

**Village of Mariemont  
Special Meeting of Council  
July 11, 2022**

Mayor Brown called the meeting to order at 5:38 p.m. Present were Mr. Bartlett, Ms. Geldbaugh, Dr. Lewis, Mrs. Rankin and Mr. York.

Mayor Brown explained this Special Meeting is to voice an appeal on an Architectural Review ruling for a Certificate of Appropriateness. The ARB ruling was the doors that GR Investments of Cincinnati presented were not appropriate. Said appeal is attached.

Mr. Jackson, GR Investments of Cincinnati, said they wanted to replace the garage doors and petitioned to do so through the Building Department. In his opinion, the doors they wanted to put up are in compliance with Code Section 150.01(5) which states ‘garage doors shall be 16-panel wood or aluminum painted with approved dark brown color’. Section 151.075(k) states ‘accessory buildings exceeding 100 square feet of floor area shall be of the same architectural style and same exterior material as the main building or a reasonable reconstructed facsimile of the original historic structure that previously existed on the lot; however, all garage replacements and improvements shall conform to the following (1) All replacement garage doors must be a solid 16 panel steel door for a single car garage; (2) Garages and their doors for each specific landmark structure shall be guided by the color requirements of the ARB. What they are appealing is to be held to a standard that is arbitrary and conceived to look better. It is not required nor listed anywhere in the code.

Mayor Brown said regarding the contention that the ruling was arbitrary and discriminatory. A slide of area doors in the area was displayed which showed there were other garage doors in the immediate vicinity that represent the preference of the ARB. He does not believe those comments hold up as other property owners have installed doors that the ARB finds more favorable, such as those with decorative hardware and lights (windows). The applicant further states that the ruling was punitive. The carriage doors that are there presently are the original wooden carriage style door which can be replicated – but that is not what the ARB is asking. The roof and the trim color of the five-car garage is not in compliance with the current code for the color pallet for that area. The ARB is not asking them to correct that. He referenced Section 151.075(H)(2) Standards for review: design requirements for certificate of appropriateness.... ‘In conducting its review, the Board shall make examination and give consideration to the elements of the application including, but not necessarily limited to; (k)(1) All replacement garage doors must be a solid 16 panel steel door for a SINGLE CAR GARAGE. The applicant’s request is not a single car garage – it is a five-car garage. (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, and the Mariemont Company. Any act or process that results in any change to an archaeological feature shall require a certificate of appropriateness. The ARB preferred door is more expensive (approximately \$500-\$600 per door). Given the life span of a garage door the ARB did not find this to be an unreasonable hardship on the applicant. We must move away from the idea of always defaulting to the lowest common denominator (being the dollar). When decisions are made such as these, if we do not do this in the essence of the Historic District, the district as we know it will begin to slowly fade away and we will lose the cornerstone of the Village. It was a unanimous decision of the ARB.

Ms. Betty Clingerman, member of the Mariemont Preservation Foundation, supports and agrees with the ARB’s decision and the statements made by Mayor Brown. She also said that numerous manufactures have different configurations of sections of doors.

Dr. Lewis said although she cannot vote (she is a member of the ARB and cannot vote twice) it is a difficult job sitting on ARB with an ambiguous code. Members of ARB and MPF realize that it can be cost prohibitive to do some repairs, such as wood doors. We are trying to work together to find a happy medium. She asked if they value the community wouldn’t it be worth the investment.

Mr. Jackson disagreed that the garages were five-car. His company has put significant money in upgrades to the main residences. They are trying to make the garage doors look better with the application presented. He is frustrated that it is being fought when according to code, in his opinion, it is allowed.

Ms. Geldbaugh said in her capacity as an appraiser she would identify the garage as a five-car garage.

Mr. Bartlett said he went and viewed the Historic District and found 28 garage doors that are solid with no windows at the top, 23 old fashion carriage style doors and 8 with panel lights. He agrees that the doors need to be replaced but he struggles with the code not addressing lights across the top.

Mayor Brown said we do not know when some of those doors were replaced or under what circumstances or what the arguments were at the time for why they were allowed. For all we know, the code was mis-interpreted. If it was a mistake, the ARB does not wish to continue that. They may not have been approved at all. Discussion ensued regarding enforcement of the code throughout all of the historic areas of the Village and that it is incumbent upon the ARB to make determinations based on the philosophical issues that are outlined in the code.

Solicitor McTigue said the operative wording to look at is 'single car garage'. Council needs to determine if it is a single car garage. If it is decided that it is not a single car garage then this particular provision would not apply. Unfortunately, the code does not address multi-car garages. One would have to look at the basic intent of the code. The code should address multi-car garages.

It was agreed that the code needs to be addressed and cleaned up so an applicant should know what is expected.

Mr. Bartlett moved, seconded by Mrs. Rankin to uphold the decision by the Architectural Review Board. On roll call; four ayes, no nays. (Dr. Lewis was unable to vote due to her previous vote at the ARB meeting. Mrs. Brownknight arrived at 6:10 as the vote was taking place).

The meeting adjourned at 6:15 p.m.

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William A. Brown, Mayor

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Richard D. Ford, Fiscal Officer