



City of Dublin

Land Use and Long
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ARCHITECTURAL REVIEW BOARD

MEETING MINUTES

SEPTEMBER 26, 2012

AGENDA

- 1. Dublin Community Church**
12-060ARB-MPR
(Approved 5 – 0)
81 West Bridge Street
Minor Project Review
- 2. Rudy Residence**
12-044ARB-MPR
(Approved 3 – 2 Waivers)
(Approved 3 – 2 Architectural Modifications)
129 South Riverview Street
Minor Project Review
- 3. Demolition Review Criteria**
(Presentation and Discussion)

Robert Schisler called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Board members present were Bob Dyas, William Souders, Tasha Bailey, and Tom Currie. City representatives present were Jennifer Rauch, Steve Langworthy, Dan Phillabaum, Tori Proehl, and Libby Farley.

Administrative Business

Motion and Vote

William Souders moved to accept the documents into the record. Bob Dyas seconded the motion. The vote was as follows: Ms. Bailey, yes; Mr. Currie, yes; Mr. Schisler, yes; Mr. Dyas, yes; and Mr. Souders, yes. (Approved 5 – 0.)

Motion and Vote

Tom Currie moved to approve the August 29, 2012 meeting minutes as presented. William Souders seconded the motion. The vote was as follows: Mr. Schisler, yes; Mr. Dyas, yes; Mr. Currie, yes; Ms. Bailey, yes; and Mr. Souders, yes. (Approved 5 – 0.)

Communications

Jennifer Rauch congratulated Board member Tasha Bailey on the birth of her baby girl last month.

Ms. Rauch said the Newsletter includes the most recent Administrative Review Team applications reviewed within the Bridge Street Corridor. She said it is Planning's intent that beginning on November 1st, Board communications will be sent to the members' Dublin e-mail addresses. She requested the members read, sign, and return the Dublin E-mail Retention and Technology Use policies distributed.

Mr. Dyas asked if City e-mails could be forwarded to their current personal e-mail addresses. Ms. Rauch explained directions were available how to sync City Emails to an iPhone or iPad, but based on the current policy, they could not take e-mails from one address and forward them to another, because there is the issue of keeping public records separate from personal records.

Mr. Currie said he had discussed with Ms. Martin about conducting an inventory of stone walls and historic structures and the impact of bikepath and pedestrian paths on them. He was interested in

knowing who owned the stone walls and was responsible for maintaining them. He expressed a concern about bikepaths projects and the Board's involvement when they are located within the Historic District.

Mr. Schisler explained the rules and procedures of the Architectural Review Board. He swore in those who wished to address the Board in regards to the cases including the applicants, Charles Davis, representing the Dublin Community Church, (766 Aldridge Place, Dublin, Ohio); and Steve and Linda Rudy, (129 South Riverview Street, Dublin, Ohio), their representative, Justin Collamore, Collamore Built, (1788 Guilford Road, Columbus, Ohio 43221), and City representatives.

**1. Dublin Community Church
12-060ARB-MPR**

**81 West Bridge Street
Minor Project Review**

Jennifer Rauch presented this Minor Project Review request for architectural modifications on the Dublin Community Church, located on the southwest corner of the intersection of West Bridge Street and Franklin Street. She said the site contains the existing Church on the northwest corner of the property with parking areas located to the south and east with the main access aligning with Sells Alley, across the street from Town Center II.

Ms. Rauch said the applicant is requesting to place a 9-foot 6-inch wide, terra cotta colored canvas awning over the entrance located in the southeast corner of the building. She said the Code requires it to have an eight-foot clearance and the Administrative Review Team (ART) has made a condition of approval that it be increased to meet the height requirements as required by the Code. She said additionally, the ART has made a recommendation and condition that the applicant provide additional information about the wind load and how the awning will be secured to ensure it meets the Building Code requirements. Ms. Rauch said the ART is recommending approval as the Minor Project Review criteria and the Architectural Review Board criteria are met with two conditions.

Bob Dyas asked if the eight-foot clearance requirement was a new Code requirement. He said almost every awning in the area is under eight-foot. Ms. Rauch said it is a Bridge Street District requirement.

Mr. Dyas asked if the existing security light would be covered by the awning.

Charles Davis, representing the Dublin Community Church, said the awning would be over the top of the existing security light.

Tasha Bailey made a motion, seconded by Tom Currie, to approve this application for architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and Zoning Code with two conditions:

- 1) The applicant provide details indicating how the awning meets the requirements for wind, lateral loads and live loads as required by Chapter 16 of the Ohio Building Code well as how the awning will be attached to the building to the satisfaction of the Chief Building Official prior to receiving a Building Permit; and
- 2) The awning be installed with a minimum of eight feet of clearance.

The vote was as follows: Mr. Dyas, yes; Ms. Bailey, yes; Mr. Souders, yes; Mr. Schisler, yes; and Mr. Currie, yes. (Approved 5 – 0.)

Mr. Schisler asked if there were any public comments. [There was none.]

**2. Rudy Residence
12-044ARB-MPR**

**129 South Riverview Street
Minor Project Review**

Jennifer Rauch presented this Minor Project Review request for architectural and site modifications for the Rudy Residence, located on the west side of South Riverview, south of Pinney Hill. She presented a photograph of the existing site conditions which include a single-story cottage constructed in the 1850s that is on the National Register. She said surrounding the site to the north is a single-family residence with two stories and to the south a property that the Board reviewed modifications and approved a couple of years ago. She presented images of other front street facing facades in the surrounding area that either did not have garages or had them set farther back to show the significance of these structures and what their view is from the street. Ms. Rauch said this site includes the original house located on the front of the lot along South Riverview, and an addition and screened porch that were built at a later point, located to the rear. She said there is an existing gravel driveway located north of the house and a significant tree is located on the property line that the applicant wants to maintain. She said one tree will be removed, should the proposed modification be approved.

Ms. Rauch said the Board reviewed this proposal informally in July 2011, and the discussion points related to the proposed new attached garage adjacent to the existing driveway, as well as the addition of the connector and an addition at the rear. She said the discussion centered around the appropriateness of the proposal and how the alterations, scale, and massing of the proposal, as well as the appropriateness of the design and location of those additions fit with the existing character of the home. She said the Board also discussed how effective the building alterations were in keeping the original character of the structure and with the surrounding properties along South Riverview. Ms. Rauch said in addition, materials, colors, windows, and doors were discussed. She said staff highlighted a concern regarding the garage location which should be located to the rear of the existing structure to preserve the original house and the character along the street. She said the Board discussed to location of the proposed garage compared to location of the existing tree. She said the applicant would like to preserve the tree and find a solution to located the garage at the same time. She said in addition, the Board also discussed the dormers and windows and the appropriateness of trying to make it fit in more with the character of the existing structure.

Ms. Rauch said since the previous review the applicant has moved forward with this application which continues the addition and modifications to the site. She said the proposal includes a smaller addition on the back of the home at the southwest corner and the proposed garage located to the north of the existing home. She presented drawings to compare the previously proposed elevations and the current proposal.

Ms. Rauch reviewed the proposed modifications on each elevation which includes the addition to the rear of the home, the one-story garage with a single door, and the connection between the garage and the addition and existing home. She said that along the rear of the property, the applicant is proposing an addition with porch and dormers along the back with new windows and siding. Ms. Rauch said the materials proposed are appropriate as found by the Administrative Review Team (ART), which include new windows, cedar siding, board and batten siding, metal roofing, new doors, and new lights to coordinate on the addition.

Ms. Rauch said the Administrative Review Team has also reviewed and made a recommendation regarding the required site waivers for this proposal. She said waivers are required to exceed the percentage of expansion related to existing structures, exceed permitted roof pitch, and decrease the required transparency. She said the ART made a recommendation of approval for those three waivers. She said two additional waivers are required to encroach into the side yard setback, and to located the garage forward of primary structure. She said the ART made a recommendation of disapproval for those two waivers, and thus recommends disapproval to the Architectural Review Board for the entire proposal, given the significance of those two waivers.

Ms. Rauch said the Code permits an expansion of up to 50 percent of the existing square footage and the applicant is proposing a 120 percent expansion with this proposal. She said the ART found the expansion was appropriate, given the addition and expansion allows the applicant to use their property and preserve the character of the existing site. She said ART recommended approval of the proposed waiver.

Ms. Rauch said the Code requires roof pitches between 6:12 and 12 for the main roof portions. She said as proposed, they include 6:12, but also other pitches that typically would not be permitted by the Code. She said the ART found the proposed roof pitches appropriate given they were located on the less prominent roof pitches and in line with the character of the existing home.

Ms. Rauch said the Code requires transparency along the street facing façade of 25 percent and on the non-street facing side, 15 percent. She said the existing street façade is 12 percent, and the non-street facing sides are less than the requirement. Ms. Rauch said ART recommends approval of this waiver because the proposed modifications should maintain consistent transparency for the existing structure.

Ms. Rauch said Code requires a 12-foot total side yard. She said on the south property line, the existing structure is located three-and-a-half feet from the south property line, and with the proposed garage location, they are three feet from the property line, for a total of six-and-one-half square feet where twelve feet is required. Ms. Rauch reiterated the ART made a recommendation of disapproval for this waiver stating the garage could be located farther to the rear of it is proposed location and out of the way of the existing tree and meet the total side yard requirement.

Ms. Rauch said with regard to the proposed garage location, the ART is making a recommendation of disapproval, given that another alternative to the location of the garage, making it less prominent and visible from the street façade could be found.

Ms. Rauch said the ART reviewed this proposal based on the General Review Standards, Additions and Alterations to Existing Buildings and Structures, and the Minor Project Review criteria with site plan waivers. She said the ART identified waivers that could be approved, but overall found a number of the criteria are not met for this proposal and are making a recommendation of disapproval for the proposal as well as two of the waivers.

Tasha Bailey said she struggled with the side yard issue because it was the same issue twice, the location of the garage and the side yard setback is the same issue and we were hitting them twice. Ms. Rauch explained they were two separate requirements, so they have to be treated separately. She said if the garage is located differently, then the side yard issue goes away.

Mr. Dyas said he had studied the existing properties and there were seven homes on South Riverview that do not have the alley behind them and of those, one of them is almost identical to what is being proposed by the applicant. He said 195 South Riverview had a two-car, front load gable, with a breezeway that connects. He said examples include a small ranch with a single garage set back by itself, a house with a three-car, front loaded garage located in front of the house all within the same roof structure, a house with a two-car detached garage set all the way back, a house with a two-car detached garage almost flush with the back so it looks connected, and the house on the corner which has everything. Mr. Dyas said the only thing consistent as far as character goes, is that they are all inconsistent. He said he did not understand why consistent character was required.

Mike Carroll, (190 South High Street, Dublin, Ohio) said across the street, many houses have garages in front because there was a cliff behind them and it was an architectural necessity. He said on the other side of the street, there were all front loading attached garages, including condominiums and a variety of other structures.

Ms. Rauch explained the review was based on the Department of Interior Standards in that you are to locate accessory structures and uses to the rear or back of your property to not diminish that historic significance of the existing structure on that property. She said it cannot speak to the newer structures. She said this structure is on the National Register and has historic significance which the review is based upon. She said it may be inconsistent, but the goal is to maintain the historic integrity.

Justin Collamore, Collamore Built, (1788 Gilford Road, Upper Arlington, Ohio) said he believed the Department of the Interior actually states the additions need to be separate and viewed as separate, so a separation between a garage and a house as they have shown, was their idea from the beginning not to abut the garage to the house, but to pull it away and keep it looking separate to meet those standards.

Tom Currie asked if according to the Department of the Interior, additions need to be toward the rear.

Ms. Rauch said the *Historic Dublin Design Guidelines* state that as well. She said the Zoning Code states 'Additions should be generally 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 separated from the original building and simplified in design to not detract from the historic aspects of the structure.'

Ms. Bailey asked if there were no breezeway connecting the two structures, would there be a disapproval of the location of the garage.

Dan Phillabaum said that was the other component of where the garage was located. He said it is recommended separation occurs between the principal structure and any addition, so that breezeway is closer to the Department of Interior's standards for additions to historic structures. He said the front elevation is principally where the ART's concern was with how it presents that garage in relation to the existing historic structure and them being so close on the same plane from the street that it starts to decrease the integrity of the historic component.

Ms. Bailey asked if they were building a freestanding structure, would there still be a disapproval of the location. Mr. Phillabaum said there would.

Mr. Collamore said in the overall scheme of the new Code, he fully understood what they were looking to accomplish. He said in this situation the house is over 100 years old on a lot that is only 60 feet wide, and there is a one hundred year old tree in the spot where ideally they would like to place the garage. He said the applicant felt this was the ideal way to solve this problem, although it does not meet the letter of the Code, in this case it did not feel like there was any possible way to resolve putting the garage behind the house as Code requests because of the width of the yard. He said placing the garage to the back lot with no access from the alley creates a 140 feet long driveway to maintain. Mr. Collamore said the applicant felt this was the best they could with the lot restrictions and the existing tree. He said the garage was separated from the front of the house, which is the historic portion and not touching that whatsoever which was important to them. Mr. Collamore said it was keeping access to light coming into the kitchen which is what the small opening between the garage and house that pushed the garage into the setback.

Ms. Bailey asked if even if the tree was a non-issue, the applicant would still not want to put the garage to the rear due to the length of the driveway and the distance from the street to the garage.

Mr. Collamore said if the tree did not exist, it would not be against the applicant's wishes to move the garage back a little bit, but they had an urban forestry expert said they needed to keep the maximum amount of space they could between the garage and the tree. He said that led them to pull the garage forward a little more than it was the first time the Board saw it.

Ms. Bailey asked if there were guidelines about what they were able or not able to do with the tree.

Ms. Rauch said if it was a protected tree and the City's desire is to have trees maintained.

Ms. Bailey said she felt as though the applicant was left with no options because they would be going against guidelines on the tree or on the distance from the property line on the garage location. She asked if the garage were moved back, would the tree have to be removed.

Ms. Rauch said as discussed at the ART review, it may not be what the applicant desires, but the the garage could be moved back farther and closer to the existing structure, as the graphic shows. She said they did not have to move the garage all the way back to the back of the lot and construct a long driveway. She reiterated that it may not be what the applicant wants to do, but there seemed to be options.

Ms. Bailey asked if a portion of the Code said the garage could not be attached directly to the structure. Mr. Schisler said Mr. Collamore mentioned earlier the Code said they should refrain from attaching the new addition to a historic building on the National Register.

Ms. Bailey asked if ART's recommendation was to move the garage back and attach it directly to the addition which does not violate any Codes, it maintains the tree, and it maintains the distance suggested.

Mr. Phillabaum said the preferred option would be to pull the mass of the garage away from the historic structure. He said the small connector piece shown is more in line with the Department of Interior Standards. He said pushing it back and doing it as shown, would be acceptable. He said another alternative would be to move the garage to this rear portion of the lot and still connect it to the back. Mr. Phillabaum said there are obviously functional needs that the homeowners are trying to meet and staff understands that some of these may not work for them. He explained staff wanted to explore options to better preserve the existing structure.

Linda Rudy, (129 South Riverview Street, Dublin, Ohio), said they were very concerned about daily driving over the tree roots if the garage was placed beyond it. She said they were very concerned about the tree, not just about what is functionally nice for them.

Ms. Bailey asked if staff was recommending they build right over the tree's root system. Ms. Rauch said regardless, they would be even in the existing proposal. She said it always could, as Mr. Phillabaum suggested, be moved farther back.

Ms. Bailey reiterated that no matter what they did, they would not meet the requirements. Ms. Rauch said a choice had to be made by the Board whether or not they are in agreement with ART's recommendation or if the Board want to make a different recommendation. She said that is why the applicant is here before the Board.

Mr. Dyas said his interpretation of the previous review by the Board indicated they were supportive of the proposal as drawn. Mr. Currie and Ms. Bailey said they were good with it.

Mr. Schisler said they were in favor of it, but the Code read differently at that time. He said a number of the homes had garages that aligned. He said he believed the proposed garage location was better for the tree.

Mr. Schisler asked who owned the tree. Mr. Rudy said they thought tree was on the lot line, but they were uncertain. He said he had researched extensively and could not conceive any way of not having the driveway having a very harsh impact on the tree, except with the plan they have submitted.

Mr. Currie noted in the Secretary of the Interior's Standards for Rehabilitation, Number 4 'Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.' He said it seemed the tree is one of those things that have acquired historic significance.

Ms. Bailey said the garage is going to look fundamentally the same, it is just the distance of it from the street and how much separation between the house and the garage. She said the difference is going to be the health of the tree.

William Souders asked if all the homes with garages next to the house in the area were beyond 12 feet.

Ms. Rauch said that was a Bridge Street Code requirement, so she did not know the exact setbacks of all of the existing garages and what requirements they were built under. She said in the Historic Residential District, there were some instances where a zero lot line was required. She said this review is based on the current Code requirements.

Mr. Souders asked about staff's comments regarding the massing of the addition behind the original one-story. Ms. Rauch said she understood the ART said that because it was located to the rear of the property and there are some minor grade changes, the massing was appropriate as proposed.

Mr. Souders recalled when the Board reviewed the one-story house on High Street with a condominium behind it the massing was a significant issue. He said he had a hard time understanding why the comments that applied to that project do not apply here.

Mr. Phillabaum said there was a difference. He explained the reason the ART was okay with the massing of this proposal as opposed to the situation at 54 South High Street was that it had the ability, because of the change in grade, to keep the roofline lower than the roofline of the existing principle structure and still have a functional addition that kept the use of the property going forward effectively. Mr. Phillabaum said in this instance, there is very little option for the applicant because they simply cannot keep the addition below the roofline of the existing cottage because of its diminutive size and make the home functional for current standards of living. He said the way they have attached it, and the view from the street, because it is pushed significantly back is acceptable. He said the first desire is to keep the addition below the height of the original, but different site conditions are going to dictate.

Mr. Collamore said they did their best to negate that effect of the larger piece behind the smaller. He said they tried to make it one-and-a-half story behind rather than a full two-story, as well as taking into account the grade change from the street. He said so keeping that roof as low as possible behind the existing home really minimizes it because you are looking up at the one-story piece. Ms. Rudy said if you stand at street level, you would not be able to see the roof behind as proposed.

Mr. Souders asked if the garage was in the rear and it was not a two-story, and the square footages listed were taken in whatever configuration, does that exceed the lot coverage of what is permissible. Ms. Rauch said it would meet the lot coverage requirements.

Mr. Souders said there are techniques that can be used to solve this issue that gives the side yard setback, gets off the front façade, and that changes the pavement, so not every option has been considered. He said both of the options proposed make sense, but in both cases, the garage sits on the canopy of the tree, and in the third case, sitting it back and then driving across the roots everyday with a full 16 feet, is a negative in itself.

Mr. Collamore said driving back and forth on a gravel pad or pathway every day compacts the ground which would be worse for the health of the tree probably than just paving over it and causing it to re-

grow. He said he researched this because he had a concern about the tree. He said an Urban Forester professor at Ohio State told him that this proposal would have the least impact to the tree.

Mike Carroll, (190 South High Street, Dublin, Ohio), expressed concern about the maintenance of a 140-foot driveway. He said it was a great idea to try to preserve the tree when building, but it does not actually work. Mr. Carroll recommended that the Board carefully think about the safety of the family and environmental concerns of trying to maintain a 140-foot driveway.

Mr. Schisler asked if the proposal met the lot coverage requirements. Ms. Rauch said as proposed lot coverage is 23 percent. She said as Mr. Souders asked, if they were to take the second story off and make that square footage up in a single-story on the site, the lot coverage would be only 33 percent, which is still within the lot coverage requirements, regardless of what the Board would decide.

Mr. Dyas asked if the widths of the breezeway and garage could be reduced to get closer to the Code requirement. Mr. Collamore said they were at the minimal width for the garage. He said on their original proposal, they had two separate 8-foot doors and they had to go to a single door because they squeezed down the width of the garage. He said they also minimized the walkway between the garage and the existing house. He said if they were able to set the garage back to allow more light into the kitchen window, that would be ideal, but working with what they had they felt this was the minimum they could do.

Mr. Dyas asked if the garage was closer to the existing house, even coming in front of the breezeway, that got more of it from underneath the canopy.

Mr. Collamore said the garage could move forward a couple more feet to be even with the front of the existing house, but they were trying to have somewhat of a balance where they could still have it feel like the house was the main piece and was farther forward than anything else. He recalled a comment made at the previous Board meeting that they should pull the garage forward farther due to the tree.

Denise Franz King, (170 South Riverview Street, Dublin, Ohio) said she hoped the tree would be preserved and the emphasis was put on that. She said she agreed with the Code which Mr. Currie quoted, that things that have become historic features should be recognized as such. She said the tree certainly has become a historic feature because it is a part of what makes South Riverview Street the pastoral and pleasant place that it is. She said it is a mecca for people walking dogs, cats, and children and participating in Historic Dublin when they have visited some of the local merchants. She said she thought we all had to work collectively at preserving our trees, and maybe even planting new ones to start growing into these massive things we now enjoy. Ms. King also urged the garage to be set as far forward as possible because the reality is, especially if you have children and groceries, you are going to park the car as close to the kitchen door as possible. She said they do not want to create a driveway and build a garage that in reality people do not use. Ms. King said when she lived at 143 South Riverview Street, she almost never parked in the garage because she did not want to take her good shoes off and walk through the slush of a gravel driveway to get her car. She said regarding the issue of backing up, she suggested they look at her driveway and the condo driveway which was north of her. She said she had to come revving up backwards up her driveway, backing into the street because her garage was below the house. She said the owners of new house across the street from her also have to back out onto the street. Ms. King said most of all, she hoped that the Board would help retain the pastoral nature by not putting the second story on the rear.

Mr. Schisler said they were requesting two waivers, and trying hard not to kill the tree when the odds are that they might kill the tree anyway.

Mr. Collamore said they contacted an Urban Forester who said he felt that in this design scheme they would only be impacting at most, about one quarter of the tree's root system and it would have a very

good chance as long as they put up a fence to maintain the perimeter during construction. He reiterated it was on top of his priority list to keep equipment away and keep people from storing materials nearby.

Mr. Schisler said people will not be kept out of there when digging the foundation. He said for any addition, the only way to get to the back yard is to drive by the house over the tree roots to do the construction. Mr. Collamore said there was no guarantee that the tree will survive, but they feel that they have shown the best way to go about doing this so that the tree will survive.

Mr. Rudy said they had gone through one round of selective remediation everywhere except for their proposed footprint, and they are about to do a second one with great optimism that they are having nutrients injected. He said they intend during construction to use means to distribute the load of the equipment and then bring them up and regularly aerate, and not let them idle during construction, but will continually try to take care of the tree.

Ms. Bailey said to her, the applicant's proposal is ideal because as staff proposes, the ultimate structure is over seemingly more of the tree's roots, plus there will be more driving traffic, whereas with the applicant's proposal, there will only be pedestrian traffic over the majority of the roots. Ms. Bailey said the construction period of time will be traumatic for the tree, but after the construction, the applicant's proposal is less traumatic and visually, it was the same thing.

Mr. Currie said he thought that moving the garage to the rear with a long driveway added more hazards than are necessary to get vehicles in and out of the site.

Mr. Souders said he still had a problem with the second story. He said when he looked at the elevation and plan, he did not understand why the first floor had to be offset and could not be aligned with the whole first floor in front of it. He said he could tolerate the higher elevation more if it follows the same overall north/south width of the existing house. He said doing the offset on the south side of the property line and then shifting the mass past the north side of the elevation was awkward and not simple.

Mr. Collamore said there was a reason originally to do that, and it was that the existing well head sat behind the corner of the back of the house. He said it might be possible to shift it over now.

Mr. Souders said he was 80 percent in agreement with the view from the front and your eyesight is going to hit the original peak and never see the peak of the house behind it. He said however, to shift the whole roof over past the edge, the house is too simple to have that much going on and he thought that the separation between the garage and the house would be better served by pulling that in.

Mr. Souders said as far as where the garage sits relative to the street, he was in total agreement with staff and he thought the garage should be located behind. He said if the goal is to protect the tree, then putting the garage anywhere along the side near the roots does not solve the issue. Mr. Souders said constructability-wise, they will have to build and complete finish the back side first and then build the garage. He said he disagreed with the placement of the addition, and he could live with the second floor addition if it was positioned behind the house. He said and he did not have a problem with putting the garage where the applicant has proposed, but it will kill the tree in time. Mr. Souders said if the goal is still to protect the tree, then putting the garage anywhere on the side of the house is a waste of time. He said garage needs to be in the back and you cannot pave a 16-foot wide driveway to the back. He said there could be a landing point at the street and in front of the garage, and then there would just be a path. Mr. Souders agreed that snow removal was an issue, but the applicant had to tell him what was more important, the tree or not the tree. He said if the tree was the most important, then get rid of the garage. He said if the tree could die and the safety brought up was more important, then put the garage where it was shown, but do not count on the tree being there much longer than five or six years.

Mr. Schisler invited public comments regarding this application. [There was none.]

Motion #1 and Vote – Waivers

Tasha Bailey made a motion, seconded by Bob Dyas, to approve the following site plan waivers:

- 1) Roof pitch of less than 6:12;
- 2) Transparency of less than 25% on a street-facing façade and less than 15% on the non-street-facing facades;
- 3) Expansion of an Existing Structure of more than 50% of the original gross floor area;
- 4) Reduction in total side yard requirement from a total of 12 feet to 6 feet, 5 inches; and
- 5) Location of the garage providing front-loading vehicular access to South Riverview Street.

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

Motion #2 – Architectural Modifications

Bob Dyas made a motion, seconded by Tasha Bailey, to approve this application for site and architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and Zoning Code, with the following condition.

- 1) The applicant revise the proposed rear addition to align with the northern/southern elevations of the existing structure.

Mr. Rudy said as long as they could get their stairwell internally centrally located off the kitchen he would be willing to look into aligning the addition with the existing house. He said their biggest challenge was a closet for the master bedroom, which is the reason for the new addition. He said they would have to rework some internal space, but the major thing was that they will lose the ability to run the stairwell up to the second half-story off the kitchen and may run into trouble.

Mr. Schisler suggested the applicant could work it out with staff. He said as long as the character basically remains the same, and if the architect works it out with staff, it would not be necessary to return to the Board for approval.

Ms. Rauch cautioned that if the applicant agreed to the condition and it does not work, then they would have to resubmit and repeat the review and approval process again.

Mr. Currie pointed out that if the proposed rear addition aligned with the northern/southern elevations of the existing structure it would still stick out and it eliminated more of their minimal side yard.

Mr. Schisler noted the bedrooms would be narrower if the addition aligned with the north/south elevations.

Mr. Dyas withdrew his previous motion, including the condition.

Motion # 3 and Vote – Architectural Modifications

Bob Dyas made a motion, seconded by Tasha Bailey, to approve this application for site and architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and Zoning Code.

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

3. Demolition Review Criteria

Steve Langworthy and Dan Phillabaum presented a training of the Demolition Review Standards from the Code. Mr. Langworthy explained that this was an opportunity to review the criteria without using an actual application for demolition, so that there could be a common understanding of the criteria and how they are interpreted prior to having to apply them to a formal application. He said Zoning Code Sections 153.176 and 153.177 govern demolition. He said that the two circumstances where demolition can be permitted are when there are economic hardships or usual or compelling circumstances, or when two of four Conditions for Demolition are met.

Mr. Langworthy provided the following list of the criteria that should be used to determine the existence of a substantial Economic Hardship:

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

Mr. Langworthy said some of the criteria would require documentation be submitted by the property owner to demonstrate whether the criteria were met. He pointed out that some could be more objective and nature while others could be more subjective in nature.

Mr. Langworthy said the second portion of the criteria, Unusual and Compelling Circumstances, has less to do with an owners financial situation than it has with the property itself and its surrounding circumstances. He said similar to the criteria for actual demolition, the following criteria shall be used for all applicants to determine the existence of unusual and compelling circumstances:

1. The property has little or no historical or architectural significance;
2. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines;
3. No reasonable means of saving the property from deterioration, demolition or collapse other than the applicant's proposal exists.

Mr. Langworthy said it was unclear in the Code whether or not the intent was that all of the criteria had to be met or if only one of those criteria were to be met. He said typically when a Code is silent on a distinction such as this, the advantage is given to the property owner, so that one of the criteria would be met, absent any clear indication one way or the other.

Mr. Langworthy said of the second set of criteria listed in Zoning Code Section 155.176, that two of the following four Conditions must be met:

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

quality of the Architectural Review District without diminishing the historic value of the vicinity or the District.

Mr. Langworthy said the Zoning Code prior to 2008 had only the first three conditions and two of three had to be met. He said that a fourth condition was added to address structures that might impede larger objectives for the City and the Architectural Review District based on their location. He said they thought it appropriate to add that criteria so that if a structure could be removed that something 'better' might replace it that advanced these objectives and improved the District.

Dan Phillabaum described the first condition that an applicant may demonstrate in their request for demolition is, 'That the structure contains no features of architectural or an historic significance to the character of the area in which it is located.' He explained that in order to demonstrate this, an applicant would typically enlist a specialist in Historic Preservation to complete an evaluation of the structure, both on its architectural character and historic significance.

Tom Currie asked if the Board would be reviewing a Demolition application in October.

Mr. Langworthy said one may be brought to the Board in the future and that was why they were going over the criteria in order for the Board to have an understanding of what the conditions for demolition mean prior to getting the application.

Mr. Currie asked who would be hiring the outside expert to evaluate the property.

Mr. Langworthy said he could not speak to any aspect of the application since it was not in front of the Board for review.

Robert Schisler reframed the question, and asked who was responsible to determine if a structure had historic features.

Mr. Langworthy said the burden would be placed on the applicant to demonstrate that. He said any applicant will have to submit information adequate to the Board to demonstrate that at least two of these criteria have been satisfied.

Mr. Langworthy said the second condition addresses the financial situation of the owner and the property, if there is "no reasonable economic use as it exists or as it might be restored" and there is not a real practical way to do anything to the structure within the requirements of Code and the Guidelines to maintain an economically viable building.

Mr. Souders asked if the structure had some historic significance beyond any economic value, but historically it had significance, is that what the first condition for demolition is.

Mr. Langworthy said that would satisfy the first condition—historic significance.

Mr. Souders asked if they were saying at least, two out of four have to apply.

Mr. Langworthy said yes. He said an applicant could, for example, demonstrate that the Appomattox Surrender House had historic value, but if two of the other three conditions are satisfied, then despite the fact that it does have some historical significance, it still qualifies for demolition.

Mr. Phillabaum said the next condition is whether, 'Deterioration to the property has progressed to the point where it is not economically feasible to restore the structure, and such neglect has not been willful.'

He said this addresses a property that has deteriorated beyond salvage and the owner has not knowingly allowed the deterioration to happen.

Mr. Schisler said that they could have a developer who just bought a property just wanting to tear a building down.

Mr. Langworthy said he understood the point, which was that it was not the fault of that property owner, but that a previous property owner had neglected the structure. He said there were two parts of this condition, and while the neglect may not have been a willful act of the current owner, it must also not be economically feasible to restore the structure.

Mr. Souders asked if the Board added this particular condition a few years ago because so many outbuildings were being let go and they got to the point where they had to tear them down because the owners did not maintain them.

Mr. Phillabaum said it had been in the Code for as long as he could remember, and is a condition typical of many other municipalities code provisions for demolition of structures in an architectural review district.

Mr. Langworthy said Condition 4 was the one that was added more recently. He said the wording of it breaks down to two options for demonstrating that the condition is met. He said the first part talks about whether 'the location of the structure impedes the orderly development of the district, interferes with the Purpose of the District, or detracts from the historic character of the vicinity.' He said this part is more about the location of the structure than the structure itself, which is addressed by the other conditions. He said the purposes of the District are described in the Community Plan, the Zoning Code, and the Bridge Street Vision Plan and those elements of the Zoning Code that apply to Bridge Street.

Mr. Phillabaum said the second part of this condition is 'that the proposed construction to replace the demolished structure significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District.' He said the structure proposed would need to improve the District while fitting into the surrounding context so that the existing character is not diminished.

Mr. Langworthy said that in order to satisfy this particular standard, an applicant could not just say that they were going to tear it down and figure out what to do with it later. He said the idea is that if they are going to tear it down, they have to provide a description of what is proposed in its place that also will be contributing to the District.

Mr. Souders said that only works if everybody shares the same interests for the Historic District. He said people who want a development could use this to actually get rid of something.

He said it only takes two conditions out of four now, and if a future administration wants to do a development, they could find reasons not to go all out to protect a particular historic structure just because it is impeding some kind of development that either could be incorporated or would otherwise have to be worked around.

Mr. Langworthy said right, but keeping in mind that was only one of two that would have to be met, so they might be able to satisfy this condition, but if they could satisfy one of the others as well is the question.

Mr. Currie noted that there was nothing in the definitions about being green and preserving or having to replace the structure with an energy efficient building.

Mr. Langworthy said there was nothing specific to Dublin's Zoning Code about that, but the Building Code had some a few requirements. He said by its nature sometimes when you substantially redo a structure, it will probably be greener by the time something else is built anyway, especially if it has asbestos or some other hazardous materials in it.

Mr. Schisler asked what would be considered a 'willful act.'

Mr. Langworthy explained that a willful act could be that they knew there was a hole in the roof, but they decided not to do anything about it, or that they knew the beams were rotting and decided to let them fall down. He said that 'willful' implies that you had to know about the condition and then allowed it to continue as opposed to not knowing and something happened on the inside that they could not about because it was hidden behind walls or something. He said it was when a conscious decision was made to allow the buildings to deteriorate.

Mr. Langworthy said when there is a transfer or sale of a property that has been approved for demolition, a new application is not necessary if there is a new owner. He said also, if the Board would feel that there is some other alternative to demolition that should be explored, they can enact a waiting period of up to a year on the application, during which time the Board and applicant can make some effort to find some alternative to the demolition. He said that an aggrieved applicant could appeal to the Board of Zoning Appeals as an Administrative Appeal.

Mr. Phillabaum said if, at the end of the one-year period, the Architectural Review Board and the applicant are not able to come to some mutually agreeable solution, the Board has the choice to either deny or approve the demolition.

Mr. Langworthy said the Board would essentially continue to deliberate the application at that point.

He asked if there were any questions.

Mr. Schisler asked if the final determination was up to the Architectural Review Board.

Mr. Langworthy said yes, or they could ask the applicant if they had made any actions in the past year that looked at alternatives and what they may have done.

Mr. Schisler adjourned the meeting at 8:26 p.m.

As approved by the Architectural Review Board on November 15, 2012.