



Karen Underwood-Kramer
Chairperson

Nancy Bushman
Board Member

Desmond Maaytah
Board Member

George Jonson
Board Member

Michael Samoviski
Board Member

Roll Call: 6 Public Hearings

| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
|---------|--------|---------|------------------|-----------|
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Swearing in of Those Providing Testimony to the BZA: City Staff

Old Business:
Agenda Item #1

2016-04: Variance Request for 735 S. Erie Blvd. Continued from March Meeting

A Request by Mr. Allen Loudiy for a minimum lot area zoning variance in order to establish an Automobile Service and Minor Repair Facility, on property zoned B-2 Community Business District, located at 735 South Erie Blvd. The requested zoning variance is for Section 1121.39.26 of the Hamilton Zoning Ordinance as follows:

- 1) A request to reduce the minimum lot area required for an Automobile Service and Minor Repair facility – the minimum lot area required is 20,000 square feet - the subject property is approximately 10,860 square feet. (Allen Loudiy, Applicant/Owner).

Staff: Meredith Murphy

| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
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New Business:
Agenda Item #2

2016-05: Variance Request for 576 Sharon Lane

A Request by Mr. Stephen Brunner for one (1) zoning variance in order to construct an accessory building on his property, zoned R-1 Residential District, located at 576 Sharon Lane. The requested zoning variance is to Section 1115.43.1 of the Hamilton Zoning Ordinance is as follows:

- 1) A request to allow a second accessory structure where one accessory building is permitted for each dwelling unit on the same lot. (Stephen Brunner, Applicant/Owner).

Staff: Meredith Murphy

| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
|---------|--------|---------|------------------|-----------|
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Agenda Item #3

2016-06: Change of a Non-Conforming Use Request for 1019 Dayton Street

Request by Allied Property Mgmt Ltd. for a revision to an Appeal of a Zoning Interpretation by the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. for 1019 Dayton Street.

Staff: Meredith Murphy

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| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
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Agenda Item #4

2016-07: ADRB Appeal of Decision for 117 Village Street

An Appeal by William Wilks regarding the refusal of the Architectural Design Review Board (ADRB) on February 2, 2016 to issue a Certificate of Appropriateness (COA) to install vinyl siding on at 117 Village Street. (Community Design Alliance/William Wilks, Applicant/Owner).

Staff: Meredith Murphy

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| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
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Agenda Item #5

2016-08: Variance Request for 988 Ridgfield Drive

Three (3) zoning variances to erect an oversized accessory building on the property located at 988 Ridgfield Road.

- 1) Variance to erect an accessory structure prior to construction of the primary structure.
- 2) Variance to erect a 3,168 square foot accessory building where the maximum size permitted is 800 square ft.
- 3) Variance to erect an accessory building 20 ft in height where the maximum height is limited to 15 ft. (Roger Reece, Applicant)

Staff: Meredith Murphy

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| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
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Agenda Item #6

2016-09: ADRB Appeal of Decision for 244 Main Street

An Appeal by the StreetSpark Program regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) to paint a mural on 224 Main Street. (StreetSpark Program/Community Design Alliance, Applicant/Owner).

Staff: John Creech

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| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
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Minutes

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

December 3, 2015

| Bushman | Jonson | Maaytah | Underwood-Kramer | SAMOVISKI |
|----------------|---------------|----------------|-------------------------|------------------|
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Miscellaneous:

Adjournment:

The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact Community Development's office at 513-785-7050 (24) hours before the scheduled meeting.





For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: Meredith Murphy

Subject: **AGENDA ITEM #1**

2016-4-Variance Continued from March 3rd, 2016 meeting

Request by Mr. Allen Loudiy for a zoning variance to reduce the minimum lot area required for an Automobile Service and Minor Repair facility from 20,000 square feet to approximately 10,860 square feet, located at 735 S. Erie Boulevard (Allen Loudiy, Applicant/Owner).

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application was submitted by Mr. Allen Loudiy for one (1) zoning variance in order to apply for a conditional use to an Automobile Service and Minor Repair facility on the property located at 735 South Erie Boulevard. (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). B-2 Community Business zoning district is regulated by Section 1121.00 of the Hamilton Zoning Ordinance, (HZO). An Automobile Service and Minor Repair facility use is listed as a Conditional Use in Section 1121.39.26 and has a number of conditions associated with it. If an applicant cannot meet those conditions they must first receive approval of a zoning variance from the Board of Zoning Appeals before applying for a Conditional Use.

An Automobile Service and Minor Repair Facility use requires Conditional Use approval by the Planning Commission (Section 1121.36.26). Section 1108.00 of the Hamilton zoning ordinance provides the official zoning definition for an Automobile Service and Minor Repair facility.

The one (1) requested zoning variance to Section 1121.39.26 of the Hamilton Zoning Ordinance are as follows:

- 1) A request to reduce the minimum lot area required for an Automobile Service and Minor Repair facility – the minimum lot area required is 20,000 square feet - the subject property is approximately 10,860 square feet.

Property Details:

The property is zoned B-2 Community Business District and is comprised of a single 10,860 square foot lot. The lot is only 54 percent of the required lot size for the proposed Automobile Service and Repair facility. The property has a total of 122 lineal feet of lot frontage along South Erie Boulevard. There is an existing 4,800 square foot building on the property that covers approximately 44 percent of the lot and is only setback approximately 5-10 feet from the front property line.



The properties to the north and south are zoned B-2 Community Business District. Immediately to the east is South Erie Boulevard and further east is property zoned I-1 Light Industrial. To the west, across the public alley is property zoned R-3 One to Four Family Residential District.

Background

The subject property was approved for a Car Wash through the conditional use process on August 5, 2004. In January 2015, the property received a violation letter for operating an automobile sales use without conditional use approval. On September 3, 2015, the application for a conditional use to establish an automobile sales use on the property was denied by the BZA. The property owner then sold the subject property to Mr. Loudiy in November 2015. Mr. Loudiy, has made an application for a variance to reduce the minimum lot size in order to apply for the establishment of an Automobile Service and Minor Repair Facility on the property.

Use Specific Standards and Variances:

If the lot area zoning variance is approved by the BZA, the applicant intends to submit an application for a Conditional Use for an Automobile Service and Minor Repair facility on the property. Based on the variance application, the applicant has determined that one zoning variance is necessary prior to proceeding with a Conditional Use application. The one (1) zoning variance from Section 1121.39.26 (also indicated in red below) is as follows:

- 1) To reduce the minimum lot area required for an Automobile Service and Minor Repair facility– the minimum lot area required is 20,000 square feet - the subject property is approximately 10,860 square feet.

Automotive Service and Minor Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- **Minimum lot area 20,000 square feet.**
- Minimum lot area with accessory Car Wash 40,000 Square Feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;
- Any automobile awaiting minor repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Automobiles awaiting repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.



- An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the intersection.
- Vacuuming or steam cleaning equipment may be located outside a building but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- The only services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuels, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

Zoning Variance Review

In order to grant a zoning variance, the Hamilton Zoning Ordinance (Section 1170.63) 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 rationale (***in bold italics***) for the one (1) 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 subject parcel has been used for commercial use for many years despite its trapezoidal shape and a building that occupies nearly 50% of the entire lot. Unlike any other property in the B-2 district, said property has been used for nearly 12 years as a car wash/auto detailing facility, a principal permitted use at the time applied for, and granted by the Board of Zoning Appeals, August 6, 2004. Said property is screened from adjoining properties to the west and south by a six foot opaque fence that separates the property from its neighboring properties to the south and west that was required in the granting of the aforesaid conditional use. The permitted use, lot, and building configuration/proportionality, are extraordinary circumstances apply to this property that do not apply generally to other properties in the B-2 district.

The exceptional circumstances raised by the applicant (lot configuration i.e. shape, existing building) are only an issue because of the requested lot area zoning variance for the proposed conditional use – there are other permitted land uses in the B-2 zoning district that could be pursued by the applicant. The 20,000 square foot minimum lot area requirement does not deprive the owner of a reasonable economic use of the property given that there are other permitted land uses in the B-2 zoning district.

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 variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the B-2 district by virtue of the code requirement of the 20,000 square foot area standard. Such requirement presents a practical difficulty for the many commercial properties in the B-2 district that lack 20,000 square feet in area. Such standard impedes or prevents full commercial development of the B-2 district and renders a number of commercial properties nonconforming. The granting of the variance in the instant case is necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the B-2 district that lack only the 20,000 square foot area standard.

The 20,000 square foot minimum lot area requirement for an Automobile Service and Minor repair facility is the standard for all new uses in the B-2 zoning district. The 20,000 square foot minimum lot area requirement may preclude the establishment of an Automobile Service and Minor repair facility but does not deprive the owner of pursuing other permitted B-2



zoning district land uses on the property. The 20,000 square foot minimum lot area requirement does not deprive the owner of a reasonable economic use of the property given that there are other permitted land uses in the B-2 zoning district.

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 authorization of the variance requested would in no way detrimentally affect adjacent property. The subject property is separated on the west and the south from adjacent properties by a six foot opaque fence previously mentioned, which was erected as required by the City as a condition of the granting of a conditional use in 2004. Said fence is a physical barrier separating the subject property from such adjacent properties, as required by the City. This screening that exists between neighboring properties is enhanced by the planned landscape buffer whereby over 2,000 square feet of concrete is to be replaced by a landscaping that will exceed the southern set back and part of the western set back, doubling the width of the setback. Given the fact that all activities of the permitted use of this parcel will take place inside the building on a parcel that is screened as well as buffered from adjacent property, such a variance will not materially impair the purposes of the zoning ordinance or the public interest.

The property is only 10,860 square feet for a use that requires 20,000 square feet. The lot is only 54 percent of the required lot size for the proposed Automobile Service and Repair facility. In addition, the building measures approximately 4,800 square feet which leaves approximately 6,060 square feet for vehicle parking. The site plan indicates only seven (7) spaces for vehicle parking for customers and parking for vehicles awaiting repair and/or pick-up after repair. The zoning code requires one (1) space for every 1,000 square feet of building area i.e. 5 spaces are required. There is a strong concern that given the small size of the property and the few parking spaces provided that the proposed Automobile Service and Minor Repair facility could be detrimental to the adjacent properties and impair the purposes of the zoning ordinance to project the public interest.

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 specific and unique characteristics of the subject property as to its use, screening, buffering, lot shape, and building to vacant land proportionality, renders the variance sought not of so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions and situation.

The 20,000 square foot minimum lot area requirement for an Automobile Service and Minor repair facility is the standard for all new uses in the B-2 zoning district. The purpose of the 20,000 square foot minimum is to better regulate conditional uses that could negatively impact adjacent properties, or neighboring uses.

Recommendation:

Based on a review of the submitted information, there is reason to consider denying the variance request to reduce the minimum lot area from 20,000 square feet to 10,860 square feet.

- The BZA finds that the variance application does not satisfy the four (4) standards for the granting of a variance as defined in Section 1170.63 Variance- Findings of the Board.
- The property is only 10,860 square feet for a use that requires 20,000 square feet. The lot is only 54 percent of the required lot size for the proposed Automobile Service and Repair facility.
- There is a strong concern that given the small size of the property and the few parking spaces provided that the proposed Automobile Service and Minor Repair facility could be detrimental to the adjacent properties and impair the purposes of the zoning ordinance to project the public interest.
- Based on available information of the property and information provided by the applicant as part of the variance application the property is too small for the proposed use.

Notification

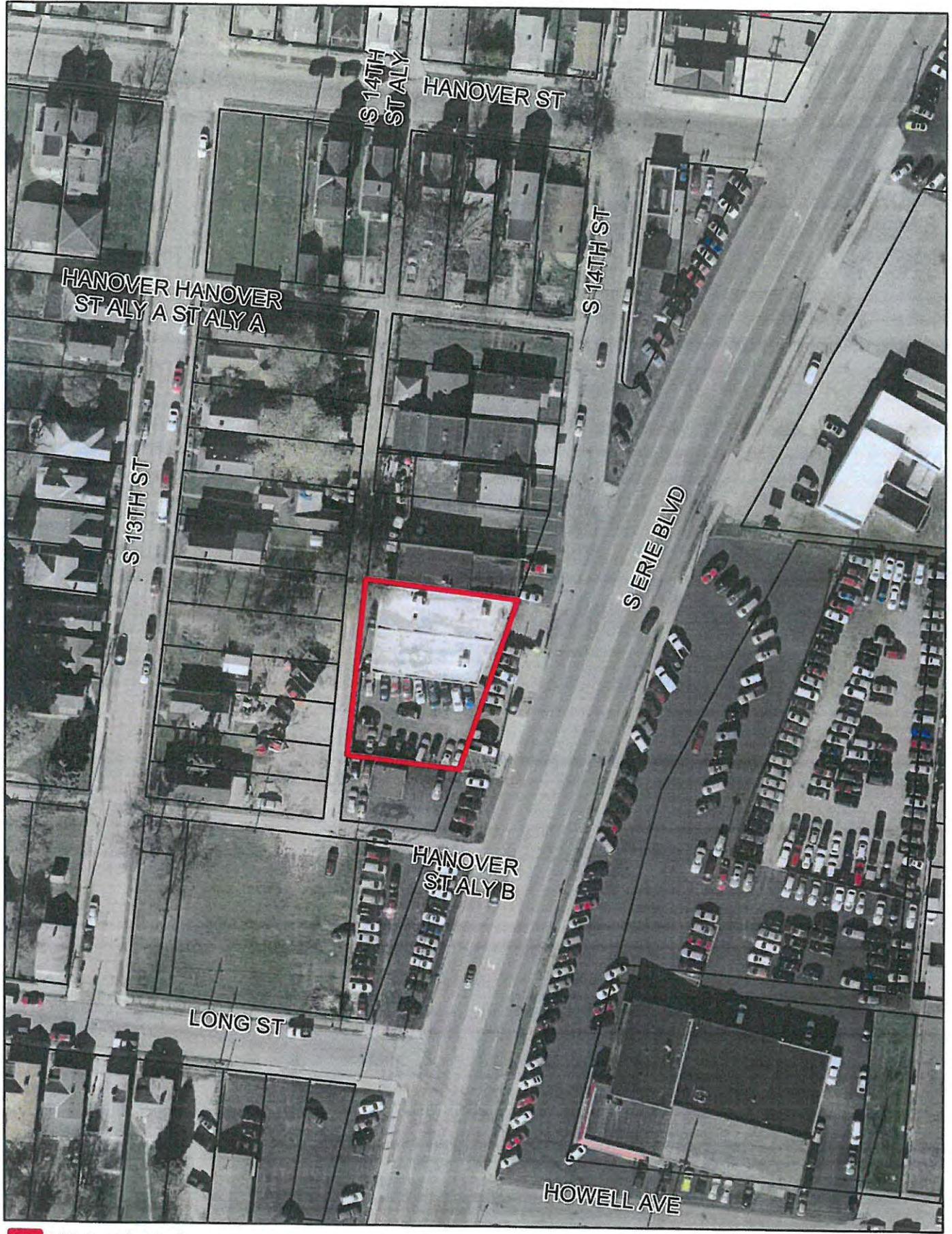
Public Hearing Notices were mailed to eleven (11) property owners within 100 feet of the property in question. At the time this report was written, were two objections expressed from neighboring property owners regarding the proposed zoning variance.

Attachments:

- 1) **Exhibit A - Public Hearing Location Map**
- 2) **Exhibit B – Zoning Map**
- 3) **Exhibit C – Variance Application**
- 4) **Exhibit D – Correspondence Regarding Appeal from Jay Bennett**



PUBLIC HEARING NOTIFICATION MAP
735 S. ERIE BLVD



 735 S. Erie Blvd.

0 37.5 75 150 Feet



Exhibit B

PUBLIC HEARING NOTIFICATION MAP
735 S. ERIE BLVD



 735 S. Erie Blvd.

0 37.5 75 150 Feet





BOARD OF ZONING APPEALS APPLICATION

Property Address: 735 S. Erie Boulevard

Lot No(s): 27073

Property Owner: Allen Loudiy

Owner's Mailing Address: 5888 Beacham Dr., Huber Heights, OH 45424

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

Appellant's Mailing Address: _____

Appellant's Email Address: _____

Previous Legal Use of Property: Auto Detailing business

Date Previous Use Discontinued: N/A

Proposed New Use of Property: Automotive Service and Minor Repair

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 rational for requesting a Variance**)
Section 1121.39.26

Other – Skip to "Other" Section of Application Form

City of Hamilton
Office: CNS1
Date: 2/12/2016
Acct #: 2266811
Cashier: Conroy
Time: 2:19:20 PM
No. of Pages: 5
Amount: \$200.00
Check Tendered: \$200.00

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.

See attached

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.

See attached

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.

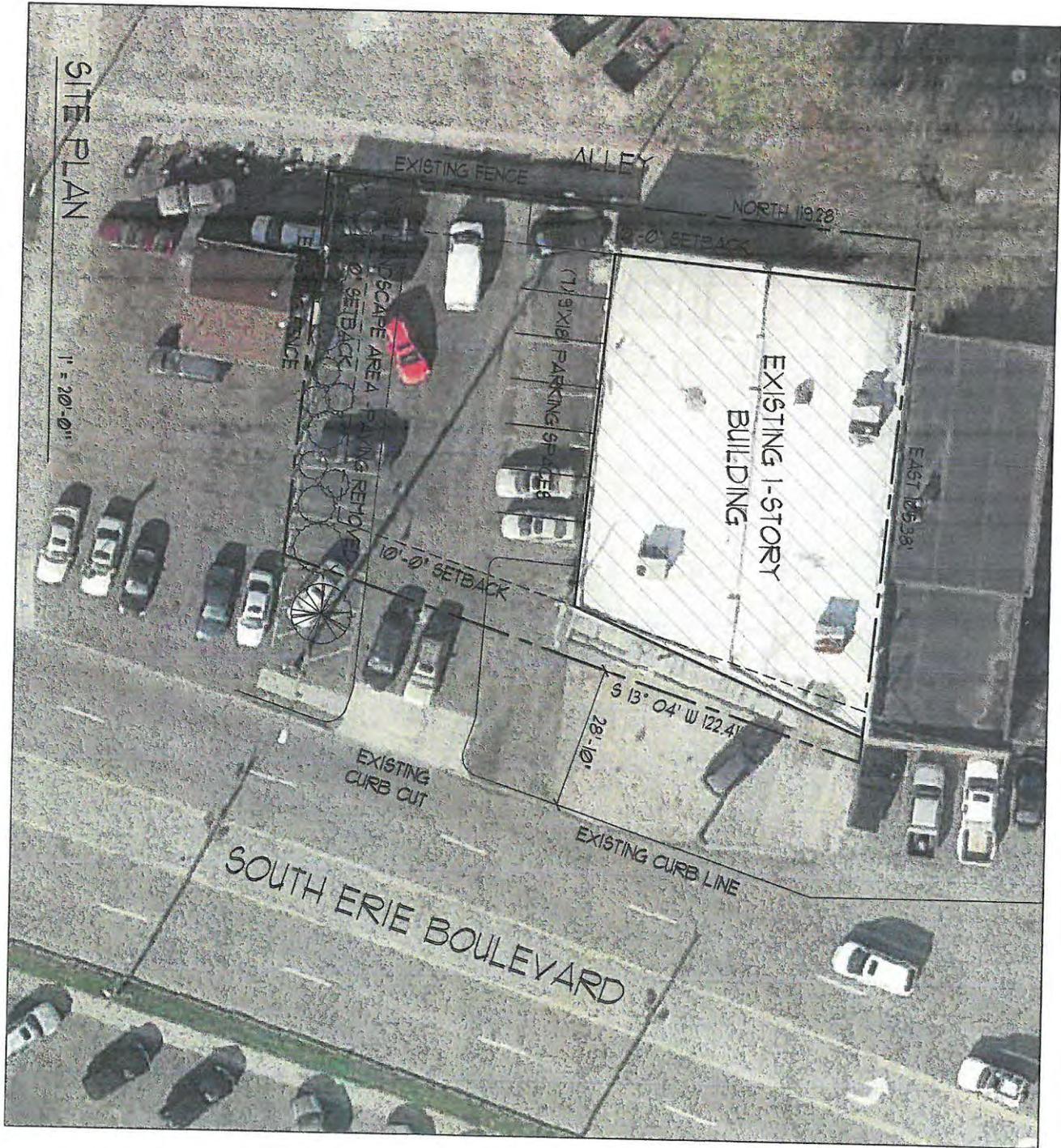
See attached

Exceptional Circumstances: The subject parcel has been used for commercial use for many years despite its trapezoidal shape and a building that occupies nearly 50% of the entire lot. Unlike any other property in the B-2 district, said property has been used for nearly 12 years as a car wash/auto detailing facility, a principal permitted use at the time applied for, and granted by the Board of Zoning Appeals, August 6, 2004. Said property is screened from adjoining properties to the west and south by a six foot opaque fence that separates the property from its neighboring properties to the south and west that was required in the granting of the aforesaid conditional use. The permitted use, lot, and building configuration/proportionality, are extraordinary circumstances applying to this property that do not apply generally to other properties in the B-2 district.

Preservation of Property Rights: The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the B-2 district by virtue of the code requirement of the 20,000 square foot area standard. Such requirement presents a practical difficulty for the many commercial properties in the B-2 district that lack 20,000 square feet in area. Such standard impedes or prevents full commercial development of the B-2 district and renders a number of commercial properties nonconforming. The granting of the variance in the instant case is necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the B-2 district that lack only the 20,000 square foot area standard.

Absence of Detriment: The authorization of the variance requested would in no way detrimentally affect adjacent property. The subject property is separated on the west and the south from adjacent properties by a six foot opaque fence previously mentioned, which was erected as required by the City as a condition of the granting of a conditional use in 2004. Said fence is a physical barrier separating the subject property from such adjacent properties, as required by the City. This screening that exists between the neighboring properties is enhanced by the planned landscape buffer whereby over 2,000 square feet of concrete is to be replaced by a landscaping that will exceed the southern set back and part of the western set back, doubling the width of the set back. Given the fact that all activities of the permitted use of this parcel will take place inside the building on a parcel that is screened as well as buffered from adjacent property, such a variance will not materially impair the purposes of the zoning ordinance or the public interest.

Not of General Nature: The specific and unique characteristics of the subject property as to its use, screening, buffering, lot shape, and building to vacant land proportionality, renders the variance sought not of so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions and situation.



SITE PLAN

1" = 20'-0"

A-1

| DATE |
|------------------|
| February 1, 2006 |
| REVISIONS |
| |
| |
| |

PROPOSED AUTOMOBILE REPAIR CENTER
 735 South Erie Boulevard
 HAMILTON, OHIO 45011

SCOTT WEBB ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45056
 (513) 523-8838
 www.scottwebbarchitect.com



JAY C. BENNETT
ATTORNEY AT LAW
Oxford Professional Building
5995 Fairfield Road, Suite #5
Oxford, Ohio 45056-1587
Telephone 513.523.4104
Fax 513.523.1525

March 10, 2016

City of Hamilton
c/o John Creech, AICP
Dept. of Planning
One Renaissance Center
345 High Street
Hamilton, Ohio 45011

Re: Board of Zoning Appeals Application for Allen Loudiy

Dear Mr. Creech:

I am in receipt of your letter of March 9, 2016 regarding the tabling of the BZA hearing for case 2016-04 originally scheduled for March 3, 2016. I requested that it be tabled until the BZA meeting scheduled for May 5, 2016. Your aforesaid letter indicated that such matter was tabled until April 7, 2016. Unfortunately, I will be unable to attend any hearing scheduled for that date.

On April 7, 2016 I have two court appearances that have been scheduled for quite some time. One of the aforesaid court appearances is scheduled for 1:30 p.m., the same time as the BZA hearing. Such court appearance has been scheduled for a matter of months, involves several other attorneys and cannot be rescheduled.

Based upon the foregoing, I would respectfully request that the tabled hearing be scheduled for the next scheduled hearing date of May 5, 2016. Thank you for your consideration.

Very truly yours,

Jay C. Bennett

Jay C. Bennett
Attorney at Law

JCB/da



For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: Meredith Murphy

Subject: **AGENDA ITEM #2**

2016-5-Variance

Request by Mr. Stephen Brunner for one (1) zoning variance in order to construct an accessory building on his property, zoned R-1 Residential District, located at 576 Sharon Lane. The requested zoning variance is to Section 1115.43.1 (Stephen Brunner, Owner).

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application has been submitted regarding one (1) Zoning Variance to construct a new accessory building at 576 Sharon Lane. This property is approximately .2 acres and is located in an R-1 Single Family Residence District (see attached Zoning map – Exhibit B) and is regulated by Section 1115.00 and Section 1110.00 of the Hamilton Zoning Ordinance (HZO). Mr. Brunner is seeking a variance to the requirements of the zoning ordinance in order to construct a second accessory building. The applicant is requesting relief from Section 1115.43.1 of the Hamilton Zoning Ordinance that regulates the number of accessory structures permitted on a property per dwelling unit.

Section 1115.43.1 states that “only one accessory building or structure is permitted for each dwelling unit on the same lot.” Mr. Brunner is proposing to build a second accessory structure and already has a detached garage on the property measuring fourteen (14) feet by twenty (20) feet totaling two hundred and eighty (280) square feet. The proposed shed will be a total of twelve (12) feet by sixteen (16) feet totaling one hundred and ninety two (192) square feet.

In the application Mr. Brunner writes that “I have one out building in right corner of back yard 1 ½ car garage 14’ by 20’ could not make the garage larger because of sewer line running from house to main. Need more storage because house has crawl space and no basement. This new storage building will be built in left corner of backyard 12’ by 16’.”

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. 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 “I have one outbuilding for car and need second out building for storage.”

After reviewing the application there appears to be Exceptional Circumstances (Section 1170.63.1) associated with this request. The existing outbuilding serves as the property’s garage and is counted as the one accessory structure only because it is not attached. The applicant also indicated in his application that the existing garage could not be enlarged due to an existing sewer line, and that more storage is necessary for the house because the home has a crawl space and no basement.

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 “I have one outbuilding for car and need second out building for storage.”

After reviewing the application it appears that the request is a Preservation of Property rights (Section 1170.63.2). As the applicant states he is not able to enlarge the existing garage due to a sewer line. The applicant also indicated that the proposed second out building will be twelve (12) feet by sixteen (16) feet for a total of one hundred and ninety two (192) square feet. There is an existing detached garage on the property measuring fourteen (14) feet by twenty (20) feet totaling two hundred and eighty (280) square feet. If both square feet are combined it is a total of four hundred and seventy two (472) square feet, which is well below the maximum allowed floor area of eight hundred (800) square feet for accessory structures.

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 “I have one outbuilding for car and need second out building for storage.”



After reviewing the application it appears that the request has an Absence of Detriment (Section 1170.63.3). The proposed second out building will meet all setback requirements. The proposed building is shown five (5) feet off the rear property line and nine (9) feet off the western property line.

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 “**I have one outbuilding for car and need second out building for storage.**”*

After reviewing the application it appears that the request is Not of a General Nature (Section 1170.63.4). As stated previously the lot’s existing outbuilding serves as the property’s garage and is counted as the one accessory structure only because it is not attached. The applicant also indicated in his application that the existing garage could not be enlarged due to an existing sewer line, and that more storage is necessary for the house because the home has no crawl space or basement.

Recommendation:

Based on a review of the information submitted, there is reason to consider approving the one (1) 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 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.

Notification

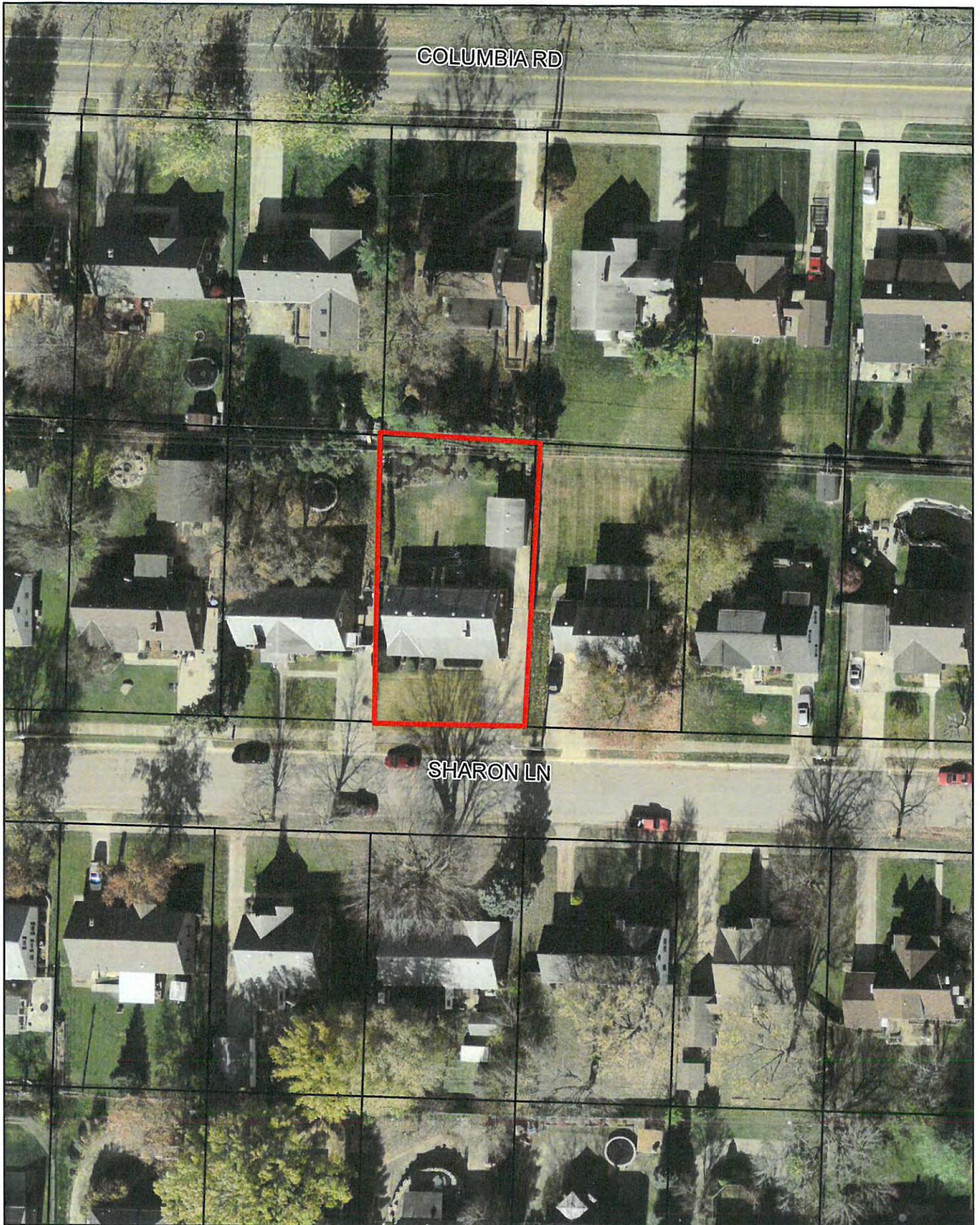
Public Hearing Notices were mailed to the owners of fifteen (15) properties within 100 feet of the property in question. At the time this report was written, were no objections expressed to the proposed zoning variances.

Attachments:

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



576 SHARON LANE
LOCATION MAP



 576 Sharon Lane

0 25 50 100 Feet



576 SHARON LANE
LOCATION MAP



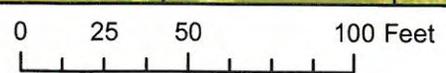
COLUMBIA RD

R-1

SHARON LN

R-1

 576 Sharon Lane





App# A160549
Approved# A160551

BOARD OF ZONING APPEALS APPLICATION

Property Address: 576 SHARON LANE Hamilton, Ohio 45013

Lot No(s): P6412-212-000-057

Property Owner: STEPHEN A. & JOHN P. BRUNNER

Owner's Mailing Address: STEPHEN BRUNNER 576 SHARON LANE Hamilton, Ohio 45013

Appellant's Name (If different than owner): N/A

Appellant's Mailing Address: N/A

Appellant's Email Address: N/A

Previous Legal Use of Property: RESIDENTIAL

Date Previous Use Discontinued: _____

Proposed New Use of Property: RESIDENTIAL

Purpose of Application (Check all that apply):

Requesting a variance for signs. Please describe the request below.
N/A

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)
1115.43.1

Other – Skip to "Other" Section of Application Form

City of Hamilton
Date: 3/7/2016
Acct #: 332558
Number: _____
Receipt #: 00824057
Payment Total: \$200.00
3/7/2016 2:44 PM
Credit Card Tendered: \$200.00
City of Hamilton
Offices: CNST
Cashier: Consys

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.

N/A

I HAVE ONE OUT building for CAR AND NEED SECOND OUT building FOR STORAGE

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.

N/A

I HAVE ONE OUT building for CAR AND NEED SECOND OUT building FOR STORAGE

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.

N/A

I ~~HAVE~~ ONE OUT building for CAR AND NEED SECOND OUT building FOR STORAGE

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.

I HAVE ONE ^{N/A} OUT BUILDING FOR CAR AND NEED SECOND OUT BUILDING FOR STORAGE

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

(NEED TO BUILD SECOND OUT BUILDING)
I HAVE ONE OUT BUILDING IN RIGHT CORNER OF BACK YARD 1 1/2 CAR GARAGE 14' X 20' COULD NOT MAKE THE GARAGE LARGER BECAUSE OF SEWER LINE RUNNING FROM HOUSE TO MAIN. NEED MORE STORAGE BECAUSE HOUSE HAS CRAWL SPACE AND NO BASEMENT. THIS NEW STORAGE BUILDING WILL BE BUILT IN LEFT CORNER OF BACK YARD 12' X 16'.

CERTIFICATION:

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

Stephen A. Brunner
Appellant's Signature

Date

STEPHEN A. BRUNNER
Appellant's Printed Name

Stephen A. Brunner, John P. Brunner
Property Owner's Signature

Date

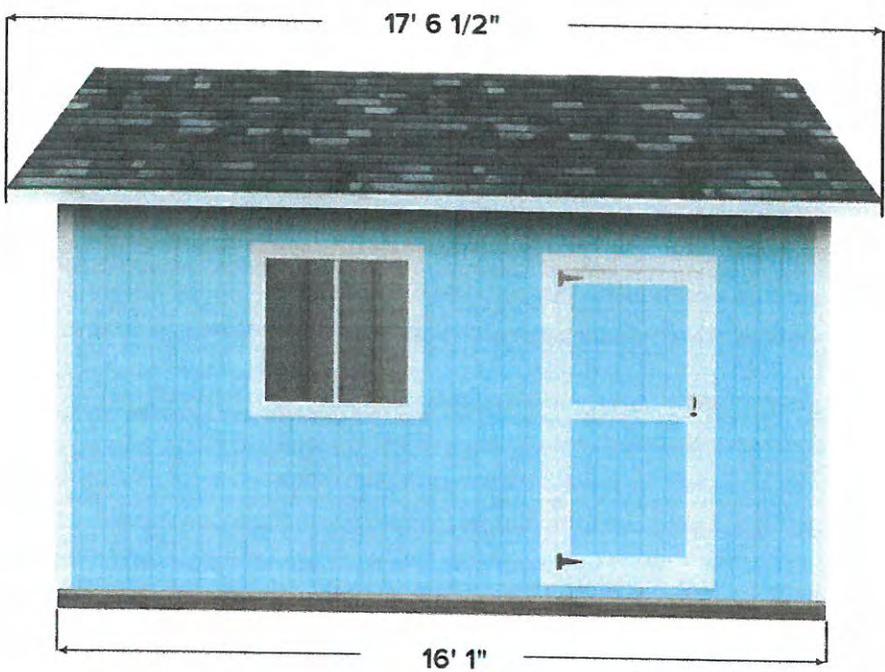
2/27/16

STEPHEN A. BRUNNER, John P. Brunner
Property Owner's Printed Name

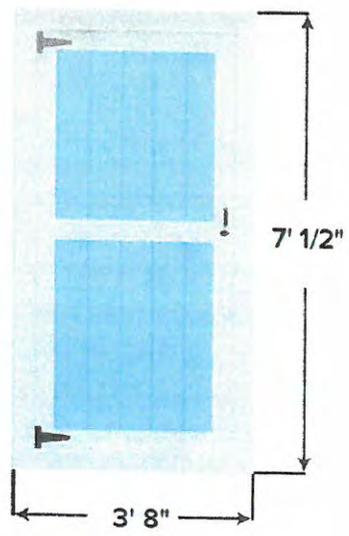
Built by:

Barncraft Buildings
624 Milville-Shandon
Hamilton, Ohio 45015
(513)738-5654

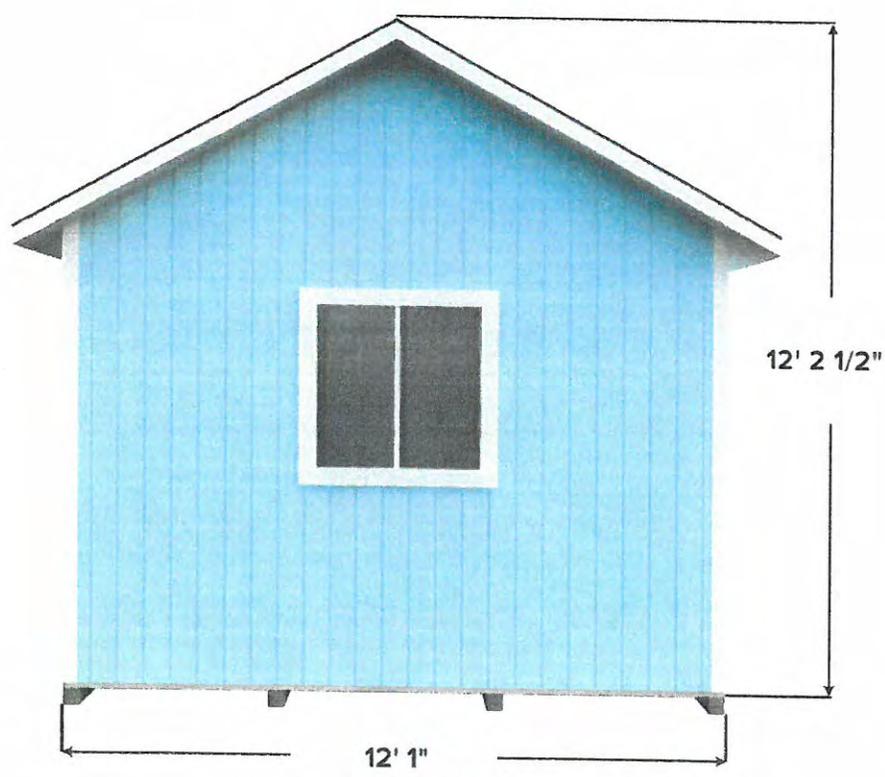
SHED MEASUREMENTS



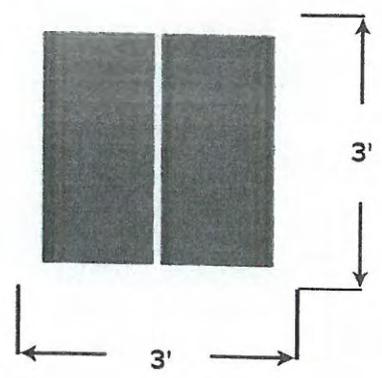
FRONT VIEW



DOOR



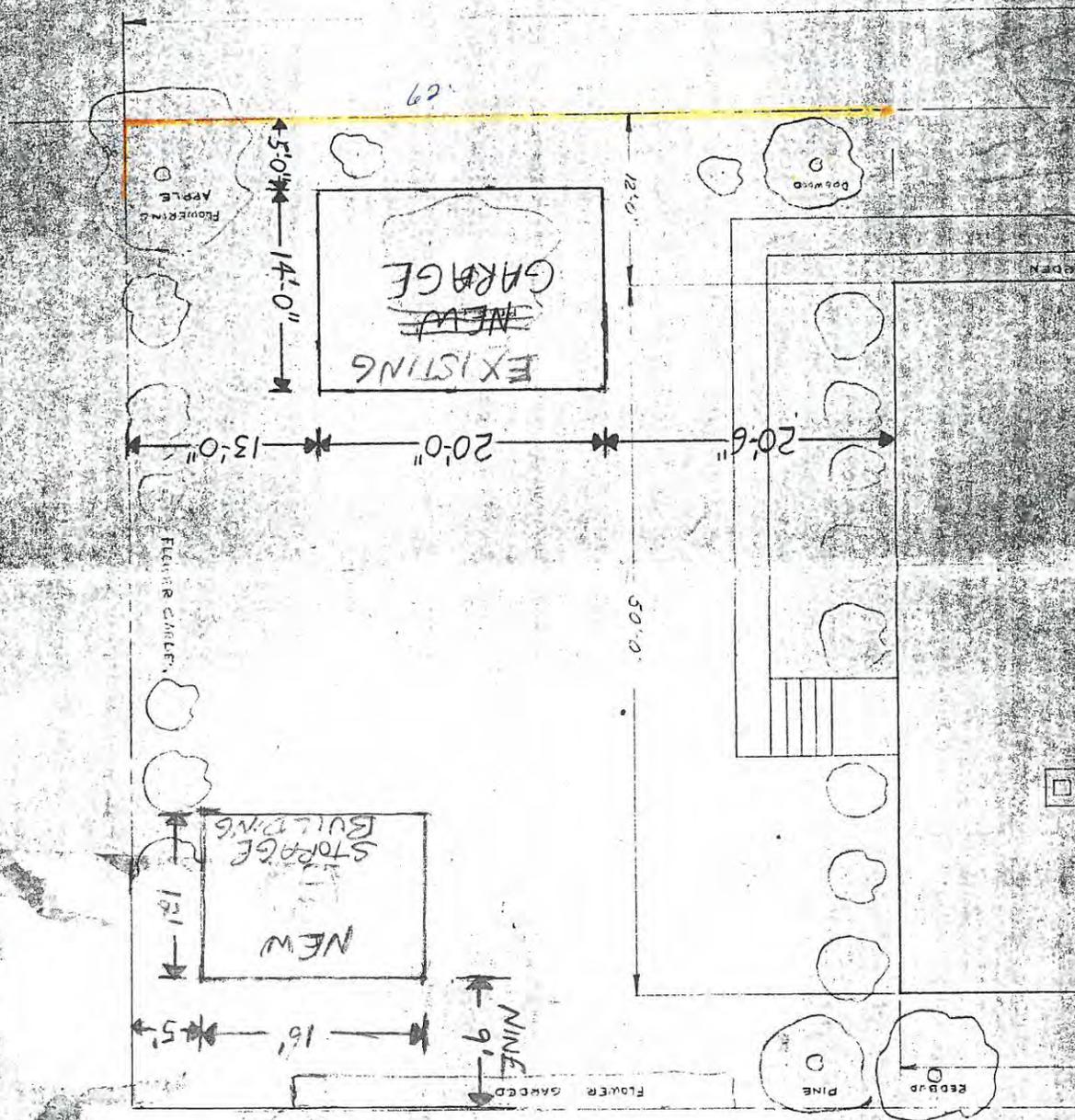
SIDE VIEW



WINDOW

PLOT PLAN 576 SHARON LANE HAMILTON OHIO
 LOT 19537
 SCALE 1/8" = 1'-0"

RECEIVED
 NOV 1 8 1933
 BUILDING DEPARTMENT
 CITY OF HAMILTON OHIO



RECEIVED
 NOV 1 8 1933
 BUILDING DEPARTMENT
 CITY OF HAMILTON, OHIO

Handwritten signatures and notes:
 [Signature]
 [Signature]
 [Signature]



For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: Meredith Murphy

Subject: **AGENDA ITEM #3**

2016-6- Change of a Non-Conforming Use

Request by Allied Property Mgmt Ltd. for an over a revision to an Appeal of a Zoning Interpretation by the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. for 1019 Dayton Street.

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application has been submitted regarding revision to an Appeal of a Zoning Interpretation by the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. for 1019 Dayton Street.

Background Information:

On December 3rd, 2015 the Board of Zoning Appeals reversed a Zoning Interpretation of the Zoning Authority of the City of Hamilton and applied six (6) conditions listed below

- 1) Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
- 2) Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 7PM.
- 3) Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
- 4) Activities associated with the commercial storage be confined to the interior of the accessory building.
- 5) If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 6) All improvements and any work associated with any requirements of the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

1019 Dayton Street is located in an R-4 Multi-Family Residence District and is regulated by Section 1118.00 of the Hamilton Zoning Ordinance, (HZO). The subject



property is comprised of a residence and a detached accessory building accessible from the rear alley. The accessory building measures approximately 3,000 square feet. Property is currently zoned R-4 Multi-Family Residence District.

Appellant Information:

Allied Property Mgmt Ltd has submitted an appeal to amend the second condition to change the hours that limit the time the building can be accessed from the approved 7AM - 7PM to 7AM - 9PM. The applicant has stated that “I am appealing condition number two from prior appeal case number 2015-23 which limited hours of 7am-7pm. I am requesting the hours be extended to 7am-9pm. Because this is not being uses for a business our applicants work during the day and need access beyond 7pm.”

Notification:

Public Hearing Notices were mailed to sixteen (16) property owners within 100 feet of the property in question. At the time this report was written, the Department of Community Development had not received any phone calls regarding this request.

Authority over Nonconforming Uses:

Section 1109.50 Non-Conforming Uses grants the BZA the authority to make findings in specific cases regarding non-conforming uses. In permitting or making findings relative to non-conforming uses the BZA may require appropriate conditions and safeguards.

Recommendation:

If the BZA determines that the conditions associated with the non-conforming (commercial storage) use at the rear of 1019 Dayton Street should be amended, the Department of Community Development requests that the BZA consider the following previously approved six (6) conditions of approval with the hours change to number two (2):

- 1) Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
- 2) Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 9PM.
- 3) Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
- 4) Activities associated with the commercial storage be confined to the interior of the accessory building.
- 5) If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 6) All improvements and any work associated with any requirements of the City of Hamilton Departmental Review be installed 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 – Change of Non-conforming Use Application



PUBLIC HEARING NOTIFICATION MAP
1019 DAYTON STREET



 1019 Dayton Street

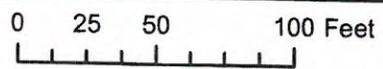
0 25 50 100 Feet



PUBLIC HEARING NOTIFICATION MAP
1019 DAYTON STREET



 1019 Dayton Street





A160713
A160715

BOARD OF ZONING APPEALS APPLICATION

Property Address: 1019 Dayton Street

Lot No(s): 3696, 3697, 3698

Property Owner: Allied Property Mgmt Ltd

Owner's Mailing Address: 639 High Street

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

Appellant's Mailing Address: Same

Appellant's Email Address: Becky1@fuse.net

Previous Legal Use of Property: Commercial Storage Warehouse

Date Previous Use Discontinued: n/a

Proposed New Use of Property: n/a

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 rational for requesting a Variance**)

Other – Skip to "Other" Section of Application Form

City of Hamilton
Office: CNST
3/18/2016 3:38 PM
Archie: 314327
CASHIER: CONSV
3/18/2016 3:38 PM
Notes: 3/18/2016
Checked / Tended: 75.00
Payment: Total: 75.00
Receipt # 01838716

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

Change to Non-conforming Use
I am appealing condition number two
from prior appeal case number 2015-23-
limited hours of 7am-7pm.

I am requesting the hours be extended to
7am-9pm.

Because this is not being used for a business,
our applicants work during the day and need
access beyond 7pm.

CERTIFICATION:

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

Rebecca A Crawford 3-14-16
Appellant's Signature Date

Rebecca A Crawford
Appellant's Printed Name

Rebecca A Crawford 3-14-16
Property Owner's Signature Date

Rebecca A Crawford
Property Owner's Printed Name

Becky

To: Creech, John
Subject: RE: 1019 Dayton

From: Creech, John [<mailto:creechj@ci.hamilton.oh.us>]
Sent: Monday, December 07, 2015 4:10 PM
To: 'Becky'
Subject: RE: 1019 Dayton

Hi Becky-

This would require a new hearing at the BZA, it would be considered a "change to a non-conforming use" – same application w/\$75 application fee.

John Creech
City of Hamilton
Community Development
345 High Street, Suite 370
Hamilton OH 45011
(513) 785-7355
creechj@ci.hamilton.oh.us

From: Becky [<mailto:becky1@fuse.net>]
Sent: Monday, December 07, 2015 9:51 AM
To: Creech, John
Subject: RE: 1019 Dayton

Okay- Thanks. This is the person who we allowed to leave their stuff in Unit B until after the hearing. We spoke to him on Friday and he is in the process of moving out because of the 7pm restriction. Anyone we rent to will have a normal job so the 7pm restriction is going to be an obstacle. In hindsight, I regret not requesting 9pm. How can I go about that?

Becky

From: Creech, John [<mailto:creechj@ci.hamilton.oh.us>]
Sent: Monday, December 07, 2015 9:17 AM
To: 'Becky'
Subject: FW: 1019 Dayton

Ms. Crawford-

Just an fyi- we received a complaint from an abutting property owner - it appears that someone using the accessory building at 1019 Dayton Street was blocking the alleyway over the weekend.

John Creech
City of Hamilton
Community Development
345 High Street, Suite 370
Hamilton OH 45011
(513) 785-7355
creechj@ci.hamilton.oh.us



December 7, 2015

Allied Property Management
639 High Street
Hamilton, Ohio 45011

RE: Case No. 2015-23
ADDRESS: 1019 Dayton Street
MTG. DATE: December 3, 2015

Dear Allied Property Management:

This letter is to advise you that your request before the Board of Zoning Appeals (BZA) for an interpretation to the Hamilton Zoning Ordinance regarding the abandonment of a non-conforming use on the property zoned R-4 Multi-Family Residence District located at 1019 Dayton Street, was approved by the Board, subject to conditions listed below at the December 3, 2015 meeting.

- 1) Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
- 2) Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 7PM.
- 3) Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
- 4) Activities associated with the commercial storage be confined to the interior of the accessory building.
- 5) If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 6) All improvements and any work associated with any requirements of the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Decisions of the Board do not become final until the expiration of five (5) days from the date such decision is made. If you have any questions, please contact me at 513-785-7355 or via email at creechj@ci.hamilton.oh.us.

Sincerely,

John Creech
Secretary
Board of Zoning Appeals





For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: Meredith Murphy

Subject: **AGENDA ITEM #4**

2016-07-Appeal of Decision of Architectural Design Review Board

An Appeal by William Wilks regarding the refusal of the Architectural Design Review Board (ADRB) on February 2, 2016 to issue a Certificate of Appropriateness (COA) to install vinyl siding at 117 Village Street. (Community Design Alliance/William Wilks, Applicant/Owner).

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application has been submitted by Community Design Alliance on behalf of the property owner Mr. William Wilks regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) for installation of vinyl siding at 117 Village Street. The subject property of 117 Village Street is part of the German Village Historic District and is Zoned "BPD", Business Planned Development Zoning (**Exhibit B** – Zoning Map).

Background Information:

On January 20, 2016 an application was received for 117 Village Street Certificate of Appropriateness for vinyl siding installation at 117 Village Street. The siding had already been installed prior to the application for a COA. The COA application and supporting materials for the February 2nd ADRB meeting are attached as **Exhibit C** – February 2, 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** – February 2, 2016 Draft meeting Minutes. A letter was sent to Mr. Wilks on February 25, 2016 by the ADRB Secretary informing that the ADRB had denied the proposed vinyl siding at 117 Village Street and indicated that he could either submit a new COA application or appeal the denial to the BZA (attached as **Exhibit F** – Denial Letter for ADRB dated February 25, 2016). An application for appeal to the Board of Zoning Appeals was received (**Exhibit G** – Appeal Application submitted on March 17, 2016).

Appellant Information:

Mr. Wilks submitted an application to appeal the February 2, 2016 denial on March 17, 2016 over the decision of the ADRB to not issue a COA for the installation of vinyl



siding at 117 Village Street. This application is attached as **Exhibit G** – Appeal Application submitted on March 17, 2016. This appeal application includes information regarding the existing siding condition and material, however it should be noted that this information was not supplied to the ADRB when they made their decision to deny the COA request on February 2, 2016.

Notification:

Public Hearing Notices were mailed ten (10) 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 Mr. Wilks and permits them him to install vinyl siding at 117 Village 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 – February 2, 2016 ADRB Staff report and Application
- 4) Exhibit D – February 2, 2016 Draft meeting Minutes
- 5) Exhibit E – Historic Design Review Board Polices and Guidelines
- 6) Exhibit F – Denial Letter for ADRB dated February 25, 2016
- 7) Exhibit G – Appeal Application submitted on March 17, 2016



117 VILLAGE STREET
LOCATION MAP



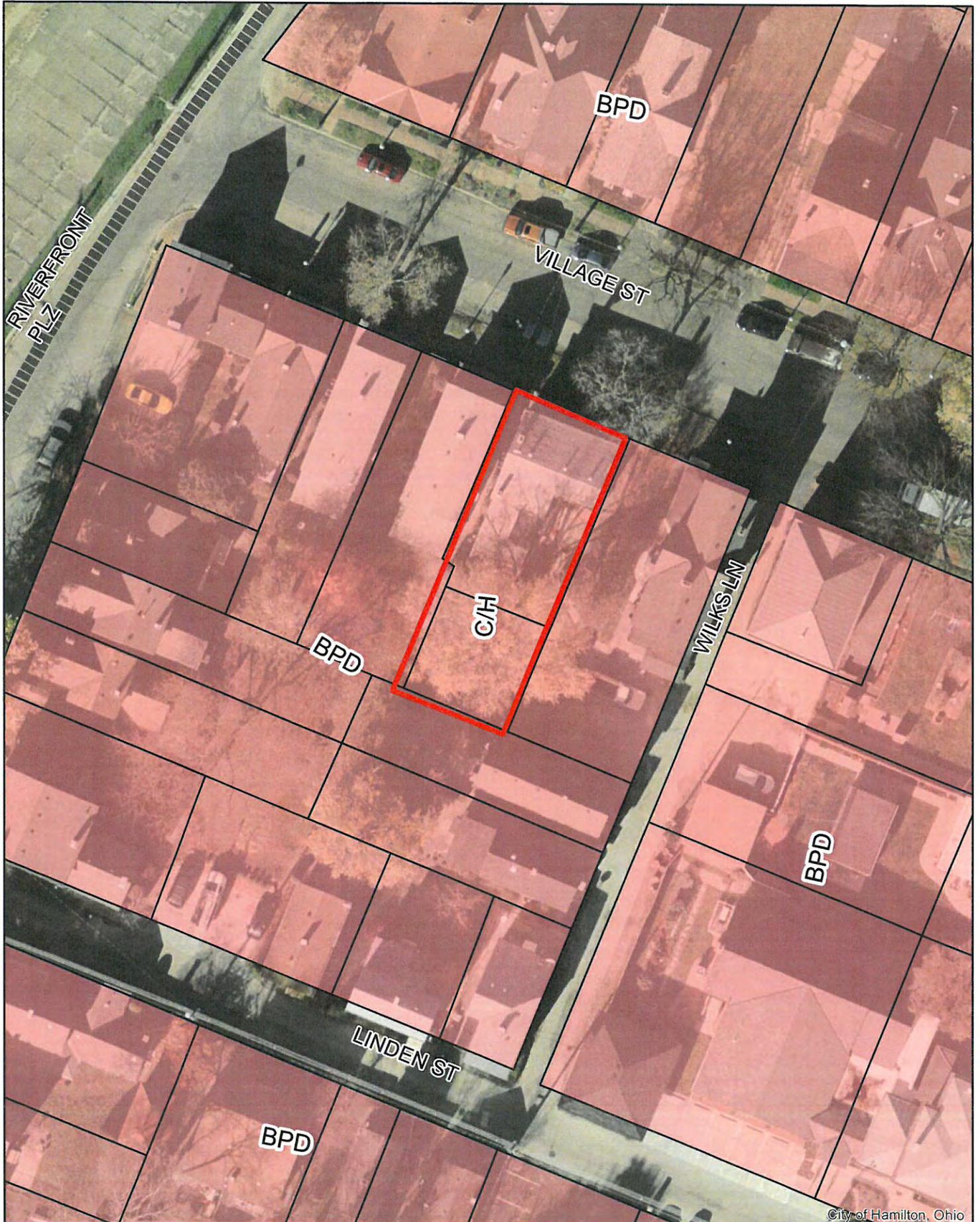
City of Hamilton, Ohio

 117 Village Street

0 15 30 60 Feet

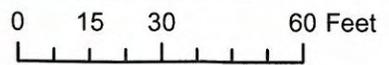


117 VILLAGE STREET
LOCATION MAP



City of Hamilton, Ohio

 117 Village Street



NOTE: Agenda and Reports may be amended as necessary or as required by applicant parties.

Board Members

| | | | | | |
|----------------|---------------|-----------------|------------------|---------------|------------------|
| Beckman | Belew | Bloch | Brown | Essman | Fairbanks |
| | | | | Weigel | Jacobs |
| Fiehrer | Graham | Palechek | Ripperger | Whalen | |
| Demmel | O'Neill | | Brown | O'Neill | |

-
- I. Roll Call:
 - II. Approval of Meeting Minutes – Written Summary and Audio Recording for these dates:
 - A. May 5, 2015
 - III. Properties Seeking COA
 - 1. [819 Dayton Street \(Dayton Lane\) – Replace Basement Windows](#)
 - 2. [117 Village Street \(German Village\) – Vinyl Siding](#)
 - IV. Miscellaneous/Discussion/On the Radar
 - 337 Ross Avenue – Windows (remaining Old Business item)
 - o Applicant has not set a new review date at this time.
 - V. Adjourn
 - VI. Guests:



To: Architectural Design Review Board
From: Ed Wilson, ADRB
Subject: **AGENDA ITEM #2**
117 Village Street – Vinyl Siding
 William Wilks, Applicant

Meeting Date: **11/17/2015**
Received Application: **10/16/2015**

Impacts: German Village

Dear Board Members:

Synopsis

A Certificate of Appropriateness application has been submitted for 117 Village Street to include the following proposal items needing Architectural Design Review Board examination and approval:

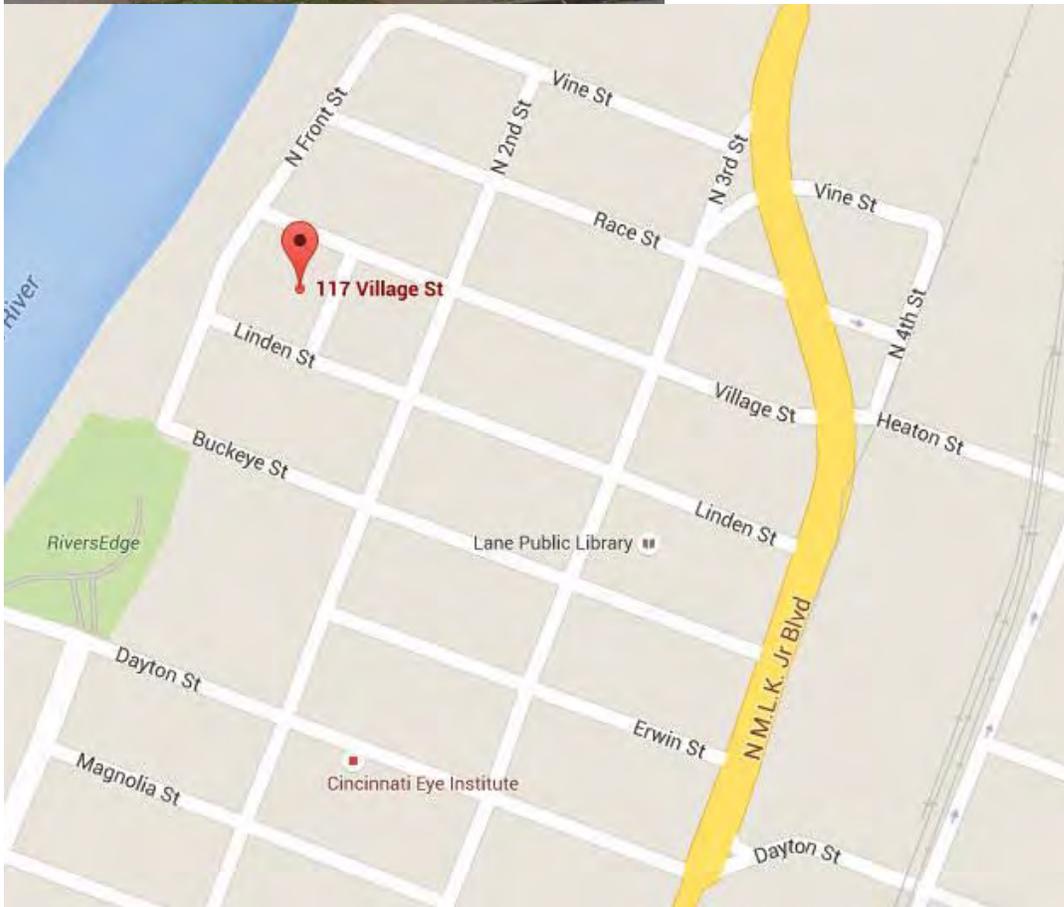
| Needing ADRB COA Approval | Reason |
|--------------------------------|---|
| Vinyl Siding | Significant Alteration of Structure Change of Existing Materials |
| Painting/Color Accent and Trim | Current colors do not match previous |

NOTE: The work on the structure is already completed. This COA application is the result of repeated Stop Work orders.

NOTE 2: The COA Application also references Painting of the Decorative Trim, along with Scraping and Repair as needed. The colors are noted as Same Colors: Gray, Red, White. However, the current appearance of the structure does not match the former in terms of color, particularly accent colors for the shutters and the color of the porch rail spindles.



117 Village Street
Vinyl Siding



Introduction:

The Applicant, and property owner, William Wilks, has submitted a Certificate of Appropriateness Application for the property of 117 Village Street. The proposal involves the use of vinyl siding over the existing siding of the structure.

The subject property of 117 Village Street is part of the German Village and is Zoned “BPD”, Business Planned Development Zoning.

Background:

The subject property of 117 Village Street was brought to the attention of the Community Development Department Planning Division due to inquiries of work occurring at the property. Staff issued a Stop Work Order to the property owner in order to rectify the situation. The Stop Work Order had no valid response or action from the property owner. As a result, a second Stop Work Order was issued, which included posting a copy of the Stop Work Order on the property premises. Thereafter, the applicant mailed a completed COA application for review by the ADRB.

Summarily, the work for 117 Village Street was in response to a Citation from the City’s Health Division for compliance. Per the Applicant, the existing slate siding would no longer hold paint, hence the erection of vinyl siding.

Supplemental Items

Implications for ADRB Policies & Guidelines; and Other Requirements

The proposal concerning Vinyl Siding broaches the Architectural Design Review Board Policies & Guidelines pertaining to the subject of siding. Summarily, all efforts should be made to maintain and preserve the existing appropriate siding of a historic structure. Additionally, vinyl siding could be considered and approved in proven extenuating circumstances, such heavy damage to the siding for example.

The Architectural Design Review Board Policies & Guidelines is included as a separate attachment in the overall ADRB Agenda for reference. Additionally, the applicant was supplied a copy of Preservation Brief #8 via email, per the Policies & Guidelines.

State of Ohio Historic Designation

117 Village Street is not part of the State of Ohio Historic Inventory.



PROPOSAL

Erecting Vinyl Siding on the structure. Also included is the painting of decorative items. Per the Applicant, the total work looks similar to the previous look of the structure.

Siding

Existing Siding is Slate

- ≠ The color of the existing siding is of a Grey hue.
- ≠ Per the Applicant, the existing slate will No Longer Hold Paint.
 - Note that no significant evidence of this claim was included with the COA Application for 117 Village Street
 - Additionally, known previous COA items and historic review items for 117 Village Street have been included by Staff for consideration, including evidence of the applicant having previous transactions with the historic review process.
 - Per the ascertained COA and historic review items for the property: The existing siding in the discovered COA notes that at one point it was asbestos siding, and that the proposal involved the repainting of this siding.

Propose the Erection Vinyl Siding on top of the existing siding of the structure

- ≠ Per the Applicant, the color is similar to either Porter Paints (PPG 1010-2 “Fog” or PPG 1010-3 “Solstice”).
- ≠ Siding is Harborstone Pro Pride Weathermaster
- ≠ Per the Applicant submitted attachment of a copy of the Health Division Citation for 117 Village Street, the work was performed to address this.



PROPOSAL (Continued)

Painting

Proposed for the Window, Trim, Accent and Doors (using Porter Paints)

- ≠ Per Applicant writing on the provided samples: Shutters and Trim as PPG 1010-7 “Zombie”
 - Resembles a deeper gray color

- ≠ Per Applicant writing on the provided samples: Window Frames, Spindles and Decorative Trim as PPG 1025-1 “Commercial White”
 - Within the family of a white color

- ≠ Per Applicant writing on the provided samples: Trim, Gutters and Soffit as PPG 1066-7 “Baked Bean”
 - Resembling a deep mute red color

Attachments:

1. **EXHIBIT A: Images of the Property**
2. **EXHIBIT B: Applicant Photos of 117 Village Street – Before and After**
3. **EXHIBIT C: Submitted Citation from Health Division**
4. **EXHIBIT D: Applicant Submitted - Paint Swatches and Color Samples**
5. **EXHIBIT E: COA Application for Current Proposal**
6. **EXHIBIT F: Previous COA and Historic Review records for 117 Village Street**
 - a. **Exhibit F1: Issued COA, circa May 1987**
 - b. **Exhibit F2: Approval Letter issued June 1987**



EXHIBIT A: Images of the Property



Before



After



EXHIBIT B: Applicant Photos of 117 Village Street – Before and After



After



EXHIBIT C: Submitted Citation from Health Division



Founded 1791

117-119-121
Village
by 9-11

-copy-

Department of Public Health

City of Hamilton, Ohio
Hamilton Municipal Building
345 High Street, Hamilton, Ohio 45011
Telephone 513 785-7080
www.hamilton-city.org

06/10/2015

William Wilks
319 N Second Po Box 295
Hamilton, OH 45012

Dear William Wilks:

Location of property 117 VILLAGE
Complaint ID # 201504196
LOT # 186W38.25OFE81.3 PARCEL P6431009000025

An inspection of your premises indicates a violation of the following City Ordinance(s). You are hereby ordered to correct these violations within the specified time. TIME LIMITATION : 90 days by September 11, 2015

~~Peeling and flaking paint observed on the siding,~~ window components, gutters and soffits. Violations can be corrected by applying a protective coating or covering to surfaces with peeling and flaking paint.

If you can not meet this required time frame, please contact the sanitarian listed below to submit a written compliance time frame for review.

Hamilton City Administration is making a concentrated effort to improve the appearance of our community. As part of this effort, the Health Department has been tasked with inspecting properties and notifying the owners of needed repairs and improvements to be compliance with City's property maintenance requirements.

An inspection of you property indicates a violation of the following City Ordinance(s):

1713.11 WEATHER AND WATERTIGHT.

Every structure, used for human habitation, shall be so maintained that it will be weather and watertight.

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.

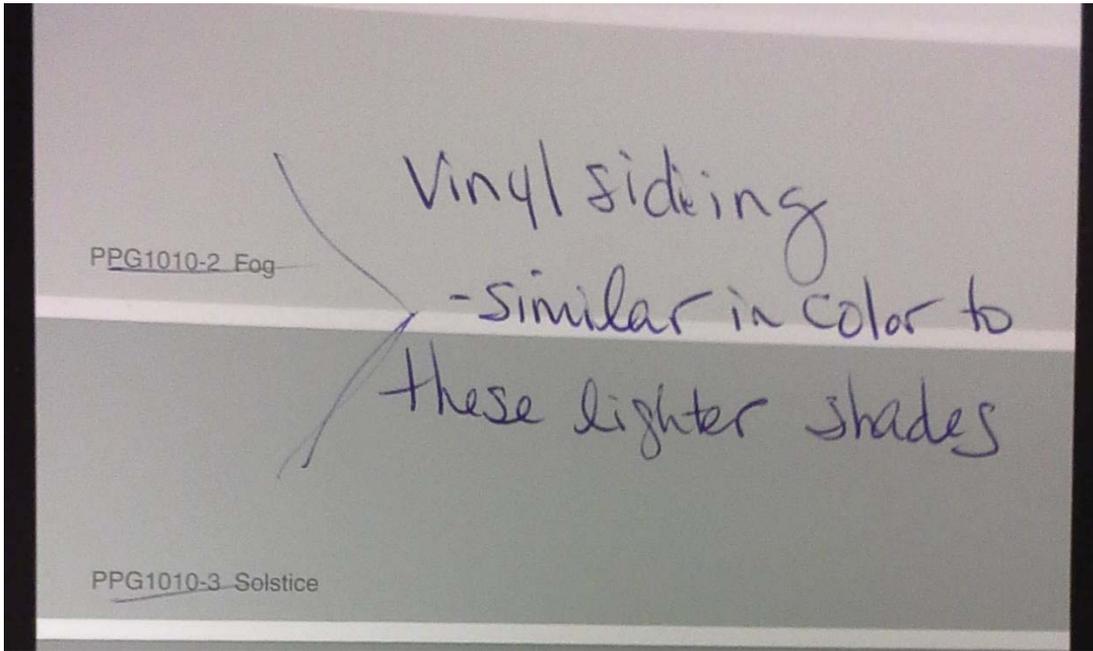
1713.12 PROTECTIVE COATING.

The exterior surfaces of all structures shall be kept painted or protected with an approved coating or material where necessary for the purpose of preservation and avoiding a blighting influence on adjoining premises. Exterior wood, composition or metal surfaces shall be protected from the elements by paint or another protective covering, applied in an approved manner according to manufacturer's suggestion, and of a color and appearance to match or complement other structural surfaces on the premises. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering. Those surface



EXHIBIT D: Applicant Submitted – Paint Swatches and Color Samples

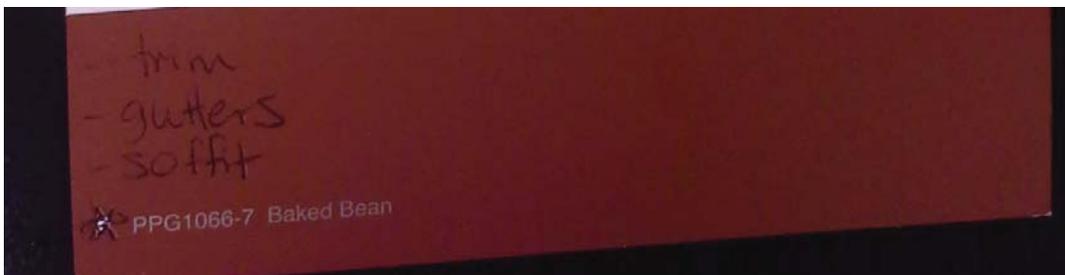
Noted color of the Vinyl Siding: **Between PPG1010-2 “Fog” and PPG1010-3 “Solstice”**



Shutters, Trim: **PPG1010-7 "Zombie"**



Trim, Gutters, Soffit: **PPG1066-7 "Baked Bean"**



Window Frames, Spindles, Decorative Trim: **PPG1025-1 "Commercial White"**



EXHIBIT E: COA Application for Current Proposal

*Application # A160035
Approval # A160036*



Architectural Design Review Board
 Phone: 513-785-7350 Fax: 513-785-7349 Email: hamiltonhistoric@ci.hamilton.oh.us

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.

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

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.

Property Address: 117 Village St., Hamilton - 45011
 Applicant Name: William Wilks
 Applicant Mailing Address: P.O. Box 295 - 45012
 Owner/s Name: William C. Wilks
 Owner Mailing Address: Same
 Daytime Contact Phone: 513-808-9000 Email: bill@wilksinsurance.com
 Contractor Phone: _____ Email: _____
 Is this work part of another City of Hamilton function?
 Health Department Building Permit NDD Work Public Works Other: _____

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.

Please provide as much detail as possible to expedite the review process.

Work Proposed: (Describe type of work, existing conditions, and methods to be used, materials proposed)
Adding vinyl siding over slate -- slate no longer wanted
hold paint. Paint decorative trim -- scrape + repair as needed.
Same colors: gray, red, white

Any proposal CAN AND WILL be refused if proper evidence is lacking or deemed insufficient by Staff or the ADRB.

Applicant Signature: [Signature] Date: 1-20-16
 See Next Page

City of Hamilton
 Department of Planning & Economic Development
 345 High Street, Suite 370
 Hamilton, Ohio 45011
 Phone: 513-785-7350
 Fax: 513-785-7349
 Email: hamiltonhistoric@ci.hamilton.oh.us



CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION

Paint Sample Provided
Appearance of Color: Gray, white, red
Color Name & Manufacturer: Parker Paint: Zombie - white - Baked Bean
Location (body, window trim, specific trim, accent): *doors

Siding Sample Provided
Existing Siding (style, material, color, location): Body - slate will no longer hold paint
Proposed Siding (style, material, color, location): Body's Harborstone Pro Pride Weathermaster
Manufacturer: Pro Pride 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: _____

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: _____



EXHIBIT F: Previous COA and Historic Review records for 117 Village Street

Exhibit F1: Issued COA, circa May 1987

Certificate of Appropriateness

On this 18th day of May, 1987, The Hamilton Historic Design Review Board does hereby issue this Certificate of Appropriateness for the property located at 117 Heaton Street. The Historic Design Review Board has examined plans and approves the changes and/or improvements to be made to the above referenced structure as listed below:

Repainting this asphalt sided frame structure in the following Perry & Derrick colors: the body, "Mansion Ivory"; the trim, "Mansion Tan"; the doors, shutters and accent points, "Linden Green".

The said improvements and/or structural changes listed above on this Certificate do not constitute, in themselves, waivers from the City of Hamilton building code, zoning code, or other regulations. Plans for changes to, additions to, and/or signage for property will still require review of the Construction Services Department and acquisition of the appropriate permits.

It is the opinion of this Board that such proposed changes are in conformance with the character of the German Village area in the Hamilton Historic District and will not be detrimental to the rehabilitation of this area as prescribed by the City Council of the City of Hamilton, Ohio, in Ordinance Number OR 85-11-91.

Date of Board Approval:
May 18, 1987

Sherry J. Corbett
Board Chairperson



Exhibit F2: Approval Letter issued June 1987

City of Hamilton Municipal Building • 20 High Street at Monument 45011



June 9, 1987

Mr. William Wilks
319 North Second Street
Hamilton, OH 45011

Dear Mr. Wilks:

Enclosed are Certificates of Appropriateness for work approved by the Historic Design Review Board for properties you own in German Village. Your efforts to improve your neighborhood and your concern for the Historic District are deeply appreciated by both the Design Review Board and the City of Hamilton!

If we can be of any further assistance to you in the future, or if you have any questions or concerns, please do not hesitate to contact us Monday through Friday from 8:30 a.m. to 5:00 p.m. at 868-5878.

Sincerely,

John Lehner, Secretary
Historic Design Review Board

JL:bm

Encs.



**Architectural Design Review Board
Tuesday, February 2, 2016
4:30 p.m.**

| PLAN. COMM. | AT LARGE | | COUNCIL | CHAMBER | ROSSVILLE |
|--|---|---|--|---|--|
| | Bloch | Beckman <input checked="" type="checkbox"/> | Brown <input checked="" type="checkbox"/> | Madam Chair Essman <input checked="" type="checkbox"/> | Fairbanks <input checked="" type="checkbox"/> |
| Belew | | | | Weigel | 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: Ed Wilson, City of Hamilton; Heather Hodges, City of Hamilton; Kim Kirsch, City of Hamilton

Guests: Bill Wilks

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

I. Roll Call

Present was Mr. Beckman, Mr. Brown, Ms. Essman, Ms. Fairbanks, Mr. Fiehrer, Mr. Graham, Ms. Ripperger, and Ms. Whalen.

- II. **Approval of Meeting Minutes** – Written Summary and Audio Recording for May 5, 2015: Motion to approve by Mr. Graham. With a 2nd by Ms. Ripperger and all “ayes”, the Motion passes.

III. Properties Seeking COA

Agenda Item #1 - 819 Dayton Street (Dayton Lane) – Replace Basement Windows – The Applicant was not present at the beginning of the meeting, so they proceeded to Item #2.

1. Agenda Item #1 - 117 Village Street (German Village) – Vinyl Siding

Background:

The subject property of 117 Village Street was brought to the attention of the Community Development Department Planning Division due to inquiries of work occurring at the property. Staff issued a Stop Work Order to the property owner in order to rectify the situation. The Stop Work Order had no valid response or action from the property owner. As a result, a second Stop Work Order was issued, which included posting a copy of the Stop Work Order on the property premises. Thereafter, the applicant mailed a completed COA application for review by the ADRB.

Mr. Wilson shows photos of “before” and “after” the vinyl siding. He shows the previous wider siding, and another picture showing the current vinyl siding. There’s also the different color scheme in the “after” photo.

- Existing Siding was cited by the Applicant as Slate. Per the Applicant, the existing slate will no longer hold paint. However, no significant evidence of this claim was included with the COA Application. The color of the existing siding is of a Grey hue.

The Applicant’s Proposal is to erect vinyl siding on the structure. However, that has already been done. Also included is the painting of decorative items. Per the Applicant, the total work looks similar to the previous look of the structure.

Additionally, known previous COA items and historic review items for 117 Village Street have been included by Staff for consideration, including evidence of the applicant having previous transactions with the historic review process.

Siding:

Existing Siding is Slate

- Per the Applicant, the existing slate will no longer hold paint.
 - Per the ascertained COA and historic review items for the property: The existing siding in the discovered COA notes that at one point it was asbestos siding, and that the proposal involved the repainting of this siding.
 - Per the Applicant, the color is similar to either Porter Paints (PPG 1010-2 “Fog” or PPG 1010-3 “Solstice”).

Siding is Harborstone Pro Pride Weathermaster

Applicant's proposes erecting Vinyl Siding on top of the existing siding of the structure (**already been done**)

State of Ohio Historic Designation

117 Village Street is not part of the State of Ohio Historic Inventory.

Painting:

Proposed for the Window, Trim, Accent and Doors (using Porter Paints)

- Per Applicant writing on the provided samples: Shutters and Trim as PPG 1010-7 "Zombie"
 - Resembles a deeper gray color
- Per Applicant writing on the provided samples: Window Frames, Spindles and Decorative Trim as PPG 1025-1 "Commercial White"
 - Within the family of a white color
- Per Applicant writing on the provided samples: Trim, Gutters and Soffit as PPG 1066-7 "Baked Bean"
 - Resembling a deep mute red color

The Applicant did provide paint samples with the COA Application.

Ms. Essman asks Mr. Wilks to come to the podium, introduce himself, and address the Board.

Ms. Essman says that the Board will address the two proposals separately, starting with the vinyl siding.

She asks for questions about the siding from the Board.

Mr. Graham asked Mr. Wilks why the siding was applied. Mr. Wilks replied that the slate was on the house when he bought it. He said that about three years ago, it started flaking in the rear part of the building. He said that if it's painted, it will flake again.

Mr. Graham asked him if it was slate or asbestos tiles and Mr. Wilks replied that it was slate. Mr. Graham asked if it was stone slate or asbestos tiles, and he said that he guesses it was stone slate. He says that it was there when he bought it, so he's not sure. Mr. Graham said that if that is what is on there, the solution would be to pressure wash it and paint it. Mr. Wilks said that they have tried that. He said that it might have been painted too soon or water got behind it.

Mr. Fiehrer asked Mr. Wilks when he had the work done and he replied that it was started in June or July. Mr. Fiehrer then asked him how long it took to get as far along as he got, and he replied that it didn't take long at all to get the siding on. Mr. Fiehrer asked him why he didn't come to the Board for approval of the work, and he replied that he didn't know it was illegal. Mr. Wilks then said that he didn't know if it was illegal or not, and that he doesn't get any information. He said that Debbie (Ripperger) told him, but that was after the fact. Ms. Ripperger said that it was a good year ago that she told him.

Ms. Whalen told Mr. Wilks that she finds it hard to believe that he has as many properties in German Village as he does, and doesn't know that he has to come to the Design Review Board when he wants to make changes with paint, siding, or shutters. She tells him that he's too smart of a man not to know that. She said that she knows that he's come before with properties, so she finds it hard to understand why he didn't come for this before starting the work. He asks when it became "not legal". She said that it applies to any work, even like for like, and that any homeowner has to check first. Mr. Wilks said that before this, if you didn't change the colors, you weren't required to come. He said that slate is a fake siding anyhow, if it's not wood. She said that her point is if you are making changes, you fill out the paperwork for the COA and come before the Board. She said that from what she read there were two (2) Stop Work Orders and that when she went past the residence this afternoon, there was a paper on the front door and someone was painting the front door, so it doesn't sound like they are complying with the Stop Work Order. Mr. Wilson said that when he issued the second Stop Work Order, it was through Certified Mail and he did a site visit and posted the Stop Work Order on the door. She said that she only knows that there was a piece of paper on the front door saying that it was being painted, so to her that doesn't sound like "Stop Work".

Ms. Jacobs asked him if he's sure that it's actually slate stone and he said that he's not sure. He said that slate is on about 20 houses in those two blocks. Mr. Fiehrer asked how many were vinyl and both Mr. Wilks and Ms. Ripperger said that there are quite a few, and some aluminum also. Mr. Beckman said that he had driven through the neighborhood also to try to get acclimated since he's new on the Board, and there are quite a few vinyl sided. Ms. Whalen said that this is exactly what happens. She said that if people come to the ADRB and want to put it on, the Board tells them not to. The people that do it before they come and it's on, they do what they want to do? And that's how there is some vinyl on properties, because they don't play by the rules. She said that she doesn't live in a historic neighborhood, but she has a home in one, and she has to play by the rules (that is filling out the COA, and paying the \$25.00). Mr. Beckman said that he thought there was one Stop Work Order and then a second. He said that he's surprised that someone didn't understand that something needed to be done after the first one.

Ms. Jacobs said that Mr. Pruitt (previous case) has taken his vinyl siding off because the Board talked in the fall about their guidelines (clearly not allowing it), and he's taken it off, so the Board can't have different standards for different people.

Mr. Fiehrer said he wonders when was the last time that the Board approved vinyl and no one, either the board or Mr. Wilson, could answer the question. Mr. Wilson stated that in his review and scanning of physical folders, however, there were four (4) instances where siding was approved. He said that it's also been discussed by the Board, however in more recent cases it's been extenuating circumstances. There needs to be proof that the paint can't hold or proof of damage or an extreme case like fire or something of the like.

Mr. Dingeldein asked if it had been formally removed from the guidelines because it used to be allowed in .040 and up, he thinks. Mr. Wilson said that he wasn't aware of it, but he could look into it. Mr. Dingeldein said that in the book that he has from when he was on the Board, it was allowed in .040 and up.

Mr. Graham advised Mr. Dingeldein that the Staff had a copy that he could look at and that it's on Page 19 (Siding, subsection 8). Mr. Graham then read the section which says, in part "application of non original siding material to a property will be approved only as a measure of last resort and when extenuating circumstances justify the application". He then continues that in Item E, "If approved, the new siding material must have appearance as close to the original siding as possible and have a minimum thickness of .04 inches".

Ms. Jacobs said that Sherwin Williams makes a product called "Peeling Paint Bonded Primer" that she has used and it works very well. She said that it feels like steel once it's applied.

Mr. Wilks then asks if the Board is saying that slate is better than vinyl. Ms. Essman responds that the Board does not approve vinyl unless there are extenuating circumstances. He asks about slate, and she responds that since the Board knows that slate was on the house, keeping the slate is what they would prefer, and they would have asked that the slate be painted.

Mr. Fiehrer asked Mr. Wilks if the slate had been removed, and he said that it had not. They went through the cracks in the slate to apply the vinyl. Mr. Fiehrer said that he hopes that it wasn't asbestos, and Mr. Wilks replied that he's not sure exactly what the covering was on the house, and that it may have been there from the time he was born.

Mr. Graham said that it's his guess that it was an asbestos siding that was probably applied in the 50's or 60's, and underneath that would be the original wood lap siding. Mr. Wilks replied that he believes it was applied before that because he was around there in the 50's and 60's.

Mr. Wilks said that he's frustrated, and that he doesn't know what the Board is trying to do. Ms. Essman replied that if Mr. Wilks would have come to the Board first to ask, that would have solved a lot of the issues. She knows that he has a lot of properties, and the Health Department came through and he had to do things. However, she believes that he was on the ADRB Board in the past.

Mr. Wilks replied that he started the Board. She said then that he should know that he needed to come and had he come before, no one would be in this position. He said he thought since he was keeping the colors the same, it would be okay. She said that he put new material on when he put the vinyl siding on, and the issue is that it wasn't approved. He said he didn't think about that part.

Ms. Essman asks the Board what they would like to do. Mr. Graham made a Motion that they deny the application for the vinyl siding for the house based on the policy and procedures manual cited to Mr. Dingeldein earlier and also prior experience with the Board. With a 2nd by Ms. Ripperger, and all "ayes", the Motion passes.

Ms. Essman explains to Mr. Wilks that the application for vinyl siding has been denied. He says that it's already on there, and she tells him to take it off. Ms. Jacobs says that it puts the Board in a bad position, and that they don't like to be "the bad guy". Mr. Wilks says that he put the siding on before he got the Stop Work Order, and she said it really doesn't matter when he put it on, he changed the exterior of the house without approval of the Board. The Board doesn't approve vinyl siding unless there are extenuating circumstances, and they haven't seen that there are any. He said would he have to prove that the paint was peeling, and she said yes, he would. Mr. Dingeldein asked if Mr. Wilks could reply if he could come back with an explanation of why the paint wouldn't stick, and she said yes he could, if he had some expert, and other paint doesn't make the paint stay like Ms. Jacobs had suggested.

Mr. Wilks said that he doesn't have the money to do it. He said that he has 50 properties over there and he's losing money and he's just doing it for the City of Hamilton. He said he gets no minutes from the meetings and it's not in the paper. Ms. Essman replied that he had not asked for the minutes to be sent to him, and that all he had to do for that to happen was to make a Public Records Request.

She said that she understands that he's frustrated, but the guidelines are what the City has put down and what the Board is following as the Design Review Board guidelines. It's not personal against him; it's just the Board trying to preserve the historic districts. Mr. Wilks asks her if she assumes that he knew that the Board wouldn't let him put vinyl siding on, and she replied that she doesn't assume that. She went on to say that what she assumes is that he's a smart man who knows to ask questions.

He said that he believes that the Building Department would say it's legal, so there is an inconsistency. Ms. Essman said that if that is the case, she would agree, and she will have Mr. Wilson check into that, because she doesn't want that to happen.

Ms. Essman then takes the Board to the second issue, which are the colors. She says the current colors don't match the previous colors. Ms. Essman asks Mr. Wilson for assistance with the colors, and Mr. Wilks says that he disagrees, and that the colors are white, gray, dark gray and red. Mr. Wilson asked him if that's how it was before, and he says it's exactly how it was before. He says they changed the configuration of the colors around to brighten the house up because it was very dark before. Mr. Wilson confirms that it's different placement of the colors, but the same color scheme.

Mr. Wilks then goes back to the original issue of the siding with Ms. Essman. He says he's frustrated and he insists that he did not know that it was illegal. He still believes that Ms. Essman assumed that he knew it was illegal when he did it, and that the Board is being very unfair. She reiterates to him that she's not assuming anything, but that it happened. She says that it doesn't matter when it happened, but it was done without approval and there won't be vinyl siding. Ms. Ripperger told Mr. Wilks that they had talked about it way before he put the siding on. Ms. Essman told Mr. Wilks that they had talked about the siding, and they were moving on to the painting.

She asks Mr. Wilson for clarification that it's the same colors, just different placement and he confirms that it is correct. She asks the Board for any questions. Mr. Fiehrer said he might like the original paint scheme, but it's difficult to picture it on the original exterior, which is what he's going to have to go back to. Ms. Essman says that assumes that he's going to keep the background the same. Ms. Ripperger says that they have painted the corbels, and they look nice.

Mr. Brown said that those are probably wood, so the only thing Mr. Wilks did not do was get permission of the colors, which he likes, but the siding is the real issue. He thinks the colors look historical. He says that Mr. Wilks only covered the slate that was peeling. He's not saying that he approves, and that the Board has to stand strong. He tells Mr. Wilks about Mr. Pruitt. He tells him that none of the Board members like the situation, but there are people who just do the work on the weekends without any approval. He said it's the same in all historic districts; they are not picking on him. He tells Mr. Wilks that that he feels bad for him, but the Board has to take control and turn it back around or pretty soon all of the houses will have vinyl. Ms. Jacobs added that then it won't look historical.

Ms. Kirsch then addressed Madam Chair in response to a previous question posed by Mr. Wilks with regard to what would have happened if he had gone to the Building Department. She explained that if a customer goes to Construction Services for any kind of permit, when their staff looks it up on the computer system, it indicates if it's in a historic district, and the customer is referred directly to Planning to speak to Mr. Wilson. So, had someone gone to the Building Department, it would have been addressed. Ms. Essman thanks her for the information.

Back to the issue of the colors, Mr. Brown said that he has no issue with them. Mr. Graham asked Mr. Wilks how the color of the siding compared to the color of the slate. He said that they are very similar in color.

Mr. Fiehrer made a Motion for a COA for the colors as presented. With a 2nd by Mr. Brown and all "ayes", the Motion passes.

Ms. Whalen said that she would like to make her "editorial comment". She advised Mr. Wilks that if he wanted to change colors in the future, he did need to come before the Board for a COA. He says it's too much regulation for him. Now he has to go to court because he can't paint 50 houses. He said he might just quit and not do anything anymore. He said he doesn't think the Board put enough thought into it. The houses were scum and he put floors in them, new beams, new electric, and air conditioned them. "They were all shacks." City Council was going to tear this section down like they did 2nd ward and he bought them up. He said the Board is trying to make it greater than it ever was. He said that "it was a slum", and if the criteria for a house being "historic" is that it's 100 years old, there are houses all around Hamilton that are "historic".

Ms. Essman told him that the siding is the issue at this point, the regulations are what they have, and it's their duty to work with them and work within that framework. He asked if everybody that has vinyl will now have to take it off, and she said "no, they didn't" say that." What has happened is that he has put the vinyl on and they are not approving that. He asked does he have to tear it off? She said that he has a couple of choices. If he believes that it will not hold paint, he will need to show the Board the extenuating circumstances that slate will not hold paint. He said "does that mean that she doesn't believe him." She replied "that's not what that means, but he has to show them."

Mr. Graham confirmed with Mr. Wilson that since the Board has denied the COA for the vinyl siding for Mr. Wilks, his alternative is to appeal it to the BZA, and not to return to the ADRB Board for an alternate decision. Mr. Wilson said that is one possibility. Mr. Wilks said it's too much regulation. Mr. Graham said that he understands Mr. Wilks' frustration, but the Board has frustration too. By his own admission, he is one of the founding members of this Board, so what they are

doing is enforcing regulations that he crafted and have been expanded upon over the years. Mr. Wilks said he doesn't know when it became a regulation.

Mr. Graham tells him that there are two examples cited in his packet. In 1987, he received COA's from this Board. Mr. Wilson said that was for painting of a structure. Mr. Graham advised him that he needs to get a COA for any exterior work, even if it's like for like. Mr. Wilks replies that he doesn't even know what a COA is, and he's advised of what it was.

Ms. Whalen asked Mr. Wilson if he could make sure that Mr. Wilks had all of the paperwork and brochure telling about the regulations. Mr. Wilson said that he would do that, but that he's already given that to him. Mr. Wilks said that the Board is making people afraid to do anything to their property, and they are making him afraid. He was going to will the property to the City, but now he doesn't know what they will have with the regulations. He thinks the vinyl siding looks much better than the slate. Ms. Jacobs replied with her opinion.

2. Agenda Item #2 - 819 Dayton Street (Dayton Lane) – Replace Basement Windows –819 Dayton Street.

Background:

819 Dayton Street came to the attention of the Community Development Planning Division due to the owner and applicant submitting a general inquiry through the City's 311 system. Staff answered Mr. Spoonster's inquiry, confirming that the proposed work for the structure required ADRB review due to change of the exterior of the structure. The applicant submitted a COA application for review at the February 2, 2016 ADRB meeting.

State of Ohio Historic Designation

819 Dayton Street is not part of the State Historic Inventory.

Mr. Spoonster, the Applicant, was present. He introduced himself to the Board, and handed Mr. Wilson some photos, which were then given to the Board.

Per the Applicant, the current windows are inoperable, leaking and rotted. Additionally, per the Applicant, the windows have no insular properties and leaded paint.

Proposed Basement Windows:

- Glass Block Windows with vents; to be installed at the sides and rear of structure
- Pittsburgh Corning, Glass Block Windows
- "Clear Type" Windows are preferred by the Applicant.

The proposal for 819 Dayton Street only involves the basement windows, and further, that the windows in need of replacement are at the side and rear of the structure.

He said that they would be very hard to see from the street view. Mr. Wilson showed photos of the house and the windows that the Applicant is proposing to the Board.

Mr. Graham asked the Applicant how many total windows he's talking about. He replied that there are two on the left, two on the right, one in back. He says that the one on the east side of the home is a double opening. Mr. Spoonster and various members of the Board then had a discussion about using windows with vents vs. no vents as far as security, safety, and how many vents he actually needed. He and Mr. Graham had a discussion about how the windows do in the case of a fire. Mr. Spoonster also talked about the landscaping around the house and how it obscures the windows.

Ms. Whalen made a Motion to approve, with a 2nd by Mr. Graham.

There was a bit more discussion about the vents on the windows, and where they would actually be needed for cross ventilation.

Roll call for the Motion was taken. With all "ayes", the Motion passes and the application is approved.

IV. Miscellaneous/Discussion/On the Radar

Inquiries Received / Misc:

- 337 Ross Avenue - Ms. Missy McCall will be available for the February 16, 2016 meeting.
- 117 Park Avenue (corner of North B and Park) – inquiry
- 228 North B Street (State) - General inquiry
- 830 Dayton Street – Emergency COA – tree fell on roof and porch, water leaking

Ms. Whalen asked for clarification on minutes and why they aren't always done in order, and Ms. Kirsch addressed that issue.

Mr. Beckman asked Mr. Beckman if he had a question. He said yes, that given what he's read of previous minutes, did they set some type of precedence tonight by denying Mr. Wilks' application. Additionally, he wondered if Mr. Wilks would come back with something from someone in authority saying that it was asbestos and there's really nothing else he can do, would it be permitted. Ms. Essman

replied that if those are extenuating circumstances, it is within the guidelines. The circumstances the Board had before them didn't fit that criteria.

Ms. Whalen then shared a few historical incidents with him of residents that have done work to their properties without getting approval by the Board first.

Mr. Dingeldein said that he thought the Board acted correctly by not being punitive about the issue of whether Mr. Wilks knew or didn't know. It was that he didn't ask that he didn't follow the rules and he needed to take it off.

Mr. Graham said that he thinks the precedence was set on November 3 with Mr. Pruitt of 349 Ross Avenue. Mr. Graham said that he tabled the item and asked Mr. Pruitt to come back with some quotes. He said that gave him an opportunity to provide evidence of extenuating circumstances. He came back to the November 17 meeting with one quote in the \$40,000.00 range to repair his siding. The Board subsequently voted to deny his application for the siding. He then appealed to the BZA and they denied his application for vinyl siding. Ms. Essman said that they cannot make their decisions based on financial issues. Mr. Graham told Mr. Beckman that Mr. Pruitt's argument was that he couldn't afford the \$40,000 for the vinyl siding.

Ms. Whalen said that she and Ms. Jacobs went to the BZA meeting. She said that at one point the Chairperson on their Board said that they didn't know why they were getting the appeal, and that they didn't know the ADRB's guidelines and regulations, etc.

Ms. Essman asked that if something else goes to the BZA, can the Staff make sure that they are provided with the minutes, guidelines, and that the ADRB Board is notified that a decision of theirs is being appealed, and Mr. Wilson assured them that it would all happen.

Ms. Kirsch then informed Ms. Essman of the changes that have been made in procedures of Staff as far as follow up to Stop Work Notices, notification of living in historic districts/homes, documentation of current historic homes and specifics of same.

Mr. Brown said that the Board is doing justice to the people that are coming to the meetings. The situation that came to the Board today is what is hurting them. He's sure that Mr. Wilks will be calling someone tonight, but the Board can't change the rules for specific people, or people that have already done the work without approval first.

Mr. Fiehrer asked Mr. Spooner how he knew to ask. Mr. Spooner said that the Board has a certain degree of notoriety. Mr. Wilson said that Mr. Spooner actually used the 311 system to look into it. Mr. Spooner then asked a question about disclosure of a property being in a historic district.

V Adjourn

Mr. Brown made a Motion to Adjourn. With a 2nd by Mr. Beckman, the meeting was ended.

Submitted by:

Chair:

Ed Wilson
Secretary, ADRB

Ms. Mary Pat Essman
Madam Chair, ADRB

DRAFT

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:

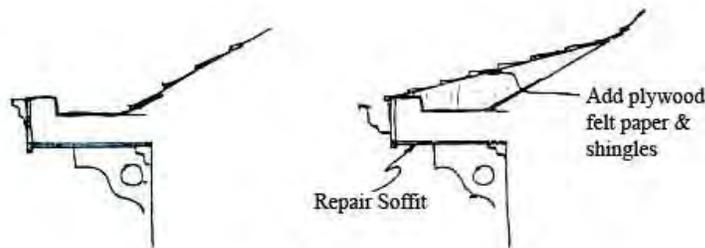
- A. Replacement garage doors will replicate, as close as possible, the existing garage doors in design and material.
- B. New/replacement garage doors that cannot replicate existing doors will have a multi-paneled design.
- C. Garages should be painted in a color scheme that compliments the principal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

Gutters

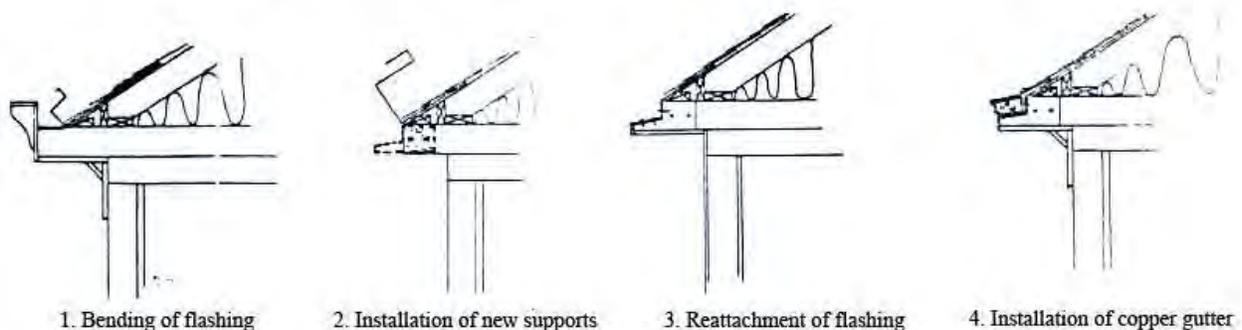
Requests for Certificates of Appropriateness involving new construction/replacement of gutters will be treated by the Board as follows:

- 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

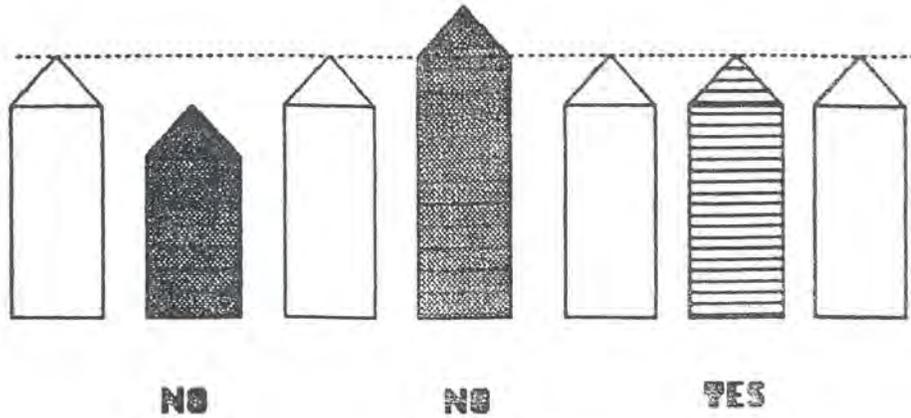
Requests of Certificates of Appropriateness involving additions to existing structures will be treated by the Board as follows:

- 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

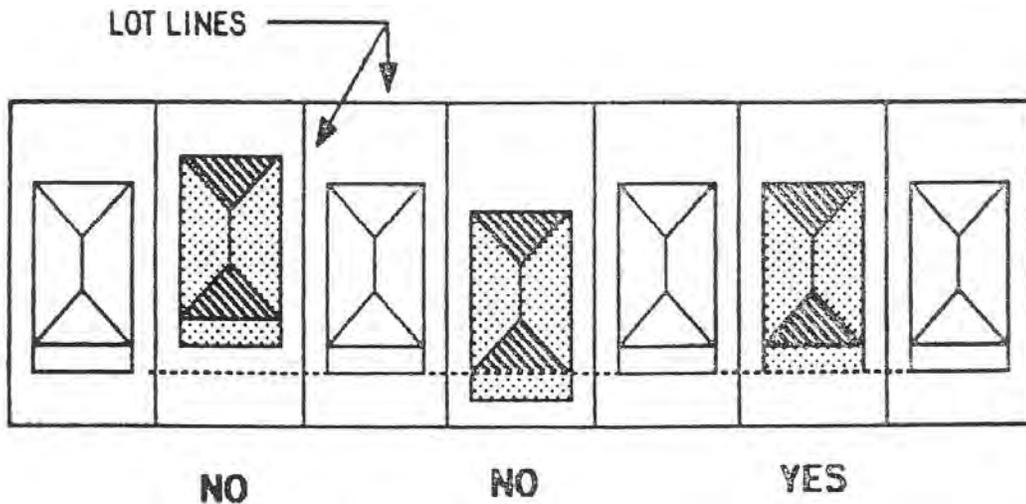
Requests for Certificates of Appropriateness involving new construction will be treated by the Board as follows:

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.



February 3, 2016

William Wilks
P.O. Box 295
Hamilton, OH 45012

Dear Mr. Wilks,

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 Vinyl Siding for the property located at 117 Village Street was Denied by the Board at the February 2, 2016 meeting.

The board denied your application due to insufficient evidence depicting the circumstances for vinyl siding; and due to the clauses of the Architectural Design Review Board (ADRB) Policies & Guidelines: subject of Siding, item A..

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



Certified Mail

February 25, 2016

Mr. William Wilks TR
319 North Second Street
PO Box 295
Hamilton, Ohio 45012

RE: ADRB Decision
ADDRESS: 117 Village Street
MTG. DATE: February 2, 2016

Dear Mr. Wilks:

This letter is to advise you that your request before the Architectural Design Review Board (ADRB) to issue a Certificate of Appropriateness (COA) for the installation of vinyl siding at 117 Village Street was DENIED by the ADRB.

This letter is to advise you to remove the Vinyl Siding from the structure of 117 Village Street to comply with the ADRB denial of your COA Application.

Please be advised any vinyl siding that has already been installed should be removed from the property within 45 days from the date of this letter – February 25, 2016.

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

Edward Wilson III
Secretary
Architectural Design Review Board

CC: John Creech, City of Hamilton



A160693
A160694



BOARD OF ZONING APPEALS APPLICATION

Property Address: 117 Village

Lot No(s): P6431009000025 / 26

Property Owner: William C. Wilks

Owner's Mailing Address: 319 North Second Street, Hamilton, OH 45011

Appellant's Name (If different than owner): Community Design Alliance

Appellant's Mailing Address: 236 High Street

Appellant's Email Address: mike@cdalliance.net

Previous Legal Use of Property: residential

Date Previous Use Discontinued: _____

Proposed New Use of Property: no change

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**)

1) Requesting a variance to the findings of the ADRB, disallowing vinyl siding for exterior restoration

2) Requesting a variance to the findings of the ADRB, for color selection of trim paint

- 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.

The existing original siding on the structure has been confirmed to be asbestos containing material (20% Chrysotile)

Alternate siding applications other than the lightweight spline attachment of vinyl siding would require abatement by certified abatement contractor

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.

The economic development margins for property in this neighborhood are very thin. The encapsulation provided by the lightweight siding creates a positive condition at a reasonable cost.

Abatement costs would likely exceed appraised value of property

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 use of vinyl siding was historically allowed by the City of Hamilton ADRB guidelines until 2015 when that was changed

The material is not unprecedented in the neighborhood and exists in many other residential properties

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.

The existence and use of cementitious tile siding is uncommon for Hamilton's historic districts, and presents an unusual risk for the opportunity to make exterior improvements.

The vinyl siding encapsulation is a reasonable but unique compromise

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

Trim paint color is compatible with vinyl siding color and within the range of historical colors used in the neighborhood

CERTIFICATION:

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



Appellant's Signature

Date

Michael P. Dingeldein, AIA Community Design Alliance

Appellant's Printed Name

Property Owner's Signature



Williams C Wilks

Property Owner's Printed Name

Date

3/16/16



February 24, 2016

Mr. Craig Wilks
Village Properties
319 North Second Street
Hamilton, Ohio 45011

Re: Limited Asbestos Inspection
117 Village Street
Hamilton, Ohio 45011
Sierra Project Number: W1.001

Dear Mr. Wilks:

On February 22, 2016, Mr. Todd Taylor (Ohio Department of Health Certified Asbestos Hazard Evaluation Specialist #ES32139) of Sierra Environmental Group, Inc. (Sierra) visited the residence located at 117 Village Street, Hamilton, Ohio. The purpose of this visit was to conduct a limited asbestos inspection of the cementitious siding underneath the vinyl siding scheduled for renovation as required by Section 61.145 (a) of the November 20, 1990, National Emission Standards for Hazardous Air Pollutants (NESHAP); Asbestos NESHAP Revision, Final Rule issued by the Environmental Protection Agency. This process includes a visual inspection of the property, as well as the collection and analyses of samples of materials suspect for containing asbestos.

During the survey, the samples were collected utilizing sampling methods outlined in current EPA Guidance Documents. Each sample was collected and placed in a clean, sealable container and labeled with a unique sample identification number. Pertinent information was recorded on a Bulk Sample Log Sheet, including sample identification number, date of inspection, name of inspector, building name, a brief description and location of the sample, and the type of material sampled (e.g., thermal insulation, fireproofing, acoustical plaster). The samples were submitted to an analytical laboratory and analyzed for asbestos content by polarized-light microscopy (PLM) and dispersion staining (Method Reference: EPA-600/R-93/116). This analytical method, which the EPA currently recommends for the determination of asbestos in bulk samples of suspect materials, can be used for qualitative identification of six morphologically different types of asbestos fibers: chrysotile, amosite, crocidolite, anthophyllite, tremolite, and actinolite asbestos.

The method specifies that the asbestos content in a bulk sample shall be estimated and reported as a finite percentage (rounded to the nearest percentage) within the range of 0 to 100. The result of the bulk sample analysis is reported in a standard written laboratory report. This report includes the client's name, the project number, the laboratory identification number, the sample number assigned to the bulk sample upon receipt at the laboratory, and the field number assigned to the bulk sample upon collection on site. If the bulk sample contains more than one distinct layer of material, each layer is analyzed separately. The composition of the bulk sample is reported in percentages of asbestos (i.e., chrysotile, amosite, or other) and non-asbestos (i.e., cellulose, fiberglass, or other) components. The results of the sample analyses can be found on the laboratory report enclosed and Table 1.

Sierra collected samples from cementitious siding scheduled for a potential upcoming renovation project. The cementitious siding contained asbestos (>1%). Locations, types and other information related to the asbestos-containing materials (ACM) that may be disturbed by upcoming renovation activities are summarized in Table 2

of this report. If any of this material will be affected by the renovation activities then this material must be removed by a licensed Ohio asbestos abatement contractor.

Enclosed are the following Sierra documents: 1) Table 1-Bulk Sample Data Summary; 2) Table 2-Asbestos Inventory; 3) Laboratory Report and 4) Inspector's Certification. If we can be of further assistance on this or any other project, do not hesitate to call us at (513) 542-5323.

Sincerely,

SIERRA ENVIRONMENTAL GROUP, INC.



Todd Taylor
Operations Manager

Attachments



TABLE 1: LIMITED BULK SAMPLE DATA SUMMARY

| SAMPLE DESCRIPTION (Material Type) | SAMPLE LOCATION | HOMO AREA # | SAMPLE I.D. NO. | ASBESTOS CONTENT | FRIABLE/ NONFRIABLE |
|---|-----------------------------|-------------|-----------------|------------------|------------------------|
| The following samples was collected from the residence located at 117 Village Street in Hamilton, Ohio. | | | | | |
| Cementitious siding (Miscellaneous) | Exterior under vinyl siding | 1 | 1-1 | 20% Chrysotile | Nonfriable |

TABLE 2 - LIMITED ASBESTOS INVENTORY

| Location | Type ACM | Material Description | Amt. of Material (approx.) |
|---|-------------|---|----------------------------------|
| The following asbestos-containing materials are located at 117 Village Street, Hamilton, Ohio. | | | |
| Exterior | II | Cementitious siding (under vinyl siding) | 2,880 sf |

Table 2-1



Asbestos Bulk Analysis Report

Environmental Hazards Services, L.L.C.
7469 Whitepine Rd
Richmond, VA 23237
Telephone: 800.347.4010

Report Number: 16-02-02745

Client: Sierra Environment Group Inc.
1041 Straight Street
Cincinnati, OH 45214

Received Date: 02/23/2016
Analyzed Date: 02/23/2016
Reported Date: 02/24/2016

Project/Test Address: WI.001-117 Village St.

Client Number:
36-6195

Fax Number:
513-542-6653

Laboratory Results

| Lab Sample Number | Client Sample Number | Layer Type | Lab Gross Description | Asbestos | Other Materials |
|-------------------|----------------------|------------|--|----------------|-----------------|
| 16-02-02745-001 | 1-1 | | Tan Cementitious; Gray Paint-Like; Inhomogeneous | 20% Chrysotile | 80% Non-Fibrous |

Total Asbestos: 20%

Chrysotile present throughout sample

Environmental Hazards Services, L.L.C

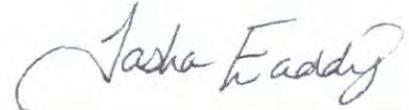
Client Number: 36-6195
Project/Test Address: WI.001-117 Village St.

Report Number: 16-02-02745

| Lab Sample Number | Client Sample Number | Layer Type | Lab Gross Description | Asbestos | Other Materials |
|-------------------|----------------------|------------|-----------------------|----------|-----------------|
|-------------------|----------------------|------------|-----------------------|----------|-----------------|

QC Sample: 88-M22011-4
QC Blank: SRM 1866 Fiberglass
Reporting Limit: 1% Asbestos
Method: EPA Method 600/R-93/116, EPA Method 600/M4-82-020
Analyst: Theresa Nicholson

Reviewed By Authorized Signatory:



Tasha Eaddy
QA/QC Clerk

The condition of the samples analyzed was acceptable upon receipt per laboratory protocol unless otherwise noted on this report. Each distinct component in an inhomogeneous sample was analyzed separately and reported as a composite. Results represent the analysis of samples submitted by the client. Sample location, description, area, volume, etc., was provided by the client. This report cannot be used by the client to claim product endorsement by NVLAP or any agency of the U.S. Government. This report shall not be reproduced except in full, without the written consent of the Environmental Hazards Service, L.L.C. California Certification #2319 NY ELAP #11714 NVLAP #101882-0 VELAP 460172. All information concerning sampling location, date, and time can be found on Chain-of-Custody. Environmental Hazards Services, L.L.C. does not perform any sample collection.

Environmental Hazards Services, L.L.C. recommends reanalysis by point count (for more accurate quantification) or Transmission Electron Microscopy (TEM), (for enhanced detection capabilities) for materials regulated by EPA NESHAP (National Emission Standards for Hazardous Air Pollutants) and found to contain less than ten percent (<10%) asbestos by polarized light microscopy (PLM). Both services are available for an additional fee.

400 Point Count Analysis, where noted, performed per EPA Method 600/R-93/116 with a Reporting Limit of 0.25%.

* All California samples analyzed by Polarized Light Microscopy, EPA Method 600/M4-82-020, Dec. 1982.

LEGEND: NAD = no asbestos detected



Environmental Hazards Services, LLC
 www.leadlab.com 7469 Whitepine Rd
 (800)347-4070 Richmond, VA 23237
 (804)275-4907 (fax)

Asbestos Chain-of-Custody

16-02-02745



Due Date:
 02/24/2016
 (Wednesday)
 AE M INV

TR

Company Name: Sierra Environmental Group, Inc. Address: 1041 Straight Street City/State/Zip: Cincinnati, Ohio 45214
 Phone: (513) 542-3323 Fax: (513) 542-6653 E-mail: Acct. Number: 36-6195

Project Name / Testing Address: WI. 001 - 117 Village St City/State (Required):
 Collected by: T. Taylor Purchase Order Number:

Turn Around Times: If no TAT is specified, sample(s) will be processed and charged as 3-day TAT.
 PER TODD TAYLOR 1 - Day 2 - Day 3 - Day
 REQUEST 2/24/16

| No. | Client Sample ID | Date Collected | ASBESTOS | | | | | | AIR | | | Volume (Total Liters) | COMMENTS | |
|-----|------------------|----------------|----------|--------------------|---------------------|----------------|-----|--------------------|-----------------|---------|----------|-----------------------|----------|-------------------|
| | | | PLM | PLM Post Count 400 | PLM Post Count 1000 | PLM M Protocol | PCM | TEM Cherted (Bulk) | TEM AHERA (Air) | Time On | Time Off | | | Flow Rate (L/min) |
| 1 | F1 | 2-22-16 | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | |

Signature: *[Signature]*
 Date/Time: 2/23/16

Released by: T. Taylor
 Received by: DEB

05/19/2016

Taylor
Sierra Environmental Group, Inc.
1041 Straight Street
Cincinnati OH 45214

Asbestos Hazard Evaluation Specialist
Certification Number: ES32139
Expiration Date: 05/19/2016

Taylor, Todd E.

The letter and enclosed certification card approves your request to be certified as an Asbestos Hazard Evaluation Specialist. You must present your card upon request at any project site while performing duties. Copies of cards are not acceptable as proof of certification.

This certification may be revoked by the Director of Health for violation of any of the requirements of RC 3716.01 of the Ohio Administrative Code.

If you have any questions, please call Kathy Butcher, Licensure Specialist, at 614-644-0226.

Sincerely,

C. Robbins, Section Chief
Bureau of Licensure Operations
Office of Health Assurance and Licensing

State of Ohio
Department of Health
Asbestos Program

Asbestos Hazard Evaluation Specialist



Todd E Taylor
Sierra Environmental Group, Inc.
1041 Straight Street
Cincinnati OH 45214

Certification Number: ES32139 Expiration Date: 05/19/2016

07/23/1987



SIERRA ENVIRONMENTAL GROUP, INC.
 1041 STRAIGHT STREET, CINCINNATI, OH 45214

Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 2/24/2016 | 6256 |

Bill To

Village Properties
 319 North Second Street
 Hamilton, Ohio 45011

| | | |
|----------|--------|-----------------------------|
| P.O. No. | Terms | Project |
| | Net 30 | WI.001 - 117 Village Street |

| Quantity | Description | Rate | Amount |
|----------|--|--------|--------|
| 1 | Lump Sum - Limited Asbestos Inspection, 117 Village Street | 250.00 | 250.00 |

| | | |
|---|--------------|----------|
| Thank you for your business. Any questions, please call (513) 542-5323. | Total | \$250.00 |
|---|--------------|----------|



National Voluntary Laboratory Accreditation Program

NVLAP Portal > Directory Search > Environmental Hazards Services, L.L.C. (101882-0)

Lab Information

Lab Name: Environmental Hazards Services, L.L.C.

Lab Code: 101882-0

Lab Type: Commercial Testing Service

Contact: Julie Dickerson

Email: jdickerson@leadlab.com

Phone: 804-275-4788

Fax: 804-275-4907

Website: <http://www.leadlab.com>

Address: 7469 Whitepine Road

City: N. Chesterfield

State: Virginia

Zip: 23237-2261

Country: United States

Accreditation

Name

Expiration Date

Certificate

Scope

LICENSE INFORMATION

License Description: Asbestos Hazard Evaluation Specialist

[Return to Listing](#)

Name and Address

Contractor Name: Todd Taylor
Company Name: Sierra Environmental Group, Inc.
Address: 1041 Straight Street
 Cincinnati, OH 45214
City/State/Zip:
Phone: (513) 542-5323

License No.: ES32139
Status: Approved
Expiration Date: 5/19/2016

[Close History](#)

Page 1 of 2 (19 history record(s) found)

| License No | Company Name | Approval Date | Expiration Date |
|------------|----------------------------------|---------------|-----------------|
| ES32139 | Sierra Environmental Group, Inc. | 04/10/2014 | 05/19/2015 |
| ES32139 | Sierra Environmental Group, Inc. | 04/05/2013 | 05/19/2014 |
| ES32139 | Sierra Environmental Group, Inc. | 04/10/2012 | 05/19/2013 |
| ES32139 | Sierra Environmental Group, Inc. | 04/11/2011 | 05/19/2012 |
| ES32139 | Sierra Environmental Group, Inc. | 04/02/2010 | 05/19/2011 |
| ES32139 | Sierra Environmental Group, Inc. | 04/14/2009 | 05/19/2010 |
| ES32139 | Sierra Environmental Group, Inc. | 04/21/2008 | 05/19/2009 |
| ES32139 | Sierra Environmental Group, Inc. | 05/02/2007 | 05/19/2008 |
| ES32139 | Sierra Environmental Group, Inc. | 05/09/2006 | 05/19/2007 |
| ES32139 | Sierra Environmental Group, Inc. | 03/25/2005 | 05/19/2006 |

1 2

LICENSE INFORMATION

License Description:

Asbestos Hazard Abatement Specialist

[Return to Listing](#)

Name and Address

Contractor Name: Todd Taylor
 Company Name: Sierra Environmental Group, Inc.
 Address: 1041 Straight Street
 City/State/Zip: Cincinnati, OH 45214
 Phone: (513) 542-5323

License No.: AS24474
 Status: Approved
 Expiration Date: 5/20/2016

[Close History](#)

Page 1 of 2 (19 history record(s) found)

| License No | Company Name | Approval Date | Expiration Date |
|------------|----------------------------------|---------------|-----------------|
| AS24474 | Sierra Environmental Group, Inc. | 04/10/2014 | 05/20/2015 |
| AS24474 | Sierra Environmental Group, Inc. | 04/05/2013 | 05/20/2014 |
| AS24474 | Sierra Environmental Group, Inc. | 03/29/2012 | 05/20/2013 |
| AS24474 | Sierra Environmental Group, Inc. | 04/08/2011 | 05/20/2012 |
| AS24474 | Sierra Environmental Group, Inc. | 04/02/2010 | 05/20/2011 |
| AS24474 | Sierra Environmental Group, Inc. | 04/10/2009 | 05/20/2010 |
| AS24474 | Sierra Environmental Group, Inc. | 04/18/2008 | 05/20/2009 |
| AS24474 | Sierra Environmental Group, Inc. | 05/01/2007 | 05/20/2008 |
| AS24474 | Sierra Environmental Group, Inc. | 05/09/2006 | 05/20/2007 |
| AS24474 | Sierra Environmental Group, Inc. | 03/29/2005 | 05/20/2006 |



For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: Meredith Murphy

Subject: **AGENDA ITEM #5**

2016-8-Variance

Three (3) zoning variances to erect an oversized accessory building on the property located at 988 Ridgefield Road. 1) Variance to erect an accessory structure prior to construction of the primary structure. 2) Variance to erect a 3,168 square foot accessory building where the maximum size permitted is 800 square ft. 3) Variance to erect an accessory building 20 ft in height where the maximum height is limited to 15 ft. (Roger Reece, Applicant)

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application has been submitted regarding three (3) zoning variances to erect an oversized accessory building on the property located at 988 Ridgefield Road. This property is approximately 41.5 acres and is located in an R-1 Single Family Residence District (see attached Zoning map – Exhibit B) and is regulated by Section 1115.00 and Section 1110.00 of the Hamilton Zoning Ordinance (HZO). Mr. Reece is seeking a variance to the requirements of the zoning ordinance in order to construct a new accessory building. The applicant is requesting relief from three parts of Section 1115.00 of the Hamilton Zoning Ordinance. Mr. Reece is seeking a variance to the requirements of the zoning ordinance in order to construct a new storage building on the property. The proposed accessory building will be a total of forty four (44) feet by seventy two (72) feet totaling one hundred and 3,168 square feet.

The three (3) requested variances are to Section 1115.40 and Section 1115.43.1 of the HZO to allow construction of an accessory building prior to construction of the primary structure, allow a height of twenty (20) feet where fifteen (15) is permitted, and a building foot print of 3,168 where a maximum of 800 is permitted.

Section 1115.40 states “Accessory Use and Buildings: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith”

Section 1115.43.1 states “Accessory buildings shall have a maximum first floor area of eight hundred (800) square feet.” And “Height: One story to a maximum of fifteen (15) feet.”



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 three (3) 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 **“This zoning variance request is being made for construction of a large accessory building on a 41.51 acre, heavily wooded lot that is bounded on 2 sides by undeveloped park land and 2 undeveloped large lots in Ross Township. We feel this property is unique within the City of Hamilton and should not be subject to the zoning regulations that are generally applied within the R-1 zoning district.”** After reviewing the application there appears to be Exceptional Circumstances (Section 1170.63.1) associated with this request, the size of the is 41.5 acres compared to a typical R-1 Single Family lot which has a minimum requirement of 12,000 square feet. The proposed accessory building was submitted along with plans for a house and detached garage that will be approximately 2,950 square feet.*

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 **“Relative to Zoning Code Section 1115.43, we request a variance to the 800 sq. ft. accessory building size regulation to build a 3,168 sq. ft. (44' x 72') detached pole structure. In addition, the height of the accessory building will exceed the regulated height of 15 feet and will be a total height of 20 feet. Relative to Zoning Code Section 1110.26 HZO which requires the proposed accessory building to have the same type of siding material as the existing house, we have no existing house yet, but plan to construct a house within the next year. However, we do request a variance of Sections 1110.26 and 1110.33, as we would like to construct a metal sided pole building with a metal roof, and our future house will have an exterior facade of something other than metal, and will have a shingle roof. This property is in CAUV tax status and has a requisite forestry management plan developed and issued by the Division of Forestry, Ohio Department of Natural Resources. We are required to maintain the forested land as a condition of the CAUV status. In order to***



perform forestry maintenance, we own several pieces of large equipment. Unfortunately, we've experienced trespassing and cannot leave our equipment on-site without the need to lock it up.” 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 and height are higher than permitted but the property is larger than a typical lot in the City of Hamilton. Also the proposed structure, if approved would be built prior to the house and would not match the primary structure once it is built.

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 “Due to the topography and heavy tree cover on the property, coupled with the fact that we propose to construct this accessory structure 80 feet off the nearest property line and more than 300 feet from the nearest neighbor's house, our four neighboring property owners will have very limited visibility of this structure. The public will see this structure only in the winter when the leaves are down, and even then it will hardly be visible.” 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 has an eighty (80) foot setback where only a five (5) foot is required. The applicant also states that the proposed accessory building would be 300 feet from the nearest neighbors house.

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 understand this variance is particular to this property and is considered unique to this building and may not be a means to formulate or change regulations in this zoning district. We understand this variance will not set precedence for this property or any other property in this zoning district.” After reviewing the application it appears that the request is Not of a General Nature (Section 1170.63.4). As previously stated the property is 41.5 acres and is not typical of the R-1 single family lots in the City of Hamilton, which are typically 10,00 – 12,000 square feet.

Recommendation:



Based on a review of the information submitted, there is reason to consider approving the three (3) 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.

Notification

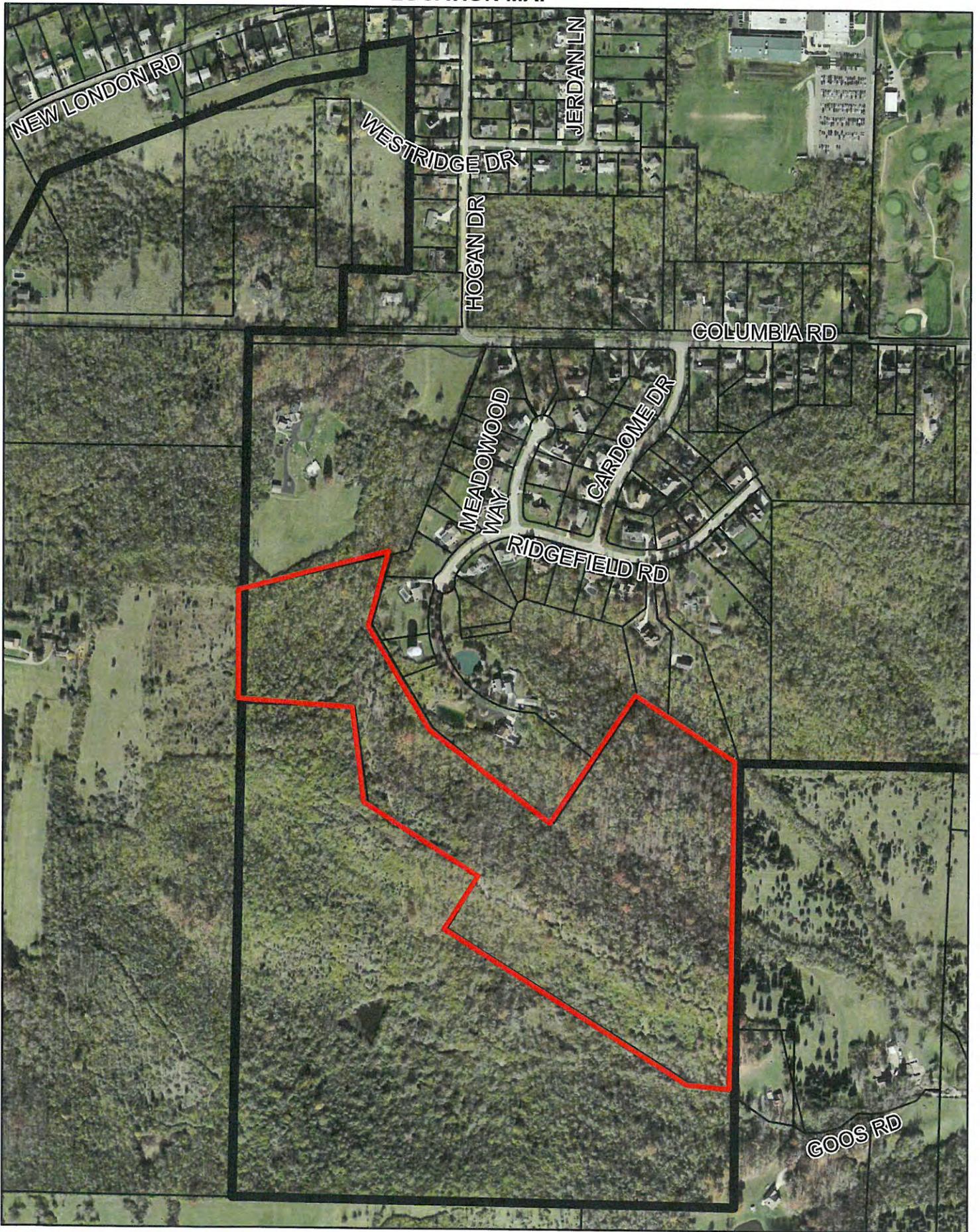
Public Hearing Notices were mailed to the owners of twelve (12) properties within 100 feet of the property in question. At the time this report was written, numerous calls from neighboring property owners with questions were received about the size of the accessory structure and what would be stored inside it.

Attachments:

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



988 RIDGEFIELD ROAD
LOCATION MAP

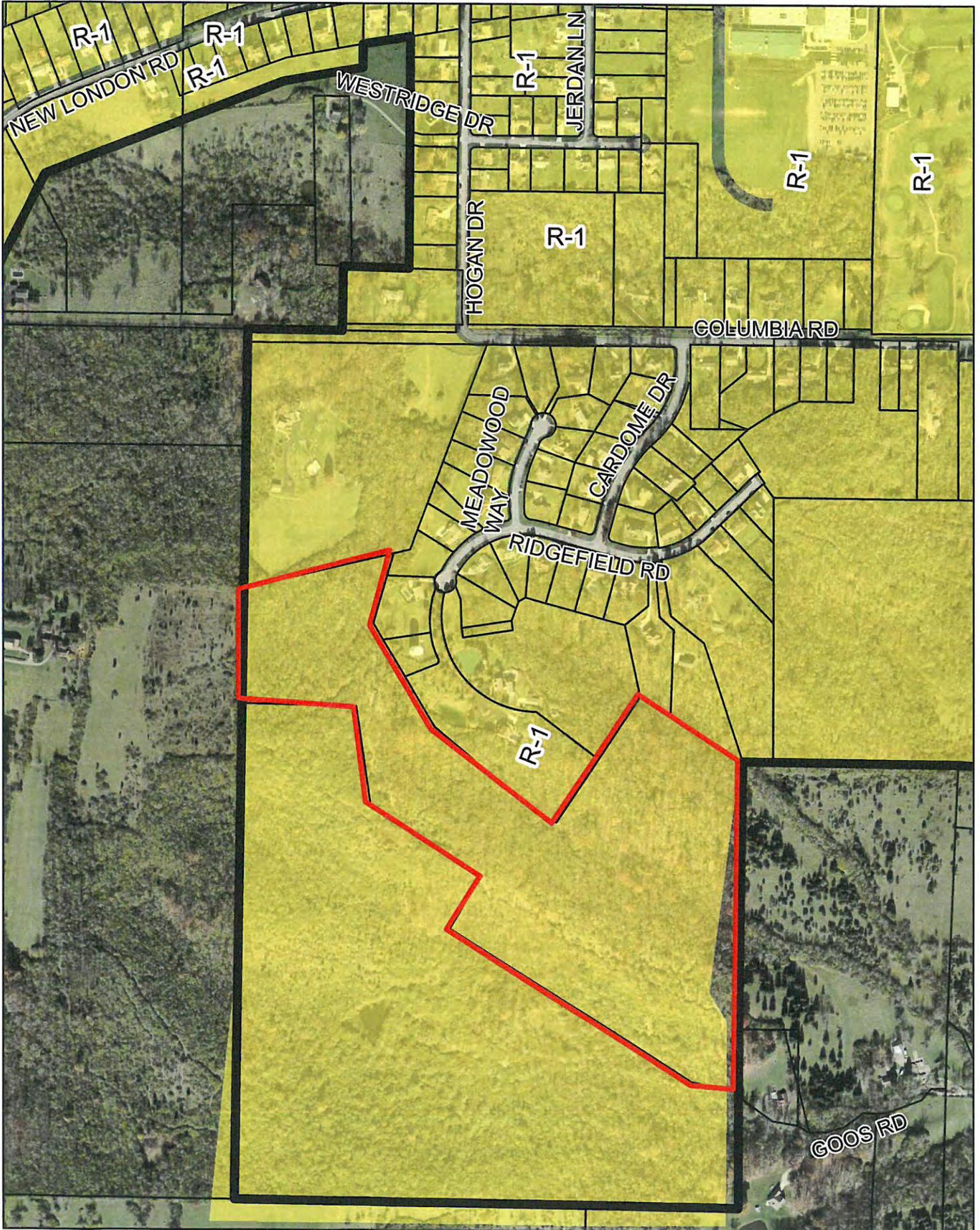


 988 Ridgefield Road

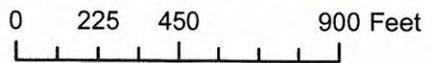
0 225 450 900 Feet



988 RIDGEFIELD ROAD
LOCATION MAP



 988 Ridgefield Road



A160719
A A160720



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

BOARD OF ZONING APPEALS APPLICATION

Property Address: 988 Ridgfield Rd. Hamilton OH 45013

Lot No(s): Parcel ID P6412215000002

Property Owner: Roger L. Reece and Susan E. Vance

Owner's Mailing Address: 2524 Eastridge Dr. Hamilton OH 45011

Appellant's Name (If different than owner): N/A

Appellant's Mailing Address: N/A

Appellant's Email Address: RogerLReece@gmail.com # 383-9098

Previous Legal Use of Property: R1

Date Previous Use Discontinued: N/A

Proposed New Use of Property: R1

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**)
Please see attached.

Other – Skip to "Other" Section of Application Form

City of Hamilton
Date: 3/21/2016
Officer: ONST
Acct: 376404
Cashier: Consvs
Number: 00838757
3/18/2016 4:58: PM
Receipt #
Payment Total: \$150.00
Credit Card Tendered: \$150.00

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.

Please see attached

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.

Please see attached

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.

Please see attached

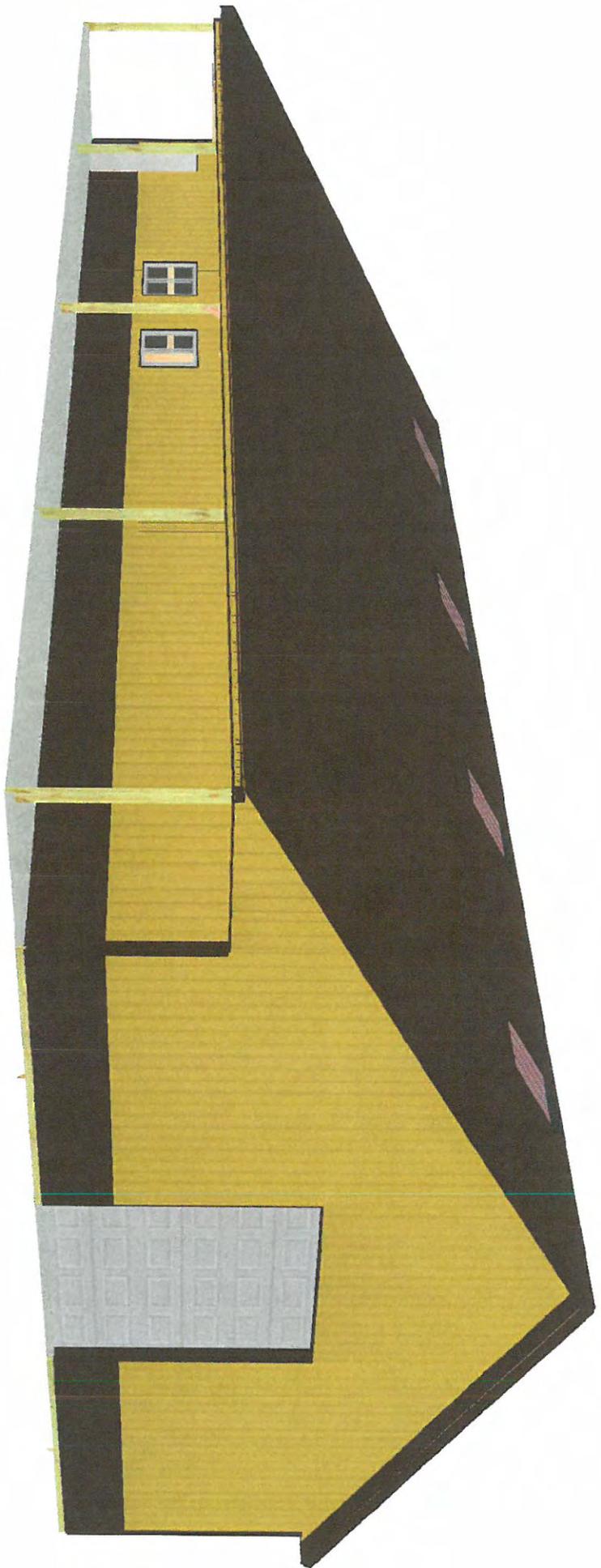
Board of Zoning Appeals Application
Roger L. Reece and Susan E. Vance
988 Ridgefield Road, Parcel P6412215000002

1. Exceptional Circumstances: This zoning variance request is being made for construction of a large accessory building on a 41.51 acre, heavily wooded lot that is bounded on 2 sides by undeveloped park land and 2 undeveloped large lots in Ross Township. We feel this property is unique within the City of Hamilton and should not be subject to the zoning regulations that are generally applied within the R-1 zoning district.
2. Preservation of Property Rights: Relative to Zoning Code Section 1115.43, we request a variance to the 800 sq. ft. accessory building size regulation to build a 3,168 sq. ft. (44' x 72') detached pole structure. In addition, the height of the accessory building will exceed the regulated height of 15 feet and will be a total height of 20 feet.

Relative to Zoning Code Section 1110.26 HZO which requires the proposed accessory building to have the same type of siding material as the existing house, we have no existing house yet, but plan to construct a house within the next year. However, we do request a variance of Sections 1110.26 and 1110.33, as we would like to construct a metal sided pole building with a metal roof, and our future house will have an exterior façade of something other than metal, and will have a shingle roof.

This property is in CAUV tax status and has a requisite forestry management plan developed and issued by the Division of Forestry, Ohio Department of Natural Resources. We are required to maintain the forested land as a condition of the CAUV status. In order to perform forestry maintenance, we own several pieces of large equipment. Unfortunately, we've experienced trespassing and cannot leave our equipment on-site without the need to lock it up.

3. Absence of Detriment: Due to the topography and heavy tree cover on the property, coupled with the fact that we propose to construct this accessory structure 80 feet off the nearest property line and more than 300 feet from the nearest neighbor's house, our four neighboring property owners will have very limited visibility of this structure. The public will see this structure only in the winter when the leaves are down, and even then it will hardly be visible.
4. Not of General Nature: We understand this variance is particular to this property and is considered unique to this building and may not be a means to formulate or change regulations in this zoning district. We understand this variance will not set precedence for this property or any other property in this zoning district.



SITE PLAN

LOT 27317
FIRST WARD
CITY OF HAMILTON
BUTLER COUNTY STATE OF OHIO

PARCEL NO. 19412-213-009-002

SUBJECT UNDEVELOPED INTEREST
OWNER: ROGER REECE AND SUSAN E. REECE
OFFICIAL RECORD 7728 PAGE 1049

BEARING BASED ON
STRESS SURVEY
PLAT BOOK 30, PG 168.

CITY OF HAMILTON ZONING
SUBJECT PROPERTY ZONED: "R-1"
(SINGLE-FAMILY RESIDENTIAL)
MINIMUM SETBACK LINES
SUM OF SIDES MIN. 15 FEET
SIDE MIN. 5 FEET
REAR: 20 FEET

PROPOSED FINISHED FLOOR ELEVATIONS
FIRST FLOOR =
GARAGEMENT =

BOARD OF VOTE COMMISSIONER
OF BUTLER COUNTY AND
CL. 121176.115A

41.0096 ACRES

LEGEND
D = DRAIN
R/W = RIGHT-OF-WAY



SITE PLAN

ROGER REECE
988 RIDGEFIELD ROAD
HAMILTON, OHIO 45013

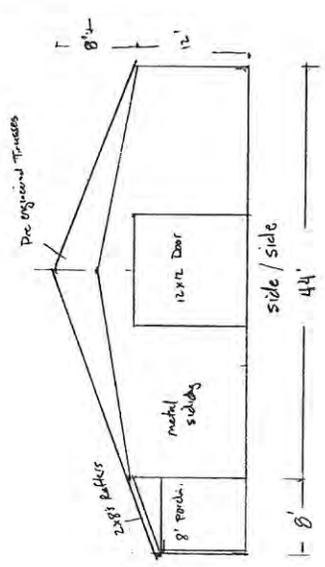
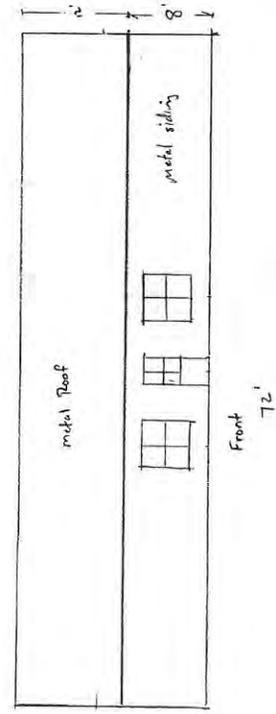
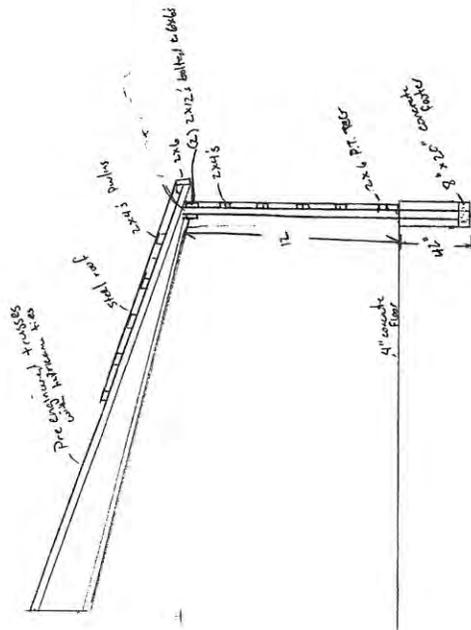
QCM INC.
222 CHERRY STREET
HAMILTON, OHIO 45013

PROJECT NO. 2016.212
DATE: 11/28/16
BY: [Signature]

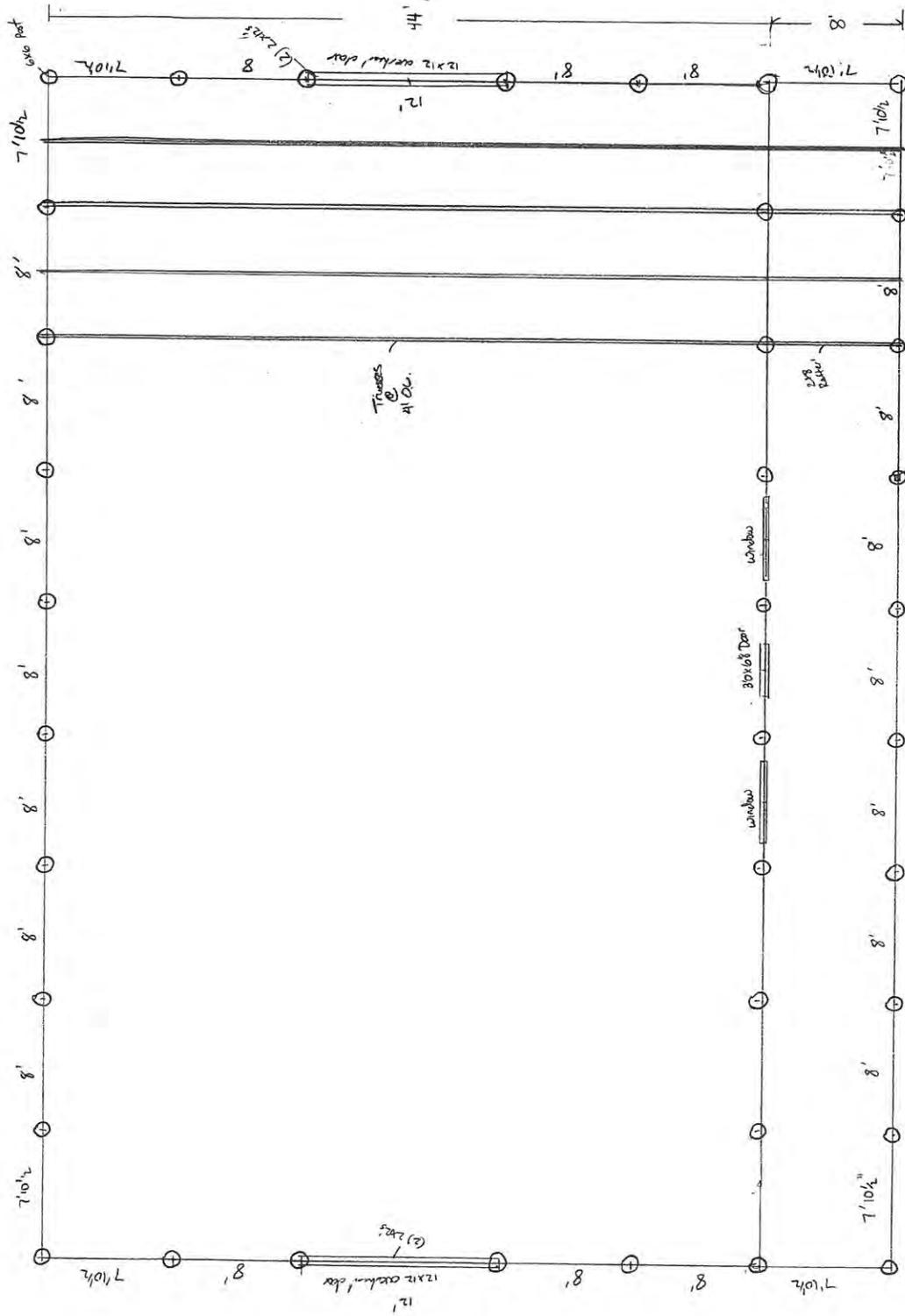


I HEREBY CERTIFY THAT THIS PLAN IS BASED
UPON A FIELD SURVEY MADE UNDER MY PERSONAL
SUPERVISION AND IN ACCORDANCE WITH THE
REQUIREMENTS OF THE SURVEYING ACT OF 1938.
ROBERT A. STEDMAN
SURVEYOR

SURVEYOR NOTES
1) ALL MONUMENTS FOUND IN GOOD CONDITION.
2) EVIDENCE OF OCCUPATION FITS THE SURVEY.



| | |
|----------------------------------|-------------------|
| Pole Building 44x72 with 8' Bohn | |
| SCALE: 1/8" | APPROVED BY: |
| DATE: | DESIGNED BY: P.L. |
| | REVISED: |
| 988 Ridge Field | |
| Front + Side Views / Detail | |
| DRAWING NUMBER: 1 | |



| | |
|-----------------------------------|-----------------|
| Pole Building 44x72 with 8' porch | |
| SCALE: 1/4" | APPROVED BY: DR |
| DATE: | REVISED: |
| 988 Ridgefield | |
| Foundation | |
| DRAWING NUMBER: 2 | |

72'

616 Post

2x8 purlin

Window

30x60 door

Window

Trusses @ 8' O.C.

12x12 overhang deck
(2) 2x12's

7'10 1/2"

7'10 1/2"

7'10 1/2"

7'10 1/2"

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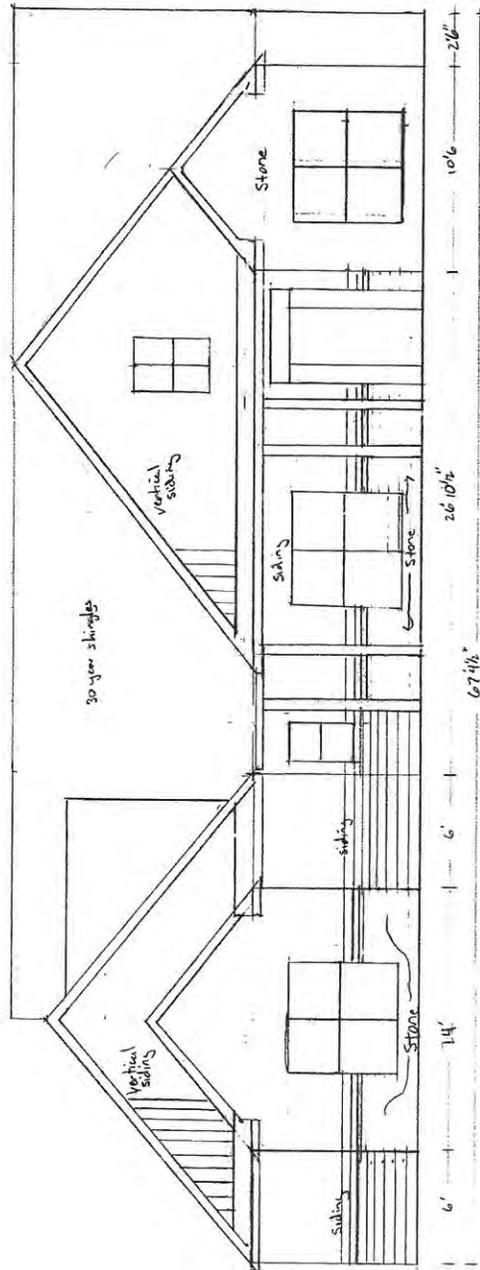
8'

8'

8'

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8'



| | |
|--------------------------|---------------|
| Roxie Deen / Susan Vance | |
| SCALE: 1/4" | APPROVED BY: |
| DATE: | DRAWN BY: RLR |
| REVISED: | |
| 988 Ridge Field | |
| DRAWING NUMBER: Front | |



For the Board of Zoning Appeals Meeting of April 7, 2016

To: Board of Zoning Appeals

From: John Creech

Subject: **AGENDA ITEM #6**

2016-09-Appeal of Decision of Architectural Design Review Board

An Appeal by the StreetSpark Program regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) to paint a mural on 224 Main Street. (StreetSpark Program/Community Design Alliance, Applicant/Owner).

Date: April 1, 2016

Dear BZA Members:

Introduction:

An application has been submitted by the StreetSpark Program regarding the refusal of the Architectural Design Review Board (ADRB) on March 15, 2016 to issue a Certificate of Appropriateness (COA) to paint a mural on 224 Main Street.

The application was submitted by Ms. Jennifer Acus-Smith, on behalf of StreetSpark and the property owner the CORE Fund. The denied COA request was for the painting of a mural on the east side of the structure. The subject property of 244 Main Street is part of the Rossville-Main Street Historic District and is Zoned "MS-1", Main Street Core, Form-Based Zoning (**Exhibit B** – Zoning Map).

Background Information:

On December 1, 2015 a presentation was made before the Architectural Design review board over the StreetSpark program. The minutes from that meeting state the following "Mr. Ian MacKenzie-Thurley, Executive Director of Fitton Center, gave a presentation about StreetSpark. Ms. Whalen asked who would be selecting the buildings and if they will be historic. He replied that they are working with a number of departments and businesses, and that some of the buildings will be historic. She then asked if they were historic buildings and would they be coming before the ADRB for any work to be done, and he replied that they would. She lastly asked if there was a plan or endowment to take care of the buildings in the future after they're done, and he replied that they are looking at investing 10% of all budget into a fund for upkeep of the housing." These minutes are attached as Exhibit C – December 1st, 2015 meeting minutes.

On March 7, 2016 an application was received for 244 Main Street Certificate of Appropriateness for a mural to be painted on the eastern side of the building. Application and submitted materials for the March 15th meeting are attached as **Exhibit D** – March 15th, 2016 ADRB Staff report and Application.



The information listed as Exhibit C was reviewed 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 F**). The minutes from that meeting are also attached as **Exhibit E** – March 15, 2016 draft meeting minutes. The application for the COA was denied by the ADRB on March 15, 2016. A letter was sent to StreetSpark on March 17, 2016 by the ADRB Secretary informing that the ADRB had denied the proposed mural at 244 Main Street and indicated that StreetSpark could either submit a new COA application or appeal the denial to the BZA (attached as **Exhibit G** – Denial Letter for ADRB dated March 17, 2016). On March 24, 2016 an application for appeal to the Board of Zoning Appeals was received (attached as **Exhibit H** – Appeal Application submitted on March 24th, 2016).

Appellant Information:

Mrs. Jennifer Acus-Smith submitted an application for the StreetSpark appeal over the decision of the ADRB to not issue a COA for the installation of a mural at 244 Main Street. This appeal application is attached as **Exhibit H** – Appeal Application submitted on March 24th, 2016. The appeal application includes a somewhat different rendering of the mural and other improvements to 244 Main Street than what was submitted and denied by the ADRB. The size of the mural is somewhat smaller and does not cover the entire east side of the building. The rendering shows different building painting scheme than the original application that was denied by the ADRB. However this color scheme was approved as a separate application at the March 15th, 2016 meeting by the ADRB.

Notification:

Public Hearing Notices were mailed six (6) 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. There are also three letters in support of the application attached as **Exhibit I** – Letters in support of March 24th, 2016 Appeal Application.

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 submitting by StreetSpark and permits them to install/paint a mural at 244 Main 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 – December 1st, 2015 meeting minutes
- 4) Exhibit D –March 15th, 2016 ADRB Staff report and Application
- 5) Exhibit E – March 15th, 2016 Draft meeting minutes
- 6) Exhibit F – Historic Design Review Board Polices and Guidelines
- 7) Exhibit G – Denial Letter for ADRB dated March 17, 2016
- 8) Exhibit H – Appeal Application submitted on March 24th, 2016
- 9) Exhibit I – Letters in support of March 24th, 2016 Appeal Application



244 MAIN STREET
LOCATION MAP



City of Hamilton, Ohio

 244 Main Street

0 15 30 60 Feet

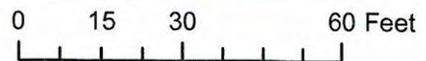


244 MAIN STREET
LOCATION MAP



City of Hamilton, Ohio

 244 Main Street



Architectural Design Review Board
Tuesday, December 1, 2015
4:30 p.m.

| Members | Guests |
|--|----------------------------------|
| Chairman, Dan Graham <input checked="" type="checkbox"/> Thomas O'Neill <input type="checkbox"/> | Ed Wilson, City of Hamilton |
| Councilperson, Robert Brown <input type="checkbox"/> | Heather Hodges, City of Hamilton |
| Planning Commissioner <input type="checkbox"/> | Kim Kirsch, City of Hamilton |
| Planning Commissioner (Alternate) Dave Belew <input type="checkbox"/> | Ian McKenzie-Thurley |
| German Village, Debbie Ripperger <input type="checkbox"/> German Village Alternate, Ann Brown <input checked="" type="checkbox"/> | Taylor Welch Mike Dingeldein |
| Chamber, Mary Pat Essman <input type="checkbox"/> Chamber Alternate, Rob Weigel <input type="checkbox"/> | Mark Murray |
| Architect, Todd Palechek <input type="checkbox"/> | Boyce Swift |
| Rossville, Pauline Fairbanks <input type="checkbox"/> Rossville Alternate, Jane Jacobs <input checked="" type="checkbox"/> | Michael Weisbrod |
| SID, Larry Fiehrer <input checked="" type="checkbox"/> SID Alternate, Rick Demmel <input type="checkbox"/> | |
| At Large 1, Armond Bloch <input checked="" type="checkbox"/> | |
| Historic Hamilton Alternate, Shi O'Neill <input type="checkbox"/> Historic Hamilton Primary, Karen Whalen <input checked="" type="checkbox"/> | |

Meeting was called to order by Mr. Dan Graham, Chairperson, at 4:34 pm.

- I. **Roll Call:** Roll call was taken by Ms. Kim Kirsch. Present were Mr. Armond Bloch, Ms. Ann Brown, Ms. Jane Jacobs, Mr. Larry Fiehrer, Mr. Dan Graham, Ms. Karen Whalen.
- II. **Approval of Meeting Minutes – Written Summary and Audio Recording for these dates:**
 - A. July 7, 2015 – Motion was made by Mr. Fiehrer to accept the minutes, with a 2nd by Ms. Brown. With all “ayes” the Motion carries.

Mr. Wilson asked that all members reply to the attendance e-mail sent out prior to the meeting confirming their attendance one way or another.

III. Presentation from Streetspark

Mr. Ian MacKenzie-Thurley, Executive Director of Fitton Center, gave a presentation about Streetspark. Ms. Whalen asked who would be selecting the buildings and if they will be historic. He replied that they are working with a number of departments and businesses, and that some of the buildings will be historic. She then asked if they were historic buildings and would they be coming before the ADRB for any work to be done, and he replied that they would. She lastly asked if there was a plan or endowment to take care of

the buildings in the future after they're done, and he replied that they are looking at investing 10% of all budget into a fund for upkeep of the housing.

PROPERTIES SEEKING COA

Agenda Item #1 - 304 North Second Street (German Village) - Painting, Exterior Work

Introduction

The Applicant, Mr. Michael P. Weisbrod, has submitted a Certificate of Appropriateness Application for the property of 304 North Second Street. The proposal involves painting of accent items on structure, removal of shutters and flowerboxes, as well as the eventual removal of chimneys and improvement of landscaping.

The subject property of 304 North Second Street is part of the German Village Historic District and is Zoned "BPD", Business Planned Development.

Background

The applicant submitted a Certificate of Appropriateness application after receiving the information letter and brochure from the Community Development Department Planning Division. Mr. Weisbrod admitted that the painting was completed as part of compliance with an issued Health Division order. Staff assured Mr. Weisbrod that Planning would work with him to appropriately address the painting of accent items in a fair manner given the circumstances. Mr. Weisbrod also took the opportunity to include further proposals for the property for ADRB review before work occurred.

State of Ohio Historic Designation

This property is not part of the State of Ohio Historic Inventory.

Proposal

The Proposal for 304 North Second Street includes the following items:

- Painting of Trim, Doors as Sherwin Williams SW 7622 "Homburg Gray"
- Removal of Shutters and Flower Boxes
- Eventual - Improvement of Landscape
- Eventual - Removal of Chimneys
 - Per the Applicant, the chimneys are non-functional

There was discussion between the Board and Mr. Weisbrod, the owner of the building. He said that there's wood behind the shutters on the 1st floor on either side of the bay window, and the shutters that are up are non-functional. The chimney is ornamental only, but he's going to have them fixed so that they look better. Mr. Weisbrod said that he believes that the shutters on the bottom are fiberglass.

Mr. Bloch made a Motion to approve the COA for the color of Homburg Gray for the painting of trim, doors, and shutters, with the added stipulation that the chimney and flower boxes remain, there will be wood grain fiberglass shutters across the front of the house only (he will put them back up if they are salvageable, or replace them if they are not). Landscaping will be looked at a later date. With a 2nd by Ms. Brown and all "Ayes" by the Board, the Motion passes.

Mr. Wilson advised Mr. Weisbrod that the COA's are good for six months and that if he needs an extension to get all of the work done, he just needs to contact him.

Agenda Item #2 - 29 North D Street (Rossville-Main Street) – Shutter Removal

Introduction

The Applicant, Ms. Carol Kelly, has submitted a Certificate of Appropriateness Application for the property of 29 North D Street. The proposal involves removal of shutters. Also included in the proposal is repair of damaged items, though a professional assessment has not occurred, and touch up painting with the same color, which will be addressed via Secretary Issued Like-for-Like COA.

The subject property of 29 North D Street is part of the Rossville-Main Street Historic District and is Zoned "R-O" Multi-Family Residential Office Zoning District.

Background

The Applicant contacted Community Development due to needing work done for the structure. After several discussions with staff, the Applicant sent a COA application for inclusion in the next available ADRB meeting. The Applicant also indicated time constraints, due mostly to Health Division orders. Further, the Applicant stressed limitation of ability due to physical health/affliction.

State of Ohio Historic Designation

This property of 29 North D Street is part of the State of Ohio Historic Inventory, referenced as BUT-684-9. Please note that despite the designation, immediate review jurisdiction falls with the local Architectural Design Review Board. This information is included to further enhance this report and for the board members to consider regarding deliberation of the property and proposal.

Proposal

Applicant proposes the removal of the shutters found on the structure.

- Per the Applicant, the Shutters are coming apart.
- Applicant claims to be Unable to afford either: Replacement or Repair of the shutters.

The applicant is elderly and couldn't come in. Mr. Graham asked for clarification of the order from the Health Department for this property, and Mr. Wilson stated that they either need to repair the current shutters if they are keeping them, or remove them.

Mr. Dingeldein said that he believes that some of the shutters are the right size for the windows, and some are the wrong size.

There was more discussion between Mr. Dingeldein and the Board regarding the shutters. He stated that buildings the age of the one in question historically didn't have shutters, and Mr. Graham stated that he doesn't want to take them off if they are original to the building and have the original hardware. Ms. Whalen agreed with him. Ms. Jacobs felt that the ones that don't fit shouldn't be on it.

Mr. Graham said that he noted that the Applicant stated that she can't afford to either repair or replace them, and he thinks that the Board is setting a "dangerous precedent" to approve any project in any historic district based on financial hardship just because the applicant states they can't afford to do it. Mr. Graham indicated that might start a "you did it for this person, you did it for that person" issue.

Ms. Jacobs asked if there was any way to determine if the shutters were on the building originally, and Mr. Dingeldein said he didn't believe that they were. Mr. Graham said he would like to see the shutters remain.

After a little more discussion between Board members, Mr. Fiehrer made a Motion to deny the COA, with a 2nd by Ms. Whalen. With a vote of 5 to 1 (Ann Brown was a "nay"), the request for the COA was denied.

Agenda Item #3 - 16 North D Street (Rossville-Main Street) - Remove Paint, Paint Items

Introduction

The Applicant, Hamilton CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 16 North D Street. The proposal involves removing the paint on the body of the structure, and painting the trim, shutters and accent items of the building.

The subject property of 16 North D Street is part of the Rossville-Main Street Historic District and is Zoned "MS-1", Main Street Core, Form-Based Zoning District.

State of Ohio Historic Designation

The property of 16 North D Street is part of the State of Ohio Historic Inventory, referenced as BUT-683-9. Please note that despite the designation, immediate review jurisdiction falls with the local Architectural Design Review Board. This information is included to further enhance this report and for the board members to consider regarding deliberation of the property and proposal.

Proposal

Paint Removal:

- Removal of Paint from body of Structure

Painting

- Paint Trim, Shutters, Gutters, Siding & Column
- Sherwin Williams - SW 6069, "French Roast"

Ms. Whalen asked Mr. Dingeldein what process he was going to use to take the paint off, and he replied that he's using the same contractor that Ms. Musch used for her house. The brick underneath is red clay. He's stated that he's open to either keeping the existing shutters, repair them, or replacing them.

The Board discussed the shutters, and decided to get rid of them since it's more of a commercial building. Mr. Dingeldein agreed although it might not look better, he believes it will be more authentic without the shutters. There was also some discussion about the columns and Mr. Dingeldein said that there had been some repairs done to the porch, and they are open to any corrective measures the Board wishes for that. He will be painting the columns the same as the trim and gutters. Ms. Jacobs what material the shutters were made of, and Mr. Dingeldein stated that some are wood and some are metal.

Ms. Whalen made a Motion to approve the COA for the removal of the paint from the body, the paint color of French Roast for the trim, columns and gutters, and the removal of the shutters. With a 2nd by Mr. Bloch and all "Ayes" by the Board, the Motion passes.

Agenda Item #4 - 244 Main Street (Rossville-Main Street) – Remove Paint, Paint Items

Introduction

The Applicant, Hamilton CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 244 Main Street. The proposal involves removing the paint on the body of the structure, and painting the trim, shutters and accent items of the building.

The subject property of 244 Main Street is part of the Rossville-Main Street Historic District and is Zoned "MS-1", Main Street Core, Form-Based Zoning District.

State of Ohio Historic Designation

The property of 244 Main Street is part of the State of Ohio Historic Inventory, referenced as BUT-441-9. Please note that despite the designation, immediate review jurisdiction falls with the local Architectural Design Review Board. This information is included to further enhance this report and for the board members to consider regarding deliberation of the property and proposal.

Proposal

Paint Removal:

- Removal of Paint from body of Structure

Painting

- Paint Trim, Shutters, Gutters, Siding & Column
- Sherwin Williams - SW 6069, "French Roast"

Mr. Dingeldein said that this is the sister building to 16 North "D" Street, and he's open to the discussion about shutters for this building also.

Ms. Whalen asked if the two bricks are the same on both buildings, and he said that they are. He said that the shutters would be appropriate on the Main Street building because one would expect to spend more on a Main Street façade at the time they were built.

There was a little more discussion by the Board about the shutters and sealing of the brick, how the buildings might play into a site for murals at a future time, and the plans for the area with regard to green space and outdoor seating.

Mr. Graham made a Motion to approve the COA as presented, with the installation of appropriate size shutters on both street sides of the structure. With a 2nd by Mr. Bloch and all "Ayes" by the Board, the Motion passes.

Agenda Item #5 - 12 South C Street (Rossville-Main Street) - Demolition

Introduction

The Applicant, Hamilton CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 12 South C Street. The proposal involves the Demolition of the Structure.

The subject property of 12 South C Street is part of the Rossville-Main Street Historic District and is Zoned "MS-1", Main Street Core, Form-Based Zoning District.

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

State of Ohio Historic Designation

The property is not part of the State of Ohio Historic Inventory.

Proposal

Demolition

- Demolition of the Single-Family Structure on the property of 12 South C Street.
- Eventually, the lot will be a paved parking lot.
- Lot to be leveled at grade and will be a grass lot until ready for paved parking lot.
- Per the Applicant, the property and building have been neglected for some time. The building is also structurally unsound. The Applicant also had an environmental consultant assess the building and the Applicant notes that the risk and damage of the building cannot be countered by any methods or cost within reason.
 - This is detailed in an Applicant Submitted Narrative, included as an Exhibit Attachment item.

Recommendation

If the ADRB determines to grant approval of a Certificate of Appropriateness for the demolition of the structure located at 12 South C Street, the Community Development Department recommends that the motion include the ADRB's consideration of Part C of criteria listed in 1126.60 above:

Mr. Dingeldein said that with regard to the criteria for demolition, the property is structurally poor. It's not structurally imminent that it can't be reused, but there is mold and an abundance of asbestos in the building. It will cost \$9,000.00 to abate it as part of the demolition process, and \$30,000.00 to abate it as possibility of reuse. He said that it's his belief that it really takes the value of the house down. He further stated that while these are important, the real reason that the CORE fund wants to demolish the property is to redevelop the buildings on Main Street that had been Tom's Cigar Store and the Homestead Restaurant. The way they stand now, there is no back access to those two buildings due to the property at 12 South C Street. There is a potential developer for those two buildings, but they would need access to the back for parking for employees and visitors. The building at 12 South C is very restrictive, and while it's not a financial hardship, it's a developmental hardship. He said there are some things from the house that could be salvaged, but there is not much due to mold, rust, and asbestos.

After a little more discussion by the Board about parking, open space, access, and development of a new Armstead park, Mr. Bloch made a Motion to approve the COA for demolition based on the presentation, and criteria as set out in "A", "B", and "C" above. With a 2nd by Mr. Fiehrer and all "Ayes", the Motion carries.

Agenda Item #6 - 332 North Third Street (German Village) – Painting

Introduction

The Applicant, Mr. William Wilks, has submitted a Certificate of Appropriateness Application for the property of 332 North Third Street. The proposal involves painting of the structure.

The subject property of 332 North Third Street is part of the German Village Historic District and is Zoned “BPD”, Business Planned Development Zoning.

Background

This COA Application follows previous recent applications submitted for ADRB Review. The property in question is adjacent to 342 North Third Street which was cited for Stop Work and denied by the ADRB at the November 17, 2015 meeting.

Additionally, the structure has been painted, at least partially, showing the intended proposed colors.

Proposal

Painting – Porter Paints will be utilized

- Body of the Structure – “Easy on the Eyes”
 - The actual paint specification is PPG 1211-3
- Trim of the Structure – “White Chip”, PPG 15-06
- Shutters – “Blueberry Patch”, PPG 1167-6

- Window Frames and Detail – “Egyptian Violet”, PPG 1168-7

There was also a note from Mr. Wilson on the presentation to the Board that no paint swatches or materials depicting the paint colors were included in the submittal, only an image showing colors on a different structure was included.

Mr. Wilson stated that Mr. Wilks is not present. He had stopped by the meeting, but didn't stay. He gave some pictures to Mr. Dingeldein to give to Mr. Wilson and left. He also told Mr. Dingeldein that he painted the structure to see what it would look like in that color.

Ms. Whalen said that Mr. Wilks could have gotten paint samples and tried it on the back of the building. He also took the shutters off. The Board discussed that it is noted on his application that shutters are on the house, so maybe they're just not back up yet. They also discussed the color that he presented, and the picture that he says it will look like with the white trim.

Mr. Graham asked Ms. Brown how German Village residents feel about the paint colors, and she said that they're okay with it. She feels that he works with the renters who are moving

in as far as what colors they want things painted. She said that they've waited a long time to get this done because of the construction in German Village.

Mr. Graham made a Motion to accept the COA with paint colors as submitted, with an emphasis on reinstallation of the shutters. With a 2nd by Mr. Bloch and all "Ayes" by the Board, the Motion passes.

Agenda Item #7 - 346 North Third Street (German Village) - Painting

Introduction

The Applicant, Mr. William Wilks, has submitted a Certificate of Appropriateness Application for the property of 346 North Third Street. The proposal involves painting of the structure.

The subject property of 346 North Third Street is part of the German Village Historic District and is Zoned "BPD", Business Planned Development Zoning.

Background

This COA Application follows a recent application submitted for ADRB Review. The property in question is adjacent to 342 North Third Street, which was cited for Stop Work and denied by the ADRB at the November 17, 2015 meeting.

State of Ohio Historic Designation

The subject property of 346 North Third Street is part of the State of Ohio Historic Inventory. It is designated BUT-599-9. This information is included only for informational and reference purposes, as review of the property remains in the purview and judgment of the local ADRB.

Proposal

Painting – Porter Paints will be utilized

- Body of the Structure – "Appalachian Trail", PPG-1105-5
- Trim of the Structure – "Fuzzy Sheep", PPG 1105-2
- Detail – "Brick Dust", PPG 105-6
- Front Detail – "Wool Tweed", PPG 1103-6

Mr. Wilson made a note on his presentation that no paint swatches or materials depicting the paint colors were included in the submittal, and that only an image showing colors on a different structure was included.

Ms. Whalen asked if this property was already painted also, and Mr. Wilson replied that yes, it is. He shows a picture and says that it is a very recent photo. Ms. Whalen says that it still bothers her that the rules are that you have to get a COA, and there are people that know the rules and still don't abide by them. Ms. Brown said that there wouldn't be a "German Village" without him (Mr. Wilks). Ms. Whalen said that she's not denying that. Ms. Brown

said that the rules are being enforced in new ways, and she thinks people are getting the message.

After a bit more discussion by the Board, Mr. Fiehrer made a Motion to Approve the COA as submitted. With a 2nd by Mr. Bloch and all "Ayes" by the Board, the Motion passes.

IV. Miscellaneous/Discussion/On the Radar

- German Village Christmas Walk

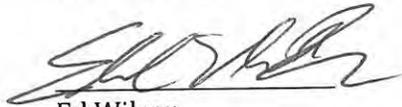
Information was given about the German Village Christmas Walk on December 6 from 12:00 PM to 5:00.

There was a discussion about the Nomination for new Chairperson, and it was decided to hold it until the 12/15/15 meeting.

V. Adjourn

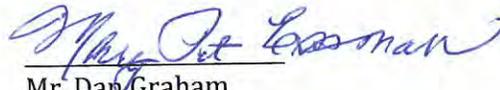
A Motion to Adjourn was made. With all "Ayes", the Motion carries and the meeting is adjourned.

Submitted by:



Ed Wilson
Secretary, ADRB

Chair:



Mr. Dan Graham
Chair, ADRB

NOTE: Agenda and Reports may be amended as necessary or as required by applicant parties.

Board Members

| | | | | | |
|----------------|----------------|-----------------|------------------|---------------|------------------|
| Alf | Beckman | Bloch | Brown | Essman | Fairbanks |
| | | | | Weigel | Jacobs |
| Fiehrer | Graham | Palechek | Ripperger | Whalen | |
| Demmel | 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. January 5, 2016
 - B. January 19, 2016
 - IV. Properties Seeking COA (Old Business)
 - 1. 120 South Second Street (Central Area Building Inventory) – Signage
 - 2. 29 South D Street (Rossville-Main Street) – Porch Railing, Rear Gutter
 - 3. 9-11 South C Street (Rossville-Main Street) - Demolition
 - 4. 139 Main Street (Rossville-Main Street) – Paint Façade
 - 5. 310-312 Main Street (Rossville-Main Street) – Paint Facade
 - 6. 16 North D Street (Rossville-Main Street) – Paint Facade
 - 7. 244 Main Street (Rossville-Main Street) – Paint Facade
 - 8. 244 Main Street (Rossville-Main Street) – Mural
 - 9. 15 South D Street (Rossville-Main Street) - Mural
 - 10. 20 High Street (Central Area Building Inventory) – Mural
 - 11. 309 North Second Street (German Village) – Garage
 - 12. 425 South D Street (Rossville-Main Street) – Exterior Work, Extensive
 - V. Miscellaneous/Discussion/On the Radar
 - VI. Adjourn
 - VII. Guests:





To: Architectural Design Review Board
From: Heather Hodges, ADRB
Subject: **AGENDA ITEM #7**
244 Main Street – Painting of Façade
Hamilton CORE Fund, Applicant

Meeting Date: **3/15/2016**

Received Application: **3/8/2016**

Impacts: Rossville Historic District

Dear Board Members:

Synopsis

A Certificate of Appropriateness application has been submitted for 244 Main Street to include the following proposal items needing Architectural Design Review Board examination and approval:

| Needing ADRB COA Approval | Reason |
|----------------------------------|-------------------------------|
| Painting of Façade | Change of Exterior Appearance |



244 Main Street Painting of Facade



Introduction:

The Applicant, The CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 244 Main Street. The proposal involves painting of the façade (trim, shutters and roof).

The subject property of 244 Main Street is located in the Rossville Historic District and is Zoned MS-1 Main Street Core District.

Background

This property was before the ADRB on December 1, 2015 and a Certificate of Appropriateness was issued for removal of paint from body of structure, painting of the trim, shutters, gutters & columns in Sherwin Williams “French Roast” (SW 6069) and installation of appropriate sized shutters on the Main Street and D Street building facades.

Supplemental Items

State of Ohio Historic Designation

This property of 244 Main Street is part of the State of Ohio Historic Inventory. The property is referenced as BUT-441-9. Please note that despite the designation, immediate review jurisdiction falls with the local Architectural Design Review Board. This information is included to further enhance this report and for the board members to consider regarding deliberation of the property and proposal.



PROPOSAL

The applicant has proposed painting of the façade.

Trim of the Structure

- ≠ Per the applicant, paint all trim work in “Versatile Gray” (Sherwin Williams SW 6072)

Shutters on the Structure

- ≠ Per the applicant, paint all shutters in “Terra Brun” (Sherwin Williams SW 6048)

Roof of the Structure

- ≠ The roof of the structure will be repainted to match the existing color

Attachments:

1. EXHIBIT A: Images of the Property
2. EXHIBIT B: Applicant supplied rendering of the color scheme
3. EXHIBIT C: COA Application
4. EXHIBIT D: State of Ohio Historic Inventory Sheet



EXHIBIT A: Images of the Property



EXHIBIT B: Applicant provided rendering of the Proposed Color Scheme



244 Main & 16 North "D"

trim color = SW6072 Versatile Gray

shutter color = SW 6048 Terra Brun

roof color = repaint to match existing color

Note:

Shutters on Main Street facade only



EXHIBIT C: COA Application

A160566
A160567



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

Architectural Design Review Board

Phone: 513-785-7350

Fax: 513-785-7349

Email: hamiltonhistoric@ci.hamilton.oh.us

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.

APPLICANTS ARE HIGHLY ENCOURAGED TO APPEAR BEFORE THE BOARD TO SUPPORT THEIR APPLICATION.
Contact the Planning Department for the location and time of the ADRB Meeting.

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.

Property Address: 244 Main 316 N D Street (BOTH THE SAME)

Owner/s Name: Hamilton CORE Fund

Owner Mailing Address: 236 High Street

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

Contractor Phone: (513) 275-1740 Email: _____

Is this work part of another City of Hamilton function?

Health Department Building Permit NDD Work Public Works Other: _____

Copy of Certificate to: Hamilton CORE Fund

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.

Please provide as much detail as possible to expedite the review process.

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

Paint facade

Any proposal CAN AND WILL be refused if proper evidence is lacking or deemed insufficient by Staff or the ADRB.

Applicant Signature: [Signature]

Date: 3 8 16

See Next Page



CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION

Paint Sample Provided
Appearance of Color: _____ *lighter color* *darker color*
Color Name & Manufacturer: *SW6072 Versatile Gray* *SW 6048 Terra*
Location (body, window trim, specific trim, accent): *see photoshop image* *Brown*
trim *shutter*

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: _____

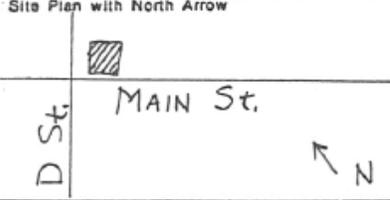


EXHIBIT D: State of Ohio Historic Inventory Sheet

OHIO HISTORIC INVENTORY

CODED

Ohio Historic Preservation Office
Ohio Historical Center
Columbus, Ohio 43211

| | | | | |
|--|--|--|--|------------------------------------|
| 1. No. <u>BUT-441-9</u> | | 4. Present Name(s) | | 1 No BUT-441-9 |
| 2. County Butler | | 5. Other Name(s) D & Main St. | | |
| 3. Location of Negatives Hamilton Planning Dept. | | 16. Thematic Category | | 2. County Butler |
| . Specific Location D & Main St. PT. 1536 Ward N1 | | 17. Date(s) or Period c.1850 | | |
| . City or Town If Rural, Township & Vicinity Hamilton | | 18. Style or Design Federal Transitional | | 4. Present Name(s) D & Main St. |
| . Site Plan with North Arrow  | | 19. Architect or Engineer | | |
| Coordinates Lat. _____ Long. _____ U.T.M. Reference 0 7 0 9 3 4 0 4 3 6 4 2 0 0 | | 20. Contractor or Builder | | |
| . On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | 21. Original Use, if apparent Carriage Factory | | |
| . Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | 22. Present Use Offices and commercial | | |
| . Name of Established District | | 23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/> | | |
| . Further Description of Important Features A wide cornice board marks the street facade of this Federal Vernacular building. The entry and the second story windows have been altered. The windows have been partially filled in and the original sashes have been replaced. All windows have plain stone lintels and lug sills. | | 24. Owner's Name & Address, if known | | |
| . History and Significance This building apparently originally housed a carriage factory. | | 25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| . Description of Environment and Outbuildings Rossville Commercial Center | | 26. Local Contact Person or Organization Hamilton Planning Dept. | | |
| . Sources of Information P.O. and Bob Paxton | | 27. Other Surveys in Which Included | | |
| | | 28. No. of Stories 2 | | |
| | | 29. Basement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| | | 30. Foundation Material stone | | |
| | | 31. Wall Construction Brick | | |
| | | 32. Roof Type & Material Gable tin | | |
| | | 33. No. of Bays Front 4 Side 3 | | |
| | | 34. Wall Treatment Brick painted | | |
| | | 35. Plan Shape <u>rectangle</u> | | |
| | | 36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/> | | |
| | | 37. Condition Interior <u>good</u> Exterior <u>good</u> | | |
| | | 38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |
| | | 39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| | | 40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |
| | | 41. Distance from and Frontage on Road Flush with Main St. | | |
| | | 45. Prepared by JPF | | |
| | | 47. Organization Historic Hamilton, Inc. | | |
| | | 48. Date 49. Revision Date(s) MPA 12/83 | | |





To: Architectural Design Review Board
From: Ed Wilson, ADRB
Subject: **AGENDA ITEM #8**
244 Main Street – Mural Painting
Jennifer Acus-Smith, Fitton Center, Applicant
Meeting Date: **3/15/2016**
Received Application: **3/7/2016**
Impacts: Rossville-Main Street Historic District

Dear Board Members:

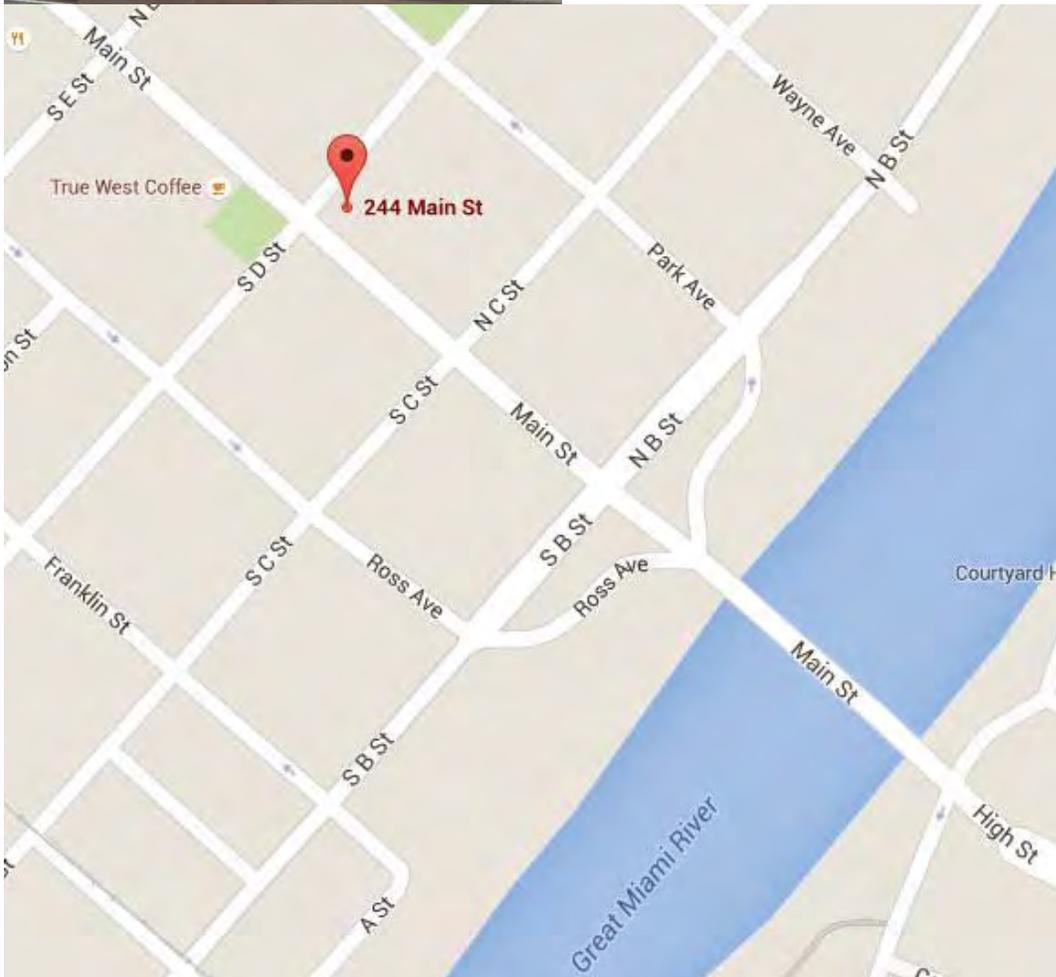
Synopsis

A Certificate of Appropriateness application has been submitted for 244 Main Street to include the following proposal items needing Architectural Design Review Board examination and approval:

| Needing ADRB COA Approval | Reason |
|---------------------------|-------------------------------|
| Mural Painting | Change of Exterior Appearance |



244 Main Street Mural Painting



Introduction:

The Applicant, Jennifer Acus-Smith, for Fitton Center, has submitted a Certificate of Appropriateness Application for the property of 244 Main Street. The proposal involves the painting of a mural on the structure.

The subject property of 244 Main Street is part of the Rossville-Main Street Historic District and is Zoned “MS-1”, Main Street Core, Form-Based Zoning.

Background:

This is part of the StreetSpark program for painting of murals on notable buildings in Hamilton. The Applicant and StreetSpark members have been to the Architectural Design Review Board in late 2015, for informational and introductory purposes only. The submitted proposal is part of a simple set of proposed murals for historic buildings.

Supplemental Items

Implications for ADRB Policies & Guidelines; and Other Requirements

There are no significant implications for the ADRB Policies & Guidelines concerning this project proposal.

State of Ohio Historic Designation

The property of 244 Main Street is part of the State of Ohio Historic Inventory, referenced as BUT-441-9. Please note that despite the designation, immediate review jurisdiction falls with the local Architectural Design Review Board. This information is included to further enhance this report and for the board members to consider regarding deliberation of the property and proposal.



PROPOSAL

Propose painting a mural on the subject property of 244 Main Street.

- ≠ Location: Mural will be painted on the Brick Wall, Eastern Elevation of the Structure.
 - Per the Applicant submitted diagram, this encompasses the whole brick surface.
 - Area measures:
 - 35 feet in Width;
 - 21.5 feet in Height (to the edge of roof);
 - 27.5 feet in Height (to the peak, chimney)

- ≠ NOVAColor will be used for the paint of the mural
 - Acrylic-based paint

- ≠ Two (2) coats of NOVAColor Varnish will be applied to protect the surface.

A design of the mural has been included as an Exhibit Attachment item.

Further Items

Please note that the murals are considered Works of Art, and thus do not pertain to any existing signage regulations.

Attachments:

1. EXHIBIT A: Images of the Property
2. EXHIBIT B: Mural Site for 244 Main Street – Applicant Submitted
3. EXHIBIT C: Design of the Mural
4. EXHIBIT D: NOVAColor Information – Applicant Submitted
5. EXHIBIT E: COA Application
6. EXHIBIT F: State of Ohio Historic Inventory Record



EXHIBIT A: Images of the Property



EXHIBIT B: Mural Site for 244 Main Street – Applicant Submitted

244 MAIN STREET:

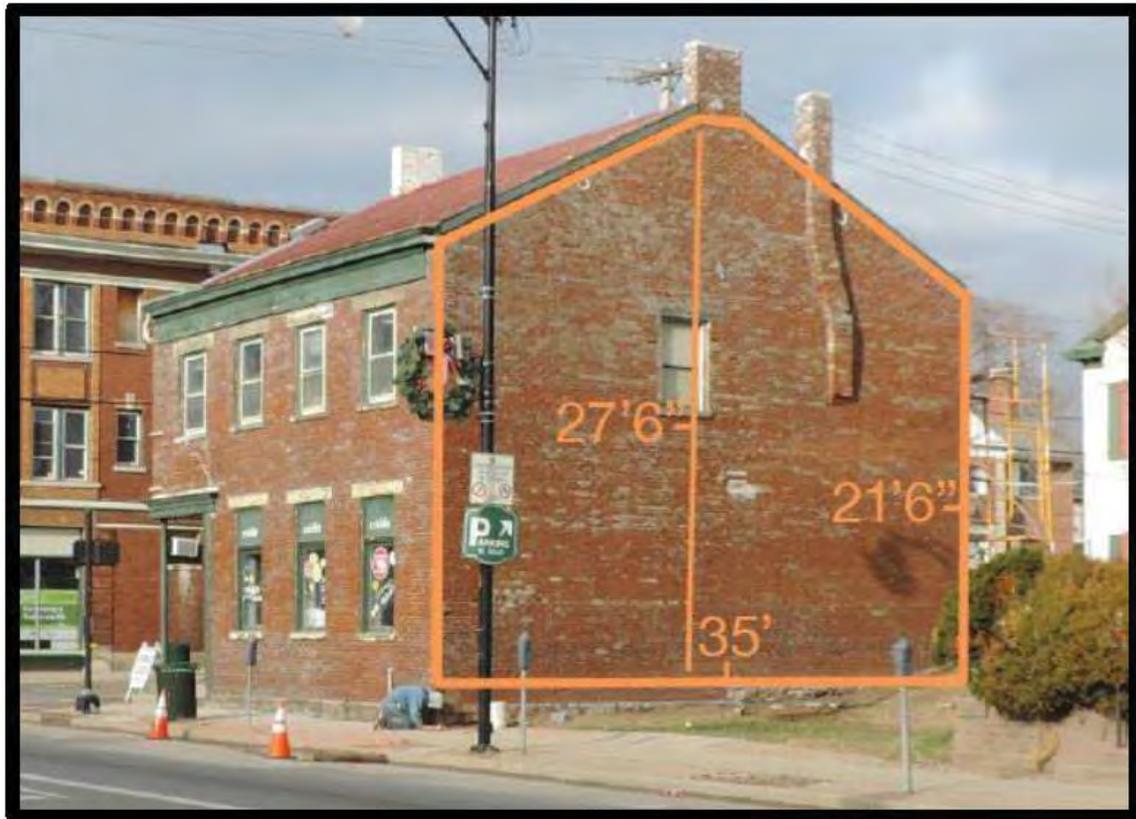


EXHIBIT C: Design of the Mural



EXHIBIT D: NOVAColor Information – Applicant Submitted



Buy Discount Artists Acrylic Paints & Mediums

Since 1965

Nova Color Artists' Acrylic Paint is a top quality artists' acrylic paint suitable for use on canvas, paper, fabric, wood, plaster, masonry, and most non-slick, non-oily surfaces. Nova Color Artists' Acrylic Paint is used as a fine art paint and mural paint as well as for fabric painting, decorative painting, fiberglass sculpture painting, interior/exterior faux finishes, set painting, scenic painting, surfboard painting and handcraft painting.

Nova Color Artists' Acrylic Paint is available in over 80 colors including the traditional artist's colors plus iridescent paint, pearl paint, metallic paint and fluorescent (blacklight or UV) paint. We have acrylic gesso, acrylic gel and acrylic mediums for fine art, mural varnish, and giclee varnish.

Nova Color Artists' Acrylic Paint is made with a top grade pure acrylic binder and is heavily saturated with the best pigments available. Nova Color Artists' Acrylic Paint is strong and brilliant.



General Specifications

Hide:

Degree of hiding power depends on the pigment used. Colors may be opaque, translucent or transparent. Check opacity chart.

Drying Time:

Air dry @ 70 degrees F & 50% R.H.:

Dry to touch: 1/2 - 1 hour.

Dry to recoat: 3 hours minimum.

% Non Volatile (Solids):

By weight 45-50%

By volume 35-40%

Volatile Organic Compounds (V.O.C.):

150 grams per liter maximum.

1.25 pounds per gallon.

V.O.C. per color is available.

Application Methods:

Brush: No reduction necessary.

Roller: Up to 10% reduction with water if necessary.

Spray: Air sprayer--reduce 20%-25% with water. Airless sprayer--no reduction necessary; .013"- .016" tip @ approx. 2,000 PSI.

D.O.T. Shipping Class:

Water-based. Not regulated. Freight class 55.

To check adhesion:

Apply a test patch and allow to dry for 36 hours. Check by scraping.

Clean up:

Clean up with warm soapy water. Nova Color Artists' Acrylic Paint is water soluble when wet; dries permanent and water resistant. Do not allow to dry on brushes, tools or clothing.

Nova Color Artists Acrylic Paints conform with federal art material labeling guidelines and have been reviewed by a toxicologist. All colors except the cadmium colors are labeled as follows:

No health hazard labeling required.

Labeling conforms with ASTM D-4236.

All colors with cadmium require this health label:

CONTAINS: CADMIUM PIGMENT.

Do not spray apply.

Labeling conforms with ASTM D-4236

Note: Values given are typical. Give us a call if precise specifications are needed on individual products.



EXHIBIT E: 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@ci.hamilton.oh.us

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.

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

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.

Property Address: 244 Main Street
Applicant Name: Fitton Center / Jennifer Acus-Smith
Applicant Mailing Address: 101 S. Monument Ave. Hamilton, OH 45011
Owner/s Name: CORE / Mike Dingledein
Owner Mailing Address: 236 High St. Hamilton, OH 45011
Daytime Contact Phone: 607-8732 Email: mike@cdalliance.net
Contractor Phone: _____ Email: _____

Is this work part of another City of Hamilton function?

Health Department Building Permit NDD Work Public Works Other: Streetspark public art program

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.

Please provide as much detail as possible to expedite the review process.

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

We are proposing a mural be painted using NovAcolor premium paint (acrylic-based lightfast) along with two coats of NovAcolor varnish to protect the surface

Any proposal CAN AND WILL be refused if proper evidence is lacking or deemed insufficient by Staff or the ADRB.

Applicant Signature: [Signature] Date: 3/7/16
See Next Page Page 1 of 4



CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION

Paint Sample Provided
Appearance of Color: please see submitted design
Color Name & Manufacturer: NOVACOLOR
Location (body, window trim, specific trim, accent): mural wall only

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): _____

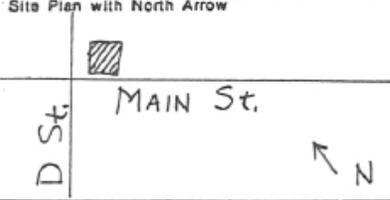


EXHIBIT F: State of Ohio Historic Inventory Record

OHIO HISTORIC INVENTORY

CODED

Ohio Historic Preservation Office
Ohio Historical Center
Columbus, Ohio 43211

| | | | | |
|---|--|---|--|------------------------------------|
| 1. No. <u>BUT-441-9</u> | | 4. Present Name(s) | | 1 No BUT-441-9 |
| 2. County Butler | | 5. Other Name(s) D & Main St. | | |
| 3. Location of Negatives Hamilton Planning Dept. | | 16. Thematic Category | | 2. County Butler |
| Specific Location D & Main St. PT. 1536 Ward N1 | | 17. Date(s) or Period c.1850 | | |
| City or Town If Rural, Township & Vicinity Hamilton | | 18. Style or Design Federal Transitional | | 4. Present Name(s) D & Main St. |
| Site Plan with North Arrow  | | 19. Architect or Engineer | | |
| Coordinates Lat. _____ Long. _____ U.T.M. Reference 0 7 0 9 3 4 0 4 3 6 4 2 0 0 | | 20. Contractor or Builder | | 5. Other Name(s) D & Main St. |
| 23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/> | | 21. Original Use, if apparent Carriage Factory | | |
| 24. Owner's Name & Address, if known | | 22. Present Use Offices and commercial | | |
| 25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | 23. Ownership | | |
| 26. Local Contact Person or Organization Hamilton Planning Dept. | | 24. Owner's Name & Address, if known | | |
| 27. Other Surveys in Which Included | | 25. Open to Public? | | |
| 28. No. of Stories 2 | | 26. Local Contact Person or Organization | | |
| 29. Basement? Yes <input type="checkbox"/> No <input type="checkbox"/> | | 27. Other Surveys in Which Included | | |
| 30. Foundation Material stone | | 28. No. of Stories | | |
| 31. Wall Construction Brick | | 29. Basement? | | |
| 32. Roof Type & Material Gable tin | | 30. Foundation Material | | |
| 33. No. of Bays Front 4 Side 3 | | 31. Wall Construction | | |
| 34. Wall Treatment Brick painted | | 32. Roof Type & Material | | |
| 35. Plan Shape rectangle | | 33. No. of Bays | | |
| 36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/> | | 34. Wall Treatment | | |
| 37. Condition Interior good Exterior good | | 35. Plan Shape | | |
| 38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | 36. Changes | | |
| 39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | 37. Condition | | |
| 40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | 38. Preservation Underway? | | |
| 41. Distance from and Frontage on Road Flush with Main St. | | 39. Endangered? | | |
| 6. Further Description of Important Features A wide cornice board marks the street facade of this Federal Vernacular building. The entry and the second story windows have been altered. The windows have been partially filled in and the original sashes have been replaced. All windows have plain stone lintels and lug sills. | | 42. Prepared by JPF | | |
| 7. History and Significance This building apparently originally housed a carriage factory. | | 43. Organization Historic Hamilton, Inc. | | |
| 8. Description of Environment and Outbuildings Rossville Commercial Center | | 44. Date MPA 12/83 | | |
| 9. Sources of Information P.O. and Bob Paxton | | 45. Revision Date(s) | | |



Architectural Design Review Board
Tuesday, March 15, 2016
4:30 p.m.

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

Staff: Ed Wilson, City of Hamilton; Heather Hodges, City of Hamilton; Kim Kirsch, City of Hamilton

Guests: Mike Dingeldein, Lisa Hoffman, Ian MacKenzie-Thurley, Jenn Acus-Smith, Daryl Gunnarson, Jacob Stone, Liz Hayden

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

I. Roll Call:

Mr. Beckman, Mr. Brown, Mr. Demmel, Madam Chair Essman, Mr. Graham, Mr. Palechek, Ms. Ripperger, and Ms. Whalen were present. Ms. Jacobs arrived at 4:31, and Mr. Alf arrived at 4:32.

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

Members of the audience wishing to speak were sworn in by Ms. Kathy Dudley, Assistant Law Director.

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

January 5, 2016 – Motion to Accept by Ms. Ripperger, 2nd by Mr. Brown

January 19, 2016 – Motion to Accept by Ms. Ripperger, 2nd by Mr. Brown

With all “ayes”, the Motions pass and the Minutes are accepted.

IV. Properties Seeking COA:

1. AGENDA ITEM #1 - 120 South Second Street – Signage

Introduction

The Applicant, Tommy Reed, Atlantic Sign Company, on behalf of owner Alexander Wolfram, has submitted a Certificate of Appropriateness Application for the property of 120 South Second Street. The proposal involves new Signage for the structure.

Background

This proposal of signage is part of the continued work and establishment of the Miami Manor Renovation project, several items of which received ADRB review and approval in late 2015. The new signage is for identification and contact purposes of the managing body for the Miami Manor.

State of Ohio Historic Designation

The property at 120 South Second Street is part of the State of Ohio Historic Inventory.

Proposal

- Removal of the existing sign at the North Elevation of the structure.
 - Existing sign: Polymetal Red and White in color, 146 square feet in size
 - Existing verbiage: “Managed by MTB Management”
- Erection of a New sign at the North Elevation of the structure.
 - Pre-Finished Polymetal Panels
 - Color is Black and White (Primarily White Font with Black Background)
 - Measures 117 inches in Height and 180.5 inches in Width.
 - Black Vinyl graphics installed onto existing single face wall sign.
 - New verbiage: “Managed by Loftis Group”

The Applicant, Ms. Lisa Hoffman, was present. She said that they are proposing the update to change to show the new owners and to change the color. Mr. Graham asked if the square footage of the new sign was the same as the old sign, and she said that it was. Mr. Graham verified with Mr. Wilson that the square footage falls within the guidelines.

There was a Motion to close the testimony by Mr. Brown, 2nd by Mr. Demmel. With all “ayes, the Motion is passed.

Mr. Graham made a Motion to approve the signage as presented. With a 2nd by Mr. Palechek and all “ayes”, the Motion passes and the request is approved.

Item for 29 South “D” Street was moved to the end of the agenda as the Applicant was not present.

2. AGENDA ITEM #2 - 9-11 South C Street – DEMOLITION

Introduction

The Applicant, Hamilton CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 9-11 South C Street. The proposal involves the Demolition of the Structure.

Background

The Applicant submitted detailed information to justify the proposed demolition. The submitted items included photography and an in-depth structural analysis of the building by a Structural Engineer of Pinnacle Engineering, Inc. They are both provided as Applicant evidence to the expense of rehabilitation as an alternative and justification for demolition. Summarily, the structure shows signs of extended and underlying damage from multiple sources, justifying the proposal for demolition. The Applicant did provide photos.

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

State of Ohio Historic Designation

The property at 9-11 South C Street is part of the State of Ohio Historic Inventory.

Proposal

- Demolition of the Structure located on 9-11 South C Street

The applicant, Mike Dingeldein, was present. He said that had Pinnacle Engineering do a study of the building. The major issue with the building is the middle (1st floor). It's failing its attachment to the exterior, which is causing the porch to lean out, and the back of the building to bow out. He then went over some of the other issues that the study found. He said that with everything that was found, it would not be economically feasible to keep it.

Mr. Graham verified with Mr. Dingeldein the plan for the ground with regard to grass seed. He said that the plan is to put gravel down and have it paved. Mr. Dingeldein also stated that he would be happy to their demolition contractor save any pieces or parts of the building that were deemed valuable and provide a way to have those distributed to anyone interested in them.

Mr. Graham asked if the structure had any fireplaces or stained glass, and Mr. Dingeldein responded that it has neither.

There was a Motion to close testimony by Mr. Graham, with a 2nd by Mr. Palechek. With all "ayes" except Mr. Demmel (has to abstain voting on any CORE item, as he is the Chair of the CORE Board) the testimony was closed.

Ms. Whalen made the comment that once again it is so sad to see a property that is so architecturally interesting come before them because the owners neglected it so badly that it isn't salvageable. She said that it's a shame that they can't get people to take care of the properties, and that this is what ultimately happens and they lose a really attractive building on a street where it could be very interesting.

Mr. Brown said that he likes the idea that the CORE fund is going to try to save any type of architectural design and that when the Health Department tears it down, the Board really doesn't have many options there.

Ms. Jacobs said that she has been in the building and she would concur that there's not much left in it.

Mr. Palechek made a Motion to approve the Request for Demolition. With a 2nd by Mr. Beckman and all "ayes" except Mr. Demmel (Abstain), the Motion passes and the request is approved.

3. AGENDA ITEM #3 - 139 Main Street – Painting of Façade

Introduction

The Applicant, The CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 139 Main Street. The proposal involves painting of the façade (storefront and trim).

Background

This property was before the ADRB on December 15, 2015 and a Certificate of Appropriateness was issued for replacement of Main Street storefront as presented. Additionally, the proposal noted a future application for paint color review; this is the submitted proposal that item.

State of Ohio Historic Designation

The property at 139 Main Street is part of the State of Ohio Historic Inventory.

Proposal

The applicant has proposed painting of the storefront façade.

- Per the applicant, the storefront façade will be painted:
 - Sherwin Williams Whole Wheat, SW 6121 (lighter shade)
 - Sherwin Williams Superior Bronze, SW 6152 (darker shade)
- Shutters will be restored on Main Street façade and not on C Street façade.

The Applicant, Mr. Dingeldein, was present. He said that one thing they have found interesting is that there is a lot of sandstone and limestone in the Main Street Buildings, but they are in very different veins, or different colors. On this building, the color is almost truly a sandstone color like the old city building (20 High Street). Their intent is to take that sandstone color as their main trim color and going to a different shade in that family for the trim, putting all of the shutters

back to the correct size and condition on the front and getting rid of the shutters on the side.

Mr. Brown asked Mr. Dingeldein if there has been any interest in this building, and he replied that there has been some interest by an interior tenant working on financing now for fitting out the inside, but the CORE Fund will finish the outside.

There was a Motion to close testimony by Mr. Palechek, with a 2nd by Mr. Brown. With all “ayes” except Mr. Demmel (Abstain) the testimony was closed.

Mr. Palechek said that he thinks it looks great so far, and Mr. Dingeldein thanked him.

Mr. Beckman made a Motion to approve the Request. With a 2nd by Ms. Ripperger and all “ayes” except Mr. Demmel (Abstain), the Motion passes and the request is approved.

4. AGENDA ITEM #4 - 310-312 Main Street – Painting of Façade

Introduction

The Applicant, The CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 310-312 Main Street. The proposal involves painting of the façade (gable accent and trim).

The subject property of 310-312 Main Street is located in the Rossville Historic District and is Zoned MS-1 Main Street Core Form Based Zoning District.

Background

This property was before the ADRB on June 16, 2015 and a Certificate of Appropriateness was issued for painting of trim, columns, decorative details and the entire body of the structure.

Proposal

The applicant has proposed painting of the storefront façade.

- Per the applicant, the façade of the structure will be painted:
 - Sherwin Williams “Ivoire”, SW 6127 (Trim Color)
 - Sherwin Williams “Chamois”, SW 6131 (Gable Accent Color)

Mr. Dingeldein said that the building is a Frederick G. Mueller Design, as are several other houses in the Rossville Historic District, and Mr. Mueller was partial to this trim color and didn't use accent colors. The CORE Fund is proposing the

use of the trim color in deference to him. They are going a little darker on the back trim color to help it stand out a little.

Mr. Brown asked if someone has started power washing that building, and Mr. Dingeldein replied that the CORE staff is currently cleaning it up and making repairs to the soffits. Mr. Brown then asked him if the building is sound, and he replied that it is very sound and very nice quality. Ms. Jacobs asked about the front windows, and he responded that there are new vinyl windows on just the porch front, the rest are original. She asked if it would be possible to have those in either wood or composite to match the others, and he said they would have to be remade to match, they are not standard size. He said he can try to paint the outside trim to match, but he's not sure how the vinyl will take the paint.

There was a Motion to close testimony by Mr. Brown, with a 2nd by Mr. Palechek. With all "ayes" except Mr. Demmel (Abstain) the testimony was closed.

Mr. Beckman asked if whoever replaced the windows with vinyl went through the ADRB, and Mr. Wilson replied that he's not sure, he would have to check through the records. Mr. Dingeldein said that the placement of the vinyl windows probably predates the inclusion of Main Street into the Rossville district.

Mr. Graham asked for clarification on what is being painted. Mr. Dingeldein said the proposal is for the colors listed above for the trim and gable accents all the way around the house.

With no other discussion by the Board, Mr. Graham made a Motion to approve the paints colors as presented for the entire structure, not just the façade. With a 2nd by Mr. Alf and all "ayes" except Mr. Demmel (Abstain), the Motion passes and the request is approved.

Madam Chair Essman verified with Mr. Wilson that the Introduction was written by him, and it's not what the CORE Fund submitted directly.

5. AGENDA ITEM #5 - 16 North D Street – Painting of Façade

Introduction

The Applicant, The CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 16 North D Street. The proposal involves painting of the façade (trim and roof).

Background

This property was before the ADRB on December 1, 2015 and a Certificate of Appropriateness was issued for removal of paint from body of the structure, painting of the trim, gutters & columns in Sherwin Williams French Roast (SW 6069) and removal of the shutters.

State of Ohio Historic Designation

The property at 16 North D Street is part of the State of Ohio Historic Inventory.

Proposal

The applicant has proposed painting of the façade as follows:

- Trim of the Structure
 - Per the applicant, paint all trim work in “Versatile Gray” (Sherwin Williams SW 6072)
- Roof of the Structure
 - The roof of the structure will be repainted to match the existing color
- Shutters
 - Per the applicant, paint shutters in Terra Brun (Sherwin Williams SW 6048) on Main Street façade only.

Mr. Dingeldein said that the building at 16 North “D” and 244 Main Street will get the same treatments, they are twin buildings. He said that they are trying to come off of the limestone color. The lintels and window trim will all be in the Versatile Gray. All the shutters on the Main Street façade will be the Terra Brun color.

Madam Chair Essman asked if this application was combined with the one for 244 Main, and he replied that the buildings were built together in the 1860’s and they go together, so they are asking that they be kept as twins in terms of their treatments.

She asked the Board if they had any questions or comments about the paint color being proposed for 16 North D. Ms. Whalen replied that she wishes that they had a better example to see. She asked Mr. Dingeldein to describe the Terra Brun color to her, and he said it’s Terra Cotta (as in flower pot color). He said that all the window trim will match the stone lintels and they will be painted because they are in bad condition. There will be a stone color for the window trim and stone lintels and a natural brick color, and then the Terra Cotta shutters on the Main Street façade.

Staff then got out a book from Sherwin Williams with paint colors and found the Versatile Gray colors for Ms. Whalen and the Board to see. Ms. Whalen and Mr. Dingeldein had a discussion about the placement of the shutters (all the way up) and the window (not all the way up). Mr. Dingeldein said that it had been a transom piece of glass in the past. With assistance from Mr. Dingeldein, the colors were located and passed to members of the Board to see.

There was a Motion to close testimony by Mr. Beckman, with a 2nd by Mr. Alf. With all “ayes” except Mr. Demmel (Abstain) the testimony was closed.

With no other discussion by the Board, Mr. Palechek made a Motion to approve the colors as presented for the entire structure, and the windows to be changed to restore the transom. With a 2nd by Ms. Whalen and all “ayes” except Mr. Demmel (Abstain), the Motion passes and the request is approved.

6. AGENDA ITEM #6 - 244 Main Street – Painting of Façade

Introduction

The Applicant, The CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 244 Main Street. The proposal involves painting of the façade (trim, shutters and roof).

Background

This property was before the ADRB on December 1, 2015 and a Certificate of Appropriateness was issued for removal of paint from body of structure, painting of the trim, shutters, gutters & columns in Sherwin Williams “French Roast” (SW 6069) and installation of appropriate sized shutters on the Main Street and D Street building facades.

State of Ohio Historic Designation

The property at 244 Main Street is part of the State of Ohio Historic Inventory.

Proposal

The applicant has proposed painting of the façade.

- Trim of the Structure
 - Per the applicant, paint all trim work in “Versatile Gray” (Sherwin Williams SW 6072)
- Shutters on the Structure
 - Per the applicant, paint all shutters in “Terra Brun” (Sherwin Williams SW 6048)

- Roof of the Structure
 - The roof of the structure will be repainted to match the existing color

Ms. Whalen and Mr. Dingeldein had a brief discussion about the color of the door.

There was a Motion to close testimony by Mr. Palechek, with a 2nd by Mr. Graham. With all “ayes” except Mr. Demmel (Abstain) the testimony was closed.

With no other discussion by the Board, Ms. Whalen made a Motion to approve the colors for painting the façade as presented, with the addition of the original doorway being placed back and painted Terra Brun. With a 2nd by Ms. Ripperger and all “ayes” except Mr. Demmel (Abstain), the Motion passes and the request is approved.

7. AGENDA ITEM #7 - 244 Main Street – Mural Painting

Introduction

The Applicant, Jennifer Acus-Smith, for Fitton Center, has submitted a Certificate of Appropriateness Application for the property of 244 Main Street. The proposal involves the painting of a mural on the structure.

Background

This is part of the StreetSpark program for painting of murals on notable buildings in Hamilton. The submitted proposal is part of a simple set of proposed murals for historic buildings.

State of Ohio Historic Designation

The property of 244 Main Street is part of the State of Ohio Historic Inventory, referenced as BUT-441-9.

Proposal

Propose painting a mural on the subject property of 244 Main Street.

- Location: Mural will be painted on the Brick Wall, Eastern Elevation of the Structure.
 - Per the Applicant submitted diagram, this encompasses the whole brick surface.
 - Area measures:
 - 35 feet in Width;
 - 21.5 feet in Height (to the edge of roof);
 - 27.5 feet in Height (to the peak, chimney)

- NOVAColor will be used for the paint of the mural
 - Acrylic-based paint
- Two (2) coats of NOVAColor Varnish will be applied to protect the surface.

Mr. Wilson showed a slide depicting the mural as presented by the Applicant, which covers the entire side of the building at 244 Main Street.



Further Items

The murals are considered Works of Art, and thus do not pertain to any existing signage regulations.

Mr. Ian Mackenzie-Thurley from the Fitton Center spoke about Streetspark. He gave history, background, and goals for Streetspark and spoke about how the project came to be. He also spoke about the selection process of the murals to be painted on three (3) structures in Hamilton, and those who made the entries.

Ms. Jenn-Acus Smith gave the roles of Administrators of Streetspark committee. She said that the committee members were the only ones to see specifics of the applicants with regard to name, etc. They were only presented as designs to the Committee.

She gave feedback from the committee on the design for 244 Main Street; “Fun”, “Whimsical Design”, “It used fresh vibrant colors”, “It was very eye catching”, “It would stand out and become a destination site in Hamilton”. She said that they

felt that the overall pattern worked really well with the existing window. The building could also potentially have other doors and windows added to it, so they felt that an overall pattern would work a little bit better with those things than other designs.

She then gave a bit of information on the artist, and her vision, that contains in part “his design came about as I consider the importance of recycling. Once we see potential in throw away objects, we develop a new appreciation for them. We see their beauty. These are recyclables. They are bright and cheerful; they dance joyfully across the pink field, challenging the viewer not to smile”.

Mr. Beckman said that he is all in favor of the murals. He asked if and when they vote, are they voting for the scheme or the murals? Madam Chair Essman replied that the Board is voting on this particular mural on this particular building, colors as is. The building itself will look a little different because they just voted for different colors on that building.

Mr. Graham asked if there was any consideration given to a more historically appropriate mural for the age of the building (1850 bldg). Ms. Acus-Smith replied that when they presented the application, they gave specifics about the building (age, previously a carriage house). She added, however, that they stipulated that the decisions for the designs were up to the artists, so they could choose to go a historical route, or they could choose to go a different route. The committee felt that it was important to respect the vision and creativity of the artist.

Mr. Dingeldein said that he would also like to add a comment that he thinks there are two schools of thought: (1) if the mural is too much like the building, it takes away from the bldg. If it has its own identity and presence, it doesn't have to compete with the building. (2) If it has to stand on its own, it needs to be bright, stand out, and make a statement, which it certainly does. He said that it has to be separate and distant and different from the building and look like it was built in our present time. He also added that there is going to be pedestrian plaza about 3' off the sidewalk with steps, so there will be people sitting between the buildings. The mural would be on a wall facing east, so it's going to have bright sun in the morning, but not at night. His last statement was that, in his opinion, it should be about the murals and not about the buildings unless it's literally doing damage to the building.

Mr. Graham asked what the expected life of the paints with the finishes. Ms. Acus-Smith replied that the paint that they are using is what Artworks in Cincinnati use for all of its murals. It's highly recommended, acrylic based paint, won't fade, and the plan is to seal it with 2 coats of varnish from the same company. If there is any damage to it (graffiti or heavy dirt buildup), it's easy to clean. It won't damage the paint, and they can re-varnish if they need to.

Mr. Brown asked if they were going to pre-coat the brick. He said that the building was power-sprayed back in the winter and he's concerned about peeling or flaking. She said that they are working with the CORE Fund to prime the surface and have it smooth before they paint.

Mr. Jacob Stone, Resident Services and City's liaison to Streetspark spoke. He praised Ms. Acus-Smith for her work and time that she put into the project. He said that the committee spent approximately three hours deciding which murals to pick as the winners. He also said that he believes that there is a place in every mural's budget for ongoing maintenance.

Mr. Graham asked Mr. Wilson for any citizen comment on the murals. He said he received 2 comments, and it was comparison of the colors and style of the murals vs. the historic colors in the historic district and historic nature of the buildings. Ms. Whalen asked how the murals would have been seen prior to the meeting, and Mr. Wilson replied that he saw them through the ADRB agenda.

Ms. Ripperger asked if the window would be painted over, and the answer was that it would not.

Ms. Liz Hayden was the next audience member to speak. She also is a City of Hamilton employee and part of the committee that developed the program. She is speaking in support of the mural and says that it fulfilled many of the objectives that the committee was seeking to achieve. She said that the group was tasked with promoting the arts identity in the community and supporting artists and creating artist opportunities because they want artists to live and work here. She said that they didn't want to just do historical murals and they wanted to be open minded. She said that she was not on the committee that selected the murals, and that she feels that the original intent of the program is being achieved through the three murals that are being presented.

Madam Chair Essman asked how long they expect the murals to be up. Ms. Acus-Smith replied that the intention is to have different murals painted every year, but not necessarily to paint over the murals that are already there. She said that it's a possibility that it could be done, but they haven't determined a specific time. Madam Chair Essman asked if they envision the same murals being up 15 years from now, and she replied that the paint lasts quite a long time, and Mr. Dingeldein added that 8-10 years is not unusual for the paint to last.

There was a Motion to close testimony by Mr. Palechek, with a 2nd by Ms. Whalen. With all "ayes" except Mr. Demmel (Abstain) the testimony was closed.

Mr. Beckman asked if it's going to be known as "The Pink Building". Madam Chair Essman replied that it could be. He was asked if that is a problem for him,

and he replied that he had hoped that the murals would have more significance than “The Pink Building.”

Ms. Whalen said as a representative of Historic Hamilton, she shared the proposals with as many people as she could get to. She said that they weren't crazy about a mural on the side of that particular building, but they would consider it if it had a different theme than pink and drink cups. She added that as a citizen, she travels Main Street daily, and she doesn't feel that she would enjoy seeing it or feel like it's something that she wants to pass by every day. She then made reference to a previous comment by Ms. Acus-Smith about the murals in Cincinnati, and she said that she feels that she likes them all, and would prefer to see something more appropriate to the Rossville neighborhood or businesses that are there or hoping to be there.

Mr. Alf said that he agrees with Ms. Whalen. He thinks is tremendous project and the ADRB Board needs to support it. However, he feels that this particular one will hurt the image of the entire project. He said that he thinks that people are going to laugh at the color of it and that while it doesn't have to be historical; it needs to be toned down. He added that he agrees with Ms. Whalen that it needs to fit in the architect of that entire part of the community and that mural certainly doesn't.

Ms. Jacobs said that she loves the other murals, and loves the ideal of it being unexpected, but she really doesn't love this one. She said that it reminds her of litter. She said that in her opinion, it missed the mark.

Mr. Graham said that loves the concept of Street spark, and was excited to see what was going to be brought to the Board. This mural wasn't what he expected, but after hearing testimony on it, he thinks it might work. He added that it's just paint after all, and it can always be changed.

Mr. Palechek said that agrees with Mr. Dingeldein that it's an art piece. He added that he doesn't think that it needs to conform to the building's architectural style. It's a public space and could very well be a piece of art that's not on the building but right besides the building, he does agree that it needs to stand apart, and he likes it.

Mr. Brown said that he's going to put his trust in the artists and the committee.

Madam Chair Essman asked Mr. Wilson what happens if the ADRB Board turns down the application. He said that they can't paint the mural on the building, and they can appeal to the Board of Zoning Appeals. He was asked if they could come back to the ADRB with another option.

Mr. Beckman said that the hopes that if it is denied, they would come back with another mural ideal, and Mr. Alf said that he agrees with that.

Madam Chair Essman said that what she is hearing is that the ADRB Board is in support of the murals in general, there is just a question of whether or not this is the right mural for this space. She said that it's hard, because everyone has their own personal opinions of it.

Mr. Graham said that while he may be one of the more conservative people on the Board, he's going to agree with Mr. Brown and put his faith in the committee and artists and take a chance on it.

Mr. Beckman then spoke about the murals in Franklin, Ohio, and said how nice they are.

Madam Chair Essman said that this is more about trying to spark art instead of going with the traditional this time, and get the discussion started.

Ms. Whalen said that she is all for the Streetspark program and thinks that it's interesting, she just prefers to see a different design on this particular building.

Madam Chair Essman said that she agrees with Mr. Whalen, but that this is the first mural, (and what do they want to the first one to be?).

Mr. Graham made a Motion to approve the mural as presented for 244 Main Street. With a 2nd by Mr. Palechek, a roll call vote was taken. With a count of 6-3 (1 abstain by Mr. Demmel), the Motion was denied.

** Mr. Palechek left the meeting at 5:30 p.m.

8. AGENDA ITEM #8 - 15 South D Street – Mural

Introduction

The Applicant, Jennifer Acus-Smith, for Fitton Center, has submitted a Certificate of Appropriateness Application for the property of 15 South D Street. The proposal involves the painting of a mural on the structure.

Background

This is part of the StreetSpark program for painting of murals on notable buildings in Hamilton.

State of Ohio Historic Designation

The property at 15 South D Street is not part of the State Historic Inventory.

Proposal

Propose painting a mural on the subject property of 15 South D Street.

- Per the Applicant, Location: Mural will be painted on a section of the exterior wall facing the True West parking lot.
 - (North Elevation of the structure)
- NOVAColor will be used for the paint of the mural
 - Acrylic-based paint
- Two (2) coats of NOVAColor Varnish will be applied to protect the surface.

Mr. Wilson then showed a picture of the proposed mural for 15 South “D” Street as proposed by the Applicant, as well as the proposed placement on the side of the building.



Ms. Acus-Smith gave the background of the Alexander Hamilton mural and why the committee chose it. She said that it's highly visible from Main Street. She told a bit about the artist, what the mural was based off, and why these particular colors were chosen. She added that there were some more historical murals presented to the committee, and that they feel that the more contemporary murals can be married with the more traditional buildings that they are on. Madam Chair Essman agreed with her.

Mr. Alf asked her why the committee chose the second mural for its location vs. the first building (which he felt would be a better fit). She replied that they left it up to the artist to choose what buildings they wanted their murals to go on.

Ms. Whalen said that she agrees that the first mural would have been better on the first building.

Mr. Brown asked Mr. Wilson if he could show the third mural, and could the ADRB Board change the location of the murals. Madam Chair Essman replied that it was brought in a certain way and they need to be respectful of the way it was presented, even if they don't agree with the committee.

Ms. Acus-Smith said they would take it under advisement and discuss it. Part of the issue is the window on the first building. There was a bit more discussion, but at the end, it was decided that it's the committee's decision.

Mr. Beckman asked if there was any thought given to putting a plaque up explaining the artists interpretation. Ms. Acus-Smith replied that there will be a printed piece that the nearby businesses, the Welcome Center and the Fitton Center will have with information about the artists, the process of selection, etc. She said that one of the goals of this was to open people's minds to different treatments of murals and artworks, and diversity of styles.

There was a Motion to close testimony by Mr. Brown, with a 2nd by Mr. Demmel. With all "ayes" the testimony was closed.

Ms. Jacobs said that she loves everything about this mural. Mr. Alf agrees with Ms. Jacobs, but that he also agrees that it might be better placed on the first building. Ms. Whalen said that she likes this one very much and that it blends something that is "Hamilton" but gives it a creative artistic vent.

Mr. Alf made a Motion to approve the mural as presented. With a 2nd by Ms. Ripperger and all "ayes", the Motion passes.

9. AGENDA ITEM #9 - 20 High Street – Mural Painting

Introduction

The Applicant, Jennifer Acus-Smith, for Fitton Center, has submitted a Certificate of Appropriateness Application for the property of 20 High Street. The proposal involves the painting of a mural on the structure.

Background

This is part of the StreetSpark program for painting of murals on notable buildings in Hamilton.

State of Ohio Historic Designation

The property at 20 High Street is part of the State of Ohio Historic Inventory. Additionally, the property at 20 High Street is also part of the National Register as part of the Hamilton Historic Civic Center.

Proposal

Propose painting a mural on the subject property of 20 High Street.

- Per the Applicant, Location: Mural will be painted on a section of the 1960's addition of the structure.
 - (East Elevation of the structure)
 - Area Measures:
 - 16 feet in Height and 100 feet in length
- NOVAColor will be used for the paint of the mural
 - Acrylic-based paint
- Two (2) coats of NOVAColor Varnish will be applied to protect the surface.

Mr. Wilson then showed a picture of the proposed mural for 20 High Street as proposed by the Applicant, as well as the proposed placement on the side of the building.



Mr. Mackenzie-Thurley said that he would be presenting this one, as the artist chosen was Mr. Stephen Smith (Jenn's husband). He reiterated that it was a blind selection done by the committee and he was not aware who submitted what prior to the selection process being completed. Mr. Mackenzie-Thurley gave the background of Mr. Smith, as well as what the inspiration was for his rendering. He said that it pays homage to local writer and illustrator Mr. Robert McCloskey, and how the colors and design are represented. He said that the pocket park on the corner of Front and High displays a sculpture inspired by his book "Lentil". The mural would complement McCloskey's relationship to the building.

Madam Chair Essman asked if there any copyright issues with using the figures on the mural, and he said that they are in a conversation with the family to make sure.

Ms. Whalen asked how accurate the colors are on the screen to what is being proposed and he answered her. Mr. Brown said that he likes this one and it is a block away from Rivers Edge. Madam Chair Essman asked if there any other comments or questions for the Applicant. Madam Chair Essman asked Mr. Dingeldein if he had anything to add, and he said that the portion of the building that the mural is proposed for is an addition that was put on the original building and it is sandstone and it will have to be treated before the mural can be done. He thinks this location is genius.

Mr. Mackenzie-Thurley added that the committee is very aware of the position of this mural, and all of the factors that connects it to the city, as well as the delicate condition of the building that it is being applied to.

There was a Motion to close testimony by Ms. Whalen, with a 2nd by Mr. Alf. With all "ayes", the testimony was closed.

Mr. Alf said that he feels this is a perfect mural for this location. Ms. Whalen said that she feels that it reflects Hamilton, people that came from here, and things that happen and have to do with our city. She thinks it's a nice backdrop.

Mr. Beckman said that maybe it will make people go to the museum.

Ms. Ripperger made a Motion to approve the mural as presented. With a 2nd by Ms. Whalen and all "ayes, the Motion passes and mural is approved.

10. AGENDA ITEM #10 - 309 North Second Street – New Detached Garage

Introduction

The Applicant, Hamilton CORE Fund, has submitted a Certificate of Appropriateness Application for the property of 309 North Second Street. The proposal involves the erection of a new garage on the structure.

State of Ohio Historic Designation

The property at 309 North Second Street is not part of the State Historic Inventory as could be ascertained.

Proposal

Propose construction of a new Garage at the rear of the property, behind the main structure of 309 North Second Street. Wood Stud Construction, with pre-engineered roof trusses.

- Measures: 40 Feet, 6 inches in width, and 24 Feet, 8 inches in depth
 - Height of 9 feet, 6 inches to the ridge of gable,
 - Gable peak of 8 feet, 3 inches
- Garage Door:
 - Steel Garage Door.
 - Measures: 16 Feet Wide by 7 Feet High
 - SW 7641 “Collonade Gray”
- Roof of Garage:
 - 3-Tab Fiberglass Shingles
 - Twilight Black in color
 - Manufacturer: Owens Corning
- Siding of Garage:
 - Hardiplank Fiber Cement Board Siding.
 - SW 0023 “Pewter Tankard”
- Gutters of Garage, and Gable Vent:
 - SW 7641 “Collonade Grey”
- Trim Paint is SW 7046 “Anonymous”

Mr. Dingeldein was present for the CORE Fund, and said that the garage is visible from the alley entrance off of Buckeye Street but not North Second Street. Ms. Whalen wasn't clear where the property is, and Mr. Dingeldein clarified it for her.

Mr. Brown asked if the colors are going to match, and Mr. Dingeldein replied that it will, as close as possible, and the gable slope is the same as the house. Mr.

Graham and Mr. Dingeldein then had a brief discussion about what type of shingles were going to be put on the garage, and if they would match the house.

Motion to close the testimony was made by Mr. Graham. With a 2nd by Mr. Alf, and all “ayes” except for Mr. Alf (abstained), the public testimony was closed.

Mr. Graham made a Motion to approve the request as presented, with the stipulation that the shingles are dimensional and will match the house. With a 2nd by Mr. Brown and all “ayes” except Mr. Demmel (abstain), the Motion passes.

11. AGENDA ITEM #11 - 425 South D Street – Exterior Work, Extensive

Introduction

The Applicant, Community Design Alliance, on behalf of the Owner, New Oaks Community, has submitted a Certificate of Appropriateness Application for the property of 425 South D Street. The proposal involves several projects of Exterior Work for the main structure of the property.

Background

This is part of the further continuation of exterior work for 425 South D Street. The property was previously reviewed and approved by the Architectural Design Review Board in August of 2015 for porch work. Part of the proposal is based upon the previously approved work.

State of Ohio Historic Designation

The property at 425 South D Street is part of the State of Ohio Historic Inventory.

Proposal

- Dormer: Expand the Dormer on back in order to accommodate a proposed door that measures 30 inch by 68 inch.
 - Height of Dormer will match peak of roof.
 - Re-clad All Dormers in Cedar Siding and Paint.
- Paint: White Paint will be utilized for proposed painting work.
 - Sherwin Williams – SW 7005, “Pure White”
 - Paint to occur on Cedar Siding and Shingles
- Siding: Propose the Re-Siding of the Dormers (Towers)
- Proposed Siding: Cedar Siding
 - Manufacturer: Real Cedar
 - 4 ½ inch Beveled proposed for the Dormer
 - 6 ½ inch Shingle Panels proposed for the Tower

- Roofing: Propose new roofing for portions of the structure
- Proposed: Match Existing, for the New Porch Roof and New Dormer Roof
 - Manufacturer: Owens Corning
- Door: Proposed for the Dormer
 - Existing Door is Wood – Measures: 26 inches, width; by 50 inches high
 - Proposed Door is Fiberglass – Measures: 30 inches, width by 68 inches high

Porch: For other porches as indicated in the submitted plan, change the posts spindles and railing to match the Front Porch. The Front Porch was approved under a previous COA by the ADRB.

The Applicant, Darryl Gunnarson, was in attendance. He said that at the current time, the dormers are vinyl and were put on the house before they bought it. They want to restore those with Cedar Shakes on the top.

With regard to the porch on the bottom, they want to restore it back to the original condition. The spindles will match what was previously approved by the Board for the front porch.

With regard to the upper, they want to put in a bigger door and make more access. They are proposing to make a bigger door into the 3rd floor, so they want to redesign the roof section. He said it's not visible from the front; it's actually not visible until you come up from the ladders, so it's not something that can be seen.

Ms. Whalen passed a picture of the Children's Home to the Board members from her Hamilton Ohio Historic Architecture and History book showing the side porch of the original property. Mr. Graham asked if the door in the dormer that they want to enlarge is needed to bring the building to current building code for fire escape and Mr. Gunnarson replied that it was.

With regard to the dormer on the back, Ms. Whalen wondered if the two windows could be put back in. Mr. Gunnarson replied that they are going to put a bathroom on the right side, so the window would have to be tinted, but they are happy to take a look at it. Mr. Dingeldein said that the dormer can only be seen from the roof, it's invisible from the ground. It's an inside dormer that faces the back of the original building. Mr. Gunnarson verified that it's on the 3rd floor of the building. Ms. Whalen said she knows, but she thinks it looks "very replaced" to her. Mr. Graham verified that it would be only be used as an emergency exit, and Mr. Gunnarson replied that he's correct. Mr. Brown verified with the Applicant where exactly the dormer was going to be, and that it cannot be seen from the street at all.

There was a Motion to close testimony regarding the dormer by Mr. Alf, with a 2nd by Mr. Beckman. With all “ayes”, the testimony was closed.

Mr. Alf said that it looks great, and he’s very happy with what they are doing to serve the young people.

Mr. Graham made a Motion to approve the dormer as presented. With a 2nd by Mr. Demmel and all “ayes”, the Motion passes.

With regard to the Porch, Ms. Whalen said that what he is proposing doesn’t look the same as the picture in her book. He looked at her picture and they had a brief discussion about it. There was then a discussion between Ms. Jacobs, Ms. Whalen, Mr. Graham, Mr. Gunnarson, and Mr. Dingeldein regarding the doors they are proposing, the railings, and the posts (instead of columns).

There was a Motion to close testimony regarding the porch by Mr. Graham, with a 2nd by Ms. Whalen. With all “ayes”, the testimony was closed.

Mr. Graham made a Motion to approve the porch as presented. With a 2nd by Mr. Brown and all “ayes”, the Motion passes.

With regard to the exterior work and dormers, the Applicant said that wherever there are dormers, it will be replaced with cedar and painted white. Around the top where the windows are, there will be Cedar Shakes. The rest of it will be just like it is now. All Cedar will be flat white and all trim will be a semi gloss white.

Ms. Whalen then asked about windows at the top and Mr. Gunnarson said that they are all rotten and they have to be rebuilt. They are thinking about putting some stained glass in will be submitting an application in the future to put stained glass in 4 of the 10 windows, and the rest will be open glass. That will be a new application in the future.

Mr. Graham verified that it will be cedar not siding on the dormers and Cedar Shakes on the tower with the arched windows.

There was a Motion to close testimony regarding the dormer by Mr. Alf, with a 2nd by Mr. Graham. With all “ayes”, the testimony was closed.

Mr. Beckman made a Motion to approve the application as requested. With a 2nd by Mr. Alf and all “ayes”, the Motion passes and the request is granted.

12. AGENDA ITEM #12 - 29 South D Street – Porch Railing as Metal, Install Rear Gutter

Introduction

The Applicant, Seven Mile Properties, has submitted a Certificate of Appropriateness Application for the property of 29 South D Street. The proposal involves Changing the Existing Porch Wood Railing to Metal. Additionally, the proposal includes the installation of a gutter at the rear of the structure.

Background

29 South D Street was brought to the attention of the Community Development Department in the fall of 2015, due to citizen concerns of work occurring without a COA, most notably the replacement of the existing porch railing at the structure. Staff confirmed a discrepancy between the current railing (black metal) and existing railing (wood spindle).

A Stop Work order was issued in response to the assessment. Thereafter, Ms. Kate Seo, contacted the Planning Division on behalf of Seven Mile Properties concerning the stop work. In conversation, it was claimed that the previous wood spindles were subject to vandalism.

Staff directed Ms. Seo and Seven Mile Properties to submit a COA Application for the ADRB review process, in order to clarify and rectify the situation; however, no application was received.

A subsequent Stop Work order was issued and posted due to the non-submittal of a COA Application and further citizen concerns of work occurring without a COA. More recently, the Applicant representative responded to the issued Stop Work efforts by Staff and afterward submitted a COA Application for review by the ADRB.

State of Ohio Historic Designation

The property at 29 South D Street is part of the State of Ohio Historic Inventory,

Proposal

- Porch Railing: Replacement of Existing Wood Spindle Railing of the Porch, with a new Black Metal Spindle Railing.
- Primary reason is due to vandalism of the wooden spindles.
- One of the broken spindles was submitted with the COA Application
 - The submitted spindle is unfinished, with no paint or discernible finishing. There are also light amounts of dirt and wear, indicating the spindle had been exposed to the elements for a notable time before being damaged.
 - Due to the spindle's state, it is possible to infer that vandalism could have occurred during an Applicant's restoration attempt.
 - The item is included as an Exhibit Attachment for reference.
- Gutters: Installation of gutter at the rear of the building.
- Per the Applicant, this is due to box gutters being enclosed years ago.

There was no applicant in attendance. Ms. Whalen verified with Mr. Wilson that the work was done without a COA. Mr. Wilson stated that the Applicant representative claimed that City Manager Joshua Smith suggested the metal spindles and as a result the work was performed.

Mr. Dingeldein said that the spindles are in the yards all the way up the street, especially in the City Manager's yard. He further stated that there is nothing historic about the spindles or the columns, so he wouldn't think that they were approved in the past. Mr. Dingeldein said that if there is not more than a 2' fall, there is no requirement for a railing. Ms. Whalen said that she thinks it looks very inappropriate.

Mr. Wilson stated that the Applicant told him that they are open to remedies from the Board, including painting the metal spindles white if that is recommended.

Ms. Whalen said that she believes that three properties in that area had been owned by Jean Wolf and restored by Ann Antenen in the past, and they were "absolute showcases" when they were completed. In the past 8-10 years, they have really declined. She would like find some way to make them look more appropriate.

There was a discussion between Mr. Dingeldein and the Board about what would be a violation of code and appropriate as a historic property, and the fact that the Board has been standing strong on the guidelines for getting approval prior to doing work. The conclusion was that something only has to be "up to code" if it's being replaced, or that a rental property has to be maintained by the landlord according to code.

There was a motion to close testimony by Mr. Brown, with a 2nd by Mr. Graham. With all “ayes, the Motion passes.

Mr. Graham said that in his opinion, if there is more than a 2’ fall, the railing should be spindles made of appropriate wood; if there is less than a 2’ fall, there will be no railing, and keep historically appropriate columns. Mr. Brown said that spacing between spindles should be no more than 4” per code.

Madam Chair Essman clarified Mr. Graham’s position that if there is less than a 2’ fall, there doesn’t need to be a railing. If there is more than 2’, then the railing should be spindles made of appropriate wood.

Ms. Whalen made a Motion with the language as stated by Madam Chair Essman, with a 2nd by Ms. Ripperger. With all “ayes”, the Motion passes and the request is approved.

With regard to the proposal of the gutter, Mr. Wilson stated that the Applicant had indicated that they would be at the meeting. They were not, and they didn’t give any other information.

Mr. Demmel made a Motion to deny for lack of detail. With a 2nd by Mr. Alf and all “ayes”, the Motion passes and the request is denied.

V. Miscellaneous/Discussion/On the Radar

The next ADRB meeting is 4/5/16. There is a recurring item on the agenda from 337 Ross Avenue due to the postponement that was agreed on by the Applicant and the Board.

Inquiries Received:

- 317 Park Avenue – Painting – Like-for-Like COA
- 23 North Sixth Street – Trim work – Like-for-Like COA
- 330 Main Street – Return Paint to Original – Like-for-Like COA
- 1306 Hanover Street – COA Application Received, roofing/gutters
- 1444 Maple Avenue – Historic Inventory inquiry
- 408 North D Street – Historic Inventory inquiry
- 665 Marcia Avenue – Historic Inventory inquiry
- 156 Washington Street – Historic Inventory inquiry
- 244 Main Street – Inquiry on Mural
- 323 Park Avenue – Inquiry on property
- General Inquiry for Ross Avenue property

Ms. Whalen asked Mr. Wilson if he would be able to mail the “General Inquiries” to the Board the day after the meeting, and he said that he would be willing to do that in the event they wanted to look at the properties.

Ms. Whalen then said that she had a property of concern about Louis Duemer Pattern Works with regard to the construction at South Hamilton Crossing. Ms. Dudley said that it’s her understanding from the last thing she was told that the property will be built around the building, and that there will be a cul-de-sac around it.

Mr. Dingeldein also had a comment that the City of Hamilton has applied to the State Historic Preservation Office to have Downtown Hamilton declared a Historic Overlay, so any building owner in that overlay has gotten letters. There will be a hearing on April 1. That will include buildings such as the YMCA, Joffe’s Furniture, and the Ringel’s Furniture Building.

Mr. Dingeldein also said that he helped Mr. Wilks on his appeal for the property at 117 Village Street. He got him in contact with Sierra Environmental and they did samples on the original siding on the house and it is over 5% asbestos. Therefore, attaching new materials to it is necessary for encapsulation but also difficult because the work is hazardous. The lightweight siding that he put on the house is reasonable solution. He then asked the ADRB Board their wishes for proceeding, and Madam Chair Essman said that he can re-apply and give the information. He said that Mr. Wilks would like to write the application over from scratch and talk about the solution and pros and cons. Mr. Graham said that his opinion is that the Board has already ruled on the siding and his option is to go the Board of Zoning Appeals to have it over-ridden. Ms. Whalen said she believes there is a question on paint colors on the trim also. They discussed it with Ms. Dudley and she said that if there is some different application or different work, then they could come back to the ADRB, but if it is the same thing, then the standard is to go the BZA.

Ms. Jacobs, Madam Chair Essman and Mr. Wilson then had a brief discussion about what the Applicant for 29 South “D” Street would need to do with regard to their denial.

VI. Adjourn

Mr. Graham made a Motion to adjourn with a 2nd by Ms. Whalen

Submitted by:

Chair:

Ed Wilson
Secretary, ADRB

Ms. Mary Pat Essman
Madam Chair, ADRB

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:

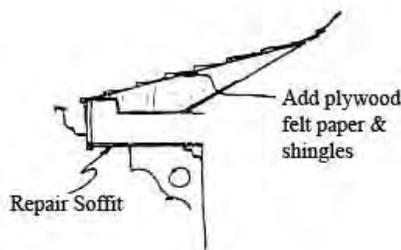
- A. Replacement garage doors will replicate, as close as possible, the existing garage doors in design and material.
- B. New/replacement garage doors that cannot replicate existing doors will have a multi-paneled design.
- C. Garages should be painted in a color scheme that compliments the principal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

Gutters

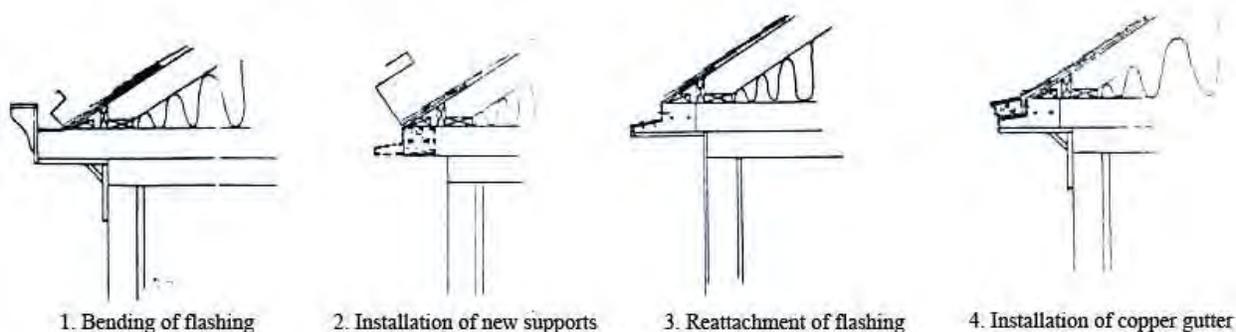
Requests for Certificates of Appropriateness involving new construction/replacement of gutters will be treated by the Board as follows:

- 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

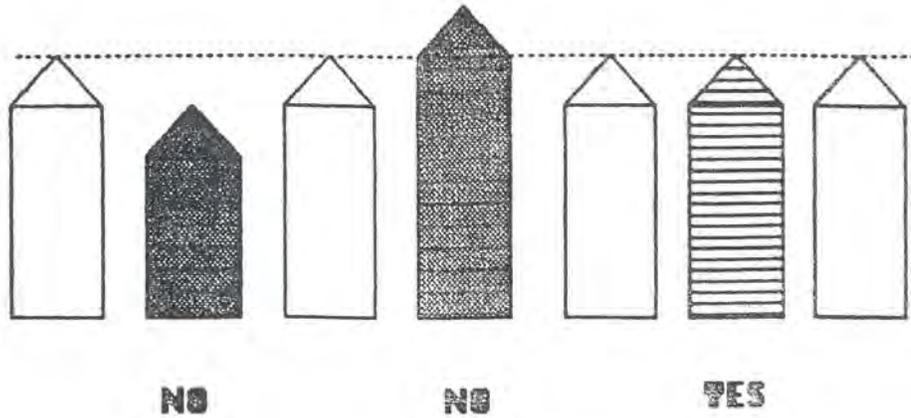
Requests of Certificates of Appropriateness involving additions to existing structures will be treated by the Board as follows:

- 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

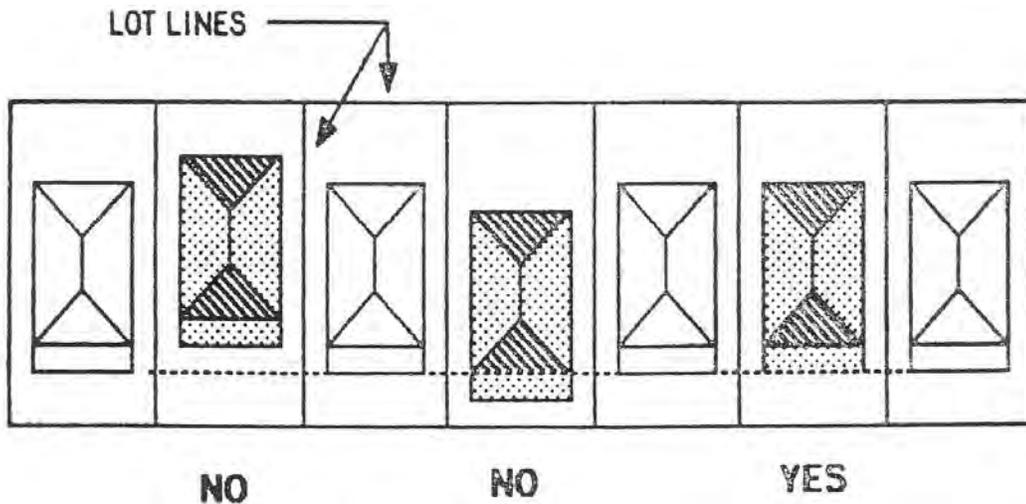
Requests for Certificates of Appropriateness involving new construction will be treated by the Board as follows:

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.



March 17, 2016

Jennifer Acus-Smith
C/O: Fitton Center
101 South Monument Avenue
Hamilton, OH 45013

Dear Jennifer Acus-Smith,

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 of Mural for the property located at 244 Main Street was Denied by the Board at the March 15, 2016 meeting.

The board denied your application due to board determination that the proposed mural was inappropriate for the structure.

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



A11e0765
A11e0767

BOARD OF ZONING APPEALS APPLICATION

Property Address: 244 Main Street, Hamilton, OH 45013

Lot No(s): _____

Property Owner: CORE fund, Mike Dingeldein

Owner's Mailing Address: 236 High St. Hamilton, OH 45011

Appellant's Name (if different than owner): Jennifer Acus-Smith/Fitton Center

Appellant's Mailing Address: 101 S. Monument Ave. Hamilton, OH 45011

Appellant's Email Address: jennifer@fittoncenter.org

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 rational for requesting a Variance**)

Other – Skip to "Other" Section of Application Form

City of Hamilton
Office: 3/24/2016
Appel: 365556
Name:
Request: 3/24/2016
Fees: 8200.00
Payment: 3/24/2016
Status: 00
City of Hamilton
Officer: CMR
Cashier: Consvs

BZA APPLICATION 2016

StreetSpark is a new public art program developed through a partnership between the Fitton Center for Creative Arts and the City of Hamilton. We developed this program in alignment with the city goal of “furthering the arts identity of Hamilton”. Using this goal as a guide, the mural program will also provide jobs to local artists, present a diversity of artistic styles and perspectives, and attract more residents and visitors to our area.

We released a Call to Artists for mural designs in January of 2016 and received fifty-four submissions from twenty-nine artists. We intentionally left the subject matter, style and content of the murals open to each artist’s interpretation. We did provide basic facts about the buildings’ history and surroundings, but it was not required that artists used this information in their designs. The murals will be painted using a high quality, lightfast paint from Novacolor and will be sealed with two coats of varnish.

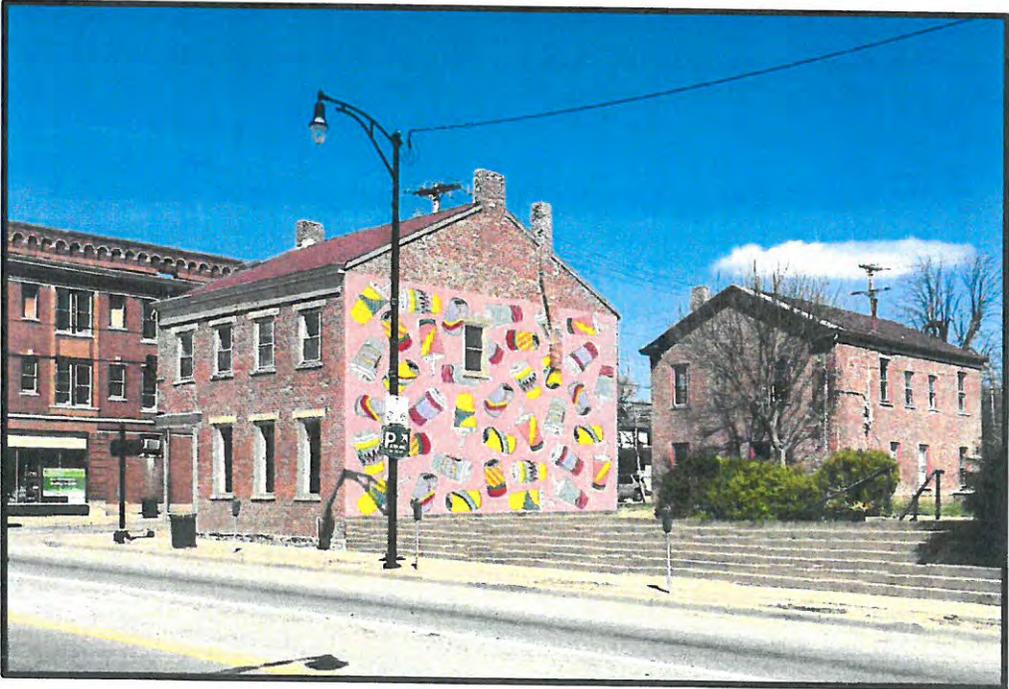
We also formed a Selection Committee of twelve local arts professionals who selected the winning designs. These individuals were chosen through a blind submission process to represent a variety of visual art fields including art teachers, graphic designers, art administrators and professional artists. All selected committee members live within 35 miles of Hamilton and demonstrate a genuine desire to enrich our city through the arts. The committee selected designs based on the following criteria: their overall positive impression, the design’s quality and execution, if the design had a unique and engaging concept, and if the design considered the building and its surroundings.

The StreetSpark Selection Committee felt that the design chosen for 244 Main Street was an interesting modern design and that its friendly, whimsical nature would attract viewers to the area. This site will potentially have a patio seating/dining area, creating an attractive focal area for this future business. Due to the window present (and the possible addition of other windows or doors) they felt it was best to select an overall patterned design on this particular building. This design is more contemporary in nature and was chosen with the knowledge that the other two selected designs refer to Hamilton’s history. We feel this meets our goal of presenting a variety of artistic styles and perspectives. This design does use bright colors, but it is worth noting that the other two designs also do this and were unanimously approved. This design’s imagery is not offensive or inappropriate by any measurable standards and we believe it should be approved as a mural.

We feel that the StreetSpark program has been structured very carefully and gives respect to the intentions and perspectives of the artists and the expertise of our Selection Committee members. We believe public art is created to enhance an area with color and expression rather than to match a historic color scheme. When the StreetSpark program was presented to the ADRB committee, they stated that they were supportive of our process and program. The ADRB also stated that they were not judging the works based on historic colors, but the majority of their comments were based on their subjective opinions. We understand that subjectivity has to factor somewhat into the decision-making process, however there were no other criteria referenced during the discussion.

We have tried our best to support the City of Hamilton’s initiative to “further the arts identity of Hamilton” in the creation of the StreetSpark program. We see the City of Sculpture, Pyramid Hill, Artspace and Butler Tech School of the Arts blossoming and embracing many versions of art. In fact, the City of Sculpture is a board who has the autonomy to choose the public sculptures that are displayed in Hamilton. We would like to follow this precedent and feel that our excellent process will ensure quality public art. We feel that to embrace this program is to welcome the arts and artists into our city. By presenting public art of many styles and viewpoints, we can encourage people of all ages and backgrounds to be open to new perspectives and grow as a community.

Images of proposed mural design for 244 Main Street:





Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Letter of Support for 244 Main Street Mural

2 messages

The Daniels <thedaniels730@gmail.com>
To: murphym@ci.hamilton.oh.us

Tue, Mar 29, 2016 at 8:39 AM

Hello,

I have attached my letter of support of the mural approved by the StreetSpark Mural Selection Committee, which I am a member. I hope you reconsider the 244 Main Street Mural which we carefully selected.
Sarah Daniels

see attachment

 **Mural 244 Main St..docx**
18K

Meredith Murphy <meredith.murphy@hamilton-oh.gov>
To: The Daniels <thedaniels730@gmail.com>

Tue, Mar 29, 2016 at 8:58 AM

Your letter will be provided to the Board of Zoning Appeals for the April 7th meeting regarding the appeal of the Architectural Design Review Board decision.

Thanks,

Meredith Murphy
City of Hamilton
Department of Community Development
345 High Street, 3rd Floor
Hamilton, OH 45011
(513) 785-7356
[Website](#) | [Facebook](#) | [Twitter](#)



[Quoted text hidden]

Members of the Architectural Design Review Board:

As part of the StreetSpark Mural Selection Committee, an artist, an art teacher, and a citizen of the City of Hamilton, I am asking you to reconsider your decision for the third mural project. Our committee considered every aspect of this exciting project when considering all the submissions. Realizing that art speaks to each and every one of us on a different level, I am asking you to think of the mural from the unique perspectives of all who would pass by each day.

It was our goal for each mural to be unique in style, color, design and theme. We also considered each space in great detail. The mural selected for 244 Main Street was chosen by artists, designers, teachers, city employees, parents, and citizens of our community. We chose this mural for its sense of whimsy and lively color palette. The pop art style theme was and remains a very important art movement in our nation's rich artistic journey. While reconsidering this mural, we ask you to reflect on its colorful appeal, universal imagery and imaginative charm.

Public art will never be viewed by two people in the exact same manner. This is what makes public art so important. It makes people think about their own perspectives. Art should spark conversation and thought. In order to further our initiative to further our great city's artistic identity, we ask you to approve this mural. We feel this mural can be an integral part of the great Renaissance which Hamilton is experiencing.

Graciously,

Sarah Daniels

Art Teacher & Artist



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

Mural Letter of Appeal

2 messages

Linda Yarger <LYarger@bc-unitedway.org>

Mon, Mar 28, 2016 at 2:35 PM

To: "murphym@ci.hamilton.oh.us" <murphym@ci.hamilton.oh.us>

Cc: Jennifer Acus-Smith <jennacus.art@gmail.com>, Ian MacKenzie-Thurley <ian@fittoncenter.org>

Mark,

Please find my letter of appeal for the Zoning Board with regard to the Mural designated for 244 Main Street.

Kind regards,

Linda Yarger

Linda Yarger

Director of Resource Development

GIVE. ADVOCATE. VOLUNTEER.

LIVE UNITED

Butler County United Way

Hamilton Office

323 North Third Street

Hamilton, Ohio 45011

West Chester Office

8857 Cincinnati-Dayton Road

Suite 105

West Chester, OH 45069

513.863.2341 tel

513.218.2113 cell

513.863.3467 fax

March 29, 2016

5719 Glen Abby Ct.
Hamilton, Ohio 45011

Dear Zoning Board,

I am writing to ask you to reconsider your decision to reject the mural for 244 Main Street. Although it is not my favorite of the three chosen by the committee, I like the way it makes me feel when I look at it. I see fun and youth and progress. Art is supposed to evoke emotion. It isn't supposed to fit into a comfortable category. Art is designed to start a conversation. A good example of that is the "Blue Baby" outside the Fitton Center. Just think of all the comments made, all the people photographed in front of it and all the conversations started after seeing it for the first time.

Can you imagine what folks thought of Salvador Dali and the many clocks in his work? I don't know who submitted this mural, but perhaps someday we will visit their gallery and cast our eyes on the cups created to symbolize this time in Hamilton's history. Perhaps it is to symbolize a time when people took risks because they believed in the future of Hamilton. It could represent the people like Chris and Vanessa Cannon who took a risk and opened True West Coffee on Main Street and then High Street. True West became a gathering place for conversation about what was next for Hamilton. That is what the mural represents to me.

We want Hamilton to be a place where people come to "Live, Work and Play". We want our city to be vibrant and attract a new generation of entrepreneurs. What message will this mural convey as they drive down the street for the first time? One of our new murals represents history, another connects us to the present. What will connect us to the future?

As board chair for the Fitton Center for Creative and Performing Arts, art is very important part of life to me. I believe the process by which the three murals were selected is sound. Please reconsider your decision. We all need a little color in our lives, a visual vacation from the day, a glimpse of what the future could hold for our Hamilton.

Respectively yours,

Linda Yarger



Meredith Murphy <meredith.murphy@hamilton-oh.gov>

BZA letter

1 message

Liz Hayden <lizhayden37@gmail.com>
To: meredith.murphy@hamilton-oh.gov

Thu, Mar 31, 2016 at 9:18 AM

Hi Meredith,

Attached is a letter for the BZA regarding the StreetSpark mural.

Liz

 **StreetSparkLizHaydenPersonal.docx (1).pdf**
88K

March 30, 2016

To the members of the Board of Zoning Appeals,

I am writing in support of the StreetSpark committee's choice of three murals for three buildings in 2016. The Architectural Design Review Board approved only two of the three murals. While I am not part of the StreetSpark selection committee, I am part of the City of Hamilton's Arts Strategy Team. This is the same committee that conceptualized StreetSpark and formed the public private partnership to manage it. I am also part of the subcommittee that helped develop the details of the StreetSpark program. **I participate in this effort as a City of Hamilton employee, but I am writing this letter as a resident of Hamilton.**

The arts group began meeting about a year and a half ago as part of the City of Hamilton's new strategic plan, which had twelve goals. One of the goals was "To further the city's arts identity." This was our committee's mission. Because the City plays a supporting role in the arts community, the committee includes artists from the community, including representatives from the Fitton Center for Creative Arts, InsideOut Studio, Community Design Alliance, and Butler Tech School of the Arts.

I am really proud of our committee – we have had great conversations and have moved a number of ideas from the brainstorming phase into implementation. Many of our conversations have centered on finding an answer to the question – What will help create an arts identity? While art itself is important, we decided that creating a community that offered opportunities for artists to work and live was even more crucial. StreetSpark therefore aimed to create employment opportunities for artists while also creating murals that will inspire more artists to want to live and work in Hamilton.

To achieve these goals, StreetSpark formed a committee tasked with the selection of the designs through a competitive process open to all artists. StreetSpark had a wonderful response to be on the committee in 2016. From a large number of applicants, a group of twelve arts professionals deliberated for hours to determine which designs were the strongest. They took things into consideration that my non-artist brain would never have thought of – they knew the history of the buildings and the surrounding context of the neighborhood, but also weighed things like the execution of the chosen media and style, the complexity of the mural to ensure it could be completed within the timeframe and budget, and the appropriateness of a pattern versus a portrait for a particular wall.

They received fifty-three submissions and chose three after careful deliberation. The Architectural Design Review Board's (ADRB) decision to not permit one of the murals to be painted creates a challenge to the process of StreetSpark that must be addressed for the following reasons.

- ADRB has no guidelines regarding murals. This committee historically approves paint application and colors based on several reference books, but it was stated in the meeting that these guidelines would not apply to the murals. There were no other guidelines or reference books used to determine the appropriateness of the murals and the discussion surrounding the murals seemed to be mostly about personal taste. Therefore, StreetSpark cannot foresee what murals will be permitted in historic districts – this creates a confusing atmosphere for the selection committee and for artists proposing designs.
- Historic murals and murals about Hamilton are a welcomed part of this program. Two of the three murals that the StreetSpark committee chose fall under these categories. If StreetSpark

continues into future years, I believe we will see many more of these murals. However, StreetSpark's mission is not to create historic murals or murals about Hamilton. The mission is to further the arts identity – some of these murals will not be historic or about Hamilton. Art can be many things and we believe variety will be key to attracting artists. If ADRB sets the precedent of only allowing historic murals and murals about Hamilton, I am concerned that it challenges the objectives of StreetSpark and ultimately diminishes our ability to further our arts identity.

To summarize, I am concerned about what ADRB's decision communicates to the StreetSpark committee and artists in our community. I moved to Hamilton four years ago to start my life here. I am part of a new generation of Hamiltonians and I want to see us broaden our arts community to be open to more modern art and artists. I would like to see our community be open to experiencing where this new, fresh arts initiative takes us. I encourage Hamilton to embrace the process that StreetSpark has created – led by artists with decades of shared experience – and to see what this new initiative can do for our community.

Thank you for your time and consideration,

Liz Hayden

**WRITTEN SUMMARY
BOARD OF ZONING APPEALS
MEETING MINUTES
Thursday, December 3, 2015
1:30 p.m.**

The Board of Zoning Appeals meeting was called to order by Chairperson, Ms. Karen Underwood-Kramer presiding.

Members Present: Mr. Larry Bowling, Ms. Nancy Bushman, Mr. George Jonson, Mr. Desmond Maaytah, and Ms. Karen Underwood-Kramer.

Members Absent: None

City Staff Present: Mr. John Creech, Ms. Meredith Murphy, Ms. Kim Kirsch, and Mr. Steve Tooman.

Ms. Underwood-Kramer gave an overview of the procedural process of the meeting.

Swearing In: Mr. Creech asked members of the audience to rise and be sworn in if they intended to speak during any of the public hearings on the agenda, and they were sworn in.

Old Business: None

New Business:

AGENDA ITEM #1 PUBLIC HEARING STAFF: Mr. John Creech

2015-23: Appeal of Interpretation for 1019 Dayton Street

Request by Allied Property Mgmt Ltd. for an Appeal of a Zoning Interpretation of the Zoning Authority of the City of Hamilton that the non-conforming (commercial storage) use within the accessory building located at the rear of 1019 Dayton Street have been discontinued. This property is located in an R-4 Multi-Family Residence District. (Allied Property Mgmt Ltd, Applicant/Owner).

Mr. Creech stated that an application has been submitted regarding an Appeal of a Zoning Interpretation of the Zoning Authority of the City of Hamilton submitted by Allied Property Mgmt Ltd. The Zoning Authority of the City of Hamilton has determined that the non-conforming (commercial storage) use within the accessory building located at the rear of 1019 Dayton Street has been discontinued. Allied Property Mgmt Ltd has submitted an appeal of Zoning Interpretation and maintains that the non-conforming (commercial storage) use within the accessory building has not been discontinued.

Section 1109.50 Non-Conforming Uses grants the BZA the authority to make findings in specific cases regarding non-conforming uses. In permitting or making findings relative to non-conforming uses, the BZA may require appropriate conditions and safeguards. 1019 Dayton Street is located in an R-4 Multi-Family Residence District and is regulated by Section 1118.00 of the Hamilton Zoning Ordinance, (HZO).

The subject property is comprised of a residence and a detached accessory building accessible from the rear alley. The accessory building measures approximately 3,000 square feet. Property is currently zoned R-4 Multi-Family Residence District.

City Records indicate that the accessory building in question on the property was erected and used for industrial/commercial purposes prior to the passage of the City zoning ordinance. In addition, an appeal to the BZA was made in 1940 for an addition to the accessory building and was approved. In addition, correspondence dated from 1972 reaffirms that the subject property was used for storage/commercial purposes.

In June 2008, the City of Hamilton Zoning Inspector issued a letter to what appears to be a potential tenant/occupant of the subject property indicating that any nonconforming uses on the property were abandoned in 1996, and any new use must comply with the zoning. It is unclear if this letter was provided to the owner of record in June 2008.

According to the Polk Directory from 2001, Referral Discount Flooring used the building. After that date, no occupancy records for the accessory building exist.

The City of Hamilton became aware of a zoning issue on this property because of a complaint about an automobile repair facility that was established on the property earlier this year. A notice of zoning violation was issued to the owner (Allied Property Mgmt) and the automobile repair facility subsequently vacated the property. The owner (Appellant) inquired about permitted uses on the property, and the City of Hamilton informed the owner that the property could only be used for the personal storage of occupants of the subject property. The City of Hamilton based this interpretation on the fact that there was no official record of any nonconforming uses on the property since 2001.

According to the Appellant, Allied Property Mgmt, they purchased the property (house and accessory building) in 2010 through foreclosure. The Appellant indicates in their application that the accessory building was vacant at the time they acquired but it contained abandoned personal property from a former tenant named "Indian Creek Carpet". The Appellant indicates that they cleaned up the property and immediately started using the property for commercial and personal business (Allied Property Mgmt) storage. The Appellant has also provided two (2) written statements from neighbors with knowledge of the property indicating that it has been used for commercial storage purposes.

The Appellant (Allied Property Mgmt Ltd.) is asking the BZA to make a determination that the non-conforming (commercial storage) use within the accessory building located

at the rear of 1019 Dayton Street has not been abandoned or discontinued. The Appellant would like to continue to use the accessory building located at the rear of 1019 Dayton Street for commercial storage purposes.

Mr. Creech states that Public Hearing Notices were mailed to the all property owners within 100 feet of the property in question. In response to the mailing, Staff received one telephone call of inquiry from a neighbor, and one office visit from a neighbor expressing opposition to this appeal.

Mr. Creech shows photographs of the property taken from the alley, and gives specifics of what is shown.

He states that if the BZA determines that the non-conforming (commercial storage) use within the accessory building located at the rear of 1019 Dayton Street has not been discontinued or abandoned, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) Uses of the accessory building located at the rear of 1019 Dayton Street be limited to commercial storage only, no active business to be carried out at this location.
- 2) Activities and access to any commercial storage uses within the building to be limited to the hours of 7AM to 7PM.
- 3) Storage uses be confined to the interior of the accessory building – no outdoor storage permitted.
- 4) Activities associated with the commercial storage be confined to the interior of the accessory building.
- 5) If any building improvements or building permits are required for future commercial storage uses, construction plans or drawings for the proposed improvements and work will be revised subject to any future review requirements of the City of Hamilton Interdepartmental Review (IDR) Committee.
- 6) All improvements and any work associated with any requirements of the IDR be installed and maintained in good repair and replaced as necessary to remain in compliance with the BZA conditions of approval.

Mr. Creech concluded his presentation, and Ms. Underwood asked for questions from the Board.

Ms. Bushman asked the definition of “official records” (as in “occupancy records” for the building), who provides that, (is it the tenant or the owner), and to whom do they report it?

Mr. Creech explained who issues occupancy records or permits for the City of Hamilton, and what the language is included on the document. He explains that in the past, things may have been done differently. She asks what the tenant would have to get if the BZA

approves the request. She asks how the contents of the premises are confirmed, and how the City would know for sure what is being stored in said building. Mr. Creech said that an additional Condition could be added that the Appellant consult with the Building Department if the contents would be hazardous. He said that just for general storage of materials, an "Occupancy Permit" is not required.

There was then a little more discussion between Ms. Bushman and Mr. Creech regarding the time limit on the amount of time that it could be abandoned before it's a non-conforming use, and Mr. Creech said that it's currently six months. There was then some discussion between the Board and Mrs. Crawford regarding the type of use previously, and if they can rely on the testimonial letters, and Mr. Creech said yes.

Mrs. Becky Crawford, 4582 Lakota Drive, Liberty Township, is part owner of Allied Management. She goes through the timeline of when they purchased the property and what it was used for before they purchased it and since then. Mr. Jonson asked her several questions regarding the previously tenants of the space and their use of the space. She added that they use it strictly for storage, do not use it for any type of business, and are very careful to stay within the guidelines.

Mr. Danny Williams, 1017 Dayton Street, then spoke. He said that his parents bought the property which is neighboring to 1019 Dayton Street in 1976. They bought the house and garage to run a business, so they're grandfathered in. He said that there has always been storage in the building ever since the Crawford's got the building.

Ms. Underwood-Kramer then asked for anyone else who wished to speak on behalf of the appeal. Hearing none, she asked for anyone who wished to speak against the appeal.

Mr. Greg Gels, 1045 Dayton Street, spoke. He said that there are actually two separate spaces under rental at the subject property, not just one. He concurs with the recommendations for business use and the hours of operation. He said that last summer was very rough with relation to the alley being blocked by cars belonging to people who were there with relation to the tenant of the 2nd space. He's more concerned that the businesses can't be policed as far as what is actually being stored and what the rental properties are being used for. He said that he has no issue with the Crawfords, it's more that he doesn't believe that the City has any way of ensuring that the conditions of approval are being kept. He said that he had inquired about renting the other space that the Crawford's have, and he was denied. Then the tenant that caused all the problems was there.

Ms. Underwood asks if the Applicant would like to respond, and Becky Crawford responded that the person who lives in the front house has never used the garage to store anything in it. She said that the fact that they are storing things there makes it non-conforming use, and she apologizes if Mr. Gels is angry that they didn't rent the other space to him.

Ms. Underwood asked Ms. Crawford if she has anything to add before the Board makes their decision, and Ms. Crawford said that she did not.

Mr. Gels spoke again and said that he just wants to make sure that the City is doing their “due diligence” to assure that the rules are being adhered to and again, he doesn’t believe that they have any way of ensuring that the guidelines are being adhered to.

There was a Motion to close the Public Hearing by Mr. Jonson, with a 2nd by Mr. Maaytah.

Mr. Bowling said that he felt comfortable that there has been continuous use of the garages. He spoke to Mr. Creech about what the procedure would be if the guidelines were not being adhered to.

Ms. Underwood-Kramer asked for a Motion to either reject or approve the appeal. Mr. Jonson made a Motion that the Appeal be approved subject to the 6 conditions listed, and added a 7th condition that the owners consult with the City of Hamilton Building Department on any potential commercial storage use. With a 2nd by Ms. Bushman and all “Ayes”, the Motion carries.

Mr. Creech explains advises the Applicant that decisions of the Board become effective 5 days after the Board’s meeting, and he will be mailing them an official letter of the findings.

Agenda Item #2 PUBLIC HEARING STAFF: Mr. John Creech

2015-24: Variance Request 1316 & 1320 Grand Blvd.

A Request by Shane Jones for two (2) zoning variances to Section 1121.39.26 of the Hamilton Zoning Ordinance as follows: (1) A request to reduce the minimum lot area required for an Automobile Service and Minor Repair facility (i.e. convenience store/gas station) – the minimum lot area required is 20,000 square feet - the subject property is approximately 19,000 square feet. (2) A request to reduce the minimum setback for vehicle parking in the front yard. The minimum setback from vehicle parking in the front yard is 20 feet and the request is to reduce to 0 feet from the front property line.

Mr. Creech states that Mr. Shane Jones applied for two (2) zoning variances in order to apply for a conditional use to an Automobile Service and Minor Repair facility (i.e. convenience store/gas station) on the property located at 1316 & 1320 Grand Blvd. (Exhibit A). The property is zoned B-2 Community Business zoning district (Exhibit B). B-2 Community Business zoning district is regulated by Section 1121.00 of the Hamilton Zoning Ordinance, (HZO). An Automobile Service and Minor Repair facility use is listed as a Conditional Use in Section 1121.39 and has a number of conditions associated with it. If an applicant cannot meet those conditions they must first receive approval of a

zoning variance from the Board of Zoning Appeals before applying for a Conditional Use for convenience store/gas station.

Property Details:

The property is zoned B-2 Community Business District. The property is comprised of two (2) lots. Section 1108.00 of the Hamilton zoning ordinance defines a “gas station” as Automobile Service and Minor Repair facility. Mr. Creech said that what that means is that if someone is building a new facility like that, it’s a Conditional Use, and with that, the lot size and amount of setback comes into play.

Mr. Creech then shows the maps of the subject properties outlined in red and gives the lot sizes and specifics. Mr. Creech then shows the preliminary site plan that was submitted by the Applicant, with photos, setbacks, and proposed parking.

Recommendation:

Based on a review of the preliminary site plan only, there is reason to consider denying the variance request to reduce the minimum setback for vehicle parking in the front yard. The minimum setback from vehicle parking in the front yard is 20 feet and the request is to reduce to 0 feet from the front property line. The site plan shows parking abutting the property lines and encroaching into the sight-distance triangle of the intersection of Grand Boulevard and S. Erie Boulevard. In addition, the preliminary site plan shows parking abutting the north property line adjacent to the existing alley.

The need for this variance could possibly be eliminated by reducing the size of the proposed 3,365 square foot building, eliminating the proposed drive-through, or possibly shifting the proposed building to the north and west. The proposed building may be too big and intense for the subject property.

Mr. Creech went on to say that there is cause to consider approval of the variance to reduce the minimum lot area required for an Automobile Service and Minor Repair facility (i.e. convenience store/gas station) – the minimum lot area required is 20,000 square feet - the subject property is approximately 19,000 square feet.

If the Board approves the variance request, the Applicant would then go forward with preparing a site plan that would go to the Planning Commission for review as a Conditional Use. If the Board denies the variance request, the Applicant would have to revise the site plan to be in compliance.

For comparison purposes, there have been two recent gas station/convenience stores approved or constructed in similar zoning districts in 2015.

1. Thorntons - Building measures approximately 4,400 square feet on 2.5 acre lot.

vinyl siding on his residence at 349 Ross Avenue. (Edward Pruitt, Applicant/Owner).

Introduction:

Mr. Creech stated that an application has been submitted by Edward and Victoria Pruitt regarding an appeal of the refusal of the Architectural Design Review Board (ADRB) to issue a Certificate of Appropriateness (COA) for the installation of vinyl siding on his residence at 349 Ross Avenue.

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 homes in designed historic districts.

349 Ross Avenue is zoned R-4 Multi-Family Residence District and is located in the Rossville Historic District and is regulated by Section 1126.00 of the Hamilton Zoning Ordinance, (HZO). The existing use of the property is single-family residential. That property has been part of the Rossville Historic District since it was created (the Code was adopted in 1973), so we think that District was created shortly after that. The boundaries of the Rossville Historic District were amended (actually expanded) in 2005, and this property was already part of the original district at that time. Mr. Pruitt indicates that he has owned the property since 1991.

Background Information:

Mr. Pruitt was issued a stop-work-order by the City of Hamilton because he was installing vinyl siding on his residence at 349 Ross Avenue on October 22, 2015. The stop-work-order informed Mr. Pruitt that any exterior changes or alterations to the property required the issuance of a COA by the ADRB. Mr. Pruitt submitted an application for a COA on October 26, 2015. The application was reviewed by the ADRB on November 3, 2015. Mr. Pruitt informed the ADRB that he was unaware that his home was in a historic district and that other nearby homes had vinyl siding so he proceeded to have a contractor install vinyl siding on his home. The ADRB tabled Mr. Pruitt's request for the issuance of a COA on November 3, 2015 and asked that he obtain a written estimate for repairs to the existing wood siding. On November 17, 2015, Mr. Pruitt returned to the ADRB and indicated that he had difficulty obtaining written estimates for the repair and was only able to provide one written estimate to the ADRB. The ADRB reviewed the written estimate and after consideration denied Mr. Pruitt's request for a COA to install vinyl siding on his residence. The ADRB denied Mr. Pruitt's request for a COA because the written estimate was unsigned and lacked sufficient detail. In addition, the ADRB was not convinced that all of the existing wood siding on the house should be replaced as indicated in the estimate.

Mr. Creech then shows a map with an outline of the property and Mr. Pruitt's COA Application, as well as a written appeal by Mr. Pruitt. He also showed photos that Mr. Pruitt supplied to the ADRB, and some photos that Staff took showing the front of the house, and the back of the house.

Appellant Information:

Mr. & Mrs. Pruitt are appealing to the BZA the decision of the ADRB to not issue a COA for the installation of vinyl siding on their residence at 349 Ross Avenue.

Recommendation:

If the BZA approves the Appeal submitting by Mr. and Mrs. Pruitt and permits them to install vinyl siding on their home located at 349 Ross Avenue, the Department of Community Development requests that the BZA consider the following conditions of approval:

- 1) Vinyl siding to be installed on the lower 2/3rds of home and top 1/3 and all gables to be painted only. All ornamental woodwork at corners of house to be preserved and maintained painted only and not covered.
- 2) 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.

Notification:

Public Hearing Notices were mailed to the all property owners within 100 feet of the subject property, and Staff has received no phone calls.

Ms. Underwood-Kramer asked if there were any questions for Mr. Creech, and Ms. Bushman asked whose responsibility it is to let new homeowners know that they have purchased a home in a historic district, the ramifications of buying in such an area, and the restrictions for changing the exterior of a home. Mr. Creech that he believes that it's incumbent upon the purchaser to do some due diligence and research it themselves. Ms. Bushman replied that she said that she doesn't believe that the common layman understands what is involved in living in a historic district and that if you are driving through, you might not understand what it means. Mr. Creech said that there are signs at the vehicular entrances to each historic district in town, there are active associations, and we are in the process of mailing a welcome letter to homeowners in the districts and advising them that they need to contact the City before making any changes to the exterior of their houses. In addition, Staff is also monitoring the real estate section of the Journal News on Sundays and notify new home owners that they have bought a house in the historic district.

Mr. Bowling said that he's driven the neighborhood, and most of the houses in the area have vinyl siding on the whole house, and they don't look that great. He wonders how

those were approved by the ADRB. Mr. Creech replied that they were either approved by ADRB, possibly the work was done without approval, or they were done prior to the expansion of the district.

Mr. Creech then shows an inventory that was done of the area with houses that are colored differently according to what type of material is on the exterior.

Ms. Underwood asked why there is not a copy of the estimate that Mr. Pruitt had attached, and why the minutes aren't done. Mr. Creech said that the minutes were recorded, they hadn't been transcribed.

Ms. Bushman asked if someone had vinyl and they wanted to remove it, would they have to get approval? Mr. Creech said that if it's "like-for-like" replacement of material, that's permitted.

The Public Hearing was opened.

Mr. Ed Pruitt, the Applicant, spoke. He showed pictures of the house, and the ornamental woodwork that they are looking to repair, not cover up. He shows the top of the house and what they are trying to paint, not cover with vinyl. He said that he's just trying to improve his property so that it's a house that he's proud to come home to. He said that he took money out of his 401K to do the work, and that's the extent of his funds. He shows a few more pictures of the house.

Ms. Underwood-Kramer asked if there was a large cost disparity between the estimate for the entire wooden area to be replaced, and the same general area to be replaced with vinyl siding. Mr. Pruitt said that he can get the total vinyl siding replaced for \$10,000.00. The only estimate he could get was \$47,000 for the painting of the bottom 2/3 of the house. Ms. Underwood-Kramer and Mr. Pruitt discussed the estimate he received, what would be covered by that estimate, and if it also included repair. Mr. Pruitt said that the estimate from Conway was for painting only. He thinks the estimate was so vague because they knew that he wasn't going to actually use them for the work, he just needed something in writing. He says that he called another company, and there were going to charge him \$250.00 just to come out to do an estimate.

Mr. Maaytah asked if the estimate from Conway was for replacing damaged siding only, or doing the entire house. Mr. Pruitt replied that the estimate was for the whole house if the siding was taken back down and they painted the whole house. Mr. Maaytah said that it seems like a high estimate, and Mr. Pruitt said it's the only person he could get to come out and do the estimate. Mr. Maaytah and Mr. Pruitt then had a discussion about when he bought the house and whether or not he was aware that he was in a historic district when he did the work.

Ms. Underwood-Kramer asked Mr. Pruitt if he knew the value of his house as listed on the Butler County Auditor's site, and he said that he did not. He said that he owes

about \$86,000 on the house right now. Ms. Underwood-Kramer said that she looked it up, and the Auditor's office lists the value as \$77,460.00.

There were no further questions for Mr. Pruitt, and Ms. Underwood-Kramer asked if anyone else in the audience wished to speak about the item.

Mr. Joshua Smith, 105 South "D" Street, stated that he actually had a question for Mr. Creech, and that was whether or not the historical rules allow vinyl siding in the historic districts. Mr. Creech replied that any changes to the exterior of a house in a historic district are subject to review and approval of the ADRB. They have review guidelines that they follow and every effort should be made, according to those guidelines, to maintain historic structures, but ultimately it's up the ADRB.

Mr. Smith said that he was reading the guidelines, and he said that he thought they said that a heavy gauge vinyl siding was one of the materials that was allowed. He said that if that is the case, maybe the guidelines should be revisited. Mr. Creech said he doesn't believe that is in the guidelines. Ms. Whalen agreed that vinyl siding is not allowed in the guidelines.

Mr. Pruitt said that the National Historical Society recommends exactly what he is trying to put on. Mr. Smith said that it's his opinion as someone who lives in a historic district that the vinyl siding detracts from the looks of the neighborhood.

Ms. Jane Jacobs, owner of a property at 355 Ross Avenue, stated that Mr. Pruitt had a previous COA, so she believes that he knew he was in a historic district. She went over the fact that there were the working meetings earlier in the year when they went over the guidelines. She says that she regrets Mr. Pruitt's decision to put the vinyl up and the situation that it has caused for him. She gave her opinion as to why vinyl is not good, its duration, and the damage that it can do to the underlying structure. She said that she feels that since Mr. Pruitt had received a previous COA, he was aware that he needed one, and the fact that he's spent money on it already isn't reason enough for the Board to approve it.

With regard to the map that was shown by Staff of houses in the area, Ms. Jacobs said that houses to the west of Mr. Pruitt's that have vinyl siding were done prior to being added to the district. She talked about the discussion that took place at the ARDB meeting with regard to the estimate that Mr. Pruitt received, and that it was her opinion, as well as that of two others on the ADRB meeting, that the estimate is too high.

With regard to the question of whose job it is to disclose that a house is in a Historic District, Ms. Jacobs state that it's her opinion that the Realtor has to disclose that to a potential buyer. Also, she is on the Rossville Board, and she said that she, personally, has delivered invitations to Rossville events in the past year and she knows that she's delivered one to Mr. Pruitt's address, so she feels strongly that he knew he was in a historic district.

Mr. Jonson asked Ms. Jacobs to clarify what she was referring to with regard to Mr. Pruitt receiving some a previous notice before he started, and she said that he has gotten a prior COA for a previous project. Having done that, she feels that he knows the process to go through. Also, Mr. Pruitt said that he didn't know the Rossville Historic District was in existence, but she has personally delivered invitations to his residence.

Mr. Jonson said that he wasn't familiar with a "COA", and asked who sends that out. Ms. Jacobs explained the process of obtaining a COA. Mr. Jonson asked if Mr. Pruitt had obtained that on what he was doing, and Ms. Jacobs stated that Mr. Pruitt obtained a COA on a previous project, and not the one that is the subject of the current appeal. She said that he had applied prior to putting the vinyl siding on his house, she doesn't feel that it would have been approved because the Board doesn't approve vinyl siding for historic homes.

Mr. Pruitt asked for permission to respond. Mr. Pruitt said that the previous application was a letter that the realtor instructed him to send 25 years ago when he bought the house because he wanted to put a fence up. He said that he knew it was a historic district when he moved in, but he really hasn't had anything in the past 15 years or longer telling him that the Board still existed. He said that he doesn't doubt what Ms. Jacobs said regarding invitations that have been sent, but he hasn't seen them. He shows a map that he drew himself showing houses in the block around his house that are sided, bricked, and wood, with supporting photos of the houses. He said that in his opinion, the majority of houses in that block are already sided, and he doesn't feel it had anything to do with expansion of the district.

Ms. Jacobs said that some of the houses in the block were done before the Rossville District existed and some were sided without approval, which does occur, but that doesn't make it acceptable in her opinion.

Karen Whalen, 300 Oakwood Drive, spoke next. She is the owner of the home at 404 Ross Avenue, a Board Member of ADRB, and past President of Historic Hamilton. She cited information from a recent Building Doctor seminar that she had attended on the subject of "what makes a historic home". She stated that the ADRB Board did an intensive review of their guidelines in the past year to make sure that they are following the guidelines of preservation, and the reason that the review Board exists. She said that the decisions are difficult to make at times, but she feels that they have to follow the guidelines that are given. She gives examples of what type of work is done on houses without approval.

Mr. Pruitt responded that the new vinyl windows were in place when he bought the house, and the front door that was on the house was not the original. Therefore, with regard to what Ms. Whalen cited as "what makes a historic home", he doesn't feel that his house was historic when he bought it.

Mr. Bowling made a Motion to close the Public Hearing, with a 2nd by Mr. Jonson. With all "ayes", the Motion passes.

Mr. Maaytah said that he likes vinyl siding, but it's not on homes in the historic districts in Butler County. He said that we only have one chance to protect the homes in the historic districts, and he doesn't feel that the BZA Board should overrule the ADRB's decision.

Mr. Bowling said that he's been by the subject property three times, and that he feels that there are more houses in the area that have vinyl siding than we had on our map. Ms. Jacobs and Mr. Creech went over several specific houses and what they are covered with.

Ms. Bushman said that she agrees with Mr. Maaytah. She asked for clarification on what the replacement materials must be if a homeowner is replacing the exterior covering, and Mr. Creech replied to her question.

Ms. Underwood-Kramer said in her opinion, it's not the charge of the BZA Board to deal with ADRB standards. They are being asked to look at the appeal of the decision by the ADRB. She said that she went back to the Duncan standards, gave specific criteria from those standards, and said that she has to go by those standards.

Mr. Jonson said that he thinks that Mr. Pruitt brought up a good point with regard to the condition of the house when he bought it, and it wasn't truly a historic home because of the aluminum windows. Ms. Underwood-Kramer said that the wood on the rest of the house is historic, so the house "is and isn't" historic. Mr. Bowling said that the 300 block of Ross Avenue might technically be in the historic district, but many of the houses don't look historic.

Ms. Jacobs replied that she's restoring a house across the street back to its original 1800's look. Mr. Bowling said that he understands that, but not all of the houses are. His concern is that this individual doesn't have the money to do what the ADRB Board is asking.

Ms. Underwood-Kramer said that the options for the Board are to deny it, approve it, or table it to get additional information. The Public Hearing was been closed and they have discussed it as a Board. She asked for a Motion, unless there is additional discussion.

Mr. Jonson made a Motion to grant the Appeal subject to the two conditions because the condition of the home when he bought it, it was truly not a historic home. To be a historic home, it's his understanding that everything would have had to be restored to its original condition. Mr. Bowling 2nd the Motion.

Ms. Bushman asked how old the home was. Ms. Jacobs said that she believed it was 100 years old when she looked it up. Mr. Pruitt said he believed it was built in 1910.

Ms. Bushman asked if that made it a historical home. Ms. Underwood-Kramer said that there had been a Motion, and the Board needed to move forward with that.

Roll call was taken. With two “ayes” (Bowling & Jonson) and three opposed, the Motion is denied. Mr. Creech advised Mr. Pruitt that the decision becomes effective 5 days after the day of the meeting, and that he would be mailing him official notification.

Minutes:

Approval of Meeting Minutes- Written Summary and Audio Recording for the Following Date: October 1, 2015.

Mr. Bowling made a Motion to approve the Minutes. With a 2nd by Mr. Maaytah and all “ayes” the Motion carries.

Miscellaneous:

Mr. Creech recognized and thanked Mr. Bowling for his service. It's his last BZA meeting. Mr. Bowling said that the Planning Commission will have to assign someone to replace him. The Board joined in on thanking him for his service.

Adjourned:

With nothing further to discuss, a Motion to adjourn was made by Mr. Jonson, with a 2nd by Mr. Bowling. All were in favor, the meeting was adjourned.

Respectfully submitted,

Ms. Kim Kirsch
Administrative Assistant

Mr. John Creech
Secretary

Ms. Karen Underwood-Kramer
Chairperson