

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
JUNE 9, 2020**

Mr. Wren called the meeting to order at 5:30 p.m. Present were Mayor Brown, Mr. Lockhart, Mr. Kintner, Dr. Lewis and Ms. Stalzer.

The meeting was to discuss the powers and duties of the Architectural Review Board and procedures for reviewing Certificate of Appropriateness Applications.

Alien Beatty, Building Department Assistant distributed to members of the ARB the following materials for review. The reason for meeting today is to review the responsibilities of the ARB. She wanted to make sure members were all aligned and working together. The Historic District was a natural development born out of Mary Emery's vision and John Nolen's plan. The Historic District is integral to who we are. In some cases it is in danger. In other cases it has already deteriorated due to owner neglect and lack of Village oversight.

Overall Responsibilities:

As Board members on the ARB, you have an extremely important role in the Village. Your work is vital. Your decisions determine whether requested work preserves the historical integrity of individual structures as well as the historical character of the Village and its community.

An essential part of your role is to maintain a comprehensive vision of preservation while making decisions on individual requests. You, along with other community organizations, Village government and individual residents, are tasked with helping to protect our heritage.

The Historic District overall section of the code contains the fundamental background regarding the Historic District with which the ARB is tasked, in part, protecting. The beginning reads:

§ 151.075 HISTORIC DISTRICT.

- (A) Purpose. The purpose of this section is to maintain a high standard of community development and the principles of town planning, to protect and preserve property, to promote the stability of property values, and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structures throughout the hereinafter defined Historic District. The village was designated as a Historic Village in the National Register of Historic Places on July 24, 1979.
- (B) Objectives. The character of the village is directly linked to the economic, social, historical, and cultural health and well-being of the community. This section, therefor, establishes procedures to maintain the historic character of the village and obtain the following objectives:
- (1) To recognize and preserve the distinctive historical and architectural character of this community which has been influenced by the architecture of an earlier period;
 - (2) To regulate the exterior design, use of materials, and orientation of all structures hereafter altered, constructed, reconstructed, erected, enlarged, or remodeled in the hereinafter defined Historic District;

- (3) To safeguard the village by preserving areas, places, sites, buildings, structures, including signs, objects, and works of art which reflect elements of the village's cultural, social, economic, political, or architectural heritage;
- (4) To seek alternatives to demolition or incompatible alterations within the Historic District and to landmarks before such acts are performed; and
- (5) It is the further intent of this section to discourage the construction of new structures, including signs, on lots containing landmark structures and the subdivision of lots containing landmark structures for the construction of new structures in close proximity to any landmark structures.

As the primary body responsible for achieving this, there are 8 powers and duties of the ARB:

1. With MPF and the Ohio Historic Preservation (OSP), to conduct a continuing survey of cultural resources in the community. To make recommendations for designation of local historic districts, landmarks, and historic sites to the Village Council.
2. With MPF and OSP, advise Village Council regarding the protection of the village's cultural resources;
3. With MPF and other historic and archaeological experts, to review and facilitate all proposed National Register nominations for properties within the village;
4. With MPF, to work toward the continuing education of village citizens regarding historic preservation issues;
5. To establish and use "standards for review" for the conservation of designated local historic districts, landmarks, and historic sites in decisions on requests for permits for alterations, demolitions, or additions to listed landmarks and historic sites within historic district(s), whether ownership is private or public;
6. To maintain a detailed map of the Historic District(s) and a detailed list of all historic sites and landmarks structures in the village at the Col. Donald L. Shanks Municipal Building and make it available for public inspection;
7. To review and approve or deny applications for all landmark structures, historic sites and districts, including signage, for Certificate of Appropriateness (COA). In considering requests, the ARB shall follow the design requirements.
8. Signage
 - a. To review and approve or deny applications for structures sent from the Building Commissioner and/or the ARB Chairperson.
 - b. In considering a signage request for a certificate of appropriateness, the ARB shall follow the design requirements.

However, not all of these are for you to do without help or in isolation. The above ordinances were adopted to establish partnerships the Building Department and MPF. She asked to focus on the 7th duty since it is relevant to public ARB meetings which have become time sensitive.

Details of Duty # 7:

To review and approve or deny applications for Certificates of Appropriateness.

When you are presented with a request for a Certificate of Appropriateness (COA), there are specific standards and items that you are responsible for reviewing. All of these items relate to historical integrity. None of them relate to building permit requirements. In this role as a board member of the ARB it is not your job to be a plans examiner.

The Village code states:

Standards for review and design requirements for COA.

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 (abbreviated):

- a) Overall building height to width ratios, etc.;
- b) No major changes to the front facade;
- c) Similar architectural style, windows, doors and exterior material
- d) Avoid damage to original architectural features, etc.
- e) Use of the property should be nearly as possible to original intended use;
- f) For buildings in architectural groupings, approves colors and stains which reflect the character, style, and materials of the buildings;
- g) Window treatment, style, etc.
- h) Exterior material of painted wood, material and exterior colors
- i) Roof treatments
- j) Exterior detail and design and details of architectural features. Signage consider the same;
- k) Accessory buildings exceeding 100 sq. ft.
 1. Replacement garage door design
 2. Garage door color requirements.
- l) Signage if sent to the ARB by the building commissioner and the ARB Chairperson;
- m) Maintain historical integrity of the landmark structure according to the original architects design, town plan, concepts, and philosophy of Mary M. Emery, John Nolan *[sic]*, and the Mariemont Company;
- n) The subdivision of any lot containing a landmark structure falls under the jurisdiction of the Planning Commission.
- o) Design requirements for other buildings in historic districts.
 1. New buildings size, scale, mass, and architectural style
 2. New buildings exterior materials and windows.
 3. Overall building height-to-width ratios, chimney construction, roof pitch, etc.
 4. New structures on lots created by the subdivision of a lot containing a landmark structure.
- p) Historical integrity of all landmark and historic sites shall be maintained according to the original architects design, town plan, concepts, and philosophy of Mary M. Emery, John Nolan *[sic]*, and the Mariemont Company. Any act or process that

results in any change to an archaeological feature shall require a certificate of appropriateness.

Procedures for Certificate of Appropriateness

The Village code states (abbreviated):

Procedure for COA.

1. If a building permit is required, all materials required for permit approval must be submitted to the Commissioner and included with the application for a COA. In addition, the ARB may require the submission of colored perspectives or architectural renderings.
2. The ARB votes whether to issue a COA, provided the building permit is approved. The ARB must make a decision on the COA within 30 days after the first hearing unless all parties agree to a continuance.
3. COA application must include: linedrawing, indicating at a minimum the lot dimensions, with the size, shape, dimensions, and nature of the modifications in the historic site to be made and a narrative description of the proposed design or change and the proposed method of modification.

Signage procedures.

1. If a building permit from the Building Commissioner is required for a sign, a color sketch must be provided.
2. The Building Commissioner and the Chairperson of the ARB shall approve or deny the COA.
3. If denied, it goes to the ARB.

If an application for COA does not require a building permit, the Building Department collects all relevant material for the COA application and distributes to the members ahead of the meeting along with its findings regarding Village code, for example colors.

If the work in the COA application requires a building permit, in addition to the required COA material, the Building Department will provide the ARB, prior to the meeting, all material received for the building permit application. However, this material is solely for background and perspective.

If the building permit is denied and appealed by the applicant to the Planning Commission, a COA must be obtained first, otherwise the appeal is irrelevant.

Approval of a COA is not contingent on approval of the associated building permit. Aspects of building plans that may need modification prior to issuing a permit do not impact the ARB's decision regarding a COA. The ARB does not have the power to deny a COA based solely on their opinion that a building permit should not be issued. Each entity has a specific mandate by Code.

Final Thoughts

As some of you have expertise in building plans, drawings and International Building Code requirements, your thoughts should be shared with the Building Department off-line. That type of collaboration is quite valuable. We should develop an active dialogue because all of our individual expertise, experience and educated opinions, if shared, will help both groups make more sound decisions.

Finally, regarding the application from the Community Church for the paver patio:

We tabled our decision based on issues regarding building permit requirements which were not within our powers. After 84 days we have still not rendered a decision. Therefore, the applicant has been given tacit approval and will be issued a Certificate of Appropriateness. The Building Department will now work with him on getting the permit issued.

He is due an apology.

Building Administrator Keyes asked are we going to allow modifications in the Historic District as the result of someone not being able to afford to replace their slate roof and want to change to shingles. How close do the modifications have to be to what was original?

Mayor Brown said it has always been helpful to have the applicant bring a sample of the material and color sample. Every time we allow a little change it becomes bigger and bigger. The time is now to right the ship and reverse the course. We must start sticking strictly to the code instead of compounding problems of the past.

Mr. Kintner said he has frustration with ARB flip flopping on issues such as color because someone else was able to do something similar in the past which further compounds the problem.

Dr. Lewis said Rex Bevis is working with MPF and Ms. Beatty on areas that are of concern. Ms. Beatty said the Historic District has been neglected by some owners and we have gotten behind keeping up on that.

Discussion ensued regarding economic impact and whether it should or should not impact decisions of ARB. Mr. Wren said ownership has to be on the owner who should know that the upkeep of a historic property will tend to be expensive. Dr. Lewis said that MPF is talking about having a grant program for historic properties. Mayor Brown said there are a lot of good alternatives in a lot of cases that are available. Mr. Wren said if cost is a factor some ideas would be to replace windows on the street front for example and replace the rest at a later date or try to do something else.

Discussion ensued regarding color guidelines. They were written in the 1960's and were revised in the 1990's. Ms. Beatty said ARB has the power to adjust the guidelines. Mr. Brown said the

color of the paint has little to do with the cost of the paint. He would like to adhere more strictly to the guidelines that were passed down.

Building Administrator Keyes said if the color code is okay and ARB wants to create a variance – that is fine, but it needs to be labeled that way. If the color code does not work today because the paint color does not exist or ideas have changed, then do not create a new variance but rather fix it. The board has the ability to create a new code instead of what is there now.

Bill Spinnenweber and Dan Spinnenweber, Jr. said they own many buildings in the Village and they are expensive to keep up. Especially with COVID-19 many businesses are struggling. With the property tax, upkeep can become cost prohibitive but they do their best to keep the buildings as close to original as possible. They understand that guidelines need to be kept in place but from their perspective, commercial buildings are really expensive to update.

Ms. Beatty said procedurally a Certificate of Appropriateness also requires a Building permit. We need to provide ARB the information provided to them in the packet.

Mr. Kintner said in the past it has been difficult to make assessment unless you go onsite to see the property. He would like to have more photographs specifically existing photos. He finds it awkward sometimes to go on property unannounced. Building Administrator Keyes said they try to include photographic evidence, but sometimes it is hard to look at a photograph and accomplish what you wish to accomplish. He said if it is desired to view the property they will certainly get the permission from the applicant.

The meeting was adjourned at 6:20 p.m.

Respectfully Submitted,

John Bentley
Secretary