

City of Olmsted Falls
Minutes of a Special Council Meeting
Tuesday, April 11, 2017, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 6:30 p.m.

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the meeting to order at 6:30 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Edward Gorski, Terry Duncan, and Kyle Miller were present. Paul Stibich was excused.

Also Present: Santo Incorvaia, Asst. Law Director, Ms. Diana Pistora, Janet Tomasch, Chairman of ABR, Marianne Piterans, ABR Member, and Susan Fischer, ABR Member.

New Business:

An appeal filed by Diana Pistora on March 21, 2017 from the Architectural Board of Review decision of March 9, 2017 in ABR Case Number 06-2017 regarding denial of vinyl replacement windows requested by Applicant, Diana Pistora located in the Olmsted Falls Historic District at 7555 Columbia Road. ABR Case No.: 06-2017.

Mr. Incorvaia administered the oath to all individuals who would provide testimony.

Ms. Pistora stated that she needs replacement windows due to the fact that the original windows are falling apart. She chose Universal Windows because they produce a better window with more efficiency. The house itself was built in the late 70's by her father and the only historic part of the home is the footprint which is part of the basement and trim. The windows being replaced are from the 1970's and would not look any different than they are now. She would like to be able to replace them with Universal Windows. She has a contractual agreement with them and bound by that agreement to pay for the windows whether she can use them or not.

Marianne Piterans stated that she is a member of the ABR. This home is listed on the Ohio Historic Inventory and is located in the historic district. The back property abuts the River Road National Register District. The house was built by Alisha Fitch, son of Thaddeus Fitch in 1856. The home was originally placed on the OHI in 1977 and identified as a rare gothic revival vernacular with double hung windows with plain trim. The home was again listed in the OHI in 1992, with the statement that the elaborate barge board trim on the front facing gable marks this as a rare example of the early gothic revival style. Again, the house is a rare example of gothic revival style architecture in Olmsted Falls and has a few remaining features such as the barge board that adds distinction to what is otherwise heavily altered residence. Despite of this alterations the house remains on the OHI and is one of the first historic structures visitors see when entering Olmsted Falls. As background is important to understand that city ordinance has charged the ABR, Architectural Board of Review with the protection and retention of the value, appearance, and use of properties within the city's designated historic districts. The Board's purpose is to protect and preserve the distinctive character and heritage of the city by safeguarding the architecture of historical buildings and preserving those elements that reflect the city's cultural, social, economic, educational and architectural past. The Board is further charged with preventing incompatible

alterations to buildings in historic districts. It is important to note the preservation of historic properties is critical to the city's successful efforts to establish a unique brand of identity for Olmsted Falls. Historic homes are the foundation of the cultural heritage of the city. This heritage includes the style of the period, the skill of the builders and the materials and technology used in construction. Ordinance 1444.06(b)(1) states that in reviewing an application for appropriateness the board must consider whether the materials to be used are appropriate. The ordinance establishes the standards to guide the ABR in its review process and states that deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary the ordinance states that the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. ABR is also guided by the U.S. Secretary of the Interior as the standards for rehabilitation of homes in a historic district which states in Standard Six that deteriorated historic features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Standard Nine states that exterior alterations shall not destroy historic materials that characterize the property. Local and national preservation guidelines mandate that replacement to historic homes be of like kind. Wood windows should be replaced with wood windows, vinyl windows in questionably alter the integrity of our older homes. Preservation of a building or district in its historic character is based on the assumption that the retention of historic materials and features and their craftsmanship are of primary importance therefore, the underlying issue in any discussion of replacement materials is whether or not the integrity of historic materials and craftsmanship has been lost. Structures are historic because the materials and craftsmanship reflected in their construction are tangible and irreplaceable evidence of our cultural heritage to the degree that substitute materials destroy and/or conceal the historic fabric they will always subtract from the basic integrity of historically and architecturally significant buildings. The property was denied a Certificate of Appropriateness, the board stated that vinyl is not an appropriate replacement material for the current wood windows. The Board also advised the owner by letter, as Mrs. Pistora was not in attendance, of replacement windows that would be appropriate and also that the city offers its citizens access to Heritage Home Loan program which offers low interest rates to support restoration of historic property. Based on the historic significance of the house at 7555 Columbia Road the city of Olmsted Falls ordinances and standards of the secretary of the department of interior cited above the Olmsted Falls City Council has no basis for granting this appeal and should support the decision of the ABR on April 11, 2017 regarding this property. She thanked Council for letting her speak.

Janet Tomasch stated that in preparing for tonight's meeting she pulled the two inventories, as Chairman of the ABR she has a right to keep in her files, and was surprised that the house was listed on the inventory in 1977, greatly altered, but then put back on the inventory in 1992. She called Mr. McQuillan who was the architect the city hired to complete the inventory and was being done in preparation for a certified local government status and this is one of the steps required and is in preparation to establish a historic districts and national register districts. She asked Mr. McQuillan why a house would be placed back on the Ohio Historic Inventory that had been so altered and his response was that there are three basic criteria's used in making the designation. One is the home must be 50 years old or older; the second quality is its nature of architecture and whether it is a unique architecture or an outstanding example of a form of architecture and in this case a gothic revival was unusual example of architecture in Olmsted Falls and there were still enough distinguishing features for that characteristic to be recognized. Mr. McQuillan indicated that the third criteria is the history and he stated that this was one of our earliest settlers in Olmsted Falls so

it was placed back on the Ohio Historic Inventory and is significant. She also wants to give Council a short background of the Alisha Fitch home. He came to Olmsted Falls in 1831 from Connecticut, was joined by his six brothers from 1831 – 1832, they all settled in what was then Olmsted Township. He built this home in 1835. He was married to a woman named Mari Ann Alcot, they were not able to have their own children but adopted four children whom they raised. Their daughter Anna Fitch married a man with the last name of Atkinson. The Fitch family stayed in this house until 1977. We still have Atkinson' living in the City of Olmsted Falls.

She would also like to point out that the Clerk made copies of a photograph she found of the house in 1977 but unfortunately the inventories have been copied so many times she had to ask for the original photo but was informed that she could not have the photo due to the fact that they are badly deteriorated because they were done on film. She attached another picture to the 1977 inventory. She would like Council to compare the 1977 photo to the current picture of the home that was inventoried in 1992. It was taken from a slightly different perspective. The major change in this house is the brick cladding, also the removal of the original porch which had an “eyebrow window” and is now a normal slanted porch roof with columns. This house still maintains very much of its original gothic revival architecture which was our reason for denying the windows, they are not appropriate for an historic home. Last, she received a letter today from the National Park System of the Department of the Interior which states, how accurate does the match need to be when doing restoration work the more important a window is in defining the historic character of a building the more critical it is to have a close match for the replacement, location is a key factor for example, the street facing façade is likely to be more obscured than an obscured rear elevation. This is a front facing elevation that is being discussed tonight. Materials and finish – while it may be theoretically possible to match all the significant characteristics of a historic window in a substitute material in actuality finish profiles dimensions and details are all effected by change of material. In addition to the surface characteristics vinyl clad windows may have joints in the cladding that can make them look very different from a painted window. Secondary, window elements that do not match the finish or color of the window can also diminish the match. Examples include white vinyl tracks on dark painted wood windows, or wide black glazing caskets on a white vinyl window. She stated that replacement windows where no historic windows remain and she knows Mrs. Pistora has stated that the windows were actually put in in the 70's but they do match in size and scale to the windows that were originally in the home and are wooden windows. Replacement windows for missing or non-historic windows must be compatible with the historic appearance and character of the building. Replacement of missing or non-historic windows must be compatible with the overall historic character of the building. She stated that the National Park Service is what the ABR guidelines are based on. This is a national standard for preservation. She hopes Council will support ABR.

Mr. Sculac stated that with the historic district is there any percentage that would take the district out of the inventory, for example, we approve these replacement windows and later approve a couple more in the future, is there a percentage that would make this no longer a historic district and how and who would determine that. Ms. Tomasch stated that since we are a certified local government a decision would be made by the historic board in Columbus, who are linked into the federal government for standards. To answer the question yes, but to perfectly honest she does not know the balance of what they refer to contributing and non-contributing. She stated that non-contributing houses do not have historic qualities that mark them for identification but there has to be a certain balance in order to maintain the status of historic districts. Mr. Sculac stated that the only reason this property was placed back on the inventory was the fact that it had been built in

1853 and it was a historic home with a historic resident that moved in here at that particular time. Ms. Tomasch stated that the home was eligible for the Ohio Historic Inventory because of the age, history and the fact that the house was built in 1853. This house is also located in the historic district, so even though houses are not necessarily historic buildings by their own merit, they are part of the historic district and governed by the same conditions. However, ABR tries to be very generous, for example, if a house comes before the board and wants to replace vinyl windows that are already in the house and it is a non-contributing house the board has allowed them to replace vinyl with vinyl. We had a house that had an addition built that was in the historic district and the home was already an all vinyl house and we allowed the addition to be vinyl. It isn't practical to tell a property owner that they have to remove all their vinyl siding and install wood siding and particularly for non-contributing homes. She believes it is important to keep a standard otherwise you are picking and choosing and can show favoritism and cause problems in the future. This is a decision the board struggles with and try very hard to be practical and fair in our decision making. The fairness does make the board say no quite a few times.

Susan Fischer stated that she is the newest member of ABR and is honored to be part of the board and was suggested to her by Mayor Donegan. She stated that it has been delightful to be part of the board and she is learning a great deal. She has completed a great deal of research and has learned repeatedly about things she did not know existed. One thing that she has learned is that there are numerous rules and it is hard to follow the rules. She moved from Jefferson, Ohio and it is a mess. We had the underground railroad under the town with big sprawling mansions but they have all been torn down. Nothing has been kept up in the community which is a shame because it was extremely historic. She is not too young to have remembered some of these homes. To have a place as beautiful as Olmsted Falls, and she is taken with the community and its historic features, there has to be some kind of rules otherwise you will end up like her home town. The city will not have the tourism or standards and signs will be lit incorrectly and will detract from the community which would not be fair to those individuals who do what they have to in order to maintain their properties. As Mr. Sculac mentioned it would be a shame to lose the designation for the community because it would ruin the entire community. It is odd but she was listening to the Channel 5 news and a beautiful funeral home in Clintonville, Ohio which is located by Columbus, will sell the funeral home because they can no longer afford to maintain the historic qualities, it also has the underground railroad which would be a great feature for any community. This is extremely sad but she can understand because when she was first married we purchased a home that was 90 to 100 years old but had to sell the home because we could no longer maintain it with the integrity it should have been because we could not afford that. She would also like a Mercedes but cannot afford to maintain a Mercedes or Cadillac so she purchased a cheaper car. What is unfortunate is that a lot of people have to sell these homes because of the ABR rules, state rules and the federal government. On the other hand, she believes it is important to have the rules otherwise you lose out on the beauty of a community like this. She stated that another issue that bothered her being new and learning is that she has never seen the applicant. She would like to add onto the application language stating that if you are submitting an application that the owner should be present. By talking to the owners the board would have an opportunity to discuss what to do or how to do something? She felt awkward dealing with the contractor because the contractor is present to make money and he gave the board the impression that the windows had already been purchased. It comes down to who is responsible for knowing that he/she/they live in an historic property. If people want to come to us it would be nice if it would be the owner or owners and not a contractor who has to relay the information second hand.

Mayor Donegan stated that the Heritage Home Loan Program is available to residents and there is work they do with homeowners at no cost.

Ms. Fischer stated that if we cannot enforce the rules then why are we here. Mayor Donegan stated that we need to do a better job of communicating historic homes. She suggested ABR putting together a letter and the city will mail. Include in the letter the inventory and the district and educate the homeowners.

Ms. Pistora stated that we she began the journey of obtaining new windows she never realized the house was historic because she knew the home was built in 1979. The windows in the home are not historic but rather windows from this period. She never dreamed she would have any problems getting replacement windows.

Mr. Haviland stated that as a new councilman he was made aware that the cost or existing contract is not a reason for this body to approve an appeal. With respect to the ABR Board he understands the roles they have. He has learned that not all residents pull permits and not all are thoughtful to ask for a Certificate of Appropriateness. In the case of a previous appeal he had questions about the residents application, how we uniformly apply the ordinance 1444(b)(1), even the Heritage Home Loan Program; he is not sure when this body took action on the previous appeal that the resident understood the loan program. He is not prepared to take action this evening as he believes there are some things we can do working with the ABR to look at this issue more closely and then revisit the appeal. There are more questions that he feels were raised and this is the second appeal he has seen that he does not feel comfortable taking action on.

Mr. Sculac asked Ms. Pistora if she had already signed a contract with Universal Windows; Ms. Pistora replied yes as she had no idea this would be a problem. Mr. Sculac asked if she was aware that the home was in the historical district and on the historical register; Ms. Pistora replied not really, she cannot see why it would be on the historical register when she knows it was built in 1979. Her father did extensive renovations on the home leaving only a small footprint of the original house and some of the gingerbread trim, which is also not all original as he had to duplicate some of that himself. Mr. Sculac then asked if she was notified when the home was put back on the registry; Ms. Pistora replied no. Mr. Sculac asked if she could indicate what the contract costs were; Ms. Pistora replied \$2,000. Mr. Sculac stated that she was basically replacing the front windows on the home; Ms. Pistora replied that she was replacing the double windows on the top floor and one in the library located on the bottom floor due to the fact that both windows have failed.

Mayor Donegan stated that she would like notifications sent to every resident who is on the historic inventory, in the historic district, and maybe even hold a public meeting.

Mr. Incorvaia stated that Council has the opportunity to review the board's decision and may reverse or modify that decision with a vote of 2/3's majority of the members elected to Council. Typically this has been done through a resolution, the decision does not have to be made tonight. Council may ask the law director to prepare legislation to reverse, modify or uphold the ABR's decision.

Mr. Gorski indicated that he is the junior member of Council and from his perspective this is his first appeal and personally does not feel comfortable making any decision on this issue due to the

fact that he does not feel that he has been informed enough. For example, previous precedence set by Council in dealing with these types of appeals.

Mayor Donegan indicated that she will contact Ms. Pistora to discuss the loan program while working with Council to develop something keeping in the spirit and preserving Ms. Pistora's money.

Ms. Pistora stated that the windows will not be noticeable from the road, you will not see a big difference. The original currently in the home will not look much different than the new ones to be installed.

Adjournment

Mr. Gorski moved to **adjourn**; Mr. Sculac **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 7:03 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council