

**May 27, 2014**

Chairman Lauryn Bayliff called the meeting of the Tipp City Restoration and Architectural Board of Review to order on Tuesday, May 27, 2014 at 7:30pm. Other Board members in attendance included: Ralph Brown, Karen Kuziinsky, Nancy Cox, Pete Berbach, Joel Gruber, and Ann Harker. Also in attendance were City Planner/Zoning Administrator Matthew Spring and Board Secretary, Kimberly Patterson.

Citizens signing the register: Dale Mosier, Ben Mosier, Susanne Mosier, and Mike Dungan.

#### Minutes

Chairman Bayliff asked for discussion. Being no further discussion, Mr. Brown **moved to approve the April 22, 2014 meeting minutes as written**, seconded by Ms. Cox. **Motion carried.** Ayes: Brown, Cox, Kuziinsky, Harker, Brown, Gruber, and Bayliff. Nays: None. Mr. Berbach abstained from the vote.

#### Chairman's Introduction

Chairman Bayliff explained Board procedure to all present to include the order of business; the appeal process and ten day waiting period; citizens wishing to speak for or against a request; and the acquisition of all required permits upon any approval.

#### Citizens Comments Not on the Agenda

There were none.

#### New Business

**Benjamin Mosier – 211 E. Dow Street – Lot: Pt. IL 78, Pt.IL 79, Pt. OL 48, and Pt. OL 49** – The applicant requested approval for the removal of the existing siding and replacement with Mastic Triple 3" vinyl siding on the northeast corner of the primary structure and the entire detached garage, for the structure at 211 E. Dow Street.

**Zoning District:** CC/RA – Community Center/Old Tippecanoe City Restoration and Historic District

**Zoning Code Section(s):** § 154.05(C)

Mr. Spring stated that the applicant requested an approved Certificate of Appropriateness for the removal of the existing siding and replacement with *Mastic Triple 3"* vinyl siding on the northeast corner of the primary structure and the entire detached garage, for the structure at 211 E. Dow Street.

Mr. Spring noted that the proposed siding was *Mastic Ovation* and provided a 3" lap. The proposed color was *Quiet Willow* (gray/green) to "match" the paint color on the primary structure.

Mr. Spring also noted that the siding on the primary home was 10½" lap asbestos siding. The siding on the detached garage was 10½" lap wood siding. Mr. Spring mentioned that there was a single course of aluminum siding on the bottom row (west) of the detached garage.

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Mr. Spring provided an excerpt from the Design Manual for siding for the Board Members in their staff reports for their review.

Mr. Spring noted that following which was an excerpt from the Design Manual on Historic Significance.

**DETERMINING THE SIGNIFICANCE OF A STRUCTURE**

When making decisions or recommendations about changes to structures in the Restoration District, the Restoration Board shall have the authority to make a determination of the historical significance of the structure based on this section. For structures that the Restoration Board finds are not historically significant, the board may relax or waive the standards or guidelines of this document. If the Restoration Board finds that the structure is historically significant, the standards and guidelines of this manual may be fully applied.

The Restoration Board shall determine whether a structure or site is significant based on the following criteria:

- Its value as a reminder of the cultural or archaeological heritage of the city, state, or nation;
- Its location as a site of a significant local, state, or national event;
- Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;
- Its identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation;
- Its value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
- Its characteristic of an architectural style or period;
- Its contribution to the historical nature of the overall site; and/or
- Its character as a contributing element in the Restoration District.

Mr. Spring also noted the following:

- The property under consideration was within the Old Tippecanoe City Restoration and Historic Overlay District.
- The Ohio Historic Inventory notes that the primary structure (home) was circa 1850 and was *One of the early homes of Tipp City...This house was probably built for John Clark's children.* However, the Ohio Historic Inventory also noted that the frame kitchen area which was under consideration in this request, was an addition added later; date of addition was not noted.
- The Miami County auditor noted that the detached garage was built in 1975 (39 years old).

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Ben Mosier, 211 E. Dow Street, approached the dais. Mr. Mosier stated that he was fixing the home up to look nice and wanted to do whatever he could to finish it.

Chairman Bayliff pointed out to the Board Sections two and ten of the Standards and Guidelines for Wood and Other Siding:

*2) Wood clapboard siding should be used as the repair and replacement material on wood frame building. The repair or replacement of wood siding with cementitious board (e.g., Hardiplank) may be permitted if the applicant demonstrates that the replacement materials will not detract from the historic character and style of the building, as determined by the Restoration Board.*

*10) The use of aluminum or vinyl siding, asbestos, and formed stone are not appropriate. These sidings can drastically change the appearance, scale and texture of the structure and often require the removal of ornamentation and trim, therefore altering the historical character of the house. In addition, the relationship of the trim to the body of the wall is changed when the new thickness of material is applied. If artificial siding is allowed, the original scale (height and width) of the siding, the trim, fascia, sills and other elements should all be maintained to the maximum extent possible to reflect the historic form of the building.*

Mr. Brown asked Mr. Mosier if he had thought of alternative materials other than vinyl siding or taking back to wood. Mr. Mosier stated that as far as replacing the existing asbestos siding would look best with vinyl. If replaced with wood all window trim would also require replacing which could better control and protect with the vinyl and would be the best look. Mr. Brown stated that he understood, but unfortunately vinyl siding was not an approved material in the historic district; working with what was there and attempting to repair or returning to original material of wood were the only options per the Standards and Guidelines.

Susanne Mosier stated that the proposed building was not part of the original structure and in the back. Mr. Brown stated that the structure was still a part of the historic district and still considered a historic building even though the particular part was added later in time.

Ms. Mosier asked how people got by putting vinyl on Main Street. Mr. Mosier stated that was his biggest problem in that his property abuts the levy and a commercial building was in his back yard which was also vinyl sided. Chairman Bayliff stated that she did not know which Board Members approved the vinyl he spoke of, but the current Restoration Board recently adopted a set of Guidelines that were more stringent as to what was acceptable and in keeping with the original style of the whole district. Projects that were done in the past were not necessarily approved under the Guidelines, but a Board may have chosen to disregard the Guidelines. The current Restoration Board had implemented more stringent guidelines to follow to keep everything more uniformed so

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we don't run into things like vinyl siding popping up on Main Street which this Board was attempting to systematically eliminate that occurrence.

Mr. Mosier asked what the Board wanted him to do with the property because he had brought the structure this far and in the Guidelines it stated that vinyl was not an appropriate material but it also said if all other options were exhausted then vinyl could be approved. Mr. Mosier said he could leave the building in the current condition but that was not what he wanted to do. Mr. Brown stated that the desire was to put a structure back to the way they were which takes time and effort.

Mr. Mosier said that he would try his hardest to repair the asbestos siding but was his opinion looked worse than any other siding because it looks like shingles and does not look historical; the asbestos siding was placed over the original wood siding.

Chairman Bayliff noted that adding another layer on top of existing asbestos and wood siding would also change the relationship between the windows and doors and her recommendation would be to remove the asbestos siding or repair the existing asbestos siding.

Mr. Mosier said that asbestos siding was not healthy and could not buy replacement sections at Home Depot and if he tried to replace the area with wood it would not look right. Mr. Brown said unfortunately the Standards and Guidelines were cut and dry as far as vinyl siding was concerned and simply was not allowed in the district.

Ms. Mosier stated that two places on Main Street had used vinyl siding around the block in the last two months and gave those addresses to the Board; Chairman Bayliff made note and would follow-up.

Ms. Cox inquired about the dangers and how to handle asbestos siding. Mr. Berbach stated that a home owner was not restricted as much with the handling of asbestos like a contractor. If a contractor wanted to do the job, they would have to be licensed and would be expensive to touch it; a homeowner could do with and handle the asbestos in any manner. Mr. Brown stated that as a property owner which was very large and covered with asbestos siding and was told that he could throw the asbestos in the trash and would be legal, but a contractor could not and the asbestos would have to be bagged and tagged. Mr. Mosier said he could remove it himself, but the person who put the asbestos siding over top the wood siding was because the wood siding wasn't any good anyways, then what would he do. Chairman Bayliff stated that if exposing the wood siding the recommendation would be to repair it and that the Board would be happy to work with Mr. Mosier and to get him to that point.

Ms. Mosier stated exposing the original wood siding and repairing it was not a cost effective solution and that she did not think that the Board was being realistic and that the Board's wishes were not always cost effective for home owners and if the visual affect

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from the road was within the Board's realm then there had to be situations that take in effect where the theme was still trying to be applied and that the Board needs to think about exceptions to their rules that it has to be visually curb. Chairman Bayliff stated that the rules were in place so that the decisions would not be based on personal preference but were made according to the Standards and Guidelines. The Board Members bring with them their own personal experiences such as historians, contractors, members of the community to be able to see where the project fits in with the Guidelines. The Board put in place the Standards and Guidelines to protect our historic buildings for when none of the current members were there anymore.

Ms. Mosier said it was okay to put vinyl siding on Main Street but it was not okay to put vinyl on a building that was not visual from the road. Chairman Bayliff understood and that was the reasoning the Board reevaluated the Standards and Guidelines to assert that applying vinyl siding was not acceptable. Ms. Mosier asked if that was constitutionally correct. Chairman Bayliff stated it was not up to her to determine constitutionality and she was not an attorney or a judge. Chairman Bayliff also stated that the Standards and Guidelines were accepted by the City Council and put together and researched by an entire team and entertained the Board for a motion to approve or deny the Certificate of Appropriateness.

**Mr. Brown moved to deny the request as submitted**, seconded by Mr. Gruber. **Motion carried.** Ayes: Brown, Gruber, Harker, Bayliff, Berbach, Cox, and Kuziinsky. Nays: None.

Chairman Bayliff stated that the Board would be happy to work with Mr. Mosier if he wanted to talk through some options before coming back to the Board. Mr. Mosier stated that he did not want to come back and that he just wanted to go and fix it and wanted the Board to tell him what they wanted him to do to fix it and move on and didn't want to play anymore games and not waiting another month. Chairman Bayliff stated that as the Board Chairman the first step would be to come back and request another Certificate because this one was denied. She also stated that he was welcome to appeal the Board's decision within ten days to the Board of Zoning Appeals; the other option would be to review the Standards and Guidelines which were mailed to the district and could also be found on the City website and find what would be appropriate. Mr. Mosier asked if the Board could vote on fixing what was there. Mr. Spring stated that he thought the applicant indicated that the repair of asbestos was not possible. Mr. Mosier stated it was not but what he understood that he would have to repair the damaged area with another type of material.

Mr. Spring stated that the Board had clearly stated that what was appropriate was the removal of the asbestos and to reinstate the underlying wood siding. Also that seeking alternative direction the applicant would have to apply for an additional Certificate of Appropriateness.

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Ms. Mosier inquired if the structure was repainted and leave what was damaged to remain damaged there was no further certificate that was needed. Mr. Spring stated that a Certificate was needed if changing the color.

Mr. Mosier said if that was what he had to do to move on then he would, but that was not what he wanted to do. He wanted to repair it and he didn't have any more time to wait around to come here and play games with you guys he was ready to get it done.

Mr. Dale Mosier said that there appeared to be a 3' area that was wood where it seemed like someone had put plywood if that area and if area was filled in with a solid material to mimic asbestos if that would be acceptable. Chairman Bayliff stated that if the project was a repair and the material matched as closely as possible to original material than it was her understanding that was allowed especially with asbestos that does not exist anymore if a material was found similar in size, color, and texture could be used and was within the home owners capabilities.

Mr. Brown stated that Home Depot carries a look alike material for asbestos repairs and was reasonable and would be better in lieu of cement board because it would better match the building.

Mr. Dale Mosier asked what type of material it was. Mr. Brown stated that he was not sure but had looked at the website to research for a repair on his home and looked to match perfect to the existing asbestos. Mr. Dale Mosier stated that it was probably vinyl.

Mr. Spring stated that based on the Chairman's statement if the type of material discussed for the repair was found that would be virtually identical no certificate would be required.

**Deborah Dungan- 26, 34, 42, & 50 S. Second Street – Inlot 50 and Pt. Inlot 51** – The applicant requested approval for the installation of 10 awnings on the structure at 26-50 S. Second Street.

**Zoning District:** CC/RA – Community Center/Old Tippecanoe City Restoration and Historic District

**Zoning Code Section(s):** § 154.03(E)

Mr. Spring stated that the applicant requested an approved Certificate of Appropriateness for the installation of 10 awnings on the structure at 26-50 S. Second Street as follows:

Door Window #	Size			Color	Location
	Width	Height	Depth		
A	48"	18"	1.5'	Black	S. Second Street (west) facade

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B	20' 8"	3'	3'	Black	S. Second Street (west) facade
C	12' 9"	3'	3'	Black	S. Second Street (west) facade
D	12' 6"	3'	3'	Black	S. Second Street (west) facade
E	12' 11"	3'	3'	Black	S. Second Street (west) facade
F	7' 1"	3'	3'	Black	E. Dow Street (south) facade
G	5' 8"	2'	2'	Black	E. Dow Street (south) facade
H	5' 8"	2'	2'	Black	E. Dow Street (south) facade
I	7' 4"	2'	2'	Black	E. Dow Street (south) facade
J	14'	6' 8"	8'	Black	Parking Lot (east) facade

#### Awning Frames

The applicant proposed to install steel frames for all of the above proposed awnings except that of awning "J" for which the existing frame which was still attached to the building would be utilized.

#### Awning Covering Material

The applicant proposed to utilize *Sunbrella*® fabric for the awning covering material. *Sunbrella*® is a fabric made of acrylic fibers with pigmentation added prior to extrusion. The material comes from the factory in the proposed black color.

#### Valances

Awnings "A-I" would not have valances. Awning "J" would have a valance with a straight edge.

Mr. Spring provided an excerpt from the Design Manual for awnings for the Board Members in their staff reports for their review.

Mr. Spring noted that following which was an excerpt from the Design Manual on Historic Significance.

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- Its identification as the work of a master builder, designer, or architect whose individual work has influenced the city, state, or nation;
- Its value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
- Its characteristic of an architectural style or period;
- Its contribution to the historical nature of the overall site; and/or
- Its character as a contributing element in the Restoration District.

Mr. Spring noted that the structure under consideration was within the Old Tippecanoe City Restoration and Historic Overlay District. However, it was important to note the following facts:

- The property was not included in the existing Historic District as listed by the National Register of Historic Places
- The property was not included in the current Historic Inventory as required by the regulations of the Certified Local Government program.
- The property was not listed as "other properties of historic significance" in the current Historic Inventory
- The property was constructed in 1949 and does not appear to correlate with the Tipp City's historical development patterns associated with transportation and/or industry

Mr. Spring also noted the following:

- The awnings would maintain an 8' clearance from grade.
- On 4/22/14, the Restoration Board denied a request for 10 awnings utilizing Ondura® for the awning covering material.
- On 11/23/10, the Restoration Board approved a request for the installation of 7 awnings using Sunbrella® acrylic fabric. Staff notes that the approved awnings were never installed and the Certificate of Appropriateness expired on 11/23/11, per Code 154.052(K)(6).

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Mike Dungan, 406 S. Tippecanoe Drive, approached the dais. Mr. Dungan stated the Sunbrella fabric awnings were much more expensive than the Ondura.

Board Members reviewed the request and found the following: awnings were to be Black in color; no valances on front with straight edge valance on the back of the building by parking lot on existing frame; awnings will have no sides; framing will be silver in color, Board requested the framing be black where it can be seen if possible. Mr. Dungan stated he could paint the framing if showing.

Chairman Bayliff asked for further discussion. Being no further discussion, Mr. Brown **moved to approve the request as submitted**, seconded by Ms. Kuziinsky. **Motion carried.** Ayes: Brown, Kuziinsky, Cox, Harker, Bayliff, Gruber, and Berbach. Nays: None.

Board Members inquired if there were any future projects for the building. Mr. Dungan stated that may look into applying stucco to the west side of the building because of during rain events rain water penetrates through the brick to the inside of the building.

Mr. Spring mentioned to the applicant that he had ten days to appeal any decision given by the Restoration Board of Review or resubmit a new request.

#### Old Business

There was none.

#### Miscellaneous

Mr. Spring mentioned that there was a mandatory pre-meeting study session prior to the next regularly scheduled meeting to be held June 24, 2014 at 6:30 p.m.

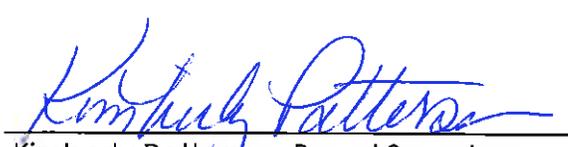
#### Adjournment

Chairman Bayliff asked for further discussion or comments. There being none, Ms. Kuziinsky **moved for adjournment**, seconded by Ms. Cox and unanimously approved. **Motion carried.** Meeting adjourned at 7:59 p.m.

APPROVED: \_\_\_\_\_

  
Board Chairman Lauryn Bayliff

ATTEST: \_\_\_\_\_

  
Kimberly Patterson, Board Secretary

