

The Preservation Committee of the Lakewood Historical Society publishes this preservation ordinance information in order to encourage Lakewood residents to preserve their architectural and historical heritage

FAQs about the Lakewood Ohio Historic Preservation Ordinance

Introduction

Lakewood’s historic preservation ordinance was adopted in 2009 and has been amended several times. The ordinance, a part of Lakewood’s Planning and Zoning Code, is available on-line on the City’s website, www.onelakewood.com; at the opening screen, click on “Find/Get” and then on the drop-down menu, click on “Ordinances”. The historic preservation ordinance is Chapter 1134 of the Planning and Zoning Code.

The following Frequently Asked Questions have been categorized into the following sections based upon the various stages related to the “process” of designation. The answers to the questions below are summaries of the ordinance’s provisions; please refer to the ordinance for a complete discussion.

- **WHAT IS LAKEWOOD’S HISTORIC PRESERVATION ORDINANCE AND WHAT DOES IT MEAN TO PROPERTY OWNERS?**
- **WHAT IS THE PROCESS FOR OBTAINING A HISTORIC PROPERTY OR HISTORIC DISTRICT DESIGNATION?**
- **WHAT HAPPENS *AFTER* A HISTORIC DESIGNATION IS RECEIVED?**
- **WHAT RESOURCES ARE AVAILABLE TO OWNERS OF HISTORIC DESIGNATED PROPERTIES?**

WHAT IS LAKEWOOD’S HISTORIC PRESERVATION ORDINANCE AND WHAT DOES IT MEAN TO ME AS A PROPERTY OWNER?

1. What does the Historic Preservation Ordinance do?

The Historic Preservation Ordinance allows citizens to apply to have buildings, structures, objects, neighborhoods, districts or sites that have historical, cultural, architectural, or archaeological significance designated for historic recognition by the City of Lakewood. The interior portion of a *building or structure that is customarily open or accessible to the public may also be designated.*

2. What makes a property or district historic?

The criteria are:

- The property is identified with a person, group, or area that contributed significantly to the city’s cultural, economic or historical development, such as the Nicholson House on Detroit Avenue.

- The property possesses distinctive characteristics of architecture, building type, construction period or method that is representative of an area, such as the Oldest Stone House in Lakewood Park.
- The site or structure is of extraordinary historical or architectural importance to the city, such as St. James Catholic Church on Detroit Avenue.

An expanded list of specific criteria is available in Section 1134.03 (d), (e) and (f) of the ordinance.

3. What is a historic district designation?

A historic 'district' is a geographic area of historical, cultural or aesthetic importance to the Lakewood community. In addition to meeting at least one (1) of the above criteria detailed under Question #2, a proposed District must also meet the following criteria for designation:

- The area within the proposed boundaries must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- The area within the proposed boundaries must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

4. Who can request a designation?

A property owner or any citizen(s) who are not the owners of the property to be nominated may request a designation by contacting the Lakewood Heritage Advisory Board. The Heritage Advisory Board initiates the nomination of a historic property or historic district for designation by a proposal to the Planning Commission. If the Heritage Advisory Board does not make a nomination, the owner of a prospective Historic Property or, in the case of a prospective Historic District, the owners of a majority of the properties in the District, may directly propose the nomination to the Planning Commission.

5. Does historic designation mean that I, or a future property owner, can't demolish the property?

No.

WHAT IS THE PROCESS FOR OBTAINING A HISTORIC PROPERTY OR HISTORIC DISTRICT DESIGNATION?

6. What are the steps to filing for a historic designation?

- 1) Citizen or property owner completes a nomination form, available on-line on the City's website, or makes an inquiry regarding historic designation to the Heritage Advisory Board. The person(s) submitting the nomination form shall attempt to secure the written consent of the property owner, but written consent is not required for designation.
- 2) The Heritage Advisory Board provides preliminary guidance on proposed nomination.
- 3) The Heritage Advisory Board reviews draft nominations and revisions are made with the applicant as needed. If the nomination is for a Historic District, the district property owners and the Heritage Advisory Board may create design guidelines jointly.
- 4) Heritage Advisory Board recommends approval of the nomination and design guidelines. If applicable, to the Planning Commission.

- 5) The Planning Commission will consider the nomination in two steps. It conducts a first meeting to determine whether the property or district is eligible for designation under the ordinance's criteria. If the Commission determines the property or district is eligible, it will hold a second meeting to vote on designation of the historic property or district and design guidelines.
- 6) The ordinance includes special provisions governing the situation when a property owner does not consent to the nomination; please refer to the ordinance for more information.

7. Where can nomination forms be obtained?

The nomination forms for Historic Property or Historic District Designation can be obtained from the City's website, www.onelakewood.com. Click on "Apply/Register" and then on "Boards/Commissions."

WHAT HAPPENS AFTER THE DESIGNATION IS GRANTED?

8. What is required to make changes to a historic property?

Before changes can be made to a designated historic property or a property in a historic district, an application for a Certificate of Appropriateness must be submitted to the City's Architectural Board of Review, in addition to applying for the other required permits. The requirements for submitting an application for a Certificate of Appropriateness are as follows:

- Complete the application which is available from the Building Department, Lakewood City Hall, 12650 Detroit Avenue.
- Provide a recent photograph of subject site.
- Submit a copy of plans and specifications required to get a building permit.
- Include a drawing of the exterior of the structure showing proposed changes.
- Supply a description of the proposed alterations and a list of materials that will be used.

See additional information below, under Question #9.

9. What kind of changes can I make to my Historic Property or my property in a Historic District?

The proposed changes will need to comply with certain guidelines. Those guidelines generally follow the United States Secretary of the Interior's Standards For Rehabilitation codified at 36 CFR 67 of the Code of Federal Regulations:

- 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.
- 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.
- Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
- 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.

- Chemical or physical treatments, such as sandblasting, that cause damage to the historic materials, structures, if appropriate, shall be undertaken using the gentlest means possible.
- Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 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.
- 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 environment would be unimpaired.

Please note that for private residences, the Historic Preservation Ordinance applies only to exterior changes, not interior changes.

10. Are there any exterior improvements that can be made to a historic designated property that do not require obtaining a Certificate of Appropriateness?

Exterior painting and landscaping improvements, referring only to the planting or arrangement of trees, shrubs, flowers and plants, may be carried out without applying for a Certificate of Appropriateness.

All other exterior improvements require filing an application for a Certificate of Appropriateness.

The Director of Planning and Development, or his/her designee, may administratively approve an application for a Certificate of Appropriateness for the following activities (this list is taken from the ordinance; see the Director for any clarifications needed):

- Repair or replacement of gutters and downspouts, provided there is no change in material or location.
- Exterior wall insulation provided the exterior holes are repaired with a matching material. For vinyl or aluminum siding, the necessary siding shall be removed prior to the work and then reinstalled. Insulation work that requires venting of any type that appears on the exterior of a structure requires a Certificate of Appropriateness.
- Re-roofing, only with like material and if the original style and shape of the roof is not altered.
- Storm windows and storm doors, provided that the item(s) installed:
 - Do not significantly alter the visual effect of the opening,
 - Is/are compatible with the character of the building,
 - Does not require the removal of original windows and/or doors.
- Repair of the surface of driveways, parking or loading areas or walkways with like material.

In the case of an administrative approval, the approval of the Certificate of Appropriateness by the Architectural Board of Review is not required.

11. Once I have submitted an application for a Certificate of Appropriateness, what are the next steps?

The Architectural Board of Review reviews Certificates of Appropriateness for designated properties on the basis of the Board of Building Standards Calendar as posted on the City of Lakewood's website, www.onelakewood.com.

If no action has been taken by the Architectural Board of Review (question 8 above), or the Director or his designee (question 10 above), on an application for a Certificate of Appropriateness within 60 days after such application has been received by the Architectural Board of Review, the Certificate of Appropriateness shall be deemed issued.

12. What happens if my Certificate of Appropriateness is approved?

Work on the exterior of your property can begin immediately after the approval of the Certificate of Appropriateness. If for any reason you decide to change or alter any of the materials or design of your exterior renovation, you must contact the Secretary to the Architectural Board of Review for approval. Depending upon your changes, you *may* be required to submit a new application.

If during the renovation process and/or required inspections it is determined that you have *not* followed the approved Certificate of Appropriateness, a "stop work" order will be issued by the Lakewood Building Department.

13. What happens if my Certificate of Appropriateness is denied?

In the event that the Architectural Board of Review denies an application for a Certificate of Appropriateness, it will impose a waiting period before the alteration or demolition can proceed during which attempts will be made to devise a plan for preservation of the historic resource. Alternatively, a determination may be made that the failure to approve the Certificate of Appropriateness will create a hardship for the applicant and that the alteration or demolition may proceed. These alternatives are discussed in more detail below.

When denying a Certificate of Appropriateness for an exterior alteration, the Architectural Board of Review is authorized to impose a waiting period of up to thirty (30) days from the date of disapproval. With respect to an application involving a demolition, the Architectural Board of Review may extend the waiting period up to one (1) year. During the waiting period the applicant can develop a compromise proposal which, if accepted by the Architectural Board of Review, will result in approval of the Certificate of Appropriateness. Also, during the waiting period, the Architectural Board of Review and other interested parties may participate in negotiations with the applicant to find a means of preserving the historic integrity of the designated property, which may even include a voluntary sale to a new owner. If at the end of a waiting period a compromise proposal has not been agreed upon or a means of preserving the property has not been found, the applicant can proceed with the alteration or demolition if he/she obtains a hardship determination from the Director of Planning and Development -- described below -- or obtains a Certificate of Economic Hardship -- also described below.

If, after the applicant and the Architectural Review Board hold good faith negotiations during the waiting period after denial of the Certificate of Appropriateness, the Director of Planning and Development can make a determination that the failure to approve the Certificate of

Appropriateness will create a substantial hardship to the applicant and that such a Certificate can be approved without substantial detriment to the public welfare and without substantial derogation from the purposes of the Ordinance. In the event of such a determination, the Architectural Board of Review may approve the Certificate of Appropriateness.

An applicant who has been denied a Certificate of Appropriateness, within thirty (30) days of the denial, may also apply for a Certificate of Economic Hardship. The application shall be made on a form prepared by the Commission. The ordinance sets forth criteria which shall be considered to determine the existence of a substantial hardship. The Commission may hold a public hearing on the hardship application and shall act upon the request for a finding of substantial hardship within six (6) months from the original denial of the Certificate of Appropriateness or two (2) months from the date the Commission receives all requested supporting material. If no action has been taken by the Commission during this period, the application is deemed granted.

WHAT RESOURCES ARE AVAILABLE TO OWNERS OF DESIGNATED PROPERTIES?

14. How can I date my house and its architectural features?

Determining a likely date of construction for an old house usually requires both documentary and architectural research. Documentary research that you can do yourself includes reviewing deed and probate information, tax records, and local histories. Building permit records are available at the Building Department, Lakewood City Hall, 12650 Detroit Avenue. The Lakewood Historical Society (14710 Lake Avenue, 216-221-7343) may have information as well as historic photographs; see the Society's website, www.lakewoodhistory.org, for instructions for property research; click on "Preservation/Old Home."

Additionally, the Cleveland Restoration Society (CRS) offers guidance on property research. Visit their website, www.clevelandrestoration.com, click on "Heritage Home Program" and then "Preservation Toolbox." The Preservation Tool Box feature also provides useful information on a variety of preservation subjects.

Documentary research can be quite conclusive, but in some cases physical investigation will be necessary to supplement and/or corroborate the documentary evidence. The investigation of the architectural fabric may require a more trained eye and some technical assistance from a preservation professional. A member of the Heritage Advisory Board or the Cleveland Restoration Society may be able to help with a physical investigation.

15. What funding sources are available for historic preservation?

Federal tax credit

Federal tax law offers a 20% tax credit for the rehabilitation expenses of historic buildings, and a 10% tax credit for the rehabilitation expenses of non-historic buildings built before 1936. For both credits, the building must be depreciable according to IRS regulations. *Private residences are not eligible for the credit.* All improvements must comply with historic preservation standards. The building must be listed on the National Register of Historic Places.

For more information: <http://www.ohiohistory.org>. Go to "Preserve", then "State Historic Preservation Office", and "Tax Incentives for Historic Preservation."

State tax credit

The Ohio Historic Preservation Tax Credit program provides a state tax credit for rehabilitation expenses to owners of historically significant buildings. The tax credit is 25% of qualified rehabilitation expenditures. Projects must result in a net gain of state and local tax revenue. *Private residences are not eligible for the credit.* All improvements must comply with historic preservation standards. The building must be either listed on the National Register of Historic Places or designated as a historic property or located in a historic district designated by the City of Lakewood.

For more information: access the same website referenced in the preceding paragraph.

City of Lakewood Commercial Property Revitalization Program

This program offers up to \$30,000 in grant assistance for renovation of Lakewood storefronts.

For more information on this program and other City of Lakewood programs for homeowners and businesses: <http://www.onelakewood.com>. Go to “Community Vision”, “Commercial Development” and then “Helping Out Local Businesses”.

Loan Programs

Low interest loan programs may be available through local banks. Contact the Heritage Advisory Board for current information.

HUD Purchase/Rehabilitation Loan Program

HUD’s 203(k) Program provide financing in one loan for the combined purchase and rehabilitation of one- to four-family dwellings and condominium units. The loan amount is based upon the after-rehabilitation value of the property. Loans are made through FHA-approved lenders.

For more information: www.portal.hud.gov/hudportal/HUD, and click on “Topic Areas” and then “Home Improvements.”

17. Where can I find appropriate hardware and fixtures for my historic property?

Three sources for hardware fixtures, as well as a host of other products related to historic houses, are *Old House Journal*, *Period Homes* and *Traditional Building* magazines. These periodicals may be available at your local bookstore. All three publications maintain web sites:

www.oldhousejournal.com

www.period-homes.com

www.traditional-building.com

For homeowners, another good source for appropriate hardware are local antique shops and architectural salvage shops. Check online.

18. How do I find reliable contractors to work on my historic property?

The City of Lakewood maintains a registry of contractors approved to work in the City; see www.onelakewood.com, click on “Find/Get” and then “Registered Contractors.”

Lakewood Alive as part of their housing outreach program offers a contractor referral guide. See www.lakewoodalive.com, click on “Housing Outreach” and then “Contractor Referral Guide.” It is also available in their offices and hosts a peer review from residents who worked with contractors.

The Heritage Advisory Board may be able to provide leads.

Old House Journal, *Period Homes* and *Traditional Building* magazines list contractors and/or companies that provide services for historic homeowners.

www.oldhousejournal.com

www.period-homes.com

www.traditional-building.com

Remember always to get several bids and reliable references from each bidder.

19. Where can the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings be obtained?

Visit the National Park Service's web site at: <http://www.nps.gov> or go to <http://nps.gov/tps/standards/rehabilitation/rehab/stand.htm>.

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