

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes - FINAL

May 1, 2023

5:30 PM

City Council

Chuck Milliken - President

Bob Clark - Vice President

Laurie Amick

Jill Amos

Steve Buskirk

Patrick Shea

Mike Walker

- A. Call To Order** *Milliken called the meeting to order at 5:30 p.m.*
- B. Roll Call** *Present 6 – Amick, Amos, Buskirk, Milliken, Shea, Walker*
A motion was made by Shea, seconded by Walker to excuse Mr. Clark from the Public Hearing meeting. The motion carried with the following vote:

Yes 6 – Shea, Walker, Amick, Amos, Buskirk, Milliken

C. Purpose of Public Hearing

[APL-23-001](#)

April 6, 2023 - Appeal of Landmarks Commission Denial of Certificate of Appropriateness Application CA-23-011 for 109 Park Street by David & Tammy Elliot of TDE Investments, LLC, property owner.

D. Staff Report

Discussion started at 5:31 on YouTube Channel

Andrew Moore, Planning & Zoning Administrator – I’m just going to give a brief presentation for you all this evening on what the discussion was at the March Landmarks meeting. The chairman of the Landmarks Commission is here to answer any technical questions you have about why they made the decision they did. This application is for property at 109 Park Street. The applicant was requesting new siding, windows, gutters, downspouts, trim, and shutters. Basically, a full remodel of the exterior of the home. Some photographs were supplied by the applicant; there aren't a lot of them, so just kind of take in what was presented in their application here. This is a photo of the front of the home. I went ahead and supplemented this one into it, which is pulled from the auditors' website from 2021. The applicant is requesting to cover the existing cedar wood shake siding with a four and a half-inch vinyl Dutch lap. She provided this sample for the Landmarks Commission's consideration. The change in the siding was a change in the profile of what type of siding is on there, as well as a material change. They both needed to be reviewed by the Landmarks Commission. As part of the request, they were also looking to wrap the wood trim around the exterior windows with aluminum coil. It's a technique where they box in the trim so that the vinyl siding has a channel to butt into. It makes the install much easier for contractors because they're just encasing everything; with that, they were going to do aluminum coil wrap on all the soffits and fascia. Again, just encasing everything that's on the home will make it easier for the install. There are going to be new gutters and downspouts. They're going to remove these clamshell metal awnings on every elevation and install new vinyl windows that have internal six-over-six grids. My understanding was that they planned to install vinyl shutters on each elevation of the house. A photograph of the back of the home, again just showing the siding and the awnings carrying through to the rear. The applicant's request is here in writing, basically a summary of what I've just discussed with you all. When looking at the photograph, staff always asks applicants to provide photographs when they want to make changes. You know, why are they making these changes? In this instance, it's because the applicant said the siding was in such poor condition that it couldn't be repainted again. They wanted to do something more maintenance-free. These are the photographs the applicant provided me the day of the meeting, just showing some of the popping nails, chipped paint, swelling, and cracks around the corners. This third photo and the sequence here kind of show a good image of the galvanized gutters that are there. These are gutters you aren't able to buy anymore; they almost have a star-shaped pattern to them rather than being square. When looking at what the applicant's request is, that sample that was passed around is what's on the screen here. The color on the right-hand side is the color the applicant is requesting. It's very similar to what's on the home, but again, just showing the difference in the profile of the eight-inch wood

cedar shake siding versus the four and a half-inch Dutch lap vinyl siding. Again, the applicant wants to do new windows. In this instance, the windows are the circled ones on the top right of the screen; it's a six-over-six grid pattern. There are six sections on the top pane and six sections on the bottom pane. The specifics for this window are that the grids are sandwiched or sealed in between two panes of glass. Whenever an applicant wants to do grids, the Landmarks Commission prefers what's called an SDL (simulated divided light) pattern. You can actually physically touch the grids on the inside and outside of the home. It creates some shadow lines and makes it look more historically accurate. They sometimes also accept grids just on the outside if they're a snap-in feature. Again, it's about adding some of that dimension to the window, and that's really the whole idea behind it. The applicant did provide photographs of what the Landmarks Commission thought were the original windows on the home. This one they provided just shows the lower pane that is damaged; however, the photo on the right-hand side shows that these windows are actually a unique horizontal two-over-two grid. It gives you an idea that the grids they're requesting are different than what's on the house itself as well. These photos also show a good profile of the trim around the windows. There's some dimension and detail to them. The applicant was requesting to wrap those in aluminum coil. I went ahead and elaborated on some of these things for you all this evening just to show some of the feedback that the Landmarks Commission provided for the applicant. Most of the time, they do not promote vinyl products. It's a man-made product, and it has a certain life expectancy. There's research coming out that says vinyl products have to be taken to a contamination landfill because they can't be put in a normal landfill with other materials. They are promoting more historically accurate products, and when they can, they promote a better product for the rehabilitation of a home. The home had what they thought was the original cedar shake siding; however, given the context of the neighborhood, they were willing to suggest an openness to doing a vinyl product if it was still in the shake pattern. This is one of two homes in the entire neighborhood that have shake siding. The other home just on the north side of Park Street applied in 2019 to do the exact same siding, but the Landmarks Commission denied it. Again, trying to keep the character of that home. Their discussion was that shake siding is really important. There are only two left in the whole neighborhood, and they are unaware of how many had shake siding at one point in time or if these were the only two. Up on the screen here this evening are three different examples of vinyl products that are shake siding patterns. It is just showing you all that they do make this type of siding in a vinyl material. This was something the commission recommended the applicant look into for consideration. During the discussion as well, the commission noted that they did not like the aluminum coil that was proposed to wrap the window trim. They were discussing how it really blocks the features of the historic windows and the profiles on them. You can actually install a vinyl product without wrapping the windows. You would have to do it correctly instead of taking the easier contractor route and boxing them in. Our chairman has provided these photos for you this evening. It shows some homes with vinyl siding and how they kept the original wood trim. This next slide shows how they kept the trim around the doorway. This is a totally new rehabilitation project on the right, showing new siding and how they could keep the old window trim intact or even replicate historic window trim without boxing it in with wrap. On the screen, here is a house that has the aluminum coil wrap with the vinyl siding channel butted next to it. If you look at the right-hand photo, at the top and bottom sections of the window, you can see those big gaps in the aluminum coil. There's a little bit of waviness on the right-hand side. This is something they do to wrap the exterior trim. It's also something they do when the window that you bought doesn't fit; they cut the whole window jam out, cut the trim off, shim it up however they need to, and then wrap it so you actually can't see what they did behind it. A lot of window companies do this; my own house has this. I have photos printed for all of you if you want to take a look at them. The Landmarks Commission reviewed the application with the applicant. They provided some feedback and were seeing if they would be open to doing cedar shake

siding in vinyl instead of the Dutch lap that was proposed. The applicant really wasn't too receptive to it because costs were increasing on the project. I talked to the applicant after the meeting where she received the denial and came to find out their contractor wanted to put the Dutch lap on top of the existing siding. They would be covering it up instead of removing the existing siding. While talking with the contractor and going to this different type of siding required the removal of the old material that was there to get it to fit properly, that drastically increased the cost. It was one thing that she was really concerned about with this type of material, and then also the cost increase by having somebody trim out the siding around the windows instead of wrapping everything was a big concern. If there are any questions on the staff side of everything, I can answer them. Like I said, the chairman is here to answer any technical questions.

Amos – What is the age of the house?

Moore – This house was constructed, I believe, in the 1950s.

Amos – Does our Landmarks Commission look at houses that young?

Moore – The Landmarks Commission has two districts that they process all applications for: the historic district and the preservation district. The original historic district was established in the late 1970s and early 1980s. It included High Street, Columbus Street, Mound Street, and parts of Waterloo Street. It was later expanded in 2003 to include North High Street all the way to 33, including Trine Street and sections of East Mound that weren't covered before, to include this whole pocket neighborhood behind the pool. Also, Washington Street all the way down to the high school. The expansion happened to grab more properties to review and make sure that there were no changes being made, and then the threshold for any of those homes to be on that registry had to be at least 50 years old. At that time, every one of these homes in these areas was at least 50 years old.

Buskirk – If a resident lived on this street and did a remodel of their home but didn't reach out to the Landmarks Commission, what would be the result of that?

Moore – Inside or outside?

Buskirk – Outside.

Moore – If someone made a change on the outside of their home that wasn't considered like for like maintenance, same material, same design, or just maintenance-related, then they are in violation of the ordinances. They should go before the Landmarks Commission for a Certificate of Appropriateness. If we were to find out that someone made changes to their home, we would send them a notice of violation. They'd have to go before the Landmarks Commission for a review and approval. If the Landmarks Commission denied their application, then that's kind of the first step in saying what they did was not appropriate, and they would give them guidance on how to do it correctly so they could take it off and do whatever was necessary to make it appropriate.

Amick – Do you know if anyone looked back through the history of the homes on that street? I personally drove down the street, and as you mentioned, there's only one other house with this type of exterior. It seems odd to me, so was there any effort made to look at the history?

Moore – Yes. In the original certification with the State of Ohio, to have a historic review board do these types of reviews and applications, there was a survey that was done that went out and looked at every home within the district, including those in the preservation district. This neighborhood was grouped as a neighborhood listing in that certificate and not on an individual home-by-home basis, which is a little unique. Those are the only two that we have. I can provide the listing for this neighborhood as well. It's very generic and talks about the average age of the homes. It looks like a developer went through and developed them as infill rather than individual homeowners at a time, organically, like the rest of our town has grown.

Amos – What I hear you saying is that there's no evidence of what these homes looked like before, so we don't know who has violated this already.

Moore – I started taking pictorial evidence of every property in the Old Town District in 2019, so we had a record—a visual record—of every side of every home. This neighborhood has a 2019 record, but prior to that, you don't know unless there is someone who has a picture of a family graduation outside that they have given to me and I've added to the records. We do not have pictorial evidence of every property in the city prior to.

Haire – We have that from the Franklin County Auditor's Office that goes back to about 2007-2008. It goes back prior to that but it's just hard to discern exactly what it is because the quality is not that good.

Shea – How far back does Google go?

Moore – I think it's 2016.

E. Public Comments - Three Minute Limit Per Person

Discussion started at 22:35 on YouTube Channel

Tammy Elliott – Property Owner, 109 Park Street – First of all, there wasn't a photo provided of the detached garage in the back. It does have vinyl Dutch lap siding. We wanted the house to match the garage. I don't know if that makes a difference. It's not all about the cost. I am a local realtor. I totally agree with keeping the integrity of the homes. It's not necessarily just about the money, even though it's probably going to cost \$10,000–12,000 more to make this change. This is not a preservation neighborhood; having two homes in the whole neighborhood that have followed the Landmarks Commission guidelines does not, to a buyer, make these properties worth anything anymore, or, in my opinion, make it a preservation district. There has been talk of removing the entire neighborhood from the preservation district because it sits back. Again, if we did this, we would be putting \$10,000–12,000 or more into this property. I don't think it's going to increase its value. It's going to be a diamond in the rough sitting there. It's not going to turn that entire neighborhood into a preservation district just because we do what you're asking. Out of respect, we did come to you, wanting to improve the value. It will be adorable. It will be very charming, and it will fit perfectly into the neighborhood. I can't imagine someone going back to a homeowner—yes, they can slap their hands, but what do they do? Place a lien on a property? You know, to tell them to make \$17,000 worth of change. I mean, investors have bought all the houses nearby and installed vinyl siding and new windows on them. I don't have to have grids on the windows; I just think they're charming. I think they go better with the cape cod. I wish my husband were here. That trim is nothing like the photos that they showed of the other historic properties. It is plain trim. We've invited

anyone to come out and look at it. It does not have any fancy carvings. It's perfectly plain. That's how builders build homes today. They use aluminum trim. We welcome anyone to come and take a look at it. Also, Mr. Lynch suggested that we get a price on the vinyl shake siding, and he said it was about a 4% difference, which was way off.

F. Council Discussion and Recommendation

Discussion started at 27:06 on YouTube Channel

Pete Lynch, Chairman-Landmarks Commission – For those who don't know me, I'm chairman of the Canal Winchester Landmarks Commission. I'm also a local business owner. My wife and I run a design-build firm here in town.

Amos – I just had a few questions for you. I did drive by the house. She is correct; around the windows there are no designs.

Lynch – Although the trim on this house is not exceptionally detailed, what typically happens with aluminum coil is that not only do they wrap the windows, but they actually have to flatten all the trim out. Typically, they take extra layers. If you have a freeze board, you might have a freeze molding up along the rake of a house. Although it doesn't look like there's much detail there, there is a little. The main concern with this house was that because there's not a whole lot of trim detail, the siding really becomes your main focal point. Again, this is one of two houses in this entire neighborhood that have shake siding. All the other houses have primarily horizontal siding; most of them are aluminum. There are a few vinyl houses that I believe have slipped by. This particular property is, I believe, an LLC; it is not owner-occupied. The garage that the applicant referred to was also sided without a certificate of appropriateness at some point. To match that house, that argument doesn't really fly with us, and it was actually horizontal siding. It was covered up with horizontal siding, so it didn't match the house in the first place.

Shea – So, there's already a defect, like with the certificate of appropriateness from a prior homeowner?

Lynch – At some point, the garage was resided, although it is in preservation and there was no permission.

Amos – The owner mentioned that you were considering or there was a consideration to possibly remove this from the preservation district because it is a younger house.

Lynch – There's been some talk about that, but that's a slippery slope. Once you start removing one neighborhood, where do you stop? Unfortunately, this neighborhood is on the very edge of a preservation district, and there's not a ton of historic detail, but again, the comment that we would be creating a diamond in the rough, I mean, that's kind of what we're here to do, to preserve those things. This house stands out from the rest because it doesn't have horizontal siding; it doesn't look like every other house. We have all these new neighborhoods where all this vinyl is going up like crazy, and every house looks exactly the same. It might be a different color, but it looks the same. There's no window detail. There are no cornices. There's nothing decorative about it. Although it's in this neighborhood, it is in a preservation district, and it does set precedent. If we allow this change to be made, next time it might be right on High Street. It might be right on Waterloo, and that argument could come up. We try to look at houses from an individual standpoint, although it's important to look at the neighborhood as a whole. We try to kind of focus in on the detail of each one, and these two houses, both of which we have denied, are two of the houses that are set apart from everything else in that neighborhood so that it doesn't look all the same.

Amos – She mentioned that you thought it was about a 4% increase, but she said it was about a 50% increase.

Lynch – In my experience, it's about a 15% increase in costs just for the vinyl itself. When you have to tear off the shakes to put a shake vinyl on versus covering it up with a horizontal lap, there is an additional cost there. My comment to her was just on the cost of vinyl itself. It was not 4%.

Shea – At one point, there was a previous inappropriate certificate issue, correct?

Lynch – I don't believe they had a certificate of appropriateness. Maybe they didn't know about it, but they still didn't have it. The argument was to try to match the house to the garage, which was also done without going before Landmarks.

Shea – So, it was never brought up until just now.

Lynch – What was never brought up? I'm sorry.

Shea – The garage.

Lynch – No. She brought it up in the meeting. She couldn't remember when it was done, and later they did remember when it was done. It had to have been done at some point while they owned it, whether they knew it was in the preservation district or not.

Amos – Were they the owners at the time the garage siding was changed?

Lynch – I believe so.

Haire – It looks like it was done in 2015, according to the pictures.

Amick – Would you agree that this homeowner could choose to do nothing at all?

Lynch – They sure could.

Amick – They would have that option. In your professional opinion, what do you suppose would happen to that home in this preservation district in terms of appearance if it were to be left untouched?

Lynch – I haven't personally looked at the house up close. I tend to disagree with my own experience that the house can't be sandblasted and painted. The shingles don't look very good, but there are options, and we don't usually bend on vinyl, which we offered to in this case to get more of a like-for-like change. It was not received very well. Certainly, the owners could choose not to do anything and just let it fall apart.

Amick – The vinyl you referred to was shaker-style siding.

Lynch – Yes. As long as they did not wrap all the trim with aluminum coil, we did offer to allow cedar or vinyl shake siding, which was more of a like-for-like change.

Shea – You’ve been on the Landmarks Commission for a long time, correct?

Lynch – Five or six years, I think.

Shea – I’m still new to the council; help me understand what your mission is. I know you’re legislatively created and then voted on by us, but help me understand the role you all play so I can have a better understanding.

Lynch – It’s really here to just uphold the architectural and historical integrity of homes and buildings in this historic and preservation district and try to keep things from changing too much. I mean, you’ve all seen some of the vinyl houses that are right on the main drags here in town, and when they cover up all this detail, you start losing one piece of history at a time. Again, it sets precedent for the next people that come along. I think we went 20 or 30 years here with vinyl going up like crazy without anybody asking any questions. It’s really hard to undo, and it’s probably one of the hardest things that we deal with, honestly. There are vinyl houses in this neighborhood that have been done without permission; it’s not my personal responsibility to deal with that, but I think it should be. It happens. It’s hard to keep up with all the houses. You have to drive around every day and see who is doing what.

Shea – Are there alternatives for siding?

Lynch – We suggested a composite shake material to keep the like-for-like or some other composite. Very rarely do we approve vinyl at all. I think Andrew touched on several reasons why it’s really not a superior project; it doesn’t age well. It gets brittle. Homeowners tend to put it on because it’s cheaper, and they’re sold on "no maintenance." It’s not no maintenance. There’s no such thing as no maintenance. It gets dirty, and then what happens is they power wash it, and that takes the protective coating off, and then it really gets dirty. I could go on and on about the reasons why we don’t like vinyl. When it comes to like-for-like, there are just two houses in this neighborhood that have been preserved somewhat, although this one does need some help. I’ll agree. We would just like to see more like-for-like changes. We were willing to bend a little, but that was not received well.

Amos – I know the family reached out and got a quote from APCO, and obviously we can’t tell somebody who to go through, but do you know other contractors who may have better pricing on this? Should they seek to get additional price quotes?

Lynch – I’m sure there are. I personally do not install vinyl siding on any of my projects. We typically do composite and real wood products.

Milliken – Thank you, Mr. Lynch. Were there any additional questions for Mrs. Elliott?

Amos – I just want to give her a chance to share her thoughts.

Elliott – I have a copy of the estimates, and I’m very comfortable with my contractor. I do want to comment and say yes, it is an LLC. My husband and I purchased this property years ago, but that makes no difference. We own two homes in Canal Winchester. We have invested a lot of money in the interior of this property. We’re prepared to go in and put another \$20,000–\$25,000 on the exterior. We have great

tenants. So the comment that was made is that it's an LLC versus owner-occupied; we're not trying to get cheaper even if I lived there personally. I may someday. It's not about the money, and it has nothing to do with it being an LLC. That was not appropriate. We're not your typical landlord. Would you like to see the estimate?

Shea – I would. I'll note that looking at this includes removing the wood shake and hauling it away, which is more labor-intensive. I mean, there is more cost there, but I would imagine that if you're going to do a correct installation, you'd want to tear that off. Mr. Boggs, help me understand: the preservation district is the law of the city?

Boggs – The preservation district is established by city ordinance, which establishes its boundaries. This house is within that district, and so it falls under the provisions of the overlay district that applies for preservation. That's what got it in front of the Landmarks Commission in the first place. Under your code, you have criteria for evaluating certificates for appropriateness, so having heard the testimony of staff, Mr. Lynch and Mrs. Elliott, your job is to take that in, apply it to the criteria in your code, and determine whether to affirm Landmark's decision or reverse it.

Shea – I move to deny the application.

Amos – Mr. Boggs, they're not looking for a decision today. This is just the hearing, and then it goes on to council for three readings. Is that correct?

Boggs – No. It does not get three readings. It is a decision. The decision does not need to be made today. You can take it under advisement and bring it back up for decision within the next 30 days.

Milliken – So, would it be on our next agenda or forthcoming agenda?

Boggs – It could be on the forthcoming agenda to make the decision based on today's hearing.

Milliken – I think we at least ought to put it on the agenda and put it up for a vote.

Shea – I just did.

Boggs – There is a motion on the floor. Is there a second?

Amos – Is the motion on the floor to move it to council tonight?

Boggs – Council wouldn't act on it tonight in your regular meeting. It would be something that you act on now, or you could set it to be decided at a later date. Mr. Shea made a motion to deny the application.

Milliken – Do I have a second? Alright, hearing none. I just want to be clear: we are under council discussion and recommendation at this point in the agenda. Is there another motion that somebody would like to make?

Buskirk – I'll move to put it on our next agenda.

A motion was made by Buskirk, seconded by Milliken to put on the agenda for May 15th for Council deliberation and decision. The motion carried with the following vote:

Yes 5 – Buskirk, Milliken, Walker, Amick, Amos

No 1 – Shea

G. Adjournment @ 6:12 p.m.

A motion was made by Buskirk, seconded by Amos to adjourn. The motion carried with the following vote:

Yes 6 – Buskirk, Amos, Milliken, Shea, Walker, Amick