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May 8, 2024

Kassandra Maynes
Law Department
Office of Administrative Boards and Zoning Hearing Examiner
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

HAND DELIVERED

Re: Historic Conservation Board Case no. COA2023068 Property: 3043 Wold Avenue and Zoning Board of Appeals Case no. Z-4091-2024

Dear Ms. Maynes,

Enclosed please find nine hard copies of the Brief of Appellees Dolly R. Kohls and Todd Yobe in Support of Historic Conservation Board Decision including a Motion to Strike Certain Pages Purporting to be Part of the Record That Were Not. A copy of this letter and one copy of the Brief and Motion are also being forwarded to you via email to kassandra.maynes@cincinnati-oh.gov.

Sincerely,

TIMOTHY M BURKE
Timothy M. Burke

CC: Richard Boydston
Via email only: richardboyston@gmail.com

TMB/nkc

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Kevin Tidd
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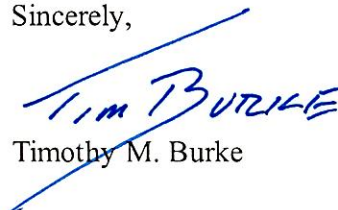
VIA EMAIL ONLY: kevin.tidd@cincinnati-oh.gov

**Re: Historic Conservation Board Case no. COA2023068 Property: 3043 Wold
Avenue and Zoning Board of Appeals Case no. Z-4091-2024**

Dear Mr. Tidd,

Enclosed please find a copy of the Brief of Appellees Dolly R. Kohls and Todd Yobe in Support of Historic Conservation Board Decision including a Motion to Strike Certain Pages Purporting to be Part of the Record That Were Not. A copy of this letter and the Brief/Motion has also been emailed to Appellant Richard Boydston.

Sincerely,


Timothy M. Burke

CC: Richard Boydston
Via email only: richardboyston@gmail.com

Kasandra Maynes

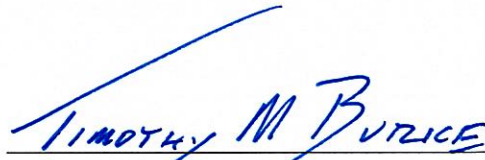
TMB/nkc

**BEFORE THE ZONING BOARD OF APPEALS
CITY OF CINCINNATI**

**In re: 3034 Wold Ave.,
Cincinnati, OH 45206**

**:
: On appeal from Historic Conservation
: Board case no. COA2023068
:
:
: Zoning Board of Appeals case
: Case No. Z-4091-2024**

**BRIEF OF APPELLEES DOLLY R. KOHLS AND TODD YOBY IN SUPPORT OF
HISTORIC CONSERVATION BOARD DECISION INCLUDING A MOTION TO
STRIKE CERTAIN PAGES PURPORTING TO BE PART OF THE RECORD THAT
WERE NOT**



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Counsel for Appellees Applicant Todd Yody
and Owner Dolly R. Kohls

INTRODUCTION

This is a rather simple matter. Though you wouldn't know it from appellant's arguments.

Dolly R. Kohls is the owner of the subject property located at 3043 Wold Avenue (the "Property"). Dolly employed architect Todd Yoby to prepare plans to add a one and a half car garage with room for a home office and guest room space above the garage, and to seek a Certificate of Appropriateness from Cincinnati's Historic Conservation Board. Yoby did his job, and the Board granted that Certificate of Appropriateness. A single appellant now brings this matter to the Zoning Board of Appeals.

COMPLIANCE

Pursuant to Cincinnati Municipal Code §1435-09-2, Certificates of Appropriateness; Standards for Review, the Historic Conservation Board: "may approve or approve with conditions an application for a Certificate of Appropriateness when it finds... (a) that the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines." That is precisely what the Historic Conservation Board did in this case. The Board heard directly from the Urban Conservator, both in writing and from oral testimony before the Board, how the proposed construction conformed to the conservation guidelines for the East Walnut Hills Historic District. The Board also had the plans prepared by the applicant/architect, Todd Yoby, and heard his testimony (R 117) documenting that conformance.

The applicant/architect has provided both a textual description (R 044) of how the project conforms to the guidelines and provided plans (R 046-049) detailing the proposed construction. The Urban Conservator describes in his report that the painted wood trim, stucco cladding material, and brick wainscot are “materials found throughout the district” (R 061). The Conservator’s report goes on to detail that the form, scale, and height of the addition are compatible with the original (R 062). He confirms that the setback requirements of the SF-20 zone will be maintained (R 062) and that even with the addition the owner’s home will still be smaller than surrounding houses (R 062). While noting that the house has undergone some unsympathetic changes in the past the Urban Conservator concludes that “it does maintain some historic integrity, which will not be significantly impacted or obscured by the proposed addition.” (R 062).

Those facts demonstrating compliance with the guidelines of the East Walnut Hills Historic District are essentially undisputed, likely because they are indisputable.

APPELLANT’S IRRELEVANT ARGUMENTS

Instead, appellant argues points irrelevant to the Board’s determination, specifically related to: (A) Whether the Property is a Contributing Building; (B) Characteristics of the Property; (C) Visibility of the Property; and (D) Proximity of the Property.

A. **Contributing Building Issue.** Appellant argues whether or not the property at 3043 Wold Avenue is a contributing building in the East Walnut Hills Historic District. The Urban Conservator says it is. While its address is not specifically called out in the guidelines, the guidelines note that “there are very few non-contributing buildings in the district.” There is a list of the six non-contributing buildings in the district, 3043 Wold Avenue is not on it. (Attached for the convenience of the Zoning Board of Appeals is a copy of the East Walnut Hills Historic District Conservation Guidelines. It is not offered as new evidence, but only as a copy of the standards by

which the HCB judged the application, and is a public record to the same extent ordinances adopted by Council are.)

B. **The Character of the Property.** Appellant seeks to argue about whether or not 3043 Wold Avenue is a one- or two-family building when arguing that approval of the Historic Conservation Board’s decision will result in it being a three-family building. The record is clear that the proposed addition will not constitute a dwelling unit. It will have no kitchen. It will merely offer room for an office and a bedroom for guests above the garage. (See Conservator’s testimony R 111 Lines 9-20.)¹

C. **Visibility of the Property.** Appellant argues about how visible the building at 3043 Wold is from the street, while the Conservator observes that “the addition will not be highly visible from any surrounding street as it is located on the rear –on a panhandle lot.” (R 113). It is irrelevant. No part of the historic guidelines deals with the visibility of the building being considered.

D. **Proximity of the Property.** Appellant argues that he thinks the addition is too close to his property, ignoring its complete conformance with setback requirements. This issue is also irrelevant as no part of the historic guidelines deal with a Property conforming to setback requirements that a neighbor believes is too close.

Appellant goes on to criticize and insult the behavior of members of the Historic Conservation Board.

¹ Whether or not the current building as it now stands has a second dwelling unit in it is not a matter for consideration in this appeal. Though it should be noted that Cincinnati City Council adopted Ordinance No. 266-2023, specifically allowing accessory dwelling units on single family zoned properties.

MOTION TO STRIKE CERTAIN PAGES FROM RECORD

Appellant has also improperly added to the record some 52 pages of pictures of the YouTube video of the Conservation Board hearing (R 145-196). Appellant has also added text not included when the same photos were presented to the Historic Conservation Board (R 197 and 198) and added a photo not in the record at all (R 199). Finally, the last page of the record (R 208) is an exchange of emails occurring in late March of 2024, well after the February 5th, 2024, hearing took place.

Appellant requests, and hereby moves that pages 145-199 and 208 be stricken from the record.

CONCLUSION

The Rules of Procedure of the Zoning Board of Appeals make it clear in Section 5(A)(4) that the Appellant bears the burden of proof in any Appeal. In this case that he cannot do based on the record properly before the Zoning Board of Appeals. All his irrelevant arguments fail to overcome the clear record testimony approved by the majority of the Historic Conservation Board finding that the plans submitted by the Applicant substantially conform to the Conservation Guidelines of the East Walnut Hills Historic District. Under these circumstances the Zoning Board of Appeals has, under Cincinnati Municipal Code Section 1449-17, no basis for finding the Historic Conservation Board acted illegally, arbitrarily, capriciously or unreasonably given that its decision is supported by the preponderance of the substantially reliable and probative evidence on the whole record. The Historic Conservation Board's decision should be affirmed.



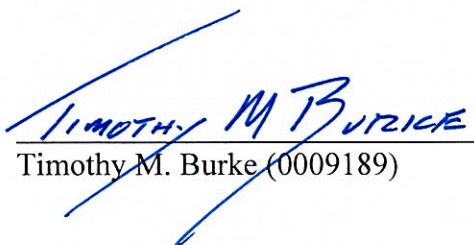
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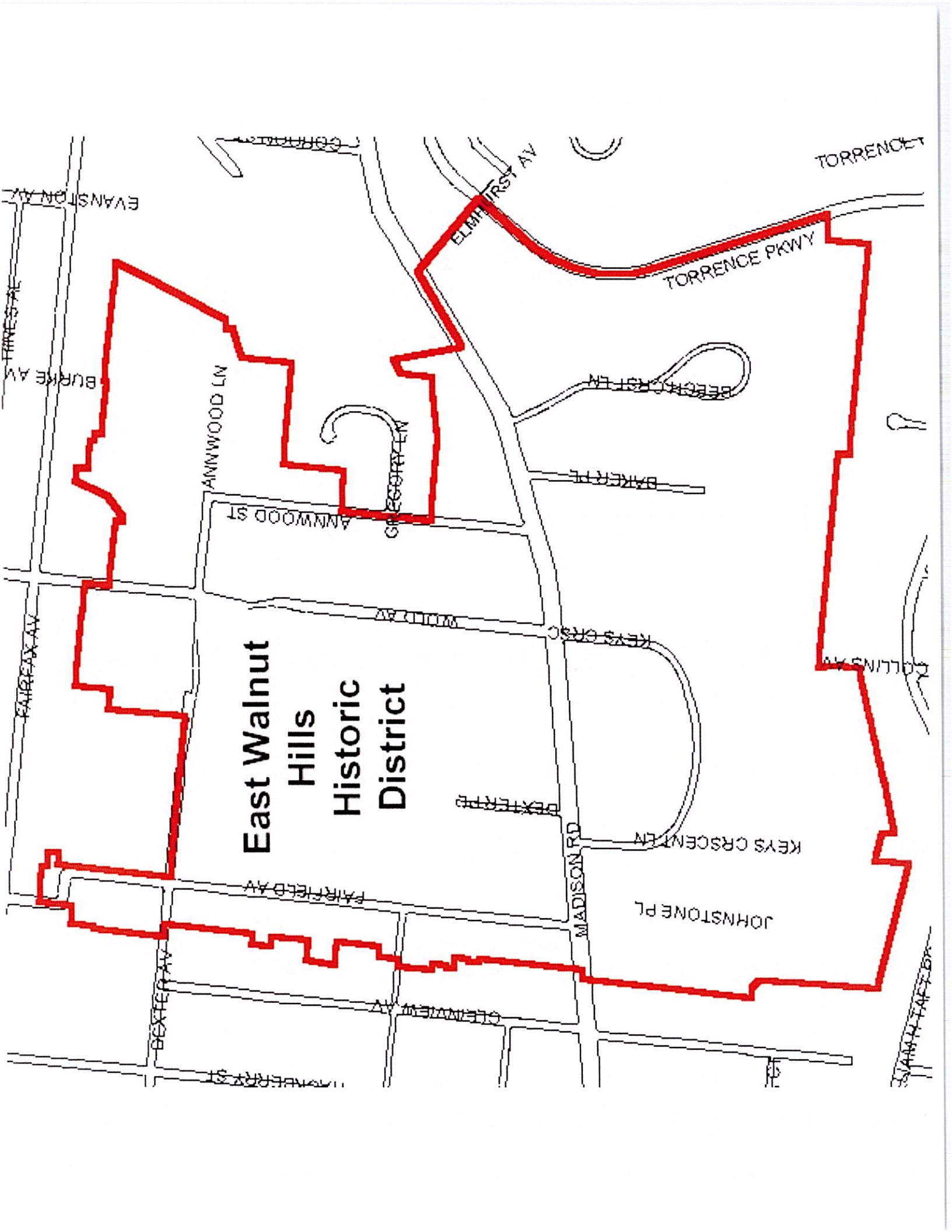
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Counsel for Appellees Applicant Todd Yody
and Owner Dolly R. Kohls

CERTIFICATE OF SERVICE

I hereby certify that the above Brief of Appellees in Support of Historic Conservation Board Decision Including a Motion to Strike Certain Pages Purporting to be Part of the Record That Were Not was filed with the Zoning Board of Appeals and served upon the following person by email service, this 8th day of May, 2024.

Richard Boydston
1835 Dexter Avenue
Cincinnati, OH 45206
richardboydston@gmail.com
Appellant


Timothy M. Burke (0009189)



**East Walnut
Hills
Historic
District**

TORRENCE ST

ELM ST

TORRENCE PKWY

EVANSTON AVE

BURKE AVE

ANNWOOD LN

GEORGETOWN

BECKINGHAM

BAKER PL

ANNWOOD ST

FAIRFAX AVE

WILD AVE

KEYS CIRC

GOLDSBORO

DEXTER PL

KEYS CRESCENT LN

JOHNSTONE PL

PAIRFIELD AVE

MADISON RD

DEXTER AVE

CLEWELL AVE

MONROE ST

STANLEY AVE

CONSERVATION GUIDELINES: EAST WALNUT HILLS HISTORIC DISTRICT

Introduction to Guidelines

General Characteristics

General Guidelines

Building Rehabilitation and Alteration

Additions

New Construction

Demolitions

Site Improvements and Alterations

Non-Contributing Buildings

INTRODUCTION TO GUIDELINES

The Conservation Guidelines outlined in this booklet are intended to assist property owners, architects and contractors who are considering work within the East Walnut Hills Historic District, including changes to existing buildings, demolition, or new construction. The guidelines are not rigid sets of rules, but serve as a guide in making improvements which are compatible with the district's character. They set broad parameters within which district changes should occur, while maintaining ample opportunity for design creativity and individual choice. The guidelines give the owner and the City's Historic Conservation Board a way to determine whether the proposed work is appropriate to the long-term interests of the district.

When construction or demolition is proposed within the Historic District, a Certificate of Appropriateness (C.O.A.) must be obtained from the Historic Conservation Board. This is in addition to a building permit, although there is no additional fee. The following kinds of work do not require a C.O.A.:

- Ordinary repair and maintenance which does not result in an exterior change.
- Interior work such as plumbing, wiring, and plastering.

The following points are extremely important:

- The guidelines do not require that an owner make improvements.
- The guidelines do not force an owner to "take the property back to the way it was."
- The HCB may modify certain guidelines, as appropriate, in cases of economic hardship. The Board must approve the proposal, even if it doesn't meet the guidelines, when the owner demonstrates:
 - a) that there is no economically feasible and prudent alternative" which would conform to the guidelines, and
 - b) that strict application of the guidelines would deny a reasonable rate of return on the property, and would amount to a "taking of the property without just compensation."
- The guidelines and the legislation which set up the Board are structured for negotiating solutions which will give the owner substantial benefit without causing substantial harm to the district. The Board may grant approval, set conditions, or waive certain guidelines to aid negotiations.
- Any applicant who disagrees with a Board decision may appeal the decision to City Council.

Applicants are encouraged to consult with the Historic Conservation Office staff during the planning stages prior to formal application for a building permit. We are available in Suite 700, 805 Central Avenue or at 354-4890.

GENERAL CHARACTERISTICS

The East Walnut Hills neighborhood has long been considered a fashionable, residential area. The East Walnut Hills Historic District is dominated by property which reflects this residential history. From its beginning as the home of a few large country estates through its controlled development at the turn of the century, the district has consistently maintained a distinct architectural character.

The earliest development in the district occurred along Madison Road (formerly Madisonville Pike) in the early 1850s when John Baker built a home for himself and one for his son-in-law Samuel Keys, on a 35-acre estate. Baker, who had made his fortune in lumber and millwork, moved to East Walnut Hills from downtown Cincinnati. Samuel Keys was a stockbroker who had married Baker's daughter. Soon, other wealthy businessmen were building large country homes on rural estates. Grocery merchant W.W. Scarborough built on 40 acres opposite the Baker property; Joshua Bates, an attorney with Scarborough's son, William S., established a home in 1858. George Hoadley, another attorney and Scarborough's half-brother, as well as Bate's brother-in-law, built a home on approximately nine acres in 1860. Other early property owners included Jephtha Miller, Charles Dexter and William Hooper who had made money in the carriage business, liquor distribution and groceries respectfully.

The village of Woodburn was established in 1866 and included most of the estate property. Joshua Bates served as the village's first and only mayor, as the City annexed the area in 1873. With annexation came public improvements such as new streets, sidewalks and schools. A horse drawn carriage line connected Woodburn with the city in 1872, and was later extended along Madison Road to Hyde Park. Madison Road itself was widened and improved. In the 1870's and 80's, several subdivisions were platted around the village as the area became more accessible. In 1877, St. Francis de Sales Church was relocated to its prominent location at the corner of Woodburn and Madison, becoming a focal point for the whole neighborhood.

Within the area of the historic district there was relatively little change during this period. A couple of houses had been added to the Baker estate but the remaining tracts were still occupied by a single house. That began to change in the 1890's. Joshua Bates sold portions of his property to a developer who, in turn, sold individual lots to new residents. Unlike the nearby subdivisions nearer to the center of Woodburn, the lots on Fairfield Avenue had restrictions in the sales agreements. New construction had to be of masonry, there was a standard setback of 50 feet and the buildings were to be used for residential purposes only. By the end of the century, Fairfield was almost totally built-up, although the Bates house remained. Soon, other estates were being slowly developed. There were variations in the development pattern, however. The Scarborough heirs did not initially sell their property, they leased it. The leases were often for 99 years, which is close to sale but provided the heirs more control over the development. Their leases typically controlled use, setback and specified the minimum price for improvements. This trend of limited, controlled development continued for many years. In fact, the last major single-family house built in the district was the Luedeking house, a massive stone structure at 1833 Keys Crescent. The property was bought from the Baker-Keys-Hollister heirs in 1927 with use restrictions, design review and a minimum cost of the new house of \$30,000.

There have been relatively few changes to the overall character of the district since 1927.. Although some structures have been lost to fire or demolition and a few new structures have been built, particularly as part of the growth of the College Preparatory School for Girls, the district's development patterns and the concerns for land use and siting shown by those responsible for the area's growth are still evident today.

As a reflection of their periods of development, there are two principal groups of architectural styles evident in the district. The first group is very small and consists of the four remaining estate homes: the Baker house, 1887 Madison Road; the Keys/Hollister house, 1831 Keys Crescent; the Dexter house, 6 Dexter Place and the Bates house, 3036 Fairfield Avenue. Although the styles vary from house to house, they all are examples of the romantic period of American architecture where European styles were applied to large country houses, set on spacious well-landscaped property. Most of the houses in the district, however, are part of the growth after 1890. The dominant styles are Colonial Revival, Tudor Revival and English Country Revival. The Colonial Revival homes are generally formal in their appearance with a central entrance framed with sidelights and often with an elliptical fanlight. A columned porch or portico is also common. Windows are large, often with multiple panes, and always stacked vertically. There is

generally a strong cornice line and a tall roof sheathed in slate or tile. The buildings are usually brick, often with quoins at the corners and dormers can be found symmetrically above lower floor windows. Tall chimneys are usually found on the end walls and there are sometimes small porches to either end of the house. Symmetry is a key characteristic of Colonial Revival houses regardless of the detailing. Examples of the Colonial Revival style include 2999 Annwood Avenue, 2957 Annwood Avenue, 2928 Wold Avenue, 1854 Keys Crescent and 2766 Baker Place.

The Tudor Revival houses are less formal than the Colonial Revival and generally recognized by the half-timbered upper floors. The first floors are usually stone, sometimes brick, and irregular in plan. Entrances are often tucked into corners or niches and emphasized by additional stone detailing. Higher styled versions may use a Tudor-arched opening with a large wooden door. Windows are usually multiple pane but vary in size and placement. Stucco is used on upper floors between the wood half-timbers. Roofs are irregular in shape and often have clipped gables and rounded edges at the roofline. While thatch would have been used in England, here, the choices were usually slate or tile. Chimneys are an important feature and are seen in stone and stucco, often rising directly from the ground. Tudor Revival examples in the district include 1815 Keys Crescent, 2929 Wold Avenue, 2 Beech Crest Lane and 6 Annwood Lane.

The English Country Revival houses are essentially Tudor Revivals without the half-timbers. Variations may be designed entirely of stucco. In some cases the transition from stone to stucco occurs gradually, allowing individual stone to "float" in the seamless stucco. Examples of this style include 1859 Keys Crescent, 2738 Baker Place and 1 Annwood Lane.

While these three styles dominate the district, other styles are certainly evident. There are Second Renaissance Revival houses (1920 Dexter Avenue and 2923 Wold Avenue) and examples of Queen Anne (1839 Madison Road), Spanish Revival (2777 Baker Place), Dutch Revival (1812 Madison Road) and even a Bungalow (1835 Dexter Avenue). Some houses are Eclectic (2933 and 2944 Fairfield Avenue), compositions using elements from several styles. Although the area contains many architectural styles, there is an overriding visual cohesiveness to the district. The buildings are generally single-family residences. They are usually 2-3 stories in height and built of masonry with brick and stucco the most common materials. Roofs are highly visible, often complex in shape, and usually clad in slate or tile. The houses are built on spacious lots and setback well away from the street. Properties are well maintained with mature trees and often extensively landscaped. There are few walls and fences to identify individual lots, rather the district flows from property to property. There is often a freestanding garage, set to the rear of the house and the property, in many cases, the garage has been designed to be an extension of the house in its design and detailing, and are important to the overall character of the district.

As noted earlier, there are very few non-contributing buildings in this district. They were built after most of the buildings in the district and vary in their scale, use, detailing and siting. The district's non-contributing buildings are treated separately in the conservation guidelines (See the Non-Contributing Buildings section for specific guidelines).

GENERAL GUIDELINES

- 1) Avoid removing or altering historic material or distinctive architectural features: if it's original and in good shape, try to keep it.
- 2) Repair rather than replace whenever possible. If replacing, replicate the original based on existing materials. Do not invent something that "might have been."
- 3) When extensive replacement of missing or severely deteriorated materials is necessary and replication to exactly match the original is not feasible, the new work should match the general character of the original in terms of scale, texture, design and composition.
- 4) Don't try to make the building look older than it really is. Rehabilitation work should fit the character of the original building. If your building has been substantially altered, nearby buildings of similar age and style may indicate what its original character was.
- 5) Your building may contain clues to guide you during rehabilitation. Original detailing may be covered up with other, later materials, or there may be physical evidence of what original work was like and where it was located.

- 6) If no evidence of original materials or detailing exists, alterations should be detailed in a simple manner and contemporary in design, yet fit the character of the building.
- 7) A later addition to an old building or a non-original facade or storefront may have gained significance on its own, It may be significant as a good example of its style or as evidence of changing needs and tastes. Don't assume it's historically worthless just because it's not part of the original building.
- 8) Original openings should not be altered. Enlarging or reducing the size of an opening can dramatically change the character of the building.
- 9) Surface cleaning should be done by the gentlest means possible, Never sandblast or use other abrasive methods. Cleaning or paint removal may not be necessary at all.
- 10) Original building materials and architectural detailing should not be covered by other materials.

BUILDING REHABILITATION AND ALTERATION

1) MATERIALS: SHOULD MATCH THE ORIGINAL AS CLOSELY AS POSSIBLE

Most contributing buildings in the district are made of brick, often with stone or tin details. Missing or deteriorated materials should be replaced with recycled or new materials which match the original as closely as possible with regard to the following: type, color, style, shape, and texture of materials, composition, type of joint, size of units, placement and detailing. Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or stone, or plastic, are generally inappropriate.

2) DOORS AND WINDOWS: KEEP THE "EYES" OF THE BUILDING OPEN Possibly

The most important features of any building are its openings: its doors and windows. The size and location of openings are an essential part of the overall design and an important element in the architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible, When replacement is necessary, the new door or window should match the original in size and style as closely as possible, Metal or plastic window frames are generally unacceptable unless they are anodized or painted. Screens and storm windows should be as inconspicuous as possible. Raw metal combination storm windows or doors are not appropriate. Original openings should not be filled in, especially on the front of buildings If original openings are filled in, the outline of the opening should remain apparent by setting the new infill material back from the existing wall plane and by leaving the sills and lintels in place.

3) ROOF: MAINTAIN THE ROOFLINE

The existing roofline and architectural features which give the building its character, such as towers, roof shapes, dormers, cornices, brackets, and chimneys, should be preserved, The addition of features, such as vents, skylights, decks, and rooftop utilities, should be avoided or should be inconspicuously placed and screened where necessary, Slate roofs are common within the district and should be maintained whenever possible. On roofs visible from public areas, slate or asphalt shingles, colored to match the original, are acceptable replacement materials. Generally, wood shingles, roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are inappropriate, although there may be exceptions to this rule, On flat or low-pitched roofs that are not visible from public areas, other roof materials may be considered.

4) ORNAMENTATION: RETAIN DISTINCTIVE DETAILING

Significant architectural features such as window hoods, stone, tin and wood cornices and brackets, decorative piers, quoins, bay windows, Palladian windows, door surrounds, porches and other ornamental elements should be preserved. These distinctive features help identify and distinguish the buildings within the East Walnut Hills Historic District,

5) OUTSIDE ATTACHMENTS: AVOID OUT-OF CHARACTER FEATURES

The addition of out-of-character features should be avoided. If shutters are appropriate, they should be the right size and should shut, meeting in the middle of the window and covering the whole window. Other outside attachments to the house, such as light fixtures, should be compatible. In general, the "colonial" light fixture should be avoided; something simple and modern is usually more appropriate.

6) UTILITY SYSTEM INSTALLATION: PLACE THEM INCONSPICUOUSLY

The installation of utility and mechanical systems, such as water or gas meters, antennas, and central air conditioning units should be inconspicuously placed, avoiding installation on the street facade whenever possible. Antennas, including television reception antennas and satellite dishes, should be located where they are not visible on the front facade. Mechanical equipment on the ground should be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings. Mechanical equipment attached to the side or roof of a building should be kept as low as possible and covered or painted to blend with the background. Wall or window air conditioning units on the street facade should be avoided whenever possible.

7) CLEANING: NEVER SANDBLAST

The cleaning of existing material should be done by the gentlest method possible. For masonry structures, begin with scraping by hand or scrubbing with a bristle brush and mild detergent. Chemical cleaning is effective, but must be followed immediately by a neutralizing acid wash. If chemical cleaning is used, test cleaning patches should be carried out in inconspicuous places to ensure that appropriate results are obtained. In any case, sandblasting and other abrasive cleaning methods are not acceptable. Sandblasting destroys the surface of the brick and stone and shortens the life of the building. Wire brushes can also damage the masonry surface, and their use is also not acceptable.

8) REPOINTING MASONRY: USE THE PROPER MORTAR AND JOINT

The mortar joints (spaces between the bricks) found in masonry construction deteriorate for a variety of reasons. Repointing these joints can significantly aid the rehabilitation of a structure. Generally, buildings built prior to 1900 used a lime-based mortar. This mortar is much softer than the portland cement-based mortar of today. If a hard, modern mortar is used, the softer bricks may crack or break during the freeze/thaw cycle. When repointing an existing wall, use a mortar mix that is high in lime content and try to match the color and consistency of the sand as closely as possible, and match the type and thickness of the joint. Most of the masonry buildings in the district are not painted. This leaves the mortar exposed and visually more important, emphasizing the need for care in choosing the right color. (The City's Historic Conservation Office can suggest a typical mortar mixture.)

9) WATER-REPELLENT COATINGS: AVOID IF POSSIBLE

Most historic structures have survived without the need of water-repellent coatings. Water-related damage on the interior of buildings is usually a result of a failing roof, deteriorated or faulty gutters and downspouts, deteriorated mortar, rising damp, or condensation. Water-repellent coatings will not solve these problems and may even accelerate them. Waterproof and water-repellent coatings should never be used unless there is actual water penetration through the masonry. In this case, only the affected area should be treated and only after it has thoroughly dried out.

10) PAINTING: IF IT IS APPROPRIATE

Most of the brick buildings in the district were built after 1890 and use a hard-faced material which does not require paint for protection. The aesthetic character of unpainted brick from this time period is important to the building's design intent. Buildings with brick from this period should not be painted.

A few buildings in the district were built with brick which was relatively soft and required paint for protection. Painted brick buildings should be repainted rather than stripped or cleaned to reveal the natural brick color, Paint color was also used to enhance architectural styles and highlight detailing.

Although the HCB does not review paint color, some general guidelines for painting any building apply. Paint colors should be compatible with the district and appropriate for the style of the particular building. The color selected for the body of the building should contrast with the color chosen for the structure's decorative elements.

11) SIDING: TRY REPLACEMENT WITH WOOD FIRST

Wood clapboard and shingle siding should be used as the repair or replacement material where appropriate, and its use is encouraged as a resurfacing material on wood frame buildings, The use of aluminum or vinyl siding for resurfacing should be avoided; however, in cases where they are used, the exposed width of such siding should not exceed four inches. Artificial stone, asbestos, asphalt shingles, and other similar resurfacing materials shall not be used. Architectural features such as cornices, brackets, window sills, and lintels should not be removed or obscured when resurfacing material is applied. All wood siding should be painted. Wood or aluminum siding should never be applied to brick or stone walls for resurfacing.

12) STUCCO

Stucco is very common in the district and can be found on Queen Anne, Tudor Revival and English Country style structures. Stucco is essentially lime, portland cement, sand and a coarse aggregate such as hair or fiber, The major enemy of stucco is water. Deterioration in stucco is usually the result of rain, water vapor from inside the building, capillary action from the ground or poor gutter or downspouts, Stucco is the major material on many buildings and should be maintained whenever possible. Minor cracks or damaged areas should be repaired by removing loose material and patching with new stucco which matches the existing in composition and texture. In areas where there has been extensive damage., investigate the source of the damage. New downspouts, flashing, or proper vapor barrier may be necessary to prevent future problems.

13) TILE ROOFS

Clay roof tiles are an integral part of the overall architectural design on many buildings in the district, Popular at the turn of the century they are seen on Colonial Revival, Tudor Revival, Second Renaissance Revival and English Country style structures, There are many variations in the tiles themselves, There are Spanish and Mission tiles which are rounded and French and English tiles which interlock and are flat in appearance although richly textured. Roof tiles are made of a very dense clay with a very low porosity. On their own, they can last for hundreds of years, They are brittle, however, and can be damaged if stepped on or hit by tree limbs. Generally, failure in tile roofs is due to the flashing required at valleys and joints or to the nails holding individual tiles, which corrode and disintegrate, Damaged tiles can be replaced, one at a time or in large areas. Every effort should be made to repair existing tile roofs, When an entire rerouting is required, consideration must be given to reusing existing materials wherever possible, Tile roofs are a defining feature of the district as a whole and are very important to individual structures.

ADDITIONS

1) COMPATIBILITY: CONSIDER THE ADDITION AS NEW CONSTRUCTION

In general, additions should follow the guidelines for new construction in terms of materials, form, scale, height, detailing and siting. (See the New Construction section of this booklet for specific guidelines.)

2) DESIGN: RESPOND TO THE ARCHITECTURE OF THE ORIGINAL BUILDING

The design of an addition should respond specifically to the architecture of the original building, While the addition should be sympathetic to and compatible with the existing building, it should not

try to duplicate its style or appear to have been built at the same time as the original building. The design should also respond, in a more general way, to adjacent buildings,

3) **IDENTITY: DO NOT OVERPOWER THE EXISTING BUILDING**

If the original building is architecturally or historically significant, the addition should take a respectful "back seat" to it and not overpower the original. An addition may be taller than the original building if site considerations and careful design still allow the older building to remain dominant.

4) **CONNECTIONS: KEEP THEM SIMPLE**

The connection of the addition to the original building should be designed so that it does not detract from either structure. Significant architectural features of the original building should not be destroyed, removed, or obscured by the addition.

NEW CONSTRUCTION

The general aim of the guidelines for new construction is to encourage compatibility with (but-not replication of) the character and quality found in the 19th and early 20th century buildings found in the district rather than compatibility with more recent structures identified as "noncontributing." The language of the guidelines, therefore, is keyed to the district's contributing buildings. Exceptions to this general rule may be found, however, where a new structure is proposed adjacent to other more recent structures. In these cases, review will also consider the new building's response to adjacent buildings. In all cases, the compatibility of the proposed structure with its natural and built environment will be considered in review, as will the following:

1) **MATERIALS: USE NATURAL MATERIALS WHEN POSSIBLE**

Materials should be of similar color, texture, and scale to building materials found in the district's contributing buildings. Most contributing buildings in the district are made of brick, often with stone details, although both stone and wood frame structures also exist. The use of natural appearing materials is preferred. Materials that are synthetic in appearance or that are highly reflective are generally inappropriate.

2) **SCALE AND MASSING: MATCH THE DISTRICT**

The contributing buildings within the district are generally medium to large-sized residential and institutional structures situated on large lots. The scale and massing of a new building and its individual elements (i.e., windows, doors, roof, ornamentation) should be compatible with the forms found among the contributing buildings. The ratio of wall surface to openings, and the ratio of width and height of windows and doors, should be consistent with the district's contributing buildings. Glass curtain walls along the front facade should be avoided, and large, flat walls which are unbroken by openings or setbacks on the front facade also are discouraged.

3) HEIGHT: CONSIDER THE SURROUNDINGS

The height of new construction should not significantly differ from the height of nearby contributing buildings in the district. Generally, new buildings should not exceed the height of the tallest abutting building by more than one story. The contours of the building site may further restrict the height of the new building or may permit the construction of a larger building.

4) DETAILING: AVOID THE CONSTRUCTION OF FEATURELESS BOXES

The detailing of new buildings should respond to detailing found on contributing-buildings within the district; this should generally include the following:

- A cornice or other form of definition at the roof line.
- Distinctive detailing at the front door.
- Window sills and lintels and/or distinctive detailing at openings.
- Ornamental features such as banding, distinctive corner treatment, interior cornice and other decorative elements.
- When applicable, as in mixed-use buildings with storefronts, a base at the ground floor or lower levels, employing a change of material or change of color and proportions from upper floors.

5) SITING: STAY IN LINE WITH THE NEIGHBORING BUILDINGS

New structures should be sited with setbacks similar to those of adjacent buildings and should be sited to respect current topographic and neighborhood development patterns. Where applicable, they should be located to respect views and hillside constraints. Site improvements and changes should comply with the guidelines for site improvements and alterations, (Refer to the Site Improvements and Alterations section of this booklet for applicable guidelines.)

6) SUBDIVISION: SHOULD REFLECT EXISTING PATTERNS

Application for approval of subdivision plats or the cut-up of existing lots within the East Walnut Hills Historic District shall be reviewed by the Historic Conservation Board for their compatibility within the district. The Board shall consider the existing development patterns, lot size, frontage, land use and underlying zoning. The Board shall make its recommendation to the City Planning Commission for a final decision.

DEMOLITIONS

The demolition of existing buildings shall not be permitted unless one of the following conditions exist:

- 1) Demolition has been ordered by the Director of Buildings and Inspections for public safety because of an unsafe or dangerous condition which constitutes an emergency.
- 2) The owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition,
- 3) The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owner's property without just compensation,
- 4) The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the HCB,
- 5) The demolition request is for a non-contributing building and the demolition will not adversely affect the character of the district.

SITE IMPROVEMENTS AND ALTERATIONS

1) SIGNS: AVOID CLUTTER

Generally, signs should be designed for clarity, legibility, and compatibility with structures on the site and in the district. Their design should be simple and contemporary. It is generally inappropriate to attach signs to buildings which were originally private homes, although small identification signs may be acceptable. Free-standing signs are permitted, but should not be sized or located in such a way as to obstruct views of the district's contributing buildings. Billboards and roof-top signs are not permitted, and internally-illuminated signs are strongly discouraged. Wood, metal, and fabric signs are encouraged; plastic and other synthetic materials are inappropriate.

2) WALLS AND FENCES: AVOID THE FRONT YARD

Privacy fences, retaining walls, and wrought-iron fences are not characteristic of the district. This is particularly true of the front yards which flow from property to property accentuating the open, almost park-like atmosphere. Where substantial walls and fences do occur in the front yards they obstruct vistas and interrupt the spacious character of the district. In some areas low walls, hedges and masonry piers are used to define the separation between public and private property. Privacy fences are sometimes used in rear or side yards but any new fences should be held behind the front edge of the principal building on the site. Fences and walls exceeding 36" should not be built in the front yard of any property in the district.

3) PARKING AND PAVING: LIMIT THE COVERAGE

As noted above, this district is characterized by open space and landscaping. Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. Parking areas in front yards should be permitted in extreme situations only. New driveways and parking areas should respect existing contours and natural features. Parking lots should be sufficiently screened to minimize the view of parked cars. Screening can incorporate landscaping, decorative fencing and berms and should be of a design compatible with the surrounding buildings and landscape elements. Lots with space for ten or more cars should be planted with shade trees in order to soften the visual impact of the lots on the neighborhood. In these cases, trees should be placed around the perimeter of the lots and in planting islands within the lots.

4) LANDSCAPING: SIMPLE AND CONTEMPORARY

Landscaping, special lighting, seating, and decorative paving are encouraged as part of rehabilitation and new construction projects. The design of these features should be simple and contemporary. Antiques or historic reproductions are not generally encouraged. Mature trees should be retained, as should other significant features such as steps, retaining walls, walks, and fences which contribute to a property's character. Permits for excavation and fill will be reviewed for their impact on the individual property and the character of the district as a whole.

NON-CONTRIBUTING BUILDINGS

Buildings which do not contribute to the distinctive character of the district were generally constructed after most of the rest of the district was built. They are of a different character than the contributing buildings due to their age and the difference in their scale, material, and detailing. The following buildings are in this category:

2722 Johnstone Place
2730 Johnstone Place
1841 Keys Crescent Lane
1827 Dexter Avenue
2953 Wold Avenue
3021 Fairfield Avenue

Additions, alterations, and rehabilitation of the above buildings should either be compatible with the style and character of each or should cause the building to become more compatible with the district. Non-contributing buildings may be demolished if the demolition will not adversely affect the character of the district. Any new construction on the cleared site will be subject to the guidelines for new construction and site improvements for the East Walnut Hills Historic District.