

# A GUIDE TO FILING A PERMIT APPLICATION FOR THE ALTERATION OR DEMOLITION OF AN HISTORIC STRUCTURE

## **BACKGROUND**

Wyoming City Council adopted Chapter 1336 of the Codified Ordinances in 1992 (Ordinance #14-1992), which regulated the demolition of buildings located within the Village Historic District and properties outside of the District which are individually designated as Historic Properties. This ordinance was passed after many months of review and consideration by the Historic Preservation Commission (HPC), the Architectural Review Board (ARB), Law Committee, Planning Commission, and City Council. It intended to protect the Historic Resources of the community; ensure that all reasonable alternatives to demolition are considered; and to ensure that, if an Historic Building is demolished, thorough consideration has been given to the disposition of the site and the potential impact that this action may have on the surrounding neighborhood.

In 2004 (Ordinance #4-2004), the definition of Demolition was broadened to include the alteration or destruction of 50% or more of the roof structure or exterior walls of a building, and a process was established to review the plans for any construction intended to replace the demolished structure(s).

Most recently, in 2019 (Ordinance #4-2019), definitions of Alteration and Front Façade were added and the definition of Demolition was changed to the alteration or destruction of 25% or more of the front façade (exterior walls or roof structure of the existing or proposed front façade); or 50% or more of the side elevation (exterior walls or roof structure).

This guide has been developed to provide potential applicants with a better understanding of the process for requesting a permit to alter or demolish an Historic Structure (if hitting the above threshold) and should be used to help format such requests. The guide is formatted in a checklist to allow the applicant to verify the completeness of an application.

## **FORM and INFORMATION**

Ten (10) copies of the application requesting a permit to alter or demolish an Historic Structure including all of the following information should be submitted to the City Manager for consideration.

Applicants must submit a completed and signed Building Permit Application, along with a letter including the following information:

Included:

[YES/NO]

- \_\_\_ 1. An area map identifying all properties within 200 feet of the property to be altered or demolished, and a list of the owners, their addresses, and the current uses of the properties;
- \_\_\_ 2. A description of the property to be altered or demolished including its date of construction, architectural style, any unusual or distinctive physical characteristics, its date of designation as Historic Property, facts pertinent to the property's Historic Significance, its current use and physical condition;
- \_\_\_ 3. The owner's reason for alteration or demolition as well as projected use of the site.
- \_\_\_ 4. A narrative description of the proposed alteration or demolition with sufficient detail to describe the methods to be employed, the handling of all wastes, the special handling of hazardous materials and the final treatment of the site including final grading, landscaping, and screening to remain upon completion of the work;
- \_\_\_ 5. The owner's assessment of practical and reasonable alternatives to alteration or demolition and the associated costs thereof;

- \_\_\_ 6. A detailed description of the expected impact of the proposed alteration or demolition on the surrounding neighborhood;
- \_\_\_ 7. Photographs of the property to be altered or demolished showing its general arrangement, distinctive physical characteristics and physical state;
- \_\_\_ 8. The proposed completion date and expected duration of the work; AND
- \_\_\_ 9. An existing and proposed site plan, existing and proposed floor plans, along with exterior elevations of any Proposed Replacement Construction that is intended to replace all or any part of the Altered or Demolished structure showing sufficient detail to demonstrate conformity with the Design Guidelines established by the Historic Preservation Commission and Architectural Review Board.
- \_\_\_ 10. Optional: Any additional information that helps further describe the proposed alteration or demolition (e.g: perspective drawings).

### **THE PROCESS**

Applicants are encouraged to participate in a pre-application meeting with the HPC to discuss preliminary plans for alteration or demolition, prior to preparing the full application.

Once submitted, applications will be reviewed for completeness and, if all of the necessary information has been provided, the City Manager will forward of a copy to the Historic Preservation Commission (HPC) and the Architectural Review Board (ARB) for their joint review and comments.

Applicants who submit incomplete applications will be notified of the shortcomings. Incomplete applications will be held until the balance of the necessary information has been submitted.

Once an application is filed with the City and confirmed to be complete, the City Manager will schedule a public hearing before City Council within 60 days. The public will be notified of the pending application and of the date and time of the public hearing by the placement of a legal advertisement in a newspaper of general circulation, and the owners of properties within 200 feet of the subject property will be individually notified via mail.

The application will be reviewed jointly by the HPC and the ARB. HPC and ARB members may visit the property prior to their joint meeting. The applicant is invited to the joint meeting to present the request and answer questions from the HPC and ARB. The HPC and ARB will then prepare and forward their comments to City Council on or before the date of the public hearing, which comments will be made available to the applicant and other interested parties.

City Council will make a recommendation to the City Manager within 30 days from the date of the public hearing whether to approve or deny the application.

### **CITY COUNCIL FINDINGS**

In reviewing an alteration or demolition application, City Council will consider, among other things, the comments of the joint HPC/ARB, the significance and architectural features of the building, the nature and character of the surrounding area, the use of the building, the importance of the building to the City, the adherence of Replacement Construction to the Design Guidelines, and the implication that approval or denial of the proposed alteration or demolition will or will not have on the City's ability to meet the objectives of the Master Plan and other plans adopted by the City.

City Council may approve an application for demolition if:

- 1. A. The building to be Altered or Demolished does not have Historic Significance and/or is Non-Contributing within an Historic District or to the Historic Property;
- B. The proposed Alteration or Demolition will have no negative effect on the Historical Significance of the Historic District or an Historic Property; AND
- C. The work described in the application will leave a safe and presentable site

- compatible with the appearance of the surrounding properties; OR
2. There is no feasible and prudent alternative to the alteration or demolition and that the denial of the permit would:
    - A. Deny the property owner a reasonable rate of return on the property; OR
    - B. Deny the property owner the use of the property for any already permitted use; OR
    - C. Amount to a taking of the property of the owner without just compensation; OR
  3. The alteration or demolition is necessary to achieve an objective in the Master Plan, or any other plan that has been or that may be officially adopted by City Council, the Planning Commission, Economic Development Commission, or other duly authorized Board or Commission of the City.

City Council may not approve an application unless the following are true:

1. The alteration or demolition would not be detrimental to the public interests of the City and its intent to preserve the character of the City's Historic District and the buildings located therein or properties of Historic Significance in other parts of the City.
2. The proposed alteration or demolition and the remaining site will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
3. The proposed alteration or demolition will not be injurious to the use and enjoyment already permitted in the immediate vicinity for the purposes already permitted and not substantially diminish or impair property values in the neighborhood.
4. Adequate assurances are provided that measures will be taken to remove all materials resulting from the alteration or demolition, to control hazardous materials which may be exposed as a result of the work and to dispose of these materials as may be required by Federal, State, and/or local regulations, and to leave a clean and presentable site at the conclusion of the work compatible with the appearance of surrounding properties.
5. In its sole reasonable opinion, the exterior elevations of any Proposed Replacement Construction are consistent with the Design Guidelines adopted by the Historic Preservation Commission. The Design Guidelines for Historic Properties are available by request or may be found by visiting the City's website at [www.wyomingohio.gov/historic-preservation-commission](http://www.wyomingohio.gov/historic-preservation-commission) and clicking on the Design Guidelines for Historic Properties [link](#).

As City Council must make the above mentioned findings, applicants are strongly encouraged to include any facts or relevant information that will assist them in drawing these conclusions.

If the application is complete, it should be expected that the process should take approximately 90 Days to complete. Applicants are encouraged to review Chapter 1336 in its entirety to better familiarize themselves with the process and the Code requirement (attached).

If an application for Alteration is approved, a complete set of construction documents and a survey-based site plan, when necessary, will be required for issuance of the building permit.

### **ASSISTANCE**

To schedule a pre-application meeting with the HPC or for questions concerning application process, please contact the City of Wyoming Community Development Department at (513) 821-7600 or email Tana Pyles: [tpyles@wyomingohio.gov](mailto:tpyles@wyomingohio.gov).

WYOMING CODIFIED ORDINANCES: PART THIRTEEN - BUILDING CODE  
Chapter 1336

**Historic Districts, Historic Properties, and Archeological Sites;  
Alteration and Demolition Guidelines and Replacement Construction Criteria**

- 1336.01 Application.**
- 1336.02 Definitions.**
- 1336.03 Alteration/Demolition permit required; application.**
- 1336.04 Council powers and duties.**
- 1336.05 Unsafe or dangerous condition.**
- 1336.06 Buildings exempt from the provisions of this chapter.**
- 1336.07 Urban renewal and blight elimination.**
- 1336.08 Appeals.**
- 1336.09 Fees.**
- 1336.99 Penalty.**

**1336.01 APPLICATION.**

This Chapter applies to the Alteration and/or Demolition of all buildings and Historic Properties within the City's Historic District(s) and to the individually designated Historic Properties, landmarks, and sites located throughout the City.

**1336.02 DEFINITIONS.**

For purposes of this Chapter, the following words shall have the following meanings:

- (a) "Alteration" shall mean the act of changing the material, components, or configuration of a building that result in visible changes to the exterior of the building.
- (b) "Application" means the application described in Section [1336.03](#).
- (c) "Demolition" means the cumulative removal, alteration, or destruction of any building within a Historic District or any building located outside of a Historic District that is designated as a Historic Property, as follows:
  - 1) Twenty-five percent (25%) or more of the exterior walls or roof structure of the existing or proposed front façade. Where a Historic Property is located on a corner lot, the 25% area threshold shall apply to each front façade individually; or
  - 2) Fifty percent (50%) or more of the exterior walls or roof structure of an existing or proposed side elevation.
- (d) "Design Guidelines" means a set of criteria established by the Historic Preservation Commission and the Architectural Review Board and adopted by the Historic Preservation Commission which criteria identify the architectural and landscape features that contribute to the visual character of an Historic District or an Historic Property, and that provides guidance about how these elements should be treated when an Application for the Alteration/Demolition and/or Proposed Replacement Construction of a building is reviewed. The Design Guidelines shall be used to assist the Historic Preservation Commission, the City Manager, and City Council in determining the appropriateness of approving the Alteration/Demolition thereof and any Proposed Replacement Construction associated with a Demolition permit in accordance with this Chapter.
- (e) "Front Facade" shall mean the plane of the exterior wall that is oriented to the public way, all other similarly oriented walls, the intervening walls that connect these walls to one another, and the roof structure above such walls.
- (f) "Historic District" means a grouping of buildings, structures, objects, and/or sites with Historical Significance, and designated as such by City Council, the State of Ohio, and/or the U.S. Department of Interior, as well as any officially proposed district, until a final decision is made that such designation should not be made.
- (g) "Historic Property" means a building that is located within a designated Historic District, a building, structure, object, or site with Historical Significance, and designated as such by City Council, the State of Ohio, and/or the U.S. Department of Interior, as well as any building, structure,

object, or site proposed for designation, until a final decision is made that such designation should not be made. Archaeological sites are considered to be Historic Properties if:

(1) They have yielded objects of importance to the understanding of historic and prehistoric culture; or

(2) They may be expected to yield objects of importance to the understanding of historic and prehistoric culture.

(h) "Historic Significance" is the condition of:

Having integrity of location, design, setting, materials and workmanship; and

(1) Being associated with events and/or persons that have made a significant contribution to the broad patterns of our history; or

(2) Embodying the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(3) Having yielded or being likely to yield, information important in history.

(i) "Noncontributing Resource" means a building, site, structure, or object within an Historic District, or on an Historic Property that lacks integrity of design, setting, materials, or workmanship, or is not of the historical period for which the Historic District or Historic Property is recognized as having Historical Significance.

(j) "Proposed Replacement Construction" means any construction proposed or planned by the applicant to replace all or part of the structure that is under application for Alteration/Demolition.

### **1336.03 ALTERATION/DEMOLITION PERMIT REQUIRED; APPLICATION.**

(a) Except as provided for in Section [1336.06](#) hereof, no person shall undertake Alteration or Demolition of an Historic Property or an Archeological Site without first obtaining a permit for Alteration/Demolition in accordance with this Chapter. The owner of any property requiring a permit for Alteration/Demolition shall submit to the City Manager ten copies of an application which shall include:

(1) An area map showing all property within 200 feet of the property to be Altered or Demolished, their owners, addresses and current uses;

(2) A description of the property to be Altered or Demolished including its date of construction, architectural style, any unusual or distinctive physical characteristics, its date of designation as Historic Property, and facts pertinent to the property's historic significance, its current use and current physical condition;

(3) The owner's reasons for Alteration or Demolition as well as projected use of the site.

(4) A narrative description of the proposed Alteration or Demolition with sufficient detail to describe the methods to be employed, the handling of all wastes, the special handling of hazardous materials and the final treatment of the site including final grading, landscaping and screening to remain upon completion of the work;

(5) The owners assessment of practical and reasonable alternatives to Alteration or Demolition and the associated costs thereof;

(6) A detailed description of the expected impact of the proposed Alteration or Demolition on the surrounding neighborhood;

(7) Photographs of the property showing its general arrangement, distinctive physical characteristics and physical state;

(8) The proposed completion date and expected duration of the work; and

(9) The exterior elevations of any Proposed Replacement Construction that is intended to replace all or any part of the Altered or Demolished structure showing sufficient detail to demonstrate conformity with the Design Guidelines established by the Historic Preservation Commission and Architectural Review Board.

(b) The City Manager shall forward a copy of the application to the Historic Preservation Commission and the Architectural Review Board for their joint review and comments which review and comments shall be delivered to Council on or before the date of the public hearing scheduled thereon.

(c) The City Manager shall schedule a public hearing before Council within sixty days of the filing of such application and shall give public notice of such filing and hearing and shall notify all persons entitled to receive notice pursuant to the terms of this Chapter.

(d) The City Manager shall notify all owners of property within 200 feet of the property to be Altered or Demolished, advising such property owners of the application for Alteration/Demolition and the date of the public hearing.

#### **1336.04 COUNCIL POWERS AND DUTIES.**

(a) Council shall review all applications for Alteration or Demolition unless excepted herein, and shall consider among other things, the comments of the joint Historic Preservation Commission and Architectural Review Board, the Historic Significance and architectural features of such building, the nature and character of the surrounding area, the use of such building, the importance of the building to the City, the adherence of any Proposed Replacement Construction to the Design Guidelines, and the implication that approval or denial of the proposed Alteration or Demolition shall or shall not have on the City's ability to meet the objectives of the Master Plan or any other plan that has been or that shall be officially adopted by City Council, the Planning Commission, Economic Development Commission, or other duly authorized Board or Commission of the City.

(b) Council may approve an application for Alteration/Demolition if:

(1) The building to be Altered or Demolished does not have Historic Significance and/or is Noncontributing within an Historic District or to the Historic Property; the proposed Alteration or Demolition will have no negative effect on the Historical Significance of the Historic District or an Historic Property; and the work as described in the application will leave a safe and presentable site compatible with the appearance of surrounding properties; or

(2) There is no feasible and prudent alternative to Alteration or Demolition and denial of the permit would:

A. Deny the property owner a reasonable rate of return on the property; or

B. Deny the property owner the use of the property for any already permitted use; or

C. Amount to a taking of the property of the owner without just compensation; or

(3) The Alteration or Demolition is necessary to achieve an objective in the Master Plan, or any other plan that has been or that shall be officially adopted by City Council, the Planning Commission, Economic Development Commission, or other duly authorized Board or Commission of the City.

(c) City Council may not approve an application for Alteration/Demolition unless each of the following are true:

(1) Such Alteration or Demolition would not be detrimental to the public interests of the City and its intent to preserve the character of the City's Historic District and the buildings located therein or to Historic Properties or other properties of Historic Significance in other parts of the City;

(2) The proposed Alteration/Demolition and the remaining site shall not be detrimental to or endanger the public health, safety, comfort or general welfare;

(3) The proposed Alteration/Demolition shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values in the neighborhood;

(4) Adequate assurances are provided that measures shall be taken to remove all materials resulting from the Alteration/Demolition, to control hazardous materials which may be exposed as a result of the Alteration/Demolition and dispose of these materials as may be required by Federal, State and/or local regulations, and to leave a clean and presentable site at the conclusion of the work compatible with the appearance of surrounding properties, and

(5) In its sole reasonable opinion, the exterior elevations of any Proposed

Replacement Construction are consistent with the Design Guidelines adopted by the Historic Preservation Commission.

(d) City Council in reviewing such application shall make its decision thereon within thirty days of the public hearing and shall direct the City Manager to either issue or not issue a permit for Alteration/Demolition.

(e) In any case involving the Demolition of a structure, before granting or denying approval, Council may call on the City Manager to provide City Council with a report on the state of repair and structural stability of the structure under consideration.

#### **1336.05 UNSAFE OR DANGEROUS CONDITION.**

Notwithstanding anything to the contrary in this Chapter, if the City Manager has been advised in writing by the Community Development Director that the Demolition of the property is required to preserve the public health or safety because of an unsafe or dangerous condition which constitutes an emergency, the City Manager may order Demolition.

#### **1336.06 BUILDINGS EXEMPT FROM THE PROVISIONS OF THIS CHAPTER.**

Notwithstanding anything to the contrary in this Chapter, the City Manager may approve the proposed Demolition if the City Manager has been advised in writing by the Community Development Director that it meets all of the criteria in Sections [1336.06](#) (a) - [1336.06](#) (c) or Section [1336.06](#)(d):

(a) The Historic Property proposed to be demolished is an accessory building such as a storage shed, carport, garage, or similar building.

(b) The building proposed to be demolished is less than 200 square feet based on the outside dimensions thereof, and

(c) That, in his/her opinion, the building is clearly not historically significant and is Noncontributing to an Historic District or to an Historic Property.

(d) In the extraordinary event that five or more historic properties are partially destroyed or damaged by a single fire, flood, earthquake, explosion, war, riot, weather event, act of God, or act of the public enemy, to an extent that would otherwise require the owners to obtain an Alteration/Demolition Permit and follow the Guidelines and Replacement Construction Criteria found herein, City Council may waive the requirements of this Chapter to exempt the owners of such properties from obtaining an Alteration/Demolition Permit or adhering to the Guidelines and Replacement Construction Criteria specified herein.

#### **1336.07 URBAN RENEWAL AND BLIGHT ELIMINATION.**

Nothing contained in this Chapter shall restrict the City or the City Manager from taking any action to carry out or enforce Chapter 1191 or Chapter 1193 of the Codified Ordinances of the City. (Ord. 13-2012. Passed 10-15-12.)

#### **1336.08 APPEALS.**

Appeals from a decision of Council shall be made to the Court of Common Pleas, Hamilton County, Ohio by any person or entity aggrieved by any final decision of Council. (Ord. 13-2012. Passed 10-15-12.)

#### **1336.09 FEES.**

The fees for Alteration/Demolition shall be as determined by City Council in accordance with the most recently adopted schedule of fees.

#### **1336.99 PENALTY.**

Any person, being the owner or agent or having control of any Historic Property, or Archeological Site, who causes or otherwise allows the Alteration or Demolition of the property in violation of this Chapter, shall be guilty of a misdemeanor of the first degree. Each day that such condition exists may be considered a separate offense.