

**MARIEMONT ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
November 15, 2021**

Mr. Wren called the meeting to order at 5:30 p.m. Present were Mr. Kintner, Dr. Lewis and Mayor Brown. Not present were Mr. Bentley and Mr. Lockhart. Building/Zoning Official Mr. Holloway was also present.

Mayor Brown moved, seconded by Mr. Kintner to approve the minutes as written for September 20, 2021. On roll call; four ayes, no nays.

An application from Ted & Kimberly Beach, 10 Albert Place, Cincinnati, OH 45227 was presented to add new fencing and repair existing fencing on their property dated Oct 25, 2021.

Findings of the Building Department:

1. 10 Albert Place is included in the Robert R. McGoodwin buildings and defined as a Landmark as defined in Mariemont City code ordinance section 151.075 (F11)

There are no other fences located in the front yard of the Albert Place residences (ref. photos inside packet, available upon request).

As was reinforced in ARB meeting of March 9, 2021 (ref. Sheldon Close fence), all matters related to construction activity in the Historical District must be reviewed and approved by the ARB to obtain a Certificate of Appropriateness.

The fencing permit application was received in the Building Department on October 4th (ref. inside packet, available upon request).

While there are a few details needed to be clarified on the proposed design, but so far, the fencing satisfies the local ordinances for fences in front, side, and corner lots. (Details of proposed fence design are available upon request in packet).

Relevant to this request, Mariemont code states the following:

§ 151.075 HISTORIC DISTRICT.

(F)(11) Robert R. McGoodwin buildings and parks, 1-10 Albert Place and 3825 and 3845 Miami Road, east side at West Street

(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 consider the elements of the application including, but not necessarily limited to:

- (j) Exterior detail and relationships shall take into consideration compatibility and appropriateness of design and details, including all projecting and receding elements of the exterior, including, but not limited to, porches, overhangs, and the horizontal or

vertical expression which is conveyed by these elements. Signage shall also consider the above;

Mr. Holloway referenced an email from the Assistant Building Administrator dated May 20, 2021 which confirmed receipt of the information from the applicant and stated referencing the drawing for the fence and a sample of the fence type: 'This looks good. All I need now is for you to fill out the fence application (attached). I will talk with Peter Wren (ARB Chairman) about the possibility of approving this without an ARB hearing – so let's now worry about the ARB application right now'. He indicated there was a telephone conversation on July 7, 2021 between the Assistant Building Administrator and Mr. Beach relating to the height of the fence. The Assistant Building Administrator indicated that a 4' fence would not be appropriate in the area, but a 3' fence would probably be acceptable.

Mr. Beach said the process began in May 2021 working with Aileen Beatty, who they believed at the time had the responsibility and was in charge of the Building Department. In early July Ms. Beatty gave him the impression, over the phone, that she reviewed the request and everything looked fine and there was no reason to go before the ARB due to the existing fence at 10 Albert Place. They went through the process of getting bids and put down a deposit. He presented to members of ARB a slide show that showed the property currently with the hedges, current fence between 9 and 10 Albert Place. They would like to install a 3' black fence inside the hedge line and install a gate which was installed this past weekend. His understanding was they were replacing an existing white gate that was there before. The purpose of the gate is to keep their dog safe and secured. A permit application was submitted but not issued. The fence is on hold until the review of this meeting. The proposed fence is three feet high, 50% open and is black aluminum. He presented a photo of 10 Albert Place from the 1960's showing a gate. Mayor Brown said it was prior to the creation of the ARB.

Mr. Kintner noted that there are no fences in the front yards on Albert Place, but most have side walls which blend nicely with the architecture. This would be a significant departure shielded as it may be with the hedges. Mr. Beach noted that were fences in the front yards on Denny Place which have the dual hedge with fence. Mr. Kintner said the applicant has done everything correctly – the Village has not.

Mr. Holloway said he received an email from a neighboring resident with objections to the request. In addition, one neighboring resident came to the office to voice objection. Mr. Holloway read the following email from the anonymous neighbor:

To whom it may concern:

We are writing to state our objection to proposed new fencing at 10 Albert Pl. As stated in the Findings of the Building Department, there are no other fences located in the front yard of any other Albert Place residences. We feel the addition of fencing at 10 Albert Pl. would not be compatible nor in keeping with the character of Albert Place. To quote directly from the regulations governing site modifications, we do not feel that the proposed fencing "promotes, preserves, and enhances the distinctive historical integrity of the landmark structure" or "the historical village character." And would most certainly be in "variance with existing structures within that portion of the district." Additionally, we are confused as to why work has begun without the necessary certificate of appropriateness from the Architectural Review Board or a building permit?

Thank you for your time and consideration.

An Albert Place Resident

Mr. Beach said he understands about the fence because they received prior approval from the person in charge at the time and they thought the gate was a simple replacement that stayed within the integrity. They would like to add 'panels' to the gap areas around the gate.

It was suggested that an invisible fence may be a solution. Mr. Beach voiced concerns with Miami being a busy street with many dogs walking by, he did not want to risk dogs coming on his property, or his dog getting out of the fence and being afraid to come back in.

Mayor Brown said the discussion should be broken down into 2 segments: (1) Is the fence going to be permitted on the side and front yard (2) What is the decision on the gate? The applicant has proceeded with the gate without permission or a building permit.

Mayor Brown referenced §151.075(H)(2) Historic District: 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 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.

Mr. Wren stated that the language does not leave a lot of flexibility. Mayor Brown is concerned about precedent.

Mayor Brown moved, seconded by Mr. Kintner to not allow the installment of the fence in the front yard per §151.075(H)(2). On roll call; four ayes, no nays.

Discussion ensued regarding the gate. It was noted that there was a gate at one point but the gate was not always there. Mr. Beach said the gate was done with the integrity of the existing property that was there. With the request for the additional panels, there was concern that it would begin to look like a fence. Mr. Wren said there is a way to mark a passage or threshold of some sort with the post.

Mr. Wren moved, seconded by Mayor Brown to allow the resident to propose a design for vertical elements either side of the gate to mark the entrance on the property with those being approximately 5' tall. The sketch must be submitted and approved by ARB. On roll call; four ayes, no nays.

The gate was approved. Should any enhancements be requested those must be submitted and approved by ARB.

The meeting was adjourned at 6:27 p.m.

Respectfully Submitted,

Mr. John Bentley
Secretary