

Sometimes when we are advocating for preservation we will hear the old refrain “I have the right to do whatever I want with my property,” or some similar argument.

This supposed right is a myth and has never existed since the first colonies were organized and the first towns were laid out.

The Supreme Court has always affirmed and reaffirmed that communities have the right to decide what they are going to look like (i.e., the majority of the people, not one person dictating to the rest). This is the foundation of all zoning and preservation laws.

It would be hard to find anyone who would condone a property owner tearing down a home, say, in the middle of a new housing development and putting in a convenience store, because the property owner asserted he could make more money and make better use of his property. By that same token a property owner does not have the right to tear down a historic building and put up ‘a lot line to lot line’ McMansion and destroy the character of the neighborhood and our country’s heritage.

Where the individual does not have the right to do whatever they please to their property, the community does. The community has an absolute right to decide what it is going to look like and what is important to maintain or enhance its character and its environment. The only countries where an individual can do what he wants without regard to his neighbors and communities are countries that accept bribes and do not follow the rule of law.

This country is ruled by “We the People” not one person; we are not a kingdom or a dictatorship. We all decide what is important.

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