



**Board of Zoning Appeals**  
**March 5, 2020 @ 9:00am.**  
Council Chambers  
First Floor, 345 High Street  
Hamilton, Ohio 45011

**Desmond Maaytah**  
Acting Chairperson

**Samy Broyles**  
Board Member

**Matthew Couch**  
Board Member

**Karen Underwood-Kramer**  
Board Member

**Von Stein**  
Board Member

**Roll Call:** Two (2) Public Hearings

Broyels	Couch	Maaytah	Underwood-Kramer	VonStein	Bowling (Alt.)

**Swearing in of Those Providing Testimony to the BZA:** Notary Public

**New Business:**

**Agenda Item #1: Variance Request for 7280 Gateway Avenue**

Request by Tri-Health. Three (3) requested variances from Section 1138.71 for a site located in the B-2 (Community Business District). The submitted request pertains to a new freestanding sign located on a currently vacant parcel of land.

Staff: Daniel Tidyman

Broyels	Couch	Maaytah	Underwood-Kramer	VonStein	Bowling (Alt.)

**Agenda Item #2: ADRB Decision Appeal for 29 N D Street**

Request by EDB Property Group LLC. The request pertains to an appeal to the decision made by the Architectural Design Review Board to deny a COA request for window replacement, cornerstone façade improvements, and LED Signage.

Staff: Daniel Tidyman

Broyels	Couch	Maaytah	Underwood-Kramer	VonStein	Bowling (Alt.)

*Report continued on the next page*





**Minutes:**

1. February 6, 2020

**Miscellaneous:**

- Election of Chair Person and Vice Chair Person for 2020 Operational Year
- Welcoming new BZA member Matt VonStein

**Adjournment**

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**For the Board of Zoning Appeals Meeting of March 5, 2020**

**To:** Board of Zoning Appeals  
**From:** Daniel Tidyman, Associate Planner  
**Date:** February 28, 2020

**AGENDA ITEM #1 – New Business**

**Applicant:** Tri-Health  
**Location:** 7280 Gateway Avenue, Hamilton OH 45011 (P6461057000071)  
**Request:** To seek three (3) variances from the signage regulations for a new freestanding monument sign with a height of 27’ 9”, sign area of 340 square feet, and landscaped bed that may not be equal in area to the sign area for a property located in the B-2 Community Business District which is regulated by Section 1121.00 of the Hamilton Zoning Ordinance (HZO).

BASIC INFORMATION		
Applicant/Property Owner		Tri Health, Applicant Gateway Interests LLC, Property Owner
Architect/Engineer/Consultant		Rob Steiner, High Tech Signs
Size of Property		6.24 Acres
Current Zoning		(B-2)Community Business District
Requests		Three (3) Zoning Variances to allow one (1) new freestanding monument sign with a height of 27’ 9”, sign area of 340 square feet, and landscaped bed that may not be equal in area to the sign area.
ADJACENT LAND USE/ZONING INFORMATION		
Direction	Land Use	Zoning
North	Vacant Land	N/A (Fairfield Township)
South	Vacant Land	B-2 Community Business District
East	Church and Low Density Residential	N/A (Fairfield Township)
West	Vacant Land	B-2 (Community Business District)

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## **Section A: Introduction and Background**

### ***Section A.1: Project Overview***

Tri-Health is proposing a new freestanding monument sign that will be located at the corner of the property in question. The purpose of the sign is to replace an existing sign on the property that does not meet the needs of wayfinding for patients seeking directions to the nearby Bethesda Tri-Health hospital located on 3215 Hamilton-Mason Road. The purpose of the new sign would be to better direct patients to the hospital that is located about a quarter mile away from the hospital.

### ***Section A.2: Existing Site Conditions***

The property is located on the Southeast corner of Hamilton Mason Road and State Route Bypass 4 near the edge of the City Limits and Fairfield Township. Access to the site is located on Gateway Avenue. The site and surrounding area have a similar lower density character to two other hospitals (UC Health and Cincinnati Children's) located nearby major thoroughfares in Butler County.

## **Section B: Petition Review**

The applicant's proposal intends to reduce stress for patients who may be traveling urgently to the nearby hospital. In order to construct the proposed freestanding sign, the applicant must receive the following variances from the HZO:

**1138.71 Freestanding Signs C Zoning District Limitations (Area):** Single or Multi-tenant non residential uses in the B-2 District are permitted to have a free standing sign with a maximum area of .75 square feet per lineal foot of lot frontage with a maximum area of 120 square feet.

**1138.71 Freestanding Signs C Zoning District Limitations (Maximum Height):** The maximum allowable height for a non-residential freestanding sign in the B-2 District is eight (8) feet.

**1138.71 Freestanding Signs F (Design):** Freestanding signs shall be located in a non-paved landscaped area or planter box equal in size to the area of the sign face. Curbing shall surround the freestanding signs located in landscaped areas within parking lots. All wiring including electric service wiring shall be concealed.

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**The resulting variance requests include:**

- **Additional 19 feet of sign height**
- **Additional 220 square feet of sign area**
- **Variance to allow Planning Department discretion from landscaped bed area**

**Section C: Pertinent Statutes**

As it pertains to granting a variance the Hamilton Zoning Ordinance states:

Section 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.

- **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially, impair the purposes of this Ordinance of the public interest.
- **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**Section D: Notification**

The Planning Department mailed Public Hearing Notices to the owners of four (4) properties within 100 feet of the subject property per statute requirements. At the time of writing this report, the Planning Department has not received any inquiries pertaining to this request.

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**Section E: Recommendations**

The Board of Zoning Appeals can approve or deny the three (3) variance requests. If the BZA intends to approve of the requests, the Planning Department recommends the following motion:

That the BZA approve the appeal request to grant variances pertaining to Section 1138.71 subject to the following conditions:

- 1) Any construction drawings for the proposed improvements and work are revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 2) All plans submitted for review be compliant with horizontal and vertical clearance requirements per the National Electric Safety Code requirements.
- 3) The applicant will collaborate with Planning Staff and the Municipal Arborist regarding future landscaping around the sign.

**Section F: Staff Basis / Comments**

Staff finds the proposed variance meets the statutory requirements for granting a variance for the following reasons:

- 1) There are exceptional circumstances given that the zoning district the sign would be located in has a different character than other properties zoning B-2 within the City. The property in question is located on the edge of the City limits with a lower use density that can be found with other butler county hospitals near major thoroughfares such as Cincinnati Children's in Liberty Township or UC Health in West Chester.
- 2) A literal interpretation of the zoning ordinance would infringe on the property rights of the applicants right to provide wayfinding for patients in emergency or life threatening situations.
- 3) The requested variance would not be detrimental to the property or surrounding area. The sign would be located in a much less dense area compared to Fort Hamilton Hospital which is located between two neighborhoods (Prospect Hill and Highland Park) of higher density. This sign would be similar to the Cincinnati Children's Hospital sign located on I-129 and the UC Health Sign located near I-75.
- 4) This variance request is a non-recurring request given the surrounding area's character being different from the current zoning district. This is a rare situation to

*Report continued on the next page*





accommodate for the hospital better serving patients. Staff does not expect this to be a common situation which would require revisions to the zoning ordinance.

- 5) Staff is requesting discretion to approve of the future landscaped bed. The applicant is early in the process to acquiring the property

**Section G: Attachments**

The following attachments are listed in chronological order as they appear in the report.

1. Exhibit A - Location Map
2. Exhibit B - Zoning Map
3. Exhibit C - BZA Application
4. Exhibit D - Proposed Building Permit Plans
5. Exhibit E - Public Hearing Notice letter

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**For the Board of Zoning Appeals Meeting on March 5, 2020**

**To:** Board of Zoning Appeals  
**From:** Daniel Tidyman, Associate Planner  
Liz Hayden, Planning Director  
**Date:** March 5, 2020

**AGENDA ITEM #2 – New Business**

**APPLICANT:** EDB Property Group LLC  
**LOCATION:** 29 N D Street, Hamilton OH 45013 (P6411003000028 & P6411003000033)  
**REQUEST:** Appeal of a decision from the Architecture Design Review Board (ADRB) for the denial of a request for a Certificate of Appropriateness (COA) for window replacement, LED Signage, and stone façade additions on the site pertaining to Section 1126.00 of the Hamilton Zoning Ordinance.

BASIC INFORMATION		
<b>Applicant/Property Owner</b>	EDB Property Group, Applicant & Property Owner	
<b>Architect/Engineer/Consultant</b>	N/A	
<b>Size of Property</b>	.07 Acres	
<b>Current Zoning</b>	TN-4 (Traditional Neighborhoods)	
<b>Requests</b>	Appeal of the decision of the ADRB to deny a Certificate of Appropriateness Application for window replacement, LED Signage, and corner stone.	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Residential & Title Agency	TN 3 and TN 4 (Traditional Neighborhoods)
<b>South</b>	Real Estate Office	TN 4 (Traditional Neighborhoods)
<b>East</b>	Single Family Residential	TN-3 (Traditional Neighborhoods)
<b>West</b>	Single Family Residential	TN-3 (Traditional Neighborhoods)

**Section A: Introduction and Background**

***Section A.1 Petition Overview***

EDB Property Group LLC is applying to seek an appeal to the Board of Zoning Appeals regarding a decision made by the Architectural Design Review Board (ADRB) to deny three (3) requests from the property owner of 29 N D Street. The ADRB decision was the denial of a Certificate of Appropriateness (COA) application for the replacement of wood windows with vinyl windows, new stone façade and accents on the building, and two new LED wall signs. The details of the ADRB request from the applicant are:

*Report continued on the next page*





- Window Replacement
  - Remove existing olive-colored wood windows, primarily double hung design.
  - Replace with white Sprouse Vinyl Picture Windows of same size and location
  - Existing glass block windows to remain
- Stone façade improvement
  - Approximately 4' of Roma Corner Stone on front façade
  - Color: Gray Mix
  - Similar to finish found on Fleurish Home (135 Main Street)
- LED Wall Signage
  - Two Locations
    - Front Façade (South East): Approximately 27 square feet
    - Side Façade (South West): Approximately 40 square feet

### ***Section A.2 Existing Site Conditions & Historic Designation***

The building located at 29 N D Street is the site of a former professional office and is located in the Rossville-Main Historic District. Per the State of Ohio Inventory Sheet, the building was built in the 1860's with a modest Greek Revival Style all brick façade. Prior to the applicant's improvements in 2019, the façade of the building was painted a sage green with trim/windows/lentils painted an olive green. The property is located between Park Avenue and Main Street. The property has alley access in the rear and shares an access drive with All Points Title and Closing LLC.

### ***Section A.3 History***

The applicant acquired the property via Sheriff's Sale in March 2019. At that time, the building was painted a sage green color, had wood finished (majority of which were double hung) windows, and had decorative wood features around the front door. In September 2019, Staff was notified that the property completed exterior work without a COA and sent a stop work letter to the property owner dated October 2, 2019. At that time, the only work completed was the painting of the façade and gutter repair.

After receiving the stop-work order, the property owner continued work without a COA. On October 23 2019, a site visit from Staff captured photos of window replacement on the building. On December 6 2019, a site visit from Staff found continued work without a COA including the stone work on the front façade which covered up a portion of the brick façade, stone window lentils, and decorative wood features around the front door of the building.

The applicant submitted a COA application in December 11, 2019 for work that had already been completed as well as for LED wall signage and a like-for-like roof replacement. Staff approved a COA administratively for the soffit/gutter repair, new exterior paint, and the new roof. On January 21 2020, the ADRB denied the COA application for the remaining three exterior requests. ADRB provided the following reasoning for the denial. (See Section C.3 ADRB Justification for denial)

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**Section B: Appeal to the Board of Zoning Appeals:**

On January 23 2020, the property owner submitted a Board of Zoning Appeals (BZA) application to appeal the denial from the ADRB. The applicant states that the building was in a dilapidated condition at the time it was purchased. The work that was completed was intended to stop deterioration and improve the property to fit the surrounding area, citing surrounding buildings that have vinyl windows and other non-historic alterations. The application also indicated that the statements from the ADRB board members during the meeting were inconsistent with one another.

The applicant is requesting that the BZA review the ADRB’s decision to deny the Certificate of Appropriateness. When reviewing the appeal, the Board of Zoning Appeals should evaluate the information provided to the ADRB and determine whether the ADRB appropriately utilized the ADRB Guidelines to make their determination of denial.

According to Section 1170.80, the Board of Zoning Appeals “may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper on the premises, and to that end the Board shall have all the powers of the City Manager or Designee from whom the appeal is taken.”

**Section C: Overview of Appeal Considerations**

***Section C.1 – Architectural Design Review Board Purpose and Statutes***

Section 1126.00 of the Hamilton Zoning Code regulates “Architectural Conservation/Historic Districts” and establishes the Architectural Design Review Board. The purpose of section 1126.00 is stated as, “to protect the economic, cultural, and educational welfare of the citizens of the City of Hamilton by preserving and protecting significant architectural and/or historic structures, sites, monuments, streetscapes and neighborhoods by the establishment of restrictions on construction, erection, alteration, painting, design, color, removal, moving or demolition of buildings and structures, and the construction, erection, mounting, painting, design, color, moving, demolition, or revision of signage in the any hereinafter designated Architectural Conservation/Historic District.”

Section 1126.50 provides guidance for the ADRB to make COA decisions. “In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, said Board shall consider whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood, whether such change is inappropriate or inconsistent with the purpose of Section 1126.00, et seq., and whether it will adversely affect or destroy the general architectural and/or historical significance of the Architectural Conservation/Historic District. In addition to the foregoing, the Architectural Design Review Board will apply the specific design standards for each separate Architectural Conservation/Historic District when reviewing, all projects in that district, in determining whether to approve or disapprove the issuance of Certificate of Appropriateness.”

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### **Section C.2 – Justification from Applicant**

The applicant's justification for the improvements were that they purchased the property through Butler County Sheriff Sale and were not aware that the property was located within a historic district until received a stop work letter. The applicant has explained that the windows were in a condition that was beyond repair which is why they were replaced. At the January 21, 2020 meeting, the applicant submitted an estimate for window replacement from Pella Windows and a notarized statement dated on January 17, 2020 from a representative of Butler Glass stating that the windows were beyond repair due to rot and were unrepairable which required replacement.

In addition, the applicant stated that the reasoning for the window material and cornerstone was because the materials can be found on other buildings in the district. The applicant cited neighboring properties, Realty First and All Points Title that have vinyl windows. The applicant also questioned the approval of recent renovations for the garage door on the front façade for Two Little Buds on 17 N D Street.

### **Section C.3 ADRB Decision & Justification**

During the January 21 2020 meeting, ADRB members approved of a motion to deny the stone façade improvements and LED Signage while providing a compromise regarding the windows. Staff provided information regarding the fact that much of the work on surrounding buildings may have occurred prior to the local historic district expansion ten years ago and other work has also received a stop-work order and COA denial, with the same conditions provided the applicant.

Therefore, in accordance with the Hamilton Zoning Ordinance, the ADRB attempted to reconcile an alternative plan with the applicant that would be acceptable to both the applicant and the ADRB. At the January 21 2020 meeting, the ADRB suggested the following alternatives:

- In an effort to focus on the windows most visible from the right-of-way, the board passed a motion to requiring the applicant remove the windows on the front façade facing N D Street, two windows on the north façade side front of the building facing Park Avenue, and the one window on the south façade facing Main Street. ADRB stated that the applicant can apply for a COA for replacement windows that are paintable.
  - The windows not included in the motion were permitted to remain.
- Utilize 25% of existing window space similar to a nearby food service establishment, Roll on In, at 102 Main Street to use LED signage as an exempt window sign.

Without being able to identify an alternative plan that worked for the applicant, on January 21, 2020, the ADRB denied the applicant's request for a Certificate of Appropriateness pertaining to cornerstone improvements and LED Signage. The ADRB also passed a motion as one of the alternatives above for the windows. All three (3) items were voted on separately and approved unanimously.

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The justification for the ADRB's decision includes:

Window replacement:

- The requested windows do not follow the ADRB Guidelines for window replacement. The new windows differ in color, style, and material than the wood windows. Additionally, the ADRB's precedent has been to approve paintable replacement windows and the vinyl replacement windows are not paintable.
- The ADRB gave the applicant the same denial conditions that CORE was given for 16 N Street and 244 Main Street when they replaced wood windows with vinyl windows, which allowed them two (2) years to remove and replace the windows or until they receive a change of occupancy, whichever is earlier.

Stone Façade Improvement:

- The stone that was installed covered up intact historical features such as original brick, window lintels, and decorative wood around the front entrance to the building.
- The board stated that the stone should be removed, original features restored, and where necessary, like-for-like work be completed where original features could not be restored.

LED Signage:

- The ADRB Guidelines state, "Not recommended: Flashing Lights, Strobe Lights or other similar treatments and LED screens, projectors and related equipment and LED programmable signs. They will be evaluated on a case-by-case basis, based on context."
- The board recommended an alternative form of exempt signage by using up to 25% of glass transparency from the front façade with LED signage in the windows.

#### **Section D: Recommendations**

The Board of Zoning Appeals can approve or deny the appeal for the property located on 29 N D Street.

If the Board of Zoning Appeals intends to deny this appeal, the Planning Department has prepared the following motion:

- That the appeal application did meet the conditions set forth in Section 1126.50 and the ADRB Policies and Guidelines. Therefore, the Board of Zoning Appeals affirms the Architectural Design Review Board's Certificate of Appropriateness denial.

If the Board of Zoning Appeals intends to uphold this appeal, the Planning Department has prepared the following motion:

- That the appeal application did meet the conditions set forth in Section 1126.50 and the ADRB Policies and Guidelines. Therefore, the Board of Zoning Appeals reverses the Architectural Design Review Board's Certificate of Appropriateness denial.

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**Section F: Staff Basis / Comments**

The Planning Department recommends that the Board of Zoning Appeals affirm the decision made by the Architectural Design Review Board for the following reasons:

1. The ADRB utilized the Hamilton Zoning Ordinance's Section 1126.50 and ADRB Policies and Guidelines to make their decision. According to the ADRB's Policies and Procedures, "The Board reserves the right to develop/rewrite specific policies and/or stands for decision making."
  - a. Windows: The new windows do not conform to the ADRB guidelines for windows. The ADRB guidelines state that if an applicant demonstrates that a window is beyond repair, that the Board can approve replacement windows. "If approved, replacement windows will conform to the following:
    - i. The replacement window must match the existing window style.
    - ii. The replacement window must match the existing window design.
    - iii. The replacement window should match the existing window in material composition."
  - b. LED Signage:
    - i. The ADRB Guidelines state:
      1. "Not recommended: Flashing Lights, Strobe Lights or other similar treatments and LED screens, projectors and related equipment and LED programmable signs. They will be evaluated on a case-by-case basis, based on context."
    - ii. Staff does not believe that sufficient context was provided to approve 29 N D Street as a special case that would be appropriate for signage that is typically not recommended by the ADRB.
    - iii. Stone Façade - There are no specific regulations about adding stone façade work to a building. However, according to Section 1126 of the Hamilton Zoning Ordinance, ADRB has oversight over all exterior alterations to buildings. The stonework covers up historic, intact building materials and alters the exterior appearance of a historic building. Staff supports ADRB's decision to deny the COA application for stonework on 29 N D Street as there was insufficient explanation of why the physical alteration was compatible with the property.
      1. Section 1126.51 states: "That the proposed change is compatible with the subject property and/or a majority of properties in the immediate surrounding area in terms of: height, proportion of a facade, openings within a facade, relationships of solids to voids in a facade, entrances to sidewalks, materials, textures, color, architectural details, roof shapes, landscaping, continuity and scale."
2. Prior to denying the COA, the ADRB attempted identify an alternative proposal that would work for the applicant but was unable to do so, as is required as part of their process. (See Section C.3 ADRB Decision & Justification)

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**Section H: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 13 properties within 100 feet of the subject property per statute requirements.

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the appeal of the decision made to deny the Conditional Demolition by the ADRB.

**Section I: Attachments**

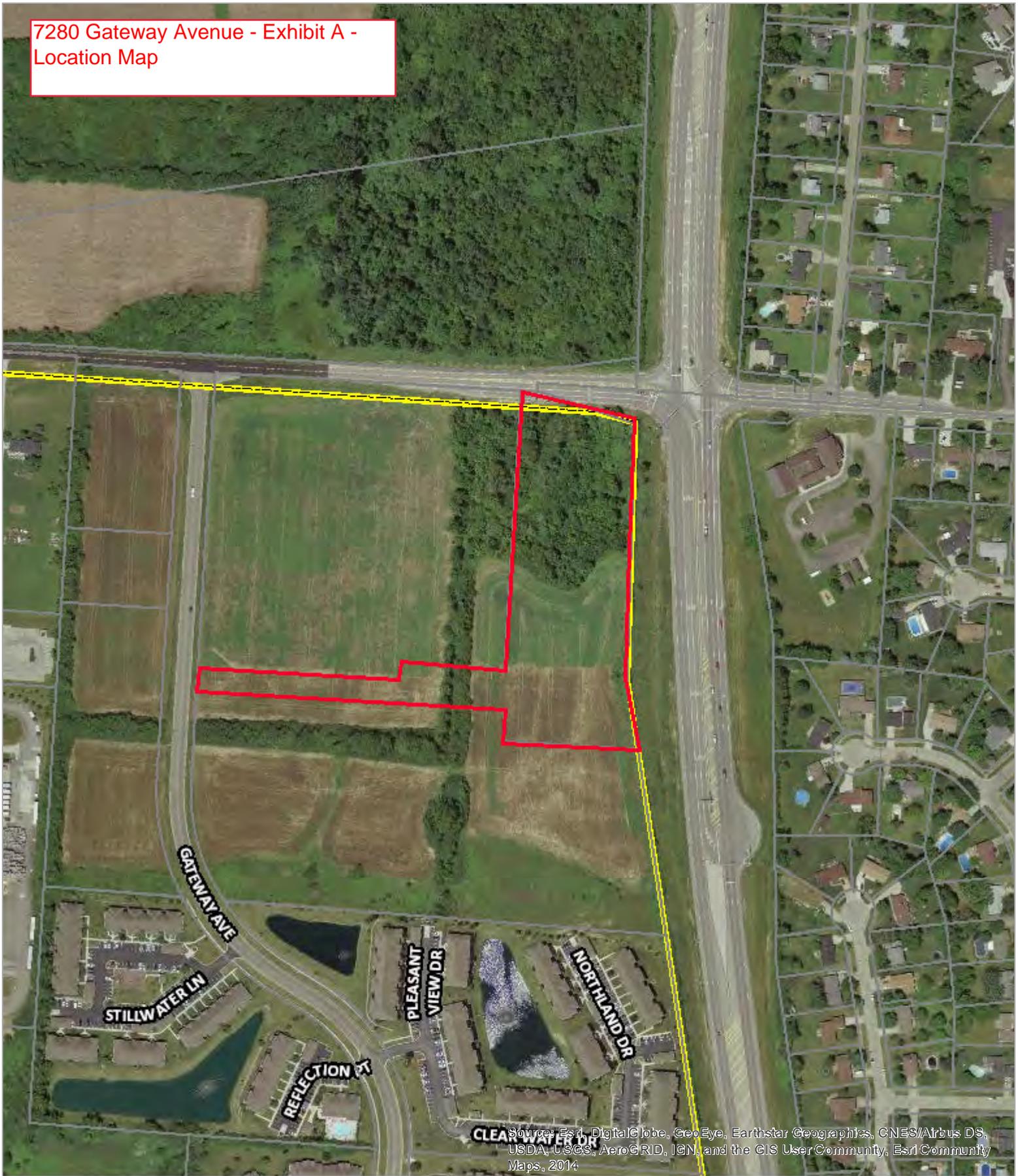
The following attachments are listed in chronological order as they appear in the report.

1. Exhibit A - Location Map
2. Exhibit B - Zoning Map
3. Exhibit C - 29 N D Street COA Application and Attachments
4. Exhibit D- ADRB Appeal Application
5. Exhibit E - ADRB Meeting Summary of January 21, 2020
6. Exhibit F - ADRB Staff Report
7. Exhibit G - Site Photos

*Report continued on the next page*



7280 Gateway Avenue - Exhibit A - Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS UserCommunity, Esri Community Maps, 2014



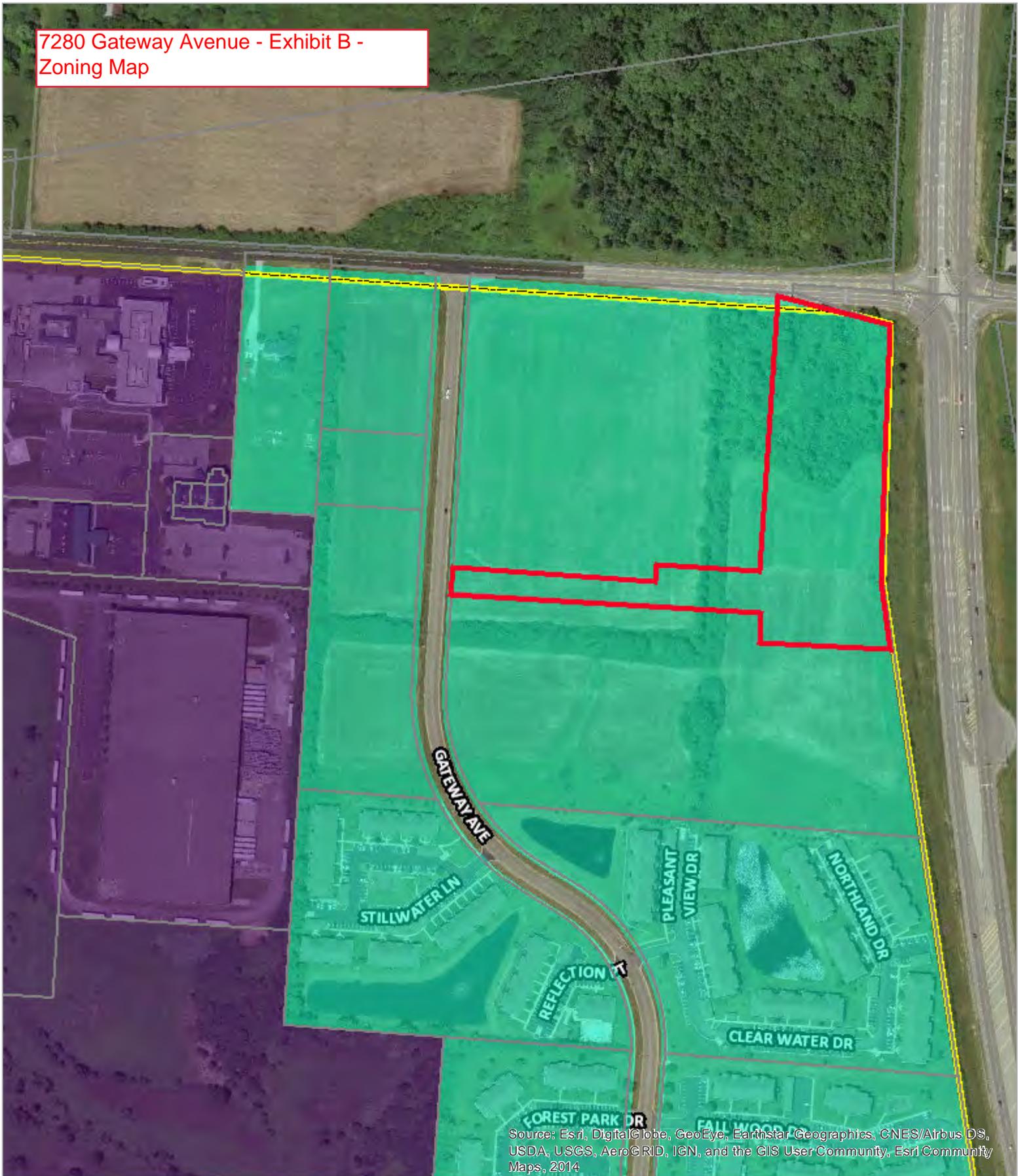
Areas

Override 1

# 7280 Gateway Avenue



7280 Gateway Avenue - Exhibit B - Zoning Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014



Areas

Override 1



Owner Parcels

# 7280 Gateway Avenue



7280 Gateway Avenue -  
Exhibit C - BZA Application

**DEPARTMENT OF PLANNING**  
CONSTRUCTION SERVICES DIVISION  
INTER-DEPARTMENTAL PLAN REVIEW RECORD

Location : 7250 GATEWAY AVE

Date : 02/13/2020

Name of Project : TRIHEALTH

Permit Type : PLANNING - BZA

Application # : A200520

Project Description: REQUEST TO INSTALL A TRIHEALTH BRANDED DIRECTIONAL IDENTIFICAT

Approval Date : 02/13/2020

Approval # : A200521

Review # : 1

Applicant : ROBERT STEINER

Phone : (513) 777-7446 Fax : email :

Owner :

Phone : Fax : email :

Please review the attached plans and return to Construction Services as soon a possible.

REMARKS	Please submit your comments electronically on the Approval Screen in Govern.
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This routing is for Approval # A200521 Review # 1

HEALTH

PUBLIC WORKS

FIRE

ENVIR. SERVICES

BUILDING

ELECTRIC

GAS / WATER

**ZONING**



## INSTRUCTIONS TO FILE AN APPLICATION FOR THE BOARD OF ZONING APPEALS

The Hamilton Board of Zoning Appeals (BZA) hears appeals for variances from the Hamilton Zoning Ordinance (HZO) provisions.

An appeal shall be considered filed when the application is completed, signed and received by the Planning Department office along with all required information and fee.

Be sure to fill in all appropriate blanks on the application. All information should be typewritten or printed legibly in ink, and signed by the applicant or their authorized representative.

If sufficient space is not available on the form to provide information or answer a question, please attach 8 1/2" x 11" sheets to each copy and make specific reference to the question being answered.

Make certain that each page of information presented contains your name and the address and lot number of the property concerned. The Planning Department may waive the submission of any information not relevant to the hearing of the appeal.

If you wish to subpoena any witnesses, a written request should be made to the Chairman at least five (5) days before the scheduled hearing. You will have to pay all costs incurred to subpoena any witnesses.

The application should include:

- One completed appeal application
- One copy of plans no larger than 11" x 17" as submitted for zoning review
- One copy of all written supporting information

A fee of \$200.00 shall accompany each appeal for variance(s).

If applying to the BZA, the applicant, along with the owners of all property within 100 ft. of the property in question will be notified of the date, time and place of the public hearing.

### HEARING PROCEDURE

You, as the appellant, or your representative, should be present at the meeting in order to have the case considered.

- Planning Department Staff will present and explain the case.
- You, or your representative, may then present any information or testimony relevant to the appeal.
- The Board will then hear from any other interested parties.
- After considering all information presented, the Board will then render a decision.
- The Secretary will inform the appellant by letter as soon as possible of the decision of the Board. Such decisions shall not become final until the expiration of five (5) days from the date of the decision, unless the board shall certify otherwise.

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If you proceed with the project on the basis of the Board's decision or in accordance with the HZO, whichever applies, you must then submit to Construction Services proper drawings and specifications for the project to obtain the necessary building permits.

**NOTE:** No approval of the Board permitting erection or alteration of a building or use of a building or premises is valid longer than six (6) months unless a building permit for such erection or alteration is obtained and the work is started within such period. Or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.

Copies of the Hamilton Zoning Ordinance (HZO) and zoning map are online at [hamilton-city.org](http://hamilton-city.org) (Planning Department) or may be obtained from the Planning Department office (345 High Street) for a fee of \$10.00 each.



A:200520

**BOARD OF ZONING APPEALS APPLICATION**

<b>Fees:</b>	
All Appeals to BZA	\$200.00
Appeal of ADRB Decision	no charge

Property Address: 7250 Gateway Parcel P6461057000071  
 Property Owner: TRINEALTH  
 Owner's Mailing Address: 625 EDEN PARK DRIVE, CINCINNATI 45202  
 Owner's Phone Contact: STAVE MOMBACH -(513) 569-6686  
 Appellant's Name (if different from owner): ROB STEINER / HIGHTECH SIGNS  
 Appellant's Mailing Address: 4050 THUNDERBIRD LN, FAIRFIELD OH 45014  
 Appellant's Email Address: ROBE.HIGHTECHSIGNSCINCINNATI.COM  
 Appellant's Phone Contact: (513) 874-5223 x 7

**Purpose of Application (Check all that apply):**

- Requesting a variance for signs. Please describe the request below (also fill out Appellant's rationale for requesting a Variance. See: Page 4)

REQUEST TO INSTALL A TRINEALTH BRANDED DIRECTIONAL, IDENTIFICATION SIGN TO DIRECT PATIENTS TO TRINEALTH BUTLER CAMPUS. INCLUDE A CITY OF HAMILTON IDENTIFICATION WALL

- Requesting a variance other than a sign from the following Sections of the Hamilton Zoning Code (also fill out Appellant's rationale for requesting a Variance, Page 4)

- Other – Skip to "Other" Section of Application Form (Page 5)

**VARIANCES**

Appellant's Rationale for requesting a Variance: (See Next Page)



**VARIANCES**

Variance-Findings of the BZA: No variance of the provisions or requirements of the Hamilton Zoning Ordinance shall be authorized by the BZA unless the BZA finds, beyond reasonable doubt, that all of the following facts and conditions exist. **Please address each condition below in the space provided.**

Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District. (What is unique about your case that requires a variance?)

LOCATION OF TRIMEALTH BUTLER IS HIDDEN FROM MAJOR THOROUGHFARE (BYPASS 4)  
THIS CAUSES CONFUSION AND RESULTING ANXIETY FOR ARRIVING TRIMEALTH PATIENTS

Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity. (Why is the variance needed to preserve property rights?)

The variance is needed in order to provide way finding for patients coming to the hospital and emergencies. Not granting this variance infringes on our rights to notify patients of the location of the hospital.

Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest. (How will the variance not be harmful to the property or nearby properties?)

The sign would be located in an area that is less dense and has high speed thoroughfares. This would be similar to the Cincinnati Children's Hospital and UE Health signs found on I-124 and I-75

Not of General Nature: No grant of variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation. (What makes the variance a non-recurring request or a rare case?)

This is a rare situation given the location for way finding and need in case of emergency. This signage would be needed to be this size and height to accommodate for the high speed traffic in Hamilton major road and Bypass 4. It is not of general nature because it is specific for a hospital in a lower density area.



**Application Fee:**  
**\$200**

**OTHER:** Please check the reason for the Application and Explain.

- Substitution of Non-Conforming Use
- Appeal of Decision of Architectural Design Review Board
- Temporary Use
- Appeal of Interpretation

**CERTIFICATION:**

I certify that all of the information contained in this Application is complete, true and accurate.

Appellant's Signature

2/13/2020  
Date

ROBERT P STEINER

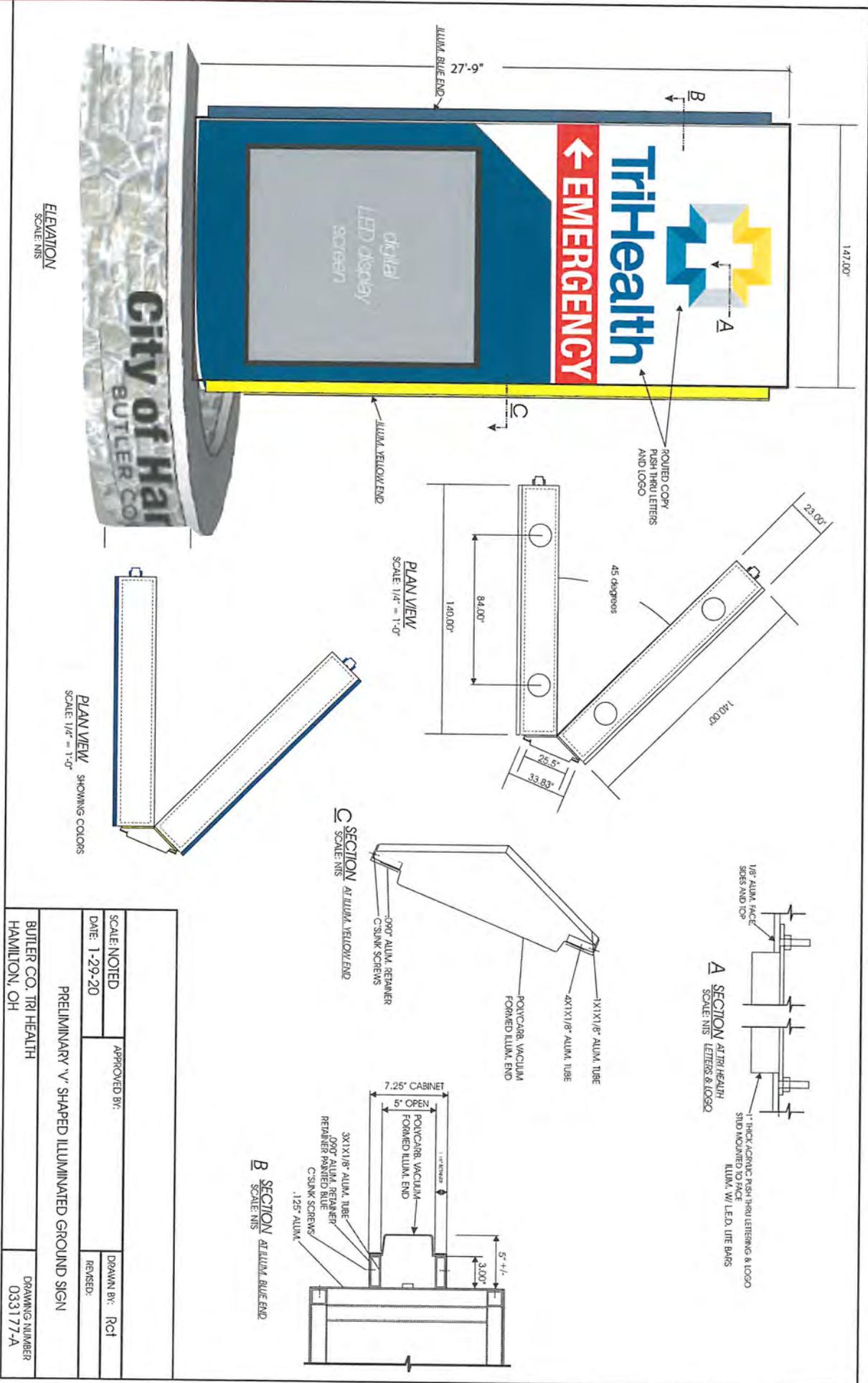
Appellant's Printed Name

Property Owner's Signature

By & Approved 2/13/2020  
Date

STEVE MOMBACH

Property Owner's Printed Name

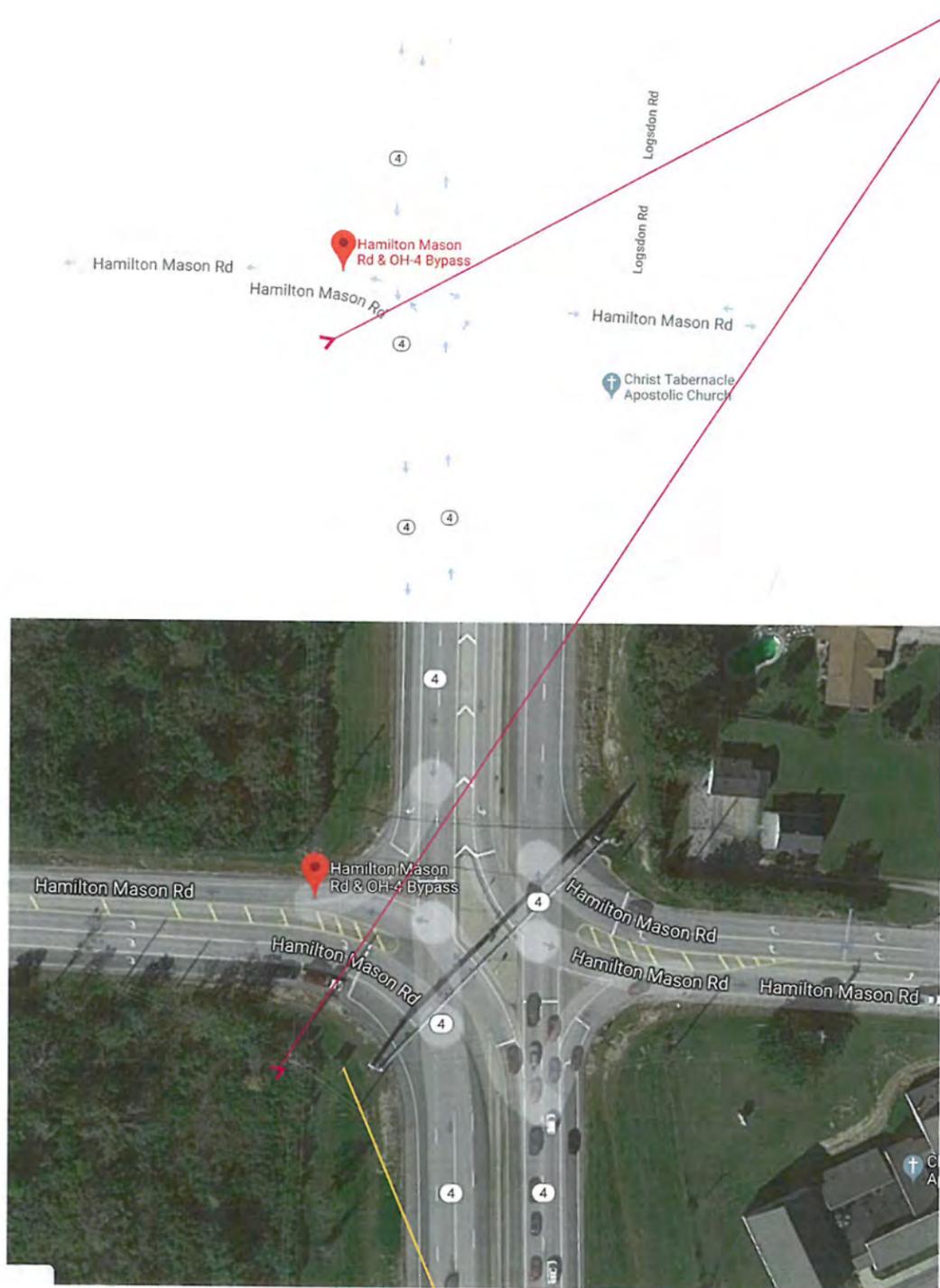


ELEVATION  
 SCALE NIS

PLAN VIEW  
 SHOWING COLORS  
 SCALE 1/4" = 1'-0"

SCALE NOTED	APPROVED BY:	DRAWN BY: Rct
DATE: 1-29-20		REVISED:
PRELIMINARY V-V SHAPED ILLUMINATED GROUND SIGN		
BUTLER CO. TRI HEALTH HAMILTON, OH		DRAWING NUMBER 033177-A

*new sign location  
(aprox location - need to confirm  
right away with zoning)*

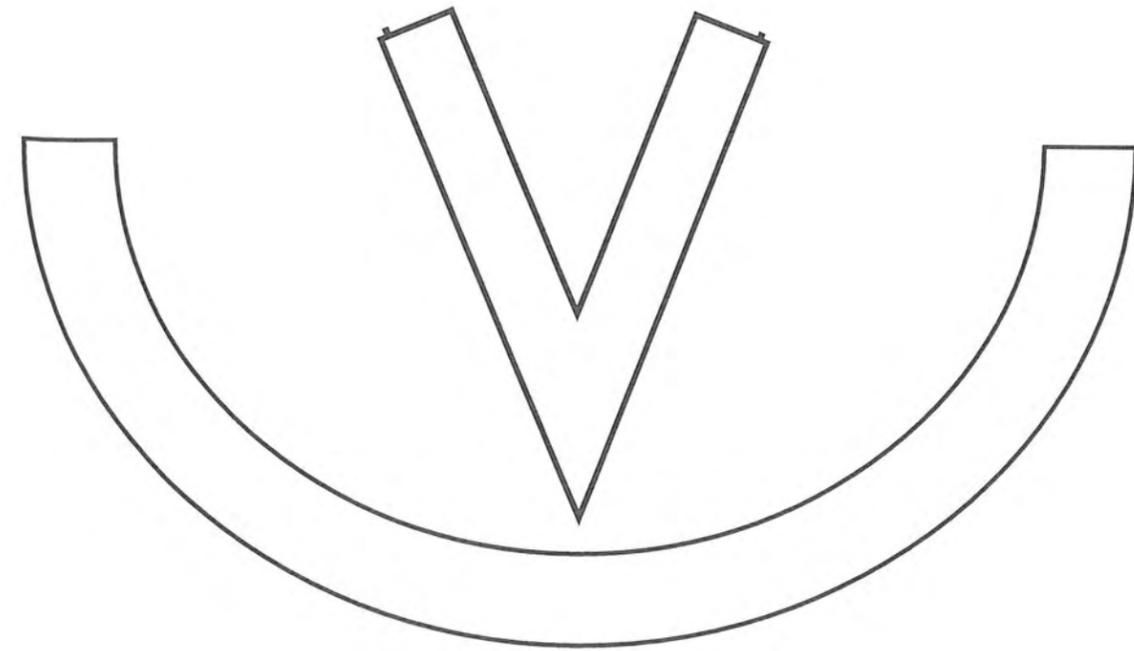
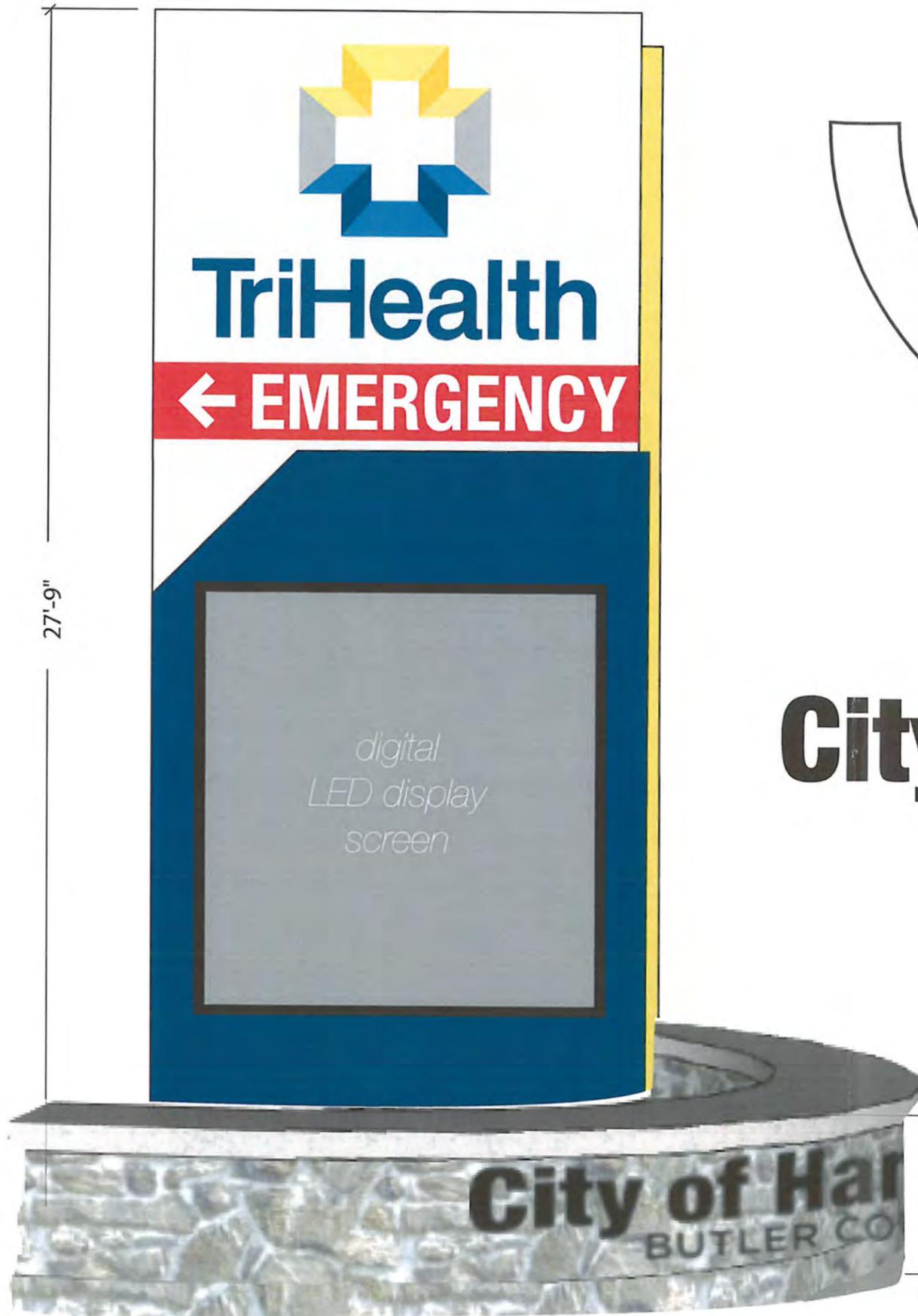


*current sign location*



*\* existing sign is 8' tall*





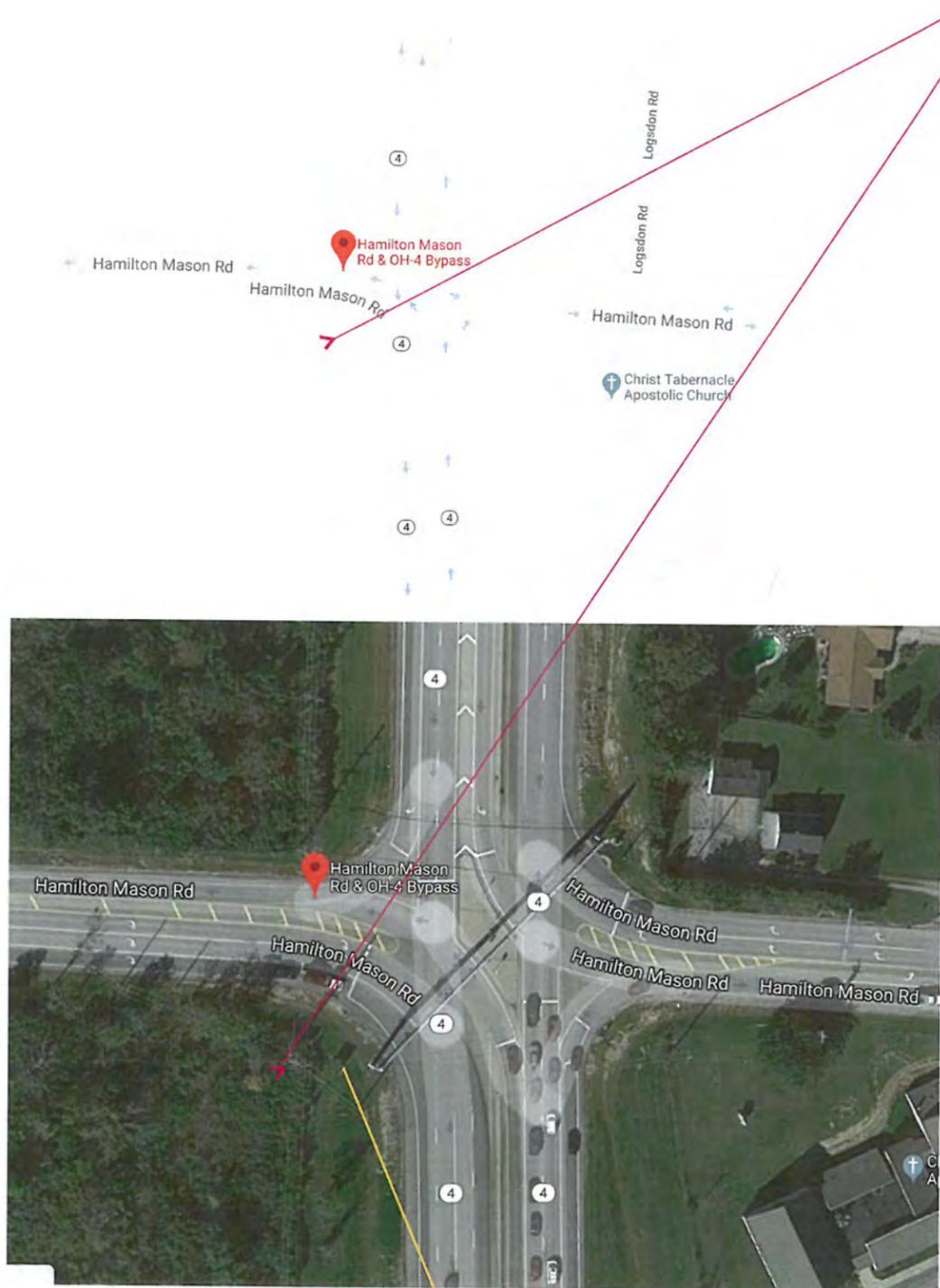
*sign will be "V" shaped*

**City of Hamilton**   
**BUTLER COUNTY OHIO**

*\* STUD MOUNTED  
dimensional lettering on rock wall*

*4' tall rock wall*

*new sign location  
(aprox location - need to confirm  
right away with zoning)*

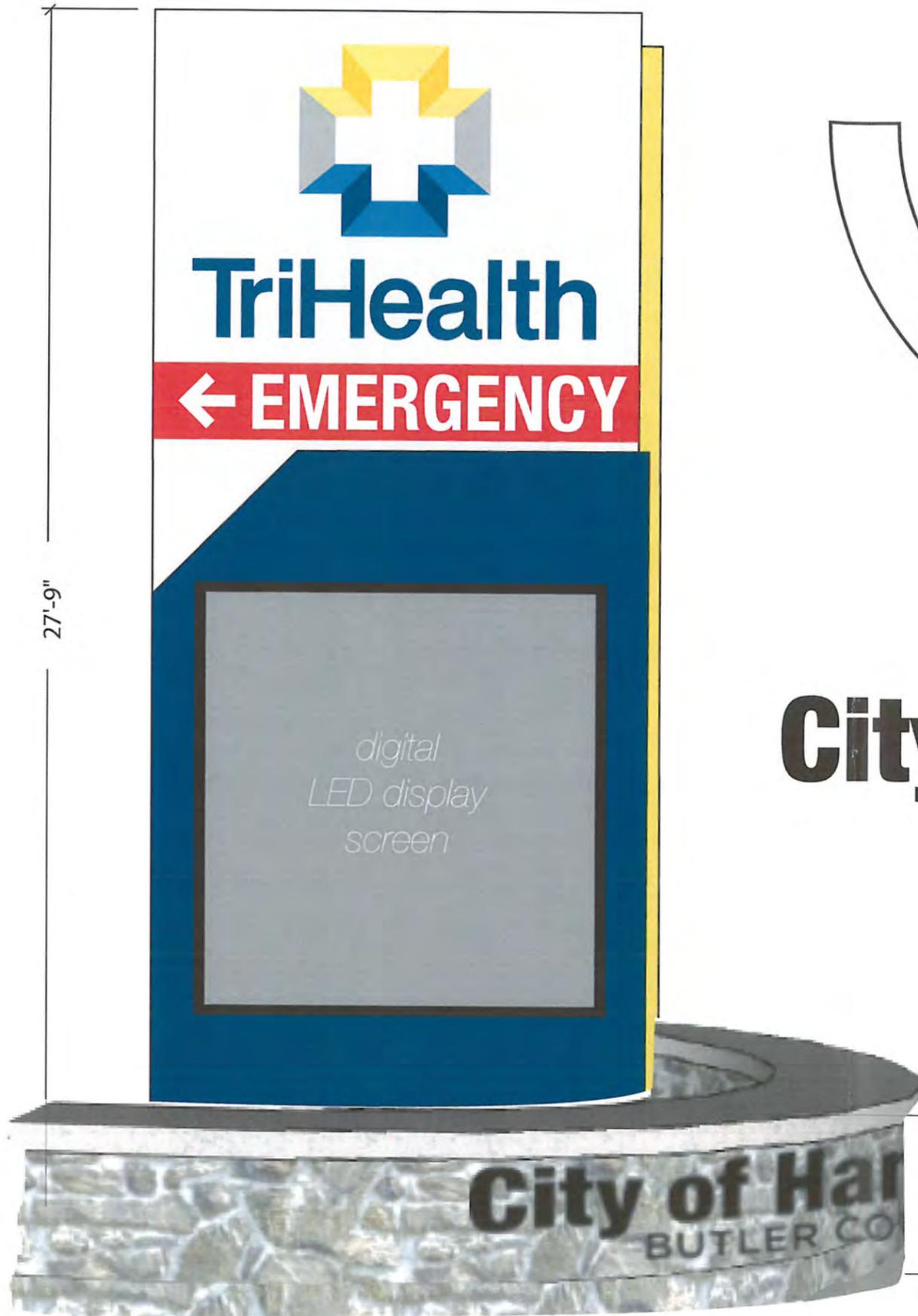


*current sign location*



*\* existing sign is 8' tall*

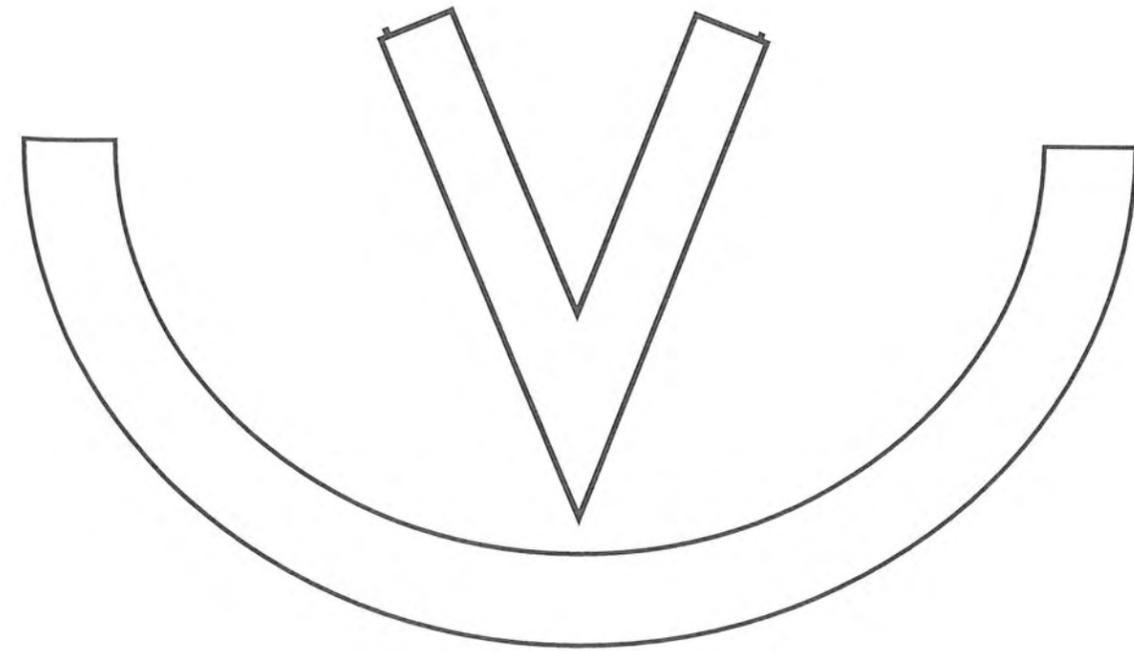




27'-9"

digital  
LED display  
screen

City of Hamilton  
BUTLER CO



*sign will be "V" shaped*

**City of Hamilton**   
BUTLER COUNTY OHIO

*\* STUD MOUNTED  
dimensional lettering on rock wall*

*4' tall rock wall*



## Planning Department

345 High Street, 3rd floor  
Hamilton, Ohio 45011

### NOTICE OF PUBLIC HEARING BOARD OF ZONING APPEALS

February 24, 2020

Attention Property Owner:

A public hearing will be held on **Thursday, March 5, at 9:00 a.m.**, before the City of Hamilton Board of Zoning Appeals (BZA) in the Council Chambers, First Floor, 345 High Street.

**Site:** 7280 Gateway Avenue  
**Applicant:** Tri-Health  
**Request:** Three (3) variances from requirements from Sign regulations pertaining to the height and area of the freestanding non-residential directional sign.

The applicant is seeking relief from regulations set forth with Section 1138.00 Signs of the Hamilton Zoning Ordinance (HZO). This property, attached in the map to this notice, is located within the B-2 Community Business District and regulated by Section 1121.00 of the HZO.

***You are a property owner located within 100 feet of the site on which the variances are being requested, and as such, the BZA bylaws require that you be notified of this public hearing.***

The applicant is requesting to construct a 27' 9" (twenty-seven feet and nine inches) tall sign with a sign area of 340 square feet with a landscaped bed. The applicant desires three (3) variances:

1. 1138.71 Freestanding Signs, Clause C. (Sign Area): Individual freestanding nonresidential Area: 0.75 square feet per lineal foot of lot frontage with a maximum sign area of 120 square feet.
2. 1138.71 Freestanding Signs, Clause C. (Height): Individual freestanding non-residential height: Maximum height: 8 feet
3. 1138.71 Freestanding Signs, Clause F. (Design): Freestanding signs shall be located in a non-paved landscaped area or planter box equal in size to the area of the sign face. Curbing shall surround the freestanding signs located in landscaped areas within parking lots. All wiring including electric service wiring shall be concealed.

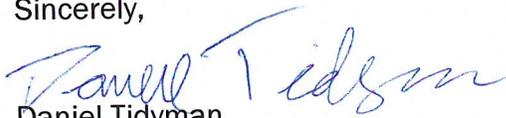
***(Public hearing notice continues to the following page)***

An application for this project is on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at:  
<https://www.hamilton-city.org/202/Board-of-Zoning-Appeals>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the BZA in writing for presentation at the meeting. If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least 24 hours prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact Daniel Tidyman of the Planning Department at **513-785-7023**.

Sincerely,

A handwritten signature in blue ink that reads "Daniel Tidyman". The signature is written in a cursive style with a large, stylized "D" and "T".

Daniel Tidyman  
BZA Secretary  
Planning Department

Greg Mullins <gregm@pellaoki.com>

1/21/2020 12:42 PM

QUOTE FROM PELLA

To jwillard@honestyhome.com <jwillard@honestyhome.com>

LABOR WOULD BE \$700 PER WINDOW OPENING

**Greg Mullins**

Pella Windows and Doors  
Commercial Sales Consultant

15131 383-2675 Mobile  
gregm@pellaoki.com

785 Lindbergh Ct, Suite 190  
Hebron, KY 41048

- 29 N. D STREET.pdf (200 KB)
- image001.png (15 KB)

*No windows  
facade - stone*





# Proposal - Detailed

Pella Window and Door Showroom of Montgomery  
 9869 Montgomery Road  
 Montgomery, OH 45242-6424

**Sales Rep Name:** MULLINS, GREG  
**Sales Rep Phone:** 513-936-5240  
**Sales Rep E-Mail:** GREGM@PELLAOKI.COM  
**Sales Rep Fax:** 513-745-0828

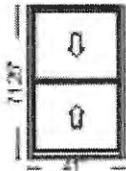
Customer Information	Project/Delivery Address	Order Information
EDB Property Group 1  HAMILTON, OH 45013 <b>Primary Phone:</b> (513) 735-5263 <b>Mobile Phone:</b> <b>Fax Number:</b> <b>E-Mail:</b> <b>Contact Name:</b>  <b>Great Plains #:</b> 1005548357 <b>Customer Number:</b> 1009435219 <b>Customer Account:</b> 1005548357	29 North D Street 29 North D Street  <b>Lot #</b> Hamilton, OH 45011 <b>County:</b> <b>Owner Name:</b> EDB Property Group <b>Owner Phone:</b> (513) 735-5263	<b>Quote Name:</b> 29 North D Street  <b>Order Number:</b> 275 <b>Quote Number:</b> <b>12240599</b> <b>Order Type:</b> Non-Installed Sales <b>Wall Depth:</b> <b>Payment Terms:</b> <b>Tax Code:</b> BUTLER CO OHIO <b>Cust Delivery Date:</b> None <b>Quoted Date:</b> 1/21/2020 <b>Contracted Date:</b> <b>Booked Date:</b> <b>Customer PO #:</b>

Line #	Location:	Attributes	Item Price	Qty	Ext'd Price
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10 None Assigned

**Architect Reserve, Double Hung, 41 X 71.25, Classic White**

\$795.03 1 \$795.03



PK #  
2050

**1: Non-Standard Size Double Hung, Equal**

**Frame Size:** 41 X 71 1/4

**General Information:** Standard, Luxury, Clad, Pine, 5", 3 11/16"

**Exterior Color / Finish:** Painted, Standard Enduraclad, Classic White

**Interior Color / Finish:** Bright White Paint Interior

**Sash / Panel:** Putty Glaze, Ogee, Standard, No Sash Lugs

**Glass:** Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude

**Hardware Options:** Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor

**Screen:** No Screen

**Performance Information:** U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 45, Calculated Positive DP Rating 45, Calculated Negative DP Rating 45, Year Rated 08|11, Egress Meets Typical 5.7 sqft (E) (United States Only)

**Grille:** No Grille,

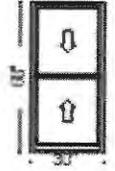
**Wrapping Information:** No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 225".

Viewed From Exterior

Rough Opening: 41 - 3/4" X 72"

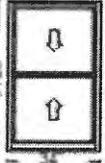
For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at [www.pella.com](http://www.pella.com)

Line #	Location:	Attributes			
15	None Assigned	<b>Architect Reserve, Double Hung, 34 X 65.25, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$715.95	1	\$715.95
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 34 - 3/4" X 66"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 34 X 65 1/4  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical 5.7 sqft (E) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 199".</p>			

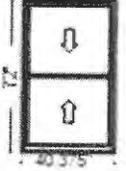
Line #	Location:	Attributes			
20	None Assigned	<b>Architect Reserve, Double Hung, 30 X 68, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$705.91	1	\$705.91
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 30 - 3/4" X 68 - 3/4"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 30 X 68  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical for ground floor 5.0 sqft (E1) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 196".</p>			

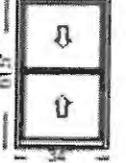
For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at [www.pella.com](http://www.pella.com)

Line #	Location:	Attributes			
25	None Assigned	<b>Architect Reserve, Double Hung, 34.25 X 73.5, Classic White</b>	<u>Item Price</u>	<u>Qty</u>	<u>Ext'd Price</u>
			\$761.16	6	\$4,566.96
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 35" X 74.25"</p>	<p>PK # 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 34 1/4 X 73 1/2  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical 5.7 sqft (E) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 216".</p>			

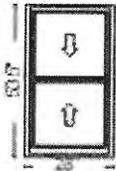
Line #	Location:	Attributes			
30	None Assigned	<b>Architect Reserve, Double Hung, 34 X 61.25, Classic White</b>	<u>Item Price</u>	<u>Qty</u>	<u>Ext'd Price</u>
			\$695.86	2	\$1,391.72
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 34 - 3/4" X 62"</p>	<p>PK # 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 34 X 61 1/4  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical for ground floor 5.0 sqft (E1) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 191".</p>			

For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at [www.pella.com](http://www.pella.com)

Line #	Location:	Attributes			
35	None Assigned	<b>Architect Reserve, Double Hung, 40.375 X 72, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$795.03	1	\$795.03
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 41 - 1/8" X 72 - 3/4"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 40 3/8 X 72  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 45, Calculated Positive DP Rating 45, Calculated Negative DP Rating 45, Year Rated 08 11, Egress Meets Typical 5.7 sqft (E) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 225".</p>			

Line #	Location:	Attributes			
40	None Assigned	<b>Architect Reserve, Double Hung, 34 X 61.5, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$695.86	1	\$695.86
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 34 - 3/4" X 62 - 1/4"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 34 X 61 1/2  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical for ground floor 5.0 sqft (E1) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 191".</p>			

For more information regarding the finishing, maintenance, service and warranty of all Pella® products, visit the Pella® website at [www.pella.com](http://www.pella.com)

Line #	Location:	Attributes			
45	None Assigned	<b>Architect Reserve, Double Hung, 28 X 53.5, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$625.54	1	\$625.54
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 28 - 3/4" X 54 - 1/4"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 28 X 53 1/2  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Does not meet typical United States egress, but may comply with local code requirements  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 163".</p>			

Line #	Location:	Attributes			
50	None Assigned	<b>Architect Reserve, Double Hung, 30 X 65.25, Classic White</b>	<b>Item Price</b>	<b>Qty</b>	<b>Ext'd Price</b>
			\$695.86	1	\$695.86
	 <p>Viewed From Exterior  <b>Rough Opening:</b> 30 - 3/4" X 66"</p>	<p><b>PK #</b> 2050</p> <p><b>1: Non-Standard Size Non-Standard Size Double Hung, Equal</b>  <b>Frame Size:</b> 30 X 65 1/4  <b>General Information:</b> Standard, Luxury, Clad, Pine, 5", 3 11/16"  <b>Exterior Color / Finish:</b> Painted, Standard Enduraclad, Classic White  <b>Interior Color / Finish:</b> Bright White Paint Interior  <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs  <b>Glass:</b> Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude  <b>Hardware Options:</b> Spoon-Style Lock, White, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  <b>Screen:</b> No Screen  <b>Performance Information:</b> U-Factor 0.29, SHGC 0.28, VLT 0.53, CPD PEL-N-232-00253-00001, Performance Class CW, PG 50, Calculated Positive DP Rating 50, Calculated Negative DP Rating 50, Year Rated 08 11, Egress Meets Typical for ground floor 5.0 sqft (E1) (United States Only)  <b>Grille:</b> No Grille,  <b>Wrapping Information:</b> No Exterior Trim, 3 11/16", 5", Factory Applied, Pella Recommended Clearance, Perimeter Length = 191".</p>			

**Thank You For Your Interest In Pella® Products**

**PELLA WARRANTY:**

Pella products are covered by Pella's limited warranties in effect at the time of sale. All applicable product warranties are incorporated into and become a part of this contract. Please see the warranties for complete details, taking special note of the two important notice sections regarding installation of Pella products and proper management of moisture within the wall system. Neither Pella Corporation nor the Seller will be bound by any other warranty unless specifically set out in this contract. However, Pella Corporation will not be liable for branch warranties which create obligations in addition to or obligations which are inconsistent with Pella written warranties.

Clear opening (egress) information does not take into consideration the addition of a Rolscreen [or any other accessory] to the product. You should consult your local building code to ensure your Pella products meet local egress requirements.

Per the manufacturer's limited warranty, unfinished mahogany exterior windows and doors must be finished upon receipt prior to installing and refinished annually, thereafter. Variations in wood grain, color, texture or natural characteristics are not covered under the limited warranty.

**INSYNCTIVE PRODUCTS:** In addition, Pella Insynctive Products are covered by the Pella Insynctive Products Software License Agreement and Pella Insynctive Products Privacy Policy in effect at the time of sale, which can be found at [Insynctive.pella.com](https://www.pella.com). By installing or using Your Insynctive Products you are acknowledging the Insynctive Software Agreement and Privacy Policy are part of the terms of sale.

**Notice of Collection of Personal Information:** We may collect your personal information when you interact with us. Under the California Consumer Privacy Act (CCPA), California residents have specific rights to request this information, request to delete this information, and opt out of the sharing or sale of this information to third parties. To learn more about our collection practices and your rights under the CCPA please visit our link <https://www.pella.com/california-rights-policy/> at [pella.com](https://www.pella.com).

**ARBITRATION AND CLASS ACTION WAIVER ("ARBITRATION AGREEMENT")**

**YOU and Pella and its subsidiaries and the Pella Branded Distributor AGREE TO ARBITRATE DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS (INCLUDES PELLA GOODS AND PELLA SERVICES) AND WAIVE THE RIGHT TO HAVE A COURT OR JURY DECIDE DISPUTES. YOU WAIVE ALL RIGHTS TO PROCEED AS A MEMBER OR REPRESENTATIVE OF A CLASS ACTION, INCLUDING CLASS ARBITRATION, REGARDING DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS.** You may opt out of this Arbitration Agreement by providing notice to Pella no later than ninety (90) calendar days from the date You purchased or otherwise took ownership of Your Pella Goods. To opt out, You must send notice by e-mail to [pellawebsupport@pella.com](mailto:pellawebsupport@pella.com), with the subject line: "Arbitration Opt Out" or by calling (877) 473-5527. Opting out of the Arbitration Agreement will not affect the coverage provided by any applicable limited warranty pertaining to Your Pella Products. For complete information, including the full terms and conditions of this Arbitration Agreement, which are incorporated herein by reference, please visit [www.pella.com/arbitration](http://www.pella.com/arbitration) or e-mail to [pellawebsupport@pella.com](mailto:pellawebsupport@pella.com), with the subject line: "Arbitration Details" or call (877) 473-5527. D'ARBITRAGE ET RENONCIATION AU RECOURS COLLECTIF ("convention d'arbitrage") EN FRANÇAIS SEE [PELLA.COM/ARBITRATION](http://PELLA.COM/ARBITRATION). DE ARBITRAJE Y RENUNCIA COLECTIVA ("acuerdo de arbitraje") EN ESPAÑOL VER [PELLA.COM/ARBITRATION](http://PELLA.COM/ARBITRATION).

**Product Performance Information:**

U-Factor, Solar Heat Gain Coefficient (SHGC), and Visible Light Transmittance (VLT) are certified by the National Fenestration Rating Council (NFRC). Manufacturer stipulates that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any products and does not warrant the suitability of any product for any specific use.

Design Pressure (DP), Performance Class, and Performance Grade (PG) are certified by a third party organization, in many cases the Window and Door Manufacturers Association (WDMA). The certification requires the performance of at least one product of the product line to be tested in accordance with the applicable performance standards and verified by

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an independent party. The certification indicates that the product(s) of the product line passed the applicable tests. The certification does not apply to mulled and/or product combinations unless noted. Actual product results will vary and change over the products life.

For more performance information along with information on Florida Product Approval System (FPAS) Number and Texas Dept. of Insurance (TDI) number go to [www.pella.com/performance](http://www.pella.com/performance).

## **BRANCH WARRANTY:**

### **TERMS & CONDITIONS:**

The following are the Terms and Conditions of the sale of Pella® products between DEPE, LLC dba Pella Windows and Doors, (hereinafter referred to as "Seller") and the undersigned hereinafter referred to as "Buyer". All quotes are valid for 30 days.

**1.TERMINATION OR CANCELLATION** This contract may be cancelled or terminated by DEPE, LLC (hereinafter referred to as "Seller" throughout the remainder of the terms) by written notification delivered to the Buyer within twenty-one (21) days from the signature date of the contract. The Buyer acknowledges that the products, which are the subject of this contract, are to be custom manufactured to the Buyer's specifications, are not necessarily subject to resale or restocking, and therefore the contract is not subject to cancellation by the Buyer after the product order has been placed by Seller. Any products that are cancelled or changed by Buyer, after the order has been placed, are subject to a charge of one hundred percent (100%) of the selling price which will be applied to the Buyer's order. Changes include, but are not limited to, product selection, clad color, hardware selection, hinge positioning, grid pattern, trim selection, glass type and prefinish selection (i.e. paint or stain). If this is a home solicitation sale it is governed by ORC Chapter 1345 and KRS Chapter 367 and orders will be placed after the statutory period of cancellation has expired.

**2.BUYER'S CHOICE OF PRODUCT** The Buyer affirms that the Buyer has had an ample opportunity to examine the models or samples of goods to the extent that Buyer desires to do so, and Buyer affirms that the choice to purchase the specific type or model of goods described in this contract was made by Buyer. Buyer acknowledges that color samples depict finish colors as accurately as possible. Light, age, sheen, wood species, and coating can produce changes to the desired color, and as a result, variation between existing color samples, or existing colors and actual finishes can occur.

**3.CREDIT APPROVAL** In the absence of a cash order, no products will be ordered until verification of credit financing has been received by Seller's credit department. Credit approval may take up to five business days.

**4.PAYMENT** All payments made to Seller pursuant to this contract should be made to DEPE, LLC dba Pella Windows and Doors, 785 Lindbergh Court, Suite 190, Hebron, KY 41048, or at one of Seller's Showroom locations. Effective January 2, 2017, a 2% Convenience Fee will be imposed on all VISA, MasterCard & Discover Credit Card transactions.

**5.PERFORMANCE** All shipping dates are estimated as closely as possible, and Seller shall use its best efforts in every case to ship within the time frame promised, but there is no guarantee to do so. Seller shall not be liable for any direct, indirect, or consequential damage, or loss, caused by any delay in shipment.

**6.DELIVERY** Seller will not be responsible for delays, caused directly or indirectly, by labor disputes, weather, fire, war, governmental interference, natural disaster, transportation delays, shortage or unavailability of materials or products, acts of God, or other causes beyond the control of Seller.

**7.TITLE/OWNERSHIP** All title and ownership of the product passes to the Buyer upon delivery by Seller to the Buyer's preselected destination. After delivery, Buyer is solely responsible for any product damage or theft that is incurred.

**8.ACCEPTANCE OF PRODUCTS UPON DELIVERY** The Buyer agrees to be present to carefully inspect the condition of, and to verify the accuracy of, all products delivered. The Buyer is responsible for checking the quality of the products and specifications of the products received. If the Buyer is unable to be present, the Buyer must designate, in writing, to Seller, the name of a representative that is authorized to accept the products on behalf of the Buyer. Such designation must be made in writing to Seller prior to delivery. Seller shall not be responsible or liable for any loss or damage incurred by Buyer's failure to adhere to this policy.

**9.INSPECTION AND ACCEPTANCE OF WORKMANSHIP** The Buyer agrees to be present to carefully inspect the condition of, and verify the accuracy of, all workmanship performed by Seller. If the Buyer is unable to be present, the Buyer must designate, in writing, to Seller, the name of a representative that is authorized to inspect and accept the workmanship on behalf of Buyer. Such designation must be made in writing to Seller prior to the completion of the installation. Buyer or Buyer's designated representative is responsible for checking the quality of workmanship and Seller shall not be liable for any claims related to any damages resulting from workmanship or installation by Seller, unless the Buyer provides written notice of such damage within seven (7) days after the

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installation has been completed. Installation shall be considered complete once all of the products have been installed pursuant to the specifications of the contract. In the rare instance that a damaged or non-functional product is installed by Seller, the Pella® warranty covers the replacement and installation of the damaged product and does not extend the installation period. Seller shall not be liable or responsible for any loss or damage incurred by Buyer, as a result of Buyer's failure to adhere to this policy.

10. **STORAGE** Seller reserves the right to charge Buyer storage fees for products stored in Seller's warehouse space beyond scheduled delivery for more than 15 days.

11. **WARRANTY** Pella® products are covered by Pella's limited warranties in effect at the time of the sale. All applicable product warranties are incorporated into and become a part of this contract. Neither Pella Corporation nor D.E.P.E., LLC dba Pella Windows and Doors will be bound by any other warranty.

12. **DISCLAIMER OF WARRANTY** Seller warrants that the goods are as described in this agreement. No other warranty is given and no affirmation of fact or promise made by Seller, or its agents, shall constitute or apply as a warranty. Seller makes no warranty of merchantability in respect to the goods sold pursuant to this agreement. Seller makes no warranty that the goods sold pursuant to this agreement are fit for any particular purpose.

13. **LIMITATION OF REMEDIES** In the event that Seller elects to replace any product, or part thereof, referred to in this contract, whether as a result of a breach of warranty or otherwise, the replacement product or part may be a comparable or suitable substitute, if a like unit is not readily and reasonably available. The warranty period on the replacement product or part will be the balance of the warranty on the original product purchased. Seller will not be liable to the Buyer for any incidental, consequential, or special damages, including without limitation lost revenues and profits or attorney's fees. In no event shall the responsibility of Seller exceed the contract price.

14. **LIMITATIONS OF ACTIONS** Any and all legal proceedings commenced by the Buyer with regard to this contract, if not otherwise subject to a limitation of remedy or claim pursuant to the terms and conditions of this contract, must be commenced within one year of the date of delivery, or in the case of a warranty claim, within one year of the date on which the basis for the claim was, or reasonably should have been discovered. The failure to commence legal proceedings within the time set forth in this paragraph shall constitute a waiver by the Buyer of any and all claims Buyer may have with regard to this contract.

15. **MERGER AND ENTIRE AGREEMENT** This contract constitutes the sole and complete agreement between Buyer and DEPE, LLC and no statement, representation, or agreement, written or verbal, not appearing on this contract order, shall be enforceable, except for order verification measurements and change orders prepared on a form furnished by Seller and signed by Seller and the Buyer or their authorized representative.

16. **NOTICE OF COMMENCEMENT** Pursuant to Ohio Revised Code Section 1311.04(j), this contract constitutes an immediate and continuing request to the contractor that Seller must be provided with a copy of the Notice of Commencement on this project from the general contractor, and execution of this agreement constitutes acknowledgment by the general contractor of this request.

17. **NOTICES** This contract, if executed by the owner of the real estate being improved by the delivered product or performed labor, is considered notice of Seller's right to file a Mechanic's Lien, under the Ohio Revised Code, and the Kentucky Revised Statutes, and the Indiana Revised Code within the statutory time periods allowed by law, after provision of labor and/or materials.

18. **GOVERNING LAW** Any disputes arising from the terms or conditions of this contract shall be governed by the laws of the State of Ohio.

19. **PURCHASE PRICE AND TERMS FOR NON ACCOUNT CUSTOMERS**

Orders that total \$5,000 or less must be paid IN FULL at the time the order is placed. For orders that exceed \$5,000, fifty percent (50%) deposit is due at the signing of the contract (non-refundable after order placement) with the balance immediately due before delivery of the product or upon substantial completion of the work, if installation is part of this contract. The balance due of any contract for product only must be paid in advance before delivery may be scheduled. Seller personnel will notify Buyer of receipt of product into the Seller's warehouse and make arrangements for final payment and scheduled delivery. Product remaining in the Seller's warehouse more than 15 days after notification will be subject to a storage charge assessed by Seller.

**Payment Type:**

Check No. \_\_\_\_\_

**Effective January 2, 2017, a 2% Convenience Fee will be imposed on all VISA, MasterCard & Discover Credit Card transactions.**

Credit Card No. \_\_\_\_\_ (VISA / MASTER CARD / DISCOVER)

Expiration date \_\_\_\_ (mth) / \_\_\_\_ (yr)

Name as it appears on card: \_\_\_\_\_

Billing ZIP CODE of Credit Card: \_\_\_\_\_

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- Substantial completion of work has occurred when the delivered products have been installed per the contract. Items such as missing or broken parts, and service adjustments, will not prevent a job from "substantial completion of work". Once installation has been substantially completed, payment in full of the outstanding balance is due under the terms of this agreement. All replacement parts, punch list items, damaged products, warranty work or other remedial items will be performed by Seller within a reasonable time after Buyer's written notice to Seller. None of these items will extend the payment terms. Substantial completion of work will still be considered complete even if replacement parts, damaged product, punch list items, warranty work or other remedial items need to be performed by Seller.
- It is the responsibility of the Buyer or Buyer's designated agent, to be present during installation to accept the work and workmanship and to pay the balance due.

**20. PAYMENT BY CREDIT CARD** If the initial deposit is made by credit card, the remaining balance will automatically be charged to the Buyer's credit card upon delivery of product only or substantial completion of the project as defined above. \_\_\_\_\_ (initial)

**Effective January 2, 2017, a 2% Convenience Fee will be imposed on all VISA, MasterCard & Discover Credit Card transactions.**

**21. PAYMENT TERMS FOR ACCOUNT CUSTOMERS IN GOOD STANDING** Unless otherwise agreed, terms are net 30 days from date of shipment, no discount, no retainage. There are no other understandings between the parties other than as set forth herein. All communications either verbal or written, made prior to the date of this proposal are hereby abrogated and withdrawn.

**22. LATE CHARGES AND COSTS OF COLLECTION** In the event that the contract is not paid when due, the Buyer shall pay a late fee on the sums due at the rate of 1.5% per month. Buyer agrees to pay Seller any and all costs incurred by Seller in collecting amounts from the Buyer, including late charges, which costs will include but are not necessarily limited to, collection agency fees, court costs and attorney's fees.

**23. SALES TAX** The exact sales tax will be calculated and charged at the time of your order is shipped. Sales tax reflected during the quoting process is an estimate and based on current state sales tax rates. State sales tax rates are subject to change at any time.

**24. DELIVERY / FUEL SURCHARGE** Product delivered by the Seller will be subject to a Delivery / Fuel Surcharge Fee. This fee can be waived, if the buyer/customer chooses to pick up the product at the Seller's warehouse facility.

**The person executing this agreement has authority to bind the customer and is authorized by the customer to enter into the terms and conditions of this contract.**

<b>Order Totals</b>	
Taxable Subtotal	\$10,987.86
Sales Tax @ 6.5%	\$714.21
Non-taxable Subtotal	\$0.00
<b>Total</b>	<b>\$11,702.07</b>
<b>Deposit Received</b>	<b>\$0.00</b>
<b>Amount Due</b>	<b>\$11,702.07</b>

To Whom It May Concern:

Leslie Meadows am a glass service technician at Butler Glass in Hamilton, OH. On or around May 2019 we went on a service call to repair windows at 29 N D St in Hamilton. After inspecting windows at the property, we determined that all the windows were rotted out and not repairable. The glass in the windows was falling out which is why we were called out; the glass was falling out due to the rot. We suggested that all the windows be replaced.

Leslie Meadows

State of OHIO )

County of Butler )

On this, the 27 day of JUN, 2020, before me a notary public, the undersigned, personally appeared Leslie Meadows, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.



KELLY WILSON  
Notary Public, State of Ohio  
my Comm. Expires 06/20/2022

Kelly Wilson  
Notary Public





05/07/2019 12:54



05/07/2019 12:54



09/28/2018

29



09/28/2018



We Buy Houses  
Any Condition  
Any Situation  
618-311-2418

29

11/15/2019 14:09



We Buy Houses  
Any Condition  
Any Situation  
513-SELL-2-US

29 North "D"

Red door with a small window and a mail slot.

12/06/2019 14:26



September 30, 2019

E D B Property Group LLC  
PO Box 13010  
Hamilton, OH 45013

E D B Property Group LLC

RE: 29 N D Street

It has come to our attention that renovations are in progress or completed at the building located on 29 N D Street Street in Hamilton, OH. While the City of Hamilton appreciates your efforts to improve the property, this building is located in the Rossville Historic District and is subject to regulations as defined in Section 1126.00 of the Hamilton Zoning Ordinance regarding exterior changes, and exterior work must have a Certificate of Appropriateness (COA).

Concerning 29 N D Street, any current exterior work must stop immediately. To resume work or get any previously completed work approved:

1. Please contact the City's Planning Department
2. Submit a COA Application (Included with this letter)
3. And have the City's Architecture Design Review Board (ADRB) approve the proposed work.

Be advised, complaints of exterior work without a COA will be investigated. Failure to submit a COA application result in the City taking legal punitive measures as noted in Section 1126.130 of the Hamilton Zoning Ordinance.

We can provide a detailed overview of this process or you can find additional information, resources, and forms on the City of Hamilton website. If you have any questions or concerns, do not hesitate to contact the Planning Department (513)-785-7023.

Respectfully,

Daniel Tidyman  
Associate City Planner

**DEPARTMENT OF PLANNING**  
CONSTRUCTION SERVICES DIVISION  
INTER-DEPARTMENTAL PLAN REVIEW RECORD

Location : **29 N D ST**

Date : **12/11/2019**

Name of Project : **EDB PROPERTIES**

Permit Type : **PLANNING - COA - NON RESIDENTIAL**

Application # : **A194748**

Project Description: **PAINT. ROOF. WINDOWS. GUTTERS. . SIGN ON FRONT OF BUILDING AND S**

Approval Date : **12/11/2019**

Approval # : **A194751**

Review # : **1**

Applicant : **EDB PROPERTY GROUP LLC**

Phone : **(513) 264-0000**

Fax :

email :

Owner : **CAROL S KELLY**

Phone :

Fax :

email :

Please review the attached plans and return to Construction Services as soon a possible.

REMARKS	Please submit your comments electronically on the Approval Screen in Govern.
---------	--

This routing is for Approval # A194751 Review # 1

HEALTH

PUBLIC WORKS

FIRE

ENVIR. SERVICES

BUILDING

ELECTRIC

GAS / WATER

**ZONING**

A194748



**Architectural Design Review Board**

Phone: 513-785-7350

Fax: 513-785-7359

Email: hamiltonhistoric@hamilton-oh.gov

**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**

Exterior changes made to buildings, outbuildings, landscapes, or other exterior features located within one of the City of Hamilton's Historic Areas or properties individually listed by Ordinance shall not be permitted unless and until the Architectural Design Review Board issues a Certificate of Appropriateness for the action. The ADRB will review the plans, monitor the work and administer the Architectural Conservation/Historic District section (Section 1126.00) of the Hamilton City Zoning Ordinance.

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the ADRB, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/State of Ohio Historic Inventory records. A proposal that is Like for Like (A repair or improvement in relation to a property in which the repair or improvement utilizes the existing materials/colors and replaces them with matching materials) does not require ADRB review and will be approved by the Secretary.

A nonrefundable twenty-five dollar (\$25.00) fee for Residential property or fifty dollar (\$50.00) fee for Commercial property is due when a Certificate of Appropriateness application is submitted.

Fee Schedule		
Proposal:	Residential	Commercial
Exterior Change	\$25	\$50
Like for Like Work (no board review)	\$0	\$0
Return to Original Historic Materials	\$0	\$0

Property Address: 29 N D Street Hamilton OH 45011

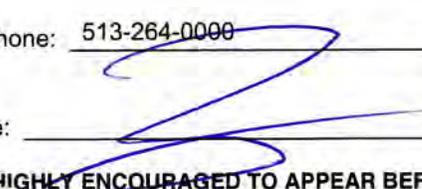
Applicant Name: E D B PROPERTY GROUP LLC

Applicant Mailing Address: 29 N D Street Hamilton OH 45011

Owner/s Name: E D B PROPERTY GROUP LLC

Owner Mailing Address: 29 N D Street Hamilton OH 45011

Daytime Contact Phone: 513-264-0000 Email: sales@honestyhome.com

Applicant Signature:  Date: 12/11/2019

**APPLICANTS ARE HIGHLY ENCOURAGED TO APPEAR BEFORE THE BOARD TO SUPPORT THEIR APPLICATION.**

Please see Page 4 for the Meeting Dates and Application Deadlines.

**DESCRIPTION OF WORK TO BE PERFORMED**

Please specify the exact location on the structure, the nature of the work, the materials to be used, and the existing historic features to be repaired or replaced. Landscape, fence, and out buildings, etc., should include a sketch of the property showing the proposed location. In order to make an appropriate, fair and timely decision the ADRB may request additional detailed information. This may include plans, sketches, photographs, and information about the materials to be used, including brochures, catalog information, and paint chips.

Work Proposed: (Describe type of work, existing conditions, and methods to be used, materials proposed)

The building has already been painted slate gray. Due to the extreme degree of deterioration the windows were replaced. The wood around the box gutters has been repaired. Stone was placed around the bottom 4' of the building. The roof needs replaced and downspouts installed.

**CHECK ALL THAT APPLY & FILL IN THE CORRESPONDING INFORMATION**

Paint  Sample Provided  
Appearance of Color: Slate Gray  
Color Name & Manufacturer: Behr  
Location (body, window trim, specific trim, accent): Body

Siding  Sample Provided  
Existing Siding (style, material, color, location): \_\_\_\_\_  
Proposed Siding (style, material, color, location): \_\_\_\_\_  
Manufacturer: \_\_\_\_\_ Proposed Size: \_\_\_\_\_

**NOTE: If proposing vinyl or aluminum siding, per ADRB Guidelines, applicant must be provided a copy of Preservation Brief 8, concerning siding. It is HIGHLY recommended that applicant provide pictures and document extensive reasons why vinyl or non-historic siding is being proposed.**

Roof \*Please note, Roofing requires a building permit\*  
Existing Roof (material, style, color): Shingles  
Proposed Roof (material, style, color): GAF Timberline Natural Shadow Charcoal Lifetime Architectural Shingles  
Manufacturer: GAF Location: Main Roof

Windows / Door  
Existing Windows/Door (style, material, size, color, location): Wood  
Proposed Windows/Door (style, material, size, color, location): Vinyl same location and size  
Manufacturer: \_\_\_\_\_ Type (if applicable): \_\_\_\_\_

**NOTE: Per ADRB Guidelines, it is recommended that proposed windows are the same size as the original window opening. Covering of windows is highly discouraged. For vinyl or other non-historic windows, it is recommended to document existing windows, including the condition and reasons why original windows should be replaced.**

Fence  
Existing Fence (type, material, color): \_\_\_\_\_  
Proposed Fence (type, material, color, location, course): \_\_\_\_\_

Gutters

Existing Gutter (material, style, location, color): repair

Proposed Gutter (material, style, location, color): \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Soffit

Existing Soffit (style, material, location, color): repair

Proposed Soffit (style, material, location, color): \_\_\_\_\_

Other Work not listed above: Sign on front of building facing D St and Sign on side of building facing Main St

Demolition

**NOTE: 1126.60 Certificate of Appropriateness – Demolition:** In the event an application for a Certificate of Appropriateness includes demolition of any property in the Architectural Conservation/Historic District the applicant shall be required to submit evidence to the Architectural Design Review Board indicating that at least one of the following conditions prevail:

- That the property proposed for demolition is not inherently consistent with other properties in its area of the Architectural Conservation/Historic District,
- That the property proposed for demolition contains no features of architectural and/or historical significance; or
- That there is no reasonable economic use for the property as it exists or as it might be rehabilitated, that there is no feasible means or prudent alternative to demolition,
- Existing structures listed in section 1126.110 (Central Area Building Inventory) shall be maintained. For buildings listed in that inventory, the cost of rehabilitation must exceed 67% of the replacement cost of the same structure at the time of the proposed demolition based on the Marshall Swift Construction Cost Index or a similar industry standard index before a Certificate of Appropriateness for demolition can be issued. No building listed in the Central Area Building Inventory may be demolished without approval by the Architectural Design Review Board regardless of existing building condition. (OR2013-2-22)
- Both the architectural and historical significance of the property, its relation to the street and to the historic district as a whole shall be considered.

Please Explain the selection made above:

Please attach additional sheets if necessary.

**Customer Order Confirmation**



1200 N. State. Rt. 2  
 New Martinsville, WV 26155  
 Phn: (304) 455-2288 Fax: (304) 455-2003

Attention \_\_\_\_\_

Sold To  
**BUTLER COUNTY EDGE CO-SPECIAL**  
 2099 HAMILTON EATON ROAD  
 Hamilton, OH 45011

Ship To  
 Butler Co Edge Co-Special  
 2099 HAMILTON EATON ROAD  
 Hamilton, OH 45011

Order # 555522  
 PO # 110615Aristo  
 Ordered 10/03/2019  
 Shp Dt 10/11/2019

Job  
 110615Aristocrat

Special Instructions  
 Ship Telephone: 513-868-2068 0

Dealer 1608  
 Rep SBP  
 Shp Day Friday

Line	Description	Color	Qty	Width	Height	Unit Net	Extended
1	1005 BA Ultra Picture Window Rep Clear Tempered Price Adjustment Head Expander/Sill Angle	White	1	41 Even	71 1/4	265.00	265.00
2	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	<del>34 Even</del>	<del>65 1/4</del>	110.00	110.00
3	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	<del>30 Even</del>	<del>68 Even</del>	110.00	110.00
4	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	<del>34 1/4</del>	<del>65 1/4</del>	110.00	110.00
5	1005 BA Ultra Picture Window Rep Clear Tempered Head Expander/Sill Angle	White	6	<del>34 Even</del>	<del>70 1/2</del>	240.00	1,440.00
6	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	2	<del>34 Even</del>	<del>61 1/4</del>	110.00	220.00

**Customer Order Confirmation**

REGULAR



1200 N. State. Rt. 2  
 New Martinsville, WV 26155  
 Phn: (304) 455-2288 Fax:(304) 455-2003

Attention \_\_\_\_\_

Sold To  
**BUTLER COUNTY EDGE CO-SPECIAL**  
 2099 HAMILTON EATON ROAD  
 Hamilton, OH 45011

Ship To  
 Butler Co Edge Co-Special  
 2099 HAMILTON EATON ROAD  
 Hamilton, OH 45011

Order # 555522  
 PO # 110615Aristo  
 Ordered 10/03/2019  
 Shp Dt 10/11/2019

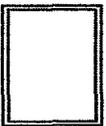
Job  
 110615Aristocrat

Special Instructions  
 Ship Telephone: 513-868-2068

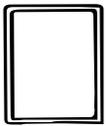
Dealer 1608  
 Rep SBP  
 Shp Day Friday

Line	Description	Color	Qty	Width	Height	Unit Net	Extended
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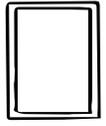
7	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	40 3/8	72 Even	120.00	120.00
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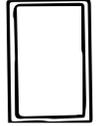
8	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	34 Even	61 1/2	110.00	110.00
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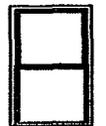
9	1005 BA Ultra Picture Window Rep Obscure Price Adjustment Head Expander/Sill Angle	White	1	28 Even	53 1/2	119.83	119.83
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10	1005 BA Ultra Picture Window Rep Clear DS Head Expander/Sill Angle	White	1	30 Even	65 1/4	110.00	110.00
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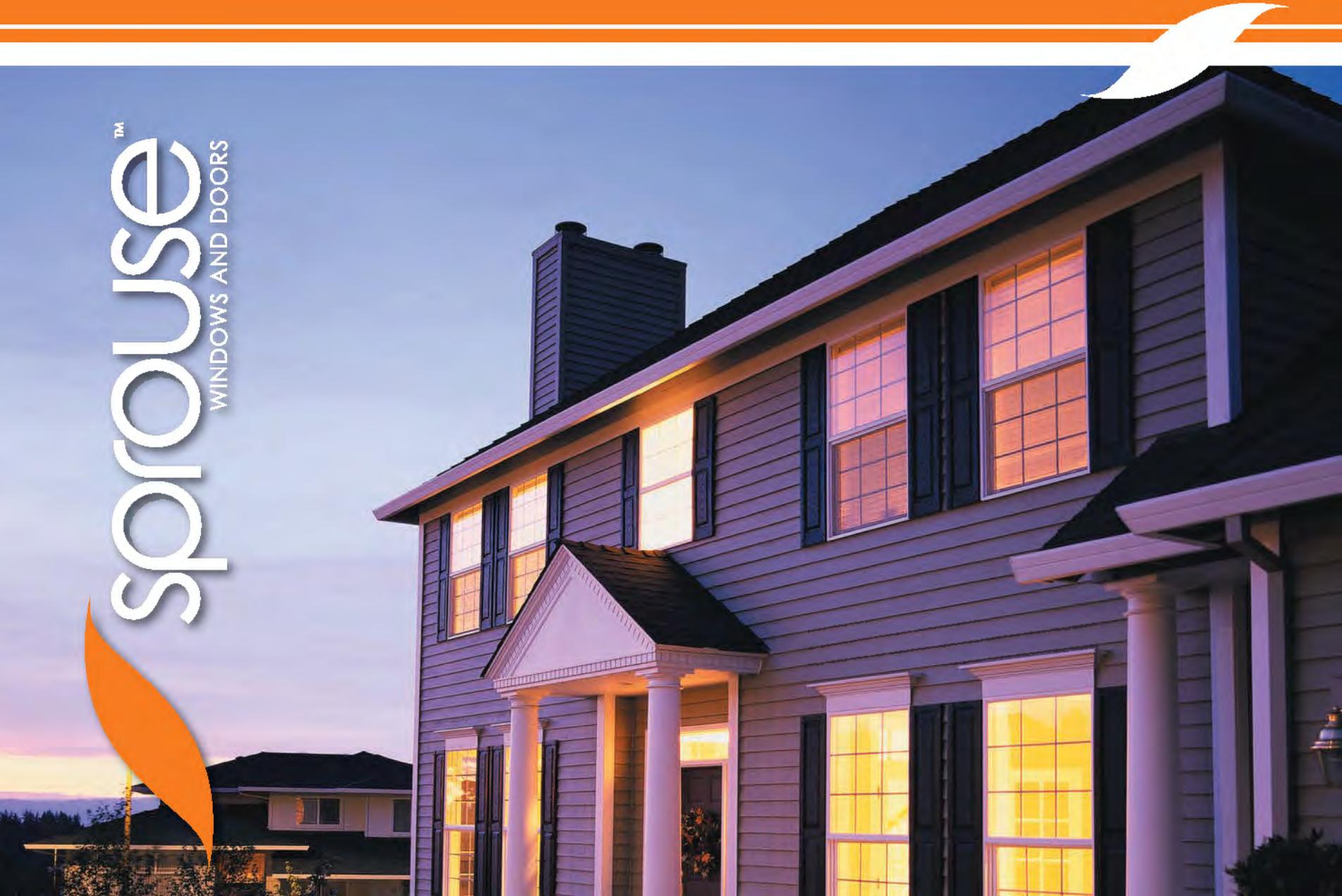


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IMAGINE SOMETHING BETTER.™

**sprouse**<sup>™</sup>  
WINDOWS AND DOORS





## standard window features

- Fusion-welded Frame & Sash
- Beveled Exterior Trim
- 3/4" Insulating Glass Unit
- MPG Maximum Performance Glass™
- Warm-edge Non-metal Spacer Systems
- Interlocking Meeting Rail (DH & SH only)
- Multiple Lines of Weatherstripping
- Integral Hand Rails / Pull Rails
- Low-profile Tilt Latches (DH & SH only)
- Extruded Screen Frames
- Fiberglass Screen Mesh
- Strong and Resilient Locks
- Wide Style Variety



## window styles



# replacement windows and doors

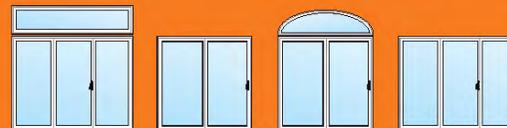
for comprehensive product information, visit [www.sprousewindows.com](http://www.sprousewindows.com)

## standard door features

- Fusion-welded Frame & Sash
- 4-1/4" Frame with Removable Nail Fin
- Strong Chambered Profiles
- 3/4" Insulating Glass Unit
- MPG Maximum Performance Glass™
- Warm-edge Non-metal Spacer System
- Double-strength Tempered Glass
- Adjustable Tandem Ball Bearing Rollers
- Aluminum Roller Track
- Optional Exterior Keyed Lock or Footbolt
- Full Fin Seal Weatherstripping
- High Vinyl to Glass Ratio
- Roll Formed Screen Frame
- Fiberglass Mesh Screen



## door styles



Choose from three-panel or two-panel doors  
with or without transoms.





# replacement windows and doors

for comprehensive product information, visit [www.sprousewindows.com](http://www.sprousewindows.com)



sprousewindows.com

## glass upgrades



## decorative glass options



Rain



Obscure



Tinted Gray



Tinted Bronze

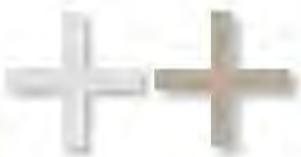
## vinyl color choices



Choose White or Beige vinyl colors. Clay, Bronze, Hunter Green or custom color-matches are available for window and door exteriors.

## grid choices

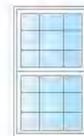
Choose from color-matched, Brushed Nickel or Brass grids.



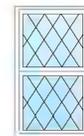
Grids are available in a contoured style, (shown above), or a flat style (shown below).



## grid patterns



Colonial



Diamond



Perimeter



Sash Perimeter



IMAGINE SOMETHING BETTER.™

1200 State Route 2, New Martinsville, WV 26155  
P 304.455.2288 F 304.455.2003  
TOLL FREE 800.777.6873

[www.sprousewindows.com](http://www.sprousewindows.com)



Meets Energy Star® guidelines when ordered with appropriate options.

Changes to the product(s) may have been made since publication. Please consult your supplier prior to ordering. The Sprouse logo, MPG Maximum Performance Glass™, MPG Maximum Performance Glass Plus™, MPG Maximum Performance Glass Extreme™, ProChannel®, and IMAGINE SOMETHING BETTER.™ are valued trademarks of Sprouse Building Products, Inc. All rights reserved. Printed in USA.

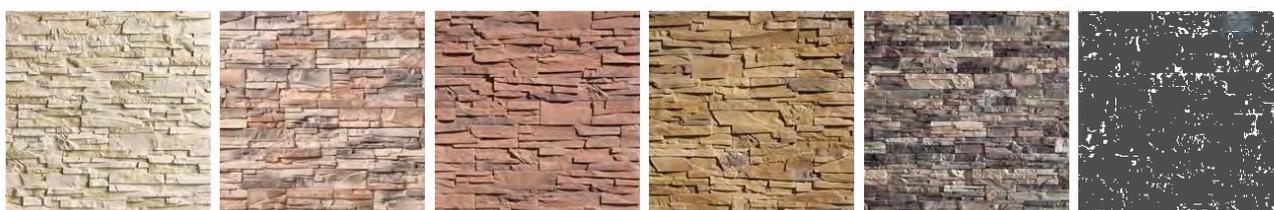
# ROMA

180 / 245 / 325 / 395x90 mm

Corner stones are also available in the collection.

280x120x90 mm

180x110x90 mm



Sahara

Earth Brown

Brown

Caramel

Gray Mix

Grafit



**For external and internal use**

façade, terrace, garden, office, living room, kitchen, bathroom, bedroom, hall.

**PLACING TYPE:** jointless

## **DEDICATED CHEMICAL PRODUCTS:**

**for installation:** Stone Master primer, Stone Master dispersion adhesive, Stone Master concrete stone adhesive.

**for sealing:** Stone Master concrete impregnant

## **PACKING:**

**quantity in a package:** 0,62 m<sup>2</sup> (0,51 m<sup>2</sup>)

**package weight:** 20 kg (15 kg)

**number of packages on a pallet:** 48 (72)

**pallet weight:** 960 kg (1080 kg)

## **CORNER STONE PACKING:**

**quantity in a package:** 1,44 linear meters

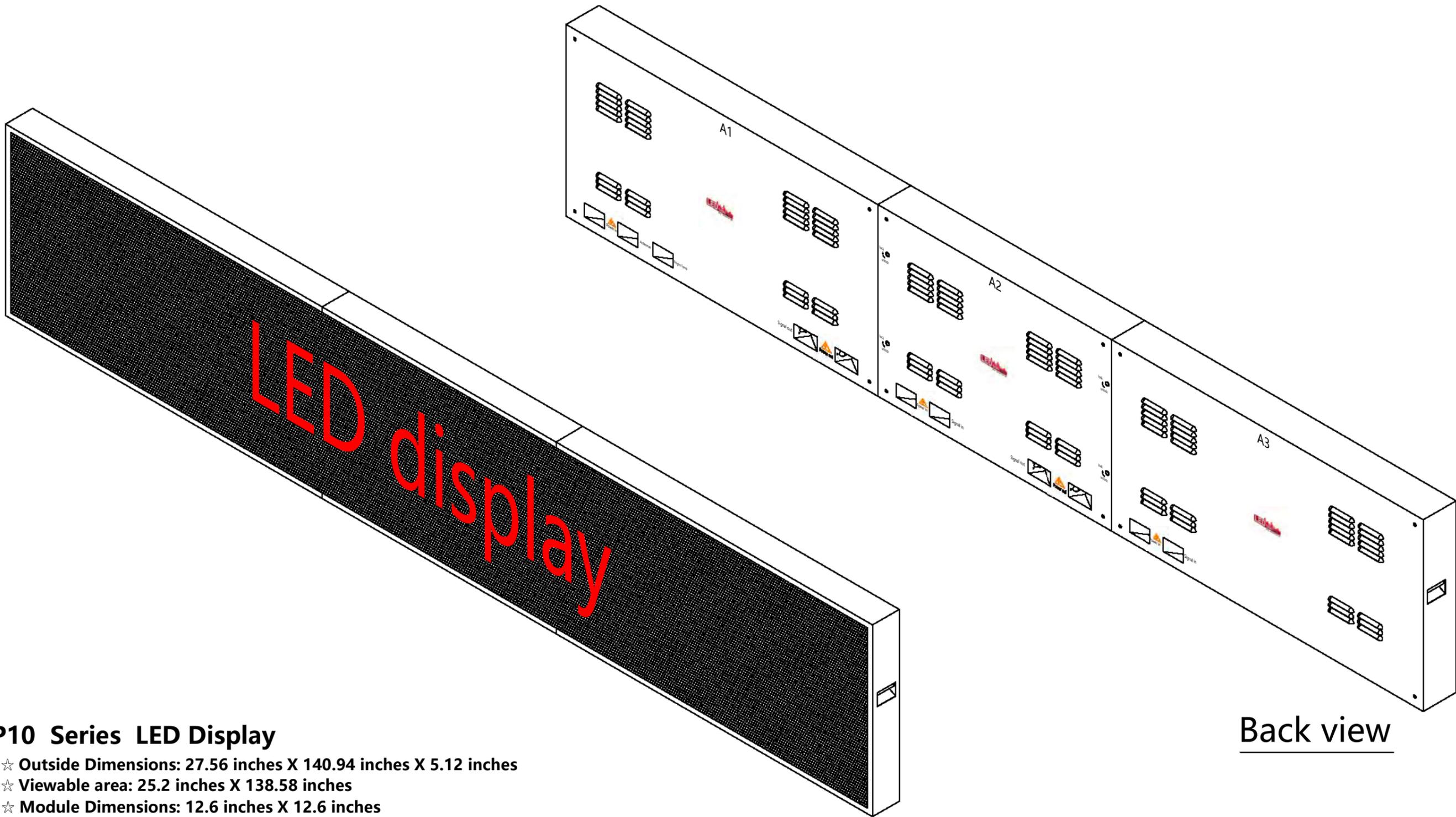
**package weight:** 17 kg

**number of packages on a pallet:** 48

**pallet weight:** 816 kg



29 N D Street - LED Wall Sign Plans and Locations



Front view

Back view

**P10 Series LED Display**

- ☆ Outside Dimensions: 27.56 inches X 140.94 inches X 5.12 inches
- ☆ Viewable area: 25.2 inches X 138.58 inches
- ☆ Module Dimensions: 12.6 inches X 12.6 inches
- ☆ Module Dimensions: 2 (Height) X 11 (Width)
- ☆ Module Resolution: 32 Pixels X 32 Pixels
- ☆ Display Resolution : 64x352 pixel
- ☆ Pixel Density : 930 Pixels per square foot
- ☆ Input:100-120VAC 50/60Hz
- ☆ Rated current : 2.0 Kilowatts
- ☆ Average Power consumption : 0.65 Kilowatts



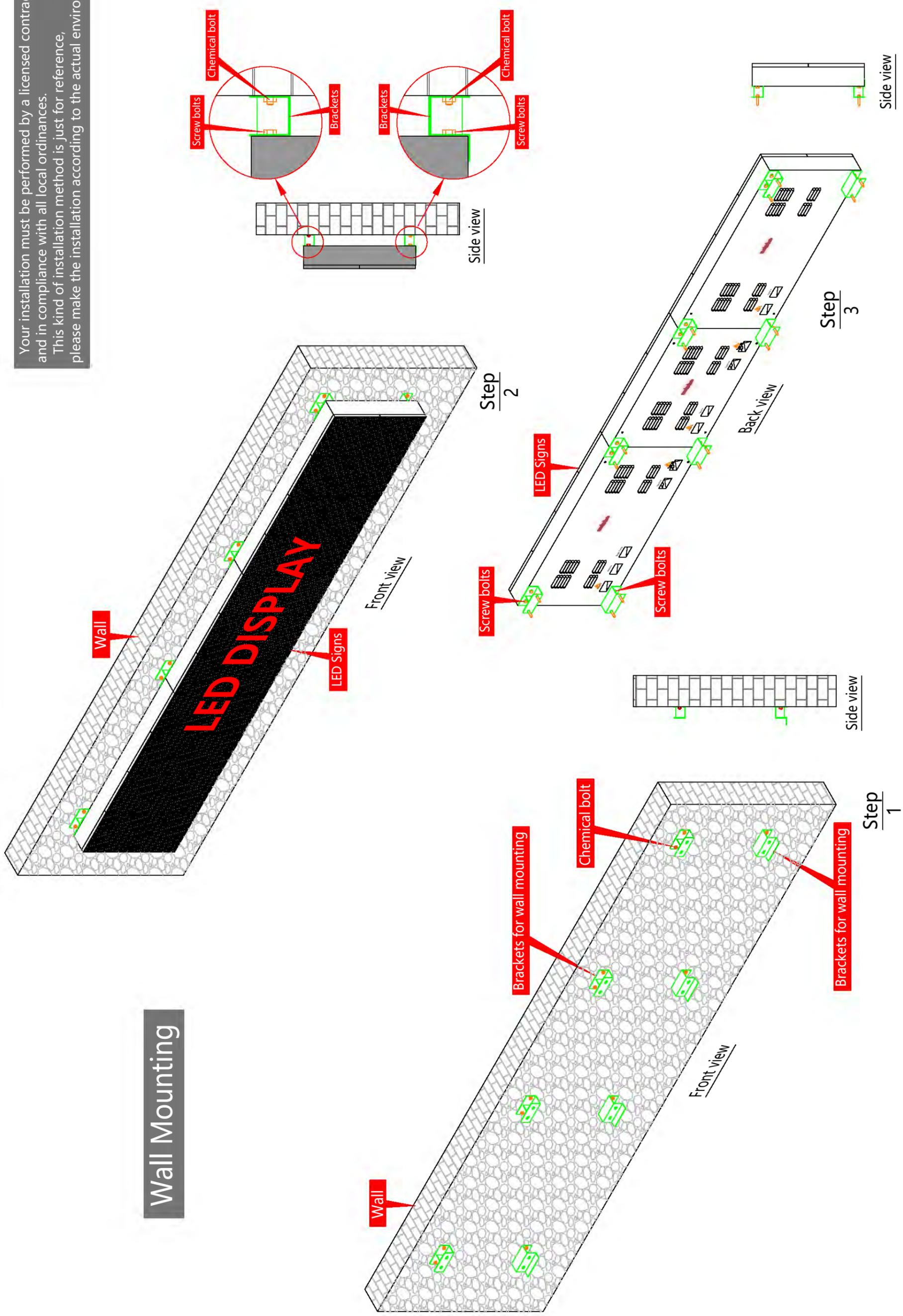
Front view

140.94"  
138.58"

27.56"  
25.2"

# Wall Mounting

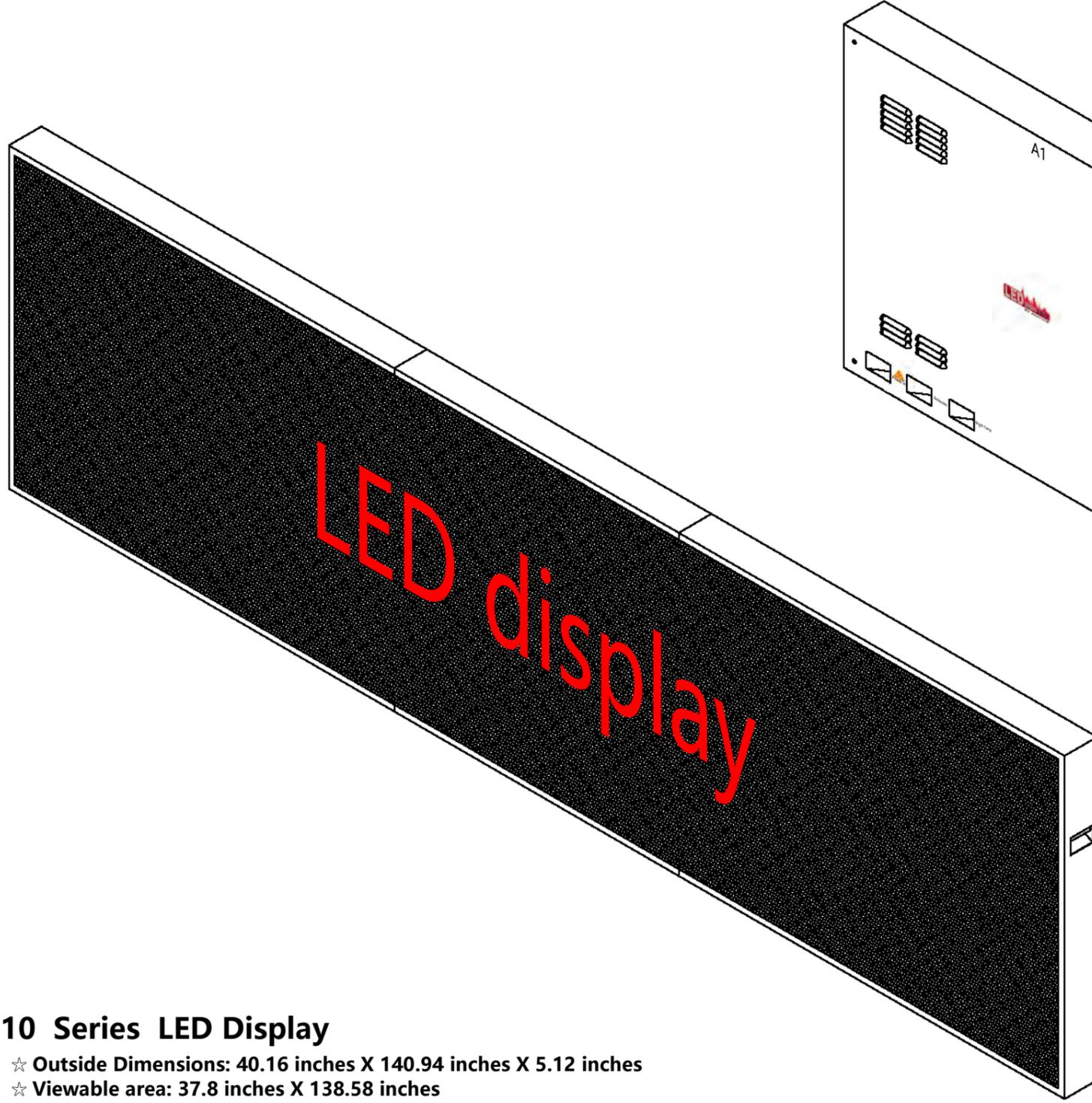
Your installation must be performed by a licensed contractor, and in compliance with all local ordinances. This kind of installation method is just for reference, please make the installation according to the actual environment.



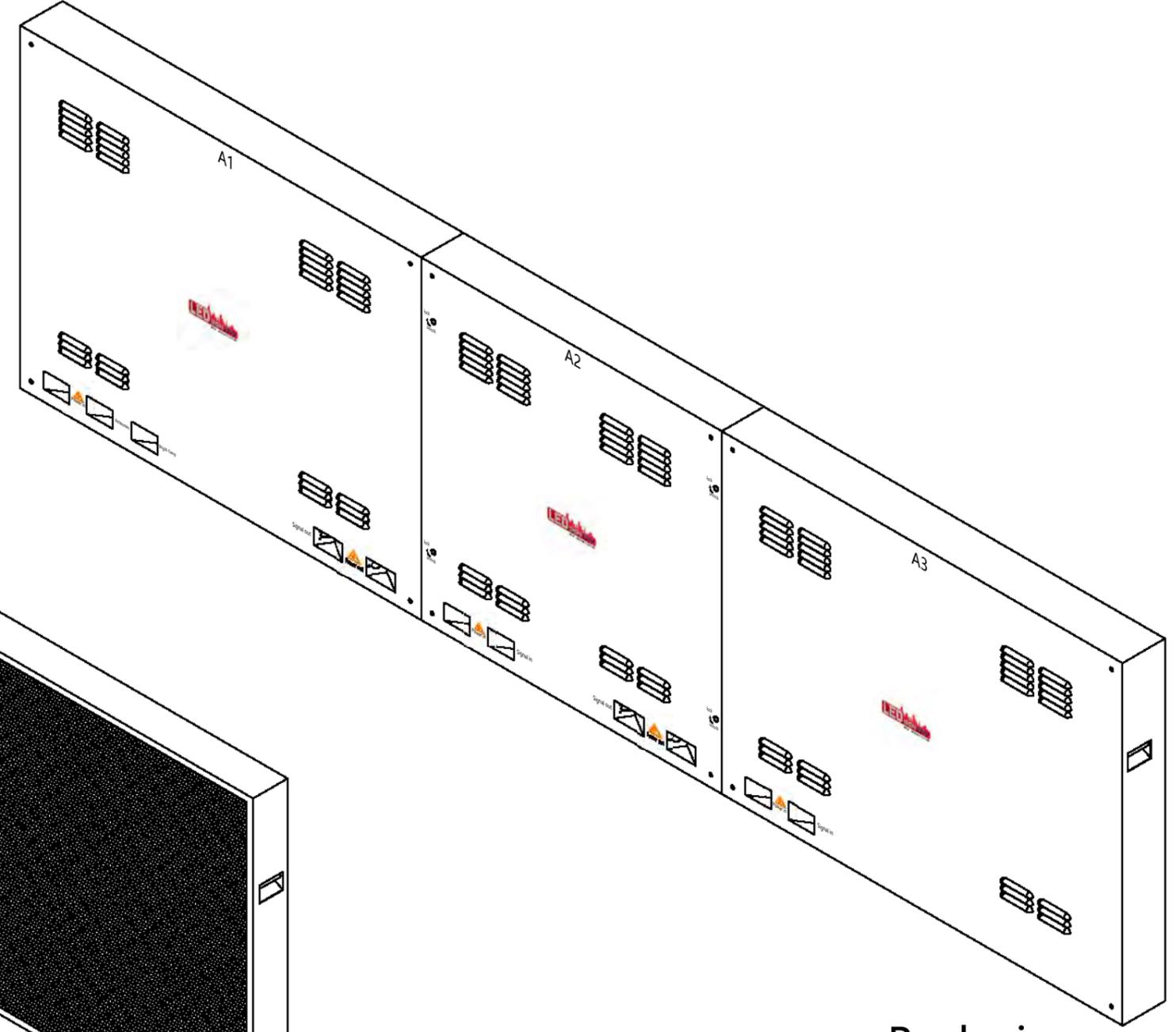


2'5" x 11'5"

25 N D St



Front view



Back view

**P10 Series LED Display**

- ☆ Outside Dimensions: 40.16 inches X 140.94 inches X 5.12 inches
- ☆ Viewable area: 37.8 inches X 138.58 inches
- ☆ Module Dimensions: 12.6 inches X 12.6 inches
- ☆ Module Dimensions: 3 (Height) X 11 (Width)
- ☆ Module Resolution: 32 Pixels X 32 Pixels
- ☆ Display Resolution : 96×352 pixel
- ☆ Pixel Density : 930 Pixels per square foot
- ☆ Input:100-120VAC 50/60Hz
- ☆ Rated current : 3.0 Kilowatts
- ☆ Average Power consumption : 1.0 Kilowatts

1 | | 2 | | 3 | | 4 | | 5 | | 6

A

A

B

B

C

C

D

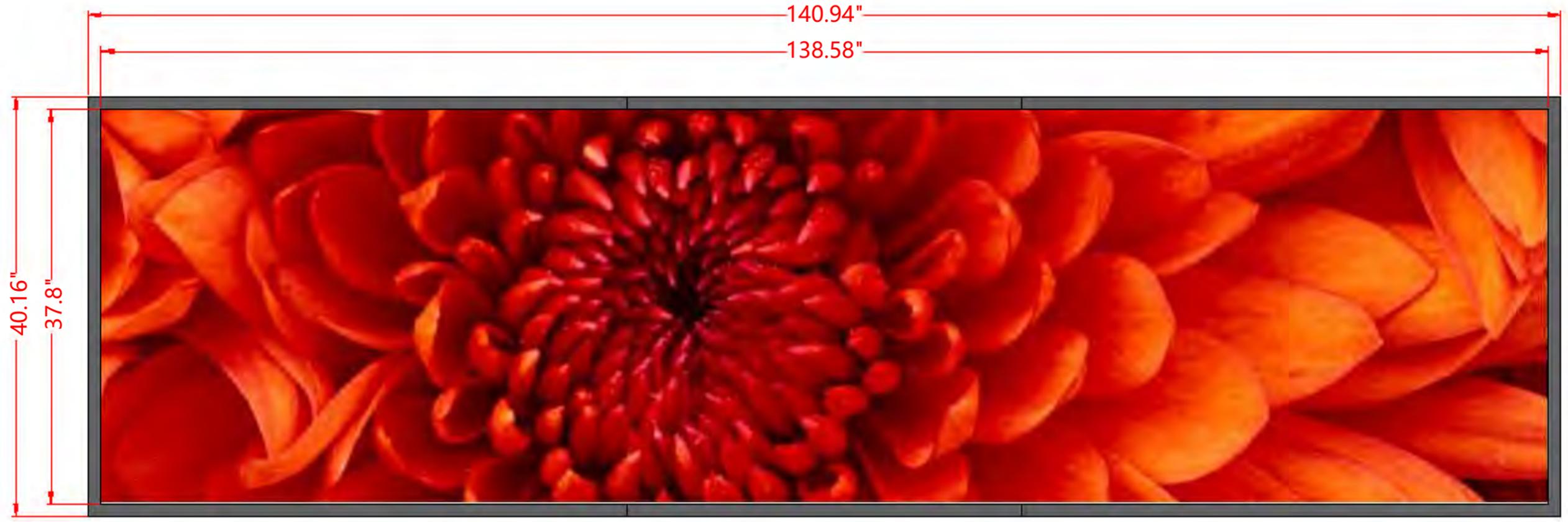
D

E

E

F

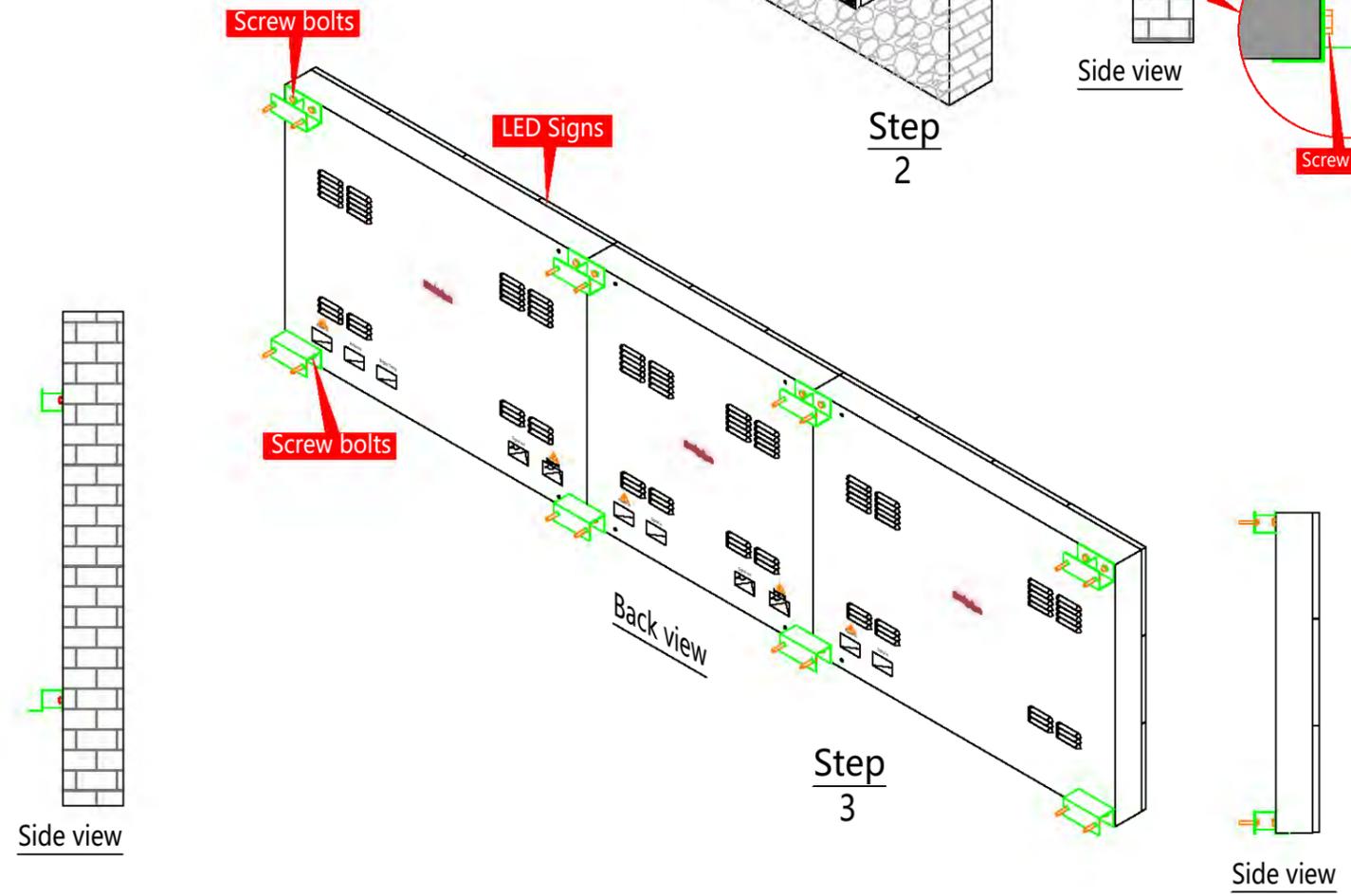
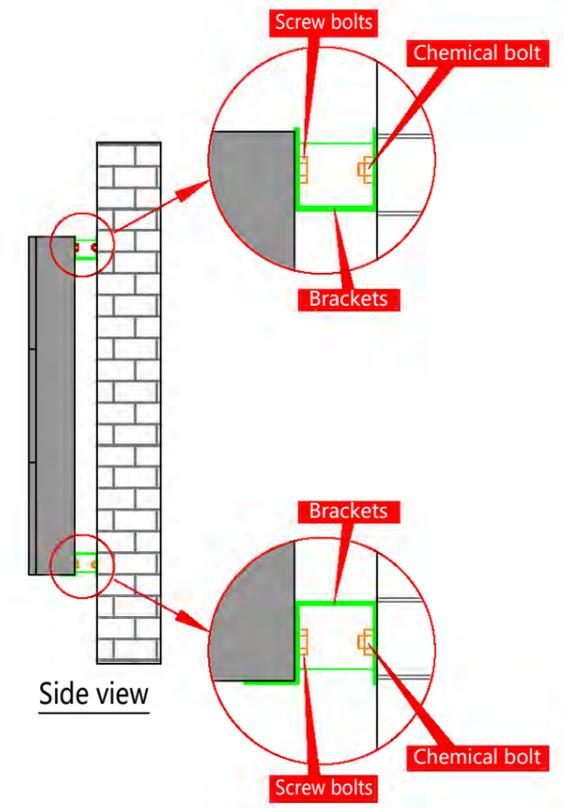
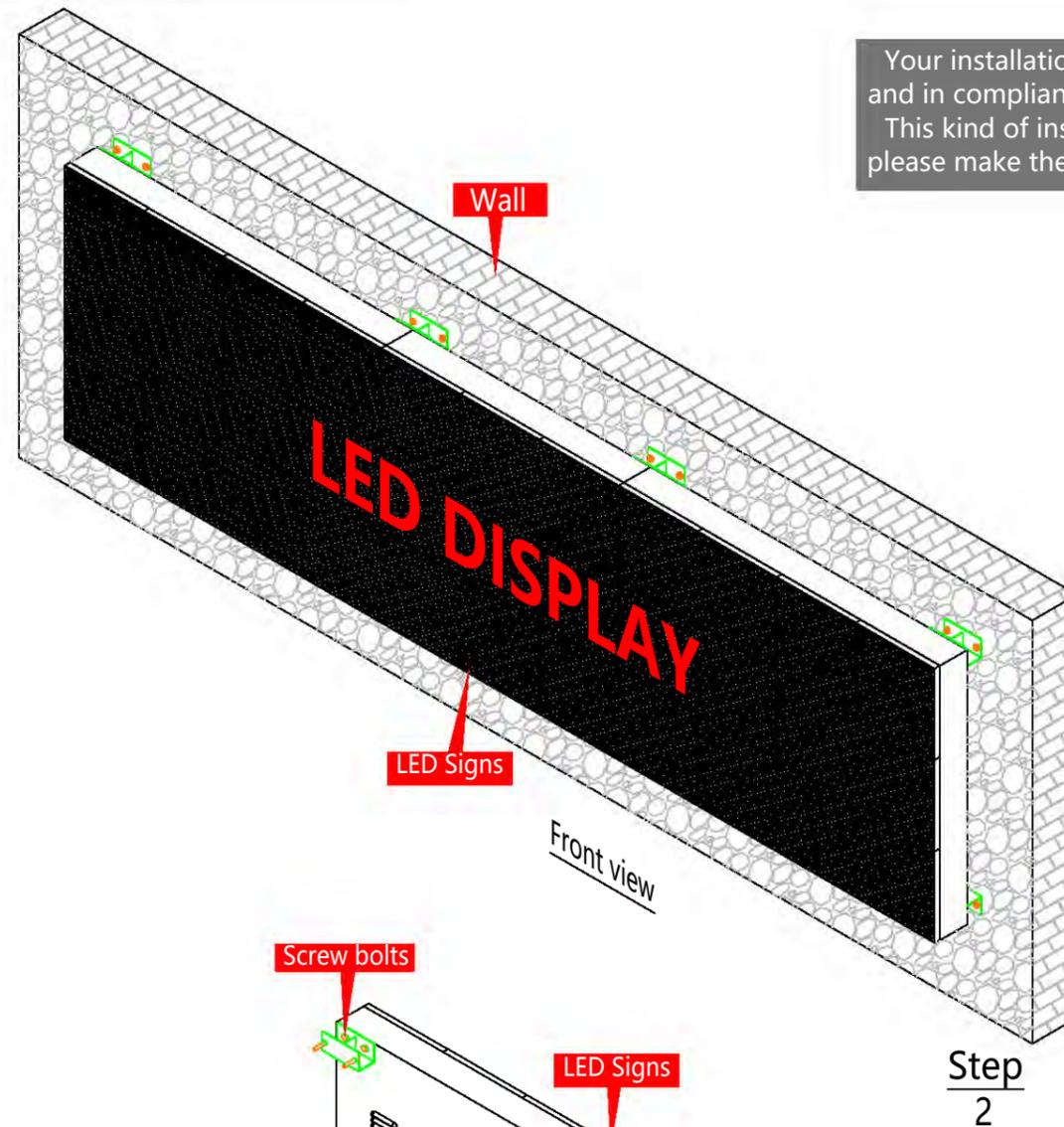
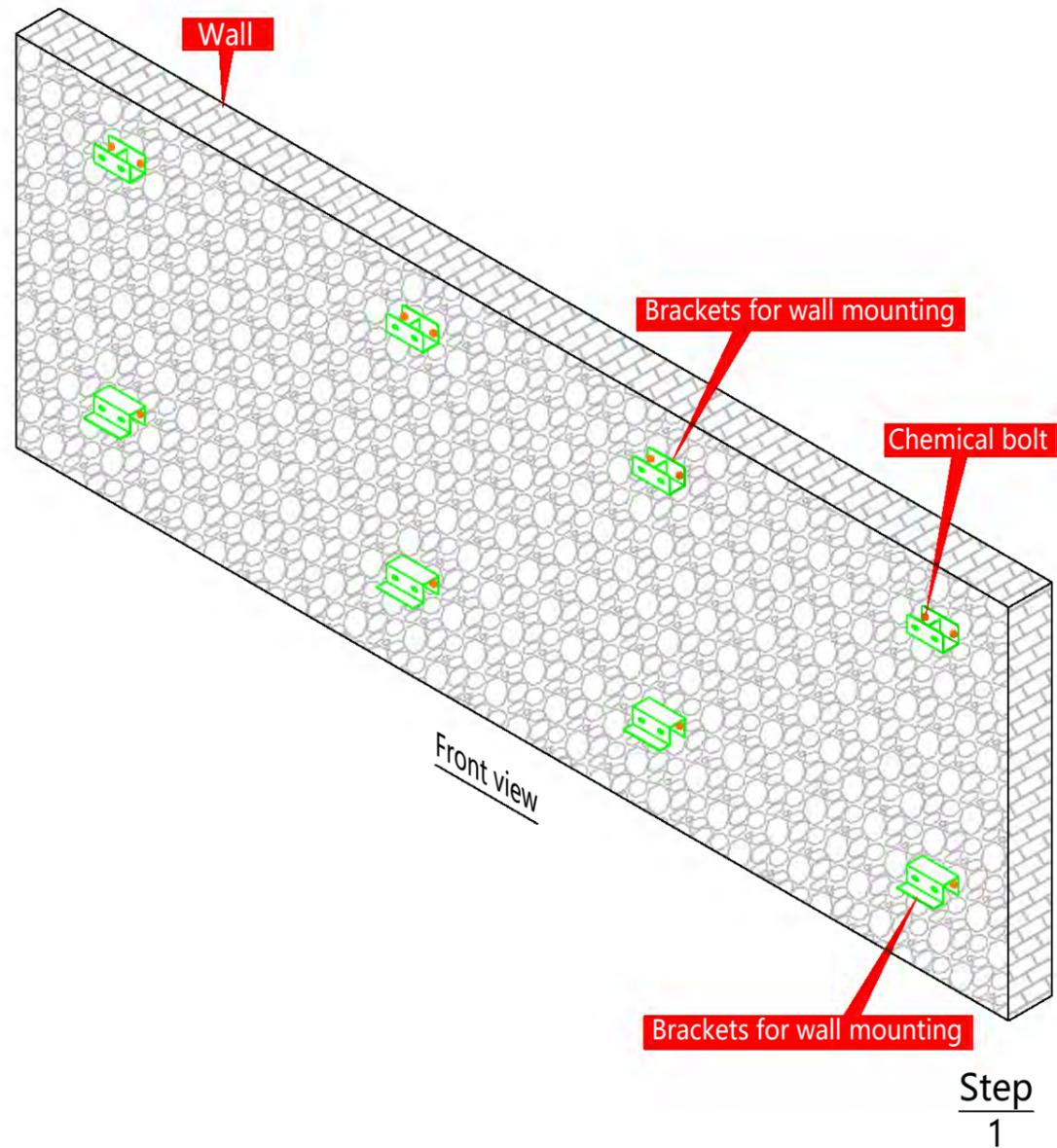
F



Front view

# Wall Mounting

Your installation must be performed by a licensed contractor, and in compliance with all local ordinances. This kind of installation method is just for reference, please make the installation according to the actual environment.





12' x 3'

# BEHR PRO® e600 Exterior Flat

No. PR610 White Base  
 No. PR613 Deep Base  
 No. PR614 Medium Base



- 100% Acrylic
- High Hide & Uniform Finish
- Mildew Resistant Coating
- Low Temperature Application



2 Hr Dry Time  
 4 Hr Recoat Time



250-400 sq ft  
 Coverage per Gallon



Soap & Water  
 Clean-Up



Protect  
 from Freezing

FOR MEDIUM AND DEEP BASES – DO NOT USE WITHOUT THE ADDITION OF TINTING COLORANTS

## WHERE TO USE

Ideal for both commercial and residential properties over properly prepared and primed exterior surfaces of wood, hardboard, aluminum siding, vinyl siding, fiber cement siding, stucco, concrete, masonry, brick and metal.

## PREPARATION & PRIME

Countersink nailheads, fill and sand smooth. Remove rust, loose or peeling paint. Repair imperfections and sand smooth. Wash off dirt, grease and chalk with detergent and/or powerwash. Remove mildew stains with a mildew stain removing product. Clean and sand new or weathered wood. Scuff sand or degloss smooth or glossy surfaces. Scuff sand or etch metals. Rinse and allow to dry. Caulk windows, doors and other openings. Allow new stucco, plaster and masonry to cure for 30 days before painting. For stain-blocking, painting over woods with tannins, or over oil-based or glossy surfaces, prime with a product such as BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436. For drastic color changes or when applying deep colors denoted with a dagger (†) on the color chip, apply a custom tinted primer if needed. Prime all metal surfaces before painting.

## APPLICATION

Apply product on dry substrates when air and surface temperatures are between 35°-90°F (2°-32°C) and will remain between 35°-90°F (2°-32°C) for at least 4 hours after applying. Do not paint when rain or heavy condensation is expected. Stir paint occasionally. Intermix containers of same product to ensure color and sheen uniformity. On semi-smooth surfaces, use a high quality 3/8-1/2" nap roller cover, nylon/polyester brush or an airless sprayer (.017-.021" spray tip, 60 mesh filter). On rough surfaces, use a high quality 3/4-1" nap roller cover. Certain colors may require additional coats for complete hide. On heavy stains and woods that contain tannins, allow 12-16 hours of dry time between coats. Cooler temperatures or higher humidity may prolong drying time. Dry paint film is mildew resistant. When applying to vinyl, color choice must be the same color or lighter than the existing color. Do not use on floors.

## DISPOSAL

For disposal of empty containers, unused paint and soiled rags, contact your household refuse collection service.

Visit [behr.com](http://behr.com) for painting tips, project advice and color coordination with the ColorSmart by BEHR® Tool, or download the ColorSmart by BEHR App on your mobile device.

**WARNING!** If you scrape, sand or remove old paint, you may release lead dust. LEAD IS TOXIC. Contact the National Lead Information Center at 1-800-424-LEAD or log on to [www.epa.gov/lead](http://www.epa.gov/lead).

**\*LIMITED WARRANTY** For one year from the date of purchase, Behr Process Corporation warrants to the original consumer purchaser, (1) that the product meets Behr Process Corporation's manufacturing specifications, and (2) the performance of this product when applied according to the label instructions and specifications. In the event this product proves to be defective within one year from the date of purchase, Behr Process Corporation will, at its option and upon presentation of proof-of-purchase (the original receipt), either furnish an equivalent amount of new product or refund the original purchase price of this product to you. **This warranty excludes (1) labor and costs of labor for the application or removal of any product, and (2) any incidental or consequential damages, whether based on breach of express or implied warranty, negligence, strict liability or any other legal theory.** Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. **To the extent permitted by applicable law, any implied warranties including the implied warranties of merchantability and of fitness for a particular purpose, are limited to the duration of this express warranty.** Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you. This warranty gives you specific legal rights and you may also have other rights, which vary from state to state. **Note to residents of the State of New Jersey:** The provisions of this warranty, including its limitations, are intended to apply to the fullest extent permitted by the laws of the State of New Jersey. To obtain warranty service, call 1-800-854-0133 ext.2. Behr Process Corporation reserves the right to inspect any and all applications of the product prior to processing your claim made under this warranty.

To consult with a Behr Certified Coatings Professional, call 1-800-854-0133 Ext. 2 (U.S.A. only).



**⚠ WARNING** Cancer and Reproductive Harm – [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov)

**CAUTION IRRITANT MAY CAUSE EYE, NOSE AND THROAT IRRITATION. AVOID CONTACT WITH SKIN AND EYES AND AVOID BREATHING OF VAPORS AND SPRAY MIST. WEAR EYE PROTECTION AND PROTECTIVE CLOTHING. USE ONLY WITH ADEQUATE VENTILATION.** To avoid breathing vapors and spray mist, open windows and doors or use other means to ensure fresh air entry during application and drying. If you experience eye watering, headaches or dizziness, increase fresh air. If properly used, a respirator (NIOSH approved for organic vapor with P series particulate pre-filter) may offer additional protection; obtain professional advice before using. A dust mask does not provide protection against vapors. Avoid contact with eyes and skin. Wash thoroughly after handling. Close container after each use. **FIRST AID:** If you experience difficulty in breathing, leave the area to obtain fresh air. If continued difficulty is experienced, get medical assistance immediately. In case of eye contact, flush immediately with plenty of water for at least 20 minutes and get medical attention; for skin, wash thoroughly with soap and water. If swallowed, get medical attention immediately.

**CAUTION: KEEP OUT OF REACH OF CHILDREN – DO NOT TAKE INTERNALLY.**



**e600 EXTERIOR FLAT PAINT**  
NO. PR610 WHITE BASE



**PRODUCT INFORMATION**

BEHR PRO™ e600 Exterior Flat Paint is specifically designed to meet the expectations of professional painters. Developed for optimal sprayability, with minimal flashing and surfactant leaching this 100% acrylic formula provides excellent hiding power and a highly uniform, mildew resistant finish. Not for use on glossy surfaces or floors.

**RECOMMENDED USES:**

Ideal for both commercial and residential properties over properly prepared:

- Concrete, Concrete Tilt-Up
- Concrete Block/CMU
- Cement Board Siding
- Brick
- Stucco
- Wood
- Plywood
- Vinyl Siding
- Ferrous Metals
- Non-Ferrous Metals

**PRODUCT SPECIFICATIONS:**

**Tint Bases/Max Tint Load:**

- No. 610 124 oz. / 6 oz.
- No. 614 117 oz. / 13 oz.
- No. 613 116 oz. / 14 oz.

**Gloss:** 0-5 @ 60°

**Sheen:** 0-5 @ 85°

**Resin Type:** 100% Acrylic

**Weight per Gallon:** 11.33 lbs.

**% Solids by Volume:** 34%

**% Solids by Weight:** 51%

**VOC:** <50 g/L

**Flash Point:** N/A

**Viscosity:** 95-105 KU

**Recommended Film Thickness:**

- Wet: 6.4 mils; Dry: 2.17 mils @ 250 Sq. Ft./Gal.
- Wet: 4.0 mils; Dry: 1.36 mils @ 400 Sq. Ft./Gal.

**Coverage:** 250-400 Sq. Ft./Gal., depending on the surface texture, porosity and application method. Does not include the loss of material from spraying. Film thickness depends on porosity and various substrate irregularities.

**APPLICATION:**

**Brush:** Nylon/polyester

**Roller:**

- Smooth Surfaces:** 3/8"-1/2" nap
- Porous Surfaces:** 1/2"-3/4" nap

**Airless Spray:** Fluid pressure of 1,500 - 2,200 psi

**Tip:** .015" - .021"

**Filter:** 60 mesh

**Thinning:** Not recommended. Product is formulated for use at package consistency only.

**Dry Time:** 77°F (25°C), 50% RH:

Longer dry time may be required in cooler temperatures and higher humidity.

**To Touch:** 2 hours

**To Recoat:** 4 hours

**Full Cure:** 14 days

**SURFACE PREPARATION:**

- All surfaces must be clean, free of dust, chalk, oil, grease, mold and mildew stains, loose and peeling paint, rust and all other foreign substances.
- Glossy surfaces must be 'scuff sanded' with an appropriate sandpaper and primed prior to coating.
- Allow new stucco, plaster and masonry to cure for 30 days before painting.

**WARNING!** If you scrape, sand or remove old paint, you may release lead dust. **LEAD IS TOXIC.** Contact the National Lead Information Center at 1-800-424-LEAD or visit [www.epa.gov/lead](http://www.epa.gov/lead).

**RECOMMENDED PRIMER/SYSTEMS:**

**PROPERLY PREPARED NEW SURFACES:**

**Wood: Composition Panels/Siding, Fiber Board**

- BEHR PREMIUM PLUS® Interior/Exterior Multi-Surface Primer & Sealer No. 436

**Wood: Cedar, Redwood, Shakes & Shingles**

- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**Tannin/Stainblocking:**

- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

COMPLIES WITH THE BELOW AS OF 3/1/2016

SCAQMD	YES	AIM	YES
CARB	YES	LEED v.3 (2009)†	YES
OTC	YES	MPI#	10
LADCO	YES		

**Masonry: Stucco, Cinder Block, Concrete Masonry Units (CMUs), Split Face Block**

- BEHR PRO™ Block Filler Primer No. PR50
- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**Masonry: Cement Composition Panels/Siding, Exterior Insulation and Finish Systems (EIFS) or Synthetic Stucco**

- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**Masonry with pH Levels up to 13.0:**

- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**Ferrous & Non-Ferrous Metals:**

- BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**PREVIOUSLY PAINTED SURFACES:**

- Use a full coat or spot prime with BEHR PREMIUM PLUS Interior/Exterior Multi-Surface Primer & Sealer No. 436

**CLEAN UP:**

- Clean all tools and equipment with clean water.
- For proper disposal of empty containers and unused product, contact your local household refuse collection service.
- To reduce waste, consult with your retailer or an online paint calculator to determine the correct amount of paint to purchase.

**CAUTIONS/LIMITATIONS:**

- Protect from freezing.
- IMPORTANT! Do not open can without reading instructions.
- For tint bases-do not use without the addition of colorant.



**e600 EXTERIOR FLAT PAINT**

NO. PR610 WHITE BASE

- Do not use on glossy surfaces or floors.
- Do not use when air and surface temperatures are below 35°F or above 90°F.
- Allow 2 weeks for full cure before washing or cleaning.
- Shelf life under normal conditions is two years unopened.

**GENERAL INFORMATION:**

**Warning!** Causes eye and skin irritation. Wear protective clothing, gloves, eye, and face protection. Do not eat, drink, or smoke when using this product. Take off contaminated clothing and wash it before reuse. Wash hands thoroughly after handling. Dispose of unused contents, container and other contaminated wastes in accordance with local, state, federal and provincial regulations.

**First aid: If in eyes:** Rinse cautiously with water for several minutes and remove contacts if present and easy to do. Continue rinsing and get medical attention if eye irritation persists. **If on skin:** Wash with plenty of soap and water. **If swallowed:** Rinse mouth and get medical attention if you feel unwell.

# Timberline<sup>®</sup> Natural Shadow<sup>®</sup> Brochure

(RESTL100NS)

Updated: 7/16



*Quality You Can Trust...From  
North America's Largest Roofing Manufacturer!*



Quality You Can  
Trust... From  
North America's  
Largest Roofing  
Manufacturer!

# TIMBERLINE<sup>®</sup> Natural Shadow<sup>®</sup> LIFETIME SHINGLES

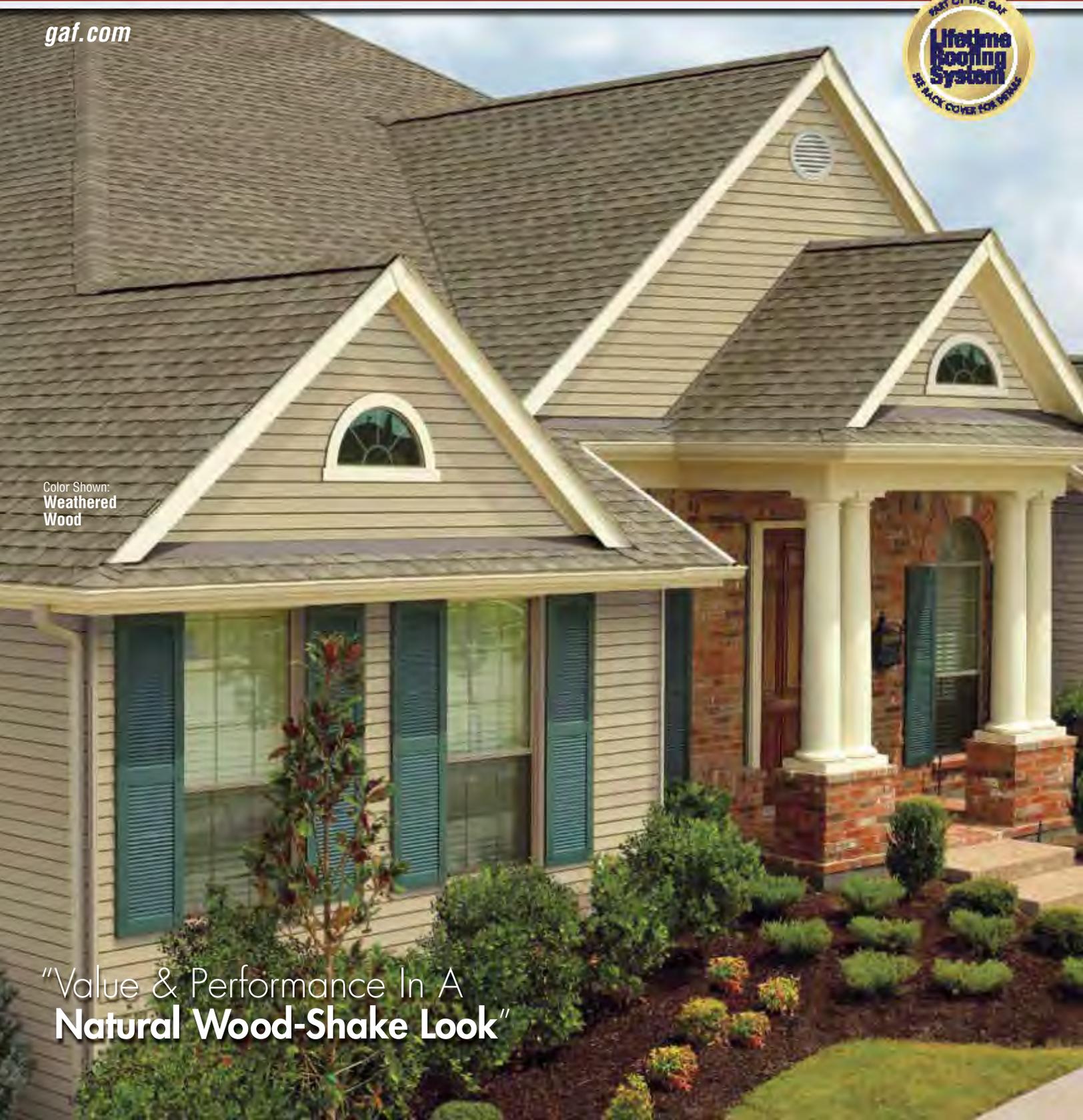
Protect your home with Timberline<sup>®</sup> Shingles — North America's #1-selling shingles!

[gaf.com](http://gaf.com)



Color Shown:  
Weathered  
Wood

"Value & Performance In A  
Natural Wood-Shake Look"



## There's Nothing Quite Like A Genuine Timberline® Roof!

Professional installers have long preferred the rugged, dependable performance that only a Timberline® roof can offer. That's why Timberline® Shingles with **Advanced Protection® Shingle Technology** are the #1-selling shingles in all of North America.

But performance is only half the story. Since your roof can represent up to **40%** of your home's "curb appeal," you can improve its resale value with Timberline® Natural Shadow® Shingles from GAF. They'll give you the upscale, architectural look you want, at a price you can afford!



*Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.*

Color Shown:  
**Slate**

## Benefits

- **Great Value...**  
Architecturally stylish but practically priced—with a Lifetime Ltd. warranty.\*
- **Attractive Appearance...**  
Features a classic shadow effect. Lends any home a subtle, even-toned look with the warmth of wood.
- **Highest Roofing Fire Rating...**  
UL Class A, Listed to ANSI/UL 790
- **High Performance...**  
Designed with Advanced Protection® Shingle Technology, which reduces the use of natural resources while providing excellent protection for your home (visit [gaf.com/APS/](http://gaf.com/APS/) to learn more).
- **Stays In Place...** Dura Grip™  
Adhesive seals each shingle tightly and reduces the risk of shingle blow-off. Shingles warranted to withstand winds up to 130 mph!†
- **Peace Of Mind...** Lifetime Ltd. transferable warranty with Smart Choice® Protection (non-prorated material and installation labor coverage) for the first ten years.\*
- **Perfect Finishing Touch...**  
Use Timbertex® Premium Ridge Cap Shingles or Ridglass® Premium Ridge Cap Shingles.\*\*



\* See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the GAF Shingle & Accessory Ltd. Warranty and means as long as the original individual owner(s) of a single-family detached residence [or the second owner(s) in certain circumstances] owns the property where the shingles are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable.

\*\* These products are not available in all areas. See [www.gaf.com/ridgecapavailability](http://www.gaf.com/ridgecapavailability) for details.

† This wind speed coverage requires special installation; see GAF Shingle & Accessory Ltd. Warranty for details.

*Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.*



Color Shown:  
**Pewter Gray**  
(not available in all areas)



Color Shown:  
**Barkwood**  
(not available in all areas)

## Install Peace Of Mind... Install To Protect!

When you install GAF Timberline® Natural Shadow® Shingles with **Advanced Protection® Shingle Technology**, you're getting the very best combination of weight and performance that modern manufacturing technology can deliver. In fact, you won't find a shingle that surpasses Timberline® on:

- ✓ Toughness
- ✓ Wind uplift resistance
- ✓ Flexibility
- ✓ Fire resistance

That's why every Timberline® Shingle comes with GAF's transferable Lifetime Ltd. Warranty\*—for your peace of mind!—plus the backing of the Good Housekeeping Seal.\*\*



\*See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the GAF Shingle & Accessory Ltd. Warranty and means as long as the original individual owner(s) of a single-family detached residence (or the second owner(s) in certain circumstances) owns the property where the shingles are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable.

\*\*GAF Shingles have earned the prestigious Good Housekeeping Seal, which means that Good Housekeeping stands behind these products. (Refer to Good Housekeeping Magazine for its consumer protection policy. Applicable in U.S. only.)

*Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.*



Color Shown:  
**Charcoal**



Color Shown:  
**Shakewood**

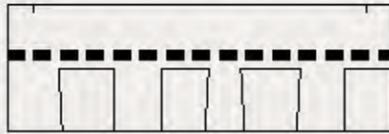
## Timberline® Shingles Are Also The Favorite Of Professional Contractors...



- **More Referrals...** People will know that you're installing America's #1-selling laminated shingles!
- **Less Chance Of Call-Backs...** Durable, wind-resistant shingles carry 130 mph ltd. wind coverage.†

†This wind speed coverage requires special installation; see GAF Shingle & Accessory Ltd. Warranty for details.

### SPECIFICATIONS



### 13¼" x 39⅜" Metric

- Fiberglass asphalt shingle
- Lifetime ltd. transferable warranty<sup>1</sup>
- Smart Choice® Protection for the first 10 years<sup>1</sup>
- 130 mph ltd. wind coverage<sup>2</sup>
- StainGuard® Protection<sup>3</sup>
- UL Listed to ANSI/UL 790 Class A
- ASTM D7158, Class H
- ASTM D3161 Type 1, Class F
- ASTM D3018 Type 1
- ASTM D3462<sup>4</sup>
- Classified in accordance with ICCES AC438
- Miami-Dade County Product Control approved<sup>5</sup>
- Florida Building Code approved
- Texas Department of Insurance approved<sup>5</sup>
- ICC approved<sup>5</sup>
- ENERGY STAR® certified (U.S. only)<sup>6</sup>
- Approx. 64 Pieces/Square
- Approx. 3 Bundles/Square
- Approx. 256 Nails/Square
- Exposure: 5⅝"



<sup>1</sup> See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the GAF Shingle & Accessory Ltd. Warranty and means as long as the original individual owner(s) of a single-family detached residence [or the second owner(s) in certain circumstances] owns the property where the shingles are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable.

<sup>2</sup> This wind speed coverage requires special installation. See GAF Shingle & Accessory Ltd. Warranty for details.

<sup>3</sup> StainGuard® protection applies only to shingles with StainGuard® labeled packaging. See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions.

<sup>4</sup> Periodically tested by independent and internal labs to ensure compliance with ASTM D3462 at time of manufacture.

<sup>5</sup> Applies to some plants.

<sup>6</sup> Timberline® Natural Shadow® Arctic White is ENERGY STAR® certified (U.S. only) and rated by the Cool Roof Rating Council. See gaf.com for availability and details.

*Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.*



Color Shown:  
**Hickory**



Color Shown:  
**Hunter Green**  
(not available in all areas)

"Timberline® Shingles not only protect your most valuable asset but also beautify your home for years to come."

# Timbertex® and Ridglass® Premium Ridge Cap Shingles

## Color Availability Chart\*



- \*Notes:
- Arctic White only available in the Shafter area.
  - Hunter Green only available in the Minneapolis and Michigan City areas.
  - Pewter Gray only available in the Baltimore/Myerstown and Michigan City areas.
  - Timberline® Natural Shadow® Shingles are not available in the Tampa area.

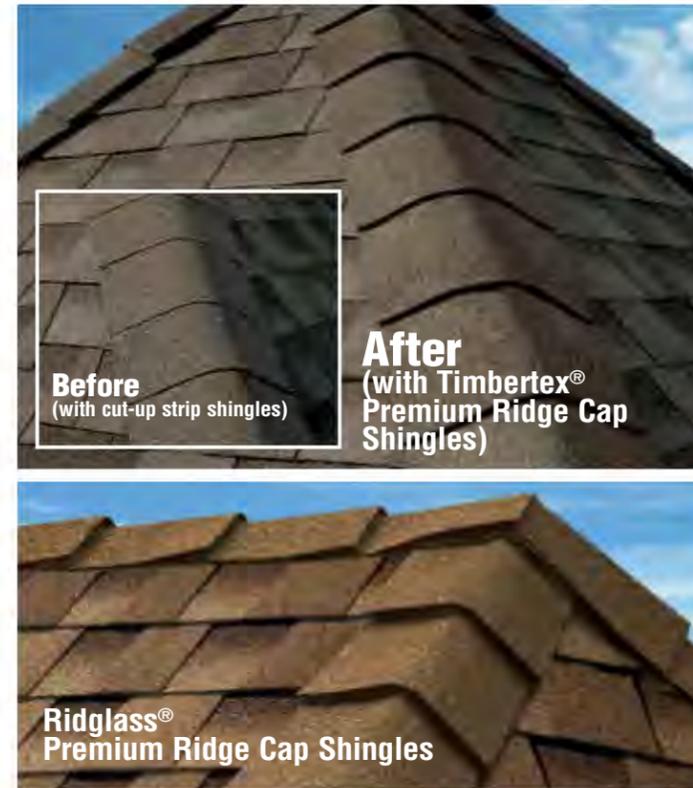
### We can help you choose the right shingle for your roof!

Try GAF's Virtual Home Remodeler at [gaf.com](http://gaf.com). Visualize GAF Shingles on a house like yours—or upload and decorate your own house. Try different siding, trim, and brick colors. It's fun!



†Timberline® Natural Shadow® Arctic White is ENERGY STAR® certified in the U.S. only and rated by the Cool Roof Rating Council (CRRC). See [gaf.com](http://gaf.com) for availability and details. When installed properly, this product will help to reduce energy costs. Actual savings will vary based on geographic location and individual building characteristics. For more information, contact GAF Technical Services at 1-800-ROOF-411, visit [gaf.com](http://gaf.com), or call 1-888-STAR-YES.

Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.



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Timbertex® and Ridglass® Premium Ridge Cap Shingles are designed to complement the color of your Timberline® Shingles. But some contractors cut costs by using the tabs from a 20-year or 25-year 3-tab shingle as your ridge cap. To ensure the closest color consistency for your roof, ask your contractor to use genuine Timbertex® or Ridglass® Premium Ridge Cap Shingles.\*

- **Complements Timberline® Colors...** Designed to complement the color of your Timberline® Shingles
- **Strong Protection For Hips & Ridges...** Multi-layer design protects the most vulnerable areas of your roof
- **Perfect Finishing Touch...** Extra-thick designs with massive 8" exposure are 2–3 times thicker (versus typical strip shingles) for a distinctive, upscale look
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- **Peace Of Mind...** Up to a Lifetime Ltd. warranty when installed on Lifetime Shingle roofs†

†See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the GAF Shingle & Accessory Ltd. Warranty and means as long as the original individual owner(s) of a single-family detached residence [or the second owner(s) in certain circumstances] owns the property where the shingles and accessories are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable. Lifetime Ltd. warranty on accessories requires the use of at least three qualifying GAF accessories and the use of Lifetime Shingles.



\*These products are not available in all areas. See [www.gaf.com/ridgecapavailability](http://www.gaf.com/ridgecapavailability) for details.

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Looking For A **Designer Color Blend** For Your Roof? Consider Timberline® American Harvest® Shingles...



Note: This product is not available in all areas. See [gaf.com](http://gaf.com) for availability and details.



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When you install any GAF Lifetime Shingle and at least 3 qualifying GAF accessories, you'll automatically get:

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### SHINGLES

GAF offers you many great Lifetime Shingle choices, including **Timberline®** Shingles with **Advanced Protection®** Shingle Technology. They're the #1-selling shingles in North America!

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†In the North, most building codes require the use of Leak Barrier at the eaves.



#### Cobra® Attic Ventilation

Helps remove excess heat and moisture from your attic to promote energy efficiency in your home and help extend the life of your roof.



#### Roof Deck Protection

Provides an exceptionally strong layer of protection against wind-driven rain; some even allow moisture to escape from your attic. Also, lies flatter for a better-looking roof.



#### Leak Barrier

Provides exceptional protection against leaks caused by roof settling and extreme weather. Ideal upgrade at all vulnerable areas (including at the eaves in the North!).



#### Starter Strip Shingles

Saves time, eliminates waste, and reduces the risk of blow-off...and may even help qualify for upgraded wind warranty coverage (see *GAF Shingle & Accessory Ltd. Warranty* for details).



#### Ridge Cap Shingles

Enhances the beauty of your home while guarding against leaks at the hips and ridges.



\*See *GAF Shingle & Accessory Ltd. Warranty* for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the *GAF Shingle & Accessory Ltd. Warranty* and means as long as the original individual owner(s) of a single-family detached residence (or the second owner(s) in certain circumstances) owns the property where the shingles and accessories are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable. Lifetime Ltd. warranty on accessories requires the use of at least three qualifying GAF accessories and the use of Lifetime Shingles.



The GAF Lifetime Roofing System has earned the prestigious Good Housekeeping Seal, which means that Good Housekeeping stands behind the products in this system. (Refer to Good Housekeeping Magazine for its consumer protection policy. Applicable in U.S. only.)

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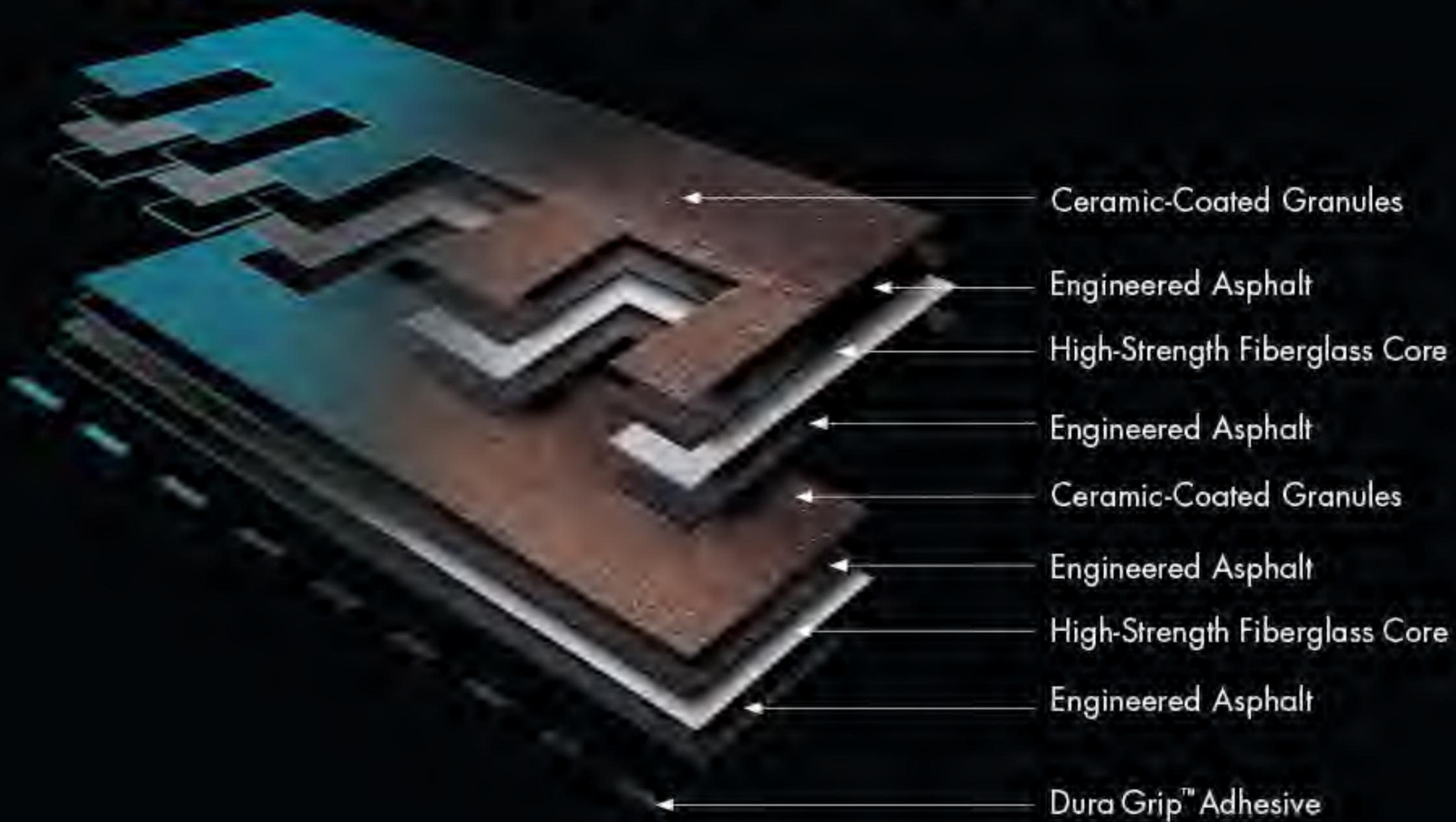
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**Board of Zoning Appeals**  
**February 6, 2020 @ 9:00am.**  
Council Chambers  
First Floor, 345 High Street  
Hamilton, Ohio 45011

**Roll Call:**

Four (4) Public Hearings

<b>Broyles</b>	<b>Couch</b>	<b>Maaytah</b>	<b>Underwood-Kramer</b>	<b>-</b>	<b>Bowling (Alt.)</b>
X			X		X

**Temporary Chairperson:** Underwood-Kramer

Motion: Bowling

Second: Broyles

**Swearing in of Those Providing Testimony to the BZA:** Notary Public Daniel Tidyman

**New Business:**

Decision to amend the agenda to have 436 Riverfront Plaza be the first case reviewed, then 551 Ridgelawn, then 510 Crescent, and finally then Webster. The reason for the change it to prioritize the agenda items which have people in attendance.

**Agenda Item #3: Variance Request for 436 Riverfront Plaza**

Request by Community Design Alliance on behalf of Christopher M Connell and Wendy Waters-Connell. Two (2) requested variances from Section 1118.54 of the Hamilton Zoning Ordinance. The submitted request pertains to constructing a new single-family dwelling unit on a vacant parcel located at 436 Riverfront Plaza.

Staff: Daniel Tidyman

**Staff Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The property owners recently acquired the property with the intent to build a new single-family dwelling unit. There are three parcels, which will be combined into one lot with two frontages on Riverfront Plaza and Hensel Place. The frontage on Hensel Place is intended for vehicular access. The narrowness of the lot requires the property owners to have an additional story of livable space and encroach on the required side yard setbacks.

***Section A.2: History***

*Report continued on the next page*





The German Village Planned Development was adopted in 1997 with interest in promoting opportunities for an appropriate mixture of office, business, and residential uses while protecting and enhancing the neighborhoods residential character and historic integrity. The previous zoning districts were a mix of residential and neighborhood business districts, which were changed to Business Planned Development (BPD) existing mixture of uses and fixed historic character.

### ***Section A.3: Existing Site Conditions***

The property is located in the Northwest corner of the German Village Historic District. The three parcels that make up the property are currently vacant. The frontage of the property on Riverfront Plaza is approximately 38 feet and the frontage of the property facing Hensel Place is approximately 28 feet.

### **Section B: Petition Review**

The applicant's proposal is intended for infill development of the German Village District. Based on the lot width and orientation of the parcels, the applicant is required to construct a single-family dwelling that exceeds the maximum height and side yard requirements of the zoning district.

In order to construct a dwelling of this width and height, the applicant will require variances from the following sections of the Hamilton Zoning Ordinance.

**1118.54 Yards and Lot Area Coverage Building Heights:** *The maximum building height of a new principle structure shall not exceed two and half (2 ½) stories in height.*

**1118.54 Yards and Lot Area Coverage Side Yards Least Width and Side Yards Sum of Least Width:** *The minimum required side yard in this zoning district is five (5) feet. The minimum requires sum of least width is 15 feet.*

**The resulting variance requests include:**

- **One (1) additional story in height for the primary structure**
- **Reduction of the Sum of Least Width by two (2') feet & two (2") inches from side yard requirements.**

### **Section D: Pertinent Statutes**

The Hamilton Zoning Ordinance has a section of special provisions based on specific physical characteristics of parcels in the City. Some of these provisions provide relief to

*Report continued on the next page*





side yard requirements for narrow lots. Per Section 1131.12, properties with a lot width of 36 feet to 44 feet may have an allowance of a minimum required side yard of three (3') feet and a sum of least width of eleven (11') feet. These special provisions allow the applicant to apply for less relief than what would be normally required from the HZO.

As it pertains to granting a variance the Hamilton Zoning Ordinance states:

Section 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.

- **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.
- **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

### **Section E: Notification**

The Planning Department mailed Public Hearing Notices to the owners of ten (10) properties within 100 feet of the subject property per statute requirements. At the time of writing this report, the Planning Department has not received any inquiries pertaining to this request.

### **Section F: Recommendations**

The Board of Zoning Appeals can approve or deny the appeal request. The Planning Department recommends the following motion to the BZA:

That the BZA approve the appeal request to grant variances pertaining to Section 1115.43.1, subject to the following conditions:

*Report continued on the next page*





- 1) Any construction drawings for the proposed improvements and work are revised subject to any future review requirements of the City of Hamilton Departmental Review

**Section G: Staff Basis / Comments**

Staff finds the proposed variance meets the statutory requirements for granting a variance for the following reasons:

- 1) There are exceptional circumstances given that there are existing detached garages in the neighborhood located on the edge of the alley.
- 2) A literal interpretation of the zoning ordinance would infringe on the property rights of the applicants. Their existing garage is too small for either of their current vehicles. The new garage would allow them to park both vehicles and have space for items such as tools, bikes, etc.
- 3) The requested variance would not be detrimental to the property or surrounding area. The width of the alley would provide enough space for the applicant to access the garage without encroaching on the property belonging to the neighbor across the alley.
- 4) This variance request is not of general nature. Requests for the distance to the alley are not common which would not require changes to the HZO.

**Public Hearing:**

Wendy Waters Connell was in attendance to discuss the project. She is the property owner. Her goal is to be in German Village and thanked the board for the consideration of the variance.

Motion to close public hearing: Bowling  
Second: Broyles

Discussion: None

**Motion:** Motion to approve the two variances as presented. Mr. Bowling cited the staff basis as rationale for approving the variance request.

Motion by: Bowling  
Second: Broyles  
Motion approved unanimously.

*Report continued on the next page*





**Agenda Item #1: Variance Request for 551 Ridgelawn Avenue**

Request by James D. Howard. Four (4) requested variances from Section 1110.50, Section 1131.41H, Section 1137.21.5, and Section 1137.33 for a site located in the R-2 (Single Family Residence District.) The submitted request pertains to a extending an existing driveway and installing a privacy fence for the property located at 551 Ridgelawn Avenue.

Staff: Daniel Tidyman

**Staff Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The proposal from the property owner is in response to receiving a zoning violation letter for parking personal vehicles on in the grass on their property. The City of Hamilton requires vehicles to be parked on a paved impervious surface. Staff scheduled a pre-application meeting with the applicant who explained that the classic cars and trailer were for personal use that he and his grandson use to visit car shows.

The proposal involves increasing the width of the driveway with a pervious paving surface for parking personal vehicles and a trailer while screening the vehicles from the right-of-way. The proposal would include enclosing the yard with fencing and providing a landscaped buffer approximately three (3') feet in width along the frontage on Rhea Avenue. A section of green space would also be paved near Ridgelawn Avenue alley.

***Section A.2: History***

The applicant submitted the variance application after receiving a letter of violation for parking vehicles on an unpaved surface. The applicant's reasoning for this proposal is to use the personal vehicles to attend car shows and enclose the yard for the safety of his grandson who has medical condition leaves him visually impaired.

***Section A.3: Existing Site Conditions***

The property is located in the center of the Prospect Hill neighborhood as a corner lot on Ridgelawn and Rhea Avenue. Lot characteristics are standard to traditional dense single-family residential neighborhoods. Existing development includes a singles family dwelling, small shed, and a detached garage with a driveway on the Rhea Avenue frontage. The property is also adjacent to the north entrance to the Ridgelawn Avenue Alley.

**Section B: Petition Review**

*Report continued on the next page*





The applicant's proposal is intended to allow the parking of personal vehicles on the property while enclosing the property for safety.

In order to install a wider driveway and fencing, the applicant would require variances from the HZO, which include:

**1110.50 Garages and Driveways:** *Side Entry Driveways Any new driveway or parking space or addition thereto will be setback a minimum of 5-ft. from any side property line.*

**1137.21.5 Driveways:** *A driveway or parking space may count as both of the Off Street parking spaces required in Section 1137.28(A), provided, however, if such driveway or parking space is located within a required front yard then such driveway or parking space shall not exceed the lesser of thirty (30) feet or 1/3 of the width of the lot frontage.*

**1137.33 Surfacing:** *Any off-street parking area whether for residential, business or commercial use and access drives thereto for the parking of any motor vehicle, camper, boat, or trailer shall be surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless, mud-free surface, free of standing water that shall be graded and drained per the Director of Public Works approval.*

**1131.41 Projections into Yards H) Fences:** *Fences in any required front, rear, or side yard limited to a height of forty-two (42) inches in the front yard in all residential and commercial district and the height of fences in rear or side yards limited to ninety-six (96") inches in all residential districts. The height limitation for fences in front yards for Industrial or Agricultural Districts shall not apply. This subsection is subject to provisions of Section 1131.50 hereof.*

**The resulting variance requests include:**

- **Zero foot setback from edge of Ridgelawn Avenue Alley**
- **54 feet of additional driveway width**
- **Paving driveway addition with a pervious paved surface**
- **12 foot setback variance to install a privacy fence greater than 42" in height**

#### **Section D: Pertinent Statutes**

As it pertains to granting a variance the Hamilton Zoning Ordinance states:

Section 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.

*Report continued on the next page*





- **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.
- **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.[‘

#### **Section E: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 16 properties within 100 feet of the subject property per statute requirements. At the time of writing this report, the Planning Department has not received any inquiries pertaining to this request.

#### **Section F: Recommendations**

The Board of Zoning Appeals can approve or deny the appeal request. The Planning Department recommends the following motion to the BZA:

That the BZA approve the appeal request to grant variances pertaining to Section 1115.43.1, subject to the following conditions:

- 1) Any construction drawings for the proposed improvements and work are revised subject to any future review requirements of the City of Hamilton Departmental Review.
- 2) No commercial auto repair or sales of any kind will be permitted on the property.

#### **Section G: Staff Basis / Comments**

*Report continued on the next page*





Staff finds the proposed variance meets the statutory requirements for granting a variance for the following reasons:

- 1) There are exceptional circumstances given the visibility of the second frontage on the property brings a concern for the privacy and safety of the property owners grandson who is visually impaired and personal vehicles. Fencing in the yard would enclose the property allowing the applicants grandson to move freely in the yard without safety concerns. The fencing provided would screen classic cars and trailer from the public right of way.
- 2) A literal interpretation of the zoning ordinance would infringe on the property rights of the applicant. The applicant has a right to safety of both his grandson and his personal property.
- 3) The requested variance would not be detrimental to the property or surrounding area. The new driveway will be screened and landscaped from the public right of way.
- 4) This variance request is not of general nature. The location of the property on a corner lot and situation of the property owner caring for special property and family presents a unique situation that is not so common to require a change in the HZO.

**Public Hearing:**

Mr. Howard was in attendance to answer questions about the project. He said he wants to make is safe and private for his family. He thinks the new fence will look better than what is currently there. This project will also help him utilize the alley instead of Rhea for off-street parking access.

Motion to close public hearing: Broyles  
Second: Bowling

Discussion:

**Motion:** Motion to approve the three variances as presented.

Motion by: Bowling

Second: Broyles

Motion approved unanimously.

*Report continued on the next page*





Daniel Tidyman swore the applicant in for 814 Webster, who came into the meeting at 9:05 pm.

**Agenda Item #2: Variance Request for 814 Webster Avenue**

Request by Adam and Laura Jacob. Two (2) requested variances from Section 1115. Three requested variances from Section 1115.43.1D and Section 1115.43.1 F for a site located in the (R-1) Single Family Residence District. The request pertains to the construction of a new detached garage for the property located at 814 Webster Avenue.

Staff: Daniel Tidyman

**Staff Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The property owner is interested in constructing a new garage in the rear of their property. The property owner would like to remove their existing one car garage that is too small for either one of their current vehicles and replace it with a two car (22 feet X 24 feet) garage with an attic for storage space. The location in the rear of the lot was selected to provide as much space as possible for activities of their growing family in the rear yard. The applicant intends to construct the garage with matching materials to the exterior finish and roofing.

***Section A.2: History***

The applicant contacted the Planning Department for information to begin the permitting process for constructing the new garage. After a brief conversation and pre-application meeting, the applicant submitted their application and supplemental information. The applicant requested a larger detached garage structure for parking their vehicles, with an attic space above for storing items. Staff worked with the applicant to address the needed variances for their proposal.

***Section A.3: Existing Site Conditions***

The property is located in the Prospect Hill neighborhood between North F Street and Progress Avenue. The neighborhood has characteristics of a traditional neighborhood. Traditional neighborhoods have smaller, more compact parcels and grid like street patterns. Existing development on the site includes a single-family dwelling and a small one (1) car garage.

**Section B: Petition Review**

*Report continued on the next page*





The applicant's proposal intends to provide space for parking and storage space for the growing family on the property. This includes having attic space and locating the garage near the edge of Cereal Avenue Alley.

In order to construct a detached garage of this size and location, the applicant will require variances from the following sections of the Hamilton Zoning Ordinance.

**1115.43.1 Maximum Limitations – Accessory Buildings D:** *Detached garages larger than 200-sq.ft. will be setback a minimum of 10-ft from the edge of any alley in order to allow vehicles the space to enter and exit the building without encroaching onto someone else's property.*

**1115.43.1 Maximum Limitations – Accessory Buildings F:** *Height: One story to a maximum of fifteen (15) feet.*

**The resulting variance requests include:**

- **Additional half story and three (3) feet ten (10) inches in maximum height.**
- **Variance of ten (10) feet setback from the edge of Cereal Avenue Alley**

#### **Section D: Pertinent Statutes**

As it pertains to granting a variance the Hamilton Zoning Ordinance states:

Section 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.

- **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.
- **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make

*Report continued on the next page*





reasonably practicable the formulation of a general regulation for such conditions or situation.

### **Section E: Notification**

The Planning Department mailed Public Hearing Notices to the owners of ten (10) properties within 100 feet of the subject property per statute requirements. At the time of writing this report, the Planning Department has not received any inquiries pertaining to this request.

### **Section F: Recommendations**

The Board of Zoning Appeals can approve or deny the appeal request. The Planning Department recommends the following motion to the BZA:

That the BZA approve the appeal request to grant variances pertaining to Section 1115.43.1, subject to the following conditions:

- 1) Any construction drawings for the proposed improvements and work are revised subject to any future review requirements of the City of Hamilton Departmental Review

### **Section G: Staff Basis / Comments**

Staff finds the proposed variance meets the statutory requirements for granting a variance for the following reasons:

- 1) There are exceptional circumstances given that there are existing detached garages in the neighborhood located on the edge of the alley.
- 2) A literal interpretation of the zoning ordinance would infringe on the property rights of the applicants. Their existing garage is too small for either of their current vehicles. The new garage would allow them to park both vehicles and have space for storage due to their “shrinking” house.
- 3) The requested variance would not be detrimental to the property or surrounding area. The current garage backs up to the rear of the alley and does not affect the turn radius. The width of the alley would provide enough space for the applicant to access the garage without encroaching on the property belonging to the neighbor across the alley.

*Report continued on the next page*





- 4) This variance request is not of general nature. Requests for the distance to the alley are not common which would not require changes to the HZO.

**Public Hearing:**

BZA members noted that it is an exceptionally wide alley and wanted that included in the rationale for considering the validity of the variance. Laura Jacob was in attendance to discuss the project. She said they want space for their cars and to store tools.

Motion to close public hearing: Bowling  
Second: Broyles

Discussion:

**Motion:** Motion to approve the two variances as presented.

Motion by: Bowling

Second: Broyles

Motion approved unanimously.

**Agenda Item #4: Variance Request for 510 Crescent Road**

Request by Daniel and Elizabeth Hayden. One (1) variance request from Section 1131.41H for a site located in the R-1 (Single Family Residence District.) The submitted request pertains to a proposed fence in the front yard of the property located at 510 Crescent Road.

Staff: Daniel Tidyman

**Staff Presentation:**

**Section A: Introduction and Background**

***Section A.1: Project Overview***

The applicant, Daniel and Elizabeth Hayden, is proposing a new fence on their property. The orientation of the lot, height of fencing, and existing setback requirements prevent the Haydens from installing a fence on their property at this time. Their intent to use the fence would be to enclose their yard for safety to allow their family to better utilize their yard. The applicants are proposing to enclose their rear yard with a four (4') foot tall decorative metal fence (see attached site plan).

***Section A.2: History***

*Report continued on the next page*





Recently, the applicant and adjacent property owner (520 Crescent Road) resolved a property line issue regarding two smaller abutting parcels on their respective properties. The applicant and neighbor recently completed a lot combination to organize the property lines appropriately. With this issue resolved, the applicants desire the installation of a fence to enclose the property, to ensure the safety of their young family members.

### ***Section A.3: Existing Site Conditions***

The site in question is a triangular shaped lot with frontage on Crescent Road and South D Street. Existing structures on the site include a single-family dwelling unit with garage access from South D Street and a gazebo. The property consists of two parcels, which the applicant intends to combine via lot combination. There is also existing foliage on the property screens most of the rear yard from South D Street.

### **Section B: Petition Review**

In order for the Planning Department to approve of such permit in review, the applicant must receive one (1) variance from the Special Provisions of the HZO.

***1131.41 Front, Rear and Side Street Yards:*** *The following projections may be permitted into any front or rear yard, or any front yard adjoining a side street lot line:*

***1131.41 Clause, H:*** *Fences in any required front, rear, or side yard limited to a height of forty-two (42) inches in the front yard in all residential and commercial district and the height of fences in rear or side yards limited to ninety-six (96") inches in all residential districts.*

### **The resulting variance requests include:**

- ***A request to install a fence that is four (4') feet in height with a zero (0) foot setback from the front property line.***

### **Section D: Pertinent Statutes**

As it pertains to granting a variance the Hamilton Zoning Ordinance states:

Section 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.

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- **Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinance of the public interest.
- **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

#### **Section E: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 15 properties within 100 feet of the subject property per statute requirements. Planning Department has not received any phone calls pertaining to the request.

#### **Section F: Recommendations**

The Board of Zoning Appeals can approve or deny the appeal request. The Planning Department recommends the following motion to the BZA:

That the BZA approve the appeal request to grant variances pertaining to Sections 1131.41 subject to the following conditions:

- 1) The applicant will receive a Certificate of Appropriateness from the Architecture Design Review Board (ADRB) prior to installing the fence on the property.

#### **Section G: Staff Basis / Comments**

Staff finds the proposed variance meets the statutory requirements for granting a variance for the following reasons:

- 1) There are exceptional circumstances present given the irregular shape of the lot and existing right of way on South D Street extends over 20 feet from the edge of

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the street.

- 2) A literal interpretation of the HZO would infringe on the property rights of the applicant and the enjoyment of their property. The purpose of the fence is for family activities while still maintaining a safe environment for the children and dog.
- 3) Staff believes granting this variance will not be detrimental to neighboring properties. A majority of the fence will be screened on South D Street from foliage. The applicant intends to receive a COA from the Architecture Design Review Board for the style of fencing that is common in historic neighborhoods. The proposed material being a black decorative metal fence will have a low profile on the Crescent Road frontage.
- 4) The request is not of general nature given the orientation of the parcel, the existing right of way encroaching past the street, and the request. Normally, a four (4') foot tall fence in a rear yard would not require a variance. However, the existing conditions present a unique request.

**Public Hearing:**

BZA members asked if the ADRB would have input on the height of the fence. Staff said possibly, but it is not expected. Staff said they would not be able to allow a taller fence without having to go back to the BZA. The applicant Liz Hayden was in attendance to answer questions.

Motion to close public hearing: Bowling  
Second: Broyles

Discussion:

**Motion:** Motion to approve the variances as presented.

Motion by: Bowling

Second: Broyles

Motion approved unanimously.

**Minutes:**

1. November 6, 2019

Motion to approve minutes: Bowling

Second: Broyles

Motion approved unanimously.

**Miscellaneous:**

- Election of Chair-Person and Vice Chair Person for 2020 Operational Year

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- Motion to table: Bowling
- Second: Broyles
- Welcoming new BZA member Sammy Broyles.
  - Karen Underwood-Kramer offered to conduct a short BZA training with Sammy Broyles after the meeting.

**Adjournment:** 9:46 am

Motion: Broyles  
Second: Bowling

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Daniel Tidyman  
Secretary

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Desmond Maaytah  
Acting Chairperson

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