



MEMO

TO: Historic Preservation Commission

FROM: Angela Threadgill 
Planning Director, Acting UDO Administrator

DATE: February 7, 2018

SUBJECT: 129 Emerson Avenue

The purpose of this memo is provide background and research that planning staff have conducted with regard to the above address, for which a demolition permit has been received by the City of Decatur.

Process for Demolition Permit

A demolition permit is required prior to demolition of any residential structure in the City, per Section 11.2.8.A.1. of the Decatur Unified Development Ordinance (UDO). It is important to note that the residential structure at 129 Emerson Avenue is not located within a locally-designated historic district, nor within a National Register Historic District. When a residence subject of a demolition permit is outside a designated Historic District, the UDO Administrator has authority per Section 11.2.8.A.3 of the UDO, to delay demolition for a period not to exceed 15 days to provide notice to the community, allowing investigation into alternative opportunities for the preservation of the residential structure.

Context of Subject Property

The existing building at 129 Emerson Avenue is part of a larger group of buildings and properties once owned by Mr. Ryan Gainey, now deceased. Many people remember Mr. Gainey for his contributions to horticultural and gardening. As with many buildings, upon a death, a residence becomes the tangible reminder of a person's contributions to culture and society. It is with good will that the community and the owner be given an opportunity in an open forum to have a dialogue about Mr. Gainey's residence before any administrative action be taken on its demolition. An appropriate forum in which to hold this discussion is with the Historic Preservation Commission, a resident board charged with studying matters related to preserving the City's historic resources. In order to facilitate a forum, a special called meeting of the Historic Preservation Commission was published and publicly noticed, including posted agendas and a posted sign at the subject property.

2009 Historic Resources Survey

129 Emerson Avenue was first surveyed in the 2009 City of Decatur Historic Resources Survey. Every property within the boundaries of the City of Decatur was documented and surveyed according to professional standards and procedures. The property, located within the Lenox Place neighborhood, was noted as being constructed in 1920 and was deemed non-contributing to a potential historic district. However, no further notes about why it was given a non-contributing status was included in the report.

Applicability of Preservation Tax Incentives

As mentioned above, the property is not listed in the National Register of Historic Places, nor within the Georgia Register of Historic Places, either individually or as a contributing resource to an identified historic district. Without this level of designation, the property is ineligible for consideration of federal and state rehabilitation tax credits. The property owner may opt to preserve the residence subject to a conservation or preservation easement. However, federal tax law would prohibit the property owner from taking full advantage of a tax deduction related to the donation of the easement.

Likelihood of Designation

A re-survey of Lenox Place as a potential historic district would need to take place before a determination could be made about the neighborhood being eligible for National Register listing. A survey would not be able to occur for several more months. Even then, the neighborhood would have to have sufficient support for any type of designation before it could move forward.

As an individual resource with the potential of being designated for its association with Mr. Gainey, there is a question as to whether or not enough time has passed to fully understand the contributions that Mr. Gainey has made to local, state, or national history. To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance. Some of the questions asked are: Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past? Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past?

Properties that have achieved significance within the past 50 years may be listed in the National Register of Historic Places, according to the National Register Criteria for Evaluation, only if they are of "exceptional importance," or if they are integral parts of districts that are eligible for listing in the National Register. This principle safeguards against listing properties which are of only contemporary, faddish value and ensures that the National Register is a register of **historic** places. That being said, the Criteria for Evaluation are not designed to prohibit the consideration of properties whose unusual contribution to the development of American history, architecture, archeology, engineering, and culture can clearly be demonstrated.