

**Architectural Design Review Board  
Tuesday, February 16, 2016  
4:30 p.m.**

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

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

Guests: Neil Roesch, Missy McCall, Liz Hayden, Jane Jacobs

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The meeting was called to order by Mr. Graham, Acting Chair, at 4:33 pm.

**II. Roll Call:**

Members present were Mr. Alf, Mr. Beckman, Mr. Brown, Mr. Weigel, Ms. Fairbanks, Mr. Graham, Mr. Palechek, Ms. Ripperger, and Ms. O'Neill.

Mr. Wilson introduced Mr. Tom Alf (new Board member) and Ms. Kathy Dudley (Assistant Law Director).

**II. Nomination of Acting Chairperson:**

A Motion to appoint Mr. Graham as Acting Chairperson was made by Mr. Brown. With a 2<sup>nd</sup> by Ms. Fairbanks and all "Ayes", the Motion carries.

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

Kathy Dudley, Assistant Law Director, swore in Missy McCall and Jane Jacobs.

### **IV. Approval of Meeting Minutes – Written Summary and Audio Recording for September 1, 2015.**

Mr. Palechek made a Motion to approve the minutes. With a 2<sup>nd</sup> by Ms. Ripperger and all “Ayes”, the Motion passes and the minutes are approved.

### **V. Properties Seeking COA (Old Business)**

#### **1. 337 Ross Avenue (*Rossville-Main Street*) – Window Replacement**

Mr. Wilson gave the general information regarding the property, and shows previous and current photos of the property.

#### **Introduction:**

The Applicant, Doris H. McCall, submitted a Certificate of Appropriateness Application for the property of 337 Ross Avenue. The proposal involved installation of handrail at the steps leading to the structure, which was approved at the January 19<sup>th</sup>, 2016. In addition, the subject of Window Replacement was noted in the COA Application and broached by the Architectural Design Review Board at the same meeting and as a previous item of concern.

#### **Background:**

The subject property, 337 Ross Avenue was previously reviewed at the ADRB January 19, 2016 meeting. The board approved the installation of handrails leading to the structure at this meeting. However, the subject of window replacement was tabled by the ADRB to allow the applicant time for further research into alternative remedies for the structure. Notably, several board members highlighted the window work occurred without ADRB review or COA approval. In addition, the matter of visible change to the exterior, visual discord presented by the current windows, and general consensus of the possible historic detriment presented by the non-original vinyl windows was also expressed at that meeting. Concurrently, there was some discussion of possibly including items to replicate the sash look of the original windows, as depicted in a presented photo of the 337 Ross Avenue from circa 1990.

The Applicant provided exhibit material in the form of a utility cost comparison of the structure for ADRB review. In addition, the applicant’s representative Ms. Myra Hargrove stated the reasons behind the situation and the need for the new windows. However, the board dismissed reasons pertaining to cost saving, and summarized that alternative windows such as composite would be more suitable than the current vinyl windows. Ultimately, the board tabled the proposal for

windows due to the aforementioned allotment for further research into more appropriate proposal for 337 Ross Avenue, and to allow the Applicant a chance to attend the meeting and speak to the matter.

The Applicant Representative contacted Community Development, concerning further steps for the property and review process; however, the inquiries addressed the subject of painting, which had already been approved due to like-for-like proposal and confirmed by the ADRB at the January 19, 2016 meeting. Concurrently, no further information regarding the proposal for windows was forwarded to Community Development Staff at of the time of this report.

For reference purposes only, two different examples of windows that could serve as possible remedies to the situation had been included as Exhibit Attachments with this report.

One item is simply one sample of Composite Window, which was highlighted by the majority of ADRB board members as a suitable solution. This includes a Black Color, Colonial Sash design to replicate the original windows of 337 Ross Avenue.

The second item is one sample of Vinyl Window, which also includes a Black Color option, and Colonial Sash design – provided only for discussion and consideration purposes for the Applicant and the ADRB. It was advised that the information is only for reference purposes; there are no guarantees concerning either product; and responsibility for research of viable window solutions was solely that of the Applicant.

### **Public Testimony:**

Ms. McCall spoke and advised Mr. Wilson that they provided information to each of the members about how they could apply grids to the existing windows and submitted a proposal. She asked Mr. Wilson if that had been distributed, and he replied that he received no such communication. She asked permission to go ahead and hand it to the members at the present time.

Mr. Brown made a Motion to accept said items. With a 2<sup>nd</sup> by Mr. Palechek, Ms. McCall went ahead and gave distributed the items.

Ms. McCall stated that when she purchased the home 18 years ago, she checked with Mary Mahoney of the City of Hamilton to see if her property was historic. She said that Ms. Mahoney told her that opposite side of the street was in a historic district, hers was not. Believing that she was not in a historic district, she went ahead and replaced the windows. She found out after the fact from the ADRB that she was, in fact, in a historic district.

In an attempt to rectify the situation, she is going to attempt to provide the "little dividers between the windows" that can be applied to the outside for about \$3700.00. Her proposal is to provide those to 17 windows on the Ross Avenue and Houston Street sides (vs. the total 40 windows). She said that she believes it's called a "divided light grid".

Ms. Fairbanks asked her how they apply them to the outside, and Ms. McCall said that she believes it's done by some kind of adhesive that gets applied to the outside of the windows (vs. the inside). Ms. McCall went on to say that she believed that doing this to the windows would restore it to having the appearances of having grids in the windows.

Ms. Jacobs stated that originally the windows on the building would have had a "2 over 2 configurations" and the floor to ceiling windows are never divided into grids. She went on to say that the problem is that the windows are vinyl and replacement is supposed to be "like for like". She further stated that when the Board met last fall to talk about their guidelines, they made an "allowance" for a window that's paintable and not vinyl because vinyl isn't appropriate in a building of that age. She feels that it really needs to be replaced with a paintable window, not vinyl and that they weren't white, they were green.

Mr. Brown asked Ms. Jacobs if the issue was the color or type of material, and she replied that it was both. He said that you can paint vinyl if it's done right.

Ms. McCall said that her choice at this point is to improve the property and try to improve the appearance of the neighborhood. She said that what they had done with the window saved \$3500.00 in utility bills for one year.

Ms. Fairbanks stated to Ms. McCall that she wasn't here for the original meeting and not too familiar with everything that had happened. She asked Ms. McCall if she had put the vinyl windows in because she wasn't aware of the guidelines. Ms. McCall replied that (1) that she had been unaware that the home was in a historic district and (2) the Board has, at different times, approved some vinyl windows on her personal properties. She said that she believed that they had approved vinyl for 114-116 N. 7<sup>th</sup> Street about 5 or 6 months ago. Ms. Jacobs said she thought that was for the side of the house and not the front.

Ms. Fairbanks asked Ms. McCall if she went before the ADRB Board for those windows and she said that she had. She then asked her why she didn't come before them now before she changed the windows and she replied that it was because she didn't know it was in a historic district. She said that otherwise, she does submit proposals and color schemes and everything is required.

Ms. Jacobs said that when she spoke to the men doing the work at the time (on the Ross Avenue property), they said "oh she knows that, she got it approved" and Ms. Jacobs told them "she didn't get it approved because I'm on the Board".

Ms. Jacobs said that she lives in the district and she doesn't think it is an improvement to the building and that "it makes the building look like low rent housing". She said she doesn't mean that in a derogatory term to the people that live there, she means it in a derogatory term to the building. She thinks that the first step to all these houses and buildings in the city that are being demolished is the placement of aluminum siding, vinyl siding and vinyl windows. She went on to state that "it decreases their value as a historic property, then they end of being a slum property and it gets demolished."

Ms. Fairbanks said that vinyl is the last thing that would be approved. She read a part of the guidelines about replacing windows and how it should be done, right down to the material. Ms. McCall reiterated again that she didn't know it was in a historic district. She said she explained that to Mr. Wilson. Otherwise, she would have come before the Board, as she has four times in the last year. She expounded a bit on how she would like to use her money to improve the looks of the house in other ways besides replacing the windows. She said that she agrees that there were other things that could have been done. She says that wasn't her knowledge base at the time, but it is now. She said that she has rehabbed over 9 homes in Hamilton in historic districts and has always gone by the rules. She said that if the Board wants her to spend \$3700.00 on the windows, she will do that, but she would rather spend the money putting a nice porch rail on it and making it look a lot nicer on the outside, which is something else she would propose. She said that she thinks she has acted prudently in the past, and she can put the grid lines on the windows if that is what the Board insists on her doing.

Mr. Brown asked her if she had priced a window that would have been like for like for the 9 in the front of the house, (would that be more than \$3500.00?) and she said that it would. She went on to say that there are 17 windows that face Ross and Houston Streets, and those are the ones that would have to be replaced. She said she would rather do a historic paint design and put a nice railing around the curved porch and if that would be a satisfactory opportunity to really improve the property, she can bring back color schemes and a proposal to do that. She feels that it would be a better benefit to the community to put nice landscaping, a circular handrail that goes all the way around the left side of the building, and improve the exterior. She said that if she has to put lines in the windows, that's \$3500.00, but she can do that. She said that she wants to do the right thing and improve the property and that if she had known that she needed permission for the windows, she would have gotten it. She went on to say that the vinyl windows are there now, and they've proven to be a benefit to the property. She can either paint the window sashes, she can put together some paint schemes and some railings that would really improve the look of the neighborhood, or she can put lines in the windows.

Ms. Jacobs gave her opinion of what Ms. McCall should do with the windows on Ross and Hueston Streets. Ms. McCall then asked Mr. Brown about something

he had said earlier about being able to prep the windows and paint the vinyl so that it looks like wood. He said yes he did, but that wasn't going to help on the 2 over 2, and he doesn't know how they would attach them to a bottom window. Ms. McCall replied that it's something that Gilkey does. Mr. Brown asked her what the original colors had been. She replied that they had been white, black, yellow, and blue. He asked her if she could have picked the black or the green. She responded that her offer was to put a paint scheme together to make the windows look very appropriate, and then repaint the whole building. Mr. Brown asked her if the windows tilt out and she said that they do. He asked her if she could get green sashes and paint the frame. She said that the sashes are about \$400.00 per window. He asked her if she had gotten a quote for that, and that he's trying to find a way to help her find a fit that makes both sides happy. Mr. Brown, Ms. McCall, and Mr. Wilson then had a discussion about where the property is in relation to the border, and what is historic or not.

Ms. McCall apologized again for not getting permission first. She said that the first year they did the windows, this year they are scheduled to do the outside trim of the building.

Mr. Brown suggested that if the windows are a Gilkey product, perhaps she could get an estimate to replace just the sashes for the 17 windows. Ms. Fairbanks said that she likes that suggestion, and she would like to know how they intend to do what was proposed. Ms. McCall said that she will be out of town until the April meeting, but she will bring them with her, as well as some other alternative for paint designs.

Mr. Wilson said the ADRB meetings would be April 5 and April 19. Mr. Brown, Mr. Wilson, and Mr. Graham talked about timeline restrictions for the Board making a decision on this issue. Mr. Graham said that if both sides agree, they can set a date that is acceptable to both, but if the Board fails to act on an item within 30 days, then it is approved by default. Ms. Dudley suggested that they continue the Public Hearing in progress if Ms. McCall is agreeable to that, which she was.

Mr. Beckman, Mr. Brown, Ms. Fairbanks, and Ms. McCall had a discussion about the windows. Ms. McCall said that she will get some clarification from the man at Gilkey about what their plan is.

Mr. Brown asked Ms. McCall when she would be free to come back. She said that she believes that April 5 would work, but that if it doesn't, she will let Mr. Wilson know within 24 hours. In the meantime, she will look at the cost of the replacement sashes, what the technique is to paint a window, or what a color scheme would be if they added white to make it look more appropriate.

Ms. Jacobs said that she feels that if they approve things that shouldn't be going on in Historic Districts just because they've already been done, there is really no

point for their existence as a Board. Ms. Fairbanks said that she agrees with Ms. Jacobs. She verified with Mr. Brown that he would like for Ms. McCall to have time to get prices on wood sashes. He replied that you can't retro fit a wood sash into a vinyl.

Ms. McCall said that she is happy to do whatever she can to bring improvement to the building. She apologized again for violating anything by replacing the windows. She said that she does provide affordable housing for people that can't afford nice houses, that the property is clean and bug free, and that she looks forward to improving the look of the outside. She said that she hopes that she and the Board can come to an agreement that makes everyone happy without breaking the bank and there being bad feelings between them.

Ms. Fairbanks said that it's too bad because she thinks it's a good example of a historic building. Ms. McCall said she thinks there's a lot that could be done to it to make it look nice (porch work, painting it different colors). She said that she would like to spend the money on exterior work besides the windows.

Ms. Fairbanks asked her if she had ever considered wood windows, and Ms. McCall said that they put wood windows on their 7<sup>th</sup> Street and Campbell Avenue properties, and it's extremely expensive.

Ms. Jacobs asked Ms. McCall when they removed the chimneys, and she replied that those were done the first year that she bought the property.

Mr. Beckman asked Ms. McCall for verification about improving a railing and if that's on the circular porch, wouldn't that have to go through the ADRB also, and she replied that it would, the same way that the hand railing that they have to install for a handicapped tenant that lives in the building had to be changed and approved (which it was on the 19<sup>th</sup> per Mr. Wilson).

Ms. Fairbanks said the other alternative is to remove all the windows and put wood windows in (on the Ross & Hueston Street sides). Mr. Graham said that he would like to make an editorial comment and that is that this Board has approved vinyl windows on a number of structures throughout the city over the years as long as they were like-for-like in appearance. Ms. McCall has done a number of buildings in the Dayton Lane historic area and he can say that the work that she has done has improved the specific structures and the neighborhood. She does quality work, and he believes that she acted in good faith on this property, and that she will also do what she can to comply so that the Board is happy.

Ms. Fairbanks said that it is not specific to Ms. McCall, but that the guidelines haven't been followed as closely as they should have in the past, and she believes that the Board is trying to get away from that and get more towards what they are there for. She said that it's difficult for people because the Board has said "no you can't" or "you have to go back and change this because you can't do

that now". She went on to say "unfortunately, it's the people who are kind of caught in the middle of the transition that are really being burned or having a hard time where it seems very unfair". She said that she's not saying that it's not unfair, and she's not saying that there's no alternative, but she's saying that it's close to that. She thinks the Board has to put their foot down and clarify what their purpose is, and they have to draw a line.

Mr. Graham said that the Board has swayed quite a bit in the last 6 months as far as interpretations. He said that the Board has become very literal, and that's not a good thing. He said that this house is a good example, that the cost of replacing the windows with wood windows would exceed the Auditor's value of the property, and he thinks that's something that the Board should be cognizant of. Ms. Fairbanks replied that she thinks that is often the case with historic houses and this is his personal opinion, and this isn't about personal opinions. He replied that it is his personal opinion. He went on to say that as a result of the Board becoming so literal, people will not invest in the historic structures, the structures will become dilapidated, and they will be demolished because of neglect due to no one investing in them because the cost will be too much.

Ms. Jacobs said that she feels that if you live in a historic district and people do things like this to a building down the street from you, it devalues your property. She added that she saw all of the sashes that came out of that house, and she didn't see any that needed anything more than reglazing.

Ms. McCall said that she would like to add (as a rehabber in the community that has rehabbed over 1000 properties in the City of Hamilton) that it is cost-prohibitive, it is demoralizing and it is difficult, as an investor, to make this investment in this community. She said that there is no one that is going to be able to afford to put that kind of money into them. She cited a house across the street from Mr. Graham's that is on the market for \$26,000.00 and no one will touch it because the cost of basic rehab (not even bringing it up to the historical level) is cost prohibitive. She said that it's not the absolute best solution, but it's taking away vacant housing and providing affordable homes that are as aesthetically pleasing as possible. She added that our community needs good, affordable homes and if they are not in the historic district, then who is going to take those homes on. "We don't need them torn down, because they have a wonderful value." She's said that she's an experienced investor and she knows what they can afford to do. She said that she wanted the Board to think about whether or not they are locking people out of their community when every time someone comes before them, they go through months and months of questioning and then can't move forward. She said that she can no longer buy historic homes to rehab because she can't afford to hold them the length of time that it takes to go through the process. She went on to say "we need our homes improved". She said that maybe the Board doesn't want that, maybe they don't want renters in their neighborhood or \$100,000.00 homes, but that's what these homes are, and that's what they sell for when they're done.

Ms. Jacobs gave one more comment about the condition of the windows.

Mr. Graham asked for a Motion to continue the Public Hearing until 4/5/16 if Ms. McCall is agreeable, and she said that she was. Ms. McCall asked Ms. Dudley why she had to be sworn in, and Ms. Dudley explained that it was because it was a Public Hearing; the same protocol is being followed as for Planning Commission and BZA.

Mr. Graham made a Motion to continue the Public Hearing until 4/5/16. With a 2<sup>nd</sup> by Ms. O'Neill and all "Ayes", the Motion passes.

**VI. Miscellaneous/Discussion/On the Radar**

- Inquiries Received:
- 802 Campbell Avenue – upcoming Agenda item, Re-Roofing
- 422 North Second Street – repair of garage roof as like-for-like
- Property on Ross Avenue – general ADRB process inquiry

Mr. Graham asked Mr. Wilson if both of the property owners for 802 Campbell Avenue and 422 N. 2<sup>nd</sup> Street knew that the shingles should be architectural dimensional shingle, and Mr. Wilson replied.

- Other Topics:
- ADRB 2015 – Bullet Points



## Building Doctor, Hamilton 2016

Tentative Date: April 21<sup>st</sup> 2016

- Thursday is the seminar on historic structure upkeep
- Friday is the site visits
- More information to come

Fees for COA being appraised

- Staff is reviewing COA fees for other historic districts in the area and other examples beyond that for research purposes.
- Just something being looked at and considered at this point.

Mr. Graham asked for clarification on the fees that have been covered by Building Doctor. Mr. Wilson went over those with him, and they both thanked the organizations that are contributing.

Ms. O'Neill said that she would like to make a comment, but it's about windows and not Ms. McCall specifically. To summarize, she agrees that the Board needs to be consistent and follow the policy; however, the guidelines need to be communicated to the public better, possibly by the Board to the members in their neighborhoods. Mr. Wilson said that was one of the reasons that staff did the mail out. Mr. Graham asked if the Policies & Guidelines were available on line, and Mr. Wilson replied that they were.

Mr. Graham asked if the Building Doctor was going to be mailed to all 900+ property owners for the historic district, and Mr. Creech replied that Staff is not doing that, but instead are putting it on our social media and leaving it up the Board members of each district to disburse them to their areas.

There was a bit more discussion between Ms. O'Neill and the Board regarding the issue of people knowing they are in a historic district. She said that she thinks that Ms. McCall got caught up in the mix after the fact.

Mr. Brown & Mr. Palechek left the meeting at 5:20 PM

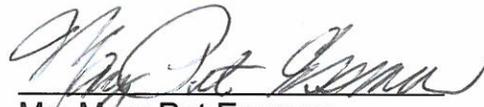
**VII. Adjourn**

Ms. Ripperger made a Motion to adjourn. With a 2<sup>nd</sup> by Mr. Weigel and all "Ayes", the Motion passes and the meeting was adjourned.

Submitted by:

Chair:

  
Ed Wilson  
Secretary, ADRB

  
Ms. Mary Pat Essman  
Madam Chair, ADRB

