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When Historic Properties are Threatened

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Q • *I want to save a historic farmhouse that a contractor plans to demolish for the lot. I only have 60 days until it's sold. The owners in Bermuda have no interest but to make money. What can I do?*

What you describe is, unfortunately, an all too common preservation challenge. Across the country, hundreds of historic houses that stand in the path of development—particularly in areas of suburban sprawl—are demolished every year.

On the other hand, many others are saved and rehabilitated by the efforts of savvy, tenacious local advocates. While there is no single preservation strategy guaranteed to succeed, anyone who wants to save a historic property threatened by the wrecking ball should consider these points.

1. Know the facts.

Gather as much pertinent information about the property as possible by researching these questions:

- Who owns the property? (Check the public records at the local recorder of deeds.)
- If the property is for sale, what are the asking price and other conditions of the sale? Is the property listed with a real estate agent?
- If the property is currently under an agreement of sale (a document that details the price and terms of the transaction), who is the prospective buyer and what conditions have been placed on the sale? When does the agreement expire? Since an agreement of sale is typically private, you may have to do some sleuthing to get this information.
- What is the historical significance of the property? Is it listed on a local, state, or federal register of historic places? Start by contacting your state's Historic Preservation Office (see www.ncshpo.org/stateinfolist/).
- Is there a local preservation ordinance, such as a demolition restriction, that protects the property up to some level?
- What is the current zoning classification for the property? Does it allow other uses, subdivision, or new construction on the property? Are there other restrictions—for example, covenants or environmental protections?
- Will the current owner or prospective buyer need local variances to develop the property or permits to demolish historic buildings?
- What is the physical condition of the historic building? If it is for sale, ask the real estate agent for a site visit. If the building is not accessible, ask someone who has recent first-hand information about its condition.

2) Set Goals.

Once you have collected the facts about the property, brainstorm possible preservation strategies.

- What is your ultimate goal for the property—private or public ownership by a preservation-friendly buyer?
- Is it okay if part of the property is developed while retaining the historic building?
- Can historic buildings be adaptively rehabilitated for new uses while retaining their historic character?

3) Realistically assess the challenges.

No matter how significant, every historic property is ultimately still real estate with inherent economic value for its owner.

- Is there, or could there be, meaningful grassroots support for saving the historic property?
- Do local officials support preservation, or would they rather encourage new development?
- Someone—be it a private individual, a governmental entity, or a nonprofit organization—will have to compensate the current owner for the property's fair value.
- There are also the costs of rehabilitation and property ownership (mortgage, taxes, utilities, maintenance) to consider.

4) Create alliances.

Get the support of local and regional preservation and smart-growth organizations, civic groups, and politicians.

- More importantly, you might partner with an individual or organization that has the resources and desire to acquire, rehabilitate, and use all or part of the threatened historic property.

5) Engage in direct negotiations.

When you have determined one or more viable preservation strategies, take your plan to the property owner.

- Start with the real estate agent if the property is for sale, but if the agent does not present your proposal fairly, contact the owner directly.
- If you can present a compelling case for the property's historic significance and the viability of your preservation plan, the owner may be willing to give (or sell) you a purchase option wherein the property is taken off the open market for a specified period while you implement your preservation plan.
- A purchase option (or agreement of sale) also gives you the right to assign ultimate ownership to another party. Numerous preservation organizations, such as the Historic Landmark Foundation of Indiana and Preservation North Carolina, which has saved more than 450 historic houses, rescue threatened properties in this manner.
- If the property is already under an agreement of sale to another party, contact them. They may be willing to assign all or some of the purchase rights to you.

6) Gather public support.

In many cases the property owner couldn't care less about preservation and simply wants the most money for the property—a figure that is often determined by the development potential of the land.

- In fact, some property owners think historic buildings have negative value. This may be the point at which preservationists rally public support for saving the property.
- First, the public needs to know the historic value of the property—that is, why it should be saved. Take what you have learned about the history or significance of the property and present it to the public in a simple and compelling manner. Remember that local newspapers love to print this information.
- Let local elected officials know you're concerned about the preservation of the property. Advocates should speak out at planning and zoning hearings, especially if variances are needed to implement a development plan that would result in the demolition of the historic building. However, the same allies should also offer realistic alternatives at these meetings.

7) Be creative and be prepared to be flexible.

Your best-case outcome may not be economically or politically feasible, so be prepared to consider some compromises.

- Protect the property by acquiring a preservation easement from the property owner. A typical preservation easement requires current and future owners to maintain the historic character of the property, but they retain all other property rights. Easements can be purchased from, or donated by, the current owner. (An easement donation may result in a tax deduction for the donor.)
- Allow limited development—say, new residential construction—on nonhistoric parts of the property.
- Adaptively re-use the historic building for income-producing tenants (a professional office, special-events rental facility, or restaurant) or publicly supported uses (maybe a community center or governmental offices).
- Exercise legal options. If you feel that demolition permits, zoning variances, or development approvals have been unfairly granted, use your citizens' rights to appeal to the appropriate commissions and even the courts, if necessary. Legal battles can be nasty, expensive, and lengthy, but if you can't arrive at amicable solutions, sometimes the law is your only recourse. Whatever your strategy, remember that most historic resources are lost because local municipalities have not enacted protective preservation ordinances. The loss, or threatened loss, of a local landmark often becomes the catalyst for citizen calls to create governmental protection of historic properties in the public's interests. Thus you may lose the battle, but still win the war.