

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, SEPTEMBER 8, 2008

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Senhauser, Young, Kreider, Jones, Spraul-Schmidt, and Raser, present. Member Chatterjee and Fisher were absent.

MINUTES

The Board unanimously approved the minutes of August 18, 2008 as changed (motion by Spraul-Schmidt, second by Raser).

CERTIFICATE OF APPROPRIATENESS, 304 MCFARLAND STREET, WEST FOURTH STREET HISTORIC DISTRICT

Staff member Adrienne Cowden presented a report on a request for rehabilitation with modifications to the façade for a building designed by Harry Hake as a stable for the Cincinnati Gas & Electric Company, at 304 McFarland Street. She stated it contributes to the West Fourth Street Historic District. She reported that on January 28, 2008, the Historic Conservation Board (Board) approved the rehabilitation of this building for seven residential condominiums. Ms. Cowden said the approved plans included inset balconies on the main (south) façade. She said the central opening on the main (south) façade was bricked in on the second floor and had a pair of one-over-one windows in the third through fifth stories. She stated that the second story opening was to be entirely reopened and a simple black metal railing installed to create an inset balcony. Ms. Cowden said similarly, the windows were to be removed from the openings in the upper floors to create inset balconies. She reported that panels of fixed, tempered glass in aluminum frames enclosed each balcony, and a single-leaf glass door provided access from the interior living space. She stated that Conrad Oppt of Oppt Architecture & Construction, was requesting a Certificate of Appropriateness to revise his proposal so the third, fourth and fifth story balconies match that approved for the second floor.

Ms. Cowden said since January, Mr. Oppt located Mr. Hake's original drawings for 304 McFarland Street at the Cincinnati Historical Society Library. She stated it was originally assumed that the building had stable doors on only the second story, but the drawings clearly show stable doors on the second through fifth stories. She said the physical inspection supports the conclusion that the building was constructed as designed and later modified. Ms. Cowden stated the brickwork below the central openings is an excellent match in terms of color, dimensions and the width of the mortar joints. She said, however, close inspection reveals discrepancies in the brickwork and the color/profile of the mortar joints, suggesting that these areas were infilled. She stated Mr. Oppt would like to reestablish the openings on the third through fifth stories to their original dimensions and install a simple metal railing across the opening and the hard fired brick would be salvaged, cut down to the appropriate length and toothed into the exterior wall to create a finished opening. She reported that any extra bricks will be saved and stored in the building.

Ms. Cowden said a pre-hearing meeting was held on Tuesday, September 2, 2008 with only Mr. Oppt in attendance. No community organizations or property owners have contacted staff regarding the application.

Ms. Cowden reminded the Board that the West Fourth Street Historic Guidelines do not have specific guidelines for inset balconies but the same justification that was used to approve the previous request for the second story could be applied to this request. She said those guidelines were created by the Board and based on the assessment of the original proposal in January on

conditions unique to 304 McFarland and past precedent. At that time the Board found that reestablishing the central opening on the second story to its original dimensions met the intent of the guidelines. The hayloft doors were removed and the opening bricked in long ago. The proposed railing was simple and modern in detail and did not detract from the building. Finally, creating inset balconies on highly visible elevations was not without precedent in the historic district. These same conclusions apply to the proposed treatment of the openings in the third through fifth stories and are further supported by Harry Hake's original drawings and physical evidence.

Mr. Senhauser asked for a motion. Ms. Wallace made a motion to accept the staff recommendation and Mr. Kreider seconded.

Ms. Spraul-Schmidt asked Mr. Opt to explain the propose of the upper level stable doors.. Mr. Oppt said they were used to move materials in and out of the higher levels. Mr. Kreider asked Mr. Oppt if the corner building still had the same detail. He said there was some detail left.

BOARD ACTION

The Board voted unanimously to follow staff recommendations and approve a Certificate of Appropriateness for the proposed inset balconies as shown in the attached drawings with the condition that final plans and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.

CERTIFICATE OF APPROPRIATENESS, 1718 PLEASANT STREET, OVER-THE-RHINE HISTORIC DISTRICT

Staff member Adrienne Cowden presented a report on a proposal for the property at 1718 Pleasant Street located near the intersection of Glass Alley and Pleasant Street. She reported that it contributes to the Over-the-Rhine Historic District and is situated south of the National Register listed Findlay Market House. She said the owner, Jennifer LeMasters, would be rehabilitating 1718 Pleasant Street for her personal residence. Ms. Cowden stated that Skillman Design was requesting a Certificate of Appropriateness to install bar systems over all the first story window openings.

Ms. Cowden said the bar systems would fit into the existing brick window openings and would be secured with three wood screws on either side, the iron would have a zinc powder coat primer and a black powder coat top finish, the bar system proposed for the main (west) façade window features a curved top bar and is slightly more decorative than those intended for the side and rear elevations. She said staff suggested the applicant investigate interior bar systems or other possible security measures. Doug Kraus, Skillman Design, indicated that his client wished to present this window bar system as proposed.

A pre-hearing was held on Tuesday, September 2, 2008 with only Mr. Kraus in attendance. Staff has received letters of support from Robert J. Pickford, Corporation for Findlay Market, and Brian Tiffany, Over-the-Rhine Chamber of Commerce. No other interested parties, adjacent property owners or community groups have contacted staff about the application.

Ms. Cowden explained the conservation guidelines for the Over-the-Rhine Historic District state that "metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate." She said the Historic Conservation Office staff and the Board have consistently disapproved requests for external roll down security and bar systems over window openings. Ms. Cowden acknowledged the Board has expressed awareness of and concern for the safety of residents and business owners in historic areas but has also stated its concern for the long-term viability of these communities. She said in similar circumstances the Board has determined that improving building security can be done without sending negative messages about what is

occurring in Over-the-Rhine and how welcome investors and new residents are in the neighborhood. She stated for this reason staff is recommending denial of the request. Ms. Cowden introduced the owner Jennifer LeMasters and Matthew Wirtz who is the technical applicant from Skillman Design. Mr. Raser asked Ms. Cowden if the guidelines an example of an appropriate security system for the District. Ms. Cowden said the guidelines are silent. She said in the past it has been suggested that the owner install these types of systems on the interior of the building as the Board and staff have no purview over the interior of the building. Mr. Raser said he remembers in the past turning down razor wire, roll down systems and similar systems but he does not remember turning down a designed bar system like this. Ms. Cowden confirmed that this is the first time she knows of a request of this type. Mr. Senhauser said they did review an application like this in the West End for the Longworth Development but there were strong objections from the residents.

Mr. Senhauser asked for a motion. Ms. Wallace made a motion to accept the staff recommendation and Mr. Kreider seconded.

Mr. Kreider asked about exterior shutters and the guidelines. Ms. Cowden said if evidence is found of shutters then staff would consider them compatible. However, she saw no physical evidence of shutters on the building. Ms. Wallace asked about lighting as an alternative security measure. Ms. Jennifer LeMasters said she is the homeowner and this is going to be their home. She discussed the fact that she lived in Over-the-Rhine previously and due to break-ins and the theft of her car had moved out. She said she and her fiancé are dedicated to the development of this area. She said they own eight properties in Over-the-Rhine and are dedicated to renovation of the area and their properties. She said they have developed two of the properties. Mr. Wirtz discussed their other developments and reported they are working with the city to develop 1722 Pleasant Street. Ms. LeMasters said while she is hesitant to move back they both feel it is necessary to promote the area as viable. Mr. Wirtz said while it is their goal to promote the area their safety is the first concern. He feels this is a very light touch when looking at the existing building. He wants a presence of security on the outside and is concerned about the operability of the window if placed on the inside. He said they will be updating the fence. He said they are both architects and this is very important to them. He discussed recent shootings on the street. Ms. Wirtz is a Cincinnati resident and feels safe but he thinks it is different for a woman. Ms. LeMasters said she had previously been robbed on a third floor and this is a on the ground floor. Mr. Wirtz said that once the neighborhood becomes safe they would be agreeable to removing the bars. Ms. LeMasters said they would add flower boxes to the upper windows. Ms. Wallace asked if any of their other buildings were residential. Ms. LeMasters said they are all rental properties but the building next door will be sold as condos. Ms. Wallace is concerned about the precedent and if they are this concerned about their property they will also be concerned about the condos and have the same justification for that building. She suggested other approaches to deal with safety. Mr. Senhauser appreciated the request but the guidelines (he explained the guidelines development) were not something the Board wrote but enforced. He said even though the Board is sympathetic the request must meet the guidelines. Mr. Raser said the guidelines are subject to the Board's interpretation. He reminded the Board that the guidelines are silent on this subject if they were black and white there would no reason for the Boards existence. He said this does not set the precedent that the other applications do (razor wire, standard metal mesh and roll down shutters) which say do crime here. He feels this is a great design and would love to set this as a precedent for the neighborhood. He said the guidelines for the North area were not reviewed as extensively as they should have been. He feels this is a beautiful design for one window on a residential street and the Board is well within their right to approve it. Mr. Kreider asked if they considered placing the bars on the interior. Ms. LeMasters said they did talk about it but felt it would not provide a clear message that this was a secured window. She said it is a very

small room and having the bars on the inside would not fit the room design and would limit the operability of the window. Mr. Kreider feels this has to be reviewed on a case-by-case basis. He said the Findlay Market Association is agreeing to this design and the Board should consider some type of time sensitive approval. He says there is a need here especially during the day. Mr. Kreider said they need to be sensitive to the fact that the applicants are young and willing to develop in the area. Ms. Wallace commented that it seems they expect the neighborhood to turn around pretty fast. She asked if they would ask for the bars on the condos also. Ms. LeMasters said the other building has evidence of shutters. Ms. Wallace feels enforcement would be hard. She asked if they would consider it to be temporary. Ms. LeMasters said it is just for the current living conditions and would take the bard down if the security issue goes away. Mr. Jones asked how many windows. She said on the first floor there are 4 windows, which need the bars. Mr. Kreider asked how high the fence in the yard is. Ms. LeMasters said 48 inches. He discussed the storage building and the location of the fence. Ms. LeMasters discussed the gate in the fence to the City owned Butterfly Garden next door. Ms. Wallace is uncomfortable with this application even though she understands the need for security in this area. She said this is a part of being an urban pioneer. She said people moving into the area bring safety. Mr. Jones explained the building faces right on the sidewalk at eye level. He said this is a unique situation and in order to promote development sometimes the Board has to make hard decisions. Mr. Kreider said he could only support something that will be compatible. He said this is a unique situation because of its location on the street but feels it would be better to use a nice, operable set of shutters. Mr. Raser said this would eliminate the natural light and if the issue is security they would have to stay closed. He said if the shutters worked and were operable every other building in Over-the-Rhine would have them but they are all gone. Mr. Raser felt if the room is to be viable, shutters would not work. He said inset bars only work on big storefronts, as they are visible but do not work well on small windows. He said he agrees that the only way to have safety is for people to move into the area but until that happens this is a critical time to get people investing and living in Over-the-Rhine. Mr. Kreider said he understands the shutters are a problem but feels they are more appropriate and compatible. He said if the Board chooses to allow this use then it needs to add very specific requirements to the motion. Ms. Wallace feels there needs to be an assessment of what this would represent. Mr. Kreider restated the point made by Mr. Raser that this was a decorative application. Mr. Jones asked if it were side and rear windows would they be hearing the case. Mr. Harris said the windows have to be visible. Mr. Kreider asked if there could be a compromise permitting the bars on the side and rear and an alternative on the front. Mr. Harris asked Ms Cowden if there had been previous approvals for bar systems. She said there had been none that this is the first time decorative bars on the first floor had been proposed. She said usually a fence is what is proposed but this situation is different. Mr. Senhauser said that in 1986 bars on basement windows had been allowed but there were already existing windows with bars and they wanted to extend the use. Mr. Harris said it needs to appear as if it is part of the building but this design does not meet that guideline. Mr. Raser said that he likes this design. He said the Secretary of the Interior standards say that it should not appear to fake being old or appear that it is original and this doesn't. He feels this is a good precedent for this type of application in the same situation. Ms. Wallace asked how ornamental the bars should be. Mr. Raser said the guidelines are fraught with this kind of language and that interpretation is the responsibility of the Board. Mr. Senhauser asked if this had been true divided light windows would they have made the request. Ms. LeMasters said she wasn't sure. He asked how many verticals it takes to make a window secure. Ms. LeMasters did not feel a mullion makes it that much safer as it can be snapped. The Board discussed the possible stipulations for a motion to approve the request. Mr. Doug Kraus the Project Manager asked to speak on behalf of the applicant. He said they took a lot of time to take pictures of the surrounding iron metal works on buildings in the area. He said they tried to match the bars to those

and made them less frilly than the scroll work at Findlay Market in order to make the bars less grandiose. He feels the best way to preserve the historic property is to get them occupied. Ms. Spraul-Schmidt discussed setting a time frame on the request and asked what area this would apply to. Mr. Jones said it would only apply to this property. Mr. Kreider explained that because it would be done only for this property it does would not set a precedent but it is appropriate for this unique property at this moment only. He said if there is a time frame then owners may not be willing to make the investment. Mr. Senhauser said the owners would be behind the bars and would not want to keep them if they didn't need them. A discussion was held on the time frame and how it would work. Ms. Spraul-Schmidt proposed five years and having it reviewed at that time as a covenant on the deed for the property. Ms. Wallace expects they will be back asking for the same application for the condos next door. Mr. Kreider asked Ms. LeMasters to discuss the use of interior bars and her objections. She said it is the dining room and the window would be hard to open, it is the only window in the room. Mr. Jones feels it is more an aesthetic reason. Mr. Kreider asked if they would face difficulties if this were an interior bar. The applicants said due to the size of the window if the bar opened in it would take up a sizable amount of an already small room.

Mr. Senhauser asked for a vote on the motion on the floor. Ms. Wallace, Aye, Mr. Kreider, Nay, Mr. Jones, Nay, Mr. Raser, Nay, Ms. Spraul-Schmidt, Nay. (Motion failed)

BOARD ACTION

Ms. Spraul-Schmidt finding that the property is on a secondary, residential street standing at or very near grade built to the public right of way and will be used for residential occupancy made a motion to approve the request with the following restrictions:

1. Approval of the Certificate of Appropriateness for the temporary installation of the window grills as presented at the hearing on September 8, 2008 will be granted for a period of five (5) years expiring on September 7, 2013.
2. These restrictions shall be memorialized in a recorded covenant.

Mr. Raser seconded the motion. The Board voted unanimously to approve.

Mr. Kreider stated that what the Board was doing was not establishing a precedent as they were applying specific circumstances on a specific property and finding what was typically inappropriate could be utilized on a specific property in a specific circumstance.

CERTIFICATE OF APPROPRIATENESS, 3441 OBSERVATORY PLACE, HYDE PARK OBSERVATORY HISTORIC DISTRICT

Staff member Caroline Kellam was not available to present her report so Mr. Harris presented the report on a proposal to remove a non-contributing rear addition, deck and stairs and construct a new larger addition in the same location with a new deck and stairs at the property at 3441 Observatory Place. He said it is a contributing building within the Observatory Historic District. He reported the "L" shaped lot measures 85' wide and 215' deep at its deepest point. Mr. Harris said that in 2002, the Historic Conservation Board approved the removal of the non-contributing rear addition, deck and stairs and construction of a new addition in the same location with a new deck and stairs. The new addition was never built and the Sumnars are new owners of the house.

Mr. Senhauser suggested that Mr. Harris take questions as everyone had reviewed the report. Mr. Kreider asked about the elevations being considered in recommendation #2 for additional window openings and the filling in of the window in the sitting room. He said the blank wall is not as much

of a problem as filling in the window. Mr. Harris said there was no rationale in the application for the closing of the window. He asked the builder, Mr. Dan Corbin to address the Board's questions.

Mr. Kreider made a motion to accept the staff recommendation to:

1. Find that the 16' by 13' three-story rear addition, deck and stairs are non-significant portions of the house and their demolition will not adversely affect those parts of the house, which are significant.
2. Approve a Certificate of Appropriateness for the demolition of the rear addition and the construction of the new addition with the following condition:
 - a) Revise the south and north side elevations to include the introduction of windows to better relate to the original house and eliminate the large blank walls.
 - b) Final plans be reviewed and approved by the historic staff prior to issuing building permits.

Ms. Spraul-Schmidt seconded the motion.

Mr. Corbin said the actual reason for closing the window is structural. He feels there is not enough framing to support it. He said it might be possible during the construction process to leave it. Mr. Jones does not feel it is a structural problem. Mr. Corbin explained there is very little framing between the window and the new wall to support the new wall. Mr. Raser asked if the Community Council was notified. Mr. Harris said yes a pre-hearing was held on Friday August 29, 2008, and the applicant was the only person in attendance. Mr. Senhauser asked Mr. Corbin to address the staff recommendation. He said they are concerned about the interior design and use of it. He said the kitchen design does not allow for windows. He said the upstairs bath is being removed and replaced as it is currently built very shoddily. He said asking for windows makes the kitchen's function very difficult. He discussed the fact that it had taken the owners eight months to design this addition. Mr. Corbin said Ms. Kellam had asked him about adding windows for more natural light but he said the owners are happy with the house as it is proposed. Mr. Senhauser discussed previous additions to the house. He said the front had been constructed more formal with great liberties being taken with the sides and rear. He said usually windows stay similar in size but that is not the case in the rear. He cannot see any reason to close the window. He asked about the clapboard siding on the bottom and scallop above on three sides and then it goes to all clapboard. Mr. Corbin said that was a mistake that it will all be scalloped. Mr. Senhauser said the elevation is rather bland. Mr. Kreider said the area along the drive at the rear is bland. Mr. Jones said that the blank walls are probably the only wall space available. Mr. Senhauser said if they are going to make an opening they should be in proportion. Mr. Raser discussed options for the bedroom windows. Mr. Corbin said they are fine with changing the size of the windows, as they are not ordered yet.

BOARD ACTION

Mr. Kreider said he would propose an amendment to his motion eliminating 2A and retaining the turret window which faces the rear elevation and revising the proportions of the windows shown on the proposed elevation to relate better to the proportions of the existing windows of the house. Ms. Spraul-Schmidt agreed to the amendment. Motion passed unanimously.

Mr. Corbin stated the homeowner is pregnant and concerned about the time to complete the project. He asked for the next steps. Mr. Harris said he would resubmit the corrected drawings to Ms. Kellam. He said that he would assist Ms. Kellam in making a determination that the new plan meets the recommendations of the Board since she was not present.

ADJOURN

As there were no other items to be considered by the Board, the meeting was adjourned at 5:05PM (motion by Kreider, second by Raser).

Larry Harris
Interim Urban Conservator

John C. Senhauser, Chairman

Date: _____