

CITY OF MACKINAC ISLAND

AGENDA

HISTORIC DISTRICT COMMISSION

Tuesday, November 14, 2023 at 1:00 PM

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

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
 - a. [October 10, 2023 Minutes](#)
- V. **Adoption of Agenda**
- VI. **Correspondence**
- VII. **Committee Reports**
- VIII. **Staff Report**
 - a. Education Segment
- IX. **Old Business**
 - a. [Fee Schedule - Escrow Language & Graduated Fines](#)
 - b. [MD23-026-085\(H\) Rose Gazebo Alterations](#)
- X. **New Business**
- XI. **Public Comment**
- XII. **Adjournment**

MINUTES

HISTORIC DISTRICT COMMISSION

Tuesday, October 10, 2023 at 1:00 PM

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

I. Call to Order

The meeting was called to order at 1:04 PM

II. Roll Call

PRESENT

Andrew Doud
Lee Finkel
Alan Sehoan
Nancy Porter

ABSENT

Lorna Straus

Staff: Rentrop

III. Pledge of Allegiance

IV. Approval of Minutes

a. September 12, 2023 Minutes

Motion to approve the minutes as written.

Motion made by Porter, Seconded by Sehoan.

Voting Yea: Doud, Finkel, Sehoan, Porter

V. Adoption of Agenda

Motion to approve the Agenda as written.

Motion made by Porter, Seconded by Sehoan.

Voting Yea: Doud, Finkel, Sehoan, Porter

VI. Correspondence

a. Rentrop August 31st Statement

Rentrop summarized his statement.

Motion to place on file.

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

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

Motion to approve the extension.

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

VII. Committee Reports

None

VIII. Staff Report

a. Education Segment - Franchise Businesses (Formula Business)

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

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

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

Motion to place on file.

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

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

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

Motion to place on file.

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

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

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

Motion to place on file.

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

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

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

Motion to place on file.

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

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

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

Motion to place on file.

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

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

Dombroski stated the applicant requested that this item be tabled.

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

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

Motion to place on file.

Motion made by Porter, Seconded by Finkel.

Voting Yea: Doud, Finkel, Sehoyan, Porter

i. East End Mission District Report and Map

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

IX. Old Business

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

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

Motion made by Porter, Seconded by Sehoyan.

Voting Yea: Doud, Finkel, Sehoyan, Porter

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

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

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

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

X. New Business

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

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

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

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

b. Historic District Commission Fee Review

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

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

c. 2024 Meeting Dates for Adoption

Motion to approve as submitted.

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

XI. Public Comment

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

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

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

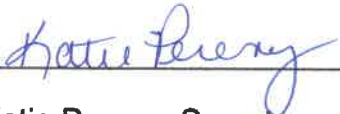
Doud stated some people think that a new historic district would prevent the construction of condos. it would not. Sehoan asked how we can educate people before the hearing. Straus said if someone asked him that, he said look at downtown as an example.

XII. Adjournment

Motion to adjourn at 2:38

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

Lee Finkel, Chair


Katie Pereny, Secretary

Katie Pereny

From: Gary R. Rentrop <GRentrop@anafirm.com>
Sent: Wednesday, September 27, 2023 10:05 AM
To: Katie Pereny
Subject: RE: HDC Fees

Katie

For the escrow line item I would suggest the following insert to the fee schedule to be placed after the line item of "Propane Tank Replacement..."

Escrow Payment Assurance Deposit (per Council Resolution) for [a] New Construction over \$100,000 [b] work or demolition without a permit [c] cellular work

Gary

From: Katie Pereny <kep@cityofmi.org>
Sent: Thursday, September 21, 2023 1:14 PM
To: Gary R. Rentrop <GRentrop@anafirm.com>; Dennis Dombroski <djd@cityofmi.org>; Alan Sehoyan <alsehoyan@gmail.com>; doudstep2000@yahoo.com; hlps@uchicago.edu; Nancy Porter (nancy4650@outlook.com) <nancy4650@outlook.com>; velonord@mac.com
Subject: HDC Fees

Andrew had requested that the HDC fees be reviewed in the October HDC meeting. I thought maybe you would like to review the current fees prior to the meeting. If you have any suggestions you would like to add for the meeting, please let me know by September 27th. Thank you.

Katie Pereny
City of Mackinac Island Building & Zoning Department
906-847-6190
kep@cityofmi.org

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LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

KELLY A. ALLEN
JESSICA A. HALLMARK
JOHN W. KUMMER
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OF COUNSEL:
PHILLIP G. ADKISON
KEVIN M. CHUDLER
GARY R. RENTROP
KATHERINE A. TOMASIK

October 12, 2023

VIA ELECTRONIC MAIL

Historic District Commission
City of Mackinac Island
7358 Market Street
P.O. Box 455
Mackinac Island, MI 49757

Re: Graduated Fines for Violation of Historic District Ordinance

Dear Commission Members:

At the HDC October meeting, you expressed a frustration with repeat violations of work being done without the required historic district permits and that the existing fine associated with such violations is not sufficient to compel compliance.

You asked whether the fines associated with violating the Historic District Ordinance of the City of Mackinac Island (“HDO”) could be revised to contemplate for increasing fines based upon first, second and third and subsequent violations. The short answer is “yes”.

As you are likely aware, the HDO is codified in the City of Mackinac Code Ordinances¹ (“Code”). Generally speaking, all violations of the Code are civil infractions unless otherwise stated.² Civil infractions can be enforced with a Notice of Violation issued by the Mackinac Island Municipal Ordinance Violations Bureau (“Bureau”).³ The Bureau can only accept admissions of responsibility without explanations and collect the scheduled fines for the violation.⁴ Where a charged individual denies responsibility or admits responsibility with explanation, then a Municipal Civil Infraction Citation can be issued and filed with the court.⁵

Violations for civil fines payable to the Bureau are \$100 for the first offense, \$200 for the second offense, and \$500 for the third offense within a 2-year period, unless some other fine schedule is provided.⁶ The fine for a violation associated with a citation shall not exceed \$500 unless otherwise stated by the Code.⁷

¹ Article V, Code of Ordinances.
² §1-7(d), Code of Ordinances.
³ Article 2, Division 5, Code of Ordinances.
⁴ §2-333, Code of Ordinances.
⁵ §2-334(b), Code of Ordinances.
⁶ §2-335, Code of Ordinances
⁷ §1-7(f), Code of Ordinances.

However, the HDO has its own penalty. The HDO states that a person who violates the HDO may be fined not more than \$5,000.00.⁸ This penalty is substantially similar to the penalty provided for by the Michigan Local Historic Districts Act (“Act”).⁹ The Act states: “A person, individual, 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.”¹⁰ A civil violation fine of this level is consistent with the Michigan Revised Judicature Act.¹¹

The penalties for violating the HDO can differ for first, second, third, and subsequent offenses so long as the greatest fine does not exceed \$5,000.00 because the Code makes an exception to its general fine requirements where specifically provided for in the Code, and State law only limits the fine to no more than \$5,000.00. It is therefore our conclusion that you may provide for graduated fines depending on the number of times the HDO has been violated up to \$5,000.00.

Should you wish to have a graduated fine scale for a violation of the HDO, we recommend that the City Council consider amending Section 10-170(a) of the Code to read something like the following:

(a) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this ~~ordinance article~~ is responsible for a civil violation and may be fined ~~not more than \$5,000.00~~ pursuant to the following schedule, but in no case more than \$5,000.00:

1st violation within 2-year period *....\$

2nd violation within 2-year period *....\$

3rd and subsequent violation(s) within 2-year period *....\$

* determined on the basis of the date of violation(s).

(b) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this ordinance 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.

If you have any questions or need any further information, please do not hesitate to contact my office.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



G. Hans Rentrop

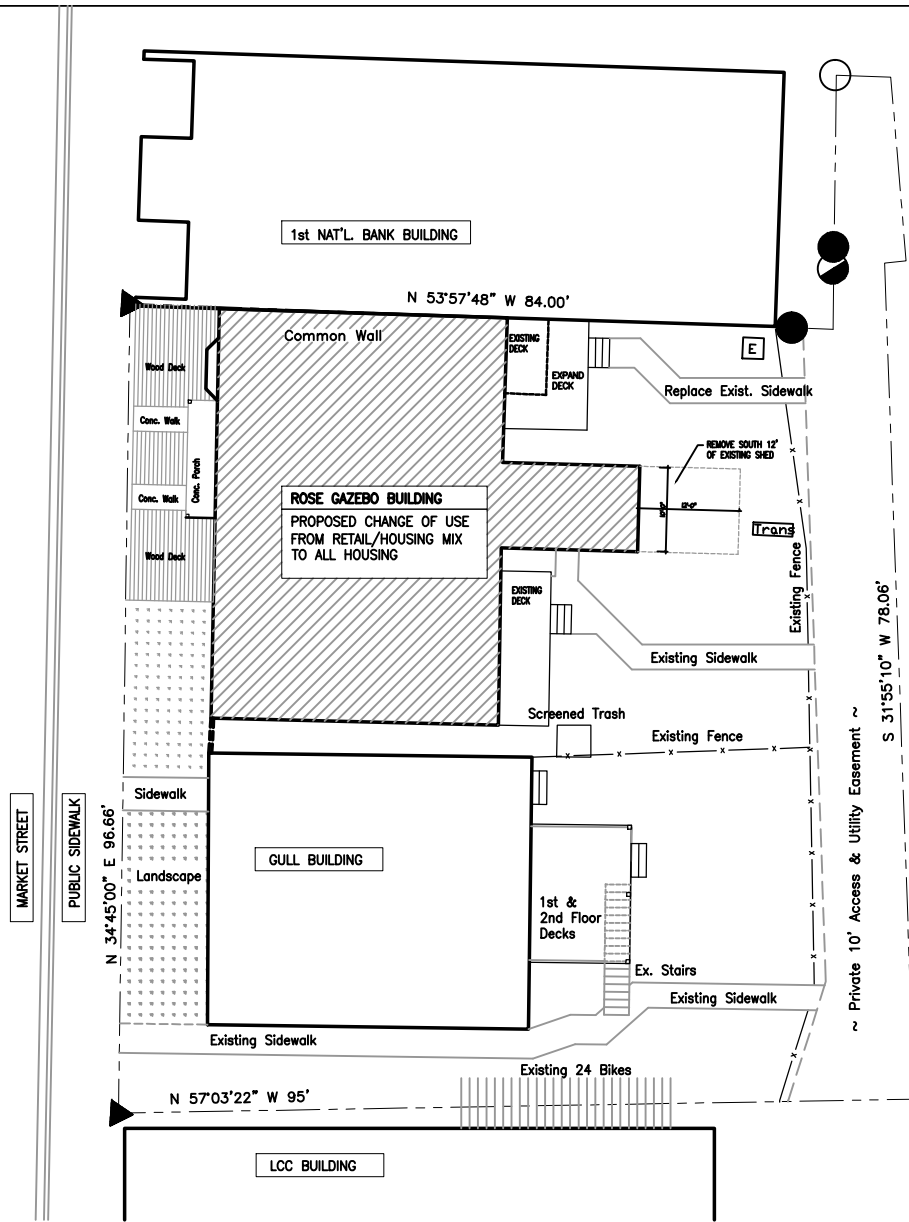
GHR/mjl

⁸ §10-170(a), Code of Ordinances.

⁹ §15(1) of PA 169 of 1970.

¹⁰ *Id.*

¹¹ §8727 of PA 236 of 1961.



- Found Property Iron
- △ Found Nail in Conc
- ▶ Set Nail in Conc
- Set Property Iron #27447

ZONING INFORMATION: DISTRICT: MD

SITE PLAN INFORMATION BASED ON A SURVEY BY NEIL E. HILL, P.S. #27447, ST. IGNACE, MICHIGAN.

CITY OF MACKINAC ISLAND, MACKINAC COUNTY, MICHIGAN
PROPERTY # 051-550-026-00

LOT AREA: 8,945 SQUARE FEET (0.20 ACRES)
NO CHANGE TO HEIGHT.

LOT COVERAGE:

ROSE BUILDING STOR. AREA REMOVED = -120 Sq. Ft.
GULL FRONT DECK AREA REMOVED = -255 Sq. Ft.
ADDED FRONT ROSE DECK AREA = +100 Sq. Ft.
ADDED REAR ROSE DECK AREA = +85 Sq. Ft.

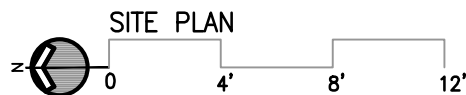
NET CHANGE TO LOT COVERAGE = 190 Sq. Ft. REDUCTION

ALLOWABLE DENSITY = 1 OCCUPANT per 500 S.F. OF SITE AREA.
8,945 S.F. / 500 = 17 OCCUPANTS ALLOWED.

PROPOSED DENSITY:

2 OCCUPANTS AT 1st FLOOR GULL BUILDING
2 OCCUPANTS AT 2nd FLOOR GULL BUILDING
2 OCCUPANTS AT EXISTING UNIT IN ROSE BUILDING
2 OCCUPANTS AT PROPOSED UNIT IN ROSE BUILDING

8 OCCUPANTS TOTAL



SITE PLAN

Richard Clements Architect, PLLC

15215 Merry Lane
Oshtemo, MI 49759

richardlee1523@live.com

989-370-3681

ROSE GAZEBO

7407 MARKET STREET
MACKINAC ISLAND, MI

date: Oct. 23, 2023

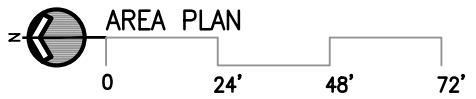
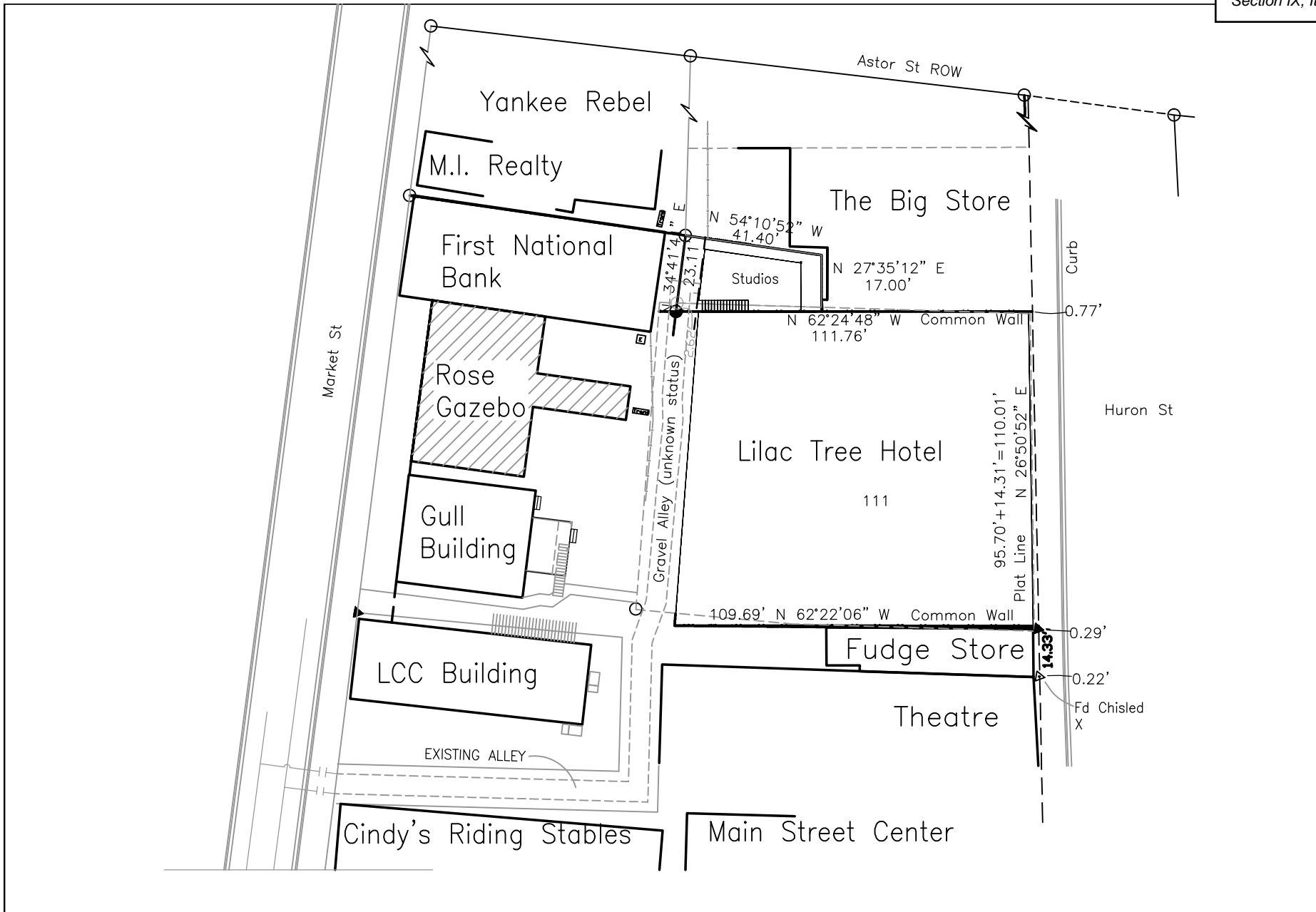
project: 2328

SITE PLAN

sheet:

A0.0

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| | | | |
|---|---|--------------------------------------|--------------------------|
| Richard Clements Architect, PLLC 15215 Merry Lane Oshtemo, MI 49759 richardlee1523@live.com 989-370-3681 | ROSE GAZEBO | date: Oct. 23, 2023 project: 2328 | sheet: |
| | 7407 MARKET STREET MACKINAC ISLAND, MI | AREA PLAN | A0.1 COPYRIGHT © 2023 |

BANK BUILDING

EXISTING RETAIL SPACE-700 sf

RETAIL

STOR.

DECK

Wood Deck

Conc. Walk

Conc. Porch

Conc. Walk

STORAGE

Utility

EXISTING UNIT

LIVING

SKYLIGHT

(2 PERSONS)

Laundry

BATH

DECK



EXISTING PLAN

0 4' 8'

MARKET STREET

PUBLIC SIDEWALK

GRASS

BEDROOM

OFFICE

KITCHEN

Conc. Walk

GULL BUILDING

(1st Floor: 2 PERSONS, ADA UNIT)
(2nd Floor: 2 PERSONS)

Richard Clements Architect, PLLC
15215 Merry Lane
Oshtemo, MI 49759
richardlee1523@live.com 989-370-3681

ROSE GAZEBO

7407 MARKET STREET
MACKINAC ISLAND, MI

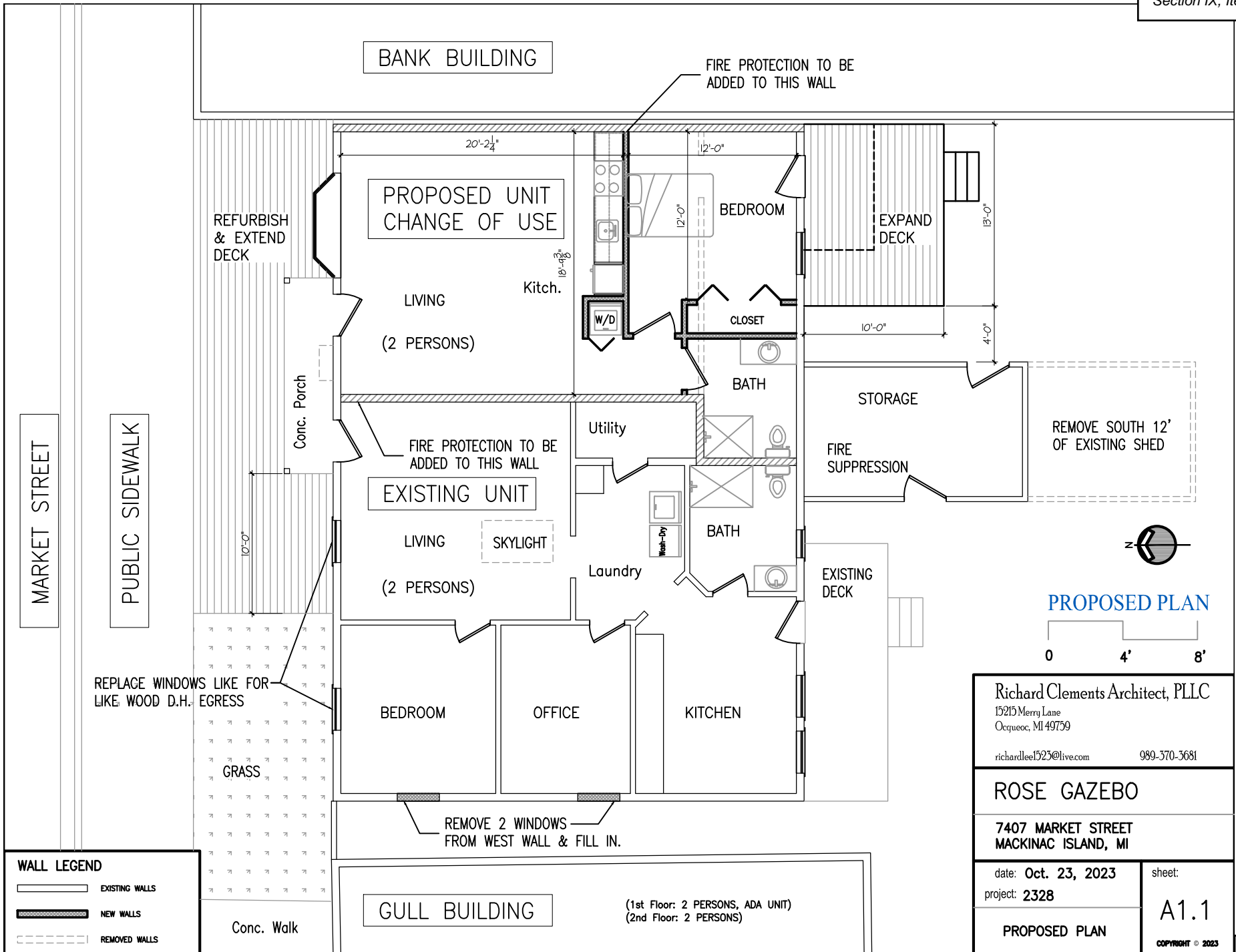
date: Oct. 23, 2023
project: 2328

sheet:

EXISTING PLAN

A1.0

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MARKET STREET

PUBLIC SIDEWALK

BANK BUILDING

PROPOSED UNIT
CHANGE OF USE

FIRE PROTECTION TO BE
ADDED TO THIS WALL

REFURBISH
& EXTEND
DECK

LIVING
(2 PERSONS)

Kitch.

BEDROOM

EXPAND
DECK

W/D

CLOSET

BATH

STORAGE

REMOVE SOUTH 12'
OF EXISTING SHED

EXISTING UNIT

LIVING
(2 PERSONS)

SKYLIGHT

Utility

FIRE SUPPRESSION

BATH

Laundry

EXISTING
DECK

PROPOSED PLAN

REPLACE WINDOWS LIKE FOR
LIKE WOOD D.H. EGRESS

GRASS

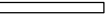


BEDROOM

OFFICE

KITCHEN

REMOVE 2 WINDOWS
FROM WEST WALL & FILL IN.

WALL LEGEND

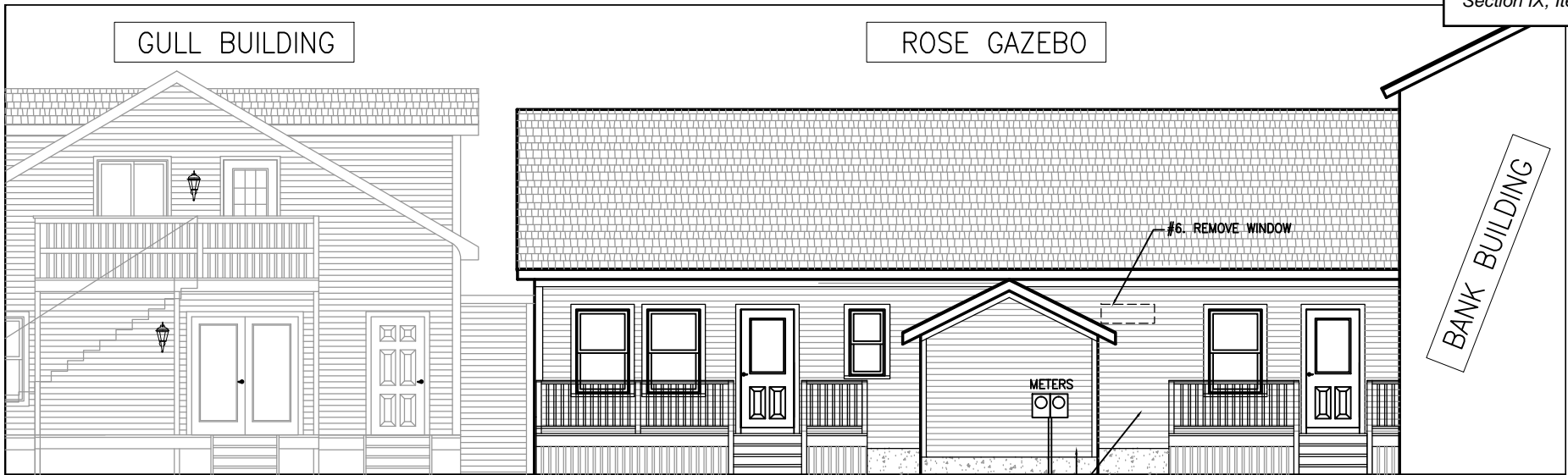
-  EXISTING WALLS
-  NEW WALLS
-  REMOVED WALLS

Conc. Walk

GULL BUILDING

(1st Floor: 2 PERSONS, ADA UNIT)
(2nd Floor: 2 PERSONS)

| | |
|---|--------|
| Richard Clements Architect, PLLC 15215 Merry Lane Oshtemo, MI 49759 richardlee1523@live.com 989-370-3681 | |
| ROSE GAZEBO | |
| 7407 MARKET STREET MACKINAC ISLAND, MI | |
| date: Oct. 23, 2023 | sheet: |
| project: 2328 | A1.1 |
| PROPOSED PLAN | |
| COPYRIGHT © 2023 | |



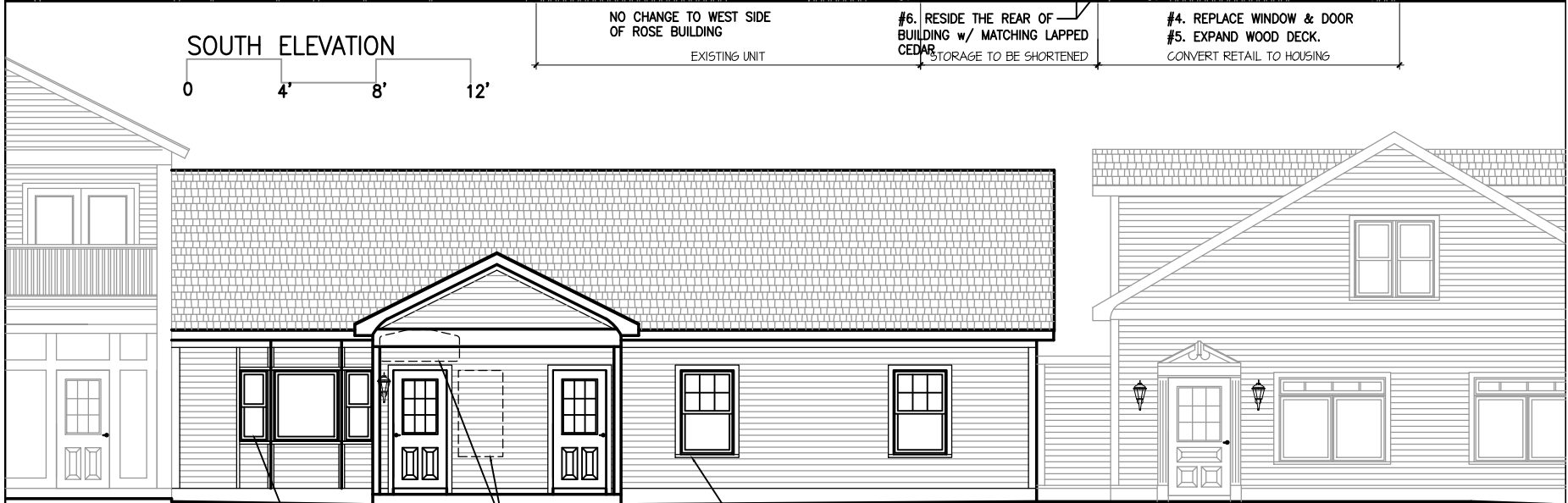
SOUTH ELEVATION

0 4' 8' 12'

NO CHANGE TO WEST SIDE OF ROSE BUILDING
EXISTING UNIT

#6. RESIDE THE REAR OF BUILDING w/ MATCHING LAPPED CEDAR SIDING & TRIM LIKE FOR LIKE
STORAGE TO BE SHORTENED

#4. REPLACE WINDOW & DOOR
#5. EXPAND WOOD DECK.
CONVERT RETAIL TO HOUSING



NORTH STREET ELEVATION

0 4' 8' 12'

#2. REPLACE EXISTING WOOD WINDOWS LIKE FOR LIKE, CLEAR GLASS, VLT = 60%+

#1. REMOVE RETAIL SIGN & DISPLAY BOX

#3. RESIDE w/ PAINTED CEDAR LAPPED SIDING & TRIM LIKE FOR LIKE

BANK BUILDING

ROSE GAZEBO

GULL BUILDING

Richard Clements Architect, PLLC
15215 Merry Lane
Oshtemo, MI 49759
richardlee1525@live.com 989-370-3681

ROSE GAZEBO

7407 MARKET STREET
MACKINAC ISLAND, MI

date: Oct. 23, 2023
project: 2328

ELEVATIONS

sheet:

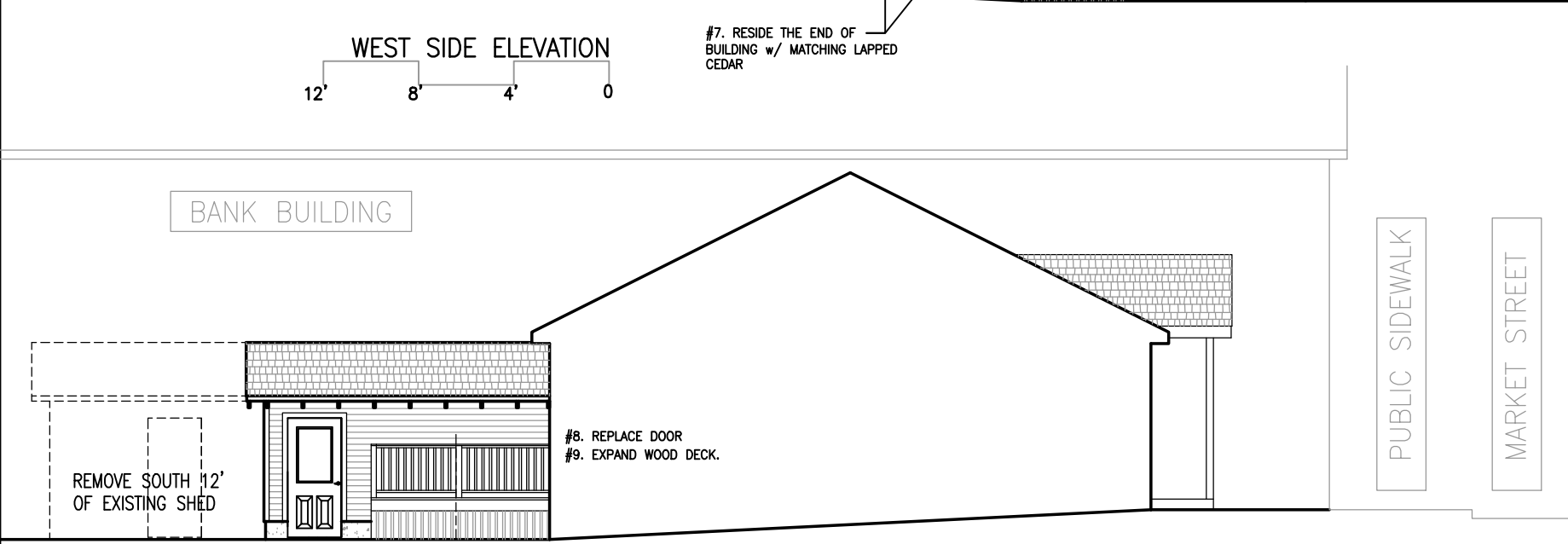
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WEST SIDE ELEVATION
 12' 8' 4' 0'

#7. RESIDE THE END OF BUILDING w/ MATCHING LAPPED CEDAR



EAST SIDE ELEVATION
 0 4' 8' 12'

Richard Clements Architect, PLLC
 15215 Merry Lane
 Ocqueoc, MI 49759
 richardlee1523@live.com 989-370-3681

ROSE GAZEBO
 7407 MARKET STREET
 MACKINAC ISLAND, MI

date: Oct. 23, 2023
 project: 2328
 ELEVATIONS

sheet:
 A1.3
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STREET VIEW OF ROSE



STREET VIEW OF ROSE



ALLEY VIEW OF GULL



STREET VIEW OF GULL

NO CHANGES TO
THESE ELEVATIONS

Richard Clements Architect, PLLC
15215 Merry Lane
Oscoda, MI 49759
richardlee1523@live.com 989-370-3681

ROSE GAZEBO

7407 MARKET STREET
MACKINAC ISLAND, MI

date: Oct. 23, 2023
project: 2328

PHOTOS

sheet:

A2.1

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ALLEY VIEW OF EXISTING ROSE UNIT



ALLEY VIEW OF ROSE RETAIL



ALLEY VIEW OF EXISTING ROSE UNIT



ALLEY VIEW OF ROSE RETAIL AND BANK

Richard Clements Architect, PLLC
15215 Merry Lane
Oshtemo, MI 49759
richardlee1523@live.com 989-370-3681

ROSE GAZEBO

7419 MARKET STREET
MACKINAC ISLAND, MI

date: Oct. 23, 2023
project: 2328

PHOTOS

sheet:

A2.2

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