

## PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, JULY 9, 2007

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

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

Kendall Fisher was sworn in as a new Historic Conservation Board member, to replace Beth Sullebarger.

### **CERTIFICATE OF APPROPRIATENESS, 14 W. 12<sup>TH</sup> STREET, OVER-THE-RHINE HISTORIC DISTRICT**

*[Mr. Raser recused himself from the discussion and vote on this item.]*

Staff member Adrienne Cowden presented a report on improvements to an existing parking lot at 14 W. 12<sup>th</sup> Street that would serve multiple condominium projects on Vine, Republic and W. 12<sup>th</sup> Street. Ms. Cowden explained that the lot, which would accommodate 51 vehicles, entered off Republic Street and exited on that street and on Vine. The lot would be surrounded by a 6' tall metal picket fence with gated entries and landscaped at the street. A dumpster area would be screened by a mesh fence and a small patio by a wood board-on-board fence. She said the new work generally conforms to the historic district guidelines.

*[Ms. Spraul-Schmidt joined the meeting]*

Ms. Cowden said that several elements of the design including the dimensions of individual parking spaces, travel lanes and landscape buffering do not meet the minimum requirements established under the Zoning Code. She explained that the Department of Buildings & Inspections determined that since the lot had been previously used for parking and it would not provide required spaces for any of the new residential condominium units, the improvements do not have to conform to the Zoning Code. Had it been proposed as a new surface parking lot, Zoning Variances would have been required, as would a covenant restricting its use to the condominium projects.

Ms. Cowden pointed out that the Over-the-Rhine Conservation Guidelines have restrictions similar to those in the Zoning Code including the recording of a restrictive covenant. The Board is being asked to approve a Certificate of Appropriateness for the new work and essentially conduct a de facto zoning review. She stated that the various property owners had drafted a covenant, which had been accepted by the Law Department as to form and content. It will be submitted with the building permit and filed by the Department of Buildings & Inspections.

### **BOARD ACTION**

The Board voted unanimously (motion by Chatterjee, second by Spraul-Schmidt) to approve a Certificate of Appropriateness with the following conditions:

1. A covenant restricting the use of the parking lot at 14 W. 12<sup>th</sup> Street to the owners, occupants and customers of 20-22 W. 12<sup>th</sup> Street, 1133-1135 and 1201-1215 Vine Street and 1211 and 1207 Republic Street be prepared and filed with the building permit application.
2. Final drawings and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.

*[Mr. Kreider joined the meeting]*

**CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCE, 1211 VINE STREET,  
OVER-THE-RHINE HISTORIC DISTRICT**

Ms. Cowden presented a staff report on the rehabilitation of 1211 Vine Street. The building would be converted into a 150-seat restaurant with rooftop dining. At its October 23, 2006 meeting, the Board approved a new storefront for this property, which did not have a tenant at that time. The new restaurant layout requires that the central doorway be relocated to the side. The aluminum and glass member would be reassembled to create the new storefront. In addition, the second floor space would be expanded with a moveable NanaWall system opening onto a new outdoor dining/bar patio. This work would be entirely out of view from Vine Street. A small two-story addition housing a handicap restroom and storage would be added to the rear wall facing the condominium parking lot.

The conversion of the building from a retail to an assembly use requires three on-site parking spaces. The applicant is seeking relief from this requirement citing availability at a 52-lot parking space public lot at 12<sup>th</sup> and Vine Streets across from the restaurant, the newly constructed Gateway Garage and on-street parking. Staff recommends that the Board grant both a Certificate of Appropriateness and Zoning Variance for the new work.

Mr. Forwood reviewed the application for Mr. Raser who asked staff for clarification regarding the scope of work and various building materials. Staff confirmed the outdoor patio would not be visible from Vine Street and that an existing second floor would be extended out approximately 12 feet.

Mark Gunther, the project architect, and Rick Kimbler, the developer, were present to answer questions from the Board. Mr. Senhauser and Mr. Young questioned whether the storefront could be taken apart and reassembled as shown in the submitted drawings. Mr. Gunther explained that the plans were hastily produced with less detail than normal in order to meet the notification deadline for the Board's July 9<sup>th</sup> meeting. He said the drawings were based on his discussions with the contractor and it was his impression the storefront could be reassembled as depicted. For this reason, he said the developer could not meet staff's recommendation to have a thicker frame around the entrance transom.

Julie Fay addressed the Board to express the support of the Central Vine Business Association (CVBA) for the project. She indicated the CVBA supported sharing existing surface parking and felt that the lack of three on-site spaces shouldn't hold up the project.

**BOARD ACTION**

The Board voted unanimously (motion by Kreider, second by Spraul-Schmidt) to take the following actions:

1. Find that the proposed tenant fit-up meets the Over-the-Rhine Historic District conservation guidelines and approve a Certificate of Appropriateness for the proposed work with the following conditions:
  - a. Signage shall be submitted to the Historic Conservation Office for review and approval prior to fabrication and installation.
  - b. Final drawings and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.
2. Grant relief from the requirements of Section 1425-19 of the Zoning Code, which requires three dedicated parking spaces finding that such relief from the literal implication of the

Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property in the district or vicinity where the property is located and is necessary and appropriate in the interest of historic conservation as not to adversely affect the historic architectural or aesthetic integrity of the district.

**CERTIFICATE OF APPROPRIATENESS, 300-302 & 304-306 MAIN STREET, THIRD AND MAIN HISTORIC DISTRICT**

*[Ms. Fisher recused herself from the discussion and vote on this item.]*

Ms. Cowden presented a staff report on the addition of a penthouse spanning 300-302 and 304-306 Main Street. She reminded the Board that it had conducted a preliminary design review on this proposal on June 4, 2007. At that meeting the Board suggested several changes that have been incorporated into the present design. Specifically, the line of the fenestration of the historic masonry buildings has been carried vertically into the office addition. The addition has been extended along the entire width of the 3<sup>rd</sup> Street elevation and sheathed in anodized siding in champagne rather than the earlier bronze color. The sunscreen on the street faces is now louvered. The addition remains on the building face. As requested by the Cincinnati Preservation Association, which holds a preservation easement on both buildings, the sunscreen has been wrapped around the 3<sup>rd</sup> Street elevation from Main Street.

Ms. Cowden provided the Board with samples of building materials submitted by the applicant and a model showing the sunscreen. She said that the Cincinnati Preservation Association approved the revised design on Monday, June 25, 2007.

Project architect Bob Wendel was present to answer questions from the Board. Mr. Wendel clarified the location of aluminum panels and glass windows for Mr. Young and confirmed that all the elements (including the foils) would be a uniform champagne color.

In response to Mr. Kreider, Mr. Wendel explained the sunscreen detail, including the foils and support bracket that would attach it to the wall behind.

The Board generally agreed the proposal was an improvement over the original submittal. However, Mr. Senhauser (who acknowledged he was not at the June 4<sup>th</sup> preliminary design review) expressed concern about the penthouse. Despite the color, he felt the penthouse would not disappear into the skyline and fundamentally altered how the buildings met the sky.

**BOARD ACTION**

The Board voted unanimously (motion by Kreider, second by Raser) to approve a Certificate of Appropriateness for the proposed penthouse with the condition that the final plans and specifications shall be submitted to the Urban Conservator for review and approval prior to construction.

**CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCES, 5 E. LIBERTY STREET, OVER-THE-RHINE HISTORIC DISTRICT**

Staff member Caroline Kellam presented a staff report on a proposal to install two additional signs on the Crossroads Health Center, a dominant non-contributing structure on the southeast corner of Liberty and Vine Streets. Ms. Kellam explained that 5 E. Liberty already had a building identification sign over the Liberty Street entryway and five additional wall signs on three elevations, four of which seem to have been installed without a Certificate of Appropriateness or building permit. The Department of Buildings & Inspections had determined that the number,

location and size of the existing signs do not meet the Zoning Code, and that two additional signs cannot be considered until the entirety of signage has been addressed and zoning variance approved.

Ms. Kellam described the size and location of the existing and proposed signs. She stated that the visual affect of the numerous signs was chaotic and unorganized, even on this contemporary structure. She suggested that the total effect was inconsistent with the commercial neighborhood and has negative effect on the district

She said that neither the new signs nor the existing ones could be properly evaluated without a comprehensive sign plan and recommended that the Board table the application until a plan for the entire building is developed. The new plan should organize the signage on the facades in scale and location around the central building identification sign.

Melody Wilson of Victory Signs and Lighting was present to answer questions from the Board. The sign was designed to match existing approved signs on the opposite side of the building. Ms. Wilson commented that the irregular coursing pattern of the concrete block units necessitated placing the signs higher up on the building face, where they could be installed flush with the wall. Crossroads would remove the banners. Ms. Wilson indicated that this review as been particularly confusing. In order to simplify the issue, Crossroads is withdrawing its request for a sign on Liberty and proposing a new sign only on Vine Street. She described it as a wraparound sign abutting the existing ProScan sign on Liberty. The new sign would be resized to 4' x 9' to match the ProScan sign and installed at the same level. She referred to photographs included with the staff report.

Mr. Chatterjee said that he agreed with staff that a sign plan for the building is necessary in order to evaluate any new sign. It would be difficult for the Board to evaluate the work without a full understanding of the whole and had revised drawings showing the new sign on Vines Street. Mr. Senhauser clarified that the Board's concern was more for the total affect of the multitude of sizes and types of signs than their individual sizes.

Ms. Wilson contended that the single sign on Vine Street should be permitted under the Zoning Code and would not require a variance. She acknowledged that the other signs on Liberty and Moore do not conform, but that a new sign on Vine is unrelated. Mr. Forwood confirmed that in this district, the Zoning Code permits one square foot of signage per lineal foot of building frontage per establishment. Since the applicant has no retail presence on Vine and is entered only through the common entryway on Liberty, it is up to the Department of Buildings & Inspection (B&I) to determine whether any sign is permitted on Vine and if so its maximum size.

Ms. Spraul-Schmidt asked whether the Board had reviewed the ProScan sign in 2005. Mr. Forwood indicated that the sign had been approved at the staff level and that the zoning issues of concern at this time were not identified by B&I when the ProScan sign was approved.

Mr. Senhauser reaffirmed that this issue could not be worked out in this forum. Ms. Wilson asked for direction. Mr. Senhauser advised that her proposal to reduce the request to a single sign was a good start and further information would give staff and B&I an opportunity to reevaluate the application. Mr. Forwood offered to schedule a meeting between the parties to clarify and hopefully resolve the issue.

### **BOARD ACTION**

The Board voted unanimously (motion by Chatterjee, second by Fisher) to table the application until an overall sign plan can be developed for the building that focuses on meeting the guidelines and requiring fewer or no variances, finding that:

1. All the signs, except the approved building identification sign above the main entrance, as a whole are not appropriate and do not meet the guidelines for the historic district, so as to warrant a Certificate of Appropriateness.
2. There is no justification at this time to grant a zoning variance for the number or size of signs.

**CERTIFICATE OF APPROPRIATENESS, CONDITIONAL USE AND ZONING VARIANCE, 2017 ELM STREET, OVER-THE-RHINE HISTORIC DISTRICT**

Ms. Kellam presented a staff report on a proposal to install razor wire atop a six-foot chain link fence at the rear of 2017 Elm Street facing Colby Alley. She explained that the area had previously been zoning MG (Manufacturing General) and had recently been rezoned as UM (Urban Mix). Razor wire is an accessory conditional use in both the MG and in the UM when the Department of Buildings & Inspections finds its use is not customary as it did in this case. Ms. Kellam said that staff had canvassed the area and that razor wire was present on several warehouse fences, but not on residential property.

Ms. Kellam explained that the City Planning Commission had recently approved a text change that would prohibit razor wire in the UM. Although the text change has not been passed by City Council, according to the Zoning Code, any request for a variance must consider pending action.

Further, the addition of razor wire increases the height of the fence to 7'-6", so a zoning variance to allow a fence above 6'-0" is required. Ms. Kellam reminded the Board that although it had not previously heard an application for razor wire, it had generally opposed such treatments as pull-down security grates on the basis that it created a negative unsafe image and was incompatible in historic districts.

Mr. Kreider asked where the barricade shown in the staff report was located. Ms. Kellam responded that the wood barricade was built across Colby Alley, west of the building.

The applicants, Thomas Wolff and Karen Domine Wolff, were present to address the Board and answer any questions. Mr. Wolff argued that contrary to the Department of Buildings & Inspections' determination, razor wire was characteristic of the area. He called the Board's attention to two display boards he had prepared and pointed out properties near 2017 Elm Street that have razor wire.

Mr. Wolff contended that his residential property is unrentable without this security measure. He described illicit activity as common in Colby Alley and said the building had been broken into when the prior tenants were at home. He stated that the Cincinnati Police agreed that razor wire was the only viable deterrent. The presence of razor wire on nearby industrial properties also supported his belief that it was a necessary treatment to secure his property and any tenants.

Mr. Wolff said he had removed the razor wire from atop the chain link fence and reinstalled it on the inside of the fence below 6'-0". He said he would only need the razor wire until the character of the neighborhood changed and security was no longer a paramount concern, hopefully in the near future.

Ms. Fisher asked if Mr. Wolff had a time frame in mind – months or years – if the Board approved the razor wire as a temporary measure. Mr. Wolff responded that his neighbors might have an opinion, but he thought he might need it until the streetcars were built through the neighborhood.

Mr. Wolff confirmed for Mr. Raser that the razor wire was currently installed approximately 4 feet above the ground. Mr. Raser indicated a child could easily reach it and wondered if this was a good

idea for a rental property. He asked Mr. Wolff if he had considered other ways of securing his back yard including a taller fence without razor wire. Mr. Wolff responded that a wrought iron or metal fence would cost a lot of money and that razor wire was statistically better for securing a property.

Brian Martin, owner of 2019 Elm Street said he would be opening a microbrewery at that address and asked for an explanation of the historic overlay, which Mr. Senhauser provided. Mr. Martin said the razor wire was currently serving a necessary purpose. He suggested that 24 months might be sufficient to resolve the crime issues and hopefully razor wire would not be needed after that.

Ms. Fisher inquired if and how the walkway between 2017 and 2019 Elm Street was secured. Mr. Wolff indicated there was a wood fence topped by barbed wire between the buildings.

Mr. Young said he understood the need to protect private property from criminal activity and damage, but it still did not permit someone to violate the Zoning Code. Mr. Young felt that there were other ways to secure the property that did not carry the negative connotation/perception of razor wire.

Mr. Raser felt that razor wire was a self-fulfilling prophecy. He indicated his willingness to consider other options, including a taller chain link or metal fence, but could not support the application.

*[Mr. Wolff and Ms. Domine Wolff left the meeting.]*

Mr. Kreider agreed with Mr. Raser, stating that a taller chain link fence may be an option. He also suggested the applicant and neighbors investigate fencing off the alley properly rather than with a bootleg fence. Mr. Kreider pointed out this had been done in other locations of Over-the-Rhine with the City's support.

*[Mr. Wolff and Ms. Domine Wolff returned to the meeting.]*

Mr. Senhauser commented that during his 20-year tenure on the Board, razor wire had never been approved. He understood the issues confronting the applicant, but said that this was a case where other alternatives were available.

Mr. Wolff informed the Board he would be appealing its decision to the Zoning Board of Appeals (ZBA). He asked if he could retain the razor wire until the ZBA rendered its decision. Mr. Senhauser said it was a matter between Mr. Wolff and the Department of Buildings & Inspections, but the local building inspector might permit the razor wire to remain in place pending the outcome of the appeal.

### **BOARD ACTION**

The Board voted unanimously (motion by Chatterjee, seconded by Spraul-Schmidt) to take the follow actions:

1. Find that any razor wire that exists in this portion of Over-the-Rhine is not appropriate under the new UM Urban Mix zoning district or within the Over-the-Rhine historic guidelines.
2. Find that it is not in the interest of historic conservation to grant zoning variances for this application.
3. Deny as Certificate of Appropriateness and the conditional use variance for razor wire at 2017 Elm Street.
4. Approve a Certificate of Appropriateness for the 6'-0" chain link fence as sufficient security measures.

**HISTORIC DESIGNATION, AMERICAN CAN COMPANY BUILDING, 4101 SPRING GROVE AVENUE, NORTHSIDE**

Staff member Adrienne Cowden presented a report on the designation of the American Can Company Building as a local landmark. She explained that late last month, the State of Ohio issued guidelines for the newly enacted Ohio Historic Preservation Tax Credit with applications being accepted beginning July 2, 2007. In order to be eligible, a property must be individually listed or a contributing building in a National Register Historic District, or alternately be designated a local landmark by a Certified Local Government. The applicant is presently going through the process of listing the property on the National Register of Historic Places and has a preliminary determination of eligibility from the National Park Service. However, since the process is likely to take several months, the applicant is seeking local designation in order to qualify for the state tax credits.

Ms. Cowden reminded the Board that at its July 2, 2007 meeting it had reviewed and favorably recommended the property for listing in the National Register of Historic Places to the Ohio Historic Preservation Office. Mr. Forwood pointed out that the consultants, Margaret Warminski and Fred Mitchell, had revised the National Register of Historic Places Registration Form to include additional information on company held patents and the architect C.G. Preis's commissions as requested by the Board; the designation includes this revised Registration Form. Ms. Cowden also handed out a two-page summary of patents for canning machinery or processes developed by the American Can Company and its employees.

Ms. Cowden indicated that the guidelines for the American Can Company Building are not those typically prepared for Local Landmarks or districts. The guidelines are essentially the Secretary of Interior Standards for Rehabilitation, edited to eliminate those portions that do not apply (including interior work and archaeology). These guidelines were drafted with the approval of the applicant.

In response to Mr. Kreider, Ms. Cowden said that staff did consider modifying the nearby Northside NBD Historic District to include the American Can Company Building. Staff did not pursue this option for several reasons. The American Can Company Building is a large-scale heavy industrial structure that is not characteristic of the Northside NBD. The guidelines do not address the rehabilitation of and/or modifications to large-scale industrial buildings and would need to be modified. Finally there was insufficient time to make the necessary changes to the Northside NBD designation report and conservation guidelines and conduct public meetings with property owners.

Steve Bloomfield and Dick Duvall, developers/property owners, Ms. Warminski and Mr. Mitchell were available to answer any questions from the Board.

**BOARD ACTION:** The Board voted unanimously (motion by Chatterjee, second by Spraul-Schmidt) to recommend to the City Planning Commission and to City Council the designation of the American Can Company Building as a Local Landmark, as described in the "American Can Company Building Designation Report" and platted on the accompanying map, including the adoption of the "American Can Company Building Conservation Guidelines."

**PRELIMINARY DESIGN REVIEW, 121 W. 4<sup>TH</sup> STREET, WEST FOURTH STREET HISTORIC DISTRICT**

Urban Conservator, William Forwood, presented plans for a proposed expansion of Jean-Robert at Pigall's, next door. The work included tenant fit-up on the interior, the removal of the existing storefront and the construction of a NanaWall system in its place and the installation of a projecting canopy over the relocated of the entryway.

Mark Gunther, project architect, told the Board that the NanaWall was being proposed to open up the restaurant to create "Paris style" dining where patrons are visible from the street. Mr. Gunther explained that the floor currently slopes 2' within the space. The floor would be leveled resulting in the raised base for the NanaWall. The off-set entrance would serve as a central arrival point to the restaurant. A ramp would lead up into the restaurant from the entrance.

Mr. Chatterjee noted that in Paris diners eat at tables next to and/or on the sidewalk. He pointed out that the new interior ramp occupied all the space opened up by the NanaWall and wondered if this was at cross-purpose with the desired Paris style dining.

Mr. Raser agreed with Mr. Chatterjee's comments and asked if the ramp could be moved further into the space to create additional dining open at street. Mr. Gunther said that relocating the ramp could open more space at the front of the restaurant, but would create other problems for circulation and seating.

*[Mr. Young left the meeting]*

Mr. Senhauser had no objections to a side entrance, but suggested that the new storefront might better reflect the composition of the original building. He pointed out the linear, vertical character of the building and the high percentage of glazing in the upper floors. Mr. Senhauser suggested that Mr. Gunther investigate other configurations that reinforced these characteristics. He also indicated that the design might benefit if NanaWall system were grounded in some way.

**BOARD ACTION**

Because this was a preliminary design review, no action was required by the Board.

**ADJOURN**

As there were no other items for consideration by the Board, the meeting adjourned.

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William L. Forwood  
Urban Conservator

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John C. Senhauser, Chairman

Date: \_\_\_\_\_