



## BOARD ORDER

# Architectural Review Board

Wednesday, September 27, 2017 | 6:30 pm

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

### 3. Yoder Residence 17-089ARB

### 5927 Rings Road Demolition

Proposal: Demolition of a 1.5-story building addition, an attached garage, and two detached garages for an existing single-family historic structure.

Location: South of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.

Request: Review and approval of an Architectural Review Board application for the demolition of a portion of a historic structure under ARB review outside of the Historic District as designated in Appendix G of the Zoning Code under the provisions of Section 153.170 and the *Historic Dublin Design Guidelines*.

Applicant: Nelson and Elizabeth Yoder, Property Owners.

Planning Contact: Lori J. Burchett, AICP, Planner II.

Contact Information: (614) 410-4656, lburchett@dublin.oh.us

**MOTION:** Mr. Leonhard moved, Mr. Musser seconded, to approve the request for a Demolition with two conditions:

- 1) That the applicant preserve, restore, or maintain any historically significant features and/or materials to the greatest extent possible; and
- 2) That the order to allow a demolition shall not be issued by the City until a replacement use or building has been approved by the Reviewing Body and an application for a building permit has been submitted for the replacement building to the City.

**VOTE:** 4 – 0

**RESULT:** The request for a Demolition was approved.

#### RECORDED VOTES:

David Rinaldi	Yes
Shannon Stenberg	Absent
Everett Musser	Yes
Jeffrey Leonhard	Yes
Gary Alexander	Yes

#### STAFF CERTIFICATION

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Jennifer M. Rauch, AICP, Planning Manager





## BOARD ORDER

# Architectural Review Board

Wednesday, September 27, 2017 | 6:30 pm

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

**4. Yoder Residence  
17-083ARB**

**5927 Rings Road  
Building Addition**

Proposal: Construction of a ±3,600-square-foot addition, a detached garage, and landscape and site improvements for a single-family dwelling on a 4.71-acre parcel, zoned R-1B, Limited Suburban Residential District Washington Township.

Location: South side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.

Request: Review and approval of an Architectural Review Board application for the designated property located outside of the Historic District and under the provisions of Zoning Code Section 153.170, Appendix G, and the *Historic Dublin Design Guidelines*.

Applicants: Nelson and Elizabeth Yoder, Property Owners.

Planning Contact: Lori J. Burchett, AICP, Planner II.

Contact Information: (614) 410-4656, lburchett@dublin.oh.us

**MOTION:** Mr. Musser moved, Mr. Leonhard seconded, to approve the request for a Building Addition with no conditions.

**VOTE:** 3 – 1

**RESULT:** The request for a Building Addition was approved.

**RECORDED VOTES:**

David Rinaldi	Yes
Shannon Stenberg	Absent
Everett Musser	Yes
Jeffrey Leonhard	Yes
Gary Alexander	No

**STAFF CERTIFICATION**

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Jennifer M. Rauch, AICP, Planning Manager



they are proposing is one glazed panel over two panels with a nine-square grid volume pattern that fits in with the windows. He said that door is also prevalent throughout the neighborhood on both wooden and masonry structures. He said part of the goal for replacement of the door is to bring more light into the space and as a safety issue by knowing who is at the door. He indicated they are happy to work with staff but would like to hear comments from the Board on what aspects of that door may not be suitable.

Everett Musser asked if the proposed door was full length with no transom. Mr. Sampson said that was correct and they plan to replace the current transom with like-for-like materials.

David Rinaldi said it is hard to tell by the picture if the existing door is original or not. Mr. Sampson said the door itself is not the original door; it is more contemporary. Mr. Rinaldi asked if there was any documentation to show the door they are proposing is something similar to what might have once existed. Mr. Sampson answered he did not have that documentation. He provided visuals to help.

Gary Alexander said, per the consultant's report, she emphasized the original door would not have the glazing.

Jeff Leonhard said he has the original door to his house on Riverview and it is almost all glass and of really old wood, which he has hung on the wall and not left in the doorway. He agreed, not having glass in the front door is concerning as they replaced theirs with an all-wood door.

Mr. Sampson said they want to propose a replacement that fits in with the historic nature of the street and the neighborhood and that is why they chose the proposed design. He said the six-panel door that the consultant is recommending is also an acceptable style of door.

Mr. Rinaldi commended the applicant on the overall quality of everything proposed; it is very well done.

Mr. Alexander reported there was some additional information about doors with glazing that the consultant thought were appropriate. He encouraged the applicant to work with staff as he indicated there might be some flexibility there. He agreed with Mr. Rinaldi that everything proposed is first rate.

Ms. Rauch said it was possible for staff to help find an appropriate door that everyone could agree on. The Chair asked if there was any discussion needed on the other modifications. [Hearing none.]

### **Motion and Vote**

Mr. Musser moved, Mr. Leonhard seconded, to approve the request for a Minor Project Review with the following condition:

- 1) That the applicant work with staff to select a more architecturally and period appropriate door.

The vote was as follows: Mr. Alexander, yes; Mr. Rinaldi, yes; Mr. Leonhard, yes; and Mr. Musser, yes. (Approved 4 – 0)

### **3. Yoder Residence 17-089ARB**

### **5927 Rings Road Demolition**

The Chair, David Rinaldi, said the following application is a request for demolition of a 1.5-story building addition, an attached garage, and two detached garages for an existing single-family historic structure. He noted the site is south of Rings Road, approximately 400 feet west of the intersection with Wilcox Road. He said this is a request for a review and approval of an Architectural Review Board application for the demolition of a portion of a historic structure and two detached accessory structures located outside

of the Historic District and under the provisions of Zoning Code Section 153.170, Appendix G, and the *Historic Dublin Design Guidelines*.

Jennifer Rauch noted this application was informally reviewed at the last ARB meeting as well as the proposed addition and site modifications, which is the subsequent application.

Ms. Rauch presented an aerial view of the site with the buildings proposed to be demolished highlighted, mostly in the northern portion of the lot. She presented photographs of two of the outbuildings proposed to be demolished (east and west garages) that have significant water damage as well as the 1.5-story addition to the rear of the existing home proposed to be removed. She presented a photograph of the front façade where the porch will be changed out as well as the attached garage to be demolished.

At the previous meeting, discussions most particularly were about the additions on the house, Ms. Rauch noted, and whether demolition of that portion of the house is appropriate. She said Christine Trebellas, AICP, LEED Green Associate, Historic Preservation Consultant, has provided some analysis of that and the applicant provided some subsequent details about the structural nature and issues that exist. She reported that staff has reviewed the additional information provided and have found that the criteria for demolition are met for all of those requests.

Ms. Rauch stated approval is recommended for the Demolition with two conditions:

- 1) That the applicant preserve, restore, or maintain any historically significant features and/or materials to the greatest extent possible; and
- 2) That the order to allow a demolition shall not be issued by the City until a replacement use or building has been approved by the Reviewing Body and an application for a building permit has been submitted for the replacement building to the City.

The Chair asked if the applicant had anything to add. While waiting for the other applicant to arrive, Mr. Rinaldi asked who compiled the structural report. Betsy Yoder, homeowner at 5927 Rings Road, answered the structural report was completed by the applicant.

Nelson Yoder, homeowner at 5927 Rings Road, presented a photograph of the house on the five-acre site, as well as a graphic from Google Earth that shows the property in its entirety including all the accessory structures. He recalled at the last meeting the floodway versus the flood plain and the location of the buildings, etc. was discussed and referred to the consultant's report and the Planning Report for more detail. He presented the graphic showing Cramer's Ditch and the floodway limits in context with the buildings on site. He presented photographs of the main historic structure as well as the past additions to be demolished along with the attached garage, east garage, and west garage all proposed to be demolished.

Mr. Yoder indicated that per the last meeting, staff and the consultant came to the conclusion that structures in the floodway are limited in time and have suffered a lot of structural damage. He said he now has additional documentation that show the structural damage by way of photographs.

To address the comments made at the last meeting about rebuilding the existing staircase in the existing stair shaft, Mr. Yoder said the existing stair shaft is limited in size and the stair is too small so if the stair footprint were to be increased in either direction, walls would be blown out and two bathrooms would be eliminated.

Mr. Yoder referred to the Structural Report Addendum Summary and said there are a lot of conditions in the existing structure, which are noted there and he provided photographs to further show the damaged conditions. The photographs presented showed the damage to the main structure/home:

- Extensive wood-destroying insect damage that exists all throughout the structure to be demolished;
- A loadbearing header that has been propped up with blocking and an expandable shoring post to prevent collapse due to insect damage;
- An unsecured wood post and loose steel beam added at some point that is the only thing preventing further collapse or further settlement;
- Portions of loadbearing walls have been demolished over time for mechanical systems including the reckless electrical system that was exposed;
- Significant horizontal and vertical plane cracks on ground floor and attic demonstrate ongoing failure of structural system and just since the purchase in 2013 they have witnessed significant shifts;
- Prolonged water infiltration and freeze-thaw has resulted in structural wall damage in multiple locations;
- Brick Chimney is leaning several inches out of plumb;
- Fascia, Soffit, and rafter tails are rotted;
- Prolonged water infiltration has led to onset of mold and rot in the roof structure above finished ceilings;

Additional photographs presented showed the damage to the attached garage:

- Several inches of ridge deflection that are indicative of failure of the roof structural system;
- Roof sheathing boards and lookouts are rotting away (typical of the entire structure to be demolished);
- Roof wall flashing has failed; and
- Slate roof is extremely weathered - delamination has progressed to point where slate is now trapping moisture and contributing to rot of structure below.

Mr. Yoder recalled there was significant discussion about preserving the historical quality of the core house and ensuring the decorative brackets remain. He presented the various elevations of the house and noted the brackets that will be saved and the windows to be preserved.

Mr. Yoder recalled talking about reusing and repurposing materials such as wood, brick, and stone so he presented examples of how they are considering the materials be reused in the project. He showed floor joists turned into risers that go up the stairs, wood for table tops, brick to be used in the landscaping by way of paths, old bricks painted to look like old books and stacked on a bookshelf, and wood used for accent walls or decorative pieces. He indicated they would like to reuse foundation stones in the landscaping (perhaps in the front wall), but they could not find photographs to accurately depict their vision of the wall.

The Chair opened the discussion on the Demolition application. David Rinaldi said he had some reservations on the addition portion proposed to be demolished at the last meeting.

Gary Alexander said he did too so he visited the property and walked the site. He said his reservations after seeing the conditions were gone. He said that is the difference between reading a report and actually seeing the conditions on site. He stated he is fine with the demolition of the addition because he saw for himself what bad shape it was in (noting fallen brick, etc).

#### **Motion and Vote**

Mr. Leonhard moved, Mr. Musser seconded, to approve the request for a Demolition with two conditions:

- 1) That the applicant preserve, restore, or maintain any historically significant features and/or materials to the greatest extent possible; and
- 2) That the order to allow a demolition shall not be issued by the City until a replacement use or building has been approved by the Reviewing Body and an application for a building permit has been submitted for the replacement building to the City.

The vote was as follows: Mr. Alexander, yes; Mr. Rinaldi, yes; Mr. Musser, yes; and Mr. Leonhard, yes. (Approved 4 – 0)

#### **4. Yoder Residence 17-083ARB**

#### **5927 Rings Road Building Addition**

The Chair, David Rinaldi, said the following application is a request for the construction of a ±3,600-square-foot addition, a detached garage, and landscape and site improvements for a single-family dwelling on a 4.71-acre parcel, zoned R-1B, Limited Suburban Residential District Washington Township.

He noted the site is on the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road. He said this is a request for a review and approval of an Architectural Review Board application for an addition to a designated historic structure and site improvements located outside of the Historic District and under the provisions of Zoning Code Section 153.170, Appendix G, and the *Historic Dublin Design Guidelines*.

Jennifer Rauch said she wanted to make sure they discussed all the proposed improvements. She presented the proposed site plan oriented on Rings Road and noted the new driveway access, a more significant driveway leading to the proposed detached garage, the existing structure highlighted, the new proposed addition located in the rear, and the floodplain and flood way that prompted a Variance request to the BZA to permit the addition location, which was approved.

Ms. Rauch presented the Landscape Plan and noted the main house and driveway, the proposed addition again, the attached garage, pool, reconstruction of a crossing over Cramer's Ditch, and additional landscaping. She pointed out the front porch would be modified, also.

The proposed various elevations were presented that showed the previously proposed additions on the rear as compared to the new proposed changes that addressed the concerns discussed at the last meeting. She said there are concerns to whether the addition meets the intent of the *Guidelines* that state the addition should be subordinate to the original building and keeping the appearance of the original structure as unchanged as possible. She asked if the scale and massing has been reduced enough to address the *Guidelines* as well as the Zoning Code. She said the height was reduced and the eave line was broken up but staff still has concerns about the modifications being significant enough to meet the Code and the *Guidelines*. After the consultant's and staff's review, she said, several of the criteria have not been met. She added, in terms of materials and design, it is appropriate.

Ms. Rauch said disapproval is recommended.

Mr. Yoder referred to the consultant's report, which he found extremely favorable. He said a lot of the concerns focused on size/massing. He said the existing house has two bedrooms and they have three girls. He explained they are trying to add just two more bedrooms upstairs and a first floor master bedroom, modern living room, kitchen, basement, laundry room, mud room, attached two-car garage that was reduced from three, the carriage house with the pool, and an entertaining room stuck behind the house. He said they are looking at a 98% increase in size not a 300% increase in the size of the existing house. He said with the existing, they are at 48,073 square feet; they are not tripling the size of the house. He said they shrunk the plans and pushed the additions back to address the comments and still make this more workable; this is a very reasonable request to make of the Board.

Mr. Yoder presented the original site plan and form graphics and noted the revisions on each. He pointed out the obvious changes and said they made as many compromises to the program as they could:

- Ridge of the second story addition was dropped below the original structure's;
- Mudroom and porch were pushed back to expose more of the old side wall and to allow another window to be preserved; and
- Garage eave was lowered.

Mr. Yoder referred to the Planning Report that states the impression is the applicant has not made every effort but he disagrees as they have been working at this for many years. He said the impression was given that the consultant did not approve of where they have arrived but he presented a different impression as he highlighted comments directly from the consultant's report:

*"...the style and design materials of the new construction are appropriate and sympathetic to the historic building. They contribute to the rural architectural character of the building, yet are clearly new additions..." "...one can clearly see where the old building ends and the new begins..." "...the new additions no longer overpower the historic core and let the historic building take precedent..."*

Mr. Yoder noted the consultant had one question and it was about the size and location of the west garage and asked the applicant if there was anything else they could do to modify it. Mr. Yoder had responded they cannot and explained his reasons. He said the consultant suggested then using landscaping as a screen to mitigate the view of the garage so that is what the applicant has done. He added his home is not a building grade home by any stretch for the City or for himself. He noted that the *Historic Dublin Design Guidelines* clearly state that if site constraints impact a design there can be flexibility as long as there is distinction between the new and the old and that the original stay unchanged as possible. He emphasized the consultant stated in his report - that requirement had been met.

Mr. Yoder presented the rendering of the front showing the original design and then the revised to highlight the additional changes, which exposes more of the original structure/house. He pointed out that they changed the front wall to stone instead of brick as it is a more Dublin appropriate use with the historic houses in the City. He said this design feature may not be appropriate anywhere else but they wanted to tie into the context of the area. He then presented the same for the back and explained how the addition is now more subordinate to the original structure.

Mr. Yoder presented an animation of what the property would look like as one is driving down Rings Road and further reflects how the addition is subordinate. He said the landscaping in this video is reflective of Gary's plan and pointed out the heavy tree line that screens the addition, approaching the house. He reported he has shown this video to other architects he knows and they have all provided the same exact feedback, which is "of course that is subordinate." "...it looks great, it is fantastic, and why would anyone not want to do this". He cited that the main house remains the star of the show.

Mr. Yoder said he had the revised floor plans ready to present, if reference is needed.

Mr. Yoder said there is a few minor tweaks in the landscaping that can be explored, if the Board so chooses, but in general, the landscaping plan is very similar to what was reviewed the last time.

Ms. Yoder said she wanted to provide a brief picture of their lives to help with the Board's decision this evening because for them, it is a very personal decision. Besides the need for more bedrooms for their girls, they also need a bedroom for her aging mother that is intended to move in with them in the future and this necessitates a two-story addition. She said they need to design a new stair to allow safe passage to the two new bedrooms as well as the existing. She reiterated that the historic stair drastically fails to meet Code. She added they need larger living spaces as they have a large extended family that requires adequate space for holidays but all the shared moments of life. She said they want a home that is accommodating and hospitable for their family, friends, and business associates. They believe the program is what every family wants and needs, she said; it is not a monument. She concluded they are preserving and significantly enhancing this important piece of early Dublin architecture and want the Board to view this as a living, breathing home for their growing family and not just a static, stagnate, structure.

The Chair invited the public to speak. [Hearing none.] He said the Board needs to approach this application based on the facts of the case as it relates to the Code; an addition is not justified just because there is a large family in a small house.

Jeff Leonhard inquired about the back garage that does not meet zoning. Ms. Rauch indicated the height of the detached structure does not meet the Zoning Code requirements of Washington Township. Mr. Yoder explained the existing Township Code limits all accessory structures to no more than 12 feet in height and that includes the carriage house as well. He added the carriage house sits in the middle of the grade change and the site slopes pretty significantly from the road down to the creek. He said they plan to go before the Board of Zoning Appeals next month to request a Variance to allow additional height. He noted there are existing outbuildings all taller than this. He requested the ARB discuss the height issue as their feedback may help going forward to the BZA.

David Rinaldi said his issue is "what is the definition of subordinate". He said does the addition have to be subordinate from all angles or subordinate from the road. He stated the applicant has done a good job of framing the house from the road but is it a subordinate addition.

Gary Alexander said he agreed with Mr. Rinaldi and he appreciates the efforts that have been made by the applicant to be as responsive as possible. He indicated he did not agree with the consultant's views about the garage size. He asked if the location was based on the grade change. He asked if there was a way to move one of those bays into the detached garage or perhaps the carriage house. He suggested that if the applicant did not want to change the grade, if he would consider moving the garage back a little bit so it is more like the other side.

Gary Schmidt, G2 Planning Design, explained the grade change as it goes down to the pool deck and patio; pushing the garage back would make a bad situation worse from a landscape architects point of view.

Mr. Rinaldi asked if the applicant had considered a physical break between the addition and the main structure as noted in the Code.

Gary Bruck, Sullivan Bruck Architects, they considered it but it was not an option and explained why. He added that the Yoder's are ready to spend a significant amount of money to improve this property with this addition. With his 40-years of experience, he said he is not sure anyone would appreciate a one-car garage attached to a million dollar plus property.

Everett Musser said he was impressed and originally thought this was a very ambitious project, which it is, and he appreciates all the effort that has been put into it. He said the two consultants have done a great job. He said the Board could say the addition is really not small enough but he questioned how it could be made smaller and still work. He said he does not see how that is going to happen. From his standpoint, he said this project is very acceptable.

Mr. Leonhard said he agreed with Mr. Musser. He said he is not an architect but the proposed design is very impressive.

Mr. Yoder indicated his impression was that two Board Members were on the fence and assured them that if this moves forward and time goes by and we are standing here 160 years from today, the existing historic core of this house will still be there – all the window openings, the lintels, brackets, etc. He said he thought they were taking a good steward approach to this plan. He said this is going to be a beautiful addition in the meantime, while preserving the core house for the future.

Mr. Alexander said the concerns expressed have been fair concerns based on the way the Code has been applied to other properties. He said he would feel a little bit better if more adjustments could be made as he is not quite there yet.

Ms. Yoder shared some diagrams straight from the *Historic Dublin Design Guidelines*. She stressed that they believe they are meeting the spirit and the purpose of the Code and the addition is subordinate in terms of the attachment. She pointed out a linear building with recommended addition types. She said they have tried as much as possible to keep pushing this further back; she said the roof is barely attaching. She referred to the consultant's comments that she can see where the new begins and the old ends; this is acceptable to her in her professional opinion.

Mr. Yoder referred to the Planning Report regarding style. He said rather than evaluating on style for styles purpose and materials for materials purpose and size, etc. it all comes back to the same argument, that staff does not like the size of the addition. He emphasized that same argument cannot be used for six different issues, especially when we are trying to enforce the Code.

Mr. Musser said he feels the existing house is predominant and it is not reduced in its appearance or its historic value with the proposed additions. He said this proposal is fine and the Board should approve it.

Mr. Rinaldi restated that the attachment concerns him and wished they could have pushed back the two-story section just four feet so there is a one-story attachment and then the stair. He indicated that might have made a bigger difference for him and less impactful on the back of that house. He said the other piece is if it is subordinate to the road or the back of the house.

Mr. Yoder said he puts himself in Mr. Rinaldi's position - wondering if he would get in trouble with his neighbors if he approved something. He emphasized what someone will see from the road after these modifications are built. He said he thinks it is beautiful and the neighbors will be ecstatic that this happened. He said whether something is subordinate or not is not specifically addressed in the Code. He said he has been asking architects the same question. He indicated as an architect, this is common sense in his mind and everybody he has talked to agrees.

Mr. Schmidt said as a landscape architect, he used to be on the Brewery District Commission Board so they dealt with these kinds of issues and this truly is a unique situation as the stream sets the parameter for the addition as they have to work between the stream and the house. He said it is an odd situation given this is on five acres of land but the buildable area for the addition is not even 10% of that. However, the concern about the back of the house, he said, nobody will see it except for the homeowners because of the mature pine trees all around the perimeter of five acres. Again, he said the addition is subordinate to public view and that is what the Board should be concerned with.

Ms. Yoder addressed Mr. Rinaldi's comment about hoping to see a one story with the stepping up of the two story. She explained the new stair they are proposing will also provide circulation to the other two bedrooms so they would not have to rely on the historic staircase to come and go throughout the house; they needed that portion of the two story to tie the whole second floor together.

The Chair asked if there was further discussion to be had. [Hearing none.]

#### **Motion and Vote**

Mr. Musser moved, Mr. Leonhard seconded, to approve the request for a Building Addition with no conditions. The vote was as follows: Mr. Rinaldi, yes; Mr. Alexander, no; Mr. Leonhard, yes; and Mr. Musser, yes. (Approved 3 – 1)

#### **Communications**

Claudia Husak stated staff is moving the electronic packet material delivery from Drop box to One Drive so for the rest of the year, we are going to do a soft roll out so everything will be in both places but by January we want to be using One Drive exclusively. She reported some tutorial materials have been created on how to access One Drive. She said that should provide enough time to iron out any issues before we go live in January.

With no further communications to share, the Chair adjourned the meeting at 8:22 pm.

As approved by the Architectural Review Board on \_\_\_\_\_, 2017.



## BOARD ORDER

# Architectural Review Board

Wednesday, August 30, 2017 | 6:30 pm

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

**2. Yoder Residence – Building Addition  
17-083ARB-INF**

**5927 Rings Road  
ARB – Building Addition**

Proposal: A building addition for a single-family dwelling on a 4.71-acre parcel, zoned R-1B, Limited Suburban Residential District Washington Township.

Location: The site is on the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.

Request: Informal review and feedback of an Architectural Review Board Application for the designated property located outside of the Historic District and under the provisions of Zoning Code Section 153.170, Appendix G, and the *Historic Dublin Design Guidelines*.

Applicants: Nelson and Elizabeth Yoder

Planning Contact: Lori Burchett, AICP, Planner II

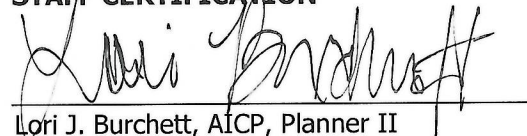
Contact Information: (614) 410-4656, lburchett@dublin.oh.us

**RESULT:** The Board informally discussed and provided feedback regarding the proposed demolition of two accessory structures and a portion of an existing addition; and a proposed addition to an existing historic structure. The Board discussed scale and mass of the addition and the design concept in relation to the *Historic Dublin Design Guidelines*. There were several concerns expressed whether the current design is subordinate to the existing historic structure and is consistent with the *Guidelines'* reference to additions to historic structures. The Board had noted that the scale of the addition is too large and that breaking the eaves of the existing residence would degrade the existing historic character of the home. Multiple Board Members expressed concerns regarding the demolition of the historically significant portion of the addition to the residence. The Board was supportive of the demolition of the accessory structures and the overall design and materials of the addition, but recommended reducing the size of the two-story addition to make it more subordinate to the existing residence and salvaging any historic materials that may be part of the demolition.

**MEMBERS PRESENT:**

David Rinaldi	Yes
Shannon Stenberg	Yes
Everett Musser	Yes
Jeffrey Leonhard	Yes
Gary Alexander	Yes

**STAFF CERTIFICATION**



Lori J. Burchett, AICP, Planner II



**1. BSD-HC – 55 S. High St.  
17-077ARB-MPR**

**55 South High Street  
Minor Project Review**

The Chair, David Rinaldi, said the following application is a request for modifications to the exterior, including painting of an existing commercial building. He said the site is on the west side of South High Street, at the intersection with Spring Hill. He stated this is a request for a review and approval of a Minor Project Review under the provisions of the Zoning Code Section 153.066 and the *Historic Dublin Design Guidelines*.

Lori Burchett presented an aerial view of the site and the existing conditions, which is a Tudor-style structure built in the late 70s. She said the applicant is requesting to paint the stucco areas as well as the trim details and there are no intended changes to the existing stone or roof area.

Ms. Burchett reported the applicant met with the Administrative Review Team (ART) proposing a light 'Cultured Pearl' color for the stucco and 'Dusted Truffle' for the trim. She said ART requested a color in between the existing color of the stucco and the 'Cultured Pearl'. She reported the applicant selected 'China Doll' that was reviewed and recommended for approval by the ART to better complement the proposed brown color trim.

Ms. Burchett said staff and ART has reviewed this proposal against the Minor Project Review criteria and finds the criteria has been met, as well as the Architectural Review Board standards. Therefore, Ms. Burchett said, approval is recommended with the one condition:

- 1) That the main exterior color be Sherwin-Williams 'China Doll' (SW 7517)

The Chair invited the applicant to add anything to the presentation.

Renata Allespach, 55 S. High Street, said she wants to paint the building and was hoping for a decision from the ARB today.

The Chair asked the applicant if she agreed with the recommendation of the one condition to which Ms. Allespach answered affirmatively.

**Motion and Vote**

Mr. Leonhard moved, Ms. Stenberg seconded, to approve the request for a Minor Project Review with the following condition:

- 1) That the main exterior color be Sherwin-Williams 'China Doll' (SW 7517)

The vote was as follows: Mr. Rinaldi, yes; Mr. Musser, yes; Mr. Alexander, yes; Ms. Stenberg, yes; and Mr. Leonhard, yes. (Approved 5 – 0)

**2. Yoder Residence – Building Addition  
17-083ARB-INF**

**5927 Rings Road  
ARB – Building Addition**

The Chair, David Rinaldi, said the following application is a request for a building addition for a single-family dwelling on a 4.71-acre parcel, zoned R-1B, Limited Suburban Residential District Washington Township. He noted the site is on the west side of South High Street, at the intersection with Spring Hill. He said this is a request for an informal review and feedback of an Architectural Review Board application for the designated property located outside of the Historic District and under the provisions of Zoning Code Section 153.170, Appendix G, and the *Historic Dublin Design Guidelines*.

Lori Burchett stated this proposal was originally filed as a formal application but given the complexity of the proposal and the location outside of the boundaries of the Historic District, staff deemed it appropriate to forward this to the Board for informal review and feedback prior to asking for a vote on the project.

Ms. Burchett presented an aerial view of the site for context as well as the zoomed in view of the farmstead. She noted the historic farmstead is listed on the National Historic Register under the Washington Township Multiple Resource Area. She said the lot is approximately 4.7 acres and the existing structures are primarily north of Cramer's Creek, which bisects the property. The existing single-family home, she said, is located towards the northeast corner of the property and several existing outbuildings are to the west and south of the home. Two of the outbuildings closest to the home, she stated, are proposed for demolition with a future application and the applicant is also proposing to demolish the additions that have been constructed over time on the existing single-family home.

Ms. Burchett presented the proposed site plan, which shows the whole farmstead and includes the floodplain and floodway areas highlighted. She said the applicant is proposing an addition to the existing home as well as an addition of a new detached carriage house to the west of the home. She highlighted the portion of the residence that will remain, as well as the areas that will contain new construction. She said additional site improvements include a circular drive with two curb-cuts and landscaping throughout the property were also included. She stated Engineering has reviewed the two driveways and did not express concerns.

Ms. Burchett stated the site is zoned R1-B Washington Township and under this zoning, the front yard setback requirement would be 20% or more of the depth of the lot. For this lot, the setback would be approximately 125 feet from the centerline of the right-of-way. She indicated any development within any portion of the flood hazard area is discouraged.

She stated conversations between the applicant and staff required the applicant to file an application with the Board of Zoning Appeals for a front-yard setback variance. She noted without a variance the applicant would be significantly constricted on where additional construction could occur on the site. Ms. Burchett said under the existing front-yard setback requirement, nearly all of the existing structure is located within the required setback and any development would likely be pushed into the flood hazard area. She said staff determined resolving the front-yard setback would be the appropriate first step for this proposal. She reported the Board of Zoning Appeals approved the Variance for a front-yard setback at the existing building line of 63 feet. She indicated the applicant had also requested a side-yard setback of 6 feet, where 8 feet is required but after much discussion, the side yard variance request was tabled to a future meeting date.

Ms. Burchett presented the proposed demolition areas in context with the whole property. She pointed out the applicant is proposing demolition of two existing outbuildings and an existing addition to the single-family home. She reported this request has been reviewed by a third-party consultant of whom had little concern over the demolition of the two outbuildings, but expressed some concerns about a portion of the existing additions to the single-family home.

Ms. Burchett indicated the additions appear to have been constructed over time and while some of the later additions have less significance, the addition that is closest to the existing structure may fall within the period of significance of the original structure and contains elements, including the same foundation materials, as the home. She reported the consultant recommends that an engineer provide a historic structure assessment or report to indicate the extent of the damage to the building to justify its removal as part of that demolition request.

Ms. Burchett presented a photograph of the existing home and described it as a two-story, gable-roof brick house dating to approximately 1855. Features of the residence include a stone foundation, for a

rectangular plan, a gable-front, wood-frame porch, a seam-metal, side-gable roof, two interior brick chimneys, and decorative Italianate brackets along the roofline. The six-over-six light sash windows have stone sills and lintels while the wood-frame Gothic-arc windows provide light to the attic. The seven-panel, Greek Revival-style wood front door has sidelights and a transom with decorative molding and brackets.

Ms. Burchett presented a graphic of the proposed front elevation that shows the proposed addition with single-story additions to the east and west of the structure. She pointed out where a new detached accessory building is proposed to the west of the home. She said the applicant is proposing a two-story main addition directly behind the existing structure, which will contain living space and bedrooms above. A flanking one-story master bedroom addition she said is proposed to the east and a garage and living space, one-story addition to the west. She added a walk-out basement will be below the addition. She stated the total square footage of the existing home to remain is 1,894 and the first and second floors of the addition total 3,576 square feet; this is excluding the basement area and garages.

In regards to additions, Ms. Burchett noted the *Historic Dublin Design Guidelines* have five considerations that the Board should review:

1. That the materials should be traditional but do not necessarily have to match those in the original building;
2. That the addition should be subordinate to the original building and it should be obvious, which is the original and which is the addition;
3. That the most common solution according to the *Guidelines* is to keep the addition smaller in scale with its height and roofline below those of the original building;
4. That the addition be located to the rear of the original building keeping the appearance of the original structures unchanged as possible and to avoid trying to duplicate the original building's architecture and design as to not create a false historic look; and
5. That the roofline additions such as dormers, skylights, and penthouses should be avoided and close spacing and modest scale to most buildings can result in too much change.

Ms. Burchett said staff finds this proposal is consistent with items 1, 4, and 5 of these *Guideline* recommendations.

Ms. Burchett presented a graphic of the proposed left side/east elevation of the structure and pointed out the portion of the existing residence to remain; the rest of the structure would be new construction.

Ms. Burchett indicated that Staff and the consultants have concerns whether that portion of the addition meets the intent of the two considerations for additions from the *Historic Dublin Design Guidelines* and whether the addition meets the addition recommendations of being subordinate to the original building and keeping the appearance of the original structure as unchanged as possible. She said this is the same concern they have for the right side/west elevation of the proposed structure as well as the rear/south elevation that were presented and highlighted.

Ms. Burchett presented a rendering of the existing structure with the addition as it would be seen from Rings Road. She said some of the elements of the proposed addition include a board and batten style siding in white and a metal roof style similar to the existing residence. The east and west sides of the addition, she said, are proposed to be one story, flanking the existing residence at a lower height.

Ms. Burchett also presented a rendering of the addition as it would be seen from the rear/southwest. She said a center, two-story addition is proposed with flanking one-story additions.

She stated that in regards to the informal discussion this evening, Staff proposes four questions for the Board to review and to provide feedback. The discussion questions are as follows:

1. Does the Board support the demolition of the existing additions and accessory structures?
2. Does the proposed scale and mass of the addition fit with the historic nature of the existing structure?
3. Is the Board supportive of the proposed design concept as it compares the *Historic Dublin Design Guidelines* for additions?
4. Are there other considerations by the Board?

Ms. Burchett said that concludes her presentation but is available to answer any questions and the applicant is here as well and also has a presentation.

Nelson Yoder, Crawford Hoying, said he is a registered architect as well as being in development and finance and spends half his day doing design work and the other half doing finance and spreadsheets. He introduced his wife, Betsy Yoder, who is also an architect.

Mr. Yoder said he had a long history with this house (40 of the 160 years the house has been in existence) as he grew up next door and spent most of his childhood playing at the homestead.

Betsy Yoder said she grew up in a 1860s farmhouse and her father was a history teacher, who then started a construction and restoration company. She said she worked for her father dismantling and repurposing historic barns; she salvaged and repurposed doors, trim, and mantles from homes to be demolished. She indicated she has always had a strong interest in historic preservation and practiced architecture for over 10 years, before becoming a stay-at-home mom for three girls.

Ms. Yoder said she and Nelson purchased the home in 2013 and wanted to live there for a time before making any modifications to the property. She said besides the house, they were aware that all the agricultural out buildings had deferred maintenance for close to 50 years. She indicated tonight's presentation was a culmination of their vision achieved over the past four years. She presented the goals of the project as follows:

- Reverse many decades of deferred maintenance & restore the core historic home:
  - Make critical structural repairs and replace the roof
  - Restore rotting wood trim and ornamental brackets
  - Restore weathered mortar
  - Replace the newer modern front porch with a historically appropriate one
- Create an attractive, dramatic entry sequence fitting for the structure
- Create a safe, nurturing environment to raise their three children and future generations
- Expand the home to meet the family's needs, however:
- Highlight view of core historic home on public-facing facades, expand to rear and sides
- Salvage and repurpose demolished materials in new additions: stone, wood, brick

Ms. Yoder emphasized, that from the street, the house looks nice but there is a lot of work that has to be done to it.

Mr. Yoder presented maps of their five-acre property that is surrounded by large lots, screened on three sides, and noted the house and creek in context with the rest of the property and structures.

Mr. Yoder presented a summary of his demolition request:

- Preserves core historic structure
- Removes areas to rear documented as later additions that are not significant
- Removes two garages located in the floodway (not floodplain).

- Meets criteria's 1 and 4 for Demolition in Historic District Guidelines, as well as special circumstances:
  - Both garages to be demolished are located in the floodway (not floodplain), causing water entry and posing safety risk to surrounding property owners.
  - Demolitions also provide for improved health, safety and welfare of building occupants: Egress, Interior Environment, and Energy Efficiency.

Mr. Yoder presented a graphic of his demolition plan as well as photographs of the structures he proposes to demolish.

Mr. Yoder referenced the Dictionary of Ohio Historic Places, Volume 1 that describes his house (formerly Myer House). He read Demolition Criteria 1 - "The structure contains no features of architectural and historic significance to the character of the area in which it is located." He said the only proposed area to be demolished on the original home is documented as later additions to the historic structure. He presented several photographs showing the proposed areas to be demolished that lack significant architectural features and the front historic core structure that will remain, including ornamental brackets and six-pane, arched-top windows. He presented photographs of doors and a window stating no original doors or windows that remain in the area are to be demolished. A photograph of a hearth rebuilt in the 1980s to be demolished and a photograph of one of the two identical artisan plaster fireplaces to be preserved were also presented. He summarized there is a big difference in design between the front and the back.

Mr. Yoder read Demolition Criteria 4 – "The location of the structure impedes the orderly development of the District, or detracts from the historical character of its immediate vicinity; or, the proposed construction to replace the demolition significantly improves the overall quality of the Architectural Review District without diminishing the historic value of the vicinity or the District." He said:

- The proposed demolition area is a "hodge-podge" of additions made at various times that detracts from the historical character of the front core structure;
- The location of the proposed demolition impedes expansion of the home to the south – the only area that is both tucked behind the core structure where not visible from the street and north of the floodway; and
- The proposed construction to replace demolition significantly improves the quality of the site and vicinity, reflecting the 1855 farmhouse plus only one, high quality addition.

Mr. Yoder presented a graphic to help explain the existing conditions and how they are limited in where they can build due to the floodway as compared to the proposed plan. He provided photographs during a heavy rain event and said both garages to be demolished sit in the floodway; water infiltration is relatively common and their presence in the floodway presents a hazard to surrounding properties. He added that if he did not bring them down, Mother Nature would.

Mr. Yoder said there were additional extenuating circumstances that include:

- An existing historic stair that is significantly less safe than current Code would allow, and has led to multiple falls; and
- Demolition of extensions to the south allows for construction of a new Code compliant stair connecting all levels of the historic core home, immediately south of the south wall, and preservation of the front stair as a non-required means of exiting.

Mr. Yoder concluded his presentation and introduced Gary Bruck, Sullivan Bruck Architects, who then provided his background and experience. He noted the first time he toured the home, Mr. Yoder took him down the historic stair just mentioned and he emphasized how it needed to be fixed with the addition.

Mr. Bruck said the existing home has only two bedrooms and the family now has three kids. He said the home is lacking a lot of the fundamentals of today's life that would include: an office, mudroom, laundry room, usable basement (partial basement is less than 6 feet clear), usable garage, and an indoor and outdoor gathering space for family and business functions.

Mr. Bruck explained as they move into this new design, they are trying to accommodate the following:

- 2 more bedrooms upstairs and a first floor master, bringing total to 5 BR (4 + guest).
- A modern living room, kitchen and basement, allows for the two front historic rooms to revert to traditional uses: dining room and parlor/office.
- Laundry room and mudroom
- Attached two-car garage
- Detached carriage house with 1 additional car garage and a screened porch
- A Pool / entertaining area (behind house)

Mr. Bruck reintroduced the area map to explain how this property is surrounded by new or newer construction. He said they do not want to be contextual to the area but more contextual to the historic home.

Mr. Bruck presented two forms for a design approach that he thought were applicable to this project. He explained how this house is a hybrid. He showed the original presentation form from a couple of months ago and said they are no longer requesting a side-yard Variance. He presented the new floor plans and the elements proposed for within as well as three-dimensional views of the exterior that were changed from what Ms. Burchett had just shared that also included the revised carriage house. He emphasized this is the type of home needed for today's living, which concluded his portion of the presentation.

Gary Schmidt, G2 Planning + Design, 720 E. Broad Street, Columbus, Ohio, said he is a landscape architect and presented his experience. He presented the landscape plan and walked through all the various components that include: a formal entry drive in the front, sidewalk for the front entry, relocated historic water pump framed with a low brick wall, guest parking, and formal plantings around the historic house that frame the sidewalks. He indicated this architectural design is like a farmhouse ranch with outbuildings that create little spaces they can do interesting things in. He said once one passes the formal area, he noted the auto court, a gate and steps to the pool and hot tub area designed to be very family oriented, seating wall on the floodway line that will include a little waterfall into the pool, a pedestrian bridge over the creek, and a large plant palette including formal and informal plantings.

Mr. Yoder restated the reason they were here was to gain feedback from the Board. He said they would like to hear thoughts on the design and massing, etc.

Jeff Leonhard said the applicant made a good case about the garages coming down on their own. He said he understands wanting to get rid of the 'hodge podge' appearance. He qualified he is not an architect but lives in an old house. He indicated he understood the applicant's reasons for wanting to fix this property since he grew up here and has become an architect. He said he would like this on his property.

Everett Musser said he was very impressed with the design team who have captured the needs of the family but to be sensitive to the historic aspect of the existing structure. He said he is very impressed with the design and agrees with the selective demolition, as proposed.

Shannon Stenberg said she respects the documentation that showed where the areas have flooded and how the flood waters come right up to the structure. She said she appreciates the applicant proposing to salvage as much material as possible from the existing additions. She said she was slightly concerned about the date the addition was built and what damage might be done as it is removed. She stated she fully supports the demolition of the two other buildings.

Gary Alexander said he understands what the applicant is struggling with because he sees the volume of a new space and the site constraints; however, he does not necessarily agree the addition has to go behind it. He said the presentation was fantastic. He said he was appointed to the Board on Monday but has reviewed all of the documents but he has not had the opportunity to walk the site, which he wants to do. He indicated he wants to see the brick structure behind because he also agrees with the preservation consultant's concerns. He indicated there might be sections of the addition that could be removed. He said he agrees it is a 'hodge podge' look but just because it does not have the detail that the front does that does not mean the rear is not significant in terms of history. He said he wants to see the report regarding the integrity of that structure and would like to walk the site before the applicant returns with the formal application. He stated he has some reservations about taking that addition off because of the concept that evolves when that addition is removed.

David Rinaldi said he has a pause with that portion of the demolition as well and wants to feel a little more confident that they are doing the right thing. He said the later additions to the back of the house did not add to the character but the brick portion required more documentation. He noted that if there was structural damage, certainly that would lend support to that decision. He stated he fully supports the demolition of the accessory structures. He said from the documents already received the brick portion of the addition is of the same design and has the same foundation as the main structure. He concluded he hoped the applicant was hearing what the Board was saying about the demolition portion of the proposal.

Mr. Rinaldi said he would open up the discussion to the Boards thoughts and comments regarding the proposed scale and mass of the addition and if it fits within the nature of the existing structure. He said overall, he cannot say enough; it is a beautiful design and is gorgeous. He said his concern is about the scale, which would tie into the other considerations in the *Historic Dublin Design Guidelines*. He said is the addition, primarily the rear portion, truly subordinate to the primary structure. He said considering the scale of the whole design that is the thing that jumps out at him. He made note of the matching roof lines and the addition being of similar massing to the primary structure.

Mr. Alexander said he was also concerned with the design concept. He said imbedding the house with the addition and the same cornice line around the house or the eave line is not appropriate. He stated it is an important architectural feature to define the original structure. He said true preservationists would state touching those eaves and overhangs is sacrosanct. He said this is a different situation because we are dealing with more adaption and reuse here but because it is not visible from the front does not mean it is not an important defining element. He indicated he has difficulty with the mass. He said understands the challenges when he looks at the site and sees the floodway issue, but looking at it from a preservationist recommendation and the Columbus Foundation is appears other opportunities exist to address the mass issue. He said it may require thinking of the function differently but would preserve the character of the house along the lines of what the preservation consultant is suggesting and allow some breathing room for the original structure.

Mr. Rinaldi said he thought the applicant did that successfully on the sides with the hyphens but somehow that should be carried around to the rear.

Ms. Stenberg said she agrees with Mr. Alexander and Mr. Rinaldi especially about the rear portion where it is the two stories. She said she is not convinced the rear addition is subordinate to the primary structure as proposed.

Mr. Rinaldi said he sees the effort of the applicant in framing the views so the Board does not see necessarily as much of the back but that is only part of the equation.

Ms. Stenberg indicated she respects the fact the applicant pulled the side-yard setback to meet the Code.

Mr. Rinaldi said the applicant did a fantastic job with the materials and making the addition look one cohesive. He noted the applicant framed up the historic building and did a good job of making that distinctive in terms of what is the original structure and what is the addition. He said he agreed with Ms. Stenberg's comment about the rear changes not being subordinate to the primary structure.

Ms. Stenberg asked staff, when this proposal goes for a formal review, if the ARB would also be reviewing the materials for the main structure. Jennifer Rauch answered affirmatively.

Mr. Rinaldi said the front porch proposal is a big improvement over what exists. Mr. Alexander stated he agreed about the front porch and the appendices to the side look great.

The Chair asked the Board for thoughts on the proposed brick landscape wall.

Ms. Stenberg noted this property is outside of the Historic Dublin boundaries and they do not see as much of the stone walls that are traditionally used throughout the City. She said she does not mind the brick wall as long as it matches the existing brick on the main structure and does not deter from it.

Mr. Alexander said his only concern was if the applicant was trying match the brick on the wall to the house. Mr. Schmidt answered they are trying to match the color but to match exactly is not necessary because the wall is pretty far away from the house.

Mr. Rinaldi asked if any of the mature trees will be lost. Mr. Schmidt answered they would lose some trees, mostly really large Silver Maples. He noted those are on the City's prohibited tree list.

Mr. Musser stated the addition is twice as big as the existing house and hopefully, the design will be subordinate to the existing architecture and the house itself.

Mr. Rinaldi added the applicant did a very good job with the scale of the wings additions being subordinate. He said it appears the applicant has done everything the *Guidelines* have directed them to do. He restated the only place he is struggling with is the rear addition.

Mr. Sullivan said, in terms of the rear portion, obviously they need to add rooms to this project so it needs to be at some level a two-story addition. He asked for clarification – if anything that crosses that upper eave is a problem.

Mr. Alexander indicated there are other solutions to building a two-story addition and still not break the eave. He said there are other solutions to make the house more unified. He said an important element defining the volume of the house is that continuity of that eave around it. He indicated the other addition from the photos looks like it is below the eave. He asked the applicant to view the photographs for the rear of the house and see if the addition is below the eave, which again, is a defining feature of the house. He added the height of the roof is a concern for the fact that the applicant matched the ridge exactly also blurs that boundary between the addition and the original structure. He noted how the applicant spoke about differentiating the addition and has done great with the sides but the boundary is blurred at the rear.

Mr. Bruck indicated that was obvious, and easy to remedy. He asked if breaking the cornice was a problem as they obviously need to know that. He reiterated they have three children and they are adding a master suite downstairs and adding two bedrooms and will use one of the bedrooms in the existing home. He said there needs to be circulation between the two parts and it is virtually impossible without a flat roof to make that happen.

Mr. Alexander suggested the stair could be rebuilt in the volume of the house.

Mr. Bruck clarified it is not a question of the stairs, it is the question of the circulation up above. He said they are trying to use existing openings to communicate between the existing home – second floor and the addition's second floor, which are on the same level. He said the children need access to the new stair they are building to avoid using the old stair that is somewhat problematic.

The Chair concluded consistent feedback has been given from a few of the Board members. Mr. Bruck noted he wanted the Board to appreciate the complication they have here. The Chair said the decision is not that easy on this end, either. He summarized there was some reservations and concerns from the preservation consultant and the Board.

Mr. Bruck said he understood that but wanted the Board to understand they are trying to make something happen and making a livable house for the Yoders is difficult, within these constraints.

Mr. Musser stated he has no problem with the rear addition. He said putting an addition onto an existing house is obviously going to be intersecting and covering up a portion of that house. He said he understands the need for that second floor. He indicated he would like to see a flat roof there but it is fine.

### **3. Historic and Cultural Assessment**

~~The Chair, David Rinaldi, said the following presentation is a review of the results from the historic and cultural assessment of the built resources, landscape features, and archaeological sites within the entire Dublin Planning Area, and a list of preservation strategies appropriate to Dublin.~~

JM Rayburn presented the background as follows:

- ~~2015 City staff and the Architectural Review Board (ARB) highlighted the need to update the existing Ohio Historic Inventory and to provide additional information and analysis regarding historic and cultural assets within the City.~~
- ~~2015 Staff issued a Request for Qualifications (RFQ) and Request for Proposal (RFP).~~
- ~~2016 Staff selected a consultant, Commonwealth Heritage Group, to undertake a Historic and Cultural Assessment.~~
- ~~2016 Inventory and general assessment of the built environment, landscape features, and archaeological sites.~~
- ~~2017 Final report delivered. It includes a set of preservation standards and strategies appropriate to Dublin, and a series of planning recommendations.~~
- ~~2017 Staff presented the Historic and Cultural Assessment to the ARB in June and the Planning and Zoning Commission (PZC) in August. It will go before City Council in September as a Resolution of Acceptance.~~

~~Mr. Rayburn said he had provided a "Cheat Sheet" of the recommendations from the Historic Cultural Assessment in front of each of the Board Members. He indicated staff is interested in gathering final comments prior to forwarding the final Assessment to City Council. He reported the Assessment was presented to the PZC last week for comments. He explained following the Board's final review tonight, the Assessment would be forwarded to City Council for a Resolution of Acceptance. He said following City Council's acceptance the next steps would be to determine which of the recommendations the Board would like to pursue next year.~~



## BOARD ORDER

# Board of Zoning Appeals

Thursday, July 27, 2017 | 6:30 pm

The Board of Zoning Appeals took the following action at this meeting:

**1. Yoder Residence – Side & Front Yard Setbacks  
17-076V**

**5927 Rings Road  
Non-Use (Area) Variance**

Proposal: To reduce the required front yard setback from  $\pm 125$  feet to 60 feet and to reduce the required side yard setback from 8 feet to 5 feet.

Location: The site is located on the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road.

Request: Review and approval of a Non-Use (Area) Variance under the provisions of Code Section §153.231(H).

Applicant: Nelson & Elizabeth Yoder; represented by Gary Bruck, Sullivan Bruck Architects.

Planning Contact: Lori Burchett, AICP, Planner II

Contact Information: (614) 410-4656, lburchett@dublin.oh.us

**MOTION #1:** Ms. Cooper moved, Ms. Herbert seconded, to approve this non-use (area) variance to reduce the required front yard setback from  $\pm 125$  feet to 63 feet, because the request does meet the applicable review criteria.

**VOTE:** 3 – 0.

**RESULT:**

The Non-Use (Area) Variance was approved.

**RECORDED VOTES:**

James Zitesman	Absent
Rion Myers	Yes
Martha Cooper	Yes
Sarah Herbert	Yes
Satya Goyal	Absent

**MOTION #2:** Ms. Herbert moved, Ms. Cooper seconded, to table this non-use (area) variance for the side yard setback, at the request of the applicant.

**VOTE:** 3 – 0.


**RESULT:**

The Non-Use (Area) Variance was tabled.

**RECORDED VOTES:**

James Zitesman	Absent
Rion Myers	Yes
Martha Cooper	Yes
Sarah Herbert	Yes
Satya Goyal	Absent

**STAFF CERTIFICATION**

  
Lori Burchett, AICP  
Planner II



## MEETING MINUTES

# Board of Zoning Appeals

Thursday, July 27, 2017

### AGENDA

- 1. Yoder Residence – Side & Front Yard Setbacks** **5927 Rings Road**  
**17-076V** **Non-Use (Area) Variance (Approved 3 - 0)**

The Chair, Rion Myers, called the meeting to order at 6:31 p.m. Other Board members present were: Sarah Herbert and Martha Cooper. Satya Goyal and Jamie Zitesman were absent. City representatives were: Tammy Noble, Logan Stang, Lori Burchett, and Flora Rogers.

### Administrative Business

#### Motion and Vote

Ms. Herbert moved, Ms. Cooper seconded, to accept the documents into the record. The vote was as follows: Mr. Myers, yes; Ms. Cooper, yes; and Ms. Herbert, yes. (Approved 3 – 0)

#### Communications

Tammy Noble apologized for not having meeting minutes from the last meeting to approve but stated they will be included in the next packet.

The Chair swore in anyone planning to address the Board during this meeting.

- 1. Yoder Residence – Side & Front Yard Setbacks** **5927 Rings Road**  
**17-076V** **Non-Use (Area) Variance**

The Chair, Rion Myers, said the following application is a request to reduce the required front yard setback from  $\pm 125$  feet to 60 feet and to reduce the required side yard setback from 8 feet to 5 feet. He said the site is on the south side of Rings Road, approximately 400 feet west of the intersection with Wilcox Road. He stated this is a request for a review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).

Lori Burchett presented an aerial view of the site, which is  $\pm 4.7$  acres, east of the intersection of Avery Road and contains an existing historic single-family residence as well as multiple outbuildings that have been used in association with the existing home. She added Cramer's Creek bisects the property and the property is currently zoned R-1B under Washington Township zoning regulations. She said the property was designated R-1B, Limited Suburban Residential District, at the time of annexation into the City. She presented a zoning map and highlighted that zoning district for context.



Ms. Burchett presented the proposed site plan. She noted that future development of the property would go before the Architectural Review Board (ARB), since it is a historically registered site. A future addition to the existing structure is expected to be proposed, she said; however, those details have not been presented to the Architectural Review Board. She explained the applicant is requesting the Variance prior to them finalizing the addition proposal.

Ms. Burchett presented the proposed Variances; first, the reduction of the front yard setback from 125 feet from the center of the right-of-way to 63 feet from the center of the right-of-way and second, the reduction of the side yard setback from 8 feet from the east property line to 5 feet from the east property line.

Ms. Burchett reported that for this request for a front and side yard setback Variance, Washington Township zoning requires a minimum front yard setback of 20% of the depth of the lot. Under this, she stated the setback would be 125 feet from the center of the right-of-way of Rings Road. She explained there are several elements of the site that restrict its development; the most prominent being that there is an existing structure on site that does not conform to this setback regulation. Secondly, in the middle of the property there is stream that contains floodplain requirements, which further limits development. She added there is a 100-year flood plain designation as well as a floodway. She stated the applicant is also requesting a side yard setback that is required to be 8 feet under Washington Township Zoning. She concluded the applicant is requesting a Variance for a front yard setback of 63 feet and a side yard setback of 5 feet from the east property line.

Ms. Burchett presented the Non-Use (area) Variance Review Standards and said the Board must find that all of the following are met: Special Conditions, Applicant Action/Inaction, and Impair the Intent & Purpose of the Requirement. She reported that Staff reviewed this application against the Review Standards for the front and side yard setbacks and found that the front yard variance meets all three standards as outlined in the Code. She stated the side yard variance meets the standard regarding Applicant Action/Inaction but does not meet the Special Conditions nor Impair the Intent & Purpose of the Requirement standards as outlined in the Code.

Ms. Burchett presented the additional Non-Use (area) Variance Review Standards and said the Board must find at least two of the following are met: Special Privileges, Recurrent Nature, Delivery of Governmental Services, and Other Method Available. She stated that the front yard variance meets all four standards outlined in the Code while the side yard variance meets two of the four: Recurrent Nature and Delivery of Governmental Services.

In closing, Ms. Burchett said Staff is recommending the following: approval with no conditions for a Variance from Washington Township Zoning Code Section 306.044 to reduce the required front yard setback from 125 feet to 63 feet; and disapproval for a Variance from Washington Township Zoning Code Section 306.043 to reduce the required side yard setback from 8 feet to 5 feet.

Sarah Herbert inquired about the Special Conditions and how the side yard has not met the requirement. Ms. Burchett referred to the proposed site plan to aid her with the explanation that the side yard setback could be met without a Variance. Ms. Noble clarified the applicant can meet the standard without encroaching in the floodplain as that is the natural feature that Staff is saying is the Special Condition.

Rion Myers asked if there was a clearer representation on a map, which Ms. Burchett provided. She pointed out the 100-year flood hazard area as well as the floodway, which is a higher risk area. She clarified that on the side the applicant could meet the side yard setback without encroaching into a flood hazard area.

Ms. Herbert said, even if the Variances are granted, she asked if the applicant would encroach into the hazard area. Ms. Burchett confirmed the applicant would not encroach into that area.

Ms. Herbert inquired about the Intent and Purpose requirement. She asked how three feet would have an adverse effect on the neighbor. Ms. Burchett answered it may not create an adverse effect today, but it is not known what will happen in the future with that property. She indicated that if the neighboring property wants to build, it will further restrict where that neighboring property owner can build based on the Washington Township requirement of 40-foot separation between structures. She said Staff's assessment was based on the fact that Washington Township has an 8-foot minimum side yard setback and there is 40 feet from an existing structure. She said if the applicant was permitted the additional three feet closer, while it may not impact the property today, there is potential if that neighbor would want to add an accessory structure for example then it would have an adverse effect. Ms. Burchett agreed that the neighbor is already restricted in a significant way due to the flood hazard area on their property.

Mr. Myers said there are other ways the applicant can do an addition without it needing to be three feet further. Ms. Burchett agreed and reported that was Staff's conclusion.

Ms. Herbert asked if the Architectural Review Board (ARB) review standards were studied. Ms. Burchett said there is some consideration of the location on the site and making it subordinate to the existing historic structures to keep the integrity of the historic structure. She said this did not play into Staff's assessment because the applicant has not been before the ARB for the addition proposal.

Ms. Herbert asked if the neighboring property owners have said anything about this and Ms. Burchett said she has not heard from the neighbors regarding this Variance request.

Martha Cooper summarized what she thought Staff is saying, which is of the three standards that must be met for the side yard, Staff has stated the Special Conditions are not met because the applicant could build and still comply with the eight-foot setback. She said also, Staff is concluding that the third standard, which is encroachment, would adversely affect the neighboring property. Therefore, two of the three that must be met in order for the Variance to be granted are currently not met with this proposal. She surmised that is the basis why the recommendation that the BZA not grant the Variance requested for the side yard. Ms. Burchett confirmed Ms. Cooper's comments.

The Chair invited the public to comment on this application.

Nelson Yoder, 5927 Rings Road, said he is the applicant and both he and his wife are registered architects and another architect has been hired to help them. He said there are a lot of eyes on this to try and make it work on a complicated site. He noted the historic structure is wedged against the creek on one side and the property line on the other and the front yard zoning regulations that did not exist when the house was built in 1855. He indicated they tried to avoid a side yard setback and make the design work and between the three of them, they concluded what they put forth required asking for a Variance because it was not practical for them from a planning perspective to design an addition that worked both architecturally as well as functionally.

Mr. Yoder added they reached out to the neighbors to see what their thoughts were. He said the neighbor to the west, Matt Garrido, has already written back with a letter of recommendation stating he loves it and outlined what the Board can do to help the applicant. The neighbor closest to the setback has not yet responded but he reported he presented them with a set of prints along with the explanation of what they are doing and why.

Mr. Yoder said there is an unusually high evergreen screen that exists on the property with the opacity of 100%. He indicated that when he represents clients as an architect, he always looks for unusual conditions that make something unique. He restated that when he asked for a Variance in this case, it is the fact that they have this floodway they are against. He explained they cannot move or demolish the

existing structure to create a new structure in its place; they are stuck dealing with the existing circulation with the existing way that the house is set up.

Mr. Yoder presented pictures taken from the second floor of the structure, looking out as well as from the ground and nothing can be seen past that screen of a triple row of pine trees that are 25 – 30 feet tall. He presented a picture of this property from the park across Rings Road. He stated they are well outside the drip line of those trees and would not impact them through construction.

Gary Bruck, Sullivan Bruck Architects, 8 S. Grant Avenue, Columbus, Ohio 43215, said as the applicant noted the tree line earlier, they would like to create an addition that speaks to the language of the original house. He indicated they would replace the front porch with an appropriate detailed porch and try to gain a balance between the gables on both sides but if it were to be pulled back to stay within the setback, one gable would be much smaller, which impacts the master bedroom. He emphasized the applicant was really talking 2 feet, 7 inches, not three feet so the applicant did not feel that was a big encroachment.

Ms. Herbert inquired about the distance to the neighbor's accessory structure. Mr. Yoder said the distance between the accessory structure (shed) and the proposed addition is more than 40 feet.

Mr. Myers confirmed that the applicant was looking for a symmetrical design from the street by having the equal distance from the center of the house. Mr. Yoder confirmed they were trying to balance out the geometry. Mr. Bruck added "as best as possible."

Tammy Noble asked to caveat all of this. While they are talking about architectural style, she said the task of this Board is to determine whether the criterion is met so she is hesitant to get into the architectural design. She added since this application has not gone to the Architectural Review Board, it is not known how all of this is going to resolve itself.

Ms. Herbert said she understood and is sticking with their requirements but she is struggling with the request and it is nice to have a visual.

The Chair called for further public comment [hearing none] he closed the public portion of the meeting.

Ms. Herbert continued saying she understands this is a difficult piece of property and restricted on what can be developed based on the floodplain, the creek, and other structures. She said what is unique about this property and on this road is, it is the only historic building in that vicinity as most of the properties were probably built between the 1970s – 1990s, based on aesthetics she saw. She restated she does not agree with the special condition on the side yard; that has been met. She indicated she struggles with adverse effects to the neighbor. She said both the setbacks should be approved.

Ms. Cooper noted the trees that are creating the current screening are not on the applicant's property; those trees are on the adjacent property.

Mr. Myers said he drove by the site today and there is an actual flag next to where the right-of-way pin is for that property. Clearly, he stated, the trees are on the adjoining property but that does not have a big effect on whether this Variance meets the criteria or not. He said the part he is struggling to understand is if this discussion is setting a standard of granting a Variance for less than eight feet and it seems like from the Staff's perspective there are other options available. He said he has not seen a Variance request come before the Board in this manner where it is going to be that close. He indicated the architectural features of it, are a big point of that discussion. He said it would be nice to have comments from the ARB about the addition for the BZA to review.

Mr. Myers asked if any surveyors have assessed the property and the flood plain to see if the applicant could get a Letter of Map Amendment from FEMA. He said he knows how this can be done and indicated the flood plain might not come that far back.

Ms. Herbert clarified that has nothing to do with the side yard. Mr. Myers said it was part of the discussion of how the applicant will design the structure. He said he certainly does not want to build it in the flood plain.

Ms. Cooper restated the Variances are for a historic structure; the applicant cannot move it backward and they would have to comply with the flood plain/flood areas. She indicated the Board is all in agreement, on the front setback, without taking a vote yet. The problem she is having with the side yard, she said, is that it is not unique and the argument is there is no other way to address the gables or the matching side structures on the addition. She said the applicant could in fact be held to the additional 2.7 feet. She said when we are strictly deferring from our zoning, we have to be very mindful of those three factors that all have to be met so her inclination in this particular case, and being appreciative of the unique circumstances, is that the applicant has not met all three criteria for the side yard Variance. She said the other two out of four, yes, she can see two out of four of those criteria being met. She said the first question the Board has to address is having satisfied the requirements of the three that are required and she is not seeing that on this application.

Ms. Noble said, procedurally, this is the correct way to have this discussion. She said Staff makes an analysis but that does not mean that that is something the Board will agree on. She asked the Board to take a moment of training; the Board is handling this the right way. The Board is saying which criteria is not being met and why they believe that to be true. She concluded it then becomes the matter of the vote.

Mr. Myers said he is getting the same feeling and thinks there are other options available. His stance, he said, is that there is quite a bit of space on the side to work with but he does not have an architectural mind so he cannot judge on the aesthetics. He indicated he is just looking at what is before the Board and the standards they have to adhere to for these requests. He restated he is not seeing the requirements being met, either.

Ms. Noble said if the Board so chooses, because this has not gone to the ARB, the Board could allow this Board to vote on the front yard setback and table the side yard setback, which would enable the applicant to go to the ARB and if they find there is some reason the ARB finds this to be a key component to constructing this successfully, then that could be the special condition that could be argued when returning to the BZA. Vice Versa, if the applicant gets a vote tonight on the side yard setback, she noted the applicant is not permitted to reapply for a year or unless something else occurs.

Ms. Cooper said she cannot represent what the BZA's vote would be just because the architectural plans are approved by the ARB. She said the Variance request would still come back to this Board not necessarily being definitive about what the BZA would do.

Ms. Herbert said it would be helpful to have that feedback from the ARB, like Mr. Myers said, but she thinks it is met anyway.

The Chair said he would leave it up to the applicant for how to proceed.

Mr. Yoder indicated that per a straw poll, it is 2 to 1 against the side yard setback. He asked if he was reading that correctly. If that is the case, he said then the side yard Variance can be tabled so they could return at a future meeting if they need it.

Mr. Yoder said, from a design standpoint with the ARB, it is a 'chicken and the egg' scenario. He said they may end up with two different options then to be presented to the ARB: one that requires a setback variance and one that does not.

Mr. Myers said that is part of his feeling that more discussion needs to happen on the applicant's end. He said the applicant can go before another board (ARB), which would not affect the BZA's decision but might come into play as to how the applicant needs to redesign the structures and site.

Mr. Yoder said, if there is a compelling architectural case, to Ms. Cooper's point, it is not necessarily going to guarantee a vote. He said he understands that. He asked if the ARB was supportive of the applicant's side yard Variance in order to achieve an architectural element that they see is required to make the design work. He asked if that is something this Board would seriously consider as a way of meeting the side yard setback requirements. He said they do not want to spin their wheels or waste time going through that process with the ARB essentially opening up two different options and coming back to the BZA and finding out that the option the ARB was supportive of did not meet the BZA's approval. He said he wanted to make sure this Board (BZA) was open to an approval.

Mr. Myers asked, if the applicant went before the ARB, and had a difference of opinion on the side yard setback, would that affect Staff's side on this issue. Ms. Noble answered, at this point, it is all speculation and cannot honestly answer that question. She emphasized the ARB would not be voting on a side yard Variance; what would be pertinent for their decision would be if the sides were symmetrical and equal on both sides of the proposed house design. She said, if there is something about the 3 feet that is going to accomplish that, the applicant could then come back to the BZA to say that is a Special Circumstance. Again, she said we are not sure we are even there yet but in her mind, it could be a possibility so it is worth reserving the applicant's right.

Mr. Yoder said he understood.

Ms. Cooper added that only three of the five members are present this evening. If the applicant were to return, it is not known what the other two members would decide.

Ms. Noble indicated that could also work to the applicant's benefit.

Mr. Nelson asked to table the side yard Variance but to vote on the front yard Variance.

#### **Motion and Vote**

Ms. Cooper moved, Ms. Herbert seconded, to approve this Non-Use (area) Variance to reduce the required front yard setback from  $\pm 125$  feet to 63 feet, because the request does meet the applicable review criteria for a Non-Use (area) Variance. The vote was as follows: Mr. Myers, yes; Ms. Herbert, yes; and Ms. Cooper, yes. (Approved 3 – 0)

#### **Motion and Vote**

Ms. Herbert moved, Ms. Cooper seconded, to table this second request for a Non-use (area) Variance, which is for the side yard setback. The vote was as follows: Mr. Myers, yes; Ms. Cooper, yes; and Ms. Herbert, yes. (Approved 3 – 0)

The Chair stated the next scheduled BZA meeting is August 31, 2017. He adjourned the meeting at 7:15 pm.

As approved by the Board of Zoning Appeals on October 26, 2017.