

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
MARCH 9, 2021**

Mr. Wren called the meeting to order at 5:30 p.m. Present were Mayor Brown, Dr. Lewis and Mr. Lockhart. Mr. Kintner was presented virtually due to COVID -19. Also in attendance was Aileen Beatty, Assistant Building Administrator.

Mayor Brown moved, seconded by Mr. Kintner to accept the minutes as written for September 21, 2020. On roll call; five ayes, no nays.

Dr. Lewis moved, seconded by Mayor Brown to nominate Peter Wren as Chairman of the ARB. On roll call; five ayes, no nays.

Mayor Brown moved, seconded by Dr. Lewis to nominate Mr. Kintner as Vice-Chairman of the ARB. On roll call; five ayes, no nays.

Mayor Brown moved, seconded by Dr. Lewis to nominate Mr. Bentley as Secretary of the ARB. On roll call; five ayes, no nays.

A request was made from Jamie Feie of Supreme Scapes LLC, representing Lynn Baughman for the property at 8 Sheldon Close, Mariemont, Ohio 45227 to install fencing along the rear property line which borders the property at 6951 Crystal Springs Road. In addition, they would like to install a fence along the north side of the driveway next to the neighboring fence of 6945 Crystal Springs Road.

Findings of the Building Commissioner: The fencing at the rear of the property will be an upgrade to the conditions at the rear property line. The installation has been reviewed and approved by the adjoining property owners. The fence on the north side of the drive has been reviewed by the neighbors and they have complained that the fencing will be a detriment to their property and will shade their flower garden. An alternative solution of upright bushes has been discussed.

Ms. Beatty noted that the notice stated that the installation had been reviewed and approved by the adjoining property owners is incorrect. The conversation with Mr. Copetas, 6951 Crystal Springs Road, is that he is not in favor of the 6' fence even though it is allowed. The fence as being presented is code compliant. A portion of the fence can only be 4' height due to the property line. The confusion is coming from the fence height rules are different for corner lots and the neighbor fence is not a corner lot which have different compliance rules.

Mr. Feie was present virtually due to COVID-19. He said he spoke with Building Commissioner, Don Keyes, and was made aware that the code states a fence height can only be 75% of the distance from the property line to the neighbor's house. A section of the proposed fence is approximately 5' away so that section of fence can only be 4' high. This will hinder moving forward with the full privacy fence. His client prefers to go with a full 6' fence in the back yard. The Copetas, 6951 Crystal Springs Road, did not voice any objection verbally to this. The north side fence may pose a problem and he does plan to talk with Ms. Baughman regarding privacy plantings. The 6' fence will not extend behind the garage. The need for a fence is due to the complete open line of sight. The code allows for a 6' fence regardless of emotional feeling about it. He noted that there were 2 wooden fences on Sheldon Close – one just went up two weeks ago by Pioneer Fence. He did not see a need for discussion as the corner house will screen

any visibility. The material will be pressure treated pine which can be stained to a cedar tone. The caps will be wooden. They will go as close to the property line as the code allows. The concrete work will also be on the applicant's property.

ARB discussed the code requirements, depth/width of the yard and setbacks and determined that the fence was compliant. Where the fence would reduce to 4' it was determined that it could still be a privacy fence.

Dr. Lewis said she wants to maintain the integrity of the Village's Historic Districts. Mr. Brown said when looking at original pictures he believes it was originally intended by the architects and has some concern about erecting a fence this size to the backside of their house. He thought there was a proposal to use shrubbery. Mr. Feie said shrubbery would be an option only if they were not allowed to put the fence in due to code requirements. He does not believe if properly done it will be a detriment to any property value. He appreciates the neighbor's passion, but passion can be subjective and in this connected world a private backyard is desired.

Mr. Lockhart noted that he lives in a historical area of the Village and lives next to a neighbor with a 6' fence and it has not been problematic. The Nistor family disagreed saying the fence has nothing to do with the historical character of Sheldon Close.

Lilit Yeghiazarian-Nistor and Vasile Nistor, 6945 Crystal Springs Road, objected to the fence and submitted the attached letter and pictures. It was upsetting to them that the same rules do not apply for the fence. They feel it upsets the historical character and is inappropriate. In addition, it lowers the value of their real estate and it violates the purpose, objectives, limitations and standards as stated in Section 151.075. They also noted the survey that was done for the 2021 Mariemont Vision. ARB members were sympathetic and agreed, but they have to work within the code as it applies to the applicant lot not a corner lot.

Mayor Brown said this aspect of the code needs to be reexamined but at this point it is within the letter of the law and the applicant is allowed to do what they want to do...but he is against it.

Mr. Wren said architecturally he does not find it appropriate but if the code allows it, he does not know what authority ARB is granted to disallow it. He also noted that it was inappropriate to start work without a permit.

Mr. Feie asked what conversation the ARB had about the fence at 5 Sheldon Close. Building Administrator Keyes said the fence at 5 Sheldon Close was a replacement fence. Discussion was made between the building department and the Mayor and it was decided to allow the fence because it was a replacement. It was intended to go before the ARB, but it did not and that was a mistake.

It was asked that Mr. Feie contact the applicant regarding planting bushes instead of a fence. Mr. Feie said he would but did not feel his client would want to do that when she is code compliant.

Mr. Kintner suggested and moved, seconded by Dr. Lewis to not grant the Certificate of Appropriateness (side yard abutting the backyard of a corner lot) and recommends that the code be examined and perhaps changed. On roll call; five ayes, and no nays.

Mayor Brown said he will refer the matter to the Rules and Law Committee to work with the Building Department and MPF. The committee recommendation would come before Council. The alteration would then be made to the code. Mr. Wren said any construction to take place in the historic district should come through the ARB to be discussed.

Mayor Brown moved, seconded by Mr. Lockhart to grant the Certificate of Appropriateness for erection of the rear 6' fence, which will be stained in the future, from the garage to the southeast corner of the property line along the back of the property. On roll call; four ayes, one nay (Mr. Kintner).

The meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Mr. John Bentley
Secretary