that will require variance from the Zoning Board of Appeals before it can be constructed. And the last criteria is that it cannot project out further from the building more than four feet if it projects out two feet overall. So that's the bulk of that sign. It complied with all of the other requirements of the zoning ordinance. So the reason why it's here today is because it's in the Downtown Historic District so before we can send it to ZBA it needs approval from this Board, then ZBA will assess the case on the square footage, and if that's approved, then the applicant can submit for a building permit.

CHAIR DAVID: Do we have a motion in mind?

VICE CHAIR KARAZIM: I do, but I'd like to talk with Lee about the building for just a couple of seconds, if that's okay.

MR. SMITH: Yes.

VICE CHAIR KARAZIM: You're here. You paid your million dollars to be here. We can help you with anything in the future for the next ten years on the outside of your building at this meeting, doors changing, anything on the outside, putting a door on the side. I think that was already approved at one point.

MR. ROUMAYA: That was approved, yeah.

VICE CHAIR KARAZIM: So is there anything that you'd like to talk about besides the sign before we make a decision on this?

MR. ROUMAYA: You know, if we can -- we can put a -- we can put that door on the side of the building, but what's it going to lead to right now? There's nothing really attractive there for it to lead to. If anything happens with the park, if we're going to down the line or if we can use a portion of it for the summertime only, Memorial Day, Labor Day then maybe we can make that happen, and maybe put a stage out there, bring some mild entertainment, people will drive by and see a bunch of lights and enjoy downtown. For the front patio, we just got approved just a few days ago, yeah, came and pay for the fee for the year. So we're going to have the front patio. There's really not much more -- other than if I have -- the biggest problem are people walk up, they still look up and out and look at their phone to see where they're at, our sign is not very sufficient. With this sign, you know, it's well done, it will match the -- you know, the look of the building. It's got some rustic look on the back as well, then people can see it from both sides.

MEMBER HENK: Right.

MR. ROUMAYA: It's done in a nice way here. So, besides that, no, not really. If it was my building, and I owned it or Russell let me, I would love to have some French doors, change the windows and have -- open up like

where when you go to New Orleans, you see it. What a great look. I was told a long time ago that is not possible. Is that true or is that --

VICE CHAIR KARAZIM: It isn't even near historic. The windows have been replaced. Do we care?

MR. SMITH: That's kind of what we were talking about in that training, you know, if the historic characteristics were removed and what is there now is technically a part of the aesthetic of the building, as long as the change isn't too dramatic from that, it's admissible.

MEMBER HENK: Whiskey's is the same way. They can open the whole front up, they just put them in.

MR. SMITH: Right.

MEMBER HENK: But when they're closed, they look just the building always looked.

MR. ROUMAYA: Window will still be a glass window with a frame that you can just grab and open up, it's a bifold.

MR. SMITH: And maybe there are -- we know some type of format or design that would maintain that character of the building, the functionality of it, is really our concern.

VICE CHAIR KARAZIM: You don't have a picture of the front right now, the big huge window --

MR. ROUMAYA: There was seven big and open and close sometimes --



MR. SMITH: So it's the windows and the brick under it.

MR. ROUMAYA: The brick under would stay.

MR. SMITH: What's under it?

VICE CHAIR KARAZIM: Not a walk-in, just windows.

MEMBER HENK: So I was going to say you can't really walk in because it steps up. But you don't want it -- you just --

MR. ROUMAYA: Yeah, we just want to open it. It's very inviting, very cool if it's like summertime --

MR. SMITH: I think that might be an issue if --

VICE CHAIR KARAZIM: Here's my opinion. My opinion is they're not historic in any means or anyways now. And some point in the future he would like to open up those windows, I think would be an asset. So if nobody cares, I'd like to make a motion on this does. Anybody care, anybody like to talk about it anymore?

MEMBER HENK: No. My only one question I have is the bottom here, it says building survey required. Is that to make sure they can put it where they want it structurally?

MR. ROUMAYA: Because I don't own the building, they got to get permission from the building owner.

MEMBER HENK: That was my only question.

MR. ROUMAYA: Windows are the only thing changing.

VICE CHAIR KARAZIM: Allow me to make a motion on the sign. I think we should approve the sign as described, and let it move forward in the chain of tapewormism.

MR. ROUMAYA: Can we encourage the zoning -- are they applicable (sic) to this type of thing? Can we encourage them to move it along?

MR. SMITH: I think so.

VICE CHAIR KARAZIM: Who is on the Zoning Board now?

MR. SMITH: So Laurie Bishop is now the Chairwoman. The Vice Chair is Carlos Bueno. And then you have Sam Anderson --

VICE CHAIR KARAZIM: Is Dayne Thomas still there?

MR. SMITH: Dayne is the Planning Commission. Yeah. And then you have Sinclair -- Joseph Sinclair. Sam is --

VICE CHAIR KARAZIM: Joseph Sinclair. He was on the stage at the Oakland County awards for Pontiac. He's got a lot of nerve. Please don't write that down.

MR. SMITH: But a part of -- when I take it to the Zoning Board of Appeals, a part of my staff findings is that it's Historic District-approved.

MEMBER HENK: And we want -- I want to do something more than approve. I want them to push it.

MR. SMITH: We can make a motion to recommend approval as the statement.

MEMBER HENK: Yeah.

VICE CHAIR KARAZIM: We'll do that. Also let me finish mine, then you make a recommendation. Also can you give us the date they're going to meet so we can maybe attend? My motion is to approve it as described with a fast-track to the Zoning Commission.

CHAIR DAVID: Is there support for that?

MEMBER HENK: Yes.

CHAIR DAVID: Any further questions, Linda? Do you feel okay about it?

MEMBER PORTER: No, no, it looks great.

MR. SMITH: Roll call.

CHAIR DAVID: You can do that.

MR. SMITH: I just normally just say "all in favor?" "All opposed?" I mean, we can do it, that's fine.

CHAIR DAVID: You go ahead.

MR. SMITH: Linda Porter?

MEMBER PORTER: Yes.

MR. SMITH: Kathy Henk?

MEMBER HENK: Yes.

MR. SMITH: Robert Karazim.

VICE CHAIR KARAZIM: Yes.

CHAIR DAVID: Rick David. Yes.

MR. SMITH: All right.

MR. ROUMAYA: Anything we can do to make the  
downtown --

VICE CHAIR KARAZIM: You were going to make a  
motion to fast-track approve it.

MEMBER HENK: I thought he's already done that.  
Yeah, make a recommendation that they fast-track it, get the  
sign up.

VICE CHAIR KARAZIM: Second.

MR. SMITH: Linda Porter?

MEMBER PORTER: Yes.

MR. SMITH: Kathy Henk?

MEMBER HENK: Yes.

MR. SMITH: Robert Karazim?

VICE CHAIR KARAZIM: Yes.

MR. SMITH: Chair David?

CHAIR DAVID: Yes.

MR. SMITH: Recommend to fast-track.

VICE CHAIR KARAZIM: Motion number three, I  
would like to approve the removal of the front windows to go  
into an opening window subject to review of specs and design.

MEMBER HENK: At such a time he wanted to.

MR. SMITH: Come before this Board?

VICE CHAIR KARAZIM: Yeah, at no charge.

Reason, I want to see what he wants to do, so come before us and you can get --

MR. SMITH: Is the motion necessary or just trying to get him a --

MEMBER HENK: We want to lump it in with his so he doesn't have to pay for a second one if he comes back.

MR. SMITH: You don't have to come back for a second anyway. That's just part of the process.

MEMBER HENK: It is?

MR. SMITH: Yeah, because that's how we record the change that happens. If you saw a difference --

CHAIR DAVID: We thought --

VICE CHAIR KARAZIM: We haven't done it that way. We have always tried to bring all of the projects to the front so we can get them moving. They still have come before us with plans and drawings, but we have all included that in one lump sum.

MR. SMITH: Okay. That's fine.

VICE CHAIR KARAZIM: Then let's do it. Quit arguing. I'm Vice Chair, did you forget?

MR. SMITH: I missed it. I'm sorry. I'm sorry. All right. Let me just get these notes.

CHAIR DAVID: Are you following this okay?

MR. ROUMAYA: So what happens after this?

VICE CHAIR KARAZIM: Deal with him. He'll take you to the next step. You have to go before the Zoning Board. It's 700 bucks.

MS. HENK: It is? That is just not right. It's not right.

VICE CHAIR KARAZIM: Then they're going to charge him another thousand bucks.

MR. SMITH: Don't listen to him.

VICE CHAIR KARAZIM: That's what they told me for mine, 700.

MR. SMITH: Your sign was 700?

VICE CHAIR KARAZIM: Yeah.

MR. SMITH: Then it is 700.

MEMBER HENK: More money into --

VICE CHAIR KARAZIM: Then 800 permits or so.

MR. SMITH: The residential Zoning Board of Appeals are 400. Signs is probably 700 and then a regular --

MEMBER HENK: Is that just to appear or to get approval?

VICE CHAIR KARAZIM: Just to appear.

MR. SMITH: Then regular Zoning Board of Appeals for non-residential is 1,000.

VICE CHAIR KARAZIM: Let me ask a question. Since he has enough square footage on the front of his building, could he put up two signs that are each half that size?

MR. SMITH: No. I believe you can only have two signs if you have two frontages.

VICE CHAIR KARAZIM: He has two frontages.

MR. SMITH: Where is your --

MR. ROUMAYA: There are two sides of the building.

MR. SMITH: In the back?

VICE CHAIR KARAZIM: In the front.

MR. ROUMAYA: No, in the front it's two buildings. They have a hole in the wall. You have entrances from the main entrance at 7 North and main entrance --

MR. ROUMAYA: Basically two businesses made into one.

MR. SMITH: It's possible, if that's the case.

VICE CHAIR KARAZIM: So do you think you'd work that out? It's up to you. Just trying to --

MEMBER HENK: Square footage of the two comply to this?

VICE CHAIR KARAZIM: One sign.

MR. SMITH: Yeah, they would.

MEMBER HENK: If you calculated the two frontages your total would be --

VICE CHAIR KARAZIM: Be 24 and he's at 21.

MR. SMITH: So then that would go into effect for your Zoning Board of Appeals.

VICE CHAIR KARAZIM: Why does he have to go to Zoning Board? Wouldn't you make that decision?

MR. SMITH: There is a criteria in the zoning ordinance that says in the downtown district, building-mounted signs can total the square footage for, say, 30 square feet. The combination of both these signs equal 40. When you go to Zoning Board of Appeals, you're going to have to ask for that variance to allow for the addition --

VICE CHAIR KARAZIM: But he has two signs.

MR. SMITH: Existing.

MEMBER HENK: No, he has two frontages.

VICE CHAIR KARAZIM: He has two frontages. The combination of those two signs would be 21 square feet where actually he'd be allowed 24.

MR. SMITH: That --

VICE CHAIR KARAZIM: Combination of the two signs.

MR. SMITH: The language --

MR. ROUMAYA: I'd like one sign.

MEMBER HENK: We know that. We're trying to figure out how to get you one for the frontage of the two.

MR. ROUMAYA: I mean, this is -- yeah, I'm going to have to see how much more money is involved with this because this sign is not cheap to start with.

MEMBER HENK: That's why people, they just put them up on Saturday because the cost is more than the sign.



MEMBER PORTER: Is that in keeping with other communities what they charge --

MR. SMITH: I have not checked, but I can.

MEMBER PORTER: Yeah.

MR. SMITH: Because we haven't discussed changing the fees. I think there was a fee schedule update when Wade Trim got here, and that was 2012, '13, '14, somewhere around there. So I don't know if they have done one recently. But it's something we may look at.

VICE CHAIR KARAZIM: How can we save him some money? I know I'm saying exactly the words you don't want to hear, but you know what, he does have a double frontage. It is allowed 24 square feet, so if he puts a sign in the middle of the two buildings, half one side, half the other, the rules aren't that specific. I've read the rules. You and I have read the rules.

MR. SMITH: Yes.

VICE CHAIR KARAZIM: Do we get Vern in here, beat him up?

MR. SMITH: No. No. I mean, the money you're trying to save him would either be 150 for a second --

VICE CHAIR KARAZIM: No, it's 700 for the Zoning Board.

MEMBER HENK: Wouldn't have to go to the Zoning Board if we can combine the size of two signs of two frontages.

MR. SMITH: Well for this sign specifically we have to go to Zoning Board because --

VICE CHAIR KARAZIM: Because --

MR. SMITH: Just for the projected sign alone requires a variance, regardless if there's a second sign for the other side.

MEMBER HENK: Just because it's a projecting sign.

MR. SMITH: This is speaking specifically for projected signs. This isn't -- which is a separate line under building-mounted signs. But these criteria are for projected signs specifically.

VICE CHAIR KARAZIM: Are these ordinances just -- how do we change some of these ordinances? Because --

MR. SMITH: You tell me what you want changed, we get it changed at Planning Commission somehow.

VICE CHAIR KARAZIM: For example, my sign, now, technically for a -- what do they call it, a display board?

MR. SMITH: Reader board.

VICE CHAIR KARAZIM: Reader board. I'm only allowed 20 square feet. But you got to remember, my business is not a coney island which is flashing up 99 cent specials, mine is a theatre marquis. There's got to be -- there's got to be a difference somewhere in the Zoning Board between a theatre marquis and a coney island. There's got to be a difference.

MR. SMITH: Right. So what our ordinance doesn't have is a specification between different uses and signs for different uses.

So, for example, if you -- if you can have a provision that says for movie theatre signs can be up to this size, for arenas, for sports arenas, signs can be up to this size. But our ordinance doesn't have that. So, we can add it, and we're kind of in the process of getting ahead of things that we need to include. It's some things that aren't in there that should be. So, we can make those kinds of changes and once we get to that phase, that's where we would do it.

VICE CHAIR KARAZIM: Where are we from that phase?

MR. SMITH: Right now we're accepting requests.

VICE CHAIR KARAZIM: So I have got two requests I'd like to put in the minutes.

Request number one: On buildings with double frontage like two storefronts, both allotments can be allowed on one side, for example, his project right here.

MR. SMITH: Okay.

VICE CHAIR KARAZIM: So if we're allowed 12 square feet per side --

MR. SMITH: But it's usually something bigger.  
So, I understand what you're asking. There is language I  
think that does allow --

VICE CHAIR KARAZIM: Then why are we going  
to --

MR. SMITH: Those are specific signs that are  
different. So projected signs it says 12 feet. For reader  
board signs it said --

VICE CHAIR KARAZIM: 20.

MR. SMITH: -- 20 feet. Those are different  
from a building-mounted sign that says based on the frontage,  
let's say you have 30 feet of frontage, you can have a sign  
up to like 60 square feet.

VICE CHAIR KARAZIM: 80.

MR. SMITH: So, yeah, it's like capped at 80  
which is the highest for whatever is leased, which would be I  
think three times your frontage.

VICE CHAIR KARAZIM: Right.

MR. SMITH: So for a building-mounted sign, you  
can have up to 80 square feet. What you're referring to is  
for projected signs and reader board signs. That criteria  
should be larger. Do you see what I'm saying?

VICE CHAIR KARAZIM: Yep.

MR. SMITH: So for reader board signs instead  
of being 20, you may say "I think it should be 60 or 40" or  
whatever that sign is. Then for projected signs you would

say "Projected signs should be allowed up to 40 or 60", which that's where you would want to change that language specifically.

VICE CHAIR KARAZIM: Well, I think we should change that language specifically, because we're killing people.

MR. SMITH: So how about this. Let's have a meeting and just for sake of progress, let's have a meeting, but we'll go through the sign ordinance and see how that affects the historic district and we'll go through maybe 8 or 10 classification of signs, and we'll look at it and we'll --

VICE CHAIR KARAZIM: Is there anything we can do to help him today?

MR. SMITH: Honestly I just -- I don't think so.

MEMBER HENK: There's no way to get the fees --

CHAIR DAVID: But you're set right now. You have to spend some money to go to the next step.

MR. ROUMAYA: Yeah, I mean, if there's no way around it. This is a great addition to our building. It's a great addition to downtown right now. If we had 30 other restaurants and bars and all that jazz, then I understand it. But to pay \$700 next time I come in just to go in front of the board --

MEMBER HENK: Right.

VICE CHAIR KARAZIM: Not knowing if it's going to be approved.

MR. ROUMAYA: -- not knowing if it's going to be approved --

MR. SMITH: So I don't like sending people to boards just -- honestly, if I can get you without going to a board, I would do so.

MR. ROUMAYA: Okay.

MR. SMITH: But if -- when the ordinance tells me one thing, you know, I just have to follow the ordinance.

MR. ROUMAYA: No, I understand.

MR. SMITH: So I don't know a way to get around it.

CHAIR DAVID: So we can have a study session.

MR. SMITH: We can have a study session, yes.

MR. ROUMAYA: When do I got to be in front of the next board?

MR. SMITH: Third Monday in June.

MR. ROUMAYA: We have to wait that long?

MR. SMITH: Yes, because it requires a public hearing -- or no, I'm sorry -- yeah, yeah, public hearing for the variance request.

MR. ROUMAYA: About 6 to 8 weeks. And so it looks like it's going to drag until the end of summer.

MR. SMITH: I don't foresee them saying no, just being honest.

MR. ROUMAYA: Okay. Let me know what the next step is, I'll make it happen.

CHAIR DAVID: Thank you very much.

VICE CHAIR KARAZIM: The next step is you have come down to see him.

MR. ROUMAYA: I'm not going to raise my prices.

CHAIR DAVID: It's like a tariff, you just got to do it.

MR. ROUMAYA: Thank you, everybody. Good seeing you.

VICE CHAIR KARAZIM: Thanks. Sorry.

CHAIR DAVID: Donovan, under number six what do you want to --

MR. SMITH: Let's go in reverse, 6.2, and that's a motion for the special meeting for May 20th to hold the historic district --

MEMBER HENK: I will make a motion.

CHAIR DAVID: Is there support of the motion to --

VICE CHAIR KARAZIM: Yes.

CHAIR DAVID: -- have the special meeting on May 20th? Any further questions? From what time to what time again?

MR. SMITH: It is from 6 to 8:30. And they are requesting that you bring these back. Everybody still have theirs?

VICE CHAIR KARAZIM: I think so.

MEMBER PORTER: I don't have one.

CHAIR DAVID: So was there anyone --

VICE CHAIR KARAZIM: Is she allowed to have one?

MR. SMITH: She's allowed to have one.

CHAIR DAVID: Kenny was there, so we'll have to -- okay.

Any further questions? All in favor indicate by saying "yeah."

(All ayes.)

CHAIR DAVID: Anyone want to say "No", say "No." Any abstentions and the reason why?

Next?

MR. SMITH: So last is the HDC model ordinance review. So, first I'm just going to outline the process and how we're doing this. We had the first project training, which she touched on why there was a difference in conduct on some of those. Maybe over the past month, I've worked with Mallory and Vern and we kind of started -- we have a draft ordinance based on their model, our existing and meeting common ground. So right now we're breaking into it so that they're on the same page and they understand what we're asking in requesting the change. So --

MEMBER PORTER: What are we requesting a change to?



MR. SMITH: I'm going to get to it. I have to give you the background. Yes, the boring stuff. So right now what we're doing is when we have our training next week, Mallory -- they're going to kind of go through that draft and you're going to get a -- I'm going to send it out so you're going to see the draft. Once they go through it, we're going to meet again. And if I can get it passed out of executive offices before the next meeting, we'll look at it formally at the next HDC meeting.

So that's just the process. It doesn't require City Council I believe to approve it. I believe this we can approve just as a motion and this board. So we'll confirm it as we get closer, okay?

So, what you have in your packets, in the municipal code, this ordinance is labelled under Historic Preservation Board. So, historically it was labeled Sections 26 to 31 -- 7426 through 7431. And that section was actually repealed sometime 2013, and replaced with how we kind of operate currently. So if you look at our municipal code you can go straight to 7451 to 7462, and it highlights how we have been operating since 2013.

That talks about the board composition, terms of the members, the accepting and receiving gifts, powers related to historical documents and records, and then appropriation of funds from City Council to support the HDC.

But, as mentioned in that training last month, there are a lot of things that aren't really included in that. So that's what we're working on.

So the part -- so we're going to jump to this second page. And what you see in this listing is when you get the actual draft ordinance, these correspond to all of the changes that were either updated or added. So, the purpose or intent was revised, more definitions were added because they are a much more in-depth document, the Historic District found they weren't changed, they were just put into the new version and displaced, creation of composition of Historic District Commission was added. So a lot of these may not understand the context without the draft, but I wanted to get to you the changes.

And then this last section that says draft model preservation ordinance, so these were the actual texts that were added. So this is almost all new text that you'll see. So it talks about adding additional, modifying or eliminating historic districts. I'm not going to get much into it right now. We'll get back into it next Monday. Historic District study committee and study committee report. So what was kind of talked about is what is work, what is not work, what requires permit and doesn't require permit. That kind of dovetails into ordinary maintenance on design and

review standards and guidelines. It's actually a lot longer of a section. This is just the first kind of summary of it.

7475, denials, notice to proceed, work without permit, and then demolition by neglect. So if you recall from the training, I think was an eye opener for all of us, was that we weren't using the correct or most up-to-date terms of approvals and how to proceed. So my interpretation was to see the certificate of appropriateness or denial. What they were kind of sharing with us is you have a denial, you have a certificate of appropriateness. If they want to do a like for like, you have the notice to proceed which is we know the work you're doing does not comply with procedures work anyway.

And then the last one was, you know, work without permit. So we get a lot of those and we're kind of trying to find out ways -- how we're working without permits. So this gives us some teeth in terms of if we are seeing work without a permit, we actually have a process to -- so we can make and go back we have all of the power to say you need to put it back exactly the way it was, even if it is non-compliant. Or put it back in the way that complies, which is kind of what we have been doing is retroactively trying to get things -- permits pulled to do the work.

So that is in there. And like I say, just a few more teeth to enforce that.

Demolition by neglect is something that we can use, is an option where we can identify problems with the home and any conduct proactively encourage the work get done. It's a bit more force.

Reveal work on proposed districts, follow-ups, emergency moratorium. And then the last two, this gives us the ability to apply penalties for work without permits in the historic district which is something we didn't do before, and I think we -- I think we hinted on it.

VICE CHAIR KARAZIM: You know what's great about this? All we have to do is prosecute just one time.

MEMBER HENK: One time.

VICE CHAIR KARAZIM: And it will go through.

MR. SMITH: I mean acquisition, historic resources which you kind of touched on the last case about whether we can get resources and things like that. So I just wanted to kind of share with you these are things you looked at including.

CHAIR DAVID: You and Vern and others are working on this?

MR. SMITH: Yes.

CHAIR DAVID: Just for Linda, the trainers were -- received a grant from somewhere, and they came and we had an hour and a half -- we had a normal one until about 7:30 and we were all saying hey this is great we need to have a

further update, and further training, and so -- essentially we found that what --

MR. SMITH: They go around and they do this training to all of the historic commissions throughout the state, and we identified - it's not uncommon that historic district commissions, their ordinance don't comply with the State. And I think she said it's probably a handful that's not -- I think she threw out like 15 as a number. It's not a huge problem, but it's something that helps if you are in compliance with the State. So that was kind of something that kind of opened up our eyes.

VICE CHAIR KARAZIM: Basically after talking to her for that hour and a half, we're probably in the 90 percent bracket, maybe 87 percent of doing everything we're supposed to do, but like he was explaining, there are certain terms that we just have to apply, where we were just saying we can do this and do that, well now you have to have a different -- but -- and they're defining some of the things that we were always questioning ourselves about what do you think, what do you think. They have a specific wording for it. So that's what the training is.

MR. SMITH: You can take this, just bring it back on Monday.

VICE CHAIR KARAZIM: There's no sharp objects in there, is there?

MR. SMITH: No.

CHAIR DAVID: So that was really helpful.

Well, very good.

VICE CHAIR KARAZIM: Who -- relax.

CHAIR DAVID: I'm sorry?

VICE CHAIR KARAZIM: Relax.

CHAIR DAVID: I am relaxed.

VICE CHAIR KARAZIM: You want to get out of here so bad.

CHAIR DAVID: I'm just fine. I was complimenting him.

VICE CHAIR KARAZIM: Who is the deciding factor now? It says City Council is going to have all of the power to add or subtract the Historic District. Who is it now?

MR. SMITH: The Mayor, I believe.

MEMBER HENK: Only?

MR. SMITH: I believe it's the Mayor. And that's what we're working out, because in the model ordinance, everything defaulted to City Council. A lot of what was done originally was done through the Mayor. So that's what we have to --

CHAIR DAVID: Is there some roadblocks that you're already receiving because of that change?

MR. SMITH: No.

CHAIR DAVID: Have they looked at this yet?

MR. SMITH: No, they haven't seen it.

CHAIR DAVID: Would it be helpful for them to come to our meeting next Monday?

VICE CHAIR KARAZIM: At least make them an invitation, if nothing else.

MR. SMITH: I could at least extend the invitation.

CHAIR DAVID: Would you have a problem with -- for them to come?

VICE CHAIR KARAZIM: They won't come.

CHAIR DAVID: But at least we can offer.

VICE CHAIR KARAZIM: We watched three of them walk by and --

CHAIR DAVID: What's going on here? I've never seen them walk around here.

VICE CHAIR KARAZIM: They have subcommittee meetings or something.

MEMBER HENK: There's a lot of cars in the parking lot.

CHAIR DAVID: Something big is going on there tonight.

MR. SMITH: But I can -- our ordinance, the way it is existing, that power was in the Mayor. She gives the appointments.

VICE CHAIR KARAZIM: I think that's how we got here.

MR. SMITH: Yeah. But then she does the appointments, but then the power does shift to City Council for the ones after the appointments. So new members go to City Council.

MEMBER HENK: I always thought when you were on the commission you had to be appointed by the Mayor and confirmed by the Council.

MR. SMITH: Which is usually how it goes. But the way I think our ordinance says, that's the initial process to start, and then once you're going actively, then it's just through the City Council.

MEMBER HENK: I see. I see. So do we have any update on the building next door to me, the 100 building? They took the facade off. I know it wasn't in the historic district but we were trying to apply for historic.

VICE CHAIR KARAZIM: Afterward is appropriate.

MR. SMITH: I believe the drafting agreement and some financing documents.

MEMBER HENK: Still?

VICE CHAIR KARAZIM: This is Kyle.

MEMBER HENK: I know. Jiminy Christmas. They have had that building for almost a year.

MR. SMITH: I think. Don't quote me on that.

MEMBER HENK: Actually pulling the brick off of it, because you know Frank Todd worked that building, they



never tied that brick into the building. It was just loose and it started buckling out, and they were taking a whole section of brick off that building. It's just going to fall.

VICE CHAIR KARAZIM: What's underneath it?

MEMBER HENK: It's like a concrete block and some weird window things is all I can see so far, because they're just taking a section up the middle. I thought they were going to take the whole thing off and I was going to scam all of those bricks for the park. They're the wrong kind of bricks.

VICE CHAIR KARAZIM: That's a lot of bricks, right.

MEMBER HENK: I do, but it's good.

CHAIR DAVID: You know our issue -- one of the issues here, the City Council members don't know anything about our work, I don't think. They don't know -- they don't really know anything about the historic areas. They --

MEMBER HENK: Unless it's within their district.

MR. SMITH: That's kind of what we were talking about last month, and this might give us an opportunity to get in front of them. I have no problem facilitating a presentation once we get the ordinance to a point where we're ready to enact a change, and that may be a good time to get in front of them. They may not even know who is on the Historic Commission.

MEMBER HENK: Probably not.

MR. SMITH: I wouldn't be surprised.

MEMBER HENK: But everybody sits up there -- like there is a district in each district like if -- you know what I just said?

MR. SMITH: Historic district in each --

CHAIR DAVID: I don't think there is in district five out by the Silverdome, I don't think has one.

MEMBER HENK: Oh.

MR. SMITH: Unless the -- the cemetery, so there are more historic districts other than the residential.

CHAIR DAVID: Oakhill Cemetery. That never comes before us unless they -- they're moving a grave and --

VICE CHAIR KARAZIM: I have a couple of questions, if everybody doesn't mind.

MR. SMITH: Go for it.

VICE CHAIR KARAZIM: There was a house on -- what's in the modern district, that main --

CHAIR DAVID: Oliver.

MEMBER HENK: Oliver.

VICE CHAIR KARAZIM: Where they allowed the garage to be torn down without coming before us. You gave a permit.

MR. SMITH: We did?

VICE CHAIR KARAZIM: Yep. It was a garage behind that was probably non-conforming. It was hard to

tell. It was a block garage that was probably built in the '20s or '30s which is the house states, but they allowed them to tear it down.

MR. SMITH: I have to check. I'm not sure.

MEMBER HENK: When was it --

VICE CHAIR KARAZIM: Within the last month or two.

MR. SMITH: Really? I'm not sure. Do you consider garages to be historic?

VICE CHAIR KARAZIM: It was on the street.

MR. SMITH: Oh, it was on the street.

MEMBER PORTER: On the street? Most of them on Ottawa were behind.

VICE CHAIR KARAZIM: This is on a corner, and the -- face the street. But they had access to the garages on the street.

MR. SMITH: And I have to check because usually we might have allowed it if it was in the back of the property, not a street-facing. But I'm not sure. Do you know if they had a permit or do you know if --

VICE CHAIR KARAZIM: They said they did.

MR. SMITH: I have to check it. Do you know what cross-streets?

VICE CHAIR KARAZIM: It was Tim Travis's house. He just sold it.

MEMBER PORTER: Oliver and --

VICE CHAIR KARAZIM: 110.

MEMBER HENK: I was going to say 110.

MR. SMITH: 110 Oliver you think?

VICE CHAIR KARAZIM: It's right on the corner.

MEMBER HENK: I think Sara's house is 109.

MR. SMITH: I'll check.

VICE CHAIR KARAZIM: I just wanted to know because there was a garage. It was in bad shape. The roof had caved in, but you know, it was a block garage. It's fixable, and --

MR. SMITH: And it's gone now, you think?

VICE CHAIR KARAZIM: It's gone. I think it was a requirement for him to sell the house from the bank.

MEMBER HENK: Oh really?

VICE CHAIR KARAZIM: Yeah, either fix it or tear it down. It's okay, Rick, we're almost done. Relax. We started talking about 256 Ottawa.

MR. SMITH: Yes. Roof falling in disrepair. It's vacant. I'll follow up on it tomorrow and I can report back to you.

VICE CHAIR KARAZIM: Would you at least send me a note, because it's funny how this stuff works but the city district -- but the city people are calling me instead of the district, which is a good thing if you know what I mean. Usually have some faith in something, I don't know what.

CHAIR DAVID: They have been calling you on Mark's house?

VICE CHAIR KARAZIM: Yeah. You know, if I find Mark I'll ask him what the deal is, but I want to know -- before I ask somebody something, I'd like to do my homework.

MR. SMITH: He's out of town right now.

MEMBER HENK: 256 Ottawa.

MR. SMITH: I pulled it up on my phone. I was looking at it.

MEMBER PORTER: That was Fritzi Stoddard's old house.

VICE CHAIR KARAZIM: Whose house? Sissy (sic) Stoddard?

MEMBER PORTER: Fritzi. Fritzi Stoddard.

CHAIR DAVID: May have had it for some years.

VICE CHAIR KARAZIM: Mary Parks is the name --

CHAIR DAVID: She's a real estate person. She was the real estate person in Pontiac for many years.

MR. SMITH: Right.

MEMBER PORTER: Is that who he bought it from?

CHAIR DAVID: No, I don't know who he bought it from. I think it was foreclosed. I don't know what it was.

VICE CHAIR KARAZIM: 256 Ottawa?

CHAIR DAVID: He spent too much money on it. Yeah. Yep. Are we done, Donovan, do you feel comfortable?

CHAIR DAVID: Are we okay?

VICE CHAIR KARAZIM: Almost. Are you in a hurry, Rick?

CHAIR DAVID: No. Now what do you have?

VICE CHAIR KARAZIM: That's 257.

MR. SMITH: 257, if you zoom in on the address It's 256. Doesn't have that --

CHAIR DAVID: It's beautiful on the inside.

MEMBER HENK: I'm shocked that Mark would let it --

VICE CHAIR KARAZIM: I know he just finished one house. He invited me over to come and see it. He sent me some pictures.

MR. SMITH: He knows all about historic preservation.

VICE CHAIR KARAZIM: It's an old tudor which used to have a (indecipherable) that opened on the inside, and the pictures he sent me it was all painted white. Don't know if he did it, don't get me wrong. But, I just you know --

CHAIR DAVID: Did you --

MEMBER HENK: Where is that at?

CHAIR DAVID: It was on Menominee.

MEMBER HENK: You know, I love mark but I'm shocked that he painted that -- every time I drive by I want to cringe.

MR. SMITH: On where?

MEMBER HENK: M-59 right there.

CHAIR DAVID: The Palmer house.

MEMBER HENK: I'm like, oh my God, why would he do that to that poor house.

VICE CHAIR KARAZIM: We need you to do your duty.

CHAIR DAVID: I don't want to make -- I don't want to seek a motion to. So who wants to leave? Who wants to stay?

VICE CHAIR KARAZIM: I got so many questions answered today, it was wonderful. We went through a gamut of things. And you know and that's what we need to do, because -- and I started to keep notes, because we're finally getting answers and who knows, seriously, even though no one likes you, kudos.

CHAIR DAVID: See how is he? I think we're done.

MEMBER HENK: I make a motion to whatever -- to leave.

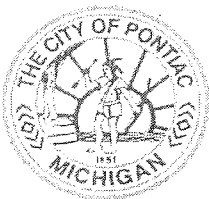
(The proceedings concluded at or about the hour of 7:05 p.m.)

Minutes certified this 28<sup>th</sup> day of May, 2019



---

/s/ Quentina Rochelle Snowden, CSR-5519



**CITY OF PONTIAC**  
**Department of Building Safety & Planning**

*Mayor Deirdre Waterman*

**TO: PONTIAC PLANNING COMMISSION**

**FROM: DONOVAN O. SMITH –CITY PLANNER**  
**DIVISION OF PLANNING**

**SUBJECT: HDC 19-23**  
**HISTORIC DISTRICT COMMIS**  
**344 W IROQUOIS**  
**PIN: 64-14-30-459-024**

**DATE: 08/09/2019**

The Planning Department is in receipt of a Historic District Application from Shanti Turner regarding the above address 344 W Iroquois. The applicant installed a 52'3" x 19'4" rear yard deck that is attached to the existing historic home. The deck is surrounded along Algonquin and Iroquois with a 6' or higher wooden fence, fencing also serves as the skirting, hand railing, and a visual barrier between the deck and the street frontage.

A technical planning review of the proposed building accessory addition is as follows;

1. Attached residential structures are required to comply with all setbacks of the primary structure. The proposed rear yard deck is located within the boundaries of the rear and side yard setbacks.
2. Attached residential accessory structures are not limited to size restrictions if the improvements do not encroach on setbacks. The existing construction of the deck extends beyond the footprint of the residential home in close proximity to Algonquin.
3. The proposed rear and side yard fencing is limited to 6', areas where the fencing is located at a height greater than 6' due to dramatic change in grades will require ZBA variance approval.

**Review Criteria -**

The historic district commission is required to review any plans and/or building elevations affecting the exterior appearance of a historic site or any proposed or existing structure located within a historic district. No permit for new construction, alteration, repair, moving, or demolition for such work may be granted until the commission has approved such plans and/or elevations in consideration of the ordinance guidelines provided in Section 74-55 (b) (1)-(11) of the Pontiac's Municipal Code. The code also allows the commission to utilize the U.S. Secretary of the Interior's Standard's for Rehabilitation as review criteria.

It is important to note these guidelines permit the historic district to consider "any other factor, including aesthetic, which it deems pertinent" [see Section 74-55 (b) (4)]. The historic district commission must either approve or deny the plans. Afterwards, the approved plans must be transmitted to the building safety division and/or planning commission, as may be applicable.



The following criteria must be considered to determine if the proposed improvements complies with the following U.S. Secretary of the Interior's Standard's for Rehabilitation;

74-55 (b)(1) "historical or architectural value and significance of the structure...and its relationship to the historical value of the surrounding area"

Does Not Meet Standard – Visibility of the extended deck enclosed within a heightened fence does affect the historical value of the home or neighborhood.

74-55 (b)(2) "relationship of the exterior architectural features"

Does Not Meet Standard – The proposed rear yard deck addition would take away from the architectural, historical material and design features of the home.

74-55 (b)(3) "general compatibility of exterior design"

Does Not Meet Standard – The proposed design and construction materials do conflict with the exterior design of the home.

74-55 (b)(5) "avoid, where possible, the removal or alteration of any historic building materials" –

Does Not Meet Standard – No Historic building materials are removed.

74-55 (b) (11) "alteration will be done in such a manner as to not impair the essential form and integrity of the structure"

Does Not Meet Standard – The proposed deck and fencing design and placement impairs the historic form and appearance of this home and others in the area. Areas of the fence reach higher above the maximum fence height of 6' and the proposed deck extends beyond the building footprint towards the street.

#### **Additional Information -**

The applicant's proposed rear yard deck began construction in early 2019 and was enforced with multiple 'cease and desist' orders, until proper permitting was acquired. Current construction was halted until the petition is reviewed by the Historic District Commission and grants a decision to the petitioner.

#### **Recommendation -**

The Planning Division is recommending to the Historic District Commission that a Certificate of Appropriateness not be issued for the rear yard deck. The existing deck and fence be removed, and no further permits issued until plans are resubmitted depicting fencing and deck relocation, and construction in a manner where the deck size and maximum height of fencing is taken into consideration of the changes in grade, and is installed in compliance with the zoning ordinance.



# Application for Historic District Commission

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 344 W. Iroquois Road

Sidwell Number: \_\_\_\_\_

Date: 7/31/2019

Office Use Only

PF Number: \_\_\_\_\_

**Instructions:** Complete the application and submit it to the Office of Land Use and Strategic Planning. Received applications will be processed and put on the next available Historic District Commission meeting. The Historic District Commission meets the second Tuesday of the month. Incomplete applications will delay the review process.

**Applicant (please print or type)**

Name	Shanti Turner		
Address	344 W. Iroquois Road		
City	Pontiac		
State	MI		
ZIP Code	48341		
Telephone	Main: 248-678-2989	Cell: 248-678-2989	Fax: 248-458-4114
E-Mail	shanti_turner@yahoo.com		

**Property Owner (please print or type)**

Name	Shanti Turner		
Address	344 W. Iroquois Road		
City	Pontiac		
State	MI		
ZIP Code	48341		
Telephone	Main: 248-678-2989	Cell: 248-678-2989	Fax: 248-458-4114
E-Mail	shanti_turner@yahoo.com		

**Project and Property Information**

Describe in detail all intended work, specifying dimensions, textures, color and materials. Provide samples and/or brochures describing substitute materials. Include other appropriate descriptions, plans, and/or drawings as specified below and on reverse side. (Check appropriate activity.)

51000213

lot size 150' 410'

Force hand rail 48" 45'

House 1900 sq ft

52'3" x 19'4" Deck approx 500 sq ft under 1000 sq ft

Garage

25'

Height 6'6"

Feet 4' 9"

Sidewalk

lot size 140'

Algonquin

**CITY OF PONTIAC  
ORDINANCE NO. 2358 4-26-2019**

AN ORDINANCE TO AMEND CHAPTER 74 ARTICLE III PRESERVATION OF HISTORIC BUILDINGS ORDINANCE TO INCLUDE LANGUAGE AND HISTORIC DISTRICT COMMISSION POWERS THAT ARE IN ACCORDANCE TO THE MICHIGAN ZONING ENABLING ACT 110 OF 2006 AND TO REPEAL SECTIONS 74-51 THROUGH 74-62.

THE CITY OF PONTIAC ORDAINS:

**MODEL**

~~74-63~~ \_\_\_\_\_ HISTORIC DISTRICT ORDINANCE CITY OF \_\_, MICHIGAN

~~74-64~~ **Section 1. SHORT TITLE** Article III. Preservation of Historic Buildings

This Ordinance shall be known as the "Historic District Ordinance of the City of \_\_\_\_\_".

~~74-65~~~~74-63~~ **Section 2. STATEMENT OF PURPOSE AND INTENT**

Historic preservation is hereby declared to be a public purpose and the City-CouncilHistoric District Commission of the City of Pontiac \_\_\_\_may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

1. Safeguard the heritage of the City of Pontiac \_\_\_\_by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of \_\_\_\_\_ Pontiac and of the State of Michigan.

The City of -Pontiac\_\_ may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

~~74-66~~~~74-64~~ **Section 3. DEFINITIONS**

1. **"Alteration"** means work that changes the detail of a resource but does not change its basic size or shape.

2. **"Certificate of Appropriateness"** means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. **"Commission"** means the Historic District Commission of the City of Pontiac\_\_\_\_\_.
4. **"Demolition"** means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

5. **"Demolition by Neglect"** means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
6. **"Denial"** means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
7. **"Fire Alarm System"** means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
8. **"Historic District"** means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
9. **"Historic Preservation"** means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
10. **"Historic Resource"** means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city of Pontiac\_\_\_\_\_, state of Michigan, or the United States.
11. **"Notice to Proceed"** means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
11. **"Open Space"** means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
12. **"Ordinary Maintenance"** means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
13. **"Proposed Historic District"** means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
14. **"Repair"** means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
15. **"Resource"** means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

16. **"Smoke Alarm"** means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
17. **"Work"** means construction, addition, alteration, repair, moving, excavation, or demolition.

## **74-65 THE HISTORIC DISTRICT COMMISSION**

(a) City Council may establish by ordinance a commission to be called a Historic District Commission. The Commission may be established at any time, but not later than the time the first historic district is established. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members. Members shall be appointed by the Mayor. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan. The commission shall have no less than three members who are property owners within the historic districts. Any member who has three unexcused absences during the course of one year will be considered to have resigned from the Commission and the Mayor may make an interim appointment to complete the unexpired term of such position. A member may be removed from the Commission by the Mayor for misfeasance, malfeasance, or nonfeasance in the office after having the opportunity to be heard before the City Council, and upon an affirmative vote of majority of the seated Council.

(b) The Mayor may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.

(c) Coordination between the county historic commission and the city historic commission shall be maintained. The overall historical preservation plan of the city shall be submitted to the county historic commission for review, and county plans submitted to the city's historic district commission. Day-to-day activities of legal commissions concerning alteration and restoration decisions need not be submitted to the county but only those plans which have other than strictly local significance.

## **74-66 ACCEPTANCE OF GIFTS OR GRANTS**

The City Council may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation, and may accept public

or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

#### **74-67 ESTABLISHING ADDITIONAL, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS**

1. The City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Council may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.
2. In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
  - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
  - b. The historic district was not significant in the way previously defined.
  - c. The historic district was established pursuant to defective procedures.

#### **74-68 HISTORIC DISTRICT STUDY COMMITTEE AND THE STUDY COMMITTEE REPORT**

Before establishing a historic district(s), the Mayor shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
- B. Conduct basic research of each proposed historic district and historic resources located within that district.
- C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places,



as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.

- D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
1. The charge of the Committee.
  2. The composition of Committee membership.
  3. The historic district(s) studied.
  4. The boundaries of each proposed historic district in writing and on maps.
  5. The history of each proposed historic district.
  6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
  8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
- E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
  2. After receiving a final report that recommends the establishment of a Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

- G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

#### **74-69 HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE**

1. The Historic District Commission shall meet at monthly or more frequently at the call of the Commission.
2. The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
3. At least four (4) members of the Historic District Commission shall constitute a quorum for the transaction of business. The passage of any resolution, motion, or other action by the commission shall be a majority vote.
4. The Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.
5. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

#### **74-70 DELEGATION OF MINOR CLASSES OF WORK**

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, or to another delegated authority. The Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

#### **74-71 ORDINARY MAINTENANCE**

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the Ordinance was enacted.

#### **74-72 REVIEW BY THE COMMISSION**

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City

Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

a) The historic district commission shall approve or disapprove the plans submitted under this article and, if approved, shall issue a certificate of approval which is to be signed by the chairman and the relevant plans, if any, shall be stamped by the commission signifying its approval thereof, and such certificate and plans shall be transmitted to the building and safety engineering division and/or the planning commission if applicable.

(b) No work shall begin until the certificate of approval is filed, but in the case of rejection, the certificate is binding on the building and safety engineering division or other duly delegated authority and no permit shall be issued in such case. If the historic district commission disapproves the application, it shall state its reasons for doing so and shall transmit a record of such action, together with the reasons therefor, in writing to the building and safety engineering division and the applicant. The commission may advise the applicant in a transmittal of the changes in the proposed plans which are necessary to obtain commission approval. The applicant may make modifications to any plans disapproved and shall have the right to resubmit his application thereafter for commission approval.

(c) After the certificate of approval has been issued and the building permit, if any, granted to the applicant, the designated building inspector shall from time to time inspect the construction, alteration, repair, moving or demolition approved by such certificate and shall take action as is necessary to force compliance with the plans as approved.

(d) The failure of the historic district commission to act within 30 days after the date a properly completed application has been filed with the planning and community renewal division, unless an extension is agreed upon mutually by the applicant and the commission, shall be deemed to constitute approval.

#### **74-73 DESIGN REVIEW STANDARDS AND GUIDELINES**

1. In reviewing plans, the Commission shall follow the U.S. Secretary of Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards* and guidelines and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.

2. In reviewing plans, the Commission shall also consider all of the following:

- A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
- B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
- C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
- D. Other factors, such as aesthetic value, that the commission finds relevant.
- E. Whether the applicant has certified in the application that the property where the 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, MCL 125.1501 to 125.1531.

#### **74-74 PERMIT APPLICATIONS FOR CONSTRUCTION, REPAIR, MOVING, DEMOLITION AFFECTING EXTERIOR APPEARANCE OF HISTORIC SITES, STRUCTURES, OR OBJECTS LOCATED WITHIN HISTORICS DISTRICTS**

A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application 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, MCL 125.1501 to 125.1531.

3. The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance.
4. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of Pontiac, the state of Michigan, or the nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
5. The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.
6. The Commission may charge a reasonable fee to process a permit application.

#### **74-75 DENIALS**

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

## **74-76 NOTICE TO PROCEED**

Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if 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:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- 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.
- D. Retaining the resource is not in the interest of the majority of the community.

## **74-77 APPEAL OF A COMMISSION DECISION**

- 1. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.
- 2. Any citizen or duly organized historic preservation organization in the City of Pontiac, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

## **74-78 WORK WITHOUT A PERMIT**

When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of

Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Pontiac as a special assessment against the property. When acting pursuant to an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

#### **74-79 DEMOLITION BY NEGLECT**

Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Pontiac as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

## **74-80 REVIEW OF WORK IN PROPOSED DISTRICTS**

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 12 of the Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

## **74-81 EMERGENCY MORATORIUM**

If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Council may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

## **74-82 PENALTIES FOR VIOLATIONS**

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.
2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

## **74-83 ACQUISITION OF HISTORIC RESOURCES**

If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council. Upon recommendation of the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

## 74-84 HISTORIC DISTRICT BOUNDARY

The historic district commission shall designate certain properties located within historic districts as historic sites after due consideration of such property's:

- (a) Quality of significance in American, state and/or city history, architecture, archaeology, engineering and culture;
- (b) Integrity of location, design, setting, materials, workmanship, feeling and association;
- (c) Relationship to events that have made a significant contribution to the broad patterns of our history;
- (d) Association with the lives of persons significant in our past;
- (e) Distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and
- (f) Potential for restoration.

### **The following described properties are hereby designated as historic districts:**

(1) Franklin Boulevard Historic District: Lots 12 through 19 and lots 22 through 61 of Assessor's Plat No. 41; lots 32 through 42, the north 117.92 feet of lot 43, lot 44 exc. the south 48 feet, and lots 57 through 64 of Assessor's Plat No. 112; lots 25 through 31 and lots 37 through 40 of Assessor's Plat No. 115; lots 1 through 20 of Assessor's Plat No. 129; lots 1 through 5, the north 125 feet of lot 6, lot 7 exc. the south 55 feet, lot 8 exc. the east 10 feet of the south 55 feet, lots 9 and 10 exc. the south 45 feet, and lots 11 through 48 of Forest Lawn Addition; and lots 1 through 8 of Johnson Addition; City of Pontiac, Oakland County, Michigan, as recorded in the Oakland County Records.

(2) Fairgrove Avenue Historic District: Oakland County Agricultural Society's Addition, lots 3 through 11, north 95 feet of lot 12, lots 13 through 31, east 45 feet of lot 32, the easterly 47.4 feet of lot 99 and lots 100 through 102; Assessor's Plat No. 26, lot 9; Assessor's Plat No. 27, lot 12.

(3) Modern Housing Corporation Addition Historic District: Modern Housing Corporation Addition, lots 130 through 414, 613, 618 through 622, 624 through 634, and 638 through 645.

(4) Seminole Hills Historic District: Seminole Hills Subdivision, lots 21 through 35, and 37 through 556; Crofoot's Western Addition, block 4, lots 1, 2, 3, 6, 7, 10, 11, 14, 15 and 18; and Roberts Subdivision, lots 1 through 36.



(5) Pontiac Commercial Historic District: Original plat, lots 1 through 5, 17 through 22 excluding the north 10.5 feet of lot 22, the north 30 feet of lot 28, lots 36 through 69, the north 30 feet of lot 77, lots 79 through 95, 118, 119 and 131 through 141; Assessor's Plat No. 28, lots 14, 21, and 22; Assessor's Plat No. 46, lots 1, 2, 3, 48, 49 and 50, excluding the southerly 12 feet of said lots 48 and 49; Assessor's Plat No. 112, lots 11 through 19; Assessor's Plat No. 113, lots 1 through 8 and 26 through 30; Assessor's Plat No. 119, lots 79 and 80; and Huron Addition, lots 1 through 5.

(6) Horatio N. Howard House Historic District: Stockwell and Tregent's Addition, block 1, east 170 feet of lot 13, exc. south 44 feet.

(7) Wisner House Historic District: Assessor's Plat No. 4, lot 7 exc. beginning at the northeast corner of lot 249, Assessor's Plat No. 140, City of Pontiac, Michigan, thence south 45 degrees 11 minutes 10 seconds east 181.55 feet; thence north 43 degrees 56 minutes 40 seconds east along the northerly line of lot 246, Assessor's Plat No. 140, 20 feet; thence north 45 degrees 11 minutes 10 seconds west 91.7 feet; thence north 28 degrees 39 minutes 10 seconds west 52.5 feet; thence north 35 degrees 21 minutes 10 seconds west 41 feet to the point of curve to the left, having a radius of 23.23 feet a central angle of 100 degrees 30 minutes 50 seconds, thence around the arc of curve a distance of 40.75 feet to the point of tangency of such curve; thence south 44 degrees 08 minutes west 47.95 feet; thence north 88 degrees 20 minutes east along the northerly line of lot 249, Assessor's Plat No. 140, 40.05 feet to the point of beginning, also exc. a strip of land lying northeasterly of a line 60 feet southwesterly of and parallel to the centerline of Oakland Avenue as now established for Oakland Avenue widening.

(8) St. Vincent DePaul Church Complex Historic District: Assessor's Plat No. 134, lot 50 and the north 220 feet of lot 51.

(9) First United Methodist Church Historic District: Assessor's Plat No. 130, lots 16, 17, 18 and also all that part of vacated Judson Street lying adjacent.

(10) Central School Historic District: Assessor's Plat No. 142, lot 3, exc. that part lying westerly of the easterly line of Perimeter Road as now laid out.

(11) Cook Nelson, American Legion Post No. 20 Historic District: Assessor's Plat No. 136, lots 3 through 9.

(12) Oakhill Cemetery Historic District: Assessor's Plat No. 19, lots 1 and 2, exc. that part lying south of the north line of permanent right-of-way of Pontiac Clinton Drain No. 2; Assessor's Plat No. 20, lot 15; and Assessor's Plat No. 145, lots 2, 3, and 4.

(13) Eastern Michigan Asylum Historic District: Those parts of the south half of Section 19 and the north half of Section 30, Township 3 North, Range 10 East, City of Pontiac, Oakland County, Michigan, more particularly described as follows:

Commencing at the southwest corner of said Section 19; thence south 89 degrees 15 minutes 33 seconds east 500.00 feet to the point of beginning; thence south 0 degrees 13 minutes 24 seconds east, 1200.00 feet; thence south 89 degrees 15 minutes 33 seconds east 1350.00 feet; thence south 0 degrees 13 minutes 24 seconds east 500.00 feet; thence south 89 degrees 15 minutes 33 seconds east 1600.00 feet; thence north 23 degrees 13 minutes 36 seconds east 924.20 feet; thence north 43 degrees 47 minutes 15 seconds west 2100.00 feet; thence north 47 degrees 53 minutes 39 seconds east 1000.00 feet to a point on the southwesterly right-of-way line of the Grand Trunk Western Railroad, said point lying northwesterly along said railroad right-of-way line 3700.00 feet from the point of intersection of said railroad right-of-way line with northerly right-of-way line of Johnson Avenue (99 feet wide); thence north 43 degrees 47 minutes 15 seconds west 1022.11 feet along said railroad right-of-way line; along a curve to the right, radius equal to 973.14 feet, arc distance 211.98 feet, long chord bearing south 21 degrees 46 minutes 23 seconds east 210.77 feet; thence north 79 degrees 46 minutes 59 seconds west 1531.00 feet; thence south 0 degrees 00 minutes 14 seconds east 754.13 feet; thence north 86 degrees 45 minutes 45 seconds west 564.40 feet; thence south 0 degrees 08 minutes 40 seconds east 595.43 feet; thence south 19 degrees 40 minutes 35 seconds 148.12 feet; thence south 53 degrees 48 minutes 53 seconds east 235.87 feet; thence south 0 degrees 19 minutes 40 seconds east 515.69 feet; thence north 89 degrees 15 minutes 33 seconds west 55.42 feet to the point of beginning.

|

|

17. \_\_\_\_\_

|