



City of Bloomington Common Council

Legislative Packet – Addendum

Posted on Monday, 30 September
2024

Tuesday, 01 October 2024
Regular Session at 6:30 pm

September 30, 2024

City of Bloomington City Council Members
401 N. Morton St., Ste. 110
Bloomington, IN 47404

To the Bloomington City Council:

We are writing to formally withdraw our application for a Conservation District in the Green Acres neighborhood at this time. This decision comes after much reflection on the current circumstances, with the goal of building broader consensus and strengthening our case for the future. Please know that this is not a retreat, but rather a strategic step to ensure that we can ultimately protect our neighborhood, as outlined in the city's comprehensive plan.

The comprehensive plan clearly states that preserving modest housing is imperative to solving the housing crisis, and we are committed to aligning our efforts with that vision. Our neighborhood is home to historic and cultural assets that we believe must be safeguarded for future generations, and we will continue working to achieve this important goal.

While we understand that the council is unlikely to support our application at this time, we are cognizant of the complex issues surrounding the proposal. However, we remain steadfast in our dedication to protecting our community's character, heritage, and modest housing, and will go forward with our efforts despite this temporary withdrawal.

In the coming months, we look forward to engaging with each of you to explore points of common ground and mutual understanding. We are eager to find solutions that benefit both the neighborhood and the broader city, and we believe that, together, we can develop a plan that reflects our shared values.

Please know that we will be back, and we remain hopeful that future discussions will lead to a positive outcome for the Green Acres Neighborhood.

Thank you for your time and consideration. We look forward to continuing this dialogue and working with you toward a solution that benefits all.

Sincerely,

Dr. Lois Sabo-Skelton, Chair
Green Acres Conservation District Development Committee
121 N. Overhill Dr.
Bloomington, IN 47408
(812) 339-9678



Colleen Williamson <colleen.williamson@bloomington.in.gov>

Fwd: Green Acres Designation

1 message

Isabel Piedmont-Smith <piedmoni@bloomington.in.gov>

Sun, Sep 29, 2024 at 3:56 PM

To: Ash Kulak <ash.kulak@bloomington.in.gov>, Colleen Williamson <colleen.williamson@bloomington.in.gov>

----- Forwarded message -----

From: **Nancy Kaster** <kasternancy@gmail.com>

Date: Mon, Sep 16, 2024 at 4:26 PM

Subject: Green Acres Designation

To: <date.rosenbarger@bloomington.in.gov>, <ruffa@bloomington.in.gov>, <sydney.zulich@bloomington.in.gov>, <piedmoni@bloomington.in.gov>, <hopi.stosberg@bloomington.in.gov>, <matt.flaherty@bloomington.in.gov>, <isak.asare@bloomington.in.gov>, <courtney.daily@bloomington.in.gov>, <rollod@bloomington.in.gov>

We have a property at [300 N. Roosevelt](#) in the Green Acres Area. I attended the HPC meeting on 8/12/24. There are several issues that I would like to mention regarding this matter.

#1 the commission clearly states that a complete survey must be done and presented with the petition. This was not done, a survey was referenced in the petition from 2018, but it was not a complete survey. That survey had one outstanding property and five notable properties. 244 structures were not even surveyed. At the meeting, many times this was noted and the committee was asked to have a survey completed before moving forward. There were also several people that indicated this area was too large and should be divided. The properties on the east side are vastly different from the west side.

#2 the commission also states three public meetings are to be held. There was a legal notice of the meetings in the paper, but the majority of the owners present at the meeting indicated they had no knowledge of any of these proceedings. If the meetings were held, there was no documentation presented indicating how many people attended and what the responses were. The petitioner admitted that she had no idea what the "buy-in" was from the property owners from the meetings. She also stated that no petition was sent out. I also have the opinion that most of the commissioners had not driven through the neighborhood - a few pictures did not tell the story of Green Acres.

My observation is that this proposal was rushed without proper notification to the property owners in order to prevent demolition of 5 houses on Jefferson which had gone through the proper channels for the request. The property owners in Green Acres deserve to be a part of this decision and we were not.

I request that this be voted down. Thank you for your consideration.

Nancy Kaster

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Isabel Piedmont-Smith (she/her/hers)
President, Bloomington City Council
Council Member - District 1
Bloomington, Indiana

9/14/2024

Dear Bloomington City Council,

My name is Kristen Woodworth and my family has owned 220 S. Jefferson Street since 2019. We purchased this home for our children to live in while attending IU and it has become very special to our family. We do not rent it during the summer months so we can all enjoy spending time in Bloomington. We will not own this home forever, but we also have no intention of selling to a developer. It seems some are fear mongering by insinuating that any non-owner occupied home will be demolished to accommodate multi-family residences. This is not the case.

We have come to love the Green Acres community. It's a place full of original owners and new owners, young people and old people, local owners and transplant owners.. It's unfortunate that some residents wish to keep the community from thriving by stunting the ability to improve. Their wish is to keep the neighborhood from changing, which seems to be the opposite of what Bloomington stands for. It should welcome the updating of unlivable homes by breathing new life into them and allowing more people to enjoy them. Bloomington needs more housing options for locals, not less!

We first became aware of the petition to convert the entire 450 home community to a conservation district when a letter from the city was delivered to us via US postal service. We had not gotten any notes on doors or letters from the neighborhood regarding this huge change to the neighborhood. The petitioners seemingly only invited a select few close confidants whom they knew would be in favor of this project to voice their opinions.

From what I've been told, the conservation designation only stays with the property for 3 years then the area will automatically become a historic designation unless there is enough to support keeping it conservation. During the historic preservation commission (HPC) meeting on 8/12/24 it was mentioned that nearly in every instance a conservation designation moves to a historic designation at the end of the 3 year period. It is important to note that during this same meeting, several of the committee members outwardly expressed concern that the 39 signatures on the petition did not show enough "buy-in" from the rest of the community. Their votes to pass this along to the City Council was baffling to me after listening to their comments. (I believe there were 4 committee members who expressed this)

This is a very serious thing to forcefully impose upon 450 properties. Has there ever been such a huge area defined as a conservation/historic area? Is the review committee prepared to answer architectural requests from 450 different properties? Will homeowners have to wait months and months to be able to put on a new roof or paint their exterior because the committee is so backlogged? What if a roof is leaking, but the committee has not yet met to allow the homeowner to put on the new roof? I've personally witnessed a homeowner in a historical area be unable to install a Radon mitigation system for many months because the committee did not like the look of the exterior PVC pipe required to vent the dangerous gas from

the home. This could cause lingering effects to a property and/or its occupants if the lag time to make appropriate repairs is too long. This will surely affect property values.

It's also important to note that any conservation/historic designation will need to be disclosed at the time a property is sold. This oftentimes makes a property more difficult to sell due to buyers not wanting to deal with the politics involved and also can devalue the property. People like this neighborhood because it has no covenants or restrictions and property owners can use their property freely. There are already zoning requirements and rules in place by the city that keeps property owners in check. We do not need a second layer of government interference.

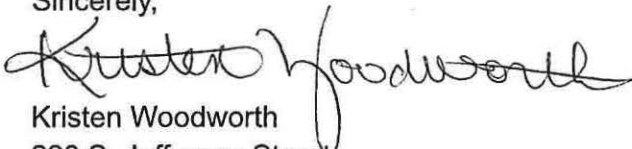
During the HPC meeting on 8/12/24 the few people who spoke in support of this designation used examples of "great memories growing up" or "great people who lived next door". There were poems included in the literature. Lots of "feelings" were involved. The reasons for this being labeled "Historic" is a major stretch. Many of these homes are poorly constructed with no real historical value. Unfortunately, personal memories and opinions of past residents do not make an entire neighborhood historic. It's unfair to all the other property owners that a few people are GROSSLY misusing the categorization in order to stunt property values without regard to the entirety of the community. If an individual property owner wishes to be designated historical then it is their right to petition for that label, but it is not their right to impose their wishes on 449 other property owners.

Bloomington is growing and the needs of its residents are changing. There are many homes within Green Acres that really NEED demolishing or major improvement. Some are unlivable and others are just unattractive and could use some love. There are a few homes along our street that would be great candidates for redevelopment into something beautiful, charming, and full of life. Why can't we agree that it only helps our entire community if we renew and reinvent these properties?

I conducted an online survey of property owners by mailing every property owner a letter with a QR code to an electronic survey. The mailing list was procured from the tax records in MIBOR. About 6 letters were sent back as undeliverable. I will include these results.

Times change and so must communities. Communities are organic and must not be closed off to new ideas and new property uses. It seems the supporters of this designation are trying to keep their community free of outsiders and free of diversity. **Please look at the wishes of the majority of the neighborhood and vote No to the conservation designation.**

Sincerely,



Kristen Woodworth
220 S. Jefferson Street
317-903-7900

General Data

Owner Occupant Results

- 90 Surveys Mailed
- 19 Surveys Completed
- 21% response rate
- For Conservation/Historical 7 (35%)
- Against Conservation/Historical 9 (47%)
- For Conservation BUT Against Historical 2 (10.5%)

Non-Owner Occupant Results

- 180 Surveys Mailed (representing 396 parcels)
- 70 Surveys Completed
- 159 Parcels Represented By Completed Surveys
- 40% response rate if measured by parcels
- 39% response rate if measured by owners
- For Conservation/Historical 6 (3%)
- Against Conservation/Historic 154 (97%)

Non-Owner Occupant Results



Green Acres Conservation/Historical Designation

Please give your opinion in regards to the potential conservation/historical district in Green Acres. If passed through city council, this designation will begin as a conservation district and will become a historic district after 3 years. Both designations will diminish the property rights of individual property owners. The Bloomington Historical Preservation Committee expressed concern during the 8/12/24 meeting that the "buy in" for this cause was low, but they still passed it through the committee to be final voted on by City Council. They passed this with only 39 homeowner signatures - some of which were multiple people within the same household. Please consider completing this survey. These results will be sent to all city council members prior to the meeting in which this will be voted on (date currently

unknown).

To see documentation related to this please visit: [https://bloomington.in.gov/onboard/meetingFiles?
committee_id=35](https://bloomington.in.gov/onboard/meetingFiles?committee_id=35)

Q1 Name*

Thursday, September 12, 2024 at 3:02 PM UTC

Mike Avila

Wednesday, September 11, 2024 at 3:42 PM UTC

Zahid Din

Tuesday, September 10, 2024 at 3:01 PM UTC

Hoosier Choice/David Hays

Monday, September 9, 2024 at 1:14 PM UTC

Eric Baker

Sunday, September 8, 2024 at 3:10 PM UTC

Roger Morris

Answered: 70 Unanswered: 0

Q2 Green Acres Property Address

(one response per address please)*

Thursday, September 12, 2024 at 3:02 PM UTC

2301 E 5th St

Wednesday, September 11, 2024 at 3:42 PM UTC

222 S Roosevelt St

Tuesday, September 10, 2024 at 3:01 PM UTC

115 S Clark St.

Monday, September 9, 2024 at 1:14 PM UTC

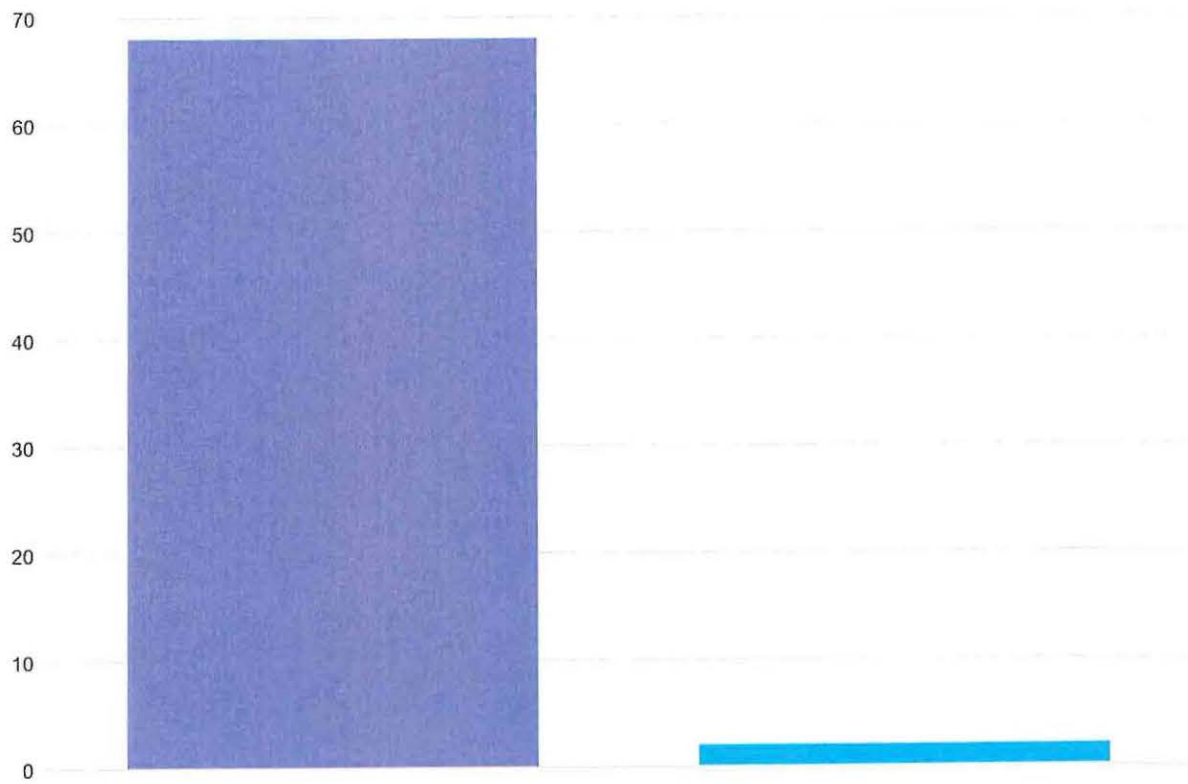
2511 East 7th Street, Bloomington, Indiana

Sunday, September 8, 2024 at 3:10 PM UTC

101 S Roosevelt St

Answered: 70 **Unanswered:** 0

Q3 Is the person completing this survey on the recorded deed/title of this property?*



Answered: 70 Unanswered: 0

Choice		Total
<input checked="" type="radio"/>	Yes	68
<input type="radio"/>	No	2

Q4 Email Address

Thursday, September 12, 2024 at 3:02 PM UTC

avila47401@gmail.com

Wednesday, September 11, 2024 at 3:42 PM UTC

zdfun987@gmail.com

Tuesday, September 10, 2024 at 3:01 PM UTC

HoosierChoice@outlook.com

Monday, September 9, 2024 at 1:14 PM UTC

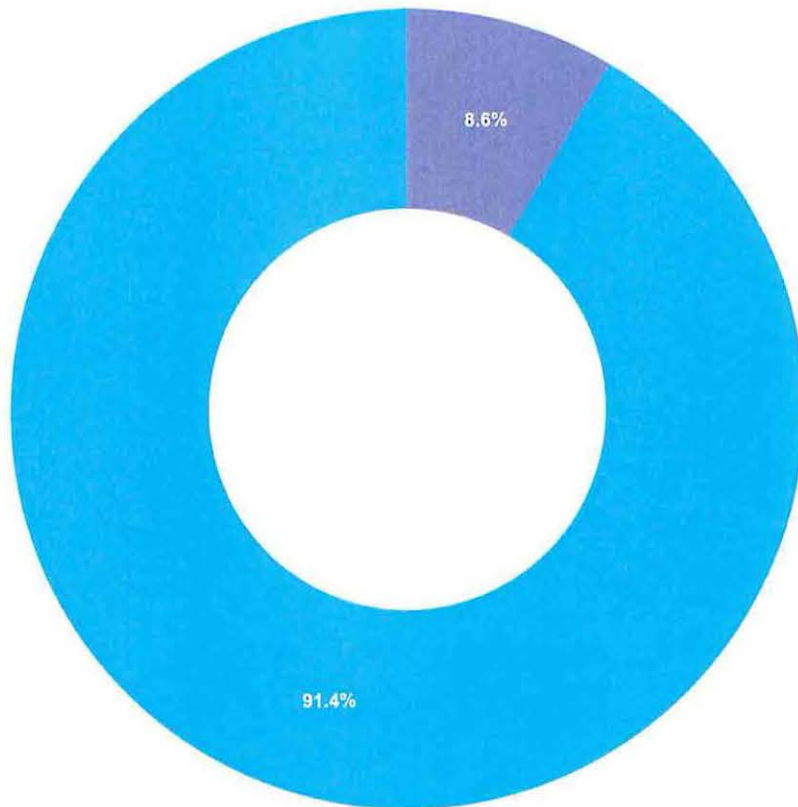
edojapan1@aol.com

Sunday, September 8, 2024 at 3:10 PM UTC

Morrisr@iu.edu

Answered: 66 **Unanswered:** 4

Q5 Do support the Green Acres Community being put into a conservation designation? Please note there are about 450 properties in this area. After a 3 year conservation period, the designation will move to a historical district.*



Answered: 70 Unanswered: 0

Choice		Total
	Yes	6
	No	64

Q6 Please include any additional comments or concerns in this section.

Thursday, September 12, 2024 at 3:02 PM UTC

I don't like the stagnation of the neighborhood that would result from approving this measure. Look what is going on at 917 N Fairview. Having some contrived govt control on our property could prevent a dynamic use of land like the owner of 917 enjoys. I'm against nostalgia as a reason to prevent modernizing the neighborhood.

Wednesday, September 11, 2024 at 3:42 PM UTC

Concerned with loosing my rights as related to the property and changes.

Monday, September 9, 2024 at 1:14 PM UTC

I do not want to lose the ability to legally use my property as I wish and do not believe the establishment of a local historic district for Green Acres is appropriate.

Friday, September 6, 2024 at 4:36 PM UTC

This would restrict our rights to modify our homes as we see fit.

Wednesday, September 4, 2024 at 8:02 PM UTC

I don't think it's necessary to change to historic district due to many homes that was not maintained properly due to majority of homes are rentals. They probably need more updates.

Answered: 52 Unanswered: 18

Date Taken (America/Indianapolis)	Q1 - Name	Q2 - Green Acres Property Address (one response per address please)	Q3 - Is the person completing this survey on the recorded deed/title of this property?	Q5 - Do support the Green Acres Community being put into a conservation designation? Please note there are about 450 properties in this area. After a 3 year conservation period, the designation will move to a historical district.	Q6 - Please include any additional comments or concerns in this section.
8/19/2024	Kristen and Glen Woodworth	220 S Jefferson Street	Yes	No	1 There are already guides in place with the city in terms of building guidelines 2 Managing requests from a 450 property historic preservation will be too labor intensive for the current board 3. Some homes are in disrepair and rebuilding is the only option and also will revitalize the area 4. The homes in here are not historic The meeting was filled with stories of nice and good folks. Good memories does not equal historic preservation 5 Only 39 people signed in favor of this to begin with (some people f those within the same household). 6 The preservation committee panel was concerned about the lack of "buy in", but still voted yes The panel was not an impartial panel
8/22/2024	Lynne Chang	215 S Jefferson	Yes	No	
8/22/2024	Josh A	2621 Edwards row	Yes	No	Absolutely oppose!!!! The neighborhood long ago lost any historical value other than the house on Bryan that IU already owns and converted to offices. It has been a student rental area for at least 30 years and the homes are not of historical significance as all in most cases. In fact growing up there we even a few lots with trailers of them. Not much history there.
8/22/2024	Mark Phillippe	128 N Jefferson	Yes	No	
8/22/2024	Gutzapas LLC (Clara Perry, Daniel Gutierrez, Ana Zapata)	2327 E 7th Street, Bloomington, IN	Yes	No	We oppose this designation.
8/22/2024	Chad Bowling	2525 E 8th Street Bloomington, IN	Yes	No	
8/22/2024	Doug Johnson	47408 310 n jefferson	Yes	No	I am the owner of 8 lots in this area and am against this.
8/22/2024	Kathy Thompson	105 S. Roosevelt St. (owner)	Yes	No	I strongly feel that property owners have the right to make decisions about their property. And should not have seek permission from others to make any changes to their house or land.
8/22/2024	Ronald leblanc	124 n Bryan avenue	Yes	No	Zoning already applies. Don't need another layer of bureaucracy that stifles the ability to improve these homes
8/22/2024	Paul Smedberg	410 N. Clark St.	Yes	No	Recently on a visit to Denver I was in a neighborhood similar to green acres. It was a mix of original homes like G.A. with the newer duplexes up to 5-plexes. It all meshed well. Pick historic homes, don't try to restrict whole neighborhoods.
8/22/2024	Richard Pollert	213 S Union St	Yes	No	Over 95% of all properties in Green Acres have no "ZERO" conservation value or historic value.
8/22/2024	David Dzubay	323 N Hillsdale Dr	Yes	No	Thank you for doing this survey. I heard no real advantages stated in the conservation district and especially the historic designation.
8/22/2024	Min Song	123 S Jefferson st, Bloomington, IN	Yes	No	
8/22/2024	Whitney Kesler	120 N. Jefferson Street	Yes	No	My house is old, but not historic. My concern is that being in a designated conservation area will prohibit us from making necessary updates. It also seems that a small minority of home owners wish to be in a historic district. They want to do this to prevent different housing, which is a zoning issue, not a question of historical relevance.
8/22/2024	John Kirtland	118 s Jfferson	Yes	No	It's absurd to justify conscripting 450 properties as being historical. This is just another way for the city to confiscate private property.
8/22/2024	Mat Noriega	113 N Roosevelt	Yes	Yes	Do not want apartments built in this area

8/22/2024	Rhett Fagg	123 N Jefferson St Bloomington, IN 47408	Yes	No	Historical category would unduly restrict upgrading of many properties. This is a very poor decision pushed on the area by a few intrusive busybodies in Bloomington.
8/22/2024	Jeannette Smedberg	122 N Bryan Ave	Yes	No	I'm concerned about an historic designation that will limit our ability to keep our properties livable and affordable. I want to be able to make improvements to our property that actually improve it, without necessarily complying with some historic vision.
8/22/2024	Mary Ann McGuire Jacobs	335 N Hillsdale	Yes	No	My parents bought this house in 1955. I'm not bragging but it was and is one of the nicest homes in the area. But like an antique car it is outdated with safety and structural issues. These were never homes to be admired like some of the limestone homes on 1st street and Ballantine. These were working people's homes close to IU campus where many worked. Now they are almost entirely rentals. Many not taken care of. It's sad but it's the way of the world. We must move forward. Sure remember history but don't try to go back. None of these homes represent an art movement or uniqueness. Move on. Bloomington could use a nice neighborhood rebuild in the area for working people.
8/22/2024	Dave Schneider	2552 E Eastgate In 105 S Hillsdale Dr. Bloomington, IN	Yes	No	I don't like having an entire neighborhood like this one being a conservation district. Maybe a property that has some historical history but a lot of the houses here need bulldozed and new construction built. I know it's worked on some of them.
8/22/2024	Wenchang Zhang	47401.	Yes	Yes	I'm strongly against turning it to historic district. The neighborhood doesn't look decent; some properties need to be rebuilt.
8/22/2024	Ismail Tezer	2500 E 7th street	Yes	No	There are people who rely on those properties for income in Bloomington, passing this act will put a lot of families in a negative position. The area has no historical significance and should be considered as such.
8/22/2024	Manling Luo	107 S Overhill Dr	Yes	No	An older home like ours may require internal and external repairs. To constrain that ability not only creates unnecessary troubles for us, but also affects the property's value.
8/23/2024	Sarah Rogers	2506 E Fifth Street 229 S Hillsdale Dr Bloomington, IN	Yes	No	The city has zoning and processes to protect the neighborhood from large multi-family development. This area does not have that kind of density designation. Any homes that are truly historic would be and is important to protect, but much of the 450 properties are not in that category. Creating a conservation district, eventually to become historic designation, only makes housing prices less affordable, which is NOT what this community needs.
8/23/2024	Ibadullah Shahrani	109 and 111 S. Roosevelt St	Yes	No	I plan to make construction modifications to my home and I'm concerned that this will make it more difficult or even impossible. I have several children and need to expand my home. At the same time, we don't want this area to become a large apartment complex. That's what we were told might happen if we didn't support this initiative.
8/23/2024	William Thompson (Bill)	138 N. Overhill Drive Bloomington, IN.	Yes	No	I stand firm that property owners have rights and shouldn't have to seek approval from others before they can make changes to their own property or house.
8/23/2024	Gina Myers	47408	Yes	No	The neighborhood has been handled responsibly so far and we don't need the government to step in. The zoning for this area is appropriate as it is.
8/23/2024	Bruce Myers	2512 E 7th St	Yes	No	We enjoy the ability to live and work in this beautiful neighborhood and have not had a concern with preservation of historical structures. Zoning is appropriate and will provide any protections needed. Please do not put this restriction on us.
8/23/2024	Tim Schutz	115 N Clark St	Yes	No	I don't know what percentage of the homes in Green Acres are rental properties, but I would have to guess it is well over 50%. Most of those are rented to students. If anything, the establishment of a historic district would mean less investment into this area, not more. The homes do not necessarily have any architectural significance or even conformity that is worth preserving. The proximity to IU's campus is what makes the area desirable at all. Pick up and drop that neighborhood 3 miles south or east and the values of everyone's homes would be halved. It should be paramount to see that Green Acres is free of the obstructions that a historic preservation district would present so that IU students can continue to have options for affordable and safe housing that is accessible to campus.

		225 S Hillsdale Drive Bloomington, IN			
	Jose Suarez-Greyhawk	161 LLC	47408	Yes	No
8/23/2024	Lou Magrone	2607 e 3rd st		Yes	No
					My property is vacant land. How could land only be historic. Struggling to understand this move and the area they chose for this designation
					Let's address the real problem here. Everyone is sick of big, ugly student rental apt bldgs. There are vacancies all over town in those that are already built and this does nothing to solve the lack of housing for families. Families don't want to live with students and more importantly, cannot afford the rents that a group of students pay. After a year or two students want a house and will pay high rents for any available driving up the purchase price of those houses which makes them unaffordable for a family. The houses in Green Acres are by and large simple houses yet command high prices due to the price being set on their rental value. A family can maybe afford the purchase price but most in that price range of around \$250,000 don't have the extra cash to pay for repairs or improvements. A new bath costs \$10,000 and a new simple kitchen costs \$25,000. Many of these houses do not warrant this cash outlay because they were never high quality buildings to begin with. The vast majority have no architectural design value that's outstanding and you can say famous people lived in neighborhoods all over Bloomington. Although the Historic commission would like to do so, the whole town cannot be designated historic. For background here, I have purchased and owned a few truly historic properties that I proudly restored in a true historical restoration. I am a realtor who has represented several purchasers of historic homes. I sat on the Historical Commission for one year being appointed by former Mayor Tomi Allison as someone who understood construction, did the work and could be a voice of practicality on the commission. I found that while the commission members were very knowledgeable about the history of properties they had no idea of what it cost to restore and maintain a building and many times misidentified something as being old when it wasn't. That is the case with Green Acres. There is nothing exceptional about the vast majority of those houses. If an individual owner wants their house to be designated historic they have every right to petition the commission to do so. But mandating every house to have to deal with the historic commission is unfair and impractical. Let's address the real problem of the huge apt bldg and ask the city council to negate the zoning that would allow it. That is the real issue and why the whole idea a Green Acres change of zoning was proposed to begin with. I'll give one example of the ridiculousness of the historic commission's demands. I owned a truly historic house in every way on N Washington St that we worked 12 years to restore. I asked the commission for an extension of time to have it painted as it is a 2 1/2 story 4500 sq' house with a 5 color exterior color scheme. I had already painted it twice before and knew the cost was over \$20,000. When I asked for 6 month delay, one of the members said that was ridiculous as she had a painter that could paint my house in a day! The previous 2 paint jobs had taken 3 people ten days and required extensive scaffolding. I was astounded that anyone could be so ignorant but here I was dealing with them. No property owner wants that even those of us who love historic homes and do our best to maintain them. Deal with the issue of big apt buildings and forget the conservation district.
	Cheryl L Underwood	121 S Jefferson St		Yes	No
8/23/2024	d				I purchased my first home located at 205 South Clark Street in this neighborhood in 1997. The lady I purchased the home from gave me all of the history of the home because she and her husband built it by hand. Her husband Who Came From Italy who their carved marble made several beautiful bird baths and carvings of limestone on the homes that I own. Because of the way I took care of her home she subsequently offered for me to buy the next door home located at 203 South Clark Street and then when she passed her great-grandson found a note to offer me for sale her home located at 2408 East 4th Street that sits behind our other two homes. My wife and I have preserved what Laura Coia built and have made sure the properties are well taken care of. This information of how we take care of homes, provide a beautiful home for tenants to live in, can be verified through HAND Inspection Department. We do not need any outsiders telling us how to maintain our homes because we give great detail in making sure they are well taken care of. I believe when there are excess stipulations and requirements for homeowners to go through in order to remodel , upgrade or maintain the outside of a home the cost will outweigh the benefit. I believe that you will find that this neighborhood will degrade instead of being maintained as it currently is.
	John D Hayes	108 S Clark		Yes	No
8/24/2024					

		2408 east 4th street 205 S. Clark St 203 S Clark St 108 S Clark St 311 N Clark St 313 S					My husband purchased our first home located at 205 South Clark Street in this neighborhood in 1997. The lady John purchased the home from gave all of the history of the home because she and her husband built it by hand. Her husband Who Came From Italy who their carved marble made several beautiful bird baths and carvings of limestone on the homes that I own. Because of the way we take care of her home she subsequently offered us to buy the next door home located at 203 South Clark Street and then when she passed her great-grandson found a note to offer her home located at 2408 East 4th Street that sits behind our other two homes. My wife and I have preserved what Laura Coia built and have made sure the properties are well taken care of. This information of how we take care of homes, provide a beautiful home for tenants to live in, can be verified through HAND Inspection Department. We do not need any outsiders telling us how to maintain our homes because we give great detail in making sure they are well taken care of. I believe when there are excess stipulations and requirements for homeowners to go through in order to remodel, upgrade or maintain the outside of a home the cost will outweigh the benefit. I believe that you will find that this neighborhood will degrade instead of being maintained as it currently is.
8/24/2024	Stacy Hayes	Clark St	Yes	No			
8/24/2024	Norman Houze	2501 E. Third St (4 lots)	Yes	No			The existing codes are sufficient for maintaining the current neighborhood appearance and function. I have owned property in Green Acres for 40-years and do not support this conservation and historical designation.
8/25/2024	Eric Masten	416 N Roosevelt	Yes	No			
8/25/2024	William Sylvester	2625 e 5th st	Yes	Yes			I do not agree with historical designation. I want to be able freely upgrade my home freely, without historical designation restrictions will only complicated matter.
8/25/2024	Lesa Henson	405 N Clark	Yes	No			
8/26/2024	Matt bomba, lance manyon llc	2551 e 8th street	Yes	No			
8/26/2024	Jeff Huber	2410 E 4th Streer	Yes	Yes			
8/26/2024	Laura Gentry	302 N Clark St, Bloomington, IN 47404	Yes	No			Our property is not of historical value and is due for renovations and updates. Limiting updates to modern standards would leave this property with little value. It would in effect deprive us of our income.
8/26/2024	Danny Hogg	101 N Clark St	Yes	No			I have lived in historical districts in Washington DC and San Diego. Homes are designated historical by their characteristics, such as age, architecture, notoriety of owner, etc. Homes should not be designated historical or worth preservation by merely existing in a zip code. Language should be added to the declaration to clarify what is worth preservation.
8/26/2024	Nancy Kaster	300 North Roosevelt	Yes	No			This process was rushed by 3 people, we were not informed of this until we received a letter in the mail. We have owned this house for 49 years, nothing special, just an affordable 2 bedroom rental. We don't need another committee making decisions for our investment.
8/26/2024	Lean on Me Properties	2600 Dekist	Yes	No			
8/27/2024	Harry Ford	2408 E. 8th Street, Bloomington, IN	Yes	No			
8/27/2024	John McMillian	2304 e 4th st	Yes	No			These homes are not historical Lots of concrete block houses small Bungalow's campus rentals that Are affordable for students and families some need torn down In bad shape not Historical house Please don't zone them that. Thanks
8/27/2024	Alice McMillian	108 s Bryan Ave	Yes	No			These are older houses from the 1950's Affordable student and family housing Concrete block house and small bong aloes House some need torn down. For updates Please do NOT Zone this historical as this can still be affordable housing for Bloomington.
8/27/2024	Domenic Russo	2612 E Dekist st	No	No			Excessive and needless regulation
8/27/2024	CadJon Developm ent LLC	107 S Bryan Ave	Yes	No			
8/27/2024	CadJon Developm ent LLC	117 N Jefferson St	Yes	No			

8/27/2024	CadJon Development LLC	2128 E 5th Street	Yes	No	
8/27/2024	Amy Hockemeyer	416 N Clark Street Bloomington, IN	Yes	Yes	I believe that this neighborhood should remain a residential neighborhood, free from large developers, commercial realtors, and apartment complexes. I recognize that with this designation, if we would like to do any exterior changes that we would need the approval of the council. While that may be inconvenient, knowing that an apartment complex is not going in next door may be worth the inconvenience. There are some properties in the neighborhood that need some upgrading. I would hope that the historical society would be interested in having them restored.
8/27/2024	Megan Carr	431 N Hillside Dr Bloomington, IN	Yes	No	I do not believe that it would be good for the community or home owners to be part of a conservation district. Historic preservation ordinances can limit property owners' rights, stifle businesses and even hinder the goal of preservation itself. This is gross misuse of the historical designation.
8/28/2024	Randy	300 N. HDale	Yes	Yes	Keep the neighborhood quaint, Stop high density compaction of people being grouped together.
8/28/2024	Richard Moss	2516 E. Eastgate St.	Yes	No	I would like to protect the district from overdevelopment, but I do like the ability to change something in my house or restore something without having to get permission.
8/29/2024	John Mackey	425 N. Roosevelt, Bloomington IN	Yes	No	
8/30/2024	Brett Thomas	221 S Roosevelt	Yes	No	I believe that for the taxes being collected they should be used in a better manner. I.e. fix the roads versus trying to put our area into a historical district would be better use of time and money.
8/30/2024	David Roberts	2624 E 7th St	No	No	I'm not personally on the deed, rather I'm the managing member of the entity that is on the deed.
8/30/2024	57UB, LLC	101 S Union	Yes	No	
8/31/2024	Joyanne Kohler	111 North Jefferson St	Yes	No	Our property needs quite a bit of work and we want to renovate, but worry about getting permissions. We also worry about the detrimental effects on property value with the preservation designation.

Meeting ID: 81847559304
Passcode: 346591

Green Acres present as a typical neighborhood with the below average home architecture and low-grade building products representative of the 1960s. Unless owners have improved the properties features with Stone, tile, or architectural shingles, the homes present as intended by their original build to be plain, basic, and bland. The homes offer only a minimal architectural design, with building style and products that offer little to no historical insignificant. The majority of the homes in the area are modular constructions that have exceeded even reasonable estimates for their life cycle. These homes were neither intended to, or designed to, represent a historical significance. I would like to remind this committee, and the members participating in this meeting, of the historical criteria necessary for designation as outlined on the Cities website. (BELOW)

The vast majority of these homes are modular builds with frame load construction style. This essentially means a plywood box with stringers to nail plywood to most closely resembling how a mobile home is built. Windows were aluminum to help carry the roof load. This design represents an extremely difficult and structurally challenging effort to improve with present day material and products needed to decrease the carbon footprint of the property. As stated on the city website "The greenest building is the one that's already built" are not the words of anyone that has remodeled a home and assuredly never attempted to remodeled a difficult modular built mobile home that is well beyond its intended service life. These homes are of a non-standard build with walls that are not thick enough for insulation, structural pieces that when changed are insufficient to carry the intended structural load of the home. A modular construction style is not a design that lends well to improvements. You would have to remodel a home to truly appreciate just how inefficient remodeling a modular home is. I am happy to offer more insight form my 30 plus years of building and remodeling experience and/or welcome the committee to illicit observations from other contractors.

The homes in the initial phases of Green Acres, on the West portion of the neighborhood (Union to Clark), are architecturally insignificant. They are not stick built custom homes with the beautiful architecture present in the East side of the neighborhood. Except for the really nice home on 101 N Bryan Ave, Bloomington, IN 47408 and the organization of American Historians building that IU already owns.

Simply put the materials, design, and architecture of Grean Acres, in its totality, is not of a quality nor does it present an image of compelling significance that would qualify to represent a historical significance for our beloved Bloomington.

There are many beautiful custom-built homes in Bloomington worthy of owning a piece of history but the vast majority of the homes in Green Acres should be overlooked and are not historically significance. Applying a blanket historical designation for the entire neighborhood of Green Acres is a step in the wrong direction for the history of Bloomington.

Perhaps there are some facets or the potential for specific structures in Green Acres to reach the level of being considered for historical significance and there is a path to process an individual case by case historical designation for those properties that are indeed historically significant.

Bloomington Criteria to qualify for historical Designation:
Any property or district considered for local historic designation should be 50 years old and must meet at least one of the following criteria:

Historic:

- a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with the life of a person significant in the past; or
- b. Is the site of a historic event with a significant effect upon society; or
- c. Exemplifies the cultural, political, economic, social, or historic heritage of the community

Architecturally worthy:

- a. Embodies those distinguishing characteristics of an architectural or engineering type; or
- b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
- c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e. Contains any architectural style, detail, or other element in danger of being lost; or visual feature of a neighborhood or the city; or
- f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
- g. Portrays the environment in an era of history characterized by a distinctive

		I think I own 7 Green Acres properties, maybe 8. I own 27 rental properties in Monroe County.	Yes	No	
09/03/2024	Steve Dunphy	2632 E 5th St.			As Thoreau said, "That government is best which governs least." I may want to develop my properties. The so called "historical designation" is simply going to retard my efforts.
09/04/2024	Minkyu Whang	Bloomington IN 47408	Yes	No	I don't think it's necessary to change to historic district due to many homes that was not maintained properly due to majority of homes are rentals. They probably need more updates.
		2415 E. 4th St			
09/06/2024	Philip Berg	Bloomington, IN 47408	Yes	No	
		120 S Roosevelt St.			
09/06/2024	John	Bloomington, IN 101 S Roosevelt St	Yes	No	This would restrict our rights to modify our homes as we see fit.
09/08/2024	Roger Morris	2511 East 7th Street, Bloomington, Indiana	Yes	No	
09/09/2024	Eric Baker	Hoosier Choice/David Hays	Yes	No	I do not want to lose the ability to legally use my property as I wish and do not believe the establishment of a local historic district for Green Acres is appropriate.
9/10/2024	vid Hays	115 S Clark St.	Yes	No	
9/11/2024	Zahid Din	222 S Roosevelt St	Yes	No	Concerned with loosing my rights as related to the property and changes.
					I don't like the stagnation of the neighborhood that would result from approving this measure. Look what is going on at 917 N Fairview. Having some contrived govt control on our property could prevent a dynamic use of land like the owner of 917 enjoys. I'm against nostalgia as a reason to prevent modernizing the neighborhood.
9/12/2024	Mike Avila	2301 E 5th St	Yes	No	

Owner Occupant Results

Green Acres Residents Historical Survey

Hello Green Acres neighbors. I am a property owner in the community. In an effort to gain an accurate count of residents who wish to be classified as Conservation/Historic I'm asking one person from each property to complete this survey. I'm also including a link to an article in Discourse Magazine from March 2023 that may be a good article for those not familiar with historic district designations.

<https://www.discoursemagazine.com/p/the-dark-side-of-historic-preservation>

Q1 Name*

Sunday, September 8, 2024 at 2:22 PM UTC

Abigail L Pietsch

Saturday, September 7, 2024 at 7:46 PM UTC

Carol Hostetter

Wednesday, September 4, 2024 at 6:58 PM UTC

Eric Bond

Wednesday, September 4, 2024 at 5:00 PM UTC

Colleen Talty

Saturday, August 31, 2024 at 5:00 PM UTC

Janet Jin

Answered: 19 **Unanswered:** 0

Q2 Green Acres Property Address (one responses per address please)*

Sunday, September 8, 2024 at 2:22 PM UTC

2600 E 5th ST

Saturday, September 7, 2024 at 7:46 PM UTC

2115 E. 3rd St.

Wednesday, September 4, 2024 at 6:58 PM UTC

2419 E 4th St

Wednesday, September 4, 2024 at 5:00 PM UTC

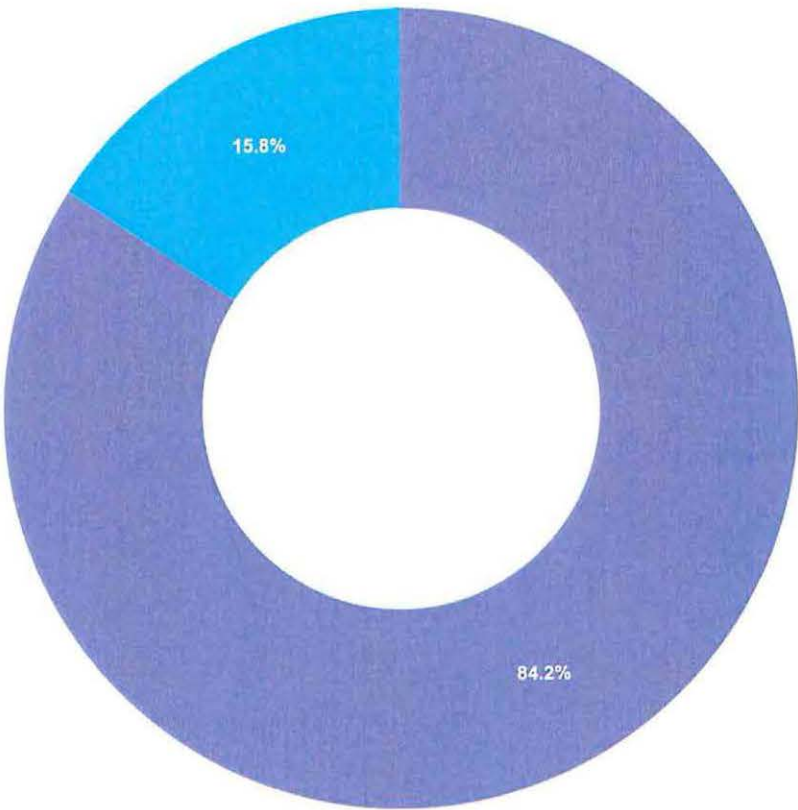
2307 E. 5th St.

Saturday, August 31, 2024 at 5:00 PM UTC

213 S Overhill Dr Bloomington IN 47408

Answered: 19 **Unanswered:** 0

Q3 Is the person completing this survey on the recorded deed/title of this property?*



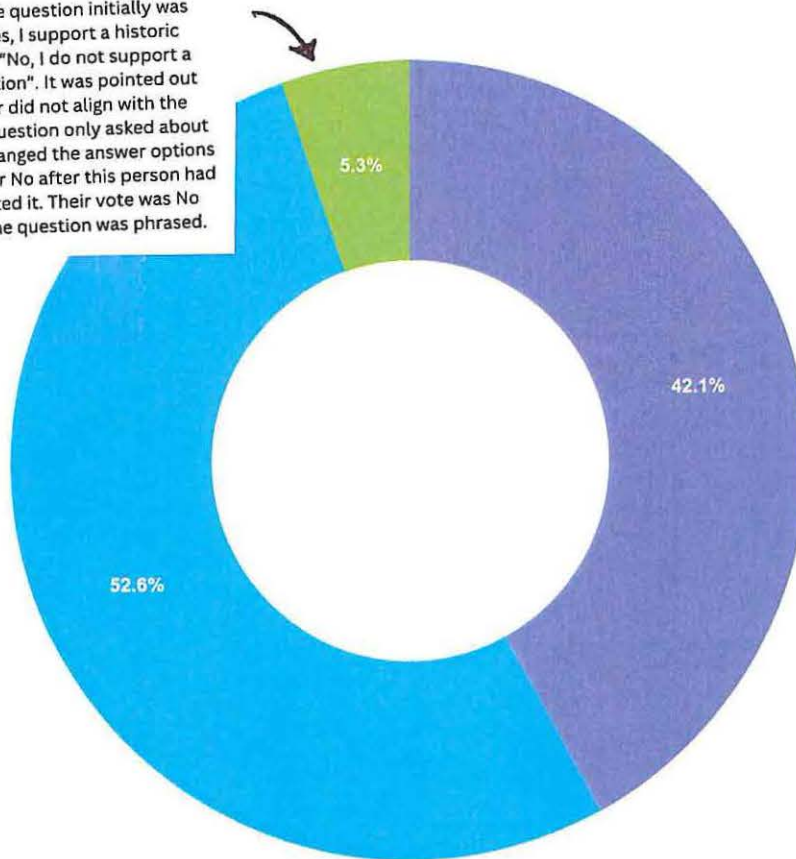
Answered: 19 Unanswered: 0

Choice		Total
<div></div>	Yes	16
<div></div>	No	3

Q4 Do you support the Green Acres Community being put into a conservation

designation? Please note there are about 450 properties in this area. After a 3 year conservation period, the designation will most likely move to a historical district.*

Please note: The question initially was phrased as "Yes, I support a historic designation" or "No, I do not support a historic designation". It was pointed out that the answer did not align with the question as the question only asked about conservation. I changed the answer options to be simply Yes or No after this person had already completed it. Their vote was No regardless how the question was phrased.



Answered: 19 Unanswered: 0

Choice	Total
Yes	8
No	10
__archived__	1

Please note: The question initially was phrased as "Yes, I support a historic designation" or "No, I do not support a historic designation". It was pointed out that the answer did not align with the question as the question only asked about conservation. I changed the answer options to be simply Yes or No after this person had already completed it. Their vote was No regardless how the question was phrased.

Q5 Please include any additional comments or concerns in this section

Sunday, September 8, 2024 at 2:22 PM UTC

Owner occupied properties may wish to update preexisting or existing home owner association this time.

Saturday, September 7, 2024 at 7:46 PM UTC

There is nothing particularly historically valuable about our home, and I don't want to have limits on future remodeling projects.

Wednesday, September 4, 2024 at 6:58 PM UTC

Really not a fan of telling people what they can and cannot do with their property. It's not my right to tell property owners they cannot demolish their house.

Besides not wanting to tell people what to do with their property, I really do not like how a conservation district automatically becomes a historic district. That would be tantamount to living in an HoA. No Thanks!

Saturday, August 31, 2024 at 5:00 PM UTC

Support Conservation but not historical district

Saturday, August 31, 2024 at 12:26 PM UTC

I attended one of the initial organization meetings and voice my concerns about the tension between zoning and historical designation. My opinion is that this is a stop development at all costs sort of approach regardless of zoning. There was a lot of fear mongering about the mega apartment complexes coming to the neighborhood.

Answered: 15 **Unanswered:** 4

OWNER
OCCUPANTS

Date Taken (America/Indiana napolis)	Q1 - Name	Q2 - Green Acres Property Address (one responses per	Q3 - Is the person completing this survey on the recorded deed/title	Q4 - Do you support the Green Acres Community being put into a conservation designation? Please note there are about 450 properties in this area. After a 3 year conservation period, the designation will most likely move to a historical district.	Q5 - Please include any additional comments or concerns in this section
8/29/2024	Ulziidelger Woodruff	218 s. Jefferson St.	Yes	No-I do not support a historic designation	Please note: The question was changed from "No-I do not support historic designation" or "Yes-I do support historic designation" to a simple Yes/No answer after this person completed the survey. Their results show as "archived" in the pie chart results page.
8/29/2024	C J Minter	2505 E 5th Street	Yes	Yes	While I support GA becoming a CONSERVATION district, I would not want that to convert to HISTORIC district. GA fits the Bloomington City's designation of a Conservation District well: " a Conservation District is appropriate when there is significant development pressure or when the inventory of buildings to be protected is historic but not individually of high or unique architectural value." I don't think that GA rises to the level of Historic District, and I believe that restrictions associated with that designation would not be appropriate given the architectural character of this neighborhood.
8/29/2024	Laura Pettit	2552 E 8th St, Bloomington, IN 47408	Yes	No	
8/29/2024	Linda Hadley	201 S Hillsdale Dr	Yes	No	I am totally against this!
8/29/2024	Gladys Bastin	204 South Overhill Drive Bloomington, IN 47408	Yes	Yes	Thank you for creating this survey.
8/29/2024	Ryan Cushman	2510 E Eastgate Ln	Yes	No	There is no way as a homeowner I could afford to maintain a home after given a historic designation.
8/29/2024	Martha L. Fox	2401 E. 7th Street	Yes	Yes	I like the direction of Green Acres is going. Thank you
8/29/2024	Juliet Frey	309 N. Hillsdale Drive	Yes	Yes	Green Acres, a longtime residential area, provides a neighborly atmosphere worth preserving, and has many mature trees throughout it, of significant value to the environment.
8/29/2024	Jane Michi	2611 E 5th 2414 east fifth street Bloomington Indiana 47408	Yes	No	I support du/tri/quad plexes in the neighborhood. I want more people to have the opportunity to live close to campus and east side amenities. I believe that zoning is more important to keeping green acres from having the kinds of larger apartment complexes they are most concerned about being built here.
8/29/2024	Evelyn Butler	47408	Yes	Yes	no need to teardown perfectly good houses for too high price apartments
8/30/2024	Athena Hrisomalos	228 S Hillsdale Ct	No	No	I am responding for my mother. She lives in the neighborhood and has several rentals. She does not support this (Note: This survey participant is also a non-owner occupant)
8/30/2024	Amy & Adam Dunn	115 S Bryan Ave	No	Yes	I have family who have lived in this neighborhood since the 1950s, continuously. I moved into the neighborhood in 1991. I am fully supportive of it remaining the best neighborhood in Bloomington. I do not like the speed bumps and curb bump outs. Thanks to all who are making this happen!
8/30/2024	Jameson Way	2315 E Third St	Yes	No	Zoning should just be changed to prevent large apartment buildings. A historic/preservation district is not necessary and not helpful
8/31/2024	Richard Fox	201 S. Hillsdale Dr.	No	No	I attended one of the initial organization meetings and voice my concerns about the tension between zoning and historical designation. My opinion is that this is a stop development at all costs sort of approach regardless of zoning. There was a lot of fear mongering about the mega apartment complexes coming to the neighborhood.
8/31/2024	Janet Jin	213 S Overhill Dr Bloomington IN 47408	Yes	No	Support Conservation but not historical district
09/04/2024	Colleen Talty	2307 E. 5th St.	Yes	Yes	
09/04/2024	Eric Bond	2419 E 4th St	Yes	No	Really not a fan of telling people what they can and cannot do with their property. It's not my right to tell property owners they cannot demolish their house.
09/07/2024	Carol Hostetter	2115 E. 3rd St.	Yes	No	Besides not wanting to tell people what to do with their property, I really do not like how a conservation district automatically becomes a historic district. That would be tantamount to living in an HoA. No Thanks!
09/08/2024	Abigail L Pietsch	2600 E 5th ST	Yes	Yes	There is nothing particularly historically valuable about our home, and I don't want to have limits on future remodeling projects.
					Owner occupied properties may wish to update preexisting or existing home owner association this time.

The Dark Side of Historic Preservation

Historic preservation ordinances can limit property owners' rights, stifle businesses and even hinder the goal of preservation itself



TIMOTHY SANDEFUR

MAR 21, 2023

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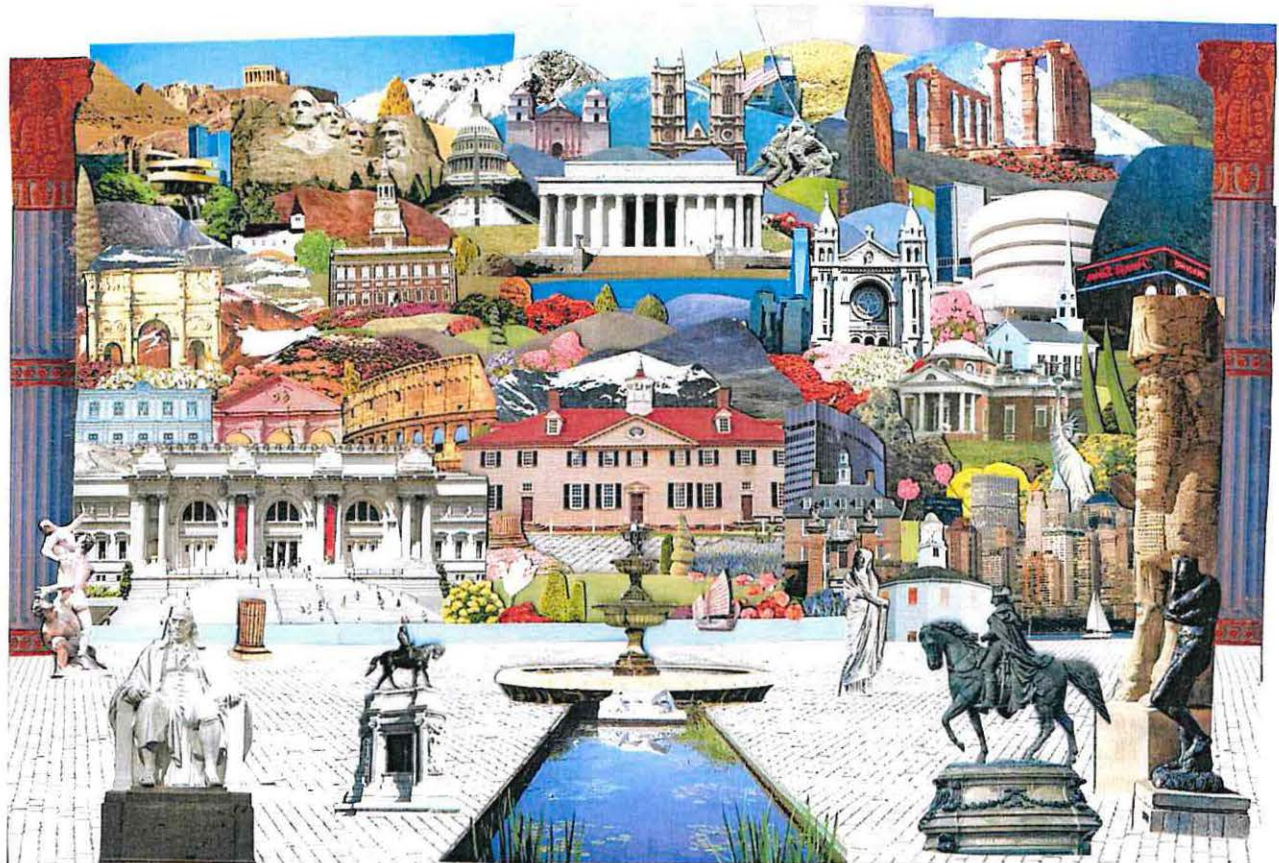


Image Credit: Ben Giles

Anyone who has been to Independence Hall, Mount Vernon or Hannibal, Missouri, knows what an enlightening and even moving experience it can be to visit a historic building. The places where history happened can feel like living witnesses to the great events of the past. That makes it natural that we feel an

irreparable loss when, say, the home of [John Hancock](#), or a work by the great architect [Louis Sullivan](#), is destroyed.

This hits close to home, if you'll pardon the pun. I was raised by a family of historic preservationists; my parents were the live-in caretakers at [Heritage Square](#), a Los Angeles museum devoted to protecting old structures. Even after leaving that work, they have devoted themselves to restoring and maintaining 19th century buildings across the country. (They're currently restoring an old brick mansion in Indiana.) I grew up in a construction zone, surrounded by architectural history and often hearing the slogan, "Old houses need love too."



The author with a canine friend in front of Los Angeles' Heritage Square museum, early 1980s. Image Credit: the Sandefur family

But there's a downside to historic preservation. As Alex Tabarrok [puts it](#), "if today's rules for historical preservation had been in place in the past, the buildings that some now want to preserve would never have been built at all." After all, life goes on—and as lovely as old buildings may be, they are not only expensive to maintain and repair, but they can also stand in the way of worthy innovation and necessary development. When the government orders historic preservation by law, the resulting costs are typically imposed on individual property owners in the form of

expensive mandates—or on *would-be* owners, in the form of higher costs for housing.

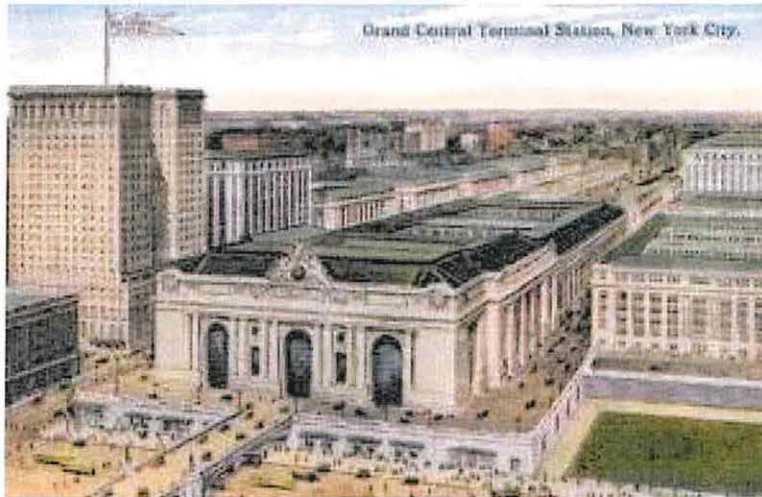
Government restrictions can also create perverse incentives: A lovely old home can become a costly albatross around an owner's neck, which scares away potential buyers. And restrictions on construction can deter developers who would otherwise be ready and willing to construct much-needed modern housing.

Good Intentions, Bad Methods

The preservationist cause in the United States is usually traced to the 1860s, when the John Hancock house in Massachusetts was demolished. The resulting outcry spurred efforts to save other revolutionary artifacts and buildings, but interest flagged toward the end of the century. Then, in the 1920s, the cause experienced a resurgence of enthusiasm. Wealthy businessmen such as John D. Rockefeller Jr. and Henry Ford got into the act, with Rockefeller paying to [restore Colonial Williamsburg](#) and Ford purchasing dozens of old buildings, such as the Wright Brothers' bicycle shop, and having them transported to [his museum](#) in Michigan.

After World War II, concern for historic structures again waned, until it was reignited by such incidents as the razing of New York's [historic Penn Station](#), [Robert Moses' scheme](#) to build a highway through lower Manhattan and the demolition of Louis Sullivan's [Chicago Stock Exchange](#), which cost preservationist [Richard Nickel](#) his life.

Then, of course, there was [Grand Central Station](#). Built in 1913 by Charles Reed and Allen Stem, Grand Central is a prime specimen of the Beaux Arts style, with a breathtaking star-spangled ceiling where shining constellations seem frozen in orbit around a central golden clock—a perfect encapsulation of bustling Manhattan. By the late 1960s, however, the station was [obsolete](#), and maintaining such a building in America's most expensive neighborhood was pricey. The newly formed Penn Central Railroad therefore decided not to demolish it, but to build a tall office tower directly over it, in hopes of raising revenue.



A postcard of Grand Central Station, circa 1915. Image Credit: Vernon Howe Bailey, American Art Publishing Co, New York City/Wikimedia Commons

New Yorkers rose in indignation—partly because the proposed building was going to be yet another **hideous International Style rectangle**, but also out of a concern to preserve what was undoubtedly a historically significant building. City officials denied the owners a permit, announcing that the proposed tower would violate the New York Landmarks Preservation Ordinance. Even though the railroad company was not seeking to destroy Grand Central, the city refused to allow it to build in the air above the station.



Grand Central Station, closer to the present day. Image Credit: Eric Baetscher/Wikimedia Commons

That presented a legal problem. The Fifth Amendment to the Constitution pledges that the government will not take away private property for public use unless it pays the owner “just compensation,” and the city’s action plainly took Penn Central’s right to use its airspace—dramatically reducing the property’s value. Yet the city did not propose to pay. It said it owed the company nothing because it had not confiscated the land or taken the title but had merely passed a regulation limiting how the company could use the land—no different from countless other regulations the government imposes without triggering the compensation requirement.

In 1978, the U.S. Supreme Court ruled in the city’s favor, fashioning what has come to be called the “*Penn Central* test”—a legal theory so biased toward the government that when it’s used, property owners virtually never receive the compensation to which they are entitled. The *Penn Central* test is an “ad hoc factual inquiry,” the court said, which requires judges to balance “several factors”—meaning that instead of consulting clear and predictable rules, judges award compensation on a case-by-case basis after deciding whether they personally think a restriction on property rights “goes too far.”

In an [earlier case](#), the Supreme Court had explained that the purpose of the “just compensation” requirement is to prevent the government “from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” But the subjective and amorphous *Penn Central* test, which remains on the books today, lets the government shift the entire cost of maintaining historic property onto individual owners, even if they never asked to be the custodians of a landmark, and even if the property is being preserved solely for the public’s benefit.

Rockefeller and Ford spent their *own* money to preserve history—but the *Penn Central* test lets historic preservationists in the government force property owners to do so against their will—and out of their considerably smaller pockets.

‘A Cudgel to Stop Development’

Since then, “historic preservation” ordinances have become commonplace. According to the National Park Service, there are some 2,300 in the United States, and as urban planning expert Adam Millsap notes, these restrictions are often “used as a cudgel to stop development,” rather than to preserve truly priceless buildings. He gives many examples:

In San Francisco, a project to turn a laundromat into an eight-story apartment building was delayed for years in order to determine whether the laundromat had enough historical significance to prevent its demolition. In St. Petersburg, Florida, a couple was blindsided by a third-party historic designation request from their neighbor that delayed a pending sale by six months and cost them \$30,000 in legal fees. In Denver, Colorado, preservationists tried to get a 1960s diner labeled a historic landmark to prevent its redevelopment into an eight-story mixed-use apartment/retail building.

What’s more, bureaucrats often deem structures “historic” even though they lack genuine historical value, and the “historic” declaration is merely a manipulative effort to control how people use their own land.

It’s not just restrictions on remodeling or demolishing buildings, either: Politically powerful businesses sometimes use historic preservation laws to stymie potential economic competition. In 2002, the politicians in Islamorada, Florida, adopted an ordinance banning chain drug stores, to protect existing pharmacies from having to compete. Rather than admit to this motive, however, town leaders claimed they were trying to preserve the town’s “historic atmosphere.” Fortunately, a federal court saw through that and declared the ordinance unconstitutional. Islamorada, it noted, “has no Historic District, and there are no historic buildings in the vicinity.”

That decision was a rare exception. Far more common are cases in which preservation ordinances reduce or eliminate property owners’ rights—and courts refuse to enforce the Constitution’s guarantees of just compensation or due process. Take the 2007 case in which a federal court in Kansas denied compensation to the members of a monastery who were forbidden from demolishing a dilapidated structure on their land. Officials rejected their

application for a permit, not because the building was historic, but because it was located *within 500 feet* of buildings deemed historic.

The brothers had spent 16 years trying without success to find a way to fix or use the building before deciding it had to be torn down—but the court, using the *Penn Central* test, said the government's refusal had not imposed a severe enough "impact" on their rights to warrant compensation. Cases like these are so typical that the government is, for all intents and purposes, immune from liability if it takes away property rights pursuant to a historic preservation ordinance.

When 'Historic Preservation' Backfires

The regulations in officially designated "historic" neighborhoods can be so byzantine and confining—not to mention subjective—that property owners may find it impossible to replace or upgrade even the ordinary fixtures of their homes. Such rules typically subject every choice an owner might make—from lights to windows to paint colors—to review by layers of government bureaucracy. The 57-page book of "[Guidelines](#)" for the historic district in Stevens Point, Wisconsin (famous for, well, nothing), is typical: It warns against "replacing transparent windows or doors with tinted or frosted glass," or removing "character-defining vegetation," or adding "architectural components and details that are not appropriate to the historic character of the structure."

Or consider Somerset, Maryland's [instructions](#) to residents of the historic zone who might wish to install an air conditioner: The town "strongly suggests" that residents schedule "a pre-permit meeting" before even filling out the application for a permit, and of course, there's a fee for such a meeting. Once that's done, applicants must visit the County Historic Preservation Office for "further instructions." That office will forward the applicant's plans to members of the Town Council for their review—and the application must also be approved by the County Permitting Office.

"Once you have both of the county permits," says the town, "you apply for a Town of Somerset permit and put yourself on the schedule for a Town Council meeting

where a decision will be made." At every stage of the process, there are fees and delays—this in a county where the summers average 85 degrees and 70% humidity.

No wonder some communities have chosen to [repeal](#) their historic preservation ordinances. Given the costs, delays and nitpicking that preservation laws can inflict, property owners sometimes resort to demolishing potentially historic properties as [quickly as possible](#), before politicians declare them landmarks. In 2015, the buyer of Ray Bradbury's Los Angeles home [tore it down](#) almost immediately, probably to avoid being saddled with an outmoded house he couldn't renovate. A Washington, D.C., property owner who swiftly ordered a historic building destroyed in 2002 [told reporters](#) she did it because she knew the city would seize the property if she hesitated. More recently, a San Francisco millionaire bulldozed a 1936 Richard Neutra home, even though it *had* been designated historic. The city ordered him to rebuild it, but [backed down](#) in the face of a lawsuit.

Other regulations can also *prevent* the rescuing of old buildings. Frank Lloyd Wright built [a home for his son David](#) in Phoenix in 1952. After David's wife died in 2008 at the age of 104, it was purchased by investors who hoped to open it to the public. But [NIMBY neighbors](#) refused to allow that, so the house had to be [sold](#) to private investors who promised to preserve it—but not to let the public see it. Why would anyone undertake the expense and hassle of saving a historic structure, when it's impossible to recoup one's investment—or even to offer tours?

In fact, neighbors often use historic designations as a NIMBY tool. Witness [the 2017 incident](#) in which Seattle's historic preservation board blocked a 200-unit building, thereby reducing the availability of more housing and driving up the cost of homes. Officials in Houston are [currently](#) trying to use historic designation to block "gentrification" (that is, renovation and improvement) of the Denver Harbor neighborhood. Last year, Philadelphia did the [same](#). Such restrictions aren't designed to protect the old—but to forbid the new. As historian Jacob Anbinder recently [put it in "The Atlantic,"](#) preservation "can function as a pretext for preventing change entirely"—and to further enrich those fortunate enough to already have homes, at the expense of those who would like to.

“All aesthetically meritorious undertakings, including art museums, parks, etc. have some kind of financial cost,” observes [Think Progress](#)’ Matthew Yglesias:

If a city or state wants to bear some cost in order to fund a museum, that goes through some kind of appropriation process where the cost is assessed and subject to scrutiny. Historic preservation, by contrast, tends to operate as a kind of ratchet where more and more stuff is added to the list over time and there’s little assessment of the overall impact. Then since nobody actually wants to freeze every structure in place, the key issue becomes which people have the right kind of pull or consultants or lawyers or whatever to navigate the process and get things done.

Even where owners don’t want to demolish buildings, overlapping permit requirements, and the delays accompanying them, can make preservation hard, or even impossible. The congregation of Manhattan’s West-Park Presbyterian Church [recently asked](#) the city to repeal the building’s landmark status because nobody can afford the \$50 million it would take to restore the building. Preservationists want to see the building remain—but *they* aren’t shelling out the cash. Yet the city [refused](#), leaving the decaying building to simply sit there. Even when owners try to fix a building, preservation restrictions can be costly. [Last year](#), a New Jersey couple trying to repair their historic home in Montclair suffered a disaster when workers caused damage that rendered the house uninhabitable. Their only choice was to tear it down—but local officials refused to give them a demolition permit.

With such restrictions in place, it’s little wonder that owners of historic buildings sometimes let them [fall into disrepair](#) knowing they will ultimately collapse, leaving the owners free to do what they want with their property. It’s a phenomenon so common it’s earned a [nickname](#): “demolition by neglect.” Government efforts to outlaw this practice have proven futile. After all, what’s the government to do? Piling on more financial mandates will only hasten the building’s demise.

A Future for the Past

There are better alternatives. If a community wants to preserve a historic property, it's only fair to expect the community to pay for it, rather than force owners—who have only one vote each—to shoulder that burden. Thanks to the *Penn Central* test, owners have little chance of obtaining justice in court. But states can provide greater protections for individual rights than the federal government accords, and some have done just that. The consequences have been more sensible and equitable land-use regulation.

In 2006, Arizona voters adopted [Proposition 207](#), an initiative that, among other things, overrides the *Penn Central* test and requires the government to compensate owners when it reduces their property value by restricting their rights to use their land. When the initiative was adopted, local government officials howled that it would cost taxpayers immense sums and deprive bureaucrats of power to protect the public. That turned out not to be true. In the ensuing decade and a half, there have been hardly any lawsuits under the initiative. Instead, it has given property owners leverage to resist unjust infringements of their rights, and forced politicians to negotiate fairly about how much historic preservation the public is actually willing to pay for.

Focusing on incentives can also be more effective at preserving old property than stringent rules that increase the cost of repairing or maintaining historic sites. When Tom Messina, owner of [Tom's Diner in Denver](#), started preparing for retirement, [he faced a problem](#): Locals didn't want the building—a prominent example of mid-century "Googie" architecture—remodeled or demolished. They circulated a petition to have it declared historic, which would bring with it all the red tape and expense of maintenance, and thereby scuttle Messina's plans.

Fortunately, a company called GBX Group [intervened](#). If the city would withdraw the threat of regulatory prohibitions, GBX would work to make the property marketable, thanks to various tax credits and preservation grants that made it economically viable to save the building. Denver agreed and relaxed its limits on renovation. The building, adapted in a style that complements the existing architecture while modernizing it, recently [reopened as a cocktail lounge](#). "I didn't see this coming but it's really exciting that it worked out the way it did," [Messina said](#).

Easing restrictions on property use can actually increase people's willingness to preserve it and eliminating the subjectivity of regulations is essential to ensuring owners' rights to fairness. Ambiguous rules—such as those that require a renovation to be “compatible with the character of the neighborhood”—can mean anything. Consequently, they often end up meaning whatever politicians say they mean. More than a half-century ago, the U.S. Supreme Court [said](#) that any law that requires people to get a permit or a license must specify the criteria for the permit in clear terms, so applicants can know what is or is not allowed. Or, as Justice Felix Frankfurter [wrote](#), “Prohibition through words that fail to convey what is permitted and what is prohibited for want of appropriate objective standards offends Due Process.”

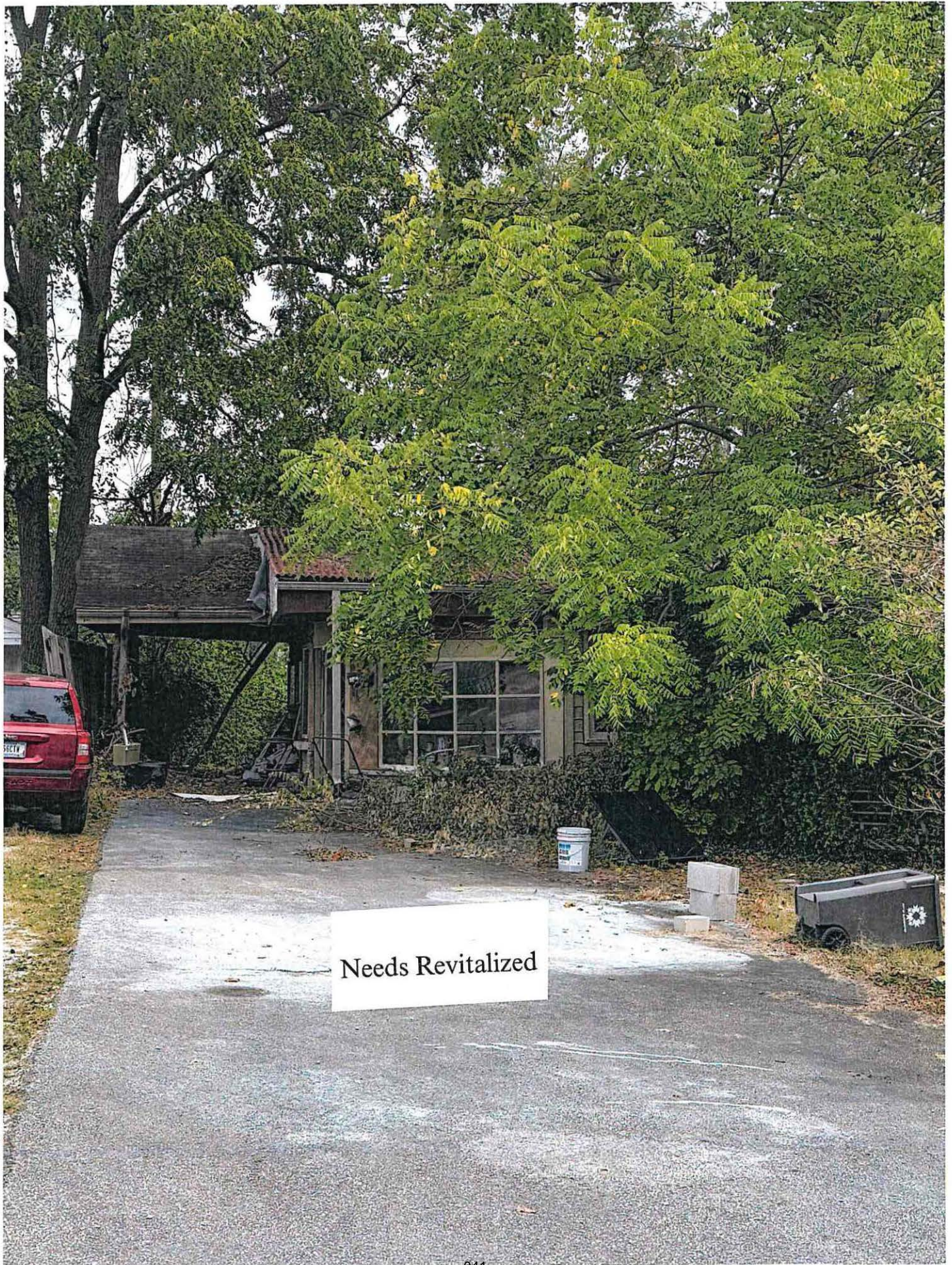
Yet just as courts using the *Penn Central* test fail to enforce the just compensation rule, so judges frequently shrug at the due process problems when the rules governing historic neighborhoods are written in vague terms. Boise, Idaho's historic guidelines [instruct](#) property owners not to place their solar collectors in a way that “adversely affect[s] the perception of the overall character of the property”—whatever that might mean. Under amorphous standards like that, government power hangs over any property owner's head like the sword of Damocles, ready to drop without warning.

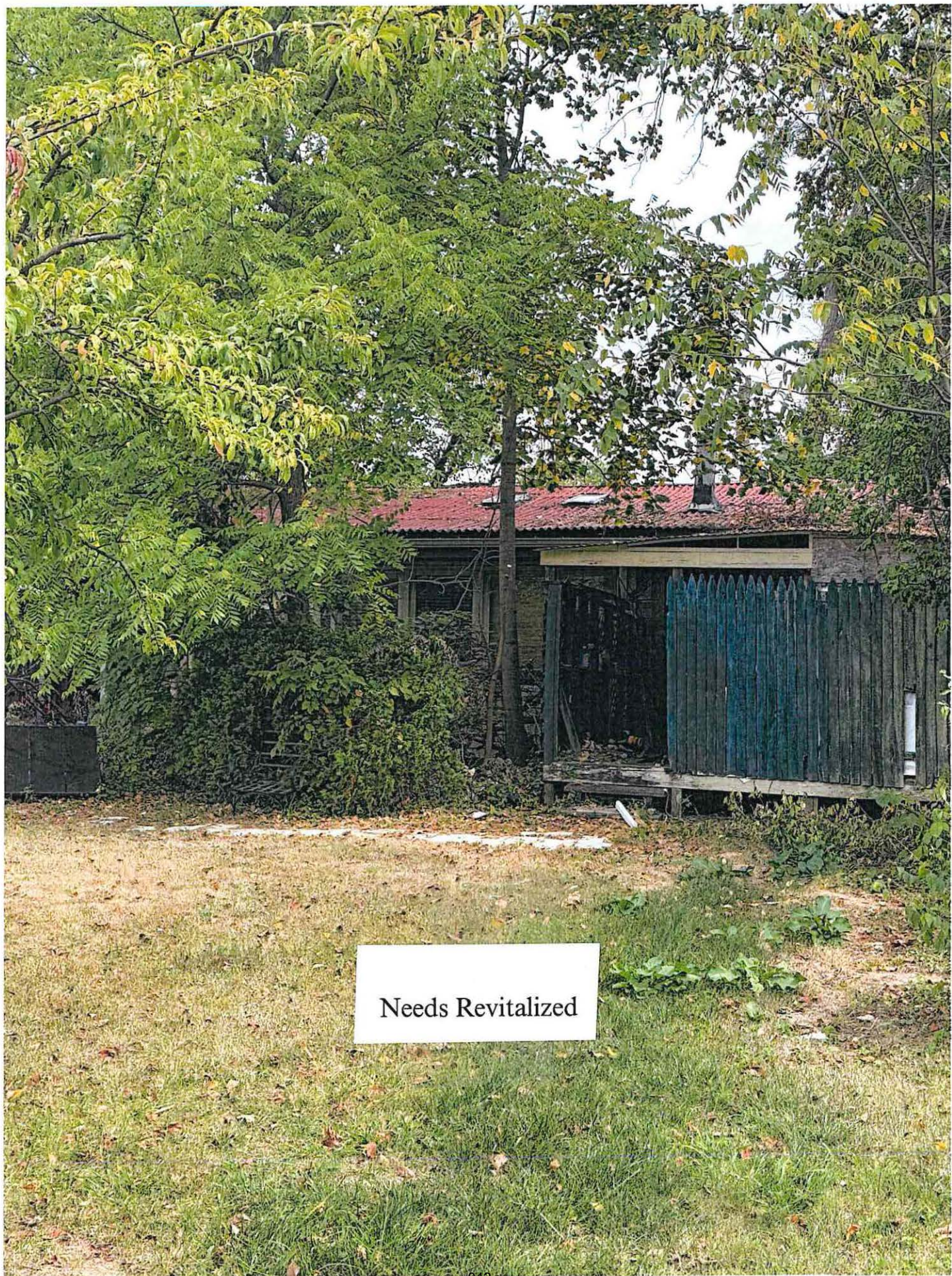
There's no reason historic preservation cannot be served by clear and objective rules that tell people what's allowed and what's prohibited. The [Permit Freedom Act](#)—championed by the Goldwater Institute, where I work, and pending now in several state legislatures—seeks to implement this common sense safeguard.

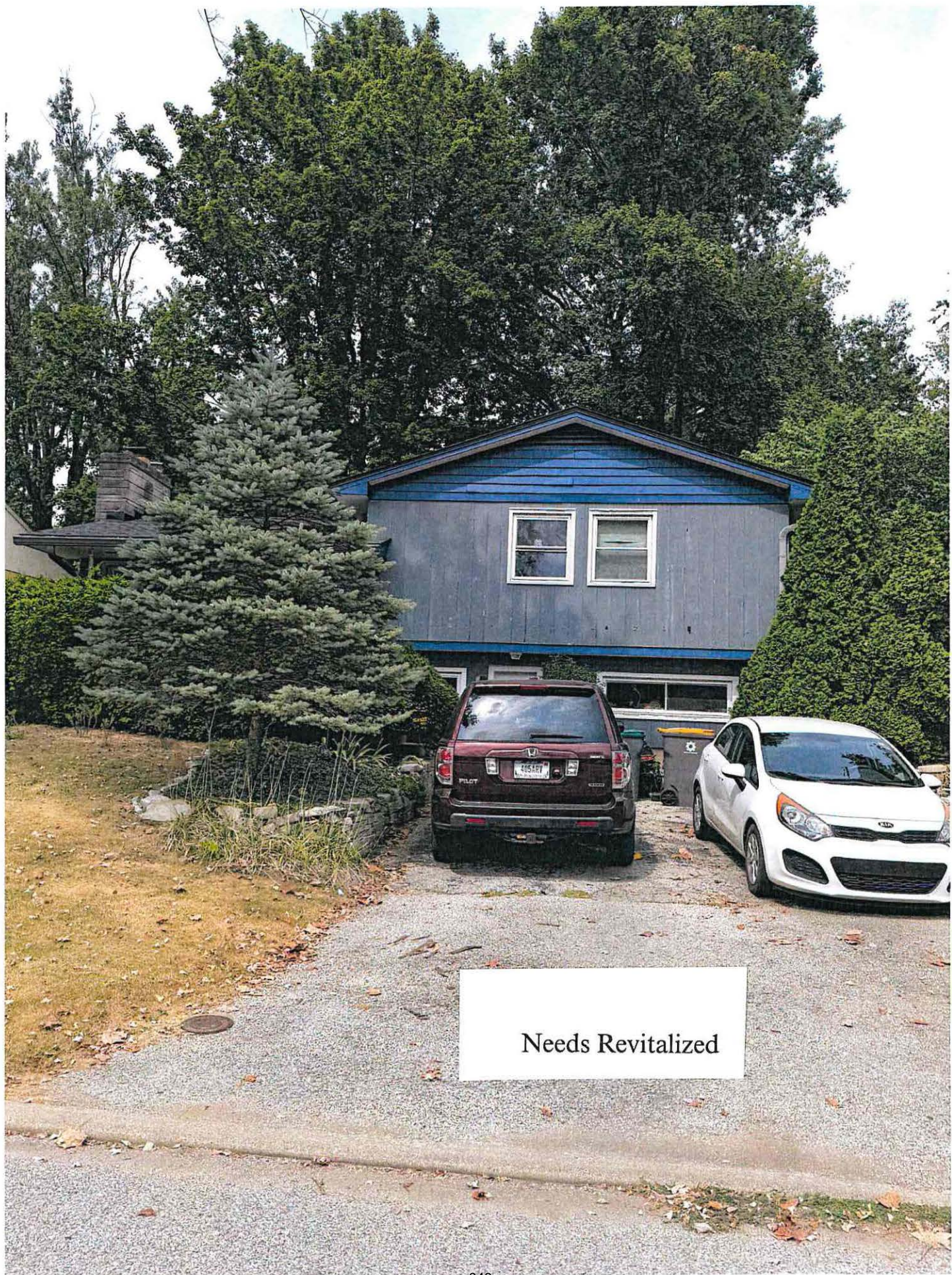
Preserving the past is a worthy goal. But like all worthy goals, it also represents a tradeoff, with costs and benefits that must be weighed in the balance. Ignoring property rights, the role of incentives and the principles of due process—which forbid vague laws—blinds both politicians and voters to the cost side of the equation. That tends to benefit the politically powerful at the expense of less influential property owners—and of consumers who would benefit from new and more innovative construction. Without legal checks and balances, historic preservation cannot only stifle new building and improvement, but even obstruct the goal of preservation itself.

There are several properties that should be torn down and revitalized.

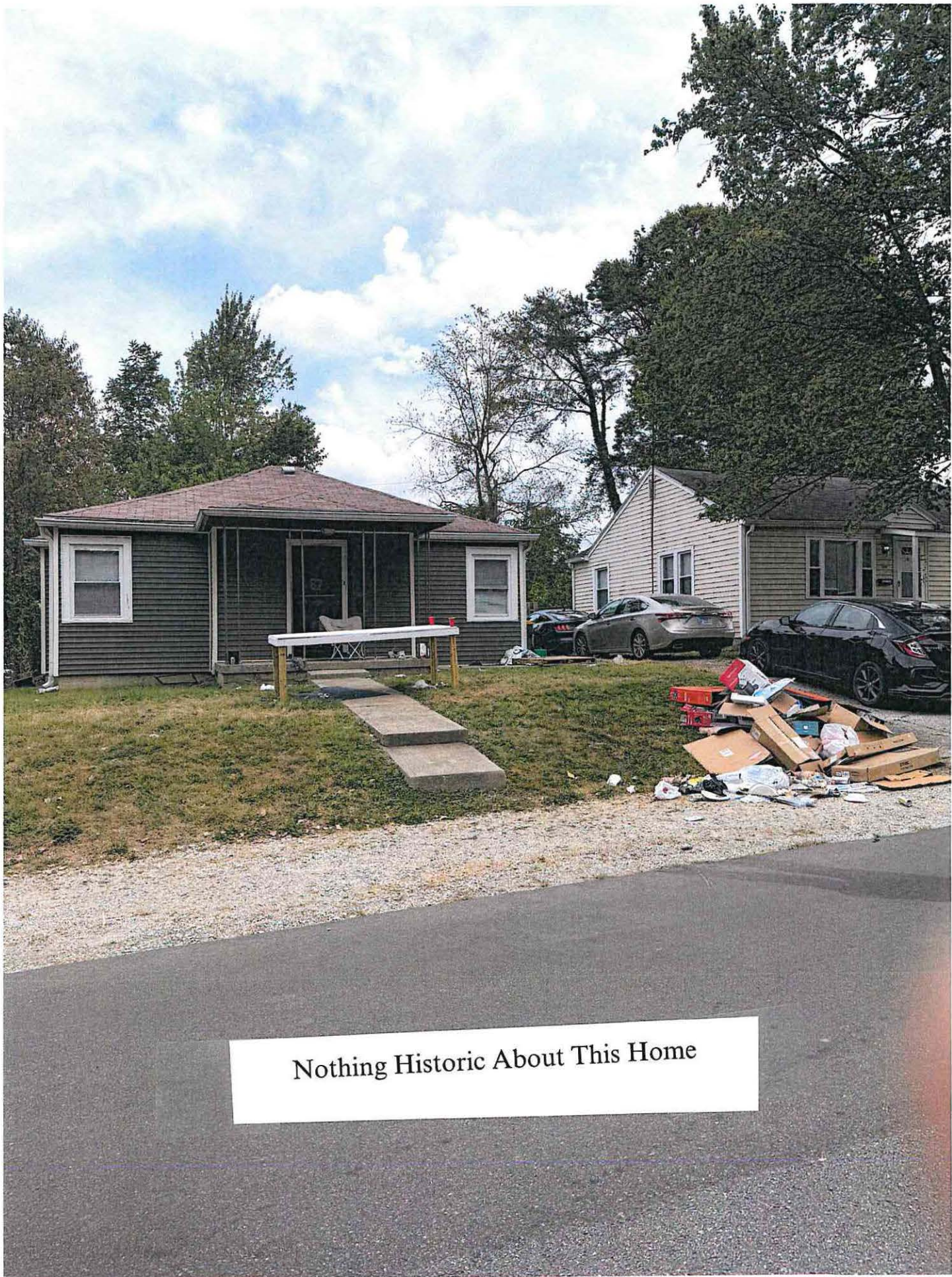




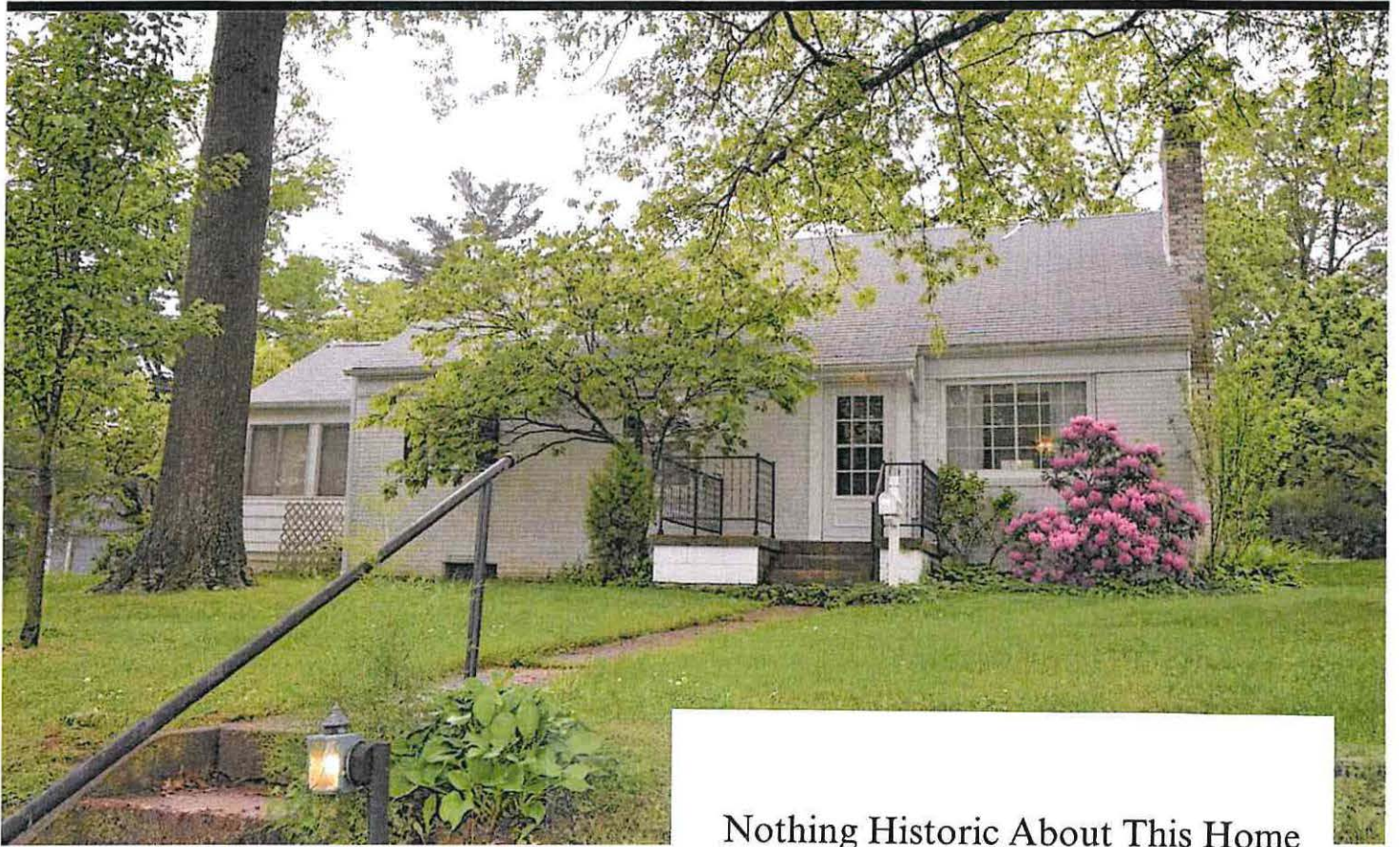




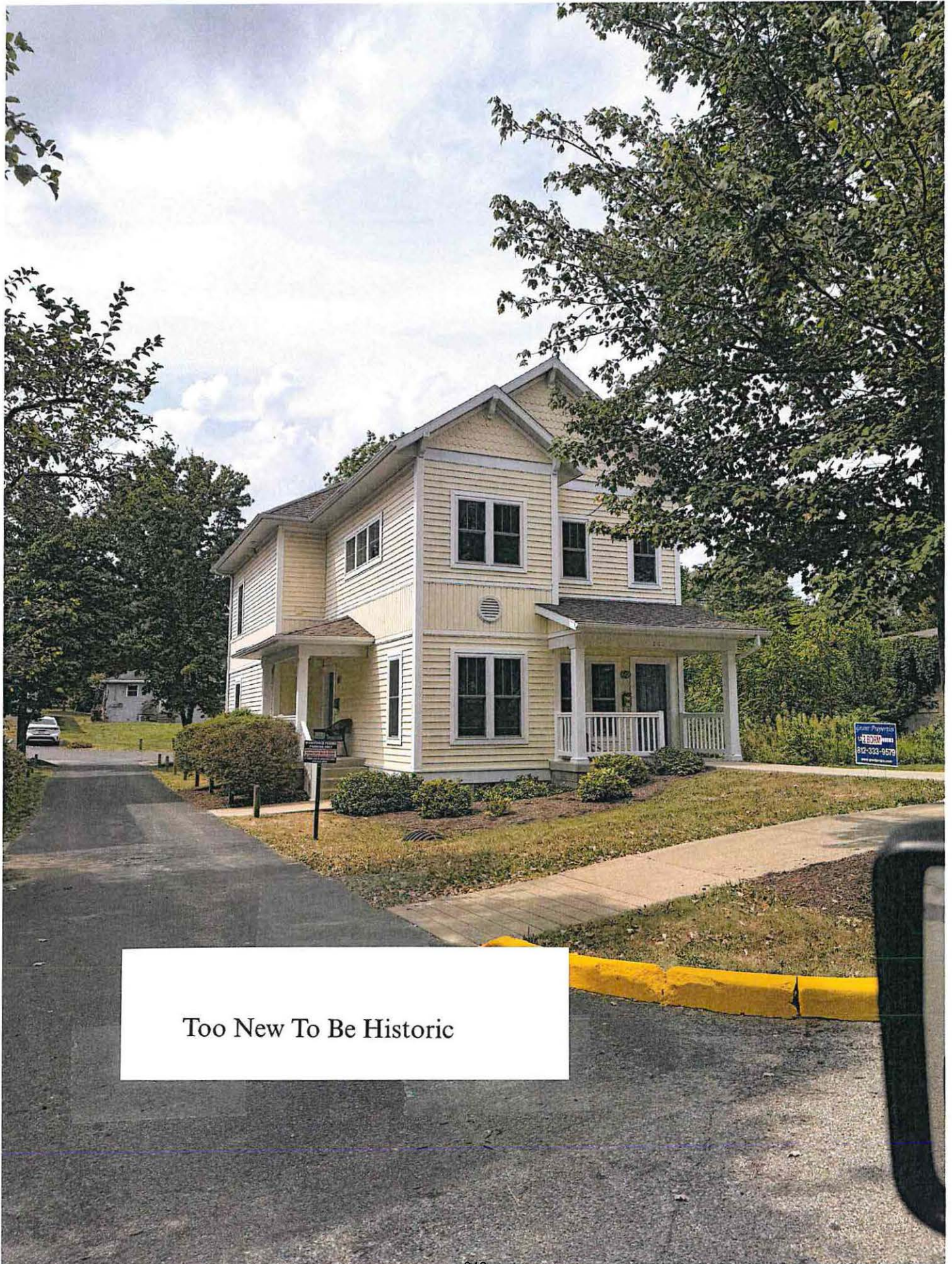
Needs Revitalized



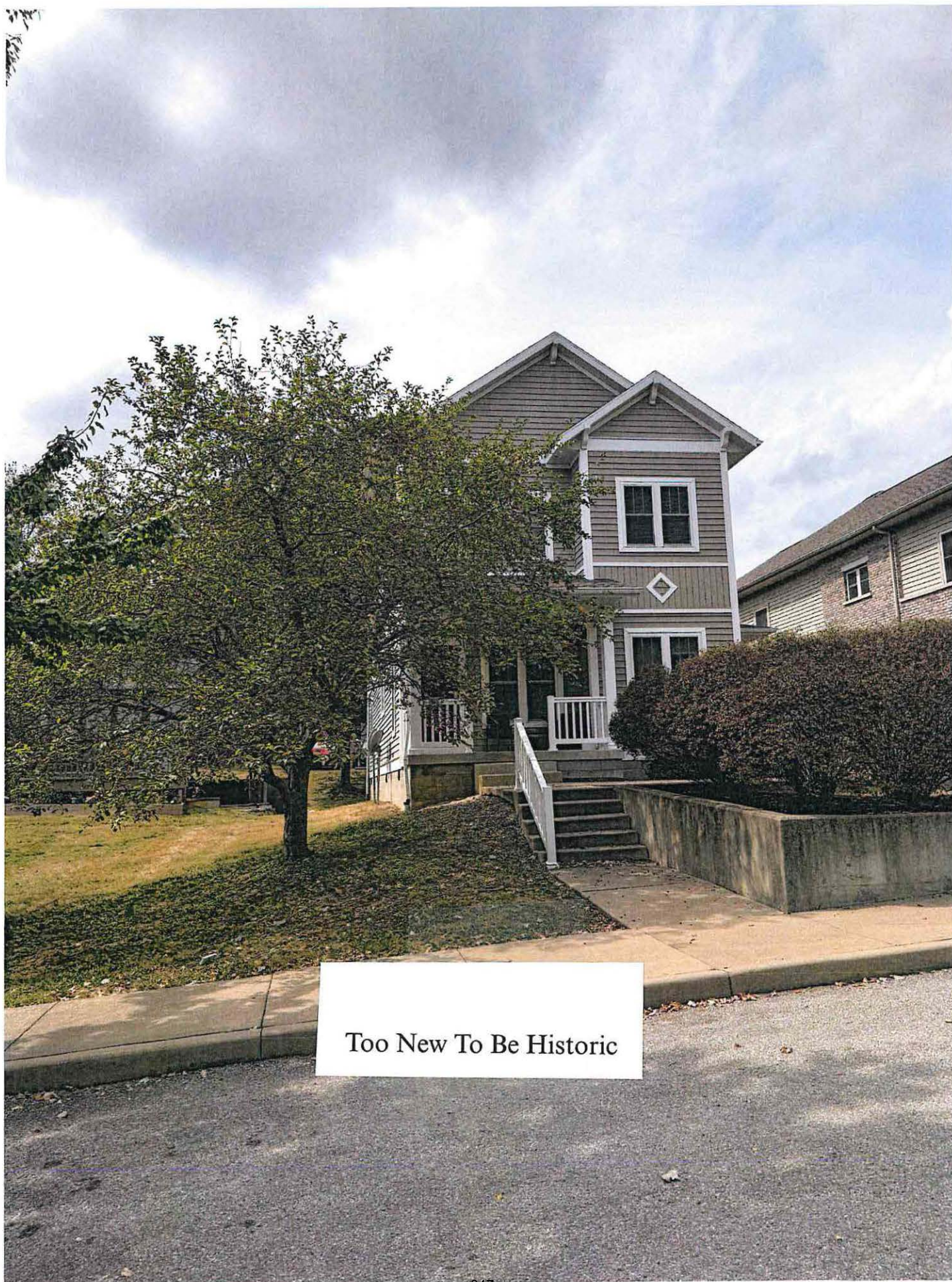
Nothing Historic About This Home



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Too New To Be Historic



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