

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
JULY 17, 2017**

Mayor Policastro called the meeting to order at 5:30 p.m. Present were Ms. Stalzer, Mr. Brown, Ms. Schwartz, Mr. Thomas and Mayor Policastro. Also in attendance was Building Administrator Don Keyes.

A request was made from Spinnenweber Builders, 6880 Wooster Pike, Mariemont for approval of a fence at the eastern and northern boundaries and extending into the parking lot bordering Thorndike Road and Millard Rogers Way.

Findings of the Building Commissioner: Mariemont code section 151.005 defines a fence as a structure, which is: “Anything constructed, the use of which requires permanent location in or on the ground or is attached to something having a permanent location on the ground.” Code section 151.100 provides the guidelines for fencing. Code section 151:102(A)(1) states; “Within a space of 25 feet from the intersection of the lot lines at a public right-of-way intersection, that structure shall not exceed three feet in height, and shall be of 50% open construction; ---“. This is a modification of an earlier request with additional information.

Ms. Lisa Harley, Office Manager for Spinnenweber Builders, said the plans were readjusted to add a Knox Box since security was a concern. In the event of an emergency the gate can be unlocked to allow cars to exit the parking lot. In addition, this proposed gate does not go all the way around the parking lot only across ingress/egress at the property line on Thorndike.

Assistant Fire Chief Kiefer said he had a conversation with Mr. Spinnenweber regarding a possible change in the gate with the Knox Box. The Knox Box would give the fire department access to the area but it would still require time to get out of the truck to unlock the key out of the truck to get the key to unlock the gate. It would be putting us behind the eight ball timewise. While Mariemont trucks might not use that entrance other departments responding through mutual aid would. Mr. Brown asked what would happen if Mariemont was on another run and another mutual aid company arrived first – would they have a key to access entrance through the gate. Assistant Fire Chief said if Spinnenweber Builders provided them with a key. But by doing that they risk losing some security and accountability. Mayor Policastro said it would still add another minute to the response time – and a fire doubles every minute.

Mr. Brown distributed photos of other parking lots that have multiple ingress/egress. Walmart has a five lane entrance/exit onto Red Bank Road with a stop light as does the photo of Kenwood Towne Centre which exits onto a major road with a stop light. He does not think it is a good comparison as indicated by Spinnenweber Builders. Mr. Brown asked which way the gate will open. Ms. Harley said it will slide open where there are no bushes. It is similar to the gate at the Executive Building.

Chief Hines asked what would happen if there is a power outage. Ms. Harley said it does have a battery back-up and it can be manually operated. The gate though would remain closed at all times.

Dr. Lisa Larkin said she is an adjacent property owner. This area of ingress/egress has been in the parking lot for fifty plus years. She does not have easements across her property. At

the time of purchase she was told that prescriptive easements were easements that are in place even if there is no formal documents. She is sure that Mr. Spinnenweber knew this ingress/egress when he purchased the building. This has been a long standing ingress/egress parking lot that has been used by the community. She does not believe anyone knows the reasoning behind this. We heard clearly that there are safety concerns. If the gate is installed it will flow the traffic across Graeter's property, her property and Mr. Thurner's property through an entrance that is really tiny. She questioned the rationale and value of doing that and does it benefit the community. The employees of Rooster's technically do not have access to their parking spots technically because they do not have an easement across her property. She sees that as a prescriptive easement. Mr., Spinnenweber said it will not set a precedent but in fact it will set a precedent. She could put up the same cosmetically appearing fence on her property line to prevent people from walking or driving across her property. Is that what the community wants?

Mr. Brown said he cannot understand the rationale to close a longstanding entrance. He sees it as a punishment to some of the business owners. It will make people uncomfortable coming and going. The safety issues are real and valid.

Ms. Schwartz said she agreed with Dr. Larkin's assessment of setting a precedent and is something that we need to think about. Safety is paramount and she is not in favor of it.

Mayor Policastro said he will never compromise safety.

Mr. Thomas appreciated Building Commissioner Keyes citing the code sections and does not think this fence meets any of the qualifications or intentions outlined in section 151.

Mr. Thomas moved, seconded by Ms. Schwartz to deny the request for a Certificate of Appropriateness. On roll call; five ayes, no nays. The application was denied.

The second request was from Spinnenweber Builders, 6880 Wooster Pike, Mariemont for the placement of additional signage within the parking area to the north of the square bounded by Madisonville Road, Thorndike Road and Millard Rogers Way.

Findings of the Building Commissioner: Signage in the Historic districts is controlled by Mariemont code sections 151.075(H)(1)(m) (1) Any sign, in addition to fulfilling applicable elements of this section, shall fulfill the requirements of Section 151.125 through 151.133 and be of material and style harmonious to the overall theme of the area. All such signs shall be presented to the Architectural Review Board for certificate of appropriateness approval prior to construction, alteration, restoration or erection; (m) Historical integrity of the landmark structure, including commercial signage, shall be maintained according to the original architects design, town plan, concepts, and philosophy of Mary M. Emery, John Nolan and the Mariemont Company; signage would be similar in size and shape to existing signage in the parking area.

Mayor Policastro said Mr. Spinnenweber has the right to tow a car if it has been sitting for a week. Building Commissioner Keyes said a sign has to be present stating that the car will be towed. Mayor Policastro said there has to be a warning.

Mr. Brown said according to ORC Section 4513.601 is rather lengthy in terms of requirements needed to be a tow away lot. The minimize size for the sign is 18" x 24". The required language is more than what the sample shows. There needs to be a sign at every entrance and exit therefore it would require a minimum of four signs.

Ms. Harley said the whole lot would be monitored. According to Bramble Towing code only requires that a sign be at every entrance not at an exit. The way the lot is set up only two signs would be required (1) the entrance by Larosa's and (2) Millard Rogers Lane. These signs are replacement signs for signs that are there but are no longer reflective. It is not a new sign situation – signs are already there. The (4) signs by Larosa's are 18" x 24". They would be replacing those with one new sign.

Ms. Schwartz asked how it is going to be policed. Ms. Harley said they are going to hire someone off duty from Hamilton County to monitor the lot during business hours. If the Village requires specific wording they would address that with Bramble Towing but the sample submitted is up to code per Bramble Towing.

Sue Gorman, employee with Graeter's, said she knows plenty of people park in the back lot and walk through Graeter's as an access to the movie theater. How will that be policed?

Dr. Larkin said Graeter's (and she as well) could shut their back doors and put up signs to prevent patrons from walking over their properties and using their business to get to the front of the theatre. It is just ridiculous. It is a community parking lot.

Mr. Joe Stoner asked if the businesses in the area contribute to the maintenance of the parking lot. Ms. Harley said the businesses pay more towards the maintenance in addition to paying rent. Mr. Stoner asked if Graeter's contributes to the maintenance of the parking lot. Ms. Harley said they do not – just Spinnenweber tenants. Dr. Larkin said she takes care of the maintenance of her parking area just as Graeter's does.

Ms. Schwartz asked if Mr. Spinnenweber is going to have a security person follow people. Ms. Harley said that she is not sure about. Mr. Brown said this is more than replacing signs...this is more of a replacement philosophy with monitors and posted towing. Mayor Policastro said this is similar to what Mr. Spinnenweber did by the Elementary School many years ago.

Ms. Stalzer said thinks the whole thing is ridiculous and said Mr. Wolter said it perfectly at a previous meeting when he said this was nothing more than being spiteful.

Mr. Dennis Wolter, Councilmember, said he has always been proud of is what Chief Hines refers to as the "Mariemont Touch". It refers to how we are kind, accepting and welcoming to those who live in the Village or are visiting the Village. He has questions he would like to ask Mr. Spinnenweber some questions that he believes would get to the root of all of this but he also believes it would embarrass him to answer in a meeting so he is not going to say what they are. This flies in the face of what all of us who serve this community and the good residents of this community who pay high taxes to live here want here in the Village. This is a mistake and it sets a terrible precedent. It lets someone who is not elected by the community to start to drive the community.

Mayor Policastro said the problem is there is a law that allows Mr. Spinnenweber to have signs. Mr. Thomas said this body is only involved with the aesthetics of the sign not whether or not it is legal. Mr. Brown said it is private property and while we can control what the sign looks like. Whether or not he can put up the sign is not ARB decision. Mr. Brown said he does not believe this sign fits under our code section of Historical References regarding landmark structures and he would at least like to see the sign with some sort of wood frame with architectural pediment to mimic the Old English village style.

Mr. Jerry Vianello said he is concerned about learning that Mr. Spinnenweber is going to hire someone to follow people. When it becomes one person's word against another it will be obvious that he will have to record and videotape people. It is un-American and it is not what we need in this community. The Village has always bent over to help Mr. Spinnenweber. It makes him question some of the things he has done as a Member of the Planning Commission to try to assist him. He can only imagine what will happen when the community finds out about it and what the response is going to be. He is afraid of what the reaction will be from the community.

Mr. Dale Peter asked if there would be a grace period for those getting out of the theatre or if their car does not start etc. Mr. Brown said that could be an optional arrangement with the towing company. According to the code they are not obligated to give a grace period. If the car is in the process of being towed they have to put it back on the ground for half the towing price.

Mayor Policastro asked the members of ARB if they wanted to continue the matter and get a legal opinion. If there are already signs up he does not think he needs anymore signs. He does not remember giving permission for any signs in the past. Mr. Brown said we either we get a further legal opinion or be in the motion that we require the signs to be framed at the very least to take away the "mall" aspect. Mayor Policastro said if we have a chance to deny the request we should.

Mr. Thomas moved, seconded by Ms. Stalzer to deny the request for a Certificate of Appropriateness. On roll call; five ayes, no nays. The application was denied.

Dr. Larkin asked if the policing is going to start without the signs. Ms. Harley said no. Dr. Larkin said Mr. Spinnenweber is videotaping and has camera pointed at the back of her property. Mr. Spinnenweber raised several concerns about parking issues when she was putting in her practice and there have been no parking issues. She does not know what drives this. She feels a bit stalked. Ms. Harley said the videotaping is not at the back of her building. The entire parking lot is being videotaped due to an employee having a car stolen from the Quarter Bistro and another car being broken into. The tapes are available for anyone to view. They are not pointed at any one business – it is of the entire parking lot.

Mayor Policastro said we may end up in Commons Pleas Court.

The third request was from Mark Bruggeman and Brian Vieth regarding expansion for a playroom over the current patio area in the rear yard of the property at 4101 Rowan Hills Drive, Mariemont, Ohio.

Findings of the Building Commissioner: The house at 4101 Rowan Hills Drive has been modified from its original design previously to allow the house to be restored and made livable. The porch area was modified with an effort to maintain the original look of the house while allowing the interior to be changed for greater livability. This current change would affect the rear of the property in the patio area. Code Section 151.075 defines the Historic District with allowable changes and is amended by Ordinance Resolution R-17-15 adding this property to the Historic District.

Mr. Bruggeman said he submitted the elevations both existing and proposed. The addition will be flush with the existing renovation. The materials will be an extension of the current materials. The roof is new. It would have been hard to extend the flat roof over the playroom. It is really only visible from the back of the yard. It is not visible from Rowan Hill or Cambridge. It can be seen from the Barn.

Mr. Brown said he is familiar with this house. It is in his neighborhood and what is being proposed is perfectly acceptable.

Mayor Policastro said it is an historic house and he is elated that it is being fixed up.

Mayor Policastro moved, seconded by Mr. Brown to grant the Certificate of Appropriateness. On roll call; five ayes, no nays.

Mr. Thomas moved, seconded by Mayor Policastro to accept the minutes as written for May 15, 2017 and June 8, 2017. On roll call; five ayes, no nays.

The meeting was adjourned at 6:22 p.m.

Respectfully Submitted,

Mr. Charlie Thomas
Secretary