

CITY COUNCIL
STAFF REPORT
JANUARY 7, 2002

1/7/03 1

CERTIFICATE OF APPROPRIATENESS

Applicant: Jerry Keyser
Teale Homes
Location: 25 East Case Street
Zoning: OPR, Old Powell Residence District, Historic District Overlay
Request: Approval of New Single-Family Residence on 0.258 acres

On November 21, 2002 the Historic District Commission (HDC) discussed and approved the Certificate of Appropriateness for 25 East Case Street. On December 17, 2002, as required by Section 1143.23(i) of the Planning and Zoning Code, City Council reviewed the application as approved by the HDC. At the request of the co-owner of the property, Kathleen Quirk, a resolution was passed requiring a hearing to be held at the next regularly scheduled City Council meeting (January 7, 2002) in order to discuss this approval by the HDC.

Section 1143.23(i) of the Planning and Zoning Code states that this hearing shall "...consider whether to deny or modify the Certificate of Appropriateness due to actions by the Historic District Commission that do not correspond to the Architectural Guide[lines] or approval process as otherwise required by the Zoning Code." Based on discussion at the December 17, 2002 City Council meeting, the specific reason for this hearing whether the HDC followed the Architectural Guidelines and approval process as required by the Zoning Code in requiring the exterior wall material to be four (4) inch lap siding of a wood or a cement-fiber material and prohibiting vinyl.

In the application, the applicant stated the exterior materials shall be wood, cement-fiber, or vinyl, with a preference of, listed in order of preference, cement-fiber, vinyl, and wood. Although the application did not explicitly state wood as the third preference, it is implied it would be the third preference as three materials were listed as exterior material options. Of the three materials, the Architectural Guidelines allow wood and vinyl. However, the opening paragraph under the subtitle *Aluminum and Vinyl Siding* on page 303 of the Architectural Guidelines states, "The use of aluminum and vinyl siding in new construction or to replace existing wood siding should not be considered UNLESS ALL OTHER POSSIBLE COURSES OF ACTION HAVE BEEN EXPLORED." The Architectural Guidelines do not address the use of cement-fiber siding. However, Section 1147.12(b) and 1147.12(b)(1) of the Planning and Zoning Code requires that in the R-Residence Districts, OPR-Old Powell Planned Residence Districts, PR-Planned Residence Districts, PC-Planned Commercial Districts, PO-Planned Office Districts, and all new multi-family residential units in the PI-Planned Industrial Districts shall have all exterior wall materials consist of natural wood siding, brick, stone, artificial stone, or stucco. Since the property is zoned OPR-Old Powell Residence District, the Architectural Guidelines are silent on the use of cement-fiber as exterior wall material, and the Zoning Code does not list cement-fiber as an allowable material, the use of cement-fiber is prohibited on this project unless a zoning text change occurs, the Architectural Guidelines are amended, or a variance is granted by the Board of Zoning Appeals.

How is vinyl allowed if the Zoning Code does not allow it? Since the property is located in the Historic District Overlay, special exceptions are made to the Zoning Code. These exceptions are described in the Architectural Guidelines. Although the Zoning Code does not allow vinyl siding, the Architectural Guidelines do, in certain circumstances. Therefore, vinyl siding can be utilized as an exterior wall material.

How has the Commission legally approved cement-fiber in the past? The Commission has approved cement-fiber on six projects to date. These are located at 30 West Olentangy Street, 78 East Olentangy Street, 161 South Liberty Street, 284 South Liberty Street, 285 South Liberty Street, and the Old Blacksmith Shop, adjacent to the south of 36 North Liberty Street. The zoning

districts these properties are located in are OPC-Old Powell Commercial, OPPCR-Old Powell Planned Commercial/Residential District, and PC-Planned Commercial District. Except for the PC-Planned Commercial District, these zoning districts are not subject to the requirements of Section 1147.12(b) as they are not listed districts. As part of their review powers, the Commission has allowed the use of cement-fiber in these unlisted zoning districts. The project in the PC-Planned Commercial District was reviewed and approved by both the Planning and Zoning Commission and the HDC. The Planning and Zoning Commission has the authority to grant divergences from the Zoning Code as part of the planned development process. Among other divergences, a divergence was granted for the use of cement-fiber.

In this application, cement-fiber, vinyl, or wood was requested for the exterior wall material. As has been established, cement-fiber is not an option without a variance or code change, leaving a choice of wood or vinyl. Again, vinyl is only an option if all other possible courses of action have been explored. Based on the presentation by the applicant and the discussion with the HDC at the November 21, 2002 meeting, the HDC was not convinced all other courses of action had been explored thereby justifying vinyl as an exterior wall material. The HDC then approved wood or cement-fiber as the exterior wall material therefore prohibiting vinyl.

Since the HDC does not have the authority to approve cement-fiber in the OPR-Old Powell Residence District and at the suggestion of Staff, the HDC listed cement-fiber as an approved material for this application. The basis of this suggestion was the consensus of the HDC to pass a resolution to the Planning and Zoning Commission recommending a code change allowing the use of cement-fiber in the Historic District. Not having justified the use of vinyl and in the event a code change was successful, the HDC intended to give the applicant the ability to avoid a return trip to the HDC for the approval of cement-fiber. It was merely for convenience on the part of the applicant.

Later that same meeting the HDC did unanimously approve a resolution recommending a zoning text amendment allowing the use of cement-fiber in the Historic District. The Planning and Zoning Commission currently has tabled a zoning text amendment proposing to allow the use of cement-fiber in the Historic District and requiring installation standards be followed for all approved materials. The fate of this zoning text amendment will have a major impact on this application. With an approval, vinyl is no longer an issue as the applicant stated he wants to use cement-fiber as a first choice. The applicant has waited since a Concept Review in February 2002 until returning in November 2002 for a Certificate of Appropriateness. This zoning text amendment will be decided upon by late February or early March. The applicant has waited nine months to move forward on this project. Staff does not feel waiting another two months is a burden on the applicant considering permits have not been applied for and the additional time this hearing and any subsequent hearings will add to the schedule of this project.

In the opinion of Staff, it is clear the HDC was not shown sufficient evidence that wood was not a viable exterior wall material in this application and correctly denied the use of vinyl. The applicant did comment in the meeting that wood is more expensive and more costly to maintain than cement-fiber and vinyl. Staff has heard conflicting information regarding the installed costs of cement-fiber versus wood. Some building professionals state it is less expensive, others have stated it is more expensive. While cement-fiber may offer lower maintenance costs, this is a spec home to be sold for profit. Maintenance issues will not affect the cost of construction and, unless proven otherwise, will have little impact on the sale value. Obviously vinyl is the least expensive to install and offers little maintenance but sacrifices the aesthetics the Architectural Guidelines seek to maintain and enhance. If the applicant's argument is this project is financially unfeasible without the use of vinyl, it needs to be fully supported through documentation presented to the HDC.

At both the HDC and City Council meetings, the applicant has stated vinyl has been used on other homes in the same neighborhood, including one home that was approved by Staff. These homes, except for one that was partially sided with wood, were either already sided with vinyl or

with material that was determined to be inferior to vinyl. The Staff approved use of vinyl, as stated in the November 21, 2002 HDC minutes, was to remove existing aluminum siding that was faded, dented, and in overall poor condition. After meeting with the property owner and reviewing siding samples, Staff determined the use of vinyl was an improvement over the existing condition. The property owner could have re-installed aluminum siding without any discussion with Staff.

The past decisions and actions do not matter in this case. The question of this hearing is whether the HDC acted in conformance with the Architectural Guidelines and the approval process required in the Zoning Code as they relate to this application. It is the opinion of Staff, given the information submitted and the discussion held at the November 21, 2002 meeting, the Historic District Commission acted in conformance with the Architectural Guidelines and approval process required by the Zoning Code.

Given the contents of the application to the HDC and the comments by the applicant and the HDC members at the November 21, 2002 meeting, Staff recommends that City Council remand this application back the HDC so that the HDC has an opportunity to review any supporting documentation the applicant may have justifying that wood is not a viable option as an exterior material leaving only vinyl as the exterior material.