



City of Dublin

**Land Use and Long Range Planning**

5800 Shier Rings Road • Dublin, OH 43017-1090

Phone: 614-410-4600 • Fax: 614-410-4747

# Memo

**To:** Members of Dublin City Council

**From:** Marsha I. Grigsby, City Manager *MIG*

**Date:** November 15, 2012

**Initiated By:** Steve Langworthy, Director of Land Use and Long Range Planning

**Re:** Right-of-Way Encroachment Request - Vesha Law Firm (Case No. 12-083ROW)

## Request

This is a request for the approval of a Right-of-Way Encroachment permit for a ground sign to encroach approximately 10 feet into the right-of-way along South High Street in the Historic District.

## Summary

On August 29, 2012, the Architectural Review Board approved an application for Minor Project Review for signs, site and architectural modifications for an existing building located at 38 South High Street, at the northeast corner of South High Street and Spring Hill in Historic Dublin. As part of this application, a new 5.33-square-foot sign panel was approved on an existing nonconforming 7.5-foot wood sign post located in the tree lawn in front of the building.

Encroachments into rights-of-way which do not interfere with the public use are permitted as long as the owner of the structure understands that the City may perform repairs, inspections or otherwise gain access into the area for a public purpose. The City is not responsible for any damage or reconstruction to any encroaching structure. Requests for right-of-way encroachments must be reviewed and approved by the City Engineer and City Council.

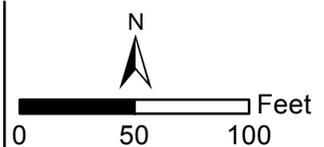
## Recommendation

Engineering has reviewed the plans and approved the request, finding that the sign meets the requirements for approval, and a hold harmless agreement has been received. The City Engineer and Planning recommend Council approval of the Right-of-Way Encroachment request.



City of Dublin  
Land Use and  
Long Range Planning

12-083ROW  
Right-Of-Way Encroachment  
BSC Historic Core District - Vesha Law Office  
38 S. High Street





**CITY OF DUBLIN.**

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236  
Phone/ TDD: 614-410-4600  
Fax: 614-410-4747  
Web Site: www.dublin.oh.us

**PLANNING AND ZONING COMMISSION APPLICATION**  
(Code Section 153.232)

**I. PLEASE CHECK THE TYPE OF APPLICATION:**

<input type="checkbox"/> Informal Review	<input type="checkbox"/> Final Plat (Section 152.085)
<input type="checkbox"/> Concept Plan (Section 153.056(A)(1))	<input type="checkbox"/> Conditional Use (Section 153.236)
<input type="checkbox"/> Preliminary Development Plan / Rezoning (Section 153.053)	<input type="checkbox"/> Corridor Development District (CDD) (Section 153.115)
<input type="checkbox"/> Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Corridor Development District (CDD) Sign (Section 153.115)
<input type="checkbox"/> Amended Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Standard District Rezoning (Section 153.018)	<input checked="" type="checkbox"/> Right-of-Way Encroachment
<input type="checkbox"/> Preliminary Plat (Section 152.015)	<input type="checkbox"/> Other (Please Specify): _____

Please utilize the applicable *Supplemental Application Requirements* sheet for additional submittal requirements that will need to accompany this application form.

**II. PROPERTY INFORMATION:** This section must be completed.

Property Address(es): 38 High South High St, Dublin, OH 43017	
Tax ID/Parcel Number(s): 273-00007200-00	Parcel Size(s) (Acres): .127 Acres
Existing Land Use/Development: The building was previously used as a tattoo parlor.	

**IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:**

Proposed Land Use/Development: The building will now be used by a law firm.
Total acres affected by application: .127 Acres

**III. CURRENT PROPERTY OWNER(S):** Please attach additional sheets if needed.

Name (Individual or Organization): Lucky Duck Investments LLC	
Mailing Address: (Street, City, State, Zip Code) 4237 Kendale Road Columbus, OH 43220	
Daytime Telephone: 614.782.1010	Fax: 614.467.3807
Email or Alternate Contact Information: nicholas@dublinlawyer.com	

**RECEIVED**

NOV 02 2012  
12-083 ROW  
CITY OF DUBLIN  
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**IV. APPLICANT(S):** This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name: Shawn Bogenrife	Applicant is also property owner: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
Organization (Owner, Developer, Contractor, etc.): Architect	
Mailing Address: Bogenrife Architecture LLC, 1443 Snowmass Road, (Street, City, State, Zip Code) Columbus, OH 43235	
Daytime Telephone: 513.379.2454	Fax: Please send e-mail.
Email or Alternate Contact Information: sbogenrife@bogenrife.com	

**V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER:** This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name: All information is the same as IV above.	
Organization (Owner, Developer, Contractor, etc.):	
Mailing Address: (Street, City, State, Zip Code)	
Daytime Telephone:	Fax:
Email or Alternate Contact Information:	

**VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S):** If the applicant is not the property owner, this section must be completed and notarized.

I, <u>Nicholas Vesha - Lucky Dick Investments, LLC</u> , the owner, hereby authorize <u>Shawn Bogenrife</u> to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.	
Signature of Current Property Owner: <u>[Signature]</u> member	Date: <u>11/2/12</u>

Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this 2nd day of November, 2012

State of Ohio

County of Franklin



Claire A. Golden  
Notary Public, State of Ohio  
My Commission Expires 09-01-2015

**VII. AUTHORIZATION TO VISIT THE PROPERTY:** Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as noted below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I, <u>Shawn Bogenrife</u> , the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.	
Signature of applicant or authorized representative: <u>[Signature]</u>	Date: <u>10/26/2012</u>

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CITY OF DUBLIN  
PLANNING

**VIII. UTILITY DISCLAIMER:** The Owner/Applicant acknowledges the approval of this request for review by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I, <u>Shawn Bogenrife</u> , the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.	
Signature of applicant or authorized representative: <u>Shawn Bogenrife</u>	Date: 10/26/2012

**IX. APPLICANT'S AFFIDAVIT:** This section must be completed and notarized.

I, <u>Shawn Bogenrife</u> , the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.	
Signature of applicant or authorized representative: <u>Shawn Bogenrife</u>	Date: 11/12/2012

Subscribed and sworn to before me this 2nd day of November, 2012  
 State of Ohio  
 County of Franklin

Notary Public [Signature]



NICHOLAS C. VESHA, Attorney At Law  
 NOTARY PUBLIC - STATE OF OHIO  
 My commission has no expiration date  
 Sec. 147.03 R.C.

FOR OFFICE USE ONLY			
Amount Received: <u>1200.00</u>	Application No: <u>12-083Row</u>	P&Z Date(s):	P&Z Action:
Receipt No: <u>20292</u>	Map Zone: <u>3</u>	Date Received: <u>11/2/12</u>	Received By: <u>RR</u>
City Council (First Reading):		City Council (Second Reading):	
City Council Action:		Ordinance Number:	
Type of Request: <u>Row Encroachment.</u>			
N, S, E, W (Circle) Side of: <u>S. High Street</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>Spring Hill Alley</u>			
Distance from Nearest Intersection: <u>0</u>			
Existing Zoning District: <u>BSC-HC</u>		Requested Zoning District:	

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CITY OF DUBLIN  
 PLANNING

## RIGHT-OF-WAY ENCROACHMENT AGREEMENT

This Encroachment Agreement (the "Agreement") is executed, delivered and made effective as of this \_\_\_ day of \_\_\_\_\_, 2012, by and between the **City of Dublin**, an Ohio municipal corporation, with an address of 5200 Emerald Parkway, Dublin, Ohio 43017 (the "City") and **Lucky Duck Investments**, an Ohio **Limited Liability Company**, whose address is **4237 Kendale Road; Columbus, Ohio 43220** ("Permittee").

### WITNESSETH:

A. **City Property.** The City is the owner of certain right-of-way located at **38 South High Street**, Dublin, Ohio which real property is legally described in **Deed Book 1 Page 193**, filed with the Franklin County Recorder's office ("City Right-of-Way").

B. **Structure Encroachment.** Permittee desires to place a sign in the City's Right-of-Way. A detailed drawing of the sign location and size are depicted on the attached **Exhibit "A"**.

### **AGREEMENT**

NOW, THEREFORE, the parties agree as follows:

1. **Permission to Locate in City Right-of-Way Area.** The City, its successors and assigns, agree that the sign shall be permitted to be placed in City Right-of-Way provided that Permittee, its successors and assigns, acknowledge that the City may utilize the City Right-of-Way consistent with the terms of this Agreement. In the event it is necessary to gain access to the City Right-of-Way (or use it in any other manner contemplated by the City or the terms of the Easement) at the location of the encroachment by the sign, the Permittee acknowledges that the City may take any and all necessary action (including, but not limited to, removing the sign located within the City Right-of-Way or causing the relocation of the sign at Permittee's expense), the City shall not be liable for any expenses, damages to, or reconstruction of the sign which encroach upon the City Right-of-Way.

2. **Extension.** Permittee, its successors and assigns, agree not to extend the sign any further into the City Right-of-Way than is shown on the attached **Exhibit "A."**

3. **Assumption of Liabilities.** Permittee, its successors and assigns, agree to be financially responsible to the City for any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred to remove or bypass the structure or appurtenance as directed by the City.

4. **Indemnity.** Permittee shall indemnify, protect, defend, and hold harmless the City from and against all loss, liability, damage, actions, causes of action, or claims for injury, death, loss or damage of whatever nature to any person, property or business interest caused by or resulting from an act or omission of Permittee or its agents, employees, customers, servants, licensees, tenants, subtenants, guests or invitees in respect to the matters set forth in this Agreement and its use of the City Right-of-Way as that use relates to the sign and the area proximate to the sign, and from and against any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred or anticipated by the City in connection with any claim, action or proceeding in respect of any such loss, liability, damage, action, cause of action, or claim.

5. **Insurance.** Permittee shall maintain adequate insurance coverage insuring its obligations hereunder. Permittee shall provide total limits of insurance to include primary and excess coverage in an amount not less than One Million Dollars (U.S. \$1,000,000). Permittee shall name the City as an "Additional Insured" on the policy. Any cancellation, reduction or diminution in coverage shall not be effective unless thirty (30) days prior written notice thereof has been given to the City.

6. **Termination.** This Agreement shall automatically terminate when the encroachments contemplated herein no longer continue to exist for any reason whatsoever. Alternatively, the Agreement shall terminate at the option of the City.

7. **Miscellaneous Provisions.**

(a) **Successors and Assigns.** This Agreement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of the parties hereto.

(b) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall constitute a single instrument.

(c) **Captions.** The captions contained in this Agreement are included only for convenience of reference and do not define, limit, explain or modify this Agreement or its interpretation, construction or meaning and are in no way to be construed as a part of this Agreement.

(d) Severability. If any provision of this Agreement or the application of any provision or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of said provision to any other person or circumstance, all of which other provisions shall remain in full force and effect.

(e) Amendments in Writing. No change, amendment, termination or attempted waiver of any of the provisions of this Agreement shall be binding upon any party unless in writing and signed by both of the parties hereto.

(f) Covenants Run With the Land. It is intended that the covenants, easements, agreements, promises and duties set forth in this Agreement shall be construed as covenants which run with the land.

(g) Conformance with Dublin Sign Code sections. Permittee must be in full compliance with regulations pertaining to signs as outlined in Dublin Code §153.150, *et. seq.*

(h) Conformance with Dublin Right-of-Way Code sections. Permittee must be in full compliance with regulations pertaining to right-of-way as outlined in Dublin Code, including but not limited to, Chapter 98.

(i) Venue. The parties hereto hereby consent to the exclusive jurisdiction of the courts of the State of Ohio in Franklin County, and the United States District Court for the Southern District of Ohio, and waive any contention that any such court is an improper venue for enforcement of this Agreement.

(j) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date first above written.

Signed and acknowledged  
in the presence of:

CITY OF DUBLIN, OHIO

LUCKY DUCK INVESTMENTS LLC

\_\_\_\_\_  
Marsha Grigsby, City Manager

  
\_\_\_\_\_  
Nicolas Vesha, Partner

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Dublin Law Director

STATE OF OHIO,  
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for said County, personally came the above named **City of Dublin**, Ohio, by Marsha Grigsby, its City Manager, and acknowledged the signing of the same to be her voluntary act and deed, and the voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

\_\_\_\_\_  
Notary Public

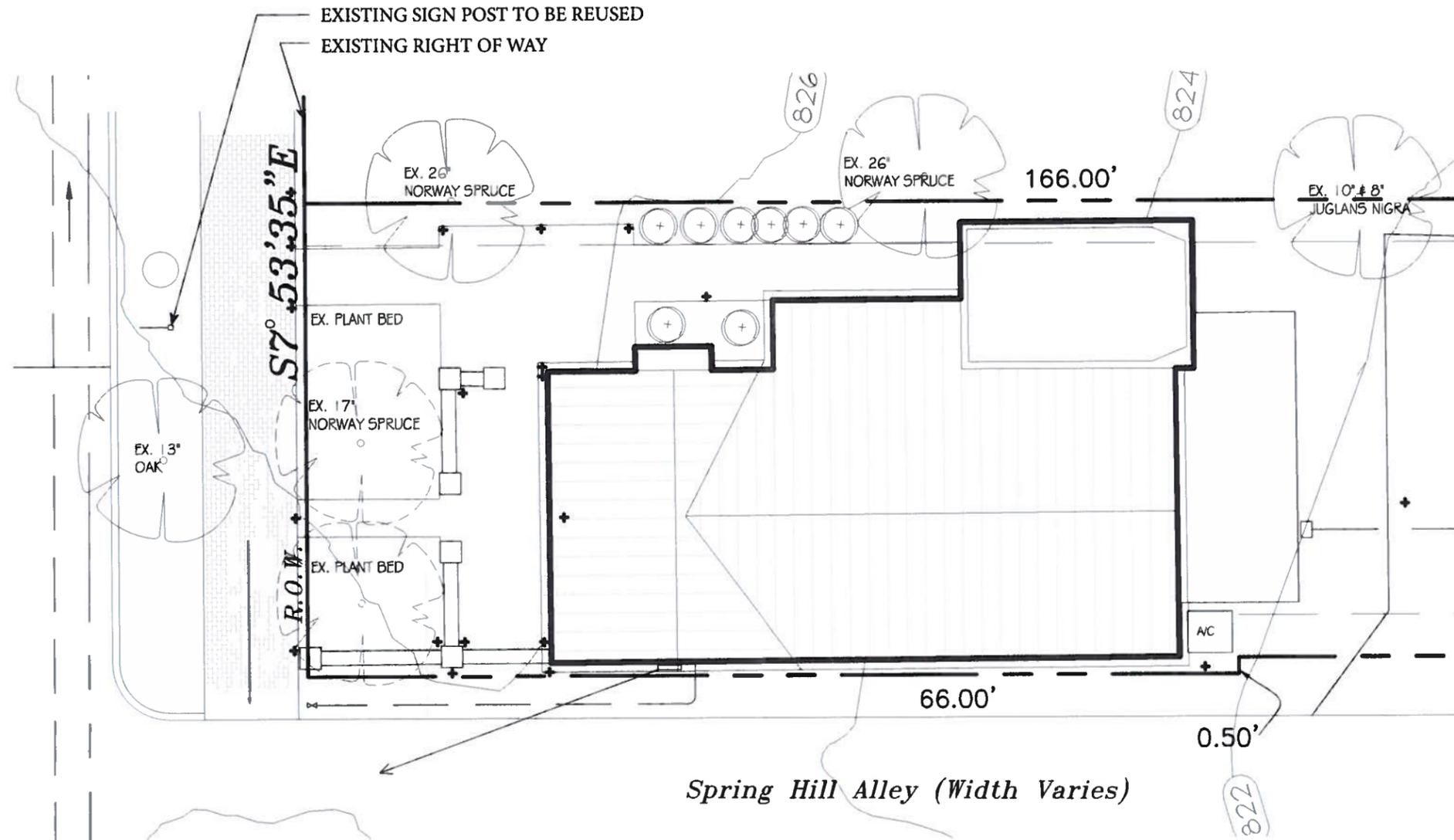
STATE OF OHIO,  
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this 2nd day of November, 2012, before me, the subscriber, a Notary Public in and for said County, personally come the above named **Lucky Duck Investments, LLC**, by Nicolas Vesha, its Partner and acknowledged the signing of the same to be their voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, we hereunto subscribed my name and affixed my official seal, on the day and year last above written.

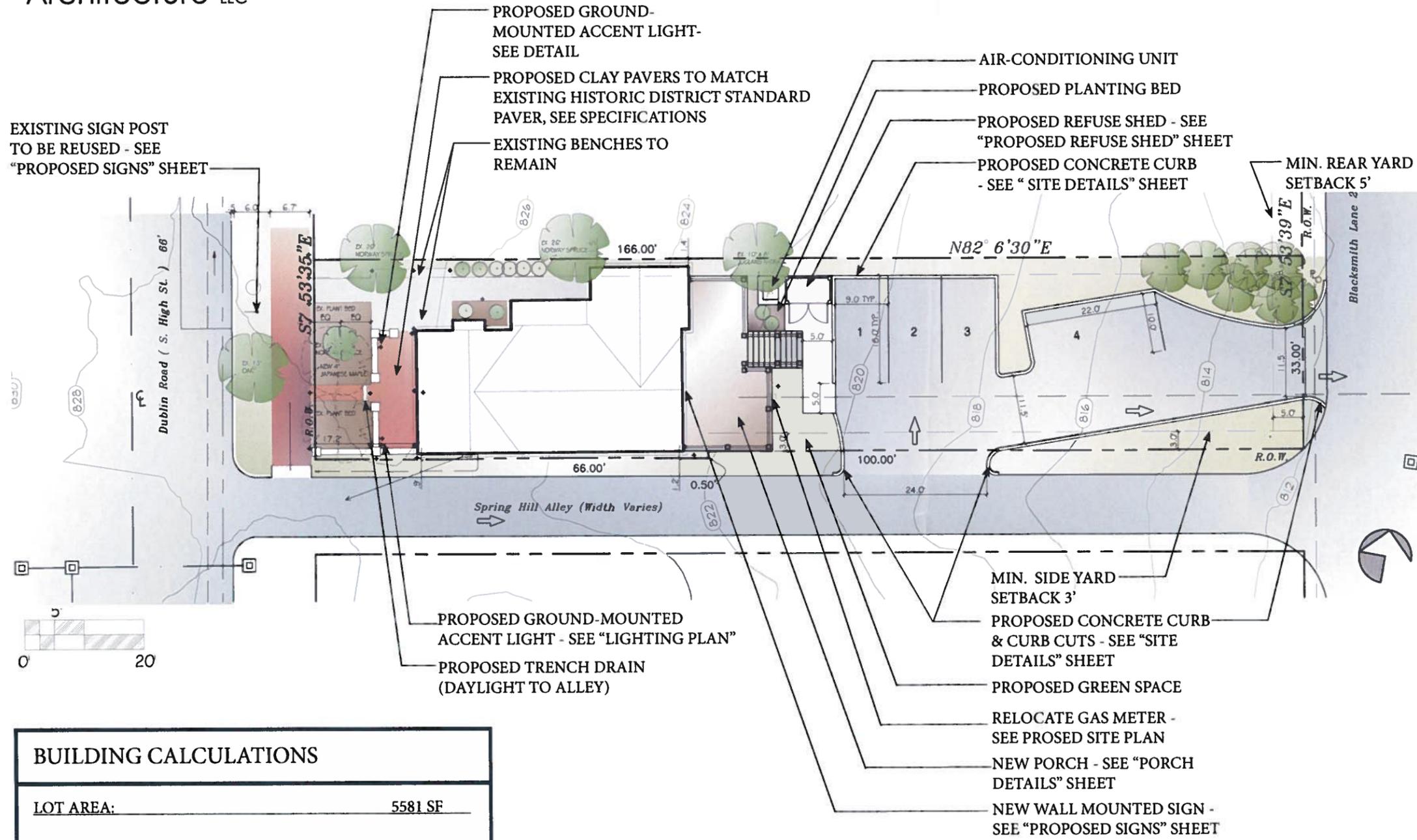


Claire A. Golder  
Notary Public, State of Ohio  
My Commission Expires 08-01-2015  
Claire A. Golder  
Notary Public



Parcel Information
Owner: Lucky Duck Investments LLC
Owners Address: 4237 Kendale Road Columbus, OH 43220
Address: 38 South High Street, Dublin Ohio 43017
Parcel #: 273-00007200-00
Parcel Size: 0.127 Acres
Zoning District: Bridge Street Corridor

**A** EXISTING SITE PLAN  
1' = 10'



**PARKING**  
REQ: 5 spaces (2.5 spaces/1000 SF)  
PROVIDED: 5 on-site, 1 on-street  
REQ. ACCESSIBLE SPACES: 1

We are proposing to use public parking to meet the requirement for an accessible space. An on-site accessible space would require the installation of a very long ramp (over 90' of length to accommodate the grade change not to mention the additional landings required, because of the space constraints of the site). The only other option would be to provide a lift. The lift is not required by code, because the size of the building is under the threshold requirements for elevators. Based on these factors we are not providing an accessible parking space on site. There will be an accessible entrance on High Street.

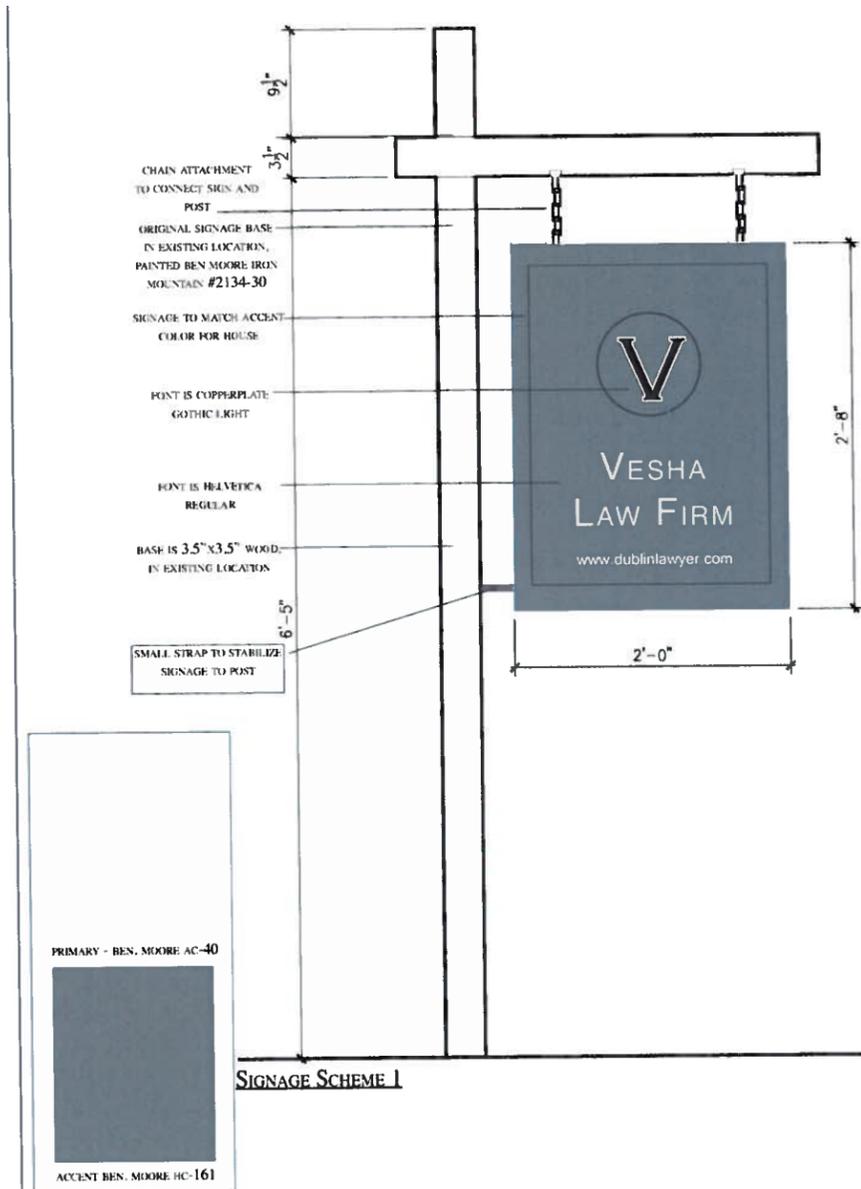
**PARKING SETBACK ENCROACHMENT**  
North Side: varies from 0" to 6"  
South Side: 3'-0"

**BUILDING SETBACK ENCROACHMENT**  
North Side Patio Encroachment: 0'-0"  
South Side Patio Encroachment: 3'-0"

BUILDING CALCULATIONS		
LOT AREA:	5581 SF	
<b>BUILT AREA</b>	<b>EXISTING</b>	<b>PROPOSED</b>
BUILDING & PORCH	1,311 SF	1,560 SF
PARKING	2,388 SF	2,377 SF
SIDEWALKS & FRONT PATIO	456 SF	456 SF
TOTAL	4,155 SF	4,393 SF
% IMPERVIOUS:	74%	73.8%
MAX. PERMITTED IMPERVIOUS COVERAGE	75%	

**A** PROPOSED SITE PLAN  
1" = 20'





SIGNAGE SCHEME 1

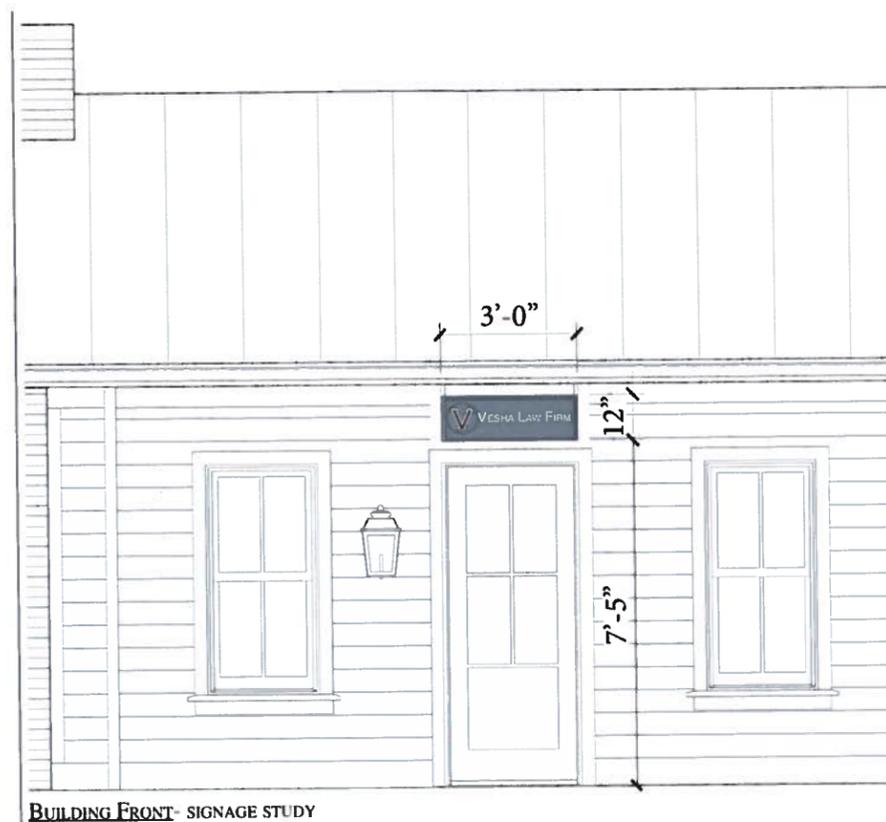
PAINT SCHEME

POST MOUNTED SIGN

- PANEL IS 3/4" THICK MDO, FRAME IS 1 1/2" WIDE BY 2 3/4" DEEP CEDAR BOARDS.
- SIGN IS SUSPENDED WITH WROUGHT IRON STRAP AT 2 LOCATIONS.
- THERE WILL BE 1 STRAP ATTACHED AT THE BOTTOM TO KEEP THE PANEL FROM SWINGING.

**A** PROPOSED SIGN AND COLOR SAMPLES

SCALE: AS NOTED

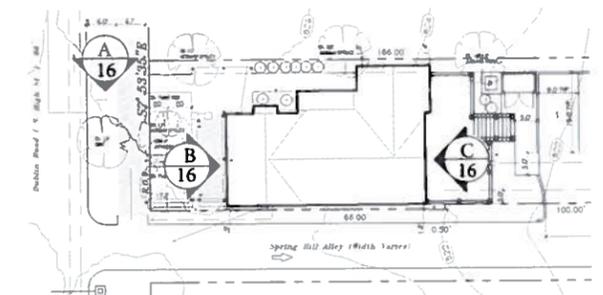


**C** PROPOSED WALL-MOUNT SIGN  
SCALE: 1/4" = 1'-0"



BUILDING SIGNS

CONSTRUCTION OF SIGN OVER FRONT AND BACK DOOR ARE THE SAME. PANEL IS 3/4" THICK MDO, FRAME BORDER IS 3/4" WIDE BY 1 1/2" DEEP CEDAR BOARD. SIGN IS MOUNTED DIRECTLY TO THE WALL WITH FINISH SCREWS. SCREWS WILL BE FILLED AND TOUCHED UP AFTER SIGN IS MOUNTED. FONTS AND PAINT COLORS MATCH POST MOUNTED SIGN.





City of Dublin

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**ARCHITECTURAL REVIEW BOARD**

**BOARD ORDER**

**AUGUST 29, 2012**

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

**1. Vesha Law Office  
12-040ARB-MPR**

**38 South High Street  
Minor Project Review**

Proposal: This is a request for signs, site and architectural modifications for a building in Historic Dublin. The site is located on the east side of South High Street at the intersection with Spring Hill.

Request: Review and approval of a Minor Project Review application under the provisions of Zoning Code Section 153.066(G).

Applicant: Shawn Bogenrife, Bogenrife Architecture LLC

Planning Contact: Eugenia M. Martin, ASLA, Landscape Architect

Contact Information: (614) 410-4650, emartin@dublin.oh.us

**MOTION :** Tom Currie made a motion, seconded by Bob Dyas, to approve this application for signs, site and architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and Zoning Code with one condition:

- 1) That a right-of-way encroachment is obtained from City Council for the sign post located in the right-of-way.

**VOTE:** 4 – 0.

**RESULT:** The application for signs, site and architectural modifications was approved.

**RECORDED VOTES:**

Robert Schisler Yes  
 Bob Dyas Yes  
 Tom Currie Yes  
 Tasha Bailey Absent  
 William Souders Yes

**STAFF CERTIFICATION**

**Eugenia Martin, ASLA  
Landscape Architect**

Ms. Martin said a new planning assistant, Sharonda Whatley was recently hired, and two volunteer planning assistants, Katherine Sims and Eric Gayetsky, have also joined the Planning staff. She said another planning assistant is expected to be added to the Planning staff soon.

Robert Schisler swore in those wished to address the Board in regards to the cases including Shawn Bogenrife, Bogenrife Architecture LLC, (1443 Snowmass Road, Columbus, Ohio), Aaron Frank, (85 Franklin Street, Dublin, Ohio), Linda Rudy, (129 South Riverview Street, Dublin, Ohio), and City representatives.

#### **Motion and Vote**

Robert Schisler moved to amend the published Agenda case order to hear Case 2 first. Bob Dyas seconded the motion. The vote was as follows: Mr. Currie, yes; Mr. Schisler, yes; Mr. Souders, yes; and Mr. Dyas, yes. (Approved 4 – 0.)

#### **1. Vesha Law Office 12-040ARB-MPR**

#### **38 South High Street Minor Project Review**

Eugenia Martin presented this Minor Project Review request for architectural and site modifications for an existing building located on the east side of South High Street at the intersection with Spring Hill Lane. She said the building is on the National Register of Historic Places. She said the main front entrance into the building is defined by two historic stone walls and a secondary front entrance is located on the north side of the building. She said there is an entrance at the rear of the building from the adjacent parking lot.

Ms. Martin said the proposed modifications are to the front entryway, the rear porch area, and the parking lot, as well as architectural modifications. She said the applicant is proposing to replace the existing T-111 siding on the main structure with a lap siding and the siding on the rear addition with board and batten. Ms. Martin said the applicant is proposing to replace the existing flat roof on the addition with a gabled end standing seam metal roof. She said other architectural modifications include also the replacement of the existing windows, changing the existing doors, the addition of windows on the south, east and north elevations, and the addition of light fixtures by the entrances. Ms. Martin said that the existing stone walls will remain and the existing concrete patio will be removed to address drainage problems and will be replaced with brick as well as address drainage problems. She said the applicant is proposing a canopy over the rear entrance as well as enlarging the rear porch to create a larger gathering space.

Ms. Martin said the applicant proposes to utilize the existing sign post located in the right-of-way along South High Street in the tree lawn and only replace the sign panel. She said wall signs are proposed over the front and rear entrances, utilizing colors that compliment the building. Ms. Martin said the applicant is proposing a trash enclosure for trash receptacles in the parking lot. She said the enclosure would be of the same materials and colors as proposed for the building.

Ms. Martin said the Administrative Review Team worked with the applicant on the proposed parking lot modifications. She said that the applicant is required to provide five parking spaces based upon the use. She said four parking spaces have been accommodated on site with one on-street space in front. She said the entrance into the site from Spring Hill Lane has been reduced to 24 feet in width. Ms. Martin said curbing will be installed to provide protection for vehicles in the parking lot due to the grade change from the edge of the parking lot to Spring Hill Lane.

Ms. Martin said the proposed materials include cedar siding and trim, board and batten siding, standing seam metal roof, as well as half-round gutters and downspouts. She said the existing windows will be replaced with a two-over-two double-hung window and gas lamp fixtures will be located at the front.

She said the pavers proposed for the patio are the same as for the pavers used for the brick walks in Historic Dublin.

Ms. Martin said the Administrative Review Team reviewed this application based upon all of the review criteria and recommends approval with one condition. She said because of the ground sign being located within the right-of-way, a right-of-way encroachment must be obtained from City Council for the sign post. She clarified the post is existing and is permitted to stay in place, but there is no record of an encroachment agreement which is what necessitates the condition.

Bob Dyas asked if the new rear porch and the existing rear porch encroached into the three-foot setback on the south side. Ms. Martin explained the encroachment was an existing condition. William Souders asked if that required a variance. Ms. Martin said that it did not require a variance and explained that part of the approval process in the Bridge Street Code is that the Administrative Review Team, as well as the Architectural Review Board has the ability to approve conditions that are different from what normally would require approval from the Board of Zoning.

Tom Currie asked how the dumpster enclosure doors would be kept closed. Shawn Bogenrife, Bogenrife Architects, LLC, 1443 Snowmass Road, Columbus, Ohio, 43235, said that they could put a bolt on left door and a hasp latch on the other one. He said he wanted to use something that had a handmade character. Mr. Currie noted the enclosure doors on the Bri Hi utility meter always blew open.

Mr. Souders asked if the column posts on the deck were real wood, and had copper tops or caps. Mr. Bogenrife said the contractor had suggested that an Azek material or something more durable be used. Robert Schisler suggested a sleeve placed over a four by four or Timbertek be used to protect the column posts from rotting.

Mr. Souders said he had no problem with the windows added on the north side. He asked if the Building and Fire Code allowed the windows to be within 30 feet of the adjacent building. Mr. Bogenrife said he thought Code permitted 10 feet for wood frame construction. Ms. Martin said the Chief Building Official and Commercial Plans Examiner had reviewed the plans and had not made any comments regarding the windows on the north side.

Mr. Souders asked if it would be included in the Administrative Review Team meeting minutes if exceptions were made to the Building Code. Ms. Martin explained that Administrative Review Team meeting minutes were included in the packets regarding the Record of Discussion. She said that the Administrative Review Team cannot alter the requirements of the Building Code or what is required by the Fire Department for the separation.

Mr. Schisler said it was his understanding that if it was less than five feet, it had to be rated, the openings had to be protected, and were only allowed a certain percentage of the wall, not the whole face. He said he thought all of what was being proposed on the north side violates the Code. Ms. Martin said she understood the Building Code trumped the Zoning Code because it was a health, safety, and welfare issue. She said Planning could work with the applicant if there is an issue regarding how close it is to adjacent structures.

Mr. Schisler said this site had a zero lot line development, so therefore the adjacent property could build up to the lot line. Ms. Martin pointed out there is a side yard setback required in the new Zoning Code.

Mr. Schisler asked about the trash enclosure. Mr. Bogenrife explained the enclosure would be used to store rolling trashcans and parking lot maintenance items.

Mr. Schisler noted the front entrance was handicap accessible yet the parking was in the rear and there was a significant grade change to the front. Nicolas Vesha, an owner of the law firm, explained the main

entrance would be from the rear parking lot and the wheelchair accessible entrance would be in the front. Mr. Souders asked if there were designated handicap parking spaces along High Street since accessibility would not work in the rear of any of the buildings on the east side of South High Street due to the slope being above two percent.

Ms. Martin said ADA requirements for this site had been discussed with the Commercial Plans Examiner. She said sections of the Building Code speak to existing conditions and site conditions that would end up creating an undue hardship as far as economics in trying to meet accessibility on the site. She said the conclusion was that to do any type of accessible entrance on the rear was not something that can be done without great financial investment. She said because the use requires five parking spaces which is less than the requirement of parking lots with ten spaces needing to provide accessible spaces on site, they could default to the public parking lot located on the west side of South High Street. Ms. Martin said staff has discussed exploring providing accessible parking spaces on South High Street and it was certainly something that Planning can report back on at a later meeting

Mr. Bogenrife pointed out the building was small and they were trying to utilize it as effectively as they can and still keep the character.

Mr. Schisler asked if the applicant still needed to check with the Building Department about the north windows. Ms. Martin said they would work with the Chief Building Official on getting that issue resolved before a Building Permit was issued.

#### **Motion and Vote**

Tom Currie made a motion, seconded by Bob Dyas, to approve this application for signs, site and architectural modifications because the proposal meets the criteria of the *Historic Dublin Design Guidelines* and the Zoning Code with one condition:

- 1) That a right-of-way encroachment is obtained from City Council for the sign post located in the right-of-way.

The vote was as follows: Mr. Currie, yes; Mr. Schisler, yes; Mr. Dyas, yes; and Mr. Souders, yes. (Approved 4 – 0.)

#### **2. Frank Residence 12-054ARB-MPR**

Eugenia Martin presented this Minor Project Review request for architectural modifications of a single family residence located on the west side of Franklin Street between the intersections with John Wright Lane and Sells Alley. She said on July 29, 2012, a severe super cell storm with straight-line winds caused damage on Franklin Street. She said the roof, gutters and weathervane were blown off this building, and the siding was severely damaged. Ms. Martin said the applicant was requesting to replace the existing aluminum siding on the sides and the rear of the house with Hardiplank Lap Siding in a Monterey Taupe color as well as replace the trim with Azek in a white color. Ms. Martin said the existing roof, gutters, weathervane were damaged as well, but will be replaced with like for like materials and per the Zoning Code, does not require review and approval from the Board. Ms. Martin said based upon all of the criteria, the Administrative Review Team recommended approval of this application as submitted.

Bob Dyas asked if the Hardiplank would be installed with the smooth side or grain side facing outwards. The owner/applicant, Aaron Frank, (85 Franklin Street, Dublin, Ohio) said the smooth side would be facing outwards.

#### **85 Franklin Street Minor Project Review**



# Minor Project Review

**12-040ARB - MPR – BSC Historic Core District**

**Vesha Law Office**

**38 South High Street**

This is a request for signs, site and architectural modifications for a building located at the northeast corner of South High Street and Spring Hill in Historic Dublin. This is a request for review and approval of a Minor Project Review application under the provisions of Zoning Code Section 153.066(G).

**Date of Application Acceptance**

Thursday, July 5, 2012

**Date of ART Recommendation**

Thursday, July 19, 2012

**Case Manager**

Eugenia M. Martin, ASLA, Landscape Architect | (614) 410-4650 | emartin@dublin.oh.us



## PART I: Application Overview

<i>Zoning District</i>	BSC Historic Core District
<i>Review Type</i>	Minor Project Review
<i>Development Proposal</i>	Sign, Site and Architectural Modifications to an Existing Structure
<i>Administrative Departures</i>	Lot coverage, where 75% is required and 79% is provided (departure of 4%) Transparency on the south elevation, where 25% is and 23.2% is provided.
<i>Waivers</i>	None
<i>Property Address</i>	38 South High Street
<i>Property Owner</i>	Nicholas Vesha, Lucky Duck Investments
<i>Applicants</i>	Shawn Bogenrife, Bogenrife Architecture LLC
<i>Case Manager</i>	Eugenia M. Martin, ASLA, Landscape Architect   (614) 410-4650   emartin@dublin.oh.us

## Application Review Procedure: Minor Project Review

The purpose of the Minor Project Review is to provide an efficient review process for smaller projects that do not have significant community effects. The Minor Project Review is necessary to ensure that applications for development meet the requirements of Chapter 153 of the Dublin Zoning Code.

Following acceptance of a complete application for Minor Project Review, the Administrative Review Team shall make a recommendation to the Architectural Review Board to approve, deny, or approve with conditions the application based on the criteria of §153.066(F)(5) applicable to Site Plan Reviews.

## Zoning Code Analysis

### *Proposal Overview*

The building was originally constructed in the mid-1800s as a residence and has had various additions over the years. A law office will be located in the building and is proposing to return the structure to its original character while updating the materials. The proposed modifications include new windows, doors, siding, trim, roof, signs and modifications to the front and rear porch and the rear parking lot.

### *Zoning Requirements*

The Bridge Street Code identifies building type requirements for new and renovated structures in the BSC Districts with the intent to provide a range of high quality building options to reinforce the character of each district. The Administrative Review Team is recommending the requirements for Historic Cottage Commercial building type as most applicable to this proposal:

#### Roof Type Requirements

Pitched roofs are permitted with a minimum 6:12 pitch provided on all major roof portions and less than 6:12 on minor roof portions. Roof materials are permitted to be dimensional asphalt shingle, wood shingles and shakes, metal tiles or



standing seam, slate, and ceramic tile. The existing standing seam metal roof consists of 6:12 pitches on the major roof portions with a 1:12 pitch on a minor roof located on the north side of the building. A vent is proposed on the gable end facing Spring Hill.

Materials	Proposed materials for the building include Hardie Panel board & batten vertical siding, cedar clapboard siding, existing masonry, all of which are Code permitted primary materials. The applicant will be required to confirm the minimum .25-inch butt thickness of the clapboard siding prior to building permitting. The standing seam metal roofing material also meets Code.
Color	The proposed paint colors, Benjamin Moore AC-40 (cream) and HC-161 (light blue) have been selected from an appropriate historic color palette.
Entrances & Pedestrianways	The Code compliant principal building entrances facing High Street and the parking lot on the east building façade have been designed at a pedestrian scale and effectively address the street with a sidewalk connection.
Windows, Shutters, Awnings, Canopies	The proposed windows, with aluminum-clad wood with clear glass and projecting sills, and the proposed canopy over the parking lot-facing entrance meet all Code requirements.
Balconies, Porches, Stoops, Chimneys	The existing chimney extends the full height from the ground and vertically past the eave line and is finished with masonry, meeting all Code requirements.
Signs	The proposed building-mounted signs facing High Street on the west elevation and the parking lot on the east elevation are placed above the entrances and integrated into the architectural of the building.
Individual Building Type Requirements	Administrative departures were approved by the Administrative Review Team for lot coverage, where 75% is required and 79% is provided (departure of 4%), and for reduction in required transparency on the south elevation, where 25% is and 23.2% is provided.

*§153.065(B) – Site Development Standards – Parking & Loading*

Five parking spaces are required for this use; the parking lot will provide a maximum of four parking spaces, with one on-street parking space counting toward the parking requirement. The applicant is proposing to reconstruct the existing asphalt parking lot to include perimeter curbing and clearly define parking spaces and the driveways to Spring Hill and South Blacksmith Lane. After considerable discussion on the parking lot design and function, an administrative departure was approved by the Administrative Review Team to allow a driveway width of 24 feet instead of 22 feet and reduce the parking lot drive aisle to 11.5 feet from 12 feet. The reconstructed parking lot reduces the amount of pavement currently on the site as well as delineating parking spaces previously not identified.



*§153.065(D) – Site Development Standards – Landscaping & Tree Preservation*

Landscape, patio, or sidewalk treatment types are permitted for this site. The applicant is providing a landscape type required build zone treatment including planting beds along the High Street frontage. An administrative departure was approved to eliminate the required build zone landscape treatment along the south building elevation due to the location of the Existing Structure within one foot of the right-of-way. Foundation landscaping along portions of the north and east sides of the building and porch not otherwise occupied by sidewalk or parking will be required at building permitting. Two existing Norway Spruce trees in poor condition will be removed from the front yard. The applicant is proposing one Japanese Maple to be planted in the northern planting bed.

*§153.065(E) – Site Development Standards – Fencing, Walls, and Screening*

An outdoor waste enclosure is proposed on the west side of the parking area which will include Hardie Plank and Smartside Trim to match the materials and colors used on the principal structure, meeting all Code requirements.

*§153.065(H) – Site Development Standards – Signs*

This single-tenant building is permitted one building-mounted sign and one ground sign per street frontage. The applicant is proposing two, 3 square foot wall signs on the east building elevation facing the parking lot, and the High Street elevations. A 5.33-square-foot ground sign is proposed for the existing sign post in the tree lawn for which a right-of-way encroachment permit is required. No illumination is proposed.

Proposed Wall Signs			
	Permitted	Proposed	Requirement
<i>Size</i>	Max. 8 square feet	Cedar sign placard; 1 ft. tall by 3 ft. wide (3 sq. ft. total)	Met
<i>Location</i>	Within 6 feet of the common public entrance; on walls facing a public street An additional building-mounted sign is permitted with a dedicated public entrance facing an off-street parking lot	Installed above the awning over the main entrance facing High Street, centered over the door; centered above the parking lot entrance	Met
<i>Height</i>	15 feet or not extending above the roofline	8 ft. 6-in. height above grade (both)	Met
<i>Colors</i>	3 colors	3 total - Black, cream (Benjamin Moore AC-40), and blue (Benjamin Moore HC-161)	Met
Proposed Ground Sign			
	Permitted	Proposed	Requirement
<i>Size</i>	Max. 8 sq. ft.	5.33 sq. ft.	Met
<i>Location</i>	Permitted for Historic Cottage Commercial Building Types Only 8 ft. setback from right-of-way/property line	Located within the right-of-way; right-of-way encroachment approval from City Council and the City Engineer is required, or sign relocated outside of the right-of-way	Not Met – Condition
<i>Height</i>	6 feet	6 ft.	Met
<i>Colors</i>	3 colors	3 total - Black, cream (Benjamin Moore AC-40), and blue (Benjamin Moore HC-161)	Met



## PART II: Applicable Review Standards

The full text of the standards for Minor Project Reviews, Site Plan Review Waivers, and the Architectural Review Board is attached at the end of this Report.

### Minor Project Review Criteria

The Administrative Review Team reviewed this application based on the review criteria for Minor Projects and made the following findings:

- (a) **Similarity to Approved Basic Plan**  
*Not applicable*
- (b) **Consistency with Approved Development Plan**  
*Not applicable*
- (c) **Meets Applicable Zoning Regulations**  
*Met through condition.* The proposed architectural modifications are consistent with the requirements of the Zoning Code for primary building materials and individual building type requirements. As conditioned, the proposed signs are consistent with the Zoning Code requirements for signs in regards to location, number, height, area, and design. The proposed ground sign is located within the right-of-way and will require a right-of-way encroachment.
- (d) **Safe and Efficient Pedestrian, Bicycle, & Vehicular Circulation**  
*Met.* The number of required parking spaces is provided. The proposed modifications to the parking lot provide defined parking spaces ingress/egress points on Spring Hill and South Blacksmith Lane.
- (e) **Coordination and Integration of Buildings and Structures**  
*Met.* The proposed architectural modifications return the structure to the original character of the building and are more consistent with the architecture of other buildings in the Historic Core.
- (f) **Open Space Suitability and Natural Features Preservation**  
*Not applicable*
- (g) **Adequate Provision of Public Services**  
*Not applicable*
- (h) **Appropriate Stormwater Management**  
*Not applicable*
- (i) **Development Phasing**  
*Not applicable*
- (j) **Consistency with Bridge Street Corridor Vision Report, Community Plan, and other Policy Documents**  
*Met.* The proposed architectural modifications return the structure to the original character of the building and are more consistent with other structures in the vicinity. The proposed signs will contribute to the urban vitality and interest of the BSC Historic Core District through uniquely designed signs that meet the requirements for signs in the Bridge Street District.



## Architectural Review Board

Section 153.174 of the Zoning Code identifies criteria for the review and approval of a Board Order. The Administrative Review Team reviewed this application based on the review criteria for projects for proposals within the Architectural Review District Boundaries and made the following findings:

### General Review Standards

1) **Character and Materials Compatible with Context**

*Criterion met:* The proposed building materials are compatible with the character of the existing building and adjacent buildings.

2) **Recognition and Respect of Historical or Acquired Significance**

*Criterion met:* The proposed architectural modifications return the building to its original character and the proposed signs are compatible with the character of the existing building.

3) **Compatible with Relevant Design Characteristics**

*Not Applicable*

4) **Appropriate Massing and Building Form**

*Not Applicable*

5) **Appropriate Color Scheme**

*Criterion met:* The proposed colors for the signs and building are traditional to the era of the building's construction and complement the colors of surrounding buildings.

6) **Complementary Sign Design**

*Criterion met through condition:* The proposed wall signs are architecturally integrated and will appropriately add to the variety sign designs in the Historic District. The proposed ground sign is located within the right-of-way and will require a right-of-way encroachment permit from City Council.

7) **Appropriate Landscape Design**

*Not Applicable*

8) **Preservation of Archaeological Resources**

*Not Applicable*

### Alteration to Buildings, Structure, and Site Standards

1) **Reasonable Effort to Minimize Alteration of Buildings and Site.**

*Criterion met.* The proposed architectural modifications change the building materials to better fit the original character. The proposed changes the rear of the structure help in maintaining the historical integrity if the structure. The parking lot modifications are needed to allow better functionality.



2) **Conformance to Original Distinguishing Character.**

*Criterion met.* The proposed building materials are compatible with the character of the existing building and adjacent buildings. The proposed building colors are traditional to the era the building was constructed and complement the colors of surrounding buildings.

3) **Retention of Historic Building Features and Materials.**

*Criterion met.* The proposed building materials are compatible with the character of the existing building and adjacent buildings. The use of cedar lap siding on the primary building is more in character for the era the structure was constructed while the use of board and batten on the existing addition helps differentiate the original structure.

4) **Alteration Recognizes Historic Integrity and Appropriateness.**

*Criterion met.* The proposed building modifications are in character of the era in which the building was constructed and contribute to the character of the district.

5) **Recognition and Respect of Historical or Acquired Significance.**

*Criterion met.* The proposed building modifications are in character of the era in which the building was constructed and contribute to the character of the district.

6) **Sensitive Treatment of Distinctive Features.**

*Criterion met.* The proposed building modifications are in character of the era in which the building was constructed and contribute to the character of the district.

7) **Appropriate Repair or Replacement of Significant Architectural Features.**

*Not applicable.*

8) **Sensitively Maintained Historic Building Materials.**

*Criterion met.* The proposed building materials are compatible with the character of the existing building and adjacent buildings. The use of cedar lap siding on the primary building is more in character for the era the structure was constructed while the use of board and batten on the existing addition helps differentiate the original structure.

**Additions to Existing Buildings, Structure, and Site**

*Not Applicable.*

## **PART IV: ADMINISTRATIVE REVIEW TEAM RECOMMENDATION**

This proposal complies with the Minor Project Review criteria and the applicable development standards of the Zoning Code. The Administrative Review Team recommends approval for this Minor Project Review application with one condition:

- 1) That a right-of-way encroachment is obtained from City Council for the sign post located in the right-of-way.



## MINOR PROJECT REVIEW CRITERIA

The following outlines the full text of the review criteria (summarized above) for all Minor Project Review applications as outlined in Section 153.066(G) of the Dublin Zoning Code.

- (a) The Site Plan shall be substantially similar to the approved Basic Plan.
- (b) If a Development Plan has been approved that includes the property, the application is consistent with the Development Plan.
- (c) The application meets all applicable requirements of §153.059 and §§153.062 through 153.065 except as may be authorized by Administrative Departure(s) pursuant to §153.066(H).
- (d) The internal circulation system and driveways provide safe and efficient access for residents, occupants, visitors, emergency vehicles, bicycles, and pedestrians.
- (e) The relationship of buildings and structures to each other and to other facilities provides for the coordination and integration of the development within the surrounding area and the larger community and maintains the image of Dublin as a high quality community.
- (f) The application is consistent with the requirements for types, distribution, and suitability of open space in §153.064 and the site design incorporates natural features and site topography to the maximum extent practicable.
- (g) The scale and design of the proposed development allows the adequate provision of services currently furnished by or that may be required by the City or other public agency including, but not limited to, fire and police protection, public water and sanitary sewage services, recreational activities, traffic control, waste management, and administrative services.
- (h) Stormwater management systems and facilities will not cause alterations that could increase flooding or water pollution on or off the site, and removal of surface waters will not adversely affect neighboring properties.
- (i) If the development is to be implemented in phases, each phase is able to be considered independently, without the need for further phased improvements.
- (j) The application demonstrates consistency with the BSC Vision Report, Community Plan and other related policy documents adopted by the City.

## ARCHITECTURAL REVIEW BOARD CRITERIA

The following outlines the full text of the review criteria (summarized above) for all Architectural Review Board applications as outlined in Section 153.174(B) of the Dublin Zoning Code.

### (3) *General Character*

- (a) The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, materials and color of other structures and site within the District and immediate vicinity.
- (b) Where changes have taken place in the course of time as evidence of the history and development of adjacent or nearby buildings, structures or sites, if these changes are deemed to have acquired significance and would be compromised by the proposed new development, then this significance shall be recognized and respected in the design of the new development.



- (4) *Architectural Style.* There are a number of intermixes of architectural styles, as well as a larger number of buildings of such modest nature or so extensively remodeled to effectively lose all architectural importance. It is with reference to the basic architectural character of the key buildings noted above that the need for compatibility in the future construction in the District should be made. Compatibility does not infer imitation, but rather an appropriate design in terms of scale, building materials and detail. The architectural character of the various areas of the District consists mainly of four themes:
- (a) Simple rectangular commercial buildings with exterior construction of rubble or random Ashlar limestone, one, one and one-half, or two stories high with gable roof and ridgeline parallel to the street, mainly of the era of 1820 to 1890.
  - (b) Simple rectangular commercial buildings and outbuildings with exterior construction of frame with horizontal siding and corner trim, one, one and one-half, or two stories high with gable roof and ridgeline parallel to the street, mainly of the era of 1820 to 1890.
  - (c) Residential buildings with exterior construction of rubble or random Ashlar limestone, or red brick laid up in common bond, or frame with horizontal siding and corner trim, mainly of the era of 1820 to 1890.
  - (d) Residential buildings with stone on facades, one to one-half stories, mainly of the era 1950-1970.
- (5) *Massing and Building Form.* Massing of new buildings shall be generally similar to those in adjacent and nearby buildings. Building forms should generally reflect those of the architectural style of the building and the Historic District. Variations of gabled roof forms are preferred. Window to wall ratios should be appropriate to the type and use of building constructed.
- (6) *Color.* Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure or property was originally built and approved by the Architectural Review Board shall be used for exteriors for all new structures to be built, and reconstruction, remodeling and exterior maintenance of existing structures within the Architectural Review District. Fluorescent or luminescent colors are prohibited.
- (7) *Signs.* Signs should be designed to complement the nineteenth century Early American character of the district by incorporating design features common to signs from the 1800s. Materials should complement the architectural character of the District and colors should consistent with the era of the building. Sign types consistent with the character of the Historic District include wall, projecting, window, awning, and sandwich boards.
- (8) *Landscaping.* The landscape design of the site should be consistent with the overall architectural and historic character of the structures on the site. Plant material and methods for installation shall be selected respecting the nature of the urban environment and the survivability and diversity of the plan species. Non-plant material shall be of a type associated with the origin or era in which the structure was originally built. Significant features of the original landscape, e.g., stone walls, shall be preserved.
- (9) *Archaeological.* Every reasonable effort shall be made to record, protect and preserve archaeological resources affected by, or adjacent to, any project.
- (C) *Alterations to Buildings, Structure and Site.* In addition to the General Review Standards, the following shall be met by applications for alterations to existing buildings, outbuildings, structures, and sites prior to approval of a Board Order.
- (1) Every reasonable effort shall be made to ensure that the use of the property will involve minimal



alteration of an existing building, structure or site and its environment.

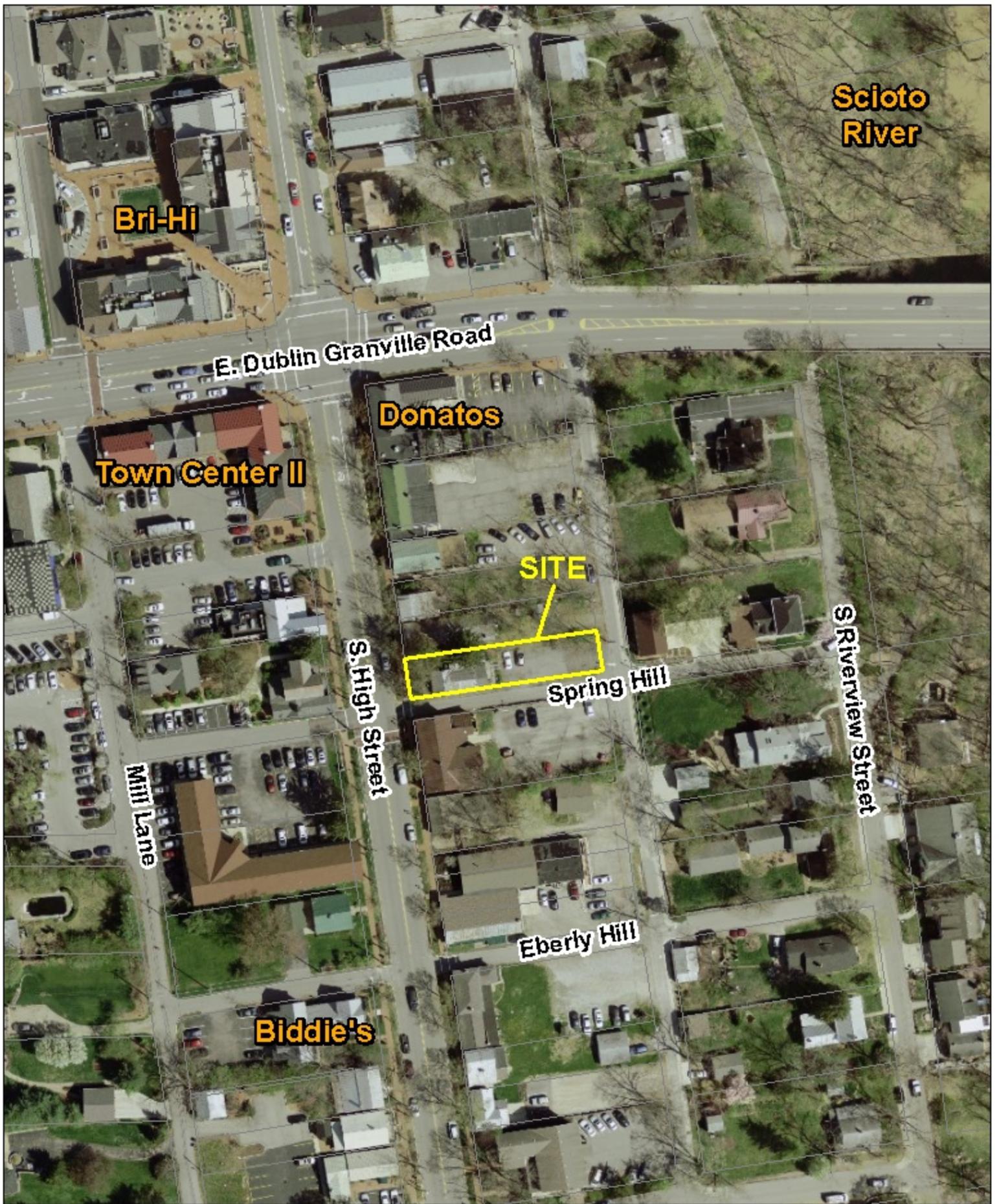
- (2) The alteration shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.
  - (3) The distinguishing original qualities or character of a period building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
  - (4) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
  - (5) Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.
  - (6) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
  - (7) Significant architectural features which have deteriorated should be repaired rather than replaced, wherever possible. In event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities whenever possible. Repair or replacement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  - (8) The surface cleaning of structures, if provided as part of the application, shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.
- (D) *Additions to Existing Buildings, Structures, and Site.* In addition to the General Review Standards, the following shall be met by applications for additions to existing buildings, outbuildings, structures, and site prior to approval of a Board Order.
- (1) Materials for additions should be traditional to the District, but need not match those of the original structure to which the addition is attached.
  - (2) Contemporary design for additions to existing properties shall not be discouraged when they do not destroy significant historical, architectural or cultural materials, and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment. Roofline additions are discouraged or should be placed and designed to have the least amount of visual impact.
  - (2) Additions should be clearly distinguishable from the original structure by keeping additions at a smaller scale where appropriate or other similar measures. The intent of an addition should be that if the additions or alterations were removed the essential form and integrity of the original structure would be unimpaired. Additions should generally be located to the rear of the original building so that the most significant and visible faces of historic properties are given priority. Additions to the front should be clearly separated from the original building and simplified in design to not detract from the historic



aspects of the structure.

- (3) All buildings, structures and sites shall be recognized as products of their own time. Additions with no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.





**Scioto River**

**Bri-Hi**

**E. Dublin Granville Road**

**Town Center II**

**Donatos**

**SITE**

**Spring Hill**

**S. Riverview Street**

**S. High Street**

**Mill Lane**

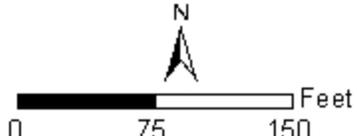
**Eberly Hill**

**Biddie's**



City of Dublin  
Land Use and  
Long Range Planning

12-040ARB-MPS  
Signs, Site, and Architectural Modifications  
Vesha Law Office  
38 South High Street





**City of Dublin**  
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 Range Planning  
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 Dublin, Ohio 43016-1236  
 phone 614.410.4600  
 fax 614.410.4747  
 www.dublinohio.us

**ADMINISTRATIVE REVIEW TEAM**

**RECORD OF DETERMINATION**

**JULY 19, 2012**

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

**1. BSC Historic Core District – Vesha Law Office 38 S. High Street  
 12-040ARB-MPR Minor Project Review**

**Proposal:** Site and architectural modifications to an Existing Structure located at the northeast corner of the intersection of South High Street and Spring Hill, including new windows, doors, siding, trim, roofing, and modifications to an existing ground sign.

**Request:** Review and approval of a Minor Project Review application under the provisions of Zoning Code Section 153.066(G).

**Applicant:** Nicholas Vesha, property owner; represented by Shawn Bogenrife, Bogenrife Architecture, LLC.

**Planning Contact:** Eugenia M. Martin, ASLA, Landscape Architect

**Contact Information:** (614) 410-4650, emartin@dublin.oh.us

**DETERMINATION:** Recommendation of approval to the Architectural Review Board with the following conditions:

- 1) That the applicant confirm that the proposed clapboard siding meets the minimum required butt-thickness of 0.25-inch;
- 2) That the applicant reconfigure the parking lot layout to eliminate the pavement encroachment into the three-foot side yard setback and obtain a layout that will allow for effective vehicular circulation, subject to Planning approval;
- 3) That the permitted transparency on the south building elevation be permitted to be 19.7% instead of 25%;
- 4) That the applicant provide foundation landscaping along portions of the north and east sides of the building and porch not otherwise occupied by sidewalk or parking;
- 5) That the proposed hardware for the trash enclosure be revised, subject to Building Standards' approval;
- 6) That the note associated with the brick pavers be changed to read, "Proposed clay pavers to match existing Historic District standard paver, see specifications";
- 7) That the proposed trench drain be day lighted and finished subject to approval by the City Engineer or designee; and
- 8) That the ground sign receive approval for a right-of-way encroachment.

The following Administrative Departures are also approved:

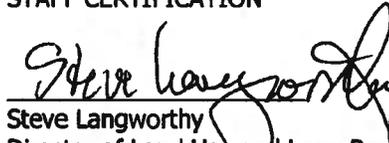
- 1) Lot coverage of 79% instead of 75% (departure of less than 10%);
- 2) Required Building Zone landscape treatment will not be required along the south building elevation due to the location of the Existing Structure within one foot of the right-of-way (existing site conditions); and

**12-040ARB-MPS**  
 Signs, Site and Architectural  
 Modifications  
 Vesha Law Office  
 38 South High Street

- 3) Driveway width widened to 24 feet from 22 feet (departure of less than 10%) and parking lot drive aisle reduced to 11.5 feet from 12 feet (departure of less than 10%).

**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



City of Dublin

**Land Use and Long  
Range Planning**

5800 Shier Rings Road  
Dublin, Ohio 43016-1236

Phone 614.410.4600

fax 614.410.4747

**ADMINISTRATIVE REVIEW TEAM**

**MEETING MINUTES**

**JULY 19, 2012**

**ATTENDEES**

Steve Langworthy, ART Chair/Director of Land Use and Long Range Planning; Rachel Ray, Planner II; Gary Gunderman, Planning Manager; Barb Cox, Engineering Manager; Alan Perkins, Fire Marshal; Laura Ball, Landscape Architect; Paul Hammersmith, Director of Engineering; Jeff Tyler, Director of Building; Ray Harpham, Commercial Plans Examiner; Michael Clafey, Economic Development Administrator; Justin Paez, Police Sergeant; Jeannie Martin, Landscape Architect; Fred Hahn, Director of Parks and Open Space; and Ebony Mills, Office Assistant II.

**ADMINISTRATIVE ITEMS**

Steve Langworthy asked Rachel Ray to provide an update regarding upcoming applications.

Rachel Ray reported that the Piada Master Sign Plan application will be reviewed by the Planning and Zoning Commission this evening, following the Administrative Review Team's review and recommendation of approval at last week's meeting. She said Winan's Fine Chocolates and Coffees will be reviewed by the Architectural Review Board on July 25<sup>th</sup>. She said the Rudy Residence, 129 S. Riverview Street, is in the process of finalizing their application to expand their existing residence.

Mr. Langworthy asked if there were any changes to the July 12, 2012, meeting minutes. Barb Cox said on the top of Page 3, Ray Harpham commented on the parking configuration, not her. Laura Ball asked that her last name be changed from *Karagon* to *Ball*. Jeff Tyler said his name was left off of the attendees list.

Ebony Mills said she would make the changes.

**CASES**

**1. 12-040ARB-MPR – BSC Historic Core – Vesha Law Office – Signs, Site, and Architectural Modifications – 38 South High Street**

Steve Langworthy said at the July 12 ART meeting, issues arose concerning the parking lot layout.

Jeannie Martin said the applicant had submitted two options for parking configurations, with one option showing all angled parking spaces, and one option showing three 90-degree parking spaces with one parallel parking space.

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Shawn Bogenrife, Bogenrife Architecture, said he would like to merge the two parking options for a more effective parking arrangement. He asked if the driveway curb cut could be widened from 22 feet to 24 feet in order to maximize the efficiency of the circulation and accessibility to the parking spaces.

Mr. Langworthy stated the two-foot widening could be approved as an Administrative Departure, provided Engineering did not have any concerns with the increased width. [Ms. Cox and Mr. Hammersmith did not express any concern.]

Jeff Tyler noted the parking spaces dimensions may need to be altered to meet the Code requirements, depending on whether they are angled or 90-degree.

Ms. Martin said the revised plans will reflect the second parking option with modifications. She said Engineering commented the plans need to be evaluated to confirm there is adequate distance from the parking lot to the existing light pole and the stop sign.

Ms. Martin said Planning recommends approval of the request with the eight conditions and two Administrative Departures based on the comments received from the Administrative Review Team:

- 1) That the applicant confirm that the proposed clapboard siding meets the minimum required butt-thickness of 0.25-inch;
- 2) That the applicant reconfigure the parking lot layout to eliminate the pavement encroachment into the three-foot side yard setback and obtain a layout that will allow for effective vehicular circulation, subject to Planning approval;
- 3) That the permitted transparency on the south building elevation be permitted to be 19.7% instead of 25%;
- 4) That the applicant provide foundation landscaping along portions of the north and east sides of the building and porch not otherwise occupied by sidewalk or parking;
- 5) That the proposed hardware for the trash enclosure be revised, subject to Building Standards' approval;
- 6) That the note associated with the brick pavers be changed to read, "Proposed clay pavers to match existing Historic District standard paver, see specifications";
- 7) That the proposed trench drain be day lighted and finished subject to approval by the City Engineer or designee; and
- 8) That the ground sign receive approval for a right-of-way encroachment.

The following Administrative Departures are also approved:

- 1) Lot coverage of 79% instead of 75% (departure of less than 10%);
- 2) Required Building Zone landscape treatment will not be required along the south building elevation due to the location of the Existing Structure within one foot of the right-of-way (existing site conditions).

Barb Cox said asked for clarification regarding condition two.

Ms. Martin said the curbing currently encroaches into the three-foot side yard setback on the north side of the lot, and the applicant will need to remove this encroachment when the parking area is reconfigured. She noted the drive aisle may need to be reduced to 11.5 feet in order to allow enough space, which could require an additional Administrative Departure.

Mr. Bogenrife said with regard to condition five, he would like to make the jams wider on the trash enclosure.

Ms. Cox said she is still concerned about the drain because it is currently at grade; adjusting the drain downward will potentially create erosion and cause icing in the winter.

Mr. Bogenrife said the drain does need to be lowered; he could use a core drill with a cow's tongue.

Ms. Cox said the drain is going to sit lower than the applicant thinks.

Paul Hammersmith said icing in the winter is the main concern.

Mr. Bogenrife asked if it was okay if the water drains into the ground on the property.

Mr. Hammersmith said that is okay as long as the water stays off the pavement.

Mr. Langworthy said the drain issue can be addressed during the building permit process.

Ms. Martin noted Engineering had also asked whether the mechanical access door on the porch would open into the right-of-way, and stated the door needs to swing under the porch area and not out into the street.

Ms. Martin said with respect to the existing ground sign, there is currently no record for an Encroachment Agreement, and as a condition of approval, an agreement will be required.

Ms. Cox said the agreement will require approval by City Council. Mr. Langworthy said the agreement will be sent to the applicant.

Mr. Langworthy asked that the drive aisle width and the driveway curb cut width would need to be added to the Administrative Departures.

Mr. Langworthy asked Mr. Bogenrife and Nicholas Vesha, the property owner, if they agreed with the conditions:

- 1) That the applicant confirm that the proposed clapboard siding meets the minimum required butt-thickness of 0.25-inch;
- 2) That the applicant reconfigure the parking lot layout to eliminate the pavement encroachment into the three-foot side yard setback and obtain a layout that will allow for effective vehicular circulation, subject to Planning approval;
- 3) That the permitted transparency on the south building elevation be permitted to be 19.7% instead of 25%;
- 4) That the applicant provide foundation landscaping along portions of the north and east sides of the building and porch not otherwise occupied by sidewalk or parking;
- 5) That the proposed hardware for the trash enclosure be revised, subject to Building Standards' approval;
- 6) That the note associated with the brick pavers be changed to read, "Proposed clay pavers to match existing Historic District standard paver, see specifications";
- 7) That the proposed trench drain be day lighted and finished subject to approval by the City Engineer or designee; and
- 8) That the ground sign receive approval for a right-of-way encroachment.

[The applicant and the property owner agreed with the conditions.]

Mr. Langworthy confirmed the applicant understood that the following Administrative Departures are also approved:

- 1) Lot coverage of 79% instead of 75% (departure of less than 10%);

- 2) Required Building Zone landscape treatment will not be required along the south building elevation due to the location of the Existing Structure within one foot of the right-of-way (existing site conditions); and
- 3) Driveway width widened to 24 feet from 22 feet (departure of less than 10%) and parking lot drive aisle reduced to 11.5 feet from 12 feet (departure of less than 10%).

Ms. Martin noted the lot coverage may be reduced depending on the reconfigured parking lot.

Rachel Ray asked Mr. Bogenrife to incorporate the conditions of approval into the revised plans that will need to be submitted for the Architectural Review Board meeting. Ms. Ray said the case cannot be heard by the Architectural Review Board until their scheduled meeting on August 29, which is past the deadline for a final determination on this case (28 days from the Administrative Review Team's recommendation). She suggested the applicant consider agreeing to a time extension which includes the City and the applicant signing a Time Extension Agreement form with the new decision date.

Mr. Vesha agreed to sign the Time Extension Agreement form, and the Architectural Review Board meeting on August 29 would be fine with him.

Steve Langworthy confirmed there were no further items of discussion and adjourned the meeting.

Mr. Moore said that he hadn't, but sign permitting would follow soon. He said he was unsure when the owner would file for a building permit.

Mr. Langworthy confirmed that the Administrative Review Team members had no further comments and stated that this Minor Project Review application had been approved.

**2. 12-042MPR – BSC Sawmill Center Neighborhood District – Piada – Master Sign Plan – 6495 Sawmill Road**

Jeannie Martin said this is a request for review and recommendation of approval to the Planning and Zoning Commission of a Master Sign Plan for an existing restaurant. She said the Master Sign Plan involves the reconfiguration of two existing signs which exceed the maximum size permitted by the Zoning Code for signs in the Bridge Street Districts. She explained the Master Sign Plan and the proposed sign reconfiguration which relocated the existing letters onto a curved raceway above the existing canopy. She said the signs would continue to be internally illuminated.

Ms. Martin said Planning finds the sign proposal to be imaginative and appropriate to the building's design, and approval of the Master Sign Plan is recommended to the Planning and Zoning Commission.

Steve Langworthy asked if the applicant had anything to add to Ms. Martin's comments.

Thomas Beery, Thomas Beery Architects, said he had no further comments.

Mr. Langworthy asked if the height of the sign was in conflict with the Code regulations.

Ms. Martin said no, because although the proposed signs are at approximately 17 feet above grade, signs are limited to be within the ground floor of the building and shall not extend above the roof line. She said the proposed sign height will not exceed this limitation.

Mr. Langworthy noted that sign height is now measured by stories in order to ensure signs are well-integrated into the building's design.

Mr. Langworthy confirmed the Administrative Review Team members had no further questions or comments and stated the Administrative Review Team will recommend approval to the Planning and Zoning Commission of the Minor Project Review application involving a Master Sign Plan.

**3. 12-040ARB-MPR – BSC Historic Core – Vesha Law Office – Signs, Site, and Architectural Modifications – 38 South High Street**

Jeannie Martin said this is a request for site and architectural modifications to an Existing Structure located at the northeast corner of the intersection of South High Street and Spring Hill which included new windows, doors, siding, trim, roofing, and modifications to an existing ground sign. This is a request for review and recommendation of approval to the Architectural Review Board of a Minor Project Review application under the provisions of Zoning Code Section 153.066(G).

Steve Langworthy asked if the Administrative Review Team had any comments or questions for Ms. Martin. He stated the Administrative Review Team would not be required to make a recommendation at this time.

Mr. Langworthy asked about the deck railing material.

Shawn Bogenrife, Bogenrife Architecture, said the railing would be painted cedar.

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Ray Harpham commented the parking configuration as proposed would not be functional, given the grading and the size of the lot. He suggested the applicant consider angled parking, or some other configuration of the parking, but the 90-degree parking spaces would not work as they are shown.

Mr. Bogenrife said angling the spaces would reduce the number of spaces that would fit on the lot. He asked if the curb cut could be widened, because he had originally proposed a wider curb cut from Spring Hill, but was required to reduce it to 22 feet.

Ms. Cox asked if Mr. Bogenrife was asking to not have curb cuts, and just have the lot be open to Spring Hill. Mr. Bogenrife said yes, that was an arrangement he had considered. Ms. Cox said she did not think that would work either because the grade changes too quickly between the edge of the parking lot and Spring Hill. She suggested striping only four spaces.

Mr. Bogenrife said if the parking spaces were angled, then they would only have space for three, with one parallel space. Ms. Cox suggested centering the curb cut on parking space number two, which would provide more green space in the islands near the trees on the northeast portion of the lot. She confirmed vehicular access to the dumpsters was not needed on this site.

Dan Phillabaum asked about the condition of the trees on the northeast corner of the lot. Mr. Langworthy said the City's Zoning Inspector can look at the trees to confirm their condition. He said if the trees are removed, the parking spaces may have more room to be angled. He suggested Mr. Bogenrife look into the suggestions offered by the Administrative Review Team to determine which layout would work best.

Alan Perkins asked if there is a basement or crawl space associated with this building, and where the openings were located. Mr. Bogenrife said there are both, with a basement under the main portion of the building and a crawlspace under the porch, which is where they wanted to put the mechanical items.

Jeff Tyler asked if there is storage area in the space beneath the porch. Ray Harpham said when the building permit is submitted, it will need to be identified as a crawl space rather than a basement. Mr. Tyler said the basement location cannot be used for file storage.

Ms. Cox asked if the furnace and water heater would be kept under the porch. Mr. Harpham said the existing basement could be the mechanical room; the porch may not work due to the design. Mr. Bogenrife said the porch has an access door not currently shown on the elevations, and it might be drier than the basement.

Mr. Tyler referred to the coach lights proposed near the front and back doors, and noted the Building Code requires one footcandle of light around exits, and the gas light may not be bright enough to meet the requirement.

Fred Hahn inquired if the use of a different type of brick than the adjacent brick sidewalk was intentional. Nicholas Vesha, Lucky Duck Investments, LLC., said he does not have a problem with making the brick the same as the one used by the City.

Ms. Cox said she would like to know how the trench drain and outlet of the trench drain will be treated. She said the drain cannot be placed in a location that would cause erosion or icing into the street. She said she is also concerned about the existing sign in the right-of-way and asked if it could be set back into a planting bed outside of the right-of-way.

Mr. Langworthy said the post can stay because it is an existing nonconforming sign, but if it should fall down or otherwise deteriorate, it cannot be replaced in that location. Rachel Ray said the Code requirement is for an eight-foot setback for ground signs.

Ms. Ray reviewed the waivers originally submitted with this application and determined that no waivers are required at this time, because they can either be addressed through the Administrative Departure process or through the Architectural Review Board's review.

Mr. Langworthy confirmed the applicant would review the following prior to the next Administrative Review Team meeting on July 19: the parking configuration, type of brick, trench drain outlet, and the building elevations showing the access to the crawl space beneath the porch.

Ms. Ray asked the applicant to submit the requested materials by the beginning of next week for review.

Steve Langworthy confirmed there were no further items of discussion and adjourned the meeting.

An Ordinance Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.144 Acres, More or Less, Fee Simple Interest that is Present Road Occupied, and a 0.080 Acres, More or Less, Permanent Utility, Grading and Drainage Easement from Walter L. Shier And Carol Shier, William Sorden and Mary Ann Sorden, Robert E. Shier and Linda L. Shier, and Mark A. Shier and Rene E. Shier. (Second reading/public hearing April 9 Council meeting)

2. **Ordinance 18-12 (Introduction/first reading)**

An Ordinance Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance No. 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Incorporating Certain Job Classifications and Corresponding Pay Grades. (Second reading/public hearing April 9 Council meeting)

**POSTPONED ITEM**

**Ordinance 07-12(Amended)**

**Adding Sections 153.057 through 153.066 to the City of Dublin Codified Ordinances (Zoning Code) to Establish the New Bridge Street Corridor Zoning Districts, Development Standards and Approval Process, and Amending Section 153.002 of the City of Dublin Codified Ordinances (Zoning Code) to Add and Modify Definitions.** (Case 11-020ADM)

(Mr. Reiner recused himself and left Council Chambers.)

Mr. Langworthy stated that, subsequent to the last meeting and work session, a number of changes have been made to the document at the request of Council and some clarifications have been made as well.

1. Section 153.058, Scope and Applicability. Language was amended to clarify that rezoning to districts other than the BSC districts would continue to be available.
2. Section 153.066, Review and Approval. The amended language provides that the PZC can vote to approve, disapprove, or approve with conditions at the Basic Plan Review. Other changes include that the findings of PZC, once made, are required to be incorporated into the application for either development plan or site plan review. Secondly, in regard to the Basic Plan changing after the approval is made with the submission of a formal application for development or site plan review, a requirement is added to the review criteria for both development and site plan review. This criteria indicates the application must be substantially compliant with the Basic Plan Approval. This will eliminate the potential of major differences between the Basic Plan Review application and the later applications. If the later plans are substantially different than the Basic Plan Review, the applicant has two options: to resubmit for another Basic Plan Review, or alter the application to be more substantially compliant with the approved Basic Plan by PZC. If the PZC denies the Basic Plan, the application would have to be altered and resubmitted to PZC before it could proceed. These changes provide the PZC with more authority than before, yet leave in place the administrative process that has been discussed.
3. Council also asked for specific information of what would be included on the Basic Plan in order to understand the level of detail submitted to PZC. Therefore, a checklist has been provided with the memo that includes the general requirements for all of the reviews. It does not prevent the applicant from providing additional information, if they so desire. Nor would it prevent PZC from requesting additional information, if deemed appropriate.

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4. Council also requested more examples of minor and major waivers. Information has been provided about this as well.
5. There were also questions regarding the waiver language, and a letter has been sent by the Stavroffs in regard to this matter. Language has been included that indicates the PZC has a number of review criteria they may use to determine whether a waiver could be considered. It attempts to take into account both physical conditions on the property as well as physical conditions that may exist on adjacent properties, as well as other conditions beyond the control of the applicant. The attempt was to ensure the PZC had some guidelines for approving waivers, as it is a discretionary approval. In addition, adequate guidelines are included to ensure the waiver would be legitimate.

He offered to respond to additional questions.

Mrs. Boring stated that in the memo, on page 2, last sentence of the first paragraph it indicates, "The applicant may be required to submit a new Basic Plan Review application for review by the Commission." Can he provide an example of an occasion when this would not be required?

Mr. Langworthy responded that the language should be stronger. The applicant would be required to do so, as it would fail the review criteria. The review criteria must be met, so the language will be modified accordingly.

Mrs. Boring stated that she suggests the staff memo be corrected so that the record is clear. She also suggested another correction, under "Waivers" which indicates that waivers are always approved by the Planning and Zoning Commission. She would prefer the language state, "Waivers are always brought to the Planning and Zoning Commission to be approved."

Mr. Langworthy agreed.

Mrs. Boring stated that on page 6 of 21, Criteria for Development Plan Waivers, it indicates, "each required reviewing body shall make its recommendation or its decision...." Where is the required reviewing body defined?

Mr. Langworthy responded that it is defined in the definitions section as well as the chart in the front of the document.

Vice Mayor Salay asked for confirmation that the intent is that the PZC approval, disapproval or approval with conditions is a binding decision.

Mr. Langworthy responded affirmatively. It is binding in two ways: the findings of the PZC must be included in the application submitted and the findings of PZC have to be incorporated into the application itself.

Ms. Chinnici-Zuercher asked for clarification. There is a list of items required in the Basic Plan Review. However, there are some places, such as under General Requirements that indicate an applicant should generally outline the potential project – with a note that indicates details may vary widely, depending upon the applicant's stage in the development process.

Mr. Langworthy responded that at the Basic Plan Review stage, the applicant may not know many of the details of the project. Staff is not sure how much information they will provide, beyond the basic items.

Ms. Chinnici-Zuercher stated that this is the point where it goes to PZC for review.

Mr. Langworthy responded that is correct, but some details – such as number of parking spaces needed – will not be available for some. The sign package may not be ready at that time.

Ms. Chinnici-Zuercher stated that under the Lot and Block configurations, the language indicates, "if known." Her main concern is that the public has a right to weigh in on any development in the community. The City has worked hard for many years to ensure this. Therefore, the Basic Plan Review version must sufficiently document

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what the project will be in order for the public to provide input. If the building type is not known, what will the public respond to in their only opportunity for input?

Mr. Langworthy responded that they will know the building type, as only a certain number are permissible in the District. They may not know whether it will be a loft building or apartment building. But the differences between those in terms of building heights, setbacks may not be significant. The concept is that within these Districts there are certain building types compatible with the areas and the planning around those areas. There will not be huge ranges of concepts submitted. He added that the desire is to maintain some of this at the administrative level so that items can be added without the need to amend the ordinance continually. The PZC will also provide feedback regarding the information they are receiving with the application and whether it is adequate.

Mr. Keenan stated he needs to understand procedurally the adoption of this Code with the adoption of the zoning map for the Bridge Street Corridor.

Mr. Langworthy responded that the districts must first be established, and then the properties can be zoned into those districts. Therefore, Ordinance 07-12 must be adopted prior to Ordinance 08-12.

Mr. Keenan noted that he supports adoption of the Planning and Zoning Commission recommended map.

Mr. Langworthy stated that the two ordinances are completely separate and require separate votes.

Mayor Lecklider asked for clarification regarding page 18 of 21 of the document. It appears some new text has been added regarding the ability to appeal certain actions to City Council.

Ms. Readler responded that language was added to provide Council with the option of hearing an appeal. Currently, the appeals in the Bridge Street Corridor would go to the Board of Zoning Appeals, but their review is limited to what was considered at the reviewing body or administrative staff level. This added language provides a discretionary review by Council. Council could review any information presented to them and so there are not limitations such as those on the BZA.

Mayor Lecklider confirmed that is the preference of Council, as expressed over the past few months.

Mayor Lecklider invited public testimony.

Ben Hale, Jr., Smith & Hale, 37 W. Broad stated that the changes made to the Code are very productive. He has one request, which is related to the letter from the Stavroffs. His suggestion is simple and adds some clarity. Under the "Criteria for Site Plan Review Waivers" there are four provisions. The first one states that the need for the waiver "is caused by unique site conditions, the use of, or existing conditions on surrounding properties or other circumstances outside the control of the owner or lessee, including easements and right-of-way." He suggests that in the second phrase, "use of or existing conditions on" to insert the language "on the property or surrounding properties" so that this applies to the subject property as well as the surrounding properties. This gives applicants the right to request waivers under situations where a number of factors are outside the control of the property owner – such as deed restrictions. There is a need for relief from this type of situation. Mrs. Boring pointed out that this language is contained on page 6 of 21 and page 10 of 21, as it is in both the development plan and site plan waiver sections.

Mr. Hale continued, noting he is suggesting the following modifications to these sections:

SECTION 153.066 – REVIEW & APPROVAL PROCEDURES & CRITERIA

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(4) Development Plan Waiver Review

(e) Criteria for Development Plan Waivers

1. The need for the Development Plan Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way.

(4) Site Plan Review Waiver Review

(e) Criteria for Site Plan Review Waivers

1. The need for the Site Plan Review Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstances outside the control of the owner/lessee, including easements and rights-of-way.

Ms. Readler stated that the current provision only addresses conditions on surrounding properties. Mr. Hale's modification includes site conditions on the property that is the subject of the application. The last clause of "other circumstance outside the control" was suggested by staff to address the issue.

Mr. Hale responded that to him, both clauses should refer to the property itself to address the title issues that often arise.

Mayor Lecklider asked if staff has any objection to this clarification as Mr. Hale has suggested.

Ms. Readler and Mr. Smith indicated this modification is acceptable.

Ms. Chinnici-Zuercher asked Mr. Langworthy what the results will be in the end, in view of all of the changes to the Code being requested by property owners. Her concern is whether the City will be able to achieve the vision approved at the outset of this process.

Mr. Langworthy responded that he believes the clarifications made during the review were minor and will have minor implications. The ones proposed were fairly detail oriented, took away a high level of specificity, and gave somewhat more discretion to the reviewing body for some approvals. Of all the changes requested of PZC, the ones specifically rejected related more to the level and quality of architecture. The PZC was pleased that the quality aspects were retained. The architects on PZC agreed with the changes that were made with respect to the architectural details. He is satisfied with the outcome of the input provided.

Ms. Chinnici-Zuercher noted that the City needs to analyze each application as this unfolds to ensure the vision is being achieved – both the intent in terms of appearance and the quality of architecture and materials. She is most concerned about the urban look desired in this area of the city, versus what had been done historically. Adding all of the modifications may compromise what is desired.

Mr. Langworthy responded that he understands the concern. But there were few changes, if any, which related to character elements of the individual districts and areas. There was little comment about changing the location of buildings, parking, the need for outdoor plazas, etc. Most of the comments were provided by developers and builders and related to individual details about architecture and buildings. He agreed that the City does need to monitor every project as it is approved and built to ensure the outcome is what is desired.

Mr. Gerber stated he shares Ms. Chinnici-Zuercher's opinion on this aspect. It is important for staff and PZC to monitor this closely and report regularly to Council on the progress. With respect to Mr. Hale's proposed modifications, it does bring clarity to the sections and he does not object to it.

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Ms. Grigsby stated that, as discussed at the work session, staff's commitment is to have a regular schedule for review of what is developed. In the early stages, it will be project by project. As discussed previously, there will likely be modifications needed to the Code in the future, based on experience. The input received from property owners and developers with interests in the area has been very beneficial. Their comments have been incorporated where clarity was needed or where something was overlooked. The intent is to have quality development in the Bridge Street Corridor.

Mayor Lecklider stated that, from his perspective, he wants some reasonable assurance that he will not see in the future what is seen today in the corridor, to state it simply. That is not what was envisioned a year ago for this process. If the modifications to the language as proposed results in more of the same type of development, he is likely not interested.

Ms. Grigsby responded that the key issues of streets and densities represent huge changes, and they will dramatically change the look and development in this area. She believes the Code will serve to implement what is in the vision report.

Mrs. Boring summarized asked Mr. Langworthy to identify the differences between the PZC recommendation and staff's recommendation, including the modifications proposed tonight.

Mr. Langworthy responded that up to the Basic Plan Review stage, they are the same. The difference becomes what occurs when the PZC is ready to act upon the Basic Plan Review. The PZC recommendation calls for PZC to make a determination of whether they would retain approval authority or send it back to the Administrative Review Team for approval. Under the proposal from staff, the next step is for the Administrative Review Team to review it. However, the Basic Plan Review findings by PZC as binding has been added. In the review criteria, the site plan and development plan must remain substantially compliant with the Basic Plan Approval and the application for site and development plan must include the findings of the PZC.

Mrs. Boring asked for clarification – PZC also reviews and makes decisions regarding waivers.

Mr. Langworthy responded that is correct.

Mrs. Boring asked if there are any other items that PZC wanted to incorporate that staff did not include in the latest version.

Mr. Langworthy responded there are not. The point of departure for PZC with the staff recommendation related to what occurs after Basic Plan Review.

There were no further comments.

Mayor Lecklider moved approval of Ordinance 07-12 as presented tonight, with the proposed language changes by Mr. Hale as follows:

SECTION 153.066 – REVIEW & APPROVAL PROCEDURES & CRITERIA

(4) Development Plan Waiver Review

(e) Criteria for Development Plan Waivers

1. The need for the Development Plan Waiver is caused by unique site conditions, the use **of** or conditions on **the property or** surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way.

(4) Site Plan Review Waiver Review

(e) Criteria for Site Plan Review Waivers

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1. The need for the Site Plan Review Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstances outside the control of the owner/lessee, including easements and rights-of-way.

Mr. Gerber seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

Vice Mayor Salay thanked all of staff who have worked very hard over the past few weeks on all of the modifications to enable tonight's unanimous vote on this Code.

(Mr. Reiner returned to Council Chambers at this point.)

**SECOND READING/PUBLIC HEARING – ORDINANCES**

**Ordinance 14-12**

**Rezoning Approximately 18.5 Acres, Located on the North Side of Brand Road, Approximately 700 Feet West of Coventry Woods Drive from R and R-1 to Planned Unit Development District (Wellington Reserve PUD) to Establish a 28-Lot Single-Family Detached Residential Development and 3.6 Acres of Open Space.** (Case 08-0387/PDP/PP) (Wellington rezoning)

Ms. Husak noted that Planning, Engineering and the applicant have met since the last reading and the applicant has submitted a revised set of drawings and development text. She noted the following:

- The site plan reflects a shifting of the cul de sac and road slightly west to increase the lot depth of those lots adjacent to lots within Wellington Place. Those lots depth are now the same as what was reviewed at the PZC stage, which is what the residents who testified on March 12 supported.
- The issues identified at first reading related to drainage, the road alignment, tree preservation, landscape buffering, and the maintenance by the HOA.
- Engineering prepared a separate memo and exhibits for the packet regarding the drainage. The road was shifted to allow for more depth on the eastern site.
- Residents to the north expressed concerns with tree preservation. The applicant has created a 40-foot tree preservation zone in the northern portion of the site that includes along Lots 16 and 17 and those are also the heavily wooded areas. The remainder of the site has a 30-foot tree enhancement zone or a 40-foot tree enhancement zone, adjacent to Wellington Place.
- The applicant has revised the development text to require a heavy-duty metal or wood construction fence along the tree preservation zone during the construction activity. Planning further suggests that a tree outside the zone No. 740, be preserved and that a fence be placed around this sizable tree.
- The applicant has also provided an illustrative master plan that depicts in lighter color the trees that could be preserved, and in darker color the trees that would be replacement trees, if all trees identified as potentially replacement trees must be replaced.
- In follow-up to the discussion of March 12, the applicant has revised the development text to mirror the tree waiver typically granted by Council for heavily wooded sites – for six to 24-inch trees.
- The plan also shows the likely design for the frontage treatment of Brand Road. Most of these details will be in the final development plan, but the intent is for the Brand Road setback to be used as an area for reforestation, with the effect of a natural woodland. This will also assist in the HOA maintenance of this

12-040ARB-MPS  
Signs, Site and Architectural  
Modifications  
Vesha Law Office  
38 South High Street



City of Dublin  
 Land Use and Long  
 Range Planning  
 5800 Shier Rings Road  
 Dublin, Ohio 43016-1236  
 phone 614.410.4600  
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 www.dublinoh.ousa.gov

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**FEBRUARY 2, 2012**

The Planning and Zoning Commission took the following action at this meeting:

**2. Bridge Street Corridor – Area Rezoning  
 11-021Z**

**Area Rezoning**

**Proposal:** An area rezoning of 388 parcels totaling approximately 808.7 acres for the Bridge Street Corridor.

**Request:** Review and recommendation to City Council regarding proposed land use map amendments under the provisions of Zoning Code Section 153.232 and 153.234.

**Applicant:** City of Dublin, Marsha Grigsby, City Manager.

**Planning Contact:** Steve Langworthy, Planning Director.

**Contact Information:** (614) 410-4600 slangworthy@dublin.oh.us

**Affected Parcels:** 273-000016, 273-000071, 273-000003, 273-000797, 273-000040, 273-00102, 273-000088, 273-002457, 273-009973, 273-011148, 273-009093, 273-000028, 273-004081, 273-000027, 273-004079, 273-004080, 273-009147, 273-008995, 273-000104, 273-000093, 273-000094, 273-000039, 273-009972, 273-009124, 273-005565, 273-000068, 273-000042, 273-000073, 273-000107, 273-000048, 273-000012, 273-000035, 273-000024, 273-002459, 273-009044, 273-010405, 273-000086, 273-012325, 273-000108, 273-002485, 273-000029, 273-000123, 273-000415, 273-012260, 273-012261, 273-008868, 273-000033, 273-000099, 273-012295, 273-009088, 273-000794, 273-002460, 273-000321, 273-000121, 273-009734, 273-000109, 273-000079, 273-009155, 273-008958, 273-008280, 273-000106, 273-009119, 273-009971, 273-008872, 273-008329, 273-000020, 273-008373, 273-000037, 273-000062, 273-000787, 273-000143, 273-003513, 273-005566, 273-008309, 273-009322, 273-009324, 273-009749, 273-009978, 273-009979, 273-012181, 273-012182, 273-012183, 273-000002, 273-000018, 273-000111, 273-000310, 273-000208, 273-008277, 273-003680, 273-008316, 273-010936, 273-011236, 273-012066, 273-012067, 273-012068, 273-012069, 273-012070, 273-012071, 273-012072, 273-012200, 273-009055, 273-012174, 273-012175, 273-012176, 273-000032, 273-000098, 273-000010, 273-000038, 273-004507, 273-008286, 273-008287, 273-008288, 273-008313, 273-008314, 273-008315, 273-009750, 273-007473, 273-002895, 273-000269, 273-000025, 273-000077, 273-000096, 273-000113, 273-000044, 273-000008, 273-

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
FEBRUARY 2, 2012**

**2. Bridge Street Corridor – Area Rezoning  
11-021Z**

**Area Rezoning**

Affected Parcels: 000089, 273-008242, 273-008258, 273-008377, 273-008813, 273-  
009030, 273-008257, 273-000061, 273-009077, 273-008332, 273-  
008333, 273-000001, 273-000122, 273-000124, 273-008867, 273-  
000022, 273-000270, 273-000274, 273-001348, 273-001349, 273-  
001350, 273-008261, 273-000081, 273-000031, 273-000067, 273-  
000078, 273-008327, 273-008328, 273-000034, 273-010207, 273-  
009035, 273-000069, 273-008998, 273-000013, 273-000127, 273-  
009099, 273-000128, 212-000129, 273-009079, 273-009096, 273-  
009150, 273-000072, 273-008279, 273-012251, 273-008285, 273-  
008308, 273-008312, 273-012184, 273-012185, 273-009145, 273-  
000007, 273-001940, 273-012300, 273-012301, 273-008275, 273-  
000023, 273-000256, 273-000136, 273-009086, 273-000015, 273-  
000329, 273-012245, 273-000054, 273-000112, 273-003800, 273-  
012193, 273-000005, 273-008827, 273-009081, 273-008907, 273-  
008330, 273-009101, 273-012296, 273-000259, 273-000014, 273-  
000074, 273-000053, 273-000059, 273-000097, 273-008245, 273-  
000051, 273-000315, 273-008305, 273-010154, 273-000132, 273-  
000134, 273-000080, 273-000047, 273-008859, 273-000046, 273-  
012285, 273-008334, 273-000049, 273-000139, 273-009974, 273-  
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000083, 273-008284, 273-008310, 273-008311, 273-009084, 273-  
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000101, 273-000324, 273-011175, 273-010864, 273-012199, 273-  
000130, 273-000131, 273-000126, 273-000258, 273-000052, 273-  
000118, 273-000785, 273-000786, 273-009090, 273-008266, 273-  
001308, 273-000110, 273-000114, 273-000273, 273-000344, 273-  
000788, 273-000257, 273-001978, 273-008246, 273-009148, 273-  
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000004, 273-004077, 273-004078, 273-005564, 273-000989, 273-  
001530, 273-002458, 273-002463, 273-000091, 273-012229, 273-  
008335, 273-000105, 273-000060, 273-008304, 273-012158, 273-  
008306, 273-008307, 273-008375, 273-012198, 273-000036, 273-  
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009082, 273-009512, 273-000066, 273-009732, 273-009733, 273-  
012138, 273-008296, 273-009323, 273-000125, 273-012311, 273-  
012170, 273-008908, 273-008247, 273-008249, 273-008811, 273-

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
FEBRUARY 2, 2012**

**2. Bridge Street Corridor – Area Rezoning  
11-021Z**

**Area Rezoning**

Affected Parcels: 000075, 273-000135, 273-002075, 273-009083, 273-008269, 273-008244, 273-009080, 273-008381, 273-008358, 273-002474, 273-000043, 273-000057, 273-000137, 273-000405, 273-000170, 273-003410, 273-003411, 273-008820, 273-011235, 273-008243, 273-008831, 273-008832, 273-008833, 273-008834, 273-008838, 273-008856, 273-008857, 273-008858, 273-008869, 273-008994, 273-000045, 273-012264, 273-000212, 273-000213, 273-000141, 273-000144, 273-008206, 273-008264, 273-008805, 273-001186, 273-000085, 273-009118, 273-009121, 273-009127, 273-009045, 273-009054, 273-009094, 273-009128, 273-009129, 273-009130, 273-009152, 273-009153, 273-009154, 273-009085, 273-008913, 273-008331, 273-012218, 273-010406.

**MOTION:** To recommend approval to City Council of the Area Rezoning map dated February 2, 2012 and titled "Proposed BSC Zoning Map Recommended Changes from ARB and PZC Area Rezoning" with one condition:

- 1) That the six parcels on the north side of W. Bridge Street, west of North Riverview Street (addressed 17-53 North Riverview Street and 40 North Blacksmith Lane) be rezoned to the BSC-HC, BSC-Historic Core District.

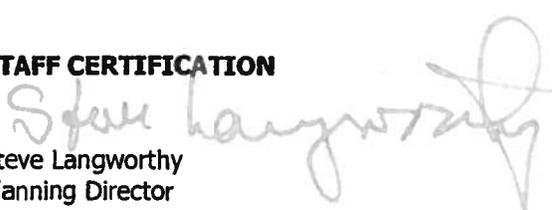
**VOTE:** 6 – 1.

**RESULT:** Approval of this Area Rezoning is recommended to City Council.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Todd Zimmerman	Yes
Warren Fishman	Yes
Amy Kramb	No
John Hardt	Yes
Joseph Budde	Yes

**STAFF CERTIFICATION**

  
Steve Langworthy  
Planning Director

Ms. Amorose Groomes said she also agreed with the comments made about impropriety and things happening outside of the public realm. She said she realized there is a brief public input at the beginning of the phase, but certainly they all are experienced enough to know the vast amount of changes that happen from an informal review to a finished product. Ms. Amorose Groomes said she was not making any implication that any impropriety would occur, but the appearance would be there and that was far away from where they wanted to be.

#### **Motion and Vote**

Richard Taylor made the motion to recommend approval to City Council of this proposed Zoning Code amendment to add Sections 153.057 through 153.066 as presented to the Commission on January 31, 2012 and to revise Section 153.002 with the minor modifications discussed at the meeting. Todd Zimmerman seconded the motion.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Krumb, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

## **2. Bridge Street Corridor – Area Rezoning 11-0212**

### **Area Rezoning**

Chair Chris Amorose Groomes introduced this application which involves an area rezoning of 388 parcels totaling approximately 808.7 acres for the Bridge Street Corridor. She said the Planning and Zoning Commission will review and make a recommendation to City Council on the proposed zoning map amendments.

Rachel Ray said there was no formal presentation, but asked if there were any questions regarding the Planning Report. She pointed out one additional property owner had submitted a letter since the previous review of the area rezoning map on December 8<sup>th</sup>, 2011. She said the property is located on Sawmill Road indicated on the map as #11, the former residence just north of Dent Magic, just south of the Waterbeds property. She stated the property owner was requesting a change from the BSC Office as recommended by Planning to the BSC Sawmill Center Neighborhood District which is included on the map the Planning and Zoning Commission was recommending.

Ms. Amorose Groomes confirmed the property owner's request was in line with the Commission's recommendation.

Ms. Amorose Groomes asked if there was anyone in the audience that would like to speak with respect to the area rezoning application.

Melanie Wollenberg, Equity, 445 Hutchinson Avenue, Columbus, said she represents Bridge Pointe Shopping Center. She said she agrees with Mr. Reiner and appreciates the Commission considering a more sensible area rezoning map that takes into consideration property rights and the investment the property owners have made in Dublin. She asked for further information regarding the study of a round-about at the Riverside Drive and the 161 intersection and the impacts to the Bridge Pointe site.

Ms. Wollenberg restated her request for BSC Commercial District zoning for the Bridge Pointe site and the reasons for the request, which include the long term uncertainty of a site with an existing use in conflict with the proposed zoning district, the inability to construct the outparcels as desired under the proposed code and the significant value it takes from their property, and the onerous building requirements under BSC Code for their retail shopping center.

Ms. Amorose Groomes asked if there were anyone else that would like to speak with respect to this application.

Jeff Brown, Smith and Hale, 37 West Broad Street, Columbus, 43215, thanked the Commission for all their effort and time. He said his applicants liked the Commission recommend map better than the map proposed by Planning. He said his firm was contacted by the Speedway property owners at the corner of 161 and Sawmill Road whom expressed concern the existing use was not permitted within the proposed Bridge Street Code. He asked the Commission to consider Bridge Street Commercial for the Speedway site on the corner, because it is the only classification in the new code that would allow the existing use. Ms. Amorose Groomes asked if there were any other comments regarding the proposed area rezonings. [There were none.]

Ms. Amorose Groomes asked for clarity regarding the two different area rezoning maps provided within the packet. Mr. Langworthy said the Commission will need to state which map they are voting on within their motion. He stated the proposed area rezoning map dated February 2<sup>nd</sup> is version that includes the modifications requested by the Planning and Zoning Commission.

Mr. Langworthy said it is the proposed Bridge Street Corridor Zoning Recommended Changes from ARB and PZC Draft February 2, 2012 which is also being displayed on the screen.

Mr. Langworthy said there is one change that needs to be made to the proposed map recommended by the Planning and Zoning Commission, which is to include the six properties located along North Riverview within BSC Historic Core. He said the Commission expressed a desire to include these six properties within the Historic Core, but the map does not accurately reflect this change.

Ms. Amorose Groomes asked what the other changes were. [There were none.]

Ms. Kramb said the Commission has tried to accommodate property owners requests and it is only fair to accommodate the request to permit the Speedway as BSC Commercial, because the property owner has used the same argument as other properties.

Mr. Hardt said he respectfully disagrees with Ms. Kramb and said the other properties where he supported a change was largely based on what was appropriate for those properties in the long term. He said with regards to the Speedway site the present use of the site and the proposed Code adequately provide the property owner the ability to maintain the gas station for as long as they choose.

Mr. Budde agreed with Mr. Hardt and said they can continue to operate in perpetuity, but the long term vision the City is creating with the Code and zoning map is for 30, 40, or 50 years from now.

Mr. Fishman said he wanted to ensure the Code does not prevent the property owner from remodeling and upgrading in the future. Ms. Readler said the property owner can maintain their existing use. Mr. Hardt said the property owner can maintain and remodel the existing structure and expand it up to 50 percent.

Mr. Brown said gas stations have a certain life and are typically demolished and rebuilt, which would not be permitted under the Sawmill Center requirements within the proposed Code. He said with the BSC Commercial District the property owner could obtain a conditional use.

Mr. Zimmerman agreed the Speedway site should remain Sawmill Center.

Ms. Amorose Groomes agreed it would fracture the map. She said other modifications to map were to to incorporate parcels into surrounding districts rather than singling one parcel out. She said she has a hard time singling out this parcel as a standalone piece.

Mr. Taylor said it should remain Sawmill Center.

Ms. Amorose Groomes asked for other comments as it relates to the proposed area rezoning.

Ms. Krumb said she likes the Planning and Zoning Commission map to recommend to City Council; however, she did not support rezoning any properties until the Vision Plan is updated and until the Commission hears City Council's feedback about the proposed BSC Code. She said rezoning these properties is premature and too expansive given the properties will be reviewed under a brand new code that has not been used.

Mr. Langworthy said the Commission is only making a recommendation to City Council for the proposed rezoning map. He said City Council review the proposed BSC Code first and then they will review the proposed rezonings. He said if City Council identifies issues with the proposed Code they will have the opportunity to table Code and/or the rezoning map.

Mr. Fishman said he tended to agree with Ms. Krumb because he does not think they accommodated every existing business and he worries about the property owner's ability to remodel and expand existing businesses. He said he would support the area rezoning as it is only a recommendation to City Council.

Ms. Husak said the motion should refer to the map date and title, and the six properties on North Riverview Street addressed as 17 – 53 North Riverview Street and 40 North Blacksmith Lane be zoned to the BSC Historic Core District.

#### **Motion and Vote**

Mr. Taylor made a motion to recommend approval to City Council of the Area Rezoning map dated February 2, 2012 and titled "Proposed BSC Zoning Map Recommended Changes from ARB and PZC Area Rezoning" with one condition:

- 1) That the six parcels on the north side of W. Bridge Street, west of North Riverview Street (addressed 17-53 North Riverview Street and 40 North Blacksmith Lane) be rezoned to the BSC-HC, BSC-Historic Core District.

Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Fishman, yes; Ms. Krumb, no; Mr. Hardt, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 6 – 1.)

Mr. Langworthy expressed appreciation from the staff and the Administration for all the hard work the Commission has done. He said he has worked with dozens of Planning Commissions over his career and he cannot think of many that have worked as hard as they have to pour their way through this difficult Code. He said we really appreciate the work and effort the Commission has put into it the review of the Code and stated we could not have created this Code without this level input and it is very much appreciated. He said the discussions between Planning and the Commission have made the Code better. He said the staff is very appreciative of all the Commission's efforts.

Ms. Amorose Groomes thanked him and staff.

Ms. Amorose Groomes said they are going to take a short break and will resume at 9:00 pm.

#### **3. ~~Avondale Woods~~ ~~10-036CP~~**

~~Chair Chris Amorose Groomes introduced this application which involves a request for further review and feedback regarding architecture of a concept plan for a residential development with approximately 130 single-family lots and 230 multiple-family units on a 120-acre site located on the west side of Avery Road~~

#### **~~Avery Road~~ ~~Concept Plan~~**

**12-040ARB-MPS**  
Signs, Site and Architectural  
Modifications  
Vesha Law Office  
38 South High Street



CITY OF DUBLIN

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600  
Fax: 614-410-4747  
Web Site: www.dublin.oh.us

**ARCHITECTURAL REVIEW BOARD**

**BOARD ORDER**

**JANUARY 21, 2009**

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

**2. Arcane Rites Tattoo - Sign  
08-111ARB**

**38 S. High Street  
Architectural Review Board**

Proposal: Refacing an existing ground sign for a business located in the Historic District. The 0.12-acre site is located in the northeast corner of the intersection of South High Street and Spring Hill.  
Request: Review and approval of a sign under the provisions of the *Historic Dublin Design Guidelines*.  
Applicant: Edward Jenulewicz Jr, Arcane Rites Tattoo LLC.  
Planning Contact: Eugenia M. Martin, ASLA, Landscape Architect.  
Contact Information: (614) 410-4650, emartin@dublin.oh.us

**MOTION:** Thomas Holton made a motion, seconded by William Souders, to approve this application, with the following three conditions:

- 1) That the proposed paint colors be matte or flat finish;
- 2) That a sign permit be obtained prior to installation; and
- 3) That the proposed plant material at the base of the sign post be selected from the recommended plant list for Historic Dublin with the installed size identified.

\* Edward Jenulewicz agreed to the above conditions.

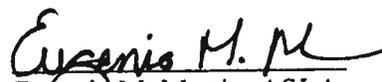
**VOTE:** 3 - 1.

**RESULT:** This application was approved.

**RECORDED VOTES:**

Thomas Holton Yes  
Clayton Bryan Absent  
William Souders Yes  
Linda Kick Yes  
Tom Currie No

**STAFF CERTIFICATION**

  
Eugenia M. Martin, ASLA  
Landscape Architect

**12-040ARB-MPS**  
Signs, Site and Architectural  
Modifications  
Vesha Law Office  
38 South High Street

Mr. Kortsen said they were also planning to have a concrete bollard a couple of feet away from the concrete pier to help prevent anyone from driving into it.

Mr. Holton recalled a concern about the slight grade change at the alley that needed to be accommodated when the parking lot was set back. He said now, the building seems to be right out to the alley. He asked if there was a grade change between the apron of the opening to the garage and the alley itself that is being allowed for.

Mr. Johnson explained that the grade change would be accommodated by building the carriage house into the existing slope, thereby keeping the garage floor elevations very similar to the elevation of South Blacksmith Lane.

**Motion #1 and Vote**

Mr. Holton made a motion to approve the demolition of the existing garage with no conditions finding that the proposal meets the requirements. Mr. Souders seconded the motion. The vote was as follows: Mr. Currie, yes; Ms. Kick, yes; Mr. Souders, yes; and Mr. Holton, yes. (Approved 4 – 0.)

**Motion #2 and Vote**

Robert Kortsen, 16235 Riverbrooks Drive, Marysville, representing the applicant, Larry Paglioni agreed to the conditions as listed below.

Mr. Souders suggested a third condition, that the applicant would coordinate the dumpster enclosure height with Planning since it was not specified on the drawing.

Mr. Holton made a motion to approve this application with the following three conditions:

- 1) That if the applicant ascertains conclusive verification that the carriage house is permitted to encroach upon the existing ten-foot private easement along South Blacksmith Lane, this information be provided to Planning prior to submitting for building permits or any time thereafter;
- 2) That the landscape plan be modified to meet the tree replacement requirement or fees be paid in lieu of meeting this requirement prior to submitting for building permits; and
- 3) That the dumpster enclosure meet the height requirements of the Code.

Mr. Souders seconded the motion. The vote was as follows: Mr. Currie, yes; Ms. Kick, yes; Mr. Souders, yes; and Mr. Holton, yes. (Approved 4 – 0.)

**2. Arcane Rites Tattoo - Sign  
08-111ARB**

**38 S. High Street  
Architectural Review Board**

Eugenia Martin presented this request for review and approval of modifications to an existing four-square-foot projecting sign located in the tree lawn between the sidewalk and South High Street at 38 South High Street. Ms. Martin stated that the 1.23-acre site is located in the northeast corner of the intersection of South High Street and Spring Hill. She presented photographs that show the approximate location of the proposed sign along South High Street.

**12-040ARB-MPS**  
Signs, Site and Architectural  
Modifications  
Vesha Law Office  
38 South High Street

Ms. Martin said that the existing projecting sign was approved by the Review Board in April 2007. She said the proposal is to reface the existing projecting sign with the businesses' new name, without changing the sign location, post, lock and clip attachment, or the previously approved colors. Ms. Martin said the proposed two-foot by two-foot sign will be ¾-inch composite wood and the color scheme will be Jekyll Club Pulitzer Blue for the sign face, and Montpelier Red Velvet for the text. She said that the proposed text font is Caslon Antique, which is an approved *Guideline* font. Ms. Martin stated the applicant is proposing plant material at the base of the sign, but has not identified the plant species or the installed size.

Ms. Martin said the *Historic Dublin Design Guidelines* will be met with the implementation of three conditions which address the paint finish, the permit process, and the plant material proposed at the base of the sign. She said it is Planning's opinion that the intent of the *Historic Dublin Design Guidelines* has been met by the proposed application, and approval of this request is recommended with the three conditions listed in the Planning Report.

Linda Kick swore in the applicant, Edward Jenulewicz, Jr. Arcane Rites Tattoo, LLC, City representatives and any others that wished to speak in regard to this case.

Tom Currie asked why the name of the business was being changed. He expressed a concern that it did not effectively communicate the image and message of the business when looking up the definitions of *Arcane* and *Rite*.

Mr. Jenulewicz said the name was changed because he purchased the business from the previous owner. He said the name went with the previous owner, so he could not keep the name *Bear's Den*, and therefore he came up with a new name.

Mr. Currie said the Code and *Guidelines* say that the sign should effectively communicate the message of a particular business, and *Arcane Rites* implies a hidden or secret initiation or ceremony. Mr. Jenulewicz said he did not think *Bear's Den* effectively communicated what was going on inside the building.

Mr. Currie said the new name implied that something was going on inside other than tattooing, which he did not think was true. He said he could not vote for approval of this name, because it does not communicate the message of the business; it said that they were doing some sort of hidden rites or secret thing was going on in the business.

Mr. Holton said it was not the Board's job to approve the name of the business, but just to approve the sign. He said whether or not they agreed with the name of the business was another matter.

Mr. Currie said he thought the Board's job was to preserve the character of the Historic District.

Mr. Holton pointed out that the tattoo business had already been approved as a business in the District, and he was not sure the Board had the authority to change the name of the business.

Mr. Currie said he thought to preserve the character of the District, there should not be a sign name that did not represent what is going on inside.

Ms. Kick requested guidance from Gary Gunderman on the issue.

Mr. Gunderman said he generally agreed with Mr. Holton in that he did not think it was a good policy for the Board to get engaged in somebody's particular choice of name. However, he said he thought he understood Mr. Currie's issue. He said it at least appears to be something beyond the normal regulatory power of a historic board and he thought just the appearance of having done so is probably not a good idea.

Mr. Currie clarified that he was not opposing the tattoo parlor.

Mr. Holton reiterated that he thought the Board did not have the authority to require a name change of a business. He said it was not in the Code proposal recently reviewed, but perhaps it should be. He said there may be an opportunity to maintain the character of the District, because *Arcane Rites* was a phrase, and perhaps the Board should go ahead and dispatch this issue and then come back and discuss the concept of the character of the District.

Mr. Holton clarified that if the applicant accepted the conditions, the Board had to vote on the application itself.

Mr. Jenulewicz agreed to the three conditions listed below and in the Planning Report. He asked for an explanation of Condition 3. Ms. Martin explained that the previously approved sign depicted two Dwarf Fernspray Cypress and two Hinoki Falsecypress planted at the sign base. She said only one plant survived, therefore the other three Cypress will need to be planted.

#### **Motion and Vote**

Mr. Holton made the motion to approve this application with the following three conditions:

- 1) That the proposed paint colors be matte or flat finish;
- 2) That a sign permit be obtained prior to installation; and
- 3) That the proposed plant material at the base of the sign post be selected from the recommended plant list for Historic Dublin with the installed size identified.

Mr. Souders seconded the motion. The vote was as follows: Ms. Kick, yes; Mr. Currie, no; Mr. Souders, yes; and Mr. Holton, yes. (Approved 3 – 1.)

#### **~~Other Administrative Business~~**

~~Mr. Holton suggested that administrative Code materials should be researched to see whether or not it is written that the Board has the responsibility to actively maintain the character of the District and to take proactive steps. He said the Board could not tell someone to change the name of their business.~~

~~Mr. Gunderman clarified that the question being asked was if Board had the responsibility to take proactive action on a similar application as this and turn it down.~~



**ARCHITECTURAL REVIEW BOARD**

**BOARD ORDER**

**APRIL 25, 2007**

CITY OF DUBLIN.

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone: 614-410-4600  
Fax: 614-410-4747  
Web Site: www.dublin.oh.us

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

- |    |                            |  |
|----|----------------------------|--|
| 1. | Bears Den Tattoo Studio II | 38 South High Street<br>Sign   |
|    | Case Number:               | 07-017ARB  |
|    | Request:                   | To consider a four-square-foot post-mounted projection sign for a new business.      |
|    | Procedure:                 | Review and approval of a permanent sign under the Historic Dublin Design Guidelines. |
|    | Applicants:                | Cathy and John Bender, owner; represented by Ed Jenulewicz.                          |
|    | Planning Contact:          | Joanne M. Ochal, Planner.  |

**MOTION:** Thomas Holton made a motion, seconded by Linda Kick, to approve this sign application because this proposal meets the criteria of the *Historic Dublin Guidelines* and Code, it uses appropriate historic materials, colors, font styles, and continues the pedestrian scale of the Historic District, with four conditions:

- 1) That the sign post be painted Montpelier Red Velvet;
- 2) That all paint be matte finish;
- 3) That the existing sign be removed at installation of the new sign; and
- 4) That a sign permit be obtained from Land Use and Long Range Planning prior to installation.

\* Ed Jenulewicz agreed to the above conditions.

**VOTE:** 5 – 0.

**RESULT:** This Architectural Review Board sign application was approved.

**RECORDED VOTES:**

Thomas Holton	Yes
Tom Currie	Yes
Clayton Bryan	Yes
William Souders	Yes
Linda Kick	Yes

**STAFF CERTIFICATION**

*Joanne M. Ochal*  
Joanne M. Ochal, Planner

**12-040ARB-MPS**  
Signs, Site and Architectural  
Modifications  
Vesha Law Office  
38 South High Street

Mr. Bryan asked if it would be restricted to the current Historic District boundaries, or are they looking at possibly expanding them with zoning changes involved. Ms. Ott said the market study itself will not look at that. She said the District will maintain its current boundaries as its defined area, but the study will look beyond that and look at the drive times, wayfinding, and ability to navigate in and out of the District.

Mr. Holton said there is a wide variability of how well historic areas like Dublin can go. The parameters need to be known on what types of businesses and how much activity can ever be expected.

Mr. Holton swore in those who intended to testify in regards to the following two cases.

**1. Bears Den Tattoo Studio II  
07-017ARB**

**38 South High Street  
Sign**

Joanne Ochal said this application is a request for review and approval of a sign. She said the single-story building is on the National Register, and was built around 1860 for residential use. She said it is currently used for a commercial building. She presented on a slide, the review criteria used that Planning used to evaluate this case and said Planning recommends approval of this sign application, as it uses appropriate historic colors, materials, and fonts, and maintains the pedestrian scale of the Historic District, with four conditions as listed in the Planning Report:

- 1) That the sign post be painted Jekyll Club Pulitzer Blue;
- 2) That all paint be matte finish;
- 3) That the existing sign be removed at installation of the new sign; and
- 4) That a sign permit be obtained from Land Use and Long Range Planning prior to installation.

Ms. Ochal confirmed that the Windsor font proposed was listed in the *Dublin Guidelines* and as required by Code, a landscape plan had been submitted for the sign base, and historic materials were being used. She said Code Enforcement had inspected the building and existing landscaping, and they are in compliance. She said Planning recommended that the paint color of the post be the gray color to match the building, but if the Board decided the red would be more visible, that was acceptable also. Clayton Bryan asked the applicant for his preference. Ed Jenulewicz, representing the applicant, said he would prefer to paint the post red because the door was red.

There was a Board discussion regarding the color of the door and post being painted the same color. Mr. Holton said it was the applicant's choice to re-paint the red door, but it was preferred that the sign post be painted red.

**Motion and Vote:**

Mr. Holton made the motion to approve this sign application, with four conditions, modifying Condition 1:

- 1) That the sign post be painted ~~Jekyll Club Pulitzer Blue~~ *Montpelier Red Velvet*;
- 2) That all paint be matte finish;
- 3) That the existing sign be removed at installation of the new sign; and
- 4) That a sign permit be obtained from Land Use and Long Range Planning prior to installation.

Mr. Bryan requested that the applicant encourage parking in the rear of the building. Mr. Jenulewicz agreed to the above conditions.

Linda Kick seconded the motion, and the vote was as follows: Mr. Holton, yes; Mr. Curry, yes; Mr. Bryan, yes; Mr. Souders, yes; and Ms. Kick. (Approved 5 – 0.)

**2. Tickets Galore**

**Case No. 06-144ARB**

**58, 66, and 68 South High Street  
Sign**

Joanne Ochal said this is a request for site and sign modifications for a building that occupied three parcels under one ownership that contained four businesses with distinct addresses. She presented a slide of the site plan. She said the applicant proposes to use the existing sign post for a 413-square-foot rectangular sign containing the name "Tickets Galore" and 58 South High. She said the proposed colors are from the American Traditional Collection, and Dark Kettle Black will be used for the sign face, and Anthem White for the lettering. She said the Stencil font is proposed. She said locking clips will secure the sign to the post. Ms. Ochal said the applicant is proposing to install black awnings at 66 and 68 South High Street, identical to the Board approved awnings installed at 58 South High Street.

Ms. Ochal said originally, the Board approved a gray tone for the decking material on the east elevation. She said the applicant is requesting a change of color. She presented a sample of the cedar color proposed.

Ms. Ochal said Planning had evaluated this application based on the review criteria and recommends approval of this application, as it meets the criteria, it uses appropriate historic colors, materials, fonts, and continues the pedestrian scale of the Historic District.

Mr. Holton asked about the decking material. Ms. Ochal said it was still a composite material, as was the approved material, but it was a different color.

Bill Hennessey, the applicant, explained that their contractor was confused and installed the wrong decking material. He said they initially thought a brown decking material was approved. He said the decking would have to be removed if the Board did not approve its present color. Ms. Ochal said Planning recommends that the brown decking material was acceptable. She said they do not think the color detracts from the building, or the look of the deck.

Mr. Hennessey said they plan to refinish the outside of the building. Ms. Ochal clarified that that had not yet been approved, what had been approved was the building modifications to 58 South High Street. Mr. Bryan clarified that the exterior refinishing will not introduce a lot of different colors.

Ms. Ochal requested that three individual motions be made for the sign, awning, and the deck material for clarity.

**Motion and Vote:**

Mr. Holton made a motion to allow the deck to remain as is. Mr. Bryan seconded, and the vote was as follows: Mr. Holton, yes; Mr. Currie, yes; Mr. Bryan, yes; Mr. Souders, yes, and Ms. Kick, yes. (Approved 5 – 0.)

ARCHITECTURAL REVIEW BOARD  
BOARD ORDER

September 24, 2003



CITY OF DUBLIN

Division of Planning  
5800 Shier-Rings Road  
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The Architectural Review Board took the following action at this meeting:

2. **Architectural Review Board 03-097ARB – 35-39 South High Street – Temptations**  
**Location:** 0.25-acre located at the northwest corner of South High Street and Spring Hill.  
**Existing Zoning:** CB, Central Business District.  
**Request:** Review and approval of a six-square foot projecting sign.  
**Proposed Use:** Antiques Store.  
**Applicant:** Thomas Bassett, 5641 Glenbervie Court, Dublin, Ohio 43017; represented by Karen Wilkins, 39 South High Street, Dublin, Ohio 43017.  
**Staff Contact:** Carson C. Combs, AICP, Senior Planner.

**MOTION:** To approve this request with three conditions:

- 1) That the proposed sign be architecturally integrated above the center of the 39 South High Street addition at a height consistent with the *Guidelines*;
- 2) That a sign permit be obtained from the Division of Planning prior to installation; and
- 3) That any future lighting for signage be brought back to the ARB for review and approval.

\*No representative for the applicant was present.

**VOTE:** 4 – 0.

**RESULT:** The Board, noting general compliance with the *Guidelines*, approved the application with modifications. Deviation from this approval will require that this request be returned to the ARB for further consideration.

**RECORDED VOTES:**

Janet Axene	Absent
Allan Staub	Yes
Richard Taylor	Yes
David Larson	Yes
Thomas Holton	Yes

**STAFF CERTIFICATION**

Carson C. Combs, AICP  
Senior Planner

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