

# Historical Districts

## Building With Stricter Guidelines

In general terms, a historical district is a neighbourhood which has special ordinances and regulations in addition to the typical zoning. These are hard won victories for residents who want to bring an element of uniformity and historical consistency to their neighborhood. The process leading to such a designation is a long road to travel and can take years. From an aesthetic point of view, an historical district designation is good for a neighbourhood. From a development standpoint, the opposite can be true. The design and permitting process can be arduous and often includes cumbersome neighbourhood association meetings and public hearings. There are significant pros and cons to building in a historical district.

### The Process

In a historical district, it takes a lot more time to sift through the city code book and to translate the rules into a clear picture of what can and can't be done. The design parameters must be mapped out carefully in order to design a project that fits those requirements. Sometimes the municipal code is poorly written, vague, or even contradictory, so it is important to carefully review all of the applicable codes. The rules can get so complicated that even the city officials charged with enforcing them might not understand them completely.

Some historical areas can be relatively easy to work in, the rules offering clear guidance in terms of what can and can't be built. In other historical districts however, the rules, often referred to as 'muni-code' are bent more towards appeasing community input of all kinds, and don't necessarily provide a clear framework to work within. If that is the case, a compatibility study must be conducted on the existing houses where the project would be located. Compatibility studies are surveys of existing contributing structures<sup>1</sup> that determine things like average roof height, door and window sizes, foundation and finishing materials, and more. In some cases, this survey may only apply to the side of the street from block corner to block corner (also referred to as the block face) where the lot is located. A house directly across the street might not be taken into consideration simply because it is not located on the same block face. You should engage an architect and/or a surveyor to create a compatibility survey. It is a complicated process that almost certainly will involve knocking on doors to request permission to take measurements.

### Effects on Timing

Working in a historical district can be very time consuming, both in terms of getting the permit issued and the time it takes to complete the build. There is a set schedule of public hearings you must attend and this can leave a project idle while you wait for hearing dates.

Once the build starts, there are neighbours to consider. Neighbour relations can be very challenging in a historically designated neighbourhood. Some neighbours might be hostile towards development. You might also encounter the type of person we jokingly call 'local historian neighbor'. A 'local historian neighbor' was likely involved in the historical district designation process and tends to have very strong opinions about what others should be doing to their own houses. The local historian will insert themselves into the process, telling you exactly what you can and can't do. After all, they wrote the rules! But don't assume this neighbour is an expert. They may not have a clear grasp of the ordinances or building code minutia.

Empty complaints can be a problem. We have actually had neighbours walk by some of our projects, wrongly assume that we are violating some kind of historical ordinance and immediately call code

enforcement. Unfortunately, most code enforcement officers are not fully immersed in the minutia of complicated historical district rules, and will simply issue a stop work order<sup>2</sup>. Then you have to sort it out with the zoning officials in charge of insuring rule adherence. None of the stop work orders we received over the years were the result of any deviation from approved plans, but they did result in delays of a week or more while we searched for the proper city employee to remove the order and allow us to get back to work.

## Rules and Consequences

Some of these neighbourhoods will dictate things like whether or not you can paint the brick on your house, if you can have a sky light that is visible from the street, the size and style of windows and exterior doors, what color you can paint your house, the siding texture, how many mullions<sup>3</sup> need to be on the windows, length and material of the driveway, foundation material, or even the style and profile of porch railings. We were once required to use only raw cinderblock for the foundation of a house because that is what was used historically. The cinderblock looked cheap and terrible, but we had to meet that requirement, despite offering to use a much more expensive historically appropriate brick. We have also seen a few very unfortunate cases where homeowners had to spend a ton of money to sand blast paint off of their brick because they weren't aware that they couldn't paint it.

## Our Verdicts

We don't think it is good practice to build spec homes in these neighbourhoods due to the extra time and expense. You could simply purchase a lot in a different area with far less bureaucratic red tape. Building a spec house in a historic neighbourhood can significantly increase your project's timeline, often by several months.

However, a client looking to build a custom home for themselves may have different priorities such as neighbourhood aesthetics, location, schools, community amenities, etc. They may not be concerned about the additional time and expense. For these clients, we recommend hiring an architect that has substantial experience working in that specific historical district. They should be familiar with both the rules and the people who control approval, i.e., existing residents and city officials. We also recommend hiring a permit expeditor who can take the permit drawings and documents through this very complicated process of hearings and approvals.

Research, research, talk to city officials, do more research, and then do more research. It is important to walk into a historical district with both eyes wide open and a team of experts to help navigate the process.

<sup>1</sup> A contributing structure is a house that was built during a certain period of time and is considered 'historical'. Houses built after a certain date are usually considered 'non-contributing structures' and are not allowed to be taken into consideration during the block face survey. For example, there might be a twenty-five-year-old, two-story house on a street that was historically full of only one-story houses. That house would be considered non-contributing and would be left out of the survey.

<sup>2</sup> A stop work order is a legal notice of defect that makes it illegal to continue working on a job site. Workers can be arrested if work continues prior to resolution and these orders often result in a court summons and fine, at least within the City of Atlanta.

<sup>3</sup> Mullions are vertical and horizontal bars that divide the window glass into smaller pieces for aesthetic purposes