

Scioto River

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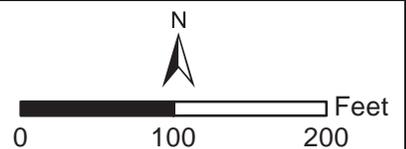
S HIGH ST

SPRING HILL



City of Dublin
Land Use and
Long Range Planning

12-063ARB-BSC
Demolition - Board Order Extension
North Riverview Street Mixed-Use Redevelopment
40 Blacksmith Lane - 53 North Riverview Street





City of Dublin

Land Use and Long
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ARCHITECTURAL REVIEW BOARD

BOARD ORDER

NOVEMBER 15, 2012

The Architectural Review Board took the following action at this meeting:

**3. BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment –
40 Blacksmith Lane, 17, 27, 37, 45, and 53 N. Riverview Street
12-063ARB-BSC Demolition**

Proposal: Demolition of six existing residential structures located on the west side of North Riverview Street between Bridge Street and North Street on six parcels zoned BSC Historic Core District.
Request: Review and approval of demolition under the provisions of Zoning Code Section 153.176.
Applicant: Gerry N. Bird, Bird Houk Collaborative, a Division of OHM
Planning Contact: Dan Phillabaum, AICP, ASLA, Senior Planner
Contact Information: (614) 410-4662; dphillabaum@dublin.oh.us

MOTION: Bob Dyas made a motion, seconded by Tasha Bailey, to approve the following request for Board Order for Demolition with conditions, as the applicant has effectively demonstrated two of the four standards for Demolition as required by Code, with one condition:

- 1. Demolition will not occur until:
 - (a) City approval of a proposed design;
 - (b) Resolution with the City of Dublin on two sites along the river, agreement for improvements to Blacksmith Lane and agreement on several land related issues, i.e. right-of-way revisions, power lines and other normal development issues; and
 - (c) Building Permits issued.

VOTE: 3 – 2.

RESULT: This demolition application was approved.

RECORDED VOTES:

Robert Schisler	No
Bob Dyas	Yes
Tom Currie	Yes
Tasha Bailey	Yes
William Souders	No

STAFF CERTIFICATION

**Dan Phillabaum, AICP, ASLA
Senior Planner**

3. BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment
40 Blacksmith Lane, 17, 27, 37, 45, and 53 N. Riverview Street
12-063ARB-BSC **Demolition**

Dan Phillabaum presented this application requesting a Board Order for Demolition of six houses on North Riverview Street to facilitate the development of a mixed use proposal. He said the sites are located between North Blacksmith Lane and North Riverview Street, north of East Bridge Street and south of North Street.

Mr. Phillabaum said that the ARB had previously provided feedback for a mixed-use redevelopment proposal at this location in 2010, and the applicant has continued to revise his proposal since that time. He said before the applicant can proceed with the necessary applications to redevelop this site under the Bridge Street Code provisions, a determination must be made whether the six existing structures can be demolished to facilitate that development.

He presented the Code Criteria that must be demonstrated by an applicant requesting a Board Order for Demolition. He said there were two options:

- 1) The applicant can demonstrate an economic hardship or unusual or compelling circumstances, or
- 2) To demonstrate that at least two of the four conditions prevail:
 - a) The structure contains no features of architectural and historic significance to the character of the area in which it is located.
 - b) There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
 - c) Deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful.
 - d) The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity; OR [emphasis added], the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District.

Mr. Phillabaum clarified that the Board is not being asked to approve the proposed mixed-use development. He reiterated that the details of the proposed mixed-use development would have to come back to the Board for approval.

Mr. Phillabaum said that the six structures were constructed between the Mid-1800s and the Early 1900s. He said they all have outbuildings along North Blacksmith Lane, and all of the homes face the Scioto River along North Riverview Street. He described the individual characteristics of each of the six structures including the year built, form and architectural style.

Mr. Phillabaum said that the applicant has provided documentation to address each of the conditions for Demolition, and has brought his consultant team to answer questions regarding the information provided with respect to each of the Code required conditions that must be met.

Mr. Phillabaum said that to demonstrate an economic hardship, the applicant had provided data to indicating that these rental structures were having a negative cash flow, that the properties were

acquired at a higher value than the present value, and that the combined property, when redeveloped, would have greater value than each house individually.

Mr. Phillabaum explained that typically the criteria to demonstrate an economic hardship have been applied to situations where an individual property owner is not economically capable to make a necessary improvement to their property in a manner that meets the requirements of the ARB Code or the *Historic Dublin Design Guidelines*. He said the Administrative Review Team determined that as the information presented by the applicant treats the properties as a group, and does not demonstrate a true economic hardship, as this portion of the Code has been historically interpreted.

Mr. Phillabaum addressed the second option, 'To demonstrate that at least two of the four conditions prevail':

Condition 1: The structure contains no features of architectural and historic significance to the character of the area in which it is located.

Mr. Phillabaum said the applicant's consultant researched the background of these houses and provided accurate descriptions of each that build upon the Ohio Historic Inventories. Mr. Phillabaum said that the consultant describes that these structures have been physically cut off from the historic residences on South Riverview due to the raised grade of Bridge Street when the bridge was rebuilt in the 1930s. He said the consultant states that this has left an insufficient critical mass to produce a viable neighborhood with these six houses alone.

Mr. Phillabaum said the applicant's consultant had also provided excerpts taken the original 1979 application to the National Register for Historic Places, which placed the Dublin/High Street District on the Register. He said the application described the properties on the north side of Bridge Street as lacking the same significance as those to the south, due to the number of post World War II and non-contributing cinderblock structures present, and generally described it as a hodgepodge of building types. He said it was also noted by the consultant that the style of these houses are of a lesser architectural quality than those on South Riverview Street, as these are generally wood-framed, wood-clad structures compared to the predominance of brick and stone structures on South Riverview Street.

Mr. Phillabaum said this was one of the more subjective criteria in the Code, and the ART discussed this at great length and were unable to reach a definitive determination. He said some members of the ART concurred with many of the applicant's points, including that individually, the houses do lack a historical or architectural significance, they are physically isolated, and there an insufficient mass to create a neighborhood. Mr. Phillabaum said the alternative viewpoint among the ART was that when these homes are taken as a whole, they create a village-scaled streetscape and possess a modest character that is typical of Dublin's past. He said the ART also noted that the relative scarcity of remaining pre-World War II structures north of Bridge Street heightens the importance of these structures in this quadrant of the City. He said generally, there was an overemphasis by the consultant on the omission of these properties from the 1979 National Register for Historic Places application. Mr. Phillabaum said Dublin's early development history as a rural village produced typically modest vernacular structures, when compared to other areas of central Ohio that experienced greater levels of investment. He noted that the ART believed that the ineligibility of these structures to be included on the National Register of Historic Places should not be the sole determinant of whether a structure is worthy of preservation. Mr. Phillabaum

reiterated that based on these differing but equally valid perspectives, the Administrative Review Team did not make a determination on Condition 1 being met.

Condition 2: There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.

Mr. Phillabaum said that the applicant hired a real estate expert to conduct an analyses on these structures in an 'as is' condition, and in an 'as renovated' condition. He summarized that in both scenarios the maintaining or renovating the structures resulted in rent increases or sale prices that would not be achievable in the market. The applicant's consultant therefore determined that based on this analysis the structures as existing or as they might be renovated did not represent a viable investment, either as rentals or as for sale properties.

Mr. Phillabaum said that the ART reviewed this information and determined that the financial analysis provided was accurate based on existing income and expense information provided, and based on the assumptions used for renovation costs, etc., that led to the necessary rent increase. He said lastly, the ART considered the difficulty in finding six separate buyers willing to put significant investment into each of these homes. Mr. Phillabaum said that the Team determined that Condition 2 had been met.

Condition 3: Deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful.

Mr. Phillabaum said the information provided by the applicant for this Condition responded more to market obsolescence and the current conditions of the properties, rendering them too expensive to restore.

Mr. Phillabaum said that the ART looked at this as more evidence of Condition 2 being met, and not really speaking to the level of deterioration of the structures. He said based on a visual inspection, it was determined by the ART that the degree of deterioration is not beyond economic feasibility to restore, and the owner's ability to maintain renters in these houses indicates that they are at least minimally habitable. He said the ART determined that Condition 3 is not met.

Condition 4: The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity OR [emphasis added],

The proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District.

Mr. Phillabaum explained that if either part of this condition were demonstrated, the condition would be met. Mr. Phillabaum said that the applicant has provided conceptual exhibits for the redevelopment of the properties as mixed-use development. He said that the ART did not believe the first part of the Condition was met, but that the second part of the Condition had been demonstrated. He said that the applicant's concept demonstrates many of the objectives and principles for this area of the city outlined in the *2007 Community Plan* and the *Bridge Street Vision Report*.

Mr. Phillabaum presented the conceptual elevations of the proposal and noted that they would be reviewed for consistency with the Bridge Street Code by the ART after further refinement. He said the

concept was for two stories of commercial development along Bridge Street with parking beneath, with three floors of residential uses along North Riverview also with parking beneath. He presented perspective views of the proposal provided by the applicant.

Mr. Phillabaum presented the Historic District Area Plan from the *2007 Community Plan* which envisioned for this quadrant a future parking terrace serving mixed-uses along the Scioto River, mixed-use infill fronting a pocket park on North Street, commercial use of the residential structure at the terminus of North Street, public access to a boardwalk and river trail system, integration of multi-story residential units overlooking the Scioto River, and a pedestrian bridge over the Scioto River.

Mr. Phillabaum said that the *Bridge Street Vision Report* also recommended for this area near-term pedestrian and parking improvements, mixed-use development with an emphasis on housing that is sensitive to the surrounding natural areas and neighborhoods, and avoiding negative impacts to the surrounding context.

Mr. Phillabaum said that the Administrative Review Team determined that two of four Conditions for Demolition had been demonstrated by the applicant and that the ART recommends approval of the request for Board Order for Demolition with the condition that demolition will not occur until City approval of a proposed design and the two self-imposed by the applicant conditions, that resolution with the City on two sites along the river agreement for improvements to Blacksmith Lane and agreement on several land related issues, right-of-way revisions, power lines, and other normal development issues, and that demolition will not occur until building permits are issued.

Mr. Schisler noted that the Auditor's site indicated that there are two separate owners of the houses, and as best he could tell, two of the houses had been owned since 1988. He said that these two were making money and viable as they were based on what the applicant had provided. He said they could be also be put up for sale to make money.

Gerry Bird, Bird Houk Collaborative Architects, a Division of OHM, 4063 Harold Square, Dublin, Ohio said that was not true. He said on the income and expense basis, he also submitted a submittal letter in the addendum that added \$20,000 worth of labor on the part of the owners which was not in the original analysis.

Mr. Schisler noted that they paid \$74,000 each for two houses and that those could be rented out to make money. He said the other four homes were purchased for a substantially higher amount. He asked if when they were bought, money could be made by renting them.

Mr. Bird said that the market has changed substantially.

Mr. Schisler asked if the rents in the area had dropped significantly since they were purchased in 2005.

Mr. Bird said he believed that the rents have not increased, but expenses and taxes have increased substantially.

Mr. Schisler said that at the value the homes were purchased for at that time, they could not have made money renting them. He said he was sorry, but that was the owners' decision to do that.

Mr. Bird said that there were very few circumstances in Dublin where you can put sites together. He said some of the sites at the end of the process, were probably purchased for more than they were worth to put assemble the complete blocks. He said the sum of the total is greater than the pieces and parts.

Mr. Schisler said that he did not believe that the Code at that time permitted assembling sites together that could be over one acre. He said now the Code has changed.

Mr. Bird offered his appraiser to review his evaluation.

Bob Dyas pointed out the fact that the properties were purchased with the intent to put the development together versus an investment in the properties individually.

Mr. Schisler said that some of the houses were not on the market and the owners were asked to sell.

Mr. Langworthy said to keep in mind that did not count against the applicants for the purposes of this request.

Mr. Schisler said the houses were all built pre-World War II, and that if what the consultant's expert said about the adjacent post World War II cinder block buildings diminishing the value, were true then if these are demolished, there is no Historic Core north of Bridge Street.

Mr. Langworthy suggested that since there was so much disagreement, it might be best to get the applicant's experts on the record so that both sides could be heard.

Mr. Souders noted that the majority of the homes were appraised at around \$130,000. He asked if they were being told that there was nobody in Dublin that would want to live in a \$130,000 house along the Scioto River and put \$20,000 to \$30,000 into it.

Brian Barnes, Brian W. Barnes and Company, 5900 Sawmill Road, Dublin, Ohio, said he was saying in order to take a \$130,000 house and renovate the property to a level to compete with other housing stock in the marketplace would take about \$110 per square foot to renovate, based on his estimates. He said \$20,000 to \$30,000, does not get a whole lot. He said based on what he saw and his understanding of the properties, once the renovation process is started in these older dwellings, one layer of the onion comes off and the next one comes up. He said the Auditor says they are worth \$130,000, but that does not mean a buyer says so. Mr. Barnes said these houses were at the end of their physical and/or economic life in his opinion.

Mr. Souders said that physical separation is not an issue to him because he viewed this as an entire historic district, and not that six houses are cut off. He said it is still the Historic District, so all of these homes and buildings could be said to have reached the end of their useful life. He said the fact that they are in the District means something and that allows them to keep going. He said it is not something that is not necessarily only monetarily based. He said for example, as an individual residence, he would buy a house for \$130,000 and he would add \$30,000 to \$50,000 as a start to get it livable. He said several of these homes could have great curb appeal with access and views to the river.

Mr. Souders said he understood the perspective that these do not have an economic value as they exist if the alternative is to generate a high volume mixed-use development, but he said as individual residences they still have a value and there are people that would want to live in the Historic District. He said he did not see that logic at all. He said he understood it from a developer's point of view, but he did not see how as individual homes they do not have any appeal or value.

Mr. Barnes said that may be true, but that was not really the scope of his work or report.

Mr. Schisler noted that none of the houses used for comparisons were on South Riverview Street, however people have purchased houses on Riverview Street, and they are redoing them. He said he was not sure what they paid for their houses, but there were people that were buying on that street and renovating two-bedroom bungalows and putting in large amounts of money and turning them into bigger residences. He said the houses on the comps provided were built between 1970 and 1990 in neighborhoods he was unfamiliar with. He said there was nothing regarding what people were paying to buy a historic house in the District to renovate and live in them or turn them into a rental/business property. He said there were many places that sold in Historic Dublin during the last couple of years while the market was poor.

Mr. Souders said the buildings have no value for individuals to buy and live in, as private residences is essentially what was being said by Mr. Barnes.

Mr. Schisler said 27 North Riverview Street was purchased for \$74,000, was worth \$192,000, and could be sold to make money.

Mr. Barnes said that he had no clue as to the condition of the property was for \$74,000 or what the renovation was to make it worth \$192,000, so they do not really know what the bases is or if it would be profitable. He said he thought that was kind of a leap from an economic standpoint.

Mr. Bird said another issue was that it was purchased 25 years ago at that price and at 2 percent compounded, it was probably close to that \$192,000. He said if he invested \$72,000 25 years ago, potentially he would make money over that value, however after inflation and everything else, it is probably under water too.

Mr. Schisler said right now, that property makes money as a rental property and it is not losing money.

Mr. Bird said it did not make money if the additional maintenance he mentioned earlier was included. He said maintenance costs were not included originally because there were two staff people that the owners have who have spent about 40 percent of their time over the last year on these six properties and they have paid salaries outside, so that was not accounted for in the expense and income statement he provided. He said the houses that were purchased 25 years ago do not cash flow if the additional maintenance involved is included.

Mr. Schisler said the cash flow was based on rental. He asked if the houses had any value as private residences.

Mr. Bird said everything has value. He said it was a question of what is a reasonable value for a person to purchase the property and renovate it to an acceptable rental condition in the market. He said that in the present condition, the rent has to be raised 50 percent to pay the renovation bill which is not going to happen. He said obviously any landowner that is going to rent it for as high a rent as he can possibly get, so if they make improvements to it, not only do they have to raise the rent 50 percent, they have to cover the new improvements, plus they need to borrow the money to do it. He said as income producing properties, these homes do not work.

Mr. Schisler said in that respect most of the homes did not work from the day they were purchased.

Ms. Bailey said she thought the challenge the Board was having with the wording of Condition 2 is the word 'no reasonable.' She said that was a polarizing statement, so the condition was impossible to meet. She said there is always going to be a 'reasonable economic use.' She said reasonable is a matter of opinion and that is what the Board is struggling with. She was not sure they would find resolution and she was not sure that anything that the applicant can present will resolve the issue because of the way that Condition is worded. She said she wondered why Condition 3 regarding deterioration was not applicable to the conversation based on what the Board is saying about damage and resale value.

Mr. Schisler said that the houses are being rented out and people are living in the houses.

Mr. Currie said regarding 'reasonable economic use' he was concerned that the proposal was to have office, retail, and residential uses, and the analyses was done using these houses strictly for residential use, and on North and South Riverview Street, there are homes converted to commercial, and it seemed like they should be looking at comparisons of rent for businesses to rent out those properties that have been converted into shops like there are on South High Street with bed and breakfasts with office buildings. He said to make it into a small cottage business area.

Mr. Bird said as retail, this area is never going to compete with what is on Bridge Street and High Street because it has no visibility and they are 12 feet below the Bridge Street surface, plus the Code requirements to upgrade these houses for commercial use would be astronomical. He said as a retail or commercial use, the Code requirements to bring them up to a viable use would be greater than for single-family residential.

Mr. Bird said these will continue being underperforming rental properties which may ultimately lead to significant deterioration. He said if they cannot maintain them viably on an income basis, they are going to do what they can to make them minimally habitable, but they are probably going to continue to under rent every year.

Mr. Schisler said the reality was that they created the non-reasonable economic value because they overpaid for the property. He said that under that thought process, anyone that wanted to buy a lot in Historic Dublin to construct a house, could overpay for it, rent it for a year, show that the economics don't work, and then demolish it. He said that it was neither his nor anyone else's in Dublin's fault that they overpaid for the houses. He said he owned rental property and he looked at the performance when he buys them to make sure that he is either breaking even or making money.

Mr. Bird the Code said 'no reasonable value.' He said Code was not looking at ten or twenty years ago, but today and forward.

Mr. Schisler said he thought if any one of these houses was put on the market at its tax appraised value, it would be sold.

Mr. Dyas asked what their mission as the Architectural Review Board was. He said it sounded like the Board was analyzing what the applicant has or has not done. He asked if whether or not the properties were purchased for the purpose of redevelopment or not should affect the way the Board is analyzing this.

Mr. Langworthy said he did not think so, but he could not tell the Board how to make that decision. He asked if in the report by Mr. Barnes the definition of financial feasibility came into play.

Mr. Barnes said the definition of financial feasibility is that the asset can produce enough income to support the use for which it was designed.

He said it had been his experience in the market that anybody that bought houses for investment purposes had to ultimately make money in one of two ways, either they had to have an inflating economy which pushed the value of the asset up over time, or they had to buy the asset at a deep enough discount to assure themselves that they could make money with either a distress sale or that kind of transaction. Mr. Barnes said that there is not generally any single-family dwelling that can be leased to make a high enough return over a consistent time period when you truly take into account reserves needed to cover short life building components that wear out over time, take care of interior décor items, clean and paint, and credit losses during the carry period of a vacant property, taxes, insurance, and everything else that goes on. Mr. Barnes said these properties are 100-year-old houses which have tiny or no closets, and galley kitchens. He said they did not know what the status was of the interior walls environmentally or the quality of the foundations. He said if he was a knowledgeable buyer, he thought there were many things that they did not know about these old houses, versus making a quantum leap at the Auditor's value as a true market value of these properties, if they are even mortgageable.

Ms. Bailey said she thought they were a little sideways on their mission. She said she understood where Mr. Barnes was coming from the standpoint that the wording was very challenging for both the applicant and the Board because it is a 'Yes' or 'No' situation. She suggested putting that aside. She said she did not believe that North Riverview Street could be compared to South Riverview Street because it was zoned differently, which she thought was for a good reason. She said the properties on South Riverview Street are very different from these six properties. She said the kind investments that residential buyers are making there, she did not think would not be made on North Riverview Street. She said as a South Riverview resident and as a Historic Dublin resident, she did not think that would not happen over there. Ms. Bailey said those properties are going to sit there as is, and they are going to move into Condition 3. She said they already have in the last ten years and she was not sure what they are going to do for the District, other than just be historic deteriorating buildings. Ms. Bailey said that she did not know that there was a winning proposition to be made with the wording of Condition 2. She suggested everyone putting that aside and really consider what they are discussing.

Mr. Souders said that the Board has been asked to evaluate the Demolition permit based on Conditions 2 and 4, so they have to consider their position on that

Mr. Phillabaum clarified that the Board needs to consider all four items, but that the two highlighted are the ones that the Administrative Review Team had determined were met by the applicant. He explained that the applicant has provided documentation attempting to address all four of the Conditions.

Ms. Bailey said it was impossible for the applicant to meet Condition 2 as it is vaguely worded. She said it was becoming a moot argument. She said if they can sell these properties for \$1, they cannot meet Condition 2.

Mr. Souders said the Board had to find if two out of the four conditions were met. He said as a group, he agreed with that Condition 1 was not met, and right now, Condition 3 is not met even though it may be moving towards it. He said there are only Conditions 2 and 4 for the Board to evaluate. He said the difficulty is that people can agree that it is probably true for Condition 4, even though it is a stretch.

Mr. Dyas asked what Mr. Souders considered as historical about the six structures.

Mr. Souders said they represent what Historic Dublin is, which is a set of older buildings that in and of themselves none are necessarily architecturally significant, but taken as a whole they are, this is a farm community, and those homes represented the style that Historic Dublin grew up on.

Mr. Dyas said he agreed on that, but he thought the condition of them took away from it.

Mr. Schisler said that these were part of the 200 lots that John Sells subdivided to sell the town of Dublin. He said those homes were built in 1890, 1900, 1921, 1890, and to him they are a part of the small park area where the spring is and where settlement began. He said he wished it was still connected to South Riverview Street, but it was not.

Mr. Bird said with this proposal, they came to the table and said that they were not proposing to tear anything down until they have approval of a replacement project, building permits, and financing. He said nobody wants an empty site. He said they are essentially saying that when it is ready to go is when those buildings would be demolished. He said they would not go through the rest of the process if the Board is going to say that they love and want to keep them forever. He reiterated that the two choices were slow deterioration or replacement consistent with the *2007 Community Plan* and the *Bridge Street Vision Report*. He said they want to be able to take the next step which is bringing the City a solution consistent with those adopted documents.

Mr. Currie addressed Condition 4, The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity. He recalled when the Board originally saw this, there was approximately a 1.5 acre property on the east side of North Riverview Street included.

Mr. Bird explained that the owners also have the two parcels on the east side of North Riverview Street. He said one has the red house on it which no one is proposing to tear down and there may be a viable use for and the rest may be of interest to the City to own at some point to develop parkland along the river.

Mr. Currie asked if the location of these six buildings was critical to developing the mixed-use proposal or if they could be preserved and instead develop the area east of North Riverview Street.

Mr. Bird said that they did not want to block the river view, so he kept the proposed development on the west side of North Riverview Street which would allow the public street to front on the river.

Mr. Langworthy said he could not see any feasible way they could do what Mr. Currie suggested. He said part of the area has a significant grade change and floodplain issues as well.

Mr. Schisler invited public comment regarding this application.

Steve Rudy, 129 South Riverview, Dublin, said his house was one of those that were not economically viable. He said he did not think there was any historic property that was economically viable. He said they are labors of love. Mr. Rudy suggested a way to compromise and save the cream of the crop, would be to relocate them to one end of the street, and then do this higher density stuff on the rest. He said if the City is going to let these properties go, that those people that are pouring ridiculous amounts of money into the Historic Inventory to keep it up should get some kind of award because none of them would pass Mr. Barnes test.

Mr. Currie said this request was to permit the demolishing of six single family residential structures, but it said nothing about the trees or the outbuildings.

Mr. Schisler said for what they want to build, they will eventually have to clear the site.

Ms. Bailey asked if the significant stone wall on the east side of North Riverview would be excluded.

Mr. Phillabaum said that wall was not part of the application for Demolition.

Mr. Currie asked if the plans that come back to the Board would have to include a provision to replace the trees.

Mr. Langworthy said the Tree Preservation requirements would have to be met. He said that this does not forgive them from other parts of the Code.

Motion and Vote

Bob Dyas made a motion, seconded by Tasha Bailey, to approve the following request for Board Order for Demolition, as the applicant has effectively demonstrated two of the four standards for Demolition as required by Code, with one condition:

1. That demolition will not occur until:
 - (a) City approval of a proposed design;
 - (b) Resolution with the City of Dublin on two sites along the river, agreement for improvements to Blacksmith Lane and agreement on several land related issues, i.e. right-of-way revisions, power lines and other normal development issues; and
 - (c) Building Permits issued.

The vote was as follows: Mr. Souders, no; Mr. Currie, yes; Mr. Schisler, no; Ms. Bailey, yes; and Mr. Dyas, yes. (Approved 3 – 2.)

Mr. Langworthy said that the City was soon to initiate a concentrated planning effort for the area along the river, essentially starting at about Emerald Parkway down to Bridge Street. He said there are possibly other redevelopment opportunities in this area in addition to this concept.

Mr. Currie asked if they were following the Community Plan or the Bridge Street Code.

Mr. Langworthy said they were probably closer to the Vision Plan, but noted that the Vision Plan and Community Plan share many objectives in this area of the Historic District. He said that for areas under consideration that are outside of the Historic District, the Vision Plan is more reflective of the direction they will be guided by. Mr. Langworthy said that in the next 60 to 90 days, the planning process will be completed in order to take advantage of some development opportunities that are coming and to provide

guidance to developers who are contemplating development in this area. He said that the Board will see a lot more about this in the next few weeks.

Mr. Schisler adjourned the meeting at 8:45 p.m.

As approved by the Architectural Review Board on December 19, 2012.



City of Dublin

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ADMINISTRATIVE REVIEW TEAM

RECORD OF DETERMINATION

NOVEMBER 1, 2012

The Administrative Review Team made the following determination at this meeting:

4. BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment – Demolition Request 12-063ARB 40 Blacksmith Lane – 53 North Riverview Street Board Order Request for Demolition

Proposal: This is a request for a recommendation from the Administrative Review Team to the Architectural Review Board for a request for a Board Order to permit the demolition of six single-family residential structures in Historic Dublin. The proposed demolition would facilitate the future redevelopment of the properties as a comprehensive mixed-use development.

Request: Approval of demolition under the provisions of the Dublin Zoning Code related to the Architectural Review Board, §153.173 and §153.176-177.

Applicant: Gerry N. Bird, Bird Houk Collaborative, a Division of OHM

Planning Contact: Dan Phillabaum, AICP, ASLA, Senior Planner

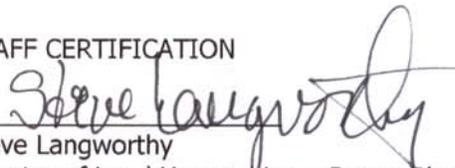
Contact Information: (614) 410-4662, dphillabaum@dublin.oh.us

DETERMINATION: Recommendation of approval to the Architectural Review Board of the request for Board Order for Demolition, having effectively demonstrated two of the four standards for Demolition as required by Code, with the following conditions:

- 1) That demolition will not occur until:
 - (a) City approval of a proposed design; and
 - (b) Resolution with the City of Dublin on two sites along the river, agreement for improvements to Blacksmith Lane and agreement on several land related issues, i.e. right-of-way revisions, power lines and other normal development issues; and
 - (c) Building Permits issued.

RESULT: This application was forwarded to the Architectural Review Board with a recommendation for approval.

STAFF CERTIFICATION


Steve Langworthy
Director of Land Use and Long Range Planning
Administrative Review Team Chair



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ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

NOVEMBER 1, 2012

1. 12-063ARB-BPR – BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment – Demolition and Basic Plan Review – 40 Blacksmith Lane – 53 North Riverview Street

Steve Langworthy said this is a request for a recommendation of approval to the Architectural Review Board of the demolition of six existing residential structures located on the west side of North Riverview Street between Bridge Street and North Street on six parcels zoned BSC Historic Core District. He said this is a request for demolition under the provisions of Zoning Code Section 153.176.

Dan Phillabaum said this application is very different from what the Administrative Review Team (ART) normally reviews; this application is for recommendation for demolition only, not approval of any future construction on the property. He said Zoning Code Section 153.176 states that in cases where an applicant applies for a Board Order to demolish a structure within the Architectural Review District, the application may be approved when the applicant is able to demonstrate economic hardship or unusual and compelling circumstances, or at least two of the following conditions prevail:

- 1) *The structure contains no features of architectural and historic significance to the character of the area in which it is located; and*
- 2) *There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition; and*
- 3) *Deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful; and*
- 4) *The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity; or, the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity of the District.*

Mr. Phillabaum said the level of documentation required for economic hardship is extensive, especially for six properties.

Mr. Phillabaum said Zoning Code Section 153.177(E) identifies the following criteria to determine if there is a substantial economic hardship. The Zoning Code does not specify whether all criteria must be met, or if meeting only one criterion is sufficient:

- (1) Denial of a certificate will result in a substantial reduction in the economic value of the property; and*
- (2) Denial of a certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form; and*
- (3) No reasonable alternative exists consistent with the architectural standards and guidelines for the property; and*
- (4) The owner has been unable to sell the property.*

Mr. Phillabaum said the Architectural Review Board (ARB) could request the applicant to provide additional financial information to prove hardship.

Gerry Bird, the applicant, stated that the property owner currently only has operational expenses from 2011.

Mr. Phillabaum said that it is Planning's opinion that the information provided does not adequately demonstrate that the criterion for economic hardship has been met.

Mr. Langworthy said in the past, there have been individual homeowners who may not have had the financial means to make improvements that meet the standards required by the Zoning Code, and the Architectural Review Board has used this criterion in reviewing those particular applications.

Mr. Phillabaum said that if the first criterion related to economic hardship cannot be met, then at least two of the following four conditions must be met:

Conditions for Demolition

- (1) The structure contains no features of architectural and historic significance to the character of the area in which it is located; and*
- (2) There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition; and*
- (3) Deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful; and*
- (4) The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity;*

OR [emphasis added], the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District.

Mr. Phillabaum said that following Planning's analysis of the materials submitted, it is Planning's opinion that the first condition has not been met. He said the applicant hired ASC Group, an archaeological and

historic preservation consultant firm, to analyze the architectural and historic significance of the existing structures. He summarized the ASC Group's findings that the homes are not historically or architecturally significant, principally because the homes are absent from the National Register of Historic Places. Mr. Phillabaum stated that just because the homes are not on the National Register should not diminish the historic significance of these structures. He said while these particular structures are isolated from the concentration of historic properties on *South* Riverview Street, the relative scarcity of homes of this age and architectural character like these homes creates an increased level of importance on the remaining pre-World War II structures that still exist in Dublin, and how they maintain part of the cultural history of the historic village center of the city. He said as a group, the homes create a consistent streetscape along North Riverview that is reflective of the historic village character. He said although the homes are not examples of period architectural styles, they are vernacular residences constructed at the turn of the century.

Mr. Bird said according to the Ohio Historic Inventories (OHI) the homes contribute to the character of the street, which only consists of these six structures.

Mr. Langworthy said the homes were separated from the rest of the neighborhood to the south by the bridge. Mr. Bird agreed and said the bridge used to be much lower and created less of a barrier.

Ray Harpham stated that the homes should not be demolished just because they are not on the National Register of Historic Places if they are thought to contribute to the nature of the street.

Fred Hahn asked how old a home must be and what the criteria are to place a home on the Ohio Historic Inventory (OHI).

Mr. Phillabaum said a structure is required to be at least 50 years old, but there does not need to be any proof of age, character, or historic significance to be eligible for the OHI.

Mr. Harpham said that based on the wording of the condition, *The structure contains no features of architectural and historic significance to the character of the area in which it is located*, if an acceptable "area" can be as small as one street, we are doing a disservice by accepting the finding of the report provided by the consultant.

Mr. Phillabaum said the second condition, *There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition* has been met in Planning's opinion. He said the applicant hired Brian W. Barnes & Co., Inc. real estate appraisers and consultants, to analyze the properties to determine the financial feasibility as a real estate investment in both "as is" and "as if renovated" conditions. He said the financial analysis concludes that the properties result in negative cash flow for the property owner with no return on equity, and the properties will not appreciate without considerable renovations.

Mr. Phillabaum said the costs of renovating the properties would result in substantially increased rent far exceeding current market rates, which would make it very difficult to attract renters. He said selling the homes would also prove difficult as the cost of renovations would double the cost of the homes, pricing them out of the current market. He said it is the consultant's opinion that renovating the six units for rental or for sale would not be a viable investment.

Mr. Langworthy confirmed that the Administrative Review Team members agreed with the finding for the second condition.

Mr. Phillabaum said the third condition, *Deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful* has not been met. He said the deterioration of the properties was not a result of intentional neglect.

Mr. Phillabaum said the fourth condition, *The location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity; OR [emphasis added], the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District* has been met based on several existing and adopted plans for the area. He said that the Future Land Use Map in the 2007 Community Plan designates this area, and the core of the Historic District, as a Mixed Use Village Center. He said this is generally described as an integrated mix of land uses within a pedestrian oriented environment. He said the proposed mix of uses is generally consistent with the Future Land Use designation of Mixed Use Village Center as identified in the Community Plan.

Mr. Phillabaum said the conceptual application for proposed redevelopment meets the following five Vision Principals:

1. *Enhance economic vitality: Create vibrant and walkable mixed-use districts that build on the community's quality and character to make a highly competitive place to live, work, and invest.*
2. *Integrate the new center in the community life: Connect the Bridge Street Corridor to the surrounding community through enhanced bike, pedestrian, auto and transit connections, lively public spaces and a mix of retail and other uses that invite the larger community, and with civic, educational, and other uses to engage the full spectrum of community life.*
3. *Embrace Dublin's natural setting and celebrate a commitment to environmental sustainability: Celebrate the Scioto River, North/South Indian Run, and other natural features as symbols of Dublin's commitment to environmental preservation and sustainability.*
4. *Expand the range of choices available to Dublin and the region. Offer housing, jobs, shopping, recreation, transportation and other choices increasingly supported by changing demographics and lifestyles to complement and strengthen Dublin's existing community fabric.*
5. *Create places that embody Dublin's commitment to community: Design a 21st-century center for community inspired by Historic Dublin and marked by walkability, variety, and vitality.*

Mr. Bird said the structures will not undergo demolition until the proposed development has been approved by the Architectural Review Board and financing has been obtained.

Mr. Langworthy summarized that the applicant has addressed all four criteria and the Administrative Review Team recommendation reflects findings for each of the four demolition conditions.

Mr. Langworthy asked if there were comments concerning the condition of hardship. [There were none.] He concluded that the ART was in agreement that the first condition regarding economic hardship had

not been met, and therefore at least two of the subsequent four conditions would need to be met for the ART to recommend approval to the Architectural Review Board.

Mr. Langworthy asked if there were comments concerning the first condition related to the structures' historic character.

Mr. Bird pointed out that the homes are not accessible without traveling down an alley with a fair amount of service uses and other unsightly conditions, and that the homes are not visible from major street in the Historic District.

Lt. Steve Farmer asked what determines the historic significance of a structure.

Mr. Phillabaum said the scarcity of the historic structures in the vicinity is a major part of the significance of these structures. He said rural areas like Dublin at the turn of the century did not see period architecture, but these homes add significance to Dublin history.

Lt. Farmer said based on that analysis, it would seem that the homes are significant to maintaining the historic significance of the area, failing to meet the first condition.

Mr. Bird said the land on the north side of Bridge Street is not as historically significant as the south side of Historic Dublin, with fewer contributing structures.

Jeannie Martin pointed out that because structures like these are very limited in Dublin makes them part of Dublin's architectural history.

Mr. Harpham agreed, but stated that it was his opinion that because the structures were isolated to the extent that they are by the bridge, the commercial uses surrounding this block, and the limited number of other contributing historic structures in this area that the first condition had been met. He said that the "area" referenced in the first condition was the blocks of North Riverview that are the subject of this application, and although the structures are aged and qualify for the OHI, they are not the same historic significance as the homes on South Riverview Street, where there is a critical mass of historic structures.

Mr. Langworthy concluded that there was some differences of opinion among the Administrative Review Team members with respect to the first condition, with strong arguments suggesting that the condition had been met, and that it had not been met. He said that the ART's comments would be passed along to the Architectural Review Board for consideration. He said however, the ART has found that at least two of the four standards for Demolition as required by Code had been met, with the following conditions:

- 1) That demolition will not occur until:
 - (a) City approval of a proposed design; and
 - (b) Resolution with the City of Dublin on two sites along the river, agreement for improvements to Blacksmith Lane and agreement on several land related issues, i.e. right-of-way revisions, power lines and other normal development issues; and
 - (c) Building Permits issued.

He explained the Administrative Review Team would make a recommendation of approval as submitted to the Architectural Review Board of this request for demolition and that this proposal would be reviewed by the Architectural Review Board on November 15, 2012.



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ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

OCTOBER 25, 2012

1. 12-063ARB-BPR – BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment – Demolition and Basic Plan Review – 40 Blacksmith Lane – 53 North Riverview Street

Dan Phillabaum explained that the Administrative Review Team requested additional information about the demolition request at a previous ART meeting, which the applicant has provided. He said an analysis of the materials will be available next week. He said the applicant is proposing to move forward with this application to the November Architectural Review Board meeting, with a recommendation from the ART requested at next week's meeting. He asked the applicant to provide an overview of the new application materials.

Gerry Bird, Bird Houk Collaborative, applicant, said he has hired the ASC Group, Inc., architectural consultants to evaluate the six buildings. He said the report states that the houses contain no features of architectural and historic significance to the character of the area in which they are located. He said additional findings are as follows:

- 1) The houses were not identified as significant in the following survey of Washington Township that lead to the NRHP listing for the Historic Resources of Washington Township in 1970; and
- 2) The six houses are not a critical mass of buildings that form a distinct entity at this location separate from the neighboring buildings to the north and west; they do not form a NRHP-eligible historic district in their own right; and
- 3) The six houses are not part of a larger neighborhood of comparable buildings, being isolated by terrain to the east, commercial land use to the north and west with generally non-historic buildings, and the raised grade of Bridge Street to the south; they are not part of a larger NRHP-eligible historic district encompassing the surrounding area; and
- 4) None of the six houses has sufficient architectural significance to be individually eligible for the NRHP, three of the six lack integrity under the NRHP standards, and
- 5) None of the six houses displays the use of brick or stone construction or pre-1860 design features.

Mr. Bird said previously the ART asked for a report of expenses for the upkeep of this property. He said two employees spent approximately 25% of their time maintaining these properties totaling \$20,000 which adds to the \$54,000 expenses to this property a year. He said depreciation on these properties is

\$58,000 every year. He said the properties currently provide a negative cash flow and no return on equity prior to any tax considerations.

Mr. Bird said he also had the property appraised. He said renting the property requires a gross rent of \$2.88 per square foot per month, which is well above market rates of \$1.25 and \$1.50 per square foot. He said the gross monthly rent payment per dwelling would range between \$5,000 and \$1,800 or between \$22,000 +/- and \$60,000 per year. He said although the units stand alone they do not have the amenities other rentals have such as pool, clubhouse or work out facilities.

Mr. Bird said a renovation would cost \$310,000 per unit or about \$250 per square foot; to profit the net sale price must be \$370,000 or \$300 per square foot. He said the current market in Dublin is \$260,000 and \$325,000 for a dwelling 2,000 and 3,000 square feet, which is \$120 and \$140 per square foot. He said the dwellings could not compete with more traditional housing in the Dublin market.

Mr. Bird said if the properties were renovated and rented the costs would prohibit the homes from competing with the local housing stock. He said in order to profit from the properties he must ask twice the market pricing.

Mr. Phillabaum asked if there were any further questions for Mr. Bird.

Barb Cox asked if the determination only applies to the demolition. Mr. Phillabaum said yes.

Mr. Phillabaum asked the Administrative Review Team (ART) members to send any comments or recommendations to be incorporated into the ART report. Rachel Ray said the ART recommendation date for this case is November 1 and Architectural Review Board determination is scheduled for November 15.



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ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

SEPTEMBER 27, 2012

1. 12-063ARB-BPR – BSC Historic Core District – North Riverview Street Mixed-Use Redevelopment – Demolition and Basic Plan Review – 40 Blacksmith Lane – 53 North Riverview Street

Dan Phillabaum said this is a request for approval of the demolition of six existing residential structures located on the west side of North Riverview Street between Bridge Street and North Street on six parcels zoned BSC Historic Core District. He said as part of the request for demolition, the applicant is requesting review of a mixed-use development proposal including restaurant, retail, office, and residential uses. He said this is a request for demolition under the provisions of Zoning Code Section 153.176.

Mr. Phillabaum explained that he had sent the applicant a comment letter with preliminary comments and suggestions for additional information recommended to support the request for demolition, on which all of the ART members were copied. He noted that in the letter, he recommended, after discussions among Planning staff, that the Basic Plan Review request will be postponed from the proposal when it moves forward to the Architectural Review Board (ARB) because of technical issues with the plan. He said additional meetings with the applicant can be scheduled to discuss those technical issues specific to the Basic Plan application in more depth if necessary.

Mr. Phillabaum said the purpose of this afternoon's discussion with the ART is to address the comments on each condition given to the applicant, summarized in the comment letter sent earlier in the week. He asked the applicant if he would respond to the comments on each condition.

Condition 1

Mr. Phillabaum stated that in order to best respond to the first condition, documentation from an impartial party about the historical significance of these structures is strongly recommended.

Gerry Bird, Bird Houk Collaborative, a Division of OHM, the applicant, said he tried to find a historic preservation professional that would recommend that the structures be demolished, but there simply isn't anyone. He said all but one of the historians he spoke with state that the properties add character to North Riverview, although only one or two of the six homes are salvageable.

Gary Gunderman inquired why the rest are not salvageable.

Mr. Bird said they are deteriorated to the point of needing to be completely rebuilt in order to make them marketable.

Jeff Tyler asked if the homes were inhabited. Mr. Bird said yes.

Mr. Tyler commented that not enough documentation has been provided to support the claim that the structures are unsalvageable. He said the fact that these structures are separated from the rest of the district may be a significant argument regarding the historic character of these properties, and perhaps the applicant should focus more on this particular aspect of the condition.

Mr. Bird agreed with Mr. Tyler and commented that that was the point he was trying to make in response to Condition 1.

Fred Hahn said the first Condition is probably the most subjective, because the condition of the homes is subjective to the reviewer, as well as the overall historical significance. He recommended that the applicant spend more time arguing the other conditions, since this Condition can likely be effectively argued in both ways.

Mr. Tyler asked if the homes are within the National Register boundary. Mr. Phillabaum said no, the boundary is largely south of Bridge Street.

Mr. Bird said all but one of the homes are on the Ohio Historic Inventory, but historic preservation consultants will not ever recommend that any structures built before 1950 be torn down.

Laura Ball asked if Mr. Bird has contacted Bob Loversidge, who was in charge of the historic building demolition on the corner of Broad and High Street. She said Bob has successfully had historic structures demolished.

Mr. Bird said he has not spoken to him yet but would try to get in contact with him.

Mr. Tyler suggested that Mr. Bird not ask the historic preservation consultants to comment on or make a recommendation specific to the request for *demolition*, but instead to comment on the overall historic significance of the structures, speaking directly to the condition rather than the demolition request.

Condition 2

Mr. Phillabaum said perhaps historic preservation could back up the argument that the homes are economically unfeasible to restore. He suggested that more information or market data from third party real estate consultants could be provided to address Condition 2, confirming the subjective aspect of the "market obsolescence" of these structures.

Mr. Bird said continuously spending the money for consultants to assess the property is becoming an issue for the property owner, and the owner simply doesn't have all of the documentation necessary to show what has been spent on the structures by way of repair, and what would need to be spent to restore the structures to the point that they could be rented at a market rate.

Mr. Phillabaum suggested that the applicant not to devote as many resources on conditions that are subjective, and focus more on providing data and other documentation to address some of the other conditions that are less subjective.

Mr. Harpham said an appraiser can report on the value and best use of a property.

Mr. Phillabaum asked if Mr. Bird had the dates of the appraisals.

Mr. Bird said he only has the Franklin County Auditor's appraisals, and there are no comparables since no properties in Historic Dublin have been sold within a mile of this property according to the Board of Realtors database.

Mr. Phillabaum noted that with respect to the market comparables, there are buyers who will pay more for historic properties, and will take the time and effort to restore them.

Mr. Tyler said this goes back to the first condition, and the overall isolation of these structures on the north side of Bridge Street. He commented that the rehabbers and "DIY-ers" interested in restoring historic structures in places like Victorian Village, German Village, or Old Town East choose these places because there is a critical mass of other similar homes in the neighborhood, and that over time, the area can improve. He stated that it seems that despite the interest of individuals interested in restoring old homes, they will still be isolated since there is no critical mass and therefore likely a lower return on investment.

Mr. Harpham said because the Architectural Review Board is, by their very purpose, in the business of preserving historic structures and historic character, documentation from a third party is going to be very important in favorably addressing these conditions.

Condition 3

Mr. Phillabaum said documentation of costs of upkeep would be useful to support this condition, in addition to costs of projected improvements necessary to make the homes marketable.

Mr. Bird said the homes are safe, they just don't have modern amenities such as modern kitchens, bathrooms, etc. He said to bring them up to date, the rent would have to go up 50%; when an unforeseen event occurs and the property needs to be repaired the owner is not seeing a return on investment.

Mr. Harpham suggested that the applicant needs to choose two of the four conditions they want to meet rather than trying to tackle all four.

Mr. Tyler said there needs to be an analysis of the money spent on these properties.

Condition 4

Mr. Harpham confirmed that the homes will not be demolished unless a project for that property is approved.

Mr. Phillabaum confirmed that the homes will remain, and noted that the ARB needs to approve at a minimum a conceptual project that contributes to the City's goals for the District as one of the conditions for demolition.

Mr. Bird said there are no plans to tear down the homes until a project is ready to move forward.

Gary Gunderman asked if there were any further questions for Mr. Bird or Mr. Phillabaum. [There were none.]



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ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

SEPTEMBER 20, 2012

**12-063ARB-BPR – BSC Historic Core District – North Riverview Street Mixed-Use
Redevelopment – Demolition and Basic Plan Review – 40 Blacksmith Lane – 53 North
Riverview Street**

Fred Hahn said during the last meeting Jeff Tyler asked about having the applicant demonstrate there is a financial burden to repair the property.

Dan Phillabaum reported that Mr. Tyler commented that he was not convinced of the argument that no economic use of the property remains; he said that Mr. Tyler would like to see more information about the costs of renovation.

Mr. Hahn suggested bringing in a contractor to estimate the costs of repair.

Jeannie Martin suggested a contractor who specializes in historic structures.

Barb Cox said the description should include what it will cost to make the property livable by today's standards.

Mr. Hahn said the ability to recover the cost after the renovations could be an argument for the applicant.

Mr. Langworthy said it will put the applicant at a disadvantage if two of the properties can be renovated but four cannot. He said it needs to be determined which structures maintain historic significance.

Ray Harpham said what is considered a fair return on the renovation of these properties will differ by person. He asked if the new structure can contribute to the area more than the current structure. He said willful neglect of any building will deteriorate it over time.

Mr. Hahn asked if condition four has the strongest potential to be found favorable to the applicant.

Mr. Phillabaum said condition four is certainly the easiest condition for the applicant to demonstrate that it has been met. He said the current structures will not be demolished until the design for a new structure is approved.

Mr. Langworthy said the Basic Plan Review application submitted with this application is intended to showcase what is going to be put in place of the structures, should they be demolished.

Chief Woo said the existing properties will need an asbestos inspection.

Ms. Martin said the property owner could have been updating the property all along.

Mr. Langworthy said he has asked for a list of improvements but none have been provided at this time.

Ms. Cox said it would be hard to review permit records because not everything requires a permit.

Mr. Langworthy said it may be possible to find someone who will restore the buildings and not expect a return on their investment.

Mr. Hahn asked if the parking is self contained. Mr. Phillabaum said it meets the number of parking spaces per Code.

Mr. Hahn asked if there was on-street parking. Mr. Phillabaum said that there was on-street parking on Blacksmith Lane, but the spaces are angled the wrong way. Mr. Phillabaum said parallel parking may be required; we will need to know what type of streetscape is desired.

Ms. Cox said there cannot be parking on North Riverview because the right of way is needed for sewer and water. She said there is public infrastructure on Wing Hill.

Mr. Harpham asked if a fire truck can get down the east side.

Ms. Cox said there is a grade separation which would prevent the fire department from going straight through.

Chief Woo said Fire is concerned with the access, but not egress. He said the largest fire truck is 70 feet and it does not look like the truck would be able to make the turn.

Mr. Hahn said it appears as though the plan will need to be reconfigured to address some of these concerns. Mr. Phillabaum agreed, and noted that Planning would point out some of the major considerations to the applicant.

Chief Woo said there needs to be set up in the corners of the building and a set zone. Mr. Langworthy inquired if fire can set up on Bridge Street. Chief Woo said yes.

Ms. Cox said there is no water on Blacksmith and the hydrant on Riverview is not easy to reach.

Mr. Langworthy asked Fire to send Mr. Phillabaum all of their concerns to incorporate into the report. He asked if there were any further comments. [There were none.]



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ADMINISTRATIVE REVIEW TEAM

MEETING MINUTES

SEPTEMBER 13, 2012

**12-063ARB-BPR – BSC Historic Core District – North Riverview Street Mixed-Use
Redevelopment – Demolition and Basic Plan Review – 40 Blacksmith Lane – 53 North
Riverview Street**

Dan Phillabaum noted that the agenda had a special presentation on the Demolition Conditions programmed for the end of the meeting, but he would provide an overview of the Conditions as part of the introduction of this application to the Administrative Review Team (ART) members. He stated that the applicant was unable to attend this meeting, but was planning to attend the Administrative Review Team meeting on Thursday, September 27 to answer any questions the ART members may have prior to a recommendation to the Architectural Review Board on October 4.

Mr. Phillabaum said this is a request for approval of the demolition of six existing residential structures located on the west side of North Riverview Street between Bridge Street and North Street on six parcels zoned BSC Historic Core District. He said as part of the request for demolition, the applicant is requesting review of a mixed-use development proposal including restaurant, retail, office, and residential uses under a Basic Plan Review. He said this is a request for demolition under the provisions of Zoning Code Section 153.176 and for review of a Basic Plan Review application under the provisions of Zoning Code Section 153.066(D).

Mr. Phillabaum provided an overview of the site, including the six existing structures and two parcels located on the east side of North Riverview Street adjacent to the Scioto River, and the surrounding development context. He noted that the Basic Plan Review application, outlining the proposal for a mixed use development project, has been submitted to respond to the fourth condition for demolition.

Steve Langworthy pointed out that there were two parcels on the river that the applicant was proposing to either sell or dedicate to the City if there was interest in extending the Dublin Spring Park farther north along the Scioto River.

Fred Hahn said that the City would be very interested in those parcels for an extension of the park.

Mr. Phillabaum explained that there are two components of the request for Demolition Review under Code. He said that the applicant must either demonstrate that there is economic hardship or unusual and compelling circumstances associated with maintaining the existing structures, *or* demonstrate that two of four conditions for demolition have been met. He said he would describe each condition for the ART members and provide an overview of the information presented by the applicant to demonstrate that the

condition has been met. The applicant has elected to provide supporting documentation for both economic hardship as well as all four of the alternative conditions.

Mr. Phillabaum stated that the first condition is that *the structure contains no features of architectural and historic significance to the character of the area in which it is located*. He said that the applicant has provided background data about the character and condition of each of the structures.

Mr. Langworthy commented that the key phrases in this condition are *architectural and historic significance*. He said that the ART members could consider this condition as it relates to each particular structure, or to the structures as a group.

Jeff Tyler asked if any of the structures were on the National Register. Mr. Phillabaum answered that none were. Mr. Tyler asked if any of the structures were on the Ohio Historic Inventory (OHI). Mr. Phillabaum reported that all of them were.

Mr. Hahn asked if anyone could add any older structure to the OHI. Mr. Phillabaum said they could, and the City may have added these structures as part of a "sweep" of the Historic District at some point in the past. Mr. Hahn asked if there was any statement of historical significance noted on the OHI registration for any of these structures. Mr. Phillabaum said he did not recall if there were any statements like that in the inventories, and would distribute copies of the OHI inventories for these properties to the ART as well as to the applicant.

Mr. Langworthy commented that, to some extent, the first condition looks at each of the structures individually, while the fourth condition addresses the structures as a group. He said, in fact, when this application was reviewed as a Concept Plan by the Architectural Review Board, Planning and Zoning Commission, and City Council, there was some discussion about whether the north portion of the Historic District has developed to the point that it may no longer be appropriate for residential uses in this part of the Historic District.

Barb Cox inquired if the discussion referred to the appropriateness of *single-family detached* residential uses, since higher density residential development as part of a mixed use development is consistent with the plans for this area.

Mr. Tyler asked if there had been any CIP funds programmed for the improvement of North Riverview Street, and if any improvements had been made in the past few years. Ms. Cox commented that the last major improvement was stormwater system upgrades, but that has been over ten years. Mr. Hahn said that there weren't any funds programmed in the current CIP.

Ms. Cox asked if the applicant was required to submit separate applications for each property, or if it was acceptable for the lots to be submitted as part of a single application. Mr. Langworthy said that the sites could be submitted together, because theoretically, the Architectural Review Board could find that certain conditions could be met for some of the lots or structures, but not for others. He noted that the applicant had also provided information for each structure individually.

Ms. Cox asked if the applicant had tried to sell any of the homes, and if there were any interior photos of the structures. Mr. Phillabaum said that the property owners had not, since they had been assembling the properties over the years for the purposes of a larger scale redevelopment project, and that was a big part of the reason why these sites were shown to be redeveloped in both the 2007 Community Plan and in the Bridge Street Corridor Vision Plan. He said that the applicant had not submitted any interior photos.

Mr. Phillabaum said that the second condition states *that there is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative*

to demolition. He noted that the applicant had submitted comparable sales and market data for this proposal.

Mr. Langworthy said that the key part of this condition is whether there is a reasonable economic use as the structures *exist or as restored*, and that there is *no alternative to demolition*.

Ms. Cox noted that the structures *could* be moved, but it would be very expensive, and very challenging with the grades.

Mr. Phillabaum continued that the third condition is that *deterioration has progressed to the point where it is not economically feasible to restore the structure and such neglect has not been willful*. He reported that the applicant had provided information demonstrating that the structures have not been neglected, and that improvements have been made to make the structures habitable as rental dwelling units.

Mr. Langworthy added that the *cost of restoration* should be considered with respect to this condition. Mr. Tyler said that it would be helpful to have more specific examples of the costs to improve the structures. He said that the applicant had submitted some general cost estimates, but in order to appropriately understand the applicant's understanding of *economic feasibility* as it pertains to this condition, more information would be helpful.

Mr. Phillabaum concluded that the fourth condition is that *the location of the structure impedes the orderly development, substantially interferes with the Purposes of the District, or detracts from the historical character of its immediate vicinity; or, the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District*. He said that the applicant's application for Basic Plan Review had been submitted to provide documentation in support of this condition, demonstrating that the development proposal to replace the existing residences is consistent with the City's overall vision for this area of the Historic District.

Mr. Phillabaum provided an overview of the applicant's development proposal for this site, including 27 dwelling units, 3,414 square feet of retail uses, 5,000 square feet of restaurant use, and 11,160 square feet of office use, as well as 46 private parking spaces and 89 public parking spaces. He presented site plans and conceptual elevation renderings of the proposed development.

Mr. Hahn asked how the footprint of the project relates to the existing right-of-way. Mr. Phillabaum identified the site boundaries on the plans, but noted that the applicant had not depicted existing rights-of-way of North Blacksmith and North Riverview on the proposal. He stated that the proposal includes angled on-street public parking spaces accessed from North Blacksmith. He continued that the rest of the spaces are accessed from North Riverview, which is at a lower elevation. He said a portion of the parking spaces under the proposed southern building and the spaces along North Riverview were public. He said the private parking is located under the northern building and a portion of the southern building.

Mr. Hahn asked about the purpose of the connector proposed between the two buildings that spans over Wing Hill, and if there are any fire issues with the height. Mr. Phillabaum stated that those are details that would be looked at as this project moves forward.

Lt. DeJarnette asked Mr. Phillabaum to clarify the parking configuration.

Mr. Hahn asked if this project was required to meet the Bridge Street Code.

Mr. Phillabaum said that this project was previously the subject of a Concept Plan Review, which is non-binding. As this is now coming forward after the effective date of the rezoning and adoption of the

Bridge Street Code, it would be required to comply. He said that Planning would be conducting a more in-depth analysis of the proposal as it adheres to the Code as part of the Basic Plan Review.

Mr. Hahn asked how close the project was to meeting the Bridge Street Code. Mr. Langworthy said that with a few revisions it could probably get pretty close, once we understand the building type proposed and work through the details when we get to that point.

Mr. Tyler asked about the process for the Basic Plan Review.

Mr. Langworthy instructed the Administrative Review Team to forward comments specific to the demolition and the four demolition criteria to Mr. Phillabaum as soon as possible. He confirmed that there were no further questions regarding this application.