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## APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

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APPLICATION #: ZH20200194/COA2020063  
APPLICANT: New Republic Architects  
OWNER: Nassau Avenue Investments  
ADDRESS: **1409 Main Street**  
PARCELS: 080-0001-0180-00  
ZONING: CC-P  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: January 2, 2020

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

The applicant requires the following Zoning Relief:

1. **Section 1409-09 – Numerical Variance** to allow a 9-residential-unit building. The building had an existing 7 units and is permitted 5. A variance of 217 sf of lot area/unit is required to allow 9 units at 283 sf of lot area/unit.

### **Existing Conditions**

The subject property is situated mid-block on Main Street on the west side of the street. The property has 2 existing buildings on the property which both have historically had residential units in the buildings with the front building have commercial on the first floor.

### **Proposed Conditions**

The applicant is proposing to renovate the buildings into 9 dwellings with a commercial space on the first floor increasing the existing residential unit count of 7 units. The exterior of the building will be rehabilitated. The building is using historic tax credits and the exterior rehabilitation will conform to the Secretary of the Interior's Standards for Historic Rehabilitation.



Figure 1. Location 1409 Main Street St. Image from CAGIS.



Figure 2. Street view of 1409 Main Street, which is the white building. Image from Google.

**Previous Reviews:** The applicant has submitted rehabilitation for the building under permit #202010290

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1409</a>	CC-P
Variance Request:	<a href="#">Section 1409</a>	Density
Variance Authority:	<a href="#">Section 1445</a>	
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 Review**

The project is part of the final phase of the Broadway Square project which is rehabilitating existing properties with existing residential units and commercial spaces. The request that the applicants are asking is a 2 unit increase from the existing conditions but it is actually a zero net increase in bedrooms as the rear building was previously 1 unit with 4 bedrooms and has now been divided into 3 units.

Properties in the CC-P are residential and commercial in nature and are permitted to have 1 unit per 500 sf of land area. The property in question is 2548 sf of area and the buildings have a combined size of over 6100 sf.

**Standards for Variances per Section 1435-05-4**

(a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits require that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

(b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the grandfathered 7 dwelling units or could be developed with even less units, with

larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

### **Standards for Variances per Section 1445-05-4**

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

*The property is in a commercial district and is an existing building. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.*

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

*The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing buildings range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.*

### **General Standards; Public Interest**

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

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is CC-P. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine 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.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is "Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents." The project as a whole is providing a diverse

range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a mixed-use building within the CC-P zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 283 sf of land area per unit. This is similar in density with other recently approved projects in existing buildings within commercial districts in Over-the-Rhine. Projects that the HCB has approved in CN-P, CC-A and CC-P since 2017 are below:

- 1531 Elm St            253 sf lot area/ unit
- 1533 Elm St            275 sf lot area/ unit
- 1925 Vine St           333sf lot area/ unit
- 161 E McMicken      357 sf lot area/ unit
- 24 W 15<sup>th</sup> St          125 sf lot area/ unit

The property is large enough that all trash for the units will be able to be accommodated onsite and not within adjoining alleys.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13<sup>th</sup> but has been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- l. **Economic Benefits.** The promotion of the Cincinnati economy.

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** The creation of jobs both permanently and during construction. There will be temporary jobs during construction.

- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*

The rehabilitation of the building will increase the property value of the property.

- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.*  
The owner of the property will have a benefit to redeveloping the property and creating an income stream.
- p. **Public Benefits.** The public peace, health, safety or general welfare.*  
The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and the city as a whole.

**Certificate of Appropriateness Review:**

All exterior changes on the property will be required to obtain a Certificate of Appropriateness. The COA will be issued in conjunction with the Building Permit as all proposed changes, including windows and doors, are able to be approved at a staff level.

**Other Considerations:**

**Prehearing Results:** A prehearing was held on January 6th.

**Comments Provided to Staff:** NA

**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 1409-09 – APPROVE – Numerical Variance** to allow a 9-residential-unit building at 283 sf of lot area/dwelling unit, in excess of the legal non-conformity density of 7 units and the base zoning requirements, per plans for 1409 Main St submitted by New Republic Architects dated December 11, 2020.

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

- 1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where the property is located.
- 2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
- 3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the projects.

ATTACHMENT A- Density Variances pproved in Historic Districts						
Case	Address	District	Variance	Additional Variance	Decision	Notes
ZH20160169	1632 Central Pkwy	OTR	CU	Ground Floor residential	Approved	44 units = 431 sf/unit (existing bldg) - 0 units existing - 37 permitted by Code
ZH20160213	1925 Vine	OTR	Density			20 units = 283 sf/unit (existing bldg) - 17 units existing - 11 permitted by Code
ZH20170033	1216-1218 Race	OTR	Density	Setbacks	Approved	22 units = 324 sf/unit (new bldg) - 10 permitted by Code
ZH20170136	203 E Clifton	OTR	Density	Setbacks	Approved	7 units = 354 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20170145	1437 Elm	OTR	Density	Setbacks	Approved	3 units = 466 sf/unit (new bldg) - 2 permitted by Code
ZH20170162	1531 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 253 sf/unit (existing bldg) - 7 units existing - 4 permitted by Code
ZH20170163	1533 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 275 sf/unit (existing bldg) - 6 units existing - 4 permitted by code
ZH20180066	161 E McMicken	OTR	Density		Approved	5 units = 357 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20180099	1431 Republic	OTR	Density		Approved	3 units = 864 sf/unit (existing bldg) - 2 units existing - 2 permitted by Code
ZH20180128	24-26 W 15th	OTR	Density	Parking	Approved	12 units = 150 sf/unit (existing bldg) - unknown number of previous units - 3 permitted by Code
ZH20180142	1518 Race	OTR	Density	Parking	DENIED	16 units = 281 sf/unit (new) - 6 units permitted by Code
ZH20180150	1118 Sycamore	OTR	Density	Parking	Approved	155 units = 261 sf/unit (new bldg) - 58 permitted by Code
ZH20180151	2806-2808 Woodburn	Woodburn Ave	Density	Parking	Approved	19 units = 362 sf/unit (existing bldg) - 10 units existing - 12 permitted by Code
ZH20180181	1505 Republic	OTR	Density		Approved	7 units = 211 sf/unit (existing bldg) - 6 units existing - 1 permitted by code
ZH20180182	1513 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180183	1515 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180193	528 E 12th	OTR	Density	Buffer Yard, articulation	DENIED	56 units = 287 sf/unit (new bldg) - 23 permitted by Code
ZHUV180007	2415 Maplewood	Kinsey Apt Bldg	Density	Parking, landscaping	Approved	14 units = 855 sf/unit (existing bldg) - 7 units existing - 3 permitted by Code (RMX - 4 by density)
ZH20190017	1505 Vine	OTR	Density	Sign	Approved	12 units = 458 sf/unit (new construction) - 7 permitted by Code
ZH20190021	1735 Vine	OTR	Density		Approved	6 units = 413 sf/unit (existing building) - original number unknown - 4 permitted by Code

ZH20190061	1733 Elm	OTR	Density		Approved	10 units = 278.75/unit (existing bldg) - 9 units existing - 5 permitted by Code
ZH20190108	1512 Republic	OTR	Density	Setbacks	Approved	27 units = 283 sf/unit (new) - 10 permitted by Code
ZH20190109	1521 Vine	OTR	Density		Approved	18 units = 321 sf/unit (new) - 8 permitted by Code
ZH20190110	1600-1602 Pleasant	OTR	Density	Setbacks	Approved	24 units = 247 sf/unit (new) - 4 permitted by Code
ZH20190111	1617 Race	OTR	Density	Setbacks	Approved	15 units = 366 sf/unit (new) - 7 permitted by Code
ZH20190117	211 Woodward	OTR	Density		Approved	7 units = 392 sf/unit (existing) - 4 units existing - 5 permitted by Code
ZH20190119	1604 Pleasant	OTR	Density		Approved	6 units = 283 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190121	1601 Race	OTR	Density		Approved	12 units = 300 sf/unit (existing) - 11 units existing - 7 permitted by Code
ZH20190122	20 E 15th	OTR	Density		Approved	8 units = 345 sf/unit (existing) - 6 units existing - 5 permitted by Code
ZH20190123	1510 Moore	OTR	Density		Approved	6 units = 300 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190124	215 Woodward	OTR	Density		Approved	5 units = 260 sf/unit (existing) - 2 units existing - 2 permitted by Code
ZH20200007	68 E McMicken Ave	OTR	Density		Approved	11 units = 327 sf/unit (existing) - 6 units existing - 7 units permitted by code)
ZH20200101	528 E 12th Street	OTR	Density	Buffer yard, articulation	Approved	33 Units = 404 sf/unit (allowed 19 units permitted by code)
ZH20200102	600 E 12th Street	OTR	Density	Buffer yard, articulation, setbacks	Approved	23 units = 426 sf/unit (allowed 14 units permitted by code)

**ADJUDICATION/DENIAL LETTER**

Date: December 1, 2020  
Location: 1409 Main Street  
Request: Density Variance  
Zoning District: CC-P/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1409-09: Residential development in existing buildings. The permitted density is 500 sf of lot area/unit. The lot is 2548 which permits 5 units. There is existing 7 units. 9 units is proposed a variance of 216 sf of lot area/unit is required to allow 9 units at 283 sf of lot area/unit.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: New Republic Architecture \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: 45202  
 Phone: \_\_\_\_\_ E-mail: jchamlee@modelgroup.net

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of mv application.

Applicant Signature:  Date: \_\_\_\_\_

## **§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.**

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval


### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Renovation of a property consisting of two separate buildings in the Over-The-Rhine Historic District. The building consists of 9 apartments and a ground level retail space.  
\_\_\_\_\_  
\_\_\_\_\_

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature  . 12 / 11 / 2020

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"><li>• <b>\$900.00</b> for Use Variances</li><li>• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District</i> are as follows: <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li></ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Ms. Beth Johnson  
Urban Conservator  
Buildings an  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation to 1409 Main Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines to Historic Preservation. 1409 Main Street Project was granted State and Federal Historic Tax Credits. We hereby seek a density variance from the permitted 5 units to the proposed 9 units. (7 units existing).

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Density Variance per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the CC-P zone, and the proposed building is an important step in bringing residents to the area of OTR.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This Project aligns with the Over-The-Rhine Comprehensive Plan of 2002**
- d) Traffic: **The Project is along Main Street, a major arterial street that can handle any additional traffic without pushing traffic onto neighboring/ side streets.**
- e) Buffering: **The existing building is built on a zero lot-line, so no buffering is planned or possible.**
- f) Landscaping: **The building is an existing building, built to the lot-line, therefore buffer yards do not apply.**
- g) Hours of Operation: **The housing component on the 2<sup>nd</sup> through 4<sup>th</sup> floors have no “hours of operation”. The ground floor use, although commercial, has no tenant yet, and is intended to be finished to a “white-box” level, suitable for tenant recruitment.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use and the proposed use of ground floor commercial and the residential above, bringing back the very uses that made OTR a great business district in the last century.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing on viable residents and business.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of OTR.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The density variance is a factor of the CZC being in place prior to the proposal of the Project, and the CZC not considering that there was most likely 9 or more dwelling units on this site when it was first built.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.01.20. The Project consists of the renovation of a property consisting of two buildings, one mixed use building with 4 stories and one 3 story studio apartment building on the lot 1409 Main Street in the City of Cincinnati's Over the Rhine Historic District. The building consists of 9 residential units with one ground level retail/restaurant. Specifically, our responses to Ms. Johnson's letter are outlined in *bold italics* below:

"Your request also does not comply with the City of Cincinnati's Zoning Code for the following reason(s):"

- "1409-09: Residential development in existing buildings. The permitted density is 500 sf of lot area/unit. The lot is 2548 which permits 5 units. There is existing 7 units. 9 units is proposed a variance of 216 sf of lot area/ unit is required to allow 9 units at 283 sf of lot area/ unit." ***We hereby are seeking a Density Variance of 4 units.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Over-The-Rhine. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal



# COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 - (513)946-4000 - dusty.rhodes@fuse.net

Online Property Access

|< First << Prev Next >> Last >|

[RETURN TO SEARCH LIST](#)

Property 1 of 2

**Parcel ID** 080-0001-0180-00      **Address** 1409 MAIN ST      **Index Order** Parcel Number      **Tax Year** 2019 Payable 2020

## I Want To...

- [Start a New Search](#)
- [Email the Auditor](#)
- [View the Online Help](#)
- [Auditor's Home](#)


### View:

- Property Summary**
- Appraisal Information
- Levy Information
- Transfer
- Value History
- Board of Revision
- Payment Detail
- Tax Distributions
- Images
- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

### Print:

- [Current Page](#)
- [Property Report](#)

### Property Information

<b>Tax District</b>	001 - CINTI CORP-CINTI CSD		<b>Images/Sketches</b> 
<b>School District</b>	CINCINNATI CSD		
<b>Appraisal Area</b>	01800 - OVER THE RHINE <a href="#">Sales</a>	<b>Land Use</b> 469 - LIHTC COMM	
<b>Owner Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 <i>(call 946-4015 if incorrect)</i>		<b>Mailing Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 <i>(call 946-4800 if incorrect)</i>	
<b>Assessed Value</b> 26,540	<b>Effective Tax Rate</b> 96.465895	<b>Total Tax</b> \$2,565.39	
<b>Property Description</b> 1409 MAIN ST 24.5 X 104 PT LOT 29 WS MAIN 54 FT N OF 14TH ST			

### Appraisal/Sales Summary

Year Built	1883
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	9/14/2020
Last Sale Amount	\$0
Conveyance Number	244469
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.057

### Tax/Credit/Value Summary

<b>Board of Revision</b>	<b>YES(18)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	41,090
CAUV Value	0
Market Improvement Value	34,730
Market Total Value	75,820
TIF Value	0
Abated Value	0
Exempt Value	0
<b>Taxes Paid</b>	<b>\$2,565.39</b>
Tax as % of Total Value	0.000%

### Notes

\*\*\* 10/14/18 BOR #17-023407 DECREASE TO 75,820 TH \*\*\* 10/29/09 bor #08-205346 decrease to 40,910 SG \*\*\* CRA ABATEMENT EXPIRES 2009 PAY 2010 \*\*\* 12-12-01 12 YR CRA ABATEMENT - BEGAN TAX YR 1997 THRU 2008 \*\*\* 3/9/98 BOR #96-13299 DISMISSED

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Jason Chamlee, Model Group
- Graham Kalbli, Principal, New Republic Architecture
- Kara Vujanovich, Project Designer, New Republic Architecture

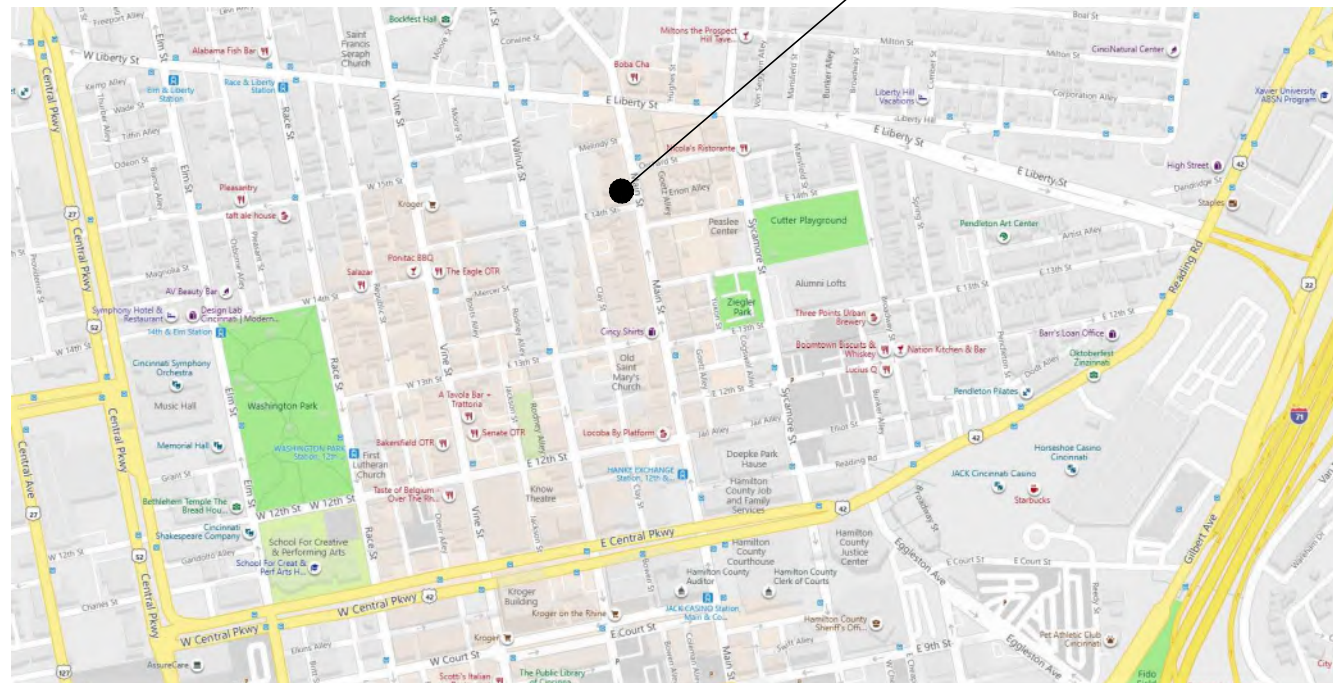
# PROJECT DESCRIPTION:

This project is a historic renovation and interior alteration to an existing 120+ year old multi-story building in the historic 'Over-The-Rhine' neighborhood of Cincinnati, Ohio. This project has been grouped with other historic buildings in the Over-The-Rhine neighborhood into a collective known as "Broadway 4".

Aside from City Historic requirements for the neighborhood, the project has received funding from and is subject to state and federal historic review and approvals via the Ohio State Historic Preservation Office (OHPO) and the National Park Service (NPS).

Additionally, this project is seeking sustainable certification via 'Enterprise Green Communities' standards (to be submitted separately by others under separate cover to the appropriate reviewing parties).

**1409 Main St.:** existing configuration has two separate buildings on the property, which shall remain. Rear building converts a single 3-story unit into 3 separate studio units. Layout of front building has a central staircase with Units at front and rear of each floor and a full floor unit at fourth floor. Proposed alterations change the first floor to all "B" occupancy spaces (i.e. Partial Change of Occupancy) except the historic staircase (remains 'R-2'). The upper floors remain as 'R-2' occupancy and have a blend of 1-BR and Studio flats that set to either side of the central staircase. The 4th floor is being revised into two separate dwelling units, which has a single unit that connects front and rear spaces via a passage beneath the existing stair landing. Additional improvements will provide greater protection to the historic staircase and existing fire escape, thus creating a less hazardous and more compliant condition than currently exists.



# DRAWING INDEX

G0	COVER SHEET
G1	SITE PLAN
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	FLOOR & ROOF PLAN
A4	ELEVATIONS

# PROJECT SUMMARY

*\*FLOOR GROSS SF (FRONT/REAR)*

FIRST FLOOR	1555 SF
SECOND FLOOR	1656 SF
THIRD FLOOR	1656 SF
FOURTH FLOOR	1249 SF
<b>TOTAL</b>	<b>6116 SF</b>

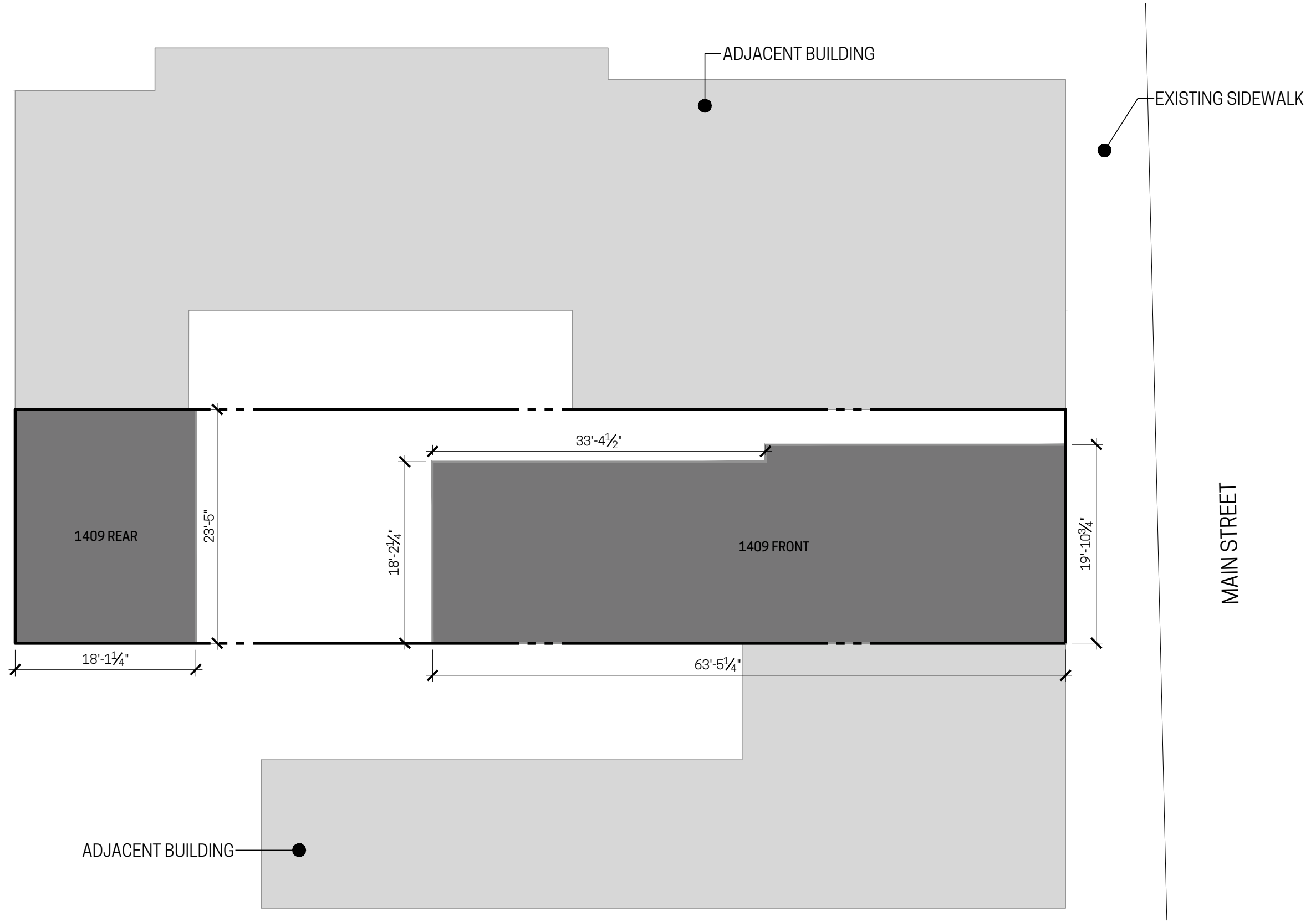
# DEVELOPMENT TEAM

**MODEL GROUP**  
 1826 RACE STREET  
 CINCINNATI, OH 45202  
 513-559-0048

**1409 MAIN STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-0-045D

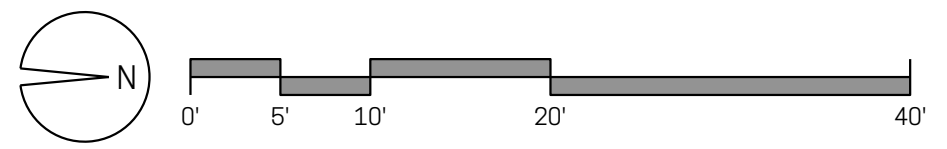
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 COVER SHEET

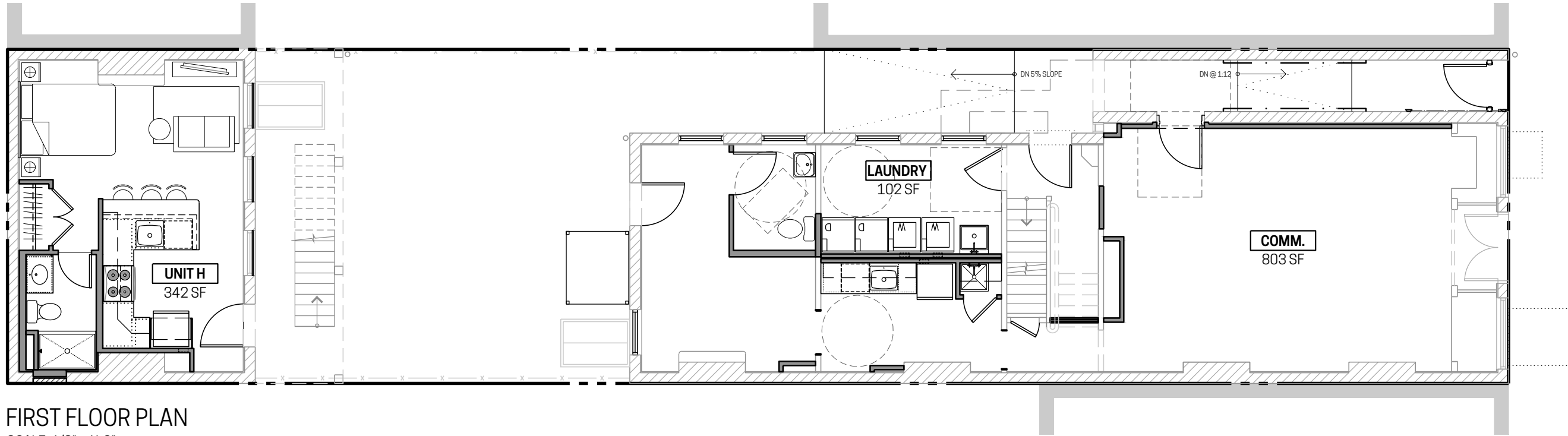


**1409 MAIN STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

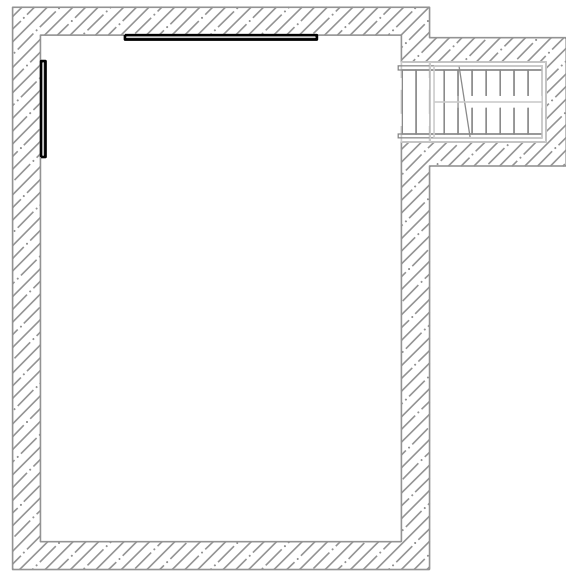
DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045D

**G1**  
 SITE PLAN

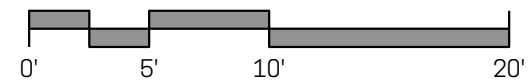
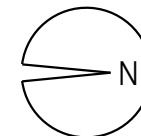
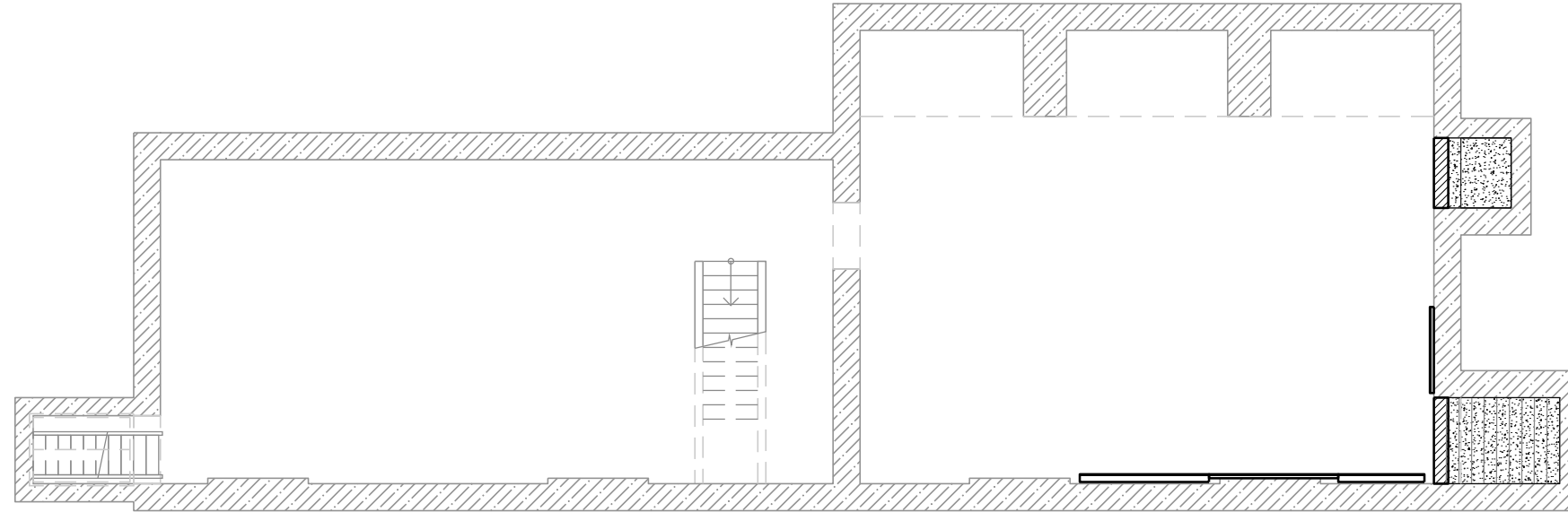


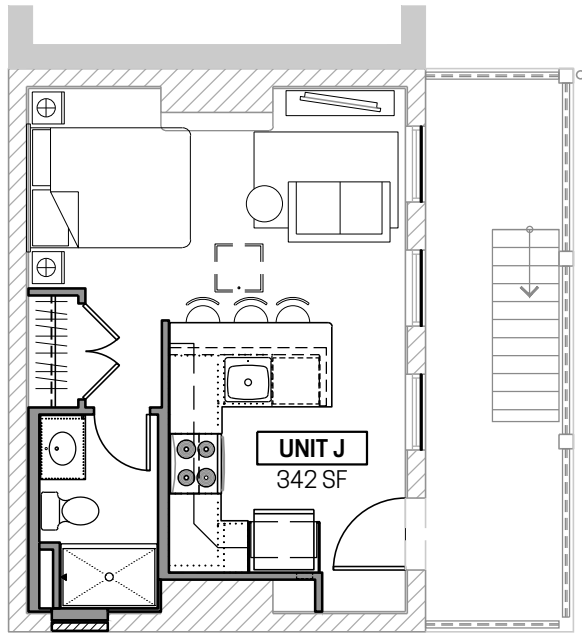


FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

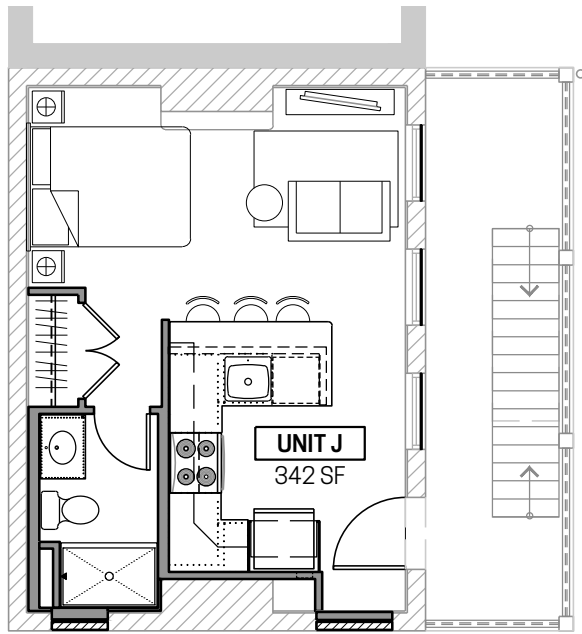
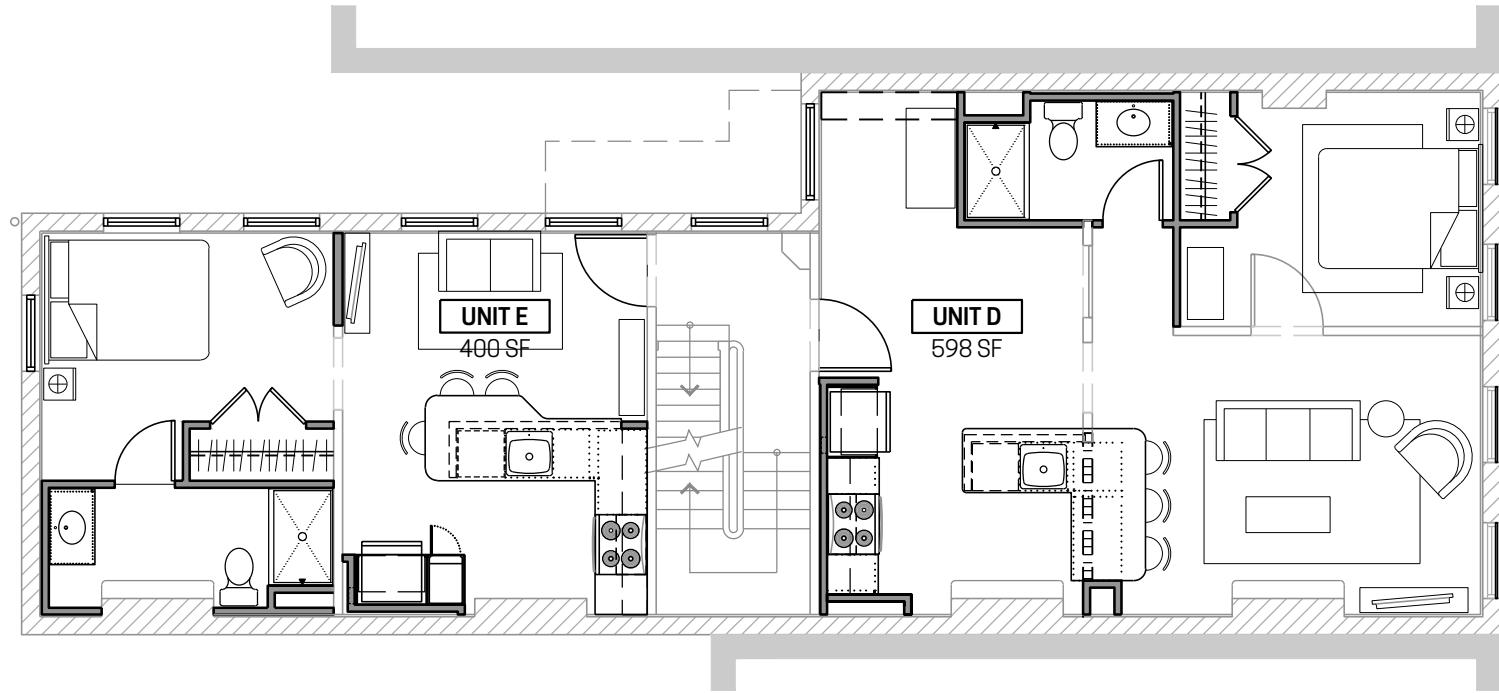


BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"

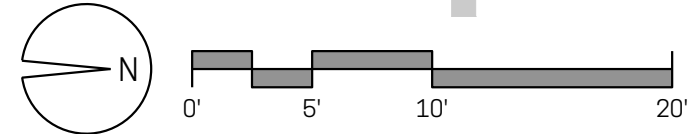
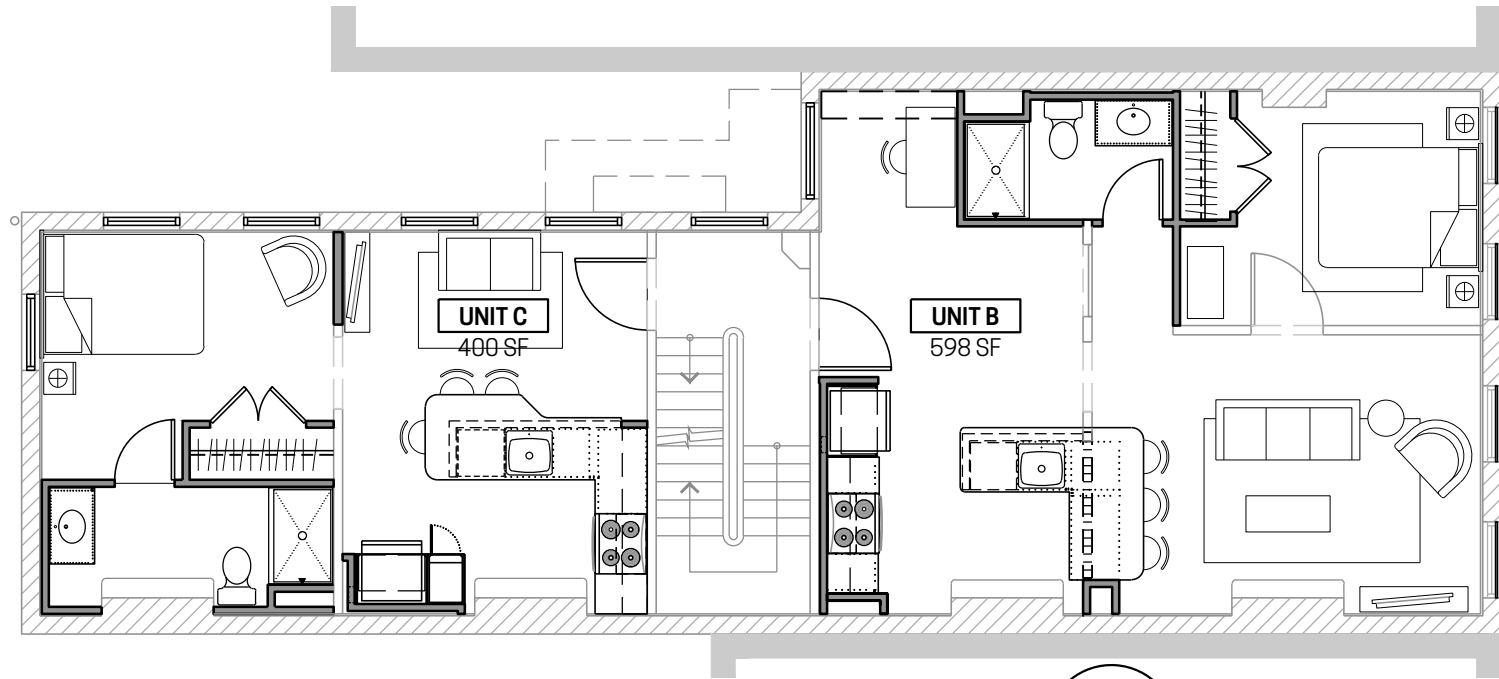


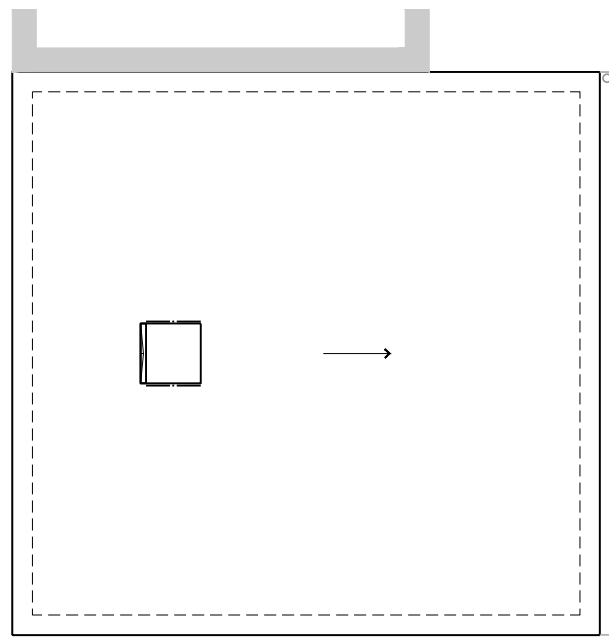


THIRD FLOOR PLAN  
SCALE: 1/8" = 1'-0"

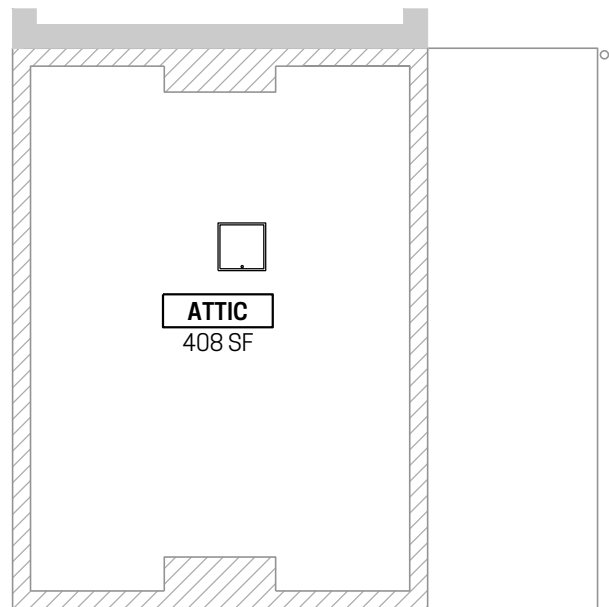
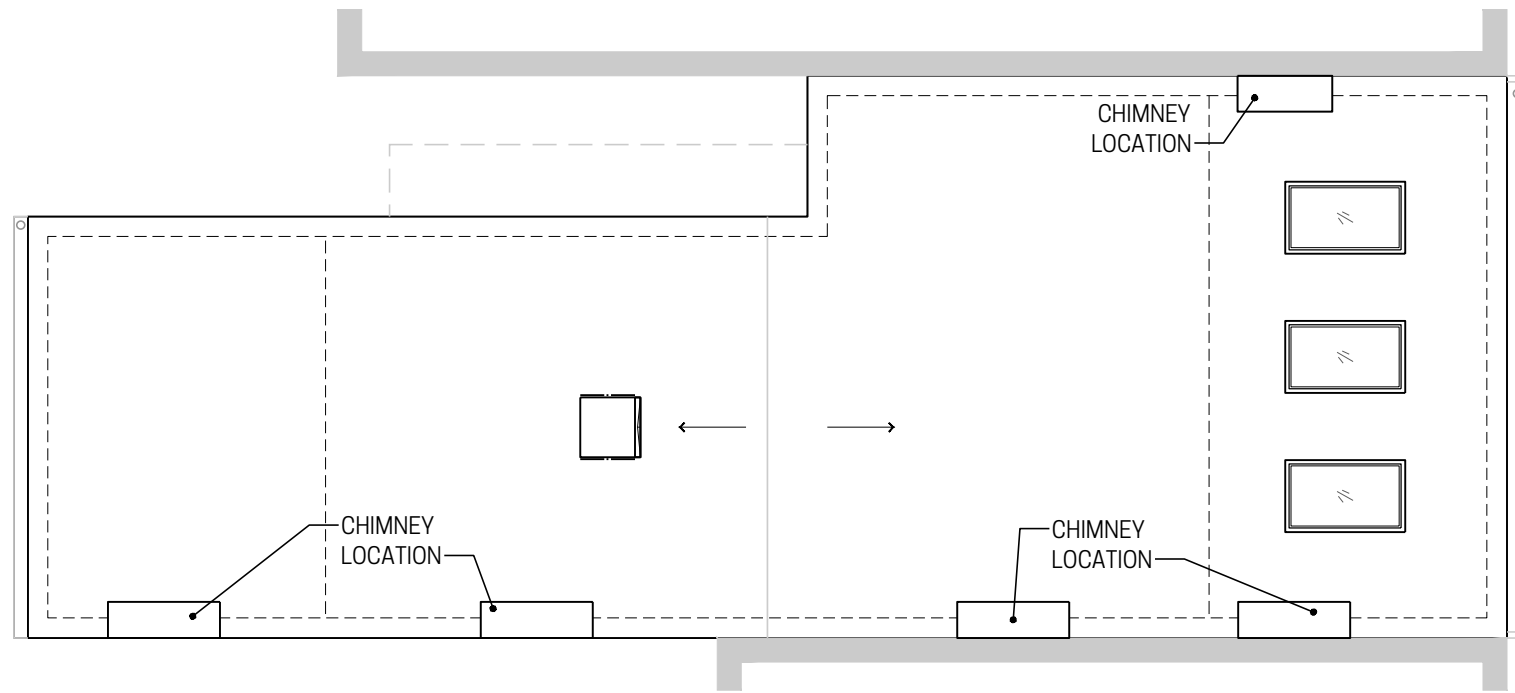


SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

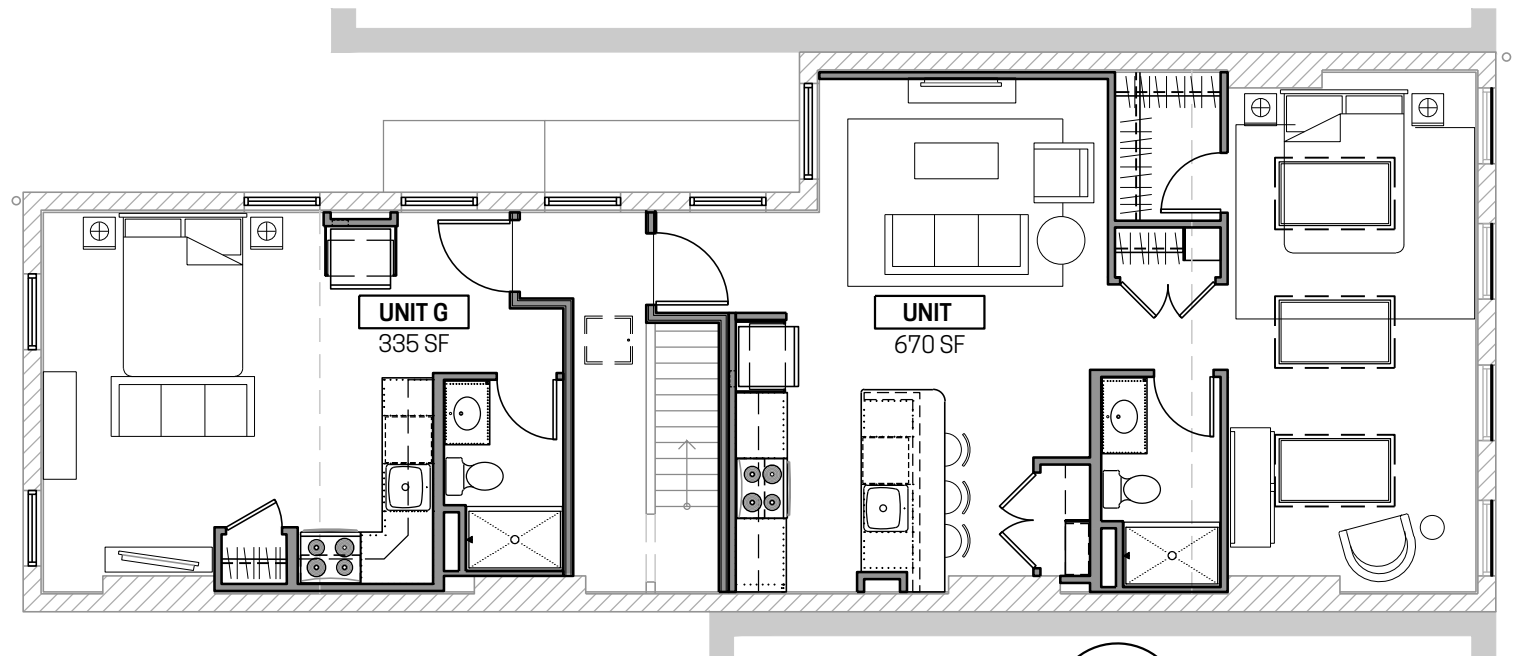


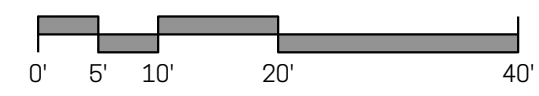
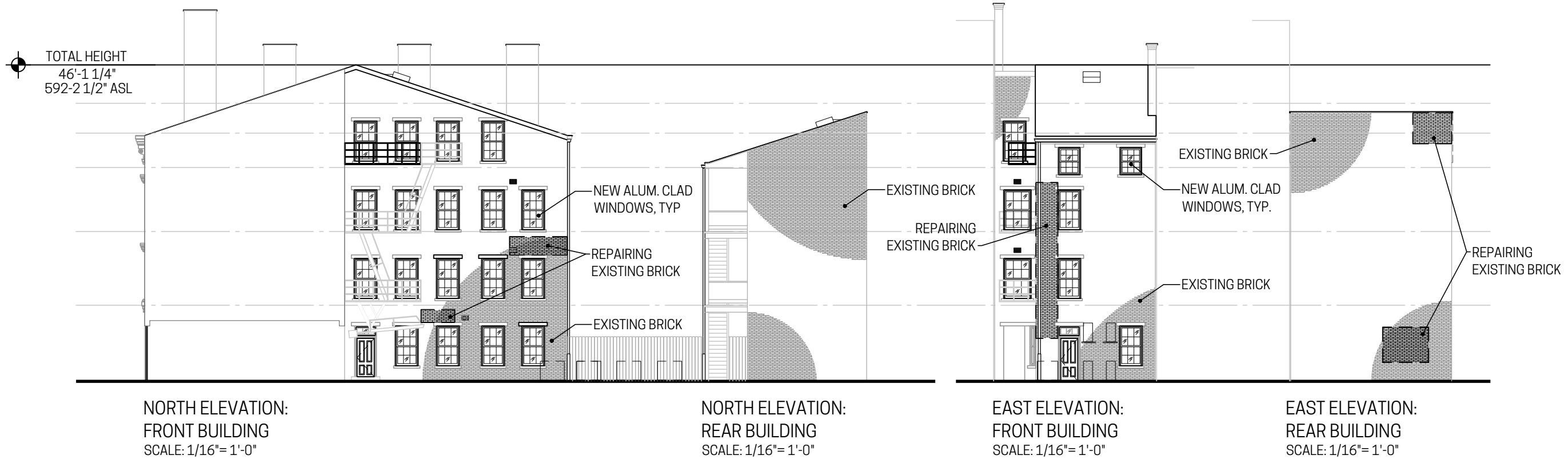
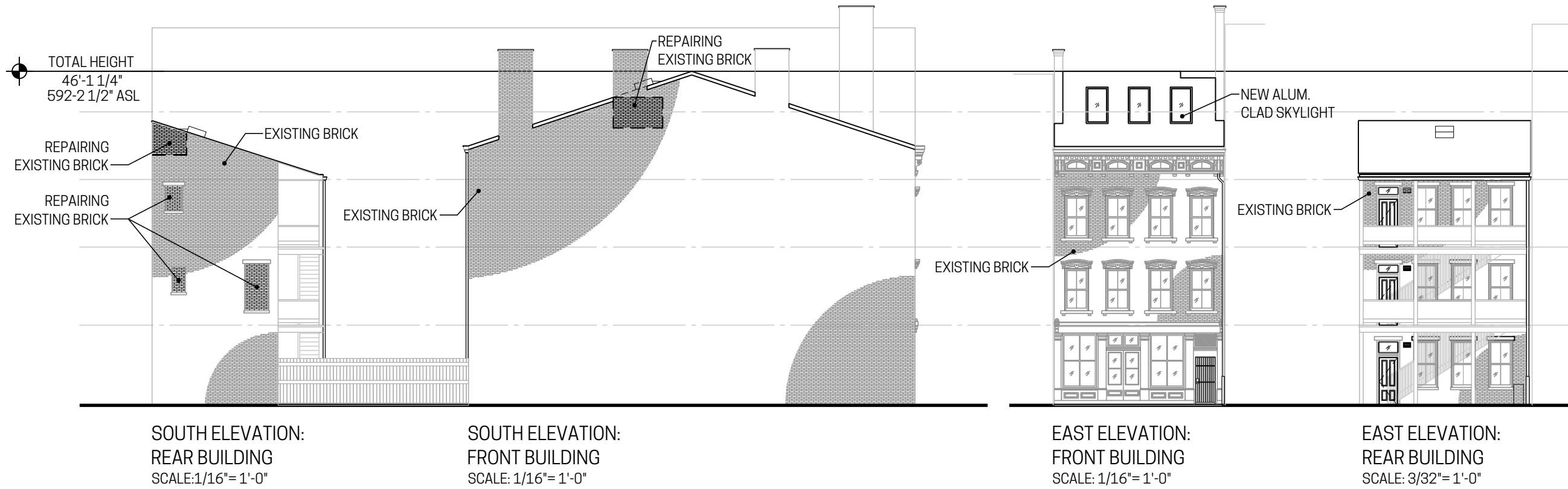


**ROOF PLAN**  
SCALE: 1/8"= 1'-0"



**FOURTH FLOOR PLAN**  
SCALE: 1/8"= 1'-0"





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## APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

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APPLICATION #: ZH20200190  
APPLICANT: New Republic Architects  
OWNER: Nassau Avenue Investments  
ADDRESS: **30 E 15<sup>th</sup> Street**  
PARCELS: 08000010056  
ZONING: CN-P  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Over-the-Rhine  
REPORT DATE: January 2, 2020

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

The applicant requires the following Zoning Relief:

1. **Section 1409-09 – Numerical Variance** for a 4-residential-unit building. The building had an existing 1 unit and is permitted 2. A variance of 250 sf of lot area/unit is required to allow 4 units at 250 sf of lot area/unit.

### **Existing Conditions**

The subject property is situated mid-block on E 15<sup>th</sup> Street on the north side of the street between Walnut and Vine Street. The building extends over the majority of the property and is an existing 4 story brick building built as a residential building.

### **Proposed Conditions**

The applicant is proposing to renovate the buildings into 4 dwellings increasing the existing unit count from 1 unit. The exterior of the building will be rehabilitated. The building is using historic tax credits and the exterior rehabilitation will conform to the Secretary of the Interior's Standards for Historic Rehabilitation.



Figure 1. Location of 30 E 15<sup>th</sup> St. Image from CAGIS.



Figure 2. Street view of 30 E 15<sup>th</sup> Street. Image from Google.

**Previous Reviews:** The applicant has submitted rehabilitation on the building under permit #202010160.

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1409</a>	CN-P
Variance Request:	<a href="#">Section 1409</a>	Density
Variance Authority:	<a href="#">Section 1445</a>	
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 Review**

The project is part of the final phase of the Broadway Square project which is rehabilitating existing properties with existing residential units and commercial spaces. The request that the applicants are asking is a 2 unit increase from the permitted density. The proposed apartments range in size between 569 and 689 sf.

Properties in the CN-P are residential and commercial in nature and are permitted to have 1 unit per 500 sf of land area. The property in question is 1000 sf in area and the building has a combined size of 3800 sf.

**Standards for Variances per Section 1435-05-4**

(a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits require that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

(b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the permitted 2 dwelling units or could be developed with even less units, with larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

## Standards for Variances per Section 1445-05-4

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

*The property is in a commercial district and is an existing building. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.*

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

*The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing building range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.*

## General Standards; Public Interest

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

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is CN-P. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine 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.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is "Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents." The project as a whole is providing a diverse range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a mixed-use building within the CN-P zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 250 sf of land area per unit. This is similar in density with other recently approved projects in existing buildings within commercial districts in Over-the-Rhine. Projects that the HCB has approved in CN-P, CC-A and CC-P since 2017 are below

- 1531 Elm St            253 sf lot area/ unit
- 1533 Elm St            275 sf lot area/ unit
- 1925 Vine St           333sf lot area/ unit
- 161 E McMicken      357 sf lot area/ unit
- 24 W 15<sup>th</sup> St          125 sf lot area/ unit

The property is large enough that all trash for the units will be able to be accommodated onsite and not within adjoining alleys.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13<sup>th</sup> but has been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- l. **Economic Benefits.** The promotion of the Cincinnati economy.

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** The creation of jobs both permanently and during construction.

There will be temporary jobs during construction.

- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*

The rehabilitation of the building will increase the property value of the property.

- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.*  
The owner of the property will have a benefit to redeveloping the property and creating an income stream.
- p. **Public Benefits.** The public peace, health, safety or general welfare.*  
The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and the city as a whole.

**Certificate of Appropriateness Review:**

No COA is required on this project as all work being proposed is regular maintenance and repair.

**Other Considerations:**

**Prehearing Results:** A prehearing was held on January 6th.

**Comments Provided to Staff:** NA

**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 1409-09 –APPROVE – Numerical Variance** to allow an 4-residential-unit building at 250 sf of lot area/dwelling unit, in excess of the permitted 2 units, per plans for 30 E 15th submitted by New Republic Architects dated December 11, 2020.

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

- 1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
- 2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
- 3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the project.

ATTACHMENT A- Density Variances pproved in Historic Districts						
Case	Address	District	Variance	Additional Variance	Decision	Notes
ZH20160169	1632 Central Pkwy	OTR	CU	Ground Floor residential	Approved	44 units = 431 sf/unit (existing bldg) - 0 units existing - 37 permitted by Code
ZH20160213	1925 Vine	OTR	Density			20 units = 283 sf/unit (existing bldg) - 17 units existing - 11 permitted by Code
ZH20170033	1216-1218 Race	OTR	Density	Setbacks	Approved	22 units = 324 sf/unit (new bldg) - 10 permitted by Code
ZH20170136	203 E Clifton	OTR	Density	Setbacks	Approved	7 units = 354 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20170145	1437 Elm	OTR	Density	Setbacks	Approved	3 units = 466 sf/unit (new bldg) - 2 permitted by Code
ZH20170162	1531 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 253 sf/unit (existing bldg) - 7 units existing - 4 permitted by Code
ZH20170163	1533 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 275 sf/unit (existing bldg) - 6 units existing - 4 permitted by code
ZH20180066	161 E McMicken	OTR	Density		Approved	5 units = 357 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20180099	1431 Republic	OTR	Density		Approved	3 units = 864 sf/unit (existing bldg) - 2 units existing - 2 permitted by Code
ZH20180128	24-26 W 15th	OTR	Density	Parking	Approved	12 units = 150 sf/unit (existing bldg) - unknown number of previous units - 3 permitted by Code
ZH20180142	1518 Race	OTR	Density	Parking	DENIED	16 units = 281 sf/unit (new) - 6 units permitted by Code
ZH20180150	1118 Sycamore	OTR	Density	Parking	Approved	155 units = 261 sf/unit (new bldg) - 58 permitted by Code
ZH20180151	2806-2808 Woodburn	Woodburn Ave	Density	Parking	Approved	19 units = 362 sf/unit (existing bldg) - 10 units existing - 12 permitted by Code
ZH20180181	1505 Republic	OTR	Density		Approved	7 units = 211 sf/unit (existing bldg) - 6 units existing - 1 permitted by code
ZH20180182	1513 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180183	1515 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180193	528 E 12th	OTR	Density	Buffer Yard, articulation	DENIED	56 units = 287 sf/unit (new bldg) - 23 permitted by Code
ZHUV180007	2415 Maplewood	Kinsey Apt Bldg	Density	Parking, landscaping	Approved	14 units = 855 sf/unit (existing bldg) - 7 units existing - 3 permitted by Code (RMX - 4 by density)
ZH20190017	1505 Vine	OTR	Density	Sign	Approved	12 units = 458 sf/unit (new construction) - 7 permitted by Code
ZH20190021	1735 Vine	OTR	Density		Approved	6 units = 413 sf/unit (existing building) - original number unknown - 4 permitted by Code

ZH20190061	1733 Elm	OTR	Density		Approved	10 units = 278.75/unit (existing bldg) - 9 units existing - 5 permitted by Code
ZH20190108	1512 Republic	OTR	Density	Setbacks	Approved	27 units = 283 sf/unit (new) - 10 permitted by Code
ZH20190109	1521 Vine	OTR	Density		Approved	18 units = 321 sf/unit (new) - 8 permitted by Code
ZH20190110	1600-1602 Pleasant	OTR	Density	Setbacks	Approved	24 units = 247 sf/unit (new) - 4 permitted by Code
ZH20190111	1617 Race	OTR	Density	Setbacks	Approved	15 units = 366 sf/unit (new) - 7 permitted by Code
ZH20190117	211 Woodward	OTR	Density		Approved	7 units = 392 sf/unit (existing) - 4 units existing - 5 permitted by Code
ZH20190119	1604 Pleasant	OTR	Density		Approved	6 units = 283 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190121	1601 Race	OTR	Density		Approved	12 units = 300 sf/unit (existing) - 11 units existing - 7 permitted by Code
ZH20190122	20 E 15th	OTR	Density		Approved	8 units = 345 sf/unit (existing) - 6 units existing - 5 permitted by Code
ZH20190123	1510 Moore	OTR	Density		Approved	6 units = 300 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190124	215 Woodward	OTR	Density		Approved	5 units = 260 sf/unit (existing) - 2 units existing - 2 permitted by Code
ZH20200007	68 E McMicken Ave	OTR	Density		Approved	11 units = 327 sf/unit (existing) - 6 units existing - 7 units permitted by code)
ZH20200101	528 E 12th Street	OTR	Density	Buffer yard, articulation	Approved	33 Units = 404 sf/unit (allowed 19 units permitted by code)
ZH20200102	600 E 12th Street	OTR	Density	Buffer yard, articulation, setbacks	Approved	23 units = 426 sf/unit (allowed 14 units permitted by code)

**ADJUDICATION/DENIAL LETTER**

Date: December 10, 2020

Location: 30 E 15th Street

Request: Density Variance

Zoning District: RM 0.7/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$500 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1409-07 Density. The permitted density is 500 sf of lot area/unit. The lot is 1000 sf which permits 2 units. There is existing 1 units. 4 units are proposed a variance of 250 sf of lot area/unit is required to allow 4 units at 250 sf of lot area/unit.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson

Urban Conservator

(p): 513-352-4848

(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 500.00

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Renovation of a property in the Over-The-Rhine Historic District. The building consists of 4 proposed residential apartments, 2 units permitted. Seeking variance of 2 units.

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature  Date 12 / 11 / 2020

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"><li>• <b>\$900.00</b> for Use Variances</li><li>• Variances, including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District are as follows: <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li></ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Ms. Beth Johnson  
Urban Conservator  
Buildings an  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation to 30 East 15th Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines for Historic Preservation. 30 East 15<sup>th</sup> Street Project was granted State and Federal Historic Tax Credits. We hereby seek a density variance from the permitted 2 units to the proposed 4 units. (1 units existing).

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Density Variance per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the CC-P zone, and the proposed building is an important step in bringing residents to the area of OTR.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This project aligns with the Over-The-Rhine Comprehensive Plan of 2002**
- d) Traffic: **The Project along East 13<sup>th</sup> Street, able to handle the additional traffic.**
- e) Buffering: **The existing building is built on a zero lot-line, so no buffering is planned or possible.**
- f) Landscaping: **The building is an existing building, built to the lot-line, therefore buffer yards do not apply.**
- g) Hours of Operation: **The housing component throughout all 4 floors have no “hours of operation”.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use of residential units, bringing back the very uses that made OTR a great business district in the last century.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance and partially vacant, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing on viable residents and business.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of OTR.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The density variance is a factor of the CZC being in place prior to the proposal of the Project, and the CZC not considering that there was most likely 4 or more dwelling units on this site when it was first built.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.10.20. The Project consists of the renovation of a property consisting two floors of residential apartments on the lot 30 E. 15<sup>th</sup> Street in the City of Cincinnati's Over the Rhine Historic District. The building consists of 4 residential units. Specifically, our responses to Ms. Johnson's letter are outlined in *bold italics* below:

"Your request also does not comply with the City of Cincinnati's Zoning Code for the following reason(s):"

- "1405-07 Density. The permitted density is 500 sf of lot area/ unit. The lot is 1000 which permits 2 units. There is existing 1 unit. 4 units is proposed a variance of 250 sf of lot area/ unit is required to allow 4 units at 250 sf of lot area/ unit." ***We hereby are seeking a Density Variance of 2 units.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Over-The-Rhine. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal



# COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 - (513)946-4000 - dusty.rhodes@fuse.net

Online Property Access

< First << Prev Next >> Last >|

[RETURN TO SEARCH LIST](#)

Property 1 of 1

Parcel ID: 080-0001-0056-00    Address: 30 E FIFTEENTH ST    Index Order: Parcel Number    Tax Year: 2019 Payable 2020

### Property Information

<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>School District</b> CINCINNATI CSD	<b>Images/Sketches</b> 	
<b>Appraisal Area</b> 01800 - OVER THE RHINE <a href="#">Sales</a>	<b>Land Use</b> 469 - LIHTC COMM		
<b>Owner Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4015 if incorrect)	<b>Mailing Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4800 if incorrect)		
<b>Assessed Value</b> 9,430	<b>Effective Tax Rate</b> 96.465895	<b>Total Tax</b> \$914.01	
<b>Property Description</b> 30 E 15TH ST 20 X 50 LOT 48 HUGH MOORE SUB			

### Appraisal/Sales Summary

Year Built	1900
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	9/14/2020
Last Sale Amount	\$0
Conveyance Number	244469
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.024

### Tax/Credit/Value Summary

<b>Board of Revision</b>	<b>YES(18)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	11,200
CAUV Value	0
Market Improvement Value	15,730
Market Total Value	26,930
TIF Value	0
Abated Value	0
Exempt Value	0
<b>Taxes Paid</b>	<b>\$914.01</b>
Tax as % of Total Value	0.000%

### Notes

\*\*\* 10/14/18 BOR #17-023410 DECREASE TO 26,930 TH \*\*\* BOR #08-205343 DECREASE TO 20,660 SG \*\*\* 2/3/03 12 YR CRA ABATEMENT-PART OF A MULTI UNIT RENOVATION-BEGAN TAX YR 2001 THRU 2012 \*\* CRA ABATEMENT EXPIRES 2013 PAY 2014

### I Want To...

- [Start a New Search](#)
- [Email the Auditor](#)
- [View the Online Help](#)
- [Auditor's Home](#)

### View:

- Property Summary**
- Appraisal Information
- Levy Information
- Transfer
- Value History
- Board of Revision
- Payment Detail
- Tax Distributions
- Images
- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

### Print:

- [Current Page](#)
- [Property Report](#)

Mr. David Sturkey  
Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Jason Chamlee, Model Group
- Graham Kalbli, Principal, New Republic Architecture
- Kara Vujanovich, Project Designer, New Republic Architecture

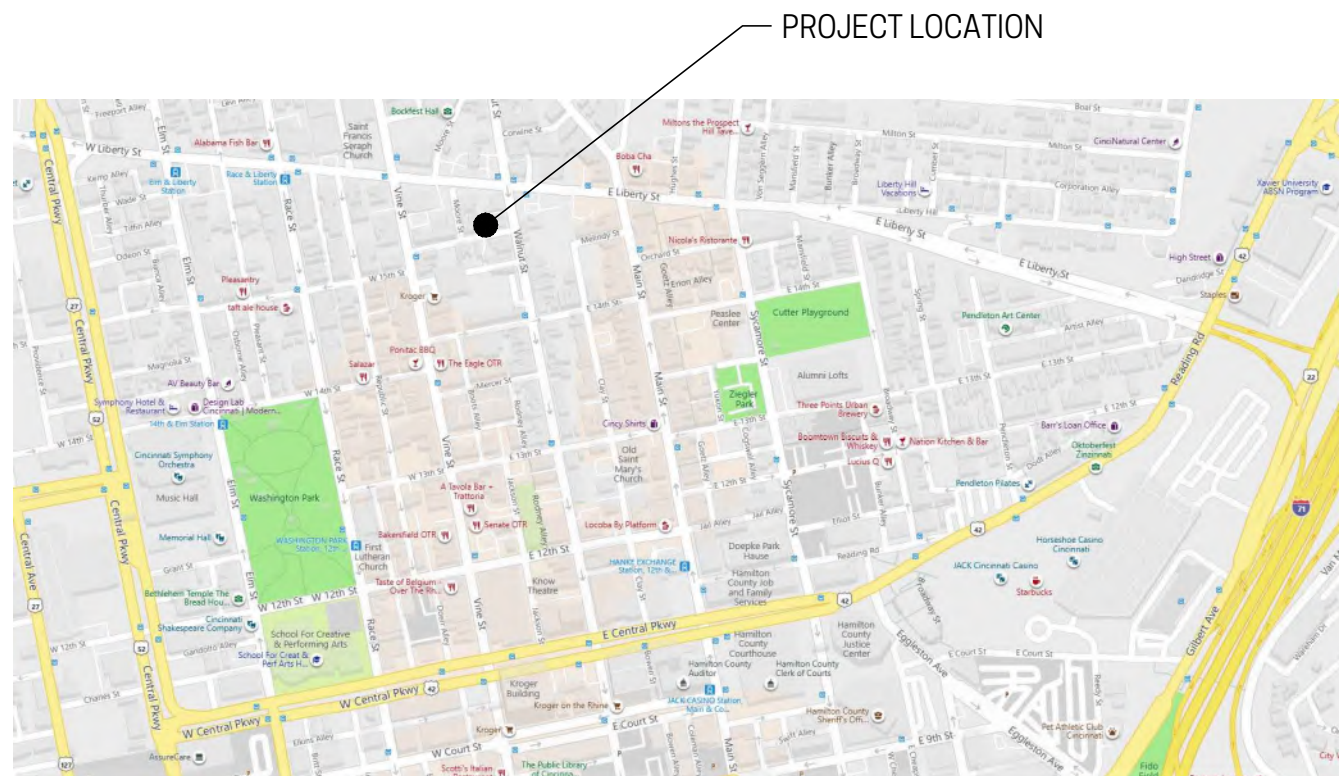
# PROJECT DESCRIPTION:

This project is a historic renovation and interior alteration to an existing 120+ year old multi-story building in the historic 'Over-The-Rhine' neighborhood of Cincinnati, Ohio. This project has been grouped with other historic buildings in the Over-The-Rhine neighborhood into a collective known as "Broadway 4".

Aside from City Historic requirements for the neighborhood, the project has received funding from and is subject to state and federal historic review and approvals via the Ohio State Historic Preservation Office (OHPO) and the National Park Service (NPS).

Additionally, this project is seeking sustainable certification via 'Enterprise Green Communities' standards (to be submitted separately by others under separate cover to the appropriate reviewing parties).

30 E. 15th St.: existing layout has two 2-story dwelling units within the existing historic structure. Lower unit has 3 bedrooms and an interior non-historic spiral staircase that is to be removed. Upper unit has 3-4 bedrooms and uses the main historic staircase for its internal circulation. The proposed alterations maintain the current 'R-2' occupancy (apartments) and will create four 1-story, 1-bedroom "flats"; and through its improvements will create a 2-hour fire-rated exit enclosure around the historic staircase, thus creating a less hazardous and more compliant condition than currently exists.



# DRAWING INDEX

G0	COVER SHEET
G1	SITE PLAN
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	FLOOR & ROOF PLAN
A4	ELEVATIONS

# PROJECT SUMMARY

*\*FLOOR GROSS SF (FRONT/REAR)*

FIRST FLOOR	930 SF
SECOND FLOOR	970 SF
THIRD FLOOR	970 SF
FOURTH FLOOR	930 SF
TOTAL	3800 SF

# DEVELOPMENT TEAM

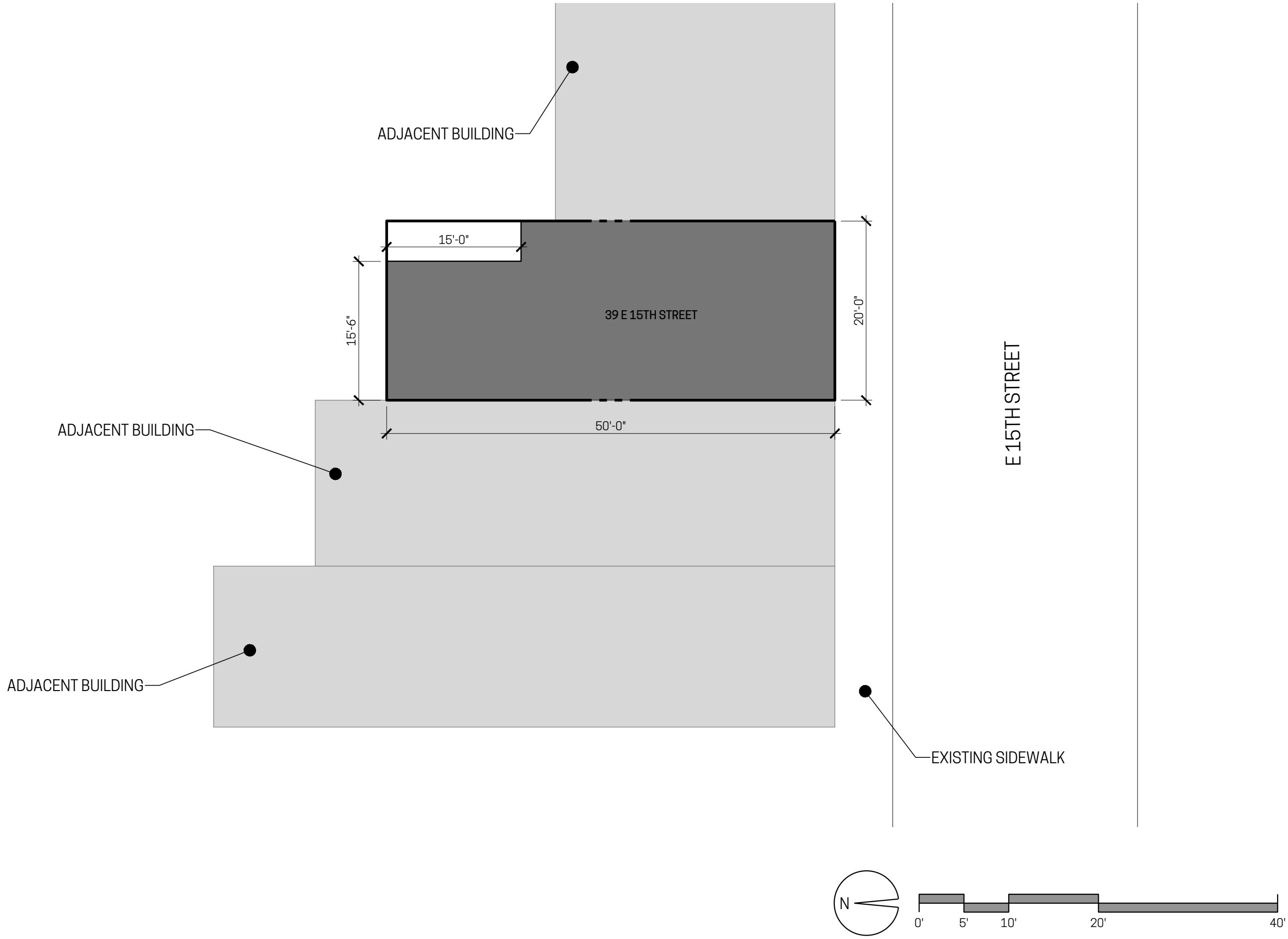
## MODEL GROUP

1826 RACE STREET  
 CINCINNATI, OH 45202  
 513-559-0048

**30 E 15TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045E

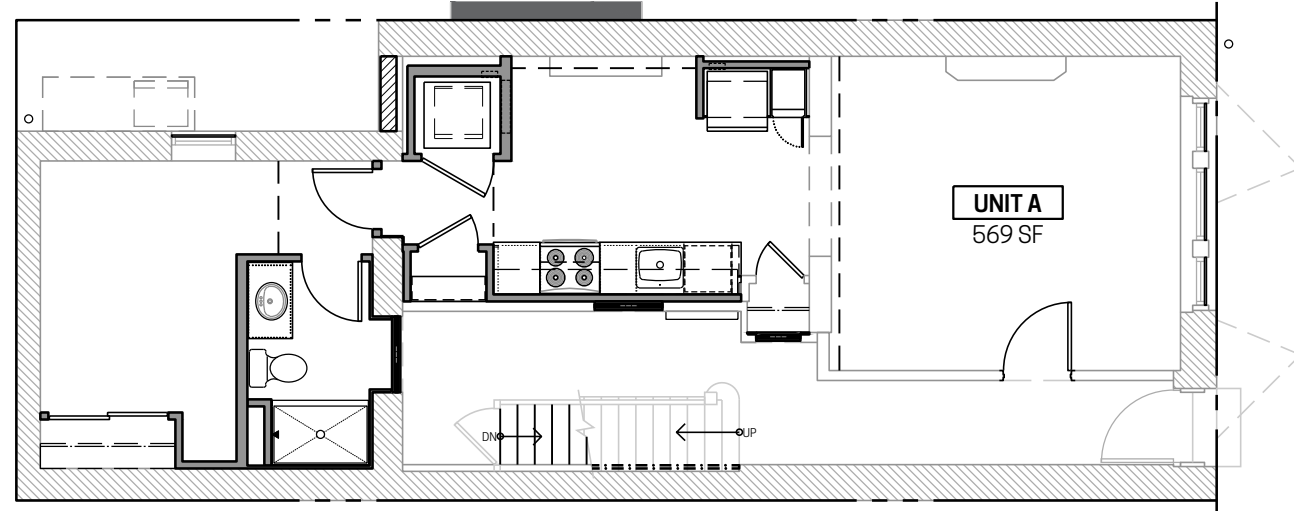
**GO**  
 COVER SHEET



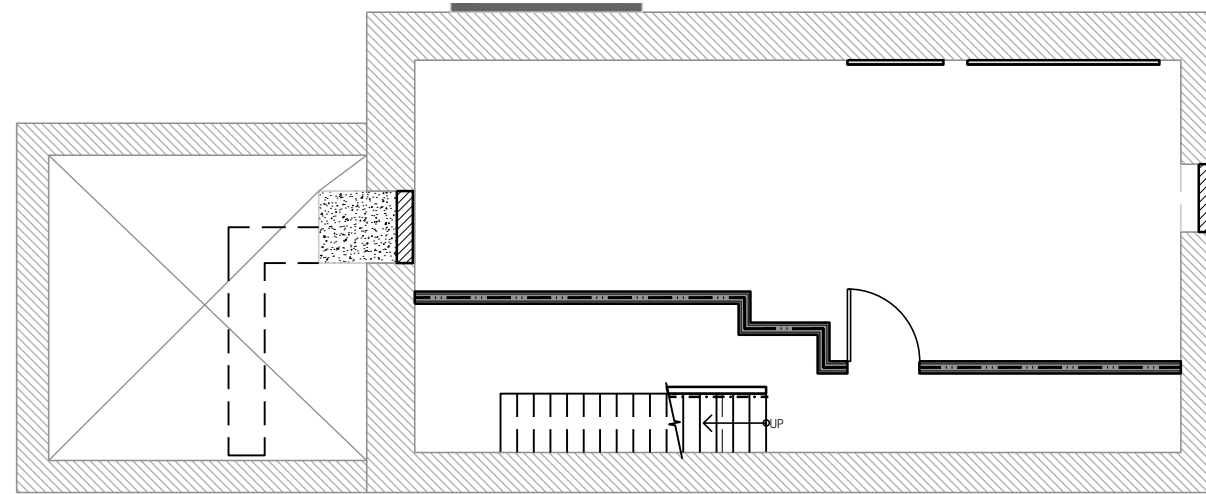
**30 E 15TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045E

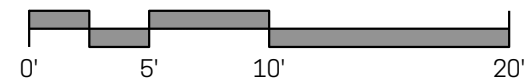
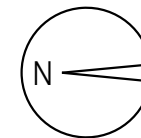
**G1**  
 SITE PLAN



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"

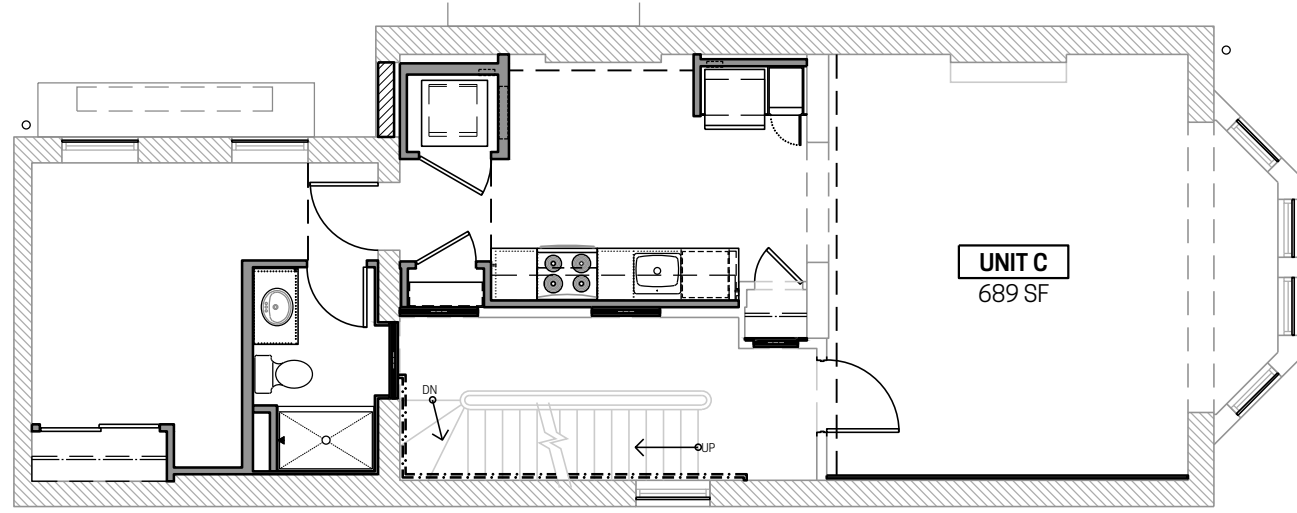


**A1**  
FLOOR PLANS

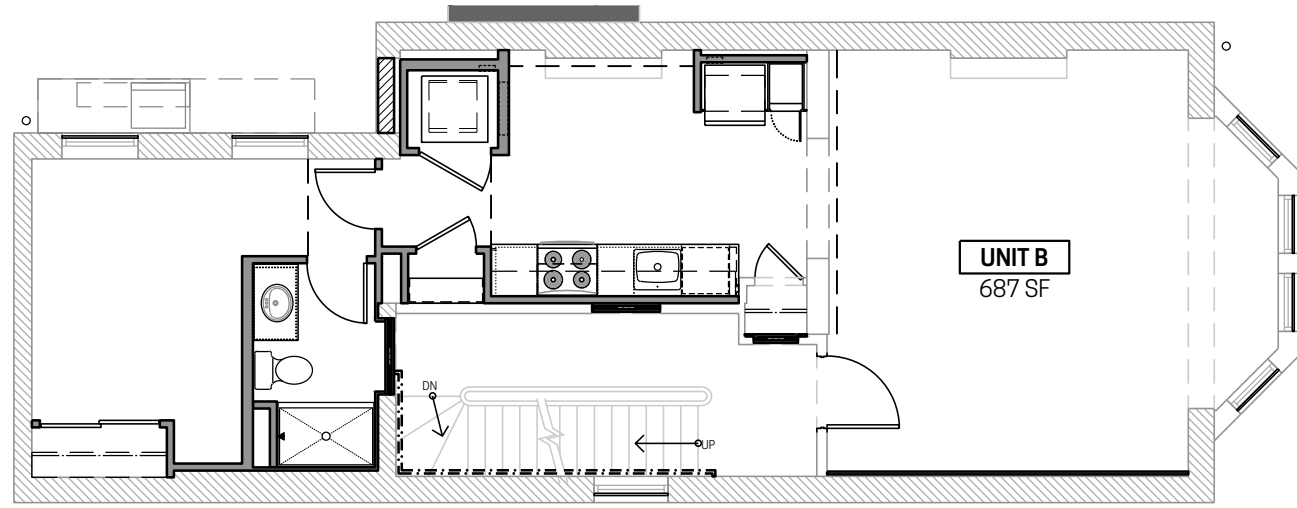
**30 E 15TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045E

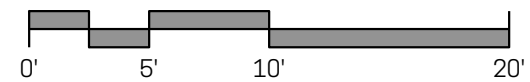
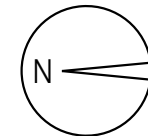




**THIRD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

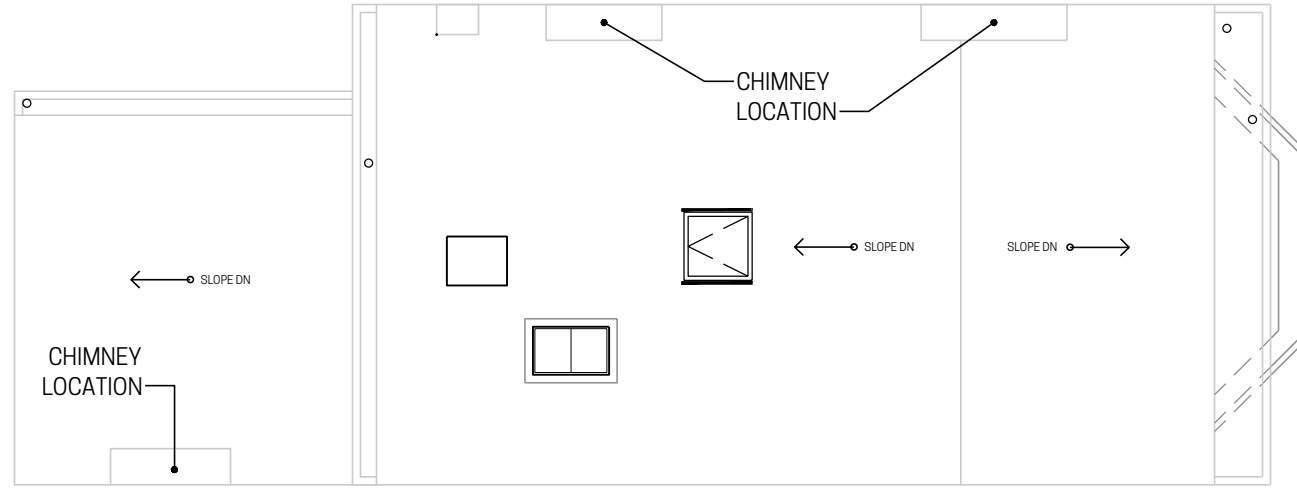


**A2**  
FLOOR PLANS

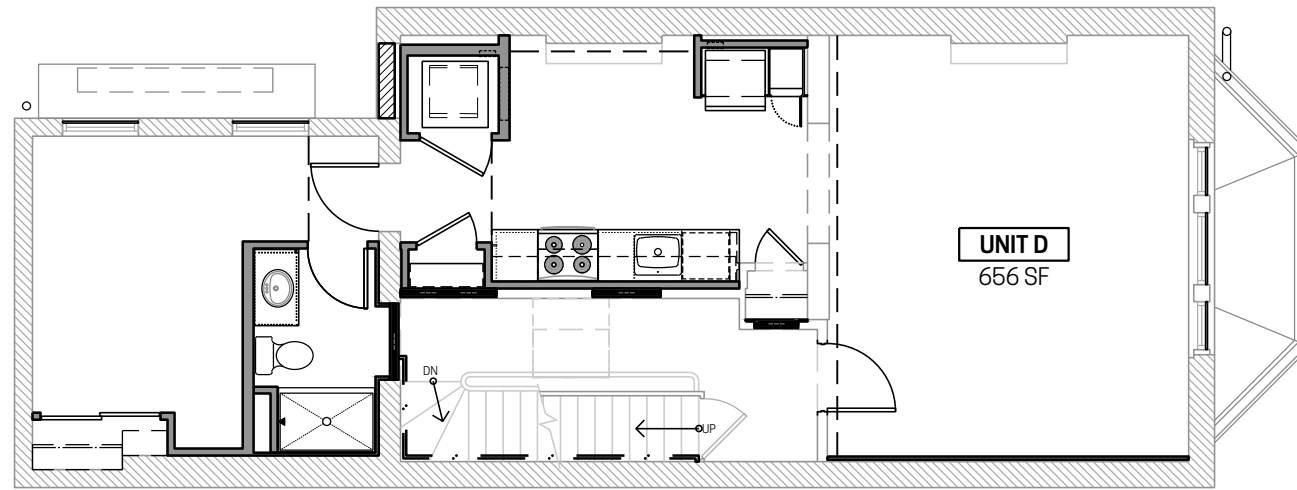
**30 E 15TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045E

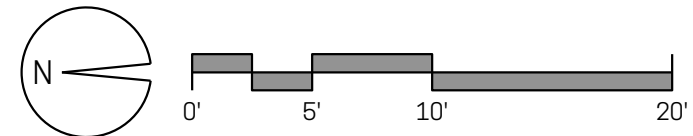




**ROOF PLAN**  
SCALE: 1/8" = 1'-0"



**FOURTH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

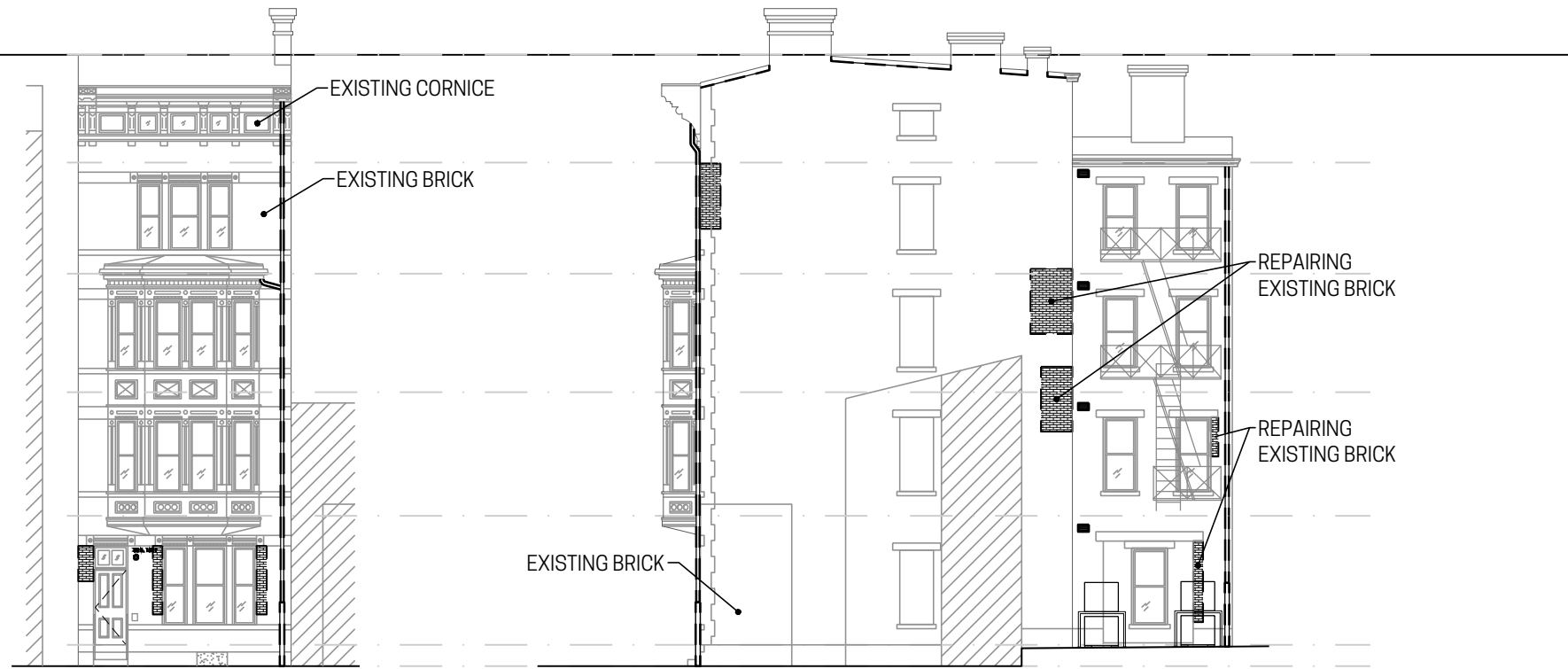


**A3**  
FLOOR & ROOF  
PLAN

**30 E 15TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

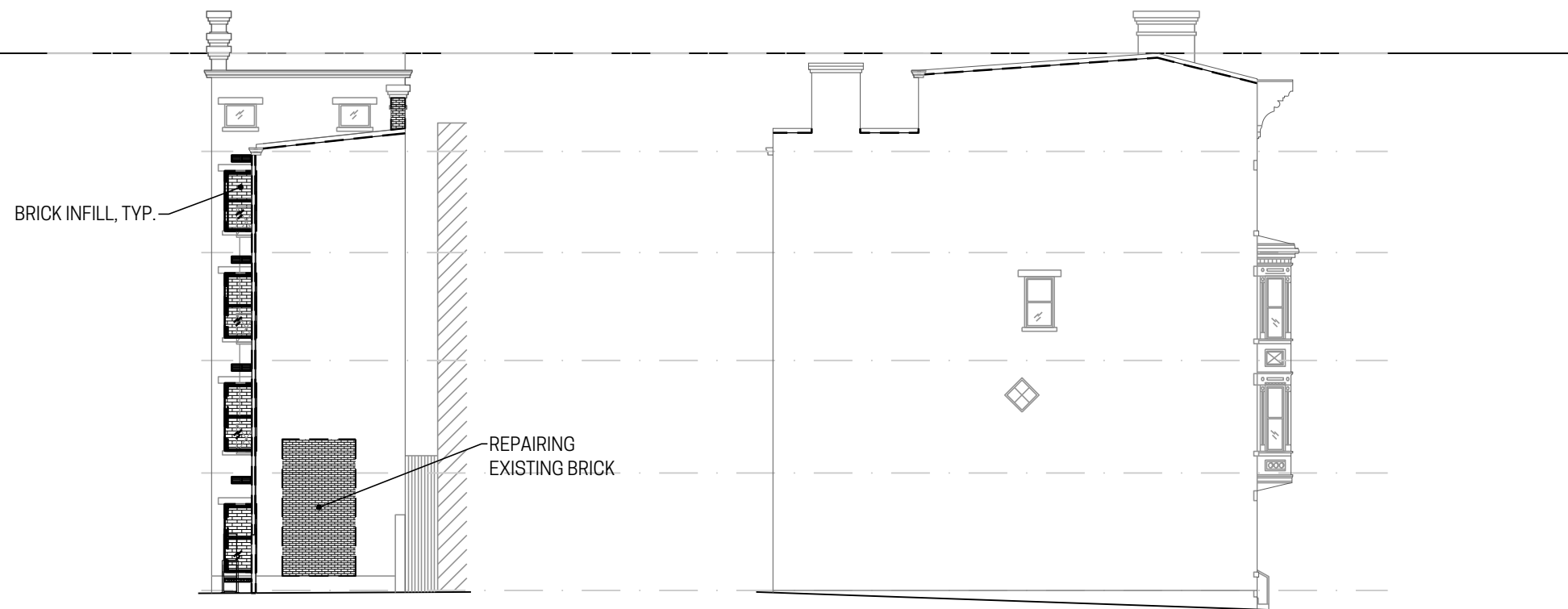
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NR PROJECT NUMBER: 19-045E





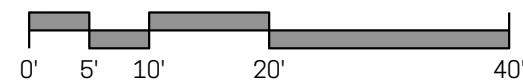
**SOUTH ELEVATION**  
SCALE: 1/16" = 1'-0"

**EAST ELEVATION**  
SCALE: 1/16" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/16" = 1'-0"

**WEST ELEVATION**  
SCALE: 1/16" = 1'-0"



**30 E 15TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045E

**A4**  
ELEVATIONS

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## APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

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APPLICATION #: ZH20200193/COA20200062  
APPLICANT: New Republic Architects  
OWNER: Nassau Avenue Investments  
ADDRESS: **418 E 12<sup>th</sup> Street**  
PARCELS: 007500030064  
ZONING: RM 0.7  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Pendleton  
REPORT DATE: January 2, 2020

---

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

The applicant requires the following Zoning Relief:

1. **Section 1405-07 – Numerical Variance** for a 10-residential-unit building. The building had an existing 7 units and is permitted 3. A variance of 478.75 sf of lot area/unit is required to allow 10 units at 221.25 sf of lot area/unit.

### **Existing Conditions**

The subject property is situated on the corner of E 12<sup>th</sup> Street and Spring Street on the northeast corner. The building extends the length of the entire property and is a 4-story building with a small commercial area on the street front.

### **Proposed Conditions**

The applicant is proposing to renovate the buildings into 10 dwellings increasing the existing unit count from 7 units. The exterior of the building will be rehabilitated. The building is using historic tax credits and the exterior rehabilitation will conform to the Secretary of the Interior's Standards for Historic Rehabilitation.



Figure 1. Location of 418 E 12th Street. Image from CAGIS.



Figure 2. Street view of 418 E 12th Street. Image from Google.

**Previous Reviews:** The applicant has submitted rehabilitation work under permit #202010378.

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1405</a>	RM 0.7
Variance Request:	<a href="#">Section 1405</a>	Density
Variance Authority:	<a href="#">Section 1445</a>	
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 Review**

The project is part of the final phase of the Broadway Square project which is rehabilitating existing properties with existing residential units and commercial spaces. The request that the applicants are asking is a 3 unit increase from the existing conditions.

Properties in the RM 0.7 district are residential and commercial in nature and are permitted to have 1 unit per 700 sf of land area. The property in question is 2212.5 sf and the building has a combined area of over 8400 sf. The units being provided are studio and 1-bedroom units that range from 324 sf up to 841 sf.

The applicant has indicated that the commercial space provided on the first floor will be a use permitted by the RM 0.7 district. If the proposed use is not permitted or is a conditional use, it will require further zoning relief.

**Standards for Variances per Section 1435-05-4**

- (a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits require that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

- (b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the grandfathered 7 dwelling units or could be developed with even less units, with larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

#### **Standards for Variances per Section 1445-05-4**

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

*The property is in a residential district and is an existing building. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.*

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

*The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing buildings range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.*

#### **General Standards; Public Interest**

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

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is RM 0.7. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine 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.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is

“Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents.” The project as a whole is providing a diverse range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a mixed-use building within the RM 0.7 zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 221.25 sf. of land area per unit. This is similar in density with other recently approved projects in existing buildings within residential districts in Over-the-Rhine. Projects that the HCB has approved in RM 0.7 and RM 1.2 since 2016 are below:

- 68 E McMicken Av 327 sf lot area/ unit
- 1511 Republic St 185 sf lot area/ unit
- 1513 Republic St 185 sf lot area/ unit
- 1505 Republic St 211 sf lot area/ unit

The property is large enough that all trash for the units will be able to be accommodated onsite or on adjoining lots.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13<sup>th</sup> but has been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- L.. **Economic Benefits.** The promotion of the Cincinnati economy.

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** The creation of jobs both permanently and during construction.

There will be temporary jobs during construction.

- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*  
The rehabilitation of the building will increase the property value of the property.
- o. **Private Benefits.** *The economic and other private benefits to the owner or applicant.*  
The owner of the property will have a benefit to redeveloping the property and creating an income stream.
- p. **Public Benefits.** *The public peace, health, safety or general welfare.*  
The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and the city as a whole.

**Certificate of Appropriateness Review:**

All exterior changes on the property will be required to obtain a Certificate of Appropriateness. The COA will be issued in conjunction with the Building Permit as all proposed changes, including windows and doors, are able to be approved at a staff level.

**Other Considerations:**

**Prehearing Results:** A prehearing was held on January 6, 2021. Two members of the public were there and raised concerns around over population, parking, crowding on sidewalks/lack of space for the people in the buildings.

**Comments Provided to Staff:** One letter of objection have been submitted.

**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 1409-09 –APPROVE – Numerical Variance** to allow a 10-residential-unit building at 221.25 sf lot area/dwelling unit, in excess of the grandfathered/legal non-conformity density of 7 units and the base zoning permitted 3 units per plans for 418 E 12<sup>th</sup> St submitted by New Republic Architects dated December 11, 2020.

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

- 1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.

2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the projects.

<b>ATTACHMENT A- Density Variances pproved in Historic Districts</b>						
<b>Case</b>	<b>Address</b>	<b>District</b>	<b>Variance</b>	<b>Additional Variance</b>	<b>Decision</b>	<b>Notes</b>
ZH20160169	1632 Central Pkwy	OTR	CU	Ground Floor residential	Approved	44 units = 431 sf/unit (existing bldg) - 0 units existing - 37 permitted by Code
ZH20160213	1925 Vine	OTR	Density			20 units = 283 sf/unit (existing bldg) - 17 units existing - 11 permitted by Code
ZH20170033	1216-1218 Race	OTR	Density	Setbacks	Approved	22 units = 324 sf/unit (new bldg) - 10 permitted by Code
ZH20170136	203 E Clifton	OTR	Density	Setbacks	Approved	7 units = 354 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20170145	1437 Elm	OTR	Density	Setbacks	Approved	3 units = 466 sf/unit (new bldg) - 2 permitted by Code
ZH20170162	1531 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 253 sf/unit (existing bldg) - 7 units existing - 4 permitted by Code
ZH20170163	1533 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 275 sf/unit (existing bldg) - 6 units existing - 4 permitted by code
ZH20180066	161 E McMicken	OTR	Density		Approved	5 units = 357 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20180099	1431 Republic	OTR	Density		Approved	3 units = 864 sf/unit (existing bldg) - 2 units existing - 2 permitted by Code
ZH20180128	24-26 W 15th	OTR	Density	Parking	Approved	12 units = 150 sf/unit (existing bldg) - unknown number of previous units - 3 permitted by Code
ZH20180142	1518 Race	OTR	Density	Parking	DENIED	16 units = 281 sf/unit (new) - 6 units permitted by Code
ZH20180150	1118 Sycamore	OTR	Density	Parking	Approved	155 units = 261 sf/unit (new bldg) - 58 permitted by Code
ZH20180151	2806-2808 Woodburn	Woodburn Ave	Density	Parking	Approved	19 units = 362 sf/unit (existing bldg) - 10 units existing - 12 permitted by Code
ZH20180181	1505 Republic	OTR	Density		Approved	7 units = 211 sf/unit (existing bldg) - 6 units existing - 1 permitted by code
ZH20180182	1513 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180183	1515 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180193	528 E 12th	OTR	Density	Buffer Yard, articulation	DENIED	56 units = 287 sf/unit (new bldg) - 23 permitted by Code
ZHUV180007	2415 Maplewood	Kinsey Apt Bldg	Density	Parking, landscaping	Approved	14 units = 855 sf/unit (existing bldg) - 7 units existing - 3 permitted by Code (RMX - 4 by density)
ZH20190017	1505 Vine	OTR	Density	Sign	Approved	12 units = 458 sf/unit (new construction) - 7 permitted by Code
ZH20190021	1735 Vine	OTR	Density		Approved	6 units = 413 sf/unit (existing building) - original number unknown - 4 permitted by Code

ZH20190061	1733 Elm	OTR	Density		Approved	10 units = 278.75/unit (existing bldg) - 9 units existing - 5 permitted by Code
ZH20190108	1512 Republic	OTR	Density	Setbacks	Approved	27 units = 283 sf/unit (new) - 10 permitted by Code
ZH20190109	1521 Vine	OTR	Density		Approved	18 units = 321 sf/unit (new) - 8 permitted by Code
ZH20190110	1600-1602 Pleasant	OTR	Density	Setbacks	Approved	24 units = 247 sf/unit (new) - 4 permitted by Code
ZH20190111	1617 Race	OTR	Density	Setbacks	Approved	15 units = 366 sf/unit (new) - 7 permitted by Code
ZH20190117	211 Woodward	OTR	Density		Approved	7 units = 392 sf/unit (existing) - 4 units existing - 5 permitted by Code
ZH20190119	1604 Pleasant	OTR	Density		Approved	6 units = 283 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190121	1601 Race	OTR	Density		Approved	12 units = 300 sf/unit (existing) - 11 units existing - 7 permitted by Code
ZH20190122	20 E 15th	OTR	Density		Approved	8 units = 345 sf/unit (existing) - 6 units existing - 5 permitted by Code
ZH20190123	1510 Moore	OTR	Density		Approved	6 units = 300 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190124	215 Woodward	OTR	Density		Approved	5 units = 260 sf/unit (existing) - 2 units existing - 2 permitted by Code
ZH20200007	68 E McMicken Ave	OTR	Density		Approved	11 units = 327 sf/unit (existing) - 6 units existing - 7 units permitted by code)
ZH20200101	528 E 12th Street	OTR	Density	Buffer yard, articulation	Approved	33 Units = 404 sf/unit (allowed 19 units permitted by code)
ZH20200102	600 E 12th Street	OTR	Density	Buffer yard, articulation, setbacks	Approved	23 units = 426 sf/unit (allowed 14 units permitted by code)

**ADJUDICATION/DENIAL LETTER**

Date: December 9, 2020  
Location: 418 E 12th Street  
Request: Density Variance  
Zoning District: RM 0.7/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1405-07 Density. The permitted density is 700 sf of lot area/unit. The lot is 2212.5 which permits 3 units. There is existing 7 units. 10 units is proposed a variance of 478.75 sf of lot area/unit is required to allow 10 units at 221.25 sf of lot area/unit.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: New Republic Architecture  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: 45202  
 Phone: \_\_\_\_\_ E-mail: jchamlee@modelgroup.net

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.**

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)



**II Centennial Plaza**  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Renovation of a property in the Over-The-Rhine Historic District. The building consists of 10 apartments and a ground level retail space.

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature  Date 12 / 11 / 2020

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"><li>• <b>\$900.00</b> for Use Variances</li><li>• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District</i> are as follows: <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li></ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Ms. Beth Johnson  
Urban Conservator  
Buildings and  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation to 418 East 12th Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines for Historic Preservation. 418 East 12<sup>th</sup> Street Project was granted State and Federal Historic Tax Credits. We hereby seek a density variance from the permitted 3 units to the proposed 10 units. (7 units existing).

...

Sincerely,

New Republic Architecture



GRAHAM KALBI, AIA

Principal

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Density Variance per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the RM 0.7 zone, and the proposed building is an important step in bringing residents to the area of OTR.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This project aligns with the Over-The-Rhine Comprehensive Plan of 2002**
- d) Traffic: **The Project is on the corner of East 12<sup>th</sup> Street and Spring Street, able to handle the additional traffic.**
- e) Buffering: **The existing building is built on a zero lot-line, so no buffering is planned or possible.**
- f) Landscaping: **The building is an existing building, built to the lot-line, therefore buffer yards do not apply.**
- g) Hours of Operation: **The housing component on the 2<sup>nd</sup> through 4<sup>th</sup> floors have no “hours of operation”. The ground floor use, although commercial, has no tenant yet, and is intended to be finished to a “white-box” level, suitable for tenant recruitment.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use and the proposed use of ground floor commercial and the residential above, bringing back the very uses that made OTR a great business district in the last century.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance and partially vacant, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing on viable residents and business.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of OTR.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The density variance is a factor of the CZC being in place prior to the proposal of the Project, and the CZC not considering that there was most likely 10 or more dwelling units on this site when it was first built.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.09.20. The Project consists of the renovation of a property consisting of a ground commercial floor and 3 floors of residential units above on the lot 418 E. 12th Street in the City of Cincinnati's Over the Rhine Historic District. The building consists of 10 residential units with one ground level retail/ restaurant. Specifically, our responses to Ms. Johnson's letter are outlined in *bold italics* below:

"Your request also does not comply with the City of Cincinnati's Zoning Code for the following reason(s):"

- "1405-07 Density. The permitted density is 700 sf of lot area/ unit. The lot is 2212.5 which permits 3 units. There is existing 7 units. 10 units is proposed a variance of 478.75 sf of lot area/ unit is required to allow 10 units at 221.25 sf of lot area/ unit." ***We hereby are seeking a Density Variance of 7 units.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Over-The-Rhine. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal



# COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 - (513)946-4000 - dusty.rhodes@fuse.net

Online Property Access

< First << Prev Next >> Last > |

[RETURN TO SEARCH LIST](#)

Property 1 of 1

Parcel ID: 075-0003-0064-00      Address: 418 E TWELFTH ST      Index Order: Parcel Number      Tax Year: 2019 Payable 2020

## I Want To...

- [Start a New Search](#)
- [Email the Auditor](#)
- [View the Online Help](#)
- [Auditor's Home](#)

### View:

- Property Summary**
- [Appraisal Information](#)
- [Levy Information](#)
- [Transfer](#)
- [Value History](#)
- [Board of Revision](#)
- [Payment Detail](#)
- [Tax Distributions](#)
- [Images](#)
- [Special Assessment/Payoff](#)
- [Tax Lien Certificates](#)
- [CAGIS Online Maps](#)
- [Aerial Imagery](#)
- [Owner Names](#)

### Print:

- [Current Page](#)
- [Property Report](#)

### Property Information

<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>School District</b> CINCINNATI CSD	<b>Images/Sketches</b>	
<b>Appraisal Area</b> 01900 - PENDLETON Sales	<b>Land Use</b> 469 - LIHTC COMM		
<b>Owner Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 <i>(call 946-4015 if incorrect)</i>	<b>Mailing Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 <i>(call 946-4800 if incorrect)</i>		
<b>Assessed Value</b> 9,720	<b>Effective Tax Rate</b> 96.465895	<b>Total Tax</b> \$967.92	
<b>Property Description</b> E TWELFTH ST 25.50X88.50 PT LOT 30 & LOT 31 OF O L 6 J FERNEDINGS SUB			

### Appraisal/Sales Summary

Year Built	1850
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	9/14/2020
Last Sale Amount	\$0
Conveyance Number	244469
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.046

### Tax/Credit/Value Summary

<b>Board of Revision</b>	<b>YES(18)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	13,800
CAUV Value	0
Market Improvement Value	13,980
Market Total Value	27,780
TIF Value	0
Abated Value	0
Exempt Value	0
<b>Taxes Paid</b>	<b>\$967.92</b>
Tax as % of Total Value	0.000%

### Notes

\*\* 10/14/18 BOR #17-023410 DECREASE TO 27,780 TH \*\* BOR #08-205343 DECREASE TO 31,620 SG \*\* 1/10/03 12 YR CRA ABATEMENT-MULTI UNIT RENOVATION-BEGAN TAX YR 2001 THRU 2012 \*\* CRA ABATEMENT EXPIRED FOR 2013 PAY 2014

Mr. David Sturkey  
Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Jason Chamlee, Model Group
- Graham Kalbli, Principal, New Republic Architecture
- Kara Vujanovich, Project Designer, New Republic Architecture

# PROJECT DESCRIPTION:

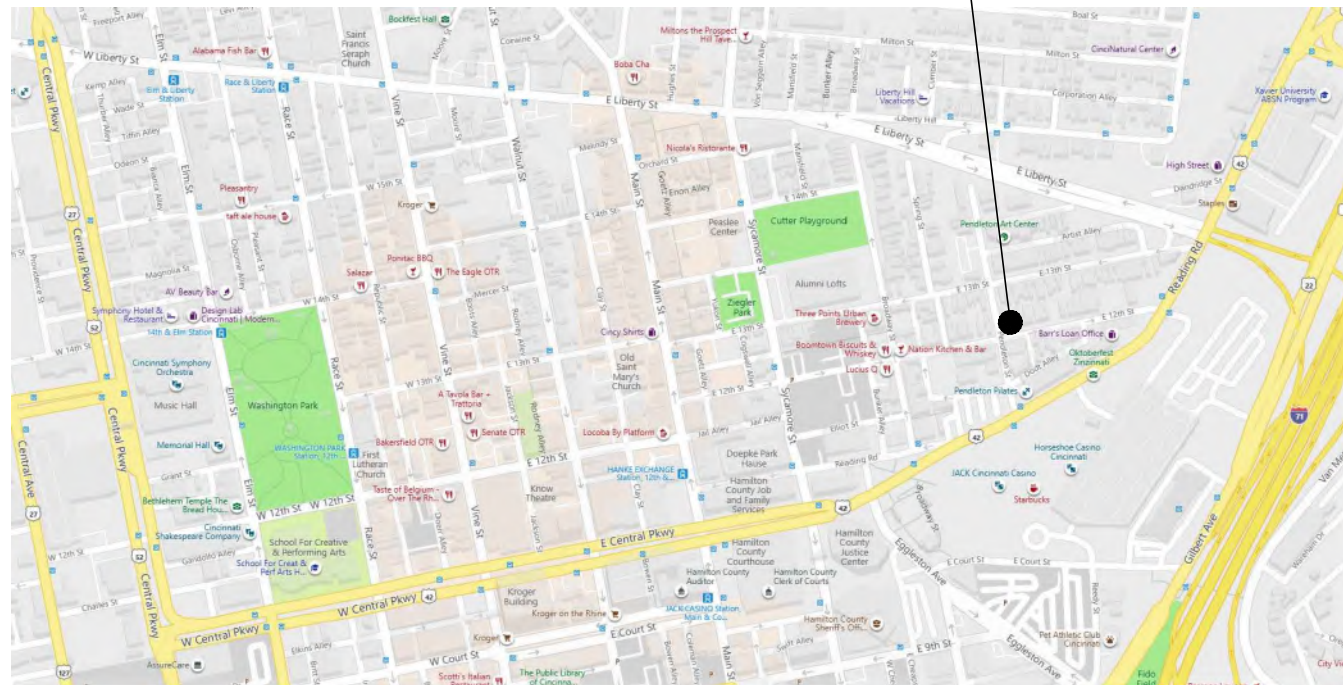
This project is a historic renovation and interior alteration to an existing 120+ year old multi-story building in the historic 'Over-The-Rhine' neighborhood of Cincinnati, Ohio. This project has been grouped with other historic buildings in the Over-The-Rhine neighborhood into a collective known as "Broadway 4".

Aside from City Historic requirements for the neighborhood, the project has received funding from and is subject to state and federal historic review and approvals via the Ohio State Historic Preservation Office (OHPO) and the National Park Service (NPS).

Additionally, this project is seeking sustainable certification via 'Enterprise Green Communities' standards (to be submitted separately by others under separate cover to the appropriate reviewing parties).

**418 E. 12th St.:** existing layout of the existing historic building remains the same except as follows: the units north of the central stair shall be changed from a single unit on floors 1, 2 & 3 to two Studio apartments. This will significantly shorten the egress travel distance and the new units created at north end of building will discharge directly to the exterior egress balcony immediately adjacent to the rebuilt fire-rated stair enclosure. The proposed alterations will not increase the occupant load for the R-2 occupancy areas and through the improvements will create a less hazardous and more compliant condition than currently exists. The existing commercial space at 1st floor will become accessible at the main entrance/exit at the sidewalk as well as be accessible throughout the space, thereby making it safer and more compliant condition than currently exists.

PROJECT LOCATION



# DRAWING INDEX

G0	COVER SHEET
G1	SITE PLAN
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	FLOOR & ROOF PLAN
A4	ELEVATIONS

# PROJECT SUMMARY

*\*FLOOR GROSS SF (FRONT/REAR)*

FIRST FLOOR	2142 SF
SECOND FLOOR	2142 SF
THIRD FLOOR	2142 SF
FOURTH FLOOR	2014 SF
<b>TOTAL</b>	<b>8440 SF</b>

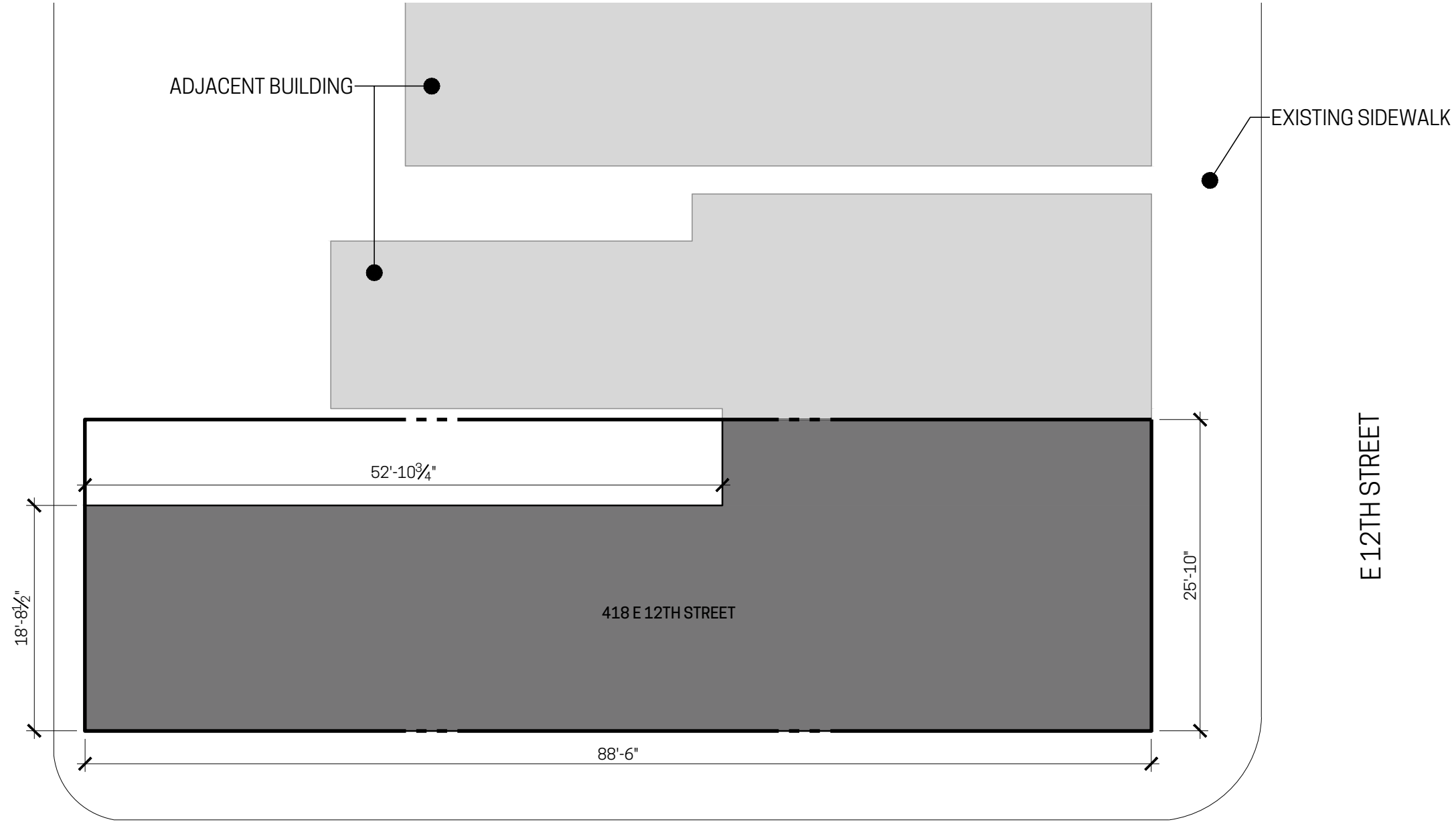
# DEVELOPMENT TEAM

**MODEL GROUP**  
 1826 RACE STREET  
 CINCINNATI, OH 45202  
 513-559-0048

**418 E 12TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045A

**GO**  
 COVER SHEET



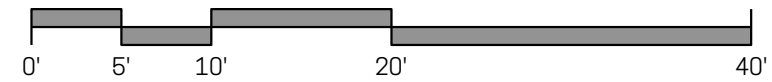
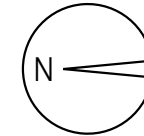
SPRING STREET

418 E 12TH STREET

E 12TH STREET

ADJACENT BUILDING

EXISTING SIDEWALK

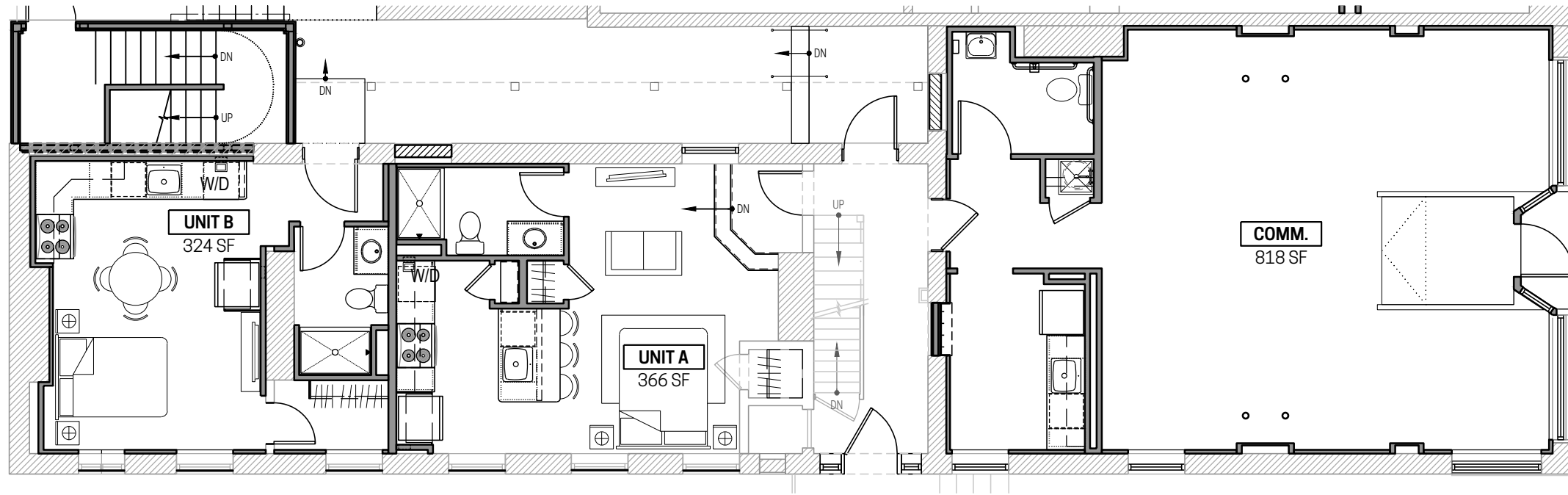


**G1**  
SITE PLAN

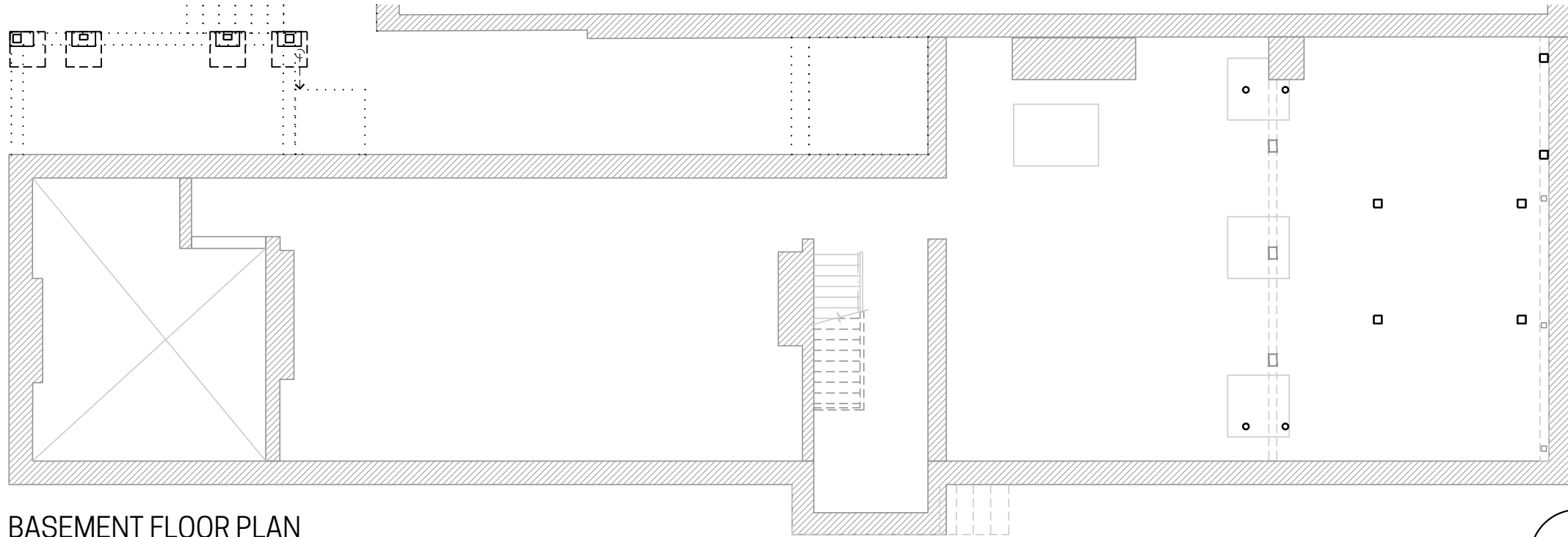
**418 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045A

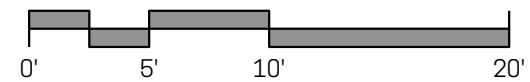
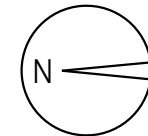




FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



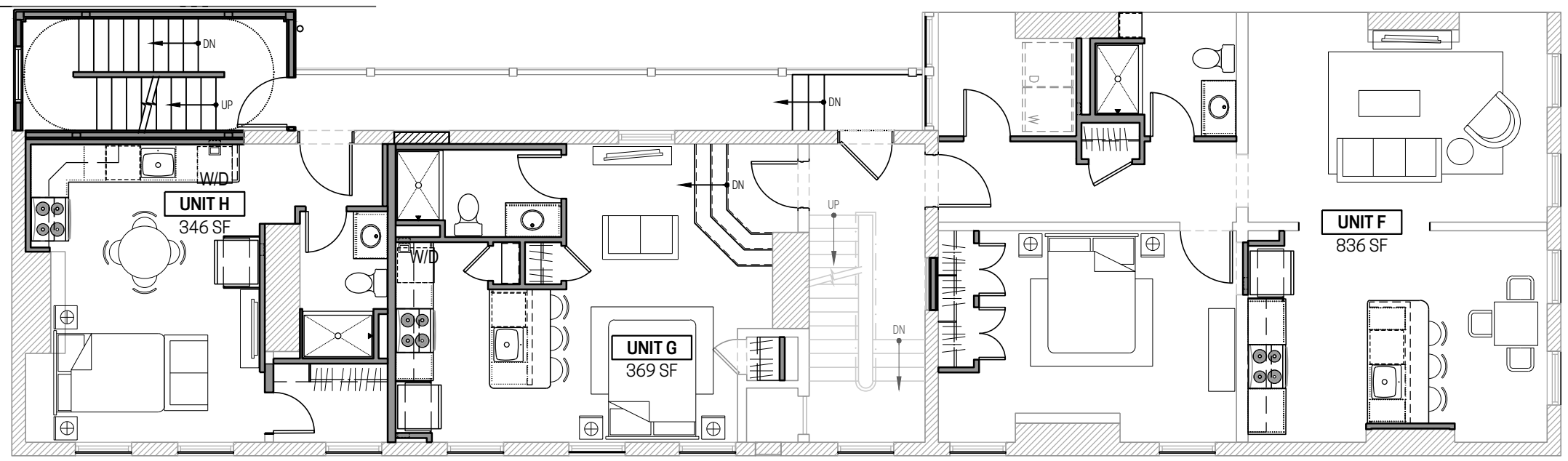
BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"



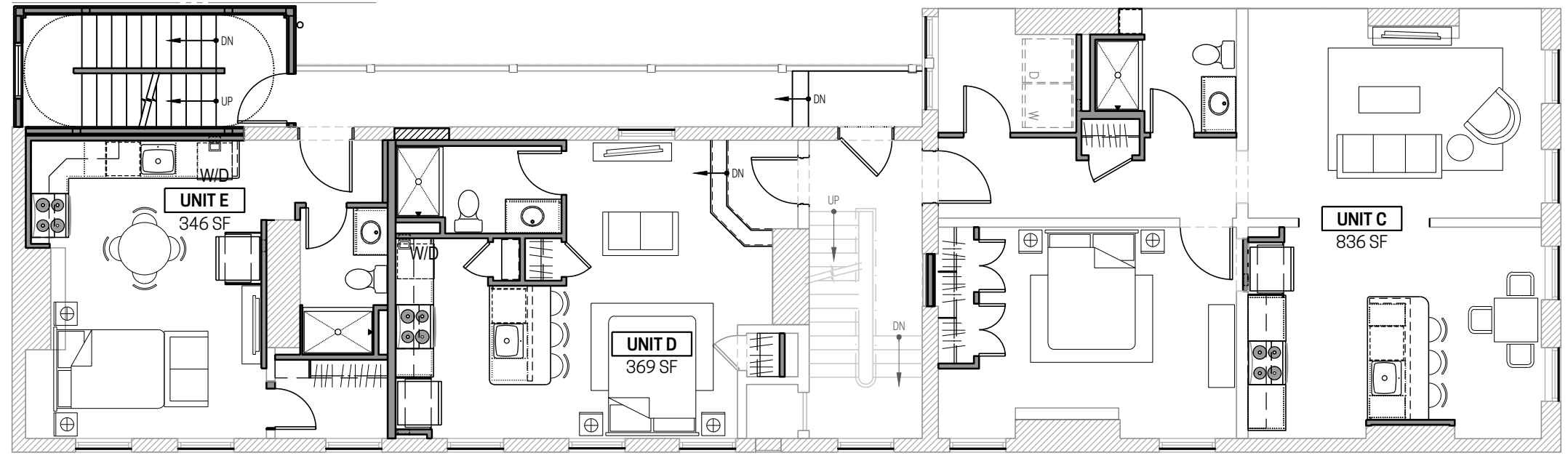
**418 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045A

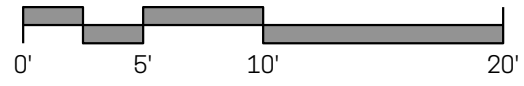
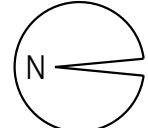
**A1**  
FLOOR PLANS



**THIRD FLOOR PLAN**  
SCALE: 1/8"= 1'-0"



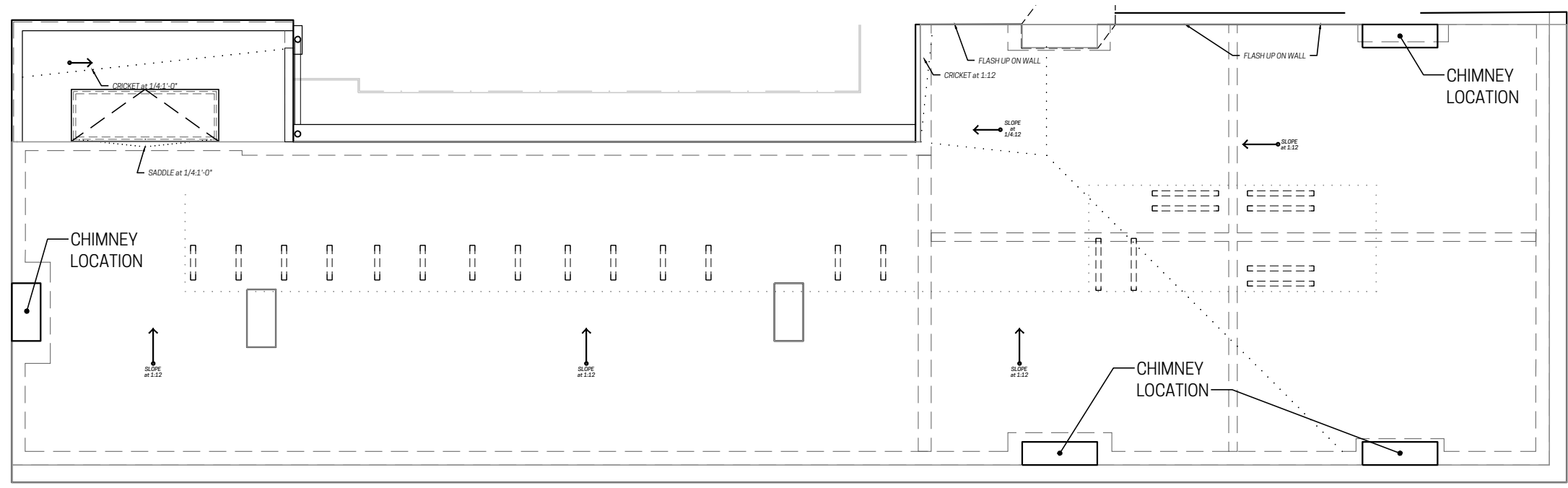
**SECOND FLOOR PLAN**  
SCALE: 1/8"= 1'-0"



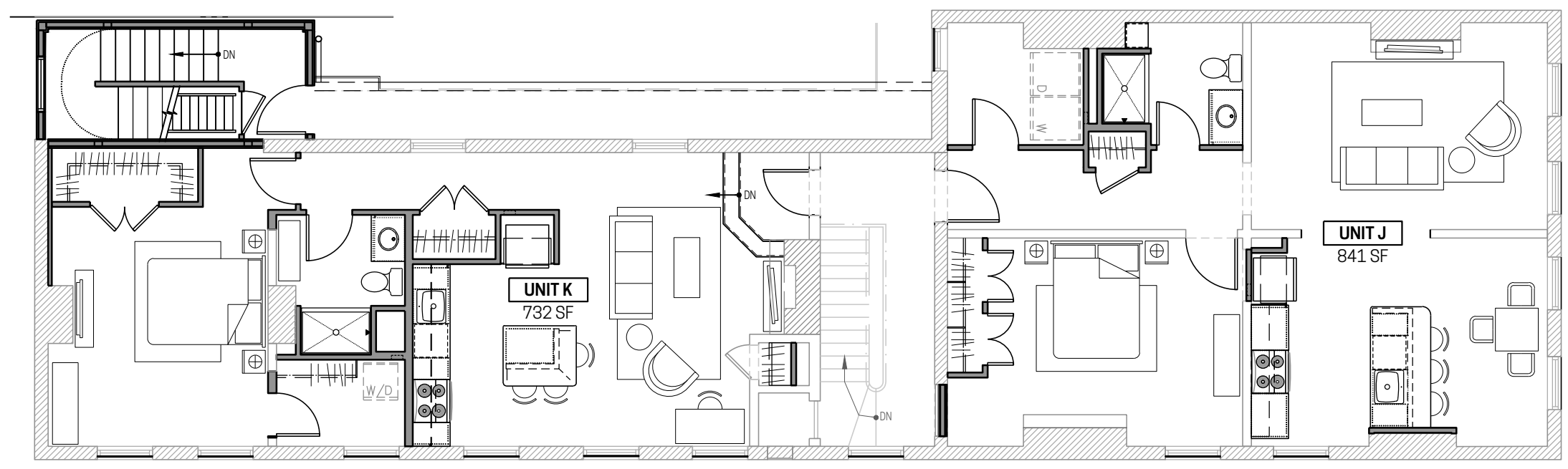
**418 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045A

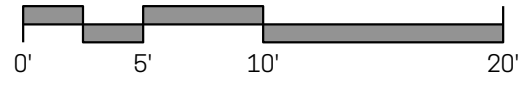
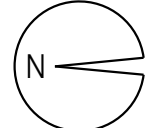
**A2**  
FLOOR PLANS



**ROOF PLAN**  
SCALE: 1/8" = 1'-0"



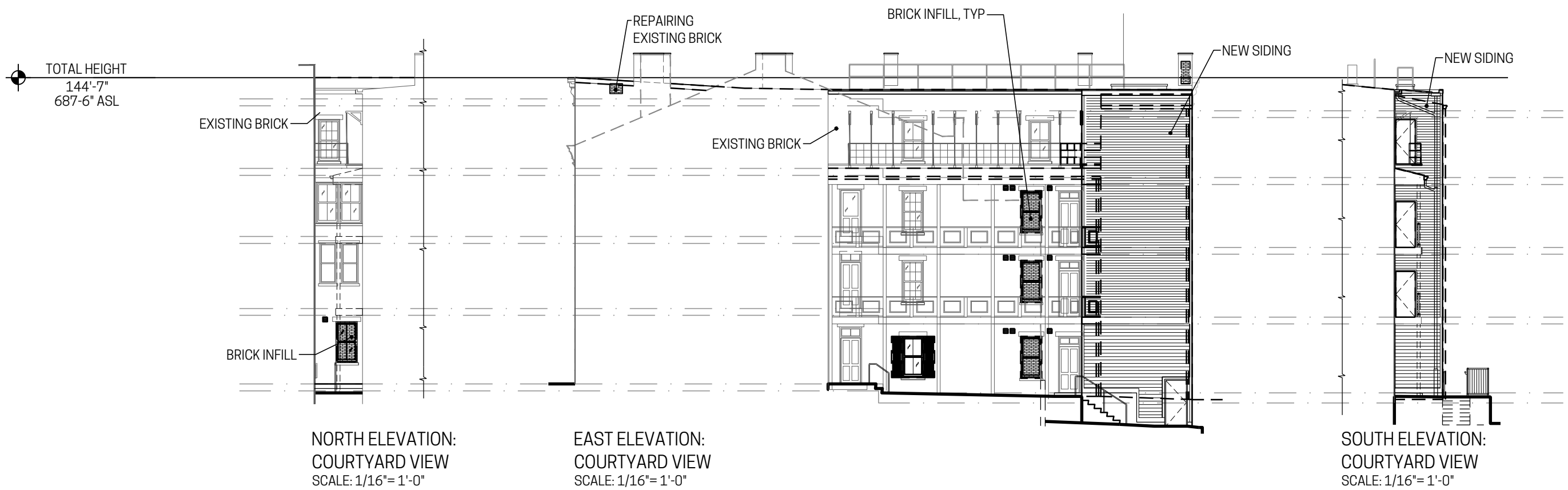
**FOURTH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**A3**  
FLOOR & ROOF  
PLAN

**418 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045A



**418 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045A

**A4**  
ELEVATIONS

In RE: COAs and Variances  
555 East 13<sup>th</sup> Street  
418 East 12<sup>th</sup> Street  
422 East 12<sup>th</sup> Street

Dear Members of the Historic Conservation Board and Ms Beth Johnson, Urban Conservator

I would like to respectfully urge you to deny the Owner-Applicant's request for zoning relief, specifically the relief requesting increasing density, for the reasons which follow. Even more importantly, I urge you to deny zoning relief for all the reasons which you believe appropriate, justified, and consistent with applicable zoning laws and regulations.

555 East 13<sup>th</sup> Street

4 units exist | 3 allowed per zoning code  
8 units requested

418 East 12<sup>th</sup> Street

7 units exist | 3 units allowed per zoning code  
10 units requested

ALSO: Owner-Applicant requesting approval for a new, larger storefront on Spring Street than currently exists

422 East 12<sup>th</sup> Street

2 units exist | 2 units allowed per zoning code  
4 units requested

I urge you to deny the Owner-Applicant's COA requesting approval to create a new, larger storefront on the Spring Street side of the building whose address is 418 East 12<sup>th</sup> Street.

The larger storefront proposed for Spring Street is unnecessary for purposes of rehabilitating the commercial space on the first floor. A larger storefront on the Spring Street side of this corner building is not necessary for an office or for any other permissible uses in a building zoned RM-07. Replacing original materials such as 19<sup>th</sup> century brick with new materials such as plate glass, will diminish if not destroy the building's integrity by needlessly changing the building's original composition.

NB: With the exception of stone or marble, no building material is quite as beautiful as 19<sup>th</sup> century brick. And it's local.

The corner building at East 12<sup>th</sup> and Spring Streets beautifully displays a mix of high-low architectural styles resulting in a vernacular style fittingly appropriate for a 19<sup>th</sup> century, densely-built residential area. The building's restrained storefront is a character-defining feature of this building: a well-built,

beautifully designed (with restraint) mixed-use building. These handsome buildings are highly valued in the neighborhood especially when located on street corners. This building's storefront as composed and built, is graceful and it is appropriately sized for the building and the narrow grid of streets and sidewalks wrapped around it. It should be neither substantially nor significantly changed, only repaired.

NB: This building at the corner of East 12<sup>th</sup> and Spring Streets is located across the street from the now-decommissioned St Paul's Church, an ornament to the neighborhood and the city. The neighborhood buildings around the former St Paul's Church Complex (church, rectory, girls school, and boys school), should be rehabilitated with as much care taken by those who rehabilitated the St Paul's Church Complex years ago.

### Adverse Effects

It is axiomatic that more small units mean more people. Unjustified increases in density will foreseeably result in more overcrowding, more garbage, more congestion, and more emergency delays. Increasing existing traffic congestion, increases delays in emergency responses. More people (up to 2 per bedroom) means that many fewer on-street parking spaces, all which serves to increase traffic and congestion due to people circling Pendleton's blocks looking for open spaces. For those residents who do not have private garages behind their house and cannot afford to park in private- or public garages and lots, the shortage of on-street parking disproportionately impacts our neighborhood's minority or low income residents. The shortage of on-street parking has produced severe disruption to our neighborhood – the shortage has produced for some residents, especially women and those with small children, unacceptable safety problems.

The blocks where these three (3) buildings are located are densely built and already densely populated in part due to so many buildings being packed decades ago with smaller units so as to maximize owner and investors' revenue and net profits. For decades, people without neighborhood choices and mobility lived in increasingly horrible conditions due to overcrowding, no light and fresh air, a lack of privacy and security, not enough heat during the winter and too much in the summer. People lived with constant exposure to unwanted noise, sewage, gluts of garbage, odors, and bad air quality. In addition to those daily sensory assaults, they had to guard themselves against the constant influx of creepy strangers and neighbors. No one argues today that much of Over-the Rhine and Pendleton's housing was sub-par years ago, and too much still is.

Please do not romanticize the past living conditions of immigrants, minorities, and others living on sparse incomes in Over-the-Rhine. Much of what happened to this neighborhood's people and buildings over the past 100 years was the direct outcome of attitudes echoing Jim Crow, and in some cases still does to this day. Let us not repeat those living conditions while simultaneously purporting the neighborhood needs 'more eyes on the street' or, equally appalling, more tenants (living in small, crowded units) to function as customers for local businesses which do not necessarily respect the very neighbors living next door.

NB 1: The 418 East 12<sup>th</sup> Street building does not enjoy a setback from Bolivar Alley. At the present time, it is not clear where this building's garbage containers will be stored. They cannot be placed on the public sidewalks; each container must be contained on-site.

NB 2: Chain-linked fencing is currently used at the rear of these buildings on Bolivar Alley. Is the Owner-Applicant intending to replace the chain-linked fencing with another more aesthetically-pleasing fencing material? Many residents living on East 13<sup>th</sup> Street, including homeowners, will have to see these spaces every day. As we all know, some types of fencing provides privacy to those living on either side but also serve to increase security. Creating attractive, defensible spaces at the rear (and sides) of multi-unit buildings should be a priority when rehabilitating residential buildings.

Unjustified overcrowding resulting from unforced but relentless economic adventures does affect other residents in insidious ways. It affects residents, homeowners, and property owners who care about the neighborhood's quality of life, which is the over-arching quality for attracting good neighbors and tenants. Any individual property owner, when not stopped or forced into compliance, can undo years of work applied by other property owners and residents to increase the livability of their building, block, street and the neighborhood.

Absentee owners and investors have done it before; they will do it again, and again, and again. [See Endnotes] While to investors these three building may signify only fully-depreciated real estate, they are part of our neighborhood which is home to us.

#### Economic Hardship or Practical Difficulties

These three (3) buildings do not pose any economic hardship for the Owner-Applicant. The buildings are not valueless and none is unsalable. Each building can be rehabilitated in ways consistent with the applicable state and local laws and regulations. Each can be rehabilitated in ways comporting with local zoning laws and regulations and without variances, special exceptions, or special privileges.

Please help us protect our neighborhood from those who seeking privileges and benefits for themselves while foisting adverse effects, nuisances, and injurious living conditions on everyone else.

Please protect these buildings by making sure their rehabilitation comports with all applicable laws and regulations.

Thank you for kind consideration of these important matters.

Myra Greenberg  
OTR and Pendleton resident

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#### END NOTES

1207 Spring Street owned by The Model Group –  
Cincinnati Municipal Code 714-37

#### Owner or Person in Control to Maintain Premises Free of Litter

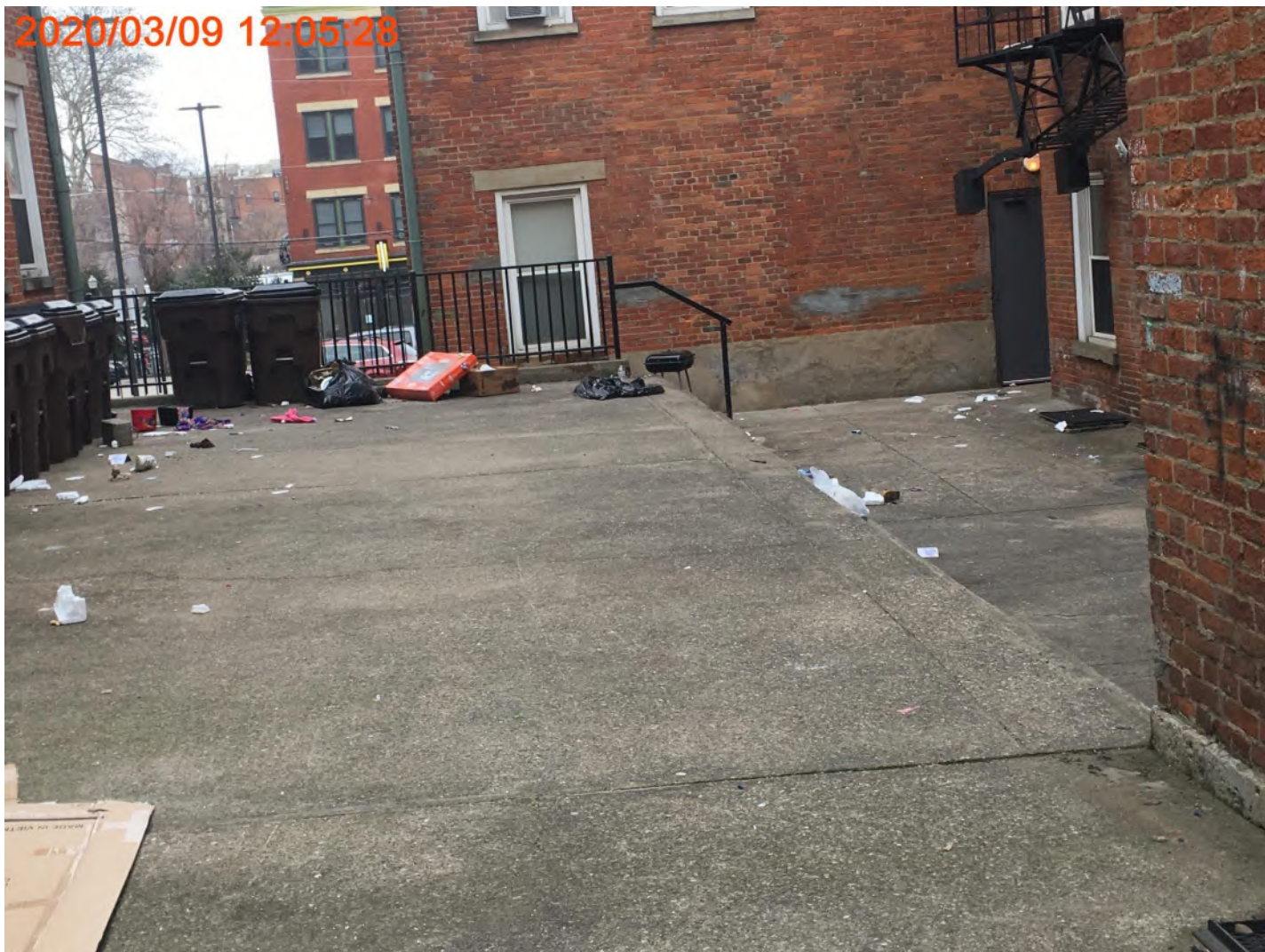
The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Sec. 759-37; ordained by Ord. No. 119-1971, eff. Apr. 30, 1971; renumbered to C.M.C. 714-37, eff. Jan. 1, 1972; Emer. Ord. No. 075-2015, § 5, eff. March 25, 2015)

2020/03/09 12:04:55



<http://cagismaps.hamilton-co.org/PropertyActivity/CagisReport?APD=PSC2001681>



<http://cagismaps.hamilton-co.org/PropertyActivity/CagisReport?APD=PSC2001681>

2020/03/09 12:06:19



<http://cagismaps.hamilton-co.org/PropertyActivity/CagisReport?APD=PSC2001681>

**APPLICATION FOR  
ZONING RELIEF  
HISTORIC CONSERVATION BOARD PUBLIC HEARING  
STAFF REPORT**

APPLICATION #: ZH20200191/COA20200060  
APPLICANT: New Republic Architects  
OWNER: Nassau Avenue Investments  
ADDRESS: **422 E 12<sup>th</sup> Street**  
PARCELS: 007500030064  
ZONING: RM 0.7  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Pendleton  
REPORT DATE: January 2, 2020

**Details of Zoning Relief Required:**

The applicant requires the following Zoning Relief:

- |  |                |   |                  |                 |
|--|----------------|---|------------------|-----------------|
| 1. <b>Section</b>  | <b>1405-07</b> | – | <b>Numerical</b> | <b>Variance</b> |
| for a 4-residential-unit building. The building had an existing 2 units and is permitted 2. A variance of 257.5 sf of lot area/unit is required to allow 4 units at 442.5 sf of lot area/unit. |                |   |                  |                 |

**Existing Conditions**

The subject property is situated east of the intersection of the corner of E 12<sup>th</sup> Street and Spring Street on the north side of the street. The building extends the majority of the length of the property and is a 3-story building with a small commercial area on the street front that had been previously altered.

**Proposed Conditions**

The applicant is proposing to renovate the buildings into 4 dwellings increasing the existing unit count from 2 units. The exterior of the building will be rehabilitated. The building is using historic tax credits and the exterior rehabilitation will conform to the Secretary of the Interior’s Standards for Historic Rehabilitation.



Figure 1. Location of 422 E 12th Street. Image from CAGIS.



Figure 2. Street view of 422 E 12th Street. Image from Google.

**Previous Reviews:** The applicant has submitted rehabilitation work on the building under permit #2020103795.

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1405</a>	RM 0.7
Variance Request:	<a href="#">Section 1405</a>	Density
Variance Authority:	<a href="#">Section 1445</a>	
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 Review**

The project is part of the final phase of the Broadway Square project which is rehabilitating existing properties with existing residential units and commercial spaces. The request that the applicants are asking is a 2 unit increase from the existing conditions.

Properties in the RM 0.7 are residential in nature and are permitted to have 1 unit per 700 sf of land area. The property in question is 1770 sf in area and the building has a combined size of over 2806 sf. Commercial space will be on the first floor and the units being provided are 1-bedroom units on the upper two floors. The configuration of 2 units on the upper floors is consistent with the floor plans with a staircase in the middle separating the building into a front and rear unit.

The applicant has indicated that the commercial space provided on the first floor will be a use permitted by the RM 0.7 district. If the proposed use is not permitted or is a conditional use, it will require further zoning relief.

**Standards for Variances per Section 1435-05-4**

(a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits require that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

(b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a*

determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the permitted 2 dwelling units or could be developed with even less units, with larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

#### **Standards for Variances per Section 1445-05-4**

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

*The property is in a residential district and is an existing building designed for mixed use. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.*

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

*The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing buildings range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.*

#### **General Standards; Public Interest**

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

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is RM 0.7. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine 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.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is “Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents.” The project as a whole is providing a diverse range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a mixed-use building within the RM 0.7 zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 442.5 sf of land area per unit. This is similar in density with other recently approved projects in existing buildings within residential districts in Over-the-Rhine. Projects that the HCB has approved in RM 0.7 and RM 1.2 since 2016 are below

- 68 E McMicken Av 327 sf lot area/ unit
- 1511 Republic St 185 sf lot area/ unit
- 1513 Republic St 185 sf lot area/ unit
- 1505 Republic St 211 sf lot area/ unit

The property is large enough that all trash for the units will be able to be accommodated onsite or on adjoining lots

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13<sup>th</sup> but has been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- L. **Economic Benefits.** The promotion of the Cincinnati economy.

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** The creation of jobs both permanently and during construction. There will be temporary jobs during construction.*
- n. **Tax Valuation.** Any increase in the real property tax duplicate. The rehabilitation of the building will increase the property value of the property.*
- o. **Private Benefits.** The economic and other private benefits to the owner or applicant. The owner of the property will have a benefit to redeveloping the property and creating an income stream.*
- p. **Public Benefits.** The public peace, health, safety or general welfare. The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and city as a whole.*

**Certificate of Appropriateness Review:**

All exterior changes on the property will be required to obtain a Certificate of Appropriateness. The COA will be issued in conjunction with the Building Permit as all proposed changes, including windows and doors, are able to be approved at a staff level.

**Other Considerations:**

**Prehearing Results:** A prehearing was held on January 6, 2021. Two members of the public were there and raised concerns around over population, parking, crowding on sidewalks/lack of space for the people in the buildings.

**Comments Provided to Staff:** One letter of objection has been submitted.

**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 1409-09 –APPROVE – Numerical Variance** to allow a 4-residential-unit building at 442.5 sf lot area/dwelling unit, in excess of the permitted 2 units per plans for 422 E 12<sup>th</sup> St submitted by New Republic Architects dated December 11, 2020.

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

1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where the property is located.
2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the projects.

<b>ATTACHMENT A- Density Variances pproved in Historic Districts</b>						
<b>Case</b>	<b>Address</b>	<b>District</b>	<b>Variance</b>	<b>Additional Variance</b>	<b>Decision</b>	<b>Notes</b>
ZH20160169	1632 Central Pkwy	OTR	CU	Ground Floor residential	Approved	44 units = 431 sf/unit (existing bldg) - 0 units existing - 37 permitted by Code
ZH20160213	1925 Vine	OTR	Density			20 units = 283 sf/unit (existing bldg) - 17 units existing - 11 permitted by Code
ZH20170033	1216-1218 Race	OTR	Density	Setbacks	Approved	22 units = 324 sf/unit (new bldg) - 10 permitted by Code
ZH20170136	203 E Clifton	OTR	Density	Setbacks	Approved	7 units = 354 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20170145	1437 Elm	OTR	Density	Setbacks	Approved	3 units = 466 sf/unit (new bldg) - 2 permitted by Code
ZH20170162	1531 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 253 sf/unit (existing bldg) - 7 units existing - 4 permitted by Code
ZH20170163	1533 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 275 sf/unit (existing bldg) - 6 units existing - 4 permitted by code
ZH20180066	161 E McMicken	OTR	Density		Approved	5 units = 357 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20180099	1431 Republic	OTR	Density		Approved	3 units = 864 sf/unit (existing bldg) - 2 units existing - 2 permitted by Code
ZH20180128	24-26 W 15th	OTR	Density	Parking	Approved	12 units = 150 sf/unit (existing bldg) - unknown number of previous units - 3 permitted by Code
ZH20180142	1518 Race	OTR	Density	Parking	DENIED	16 units = 281 sf/unit (new) - 6 units permitted by Code
ZH20180150	1118 Sycamore	OTR	Density	Parking	Approved	155 units = 261 sf/unit (new bldg) - 58 permitted by Code
ZH20180151	2806-2808 Woodburn	Woodburn Ave	Density	Parking	Approved	19 units = 362 sf/unit (existing bldg) - 10 units existing - 12 permitted by Code
ZH20180181	1505 Republic	OTR	Density		Approved	7 units = 211 sf/unit (existing bldg) - 6 units existing - 1 permitted by code
ZH20180182	1513 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180183	1515 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180193	528 E 12th	OTR	Density	Buffer Yard, articulation	DENIED	56 units = 287 sf/unit (new bldg) - 23 permitted by Code
ZHUV180007	2415 Maplewood	Kinsey Apt Bldg	Density	Parking, landscaping	Approved	14 units = 855 sf/unit (existing bldg) - 7 units existing - 3 permitted by Code (RMX - 4 by density)
ZH20190017	1505 Vine	OTR	Density	Sign	Approved	12 units = 458 sf/unit (new construction) - 7 permitted by Code
ZH20190021	1735 Vine	OTR	Density		Approved	6 units = 413 sf/unit (existing building) - original number unknown - 4 permitted by Code

ZH20190061	1733 Elm	OTR	Density		Approved	10 units = 278.75/unit (existing bldg) - 9 units existing - 5 permitted by Code
ZH20190108	1512 Republic	OTR	Density	Setbacks	Approved	27 units = 283 sf/unit (new) - 10 permitted by Code
ZH20190109	1521 Vine	OTR	Density		Approved	18 units = 321 sf/unit (new) - 8 permitted by Code
ZH20190110	1600-1602 Pleasant	OTR	Density	Setbacks	Approved	24 units = 247 sf/unit (new) - 4 permitted by Code
ZH20190111	1617 Race	OTR	Density	Setbacks	Approved	15 units = 366 sf/unit (new) - 7 permitted by Code
ZH20190117	211 Woodward	OTR	Density		Approved	7 units = 392 sf/unit (existing) - 4 units existing - 5 permitted by Code
ZH20190119	1604 Pleasant	OTR	Density		Approved	6 units = 283 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190121	1601 Race	OTR	Density		Approved	12 units = 300 sf/unit (existing) - 11 units existing - 7 permitted by Code
ZH20190122	20 E 15th	OTR	Density		Approved	8 units = 345 sf/unit (existing) - 6 units existing - 5 permitted by Code
ZH20190123	1510 Moore	OTR	Density		Approved	6 units = 300 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190124	215 Woodward	OTR	Density		Approved	5 units = 260 sf/unit (existing) - 2 units existing - 2 permitted by Code
ZH20200007	68 E McMicken Ave	OTR	Density		Approved	11 units = 327 sf/unit (existing) - 6 units existing - 7 units permitted by code)
ZH20200101	528 E 12th Street	OTR	Density	Buffer yard, articulation	Approved	33 Units = 404 sf/unit (allowed 19 units permitted by code)
ZH20200102	600 E 12th Street	OTR	Density	Buffer yard, articulation, setbacks	Approved	23 units = 426 sf/unit (allowed 14 units permitted by code)

**ADJUDICATION/DENIAL LETTER**

Date: December 9, 2020

Location: 422 E 12th Street

Request: Density Variance

Zoning District: RM 0.7/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1405-07 Density. The permitted density is 700 sf of lot area/unit. The lot is 1770 which permits 2 units. There is existing 2 units. 4 units is proposed a variance of 257.7 sf of lot area/unit is required to allow 4 units at 442.5 sf of lot area/unit.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: New Republic Architecture  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: 45202  
 Phone: \_\_\_\_\_ E-mail: jchamlee@modelgroup.net

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.**

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Renovation of a property in the Over-The-Rhine Historic District. The building consists of 4 proposed residential units.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature G. Kill Date 12 / 11 / 2020

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"> <li>• <b>\$900.00</b> for Use Variances</li> <li>• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District</i> are as follows: <ul style="list-style-type: none"> <li><b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling</li> <li><b>\$500.00</b> for Non-residential Projects (Non-RCO)</li> </ul> </li> </ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Ms. Beth Johnson  
Urban Conservator  
Buildings an  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation to 422 East 12th Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines for Historic Preservation. 422 East 12<sup>th</sup> Street Project was granted State and Federal Historic Tax Credits. We hereby seek a density variance from the permitted 2 units to the proposed 4 units. (2 units existing).

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Density Variance per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the RM 0.7 zone, and the proposed building is an important step in bringing residents to the area of OTR.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This project aligns with the Over-The-Rhine Comprehensive Plan of 2002**
- d) Traffic: **The Project along East 12<sup>th</sup> Street, able to handle the additional traffic.**
- e) Buffering: **The existing building is built on a zero lot-line, so no buffering is planned or possible.**
- f) Landscaping: **The building is an existing building, built to the lot-line, therefore buffer yards do not apply.**
- g) Hours of Operation: **The housing component on the 2<sup>nd</sup> and 3<sup>d</sup> floors have no “hours of operation”. The ground floor use, although commercial, has no tenant yet, and is intended to be finished to a “white-box” level, suitable for tenant recruitment.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use and the proposed use of ground floor commercial and the residential above, bringing back the very uses that made OTR a great business district in the last century.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance and is currently vacant, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing on viable residents and business.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of OTR.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The density variance is a factor of the CZC being in place prior to the proposal of the Project, and the CZC not considering that there was most likely 4 or more dwelling units on this site when it was first built.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.09.20. The Project consists of the renovation of a property consisting of two buildings, one mixed use building with 4 stories and one 3 story studio apartment building on the lot 422 E 12th Street in the City of Cincinnati's Over the Rhine Historic District. The building consists of 4 residential units with one ground level retail/restaurant. Specifically, our responses to Ms. Johnson's letter are outlined in *bold italics* below:

"Your request also does not comply with the City of Cincinnati's Zoning Code for the following reason(s):"

- "1405-07 Density. The permitted density is 700 sf of lot area/ unit. The lot is 1770 which permits 2 units. There is existing 2 units. 4 units is proposed a variance of 257.7 sf of lot area/ unit is required to allow 4 units at 442.25 sf of lot area/ unit." ***We hereby are seeking a Density Variance of 2 units.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Over-The-Rhine. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal

Online Property Access

|< First << Prev Next >> Last >|

[RETURN TO SEARCH LIST](#)

Property 1 of 1

**Parcel ID**  
075-0003-0066-00

**Address**  
422 E TWELFTH ST

**Index Order**  
Parcel Number

**Tax Year**  
2019 Payable 2020

**Property Information**

<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>Images/Sketches</b>	
<b>School District</b> CINCINNATI CSD		
<b>Appraisal Area</b> 01900 - PENDLETON <a href="#">Sales</a>	<b>Land Use</b> 469 - LIHTC COMM	
<b>Owner Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4015 if incorrect)	<b>Mailing Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4800 if incorrect)	
<b>Assessed Value</b> 10,240	<b>Effective Tax Rate</b> 96.465895	<b>Total Tax</b> \$996.47
<b>Property Description</b> 422 E 12TH ST 20 X 88.50 LOT 29 J FERNEDINGS SUB OF O L 6-7 NS ABIGAIL		

**Appraisal/Sales Summary**

Year Built	1865
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	9/14/2020
Last Sale Amount	\$0
Conveyance Number	244469
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.046

**Tax/Credit/Value Summary**

<b>Board of Revision</b>	<b>YES(18)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	17,270
CAUV Value	0
Market Improvement Value	12,010
Market Total Value	29,280
TIF Value	0
Abated Value	0
Exempt Value	0
<b>Taxes Paid</b>	\$996.47
Tax as % of Total Value	0.000%

**Notes**

\*\* 10/14/18 BOR #17-023407 DECREASE TO 29,280 TH \*\* bor #08-205346 decrease to 22,270 SG \*\* 11-30-01 12 YR CRA ABATEMENT - BEGAN TAX YR 1997 THRU 2008 \*\* CRA ABATEMENT EXPIRES 2009 PAY 2010

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Mr. David Sturkey  
Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Jason Chamlee, Model Group
- Graham Kalbli, Principal, New Republic Architecture
- Kara Vujanovich, Project Designer, New Republic Architecture

# PROJECT DESCRIPTION:

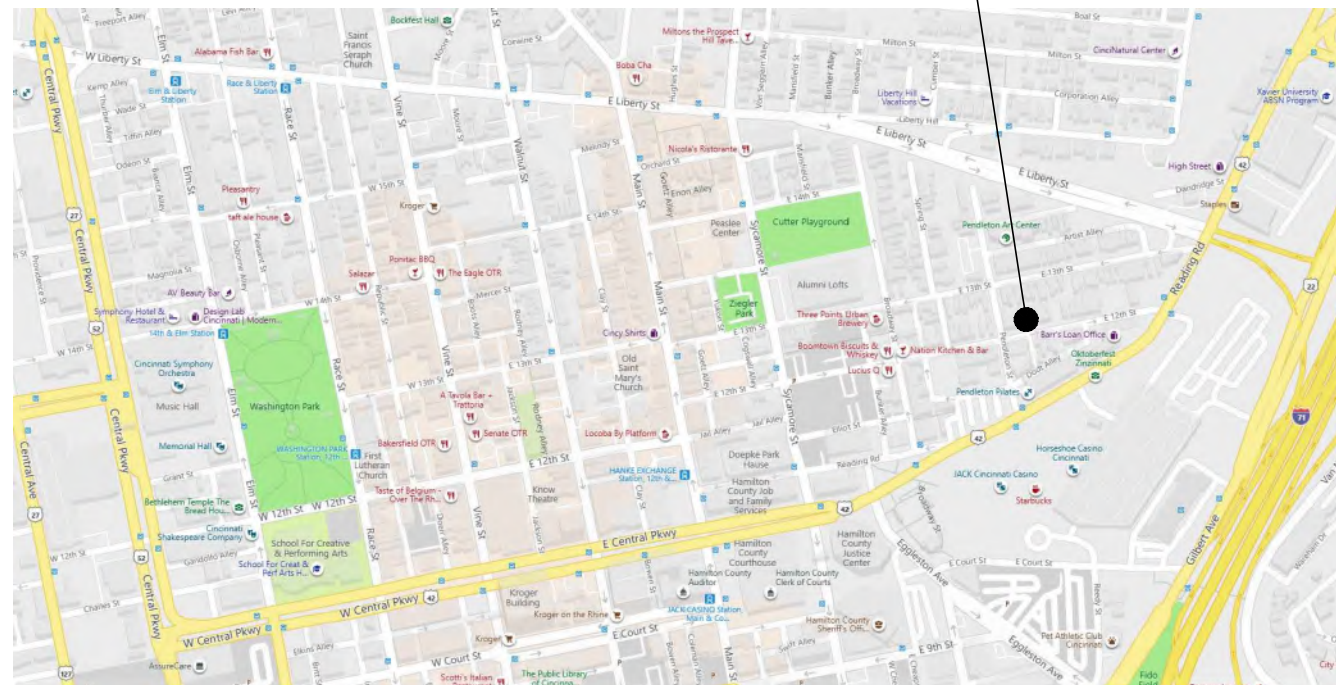
This project is a historic renovation and interior alteration to an existing 120+ year old multi-story building in the historic 'Over-The-Rhine' neighborhood of Cincinnati, Ohio. This project has been grouped with other historic buildings in the Over-The-Rhine neighborhood into a collective known as "Broadway 4".

Aside from City Historic requirements for the neighborhood, the project has received funding from and is subject to state and federal historic review and approvals via the Ohio State Historic Preservation Office (OHPO) and the National Park Service (NPS).

Additionally, this project is seeking sustainable certification via 'Enterprise Green Communities' standards (to be submitted separately by others under separate cover to the appropriate reviewing parties).

**422 E. 12th St.:** The existing building is currently vacant and its configuration shall remain the same for this project, i.e. first floor commercial space with residential units on the upper floors. The upper floors however will be altered to change from 2 dwelling units (existing) to 4 dwelling units (proposed). The second and third floors currently have one unit each; 2 units are proposed at each floor. The existing vacant first floor commercial space is being altered to provide accessibility to and through the space, including revisions to the side court and door for an accessible entrance and an accessible toilet room (altering the front door for accessibility is technically infeasible).

PROJECT LOCATION



# DRAWING INDEX

G0	COVER SHEET
G1	SITE PLAN
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	ATTIC & ROOF PLAN
A4	ELEVATIONS

# PROJECT SUMMARY

*\*FLOOR GROSS SF (FRONT/REAR)*

FIRST FLOOR	1034 SF
SECOND FLOOR	885 SF
THIRD FLOOR	887 SF
<b>TOTAL</b>	<b>2806 SF</b>

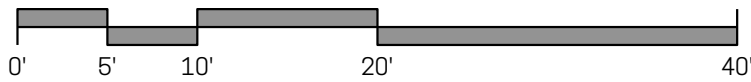
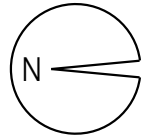
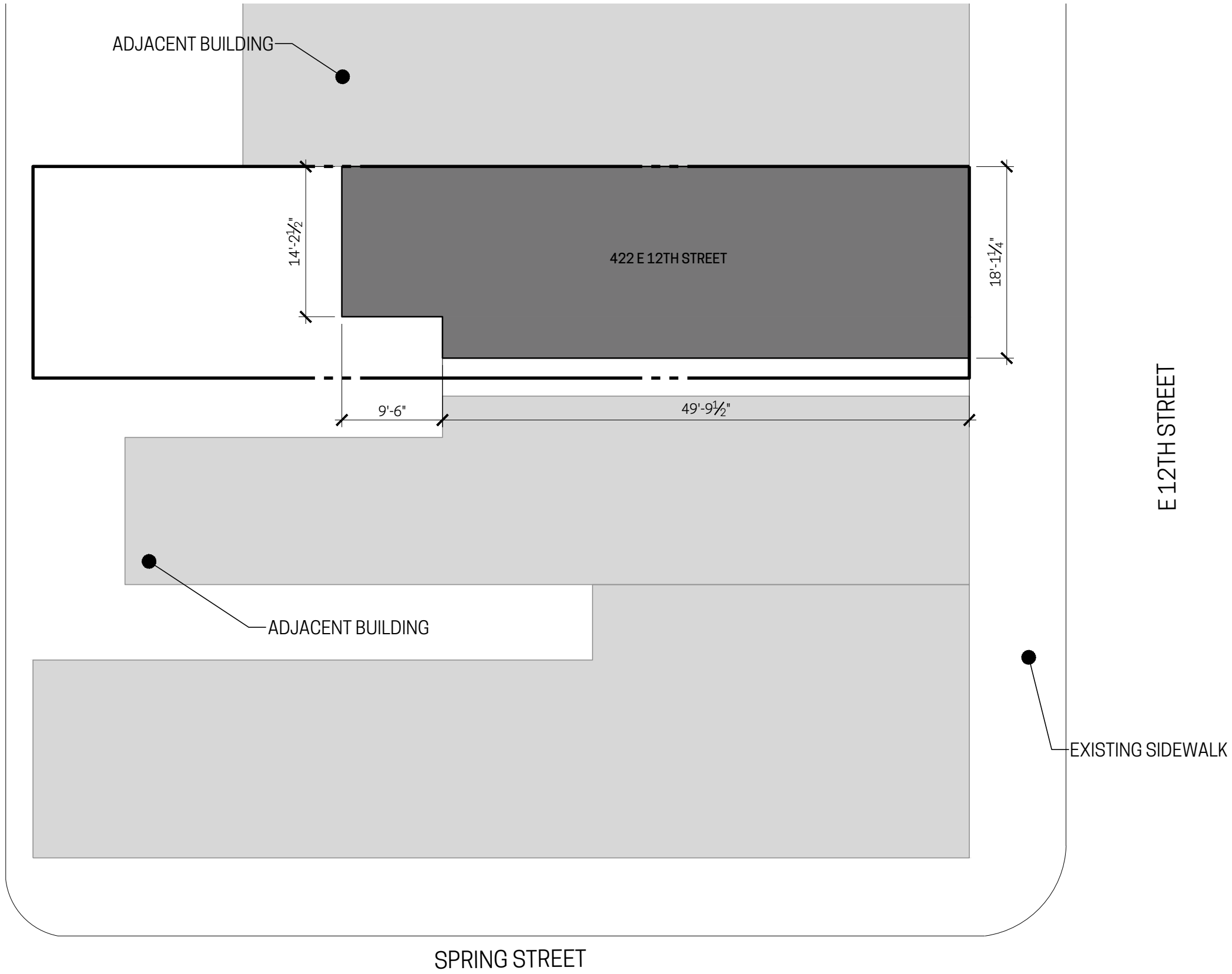
# DEVELOPMENT TEAM

**MODEL GROUP**  
 1826 RACE STREET  
 CINCINNATI, OH 45202  
 513-559-0048

**422 E 12TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045B

**GO**  
 COVER SHEET

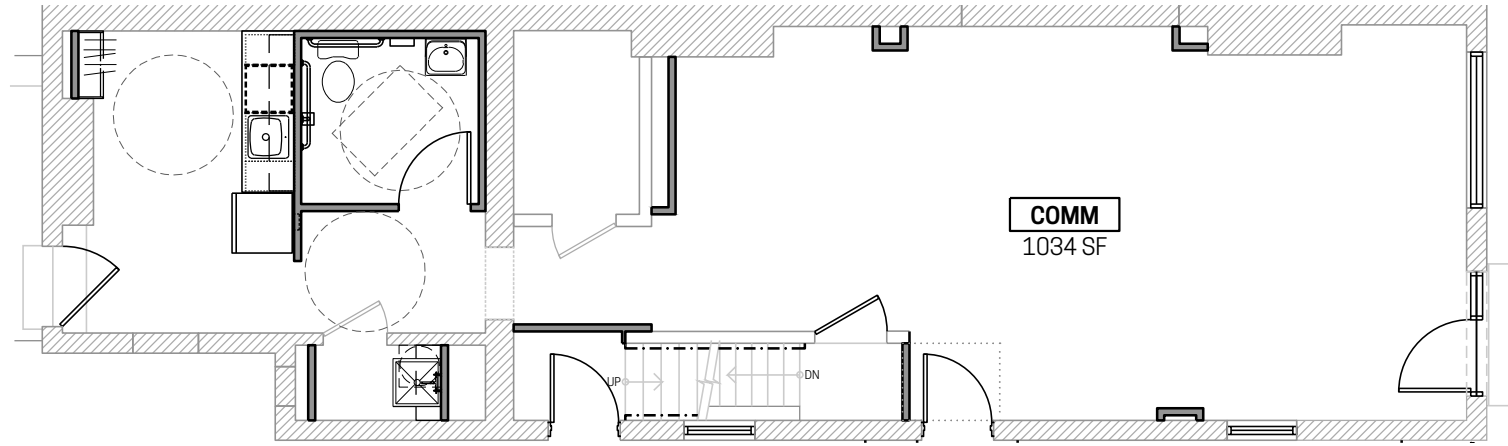


**G1**  
SITE PLAN

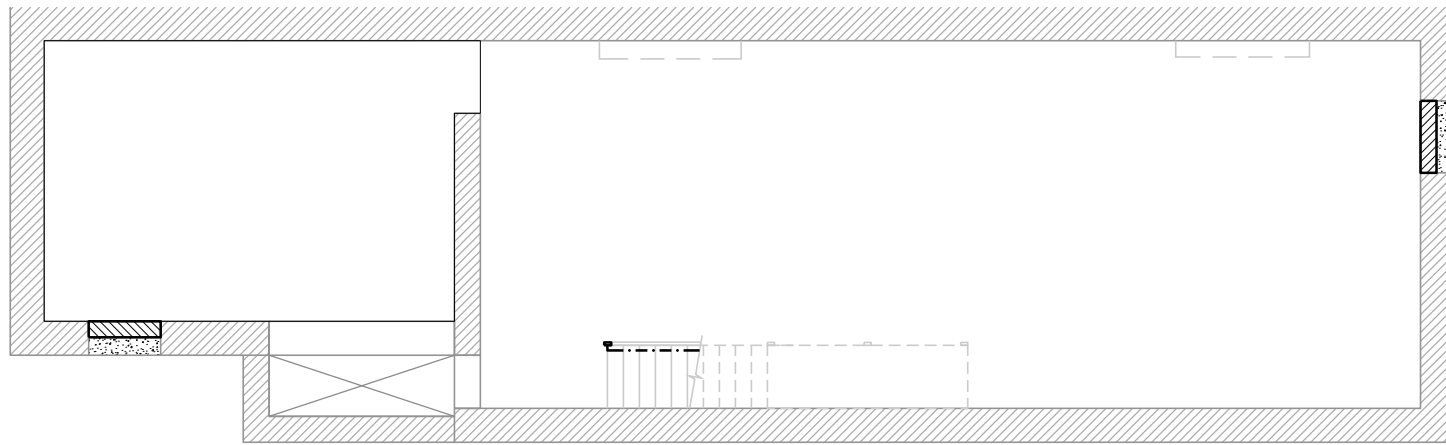
**422 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045B

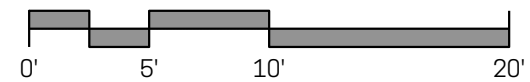
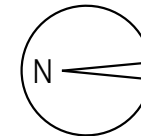




FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"

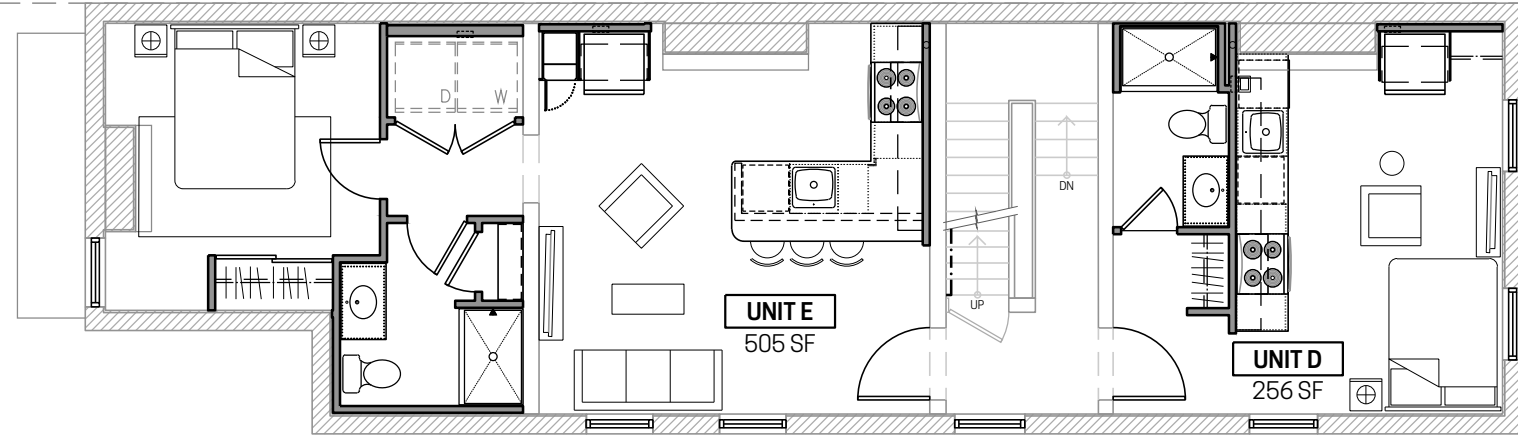


**A1**  
FLOOR PLANS

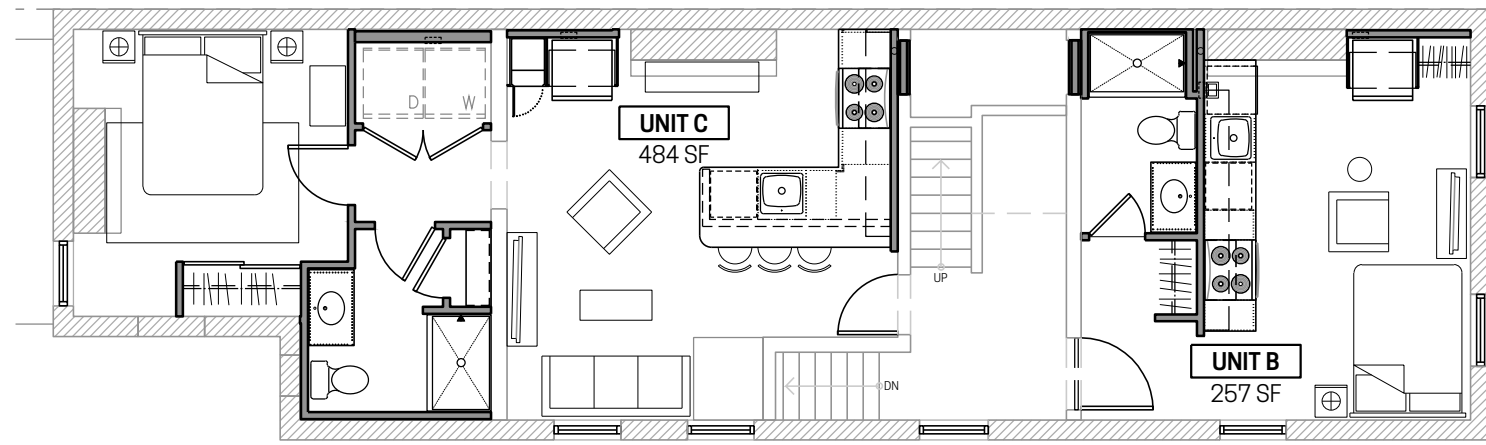
**422 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045B

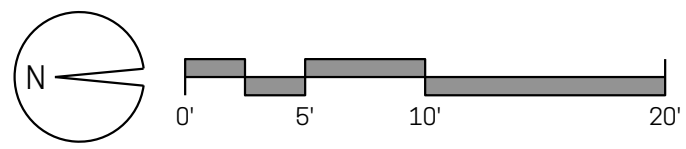




**THIRD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

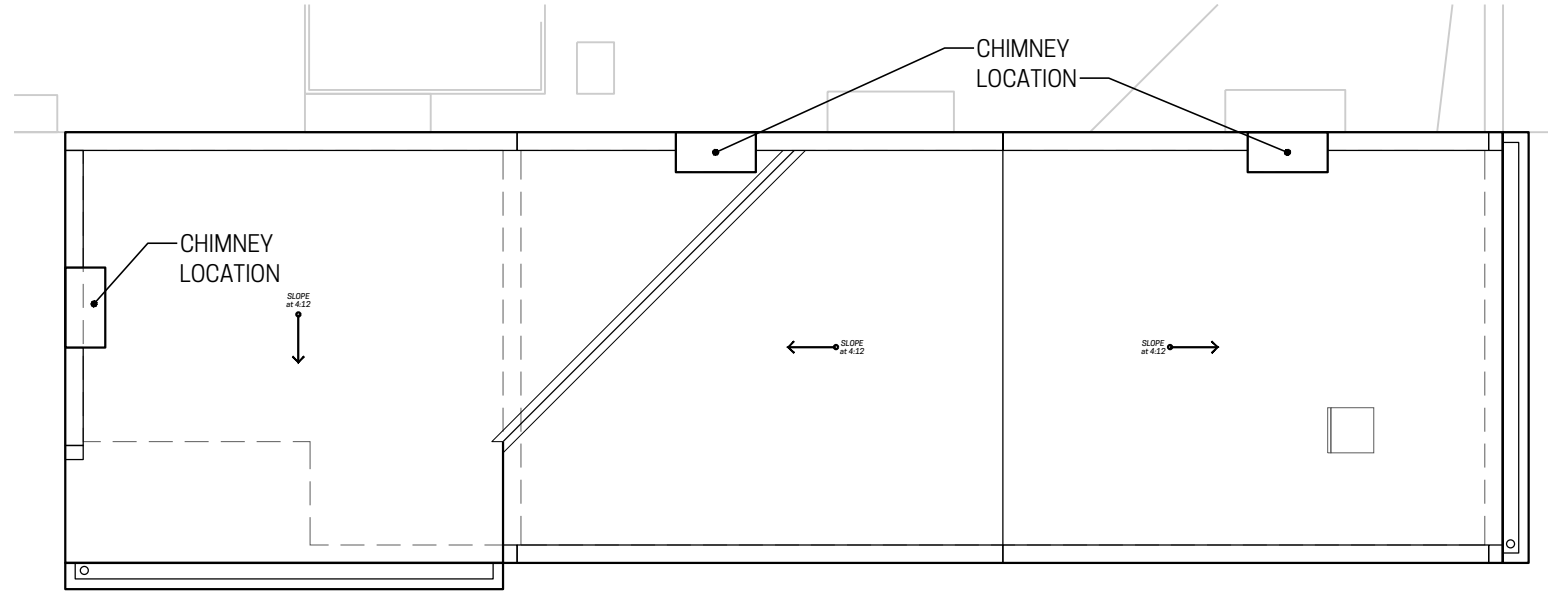


**422 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

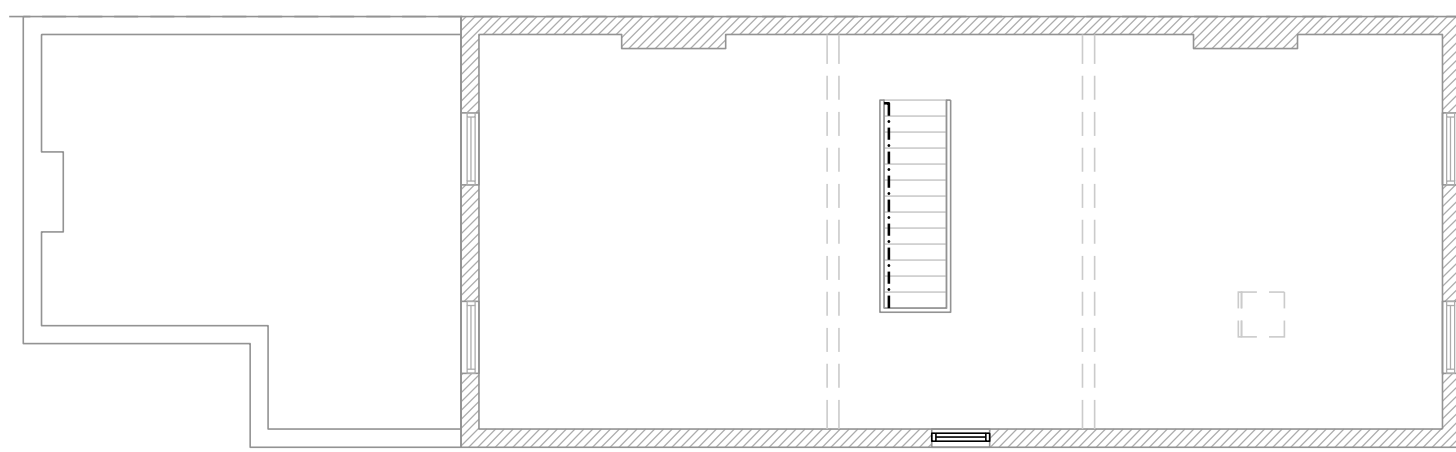
DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045B

**A2**  
FLOOR PLANS

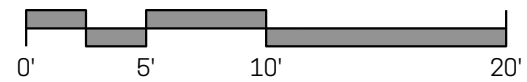
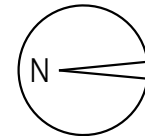
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**ROOF PLAN**  
SCALE: 1/8" = 1'-0"



**ATTIC PLAN**  
SCALE: 1/8" = 1'-0"



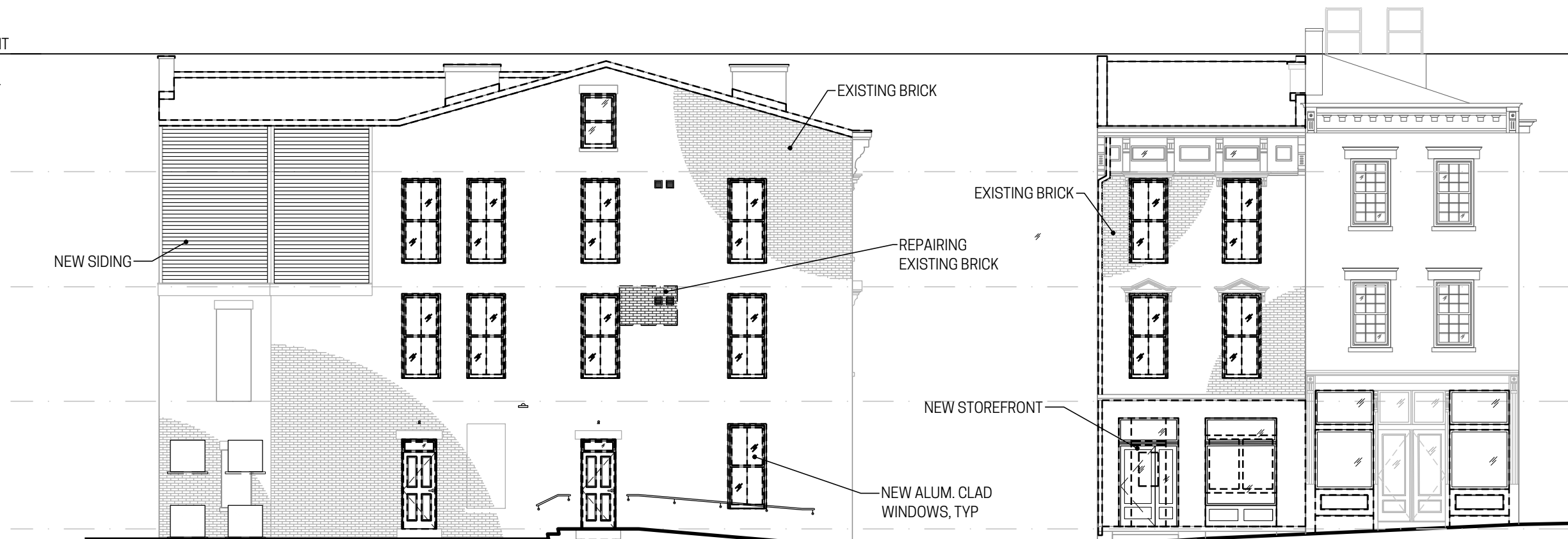
**A3**  
FLOOR & ROOF  
PLAN

**422 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045B



TOTAL HEIGHT  
144'-7"  
687'-6" ASL



**WEST ELEVATION**  
SCALE: 3/32" = 1'-0"

**SOUTH ELEVATION**  
SCALE: 3/32" = 1'-0"

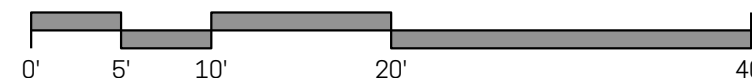
TOTAL HEIGHT  
144'-7"  
687'-6" ASL



**EAST ELEVATION**  
SCALE: 3/32" = 1'-0"

**EAST ELEVATION (SIDE)**

**NORTH ELEVATION**  
SCALE: 3/32" = 1'-0"



**422 E 12TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045B

**A4**  
ELEVATIONS

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## APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

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APPLICATION #: ZH20200192/COA20200061  
APPLICANT: New Republic Architects  
OWNER: Nassau Avenue Investments  
ADDRESS: **555 E 13<sup>th</sup> Street**  
PARCELS: 07500030118  
ZONING: RM 0.7  
OVERLAYS: Over-the-Rhine Historic District  
COMMUNITY: Pendleton  
REPORT DATE: January 2, 2020

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

The applicant requires the following Zoning Relief:

1. **Section 1405-07 – Numerical Variance** to allow an 8-residential-unit building. The building had an existing 4 units and is permitted 3. A variance of 434.375 sf of lot area/unit is required to allow 8 units at 265.625 sf of lot area/unit.

### **Existing Conditions**

The subject property is situated mid-block on the south side of E 13<sup>th</sup> Street just west of Reading Rd. The building extends the length of the entire property and is a 4-story building.

### **Proposed Conditions**

The applicant is proposing to renovate the buildings into 8 dwellings increasing the existing unit count from 4 units. The exterior of the building will be rehabilitated. The building is using historic tax credits and the exterior rehabilitation will conform to the Secretary of the Interior's Standards for Historic Rehabilitation.

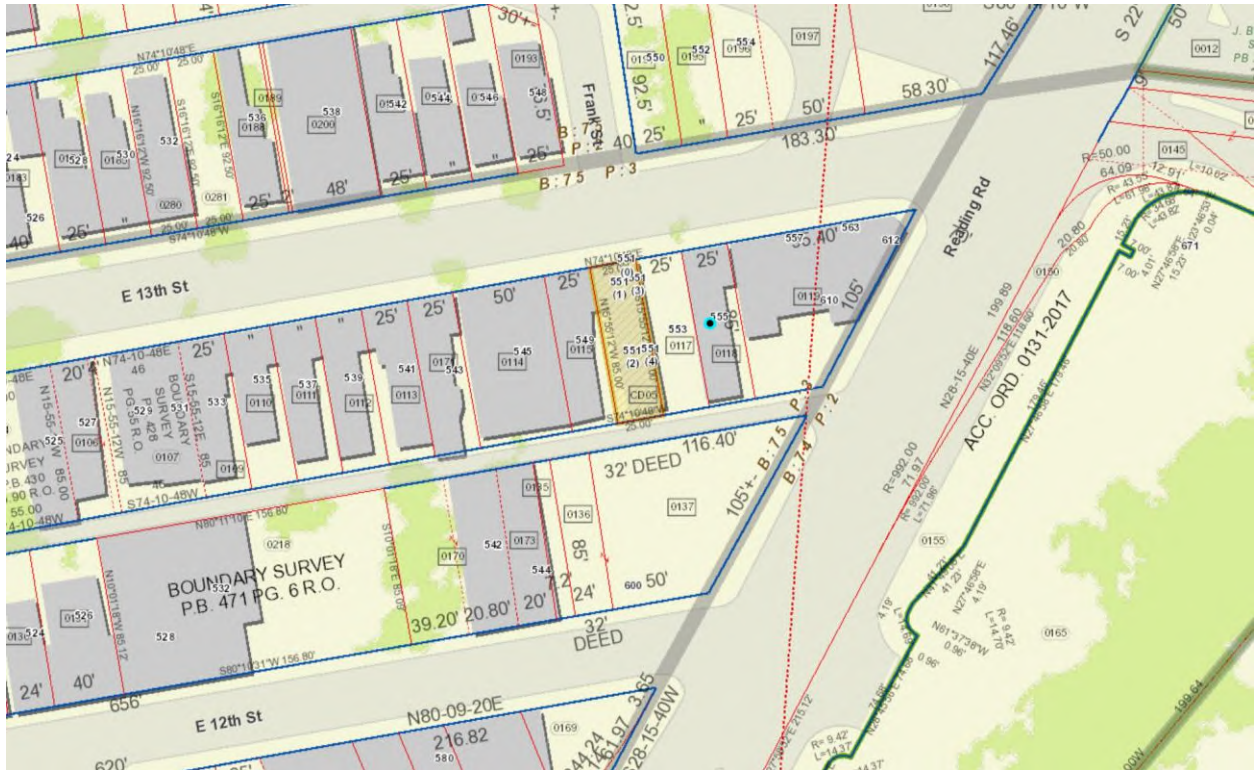


Figure 1. Location of 555 E 13<sup>th</sup> Street. Image from CAGIS.



Figure 2. Street view of 555 E 13<sup>th</sup> Street. Image from Google.

**Previous Reviews:** The applicant has submitted rehabilitation of the building under permit #202010159.

**Applicable Zoning Code Sections:**

Zoning District:	<a href="#">Section 1405</a>	RM 0.7
Variance Request:	<a href="#">Section 1405</a>	Density
Variance Authority:	<a href="#">Section 1445</a>	
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 Review**

The project is part of the final phase of the Broadway Square project which is rehabilitating existing properties with existing residential units and commercial spaces. The request that the applicants are asking is a 4 unit increase from the existing conditions.

Properties in the RM 0.7 are residential in nature and are permitted to have 1 unit per 700 sf of land area. The property in question has 2125 sf of land area and the building has a combined size of over 6120 sf. The units being provided are 1-bedroom units that range in size between 536 and 635 sf per unit. The layout of the units is determined by the central staircase splitting the building into front unit and rear units on each floor.

**Standards for Variances per Section 1435-05-4**

(a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The building is being rehabilitated and is using Historic Tax Credits. The use of the tax credits guarantees that the building will be appropriately rehabilitated both on the interior and exterior following the Secretary of the Interiors Standards. The Historic Tax Credits requires that an historic interior maintain its historic configuration of major elements, including the location of stairs, hallways and often doors. The historic interior configuration is one element that is driving the unit count and configuration.

(b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the grandfathered 4 dwelling units or could be developed with even less units, with

larger areas, but a change in configuration to accommodate those could affect the Historic Tax Credit eligibility.

### **Standards for Variances per Section 1445-05-4**

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

*The property is in a residential district and is an existing building. Configuring existing buildings into today's standards and market design often requires relief to make the apartments practical in design.*

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

*The applicant is seeking a density that is similar to other densities that have been approved for existing buildings within the Over-the-Rhine Historic District. In Attachment A is a list of all the density variances that have been approved since 2016. Existing buildings range from a density as low as 150 sf of lot area/unit up to 864 sf of lot area/unit. The majority of the variances allow for a density around 200-300 sf of lot area/unit.*

### **General Standards; Public Interest**

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

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is RM 0.7. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine 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.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is "Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents." The project as a whole is providing a diverse

range of housing options, both in size, configuration and availability to different economic levels.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a residential building within the RM 0.7 zoning district. Parking is no longer required in Over-the-Rhine due to the Urban Parking Overlay District.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 265.625 sf of land area per unit. This is similar in density with other recently approved projects in existing buildings within residential districts in Over-the-Rhine. Projects that the HCB has approved in RM 0.7 and RM 1.2 since 2016 are below

- 68 E McMicken Av 327 sf lot area/ unit
- 1511 Republic St 185 sf lot area/ unit
- 1513 Republic St 185 sf lot area/ unit
- 1505 Republic St 211 sf lot area/ unit

The property is large enough that all trash for the units will be able to be accommodated onsite or on adjoining lots.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

There is a proposed amendment to the Zoning Code called the Urban Housing Overlay Zone that would eliminate all density requirements for properties within the zone. This property is within the zone. This was scheduled to go before the Cincinnati Planning Commission on November 13<sup>th</sup> but has been pulled and has not been rescheduled. Unless the Urban Housing Overlay Zone is adopted, the project must be evaluated according to the existing density standards.

- L. **Economic Benefits.** *The promotion of the Cincinnati economy.*

The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.

- m. **Job Creation.** *The creation of jobs both permanently and during construction.*

There will be temporary jobs during construction.

- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*

The rehabilitation of the building will increase the property value of the property.

- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.*  
The owner of the property will have a benefit to redeveloping the property and creating an income stream.
- p. **Public Benefits.** The public peace, health, safety or general welfare.*  
The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and city as a whole.

**Certificate of Appropriateness Review:**

All exterior changes on the property will be required to obtain a Certificate of Appropriateness. The COA will be issued in conjunction with the Building Permit as all proposed changes, including windows and doors, are able to be approved at a staff level.

**Other Considerations:**

**Prehearing Results:** A prehearing was held on January 6, 2021. Two members of the public were there and raised concerns around over population, parking, crowding on sidewalks/lack of space for the people in the buildings.

**Comments Provided to Staff:** Two letters of objection have been submitted.

**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 1409-09 –APPROVE – Numerical Variance** allow an 8-residential-unit building at 265.625 sf lot area/dwelling unit, in excess of the legal non-conformity density of 4 units and the base zoning requirements per plans for 555 E 13<sup>th</sup> St submitted by New Republic Architects dated December 11, 2020.

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

- 1. Such relief from the literal implication of the Zoning Code will not materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where the property is located.
- 2. The density variance is similar to other density variances approved for existing buildings within the Over-the-Rhine historic district.
- 3. The density will not materially alter the demand for parking or the ability to manage utilities and services, including trash for the projects.

ATTACHMENT A- Density Variances pproved in Historic Districts						
Case	Address	District	Variance	Additional Variance	Decision	Notes
ZH20160169	1632 Central Pkwy	OTR	CU	Ground Floor residential	Approved	44 units = 431 sf/unit (existing bldg) - 0 units existing - 37 permitted by Code
ZH20160213	1925 Vine	OTR	Density			20 units = 283 sf/unit (existing bldg) - 17 units existing - 11 permitted by Code
ZH20170033	1216-1218 Race	OTR	Density	Setbacks	Approved	22 units = 324 sf/unit (new bldg) - 10 permitted by Code
ZH20170136	203 E Clifton	OTR	Density	Setbacks	Approved	7 units = 354 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20170145	1437 Elm	OTR	Density	Setbacks	Approved	3 units = 466 sf/unit (new bldg) - 2 permitted by Code
ZH20170162	1531 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 253 sf/unit (existing bldg) - 7 units existing - 4 permitted by Code
ZH20170163	1533 Elm	OTR	Density	Ground Floor residential	Approved	8 units = 275 sf/unit (existing bldg) - 6 units existing - 4 permitted by code
ZH20180066	161 E McMicken	OTR	Density		Approved	5 units = 357 sf/unit (existing bldg) - 6 units existing - 3 permitted by Code
ZH20180099	1431 Republic	OTR	Density		Approved	3 units = 864 sf/unit (existing bldg) - 2 units existing - 2 permitted by Code
ZH20180128	24-26 W 15th	OTR	Density	Parking	Approved	12 units = 150 sf/unit (existing bldg) - unknown number of previous units - 3 permitted by Code
ZH20180142	1518 Race	OTR	Density	Parking	DENIED	16 units = 281 sf/unit (new) - 6 units permitted by Code
ZH20180150	1118 Sycamore	OTR	Density	Parking	Approved	155 units = 261 sf/unit (new bldg) - 58 permitted by Code
ZH20180151	2806-2808 Woodburn	Woodburn Ave	Density	Parking	Approved	19 units = 362 sf/unit (existing bldg) - 10 units existing - 12 permitted by Code
ZH20180181	1505 Republic	OTR	Density		Approved	7 units = 211 sf/unit (existing bldg) - 6 units existing - 1 permitted by code
ZH20180182	1513 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180183	1515 Republic	OTR	Density		Approved	8 units = 185 sf/unit (existing bldg) - 6 units existing - 1 permitted by Code
ZH20180193	528 E 12th	OTR	Density	Buffer Yard, articulation	DENIED	56 units = 287 sf/unit (new bldg) - 23 permitted by Code
ZHUV180007	2415 Maplewood	Kinsey Apt Bldg	Density	Parking, landscaping	Approved	14 units = 855 sf/unit (existing bldg) - 7 units existing - 3 permitted by Code (RMX - 4 by density)
ZH20190017	1505 Vine	OTR	Density	Sign	Approved	12 units = 458 sf/unit (new construction) - 7 permitted by Code
ZH20190021	1735 Vine	OTR	Density		Approved	6 units = 413 sf/unit (existing building) - original number unknown - 4 permitted by Code

ZH20190061	1733 Elm	OTR	Density		Approved	10 units = 278.75/unit (existing bldg) - 9 units existing - 5 permitted by Code
ZH20190108	1512 Republic	OTR	Density	Setbacks	Approved	27 units = 283 sf/unit (new) - 10 permitted by Code
ZH20190109	1521 Vine	OTR	Density		Approved	18 units = 321 sf/unit (new) - 8 permitted by Code
ZH20190110	1600-1602 Pleasant	OTR	Density	Setbacks	Approved	24 units = 247 sf/unit (new) - 4 permitted by Code
ZH20190111	1617 Race	OTR	Density	Setbacks	Approved	15 units = 366 sf/unit (new) - 7 permitted by Code
ZH20190117	211 Woodward	OTR	Density		Approved	7 units = 392 sf/unit (existing) - 4 units existing - 5 permitted by Code
ZH20190119	1604 Pleasant	OTR	Density		Approved	6 units = 283 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190121	1601 Race	OTR	Density		Approved	12 units = 300 sf/unit (existing) - 11 units existing - 7 permitted by Code
ZH20190122	20 E 15th	OTR	Density		Approved	8 units = 345 sf/unit (existing) - 6 units existing - 5 permitted by Code
ZH20190123	1510 Moore	OTR	Density		Approved	6 units = 300 sf/unit (existing) - 5 units existing - 3 permitted by Code
ZH20190124	215 Woodward	OTR	Density		Approved	5 units = 260 sf/unit (existing) - 2 units existing - 2 permitted by Code
ZH20200007	68 E McMicken Ave	OTR	Density		Approved	11 units = 327 sf/unit (existing) - 6 units existing - 7 units permitted by code
ZH20200101	528 E 12th Street	OTR	Density	Buffer yard, articulation	Approved	33 Units = 404 sf/unit (allowed 19 units permitted by code)
ZH20200102	600 E 12th Street	OTR	Density	Buffer yard, articulation, setbacks	Approved	23 units = 426 sf/unit (allowed 14 units permitted by code)

**ADJUDICATION/DENIAL LETTER**

Date: December 10, 2020  
Location: 555 E 13th Street  
Request: Density Variance  
Zoning District: RM 0.7/ Over-the-Rhine Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1405-07 Density. The permitted density is 700 sf of lot area/unit. The lot is 2125 sf which permits 3 units. There is existing 4 units. 8 units is proposed a variance of 434.375 sf of lot area/unit is required to allow 8 units at 265.625 sf of lot area/unit.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

## CINCINNATI'S HISTORIC CONSERVATION OFFICE



### Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

#### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

#### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: New Republic Architecture  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: 45202  
 Phone: \_\_\_\_\_ E-mail: jchamlee@modelgroup.net

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.**

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)


Renovation of a property in the Over-The-Rhine Historic District. The building consists of 8 apartments.

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE.

The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature  Date 12 / 11 / 2020

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor’s record showing ownership of the property. If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	<p>A non-refundable application fee - a check made payable to “City of Cincinnati.”</p> <ul style="list-style-type: none"> <li>• <b>\$900.00</b> for Use Variances</li> <li>• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District</i> are as follows:  <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling  <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li> </ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors’ concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Ms. Beth Johnson  
Urban Conservator  
Buildings an  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation to 555 East 13th Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines for Historic Preservation. 555 East 13<sup>th</sup> Street Project was granted State and Federal Historic Tax Credits. We hereby seek a density variance from the permitted 3 units to the proposed 8 units. (4 units existing).

...

Sincerely,

New Republic Architecture



GRAHAM KALBI, AIA

Principal

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Density Variance per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the RM 0.7 zone, and the proposed building is an important step in bringing residents to the area of OTR.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This project aligns with the Over-The-Rhine Comprehensive Plan of 2002**
- d) Traffic: **The Project along East 13<sup>th</sup> Street, able to handle the additional traffic.**
- e) Buffering: **The existing building is built on a zero lot-line, so no buffering is planned or possible.**
- f) Landscaping: **The building is an existing building, built to the lot-line, therefore buffer yards do not apply.**
- g) Hours of Operation: **The housing component throughout all 4 floors have no “hours of operation”.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use of residential units, bringing back the very uses that made OTR a great business district in the last century.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance and partially vacant, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing on viable residents and business.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of OTR.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The density variance is a factor of the CZC being in place prior to the proposal of the Project, and the CZC not considering that there was most likely 8 or more dwelling units on this site when it was first built.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.10.20. The Project consists of the renovation of a property consisting four floors of residential apartments on the lot 555 E. 13<sup>th</sup> Street in the City of Cincinnati's Over the Rhine Historic District. The building consists of 8 residential units. Specifically, our responses to Ms. Johnson's letter are outlined in *bold italics* below:

"Your request also does not comply with the City of Cincinnati's Zoning Code for the following reason(s):"

- "1405-07 Density. The permitted density is 700 sf of lot area/ unit. The lot is 2125 which permits 3 units. There is existing 4 units. 8 units is proposed a variance of 434.375 sf of lot area/ unit is required to allow 8 units at 265.625 sf of lot area/ unit." ***We hereby are seeking a Density Variance of 5 units.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Over-The-Rhine. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



GRAHAM KALBLI, AIA

Principal



# COUNTY AUDITOR ON-LINE

Hamilton County Auditor Dusty Rhodes

138 East Court St., Cincinnati, Ohio 45202 - (513)946-4000 - dusty.rhodes@fuse.net

Online Property Access |< First << Prev Next >> Last >| **RETURN TO SEARCH LIST** Property 1 of 1

**Parcel ID** 075-0003-0118-00      **Address** 555 E THIRTEENTH ST      **Index Order** Parcel Number      **Tax Year** 2019 Payable 2020

## I Want To...

- [Start a New Search](#)
- [Email the Auditor](#)
- [View the Online Help](#)
- [Auditor's Home](#)

### View:

- Property Summary**
- Appraisal Information
- Levy Information
- Transfer
- Value History
- Board of Revision
- Payment Detail
- Tax Distributions
- Images
- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

- Print:**
- [Current Page](#)
  - [Property Report](#)

Property Information		
<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>Images/Sketches</b>	
<b>School District</b> CINCINNATI CSD		
<b>Appraisal Area</b> 01900 - PENDLETON Sales		
<b>Owner Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4015 if incorrect)	<b>Mailing Name and Address</b> NASSAU AVENUE INVESTMENTS LLC 1826 RACE ST CINCINNATI OH 45202 (call 946-4800 if incorrect)	
<b>Assessed Value</b> 14,050	<b>Effective Tax Rate</b> 96.465895	<b>Total Tax</b> \$1,366.16
<b>Property Description</b> 555 E 13TH ST 25 X 85 SS 13TH ST 675 FT E PENDLETON		

Appraisal/Sales Summary	
Year Built	1870
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	9/14/2020
Last Sale Amount	\$0
Conveyance Number	244469
Deed Type	LE - Limited Warranty Deed (EX)
Deed Number	
# of Parcels Sold	5
Acreage	0.049

Tax/Credit/Value Summary	
<b>Board of Revision</b>	<b>YES(18)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	17,440
CAUV Value	0
Market Improvement Value	22,700
Market Total Value	40,140
TIF Value	0
Abated Value	0
Exempt Value	0
<b>Taxes Paid</b>	<b>\$1,366.16</b>
Tax as % of Total Value	0.000%

**Notes**

\*\* 10/14/18 BOR #17-023407 DECREASE TO 40,140 TH \*\* 10/29/09 bor #08-205346 decrease to 20,750 SG \*\* CRA ABATEMENT EXPIRES 2009 PAY 2010 \*\* 11-30-01 12 YR CRA ABATEMENT - BEGAN TAX YR 1997 THRU 2008 \*\* 2/26/98 BOR #96-13300 DISMISSED

Mr. David Sturkey  
Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Jason Chamlee, Model Group
- Graham Kalbli, Principal, New Republic Architecture
- Kara Vujanovich, Project Designer, New Republic Architecture

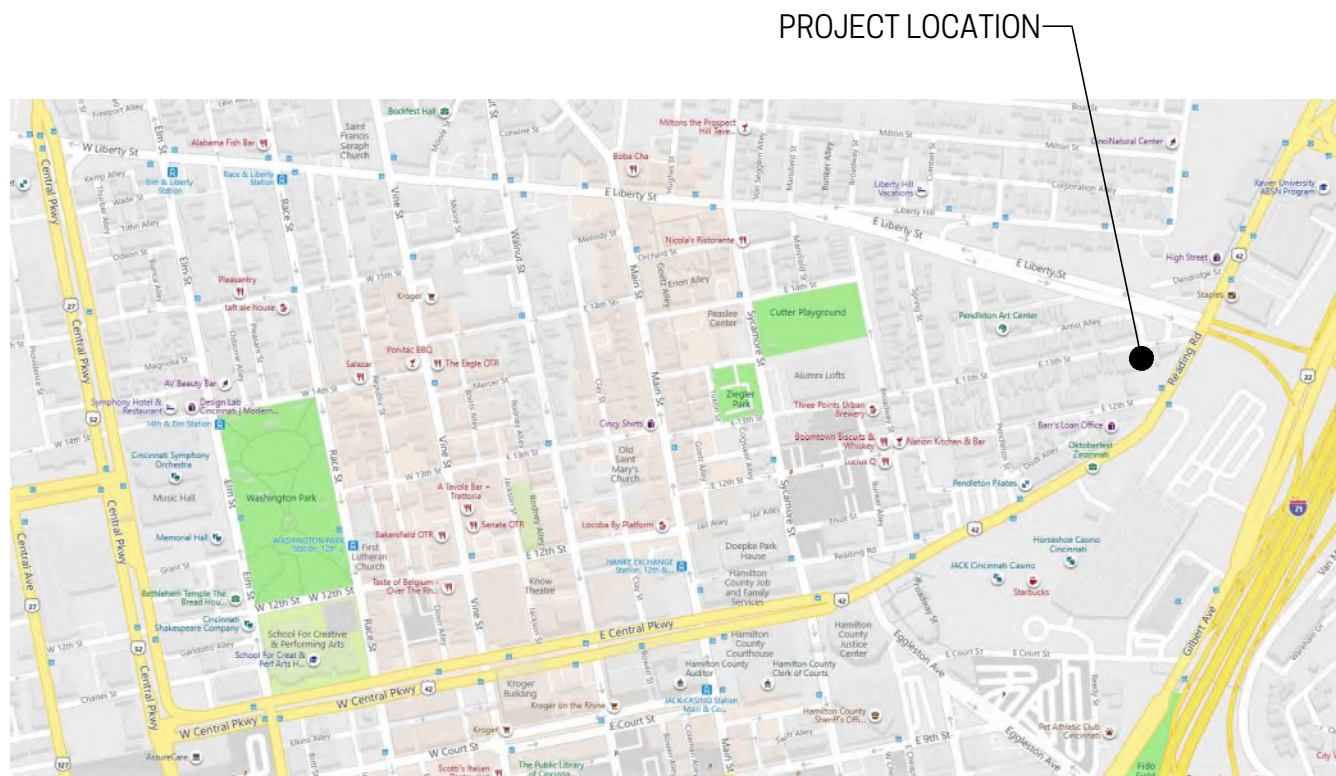
# PROJECT DESCRIPTION:

This project is a historic renovation and interior alteration to an existing 120+ year old multi-story building in the historic 'Over-The-Rhine' neighborhood of Cincinnati, Ohio. This project has be grouped with other historic buildings in the Over-The-Rhine neighborhood into a collective known as "Broadway 4".

Aside from City Historic requirements for the neighborhood, the project has received funding from and is subject to state and federal historic review and approvals via the Ohio State Historic Preservation Office (OHPO) and the National Park Service (NPS).

Additionally, this project is seeking sustainable certification via 'Enterprise Green Communities' standards (to be submitted separately by others under separate cover to the appropriate reviewing parties).

555 E. 13th St.: existing layout has a central staircase with Units at front and rear of each floor, except first floor, which has a single unit that connects front and rear spaces via a passage beneath the existing stair landing. The proposed alterations maintains the current 'R-2' occupancy (apartments) and will create two 1-story, 1-bedroom "flats" on each floor; and through its improvements will isolate the historic staircase, thus creating a less hazardous and more compliant condition than currently exists.



# DRAWING INDEX

G0	COVER SHEET
G1	SITE PLAN
A1	FLOOR PLANS
A2	FLOOR PLANS
A3	FLOOR & ROOF PLAN
A4	ELEVATIONS

# PROJECT SUMMARY

*\*FLOOR GROSS SF (FRONT/REAR)*

FIRST FLOOR	1530 SF
SECOND FLOOR	1530 SF
THIRD FLOOR	1530 SF
FOURTH FLOOR	1530 SF
TOTAL	6120 SF

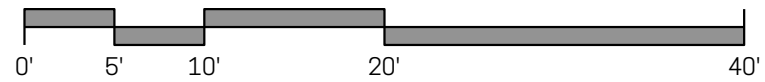
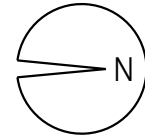
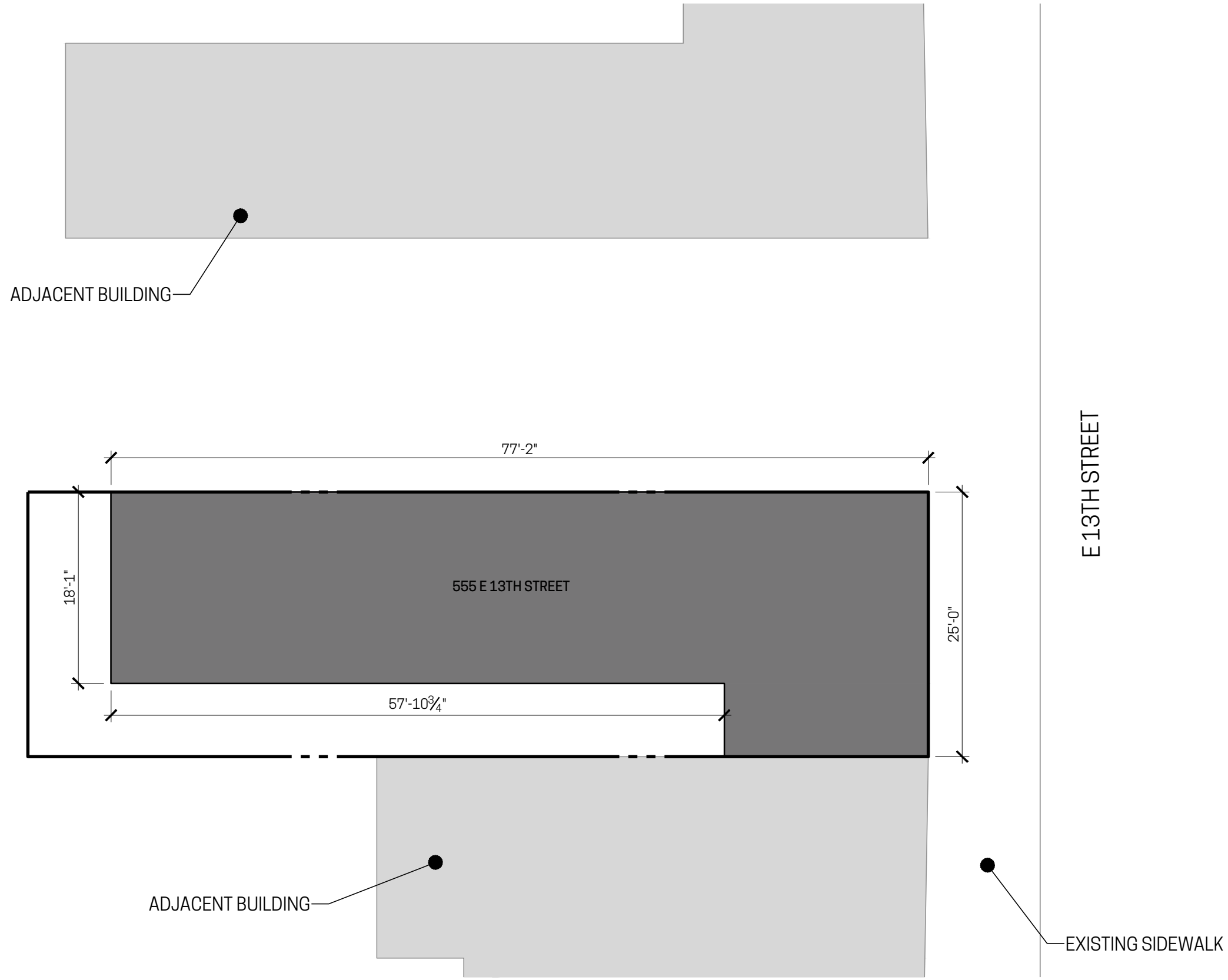
# DEVELOPMENT TEAM

**MODEL GROUP**  
 1826 RACE STREET  
 CINCINNATI, OH 45202  
 513-559-0048

**555 E 13TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045C

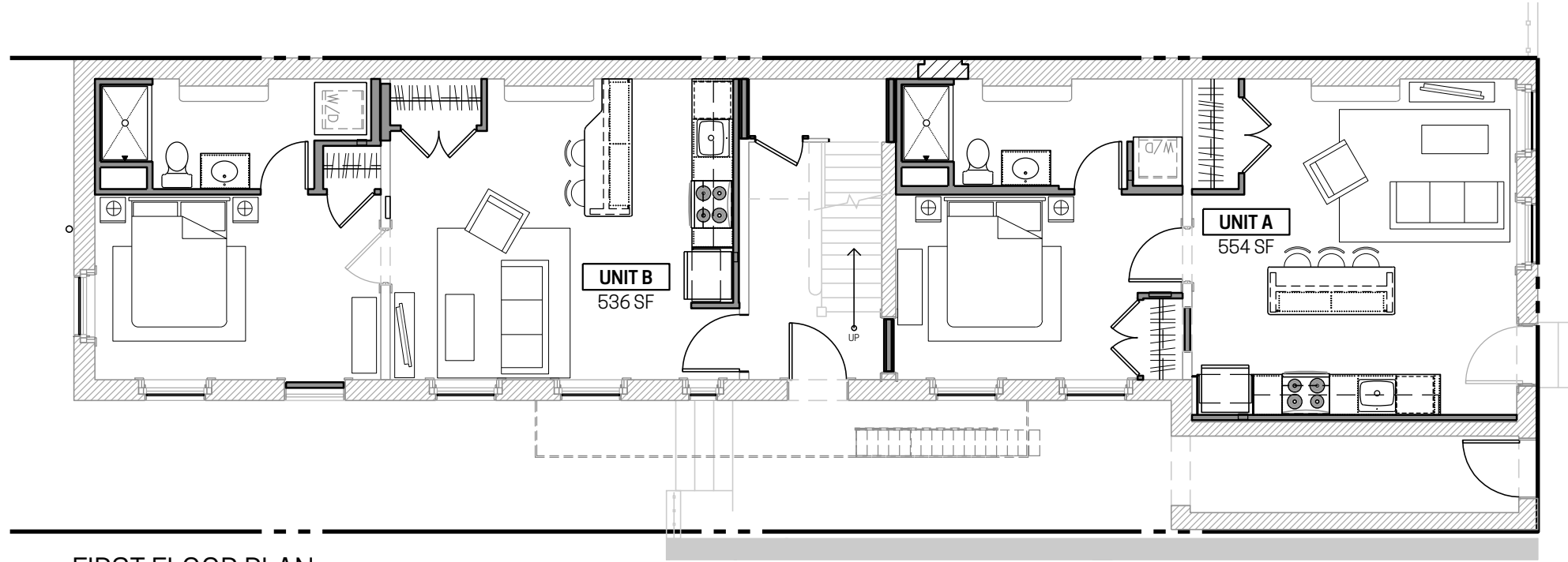
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COVER SHEET



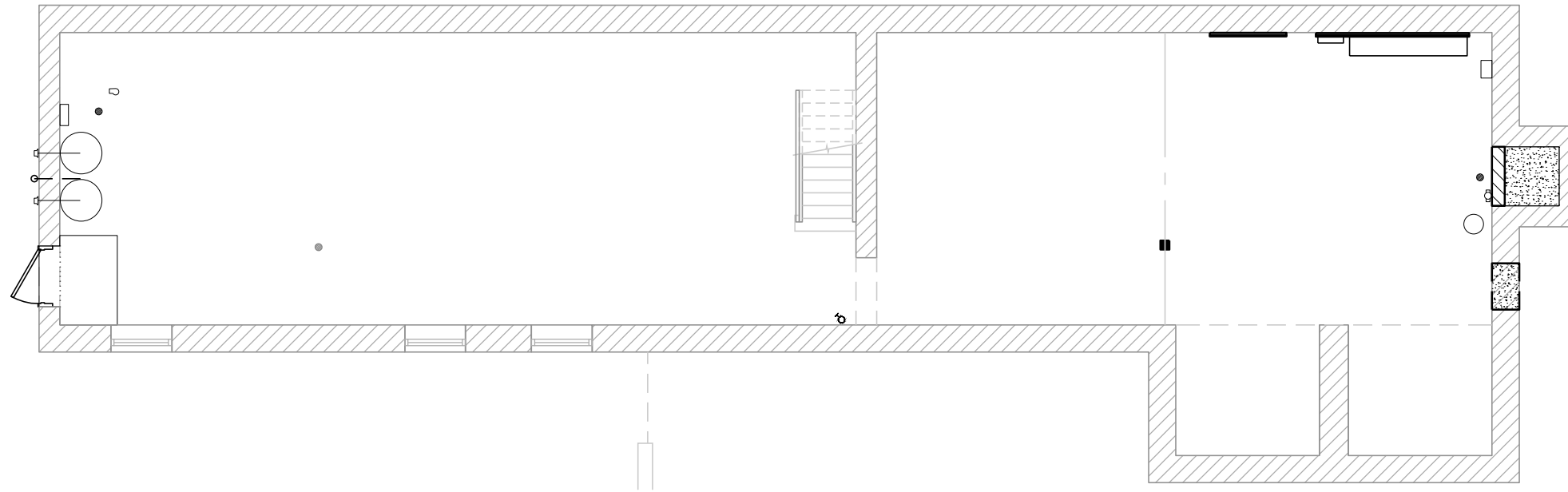
**555 E 13TH STREET**  
 HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 19-045C

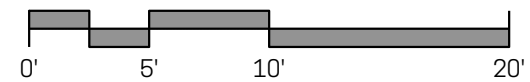
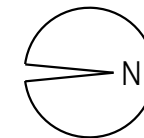
**G1**  
 SITE PLAN



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



BASEMENT FLOOR PLAN  
SCALE: 1/8" = 1'-0"



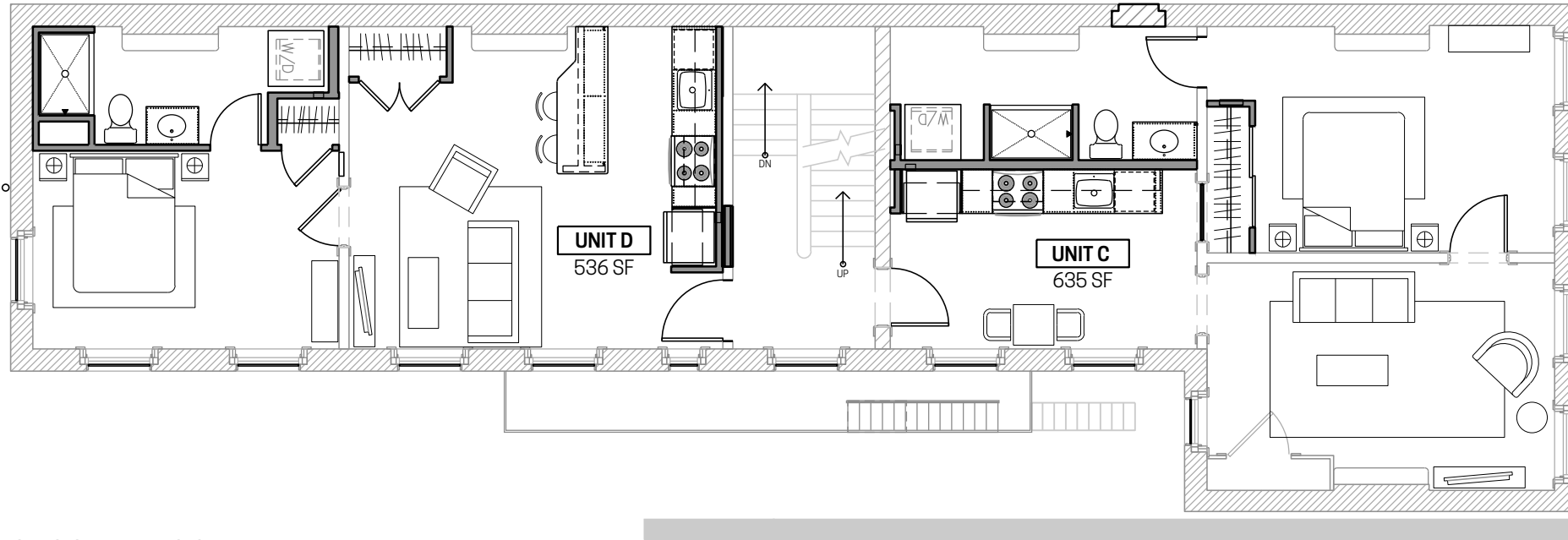
**555 E 13TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045C

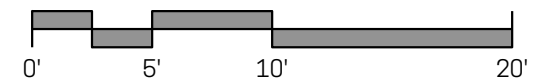
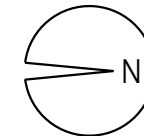
**A1**  
FLOOR PLANS

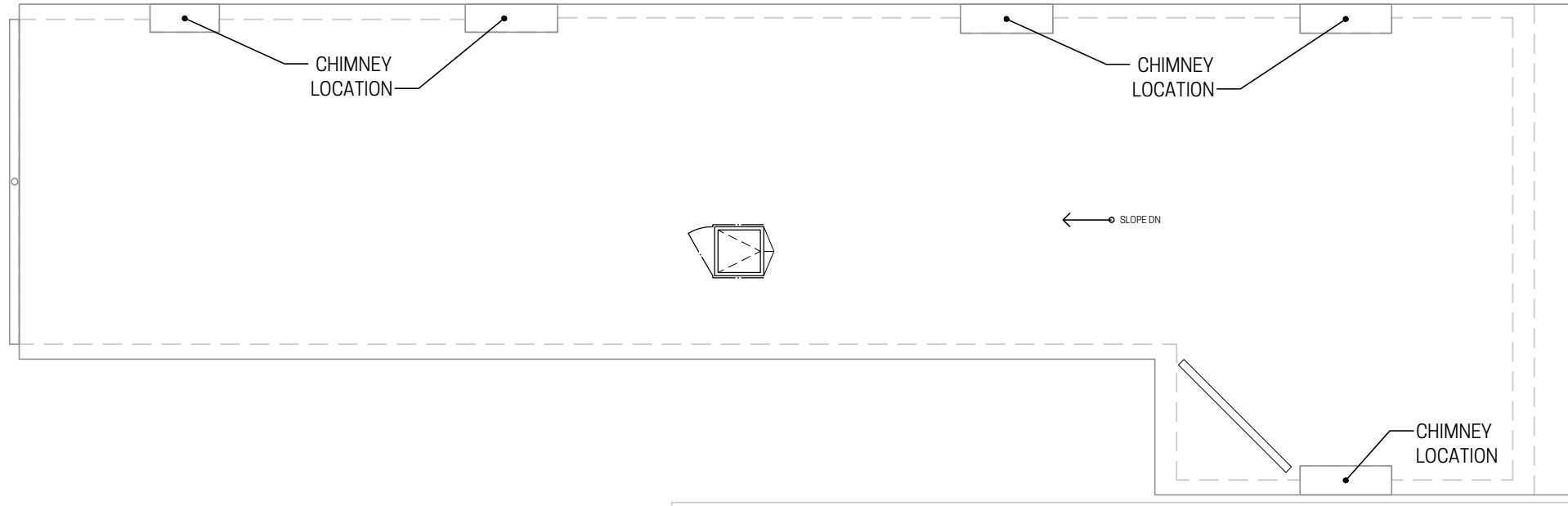


THIRD FLOOR PLAN  
SCALE: 1/8"= 1'-0"

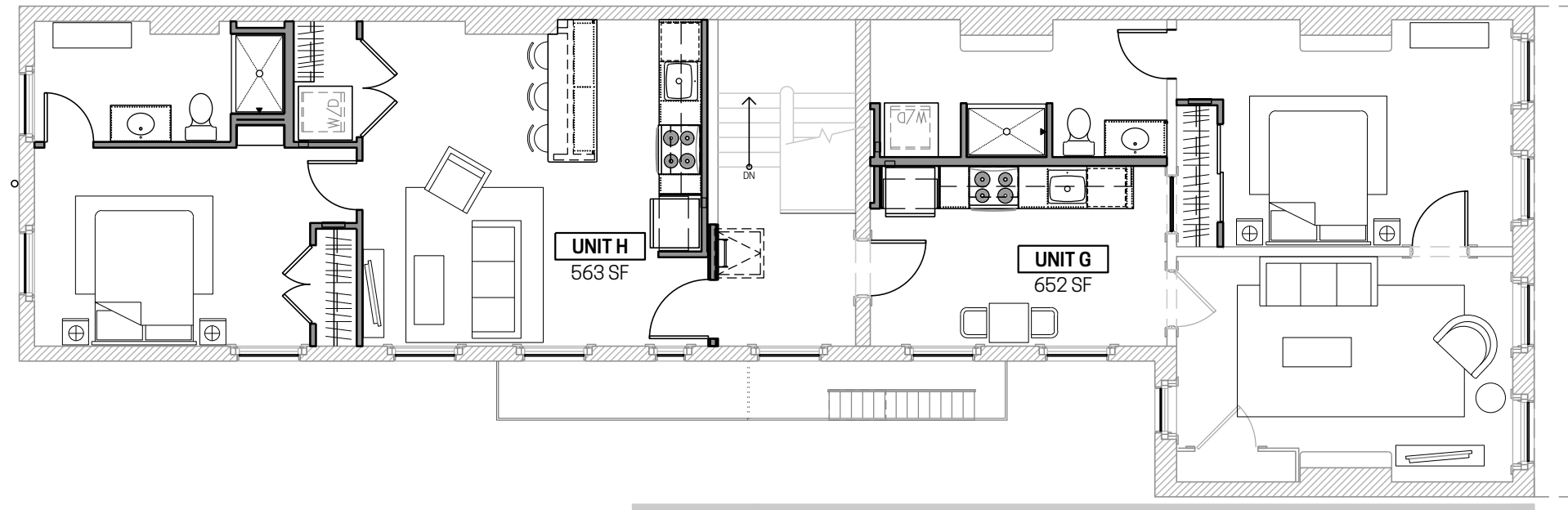


SECOND FLOOR PLAN  
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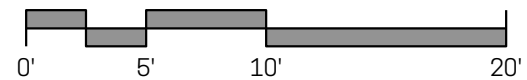
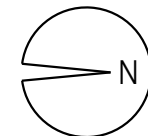




**ROOF PLAN**  
SCALE: 1/8" = 1'-0"



**FOURTH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

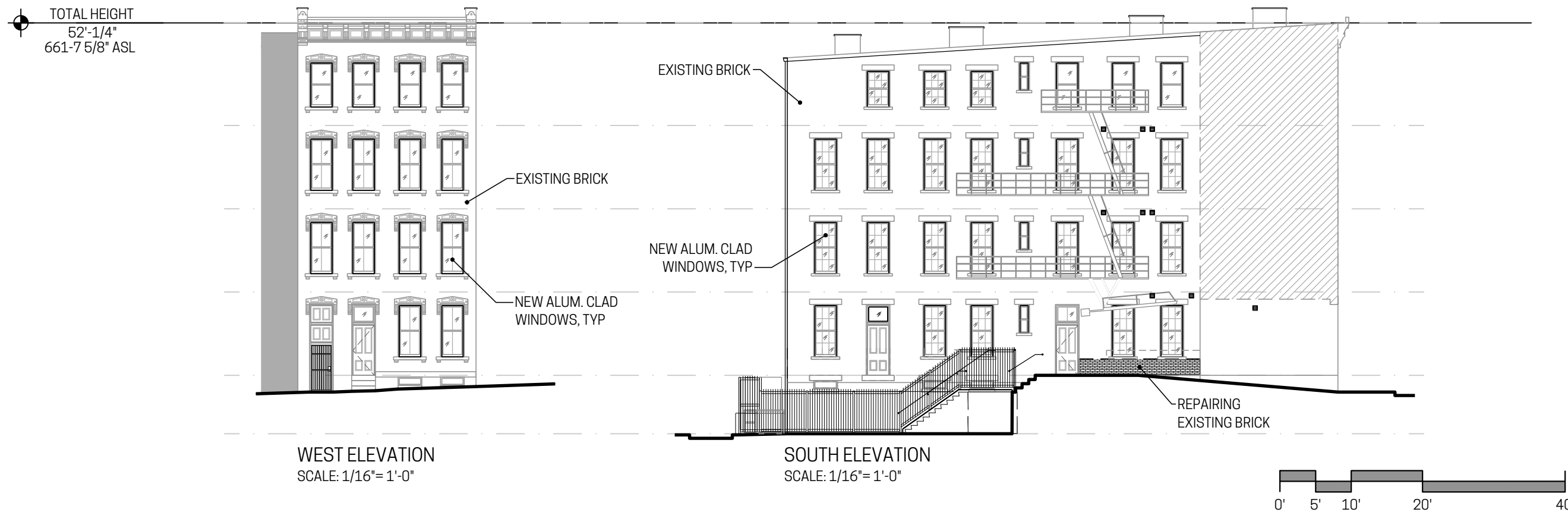
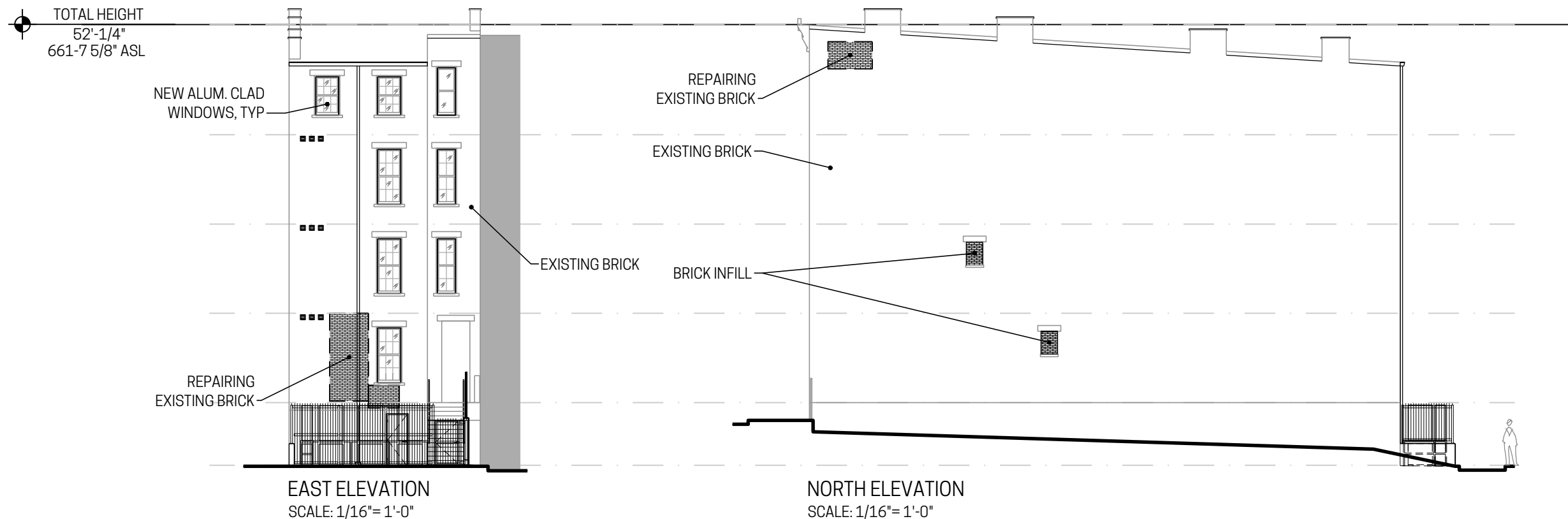


**A3**  
FLOOR & ROOF  
PLAN

**555 E 13TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045C





**555 E 13TH STREET**  
HISTORIC RENOVATION | VARIANCE DENSITY

DECEMBER 11, 2020  
NR PROJECT NUMBER: 19-045C

**A4**  
ELEVATIONS

In RE: COAs and Variances  
555 East 13<sup>th</sup> Street  
418 East 12<sup>th</sup> Street  
422 East 12<sup>th</sup> Street

Dear Members of the Historic Conservation Board and Ms Beth Johnson, Urban Conservator

I would like to respectfully urge you to deny the Owner-Applicant's request for zoning relief, specifically the relief requesting increasing density, for the reasons which follow. Even more importantly, I urge you to deny zoning relief for all the reasons which you believe appropriate, justified, and consistent with applicable zoning laws and regulations.

555 East 13<sup>th</sup> Street

4 units exist | 3 allowed per zoning code  
8 units requested

418 East 12<sup>th</sup> Street

7 units exist | 3 units allowed per zoning code  
10 units requested

ALSO: Owner-Applicant requesting approval for a new, larger storefront on Spring Street than currently exists

422 East 12<sup>th</sup> Street

2 units exist | 2 units allowed per zoning code  
4 units requested

I urge you to deny the Owner-Applicant's COA requesting approval to create a new, larger storefront on the Spring Street side of the building whose address is 418 East 12<sup>th</sup> Street.

The larger storefront proposed for Spring Street is unnecessary for purposes of rehabilitating the commercial space on the first floor. A larger storefront on the Spring Street side of this corner building is not necessary for an office or for any other permissible uses in a building zoned RM-07. Replacing original materials such as 19<sup>th</sup> century brick with new materials such as plate glass, will diminish if not destroy the building's integrity by needlessly changing the building's original composition.

NB: With the exception of stone or marble, no building material is quite as beautiful as 19<sup>th</sup> century brick. And it's local.

The corner building at East 12<sup>th</sup> and Spring Streets beautifully displays a mix of high-low architectural styles resulting in a vernacular style fittingly appropriate for a 19<sup>th</sup> century, densely-built residential area. The building's restrained storefront is a character-defining feature of this building: a well-built,

beautifully designed (with restraint) mixed-use building. These handsome buildings are highly valued in the neighborhood especially when located on street corners. This building's storefront as composed and built, is graceful and it is appropriately sized for the building and the narrow grid of streets and sidewalks wrapped around it. It should be neither substantially nor significantly changed, only repaired.

NB: This building at the corner of East 12<sup>th</sup> and Spring Streets is located across the street from the now-decommissioned St Paul's Church, an ornament to the neighborhood and the city. The neighborhood buildings around the former St Paul's Church Complex (church, rectory, girls school, and boys school), should be rehabilitated with as much care taken by those who rehabilitated the St Paul's Church Complex years ago.

### Adverse Effects

It is axiomatic that more small units mean more people. Unjustified increases in density will foreseeably result in more overcrowding, more garbage, more congestion, and more emergency delays. Increasing existing traffic congestion, increases delays in emergency responses. More people (up to 2 per bedroom) means that many fewer on-street parking spaces, all which serves to increase traffic and congestion due to people circling Pendleton's blocks looking for open spaces. For those residents who do not have private garages behind their house and cannot afford to park in private- or public garages and lots, the shortage of on-street parking disproportionately impacts our neighborhood's minority or low income residents. The shortage of on-street parking has produced severe disruption to our neighborhood – the shortage has produced for some residents, especially women and those with small children, unacceptable safety problems.

The blocks where these three (3) buildings are located are densely built and already densely populated in part due to so many buildings being packed decades ago with smaller units so as to maximize owner and investors' revenue and net profits. For decades, people without neighborhood choices and mobility lived in increasingly horrible conditions due to overcrowding, no light and fresh air, a lack of privacy and security, not enough heat during the winter and too much in the summer. People lived with constant exposure to unwanted noise, sewage, gluts of garbage, odors, and bad air quality. In addition to those daily sensory assaults, they had to guard themselves against the constant influx of creepy strangers and neighbors. No one argues today that much of Over-the Rhine and Pendleton's housing was sub-par years ago, and too much still is.

Please do not romanticize the past living conditions of immigrants, minorities, and others living on sparse incomes in Over-the-Rhine. Much of what happened to this neighborhood's people and buildings over the past 100 years was the direct outcome of attitudes echoing Jim Crow, and in some cases still does to this day. Let us not repeat those living conditions while simultaneously purporting the neighborhood needs 'more eyes on the street' or, equally appalling, more tenants (living in small, crowded units) to function as customers for local businesses which do not necessarily respect the very neighbors living next door.

NB 1: The 418 East 12<sup>th</sup> Street building does not enjoy a setback from Bolivar Alley. At the present time, it is not clear where this building's garbage containers will be stored. They cannot be placed on the public sidewalks; each container must be contained on-site.

NB 2: Chain-linked fencing is currently used at the rear of these buildings on Bolivar Alley. Is the Owner-Applicant intending to replace the chain-linked fencing with another more aesthetically-pleasing fencing material? Many residents living on East 13<sup>th</sup> Street, including homeowners, will have to see these spaces every day. As we all know, some types of fencing provides privacy to those living on either side but also serve to increase security. Creating attractive, defensible spaces at the rear (and sides) of multi-unit buildings should be a priority when rehabilitating residential buildings.

Unjustified overcrowding resulting from unforced but relentless economic adventures does affect other residents in insidious ways. It affects residents, homeowners, and property owners who care about the neighborhood's quality of life, which is the over-arching quality for attracting good neighbors and tenants. Any individual property owner, when not stopped or forced into compliance, can undo years of work applied by other property owners and residents to increase the livability of their building, block, street and the neighborhood.

Absentee owners and investors have done it before; they will do it again, and again, and again. [See Endnotes] While to investors these three building may signify only fully-depreciated real estate, they are part of our neighborhood which is home to us.

#### Economic Hardship or Practical Difficulties

These three (3) buildings do not pose any economic hardship for the Owner-Applicant. The buildings are not valueless and none is unsalable. Each building can be rehabilitated in ways consistent with the applicable state and local laws and regulations. Each can be rehabilitated in ways comporting with local zoning laws and regulations and without variances, special exceptions, or special privileges.

Please help us protect our neighborhood from those who seeking privileges and benefits for themselves while foisting adverse effects, nuisances, and injurious living conditions on everyone else.

Please protect these buildings by making sure their rehabilitation comports with all applicable laws and regulations.

Thank you for kind consideration of these important matters.

Myra Greenberg  
OTR and Pendleton resident

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#### END NOTES

1207 Spring Street owned by The Model Group –  
Cincinnati Municipal Code 714-37

#### Owner or Person in Control to Maintain Premises Free of Litter

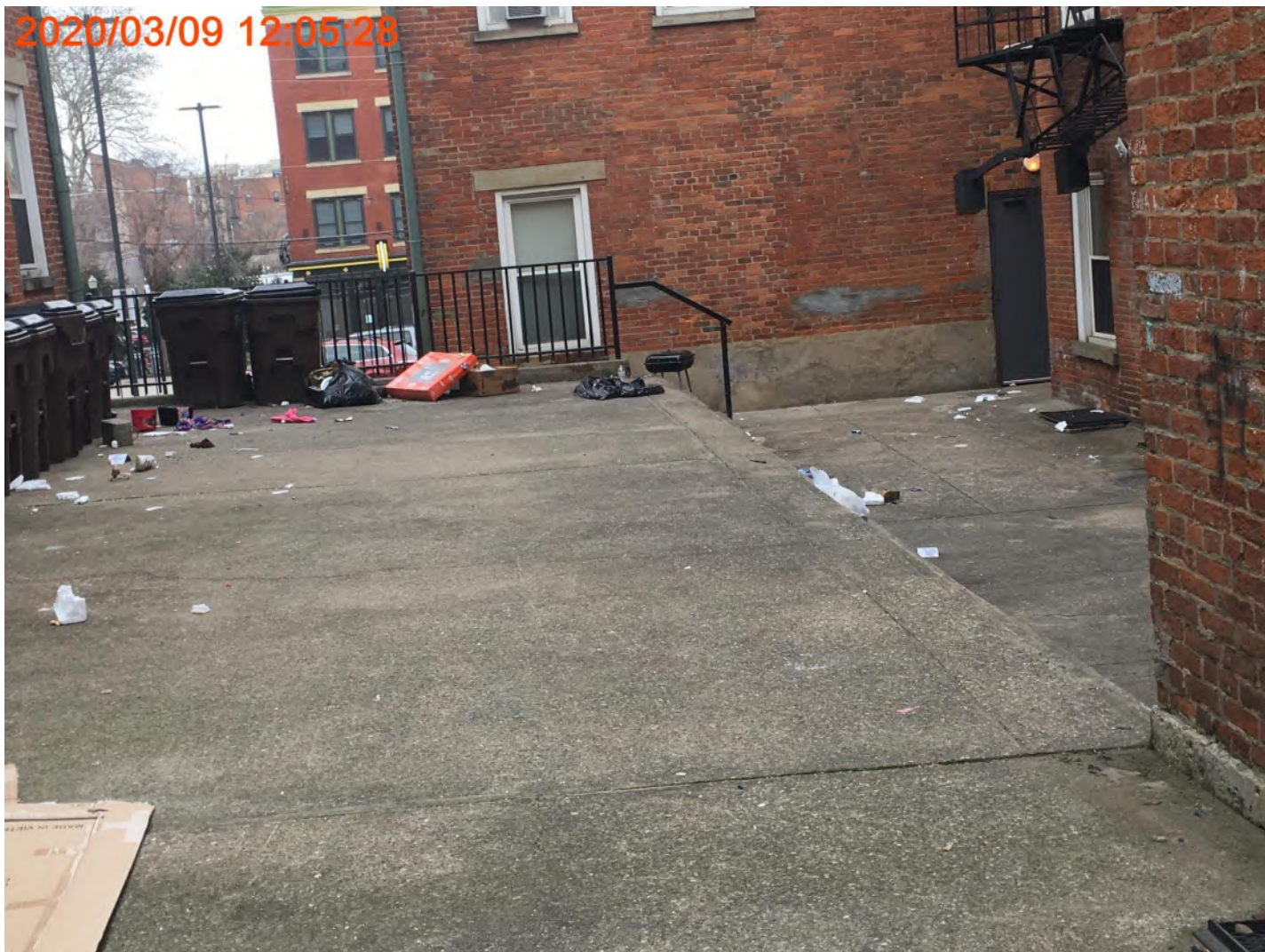
The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Sec. 759-37; ordained by Ord. No. 119-1971, eff. Apr. 30, 1971; renumbered to C.M.C. 714-37, eff. Jan. 1, 1972; Emer. Ord. No. 075-2015, § 5, eff. March 25, 2015)

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<http://cagismaps.hamilton-co.org/PropertyActivity/CagisReport?APD=PSC2001681>

Cincinnati, 01/18/2021.

**To:** Beth Johnson, Urban Conservator  
City of Cincinnati  
Department of Building & Inspections  
805 Central Avenue  
Cincinnati Ohio

**Subject:** COA & Zoning Variances for 555 East 13th Street, 418 East 12th Street and 422 East 12th Street

Dear Beth Johnson and members of the Historic Conservation Board,

I would like to state my concerns and urge the city to deny the owner-applicant's request for zoning relief, specifically on increasing density to the listed buildings above.

I have been living over a year in Pendleton, and I have witnessed the struggle of families living on 557 and 563 E 13<sup>th</sup> Street apartment buildings, right next to one of the building requesting relief (555 East 13<sup>th</sup> street). If the relief on density variance is approved, my concern is that the current E 13<sup>th</sup> street neighborhood block problems may reach such critical civil situation that will be hard for the City authorities to control. The spiked addition of new residents in buildings in such close vicinity may just cause their basic needs not be able to adjust and the neighborhood living problems will increase exponentially as usually it happens in overpopulated areas, regardless of social economic level of resident mix. We can see these maladjustments issues already happening in Pendleton today. The problems will propagate from the low income/affordable living families to market units single residents at nearby homes (as proposed) if the new units are allowed to be too small to fit more people in one same city block. An increase in density to make smaller units is not the best zoning planning for E 13<sup>th</sup> and E 12<sup>th</sup> streets. Most residents will suffer lack of private entertaining space, not enough parking spots, no area for keeping their trash cans/ increase number of trash cans (attracting rodents), and domestic and/or neighbors fights as the noise/trash nuisance increase. As the City has recently also approved the construction of the **Bennet Point Project on E 12st street in the same back-to-back block of these buildings in E 13<sup>th</sup> street**, planned to add more 156 new residents when finished in 2021-2022, living in such overpopulated block of Pendleton will become chaotic for all the neighborhood, visitors and city service teams.

These buildings in the end of E 13<sup>th</sup> street are examples of one era and time when people would eat out and walk everywhere every day. This is very unlikely to happen in the next 5-10 years, as we can see the authorities predicting a recovery from 2020 facts impact to be very slow. The current perspective for young professionals with single income come to live in Pendleton and OTR, and plan to afford eating out in a regular basis is very slim. There is a lack of economic living perspective on the part of this applicant to imagine that these new residents might pay \$6 for a can of beer and \$13 for a hotdog (few examples of OTR restaurants prices) in a regular basis. These apartments may not attracted the public the applicant is suggesting as the units would be so disproportionately small to accommodate these residents needs and life style.

Thank you for your consideration and time to listen to Pendleton residents' concerns.

Regards.

Shirley Rosenzweig  
Pendleton and OTR resident

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

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APPLICATION #: ZH20200189/COA20200058  
APPLICANT: New Republic Architecture  
OWNER: NHC Flat Iron LLC  
ADDRESS: **1833 Sycamore Street**  
PARCELS: 094-0006-0224-00  
ZONING: CN-M  
OVERLAYS: Mt Auburn Historic District, Hillside Overlay  
COMMUNITY: Mt Auburn  
REPORT DATE: December 31, 2020

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

1. Sec. 1419-21- Limited or Full-Service Restaurants and Drinking establishments Outdoor areas – **Conditional Use** - (b) The property is within 100 feet of a residential area and requires a conditional use approval for outdoor eating and drinking area.
2. Sec. 1419-21- Limited or Full-Service Restaurants and Drinking establishments Outdoor areas – **Conditional Use** - (c) The property is within 500 feet of a residential area and requires a conditional use approval for an outdoor area that is more than 50% of the indoor area.
3. Sec. 1419-21- Limited or Full-Service Restaurants and Drinking establishments Outdoor areas – **Conditional Use** - (e) The property is within 500 feet of a residential area and requires a conditional use approval for outdoor entertainment.

### **Nature of Request:**

The applicant is requesting zoning relief and a Certificate of Appropriateness for the establishment of an Outdoor Area on a newly built deck. The outdoor area will have Outdoor Entertainment in the form of background music. The rehabilitation is also a Historic Tax Credit project.

### **Existing Conditions:**

The existing property is an 1875 flat iron building that has become an iconic building in the Mt. Auburn Historic District. It is a 3-story brick building built at the intersection of Sycamore Street, Dorchester Ave and Auburn Ave.

**Proposed Conditions:**

The proposal at 1833 Sycamore Street

1. Rehabilitate the building into a commercial space on the first floor and residents on the upper floors. Exterior rehabilitation work includes new windows and new storefront assemblies.
2. New deck on the west side with stairs from the north sidewalk and double doors from the interior.

**Previous Review:** The project is submitted for building permits under permit #2020P10286.



Figure 1: 1833 Sycamore Street. Picture provided by Google Street Views.

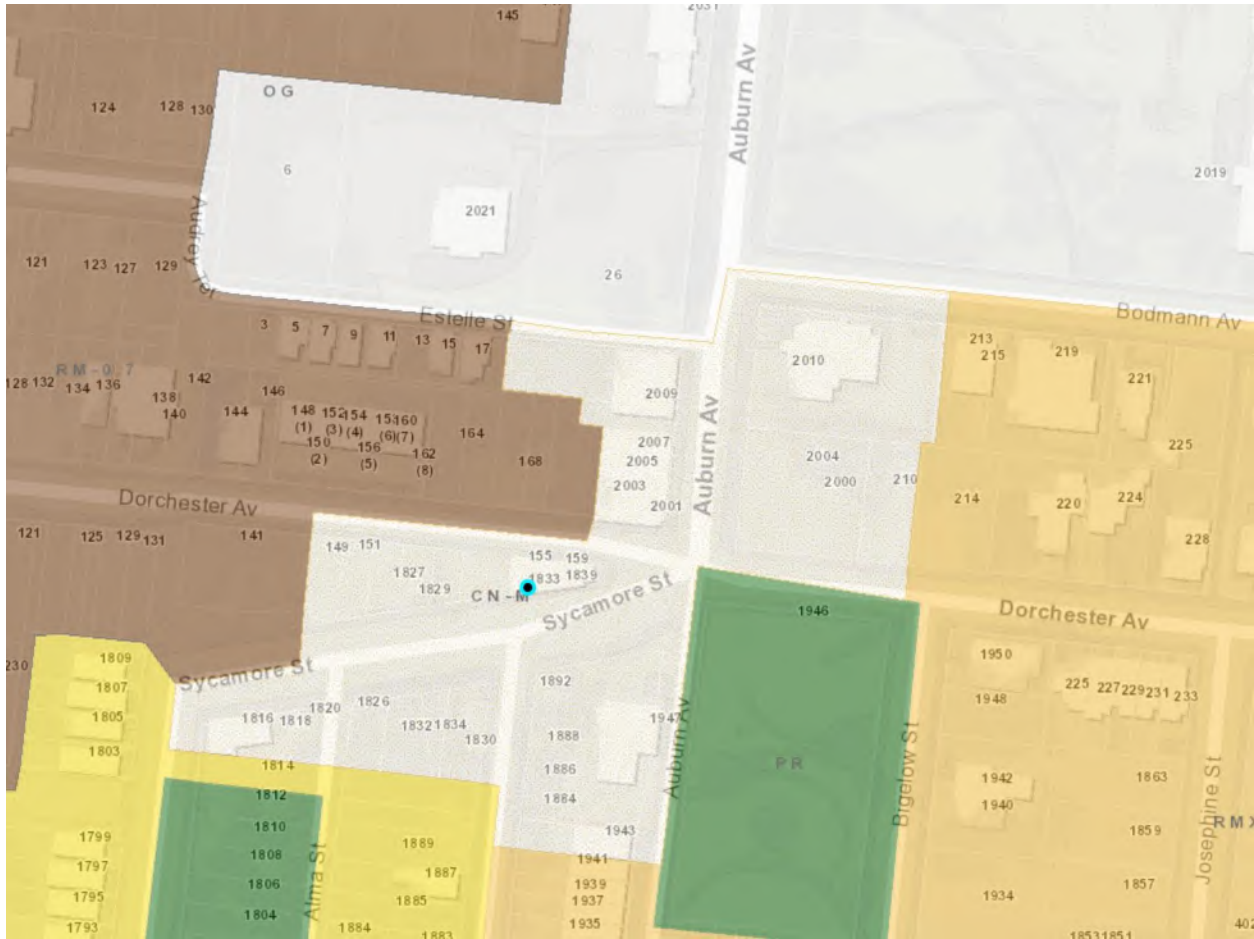


Figure 2: Map of 1833 Sycamore Street. Map provided by Cagis Maps

**Applicable Zoning Code Sections:**

Zoning District:	Section 1409	Commercial
Variance Requests:	Section 1409	Development Standards
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

**Zoning Analysis:**

The proposed project is asking for conditional use permission for the outdoor area within 100 feet of a residential area and the size of the outdoor area and outdoor entertainment for an eating and drinking establishment within 500 feet of a residential area.

While the project is within a Hillside Overlay, it is within the MBE and meets all Hillside Standards.

To meet the standard outlined in Cincinnati Municipal Code 1435, 1445-05 and 1445-21, an applicant must show:

**Standards for Conditional Uses per Section 1435-05-4**

- (a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The inclusion of the deck on this project is helping to make feasible the commercial space on the first floor. As a historic storefront with 3 street frontages, the use of this floor as anything other than commercial would be infeasible. In order to make the commercial space work as an eating and drinking establishment, the extra area of the deck is needed. The deck is 930 sf, which is more than 50% of the interior area of 720 sf. A deck is a very sympathetic addition as it will not overwhelm the historic building while providing the area necessary to operate the business proposed.

- (b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of conditional use for the deck and the size of the deck would make a commercial eating and drinking space infeasible at this location and would lead to the project not being able to be complete as the first floor would not be able to provide income for the project.

**Standards for Conditional Uses per Section 1445-05**

- a. the conditional use is specifically listed in the applicable zoning district use regulations; *In 1419-21, which governs outdoor areas for eating and drinking establishments, it establishes the above required conditional uses.*

- b. the project meets any limitations specifically listed in the applicable zoning district use regulations; and  
*NA*

- c. the project's location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood  
*The request is for an outdoor area to the west of the building. This deck will be below the north sidewalk and will use a retaining wall as its north border. This change in elevation and retaining wall will act as a buffer between the deck and the closest residential use which is over 10 feet above in elevation and northwest across the street above the proposed deck.*

*The outdoor entertainment is proposed as just background music and as the hours are only to 10pm, the applicant is not requesting extended hours.*

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

1. **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

*The underlying zoning is CN-M. The proposed use as commercial and residential is permitted. The proposed density of residential is also permitted. Due to the location adjacent to a residential district, the outdoor eating and drinking area, the size of the outdoor area and outdoor entertainment is required to get a conditional use.*

2. **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*Staff is of the opinion the proposed work does substantially conform to the guidelines for the Mt Auburn Historic District. The project is also a Historic Tax Credit project and meets the Secretary of the Interiors Standards for Rehabilitation. (Refer to Certificate of Appropriateness review below.)*

3. **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

*The proposed work conforms to the comprehensive plan through activating the street and is reusing an existing building within the historic district.*

*The proposed project as a restaurant with an outdoor space also is in line with the 2017 Auburn Avenue Corridor Strategic Development Plan as it shows the Flatiron building being used as a ground floor restaurant with outdoor seating.*

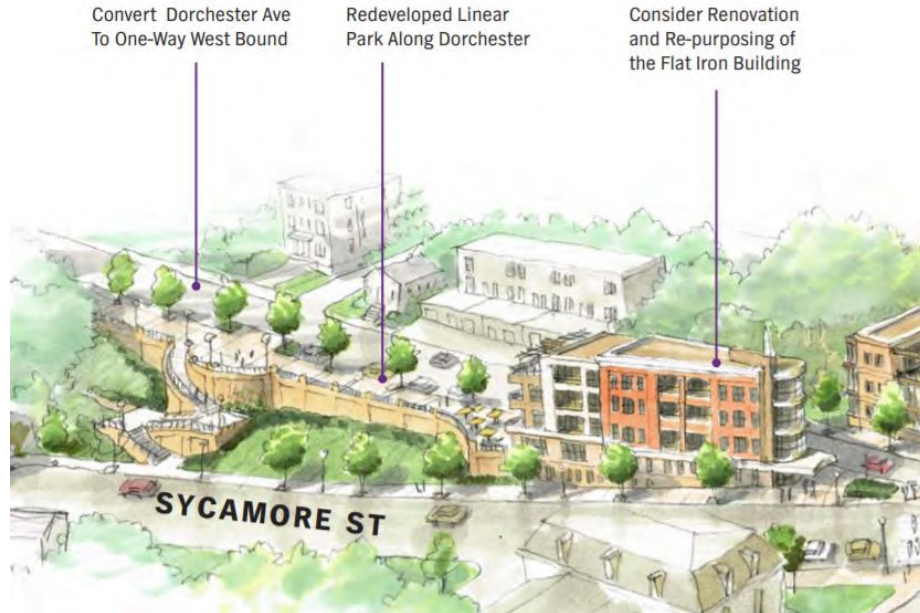


Figure 3: Image from page 49 of Auburn Avenue Corridor Strategic Development Plan.

4. **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.  
*The outdoor area that is being proposed is not a large area and is not anticipated to affect or impact traffic.*
5. **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.  
*No additional buffering will be required for the property as the commercial use on the first floor and residential above is the last known use and the expansion with the deck is less than 30%.*
6. **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.  
 NA
7. **Hours of Operation.** Operating hours are compatible with adjacent land uses.  
*The operating hours will be concurrent with the hours of the business and are not asking for hours outside the permitted hours in Sec. 1419-21.*
8. **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.  
*The use of the building and an outdoor area is compatible with a business district and is a desired neighborhood use for this location.*

9. **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
NA
10. **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.  
*There are no anticipated adverse effects to the extent of access to fire, police or other public services.*
11. **Blight.** The elimination or avoidance of blight.  
*This building has been a vacant building for over 15 years. The western most portion was demolished in 2013 (the foundation is still visible) due to emergency conditions. This portion was an addition and was not a historically significant portion of the building. The building was obtained by the Landbank/Port Authority in 2018 and stabilization work was completed. This project will take a once vacant building that was close to being a demolition by neglect case and creating a rehabilitated project for the neighborhood.*
12. **Economic Benefits.** The promotion of the Cincinnati economy.  
*The proposed work will increase the property value of the subject parcels.*
13. **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit to the proposed establishment.*

## **Certificate of Appropriateness Review**

The majority of the rehabilitation work on the building including new windows and storefront are able to be approved at a staff level.

There are no specific guidelines for decks, so the section on Additions was used for evaluation of the proposed deck addition to the west of the building.

### **ADDITIONS**

1) **COMPATIBILITY: CONSIDER THE ADDITION AS NEW CONSTRUCTION** In general, additions should follow the guidelines for new construction in terms of materials, form, scale, height, detailing and siting. (See the New Construction section of this booklet for specific guidelines.)

2) **DESIGN: RESPOND TO THE ARCHITECTURE OF THE ORIGINAL BUILDING** The design of an addition should respond specifically to the architecture of the original building. While the addition should be sympathetic to and compatible with the existing building, it should not try to duplicate its style or appear to have been built at the same

time as the original building. The design should also respond, in a more general way, to adjacent buildings.

3) **IDENTITY: DO NOT OVERPOWER THE EXISTING BUILDING** If the original building is architecturally or historically, significant, the addition should take a respectful "back seat" to it and not overpower the original. An addition may be taller than the original building if site considerations and careful design still allow the older building to remain dominant.

4) **CONNECTIONS: KEEP THEM SIMPLE** The connection of the addition to the original building should be designed so that it does not detract from either structure. Significant architectural features of the original building should not be destroyed, removed, or obscured by the addition.

*The proposed deck is a simple deck addition that is designed to blend into the existing grade change as well as incorporate the existing foundation walls. This design of keeping the foundation walls creates a unique urban archeology form and incorporated this historic feature in a creative way.*

*As the deck is a simple deck with railings but not with a permanent roof, it creates a design that does not overpower the existing building but provides a context for the exposed foundation walls. The deck is also able to connect to the building without destroying any materials and as stated above highlights the remaining foundation walls.*

*Using simple black metal picket railing is an appropriate and compatible materials for the deck.*

### **Other Considerations:**

**Prehearing Results:** January 6, 2021. The meeting was attended by the applicants.

### **Recommendation:**

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

The following recommendations are proposed for the project at 1833 Sycamore Street per plans submitted by New Republic Architecture and Design dated 12-11-2020.

- A. Sec. 1419-21 (b)- Limited or Full-Service Restaurants and Drinking establishments Outdoor areas – APPROVE – Conditional Use for Outdoor Area within 100 feet of a residential district.**
- B. Sec. 1419-21 (c)- Limited or Full-Service Restaurants and Drinking establishments Outdoor areas – APPROVE – Conditional Use for Outdoor Area that is more than 50% of the interior area open to the public and within 500 feet of a residential district.**

**C. Sec. 1419-21 (e)- Limited or Full-Service Restaurants and Drinking establishments**  
Outdoor areas – **APPROVE – Conditional Use for Outdoor Entertainment**  
within 500 feet of a residential district with the following condition:

1. Outdoor Entertainment will be limited to amplified background or acoustic music.

**D. 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.
2. Such relief is in the interest of the historic conservation of the building.

## **II. CERTIFICATE OF APPROPRIATENESS**

**A. APPROVE** the application a Certificate of Appropriateness for changes to the property at 1833 Sycamore Street per plans submitted by New Republic Architecture and Design dated 12-11-2020 with the following conditions.

1. The building permit must be issued within 2 years or the Certificate of Appropriateness will expire.
2. Any changes required by the SHPO as part of the Historic Tax Credit Application can be approved by Staff.

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

1. That the property owner and applicant have demonstrated by credible evidence that the proposal substantially conforms to the applicable guidelines of the Auburn Avenue Historic Conservation District.

**PROJECT DESCRIPTION**

THIS PROJECT IS A HISTORIC RENOVATION AND INTERIOR ALTERATION TO AN EXISTING MULTI-STORY BUILDING IN THE HISTORIC 'MOUNT AUBURN' NEIGHBORHOOD OF CINCINNATI, OHIO. IN ADDITION TO THE INTERIOR RENOVATION, A NEW OUTDOOR DECK WITH BE CONSTRUCTED WEST OF THE BUILDING.

ASIDE FROM CITY HISTORIC REQUIREMENTS FOR THE NEIGHBORHOOD, THE PROJECT HAS RECEIVED FUNDING FROM AND IS SUBJECT TO STATE AND FEDERAL HISTORIC REVIEW AND APPROVALS VIA THE OHIO STATE HISTORIC PRESERVATION OFFICE (OHPO) AND THE NATIONAL PARK SERVICE (NPS). ADDITIONALLY, THIS PROJECT IS SEEKING SUSTAINABLE CERTIFICATION VIA LEED SILVER STANDARDS (SUBMITTED SEPARATELY BY OTHERS).

THE BUILDING WILL BE REHABILITATED INTO ITS HISTORIC USE AS A MIXED-USE BUILDING WITH A FIRST AND SECOND FLOOR COMMERCIAL SPACE AND APARTMENT UNITS ABOVE. A NEW DECK IS PROPOSED AT THE SECOND FLOOR TO PROVIDE ADDITIONAL SEATING AND OUTDOOR SPACE FOR THE COMMERCIAL TENANT. BELOW THE PROPOSED OUTDOOR DECK, THERE WILL BE TWO PARKING SPACES FOR THE RESIDENTIAL TENANTS, ONE SPACE EACH. THE THIRD AND FOURTH FLOOR EACH HAVE ONE RESIDENTIAL UNIT PER FLOOR.



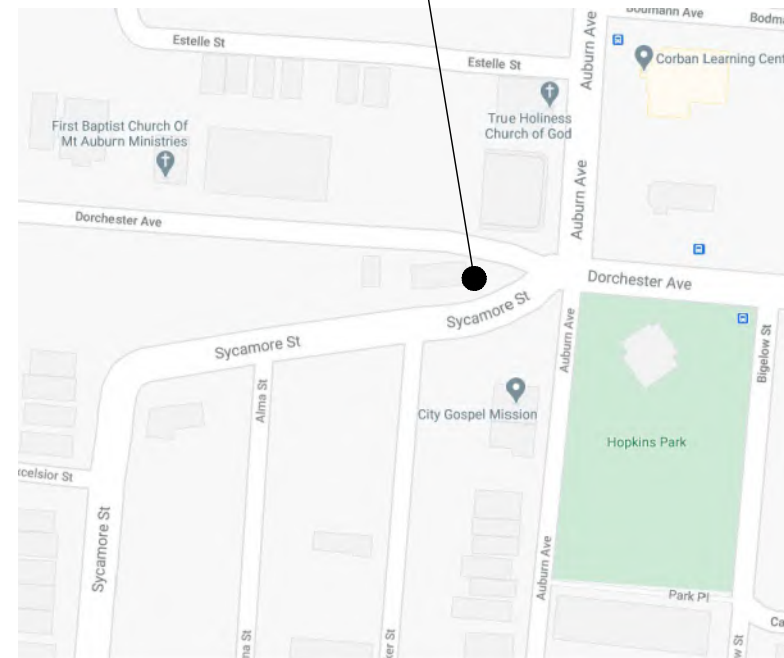
**DRAWING INDEX**

- G0 COVER SHEET
- G1 SITE PLAN
- A0 FIRST FLOOR PLAN
- A1 FIRST FLOOR PLAN
- A2 SECOND FLOOR PLAN
- A3 SECOND FLOOR PLAN
- A4 THIRD FLOOR PLAN
- A5 FOURTH FLOOR PLAN
- A6 ROOF PLAN
- A7 BUILDING ELEVATIONS
- A8 BUILDING ELEVATIONS
- A9 BUILDING ELEVATIONS
- A10 EXTERIOR BUILDING PHOTOS

**PROJECT SUMMARY**

FIRST FLOOR	920 GSF
SECOND FLOOR	1000 GSF
THIRD FLOOR	1190 GSF
FOURTH FLOOR	1190 GSF
<b>TOTAL</b>	<b>4300 GSF</b>

PROJECT LOCATION

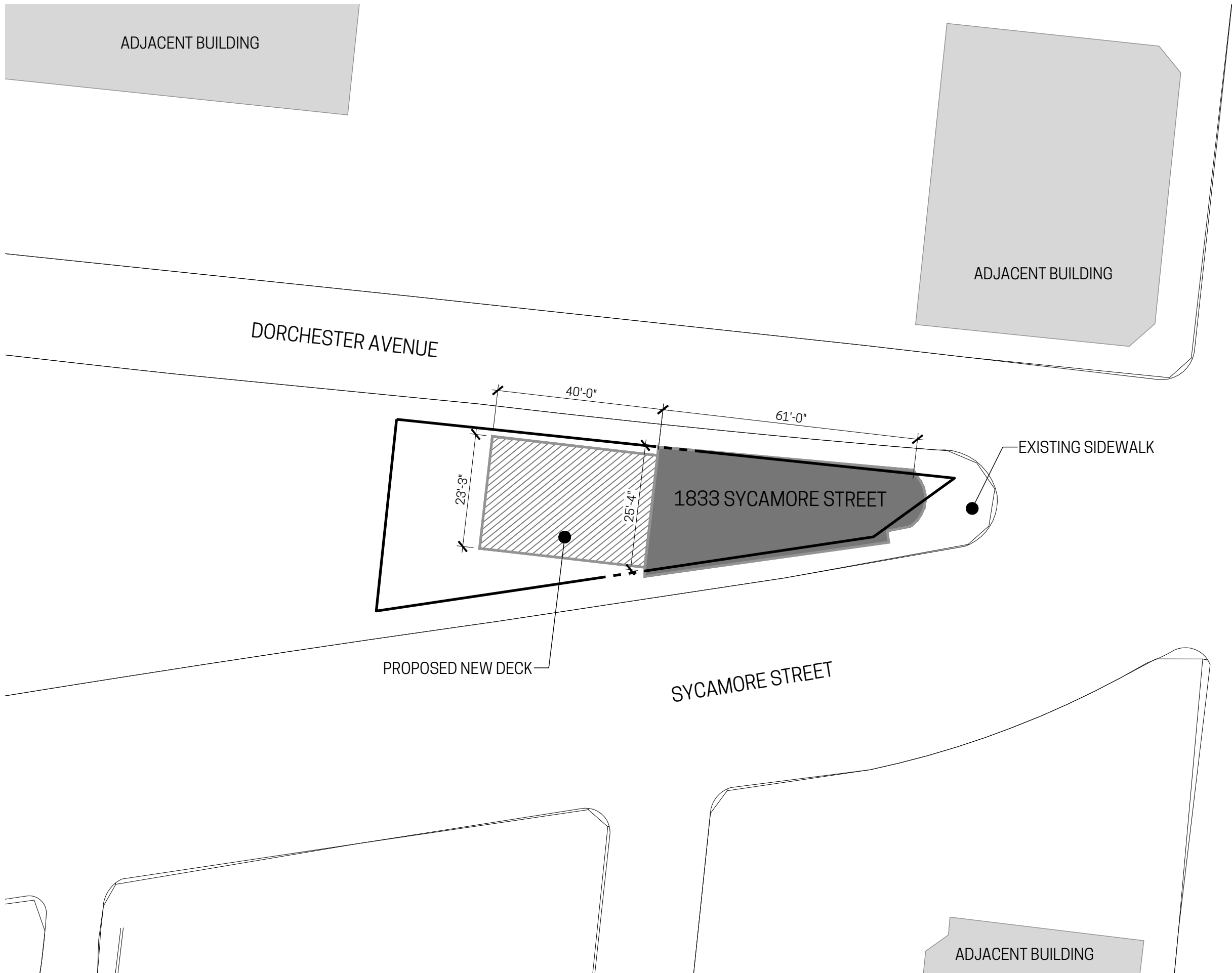


**FLAT IRON BUILDING  
HISTORIC REHABILITATION**

DECEMBER 11, 2020  
NR PROJECT NUMBER: 18-017

**MT. AUBURN  
DEVELOPMENT**  
1833 SYCAMORE STREET  
CINCINNATI, OH 45202

SHEET  
**GO**



ADJACENT BUILDING

ADJACENT BUILDING

AUBURN AVENUE

DORCHESTER AVENUE

40'-0"

61'-0"

28'-3"

25'-4"

1833 SYCAMORE STREET

EXISTING SIDEWALK

PROPOSED NEW DECK

SYCAMORE STREET

ADJACENT BUILDING

SITE PLAN



SHEET  
**G1**


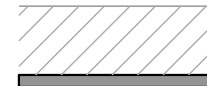
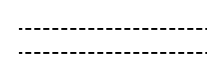

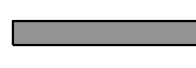
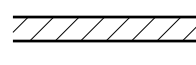
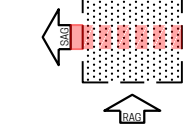
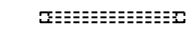






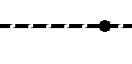
**MT. AUBURN  
DEVELOPMENT**  
1833 SYCAMORE STREET  
CINCINNATI, OH 45202

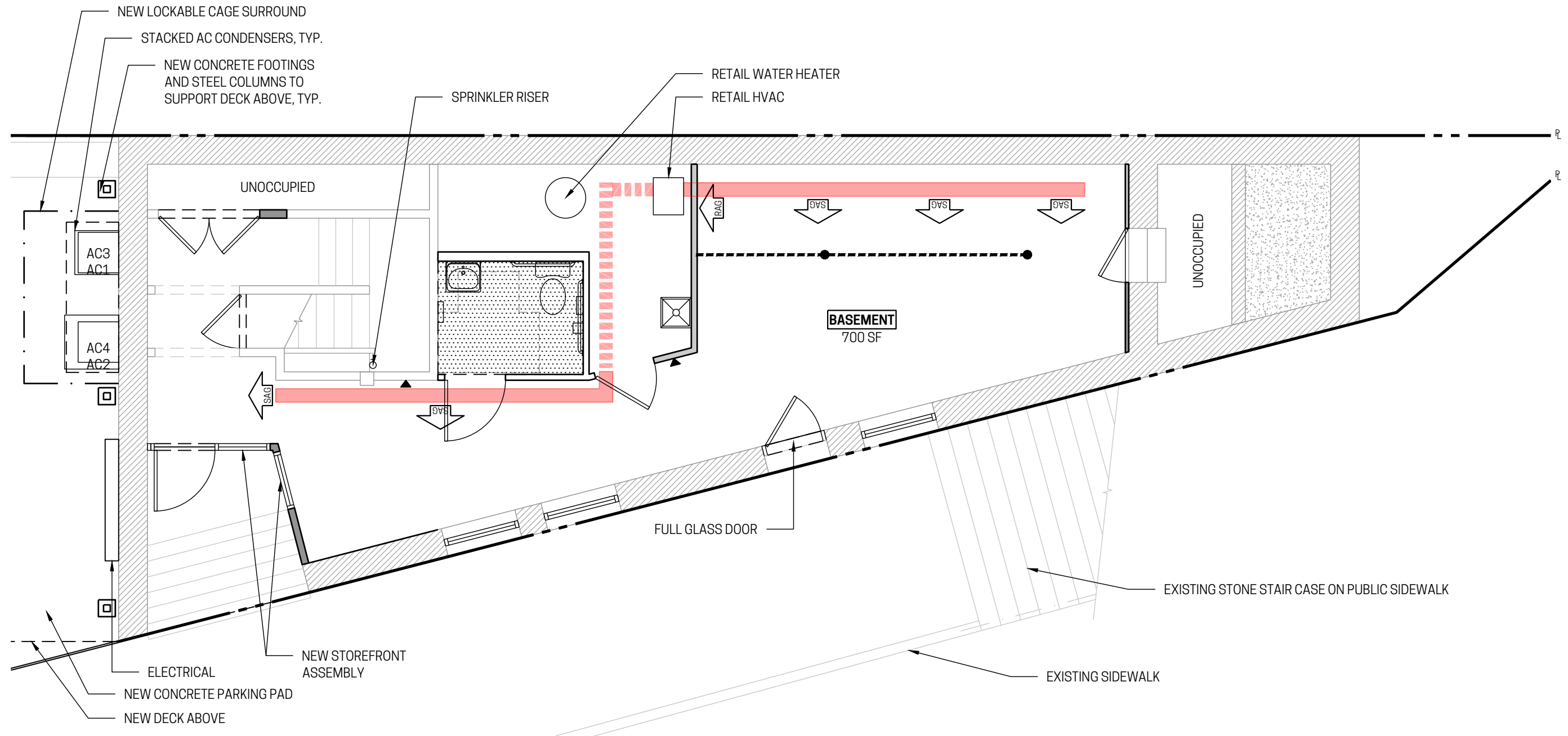
**FLAT IRON BUILDING  
HISTORIC REHABILITATION**

DECEMBER 11, 2020  
NR PROJECT NUMBER: 18-017



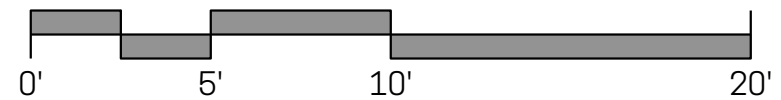
# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



## BASEMENT PLAN

SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
**HISTORIC REHABILITATION**



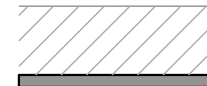
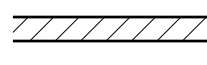
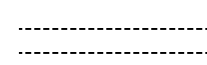
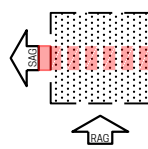

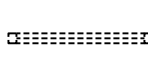





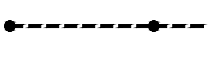

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 NR PROJECT NUMBER: 18-017

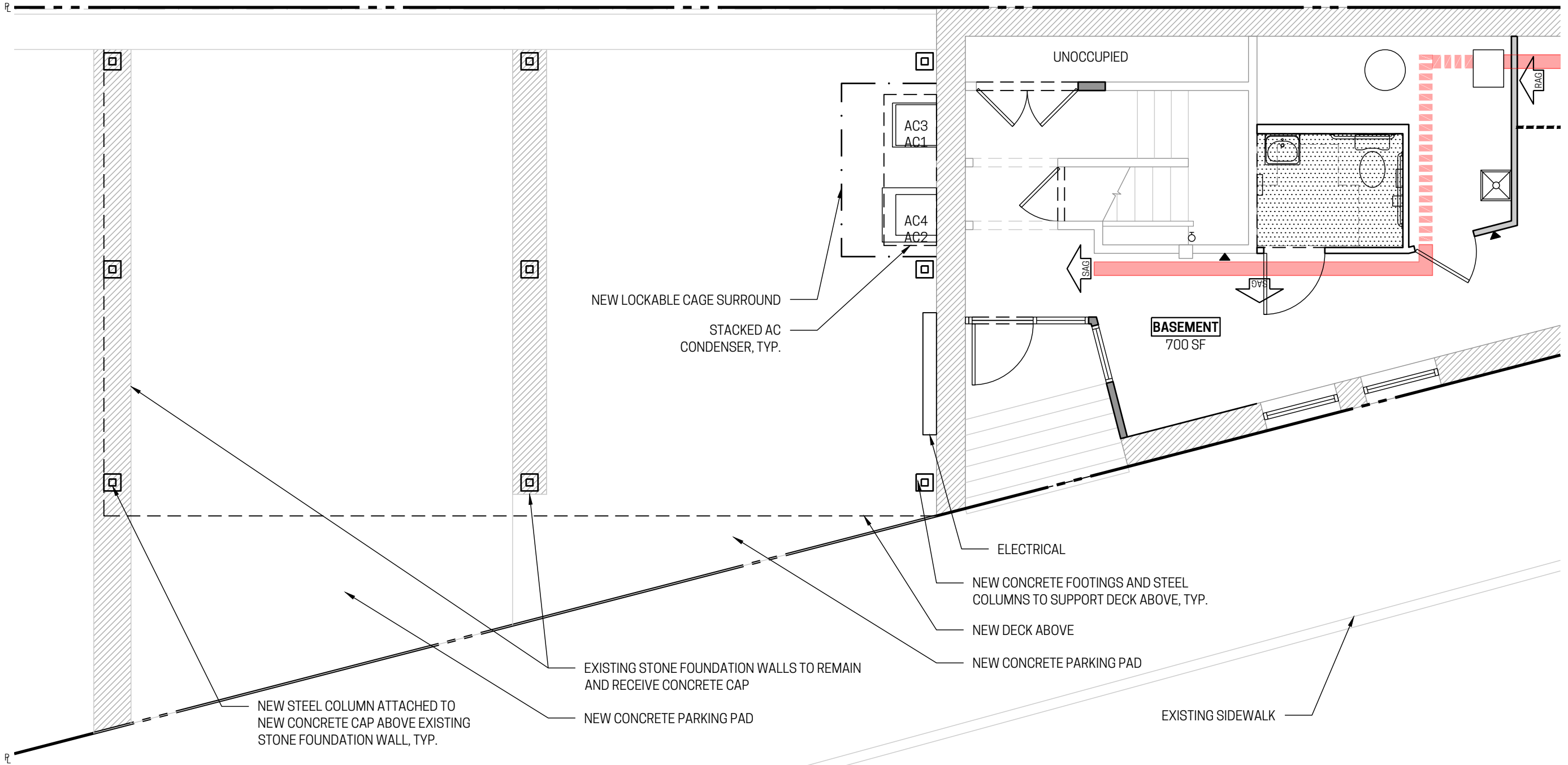
**MT. AUBURN**  
**DEVELOPMENT**

1833 SYCAMORE STREET  
 CINCINNATI, OH 45202

SHEET  
**A0**

# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  NEW WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  NEW DOOR
-  EXISTING DOOR TO REMAIN
-  SIDE-THROW SPRINKLER HEAD
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  EXPOSED SPRINKLER LINE AND HEADS
-  INTERIOR TRANSOM



## BASEMENT PLAN

SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
**HISTORIC REHABILITATION**

DECEMBER 11, 2020  
 NR PROJECT NUMBER: 18-017

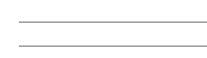

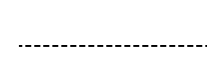


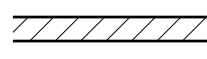
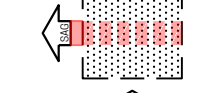







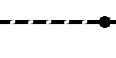
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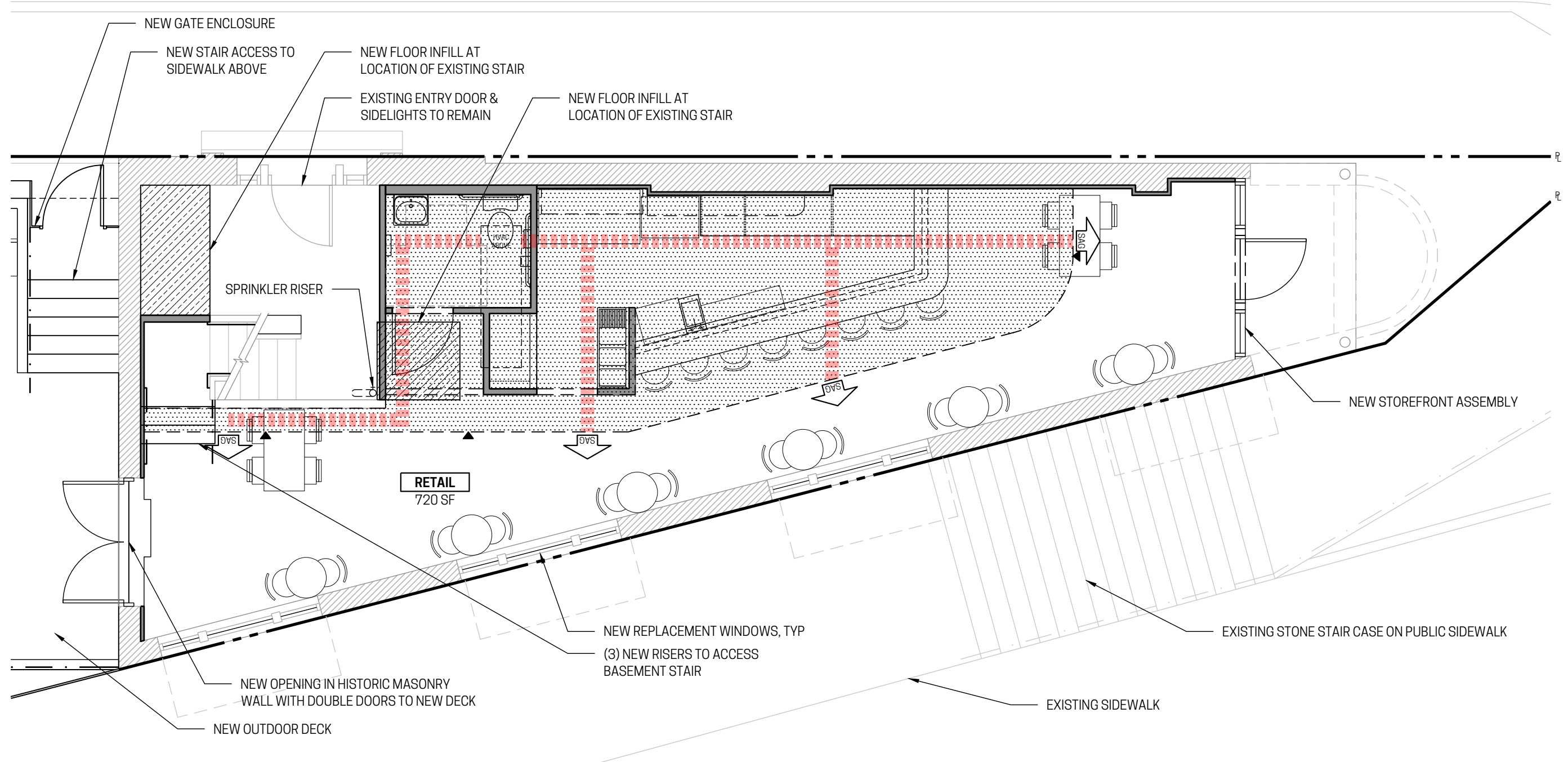
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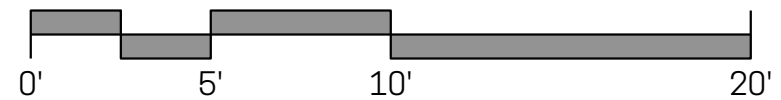
# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



## GROUND/FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"



### FLAT IRON BUILDING HISTORIC REHABILITATION


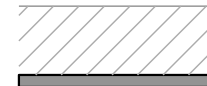
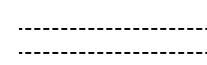

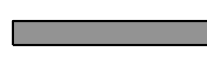
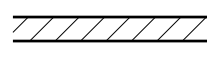
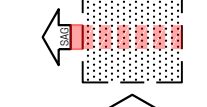
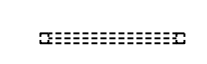






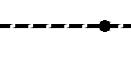
DECEMBER 11, 2020  
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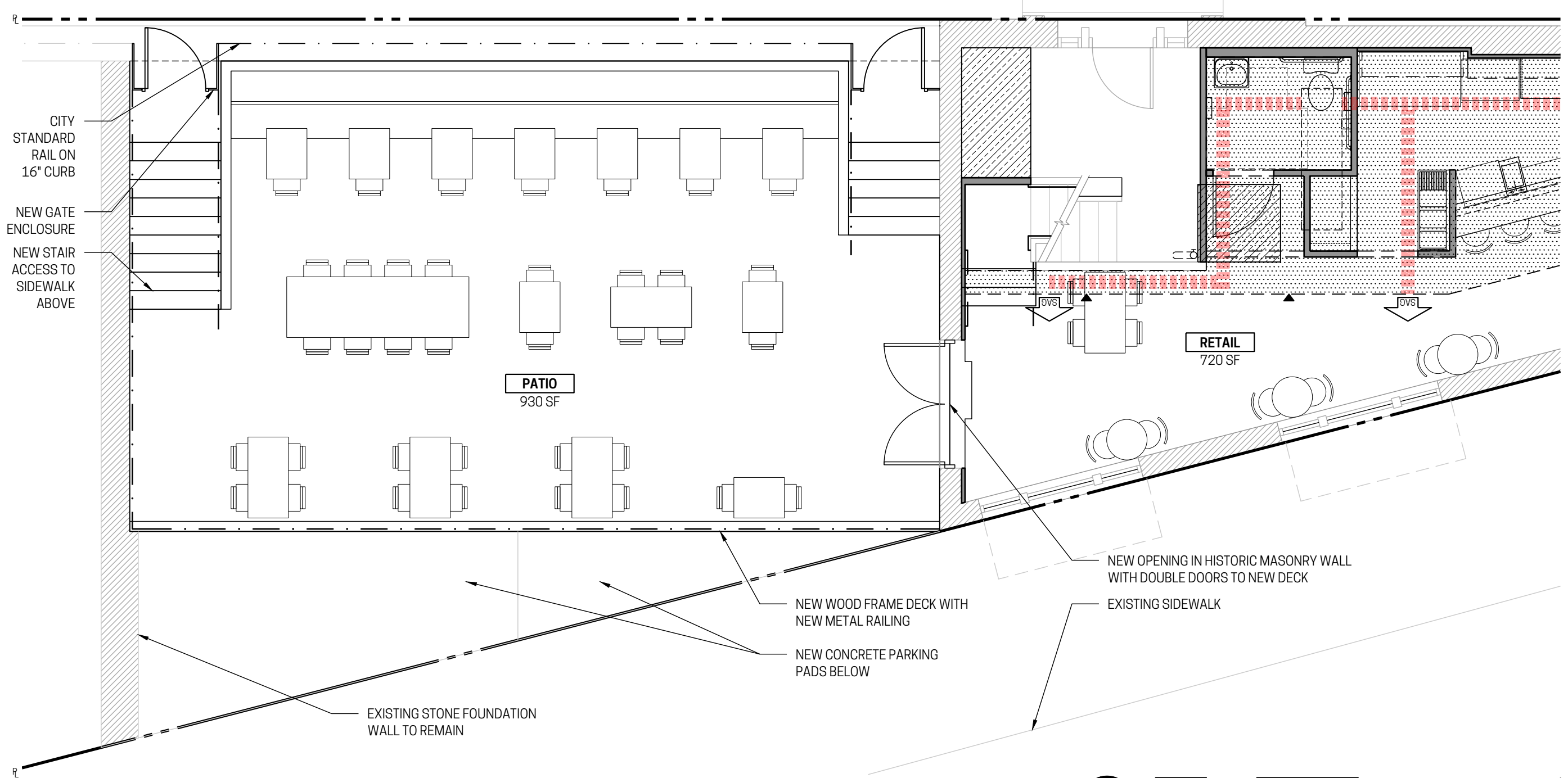
### MT. AUBURN DEVELOPMENT

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CINCINNATI, OH 45202

### SHEET A2

# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



**GROUND/FIRST FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
HISTORIC REHABILITATION

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NR PROJECT NUMBER: 18-017

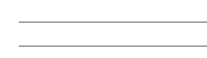

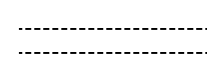


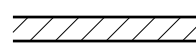
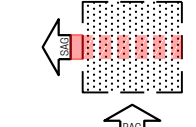
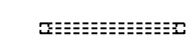







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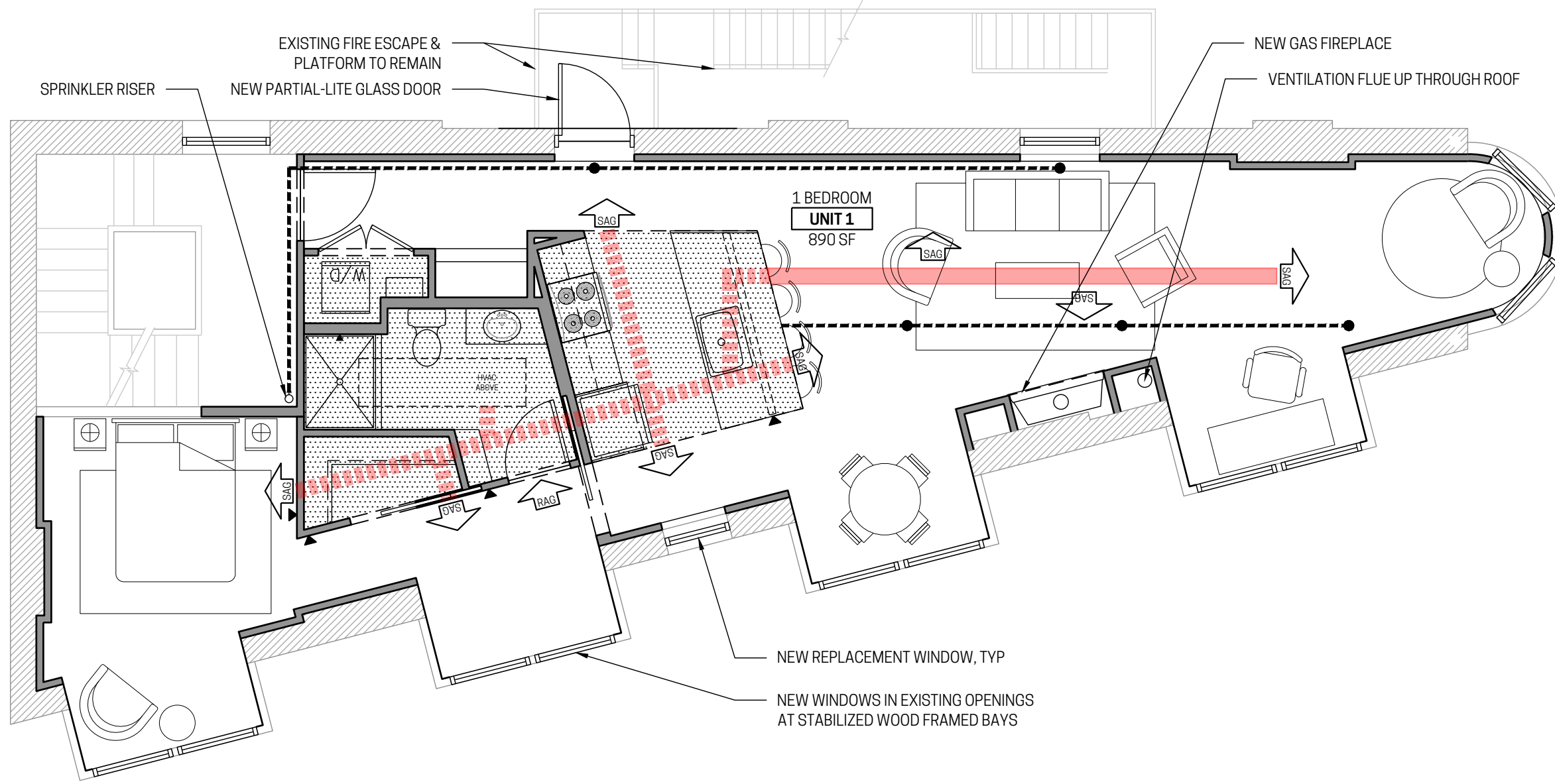
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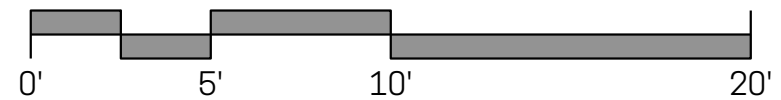
# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



## SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
**HISTORIC REHABILITATION**

DECEMBER 11, 2020  
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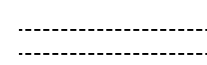


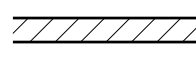
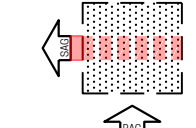
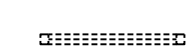
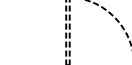


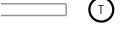



**MT. AUBURN**  
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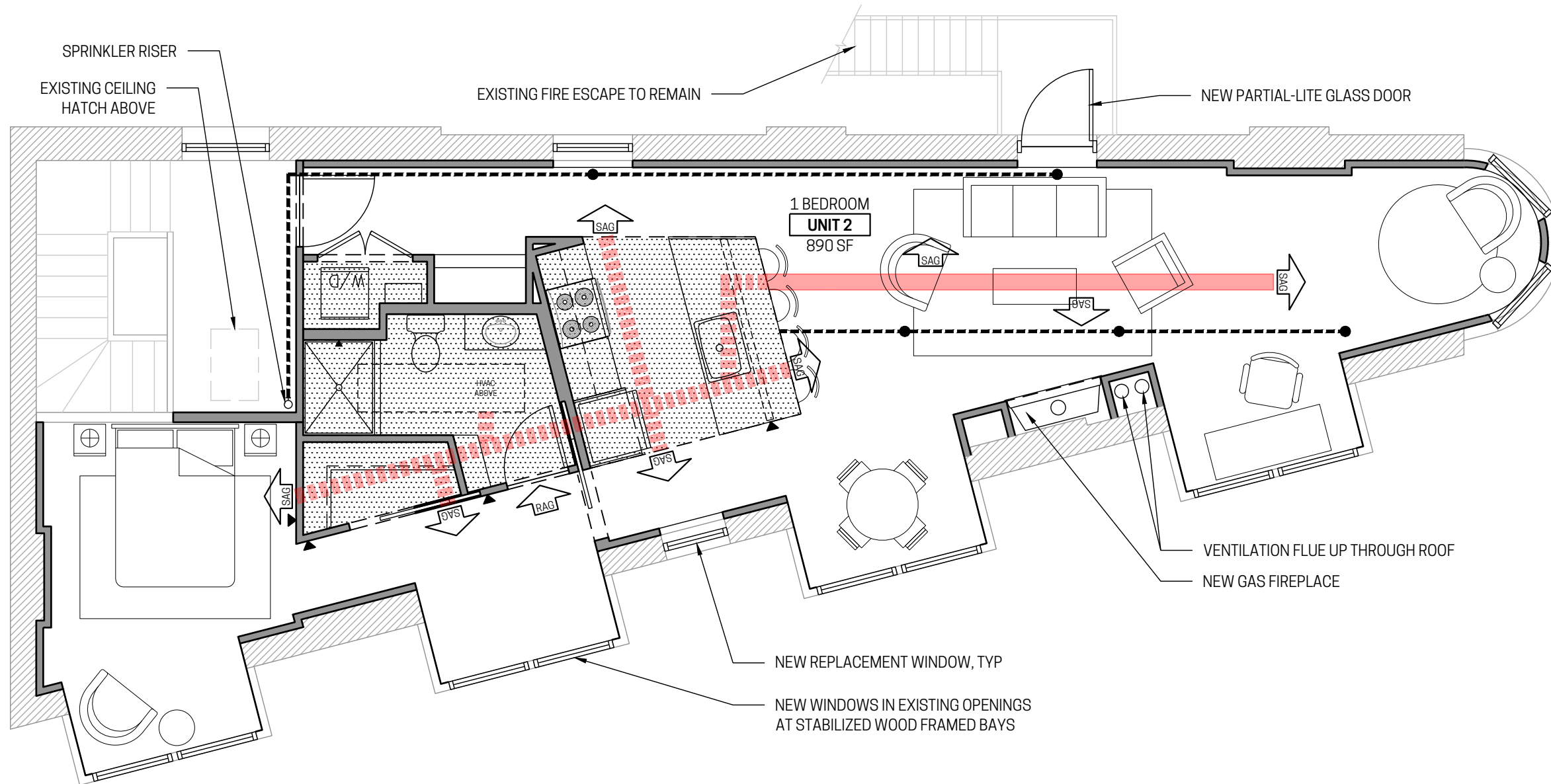
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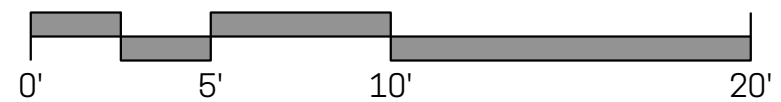
# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



## THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
HISTORIC REHABILITATION


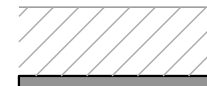
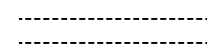


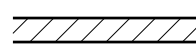
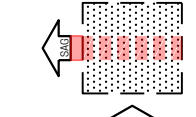
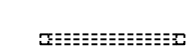
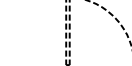






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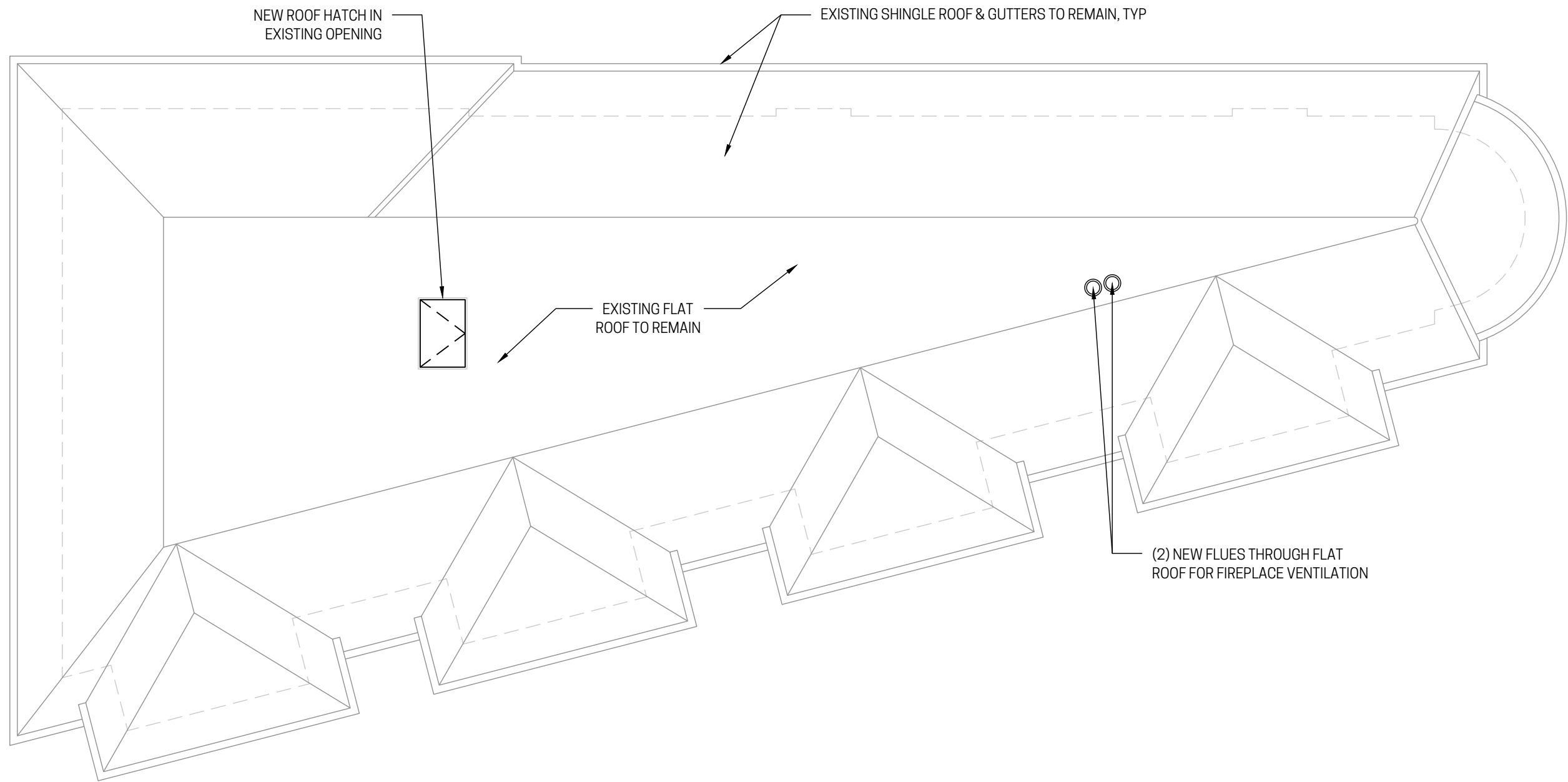
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**DEVELOPMENT**

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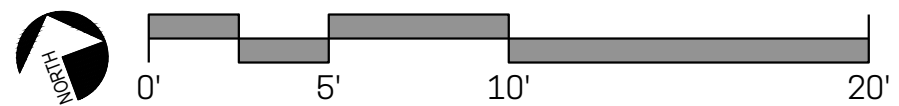
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# LEGEND

-  EXISTING WOOD FRAME CONSTRUCTION
-  EXISTING MASONRY WALL/ WITH FURRING
-  EXISTING NON-HISTORIC FABRIC TO BE REMOVED
-  EXISTING HISTORIC PARTITION TO BE REMOVED
-  NEW WOOD FRAME CONSTRUCTION
-  NEW INFILL- SALVAGED HISTORIC BRICK
-  NEW DROPPED CEILING W/ DUCTWORK AND SUPPLY AIR GRILL OR RETURN AIR GRILL
-  EXISTING WINDOW TO BE REMOVED
-  EXISTING DOOR TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO REMAIN AND FIXED SHUT
-  INTERIOR TRANSOM
-  NEW DOOR
-  SIDE-THROW SPRINKLER HEAD
-  EXPOSED SPRINKLER LINE AND HEADS



**ROOF PLAN**  
SCALE: 3/16" = 1'-0"



**FLAT IRON BUILDING**  
HISTORIC REHABILITATION

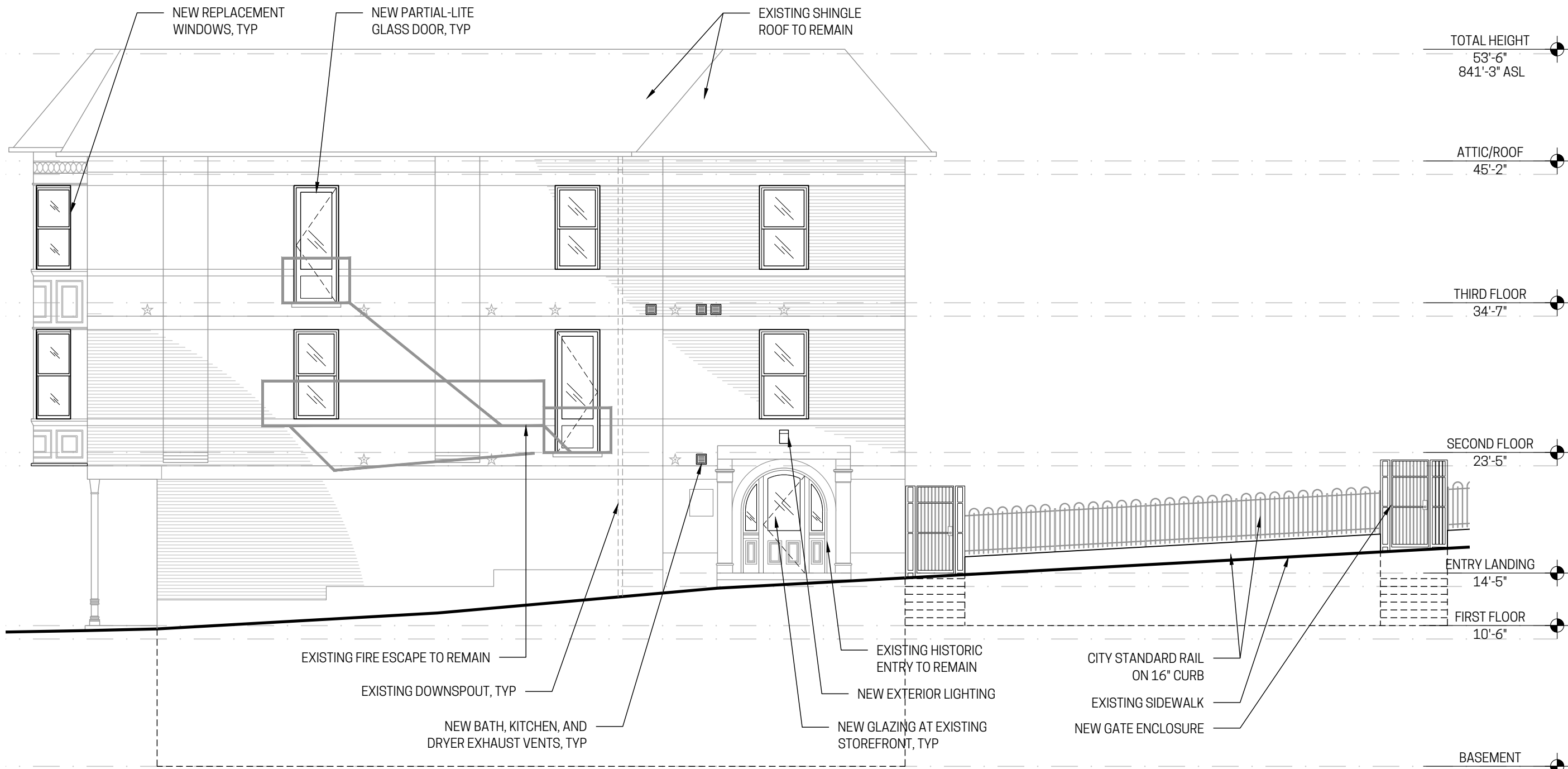
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**MT. AUBURN**  
DEVELOPMENT

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TOTAL HEIGHT  
53'-6"  
841'-3" ASL

ATTIC/ROOF  
45'-2"

THIRD FLOOR  
34'-7"

SECOND FLOOR  
23'-5"

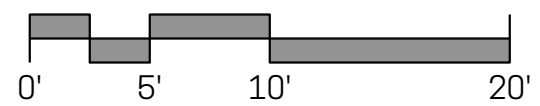
ENTRY LANDING  
14'-5"

FIRST FLOOR  
10'-6"

BASEMENT  
00'-0"

NORTH ELEVATION

**BUILDING ELEVATIONS**  
SCALE: 1/8" = 1'-0"



**FLAT IRON BUILDING**  
HISTORIC REHABILITATION

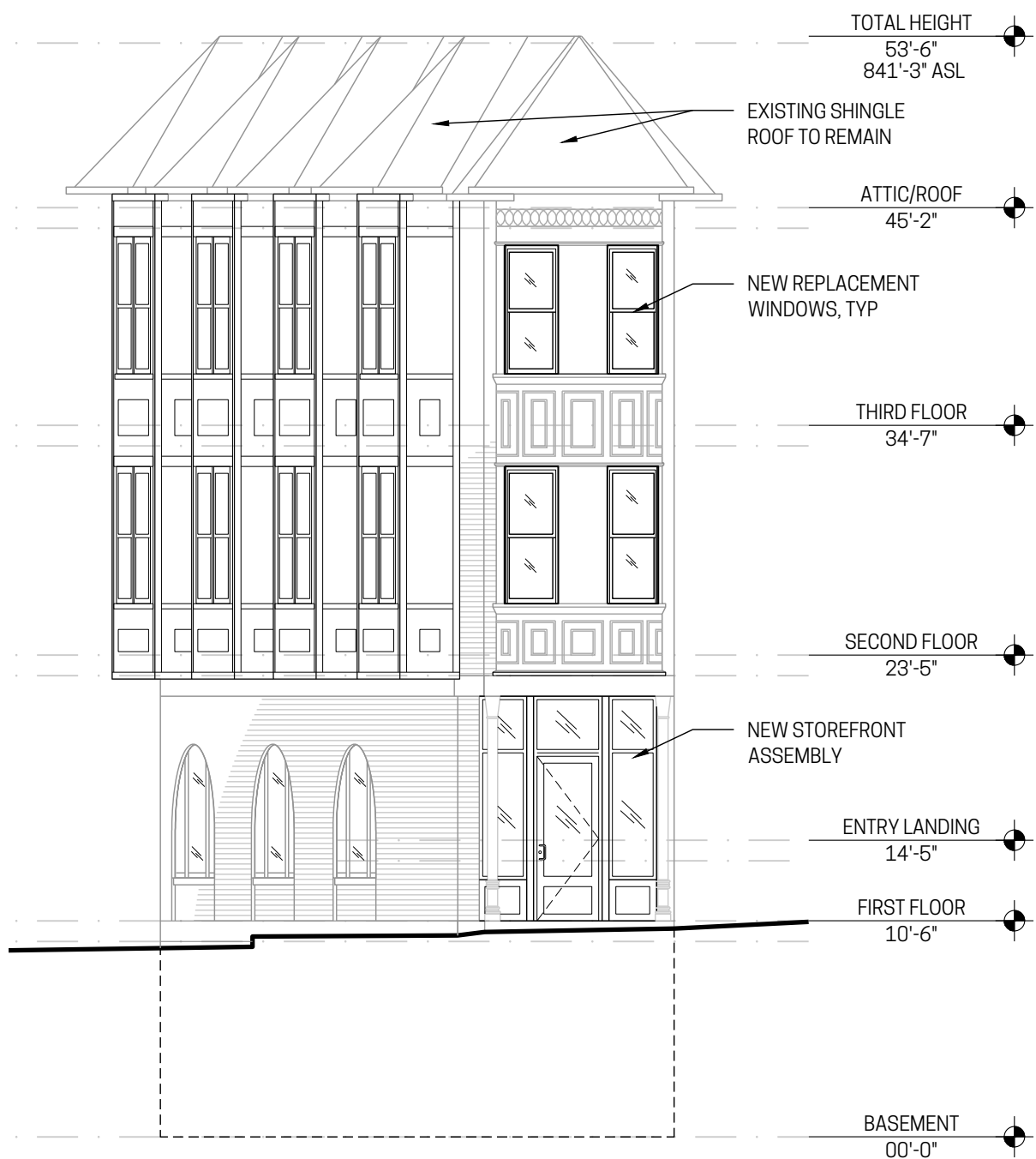
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**MT. AUBURN**  
DEVELOPMENT

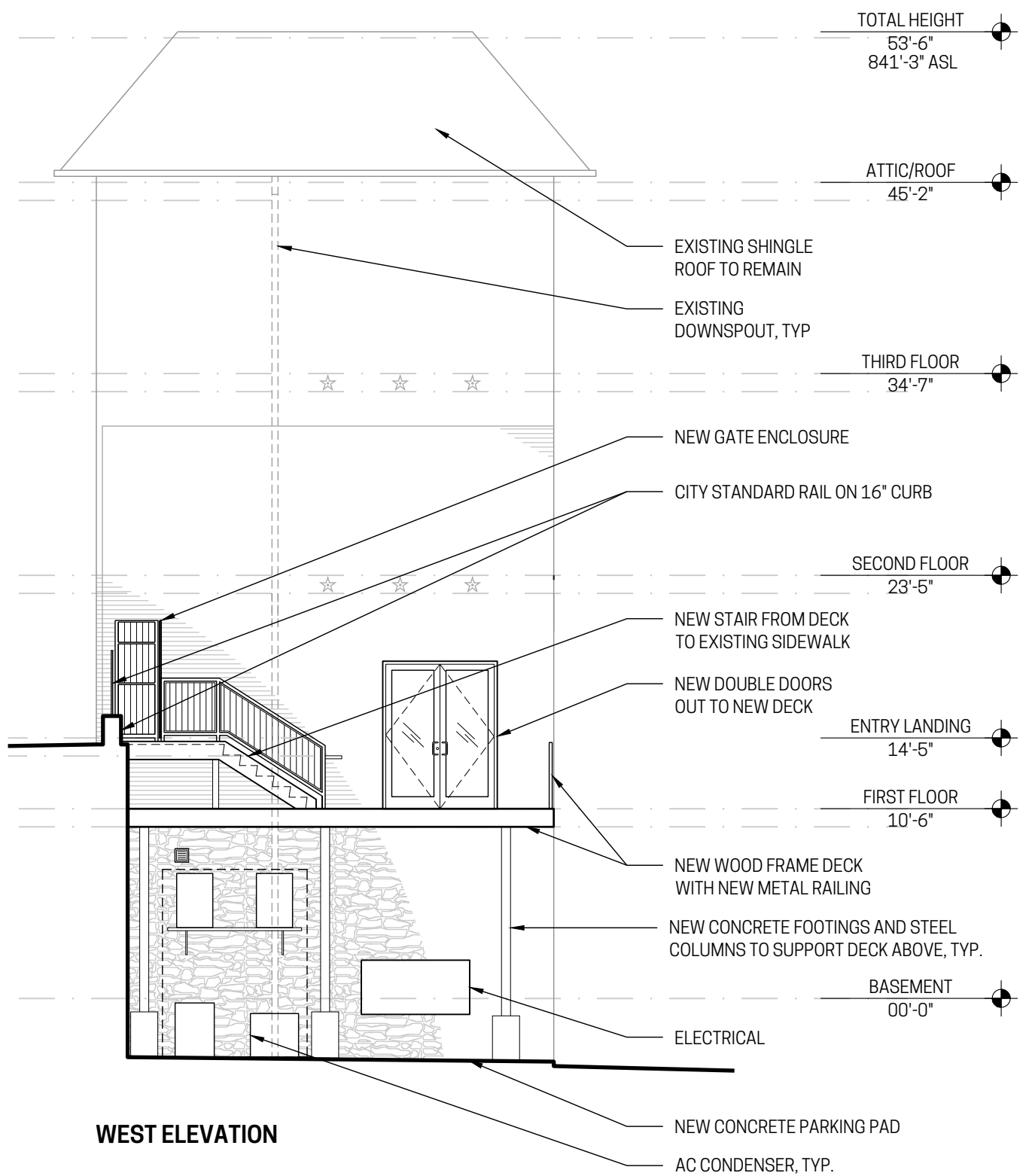
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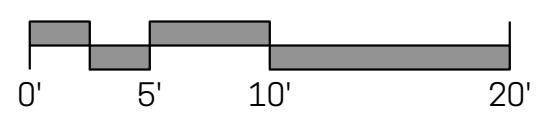


**EAST ELEVATION**



**WEST ELEVATION**

**BUILDING ELEVATIONS**  
SCALE: 1/8" = 1'-0"



**FLAT IRON BUILDING**  
HISTORIC REHABILITATION

DECEMBER 11, 2020  
NR PROJECT NUMBER: 18-017

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TOTAL HEIGHT  
53'-6"  
841'-3" ASL

ATTIC/ROOF  
45'-2"

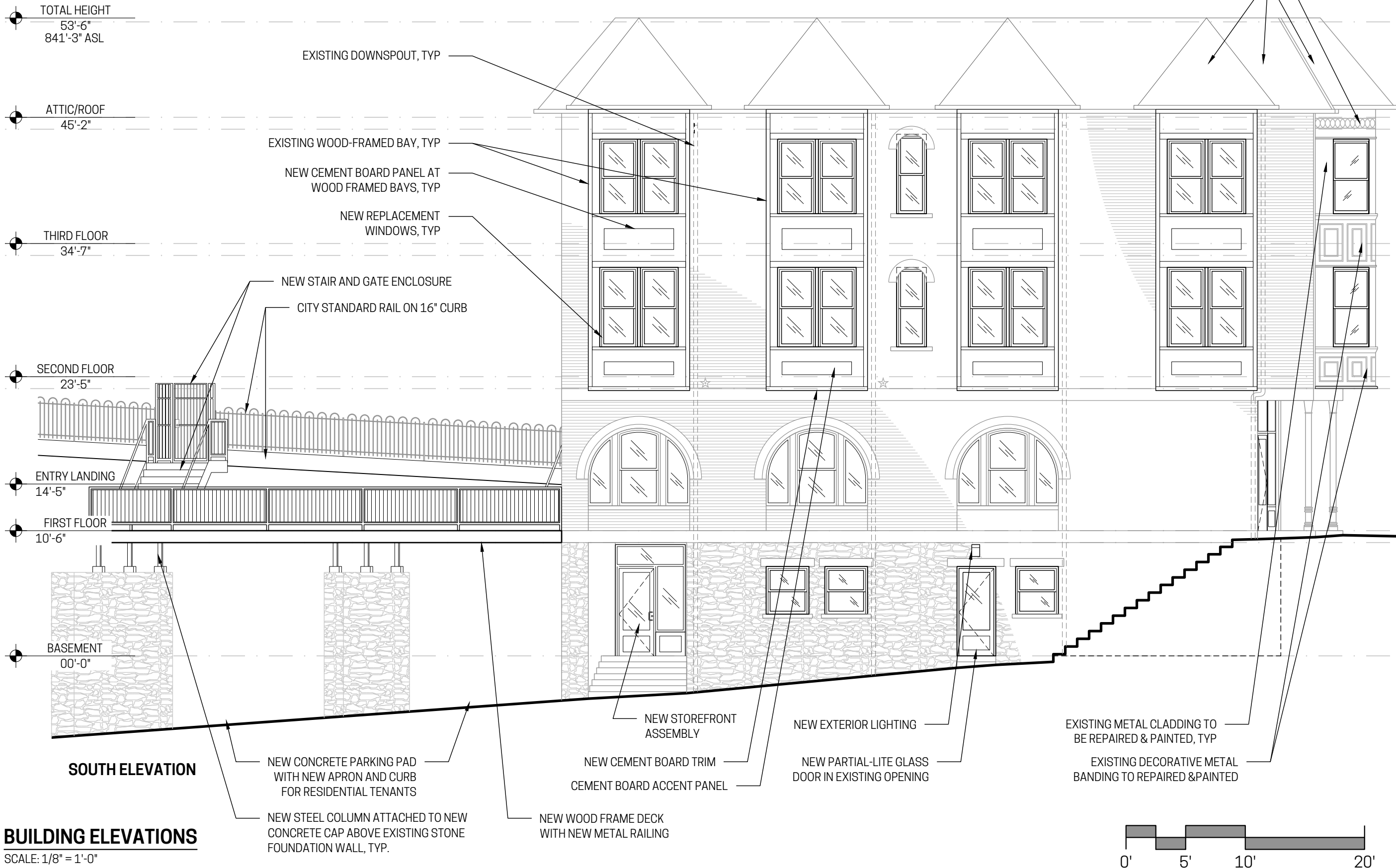
THIRD FLOOR  
34'-7"

SECOND FLOOR  
23'-5"

ENTRY LANDING  
14'-5"

FIRST FLOOR  
10'-6"

BASEMENT  
00'-0"



EXISTING DECORATIVE METAL BANDING TO BE REPAIRED & PAINTED

EXISTING SHINGLE ROOF TO REMAIN

EXISTING DOWNSPOUT, TYP

EXISTING WOOD-FRAMED BAY, TYP

NEW CEMENT BOARD PANEL AT WOOD FRAMED BAYS, TYP

NEW REPLACEMENT WINDOWS, TYP

NEW STAIR AND GATE ENCLOSURE

CITY STANDARD RAIL ON 16" CURB

SECOND FLOOR  
23'-5"

ENTRY LANDING  
14'-5"

FIRST FLOOR  
10'-6"

BASEMENT  
00'-0"

**SOUTH ELEVATION**

NEW CONCRETE PARKING PAD WITH NEW APRON AND CURB FOR RESIDENTIAL TENANTS

NEW STEEL COLUMN ATTACHED TO NEW CONCRETE CAP ABOVE EXISTING STONE FOUNDATION WALL, TYP.

NEW WOOD FRAME DECK WITH NEW METAL RAILING

NEW STOREFRONT ASSEMBLY

NEW CEMENT BOARD TRIM

CEMENT BOARD ACCENT PANEL

NEW EXTERIOR LIGHTING

NEW PARTIAL-LITE GLASS DOOR IN EXISTING OPENING

EXISTING METAL CLADDING TO BE REPAIRED & PAINTED, TYP

EXISTING DECORATIVE METAL BANDING TO REPAIRED & PAINTED



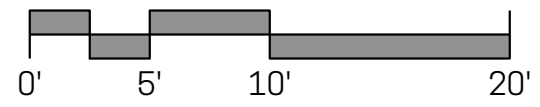
**FLAT IRON BUILDING**  
HISTORIC REHABILITATION

DECEMBER 11, 2020  
NR PROJECT NUMBER: 18-017

**MT. AUBURN DEVELOPMENT**

1833 SYCAMORE STREET  
CINCINNATI, OH 45202

**BUILDING ELEVATIONS**  
SCALE: 1/8" = 1'-0"



SHEET  
**A9**

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VIEW UP SYCAMORE STREET



SOUTH ELEVATION, LOOKING NORTH



EAST ELEVATION, LOOKING WEST



NORTH ELEVATION, ALONG DORCHESTER AVENUE



WEST ELEVATION, LOOKING EAST



**EXTERIOR BUILDING PHOTOS**



**FLAT IRON BUILDING  
HISTORIC REHABILITATION**

DECEMBER 11, 2020  
NR PROJECT NUMBER: 18-017

**MT. AUBURN  
DEVELOPMENT**

1833 SYCAMORE STREET  
CINCINNATI, OH 45202

SHEET  
**A10**

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**ADJUDICATION/DENIAL LETTER**

Date: December 9, 2020

Location: 1833 Sycamore Street

Request: Outdoor dining and entertainment conditional use

Zoning District: CN-M/ Auburn Ave Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1419-21 (b)Location. Any outdoor area located within 100 feet of a residential district boundary line requires conditional use approval. The property is adjacent to an RM district.
2. 1419-21 (c) Maximum Size. Within 500 feet of a residential district boundary line, the outdoor area may not exceed 50 percent of the indoor area accessible to the public. Additional area requires conditional use approval.
3. 1419-21 (e)Entertainment. Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson

Urban Conservator

(p): 513-352-4848

(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: *Jean Bramble* Date: \_\_\_\_\_

## **§ 1435-09-2. - Certificates of Appropriateness; Standards for Review.**

In accordance with Section 1435-09-1 above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

- (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
- (b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

- (i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;
- (ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- (aa) A property's current level of economic return;
- (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
- (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
- (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
- (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of Buildings and Inspections may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Section 1435-09-2 conflict with any standards set forth in any conservation guidelines, the standards set forth herein shall govern and control.

(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012; Emer. Ord. No. 141-2015, § 53, eff. July 1, 2015)

Ms. Beth Johnson  
Urban Conservator  
Buildings and Inspections  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Beth,

This letter is to address the renovation of 1833 Sycamore Street meets the applicable Historic Conservation Guidelines. This Project meets the Secretary of the Interior's Standards Guidelines to Historic Preservation. 1833 Sycamore Street Project was granted State and Federal Historic Tax Credits. We hereby seek a conditional use for an outdoor area that is located within 100 feet of a residential district boundary line, for an outdoor area that exceeds 50 percent of the indoor area accessible to the public within 500 feet of a residential district boundary line, and for entertainment within 500 feet of a residential district boundary line.

...

Sincerely,

New Republic Architecture



LOREN BRAMBLE  
Project Designer



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature Jean Bramble Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"><li>• <b>\$900.00</b> for Use Variances</li><li>• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District</i> are as follows: <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li></ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

## **INSTRUCTIONS FOR APPLICATIONS REQUESTING CONDITIONAL USE APPROVAL**

Applicants requesting approval a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
  - a. the conditional use is specifically listed in the applicable zoning district use regulations;
  - b. the project meets any limitations specifically listed in the applicable zoning district use regulations; **and**
  - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING VARIANCE, SPECIAL EXCEPTION, or CONDITIONAL USE WITHIN A HISTORIC DISTRICT**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-05 and applicable section sections of 1445. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

**OR**

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) below.

(aa)A property's current level of economic return;

(bb)Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;

(cc)The feasibility of alternative uses for the property that could earn a reasonable economic return;

(dd)Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;

(ee)Knowledge of landmark designation or potential designation at time of acquisition;  
and/or

(ff)Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Mr. Sturkey,

This letter is to address the Urban Conservator's comments as outlined in her adjudication letter to New Republic Architecture, dated 12.09.20. The Project consists of the renovation of a mixed-use building with 4 stories on the lot 1833 Sycamore Street in the City of Cincinnati's Mount Auburn Historic District. The building has a single tenant first and second floor commercial space, with two residential units at the third and fourth floor above – one on each floor. Specifically, our responses to Ms. Johnson's letter are outlined in **bold italics** below:

"Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):"

- "1419-21 (b) Location. Any outdoor area located within 100 feet of a residential district boundary line requires conditional use approval. The property is adjacent to an RM district." ***We are hereby seeking a Conditional Use, please see Appendix A attached.***
- "1419-21 (c) Maximum Size. Within 500 feet of a residential district boundary line, the outdoor area may not exceed 50 percent of the indoor area accessible to the public. Additional area requires conditional use approval." ***We are hereby seeking a Conditional Use, please see Appendix A attached.***
- "1419-21 (e) Entertainment. Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained." ***We are hereby seeking a Conditional Use, please see Appendix A attached.***

The rehabilitation of this existing building is an important step in bringing business and residents to the neighborhood of Mount Auburn. We hope you will agree with our approach and intent with this project.

...

Sincerely,

New Republic Architecture



LOREN BRAMBLE  
Project Designer

## Appendix A: Why Zoning Relief Should Be Granted

### **CZC 1445-13 General Standards: Public Interest**

The Project Meets the standards for a Conditional Use per CZC 1145-13, as the Project is “in the public interest” under the following criteria as set forth by this chapter.

- a) Zoning: **The proposed use is permitted in the CN-M zone, and the proposed building is an important step in bringing residents to the Mount Auburn neighborhood.**
- b) Guidelines: **The Project meets the guidelines by The Secretary of Interior’s Standards for Historic Preservation and received a Historic Tax Credit.**
- c) Plans: **This Project is part of the Auburn Avenue Improvements.**
- d) Traffic: **The Project is along Sycamore Street, a major arterial street that can handle any additional traffic without pushing traffic onto neighboring/side streets.**
- e) Buffering: **The existing building is built on a zero lot-line and a public right of way along the north and south, so no buffering is planned or possible. Along the west side of the building, the proposed outdoor deck will be built 20’-0” off the western property line to avoid closer proximity to adjacent residences. The size of the deck was designed to be as small as viably possible.**
- f) Landscaping: **The existing building is built on a zero lot-line and a public right of way along the north and south, so no landscaping is planned or possible. Along the west side of the building, new concrete parking pads are proposed and therefore, no landscaping is planned or possible.**
- g) Hours of Operation: **The housing component on the 3rd and 4th floors have no “hours of operation” . The first and second floor commercial tenant will operate between the hours of 8am and 10pm.**
- h) Neighborhood Compatibility: **The proposed work is compatible with the predominant or prevailing land use and the proposed use of first and second floor commercial with the residential above, restoring its original uses.**
- i) Proposed Zoning Amendments: **N/A**
- j) Adverse Effects: **The proposed use will cause no adverse effects, and will enhance the safety of the street, by putting more “eyes on the street” in the form of patrons and residents.**
- k) Blight: **The property had fallen into disrepair from lack of maintenance, therefore blighted.**
- l) Economic Benefits: **It has widely been demonstrated that new housing and commercial uses benefit the surrounding area economically.**
- m) Job Creation: **The project should result in 50+ construction jobs and multiple full-time jobs upon opening.**
- n) Tax Valuation: **After tax abatement resides, the receipts to the City should increase substantially.**
- o) Private Benefits: **The applicant anticipates developing viable residents and business where there once was none.**
- p) Public Benefits: **More people living in the area is an overall positive to this underdeveloped area of Mount Auburn, along with bringing patrons into the business located at the first and second floors.**

### **CZC 1445-15 Standards for Variance**

The Project meets the Standards for a Variance per CZC 1445-16, as the conditions giving rise to the request have not been created by the owner. The conditional use is needed due to the site's proximity to the RM district, and the inability to provide the required separation distances due to the existing site constraints and size. The location and size of the outdoor area and the use of audio/visual equipment is permitted within the CN-M district. Due to the tight constraints of the existing property and building, the new proposed outdoor deck is necessary to make the commercial tenant's business viable by providing additional entertaining space for patrons.



Online Property Access

|< First << Prev Next >> Last >| **RETURN TO SEARCH LIST** Property 1 of 1

**Parcel ID** 094-0006-0224-00      **Address** 1833 SYCAMORE ST      **Index Order** Parcel Number      **Tax Year** 2019 Payable 2020

**I Want To...**

- Start a New Search
- Email the Auditor
- View the Online Help
- Auditor's Home


**View:**

- Property Summary
- Appraisal Information
- Levy Information
- Transfer
- Value History
- Board of Revision
- Payment Detail
- Tax Distributions
- Images
- Special Assessment/Payoff
- Tax Lien Certificates
- CAGIS Online Maps
- Aerial Imagery
- Owner Names

**Print:**

- Current Page
- Property Report

**Property Information**

<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>School District</b> CINCINNATI CSD	<b>Images/Sketches</b> 
<b>Appraisal Area</b> 02003 - MT AUBURN 03	<b>Land Use</b> 680 - CHARITIES,HOSPITALS,RETIR	
<b>Owner Name and Address</b> NHC FLAT IRON LLC 646 MAIN ST STE 200 CINCINNATI OH 45202 <i>(call 946-4015 if incorrect)</i>	<b>Mailing Name and Address</b> NHC FLAT IRON LLC 646 MAIN ST STE 200 CINCINNATI OH 45202 <i>(call 946-4800 if incorrect)</i>	
<b>Assessed Value</b> 0	<b>Effective Tax Rate</b> 0.000000	<b>Total Tax</b> \$467.11
<b>Property Description</b> 1833 SYCAMORE20.46x138.28 IR LOT 26TH29 INC F G & F HUNTINGTONS SUB PARS224TH 227 INC CON		

**Appraisal/Sales Summary**

Year Built	1875
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Sale Date	4/15/2020
Last Sale Amount	\$0
Conveyance Number	231797
Deed Type	QE - Quit Claim Deed (EX)
Deed Number	
# of Parcels Sold	1
Acreage	0.091

**Tax/Credit/Value Summary**

<b>Board of Revision</b>	<b>YES(13)</b>
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	17,130
CAUV Value	0
Market Improvement Value	20,630
Market Total Value	37,760
TIF Value	0
Abated Value	0
Exempt Value	37,760
<b>Taxes Paid</b>	\$0.00
Tax as % of Total Value	0.000%

**Notes**

\*\* 10/7/16 - an omitted tax in the amount of \$1,046.48 for tax years 2014 & 2015 has been added to the January 2017 tax billing \*\* bor #12-605083 dismissed for lack of jurisdiction

Mr. David Sturkey, Zoning Hearing Examiner  
Law Department, Centennial Plaza Two  
800 Central Avenue, Suite 500  
Cincinnati, OH 45202

December 11, 2020

Dear Ms. Johnson / Mr. Sturkey,

The following individuals are anticipated to testify at the HCB hearing on behalf of the Project.

- Pete Lahni, Neyer Holdings
- John Back, Neyer Holdings
- Erin Kline, New Republic Architecture
- Loren Bramble, New Republic Architecture

...

Sincerely,

New Republic Architecture



LOREN BRAMBLE  
Project Designer

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

---

APPLICATION #: ZH20200188/COA20200057  
APPLICANT: Heather Estridge  
OWNER: Chris and Kim Neitch  
ADDRESS: **511 Tusculum Av**  
PARCELS: 027-00010-0132  
ZONING: SF-2  
OVERLAYS: Columbia Tusculum Historic District, Hillside Overlay  
COMMUNITY: Columbia Tusculum  
REPORT DATE: January 4, 2020

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**Details of Zoning Relief Required:**

1. 1421-01(f): Accessory Structure Side Setback. A required 3-foot side yard setback is required. A zero-lot line setback is proposed. A 3-foot variance is required.

**Nature of Request:**

The applicant is requesting zoning relief and a Certificate of Appropriateness for construction of a new accessory building to provide a carport (covered parking) and storage.

**Existing Conditions:**

The existing property is an 1890 Queen Anne Free Classic frame single family house with an existing accessory structure in the same location as the proposed. The property sits on a hill with the higher portion of the property at street level with a slope down to the rear of the property.

**Proposed Conditions:**

The proposal at 511 Tusculum Ave. includes:

1. Remove existing building and build a new accessory structure that will incorporate both a carport and an enclosed storage area.
2. The materials will be wood, metal, cement fiber board.

**Previous Review:** NA



Figure 1: 511 Tusculum Ave. Pictures provided by Google Street View.

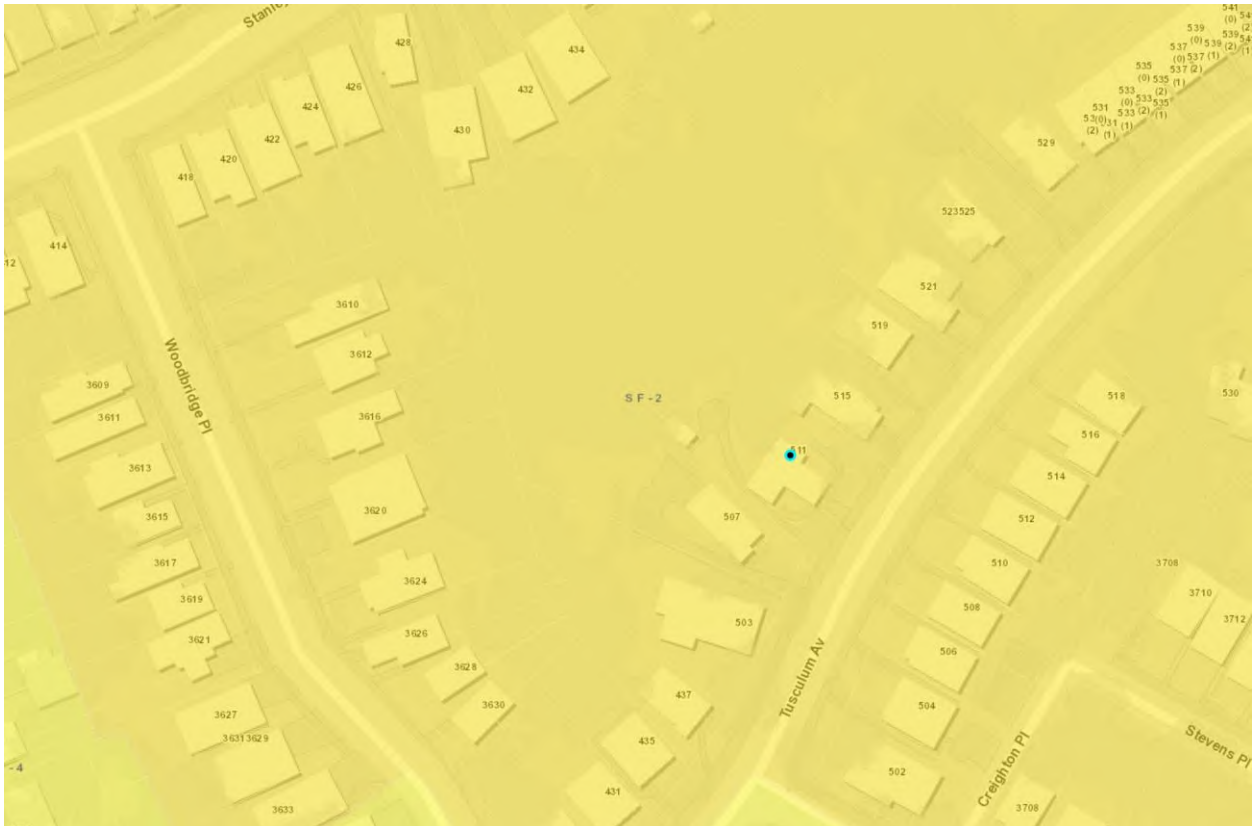


Figure 2: Map of 511 Tusculum Av. Map provided by Cagis Maps

**Applicable Zoning Code Sections:**

Zoning District:	Section 1403	Residential
Variance Requests:	Section 1421	Development Standards
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

**Zoning Analysis:**

The proposed project is requesting a setback variance for the accessory structure. They are requesting a zero-lot line setback on the side property line between the subject property and 507 Tusculum Av. This is generally referred to as the south property line in the elevations.

While in a Hillside Overlay, as the structure is under 600 sf, it is exempt from Hillside review.

**Standards for Variances per Section 1435-05-4**

- (a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The proposed accessory structure is located approximately at the same location as the existing non-historic accessory structure. The current structure was erected between 1999-2006. The new structure will not affect the historic integrity of the property and being located down the hill and mostly out of sight from the street view is in the interest of historic conservation and the district.

- (b) Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the variance will not deprive the property of all economically viable uses. It is currently a single-family home and will remain one.

**Standards for Variances per Section 1445-05-4**

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

The property is on a hillside and is proposing a driveway and carport. The existing non-historic accessory structure to be removed is along the property line so the property condition will not be changing from the current condition. Also, the driveway is along the property line and the most direct and less disruptive route to the hillside would be a straight line. If the carport were set three feet off the property line more pavement and land would be disturbed.

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

According to aerial photos, there are no other carports or accessory structures on the nearby properties.

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

1. **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.  
*The underlying zoning is SF-2. The proposed driveway and carport are making the property more compliant with the zoning code as it will provide off-street parking behind the front yard of the house.*
2. **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*Staff is of the opinion the proposed work does substantially conform to the guidelines for the Columbia Tusculum Historic Conservation District. Refer to COA for more discussion.*
3. **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.  
*The proposed work conforms to the 1999: Columbia Tusculum Urban Design Plan Phase II as it "maintaining the existing historic architectural character of the district." (page 22)*
4. **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.  
*Traffic will not be impacted by the proposal as there is already a curb cut at this location.*

**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.

*Off street parking is compatible with the district and the proposal makes this property more compatible by providing a parking option that is not in the front yard.*

8. **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.

*NA*

9. **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.

*There are no anticipated adverse effects to the extent of access to fire, police or other public services.*

10. **Blight.** The elimination or avoidance of blight.

*This property is a currently occupied single-family home that has done significant rehabilitation work. The property is not considered a blighted property.*

11. **Economic Benefits.** The promotion of the Cincinnati economy.

*The proposed work will increase the property value of the subject parcels.*

12. **Private Benefits.** The economic and other private benefits to the owner or applicant.

*The owner has an economic benefit to the proposed establishment.*

## **Certificate of Appropriateness Review**

There are no specific guidelines for accessory structures within the guidelines, so the section on Additions was used for evaluation of the proposed accessory structure.

### **ADDITIONS**

1) **COMPATIBILITY: CONSIDER THE ADDITION AS NEW CONSTRUCTION** In general, additions should follow the guidelines for new construction in terms of materials, form, scale, height, detailing and siting. (See the New Construction section of this booklet for specific guidelines.)

2) **DESIGN: RESPOND TO THE ARCHITECTURE OF THE ORIGINAL BUILDING** The design of an addition should respond specifically to the architecture of the original building. While the addition should be sympathetic to and compatible with the existing building, it should not try to duplicate its style or appear to have been built at the same time as the original building. The design should also respond, in a more general way, to adjacent buildings.

3) **IDENTITY: DO NOT OVERPOWER THE EXISTING BUILDING** If the original building is architecturally or historically, significant, the addition should take a respectful "back seat" to it and not overpower the original. An addition may be taller than the original building if site considerations and careful design still allow the older building to remain dominant.

4) **CONNECTIONS: KEEP THEM SIMPLE** The connection of the addition to the original building should be designed so that it does not detract from either structure. Significant architectural features of the original building should not be destroyed, removed, or obscured by the addition.

*The proposed accessory structure is a one-story carport and small storage addition to the property. As it is a completely separate structure it does not have a connection to the historic building and will not affect any original architectural features or material.*

*As the structure is in the rear yard and is not highly visible from the street and will not overpower the original historic structure.*

*The design both responds to the original building with the use of lap siding to be painted the same color as the original structure, but also doesn't duplicate the style or architecture of the principal building with the use of a slightly more modern architectural detailing.*

## DEMOLITION

4) The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the HCB.

5) The demolition request is for a building of a later period (constructed after 1930) and the demolition will not adversely affect the character of the district.

*The request also is for the removal of the existing shed on the property to allow for the construction of the new accessory structure. The shed, while not an inappropriate structure on the property, is not historic or significant portion of the property and is a modern shed.*

## **Other Considerations:**

**Prehearing Results:** January 6, 2021. The meeting was attended by the applicants.

**Comments Provided:** Two emails have been submitted from an adjacent property owner in support of the project and zoning relief request.

## **Recommendation:**

### **I. ZONING RELIEF**

The following recommendations are proposed for the project proposed at 511 Tusculum Ave per plans submitted by Heather Estridge dated 12-7-2020.

**A.** 1421-01(f): Accessory Structure Side Setback - **APPROVE a 3-foot variance to allow for a zero lot line setback.**

**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.
2. Such relief is in the interest of historic conservation of the building.

## **II. CERTIFICATE OF APPROPRIATENESS**

**A. APPROVE** the application of a Certificate of Appropriateness for the demolition of an existing shed and the construction of a new accessory structure at the property at 511 Tusculum Ave per plans submitted by Heather Estridge and Design dated 12-7-2020 with the following condition:

1. The building permit must be issued within 2 years or the Certificate of Appropriateness will expire.

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

1. That the property owner and applicant have demonstrated by credible evidence that the proposal substantially conforms to the applicable guidelines for New Construction of the Columbia Tusculum Conservation District.
2. The existing shed is not a historic portion of the property.
3. The new accessory structure is secondary in nature to the historic building and is sympathetic but not duplicative in design.

**ADJUDICATION/DENIAL LETTER**

Date: October 23, 2020

Location: 511 Tusculum Av

Request: Setback for accessory structure and new construction accessory structure

Zoning District: SF-2/ Columbia Tusculum/Hillside

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.68 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1421421-01(f): Accessory Structure Side Setback. A required 3 foot side yard setback is required. A zero lot line setback is proposed. **A 3 foot variance is required.**
2. The project is exempt from Hillside Review per 1433-13 (a)

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or [Kasandra.Maynes@cincinnati-oh.gov](mailto:Kasandra.Maynes@cincinnati-oh.gov) for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

# CINCINNATI'S HISTORIC CONSERVATION OFFICE



## Documents Required for Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am—4 pm  
 (513) 352-4848  
[Urban.Conservator@Cincinnati-OH.gov](mailto:Urban.Conservator@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: \_\_\_\_\_  
 Hamilton Co. Parcel ID No.: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Historic District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

### PRIMARY CONTACT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

- New Construction       Alteration       Demolition

Provide a very brief summary of the project:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**II Centennial Plaza**  
**805 Central Avenue, Suite 500**  
**Cincinnati, Ohio 45202**  
**Monday- Friday 7:30 am- 4 pm**  
**513-352-1559**  
[Boards@cincinnati-oh.gov](mailto:Boards@cincinnati-oh.gov)

# ZONING HEARING EXAMINER

## Application for Zoning Relief

*Office Use Only*  
**Case Number:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

### Section 1. SUBJECT PROPERTY

ADDRESS \_\_\_\_\_ COMMUNITY \_\_\_\_\_  
PARCEL ID(S) \_\_\_\_\_ HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION \_\_\_\_\_ ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) \_\_\_\_\_  
 **Non-Residential Project**     **Residential Project (RCO) One -, Two -, and Three- Family Dwelling**

### Section 2. APPLICANT

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 3. OWNER

NAME \_\_\_\_\_ CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance                       Special Exception                       Conditional Use                       Use Variance
- Expansion or Substitution of Non Conforming Use                       Hillside Overlay District Permission
- Urban Design Overlay District Permission                       DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT *(Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE.

The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.**

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <b>existing and proposed</b> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <b>existing and proposed</b> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none"><li>• <b>\$900.00</b> for Use Variances</li><li>• Variances, including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside &amp; Urban Design Overlay and DD District are as follows: <b>\$300.00</b> for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling <b>\$500.00</b> for Non-residential Projects (Non-RCO)</li></ul>

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

# **INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE**

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Zoning Hearing Examiner Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. 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.

**AND**

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
  - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
  - b. how the project meets either of the following conditions:
    - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
    - ii. 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.



II Centennial Plaza  
 805 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am-4 pm  
 (513) 352-4848  
 Urban.Conservator@Cincinnati-OH.gov

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: 511 TUSCULUM AVE, CINCINNATI, OH 45226  
 Hamilton Co. Parcel ID No.: 021-0001-0132-00 Zoning District: SF-2  
 Historic District: Columbia Tusculum Overlay District: HILLSIDE

**PRIMARY CONTACT INFO**  PROPERTY OWNER  OTHER ARCHITECT (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: HEATHER ESTRIDGE  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: 3747 EASTERN AVE  
 City: CINCINNATI State: OH Zip Code: 45226  
 Phone: 513-708-3533 E-mail: HLEarchitect@gmail.com

**PROPERTY OWNER INFO**  SAME AS ABOVE

Name: CHRIS + KIM NIETCH  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: 511 TUSCULUM AVE  
 City: CINCINNATI State: OH Zip Code: 45226  
 Phone: 513-262-6608 E-mail: chrisnietch@gmail.com

**CERTIFICATE OF APPROPRIATENESS** (SELECT ALL THAT APPLY)

- New Construction     Alteration     Demolition

Provide a very brief summary of the project:

New accessory building to provide covered parking and storage. Building is downhill from the street.

**ZONING RELIEF**  Yes     No

Provide a very brief summary of the zoning relief requested:

Owner seeking side yard setback relief of ~~20~~ 0 feet. portion of ~~existing~~ structure on the property line is an "open air" structure w/ a roof.

**SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS**

- Demolition requests must include all required demolition forms.
- All applications that include requests for zoning relief must include a zoning hearing application.
- All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature:

Date: 12.01.2020



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
Boards@cincinnati-oh.gov

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS 511 TUSCULUM AVE COMMUNITY COLUMBIA TUSCULUM  
PARCEL ID(S) 027-0001-0132-00 HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION SF-2 ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) COLUMBIA TUSCULUM  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME HEATHER ESTRIDGE CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS 3747 EASTERN AVE CITY CINCINNATI STATE OH ZIP 45226  
EMAIL HLEarchitect@gmail.com RELATIONSHIP TO OWNER (if not owner) Architect  
TELEPHONE 513-708-3533

### Section 3. OWNER

NAME CHRIS + KIM NIETZT CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS 511 TUSCULUM AVE CITY CINCINNATI STATE OH ZIP 45226  
EMAIL chrisnietch@gmail.com RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE 513-262-6608

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance  Special Exception  Conditional Use  Use Variance
- Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission
- Urban Design Overlay District Permission  DD District Phased Development Approval

### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Proposed new accessory building to provide covered parking and storage. Building is downhill from the street and not very visible. Owner is seeking a side yard setback variance of 0 feet. The portion of the ~~building~~ structure on the property line is "open air" with a roof.

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name HEATHER ESTRIDGE Signature  Date 12/01/2020

December 7, 2020

Re: Request for Zoning Variance-511 Tusculum Ave

The owners of 511 Tusculum Ave are requesting zoning relief for the side yard setback for a proposed accessory building. They are requesting a setback of 0'-6" for the structure with roof overhang at 0'-0". There is an existing accessory building with a 0'-0" setback on the property that will be replaced. The existing structure sits on the property line. The portion of the proposed structure that is adjacent to the property line in question will be "open air" with a roof. The structure meets all other zoning guidelines for an accessory building in an SF-2 district.

Granting the variance will not adversely affect traffic. In fact, street parking can be problematic. This structure will eliminate a vehicle that may otherwise be parked on the street.

As a privacy buffer, the existing evergreen landscaping will be maintained. The structure will have privacy slats as a visual buffer.

The structure is compatible with the neighborhood. The materials are similar to those used on the existing structure. The colors will blend in with the existing home and surrounding natural landscaping.

The owners are not aware of any proposed zoning amendments.

No adverse effects will be created by this structure.

The variance is necessary for the owners to be able to best locate the accessory structure for its desired use. The structure will be sited directly downhill from the street access, an existing curb cut. Because of the grade and the location of the existing residence, it would be difficult to navigate vehicles into and under a structure that sits three feet from the property line.

## 511 Tusculum Context Photos



511 Tusculum on right. Existing curb cut for driveway.



511 Tusculum on left

## 511 Tusculum Context Photos



Approach to proposed shed. Existing shed to be replaced. 511 Tusculum on right.



Closer view of proposed site. The highest point of the new shed will be approximately the same height as the deck on the left (with the white railing).

## 511 Tusculum Context Photos



View of existing shed from north, looking south. Front and back of proposed covered parking structure will approximately align with the front and rear of this existing structure. Rear deck will sit beyond.



Rear of house. Existing shed at lower right. The highest point of the new shed will be approximately the same height as the deck beyond (with the white railing).

## 511 Tusculum Context Photos



Existing aluminum structure at residence. Similar look proposed for shed posts.



Context across the street. Not much off-street parking available due to extreme grade.


# Dusty Rhodes, Hamilton County Auditor

generated on 12/1/2020 1:32:01 PM EST

## Property Report

<b>Parcel ID</b> 027-0001-0132-00	<b>Address</b> 511 TUSCULUM AVE	<b>Index Order</b> Parcel Number	<b>Tax Year</b> 2019 Payable 2020
--------------------------------------	------------------------------------	-------------------------------------	--------------------------------------

### Property Information

<b>Tax District</b> 001 - CINTI CORP-CINTI CSD	<b>School District</b> CINCINNATI CSD	<b>Land Use</b> 510 - SINGLE FAMILY DWLG	<b>Images/Sketches</b> 
<b>Appraisal Area</b> 00405 - COLUMBIA TUSCULUM 05	<b>Owner Name and Address</b> NIETCH CHRISTOPHER T & KIMBERLY A 511 TUSCULUM AVE CINCINNATI OH 45226 <i>(call 946-4015 if incorrect)</i>	<b>Mailing Name and Address</b> NIETCH CHRISTOPHER T & KIMBERLY A 511 TUSCULUM AVE CINCINNATI OH 45226 <i>(call 946-4800 if incorrect)</i>	
<b>Assessed Value</b> 97,200	<b>Effective Tax Rate</b> 83.385380	<b>Total Tax</b> \$7,167.34	
<b>Property Description</b> 511 TUSCULUM AVE 64 X 284.18 FT IRR PT LOT 235 LONGWORTH			

#### Appraisal/Sales Summary

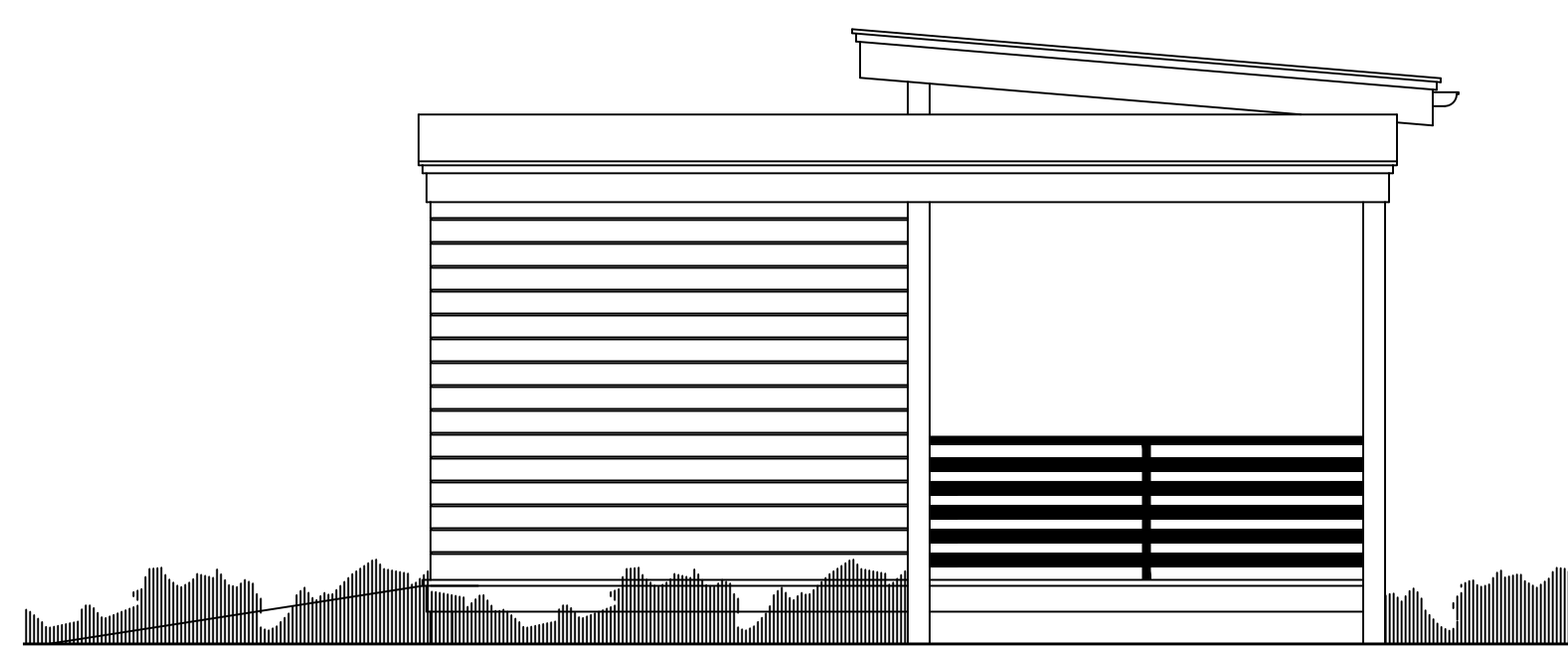
Year Built	1890
Total Rooms	9
# Bedrooms	3
# Full Bathrooms	3
# Half Bathrooms	1
Last Sale Date	9/20/2006
Last Sale Amount	\$298,000
Conveyance Number	67106
Deed Type	WD - Warranty Deed (Conv)
Deed Number	104425
# of Parcels Sold	1
Acreage	0.313

#### Tax/Credit/Value Summary

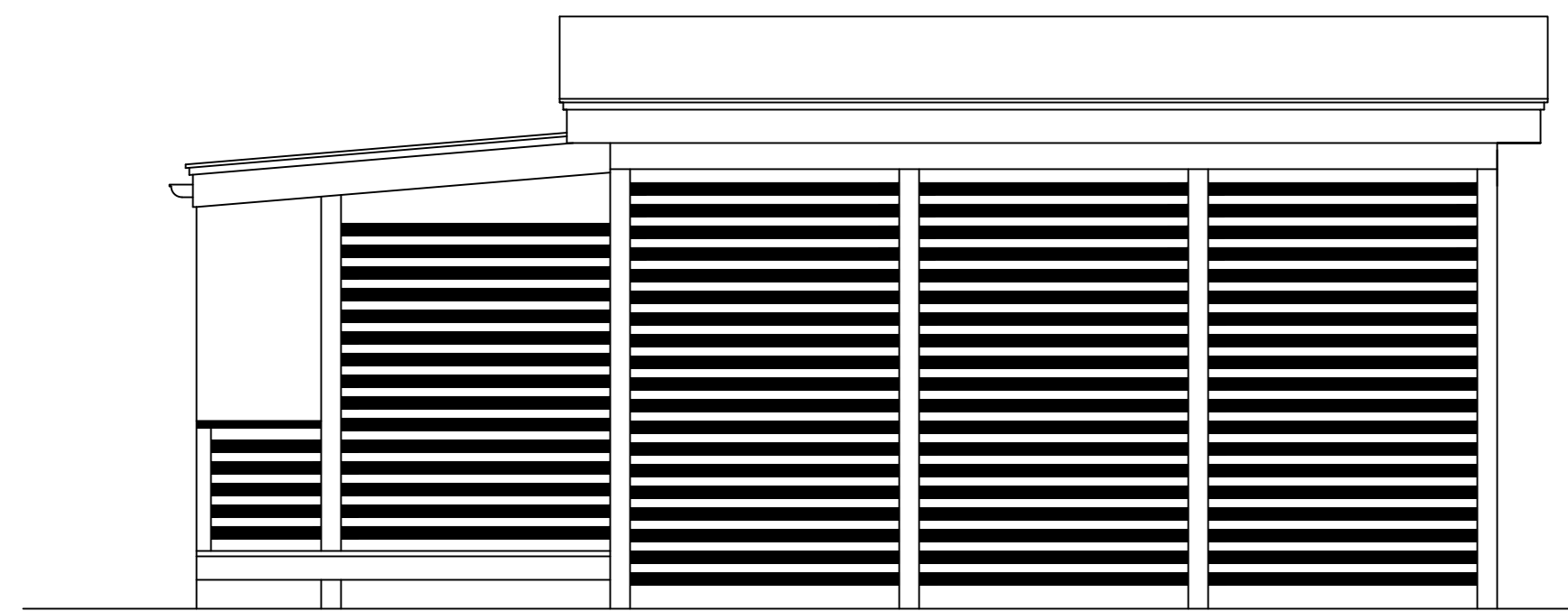
Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	Yes
Foreclosure	No
Special Assessments	Yes
Market Land Value	103,830
CAUV Value	0
Market Improvement Value	252,530
Market Total Value	356,360
TIF Value	0
Abated Value	78,650
Exempt Value	0
<b>Taxes Paid</b>	<b>\$7,167.34</b>
Tax as % of Total Value	2.576%

#### Notes

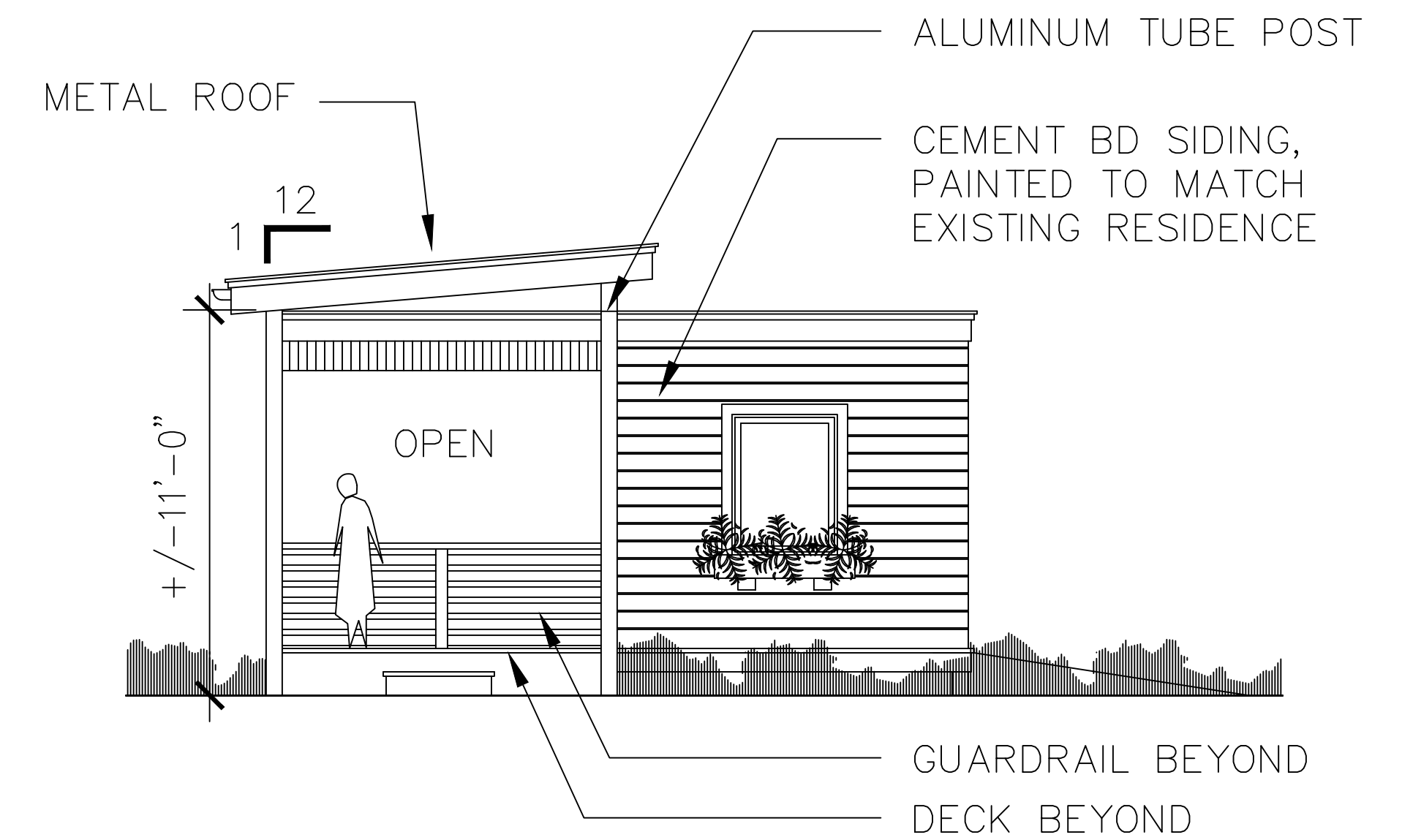
1) 6/9/15 - CRA Abatement - 10yrs - \$318,800 Max - Rehab - Began Tax Yr 2014 thru Tax Yr 2023, back to taxable 2024 payable 2025. 1) 5-4-98 REHAB 100% FOR 1998



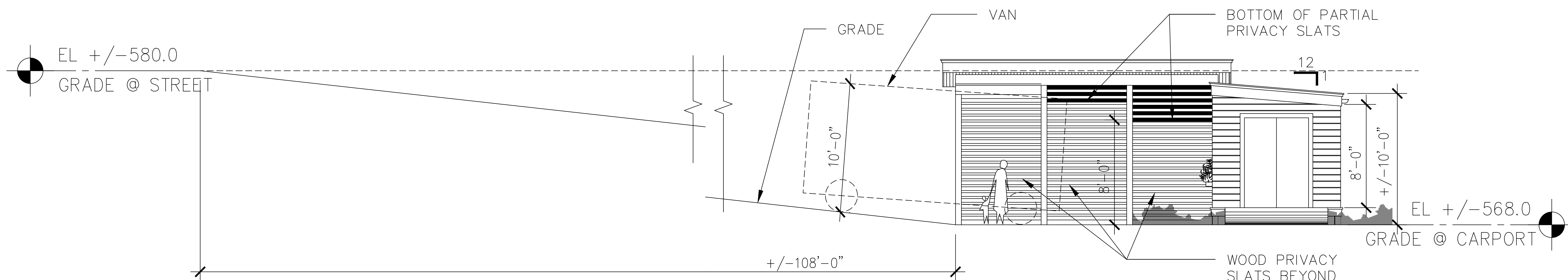
4  
A101 WEST ELEVATION  
SCALE: 1/8"=1'-0"



3  
A101 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



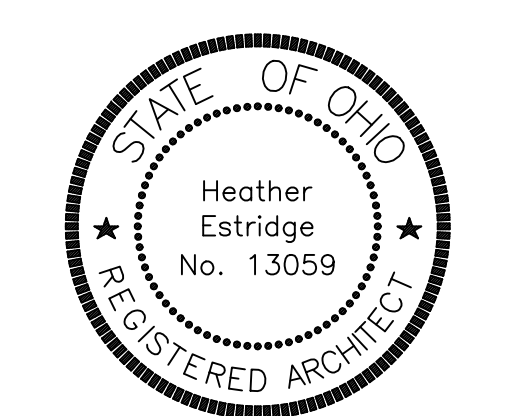
2  
A101 EAST ELEVATION  
SCALE: 1/8"=1'-0"



1  
A101 NORTH ELEVATION  
SCALE: 1/8"=1'-0"

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3747 EASTERN AVE  
CINCINNATI, OHIO 45226  
(513) 708-3533



HEATHER ESTRIDGE, LICENSE NO. 13059  
EXPIRES: 12/31/2021

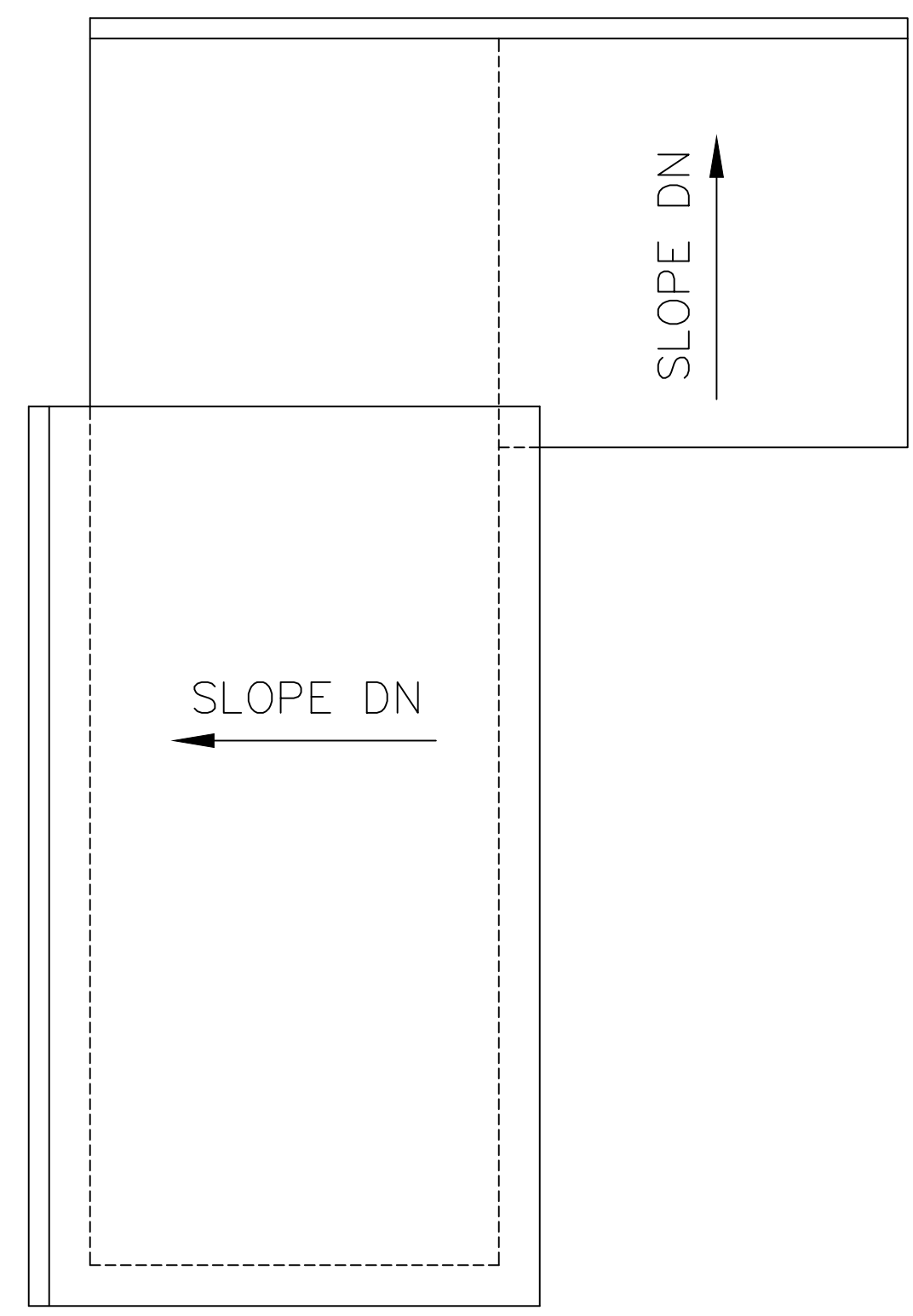
PROJECT NAME

511 TUSCULUM  
CINCINNATI, OH

DATE  
12-07-2020

TITLE  
ELEVATIONS

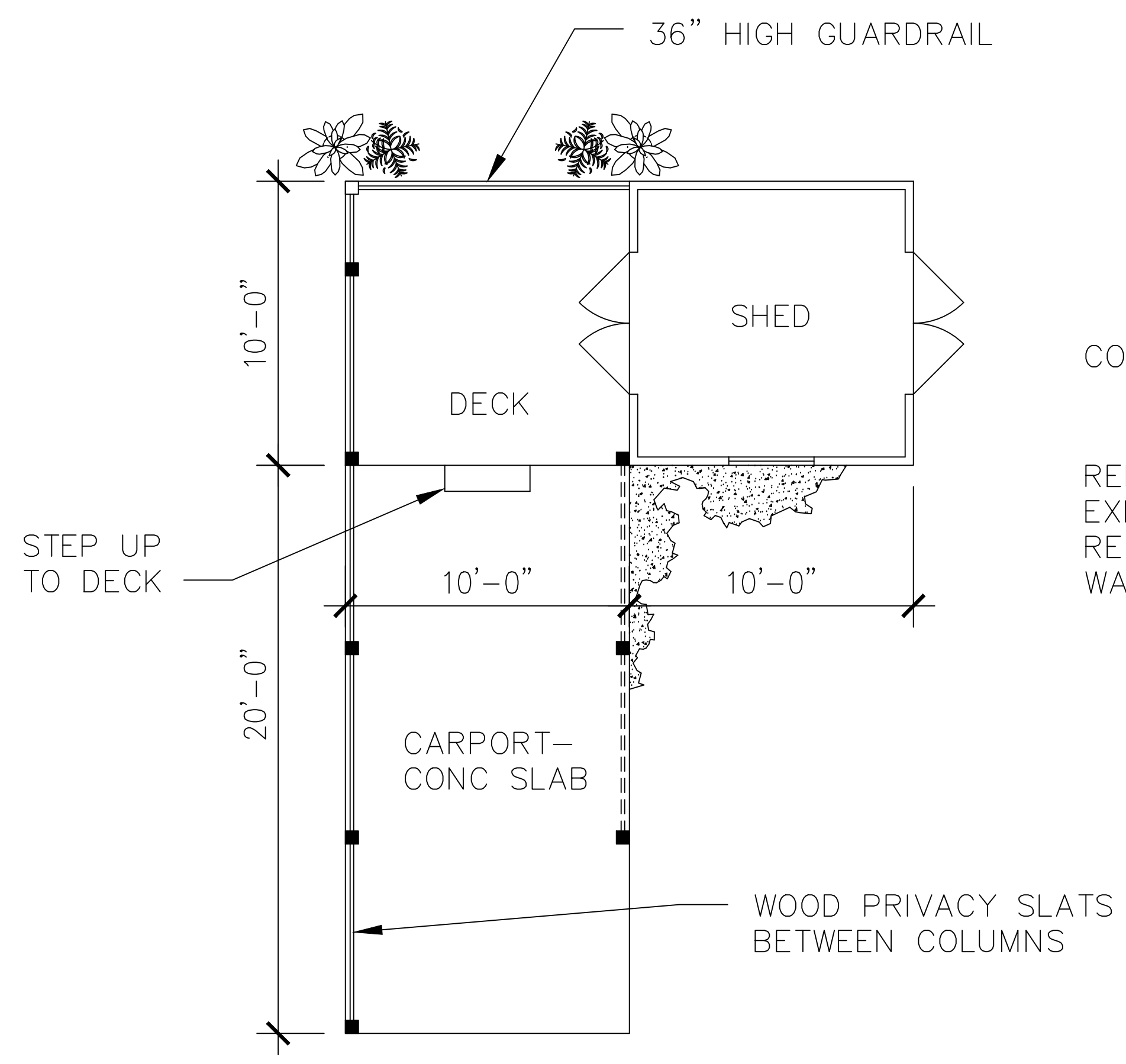
SHEET  
A101



### ROOF PLAN

SCALE: 1/8"=1'-0"

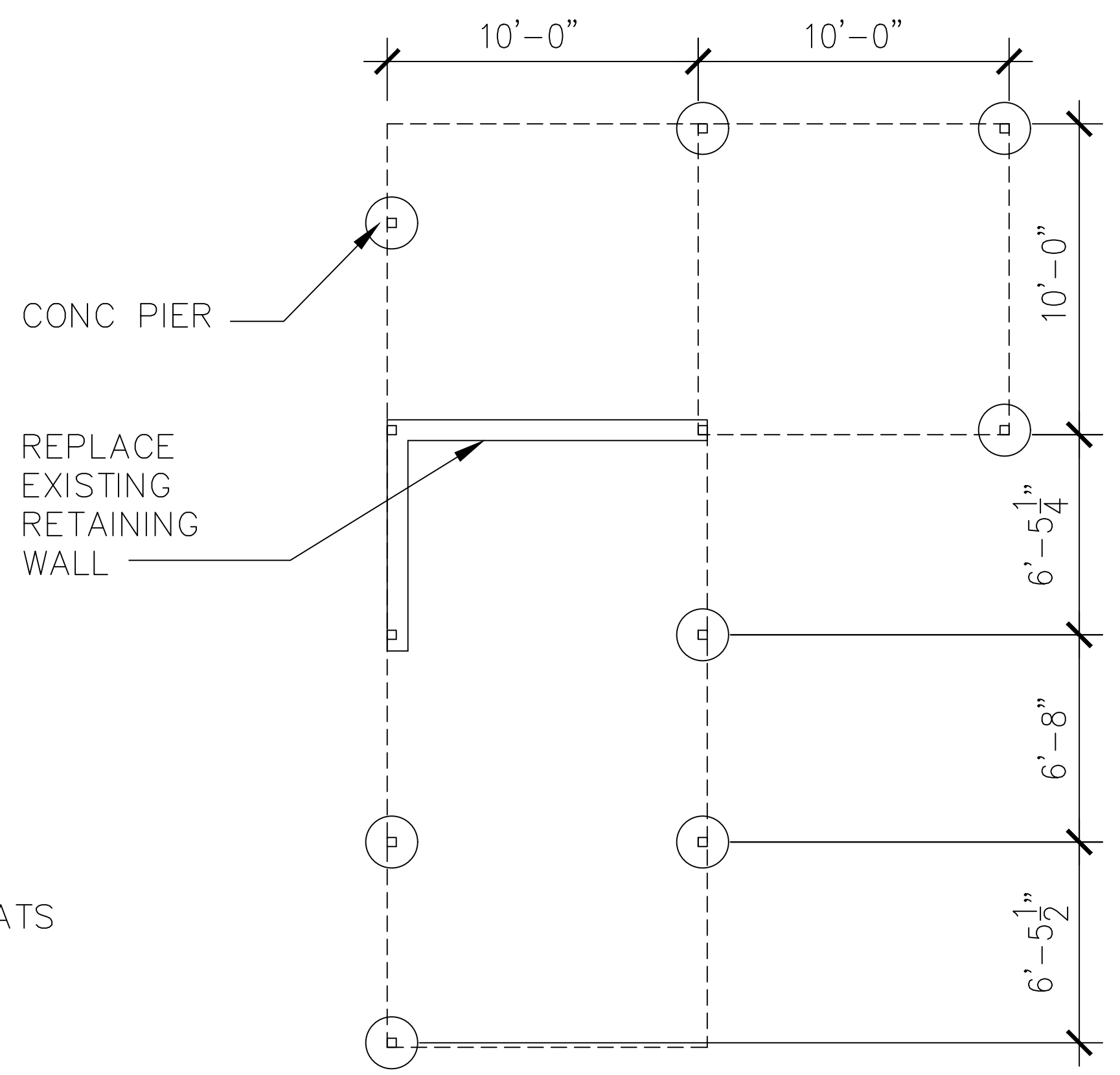
3  
A102



### FLOOR PLAN

SCALE: 1/8"=1'-0"

2  
A102



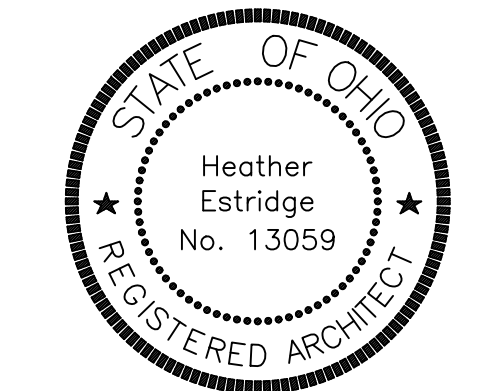
### FOUNDATION PLAN

SCALE: 1/8"=1'-0"

1  
A102

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Cincinnati, Ohio 45226  
(513) 708-3533



HEATHER ESTRIDGE, LICENSE NO. 13059  
EXPIRES: 12/31/2021

PROJECT NAME

511 TUSCULUM  
CINCINNATI, OH

DATE  
12-07-2020

TITLE  
PLANS

SHEET  
A102

# NEW ACCESSORY BUILDING

511 TUSCULUM AVE, CINCINNATI, OH

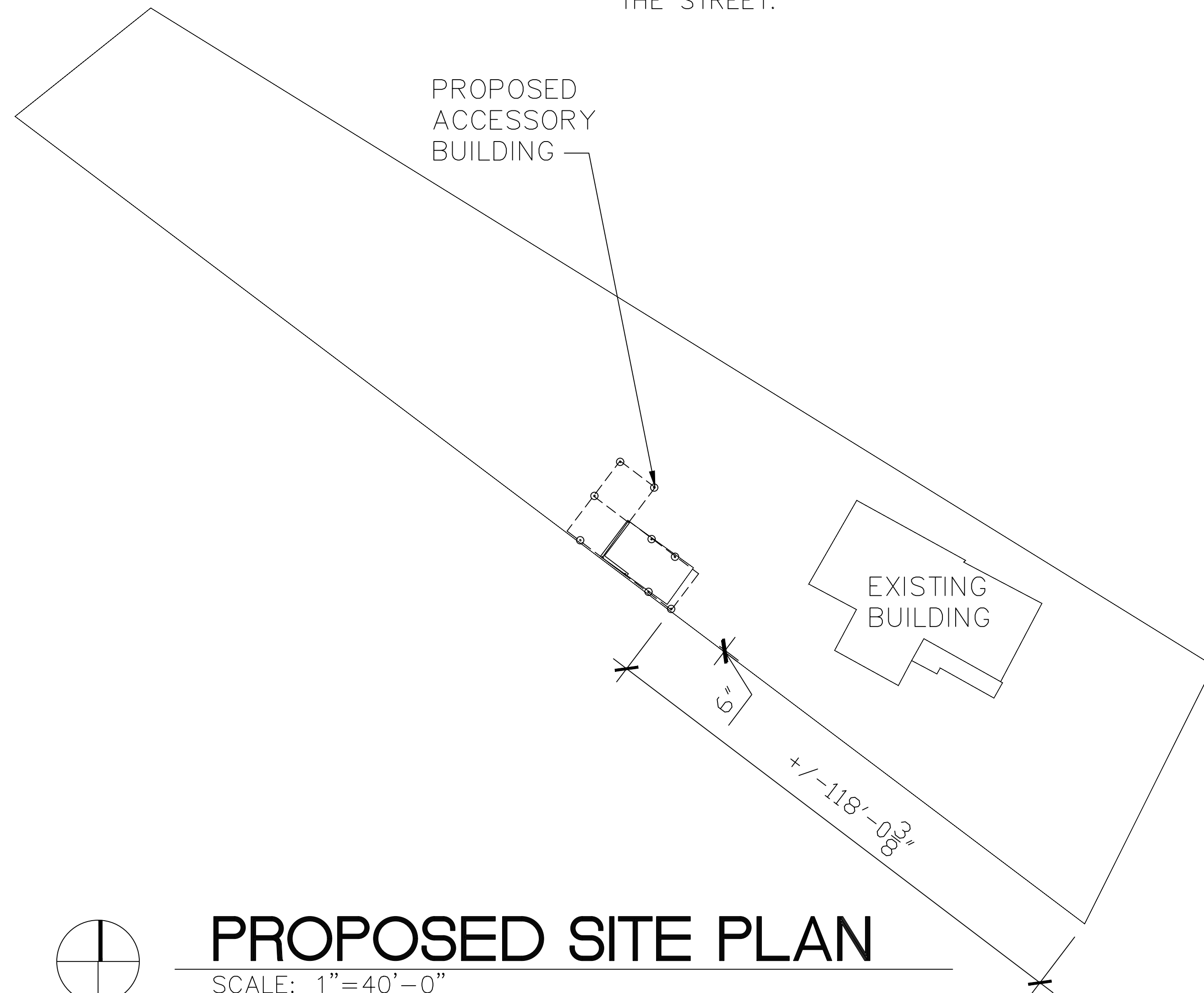
### ZONING CODE INFORMATION

APPLICABLE CODES:  
CITY OF CINCINNATI ZONING CODE

ZONE DISTRICT:  
SF-2  
HISTORIC OVERLAY  
HILLSIDE OVERLAY

ACCESSORY BUILDING:  
MAX AREA: 800 SF  
MIN SETBACK FROM SIDE AND REAR  
PROPERTY LINES: 3 FEET  
MAX HEIGHT: 15 FEET

PROJECT DESCRIPTION:  
THE HOMEOWNER WOULD LIKE TO BUILD A  
NEW ACCESSORY BUILDING. THE ROOF OF  
THE NEW SHED WILL NOT BE VISIBLE FROM  
THE STREET.



## PROPOSED SITE PLAN

SCALE: 1" = 40' - 0"



### ABBREVIATIONS

AFT	ABOVE FINISHED FLOOR
AD	AREA DRAIN
AL or ALUM	ALUMINUM
APPROX	APPROXIMATE
APT	APARTMENT
ARCH	ARCHITECT. ARCHITECTURAL
BD	BOARD
BLDG	BUILDING
BLKG	BLOCKING
BLKHD	BULKHEAD
BM	BEAM
BOT or B/	BOTTOM
BRG	BEARING
CAB	CABINET
CT	CERAMIC TILE
CJ	CONTROL JOINT
CL	CENTER LINE
CLG	CEILING
CLO	CLOSET
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
COLM	COLUMN
CONC	CONCRETE
CONSTR	CONSTRUCTION
CONT	CONTINUOUS
OPT	GARRET
CS	CONCRETE SEALED
CR	COLD WATER
DF	DRINKING FOUNTAIN
DN	DOWN
DS	DOWNSPOUT
DW	DISHWASHER
DWG	DRAWING
EA	EACH
ELEV	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL/EQUAL
EQT	EQUIPMENT
EXP	EXPANSION
EXT	EXTENDING
EXT	EXTERIOR
F	FACE OF
FA	FIRE ALARM
FD	FLOOR DRAIN
FDN	FOUNDATION
FE	FIRE EXTINGUISHER
FI	FIRE HYDRANT
FIN	FINISH
FLR	FLOOR/FLOORING
FLSG	FLASHING
FLUOR	FLUORESCENT
FR	FRAME
FRT	FIRE RETARDANT TREATED
FT	FOOT/FEET
FTG	FOOTING
GA	GAGE
GALV	GALVANIZE/-D
GEN	GENERAL
GL	GLASS
GR	GRAZING
GWB	GYP SUM WALLBOARD
GYP	GYP SUM
HB	HOSE BIBB
HC	HOLLOW CORE
HOWD	HARDBOARD WOOD (DOOR)
HW	HARDWARE
HM	HOLLOW METAL
HORIZ	HORIZONTAL/-LY
HR	HOUSE
HT	HEIGHT
HW	HOT WATER
IM	INSULATED METAL (DOOR)
IN	INCH/-ES
INSUL	INSULATION
INT	INTERIOR
INV	INSET
IPS	INSIDE PIPE SIZE
JT	JOINT
KD	KNOCK-DOWN
KT	KITCHEN
LAM	LAMINATE/-ION
LAV	LAVATORY
SPEC	SPECIFICATION
LF	LINEAR FOOT
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LR	LIVING ROOM
LVL	LAMINATED VENEER LUMBER
LVR	LOUVER
MO	MASONRY OPENING
MAS	MASONRY
MATL	MATERIAL
MAX	MAXIMUM
MBR	MASTER BEDROOM
MDO	MEDIUM DENSITY OVERLAY
MCH	MECHANICAL
MFR	MANUFACTURER
MR	MANHOLE
MIN	MINIMUM
MISC	MISCELLANEOUS
MTD, MTC	MOUNTED MOUNTING
MTL	METAL
NA or N/A	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO. or #	NUMBER
NOM	NOMINAL
NTE	NOT TO SCALE
O/O	OUT TO OUT
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFF	OFFICE
OH	OPPOSITE HAND
OPNG	OPENING
OPP	OPPOSITE
PAR	PARALLEL
PERF	PERFORATED/-ATIONS
PERM	PERIMETER
PERP	PERPENDICULAR
PL	PLATE OF PROPERTY LINE
P-LAM	PLASTIC LAMINATE
PLB	PLYWOOD
PLYD	PLYWOOD
PNL	PANEL
PSF	POUNDS PER SQUARE FOOT
PR	PAIR
PSI	POUNDS PER SQUARE INCH
PSL	PARALLEL STRAND LUMBER
PT	PAINT
R	RISER
R/W	RIGHT OF WAY
RD	ROOF DRAIN
REINF	REINFORCE -D, -ING
REQD	REQUIRED
RESIL	RESILIENT
REV	REVISE, REVISION
RFG	ROOFING
RM	ROOM
RO	ROUGH OPENING
SA	SUPPLY AIR
SAN	SANITARY
SC	SOLID CORE
SF	SQUARE FOOT
SFD	SMOKE DETECTOR
SQ	SQUARE
SGD	SLIDING GLASS DOOR
SHT	SHEET
SM	SIMILAR
SQ	SQUARE
ST	STORY
STC	STEEL TRANSMISSION GLASS
STL	STEEL
STOR	STORAGE
STRUCT	STRUCTURAL
SUSP	SUSPENDED
T	TREAD
T&B	TOP AND BOTTOM
T&G	TONGUE AND GROOVE
TJ	TOP OF
TEMP	TEMPORARY
THK	THICK-NESS
THRU	THROUGH
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
URNAL	URNAL
VN	VINYL
VCT	VINYL COMPOSITION TILE
VERT	VERTICAL -LY
W/O	WITHOUT
WC	WATER CLOSET
WH	WATER HEATER
WT	WEIGHT
WFF	WELDED WIRE FABRIC

### INDEX OF DRAWINGS

SHEET NUMBER	SHEET NAME	ISSUE DATE	REVISION NUMBER	REVISION DATE
G000	COVER SHEET	12-03-2020		
A101	ELEVATIONS	12-03-2020		
A102	FLOOR PLANS	12-03-2020		

### OWNER

KIM + CHRIS NIETCH  
511 TUSCULUM AVE  
CINCINNATI, OH 45226  
PHONE: 513-XXX-XXXX

### SYMBOL LEGEND

TYPICAL FOR ARCHITECTURAL DRAWINGS ONLY

DOOR NUMBER	XXX	EXTERIOR ELEVATION TAG	X XXX	DETAIL NO.
WINDOW TAG	X	INTERIOR ELEVATION TAG	X -I	SHEET NO.
REVISION TAG	A	ENLARGED DETAIL MARK	X XXX	DETAIL NO.
UNIT TYPE	XX	SECTION MARK	X XXX	SHEET NO.
DRAWING NOTE	XX			
PARTITION TAG	X			
ACCESSORY TAG	X			
ELEVATION MARK	XX'-X" JST BRG			

### MATERIAL LEGEND

TYPICAL FOR ARCHITECTURAL DRAWINGS ONLY

BRICK	CONTINUOUS LUMBER
CONCRETE	INTERMITTING BLOCKING
BATT INSULATION	EARTH
RIGID INSULATION	GRANULAR MATERIAL

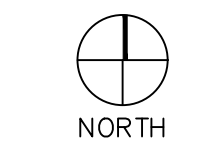
### GENERAL NOTES

- WORK TO BE DONE IN AN APPROVED WORKMANLIKE MANNER AND SHALL BE IN ACCORDANCE WITH GOVERNING CODES + REGULATORY AGENCIES.
- OWNER'S CONTRACTOR WILL OBTAIN PERMITS & COMPLY WITH REQUIREMENTS OF LICENSING AGENCIES.
- EGRESS DOORS SHALL BE READILY OPERABLE FROM THE SIDE FROM WHICH EGRESS IS TO BE MADE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.
- FIRE RATED ASSEMBLIES SHALL BE PROTECTED FROM WEATHER DAMAGE.

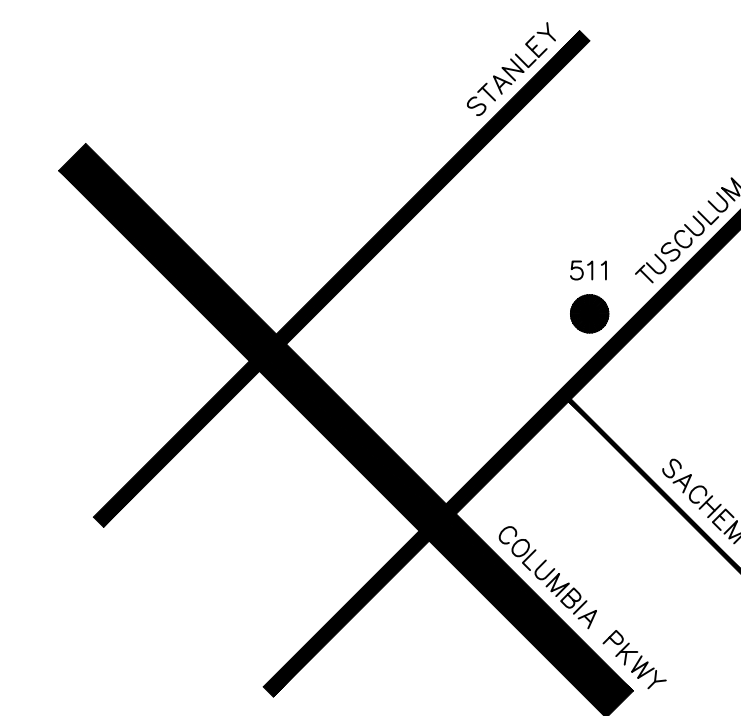
### ARCHITECT

HEATHER ESTRIDGE, RA, NCARB  
3747 EASTERN AVE  
CINCINNATI, OHIO 45226  
PHONE: (513) 708-3533  
E-MAIL: HLEarchitect@gmail.com

NO SCALE



### VICINITY MAP



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3747 EASTERN AVE  
Cincinnati, Ohio 45226  
(513) 708-3533



HEATHER ESTRIDGE, LICENSE NO. 13059  
EXPIRES: 12/31/2021

### PROJECT NAME

511 TUSCULUM  
CINCINNATI, OH

### DATE

12-07-2020

### TITLE

COVER SHEET

### SHEET

G000

---

---

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

---

APPLICATION #: COA2020056/ ZH2020187  
APPLICANT: Randall Walton  
OWNER: Randall Walton  
ADDRESS: **146 Mulberry Street**  
PARCELS: 094-0005-0060-00  
ZONING: RM-0.7  
OVERLAYS: Over the Rhine Historic District and Hillside Overlay District  
COMMUNITY: Over the Rhine  
REPORT DATE: January 5, 2020

---

---

### **Nature of Request:**

The applicant is requesting a Certificate of Appropriateness and related zoning relief for the construction of new single-family home on Mulberry Street on a currently vacant lot.

The applicant is building this project in conjunction with 148 Mulberry Street. While each application is a separate application and has different zoning relief requested due to the hillside averaging, the projects are overall similar in placement on the lot, massing, and design. The applicant has provided slight differences on each building to differentiate them from each other. It is common and historically appropriate within the district for buildings directly next to each other to be very similar with slight differences.

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

1. 1433-17 (c): Front yard Setback: **A variance of .195 feet** is required for the proposed 10-foot setback. The required setback is 10.195 feet based on the hillside averaging.
2. 1433-17 (d): Height of front: **A Variance of 4.16 feet** is required for the proposed height of 45.5 ft. The max height is 41.34 based on the hillside averaging.
3. 1433-17 (b): Side yard setback: **A Variance of 5.035 feet** is required for the proposed setback of 5 feet. The required side yard is 10.035 based on the hillside averaging.
4. 1433-19 (g): Excavation in excess of 8 feet will require approval through the Zoning Relief to determine that the excavation meets the Hillside Development Standards.

### **Existing Conditions:**

146 Mulberry Street is a vacant parcel with an existing historic building on the west and a vacant parcel to the east. This block of Mulberry had a row of infill buildings with garage doors to the west at 126-134 Mulberry Street.

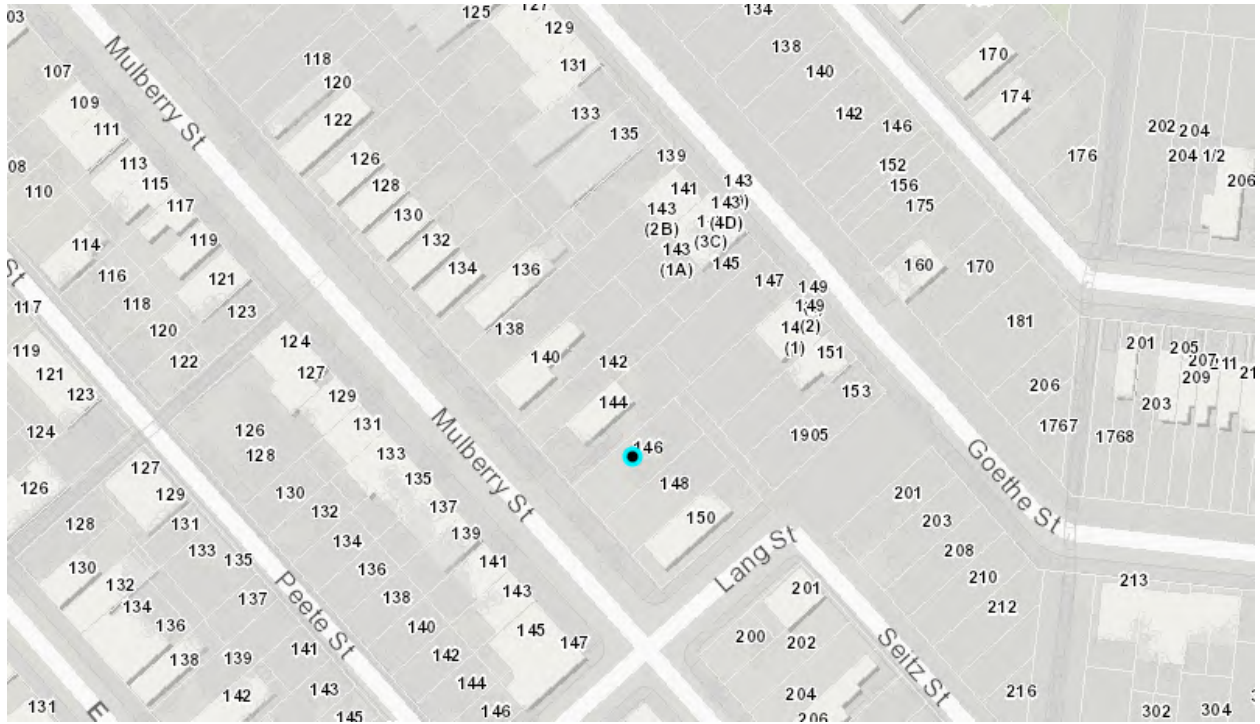


Figure 1: Map of 146 Mulberry. Map provided by Cagis Maps



Figure 2: Street view of 100 block of Mulberry Street. 146 Mulberry is identified by the arrow. Image provided by Google Street views.

**Proposed Conditions:**

The proposal at 146 Mulberry Street will:

1. Construct a single-family home.
2. The house will be clad in brick and cement lap siding.
3. It will have 3 story façade at the street with a fourth story set back from the street with a front roof deck.
4. The front of the building is broken into 2 masses, the main massing is 18’10” with a smaller entrance massing that makes the building 25’8” wide.

**Previous Review:** NA

**Applicable Zoning Code Sections:**

Zoning District:	Section 1405	Residential
Variance Requests:	Section 1405	Development Standards
	Section 1433	Hillside District
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
	<a href="#">Section 1445-15</a>	Standards for Variances
Overlays:	<a href="#">Section 1435</a>	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	<a href="#">Section 1435-09-2</a>	COA; Standard of Review

**Zoning Analysis:**

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

- The setback requests and heights are for setbacks that are similar to neighboring properties and other properties in the vicinity.
- The variances and proposed design are in the interest of Historic Conservation to help the proposal be contextual to the district.

a. **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

*The underlying zoning is RM 0.7 and it is within a Hillside Overlay Zone. The proposed use of the subject property does conform to the permitted uses within the zone. The front and side setback, and height do not conform to the averaging of the setbacks of the base zone for the vacant lot at 148 Mulberry Street and the contributing building at 144 Mulberry Street.*

*The front setback is a minimum request and is a request that is justified by the context of the building at 150 Mulberry Street set at 10 feet. The larger setback is required due to the property at 144 Mulberry being setback further than most other buildings along the street.*

*The height is also a minimum request. With the top floor setback the street frontage is a 3-story building. The building directly to the west at 144 Mulberry is a 4-story building at 47.7 feet tall so the proposed height at 146 Mulberry is less than the neighboring building.*

*The overall elevation above sea-level for the proposed building will be less than the contributing building at 144 Mulberry as the height for this property is determined from the grade at the building, not from the street level. As this property is elevated above the street level and the proposed building height is positioned at street level the contributing buildings at both 144 and 150 Mulberry will be above the proposed buildings.*

- b. **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.  
*The proposed work does substantially conform to the guidelines for the Over-the-Rhine Conservation District. (Refer to Certificate of Appropriateness review below)*
- c. **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.  
*This project conforms to the Over the Rhine Comprehensive Plan through creating increased home ownership opportunities as well as providing for parking for the development.*  
*The Comprehensive Plan also calls for developments within Historic Districts to support the historic conservation efforts and as in staff's review the new infill is contextually sensitive and does not detract from the district.*
- 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.  
*Traffic will be impacted as it will be creating a use on currently vacant parcels. The project is providing off street parking but will remove on-street parking spaces due to the curb cut.*
- e. **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.  
*This is not applicable.*
- f. **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.  
*This is not applicable.*
- g. **Hours of Operation.** Operating hours are compatible with adjacent land uses.  
*This is not applicable.*
- h. **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.

*The proposed use of a single-family house development is an appropriate use within a residential area of the neighborhood.*

- i. **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
*There are no proposed amendments under consideration that would impact this proposed project.*
- j. **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.  
*There is no anticipated adverse effect.*
- k. **Blight.** The elimination or avoidance of blight.  
*This will provide a new use to a currently vacant and unimproved lot.*
- l. **Economic Benefits.** The promotion of the Cincinnati economy.  
*The proposed work will increase the property value of the subject parcels.*
- m. **Job Creation.** The creation of jobs both permanently and during construction.  
*The proposed project will create temporary jobs during construction.*
- n. **Tax Valuation.** Any increase in the real property tax duplicate.  
*Property taxes will increase due to the improved value on the property.*
- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit to the proposed project.*
- p. **Public Benefits.** The public peace, health, safety or general welfare.  
*There is no anticipated detriment to the public peace health, safety or general welfare of the public or neighbors.*

#### **Standards for Variances per Section 1435-05-4**

- (a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or  
*The proposed work is compatible with the historic district and will provide an example of development that is contemporary in style while compatible with the historic district is scale, massing, and materials.*
- (b) Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).  
*The denial will not result in the deprivation of all economically viable uses as a single-family home could still be built within the Maximum Building Envelope.*

### **Standards for Variances per Section 1445-05-04**

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

*The setbacks requested support the context and historic guidelines that shallow setbacks at front property lines, while also respecting the existing setbacks on the street.*

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

*The requested setback variances and height variance are requesting a setback and height that are similar to or less than the surrounding property.*

### **§ 1433-23. - Hillside Development Standards.**

*The excess of 8 feet of cut into the hill for the project require HCB approval that the project is complying with the Hillside Development Standards.*

In addition to the Base Development Requirements of § 1433-19, the HCB must consider the following standards to ensure harmonious relationships with adjacent buildings and the hillside environment:

- (a) Avoid cuts in the hillside if they would leave cliff-like vertical slopes and excessively high retaining walls.

*The proposed cuts into the hill are the minimum required for the basement/foundation and garage.*

- (b) Design buildings to fit into the hillside rather than altering the hillside to fit the buildings.

*The design, including the excavation takes advantage of the hill by putting the majority of the cut at the front of the property which is generally flatter.*

- (c) Hillside development should be designed to minimize excavation required for foundations, parking and access drives

*The provided excavation is the least required to provide a functional garage as well as meet the setbacks required by both the base zoning and to be compatible with the surrounding context.*

(d)Cluster new development to retain surrounding tree cover and minimize alterations to the existing topography.

NA

(e)Maintain a clear sense of the hillside brow by locating buildings back from the brow of the hill.

*The building is located at the bottom of the slope.*

(f)Site buildings so as to respect views from public viewing places within the HS District identified in a community plan or other documentation approved by the City Planning Commission.

*The designer has been very respectful of views and the building is mostly within the MBE.*

(g)Where applicable, consider the guidelines contained in the "Cincinnati Hillside Development Guidelines" report to evaluate development applications.

NA

## **Certificate of Appropriateness Review**

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation District Guidelines. The proposal sits between a historic building and next to a vacant lot.

## **NEW CONSTRUCTION**

### **Staff comments on the Specific Guidelines for New Construction:**

#### **A. Intent and General Guidelines**

1. New construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.

*The lot is currently vacant and an unimproved lot.*

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.

*This infill development does not replicate the existing buildings, but uses materials, massing and rhythm to influence the design choices.*

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines.

New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

*Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.*

4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.

*Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines*

## **B. Specific Guidelines**

1. **Composition:** New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over-the-Rhine are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over-the-Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

**Base:** New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.

*The building has a strong base using a garage door and a limestone band to define the base. While garage doors are not a historic aspect on buildings, as there has been infill along Mulberry this form and element has been introduced in this portion of the neighborhood. This infill has mostly been on the 300 and 100 blocks on Mulberry on the north side of the street. The south side of the street remains intact historic fabric that does not have garage door openings.*

*The base also incorporates a front door onto the property. While the entrance visually acts as a secondary mass that is recessed from the front of the building, the stairs up to the entrance door continue the setback line along the front of the property.*

**Middle:** Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

*The middle is defined with brick cladding and paired front punched openings on both the second and third floors. The windows are aligned vertically to give the façade a vertical emphasis.*

**Top:** New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over-the-Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.

*The top of the front façade is defined by a simple limestone projection and banding that acts as a cornice. The cornice line provides the railing for the roof deck that is just back off the cornice. The building has a setback/recess at the roof level to provide for an outdoor roof deck. From the front façade this is not highly visible but will be slightly visible from west and east on Mulberry Street.*

**2. Roofs:** Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

*The roof is a side gable roof form. This roof form is common in the neighborhood, especially on single family homes. The main distinction is the inclusion of a roof deck at the front that breaks the angle of the roof at the front. While visible from west on Mulberry Street the roof deck is not highly visible from the primary façade.*

**3. Window Openings:** Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade. In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper. If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

1. *The windows on the front façade substantially conform to the guidelines above. The windows are taller than they are wide and are in a paired punched opening format.*
2. *The windows have a limestone lintel at the top of the windows and a sill at the bottom providing definition and articulation.*
3. *The windows on the side and rear are in vertical orientation in a mostly one over one format.*

**5. Setback:** Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, has shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.

*The setback along Mulberry is appropriate. The buildings along the north side of Mulberry Street on this block generally have a shallow set. This proposed building has a 10-foot setback. Staff finds this appropriate as it is in line with 150 Mulberry and anything closer to the street would be out of context with the adjacent buildings.*

*A small portion of the front façade is recessed to provide for a definition to the entry way.*

*The side setbacks are shallow setbacks from the property line. Residential properties often have slight setbacks. The setbacks are also needed for openings to allow light into the building.*

**6. Rhythm:** New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on the district. Most buildings in Over-the-Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.

*The lot is a similar size to other lots within the block. The building is just over 25 feet wide. The building has a three-bay configuration with one bay slightly recessed as the entrance. They are evenly spaced over the façade creating a consistent rhythm.*

**7. Emphasis:** New residential and mixed-use construction should have a vertical emphasis, because in Over-the-Rhine buildings are taller than they are wide, window

openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.

*The building has many elements that help to create a strong vertical emphasis. The major elements include that the building is taller than it is wide and the vertical alignment of the windows. There are also more subtle details, such as the recessed portion of the façade creating a distinct vertical column.*

**8. Height:** The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.

*The height is appropriate to the site and the area. As the buildings are mostly three stories with one building being four stories, the building is a similar height to the rest of the buildings along the street as well as the building that is directly adjacent to the west.*

**9. Materials:** New construction should use materials that are found on the historic buildings in Over-the-Rhine. Clearly the dominant material in Over-the-Rhine is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.

*The main building material on the front façade is a brick and limestone stone. The siding on the sides and rear are a cement siding in a lap form. This will not be highly visible, and the building will appear as a brick building. The windows are aluminum clad wood windows.*

*While we traditionally see one main building material on all four sides of the building, the proposed building wraps the brick around the first two thirds of each side façade providing for the most visible elevations of the street face with brick.*

*The brick being used is Belden Brick in modular size and the windows are aluminum clad wood windows.*

**Other Considerations:**

**Prehearing Results:** A prehearing was held on 1-6-21. The applicants were present.

**Comments Provided to Staff:** NA

**Recommendation:**

- I. **ZONING VARIANCES:** based on the application for Zoning Relief for single-family home at 146 Mulberry Street per the application submitted by Randall Walton dated 12/3/20.

- A. 1433-17 (c) Hillside side Yard- **APPROVE** A dimensional variance of 5.035 feet to allow a setback of 5 feet.
- B. 1433-17 (c) Hillside Front Yard- **APPROVE** A dimensional variance of .195 feet to allow a setback of 10 feet.
- C. 1433-17 (d) Hillside Front Height. **APPROVE** A dimensional variance of 4.16 feet to allow a total front elevation height of 45.5 feet.
- D. 1433-19(g) Excavation. **APPROVE** Hillside development allowing excavation in excess of 8 feet.

- E. **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.
  - 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 Historic District.

II. **CERTIFICATE OF APPROPRIATENESS**

- A. **Approve** the application for Certificate of Appropriateness for a single-family home at 146 Mulberry Street per the application submitted by Randall Walton dated 12/3/20 with the following conditions.
  - 1. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.
- 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.
  - 2. The building while contemporary has taken its cues from the neighboring contributing buildings with a strong base, middle, top, brick material, vertical emphasis, paired punched double hung windows, and a strong contextual rhythm.

**ADJUDICATION/DENIAL LETTER**

Date: November 18, 2020  
Location: 146 Mulberry St  
Request: SF infill project  
Zoning District: RM 0.7/Over-the-Rhine Historic District/Hillside

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

**Staff does recommend that the front setback return to the originally proposed 10 foot setback as that setback is more appropriate for this lot.**

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.28 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1433-17 (c): Front yard Setback: A variance of 10.195 feet is required for the proposed 5 foot setback.
2. 1433-17 (d): Height of front: A Variance of 4.15 feet is required for the proposed height of 45.5 ft.
3. 1433-17 (b): Side yard setback: A Variance of 5.035 feet is required for the proposed setback of 5 feet.
4. 1433-19 (g): Excavation in excess of 8 feet will require a variance. The proposed max excavation is 11 feet. 6.47 ft variance is required.

The 3 copies of the applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center **no later than 3pm on the deadline date**. It is highly encouraged that you make an appointment for submission to guarantee that your submission will be accepted by the deadline. Appointments can be made with Kasandra Maynes at 513-352-1559.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)



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Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am—4 pm  
(513) 352-4848  
[Beth.Johnson@Cincinnati-OH.gov](mailto:Beth.Johnson@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: 146 Mulberry Street, Cincinnati, Ohio 45202  
Hamilton Co. Parcel ID No.: 094-0005-0060-00 Zoning District: RESIDENTIAL MULTI-FAMILY RM-0.7  
Historic District: Over The Rhine Historic District Overlay District: Hillside

**APPLICANT INFO**     **PROPERTY OWNER**     **OTHER** \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: Randall Walton  
Contact Person (if legal entity): \_\_\_\_\_  
Address: 6082 Ash Hill Court  
City: West Chester State: Ohio Zip Code: 45069  
Phone: 513-659-2284 E-mail: \_\_\_\_\_

**PROPERTY OWNER INFO**     **SAME AS ABOVE**

Name: \_\_\_\_\_  
Contact Person (if legal entity): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

New Construction     Alteration     Demolition

Provide a very brief summary of the project:

This project will be the construction of a new single, family detached, market rate home.

**ZONING RELIEF**     **Yes**     **No**

Provide a very brief summary of the zoning relief requested:

The zoning relief that is being requested pertains to the height of the building.

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**

**All applications that include requests for zoning relief must include a zoning hearing application.**

**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: Randall Walton

Date: 12/7/2020



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
Boards@cincinnati-oh.gov

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

**Section 1. SUBJECT PROPERTY**  
 ADDRESS 146 Mulberry Street, Cincinnati, Ohio 45202 COMMUNITY Mount Auburn  
 PARCEL ID(S) 094-0005-0060-00 HILLSIDE DISTRICT:  Yes  No  
 BASE ZONING CLASSIFICATION RM-0.7 ZONING OVERLAY (if applicable) \_\_\_\_\_  
 HISTORIC DISTRICT:  No  Yes: (name) Over The Rhine Historic District  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

**Section 2. APPLICANT**  
 NAME Randall Walton CONTACT PERSON (if legal entity) \_\_\_\_\_  
 ADDRESS 6082 Ash Hill Court CITY West Chester STATE Ohio ZIP 45069  
 EMAIL randalljameswalton@gmail.com RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
 TELEPHONE 513-659-2284

**Section 3. OWNER**  
 NAME SAME AS ABOVE CONTACT PERSON (if legal entity) \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_

**Section 4. NATURE OF RELIEF REQUESTED.** (select all that apply)  
 Variance  Special Exception  Conditional Use  Use Variance  
 Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission  
 Urban Design Overlay District Permission  DD District Phased Development Approval

**Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT** (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)  
The proposed project will be new construction of a market rate, single family home.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.**  
 You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

**Section 7. SIGNATURE.** The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.  
 Print Name Randall Walton Signature Randall Walton Date 1/7/04

Parcel ID  
094-0005-0060-00

Address  
146 MULBERRY ST

Index Order  
Parcel Number

Tax Year  
2019 Payable 2020

Name	Relationship	Status
WALTON RANDALL & TRINA	Parcel Owner	Current
A RAN PROPERTIES LLC	Parcel Owner	Retired
A-RAN PROPERTIES LLC	Mail Name	Retired

Full Name	Type
WALTON RANDALL & TRINA	Parcel Owner

Address	Mailing Flags
6082 ASH HILL CT WEST CHESTER OH 45069	[1st Half Tax Bill] [2nd Half Tax Bill] [Change Notice] [Delinquent Tax Bill] [Reduction Notice]

## SUMMARY OF THE REASONS WHY RELIEF SHOULD BE GRANTED TO CONSTRUCT 146 MULBERRY STREET

To Whom It May Concern:

The reasons why relief should be granted to construct 146 Mulberry Street are as follows:

1. The design, massing and façade will be accretive to the overall architectural appeal of the street;
2. The construction of this home will continue the momentum of the construction of aesthetically pleasing, market rate homes along the street; and
3. The construction of the home will add substantial tax property revenue to the city of Cincinnati; and
4. The construction of the home will eliminate the current blighted condition of the home site.

Sincerely,



Randall Walton

**ADJUDICATION/DENIAL LETTER**

Date: November 18, 2020  
Location: 146 Mulberry St  
Request: SF infill project  
Zoning District: RM 0.7/Over-the-Rhine Historic District/Hillside

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

**Staff does recommend that the front setback return to the originally proposed 10 foot setback as that setback is more appropriate for this lot.**

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.28 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1433-17 (c): Front yard Setback: A variance of 10.195 feet is required for the proposed 5 foot setback.
2. 1433-17 (d): Height of front: A Variance of 4.15 feet is required for the proposed height of 45.5 ft.
3. 1433-17 (b): Side yard setback: A Variance of 5.035 feet is required for the proposed setback of 5 feet.
4. 1433-19 (g): Excavation in excess of 8 feet will require a variance. The proposed max excavation is 11 feet. 6.47 ft variance is required.

The 3 copies of the applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center **no later than 3pm on the deadline date**. It is highly encouraged that you make an appointment for submission to guarantee that your submission will be accepted by the deadline. Appointments can be made with Kasandra Maynes at 513-352-1559.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848  
(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)

II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am—4 pm  
(513) 352-4848  
[Beth.Johnson@Cincinnati-OH.gov](mailto:Beth.Johnson@Cincinnati-OH.gov)

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: 146 Mulberry Street, Cincinnati, Ohio 45202  
Hamilton Co. Parcel ID No.: 094-0005-0060-00 Zoning District: RESIDENTIAL MULTI-FAMILY RM-0.7  
Historic District: Over The Rhine Historic District Overlay District: Hillside

**APPLICANT INFO**     **PROPERTY OWNER**     **OTHER** \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: Randall Walton  
Contact Person (if legal entity): \_\_\_\_\_  
Address: 6082 Ash Hill Court  
City: West Chester State: Ohio Zip Code: 45069  
Phone: 513-659-2284 E-mail: \_\_\_\_\_

**PROPERTY OWNER INFO**     **SAME AS ABOVE**

Name: \_\_\_\_\_  
Contact Person (if legal entity): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

New Construction     Alteration     Demolition

Provide a very brief summary of the project:

This project will be the construction of a new single, family detached, market rate home.

**ZONING RELIEF**     **Yes**     **No**

Provide a very brief summary of the zoning relief requested:

The zoning relief that is being requested pertains to the height of the building.

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**

**All applications that include requests for zoning relief must include a zoning hearing application.**

**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: Randall Walton

Date: 12/7/2020



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
Boards@cincinnati-oh.gov

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

**Section 1. SUBJECT PROPERTY**  
 ADDRESS 146 Mulberry Street, Cincinnati, Ohio 45202 COMMUNITY Mount Auburn  
 PARCEL ID(S) 094-0005-0060-00 HILLSIDE DISTRICT:  Yes  No  
 BASE ZONING CLASSIFICATION RM-0.7 ZONING OVERLAY (if applicable) \_\_\_\_\_  
 HISTORIC DISTRICT:  No  Yes: (name) Over The Rhine Historic District  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

**Section 2. APPLICANT**  
 NAME Randall Walton CONTACT PERSON (if legal entity) \_\_\_\_\_  
 ADDRESS 6082 Ash Hill Court CITY West Chester STATE Ohio ZIP 45069  
 EMAIL randalljameswalton@gmail.com RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
 TELEPHONE 513-659-2284

**Section 3. OWNER**  
 NAME SAME AS ABOVE CONTACT PERSON (if legal entity) \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_

**Section 4. NATURE OF RELIEF REQUESTED.** (select all that apply)  
 Variance  Special Exception  Conditional Use  Use Variance  
 Expansion or Substitution of Non Conforming Use  Hillside Overlay District Permission  
 Urban Design Overlay District Permission  DD District Phased Development Approval

**Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT** (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)  
The proposed project will be new construction of a market rate, single family home.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.**  
 You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

**Section 7. SIGNATURE.** The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.  
 Print Name Randall Walton Signature Randall Walton Date 1/7/04

Parcel ID  
094-0005-0060-00

Address  
146 MULBERRY ST

Index Order  
Parcel Number

Tax Year  
2019 Payable 2020

Name	Relationship	Status
WALTON RANDALL & TRINA	Parcel Owner	Current
A RAN PROPERTIES LLC	Parcel Owner	Retired
A-RAN PROPERTIES LLC	Mail Name	Retired

Full Name	Type
WALTON RANDALL & TRINA	Parcel Owner

Address	Mailing Flags
6082 ASH HILL CT WEST CHESTER OH 45069	[1st Half Tax Bill] [2nd Half Tax Bill] [Change Notice] [Delinquent Tax Bill] [Reduction Notice]

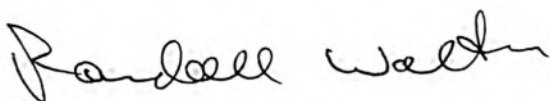
## SUMMARY OF THE REASONS WHY RELIEF SHOULD BE GRANTED TO CONSTRUCT 146 MULBERRY STREET

To Whom It May Concern:

The reasons why relief should be granted to construct 146 Mulberry Street are as follows:

1. The design, massing and façade will be accretive to the overall architectural appeal of the street;
2. The construction of this home will continue the momentum of the construction of aesthetically pleasing, market rate homes along the street; and
3. The construction of the home will add substantial tax property revenue to the city of Cincinnati; and
4. The construction of the home will eliminate the current blighted condition of the home site.

Sincerely,



Randall Walton



# ***ULTRA TECHNICAL SERVICES, INC.***

*GEOTECHNICAL, ENVIRONMENTAL, FOUNDATION, SOILS and MATERIALS ENGINEERS*

July 17, 2020

Randall Walton  
c/o SM Custom Homes  
163 Compton Road  
Cincinnati, Ohio 45215

**RE: FOUNDATION RECOMMENDATIONS  
FOR SINGLE FAMILY RESIDENCES AT  
146-148 MULBERRY STREET  
CINCINNATI, OHIO 45204**

Dear Mr. Walton,

It is understood that it is proposed to construct single family 3 story buildings with full basement daylighting at the street level at the above sites. The building measure about 20' to 25' in width and 47.5' in length. Our experience from previous foundation work performed in the area indicated that existing very poor quality fill underlain by colluvial soils extended as deep as 20' near the street and to shallower depth, about 8' to 10' at the rear. Thereafter, shale and limestone bedrock was encountered.

Colluvial soils were derived from previous episodes of massive landslide causing the overburden soils and weathered shale bedrock to slide downhill and be deposited near the toe of the hillside. These soils are therefore prone to sliding and will not be suitable for foundation support. Drilled piers are therefore recommended in the front portions of the buildings while the rear portions where bedrock should be close to basement subgrade level may possibly be founded on conventional spread or strip footings. Drilled piers varying in length from 10' to 25' averaging about 20' are therefore estimated for the front portions of the buildings. Each pier will be at least 24" in diameter and reinforced with 132#/yd used steel rails to withstand any lateral forces that may be experienced by the residence due to the potential movement of the underlying colluvial soils.

## **FOUNDATION RECOMMENDATIONS**

Due to hillside slope, the underlying steeply sloping bedrock surface encountered in the area and the presence of unstable fill and colluvial overburden soils, we recommend foundations socketed well into bedrock in the down slope portion of the house or stable clay or bedrock in the rear portion of the house be utilized for the proposed residence. With the relatively shallow depth to bedrock expected at the rear upper portion of the site, it appeared possible to utilize conventional backhoe excavated basement spread or strip footings socketed into the bedrock or stable ground in this area. However, in the downhill portion of the building area where the depth to bedrock may become substantial, we recommend the use of drilled pier foundations socketed well into bedrock as designed. Detailed recommendations for the site preparation, foundation and floor slab design are presented as follows:

### **Site Preparation Recommendations**

The following site preparation recommendations are provided for the building construction:

1. The site preparation should commence by stripping the existing vegetation and topsoil within the building and pavement areas and other structural improvements. All the existing trees in the construction area should be up rooted. Where necessary, the hole created should be cleaned out and backfilled with suitable material, which is placed and compacted as recommended later in this report.
2. We recommend that the site be disturbed as little as possible with only limited grading outside of the building footprint. We reiterate that any retaining walls that may be required for grade separation should be socketed adequately into the shale and limestone bedrock.

3. The grading at the site will presumably require cut and no fill for the foundation construction. However, some shallow undercut (minimum 2') of the uncontrolled fill and replacement with compacted quality-controlled engineer fill is recommended for the slab support where existing poor quality fill is exposed at the front portion of the site. Prior to this fill placement, the exposed ground surface following the stripping of uncontrolled fill should be proof rolled, where practical, to determine any area of soft ground. Any soft, wet and unstable areas encountered should be further undercut and replaced with suitable fill material (placed and compacted as recommended later). After approval of the exposed subgrade, structural fill should then be placed to establish finished subgrade level.
4. The fill should be placed to final grades in maximum 8" (200mm) loose lift and on horizontal benches cut into the natural overburden soils. Each lift should be compacted to at least 98% Standard Proctor density (ASTM D 698) below all structural areas. The top 12" (300mm) below the finished floor slab subgrade should be compacted to at least 100%. In non-structural areas, the degree of compaction of any proposed fill may be reduced to 95%, provided it is properly engineered to a stable condition.
5. All exposed ground surfaces should be mulched and seeded and landscaped as soon as possible to minimize soil erosion and infiltration of surface water into the subsoil. These conditions can lead to slope instability.
6. All site-grading operations will need to be witnessed and monitored in the field by geotechnical personnel.
7. It is reiterated that no structurally unsupported fill embankment be placed at this site.

### **Foundation Recommendations**

As stated earlier, both conventional backhoe excavated footings (shallow basement foundations) and drilled pier foundations socketed into the shale and limestone bedrock as designed are considered suitable. The foundations must be designed not only to support the vertical building load but also the horizontal load from the overburden soils. This foundation system will provide stability of the building and help improve the overall stability

of the hillside. The following paragraphs provide our foundation and floor slab recommendations for the building.

**Shallow Foundation Recommendations:** Allowable bearing capacities of 5,000 psf (250 kN/m<sup>2</sup>) for strip footings and 6,000 psf (300 kN/m<sup>2</sup>) for spread footings should be available where footings are socketed at least 2 ft. (0.6m) into the first competent shale and limestone bedrock. The bearing surface should be closely inspected for completely weathered zones, soil or rock cuttings or debris, which if found must be removed and backfilled with concrete. Any joints or fractures found on the bearing surface should also be filled with concrete prior to footing placement.

Settlement of footings constructed to the depths, loading and standards stated above and supporting a maximum column load of 75 kips (334 kN) and wall load of 5 kips per linear foot (6.8 kN/m) estimated for the building should be less than 1" (25mm). Differential settlement should be less than 0.5" (13mm). Minimum footing width of 24" (600mm) is recommended.

Geotechnical personnel should perform close inspection of the foundation excavation and construction. The inspection should include visual evaluation of the bearing material to confirm that the bearing material is consistent in quality and strength as recommended here. The bearing material should also be probed at regular interval (maximum 10 ft or 3m intervals) to verify that no soft or unsuitable materials lie beneath the bearing surface. Pocket penetrometer readings of the bearing material should also be obtained to verify that the above quoted bearing values are available.

Provision of adequate drainage facilities below the buildings is a critical aspect of this project. To this end, it is recommended that a minimum 4" (100 mm) diameter perforated drainage pipe should be installed along both the interior and exterior of the building foundation walls. The drainage pipes should be located on top of the footing and at the base of foundation walls where practical. The pipes should be sloped for positive drainage and should be discharged into a suitable outlet. Riprap should be placed at the pipe exit for erosion protection. The exterior pipe should be socked, bedded and backfilled with granular fill as recommended later in this report.

The soils and shale bedrock encountered at this site are highly susceptible to loss of shear strength when disturbed say by construction traffic or exposed to weather or ingress of water. Care should therefore be taken during construction to avoid disturbance. Prolonged

exposure of the foundation subgrade should be avoided. Footing concrete should be placed on the same day the excavation was made. Foundation excavation should not be left open overnight. If prolonged exposure of foundation subgrade is unavoidable, then the subgrade should be sealed with at least 3 to 4" (7.5 to 10cm) lean concrete (at least 1500 psi or  $10.8 \text{ MN/m}^2$ ) mud mat. It is also recommended that the foundation concrete be placed neat against the excavation wall to avoid the need for forming and backfilling.

The ground around the residence should be designed to drain adequately away from the foundations. The downspouts should be collected through non-perforated drainage pipes and be discharged at a suitable outlet. Drainage pipes should be watertight and should not be allowed to discharge onto the ground surrounding the buildings.

**Drilled Pier Foundations:** It is recommended that drilled piers be extended a minimum of 5 ft. (1.5m) below the top of the first competent shale encountered (brown or gray). The actual embedment will depend on the height of the overburden soils retained, the subsoil and groundwater conditions and the quality of the backfill used. However, based on the 5' (1.5m) depth of embedment, an allowable end bearing capacity of 20 ksf ( $1,000 \text{ kN/m}^2$ ) should be available for properly installed drilled pier design for axial compressive loads. It is recommended that minimum 24" (600mm) diameter piers as proposed be utilized, to allow inspection of the pier bottom from the ground surface. Our analysis indicates that the proposed 12' (3.6m) drilled pier socket into the bedrock specified on the foundation plans should be adequate.

The basement walls of the building will be subjected to lateral loading from the soil retained. These walls should be designed as retaining walls. In addition, the piers will be subjected to lateral loads from the overburden soils due to the sloping hillside. The piers must therefore be designed to support lateral load from the overburden soils. Following our review of the site grading and foundation plans, our analysis indicates that minimum drilled pier embedment or socket depths into the bedrock of between 8 and 10' (2.4m and 3m) as designed will be required to resist lateral loads. Pier depths in the 12 to 25' (3.6 to 7.5m) range below existing grades as designed, will be required.

The piers must be adequately reinforced to support both the maximum shear and bending moments. The basement foundation walls should be strongly reinforced and cast rigidly together on top of the piers to develop a diaphragm action to resist lateral loads and reduce bending moment

It is recommended that temporary steel casing be made available on site to be used as needed if water seepage is encountered during the drilling of the piers. The bearing surface of each pier should be thoroughly cleaned of any loose material prior to concrete placement. If water seepage is encountered during drilling, the specifications should state that no more than 2" (50mm) of water should be allowed to collect at the bottom of the pier hole prior to concreting. If the water cannot be pumped out, then the concrete should be placed with a tremie. It is recommended that the number of piers drilled in a day be limited to those that can be concreted on the same day, and that no completed pier holes be left open overnight without being filled with concrete.

### **Design Recommendations for Basement and Other Retaining Walls:**

We reiterate that the basement walls must be designed as reinforced concrete retaining walls, to retain the basement backfill and the sloping hillside. It is presumed that the proposed basement walls will be rigid and non-yielding due to their bracing support at the top and bottom. By contrast, the exterior retaining walls proposed to be used for grade separation will most likely be non-rigid and free to rotate. The following lateral earth pressure recommendations (for rigid and non-rigid) walls are provided as follows. In both cases, it is recommended that the backfill consist of free-draining granular soil and that positive drainage is provided. Much higher pressures than those given here will occur if cohesive soils are used as backfill and/or if drainage is not provided behind the walls and hydrostatic pressure is allowed to build up.

- a. Basement Walls:** Long-term pressure distribution behind the basement walls should be estimated based on at rest conditions using a rectangular loading distribution derived from the following equations:

$$P=30H \text{ (psf), where "H" is the wall height in feet.}$$

$$P=5H \text{ (kN/m}^2\text{), where "H" is the wall height in meters}$$

These equations can also be used to estimate lateral load acting on the individual drilled piers in the overburden soils above the bedrock surface. The term "H" in this case will represent the thickness of the overburden. An effective pier diameter equal to twice the actual pier diameter is recommended due to soil arching. An allowable passive resistance of 4,000 psf (200 kN/m<sup>2</sup>) can be adopted in the underlying shale bedrock bearing material in estimating resistance to lateral pressure. Passive resistance should be ignored in the overburden soils due to the possibility of sliding. An allowable coefficient of friction of 0.3

should be available between the bottom of concrete foundations and the underlying shale bedrock.

Also, 50% of any surface surcharge loading applied adjacent to the wall should be included in the design pressure.

**b. Non-Rigid (Cantilevered or modular) Retaining Wall:** For any freestanding retaining wall that may be proposed for site grading or exterior landscaping purposes, a triangular pressure distribution can be used. A pressure distribution based on an equivalent fluid pressure of 50 pcf (8 kN/m<sup>3</sup>), plus 40% of any surface surcharge loading is recommended. If other wall types are considered, the project geotechnical engineer should be contacted to evaluate potential impact on these pressure distribution recommendations.

Backfill behind the walls should consist of relatively well graded, free-draining granular material, having no more than 7% passing the No. 200 sieve. The granular backfill behind the walls should be at least 3 ft. (1m) wide and should be placed and compacted in 4" to 6" (100mm to 150mm) thick lifts. To avoid overstressing the walls, hand equipment should be utilized within 5 ft. of the wall. Foundation drains and/or weep holes should be included to provide drainage of the granular backfill. Each lift of wall backfill should be compacted to at least 98% of maximum Standard Proctor dry density.

It is recommended a minimum 4" (100mm) diameter perforated or slotted drainage pipe, sloped for positive drainage be provided below the granular backfill. The pipe should be placed behind the retaining wall. The pipe should be bedded and backfilled with at least 6" thick of No. 57 stone before placing the granular fill. The entire drainage backfill material should be encapsulated in a non-woven geotextile (filter fabric) to prevent siltation and clogging of the pipe and wall backfill materials. The drainage pipe should be discharged into a storm sewer. Pipe outflow should not be allowed to spill onto the slope. A similar recommendation applies to roof gutter outlets.

To avoid surface runoff from directly penetrating the wall backfill, a 12" to 18" (300mm to 450mm) thick layer of cohesive soil should be placed to cap the surface of the backfill. This clay cap should be positively sloped to drain away from the buildings or walls.

### **Floor Slab Recommendations**

The floor slab may be constructed as slab on grade following site preparation recommendations presented earlier. A design modulus of subgrade reaction of 125 pci is recommended. This design value is based on point loading conditions only.

The floor slab may fall within the flat clay colluvial soils below the topsoil or where the material is used as fill. Consideration should be given to stabilizing this soil by sealing the exposed surface with a minimum 6" layer of lean concrete mud mat or with asphalt coating. The drainage design and installation must be such that will keep free moisture from the fat clay. Finally, generous installation of construction joints in the slab should be considered to control cracking resulting from heaving and subsidence of the floor slab. The planting of trees adjacent to the slab on grade areas should be avoided because when the trees become matured in the future, they may extract excessive moisture from the soils beneath the slab causing soil shrinkage and cracking of the floor slab.

It is recommended that a minimum 4" to 6" (100mm to 150mm) layer of free-draining, well-graded granular material, such as clean "bank run" sand and gravel or ODOT 304 material, be provided below the floor slab. This granular blanket will allow for a uniform slab thickness, more uniform load transfer, and aid in a more uniform curing of the concrete at the top and bottom of the slab.

### **Seismic Considerations**

The Ohio Basic Building Code (OBBC), 2013 Edition, recommends that every building and structure be designed and constructed to resist the effects of earthquake motions determined in accordance with Section 1612.1 of the Code. Based on the test pit results and the geology of the site, Site Classification C, may be adopted for the seismic design for foundations bearing entirely in the underlying shale and limestone bedrock.

## **CONSTRUCTION MONITORING**

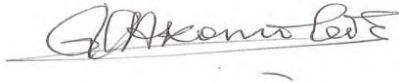
It is recommended that close monitoring by the project geotechnical engineer or his representative be conducted during construction of all aspects of this project to confirm that the actual subsoil conditions encountered are consistent with those assumed in this

report. Monitoring should include but not be limited to visual identification of soil conditions, inspection during basement excavation and all foundation (including drilled piers) installations, site and subgrade preparation, utility installation, testing of structural fill, granular base, and foundation backfill.

We trust you will find the contents of this report suitable for your needs. We appreciate the opportunity to provide our services to you and assure you of our best attention at all times. Please call the writer if you have any comments or questions.

Respectfully submitted,

**ULTRA TECHNIC SERVICES, INC.**

A handwritten signature in black ink, appearing to read "G. Akomolede", written over a horizontal line.

Dr. Olusegun G. Akomolede, PhD., MNSE, P.E.  
President/Chief Geotechnical Engineer





# EXTERIOR MATERIALS

- WINDOWS
- GARAGE DOORS
- SIDING
- BRICK

Project No.: 20200145  
 Date: 11/11/20  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE  
 © 2020, 2021 Architecture Services

REV	DESCRIPTION	DATE

**t z a i**  
 architecture interiors  
 commercial & residential

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202



### Frame

- Select softwood, immersion treated with Pella's EnduraGuard® wood protection formula in accordance with WDMA I.S.-4. The EnduraGuard formula includes three active ingredients for protection against the effects of moisture, decay, stains from mold and mildew. Plus, an additional ingredient adds protection against termite damage.
- Interior exposed surfaces are clear pine.
- Exterior surfaces are clad with aluminum.
- Components are assembled with screws, staples and concealed corner locks.
- Overall frame depth is 5" (127 mm) for a wall depth of 3-11/16" (94mm).
- Jamb liner shall be high-impact polyvinyl chloride backed by continuous hard-tempered aluminum springs.
- Optional factory applied jamb extensions are available.
- Optional factory installed fold-out installation fins with flexible fin corners.
- Optional factory-applied EnduraClad® exterior trim.

### Sash

- Select softwood, immersion treated with Pella's EnduraGuard® wood protection formula in accordance with WDMA I.S.-4. The EnduraGuard formula includes three active ingredients for protection against the effects of moisture, decay, stains from mold and mildew. Plus, an additional ingredient adds protection against termite damage.
- Interior exposed surfaces are clear pine.
- Exterior surfaces are clad with aluminum, lap-jointed and sealed.
- Corners mortised and tenoned, glued and secured with metal fasteners.
- Sash thickness is 1-5/8" (41 mm).
- Sashes tilt for easy cleaning.

### Weatherstripping

- Foam with 3 mm skin at head and bottom rail. Thermal-plastic elastomer bulb with slip-coating set into upper sash for tight contact at check rail.
- Secondary polyvinyl chloride leaf-type weatherstrip on bottom sash at sill.
- Jamb liner to seal against sides of sash.

### Glazing System

- Quality float glass complying with ASTM C 1036.
- High altitude glazing available.
- Silicone groove-glazed 11/16" [obscure] dual-seal insulating glass [[annealed] [tempered]] [[Advanced Low-E] [SunDefense™ Low-E] [AdvancedComfort] [NaturalSun Low-E] with argon]].

### Exterior

- Exterior aluminum surfaces are finished with EnduraClad® protective finish, in a multi-step, baked-on finish.
- Color is [White] [Tan] [Putty] [Brown] [Poplar White] [Portobello] [Hartford Green] [Morning Sky Gray] [Brick Red] [Black].

### Interior

- [Unfinished, ready for site finishing] [factory primed with one coat acrylic latex] [factory prefinished [White] [Linen] [Bright White] [stain<sub>1</sub>]].

### Hardware

- Galvanized block-and-tackle balances are connected to sash with a polyester cord and concealed within the frame.
- Factory installed self-aligning surface-mounted sash lock. Two sash locks on units with frame width 33-1/4" and greater.
- Optional Sash lift furnished for field installation. Two lifts on units with frame width 33-1/4" and greater.
- Finish is [baked enamel [Champagne] [White] [Brown] [Matte Black]] [Oil-Rubbed Bronze] [Satin Nickel].
- Champagne locks are standard on unfinished units; White locks are standard on factory prefinished white units.

### Optional Products

#### Grilles

- Simulated-Divided-Light [with optional spacer]
  - 7/8" Grilles permanently bonded to the interior and exterior of glass.
  - Patterns are [Traditional] [Prairie] [Cross] [Top Row] [Custom - Equally Divided].
  - Interior surfaces are [unfinished, ready for site finishing] [factory primed] [pine: factory prefinished [White] [Linen White] [Bright White] [stain<sub>1</sub>]]. Exterior grilles to match the exterior cladding color.
  - Available only on units glazed with Low-E insulated glass with argon.  
- or -
- Grilles-Between-the-Glass<sub>2</sub>
  - Insulating glass contains 3/4" contoured aluminum grilles permanently installed between two panes of glass.
  - Patterns are [Traditional] [9-Lite Prairie] [Top Row] [Custom - Equally Divided].
  - Interior color is [White] [Ivory] [Tan<sub>3</sub>] [Brickstone] [Black] [Putty<sub>3</sub>] [Brown<sub>3</sub>] [Harvest] [Cordovan].
  - Exterior color [matched to the exterior cladding color] [White]<sub>4</sub>.  
- or -
- Roomside Removable Grilles
  - 3/4" [Traditional] [Custom - Equally Divided] removable solid pine wood bars steel-pinned at joints and fitted to sash with steel clips and tacks.
  - Interior [unfinished, ready for site finishing] [factory primed] [pine: factory prefinished [White] [Linen White] [Bright White] [stain<sub>1</sub>]].
  - Exterior [unfinished, ready for site finishing] [factory primed] [factory prefinished, finish color matched to exterior cladding] [White]<sub>4</sub>.

#### Screens

- InView™ screens
  - Full-size Vinyl-coated 18/18 mesh fiberglass screen cloth complying with the performance requirements of SMA 1201, set in aluminum frame fitted to outside of window, supplied complete with all necessary hardware.
  - Screen frame finish is baked enamel, color to match window cladding.  
- or -
- Vivid View® screens
  - Full-size PVDF 21/17 mesh, minimum 78 percent light transmissive screen, set in aluminum frame fitted to outside of window, supplied complete with all necessary hardware.
  - Screen frame finish is baked enamel, color to match window cladding.

#### Hardware

- Optional factory applied limited opening device available for vent units in steel, nominal 3-3/4" opening.
- Optional window opening control device available for field installation. Device allows window to open less than 4" with normal operation, with a release mechanism that allows the sash to open completely. Complies with ASTM F2090-10.

#### Sensors

- Optional factory installed integrated security sensors available in vent units.

(1) Contact your local Pella sales representative for current designs and color options.  
(2) Available on units glazed with Low-E insulated glass with argon, and obscure insulated glass.  
(3) Tan, brown and putty Interior GBG colors are available only with matching interior and exterior colors.  
(4) Appearance of exterior grille color will vary depending on Low-E coating on glass.



# Pella® Lifestyle Series Wood Double-Hung Windows

4.29 Five yellow stars representing a 4.29 rating.

(Based on 1624 Reviews)

\$\$-\$\$\$

Double-hung windows feature two sliding sashes for more ventilation. This classic style is a great option for nearly any home – from traditional to modern. With the natural beauty of wood and the most desired features and options, double-hung windows can be customized to meet your home's unique needs. Double-hung windows offer energy-efficient options that will meet or exceed ENERGY STAR® guidelines in all 50 states.<sup>1</sup>

[SEE OPTIONS](#)

[PRO DETAILS](#)



## LIFESTYLE SERIES DOUBLE-HUNG WINDOW FEATURES

### Why Wood?

- Best limited lifetime warranty for wood windows<sup>47</sup>
- Natural beauty and warmth
- Low-maintenance exterior aluminum cladding
- Exclusive wood protection

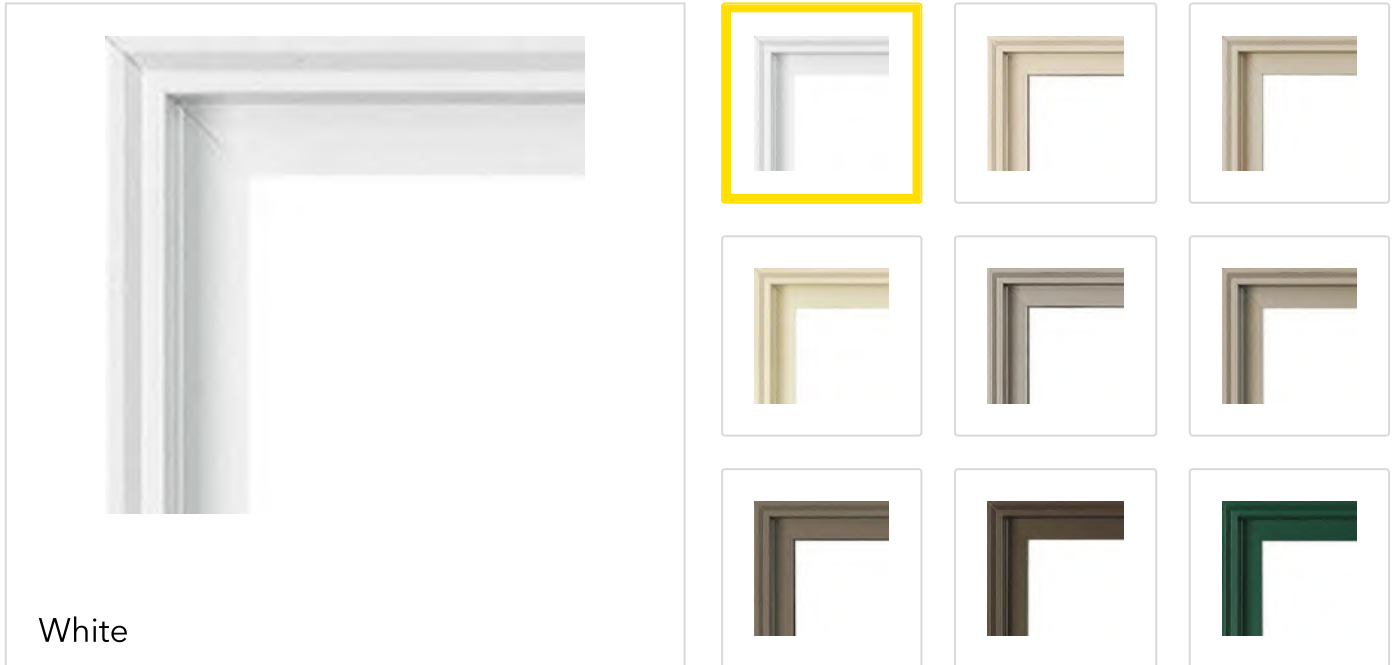
### Performance Enhancements

- Exceptional energy efficiency
- Dual-pane glass
- Built-in security sensors available
- Durable interior and exterior finishes

Your windows and patio doors arrive with Pella's low-maintenance exterior finish in the color of your choice. The finish resists fading and helps protect the exterior for years.

\*Almond, Fossil and Iron Ore only available on Pella Lifestyle Series triple-pane products.

## Exterior Finishes



## For Pros

### Aluminum-Clad Exteriors

Aluminum-clad wood products are available with Pella's high performance EnduraClad® protective finishes to help keep your vision fresh and crisp for years.

- Durable, low-maintenance EnduraClad aluminum cladding with EnduraClad protective finish for most projects where resistance to fading, chalking, chemicals and abrasion is needed. Meets the performance requirements of AAMA 2603.
- Seacoast EnduraClad protective finish for coastal projects with high salt exposure.

CLASSIC™ STEEL

# PREMIUM

garage doors



America's Favorite Garage Doors®



*Model 9200, Short Elegant Panel with Optional Colonial 509 Window Design*

# intellicore®

## insulation technology

Clopay Classic™ Steel Premium garage doors featuring Intellicore® insulation technology represent the ultimate smart choice for homeowners. Clopay's Intellicore® insulation is a proprietary polyurethane foam that is injected into our Premium doors, expanding to fill the entire structure. The result is a door with incredible strength and durability. Its dense insulation also produces a quieter door, and with one of the industry's leading R-values of 18.4, it provides year-round comfort and improved energy efficiency.



### WARMER

Energy efficiency provides year-round comfort



### QUIETER

Dense insulation reduces noise by up to 16 decibels



### STRONGER

Enhanced strength resists everyday wear and tear

# PREMIUM

Improve your home's appearance and energy efficiency with a Clopay Classic™ Steel Premium insulated garage door. Available with Intellicore® polyurethane insulation or bonded polystyrene insulation in 2" or 1-3/8" thicknesses, Premium models offer exceptional insulating R-values, strength and security, as well as quiet operation and a beautiful appearance. Choose from two panel styles, multiple color options and a wide range of window options to create a door that fits your budget and enhances your home's curb appeal.

## 3-LAYER CONSTRUCTION

- Weathertight tongue-and-groove section joints help seal out wind, rain and snow.
- Replaceable vinyl bottom weatherseal in a rust-resistant aluminum retainer helps seal out the elements.
- 2" thick polystyrene and all Intellicore® insulation filled doors come standard with 10-ball nylon rollers and heavy-duty 14 gauge steel hinges.
- Clopay's Safe-T-Bracket® helps prevent serious injury that could occur if the bottom bracket were removed with the garage door closed and under tension.
- Prepainted Standard White end stiles and interior steel backing create a clean, finished appearance.
- Inside/outside step plates and grip handles make doors easy and safe to operate.
- 2" thick polystyrene and all Intellicore® insulation filled doors comply with 2015 IECC air infiltration requirement of 0.40 cfm/ft<sup>2</sup> or less (IECC, Section C402.5.2).



2" 1-3/8"  
Polyurethane Models

2" 1-3/8"  
Bonded Polystyrene Models

27 GAUGE STEEL!	9200 short panel	EFFICIENCY
	9203 long panel	
2"	18.4	
POLYURETHANE	R-VALUE*	

27 GAUGE STEEL!	4300 short panel	EFFICIENCY
	4310 long panel	
2"	9.0	
POLYSTYRENE	R-VALUE*	

27 GAUGE STEEL!	9130 short panel	EFFICIENCY
	9133 long panel	
1 3/8"	12.9	
POLYURETHANE	R-VALUE*	

27 GAUGE STEEL!	4050 short panel	EFFICIENCY
	4053 long panel	
1 3/8"	6.5	
POLYSTYRENE	R-VALUE*	

\*Calculated door section R-value is in accordance with DASMA TDS-163.  
† Models with Ultra-Grain® finish and Black paint options are 25 gauge steel.



*Model 9203, Long Elegant Panel with  
Optional Charleston 608 Window Design*

## DETAIL



Deep panel edging and natural embossed woodgrain texture improve appearance close-up and from the curb.

## STYLE



### **Elegant Short**

Complements homes with traditional styling. Models 9200, 9130, 4300 and 4050.



### **Elegant Long**

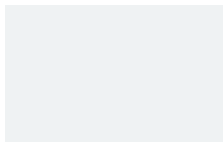
Ideal for ranch style homes. Models 9203, 9133, 4310 and 4053.

*Doors range from 6' to 16' high and 6'2" to 20' wide. Consult your Clopay Dealer for size options.  
WINDCODE® Doors are available to meet most regional wind load requirements.  
Consult your local dealer for specific information.*

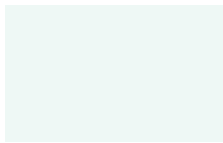


Model 4050, Short Elegant Panel  
with Optional Colonial 509 Window Design

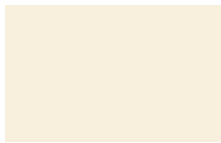
## COLORS



Standard White



Glacier White\*\*



Almond



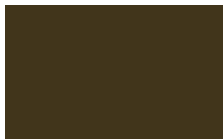
Desert Tan



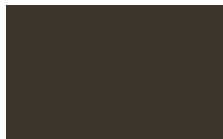
Sandtone



Bronze



Chocolate



Mocha Brown\*



Hunter Green



Gray



Charcoal\*



Black\*\*

- Exterior steel on standard color doors has a natural woodgrain texture.
- Doors can be painted to match the home's exterior using a high-quality latex exterior paint. Do not use oil-based paint.

*Due to the printing process, colors may vary. See your Clopay Dealer for color samples.*

*\*Not available on Models 4050 and 4053.*

*\*Popular in select markets, Glacier White is a brighter white.*

*\*\*Additional charges apply.*

## CUSTOM PAINT OPTION



Color Blast® finish offers more than 1,500 Sherwin-Williams® color options to complement your home. Clopay's durable two-part paint system has been thoroughly tested and is backed by a five-year warranty.

# HardiePlank®

Sleek and strong, HardiePlank® lap siding is not just our best-selling product – it's the most popular brand of siding in America.

With a full spectrum of colors and textures, homeowners can enjoy protection from the elements and the versatility to make their dream home a reality. From Victorians to Colonials, HardiePlank lap siding sets the standard in exterior cladding.

HardieTrim®  
Boards  
Arctic White

HardiePlank®  
Lap Siding  
Select Cedarmill®  
Khaki Brown

A classic look for  
**THE HOME OF THEIR DREAMS.**

# HardiePlank®

Thickness 5/16 in  
Length 12 ft planks

## SELECT CEDARMILL® & SMOOTH

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
Exposure	4 in	5 in	6 in	7 in	8 in
Prime Pcs/Pallet	360	308	252	230	190
ColorPlus Pcs/Pallet	324	280	252	210	—
Pcs/Sq	25.0	20.0	16.7	14.3	12.5

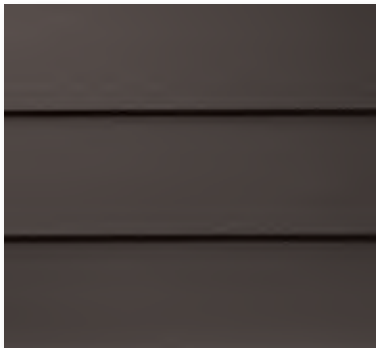
## SELECT CEDARMILL®



## SELECT CEDARMILL®

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
STATEMENT COLLECTION™			✓	✓	
DREAM COLLECTION™	✓	✓	✓	✓	
PRIME	✓	✓	✓	✓	✓

## SMOOTH



## SMOOTH

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
STATEMENT COLLECTION™					
DREAM COLLECTION™	✓	✓	✓	✓	
PRIME	✓	✓	✓	✓	✓

## BEADED CEDARMILL®

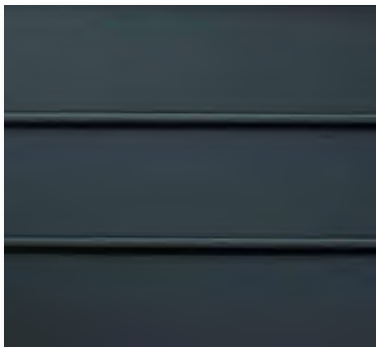


## BEADED CEDARMILL® & BEADED SMOOTH

Width	8.25 in
Exposure	7 in
Prime Pcs/Pallet	240
ColorPlus Pcs/Pallet	210
Pcs/Sq	14.3

STATEMENT COLLECTION™	—
DREAM COLLECTION™	✓
PRIME	✓

## BEADED SMOOTH

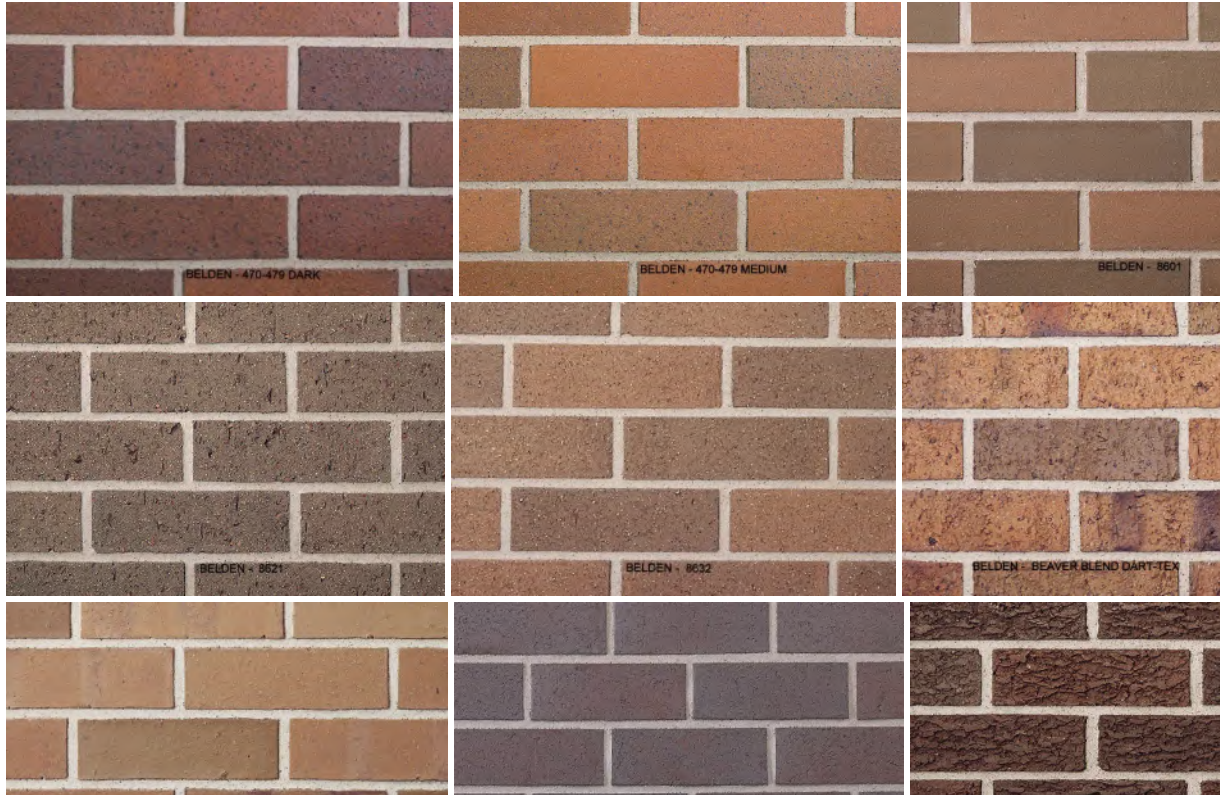


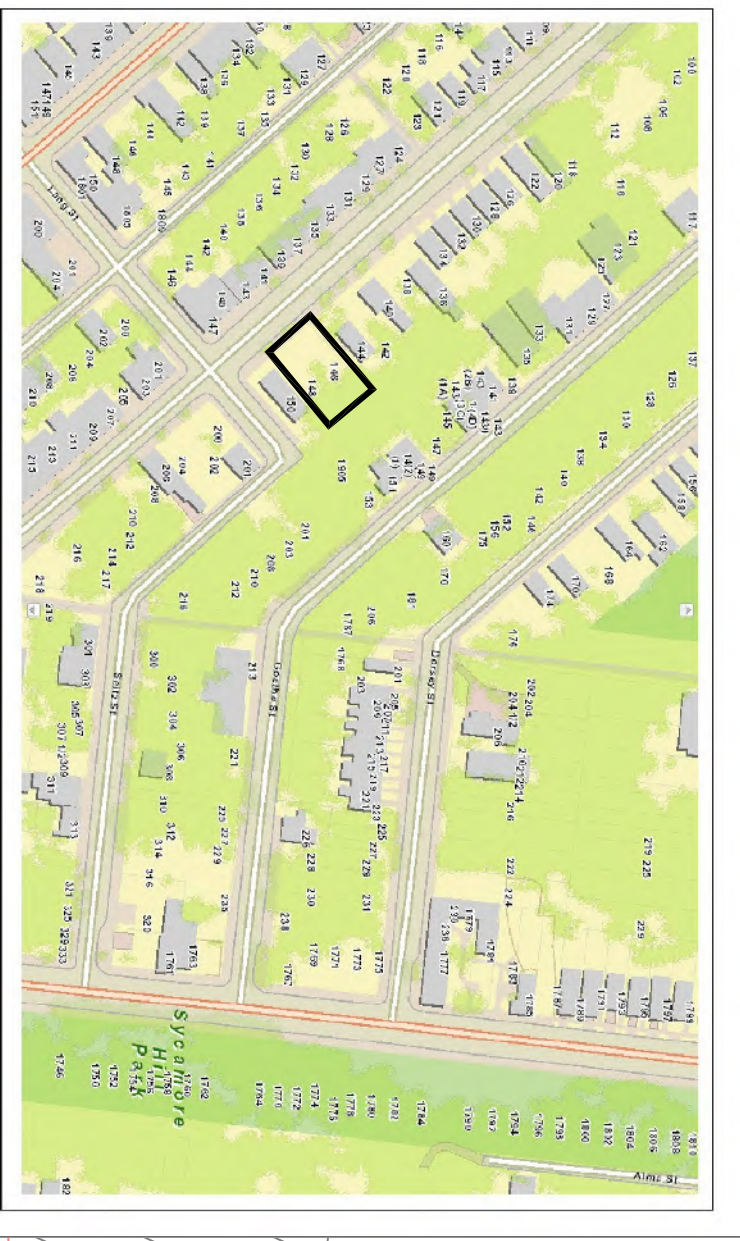
\*9.25 in widths do not feature the drip edge



# Belden-BROWNS

Jan 25, 2013 • Public





**VICINITY MAP**  
N.T.S.



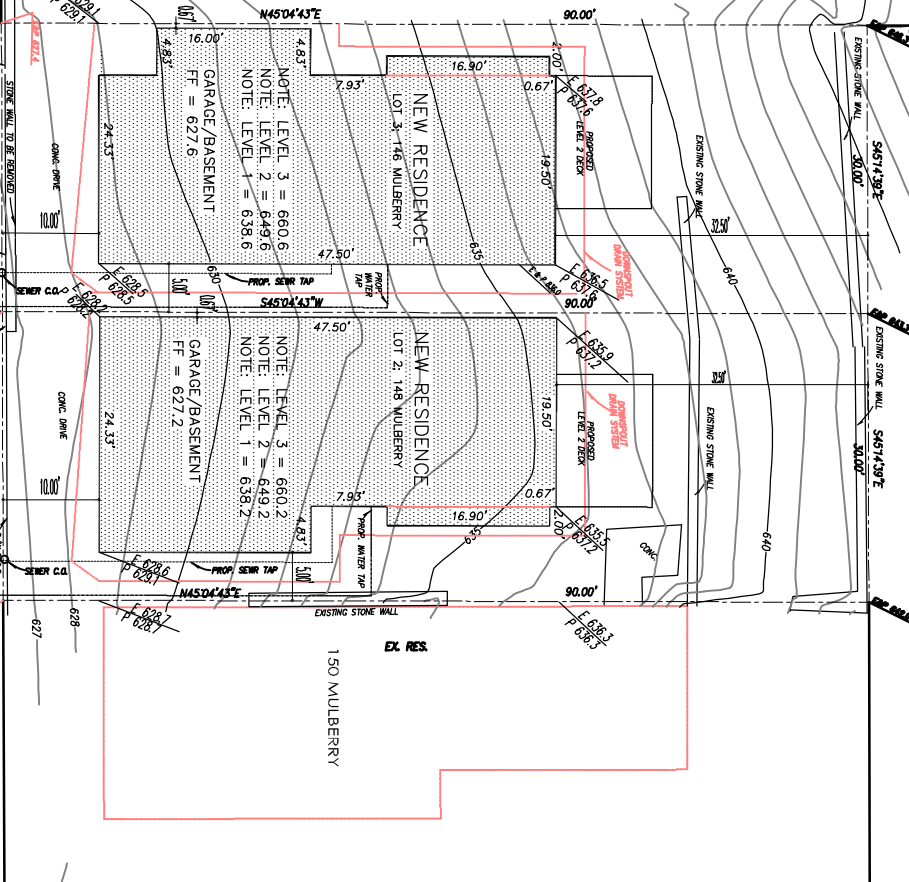
**ISSUES:**

**146 MULBERRY**

1. 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 10.195' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
2. 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 4.15' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.5'.
3. 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 5.035' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
4. 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'; 6.47' VARIANCE IS REQUIRED.

**148 MULBERRY**

1. 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 2.705' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
2. 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 9.695' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.67'.
3. 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 1.21' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
4. 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'; 6.35' VARIANCE IS REQUIRED.



LANG STREET  
50' R/W

SHEET INDEX		Issue/revision date
A01	TITLE SHEET/ VICINITY MAP	12.03.2020
A02	SITE PLAN	
A03	FLOOR PLANS (146 LOT3)	
A04	FLOOR PLANS (148 LOT2)	
A05	ELEVATIONS (146 LOT3)	
A06	ELEVATIONS (148 LOT2)	
A07	RENDERING/ SIGHTLINE	
A08	STREETSCAPE	
A09	BUILDING ENVELOPE (146 & 148)	

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**A-RAN PROPERTIES, LLC**  
146 & 148 MULBERRY ST.  
CINCINNATI, OH 45202



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3/12/2019	3/12/2019
Rev. Description Date	

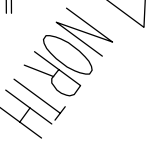
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Issue Date: 12.03.2020  
Designed By: CSE  
Drawn By: CSE  
Checked By: CSE

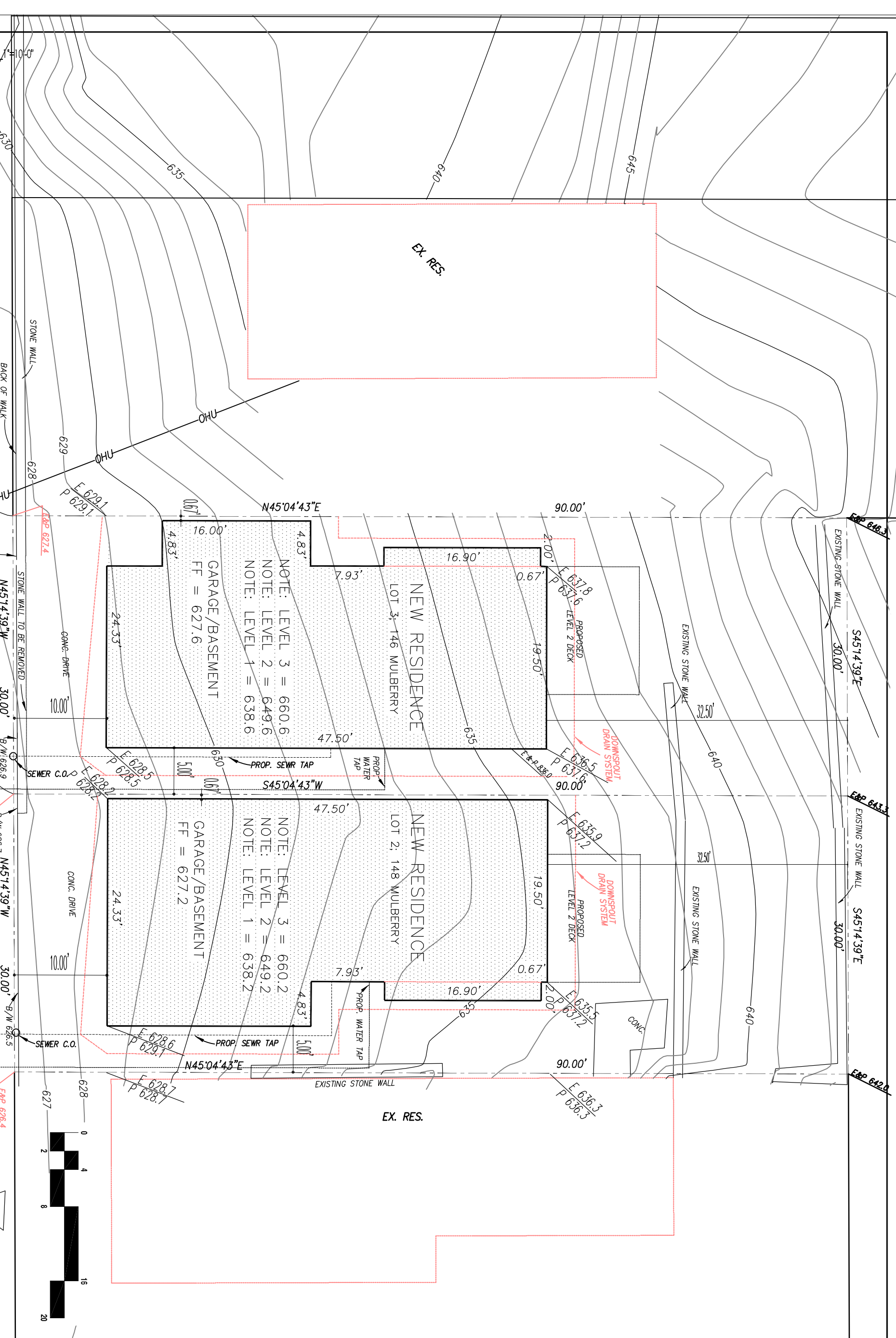
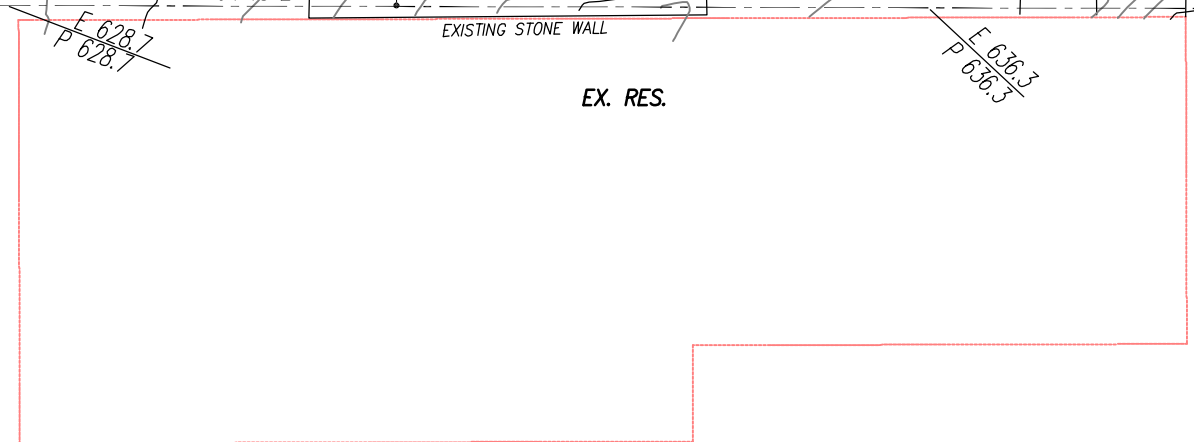
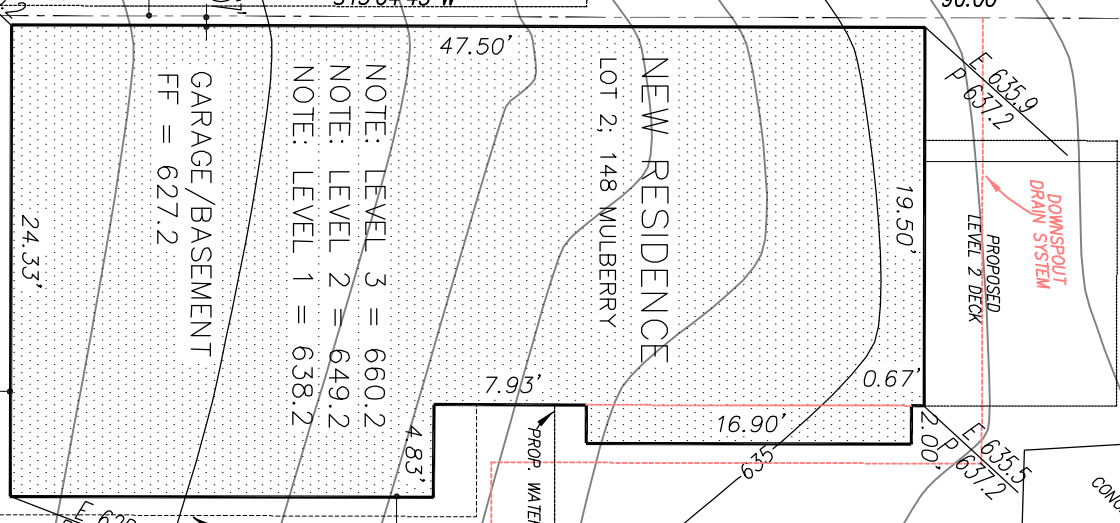
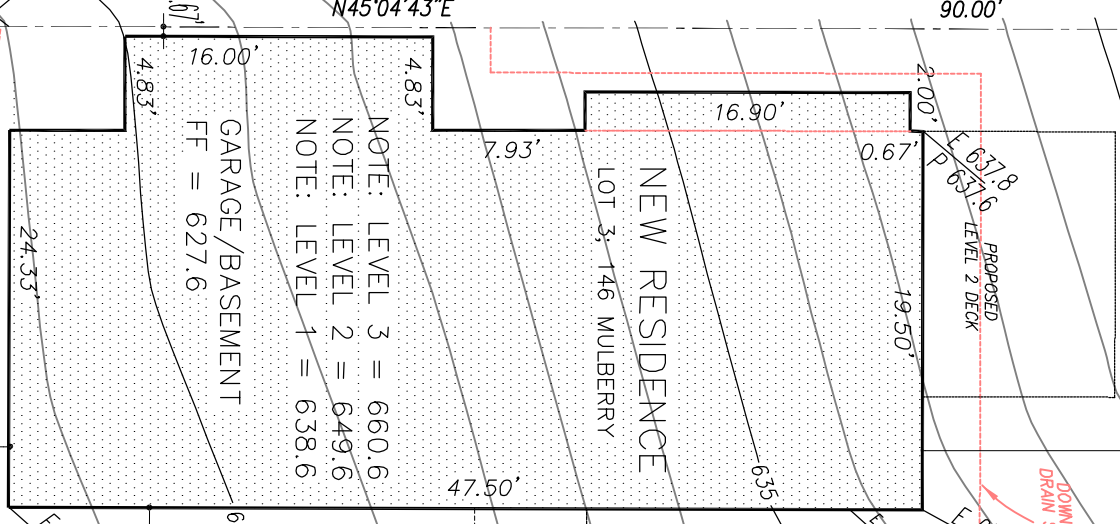
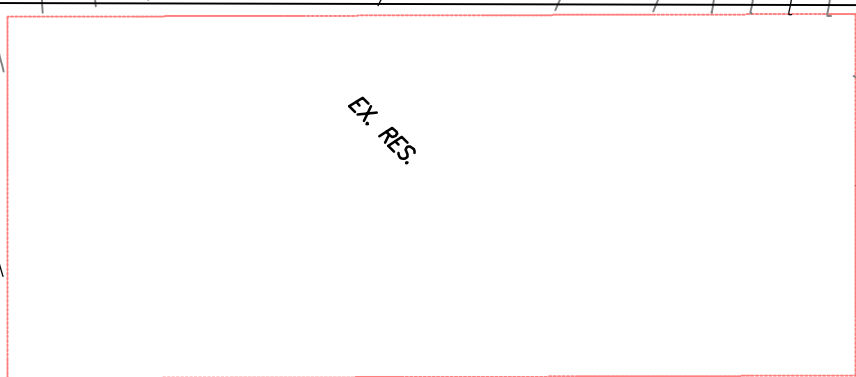
**TITLE SHEET / VICINITY MAP**

1" = 20'-0"

**A01**  
TITLE SHEET  
VICINITY PLAN

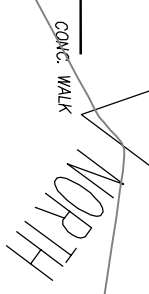
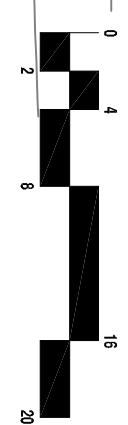
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# SITE PLAN

1" = 10'-0"



# A02

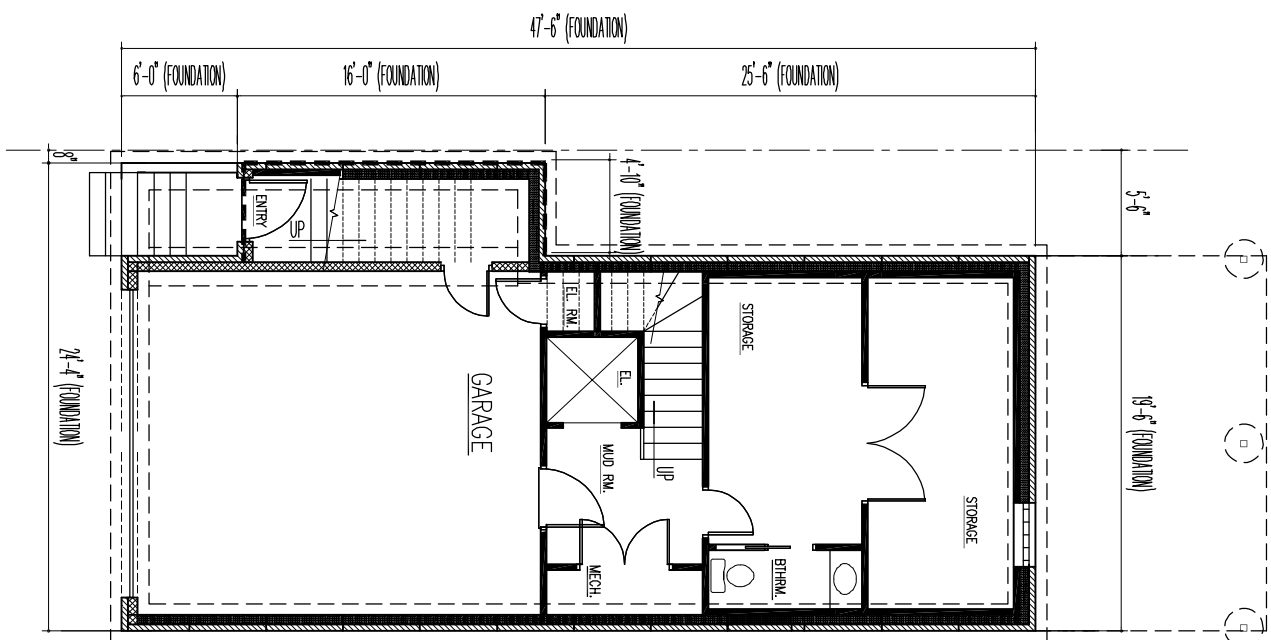
SITE PLAN

Project No.:	2005015
Issue Date:	12.03.2020
Designed By:	CSE
Drawn By:	CSE
Checked By:	CSE
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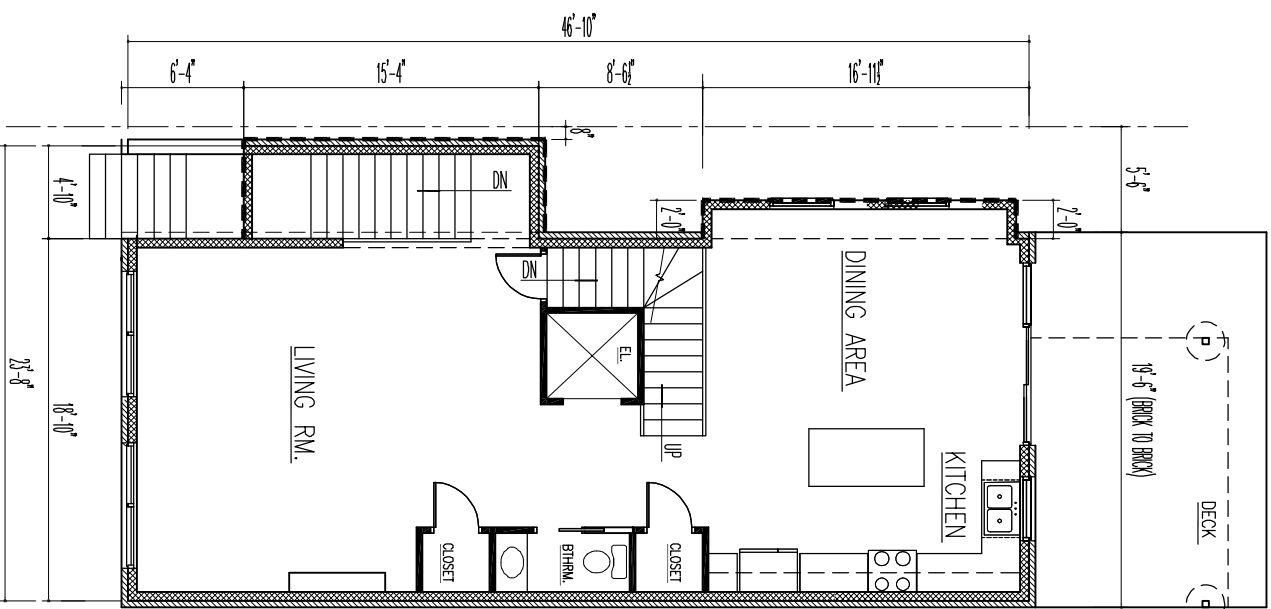


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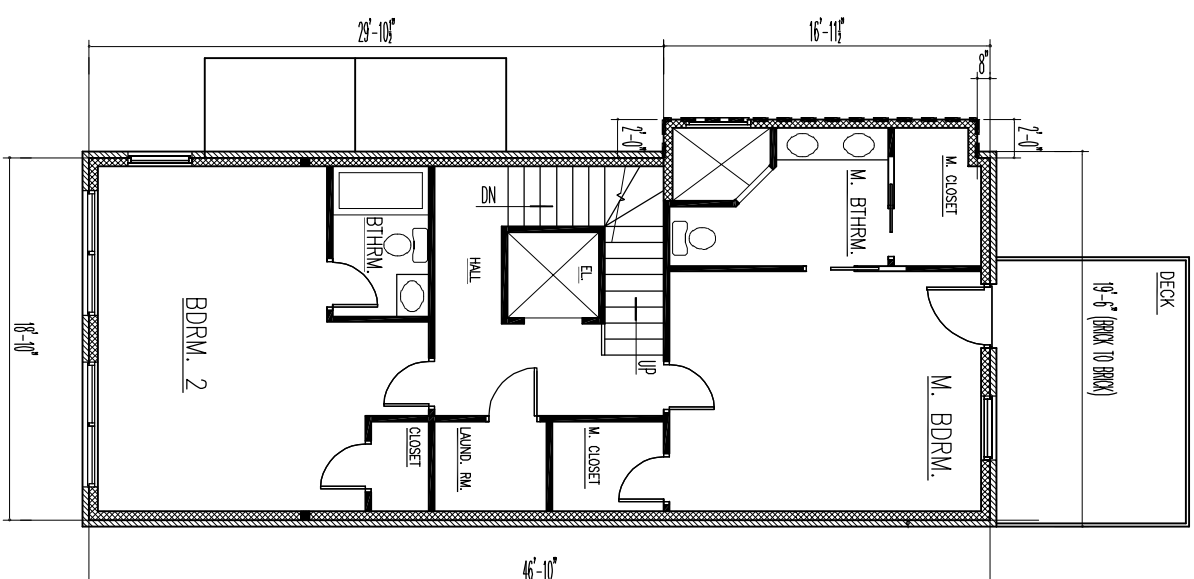
LEVEL-B/G



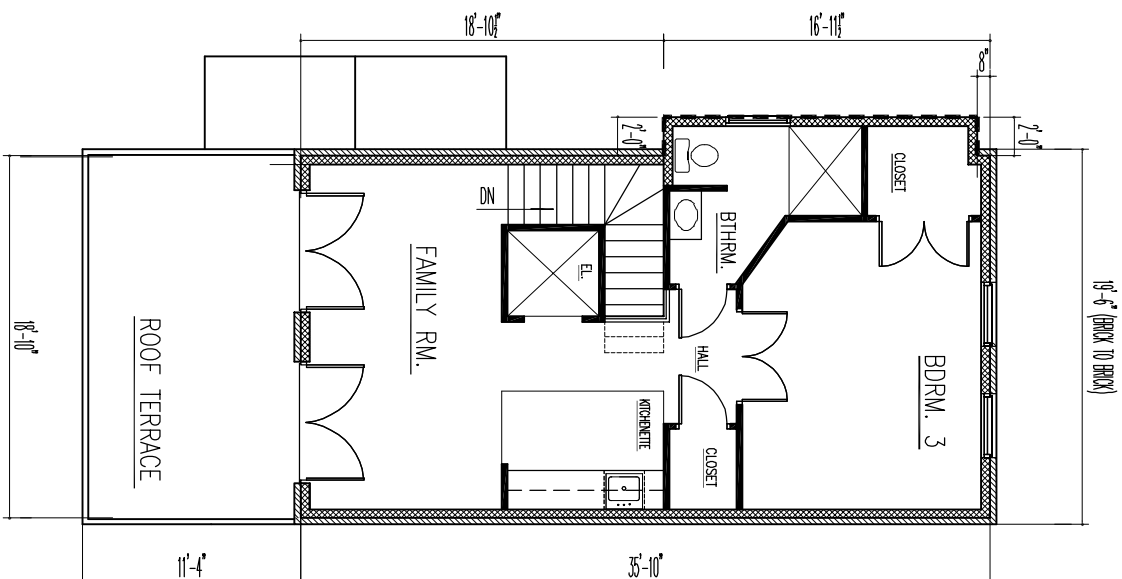
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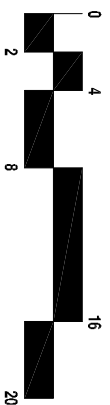
LEVEL-2



LEVEL-3



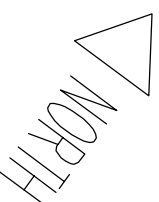
SQUARE FOOTAGE	
LEVEL-3	714 SQ. FT.
LEVEL-2	835 SQ. FT.
LEVEL-1	835 SQ. FT.
LEVEL-B	553 SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937 SQ. FT.</b>
GARAGE	380 SQ. FT.
LEVEL 3- PORCH	129 SQ. FT.
LEVEL 2- DECK	68 SQ. FT.
LEVEL 1- DECK	232 SQ. FT.



# FLOOR PLANS

1" = 10'-0"

146: LOT 3



# A03

FLOOR PLANS

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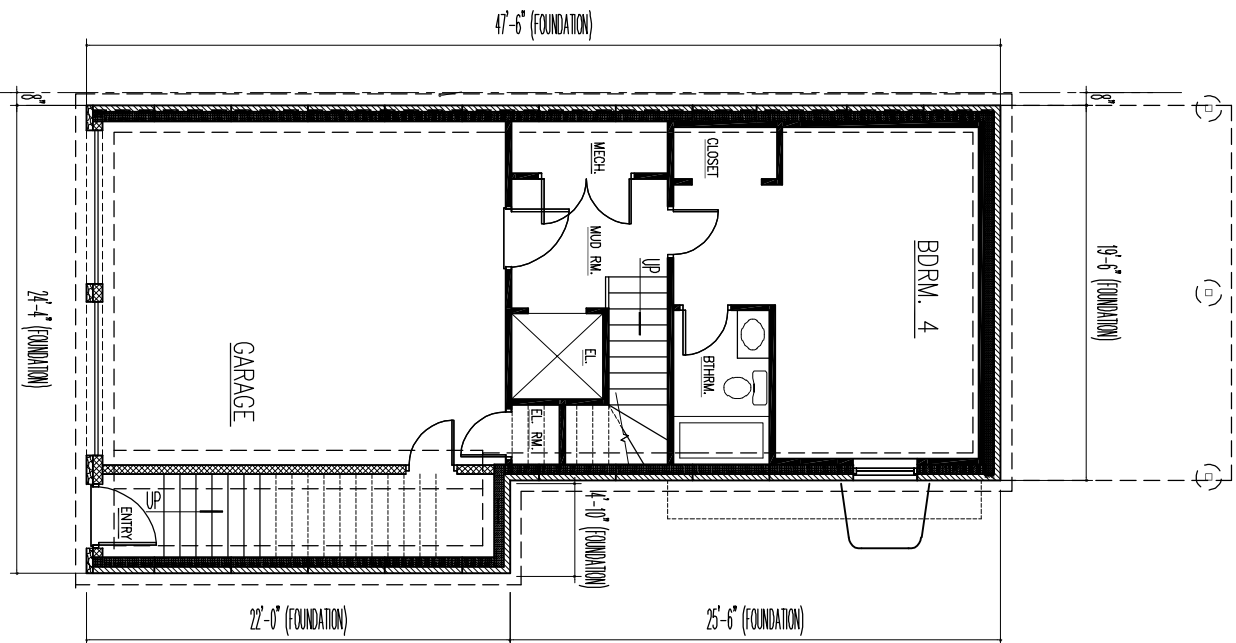


P.O. Box 53174 Cincinnati, OH 45223  
 513.223.1200 [www.tzai.com](http://www.tzai.com)

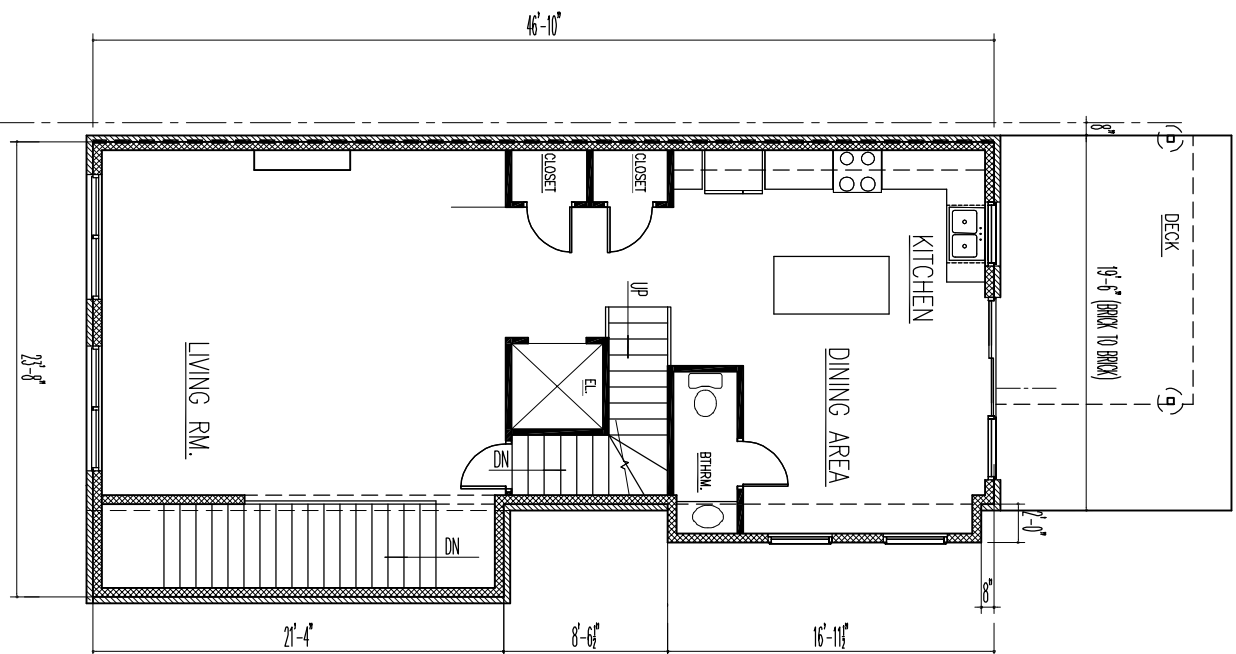
Rev.	Description	Date

Project No.: 200DS015  
 Issue Date: 12.03.2020  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE  
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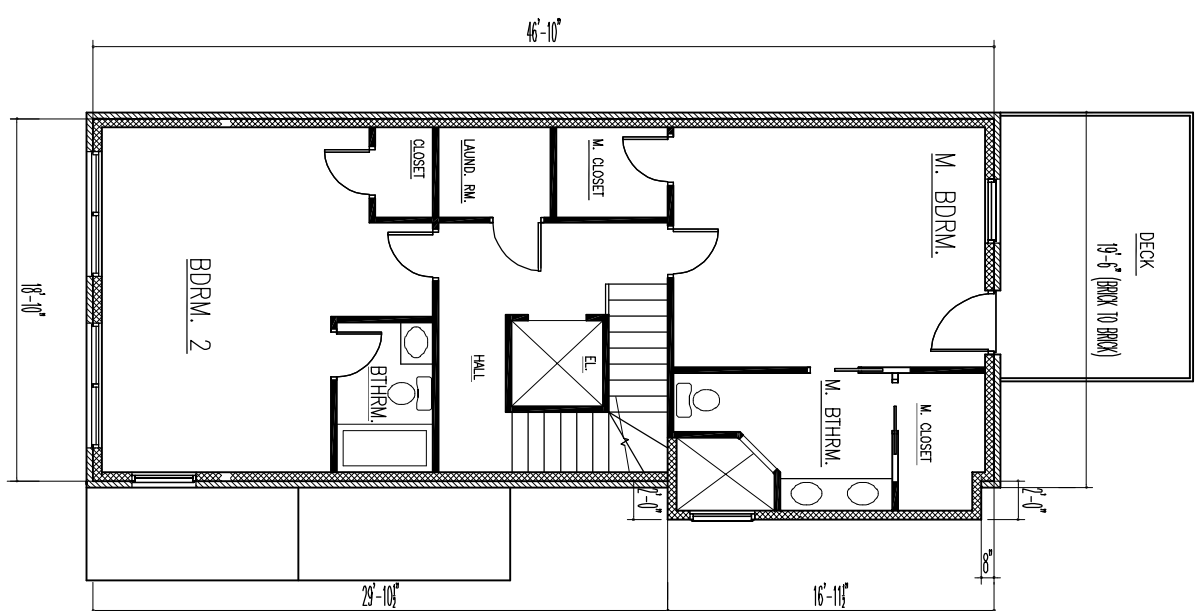
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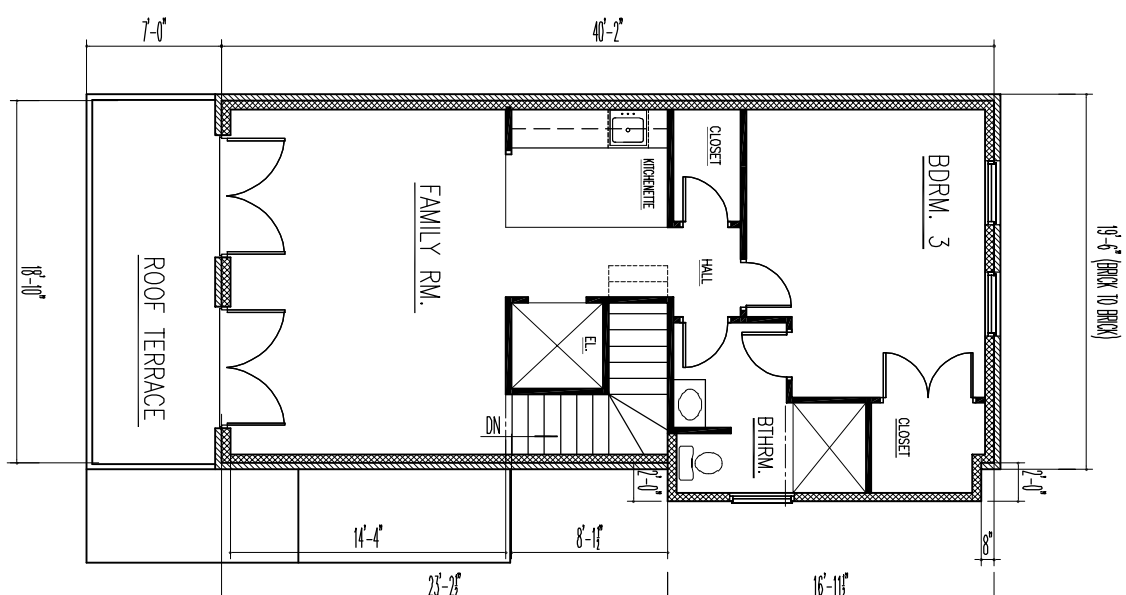
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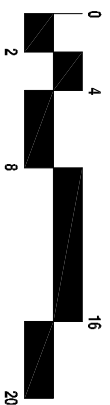
LEVEL-2



LEVEL-3



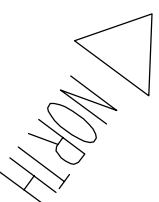
SQUARE FOOTAGE	
LEVEL-3	714 SQ. FT.
LEVEL-2	835 SQ. FT.
LEVEL-1	835 SQ. FT.
LEVEL-B	553 SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937 SQ. FT.</b>
GARAGE	380 SQ. FT.
LEVEL 3 - PORCH	129 SQ. FT.
LEVEL 2 - DECK	68 SQ. FT.
LEVEL 1 - DECK	232 SQ. FT.



# FLOOR PLANS

1" = 10'-0"

148: LOT 2



# A04

FLOOR PLANS

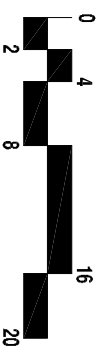
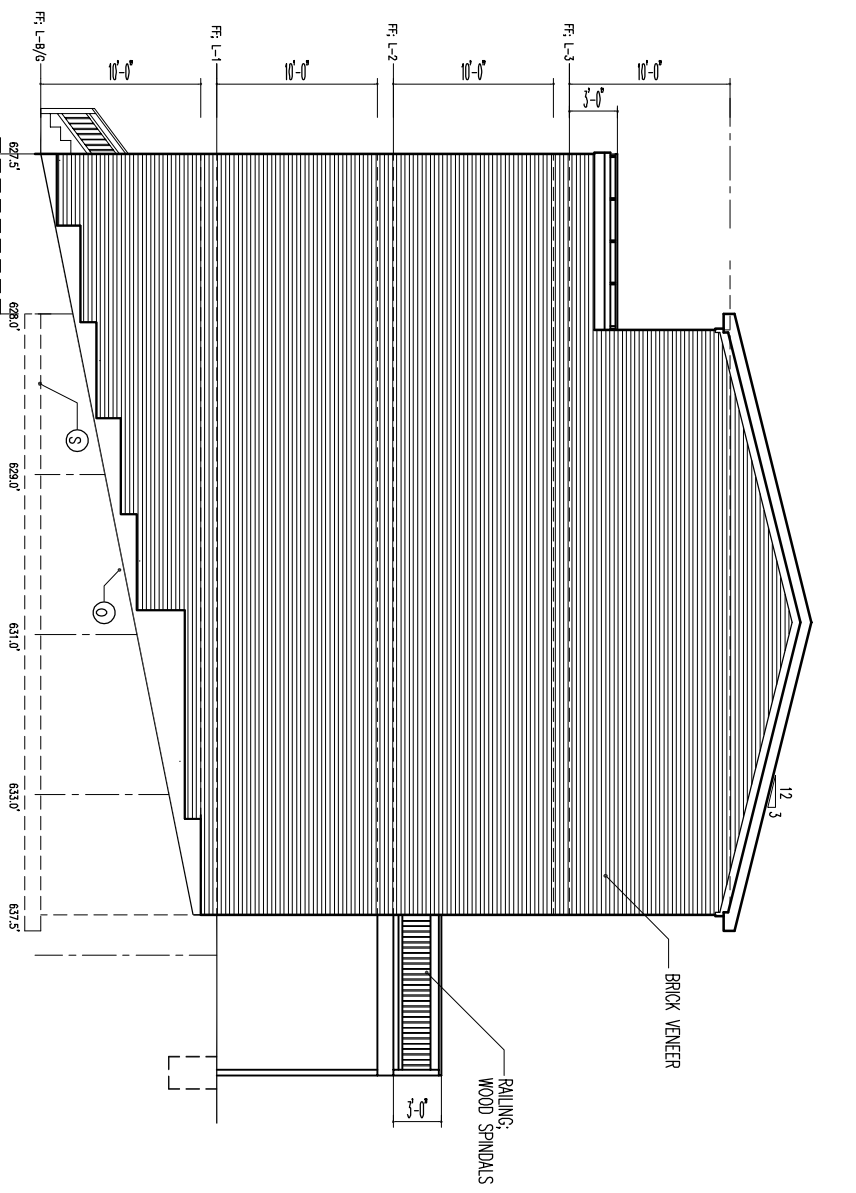
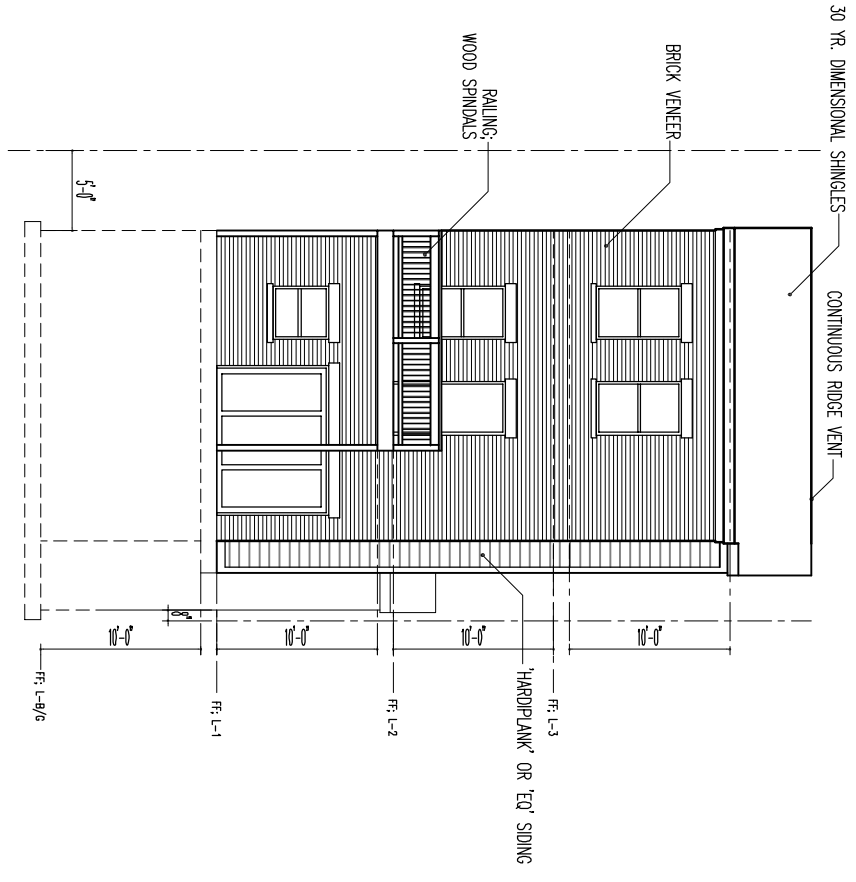
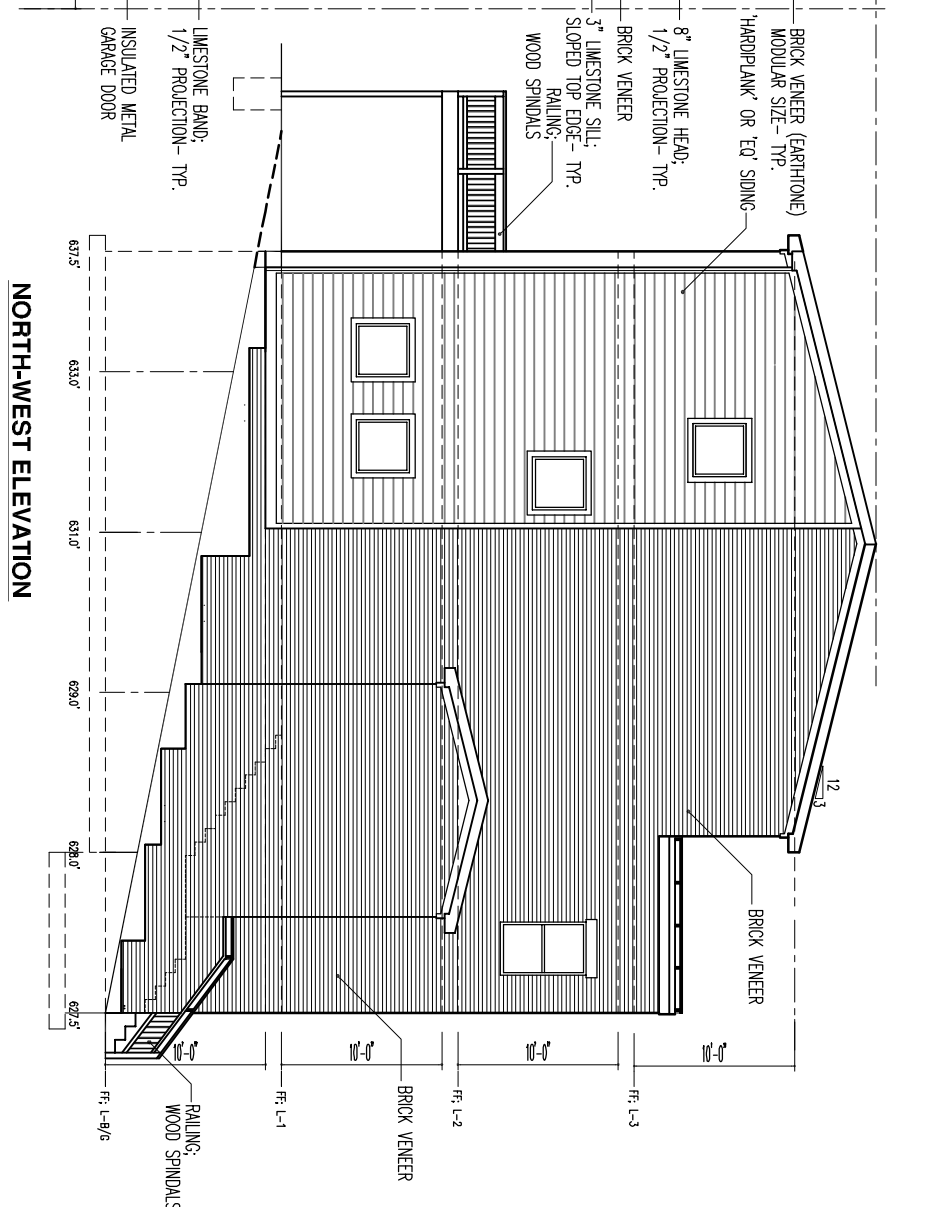
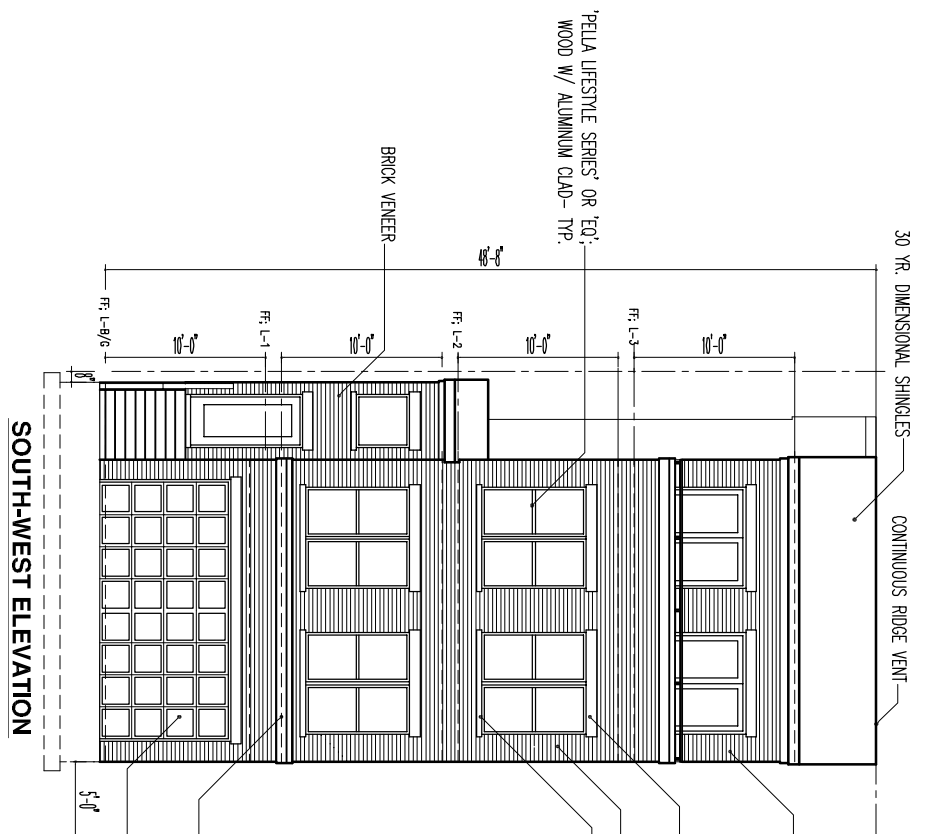
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Project No.: 2005015  
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# ELEVATIONS

146: LOT 3

# A05

ELEVATIONS

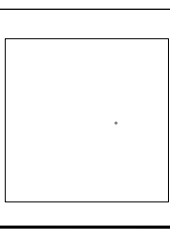
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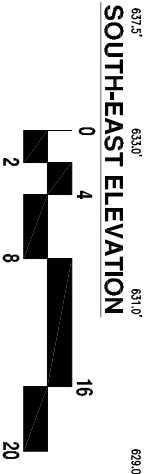
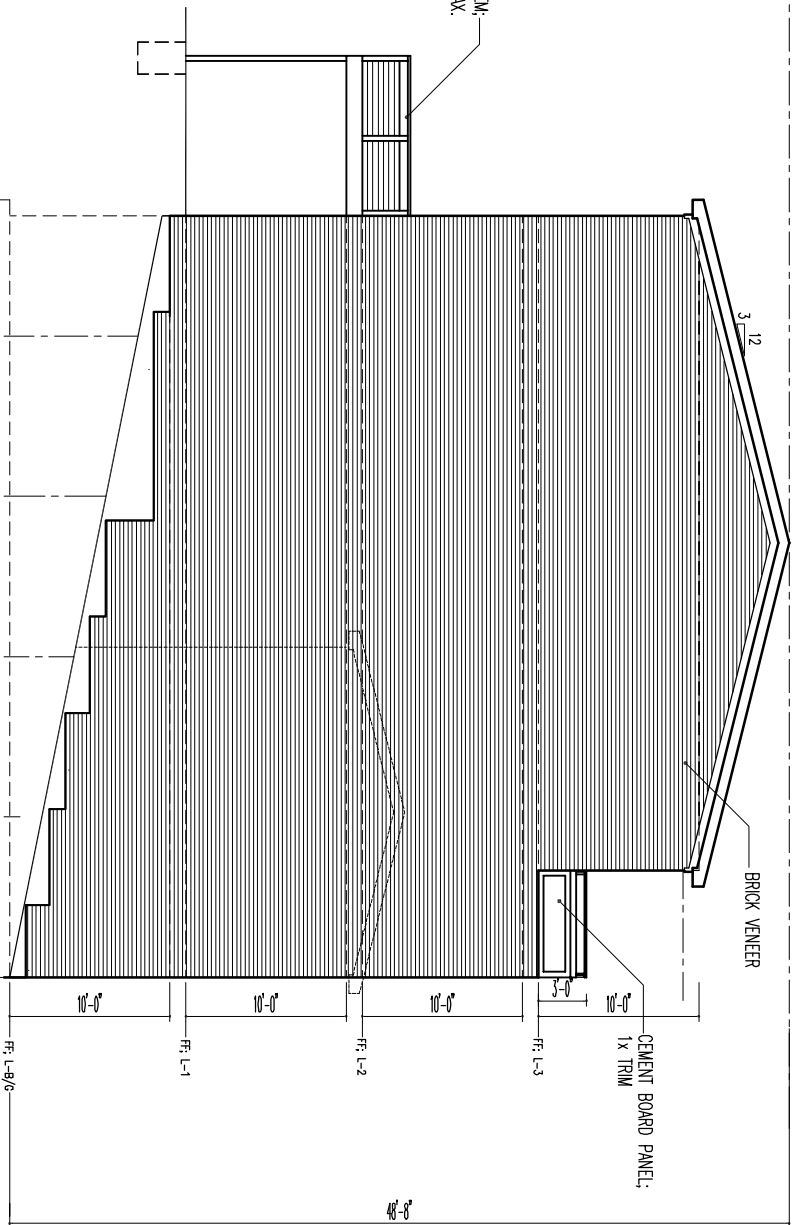
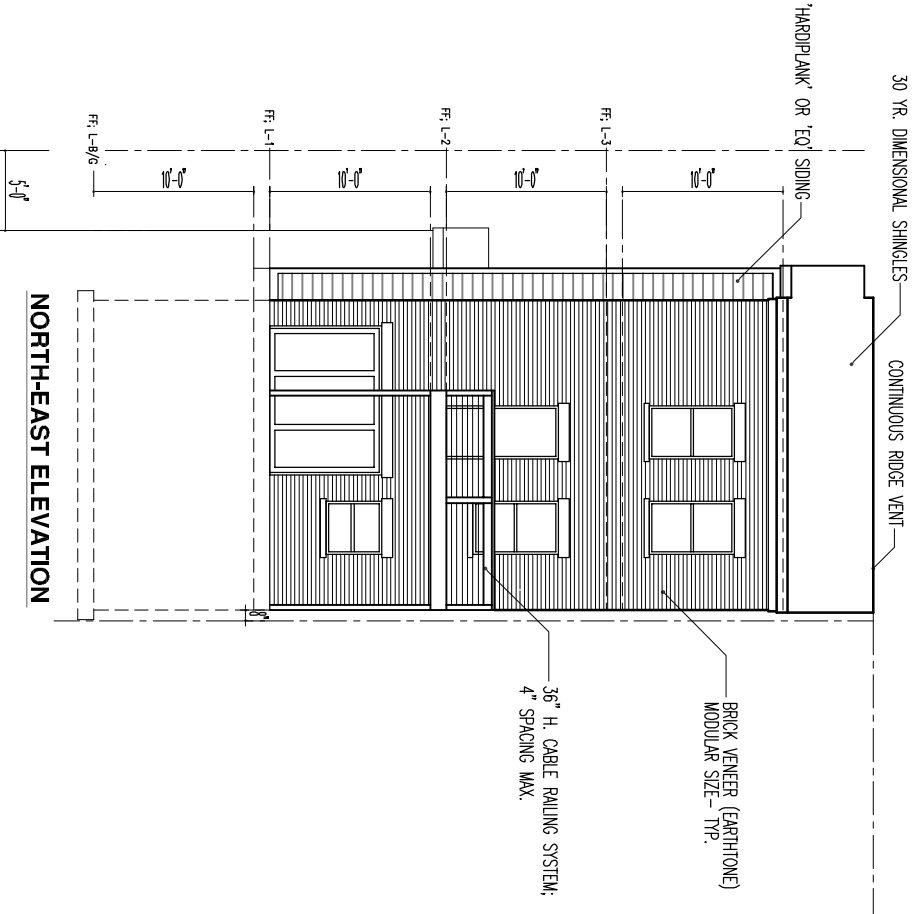
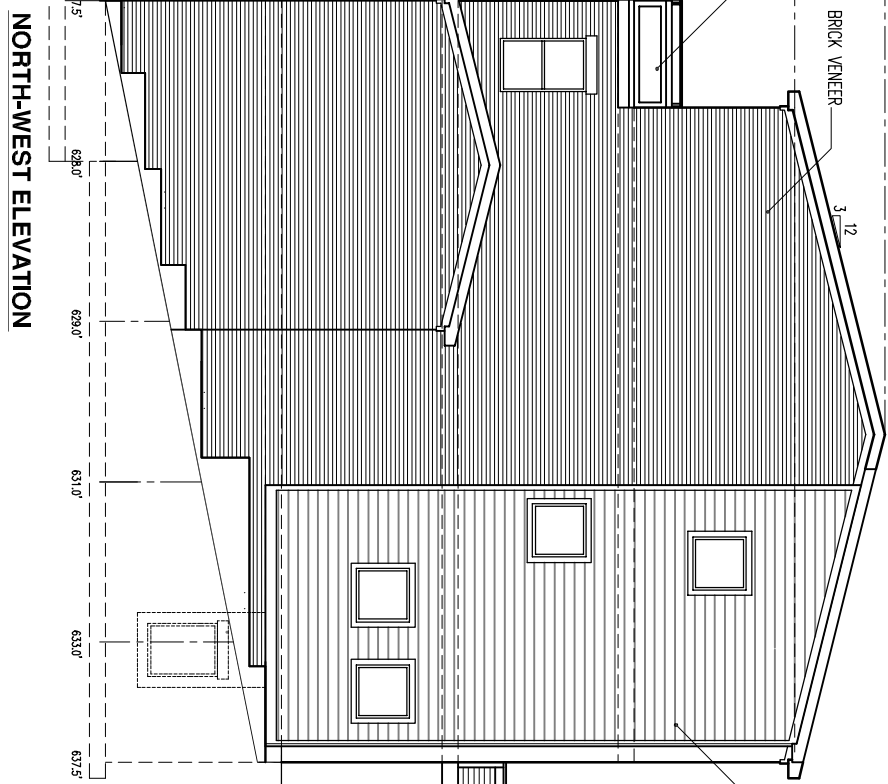
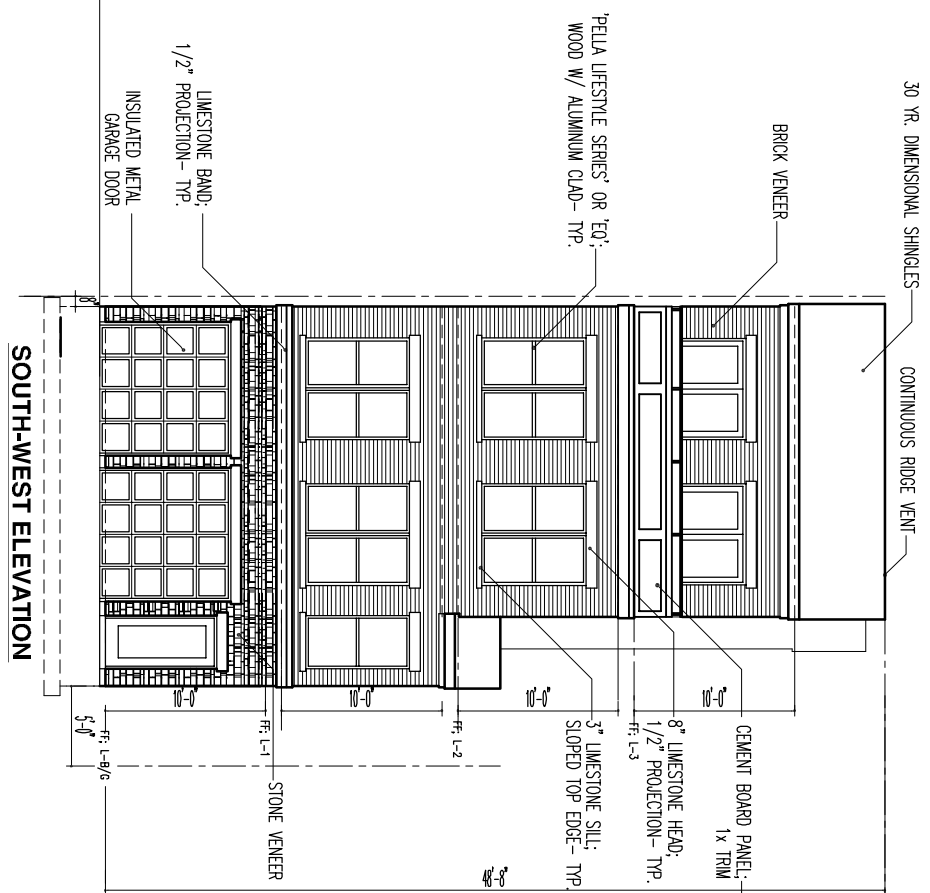


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# ELEVATIONS

148: LOT 2

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202

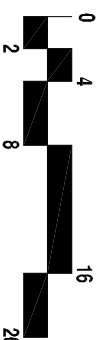
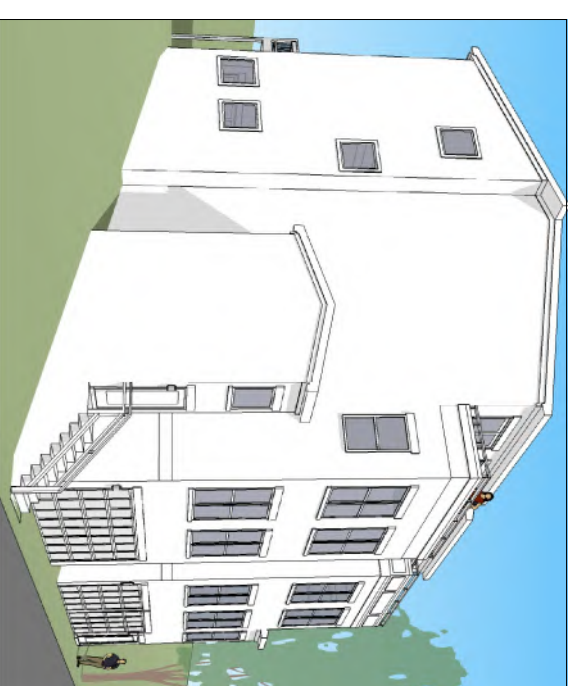
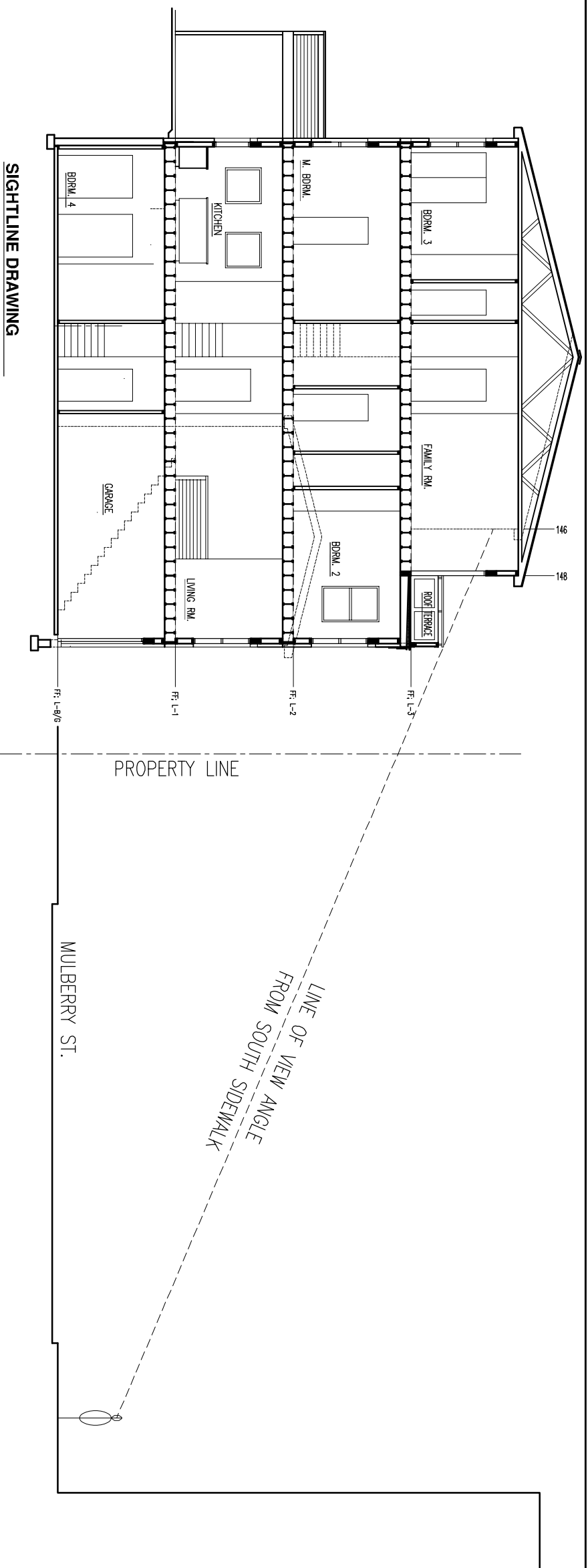


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**A06**  
 ELEVATIONS



**SIGHTLINE/ PERSPECTIVE DRAWING**

**A07**  
SIGHTLINE DWG.  
STREETSCAPE

A NEW BUILDING FOR:  
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**A-RAN PROPERTIES, LLC**  
146 & 148 MULBERRY ST.  
CINCINNATI, OH 45202

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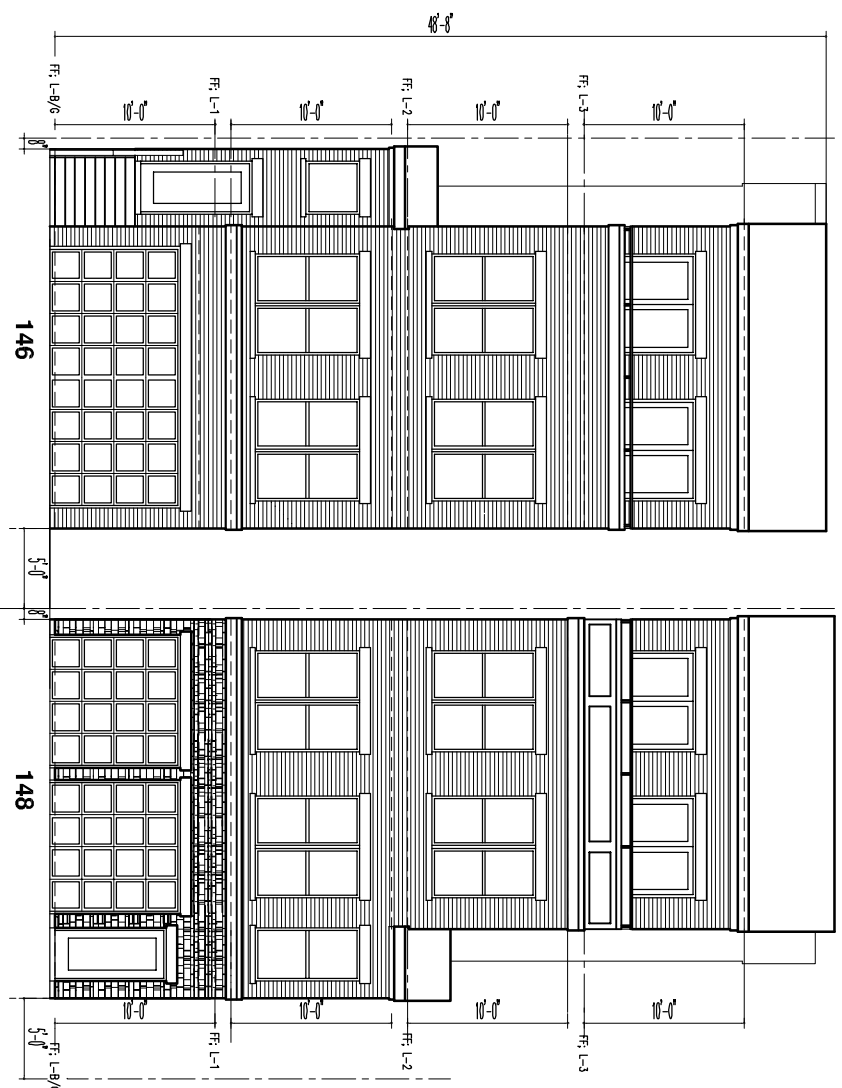
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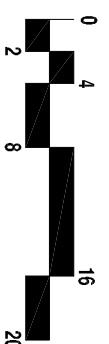
STREETSCAPE: MULBERRY ST. (NORTH VIEW/LOOKING WEST)



STREETSCAPE: MULBERRY ST. (NORTH VIEW)



150



1" = 12'-0"  
**STREETSCAPE**

**A08**  
SIGHTLINE DWG.  
STREETSCAPE

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
146 & 148 MULBERRY ST.  
CINCINNATI, OH 45202

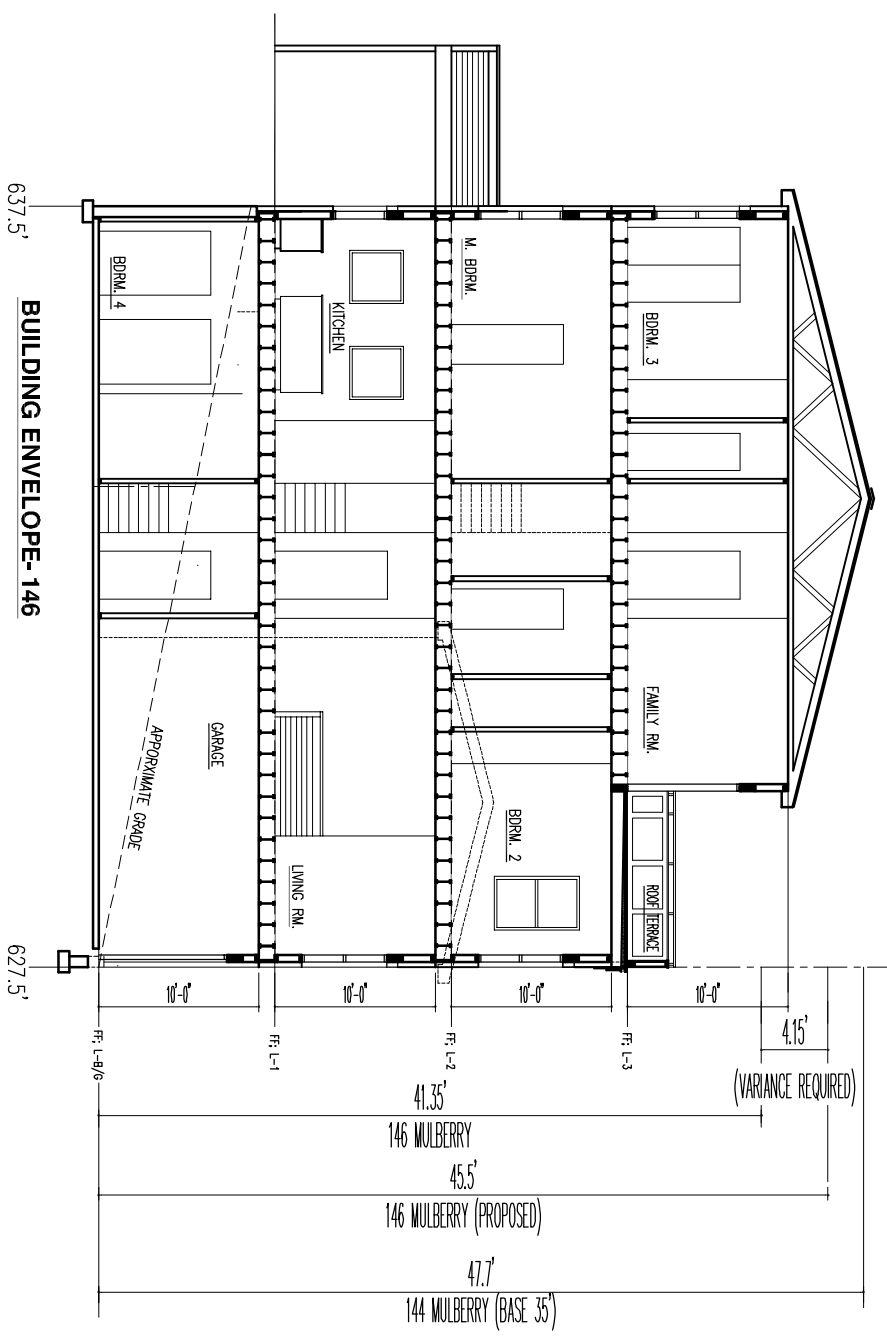
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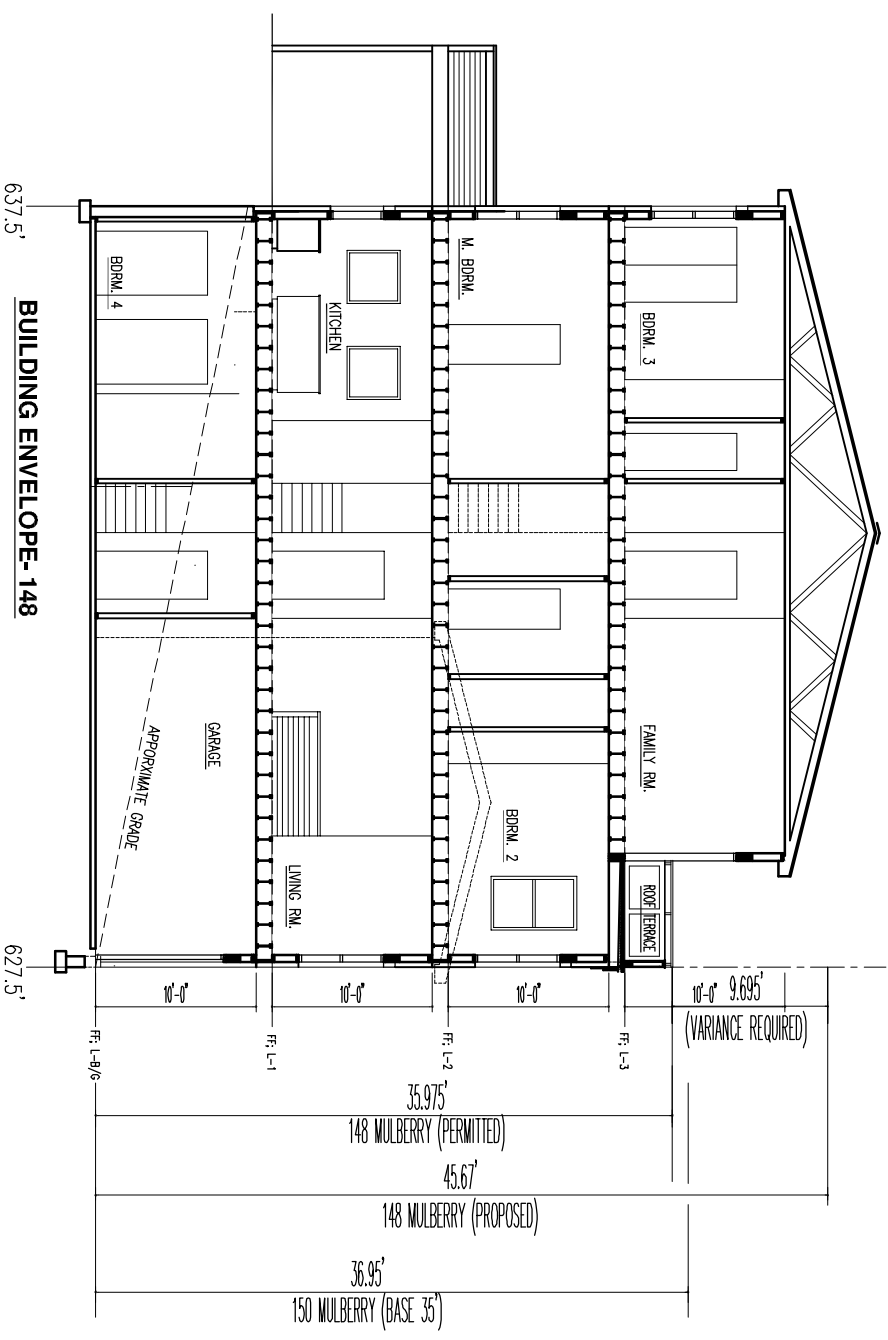
Rev.	Description	Date
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Project No.: 2005015  
Issue Date: 12.03.2020  
Designed By: CSE  
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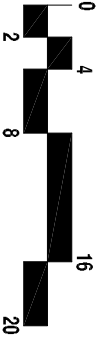
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146 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
144 MULBERRY	36.6
BASE	35'
146 MULBERRY	35.8'
146 MULBERRY PROPOSED	32.12'
RELIEF REQ.	NONE



148 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
150 MULBERRY	31.7
BASE	35'
148 MULBERRY	35'
148 MULBERRY PROPOSED	34.65'
RELIEF REQ.	NONE



# BUILDING ENVELOPE

# A09

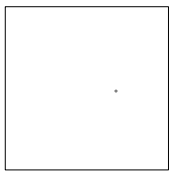
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**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202



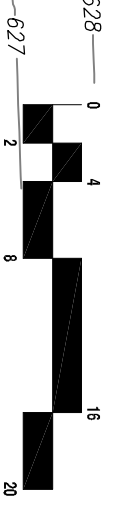
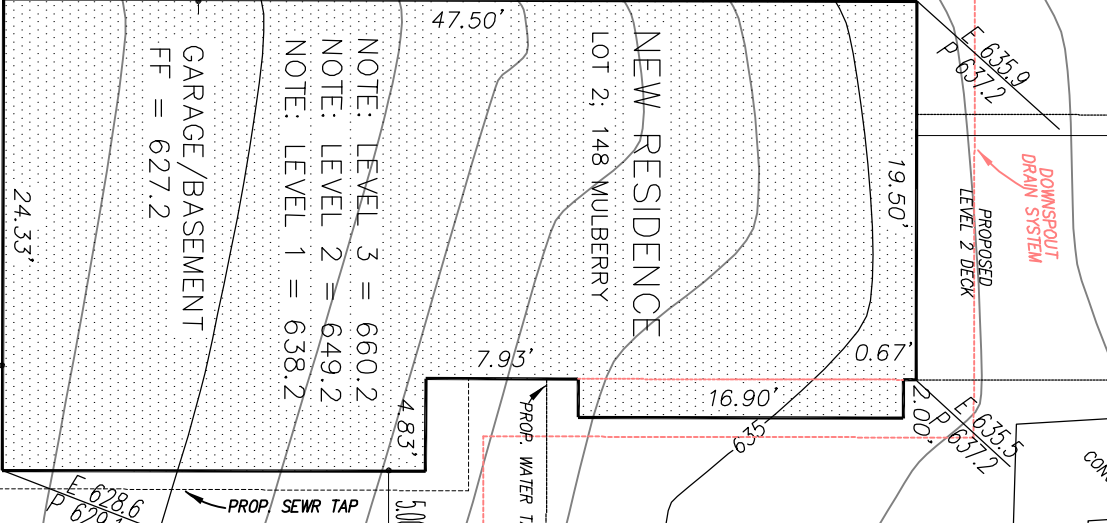
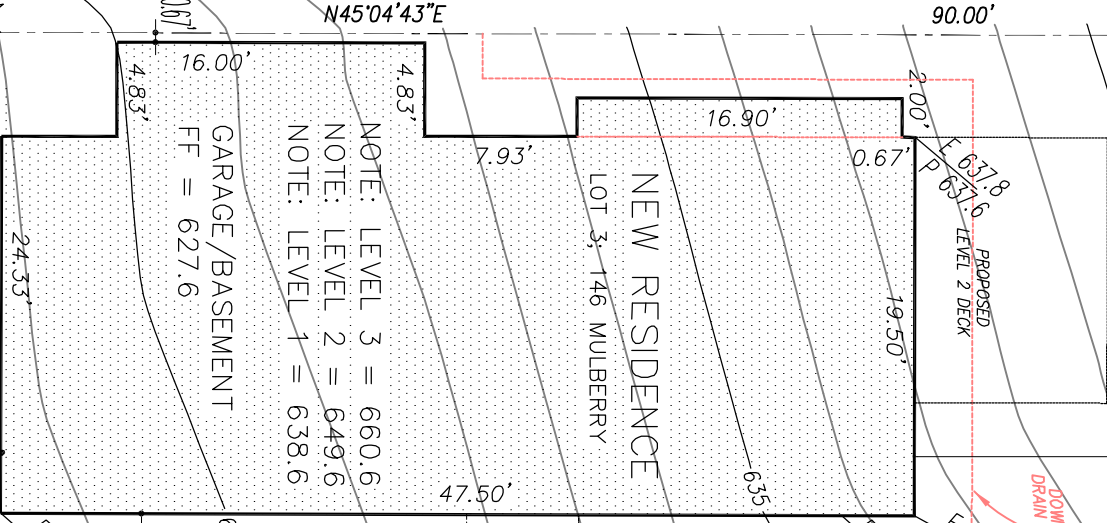
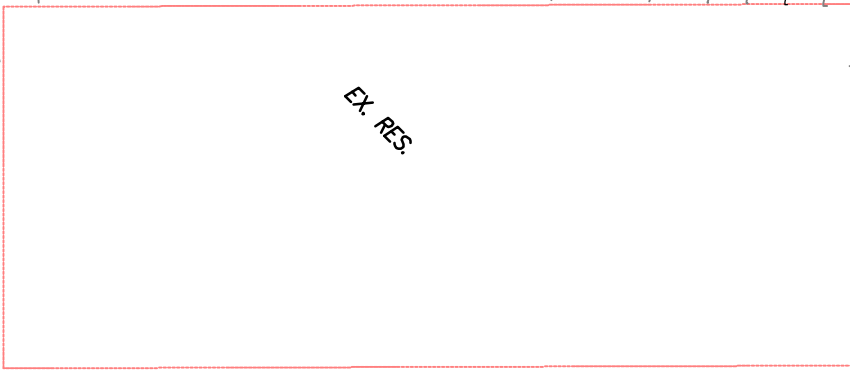
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# SITE PLAN

1" = 10'-0"  
CONC. WALK

# A02

SITE PLAN

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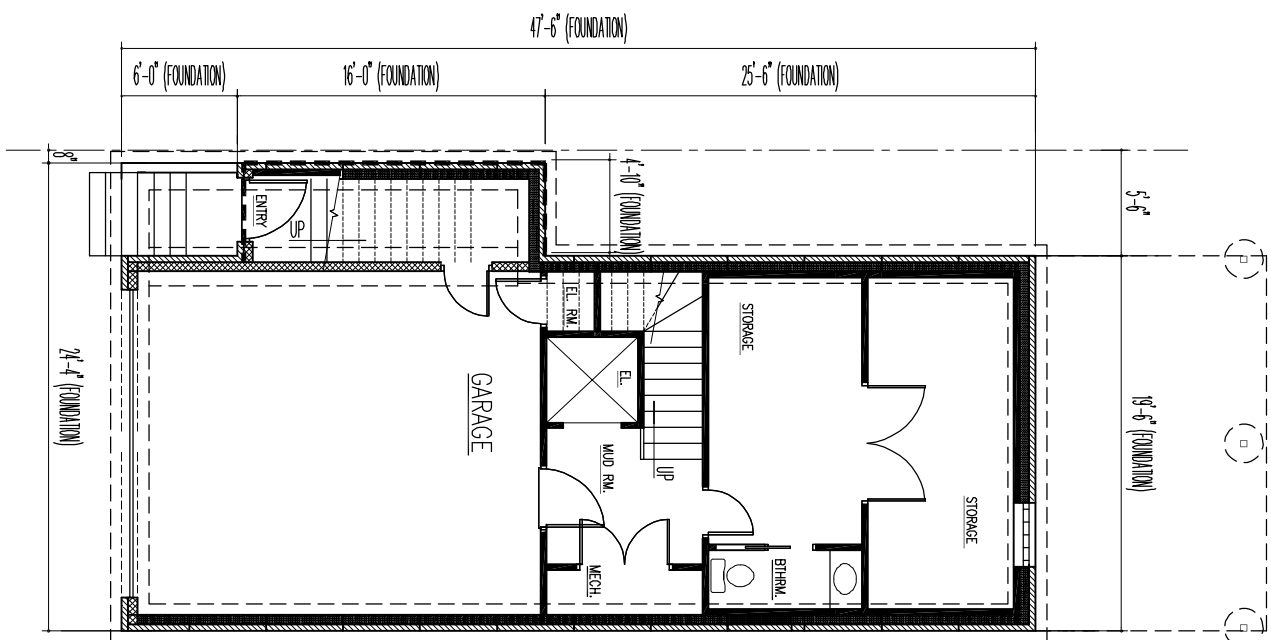
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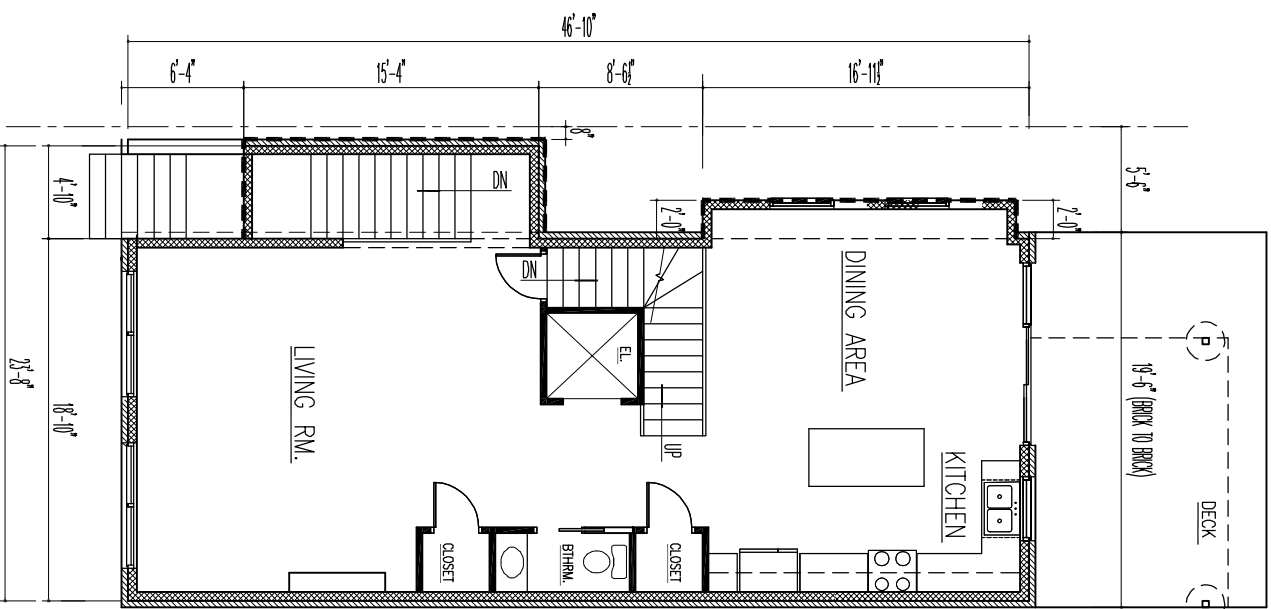
A NEW BUILDING FOR:  
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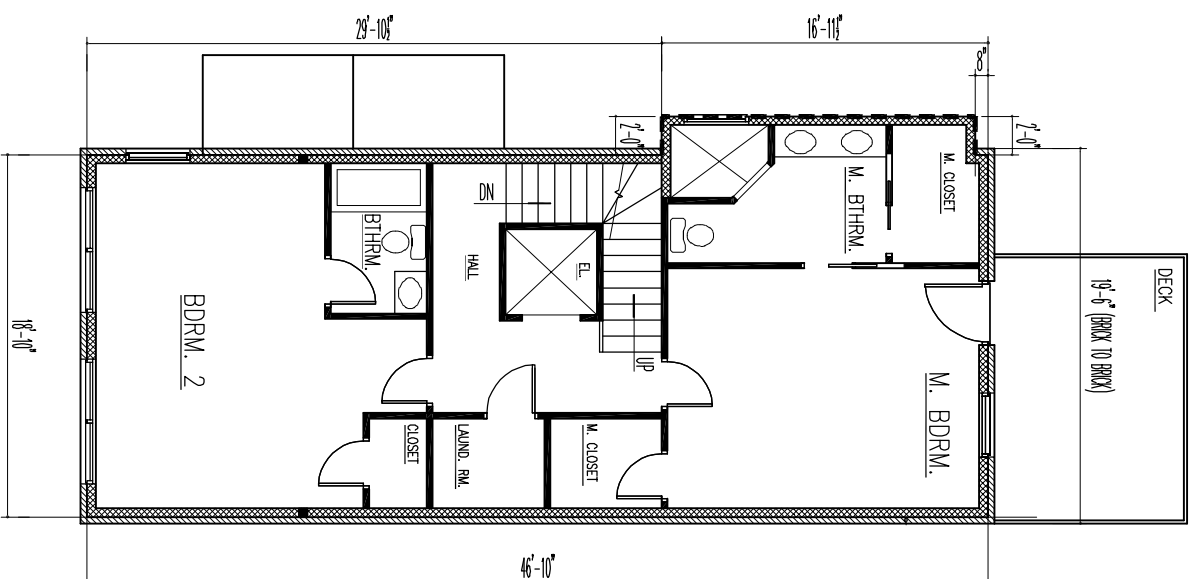
LEVEL-B/G



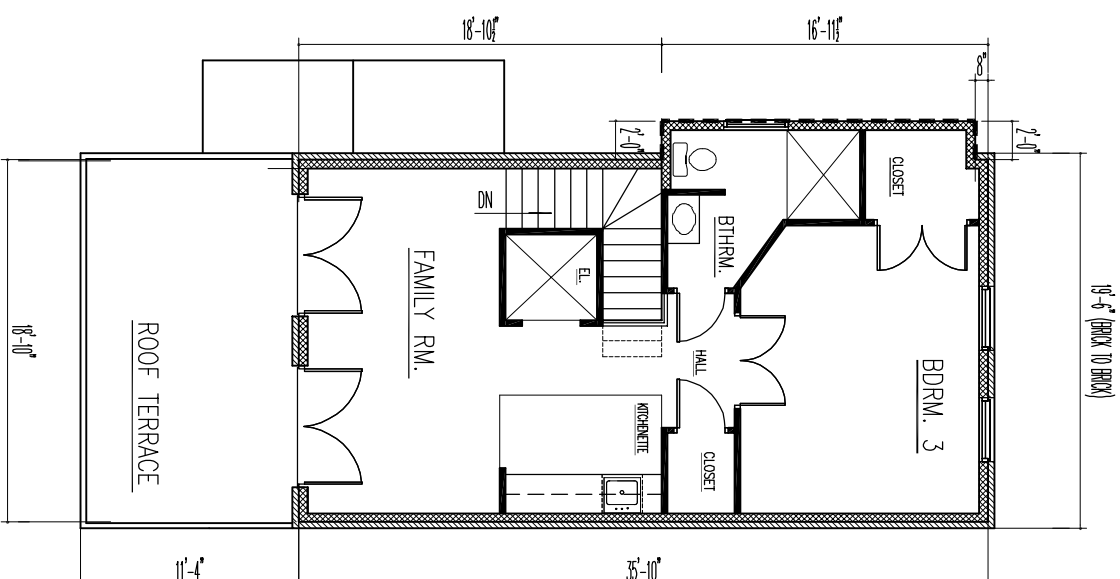
LEVEL-1



LEVEL-2

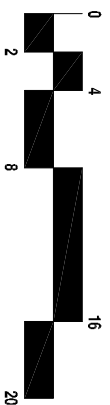


LEVEL-3



SQUARE FOOTAGE

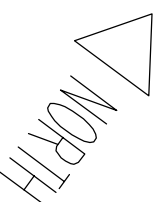
LEVEL-3	714	SQ. FT.
LEVEL-2	835	SQ. FT.
LEVEL-1	835	SQ. FT.
LEVEL-B	553	SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937</b>	<b>SQ. FT.</b>
GARAGE	380	SQ. FT.
LEVEL 3- PORCH	129	SQ. FT.
LEVEL 2- DECK	68	SQ. FT.
LEVEL 1- DECK	232	SQ. FT.



# FLOOR PLANS

1" = 10'-0"

146: LOT 3



# A03

FLOOR PLANS

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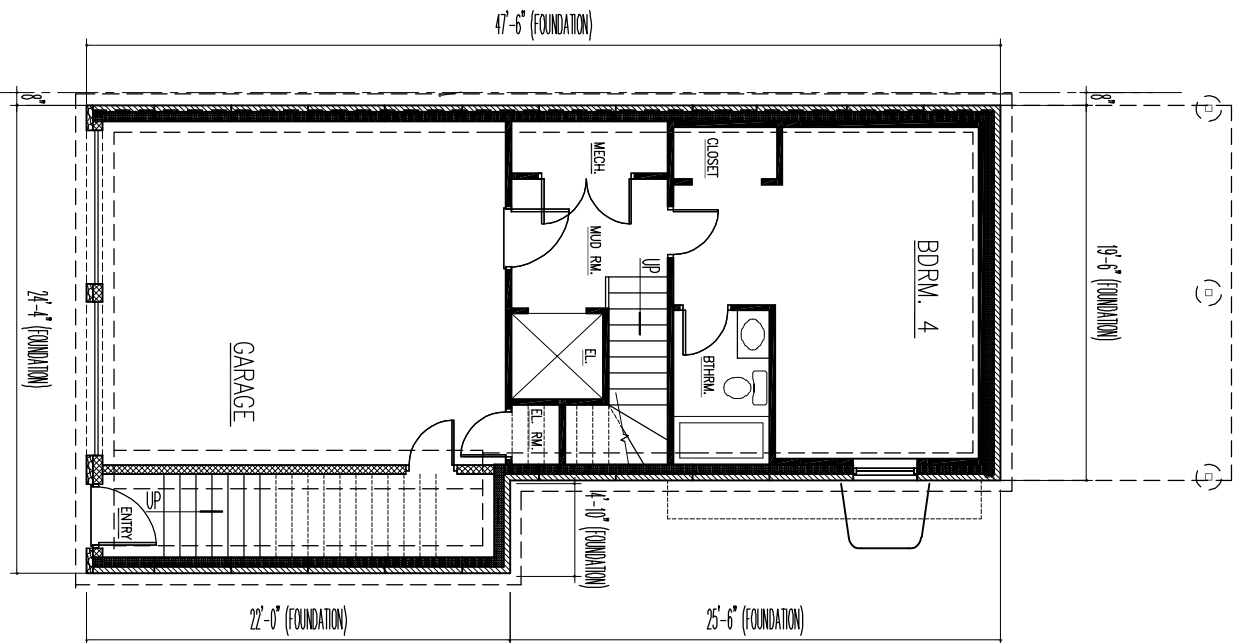


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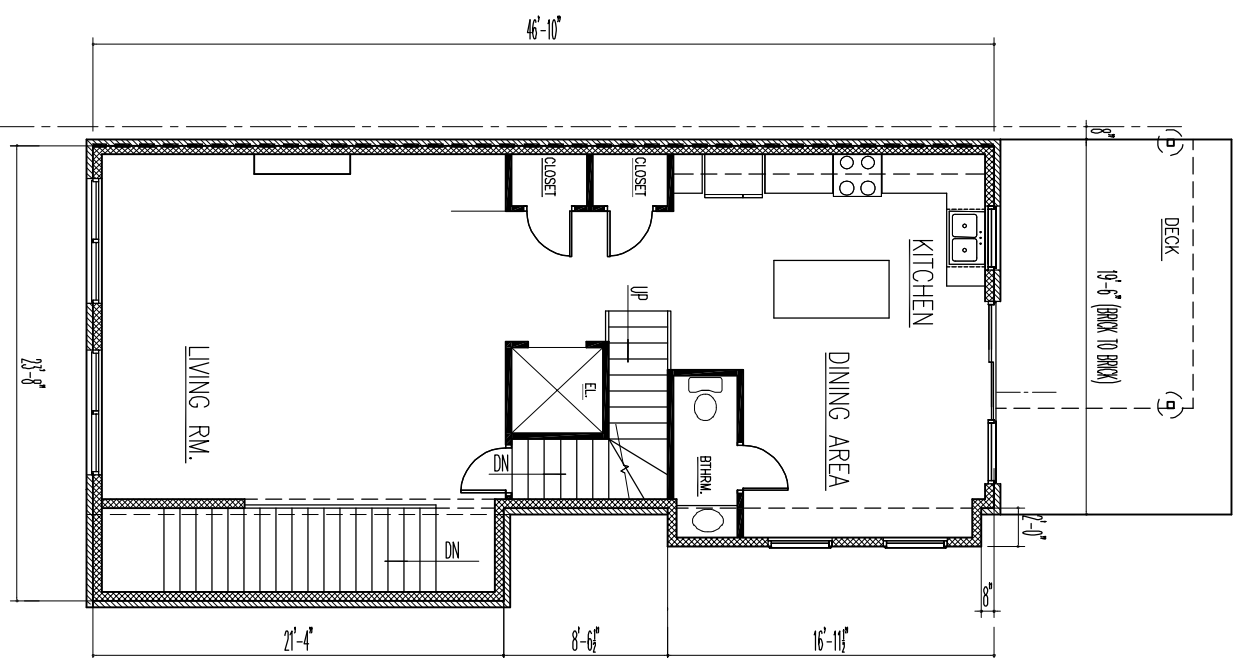
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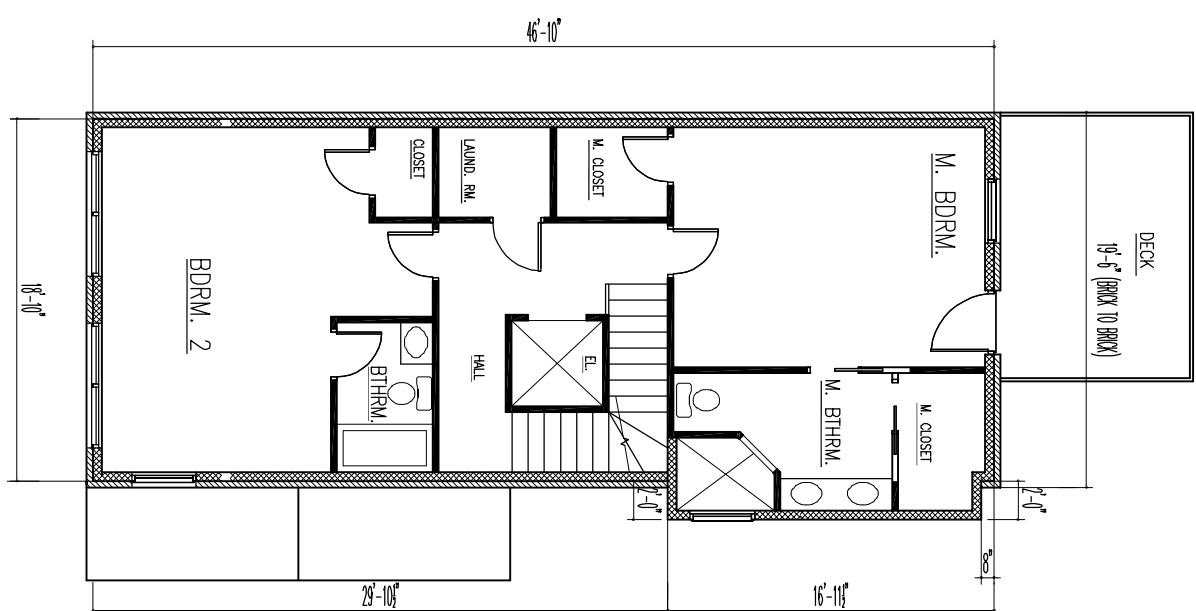
LEVEL- B/G



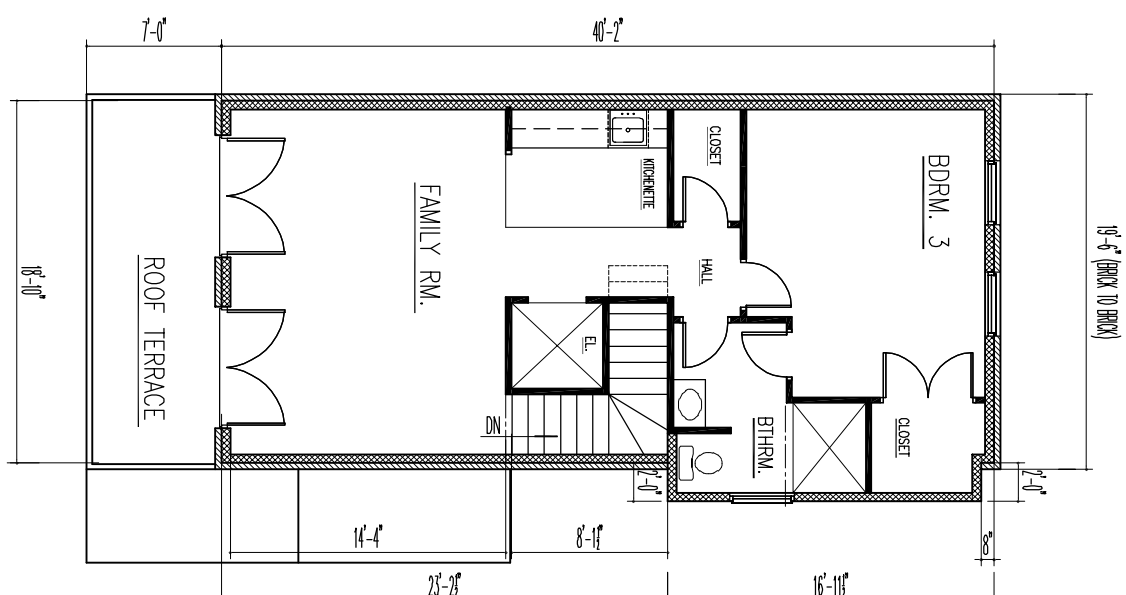
LEVEL- 1



LEVEL- 2

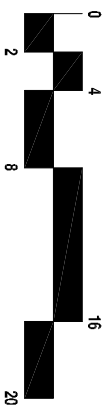


LEVEL- 3



SQUARE FOOTAGE

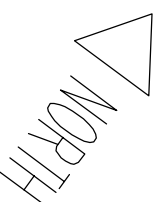
LEVEL-3	714	SQ. FT.
LEVEL-2	835	SQ. FT.
LEVEL-1	835	SQ. FT.
LEVEL-B	553	SQ. FT.
TOTAL LIVING AREA	2937	SQ. FT.
GARAGE	380	SQ. FT.
LEVEL 3 - PORCH	129	SQ. FT.
LEVEL 2 - DECK	68	SQ. FT.
LEVEL 1 - DECK	232	SQ. FT.



# FLOOR PLANS

1" = 10'-0"

148: LOT 2



# A04

FLOOR PLANS

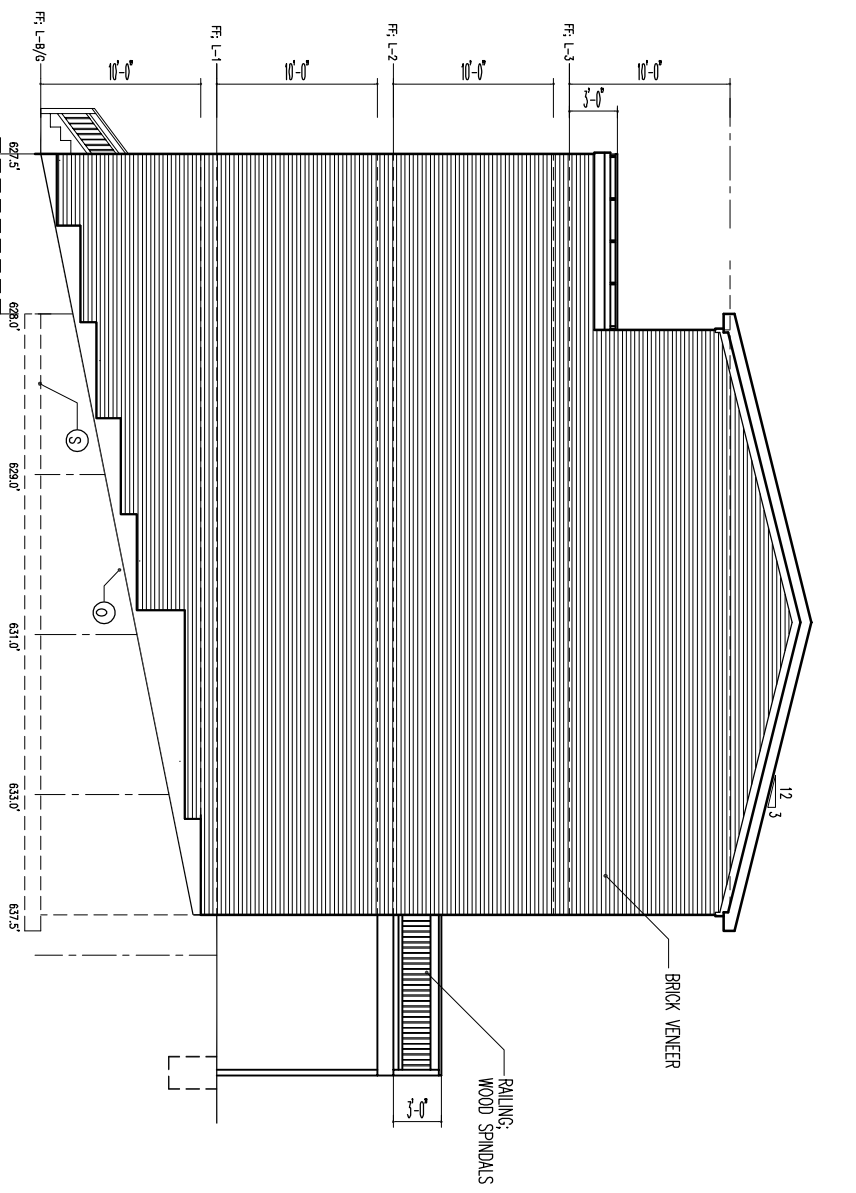
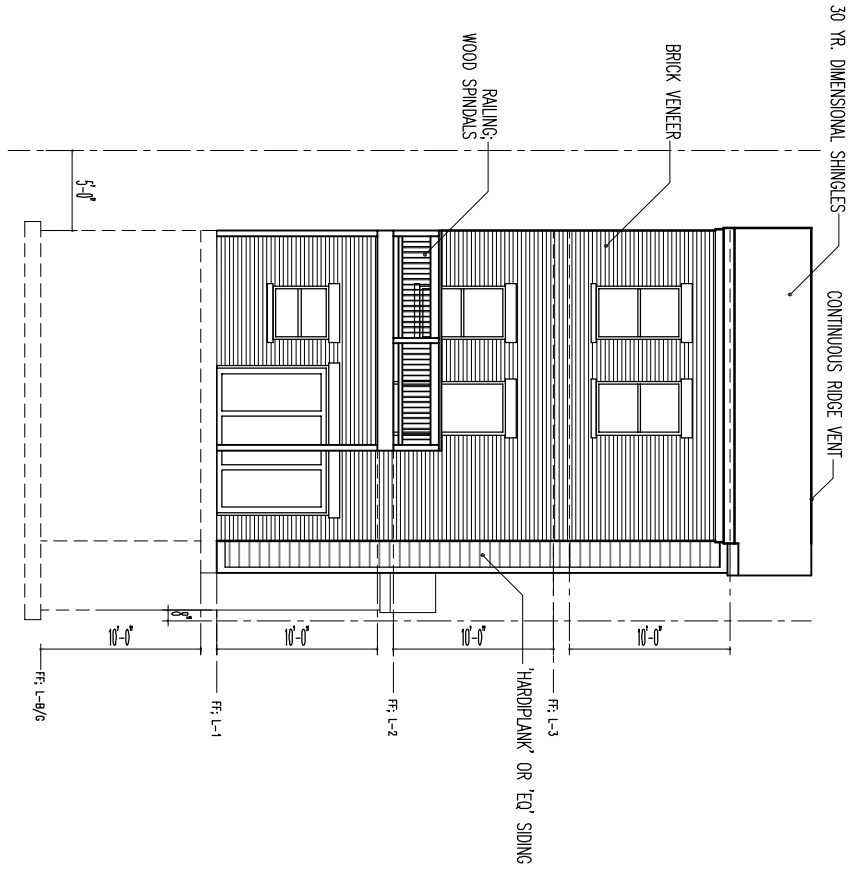
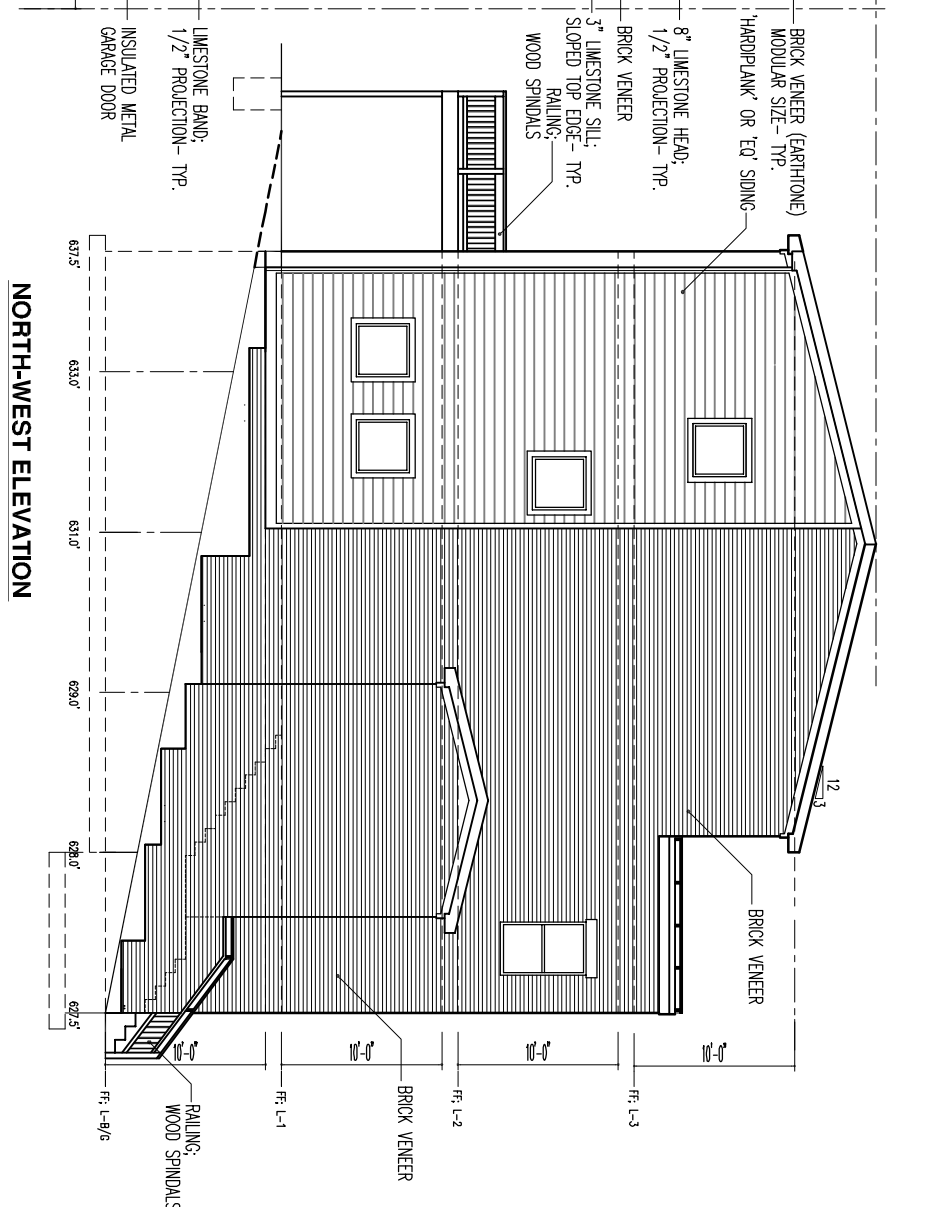
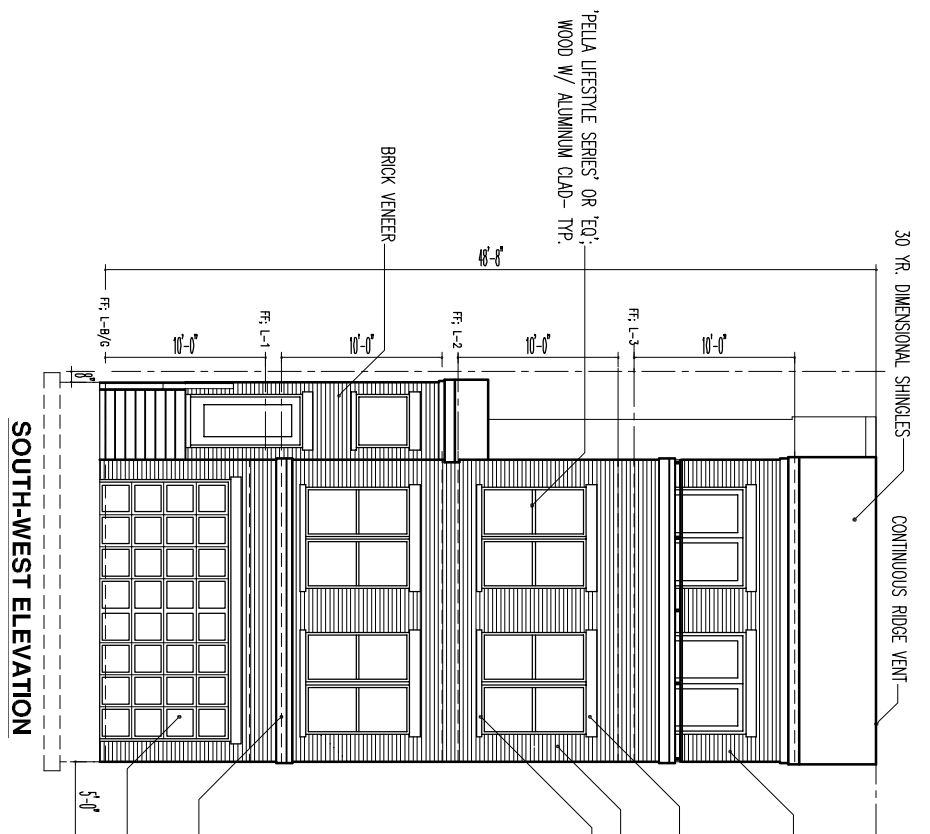
A NEW BUILDING FOR:  
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**A-RAN PROPERTIES, LLC**  
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# ELEVATIONS

146: LOT 3

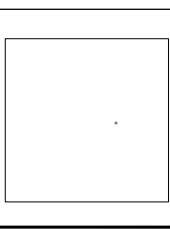
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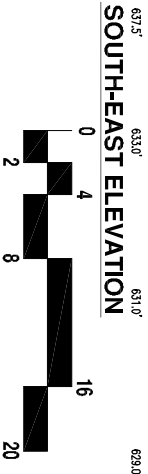
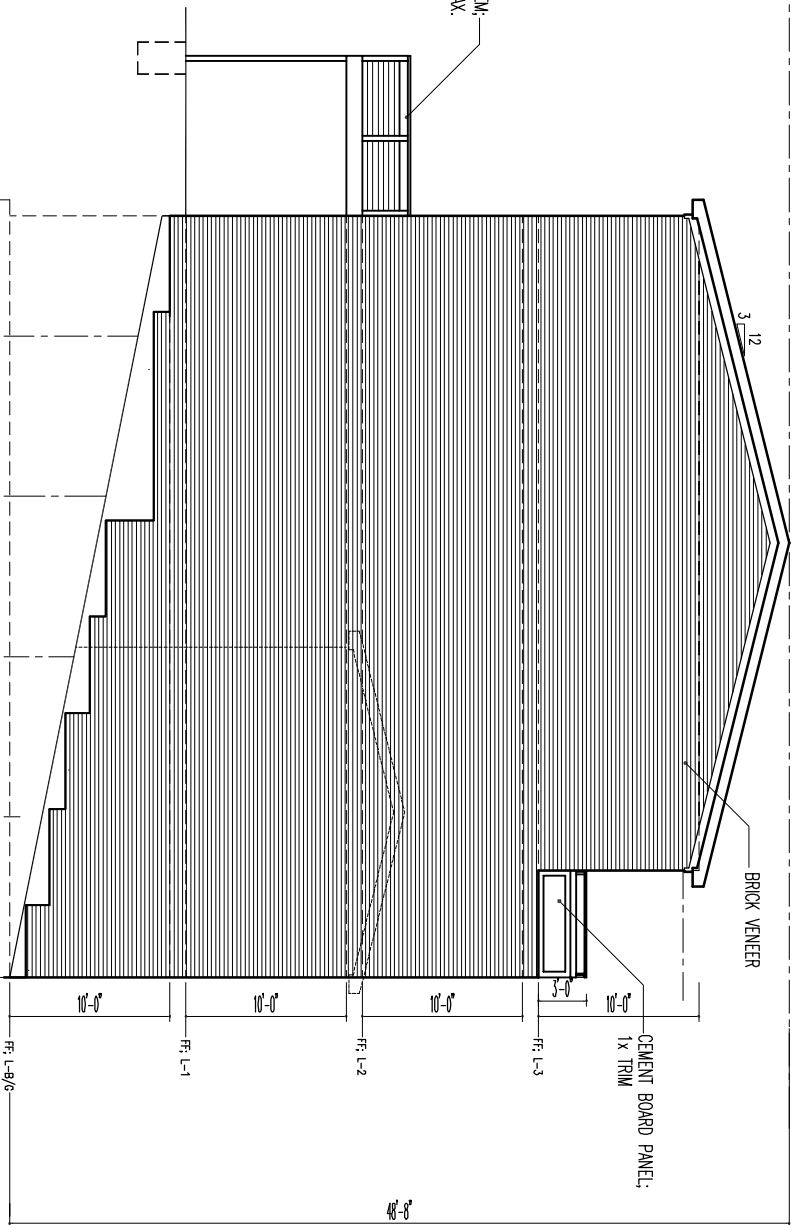
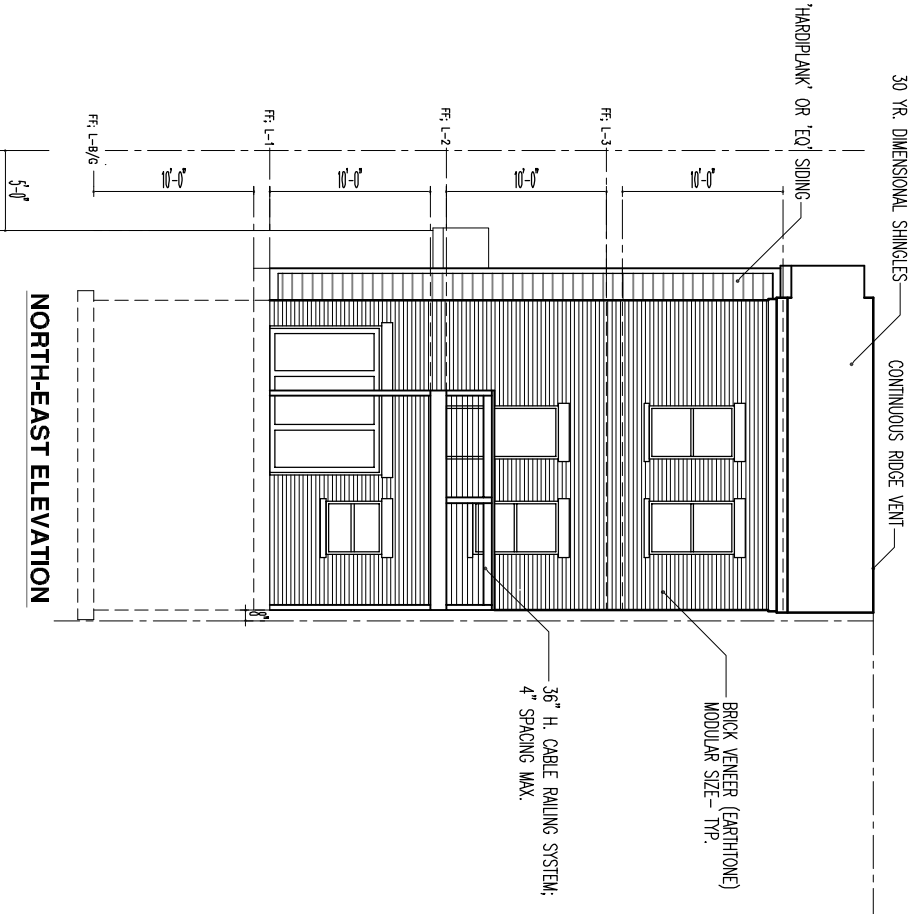
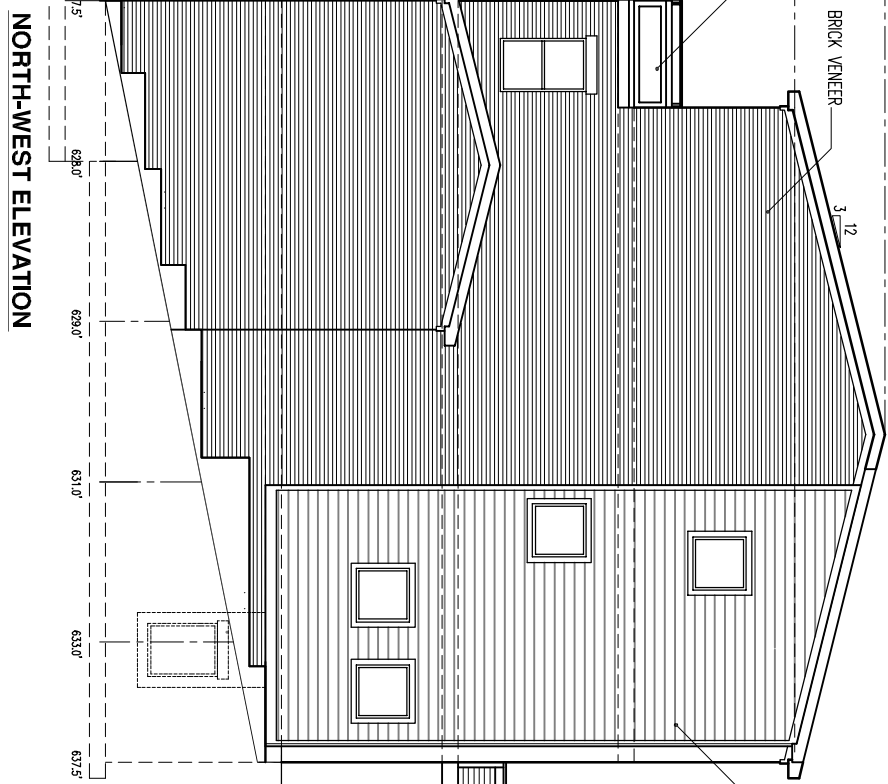
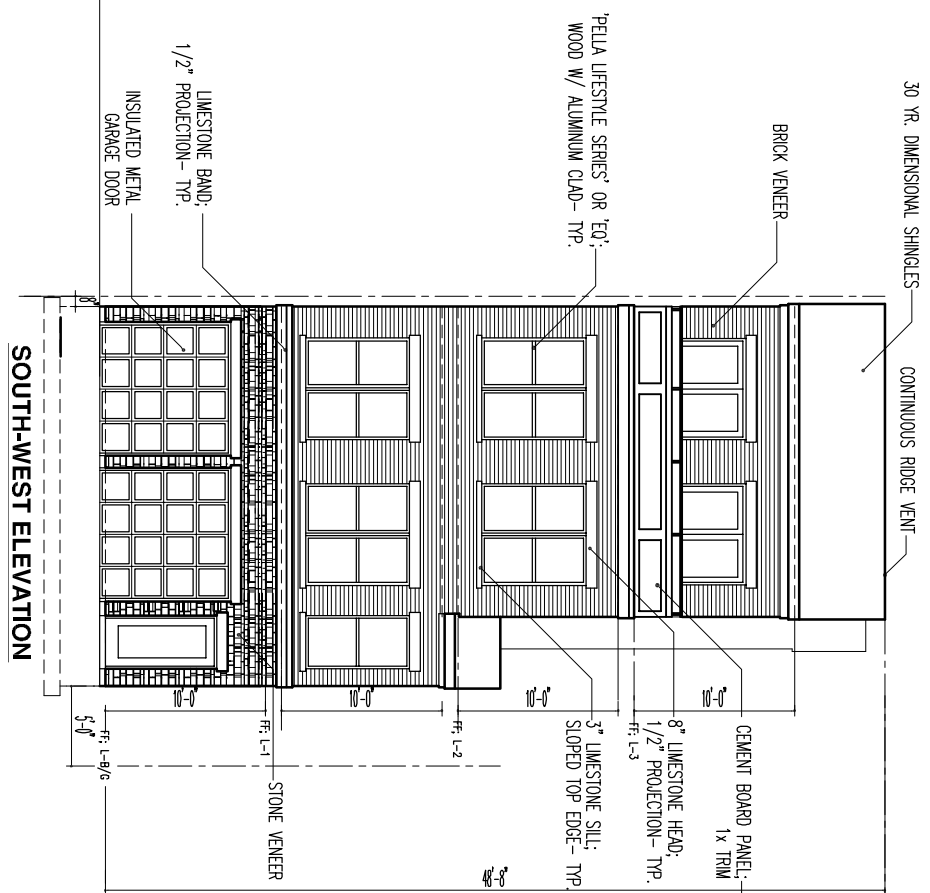
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**A05**  
 ELEVATIONS



# ELEVATIONS

148: LOT 2

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**A-RAN PROPERTIES, LLC**  
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 CINCINNATI, OH 45202



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 commercial & residential

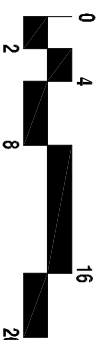
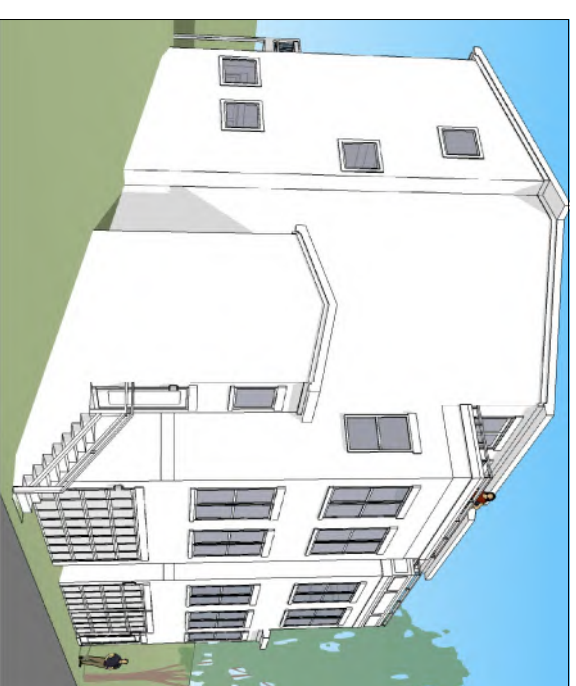
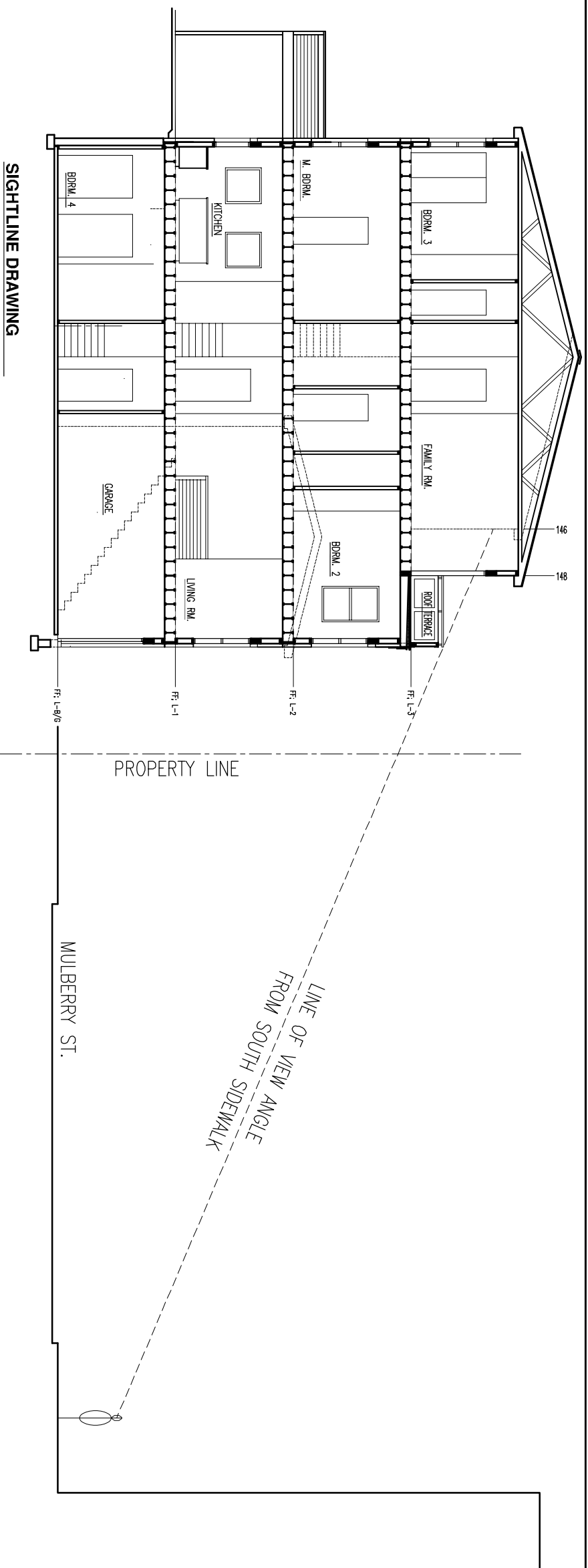
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# A06

ELEVATIONS

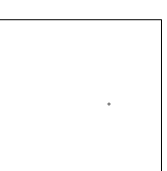


**SIGHTLINE/ PERSPECTIVE DRAWING**

<p><b>t z a i</b> architecture interiors commercial &amp; residential</p>	
<p>RA Box 53174 Cincinnati, OH 45223 513.223.1200 info@tzaia.com</p>	<p>Cincinnati, OH 45223 info@tzaia.com</p>
<p>Rev. Description Date</p>	

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**A07**  
SIGHTLINE DWG.  
STREETSCAPE

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CINCINNATI, OH 45202



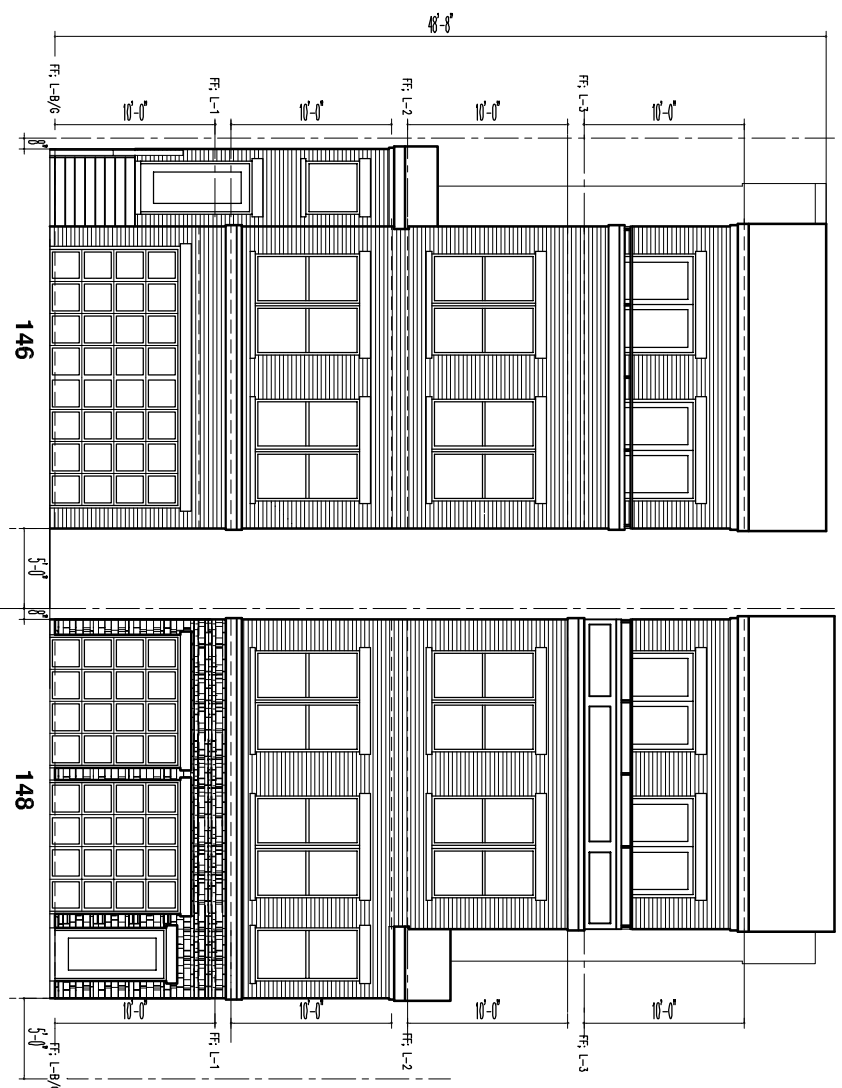
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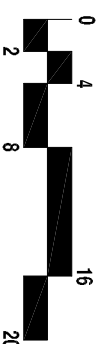
STREETSCAPE: MULBERRY ST. (NORTH VIEW/LOOKING WEST)



STREETSCAPE: MULBERRY ST. (NORTH VIEW)



150



**STREETSCAPE**  
1" = 12'-0"

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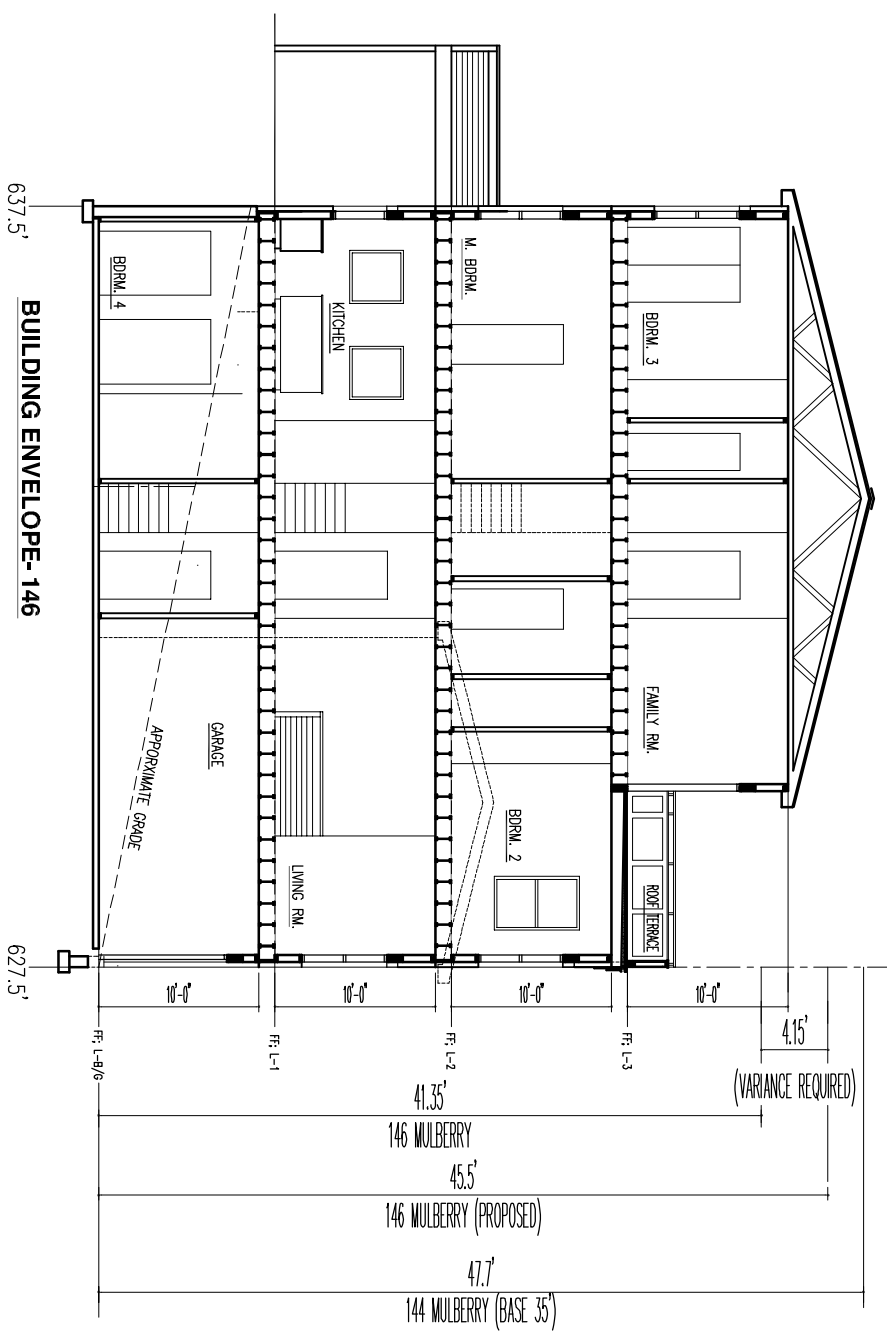
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Project No.: 2005015  
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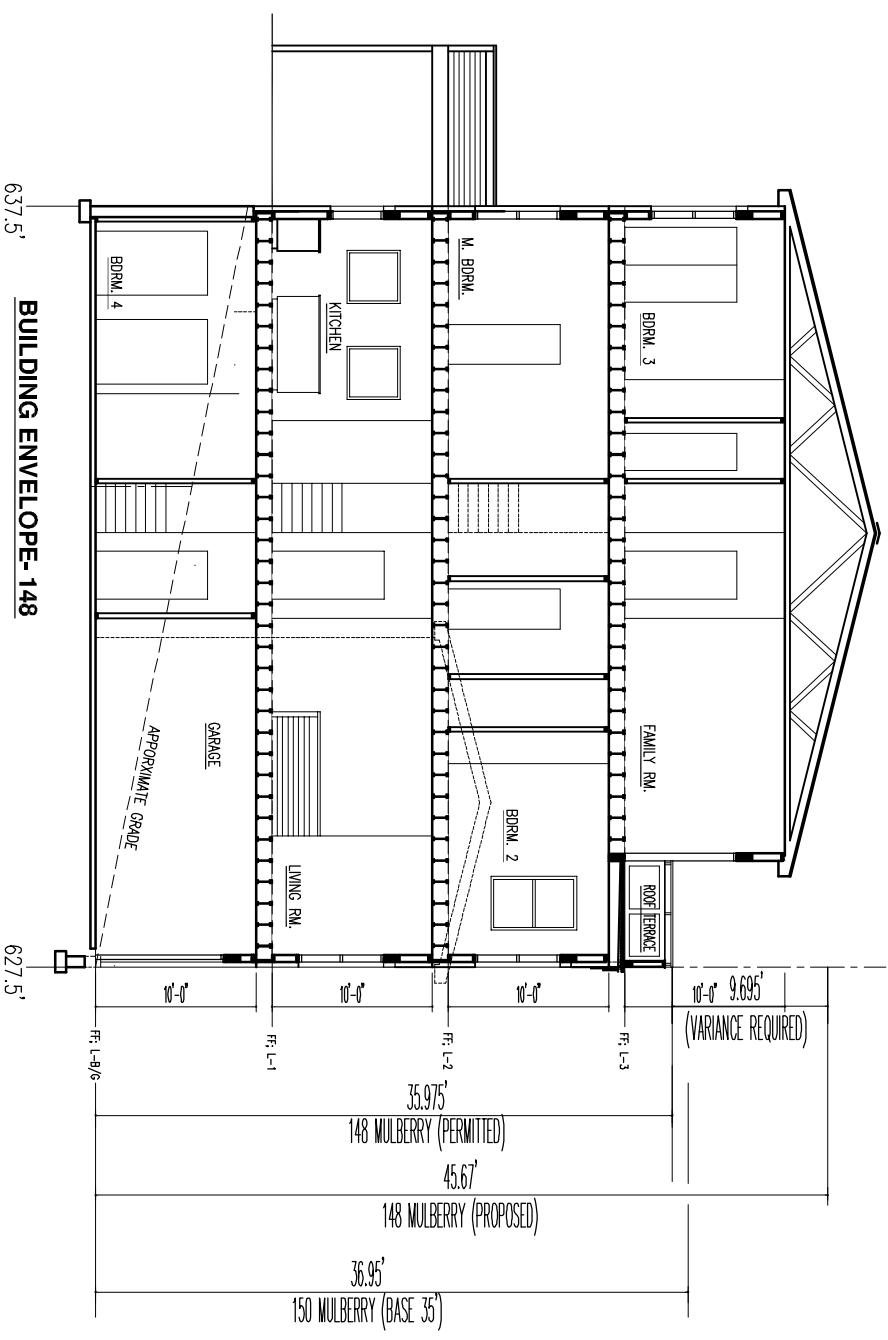
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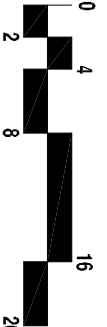
**A08**  
SIGHTLINE DWG.  
STREETSCAPE



146 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
144 MULBERRY	36.6
BASE	35'
146 MULBERRY	35.8'
146 MULBERRY PROPOSED	32.12'
RELIEF REQ.	NONE



148 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
150 MULBERRY	31.7
BASE	35'
148 MULBERRY	35'
148 MULBERRY PROPOSED	34.65'
RELIEF REQ.	NONE



# BUILDING ENVELOPE

# A09

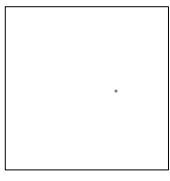
A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
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CITY OF CINCINNATI

DEPARTMENT OF CITY PLANNING  
BUILDINGS AND INSPECTIONS DIVISION

STATEMENT OF SPECIAL INSPECTIONS

LOCATION:

146-148 Mulberry

PERMIT APPLICATION NUMBER:  
(by City)

2020P05866 2020P05868

Because of the complexity, size, or special conditions associated with this project, the special inspections checked under "REQ" on the attached schedule are to be provided by the owner or owner's agent, other than the contractor, as required by Section 1704.1.1 of the Ohio Building Code (OBC).

Please indicate the inspection agent performing the specific inspections, the Inspection Coordinator who will submit the reports required by Section 1704.1.2 OBC and the extent of inspection services if other than full-time.

This *Statement of Special Inspections* shall be submitted as a condition for permit issuance. It includes a Schedule of Special Inspections applicable to this project as well as the name of the special inspectors, and the identity of other testing laboratories or agencies intended to be retained for conducting these inspections. Special Inspectors and testing agency personnel shall be under the direct supervision of a registered design professional who shall sign inspection reports; otherwise the qualifications of the person performing the inspections shall be submitted to the Department for acceptance.

An overall inspection coordinator shall keep records of all inspections and tests and shall furnish such reports to the code official and to the design professional of record. All discrepancies shall be brought to the immediate attention of the contractor for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the code official and the design professional of record. Interim reports shall be submitted to the code official and the design professional of record monthly, unless more frequent submissions are requested by the code official.

During the course of construction, additional third party inspections may be required in addition to those specified in the attached schedule if conditions warrant.

10/19/2020  
Date

GA Kenna  
P.E. or R.A.

## SCHEDULE OF SPECIAL INSPECTIONS

ITEM	REQ.	INSP. AGENCY	SCOPE
<b>1. Soils and foundations (1704.7) Geotech Inv.</b>			
a) shallow foundations	X	WTS	Continuous
b) controlled structural fill	X	WTS	Periodic
c) deep foundations/piles/caissons/piers	X	WTS	Continuous
d) excavation/fill			
e) soil stability/landslide	X	WTS	Continuous
<b>2. Concrete (1704.4)</b>			
<b>A. Cast-in-place concrete</b>			
a) mix design			
b) material certification			
c) reinforcement & installation	X	WTS	Continuous
d) post-tensioning operation			
e) batching plant			
f) formwork geometry			
g) concrete placement	X	WTS	Periodic
h) evaluation of concrete strength	X	WTS	Periodic
i) curing & protection			
j) other			
<b>B. Pre-cast Concrete</b>			
a) plant certification / quality control procedures			
b) mix design			
c) material certification			
d) reinforcement installation			
e) pre-stress operations			
f) connections / embedded items			
g) form work geometry			
h) concrete placement			
i) evaluation of concrete strength			
j) curing protection			
k) erected pre-cast elements			
l) other			
<b>3. Masonry (1704.5)</b>			
a) material certification			
b) mixing of mortar and grout			
c) installation of masonry			
d) reinforcement installation			
e) grouting operations			
f) weather protection			
g) evaluation of masonry strength			
h) anchors and ties			
i) other			
<b>4. Steel (1704.3)</b>			
<b>A. Structural Steel</b>			
a) fabricator certification/quality control procedures			
b) material certification			
c) open web steel joists			
d) bolting			
e) welding			
f) shear connectors			
g) structural details			
h) metal deck			

## SCHEDULE OF SPECIAL INSPECTIONS

ITEM	REQ.	INSP. AGENCY	SCOPE
<b>4. Steel</b>			
<b>B. Cold Formed Steel Framing</b>			
a) member sizes			
b) material thickness			
c) material properties			
d) mechanical connections			
e) welding			
f) framing details			
g) other			
<b>5. Spray Applied Fire-Resistant Material (1704.11)</b>			
a) material specifications			
b) laboratory tested fire-resistance design			
c) schedule of thickness			
d) surface preparation			
e) application			
f) curing and ambient condition			
g) thickness			
h) density			
i) bond strength			
j) other			
<b>6. Wood Construction (1704.6)</b>			
a) fabricator certification			
b) material grading			
c) connections			
d) framing details			
e) other			
<b>7. EIFS (1704.12)</b>			
a) material submittals			
b) condition of substrate			
c) application of foam plastic board			
d) application of coatings			
e) application of mesh			
f) curing and ambient condition			
g) flashing and joint details			
h) sealants / caulk			
i) other			
<b>8. Mechanical System</b>			
a) smoke control (1704.14)			
b) mechanical HVAC and piping			
c) other			
<b>9. Special Cases (1704.13)</b>			
<b>10. Other Requirements</b>			

INSPECTION AGENTS	FIRM	ADDRESS
1. Inspection Coordinator (Section 1704.1.2)	WTS	6531 West Chester Rd
2. Special Inspector	WTS	West Chester, Oh 45069
3. Testing Laboratory	WTS	
4. Approved Independent Quality Control Agency		
5. Geotechnical Engineer: When required from Part 1 above	WTS	
6. Other		

### FINAL REPORT OF SPECIAL INSPECTION

To the best of my information, knowledge, and belief, the special inspections required for this project, and itemized in the statement of Special Inspections submitted for permit, have been completed.

The following discrepancies that were outstanding since the last Interim report dated \_\_\_\_\_, have been corrected:

\_\_\_\_\_

\_\_\_\_\_

(Attach 8½ x 11 continuation sheet(s) if required to complete the description of corrections.)

Interim reports submitted prior to this report, and numbered \_\_\_\_\_ to \_\_\_\_\_, are to be considered an integral part of this final report.

Respectfully submitted,

Signature \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

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

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APPLICATION #: COA2020055/ ZH2020186  
APPLICANT: Randall Walton  
OWNER: Randall Walton  
ADDRESS: **148 Mulberry Street**  
PARCELS: 094-0005-0061-00  
ZONING: RM-0.7  
OVERLAYS: Over the Rhine Historic District and Hillside District  
COMMUNITY: Over the Rhine  
REPORT DATE: January 5, 2020

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### **Nature of Request:**

The applicant is requesting a Certificate of Appropriateness and related zoning relief for the construction of new single-family home on Mulberry Street on a currently vacant lot.

The applicant is building this project in conjunction with 146 Mulberry Street. While each application is a separate application and has different zoning relief requested due to the hillside averaging, the projects are overall similar in placement on the lot, massing and design. The applicant has provided slight differences on each building to differentiate them from each other. It is common and historically appropriate within the district for buildings directly next to each other to be very similar with slight differences.

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

1. 1433-17 (d): Height of front: **A Variance of 9.695 feet** is required for the proposed height of 45.67 ft. The max height is 35.975 based on the hillside averaging.
2. 1433-17 (b): Side yard setback: **A Variance of 1.21 feet** is required for the proposed setback of 5 feet. The required side yard is 6.21 based on the hillside averaging.
3. 1433-19 (g): Excavation in excess of 8 feet will require approval through the Zoning Relief to determine that the excavation meets the Hillside Development Standards.

### **Existing Conditions:**

148 Mulberry Street is a vacant parcel with an existing historic building on the east and a vacant parcel to the west. This block of Mulberry had a row of infill buildings with garage doors to the west.

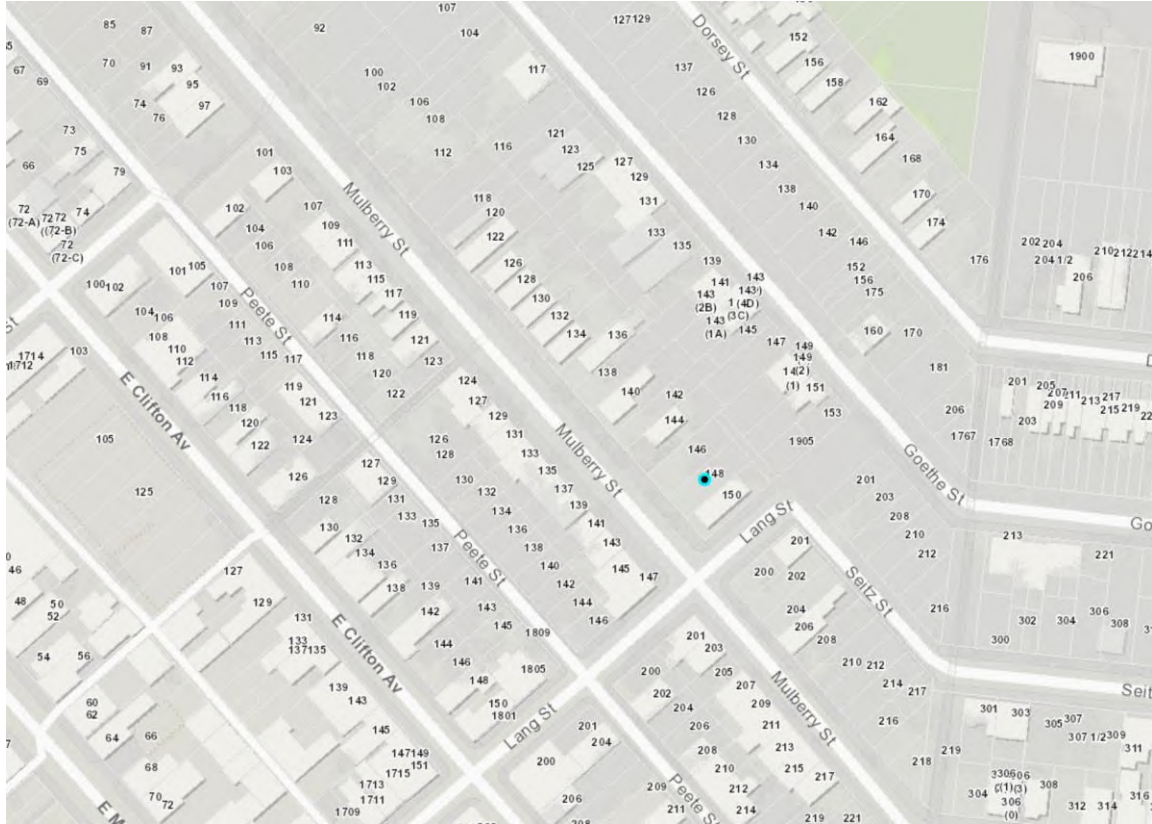


Figure 1: Map of 148 Mulberry. Map provided by Cagis Maps.



Figure 2: Street view of 100 block of Mulberry Street. 148 Mulberry is identified by the arrow. Image provided by Google Street views.

**Proposed Conditions:**

The proposal at 148 Mulberry Street includes:

1. Construct a single-family home.
2. The house will be clad in brick, stone and cement lap siding.
3. It will have a 3 story façade at the street with a fourth story set back from the street with a front roof deck.
4. The front of the building is broken into 2 masses, the main massing is 18’10” with a smaller entrance that makes the building 25’8” wide.

**Previous Review:** NA

**Applicable Zoning Code Sections:**

Zoning District:	Section 1405	Residential
Variance Requests:	Section 1405	Development Standards
	Section 1433	Hillside District
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
	<a href="#">Section 1445-15</a>	Standards for Variances
Overlays:	<a href="#">Section 1435</a>	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	<a href="#">Section 1435-09-2</a>	COA; Standard of Review

**Zoning Analysis:**

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

- The setback requests and heights are for setbacks that are similar to neighboring properties and other properties in the vicinity.
  - The variances and proposed design are in the interest of Historic Conservation to help the proposal be contextual to the district.
- a. **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

*The underlying zoning is RM 0.7 and it is within a Hillside overlay zone. The proposed use of the subject property does conform to the permitted uses within the zone. The front and side setback and height do not conform to the averaging of the setbacks of the base zone for the vacant lot at 146 Mulberry Street and the contributing building at 150 Mulberry Street.*

*The height is also a minimum request. With the top floor set back the street frontage is a 3-story building. The building two lots to the west at 144*

*Mulberry is a 4-story building at 47.7 feet tall so the proposed height at 148 Mulberry is less than the neighboring building.*

*The overall elevation above sea-level for the proposed building will be less than the contributing building at 150 Mulberry as the height for this property is determined from the grade at the building, not the from the street level. As this property is elevated above the street level and the proposed building height is positioned at street level the contributing buildings at both 144 and 150 Mulberry will be above the proposed buildings.*

- b. **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

*The proposed work does substantially conform to the guidelines for the Over-the-Rhine Conservation District. (Refer to Certificate of Appropriateness review below.)*

- c. **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

*This project conforms to the Over the Rhine Comprehensive Plan through creating increased home ownership opportunities as well as providing for parking for the development.*

*The Comprehensive Plan also calls for developments within Historic Districts to support the historic conservation efforts and as in staff's review the new infill is contextually sensitive and does not detract from the district.*

- 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.

*Traffic will be impacted as it will be creating a use on currently vacant parcels. The project is providing off street but will remove on-street parking spaces due to the curb cut.*

- e. **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.

*This is not applicable.*

- f. **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.

*This is not applicable.*

- g. **Hours of Operation.** Operating hours are compatible with adjacent land uses.

*This is not applicable.*

- h. **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.

*The proposed use of a single-family house development is an appropriate use within a residential area of the neighborhood.*

- i. **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.  
*There are no proposed amendments under consideration that would impact this proposed project.*
- j. **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.  
*There is no anticipated adverse effect.*
- k. **Blight.** The elimination or avoidance of blight.  
*This will provide a new use to a currently vacant and unimproved lot.*
- l. **Economic Benefits.** The promotion of the Cincinnati economy.  
*The proposed work will increase the property value of the subject parcels.*
- m. **Job Creation.** The creation of jobs both permanently and during construction.  
*The proposed project will create temporary jobs during construction.*
- n. **Tax Valuation.** Any increase in the real property tax duplicate.  
*Property taxes will increase due to the improved value on the property.*
- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The owner has an economic benefit to the proposed project.*
- p. **Public Benefits.** The public peace, health, safety or general welfare.  
*There is no anticipated detriment to the public peace, health, safety or general welfare of the public or neighbors.*

#### **Standards for Variances per Section 1435-05-4**

- (a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or  
*The proposed work is compatible with the historic district and will provide an example of development that is contemporary in style while compatible with the historic district is scale, massing, and materials.*
- (b) Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).  
*The denial will not result in the deprivation of all economically viable uses as a single-family home could still be built within the Maximum Building Envelope.*

## **Standards for Variances per Section 1445-05-04**

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

*The setbacks requested support the context and historic guidelines that support zero or shallow setbacks at front property lines, while also respecting the existing setbacks on the street.*

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

*The requested setback variances and height variance are requesting a setback and height that are similar to or less than the surrounding property.*

## **§ 1433-23. - Hillside Development Standards.**

*The excess of 8 feet of cut into the hill for the project require HCB approval that the project is complying with the Hillside Development Standards.*

In addition to the Base Development Requirements of § 1433-19, the Zoning Hearing Examiner must consider the following standards to ensure harmonious relationships with adjacent buildings and the hillside environment:

- (a) Avoid cuts in the hillside if they would leave cliff-like vertical slopes and excessively high retaining walls.

*The proposal cuts into the hill the minimum required for the basement/foundation and garage.*

- (b) Design buildings to fit into the hillside rather than altering the hillside to fit the buildings.

*The design, including the excavation takes advantage of the hill by putting the majority of the cut at the front of the property which is generally flatter.*

- (c) Hillside development should be designed to minimize excavation required for foundations, parking and access drives

*The provided excavation is the least required to provide a functional garage as well as meet the setbacks required by both the base zoning and to be compatible with the surrounding.*

- (d) Cluster new development to retain surrounding tree cover and minimize alterations to the existing topography.

NA

(e) Maintain a clear sense of the hillside brow by locating buildings back from the brow of the hill.

*While a building is still located at the top of the slope on the property it is only one story and it is not at the brow of the overall hill that the slope is a part of.*

(f) Site buildings so as to respect views from public viewing places within the HS District identified in a community plan or other documentation approved by the City Planning Commission.

*The designer has been very respectful of views and the building is mostly within the MBE.*

(g) Where applicable, consider the guidelines contained in the "Cincinnati Hillside Development Guidelines" report to evaluate development applications.

NA

## **Certificate of Appropriateness Review**

Staff is supportive of the design and feels that the design substantially conforms to the Historic Conservation District Guidelines. The proposal sits next to a historic building and next to a vacant lot.

## **NEW CONSTRUCTION**

### **Staff comments on the Specific Guidelines for New Construction:**

#### **A. Intent and General Guidelines**

1. New construction is allowed on vacant sites in Over-the-Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.

*The lot is currently vacant and an unimproved lot.*

2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.

*This infill development does not replicate the existing buildings, but uses materials, massing and rhythm to influence the design choices.*

3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.

*Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines.*

4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.

*Staff details the compatibility of the project with the guidelines and surrounding buildings below in the specific guidelines*

## **B. Specific Guidelines**

1. **Composition:** New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over-the-Rhine are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over-the-Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

**Base:** New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.

*The building has a strong base using a garage door and a limestone band and stone veneer as the base. While garage doors are not a historic aspect on buildings, as there has been infill along Mulberry this form and element has been introduced in this portion of the neighborhood. This infill has mostly been on the 300 and 100 blocks on Mulberry on the north side of the street. The south side of the street remains intact historic fabric that does not have garage door openings.*

*The base also incorporates a front door onto the property. While the entrance visually acts as a secondary mass that is shorter from the rest of the building, it continues the building façade line.*

**Middle:** Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

*The middle is defined with brick cladding and paired front punched openings on both the second and third floors. The windows are aligned vertically to give the façade a vertical emphasis.*

**Top:** New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over-the-Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.

*The top of the front façade is defined by a simple limestone projection a paneled cornice. The cornice line provides the railing for the roof deck that is just back of the cornice. The building has a setback/recess at the roof level to provide for an outdoor roof deck. From the front façade this is not highly visible but will be slightly visible from the west and east on Mulberry Street.*

**2. Roofs:** Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over-the-Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.

*The roof is a side gable roof form. This roof form is common in the neighborhood, especially on single family homes. The main distinction is the inclusion of a roof deck at the front that breaks the angle of the roof at the front. While visible from west on Mulberry Street the roof deck is not highly visible from the primary façade.*

**3. Window Openings:** Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade. In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper. If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

1. *The windows on the front façade substantially conform to the guidelines above. The windows are taller than they are wide and are in a paired punched opening format.*

2. *The windows have a limestone lintel at the top of the windows and a sill at the bottom providing definition and articulation.*
3. *The windows on the side and rear are in vertical orientation in a mostly one over one format.*

**5. Setback:** Setback is an important issue in a dense urban area such as Over-the-Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over-the-Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, has shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.

*The setback along Mulberry is appropriate. The buildings along the north side of Mulberry Street on this block generally have a shallow setback. This proposed building has a 10-foot setback. Staff finds this appropriate as it is in line with 150 Mulberry and anything closer to the street would be out of context with the adjacent building.*

*The side setbacks are shallow setbacks from the property line. Residential properties often have slight setbacks. The setbacks are also needed for openings to allow light into the building.*

**6. Rhythm:** New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on the district. Most buildings in Over-the-Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.

*The lot is a similar size to other lots within the block. The building is just over 25 feet wide. The building has a three-bay configuration with one bay only 2 stories as the entrance tower. They are evenly spaced over the façade creating a consistent rhythm.*

**7. Emphasis:** New residential and mixed-use construction should have a vertical emphasis, because in Over-the-Rhine buildings are taller than they are wide, window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.

*The building has many elements that help to create a strong vertical emphasis. The major elements include that the building is taller than it is wide and the vertical alignment of the windows.*

**8. Height:** The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.

*The height is appropriate to the site and the area. As the buildings are mostly three stories and three and a half stories tall, the building is a similar height to the rest of the buildings along the street as well as the building that is adjacent to the east.*

**9. Materials:** New construction should use materials that are found on the historic buildings in Over-the-Rhine. Clearly the dominant material in Over-the-Rhine is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.

*The main building material on the front façade is a brick, stone at the base and limestone stone. The siding on the sides and rear are a cement siding in a lap siding form. This will not be highly visible, and the building will appear as a brick building. The windows are aluminum clad wood windows.*

*While we traditionally see one main building material on all four sides of the building, the proposed building wraps the brick around the first two thirds of each side façade providing for the most visible elevations of the street face with brick.*

*The brick being used is Belden Brick in modular size and the windows are aluminum clad wood windows.*

**Other Considerations:**

**Prehearing Results:** A prehearing was held on 1-6-21. The applicants were present.

**Comments Provided to Staff:** NA

**Recommendation:**

- I. **ZONING VARIANCES:** based on the application for Zoning Relief for single-family home at 148 Mulberry Street per the application submitted by Randall Walton dated 12/3/20.
  - A. 1433-17 (c) Hillside Side Yard - **APPROVE** A dimensional variance of 1.21 feet to allow a setback of 5 feet.
  - B. 1433-17 (d) Hillside Front Height - **APPROVE** A dimensional variance of 9.695 feet to allow a total front elevation height of 45.67 feet.
  - C. 1433-19(g) Excavation - **APPROVE** Hillside development allowing excavation in excess of 8 feet.

- D. 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 the property within the district or vicinity where property is located.
  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 Historic District.

**II. CERTIFICATE OF APPROPRIATENESS**

**A. Approve** the application for Certificate of Appropriateness for a single-family home at 148 Mulberry Street per the application submitted by Randall Walton dated 12/3/20 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.

**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.
2. The building while contemporary has taken its cues from the neighboring contributing buildings with a strong base, middle top, brick material, vertical emphasis, paired punched double hung windows, and a strong contextual rhythm.

**ADJUDICATION/DENIAL LETTER**

Date: November 18, 2020

Location: 148 Mulberry St

Request: SF infill project

Zoning District: RM 0.7/Over-the-Rhine Historic District/Hillside Overlay

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

**Staff does recommend that the front setback be set to at least the setback provided at 150 Mulberry St as that setback is more appropriate for this lot.**

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.28 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1433-17 (c): Front yard Setback: A variance of 2.705 feet is required for the proposed 5 foot setback.
2. 1433-17 (d): Height of front: A Variance of 9.695 feet is required for the proposed height of 45.67 ft.
3. 1433-17 (b): Side yard setback: A Variance of 1.21 feet is required for the proposed setback of 5 feet.
4. 1433-19 (g): Excavation in excess of 8 feet will require a variance. The proposed max excavation is 11 feet. 6.35 ft variance is required.

The 3 copies of the applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center **no later than 3pm on the deadline date**. It is highly encouraged that you make an appointment for submission to guarantee that your submission will be accepted by the deadline. Appointments can be made with Kasandra Maynes at 513-352-1559.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848

(e): [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)



**ADJUDICATION/DENIAL LETTER**

Date: November 18, 2020

Location: 148 Mulberry St

Request: SF infill project

Zoning District: RM 0.7/Over-the-Rhine Historic District/Hillside Overlay

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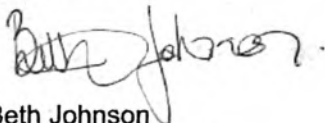
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4. 1433-19 (g): Excavation in excess of 8 feet will require a variance. The proposed max excavation is 11 feet. 6.35 ft variance is required.

The 3 copies of the applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5<sup>th</sup> floor of 805 Central Avenue in the Permit Center **no later than 3pm on the deadline date**. It is highly encouraged that you make an appointment for submission to guarantee that your submission will be accepted by the deadline. Appointments can be made with Kasandra Maynes at 513-352-1559.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848



Centennial Plaza  
 305 Central Avenue, Suite 500  
 Cincinnati, Ohio 45202  
 Monday- Friday 7:30 am-4 pm  
 (513) 352-4848  
 Beth.Johnson@Cincinnati-OH.gov

Office Use Only	
Application #:	_____
Date Accepted:	_____
<input type="checkbox"/> Staff Review	<input type="checkbox"/> Board Review
<input type="checkbox"/> Paid:	_____
Date Perfected:	_____
Hearing Date:	_____

## CERTIFICATE OF APPROPRIATENESS APPLICATION

### SUBJECT PROPERTY

Site Address: 148 Mulberry Street, Cincinnati, Ohio 45202  
 Hamilton Co. Parcel ID No.: 094-0005-0061-00 Zoning District: RESIDENTIAL MULTI FAMILY RM-0.7  
 Historic District: Over The Rhine Historic District Overlay District: HILLSIDE

### APPLICANT INFO PROPERTY OWNER OTHER \_\_\_\_\_ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: Randall Walton  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: 6082 Ash Hill Court  
 City: West Chester State: Ohio Zip Code: 45069  
 Phone: 513-659-2284 E-mail: \_\_\_\_\_

### PROPERTY OWNER INFO SAME AS ABOVE

Name: \_\_\_\_\_  
 Contact Person (if legal entity): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

New Construction  Alteration  Demolition

Provide a very brief summary of the project:

This project will be the construction of a new single, family detached, market rate home.

### ZONING RELIEF Yes No

Provide a very brief summary of the zoning relief requested:

The zoning relief that is being requested pertains to the height of the building.

### SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**Demolition requests must include all required demolition forms.**  
**All applications that include requests for zoning relief must include a zoning hearing application.**  
**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.**

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: Randall Walton Date: 12/7/2020



II Centennial Plaza  
805 Central Avenue, Suite 500  
Cincinnati, Ohio 45202  
Monday- Friday 7:30 am- 4 pm  
513-352-1559  
Boards@cincinnati-oh.gov

# ZONING HEARING EXAMINER

## Application for Zoning Relief

Office Use Only  
Case Number: \_\_\_\_\_

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

### Section 1. SUBJECT PROPERTY

ADDRESS 148 Mulberry Street, Cincinnati, Ohio 45202 COMMUNITY Mount Auburn  
PARCEL ID(S) 094-0005-0061-00 HILLSIDE DISTRICT:  Yes  No  
BASE ZONING CLASSIFICATION X RM-φ.7 ZONING OVERLAY (if applicable) \_\_\_\_\_  
HISTORIC DISTRICT:  No  Yes: (name) Over The Rhine Historic District  
 Non-Residential Project  Residential Project (RCO) One -, Two -, and Three- Family Dwelling

### Section 2. APPLICANT

NAME Randall Walton CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS 6082 Ash Hill Court CITY West Chester STATE Ohio ZIP 45069  
EMAIL randalljameswalton@gmail.com RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE 513-659-2284

### Section 3. OWNER

NAME SAME AS ABOVE CONTACT PERSON (if legal entity) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EMAIL \_\_\_\_\_ RELATIONSHIP TO OWNER (if not owner) \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

### Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- Variance
- Special Exception
- Conditional Use
- Use Variance
- Expansion or Substitution of Non Conforming Use
- Hillside Overlay District Permission
- Urban Design Overlay District Permission
- DD District Phased Development Approval

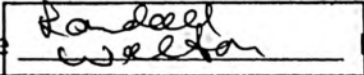
### Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

The proposed project will be new construction of a market rate, single family home.  
\_\_\_\_\_  
\_\_\_\_\_

### Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

### Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name Randall Walton Signature  Date 1/2/04/20

# Dusty Rhodes, Hamilton County Auditor

## Property Report

Parcel ID 094-0005-0061-00      Address 148 MULBERRY ST      Index Order Parcel Number      Tax Year 2019 Payable 2020

Name		Relationship		Status
WALTON RANDALL & TRINA		Parcel Owner		Current
A RAN PROPERTIES LLC		Parcel Owner		Retired
A-RAN PROPERTIES LLC		Mail Name		Retired

### Detailed Name Information

Full Name	Type	Mailing Flags
WALTON RANDALL & TRINA	Parcel Owner	[1st Half Tax Bill] [2nd Half Tax Bill] [Change Notice] [Delinquent Tax Bill]
6082 ASH HILL CT WEST CHESTER OH 45069		[Reduction Notice]

SUMMARY OF THE REASONS WHY RELIEF SHOULD BE GRANTED TO CONSTRUCT 148 MULBERRY STREET

To Whom It May Concern:

The reasons why relief should be granted to construct 148 Mulberry Street are as follows:

1. The design, massing and façade will be accretive to the overall architectural appeal of the street;
2. The construction of this home will continue the momentum of the construction of aesthetically pleasing, market rate homes along the street; and
3. The construction of the home will add substantial tax property revenue to the city of Cincinnati; and
4. The construction of the home will eliminate the current blighted condition of the home site.

Sincerely,

*Randall Walton*

Randall Walton

**ADJUDICATION/DENIAL LETTER**

Date: November 18, 2020

Location: 148 Mulberry St

Request: SF infill project

Zoning District: RM 0.7/Over-the-Rhine Historic District/Hillside Overlay

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district.

**Staff does recommend that the front setback be set to at least the setback provided at 150 Mulberry St as that setback is more appropriate for this lot.**

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$621.28 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

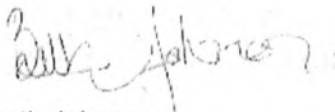
Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1433-17 (c): Front yard Setback: A variance of 2.705 feet is required for the proposed 5 foot setback.
2. 1433-17 (d): Height of front: A Variance of 9.695 feet is required for the proposed height of 45.67 ft.
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Sincerely,



Beth Johnson  
Urban Conservator  
(p): 513-352-4848

## CINCINNATI'S HISTORIC CONSERVATION OFFICE



### Documents Required for

### Historic Conservation Board Review

*The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.*

- 3 complete hard copies at the time of application.
- All drawings formatted to 11x17 or 12x18.
- Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- Adjudication/Denial Letter and this checklist
- Certificate of Appropriateness Application Form
- A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- Zoning Hearing Examiner Application Form
- A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- The Hamilton County Auditors record or other documentation showing property ownership
- A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- Other Documents or information applicant wants to present for their case
- Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 621.68

#### All Drawings and Plans must include the following

- A graphic scale required on all drawings
- North arrows on all site, context and floor plans
- Elevations labeled with North, South, East West, front, side and rear labels
- Street names labeled
- Date and/or revision dates

#### Architectural Drawings and Plans

- An index of drawings located on the first sheet
- Context Map showing the building within at least a block of context
- Existing and proposed site plans including
  - Parcel/boundary lines
  - Building footprints and dimensions labeled
  - Setback dimensions from all property lines labeled
  - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
  - All properties and their structures immediately adjacent to the site
- Existing and proposed elevation drawings
  - Total Height from grade to top of the building
  - Total height- ASL (Above Sea Level)
  - Materials labeled
- Existing and proposed floor plans and roof plans (with chimney locations)
  - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
  - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- Site section and/or Site elevations including any adjacent properties
- Driveways, sidewalks, walkways, terraces, and other paved surfaces
- Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- Existing and proposed landscape areas and materials, if proposed to be altered;
- Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- Site line drawings for any roof additions.
- A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

**Required if applicable to the project**

- Historic Sanborn Maps of the site
- Window brochures and cut sheet
- Roof product information (brochure)
- Garage door brochures
- Sample materials or color samples. \_\_\_\_\_
- Fence drawings of style, fence brochures or photo of a sample fence
- Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- Mature tree removal requires a letter from an arborist stating its poor health
- All written correspondence submitted by the applicant and other affected persons
- Tentative project schedule
- Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Demolition (full or partial) for Historic Conservation Districts and Landmarks**

- Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- Statement of plans for the property after demolition.

**Hillside Overlay Zone (CZC § 1433)**

- A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- A preliminary geotechnical evaluation;
- A determination of the maximum building envelope;
- Average slope/grade of the property; and
- Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

**For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or [beth.johnson@cincinnati-oh.gov](mailto:beth.johnson@cincinnati-oh.gov)**

*Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.*



# **ULTRA TECHNICAL SERVICES, INC.**

*GEOTECHNICAL, ENVIRONMENTAL, FOUNDATION, SOILS and MATERIALS ENGINEERS*

July 17, 2020

Randall Walton  
c/o SM Custom Homes  
163 Compton Road  
Cincinnati, Ohio 45215

**RE: FOUNDATION RECOMMENDATIONS  
FOR SINGLE FAMILY RESIDENCES AT  
146-148 MULBERRY STREET  
CINCINNATI, OHIO 45204**

Dear Mr. Walton,

It is understood that it is proposed to construct single family 3 story buildings with full basement daylighting at the street level at the above sites. The building measure about 20' to 25' in width and 47.5' in length. Our experience from previous foundation work performed in the area indicated that existing very poor quality fill underlain by colluvial soils extended as deep as 20' near the street and to shallower depth, about 8' to 10' at the rear. Thereafter, shale and limestone bedrock was encountered.

Colluvial soils were derived from previous episodes of massive landslide causing the overburden soils and weathered shale bedrock to slide downhill and be deposited near the toe of the hillside. These soils are therefore prone to sliding and will not be suitable for foundation support. Drilled piers are therefore recommended in the front portions of the buildings while the rear portions where bedrock should be close to basement subgrade level may possibly be founded on conventional spread or strip footings. Drilled piers varying in length from 10' to 25' averaging about 20' are therefore estimated for the front portions of the buildings. Each pier will be at least 24" in diameter and reinforced with 132#/yd used steel rails to withstand any lateral forces that may be experienced by the residence due to the potential movement of the underlying colluvial soils.

## **FOUNDATION RECOMMENDATIONS**

Due to hillside slope, the underlying steeply sloping bedrock surface encountered in the area and the presence of unstable fill and colluvial overburden soils, we recommend foundations socketed well into bedrock in the down slope portion of the house or stable clay or bedrock in the rear portion of the house be utilized for the proposed residence. With the relatively shallow depth to bedrock expected at the rear upper portion of the site, it appeared possible to utilize conventional backhoe excavated basement spread or strip footings socketed into the bedrock or stable ground in this area. However, in the downhill portion of the building area where the depth to bedrock may become substantial, we recommend the use of drilled pier foundations socketed well into bedrock as designed. Detailed recommendations for the site preparation, foundation and floor slab design are presented as follows:

### **Site Preparation Recommendations**

The following site preparation recommendations are provided for the building construction:

1. The site preparation should commence by stripping the existing vegetation and topsoil within the building and pavement areas and other structural improvements. All the existing trees in the construction area should be up rooted. Where necessary, the hole created should be cleaned out and backfilled with suitable material, which is placed and compacted as recommended later in this report.
2. We recommend that the site be disturbed as little as possible with only limited grading outside of the building footprint. We reiterate that any retaining walls that may be required for grade separation should be socketed adequately into the shale and limestone bedrock.

3. The grading at the site will presumably require cut and no fill for the foundation construction. However, some shallow undercut (minimum 2') of the uncontrolled fill and replacement with compacted quality-controlled engineer fill is recommended for the slab support where existing poor quality fill is exposed at the front portion of the site. Prior to this fill placement, the exposed ground surface following the stripping of uncontrolled fill should be proof rolled, where practical, to determine any area of soft ground. Any soft, wet and unstable areas encountered should be further undercut and replaced with suitable fill material (placed and compacted as recommended later). After approval of the exposed subgrade, structural fill should then be placed to establish finished subgrade level.
4. The fill should be placed to final grades in maximum 8" (200mm) loose lift and on horizontal benches cut into the natural overburden soils. Each lift should be compacted to at least 98% Standard Proctor density (ASTM D 698) below all structural areas. The top 12" (300mm) below the finished floor slab subgrade should be compacted to at least 100%. In non-structural areas, the degree of compaction of any proposed fill may be reduced to 95%, provided it is properly engineered to a stable condition.
5. All exposed ground surfaces should be mulched and seeded and landscaped as soon as possible to minimize soil erosion and infiltration of surface water into the subsoil. These conditions can lead to slope instability.
6. All site-grading operations will need to be witnessed and monitored in the field by geotechnical personnel.
7. It is reiterated that no structurally unsupported fill embankment be placed at this site.

### **Foundation Recommendations**

As stated earlier, both conventional backhoe excavated footings (shallow basement foundations) and drilled pier foundations socketed into the shale and limestone bedrock as designed are considered suitable. The foundations must be designed not only to support the vertical building load but also the horizontal load from the overburden soils. This foundation system will provide stability of the building and help improve the overall stability

of the hillside. The following paragraphs provide our foundation and floor slab recommendations for the building.

**Shallow Foundation Recommendations:** Allowable bearing capacities of 5,000 psf (250 kN/m<sup>2</sup>) for strip footings and 6,000 psf (300 kN/m<sup>2</sup>) for spread footings should be available where footings are socketed at least 2 ft. (0.6m) into the first competent shale and limestone bedrock. The bearing surface should be closely inspected for completely weathered zones, soil or rock cuttings or debris, which if found must be removed and backfilled with concrete. Any joints or fractures found on the bearing surface should also be filled with concrete prior to footing placement.

Settlement of footings constructed to the depths, loading and standards stated above and supporting a maximum column load of 75 kips (334 kN) and wall load of 5 kips per linear foot (6.8 kN/m) estimated for the building should be less than 1" (25mm). Differential settlement should be less than 0.5" (13mm). Minimum footing width of 24" (600mm) is recommended.

Geotechnical personnel should perform close inspection of the foundation excavation and construction. The inspection should include visual evaluation of the bearing material to confirm that the bearing material is consistent in quality and strength as recommended here. The bearing material should also be probed at regular interval (maximum 10 ft or 3m intervals) to verify that no soft or unsuitable materials lie beneath the bearing surface. Pocket penetrometer readings of the bearing material should also be obtained to verify that the above quoted bearing values are available.

Provision of adequate drainage facilities below the buildings is a critical aspect of this project. To this end, it is recommended that a minimum 4" (100 mm) diameter perforated drainage pipe should be installed along both the interior and exterior of the building foundation walls. The drainage pipes should be located on top of the footing and at the base of foundation walls where practical. The pipes should be sloped for positive drainage and should be discharged into a suitable outlet. Riprap should be placed at the pipe exit for erosion protection. The exterior pipe should be socked, bedded and backfilled with granular fill as recommended later in this report.

The soils and shale bedrock encountered at this site are highly susceptible to loss of shear strength when disturbed say by construction traffic or exposed to weather or ingress of water. Care should therefore be taken during construction to avoid disturbance. Prolonged

exposure of the foundation subgrade should be avoided. Footing concrete should be placed on the same day the excavation was made. Foundation excavation should not be left open overnight. If prolonged exposure of foundation subgrade is unavoidable, then the subgrade should be sealed with at least 3 to 4" (7.5 to 10cm) lean concrete (at least 1500 psi or  $10.8 \text{ MN/m}^2$ ) mud mat. It is also recommended that the foundation concrete be placed neat against the excavation wall to avoid the need for forming and backfilling.

The ground around the residence should be designed to drain adequately away from the foundations. The downspouts should be collected through non-perforated drainage pipes and be discharged at a suitable outlet. Drainage pipes should be watertight and should not be allowed to discharge onto the ground surrounding the buildings.

**Drilled Pier Foundations:** It is recommended that drilled piers be extended a minimum of 5 ft. (1.5m) below the top of the first competent shale encountered (brown or gray). The actual embedment will depend on the height of the overburden soils retained, the subsoil and groundwater conditions and the quality of the backfill used. However, based on the 5' (1.5m) depth of embedment, an allowable end bearing capacity of 20 ksf ( $1,000 \text{ kN/m}^2$ ) should be available for properly installed drilled pier design for axial compressive loads. It is recommended that minimum 24" (600mm) diameter piers as proposed be utilized, to allow inspection of the pier bottom from the ground surface. Our analysis indicates that the proposed 12' (3.6m) drilled pier socket into the bedrock specified on the foundation plans should be adequate.

The basement walls of the building will be subjected to lateral loading from the soil retained. These walls should be designed as retaining walls. In addition, the piers will be subjected to lateral loads from the overburden soils due to the sloping hillside. The piers must therefore be designed to support lateral load from the overburden soils. Following our review of the site grading and foundation plans, our analysis indicates that minimum drilled pier embedment or socket depths into the bedrock of between 8 and 10' (2.4m and 3m) as designed will be required to resist lateral loads. Pier depths in the 12 to 25' (3.6 to 7.5m) range below existing grades as designed, will be required.

The piers must be adequately reinforced to support both the maximum shear and bending moments. The basement foundation walls should be strongly reinforced and cast rigidly together on top of the piers to develop a diaphragm action to resist lateral loads and reduce bending moment

It is recommended that temporary steel casing be made available on site to be used as needed if water seepage is encountered during the drilling of the piers. The bearing surface of each pier should be thoroughly cleaned of any loose material prior to concrete placement. If water seepage is encountered during drilling, the specifications should state that no more than 2" (50mm) of water should be allowed to collect at the bottom of the pier hole prior to concreting. If the water cannot be pumped out, then the concrete should be placed with a tremie. It is recommended that the number of piers drilled in a day be limited to those that can be concreted on the same day, and that no completed pier holes be left open overnight without being filled with concrete.

### **Design Recommendations for Basement and Other Retaining Walls:**

We reiterate that the basement walls must be designed as reinforced concrete retaining walls, to retain the basement backfill and the sloping hillside. It is presumed that the proposed basement walls will be rigid and non-yielding due to their bracing support at the top and bottom. By contrast, the exterior retaining walls proposed to be used for grade separation will most likely be non-rigid and free to rotate. The following lateral earth pressure recommendations (for rigid and non-rigid) walls are provided as follows. In both cases, it is recommended that the backfill consist of free-draining granular soil and that positive drainage is provided. Much higher pressures than those given here will occur if cohesive soils are used as backfill and/or if drainage is not provided behind the walls and hydrostatic pressure is allowed to build up.

- a. Basement Walls:** Long-term pressure distribution behind the basement walls should be estimated based on at rest conditions using a rectangular loading distribution derived from the following equations:

$$P=30H \text{ (psf), where "H" is the wall height in feet.}$$

$$P=5H \text{ (kN/m}^2\text{), where "H" is the wall height in meters}$$

These equations can also be used to estimate lateral load acting on the individual drilled piers in the overburden soils above the bedrock surface. The term "H" in this case will represent the thickness of the overburden. An effective pier diameter equal to twice the actual pier diameter is recommended due to soil arching. An allowable passive resistance of 4,000 psf (200 kN/m<sup>2</sup>) can be adopted in the underlying shale bedrock bearing material in estimating resistance to lateral pressure. Passive resistance should be ignored in the overburden soils due to the possibility of sliding. An allowable coefficient of friction of 0.3

should be available between the bottom of concrete foundations and the underlying shale bedrock.

Also, 50% of any surface surcharge loading applied adjacent to the wall should be included in the design pressure.

**b. Non-Rigid (Cantilevered or modular) Retaining Wall:** For any freestanding retaining wall that may be proposed for site grading or exterior landscaping purposes, a triangular pressure distribution can be used. A pressure distribution based on an equivalent fluid pressure of 50 pcf (8 kN/m<sup>3</sup>), plus 40% of any surface surcharge loading is recommended. If other wall types are considered, the project geotechnical engineer should be contacted to evaluate potential impact on these pressure distribution recommendations.

Backfill behind the walls should consist of relatively well graded, free-draining granular material, having no more than 7% passing the No. 200 sieve. The granular backfill behind the walls should be at least 3 ft. (1m) wide and should be placed and compacted in 4" to 6" (100mm to 150mm) thick lifts. To avoid overstressing the walls, hand equipment should be utilized within 5 ft. of the wall. Foundation drains and/or weep holes should be included to provide drainage of the granular backfill. Each lift of wall backfill should be compacted to at least 98% of maximum Standard Proctor dry density.

It is recommended a minimum 4" (100mm) diameter perforated or slotted drainage pipe, sloped for positive drainage be provided below the granular backfill. The pipe should be placed behind the retaining wall. The pipe should be bedded and backfilled with at least 6" thick of No. 57 stone before placing the granular fill. The entire drainage backfill material should be encapsulated in a non-woven geotextile (filter fabric) to prevent siltation and clogging of the pipe and wall backfill materials. The drainage pipe should be discharged into a storm sewer. Pipe outflow should not be allowed to spill onto the slope. A similar recommendation applies to roof gutter outlets.

To avoid surface runoff from directly penetrating the wall backfill, a 12" to 18" (300mm to 450mm) thick layer of cohesive soil should be placed to cap the surface of the backfill. This clay cap should be positively sloped to drain away from the buildings or walls.

### **Floor Slab Recommendations**

The floor slab may be constructed as slab on grade following site preparation recommendations presented earlier. A design modulus of subgrade reaction of 125 pci is recommended. This design value is based on point loading conditions only.

The floor slab may fall within the flat clay colluvial soils below the topsoil or where the material is used as fill. Consideration should be given to stabilizing this soil by sealing the exposed surface with a minimum 6" layer of lean concrete mud mat or with asphalt coating. The drainage design and installation must be such that will keep free moisture from the fat clay. Finally, generous installation of construction joints in the slab should be considered to control cracking resulting from heaving and subsidence of the floor slab. The planting of trees adjacent to the slab on grade areas should be avoided because when the trees become matured in the future, they may extract excessive moisture from the soils beneath the slab causing soil shrinkage and cracking of the floor slab.

It is recommended that a minimum 4" to 6" (100mm to 150mm) layer of free-draining, well-graded granular material, such as clean "bank run" sand and gravel or ODOT 304 material, be provided below the floor slab. This granular blanket will allow for a uniform slab thickness, more uniform load transfer, and aid in a more uniform curing of the concrete at the top and bottom of the slab.

### **Seismic Considerations**

The Ohio Basic Building Code (OBBC), 2013 Edition, recommends that every building and structure be designed and constructed to resist the effects of earthquake motions determined in accordance with Section 1612.1 of the Code. Based on the test pit results and the geology of the site, Site Classification C, may be adopted for the seismic design for foundations bearing entirely in the underlying shale and limestone bedrock.

## **CONSTRUCTION MONITORING**

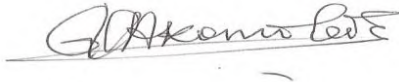
It is recommended that close monitoring by the project geotechnical engineer or his representative be conducted during construction of all aspects of this project to confirm that the actual subsoil conditions encountered are consistent with those assumed in this

report. Monitoring should include but not be limited to visual identification of soil conditions, inspection during basement excavation and all foundation (including drilled piers) installations, site and subgrade preparation, utility installation, testing of structural fill, granular base, and foundation backfill.

We trust you will find the contents of this report suitable for your needs. We appreciate the opportunity to provide our services to you and assure you of our best attention at all times. Please call the writer if you have any comments or questions.

Respectfully submitted,

**ULTRA TECHNIC SERVICES, INC.**

A handwritten signature in black ink, appearing to read "G. Akomolede", written over a horizontal line.

Dr. Olusegun G. Akomolede, PhD., MNSE, P.E.  
President/Chief Geotechnical Engineer





# EXTERIOR MATERIALS

- WINDOWS
- GARAGE DOORS
- SIDING
- BRICK

Project No.: 20200145  
 Date: 11/11/20  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE  
 © 2020, 2021 Architecture Services

REV	DESCRIPTION	DATE

**t z a i**  
 architecture interiors  
 commercial & residential

P.O. Box 5314    Dayton, OH 45205  
 513.225.2301    tzaia.com

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202



### Frame

- Select softwood, immersion treated with Pella's EnduraGuard® wood protection formula in accordance with WDMA I.S.-4. The EnduraGuard formula includes three active ingredients for protection against the effects of moisture, decay, stains from mold and mildew. Plus, an additional ingredient adds protection against termite damage.
- Interior exposed surfaces are clear pine.
- Exterior surfaces are clad with aluminum.
- Components are assembled with screws, staples and concealed corner locks.
- Overall frame depth is 5" (127 mm) for a wall depth of 3-11/16" (94mm).
- Jamb liner shall be high-impact polyvinyl chloride backed by continuous hard-tempered aluminum springs.
- Optional factory applied jamb extensions are available.
- Optional factory installed fold-out installation fins with flexible fin corners.
- Optional factory-applied EnduraClad® exterior trim.

### Sash

- Select softwood, immersion treated with Pella's EnduraGuard® wood protection formula in accordance with WDMA I.S.-4. The EnduraGuard formula includes three active ingredients for protection against the effects of moisture, decay, stains from mold and mildew. Plus, an additional ingredient adds protection against termite damage.
- Interior exposed surfaces are clear pine.
- Exterior surfaces are clad with aluminum, lap-jointed and sealed.
- Corners mortised and tenoned, glued and secured with metal fasteners.
- Sash thickness is 1-5/8" (41 mm).
- Sashes tilt for easy cleaning.

### Weatherstripping

- Foam with 3 mm skin at head and bottom rail. Thermal-plastic elastomer bulb with slip-coating set into upper sash for tight contact at check rail.
- Secondary polyvinyl chloride leaf-type weatherstrip on bottom sash at sill.
- Jamb liner to seal against sides of sash.

### Glazing System

- Quality float glass complying with ASTM C 1036.
- High altitude glazing available.
- Silicone groove-glazed 11/16" [obscure] dual-seal insulating glass [[annealed] [tempered]] [[Advanced Low-E] [SunDefense™ Low-E] [AdvancedComfort] [NaturalSun Low-E] with argon]].

### Exterior

- Exterior aluminum surfaces are finished with EnduraClad® protective finish, in a multi-step, baked-on finish.
- Color is [White] [Tan] [Putty] [Brown] [Poplar White] [Portobello] [Hartford Green] [Morning Sky Gray] [Brick Red] [Black].

### Interior

- [Unfinished, ready for site finishing] [factory primed with one coat acrylic latex] [factory prefinished [White] [Linen] [Bright White] [stain<sub>1</sub>]].

### Hardware

- Galvanized block-and-tackle balances are connected to sash with a polyester cord and concealed within the frame.
- Factory installed self-aligning surface-mounted sash lock. Two sash locks on units with frame width 33-1/4" and greater.
- Optional Sash lift furnished for field installation. Two lifts on units with frame width 33-1/4" and greater.
- Finish is [baked enamel [Champagne] [White] [Brown] [Matte Black]] [Oil-Rubbed Bronze] [Satin Nickel].
- Champagne locks are standard on unfinished units; White locks are standard on factory prefinished white units.

### Optional Products

#### Grilles

- Simulated-Divided-Light [with optional spacer]
  - 7/8" Grilles permanently bonded to the interior and exterior of glass.
  - Patterns are [Traditional] [Prairie] [Cross] [Top Row] [Custom - Equally Divided].
  - Interior surfaces are [unfinished, ready for site finishing] [factory primed] [pine: factory prefinished [White] [Linen White] [Bright White] [stain<sub>1</sub>]]. Exterior grilles to match the exterior cladding color.
  - Available only on units glazed with Low-E insulated glass with argon.  
- or -
- Grilles-Between-the-Glass<sub>2</sub>
  - Insulating glass contains 3/4" contoured aluminum grilles permanently installed between two panes of glass.
  - Patterns are [Traditional] [9-Lite Prairie] [Top Row] [Custom - Equally Divided].
  - Interior color is [White] [Ivory] [Tan<sub>3</sub>] [Brickstone] [Black] [Putty<sub>3</sub>] [Brown<sub>3</sub>] [Harvest] [Cordovan].
  - Exterior color [matched to the exterior cladding color] [White]<sub>4</sub>.  
- or -
- Roomside Removable Grilles
  - 3/4" [Traditional] [Custom - Equally Divided] removable solid pine wood bars steel-pinned at joints and fitted to sash with steel clips and tacks.
  - Interior [unfinished, ready for site finishing] [factory primed] [pine: factory prefinished [White] [Linen White] [Bright White] [stain<sub>1</sub>]].
  - Exterior [unfinished, ready for site finishing] [factory primed] [factory prefinished, finish color matched to exterior cladding] [White]<sub>4</sub>.

#### Screens

- InView™ screens
  - Full-size Vinyl-coated 18/18 mesh fiberglass screen cloth complying with the performance requirements of SMA 1201, set in aluminum frame fitted to outside of window, supplied complete with all necessary hardware.
  - Screen frame finish is baked enamel, color to match window cladding.  
- or -
- Vivid View® screens
  - Full-size PVDF 21/17 mesh, minimum 78 percent light transmissive screen, set in aluminum frame fitted to outside of window, supplied complete with all necessary hardware.
  - Screen frame finish is baked enamel, color to match window cladding.

#### Hardware

- Optional factory applied limited opening device available for vent units in steel, nominal 3-3/4" opening.
- Optional window opening control device available for field installation. Device allows window to open less than 4" with normal operation, with a release mechanism that allows the sash to open completely. Complies with ASTM F2090-10.

#### Sensors

- Optional factory installed integrated security sensors available in vent units.

(1) Contact your local Pella sales representative for current designs and color options.  
(2) Available on units glazed with Low-E insulated glass with argon, and obscure insulated glass.  
(3) Tan, brown and putty Interior GBG colors are available only with matching interior and exterior colors.  
(4) Appearance of exterior grille color will vary depending on Low-E coating on glass.



# Pella® Lifestyle Series Wood Double-Hung Windows

4.29 Five yellow stars representing a 4.29 rating.

(Based on 1624 Reviews)

\$\$-\$\$\$

Double-hung windows feature two sliding sashes for more ventilation. This classic style is a great option for nearly any home – from traditional to modern. With the natural beauty of wood and the most desired features and options, double-hung windows can be customized to meet your home's unique needs. Double-hung windows offer energy-efficient options that will meet or exceed ENERGY STAR® guidelines in all 50 states.<sup>1</sup>

[SEE OPTIONS](#)

[PRO DETAILS](#)



## LIFESTYLE SERIES DOUBLE-HUNG WINDOW FEATURES

### Why Wood?

- Best limited lifetime warranty for wood windows<sup>47</sup>
- Natural beauty and warmth
- Low-maintenance exterior aluminum cladding
- Exclusive wood protection

### Performance Enhancements

- Exceptional energy efficiency
- Dual-pane glass
- Built-in security sensors available
- Durable interior and exterior finishes

Your windows and patio doors arrive with Pella's low-maintenance exterior finish in the color of your choice. The finish resists fading and helps protect the exterior for years.

\*Almond, Fossil and Iron Ore only available on Pella Lifestyle Series triple-pane products.

## Exterior Finishes



## For Pros

### Aluminum-Clad Exteriors

Aluminum-clad wood products are available with Pella's high performance EnduraClad® protective finishes to help keep your vision fresh and crisp for years.

- Durable, low-maintenance EnduraClad aluminum cladding with EnduraClad protective finish for most projects where resistance to fading, chalking, chemicals and abrasion is needed. Meets the performance requirements of AAMA 2603.
- Seacoast EnduraClad protective finish for coastal projects with high salt exposure.

CLASSIC™ STEEL

# PREMIUM

garage doors



America's Favorite Garage Doors®



*Model 9200, Short Elegant Panel with Optional Colonial 509 Window Design*

# intellicore®

## insulation technology

Clopay Classic™ Steel Premium garage doors featuring Intellicore® insulation technology represent the ultimate smart choice for homeowners. Clopay's Intellicore® insulation is a proprietary polyurethane foam that is injected into our Premium doors, expanding to fill the entire structure. The result is a door with incredible strength and durability. Its dense insulation also produces a quieter door, and with one of the industry's leading R-values of 18.4, it provides year-round comfort and improved energy efficiency.



### WARMER

Energy efficiency provides year-round comfort



### QUIETER

Dense insulation reduces noise by up to 16 decibels



### STRONGER

Enhanced strength resists everyday wear and tear

# PREMIUM

Improve your home's appearance and energy efficiency with a Clopay Classic™ Steel Premium insulated garage door. Available with Intellicore® polyurethane insulation or bonded polystyrene insulation in 2" or 1-3/8" thicknesses, Premium models offer exceptional insulating R-values, strength and security, as well as quiet operation and a beautiful appearance. Choose from two panel styles, multiple color options and a wide range of window options to create a door that fits your budget and enhances your home's curb appeal.

## 3-LAYER CONSTRUCTION

- Weathertight tongue-and-groove section joints help seal out wind, rain and snow.
- Replaceable vinyl bottom weatherseal in a rust-resistant aluminum retainer helps seal out the elements.
- 2" thick polystyrene and all Intellicore® insulation filled doors come standard with 10-ball nylon rollers and heavy-duty 14 gauge steel hinges.
- Clopay's Safe-T-Bracket® helps prevent serious injury that could occur if the bottom bracket were removed with the garage door closed and under tension.
- Prepainted Standard White end stiles and interior steel backing create a clean, finished appearance.
- Inside/outside step plates and grip handles make doors easy and safe to operate.
- 2" thick polystyrene and all Intellicore® insulation filled doors comply with 2015 IECC air infiltration requirement of 0.40 cfm/ft<sup>2</sup> or less (IECC, Section C402.5.2).



2" 1-3/8"  
Polyurethane Models

2" 1-3/8"  
Bonded Polystyrene Models

**27 GAUGE STEEL!** 9200 short panel  
9203 long panel

**2"** POLYURETHANE

EFFICIENCY  
**18.4**  
R-VALUE\*

**27 GAUGE STEEL!** 4300 short panel  
4310 long panel

**2"** POLYSTYRENE

EFFICIENCY  
**9.0**  
R-VALUE\*

**27 GAUGE STEEL!** 9130 short panel  
9133 long panel

**1 3/8"** POLYURETHANE

EFFICIENCY  
**12.9**  
R-VALUE\*

**27 GAUGE STEEL!** 4050 short panel  
4053 long panel

**1 3/8"** POLYSTYRENE

EFFICIENCY  
**6.5**  
R-VALUE\*

\*Calculated door section R-value is in accordance with DASMA TDS-163.  
† Models with Ultra-Grain® finish and Black paint options are 25 gauge steel.



*Model 9203, Long Elegant Panel with  
Optional Charleston 608 Window Design*

## DETAIL



Deep panel edging and natural embossed woodgrain texture improve appearance close-up and from the curb.

## STYLE



### **Elegant Short**

Complements homes with traditional styling. Models 9200, 9130, 4300 and 4050.



### **Elegant Long**

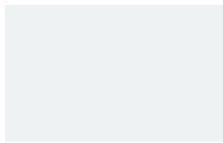
Ideal for ranch style homes. Models 9203, 9133, 4310 and 4053.

*Doors range from 6' to 16' high and 6'2" to 20' wide. Consult your Clopay Dealer for size options.  
WINDCODE® Doors are available to meet most regional wind load requirements.  
Consult your local dealer for specific information.*

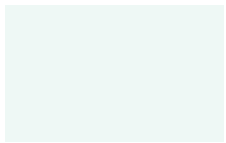


Model 4050, Short Elegant Panel  
with Optional Colonial 509 Window Design

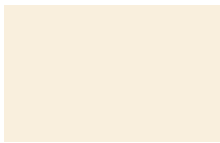
## COLORS



Standard White



Glacier White\*\*



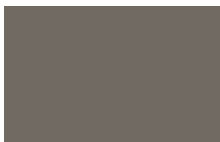
Almond



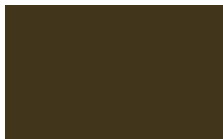
Desert Tan



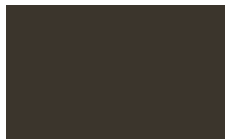
Sandtone



Bronze



Chocolate



Mocha Brown\*



Hunter Green



Gray



Charcoal\*



Black\*\*

- Exterior steel on standard color doors has a natural woodgrain texture.
- Doors can be painted to match the home's exterior using a high-quality latex exterior paint. Do not use oil-based paint.

*Due to the printing process, colors may vary. See your Clopay Dealer for color samples.*

*\*Not available on Models 4050 and 4053.*

*\*Popular in select markets, Glacier White is a brighter white.*

*\*\*Additional charges apply.*

## CUSTOM PAINT OPTION



Color Blast® finish offers more than 1,500 Sherwin-Williams® color options to complement your home. Clopay's durable two-part paint system has been thoroughly tested and is backed by a five-year warranty.

# HardiePlank®

Sleek and strong, HardiePlank® lap siding is not just our best-selling product – it's the most popular brand of siding in America.

With a full spectrum of colors and textures, homeowners can enjoy protection from the elements and the versatility to make their dream home a reality. From Victorians to Colonials, HardiePlank lap siding sets the standard in exterior cladding.

HardieTrim®  
Boards  
Arctic White

HardiePlank®  
Lap Siding  
Select Cedarmill®  
Khaki Brown

A classic look for  
**THE HOME OF THEIR DREAMS.**

# HardiePlank®

Thickness 5/16 in  
Length 12 ft planks

## SELECT CEDARMILL® & SMOOTH

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
Exposure	4 in	5 in	6 in	7 in	8 in
Prime Pcs/Pallet	360	308	252	230	190
ColorPlus Pcs/Pallet	324	280	252	210	—
Pcs/Sq	25.0	20.0	16.7	14.3	12.5

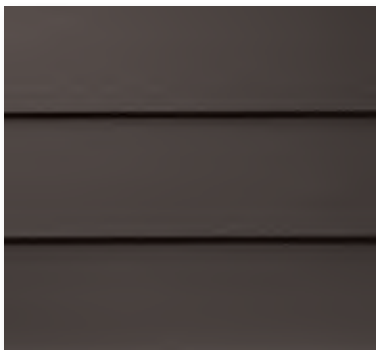
## SELECT CEDARMILL®



## SELECT CEDARMILL®

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
STATEMENT COLLECTION™			✓	✓	
DREAM COLLECTION™	✓	✓	✓	✓	
PRIME	✓	✓	✓	✓	✓

## SMOOTH



## SMOOTH

Width	5.25 in	6.25 in	7.25 in	8.25 in	9.25 in*
STATEMENT COLLECTION™					
DREAM COLLECTION™	✓	✓	✓	✓	
PRIME	✓	✓	✓	✓	✓

## BEADED CEDARMILL®

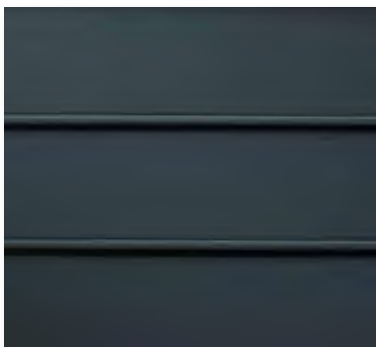


## BEADED CEDARMILL® & BEADED SMOOTH

Width	8.25 in
Exposure	7 in
Prime Pcs/Pallet	240
ColorPlus Pcs/Pallet	210
Pcs/Sq	14.3

STATEMENT COLLECTION™	—
DREAM COLLECTION™	✓
PRIME	✓

## BEADED SMOOTH

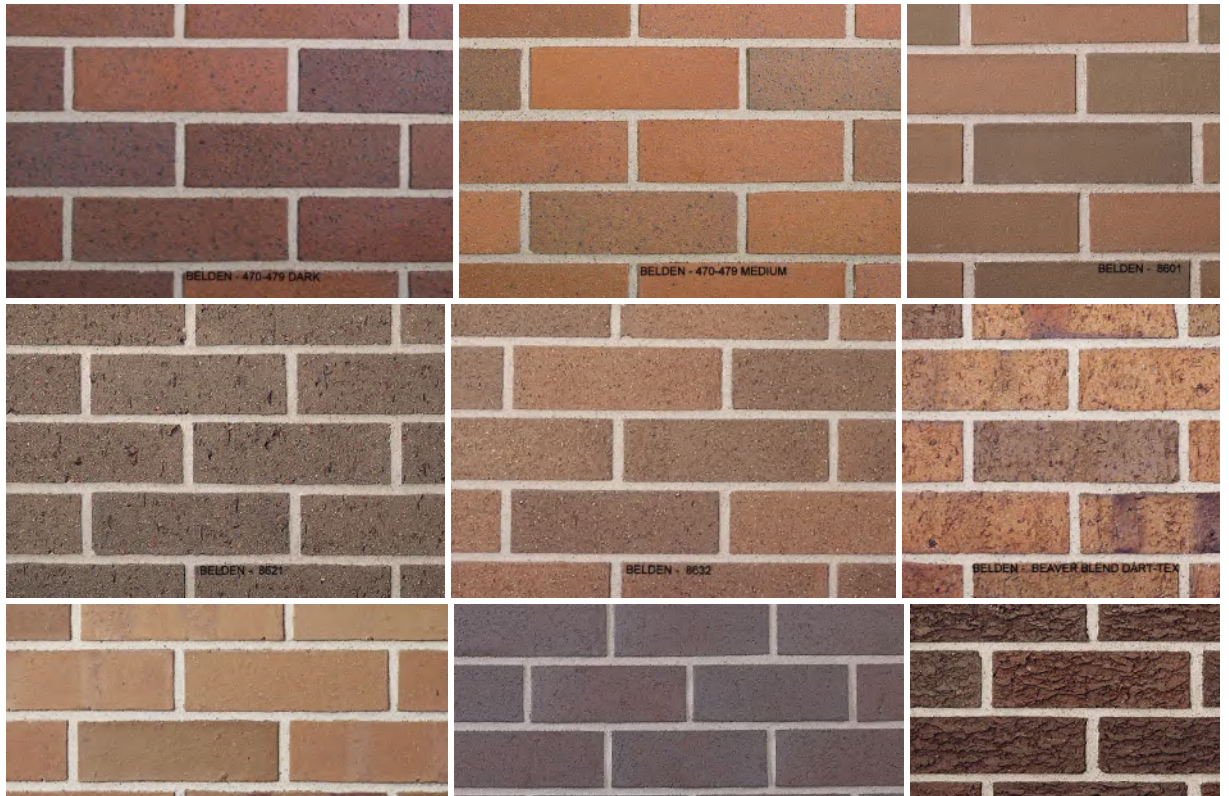


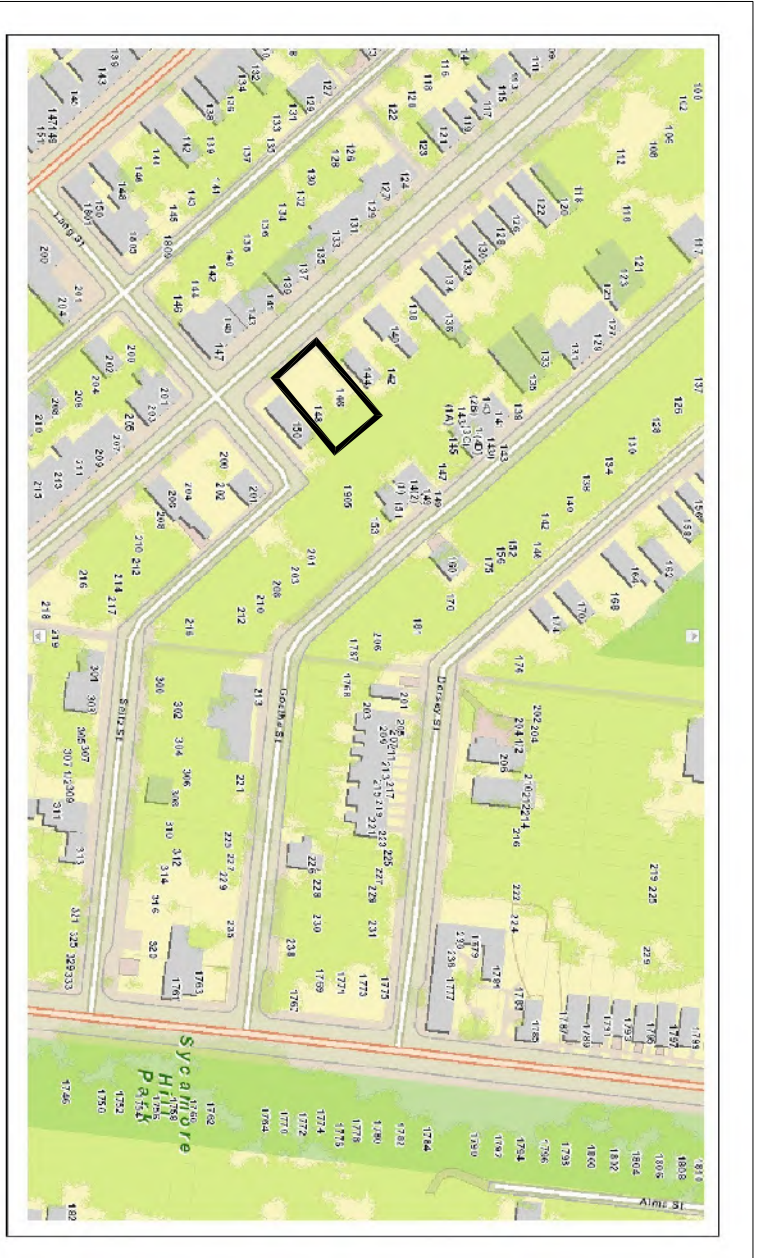
\*9.25 in widths do not feature the drip edge



# Belden-BROWNS

Jan 25, 2013 • Public



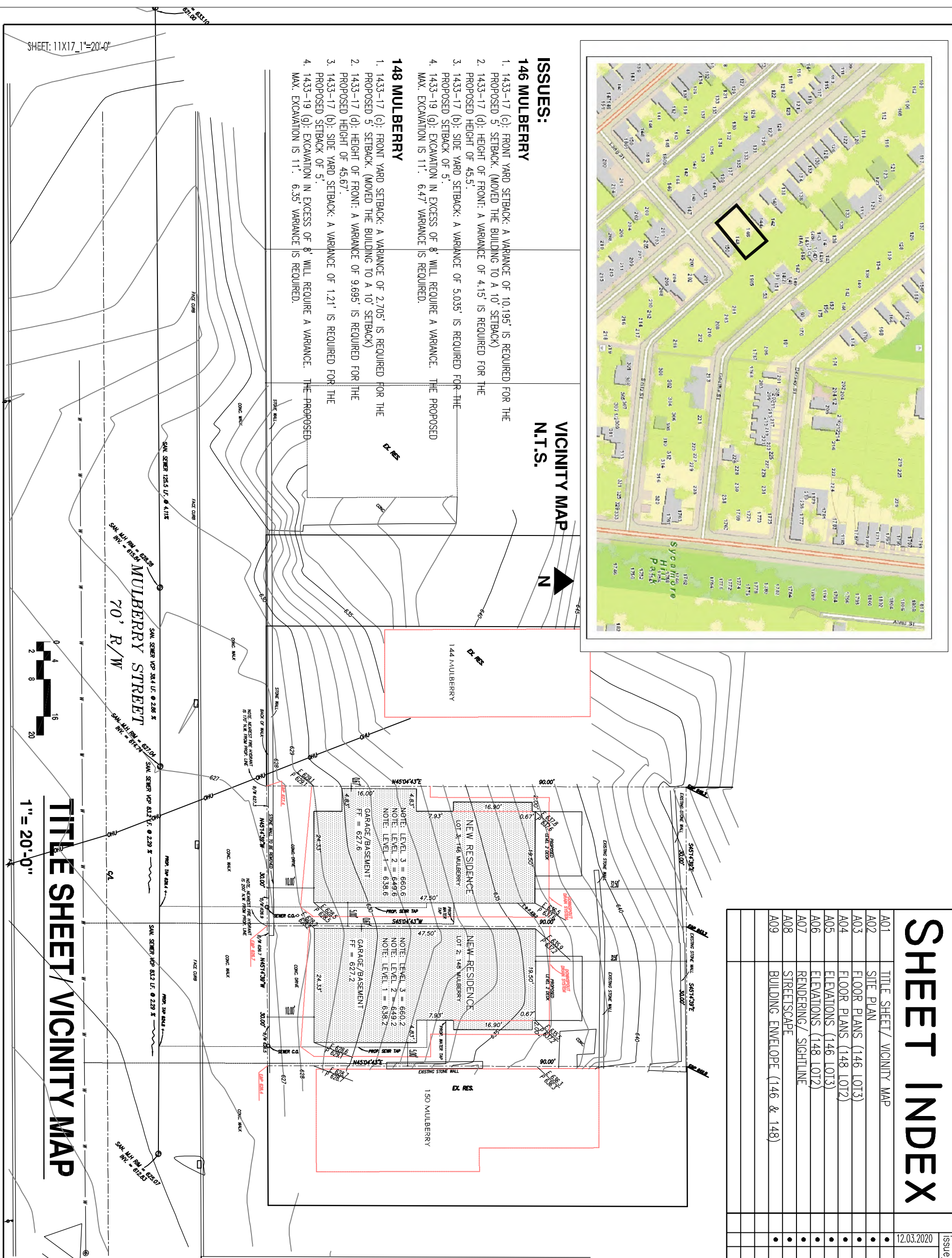


VICINITY MAP  
N.T.S.



- ISSUES:**
- 146 MULBERRY**
- 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 10.195' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
  - 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 4.15' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.5'.
  - 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 5.035' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
  - 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'. 6.47' VARIANCE IS REQUIRED.

- 148 MULBERRY**
- 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 2.705' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
  - 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 9.695' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.67'.
  - 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 1.21' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
  - 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'. 6.35' VARIANCE IS REQUIRED.

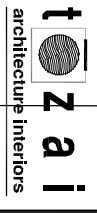


# SHEET INDEX

A01	TITLE SHEET/ VICINITY MAP	12.03.2020
A02	SITE PLAN	
A03	FLOOR PLANS (146 LOT3)	
A04	FLOOR PLANS (148 LOT2)	
A05	ELEVATIONS (146 LOT3)	
A06	ELEVATIONS (148 LOT2)	
A07	RENDERING/ SIGHTLINE	
A08	STREETSCAPE	
A09	BUILDING ENVELOPE (146 & 148)	

issue/revision date

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202



Rev.	Description	Date
1	ISSUE FOR PERMITS	12.03.2020

Project No.: 2005015  
 Issue Date: 12.03.2020  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE

LANG STREET  
 50' R/W

# TITLE SHEET VICINITY MAP

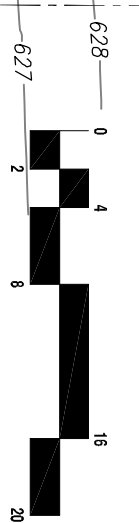
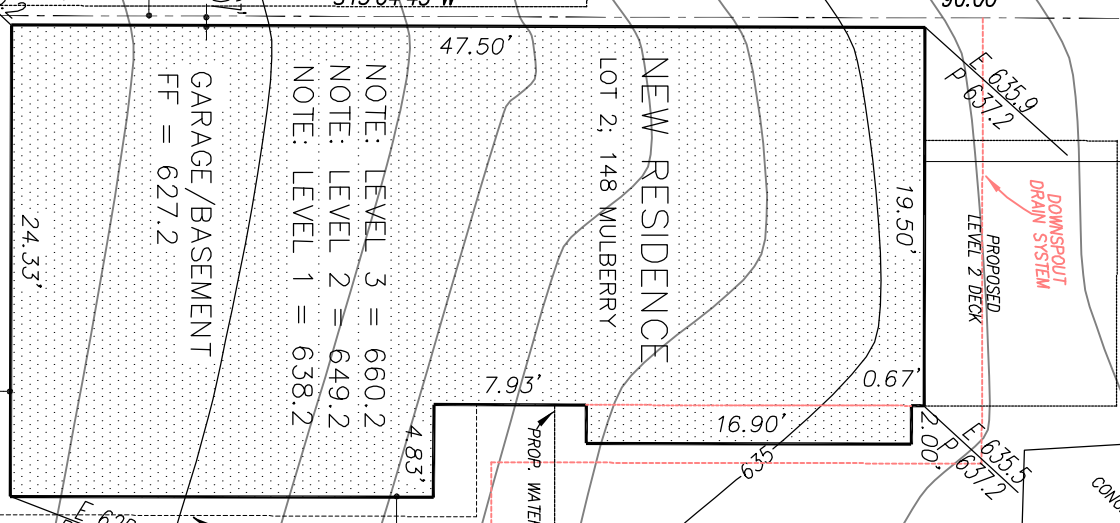
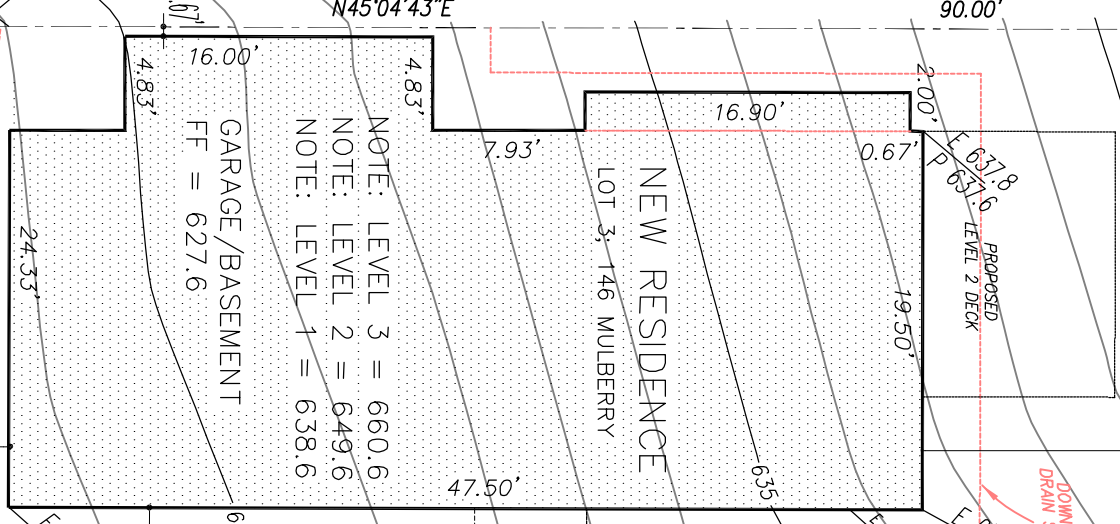
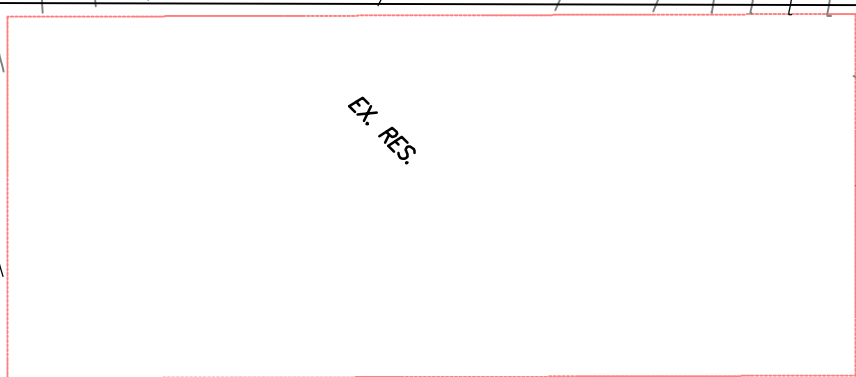
1" = 20'-0"



# A01

TITLE SHEET  
VICINITY PLAN

SHEET: 11X17\_1"=20'-0"



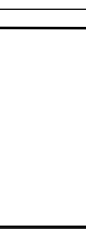
# SITE PLAN

1" = 10'-0"

# A02

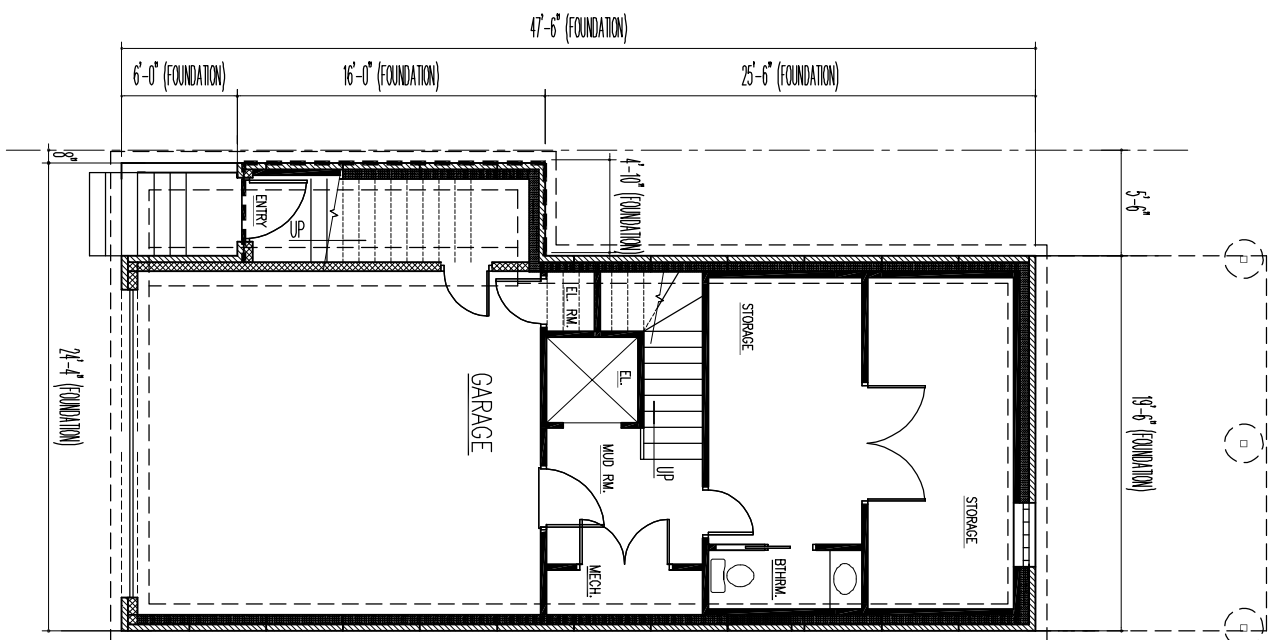
SITE PLAN

Project No.:	2005015
Issue Date:	12.03.2020
Designed By:	CSE
Drawn By:	CSE
Checked By:	CSE
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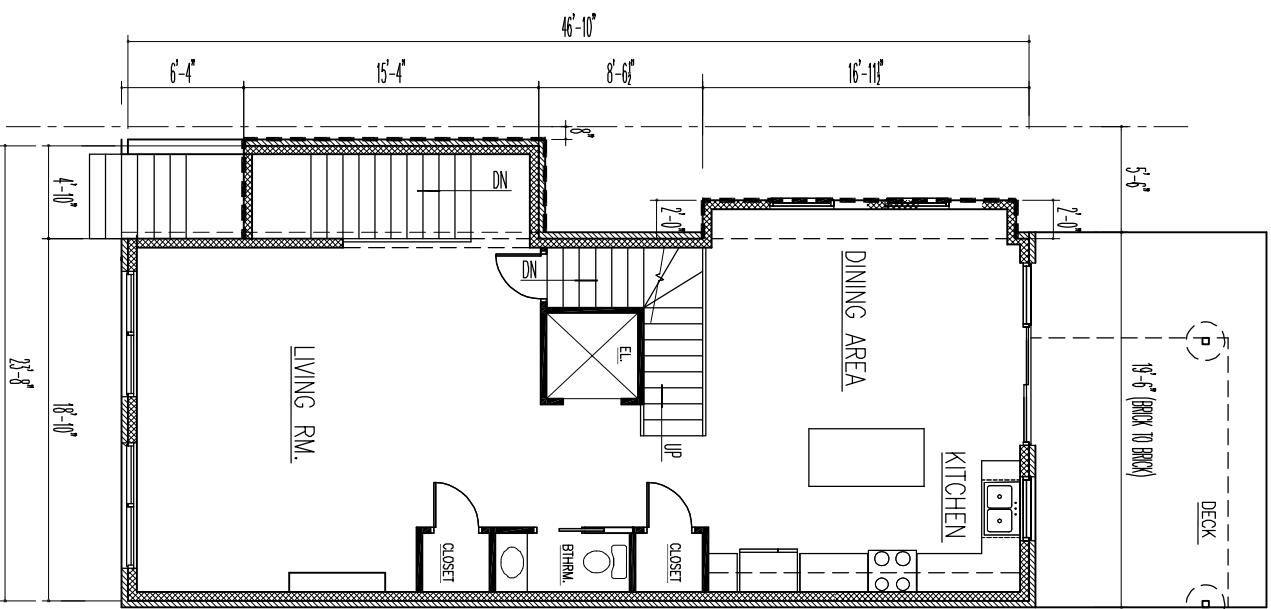


A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202

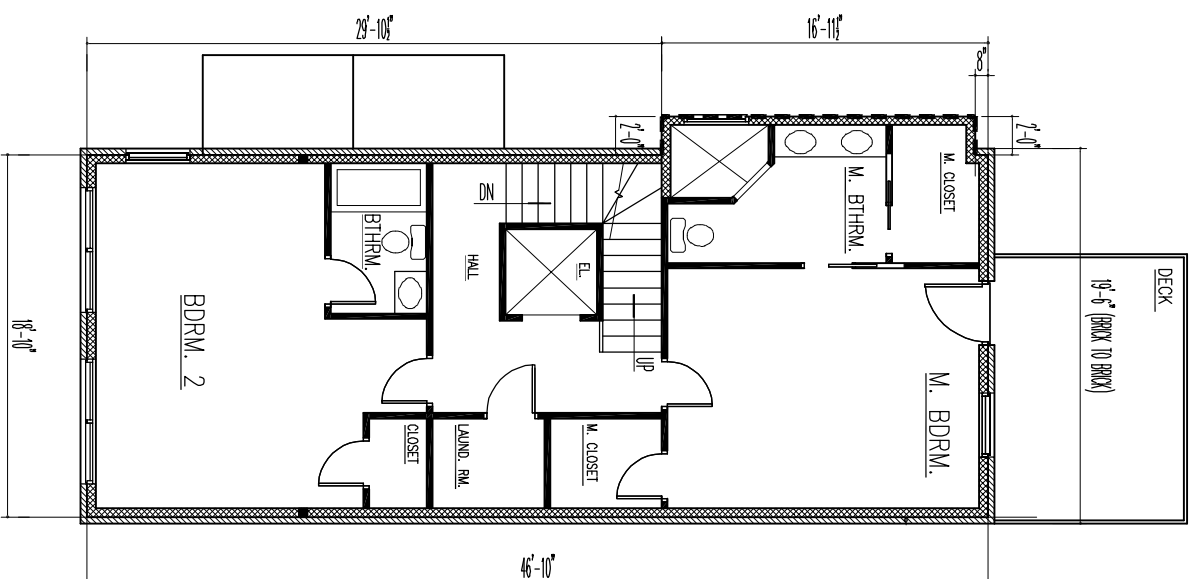
LEVEL-B/G



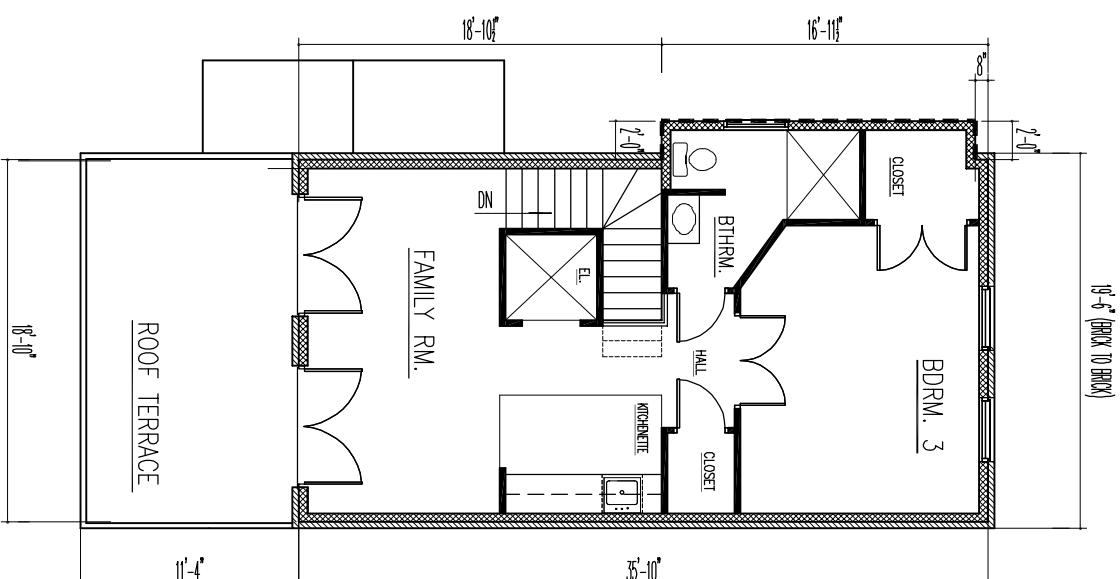
LEVEL-1



LEVEL-2

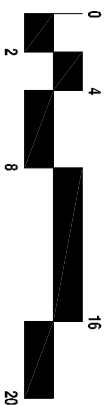


LEVEL-3



SQUARE FOOTAGE

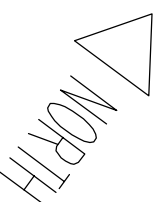
LEVEL-3	714	SQ. FT.
LEVEL-2	835	SQ. FT.
LEVEL-1	835	SQ. FT.
LEVEL-B	553	SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937</b>	<b>SQ. FT.</b>
GARAGE	380	SQ. FT.
LEVEL 3- PORCH	129	SQ. FT.
LEVEL 2- DECK	68	SQ. FT.
LEVEL 1- DECK	232	SQ. FT.



# FLOOR PLANS

1" = 10'-0"

146: LOT 3



# A03

FLOOR PLANS

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202

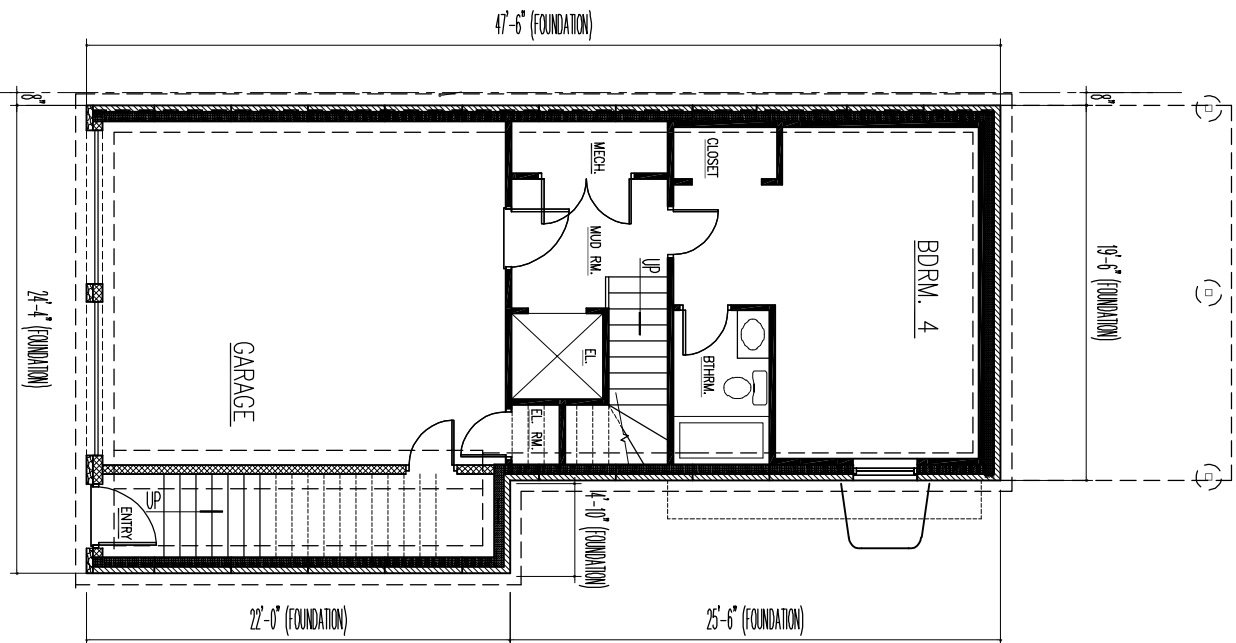


P.O. Box 53174 Cincinnati, OH 45223  
 513.223.1200 [www.tzai.com](http://www.tzai.com)

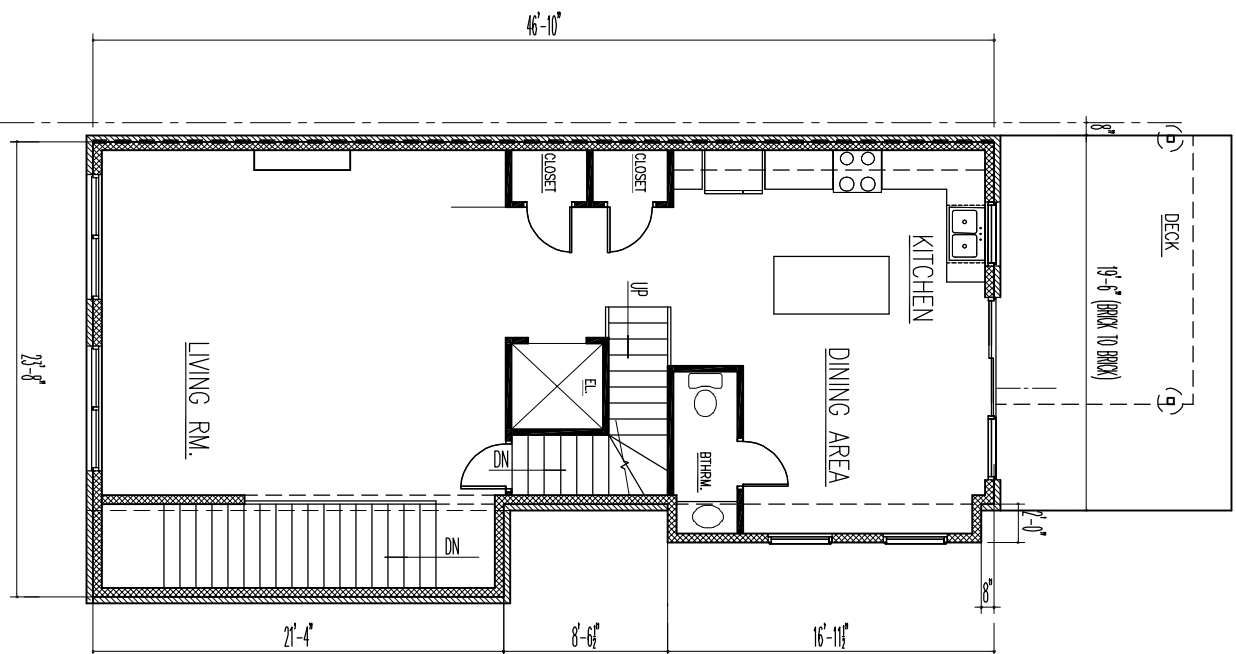
Rev.	Description	Date

Project No.: 200DS015  
 Issue Date: 12.03.2020  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE  
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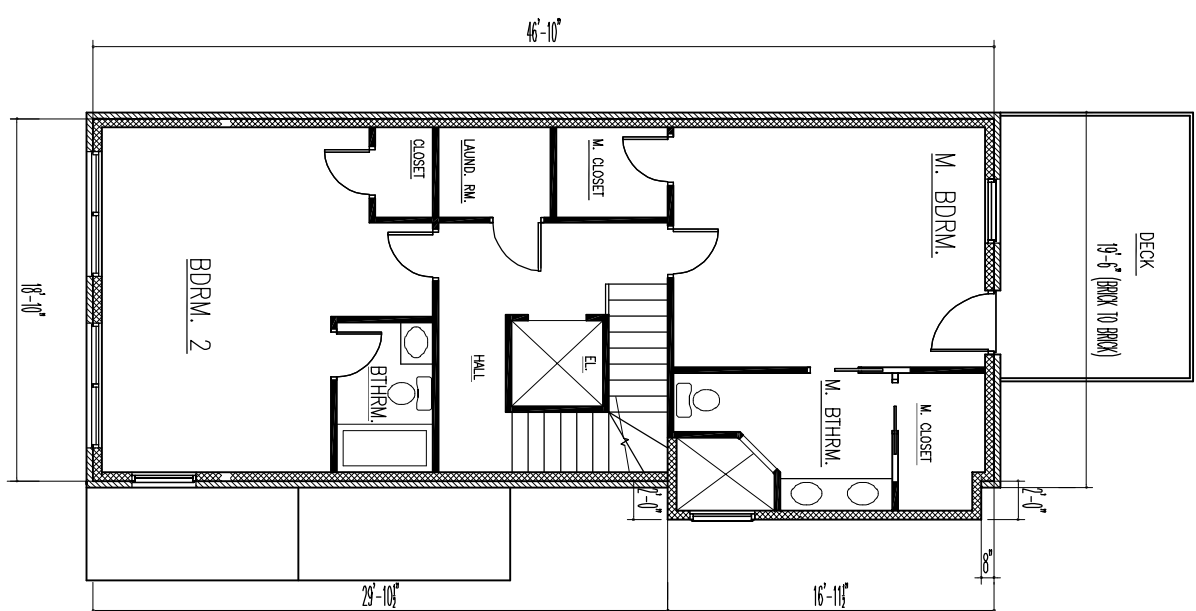
LEVEL- B/G



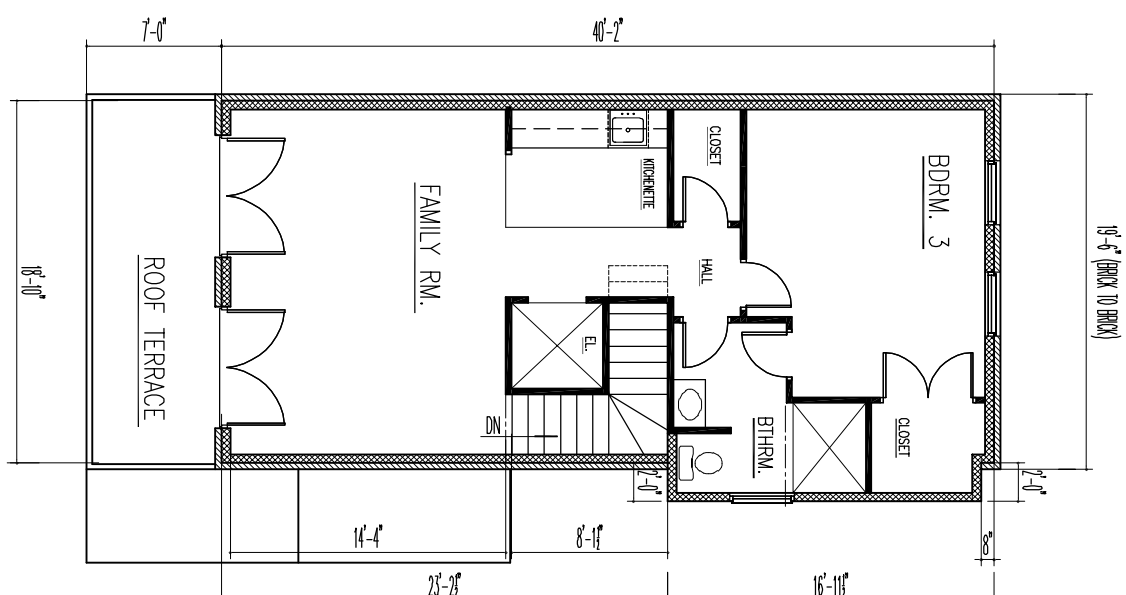
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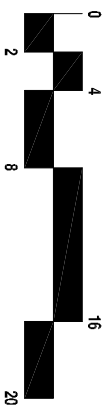
LEVEL- 2



LEVEL- 3



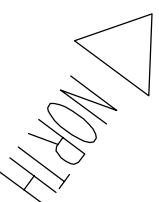
SQUARE FOOTAGE	
LEVEL-3	714 SQ. FT.
LEVEL-2	835 SQ. FT.
LEVEL-1	835 SQ. FT.
LEVEL-B	553 SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937 SQ. FT.</b>
GARAGE	380 SQ. FT.
LEVEL 3 - PORCH	129 SQ. FT.
LEVEL 2 - DECK	68 SQ. FT.
LEVEL 1 - DECK	232 SQ. FT.



# FLOOR PLANS

1" = 10'-0"

148: LOT 2



# A04

FLOOR PLANS

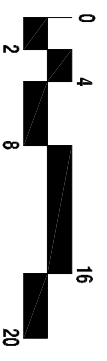
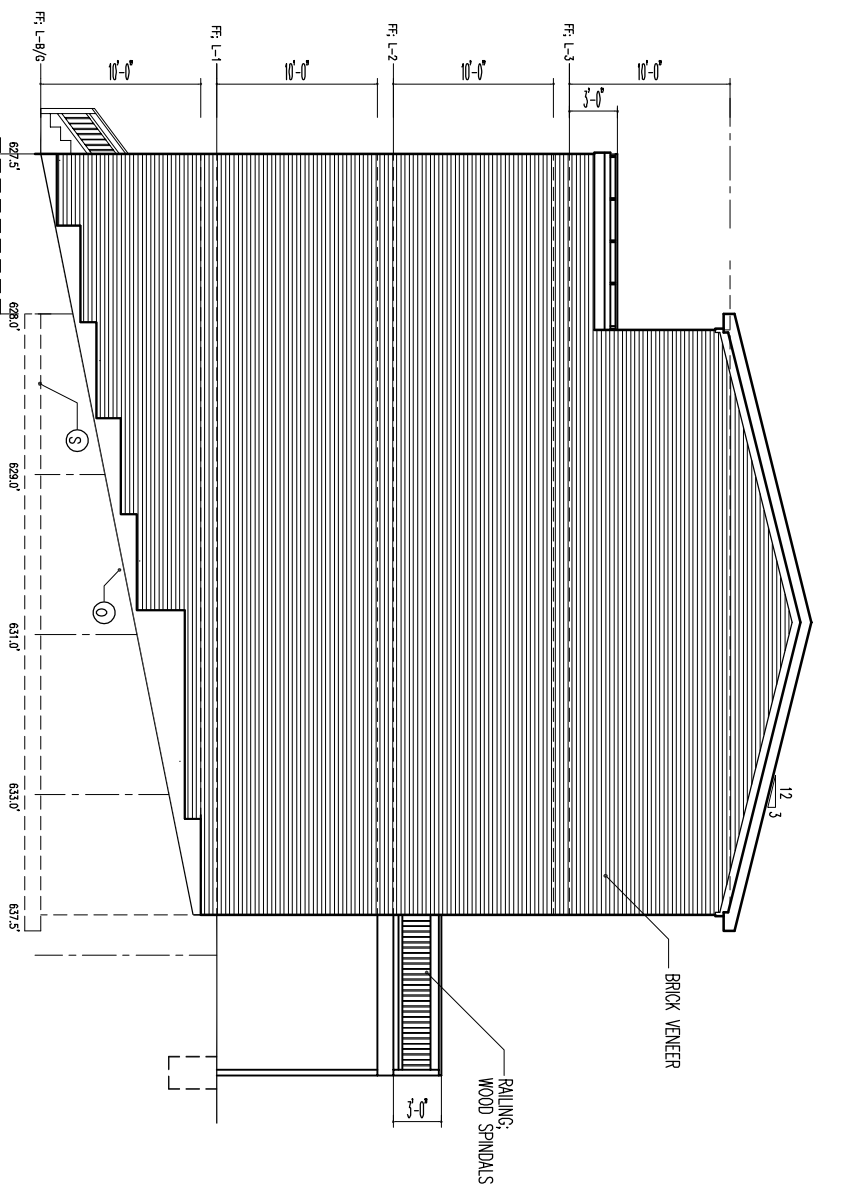
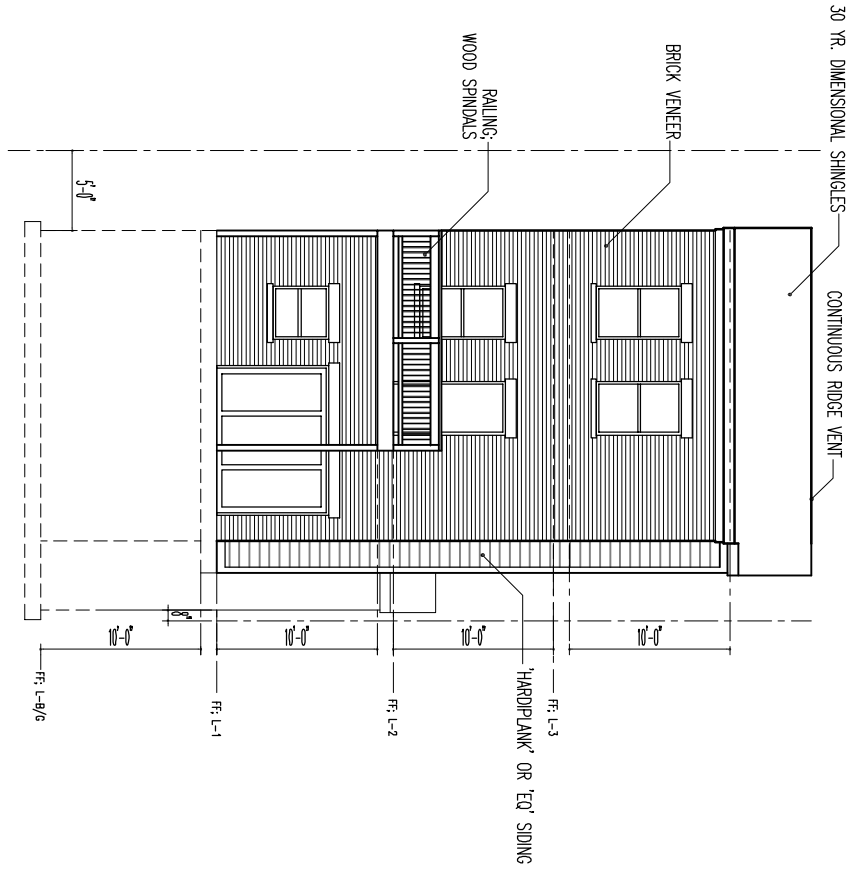
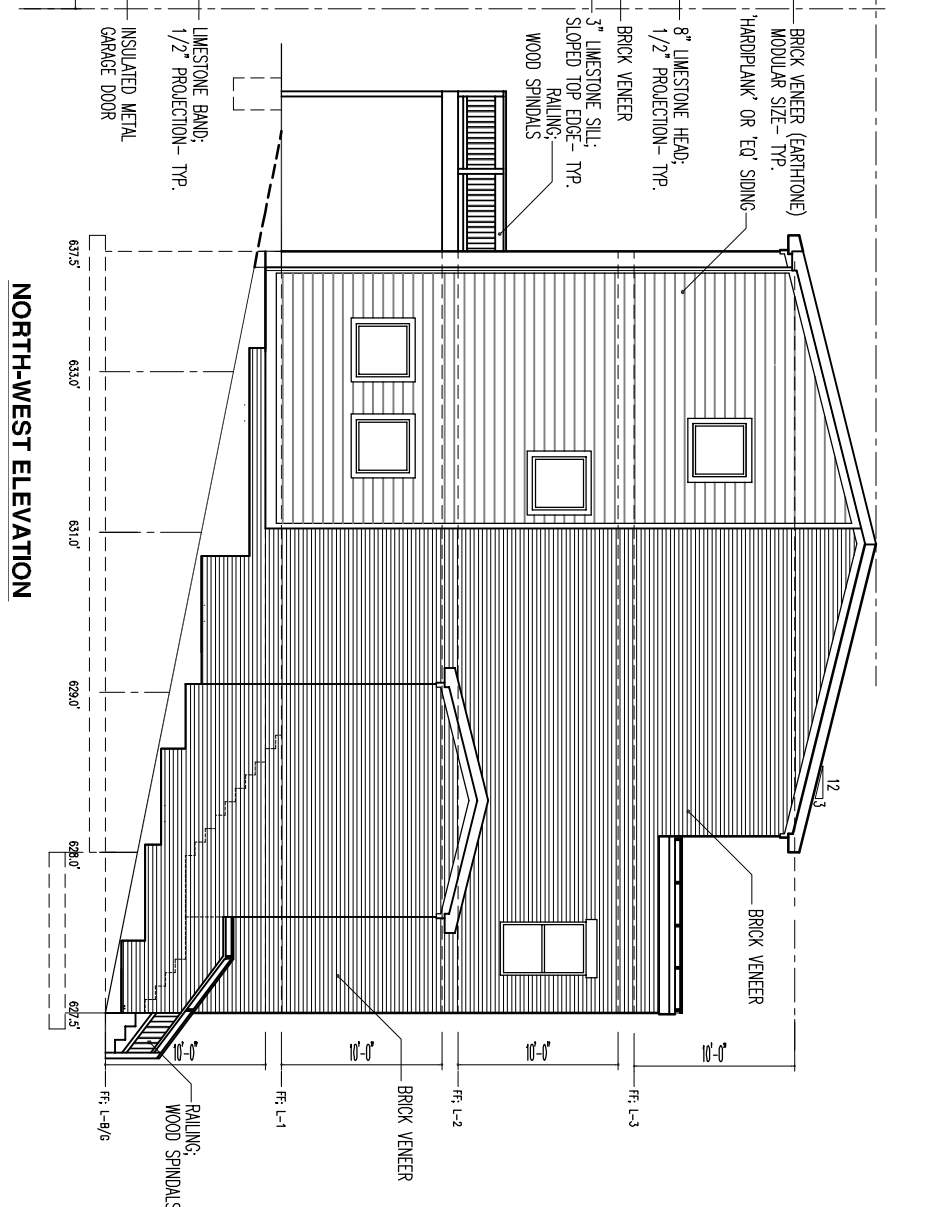
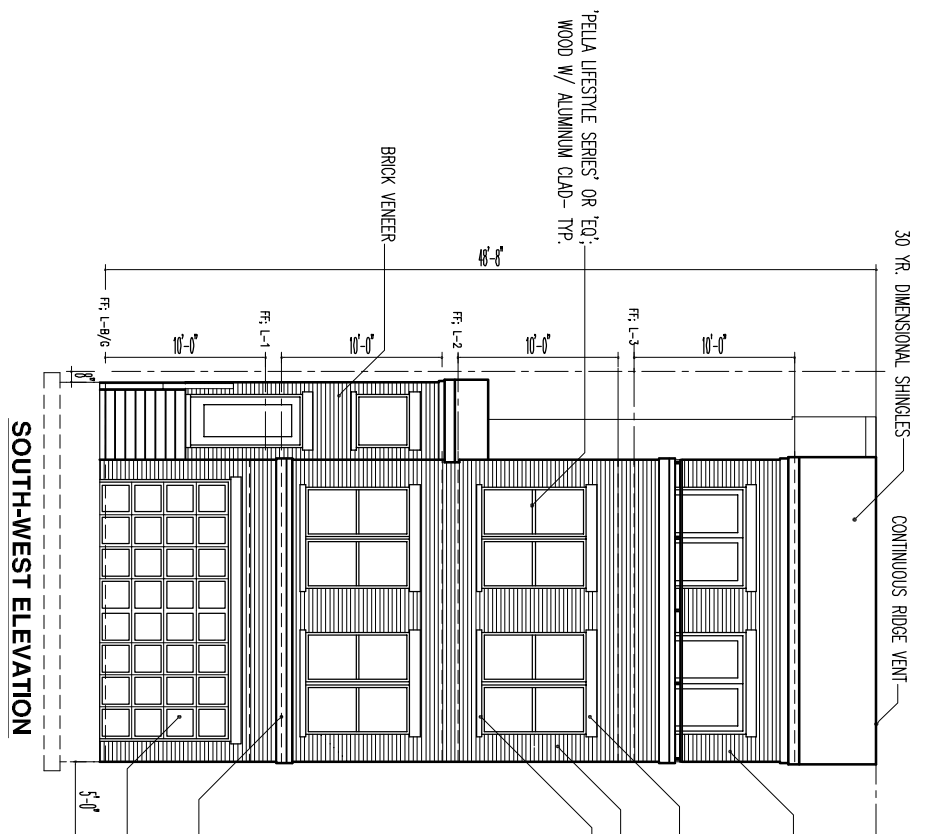
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# ELEVATIONS

146: LOT 3

# A05

ELEVATIONS

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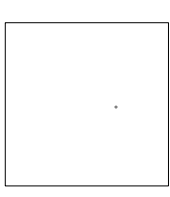


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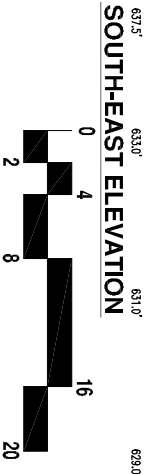
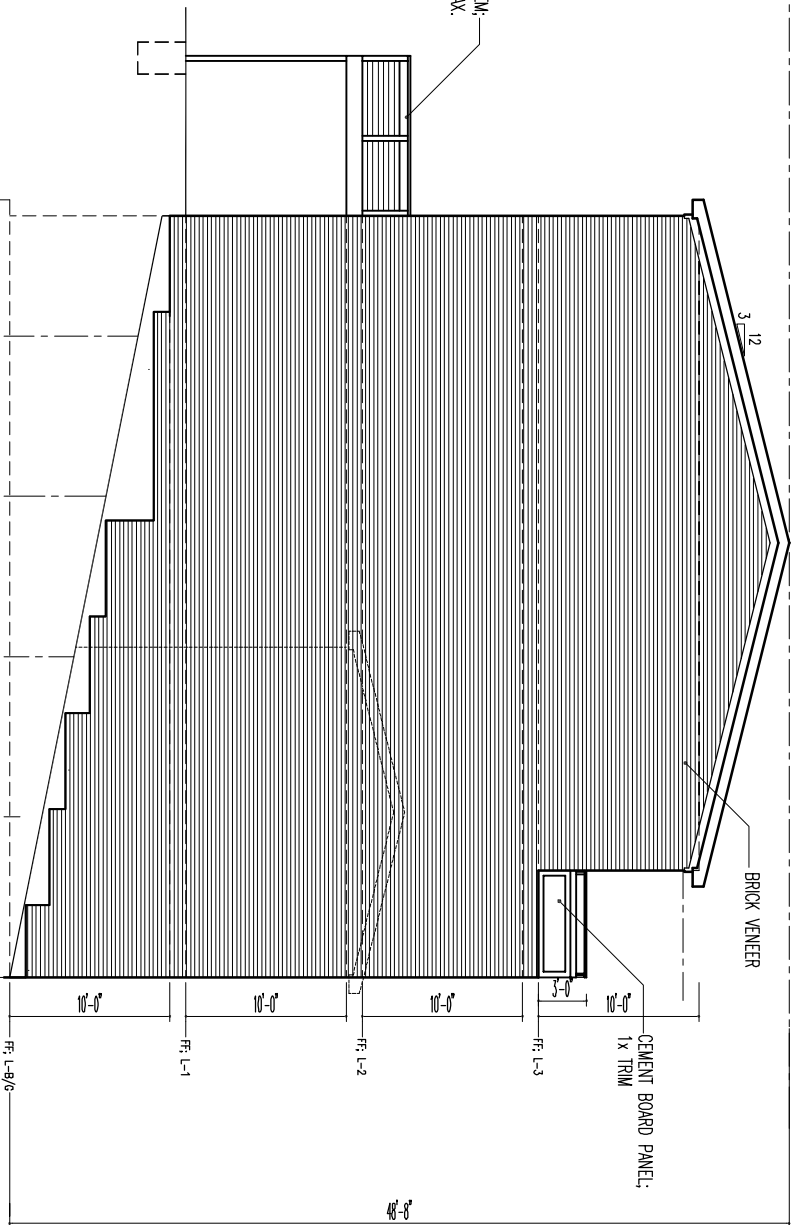
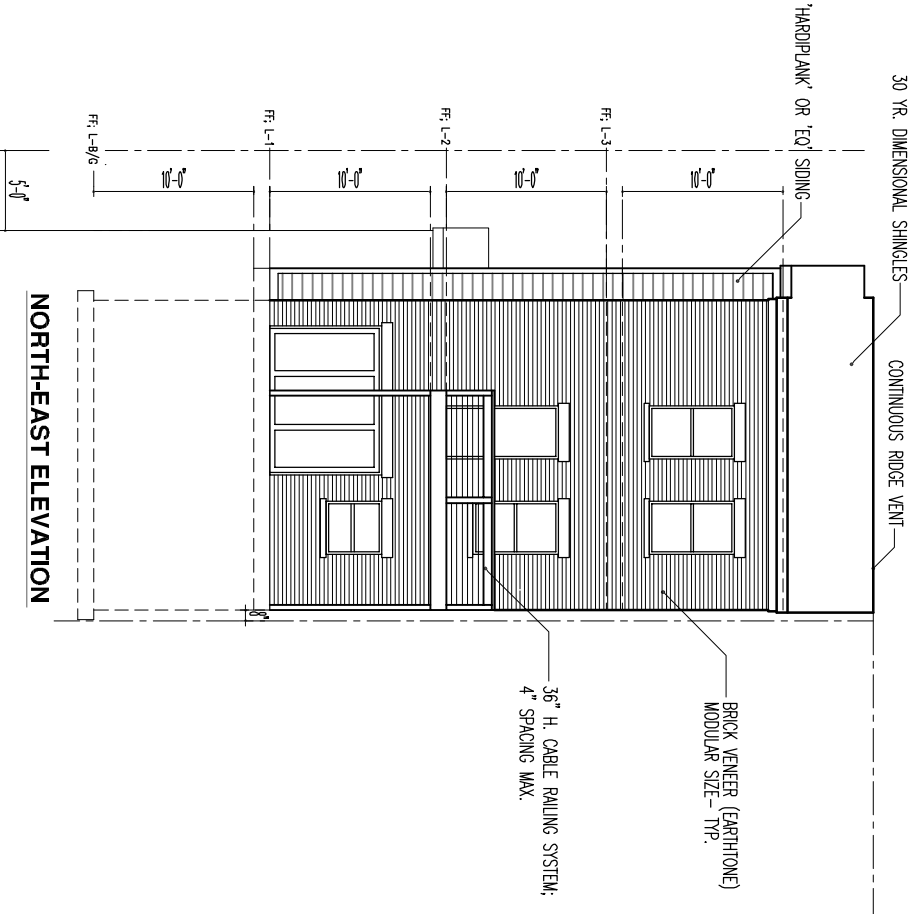
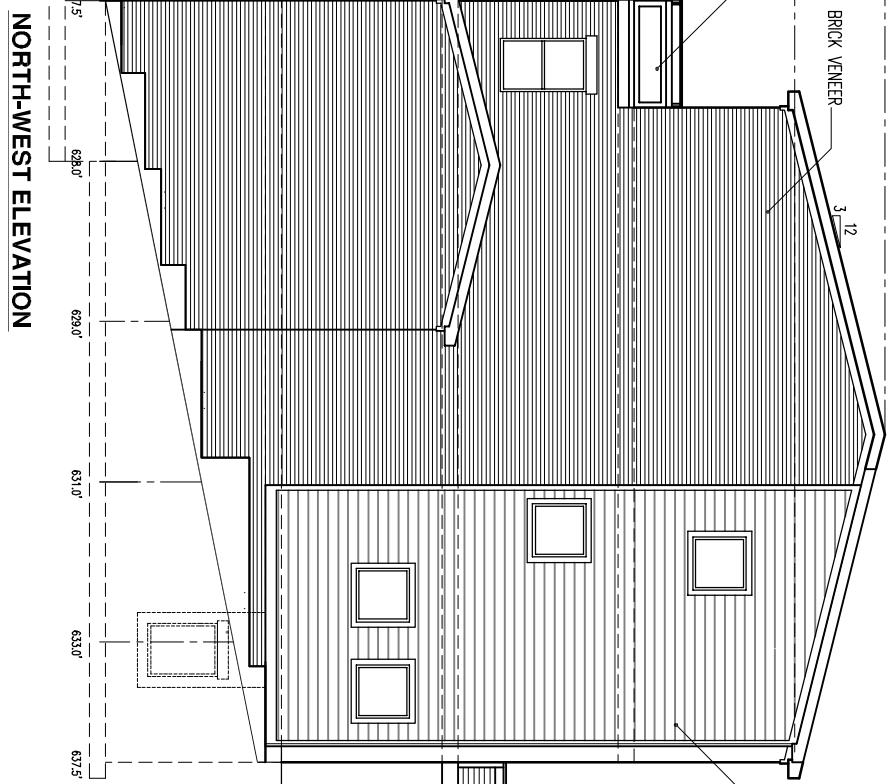
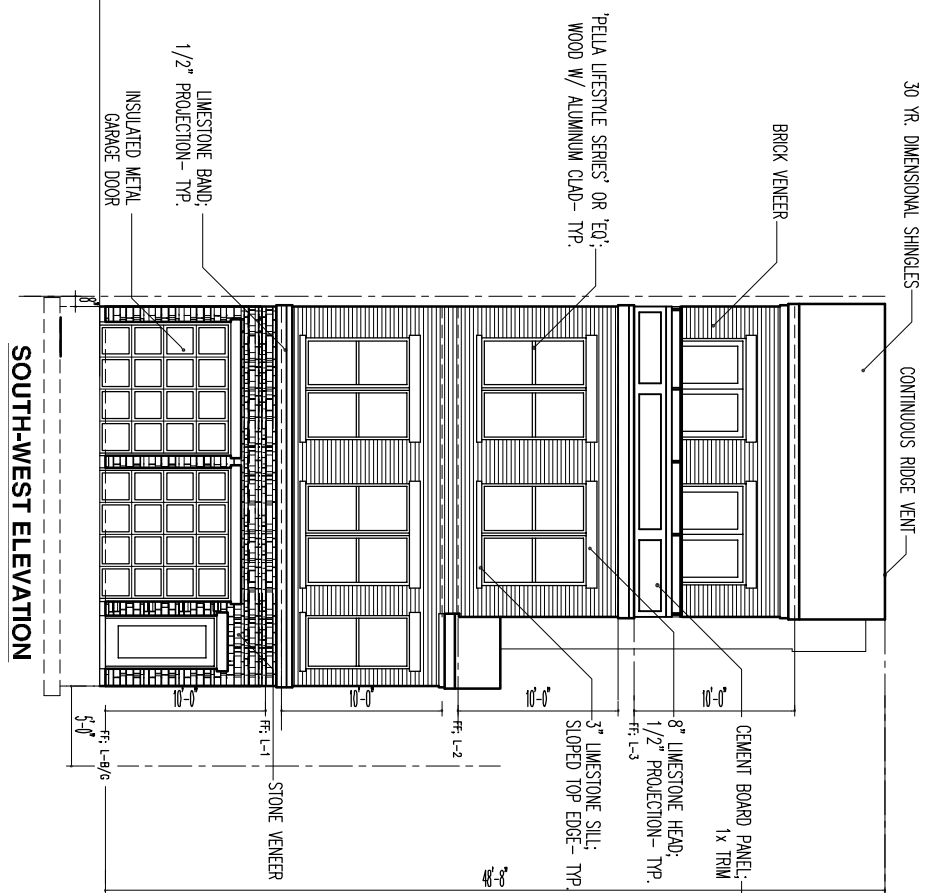
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# ELEVATIONS

148: LOT 2

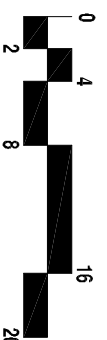
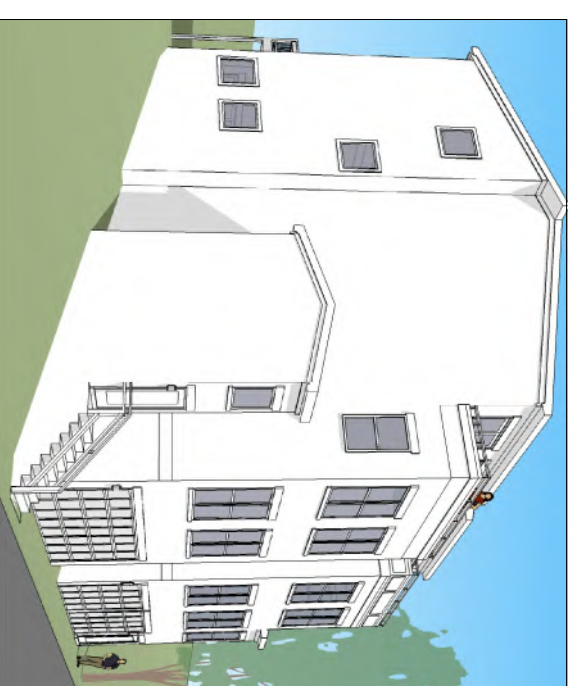
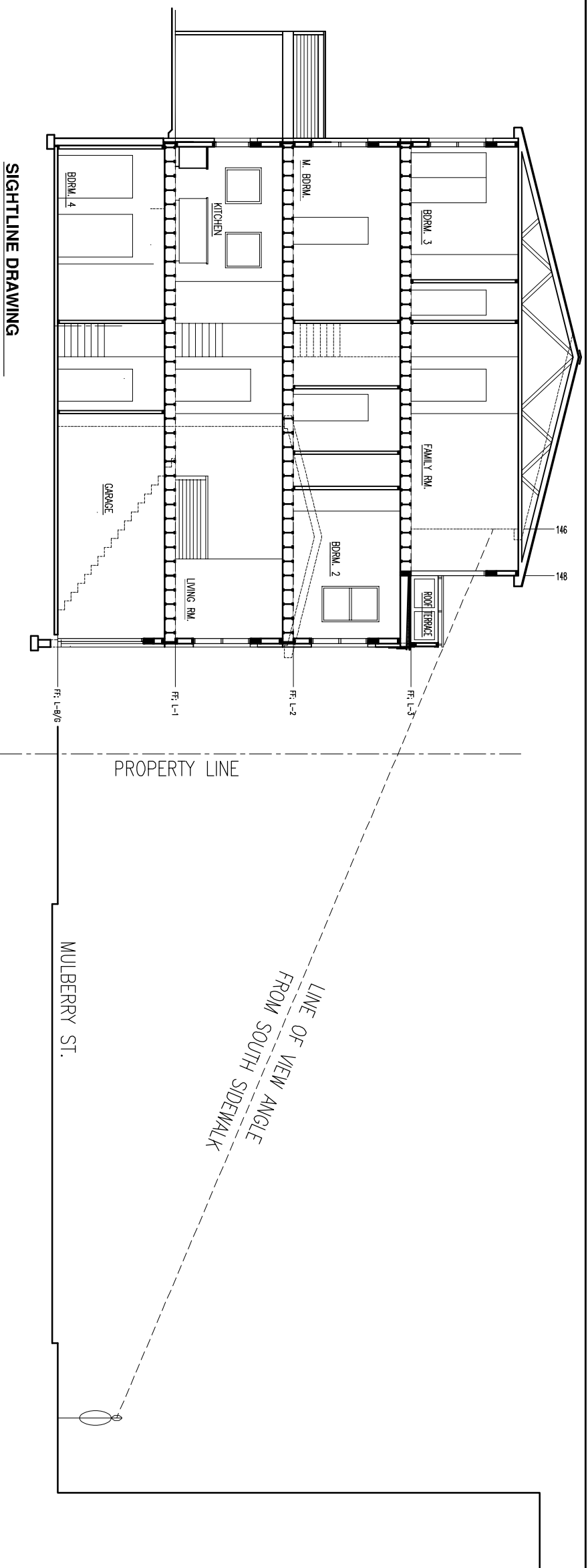
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**A06**  
 ELEVATIONS



**SIGHTLINE/ PERSPECTIVE DRAWING**

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<p>Rev. Description Date</p>	

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**A07**  
 SIGHTLINE DWG.  
 STREETSCAPE



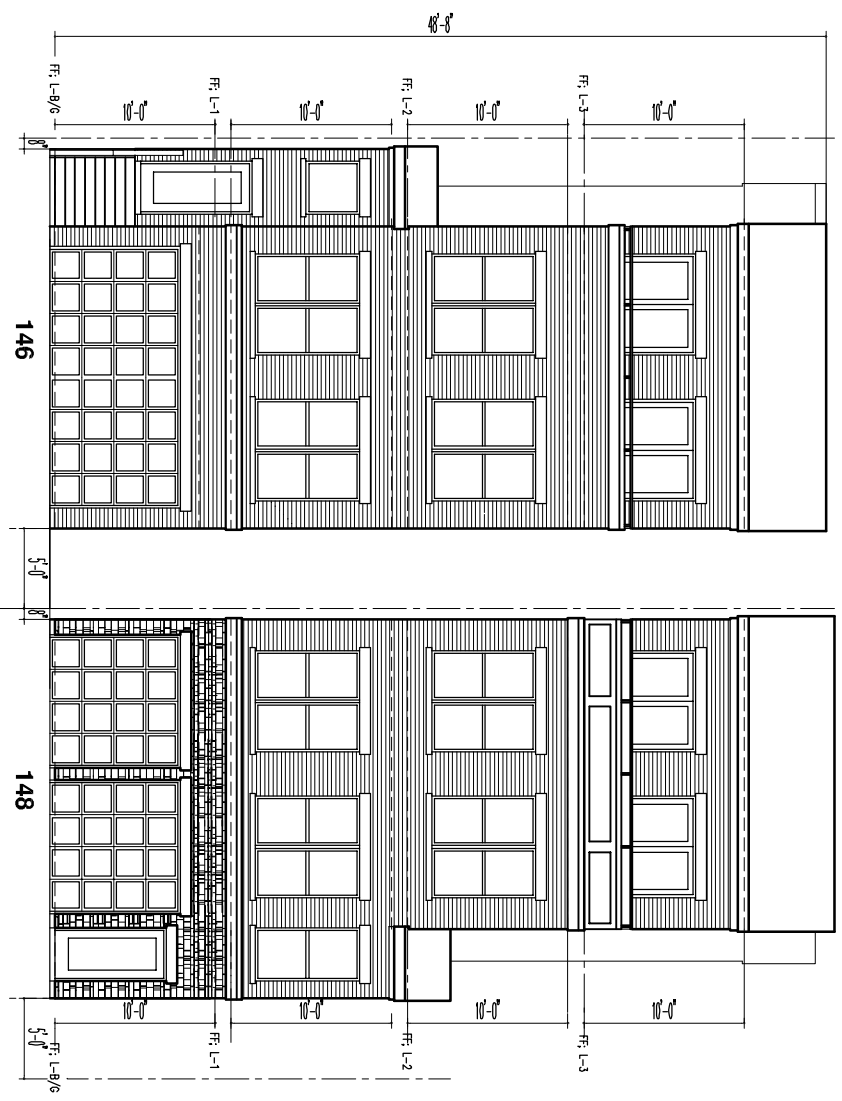
STREETSCAPE: MULBERRY ST. (SOUTH VIEW/LOOKING EAST)



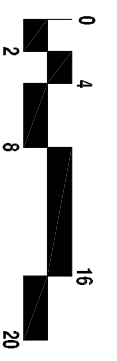
STREETSCAPE: MULBERRY ST. (NORTH VIEW/LOOKING WEST)



STREETSCAPE: MULBERRY ST. (NORTH VIEW)



150



**STREETSCAPE**  
1" = 12'-0"

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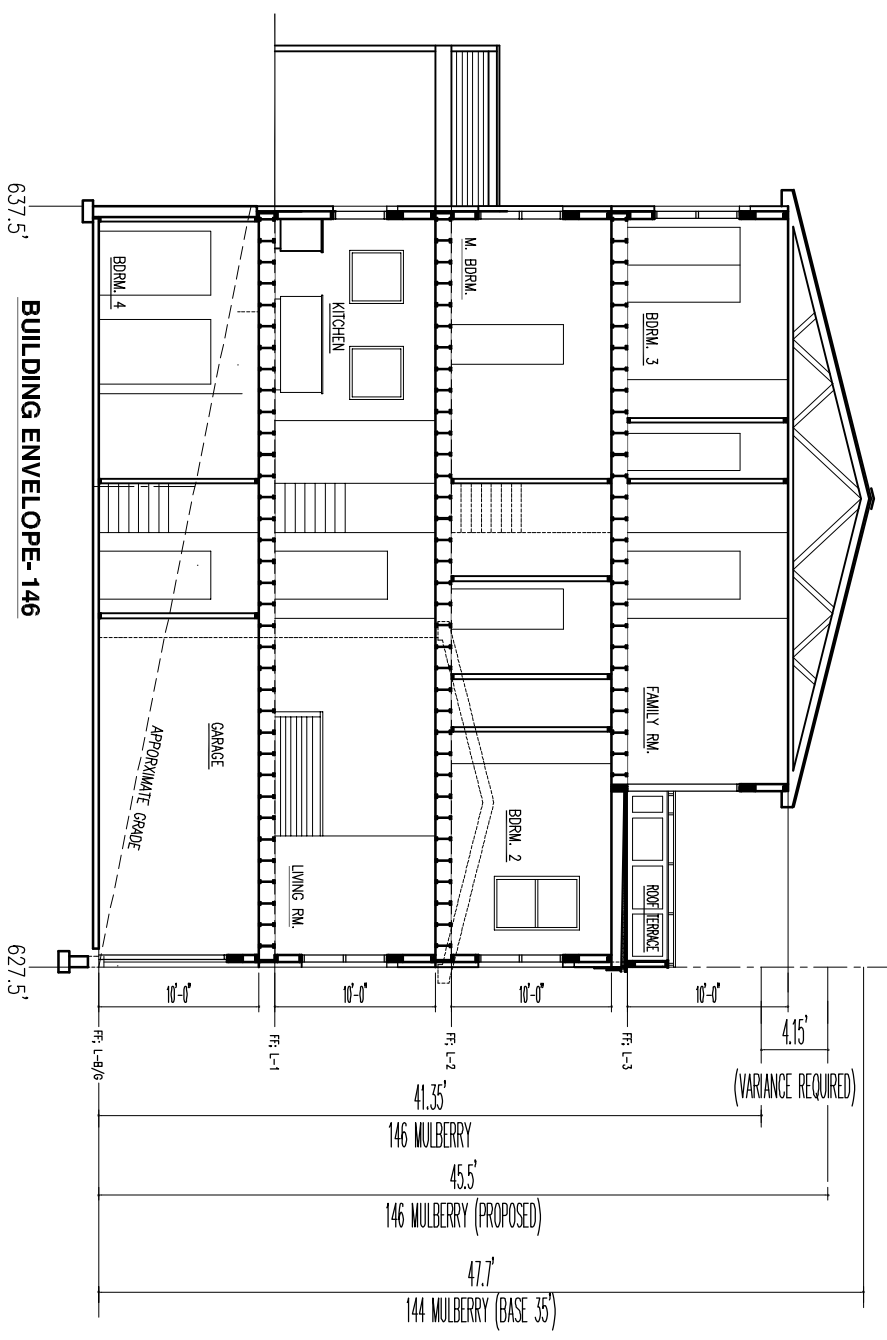
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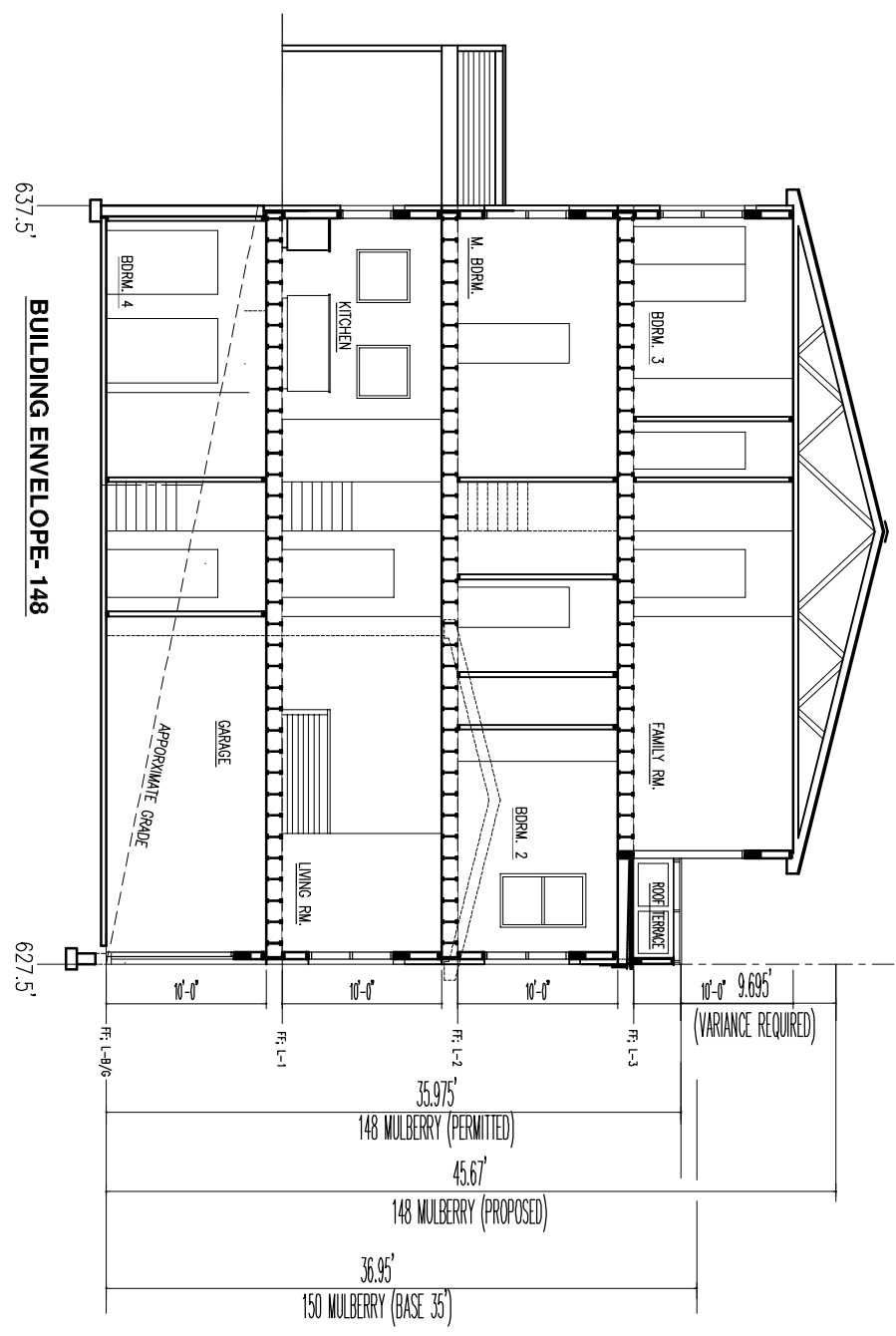
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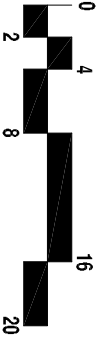
**A08**  
SIGHTLINE DWG.  
STREETSCAPE



146 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
144 MULBERRY	36.6
BASE	35'
146 MULBERRY	35.8'
146 MULBERRY PROPOSED	32.12'
RELIEF REQ.	NONE



148 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
150 MULBERRY	31.7
BASE	35'
148 MULBERRY	35'
148 MULBERRY PROPOSED	34.65'
RELIEF REQ.	NONE



# BUILDING ENVELOPE

# A09

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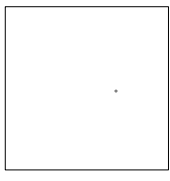


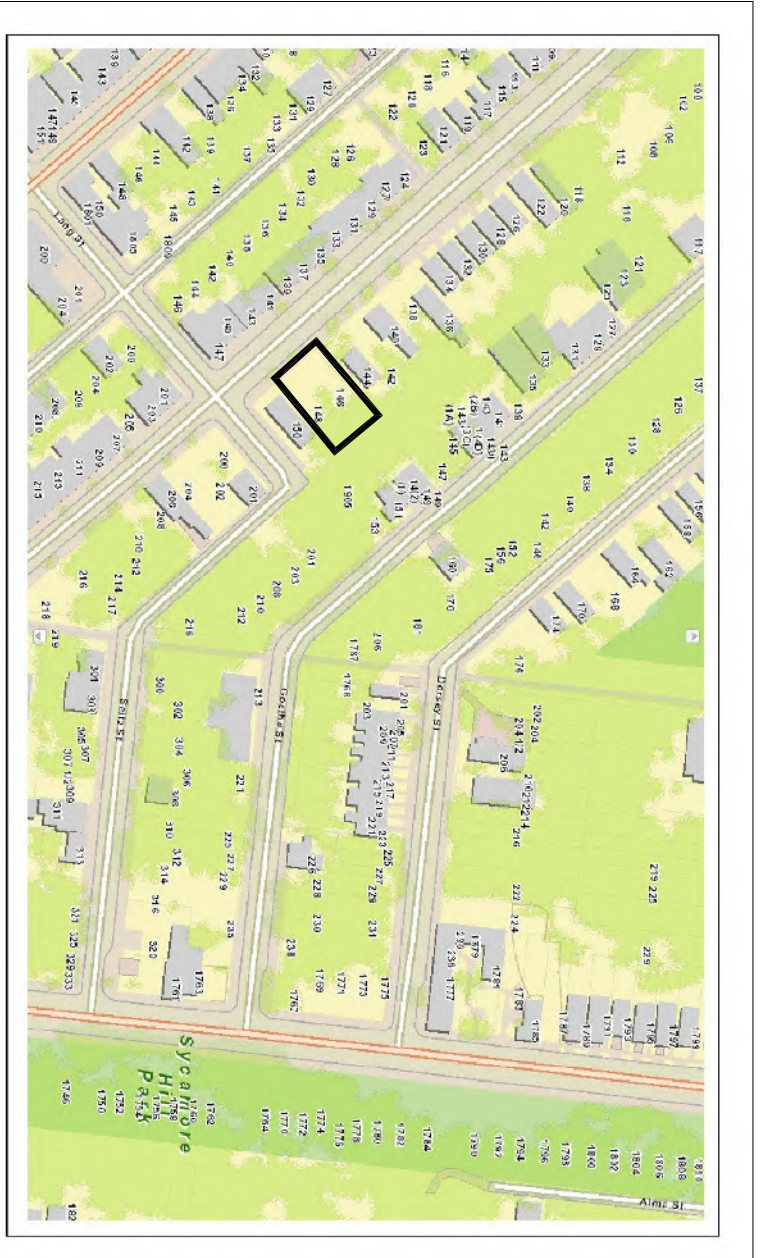
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VICINITY MAP  
N.T.S.



144 MULBERRY

150 MULBERRY

LANG STREET

MULBERRY STREET

70' R/W

50' R/W

1" = 20'-0"

0 4 8 16 20

1" = 20'-0"

0 4 8 16 20

1" = 20'-0"

0 4 8 16 20

1" = 20'-0"

0 4 8 16 20

1" = 20'-0"

0 4 8 16 20

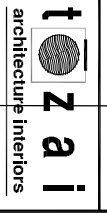
1" = 20'-0"

0 4 8 16 20

# SHEET INDEX

Sheet No.	Title	Issue/Revision Date
A01	TITLE SHEET / VICINITY MAP	12.03.2020
A02	SITE PLAN	
A03	FLOOR PLANS (146 LOT3)	
A04	FLOOR PLANS (148 LOT2)	
A05	ELEVATIONS (146 LOT3)	
A06	ELEVATIONS (148 LOT2)	
A07	RENDERING / SIGHTLINE	
A08	STREETSCAPE	
A09	BUILDING ENVELOPE (146 & 148)	

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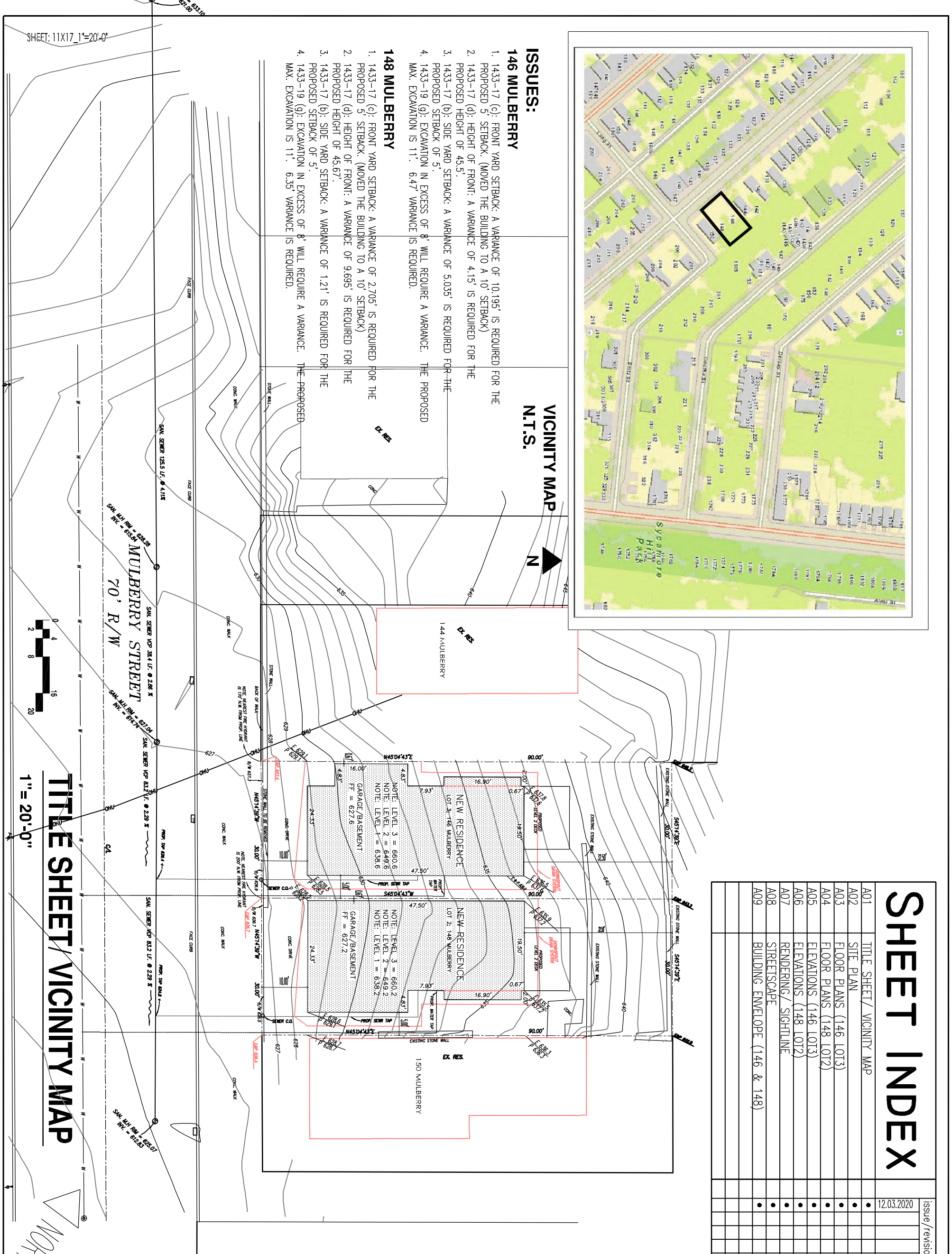


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LANG STREET  
50' R/W

Project No.:	2005015
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Designed By:	CSE
Drawn By:	CSE
Checked By:	CSE

- ISSUES:**
- 146 MULBERRY**
- 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 10.195' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
  - 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 4.15' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.5'.
  - 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 5.035' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
  - 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'. 6.47' VARIANCE IS REQUIRED.
- 148 MULBERRY**
- 1433-17 (c): FRONT YARD SETBACK: A VARIANCE OF 2.705' IS REQUIRED FOR THE PROPOSED 5' SETBACK. (MOVED THE BUILDING TO A 10' SETBACK)
  - 1433-17 (d): HEIGHT OF FRONT: A VARIANCE OF 9.695' IS REQUIRED FOR THE PROPOSED HEIGHT OF 45.67'.
  - 1433-17 (b): SIDE YARD SETBACK: A VARIANCE OF 1.21' IS REQUIRED FOR THE PROPOSED SETBACK OF 5'.
  - 1433-19 (g): EXCAVATION IN EXCESS OF 8' WILL REQUIRE A VARIANCE. THE PROPOSED MAX. EXCAVATION IS 11'. 6.35' VARIANCE IS REQUIRED.



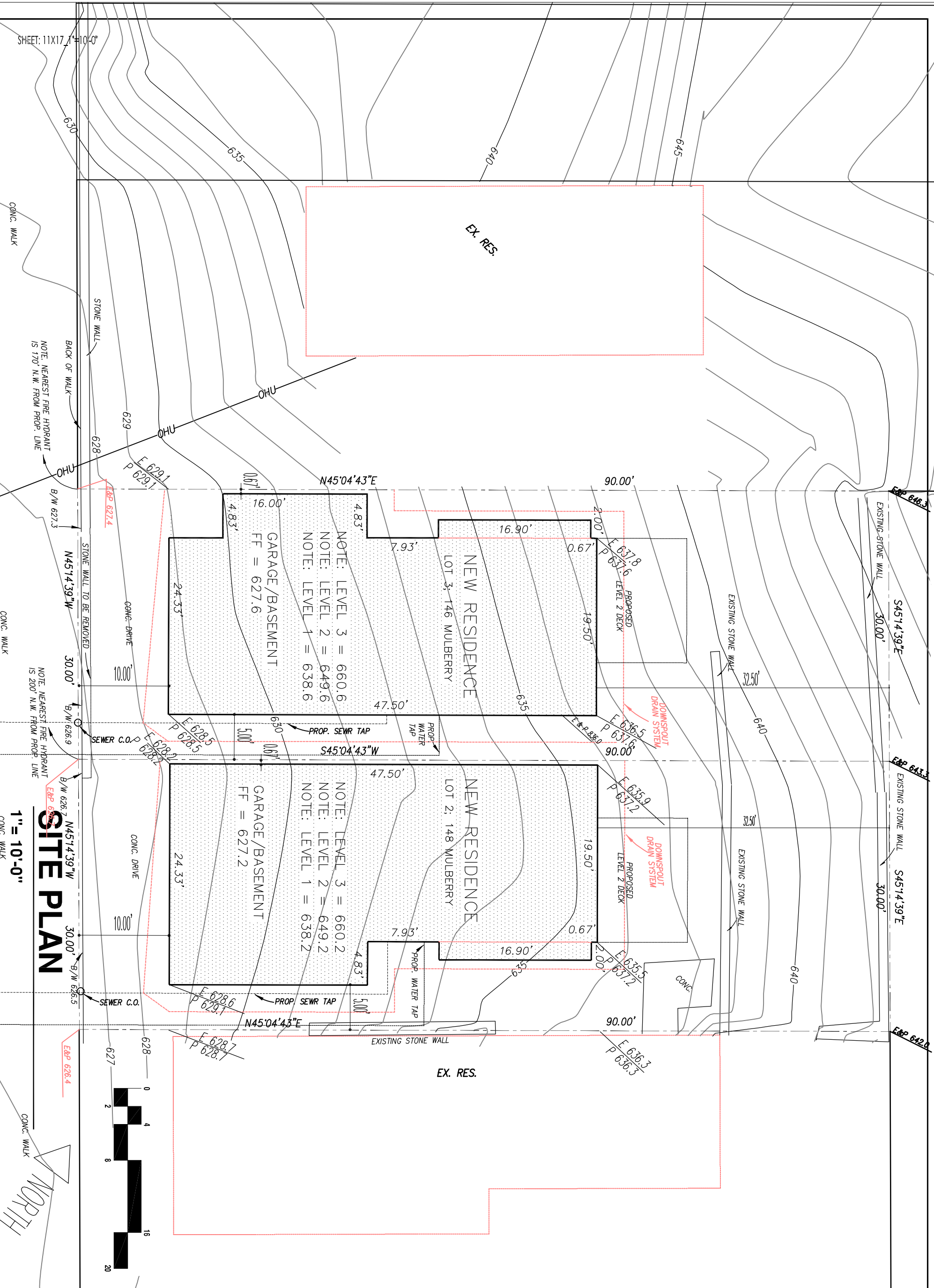
SHEET: 11X17\_1"=20'-0"

# TITLE SHEET / VICINITY MAP

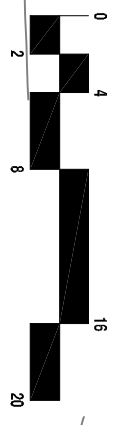
NORTH

# A01

TITLE SHEET  
VICINITY PLAN



**1" = 10'-0"**  
**SITE PLAN**



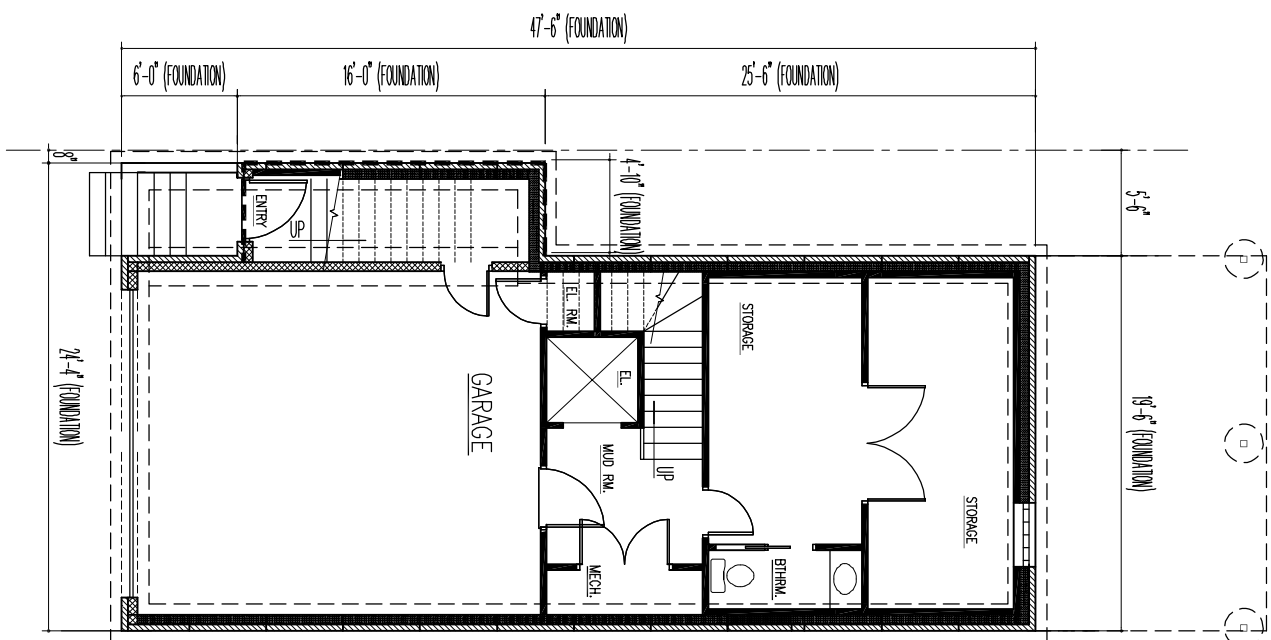
**A02**  
SITE PLAN

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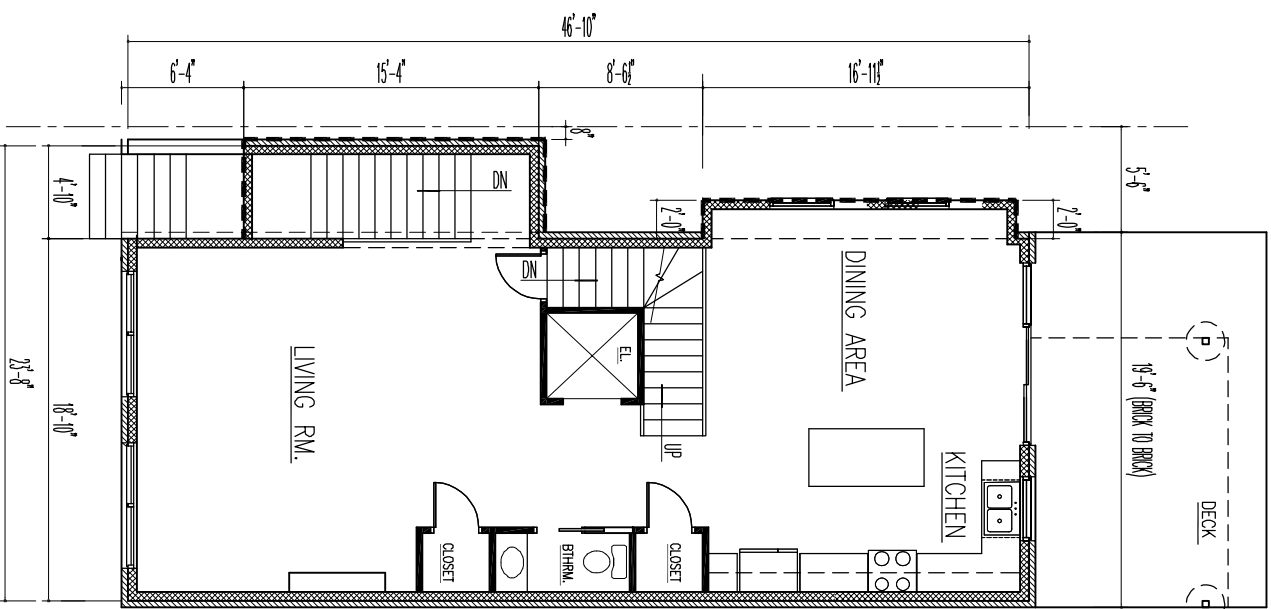


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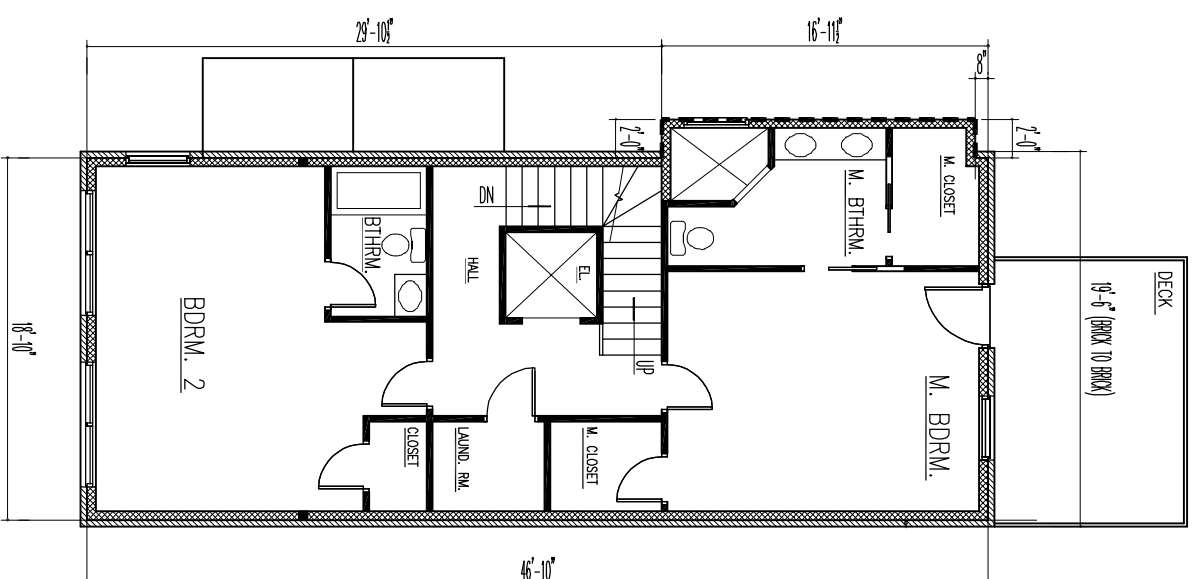
LEVEL-B/G



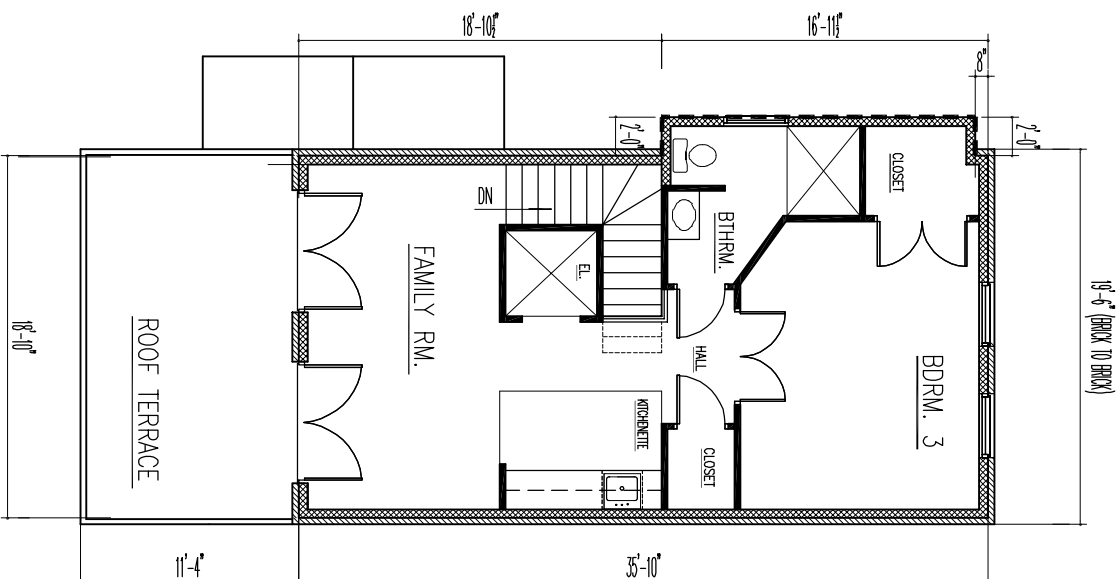
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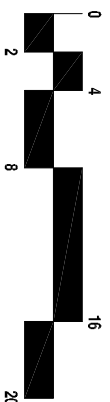
LEVEL-2



LEVEL-3



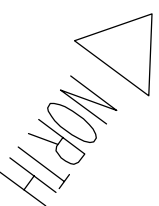
SQUARE FOOTAGE	
LEVEL-3	714 SQ. FT.
LEVEL-2	835 SQ. FT.
LEVEL-1	835 SQ. FT.
LEVEL-B	553 SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937 SQ. FT.</b>
GARAGE	380 SQ. FT.
LEVEL 3- PORCH	129 SQ. FT.
LEVEL 2- DECK	68 SQ. FT.
LEVEL 1- DECK	232 SQ. FT.



# FLOOR PLANS

1" = 10'-0"

146: LOT 3



# A03

FLOOR PLANS

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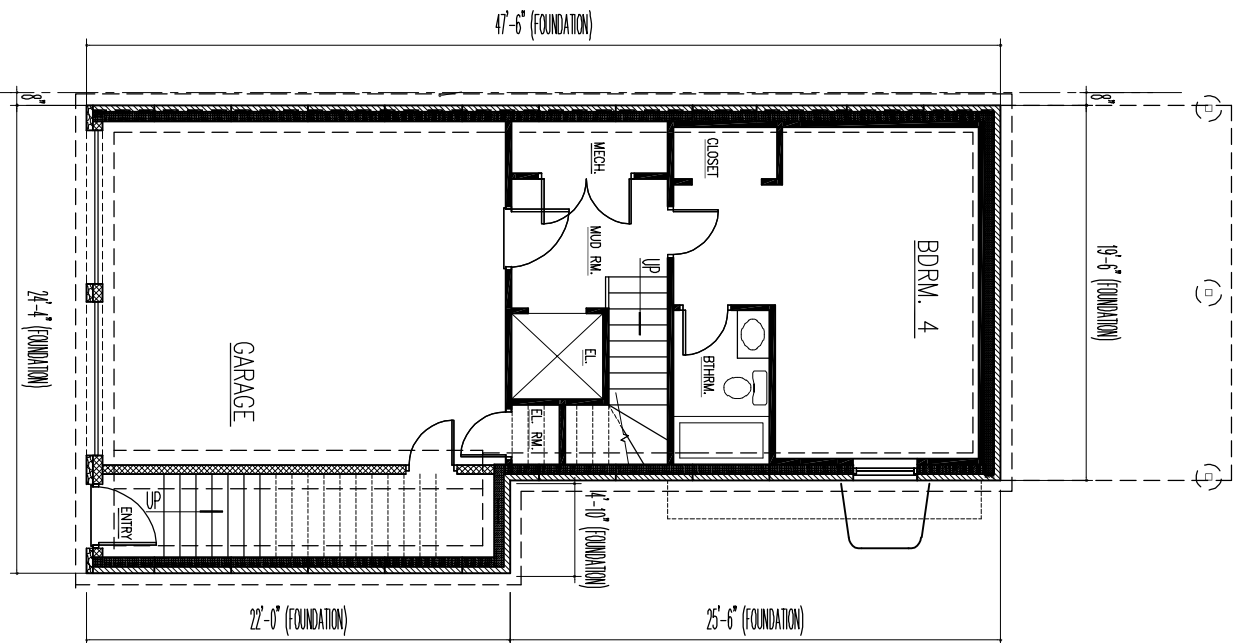


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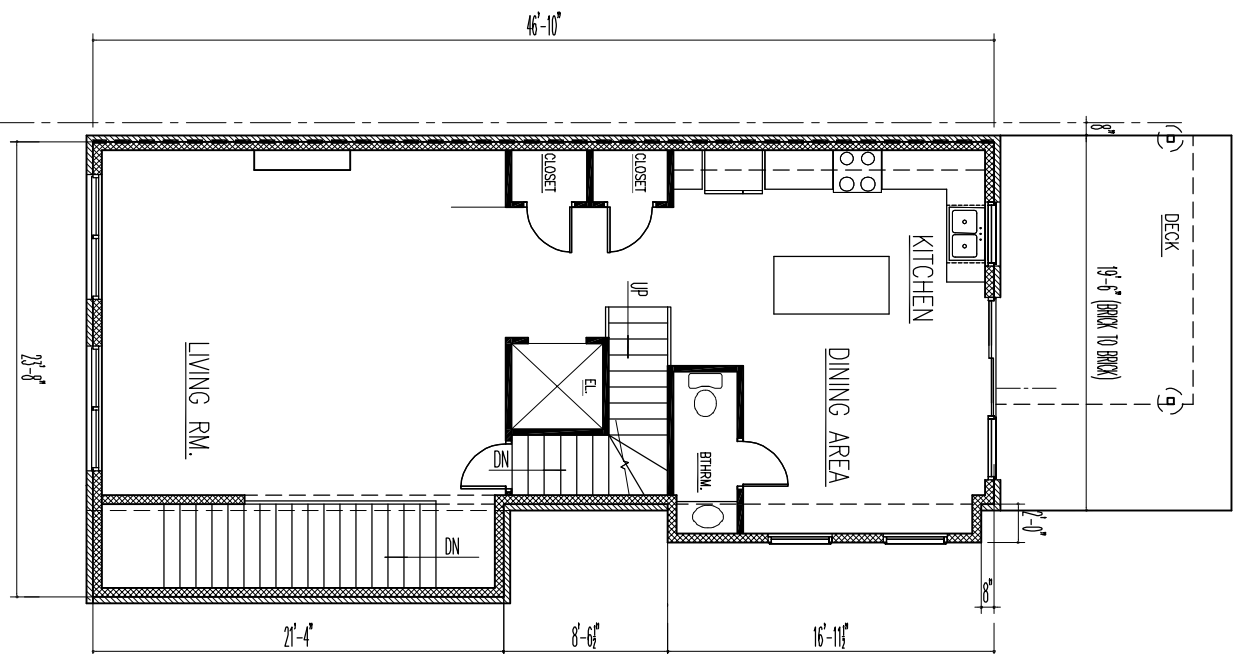
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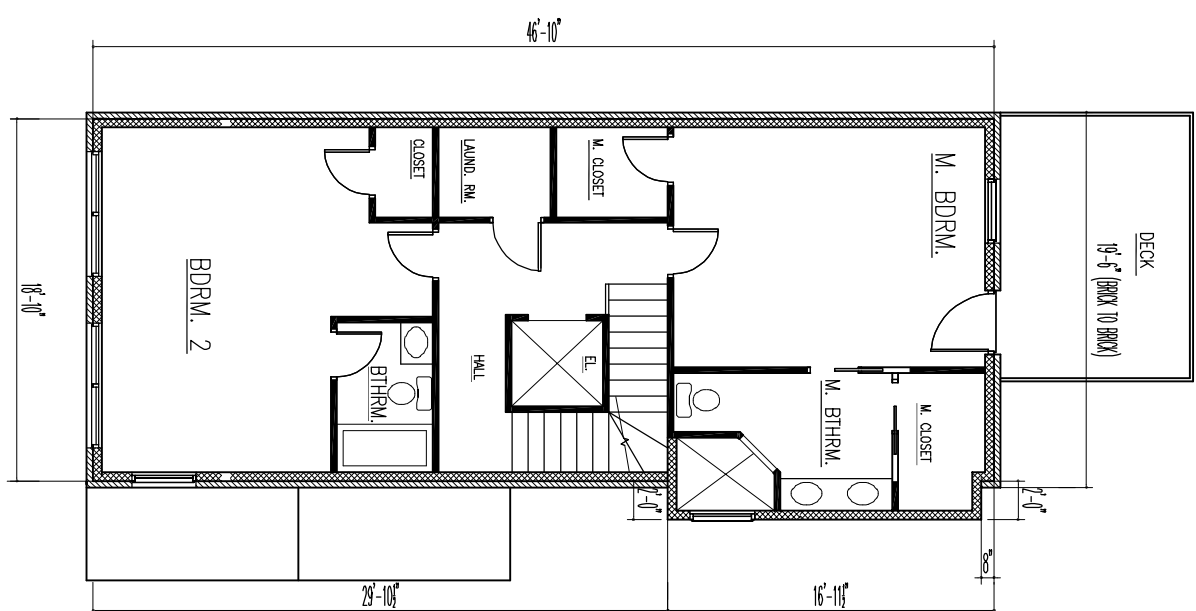
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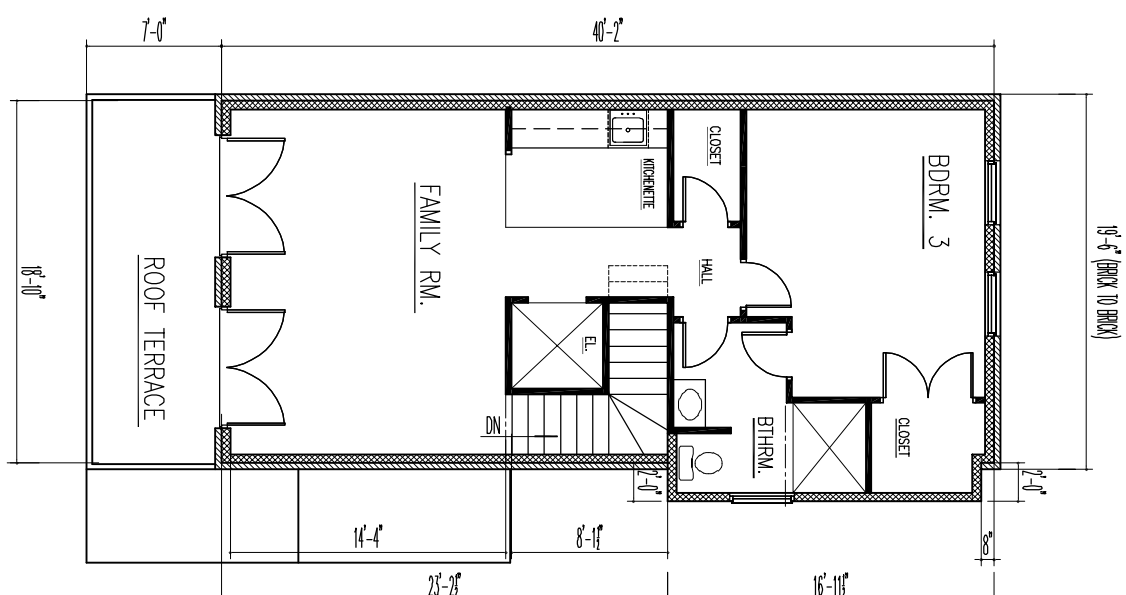
LEVEL- 1



LEVEL- 2

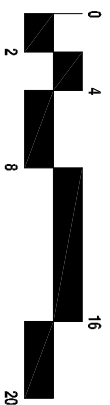


LEVEL- 3



**SQUARE FOOTAGE**

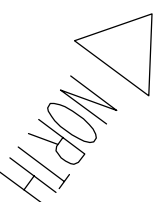
LEVEL-3	714	SQ. FT.
LEVEL-2	835	SQ. FT.
LEVEL-1	835	SQ. FT.
LEVEL-B	553	SQ. FT.
<b>TOTAL LIVING AREA</b>	<b>2937</b>	<b>SQ. FT.</b>
GARAGE	380	SQ. FT.
LEVEL 3 - PORCH	129	SQ. FT.
LEVEL 2 - DECK	68	SQ. FT.
LEVEL 1 - DECK	232	SQ. FT.



# FLOOR PLANS

1" = 10'-0"

148: LOT 2



# A04

FLOOR PLANS

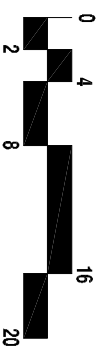
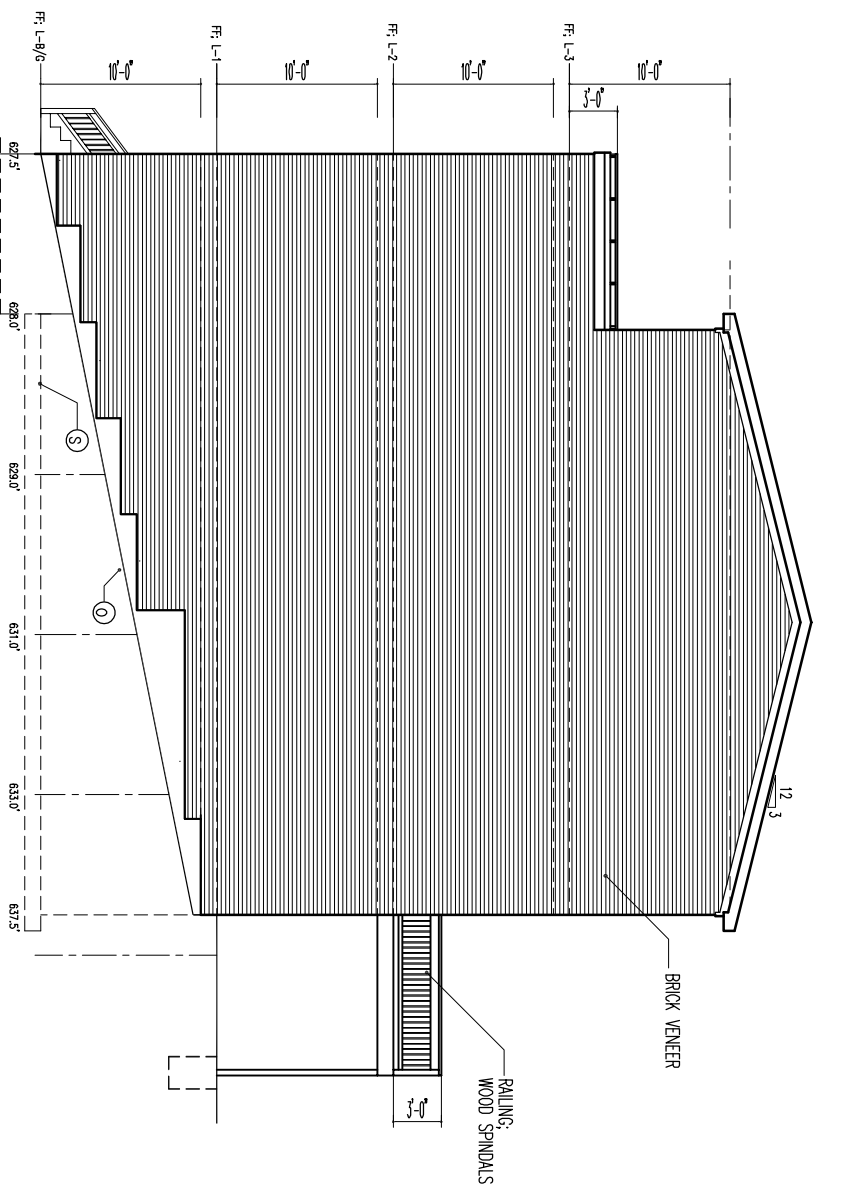
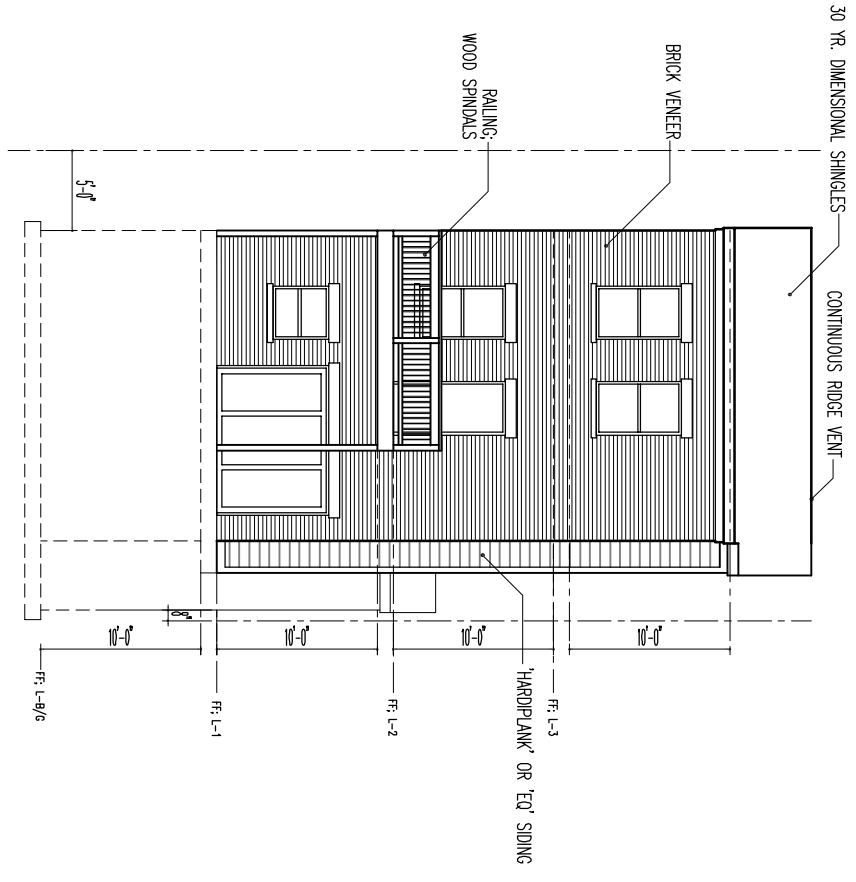
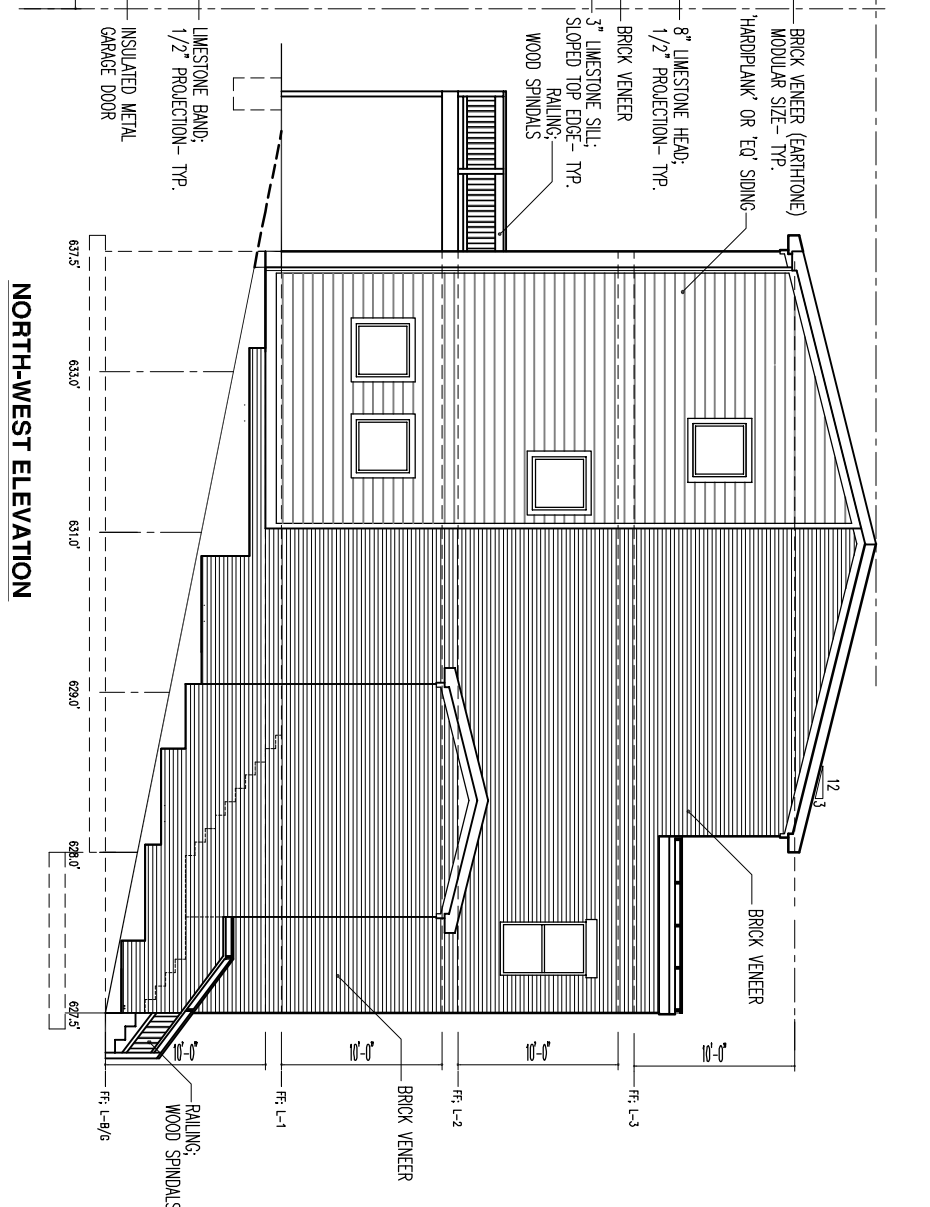
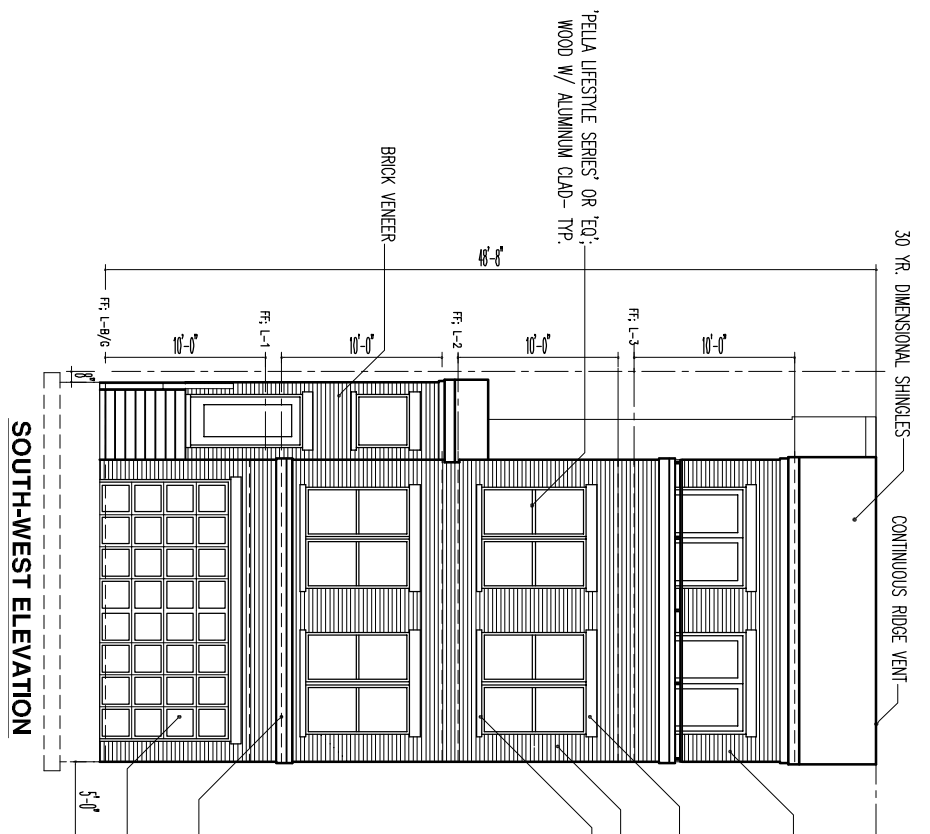
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# ELEVATIONS

146: LOT 3

# A05

ELEVATIONS

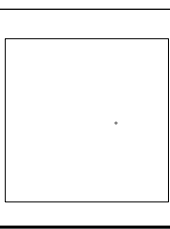
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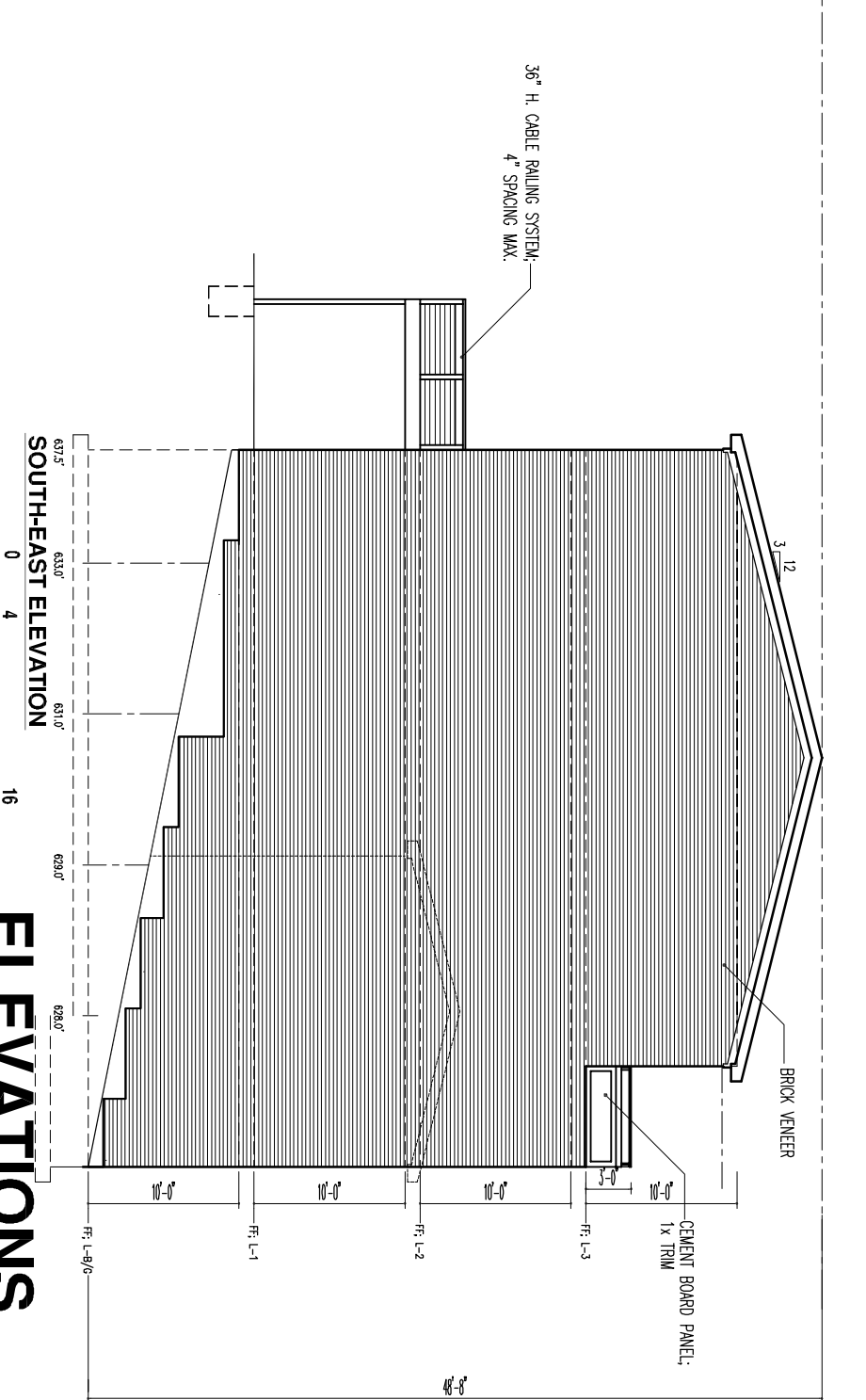
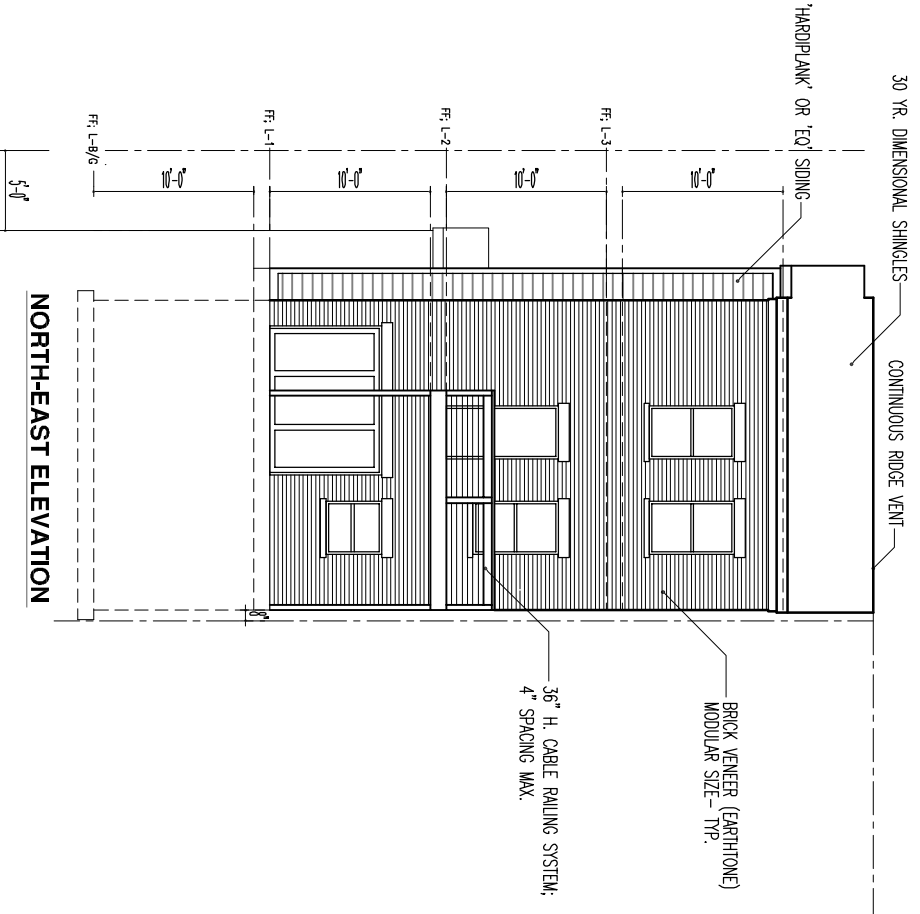
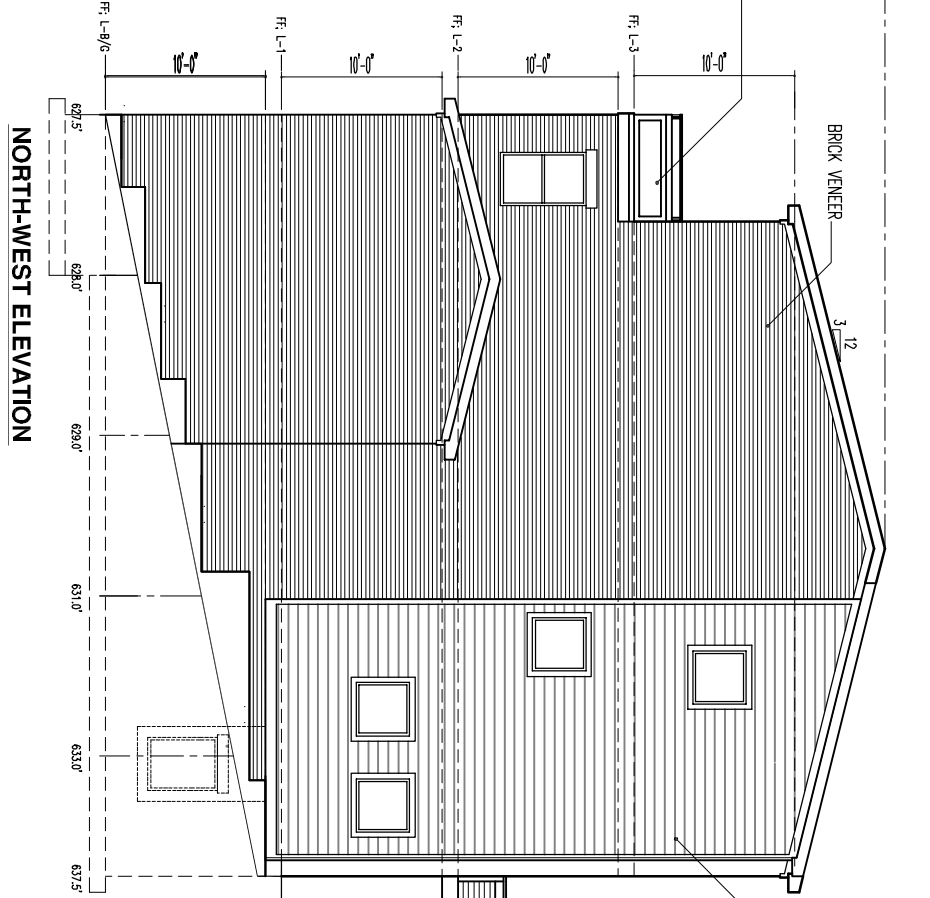
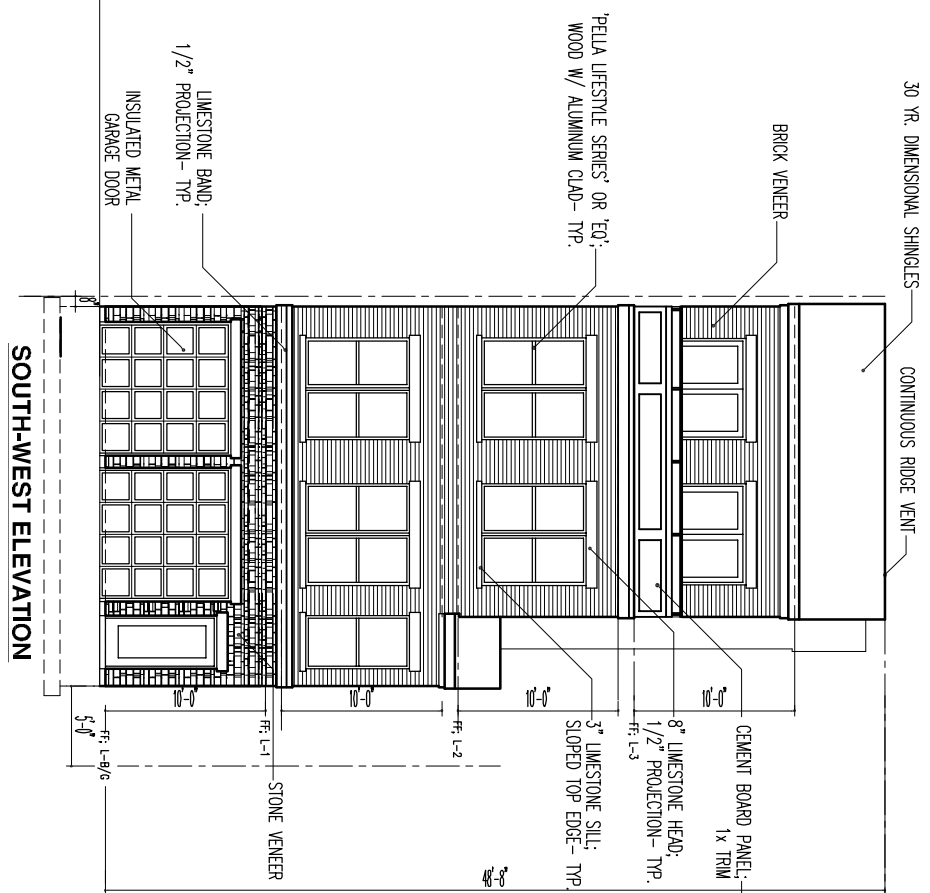
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# ELEVATIONS

148: LOT 2

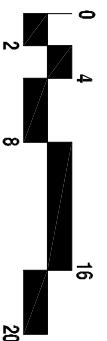
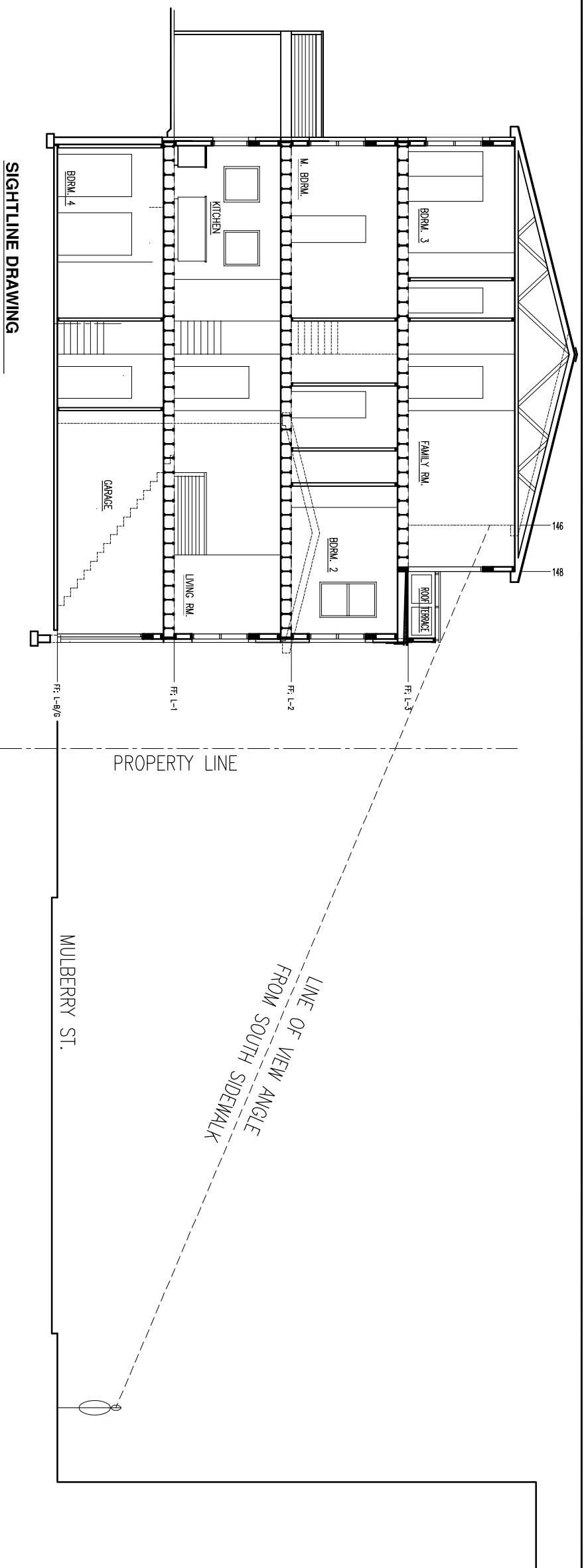
# A06

ELEVATIONS

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202

architecture interiors commercial & residential		
P.O. Box 53174 Cincinnati, OH 45223 513.225.1310 www.tzai.com	Cincinnati, OH 45223 www.tzai.com	
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Project No.: 2005015  
 Issue Date: 12.03.2020  
 Designed By: CSE  
 Drawn By: CSE  
 Checked By: CSE  
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**SIGHTLINE/ PERSPECTIVE DRAWING**

**A07**  
SIGHTLINE DWG.  
STREETSCAPE

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
146 & 148 MULBERRY ST.  
CINCINNATI, OH 45202

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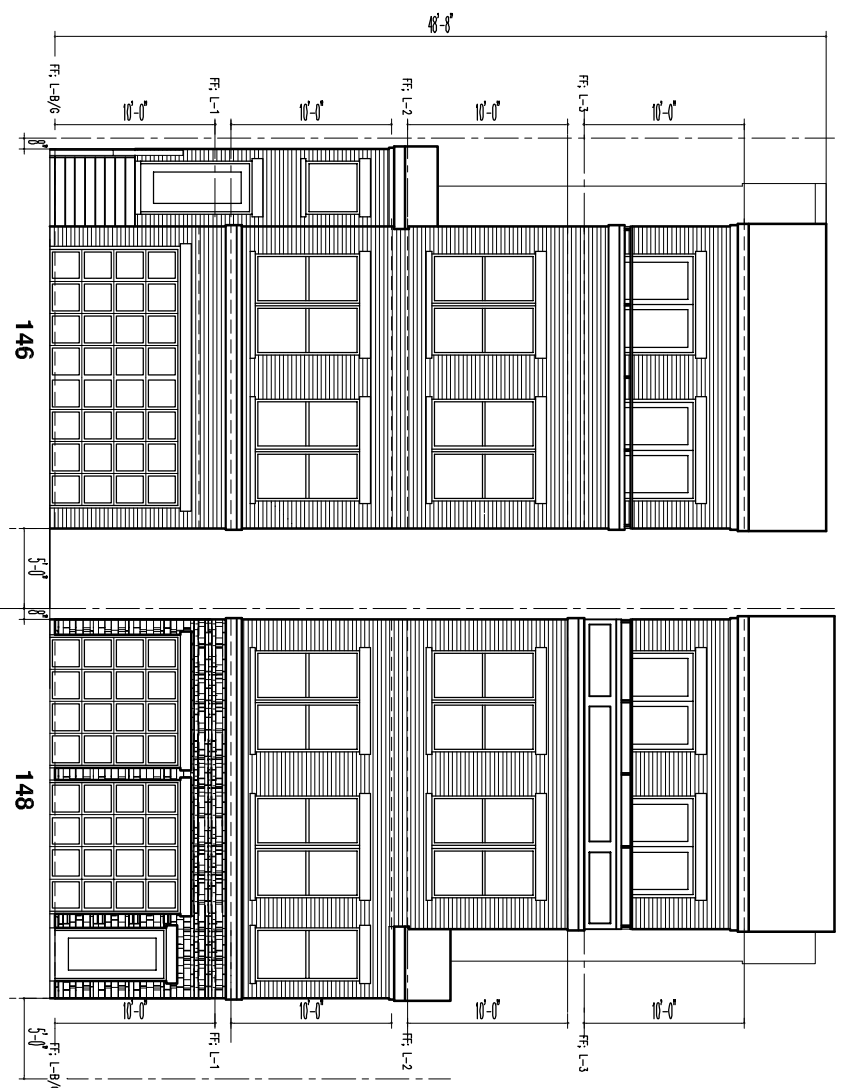
STREETSCAPE: MULBERRY ST. (SOUTH VIEW/LOOKING EAST)



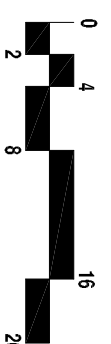
STREETSCAPE: MULBERRY ST. (NORTH VIEW/LOOKING WEST)



STREETSCAPE: MULBERRY ST. (NORTH VIEW)



150



1" = 12'-0"  
**STREETSCAPE**

**A08**  
SIGHTLINE DWG.  
STREETSCAPE

A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
146 & 148 MULBERRY ST.  
CINCINNATI, OH 45202

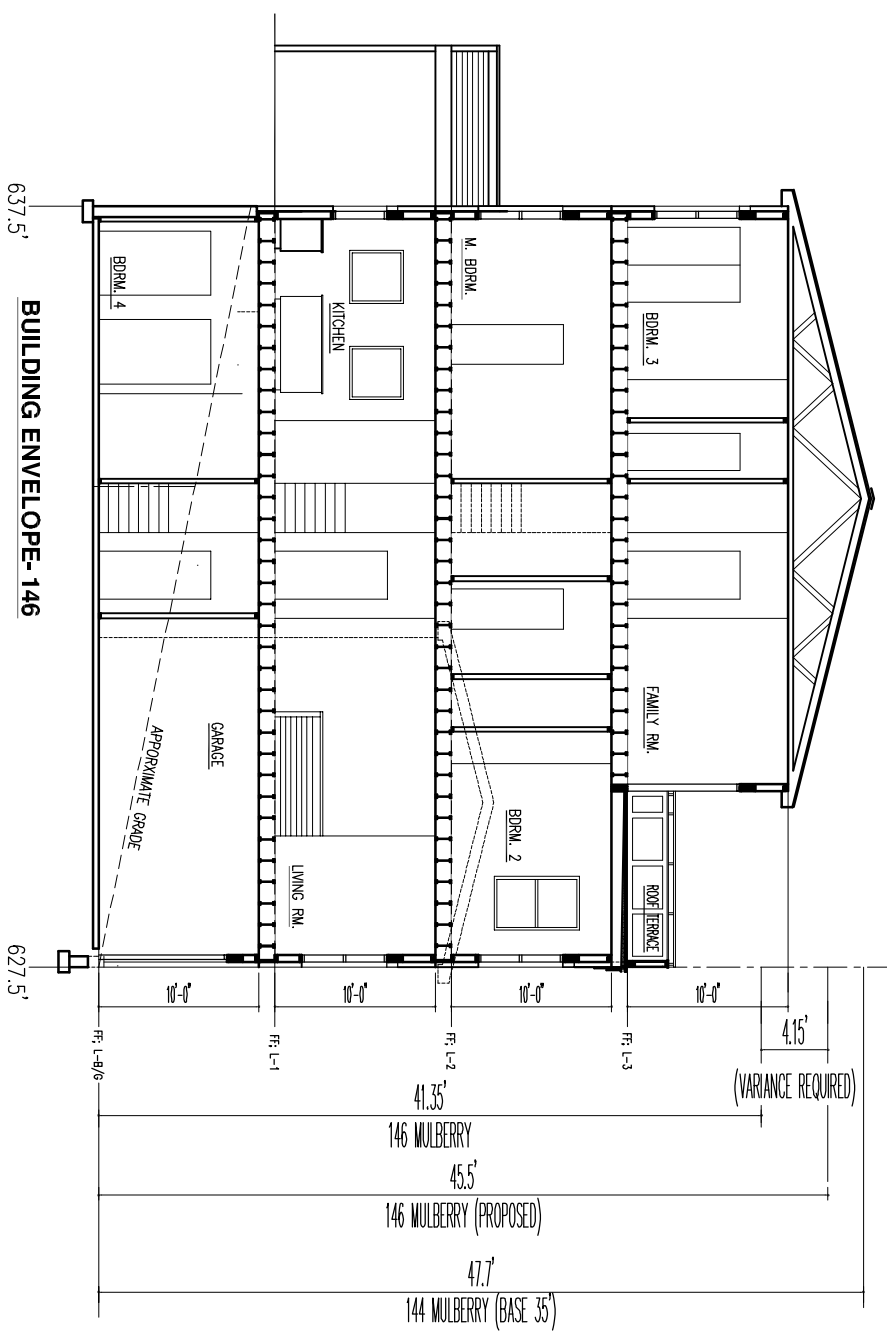
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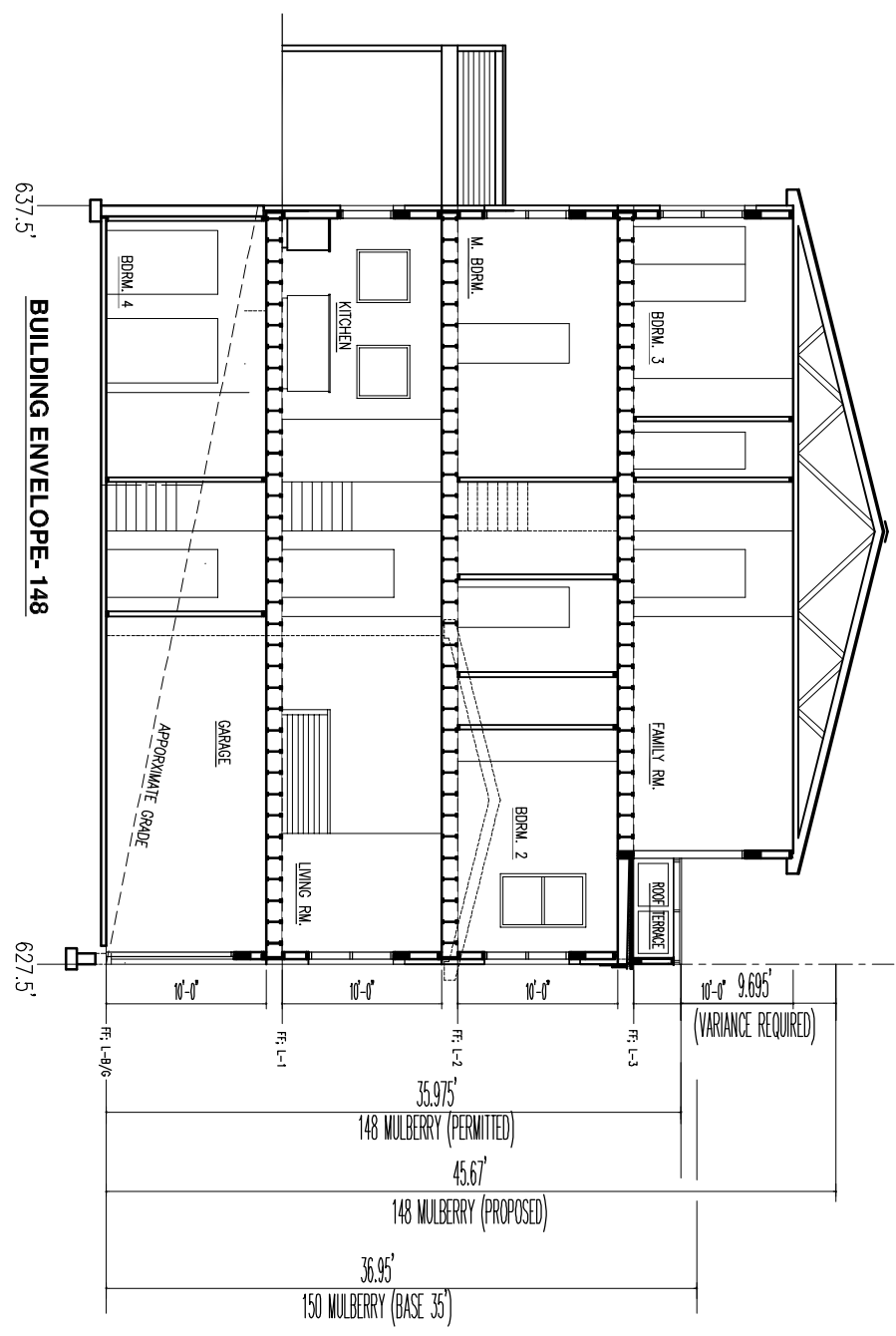
Rev.	Description	Date
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Checked By: CSE

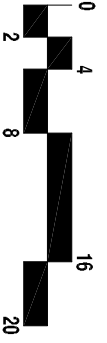
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146 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
144 MULBERRY	36.6
BASE	35'
146 MULBERRY	35.8'
146 MULBERRY PROPOSED	32.12'
RELIEF REQ.	NONE



148 BUILDING ENVELOPE	
BUILDING HT.	
FRONT HT.	REAR HT.
150 MULBERRY	31.7
BASE	35'
148 MULBERRY	35'
148 MULBERRY PROPOSED	34.65'
RELIEF REQ.	NONE



# BUILDING ENVELOPE

# A09

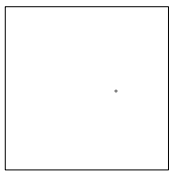
A NEW BUILDING FOR:  
**RANDALL AND TRINA WALTON d.b.a.**  
**A-RAN PROPERTIES, LLC**  
 146 & 148 MULBERRY ST.  
 CINCINNATI, OH 45202



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Rev.	Description	Date

Project No.: 200DS015  
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 Designed By: CSE  
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CITY OF CINCINNATI

DEPARTMENT OF CITY PLANNING  
BUILDINGS AND INSPECTIONS DIVISION

STATEMENT OF SPECIAL INSPECTIONS

LOCATION:

146-148 Mulberry

PERMIT APPLICATION NUMBER:  
(by City)

2020P05866 2020P05868

Because of the complexity, size, or special conditions associated with this project, the special inspections checked under "REQ" on the attached schedule are to be provided by the owner or owner's agent, other than the contractor, as required by Section 1704.1.1 of the Ohio Building Code (OBC).

Please indicate the inspection agent performing the specific inspections, the Inspection Coordinator who will submit the reports required by Section 1704.1.2 OBC and the extent of inspection services if other than full-time.

This *Statement of Special Inspections* shall be submitted as a condition for permit issuance. It includes a Schedule of Special Inspections applicable to this project as well as the name of the special inspectors, and the identity of other testing laboratories or agencies intended to be retained for conducting these inspections. Special Inspectors and testing agency personnel shall be under the direct supervision of a registered design professional who shall sign inspection reports; otherwise the qualifications of the person performing the inspections shall be submitted to the Department for acceptance.

An overall inspection coordinator shall keep records of all inspections and tests and shall furnish such reports to the code official and to the design professional of record. All discrepancies shall be brought to the immediate attention of the contractor for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the code official and the design professional of record. Interim reports shall be submitted to the code official and the design professional of record monthly, unless more frequent submissions are requested by the code official.

During the course of construction, additional third party inspections may be required in addition to those specified in the attached schedule if conditions warrant.

10/19/2020  
Date

GA Kenna  
P.E. or R.A.

## SCHEDULE OF SPECIAL INSPECTIONS

ITEM	REQ.	INSP. AGENCY	SCOPE
<b>1. Soils and foundations (1704.7) Geotech Inv.</b>			
a) shallow foundations	X	WTS	Continuous
b) controlled structural fill	X	WTS	Periodic
c) deep foundations/piles/caissons/piers	X	WTS	Continuous
d) excavation/fill			
e) soil stability/landslide	X	WTS	Continuous
<b>2. Concrete (1704.4)</b>			
<b>A. Cast-in-place concrete</b>			
a) mix design			
b) material certification			
c) reinforcement & installation	X	WTS	Continuous
d) post-tensioning operation			
e) batching plant			
f) formwork geometry			
g) concrete placement	X	WTS	Periodic
h) evaluation of concrete strength	X	WTS	Periodic
i) curing & protection			
j) other			
<b>B. Pre-cast Concrete</b>			
a) plant certification / quality control procedures			
b) mix design			
c) material certification			
d) reinforcement installation			
e) pre-stress operations			
f) connections / embedded items			
g) form work geometry			
h) concrete placement			
i) evaluation of concrete strength			
j) curing protection			
k) erected pre-cast elements			
l) other			
<b>3. Masonry (1704.5)</b>			
a) material certification			
b) mixing of mortar and grout			
c) installation of masonry			
d) reinforcement installation			
e) grouting operations			
f) weather protection			
g) evaluation of masonry strength			
h) anchors and ties			
i) other			
<b>4. Steel (1704.3)</b>			
<b>A. Structural Steel</b>			
a) fabricator certification/quality control procedures			
b) material certification			
c) open web steel joists			
d) bolting			
e) welding			
f) shear connectors			
g) structural details			
h) metal deck			

## SCHEDULE OF SPECIAL INSPECTIONS

ITEM	REQ.	INSP. AGENCY	SCOPE
<b>4. Steel</b>			
<b>B. Cold Formed Steel Framing</b>			
a) member sizes			
b) material thickness			
c) material properties			
d) mechanical connections			
e) welding			
f) framing details			
g) other			
<b>5. Spray Applied Fire-Resistant Material (1704.11)</b>			
a) material specifications			
b) laboratory tested fire-resistance design			
c) schedule of thickness			
d) surface preparation			
e) application			
f) curing and ambient condition			
g) thickness			
h) density			
i) bond strength			
j) other			
<b>6. Wood Construction (1704.6)</b>			
a) fabricator certification			
b) material grading			
c) connections			
d) framing details			
e) other			
<b>7. EIFS (1704.12)</b>			
a) material submittals			
b) condition of substrate			
c) application of foam plastic board			
d) application of coatings			
e) application of mesh			
f) curing and ambient condition			
g) flashing and joint details			
h) sealants / caulk			
i) other			
<b>8. Mechanical System</b>			
a) smoke control (1704.14)			
b) mechanical HVAC and piping			
c) other			
<b>9. Special Cases (1704.13)</b>			
<b>10. Other Requirements</b>			

INSPECTION AGENTS	FIRM	ADDRESS
1. Inspection Coordinator (Section 1704.1.2)	WTS	6531 West Chester Rd
2. Special Inspector	WTS	West Chester, Oh 45069
3. Testing Laboratory	WTS	
4. Approved Independent Quality Control Agency		
5. Geotechnical Engineer: When required from Part 1 above	WTS	
6. Other		

### FINAL REPORT OF SPECIAL INSPECTION

To the best of my information, knowledge, and belief, the special inspections required for this project, and itemized in the statement of Special Inspections submitted for permit, have been completed.

The following discrepancies that were outstanding since the last Interim report dated \_\_\_\_\_, have been corrected:

\_\_\_\_\_

\_\_\_\_\_

(Attach 8½ x 11 continuation sheet(s) if required to complete the description of corrections.)

Interim reports submitted prior to this report, and numbered \_\_\_\_\_ to \_\_\_\_\_, are to be considered an integral part of this final report.

Respectfully submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

## December 2020- COA Staff Level Approvals

NUMBER_KEY	REVIEW_COMPLE	ORIGINALADDRESS1	COMP_TYPE	DESCRIPTION	ENTRY_COMMENTS
2020P10159	12/01/2020	555 E 13TH ST	CBPCBCP	HVAC	COA STAFF APPROVALINSTALLATION OF METAL BLACK PICKET GATES AT FRONT AND REAR. ALL OTHER WORK IS REPAIR.
2020P10159	12/01/2020	555 E 13TH ST	CBPCBCP	Alteration	COA STAFF APPROVALINSTALLATION OF METAL BLACK PICKET GATES AT FRONT AND REAR. ALL OTHER WORK IS REPAIR.
2020P05963	12/07/2020	119 E MCMICKEN AV	CBPCBCP	Alteration	COA STAFF LEVEL REVIEW-FRONT FACADE IS REPAIR AND MAINTENANCE. REPLACEMENT OF LIMITED MATERIALS IN KIND. ONTHE REAR DECK ADDITIONS. THE ADDITIONS ARE NOT VISIBLE FROM THE STREET AND ARE SIMPLE AND APPROPRIATE.
2020P10335	12/07/2020	1817 BAYMILLER ST	CBPCBCP	Alteration	COA STAFF REVIEW.APPROVE THE REHABILITATION OF THE BUILDING.APPROVE THE INSTALLATION OF NEW DOORS ON THE EXTERIOR AND THE RESTORATION OF THE FRONT DOORS.APPROVE THE INSTALLATION OF MARVIN ELEVATE WINDOWS THROUGHOUT THE BUILDING. THE ORIGINAL WINDOWS HAVE PREVIOUSLY BEEN REMOVED.APPROVE THE REMOVAL OF INFILL BRICK ON THE FIRST FLOOR FRONT WINDOWS TO BRING THE WINDOWS BACK TO THE ORIGINAL SIZE.
2020P09616	12/07/2020	1126 MAIN ST	CBPCSGN	Signs	COA Staff level- Sing meetins historic and zoning requirements
2020P10379	12/10/2020	420 E 12TH ST	CBPCBCP	Alteration	COA STAFF APPROVALINSTALLATION OF A NEW HISTORICALLY APPROPRIATE STOREFRONT. EXISTING STOREFRONT IS NOT HISTORIC/ORIGINAL TO THE BUILDING,HTC PROJECT. COA STAFF APPROVALAPPROVE THE INSTALLATION OF NEW WINDOWS. THE WINDOWS WILL MATCH THE EXISTING IS SIZE AND CONFIGURATION.THE WINDOWS ARE FIBERGLASS AND ARE HAVE THE APPROPRIATE PROFILE, DIMENSIONS, STILE AND MULITION WIDTHS. THE FINISH IS NOT GLOSSY.
2020P10365	12/10/2020	320 DONHAM AV	CBPCBCP	Repair	STAFF LEVEL COAHTC PROJECT. EXTERIOR WORK INCLUDES NEW STOREFRONT THAT IS HISTORICALLY APPROPRIATE.
2020P10396	12/10/2020	424 E 12TH ST	CBPCBCP	Alteration	ORIGINAL/HISTORIC STROEFRONT HAD PREVIOUSLY BEEN REMOVED.

2020P09217	12/10/2020	1212 JACKSON ST	CBPCBCP	Alteration	<p>\$121.68 STAFF COA OVERHEAD DOORS IN FORMER LOADING DOCK AREAS ARE APPROPRIATE TO BUILDING. STOREFRONT TREATMENTS ARE APPROPRIATE</p> <p>STAFF APPROVAL NEW WINDOWS- ALLUMINUM CLAD WOOD WINDOWS ARE AN APPROPRIATE WINDOW. NEW REAR DECKS. THESE ARE SIMPLE WOOD DECKS WITH WOOD RAILINGS. THEY ARE IN THE REAR AND NOT VISIBL FROM THE STREET. THEY ARE WITHIN ALL REQUIRED SETBACKS.</p>
2020P01814	12/10/2020	214 WADE ST	CBPCBCP	Alteration	<p>COA STAFF REVIEW APPROVE THE INSTALLATION OF A RETAINING WALL, STAIRS, WALKWAY AND PARKING PAD AT THE REAR OF THE PROPERTY. THE WORK COMPLIES WITH THE OTR HISTORIC GUIDELINES AS THE PARKING PAD IS IN THE REAR OF THE PROPERTY AND OFF OF AN ALLY.</p>
2020P10382	12/10/2020	1334 SPRING ST	CBPCWALL	Misc. Structures	<p>COA STAFF REVIEW APPROVE THE INSTALLATION OF A RETAINING WALL, STAIRS, WALKWAY AND PARKING PAD AT THE REAR OF THE PROPERTY. THE WORK COMPLIES WITH THE OTR HISTORIC GUIDELINES AS THE PARKING PAD IS IN THE REAR OF THE PROPERTY AND OFF OF AN ALLY.</p>
2020P10382	12/10/2020	1334 SPRING ST	CBPCWALL	Excavation/Fill	<p>COA STAFF APPROVAL SOLAR PANELS ON NEW CONSTRUCTION ON THE REAR PITCH. WILL NOT BE VISIBLE FROM THE STREET</p>
2020P10302	12/11/2020	1030 MOUND ST	CBPCBCP	Alteration	<p>STAFF APPROVAL COA HISTORIC FACADE PREVIOUSLY REMOVED. CURRENT FACADE DONE WITHOUT PERMITS. PROPOSED FACADE IS COMPLIANT WITH THE DESIGN GUIDELINES AND MEETS THE STANDARDS. APPLICANT HAD PREVIOUSLY WORKED WITH STAFF ON THE DESIGN TO GET IT COMPLIANT.</p>
2020P10473	12/14/2020	611 MAIN ST	CBPCBCP	Alteration	<p>COA STAFF APPROVAL REPAIR EXISTING RETAINING WALL AND ADD NEW RETAINING WALL TO MATCH EXISTING RETAINING WALL. WOOD RETAINING WALL WON'T BE HIGHLY VISIBLE FROM THE STREET.</p>
2020P10458	12/14/2020	112 CORWINE ST	CBPCWALL	Misc. Structures	<p>COA STAFF APPROVAL REPAIR EXISTING RETAINING WALL AND ADD NEW RETAINING WALL TO MATCH EXISTING RETAINING WALL. WOOD RETAINING WALL WON'T BE HIGHLY VISIBLE FROM THE STREET.</p>
2020P10458	12/14/2020	112 CORWINE ST	CBPCWALL	Excavation/Fill	<p>COA STAFF APPROVAL REPAIR EXISTING RETAINING WALL AND ADD NEW RETAINING WALL TO MATCH EXISTING RETAINING WALL. WOOD RETAINING WALL WON'T BE HIGHLY VISIBLE FROM THE STREET.</p>

2020P10466	12/14/2020	49 E CLIFTON AV	CBPCBCP	Alteration	COA STAFF APPROVAL,GROUND LEVEL DECK IN REAR. BUILT OF WOOD. WILL NOT BE VISIBLE FROM CLIFTON AND WILL BE SLIGHTLY VISIBLE FROM VINE DUE TO PREVIOUS DEMOLITION. THE DECK WILL NOT DETRACT FROM THE ARCHITECTURE AND CAN BE APPROVED AT STAFF LEVEL.
2020P10537	12/16/2020	1604 PLEASANT ST	CBPCWALL	Misc. Structures	COA STAFF APPROVALRETAINING WALL AT REAR OF PROPERTY. SIMPLE CONCRETE RETAINING WALL, NOT VISIBLE FROM THE STREET.
2020P10518	12/16/2020	161 E MCMICKEN AV	CBPCBCP	Alteration	MECHANICAL RAILING ON THE ROOF. IT IS SIMPLE BLACK METAL AND WON'T BE VISIBLE FROM THE STREET.
2020P10292	12/17/2020	5903 HAMILTON AV	CBPCSGN	Signs	SIGN REVISED TO BE LESS THAN 4" IN DEPTH AND NON-ILLUMINATED
2020P10686	12/23/2020	1739 ELM ST	CBPCSGN	Signs	\$121.68 STAFF COA - MEETS OTR GUIDELINES ON PROJECTING SIGNS
2020P10643	12/29/2020	64 E CLIFTON AV	CBPCBCP	Alteration	COA STAFF REVIEWNEW HISTORICALLY APPROPRIATE WINDOWS TO FILL ENTIRE OPENING. REAR PORCH REBUILD IN SIMILAR STYLE OF EXISTING.
2020P10643	12/29/2020	64 E CLIFTON AV	CBPCBCP	HVAC	COA STAFF REVIEWNEW HISTORICALLY APPROPRIATE WINDOWS TO FILL ENTIRE OPENING. REAR PORCH REBUILD IN SIMILAR STYLE OF EXISTING.
2020P09935	12/29/2020	1909 RACE ST	CBPCPL	Parking Lots	COA STAFF REVIEW.APPROVE 6 FOOT METAL FENCE AND GATE ON SOUTH PROPERTY LANE. APPROVE SIMPLE WOOD TRASH ENCLOSURE. BOTH ARE SIMPLE APPROPORPAITE AND NOT VISIBLE FROM THE STREET
2020P10759	12/29/2020	1430 CENTRAL PKWY	CBPCBCP	HVAC	STAFF APPROVAL-NON-CONTRIBUTING BUILDING FACADE CHANGES. REMOVAL OF NON-HISTORIC MATERIAL AND INSTALLATION OF A COMMERCIAL /INDUSTRIAL TYPE FACADE ON THE FRONT. EXPOSED CMU UNITS ALREADY EXISTING. NEW ROOF TOP DECK AND RAILING VISIBLE BUT APPROVALBLE AS ON A NC BUILDING.CHANGES TO HISTORIC BUILDING ARE APPROVABLE. ALL CHANGES ARE IN KEEPING WITH THE HISTORIC BUILDING. ALL OPENINGS REMAINING AND TWO OPENINGS ARE REMAINING BUT BECOMING UNUSEABLE FROM THE INSIDE.

2020P10759	12/29/2020	1430 CENTRAL PKWY	CBPCBCP	Alteration	STAFF APPROVAL-NON-CONTRIBUTING BUILDING FACADE CHANGES. REMOVAL OF NON-HISTORIC MATERIAL AND INSTALLATION OF A COMMERCIAL /INDUSTRIAL TYPE FACADE ON THE FRONT. EXPOSED CMU UNITS ALREADY EXISTING. NEW ROOF TOP DECK AND RAILING VISIBLE BUT APPROVALBLE AS ON A NC BUILDING.CHANGES TO HISTORIC BUILDING ARE APPROVABLE. ALL CHANGES ARE IN KEEPING WITH THE HISTORIC BUILDING. ALL OPENINGS REMAINING AND TWO OPENINGS ARE REMAINING BUT BECOMING UNUSEABLE FROM THE INSIDE.
2020P07785	12/29/2020	209 PEETE ST	CBPCPL	Parking Lots	ALL ZONING REQUIREMENTS HAVE BEEN MEET.RETAINING WALL IS WITH ALLEN BLOCK WALL WHICH IS APPROPRIATE.
2020P10765	12/29/2020	214 E CLIFTON AV	CBPCWALL	Misc. Structures	COA STAFF APPROVALREAR STEPS FENCE AND RETAINING WALL. NOT VISIBLE FROM CLIFTON AND ALL APPROPRIATE TO THE LOT AND MEET SITE IMPROVEMENT GUIDELINES.
2020P10159	12/29/2020	555 E 13TH ST	CBPCBCP	HVAC	COA STAFF APPROVALINSTALLATION OF METAL BLACK PICKET GATES AT FRONT AND REAR. ALL OTHER WORK IS REPAIR.
2020P10159	12/29/2020	555 E 13TH ST	CBPCBCP	Alteration	COA STAFF APPROVALINSTALLATION OF METAL BLACK PICKET GATES AT FRONT AND REAR. ALL OTHER WORK IS REPAIR.
2020P10458	12/29/2020	112 CORWINE ST	CBPCWALL	Misc. Structures	COA STAFF APPROVALREPAIR EXISTING RETAINING WALL AND ADD NEW RETAINING WALL TO MATCH EXISTING RETAINING WALL. WOOD RETAINING WALL WON'T BE HIGHLY VISIBLE FROM THE STREET.
2020P10458	12/29/2020	112 CORWINE ST	CBPCWALL	Excavation/Fill	COA STAFF APPROVALREPAIR EXISTING RETAINING WALL AND ADD NEW RETAINING WALL TO MATCH EXISTING RETAINING WALL. WOOD RETAINING WALL WON'T BE HIGHLY VISIBLE FROM THE STREET.
2020P07786	12/29/2020	209 PEETE ST	CBPCWALL	Misc. Structures	ALL ZONING REQUIRMENTS HAVE BEEN MEET. REATINING WALL IS APPROPRIATE.