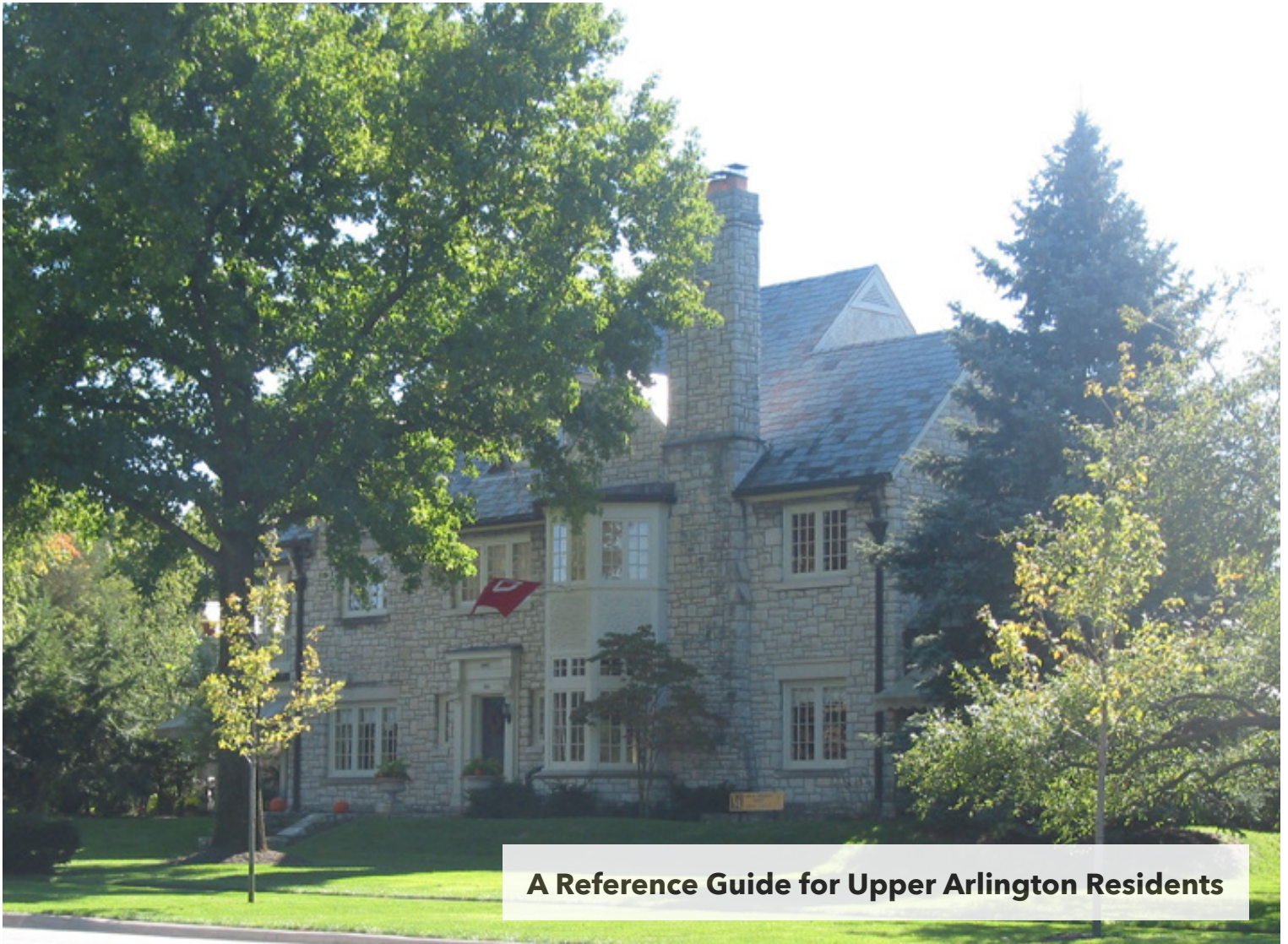


## Demolition Process in the Historic District



### A Reference Guide for Upper Arlington Residents

*In 1985, a portion of Upper Arlington south of Lane Avenue, known as "Old Arlington," was designated the "Upper Arlington Historic District" and placed on the National Register of Historic Places. The area was recognized for its high-quality 20th Century American Colonial and English Revival Styles. Many buildings in the District contribute to the unique character of the area, and if this built environment were to be significantly altered, the City could lose an irreplaceable asset - its visible historic identity. That said, there will always be a demand for newer, more modern homes.*

*Absent true preservation regulations, several homes in the Historic District have already been demolished to make way for new homes. In an effort to preserve the City's historic structures while allowing them to be upgraded, City Council has adopted legislation that is meant to discourage, but not prohibit, total demolition. The regulations were written to apply to the total or extreme demolition cases that directly affect the historical significance of the structure. A six-month delay period provides an intermission so that alternatives to total demolition can be thoughtfully considered.*

## Definitions

### Certificate of Economic Hardship

A certificate issued by the Board of Zoning and Planning (BZAP) authorizing the timely demolition of a Contributing Structure that meets the applicable criteria set forth in this Ordinance, based on a finding by the Board that delaying the demolition by 180 days would cause unusual economic hardship for the property owner seeking a demolition permit.

### Contributing Structures

Those buildings or structures that do not exist principally to serve a religious function, that stand within the “Upper Arlington Historic District” as defined by the national Register of Historic Places, that feature characteristics for which the National Register designation was made, such as: construction between 1915 and 1940, representation of early 20th Century architecture, or local significance in the area of community planning or landscape design, and that were contained in the original nomination form and map for purposes of receiving the Historic District designation. The City maintains an official map of contributing structures as identified by an historic preservation consultant.

### Historic Demolition

Any act or process of destruction or removal of a substantial amount of the square footage of a Contributing Structure so that its historical significance is materially compromised.

### Historic Demolition Permit

A permit approved by the Board of Zoning and Planning that indicates an applicant whose proposal meets the definition of Historic Demolition of a Contributing Structure has complied with the requirements of Article 4.06(l).

### National Register of Historic Places

The official listing of properties (including districts, buildings, structures, sites, and objects) managed by the National Park Service to recognize the value of preserving certain structures that are important to local, state, or national American history.

### Determination

Upon the filing of any demolition permit for a structure located in the Historic District, the Community Development Director must first verify whether the structure is Contributing or Non Contributing.

- If Non-Contributing, applicants may proceed with the standard demolition permit process.
- A Contributing structure will require further review and evaluation relative to Historic Demolition determination. If there is no Historic Demolition as defined, there is no requirement for a Historic Demolition Permit.

- The Community Development Director may determine whether Unusual and Compelling Circumstances justify a finding that the project is exempt from the regulations set forth in Unified Development Ordinance Article 4.06(l)3.

### Historic Demolition Permit Procedure

Unless a Certificate of Economic Hardship is issued, or a finding of Unusual and Compelling Circumstance has been made, an applicant proposing a Historic Demolition may only proceed with the proposed plans for the property by following the procedure described below:

1. The structure must be stabilized and secured to prevent deterioration.
2. The applicants must cooperate with reasonable requests by preservationists to understand the significance of the property and the neighborhood. This may include reviewing any plans or studies as to available preservation options.
3. The applicant must cooperate with preservationists to permit the documenting of the property including any reasonable requests to photograph the exterior and interior of the property.
4. The applicant must meet with BZAP during a Work Session within 60 days of the application to review actions taken to address subsections 1-3 above for the purposes of exploring alternatives to the proposed demolition.

BZAP shall conduct its final review and issue a decision during the earliest meeting occurring 30 days after the applicant requests final review and has complied with the notice requirements (unless BZAP and the applicant agree to postpone).

Written notice of the final review hearing shall be provided by the applicant by certified mail to all owners of property within 300 feet of the subject site at least 20 days before the hearing.

### Six-Month Delay Period

BZAP shall approve the issuance of a Historic Demolition Permit once the criteria has been met and will return the application and appended materials to the Community Development Department. However, the permit shall not be issued until at least 180 days after the applicant initially submitted the demolition application.

If a Historic Demolition Permit is approved for a Contributing Structure, any exterior alterations that require a building permit, and new construction that replaces such structures, must first complete design review with BZAP in accordance with Unified Development Ordinance Articles 7.17 and 7.18.

## Exemptions from Historic Demolition Regulations

### Certificate of Economic Hardship

After reviewing all evidence provided by applicant for a Certificate of Economic Hardship, BZAP shall determine whether such a certificate is appropriate by considering the following:

- Denial of a Certificate will result in a substantial economic burden on the applicant because the structure cannot be maintained in its current form at a reasonable cost during the required 180-day delay period;
- During the 180-day delay period, the denial of a Certificate of Economic Hardship would result in substantial and unanticipated economic costs relating to the property that would not have been incurred except for the requirements that were imposed by the demolition review.
- A Certificate of Economic Hardship shall be valid for six months from the date of Board approval. BZAP, upon written request from the applicant, may extend this period to a maximum total time of two years.

### Unusual and Compelling Circumstances

Those uncommon and rare instances in which the preservation of a Contributing Structure may not be justified due to conditions unique to the property including that the structure is unsafe or constitutes a threat to the public health, safety, or welfare; that the Contributing structure has been previously modified to such an extent that it has lost its historic architectural integrity; or that the proposed demolition involves only an Accessory Structure and will not diminish the historical significance of the Principal Structure; and where the proposed replacement plan is found to be compatible with the surrounding neighborhood in terms of architectural style, scale, massing, height and materials, consistent with the character of the Historic District.

### Right to Appeal

The Community Development Department's decision whether a proposed project constitutes a Historic Demolition may be appealed to BZAP within 10 days. The Board's decision on appeal whether a demolition constitutes a Historic Demolition may be appealed to City Council within 21 days. The Board's decision to grant or deny a Certificate of Economic Hardship may be appealed to City Council within 21 days.

### Penalty

Any person violating a provision of this code shall be fined not more than \$500 or imprisoned not more than 60 days or both. Fines increase substantially if there are subsequent violations.

## Design Guidelines

### Unified Development Ordinance Article 7.17

Residential investment and infill redevelopment is encouraged to maintain and expand the property values in Upper Arlington. In the design of new single-family homes to replace existing structures and for major additions that exceed 50 percent of the total square footage, building footprint, or living area of the existing structure, the following guidelines shall be considered:

1. **Neighborhood Compatibility:** The proposed design shall be consistent and compatible with prominent characteristics existing in the neighborhood, with particular consideration and focus on the characteristics existing on the same block (both sides of the street within two intersecting streets) or cul-de-sac as the subject property. Such characteristics include: parcel or homesite width and configuration, architectural style and materials, heights and massing, front yard setbacks, roof pitch and shape, garage location, amount of impervious surface, and other defining features of the neighborhood and with an emphasis on the block. Review for compatibility shall be based on all characteristics.
2. **Elevations and Floor Plans:** Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other.
3. **Façade Articulation:** Building façades shall be articulated through the use of color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure; blank elevations are prohibited. Such design elements shall include window treatments, trim detailing, and exterior wall materials.
4. **Privacy:** The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces preserve the privacy of existing adjacent development.
5. **Snout Houses:** The front elevation of new homes shall not be dominated by attached garages. Where possible the garages of new homes shall be side- or rear-loaded.
6. **Notification:** The property owner shall provide written notice of the pending construction of a new single-family residence to all property owners within 100 feet of the subject property. Such notice shall be hand-delivered or sent by postal mail prior to the submittal of a Building Permit application. Proof of notification shall accompany the Building Permit application.

## Unified Development Ordinance Article 7.18

Alterations to Contributing Structures that require a building permit and new construction that replaces such structures or any other new construction in the Historic District should be consistent with the design criteria as described below as well as the adopted guidelines approved by BZAP and City Council:

1. **Maintain Distinctive Original Features and Styles:** Alterations to Contributing Structures that require a building permit and new construction that replaces such structures or any other new construction in the Historic District should maintain the original features and styles, allowing the distinctive character of the house to serve as an example of, or be compatible with early 20th Century Revival architecture in the Historic District. These features include: details, columns, arched openings, windows, brick designs, porches, roof types, materials, and design. These Revival styles include but are not limited to: American Colonial; English Country; English Tudor; Spanish; Italian; and French.
2. **Recognize Historical Architecture:** Insensitive alterations and changes to the architecture and to the environment can destroy the special characteristics of the Historic District. The window proportions and materials such as siding, doors, and shutters help to establish the identity of the revival-style architecture. Replacement of these details with more contemporary features should be avoided.
3. **Recognize Change:** National Register designation does not mean a building or district should be frozen in time, but rather that any change should harmonize with the old and should respect the historic fabric of the district. When attempting to restore a house to a particular style, no attempt should be made to create a building that never existed and the arbitrary removal of later features should be avoided.
4. **Materials Used:** Materials used should be consistent with the historic fabric of the area and compatible with the neighborhood.
5. **Compatible Contemporary Alterations:** Alterations should not destroy the architectural or historic fabric of the building and should be compatible with the neighborhood. Landscape materials should reflect the character of the neighborhood and front yard fencing should be avoided to maintain continual visual character along the streetscape.

6. **Avoid Impairing the Underlying Structure:** Additions should be built so that the original character and feeling of the building would survive if the additions were removed at any time in the future. Freestanding structures should be designed to observe height proportions of the building façade and openings including solid rhythms, spacing rhythms, setbacks, and directionality of adjacent buildings, porches and other projections. Additions should be similar in character to others in the neighborhood. Saving mature trees is encouraged.

These guidelines shall not be required for the following activities in the Historic District, but the guidelines under Article 7.17 may still apply:

1. Maintenance and/or repair activities,
2. Alterations to Contributing Structures that do not require a building permit,
3. Interior work on any building or structure that does not require a building permit,
4. General landscape maintenance and/or planting of new organic material; and
5. Work required for temporary stabilization of a building or structure due to damage from natural events or an act of God.

Visit [upperarlingtonoh.gov](http://upperarlingtonoh.gov) for any other information you may need for your home improvement project. Online items include zoning maps, a GIS-Interactive Mapping tool for zoning information, BZAP and City Council Agendas (listed under "Public Meetings") and maps and lists of Historic District Contributing Structures.

