



CITY OF THE VILLAGE OF CLARKSTON

Historic District Commission

Notice of Denial

June 30, 2020

Steven McLean, Applicant
177 North Main Street
Clarkston, MI 48346

Re: Fencing and gates were constructed at 177 North Main Street without application, review or approval by the Historic District Commission (HDC) and deemed inappropriate for the District in three subsequent meetings of the HDC.

The fence was constructed between December 20, 2019 and early January 2020, without benefit of an Application for Work Permit within the Clarkston Historic District. The applicant states in the Application (filed at the request of the HDC, received one day before the HDC monthly meeting) dated January 13, 2020 that the architectural style is "farmhouse." Commission resources identify its style as "Queen Anne Victorian." Built in 1902 as a village home on 1.57 acre lot 46, it is established by a search of land records to have never been a farm during the life of the house. In addition, the 1.57 acre lot was split in 2017, further reducing the size of the lot on which the house stands.

Homeowners Leah and Steve McLean presented their fence rationale at the January 14, 2020 HDC meeting: They explained that they felt there were exigent circumstances (safety for their dogs) requiring they do this immediately. However, it was noted by commissioners that the rural, farm-type livestock fence they erected was not appropriate: a) inside the village, and b) for the style of their house (Queen Anne Victorian). Commissioner M. Luginski provided some photo examples of appropriate fencing (various types of picket fence) and read from the National Park Service (NPS) guidelines on historic district fencing. Refer to document: Fences in Historic Districts, Michigan State Historic Preservation Office, May 2006.

At the February 11, 2020 monthly meeting of the HDC, homeowners Steve and Leah McLean presented a defense of their construct by providing additional photos of livestock type fences labeled as "Clarkston." However, these photos were either actually in Independence Township, outside of the village, of guardrails not fencing, or taken at a time early in the development of the village when livestock may have been present, and before neighborhood density took hold. The concern of CHDC is that livestock-type rail fencing and gates are inappropriate for a Queen Anne Victorian house located in the densely populated urban-village setting. It was noted

that this architectural style of house, even in rural settings, would often have a picket fence of some type to set the house apart from the livestock areas. It was agreed that the McLeans would return with plans/drawings for fencing which may include transformation of the current fencing to something appropriate.

There was no HDC meeting in March due to the Michigan “Stay Home, Stay Safe” order.

The applicant was invited to HDC videoconference meetings on April 21, and May 12 to present requested fence and gate alternatives, but did not attend.

At the June 9, 2020 videoconference meeting, the applicant attended, but offered no alternative to the pasture fence and gates already installed. Approximately a week later, the homeowners painted the entire fence.

Pasture fences and gates are, by their nature, utilitarian; they are coarsely-constructed, yet functional. It is not the appropriate fence and gate system to surround a detailed Queen Anne Victorian historic home at the northern gateway to the Clarkston Historic District.

The Commission finds that the work performed – construction of approximately 600 linear feet of pasture fence and tubular metal gates – does not meet “The Secretary of the Interior’s Standards for Rehabilitation” and supporting NPS Guidelines, specifically:

1. This property has not been a farm in the 118 years of its existence, so the pasture fence and gates create a false sense of historical development. Standard number 3 – “Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.”
2. The pasture fence and gates are not consistent with the Queen Anne Victorian house. Standard number 2 – “The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”
3. The subject property is not a rural setting. It is in a densely-populated neighborhood, District, and village with small lots. Standard number 9 – “New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” Refer to NPS document: Technical Preservation Services, Planning Successful Rehabilitation Projects, New Construction within the Boundaries of Historic Properties:
“It is possible to add new construction within the boundaries of historic properties if site conditions allow and if design, density, and placement of the new construction respect the overall character of the site.

New construction needs to be built in a manner that protects the integrity of the historic building(s) and the property's setting.”

Motion by J. Radcliff, second by M. Moon that a Notice of Denial regarding the fence and gates at 177 North Main shall be issued.

M. Luginski, aye
J. Radcliff, aye
J. Meloche, aye
J. Nantau, aye
M. Moon, aye.

The Commission hereby issues a Notice of Denial effective June 30, 2020 based on Ordinance 152.07(A) “Work Affecting Exterior Appearance of Historic Resources;” and orders that the pasture fence and gates be removed within 60 calendar days of receipt of this notice.

A permit applicant that is aggrieved by a decision of the Clarkston Historic District Commission concerning a Notice of Denial may file an appeal with the State Historic Preservation Review Board.

State Historic Preservation Review Board
Michigan State Historic Preservation Office
Michigan Economic Development Corporation
300 N. Washington Square
Lansing, Michigan 48913

By law, appeals must be filed within 60 calendar days after the applicant has received written notice of a denial or other adverse action of the commission. A copy of the notice must accompany the appeal. In addition, the appeal must clearly state it is an “appeal” and must also indicate the reason or reasons for reversing the denial. Pre-filing inquiries may be directed to the MSHPO at 517-335-9840 or preservation@michigan.gov.

On behalf of the Commission:

Jim Meloche

Jim Meloche
Chairperson

Village of Clarkston Historic District Commission
375 Depot Road
Clarkston, MI 48346
248 625-1559

The Secretary of the Interior's Standards for Rehabilitation (2018)

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.