

***** At the City meeting, I would prefer not to refer to Ms. Hendricks by name as I have no desire to make her look bad in public. It is clear from reading the Code (Ord. 30) that she has been misinterpreting and misapplying the code. My factual account does not make her look too good at all and it brings no pleasure to me to embarrass people. I will refer to her as the said "expert in interpreting the historic code," or the particular "historic administrator."

Hello, my name is Kent Sokmensuer. I have recently discovered, by carefully reading Ordinance 30, that incorrect information has long been systematically disseminated and probably enforced in regards to the necessity of receiving a Certificate of Appropriateness (COA) for "non-contributing" homes located within a historic district. I want to thank Mr. Tom Saunders for being so very helpful, quick and efficient with his research that led him to tell me that my reading of the code was indeed correct. I left a message with Mr. Ralph Hilliard and he promptly asked Mr. Saunders to do the research I believe. I would also like to state that Mr. John Wachtel and Linda were very helpful and kind. Also, there were others at the Thomas Center who were genuinely kind, patient, tolerant helpful during the 2 days it took us to make sense of this.

photos enclosed

I own a concrete block home constructed in 1954 which is located at 629 NE Blvd. This is on Sweetwater branch, one block north of the "Duck Pond". I will start with a recount of my conversations with Ms. Hendricks, who I believe sits on the Historic Preservation Board which was established by the City Council to carry out the code. I would also like to apologize to Ms. Hendricks for having to state her name and actions in order to protect my reality. I couldn't get around this. I am truly sorry but regretfully had to write this out..

It appears that part of the Historic Preservation Board have been incorrectly carrying out their main duty – carrying out the code. I will start with my latest set of experiences, but later I will add my experiences and communications on this issue during the first year and a half of owning this house. Afterwards, I will give a brief history also how I was unfortunately misled into not working on the outside of my house for the past year and a half that I owned it. The root of the problem is clearly exemplified in what I believe is an honest account of my latest set of experiences.

It is widely stated both verbally and in document form (enclosed) that a Certificate of Appropriateness (COA) is necessary **prior** to applying for a permit if the said structure is located in a historic district (as stated in the large poster across from the permit application desk, *Permitting at a Glance*, "**Properties located in a Historic District will need to obtain a Certificate of Appropriateness (COA) PRIOR to applying for a permit.**") This incorrect interpretation has probably been going on for years (perhaps with fines or the threat of them) and seems to be the result of everybody referring to the "expert" in the department, Ms. Hendricks, who appears to have been misinterpreting the codes; I assume it was by mistake. Perhaps this has been going on before Ms. Hendricks assumed the responsibility of her position and so she was just carrying out a policy which she and others assumed to be correct. It seems to be one of those almost unbelievable but probable mistakes of wanting something to be a certain way enough that that is how it becomes seen.

When I originally called Ms. Hendricks for information (the week of May 1 some time), rather than answer my questions, she told me to read the information on the city's website and gave me the impression with her statements that there isn't a difference between what can be done to a contributing house in a historic district or a non-contributing house. This is the commonly prevailing belief by seemingly by everyone. After sifting through over 250 pages and attempting to navigate the site, I went to see her directly (Monday, May 8, 2006). After being told by the permit department that I would have to get a COA before applying for a permit (more than two people told this to me and I was given a COA twice by different people upon their hearing that my home was a non-contributing structure in historic district), I went upstairs to see Ms. Hendricks. She told me that "there is virtually no difference between a contributing and non-contributing structure." She repeated this several times each time I asked. After I pointed out that the Citizen's Guide (enclosed) implies that there is a difference between contributing and non-contributing houses and that I can add windows (and other things), she told me that windows are attachments [this is incorrect according to the code, Ordinance 30]. After about my 4th, 5th, or 6th time of insisting that there must be a difference between these two differing terms and asking her to please define it, she read the relevant part of Ordinance 30 (enclosed) which proved me to be correct. Even when finally having my question answered on this issue, when she herself read the code which clearly stated that for a non-contributing structure in a historic district, that I do not need a COA for increasing window or their size, doors, and some other things, she still thought she was correct and that I needed a COA prior to my permit application. Actually, it appears that that I don't need a COA at all for many changes (even after the permit is applied for, even though they always "send it upstairs for approval." When I pointed out that according to the language (words do have specific meanings, especially in codes and laws), how I was indeed logically correct (which a few hours after this conversation was affirmed graciously and with alacrity by Mr. Tom Saunders) Ms. Hendricks responded by saying "I don't want to talk about it." This is verbatim: "I don't want to talk about it" without any contrition or effort of compromise as a result of me being wrongly misled and put in a difficult, frustrating and costly position. This is not some squabble between two friends, housemates, relatives etc. where "I don't want to talk about" is often used to avoid something or when it becomes evident that you made a mistake or that you have been proven to have been giving out incorrect yet authoritarian instructions. Of course it is defensive, but it is certainly not appropriate. I understand that being caught in a mistake may be scary, but she kept opposing me in various ways that I will explain.

I have quite an investment and I have rights. Well I insisted that I do want to talk about it because it is my home that I spend much time in, and it is a sizable investment. I found the response to be rather insulting towards me personally and quite arrogant of a public servant who made a very big mistake – the key words being servant and public of course. Finally, after she became aware that it appeared that I was indeed correct and that she had been misinterpreting the code for however many years, rather than apologizing and aiding me, she appeared to attempt to continue to make it hard for me. Knowing I was correct. I said "So, I can get these things done (windows, doors, decks ...) and she said "well, you better hurry, you only have a week and a half left." She was referring to the city meeting on the issue of my house becoming historic (it really isn't historic in most people's opinion, including architects', and I will get to this later) and seemed to not understand that there would be a final reading 2 weeks later (on June 12th I believe)

* important information referring to "contributing" structures in the code from the historic preservation guidelines. This leads to a false or grossly which clearly misleads the reader into assuming contributing & non-contributing are the same.

where it would finally become a reality. It is hard to believe that she would know that there is precisely one and a half weeks to the next meeting on this issue, but not a final reading two weeks later. Mr. Saunders kindly pointed out to me on the phone afterwards about the final meeting. I knew about the final reading, but Ms. Hendricks statement made it sound like the next meeting was the important and deciding one. I assumed it was until Mr. Saunders so kindly straightened it out. I would like to point out that the entire staff, save Ms. Hendricks, was very helpful, kind and tolerant of me – truly. They all seemed to assume the Ms. Hendricks was the expert and the one who really knows the answer. however (in reality perhaps more of an authoritarian). It seems that everyone in the community has been believing and assuming that her opinion (perhaps inherited from former staff) was correct and proper policy. After Ms. Hendricks told me I only had a week and a half, I said that I would get started right away. She smiled and said “that isn’t going to be enough time” and nodded seemingly in some kind of victory, and that the impending deadline would solidify it. She seemed quite content that she thought she had shut me down (even though it was all a result originally of something she is supposed to be responsible for). I said that it wasn’t fair, looked at her, and instinctively (kind of like a child in that position) stuck out my lower lip. She said “awww, let me see that lower lip again” (kind of getting me to beg – at least that is what it felt like). Like a begging idiot I accommodated and stuck out my lip but then instantly felt foolish and a little demeaned. It definitely appeared to me that she enjoyed my begging as she smiled. I then stated something like “what about this form they sent with the info. that I can fill out, some judicial thing.” She said “what’s that?” I showed her the quasi-judicial form and she told me directly that it wouldn’t help me and that I shouldn’t fill it out. Did she really believe this, did she expect me to completely believe this or was she hoping that like every person who had this problem, I would just assume she was correct and not seek out other sources of information? Certainly it should help me to register this in the public record. If she would have just been a little fair at that moment and offer to fix the situation somehow instead of continuing to oppose me I would never have had to do this (which I really don’t enjoy). But this is best for the community and myself, sorry.

After talking with many other people from the planning department and at the Clerk’s office, I realized how misleading Ms. Hendricks has been. I would like to believe it was all done unknowingly and she earnestly was reading and enforcing this very important aspect of the code incorrectly in some way to agree with what she already assumed was the reality (even though it is very clear and isn’t complicated at all when you read it). Perhaps she never actually read it, but this is also hard to believe. Could a public official who is deferred to on a specific subject just assume she can keep giving incorrect expertise? I doubt this is the case. Certainly, if it is not purposeful, and I doubt it is, the most polite way I can say this is that it is a serious case of irresponsibility or negligence.

But with the amount of resistance I received, the short nature of the communication, all the deferment to outside readings that are hard to navigate and lengthy (that people obviously haven’t researched too thoroughly as Ms. Hendricks originally referred me to the “Historic Preservation and Design Guidelines” which still appear to be unclear in their over 250 pages, and not Ordinance 30 directly which makes it very clear and simple), as well as the fact everybody was giving out wrong information as a result of deferring to her predecessor or Ms. Hendricks herself for years, makes me wonder if it was just assumed that the paradigm had been thoroughly set in the community mind,

* As stated, CEUR/AC designations were left out of the historic preservation guidelines which were originally in the CEDEI. This omission leads the reader to assume non-contributors & contributing are the same explorations and terms were in P. 81

2.8.18 of guidelines is attached

Ms. Hendricks

bureaucracy and assumed reality as to obscure the true code so well that nobody ever would take it upon themselves to follow through. Upon entering ~~the~~ room, I politely stated that I found the over 250 pages (of the historic preservations and rehabilitation guidelines) informative and thanked her. She stated that she doesn't like answering all the questions people have and just refers people to the website. I stated that I really couldn't find where it clearly answered my questions. In some places It vaguely (and incorrectly) seems to present the illusion that ~~all~~ homes in a historic district need to comply with the rest of the neighborhood, but in other places it refers specifically to "contributing structures." I always find it annoying when someone could answer my question but makes me spend time researching it instead. Perhaps she didn't know the answer. Perhaps she couldn't be bothered because of time. Probably she just never read it correctly. But perhaps she didn't actually want to give the real answer. Nonetheless, this method allowed many, many people with real interest and investment get lost in the vagueness and systemic misconceptions that have been prevailing. In any case, it just took less than a day of research to figure out this huge mistake. Perhaps there was the hope that this could just keep going on.

It is also hard to believe that someone would knowingly mislead so many people on such a serious issue that is merely local. It is all so odd. Regretfully, however, it is wholly possible after witnessing what appears to be going on with issues far greater importance in Washington D.C., that if something incorrect is repeated enough times, people end up believing it. It does seem clear to me (and perhaps others too, I don't know), however, that Ms. Hendricks has an agenda and it is important to her being that she and her vision are in control in some way of anything that happens to any structure in a historic district – even if ~~it~~ ^{her action} is against the code. This was made evident to me by her reaction to me as I logically pointed out that her interpretation of the code was incorrect and her complete lack of contrition. It is easy to see, however, how so many hundreds of people in the past just assumed that they were being given the correct information both verbally and on the posters and decided not to research all the complicated stuff. The duty of the Historic Preservation Board is to carry out the code. So, how can it be that undoubtedly one of the most important and controversial portions of the code could have been so incorrectly read and enforced for so long; especially when I made sense of it with one reading in less than a day of effort? It is one of three things: 1) It was not read correctly and the human mind read something out of assumption which in a manner which incorrectly supported assumed or desired beliefs or objectives; 2) It was not read at all by whomever everyone defers to on this issue; 3) Or, somewhere along the way a misleading interpretation was put out (knowingly or unknowingly) and either through negligence or on purpose, this fallacy was maintained in order to impose a set of controls which are false according to the code itself. In any case, I am sure there are many people who would be upset if they knew that all the hoops they had to jump through which may have not allowed them to make their homes as wonderful as they would like were in fact phantom ~~hoops~~ perpetuated by incorrect assumptions and deferment. It is certainly a serious matter that there is a complete public belief among owners of non-contributing structures in historic districts, the general public, and the staff at the planning department that (as stated in *Permitting at a Glance* ... **"Properties located in a Historic District will need to obtain a Certificate of Appropriateness (COA) PRIOR to applying for a permit."**) Because of this, and being told repeatedly (and possibly that my house was historic already from the computers – I will get back to this) I never applied for the permits I

Perhaps the important guidelines were stressed. The ordinance, on p. 316 gives her BUT, Ms. Hendricks read the ORD. to me.

2-81-2 guidelines is attached

would need, and didn't start any of the work. I concentrated on the inside of the house and minor exterior repairs. I figured, that if there is no difference between a "contributing" and "non-contributing" structure and I need a COA anyway, there is no hurry. The above quote is stated in "Permitting at a Glance (enclosed) is hung up on the wall across from the permit desk, and is about 2 feet by 3 feet in size. I believe it is the largest text information document there at the Thomas Center in the hall near the permit desk. When I first stated that the language in the document was wrong and should be fixed as well as stopped from being handed out in 8 ½ by 11 size, I was told I was reading it incorrectly. Interestingly, however, many people there at the planning dept. were happy to hear my seemingly correct interpretation. When I finally proved my point, I was told "that's not us, that is the historical department." Now, with time running out, I am rushing (sometimes without finding competitive bids which is making it all more expensive, and without putting as much thought into the project as I would like) to find an architect or engineers, a contractor, etc. It is wholly unfair. I am certain that somewhere in American judicial history, there is precedent of someone imposing a deadline while giving out false and harmful information to a party, and the affected party bringing this obvious unfairness to the judge and the judge giving the affected party his/her time back to retroactively to complete whatever it was. I don't want to go through all that, but I will if I must. The public information should certainly be corrected and effort should be made to re-educate people with the correct code interpretation as there is widespread and seemingly complete public belief in the incorrect interpretation. I am confident, not only that designating my house as a historic structure will be reconsidered at least temporarily out of fairness.

Later in this document, I will also make the case that this rather average concrete block home is by no means historic yet and has no real distinguishing or historic features (especially as it was originally built), and that making it historic cheapens the whole meaning of historic structure.

Here I would like to add my initial experiences of misconceptions last year. After I bought the house about 1 ½ years ago, I planned many of the changes to the house to make it more lovely not only to me, but to the truly beautiful and unique neighborhood in which I enjoy living. Every person I spoke to in the regular public who had what appeared to be an informed opinion told me I can't do anything outside to the house without a COA even if my house was not historic. I heard various stories of fines, warnings, etc. from residents, contractors and handymen. Everyone was scared to touch the outside of their houses and warned me of the fallout. Someone even joked, "they don't even want you to get rid of the roaches." Anyway, I later went to the Thomas center myself and read the citizens guide. I was directed to the permit application desk for more questions. They told me I would need a COA in order to get a permit (the sign permitting at a glance may have been there). I remember leaving thinking that I need a COA whether my house is historic or not. I remember telling people afterwards that my house was historic but I am not sure if I said this because it was 50 years old or because I was actually told it was historic. If the kind lady behind the desk asked me my address on that first day, it is probable that she also told me my house was historic after looking it up on the computer because last week she did exactly that. She said that in the system it is listed as historic (it is not, that is one of the things this meeting is about) – another misleading mistake (but not her fault of course, it is logged that way in the computer system). I do think she may

have asked me my address that day but I am not sure as it was over a year ago. Since then, I know I was under the impression that my house was historic but I cannot remember exactly how I changed my mind to get the impression because I originally thought it wasn't. It was either because I was told by the desk or through false assumption that it has to do merely with age. Either way, for the past year and half, I have been living with the notion I received from the planning commission and the historical preservation board, that I need a COA when I actually don't. Believing that I needed a COA to receive a permit, I decided to focus on interior and repairs (the house was grotesque inside as a result of habitual smoking for 30 years and other factors), and thought that after they saw what a great job I did on the inside and the repairs outside, they would issue me a COA more easily. Finally I have found out, I could have gotten a permit a long time ago, made my house truly beautiful, and put it on the way to becoming a truly historic house some day. Now, I the house becomes historic, I may not even be able to change the solid doors to beautiful glass or stained glass ones (with an thin iron gate screen door in front) without permission.

I believe that classifying houses like mine as historical diminishes the importance, and unique splendor and standing of the truly historical houses. I would like to know what are the features that make this house "historical or architecturally significant" as age is not the only factor. It certainly doesn't seem to be built by a master (partially because of all the changes that were necessary to make it a more comfortably sized and inviting house) or have any of the real qualifications other than age. I am adding pictures of my house and you can see that not only is it not very special, but also why a few of my friends have called it one of the "ugly houses" on that street. I don't know if I would go that far, but I think most of us can agree that the architecture between 1950 to 1980 was often not ideal or remarkable in layout, appearance or beauty.

In several ways, my house wasn't built or designed extremely well and it is certainly not as beautiful and remarkable as most of the other houses in the neighborhood. "Historical" doesn't mean being attached to everything old. Sometimes old things need to be improved upon and weren't built as well or beautifully as they may become (by creating history) with improvement. It is certainly a modern house and many changes were made to the appearance throughout the decades and some of the major aspects like the windows are very modern. The brick steps, planter and front area all appear to be post 1954 but I haven't found the plans. One room was made much larger (but with small, old windows that don't match the rest of the house, and an odd hole in the wall which was for an air conditioner -I have since put glass in the space and removed the air conditioner because the old air conditioner reeked of nicotine and was unnecessary as there is also central air).

I believe that over-attachment to historical realities without learning from them and making changes is why *history can get old* (joke). Let's face it between the years 1950 to 1980 most of the architecture in this nation was built cheaply with cement, kind of ugly, often without much light as a result of smaller or fewer windows, and seemingly built to withstand a nuclear war which was a real fear in this country. I certainly hope they redo all those yucky one story buildings on University Ave. before they too become regarded as historical.

* Enclose is Article VII, 30-112, where on page 4 of 14 you will see the list of criteria for a historic structure one the approval methods. Not only does my house not meet 3 of the criteria, it probably doesn't meet 1.

I was not able to find any reference of my house in any of the minutes of the historic board meetings. (see enclosed printout of list of historic board meetings).

Here is list of things that I will need to get a COA if my house is made historic (the architect laughed at the idea of “making it historic”) but that I don’t need a COA for now and actually never did. I am sure there are things which will come up which I would like to do and it is very frustration to have to plan everything out in just a week. Also, this rush is costing me more money and anxiety that it would have if I was properly informed. The list:

- Changing the number of windows or their individual size.
- Skylights
- French doors opening to the garden
- Moving the outdoor central a/c unit to the other side of the house
- Adding a door with
- Changing they types of doors (I like windows)
- A deck
- Bay window in the kitchen
- Perhaps a small, hidden storage area
- Perhaps windows or a skylight to the utility room
- I don’t know what the realities are for a sculpture, a hot tub, or perhaps (but not likely) a temporary greenhouse, probably made out of pvc and plastic sheeting heated by the kitchen window. I would hide it all very well of course and make it beautiful.

Anyway, in the next few weeks, I am going to change all kinds of things to the house for which I don’t need a permit (mostly with plants) just to make sure that certain aspects are part of the house’s character before it becomes historic (if it does). I would rather not rush, and do a better job if I didn’t have to. If I must, I will apply for permits right away as I was assured by Mr. Saunders that they will help me get it stamped before June 12th and Ms. Hendricks cannot stop it. I want to thank all the people that were so kind and helpful to me at the planning department and Mr. Wachtel of the historic board. Also, I wish to apologize to Ms. Hendricks for having to state her name and actions in order to protect my reality. There was no other way to do it. If I didn’t use your name, I would sound silly and be asked who it was anyway. Also, I have to be thorough anyway to be victorious and win fairness. I really don’t like having to do this, and my mom told me she would pray that Ms. Hendricks wouldn’t lose her job, and hopefully it will help and she won’t as a I believe that one of the best things a human can do is humbly learn from mistakes and make changes.

This was all about as huge and ongoing a mistake that could be made and could very well just been carried over from an earlier people and years past. Perhaps people were fined and certainly they were hindered from doing desired work to non-contributing houses as a result of the incorrect assumptions of the need for a COA for non-contributing houses. I know this happened to me. At the very least, I must insist that: all documents, procedures and information be corrected; the public and entire staff is re-educated; in the future more than one person is expected to know the actual codes their department enforce (so it is all not deferred to one person – making misinterpretation more possible); and questions can be answered rather than deferred to a website. I must honestly note that

everybody else seemed happy to answer my questions and were very helpful. I know that if it was my job, as a public servant, I would be proud to know all the codes I am in charge of carrying out and have pride and enjoyment in being able to answer any question someone asks me rather than making them go through hours of research. Thank you for your time.