



Karen Underwood-Kramer
Chairperson

Nancy Bushman
Board Member

Desmond Maaytah
Board Member

Michael Samoviski
Board Member

Vacant
Board Member

Roll Call: 3 Public Hearings

Bushman	Maaytah	Underwood-Kramer	Samoviski	

Swearing in of Those Providing Testimony to the BZA: City Staff

Old Business: None

New Business:

Agenda Item #1

2017-01-Appeal of Decision of Architectural Design Review Board

An Appeal by Ms. Kris Hartkemeyer regarding the refusal of the Architectural Design Review Board (ADRB) on October 4, 2016 to issue a Certificate of Appropriateness (COA) to for painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street. (Ms. Kris Hartkemeyer, Applicant/Owner).

Staff: Meredith Snyder

Bushman	Maaytah	Underwood-Kramer	Samoviski	

Agenda Item #2

2017-02: Variance Request for 517 Williams Avenue

A Request by Mr. Ron Brown for a side yard setback variance in order to construct an accessory structure (carport), on property zoned R-2 Single Family Residence District, located at 517 Williams Avenue. (Mr. Brown, Applicant/Owner).

Staff: Meredith Snyder

Bushman	Maaytah	Underwood-Kramer	Samoviski	

Agenda Item #3

2017-3: Variance Request for 502 Ross Avenue

One (1) zoning variance to allow no off street parking spaces where six (6) are required at 502 Ross Avenue (Ms. Dorris McCall and Mr. Robb Knepp, Applicant/Owner)



1) Variance to Section 1137.28 which requires a minimum of one and a half parking spaces per dwelling unit, requiring six spaces on the site.

Staff: Meredith Snyder

Bushman	Maaytah	Underwood-Kramer	Samoviski	

Minutes

Approval of Meeting Minutes- Written Summary and Audio Recording for the Following Dates:

December 1, 2016

Bushman	Maaytah	Underwood-Kramer	Samoviski	

Miscellaneous:

Adjournment:





For the Board of Zoning Appeals Meeting of January 5, 2017

To: Board of Zoning Appeals

From: Meredith Snyder

Subject: **AGENDA ITEM #1**

2017-01-Appeal of Decision of Architectural Design Review Board

An Appeal by Ms. Kris Hartkemeyer regarding the refusal of the Architectural Design Review Board (ADRB) on October 4, 2016 to issue a Certificate of Appropriateness (COA) to for painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street. (Ms. Kris Hartkemeyer, Applicant/Owner).

Date: December 28, 2016

Dear BZA Members:

Introduction:

An application has been submitted by Ms. Kris Hartkemeyer regarding the refusal of the Architectural Design Review Board (ADRB) on October 4, 2016 to issue a Certificate of Appropriateness (COA) for painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street. The subject property of 407 North Third Street is part of the German Village Historic District and is Zoned "BPD", Business Planned Development Zoning (**Exhibit B** – Zoning Map).

Background Information:

On September 23, 2016 an application was received for 407 North Third Street Certificate of Appropriateness for the painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street. The painting had already been done prior to the application for a COA. The COA application and supporting materials for the October 4th ADRB meeting are attached as **Exhibit C** – October 4, 2016 ADRB Staff report and Application.

The information listed as Exhibit C was used by the ADRB to make a decision on whether or not a Certificate of Appropriateness should be granted as well as the Historic Design Review Board Polices and Guidelines (attached as **Exhibit E**). The minutes from that meeting are also attached as **Exhibit D** – October 4, 2016 Draft meeting Minutes. A letter was sent to Ms. Hartkemeyer on October 5, 2016 by the ADRB Secretary informing that the ADRB had denied the proposed painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street and indicated that she could either submit a new COA application or appeal the denial to the BZA (attached as **Exhibit F** – Denial Letter for ADRB dated October 5, 2016). An application for appeal to the Board of Zoning Appeals was received (attached as **Exhibit G** – Appeal Application submitted on November 28, 2016).



Appellant Information:

Ms. Hartkemeyer submitted an application to appeal the October 4, 2016 denial on November 28, 2016 over the decision of the ADRB to not issue a COA for the painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street. This application is attached as **Exhibit G** – Appeal Application submitted on November 28, 2016. This appeal application includes a letter written by Ms. Hartkemeyer regarding the denial and the request.

Notification:

Public Hearing Notices were mailed thirteen (13) property owners within 100 feet of the property in question. At the time this report was written, no phone calls were received regarding this zoning appeal.

Authority over Appeals Regarding to ADRB:

Section 1160.30 Hearings; Appeals; Notices. Grants the BZA the authority to hear and decide appeals of ADRB decisions in connection with issuance or refusal to issue a Certificate of Appropriateness for exterior work to buildings in designed historic districts.

Recommendation:

If the BZA approves the Appeal submitted by Ms. Hartkemeyer and permits her request for painting of the front door, back door, porch, and installation of two window boxes at 407 North Third Street, the Department of Community Development requests that the BZA consider the following condition of approval:

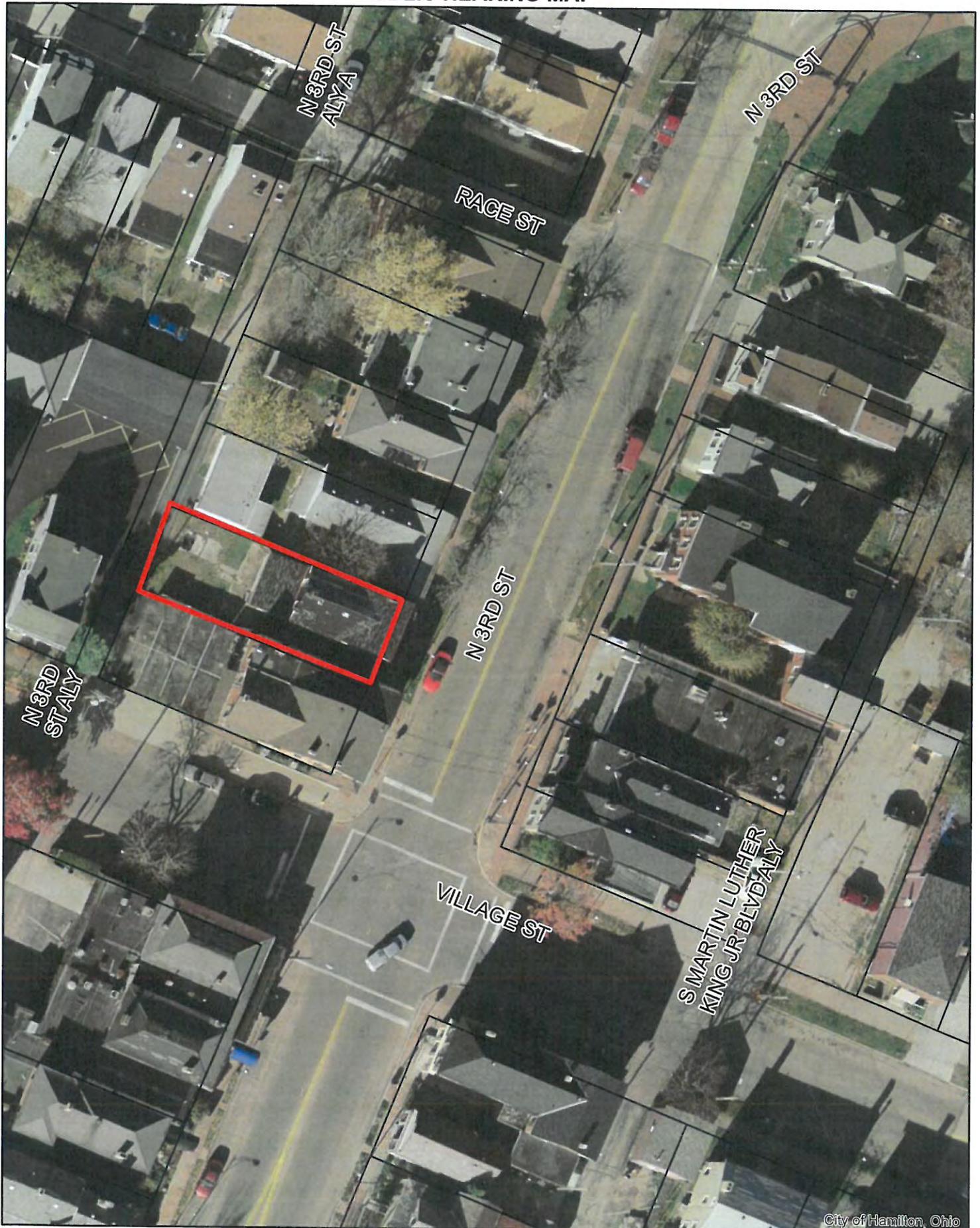
- 1) All improvements and work be performed in workmanship manner and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Attachments:

- 1) Exhibit A – Public Hearing Location Map
- 2) Exhibit B – Zoning Map
- 3) Exhibit C – October 4, 2016 ADRB Staff report and Application
- 4) Exhibit D – October 4, 2016 Meeting Minutes
- 5) Exhibit E – Historic Design Review Board Polices and Guidelines
- 6) Exhibit F – Denial Letter for ADRB dated October 5, 2016
- 7) Exhibit G – Appeal Application submitted on November 28, 2016



407 NORTH THIRD
PUBLIC HEARING MAP



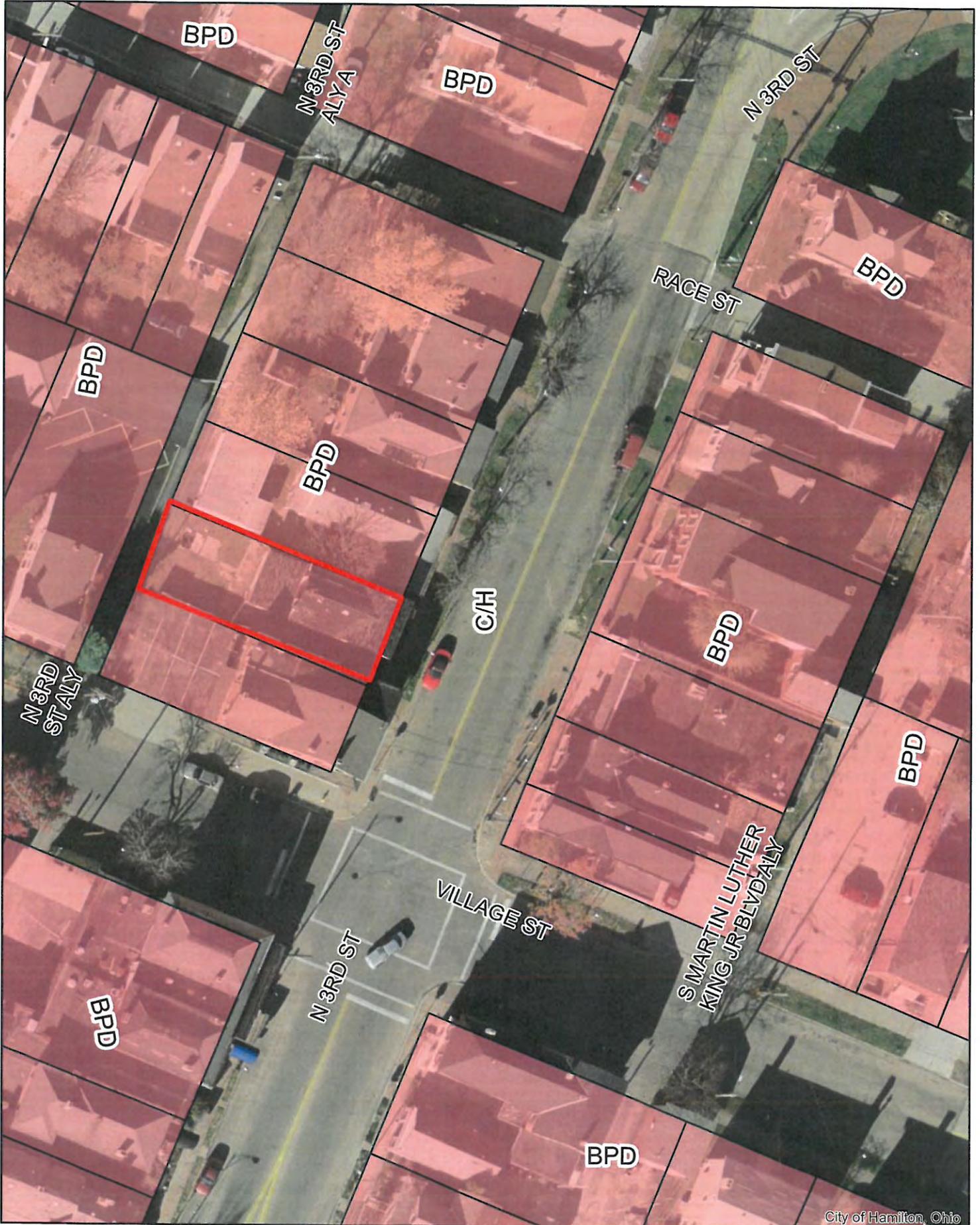
City of Hamilton, Ohio

 407 North Third

0 15 30 60 Feet



407 NORTH THIRD
PUBLIC HEARING MAP



City of Hamilton, Ohio

 407 North Third

0 15 30 60 Feet





To: Architectural Design Review Board
From: Ed Wilson, ADRB
Subject: **AGENDA ITEM #2**
407 North Third Street – Painting, Window Boxes
Kris Hartkemeyer, Applicant
Meeting Date: **10/4/2016**
Received Application: **9/23/2016**
Impacts: German Village Historic District



Introduction:

Dear Board Members:

The Applicant, Kris Hartkemeyer, has submitted a Certificate of Appropriateness Application for the property of 407 North Third Street. The proposal involves Painting of the Front Door, Back Door, and Porch. In addition, the Applicant plans on putting 2 window boxes on the top front end windows.

The subject property of 407 North Third Street is part of the German Village Historic District and is Zoned “BPD”, Business Planned Development Zoning.



Background:

407 North Third Street was brought to the attention of the Community Development Department, Planning Division, due to an inquiry of painting having occurred on the structure without a Certificate of Appropriateness. Staff investigated and discovered evidence of painting having occurred due to a change of color for both the front door and front porch.

A Notice Letter for dialogue and rectification of the situation was both posted on the front door of the property and mailed to the owner on record, Ms. Kris Hartkemeyer. A COA application was submitted to the Planning office for inclusion in the next available ADRB Agenda for review by the board.

Supplemental Items

Implications for ADRB Policies & Guidelines; and Other Requirements

The proposal broaches the subject of painting, pertaining to the ADRB Policies & Guidelines. Summarily, the ADRB may refer to publications such as A Century of Color and Victorian Exterior Decoration. However, the board has simply reviewed paint proposals for an exterior as-is, without supplemental materials.

State of Ohio Historic Designation

This property of 407 North Third Street is not part of the State of Ohio Historic Inventory.



PROPOSAL

Painting of the Front Door, Back Door, Porch, Installation of 2 Window Boxes – to be painted the color of the trim, (off-white).

Painting

- Front Door and Back Door - Applicant indicates the color is “Lavender”
 - Note that the paint is: “Forever Lilac” SW 9067

- Porch Floor and Base – Applicant indicates the color is “African Violet”
 - Note that the paint is: “African Violet” SW 6982

- Window Boxes – Behr Premium Plus, Pro Behr e-600
 - “Satin White”

Other portion of proposal includes installation of Window Boxes. Per the Applicant, there is no set time for the installation, and there is an estimated time of installation in Spring of 2017.

Window Boxes

- Installation of Two (2) Window Boxes
 - Located on the top front end windows
 - Will be painted to match the trim “Off White”



Attachments:

1. EXHIBIT A: Images of the Property
2. EXHIBIT B: Applicant Supplied Photo
3. EXHIBIT C: Staff Supplied Paint Swatches
4. EXHIBIT D: COA Application

EXHIBIT A: Images of the Property





EXHIBIT B: Applicant Supplied Photo



EXHIBIT C: Staff Supplied Paint Swatches

SW 9067

Forever Lilac

Interior / Exterior

Locator Number: 181-C4



SW 6982

African Violet

Interior / Exterior

Locator Number: 176-C6



EXHIBIT D: COA Application

A163384
A163385



Community Development
345 High Street, Suite 370
Hamilton, Ohio 45011

Architectural Design Review Board

Phone: 513-785-7350

Fax: 513-785-7349

Email: hamiltonhistoric@hamilton-oh.gov

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Exterior changes made to buildings, outbuildings, landscapes, or other exterior features located within one of the City of Hamilton's Historic Areas or properties individually listed by Ordinance shall not be permitted unless and until the Architectural Design Review Board issues a Certificate of Appropriateness for the action. The ADRB will review the plans, monitor the work and administer the Architectural Conservation/Historic District section (Section 1126.00) of the Hamilton City Zoning Ordinance.

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the ADRB, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/State of Ohio Historic Inventory records. A proposal that is Like for Like (A repair or improvement in relation to a property in which the repair or improvement utilizes the existing materials/colors and replaces them with matching materials) does not require ADRB review and will be approved by the Secretary.

A nonrefundable twenty-five dollar (\$25.00) fee for Residential property or fifty dollar (\$50.00) fee for Commercial property is due when a Certificate of Appropriateness application is submitted.

Fee Schedule		
Proposal:	Residential	Commercial
Exterior Change	\$25	\$50
Like for Like Work (no board review)	\$0	\$0
Return to Original Historic Materials	\$0	\$0

Property Address: 407 N 3rd Street

Applicant Name: Kris Hartkemeyer

Applicant Mailing Address: 407 N 3rd Street

Owner/s Name: Kris Hartkemeyer

Owner Mailing Address: 407 N 3rd Street

Daytime Contact Phone: 513/896-1234 Email: khartkemeyer@baker-cpa.com

Applicant Signature: Kris Hartkemeyer Date: 9/17/16

APPLICANTS ARE HIGHLY ENCOURAGED TO APPEAR BEFORE THE BOARD TO SUPPORT THEIR APPLICATION.
Please see Page 4 for the Meeting Dates and Application Deadlines.



DESCRIPTION OF WORK TO BE PERFORMED

Please specify the exact location on the structure, the nature of the work, the materials to be used, and the existing historic features to be repaired or replaced. Landscape, fence, and out buildings, etc., should include a sketch of the property showing the proposed location. In order to make an appropriate, fair and timely decision the ADRB may request additional detailed information. This may include plans, sketches, photographs, and information about the materials to be used, including brochures, catalog information, and paint chips.

Work Proposed: (Describe type of work, existing conditions, and methods to be used, materials proposed)

Painting of front door + back door

CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION

Paint Sample Provided
 Appearance of Color: lavender + African Violet
 Color Name & Manufacturer: Forever Lilac Behr Premium Plus
 Location (body, window trim, specific trim, accent): door porch Pro Behr 600 African Violet

Siding Sample Provided
 Existing Siding (style, material, color, location): _____
 Proposed Siding (style, material, color, location): _____
 Manufacturer: _____ Proposed Size: _____

NOTE: If proposing vinyl or aluminum siding, per ADRB Guidelines, applicant must be provided a copy of Preservation Brief 8, concerning siding. It is HIGHLY recommended that applicant provide pictures and document extensive reasons why vinyl or non-historic siding is being proposed.

Roof *Please note, Roofing requires a building permit*
 Existing Roof (material, style, color): _____
 Proposed Roof (material, style, color): _____
 Manufacturer: _____ Location: _____

Windows / Door
 Existing Windows/Door (style, material, size, color, location): _____
 Proposed Windows/Door (style, material, size, color, location): _____
 Manufacturer: _____ Type (if applicable): _____

NOTE: Per ADRB Guidelines, it is recommended that proposed windows are the same size as the original window opening. Covering of windows is highly discouraged. For vinyl or other non-historic windows, it is recommended to document existing windows, including the condition and reasons why original windows should be replaced.

Fence
 Existing Fence (type, material, color): _____
 Proposed Fence (type, material, color, location, course): _____



Gutters
Existing Gutter (material, style, location, color): _____
Proposed Gutter (material, style, location, color): _____
Manufacturer: _____

Soffit
Existing Soffit (style, material, location, color): _____
Proposed Soffit (style, material, location, color): _____

Other Work not listed above: Plan on putting 2 window
boxes on top front end windows.
Will paint the color of the trim
(off white)

Demolition
NOTE: 1126.60 Certificate of Appropriateness – Demolition: In the event an application for a Certificate of Appropriateness includes demolition of any property in the Architectural Conservation/Historic District the applicant shall be required to submit evidence to the Architectural Design Review Board indicating that at least one of the following conditions prevail:
 That the property proposed for demolition is not inherently consistent with other properties in its area of the Architectural Conservation/Historic District,
 That the property proposed for demolition contains no features of architectural and/or historical significance; or
 That there is no reasonable economic use for the property as it exists or as it might be rehabilitated, that there is no feasible means or prudent alternative to demolition,
 Existing structures listed in section 1126.110 (Central Area Building Inventory) shall be maintained. For buildings listed in that inventory, the cost of rehabilitation must exceed 67% of the replacement cost of the same structure at the time of the proposed demolition based on the Marshall Swift Construction Cost Index or a similar industry standard index before a Certificate of Appropriateness for demolition can be issued. No building listed in the Central Area Building Inventory may be demolished without approval by the Architectural Design Review Board regardless of existing building condition. (OR2013-2-22)
 Both the architectural and historical significance of the property, its relation to the street and to the historic district as a whole shall be considered.

Please Explain the selection made above: _____

Please attach additional sheets if necessary.



Architectural Design Review Board
Tuesday, October 4, 2016
4:30 p.m.

Planning Commission	At-Large		Council	Chamber of Commerce	Rossville
Tom Alf <input checked="" type="checkbox"/>	Steve Beckman <input checked="" type="checkbox"/>	Armand Bloch <input checked="" type="checkbox"/>	Robert Brown <input checked="" type="checkbox"/>	Madam Chair Mary Pat Essman <input checked="" type="checkbox"/>	Pauline Fairbanks <input checked="" type="checkbox"/>
Joshua Smith				Rob Weigel	Jane Jacobs
SID					
	Dayton Lane	Architect	German Village	Historic Hamilton	
Larry Fiehrer <input checked="" type="checkbox"/>	Dan Graham <input checked="" type="checkbox"/>	Todd Palechek	Debbie Ripperger <input checked="" type="checkbox"/>	Karen Whalen <input checked="" type="checkbox"/>	
Rick Demmel	Thomas O'Neill		Ann Brown	Shi O'Neill	

Staff: Mr. Ed Wilson, Ms. Kathy Dudley (Assistant Law Director), Mrs. Heather Hodges, and Ms. Kim Kirsch.

Guests: Ms. Kris Hartkemeyer, Mr. Bill Wilks, Mr. Taylor Welch, and Mr. Mike Dingeldein.

The meeting was called to order by Madam Chair Essman at 4:30 pm.

I. Roll Call

Mr. Tom Alf, Mr. Steve Beckman, Mr. Armond Bloch, Mr. Bob Brown, Madam Chair Mary Pat Essman, Ms. Pauline Fairbanks, Mr. Larry Fiehrer, Mr. Dan Graham, Ms. Debbie Ripperger, and Ms. Karen Whalen.

II. Swearing in of Those Providing Testimony to the Board:

Members in the audience were sworn in by Ms. Kathy Dudley, Assistant Law Director.

III. Approval of Meeting Minutes – Written Summary and Audio Recording for these dates:

- A. September 20, 2016 – Motion to accept by Mr. Fiehrer, 2nd by Mr. Alf. With all “ayes” except Ms. Whalen (abstain), the Motion passes with a vote of 9-0-1, and the minutes are approved.

IV. Properties Seeking COA - Old Business

1. 228 Linden Street (German Village) – Painting

This item was tabled at the meeting on 9/20/16 and Mr. Wilks was to come back in with different colors than presented at that meeting. He brought the paint samples to this meeting for presentation:

- **Body of the House**
 - **Porter Paint #PPG1190-6, Firecracker**

- **Window Trim, Back Shutters, Fence, Brick on Side and Awning**
 - **Porter Paint #PPG1206-4, Sawdust**

- **Corbels and Doors**
 - **Porter Paint #PPG1121-5, Guacamole**

The paint samples were presented to the Board for their review. After a brief discussion between Mr. Wilks and the Board, Mr. Bloch made a Motion to close the Public Hearing. With a 2nd by Mr. Alf and all “ayes” to roll call vote, the Public Hearing was closed.

After a bit more discussion between the Board, Mr. Fiehrer made a Motion to approve the colors as presented. With a 2nd by Mr. Bloch and a vote of 6-4 (“no” by Mr. Beckman, Ms. Fairbanks, Ms. Ripperger & Ms. Whalen), the Motion passes and the COA is approved as presented.

V Properties Seeking COA - New Business

1. 302 Main Street (Rossville) – Painting

Introduction:

The Applicant, Hamilton CORE Fund, has submitted an application for a Certificate of Appropriateness for the property of 302 Main Street. The proposal involves painting of the trim for this structure.

The subject property of 302 Main Street is part of the Rossville Historic District and is Zoned MS-1, "Main Street Core, Form-Based Zoning".

Proposal:

Painting of the Trim in areas as indicated on the structure.

The proposed painting is based on reinstalled stained glass windows of the structure, and the paint scheme of the structure located next door to the subject property.

- **Trim 1:**
 - Existing: Green painted portions of the structure.
 - Proposed: Benjamin Moore "Dark Basalt" 2072-10.

- **Trim 2:**
 - Existing: Creme painted portions of the structure.
 - Proposed: Sherwin Williams "Blonde" SW 6128.

Mr. Dingeldein, Director of CORE, was present. He said that they are asking for approval for paint, but they are also asking for approval for restoration of glass. He said that they are replacing the clear transom glass with stained glass windows. He said that they are drawing the color schemes for the building from the stained glass windows and stained glass frames.

After a brief discussion between the Board and Mr. Dingeldein, Mr. Graham made a Motion to close the Public Hearing. With a 2nd by Mr. Bloch and all "ayes" to roll call vote, the Public Hearing was closed.

Mr. Bloch made a Motion to approve the COA as presented. With a 2nd by Ms. Whalen and all "ayes" to a roll call vote, the Motion passes and the COA is approved.

2. 407 North Third Street (*German Village*) – Painting, Window Boxes

Background:

407 North Third Street was brought to the attention of the Community Development Department, Planning Division, due to an inquiry of painting having occurred on the structure without a Certificate of Appropriateness. Staff investigated and discovered evidence of painting having occurred due to a change of color for both the front door and front porch.

A Notice Letter for dialogue and rectification of the situation was both posted on the front door of the property and mailed to the owner on record, Ms. Kris Hartkemeyer. A COA application was submitted to the Planning office for inclusion in the next available ADRB Agenda for review by the board.

Proposal:

Painting of the front door, back door, porch, Installation of 2 Window Boxes – to be painted the color of the trim, (off-white).

• Painting

- Front Door and Back Door - Applicant indicates the color is “Lavender”
 - The paint is: “Forever Lilac” SW 9067
- Porch Floor and Base – Applicant indicates the color is “African Violet”
 - The paint is: “African Violet” SW 6982
- Window Boxes – Behr Premium Plus, Pro Behr e-600
 - “Satin White”

Another portion of the proposal includes installation of Window Boxes. Per the Applicant, there is no set time for the installation, and there is an estimated time of installation in Spring of 2017.

• Window Boxes

- Installation of Two (2) Window Boxes
 - Located on the top front end windows
 - Will be painted to match the trim “Off White”

The applicant indicates that the colors of purple that she chose were appropriate for a turn of the century home.

Ms. Whalen asked what the color of the body of the house was. Mr. Wilson was able to look back in his notes and verified that the color "Umber" was approved for the body of the house on October 20, 2015. He gave the paint number to the Board members, who had the paint swatches available from Sherwin Williams and wanted to see what it was.

The question was then asked what color the house had been prior to that, and Ms. Dudley responded that it was red, and it had previously been scheduled to be demolished before CORE bought it.

Ms. Ripperger (Board representative for German Village) stated that she had four people come to her house and tell her that they didn't like the color that the door was painted.

Madam Chair Essman asked for questions or comments. Ms. Whalen said that to her, she doesn't feel a porch floor is ever something that you really want to draw attention to. She said that she is wondering if the porch floor could be the same as the body of the house (darker, not as noticeable, and would flow well with the stone barricades that are in the front), and then paint the front door a lively color in something that would look welcoming in a "historically accurate way".

Ms. Fairbanks said that while the colors might be "historically accurate", she's not sure about the application of the colors (used as an "accent" color on a column?). She said that she's not sure that it's appropriate as a front door or a porch floor, and she's not sure that it's appropriate for this house and that style of door. She said that she would like to see more evidence of it being used properly in a house of that era before she would approve it on this one.

Ms. Dudley then asked Madam Chair if she was going to ask the Applicant if she wished to address the Board, which Madam Chair Essman did. The Applicant replied that she had nothing to say. Mr. Fiehrer asked the Applicant if she would be agreeable to a COA that had the door staying the same color, but changing the color of the floor to match the color of the house and she replied that she would not, she likes it the way it is.

Mr. Alf stated that he thought that the Board should respect the owner's wishes if they are paying the bill and they are willing to invest in the neighborhood, and that he appreciates their efforts.

Ms. Fairbanks said "personal preferences aside, is it appropriate for the house and the era" is the question." Madam Chair Essman answered that the Board's mission is to try to do the best they can in keeping the historic aura of the neighborhoods, and she believes that Ms. Fairbanks is asking that question, and she doesn't know the answer either. She then asked Mr. Dingeldein if he knew if

the colors in question are appropriate for the era of the house. He replied that turn of the century houses certainly used accent colors on doors, but he doesn't know if there is any precedents for the porch floor.

Mr. Wilson said that thus far, it just seems like it's all "subjective", and nothing has been truly cited as a reason to deny or approve the request.

Mr. Graham asked Mr. Dingeldein what he thought the architectural style of the house was, and Mr. Dingeldein replied "Federal, early 1900's Federal Style".

Madam Chair Essman asked if there were any additional comments or questions, and Ms. Ripperger reiterated that she had 4 people come down and say they did not like it, but she understands that everyone has their own personal opinion.

Mr. Graham asked Mr. Wilson to pull up a street view on Google Earth and show the surrounding properties for the Board to look at. Mr. Wilson was able to locate one of Mr. Wilks' properties where he had painted a door purple next to 342 N. 3rd Street. Ms. Whalen said that she thought the color was called "Blueberry, but it turned out to be more of a purple color".

Mr. Graham stated that he thought the two colors would work if the style were a "Queen Ann Victorian style" home and it were to be replicated as a "Painted Lady", but he's just not sure that the colors blend well with the body of the house.

With no further questions, Mr. Brown made a Motion to close the Public Hearing. With a 2nd by Mr. Bloch and all "ayes" to a roll call vote, the Public Hearing was closed.

Madam Chair Essman asked the Board what they would like to do. Ms. Fairbanks stated that she doesn't think the colors are appropriate for the particular house. Ms. Whalen said that she agrees with Mr. Graham that the colors would be more appropriate on a Queen Anne and a Painted Lady look. She went on to say that she thinks other colors would be more historically accurate on the body of the house and enhance the look of the house.

Mr. Fiehrer advised the Board that he would be abstaining on a vote to any Motion, as he knows the Applicant on a professional basis.

Mr. Brown made a Motion to approve the colors as presented, with a 2nd by Mr. Alf. With a roll call vote of 2-7-1, the Motion was denied. (Mr. Beckman, Mr. Bloch, Madam Chair Essman, Ms. Fairbanks, Mr. Graham, Ms. Ripperger, and Ms. Whalen all voted "no", Mr. Fiehrer abstained).

Madam Chair Essman asked Mr. Wilson if he would work with the Applicant to try to come up with some colors that would work, and he said that he would. Ms. Dudley stated that the Applicant would be notified of the Board's decision

formally, and Mr. Wilson advised the Applicant that she would be receiving the formal notification within 5 days.

VI Miscellaneous/Discussion/On the Radar

Property Inquiries Like-for-Like COA

- o 327 North Second Street (German Village) – Garage Roof - Like-for-Like COA
- o 1024 Campbell Avenue (Dayton-Campbell) – Rear Porch Work - Like-for-Like COA

The next tentative meeting is set for October 18, 2016.

VI. Adjourn

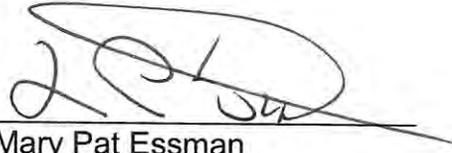
Mr. Brown made a Motion to adjourn. With a 2nd by Mr. Graham, the meeting is adjourned.

Submitted by:

Chair:



Ed Wilson
Secretary, ADRB



Mary Pat Essman
Madam Chair, ADRB

Acting

CITY OF HAMILTON, OHIO

HISTORIC DESIGN REVIEW BOARD
POLICIES & GUIDELINES

Compiled and Printed as a Public Information & Education Document
The Department of Planning
The Planning Division

September, 1988
Updated July, 2005
Updated September, 2009

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Architectural Conservation/Historic Design Review Board

Policies & Procedures

- A. The Historic Design Review Board will have an assistance role to property owners wherever possible. When a property owner's plans run contrary to Department of Interior Standards, the legislated criteria for Board decision making, or the "Guidelines For Decision Making" as developed by the Historic Design Review Board, the Board will attempt to work with the property owner to a mutual resolution.
- B. The Board recognizes four classifications of meetings:
1. Regular Meetings – meetings held for the purpose of reviewing requests for Certificates of Appropriateness and other business requiring official Board action. Unless otherwise determined by Board action or a decision of the Chair, Regular Meetings of the Board will be held the first Tuesday of every month at 4:30 p.m. in a public location. Meetings may be cancelled due to a lack of requests/business for the Board. Regular Meetings will be open to the public and official minutes will be taken.
 2. Working Meetings – meetings held for the purpose of obtaining technical information and/or the discussion of technical information in an effort to:
 - a. Establish/refine decision making standards and/or policies used by the Board;
 - b. Assist in the public education/information efforts by the Board; and/or;
 - c. Assist the Board in the performance of other duties outlined/required by the legislation.

Working Meetings will be called as needed by the Board or by the Chair. Working Meetings are not required to, but may be open to the public.

3. Special Meetings – meetings called for the purpose of considering special requests for a Certificate of Appropriateness or special work items identified by the Board. Special Meetings may be requested by any Board member or the Secretary. Special Meetings require advance approval of the Board or the Chair and will be called only for those items/requests specifically outlined in the meeting request. Special Meetings will be open to the public and official minutes will be taken.
4. Emergency Meetings – meetings called for the purpose of handling of emergency requests only. These meetings may be requested by any Board member or the Secretary. Emergency Meetings require advance approval of the Chair and will be called only for the items/requests specifically outlined in the meeting request. The record of actions/discussions undertaken by the Board at an Emergency Meeting will be entered into the official minutes of the next Regular Meeting as part of the Secretary's Report. (examples are fire, acts of nature, etc.)

- C. The Board will recognize four classifications of requests:
1. Regular requests – requests involving no special time constraints or extenuating circumstances. The legislated thirty (30) day deadline for consideration is the only constraint (Ordinance No. EOR2005-7-71).
 2. Special requests – requests involving special time constraints. These requests either cannot wait for the two weeks between regular board meetings or must take advantage of immediate or unusual circumstances related to the maintenance/repair of a property in the district.
 3. Emergency requests – requests involving immediate threats to, or impending danger of, a property in the district. The request must be dealt with immediately. These cases will usually involve fire or nature related incidents.
 4. Minor project requests – requests submitted for one or a combination of the following items only:
 - a. Replacement of exterior architectural elements with exact duplicates made of the same material as the original elements.
 - b. The repainting of a property in its existing colors provided the existing colors have been previously approved by the Design Review Board.
 - c. Reroofing a structure provided:
 - i. No building permit is required for the roofing project.
 - ii. The structure will not be visibly altered on the exterior by the reproofing process. (For example, a proposed change in roof color for the purposes of this definition **would not** be considered a minor project.)
 - iii. The structural integrity will not be altered. (For example, a change from a slate roofing material to an asphalt shingle roofing material is an example of alteration in integrity that **would not** be considered a minor project.)
- D. On minor project requests for a Certificate of Appropriateness, the Secretary to the Board will have authority to issue, deny, or postpone issuance on behalf of the Board. Decisions made on such requests will be reported to the Board at the next Regular Meeting as part of the Secretary’s report. Nothing in this policy should be construed to deny the Secretary the opportunity to present a minor project request to the Board.
- E. In considering a request for a Certificate of Appropriateness, the Board may use the Secretary of the Interior’s Standards for Rehabilitation augmented by the technical support information published in the preservation Briefs Series prepared by the U.S. Department of the Interior (the Technical Preservation Series Division), authors of the Standards. Additionally, the Board will use the criteria in the Historic District Ordinance (Section 1126.00 et. seq. of the Hamilton City Zoning Code) for decision making where such criteria is stated, and/or the “Guidelines for Decision Making”, as developed by the Design Review Board.

- F. The Board reserves the right to develop/rewrite specific policies and/or standards for decision making on events, requests, products, or construction/rehabilitation techniques as needed. The Board also reserves the right to establish standards based on local experience with specific architecture/construction within the district. These standards for decision-making will be outlined in separate item listings in the publication of the Board's "Guidelines for Decision Making".
- G. The Board will follow the compliance process outlined below:
1. Compliance with issued Certificates will be determined by the Board following inspections of the properties for which Certificates have been issued. Inspections will take place as staff/board members time permits or will be initiated through the receipt of a complaint/request of the general public.
 2. In all cases where the Board determines that the terms of an issued Certificate of Appropriateness have not been met, the property owner will be informed that he/she has fourteen (14) days from the date of written notification of Board action in which to bring the property into compliance.
 3. If compliance cannot be attained within the fourteen (14) day period note above, the Board will permit the property owner to submit a written plan to bring the property into compliance. Such written plan will be required by the Board within the original fourteen (14) day compliance period noted in item "2" above. The submitted written plan will be reviewed by the Board for approval for a defined compliance period, and the property owner notified of the Boards decision in writing.
 4. The Board will consider the process outlined in item "3" above as the attempt to "reconcile differences" specified by Section 1126.50 of the Hamilton City Zoning Code.
 5. Failure to bring a property into compliance with an issued Certificate will be considered by the Board as equivalent to work without a Certificate; the matter will be referred to the City Law Department for appropriate legal action to enforce the ordinance.
- H. Requests for a Certificate of Appropriateness must be filed in writing by the property owner either on an approved application form or by letter. The Board reserves to the right to:
1. Postpone any request received by letter due to a lack of sufficient detailed information until such information is provided by the owner as requested by the Board.
 2. Postpone any request filed without a written and/or completed approved application form.
 3. Extensions of time may be granted with the mutual consent of the applicant and the Design Review Board.

- I. The Secretary is authorized to reissue Certificates of Appropriateness in full as originally approved for work that is not completed within the six-month limit of the Certificate, not to exceed an eighteen month period.

Guidelines for Decision Making

The guidelines on the following pages are a supplement to the requirements of Section 1126.00 of the Hamilton Zoning Code. The guidelines are the result of either a direct development (where the code is silent or needs clarification) or as a result of requests/situations that have come before the Board for which a guideline was needed. Unless otherwise stated on the following pages, the overriding guideline beyond those required by the ordinance, is that a property should retain as close to an original appearance as is possible using materials that match the original.

Exceptions to the above guidelines will be considered on the merits of individual cases as requests for exceptions come before the Board. Where exceptions are granted, the reason for the exception will be recorded in the official minutes of the Board.

Demolition Requests

Requests for Certificate of Appropriateness for demolition will be granted or denied based on the Board's evaluation of the following considerations:

- A. Are the criteria of Section 1126.00 of the Hamilton Zoning Code permitting demolition able to be met?
 - 1. Is the property inherently inconsistent with other properties in the affected area of the district?
 - 2. Is the property void of features of architectural and/or historical significance?
 - 3. Is there a reasonable economic use for the property as it exists or be rehabilitated?
 - 4. Is there any feasible and prudent alternative to demolition?
 - 5. Has deterioration of the property progressed to the point where it is not economically feasible to rehabilitate the property?
- B. Is the property individually significant or is it part of a cluster/thematic significance based on events or architecture?
 - 1. Is the property on the city survey?
 - 2. Is the property on a non-city significance list?
 - 3. Are there features of architectural or historic significance about the property site that will be affected by the demolition?
- C. Is the property not savable considering each of the following?
 - 1. Cost of rehabilitation compared to potential market value after rehabilitation.
 - 2. The property poses a significant health and/or public safety threat as documented by a governmental agency or expressed through written neighborhood sentiments on file with the Design Review Board and/or a governmental agency.
- D. Is the property marketable?
 - 1. How long has the property been actively marketed before the request?
 - 2. Is the property owner willing to place the property on the market prior to the granting of the request?
- E. Will the effect of demolition be positive or negative?
 - 1. on the immediately adjacent properties;

2. on the street;
 3. on the district?
- F. Has moving the building been investigated? Is it a feasible option to demolition?
- G. What is the reason for the request? (in order of importance value)
1. Deterioration of the property
 2. Expansion of an existing business – exclusive of parking
 3. Creation/development for a new business – exclusive of parking
 4. Parking needs
- H. Any property ordered for demolition by the City’s Court system is exempt from Design Review Board review.

Fences

Requests for Certificates of Appropriateness involving fences will be treated by the Board as follows:

- A. Requests for chain-link fencing that may be visible from a public right-of-way will be denied as inappropriate for the district
- B. In extraordinary cases, the Board may approve the installation of chain-link fencing with the following constraints:
 - 1. The property owner proves to the Boards satisfaction that alternative fencing has been investigated and is not able to meet the need for the fence as such need is outlines by the property owner in the request.
 - 2. If approved, the fence is hidden from public view by an evergreen hedge or comparable shrubbery that is maintained year round at a minimum height equal to the height of the fence. Additionally the fence is painted a dark green or black to mitigate its appearance.
- C. A privacy fence will generally be approved in the rear yard of a property if it is not extensively visible from a public right-of-way. If a privacy style fence is visible from public right-of-way, the finished side of the fence must face the right-of-way and the Board may impose installation/set back conditions for approval.

Garages / Garage Doors

Requests for Certificates of Appropriateness involving new construction/replacement of garage doors will be treated by the Board as follows:

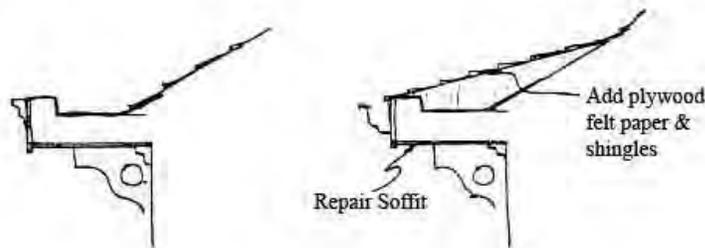
- A. Replacement garage doors will replicate, as close as possible, the existing garage doors in design and material.
- B. New/replacement garage doors that cannot replicate existing doors will have a multi-paneled design.
- C. Garages should be painted in a color scheme that compliments the principal structure.

Gutters

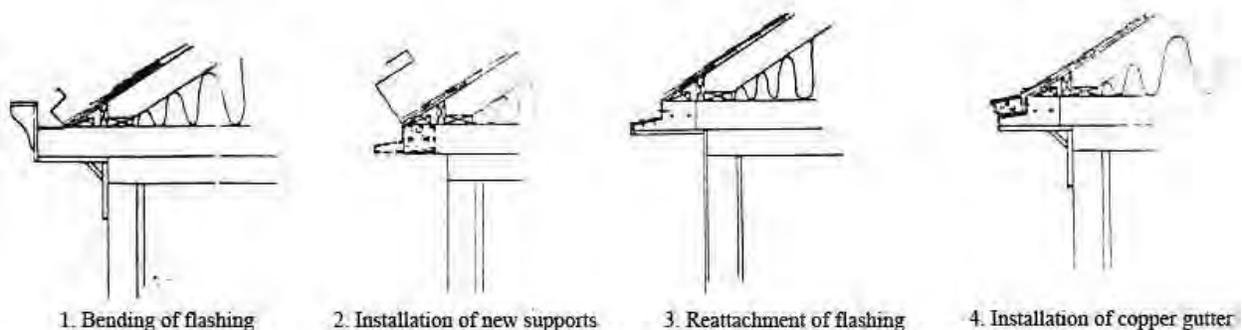
Requests for Certificates of Appropriateness involving new construction/replacement of gutters will be treated by the Board as follows:

- A. Every effort should be made to repair/reconstruct existing box, trough, or other original gutters with original materials to retain the original construction and appearance.
- B. The following relining materials may be substituted for original metal linings if the existing metal is proven to be beyond repair:
 1. Rubberized rolled roofing material
 2. Polyester rolled (“rubber”) roofing material
- C. Tar (aka “pitch”, “coal tar”, etc.) patching of original gutters will only be approved if such “repair” efforts had been undertaken on the property prior to 1/1/86, and is subsequently requested as a “temporary” repair until a permanent improvement is made.
- D. If the existing gutters are proven beyond saving and a bypass system is necessary, one of the following reconstruction methods may be approved. Bypass System Type II is the preferred method. All architectural details removed during bypass installation must be reinstalled or replaced.

Bypass Type I



Bypass Type II



Insulation

Requests for Certificates of Appropriateness involving installation of blown-in insulating materials should not change the external appearance of the house.

New Additions to Existing Structures

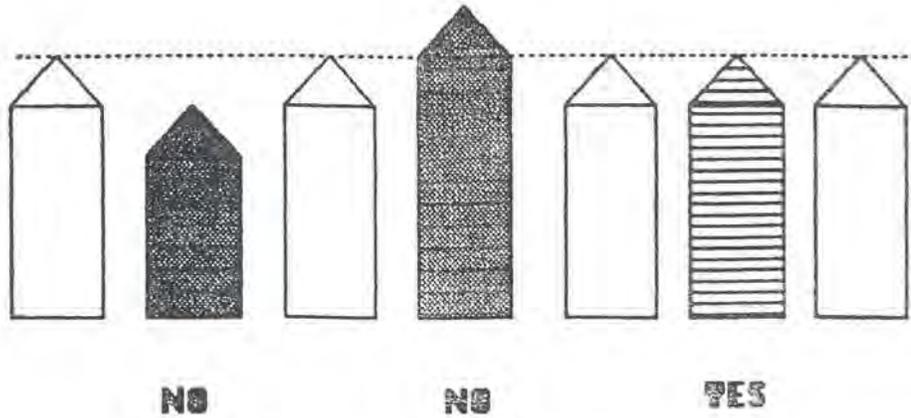
Requests of Certificates of Appropriateness involving additions to existing structures will be treated by the Board as follows:

- A. The height of any addition will not exceed the highest point of the existing original structure for which the addition is proposed.
- B. The finishing material of the exterior of any addition will match the finishing material of the existing original structure so as to blend as closely as possible with the finished appearance of the original structure.
- C. Window and door dimensions, style, and placement in the addition should replicate the dimensions, styles, and placement of those in the original structure.

New Construction

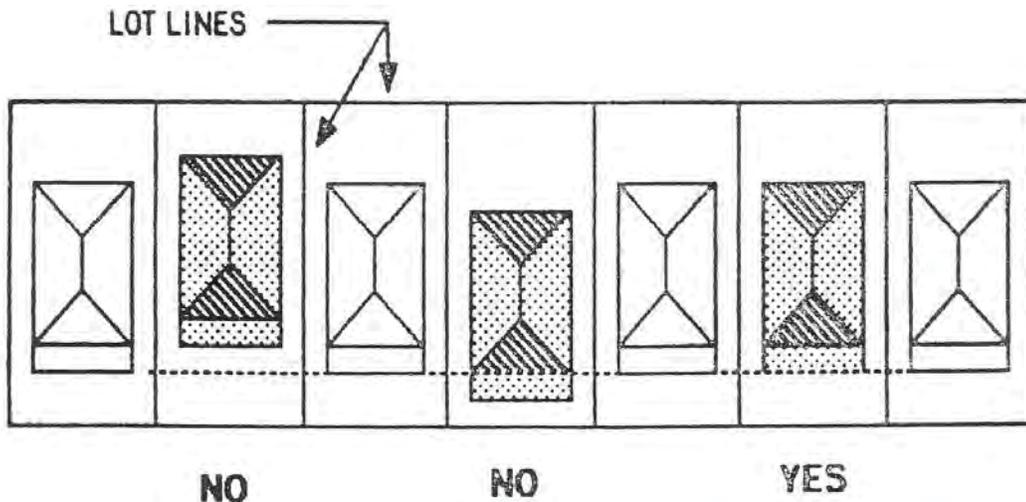
Requests for Certificates of Appropriateness involving new construction will be treated by the Board as follows:

A. Height requirements for new construction in the District will be as follows:



1. If located in the center of a block, the new structure will not exceed the average height of the principal structures on either side of the new construction site.
2. If located on a corner, the new structure will not exceed the average height of the principal structures on each of the sites immediately adjacent to the new construction site.
3. If immediately adjacent site(s) is/ (are) vacant, the new structure will not exceed the average height of the principal structures in the affected block.

B. The front of any new construction will be set back from the street the exact same distance as the front of the structures on the immediately adjacent properties, unless documented evidence can be presented to prove that the front wall of the original structure on the site was closer or farther from the street than the front wall of the structures on the immediately adjacent properties.



For the purposes of this section, if the proposed new construction has a porch, the furthest forward point of the porch structure will be considered the front of the structure that must meet set back requirements.

- C. Existing side and rear yard requirements in the Hamilton City Zoning Code will apply to new construction in the District.
- D. Windows and doors for new construction in the District will conform to the following:
 - 1. If located in the center of a block, windows and doors of new construction will conform to the average window and door dimensions, styles, and locations of the principal structures on either side of the new construction site.
 - 2. If located on a corner, windows and doors of new construction will conform to the average window and door dimensions, styles, and locations of the principal structures on immediately adjacent sites.
 - 3. If the immediately adjacent site(s) is/(are) vacant, windows and doors of new construction will conform to the average window and door dimensions, styles, and locations on the principal structures in the affected block.
- E. The exterior finishing material on new construction will match the original exterior finishing material that is found in the block affected by the new construction. (For example, if 4” pine lap siding, red smooth faced brick, and orange rough faced brick all exist as finishing material in the block affected by the new construction, one or a combination of these finishing materials only will be accepted as a finishing material on the new structure.)

Painting – Color Approval

Requests for Certificates of Appropriateness involving the painting of a property and/or the color selection for the same will be treated by the Board in the following manner:

A. The Board may use the following publications as reference base for decision making on color applications.

1. A Century of Color, Roger Moss, American Life Foundation, 1981.
2. Victorian Exterior Decoration, Roger Moss and Gail Winkler, Holt & Co., 1987.

The Board may also take into consideration technical information that may be available locally, through the Ohio Historic Preservation Office, and paint sampling research from the property in question.

B. The Board will attempt to provide corresponding color matches by paint company trade name to the basic reference colors approved through the publications listed in Item “A” above.

C. For technical items not covered above, the Board will rely on the following:

1. Preservation Brief No. 10, Exterior Paint Problems on Historic Woodwork, U.S. Department of the Interior, Technical Preservation Services Division, 1982.
2. The Old House Journal, published by OHJ Inc., New Jersey, June, 1986.

D. As staffing permits, the Board will attempt to provide a record of colors other than those listed in the reference publication that have been approved under selected circumstances.

Parking Lots

Requests for Certificates of Appropriateness involving parking lots will be treated by the Board as follows:

- A. Certificates issued for the installation of new parking lots will require the following:
 - 1. A landscape buffer will be installed and maintained between the sidewalk and the first parking space.
 - 2. The required landscaped buffer will consist of an evergreen hedge maintained at a height of at least 36 inches and consist of a depth equal to the front yard of the immediately adjoining property.
 - 3. The screen wall required by the City code between parking lots and residential property will not extend beyond the actual front wall of the adjacent residential structure. The composition/material of the screen wall may be specified by the Board.
- B. The Board reserves the right to attach landscape buffering requirements as a condition for approval of the reconstruction/surfacing or resurfacing of existing parking lots.
- C. Scaled plans of parking lot proposals with detailed landscaping and screening layouts will be required with a request for a Certificate.

Shutters

Request for Certificates of Appropriateness involving the installation of shutters will be treated by the Board as follows:

- A. A request for shutters will be approved only if the following criteria are met:
 1. There is evidence on the building that shutters did exist at one time (i.e. brackets still exist, or coloration on the building indicates a one-time presence of shutters).
 2. There is no evidence on the building per say but given the environment the building rests in and its style, it is reasonable to assume shutters may have been a part of the building. In this circumstance, historic photos of the area in question and architectural reference sources may be used in making a determination of approval/denial.
- B. If approved, actual shutter installation must meet the following conditions which will be considered a part of the issued Certificate of Appropriateness:
 1. If original hardware is present, the shutter is capable of being opened and closed over the window.
 2. The shutters are to be made of a material most closely related to the original shutters, or to a typical shutter of the architectural period/style in question (i.e. wood)
 3. The shutters are to replicate, as closely as possible, the appearance of the original shutter or a typical shutter of at least one of the following:
 - a. the architectural period of the property
 - b. the architectural style of the building and its window openings
 - c. the typical shutters of the immediately adjacent area of the district in which the property is located
 4. The shutter is sized correctly for the window opening it is designed to cover (i.e. not longer, shorter, or wider than the full window opening).
- C. For items not covered above, the Board may refer to the U.S. Department of the Interior (the Technical Preservation Services Division), the Ohio Preservation Office, and/or references from the above.

Siding

Requests for Certificates of Appropriateness involving the application of aluminum, vinyl aluminum, vinyl, or other siding material not original to a property or the historic district will be treated by the Board as follows:

- A. Application of a non-original siding material to a property will be approved only as a measure of last resort and when extenuating circumstances justify the application. If non-original siding material is approved, the Board will identify the extenuating circumstances in its official minutes. (Example: fire damage to an entire side of a structure would be an extenuating circumstance.)
- B. A copy of Preservation Brief No. 8, Aluminum and Vinyl Siding on Historic Buildings (U.S. Department of the Interior, Technical Preservation Service Division, 1984) will be made available to every property owner considering/requesting a Certificate for aluminum, vinyl, or vinyl aluminum siding once the Board has been made aware of the desire by the property owner and before the request for Certificate is considered by the Board.
- C. The Board will not approve the application of siding materials over brick.
- D. In all cases involving the application of non-original siding material, the Board will require an actual sample of material(s) and a written contract proposal for installation before approval will be given.
- E. If approved, the new siding material must have an appearance as close to the original siding as possible and have a minimum thickness of .04-inch. It is understood that this requirement will generally preclude the application of very wide sidings, vertical sidings in 4 x 8 panels, and raised wood-grain “look” sidings.
- F. The Board may require certain application methods and/or materials to mitigate the effect of the new siding on a property and/or its environs.
- G. New products will be treated as such by the Board and may be approved on an experimental basis, after any one or more of the following:
 - 1. Review and/or investigation of the manufacturer’s specification/claims for the product.
 - 2. Consultation with the U.S. Department of Interior, Technical Preservation Services Division.
 - 3. Consultation with the Ohio Historic Preservation Office.
 - 4. Consultation with other preservation/design commissions, contractors, and/or architects who may have experience with or knowledge of the product.

- H. For technical items not covered above, the Board may rely on Preservation Brief No. 8, Aluminum and Vinyl Siding on Historic Buildings (Technical Preservation Services Division, the U.S. Department of the Interior, 1984), the U.S. Department of the Interior, the Ohio Historic Preservation Office, and/or references from the above.

Roofs

Asphalt Roofs

Dimensional roofing is preferred in all cases.

Slate Roofs

Requests for Certificates of Appropriateness involving slate roofs will be treated by the Board as follows:

- A. Every effort should be made to repair/save an original slate roof for the following reasons:
 1. The color, texture, and design of a slate roof contribute significantly to the overall architectural appearance of a structure and its environs.
 2. Specific slate roofing products/designs/installation methods may be indicative of significant architectural periods/design developments within the district.
 3. Slate roofs have the longest life of any roofing material.
- B. Requests for slate roof replacement must include the following conclusive information from the property owner:
 1. Evidence that alternatives to complete slate roof replacement were explored by the property owner with contractors/individuals knowledgeable in, and qualified to work with, slate roofing.
 2. Evidence of the need for slate roof replacement in written form submitted by more than one source experienced in slate roofs.
- C. The Board reserves the right to complete an on site investigation of the need for replacement by the Board itself or its designate prior to rendering a decision to issue or deny a Certificate.
- D. If replacement of a slate roof is approved the following will apply:
 1. The Board will give priority consideration to replacement of the existing (old) slate roof with a new slate roof as close in design and color to the original as possible.
 2. If the cost of replacement under consideration “1” above is proven to be prohibitive to the property owner, the Board may approve/specify an acceptable alternative roofing application/material. Every effort will be made to minimize the impact of such and approval on the structure, its environs, and/or the district.

3. The Board may require that the existing (old) slate be saved by the owner/contractor and be given/sold to a third party not-for-profit for future use in city preservation efforts.
- E. For technical items not covered above, the Board may rely on Preservation Brief No. 4, Roofing for Historic Buildings (the Technical Preservation Service Division, U.S. Department of the Interior, 1978), the Old House Journal (December, 1975), the Ohio Historic Preservation Office, and/or reference from the above.

Windows

Request for Certificate of Appropriateness involving windows will be treated by the Board as follows:

- A. All windows on a structure will be considered part of the exterior features of that property.
- B. The following items will be considered a critical part of the exterior architectural/design elements that should not be altered on a structure:
 - 1. The specific location of each individual window.
 - 2. The specific style of each individual window.
 - 3. The specific dimensions of each individual window.
 - 4. The specific treatment of the framing for each individual window.
 - 5. The specific design of each individual window.
 - 6. The relationship of the above elements and/or related elements for each window in the overall window treatment/design of a structure.
- C. Certificates for window replacements may be approved if the existing window is demonstrably beyond repair.
- D. If approved, replacement windows will conform to the following:
 - 1. The replacement window must match the existing window with regard to location on the structure.
 - 2. The replacement window must match the existing window style.
 - 3. The replacement window must match the existing window dimensions.
 - 4. The replacement window must match the existing window design.
 - 5. The replacement window should match the existing window in material composition (example: existing window is made from pine, the replacement window should be made from pine)
- E. Filling in or covering up windows, transoms, or vents is not allowed.



October 5, 2016

Krista A Hartkemeyer
407 North Third Street
Hamilton, OH 45011

Dear Ms. Hartkemeyer,

This letter is to inform you that your request before the Architectural Design Review Board (ADRB) for a Certificate of Appropriateness for the proposal concerning Painting the Front Door, Rear Door and Porch; Installation of Windowboxes for the property located at 407 North Third Street was Denied by the Board at the October 4, 2016 meeting.

The reasons for non-approval, based on board comments during the public hearing:

1. The belief that the porch floor is something that doesn't need attention drawn to it.
2. Whether or not: paint choice was historically accurate.
3. Whether or not: paint location was historically accurate.
4. Whether or not: paint choice and location was appropriate for the house and era.
5. Desire for more evidence for the appropriateness of the paint choice and location.
6. The belief the proposed colors could work on Queen Anne or Victorian Style home but not the style of your house.

You may submit a new application for a Certificate of Appropriateness or Appeal subject to the information below:

Appeal Information:

1160.30 Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by any Officer, Department, Board or Bureau of the City of Hamilton affected by a decision of the Building and Zoning Administrator or the Historic Design Review Board, but in the latter case only in connection with its issuance or refusal to issue a Certificate of Appropriateness. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the Building and Zoning Administrator and with the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Building and Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action was taken.

Sincerely,

Edward Wilson III

Ed Wilson
Preservation Planner, ADRB Secretary
Community Development Department
City of Hamilton, Ohio
(513) 785-7350



Community Development
 345 High Street, Suite 370
 Hamilton, Ohio 45011

COURT OF ZONING APPEALS APPLICATION

Property Address: 407 N 3rd Street, Hamilton OH 45011

Lot No(s): _____

Property Owner: Kris Hartkemeyer

Owner's Mailing Address: 407 N 3rd Street, Hamilton OH 45011

Appellant's Name (if different than owner): _____

Appellant's Mailing Address: _____

Appellant's Email Address: krishartkemeyer@gmail.com

Previous Legal Use of Property: _____

Date Previous Use Discontinued: _____

Proposed New Use of Property: _____

Purpose of Application (Check all that apply):

Requesting a variance for signs. Please describe the request below.

Requesting a variance other than a sign from the following Sections of the Hamilton Zoning Code (also fill out **Appellant's rationale for requesting a Variance**)

Other – Skip to "Other" Section of Application Form

VARIANCES

Appellant's Rationale for requesting a Variance:

Variance-Findings of the BZA: No variance of the provisions or requirements of the Hamilton Zoning Ordinance shall be authorized by the BZA unless the BZA finds, beyond reasonable doubt, that all of the following facts and conditions exist. **Please address each condition below in the space provided.**

Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.

Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.

Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.

Not of General Nature: No grant of variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

OTHER: Please check the reason for the Application and Explain.

- Substitution of Non-Conforming Use Temporary Use
 Appeal of Decision of Architectural Design Review Board Appeal of Interpretation

Proposal concerning painting front door,
rear door + porch + installation of
window boxes.

CERTIFICATION:

I certify that all of the information contained in this Application is complete, true and accurate.

Kris Hartkemeyer
Appellant's Signature

11/23/16
Date

Kris Hartkemeyer
Appellant's Printed Name

Kris Hartkemeyer
Property Owner's Signature

11/23/16
Date

Kris Hartkemeyer
Property Owner's Printed Name

Board of Zoning Appeals Application
November 23, 2016

I purchased the house at 407 N 3rd Street from the Hamilton Core Fund on August 30, 2016. I had signed a contract with them to rehab the house on February 24, 2016. The house was a total disaster at the time and unlivable. The Core Fund did a terrific job in rehabbing the house. I am very proud of the house and they should be too.

As a new home owner, I wanted to add some of my own touches to the house. I was not aware of the requirement to get approval of paint color. I love older homes and visited neighborhoods such as Clifton (Gaslight District), OTR and Northside to get some ideas. I also looked thru magazines such as HGTV for ideas.

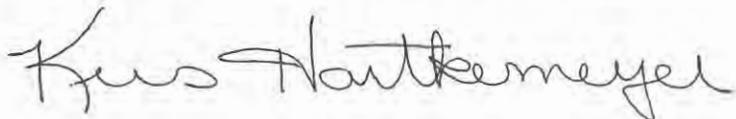
I felt I needed something bright and attractive since my house is dark brown and the neighborhood can be pretty depressing. Many of the houses around me are not in the best shape.

I'm not sure what to say, except I was totally mortified by the ADRB. It wasn't their decision that offended me, as much as how they expressed themselves. I feel like it was more of their personal tastes as opposed to their professional judgement. The ADRB stated things such as "I don't think that type of door should be painted" and "why would you want to accent your porch floor". One member repeated twice how people in the neighborhood kept telling her how much they didn't like it. My door and porch are not offensive or inappropriate in any way, plus they should remember that this is my personal residence and not some commercial property.

I'm not a design expert, but I did my homework as far as a house having "curb appeal". They might not like the colors, but if they would look thru any house magazines they would see that doors and wood porches are painted all the time. I felt I was persecuted and ridiculed so much that I my feelings for my house have changed. They took so much joy out of it for me. I am even thinking of selling in the near future. My attitude concerning rebuilding Hamilton has changed completely.

I would think the Core Fund major objective is to encourage people of all ages and backgrounds to invest in the area, but the ADRB comments and actions will deter this greatly. I have attached minutes from ADRB, as well as pictures of my neighborhood taken from Anne Brown.

I appreciate your time and consideration in this matter.

A handwritten signature in black ink that reads "Kris Northmeyer". The signature is written in a cursive, flowing style.

Architectural Design Review Board
Tuesday, October 4, 2016
4:30 p.m.

Planning Commission	At-Large		Council	Chamber of Commerce	Rossville
Tom Alf <input checked="" type="checkbox"/>	Steve Beckman <input checked="" type="checkbox"/>	Armand Bloch <input checked="" type="checkbox"/>	Robert Brown <input checked="" type="checkbox"/>	Madam Chair Mary Pat Essman <input checked="" type="checkbox"/>	Pauline Fairbanks <input checked="" type="checkbox"/>
Joshua Smith				Rob Weigel	Jane Jacobs
SID					
	Dayton Lane	Architect	German Village	Historic Hamilton	
Larry Fiehrer <input checked="" type="checkbox"/>	Dan Graham <input checked="" type="checkbox"/>	Todd Palechek	Debbie Ripperger <input checked="" type="checkbox"/>	Karen Whalen <input checked="" type="checkbox"/>	
Rick Demmel	Thomas O'Neill		Ann Brown	Shi O'Neill	

Staff: Mr. Ed Wilson, Ms. Kathy Dudley (Assistant Law Director), Mrs. Heather Hodges, and Ms. Kim Kirsch.

Guests: Ms. Kris Hartkemeyer, Mr. Bill Wilks, Mr. Taylor Welch, and Mr. Mike Dingeldein.

The meeting was called to order by Madam Chair Essman at 4:30 pm.

I. Roll Call

Mr. Tom Alf, Mr. Steve Beckman, Mr. Armond Bloch, Mr. Bob Brown, Madam Chair Mary Pat Essman, Ms. Pauline Fairbanks, Mr. Larry Fiehrer, Mr. Dan Graham, Ms. Debbie Ripperger, and Ms. Karen Whalen.

II. Swearing in of Those Providing Testimony to the Board:

Members in the audience were sworn in by Ms. Kathy Dudley, Assistant Law Director.

III. Approval of Meeting Minutes – Written Summary and Audio Recording for these dates:

- A. September 20, 2016 – Motion to accept by Mr. Fiehrer, 2nd by Mr. Alf. With all “ayes” except Ms. Whalen (abstain), the Motion passes with a vote of 9-0-1, and the minutes are approved.

IV. Properties Seeking COA - Old Business

1. 228 Linden Street (German Village) – Painting

This item was tabled at the meeting on 9/20/16 and Mr. Wilks was to come back in with different colors than presented at that meeting. He brought the paint samples to this meeting for presentation:

- **Body of the House**
 - **Porter Paint #PPG1190-6, Firecracker**
- **Window Trim, Back Shutters, Fence, Brick on Side and Awning**
 - **Porter Paint #PPG1206-4, Sawdust**
- **Corbels and Doors**
 - **Porter Paint #PPG1121-5, Guacamole**

The paint samples were presented to the Board for their review. After a brief discussion between Mr. Wilks and the Board, Mr. Bloch made a Motion to close the Public Hearing. With a 2nd by Mr. Alf and all “ayes” to roll call vote, the Public Hearing was closed.

After a bit more discussion between the Board, Mr. Fiehrer made a Motion to approve the colors as presented. With a 2nd by Mr. Bloch and a vote of 6-4 (“no” by Mr. Beckman, Ms. Fairbanks, Ms. Ripperger & Ms. Whalen), the Motion passes and the COA is approved as presented.

V Properties Seeking COA - New Business

1. 302 Main Street (Rossville) – Painting

Introduction:

The Applicant, Hamilton CORE Fund, has submitted an application for a Certificate of Appropriateness for the property of 302 Main Street. The proposal involves painting of the trim for this structure.

The subject property of 302 Main Street is part of the Rossville Historic District and is Zoned MS-1, "Main Street Core, Form-Based Zoning".

Proposal:

Painting of the Trim in areas as indicated on the structure.

The proposed painting is based on reinstalled stained glass windows of the structure, and the paint scheme of the structure located next door to the subject property.

- **Trim 1:**
 - Existing: Green painted portions of the structure.
 - Proposed: Benjamin Moore "Dark Basalt" 2072-10.

- **Trim 2:**
 - Existing: Creme painted portions of the structure.
 - Proposed: Sherwin Williams "Blonde" SW 6128.

Mr. Dingeldein, Director of CORE, was present. He said that they are asking for approval for paint, but they are also asking for approval for restoration of glass. He said that they are replacing the clear transom glass with stained glass windows. He said that they are drawing the color schemes for the building from the stained glass windows and stained glass frames.

After a brief discussion between the Board and Mr. Dingeldein, Mr. Graham made a Motion to close the Public Hearing. With a 2nd by Mr. Bloch and all "ayes" to roll call vote, the Public Hearing was closed.

Mr. Bloch made a Motion to approve the COA as presented. With a 2nd by Ms. Whalen and all "ayes" to a roll call vote, the Motion passes and the COA is approved.

2. 407 North Third Street (*German Village*) – Painting, Window Boxes

Background:

407 North Third Street was brought to the attention of the Community Development Department, Planning Division, due to an inquiry of painting having occurred on the structure without a Certificate of Appropriateness. Staff investigated and discovered evidence of painting having occurred due to a change of color for both the front door and front porch.

A Notice Letter for dialogue and rectification of the situation was both posted on the front door of the property and mailed to the owner on record, Ms. Kris Hartkemeyer. A COA application was submitted to the Planning office for inclusion in the next available ADRB Agenda for review by the board.

Proposal:

Painting of the front door, back door, porch, Installation of 2 Window Boxes – to be painted the color of the trim, (off-white).

• **Painting**

- Front Door and Back Door - Applicant indicates the color is “Lavender”
 - The paint is: “Forever Lilac” SW 9067
- Porch Floor and Base – Applicant indicates the color is “African Violet”
 - The paint is: “African Violet” SW 6982
- Window Boxes – Behr Premium Plus, Pro Behr e-600
 - “Satin White”

Another portion of the proposal includes installation of Window Boxes. Per the Applicant, there is no set time for the installation, and there is an estimated time of installation in Spring of 2017.

• **Window Boxes**

- Installation of Two (2) Window Boxes
 - Located on the top front end windows
 - Will be painted to match the trim “Off White”

The applicant indicates that the colors of purple that she chose were appropriate for a turn of the century home.

Ms. Whalen asked what the color of the body of the house was. Mr. Wilson was able to look back in his notes and verified that the color "Umber" was approved for the body of the house on October 20, 2015. He gave the paint number to the Board members, who had the paint swatches available from Sherwin Williams and wanted to see what it was.

The question was then asked what color the house had been prior to that, and Ms. Dudley responded that it was red, and it had previously been scheduled to be demolished before CORE bought it.

Ms. Ripperger (Board representative for German Village) stated that she had four people come to her house and tell her that they didn't like the color that the door was painted.

Madam Chair Essman asked for questions or comments. Ms. Whalen said that to her, she doesn't feel a porch floor is ever something that you really want to draw attention to. She said that she is wondering if the porch floor could be the same as the body of the house (darker, not as noticeable, and would flow well with the stone barricades that are in the front), and then paint the front door a lively color in something that would look welcoming in a "historically accurate way".

Ms. Fairbanks said that while the colors might be "historically accurate", she's not sure about the application of the colors (used as an "accent" color on a column?). She said that she's not sure that it's appropriate as a front door or a porch floor, and she's not sure that it's appropriate for this house and that style of door. She said that she would like to see more evidence of it being used properly in a house of that era before she would approve it on this one.

Ms. Dudley then asked Madam Chair if she was going to ask the Applicant if she wished to address the Board, which Madam Chair Essman did. The Applicant replied that she had nothing to say. Mr. Fiehrer asked the Applicant if she would be agreeable to a COA that had the door staying the same color, but changing the color of the floor to match the color of the house and she replied that she would not, she likes it the way it is.

Mr. Alf stated that he thought that the Board should respect the owner's wishes if they are paying the bill and they are willing to invest in the neighborhood, and that he appreciates their efforts.

Ms. Fairbanks said "personal preferences aside, is it appropriate for the house and the era" is the question." Madam Chair Essman answered that the Board's mission is to try to do the best they can in keeping the historic aura of the neighborhoods, and she believes that Ms. Fairbanks is asking that question, and she doesn't know the answer either. She then asked Mr. Dingeldein if he knew if

the colors in question are appropriate for the era of the house. He replied that turn of the century houses certainly used accent colors on doors, but he doesn't know if there is any precedents for the porch floor.

Mr. Wilson said that thus far, it just seems like it's all "subjective", and nothing has been truly cited as a reason to deny or approve the request.

Mr. Graham asked Mr. Dingeldein what he thought the architectural style of the house was, and Mr. Dingeldein replied "Federal, early 1900's Federal Style".

Madam Chair Essman asked if there were any additional comments or questions, and Ms. Ripperger reiterated that she had 4 people come down and say they did not like it, but she understands that everyone has their own personal opinion.

Mr. Graham asked Mr. Wilson to pull up a street view on Google Earth and show the surrounding properties for the Board to look at. Mr. Wilson was able to locate one of Mr. Wilks' properties where he had painted a door purple next to 342 N. 3rd Street. Ms. Whalen said that she thought the color was called "Blueberry, but it turned out to be more of a purple color".

Mr. Graham stated that he thought the two colors would work if the style were a "Queen Ann Victorian style" home and it were to be replicated as a "Painted Lady", but he's just not sure that the colors blend well with the body of the house.

With no further questions, Mr. Brown made a Motion to close the Public Hearing. With a 2nd by Mr. Bloch and all "ayes" to a roll call vote, the Public Hearing was closed.

Madam Chair Essman asked the Board what they would like to do. Ms. Fairbanks stated that she doesn't think the colors are appropriate for the particular house. Ms. Whalen said that she agrees with Mr. Graham that the colors would be more appropriate on a Queen Anne and a Painted Lady look. She went on to say that she thinks other colors would be more historically accurate on the body of the house and enhance the look of the house.

Mr. Fiehrer advised the Board that he would be abstaining on a vote to any Motion, as he knows the Applicant on a professional basis.

Mr. Brown made a Motion to approve the colors as presented, with a 2nd by Mr. Alf. With a roll call vote of 2-7-1, the Motion was denied. (Mr. Beckman, Mr. Bloch, Madam Chair Essman, Ms. Fairbanks, Mr. Graham, Ms. Ripperger, and Ms. Whalen all voted "no", Mr. Fiehrer abstained).

Madam Chair Essman asked Mr. Wilson if he would work with the Applicant to try to come up with some colors that would work, and he said that he would. Ms. Dudley stated that the Applicant would be notified of the Board's decision

formally, and Mr. Wilson advised the Applicant that she would be receiving the formal notification within 5 days.

VI Miscellaneous/Discussion/On the Radar

Property Inquiries Like-for-Like COA

- o 327 North Second Street (German Village) – Garage Roof - Like-for-Like COA
- o 1024 Campbell Avenue (Dayton-Campbell) – Rear Porch Work - Like-for-Like COA

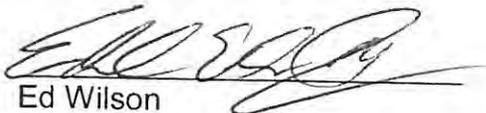
The next tentative meeting is set for October 18, 2016.

VI. Adjourn

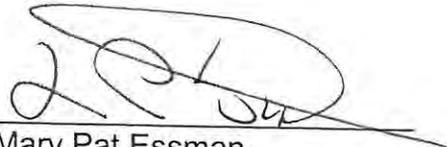
Mr. Brown made a Motion to adjourn. With a 2nd by Mr. Graham, the meeting is adjourned.

Submitted by:

Chair:



Ed Wilson
Secretary, ADRB



Mary Pat Essman
Madam Chair, ADRB

Acts

ERNIE DURBIN II &
VELINA MARIE DURBIN
1632 NICHOLE CT
HAMILTON OH 45013 5124

PATRICK B BROWN
228 VILLAGE ST
HAMILTON OH 45011 1610

AMRAI INC
304 RIVER FRONT PLZ
HAMILTON OH 45011 1621

DATAS CO
304 RIVERFRONT PLZ
HAMILTON OH 45013 1606

ANTHONY TURNER
312 RIVERFRONT PLZ
HAMILTON OH 45011 1606

WILLIAM C WILKS TR
319 N SECOND ST PO BOX 295
HAMILTON OH 45012

PAK USA INC
3936 WINDY HOLLOW WAY
MASON OH 45040

KRISTAA HARTKEMEYER
407 N THIRD ST
HAMILTON OH 45011 6001

KATHRYN R SAYLOR
411 N 3RD ST
HAMILTON OH 45011 1603

DAVID W LUCKEY
415 N THIRD ST
HAMILTON OH 45011 1603

VIVID PICNIC LLC
507 N THIRD ST
HAMILTON OH 45011 6002

DAVID A WHETSEL
6745 NETHERLAND DR
MIDDLETOWN OH 45044 9789

MADHU R SANAKARI &
KARUNAKAR R VUKANTI
6911 ROSETREE PL
MASON OH 45040 1243



For the Board of Zoning Appeals Meeting of January 5, 2017

To: Board of Zoning Appeals

From: Meredith Snyder

Subject: **AGENDA ITEM #2**

2017-02: Variance Request for 517 Williams Avenue

A Request by Mr. Ron Brown for a side yard setback variance in order to construct an accessory structure (carport), on property zoned R-2 Single Family Residence District, located at 517 Williams Avenue. (Mr. Brown, Applicant/Owner).

Date: December 28, 2016

Dear BZA Members:

Introduction:

An application has been submitted regarding one (1) Zoning Variance to construct an accessory structure (carport), located at 517 Williams Avenue. This property is approximately 5,200 square feet in size and is located in an R-2 Single Family Residence District (see attached Zoning map – Exhibit B) and is regulated by Section 1115.00 of the Hamilton Zoning Ordinance (HZO). Mr. Brown is seeking a variance to the requirements of the zoning ordinance in order to construct a new accessory building (carport) on the property to be located to the east of the existing house on existing concrete driveway. The proposed carport will be a total of eighteen (18) feet by eighteen (18) feet totaling three hundred and twenty four (324) square feet. The following is the section to which the applicants are requesting relief; Section 1115.43.1 regulates side yard setbacks for Accessory structures on residential properties.

Section 1115.43.1 states that “Minimum setbacks for accessory buildings in all zoning districts shall be 5-ft. from rear and side property lines.” Mr. Brown is proposing to build an accessory building on this property with a two foot (2’) side yard setback where a five feet (5’) side yard setback is required. The applicant provided plans and supporting material for the requested variance, which is attached as Exhibit C – Variance Application & Supporting Material as well as excerpts listed below.

Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance “Section 1170.63 Variances -Findings of the Board” requires that the BZA must find all four of the following facts and conditions below exist beyond a reasonable doubt. The applicant included the following written rationale (*in bold italics*) for the requested zoning variance. Information/commentary for the BZA to consider is underlined.



1. **1170.63.1 Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying only to the property in question that do not apply generally to other properties in the same Zoning District.

The applicant stated that “***Owner needs carport for cover of vehicle to preserve condition and to keep out weather conditions.***”

2. **1170.63.2 Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and the in same vicinity.

The applicant stated that “***New and improved carport will add value to house values and empty lot next to driveway owner had no objections or carport being erected.***”

3. **1170.63.3 Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.

The applicant stated that “***This will be a onetime variance request for the current owners.***”

4. **1170.63.4 Not of a General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

The applicant stated that “***We do not have a garage to park vehicles in and we do not have a driveway which we could have a nice carport built to keep vehicle out of weather and we are getting up in age and would benefit us in winter time with snow and ice would stay off our vehicle.***”

Recommendation:

Based on a review of the information submitted, there is reason to consider approving the requested variance with the following conditions:

If the BZA approves the request for a Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.



- 2) All improvements and work indicated on construction plans approved by the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Variance.
- 3) Findings for Granting of Variance:
 1. Exceptional Circumstances: There are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same Zoning District.
 2. Preservation of Property Rights: Such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
 3. Absence of Detriment: By authorizing this variance there will not be substantial detriment to adjacent property, and the variance will not materially impair the purposes of this Ordinance of the public interest.
 4. Not of General Nature: By the granting of this variance there is no condition or situation of the specific piece of property for which the variance is sought that is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Notification

Public Hearing Notices were mailed to the owners of thirteen (13) properties within 100 feet of the property in question. At the time this report was written, there were no objections expressed to the proposed zoning variances.

Attachments:

- 1) Exhibit A - Public Hearing Location Map
- 2) Exhibit B – Zoning Map
- 3) Exhibit C – Variance Application & Supporting Material



517 WILLIAMS AVE
PUBLIC HEARING MAP

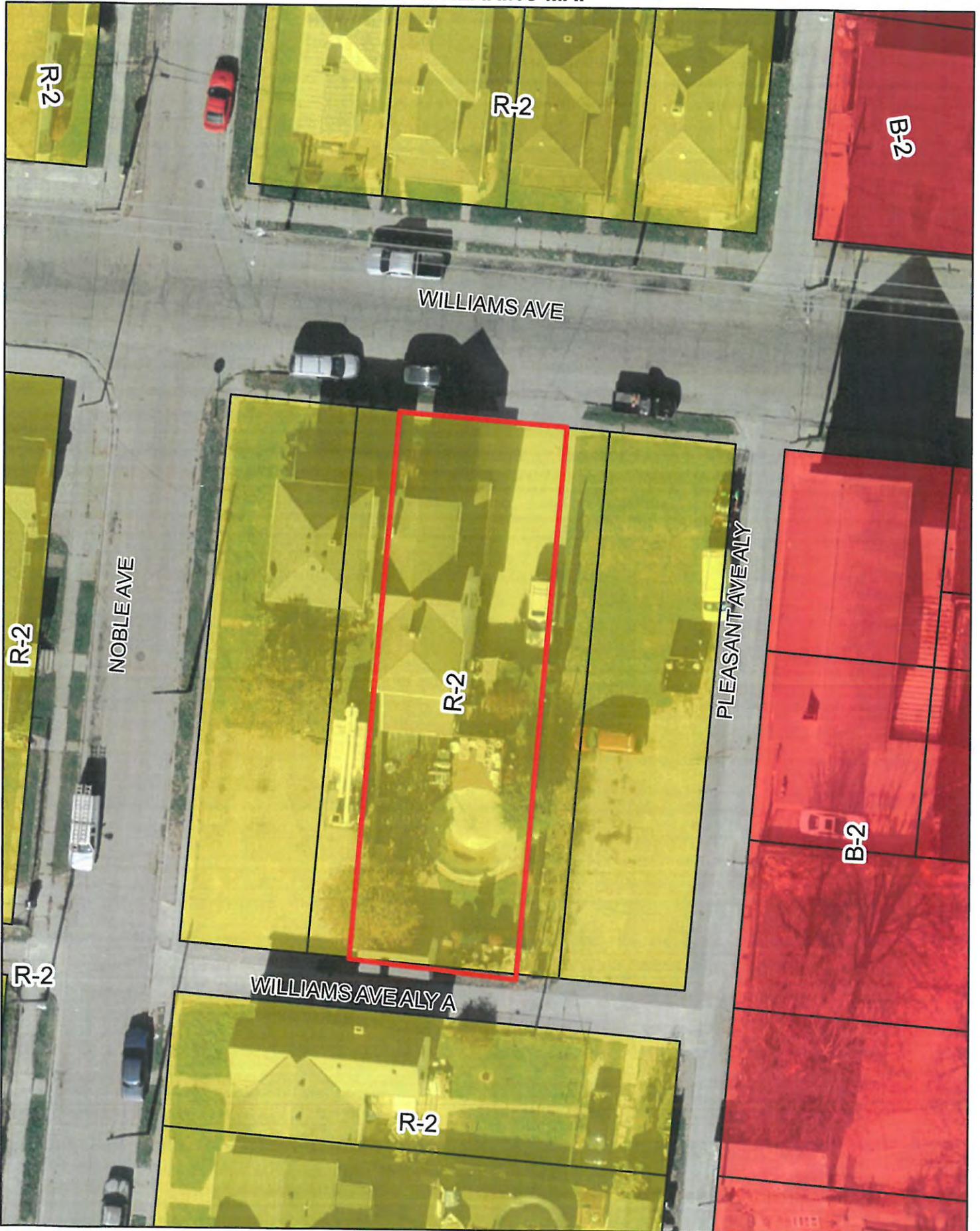


 517 Williams Ave.

0 12.5 25 50 Feet



517 WILLIAMS AVE
PUBLIC HEARING MAP



 517 Williams Ave.

0 12.5 25 50 Feet



VARIANCES

Appellant's Rationale for requesting a Variance:

Variance-Findings of the BZA: No variance of the provisions or requirements of the Hamilton Zoning Ordinance shall be authorized by the BZA unless the BZA finds, beyond reasonable doubt, that all of the following facts and conditions exist. **Please address each condition below in the space provided.**

Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.

*Owner Needs Carport for Cover
of Vehicle to preserve condition AND TO KEEP OUT
OF WEATHER CONDITIONS*

Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.

*New and Improved Carport will ADD VALUE TO House
VALUE AND Empty lot NEXT TO DRIVEWAY OWNER ~~WAS~~ HAD
No objections of Carport being erected*

Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.

*THIS WILL BE A ONE TIME VARIANCE
request for the current owners*

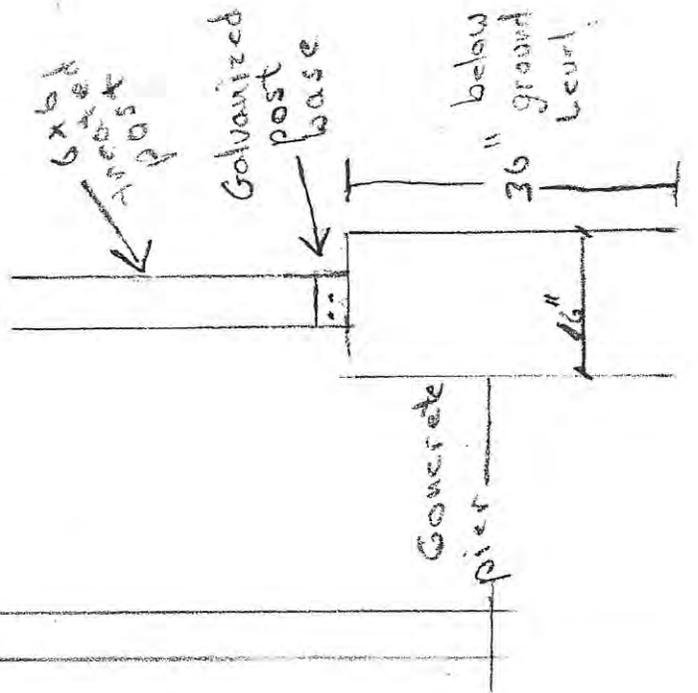
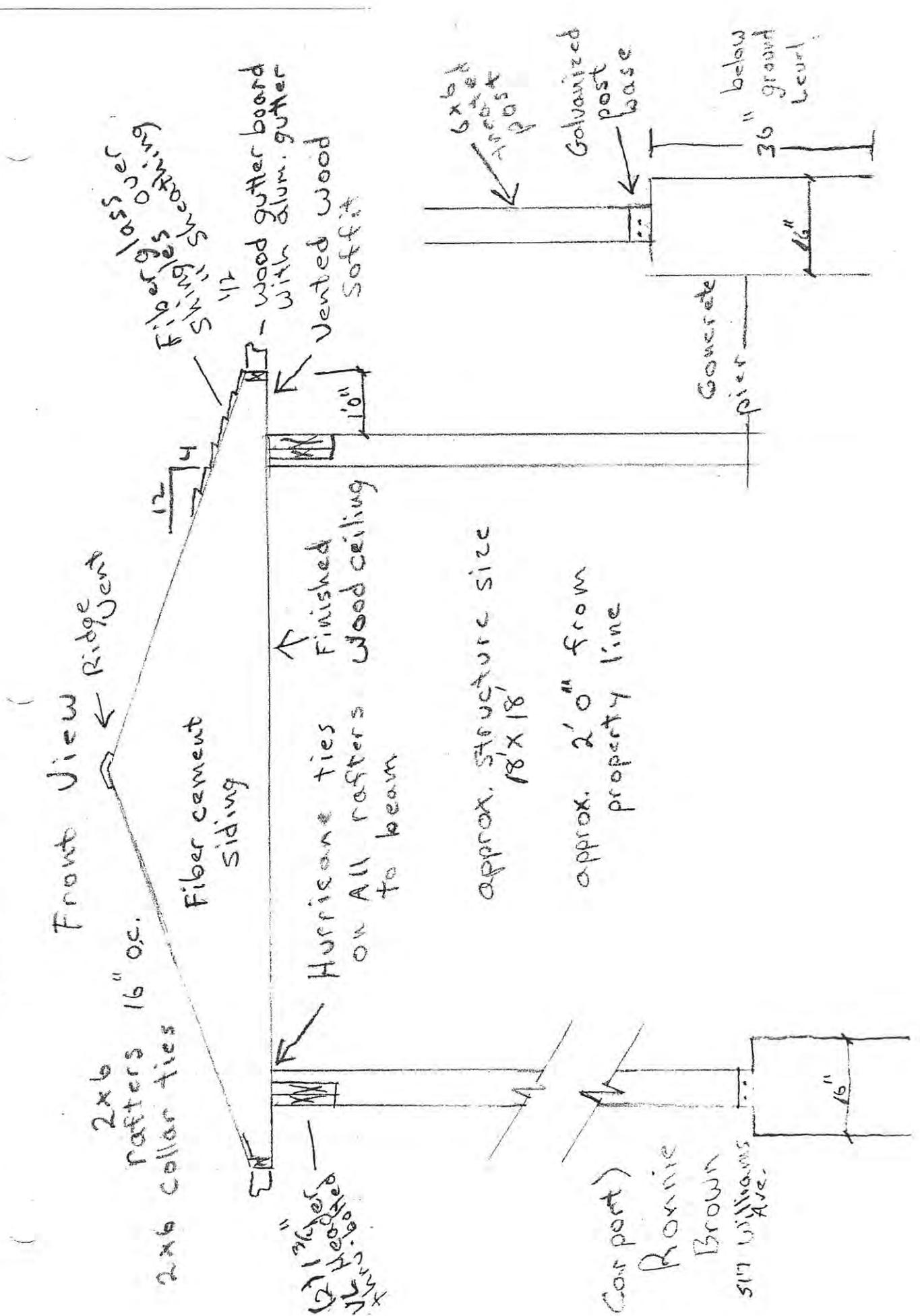


2017 Board of Zoning Appeals Meeting Calendar

The City of Hamilton Board of Zoning Appeals meets the first Thursday of every month, except for scheduled City holidays, at 1:30 pm in the City Council Chambers, One Renaissance Plaza, 1st Floor, 345 High Street, Hamilton, Ohio 45011.

Meeting Date	Application Deadline
January 5, 2017	December 22, 2016
February 2, 2017	January 19, 2017
March 2, 2017	February 16, 2017
April 6, 2017	March 23, 2017
May 4, 2017	April 20, 2017
June 1, 2017	May 18, 2017
July 6, 2017	June 22, 2017
August 3, 2017	July 20, 2017
September 7, 2017	August 24, 2017
October 5, 2017	September 21, 2017
November 2, 2017	October 19, 2017
December 7, 2017	November 22, 2017

Contractor - Wes Hilbert Remodeling & Interior Trim
 (513) 383-6617

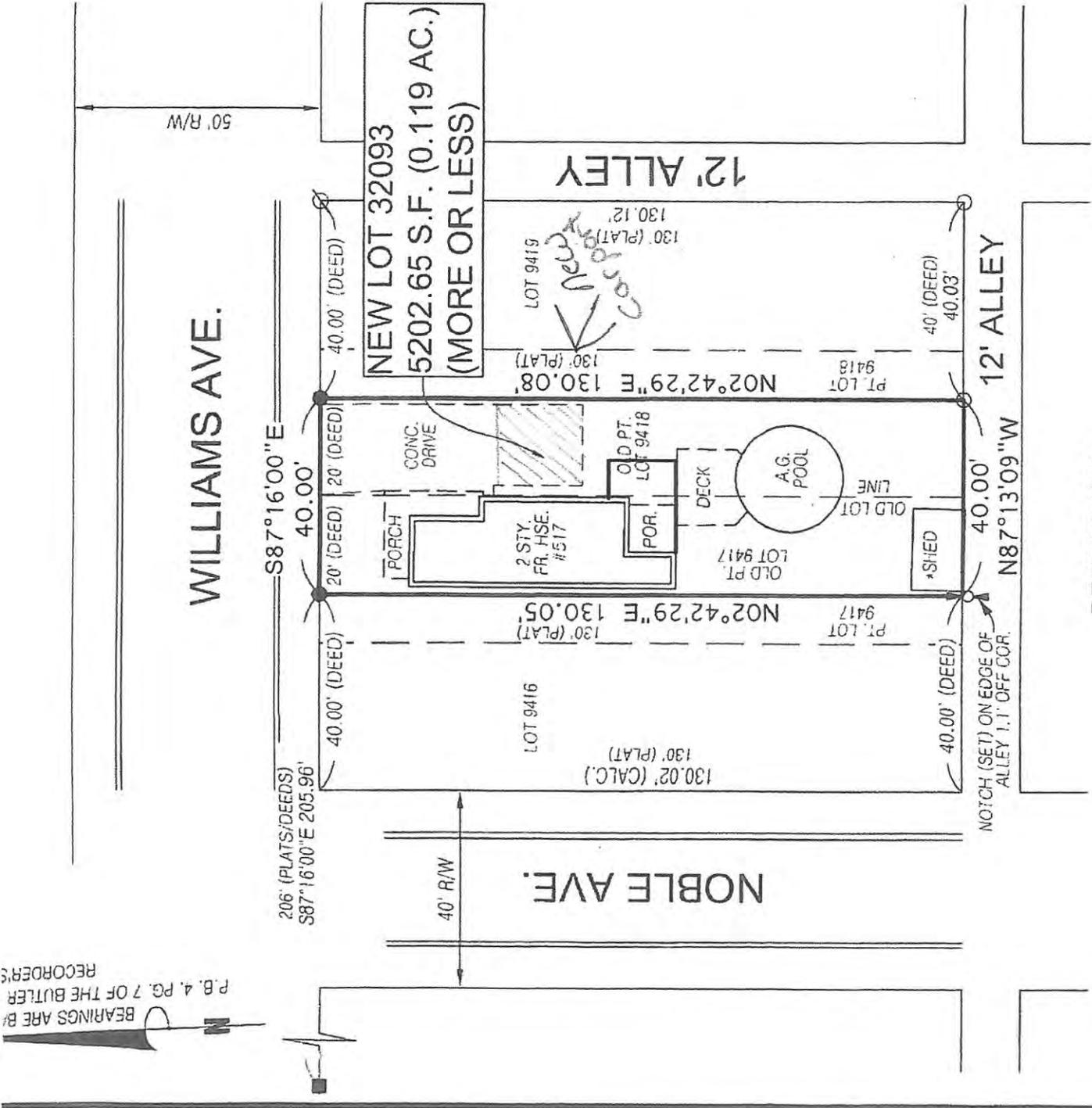


approx. structure size
 18' x 18'

approx. 2' 0" from
 property line

Carport)
 Ronnie
 Brown
 517 Williams
 Ave.

BEARINGS ARE BY RECORDERS P.B. 4, PG. 7 OF THE BUTLER



WILLIAMS AVE.

NOBLE AVE.

12' ALLEY

12' ALLEY

NEW LOT 32093
5202.65 S.F. (0.119 AC.)
(MORE OR LESS)

LOT 9419
New
Construction

2 STY. FR. HSE. #517
CONC. DRIVE
PORCH

A.G. POOL

LOT 9416
130.02' (CALC.)
130' (PLAT)

LOT 9417
130' (PLAT)
N02°42'29" E 130.05'

LOT 9418
130' (PLAT)
N02°42'29" E 130.08'

LOT 9419
130.12'

NOTCH (SET) ON EDGE OF ALLEY 1.1' OFF COR.

REFERENCES

BUTLER COUNTY RECORDER'S OFFICE
-P.B. 4, PG. 7
-DEED REFERENCES AS SHOWN

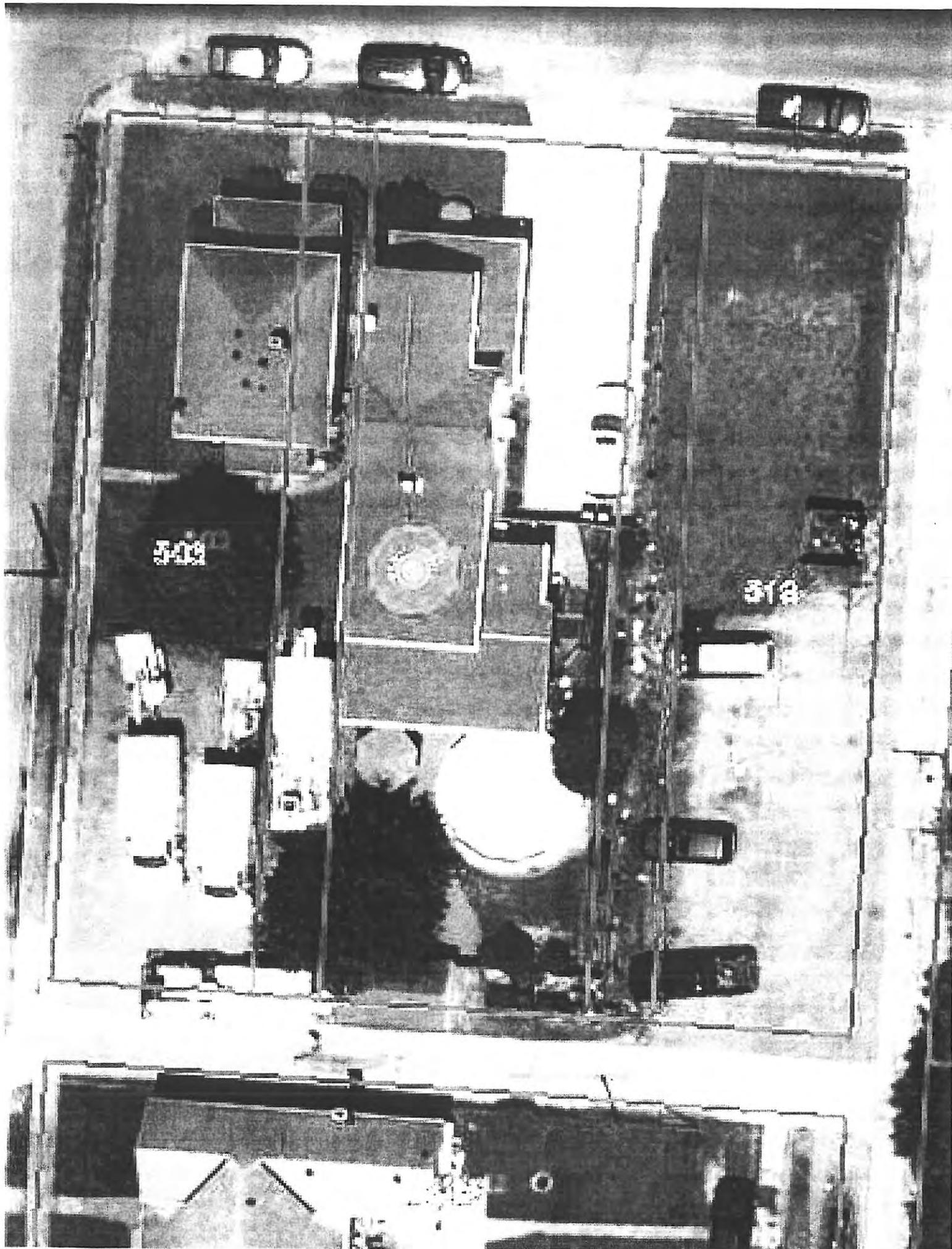
CURRENT TITLE

RONALD AND ANITA BROWN
VOL. 1613, PG. 77

*THE SOUTHEAST EDGE OF THE SHED IS 0.4' INTO THE 12' ALLEY

SITE PLAN

SCALE: 1" = 30'



NBJJ LLC
2124 DIXIE HWY
HAMILTON OH 45011 4112

FIFTH HERITAGE GROUP III LLC
2338 BRICK HOUSE LN
FAIRFIELD OH 45014 4541

ALEX BRANDNER
2342 NOBLE AVE
HAMILTON OH 45015 1426

BARBARA A DOWLING
2345 PLEASANT AVE
HAMILTON OH 45015 1501

TONI L VICKERS
2350 NOBLE AVE
HAMILTON OH 45015 1426

DAVID E & DEBRA K ROBERTSON
4239 WITHROW RD
HAMILTON OH 45011 8433

A & R ASSOCIATES LLC
517 WILLIAMS AVE
HAMILTON OH 45015 1144

RON AND ANITA BROWN
517 WILLIAMS AVE
HAMILTON OH 45015 1144

CAST PROPERTIES LLC
5661 CLEAR CREEK DR
HAMILTON OH 45013

KATRINKA & DARRELL E STONE
6045 MONASTERY DR
FAIRFIELD OH 45014 4459

ROBERT LEE RATLIFF
6992 BRADY CT
LIBERTY TOWNSHIP OH 45044 9681

MARK A COUCH
PO BOX 1273
HAMILTON OH 45012 1273

STEVEN R UMBACH
PO BOX 135
SHANDON OH 45063 0135



For the Board of Zoning Appeals Meeting of January 5, 2017

To: Board of Zoning Appeals

From: Meredith Snyder

Subject: **AGENDA ITEM #3**

2017-03-Variance

One (1) zoning variance to allow zero (0) off street parking spaces where six (6) are required at 502 Ross Avenue (Ms. Dorris McCall and Mr. Robb Knepp, Applicant/Owner)

- 1) Variance to Section 1137.28 which requires a minimum of one and a half parking spaces per dwelling unit, requiring six spaces on the site.

Date: December 28, 2016

Dear BZA Members:

Introduction:

An application has been submitted regarding one (1) zoning variance to Section 1137.28 which requires a minimum of one and a half parking spaces per dwelling unit, requiring six (6) spaces on the site at 502 Ross Avenue. This property is located in an R-4 Multi-Family Residence District and is regulated by Sections 1118.00 and 1137.00 of the Hamilton Zoning Ordinance (HZO) (see attached Zoning map – Exhibit B). This property measures approximately 6,192 square feet. The minimum required lot area per dwelling unit in an R-4 Multi-Family Residence District is 1,500 square feet, therefore the property is permitted to have a maximum of four (4) units total. There is an existing building on site that was previously a five (5) unit apartment building, however since the property was vacant for more than sixty (60) days it lost its grandfathered status and is required to meet all current standards pertaining to the use. The applicants are converting the building to four units but are still required to meet the off street parking space requirements for the site.

The applicant is requesting a variance to reduce the minimum required off street parking spaces from one and a half (1.5) parking spaces per dwelling unit to zero (0) parking spaces per dwelling unit. The four (4) dwelling units would be required to have six (6) parking spaces on the site unless a variance is granted.

The requested variance is to Section 1137.28 of the HZO as follows:

- Section 1137.28 which requires a minimum of one and a half parking spaces per dwelling unit, requiring six spaces on the site.

Information provided by the applicant in support of the one (1) zoning variance is attached as Exhibit C – Variance Application & Supporting Material.



Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance “Section 1170.63 Variances -Findings of the Board” requires that the BZA must find all four of the following facts and conditions below exist beyond a reasonable doubt. The applicant included the following written rationale (*in bold italics*) for the one (1) requested zoning variance.

1. **1170.63.1 Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying only to the property in question that do not apply generally to other properties in the same Zoning District.

The applicant stated that “There are exceptional and extraordinary circumstances that apply to the property at 502 Ross Avenue. Property had just undergone an extensive renovation to bring the building up code compliance with completion three months prior to a substantial fire on May 6, 2015. Cost of 2014/2015 rehab totaled \$41,515.00. We have now have a current rehab plan with an additional cost of \$40,000.00 to restore the property and convert from a 5 family unit to a 4 family unit as required by the current zoning ordinances.”

2. **1170.63.2 Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and the in same vicinity.

The applicant stated that “With a current tax value of \$41,230.00 the additional cost of constructing six parking spaces will place an un-do burden on the owner.”

3. **1170.63.3 Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.

The applicant stated that “The variance will not be of substantial detriment to adjacent similar use multi-families either. Adjacent multi-families such as 79 South F St with only two spaces provided for off street parking or 106 South F St do not provide any spaces for off street parking as is being required of our property located at 502 Ross.”

4. **1170.63.4 Not of a General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.



The applicant stated that “Additionally, the parking spaces will require the removal of substantial green space and an old growth hardwood as well as revisions to grade and run off.”

Recommendation:

Based on a review of the information submitted, there is reason to consider denying the one (1) requested variance for the following reason:

- 1) The granting of the parking variance could create parking issues in the area that have not been present during the time frame the property has been unoccupied.

However, if the BZA approves the request for the one (1) Zoning Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 2) All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Zoning Variances.
- 3) Findings for Granting of Variance:
 1. Exceptional Circumstances: There are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same Zoning District.
 2. Preservation of Property Rights: Such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
 3. Absence of Detriment: By authorizing this variance there will not be substantial detriment to adjacent property, and the variance will not materially impair the purposes of this Ordinance of the public interest.
 4. Not of General Nature: By the granting of this variance there is no condition or situation of the specific piece of property for which the variance is sought that is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.



Notification

Public Hearing Notices were mailed to the owners of sixteen (16) properties within 100 feet of the property in question. At the time this report was written, one (1) call from a neighboring property owner was received with questions regarding the request.

Attachments:

- 1) Exhibit A - Public Hearing Location Map
- 2) Exhibit B – Zoning Map
- 3) Exhibit C – Variance Application & Supporting Material



502 ROSS AVENUE
PUBLIC HEARING MAP



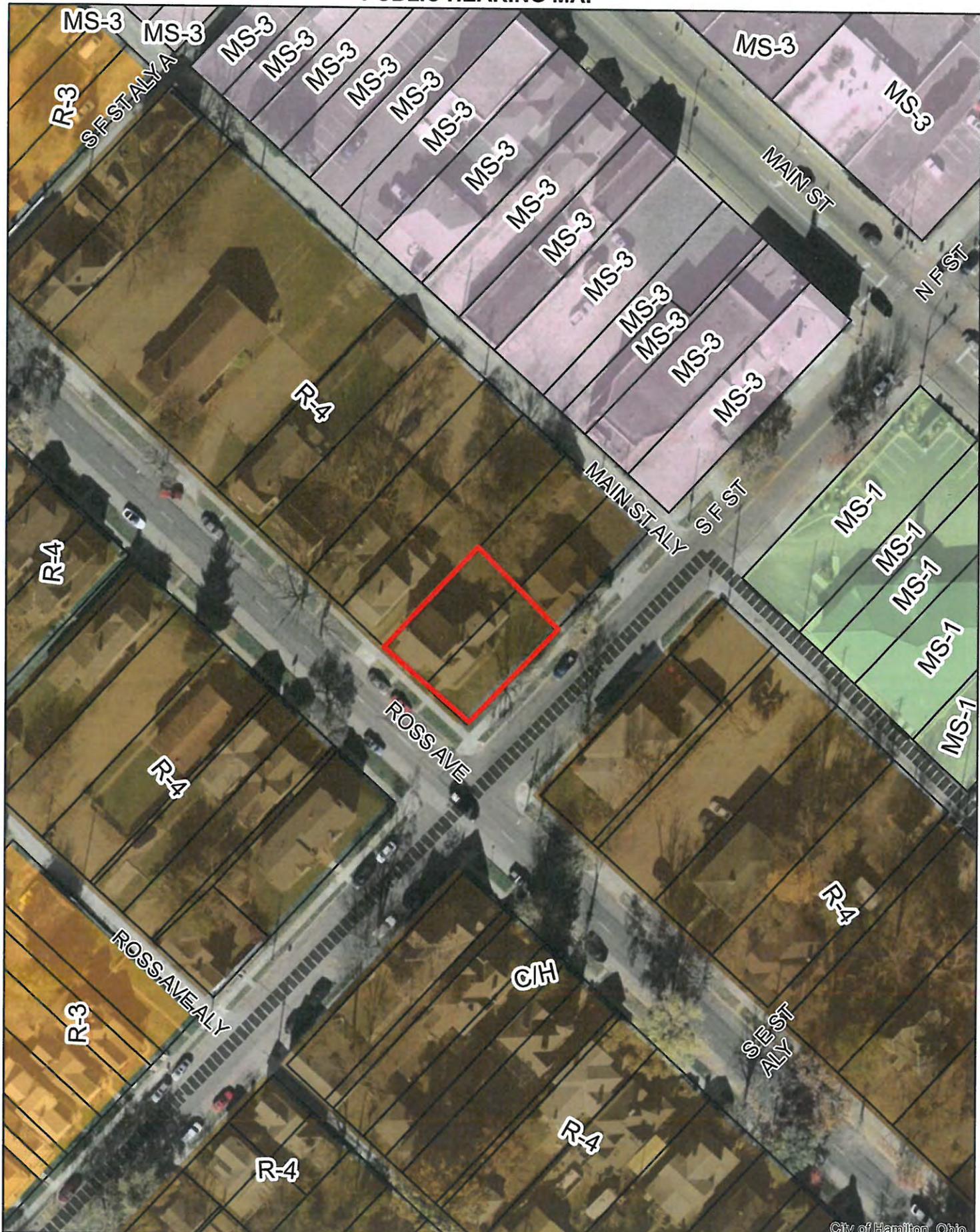
City of Hamilton, Ohio

 502 Ross Avenue

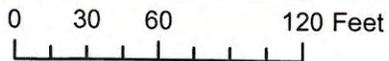
0 30 60 120 Feet



502 ROSS AVENUE
PUBLIC HEARING MAP



 502 Ross Avenue





A164549
A164550

BOARD OF ZONING APPEALS APPLICATION

Property Address: 502 ROSS AVE

Lot No(s): _____

Property Owner: KINGSGATE PROPERTY MANAGEMENT, LLC

Owner's Mailing Address: 3189 PRINCETON RD # 363, HAMILTON, OH

Appellant's Name (If different than owner): 45011 DORIS MCCALL, OWNER / ROB KNEPP

Appellant's Mailing Address: same

Appellant's Email Address: dearmissymcall@gmail.com

Previous Legal Use of Property: R-4 Multi-Family Residential (5unit)

Date Previous Use Discontinued: _____

Proposed New Use of Property: R-4 Multi-Family Residential (4unit)

Purpose of Application (Check all that apply):

Requesting a variance for signs. Please describe the request bellow.

Requesting a variance other than a sign from the following Sections of the Hamilton Zoning Code (also fill out **Appellant's rational for requesting a Variance**)

Variance from minimum of six (6) on site parking spaces as required.

Other – Skip to "Other" Section of Application Form

VARIANCES

Appellant's Rationale for requesting a Variance:

Exceptional Circumstances & Absence of Detriment:

There are exceptional and extraordinary circumstances that apply to the property at 502 Ross Avenue. Property had just undergone an extensive renovation to bring the building up code compliance with completion three months prior to a substantial fire on May 6, 2015. Cost of 2014/2015 rehab totaled \$41,515.00. We have now have a current rehab plan with an additional cost of \$40,000.00 to restore the property and convert from a 5 family unit to a 4 family unit as required by the current zoning ordinances. With a current tax value of \$41,230.00 the additional cost of constructing six parking spaces will place an un-do burden on the owner. Additionally, the parking spaces will require the removal of substantial green space and an old growth hardwood as well as revisions to grade and run off. The variance will not be of substantial detriment to adjacent similar use multi-families either. Adjacent multi-families such as 79 South F St with only two spaces provided for off street parking or 106 South F St do not provide any spaces for off street parking as is being required of our property located at 502 Ross. Please see attached photos.



79 S F St

(CORNER OF ROSS + F ST)

two off street parking places



Image capture: Jul 2012 © 2016 Google

Hamilton, Ohio

Street View - Jul 2012



Google Maps

110 S F St

not off street parking. 502 Ross across the street

502 Ross



Image capture: Jul 2013 © 2016 Google

Hamilton, Ohio

Street View - Jul 2013



Google Maps

502 Ross Ave

PRIOR TO REHAB



Image capture: Jul 2013 © 2016 Google

Hamilton, Ohio

Street View - Jul 2013



COMMUNITY DEVELOPMENT DEPARTMENT
CONSTRUCTION SERVICES DIVISION
INTER-DEPARTMENTAL PLAN REVIEW RECORD

Date Plans Submitted: 06/27/2016

Date Plans Reviewed: 07/06/2016

Project Address: 502 ROSS AVE

Ph: (513) 532-6681

Project / Owner Name: B & B

Applicant: ROBERT KNEPP

FX: (513) 737-8964

Project Description: WATER DAMAGE BEDROOM#1, FIRE DAMAGE
AND REPAIR TO UNIT #3, CLEAN & PAINT OTHER UNITS.

Application #: A162098

Plan Review #: A162099

Review # 1

Department	Date to	No Object	Object	Date from	Remarks
Building Bill Simmons 785-7368	6/27/2016	WJS		7/6/2016	CONDITIONAL APPROVAL: o PENDING ANY NEED AS A RESULT OF ZONING'S COMMENTS. o APPROVAL IS SUBJECT TO FIELD INSPECTION.
Zoning / Planning John Creech 785-7355	6/27/2016		JMC	6/29/2016	Not Approved: Property is zoned R-4 Multi-Family Residential (1118.00). R-4 zoning requires a minimum of 1,500 square feet of lot area per dwelling unit (1118.53). Records indicate that the property has been vacant/without utilities for period greater than six (6) months. Five (5) dwelling units are not permitted. Property appears to measure approximately 6,192 square feet therefore the max number of separate dwelling units is limited to four (4). In addition, for the four (4) dwelling units a minimum of six (6) on site parking spaces are required based on the following formula (1.5 spaces per each (4) dwelling unit) (1137.28.A).

When all of the above objections are corrected, submit 2 complete sets of revised plans to the **Construction Services Office at 345 High Street, Suite #350. All plan changes shall be color highlighted** to be accepted. As an option, the applicant may choose to insert individually revised sheets into all sets.

Ken Rivera, Building Official

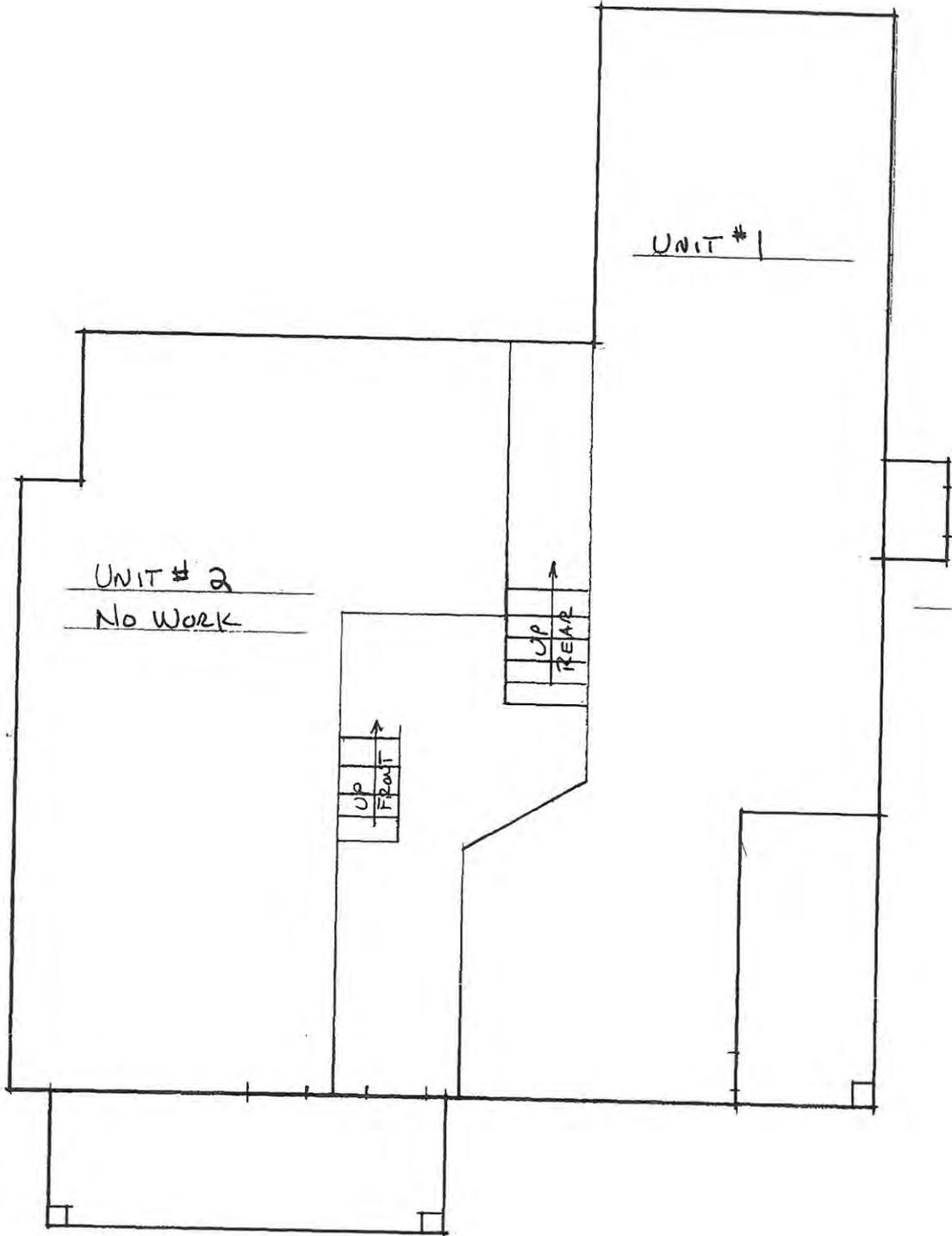
By: _____

If you have any questions concerning any of the attached information you may contact **Bill Simmons**.

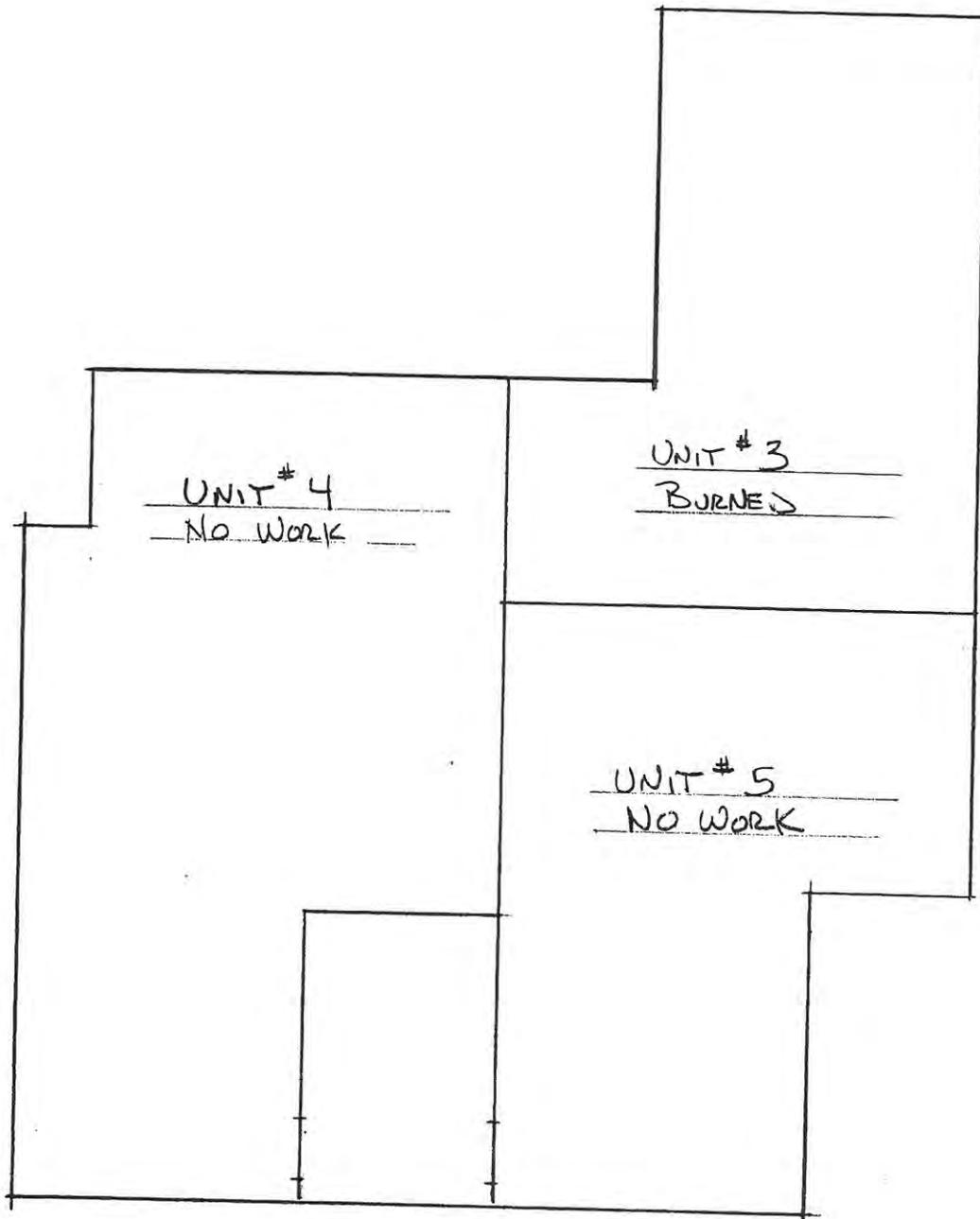
Telephone # 513.785.7368

Email william.simmons@hamilton-oh.gov

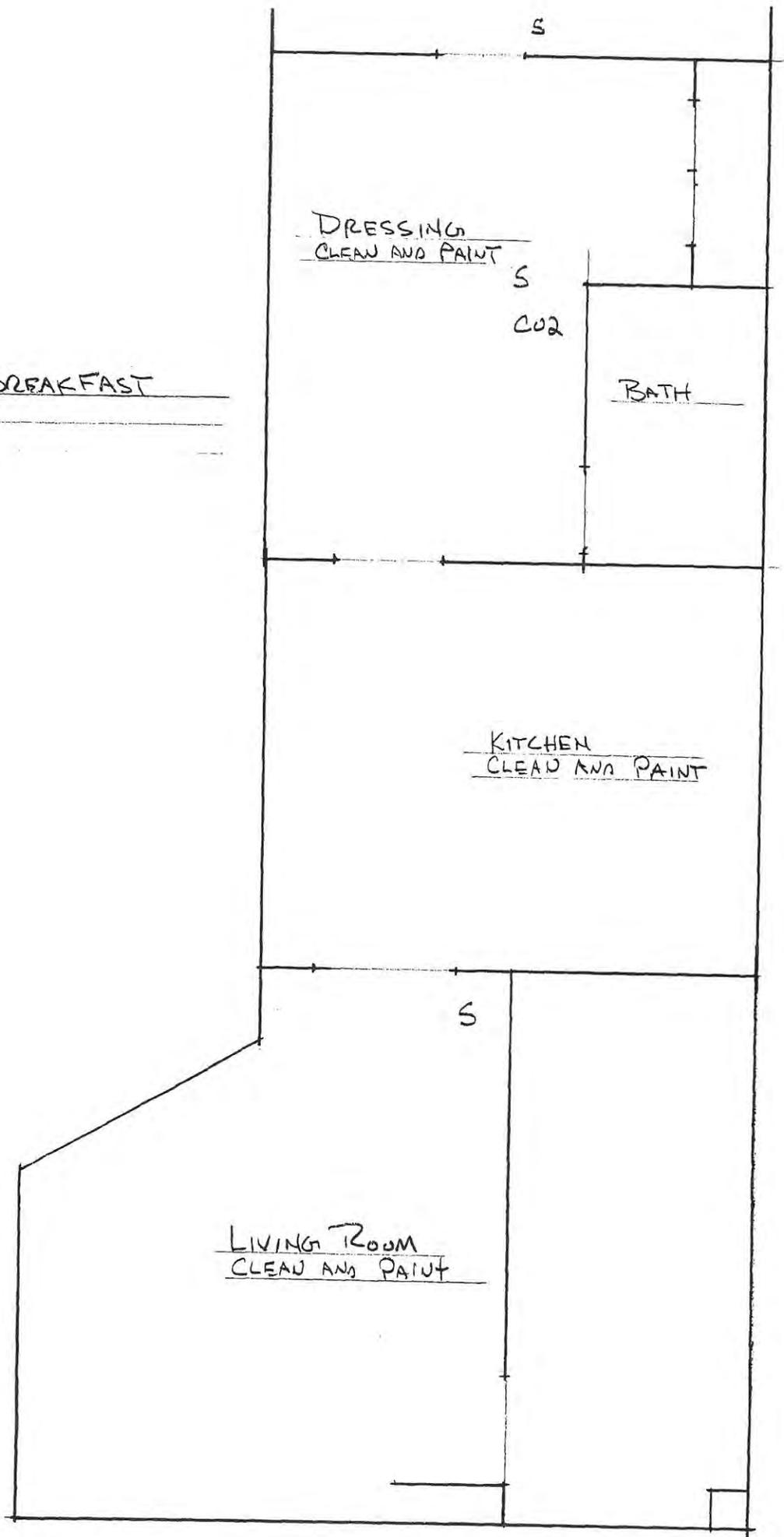
BED AND BREAKFAST 502 ROSS
FIRST FLOOR KEY PLAN



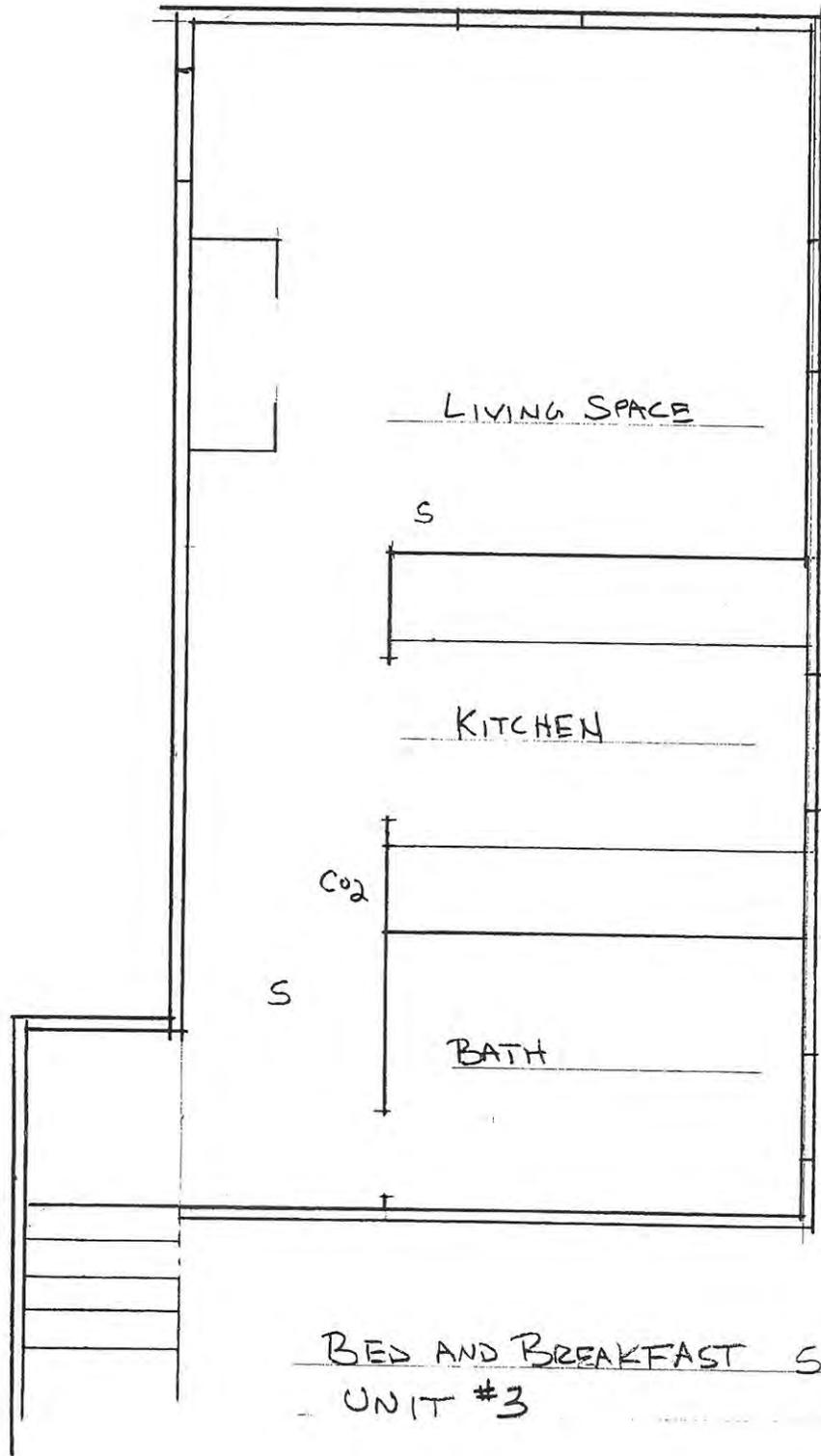
BED AND BREAKFAST 302 ROSS
SECOND FLOOR KEY PLAN



BED AND BREAKFAST
UNIT # 1



REPLACE WINDOWS
CLEAN AND PAINT



BED AND BREAKFAST SO2 ROSS
UNIT #3

SWORN STATEMENT IN PROOF OF LOSS

\$140,760.00
Amount of Policy at Time of Loss
03/06/15
Date Issued
03/06/16
Date Expires

BRIT0400
Policy Number
National Real Estate Ins. Grp I.L.C.
Issued At
020662(Bedan-1)
Agent Code

To the Certain Underwriter's of Lloyd's of Kansas City, MO
At the time of loss, by the above indicated policy you insured Kingsgate Property Management
against loss by fire to the property described under Schedule "A", according to the terms and conditions of
the said policy and all forms, endorsements, transfers and assignments attached thereto.

1. **Time and Origin:** A fire loss occurred about the hour of 9:45 am on the 6th day of
May, 2015. The cause and origin of the said loss was to be determined by Nick Thompson

2. **Occupancy:** The building described, or containing the property described, was occupied at the time of loss as follows and for no other purpose
whatever. multi-family dwelling

3. **Title and Interest:** At the time of the loss the interest of your insured in the property described therein was owner
therein or incumbrance thereon, except: none. No other person or persons had any interest

4. **Changes:** Since the policy was issued there has been no assignment thereof, or change of interest, use, occupancy, possession, location or
exposure of the property described except: none

5. **Total Insurance:** The total amount of insurance upon the property described by this policy was, that the time of loss, \$140,760.00
as more particularly specified in the apportionment attached under Schedule "C", besides which there was no policy or other contract of
insurance, written or oral, valid or invalid.

6. **The Actual Cash Value** of said property at the time of loss was: \$30,318.76

7. **The Whole Loss and Damage** was: \$46,035.33

8. **Less Amount of Deductible:** (\$5,000.00)

9. **The Amount Claimed** under the above numbered policy is: \$41,035.33

The said loss did not originate by any act, design or procurement on the part of your insured, or this affiant; nothing has been done by or with the
privity or consent of your insured or this affiant, to violate the conditions of the policy, or render it void; no articles are mentioned herein or in annexed
schedules but such as were destroyed or damaged at the time of said loss; no property saved has in any manner been concealed and no attempt to
deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished
and considered as a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of the above insurance company is not a waiver of any of its rights.

State of Ohio [Signature] On Behalf of the Insured

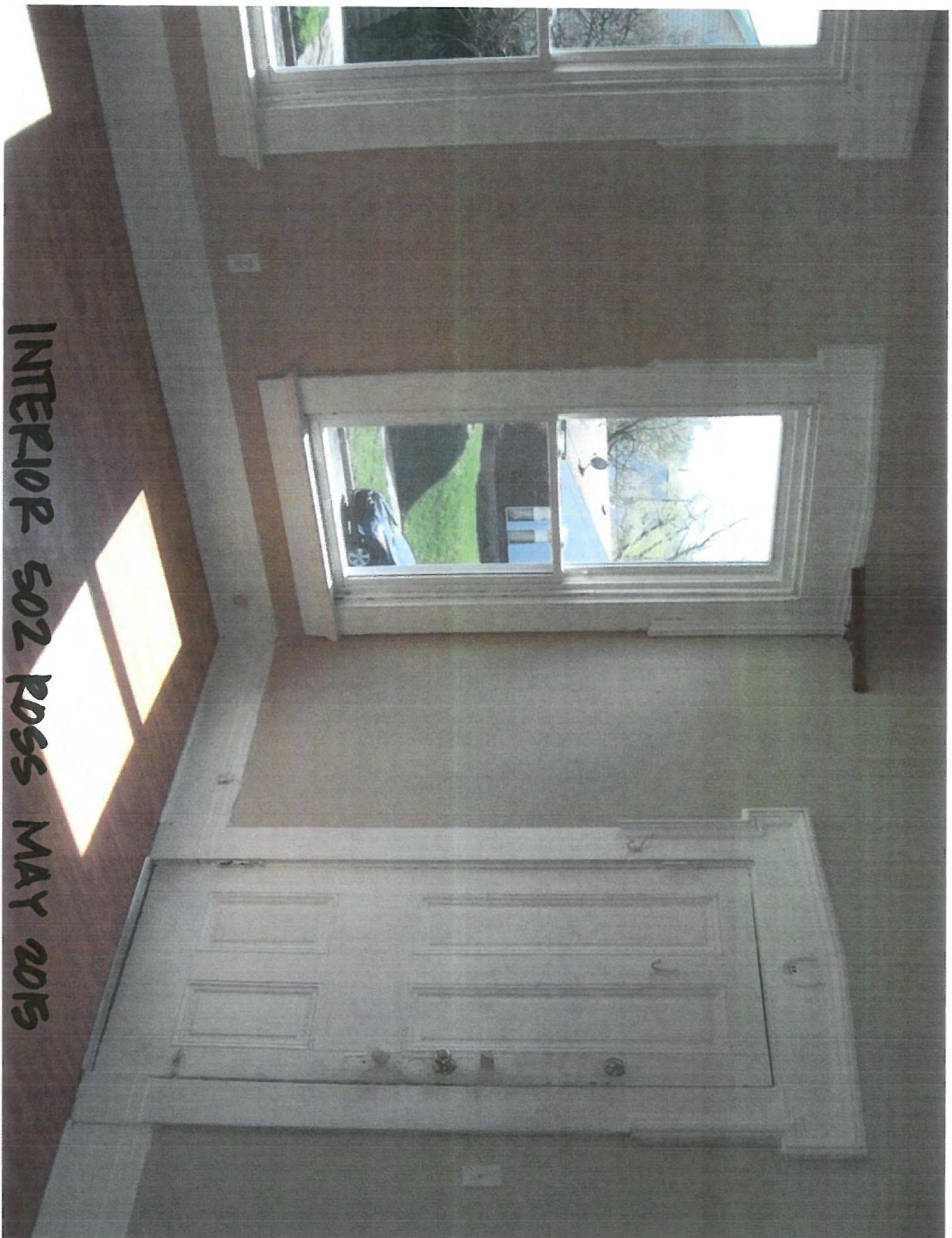
County of Butler

Subscribed and sworn to me this 1 day of October 2015

[Signature]
Notary Public

TABITHA BUELL, Notary Public
in and for the State of Ohio
My Commission Expires 7-7-17

INTERIOR 502 POSS MAY 2015



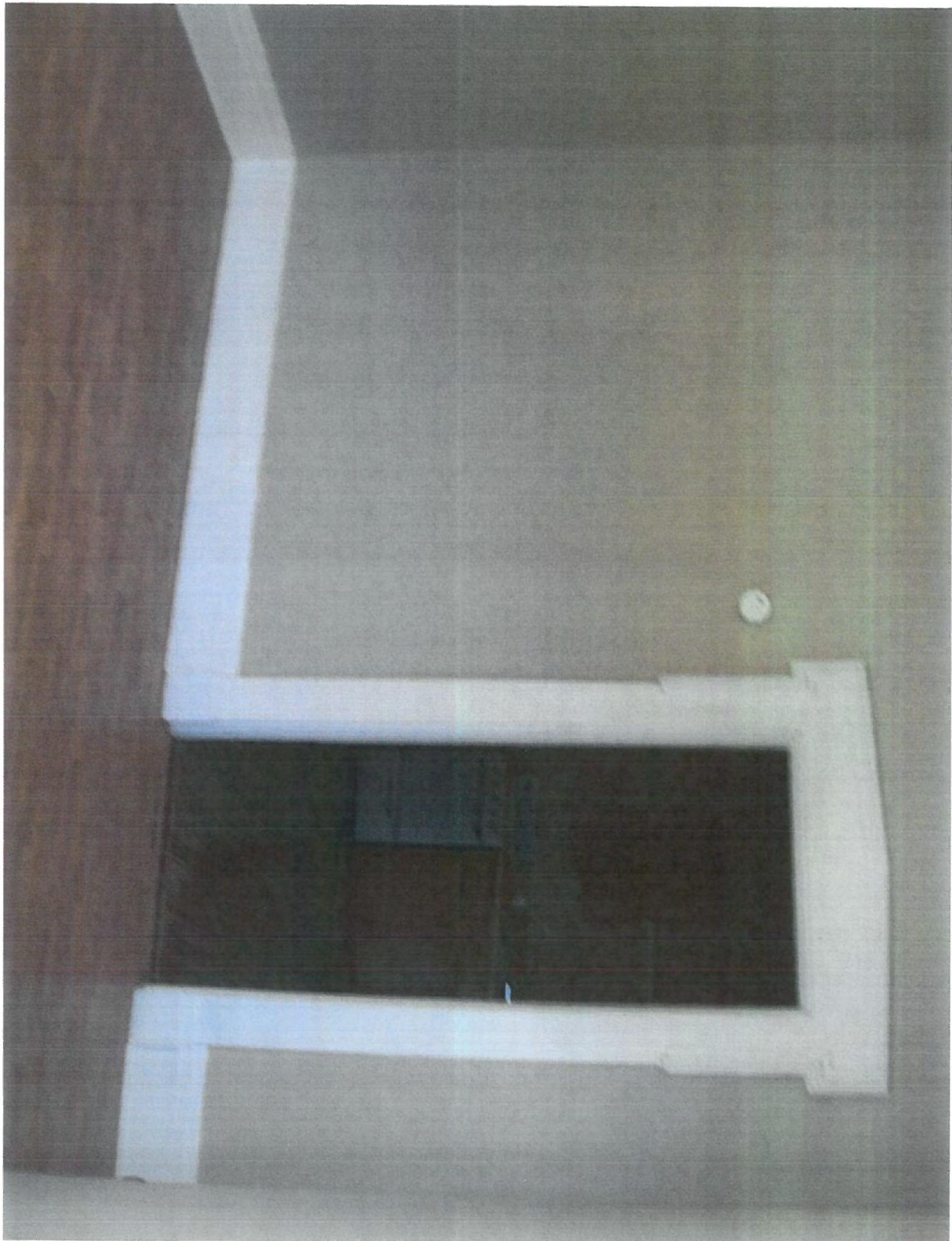














VALERIA M ROMERO
449 ROSS AVE
HAMILTON OH 45013 4731

DAVID C & MELISSA S BAKER
515 S WASHINGTON BLVD
HAMILTON OH 45013 3553

HELEN S HYER
2943 LAFEUILLE AVE
CINCINNATI OH 45211 7754

HELEN S HYER
208 IRELAND AVE
CINCINNATI OH 45208

JEREMY FRAZIER
CHRISTOPHER WAITE
2178 STILLWELL BECKETT RD
HAMILTON OH 45013 9384

BRIAN R AND ANNETTE M DUGGINS
2331 HAMILTON CLEVES RD
HAMILTON OH 45013 9604

WAYNE BRICE
455 W EVELYN AVE #2302
MOUNTAIN VIEW CA 94041 1493

HOMENOW PROPERTIES LLC
10010 SKYRIDGE DR
CINCINNATI OH 45252

KINGSGATE PROP MGMT LLC
6751 FORESTHILL LN
HAMILTON OH 45011

ASCEND FINANCIAL MORTGAGE CO
C/O LESLIE PENNINGTON
7588 STILLWELL BECKETT RD
OXFORD OH 45056 9210

KINGSGATE PROP MGMT LLC
3189 PRINCETON RD #363
HAMILTON OH 45011 8963

PAMELA & KEENAN K IMFELD
2456 MILLVILLE OXFORD RD
HAMILTON OH 45013 8928

FAMILY VIDEO MOVIE CLUB INC
1022 E ADAMS ST
SPRINGFIELD IL 62703 1028

BRYAN PARSONS
ROBERT A ROBINSON
501 MAIN ST
HAMILTON OH 45013 3221

ROY STREET
MARVIN STREET
30 CALAN CT
HAMILTON OH 45013 5116

RESIDENT
502 ROSS AVENUE
HAMILTON, OH 45013

**WRITTEN SUMMARY
BOARD OF ZONING APPEALS
MEETING MINUTES
Thursday, December 1, 2016
1:30 p.m.**

Mr. George Jonson served as Acting Chair in the place of Madam Chair Underwood-Kramer, who was absent.

The Board of Zoning Appeals meeting was called to order by Acting Chair George Jonson at 1:30 p.m.

Members Present

Ms. Nancy Bushman, Mr. George Jonson, Mr. Desmond Maaytah, and Mr. Michael Samoviski.

Members Absent

Madam Chair Karen Underwood-Kramer.

City Staff Present

Mr. John Creech, Ms. Kathy Dudley, Mrs. Heather Hodges, Ms. Kim Kirsch, and Mrs. Meredith Snyder.

Swearing in of Those Providing Testimony to the BZA

Ms. Dudley swore in the audience members who were going to testify.

Old Business: None

New Business:

Agenda Item #1 - 2016-16: Variance Request for 73 Winston Drive

Two (2) zoning variances to allow a second accessory structure with a height of 20' on the property located at 73 Winston Drive (Shane Thomas, Applicant/Owner).

- 1) Variance to erect a second accessory structure where only one is permitted.
- 2) Variance to erect an accessory building 20 ft in height where the maximum height is limited to 15 ft.

Staff: Meredith Snyder

Ms. Snyder gave a summation of the current item before the Board of Zoning Appeals and showed a map with the subject property outlined in red. She also showed all supporting documentation, including the Application for the BZA with the Applicant's rationale for the request of the two variances, site plan, and Staff information.

Notification

Ms. Snyder stated that public hearing notices were mailed to the owners of seventeen (17) properties within 100' of the property in question. There was one telephone call received from a neighbor in support of the application.

Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance "Section 1170.63 Variances -Findings of the Board" requires that the BZA must find all four of the following facts and conditions below exist beyond a reasonable doubt. The applicant included the following written rationale (*in bold italics*) for the two (2) requested zoning variances. Information/commentary for the BZA to consider is underlined.

- 1. 1170.63.1 Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying only to the property in question that do not apply generally to other properties in the same Zoning District.

The applicant stated that "Due to already having a detached garage, which counts as one allowable accessory building per "Zoning Guidelines for Accessory Buildings and Structures in Residentially Zoned Areas," we request to have an additional building, which will be used as a shed/play house combination." After reviewing the application there appears to be Exceptional Circumstances (Section 1170.63.1) associated with this request, the property already has an existing accessory structure, a detached garage therefore a variance is necessary, even though it is common for a house to have an attached garage as well as a shed.
- 2. 1170.63.2 Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and the in same vicinity.

The applicant stated that "This project began as a replacement to our old shed which rotted out and didn't have enough space for our kids bikes, toys, and related items. I have 3 sons and a daughter, and all participated in this building project. We chose to put a 9X9 playhouse above our 10X10 shed to save yard space." After reviewing the application it appears that the request is a Preservation of Property rights (Section 1170.63.2). As the applicant stated the proposed structure's size is within the guidelines for an accessory structure footprint that would normally not need a permit, however the height being above fifteen (15) feet requires a variance.
- 3. 1170.63.3 Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.

The applicant stated that "After speaking to our adjacent neighbors, they are more concerned with why I stopped construction than the shed/playhouse building on our property. I have explained to them that I must seek the approval of this board before finishing construction." After reviewing the application it appears that the request has an Absence of Detriment (Section 1170.63.3). As the applicant stated the property is large

and heavily wooded. The proposed building meets all setback requirements. The applicant is also working to receive all necessary permits through the Cities Construction Services Division.

4. **1170.63.4 Not of a General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

The applicant stated that “We used premium, lasting materials and built the shed above ground level to prevent rotting and rodents. We have continually checked the cities website to ensure we are meeting code (keeping within the 200 square footage max requirement), however, we learned, while in process, that a building permit and zoning approval is required to continue our family project.” After reviewing the application it appears that the request is Not of a General Nature (Section 1170.63.4). As previously stated the applicants property has a detached garage which counts as its one permitted accessory structure. A variance is needed to allow a second accessory structure.

Ms. Snyder then showed pictures of the shed, which was currently in the process of being constructed. She stated that the applicant was not aware of the need for a variance when he first started the shed, and he is present if the Board has any questions for him.

Ms. Snyder went on to state that the two (2) requested variances are to Section 1115.43.1 of the HZO to allow a second accessory building where only one is permitted with a height of twenty feet (20) feet where fifteen (15) is permitted.

- Section 1115.43.1 states “Only one accessory building is permitted for each dwelling unit on the same lot”
- Section 1115.43.1 states “Height: One story to a maximum of fifteen (15) feet.”

Recommendation

Based on a review of the information submitted, there is reason to consider approving the two (2) requested variances with the following conditions:

If the BZA approves the request for a Variance, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 2) All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Variance.

- 3) Findings for Granting of Variance:
1. Exceptional Circumstances: There are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same Zoning District.
 2. Preservation of Property Rights: Such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
 3. Absence of Detriment: By authorizing this variance there will not be substantial detriment to adjacent property, and the variance will not materially impair the purposes of this Ordinance of the public interest.
 4. Not of General Nature: By the granting of this variance there is no condition or situation of the specific piece of property for which the variance is sought that is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Ms. Snyder concluded her presentation, and advised that the Applicant was present for any questions.

Mr. Jonson asked for anyone in the audience wishing to speak on behalf of the item.

Mr. Shane Thomas, 73 Winston Drive, spoke. He gave his reasons for wanting to build the shed, and said that he has spoken to his neighbors and they have no objection.

Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Maaytah and all "ayes, the Public Hearing was closed.

Mr. Samoviski made a Motion to approve the request with conditions as set forth. With a 2nd by Mr. Maaytah and all "ayes" to a roll call vote, the Motion was passed and the request was approved with conditions.

Agenda Item #2 - 2016-17: Variance Request for 125 Park Avenue

Two (2) zoning variances to allow the establishment of eight (8) additional dwelling units at 125 Park Avenue (Mike Dingeldein, Community Design Alliance/125 Park Avenue LLC, Applicant/Owner)

- 1) Variance to Section 1126.31.1 which requires a minimum lot area per dwelling unit of 3,500 square feet.
- 2) Variance to Section 1126.31.2 which requires a minimum of two (2) off-street parking spaces per dwelling unit.

Staff: John Creech

Mr. Creech stated that an application has been submitted regarding two (2) zoning variances to permit the establishment of eight (8) additional dwelling units at 125 Park Avenue.

This property is located in an R-O Multi-Family Residence-Office District and within the Rossville Historic District and is regulated by Sections 1119.00 and 1126.00 of the Hamilton Zoning Ordinance (HZO).

This property measures approximately 27,889 square feet (.64 acres). The minimum required lot area per dwelling unit in the Rossville Historic District is 3,500 square feet. The applicant is requesting the first variance to reduce the minimum lot area per dwelling unit to 1,162 square feet.

The two (2) requested variances are to Section 1126.31 of the HZO as follows:

- Section 1126.31.1 which requires a minimum lot area per dwelling unit of 3,500 square feet.
- Section 1126.31.2 which requires a minimum of two (2) off-street parking spaces per dwelling unit.

In addition, the applicant is requesting a second variance to reduce the minimum required parking from two (2) parking spaces per dwelling unit to 1.08 spaces per dwelling unit (48 parking spaces are required and 26 are to be provided).

Mr. Creech then showed the zoning map with the subject property outlined and the surrounding zoning, which also included a historic district.

Mr. Creech stated that the scope of the proposed project involves the establishment of eight (8) lower level dwelling units within the existing building footprint and the reconfiguration of the existing parking lot to create 5 new parking spaces, for a total of 26 parking spaces. The existing building contains 16 dwelling units and there are 21 parking spaces on the property.

Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance “Section 1170.63 Variances -Findings of the Board” requires that the BZA must find all four of the following facts and conditions below exist beyond a reasonable doubt. The applicant included the following written rationale (*in bold italics*) for the two (2) requested zoning variances.

1. **1170.63.1 Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying only to the property in question that do not apply generally to other properties in the same Zoning District.

The applicant stated that “With the city's focus and investment in a Main Street Revitalization initiative ... this property becomes a catalytic opportunity to re-set the perception and reality of rental property in the Main Street business corridor. The greater unit density DOES allow for a higher redevelopment budget pro-forma and DOES NOT negatively impact the site, the block, and the corridor...in fact, it allows for putting more people in the Main Street neighborhood to support new retail development.”

2. **1170.63.2 Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and the in same vicinity.
The applicant stated that “The significant restoration of these apartments to market rate units improves property values in the entire Main Street corridor.”
3. **1170.63.3 Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.
The applicant stated that “The variance proposes NO additional square footage to this building or site. ALL of the expansion is within existing volume of the building. The lowest level was designed by Frederick G. Mueller and built with future expansion in mind in 1903, but in 1913, the flood change everything and plans for completion of the lower level phase were scrapped. For the passerby and observer, no external changes will be evident beyond a slight expansion of the parking lot on the existing lot.”
4. **1170.63.4 Not of a General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
The applicant stated that “This property is a unique, well design, signature building in a revitalization corridor of Hamilton. It has fallen into significant disrepair over the past 30 years. The variance provides an economic opportunity to reset the building, the block, and the district Any conditions placed by BZA for the specifics desired for this improvement are encouraged in exchange for consideration of the variance requested.”

Recommendation

Based on a review of the information submitted, there is reason to consider denying the two (2) requested variances for the following reasons:

- 1) Although final occupancy is unknown, in a worst case scenario the proposed eight (8) additional dwelling units could have up to four (4) unrelated individuals per dwelling unit for a total of 32 additional building occupants. Each occupant could in turn own an automobile – so there could be 32 additional automobiles on the property.
- 2) The granting of the parking variance could exacerbate existing parking issues in the area, particularly for business uses along Main Street.

However, if the BZA approves the request for two (2) Zoning Variances, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) If not already, the 26 parking spaces should be assigned to individual dwelling unit. The applicant should explore alternative or additional parking options/agreements with adjacent properties.
- 2) Existing and or any proposed additional dumpsters be enclosed in structure to match the principal building.
- 3) The construction drawings for the proposed improvements and work be revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 4) All improvements and work indicated on construction plans approved by the City of Hamilton Departmental Review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Zoning Variances.
- 5) Findings for Granting of Variance:
 1. Exceptional Circumstances: There are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same Zoning District.
 2. Preservation of Property Rights: Such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
 3. Absence of Detriment: By authorizing this variance there will not be substantial detriment to adjacent property, and the variance will not materially impair the purposes of this Ordinance of the public interest.
 4. Not of General Nature: By the granting of this variance there is no condition or situation of the specific piece of property for which the variance is sought that is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Notification

Mr. Creech stated that public hearing notices were mailed to the owners of eighteen (18) properties within 100' of the property in question, and there was no feedback received.

With no questions from the Board for Mr. Creech, the Public Hearing was opened.

Present on behalf of the applicant was Mr. Mike Dingeldein. He explained their strategy and ideas for the property. He gave some information and history of the building, adding to what Mr. Creech had presented. Mr. Dingeldein also showed floor plans for the building to the Board.

After a discussion between the Board and Mr. Dingeldein (and there being no one else in the audience wishing to speak on the issue), Mr. Samoviski made a Motion to close the Public Hearing. With a 2nd by Mr. Maaytah and all “ayes” to roll call vote, the Motion was approved and the Public Hearing was closed.

Mr. Samoviski made a Motion to grant both variances, subject to conditions recommended by the Department of Community Development. With a 2nd by Ms. Bushman and all “ayes” to roll call vote, the two variances were approved with conditions.

Minutes

Approval of Meeting Minutes - Written Summary and Audio Recording for the following dates: **November 3, 2016.**

Ms. Bushman made a Motion to accept the minutes as presented. With a 2nd by Mr. Maaytah and all “ayes” to roll call vote, the Motion passed and the minutes were approved.

Adjourned

With nothing further, Mr. Samoviski made a Motion to adjourn. With a 2nd by Mr. Maaytah and all “ayes”, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. John Creech
Secretary

Karen Underwood-Kramer
Madam Chair