

**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
<b>SID</b>	<b>DAYTON LANE</b>	<b>ARCHITECT</b>	<b>GERMAN VILLAGE</b>	<b>HISTORIC HAMILTON</b>	
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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> by Mr. Beckman, the meeting was ended.

Submitted by:



Ed Wilson  
Secretary, ADRB

Chair:



Ms. Mary Pat Essman  
Madam Chair, ADRB

*Acting CHAIR*



