

Public Comments

~~No public comments on the case were offered.~~

~~Mr. Jewell moved, Ms. Cooper seconded approval of the Minor Project with no conditions.~~

~~Vote: Ms. Damaser, yes; Mr. Jewell, yes; Ms. Cooper, yes; Mr. Garvin, yes; Mr. Alexander, yes.
[Motion passed 5-0.]~~

- **Case 23-097: Historic Dublin Code and Guidelines Update, Administrative Request**

Mr. Alexander stated that this application is a proposal for amendments to the Historic District Zoning Code and Guidelines, including portions of Code Sections 153.002, 153.175, and 153.176, and Guideline Chapters 2-4. This will address Council's 2022 goal regarding the preservation, composition, and management of the District, the contributing and non-contributing terminology, and the demolition criteria applicability to that terminology.

Staff Report

Ms. Rauch stated that the proposed amendment was initially provided to ARB in May 2023, and at that time, the Board supported the replacement of the contributing/non-contributing nomenclature and the subsequent implications for the demolition criteria. Revisions have been made based on Council and the Board's recommendation, and tonight, a final draft Code and Guidelines are provided for the Board's consideration. From an applicability standpoint, the City's existing Historic Dublin Code includes all properties in the Historic District and those in Appendix G. The Code's review process section addresses demolition. The 2021 amendment differentiated how the demolition criteria would be applied, based on whether the building was identified as contributing or non-contributing in the City's Historic and Cultural Assessment completed in 2019. A contributing building has a higher burden of demolition criteria to meet than a non-contributing building. The Guidelines supplement the Code and are more discretionary as they relate to the character and the neighborhood context. The primary goals for the Guidelines are to look at the rehabilitation and preservation of original and historic buildings, and to look at the compatibility and appropriateness of new buildings. Council gave this direction in 2022. At an April 2022 Council work session, Council asked staff to conduct additional inventory research, and in August 2022, staff provided a detailed inventory of every property within the District along with a photo and the construction time. Based on that information, Council asked staff to determine what the review process should be for preservation and demolition, and any Code amendments that would be necessary. There was not a comfort level with the existing contributing and non-contributing designations. In a May 2023 work session, that information was further refined. Ms. Rauch stated that within the Historic District, there is a National Register of Historic Places (NRHP) District. All of the properties within that district, with the exception of those built within the City's more recent history, are designated as landmark buildings. An inventory map has been provided in the meeting material, [map shown] which indicates the properties within that district, color coded by time period. The NRHP – Dublin High Street District contains properties constructed between 1833-1920, shown in green; a few properties within that district built within the last 50 years that would not be subject to the higher demolition criteria, shown in grey; and the NRHP-individually-listed properties within the Architectural Review District, but outside the NRHP District, constructed 1830-1901, shown in orange. Based on the two ranges of dates, staff has determined that the years 1830-1920 should

be the baseline to identify additional properties that would be subject to the higher demolition criteria. There are a couple of buildings shown in blue that are outside that time period but were included as they are considered iconic buildings. Those buildings are designated as landmark buildings; the gray buildings are designated as background buildings. Landmark buildings (previously contributing) will have to adhere to a higher level of demolition criteria; background buildings (previously non-contributing) will adhere to the lower demolition criteria. Ms. Rauch stated that public engagement and education meetings have been held, where staff explained the Code, the Guidelines, ARB's role and staff's role. The public expressed concerns about the lengthiness of the review process and the use of discretion within the process. Also provided for the Board's consideration is a revised list of potential administrative review topics. Before the Board tonight for their review and recommendation are the Revised Code and Guidelines; proposed terminology revision from contributing/non-contributing to landmark/background buildings, and the level of demolition review for each; and a proposed list of administrative review topics.

Mr. Alexander stated that it is important to emphasize that if the proposed revisions are adopted, it would not change the zoning. Any new buildings would still need to meet the current zoning requirements of the property. The existing Code requirements will not change and the review process will continue. The proposed Code changes relate only to demolition standards.

Public Comments

[received via email]

David Venne, 56 S. Riverview Street, Dublin:

"The city's research and determination state that every home located on Franklin Street and the east side of S. Riverview should not have an elevated standard for consideration for demolition, thus signaling no historical significance. The city also states that these homes will remain under the purview of ARB, Code, and Guidelines. I ask that the ARB take steps to adjust the boundaries of the historic district to accurately reflect the truly historic areas of Dublin. The swaths of gray homes on Franklin and the east side of S. Riverview represent a historical overreach and an additional burden the ARB need not carry. The twenty one "background" homes can be responsibly passed to the City of Dublin to make sure area building standards are upheld allowing the ARB to more tightly focus on its mission of preserving the historic sites in Dublin."

Board Questions

Mr. Jewell inquired how this would impact the Appendix G properties.

Ms. Rauch responded that the Appendix G properties were updated with the Code update in 2021. However, that list of properties can be checked to determine if any modifications are needed before this item moves forward to PZC for review. The City-owned historic structures were added to the list.

Mr. Jewell suggested that the reconstructed cabin on the Dublin Arts Council property and a couple of historic cemeteries probably could be added to Appendix G.

Ms. Rauch responded that those properties would be considered for inclusion.

Mr. Cotter requested clarification of the process for making changes in the District and the need for waivers going forward.

Ms. Rauch responded that the way it currently exists is that contributing and non-contributing buildings are in the existing Guidelines, which are used as a reference; with the proposal, that

component would continue to exist within the Guidelines. There is the opportunity for a property owner to request that their building be considered a background building, not a landmark building. A condition of approval with such requests could be that the map and Guidelines be revised to reflect that change.

Mr. Cotter inquired if ARB would have the authority to make that change.

Ms. Rauch stated that she would need to look at the sequencing, but it would seem to make sense that if the Board has the authority to approve a landmark building being re-designated as a background building that ARB also would have the authority to direct the map be revised to reflect that change.

Mr. Cotter stated that it would not then be a waiver.

Ms. Rauch responded that staff is proposing that the process remain the same. A property owner could make a waiver request that the building be determined background versus a landmark building.

Mr. Cotter inquired if that authority would remain with ARB.

Ms. Rauch responded that is how it currently exists and staff recommends that it remain the same.

Mr. Jewell stated that it only makes sense that the map be changed simultaneously with any change from landmark to background building; otherwise, the map would be outdated.

Ms. Rauch responded that currently, when ARB approves demolition of a property listed in Appendix G, staff is authorized to change Appendix G to reflect that change.

Mr. Alexander stated that the proposed language is unique, because it is rare in a historic district for a property owner to be able to demolish a building without knowing what will replace it. If approved, that would be a significant change in the Code. It would appear that ARB would not need to see and approve a new design to approve the demolition.

Ms. Rauch responded that if it is a landmark building, it would.

Mr. Alexander stated that, currently, ARB needs to see the design of the replacement structure to approve the demolition of any buildings, even non-landmark, in this District. The proposed change is that ARB would need to see design of replacement buildings only for the newly designated landmark buildings. That is not common in historic districts. As a result, open parcels could exist. Whether that is a good idea is open for discussion, because it will change the fabric of the community. There may be open gaps and there is no guarantee how long those open spaces will exist. Could we require a site restoration plan be provided with the application for demolition? Some communities without historic districts require that where a lag is anticipated after demolition that a site restoration plan be provided, so raw earth does not exist. Is that covered in the City's general Code perhaps?

Ms. Rauch responded that the City requires that in the Bridge Street District. If that requirement is not sufficiently clear for this District, it can be clarified. ARB's review of a demolition request could require that the interim site condition be provided. From the City's property maintenance perspective, the site would need to be graded and seeded.

Mr. Alexander stated that the proposed amendment provides 3 (three) criteria for demolition of non-landmark buildings, and they only need to meet one of those. It seems that it would be possible that the structure could have distinct architectural features and characteristics yet meet one of the other criteria, so would be permitted to be demolished.

Ms. Rauch responded that the only change made was to revise the terminology, but if ARB believes the applicant should be required to meet more than one criteria, the Board can indicate that change be made. The Code currently requires that they meet one of the three criteria.

Mr. Alexander stated that the responsibility of the ARB is to preserve buildings that have architectural merit and value, so it would seem that part of the Code should be changed. We do not want to permit the demolition of buildings that have architectural merit or value.

Ms. Rauch responded that is part of the ARB's purview when it is reviewing various applications. It may be helpful to look further at the buildings that are considered background buildings. If the Board believes some of them have architectural significance, then maybe they should be identified as landmark versus background buildings. That would be another way to approach it.

Mr. Alexander responded that he is not sure of the correct solution, but the potential seems contrary to the purpose of the ARB.

Mr. Jewell stated that he likes the suggestion that a site restoration plan be required with a request for demolition. There is an existing property on S. High Street that was partially demolished on the interior several years ago and is currently an eyesore.

Mr. Cotter inquired if such a property would be addressed by the City's general property maintenance code.

Ms. Rauch responded affirmatively.

Public Comments

[offered in meeting]

Steve Rudy, 129 S. Riverview Street, Dublin stated that he has a question and a comment. He must not have been aware when the requirement for a demolition request changed from two of four to one of four criteria. It appears the trend is to require less criteria to be met. Is the proposal that only one of four criteria be required for landmark buildings?

Mr. Alexander responded that one criteria is proposed only for the non-landmark buildings, shown in gray on the map.

Ms. Rauch clarified that the buildings shown as green, orange and dark blue have a higher burden of scrutiny, one of which is economic hardship, which is difficult to meet. The code that was established in 2021 required that one of three criteria must be met for the non-landmark buildings.

Mr. Rudy responded that the main protection of the landmark buildings would seem to be the economic hardship criterion.

Ms. Rauch responded affirmatively.

Mr. Rudy stated that when he first moved to the District in 1996, preservation of the buildings in the District was the intent. It is demonstrable that economic hardship coincides with ownership of historic inventory. The only difference between the buildings within the District that are falling apart and those that are not is massive capital outlay and continuous oversight by the property owner. He would argue that the economic hardship criterion, intended to maintain the historic inventory, is not a very strong criterion. Everyone is aware that the N. Riverview properties were deliberately not maintained so it would be necessary to invest significant dollars to make them useable. Those properties that have not been allowed to deteriorate have had significant maintenance and attention. He does not believe the Code provides much protection.

Mr. Alexander stated that an applicant can present a demolition request that they believe meets the definition of economic hardship, but that does not mean staff or the Board will agree. Approval is required; it is not automatic.

Mr. Rudy stated that it would be good if that were quantified. It would be nice to know how it is so much harder to meet the economic hardship status. If the intent was that the criterion provide a protection, it does not seem to have achieved that.

Mr. Alexander inquired if he would like to see more demolition criteria be required to provide protection.

Mr. Rudy responded that it could be that or at least quantify the economic hardship. Currently, to be a good steward of his historic structure within the district, it will be necessary for him to invest \$50,000.

Mr. Alexander stated that City Council has attempted to address the Code language regarding maintenance of structures, and penalties are applied where it appears that the owner is intentionally allowing the structure to deteriorate.

Jane Corelli, 179 S. Riverview Street, Dublin, stated that she moved here three years ago. She renovated her house after receiving ARB approval, which was daunting and intimidating. She trusted that in turn, ARB would look after her interests as a property owner in the Historic District. However, she was very disappointed because of what ARB permitted with the property immediately to the left of her house. Therefore, this Board's credence is tainted in her eyes. In talking with many neighbors, she has learned that if an applicant has power and influence, they can build whatever they want in the District. The residents on Franklin Street and S. Riverview believe that individuals with time, wealth and influence will achieve ARB and City Council approval, while the typical resident cannot. Homeowners in the District would rather have their homes fall in disrepair than go through the ARB approval process. Does the City really want Old Dublin to be reflective of the haves and have-nots? She would like to get involved and help improve the existing discourse.

Mr. Alexander stated that the current membership composition of this Board is very different than it was when the house to which she is referring came before ARB. He was on the Board at that time, and he was the only member who voted against approving it. He agrees with her; as a licensed architect, in his opinion, it is inappropriate. However, in the past, visualizing proposed mass has been difficult. Recently, the City has developed a tool that will assist the Board members in visualizing the 3-dimensional impact of proposed designs. That was clearly an issue for some board members when that project came before it, and in his opinion, that is not the only questionable building. The architectural review approval process can be easier if the homeowner is working with a design professional who has worked in this community previously. Some of those professionals have come before the Board four times on one project before it is approved. Design professionals who handle these types of projects regularly do navigate the review process a little easier.

Ms. Corelli responded that it is not right to ask the residents to choose particular architects.

Mr. Alexander responded that the Board is not asking that, just pointing out the value of choosing people with experience, whether it is an architect, sports player or physician.

Ms. Corelli responded that this is a reflection of the "haves" and "have nots" in the District. Many residents cannot afford the most expensive architects.

Ms. Rauch stated that the residents expressed concerns about the lengthiness of the approval period; and that was recently discussed in a meeting. They also expressed a great deal of concern about the scale of residential projects recently approved by the Board. Unfortunately, the previous Code had only lot coverage restrictions; it did not have building coverage requirements. The new Code includes a building coverage standard, so the Board now has an additional level of scrutiny. The size of a residential building that can be built has to meet that percentage requirement. In the

past, the lack of that requirement was a problem, as with only a lot coverage requirement, it was possible to have a significantly larger home than the character of the District would warrant.

Ms. Corelli stated that she would like to work with the City to achieve an approval process that allows homeowners to make changes to their home without the financial intimidation involved in navigating the subjective review of the ARB.

Ms. Cooper stated that as Mr. Alexander pointed out, it is necessary to work with a design professional experienced in Dublin, but it is also necessary to work with a design professional with experience in working in historic districts. In the past, we have seen many design professionals without any understanding of the preservation requirements in this District. She pointed out that there is also an opportunity for homeowners to meet and discuss their proposed projects with staff before engaging a design professional. Staff is available to provide ideas and informal feedback for no charge. We want to encourage our residents to use staff to understand the complicated rules in this District.

Ms. Corelli stated that her desire is to see the ARB approval process become more comfortable and less intimidating, as that has been the situation for too many years.

Ms. Damaser stated that she has only been on the Board for a year, but she does not understand from where the feeling of intimidation is coming. There is a Code in place, which she believes is clear. She believes applicants may be coming before the Board with a predetermined view of what they want, then they feel intimidated when it is not approved.

Ms. Corelli stated that she does not have or understand the residents' experience.

Kate Vessels, 63 S. Riverview Street, Dublin, stated that they also have had previous experience with the ARB. She appreciates that the Board is re-evaluating their rules and process. That is the first step in making a change that engages the community. She hopes that the Board listened to the previous comments, as it appeared the reaction might have been defensive rather than inquiring. What Ms. Corelli expressed is entirely correct. In their experience, they had three separate meeting reviews and one item was changed at a time. They do not believe the Board is aware of the money involved for the applicants in "tweaking" items. They did not anticipate getting everything they wanted and expected the Board to provide input. They wanted to follow the rules, but they were not looking for subjective input. They had engaged an architect that was familiar with the area, yet their experience was not easier, as the Board has indicated it should have been. She hopes the Board finds it helpful to have some insight on the residents' view.

Mr. Alexander responded that this meeting itself reflects the Board's responsiveness to the residents' concerns. We are reviewing a proposal, based on feedback received from residents, to relax the demolition requirements in the Historic District. Additionally, staff is looking into ways to shorten the project timeline. Recently, the time has been less between a project being tabled and re-scheduled for review than it was in the past. Although it may not have been apparent that the Board was receptive to the residents' concerns, the Board has been attempting to be just that. That is the purpose of both this topic and the administrative review topic, which will follow.

Lindy Lyon, 143 S. Riverview Street, Dublin, OH, stated that they were before the Board two years earlier, when they learned their house was historical. They appreciate the proposed changes that are being suggested with the intent of bringing more clarity, reason and fairness to the process, particularly the unreasonable and impossible burden of the demolition criteria that they experienced. She agrees with the intimidation impression of the Board review process. She

proposes a community table discussion, instead, which would give an impression of co-laboring. She believes that elected officials such as City Council should sit at the dais. She would suggest that everybody else, as volunteers, sit around a community table together with the applicants. Someone has referred to the subjectivity of the review; however, she does not believe this Board could operate in any other way. It is the nature of the effort; it is an art, not a science endeavour. It is not insulting to talk about subjectivity; it is a part of this Board's process. However, she believes there should be a resident in the District who serves on the Board, maybe even an elected resident.

Mr. Alexander responded that the City looks for volunteers. Both the previous ARB chair and the current mayor, who also served on ARB, are residents in the District. City Council selects members to serve on the Board, and residents are encouraged to apply online.

Ms. Lyons stated that she does not believe the Board review is unfair; it is equally difficult for all applicants. While those residents who have the money to engage experienced local architects can navigate the process more successfully, she does not believe the process should make that factor so necessary. It is a privilege to own one of these historical structures, but it is also a financial burden. Dublin should have a grant fund for this purpose. If there must be so much authority and scrutiny involved in the review process, Dublin should allocate funds to enable the residents to sure it or provide a City architect with whom the residents can work. Some people can afford what is necessary with this review process; others cannot.

There were no additional public comments.

Board Discussion

Mr. Alexander inquired if a Board vote is requested on this item.

Ms. Rauch responded that if the Board is comfortable with the proposed Code amendment and Guidelines, staff is requesting the Board make a recommendation for Council review and approval. However, the Board's discussion tonight indicated that members may want some revisions to be made. The Board either could indicate the changes they want to be made in the version that moves forward to the Planning and Zoning Commission, or they can direct the changes be made and come back to ARB first for review before they move forward.

Mr. Cotter requested confirmation that the demolition criteria would not change from what currently exists.

Ms. Rauch responded affirmatively.

Mr. Cotter inquired if members are satisfied with no change in the criteria.

Ms. Damaser stated that the primary change is which properties are identified as the landmark buildings and subject to the higher criteria. The proposed change would identify more buildings as non-landmark buildings, and therefore, not subject to the higher criteria. The term is changing, not the definition, and the map of the buildings with revised designations.

Mr. Alexander stated that the ability to have a vacant lot in this District for an indeterminate period of time is also a proposed change. Previously, every structure in the District was a contributing or landmark building. He is supportive of the proposed map. His concern is providing some protection for the residents. The proposed language would permit open lots to exist with no assurance of whether the lot would be restored with landscaping. He would recommend a requirement for a site restoration plan if a replacement building is not imminent.

Ms. Cooper stated that it appears that would be the result if the Code would no longer require approval of a replacement structure with approval of a demolition.

Ms. Rauch responded that with the landmark buildings, the applicant could be required to provide a design for a replacement structure for approval before demolition can occur. With a background building, the applicant could be required to provide a site restoration plan with the demolition request.

Ms. Cooper stated that it would be preferable to ensure a minimum standard for the lot while empty.

Mr. Alexander inquired if that is the only revision the Board members would like to be added.

Ms. Rauch stated that per the Board's suggestion, the properties listed in Appendix G also would be validated.

Board members indicated consensus on the proposed amendments.

Tom Holton, 5957 Roundstone Place, Dublin, requested clarification of the intent that landmark structures could transition to background buildings.

Mr. Alexander stated that he did not understand that to be part of the proposed Code amendment.

Ms. Rauch stated that the current Code allows property owners to submit a request that their contributing structure be re-designated as non-contributing. The proposed Code also would permit that request to be made to the Board.

Mr. Holton inquired if it would be possible for a non-landmark building to be designated a landmark building.

Ms. Rauch responded affirmatively. After 50 years, a building technically is historic. At this point, it is the owner's responsibility to make any requests that a building be re-designated, although it is also within the City's purview to do so.

Mr. Holton stated that he is supportive of requiring with a demolition request either a timeline for new construction or a site restoration plan.

Ms. Cooper inquired if it is the Board's intent that a lot not be permitted to be left undeveloped with only the site restored after demolition.

Ms. Damaser stated that site restoration to a minimum standard should occur immediately after demolition if construction is intended. However, if new construction does not occur within a certain timeframe, a greater level of site restoration should be required.

Ms. Rauch responded that staff would include language that addresses both immediate and long-term restoration if the site will be vacant a longer period of time.

Ms. Cooper inquired if it would be possible for a property owner to submit both an application for their landmark building to be designated as a background building and an application for demolition at the same time.

Ms. Rauch responded that both applications can occur concurrently. However, the applicant could be investing unnecessary work if approval of the first application is not assured.

Mr. Alexander inquired if that process is addressed in the current Code.

Ms. Rauch responded affirmatively. Staff has reviewed the proposed map with a high level of scrutiny to ensure no buildings would be designated as landmark buildings if outside the timeframe unless they have some historical or architectural significance.

Mr. Alexander directed the Board's attention to the next item included in this discussion.

Administrative Review Items

Mr. Alexander inquired if the Board believes there are review items that could be moved from essential Board review/approval to administrative review/approval. He would recommend that paint colors be reviewed administratively for both landmark and background buildings. He also believes that with background buildings, any change that does not modify the mass could be reviewed administratively. There are guidelines in place that would guide any such changes, which would include windows, doors, siding, roof, lighting or landscaping. Any changes in mass, even the addition of a porch, for either background or landmark buildings should continue to be reviewed by the Board.

Board members expressed agreement with the proposed additions for administrative review.

Ms. Rauch stated that with that guidance, a list of proposed administrative review items would be prepared and brought back to the Board for future approval.

Mr. Holton suggested that walkways and driveway paving could be administrative review items. Board members were supportive of the suggestion.

Ms. Damaser moved, Ms. Cooper seconded to refer to Planning and Zoning Commission a recommendation for Council approval of the proposed Historic District Code amendment and Guidelines update with the addition of two modifications - to require a Site Restoration Plan with Demolition Requests and review/validation of Appendix G Properties.

Vote: Mr. Cotter, yes; Ms. Cooper, yes; Mr. Jewell, yes; Ms. Damaser, yes; Mr. Alexander, yes.
[Motion carried 5-0.]

- **Case 23-081: Alternative Materials, Administrative Request**

~~A request to supplement the *Historic Design Guidelines* with a guide for property owners, staff, and the Board regarding the appropriate choice of alternative building materials within the Historic District and Appendix G properties. Alternative materials refers to the use of a non-traditional, synthetic material in place of an original material or modern materials used on new construction.~~

Staff Presentation

~~Ms. Singh stated that this administrative request is a continuation of the Alternative Materials discussion at the Board's August 2023 meeting. At that meeting, staff presented a draft Alternative Materials document. The Board discussed the draft and expressed concerns with the extensive content of the document. Staff is currently working on shortening the document. A sample of a revised section is provided for the Board's input before completing the remaining revision. The anticipated users of this document will be property owners, consultants, architects, staff and the Board. The goal is to provide a document that lists alternative building materials previously approved by the Board by waiver approval. The document should include only materials not listed in the Code but approved previously via a waiver. The intent is that the document be updated annually with any additions or exclusions. The first two chapters of the revised document are provided for the Board's input -- Introduction and Roofs and Exterior Walls. She reviewed the alternative roof and exterior wall materials recently approved via waiver, noting that the documents includes photographs and building addresses where those materials were permitted.~~