

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

---

APPLICATION #: ZHUV180017/ COA2018074  
APPLICANT: Terry Boling  
OWNER: Mrs. Pig LLC  
ADDRESS: **109 W. Elder Street**  
PARCELS: 094-0008-0180  
ZONING: CC-P  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: November 21, 2018  
HEARING DATE: December 3, 2018  
STAFF REVIEW: Douglas Owen, Zoning Plan Examiner

---

---

**Details of Zoning Relief Required:**

1. **Section 1409-07 – Use Variance** to allow a Commercial Meeting Facility, which is not a permitted use in the CC-P District.

**Existing Conditions**

The subject property is situated on the south side of W. Elder Street between its intersection with Pleasant Street on the west and Race Street on the east in the Over-the-Rhine neighborhood. The property is directly across the street from the Findlay Market. The building was previously a four-story elaborate Italianate building that was badly damaged during a fire. All that remains of the property is the first floor, which was salvaged and reoccupied in the past. The building formerly housed a barbecue restaurant and most recently has been used as storage for the Findlay Market Corporation. The building currently is open-air in the front with no glass reinstalled in the damaged storefront. The cast-iron storefront remains intact with non-original metal gates installed in the openings. Existing parapet walls remain on the east and west sides of the building.

**Proposed Conditions**

The applicant is proposing to install a new storefront on the one-story structure, replace the cornice, and add a roof deck and second-story addition toward the rear of the existing building. The building is proposed as a new Event Center that will host functions for Findlay Market as well as other private events including weddings, parties and corporate functions. The applicant has submitted a letter from the Corporation for Findlay Market stating that parking will be available in adjacent Findlay Market lots.



Figure 1: 426 E. 12<sup>th</sup> Street. Image from Applicant.



Figure 2: 109 W. Elder Street, facing south. Image from Applicant.

**Previous Reviews:** N/A.

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1409</a>	CC-P
HCB authority:	<a href="#">Section 1435-05-4</a>	
Overlays:	<a href="#">Section 1435</a>	Historic Preservation
Historic District/Reg:	<a href="#">Over the Rhine Historic District</a>	
COA Standard:	<a href="#">Section 1435-09-2</a>	COA; Standard of Review

**Zoning Analysis:**

A Use Variance is required for Commercial Event Center Use in the CC-P Zoning District, which is not permitted by right.

Parking is not required to be provided given the recent Parking Overlay approval. However, the parking required previously would have had the applicant establish approximately 10-20 additional parking spaces for the expanded second story use.

**Use Variance**

Section 1445-16 indicates no variance shall be granted to allow a use not permissible under the terms of the Zoning Code in the zoning district in which the property is located, unless the Zoning Hearing Examiner finds that the applicant for the use variance has demonstrated that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence.

The following analysis outlines the use variance standards as applied to the proposed use at the subject property.

*(a) Can the property be put to any economically viable use under any of the permitted uses in the zoning district?*

- The property had functioned as an Eating and Drinking Establishment in the past. Following the closure of the restaurant, the property has been used for storage for Findlay Market.
- Commercial Meeting Facility has many of the same characteristics as an Eating and Drinking Establishment, though often is less problematic typically because it is less frequently used, being it is event driven.
- At best, the building is underutilized. The applicant's plan to rehabilitate the building will fill a need in the surrounding community and will make the property more economically viable than previous uses which were unable to last long in the space.

*(b) Does the variance requested stem from a condition that is unique to the property at issue and not ordinarily found in the same zone or district?*

- The existing conditions are unique to the subject property. The property has a large expanse of unbroken space in the interior, which is unusual for a historic building in this area.

- Because the first floor is all that remains of a previously prominent building, the existing space has high ceilings and the open space required for a Commercial Meeting Facility.
- The building has been neglected for many years and the proposed project will revitalize the building and provide an active space in a less utilized section of Findlay Market.

*(c) The hardship condition is not created by actions of the applicant*

- The hardship was not created by the applicant as the property has sat vacant for some time and its unique nature has prevented previous redevelopment.

*(d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents*

- Adjacent property owners or residents will not be adversely affected by the proposed Commercial Meeting Facility use. Its schedule is more off peak to its adjacent merchants.
- The Outdoor Area proposed could be adverse to the many highly adjacent upper story residential neighbors anticipated. However, no Outdoor Entertainment is proposed or recommended and the hours of operation have been proposed to be limited to midnight seven (7) days per week.
- The applicant has submitted several letters of support from adjacent Findlay Market vendors stating the need for such an Event Center space in the area.
- The proposal nearly doubles the capacity of the existing Eating and Drinking Establishment. Prior to the recent approval of the Parking Overlay, Parking is sufficient in the area to not have adverse effects on traffic conditions. The Event Center will primarily hold events in evening hours when parking would not conflict with operations of the daily market activities. A letter from Findlay Market states that sufficient parking is available in lots controlled by the market.
- No letters of opposition have been conveyed to Staff.

*(e) The granting of the variance will not adversely affect the community character, public health, safety or general welfare*

- The proposed Use Variance will not adversely affect the community character, public health, safety or general welfare. Nearby business owners have noted the need for such a use in the area.

*(f) The variance will be consistent with the general spirit and intent of the Zoning Code*

- The use is consistent with the intent of the Zoning Code. The CC-P District is intended to identify, create, maintain and enhance areas suitable for a wide variety of commercial and institutional uses. The proposed Event Center will provide a needed gathering space for events at Findlay Market, which is a major attraction and destination in Cincinnati.

(g) *The variance sought is the minimum that will afford relief to the applicant*

- The building has been underutilized for many years. Storage is not the best use of this property and as such, the proposed Use Variance is the minimum that will afford relief for this particular project.

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

A COA is required for the proposed second-story addition, rooftop deck and façade work.

### **Applicable Guidelines**

#### ADDITIONS

#### Intent and General Guidelines

1. *Additions are allowed and should follow new construction guidelines. They should be compatible in character with the original. They should be sympathetic but not imitative in design.*
2. *Additions should be designed to relate architecturally to adjacent buildings in general and to the building they are a part of in particular.*
3. *Additions should not overpower the original building.*
4. *The appropriateness of design solutions will be based on balancing the program needs of the applicant with 1) how well the proposed design relates to the original building and neighboring buildings and 2) how closely the proposal meets the intent of these general guidelines and the specific guidelines for new construction.*

The addition is compatible in character with the original building. While the majority of the original building is no longer standing, the proposed second-story addition respects the remaining architecture of the historic structure. The addition will be located toward the rear of the structure so as not to be visible when viewed from W. Elder Street. The addition will be visible only when viewed from the alley directly behind the subject property, as it will otherwise be shielded from view by the adjacent properties.

The upper level of the addition will be clad in standing seam metal paneling creating a strong division between the middle and top sections. The new construction of the addition is compatible in rhythm, scale, proportion and height. Materials are compatible and create a division between composition levels.

The proposed storefront and rebuilt cornice will be contemporary in nature but compatible with the existing architecture. The storefront itself will be a steel frame with clear glass and steel knee wall panels. The cornice will consist of a painted steel plate matching the height of the existing east and west parapet walls. The cornice will feature a vertical stacked glass cornice serving as a guardrail. The glass will be backlit and will mimic the features of historic prism glass that can be

found in certain Over-the-Rhine transom windows.

Overall, Staff feels that the proposed changes to the building are appropriate and harmonious with the Over-the-Rhine Conservation guidelines. The majority of the rear addition will be minimally visible from any public area. The rooftop deck will be minimally visible and the proposed storefront changes are contemporary but compatible.

### **Other Considerations:**

The project has potential Building Code compliance issues with the proposed roof deck. The occupancy load of the deck exceeds that allowed for only one means of egress. The Supervisor of the Building Plans Examiners has spoken with the architect and indicated that the project as proposed would not be code compliant.

At the time of this report's issuance, the applicant had not formed a final solution to this challenge and several options are available, such as reducing the size of the deck or providing a second means of egress, likely in the front of the building to allow increased occupancy for the Event Center. If additional egress is required that changes the design of the building, reconsideration by the HCB may be required. At the meeting, the applicant may have additional information or may request tabling the approval, depending upon additional analysis.

**Prehearing Results:** A prehearing was held on November 14, 2018.

**Comments Provided to Staff:** The applicant has submitted several letters of support from nearby property and business owners. No letters of opposition have been received.

**Consistency with *Plan Cincinnati (2012)*:**  
"Sustain" Initiative Area "Preserve our built history"

### **Recommendation:**

Staff recommends the Historic Conservation Board take the following actions:

#### **I. ZONING RELIEF**

##### **A. VARIANCES**

1. Section 1409-07 – **APPROVE – Use Variance** to allow a Commercial Meeting Facility at 109 W. Elder Street with the following conditions:
  - a. All trash shall be managed within the building or an easement/covenant for compliant off-site refuse storage shall be established prior to the issuance of a Building Permit.
  - b. The Hours of Operation of the Outdoor Area shall be limited to midnight, seven days a week.
  - c. Outdoor Entertainment is not permitted as part of this Use Variance.

- B. **FINDING:** The Board makes this determination that per Section 1435-05-4:
1. 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
  2. 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.

## II. **CERTIFICATE OF APPROPRIATENESS**

- A. **APPROVE** a Certificate of Appropriateness for 109 W. Elder Street per plans submitted by Terry Boling Architect dated 11.21.18 including any revisions submitted for permit subject to staff review and approval with the following condition:
1. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.
  2. The western side exit shall be provided an appropriate easement from the adjacent property owner prior issuance of building permit or be removed.
  3. All HVAC units shall be located on the property and screened from view of neighboring properties.
  4. Approval by the Historic Conservation Board shall in no way negate the need for the second floor deck to meet all exiting requirements of the Building Code.
- B. **FINDING:** The Board makes this determination per Section 1435-09-2:
1. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.



































10.18.2018

Beth Johnson  
Urban Conservator  
City of Cincinnati  
RE: 109 West Elder

Beth-

Here is the checklist and application for the Certificate of Appropriateness for 109 West Elder.

We would like to present to the board on December 3<sup>rd</sup>, 2018, and will also be requesting a zoning use variance that is attached. I am enclosing 3 sets of 12 x 18 drawings for your review.

109 West Elder is currently an abanded building that was recently serving as storage for the Findlay Market corporation. Before that, the building was used by Mr. Pigs as a barbecue restaurant. The building was once a prominent 4 story building that was unfortunately destroyed by a fire except for the ground floor. The proposed use of the building will an event center that will serve the Findlay Market community with space for weddings, parties, and corporate functions.

The project will restore the existing cast-iron façade, and infill with new glass and steel custom storefront. The remaining cornice line will be restored and refurbished with a steel plate structure to produce a deep shadow line. The cornice will be infilled with laminated, vertically stacked glass that will produce a similar effect as prismatic glass, a material used in historic buildings in OTR. Directly behind the new cornice is a roof deck, and at the rear of the building, a second storey containing an office and bathrooms.

The second storey addition will be clad in zinc and will also have Pella operable windows facing the alley, and large skylights with vertical glazing at the roof deck area. The skylights are not visible from Elder street as they are pushed back to create the roof deck.

Thank you for your consideration,



Terry Boling, AIA, LEED AP

10.18.2018

Request for a Zoning Use Variance:

**109 West Elder**  
**Cincinnati, Ohio 45202**

109 West Elder is currently an abandoned building that was most recently serving as a storage facility for the Findlay Market corporation. Before that, the building was used by Mr. Pigs as a barbecue restaurant. The building was once a prominent 4 storey building that was unfortunately destroyed by a fire except for the ground floor. The existing building is currently in a state of neglect, and will greatly benefit from a revitalization along the growing South side of the market. The building is zoned CC-P, and we are requesting a zoning use change to CC-M. The proposed use of the building will be an event center that will serve the Findlay Market community with space for weddings, parties, and corporate functions.

The existing building is uniquely poised for this function, with a very large storefront and 17' high clear areas on the ground floor. The Findlay Market area is well furnished with restaurants and shops in addition to the market, yet has no large interior spaces that can accommodate close to 100 people for special functions. The project will have a symbiotic relationship with the market by capitalizing on the amenities in the area.

The proposed project has been discussed with several area businesses, as well as the Corporation for Findlay Market, with strong support from both as there are currently no facilities in the area serving this function. The project will certainly have a positive impact on the economic and cultural success of Findlay Market.

Thank you for your consideration,



Terry Boling, AIA, LEED AP

November 2018

Beth Johnson Urban Conservator &  
The Historic Conservation Board

Re: Support redevelopment of 109 West Elder Street, Cincinnati, Ohio 45202

To Whom It May Concern;

It is with support and excitement that I reach out on behalf of the Findlay Market community.

Jake and Miriam Hodesh have recently succeeded in purchasing the vacant property at 109 W. Elder Street. The Hodeshes are now planning to redevelop the space for their own use. They are proposing an open floor plan space that will be available for both public and private events.

This would allow Findlay Market vendors and others to host private/public functions such as pop-up dinners, tastings, and meetings.

The market receives so many requests to utilize its space and having an indoor accommodation, like a fully redeveloped 109 W Elder, would be extremely beneficial to the market and the community.

We support and look forward to working with the Hodeshes as they bring new life to 109 W Elder.

Sincerely,



Jennifer LeMasters Wirtz  
Findlay Market homeowner + business owner  
WSP Lead Architect, Sr. Project Manager  
312 Elm Street, Suite 2500, Cincinnati, OH 45202

---

---

## APPLICATION FOR ZONING RELIEF and A CERTIFICATE OF APPROPRIATENESS HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

---

APPLICATION #: ZHUV180018, COA 2018077  
APPLICANT: Adam Wisler  
OWNER: Bar Bar LLC, on behalf of Christopher A Reckman  
ADDRESS: **400 E 13<sup>th</sup> Street Cincinnati, OH 45215**  
PARCELS: 075-0002-0036  
ZONING: RM 1.2  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Pendleton  
REPORT DATE: November 27, 2018  
HEARING DATE: December 3, 2018  
STAFF REVIEW: Beth Johnson, Urban Conservator  
Matthew Shad, Zoning Administrator

---

---

### Details of Zoning Relief Required:

The current owner requires the following Zoning Relief:

1. 1405-03: Development Regulations. An Eating and Drinking establishment is not permitted in an RM 1.2 District. **A Use Variance is required.**
2. 1419-21 (b) Location. Outdoor Areas on any public sidewalk or alley requires a revocable street privilege. Any outdoor area located within 100 feet of a residential district boundary line requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses. **A Conditional Use for Outdoor Area is required. *Has been removed from the Plans as of November 7, 2018***
3. 1419-21 (g) Hours of Operation. Within 100 feet of a residential district boundary line the use of outdoor areas is prohibited between Midnight and 7 AM on Friday and Saturday and 10 PM and 7 AM on all other days, unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses. In all other locations, the use of outdoor areas shall be prohibited after 2 AM. **A Conditional Use for the hours will be required. *Has been removed from the Plans as of November 7, 2018***
4. 1419-(i) Required Buffer Yards. Where any side or rear yard of the permitted use abuts a residential district boundary line, a 10 foot buffer area ensuring visual and sonic separation shall be provided pursuant to Chapter 1423-03, Landscaping Plan. **A Variance for the buffer yards is required. *Has been removed from the Plans as of November 7, 2018***

5. **1427-33** Projecting Signs in an RM district are not permitted. **A Use Variance is required.**

### **Existing Conditions**

The subject property at 400 E 13<sup>th</sup> Street is first illustrated on the Sanborn maps in 1891 map as a corner store. The property, as shown through the Sanborn Maps and research of City directories (attached) was a grocer/corner market for a significant amount of time the building existed. The property has been altered over the years and currently is occupied as a two family dwelling structure. Speakers at a previous HCB hearing in 2015 concerning a similar Use Variance for an Eating and Drinking Establishment proposed by an affiliate entity of this property owner noted the building had been a residential use since 1989 and the last established business was in the 1950s. This appears congruent with historical records researched.

Thus, since the establishment of the current zoning code in February, 2004 and additionally, since the current owner originally purchased the property on April 20, 2009, and through all subsequent property transfers between the current owner and its associated affiliates, the structure, as a residential use has been a permitted use in the RM 1.2 zoning district. At no time since the adoption of the current zoning code or this owner's control of the property has any legal nonconformity rights been in existence for any commercial use on this property. Thus, the request must be based strictly on the merits of the Use Variance application presented.

### **Proposed Conditions**

The current owner has proposed to turn the property into a Drinking Establishment on the first floor and a residential unit on the second floor. The current owner originally desired to have an outdoor space that was proposed to operate until 1pm. The Outdoor Area request with extended hours has been removed from the application.

The current owner's request also proposes to install a projecting sign at the second floor. As to the building, the current owner proposes to remove the first floor façade and install a storefront system with an awning.

### **Previous Reviews**

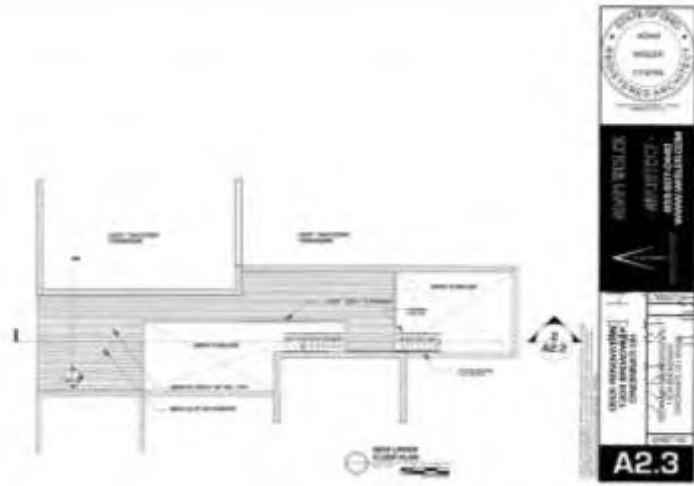
- 01/02/2007- Permit number 2007P00042, for the previous owner, approved for interior renovations for a single family dwelling unit per the application presented and approved.
- 02/9/2012- 04/5/2012- Permit number 2012P00980 and 2012P02939 – An affiliate entity of the current owner submitted interior and exterior renovation plans, certifying that the property was an existing two family structure. The City does not have any prior approvals that the building was a two family structure. Proposed renovations included relocation of the door along Broadway to be moved to align with a proposed stairway to the second floor dwelling. The permit was not adhered to and the stairway was not relocated to the rear as intended.

- 02/09/2015- An affiliate entity of the current owner, submitted a proposal for a Use Variance for an Eating and Drinking Establishment with an Outdoor Area at the first floor was submitted for review to the Historic Conservation Board. The proposal also included a new storefront system. At the time of this application the building was occupied as a two dwelling structure. The application was tabled and the Historic Conservation Board had the following concerns:
  - 1) Pendleton Community Council wasn't notified as is required by law
  - 2) Appropriate plans for the exterior changes and interior changes were not provided.
  - 3) Lack of Community Support
  - 4) The use request was not specific
  - 5) Lack of evidence of economic hardship for the requested change

The current owner never resubmitted to the Historic Conservation Board.
- 5/23/2016: The application came to the Historic Conservation Board for the construction and design of the rear deck as well as a side deck at the adjacent 1304 Broadway St., also owned by the current owner. This was approved with a note that the decks would be required to retain a handrail between each deck along the property line separating the two parcels. The current owner has removed this handrail and is currently out of compliance with the approved permit set 2015P03325 and 2016P02784 (the building permit for the neighboring property deck at 1304 Broadway St.
- 03/05/2018 under permit 2018P01920 the current owner shows an "existing deck" that the city does not have any records or permits of approval for at 1304 Broadway.



Deck approved under Historic Conservation Board Approval on 5/23/2018



Current owner submitting plans for an existing deck that was never previously approved under permit number 2018P01920

2018 – Current Owner altered the deck railing fronting along Broadway without COA approval. Owner also removed the handrails and illegally connected decks between 400 E 13<sup>th</sup> St. and 1304 Broadway (noted above). The current owner has been cited for a violation under CBG1800303 for this work as well as for cutting a large wall opening to install a garage door at the second floor, a roof extension and a fireplace within 1304 Broadway. The current owner also is maintaining a firepit on the illegally expanded deck, violating Fire Codes. A picture of the violations described is to the right and are plainly visible from the public right-of-way on E 13<sup>th</sup> St.



**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1405</a>	Residential
Variance Requests:	Section 1405	Land Use Regulations
	Section 1427	Signage
	Section 1421	Eating and Drinking Establishments
Variance Authority:	<a href="#">Section 1445-07</a>	
HCB authority:	<a href="#">Section 1435-05-4</a>	
Variance Standard:	<a href="#">Section 1445-13</a>	General Standards: Public Interest
Overlays:	<a href="#">Section 1435</a>	Historic Preservation
Historic District/Reg:	<a href="#">Over-the-Rhine Historic District</a>	

**Zoning Analysis:**

A Use Variance is required for an Eating and Drinking Establishment use in the RM 1.2 Zoning District. The use is not permitted by right.

The projecting sign is also required to get a use variance as projecting signs are not permitted by right in an RM 1.2 Zoning District.



Figure 1. Location of 400 E 13<sup>th</sup> Street. Image courtesy of CAGIS.



Figure 2. View of 400 W 13<sup>th</sup> Street ca. 2018. Image courtesy of Google.

***Use Variance for the Drinking Establishment Use.***

Section 1445-16 indicates no variance shall be granted to allow a use not permissible under the terms of the Zoning Code in the zoning district in which the property is located, unless the Zoning Hearing Examiner finds that the current owner for the use variance has demonstrated that the current owner will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence.

The following analysis outlines the use variance standards as applied to the proposed use at the subject property.

***(a) Can the property be put to any economically viable use under any of the permitted uses in the zoning district?***

- The property is currently being used as a 2 family residential use. It has also received a tax abatement for the express purpose of renovation for a residential dwelling that is still in effect. The property was permitted for rehabilitation by the current owners in 2012 and was converted from a single family use to a 2 family use, though the owners certified at the time that it was a preexisting 2 family dwelling structure. The property is fully occupied and both units are comfortably sized at approximately 800 sf on the first floor and 1100 sf on the upper floors. The building is situated on its site as most corner lot dwellings are within OTR.
- The current owner purchased the property for \$23,500 per County Auditor records or \$11,750 per dwelling. The current owner certified that only \$5,000 was the cost of the construction to renovate the two family

structure in 2012. Current property taxes for the building are \$870/yr. after the tax abatement was granted for a building valued at over \$300,000. At even a modest \$1/sf/mo., gross rental income is \$23,760/yr. If one incurred a mortgage even at the full assessed value at present including the rehab costs into the debt service with basic commercial loan terms of 9% and an Amortization Rate of 10 years, the monthly mortgage payment with would be approximately \$360 therefore a yearly debt service of \$4,344. This would create a profit of over \$18,000. Even accounting for maintenance and insurance, the current conditions based on the documented sales price and the documented construction costs per the current owner's prior building permit, the property is able to make a reasonable economic return.

*(b) Does the variance requested stem from a condition that is unique to the property at issue and not ordinarily found in the same zone or district?*

- The building has been altered from its original design; However, a photo of the building in 1910 shows a building that did not have a large storefront present but instead maintained a more residential feel with individual punched openings symmetrical with the upper story punched openings.



Picture from Kenton County Public Library- Faces and Places

- Sanborn Maps and historic directory research shows that the property was used for much of its early days as a grocery and corner market.
- While the property was historically a commercial property, it was a market and a small retail establishment. It was not originally bar and a bar was not the original historic use as the current owners have stated in their economic and feasibility analysis. The original use was a grocer.
- The current owners have provided no substantive documentation that a bar was ever at this location.
- The current owner states that the space could not be used as an office or retail space, stating that the low ceiling and small windows make it unmarketable. They did not analyze whether they would be able to open up the façade with appropriate windows in their original proportions comparable to what is typical for residential style structures within Over-the-Rhine, as a way to make the space more attractive as residential, office or general commercial, or personal service uses.
- The current owner states that there are other delis/markets within two blocks and that this would be too much of a competition, however the same can also be said for bars. There are 5 bars within a closer proximity to this location than the 2 markets/delis.

*(c) The hardship condition is not created by actions of the applicant*

- The current owner is claiming that the hardship is that the space is an unlivable space for a tenant due to noise, crime, lack of privacy and bunker like feel to the space due to the small windows. The current owner knowingly chose to keep the small windows when remodeling the property in 2012 when they could have made appropriate changes to the windows. The windows on the first floor are not compatible windows in keeping with the original form of the building or the historically architecture of the period, and staff is open to discussing ways to make the space more open with appropriately scaled windows. Such a change to a more conforming scale of window, even in 2012, likely would have received approval by the Urban Conservator. Also there are many examples of buildings, even corner buildings that are placed at the sidewalk that utilized and occupied as residential units. There are even many examples of even former commercial spaces that have been turned into residential spaces that the developers/architects of the buildings have found creative solutions to create privacy and natural light for their tenants. The HCB has approved several such projects in 2018 alone, and along much busier streets including in OTR, including Elm and Race Streets.

*(d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents*

- Adjacent property owners that own property within the vicinity of the property raised both significant and numerous objections. Many have cited commercial encroachment, the known nuisances in general of Drinking Establishments and the key point that the quantity of bars in the

neighborhood cannot be supported by the neighborhood alone and must rely upon patrons outside OTR, whom overwhelming will still rely on cars to come to the establishment.

- While parking is no longer required for uses within Over-the-Rhine, the current use of the property has 2 apartments and therefore the parking demand is for 2 spaces. A new bar at this location will create a need for 7 spaces for the building as a whole. Other uses, such as retail would only require 4 for the entire building or office would only require 3. If reconsidered, the Outdoor Area would increase the requirements. It is also not clear whether the current owner may have contemplated using the illegally expanded second story deck and garage door fronting area for additional patronage.

*(e) The granting of the variance will not adversely affect the community character, public health, safety or general welfare*

- The zoning district is a residential zoning district. While there is a CN-P district on the SW corner, the other 2 corners of the intersection are also residentially zoned. Commercial creep is a concern in any neighborhood and when prohibited commercial uses are requested through a use variance, Zoning Administration typically believes that the proposed incongruent use should be the least intense use possible. Eating and Drinking Establishments are typically the most nuisance-laden, parking intense, and disruptive of all commercial uses. The current owners have not shown that they have considered other commercial uses that would have less of an impact with noise, traffic and parking, nor have they demonstrated that there is not any other economically viable less intense commercial use of the property. In fact, they have not demonstrated that the existing two dwelling use is in fact not economically viable, though simple estimations appear to confirm viability is present

*(f) The variance will be consistent with the general spirit and intent of the Zoning Code*

- The RM District is stated as being
  - RM-1.2 Multi-family. This subdistrict is intended to provide for mixed residential uses at moderately high densities. This is an intense district with an urban character. The minimum land area for every dwelling unit is 1,200 square feet.
  - The proposed use is a commercial enterprise and is not within the general spirit or intent of the Zoning District as nearly all commercial uses are prohibited in the district.

*(g) The variance sought is the minimum that will afford relief to the applicant*

- The current owners have requested a Drinking Establishment for this location based on the statement that a bar was historically at this location. This was for a very limited span of time and long before the zoning code was established and long before the current residential district was codified. They have not provided any economic analysis that the building

cannot be used as a residential use and the building is currently being used as a residential use, though given basic return on investment projections, should clearly be a viable economic venture presently.

- If a residential use is not suitable for this location, which economically has been disproven, then other less intense commercial use should have been considered and analyzed, which they were not. The current owners have not provided an analysis to show that other less intense commercial uses, such as retail, personal services, or offices would not be viable at this location.

### ***Use Variance for the sign***

As staff is not supportive of a bar at this location, we also do not feel that a projecting sign is appropriate at this location, particularly when it does not conform to zoning or historic district requirements. Currently the sign proposed does not meet the guidelines as it is placed at the second level and is not the appropriate size of 3.5ft by 3.5 ft.

### ***Conditional Uses for the Outdoor Space, Hours of the Outdoor Area and Amplification***

The current owners have removed the outdoor seating from the original plans that they submitted for the adjudication review. Staff wants to note, that if a Drinking Establishment is approved by Use Variance at this site, staff is not supportive of any outdoor space on the parcel or on the public right of way. The ramp that the current owners have shown on the public right of way has not been approved by DOTE and it is not guaranteed that it will be approved on the right of way because of the significant impediment to the public sidewalk. The current owner has not demonstrated that the Broadway door furthest north cannot be utilized for the required ADA access, eliminating the large landing proposed.

Staff also wishes to illustrate that with the illegal decks that have been merged and expanded onto 1304 Broadway's property. This connection of decks raised significant building code concerns as now the buildings have been linked together into a 4-family structure, yet not been built to commercial building code requirements.

It should also be noted that if the Use Variance is approved, the renovation will be required to meet Commercial Building Code standards for a mixed use building and all appropriate life-safety measures would be required to be installed.

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

A COA is required for the proposed changes to the façade. As the changes are significant, this could not be accomplished by Staff approval. Given the building is considered a Contributing Structure within the district; Staff is ONLY supportive of any changes that would bring the building to be MORE congruent with its previous historic appearance than to further alter its typology.

**12. Storefronts:** *Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected and the pressure should be less than 100 p.s.i.*

*Don't reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don't cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate*

As the first floor has been substantially altered in a manner incongruent to the guidelines and there is pictorial evidence of what was originally constructed with traditional punched opening windows and doors, the proposed storefront is an inappropriate alteration. Bringing the building back to its original character with punched openings would be more appropriate and staff would be able to support a change that was in keeping with the historic architecture of the building, regardless of the proposed use.

Staff is not supportive of the following elements on the current owner's proposal:

- 1) 2 sets of doors on the front- Regular door and a French door.
- 2) Non-fixed pane glass windows to make sure that any sound on the interior from patrons or music does not flow onto the streets and surrounding residential properties.
- 3) The windows and door openings on the west elevation should vertically align with the windows above. The windows on the west wall in the rear should be 2 double hung windows that align with the windows on the second floor.
- 4) Large nano walls should not be included in the design. An awning located on the Broadway where traditionally no such awning would exist, particularly at the scale/length proposed.

**13. Signs:** *Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business. Wall and projecting signs should be located above the storefront or first story and below the second story sills. The size of wall signs shall be limited to one square foot per lineal foot of building frontage. Projecting signs should be no larger than 3 feet, 6 inches in width or height. Small projecting signs such*

*as symbol signs are appropriate. Billboards and internally illuminated signs are not permitted. Neon signs may be approved on a case-by-case basis.*

Staff would only be supportive of conforming signage.

**4. Decks:** *Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade. Metal balconies should not be discouraged.*

The current owner recently installed a glass railing that was not approved with their original deck application(s) in May of 2016. The current owners are requesting that a glass railing now be approved rather than a metal railing that was previously approved. The current owner also illegally connected the decks of 400 E 13<sup>th</sup> and 1204 Broadway after the permits were closed, which was specifically required not to be connected during the Historic Conservation Board review and the building permit process.

Staff is not opposed the glass railing, while a metal railing that was previously approved is more appropriate for a historic building, the glass railing does not detract from the architecture of the building. However, there is supposed to be a separation along the street façade and a separation of decks between the two distinct properties and two distinct structures which the current owner took advantage of at the time of permitting. If the building had been permitted as now illegally constructed, with large connecting decks across two unique properties, the department would have deemed this a 4 family structure and would have applied a commercial building code standard.

### **Other Considerations:**

**Prehearing Results:** A prehearing was held on November 14, 2018. 3 neighbors were in attendance with the current owners and the 3 neighbors present were not supportive of the application.

**Comments Provided to Staff:** There have been 8 letters of opposition submitted and 11 letters/emails in support. The Pendleton Community Council did vote in favor of the request. They are all attached.

**Consistency with *Plan Cincinnati (2012)*:**  
“Sustain” Initiative Area “Preserve our built history”

### **Recommendation:**

Staff recommends the Historic Conservation Board take the following actions:

#### **I. ZONING RELIEF**

##### **A. USE VARIANCES**

1. Section 1405-03 – **DENY – Use Variance** required for Drinking Establishment per plans by Adam Wisler Architect dated June 21, 2018.
2. Section 1427-33 – **DENY – Use Variance** required for a projecting sign per plan by Adam Wisler Architect dated June 21, 2018.

- B. FINDING:** The Board makes this determination that per Section 1435-05-4:
1. Such relief from literal implication of the Zoning Code will be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
  2. The current owner has not demonstrated that the current permitted 2 family structure is not an economically viable use.
  3. The current owner has not demonstrated that any other permitted use or less intense commercial use is also not economically viable.
  4. The property was not originally used as a bar. It was originally a corner store/grocery and was such for the majority of its history.
  5. The property is currently being used as a 2 family residential use and therefore the current owners cannot claim that a residential use is not feasible.
  6. The current owner is not guaranteed the highest and best use for the property. They are guaranteed a use that is permitted by law.

## II. **CERTIFICATE OF APPROPRIATENESS**

### C. **COA for the Storefront Changes and Sign**

#### *IF A USE VARIANCE IS DENIED*

**DENY** a Certificate of Appropriateness for a sign and changes to the first floor façade for 400 E 13<sup>th</sup> Street per plans provided by Adam Wisler Architect dated June 21, 2018.

#### D. **FINDING:**

1. That the property owner has not demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
2. The historic composition of this Contributing Structure did not have a commercial storefront as part of its architectural design.
3. The scale of the awning system, particularly proposed on Broadway, is not in keeping with a secondary façade.
4. The current owner has not demonstrated the need or support from DOTE regarding the raised ADA platform on the Broadway frontage.

#### *IF A USE VARIANCE IS APPROVED*

**TABLE** a Certificate of Appropriateness for a sign and changes to the first floor façade for 400 E 13<sup>th</sup> Street per plans provided by Adam Wisler Architect dated June 21, 2018 so the current owners can make changes to proposal that would make the proposal more in keeping with historic design of the building, utilizing punched windows and door more in keeping with the original context of the building.

**E. COA for the Railing**

**APPROVE** a Certificate of Appropriateness for a glass railing at the rear deck of 400 E 13<sup>th</sup> Street provided that

1. The owner immediately separates the deck from the deck at 1304 Broadway per the approved plans of the HCB and Building Dept.
2. A separate COA be required for the glass railing at 1304 Broadway.
3. The current owner take immediate steps to resolve the illegal construction of deck expansion, fire pits, fireplaces and illegal cuts in the façade at 1304 Broadway that established the inappropriate second floor garage door opening.

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

1. The property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
2. A glass railing does not detract from the architecture of the historic building.

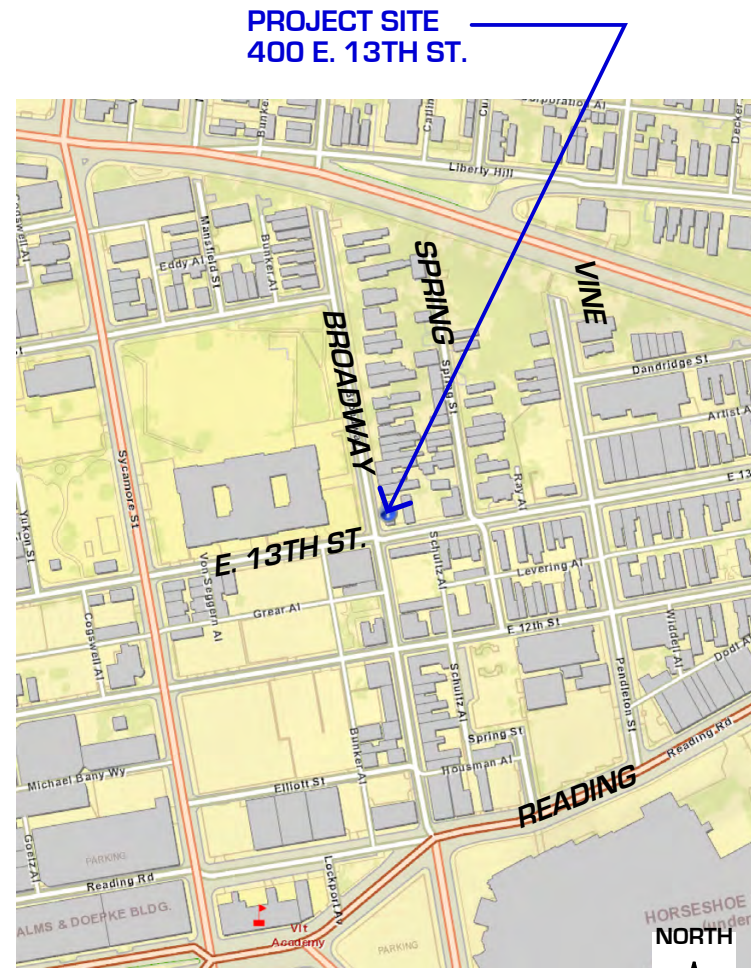
**PROJECT TEAM**

**OWNER:**  
CHRIS RECKMAN  
1304 BROADWAY, #2  
CINCINNATI, OH 45202

**ARCHITECT:**  
ADAM WISLER - ARCHITECT  
814 MAIN STREET  
COVINGTON, KY 41011  
859-907-0440

**GENERAL CONTRACTOR:**  
C.A.R. CONSTRUCTION #0610  
2014 FREEMAN  
CINCINNATI, OH 45214

**VICINITY MAP**



**CODE REFERENCES**

2013 O.B.C. SOIL BEARING CAPACITY: 1500 PSI  
SNOW LOAD 20 PSF GUARDRAIL LOADS:  
LIVE LOAD OF COMMERCIAL 200 LB POINT LOAD TO TOP OF GUARDRAIL  
SPACE 100 PSF 50 PSF LOAD AT HORIZONTAL INFILL OF GUARDRAIL  
DEFLECTION  $L/360$

**GENERAL NOTES**

FOR THE PURPOSE OF THESE DRAWINGS AND ACCOMPANYING SPECIFICATIONS: THE TERM 'BY OWNER' SHALL MEAN ITEM FURNISHED BY OWNER AND INSTALLED BY CONTRACTOR. THE ABBREVIATION "N.I.C." SHALL MEAN ITEM FURNISHED AND INSTALLED BY OWNER UNDER SEPERATE CONTRACT. CONTRACT SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK. ANY ERRORS, AMBIGUITIES AND OMISSIONS IN DRAWINGS AND SPECIFICATIONS SHALL BE REPORTED TO THE ARCHITECT, FOR CORRECTION DURING BIDDING PERIOD AND/OR BEFORE ANY PART OF WORK IS STARTED UNLESS EXPRESSLY STIPULATED. NO ADDITIONAL ALLOWANCES WILL BE MADE IN THE CONTRACTOR'S AND/OR MANUFACTURER'S FAVOR BY VIRTUE OF ERRORS, AMBIGUITIES AND/OR OMISSIONS, WHICH SHOULD HAVE BEEN DISCOVERED DURING PREPARATION OF BID ESTIMATES AND DIRECTED TO THE ARCHITECT'S ATTENTION IN A TIMELY MANNER. THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THERE OF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION, OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART, IS PROHIBITED WITHOUT WRITTEN APPROVAL OF THE ARCHITECT. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS IN ADAM WISLER - ARCHITECT, WITHOUT PREJUDICE.

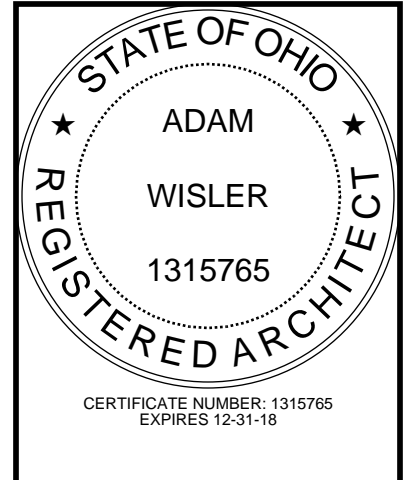
**INDEX OF DRAWINGS**

SHEET	DESCRIPTION
A0.1	COVER, GENERAL NOTES AND SYMBOLS
A0.2	GENERAL NOTES AND ABBREVIATIONS
A1.1	SITE PLAN AND PROPERTY INFORMATION
A1.2	HISTORIC SITE MAPS
A1.3	HISTORIC VICINITY AND PHOTO MAPS
A1.4	CONTEXTURAL PHOTOS
A2.2	FLOOR PLANS
A4.1	ELEVATIONS
A4.2	ELEVATIONS

**SYMBOL LEGEND**

TYPICAL FOR ARCHITECTURAL DRAWINGS ONLY

- DOOR NUMBER
- WINDOW TAG
- REVISION TAG
- DRAWING NOTE
- ELEVATION MARK
- EXTERIOR ELEVATION TAG DETAIL NO. SHEET NO.
- INTERIOR ELEVATION TAG SHEET NO. DETAIL NO.
- ENLARGED DETAIL MARK DETAIL NO. SHEET NO.
- SECTION MARK DETAIL NO. SHEET NO.



21JUN18

400 EAST THIRTEENTH  
BROADWAY  
THIRTEENTH  
CINCINNATI, OH 45204

**A0.1**

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project, without the written authorization of ADAM WISLER - ARCHITECT.

## ARCHITECTURAL GENERAL NOTES

ALL EXTERIOR DIMENSIONS SHOWN ON PLAN ARE TO OUTSIDE FACE OF FOUNDATIONS. ALL OTHER DIMENSIONS SHOWN ON PLAN ARE FROM FINISHED FACE TO FINISHED FACE. ITEMS NOT LOCATED BY DIMENSION SHALL BE LOCATED BASED ON ALIGNMENT TO EXISTING CONDITIONS IN THE FIELD. ALL DIMENSIONS ARE TO BE FIELD VERIFIED.

MEANS, METHODS AND TECHNIQUES ASSOCIATED WITH DEMOLITION, CONSTRUCTION, TEMPORARILY SHORING, BRACING, AND STABILITY OF THE EXISTING STRUCTURE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

ELECTRICAL INFORMATION WHICH IS PART OF THE ARCHITECTURAL SET OF DRAWINGS ARE FOR SWITCHING AND RECEPTACLE LOCATION ONLY.

ALL WOOD IN CONTACT WITH CONCRETE, EXPOSED TO THE EXTERIOR OR TO MOISTURE IN GENERAL SHALL BE PRESSURE TREATED, CEDAR, OR REDWOOD

ALL ALUMINUM IN CONTACT WITH DISSIMILAR METALS SHALL BE ISOLATED TO AVOID ELECTROLYTIC REACTION.

CONSTRUCTION SITE TO BE KEPT NEAT AND ORDERLY. INTERIOR WORK AREAS TO BE "BROOM CLEANED" AT THE CONCLUSION OF EACH AND EVERY WORK DAY. THESE AREAS ARE TO BE SEPARATED FROM NON CONSTRUCTION AREAS WITH METHODS OF DUST, DIRT AND ODOR PROTECTION AND SEPARATION. THESE AREAS ARE TO BE LEFT SECURE AND SAFE DURING PERIODS WHEN WORK IS INTERRUPTED.

ALL WORK SHALL COMPLY WITH LOCAL, STATE, AND FEDERAL CODES AND STANDARDS.

ALL SUSPENDED ITEMS SUCH AS CEILINGS, LIGHTS, CONDUIT, ETC. SHALL BE ATTACHED DIRECTLY TO THE STRUCTURE.

THE GENERAL CONTRACTOR SHALL PROVIDE OR ARRANGE WITH OWNER TO PROVIDE ALL TEMPORARY SERVICES REQUIRED TO FACILITATE THE WORK INDICATED, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: POWER, LIGHTING, HEAT, AND WATER.

GENERAL CONTRACTOR IS RESPONSIBLE FOR MAINTAINING EXISTING DRAINAGE STRUCTURES WITHIN THE LIMITS OF CONSTRUCTION. MAINTAIN POSITIVE SLOPE TO ALL EXISTING DRAINAGE STRUCTURES.

THE GENERAL CONTRACTOR SHALL LOCATE ANY EXISTING UNDERGROUND UTILITIES, PIPING, STORAGE TANKS, DRAINAGE LINES, TUNNELS, LEACHING BEDS, ETC. AS APPLICABLE TO THIS PROJECT IN AREA OF NEW CONSTRUCTION PRIOR TO BEGINNING ANY EXCAVATION OR SITE OCCUPANCY.

CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION IN THESE DRAWINGS. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS, INCLUDING BUILDINGS, SITE CONDITIONS AND SOIL BEARING PRESSURE. ASSUMED SOIL BEARING CAPACITY = 1500 PSF. ALL ERRORS, OMISSIONS AND INCONSISTENCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. FAILURE TO DO SO WILL RELEASE THE ARCHITECT ALL RESPONSIBILITY. ANY CHANGE FROM THESE DOCUMENTS ARE THE RESPONSIBILITY OF THE CONTRACTOR. THESE DRAWINGS ARE NOT TO BE SCALED. IF INSUFFICIENT INFORMATION EXISTS, CONTACT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

NOTCHES IN WALL STUDS ARE NOT TO EXCEED 1/4 OF THE STUD WIDTH AND NO HOLES ARE TO BE BORED GREATER THAN 40% OF THE STUD WIDTH. NOTCHES IN THE TOP OR BOTTOM OF THE JOISTS ARE NOT TO EXCEED 1/6 OF THE JOIST DEPTH AND NOT BE LOCATED IN THE MIDDLE OF 1/3 OF THE SPAN. NO HOLES ARE TO BE BORED LARGER THAN 1/3 OF THE JOIST DEPTH, WITHIN TWO INCHES OF THE TOP OR BOTTOM OF THE JOISTS, NOR WITHIN TWO FEET OF THE JOIST BEARING. NO HOLES OR NOTCHES ARE ALLOWED IN BEAMS UNLESS APPROVED BY THE ARCHITECT.

UNLESS NOTED OTHERWISE:  
USE (2) 2x8 HEADER WITH 1/2" PLYWOOD FLITCH PLATE FOR BEARING FOR BEARING OPENINGS UP TO 5'-0".  
USE (3) 2x8 HEADER FOR BEARING OPENINGS OVER 5'-0" UP TO 8'-0" OR USE (2) 2x12 HEADER WITH 1/2" PLYWOOD FLITCH PLATE FOR BEARING  
USE (3) 2x12 HEADER FOR BEARING OPENINGS OVER 8'-0" UP TO 11'-0".

USE BUILT UP LVL OR W6x16 STEEL BEAM FOR HEADERS OVER 11'-0".

PROVIDE SOLID BLOCKING TO FOUNDATION FOR OPENINGS OVER 7'-0".

FIRE BLOCKING OF TWO INCH NOMINAL LUMBER SHALL BE PROVIDED TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN ALL CONCEALED DRAFT OPENINGS, BOTH VERTICAL AND HORIZONTAL.

GUARDS AND HANDRAILS SHALL BE ABLE TO RESIST A SINGLE CONCENTRATED LOAD OF 200 POUNDS APPLIED IN ANY DIRECTION ALONG THE TOP.

EXHAUST FANS TO VENT DIRECTLY TO EXTERIOR.

DOORS TO HAVE TEMPERED GLASS.

WINDOWS WITHIN 24" OF A DOOR TO HAVE TEMPERED GLASS. WINDOW WITHIN 18" OF THE FLOOR TO HAVE TEMPERED GLASS

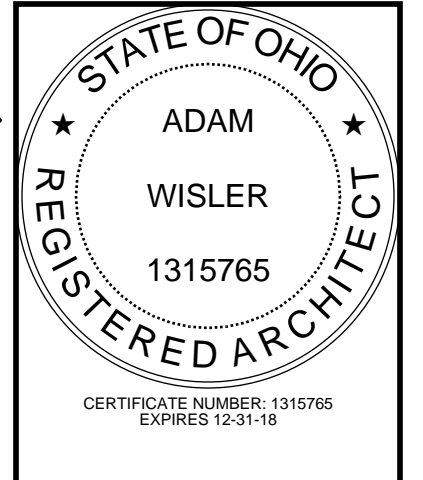
STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING ENGINEERED DRAWINGS SHOULD BE REFERENCED FOR APPLICABLE GENERAL NOTES, SPECIFICATIONS AND DESIGN INFORMATION.

& @ #	AND POUNDS or NUMBER
A.B. A.C. A.D. AC. ADJ. A.F.F. A.H.U. ALT ALUM. ANOD. APPROX. ARCH. AUX.	ANCHOR BOLT ASPHALTIC CONCRETE AREA DRAIN ACOUSTICAL ADJUSTABLE ABOVE FINISHED FLOOR AIR HANDLING UNIT ALTERNATE ALUMINUM ANODIZED APPROXIMATE ARCHITECTURAL AUXILIARY
B.O.C. B.O.D. B.O.F. B.O.G. B.O.M. B.O.P. B.O.S. B.U. B.U.R. BD. BITUM. BLDG. B.P. BLKG BM. BOT. BTWN.	BOTTOM OF CONCRETE BOTTOM OF DECK(ING) BOTTOM OF FRAMING BOTTOM OF FINISH GRADE BOTTOM OF MASONRY BOTTOM OF PAVING BOTTOM OF STEEL BUILT-UP BUILT-UP ROOFING BOARD BITUMINOUS BUILDING BUILDING PAPER BLOCKING BEAM BOTTOM BETWEEN
C.FLASHG C.B. C.J. C.L. C.M.U. C.O. C.T. CAB. CLG. CLR. COL. CONC. COND. CONFIG. CONN. CONST. CONT. CPT. CTR. CTRSK.	COUNTER FLASHING CATCH BASIN CONTROL JOINT CENTER LINE CONCRETE MASONRY UNIT CLEAN OUT CERAMIC TILE CABINET CEILING CLEAR(ANCE) COLUMN CONCRETE CONDITION CONFIGURATION CONNECTION CONSTRUCTION CONTINUE(OUS) CARPET (ED) CENTER COUNTERSUNK
D. D.F. D.S. D.S.P. D&L DEMO. DIA. DIM. DISP. DN. DR. DTL. DW. DWG.	DEPTH DRINKING FOUNTAIN DOWNSPOUT DRY STAND PIPE DOUBLE DEMOLISH, DEMOLITION DIAMETER DIMENSION DISPENSER DOWN DOOR DETAIL DISHWASHER DRAWING
E.1 E.B. E.I.F.S. E.J. E.P. E.W.C. EA. EL. ELEC. ELEV. ELEV. EMERG. ENCL. EQ. EQUIP. EXIST. EXP. EXT.	EAST EXPANSION BOLT EXTERIOR INSULATED FINISH SYSTEM EXPANSION JOINT ELECTRICAL PANEL BOARD ELECTRIC WATER COOLER EACH ELEVATION (TOPOGRAPHICAL) ELECTRICAL ELEVATION (DRAWING) ELEVATOR EMERGENCY ENCLOSURE EQUAL EQUIPMENT EXISTING EXPANSION EXTERIOR
F.A. F.B.O. F.D. F.D. F.D.C. F.E. F.E.C.	FIRE ALARM FURNISHED BY OTHERS FIRE DAMPER FLOOR DRAIN FIRE DEPARTMENT CONNECTION FIRE EXTINGUISHER FIRE EXTINGUISHER CABINET

F.H. F.H.S. F.O. F.O.C. F.O.F. F.O.M. F.O.S. F.R. F.R.T. F.R.P.T. FIN. FL. FLASHG FLUOR. FND. FPL. FT. FTG. FUR.	FIRE HYDRANT FIRE HOSE STATION FACE OF FACE OF CONCRETE FACE OF FINISH FACE OF MASONRY FACE OF STUD FIRE-RATED FIRE -RETARDANT TREATED FIRE -RETARDANT PRESSURE-TREATED FINISH(ED) FLOOR(ING) FLASHING FLUORESCENT FOUNDATION FIREPLACE FEET FOOTING FURRING (FURRED)
G.B. GA. GALV. GL. GND. GYP. GYP.BD. G.W.B.	GRAB BAR GAGE GALVANIZED GLASS (GLAZING) GROUND GYPSUM GYPSUM BOARD GYPSUM BOARD
H. H.B. H.C. H.M. HDCP. HDR. HDWD. HDWR. HGT. HORIZ. HR. HVAC	HIGH HOSE BIBB HOLLOW CORE HOLLOW METAL HANDICAPPED HEADER HARDWOOD HARDWARE HEIGHT HORIZONTAL HOUR HEATING/VENTILATING/AIR CONDITIONING
I.D. INCAN. INCL. INSUL. INT.	INSIDE DIAMETER INCANDESCENT INCLUDE (D) (ING) INSULATE(D) (ION) INTERIOR
JAN.	JANITOR
K.D. K.D. KIT. KW.	KILN-DRIED KNOCK DOWN KITCHEN KILOWATT
L. LAB. LAM. LAV. LKR. LT.	LENGTH LABORATORY LAMINATE(D) LAVATORY LOCKER LIGHT
M.B. M.O. MATL. MAX. M.D.F. MECH. MED. MEZZ. MFG. MFR. MH. MIN. MISC. MTL.	MACHINE BOLT MASONRY OPENING MATERIAL MAXIMUM MEDIUM DENSITY FIBERBOARD MECHANICAL MEDIUM MEZZANINE MANUFACTURING MANUFACTURER MANHOLE MINIMUM MISCELLANEOUS METAL
N. NA. N.I.C. N.T.S. NO. (or #) NOM.	NORTH NOT APPLICABLE NOT IN CONTRACT NOT TO SCALE NUMBER NOMINAL
O.C. O.D. O.F.C.I. O.F.R.D. OH. OPNG. OPP.	ON CENTER(S) OUTSIDE DIAMETER OWNER FURNISHED, CONTRACTOR INSTALLED OVERFLOW ROOF DRAIN OVERHEAD OPENING OPPOSITE
P. LAM. P.S.I. P.T. P.T. PERF. PL.	PLASTIC LAMINATE POUNDS PER SQUARE INCH. PAPER TOWEL PRESSURE TREATED PERFORATE(D) PLATE

PLWD. PR. PT.	PLYWOOD PAIR POINT
Q.T.	QUARRY TILE
R. R. R.A. R.BASE R.D. R.O. R.W.L. REF. REFR. REINF. REQ. RESIL. REV. RM.	RADIUS RISER RETURN AIR RUBBER BASE ROOF DRAIN ROUGH OPENING RAIN WATER LEADER REFERENCE REFRIGERATOR REINFORCE(D) (ING) REQUIRE(D) RESILIENT REVERSE(D) (ION) ROOM
S. S.A. S.C. S.C.D. S.D. S.D. S.N.D. S.N.R. S.S. S.V. SCHED. SHT. SHTG. SHWR. SIM. SPEC. SPKLR. S.F. STD. STL. STOR. STRUCT. S.S. SUSP. SYM. SYN. SYS.	SOUTH SUPPLY AIR SOLID CORE SEAT COVER DISPENSER SOAP DISPENSER STORM DRAIN SANITARY NAPKIN DISPENSER SANITARY NAPKIN RECEPTACLE STAINLESS STEEL SHEET VINYL SCHEDULE SHEET SHEATHING SHOWER SIMILAR SPECIFICATION (S) SPRINKLER SQUARE FEET STANDARD STEEL STORAGE STRUCTURAL STRUCTURAL SLAB SUSPEND(ED) SYMMETRY(ICAL) SYNTHETIC SYSTEM
T&G. T.S. T. T.B. T.O.C. T.O.D. T.O.G. T.O.M. T.O.P. T.O.PL. T.O.S. T.O.W. T.P.D. T.S. T.V. TEL. TEMP. THK. THRESH. TME TYP.	TONGUE & GROOVE TOPPING SLAB TREAD TOWEL BAR TOP OF CONCRETE TOP OF DECK(ING) TOP OF FINISH GRADE TOP OF MASONRY TOP OF PAVING TOP OF PLATE TOP OF STEEL TOP OF WALL TOILET PAPER DISPENSER TUBE STEEL TELEVISION TELEPHONE TEMPERED THICK (NESS) THRESHOLD TO MATCH EXISTING TYPICAL
U.L. U.N.O. UN-FIN.	UNDERWRITERS LABORATORY UNLESS NOTED OTHERWISE UNFINISHED
V.B. V.C.T. V.G. V.P. V.T. V.I.F. VERT. VEST.	VAPOR BARRIER VINYL COMPOSITION TILE VERTICAL GRAIN VENEER PLASTER VINYL TILE VERIFY IN FIELD VERTICAL VESTIBULE
W. W. W.C. W.G. W.H. W.P. W.R. W.W.F. W/ W/IN W/O WD. WSCT. WT.	WEST WIDTH, WIDE WATER CLOSET WIRED GLASS WATER HEATER WATERPROOF(ING) WATER RESISTANT WELDED WIRE FABRIC WITH WITHIN WITHOUT WOOD WAINSCOT WEIGHT
YD.	YARD.

## ABBREVIATIONS



ADAM WISLER  
ARCHITECT  
859-907-0440  
WWW.WISLER.COM

21JUN18

400 EAST THIRTEENTH  
BROADWAY  
THIRTEENTH  
GINGINNATI, OH 45204

A0.2

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project, without the written authorization of ADAM WISLER - ARCHITECT.

**BROADWAY**

ADJACENT  
RESIDENTIAL  
PROPERTY

ADJACENT  
RESIDENTIAL  
PROPERTY

55.75'  
400 E. 13TH. ST.  
18'

VACANT LOT

ADJACENT  
RESIDENTIAL  
PROPERTY

**E. 13TH. ST.**

ADJACENT COMMERCIAL PROPERTY

OCCUPIED  
SIDEWALK

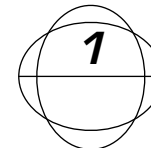
NEW AWNING SYTEM  
TO EXTEND 4'-0" OVER  
SIDEWALK

**PROPERTY INFORMATION:**

**OWNER:** CHRIS RECKMAN  
**ADDRESS:** 400 E. 13TH  
**ZONING:** CC-P COMMERCIAL COMMUNITY  
**AUDITOR PARCEL ID:** 075-0002-0036-00  
**CAGIS PARCEL ID:** 07500020036  
**NEIGHBORHOOD:** PENDLETON  
**COMMUNITY COUNCIL BOUNDARY:** PENDLETON  
**TAX DISTRICT:** 1

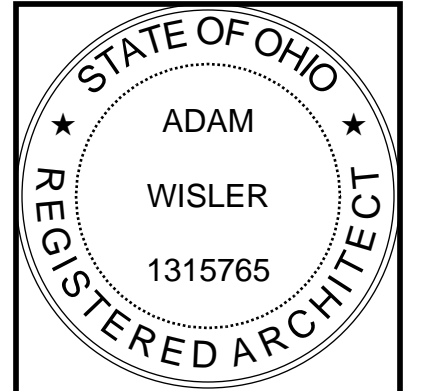
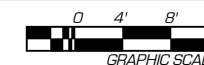
**ZONING:**

**ZONING VALUE:** RM-1.2 - Residential Multi Family  
**JURISDICTION:** CITY OF CINCINNATI  
**ZONING TYPE:** MUNICIPAL  
**ZONING ORDINANCE:** 0015-2004  
**HISTORIC DISTRICT:** OVER-THE-RHINE  
**HISTORIC DISTRICT ORDINANCE:** 0309-2001  
**HISTORIC DISTRICT CNR:** OVER-THE RHINE HISTORIC DISTRICT  
**ENTERPRISE ZONE:** 1  
**EMPOWERMENT ZONE:** NO  
**IDC DISTRICT:** IDC-66  
**IDC STATUS:** EXPIRED  
**SPUR DISTRICT:** NO  
**TIF DISTRICT:** DOWNTOWN/OTR EAST  
**URBAN DESIGN DISTRICT:** NO  
**URBAN RENEWAL DISTRICT:** OVER THE RHINE  
**URBAN RENEWAL PLAN**  
**HILLSIDE DISTRICT:** NO  
**BARRICADE ZONE:** B



**SITE PLAN**

1/16" = 1'-0"



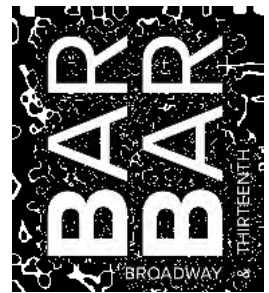
CERTIFICATE NUMBER: 1315765  
EXPIRES 12-31-18

ADAM WISLER  
ARCHITECT  
859-907-0440  
WWW.WISLER.COM



21JUN18

400 EAST THIRTEENTH



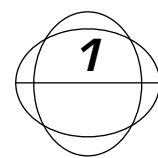
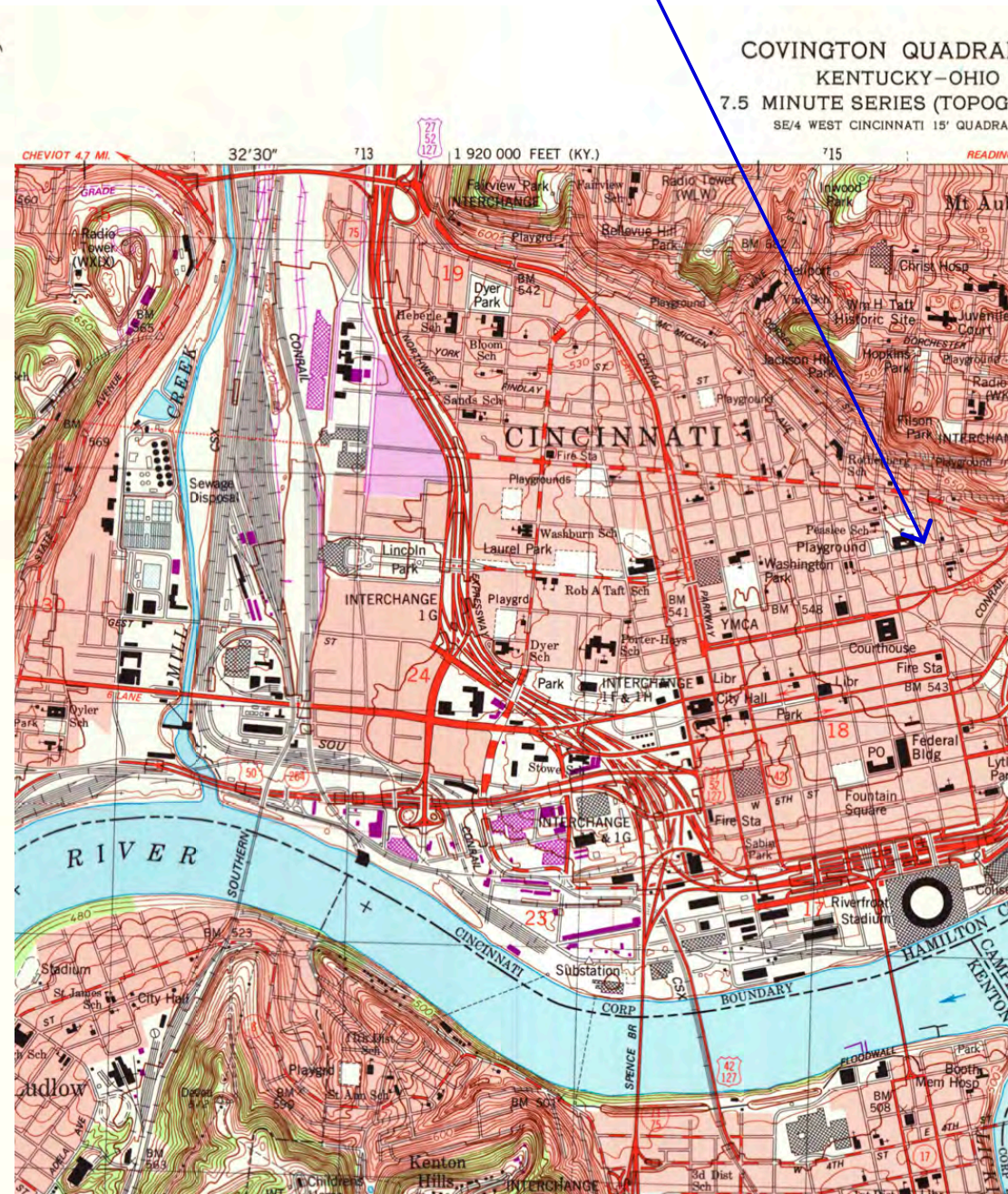
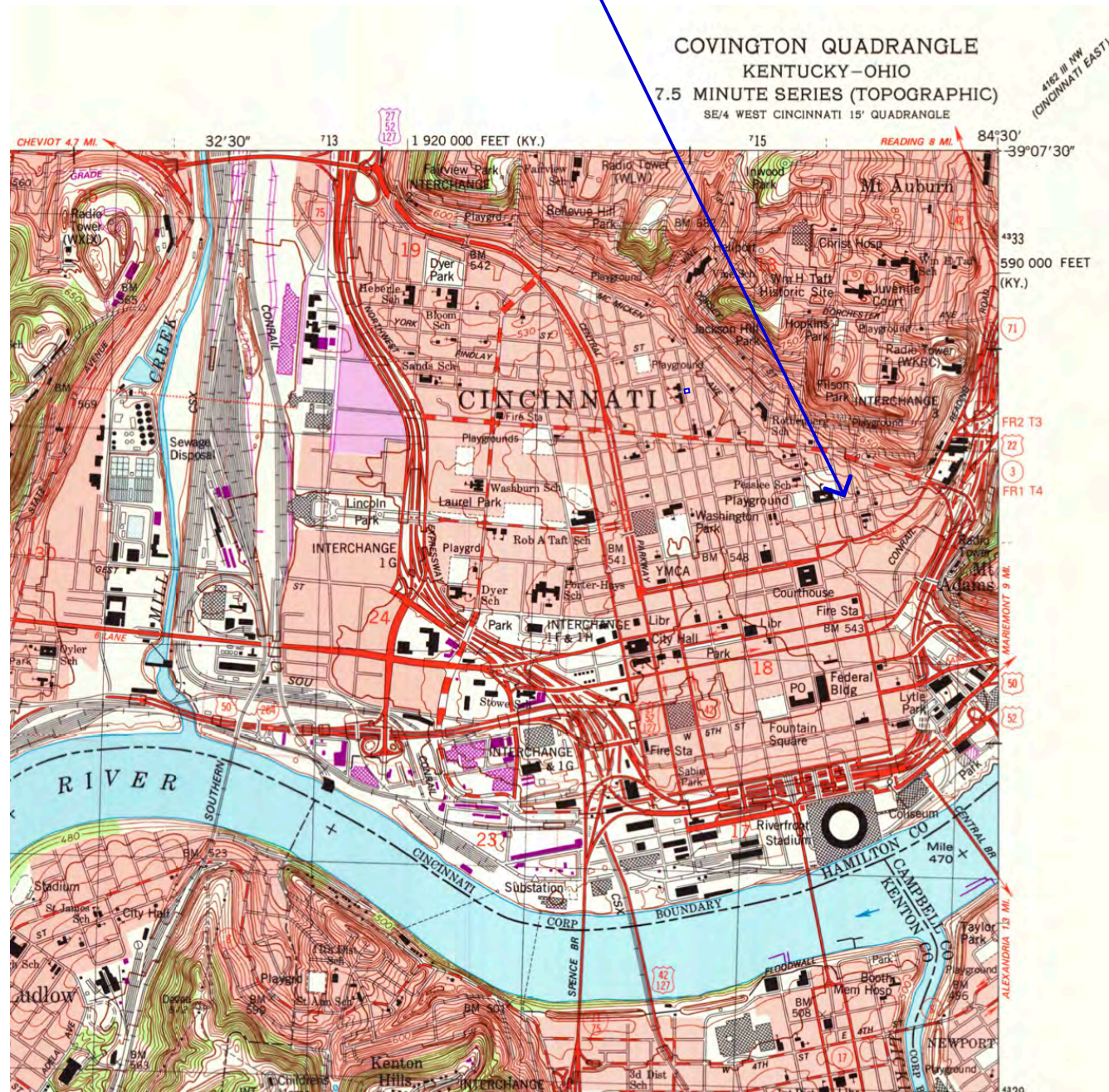
CINCINNATI, OH 45204

**A1.1**

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project, without the written authorization of ADAM WISLER - ARCHITECT.

400 E. 13TH

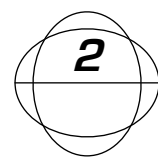
400 E. 13TH



**APE SITE PLAN**

NO SCALE

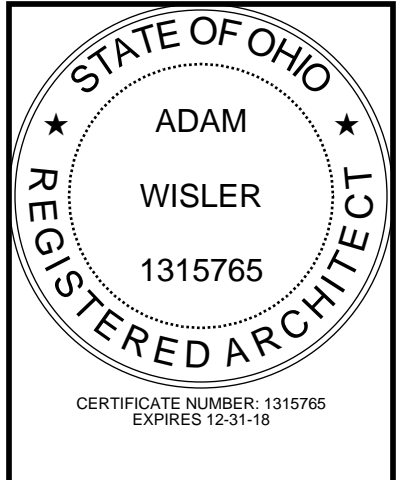
NORTH



**HISTORIC PLAN**

NO SCALE

NORTH



ADAM WISLER  
 ARCHITECT  
 859-907-0440  
 WWW.WISLER.COM



21JUN18

400 EAST THIRTEENTH

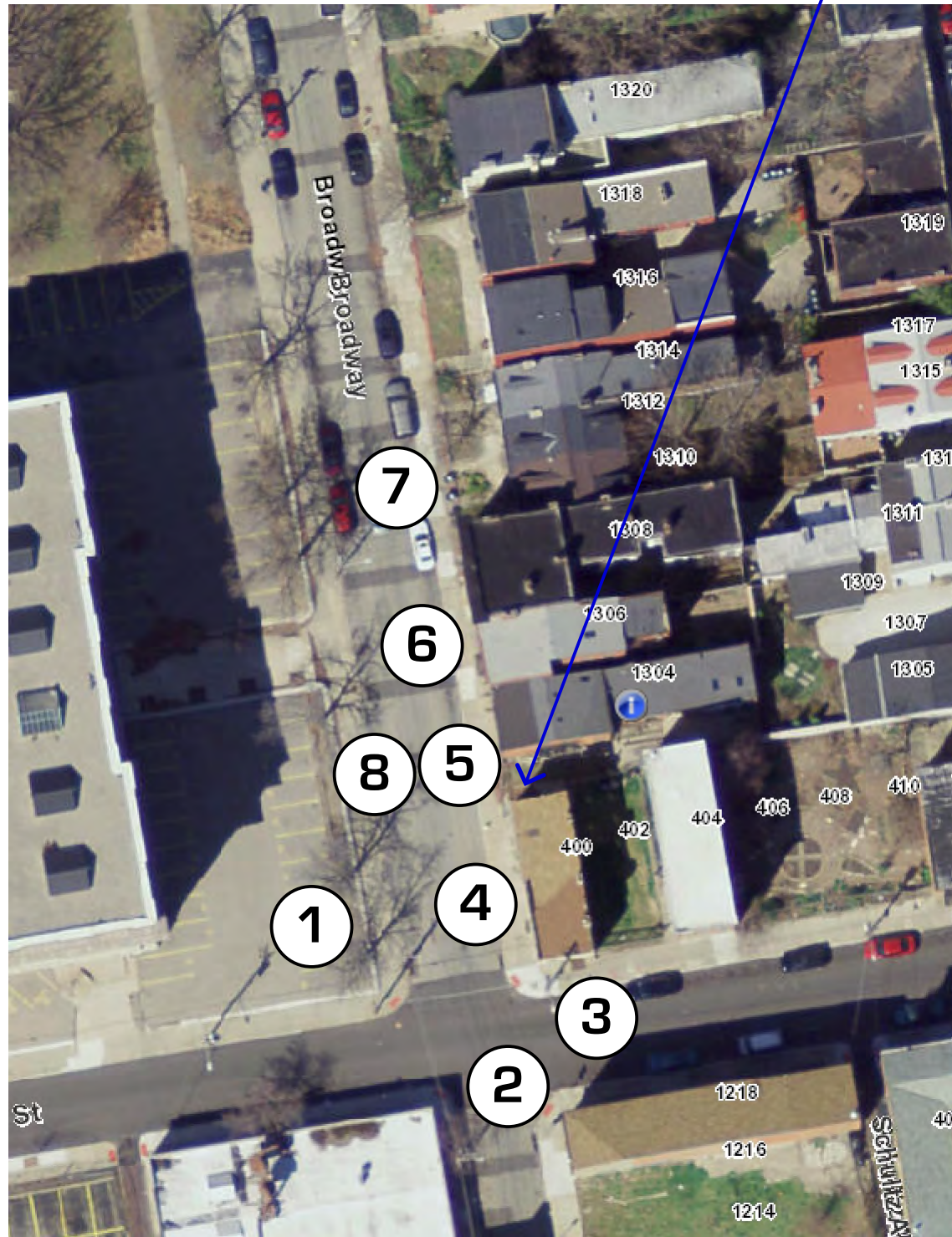


CINCINNATI, OH 45204

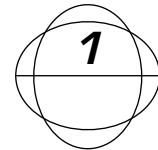
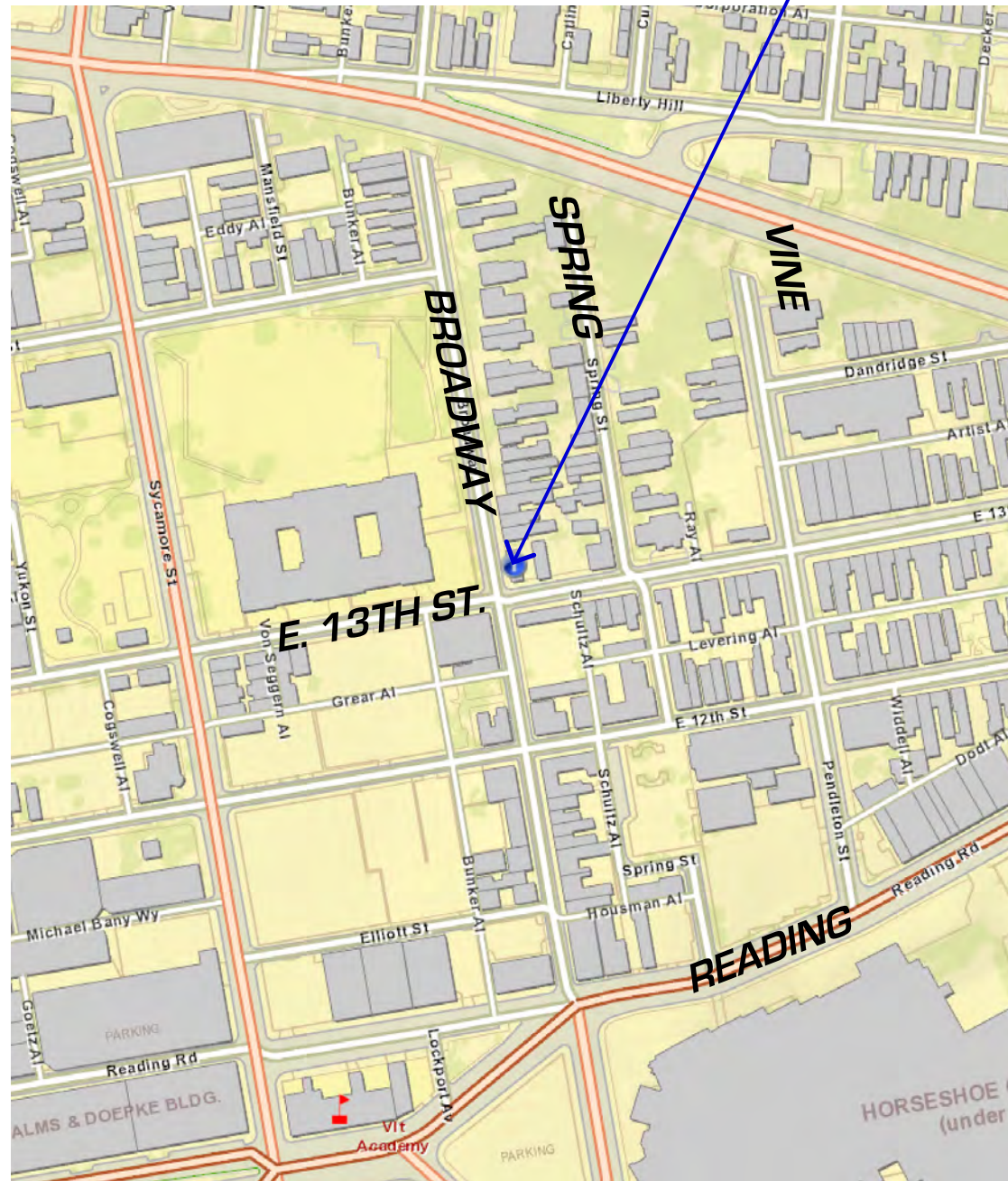
**A1.2**

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.

**PROJECT SITE  
400 #E. 13TH**



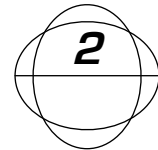
**PROJECT SITE  
400 E. 13TH**



**1 PHOTO LOCATION MAP**

NO SCALE

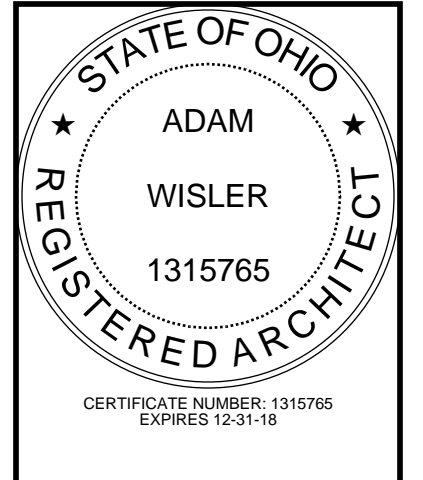
**NORTH**



**2 VICINITY MAP**

NO SCALE

**NORTH**

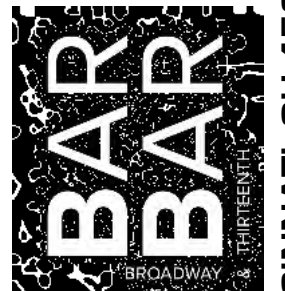


**ADAM WISLER**  
ARCHITECT  
859-907-0440  
WWW.WISLER.COM



21JUN18

400 EAST THIRTEENTH



CINCINNATI, OH 45204

**A1.3**

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.



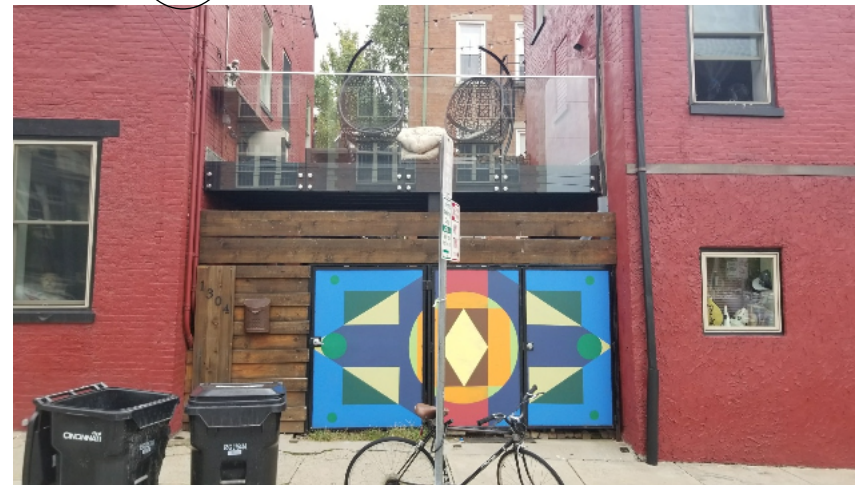
**8** **PHOTO 8**  
NO SCALE



**7** **PHOTO 7**  
NO SCALE



**6** **PHOTO 6**  
NO SCALE



**5** **PHOTO 5**  
NO SCALE



**4** **PHOTO 4**  
NO SCALE



**3** **PHOTO 3**  
NO SCALE



**2** **PHOTO 2**  
NO SCALE

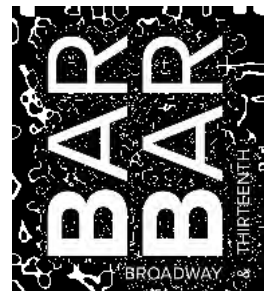


**1** **PHOTO 1**  
NO SCALE



21JUN18

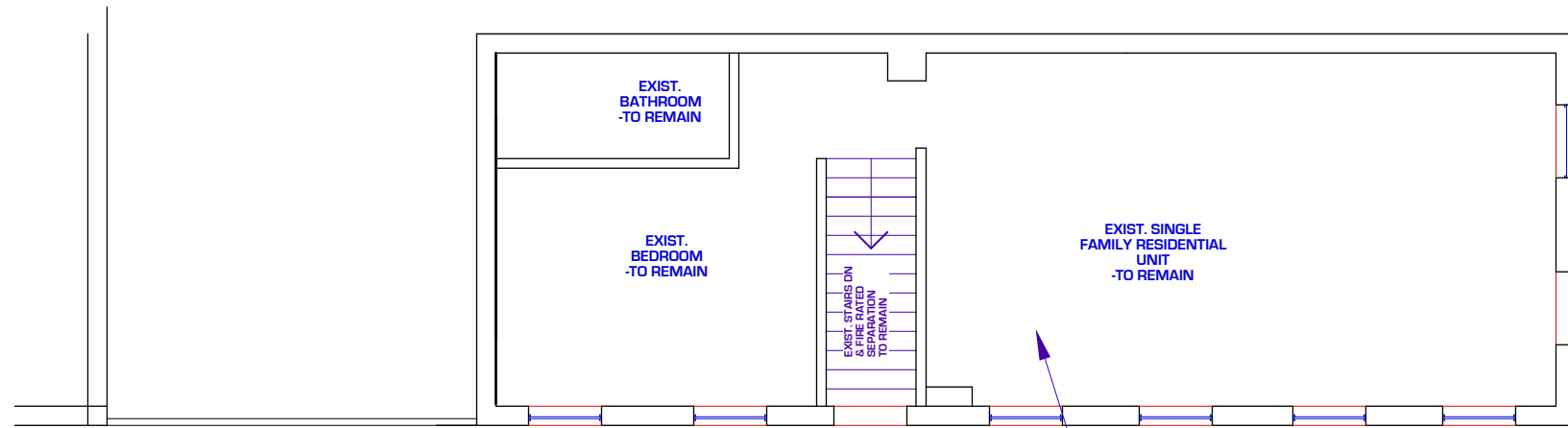
400 EAST THIRTEENTH



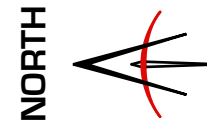
CINCINNATI, OH 45204

**A1.4**

Copyright 2015 ADAM WISLER - ARCHITECT. All rights reserved. This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.



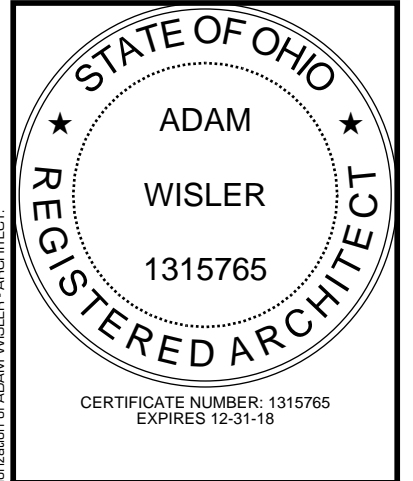
**EXISTING UPPER FLOOR PLAN**  
 1/8" = 1'-0"  
 0 2' 4"  
 GRAPHIC SCALE



NEW GLAZED GUARDRAIL SYSTEM

ALL UPPER RESIDENTIAL FLOOR CONDITIONS AND WINDOWS TO REMAIN

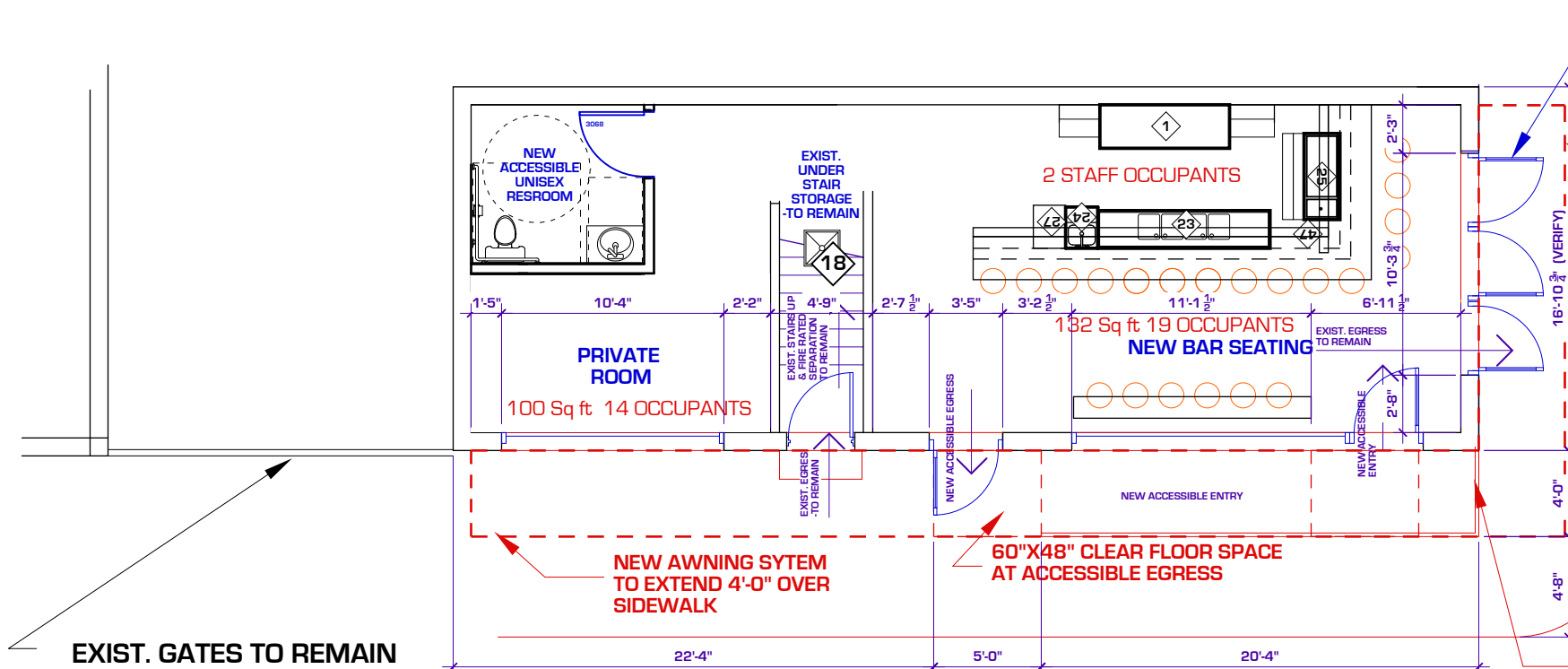
Copyright 2018 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.



ADAM WISLER  
 ARCHITECT  
 859-907-0440  
 WWW.WISLER.COM



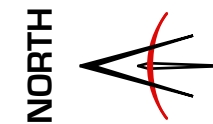
21JUN18



NEW DOORS AT FLOOR LEVEL  
 -EXIST. REVOCABLE STREET PRIVILEGE TO REMAIN

NEW AWNING SYSTEM TO EXTEND 4'-0" OVER SIDEWALK

**NEW MAIN FLOOR PLAN**  
 1/8" = 1'-0"  
 0 2' 4"  
 GRAPHIC SCALE



EXIST. GATES TO REMAIN

NEW GLAZED GUARDRAIL SYSTEM @ 42" AFF.

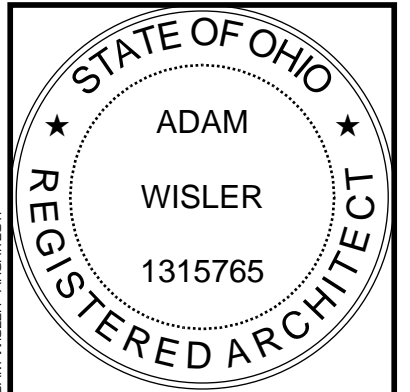
400 EAST THIRTEENTH



CINCINNATI, OH 45204

A2.2

Copyright 2018 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.



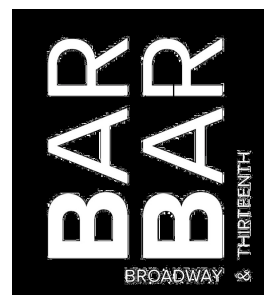
CERTIFICATE NUMBER: 1315765  
EXPIRES 12-31-18

**ADAM WISLER**  
ARCHITECT  
859-907-0440  
WWW.WISLER.COM



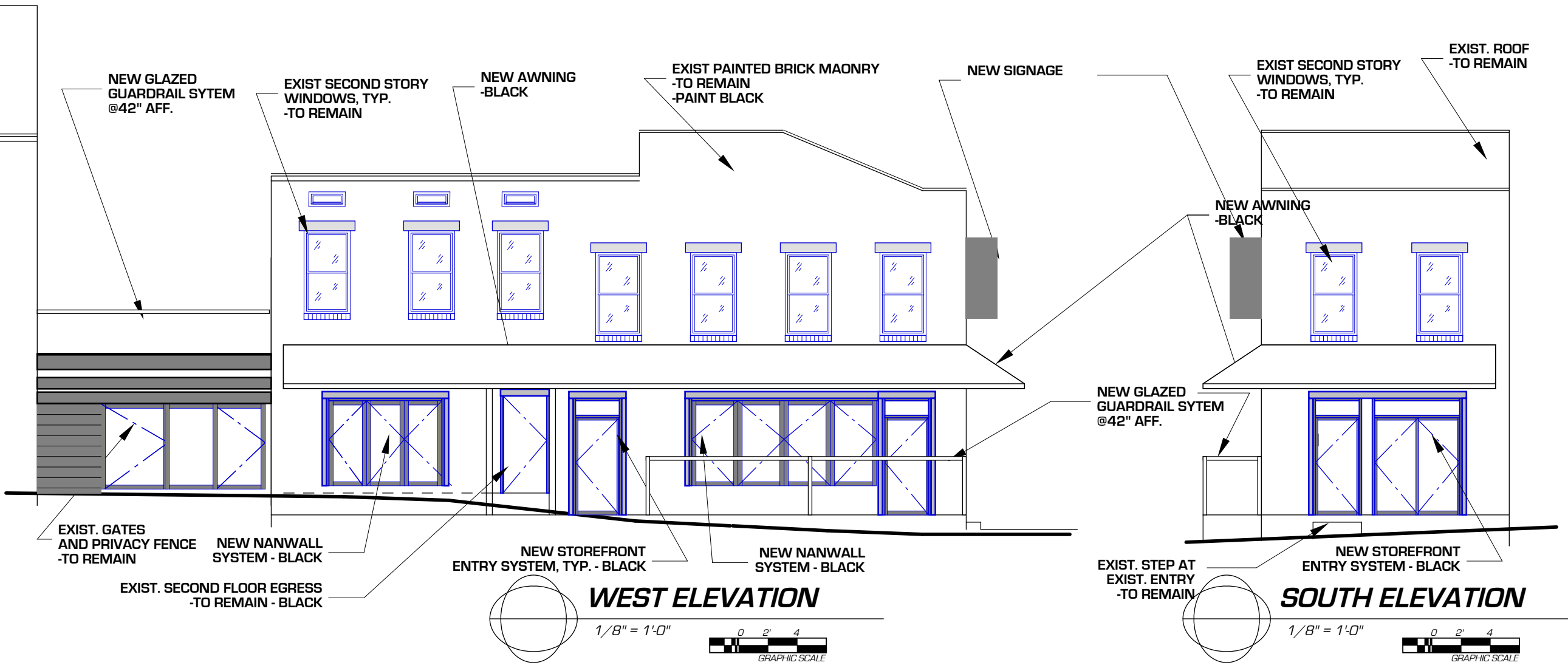
21 JUN 18

400 EAST THIRTEENTH

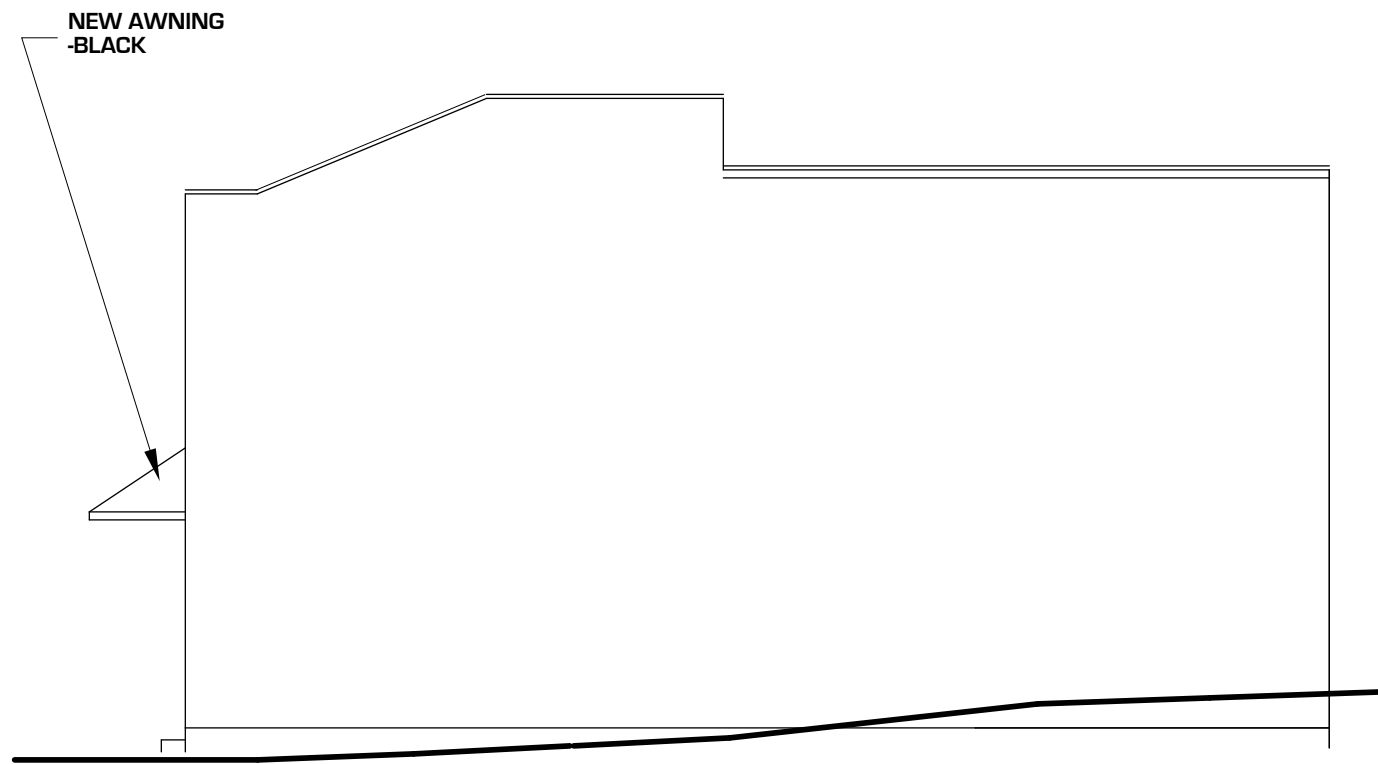


CINCINNATI, OH 45204

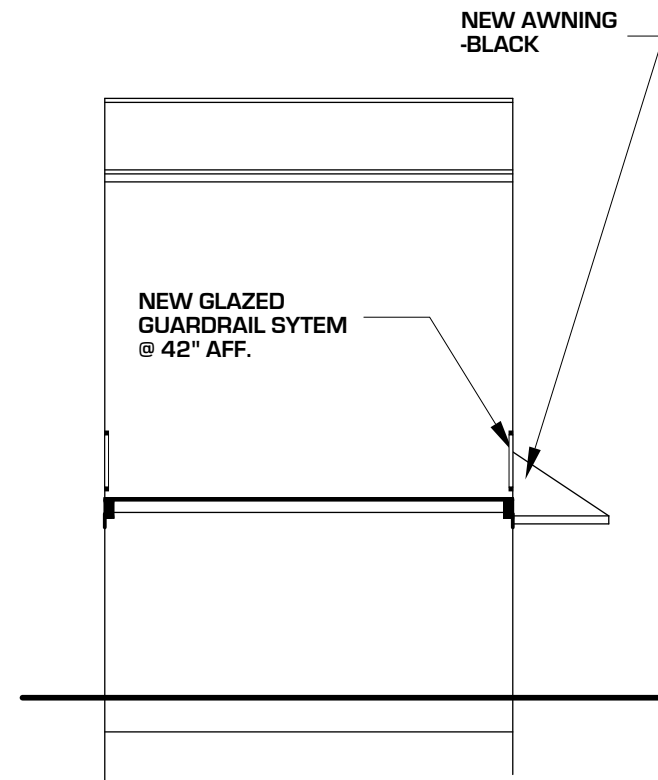
**A4.1**



**THIS SHEET ONLY:  
ALL CONDITIONS EXIST.  
U.O,N,**

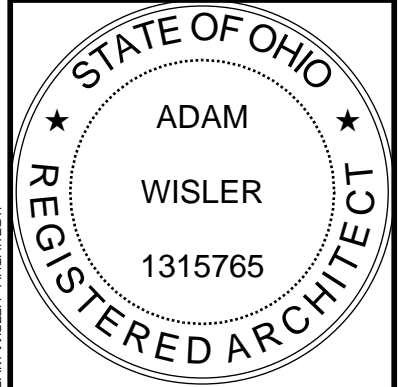


**EAST ELEVATION**  
1/8" = 1'-0"  
0 2' 4'  
GRAPHIC SCALE



**NORTH ELEVATION**  
1/8" = 1'-0"  
0 2' 4'  
GRAPHIC SCALE

Copyright 2018 ADAM WISLER - ARCHITECT. All rights reserved. This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of ADAM WISLER - ARCHITECT. And is not to be used in whole or in part, for any other project without the written authorization of ADAM WISLER - ARCHITECT.



CERTIFICATE NUMBER: 1315765  
EXPIRES 12-31-18

**ADAM WISLER**  
**ARCHITECT**  
859-907-0440  
WWW.WISLER.COM



21JUN18

400 EAST THIRTEENTH



CINCINNATI, OH 45204

**A4.2**



**October 1st, 2018**

**TO:**

Beth Johnson, Urban Conservator  
Historic Conservation Board  
City Planning Division  
2 Centennial Plaza, Suite 700  
805 Central Avenue  
Cincinnati, Ohio 45202

**RE: 400 E. 13<sup>th</sup> COA2018077**

TO: Beth Johnson, Historic Conservation Board members

BAR BAR, LLC is requesting the following variances due to the existing context and conditions.

As discussed during the pre-hearing, we are submitting this supplemental packet and economic analysis with regard to the above-referenced application. The owner of the property, located at 400 East 13th Street, requests a Zoning Use Variance in order to open a neighborhood "micro bar" establishment in the first floor (former) commercial space. Among its known uses, the subject building was previously a commercial establishment, dating as far back as 1865 and beyond, including uses as a grocery store, cigar store, saloon and restaurant. For the majority of its more recent history, from the 1940's until the 1980's, it was a neighborhood eating and drinking establishment.

In order to renovate and repurpose the building as a commercial establishment, the Applicant is requesting the Historic Conservation Board to authorize variances as permitted by the Cincinnati Zoning Code. The variance requested would consist of a use variance to operate an intimate "micro bar" drinking establishment, conditional use approval for outdoor area and hours of operation, and a variance related to buffer yards. The authorization of this variance will allow Applicant to use the property in a like manner as other properties in the neighborhood, specifically, those immediately across the street and one block away. The variance will also enhance the overall experience as well as adding a much improved level of vibrancy and aesthetic improvement to the neighborhood streetscape.

The authorization of this variance will allow for the renovation of this building, which will improve the safety and appearance of the neighborhood, and, most importantly, will allow for a

**ADAM WISLER —  — ARCHITECT**

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

development and use which will add to the value and revitalization of the adjacent properties, as well as the Pendleton neighborhood as a whole.

This request complies with the governing standards set forth for granting variances in section 1445-13 of the City Zoning Code. Moreover, the proposed development will be consistent with the purposes of the code and district, will not diminish or impair the value of the property or the health, safety and general welfare of the neighborhood. In addition, the development will not have an adverse effect on the neighborhood and will be compatible with the use and development of neighboring property and Pendleton.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AW' with a long horizontal stroke extending to the right.

Adam Wisler - Architect

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM



ARCHITECTURE  
ARCHAEOLOGIA-THIATRON-ARCHITECTURE

October 1st, 2018

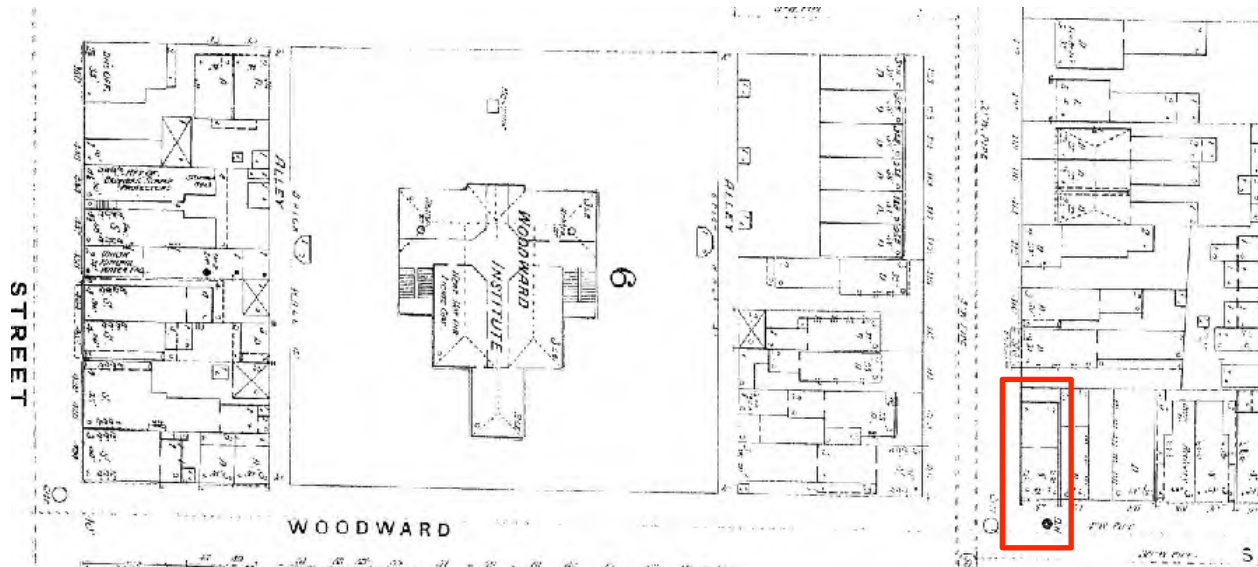
TO:

Beth Johnson, Urban Conservator  
Historic Conservation Board  
City Planning Division  
2 Centennial Plaza, Suite 700  
805 Central Avenue  
Cincinnati, Ohio 45202

RE: 400 E. 13<sup>th</sup> COA2018077

TO: Beth Johnson, Historic Conservation Board members

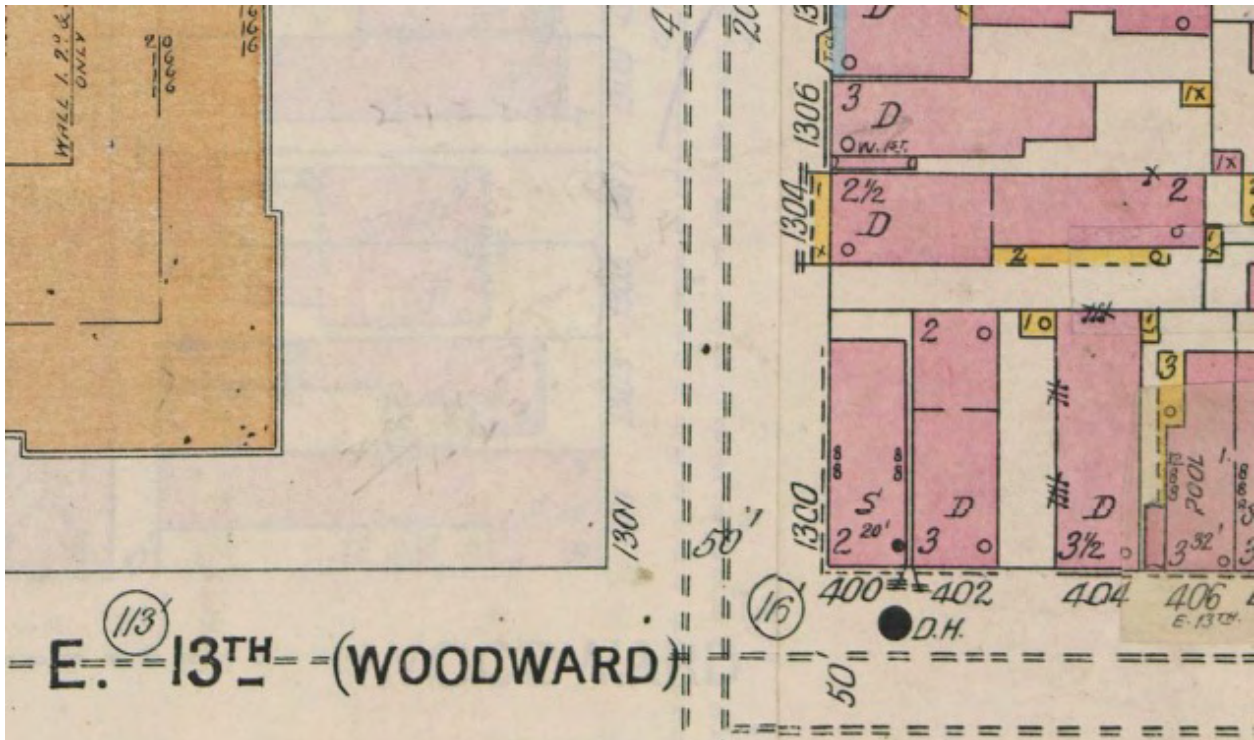
400 E 13<sup>th</sup> formerly 82 Woodward



1891 Map

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM



1930 Map

1860

Schroer Barney, lab., 82 Woodward

1865

Grocers (Retail) Vedder Conrad, n. e c Woodward and Broadway

1870

Feltman Jno. grocer, n. e. c. Woodward and Broadway

1875

Ruers Henry, grocer, n . e . c . Broadway and Woodward

1880

Ruers Herman, grocery, n.e.c. Woodward and Broadway

1900

Jung Herman daily market, 400 Woodward

1910

Voss Grocery Co (The) A H Voss pres C W Voss V pres secy and treas wh grocery 62 Main retail stores, 965 E McMillan, 2807 Woodburn Av, s w c McMillan and Concord, s w c Highland Av and Donahue, n w c Allison and Walnut, **n e c 13th and Broadway**, 1324 Pendleton, 330 E Pearl, 1723 Race and 1333 Main

1920

Voss Grocery Co (The) A H Voss pres C W

ADAM WISLER  ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

Voss V pres, secy and treas wh grocery 62 Main, retail stores, 2807 Woodburn Av, s w c Highland Av and Donahue, n w c Allison and Walnut, **1300 Broadway**, 1324 Pendleton, 3548 Montgomery Rd, 1333 Main, 2450 Gilbert Av, 2722 Erie Av and 2943 Minot Av

1930  
E 13th  
400 Cullman Geo cigars

Name: Helen Cullman  
Residence Year: 1951  
Street Address: 400 E 13th  
Residence Place: Cincinnati, Ohio  
Occupation: Emp (Gibson Art)  
Publication Title: Cincinnati, Ohio, City Directory, 1951

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AW' with a long horizontal stroke extending to the right.

Adam Wisler - Architect

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM



**October 1st, 2018**

**TO:**

Beth Johnson, Urban Conservator  
Historic Conservation Board  
City Planning Division  
2 Centennial Plaza, Suite 700  
805 Central Avenue  
Cincinnati, Ohio 45202

**RE: 400 E. 13<sup>th</sup> COA2018077**

Dear Ms. Johnson

As discussed during the pre-hearing, we are submitting this supplemental packet and economic analysis with regard to the above-referenced application. The owner of the property, located at 400 East 13th Street, requests a Zoning Use Variance in order to open a neighborhood "micro bar" establishment in the first floor (former) commercial space. Among its known uses, the subject building was previously a commercial establishment, dating as far back as 1865 and beyond, including uses as a grocery store, cigar store, saloon and restaurant. For the majority of its more recent history, from the 1940's until the 1980's, it was a neighborhood eating and drinking establishment.

In order to renovate and repurpose the building as a commercial establishment, the Applicant is requesting the Historic Conservation Board to authorize variances as permitted by the Cincinnati Zoning Code. The variance requested would consist of a use variance to operate an intimate "micro bar" drinking establishment, conditional use approval for outdoor area and hours of operation, and a variance related to buffer yards. The authorization of this variance will allow Applicant to use the property in a like manner as other properties in the neighborhood, specifically, those immediately across the street and one block away. The variance will also enhance the overall experience as well as adding a much improved level of vibrancy and aesthetic improvement to the neighborhood streetscape.

The authorization of this variance will allow for the renovation of this building, which will improve the safety and appearance of the neighborhood, and, most importantly, will allow for a development and use which will add to the value and revitalization of the adjacent properties, as well as the Pendleton neighborhood as a whole.

**ADAM WISLER —  — ARCHITECT**

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · [WWW.WISLER.COM](http://WWW.WISLER.COM)

This request complies with the governing standards set forth for granting variances in section 1445-13 of the City Zoning Code. Moreover, the proposed development will be consistent with the purposes of the code and district, will not diminish or impair the value of the property or the health, safety and general welfare of the neighborhood. In addition, the development will not have an adverse effect on the neighborhood and will be compatible with the use and development of neighboring property and Pendleton.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AW' with a horizontal line extending to the right.

Adam Wisler - Architect

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

## ECONOMIC ANALYSIS RE REQUESTED VARIANCE:

### PUBLIC INTEREST STANDARDS

To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13. Pursuant to section 1445-13, the following factors indicate whether the proposed variance is in the 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 or the Land Development Code, as applicable.
  - i. *Applicant is requesting a use variance for the ground floor of this property, which now sits at an intersection which has two commercial businesses and a parking lot servicing an apartment building on the other three corners. To have this adjacent corner zoned strictly residential disregards both the history of the property as a longtime home to commercial establishments, primarily a bar, dating back to 1865, as well as the unsuitability of the physical space for alternative uses.*
- b. **Guidelines:** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.
  - i. *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.
  - i. *The Pendleton Neighborhood council overwhelmingly approved the project at its meeting on November 12.*
- 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.
  - i. *The proposed renovation of this building will not adversely affect traffic.*
  - ii. *There is public parking available within 600 feet of the business in the Ziegler Park garage, as well as numerous surface lots even closer on adjacent blocks, as well as on-street parking.*
- e. **Buffering:** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.
  - i. *We do not anticipate any issues with light and noise on the adjacent properties. The maximum capacity of this establishment as currently planned is 33 at most. Moreover applicant has chosen to intentionally close at 1:00 am at the latest, the outside to close at 11:00 pm], even though it could have obtained a license allowing it to remain open until 2:30 am. Applicant specifically chose **not** to obtain a later operating license out of deference to the neighborhood. There will be no live music or DJ-ed events whatsoever which would disrupt the neighborhood. -*
- f. **Landscaping:** Landscaping meets the requirements of [Chapter 1423](#), Landscaping and Buffer Yards.

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

- i. *Decorative metal fencing will be provided between the patio and the sidewalk.*
- g. **Hours of Operation:** Operating hours are compatible with adjacent land uses.
  - i. *The operating hours are consistent with neighboring developments, but will close earlier, as noted above.*
  - 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.
    - i. *The proposed development is consistent with adjacent land uses.*
    - ii. *The existing area contains numerous other eating and drinking establishments. Moreover restoring and returning a what is essentially a ground floor bunker to a new and vibrant use as a "micro bar" will provide a net positive benefit for the neighborhood. The streetscape will be enhanced by restoring the brick facade and adding historic-approved windows to the exterior, thereby enhancing the vitality of the streetwall; and*
    - iii. *The proposal was overwhelmingly supported by the Pendleton Neighborhood Council at its monthly meeting on November 12, 2018.*
  - i. **Proposed Zoning Amendments:** The proposed work is consistent with any proposed amendment to the zoning code under consideration by the City Planning Commission or Council.
    - i. *There are no proposed amendments under consideration of which Applicant is aware 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.
      - i. *There are no serious adverse impacts anticipated for the proposed use.*
    - k. **Blight:** The elimination or avoidance of blight.
      - i. *Restoring and retrofitting this commercial building into its historic use will eliminate blight.*
    - l. **Economic Benefits:** The promotion of the Cincinnati economy.
      - i. *This project will return a commercial establishment to the city tax rolls, employ residents and bring more tax revenue into the City's economy.*
    - m. **Job Creation:** The creation of jobs both permanently and during construction.
      - i. *Jobs will be created during construction/renovation as well as by the future business to be located on the site, specifically, neighborhood jobs.*
    - n. **Tax Valuation:** Any increase in the real property tax duplicate.
      - i. *The new structure will increase the taxable value of the property.*
    - o. **Private Benefits:** The economic and other private benefits to the owner or applicant.
      - i. *The owner will have an economic benefit to the proposed use.*
    - p. **Public Benefits:** The public peace, health, safety or general welfare.
      - i. *There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project. To the contrary, this building will be restored and enhanced to its*

ADAM WISLER  ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

*historic use, creating jobs and increasing tax revenue, while also beautifying a long neglected gateway corner entrance to the neighborhood.*

**To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:**

**a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;**

- Conversion to residential caused loss of potential income due to safety and privacy concerns.
- Commercial leasing experience in the district shows no demand for small office, low demand for retail goods and surplus of bodega/grocery within 5-minute walk.

*As noted above, given its street-grade elevation, and location on a prominent corner gateway entrance to the neighborhood, the location has always posed many challenges as a residential dwelling. While small windows add some modicum of privacy, they also add to a claustrophobic "bunker"-level mentality for residents, thereby detracting in its marketability. The ability of passers-by to look in windows only adds to this heightened lack of privacy, depressing marketability and rents in the process. Opponents propose that residents should "simply close their blinds," thereby resulting in a claustrophobic "jail" for a living space. Nobody should be forced to live this way, and Applicant has been unable to rent the space out as an apartment, thereby necessitating that an employee reside within, without paying rent. Simply stated, given its grade-level, street corner location, the historical use of the space was as a commercial establishment, and, for much of its existence, a neighborhood eating and drinking establishment. Other than its most recent past, it was neither used for, nor intended as, a residential dwelling. As far as other commercial uses, suggestions have been proffered to open a "market" of some kind, which is explicitly forbidden under existing zoning RM 1.2, L 16, not to mention the existence of competing market/delis within two blocks. With regard to office space, the saturation of larger, newer available office space in the immediate area, when combined with the physical limitations of this property (e.g. small space, low ceiling, small windows), render it unmarketable and not economically feasible as an office or retail space. **See, Letter of Opinion by Urban Fast Forward, attached hereto as Exhibit A.** Moreover, this structure is located in a block zoned RM 1.2, which requires minimum land area of 1,200 square feet and 20 foot setbacks. By its very definition, this structure is inapposite to the existing zoning (882 square feet land area and zero setback).*

**b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;**

- 1982 Pendleton Plan indicates the commercial use was intended to be preserved (Pages 53, 57): <https://www.cincinnati-oh.gov/planning/assets/File/Pendleton%20Area%201982.pdf>
- Zoning map has been applied broadly (aka, whole block). Historic form and use is corner commercial.
- Existing building considered non-conforming on dimensional requirements of zoning designation (RM - 1.2)
- Examination of building typology on the block indicate other historic properties are more conforming to the dimensional standards of the zone.

**ADAM WISLER —  ARCHITECT**

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

*There are few-if any-other corner spaces, with a zero lot line, at street grade in this district. This space is sui generis, located across the street from a brewery and an ice cream parlor.*

**c. the hardship condition is not created by actions of the applicant;**

- Existing building is historic, constructed as a mixed-use retail building with existing bar layout and furnishings, it does not conform to the dimensional requirements of this zone.
- The applicant has taken actions to bring the building into closer conformance however doing so has shown diminished economic viability of property (a takings).

*This is an historic building, which for most of its former life was an eating and drinking establishment. It was a bar up until approximately 1984. When applicant purchased the building, it was a boarded up and blighted shell. **See, photos of vacant structure from 2003 and 2007, attached hereto as Exhibit B.** Nevertheless, this is a unique and historic structure, at street grade and at the lot lone. Applicant did not create this situation.*

**d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;**

- The dimensional space of the structure will not change.
- The applicant has undertaken a dialogue with the community regarding the use, and the community has indicated its support.
- The applicant has engaged surrounding property owners of the change in use.

*The immediately adjacent property to the north is where the owner lives, while the adjacent property to the east is a vacant lot. Applicant does not anticipate any adverse effects on the rights of adjacent property owners.*

**e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;**

- The use variance will return a historic commercial building to a contributing historic building, which is complementary to the surrounding character of the district and community.
- The proposed use does not adversely affect the community or adjoining property owners, and does not impair the safety or general welfare of the surrounding community.

*There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project. To the contrary, this building will be restored and enhanced to its historic use, creating jobs and increasing tax revenue, while also beautifying a long neglected gateway corner entrance to the neighborhood. The business will also employ neighborhood residents. To this end, the Pendleton Neighborhood Council voted to support the applicant's request by a vote of 14-4. Additionally, applicant has submitted letters of support by numerous other residents that are in favor of the relief requested. Finally, crime statistics have proven that since 2015, when commercial establishments first began to enter the 1200 block of Broadway, directly across the street, crime in Pendleton overall has declined precipitously. **See, Police Report, attached hereto as Exhibit C.***

**f. the variance will be consistent with the general spirit and intent of the zoning code;**

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

- The variance is consistent with the intent of the zoning code. Section 1400-03 outlines the Purpose of the City's Zoning Code. Specifically items (b), (c), (g), (k), and (n) as below:

The Cincinnati Zoning Code is adopted to:

- (a) Provide a guide for the physical development of the city.
- (b) Preserve the character and quality of residential neighborhoods.
- (c) Foster convenient, harmonious and workable relationships among land uses.
- (d) Achieve the arrangement of land uses described in the comprehensive plan for the development of the City as may have been adopted by Council.
- (e) Promote the economic stability of existing land uses and protect them from intrusions by inharmonious or harmful land uses.
- (f) Provide opportunities for economic development and new housing for all segments of the community.
- (g) Create pedestrian-friendly environments to reduce reliance on the automobile for travel.
- (h) Prevent excessive population densities and overcrowding of land or buildings.
- (i) Ensure the provision of adequate open space for light, air and fire safety.
- (j) Ensure that development is compatible with the environment, particularly on the hillsides and along the riverfront.
- (k) Promote the conservation, protection, restoration and enhancement of the historic resources of the city.
- (l) Lessen congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.
- (m) Provide effective signage that is compatible with the surrounding urban environment.
- (n) Set standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.
- (o) Define the powers and duties of the administrative officers, hearing officers and the Zoning Board of Appeals.
- (p) Provide penalties for violations of the provisions of the Cincinnati Zoning Code.

*It is already established that the existing historic structure is out of step with the zoning code that was applied to it. Through no fault of Applicant, the structure simply does not meet the minimum requirements of the RM 1.2 code in which it resides. Forcing a square peg into a round hole is not keeping with the general spirit and intent of the code.*

**and g. The variance sought is the minimum that will afford relief to the applicant;**

- The applicant has already undertaken a restoration of the building and does not need nor plan additional variances (dimensional or otherwise) in accomplishing the intent of the Over-the-Rhine Historic Guidelines as adopted.

*The Applicant is not seeking to rezone an entire block, but rather only this small ground floor commercial space, consistent with its immediate neighbors directly across the street. This commercial corner of Broadway is very different than the larger homes and structures further up the hill, and granting the variance in this particular case is unique and not of precedential value other than to the particular facts of this case. This use variance is the minimum requested that will afford the relief to the Applicant*

**To meet the standard outlined in Cincinnati Municipal Code section 1445-15, an applicant must show:**

ADAM WISLER  ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

a. Neither the owner nor any of its predecessors caused the conditions requiring the variance.

*The building was originally constructed as a commercial establishment. It has been a bar going back at least to 1885. The reasons for the variance stem from a change in use rather than any actions of the owner or its predecessor[s]. Owing to special circumstances and conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code are unreasonable and would result in practical difficulties.*

b. How the project meets either of the following conditions:

(i) Special circumstances or conditions pertaining to the property cause the strict application of the zoning code to be unreasonable and result in practical difficulties.

*Given its street-grade elevation, and location on a prominent corner gateway entrance to the neighborhood, the location has always posed severe challenges for uses other than what it was historically intended. While small windows add some modicum of privacy, they also add to a claustrophobic “bunker”-level mentality for residents, thereby detracting in its marketability. The ability of passers-by to look in windows only adds to this heightened lack of privacy, depressing marketability and rents in the process. Simply stated, given its grade-level, street corner location, the historical use of the space was as a commercial establishment, and, for much of its existence, a neighborhood eating and drinking establishment. Other than its most recent past, it was neither used for, nor intended as, a residential dwelling. **See, historic photo from 1910, attached hereto as Exhibit D.** It is the intention of the Applicant, with the expressed support of the neighborhood council, to provide an intimate and cozy space for neighbors and friends to meet and engage on a personal level, with minimal negative impact on its surroundings.*

(ii) Or a 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 proposal for the space seeks to bring it back to its historic use. Given the recent resurgence in commercial establishments in the neighboring block—**immediately outside the front door**—it only makes sense that this corner be occupied by a business—as opposed to a resident [the latter of whom will subsequently move back upstairs]. There is currently a brewery/tap room just steps from the front door, as well as an ice cream parlor, coffee shop and another restaurant [all of which other than the brewery, are on a block zoned RM-O.7]. A commercial corner is not the same as locations in the middle of residential blocks, and to grant one use variance to such a corner structure is no precedent that the dominoes will soon fall in response. To the contrary, this is a unique space in the neighborhood, and should be treated accordingly. 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 subject property is not feasible for residential or other business use, thereby necessitating the use as proposed by Applicant.*

ADAM WISLER  ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM



October 1st, 2018

TO:  
City of Cincinnati  
Zoning Department  
Cincinnati, OH 45202

RE: 400 E. 13<sup>th</sup>

Zoning Hearing Examiner,

BAR BAR, LLC is requesting the following variances due to the existing context and conditions.

- EXISTING STREET PRIVILEGE in right-of-way to remain. The existing structure has doors and windows that open into the right-of-way. The right of way will be continued with access to the sidewalk from the property. The area outside the property within the right of way shall be occupied on the west side to 4'-0" from the building. An awning extending 4'-0" from the building shall run the length of both sides of the building.
- This project adds contextural appeal and synergy by being in harmony with the neighboring commercial properties, which are NEW bars and restaurants across the street
- THIS WAS A TAVERN. We are returning it to its' original use.
- THIS WAS A TAVERN with no parking. This is a walk-able,, sustainable urban community...let us keep it this this way. The Zeigler parking lot and pool is nearby. The City Council has recently lifted the parking requirements for this dense Pendleton neighborhood. We do not anticipate any patron driving to this establishment. It is a neighborhood establishment, owned and run by neighborhood residents, in a walk-able, historic urban district, and we anticipate by far that the vast majority of the patrons will arrive on foot, bike, scooter and, if necessary, ride share service. Our goal is to *discourage* people from driving to this establishment.
- This is a gateway corner to the neighborhood, and first floor corner spaces-*particularly at street grade*-have historically been commercial, **not** residential spaces. Not every corner should be this way, but in a prominent gateway intersection with commercial establishments on the other remaining corners-this is appropriate in the context, both historically as well as currently. The space is currently configured as residential, which results in people looking in windows, constantly ringing doorbell and knocking on doors, etc. It is not historically designed as a residence.

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

By allowing this variance we see no adverse effects for any public services or adjacent property owners. However, there will be an added value with job creation tax valuation, elimination of blight, active street presence of legitimate business. There will be more people present, less cars. This return to original use is a 300 SF occupied area...the occupancy is 35 persons.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line extending to the right.

Adam Wisler - Architect

ADAM WISLER —  — ARCHITECT

804 SCOTT BLVD. · SUITE 2R · COVINGTON KY · 41011 · 859-907-0440 · WWW.WISLER.COM

# **EXHIBIT A**



November 19, 2018

The Historic Conservation Board  
805 Central Avenue, Suite 500  
Cincinnati, OH 45202

c/o Beth Johnson, Urban Conservator

Re: 400 E.13<sup>th</sup> Street Use Variance

Dear Historic Conservation Board Members:

The building located at 400 E. 13<sup>th</sup> Street has petitioned the City of Cincinnati for a Use Variance to convert the ground level unit of the building into a bar. Our team has been asked by the applicant to conduct an analysis of the site and determine if the proposed use is appropriate. Our findings are below.

The space is at a corner location at the edge of a block that has historically housed commercial ground level establishments, including, up until 1984, a bar at this address. Recent redevelopment on the block has reestablished the commercial vibrancy of the neighborhood.

The unit is 18 feet wide by 49 feet deep, equalling 882 square feet. This total includes non-lettable space such as stairwells, landings, mechanical, etc. Thus we estimate that it would yield 600 lettable square feet. The applicant has asked us to review the viability of the space as office or other commercial uses.

*Office:* While the space could physically be converted to office space, our experience with leasing in the Pendleton area indicates that office demand is shallow. This is due to a confluence of factors. First is that small scale office users tend to utilize co-working facilities or disaggregated office environments. The second factor is that office users typically want capacity to scale quickly and small office constrains growth.

*Alternative Commercial Uses:* Demand is weak in this community for hospitality uses (i.e. hotels, bed and breakfast, etc.). It is also weak for traditional retail not associated with food and beverage. Grocery has been mentioned as an option however the site is within a five-minute walk from the soon to open downtown Kroger. The smaller New York Grocery and Takeaway convenience stores are within two blocks from the site.

Additional operations would require additional operators and in a revitalizing neighborhood this is not an enterprise which tends to attract investment.

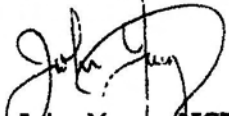
A Women Business Enterprise

It is possible that the property could remain residential but this is, in fact, a change of historic use. Hard corner ground level spaces in this area were built to house businesses and are considerably less desirable for residential. Pedestrian traffic interferes with privacy in this location and drives safety and noise concerns.

It is our opinion that the space is not suited to many commercial uses and will continue to struggle to find a committed resident.

Thus the use proposed is a positive for both the area and the property.

Sincerley,

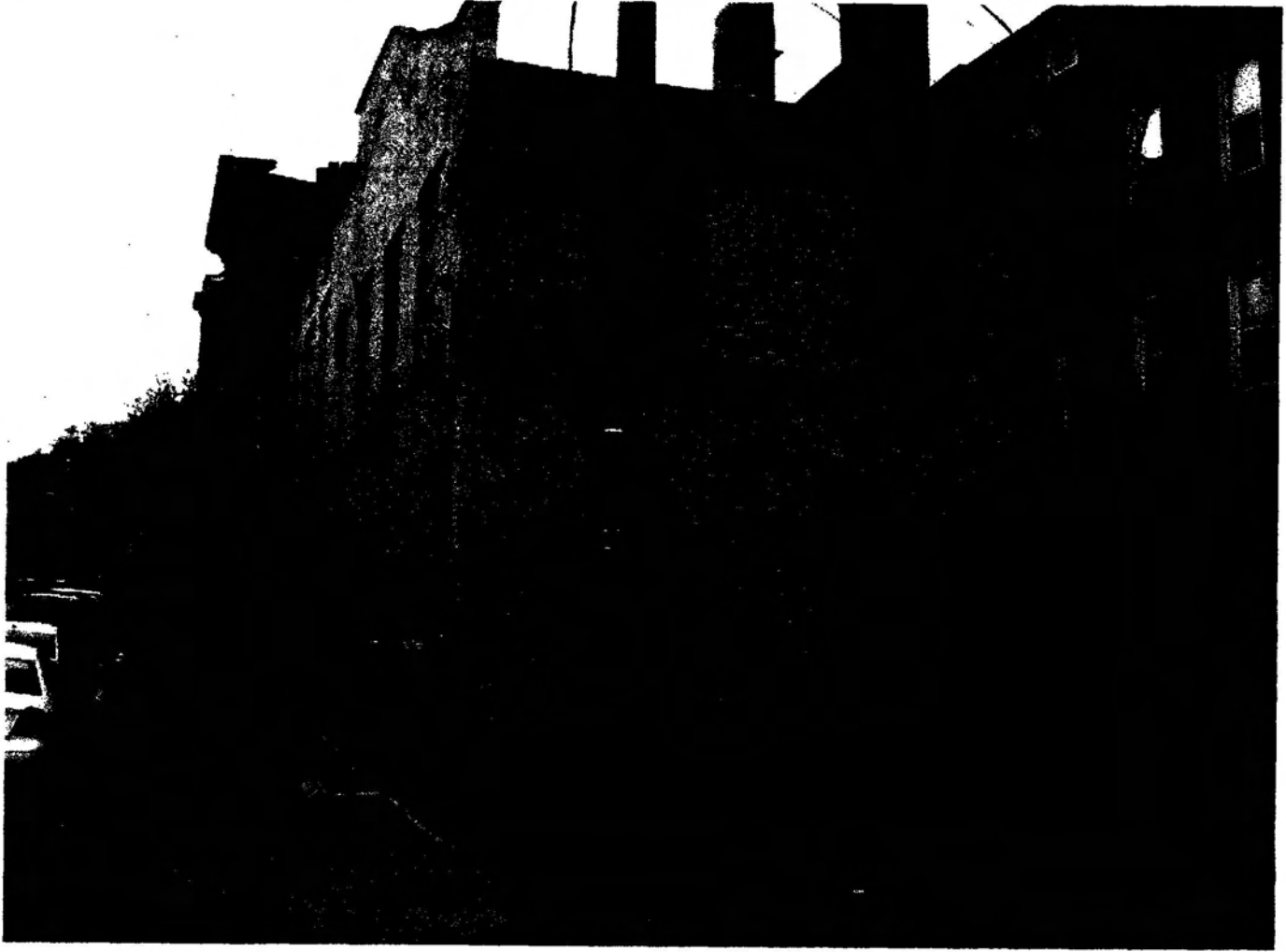
A handwritten signature in black ink, appearing to read "John Yung". The signature is stylized with a large, looping initial "J" and a trailing flourish.

John Yung, AICP  
Senior Project Executive  
Urban Fast Forward

# **EXHIBIT B**



2003



2007

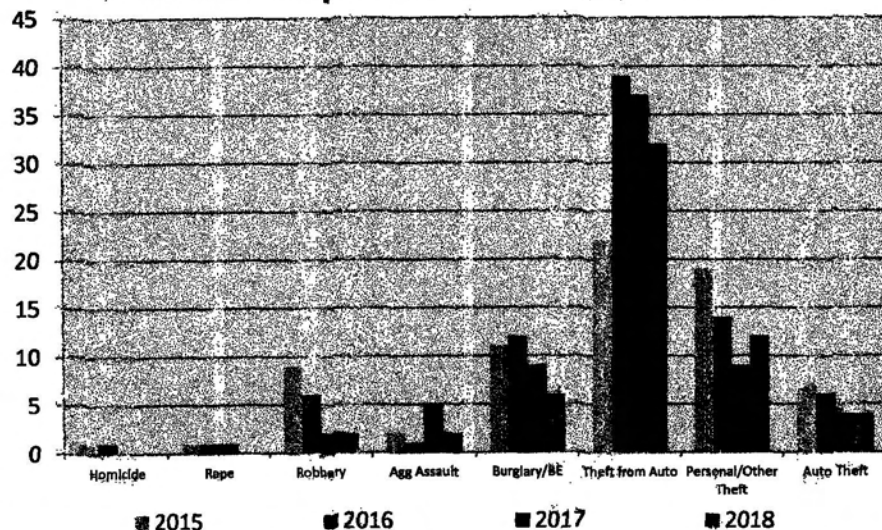
# **EXHIBIT C**

# Pendleton Neighborhood Report

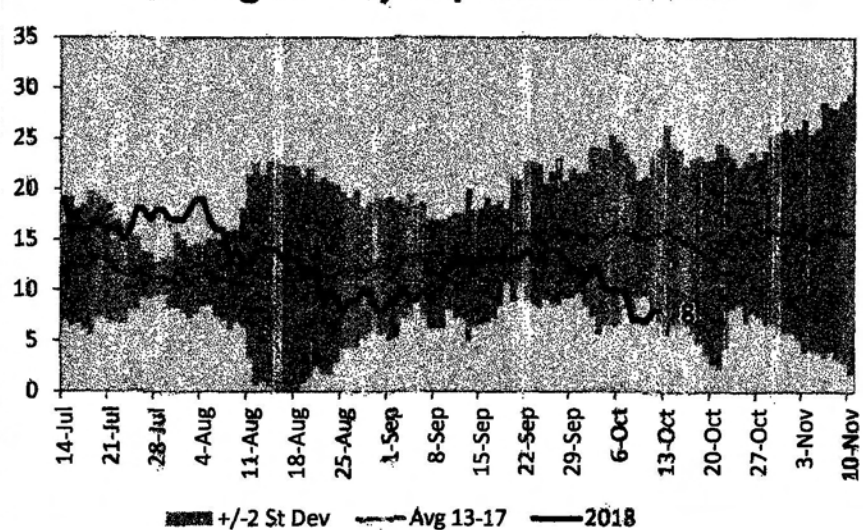
Homicide	1	1	0	0.7	0	↓ 0.7	N/C
Robbery	9	6	2	5.7	2	-64.7%	N/C
Total P1 Violent Crime	13	9	8	10.0	4	-60.0%	-50.0%
Theft from Auto	22	39	37	32.7	32	-2.0%	-13.5%
Auto Theft	7	6	4	5.7	4	-29.4%	N/C
Total P1 Crime	72	80	67	73.0	58	-20.5%	-13.4%

Homicide	0	0	0	0	0	N/C	N/C
Robbery	0	1	0	0	0	↓ 1	N/C
Total P1 Violent Crime	0	2	0	0	0	↓ 2	N/C
Theft from Auto	9	2	4	4	4	100.0%	N/C
Auto Theft	0	2	0	0	0	↓ 2	N/C
Total P1 Crime	13	6	7	5	5	-16.7%	-28.6%

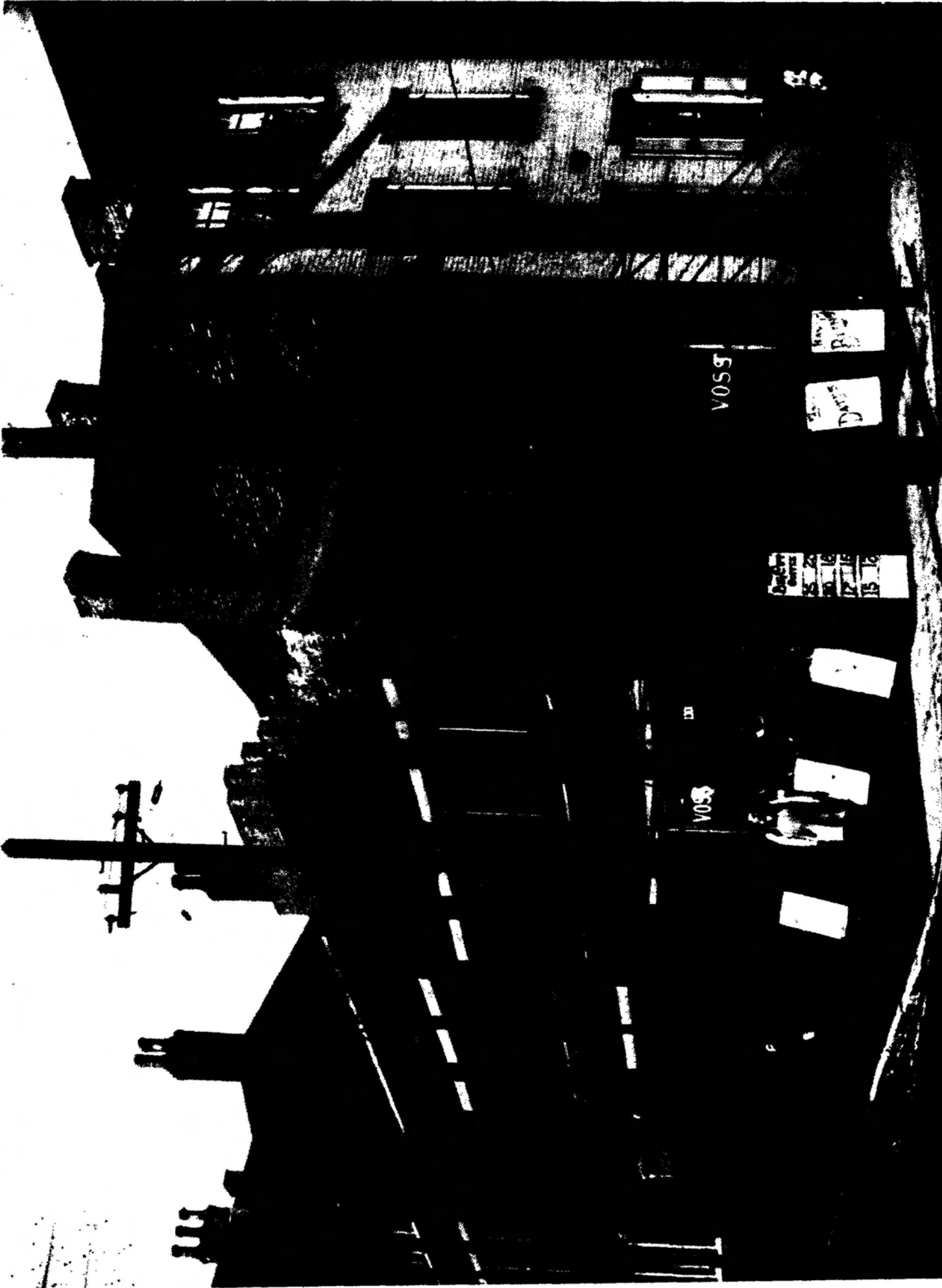
### Part One Reported Offenses; 2015-18



### Rolling 28 Day Reported Offenses



# **EXHIBIT D**



VOSO

24  
18  
12  
15  
18

B

VOSO

B

D

# EXHIBIT E

# 400 E 13th Street



Report prepared by:

Ann Senefeld

© 2012

All information herein believed accurate but not guaranteed.



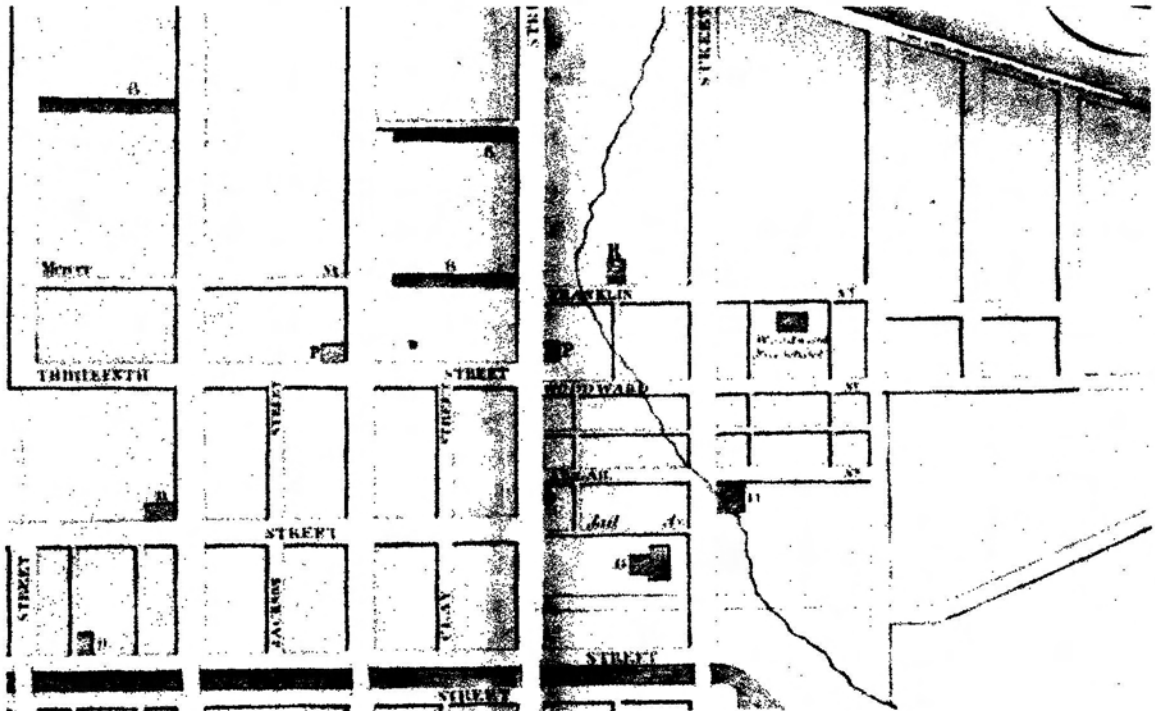
Digging Cincinnati History

**400 E 13th**

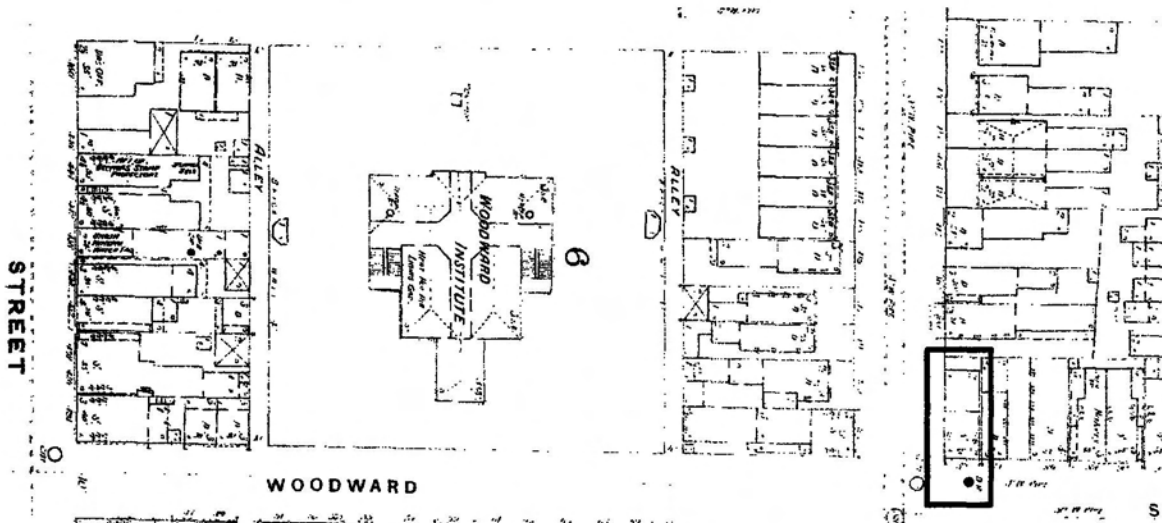
82 Woodward prior to street renumbering in 1896 and renaming to 13th



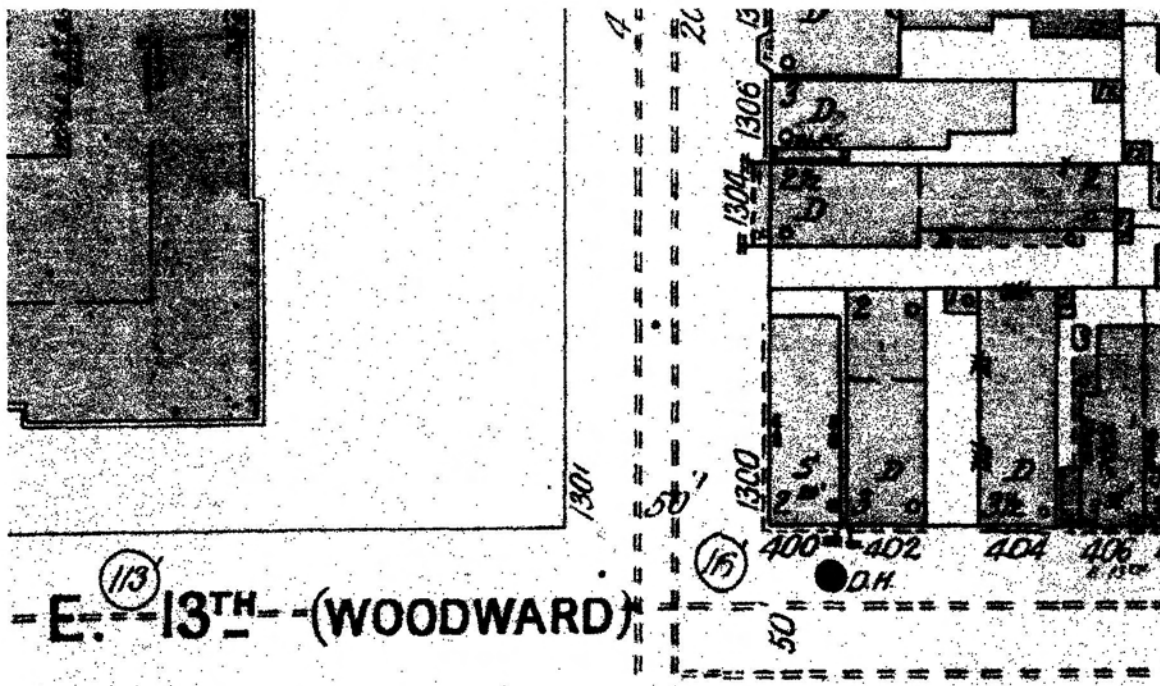
1838 Map



1841 Map



1891 Map



1930 Map

**City Directories**

1834

Walker John, brewer, n c Woodward and B. way Walker's Brewery, corner of Sycamore and Abigail streets.

~~Bereman John, cartman, c Woodward & B. Way~~

Howell Stephen, mason, c B. way & Woodward

~~Jocelyn Jacob, carpenter, c Woodward & B. way~~

Oats Geo. rope maker, n c Woodward and B. way

~~Richardson Mrs. c Woodward and B. way~~

1839-40

Kilbreth, James P. (Md) Clerk at Methodist Book Concern, res, corner Broadway and Woodward

Lang, Robert (Scot) Grocer, cor Woodward & Broadway, res. Woodward bet Sycamore and Broadway

Lawyer, Geo H, (N J) Black-smith at Phoenix Foundry, bds corner Broadway and Woodward

McKinlay, James (Scot) Pattern-mkr, at D A Powell's, res, cor Broadway and Woodward

Pettit, John (N J) res, cor Broadway and Woodward

1846

*Drummond R. S. grocer, N E cor Broadway and Woodward*

*Grimme Henry, lab, N W cor Woodward and Sycamore*

*Thompson John, grocer, N W cor Broadway and Woodward*

1850

~~Barber Archibald, drayman, c. Broadway and Woodward~~

Bush Michael, dry goods, n. w. c. Broadway and Woodward

*Collins Edward, printer, n. e. c. Broadway and Woodward*

~~Hardy Miss Eliza, teacher, c. Broadway and Woodward~~

~~Laird Mrs. Esther, b. h. c. Woodward and Broadway~~

Murphy John, carp. s. e. c. Broadway and Woodward

~~Switzer Mrs. Ann, c. Broadway and Woodward~~

1860

Schroer Barney, lab., 82 Woodward

1865

Grocers (Retail) Vedder Conrad, n. e. c Woodward and Broadway

1870

Feltman Jno. grocer, n. e. c. Woodward and Broadway

1875

Ruers Henry, grocer, n. e. c. Broadway and Woodward

1880

Ruers Herman, grocery, n.e.c. Woodward and Broadway

1885

Buente August, bar k. h. 82 Woodward

Heuer Herman, clk. bds. 82 Woodward  
RIEKERINK JOHN, Wine and Beer Saloon, 82 Woodward

1890

Hennessey Catharine, wid. Patrick, b. 82 Woodward  
Kemping John, saloon, 82 Woodward

1895

Daily Market and Meat Stores - Schneider Jos. \*1013 Central Av. and n.e.c. Woodward and Broadway  
(\*new address)

1900

Jung Herman daily market, 400 Woodward

1910

Voss Grocery Co (The) A H Voss pres C W Voss V pres secy and treas wh grocery 62 Main retail stores,  
965 E McMillan, 2807 Woodburn Av, s w c McMillan and Concord, s w c Highland Av and Donahue,  
n w c Allison and Walnut, n e c 13th and Broadway, 1324 Pendleton, 330 E Pearl, 1723 Race and 1333  
Main

1920

Voss Grocery Co (The) A H Voss pres C W  
Voss V pres, secy and treas wh grocery 62 Main, retail stores, 2807 Woodburn Av, s w c Highland Av and  
Donahue, n w c Allison and Walnut, 1300 Broadway, 1324 Pendleton, 3548 Montgomery Rd, 1333 Main,  
2450 Gilbert Av, 2722 Erie Av and 2943 Minot Av

1930

E 13th  
400 Cullman Geo cigars

1935

E 13th  
400 Cullman Geo cigars

1940

E 13th  
400 Coletta Salvatore rest  
Cullman Helen C

Name: Helen Cullman  
Residence Year: 1951  
Street Address: 400 E 13th  
Residence Place: Cincinnati, Ohio  
Occupation: Emp (Gibson Art)  
Publication Title: Cincinnati, Ohio, City Directory, 1951

Sally's Saloon

Cincinnati Enquirer

Oct 4, 1885

Johanna Blaesink says that her husband, John, has beat and abused her considerably since the second year after their marriage, on the 17th of August, 1868. She has finally concluded that she will not endure it any longer, and has filed suit for divorce. She recites in her petition that on the 16th of last month he threatened to shoot her, and drove her from the house with a revolver and knife. Two days after that he kicked her in a violent manner. On the 21st he struck her in the face with his fist and drove her and her little girl from the house, threatening to kill both of them. She asks for alimony and the custody of her child. He keeps a saloon at the north-east corner of Woodward and Broadway.

Apr 23, 1893

Mortgage Security - MORTGAGE SECURITY. Chattel Deeds Filed By Several Persons Yesterday

Nicholas Wienger, the saloonist at the north-east corner of Woodward and Broadway, gave a chattel mortgage to the Gerke Brewing Company for \$125.

Sep 7, 1895

Classified Ads - For Sale

TYPE; CORK BRU; WILL SELL FOR 300. NO. 20 HICK ST. 3  
BUTCHER SHOP - GIBBIT - Sausage chopper, 5  
with kettle. JOSEPH CHEVELDER, 509 Wood- 5  
ward st.  
BEER COOLER - Oak, holding 5 kegs; been used 2

**Dear Members of the Historic Conservation Board, Ms Johnson and Mr Shad**

The Property Owner is requesting two (2) COAs:

- A) For purposes of establishing a bar, café, or a cocktail lounge—each considered a Drinking Establishment per the City’s Zoning Code Section 1401-01-E1(a), the Owner is requesting a Land Use Variance for his 2-unit dwelling located at the corner of Broadway and E 13<sup>th</sup> Street.

The Owner’s property is zoned RM-1.2 and is located in a Residential District, Sec 1401-01-R10 CMC.

- B) Alterations to the building such as adding awnings or canopies; an outdoor drinking area; sidewalk railings; any taking of the sidewalk for commercial purposes; Nan Wall Systems fronting both streets, which open the exterior wall, truck loading areas or parking meters, and so on.

None of these changes are compatible with the building itself, the residential character of the surrounding Residential-zoned blocks, nor the OTR Guidelines.

I oppose both COAs and would like to respectfully urge the Members of the Historic Conservation Board to deny both Requests for the reasons set forth below but also for all good reasons the Members, whether individually or collectively, deem prudent and consistent with all applicable laws.

- 1) The 2-unit dwelling located on the corner of Broadway and E 13<sup>th</sup> Street is zoned RM-1.2 which prohibits Drinking Establishments.

The building is located in a Residential District where the majority of buildings are single family or multi-family. It is an area of Over-the-Rhine where the floor plates of many buildings are narrow due to the narrow property parcels.

Residents live in buildings situated in close proximity to each other. Whether their residences are situated side-by-side, in the back, across the street, around the corner, up the street or down, upstairs or downstairs, residents live in close proximity.

The following blocks are zoned RM-1.2 or RM-0.7 –

- 300 block of E 13<sup>th</sup> Street, north side
- 400 block of E 13<sup>th</sup> Street
- 500 block of E 13<sup>th</sup> Street
- 1300 block of Broadway
- 1200 block of Broadway, east side
- 300 block of E 14<sup>th</sup> Street
- Dandridge
- 1300 block of Pendleton Street
- 1200 block of Pendleton Street
- 1300 block of Spring Street
- 1200 block of Spring Street
- Mansfield
- 1300 block of Sycamore, east side
- 1400 block of Sycamore, east side – partial
- 400 block of E 12<sup>th</sup> Street, north side
- 500 block of E 12<sup>th</sup> Street, north side – partial
- 500 block of E 12<sup>th</sup> Street, south side – partial

Together, these blocks and residential buildings compose a Residential District.

<https://www.cincinnati-oh.gov/buildings/zoning-administration/compare-side-by-side-maps/pendleton-side-by-side-map/>

NB: This map of Pendleton includes the Casino Area to the south, but unfortunately excludes Main Street to the west plus the Staples Business Supply on Reading Road—both areas are a part of Pendleton per the bylaws of the Pendleton Neighborhood Council. The historic areas of Pendleton are also in Over-the-Rhine per the OTR Community Council bylaws. However, the areas where Casino and Staples are located are not part of Over-the-Rhine. In the early 90s, the City's first gateway monument was erected at the confluence of Liberty, Reading Road and E 13<sup>th</sup> Street. The Bell Clock Tower clearly says Over-the-Rhine, and incorporates design elements cherished by people of many faiths and creeds regardless of originating homeland.

Adverse impacts caused by derelict, negligent, or exploitative property owners, whether occurring in an instant or sustained over longer periods of time, create hardships and problems for hundreds of residents, not just next-door neighbors. Disregard for residents' homes, buildings, property, and their quality-of-life sets a negative tone over everything.

When property owners and business owners disregard or belittle residents' wishes for quiet enjoyment of their homes, that attitude spreads until nearly all residents are affected. Peace and happiness breaks out less and less frequently. A tone filled with disregard for what residents value and wish for is akin to a harsh tax laid on every resident including children, the elderly and retirees, people on fixed incomes, all working adults (low income people do work and hold jobs, some work two jobs), and everyone who is responsible to someone other than themselves.

Many of my neighbors are weary of owners, and their enablers, who exploit residents but also the neighborhood's assets for their private enrichment.

In 2012 when the new Casino was imminent, the City adopted an Emergency Ordinance implementing Interim Development Control District No. 66 to protect our neighborhood and Residential District from exploitative building and business owners. This IDC was renewed as many times as possible.

Due to the location of the new Horseshoe Casino, and the likelihood of a demand-supply economy arising from casino operations, the following land-uses were prohibited at least for awhile. Most of the following types of businesses comprise a night time economy, or enable it. Most are not compatible land uses within or near a Residential District:

- i. Retail Sales, but only including pawn shops, jewelry, gold and precious metals stores (whether purchasing or selling), video stores, gifts and novelties stores, tobacco stores, liquor and package stores; and
- ii. Banks and Financial Institutions, but only including check cashing, currency exchange outlets, and issuers of bail bonds; and
- iii. Food Markets, but only including convenience markets; and
- iv. Commissaries; and
- v. Personal Services, but only including massage therapy and only to the extent that such massage therapy would require a license under Cincinnati Municipal Code Chapter 897; and
- vi. Recreation and Entertainment, but only including bingo parlors and poolrooms; and
- vii. Sexually Oriented Businesses

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the public interest requires that interim development controls be imposed during such period in order that the substance and purpose of the proposed zoning map and text amendments are not prematurely destroyed or impaired.

[https://www.cincinnati-oh.gov/planning/assets/File/IDCs%202012-2013\(1\).pdf](https://www.cincinnati-oh.gov/planning/assets/File/IDCs%202012-2013(1).pdf)

- 2) When a Property Owner does not present any credible evidence proving complete hardship, nor any credible justification for the requested land-use variance as set forth in Cincinnati Municipal Code 1445-13 and 1445-16—that is, clear and convincing evidence the building cannot be used as a residence nor any of the other allowable and compatible uses permitted by RM-1.2, then the

approval of a land-use variance permitting the Owner to convert the building, in part or in its entirety, to a Drinking Establishment will constitute Spot Zoning which is illegal.

I am opposed to spot zoning, especially where I live and where my many neighbors have invested their hard-earned money to own or lease a home in Over-the-Rhine / Pendleton.

*One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:*

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

*How to spot a spot zoning, Michigan State University, MSU Extension  
[http://www.canr.msu.edu/news/how\\_to\\_spot\\_a\\_spot\\_zoning](http://www.canr.msu.edu/news/how_to_spot_a_spot_zoning)*

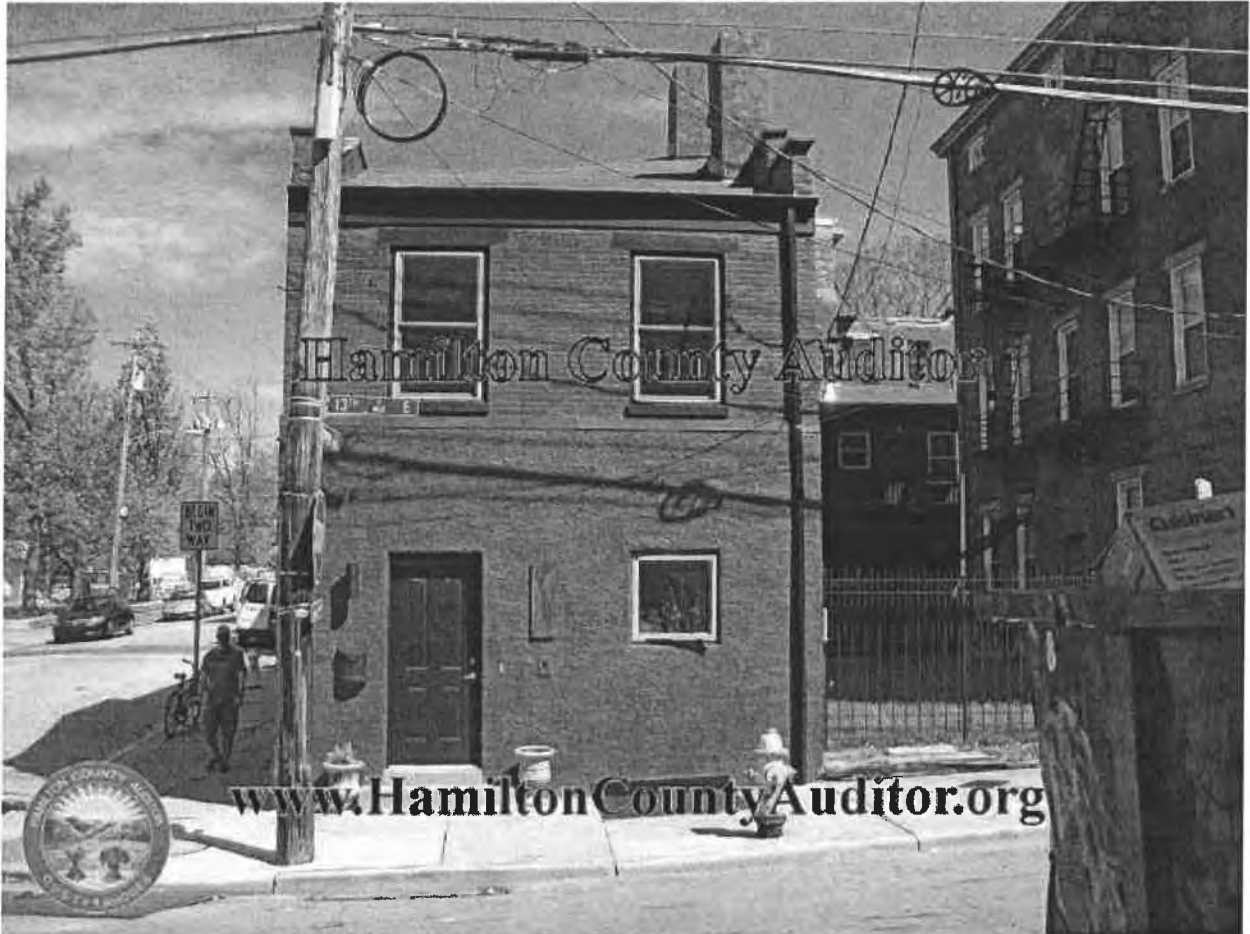
Where a close proximity of Drinking Establishments occurs, or a density or an over-saturation exists, then Drinking Establishments compose a Night-time Economy which is deemed incompatible with the purposes of a Residential District and other small areas zoned Residential.

Most neighborhood plans including the 2002 Over-the-Rhine Comprehensive Plan do not prescribe, nor reflect residents' aspirations or a community vision, for dense residential areas being loaded with Drinking Establishments which should be confined to areas zoned Commercial, and then permitted with conditions when necessary.

The Owner's employee and tenant is currently living on the first floor. While he may not like the place (he said it was like a bunker), someone else might like it very much.

He said people look into his windows and ring the doorbell. For the price of small curtains, a tenant could have privacy. The ground floor apartment has window blinds but apparently the tenant chooses to not draw them or perhaps they don't work. The doorbell could be removed.

Several thousands of people in Over-the-Rhine, Pendleton, Betts Longworth, Liberty Hill, and other similar urban neighborhoods live in places where the front door and windows are next to the sidewalk. Most have curtains, blinds or shades. As but one example, I take care of a residential carriage house on Spring Street where the door and windows are next to the sidewalk. The door has curtains and all the windows have shades. This is typical for urban neighborhoods, not at all unusual.



400 E 13<sup>th</sup> Street, entry for ground floor apartment

To make the first floor apartment more comfortable for a tenant or more livable, small and inexpensive changes could be made. For example, installing window coverings suitable for tenant's needs; remove the lighted push-button doorbell – it's not needed; add a security camera; add a peephole to the door if one is needed; add a secured, lockable mail box; add one or two street trees if possible; add large attractive flower pots next to the steps of the front door; and, perhaps install flower boxes beneath the windows facing Broadway.

Good examples of these components are right around the corner on the 1300 block of Spring Street where owners and residents have added flower pots and other design elements, making their homes very attractive.

The Owner of 400 E 13<sup>th</sup> Street, who owns and lives in the 2-family next door at 1304 Broadway, rents the front apartment. It too has windows on the sidewalk. Will his tenants be happy and content living next door to a bar, and will this building also become 'unrentable' soon?



1304 Broadway, middle building in this photo

On the other side of the corner building, the neighbors residing at 404 E 13<sup>th</sup> Street also have windows on the street (the entry door to 404 is located in their side yard).

Same goes for thousands of other people who live in the downtown basin. This neighborhood is no different.

During the prehearing, the Owner was absent but was represented by his architect, his attorney and his employee-tenant. The Owner's tenant said the second floor apartment is vacant and cannot be rented – no one wants it. No one wants to rent it but him so he is going to vacate the first floor apartment and move upstairs.

However, someone who lives or lived on the second floor just a few months ago purchased a residential-parking permit for the year 2018. Residents have to show proper identification, present a lease signed by the Owner, and/or present a current utility bill in his or her name. Apparently someone wanted, or did want, to live on the second floor apartment at 400 E 13<sup>th</sup> Street.

- 3) A land use variance allowing an intensive commercial use such as a Drinking Establishment on our residential blocks will likely jeopardize if not nullify our right to residential-permit parking.

Our residential-zoned blocks are the foundation, the very basis, for the City's application of its Residential Permit Parking Program as set forth in the Cincinnati Municipal Code, Chapter 514 – Parking Permits.

Sec. 514-5. – Residential Parking Permits Criteria.

The city manager shall establish the criteria for the creation of residential parking permit area. At minimum a residential parking permit area ***shall***:

- (a) Be zoned residential and ***used exclusively for residential purposes***. [emphasis added]

- 4) There are plenty of drinking establishments in Over-the-Rhine and Pendleton including Main Street which is part of Pendleton. Yet another place in or near our Residential District is neither needed nor wanted.

No one needs to stay thirsty. For example, the Kroger on Vine, and presumably the new one on Central Parkway, has an entire aisle devoted to beverages and set ups. For \$1, a person can ride the streetcar and find many places along its route including those located near Findlay Market and The Banks, and at all points in between. At all price points suiting most budgets, everyone can find a number of places to enjoy having drinks.

However, in our neighborhood, residents are struggling to live with the loud music, late night noise, street congestion, horn honking, yelling and shouting, and on-street parking shortages vectored by so many closely-situated drinking establishments.

Avoiding the garages and surface lots, out-of-area patrons love to park on our streets free-of-charge, and will continue to circle our blocks until a space is found, leaving residents with no place to park when they arrive home.

A density or over-saturation of drinking establishments creates its own environmental weather in the public realm but also for law enforcement. Some patrons can be loud, uninhibited, careless, disrespectful. Some are casual drug users, thus dealers use our 'safe' blocks for their transactions. Other patrons are intoxicated thus attract people who prey on them. Some patrons are polite but too many are not. Most patrons are not local people. They do not care whether they disturb people who need to work the next day or whether children need to be on a sleep schedule.

These behaviors are harming residents. These behaviors are affecting our lives, our quality of life, our homes and neighborhood.

During the prehearing, the Owner's tenant said adding another bar to the area would put more *'eyes and ears on the street'* and would make the area safer for children.

If that were true about 'eyes and ears' on residential streets and not a material misrepresentation of what Jane Jacobs said and wrote, then families all over this city are eager to live next to Three Points Urban Brewery, The Nation Kitchen and Bar, Boomtown Biscuits & Whiskey, Lucius Q, and The Treehouse Patio Bar. If bars and their patrons keep kids safer, then surely families should be bidding up the available condos and apartments on Vine and Main but also 400 E 13<sup>th</sup> Street.

Jane Jacobs, who referred to her neighbors as 'eyes and ears' providing natural surveillance on the street, wrote this about her beloved neighborhood, Greenwich Village:

*Night spots are today overwhelming the street, and are also overwhelming the very life of the area. Into a district excellent at handling and protecting strangers, they have concentrated too many strangers, all in too irresponsible a mood, for any conceivable city society to handle naturally.*

Jane Jacobs, *The Death and Life of Great American Cities*, 1961 (page 245)

Has the Owner ever noticed how many children live on our blocks and play in the park and on our sidewalks? Has he ever noticed kids riding their bikes, walking with their parents, walking their dogs, being strolled as infants or toddlers? Has he ever noticed how many people take their kids to Ziegler Playground or the swimming pool? Has he ever noticed how many new parents spread a blanket on the grass so their young children can get some fresh air during summer evenings and weekends? And his bar is going to make all of them *safer*?

Drinking Establishments are not just weekend businesses, nor just evening or night time businesses. Consumption is so lucrative, that day-time drinking is aggressively marketed, promoted and normalized on social media. Our residential streets are not just overloaded during the evenings but also all day during the weekends too.

The corners of Broadway and E 13<sup>th</sup> Street were never desolate. This intersection never needed more eyes and ears; it was a busy corner for years.

Cincinnati Public Schools occupied the Old Woodward High School on the NW corner – up to a thousand people learned and worked in that building when school was in session.

Cincinnati Plating occupied the SW corner (331 E 13<sup>th</sup> Street) for decades, and only recently sold their building. This business received, repaired, restored and shipped out valuable silver items from all over the country for hotels, large upscale resorts, museums, collectors, insurance companies, and government agencies for decades. <https://www.cincinnatiplating.com/index.html>

On the SE corner, the corner building was filled with tenants until they moved due to the building's renovation (it's now an ice cream shop and residential).

Only 400 E 13<sup>th</sup> Street was vacant for a stretch, which happened after Dallas Martin died. His father, Mr Martin, bought the building so his son wouldn't be homeless and victimized. Dallas was a beloved character, a gentle man, and very kind to everyone. Around 1999, he opened a 'store' on the Broadway side of his building where he hung a hand-painted sign: Church of Living God Store. Inside was a cardboard table, some packs of gum and bags of potato chips. A cigar box indicated payment was on the honor system.

Dallas frequently sat on his steps around the corner so he could talk with everyone. He gave away his merchandise to neighborhood kids. Because everyone knew him and understood his ways, people tried to take care of him. When Dallas died, people left notes and flowers (also gum, also six-packs) at his door on E 13<sup>th</sup> Street. Mr Martin, now very elderly, is a stone mason who has repaired many retaining walls in the neighborhood. For whatever reason, Mr Martin's building at 400 E 13<sup>th</sup> Street remained vacant for a long time.

The current Owner paid Mr Martin \$23,500 for the building in April 2009 per the Auditor's site.

**Address**

400 E THIRTEENTH ST

Transfer History					
Year	Conveyance #	Selling Price	Sale Date	Previous Owner	Current Owner
2018	170834	0	5/9/2018	RECKMAN CHRISTOPHER A & LOUISA	RECKMAN CHRISTOPHER A
2017	146195	0	7/14/2017	BROADWAY LOFTS LLC	RECKMAN CHRISTOPHER A & LOUISA
2016	101878	0	2/12/2016	C A R CONSTRUCTION LLC C A R CONSTRUCTION LLC	BROADWAY LOFTS LLC BROADW LOFTS LLC
2012		0	2/8/2012	C A R CONSTRUCTION LLC	C A R CONSTRUCTION LLC C A R CONSTRUCTION LLC
2009		0	5/11/2009	RECKMAN CHRIS	C A R CONSTRUCTION LLC
2009	20814	23,500	4/10/2009	MARTIN EUGENE	RECKMAN CHRIS
2009		0	4/10/2009	MARTIN DALLAS & EUGENE	MARTIN EUGENE
1993	0	0	9/29/1993	MARTIN DALLAS	MARTIN EUGENE
1989	0	0	8/1/1989	CONLON ROBERT J	MARTIN DALLAS
1988	0	0	3/1/1988	WHITE CURTIS	CONLON ROBERT J
1986	0	0	6/1/1986	SEE OWNERSHIP CARD	WHITE CURTIS

Zoning is a powerful planning tool. When planning, it is imperative to consider the needs of people who may not be present. Good planning should always consider the needs of the community's most vulnerable such as families, children, the elderly, people who can be displaced, but also home owners. In 2000, only 3.9% of OTR's population owned their own home. Today, we have a few more homeowners buying property on Broadway, E 13<sup>th</sup> Street, and other blocks in the Residential District.

For these and all other good reasons you may rely on including the OTR Guidelines, I respectfully urge the Urban Conservator and the HCB to deny the two (2) COA submitted by this property owner.

Thank you for your consideration of this important matter,

Myra Greenberg  
Over-the-Rhine resident

## Johnson, Beth

---

**From:** Sistersoffering Solutions <sistersofferingsolutions@gmail.com>  
**Sent:** Monday, November 26, 2018 3:51 PM  
**To:** Johnson, Beth  
**Subject:** [External Email]

External Email Communication

There is NO NEED for ANOTHER Bar in the Historically RESIDENTIAL area of 13th and Broadway. This is a FAMILY area. A block a way is a park district.

This is a living area of PROFESSIONAL citizen's . PLEASE DON'T ADD ANOTHER PARTY HOUSE TO OUR NEIGHBORHOOD!

Sincerely,  
Sisters Offering Solutions

## Johnson, Beth

---

**From:** Sistersoffering Solutions <sistersofferingsolutions@gmail.com>  
**Sent:** Monday, November 26, 2018 3:51 PM  
**To:** Johnson, Beth  
**Subject:** [External Email]

External Email Communication

There is NO NEED for ANOTHER Bar in the Historically RESIDENTIAL area of 13th and Broadway. This is a FAMILY area. A block a way is a park district.

This is a living area of PROFESSIONAL citizen's . PLEASE DON'T ADD ANOTHER PARTY HOUSE TO OUR NEIGHBORHOOD!

Sincerely,  
Sisters Offering Solutions

## Johnson, Beth

---

**From:** mary hennen <henms34@yahoo.com>  
**Sent:** Wednesday, November 21, 2018 1:10 PM  
**To:** Johnson, Beth  
**Cc:** Shad, Matthew  
**Subject:** [External Email] Re-zoning of 400 E 13th St

### External Email Communication

To Whom It May Concern: Pendelton has been my neighborhood for more than two decades, and I am vehemently opposed to the re-zoning of 400 E 13th St. for the purposes of another bar. The recent commercial additions along Broadway have been fine, but I do not approve of cutting into the residential fabric of the neighborhood for the sake of commercial enterprise. Once you allow a variance of this sort, the concerns of Pendelton residents cease to be a priority and the dynamic of the neighborhood will have shifted, now catering to more late night noise and bad behavior, increased amounts of trash and the loss of residential parking to commercial patrons. The saturation of new restaurants and bars throughout OTR over the last decade provides more than enough entertainment opportunities for both residents and outsiders, and thus I see no reason for bending the rules to accommodate the request of a homeowner whose only interests appear to be his own. Thank you for your time. Sincerely, Jack Hennen (12th St resident)

## Johnson, Beth

---

**From:** Creech, James <creechj@miamioh.edu>  
**Sent:** Sunday, November 25, 2018 10:20 AM  
**To:** Johnson, Beth  
**Subject:** [External Email] Application for Certificate of Approval

External Email Communication

Re Certificate of Appropriateness Application  
For 400 E. 13<sup>th</sup> Street (Parcel 075-0002-0036-00)

Dear Ms. Johnson:

I write to register my strong opposition to the application for a Certificate of Appropriateness proposed for the above-mentioned corner of 13<sup>th</sup> and Broadway in O.T.R.

Currently zoned as a RM 1.2 Residential Multi Family, the applicants for a variance are proposing an adaptive re-use of this building that would include a ground-floor "Tavern," which is specifically prohibited under its current zoning status.

As a long-time resident of this neighborhood I have been delighted to see the many improvements it has enjoyed in recent years.

I have been dismayed, however, at the recent establishment of the "Three Corners" micro-brewery that was recently opened catty-cornered across the street from the proposed new Tavern. On many nights during warm weather, it is overwhelmed with throngs of loud, drinking customers who can be heard half a block away where I live, at 1332 Broadway. It cannot be refuted that a new bar at the same corner would only add to this assault on the residential nature of the next block to the north on Broadway.

It is true, as the applicants point out, that this building, like many others, originally had commercial establishments on the ground floor and residences on the upper floors. But these commercial establishments housed modest, neighborhood-related services such as the Voss Grocery store, a small corner market that was located at this address at the beginning of the 20<sup>th</sup> century. Such neighborhood businesses were a far cry from a bar and its throngs.

Parking, as always, is another issue. As the applicants themselves assert, "the City Council has recently lifted the parking requirements for this dense Pendleton neighborhood." No doubt Council's decision to alter parking requirements was unavoidable, but speaking as a resident of the neighborhood, I can report that parking has become challenging to say the least. The applicants' assumption that "the vast majority of the patrons will arrive on foot" is patently absurd. "More people, less cars"? Dream on.

I am in no way hostile to the refurbishment and re-use of this glorious neighborhood. But I am firmly opposed to this specific proposal.

Sincerely,

James Creech  
1332 Broadway  
Cincinnati 45202

## Johnson, Beth

---

**From:** josef schneider <schneiderjosef31@gmail.com>  
**Sent:** Monday, November 26, 2018 9:42 AM  
**To:** Johnson, Beth  
**Subject:** [External Email] zoning variation for 400 e. 13th St.

External Email Communication

Ms. Johnson:

I am writing you to express my strong opposition to granting a variance for ANOTHER bar in the Pendleton neighborhood. My wife & I have lived here for nearly 40 years, & have seen this area transform from a racially & economically diverse residential neighborhood into an expensive, exclusive, overdeveloped, overparked mess. I am not a prohibitionist, but how many bars do we need? Presently, there are 3 licensed establishments at the corner of 12th & Broadway, 3Points Brewery at 13th & Broadway, The Treehouse at 13th & Sycamore, & more than a half-dozen restaurants & bars on Main St. with liquor permits. The above establishments are in areas which have been zoned commercially for decades. 3 Points & Treehouse are significant sources of noise pollution, necessitating closed windows on summer nights as attested to by neighbors in the Othello & Alumni lofts. Parking is already a problem for home-owners & residents, & as near as I can see, city policy seems to be "if everyone who believes in fairies claps their hands, there will be parking spaces."

Please stop the further transformation of our neighborhood into an entertainment district!

Josef Schneider  
1317 Spring Street

## Johnson, Beth

---

**From:** Ken Jones <kjaarch@isoc.net>  
**Sent:** Sunday, November 25, 2018 3:18 PM  
**To:** Johnson, Beth; Shad, Matthew  
**Subject:** [External Email] 400 E 13th St  
**Attachments:** EPSON001.PDF

External Email Communication

Beth, Matt

I am a resident and property owner who lives at 1324 Broadway, which is 8 buildings away from the property located at 400 East 13<sup>th</sup> Street. I would like to express my opposition to a proposed land use variance for 400 E 13<sup>th</sup> St. and the proposed changes to this historic building.

### ZONING:

The boundaries for the Pendleton neighborhood area are Main Street to the West, Liberty Street to the North, Reading Road up to Elsinore to the East, and the Jack Casino area to the South. The population of this residential area is approximately 1200+/\_.

I have attached a CAGIS map with dots shown to indicate the number of drinking establishments in the neighborhood and along the boundary. As you can see there are 15 existing drinking establishments within the Pendleton boundary. The large dots represent two more new bars that will open next year- a craft brewery at 12<sup>th</sup> and Sycamore and the diner at 12<sup>th</sup> and Sycamore. All of these are within two to three blocks walking. If you look at just the west side of Main Street, we have six more drinking establishments for a total of 23. Adding another bar does not add to the health of the neighborhood but adds to the problems that have been created, i.e. traffic, congestion, noise, trash, parking and vandalism. All of these places rely on customers from out of the neighborhood because there are not enough residents in Pendleton or the OTR area to support all of them.

The argument that the owner is faced with an economic hardship because he cannot rent the space due to a lack of privacy does not make sense. Many buildings in Pendleton and OTR are built on the corners and their windows are on the lower level just like this building, and they do not have a problem renting their space. Rents in the area have doubled in the last three or four years. Property values have doubled or tripled in the last eight or nine years. A building of this size would make a great owner-occupied single family home for which there is a demand.

### Historic:

This historic building is one of the earlier buildings in the area. Introducing a store front ( NANA Wall System) will require structural design changes along the whole Broadway side and 13<sup>th</sup> Street, adding an element that does not relate to the rest of the building. In my opinion this would destroy its historic character and its relevance to the rest of the neighborhood.

Since the NANA Wall System is being proposed on the West side and the East side, the owner wants to add an awning the full length of the Broadway side and the 13<sup>th</sup> Street side to block the sun. This creates a strong horizontal element that visually cuts the building in two parts, and again destroys the historic character.

The NANA Wall System allows for large openings in the wall, thereby opening the interior space to the outdoors during good weather. But it also allows the noise to disseminate into the neighborhood which

is already a major issue especially when it continues from evening to 1 or 2am in the morning keeping neighbors awake.

The owner has an alternative to taking the public right of way for a handicap access. A handicap access door can be installed at the rear of the property since the floor line is at grade.


Thank you  
Ken Jones



# CAGIS Online Map

Printed: Nov 21, 2018 CAGIS©2016



Hamilton County  Ohio

## Johnson, Beth

---

**From:** Mary B. Rivers <mburke@otrch.org>  
**Sent:** Monday, November 26, 2018 9:52 AM  
**To:** Johnson, Beth; Shad, Matthew  
**Subject:** [External Email] Oppostion to Bar/Tavern at 400 E. 13th St.

External Email Communication

Dear Beth and Matthew,

Over-the-Rhine Community Housing opposes the certificate of appropriateness and use variance requested by the owner of 400 E. 13<sup>th</sup> St.

Over-the-Rhine Community Housing (OTRCH) is a community based non profit with 40 years of development history in Over-the-Rhine.

Our mission is to develop and manage resident-centered affordable housing to build inclusive community and benefit low-income residents.

We own several properties on 13<sup>th</sup> St. for a total of 10 units and we provide support services to an additional 40 units in the Pendleton neighborhood.

We oppose the proposed use in this residential area of the neighborhood. Residents in our buildings have children and the adults in the family work. Another bar in the area detracts from the livability of the blocks surrounding it and contributes to late night noise, drunkenness, and disrespect for residents.

From our review of the applicant's submission we do not see that they have met the standard or "Clear and Convincing Evidence" to support a use variance of this type.

Please deny the applicant's request for zoning relief and for a certificate of appropriateness.

Respectfully,

Mary Burke Rivers

**Mary Burke Rivers**  
**Executive Director**  
Over-the-Rhine Community Housing  
114 W. 14th St.  
Cincinnati, Ohio 45202  
513-381-1171  
[www.otrch.org](http://www.otrch.org)



*Support Over-the-Rhine Community Housing! Register us as your nonprofit of choice with [Kroger Community Rewards](#) and [Amazon Smile](#).*

## Johnson, Beth

---

**From:** Kathleen Driehaus <kdriehaus@att.net>  
**Sent:** Monday, November 26, 2018 1:10 PM  
**To:** Johnson, Beth  
**Cc:** Eileen Trauth  
**Subject:** [External Email] 400 E. 13th Street

External Email Communication

Dear Beth,

We are writing to express our strong opposition to the request of the owners of 400 E. 13th St to turn a residential property into a drinking establishment that will have large windows opening onto the street and outside tables that will take up the sidewalk. We oppose this on three accounts.

First, we do not believe that the owner's claim of "people looking in windows, constantly ringing doorbell and knocking on doors, etc." constitutes "hardship" from which the owner needs relief.

Second, another drinking establishment that has open windows and tables on the sidewalk will increase the noise pollution we are already experiencing from 3 Points which has open windows. We live across the street from the building, on one of the four corners of the intersection of 13th and Broadway. Our apartment in Alumni Lofts is in the SE corner of the build on 13th and Broadway. It is extremely important to us -- and believe it should be to the city as well -- that the current residential nature of the Pendleton neighborhood be maintained. We already encounter extremely loud music from 3 Points on many nights that continues into the early morning hours.

Third, the individual representing the owner of the building and proposer of this bar did not engage in satisfactory engagement with Pendleton community *residents* (the owner did not attend the meeting; he sent his tenant). Although the proposer of this new bar said he wanted to be a good neighbor, when we asked him to put it in writing that the bar would not play loud music he said he would not do so.

For these reasons we respectfully request that this application for 400 E. 13th Street be denied.

Regards,  
Kathleen Driehaus and Eileen Trauth  
1310 Sycamore #536

## Johnson, Beth

---

**From:** mgbrecords@aol.com  
**Sent:** Wednesday, November 14, 2018 5:08 PM  
**To:** Johnson, Beth; Shad, Matthew  
**Subject:** [External Email] BAR BAR

External Email Communication

Hi Beth,

Tabatha Anderson here.

I will be sending our official position of support on letterhead by Friday.

By Roll call vote of current dues paying members who are actually residents, the official vote was 14 Yea (13 resident and 1 business) 4 abstain ( me...I never vote, 2 businesses and 1 resident), 1 Nay (resident).

While Ken Jones and Myra Greenberg are an invaluable part of our community, they are no longer members of the Pendleton Neighborhood Council and represent themselves and do not engage in the formal Pendleton Neighborhood Council community process.

We did a roll call vote to prevent the "stacking the deck vote" by non resident, businesses and non members.

Thank you for all of your hard work.

Tabatha L Anderson  
President  
Pendleton Neighborhood Council  
512 East 13th Street  
Cincinnati, OH 45202  
513.369.0025  
at our monthly meeting November 12, 2018

## Johnson, Beth

---

**From:** Andrew Salzbrun <Andrew@theagar.com>  
**Sent:** Saturday, November 17, 2018 10:14 AM  
**To:** Johnson, Beth  
**Subject:** [External Email] Bar Bar - Letter of Support

External Email Communication

Hey Beth,

Hope this finds you well! I'm writing a letter of support for the variance and related relief requested for the Bar Bar application. As vice president of the Pendleton neighborhood, our voice was heard in a near-unanimous decision this past Monday to support their efforts. The meeting was one of our largest attendances in recent memory and incorporated a wide breadth of community input in our decision making process.

Thanks!

**A N D R E W S A L Z B R U N** | managing partner | **AGAR**

phone: 513.295.5308 | **instagram:** salzberrysteak

**G R O W I N G C U L T U R E**

[www.theAGAR.com](http://www.theAGAR.com)

## Johnson, Beth

---

**From:** Nic Daggett <daggett.n@gmail.com>  
**Sent:** Sunday, November 25, 2018 9:36 PM  
**To:** Johnson, Beth; Shad, Matthew; urban.conservator@gmail.com  
**Subject:** [External Email] 400 E 13th St, COA2018077

External Email Communication

To Whom it May Concern,

We are writing this letter in support of the proposed variance and relief for the notional bar at 400 E 13th St in Pendleton. We own 1310, 1312, and 1314 Broadway St, just a few houses up from the subject property. We are pouring our savings into renovating these three addresses. We plan to live and raise a family on this block. We are 'all in' on this location and have vested interest in the direction of this project.

We have thought long and hard about what type of letter to send you regarding this project. We've talked with the developers and with neighbors who oppose the bar. We've thought back on our own experiences living on Republic St, when a 'small bar' (Low Spark) was built on the corner of 13th, and how that impacted the block.

At the end of the day, we are proponents of bringing more people to this corner of the city. We truly feel that more people will add to the vibrancy of the neighborhood in a positive way. Any noise created by this project will be in the shadow of 3-Points and Tree House. We believe it will be a great neighborhood hang out, and love the idea of the building being returned to its historic use.

Sincerely,  
Emily Masi & Nic Daggett  
Owners of 1310, 1312, 1314 Broadway St.

**Johnson, Beth**

---

**From:** Brophy, Bradley (GE Aviation, US) <Bradley.Brophy@ge.com>  
**Sent:** Monday, November 19, 2018 7:20 AM  
**To:** Conservator, Urban  
**Subject:** [External Email] RE: COA2018077

External Email Communication

November 19, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that I am a resident of Pendleton, with an address located at 1304 Broadway Street, Unit 1. I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you,

Brad Brophy

1304 Broadway Street  
Unit 1  
Cincinnati, OH, 45202

**Johnson, Beth**

---

**From:** Judd Watkins <juddwatkins@gmail.com>  
**Sent:** Friday, November 16, 2018 10:06 AM  
**To:** Conservator, Urban  
**Subject:** [External Email] RE: COA2018077

External Email Communication

To Whom it May Concern,

Please be advised that I am a long time resident of Pendleton, with an address located at 404 Reading Road Unit 204 Cincinnati OH, 45202.

I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you,

**Judd Watkins**  
**404 Reading Rd, Unit 204, Cincinnati, OH 45202**  
513.716.2125 mobile

**Johnson, Beth**

---

**From:** Shelly Krotine <shelly.krotine@gmail.com>  
**Sent:** Sunday, November 25, 2018 8:54 PM  
**To:** Conservator, Urban  
**Subject:** [External Email]

External Email Communication

November 25, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that I am a resident of Pendleton, with an address located at 512 Dandridge St. I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you,

Shelly Krotine

--

*Shelly Krotine*

**Johnson, Beth**

---

**From:** Aaron Westendorf <aaron.e.westendorf@gmail.com>  
**Sent:** Friday, November 16, 2018 11:01 AM  
**To:** Conservator, Urban  
**Subject:** [External Email] RE: COA2018077

External Email Communication

November 16, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that I am a resident of Pendleton, with an address located at 1200 Broadway Unit 6. I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you,  
Aaron Westendorf

1200 Broadway Unit 6  
Cincinnati, OH 45202

**Johnson, Beth**

---

**From:** Cydney Rabe <cydney.rabe@gmail.com>  
**Sent:** Tuesday, November 20, 2018 9:59 AM  
**To:** Conservator, Urban  
**Cc:** caseycoston64@gmail.com  
**Subject:** [External Email] BarBar 400 East 13th

External Email Communication

November \_20\_, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that I am a resident of Pendleton, with an address located at \_1337 Pendleton St\_\_\_\_\_. I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you,  
Cydney Rabe

Urban Conservator  
[urban.conservator@cincinnati-oh.gov](mailto:urban.conservator@cincinnati-oh.gov)

November 22, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that I am a resident of Pendleton, with an address located at 222 East 14<sup>th</sup> St. I am writing this letter to support the variance and related relief requested in the above-referenced application.

Thank you

A handwritten signature in black ink, appearing to read "Ralph W Dent". The signature is fluid and cursive, with the first name "Ralph" being more prominent than the last name "Dent".

Ralph W Dent

222 East 14<sup>th</sup> St  
Cincinnati, OH 45202

## Johnson, Beth

---

**From:** Matt Reckman <mreckman@modelgroup.net>  
**Sent:** Monday, November 26, 2018 12:40 PM  
**To:** Conservator, Urban  
**Cc:** Urban Expansion  
**Subject:** [External Email] Support Letter - COA2018077

External Email Communication

Urban Conservator  
[urban.conservator@cincinnati-oh.gov](mailto:urban.conservator@cincinnati-oh.gov)

November 26, 2018

RE: COA2018077

To Whom it May Concern,

Please be advised that we are a real estate developer and property manager in the Pendleton neighborhood with large investments surrounding the 13<sup>th</sup> and Broadway intersection, including properties directly across from the subject location. I am writing this letter to express our support for the variance and related relief requested in the above-referenced application. This concept will be a great addition to the neighborhood and will further enhance Pendleton as a great Cincinnati neighborhood.

Thank you,

Matt Reckman  
on Behalf of Model Group

1826 Race St  
Cincinnati, OH 45202

**Matt Reckman** | vice president of property management  
o:513.559.5864 | [www.modelgroup.net](http://www.modelgroup.net)

**model**group

## Johnson, Beth

---

**From:** Jack Weston <rcwestoniii@gmail.com>  
**Sent:** Monday, November 19, 2018 8:16 AM  
**To:** Conservator, Urban  
**Subject:** [External Email] COA2018077

External Email Communication

This note is to express our support for the project referenced in the Subject line at 400 E 13th.

As members of the Pendleton Neighborhood Council (PNC) and residents of Pendleton (at 1335 Pendleton St.), our family is in full support of the variance requested and full project. The PNC voted strongly in support of the variance at last week's meeting, and we look forward to another great addition to the neighborhood!

Robert and Anna Weston