

**BOARD OF ARCHITECTURAL REVIEW**  
**Regular Meeting**  
**Tuesday, October 7, 2003**

Mr. Carr called the meeting to order at 7:30 P.M.

Attendance: Mr. Charles Graham; Mrs. Laverne Stebbins; Mrs. Martha Sheley; Ms. Heidi Miller; Mr. Jack Gramann. Absent: Mr. John Carr and Mr. James Treffinger;. Also present: Mr. Steve Feverston, City Planner; Mr. Ryan Lee, Planner.

Motion to Excuse:

MOTION: Ms. Miller moved to excuse Mr. Carr from the meeting as he gave prior notice of his absence to staff. Mrs. Sheley seconded the motion. The motion was approved unanimously 5-0.

Approval of minutes:

MOTION: Mrs. Sheley moved to approve the Board of Architectural Review minutes of August 5, 2003, as written. Mr. Gramann seconded the motion. The motion was approved unanimously 5-0.

COMMUNICATIONS

Mr. Feverston reported the following activity in the Architectural Preservation District (APD):

- Modifications have been approved for the property at 33 South main Street which include painting and re-roofing the existing house on the property.
- Signage for Graeter's and City Barbeque have been staff approved.
- Signage for Executive Cleaning located on East Franklin Street has been staff approved.
- The demolition of the structure at 269 North Main Street was demolished to prepare the site for construction of a new building for Esther Price Candies. The demolition approval remains valid as it was previously approved by the Board for a project that did not materialize.
- Create the Vision is proceeding and the members will be involved primarily with Study Area D. Information will be forwarded to the members at the appropriate time for their review.
- The Planning Commission has requested staff evaluate the front yard setback standards in the APD for the purpose of re-establishing the streetscape. Review of any ordinance change will be submitted to the BAR members for their review and input.

NEW BUSINESSSteven Leen - Board of Architectural Review Special Approval

Mr. Feverston reviewed the Special Approval application submitted by Steven Leen, E & E Properties, for property located at 25 East Franklin Street. The request is seeking approval of vinyl replacement windows in the stone house and glass block windows in the cellar windows. The zoning on the property is Architectural Preservation District (APD). The project has actually been completed prior to application to the City. After inspection of the site, staff determined the windows and window sashes have been removed. The original window frames remain intact, however, they have been clad in aluminum.

The Planning Department recommended approval of the Special Approval application subject to the following condition:

1. The aluminum covers on the existing wood frames shall be removed and the existing wood frames be restored subject to approval by the Planning Department.

Mr. Graham asked when the windows were replaced.

Mr. Steven Leen, applicant, stated the Fire Department told him he was required to replace the windows in the building. He stated he submitted all the brochures for the window products to Chris Pozzuto, former Economic Development Administrator for the City, and he approved the project. Mr. Leen stated he spent \$15,000 to replace the windows, paint, and re-roof the building because he was told it had to be done. He stated he did this to allow Athena's Bridal Shop to relocate to his building because the City kicked her out of her space on North Main Street and Mr. Pozzuto told Mr. Leen the tenant needed a place to go. Mr. Leen stated Graeter's has cost him approximately \$35,000 in terms of closing down the alley that extends between North Main Street and Maple Avenue, as well as closing the access between City Barbeque and the property in question so customers could not get access to McDigger's Pub, also owned by Mr. Leen. The development of the corner has created a drainage problem to Mr. Leen, as well, allowing stormwater to collect on his property. He stated the City would be hearing about that situation.

Mrs. Sue Lienesch, 192 Laureloak Court and Councilmember, thanked Mr. Leen for his comments and explained many of those comments would be the responsibility of the Mayor and Council and she would pass them along to Council. She explained the City Manager had requested she encourage Mr. Leen, a friend of her family, to attend this meeting and that was her purpose of also attending.

Mr. Graham asked Mr. Leen if he any idea what the cost would be to remove the aluminum covers from the existing wood frames.

Mr. Leen reiterated the cost of improvements he made to the building and stated he would not have made those improvements if the Fire Department and Mr. Pozzuto had not told him they were necessary. He stated he did not have the information he had gathered as to how other buildings in the APD had similar windows because he was told this meeting was on Wednesday evening and not this evening. He stated his tenant was to attend this meeting with him, but he

got a call an hour before the meeting was to begin. The new windows keep the water from coming into the building. He stated his tenant had to have a place to relocate because the City told her to so the building could be torn down and a new restaurant could be built. He stated he did not see how the City could make her move out and destroy a building that is historical.

Mr. Graham asked how the windows were installed without a permit.

Mr. Leen stated he was unaware he needed a permit to replace the windows in his building because the Fire Department and Mr. Pozzuto did not indicate a permit was necessary. He stated he even talked to the City Manager about the windows, but he did not explain any approval procedures that were necessary. He stated all he knew was the Fire Department said the windows had to be replaced to provide access since the existing windows were stuck shut and that is what he did.

Mr. Feverston stated the Fire Department or Economic Development has no authority to review or approve any issue under the regulations in the Zoning Ordinance. He stated if the Fire Department is requiring improvements to be made to buildings that is an internal problem and it is something that needs to be resolved administratively.

Ms. Miller asked how long Mr. Leen had owned the building.

Mr. Leen stated he owned the building for approximately 10 years and the building immediately to the east for 12 years. He stated he had never been given any type of printed material that indicated what procedures were necessary for improvements to his property.

Ms. Miller asked if there was a staff recommendation regarding the glass block windows.

Mr. Feverston stated there are other cases in the APD where glass block has been used in cellar areas and they seem to work very successfully to restrict leakage into buildings.

Ms. Miller stated landscaping could be added in the Spring to camouflage the windows since they are not architecturally correct.

Mr. Leen stated plantings could be provided.

Mr. Gramann asked Mr. Leen if he felt he had been "wronged" by the City.

Mr. Leen stated he just wanted the City to say the improvements look nice because he did it to make the property look nice for the City.

Mr. Gramann asked Mrs. Lienesch if she felt Mr. Leen had been "wronged" by the City.

Mrs. Lienesch stated in talking to member of Mr. Leen's family, it was indicated there was a loss of revenue due to the turmoil created by the construction of the Graeter's site in terms of the parking situation. She stated he went out his way to try to accommodate whoever requested the transition for the bridal shop to his building and tried to the best of his ability to get the right things to enhance the building. Mrs. Lienesch added that if planting ivy or landscaping to help conceal the windows would assist in making the block windows acceptable, she would personally assist in planting those materials to help Mr. Leen.

Mr. Gramann stated he spoke with Mr. Leen at the time the construction on the corner began. They discussed the Graeter's site in Oakwood and how it affected the operation of other businesses in that area relating particularly to parking. Mr. Gramann encouraged Mr. Leen to watch for any parking problems that would affect his business. At that time, Mr. Leen indicated the City Manager had discussed the project with him in great detail to keep him informed of how development of the site would progress. Mr. Gramann stated at that time Mr. Leen seemed satisfied with the situation.

Mr. Leen stated he was promised many things that did not occur. For example, the alley was to be widened and paved, however, it is now relocated to traffic has to go through Graeter's parking lot to get to his business. At the time the access was relocated, it was closed from North Main Street for a week.

Ms. Miller she felt the majority if not all of the members sympathized with Mr. Leen for the sequence of events that occurred over the summer and was sure he was inconvenienced more than planned. She stated to get back to the issue of the windows, the Board must decide whether the aluminum from the window frames should be removed.

Mrs. Sheley stated that even though the Fire Department no jurisdiction, Mr. Pozzuto represented the City and Mr. Leen was placed in the middle.

Ms. Miller felt the street improvements and the Graeter's project would bring people to the downtown area which would benefit other businesses in the area. She stated she would prefer the motion to include landscaping to camouflage the glass block windows.

Mrs. Sheley indicated she did not feel it was necessary to add a condition to the motion which would provide landscaping because Mr. Leen stated earlier he would install plantings in the Spring.

MOTION: Mrs. Sheley moved to approve Application #BAR-03-52 submitted by Steven Leen for property located at 25 East Franklin Street for replacement windows in the structure. Mr. Graham seconded the motion. The motion was approved 4-0-1 with Mr. Gramann abstaining.

Mrs. Sheley noted this situation was unusual and the action taken on this application would not set a precedent.

There being no further business, the meeting was adjourned.

*Martha A. Sheley*