



HISTORIC TIMES

THE MONTHLY NEWSLETTER FOR TOLEDO'S HISTORIC OLD WEST END



Donations to help the family of DaMia Ezell can be made at **Toledo Urban Federal Credit Union**
1441 Dorr St., Toledo, OH

ENGAGE TOLEDO

Call Engage Toledo 24/7 at **419-936-2020** to report issues requiring immediate attention, such as a water or sewer emergency, or anything pertaining to public safety - tree, pothole, or nuisance issues.

Please call 911 for police/fire assistance, crimes in progress, or life-threatening emergencies.

- or other construction materials, printing, postage, or supplies. The grant can pay for labor in circumstances where professional expertise is required, but the projects should involve volunteer labor when possible.
- Be sustainable and include a plan to ensure sustainability
- Have a specific and attainable timeline for completion with measurable progress markers

The applicants must be: renters, owners, business owners, or organizations in the neighborhood.

Timeline: Grants will be awarded twice annually. **Deadlines for Review: April 30, October 31**

Contact **Dan Schmitt** at: dpschmitt2@gmail.com for further information

Top-floor décor

CHANCE TO WIN \$100

Our February top-floor décor had no winner; the location of the décor is 2061 Robinwood. Our March top-floor décor picture is shown below. See the Historic Times December 2021 issue for complete information and rules for our game (or go on-line at www.toleoldwestend.com). To win the game for the month, you must be the first person to identify the location of the building, by its street address, in an email message to Donald.godfrey@utoledo.edu, with the subject heading Top-floor décor. The body of your message should have the street address of the building and your name.



N.B.I. Grant Applications

(Neighborhood Beautification Improvement)

The projects must: Be public (they can't be for improvements to private property).

- Be within the Old West End boundaries (roughly defined as Detroit Ave., Monroe Street, Collingwood, and Berdan Ave.)
- Include volunteer commitment. The Grant is intended to fund materials, not services (additional donations are a plus). Materials might include paint, wood, or other construction materials, printing, postage, or supplies. The grant can pay for labor in circumstances where professional expertise is required, but the projects should involve volunteer labor when possible.

To Do List . . .

"Restaurant Week"

Now - Mar. 6, 2022

"Wine Tasting"

Tol. Museum of Art

Glass Pavilion:

Fri., Mar. 11, 2022

6:30-8:30 pm \$\$

"Leprechauns Visit"

Scottwood Inn, Mar. 12

12-4 pm, 419-242-4551

O.W.E. & Area FUN

Get Free At-Home COVID-19 Tests

Visit <https://www.covidtests.gov/> to order 4 free at-home Covid-19 tests mailed right to your home.

49TH ANNUAL • TOLEDO, OHIO

OLD WEST END

HISTORIC FESTIVAL

Want to Help with this year's OWE Festival?

Join us on **Wednesday, March 9**

Bellweather at Toledo Spirits, 1301 N Summit St., Toledo from 6-8pm to hear our exciting ideas & volunteer options.

MEETING REMINDERS



W.O.W.E. Wed., March 2

Toni Moore

2369 Robinwood Ave.
6:30 Dinner, 7pm Meeting

Association Tues., March 15

Flamb-OWE-nce Community House

2492 Scottwood Ave.
7:00 pm



Letter from the President

by Chris Hanley
847-899-4829
glenwoodpastor@gmail.com



On Saturday, February 12th, I met with OWE Association Board Members Chuck Madrigal and Andrew Larsen to discuss a process for welcoming new people to the neighborhood. The Women of the Old West End spearheaded a project to put together a thorough welcome packet, and the three of us were going back and forth about how to utilize these packets.

As the conversation went on, we realized that the Historic District kept coming up as an important component of someone's introduction to the Old West End. Whether or not someone lives in the Historic District proper, or outside it while still in the Old West End, we agreed that all Old West Enders should have familiarity with what it means to preserve a house, with the municipal code related to a Historic District (which Dave Neuendorf helpfully included in February's newsletter), and with the process for working on a 'historic' home. (That is, applying for a Certificate of Appropriateness before the Historic District Commission.) How do we introduce new neighbors to the practices of keeping the appearance of our whole neighborhood distinct and spellbinding? On the one hand, the intensity of these unique, DIY projects and the lore of attempts to preserve these homes knits us into a community that shares common problems and solutions. On the other hand, sometimes preservation becomes prioritized over people which undermines the Association's mission to create a harmonious community. As the OWE Association, based on the discussion of our February meeting, it appears to me that we would rather live in a community of problem-solvers, working together to preserve the whole neighborhood in more than its architecture.

Andrew, Chuck, and I wrapped up our meeting about half past noon, and then less than an hour later I received a notification on my phone from the Blade: Old West End Shooting. You know the story. A

Tuesday, March 8, 2022
O.W.E. Executive Board Meeting
Flamb-OWE-nce Community House
2492 Scottwood Ave. (7 pm)
Tuesday, March 15, 2022
Association Meeting
Flamb-OWE-nce Community House
2492 Scottwood Ave. (7 pm)
ALL NEIGHBORS ARE WELCOME!

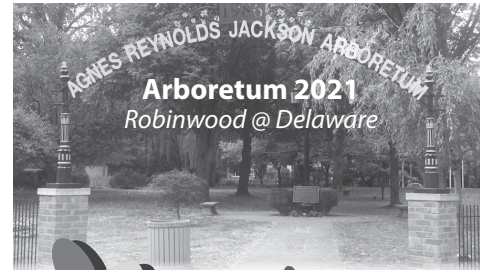
driveby shooting resulted in DaMia Ezell's death. At first I fixated on this title, an Old West End shooting. I recoiled because that seems like an odd way to name this: like what makes something an Old West End shooting? Is that an effort to tell a story that 'the Old West End is becoming less safe!' If so, I don't buy it and I wish the Blade would tell a more accurate story about us. However, you all made it an Old West End shooting with your compassion. It happened in the Old West End and so we've responded, as best we can. Kristin, the Black Kite's owner, was at the vigil for DaMia along with me and several other neighbors. A neighbor, Melanie coordinated with the social worker at Glenwood Elementary and with many of you to deliver stuffed animals to the kids who were most affected by this tragedy. You've raised money for the family's expenses and claimed them as your neighbors. We are continuing a conversation about what being secure in the Old West End means. (When I am writing this our twice rescheduled conversation about safety has not yet occurred.) In this instance of tragedy, you all led with love and not fear. I'm proud to be your neighbor and to be in the on-going dialogue of how to preserve homes, keep each other safe, and have the most fun doing it.

Your neighbor,
Chris Hanley

Preservation Committee

To get a COA (Certificate of Appropriateness) for any exterior renovations within the Historic District contact Molly Maguire at:

419-245-1200 or
Molly.Maguire@toledo.oh.gov



We are putting together the
2022 Music Line-up.
Interested in sponsoring?
Contact Kent Illenden
Call or Message
419-367-9155



OLD WEST END SECURITY

HAPPY MARCH!

Old West End Security is now entering its 41st year "Working together for a safer Old West End, for all neighbors." And we as always need your neighborly support! A community meeting was held last Wednesday on safety in the neighborhood, look for an update in next month's Historic Times.

Are you aware that the city of Toledo provides geospatial access to all reported crimes? Check out <https://community-crimemap.com/> to look at how the Old West End is doing!

Our next meeting will be held via zoom Tuesday, March 1st at 7pm. Please check our website.

Business Network Group

The Business Success Fair will not take place on April 30th as originally scheduled. A new date will be decided later.



The Women of The Old West End

WOWE Officers:
Carol Kutsche,
Toni Moore and
Tammy Michalak

Consent of What?

by David Neuendorff

The article this month is about the necessity for a Court ordered "Consent Decree" between the residents of the Historic Old West End and the City of Toledo. Sadly one cannot make litigation sound exciting since the devil is found in the details.

The Old West End Historic District was created by Ordinance 399-80 Passed 6-10-1980. The District is one of the City's Historic Overlay Districts as defined in 1103.0300 | -HO, Historic Overlay Districts 1103.0301 purpose of the Toledo Municipal Code (TMC). The Municipal Code contains restrictions on "environmental changes" to buildings in historic districts, the guidelines to be used by the Historic District Commission, and the procedures to be used by homeowners seeking to make changes (TMC. 1111.1100). The first devil found in the details is TMC Historic District definitions.

TMC 1103.0302 Definitions.

The definitions of this section are to be used solely for the purpose of interpreting and administering the Historic District and landmark provisions of this Zoning Code.

A. "Alter" or alteration means any change requiring a building permit involving the exterior architectural features, including significant landscaping, of any property which lies within a Historic District, not including demolition, removal or new construction.

B. "Applicant" means any person, persons, association, organization, partnership, units of government, public bodies and corporations who applies for a Certificate of Appropriateness in order to undertake an environmental change within a Historic District or to a landmarked property.

C. "Certificate of Appropriateness" means a certificate authorizing any environmental change within a Historic District or to a landmarked property.

D. "Delegates-at-large" means residents of Toledo appointed to the Historic District commissions who represent education, civic, governmental, professional and historic preservation organizations.

E. "Demolition" means the complete or substantial removal or destruction of any structure which is located within a Historic District or on a landmarked property.

F. "Environmental change" means any exterior alteration, demolition, removal or new construction of any property, requiring or not requiring a building permit subject to the historic overlay provisions of this Zoning Code. (Ord. 314-12. Passed 6-19-12.)

G. "Exterior Architectural Feature" means the architectural style, general design and arrangement of the exterior of a structure including, but

REST IN PEACE DAMIA EZELL

We are heartbroken by the senseless killing of this sweet 10 year old. Gun violence is a huge social problem ... how do we as individuals and a neighborhood work to help resolve this issue?



not limited to, the type, color and texture of the building material, doors, windows, roof, porches and other appurtenant features.

H. "Historic District" means any district that has been locally designated by the City Council to be regulated by the historic overlay provisions of this Zoning Code.

For your information, I quote from the Plan Commission records:

Historic District Ordinance & Litigation History
Ord. 399-80 - Historic Overlay Districts legislation enacted; Old West End and Vista Historic District Commissions established.

Ord. 273-81 - Standards and Guidelines adopted

Ord. 456-83 - Amendments

Ord. 424-85 - Expansion of OWE Historic boundaries

Court Cases -

Common Pleas Court Case No. 82-0447

* Judgment Entry of 5/05/82;

* Judgment Entry of 11/22/85;

* Judgment Entry of 6/3/87;

Common Pleas Court Case No. 89-3700

* Judgment Entry of 3/2/90

After the creation of the Old West End Historic District it wasn't long before OWEHD residents found that the City Of Toledo was ignoring the historic district requirements and so the Old West End Association found itself in Common Pleas Court, Case Number 82-0447 seeking relief. Relief which was granted to the neighborhood by way of a "Consent Decree" where the City of Toledo was court "ORDERED" to enforce the law.

Common Pleas Court Case No. 82-0447

Judgment Entry of 5/05/82;

The Case arose out of the City of Toledo lifting (putting an end to) a stop work order for aluminum siding installation on a house on Scottwood in the Old West End. The city was enjoined (prohibited by judicial order) from any further violations of Part 11- Zoning and Planning, Chapter 1153 Historic Overlay Districts of the Toledo Municipal Code. Various administrative procedures were set forth.

Of most importance, the CONSENT DECREE ORDERED that the Defendants (City of Toledo and successors in Office) are to enforce the law: "2.) No environmental changes shall be made to any property within a historic district in the City of Toledo unless a Certificate of Appropriateness has been previously issued by the appropriate Historic District Commission." (As an aside, the City was ordered to PAY the costs of the Plaintiff- The Old West End Associa-

tion - including attorney fees; and " This Court shall retain continuing jurisdiction of this action to ensure compliance with this ORDER and will entertain further requests for injunctive relief brought by any party to restrain further violations of Chapter 9, Article XXVIII of the Toledo Municipal Code.)"

Many neighbors have heard of that animal called a "Consent Decree" but really don't understand what it means. This is a Wikipedia explanation.

Consent Decree: A consent decree is an agreement or settlement that resolves a dispute between two parties without admission of guilt (in a criminal case) or liability (in a civil case), and most often refers to such a type of settlement in the United States. The plaintiff and the defendant ask the court to enter into their agreement, and the court maintains supervision over the implementation of the decree in monetary exchanges or restructured interactions between parties. The decree issued by consent cannot be modified, except by consent. Typically, a consent decree dispenses with the necessity of having proof in court, since by definition the defendant agrees to the order. Thus, the use of a consent decree does not involve a sentence or an admission of guilt. The judge can only step in to assist in enforcement if a party complains to the court that an opponent has failed to perform as agreed."

Unfortunately, the residents of the OWE have had to return to the Common Pleas Court regularly to get the City of Toledo to enforce the TMC Historic District Overlay Ordinance. The Old West End Association found itself back in the Court of Common Pleas in 1985.

Judgement Entry of 11/22/85

The Case arose out of replacement windows at the American Red Cross building in the Old West End and the demolition without a Certificate of Appropriateness of several structures in the Vista Historic District. Additional administrative procedures were established and certain notifications were required.

(The city was once again ordered to enforce the Historic District Ordinance and agreed to further conditions to enforcement, example: "Notification of residents" As an aside, the city was again ordered to pay the costs of the Plaintiff - The Old West End Association, including attorney fees. Of interest to me was a Supplemental Judgement Entry of 11/22/1985.)

Continued information will be included in the April Historic Times Issue

** The first article in this series can be found in the February 2022 issue of Historic Times at <https://www.toledoldwestend.com/historic-times>

UPCOMING WOWE MEETINGS
6:30 POTLUCK 7:00 MEETING
FIRST WEDNESDAY OF EACH MONTH
All neighbors are welcome!

March 2nd Toni Moore's
2369 Robinwood

April 6th Leslie & Dave Neuendorff
2228 Scottwood

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- ✓ Delivered within the 1st week of each month to the OWE households and local businesses
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