

# The Network

## an E-Newsletter for

### Ohio's Certified Local Governments

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## Cincinnati's Historic Conservation Office Finds Creative Uses for CLG Grants

On December 28, 1788, settlers landed on the northern bank of the Ohio River and established a town named Losantiville. General Arthur St. Clair came to the area in 1790 as Territorial Governor and renamed the town "Cincinnati" to honor the Society of Cincinnati, an association of Revolutionary War officers of which St. Clair was a member. In 1802 Cincinnati was chartered as a village and in 1819 it was incorporated as a city. By the 1820s, Cincinnati was hailed as the "Queen City of the West" and with more than 115,000 residents in 1850, it had become the sixth largest city in America. Cincinnati now has 52 distinct neighborhoods and a population of over 330,000.

During a recent visit to Cincinnati, historian and author David McCullough said, "Communities and nations can suffer from amnesia with devastating effect. If we don't know who we are and how our institutions were created, then we don't know where we're headed." As a city and as a people, we need physical reminders of the past to help us understand who we are. Historic preservation is the sustenance of the historic built environment. By maintaining physical reminders of our past, historic preservation gives us a sense of continuity in our daily lives, and helps us understand where to go from here. This is why in Cincinnati's historic resources are recognized as something worth saving, and why Cincinnati has had a historic preservation program in one form or another for almost 30 years.

In 1980 the City of Cincinnati approved historic conservation legislation establishing the Historic Conservation

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*Sunderman Grocery, 1901 Colerain, Cincinnati. Rehabilitated for low-income housing using historic tax credits.*

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Office (HCO). Cincinnati's historic conservation legislation has been used as a model by other cities, and the Ohio Historic Preservation Office recognizes the City as a Certified Local Government (CLG). The Urban Conservator, William "Skip" Forwood, oversees the HCO, which is now a division of the Department of Community Development and Planning, and he also serves as the secretary of the Historic Conservation Board. City Planners Adrienne Cowden and Caroline Kellam and Secretary Sharon Johnson provide staff support to the Historic Conservation Board and the Urban Conservator.

The HCO is involved in all aspects of preservation planning in the City of Cincinnati. It administers zoning and design regulations in historic areas, and reviews building permit applications for alterations to historic resources. The HCO provides citizens with information on funding programs and with free technical advice. In addition, HCO staff serves as a liaison between the City and various federal, state, and local agencies to facilitate environmental reviews and compliance with federal regulations. For example, under its Memorandum of Agreement with the Ohio Historic Preservation Office, the HCO conducts Section 106 historic compliance reviews when the City uses federal funds for its projects and programs and provides information on federal tax benefits for historic rehabilitation projects. Finally, preservation education undertaken by HCO staff in the form of walking tour brochures, public presentations, and other media not only promotes Cincinnati's architectural and cultural resources, it fosters civic pride.

Although the City has 50 locally designated resources, 10 National Historic Landmarks, and over 200 resources listed in the National Register of Historic Places, the continued identification of historic sites, buildings and districts remains an important aspect of the HCO's responsibilities. The HCO regularly undertakes special planning and design studies to identify and to preserve historic structures, many of which have been funded in part by CLG grants, including a video entitled *Something Worth Saving: Historic Preservation in Cincinnati*, and brochures entitled: *Historic Walking Tours of Downtown Cincinnati*, and *A Guide to Art and Architecture in Cincinnati's Parks*. CLG grants have also been used to restore the stained glass windows in City Hall. Most recently, the HCO embarked on a

multi-year effort to update the City of Cincinnati's inventory of historically and architecturally significant resources funded by a series of CLG grants. By 2004, a reconnaissance level inventory will be complete in over half of the City's 52 neighborhoods, and when complete this inventory will form the basis for a city-wide preservation plan.

## Mark Your Calendars

### Ohio's 2003 Conference on History, Preservation, and Revitalization is November 6-8

What might happen if every Ohioan interested in history, preservation, or revitalization came together in one place for three days? That's the idea behind Building Connections: Ohio's 2003 Conference on History, Preservation, and Revitalization, November 6-8, 2003, at the landmark Columbus Athenaeum.

A collaboration of the Ohio Historical Society including the National Afro-American Museum and Cultural Center, National History Day in Ohio, and Ohio Historic Preservation Office with Downtown Ohio, Inc., Heritage Ohio, the Ohio Association of Historical Societies and Museums, Ohio Preservation Alliance, and the Society of Ohio Archivists, this first-ever event of its kind is designed to strengthen ties among heritage-related interests in Ohio.

On Thursday, November 6, 12 workshops cover topics in depth, ranging from grant writing and building a strong board of trustees to revitalizing Main Street and teaching history. A special day-long field session visits historic Chillicothe, first capital of Ohio, and Adena, restored home of early Ohio governor Thomas Worthington.

Over 40 more sessions on Friday, November 7, and Saturday, November 8, feature experts on preservation and revitalization, new construction in historic areas, design and building code issues, financing, business recruitment, community and nonprofit leadership, local history, African American history, oral history, exhibits, museums, education, fundraising, research, intellectual property, advocacy, heirlooms, archives, heritage law, and topics of special interest like the Underground Railroad, Ohio's

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architectural heritage, and dating family photographs.

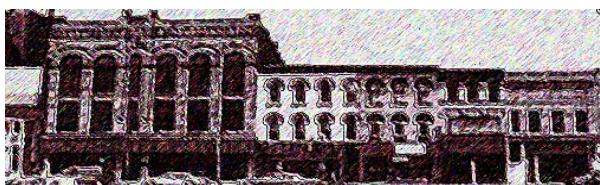
Hands-on old-building sessions offer demonstrations and practical advice on conserving wood, paint, plaster, windows, slate roofs, and box gutters. A luncheon features Ed McMahon of The Conservation Fund speaking on the relevance of history, conservation, and preservation in decisions made every day by individuals, communities, developers, and educators.

Friday's reception at the 1861 Ohio State Arsenal, now the city's Cultural Arts Center, promises plenty of networking opportunities, along with the chance to renew old friendships and make new ones.

On Saturday, November 8, the National Alliance of Preservation Commissions presents its popular Commission Assistance and Mentoring Program, or C.A.M.P., an intensive day-long training course for historic preservation commissions and design review boards. An affinity luncheon for educators, the annual Ohio Association of Historical Societies and Museums Awards, and the Ohio Historic Preservation Office Awards round out the schedule.

Throughout all three days the History, Preservation & Revitalization Showplace will feature vendors and exhibitors of related products and services, and a special conference bookstore will offer one of the best selections of history, preservation, and revitalization-related titles to be found in Ohio.

Plan now to attend, whether for a single day or the full conference. Register by October 15 and save. For full details, write Building Connections Conference, 1982 Velma Ave., Columbus, OH 43211-2497, call toll free 1-888-532-2036, or visit [www.buildingconnections.info](http://www.buildingconnections.info).



## Is CAMP Training For You?

What would camp be without the mosquitoes and sunburn? Well, if the CAMP is the Commission Assistance and Mentoring Program, it's about design review board members immersing themselves in an intensive, one-day training session to hone their skills.

Coming to *Building Connections* on Saturday, November 8, the National Alliance of Preservation Commissions presents its highly successful CAMP, leading discussions on a variety of issues review board members confront on a daily basis. Whether you are faced with surviving unpopular decisions, untangling complicated legal issues, or clearly defining the roles and responsibilities of board members, the CAMP instruction and discussion will provide tools and information that will improve the operation of your review board.

For more information, or to register, go to [www.buildingconnections.info](http://www.buildingconnections.info) and click on schedule where you can view the schedule for the entire conference including Saturday's CAMP Workshop.

So plan on attending CAMP at Building Connections this November. It may not be the camp you remember, but who knows...perhaps a spontaneous rendition of *Kumbayah* is not out of the question.

*The following is an excerpt of an article by Drane Wilkinson, NAPC Support Staff that appeared in the May/June issue of The Alliance Review, the by-monthly publication of the National Alliance of Preservation Commissions. Reprinted with permission.*

## The What, Why, and How of Design Guidelines

Design Guidelines are only one of four basic documents a preservation commission uses performing its duties. The "Fundamental Four" are:

- **Local Preservation Ordinance** - The local preservation ordinance (LPO) is the local law that establishes the commission, states its purpose, and states its powers and responsibilities. The LPO is based on the state preservation act or enabling legislation. The LPO often contains language taken directly from the state enabling legislation, particularly concerning powers and duties, because it must not contradict the state law or give the local commission more authority than is allowed.

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- **Commission Bylaws** - A commission's bylaws are written and adopted by the commission and state how the commission will operate. By adopting and following bylaws, a commission ensures consistent operation and equal treatment of all applicants, thus building a defensible record. Bylaws do not regulate what the public may or may not do, but they regulate how a commission operates.
- **Policies and Procedures** - (Not all commissions have this document) Although bylaws are a public document, they can be hard for many laymen to understand and usually contain more information than is needed to answer most people's questions. Policies and procedures are the public version of the bylaws and contain only basic information about how the commission operates. Since they are not usually legally binding, they should not contain anything that is not also in the bylaws.
- **Design Guidelines** - Design guidelines are the written tenets according to which the commission interprets the preservation ordinance. Guidelines *guide* the applicant's work and the commission's decisions.

Many of the common misconceptions of a preservation commission's rights and responsibilities and how it operates stem from a failure by commissioners and staff to understand the purpose, potential, and use of design guidelines. The following addresses the most common issues.

- **Guidelines vs. Standards** - Although the two terms are often used interchangeably, standards and guidelines are not the same. Standards are general criteria against which work can be measured. Guidelines are specific instructions for how to meet standards. For example, "Antique masonry shall be preserved" is a standard and "Avoid sandblasting antique masonry" is a guideline for meeting the standard. Guidelines should not contradict standards. Many guidelines are based on The Secretary of the Interior's Standards for Rehabilitation.
- **Content Design** - guidelines usually cover only exterior work, unless the LPO specifically gives the preservation commission authority over interior spaces. Guidelines are usually divided into several sections, each pertaining to a different type of work or building material, like wood, masonry, roofs, structural systems, windows, demolition, new construction, signage, etc.

**Exceptions** - The commission may make exceptions to the guidelines and grant a C of A for work that does not strictly follow the guidelines but in the commission's opinion, meets the relevant standard(s). When making exceptions, however, the

commission must state why it is making the exception and how the proposed work meets the standard(s) in order for the decision to be defensible, should it ever be challenged. This information would typically be contained in the finding of fact for the motion to approve the proposed work.

- **Illustrations** - Many design guidelines are illustrated, some more extensively than others. Illustrations help property owners and commissioners understand the information and can make the guidelines more user-friendly.
- **Numbering Guidelines** - are typically numbered so that they can be easily referenced by commissioners when reviewing applications and making motions. Numbering is usually by section and specific guideline. For example, if the second section of the guidelines was masonry and it had seven separate guidelines, the section would be section 2.0; the guidelines would be numbered 2.1, 2.2, 2.3, etc. through 2.7.
- **Accessibility** - Guidelines are a public document and must be available to the public from an official place like town hall. They may also be made available to the public through other venues such as the Internet, public library, and local preservation organization.

#### **But wait! There's more!**

Design guidelines have an additional use apart from helping keep your commission out of court-they can be an effective public relations tool. By providing property owners with clear accurate information about the care and maintenance of their old building and how to achieve compatibility for infill construction, design guidelines can show your commission to be the supportive preservation partner it is.

### **It's the Law: The Constitutional Basis of Historic Preservation and its Legislation, With an Emphasis on Local Ordinances**

As members of architectural review boards or commissions we sometimes forget that the enabling legislation and design review process we use to protect historic resources in our communities has a history of its own. Understanding that history provides us with a framework and justification for what we do and how we do it. It might even give us the confidence to politely respond to a local citizen the next time he or she tells you that "you can't tell them what they can or cannot do with their property. In fact, the highest court in the land has stated that

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“States and cities may enact land-use restriction or controls to enhance the quality of life by preserving the character and desirable aesthetic features of a city.” With this issue we include the first of several articles on the constitutional basis of preservation law, including some of the landmark court decisions nationally and here in Ohio that have strengthened America’s preservation movement.

## **The Beginning**

According to the late Professor of History, Charles B. Hosmer, Jr. possibly the earliest expression of preservation sentiment in the United States, is found in a notation in architect Benjamin H. Latrobe’s pocket diary. On August 3, 1796, Latrobe expressed regret in the pending demolition of “Green Spring” an old house in James City County Virginia. According to Latrobe, Green Spring was the oldest inhabited house in North America. Twelve years later Boston newspapers protested the demolition of the “Old Brick” meeting house. In an article that could have been written yesterday, that appeared after the building was destroyed, one writer noted that “The forces of commercialism triumphed and “Old Brick fell before the wrecker.” An organized preservation movement began in the 1850’s with a private campaign by Ann Pamela Cunningham and the Mount Vernon Ladies Association save and restore Mount Vernon, the home of George Washington. Mount Vernon served as the prototype for organized historic preservation among the private sector and similar efforts occurred around the country during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

## **The Legal Origins**

It should be noted that modern legal, due process procedures and design review standards did not exist at this time, so it is particularly noteworthy that in the *United States v. Gettysburg Electric Railway*, 1896, the Supreme Court rejected the argument that the condemnation of private property (Gettysburg Battlefield) for a national battlefield was not a valid “public purpose” and concluded that the preservation of a monument important to the country’s past was a proper purpose.

State and local governments began to develop and experiment with land use controls in the late 19<sup>th</sup> and early 20<sup>th</sup> century. The early 1900’s included efforts to extend the state’s police power beyond health and safety issues, to include regulations of neighborhoods and even individual buildings. Baltimore adopted a 70 foot maximum height requirement for buildings in 1904. The regulation was upheld in 1908 on the ground that its purpose was to lessen fire hazards, while “advancing aesthetic goals.” Also in 1904,

Boston mandated lower heights for buildings constructed in residential areas.

Significant at this time was the recognition by the courts that government could regulate “aesthetic” matters. However, those who disagreed with the court’s decisions argued that these types of regulations constituted the government’s unconstitutional taking of a person’s property, because they prevented the owner from using his property in any manner he wished.

The term “taking” is best described as an act of government that deprives the landowner of all use of a property, restricts the use of the land in such a way so that it is rendered valueless, or only leaves the property owner with uses that are practically impossible or economically not feasible.

As we’ll see the “takings” issue would increasingly be raised, as preservation legislation became more common in later decades of the 20<sup>th</sup> century.

## **Next Issue: The Development of Zoning Law in the United States**

### **Fast Fact: about Ivy by Mariangela Pfister**

Fast Facts are publications of the Ohio Historic Preservation Office.

If something green and leafy is taking over your historic building, it’s time to sound the ivy alert and break out the shears!

The two primary types of American ivy are English Ivy and Boston Ivy. Both attach themselves to masonry and wood buildings through their root systems and tendrils.

You’re probably wondering what kinds of problems this beautiful plant, that lends charm to your building, can pose. Plenty!

First, ivy holds moisture against structures. Its leaves, like any plant’s, stay wet from dew and rainfall. As a result, the wood and masonry covered by ivy stays wet longer. Also, ivy’s thick leaves do not allow sun and air penetration necessary to keep both wood and masonry dry. All of this moisture can adversely affect the structural integrity of a masonry or framed wall. Held against wood for long, moisture can lead to irreversible rot.

Secondly, the tiny cracks found in all masonry construction can be easily penetrated by ivy’s roots and tendrils, increasing surface exposure to seasonal

freeze/thaw cycles. This can cause these tiny cracks to grow bigger and can also cause the brick or stone to spall and possibly dislodge.

Thirdly, ivy secretes an enzyme that attacks the strength of the lime used in most mortar made before 1920. Disintegration of the mortar can result. Also, because ivy is so strong, it can dislodge drainage systems, pushing them out of place and adding to the moisture problem.

Finally, ivy attracts a host of birds, animals, and insects, especially woodboring beetles that can cause serious damage to a structure.

Okay, now that you've realized that your building doesn't have the same opinion of ivy's benefits, what do you do about ridding your structure of this unwanted vegetation?

You'll be happy to know that removing ivy is a fairly simple process. Cut the ivy at its base (as close to the root system as possible), then leave it to wither and die. Once this has occurred, gently remove the ivy from the building, taking care not to remove chunks of

brick, stone, or wood.

Often ivy discolors the surface of a wooden or stuccoed building. This can be addressed by cleaning with a mild solution of bleach and water, rinsing well with a gentle stream of water from a hose, and allowing the surface to dry thoroughly if your building is to be repainted.

If the mortar of your masonry building has been damaged, it can be repointed with a mortar as soft as the one it's replacing. The replacement mortar should match the color, texture, strength, joint width, and joint profile of the existing historic masonry.

Ivy is tenacious and will likely grow back, so be vigilant! Cut it back each spring before it has a chance to reattach itself to your building. For more information about Ivy, contact the Ohio Historic Preservation Office.

*Mariangela Pfister is Historian in the Ohio Historic Preservation Office. She holds a master's degree in history from The Ohio State University.*  
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## **Ohio Historic Preservation Office**

**567 East Hudson Street  
Columbus, OH 43211-1030  
(614) 298-2000  
FAX (614) 298-2037  
[www.ohiohistory.org/resource/histpres](http://www.ohiohistory.org/resource/histpres)**

### **Monday-Friday 9 a.m. - 5 p.m.**

(Individual staff hours may vary)  
To better serve you we recommend that you call ahead for an appointment

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*The root system of a well developed ivy plant.*