

**MARIEMONT ARCHITECTURAL REVIEW BOARD  
REGULAR MEETING  
AUGUST 15, 2022**

Mr. Wren called the meeting to order at 6:03 p.m. Present were Mayor Brown, Mr. Kintner, and Mr. Ayer. Building/Zoning Official Rod Holloway was also present.

Mr. Ayer moved, seconded by Mayor Brown, to accept the minutes as written for the meeting June 20, 2022. On roll call; four ayes, no nays.

An application was submitted from the Mariemont Preservation Foundation (MPF), for the property located at 3915 Plainville Rd., Cincinnati, OH 45227 (“Ferris House”) to replace a 3-tab asphalt shingle with a dimensional asphalt shingle.

*Findings of the Building Department:* The building at 3915 Plainville Rd. is known as the Ferris House and was built between 1804-1812 and is a landmark structure as defined in Mariemont City code ordinance section 151.075 (F) (18) and thus part of the Historical District.

**§ 151.075 HISTORIC DISTRICT**

(H)(1) *Limitations on issuance of building and demolition permits.* No construction, reconstruction, alteration demolition, or removal of any structure or significant exterior architectural feature, including painting and staining, and including signage, thereof to any listed landmark structure or any other building within a historic district shall be undertaken prior to obtaining a certificate of appropriateness from the Architectural Review Board (see §§ [151.021](#)(E) and [151.025](#)) and a permit from the Building Commissioner, if appropriate.

(H)(2) *Regulations governing site modifications: Standards for review: design requirements for certificate of appropriateness.* The Architectural Review Board, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves, and enhances the distinctive historical integrity of the landmark structure as set forth in division (F) above, as well as the historical village character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located. In conducting its review the Board shall make examination and give consideration to the elements of the application including, but not necessarily limited to:

(i) Roof treatment shall be of the same type and form and the same or similar color and exterior material as found on the existing building, or brought into conformity with division (H)(2)(f) above

Mr. Holloway shared a picture of the Ferris House that was taken in 1936. Some plans were distributed to the members of ARB and displayed on the screen.

Paul Mace, current president of MPF, introduced himself with MPF trustee Doug Manzler. Mr. Mace and Mr. Manzler represented the board in their application for the roof replacement on the Ferris House. They are applying to replace a 3-tab asphalt roof with a dimensional roof (“weathered wood”) shingle that is designed to simulate wood shingles. They shared samples and pricing of what it would cost to put on a 3-

tab asphalt roof. They looked at a fifty-year life as well as dimensional. They consulted with Karen Sullivan. She is a former Mariemont resident. She served as a trustee and as vice president for MPF, authored the successful nomination to have Mariemont listed on the National Trust for Historic Preservation's "11 Most Endangered Historic Places" list to raise awareness of the potential threat of the Eastern Corridor project that had a preferred plan for a highway through the South 80 Park, received the Outstanding Citizen of Mariemont Award for her efforts to have Mariemont recognized and preserved for future generations. Ms. Sullivan is also a Registered Architect who has received preservation awards from the Cincinnati Preservation Association and the Ohio State Historic Preservation Office.

Mr. Mace explained that Ms. Sullivan did an excellent job summarizing their request, in a letter that she wrote, that their application should be approved based on both preservation and code perspective. Mr. Mace and Mr. Manzler believe the application promotes, preserves, and enhances the distinctive historical integrity of the landmark structure as well as the historical village character of the community and is not at variance with any adjacent landmark structures based on the arguments set forth in her letter. Mr. Mace stated that section 151.075 establishes that roof replacement shall be of the same type or form and the same or similar color and exterior material as found on the existing building. He wanted to highlight a few items from her letter. He explained that the intent is to preserve the Ferris House, not restoration. The code supports that they are here to preserve it. The National Park Service, the highest authority in preservation, has recognized the Ferris House three times with an asphalt roof. Mariemont's code considers the merits of each building or a designated historic grouping of buildings on an individual basis. The Ferris House is an individual property. Requiring buildings to change materials approved by the National Park Service (NPS) to something inappropriate could begin to erode the unique personality of the Mariemont community's historic fabric. Ms. Sullivan highlights in her letter that the use of asphalt shingles to preserve and repair is an appropriate solution. Mr. Mace distributed the letter to ARB that was written by Ms. Sullivan and shared images of the Ferris House in a PowerPoint presentation showing the Resthaven Barn, the Farmer's Cottage next door, and the Short Housing Group on Oak Street that also have dimensional roofs on them. Mr. Mace wrapped up, stating that they have asked ARB to consider their application both on a preservation perspective and that it meets all of the code.

Mr. Kintner asked what the roof material would be if they were going to restore. Mr. Mace said it probably had a wood shingle, but code is preservation, not being forced to restore. Mr. Ayer complimented MPF on an excellent presentation. Mr. Ayer commented that the pictures shared by Mr. Holloway were from the Historic Building Survey, done by the National Park Service in collaboration with the Library of Congress. Those photos/drawings appear to show wood shingles. Mr. Ayer did not think the application was correct when it stated that the Ferris House shingles had asphalt shingles as far back as 1936. He asserted that it had wood shingles in 1936, according to an expert he consulted with. Mr. Mace said it was likely an asbestos roof, but it was an arbitrary point and the material is unknown. Mr. Ayer said it is a case-by-case evaluation but standards for preservation, from NPS, is to look at the existing condition of historic features to determine what level of intervention is needed. We're preserving not just existing materials, but the historic character of the building. Mr. Ayer sees this house as the most historically significant buildings in Mariemont and one of the most significant buildings in Hamilton County. Mr. Ayer compared this situation with the request to replace the shingles on Phil West's building on Beech Street with this request. Mr. West's building had asphalt shingles when he purchased it. It was determined that the building originally had a slate roof and the ARB, with significant lobbying from MPF, decided that Mr. West's roof needed to go back to slate. Now MPF is asking for the opposite for their roof, which to Mr. Ayer is a much more historically significant building. He does not think the proposed shingle looks like wood.

Mr. Mace pointed out that NPS recognized the Ferris House three different times with an asphalt roof in 1975, 1979, and 2007. He did not want to talk about Phil West, but Mr. Ayer stated it was important what precedent was set. Mr. Mace also pointed out that Phil West's building was part of a group, whereas the Ferris House is an individual property. Mayor Brown pointed out it is a landmark building and cited from section 151.075 in the code (H)(2)(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." Mr. Manzler argued that maintaining isn't going back, the code supports preserving the building and not forcing restoration while Mr. Wren pointed out the phrase "original architects."

Discussion in the gallery ensued as Ken White shared samples of dimensional shingles and discussed various price points. Aileen Beatty, a current trustee of MPF, stated that MPF did not recommend restoration with Phil West's building but were supporting other materials. She pointed out that there were conflicting legal documents, and that issue was complex and does not have any bearing on the Ferris House application and therefore, Mr. Ayer was incorrect. Mr. Ayer would like to see what the options are, how much they look like the original wood that was on the building, and make sure they're looking at all of the options as was required by Mr. West and the church project. He doesn't feel like he has been given enough information to make a decision because he's not seeing all of the options.

Mr. Wren thanked the MPF for purchasing the Ferris House and taking on the responsibility of taking care of and maintaining a historic building. He asked to know why they felt the dimensional shingles were an appropriate solution. Mr. Manzler showed the sample of the Landmark "weathered wood" asphalt shingle compared to the black 3-tab shingle that is currently on the roof. The Landmark shingle is designed to look more like weathered wood than the black 3-tab asphalt shingle. He thinks it is more important to protect the building than for the shingles to look like wood since the current roof is shot. Mr. Wren said the board would never stand in the way of repair. MPF finds the dimensional shingle more appropriate than the 3-tab shingle because of the look and it looks more like a wood shingled roof.

Mayor Brown asked if there might be other options that look more like wood than what was presented. Mr. Manzler explained that they spent a lot of time looking at options and presented what MPF agreed was the best-looking shingle without it actually being wood. To replace the roof with wood shingles would be almost \$100,000 and would probably only last for about 20 years but they do not want a wood roof. Mr. Wren inquired if they had looked into getting grants or other options to offset the cost. Mr. Manzler did look into it because of other restoration projects like replacing the windows but that is a very long process. They examined photos of parts of the roof that were visible from various streets. Mr. Wren and Mr. Manzler both agreed that the integrity of the building was more important than what was visible from the street. Mayor Brown asked if there were any options between cedar and the dimensional asphalt shingle and Mr. Manzler said there was not an option that looked appropriate. Mayor Brown would have liked to see those options, but Mr. Manzler said they did not want those options, they only want the dimensional asphalt shingle that they applied for and he doesn't want Mayor Brown to make a decision on something that MPF doesn't want to do. He would just like for the board to tell them yes or no. Mayor Brown insisted that they need standards and he believes there is a lot of parsing going on with this code. Mr. Wren stated that the board has approved things they don't like. Mr. Ayer discussed that our codes are adopted from a model code and those model codes were developed by the National Park Service and it goes back to the NPS standards of review and they are clear that the historic significance, the history of the building, the period, and other various factors and synthesize the information. That is consistent with what MPF advocated previously to look at all options that would simulate a wood shingle roof. Mr. Wren said the belief of the ARB is not to design for people but to review for appropriateness.

Ms. Beatty read a prepared statement: “MPF has readily taken on the responsibility to protect and preserve the Ferris House. However, restoration of the roof to its original material or any other arbitrary material that may have been used over the past 200+ years is not MPF’s plan.” She went on to discuss some of the legal aspects of preservation and the laws governing preservation in the United States. The first and most important is the National Historic Preservation Act of 1966 which established federal authority for the designation and preservation of historic landmarks and resources. The states carry out this law, in part, by granting specific powers and authority to local governments who then pass ordinances for the protection and preservation of historic structures. Neither the Federal nor Ohio governments provide for mandated restoration. The Mariemont code specifically says in its first sentence its purpose is “to protect and preserve property.” The National Historic Preservation Act has had several amendments over the years but the word “restoration” in terms of its mandate is not in there. In the Ohio state code there are no requirements for restoration. In considering this application to replace the Ferris House roof with the same material, your authority is restricted to its colors and ensuring the building is protected. The property owner has the right to choose the manufacturer, the quality level and price point, proving adequate protection is achieved. Ms. Beatty spoke with the associate general counsel for the legal department at the National Trust for Historic Preservation which is a non-profit organization dedicated to saving America’s historic places for over 70 years. He confirmed Ms. Beatty’s argument to be correct, stating the following points: requiring owners to put features and materials on buildings that haven’t been there for years could incur extreme expenditures, mandating restoration is not a practice anywhere in the United States, and mandated restoration is not supported by the law and is therefore legally indefensible.

Mayor Brown doesn’t believe that they are mandating restoration, but Ms. Beatty said by requiring wood shingles they are. Mayor Brown said they have not said that is what they require. Ms. Beatty said the point of her reading her statement was so the ARB understands their authority and doesn’t insist on wood shingles.

Mayor Brown moved, seconded by Mr. Ayer, that the board reject the application on the basis that they have only been presented with one choice, being the dimensional asphalt shingle, and that choice is not acceptable. On roll call; four ayes, no nays.

The meeting adjourned at 6:53 pm.

Respectfully Submitted,

Mr. Brad Lockhart  
Secretary