

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF STATE
STATE HISTORIC PRESERVATION REVIEW BOARD

FREDERICK E. KUPSKY, IRMA SCHULKINS,
AND GEORGIA YOUNG,
Applicants/Appellants,

Docket No. 95-313-HP

v

FARMINGTON HILLS HISTORIC
DISTRICT COMMISSION,
Respondent/Appellee.

_____ /

FINAL DECISION AND ORDER

This matter involves an appeal of a decision of the Farmington Hills District Commission denying an application to demolish the house and outbuildings, and/or to remove them, from Site No. 302, sometimes known as the Myron Crawford House, which is located at 3617 Thirteen Mile Road, Farmington Hills, Michigan.

The State Historic Preservation Review Board (the Board) has appellate jurisdiction to consider such appeals under section 5(2) of the Local Historic Districts Act, as amended, being section 399.205 of the Michigan Compiled Laws.

At the direction of the Board, an administrative hearing was held on July 17, 1995, for the purpose of receiving evidence and argument.

A Proposal for Decision was issued on January 16, 1996, and copies were mailed to all parties pursuant to section 81 of the Administrative Procedures Act, as amended, being section 24.281 of Michigan Compiled

Laws.

The Board fully considered the appeal, along with the Proposal for Decision and all materials and any exceptions submitted by the parties, at its regularly scheduled meeting conducted on Friday, February 9, 1996.

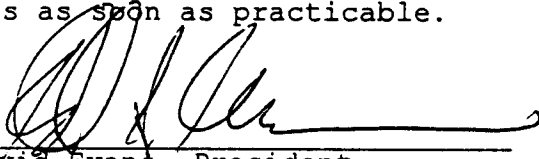
Having considered the Proposal for Decision and the official record made in this matter, the Board voted 5 to 0, with NO abstention(s), to ratify, adopt and promulgate the Proposal for Decision as the Final Decision of the Board, and to incorporate the Proposal into this document; and,

Having done so,

IT IS ORDERED that the appeal be and the same is hereby denied.

IT IS FURTHER ORDERED that a copy of this Final Decision and Order shall be transmitted to all parties as soon as practicable.

Dated: 9 FEB 1996



David Evans, President
State Historic Preservation
Review Board

Note: Section 5(2) of the Local Historic Districts Act provides that a person aggrieved by a decision of the State Historic Preservation Review Board may appeal the Board's decision to the circuit court having jurisdiction over the commission whose decision was appealed to the Board. Under section 104(1) of the Administrative Procedures Act, such appeals must be filed with the circuit court within 60 days after the date of the mailing of notice of the Final Decision and Order of the Board. In addition, MCR 2.105(G) and 7.205 may prescribe other applicable rules with respect to appeals of decisions of administrative agencies.

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF STATE
HEARINGS DIVISION

**FREDERICK E. KUPSKY, IRMA SCHULKINS,
AND GEORGIA YOUNG,**
Applicants/Appellants,

v

Docket No. 95-313-HP

**FARMINGTON HILLS HISTORIC
DISTRICTS COMMISSION,**
Appellee.

PROPOSAL FOR DECISION

This matter involves an appeal of a decision of the Farmington Hills Historic Districts Commission (the Commission) denying an application for a permit to demolish the house and outbuildings, and/or to remove them from, Site No. 302, sometimes known as the Myron Crawford House, which is located at 36217 Thirteen Mile Road, Farmington Hills, Michigan.

The appeal was filed under section 5(2) of the Local Historic Districts Act.¹ Section 5(2) provides that a person who is aggrieved by a decision of an historic district commission may appeal the decision to the State Historic Preservation Review Board (the Board), which is an agency of the Michigan Department of State.

¹ 1970 PA 169, § 5, as amended by 1992 PA 96; MCL 399.205; MSA 5.3407(5).

Upon receipt of the appeal, the Board directed the Michigan Department of State, Hearings Division, to convene an administrative hearing for the purpose of taking relevant evidence and argument. The Hearings Division conducted a hearing on Monday, July 17, 1995, in Hearing Room No. 123, the Mutual Building, 208 N. Capitol Avenue, Lansing, Michigan. The hearing was held pursuant to the procedures prescribed in Chapter 4 of the Administrative Procedures Act.²

Frederick E. Kupsky, a co-owner of the property at issue, personally appeared at the hearing. Irma Schulkins and Georgia Young, the other co-owners of the property, did not attend. Robert Schulkins, the husband of Irma Schulkins, appeared on her behalf. Antoinette Walsh, who is the daughter of Georgia Young and is also licensed as an attorney, appeared on behalf of her mother. Although Ms. Walsh is an attorney, she appeared only in a personal capacity on behalf of her mother. The Commission/Appellee was represented by John Donohue, Attorney at Law, of the law firm of Kohl, Secrest, Wardle, Lynch, Clark & Hampton, of Farmington Hills, Michigan. Gary W. Brasseur, Administrative Law Examiner, Michigan Department of State, Hearings Division, presided at the hearing. Jane Busch, Certified Local Government Coordinator and Historic Preservation Planner for the Michigan Department of State, Michigan Historical Center, State Historic Preservation Office, appeared as an observer/representative on behalf of the Board.

² 1969 PA 306, § 71 et seq; MCL 24.271 et seq; MSA 3.560(171) et seq.

Issues on Appeal

By letter dated May 15, 1995, the owners appealed a decision of the Farmington Hills Historic Districts Commission issued on April 21, 1995. The decision rejected the owners' January 19, 1995 request to remove or demolish the home located at 36217 Thirteen Mile Road, Farmington Hills. In their appeal, the owners'/Appellants asserted that the Commission's decision should be modified or set aside for several reasons, to wit: 1) that the "resource" does not possess architectural or historical significance, 2) that it constitutes a hazard to occupants and public safety because of damage, 3) that its mechanical systems are inadequate, 4) that it is situated on the right-of-way easement of Thirteen Mile Road and therefore constitutes a deterrent to the development of the surrounding area, and 5) that continuing the building's historic designation has and will cause undue financial hardship to the owners.

Summary of Evidence

Section 5(2) of the Act, supra, authorizes appellants to submit all or part of their evidence and argument in written form. In that vein, the Appellants submitted nine substantive exhibits in support of their appeal. The exhibits, among other things, included two large indexed notebooks (Appellants' Nos. 1 and 5). Appellants' No. 1 contained minutes, summaries, and other materials (e.g., blueprints, photographs, specifications, applications) regarding Commission meetings held on September 20, 1989, October 19, 1994, January 18, 1995, February 15, 1995, March 15, 1995, and

April 14, 1995; a report of a public hearing before the City of Farmington Hills Planning Commission held on May 25, 1995; excerpts from the minutes of the December 16, 1981 meeting of the Michigan Historical Commission which indicated that the Crawford House was not approved for registration; research materials regarding the history of the Myron Crawford family and ownership of Site No. 302; marketing appraisals; copies of certain City of Farmington Hills ordinances and Michigan statutes; costs for sewer and water hook-up; a listing of defects in the property; and a statement of the condition of the utilities. Appellants' No. 5 contained: a narrative description of the Appellants' issues on appeal; Appellants' arguments with regard to the limits upon the space encompassed by an historic resource in a larger property; a blueprint which indicates the location of the house and sheds on the property; an affidavit listing property that has been designated an historic district in the City of Farmington Hills (36217 Thirteen Mile Road appears on the list); copies of two purchase agreements; and materials pertaining to the age of the house, including photographs, census data about Crawford family members, pages from a period Sears catalogue, and maps of the area where Site No. 302 is located. Appellants also submitted certain computer printouts which contained real estate marketing data for residential properties listed in Farmington Hills ranging from \$250,000 to \$1,000,000 and vacant land listed for sale at from \$1,000 to \$1,000,000 as of July 10, 1995; Oakland County Probate Court records regarding a petition for appointment of a guardian

for Jennie Holmes in 1917; an agreement dated February 15, 1995, signed by Jeff Stewart, Sherrie Stewart, Anne Stewart and Victoria M. Sanderson agreeing to receive the Myron Crawford House; a composite of nails taken from the house in January 1995, nails dug from the yard near the house on July 13, 1995, and nails purchased at Jean's Hardware and Home Depot on July 15, 1995; a letter from Ronald Anthony Jona dated May 22, 1995, canceling the agreement dated February 18, 1995, for the purchase of four acres/36217 13 Mile Road, Farmington Hills; and a revised offer to purchase 36217 13 Mile Road submitted by Jona and dated May 31, 1995.

The Appellants also presented testimony from three witnesses. Frederick Kupsky testified extensively about the research he had conducted regarding Site No. 302 and the Crawford family. This testimony also provided the foundation for admission of the Appellants' exhibits, with the exception of Jona's cancellation letter, which was admitted into the record after the hearing by agreement of the parties.

Hugh Schulkins testified briefly. Schulkins offered his opinion, based on his experience as a call-in fireman, that the fire-damaged roof of the Crawford House should be replaced. He also described the difficulty in making a left turn from the property at 36217 Thirteen Mile Road. Schulkins indicated that he thought that the right-of-way on Thirteen Mile Road would eventually have to be widened to 60 feet.

Robert Schulkins testified that he believed Thirteen Mile Road will be widened sometime in the future. Schulkins indicated that

he is familiar with the property at 36217 Thirteen Mile Road and that houses constructed about the same time as the Crawford House seemed to be built on that same plan. He also stated that there had been some vandalism of the property; however, the vandalism was not reported to the Farmington Hills Police Department.

The Commission also submitted written evidence at the hearing. Commission Exhibit No. 1 is the minutes of the Commission meeting held on April 19, 1995. The Commission submitted copies of original records held by the City of Farmington Hills regarding 36217 Thirteen Mile Road which included: a letter from Ronald Jona of the J/RJ Group to the City of Farmington Hills Department of Planning and Community Development dated April 20, 1995, concerning his application for a "cluster" option; a Certificate of Appropriateness dated May 12, 1995, granting approval for the conceptual development plan submitted by the J/RJ Group, subject to certain conditions, under cover letter by Katherine Ulrich of the Planning Department; an inter-office memo dated April 10, 1995 from Katherine Ulrich to Edward Gardiner, City of Farmington Hills City Planner, concerning the status of Jona's plans for developing the property; an Application for Historic District Commission Review submitted by Jona on April 3, 1995; a letter dated April 5, 1995, from Irma Schulkins to the City of Farmington Hills indicating that the owners of the "Myron Crawford House" grant their permission to the J/RJ Group and Ronald Jona to submit site plans to the City of Farmington Hills; a site plan for Historic District Site No. 302; and a proposed front renovation for the Crawford House and drawings

of proposed site plans for Site No. 302. The Commission also submitted eight photographs depicting Site No. 302 and other properties; an aerial photograph showing Site No. 302 and the surrounding area south of Thirteen Mile Road; and the "Blue Book" compiled by the Farmington Hills Historic District Commission. This book describes, among other things, the history and purpose of the district and the importance of historic preservation in planning. It contains a photograph of Site No. 302, together with a brief narrative about the property. The Commission also submitted a copy of the City of Farmington Hills ordinance dealing with natural beauty roads and the guidelines for designation and maintenance of natural beauty roads, and a copy of three site plans for Site No. 302 submitted by Jona, along with his application for review by the Commission.

The Commission presented testimony from two witnesses. Ruth Moehlman, Chairperson of the Commission for the past seven years, testified about her involvement with published books concerning historic preservation, including the Blue Book. Moehlman indicated that no strict historic format was followed in preparing the Blue Book and that the photograph in the book of Site No. 302 was taken at least ten years ago. Moehlman admitted that some of the narrative information about the Crawford House contained in the Blue Book is wrong and that the farmhouse is bordered on both sides of Thirteen Mile Road by modern subdivisions. She also described the origins of other historic houses in the surrounding area.

Katherine Ulrich, staff planner and liaison to the Commission, testified that she is familiar with roadway right-of-way easements in Farmington Hills. Ulrich stated that right-of-way easements are 60 feet in most locations and that the roadway is presently 33 feet wide on Thirteen Mile Road in the area where the Crawford House is located. Ulrich testified that Jona submitted three different plans for development of Site No. 302. She indicated that two of the site plans involve a cluster option and that the third plan would require platting.

Findings of Fact

Based on the evidence presented during the administrative hearing, the facts of this matter are found to be as follows:

A. Background

1. The house and other buildings located at 36217 Thirteen Mile Road are situated on a four-acre parcel. The house contains about 2,200 square feet of living area, along with a partial, unfinished basement. The house sits 48 feet from the centerline of Thirteen Mile Road and is located near the center of the 252 x 641 foot lot. The current owners (Frederick E. Kupsky, Irma Schulkins, and Georgia Young) inherited the property from their sister, Eugenie Mahoney, who died intestate on September 28, 1988. Eugenie Mahoney had purchased the house with her husband, Jack Mahoney, on a land contract in 1945. Jack Mahoney died in the mid-1970s.

B. Farmington Hills Historic Districts

2. The City of Farmington Hills adopted an historic districts ordinance in 1981.³ The purpose of this ordinance was articulated in the ordinance as follows:

3.600. Purpose. Pursuant to Act 169 of the Public Acts of 1970, of the State of Michigan, as amended, it is declared to be a public necessity to safeguard the heritage of Farmington Hills, by preserving districts in the City which reflect elements of the cultural, social, economic, political or architectural history; to stabilize and improve property values in and adjacent to such districts, to promote civic beautification of structures and lands within the historic districts for historic and cultural preservation, to strengthen the local economy, to promote the use of historic districts and local history for the education, pleasures and welfare of the citizens of the City, State and Nation.

3. The definition of an historic district is contained in ordinance section 3.602(5), which provides:

(5) Historic District. Any area or areas created by Ordinance C-01-81 for the purpose of this Chapter as a historic district, said areas not necessarily having contiguous boundaries. The area included in a non-contiguous historic district shall be the structure on the property and 100 feet therefrom or the property boundary, whichever is less.

4. A numbering system was used to classify buildings within the historic districts, as follows: Greek Revival Buildings constructed before 1860 were numbered from 1 - 200; other early Pre-Civil War buildings were numbered between 201 - 300; Michigan Farmhouses erected between 1860 and 1900 were enumerated from 301 - 500; other buildings (Post 1900) are numbered between 501 - 900; and Pioneer Cemeteries began at number 900. A total of 43 sites

³ Ordinance C-1-81 was enacted March 9, 1981, and was renumbered and amended as Ordinance C-4-83 on March 14, 1983.

were listed in section 3.603 of Ordinance C-4-83, with 17 sites listed within the Michigan Farmhouses category. The Myron Crawford House, located at 36217 Thirteen Mile Road, was listed under Michigan Farmhouses as Site No. 302.

5. Section 3.609(12) of the Ordinance requires the Commission to work with owners to preserve valuable structures. Section 3.609(11) provides as follows:

(11) Plan for Preservation of Structure. In case of an application for repair or alteration affecting the exterior appearance of a structure or for moving or demolition of a structure which the Commission deems so valuable to the City, State or Nation, that the loss thereof will adversely affect the public purpose of the City, State, or Nation, the Commission shall endeavor to work out with the owner an economically feasible plan for preservation of the structure.

6. The City of Farmington Hills has a public policy which discourages the demolition or moving of structures possessing historical or architectural value. In that regard, section 3.309(12) of the Ordinance provides as follows:

(12) Demolition or Moving of the Structures Within Historic Districts. It shall be the public policy of this City to discourage the demolition, demolition by neglect, or moving of structures within a historic district which are of historic or architectural value.

7. The Historic Districts Ordinance also established the seven-member Historic Districts Commission. By law, the Commission has the duty to investigate and report requests for modification of historic districts; to review and approve applications for construction, alteration, repair or demolition; to request periodic inspections for violations; and to maintain a current listing of historic districts. The Commission has authority to initiate

modification procedures, to request enforcement of the ordinance by the appropriate City officers, and to exercise such other powers as are reasonable and necessary for the efficient administration and implementation of the Ordinance.

8. Section 3.609(4) of the Ordinance describes the procedures for reviewing applications for construction, alteration, repair, moving, or demolition affecting the exterior appearance of a structure within an historic district. The Commission is required to review applications according to certain criteria so that its decision will be consistent with the purposes of the Ordinance. The review criteria are set forth in section 3.609(4) as follows:

(4) Review of Application; Standards. The Historic Districts Commission shall review such applications giving specific consideration to the proposed action and proposed plans in light of the following criteria so that the decision will be consistent with the objectives set forth in this Chapter:

(a) The historical or architectural value and significance of the structure and its relationship to the historical value of the surrounding area;

(b) The relationship of the exterior architectural features of such structure to the rest of the structure and of the surrounding areas;

(c) The general compatibility of exterior design, arrangement, texture and materials to be used;

(d) Those features of the particular structure identified in the report of the Ad Hoc Historic Districts Study Committee or the Historic Districts Commission, which supported their recommendation of the site or structure for inclusion within a historic district.

9. Section 3.609(6) prescribes additional grounds for approving applications. This section states as follows:

(6) Grounds for Approving Application. In addition to approval of an application pursuant to subsection 5 above, an application for repair or alteration affecting the exterior appearance of a structure within a historic

district or for its moving or demolition shall be approved by the Historic Districts Commission if any of the following conditions prevail, and if, in the opinion of the Commission, the proposed changes will materially improve or correct these conditions:

(a) The structure constitutes a hazard to the safety of the public or occupants;

(b) The structure is a deterrent to a major improvement program which will be of substantial benefit to the community;

(c) Retention of the structure would cause undue financial hardship to the owner; or

(d) Retention of the structure would not be in the interest of the majority of the community.

10. Sections 3.609(4) and 3.609(6) of the Ordinance incorporate much of the language of section 5 of the Act, supra.⁴

Section 5 states in pertinent part:

Sec. 5. * * *

(3) In reviewing plans, the commission shall follow the U.S. 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 bureau. 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.

(4) 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 local legislative body or unless interior work will cause visible change to the exterior of the resource. The commission shall not

⁴ See footnote 1.

disapprove an application due to considerations not prescribed in subsection (3).

(5) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the local unit, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(6) 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.

C. Consent To Include Home In "Statewide" Historic Inventory

11. Sometime during 1980, Eugenie Mahoney began the process of having her home designated as an historic site. In response to her request for information about placing her home in the historic district, by letter dated July 10, 1980, Mrs. J. M. Fox of the Ad Hoc Historic District Committee advised Eugenie Mahoney that only one form was used to cover both state and local listings.

(Appellants' No. 5, H-2)

12. On August 14, 1980, Eugenie Mahoney signed a consent to have her home included in the statewide historic resource inventory. This made the home eligible, potentially, for nomination to the State Register of Historic Sites.

D. Site Not Accepted for Certification

13. In completing the inventory form for the National Register Nomination Report with regard to the Myron Crawford House, Farmington Hills, staff of The Michigan History Division, Michigan Department of State, recommended that the house not be included in the nomination report. The form, dated October 6, 1981 under the heading Significance/Description, contained the following statement:

The Crawford house is a typical, frame, 'L-plan', vernacular farmhouse lacking historic or architectural significance. A modern vestibule has replaced the original front porch.

14. The minutes of the Michigan Historical Commission meeting held on October 16, 1981, reflected that the Michigan History Division staff did not recommend the Myron Crawford House for consideration for listing on the State Register. On October 22, 1981, Martha M. Bigelow, Executive Secretary of the Michigan Historical Commission (MHC), wrote to Eugenie Mahoney and informed her that although the MHC was impressed with the Farmington Hills Study Committee's survey, which included the Myron Crawford House, the MHC had decided that the Crawford House did not meet the criteria for listing in the State Register. Bigelow also indicated that the site would be added to the Michigan History Division's Inventory of Cultural Resources.

E. Ownership of Property and Crawford Family History

15. In the work "If Walls Could Talk - Heritage Homes of Farmington" by Ruth Moehlman, The Farmington Hills Historical Commission, published in 1980, the Crawford House was described as a Victorian house which probably dates to 1860. Moehlman reported that the house was built on land "taken out" from the (federal) government in 1827 and 1829 by Myron Crawford, the son of a local farmer John Crawford Jr., and his wife Elizabeth, early Farmington settlers, who had two sons, R.W. and Myron, and possibly a third. Moehlman also wrote that R.W. Crawford built his farm on Thirteen Mile Road at Haggerty, and that his brother Myron, who was born in 1832, built the home at 36217 Thirteen Mile Road. Moehlman supposes that because the 1877 Farm Map shows the Myron Crawford property as being only forty acres, he probably had another occupation besides farming. She further wrote that Myron Crawford, who died in 1898, was survived by his wife, Jane (Putnam) Crawford. Moehlman recounted that when Jane Crawford died, her daughter Emma and husband, Charles McCullough, a Harvard graduate, assumed ownership of the property. Moehlman reported further that after the McCulloughs, who had no children, the next owner of the property was a man named Smart. Moehlman concluded her accounting of the Crawford House by noting that Smart had purchased the land on speculation, that he did not live there very long, and that the house was then purchased around 1940 by Jean (Eugenie) Mahoney and her husband, whom she survived. (Appellants' No. 1, B-5)

16. Moehlman admitted that she "missed it" when she compiled the Crawford House narrative in "If Walls Could Talk". She indicated that after visiting the house in October 1994, and seeing the hewed beams in the basement, she was convinced that the house was much older than stated in the volume, i.e., "probably dates to 1860", and that it probably was not built by Myron Crawford but rather by his grandfather.

17. A title history of the property compiled by Frederick Kupsy indicated that J. Crawford, Jr., a resident of Michigan, obtained title to a parcel of land (which included what is now Site No. 302) on April 8, 1828. On September 2, 1829, John Crawford Jr. and Elizabeth Crawford conveyed part of the parcel to the heirs of Robert Crawford and Polly, his wife, reserving a life-estate for themselves. The heirs, of course, were John N. And Myron Crawford. On February 22, 1856, John N. Crawford et al executed a quit claim deed to Myron Crawford which was recorded on April 20, 1883. On March 23, 1857, Myron Crawford quit-claimed to Morgan Crawford. On January 7, 1918, the Estate of Myron Crawford executed a quit claim deed to Emma (Mrs. Charles) McCullough, which was recorded on February 4, 1918. On November 14, 1938, C.R. McCullough quit-claimed to A.E. Smart and that deed was recorded on November 15, 1938. On November 6, 1943, A. E. Smart executed a warranty deed to P.L. Vail. A land contract between P. L. Vail and J. Mahoney was recorded on May 22, 1945. A warranty deed dated February 2, 1953 from P. L. Vail to J. Mahoney was recorded on February 13, 1953. (Appellants' No. 1, B-8)

18. Jean (Eugenie) Mahoney died intestate on September 28, 1988. The property was devolved to her heirs-at-law, Frederick E. Kupsky, Irma Schulkins, and Georgia Young, by Deed of Personal Representative Distributing Real Property dated May 6, 1991, and recorded in deed liber 12022 at page 782 of the Oakland County records.

F. Age of Crawford House and Family History of the Crawfords

19. The Appellants' evidence focused on the Crawford family history, based on property transfers, other records, and census data. Most of the Appellants' evidence concerning the physical characteristics of the house is contained in Appellants' No. 5, H-3, entitled "Age of Structure - Clues. Under the heading "Who Built the House at 36217 Thirteen Mile Road and When Did They Build It" subjects are listed alphabetically beginning with "Balloon Framing" and ending with "Victorian House Details", in an attempt to determine the true age of the house. By way of example, under the heading "Chimneys", the smaller chimney indicates either a chimney replacement or that the house was designed for post 1830 heating methods such as stoves or furnaces. And further, that the machine-made brick which was used in the house could date from no earlier than the second half of the nineteenth century. Based on observing the lathe and plaster near the chimney, Appellants' posited that the walls were constructed after the chimney, which indicates that the chimney was constructed with the house. Lathe in the stairwell was attached with wire nails which were available only after 1880. With regard to flooring, the "matched flooring"

present throughout the house was not available until after 1885. Additionally, the stonework where the sanitary soil pipe penetrates the foundation indicates this was an original installation in a private dwelling which could not have occurred before the 1870's. Door knobs in white porcelain which appear throughout the house were available in the 1897 Sears Roebuck catalog.

20. Census data indicated that there were five persons living in the Myron Crawford household in 1860, seven persons in 1870, and five persons in 1880. Oakland County Clerk records indicated that Myron Crawford married Charlotte Seaton in 1856. He divorced Charlotte in 1867 and then married Melinda Jane Putnam. Myron Crawford died in March of 1898. Melinda Jane (Putnam) Crawford died in October of 1922. Oakland County Register of Deeds records indicated that John M. Crawford and other heirs of Robert Crawford conveyed 80 acres (which contains what is now Site No. 302) to Myron Crawford on February 22, 1856. Myron Crawford conveyed 40 acres of the parcel to Morgan Crawford on March 23, 1857. The Estate of Myron Crawford conveyed the remaining 40 acres to Emma McCollough on January 7, 1918.

21. Based on the physical evidence concerning the house and other evidence concerning the size of the household, the conveyances, and the marriage records, the record indicates that the house was likely built around 1880.

F. Historical or Architectural Value, and Significance of Structure in Relation to Historical Value of Surrounding Area

22. As previously noted, in 1981 staff of the Michigan History Division concluded that the Crawford house was a typical, frame, L-plan, vernacular farmhouse lacking historical or architectural significance and recommended that the house not be included in the nomination report for state register certification.

23. With regard to the architectural value or significance of the structure, evidence submitted does not establish that the Crawford House has architectural value or significance greater than that expressed by the historians in 1981 when the property's state register nomination was being considered, i.e., that it is a typical, frame, L-plan vernacular farmhouse lacking historical or architectural significance.

24. Houses on Valley Bend, Shenandoah, Pineview Drive and Birchwood Way in Farmington Hills are contemporary structures. The historic house nearest to the Crawford House is the John Cox House, a pre-Civil War era building listed as Site No. 211, which is almost directly across Thirteen Mile at 36218 Thirteen Mile Road. Other "districts" within a quarter-mile of Site No. 302 include the John Garfield House, a pre-1860 Greek revival building listed as Site No. 2, at 35810 Thirteen Mile Road, and the Eber Durham House, a pre-1860 Greek revival building numbered as Site No. 11, at 35835 Thirteen Mile Road. The next nearest site is the Drake House, a pre-Civil War era building listed as Site No. 206, at 28804 Drake

Road, which is located about one-half mile southeast of the Crawford House.

G. Condition of Structures and Reported Deficiencies

25. The residence sustained considerable damage to its roof rafters and the sheathing underneath the main roof from a fire in 1940. (Appellants' No. 1, E-2) Even after replacement of the roof in 1989, the ceiling in the master bedroom leaked.

26. The outbuildings on the site are in an advanced state of decay. Some of the main supporting members of the shed are rotted and have been shored-up with temporary braces. The roof framing and sheathing of the shed and barn are in very poor condition. The exterior walls of the barn have deteriorated and are in need of painting, and in some places, replacement. (Appellants' No. 1, E-2)

27. In response to an inquiry from the law of Plunkett and Cooney, who were attorneys for the Estate of Eugenie Mahoney, on June 26, 1989, William Costick, City Manager, City of Farmington Hills, sent a letter to the firm in which he reviewed the status of Site No. 302. With regard to problems with the septic system, Costick indicated that in general septic systems can be easily repaired, and on occasion, there is the option of connecting a system to a sanitary sewer at an adjacent subdivision. With respect to the well, Costick added that public water was available from one of the adjacent subdivisions. Concerning problems with the wiring and roof, Costick stated that it was not uncommon for older buildings to require entire rewiring, and also that many 30-

year old structures require complete reroofing, including some structural repairs. Costick also indicated that the roadway of Thirteen Mile Road in front of the site had been rebuilt just two years earlier and that the city council had designated it as a "Natural Beauty Road". Costick also indicated that no structure classified historic had been removed from the district since its creation in 1981 and that in his view, any attempt to demolish the structure, or to remove it from the district, would be met with great local public opposition. Costick concluded his condition statement by asserting that the City would strongly encourage that any plans regarding the property consider the preservation of the residence as a major component.

28. On February 28, 1990, Jeffrey Cohen of Cohen Shawn Building Company in Birmingham, Michigan, prepared a comprehensive inspection report for Frederick Kupsky regarding the structures located at 36217 Thirteen Mile Road. Cohen is a licensed builder specializing in residential renovations since 1985. He owns a residential home inspection company, has served on the Remodelers Council for two years, and is certified as a home owner remodeling contractor. Cohen holds a bachelor of science degree from Wayne State University and has studied civil engineering at Michigan State University for three years. At the time of the inspection, Cohen was enrolled in the National Association Home Builders Certified Graduate Remodelers Program. Cohen's report was based upon a visual inspection of the buildings and was presented under 11 headings which included structure, interior, rear porch,

greenhouse, kitchen, front vestibule, attic, mechanicals, exterior and the bathroom, parlor, dining room and bedrooms as well as the barn.

29. With regard to structural integrity, Cohen found two problems with the exterior walls which had been constructed using stone and block. He found that there was no weight bearing member in the area of the wall where a hole was punched through for electrical service. He also found water infiltration at the base of the walls and through the mortar joints. He attributed this to an ineffective or non-existent drain tile system. Cohen found evidence that insects had been living in the joist logs in 50% of the basement and recommended that the insect damage be investigated further. He observed a tremendous amount of settling throughout the house.

30. In the interior, Cohen found that the house, like most other houses constructed prior to 1935, used wood lathe and plaster for construction. He indicated that in time, wood shrinks and causes the plaster to pull away from the studs and rafters. He recommended that in areas of water damage, the plaster be stripped to the studs and replaced with drywall. Cohen pointed out that stripping makes sense, considering how poorly the house is insulated. He added that it would be best to strip the walls and insulate from the inside. He also noted that all of the windows were single panel wood and that most of the sills were rotting and should be replaced. He found that although the sub-structure of