

PRESERVATION TOPICS #1

Historic Preservation Commission

City of Milwaukee

WHAT IS THE HISTORIC PRESERVATION COMMISSION?

On June 16, 1981, the Common Council of the City of Milwaukee repealed Section 2-335 of the Code of Ordinances relating to the Milwaukee Landmark's Commission and replaced it with a new section creating the Milwaukee Historic Preservation Commission. The Historic Preservation Commission consists of nine, unpaid, citizen members and is staffed by the Department of City Development. **The Milwaukee Historic Preservation Commission**

The Commission is charged with the responsibility of assisting in the preservation of the city's historic and cultural heritage by identifying buildings, sites, objects and districts that reflect elements of Milwaukee's cultural, social, economic, political and architectural history. The Commission aids in safeguarding this historic legacy by recommending that the Common Council designate eligible properties as local historic sites and districts protected by special design review procedures.

What Properties are eligible for designation?

Any structure, site or district, which possesses architectural, cultural or historical significance to the City of Milwaukee, may be considered for designation. In general, a structure, site or district is considered to possess these qualities if it:

1. Exemplifies the development of the cultural, economic, social or historic heritage of the City of Milwaukee, State of Wisconsin or of the United States.
2. Is the site of a significant historic event.
3. Is identified with a person or persons who significantly contributed to the culture and development of the City of Milwaukee.
4. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
5. Embodies the distinguishing characteristics of an architectural type of specimen.
6. Is the work of an artist, architect, craftsman, or master builder whose individual works have influenced the development of the City of Milwaukee.
7. Embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
8. Is related to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.
9. Is uniquely located as a singular structure, object or place which represents an established and familiar visual feature of a neighborhood, community, or the City of Milwaukee.

How are sites designated?

Section 308-81 of the Milwaukee Code of Ordinances defines the process by which a site may be designated as historic. Any person can petition the Historic Preservation Commission for the designation of a site by obtaining an application from the Commission staff.

Applications are reviewed by the staff for completeness and accuracy before being scheduled for presentation to the Commission. Upon reaching a preliminary conclusion that a site appears to satisfy the criteria of significance, the Commission instructs the staff to prepare a Historic Designation Study Report and to contact the owner or owners of the affected property, as well as

the owners of all properties that lie within two hundred feet of the boundaries of the proposed site or district, and inform them of the justification for, and probable effects of, the proposed designation. A minimum of twenty-five days after the notification letters are mailed, a public hearing is scheduled. Following the public hearing the Commission decides whether or not to recommend the site for designation to the Common Council and informs the affected property owners of their recommendation by letter. The Common Council then votes to either approve or deny the designation. If the designation is approved, the City Clerk notifies the owners of the affected property, the appropriate alderpeople, the Commissioners of City Development, Public Works and Neighborhood Services, and files a notice of the designation with the Milwaukee County Register of Deeds to be recorded with the deeds of the affected properties. Once notified of the designation by the City Clerk, the Commissioner of Neighborhood Services will not issue a building permit for a designated historic site or structure within a historic district without first obtaining a Certificate of Appropriateness (COA) from the Commission.

What are the advantages of having a site declared historic by the City of Milwaukee?

Other than the prestige and honor associated with having your building officially recognized as an important element of the City's cultural heritage, designation affords property owners the opportunity to exercise a greater measure of control over the future of their properties and neighborhoods than would otherwise be the case. By requiring that proposed new construction and exterior alterations be reviewed by the Historic Preservation Commission, the architectural integrity of Milwaukee's historic buildings and neighborhoods can be safeguarded against unsympathetic projects that would destroy the qualities that have made some buildings visual landmarks to generations of city residents and have given some neighborhoods their special character and identity.

It has been demonstrated in many communities that local designation may actually enhance property values by increasing the attractiveness of a district to potential residents or investors. The assurance that changes in an area's physical appearance will be carefully monitored to preserve its unique historic character tends to have a positive effect on property values by removing much of the uncertainty about future building alterations or changes in land use that might adversely impact neighboring structures.

In addition, city designation could make rehabilitation-minded property owners within certain historic districts eligible to apply for the generous federal income tax incentives contained in the Economic Recovery Tax Act of 1981. Briefly, if a depreciable structure is a contributing element within a certified local historic district, its owner may be eligible to apply for a 25% investment tax credit for expenses incurred in its rehabilitation, if the work is done in conformance with federal design standards.

What is the purpose of the Commission's design review responsibility and how does the review process work?

When a property is designated as a historic site under Section 308-81, it is protected from unsympathetic exterior alteration. Inappropriate exterior remodeling is the most prevalent cause of loss of historic character for old buildings. Although often well-intentioned,

such alterations as the replacement of original window sash with modern prefabricated units, the installation of vinyl or aluminum siding, or the removal of architectural trim such as eaves brackets, bargeboards, window caps or porches destroys the architectural integrity of old buildings and may actually lessen their resale value. Some alterations may even result in irreversible structural deterioration.

To prevent these unfortunate consequences from occurring, property owners are required to submit to the Historic Preservation Commission for review any project they wish to undertake that will affect the exterior appearance of their designated historic buildings. The Commission's review occurs as part of the building permit application process. If the project is consistent with the historic character of the building or historic district, the Commission will issue a COA and no further historical review would be required to obtain a building permit. In some cases, the COA may be issued by staff without official Commission review.

In the event the Commission finds that a proposed project will violate the historic integrity of the building or district in which it is located, it will schedule a public hearing within thirty days and, in the interim, attempt to negotiate changes in the project that will render it acceptable to the Commission. If no acceptable compromise can be reached prior to or during the public hearing, the Commission will refuse to issue a COA with the result that no building permit will be granted for the project by the Commissioner of Neighborhood Service. The aggrieved applicant may appeal to the Common Council, which may reverse or modify the decision of the Commission.

More detailed information on design review procedures can be obtained by contacting the Historic Preservation Commission staff.

Can designated historic properties be demolished?

The Historic Preservation Commission reviews applications for demolition permits in the same manner as applications for building permits. In considering such a request, the Commission takes into consideration the effect that the proposed demolition would have upon the historic district in which it is located or, in the case of an individually designated structure, the value of the resource to the cultural heritage of Milwaukee. It weighs these considerations against the owner's right to a reasonable use of the property, the public benefit of the project requiring the demolition, and the severity of the hardship that would be inflicted upon the owner should the request be denied. After taking into account these factors, the Commission may either grant or deny the request or defer making a determination for a period of up to one year while it attempts to find a method of saving the endangered structure. The owner may appeal the Commission's decision to defer judgement to the Administrative Review Appeals Board pursuant to Section 320-11 of the Milwaukee Code of Ordinances. During the period the Commission is considering a demolition request, the owner is enjoined from taking any action that would damage or lead to further deterioration of the building. In the event that the Commission denies a demolition request, the owner can appeal to the Common Council, which may reverse or modify the Commission's decision by a two-thirds vote.

Will owners be forced to restore or improve their historic properties if they are designated?

Designation of a structure, site or district is not intended to force property owners to recreate the original appearance of a building or neighborhood or make it like a museum. Property owners will not be forced to improve their buildings nor will they be required to restore them to their exact original appearance or recreate missing architectural features.

Instead, property owners will be encouraged to properly maintain their buildings and take pride in their neighborhood. When an owner contemplates making improvements to a building, the Commission will attempt to ensure that the work is done in a manner sympathetic to the structure's historic character and in conformance with good construction practice. The Commission staff includes trained professionals with expertise in historic preservation that stand ready

to assist Milwaukee residents with advice on the proper maintenance and restoration of historic buildings.

Will new construction be prevented at historic sites?

In designating a historic site or district, the Historic Preservation Commission is seeking to give recognition to a cultural resource that is still a viable asset to the community. The Commission does not want an area to stop growing and improving just because it has been designated as historic. As a result, new construction that is sympathetic to its surroundings in size, scale, materials and color will not be discouraged. Additions should be designed to respect the architectural integrity of the major publicly visible elevations of the older buildings around it or be located out of site.

Will property taxes be increased as a result of historic designation?

The City of Milwaukee's Tax Assessor's office does not consider historic designation as a factor when computing property tax assessments. It is sometimes the case that historic designation coincides with a general home improvement trend in the neighborhood. Property is revalued for tax purposes as a result of actual investment, but this is never the direct result of historic designation alone.

How does one obtain an application for historic designation?

To obtain an application for local historic designation or any other information about Milwaukee's Historic Preservation Commission, please contact the Commission staff at:



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