

Council reviews historic preservation rules

By Jeanne Davant

Citizens who appeal decisions of the Historic Preservation Commission cannot present new information during their hearing before City Council, but appeals can be remanded back to the commission.

City Attorney Christine Stretesky told Council at a work session Tuesday that applicants seeking to modify premises in the historic district also could approach the Historic Preservation Commission (HPC) with significant new information rather than appealing to Council.

Commission members discussed the historic preservation ordinance and their efforts to educate community members about its importance and provisions.

"A lot of people who live in the district don't even know what we do," said Historic Preservation Commissioner Tammila Wright said the commission is planning to install small signs at the boundaries of historic subdistricts and wants to hold workshops on efforts such as restoring windows and rebuilding historic walls.

The commission and Planning Department staff also plan to increase and enhance historic preservation information on the city's Web site, and to find other ways to inform property owners about tax credits and other incentives for properly restoring and renovating their buildings.

Manitou's historic preservation ordinance was adopted in 1979 and has undergone several revisions. Several of these provided for withdrawing properties from the district, which exempted them from complying with historic design guidelines.

A 2002 amendment stopped further withdrawals by providing that a property would come back into the district when it was sold. A ballot issue to restore an "opt-out" provision was defeated.

These opt-out provisions have caused a great deal of confusion among citizens, Commissioner Ann Nichols said. Currently, fewer than 300 properties are opted out, and those properties will re-enter the district as they are sold.

"It's hard to talk to people about why they can't do something when the person next door has opted out and can do anything they want," Councilman Matt Carpenter said.

Some property owners chafe at the requirements imposed by being part of the historic district, but City Planner Michelle Anthony said the district is an important tool to remedy substandard and dangerous properties. Administering the historic district with the opt-out provisions has been "a nightmare," Anthony said.

Besides improving the housing stock, historic preservation can increase property values and aid owners who want to renovate, Commissioner Vicky Bunsen Doucette said.

"People can qualify for tax credits with certain kinds of preservation," Doucette said.

The HPC is attempting to help property owners find incentives and funding for maintaining and repairing their properties and show them how to do it right," Commissioner Anne Hyde said.

Anthony said new guidelines from the U.S. Interior Department have been published and will soon be brought to Council for adoption.

Historic Preservation Commission Chair Molly Wingate said most of the problems Council hears about are from people who are not happy with the outcomes of commission hearings.

"The vast majority of (applications) go through the commission without any problem," Wingate said. "It is rare that they come to Council. It is our goal to work with the applicant as best we can."

Council also discussed conflicts of interest and when it is appropriate for Council members to recuse themselves.

"Any time a Council member feels he or she can't make an unbiased decision, they should recuse," Stretesky said. "If you have a personal interest in any matter proposed or coming before you, the code says you shall disclose your interest and you shall not vote ... You can look at revising the code to better define personal interest."

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