



**NOTE: Agenda and Reports may be amended as necessary or as required.  
Applicants, Please Review Your Proposal for accuracy.**

Board Members

<b>Alf</b>	<b>Beckman</b>	<b>Bloch</b>	<b>Brown</b>	<b>Essman</b>	<b>Fairbanks</b>
				Weigel	Jacobs
<b>SID (Vacant)</b>	<b>Graham</b>	<b>Palechek</b>	<b>Ripperger</b>	<b>Whalen</b>	
SID alt (Vacant)	O'Neill		Brown	O'Neill	

I. Roll Call:

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

Kathy Dudley, Assistant Law Director

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

A. December 20, 2016

IV. Properties Seeking COA - New Business

1. 340 Ross Avenue (*Rossville*) – Demolition
2. 139 Main Street (*Rossville*) - Signage

V. Miscellaneous/Discussion/On the Radar

- Appointment of ADRB Chairperson for the 2017 Operational Year
- 407 North Third St – Board of Zoning Appeals results of Appeal of ADRB decision - February 2, 2017

VI. Adjourn

VII. Guests:

**Architectural Design Review Board**  
**Tuesday, December 20, 2016**  
**4:30 p.m.**

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

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

Guests: Mr. Craig Clements and Mr. Bob Herold.

In the absence of Madam Chair Essman, Mr. Bob Brown was Acting Chair. The meeting was called to order at 4:30 p.m.

**I. Roll Call**

Present were Mr. Steve Beckman, Mr. Armand Block, Mr. Bob Brown, Ms. Pauline Fairbanks, Mr. Tom O'Neill, Mr. Todd Palechek, and Mrs. Shi O'Neill.

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

Members of 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. November 15, 2016 – Motion by Mr. Bloch, 2<sup>nd</sup> by Mrs. O’Neill – With all “ayes” to roll call vote, the Motion passes and the minutes are approved.
- B. December 6, 2016 – Motion by Mr. Bloch, 2<sup>nd</sup> by Mrs. O’Neill – With all “ayes” to roll call vote with the exception of Mr. Palechek (abstain), the Motion passes and the minutes are approved.

## **IV. Properties Seeking COA - Old Business**

- 1. 943 Dayton Street (*Dayton-Campbell*) – Roofing – Emergency COA issued due to Health Division assessment. No action needed.

## **V. Properties Seeking COA - New Business**

- 1. **723 Dayton Street (*Dayton-Campbell*) – Fence Replace.**

### **Introduction:**

The Applicant, Craig Clements, has submitted a Certificate of Appropriateness Application for the property of 723 Dayton Street. The proposal involves fence replacement for the side and rear yard.

The subject property of 723 Dayton Street is part of the Dayton-Campbell Historic District and is Zoned “R-O”, Multi-Family Residential Office District. This property is also part of the State of Ohio Historic Inventory.

The fence has been nearly completed, the applicant performing the work without a COA – wanting to complete the fence utilizing the extended opportunity of the Thanksgiving break. Mr. Clements had also consulted Dayton-Campbell Representative, Dan Graham, prompting his submittal of a COA application for review by the Planning Staff and the ADRB.

## **Proposal:**

Replace Existing Chain-Link fence with Wooden Cedar Privacy Fence

- 6' in Height, with 10 Cedar Posts
- Fence consists of boards at 1" x 6", Horizontally Run
- The course of the fence follows the shared property line with 120 North Seventh Street
- A Clear Stain may be put on the fence later on to maintain color (possibly in Spring)
- Approximately 50' x 16½' run at rear (SW corner of property)

Ms. Hodges gave her summation of the current COA application and passed a sample of the proposed wooden plank used for the fence. Ms. Hodges also read aloud an e-mail that Mr. Dan Graham sent to Madam Chair Essman in support of the fence, and she passed a copy to the Board for their review.

After a discussion between the Board and Ms. Hodges, the Board had a brief discussion with the Applicant, Craig Clements. Mr. Clements gave specifics of his reasons for application and went over the supporting documentation that he provided.

Next to speak was Mr. Bob Herold, a neighbor of Mr. Clements. Mr. Herold voiced his opposition to the fence and reasons for said opposition. After a brief discussion between Mr. Herold and the Board, Ms. Fairbanks made a Motion to close the Public Hearing. With a 2<sup>nd</sup> by Mr. Bloch and all "ayes", the Motion passes and the Public Hearing is closed.

Mr. Palechek made a Motion to approve the COA as presented. With a 2<sup>nd</sup> by Mr. Beckman and all "ayes", the Motion passes and the request is approved.

## **V. Miscellaneous/Discussion/On the Radar**

Property Inquiries:

- 140 Ross Avenue – Signage for Miami School – Like for Like
- 624 Crescent Road – Painting – Like for Like
- 350 S. D Street – Roof Replacement – Like for Like

Reminder:

- 407 North Third Street – Board of Zoning Appeals; appeal of ADRB decision.
- Meeting Date: Thursday - January 5, 2017.

The next tentative ADRB meeting is set for January 3, 2017.

There was a bit of miscellaneous discussion between the Board members, including Mr. Brown stating that he would be out of town from January 4-14, 2017.

**VI. Adjourn**

With nothing further, Mr. Bloch made a Motion to Adjourn. With a 2<sup>nd</sup> by Mr. Palechek and all “ayes” to roll call vote, the Motion passes and the meeting was adjourned.

Submitted by:

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Ed Wilson  
Secretary, ADRB

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Mary Pat Essman  
Madam Chair, ADRB

DRAFT



**To:** Architectural Design Review Board  
**From:** Ed Wilson, ADRB Secretary  
**Subject:** **AGENDA ITEM #1**  
**340 Ross Avenue – Demolition**  
City of Hamilton, Applicant  
Meeting Date: **2/7/2017**  
*Received Application:* **1/27/2017**  
**Impacts:** Rossville Historic District

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**Introduction:**

The Applicant, City of Hamilton, has submitted a Certificate of Appropriateness Application for the property of 340 Ross Avenue. The proposal involves Demolition.

For reference, per the Butler County Auditor website records, the current owner is Deutsche Bank. The prior owner was Douglas Hamblin.

The subject property of 340 Ross Avenue is part of the Rossville Historic District and is Zoned “R-4”, Multi-Family Residential.

**Background:**

The property of 340 Ross Avenue has been the subject of ongoing issues involving lack of maintenance and other Health Division violations. The issues compounded in 2015 and 2016 with the Health Division and Construction Services partaking in several visits to the property, documenting the level of damage to the structure. Health Citations have been sent to the respective owners of record during this period; the citations were refused.

This report includes Health Division photos spanning from May 2016 to November 2016, documenting the damage, deterioration, and lack of work on the structure. Please see Attachment items under Exhibit A for reference photos documenting the damage; Exhibit B for the Nuisance Appeal Board meeting minutes; and Exhibit C for the Health Division Assessment of the property provided to the Nuisance Appeal Board and included in the COA Application.

The Health Division declared 340 Ross Avenue a nuisance, with the Nuisance Appeal Board accepting the declaration at the November 10, 2016 meeting. This is not a Court Ordered nuisance and thus requires ADRB approval.

**PROPOSAL**

Demolition of the Structure

**Determining COA Approval:**

In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, the Board shall consider:

1. **Whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood,**
2. **And whether it will adversely affect or destroy the general architectural and/or historical significance of the Historic District or Inventory Property.**

In the event the Architectural Design Review Board refuses to issue to an applicant Certificate of Appropriateness:

1. **The Architectural Design Review Board shall attempt to reconcile an alternative plan with the applicant – that is acceptable to both the applicant and to the Architectural Design Review Board.**
2. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of the Hamilton Zoning Ordinance.

**Requirements for Demolition**

**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:

- A. That the property proposed for demolition is not inherently consistent with other properties in its area of the Architectural Conservation/Historic District (or)
- B. That the property proposed for demolition contains no features of architectural and/or historical significance; or
- C. 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

Per the COA Application, Item “C” is indicated as rationale for Demolition.



**RECOMMENDATION:**

If the ADRB determines to grant approval of a Certificate of Appropriateness for the demolition of the structure located at 340 Ross Avenue, the Community Development Department recommends that the motion include ADRB's consideration of Part C of the criteria listed in 1126.00 above:

- C. 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.

**Attachments:**

- 1. EXHIBIT A: Images of the Property
- 2. EXHIBIT B: November 10, 2016 – Nuisance Appeals Board minutes
- 3. EXHIBIT C: Health Division Assessment and Record
- 4. EXHIBIT C1: Multiple Health Letters and Proof of Mailing Process
- 5. EXHIBIT D: Location Map
- 6. EXHIBIT E: COA Application



**EXHIBIT A: Images of the Property**



May 20, 2016









**Foundation Issue**



July 12, 2016





**Foundation Issue remains**



August 26, 2016





**Foundation Issue Still Remains**







**Warped / Damaged Walls**







November 2, 2016



## EXHIBIT B: November 10, 2016 – Nuisance Appeals Board minutes

**WRITTEN SUMMARY  
NUISANCE APPEAL BOARD  
MEETING MINUTES  
Thursday, November 10, 2016  
1:30 p.m.**

The Nuisance Appeal Board meeting was called to order by Chairman, J. Scott Scrimizzi presiding at 1:35 in City Council Chambers, 345 High St, First Floor, Hamilton, Ohio.

**Members Present:** Chief Steven Dawson, Eugene Scharf, J. Scott Scrimizzi, Ashlee Willis, and Lorie DiStaola.

**City Staff Present:** Kathy Dudley, Kay Farrar, Cindy Hogg, Kimberly Preston

It was noted by Scott Scrimizzi that Chief Bucheit would not be present today.

Motion to approve the recorded minutes and written summary of the October 13, 2016 meeting was made by Chief Steven Dawson and seconded by Eugene Scharf. All were in favor and the motion passed.

**Swearing in of Those Providing Testimony to the Nuisance Appeal Board:**

All of those present to provide testimony to the Nuisance Appeal Board were sworn in.

Chairman, Scott Scrimizzi stated that we will not be following the exact order that was on the agenda for this meeting.

**New Business:**

**Appeal Hearing #1 – 441/443 North 5<sup>th</sup> Street – Owner/Appellant: J. Pacific Ventures LLC**

Cindy gave the Health Commissioners report. There have been 16 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, junk vehicles, rehabilitation or demolition orders, and a public declaration of a nuisance property. J. Pacific Ventures acquired the property August 21, 2013. This property was declared a public nuisance on August 1, 2016 and the owner was served on August 5, 2016.

It was noted board member Myra Hargrove was now present.

Attorney Thomas J. Novack introduced himself, John Drake, Manager of J. Pacific Ventures, and Dan Dermody, Contractor who has been retained to rehab 441/443 North 5<sup>th</sup> Street, and then addressed the Board about this property. Mr. Novack stated that while there is not any evidence of physical changes, the behind-the-scenes work has been taking place. He stated they have applied for a building permit and this is still pending, but the contractor is ready to begin work as soon as this is approved. Mr. Novack pointed out that this property is not such a nuisance as compared to other properties within walking distance of this property, and he provided photos of other properties in the area. Mr. Novack stated that there is no evidence of squatters on this property. Mr. Novack said he was open for questions.

Board member Ashlee Willis stated she didn't find it very compelling when someone brings pictures of other properties and says, 'these are bad, so mine is not so bad.' She also inquired



if J. Pacific normally takes three years to begin rehabbing properties or if this timeline was just chosen for our city. Mr. Novack stated that there were liens, foreclosure issues, and other legal matters that had to be cleaned up and that was part of the reason this has taken so long.

Kathy Dudley clarified that the administrative process adopted by the City does not require they be given a particular amount of time. This may be an issue J. Pacific can take up with the Court of Common Pleas, should they choose to pursue that avenue.

Eugene Scharf mentioned that the title was cleared in October, 2015, so owner has already had a year. He went on to mention that during that year, several notices had been sent from the City of Hamilton Health Department, but J. Pacific did not respond until there was a nuisance declaration. Cindy Hogg confirmed there had been notices and orders to clean, secure, and cut the grass, to which there was no response of any kind from J. Pacific Ventures. Mr. Novack stated that he and his client are here to apologize and that J. Pacific Ventures does not normally take this long to rehab a property.

Myra Hargrove pointed out that City has spent \$1,196 to date on this property, cleaning it up, cutting the grass, etc. Mr. Novack presented a copy of an invoice that he stated shows J. Pacific has spent \$1,900 getting the property secured, etc.

Scott Scrimizzi stated that he had been out to the property and it isn't well secured. He said it is not very hard to get into that property. Both he and Chief Dawson expressed concern for the safety of our firefighters, first responders, and the public.

Mr. Novack stated that in effort to show good faith, his client is offering to reimburse the City for the maintenance expenses the city has encumbered on this property during the interim. Mr. Novack maintained there is no sign that there has been any squatters on this property. He also stated this property has good curb appeal.

Cindy Hogg stated she had been at the property with an officer on June 22, 2016 and they discovered an extension cord that had been rigged to bypass and the cord was hot at the time she was at the property, so it was evident someone had been in that house using electric.

Chief Dawson expressed his concern about the trust factor and asked if J. Pacific has a contractor. Mr. Novack stated that they have a contractor from Cincinnati. But after considerable questioning, he admitted that there is no contract on this particular property. John Drake, promised he will hire a local contractor for this property the minute he gets approved for a permit.

John Drake was directly asked about the notices from the city that J. Pacific did not respond to and he claims the notifications the city had sent were lost in the shuffle. Ashlee Willis said that based on their history, it appears that the City of Hamilton is just not that significant to J. Pacific. She further stated that we love our city and want to keep it safe. Myra Hargrove commented that she represents Investment Property Owners and J. Pacific has gone about this the wrong way.

Cindy Hogg stated that the Health Department has had to mow the grass on this property four times this year and someone should be regularly cutting the grass instead of the city having to send a letter every two weeks to remind them.



Mr. Novack acknowledged that things have been done wrong in the past and said he respects the concerns Chief Dawson has raised.

Scott Scrimizzi suggested that we could possibly allow J. Pacific to go forward with their rehab and that the Board checks it monthly. Mr. Novack offered to entertain possibly putting up a bond to ascertain the work gets done.

A motion was made by Eugene Scharf to close the public hearing and seconded by Ashlee Willis. All members present signified they were in favor by saying "aye." None were opposed.

Kathy Dudley explained options of the Board to accept the declaration or continue with conditions.

A motion was made by Ashlee Willis to continue the deliberations for thirty days; within that time period, the applicant will have had to have posted a bond to the City of Hamilton in the amount of \$60,000, submitted a rehab plan, pulled the permits, paid \$1,100 reimbursement costs in fees, and have a contract with a property manager. Lorie DiStaola seconded the motion. The motion passed with four in agreement and two opposed.

**Appeal Hearing #2 – 1527 Dixie Highway – Owner/Appellant: Michael P. Higgins**

Kathy Dudley stated that Mr. Higgins has requested a 30 day continuance and that is by mutual agreement with the city. Mr. Higgins verified he is in agreement with this.

Scott Scrimizzi inquired if someone was living at the property, because he had been by there and observed children's toys on the porch. Mr. Higgins replied that there was no one living there, but the man he had hired to do some work at the property had brought his kids play out in the front.

**Appeal Hearing #3 – 360 South 11<sup>th</sup> Street – Owner/Appellant: Ryan S. Jarrett and Obrian O. Jarret**

Cindy gave the Health Commissioners report. It was purchased December 22, 2014. There have been 47 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, zoning violations, animal nuisance, animal control, junk motor vehicles, and a public declaration of a nuisance property. A rehabilitation/demolition order was sent to the owner May 18, 2015. After a rehab submittal was accepted, the final completion date was noted to be March 31, 2016. An inspection which was conducted on April 8, 2016 showed very little improvement. On October 17, 2016 Ken Rivera, City of Hamilton building official provided information showing that all permits had expired on September 30, 2016, with no inspections being conducted. This property was declared a public nuisance on October 5, 2016. The electric has been shut off since September 19, 2011 and the gas/water has been shut off since October 4, 2011. The electric was restored October 12, 2015 so that repairs could be made per the rehab proposal. The Health Division has spent approximately \$400 in contractor fees and over \$2,000 in Health employee costs. The property continues to deteriorate and remains a blighting influence on the community.

Ryan Jarrett addressed the Board and stated that some of the aforementioned issues have already been corrected, but no one was at the property for her (Cindy) to be able to inspect when she came. When asked why no one was there for the inspection, Carmen Dillingham interjected that they do not live there and did not know when she was coming. Cindy Hogg



stated that she called the phone number given twice and received a message that the mailbox was full. Cindy further stated that she went out on August 1, 2016 and tagged the door asking the owner to contact her to schedule an inspection. There was no response, so the property was then declared a nuisance on October 5, 2016.

Carmen Dillingham stated they have a contractor that has been working on the house. She stated that the HVAC system has been completed, the electric is finished, there are new doors and windows, new siding has been done, the walls and ceilings are done. She stated there are only minor things still needing to be done.

Eugene Scharf inquired if the permits are current. Carmen stated they are not current and have to be renewed. Carmen also stated that the cost will be less than \$5,000 to finish the rehab of this house.

A motion was made by Eugene Scharf to continue this appeal until the January 2017 meeting, all necessary permits must be up to date and valid. A new rehab plan must be filed with the Health Division. And prior to the January, 2017 meeting, appellant will have to give access to the Health Division to inspect the property. Also, at this time, all work is to be complete within 90 days. Motion was seconded by Ashlee Willis. All were in favor and motion passed.

#### **Old Business:**

The following two items are Old Business. (Meeting summary notes will show the meeting continued with additional New Business items after these two were heard.)

#### **Continuation of August 11, 2016 Appeal Hearing #4 – 641 S. 11<sup>th</sup> Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that an inspection had been conducted November 9, 2016 and rehab is ahead of schedule. Permits are still open.

#### **Continuation of August 11, 2016 Appeal Hearing #5 – 261 Washington Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that an inspection had been conducted November 9, 2016. Plumbing permit is still open, and they plan to be in compliance by Friday, November 18, 2016.

Eugene Scharf made a motion to continue on both Aristocrat properties (641 S. 11<sup>th</sup> Street and 261 Washington Street) until the December 8, 2016 NAB meeting. The motion was seconded by Ashlee Willis. The motion unanimously passed by all "ayes."

#### **New Business (continued):**

#### **Appeal Hearing #6 – 332 S. 11<sup>th</sup> Street – Owner/Appellant: Frederick A. Ihejirika**

Cindy gave the Health Commissioners report. There have been 44 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, junk vehicles, and a public declaration of a nuisance property. The owner has been notified of all violations since his ownership occurred September 9, 2009. This property has been placed on the derelict property list for grass cutting for the 2015 and 2016 grass cutting seasons. A rehabilitation or demolition order was sent to the owner January 8, 2016 and there was no response. This



property was declared a public nuisance on August 24, 2016 and on October 20, 2016 the owner contacted the Health Division regarding the declaration. Repairs to the structure included, but are not limited to damaged siding, damaged exterior surface, damaged gutters and downspouts, damaged windows, damaged fascia and soffits, peeling/chipping paint on the exterior. Repairs needed to the interior include floors, walls, ceilings, electrical, plumbing, and HVAC systems. As of November 8, 2016, required permits have not been obtained from the City of Hamilton Construction Services for the repairs needed. Utilities have been off since October 21, 2013 due to dwelling being vacant. The house has remained vacant. The Health Division has spent approximately \$2,000 in contractor costs and \$2,000 in Health employee costs. The property continues to deteriorate and remains a blighting influence on the community.

Mr. Ihejirika stated that four years ago, he rehabbed the house. He said he lives in California and after he put lots of money into the plumbing, new roof, and other repairs, he rented the house to a family. After approximately six months, the family stopped taking his calls and paying rent. He could not come back to Ohio right away, but when he did return, he found the family had moved out and trashed the whole house.

Mr. Ihejirika stated that he has now paid the back tax, cleaned up the trash, cleaned the interior, and completed some of the repairs on the interior and exterior. He shared current photos and told of the damage that had been done to the house. He stated that he needs 60 – 90 more days to complete repairs. He stated his intention is to sell the house when rehab is complete.

When asked, Mr. Ihejirika stated that he is prepared to pay back to the city the costs they have incurred on his property.

Cindy Hogg commented about how the City has been maintaining this property for him, beginning with mowing in 2014. Eugene Scharf mentioned that we do not know how long it will take for this property to sell and that we have concerns that next year, we will be still dealing with the same kinds of problems. Ashlee Willis asked what would keep the property from continuing to be vandalized repeatedly. She emphasized that with the owner being in California, it doesn't matter how nicely the property is fixed up, that this may be a viscous cycle that continues. She noted that even if the property is listed with a realtor, they typically only show the property and they aren't responsible for keeping the property secure.

Eugene Scharf asked if Mr. Ihejirika would be available for a meeting in December if the board decides to continue this appeal. Mr. Ihejirika stated that he is an attorney and he has cases and doesn't know if he would be available. Eugene Scharf inquired if he would be available to meet in January. Eugene Scharf also expressed concern as to who would be pulling permits since Mr. Ihejirika would not be here.

Chief Dawson inquired as to what caused Mr. Ihejirika to choose to purchase this property in Hamilton when he does not live in this area. Mr. Ihejirika replied that this was part of a portfolio and it was purchased unseen.

Myra Hargrove inquired if Mr. Ihejirika was interested in filing a rehab plan with the city and he stated that he was.

Ashlee Willis made a motion that this appeal is continued to the January 12, 2017 meeting with stipulations that Mr. Ihejirika file a rehab plan with the city, pull all necessary permits, hire a contractor and a property manager for this property, and that arrangements are made with the



property manager so that the city can come in and do inspections. The motion was seconded by Myra Hargrove. The motion passed with five in favor and one opposed.

**Other:**

**506 Heaton Avenue**

Mr. Gregg Krupp who owns 506 Heaton Avenue addressed the Board. His property was declared a nuisance but he stated he had an emergency involving his son in another state and also the death of an employee which caused him to be late in filing an appeal. He had thirty days to file, but didn't come in until day thirty-one. He is requesting the board to grant permission for him to submit his appeal and rehabilitation plan even though it is one day late.

Eugene Scharf made a motion that the Board will accept the appeal by Mr. Krupp although it was one day late. Motion was seconded by Ashlee Willis. All were in favor, motion passed. This will be on the agenda for December 8, 2017.

**No Appeal Request Received:**

The following addresses were read to the Board by Cindy Hogg. These have all been declared nuisances by Kay Farrar, Health Commissioner, with no appeals filed by the owners.

**#1. 229 Wayne Avenue**

**#2. 340 Ross Avenue**

**#3. 820 Vine Street**

**#4. 116/118 North 8<sup>th</sup> Street**

**#5. 1780 Kahn Avenue**

**#6. 1234 Campbell Avenue**

**#7. 1103 Hamilton Avenue**

**#8. 1682 Dixie Highway**

**#9. 1675 Shuler Avenue**

**#10. 444 North 7<sup>th</sup> Street**

Chief Dawson made a motion to accept the Health Commissioner's report on these ten addresses. Myra Hargrove seconded the motion. All Board members present expressed they were in favor of motion by unanimous "aye's." There were none opposed. Motion passed.

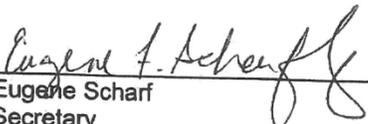
**Adjournment**

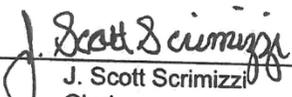
Ashlee Willis made a motion to adjourn. Chief Dawson seconded motion. All were in favor. Motion passed. Meeting was adjourned.



Respectfully submitted,

Kimberly Preston  
Community Technician

  
Eugene Scharf  
Secretary

  
J. Scott Scrimizzi  
Chairman



## EXHIBIT C: Health Division Assessment and Record

### Background information

#### 340 Ross Ave

The 1920 aluminum/vinyl duplex has two apartments, with six (6) total rooms, including five (3) bedrooms, and two (2) full bathrooms. It is located at 340 Ross Ave, Hamilton, Oh 45013, lot 1640, Parcel 6412102000068. The total gross building area is 1566 sq. ft. The lot size is .1041 acres or 4536 sq. ft. There are no other structures on this parcel.

There have been 16 complaints associated with this property. These include tall grass, securing the dwelling, dwelling exterior, dwelling interior, rubbish, junk motor vehicle and rehabilitation or demolition orders. This property was also placed on the derelict property list in 2015. The Health Division has had to hire contractors to remove nuisance situations from the dwelling and the property. The City has maintained this property to a cost of approximately \$942.05. The employee cost to this property is approximately \$756.50.

The utilities have been shut off since March 4, 2014. The utilities were off because the dwelling was vacant. The dwelling has been vacant and without utilities since the shut off date by the City of Hamilton Utility Department.

The responsible party for this property is Deutsche Bank National Trust Co Trustee, C/O Ocwen Loan Servicing LLC. The owner has failed to submit a rehabilitation plan. There has been no contact with the owner.

This structure continues to be a health hazard. In its present condition, the structure has a blighting influence on the community (HCO 1701.01).





## Public Health

345 High Street, Suite 330  
Hamilton, Ohio 45011

08/29/2016

Deutsche Bank National Trust Company as Trustee  
Morgan Stanley ABS Capital I Inc Trust 2003-HE3  
Mortgage Pass Through Certificates, Series 2003-HE3  
C/O Ocwen Loan Servicing LLC  
5720 Premier Park Dr  
West Palm Beach, FL 33407

Dear Deutsche Bank:

Location of property 340 ROSS AVE  
Complaint ID # 201403329  
LOT # 1640 PARCEL P6412102000068

You have been served a copy of this notice as you have some legal interest in said property. To protect said interest, you may want to consult legal counsel.

### NOTICE OF PUBLIC NUISANCE

Pursuant to Section 1767.03(a) of the Hamilton Codified Ordinances, the Commissioner of Health finds that the above referenced property is a public nuisance. This finding is based upon inspection of the property and the discovery of the following conditions:

The property has a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

The property is vacant and has been secured by the City of Hamilton Health Department in the manner required pursuant to Hamilton Codified Ordinances section 1705.19.

The building or structure has been abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

The building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

The building or structure is a fire hazard.

The building or structure is used or intended to be used for dwelling purposes and, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

The building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty



construction or arrangement, is unsafe for occupation due to the lack of:

Structural strength;

Fire-resisting qualities or characteristics; or

Weather-resisting qualities or characteristics required by law.

The building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

An attractive nuisance to children;

A harbor for vagrants, criminals or immoral persons; or as to

Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

The building or structure, exclusive of the foundation, because of inadequate maintenance, dilapidation, decay, faulty construction or arrangement, suffers damage or deterioration of its supporting member or members, or damage or deterioration of its non-supporting members, enclosing or outside walls or coverings, such that said condition endangers the life, health, property, safety, or welfare of the public, or of any current or prospective occupants.

The public nuisance must be abated. Abatement can be completed by rehabilitating the structure(s) on the property or removing (demolishing) the structures. In the event that the public nuisance is not abated, the public nuisance may be abated by the City of Hamilton at the property owner's expense.

#### NOTICE TO ELECT WHETHER TO REHABILITATE OR REMOVE

Within thirty (30) days of the receipt of this Notice, the property owner shall submit a proposal to either rehabilitate or remove (demolish) the public nuisance. That proposal must contain a timetable for completing the rehabilitation or removal. The proposal must be submitted, in writing, to the Department of Community Development --Health Division, 345 High Street, 3rd Floor Suite 330, Hamilton, Oh 45011. The proposal may be, but is not required to be, submitted using the enclosed form.

#### Election to Rehabilitate

The Commissioner of Health shall approve a proposal to rehabilitate if the Commissioner determines that:

- the proposal timetable for the rehabilitation is reasonable; and
- the proposal will correct the conditions detailed above.





If the property to be rehabilitated is a residential structure, the proposed timetable may not be more than six (6) months. If the property to be rehabilitated is a non-residential structure, the proposed timetable may not be more than twelve (12) months. If the property is located within one of the City's Historic Preservation Districts, the proposed timeline must also contain details regarding contacting the Architecture Design and Review Board (513-785-7350 or email [hamiltonhistoric@ci.hamilton.oh.us](mailto:hamiltonhistoric@ci.hamilton.oh.us)) and obtaining a Certificate of Appropriateness before commencing any exterior work.

If the proposed is approved, the Commissioner will suspend further enforcement action so long as the owner starts the rehabilitation within thirty (30) days and meets the timetable in the approved proposal.

The proposal will not be approved if the Commissioner of Health determines the timetable for rehabilitation is unreasonable in light of the structure's current condition, or if the Commissioner finds the proposal to rehabilitate will not correct the conditions detailed above. The Commissioner shall provide the property owner with the reasons for disapproval and shall continue enforcement action.

PRIOR TO REMEDIATING THIS ORDINANCE, PLEASE VIEW THE EPA WEBSITE FOR A BRIEF BROCHURE ON HOW TO PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME.

<http://www.epa.gov/lead/pubs/leadpdf.pdf>

IF YOU DO NOT HAVE ACCESS TO THE INTERNET, COME INTO THE HEALTH DEPARTMENT FOR A FREE BROCHURE: 345 HIGH ST SUITE 330, HAMILTON, OHIO 45011.

#### Elect to Remove

The Commissioner of Health shall approve a proposal to remove (demolish) the public nuisance if the Commissioner of Health determines that the proposal:

- states that demolition process will be commenced within fifteen (15) days following the approval;
- shows that the owner(s) will comply with Section 1767.07(d)(3) of the Hamilton Codified Ordinances (a copy of Section 1767.07(d)(3) is enclosed); and
- authorizes and consents to the City of Hamilton's demolition of the structure(s) on the property, at the owner's expense, if demolition is not completed as proposed.

If the proposal is approved, the Commissioner will suspend further enforcement action against the property. The Commissioner will continue to suspend further enforcement action so long as the owner(s) start the demolition process actions within fifteen (15) days.

If the proposal is not approved, the Commissioner shall provide the property owner(s) with the reasons for the disapproval and shall continue enforcement action.

#### Extension of Time

Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner(s) to decide whether to rehabilitate or remove the public nuisance, or provide an amended proposal to rehabilitate or remove.

Failure of the owner(s) to obtain additional time to present an original or amended proposal to rehabilitate or remove may result in the City's removal of the public nuisance, at the expense of the owner(s).





**Public Health**  
345 High Street, Suite 330  
Hamilton, Ohio 45011

**APPEAL HEARING**

Within thirty (30) days after receipt of these notices, or within thirty (30) days after any other determination has been made by the Commissioner of Health, any addressee above may make a demand for an appeal hearing. A demand for an appeal hearing must be submitted, in writing to the Director of Community Development, 345 High Street, 3rd Floor Suite 370, Hamilton OH 45011.

The demand for an appeal hearing must:

- include the correct mailing address of the owner, lienholder, or person representing the owner or lienholder;
- state the reason the demand for an appeal hearing is being made: and
- be accompanied by an appeal fee in the amount of \$100.00. If the person demanding the appeal hearing cannot afford to pay the appeal fee, the demand for an appeal hearing must be submitted with a notarized affidavit of indigence.

The appeal hearing shall be held at the next regular meeting of the Nuisance Appeal Board following the Director of Community Development's receipt of the demand for an appeal hearing.

After the appeal hearing, the Nuisance Appeals Board may vote to :

Sustain the finding that a public nuisance exists on the property and order the abatement thereof or repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

Continue the matter for a period not to exceed 45 days for further investigation and disposition; or

Take such other action and render such other orders as it deems appropriate within the authority conferred by Chapter 1767 of the Hamilton Codified Ordinances; or

Reverse the finding that a public nuisance exists on the property and dismiss the case.

A copy of the decision of the Nuisance Appeals Board shall be the final order and shall be mailed, with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided in the demand for an appeal hearing. For the purpose of an appeal of the final order pursuant to the Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Served: \_\_\_\_\_ Regular Mail     x  Certified Mail     x  Posted on Property    \_\_\_\_\_ Personal service





*Kay L. Farrar*

Kay L. Farrar *C4*  
Health Commissioner  
City of Hamilton Health Division  
513-785-7080

Limited English Proficiency

Qualified translation and/or interpreter services will be provided, at no cost, to an individual who receives a NOTICE OF PUBLIC NUISANCE and a NOTICE TO ELECT WHETHER TO REHABILITATE OR REMOVE and who cannot speak, read, write or understand the English language at a level that permits them to communicate effectively with the City of Hamilton. Any individual needing translation and/or interpreter services should contact the Department of Community Development--Health Division, 345 High St. 3rd Floor Suite 330, Hamilton, Oh 45011 (513-785-7080) to arrange for such services.

Enclosure 3



## EXHIBIT C1: Multiple Health Letters and Proof of Mailing Process



08/29/2016

Mortgage Electronic Registration Systems Inc  
Accredited Home Lenders Inc  
PO Box 7814  
Ocala, FL 34478-7814

Dear Mortgage Electronic Registration:

Location of property 340 ROSS AVE  
Complaint ID # 201403329  
LOT # 1640 PARCEL P6412102000068

You have been served a copy of this notice as you have some legal interest in said property. To protect said interest, you may want to consult legal counsel.

### NOTICE OF PUBLIC NUISANCE

Pursuant to Section 1767.03(a) of the Hamilton Codified Ordinances, the Commissioner of Health finds that the above referenced property is a public nuisance. This finding is based upon inspection of the property and the discovery of the following conditions:

The property has a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

The property is vacant and has been secured by the City of Hamilton Health Department in the manner required pursuant to Hamilton Codified Ordinances section 1705.19.

The building or structure has been abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

The building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

The building or structure is a fire hazard.

The building or structure is used or intended to be used for dwelling purposes and, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

The building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is unsafe for occupation due to the lack of:

Structural strength;





**Public Health**  
345 High Street, Suite 330  
Hamilton, Ohio 45011

09/13/2016

Deutsche Bank National Trust Company as Trustee  
C/O 10790 Rancho Bernardo Rd  
San Diego, CA 92127

Dear Deutsche Bank:

Location of property 340 ROSS AVE  
Complaint ID # 201403329  
LOT # 1640 PARCEL P6412102000068

You have been served a copy of this notice as you have some legal interest in said property. To protect said interest, you may want to consult legal counsel.

#### NOTICE OF PUBLIC NUISANCE

Pursuant to Section 1767.03(a) of the Hamilton Codified Ordinances, the Commissioner of Health finds that the above referenced property is a public nuisance. This finding is based upon inspection of the property and the discovery of the following conditions:

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The property is vacant and has been secured by the City of Hamilton Health Department in the manner required pursuant to Hamilton Codified Ordinances section 1705.19.

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The building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is unsafe for occupation due to the lack of:

Structural strength;





 **Quantum View Manage - Shipment Detail**

**Tracking Number:** 1Z9E42A6A844951301  
**Status:** Delivered  
**Received By:** R KONESEY  
**Delivered To:** 5720 PREMIER PARK DR  
 OCWEN  
 WEST PALM BEACH, FL, US  
 33407  
**Delivered Date/Time:** 09/06/2016, 10:27 AM  
**Delivery Location:** DOCK  
**Shipped or Billed On:** 08/31/2016  
**Service:** UPS Ground  
**Weight:** 1.00 LBS  
**Saturday Delivery:** NO

**Address Information**

<b>Shipped From:</b>	<b>Shipped To:</b>
CHHD	DEUTSCHE BANK NATIONAL TRUST COMPAN
CHHD	OCWEN LOAN SERVICING LLC
345 HIGH ST	5720 PREMIER PARK DR
HAMILTON, OH, US	WEST PALM BEACH, FL, US
45011-6071	33407

**Additional Shipment Information**

<b>Declared Value:</b>	No Value
<b>Direct Delivery Only:</b>	NO
<b>Document:</b>	NO
<b>Handling Units:</b>	1
<b>Infectious Substances Category A:</b>	NO
<b>Hazardous Materials:</b>	NO
<b>Large Package:</b>	NO
<b>Number of Pieces:</b>	1
<b>Package Dimensional Weight:</b>	1.00 LBS
<b>Package Reference No. Type, Value 1:</b>	201403329
<b>Package Reference No. Type, Value 2:</b>	501
<b>Package Release Code Required:</b>	NO
<b>Residential Address:</b>	NO
<b>Return To Sender:</b>	NO
<b>Shipment Reference 1:</b>	201403329
<b>Shipment Reference 2:</b>	501
<b>UPS Premium Care(TM):</b>	NO
<b>UPS Returns Flexible Access:</b>	NO

**Shipment Progress**

Location	Date	Local Time	Description
WEST PALM BEACH, FL, US	09/06/2016	10:27 AM	Delivered
Riviera Beach, FL, United States	09/06/2016	6:15 AM	Out For Delivery
Riviera Beach, FL, United States	09/03/2016	8:35 AM	Arrival Scan
Jacksonville, FL, United States	09/03/2016	2:58 AM	Departure Scan

<https://www.ups.com/qvm/displayShipmentDetailPrinterFriendly>

9/13/2016

Jacksonville, FL, United States	09/02/2016	8:19 PM	Arrival Scan
Sharonville, OH, United States	09/01/2016	4:37 AM	Departure Scan
Sharonville, OH, United States	08/31/2016	10:08 PM	Arrival Scan
Sharonville, OH, United States	08/31/2016	8:13 PM	Departure Scan
Hamilton, OH, United States	08/31/2016	8:10 PM	Origin Scan
Hamilton, OH, United States	08/31/2016	2:53 PM	Order Processed: Ready for UPS
United States			

Tracking results provided by UPS: Sep 13, 2016 11:02 AM Eastern Daylight Time





COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
2, and 3. nd address on the reverse urn the card to you.	A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
■ Attach... the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: Mortgage Electronic Registration System Inc Accredited Home Lender Inc. PO Box 7814 Ocala, FL 34478-7814	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Adult Signature <b>CF</b> <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery red Mail red Mail Restricted Delivery r \$50)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
2. Article Number (Transfer from service label) 7015 3430 0001 1778 6285	9590 9403 0461 5173 5941 69	
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt



Department of Health  
34.5 High Street  
Hamilton, Ohio 45011

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS FOLD AT BOTTOM  
**CERTIFIED MAIL**



7015 3430 0001 1778 6285

REC-1

OCT 17 2016

MAILED BY  
HEALTH DEPARTMENT  
MAILED BY

FIRST-CLASS US POSTAGE \$4  
SE  
ZIP  
080

NIXIE 522 FE 1 0010/6

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 45011271605 \*0638-04658-:



English Customer Service USPS Mobile

Register / Sign In



# USPS Tracking®

Still Have Questions?  
[Browse our FAQs](#)

 [Get Easy Tracking Updates](#)  
Sign up for My USPS.

Tracking Number: 70153430000117786285

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 15, 2016 , 3:27 am	<a href="#">In Transit to Destination</a>	

The item is currently in transit to the destination as of October 15, 2016 at 3:27 am.

October 13, 2016 , 9:27 pm	Departed USPS Facility	CINCINNATI, OH 45234
October 13, 2016 , 2:03 pm	Arrived at USPS Facility	CINCINNATI, OH 45234
October 11, 2016 , 9:56 am	In Transit to Destination	
October 9, 2016 , 10:17 pm	Departed USPS Facility	JACKSONVILLE, FL 32203
October 9, 2016 , 7:56 am	Arrived at USPS Facility	JACKSONVILLE, FL 32203
September 20, 2016 , 8:45 pm	In Transit to Destination	
September 20, 2016 , 4:59 am	Departed USPS Facility	GAINESVILLE, FL 32608
September 18, 2016 , 6:45 pm	Arrived at USPS Facility	GAINESVILLE, FL 32608
September 13, 2016 , 5:22 pm	In Transit to Destination	
September 11, 2016 , 3:22 pm	Departed USPS Facility	CINCINNATI, OH 45234
September 3, 2016 , 4:56 am	In Transit to Destination	
September 1, 2016 , 9:19 pm	Arrived at USPS Facility	CINCINNATI, OH 45234

## Available Actions

### Track Another Package

Tracking (or receipt) number

[Track It](#)

### Manage Incoming Packages

Track all your packages from a dashboard  
No tracking numbers necessary

[Sign up for My USPS](#)



## EXHIBIT D: Location Map



**340 Ross Avenue**  
**City of Hamilton, Ohio**

The information contained in this map is a public resource for general information, and is provided for use only as a graphical representation. The City of Hamilton makes no warranty in the content, accuracy, or completeness of the information contained herein, and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.



Date: 1/25/2017

1 inch = 58 feet



# EXHIBIT E: COA Application

A170286  
A170287



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

## Architectural Design Review Board

Phone: 513-785-7350

Fax: 513-785-7019

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: 340 Ross Avenue

Applicant Name: City of Hamilton

Applicant Mailing Address: 345 High Street E, Hamilton, OH 4501

Owner/s Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

Daytime Contact Phone: (513) 785-7020 Email: eugene.scharf@hamilton-oh.gov

Applicant Signature: [Signature] NAB Chair Date: 01/27/17

**APPLICANTS ARE HIGHLY ENCOURAGED TO APPEAR BEFORE THE BOARD TO SUPPORT THEIR APPLICATION.**

Please see Page 4 for the Meeting Dates and Application Deadlines.

Rev. 12/1/16



**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)

Demolish the property per facts and evidence presented  
by the Health Commissioner at the Nuisance Appeal Board  
meeting of November 16, 2016.

**CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION**

Paint  Sample Provided  
Appearance of Color: \_\_\_\_\_  
Color Name & Manufacturer: \_\_\_\_\_  
Location (body, window trim, specific trim, accent): \_\_\_\_\_

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): \_\_\_\_\_

Rev. 12/1/16



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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Rev. 12/1/16





**To:** Architectural Design Review Board  
**From:** Ed Wilson, ADRB Secretary  
**Subject:** **AGENDA ITEM #2**  
**139 Main Street – Signage**  
Community Design Alliance, Applicant  
Meeting Date: **2/7/2017**  
*Received Application:* **1/27/2017**  
**Impacts:** Rossville Historic District

---

**Introduction:**

The Applicant, Community Design Alliance, has submitted a Certificate of Appropriateness Application for the property of 139 Main Street. The proposal involves Signage.

The subject property of 139 Main Street is part of the Rossville Historic District and is Zoned “MS-1” Main Street Core, Form-Based Zoning.

This property is also part of the State of Ohio Historic Inventory, referenced as BUT-504-9 – see attached.

**PROPOSAL** - Signage

- Proposed Signage is round Projecting Signage, on the corner of the structure, lower portion of second floor
- 48 inches wide, 33.5 inches in height – approximately 11 Square feet.
- 1/8<sup>th</sup> inch thick aluminum composite sign with vinyl graphics
- The sign will hang from a 60 inch long Projecting Sign Bracket, with 12 inch by 12 inch aluminum plates to secure the sign to the building
- Sign is for the “Pet Wants” business to be located at the address

The proposed sign meets the applicable zoning requirements found in Section 1138.00 of the Hamilton Zoning Ordinance.

**Determining COA Approval:**

In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, the Board shall consider:

1. **Whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood,**
2. **And whether it will adversely affect or destroy the general architectural and/or historical significance of the Historic District or Inventory Property.**

**RECOMMENDATION:**

If the ADRB determines to grant approval of a Certificate of Appropriateness for the installation of the proposed projecting sign at 139 Main Street, the Community Development Department recommends that the motion include ADRB's consideration that the proposed signage will not adversely affect or destroy the general architectural and/or historical significance of the district, structure, site, monument, streetscape or neighborhood.

**Attachments:**

1. EXHIBIT A: Images of the Property
2. EXHIBIT B: Diagram of Proposed Signage
3. EXHIBIT C: Map of Property
4. EXHIBIT D: COA Application
5. EXHIBIT E: State of Ohio Inventory Record



**EXHIBIT A: Images of the Property**



# EXHIBIT B: Diagram of Proposed Signage

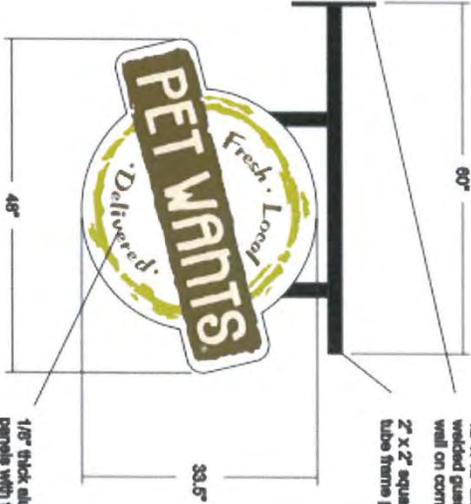
**TRIANGLE SIGN CO.**  
A SIGN OF QUALITY  
1000 W. HARRIS ST. SUITE 100  
RANDOLPH, NC 28134  
Phone: 704.771.1111  
www.trianglesignco.com

PTIR: \_\_\_\_\_  
Date: \_\_\_\_\_

Patrick Reist  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_

Paul Wanda  
Harrison  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_

DATE:	_____
DATE:	Oct 17 2018
BY:	Paul Wanda Harrison
DATE:	_____
DATE:	_____
DATE:	_____

80"

33.5"

48"

12" x 12" aluminum plates with welded gussets secured to brick wall on corner of building.

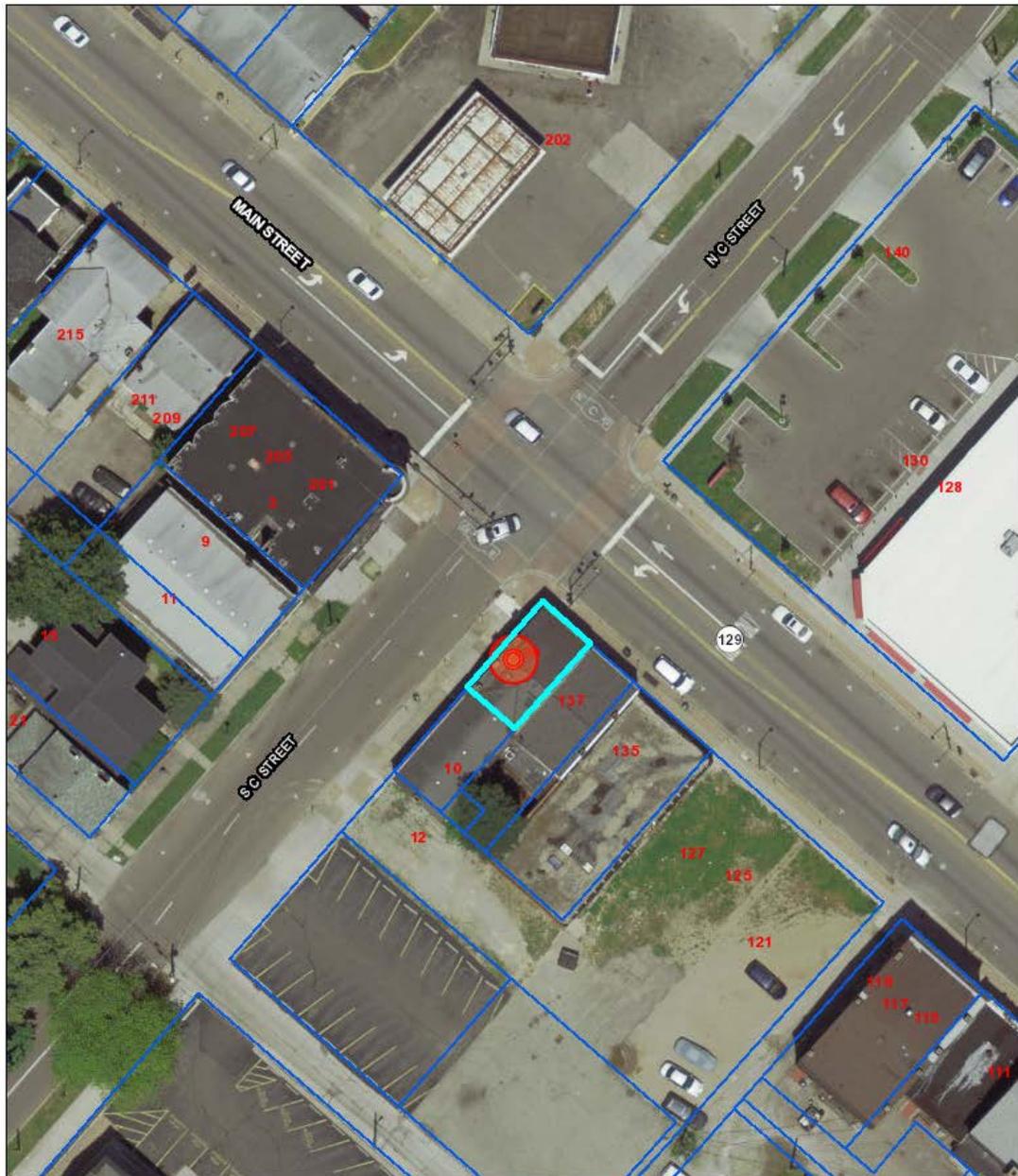
2" x 2" square welded aluminum tube frame painted gloss black.

1/8" thick aluminum composite sign panels with first surface premium vinyl graphics

This is an initial proposed design & illustration of our services with no guarantee and drawing for final approval. All dimensions are subject to change without notice. All materials are subject to availability. © Triangle Sign Co. 2018



## EXHIBIT C: Map of Property



### 139 Main Street City of Hamilton, Ohio

The information contained in this map is a public resource for general information and is provided to you only as a graphical representation. The City of Hamilton makes no warranty in the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on the information is the exclusive risk of the user.



Date: 1/30/2017  
1 inch = 58 feet



# EXHIBIT D: COA Application



**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: 139 Main Street

Applicant Name: Community Design Alliance

Applicant Mailing Address: 236 High Street

Owner/s Name: Hamilton CORE Fund

Owner Mailing Address: 236 High Street

Daytime Contact Phone: (513) 275-1740 Email: mike@cdalliance.net

Applicant Signature:  Date: 1/27/17

**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)

New exterior signage for tenant. To be attached  
on corner of Main and C Streets see attached  
documentation

**CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION**

Paint  Sample Provided  
Appearance of Color: \_\_\_\_\_  
Color Name & Manufacturer: \_\_\_\_\_  
Location (body, window trim, specific trim, accent): \_\_\_\_\_

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: New signage for corners of building.  
See attached sheet for details  
\_\_\_\_\_  
\_\_\_\_\_

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.



# EXHIBIT E: State of Ohio Inventory Record

## OHIO HISTORIC INVENTORY

OHIO HISTORIC PRESERVATION OFFICE  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <u>BUT-504-9</u>		4. Present Name(s) The Homestead		<b>CODED</b>	1. No <u>BUT-504-9</u>	
2. County Butler		5. Other Name(s) David Cartwright House				2. County Butler
3. Location of Negatives Hamilton Planning Dept.						
6. Specific Location 139 Main Street PT. 01543		16. Thematic Category Commercial		28. No. of Stories <u>2 1/2</u>		
7. City or Town If Rural, Township & Vicinity Hamilton		17. Date(s) or Period c.1860		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
8. Site Plan with North Arrow 		18. Style or Design Federal Transitional		30. Foundation Material Brick		
9. Coordinates Lat. _____ Long. _____ U.T.M. Reference <u>16</u> <u>7109400</u> <u>4361141</u> <u>096</u>		19. Architect or Engineer		31. Wall Construction Brick & cast iron		
10. Zone _____ Easting _____ Northing _____ Site <input type="checkbox"/> Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		20. Contractor or Builder		32. Roof Type & Material Gable; asphalt shing		
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		21. Original Use, if apparent Commercial		33. No. of Bays Front <u>3</u> Side <u>3</u>		
12. Is it Eligible? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		22. Present Use Restaurant		34. Wall Treatment		
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		35. Plan Shape Square		
14. District Potent'l? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/>		
15. Name of Established District		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		37. Condition Interior _____ Exterior <u>good</u>		
16. Further Description of Important Features 1st story remodeled with 20th century facade, but cast iron plasters and entablature remain. Plain stone lintels and sills. Bracketed cornice. Large two story brick wing in rear appears to be original		26. Local Contact Person or Organization Hamilton Planning Dept.		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
17. History and Significance David Cartwright, 28, Ohio born, ran a cafe and restaurant in this building where he lived in 1910. He was renting the property. This is an example of a federal transitional building.		27. Other Surveys in Which Included		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
18. Description of Environment and Outbuildings Rossville Commercial Center				40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
19. Sources of Information P.O. U.S. census, 1910				41. Distance from and Frontage on Road Flush with Main St		
				45. Prepared by JPF		
				47. Organization Historic Hamilton, Inc.		
				48. Date 5-77		
				49. Revision Date(s) MPA 11-83		
				5. Other Name(s)/David Cartwright House		

