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TO: Suzanne Shaw, Chair
Washtenaw County Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Mark J. McFadden, Director
Washtenaw County Metropolitan Planning Commission

DATE: October 17, 2001

SUBJECT: Resolution to adopt an ordinance designating Gordon Hall as an
Historic District and to choose a boundary for the Gordon Hall
Historic District: Option A (20 acres) or Option B (67.68 acres)

Board Action Requested

That the Board of Commissioners adopt an ordinance designating Gordon Hall as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission and to choose either Option A (20 acres) or Option B (67.68 acres) as the boundary for that district.

Background

Gordon Hall is located at 8341 Island Lake Road in Webster Township. The property consists of the main house, a fine example of Greek Revival architecture, a smokehouse with attached garages, a row of cedars and 67.68 acres in both Webster and Scio Townships. Designed by U.S. President Millard Fillmore's brother, Calvin T. Fillmore, and constructed from 1841-1843, for Dexter village's founder, Judge Samuel W. Dexter, Gordon Hall is featured in many books on architecture and was described by architect Emil Lorch in 1959 as "the grand house of Washtenaw County." (Emil Lorch, Bentley Historical Collections, Boxes 16&18) Judge Dexter was a University of Michigan Regent, the first Chief Justice of Washtenaw County, publisher of the first newspaper published in Washtenaw County, and a known abolitionist. Evidence exists which suggests that Gordon Hall, named for Judge Dexter's mother, was used as a stop on the Underground Railroad. The University of Michigan, the current owner, wishes to have the main house and some acreage associated with it designated as an Historic District because the State Register (1958) and National Register of Historic Places (1972) designations will not protect the resource from inappropriate architectural changes nor demolition should the property be sold. Current and future owners will

qualify for state and federal tax credits, and be assured that this significant property will be preserved for future generations.

The current owners of the property approached Webster Township to have Gordon Hall and the one associated out-building listed as an historic district. Webster Township asked the Washtenaw County Board of Commissioners, through the Washtenaw County Historic District Commission, to conduct this work on their behalf.

Under the Michigan Historic Districts Act (P.A. 169 of 1970, as amended in 1992), a historic district study committee must be established to evaluate the property and determine if it meets criteria to be included in a historic district. Also under P.A. 169, the County Board of Commissioners has the authority to establish such a committee.

On January 17, 2001 the Board of Commissioners authorized the formation of the Historic District Study Committee to determine if Gordon Hall meets generally accepted criteria for historic district designation.

Discussion

The study committee, composed of Richard DeLong, Carol Mull, Marnie Paulus, Alice Ralph, Grace Shackman and Julie Truettner, found that Gordon Hall met the criteria necessary for Historic District Status found in the U.S. Secretary of Interior's National Register of Historic Places. In addition to these criteria, the property also has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation.

The preliminary report with a proposed district boundary encompassing 2.4 acres was issued by the study committee on February 8, 2001, and was reviewed by the Washtenaw County Historic District Commission (WCHDC) on March 1, 2001. The WCHDC recommended that the historic district description be of sufficient size and shape as to protect the historic vista of and from the house. A public hearing was held on April 24, 2001 in Webster Township after notification of neighbors in Dexter, Lima, Scio and Webster Townships. Following recommendations from the State Historic Preservation Office, the State Historic Preservation Review Board, the Michigan Historical Commission, the WCHDC and the citizens of Washtenaw County, the study committee revisited the boundary issue with the owner's representative. The owner proposed a revised district boundary of 12 acres that would include the viewshed.

Two members of the study committee then walked the property, measuring a boundary that would incorporate extant and removed historic resources as well as significant landscape features, and proposed a boundary of 20 acres in Webster Township. The Scio Township Board, who had previously passed a resolution of support for the preservation of Gordon Hall, approved a resolution of support for the designation of Gordon Hall as an historic district on June 27, 2001. On August 22, 2001, the study committee met to vote on the boundary. At that meeting Corporation Counsel Curtis Hedger opined that even though it had been the longstanding practice of the WCHDC to honor owner's request when selecting boundaries, case law did not support owner approval as a requirement. The study committee voted unanimously to designate Gordon Hall as an historic district. The committee, however, did not come to a

consensus on the size of the boundary for the proposed district. Three members of the study committee voted for 20 acres, while the other three voted for 67.68 acres. On September 10, 2001, the Final Report was issued, with a recommendation that the Board of Commissioners adopt the ordinance designating Gordon Hall as an Historic District with a district boundary of either 20 acres (Option A) or 67.68 acres (Option B). The Board of Commissioners ultimately must choose one of the proposed boundaries if it approves the historic district.

Impact on Human Resources

Periodic staff review

Impact on the Budget

None

Impact on Indirect Costs

None

Impact on Other County Departments or Outside Agencies

None

Conformity to County Policies

This request conforms with County Policy

Attachments

Gordon Hall Ordinance
Gordon Hall Final Report

A RESOLUTION ADOPTING AN ORDINANCE DESIGNATING GORDON HALL AS A WASHTENAW COUNTY HISTORIC DISTRICT UNDER THE JURISDICTION OF THE WASHTENAW COUNTY HISTORIC DISTRICT COMMISSION, AND ESTABLISH A BOUNDARY OF EITHER 20 OR 67.68 ACRES

WASHTENAW COUNTY BOARD OF COMMISSIONERS

October 17, 2001

WHEREAS, the property located at 8341 Island Lake Road (Gordon Hall) in Webster and Scio Townships had potential to be nominated as a historic district; and

WHEREAS, in 2000 Webster Township and in 2001 Scio Township asked the Washtenaw County Board of Commissioners via the Washtenaw County Historic District Commission to have the property listed as a historic district; and

WHEREAS, under Michigan's Historic Districts Act (P.A. 169 of 1970, as amended in 1992), a historic district study committee must be established to evaluate the property and determine if it meets criteria to be included in a historic district; and

WHEREAS, under P.A. 169, the County Board of Commissioners has the authority to establish such a historic district committee; and

WHEREAS, on January 17, 2001, the Washtenaw County Board of Commissioners passed resolution 01-0014 authorizing the Historic District Study Committee to study the Gordon Hall property; and

WHEREAS, the preliminary report by the study committee was issued on February 8, 2001 and on March 1, 2001 the Washtenaw County Historic District Commission reviewed and recommended conditional approval of the proposal to create a historic district for Gordon Hall; and

WHEREAS, on April 24, 2001 a Public Hearing was held in Webster Township to discuss the proposal; and

WHEREAS, on September 10, 2001 the Gordon Hall Final Report was issued, with a recommendation that the Board of Commissioners adopt an ordinance designating Gordon Hall as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission; and

WHEREAS, the study committee could not agree on a boundary with three members voting for 20 acres and three members voting for 67.68 acres, deferring the issue to the Board of Commissioners to determine; and

WHEREAS, this matter has been reviewed by Corporation Counsel, Finance, Human Resources, the County Administrator's Office and the Ways and Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby accepts the Gordon Hall Final Report, as on file with the County Clerk.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts the ordinance designating Gordon Hall as a Washtenaw County Historic District under the jurisdiction of the Washtenaw County Historic District Commission, as attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts Option _____ (_____ acres) as the boundary for the Gordon Hall Historic District.

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes the County Administrator to sign all delegate contracts associated with the Gordon Hall Historic District upon review by Corporation Counsel, to be filed with the County Clerk.

AN ORDINANCE ESTABLISHING THE GORDON HALL HISTORIC DISTRICT

The County of Washtenaw ordains:

In accordance with the Washtenaw County Historic District Preservation Ordinance, passed pursuant to Public Act 169 of 1970, as amended in 1992, MCL 399.201 et seq., and in accordance with an agreement between Washtenaw County and the Township of Webster, dated November 27, 2000, and the resolution by the Township of Scio, dated June 27, 2001, the following district is established and shall be preserved and maintained in accordance with that Historic District Preservation Ordinance:

Section 1. Description of District

Option A: The Gordon Hall Historic District shall include part of Section 31 of Webster Township, described as: Beginning at the northwest corner of the brick storehouse; thence due west for ten (10) feet to a point beyond the row of trees along the back fence; thence southerly along the row of trees outside the backyard fence (eight feet west of the trees and ten feet west of the fence) for three hundred fifteen (315) feet to a point at the southern edge of a large stand of trees which mark the southwest corner of the yard and former site of the old barn (the most southerly historic structure, now gone) and which corresponds to the Webster-Scio Township line (and is more than one hundred (100) feet beyond the site of the former formal garden and fifty (50) feet beyond the site of the former cemetery); thence due east along the south side of the stand of trees for nineteen hundred (1900) feet along the township line to the point where the road intersects the railroad, which is the eastern end point of the parcel (and encompasses an extant old stile); thence northwesterly along Island Lake Road one thousand twenty five (1025) feet to a point east of and in line with the end of the existing row of cedars; thence due west nine hundred twenty five (925) feet along the existing tree line to a point ten feet beyond (west of) the existing drive and twenty five feet west of the row of cedars; thence southerly parallel to the drive for one hundred eighty (180) feet to the edge of the drive; thence westerly one hundred twenty seven (127) feet to a point in line with the west side of the storehouse and ten feet west of it; thence fifty (50) feet southerly to a point ten feet west of the northwest corner of the storehouse; thence easterly ten feet to the point of beginning; an area encompassing nineteen and one-half (19.5) acres more or less. This parcel description encompasses the sites of all major and minor historic structures and landscape features extant and removed. The existing historic structures and landscape features include the main Gordon Hall house, the storehouse, the "viewshed," the current row of cedars along the drive, the current row of trees (cedars and others) along the back fence, the cluster of trees to the southwest of the house on the site of the former large barn, an old stile at the eastern end, and major trees such as the oak near the eastern corner of the parcel. Sites of former, but long gone, structures and features include the original cedar lined drive, the maple lined footpath, the south formal garden, the family cemetery, the large barn, the windmill, an old garage, and two privies, containing 20 acres.

Option B: The Gordon Hall Historic District shall include part of Section 31 of Webster Township, and part of Section 6 of Scio Township, described as: Commencing at the southwest corner of the Township of Webster and running thence northerly along the west line of said town about twenty-three (23) chains (by actual survey 1546.1 feet) to

the center of what was formerly known as the Plank Road [now known as Island Lake Road] running easterly from the Village of Dexter; thence easterly along the center of said road to the line of the Michigan Central Railroad; thence westerly along the northerly line of said railroad to the point of intersection of said railroad with the east line of the town of Lima (by actual measurement 2506 feet) thence northerly along said East line (being the West line of the Township of Scio) about twenty-one (21) chains more or less (by actual measurement 1220.6 feet) to the place of beginning. Same being the southwesterly part of the southwest quarter of Section 31, Township of Webster and the northwesterly part of the northwest quarter of Section 6, Township of Scio, containing 67.68 acres.

The Washtenaw County Board of Commissioners finds that the establishment of the Gordon Hall Historic District promotes the public welfare. Any other resource or group of resources that are related by history, architecture, archaeology, engineering or culture (MCL 399.201(a)i) to Gordon Hall in Webster and/or Scio Townships, and deemed eligible to be a historic district in the future by the Washtenaw County Board of Commissioners will be included in this ordinance, and the ordinance will be amended to include its legal description.

Section 2. Protective Clauses

- A. Before any work requiring a permit that effects the exterior appearance of a resource is made 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 and zoning inspector of Webster and/or Scio Township or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred to the Washtenaw County Historic District Commission together with all required supporting materials including but not limited to architectural drawings, site plans, specifications, samples of proposed materials to be used, informational brochures, proposed work schedule, and name of architect and contractors to be used via fax or mail. 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.
- B. In reviewing plans the Commission shall follow the United States Secretary of the 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. The Commission shall also consider all of the following:
 - 1. The historical and/or architectural value and significance of the resource and its relationship to the historical value of the surrounding area.
 - 2. The relationship of any architectural features of such resource to the rest of the resource and to the surrounding area.

3. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used.
 4. Any other factor, such as aesthetic value, that the Commission finds relevant.
- C. The Commission shall review and act only upon exterior features of a resource. The Commission may review and act upon interior arrangements only when specifically authorized to do so by the local legislative body or when interior work will cause visible change to the exterior of the resource. The Commission shall disapprove applications only on the basis of the considerations set forth in the previous paragraph.
- D. If an application for work affecting the exterior appearance of a resource which the Commission deems so valuable to the county, state, or nation that the loss thereof will adversely affect the public purpose of the county, state, or nation, the Commission shall endeavor to work out with the owner of the resource an economically feasible plan for preservation of the resource.
- E. 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:
1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 2. 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.
 3. Retention of 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.
 4. Retention of the resource is not in the interest of the majority of the community as determined by the Commission.
- F. The Commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.
- G. The Commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The Commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the Commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

Section 3. Commission Determination

- A. The Commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the Webster and/or Scio Township inspector of buildings or other duly delegated authorities. A permit shall not be issued until the Commission has acted as prescribed by this act. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for Commission review when suggested changes have been made to the proposal. The denial shall also include notification of the applicant's rights of appeal first to the State Historic Preservation Review Board and to the circuit court. The failure of the Commission to act within sixty (60) calendar days after the date a complete application is received by the Washtenaw County Historic District Commission, unless the applicant and the Commission agree in writing upon an extension, shall be considered to constitute approval.
- B. Local public officials and employees shall provide information and records to study committees, standing committees, and the Commission, and shall meet with those bodies upon request to assist with their activities.
- C. 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 the resource was in before the unapproved 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 shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. When acting pursuant to an order of the circuit court, a Commission or its agents may enter a property for purposes of this section.
- D. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Commission within the Department of State pursuant to Section 7 of this ordinance.

Section 4. Acquisition of Property

If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by the County Board of Commissioners and the local legislative body that public ownership is most suitable, the Board of Commissioners, if considered to be in

the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. Such acquisition shall be based upon the recommendation of the Historic District Commission or standing committee. The Historic District Commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically earmarked for other purposes, or public funds committed for that use by the Board of Commissioners. Cooperative programs of purchase ownership and management in the public interest may also be worked out with other local commissions and societies. Upon recommendation of the Commission or standing committee, the local unit may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

Section 5. Ordinary Maintenance

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

Section 6. Neglect of Maintenance

- A. No person shall permit a resource under his or her ownership or control within an historic district to deteriorate resulting in any of the following conditions, each of which constitutes demolition by neglect:
1. A deterioration of foundations, exterior walls or other vertical supports.
 2. A deterioration of roofs or other horizontal members.
 3. A deterioration of exterior chimneys.
 4. The deterioration or crumbling of exterior plaster or mortar.
 5. The ineffective weatherproofing of exterior walls, roofs and foundations including broken windows or doors.
 6. A deterioration of any exterior architectural feature so as to create or permit the creation of a hazardous or unsafe condition or conditions which in the judgment of the Commission produces a detrimental effect upon the character of the district as a whole and the life and character of the resource in question.
- B. The Historic District Commission on its own initiative may file a petition with the Webster and/or Scio Township Inspector of Buildings requesting that said office proceed to require the repair of or correction of defects in any structure covered by this article, so that such structure may be preserved and protected in consonance with the purpose of this ordinance.
- C. Upon a finding by a 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 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 are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit 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.
3. Seek a court order from the circuit court compelling the property owner to remove those causes threatening the historic resource with demolition by neglect.

Section 7. Appeal

Any citizen or duly organized historic preservation organization in Washtenaw County, 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 Section 2 may not appeal to the court without first exhausting the right to appeal to 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. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction. That court will be the court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.

Section 8. Separability

Should any sections, subdivisions, sentence, clause, phrase of the ordinance be declared by the courts to be invalid the same shall not effect the validity of the ordinance as a whole or in any part thereof other than the part so invalidated.

Section 9. Effective Date

This ordinance shall take effect immediately upon compliance with the statutes relative thereto.

Section 10. Penalties

- A. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates any provision of this ordinance is responsible for a civil violation and may be fined not more that \$5000.00.
- B. 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.

In Witness Whereof, this ordinance is hereby executed this _____ day of _____, 2001.

ATTESTED TO:

COUNTY OF WASHTENAW

BY: _____
Peggy M. Haines
Washtenaw County Clerk
Commissioners

BY: _____
Suzanne Shaw, Chair
Washtenaw County Board of