

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, January 12, 2022 at 3:30 PM with Vice-Chairman James A. McGarry presiding. ATTENDING: Members – Titterington, Ehrlich, McGarry, Wolke and Westmeyer – Development Director Davis, Zoning Inspectors Eidemiller and Bruner; City Engineer Rhoades.

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN:** Upon motion of Mr. Wolke, seconded by Mrs. Ehrlich, Mr. Kappers was elected Chairman and Mr. McGarry was elected Vice-Chairman by unanimous roll call vote.

**APPROVAL OF MINUTES:** Upon motion of Mr. Titterington, seconded by Mr. Westmeyer, the minutes of the December 8, 2021 meeting were approved by unanimous vote.

**HISTORIC DISTRICT APPLICATION, 222 E. FRANKLIN STREET, CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION; OWNER – PAM AND RON CAIN; APPLICANT - HAROLD TRADER.** Staff reported that application is to demolish a residential structure that has been damaged by fire; zoning is R-7, Multiple-Family Residential District and is the last house in the historic district on E. Franklin Street (near the railroad tracks); any historically contributing features to the structure were removed prior to 1977; Council has enacted a moratorium on demolition applications with the exception of findings from the Chief Building Official or the Fire Chief of the City of Troy that the demolition is required due to an imminent safety concern; after the building sustained extensive damage due to a fire, it has been declared an imminent danger by the Chief Building Official and City of Troy Fire Department; and as required by Ordinance the City has received \$25,400 to be used solely as security against the total cost of removal. Regarding the standards for Demolition or Removal, staff reported that:

“Section 1143.22(f)(10) requires that demolition permits shall not be issued unless accompanied by an approved certificate of appropriateness and a certificate of appropriateness may only be approved if clear evidence that two or more of the following conditions exist:

- I) The structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction and presenting an immediate danger to the public safety as declared by the Chief Building Official.
- II) The structure is listed as non-qualifying or is not consistent with other structures in the historic district in terms of historic character, architectural style, construction material, height, setback or mass.
- III) The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.
- IV) The structure is contributing and has been declared a public nuisance and its removal will not adversely affect the architectural or historic integrity of the streetscape.

When reviewing these standards:

- I) The structure has been declared an immediate danger by the Chief Building Official and City of Troy Fire Department and meets this standard (see Appendix B and C).
- II) The second standard has been met as the structure is not consistent with other structures in the historic district. The contributing features listed in the OHI form in 1977 have since been removed or otherwise altered. The decorative cornice, original 1/1 windows, and shingle skirt between the floors have all been removed or altered since 1977. Staff feels this standard for a certificate of appropriateness for demolition has been met.
- III) The third standard requires the square foot cost of meeting the minimum building code would exceed the square foot market value of similar structures in the historic district. The Miami County Auditor values the property at \$131,800. Fire escrow funds have been received in the amount of \$25,400 with the fraction of 7.5 equals \$190,500. The cost to bring the property into compliance with the minimum building code would exceed the square market value of similar structures. Staff feels this standard for a certificate of appropriateness for demolition has been met.
- IV) The fourth standard requires the structure to be declared a public nuisance with no adverse impact on the historic integrity of the streetscape. The structure has been deemed an immediate danger by the Chief Building Official and City of Troy Fire Department. The removal of the structure will not have an adverse effect on the historic integrity of the streetscape as this is the last property in the historic district boundary on E. Franklin Street and most of the historic contributing features have been removed or altered since the 1977 OHI form.

Ordinance section 1143.22(12) gives criteria for unusual and compelling circumstances which the applicant believes they meet based on:

- 1) The property has little or no significant historic and architectural significance and is listed as non-qualifying for the National Register.
- 2) No reasonable means of saving the home due to the extravagant cost associated with the remediation and repair needed to reuse the home.

**REUSE PLAN:**

The applicant has submitted a reuse plan that results in creating a green space with the lot being leveled off with dirt and returned to grass by planting seed after demolition. Please know that any future plans for development will be required to come before the Planning Commission for a Historic Review. The applicant feels the reuse plan mitigates any negative effects to the streetscape and the historic district.

**RECOMMENDATION:**

Staff recommends approval for the demolition of the existing residential structure. This finding is based upon the following:

- o The building meets the criteria listed in the Historic Preservation Overlay District, Section 1143.22(f)(10) demolition standards;
- o The property is not listed on the National Register;
- o The proposed demolition will not negatively impact the historic or architectural significance or integrity of the surrounding area or streetscape;
- o The property has little or no significant historical or architectural value and it is one of the last properties in the historic district on E. Franklin Street;
- o The property is not eligible for inclusion on the National Register;
- o A minimal reuse plan has been submitted.”

A motion was made by Mr. Wolke, seconded by Mrs. Ehrlich, to approve the Certificate of Appropriateness for the demolition of the structure at 222 E. Franklin St. as submitted based on the findings of staff that:

- o The building meets the criteria listed in the Historic Preservation Overlay District, Section 1143.22(f)(10) demolition standards;
- o The property is not listed on the National Register;
- o The proposed demolition will not negatively impact the historic or architectural significance or integrity of the surrounding area or streetscape;
- o The property has little or no significant historical or architectural value and it is one of the last properties in the historic district on E. Franklin Street;
- o The property is not eligible for inclusion on the National Register;
- o A minimal reuse plan has been submitted.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION FOR 201 E. WATER STREET – OVERFIELD TAVERN MUSEUM FOR UPDATE OF THE TEMPORARY EXTERIOR ALTERATIONS; OWNER/APPLICANT: OVERFIELD TAVERN MUSEUM.** Staff commented that the Overfield Tavern is required to provide the Commission with an update regarding the building, which is in the following report:

“The OHI form lists this property as a hand-hewn log cabin built in 1808. The building has previously been used as a tavern, courthouse, Masonic lodge, and now a museum. Character defining features include 9/9 double hung, sash windows, chimney on the east side of the building, and a dog run, log wing to the rear with a frame second story. This building is on the National Register of Historic Places, and has been recognized as an Ohio Historic Landmark.

Between 1995 and 2000, the Overfield Tavern underwent major restorations, which includes the installation of poplar siding that was subsequently painted red, and the painting of hewn logs with white latex paint, along with several interior modifications. The Overfield Tavern Museum conducted an Architectural Assessment Report in 2019. The assessment report identified an accelerated rate of deterioration of the poplar siding located on the west elevation (S. Mulberry Street). Continued exposure of the hewn logs located on the south and east elevation has led to extensive dry rot, that has made the building susceptible to insect damage and birds. Phase 1 of the revitalization efforts have been completed with the replacement of the wood shingled roof to an imitation wood shingle known as Enviroshake that was previously approved by the Planning Commission in February of 2020.

On the August 25, 2021 Planning Commission Meeting, the applicant requested the review of the temporary exterior alterations to the building that included the removal of the poplar siding on the west façade along S. Mulberry Street and partial removal of the white latex paint on the front façade (Water Street) and east façades. The request was made to provide more accessibility to the structural engineer for a full inspection known as phase 2a of the project. The request was approved with the following conditions:

- Overfield Tavern Museum will provide an update of the findings from the structural engineer by December 21<sup>st</sup>, 2021.
- This approval is not permitting the final design or material replacement of any elements of the building, rather to provide access for the structural engineer to conduct a complete structural inspection.
- The removal of the white latex paint is conducted using the gentlest method possible, following the Secretary of Interior Standards for the Treatment of Historic Properties.

In October 2021, Midwest Maintenance Inc. removed the existing new-growth poplar siding on the west elevation facing Mulberry Street and the coating of white latex paint on the south elevation facing Water street, revealing the extent of the damage to the log walls. The structural engineer assessed the extent of the damage identifying which logs will need repaired or replaced (see Appendix A).

**FINDINGS:**

The west elevation logs that were protected by the wood siding are in relatively good repair with minimal repairs needed. The south and east elevations that were covered in latex paint need substantial repairs, including replacement logs.

**NEXT STEPS:**

Museum staff are currently sourcing replacement logs and investigating the possibility of using old-growth logs salvaged from other log buildings in the region. The repair and replacement work are scheduled to take place in Spring 2022 weather pending. Overfield Tavern Museum will submit a new application for exterior modifications. City Staff will coordinate the repair efforts with the State Historic Preservation Office."

It was noted that no action was required on the update.

**HISTORIC DISTRICT APPLICATION FOR 217-219 PUBLIC SQUARE SE FOR REPLACEMENT OF THREE EXTERIOR WINDOWS; OWNER/APPLICANT: ADM REAL ESTATE HOLDINGS, LLC.**

Staff reported: property is zoned B-3, Central Business District; it is on the National Register; application is to replace three wood second-floor windows with white double hung vinyl windows; the remaining windows were replaced with vinyl as approved by the Planning Commission in April of 2017; the double hung vinyl windows will match the existing windows; the second-floor windows are not considered contributing features to the building; and staff recommends approval of the application based on the findings that:

- The proposed windows will meet all City of Troy code requirements;
- The OHI form does not list the windows as being historically significant to the building;
- Additional buildings within the Historic District also have vinyl windows.

A motion was made by Mr. Westmeyer, seconded by Mrs. Ehrlich, to approve the historic district application for 217-219 Public Square SE as submitted based on the findings of staff that:

- The proposed windows will meet all City of Troy code requirements;
- The OHI form does not list the windows as being historically significant to the building;
- Additional buildings within the Historic District also have vinyl windows.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION FOR 206 W. MAIN STREET, FOR THE INSTALLATION OF TWO BUILDING SIGNS; OWNER: ERWIN PROPERTIES, LTD/MATTHEW ERWIN; APPLICANT: FLAGEL HUBER FLAGEL.**

Staff reported: Parcel ID: D08-001250 is zoned B-2, General Business District; structure was built in 1847; the 2/2 rectangular windows are double hung sash with stone lintels and sills; the gables project above the roof capped by a molded cornice; two interior chimneys are in each end wall; property is not listed on the National Historic Register; building is permitted a total of 100 square feet of building signage; application is for two signs for a total square footage of 11.4 square feet (one sign is 46" x 22" or 7 square feet and the other is 35" x 18" or 4.4 square feet); one sign will be facing north towards W Main Street while the other will face east towards S Plum Street; signs will be constructed of an aluminum composite material, covered by white 3M Vinyl. Colors include Regatta (SW 6517), Extra White (SW 7006), & Tricorn Black (SW 6258); and staff recommends approval based on the findings of:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

**DISCUSSION.** In response to Mr. Titterington regarding if the white area may appear too stark, staff commented that based on the small size of the sign, staff did not believe the sign would appear stark.

A motion was made by Mr. Westmeyer, seconded by Mr. Titterington, to approve the historic district application for 206 W. Main Street as submitted, for the aluminum composite material, covered by white 3M Vinyl. Colors include Regatta (SW 6517), Extra White (SW 7006), & Tricorn Black (SW 6258) and based on the findings of staff that:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

**MOTION PASSED, UNANIMOUS VOTE**

**DOWNTOWN RIVERFRONT OVERLAY (DR-O) DISTRICT APPLICATION FOR 112-118 W. MAIN STREET; OWNER 116 W MAIN LLC (RANDY KIMMEL) - FIRST READING:**

Staff advised that this would be considered a first reading on the application, that no action could be taken at this meeting, that the Commission would be required to hold a public hearing at the next meeting; and then notify Council of the decision of the Commission; and if Council did not act to consider the item within five working days of being notified of the Commission's decision, the application would be considered approved. A report was submitted by staff as part of the First Reading and is attached to the original minutes.

In attendance regarding this item: Jeremy Tomb (Evil Empire LLC), Ben Sutherly, Chris Manning (Troy Historic Preservation Alliance, and Randy Kimmel (116 W Main LLC).

Discussion.

It was commented that the Commission had previously approved a certificate of appropriateness for the demolition of the property, but that demolition is now before the Miami County court system; thus any action on the DR-O application and a historic district application for features for a new construction would be contingent upon the demolition stay being lifted and the demolition proceeding. Staff noted that the historic district review would not be considered until the next meeting and only if the DR-O application was recommended.

Staff noted that the current B-3 zoning would allow new construction of 35' maximum in height; that the current structure is 50' and the proposed structure is predominately 50' with the back of the structure housing the elevator shaft is proposed to be 53'. It was stated that the January 26 public hearing would be limited to comments on the height of the building and not on any other details of the historic district application.

Mr. Wolke commented that based on the design, it seems the structure would be flexible as to final use, and asked if just considering the façade and not the final use would be acceptable for a DR-O.

There was mention of an existing historical marker, which discusses the historical significance of the building, which the BZA in considering the appeal of the Commission decision recommended be preserved within any new construction, with it noted that the façade provided to the Commission shows the marker on the exterior of the building and not within the interior.

Mr. Wolke asked that Mr. Kappers be provided the information the other Commission members received and be asked if he has any comment to provide to the Commission even though he will not be in attendance at the next meeting.

For the record, Jeremy Tomb asked that the record reflect his attendance representing Evil Empire LLC, Cheryl Cheadle, Ben Sutherly, and the Troy Historic Preservation Alliance.

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the record reflect that in attendance were Mr. Tomb, Mr. Sutherly and Ms. Manning, as well as the DR-O applicant Mr. Kimmel.

**MOTION PASSED, UNANIMOUS VOTE**

**AUTHORIZE THE VICE-CHAIRMAN TO EXECUTE THE PLAT MAP FOR THE TROY CHRISTIAN SCHOOLS FINAL RECORD PLAN IN THE ABSENCE OF THE CHAIRMAN.**

A motion was made by Mr. Titterington, seconded by Mrs. Ehrlich, that the Commission authorizes the Vice-Chairman to execute the Troy Christian Schools Final Record Plan in the absence of the Chairman.

**MOTION PASSED, UNANIMOUS VOTE**

There being no further business, the meeting adjourned at 3:58 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington and approved by unanimous voice vote.

Respectfully submitted,

\_\_\_\_\_Chairman

\_\_\_\_\_Secretary