

**\*\*\*AGENDA\*\*\***  
**HISTORIC CONSERVATION BOARD**  
**MONDAY, NOVEMBER 23, 2015 – 3:00 PM**  
**J. MARTIN GRIESEL ROOM**  
**II CENTENNIAL PLAZA – 7TH FLOOR**  
**805 CENTRAL AVENUE**

**CALL TO ORDER**

**DISCUSSION ITEMS:**

**CERTIFICATES OF APPROPRIATENESS (TABLED FROM OCTOBER 26, 2015)**

1. 1332 Republic Street: Certificate of Appropriateness for a roof terrace above a single-story structure in the Over-the-Rhine Historic District (Kellam)
2. 210 Wade Street & 225 Kemp Alley; 212 Wade Street & 225 Kemp Alley: Certificate of Appropriateness for new construction (Kellam)

**CERTIFICATES OF APPROPRIATENESS AND ZONING RELIEF**

3. 1424 Elm Street: Certificate of Appropriateness and dimensional variance for new construction in the Over-the-Rhine Historic District (Strunc)
4. 210-213 & 215-221 West 15<sup>th</sup> Street: Certificate of Appropriateness and dimensional variances for new infill construction in the Over-the-Rhine Historic District (Strunc)

**OTHER BUSINESS**

5. The appropriateness of wood composite windows (Strunc)
6. Adoption of the 2016 Historic Conservation Board Meeting Schedule.

**ADJOURN**

## ITEM 2

Honorable Historic Conservation Board  
Cincinnati, Ohio

November 23, 2015

**SUBJECT: 210,212 WADE STREET AND 223, 225 KEMP ALLEY**  
**ADENDUM (TABLED ITEMS FROM 10/26/15 MEETING**  
**OVER-THE-RHINE HISTORIC DISTRICT**

**APPLICANT:** Luke Bennett, developer and owner

**TYPE OF REQUEST:** Providing more information on the proposed rain screen and revisions to the curved cornice

**BACKGROUND AND DESCRIPTION:** On October 26, 2015, the Historic Conservation Board approved the majority of this proposed housing development. There were two items that were tabled: the proposed rain screen and the curved cornice.

The applicant has submitted additional information on the rain screen product (refer to the packet) and the applicant will be bringing in an actual sample of the product. In addition, the curved cornice has been revised to be more of a flat cornice although the frieze boards in the rain screen material have a radius to them.

**DISCUSSION:** Staff still feels the wood rain screen is not compatible with the district and predominately wood sided front facades are not prevalent in Over the Rhine. Staff conditions any approval on eliminating the wood rain screen on those buildings.

The curved cornice has been revised to be flat and is compatible with the district. The revised cornice substantially meets the guidelines for the Over-the-Rhine Historic District.

**RECOMMENDATION:** Staff recommends the Historic Conservation Board take the following actions:

1. Deny the proposed rain screen on 210, 212 Wade Street and 223,225 Kemp Alley finding that the proposed construction does not substantially meet the guidelines for the historic district as stated in Section 1435-09-2 of the Cincinnati Zoning Code finding that the property owner has not demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
2. Approve the revised flat cornice at 223 Kemp Alley finding that the proposed construction does substantially meet the guidelines for the historic district as stated in Section 1435-09-2 of the Cincinnati Zoning Code finding that the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

## ITEM 2

Honorable Historic Conservation Board  
Cincinnati, Ohio

November 23, 2015

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**ADENDUM (TABLED ITEMS FROM 10/26/15 MEETING**  
**OVER-THE-RHINE HISTORIC DISTRICT**

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2. Approve the revised flat cornice at 223 Kemp Alley finding that the proposed construction does substantially meet the guidelines for the historic district as stated in Section 1435-09-2 of the Cincinnati Zoning Code finding that the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**APPLICATION FOR  
CERTIFICATE OF APPROPRIATENESS  
AND  
CONDITIONAL USES, DIMENSIONAL AND PARKING VARIANCES  
HISTORIC CONSERVATION BOARD PUBLIC HEARING  
STAFF REPORT**

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APPLICATION #:  
APPLICANT: Luke Bennett, developer and owner  
OWNER: Luke Bennett  
ADDRESS: 206-212 Wade and 221-229 Kemp Alley  
PARCELS: 081-0001-0046 to 0050-00 respectively  
ZONING: Commercial Community-Pedestrian (CC-A)  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: October 7, 2015  
HEARING DATE: October 26, 2015  
STAFF REVIEW: Caroline Hardy Kellam, Senior City Planner

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**Nature of Request:**

The applicant is requesting a Certificate of Appropriateness (COA), demolition of non-contributing additions, conditional uses, and variances in order to construct five new single-family homes and rehabilitate four residential historic buildings. Each single family dwelling is intended to be on separate deeded parcels and are zero lot line in nature and ultimate construction.

**Existing Conditions:**

The five existing properties are situated on the north side of Wade and the south side of Kemp Alley between Fall Alley and Central Parkway. There is a combination of vacant land and historic buildings. The project borders the Chatfield College parking lot to the west. The zoning is CC-A with RM 1.2 to the east and RM -0.7 to the south. Four of these lots are all thru lots to Kemp Alley. Each lot will be split with four buildings facing Wade and five buildings facing Kemp Alley.

**Proposal:**

**Rehabilitations:**

**All rehabilitations include the following work:**

1. New membrane or shingle roofs
2. New 1/1 aluminum clad wood windows (SUN)
3. Four panel wood doors
4. HVAC equipment will be located on the roof out of view.

081-0001-0050-00 – Existing 206 Wade and Existing 229 Kemp

206 Wade

- Separate building into two buildings.
- Paint partially painted brick facade
- Conditional Use Variance for first floor residential (Section 1409-07)

229 Kemp

- Demolish two lean two sheds
- Remove elevated concrete pads in front yard
- Cut window into a new front door opening
- Construct a cut away roof deck
- Paint unpainted façade
- Conditional Use Variance for first floor residential (Section 1409-07)

081-0001-0049-00 – Existing 208 Wade and Existing 227 Kemp

- Separate existing non-contributing garage building into two buildings.
- Partial removal of exterior non-visible walls.
- Add three stories to this one story building including roof decks
- Reutilize existing garage openings
- Conditional Use Variance for first floor residential (Section 1409-07)

Part 081-0001-0047-00 – Existing 212 Wade

- Construct a 3<sup>rd</sup> story addition including roof deck
- Proposed Painting of Unpainted Facade
- Removal of rear door and basement entry (for firewall with proposed 223 Kemp)
- Demolition of existing shed (proposed site of 223 Kemp)
- Conditional Use Variance for first floor residential (Section 1409-07)
- Dimensional Variance for not providing one parking space (Section 1425-19)

Part 081-0001-0046-00 – Existing 221 Kemp

- Cut a garage door opening in the first floor from former window opens
- Proposed Painting of Unpainted Façade
- Unknown Garage Door Type
- Cut a new French door in rear for deck access (not street visible)
- Conditional Use Variance for first floor residential (Section 1409-07)

**Proposal/ New Construction:**

All new construction projects below incorporate the following:

1. Frame construction – 3 ½ stories tall
2. Concrete on the first floor
3. Wood panels on the second and third floors
4. Small side bays with metal panels
5. Asphalt shingles on the roofs

081-0001-0049-00 – Proposed 210 Wade and Proposed 225 Kemp

- Primary material for façade – Wood Rainscreen
- Aluminum framed Glass Garage Doors
- Base/ 1<sup>st</sup> Floor – Concrete facade
- Conditional Use Variance for first floor residential (Section 1409-07)
- Dimensional Variance of 25 feet to permit a 0 foot rear yard setback (Section 1409-09)

081-0001-0048-00 – Proposed 223 Kemp

- New Constructed Painted Brick Base
- Wood Rainscreen – Primary Material on Façade
- Curved Cornice
- Conditional Use Variance for first floor residential (Section 1409-07)
- Dimensional Variance of 25 feet to permit a 0 foot rear yard setback (Section 1409-09)
- Cornice encroachment within the Right of Way

**Previous Reviews:**

On August 24, 2015, the Historic Conservation Board reviewed this project as a preliminary design review and had the following comments:

1. The cornice on the new construction needed to be scaled back. The overhang was too large. *(Cornices have been scaled back)*
2. There were concerns about use of the rain screen and so many metal panels *(Rain screens are still proposed on all new buildings)*
3. The curves on the elevation were not compatible with the district. *(223 Kemp has maintain a scaled back curved cornice)*

**Applicable Zoning Code Sections:**

Zoning District:	Section 1409	CC-A Community Commercial Auto
Variance Request:	1409-07	Conditional Use - Dwellings on ground floor
	1425-19	Dimensional Variance - Parking Variance
	1407-09	Dimensional Variance - Rear Yard Setback
Variance Authority:	1435-05-4	

Variance Standard: 1445-13      General Standards; Public Interest  
                          1445-15      Standards for Variances  
                          1445-21      Standards for Conditional Uses  
Overlays:                    N/A

Historic District/Reg: Over the Rhine Historic District  
COA Standard:        Section 1435-09-2 Certificate of Appropriateness; Standard of Review

**Details of Zoning Relief Required:**

Specifically outlined above for each property. Generally three types:

- Per Section 1409-07 - Land Use Regulations – Commercial Subdistricts: A residential use is only permitted only above the ground floor in a mixed-use building. All floor of the proposed project will be used as residential. **A Conditional use approval is needed.**
- Per Section 1425-19 - Off-Street Parking and Loading Requirements: Each structure requires 1 parking space for every dwelling unit. **A Dimensional Variance for 1 parking space is required.**
- Per Section 1409-09 – Development Regulation – Commercial Districts: New residential development require a rear yard setback of 25 feet when constructed in a commercial district. The proposed development will be subdivided into two lots. Both homes (210 Wade Street & 225 Kemp Alley) will be built to the rear property line. **A 25-foot rear yard Dimensional Variance is required.**

**Zoning Analysis:**

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.  
*The underlying zoning is CC-A. New residential construction is permitted. The majority of the zoning considerations (lot area, front and side yard setback, building height, density) are all satisfied.*
- b **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*The proposed use conforms to the guidelines for the district. Developers have taken measures to enhance building conformity.*
- c **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.  
*This project conforms to the Over the Rhine Comprehensive Plan.*

- d **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.  
*These new single-family homes in some cases will take parking off the street. Net density in the buildings are being reduced. Kemp Alley homes have limited availability for on-street parking. ADA accessibility in the public sidewalk construction must be reviewed with the proposed number of driveway approaches.*
- e **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.  
*Consideration should be given to working on a screen on the city owned property to shield the impact of garage doors and parked cars on Kemp Alley.*
- f **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.  
*No express provisions have been made. However, consideration should be given to incorporating a decorative parking surface for the home to be located at 229 Kemp Alley to mitigate the impact of "front yard" parking.*
- g **Hours of Operation.** Operating hours are compatible with adjacent land uses.  
*This is not applicable for the proposed use.*
- (h) **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.  
*The proposed use will not have an adverse impact on the neighborhood. Residential uses are the most compatible uses for the nature of the streets on which they are located. The setback from Liberty with park area improves suitability for single family homes.*
- (i) **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
*There are no proposed amendments under consideration that would impact this proposed project.*
- (j) **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.  
*There are no adverse impacts anticipated for the proposed use.*
- (k) **Blight.** The elimination or avoidance of blight.  
*Rehabbing these buildings will eliminate blight and eliminate a non-contributing structure.*
- (l) **Economic Benefits.** The promotion of the Cincinnati economy.  
*These properties will become a tax generating parcels.*

- (m) **Job Creation.** The creation of jobs both permanently and during construction.  
*Jobs may be created during construction.*
- (n) **Tax Valuation.** Any increase in the real property tax duplicate.  
*These new structures will increase the taxable value of the property.*
- (o) **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit by creating new housing.*
- (p) **Public Benefits.** The public peace, health, safety or general welfare.  
*There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project.*

**Standards for Conditional Use per Section 1445-21**

The Board may approve a conditional use if and only if the conditional use is specifically listed in the applicable zoning district use regulations.

*These uses are listed in the CC-A district.*

**Standards for Dimensional Variance per Section 1445-15**

- (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

*Requiring the rear yard setback would make a buildable area too small to create an economically viable home site. The density provisions of the zoning code allow for higher densities of dwellings per acre. Maintaining the rear yard setback is in contradiction to the overarching desire for dense housing development contemplated in the district.*

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

*Many of the buildings, both residential and commercial are built with 0 ft. setbacks on the rear property lines. Requiring a different standard for new buildings is a substantial hardship in the ability to utilize a vacant site in a similar manner to homes constructed in the existing neighboring historic buildings.*

**Certificate of Appropriateness Review**

Staff feels the proposed rehabilitation, new construction and minor demolition of this project is generally appropriate in the Over-the-Rhine Historic District. The rehabilitation, new construction and minor demolition substantially meets the Over-the-Rhine Historic District guidelines with regard to scale, massing, materials and detailing. Staff does feel specific individual items are not appropriate to the character of the district such as front façade garage door openings (both in new and existing buildings); curved cornices and the proposed wood rain screen material used as building sheathing/siding.

Recommendations below highlight staff recommended conditions for Certificate of Appropriateness.

**Other Considerations:**

**Prehearing Results:**

October 15, 2015 – The applicants, representatives of CPA were in attendance. There were questions but no concerns.

**Comments Provided to Staff: N/A**

**Consistency with *Plan Cincinnati (2012)*:**

“Sustain” Initiative Area “Preserve our built history”

**Recommendation:**

Staff recommends the Historic Conservation Board take the following actions:

**081-0001-0050-00 – Existing 206 Wade and Existing 229 Kemp**

**A. CONDITIONAL USE**

1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:  
A residential use on the first floor of each proposed single family residence.
2. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**B. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1425-19 Off-Street Parking and Loading Requirements as outlined for 229 Kemp Alley to allow:  
A variance waiving the required one off-street parking space
2. **FINDING:** The Board makes this determination that per Section 1435-05-4:
  - (a) Such relief from literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
  - (b) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district

**CERTIFICATE OF APPROPRIATENESS**

1. **APPROVE** a Certificate of Appropriateness for the rehabilitation, roof deck, new construction and minor demolition of properties at 206 Wade Street and 229 Kemp Alley as depicted on plans dated 9/1/2015, subject to the following

conditions:

- (a) Approval of a one car parking pad in what will become the future front yard of 229 Kemp Alley subject to DOTE requirements. Approval from DOTE will be required for permit.
- (b) A decorative pavement treatment for the parking pad in the front yard at 229 Kemp Alley shall be presented to the Urban Conservator for final approval.
- (c) 206 Wade and 229 Kemp shall be permitted to paint the facades of the building.
- (d) Board supports the subdivision of the property into two parcels.
- (e) Confirmation of addressing on Kemp Alley

2. **FINDING:** The Board makes this determination per Section 1435-09-2:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

#### **081-0001-0049-00 – Existing 208 Wade and Existing 227 Kemp**

##### **A. CONDITIONAL USE**

- 1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:  
A residential use on the first floor of each proposed single family residence.
- 2. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

##### **B. CERTIFICATE OF APPROPRIATENESS**

- 1. **APPROVE** a Certificate of Appropriateness for the rehabilitation of a non-contributing structure, reusing existing garage entrances, new construction with roof decks and minor demolition of properties at 208 Wade Street and 227 Kemp Alley as depicted on plans dated 9/1/2015, subject to the following conditions:
  - (a) Board supports the subdivision of the property into two parcels.
  - (b) Approval of driveway approaches by DOTE.
  - (c) Confirmation of addressing on Kemp Alley
- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation

guidelines.

**Part 081-0001-0046-00 – Existing 221 Kemp**

**A. CONDITIONAL USE**

1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:
  - A residential use on the first floor of each proposed single family residence.
  
3. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**B. CERTIFICATE OF APPROPRIATENESS**

1. **APPROVE** a Certificate of Appropriateness for the rehabilitation, garage door opening on alley front facade, deck and minor demolition of properties at 221 Kemp Alley as depicted on plans dated 9/1/2015, subject to the following conditions:
  - (a) No Certificate of Appropriateness granted for 214 Wade Street.
  - (b) 221 Kemp Alley shall be permitted to paint the facades of the building.
  - (c) Front façade garage door is not appropriate and the proposal is to cut a new opening in existing masonry wall with windows. Staff recommends removal of proposed garage door opening.
  - (d) Board supports the subdivision of the property into two parcels.
  - (e) Approval of driveway approaches by DOTE.
  - (f) Confirmation of addressing on Kemp Alley
  
2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**081-0001-0048-00 – Proposed 210 Wade and Proposed 225 Kemp**

**A. CONDITIONAL USE**

1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:  
A residential use on the first floor of each proposed single family residence.
2. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**B. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1409-09 Development Regulation – Commercial Districts as outlined for 210 Wade Street and 225 Kemp Alley and:  
Allow a Dimensional Variance of 25 feet to permit a 0 foot rear yard setback between 210 Wade Street and 225 Kemp Alley.
2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**CERTIFICATE OF APPROPRIATENESS**

1. **APPROVE** a Certificate of Appropriateness for the new construction at 206 Wade Street and 225 Kemp Alley subject to the follow conditions:
  - (a) The first floor façade of both buildings shall replace the concrete with masonry or stone; more in line with the character of the neighborhood.
  - (b) Front façade garage door is not appropriate and staff recommends removal.
  - (c) Eliminate the Wood Rainscreen on both buildings as this product is not compatible with the district and predominately wood sided front facades are not prevalent in Over the Rhine.
  - (d) Supports the subdivision of the property into two parcels.
  - (e) Approval of driveway approaches by DOTE.
  - (f) Confirmation of addressing on Kemp Alley.
2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**081-0001-0047-00 – Existing 212 Wade Street and Proposed 223 Kemp Alley**

**A. CONDITIONAL USE**

1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:

A residential use on the first floor of each proposed single family residence.

- (g) **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**B. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1425-19 Off-Street Parking and Loading Requirements as outlined for 212 Wade Street to allow:

A variance waiving the required one off-street parking space.

2. **FINDING:** The Board makes this determination that per Section 1435-05-4:

- (a) Such relief from literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
- (b) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district

**C. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1409-09 Development Regulation – Commercial Districts as outlined for 212 Wade and 223 Kemp and 225 Kemp Alley and:

Allow a Dimensional Variance of 25 feet to permit a 0 foot rear yard setback between 212 Wade Street and 223 Kemp Alley.

2. **FINDING:** The Board makes this determination per Section 1435-09-2:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**CERTIFICATE OF APPROPRIATENESS**

1. **APPROVE** a Certificate of Appropriateness for the rehabilitation, new construction and minor demolition of non-contributing structures at 212 Wade Street and 223 Kemp Alley and subject to the following conditions

- (a) The first floor façade of 223 Kemp Alley shall replace the concrete with masonry or stone; more in line with the character of the neighborhood.

- (b) Eliminate the Wood Rainscreen on both buildings as this product is not compatible with the district and predominately wood sided front facades are not prevalent in Over the Rhine.
- (c) Front façade garage door is not appropriate and staff recommends removal.
- (d) Curved cornice on 223 Kemp Alley shall be modified to meet the district guidelines. If board approves said curved cornice, an easement shall be required if the cornice is within the Kemp Alley right-of-way
- (e) 221 Kemp Alley shall not be permitted to paint the facades of the building.
- (f) Supports the subdivision of the property into two parcels.
- (g) Approval of driveway approaches by DOTE.
- (h) Confirmation of addressing on Kemp Alley

2. **FINDING:** The Board makes this determination per Section 1435-09-2:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

Historic Conservation Board Meeting  
 Discussion Items:



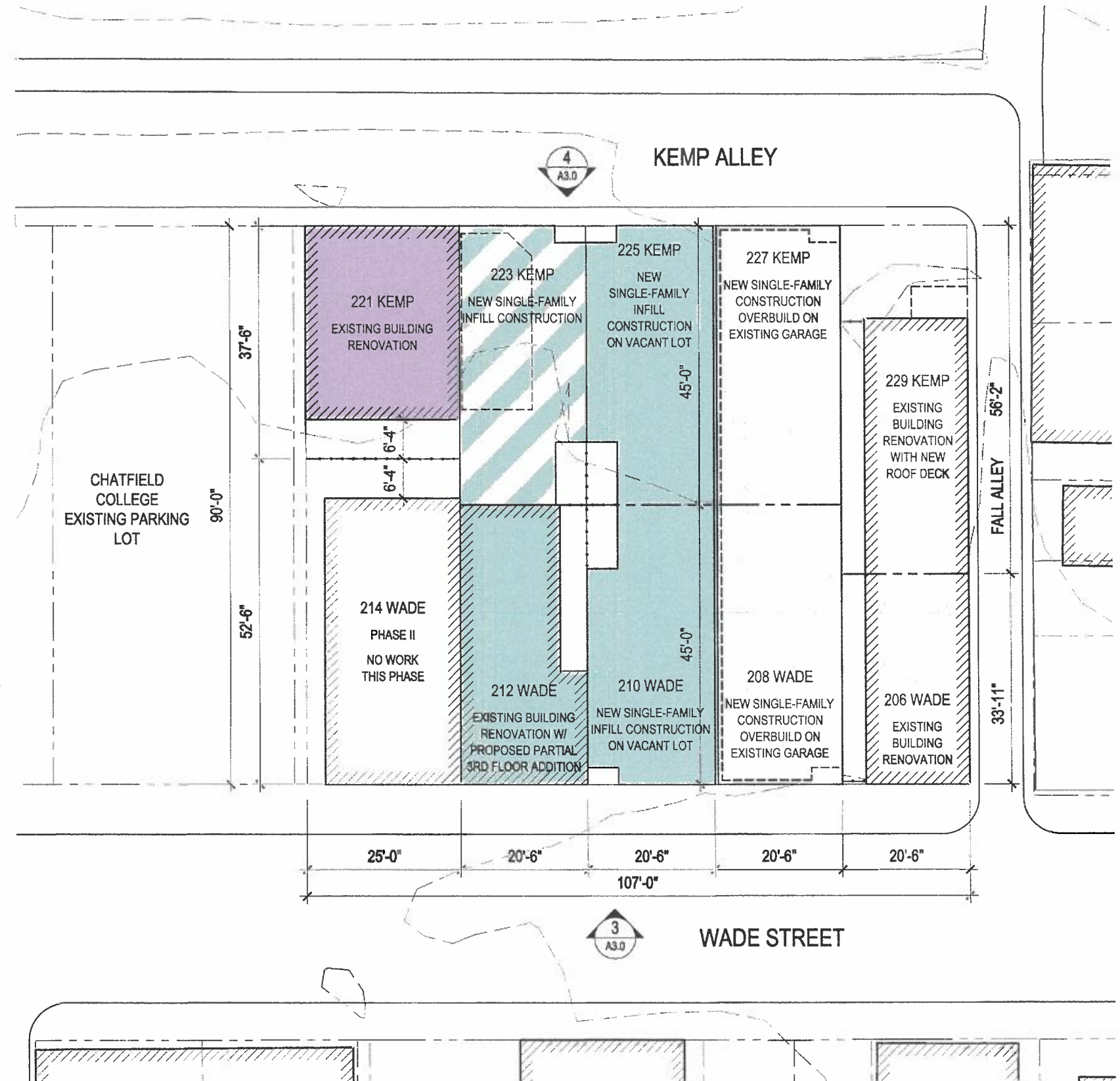
**ITEM #1** - Garage at 221 Kemp Alley



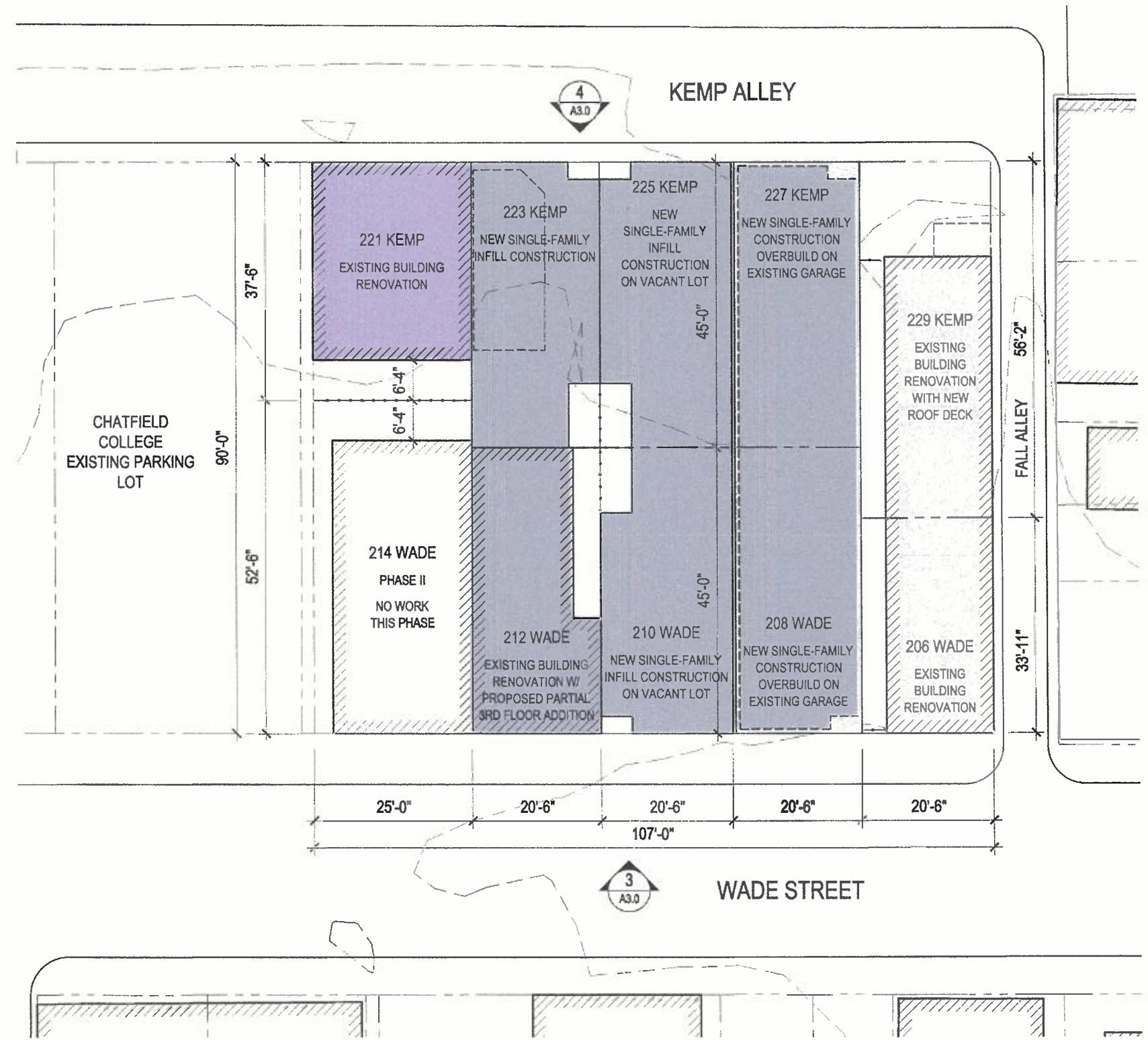
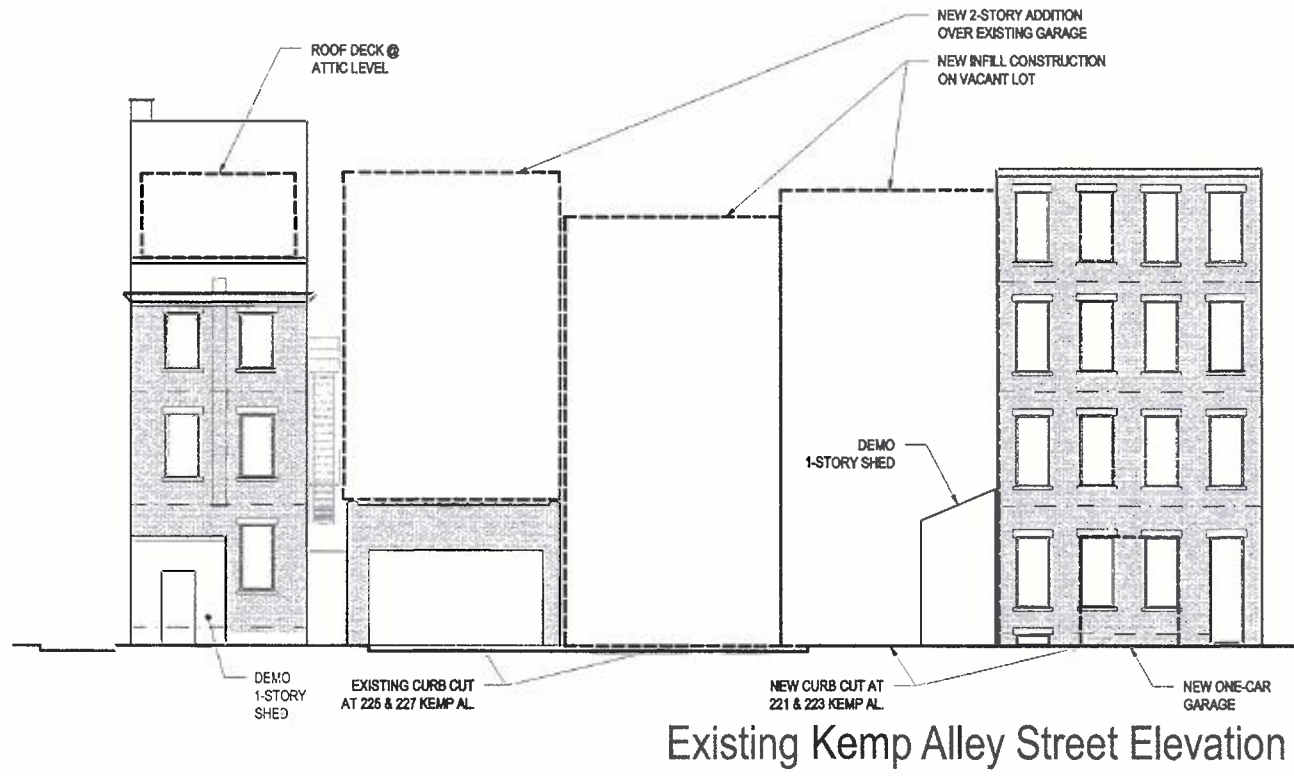
**ITEM #2** - Rainscreen Facade

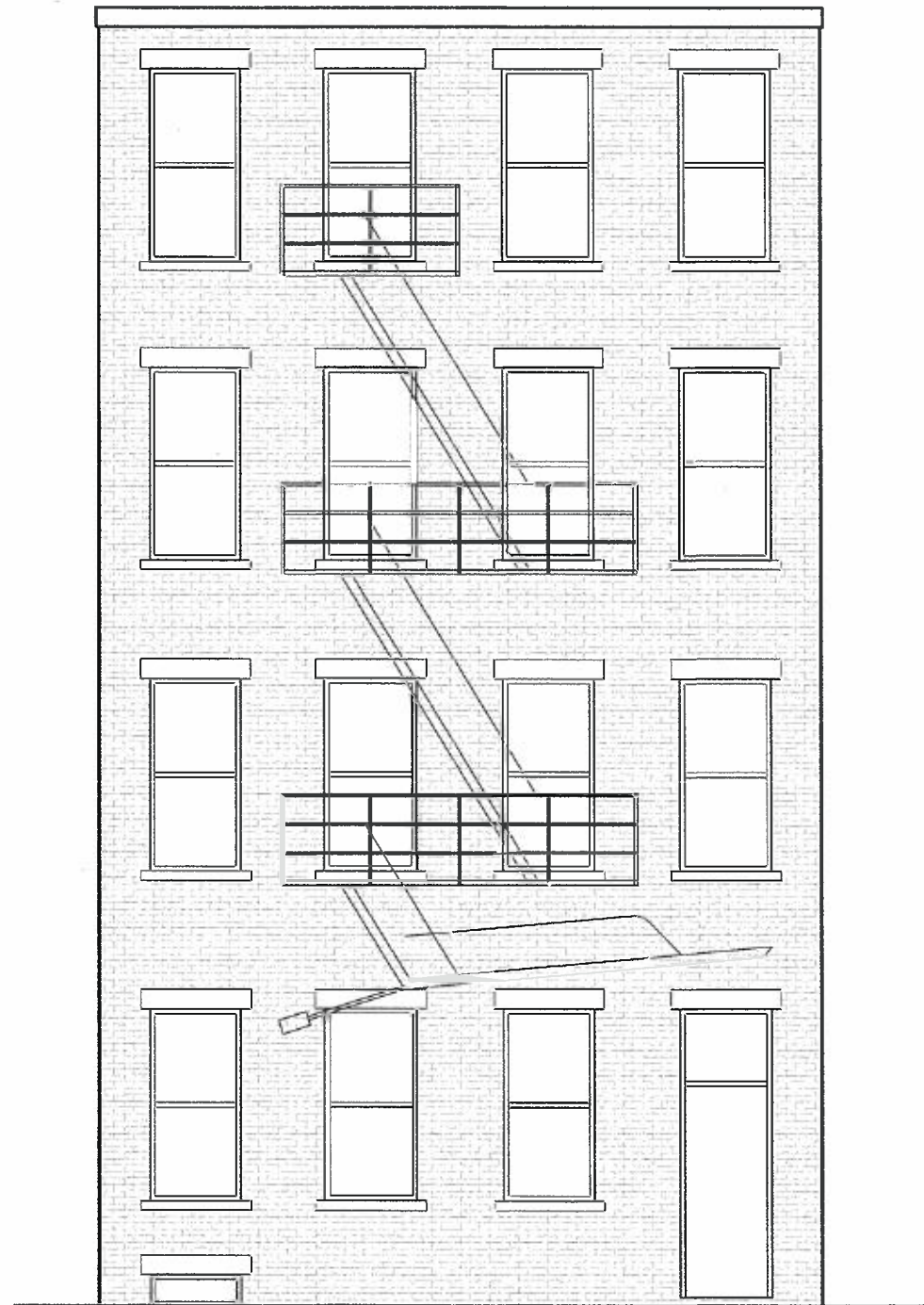
**ITEM #3** - Curved Cornice at 223 Kemp Alley

**Approved Properties**  
 (10/26/15 HCB Meeting)

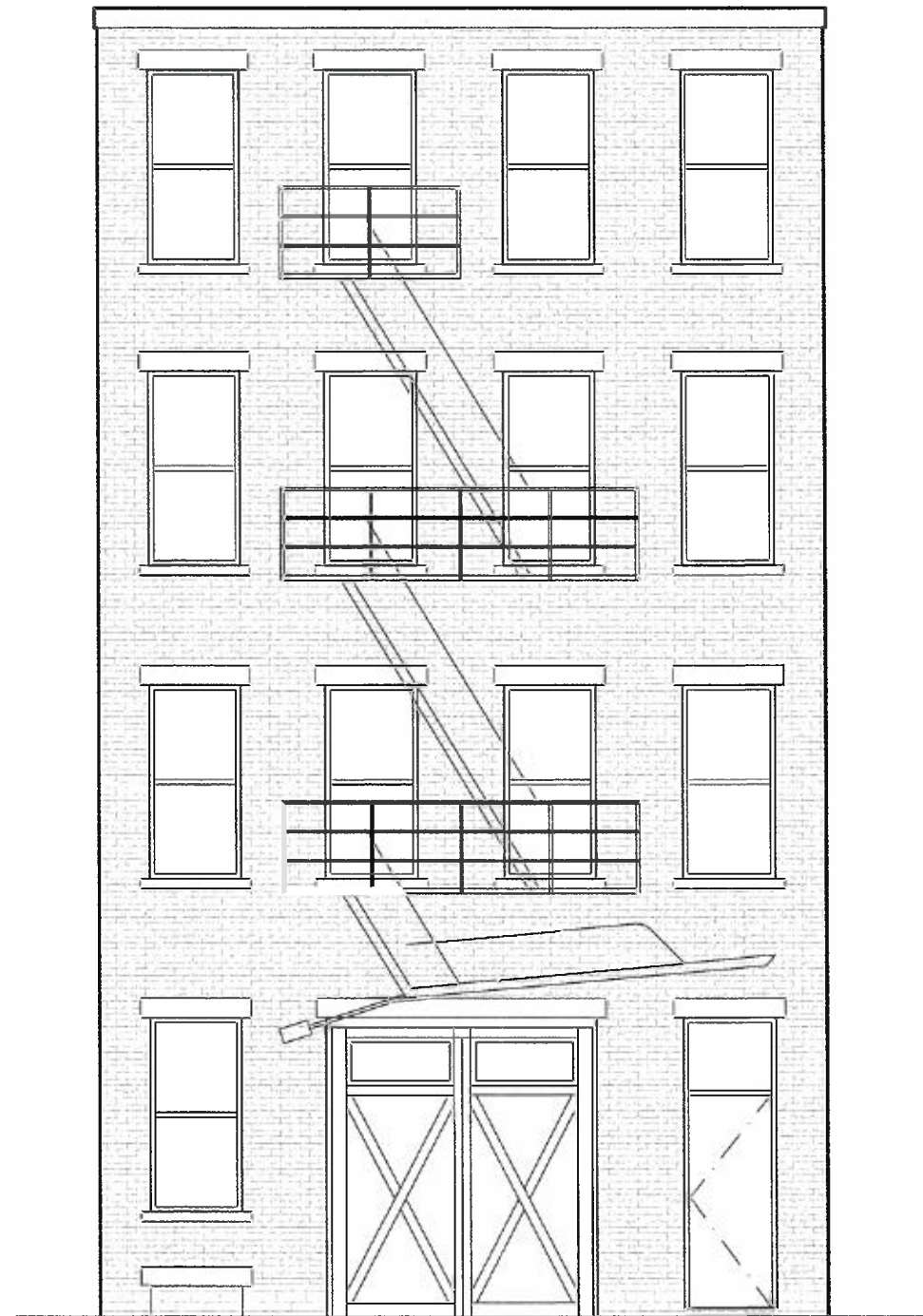


**ITEM #1 - Garage at 221 Kemp Alley**

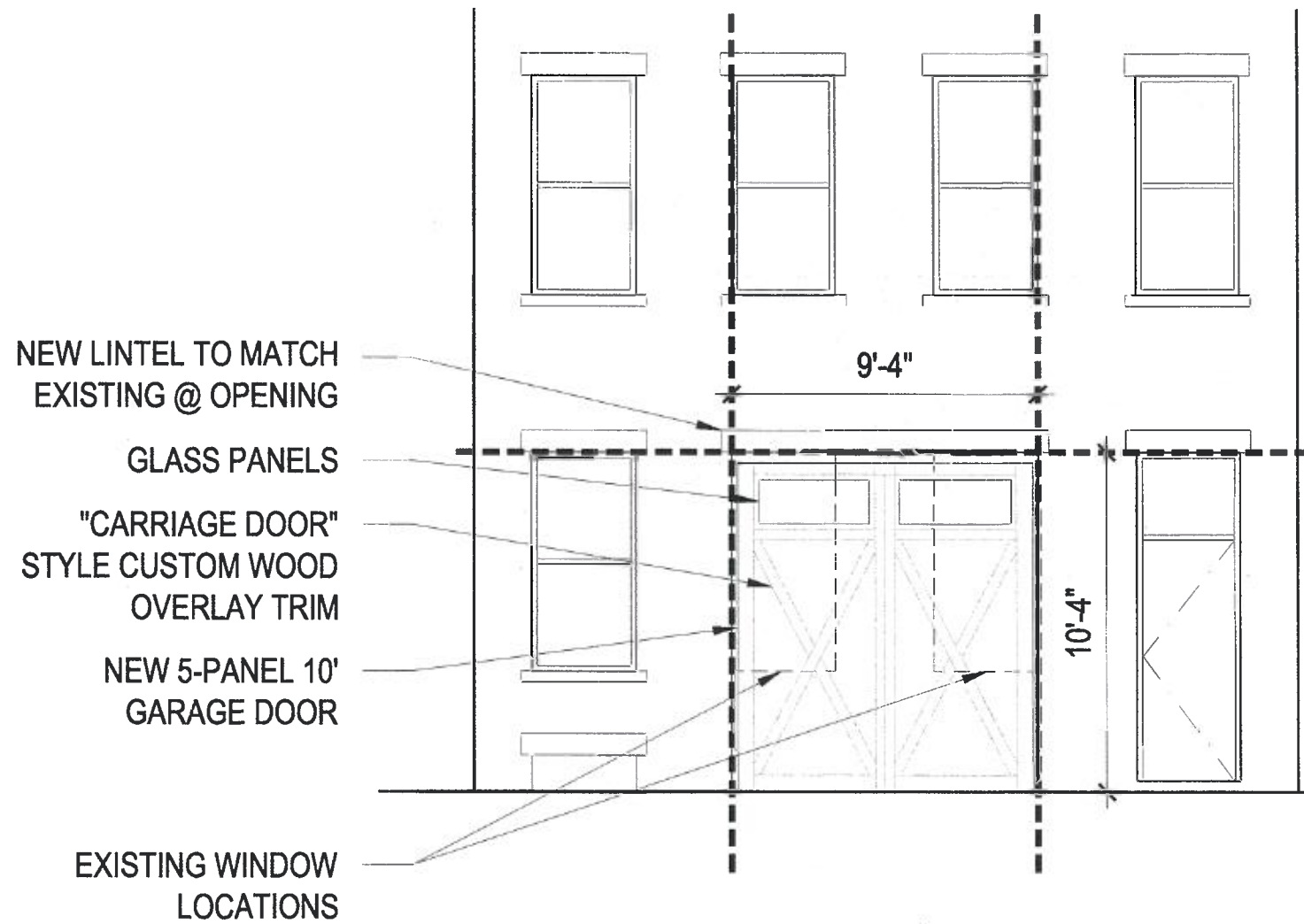




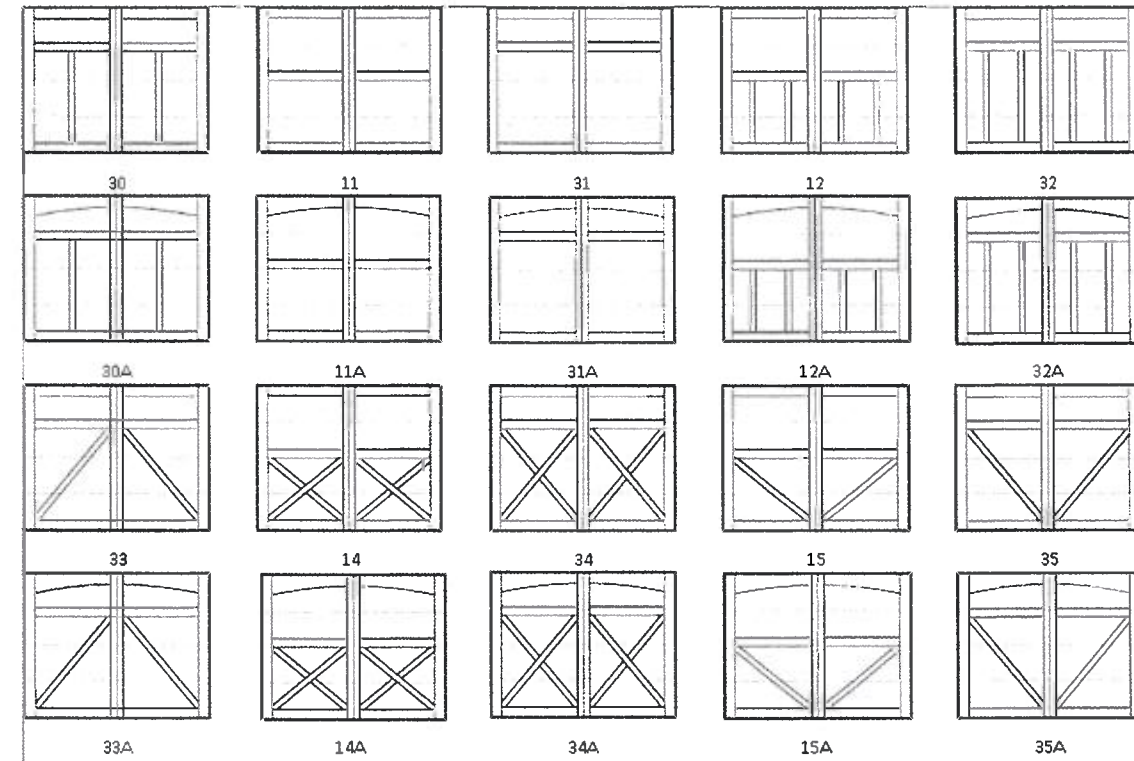
Existing 221 Kemp Alley Elevation



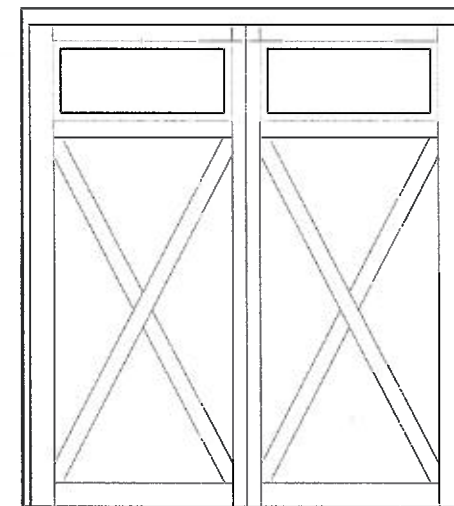
Proposed 221 Kemp Alley Elevation



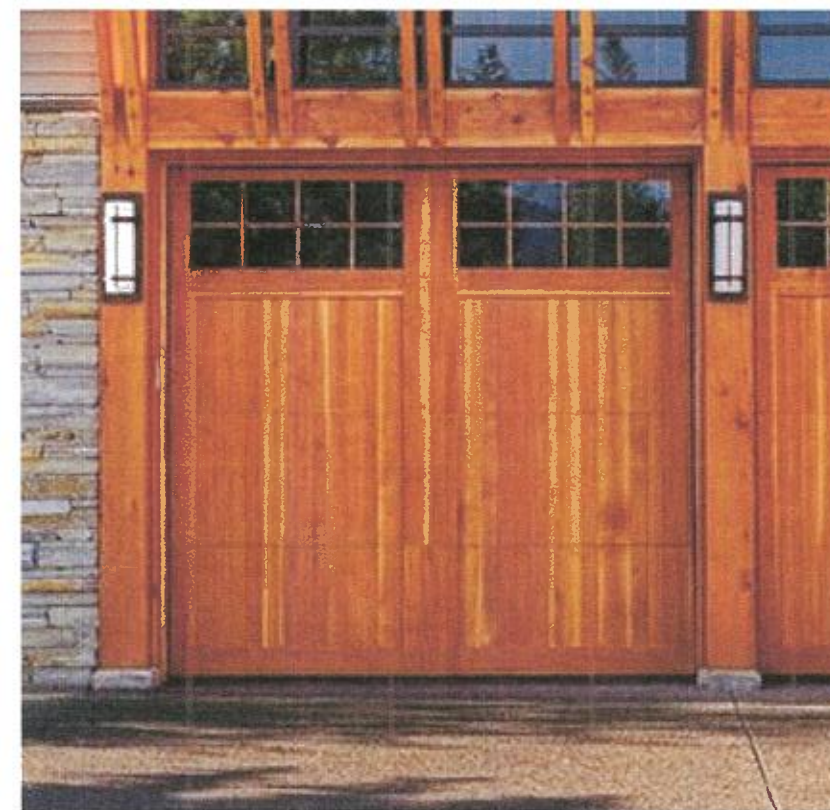
Garage Cut Diagram w/ Existing Windows



Carriage Door Types



221 Kemp Alley Design





W. 14th St. and Vine St.



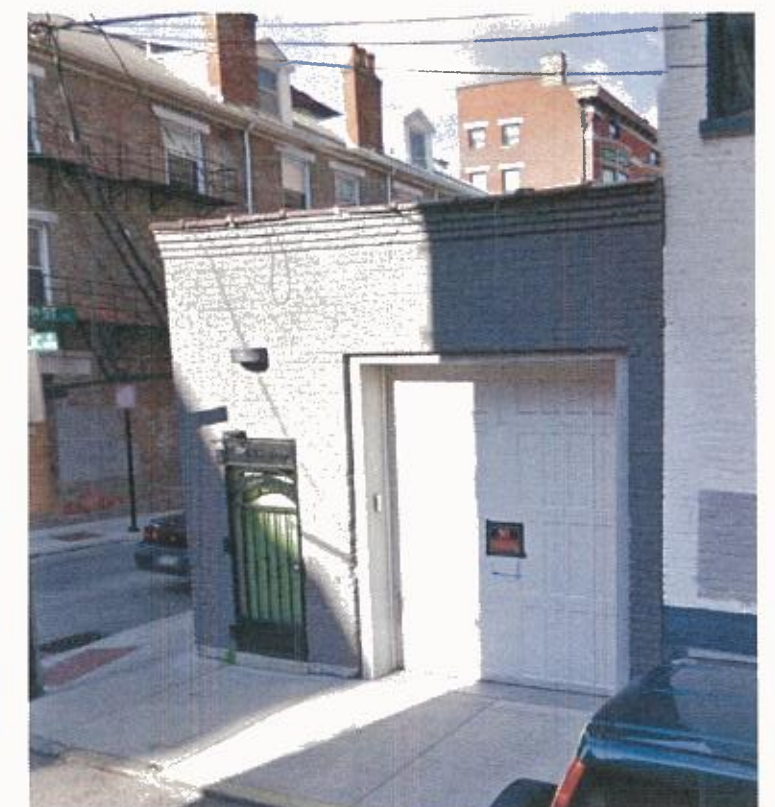
W. 14th St. and Vine St.



120 E. 13th St.

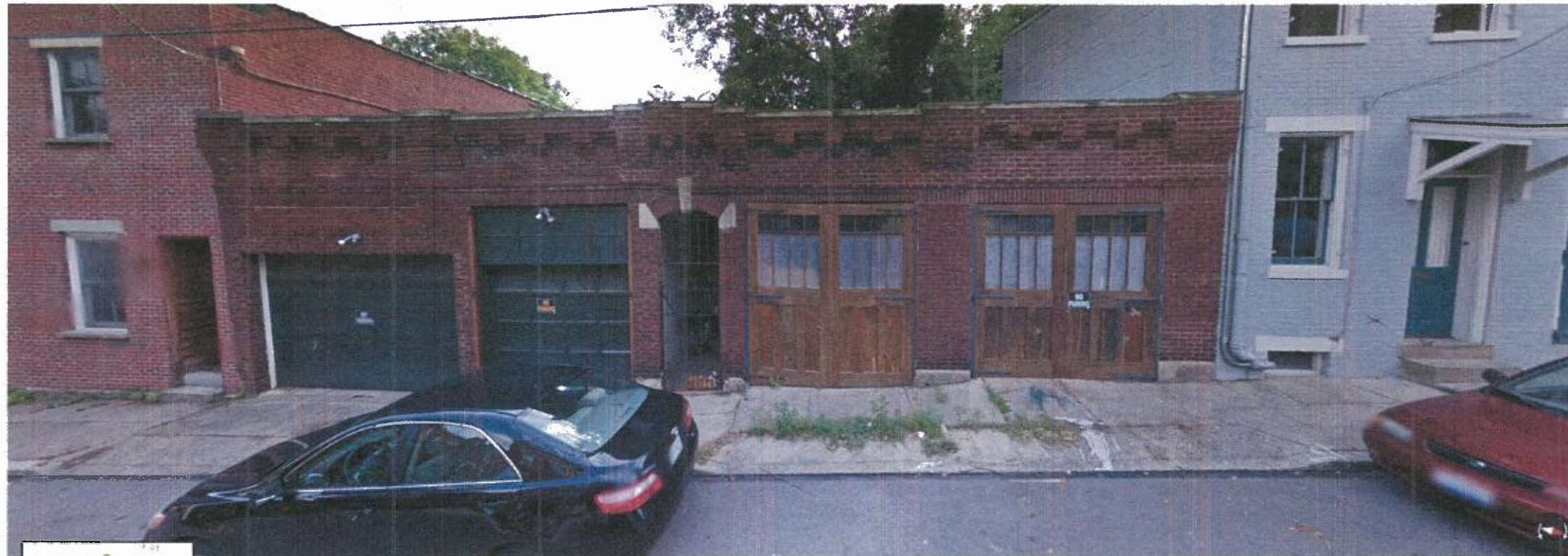


1425 Republic St.



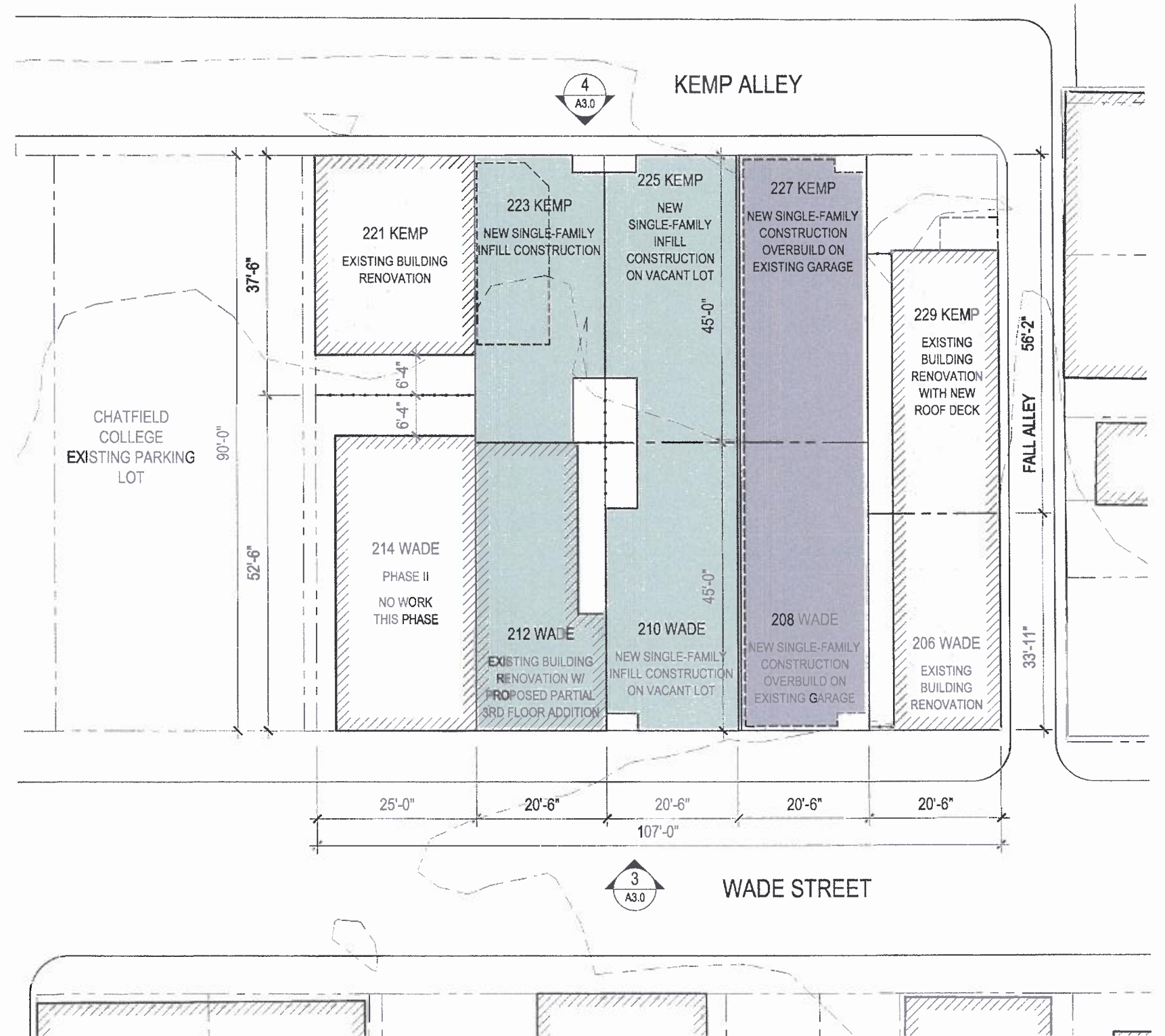
W. 14th St. and Republic St.  
Neighborhood Garage Examples

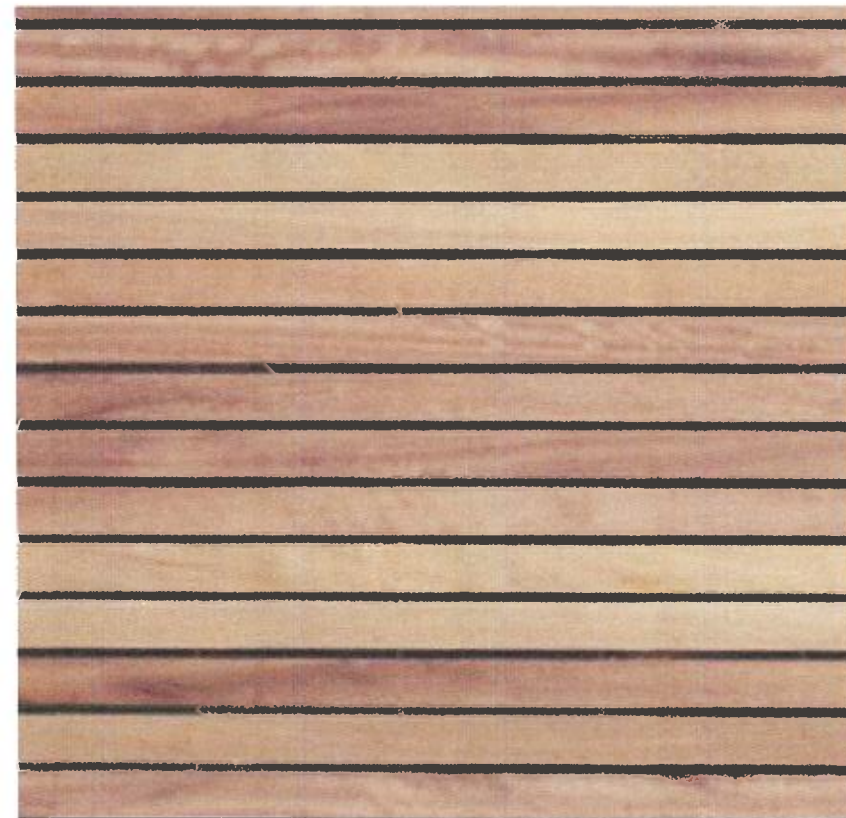
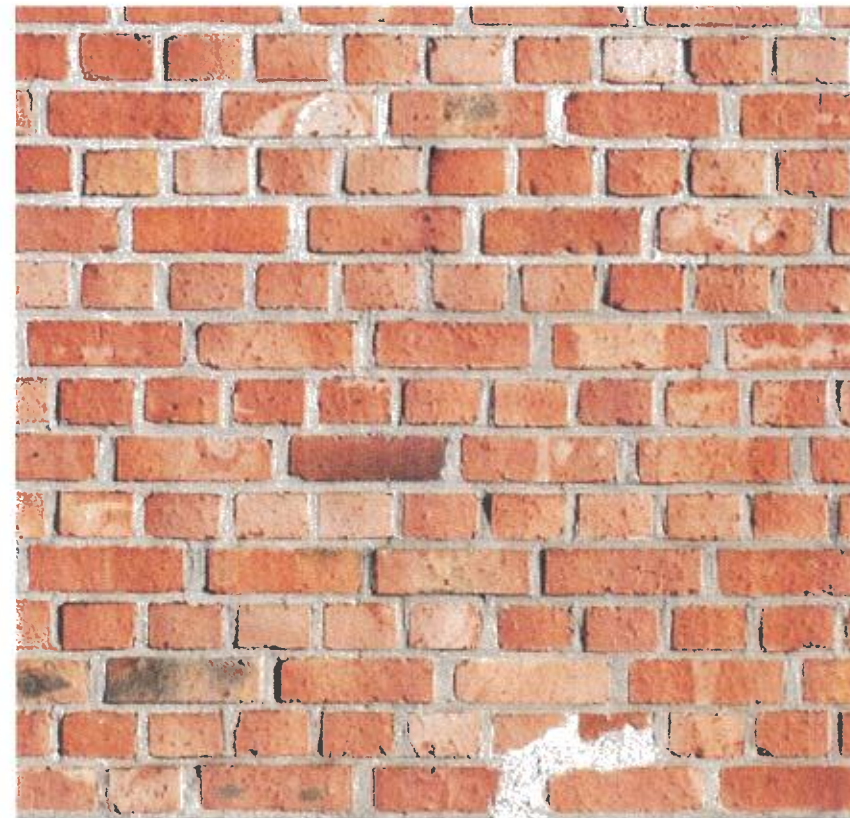
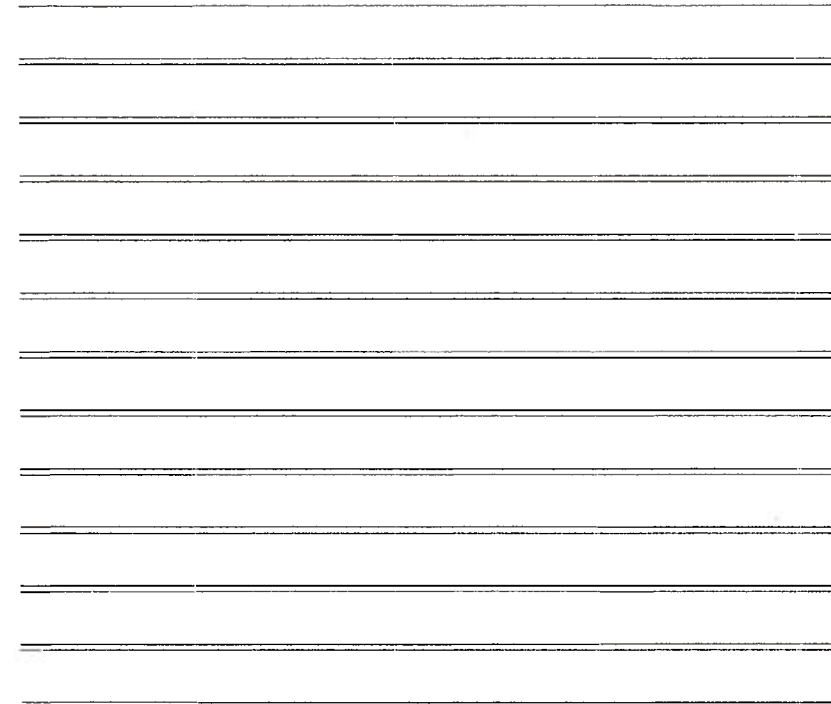
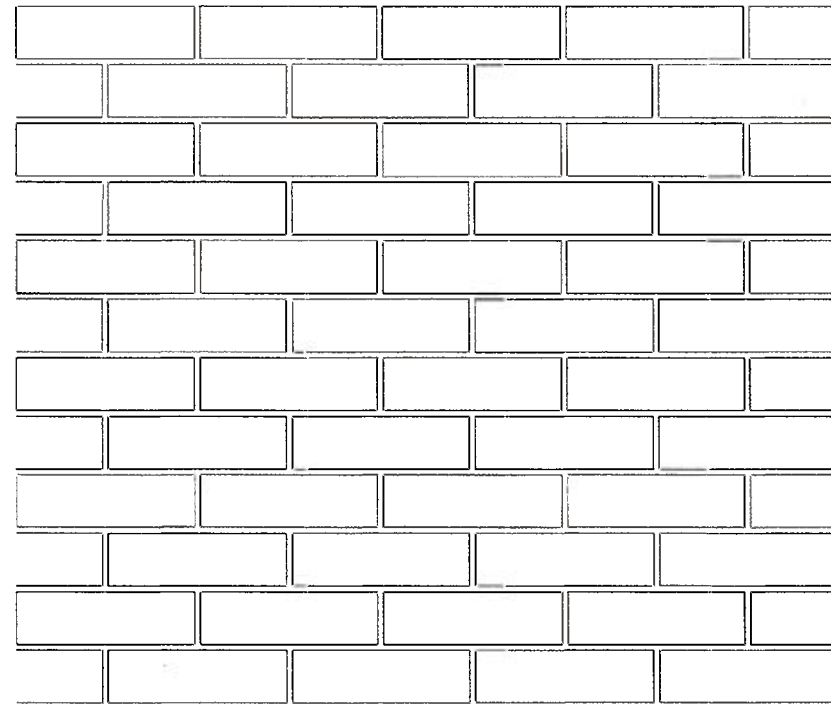




Neighborhood Garage Examples

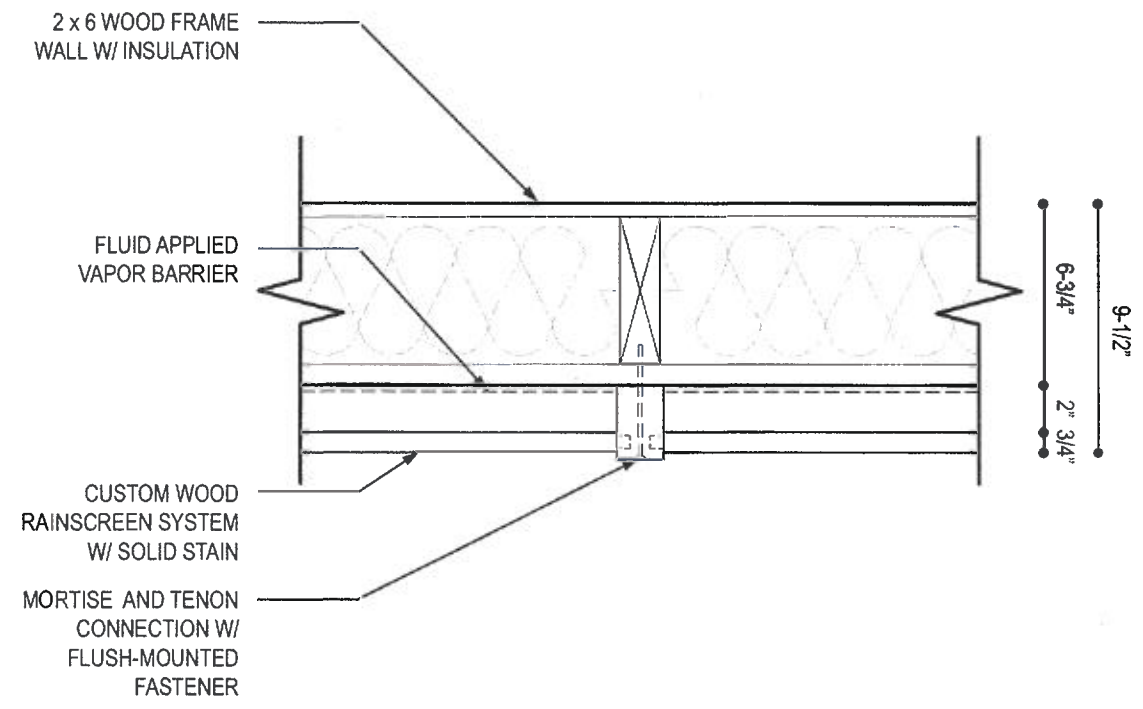
ITEM #2 - Rainscreen Facade





Brick Spacing

Wood Rainscreen Spacing



Rainscreen Plan Detail





## Facade Color Study

### Wood Rainscreen to be treated with Sikken's® ProLuxe Rubbol® Solid Stain

#### Rubbol® Solid Stain

[VIEW ALL STAINS](#)

**Description:**  
Rubbol® Solid Stain is a hybrid alkyl/acrylic with the advantages of both technologies. This formula offers excellent penetration and adhesion over both bare and previously coated surfaces. This premium, solid color stain has a low sheen finish that will complement any décor.

**Key Features:**

- Lightfast formula ensures long-term beauty of the wood surface
- Enhances exterior wood with a bright and smooth finish
- Easy application and soap and water clean-up



**Transparency:** Solid

**Sheen:** Low Lustre

**Technology:** Water based

**Usage:** All types of exterior wood, except exotic hardwood

**Recommended for:**  
Decks, Siding, Trim, Shakes, Shingles, Fences, Louvs, Garage Doors, Outdoor Furniture

**Clean Up:** Soap and Water

**Dry Time:** (At 77° F (25° C) and 50% relative humidity)

- Dries to touch in approximately 3 hours
- To light foot traffic in 24 to 48 hours
- Wait 72 hours before replacing furniture

**Number of coats:** 2

Navajo Red	Pale Wheat
Oxford Brown	Winter Mist
White	Rye
Cedar	Coral Mist
Almond	Burnt Clay
Chestnut Brown	Terra Cotta
Taupe	Hoologlow
Beachwood	Buttercup
Sandstone	Corn Silk
Willow	Ginger Root
Quail	Aspen Green
Desert Tan	Bayberry
Buckskin	Loss Green
Sahara Sand	Sagebrush
Maple	Silver Birch
Fawn	Crystal Stream
Butternut	Arctic Blue
Hickory	Russet
Hazelnut	Woodland Green
Mountain Ash	Colonial Blue
Ocean Mist	Forest Green
Stonehedge	Fog Grey
Blue Granite	Driftwood
Harbor Grey	
River Bed	
Stonewood	
Slate	
Mountain Grey	
Navajo White	
Warm White	

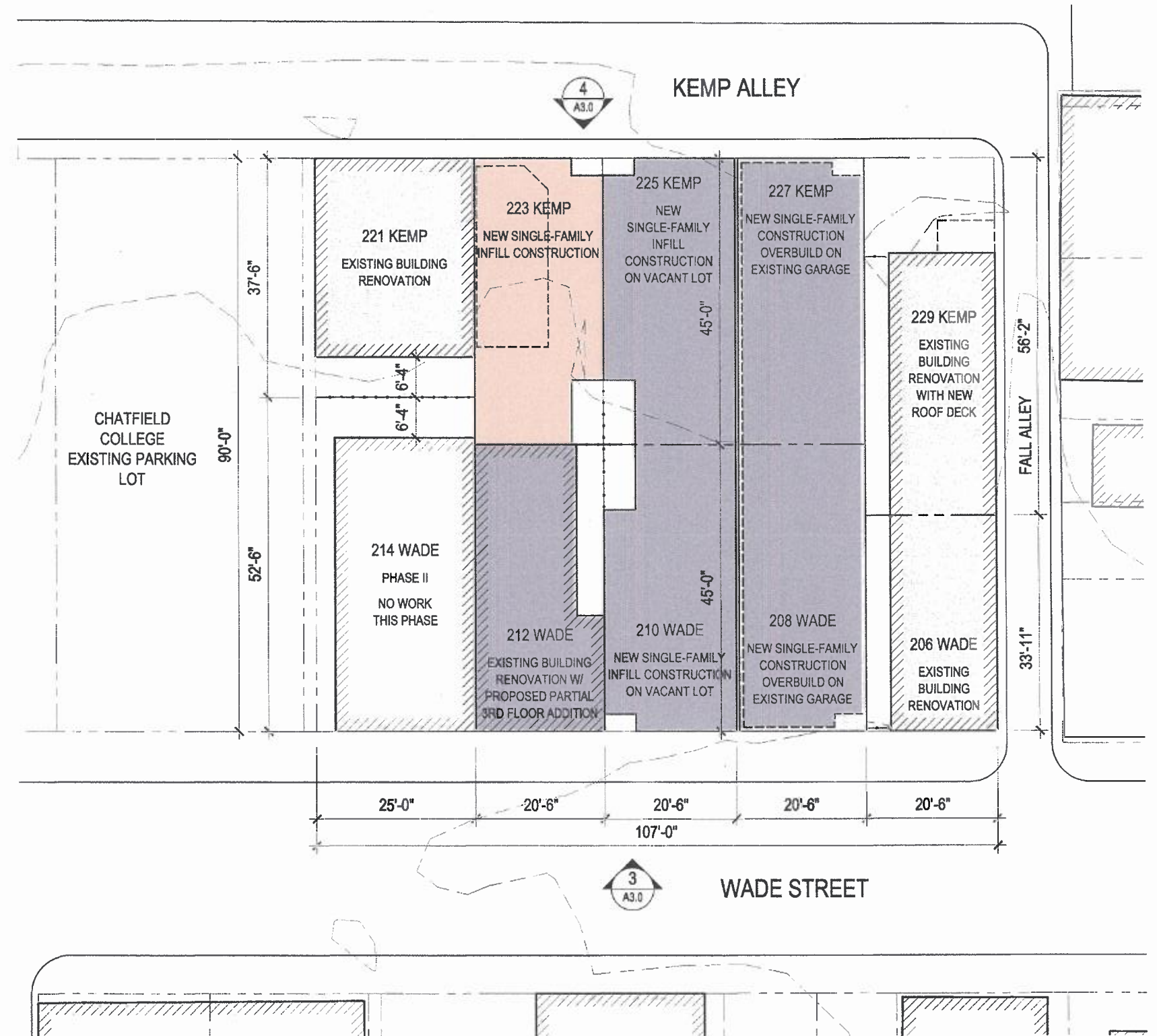
### ITEM #3 - Curved Cornice at 223 Kemp Alley



10/26 = original "curved" cornice

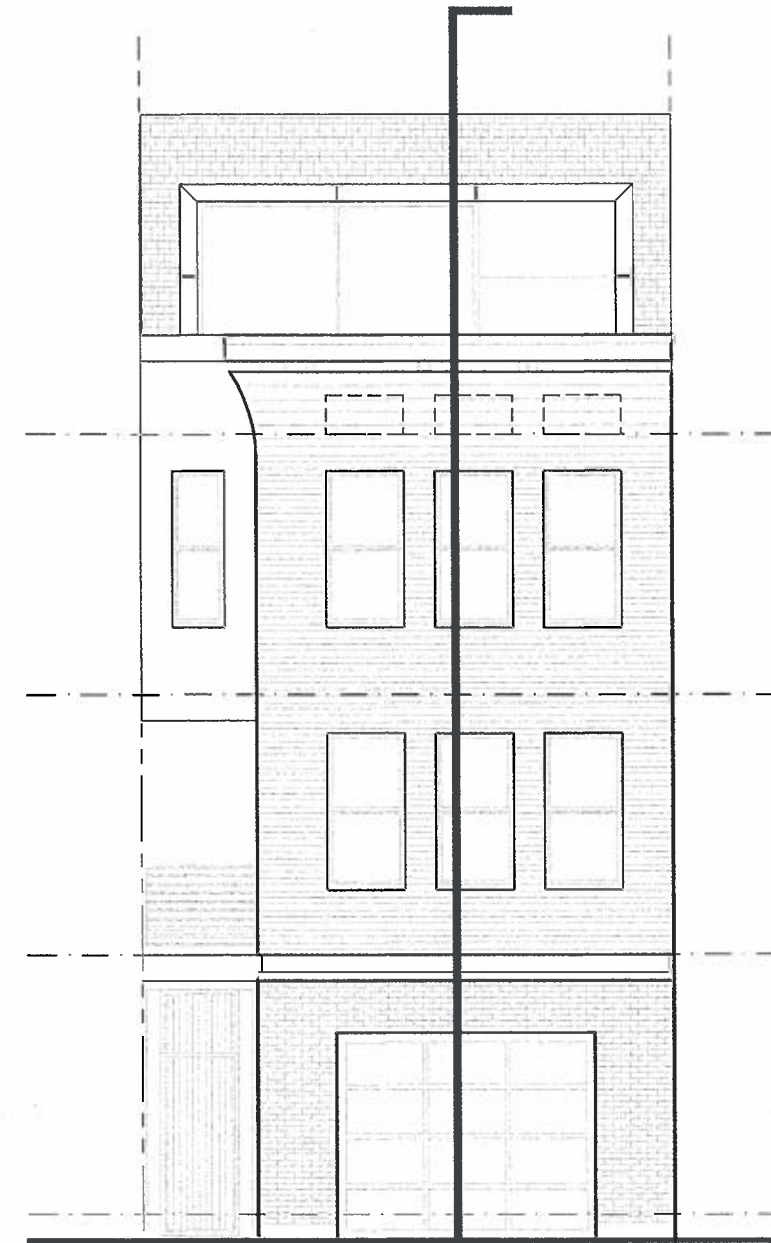


11/23 = revised "flat" cornice

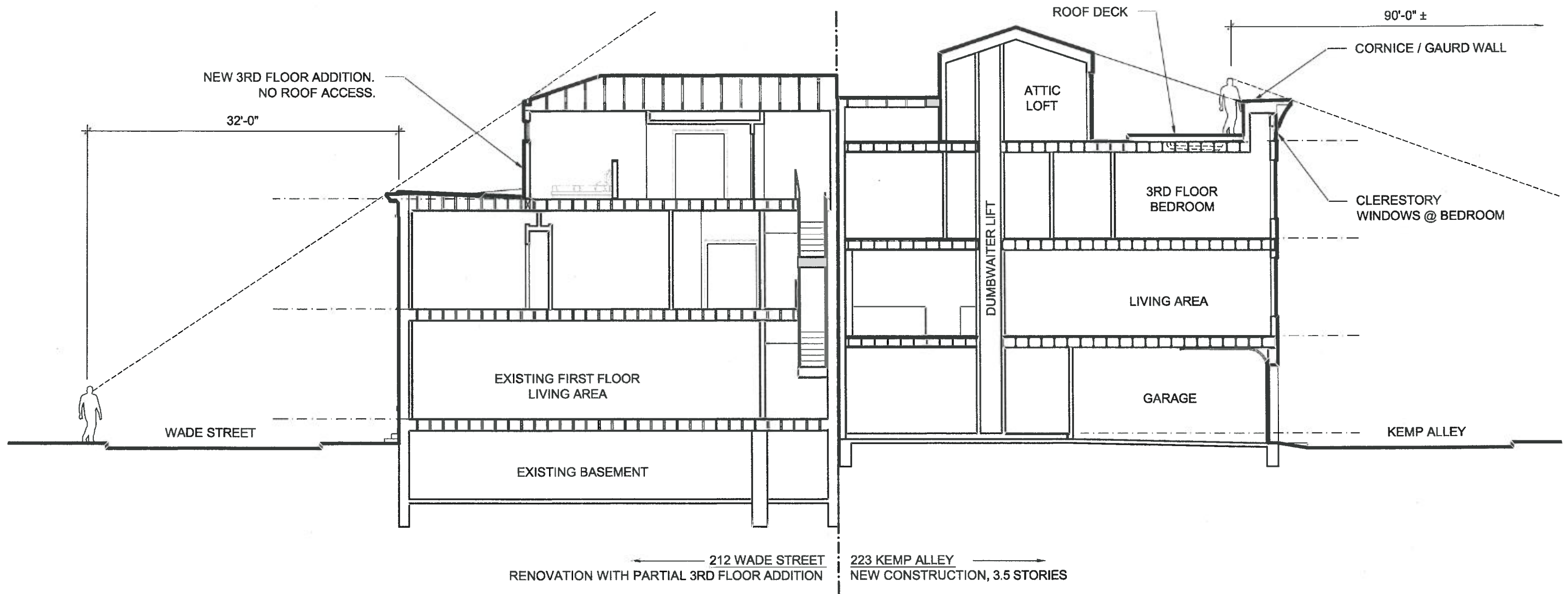




ORIGINAL CURVED CORNICE



REVISED FLAT CORNICE



**APPLICATION FOR  
CERTIFICATE OF APPROPRIATENESS  
AND  
DIMENSIONAL VARIANCES  
HISTORIC CONSERVATION BOARD PUBLIC HEARING  
STAFF REPORT**

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APPLICATION #:  
APPLICANT: Tom and Jerry Henke  
OWNER: Tom and Jerry Henke  
ADDRESS: 1424 Elm Street  
PARCELS: 081-0002-0363-00  
ZONING: Residential Multi-Family (RM -1.2)  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: November 17, 2015  
HEARING DATE: Pre-Hearing November 17<sup>th</sup> at 9:30 AM  
STAFF REVIEW: Angie Strunc, Interim Urban Conservator

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**Nature of Request:**

The applicant is requesting a Certificate of Appropriateness (COA) and front yard, rear yard and side yard dimensional zoning variances to construct a new two-family residence in Over the Rhine.

**Existing Conditions:**

1424 Elm Street is currently a vacant lot on the east side of the street, just south of 15<sup>th</sup> Street. The rear of the property abuts Osborn Alley where garage access will be sought. The adjacent parcel to the north has new residential construction and the adjacent parcel to the south is currently vacant.

**Proposal/ New Construction:**

The proposed project includes a 4-story, two-family residence including a single car garage plus parking pad for each unit with alley access.

New construction incorporates the following:

1. Frame construction – 4 stories high on the primary façade and with staggered setbacks on the rear to accommodate roof decks.
2. The primary façade sits back from the property line at the right of way approximately 6'-0" feet. This was done to align with the adjacent residential structure and allow for a small courtyard area where entrance stairs could be located. There will be a low wrought iron fence and gate at the property line.
3. The primary Elm Street façade and partial of the south exposed façade will be brick with the remainder being a fiber cement board siding.
4. The south elevation has a set back to allow for window openings on this

- façade. Future infill on the adjacent vacant lot will block visibility from the right of way.
5. Mansard style roof on the primary façade with dormers. Synthetic slate shingles. Primary roof is low slope membrane with aluminum gutters and downspouts. Proposed wrought iron roof cresting at the ridge.
  6. Windows proposed are wood composite sash and sills, vinyl cladding on the exterior, wood interior, bronze color, double hung 1/1. (Andersen 400 Series). The south façade has 3 fixed windows proposed.
  7. Cast stone window surrounds, sills and bands as shown on the elevations.
  8. Exterior deck railings on the rear elevation shall be black aluminum with vertical pickets.
  9. Garage doors are insulated fiberglass with window.
  10. Primary façade door proposed is solid mahogany, 4-panel with an arched top and transom.
  11. Decorative wood and PVC cornice.

**Previous Reviews:**

N/A

**Applicable Zoning Code Sections:**

Zoning District: Section 1405 RM-1.2 Residential Multi-Family Districts

Variance Request: 1405-07 Dimensional Variances – Front, Side and Rear Yard Setbacks, Maximum Height

Variance Authority: 1435-05-4

Variance Standard: 1445-13 General Standards; Public Interest  
1445-15 Standards for Variances

Overlays: N/A

Historic District/Reg: [Over the Rhine Historic District](#)

COA Standard: [Section 1435-09-2](#) COA; Standard of Review

**Details of Zoning Relief Required:**

- Per Section 1405-07 – Development Regulation –Residential Multi-Family Districts: New two-family residential development requires a front and rear yard setback of 20 feet and a side yard setback of 3 feet/6 feet total. The proposed structure will be built with a 6'-0" front yard setback and a 18'-0" rear yard setback to the property line. The proposed structure has a 2 to 4 inch side yard setback. **A 14-foot front yard Dimensional Variance is required. A 4-foot rear yard Dimensional Variance is required. A 3 feet/6 feet total side yard Dimensional Variance is required.**
- Per Section 1405-07 – Development Regulation –Residential Multi-Family Districts: New two-family residential development requires a maximum building height of 35 feet. The proposed structure will be built to 44 feet and 4.75 inches. **A 8-foot and 7.25 inches building height Dimensional Variance is required.**

**Zoning Analysis:**

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.  
*The underlying zoning is RM-1.2. New residential two-family construction is permitted.*
- b **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*The proposed use conforms to the guidelines for the district.*
- c **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.  
*This project conforms to the Over the Rhine Comprehensive Plan.*
- d **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.  
*The new two-family home increases parking opportunities in the neighborhood.*
- e **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.  
*This is not applicable for the proposed use.*
- f **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.  
*This is not applicable for the proposed use.*
- g **Hours of Operation.** Operating hours are compatible with adjacent land uses.  
*This is not applicable for the proposed use.*
- (h) **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.  
*The proposed use will not have an adverse impact on the neighborhood. Residential uses are compatible uses for the nature of the street.*
- (i) **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
*There are no proposed amendments under consideration that would impact this proposed project.*
- (j) **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic

conditions; or the development, usefulness or value of neighboring land and buildings.

*There are no adverse impacts anticipated for the proposed use.*

- (k) **Blight.** The elimination or avoidance of blight.  
*The proposed use will decrease blight in these current vacant lots.*
- (l) **Economic Benefits.** The promotion of the Cincinnati economy.  
*These properties will become a tax generating parcels.*
- (m) **Job Creation.** The creation of jobs both permanently and during construction.  
*Jobs may be created during construction.*
- (n) **Tax Valuation.** Any increase in the real property tax duplicate.  
*These new structures will increase the taxable value of the property.*
- (o) **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit by creating new housing.*
- (p) **Public Benefits.** The public peace, health, safety or general welfare.  
*There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project.*

#### **Standards for Dimensional Variance per Section 1445-15**

- (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

*Requiring the front, rear and side yard setbacks would make a buildable area too small to create an economically viable home site. The density provisions of the zoning code allow for higher densities of dwellings per acre. Maintaining the setbacks are in contradiction to the overarching desire for dense housing development contemplated in the district.*

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

*Many of the buildings, both residential and commercial are built with 0 ft. setbacks. Requiring a different standard for new buildings is a substantial hardship in the ability to utilize a vacant site in a similar manner to homes constructed in the existing neighboring historic buildings.*

#### **Certificate of Appropriateness Review**

Staff feels the proposed new construction is generally appropriate in the Over-the-Rhine Historic District. The new construction substantially meets the Over-the-Rhine Historic District guidelines with regard to scale, massing, materials and detailing.

1. Composition

- a. A base, middle and top are expressed with material change, horizontal bands, detailing and a strong cornice that terminate the uppermost part of the building.
- 2. Roof
  - a. The proposed design is second empire Italianate style with a mansard roof and dormers on the primary façade. The applicant proposes a synthetic slate shingle. While the mansard roof is certainly not predominant in Over the Rhine, the style does exist on this block and nearby buildings to the north.
- 3. Window Openings
  - a. Individual windows have a vertical emphasis with proper proportions and details with cast stone lintel and sill.
- 4. Storefronts – N/A
- 5. Setback
  - a. Shallow setback is consistent with the adjacent property to the north and has a defined edge with fencing behind the sidewalk.
- 6. Rhythm
  - a. Meets the character of the district.
- 7. Emphasis
  - a. Verticality expressed with overall massing.
- 8. Height
  - a. 4 stories and is within 1 story of adjacent buildings on the street.
- 9. Materials
  - a. Masonry construction with stone surrounds and metal railings meets the character of the district.

**Other Considerations:**

**Prehearing Results:**

November 17, 2015 – The applicant and one other OTR resident was in attendance. There were questions but no major concerns.

**Comments Provided to Staff: N/A**

**Consistency with *Plan Cincinnati (2012)*:**

“Sustain” Initiative Area “Preserve our built history”

**Recommendation:**

Staff recommends the Historic Conservation Board take the following actions:

**A. DIMENSIONAL VARIANCE**

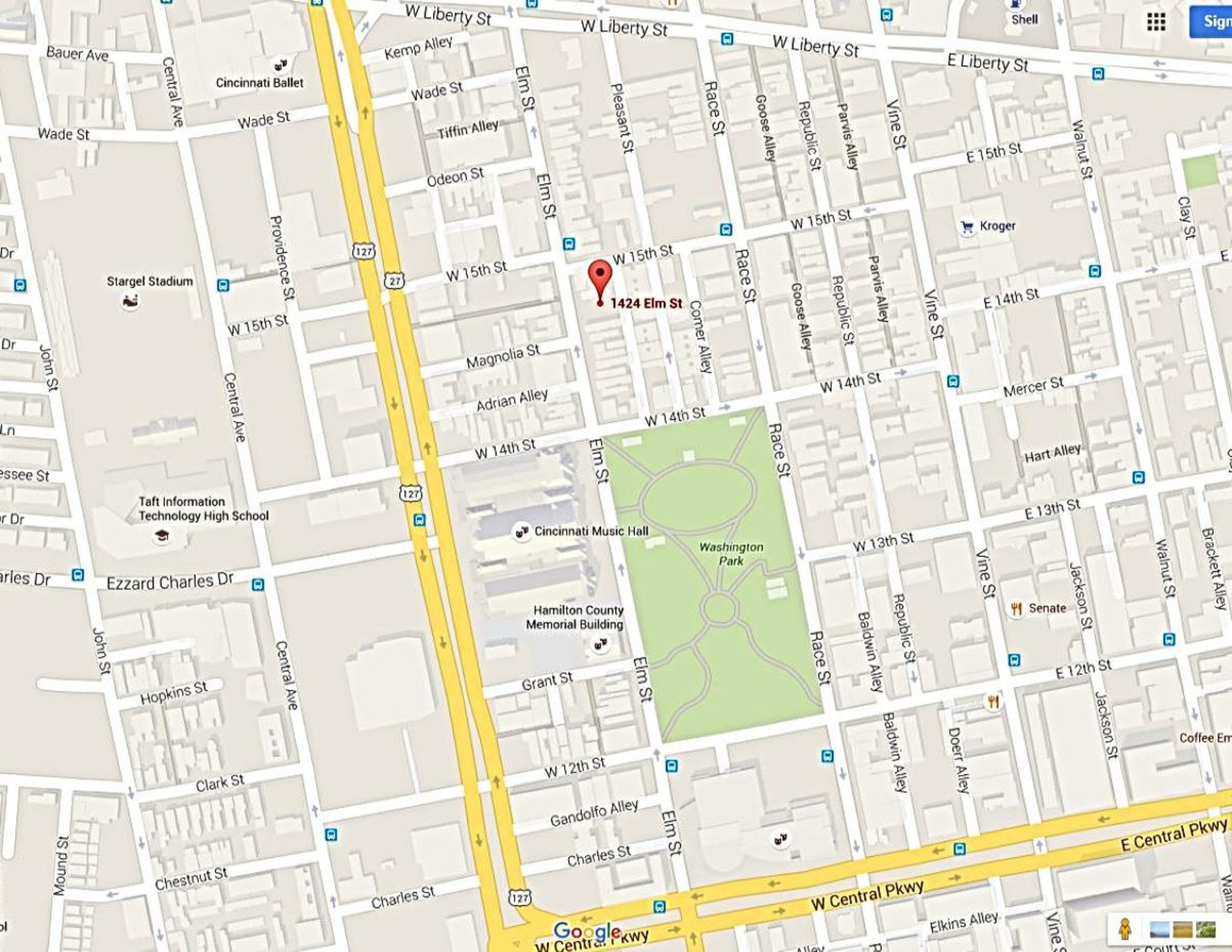
- 1. **APPROVE** the requested variance as per Section 1405-07 Development Regulation – Residential Multi-Family as outlined for 1424 Elm Street to allow:
  - (a) Dimensional Variance of 14 feet, allowing for a 6 foot front yard setback.
  - (b) Dimensional Variance of 2 feet, allowing an 18 foot rear yard setback.

- (c) Dimensional Variance of 3-feet/6-feet total, allowing for a 0 ft./0 ft. total side yard setback.
- (d) Dimensional Variance of 8-foot and 7.25 inches, allowing a 44 ft, 4.75 in total building height.

- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

## **B. CERTIFICATE OF APPROPRIATENESS**

- 1. **APPROVE** a Certificate of Appropriateness for the new construction at 1424 Elm Street, per the plan dated 10/05/15 by Wilcox Architecture subject to the follow conditions:
  - (a) Approval of driveway approaches and curb cuts by DOTE.
  - (b) Proposed windows shall not have vinyl cladding on the exterior. Applicant shall submit to the Urban Conservator revised window product information for approval with building permit application.
- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.



1424 Elm St

Bauer Ave

Cincinnati Ballet

W Liberty St

W Liberty St

W Liberty St

E Liberty St

Wade St

Wade St

Kemp Alley

Wade St

Tiffin Alley

Odeon St

Elm St

Pleasant St

Race St

Goose Alley

Republic St

Parris Alley

Vine St

E 15th St

Walnut St

Stargel Stadium

Providence St

127

27

W 15th St

W 15th St

Race St

W 15th St

Kroger

E 14th St

Magnolia St

Adrian Alley

W 14th St

W 14th St

Mercer St

Taft Information Technology High School

Cincinnati Music Hall

Washington Park

W 13th St

E 13th St

Charles Dr

Ezzard Charles Dr

Hamilton County Memorial Building

Senate

John St

Hopkins St

Grant St

Elm St

Elm St

Race St

Baldwin Alley

Vine St

E 12th St

Clark St

W 12th St

Gandolfo Alley

Charles St

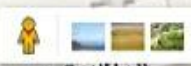
Elm St

W Central Pkwy

Elkins Alley

E Central Pkwy

Google



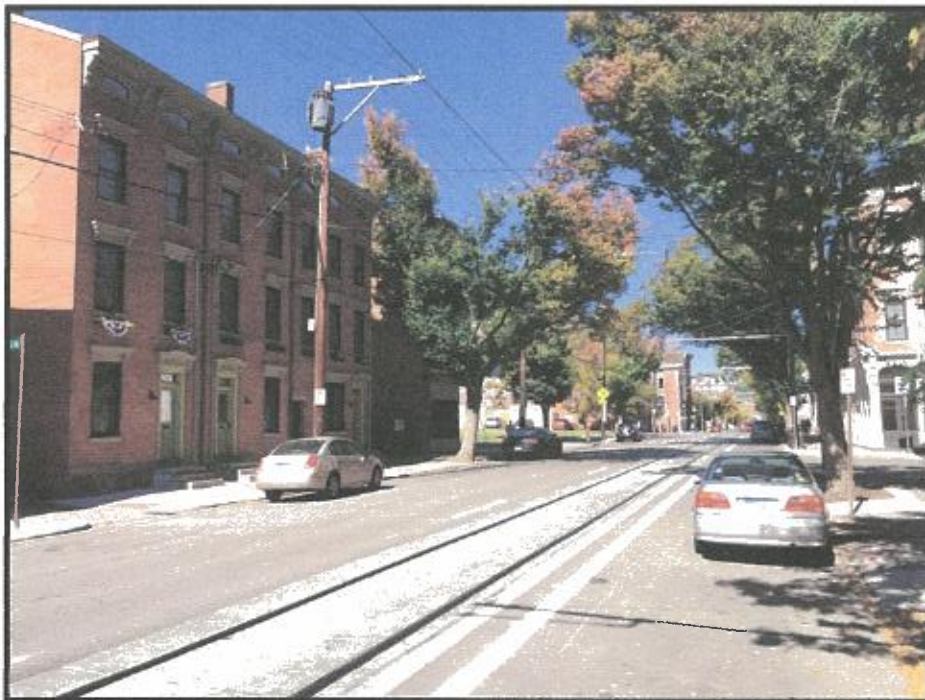
View of 1424 Elm - Front View



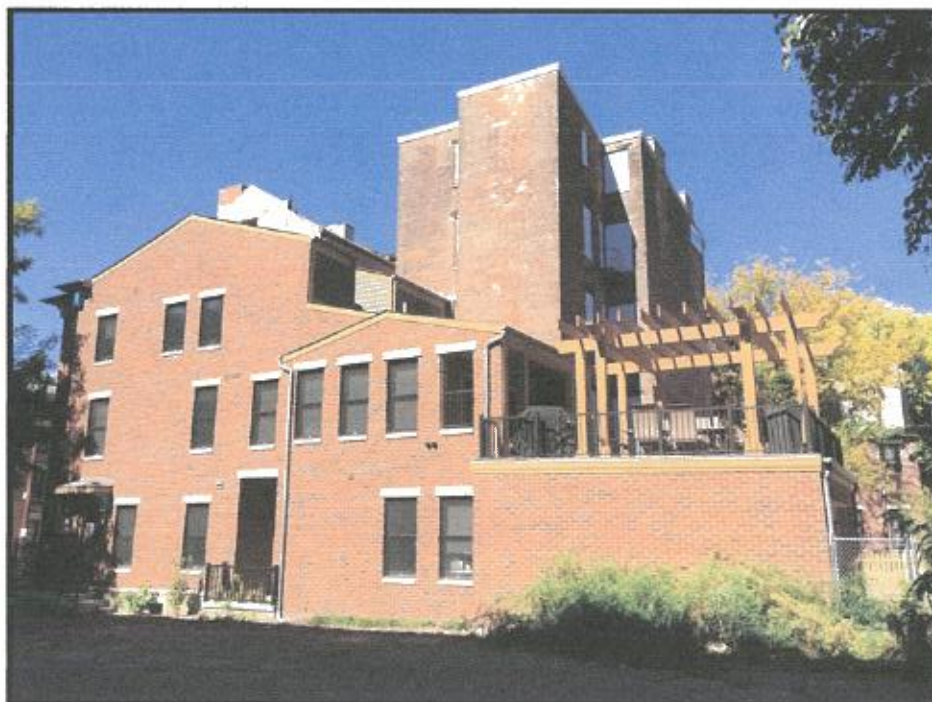
View to West - Across from 1424 Elm Street



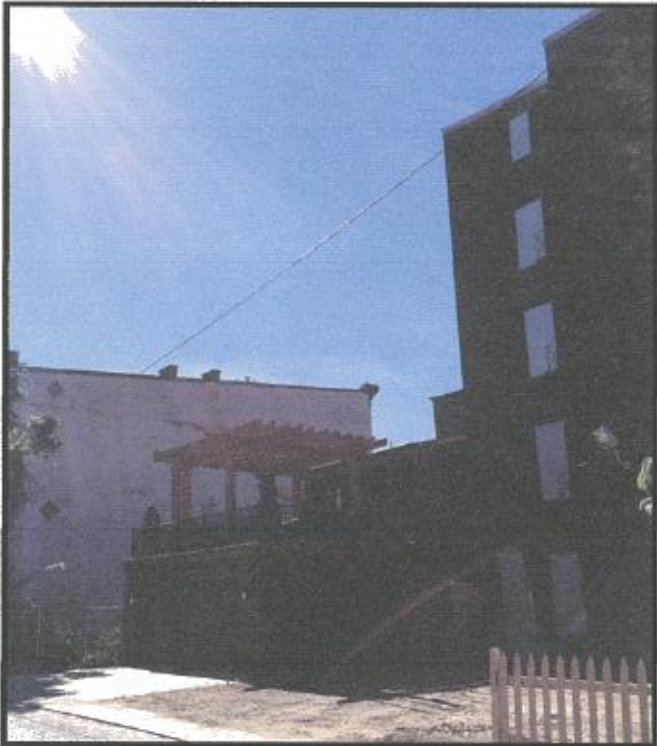
View to North of 1424 Elm - East side of street



View to North of 1424 Elm - from 1424 Lot



View to South - Rear of Lot From Osborn Alley



View to South of 1424 Elm - East side of Elm Street



**GENERAL NOTES**

**\*\* SEE DRAWINGS FOR ANYTHING NOT MENTIONED BELOW \*\***

THESE ARE PRELIMINARY DRAWINGS MEANT FOR CONSTRUCTION COST ESTIMATING & CITY APPROVALS. STRUCTURAL BEAM & COLUMN SIZES, NOTES ETC. ARE NOT FINAL AND ONLY MEANT FOR PRICING PURPOSES. STRUCTURAL ENGINEER WILL PROVIDE FINAL DESIGN FOR FOUNDATIONS, SLABS, AND FRAMING.

UTILITY CONNECTIONS WILL BE SHOWN ON PERMIT DRAWINGS.

EXTERIOR FINISHES ARE SHOWN ON DRAWINGS. ALL SIDING & TRIM TO BE PAINTED. SIZES TO BE SHOWN ON CONSTRUCTION DWGS.

WROUGHT IRON FENCING & ROOF CRESTING TO BE PAINTED BLACK.

ROOF DECK METAL BALUSTRADES TO BE BLACK.

INTERIOR FINISHES TO BE DETERMINED.

**FOUNDATION:**

TYPICAL FOOTINGS: 8" X 20" W/ (3) #4 CONT.  
 FOOTINGS ON PROPERTY LINES: 16" X 30" W/ (3) #4 CONT, LINE UP OUTSIDE EDGE W/ OUTSIDE EDGE OF WALL ABOVE.  
 WIDTHS OF WALLS SHOWN ON BASEMENT PLAN.  
 9' HIGH WALL W/ (5) #4 HORIZ SPACED EQUALLY, #4 VERT @ 48" O.C. AT HOUSE.  
 3' HIGH WALL W/ (2) #4 HORIZ SPACED EQUALLY, #4 VERT @ 48" O.C. AT GARAGE.  
 BASEMENT: 4" CONC SLAB OVER 6" GRAVEL + VAPOR BARRIER.  
 GARAGE: 4" CONC SLAB W/ #4'S @ 18" EA WAY, SLOPE TO DOORS, OVER 6" GRAVEL + VAPOR BARRIER & (4) 24" # CONC PIERS TO UNDISTURBED SOIL.  
 COLUMN FTGS: SEE BASEMENT PLAN.

**FLOOR & ROOF FRAMING: SEE PLANS.**

**ROOFING:**

MEMBRANE OVER 1/2" DENSDECK OVER 1/2" PLYWOOD ON LOW-SLOPE ROOFS (MAIN HOUSE, A/C UNIT AREA).  
 SYNTHETIC SLATE SHINGLES OVER 30# FELT OR MEMBRANE OVER 1/2" PLYWOOD ON MANSARD ROOF.  
 ROOF DECKS (FOR PRICING PURPOSES ONLY): 'DURADEK' WALKABLE ROOF MEMBRANE OVER 3/4" PLYWOOD SHEATHING.

EXTERIOR WALLS: 2X6'S @ 16" O.C. W/ 7/16" OSB SHEATHING, INFILTRATION BARRIER, SIDING OR BRICK PER ELEVATIONS.

INTERIOR WALLS: 2X4'S @ 16" O.C. UNLESS OTHERWISE NOTED.

ALL LUMBER IN CONTACT W/ EXTERIOR, CONC OR MASONRY TO BE PRESSURE-TREATED. ALL METAL FASTENERS IN SAME SITUATIONS TO BE GALVANIZED OR STAINLESS STEEL.

INSULATION: SPRAY FOAM, MIN R-VALUES:  
 WALLS R-13, CEILINGS R-30. INSUL TO HALFWAY DOWN BASEMENT WALLS.

WINDOWS, EXTERIOR DOORS (UNLESS OTHERWISE NOTED): ANDERSEN 400 SERIES. ALL DOORS AND 4TH FLOOR & BATHROOM WINDOWS TO HAVE TEMPERED GLASS. SIZES SHOWN ON PLANS OR ELEVATIONS (SIZES ARE APPROXIMATE - USE NEAREST STOCK SIZE). EGRESS UNITS SHOWN ON PLANS.

INTERIOR DOORS TO BE 84" HIGH, WIDTHS WILL BE SHOWN ON CONSTRUCTION DWGS. SOLID CORE, CONSULT OWNER FOR STYLE.

INTERIOR TRIM - TO BE DETERMINED. CONSULT OWNER.

PAINTED 1/2" GYPSUM WALLBOARD WALL & CEILING FINISH. OTHER FINISHES TO BE DETERMINED - CONSULT OWNER.

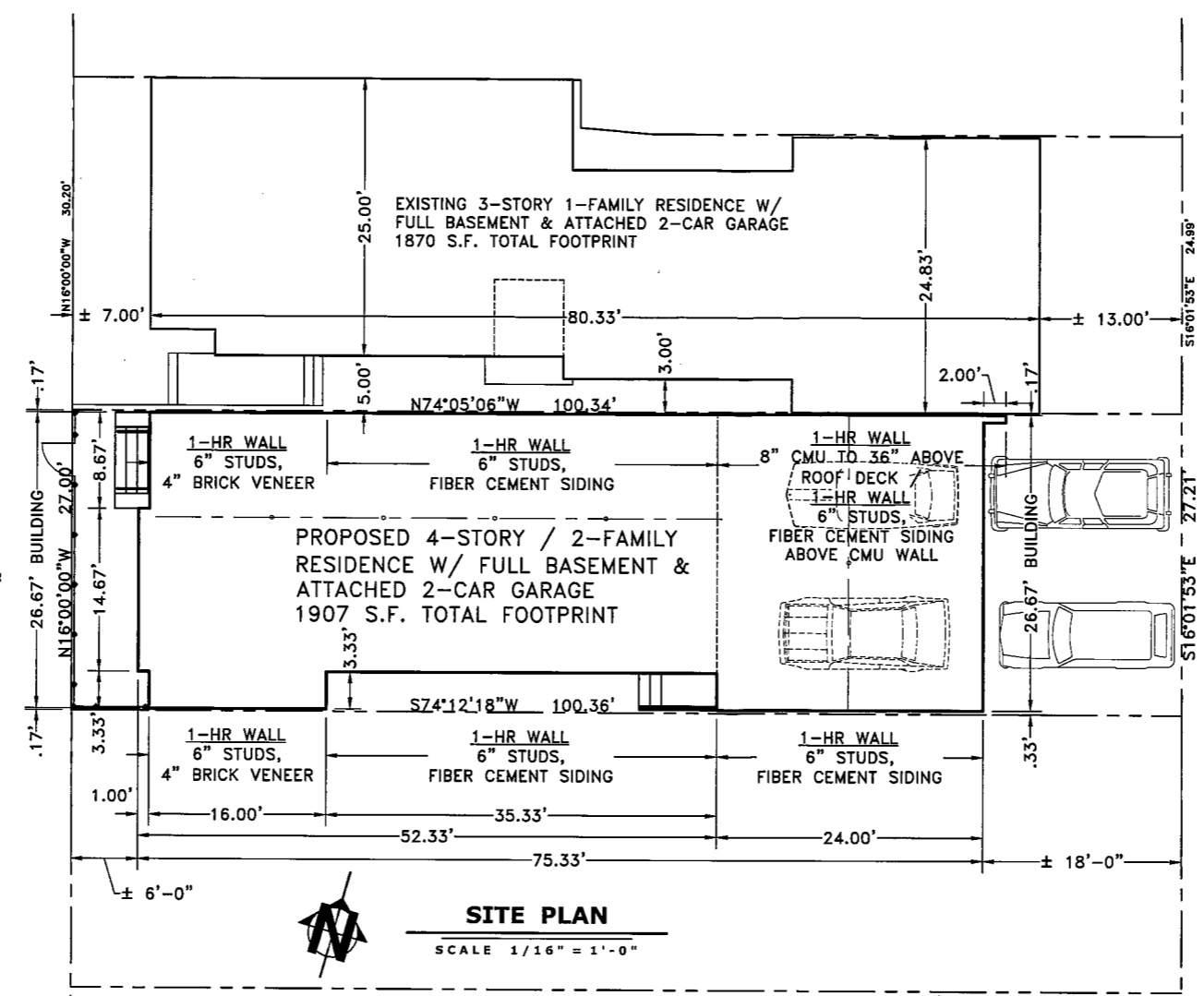
FLOORING - TO BE DETERMINED. CONSULT OWNER.

TEMPERED GLASS WALLS/DOORS AT TUBS & SHOWERS.

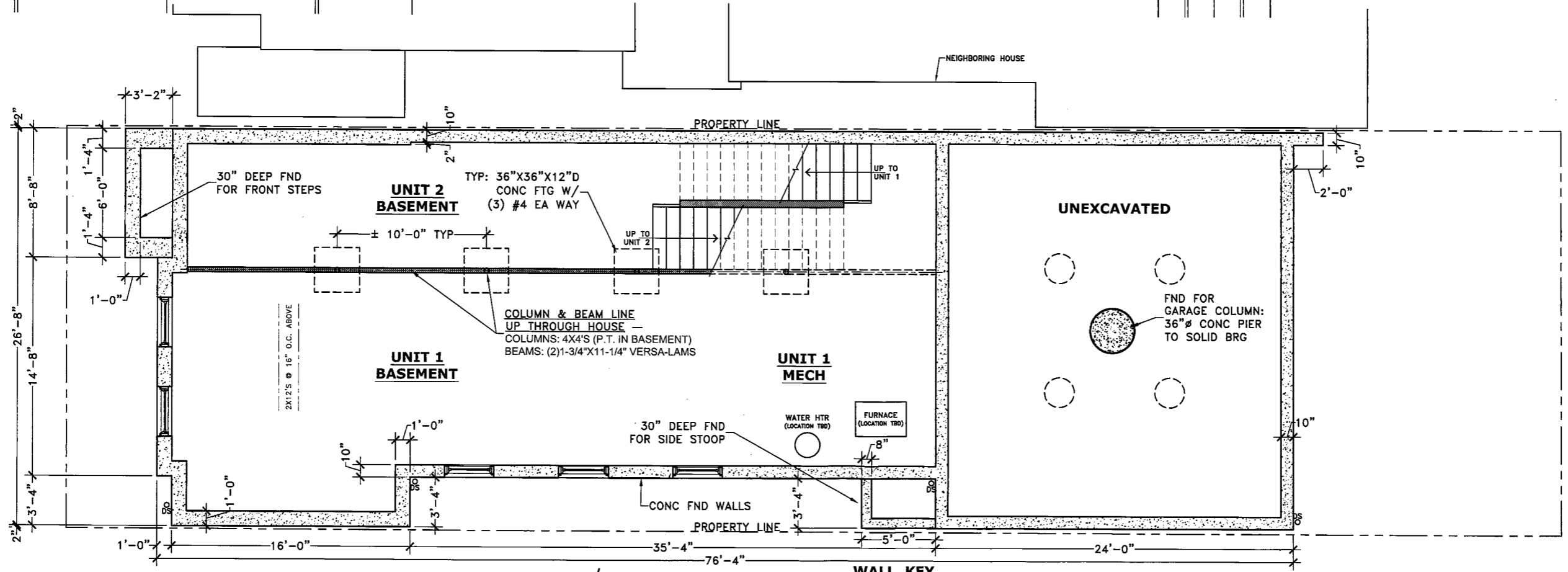
ROUGH-IN PLUMBING FOR FUTURE BATHROOM IN BASEMENT. LOCATION TBD.

ELM STREET (66' R/W)

OSBORN ALLEY (15' R/W)



**SITE PLAN**  
 SCALE 1/16" = 1'-0"

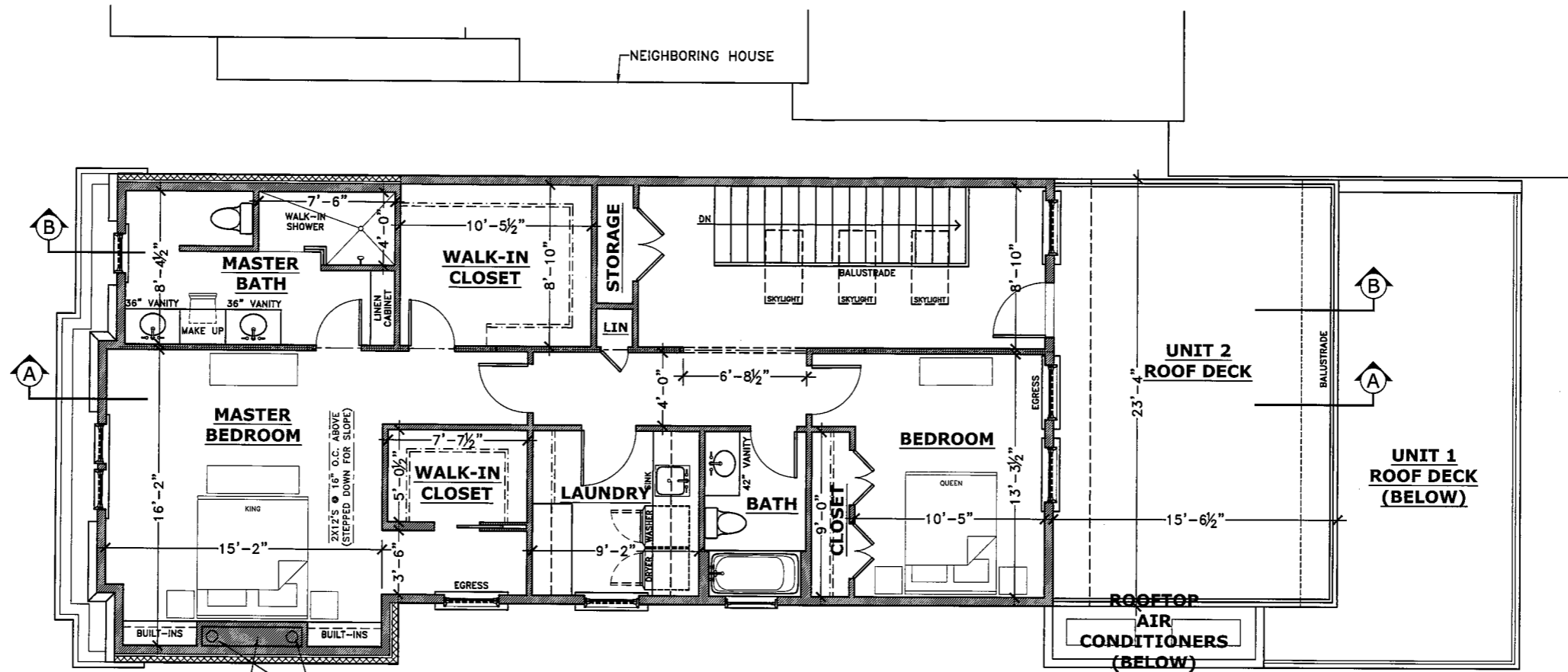


**BASEMENT PLAN**  
 SCALE 1/8" = 1'-0"

**WALL KEY**

[Pattern]	CONCRETE
[Pattern]	MASONRY
[Pattern]	FRAME





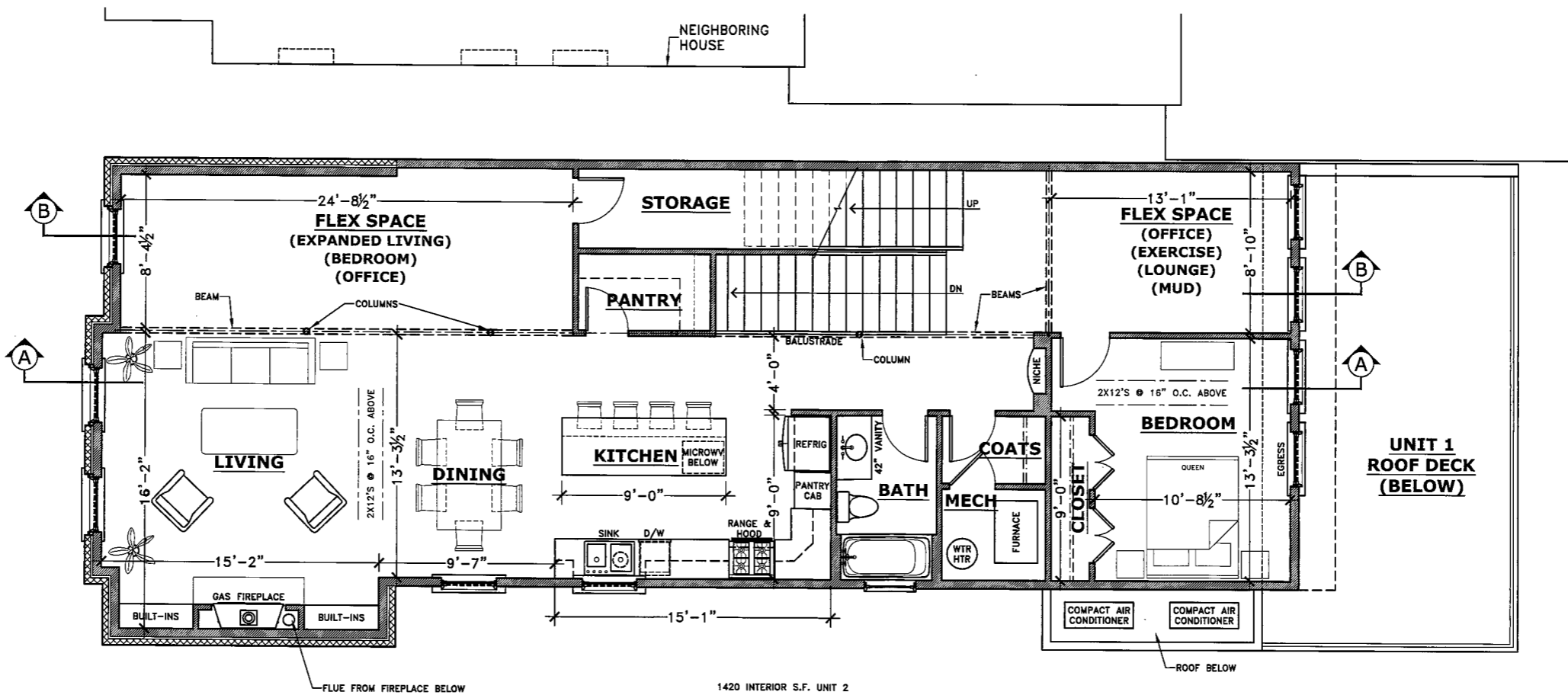
POSSIBLE NICHE/ETC  
FLUES FROM FIREPLACES BELOW



1177 INTERIOR S.F. UNIT 2  
**UNIT 2**  
**4th FLOOR PLAN**  
SCALE 1/8" = 1'-0"

**WALL KEY**

	MASONRY
	FRAME



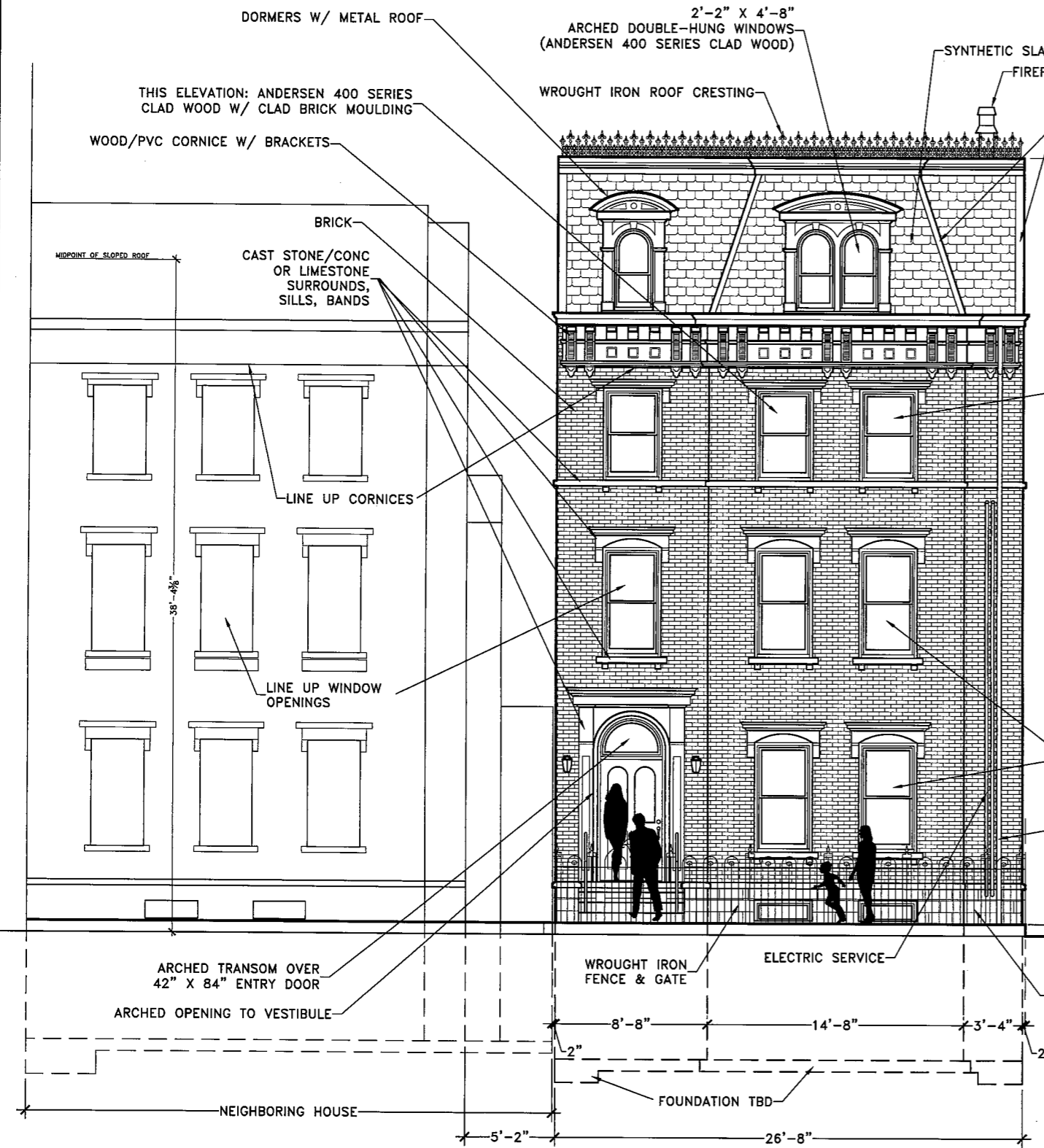
FLUE FROM FIREPLACE BELOW



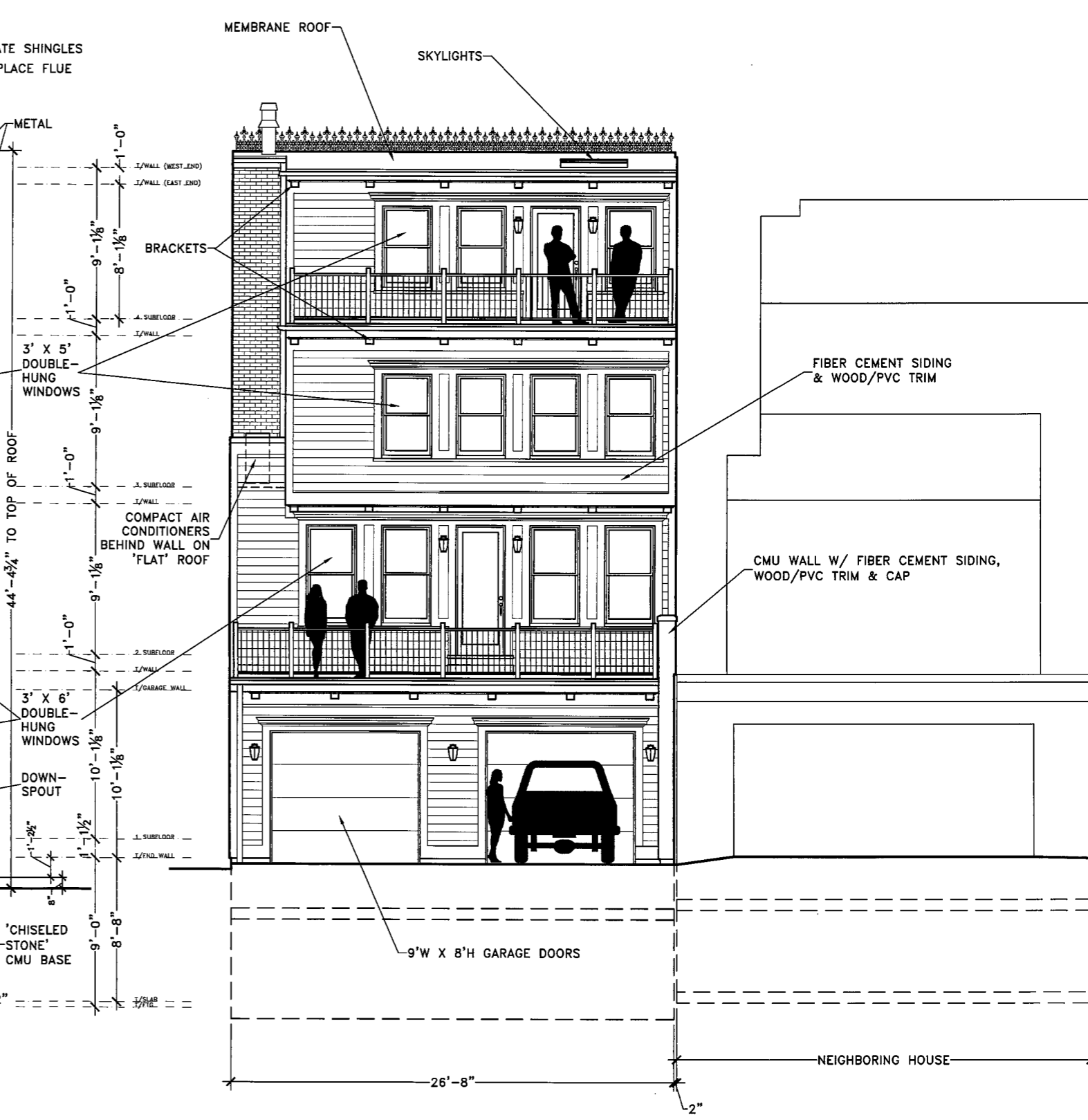
1420 INTERIOR S.F. UNIT 2  
**UNIT 2**  
**3rd FLOOR PLAN**  
SCALE 1/8" = 1'-0"

**WALL KEY**

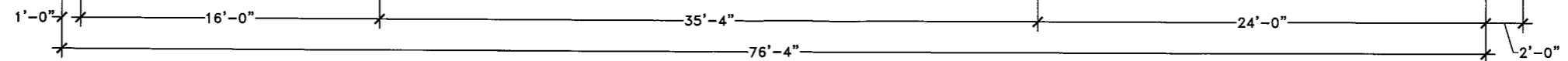
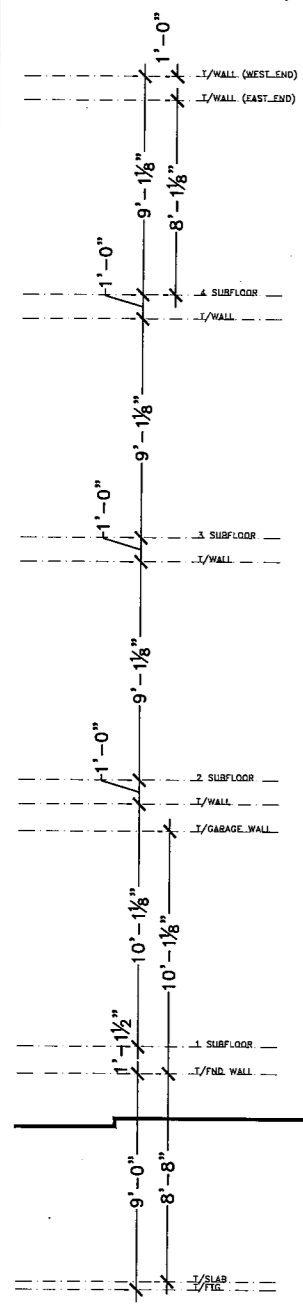
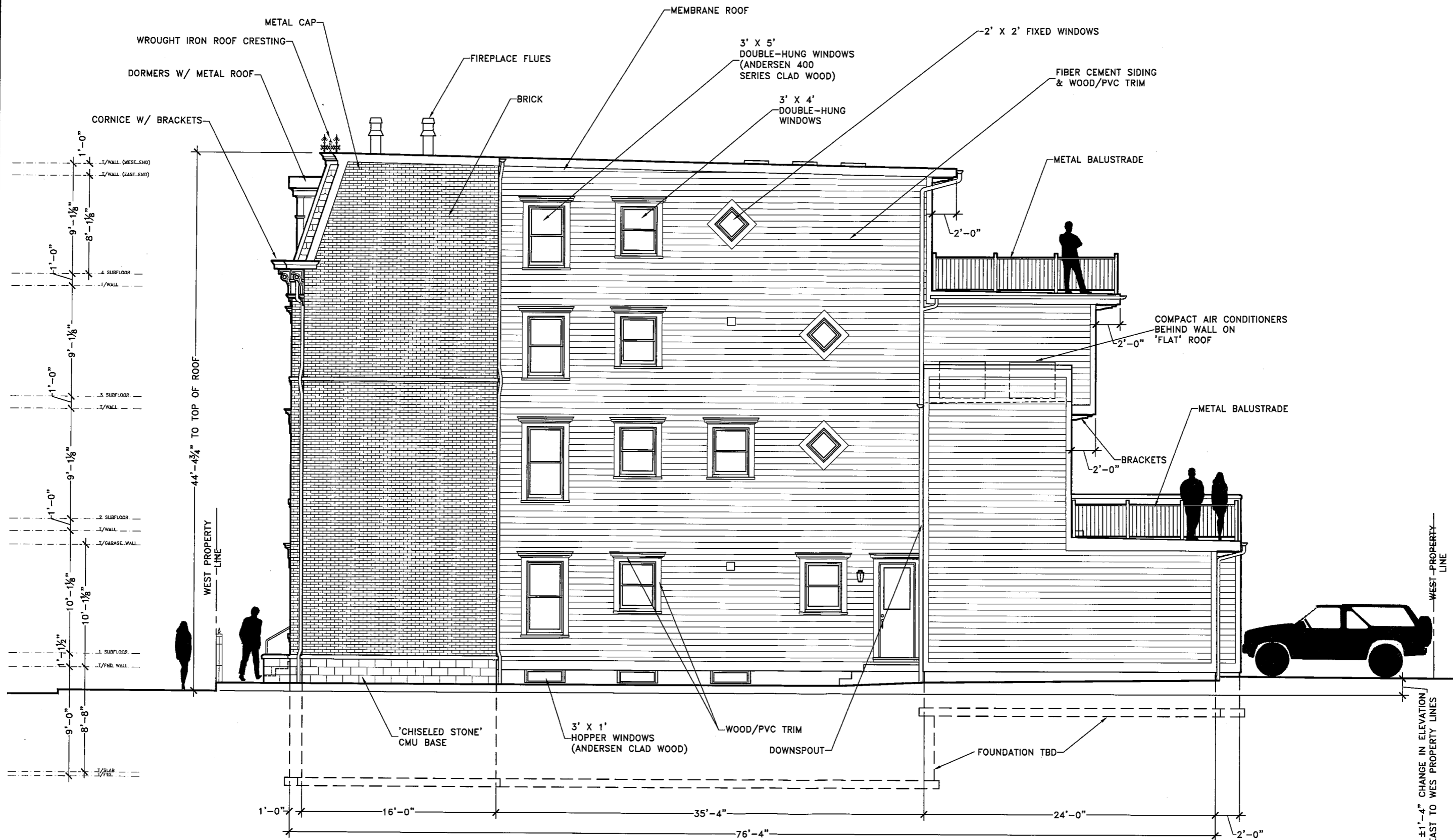
	MASONRY
	FRAME



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE 1/8" = 1'-0"

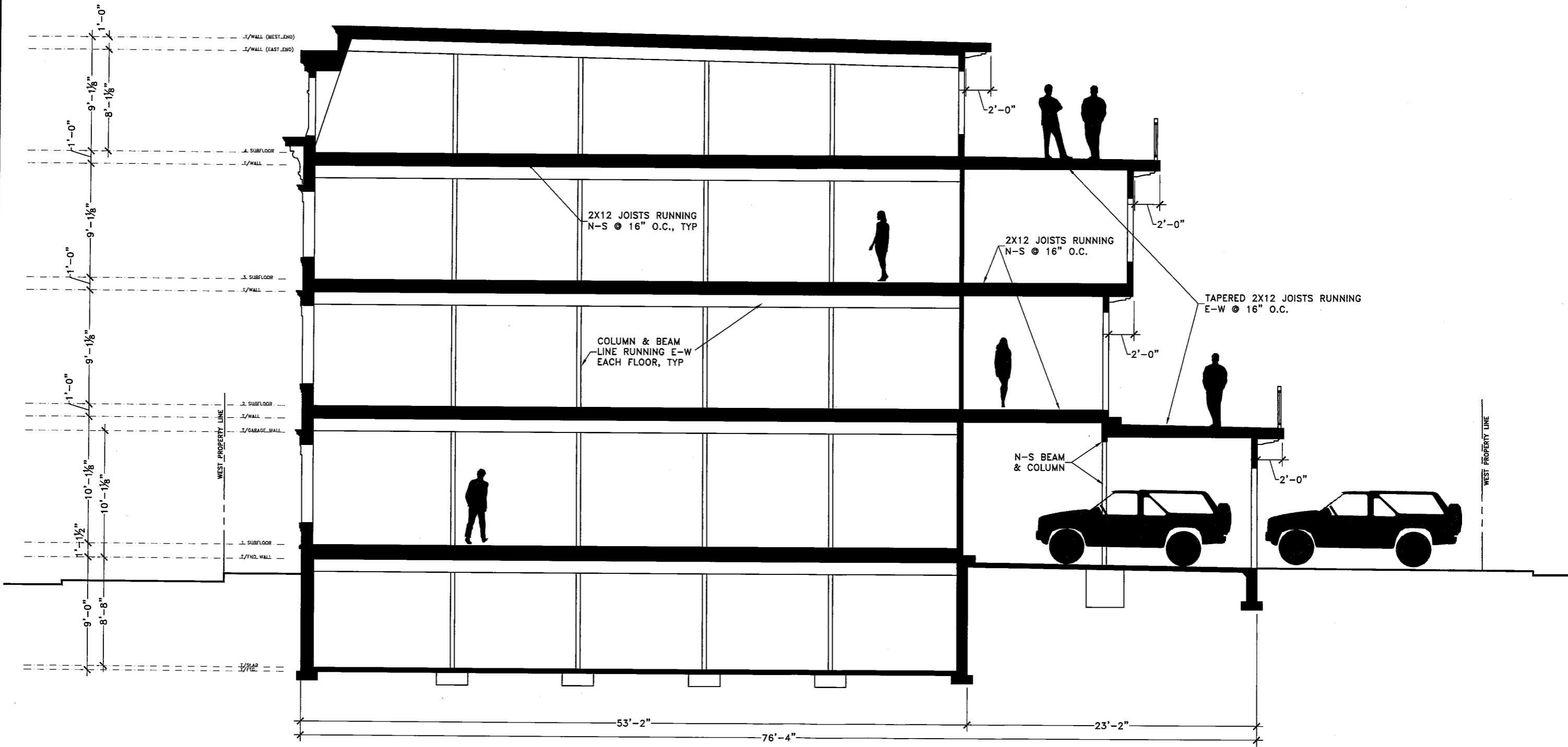


**SOUTH ELEVATION**

SCALE 1/8" = 1'-0"

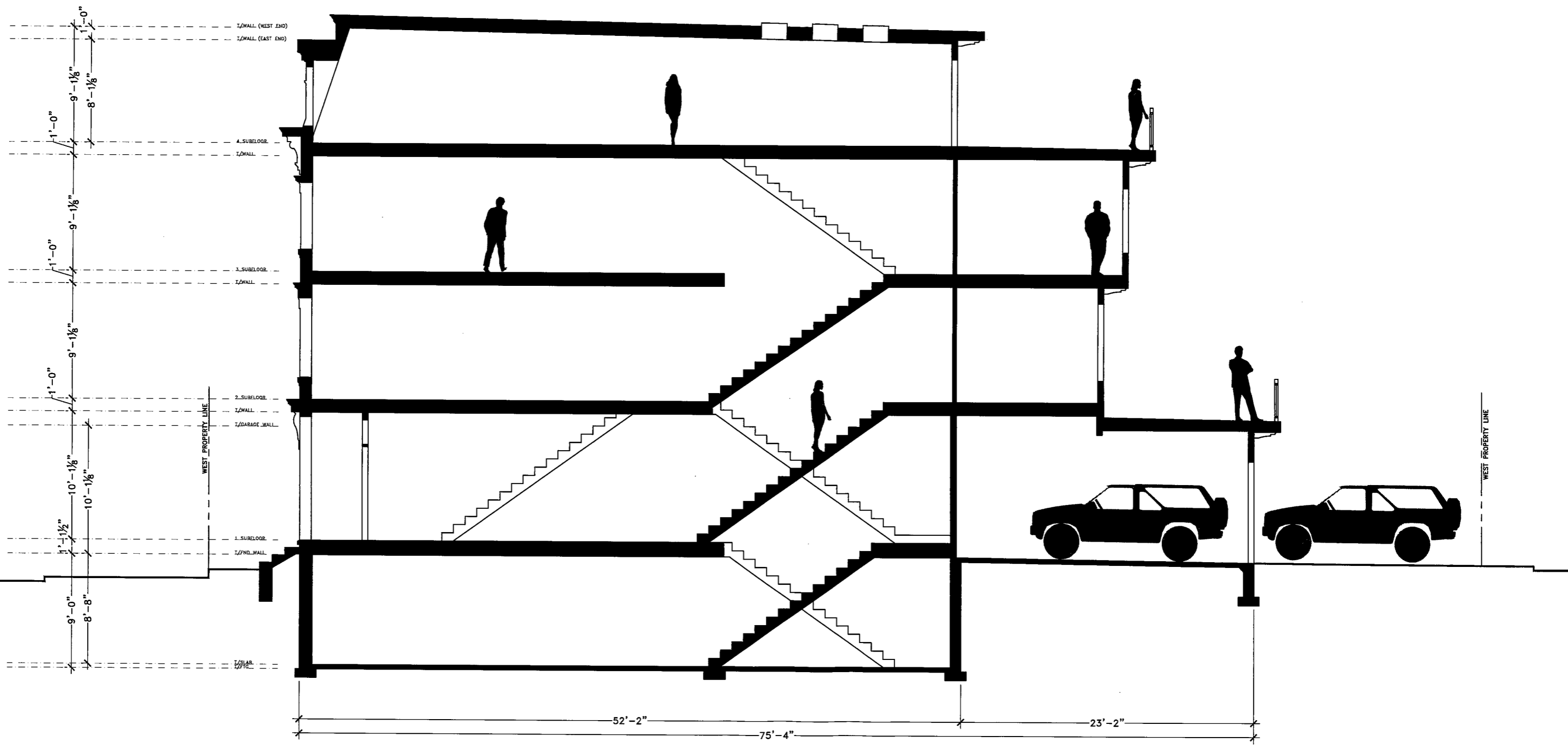
VEREY: ±1'-4" CHANGE IN ELEVATION FROM EAST TO WEST PROPERTY LINES





SCHMATIC SECTION A - A

SCALE 1/8" = 1'-0"



**SCHEMATIC SECTION B - B**

SCALE 1/8" = 1'-0"

**APPLICATION FOR  
CERTIFICATE OF APPROPRIATENESS  
AND  
CONDITIONAL USES AND DIMENSIONAL VARIANCES  
HISTORIC CONSERVATION BOARD PUBLIC HEARING  
STAFF REPORT**

---

APPLICATION #:  
APPLICANT: Jeffery Mike, architect  
OWNER: KMP Properties, LLC  
ADDRESS: Proposed 210-218 W. 15<sup>th</sup> St. (Tax Parcel 081-0002-0187-00)  
Proposed 215-221 W. 15<sup>th</sup> St. (Tax Parcel 081-0002-0209-00)  
PARCELS: Currently 081-0002-0187-00 and 081-0002-0209-00  
ZONING: Commercial Community-Pedestrian (CC-A)  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: November 18, 2015  
HEARING DATE: Pre-Hearing November 17<sup>th</sup> at 10:30 AM  
STAFF REVIEW: Angie Strunc, Interim Urban Conservator

---

**Nature of Request:**

The applicant is requesting a Certificate of Appropriateness (COA), conditional use variances and dimensional zoning variances for nine (9) new construction single family townhomes in Over the Rhine.

Each single family dwelling is intended to be on separate deeded parcels and are zero lot line in nature and ultimate construction.

**Existing Conditions:**

210-218 W. 15<sup>th</sup> Street; approximate addresses for 5 townhomes are on the north side of the street; 215-221 W. 15<sup>th</sup> Street; approximate addresses for 4 townhomes are on the south side of the street. All units are between Central Parkway and Elm Street on vacant land or soon to be vacant land. All units will face 15<sup>th</sup> Street and have 20'-0" wide frontage.

**Proposal/ New Construction:**

All new construction projects below incorporate the following:

1. Frame construction – 3 stories high except for Townhome 'D' which is proposed 4 stories high with roof access tower.
2. Chiseled face CMU at the primary elevation ground floor with brick veneer on floors above. Rear elevations have brick veneer on the ground floor and cement board siding on floors above. Brick veneer banding at locations noted on elevations. Cement board siding on Townhome 'D' roof access tower.
3. The lower level is partially set below existing sidewalk elevation at

- approximate 16 inches.
4. The first floor primary entrance is set approximately 12'-0" above the sidewalk elevation with concrete stairs and decorative aluminum railing with vertical pickets.
  5. Cast stone window sills, window heads and water table band above the ground floor.
  6. Each unit has a wood and/or Fypon (high density polyurethane) projecting decorative cornice.
  7. Aluminum clad wood windows (Andersen), double hung 1/1 or 2/2 as shown on the elevations.
  8. Façade and ground floor doors will be four panel fiberglass (Pella). Upper level floors will have full glass aluminum clad wood patio doors (Andersen).
  9. Two car garage accessible from the rear alley. (Bashang Alley and Whetsel Alley). Single car garage for Townhome 'E'. Each garage, except Townhome 'D', has a covered flat roof deck above with decorative aluminum railing with vertical pickets. Each garage sits 5'-4" or 8'-6" from the rear property line at alley except for Townhome 'D' which sits 1'-0" from the rear property line. Garage doors are insulated steel.
  10. Second and third floor construction sits back an additional 20'-8" from rear garage wall, except for Townhome 'D' which sits in line with the garage wall below at 1'-0" from the rear property line AND has a fourth floor.
  11. All units have rear roof decks.
  12. Low slope membrane roofing with aluminum gutters and downspouts.

**Previous Reviews:**

On August 10, 2015, the Historic Conservation Board was presented a preliminary design review by the applicant.

General comments from that meeting include the scale and massing is good and appropriate and to consider accessibility in your final design.

There was discussion regarding the level of detail of the design proposal with regard to a desire to maintain a rhythm, breaks and variation without approaching replication of a historic structure.

On September 14, 2015, the Historic Conservation Board reviewed and approved the demolition of an existing non-contributing structure at 218 W. 15<sup>th</sup> Street to clear land for this larger development.

**Applicable Zoning Code Sections:**

Zoning District:	Section 1409	CC-A Community Commercial Auto
Variance Request:	1409-07	Conditional Use - Dwellings on ground floor
	1407-09	Dimensional Variance - Rear Yard Setback
Variance Authority:	1435-05-4	
Variance Standard:	1445-13	General Standards; Public Interest
	1445-15	Standards for Variances
	1445-21	Standards for Conditional Uses

Overlays: N/A

Historic District/Reg: [Over the Rhine Historic District](#)

COA Standard: [Section 1435-09-2](#) Certificate of Appropriateness; Standard of Review

### **Details of Zoning Relief Required:**

Specifically outlined above for each property. Generally three types:

- Per Section 1409-07 - Land Use Regulations – Commercial Subdistricts: A residential use is only permitted only above the ground floor in a mixed-use building. Building is proposed to be a single family dwelling, as a townhome on an individual lot. **A Conditional Use approval is needed.**
- Per Section 1409-09 – Development Regulation – Commercial Districts: New residential development require a rear yard setback of 25 feet when constructed in a commercial district. The proposed development will be subdivided into nine lots. Townhomes ‘A’ – ‘E’ will be built to 5’-4” to the rear property line with the exception of townhome ‘D’ which will be built to 1’-0” to the rear property line. Townhomes ‘F’ - ‘I’ will be built to 8’-6” to the rear property line. **Various rear yard Dimensional Variance is required.**

### **Zoning Analysis:**

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.  
*The underlying zoning is CC-A. New residential construction is permitted. The majority of the zoning considerations (lot area, front and side yard setback, building height, density) are all satisfied.*
- Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*The proposed use conforms to the guidelines for the district.*
- Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.  
*This project conforms to the Over the Rhine Comprehensive Plan.*
- Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.  
*These new single-family homes in some cases will take parking off the street. Existing curb cuts along 15<sup>th</sup> Street can be eliminated thus creating more on street parking.*

- e **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.  
*This is not applicable for the proposed use.*
- f **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.  
*This is not applicable for the proposed use.*
- g **Hours of Operation.** Operating hours are compatible with adjacent land uses.  
*This is not applicable for the proposed use.*
- (h) **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.  
*The proposed use will not have an adverse impact on the neighborhood.  
Residential uses are compatible uses for the nature of the street.*
- (i) **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
*There are no proposed amendments under consideration that would impact this proposed project.*
- (j) **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.  
*There are no adverse impacts anticipated for the proposed use.*
- (k) **Blight.** The elimination or avoidance of blight.  
*The proposed use will decrease blight in these current vacant lots.*
- (l) **Economic Benefits.** The promotion of the Cincinnati economy.  
*These properties will become a tax generating parcels.*
- (m) **Job Creation.** The creation of jobs both permanently and during construction.  
*Jobs may be created during construction.*
- (n) **Tax Valuation.** Any increase in the real property tax duplicate.  
*These new structures will increase the taxable value of the property.*
- (o) **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit by creating new housing.*
- (p) **Public Benefits.** The public peace, health, safety or general welfare.  
*There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project.*

## Standards for Conditional Use per Section 1445-21

The Board may approve a conditional use if and only if the conditional use is specifically listed in the applicable zoning district use regulations.

*These uses are listed in the CC-A district. Though the land is zoned commercial, it is situated on a side street, with no frontage on an arterial. The street is residential in character and introducing commercial uses would not be harmonious with the block. The site is surrounded by contributing historic buildings which will not be removed given their general condition.*

### **Standards for Dimensional Variance per Section 1445-15**

- (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

*Requiring the rear yard setback would make a buildable area too small to create an economically viable home site. The density provisions of the zoning code allow for higher densities of dwellings per acre. Maintaining the rear yard setback is in contradiction to the overarching desire for dense housing development contemplated in the district.*

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

*Many of the buildings, both residential and commercial are built with 0 ft. setbacks on the rear property lines. Requiring a different standard for new buildings is a substantial hardship in the ability to utilize a vacant site in a similar manner to homes constructed in the existing neighboring historic buildings.*

### **Certificate of Appropriateness Review**

Staff feels the proposed new construction is generally appropriate in the Over-the-Rhine Historic District. The new construction substantially meets the Over-the-Rhine Historic District guidelines with regard to scale, massing, materials and detailing.

1. Composition
  - a. A base, middle and top are expressed with material change, horizontal bands, detailing and a strong cornice that terminate the uppermost part of the building.
2. Roof
  - a. The proposed design is a low pitched roof consistent with the character of the district.
3. Window Openings
  - a. Individual windows have a vertical emphasis with proper proportions and details with cast stone lintel and sill.
4. Storefronts – N/A
5. Setback
  - a. Shallow setback of the structures with a defined edge of access stairs and railing behind the sidewalk.
6. Rhythm

- a. Meets the character of the district.
- 7. Emphasis
  - a. Verticality expressed with overall massing, openings and details.
- 8. Height
  - a. 3-4 story structures are consistent with the character of the district.
- 9. Materials
  - a. Masonry construction with cast stone sills, lintels, water tables and metal railings meets the general character of the district.

Recommendations below highlight staff recommended conditions for Certificate of Appropriateness.

**Other Considerations:**

**Prehearing Results:**

November 17, 2015 – The applicant was in attendance.

**Comments Provided to Staff: N/A**

**Consistency with *Plan Cincinnati (2012)*:**

“Sustain” Initiative Area “Preserve our built history”

**Recommendation:**

Staff recommends the Historic Conservation Board take the following actions

**Proposed 210-218 W 15<sup>th</sup> Street (Tax Parcel 081-0002-0187-00)** per the plans dated 10/23/15 by Jeffery Mike:

**A. CONDITIONAL USE**

1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:  
 The ground floor to be utilized as part of a single family residence, one home per lot, for Townhomes A-E.
2. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**B. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1409-09 Development Regulation – Commercial Districts as outlined for proposed 210-218 W. 15<sup>th</sup> Street to allow:

- (a) Dimensional Variance of 19 ft. 8 in. to allow a 5 ft. 4 in. rear yard setback for Townhomes A, B, C and E
- (b) Dimensional Variance of 24 ft. to allow an approximate 1 ft. rear yard setback for proposed Townhome D.

- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**C. CERTIFICATE OF APPROPRIATENESS**

- 1. **APPROVE** a Certificate of Appropriateness for the new construction at 210-218 W. 15<sup>th</sup> Street subject to the follow conditions:
  - (a) Replace deteriorated existing concrete sidewalk and reset or replace granite curb to meet DOTE standards at existing curb cuts no longer required at new building frontage.
  - (b) Supports the subdivision of recently consolidated parcel Tax Parcel # 081-0002-0187-00 into a proposed five lot subdivision for single family homes.
  - (c) Approval of driveway approaches and curb cuts by DOTE.
  - (d) Confirmation of addressing on W. 15<sup>th</sup> Street.
  - (e) The plan is approved as five single family homes. Any change of use of the ground story level, to create a two-family dwelling or a non-residential use shall be required to seek Historic Conservation Board approval.
- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

**Proposed 215-221 W 15<sup>th</sup> Street (Tax Parcel 081-0002-0209-00)** per the plans dated 10/23/15 by Jeffery Mike:

**A. CONDITIONAL USE**

- 1. **APPROVE** the requested conditional use as per Section 1409-07 Land Use Regulations – Commercial Subdistricts to allow:
  - The ground floor to be utilized as part of a single family residence, one home per lot, Townhomes F-I.
- 2. **FINDING:** The Board makes this determination per Section 1409-07 because the proposed use is permissible within the CC-A zoning district and by meeting the standards for the Certificate of Appropriateness, the Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

## **B. DIMENSIONAL VARIANCE**

1. **APPROVE** the requested variance as per Section 1409-09 Development Regulation – Commercial Districts as outlined for proposed 215-221 W. 15<sup>th</sup> Street to allow:
  - (a) Dimensional Variance of 19 ft. 8 in. to allow an 8 ft. 6 in. rear yard setback for Townhomes F-I.
  
2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.

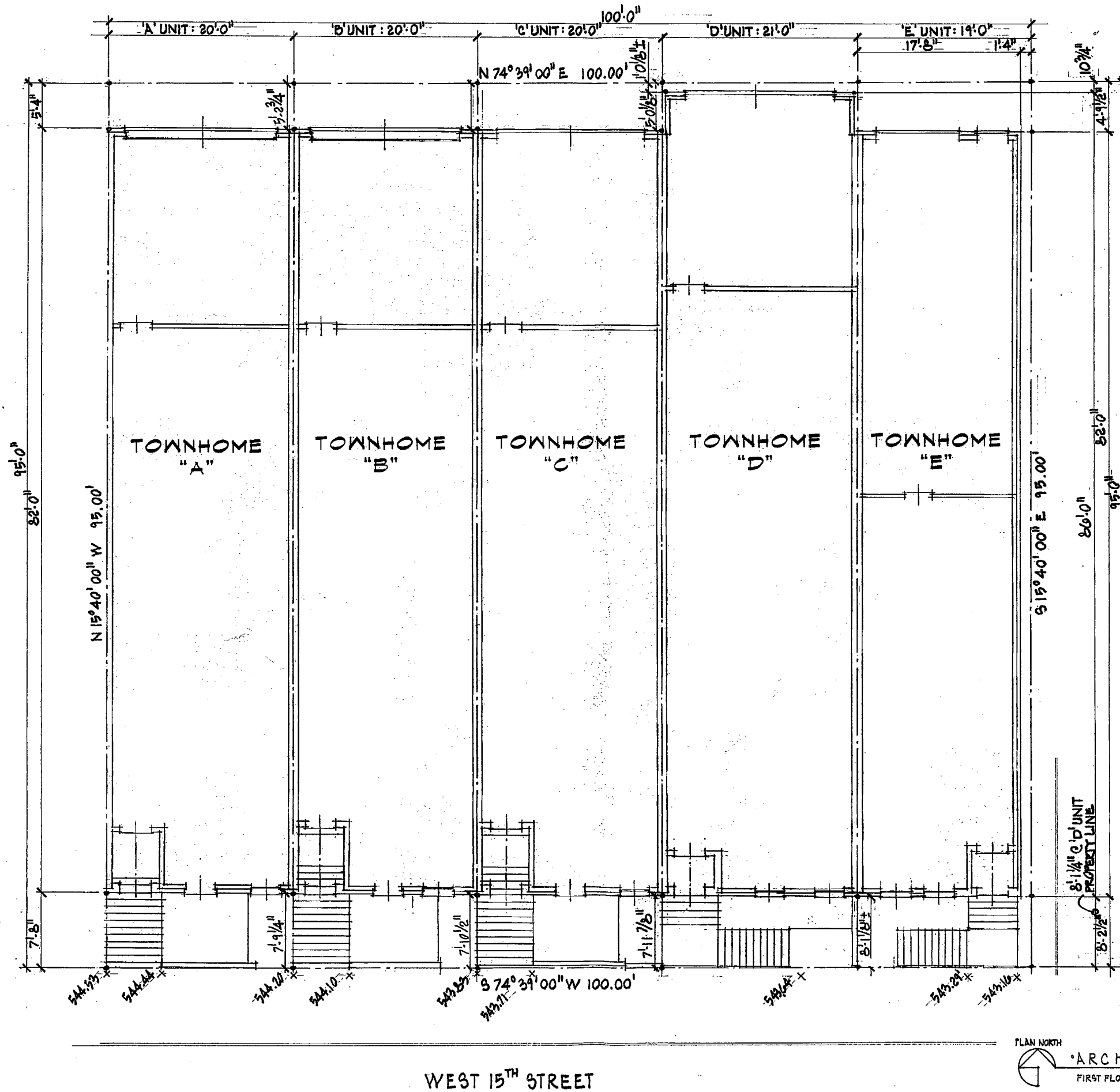
## **C. CERTIFICATE OF APPROPRIATENESS**

1. **APPROVE** a Certificate of Appropriateness for the new construction at 215-221 W. 15<sup>th</sup> Street subject to the follow conditions:
  - (a) Replace deteriorated existing concrete sidewalk and reset or replace granite curb to meet DOTE standards at existing curb cuts no longer required at new building frontage.
  - (b) Supports the subdivision of recently consolidated parcel Tax Parcel # 081-0002-0209-00 into a proposed four lot subdivision for single family homes.
  - (c) Approval of driveway approaches and curb cuts by DOTE.
  - (d) Confirmation of addressing on W. 15<sup>th</sup> Street.
  - (f) The plan is approved as four single-family homes. Any change of use of the ground story level, to create a two-family dwelling or a non-residential use shall be required to seek Historic Conservation Board approval.
  
2. **FINDING:** The Board makes this determination per Section 1435-09-2:
  - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.



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BASHANG ALLEY



WEST 15TH STREET

PLAN NORTH



ARCHITECTURAL SITE PLAN

FIRST FLOOR ELEV. 100'-0" EQUALS U.S. GEODETIC ELEV. 555.5'

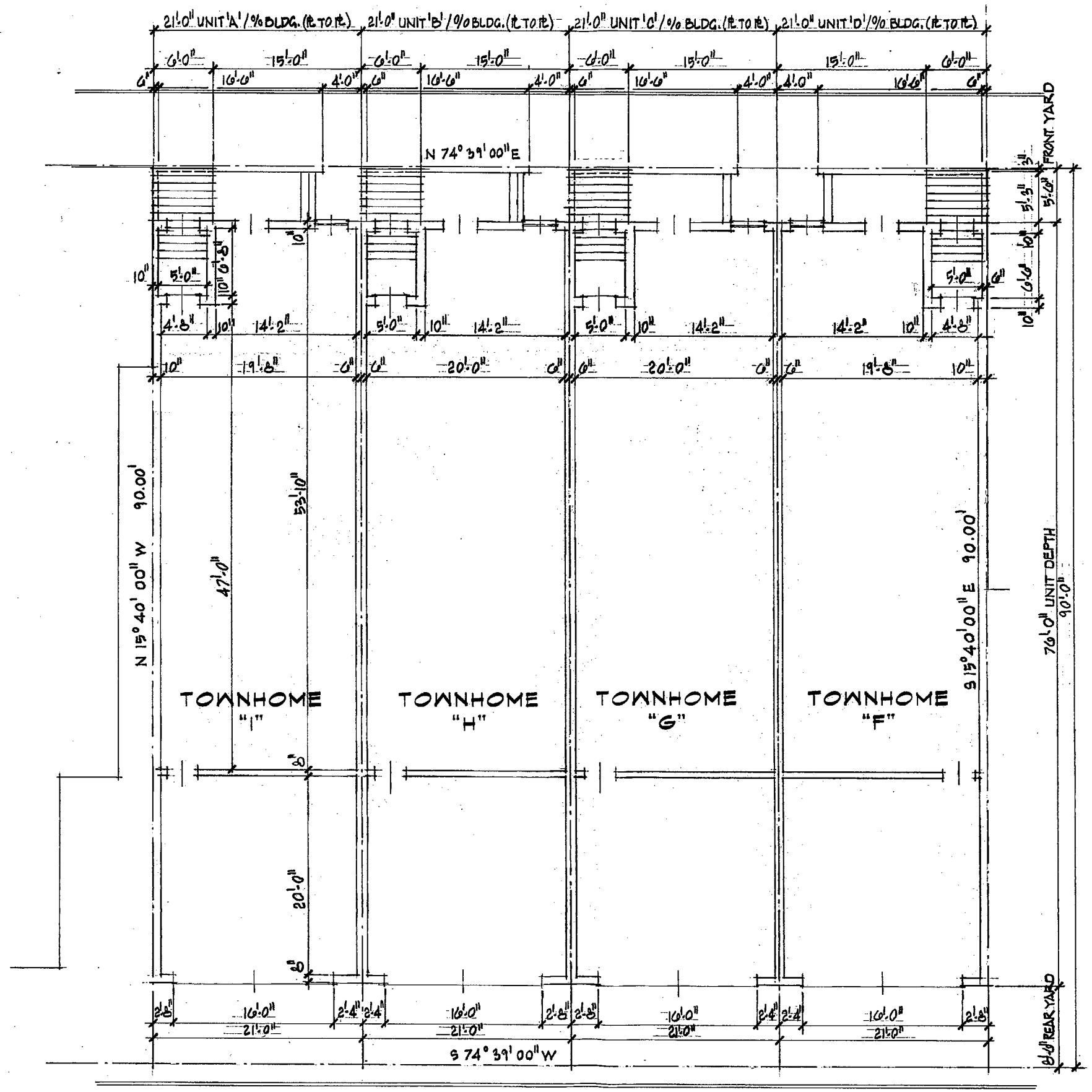
10/23/15

15TH STREET TOWNHOUSE  
WEST 15TH STREET  
CINCINNATI, OHIO  
DEVELOPED BY:  
DANIELS HOMES

CINCINNATI OHIO  
jeffrey mike

DESIGNPOINT.

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CINCINNATI OHIO  
jeffrey mike

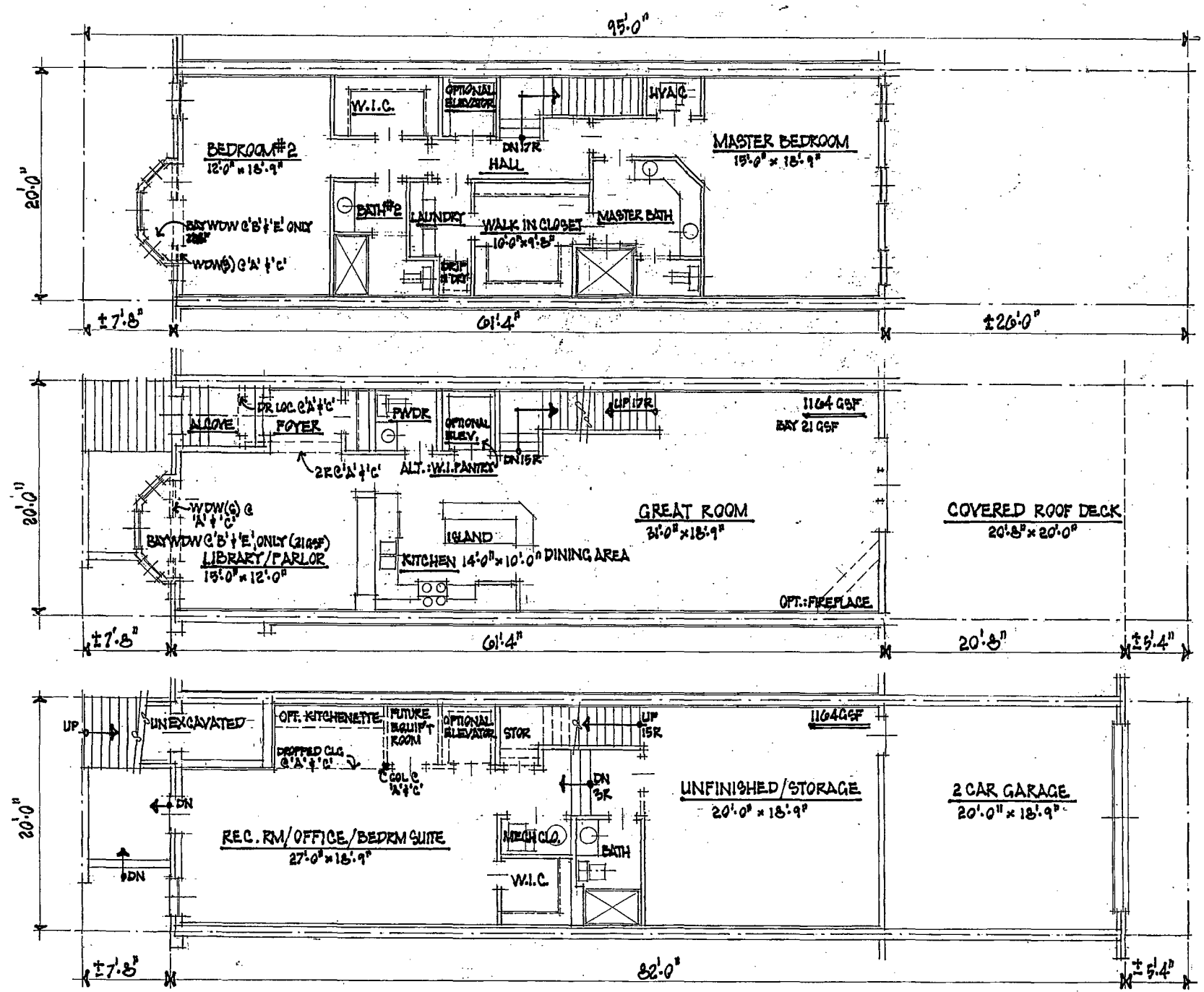
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15TH STREET TOWNHOUSE  
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PLAN NORTH



ARCHITECTURAL SITE PLAN  
FIRST FLOOR ELEV. 100'-0" EQUALS U.S. GEODETIC ELEV. 555.5'



THIRD FLOOR

SECOND FLOOR

GROUND FLOOR

FLOOR PLANS - TYPICAL UNIT



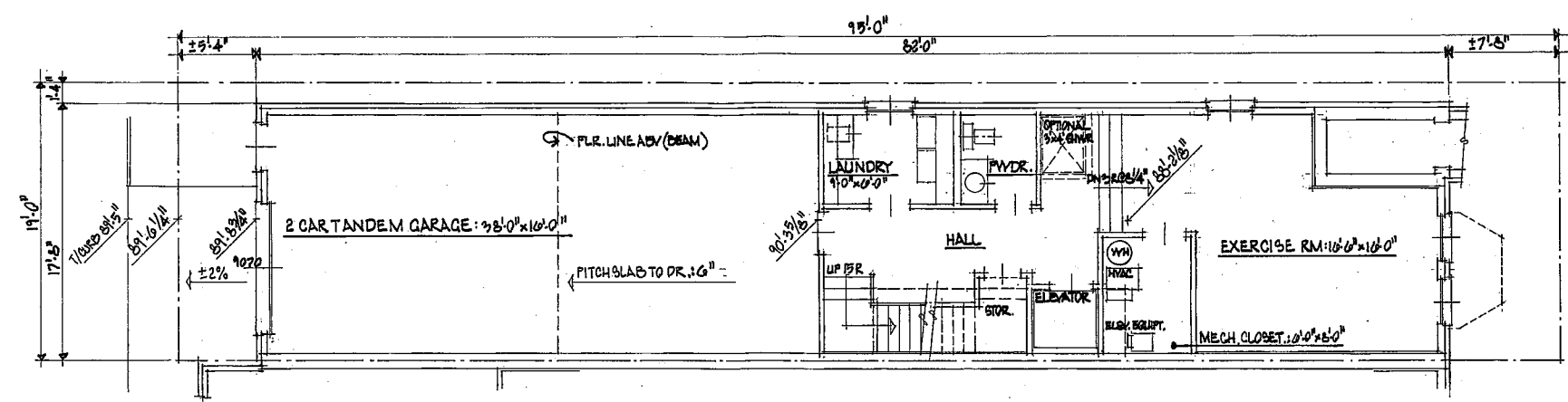
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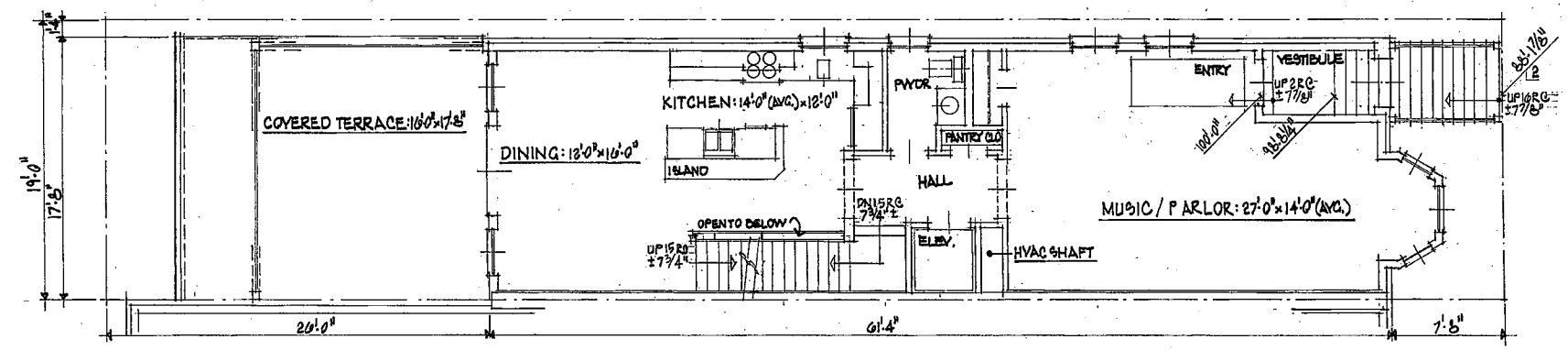
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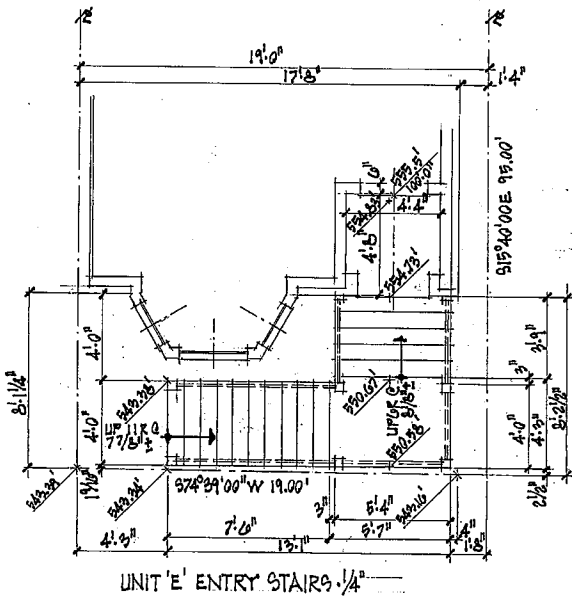
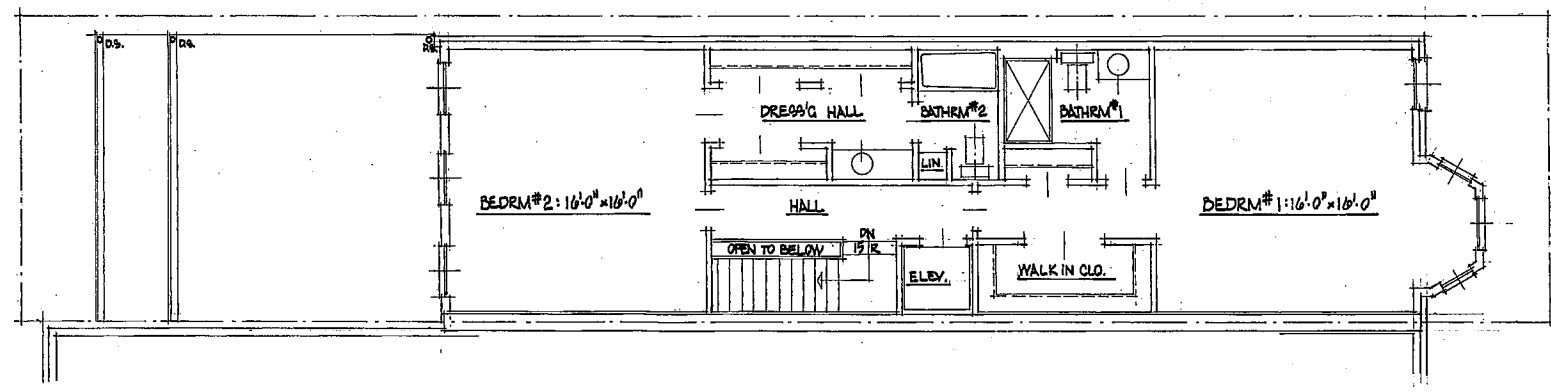
THIRD FLOOR



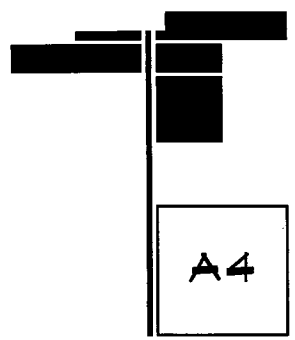
SECOND FLOOR

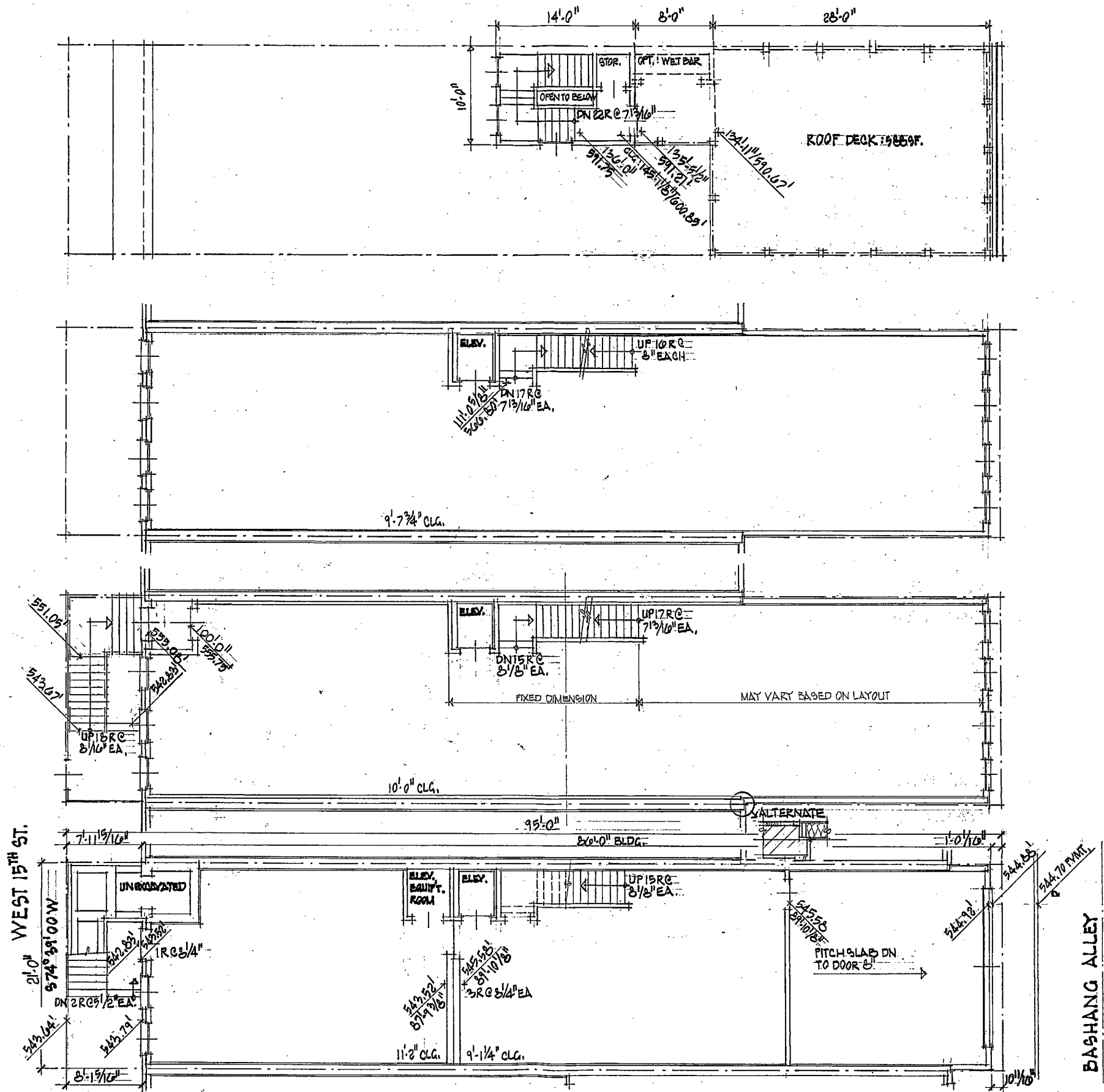


GROUND FLOOR



FLOOR PLANS - UNIT "E"





FLOOR PLANS - UNIT "D"

ROOF

THIRD & FOURTH FLOOR

SECOND FLOOR

GROUND FLOOR



DESIGNPOINT.

CINCINNATI OHIO

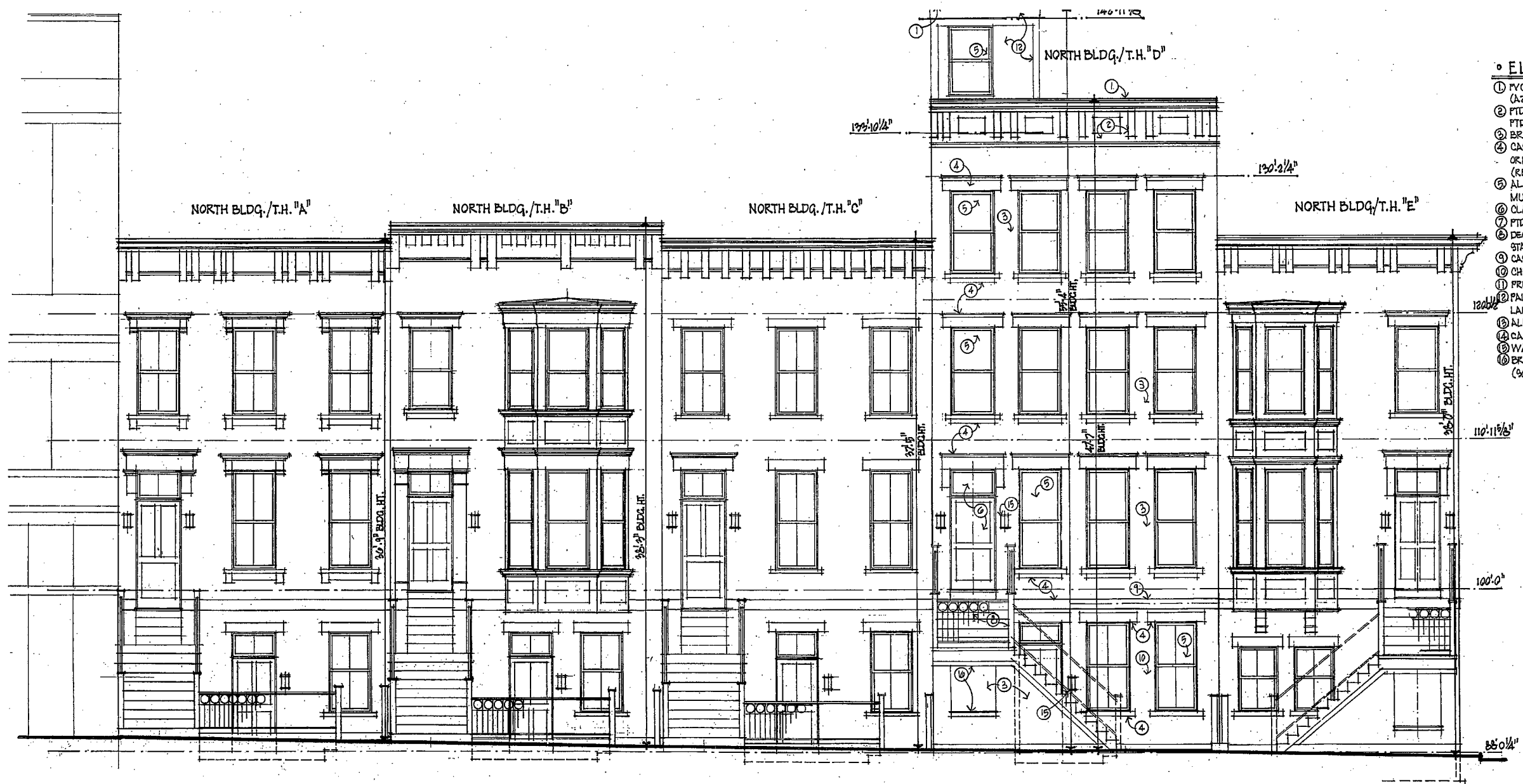
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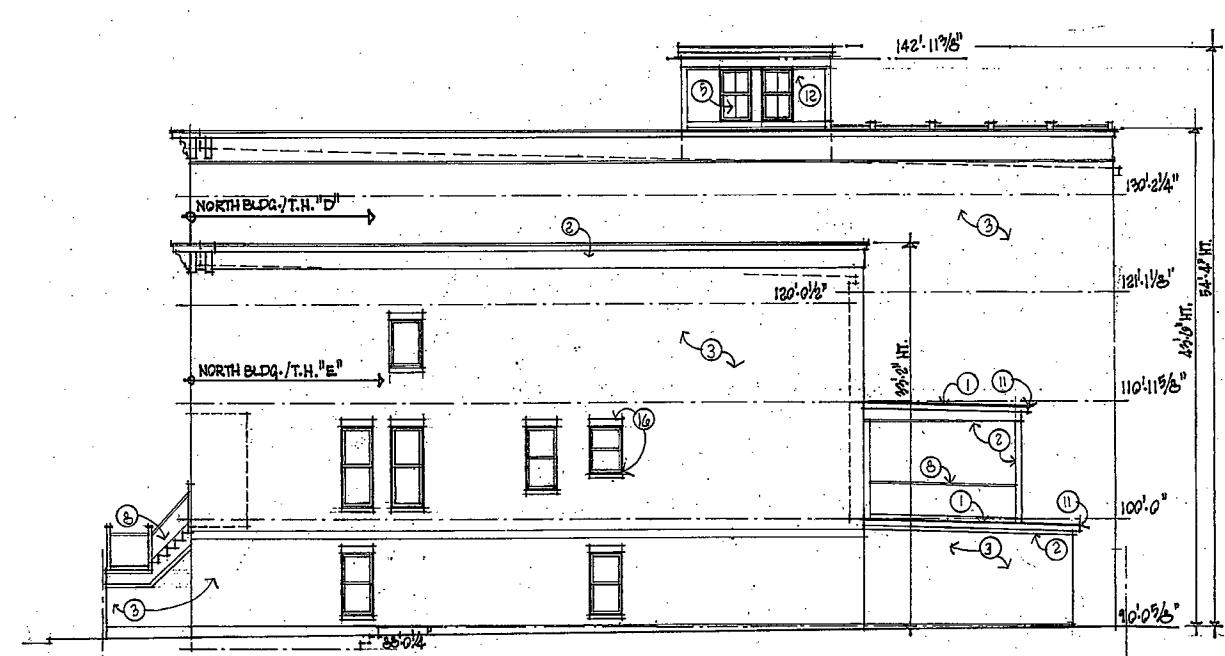
10/23/15

15TH STREET TOWNHOUSE  
CINCINNATI, OHIO  
DEVELOPED BY:  
DANIELS HOMES

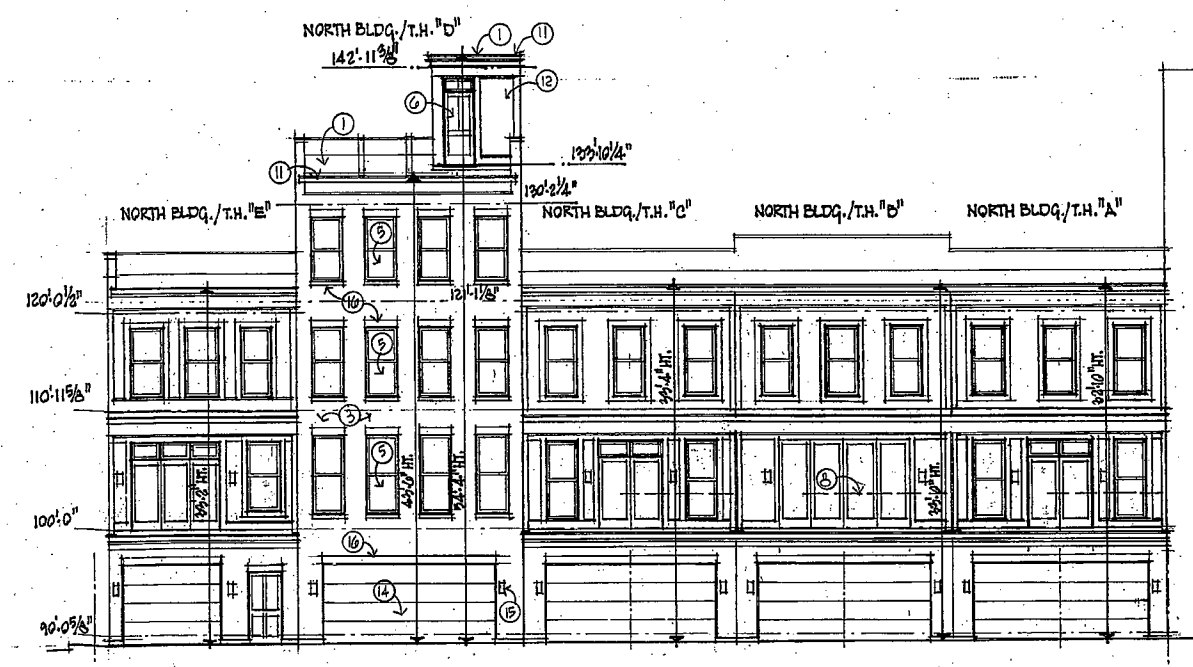
- ELEVATION KEY NOTES
- ① PVC/EPDM MEMBRANE ROOFING SYSTEM w/ OPT. (AZEK) FAYER BLOCK SYSTEM.
  - ② PTD. MOULDED PUR (FYPON) BRACKETS + TRIM w/ PTD. WOOD OR PVC (AZEK) FRIEZE BOARDS.
  - ③ BRICK VENEER (REFER NO./TYPE ON ELEV.)
  - ④ CAST STONE (CUSTOM CAST STONE) VARIOUS HTS. OR PROFILES @ DR. OR WDW. HEADS AND/OR SILLS. (REFER NO./TYPE ON ELEV. + SAMPLES.)
  - ⑤ ALUM. CLAD WOOD WDW'S., DELE. HUNG w/ MUNTINS AS SHOWN (ANDERSEN) PER ELEV'S.
  - ⑥ CLAD WD. FRAME/FIBERGLASS ENTRY DR./TRANSOM.
  - ⑦ PTD. VDR./MOULDED PUR (FYPON) BAY TRIM.
  - ⑧ DECORATIVE ALUM. RAILING SYSTEM @ CONC. ENTRY STAIRS AND/OR ROOF TERRACE(S).
  - ⑨ CAST STONE 90%SE HT. WATERABLE, CONTS.
  - ⑩ CHISELED FACED CMU (READING ROCK)
  - ⑪ PREFINISHED ALUM. GUTTERS + DOWNPOUTS.
  - ⑫ PAINTED FIBER CEMENT (JAMES HARDIE) LAP SIDING + TRIM.
  - ⑬ ALUM. CLAD PATIO DR./FRAMES (ANDERSEN)
  - ⑭ CARRIAGE HOUSE STYLE GAR. DR'S w/ GLAZING.
  - ⑮ WALL MTD. COACH LIGHT FIXTURE
  - ⑯ BRICK VENEER ACCENT BANDS @ OPNG HEADS (SOLDIER CASE, 5" HT.) + SILLS (ROMLOCK, 4" HT.)



◦ NORTH BLDG.: SOUTH ELEVATION ◦ 1/4" ◦



◦ NORTH BLDG.: EAST ELEVATION ◦ 1/8" ◦



◦ NORTH BLDG.: NORTH ELEVATION ◦ 1/8" ◦

CINCINNATI OHIO

jeffrey mike

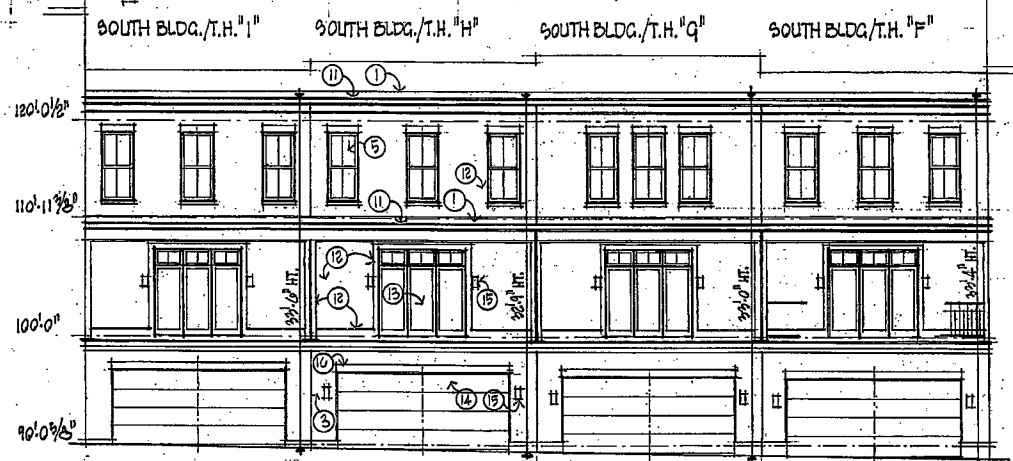
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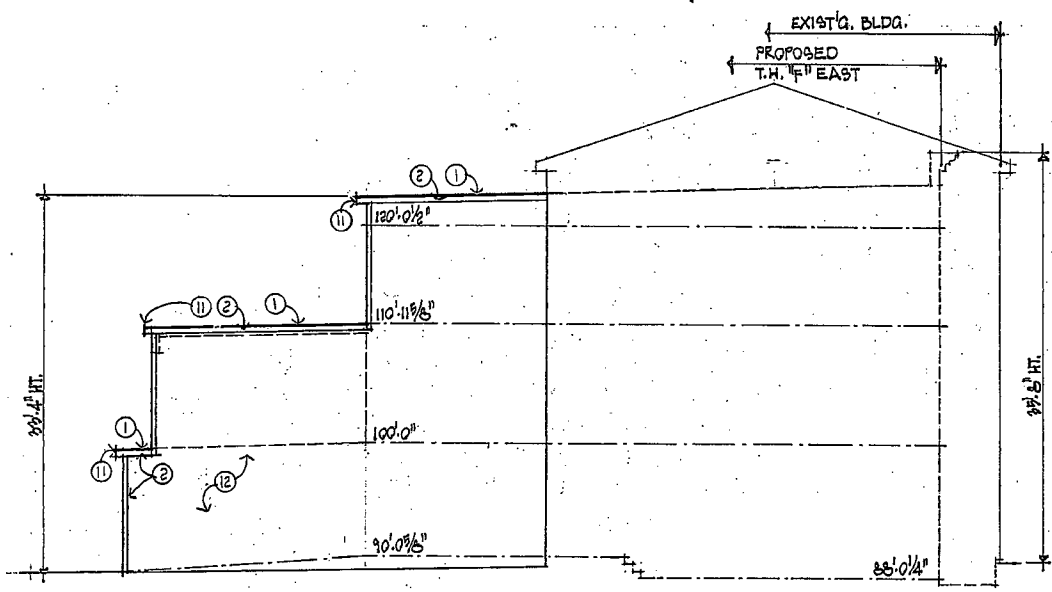
**ELEVATION KEY NOTES**

- ① PVC/EPDM MEMBRANE ROOFING SYSTEM W/ OPT. AZEK PAYER BLOCK SYSTEM.
- ② MTD. MOULDED PUR (FYTON) BRACKETS & TRIM W/ PTD. WOOD OR PVC (AZEK) FRIEZE BOARDS.
- ③ BRICK VENEER (REFER NO./TYPE ON ELEV.)
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- ⑥ CLAD WD. FRAME/FIBERGLASS ENTRY DR./TRANSOM.
- ⑦ PTD. VVD./MOULDED PUR (FYTON) BAY TRIM.
- ⑧ DECORATIVE ALUM. RAILING SYSTEM @ CONC. ENTRY STAIRS AND/OR ROOF TERRACE(S).
- ⑨ CAST STONE 4"ORSE HT. WATERTABLE, CONTS.
- ⑩ CHISELED FACED CMU (READING ROCK)
- ⑪ PREFINISHED ALUM. GUTTERS & DOWNSPOUTS.
- ⑫ PAINTED FIBER CEMENT (JAMES HARDIE) LAP SIDING & TRIM.
- ⑬ ALUM. CLAD PATIO DR./FRAMES (ANDERSEN)
- ⑭ CARRIAGE HOUSE STYLE GAR. DRs/W/GLAZING.
- ⑮ WALL MTD. COACH LIGHT FIXTURE
- ⑯ BRICK VENEER ACCENT BANDS @ ORNG HEADS (SOLDIER CRSE, 8" HT.) & SILLS (ROMLOCK, 4" HT.)

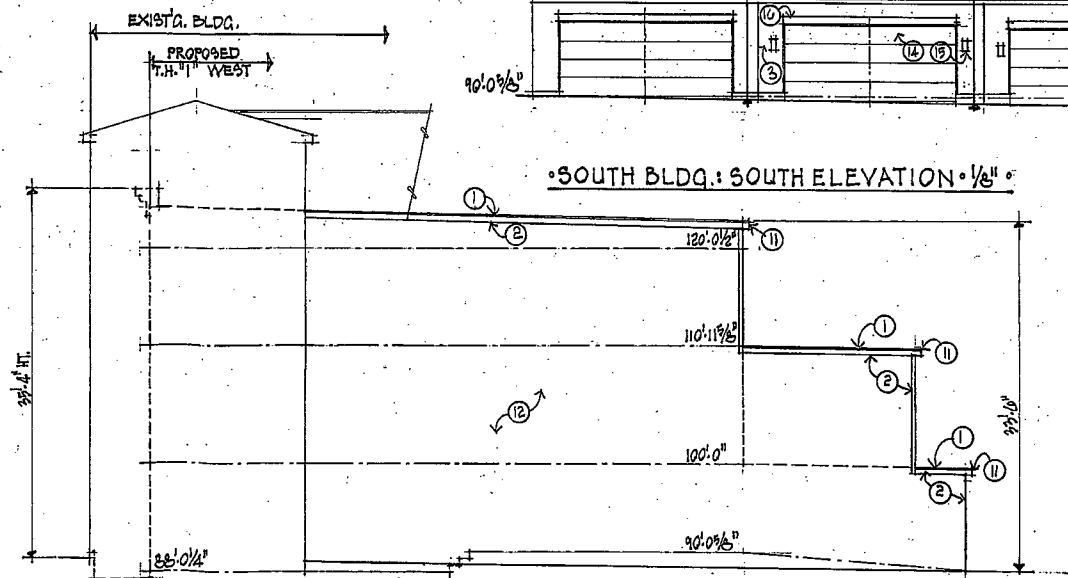
• SOUTH BLDG.: NORTH ELEVATION • 1/4" •



• SOUTH BLDG.: SOUTH ELEVATION • 1/8" •



• SOUTH BLDG.: EAST ELEVATION • 1/8" •



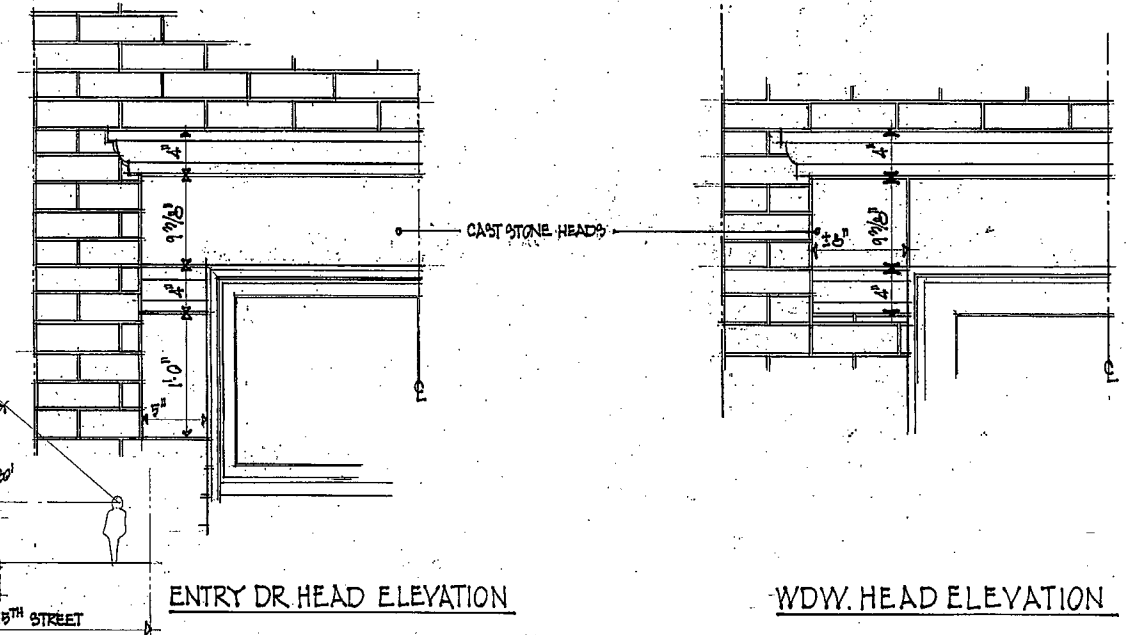
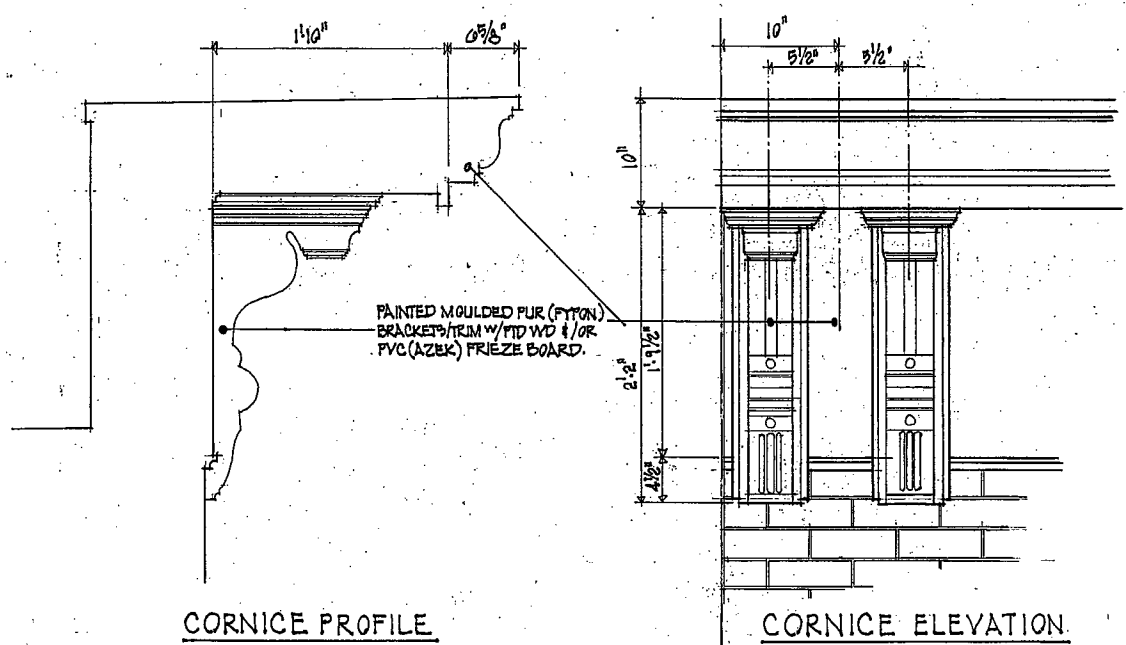
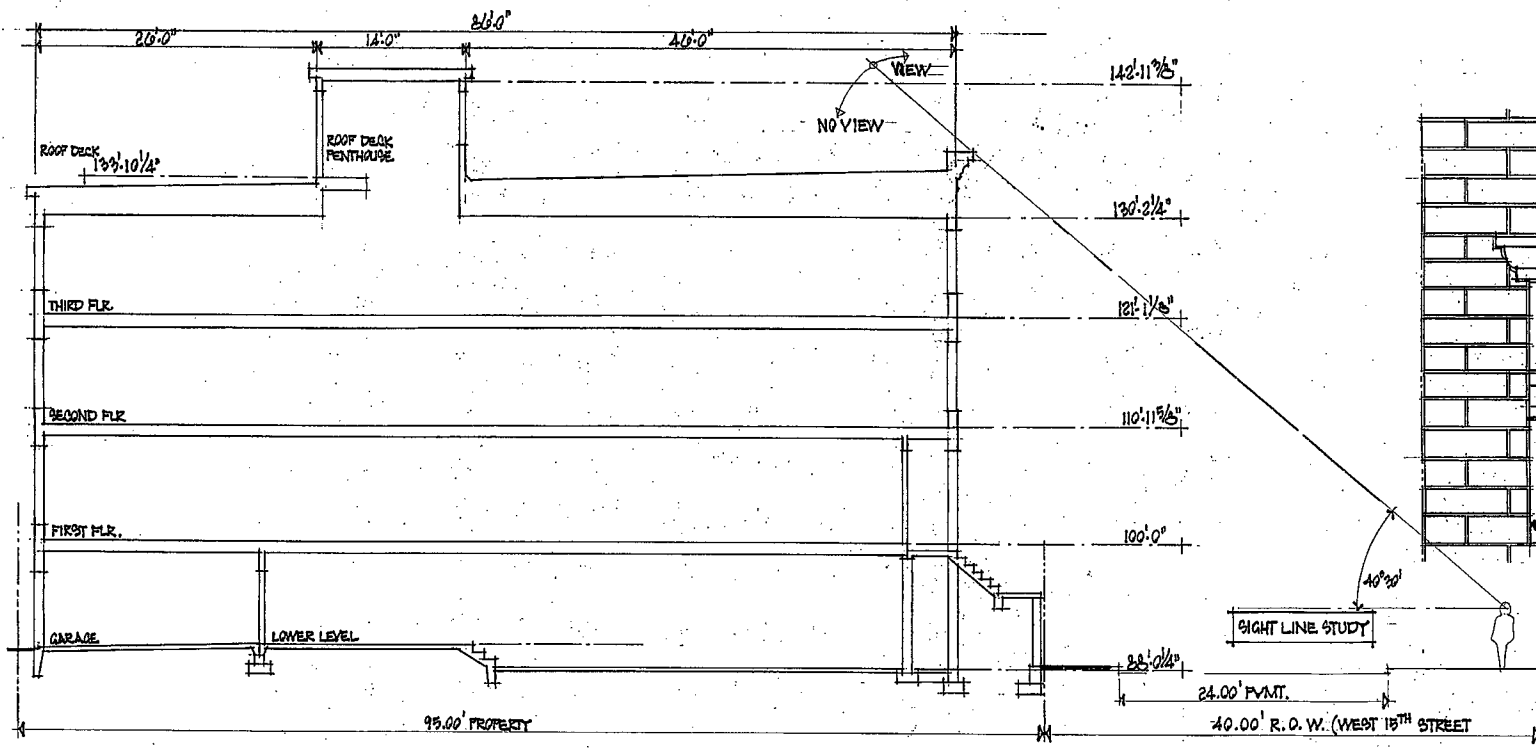
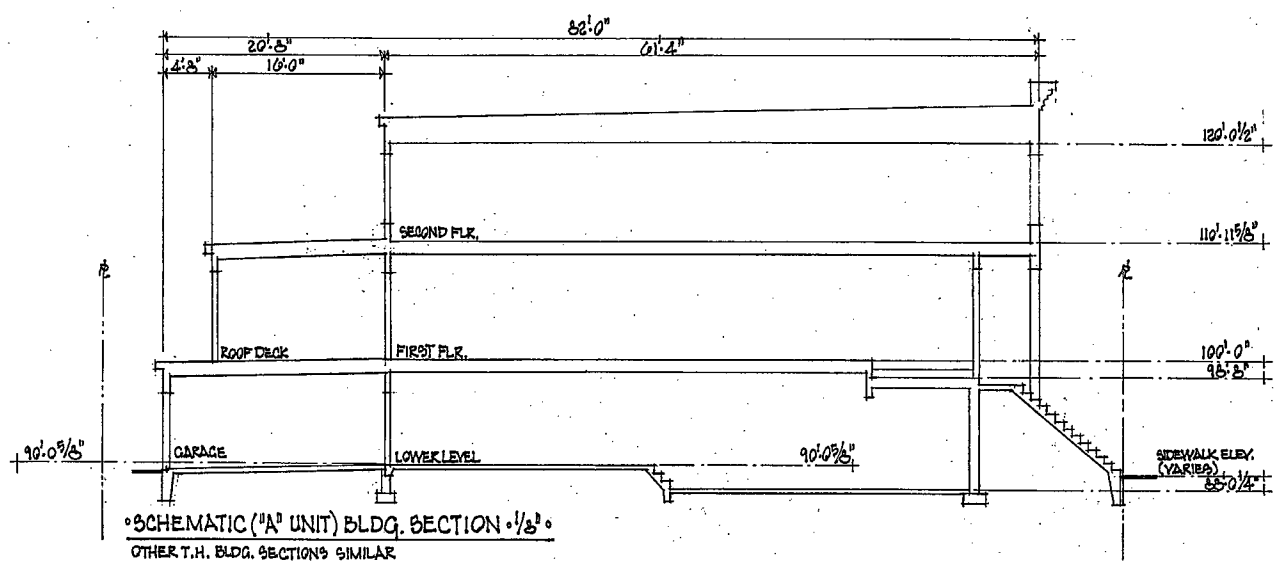
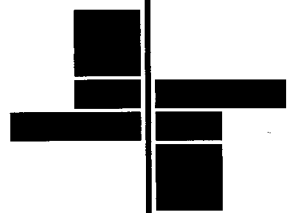
• SOUTH BLDG.: WEST ELEVATION • 1/8" •

CINCINNATI OHIO

jeffrey mike

DESIGNPOINT.





°TYPICAL ENLARGED DETAILS • 1/2"°  
NOTE: (A) UNIT DETAILS SHOWN  
OTHER UNITS SIMILAR

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## **DESIGNPOINT**

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**Jeffrey J. Mike, Architect**

October 23, 2015

**Angie Strunc  
Urban Conservator  
City of Cincinnati**

**Re: 15<sup>th</sup> Street Townhomes COA & Zoning Variances**

**Ms. Strunc and the Historic Conservation Board,**

The following is additional information for the COA, dimensional zoning variance, and conditional use zoning variance for the nine new single family townhomes at West 15<sup>th</sup> Street, Over-the-Rhine.

The project consists of nine single-family townhome, three stories high (four stories for unit #D), each on its own parcel. It is located on the vacant property on the north and south side of West 15<sup>th</sup> Street between Elm Street and Central Parkway. The existing non-contributing structure on the property has been previously approved for demolition. The approximate addresses are 210-218 and 215-221 West 15<sup>th</sup> Street. The existing parcels will be re-platted to form a new parcel for each individual townhome, to be 20'-0" wide frontage and 95'-0" deep on the north side and 21'-0" wide frontage and 90'-0" deep on the south side.

Each townhome will include a main three story (four story on Unit #D) single-family home and a two car garage accessible off the rear alley (Unit #E is a tandem garage). There will be covered roof deck on the garage roof of all the units except Unit #D. The lower level will be located partially below street grade to allow a more functional basement space that could house additional living space, bedroom, in-law suite, or home office with a separate entrance. There are exterior steps down to this entrance, with a 3' high painted metal vertical picket railing at the edge of the sidewalk. The main entrance to the primary living space will be elevated three-quarters of a story above street grade with an exterior straight or ell concrete stair up to a recessed entry, with a 3' high painted metal vertical picket railing and handrail. The side walls of the stair will be clad in brick.

The front façade of the buildings will be of smooth brick cladding in running bond on the exterior at the front and side faces, with architectural cast stone details at the water table and chiseled stone architectural CMU at the base. Windows will be double hung aluminum clad "Anderson 400 Series Tilt-Wash Double Hung" with 1/1 and 2/2 simulated divided lite patterns. Window openings will include architectural cast stone lintels and sills at front and side facades. Doors will be four panel fiberglass "Pella Architect Series" doors. Door openings will include architectural cast stone lintel and surrounds. Cornices will include painted wood and Fypon elements, and will project from the façade with a strong shadow line and depth and will be individual for each townhome. On three units there is an angled two-story window bay that will be projected with windows in each face, with painted wood panels and trim.

The rear elevations will include a two-car garage door (single-car garage door at Unit #E) at street level, with a covered roof deck above (except for Unit #D). The deck will include a 3' high painted metal vertical picket railing and will be partially covered with a roof. The rear elevations will be fiber cement board lap siding and trim at the upper levels, and smootbrick at the ground level.

The rear façade will be of smooth brick cladding in running bond at the ground floor level and painted fiber cement board lap siding and trim at the upper two floor levels with the exception of Unit #D which will be brick for the full height. Windows will be double hung aluminum clad "Anderson 400 Series Tilt-Wash Double Hung" with 1/1 pattern. Window openings will include painted fiber cement board trim, except Unit #D which will include architectural cast stone lintels and sills. Doors will be four panel fiberglass "Pella Architect Series" doors at the ground level and glazed aluminum clad wood "Anderson 400 Series Frenchwood" patio doors at the second level. Garage doors at the ground level will be prefinished insulated steel "Clopay Coachman Series Two" sectional overhead doors. Door openings will include a brick soldier course header lintel at the ground level and painted fiber cement board trim at the upper levels. There will be a painted fiber cement board lap siding clad wall along the side walls of the roof deck along the property lines.

Roofs will be a low slope system consisting of a light colored EPDM or PVC membrane and will not be visible from the primary façade. Parapets will extend above the roof at the front and the single exposed side location on Unit #E, with a continuous pre-finished metal gutter and downspout at the rear façades. There is a roof deck on the rear of the buildings with a 3' high painted metal vertical picket railing (except for Unit #D). On unit #D, there is also a painted fiber cement board lap siding clad roof access structure, not visible from the primary façade, with access to a roof deck of the same construction.

The project is anticipated to break ground in December 2015 (early 2016 for south units), with completion in late 2016 (mid 2017 for south units). Project budget is \$ 600,000 per unit.

#### Rear Yard Setback Variance

As part of this project, we are also asking for relief from zoning requirements for a dimensional rear yard setback variance. The property is located in the CC-A zoning district. The proposed parcel size is 20'-0" wide frontage and 95'-0" deep on the north and 21'-0" wide frontage and 90'-0" deep on the south. Setbacks for the district are only required at the rear yard, for a distance of 25'-0". The proposed buildings have a rear yard setback of between 1'-0" and 8'-6"

Per 1445-15, a Variance may be granted provided the following (**responses in bold**):

1. The condition giving rise to the request for the variance was not created by the owner or any predecessor in title. **The shallow parcel depths are a pre-existing condition and are not created by the owner. While the parcel widths are new, they follow the historic development pattern in the neighborhood.**
2. The requested variance is not contrary to the intent and purpose of the Cincinnati Zoning Code or the Land Development Code, as applicable, and the zone district nor detrimental or injurious to the public health, safety and general welfare based on either of the following:
  - (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties. **As the property is landlocked, it is impossible to change the depth of the buildable area. The new parcel is consistent with the historical parcels as well as adjacent properties.**
  - (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same

district or vicinity. **The density of and placement of structure on the property is fully in line with adjacent properties and the entire Over-the-Rhine neighborhood. Regarding setbacks, the majority of setbacks in the neighborhood are zero or close to zero. The proposed building is similar in scale and location to numerous examples in the neighborhood.**

We feel that the dimensional variance meets all the standards specified in Chapter 1445, in that the development is consistent with the district, that there will be no impairment of adjacent property value, that there will be no undue adverse impact, and that the development is in compliance with all other standards of the code.

#### Conditional Use Approval

As part of this project, we are also asking for a conditional use variance. Within the CC-A zoning district, single-family residences are permitted only above the ground floor in a mixed-use building and any modification requires a conditional use approval.

Per 1445-05, a conditional use is a use that has potential adverse impacts on the immediate neighborhood. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Per 1445-13, general standards for a conditional use include (**responses in bold**):

(a) Zoning. The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code or the Land Development Code, as applicable. **Single-family dwellings are allowed by right in the CC-A district, only above the ground floor in a mixed-use building. The proposed buildings are multi-story buildings and the ground floor is designed in such a way that it could be a home office. The proposed buildings are also governed by and designed to the Over-the-Rhine Historic District guidelines, which promotes pedestrian-oriented development over auto-oriented development.**

(b) Guidelines. The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located. **The proposed buildings conform to all applicable zoning regulations with the exception of the rear yard setback. The proposed buildings are also governed by and designed to the Over-the-Rhine Historic District guidelines, which promotes pedestrian oriented development over auto oriented development and promotes building to the full extent of the typically small lots.**

(c) Plans. The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission. **The work conforms to the Over-the-Rhine Comprehensive plan that seeks increased residential development at all income levels.**

(d) Traffic. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed. **15<sup>th</sup> Street is a low trafficked side street, and the proposed building will have a low occupant load of less than 5 occupants. Off street parking is provided off the alley, and existing curb cuts will be replaced with on-street public parking spaces increasing the overall parking capacity.**

(e) Buffering. Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts. **No buffering is provided with the exception of a screen wall at the roof deck, which is similar to or exceeds other adjacent properties.**

(f) Landscaping. Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards. **There are no buffer yards or landscaping requirements.**

(g) Hours of Operation. Operating hours are compatible with adjacent land uses. **Single-family dwellings are compatible with adjacent land uses and will have no negative impact.**

(h) Neighborhood Compatibility. The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood. **The proposed building is fully compatible with the use, density, and design of the Over-the-Rhine neighborhood and will be taking land that is currently a vacant parking lot to productive use.**

(i) Proposed Zoning Amendments. The proposed work is consistent with any proposed amendment to the zoning code or the Land Development Code then under consideration by the City Planning Commission or Council. **No known amendments are under consideration.**

(j) Adverse Effects. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings. **There are no adverse affects to neighboring properties.**

(k) Blight. The elimination or avoidance of blight. **The land is currently a dilapidated parking lot surrounded by chain link fence, and will be improved with a quality new single family dwelling.**

(l) Economic Benefits. The promotion of the Cincinnati economy. **The land is currently a unused parking lot, and will be replaced with a single-family dwelling that will be home to a high-income family that will be paying payroll and sales taxes, in addition to the wages and taxes paid for construction.**

(m) Job Creation. The creation of jobs both permanently and during construction. **No permanent jobs will be created, however temporary construction jobs will be.**

(n) Tax Valuation. Any increase in the real property tax duplicate. **A new single family dwelling with a construction cost of \$500,000 will return a higher tax value than the current vacant parking lot, even after the LEED tax abatement expires.**

(o) Private Benefits. The economic and other private benefits to the owner or applicant. The owner will make a profit on the development and construction of the dwelling.

(p) Public Benefits. The public peace, health, safety or general welfare. **The city will see a non-productive and dilapidated parking lot replaced with a new single-family dwelling, that will be attractive to the neighborhood and provide for high-income individuals to live in the city.**

We feel that the conditional use request meets all the standards specified in Chapter 1445, in that the development is consistent with the district, that there will be no impairment of adjacent property value, that there will be no undue adverse impact, and that the development is in compliance with all other standards of the code.

Additional details are provided on the enclosed drawings and spec sheets.

Please let me know if you have any questions or concerns. We look forward to discussing this project with you and the Historic Conservation Board.

Sincerely,

DESIGNPOINT  
Jeffrey J. Mike, Architect and President



## 2016 HISTORIC CONSERVATION BOARD MEETING SCHEDULE NOTICE

The Historic Conservation Board's 2016 meetings will be held at 3:00 p.m. in the Public Hearing Room, II Centennial Plaza, 5<sup>th</sup> Floor, 805 Central Avenue, Cincinnati, Ohio 45202.

### 2016 Meeting Dates:

January 11	January 25
February 8	February 22
March 7	March 21
April 4	April 18
May 2	May 23
June 13	June 27
July 11	July 25
August 8	August 22
September 12	September 26
October 10	October 24
November 7	November 21
December 5	December 19