

# THE CITY OF GRANDVIEW HEIGHTS BOARD OF ZONING APPEALS

MINUTES
August 8, 2018

Building & Zoning Department Charles Boshane, Director

Chair Murphy called to order the City of Grandview Heights Board of Zoning Appeals meeting of Wednesday, August 8, 2018 at 7:00pm.

<u>PRESENT:</u> Chair M. Murphy, K. Dickerson, R. Kinsinger, J. Donovsky, B. Pomante, City Attorney Khouzam, Assistant City Attorney Koppitch, Clerk M Lonergan, and Director C. Boshane The Pledge of Allegiance was recited.

#### **APPROVAL OF PROCEEDINGS:**

Dickerson moved to approve Board of Zoning Appels Minutes Wednesday, July 11, 2018. Kinsinger Seconded. All Ayes minus two abstentions. **BOARD OF ZONING APPEALS MINUTES WEDNESDAY, JULY 11, 2018 APPROVED.** 

#### **NEW BUSINESS**

1. B.Z.A. Case:

09-2018

Address: Application 980 Elmwood Avenue James & Kerry Hyre

Owner:

**Grandview Capital LLC** 

Zoning District:

RS-1 (Single-Family Dwelling)

The Applicant is seeking aesthetic review approval, per Planning and Zoning Code Section 1155.07 Aesthetic Review Procedure, for the construction of a new two story single family residence.

Chair Murphy read the staff report verbatim.

Joe Miller, the Hyres' attorney commented that they are here for aesthetic review, not anything else. We are not here to talk about the lot split. That has already been decided by the Planning Commission. We are not here to consider if a new home should be built on the site at all. We are not here to debate the merits of the Green Space initiative. We are here from the request of the City for Aesthetic Review per which your code 1155.07 sets forth very specific standards. The code is clear that you must grant aesthetic review approval unless you find that "the proposed home is so detrimental to the desirability, property values, or the development of surrounding area, it impairs the stability and value of both improved and unimproved property, and causes the degeneration of conditions affecting health, safety, and general welfare of the inhabitants." That is a very high standard for denial. I don't think we have to worry about that because I think the evidence is compelling that the applicant seeks to build something beautiful and an enhancement to the area. I did also want to stress as I'm sure your counsel has advised you that Ohio law like your code is also clear, this is an administrative procedure. You must decide things based on the evidence brought before you in the record. Only from those that are sworn in, under oath, and who have standing. Standing in Ohio is those who own property contiguous or directly adjacent to the subject property or can otherwise show they are uniquely affected. I think the overwhelming evidence that has come before you as I said a moment ago by those who have standing is that this is not detrimental in

any way to the community. It conforms in every way to the city's code. The city's code is the best evidence of what's in keeping with the character of the community. We are not seeking any variances. Instead we believe that the evidence will show this enhances the character of the area, it does not detract from that. We are gratified to have the recommended approval of your professional staff. Your staff has determined that the building orientation is arranged specifically so it is similar to other structures that are adjacent to or within the green space overlay district. The materials proposed are similar to the aesthetics and style to those found adjacent or within the green space overlay district. Finally, the staff has recommended to you that the essential character of the neighborhood would not be altered and the adjoining properties would not suffer a detriment as a result of an approval or variance being granted. So we are pleased to receive that recommendation.

We tried to supplement the record to your consideration. Each of you have likely received a declaration of Robert S. Livesey. Professor Livesey is a Harvard University educated architect that has inspected the plans submitted, toured the neighborhood, and inspected the area. He has submitted this Declaration to you under oath. He states this design will maintain the character of the Grandview community. He goes on to write that the façade is consistent and complimentary with other homes in the community. It appears essentially as a two story home on the top of a hill. Paragraph 6 and 7 of this declaration sets forth exactly why the Hyre residence is not excessively similar or dissimilar compared to other properties around it, including and related to the lot coverage minimum and the house height. It's all in keeping with the neighborhood. He concludes the following that the Hyres residence as proposed is in keeping with the established character of other structures in the neighborhood and surrounding area.

Joe Miller introduced into the record the Declaration of Robert S. Livesey and the Affidavit of Debi Wilcox. He requested they be made part of the record and they were accepted into the record by Chair Murphy.

Debi Wilcox is a professional appraiser. She is an MAI appraiser; the highest designation you can receive in the profession. She has appraised residential and commercial for over 30 years. She likewise looked at the plans and the factors that you are going to consider. Her declaration examined on whether the Hyre residence will impair property values of those improved or unimproved properties within the community. She concludes that the Hyre residence will absolutely cause no impairment or diminish property values. Nor will it cause impairment to the desirability to the community. The adjacent property owners will not experience any negative impact caused by the development of the Hyre residence. The community likewise will not as well. She believes the property values will benefit from the Hyre residence. With that expert evidence admitted into the record we would proceed tonight to give a short presentation.

Joe Miller introduced the short presentation into the record and requested it be made part of the record and it was accepted into the record by Chair Murphy.

Kerry Ruberg, 1000 Elmwood, introduced herself. Joe Miller questioned, "What is your and Jim's motivation behind the design of the home? How did you decide on the orientation of the home? How did you incorporate the terrain? Did you also look at the new builds in Grandview and how their scaling /size related to the lot size? Did you also consider how this will have a three car attached garage and how that may/may not suit the neighborhood?"

Kerry replied, "We are very involved in the community. We appreciate the architectural diversity. There is a wide range of styles of homes. We didn't pick one particular style. It was important to incorporate stone. As for the style we drew inspiration from European style and Tudor style. Trees and greenery with a porch was important. We sought to preserve as many trees as possible. We are okay with replacing trees. She went into detail on how she chose the orientation of the home. All of the houses on Goodale face Goodale Blvd and they all have driveways off of the side street." She went over the slideshow, specifically the slides of the house facing Goodale Blvd. "It was Important to match other homes on Goodale Blvd with it being a prominent roadway and the home sitting up on the hill. Another consideration was the lot south of us will most likely never be developed. We considered the surrounding properties when deciding on the scale of the home. We wanted the home to fit in. The lot is unique. It was important

that the house nestled into the hill. We looked at the house on Fairview Avenue. That's the one off the top of my head. The newer homes are a little bit taller and three stories. Our lot size is similar to the one on Fairview. We wanted to add more garage space. It was important to have a three car garage. We did go around the neighborhood to make sure there were other three car garages. One example is on the corner of Merrick and Urlin Ave. We are going to move into this house. We want to live there decades. This is meant to be a forever home."

Jim Hyre commented the reason why we have put so much effort into this is because this is where we plan to live. We have one chance to get it right. I have lived in Grandview for 8 years and it is important to live in Grandview.

Andy Melaragno (architect) commented the site study (shown on the PowerPoint) shows the footprint of the home within the setbacks. We are also looking at the driveway and the retaining wall that will retain the grade. In doing this we are going to minimize lot coverage and any run off by using impervious concrete. There are no variances for lot coverage, impervious surface, or building height (33'7) 1/8). The building height is from the grade at the front of the house to the ridge. The southern elevation we have broken up the massing by creating three different bays. It helps break up the front façade and also the roof. There is a strong emphasis on horizontal lines to help nestle the house. The stone we are using is going to mimic the Ohio limestone that can be found in Grandview and Upper Arlington. The details above the windows will be a natural lime stone or mimic lime stone. Stucco will be used as well. Everything is found locally. The tallest part of the house is on the west elevation. On the west elevation, we have incorporated a standing seam metal hood that masks the garage doors and carries on the site line across the face of the house. We are trying to create horizontal lines. The man door and third garage door are masked from the street view based off of the retaining wall. It appears as a two car garage from the street. On the north elevation, the first floor elevation is below grade. This was done to minimalize visual impact. The east elevation we are going to transition the grade drop around the house. That will come into play with the landscaping. We made a point to minimize the effect on the natural grade.

Debi Wilcox was asked to please describe her experience with appraising. Wilcox commented that she has appraised since 1984. I have appraised a variety of properties in Arlington, Grandview, and all over City of Columbus. I have appraised Residential and Commercial. I have the MAI designation since 1990. I am also certified in the State of Ohio. I am also an appraiser in Kentucky and South Carolina. I am a real estate agent in Ohio and broker in South Carolina. I belong to several MLS organizations. Wilcox was asked to state what she did to undertake her assignment. I take every opportunity I can to come to Grandview. I live in Worthington. I drove the area, by the property, and down Elmwood. I also reviewed the renderings, zoning issues, etc. Joe Miller asked, "if the home was detrimental to property values or desirability in the area?" Wilcox replied, "not at all. I feel it will enhance the surrounding areas, property values and desirability." Joe Miller asked," In your professional experience why do you hold this opinion?" Wilcox commented when she looked at the area and the surrounding homes in particular. "I enjoyed the tree areas and the age of the surrounding homes. Even though this home will be brand new, the house will enhance the area." Joe Mille asked," Do you believe this home will result in impairment or destruction of value of surrounding properties? Do you believe that this home will impair the stability and value of improved or unimproved homes in the area? Do you believe this home as proposed will result in degeneration of conditions affecting the health, safety, and general welfare of the inhabitants? Do you believe this home is detrimental to the desirability, property values, or development of the surrounding areas?" Wilcox answered no to all these auestions.

Kinsinger is curious about the driveway." I am trying to picture the slope." Melaragno replied, "the driveway slope is 8%. The compliant driveway is the credit in the building coverage"

Pomante asked, "Does anyone know the distances from the other examples you brought from Goodale to the start of the home? Do we know how far that proposed house will be from the house from the north?" Joe Miller replied, "I don't think we depicted that. My suspicion is that you would not see uniformity in the distance from Goodale. We do not have those calculations." Kerry Hyre commented, "We

will be 20' from the house to the lot line." Pomante commented," You said the driveway will be an 8% grade and the house will be 33' in height."

Chair Murphy asked, "Do you have a street scape to see the current home to the new home?" Kerry Hyre replied, "Our current house sits up a little bit higher. They are not completely on the same plane."

Pomante asked, "Do we know the measurement of the point of one peak to other peak?" Melaragno replied, "The grade from the Goodale to the front of the house is 778. Which is about where the first floor is. So another foot and a half." There was discussion on calculating the peak to peak measurement. Melaragno commented, "The second floor ceiling height of the house to the north is 808. My peak is at 811. By the time you put an attic space above it, it's a higher house. The peak of the roof of the house to the north will be higher."

Pomante commented on the overall square footage, "3500 square feet is what is allowed. You're coming in around 2400 square feet. I like the layout and design. Instead of a large massed house why not a longer dormer style roof line to fit the area?" Melaragno replied, "The buildable foot print of the house is on the setback."

Discussion of the Ohio limestone material used and clarification that the roof will be an asphalt roof.

Chair Murphy commented, "Talk to us about this designs engagement with Goodale." Melaragno replied, "The family room is on the first floor. The view from the family room and front porch is an incredible view. When coming down Goodale you can't really see the top of the hill unless driving in a convertible." Joe Miller commented, "It also helps that we are preserving the wooded areas." Kerry Hyre commented, "We are mindful of keeping the hill and wooded areas."

Chair Murphy commented, "Seems like with the scale of the house you don't see the nose of the house. There could be a porched roof or something to relate to the community. Have you thought about that? What tells me this is the front of the house?" Melaragno replied, "The columned porch recesses back to create a gathering space. Unfortunately getting a roof across the front of the house is difficult with the limits of the footprint." Joe Miller commented, "It may be too visually imposing." Kerry Hyre commented, "That porch is very important. There was thought put into the placement." Wilcox commented, "From a real estate point of view, you don't want houses exactly the same. When I drive through Grandview I see variety. I think the design did a nice job incorporating to take advantage of the hills, the view, and the site itself. "

Chair Murphy commented, "I love that Grandview is diverse, but we also want some similarities. I would not call this a nestling house. If we could bring the scale down that would be great. Do something to articulate the entrance of the home." Discussion on these being good ideas.

Donovsky commented, "I think the view of Goodale should be looked at differently. This is not a lot that faces Goodale. This house sits 147 feet away from Goodale. I have no problems with the elevation views."

Joe Miller asked, "that the affidavit's previously submitted and presentation materials be formally admitted into the record." The board formally admitted it into the record.

Further discussion on the heights of the two peaks and calculations. Discussion of the house to the south overpowering the north being the concern. The conclusion was the house peaks are going to align.

Chair Murphy commented, "We have a letter from a resident. Under the law it is not a sworn affidavit. This can't be used as part of the consideration." Joe Miller objected to having the letter read on that basis. Kinsinger commented that the Board routinely reads such letters, and he read verbatim the letter of Nancy Kramer, which follows:

## To Whom It May Concern:

We are writing to register our opposition to the proposal put forth by the Hyre family to build on the property fronting Goodale Blvd (at the corner of Elmwood Avenue) - and directly abutting our own residence at 955 Urlin Avenue.

As you well know, this project has raised considerable ire among neighbors, for a variety of reasons; not the least of which is the inevitable (& we believe, negative) precedent it sets for further development up and down the Goodale Blvd "greenway" corridor.

We have written previously to Grandview City officials citing our objections to the original lot split and proposed development (which we and others continue to believe violates the city's own zoning and safety standards); and have showed up in person to state these concerns.

Unfortunately, we are out of town for this upcoming Zoning meeting to review the Hyre's latest proposal, including actual architectural drawings; and so felt compelled to once again register our objections in writing for the record.

Let us be clear, we do not take lightly the step of opposing our neighbor's development ambitions. We respect their rights, and we have had nothing but positive interactions with them on a personal level. However, we genuinely believe both the development of this lot in general, and the character and scale of this particular proposed project is wrong for Grandview, and should be denied.

As Grandview continues to evolve, facing new residential development along its eastern edge, and heightened commercial development along the lower portions of Goodale, it must be thoughtful about preserving those particular portions of its neighborhoods that reinforce its unique charms and historical significance. The Goodale Blvd Greenway Corridor is one of those areas. Dotted with the last remaining original homes, and some of the few hills and stands of trees that inspired the city's "grand view" namesake; this area should not be given over to careless and over-sized cookie-cutter development, which seems more intent on maximizing financial gain than adding to the quality and character of our community.

More specifically, it seems to us that everything about the Hyre's proposed project - its scale, architectural design, sight lines and even material choices - feels generally uninspiring and out of step with the two neighboring historic homes that will bookend it. At a minimum, if they are truly intent on building in such a visible (& important) spot, the Hyre's should consider designing and constructing a home in character with its surrounding; rather than a box-like mini-mansion more appropriate to some bland suburban building lot in Dublin or Westerville.

We urge the members of the Grandview Zoning board to think about the precedent they are setting with this decision - and to determine what message they want to send not only to the Hyre's but to other developers who come to Grandview to flip homes versus build community.

Joe Miller commented he would like to state for the record a continued objection on those with "standing". Persons who are not adjacent or directly contiguous or uniquely affected to the subject property. "

William Thompson, 1083 Wyandotte, 1220 Grandview Avenue commented, "This is one side of the story. The applicant says it's a 2 story. It's 4 stories. Properties would be affected. The other objections I have is the lot is not 10,000 square feet. The recorded deed states its .229 acres, 9475 square feet. That is not a buildable lot. There have been no variances applied for. The proposed front yard setback is not compliant with 1155.01. That states that the front entry door of the home that faces Goodale must equal the average of the adjacent homes on Goodale. The average is 234 feet. The proposed structure is not staying in character or similar to homes in the neighborhood. Similarly, sized lots within 250 feet of 980 Elmwood have much smaller homes. Examples were provided. The garage is not permitted under a home 1153.02. This has been brought up in the past and has been denied. I hope the board denies this application."

Further discussion that the property is an Elmwood address and not a corner lot.

Assistant City Attorney Koppitch commented, "Madam chair, in your packet materials submitted by the applicant in regards to the lot split there is a survey noting that the lot is compliant. When the Planning Commission approved the lot it was a compliant lot. It is immaterial to what you're approving tonight, but for the sake of the board members there was a rounding error on the survey. There were no changes to the lot dimensions. The survey was updated properly. The lot has 10, 001 square feet. Basements are not included in the square footage calculations. It's only above grade calculations. Kerry Hyre commented, "We have the survey rerecorded with Franklin County."

Jody Oster, 1080 Wyandotte, handed out a packet to the board members. Ms. Oster did not request that the packet be made part of the record and it was not admitted as such.

She commented, "1155.07 talks about homes being similar. This is under B page 1. We have a 1/4 or less acre lot. With a home exclusive of the lower level that is roughly 5600 square feet. If you look at exhibit B you will see the backup documentation in relation to the homes that are north of the 980 Elmwood property. It shows that they are roughly 1/4 of an acre or less. The average square footage is 2198 square feet. There was an application made by another applicant. The board expressed the massing of the home was too much in comparison to the other homes on the side of it. We have the applicants comparing themselves to homes along Goodale and Elmwood. We have had a Myers survey done that is included in the packet. The entry way is fronting Goodale, not Elmwood. There was also a discussion with the Tom Komlanc application about garages being towards the rear. This garage is in the side yard. This home doesn't belong on this lot. I have not seen the deed filed by the Hyres. There are safety issues on the hill. Elmwood is a very dangerous road. I urge you to deny this proposal. I hold my objection that the house faces Goodale."

Director Boshane commented, "In this case the lot fronts on Elmwood. The address is addressed off Elmwood, 980 Elmwood. The front door can be on Goodale Blvd. The front yard is Elmwood."

Further discussion of the code defining the front door and the front door of the applicant's home facing Elmwood. Assistant City Attorney read verbatim the code section defining "frontage".

Assistant City Attorney Koppitch reiterated it's a compliant lot.

"Madam Chair, if you look at the documents, the Planning Commission documents were included to provide the overall context. If you look at the minutes, the "building plans" were for demonstration only to show that it is a building code compliant lot. There were no set plans of elevations. You are not looking at the plans from the Planning Commission application. The square footage would just be the foot print of the home."

Joe Miller commented that is exactly right, "It was lot coverage; it would be the first floor of the home. Not the home. The deed is not an issue. It was corrected yesterday. This has been addressed. I agree with Mr. Donovsky and staff in regards to what we should be dealing with. Even if we are to look at Oster's

Exhibit D, these frontages are not even near the ridgeline of Goodale hill. There is no average. Mrs. Oster lives approximately 450 feet two streets over from this home. So I stand on my objection as to standing."

Pomante apologizes for the miscalculation. The house to the north will still be taller.

James Oberla, 1020 Westwood Avenue commented, "The green space overlay is more detrimental to our property value than this house ever will be. This is personal property; they want to build a house. I think their plans are very nice. It's going to set into the hill and be nestled because the hill drops. The ridgeline is well done. The green space overlay was done over duress. The city purchased the property. "

Colleen Solms, 1307 Elmwood Ave commented, "980 Elmwood is 4508 square feet. Approximately 7 times the square feet to lot size ratio of those three comparable homes. My fear is this is going to be a precedent of building gigantic houses on small lots. I also would like to comment to putting a driveway on Elmwood Hill. There are frequently landscape trucks, service trucks, and pedestrians on the hill. Until you come over the top of the hill, you have no idea who is coming the other way. The hill is a hazard. "

City Attorney Khouzam asked a question directed to Director Boshane. "Is the city still planning a sidewalk on Elmwood? Did the curb cut that was recommended by the Building Department take into consideration the possibility of a future curb cut?" Director Boshane replied, "At the Planning Commission meeting the Mayor indicated they talked about putting a sidewalk in on Elmwood Avenue. I don't believe they have come to a final agreement on that sidewalk. Yes, the retaining wall had to be moved back to the property line, so that it wasn't in our right of way. The Mayor and the applicant have not come to the final conclusion on that. The applicant does have to get a right of way permit for the curb cut from the service department. The purpose of the sidewalk would be to promote pedestrian safety. Why they haven't come to a final agreement is because they would have to continue it beyond the property. That's on an administration level."

James Palumbo, 1104 Elmwood commented, "The Elmwood hill has lots of pedestrian traffic, bikes, cross country team, and joggers. It's the steepest hill in Grandview Heights. Sidewalks are great. I wish they would put them in. The sidewalks end at Bluff Avenue. There are a lot of speeders."

Jerry Cusack, 1020 Elmwood commented, "Only two cars can fit on the street. There is no room for a right or left hand turn out of our shared driveway. This is the steepest hill. You cannot see what coming at you off of the hill."

Chair Murphy commented, "We can't help with safety review."

Assistant City Attorney Koppitch commented, "They widened the curb out to help make it safer."

Director Boshane commented, "The City Engineer received it and worked with the Hyres to make it work. They reviewed it and said its workable. There designer indicated they are going to make it 20' wide. Our normal is 12'-16' wide. This was to address those concerns of pulling out of the driveway. The City Engineer can address the turning. "

Assistant City Attorney Koppitch commented, "The curb cut is an administrative and Service Department action."

Further discussion of widening the drive.

Jim Woodland, 1050 Lincoln Rd commented, "I was the Council President when the green space overlay was put into place. I think it was a good idea. There is an issue with the front door. Safety should be part of the aesthetic review in my opinion. "

Chair Murphy commented, "I have reservations about the front entry door."

Dickerson commented, "I don't have a problem with the design layout as presented."

Pomante commented," Safety is a huge issue. A sidewalk should be there which we can't control. That street will get busier and busier. There is also a reason in the house you live in now has a shared driveway. "

There was more discussion of the retaining wall and sidewalk.

Chair Murphy commented, "As we are looking at the precedent for homes being built above garages, this home is being built into a hill and this garage is 100% under grade, unlike previous cases

where it is 100% above grade. That in my mind is night and day. I have a question about code. Is 2 ½ stories code? Is the bonus space a story?"

Director Boshane commented, "It's 2 ½ stories or 35'. The bonus space is not considered a story. We don't have final construction drawings at this point. If there is a need for variance they would have to come back. Upon review of the final construction drawings we will verify everything."

Donovsky commented, "This total house is 33' tall. The other houses that are the contentious houses maximizes the 35', which is the half point of the roof line. So the real peak of the house is 43'. That alone is night and day. "

Further discussion of the bonus space and the explanation of a ½ story.

Jennifer Stevens, 1040 Elmwood commented, "Can we get color renderings of different angles?" Kinsinger commented, "I think its fair to say that you won't see the house due to the trees."

Jody Oster, 1080 Wyandotte, commented, "The trees probably won't be there. It's usually helpful to have the context of the views. Right now the house is not built in the green space. There is a proposed ordinance on the November ballot to expand the green space to 200 ft. If that passes construction of this house would not be permitted. "

Joe Miller commented that he feels the material brought forth today is comprehensive information that would allow the Board to vote for approval.

Further discussion of already discussed information on the frontage on Elmwood. William Thompson reiterated his concern with the building plans submitted with the Planning Commission application not matching what is before the board today.

Director Boshane commented, "The Planning Commission approved the lot itself. They had nothing to do with aesthetic review or the actual project. It was always stated that the project was going to be submitted at a later date. So we didn't know the final design until this point."

City Attorney Khouzam responded to Thompson's comments about the footprint shown in the Planning Commission submission was in effect a placeholdr or a conceptual drawing not necessarily sited to any particular orientation or for the purpose of getting approval. It was made clear that the applicant would have to come back for approval for the house.

Further discussion of the process the Hyres went through prior to the Board of Zoning Appeals today and already discussed information.

Pomante asked whether a street elevation might be available. Chair Murphy wondered if a photo from Goodale could be obtained. Kinsinger commented, "That would have been great if we got that. I feel the reason why we are up here as board members is because we have the experience to review what is provided in the packets."

Chair Murphy asked about a demo tree survey. Ms. Hyre replied, "There are some trees that will have to come down. The trees you see from Goodale are on the City of Grandview Heights property. Our goal is to take down as little as possible."

Director Boshane suggested a condition for trees in the staff report, noting three trees would block the house more. Ms. Hyre commented, "We like trees. We are okay with replacing the trees we take down. We are open to putting trees on city property."

Further discussion of the powers of the Board of Zoning Appeals and what the board is voting on today. There was more discussion of the location of the front door and how to make the front door prominent.

Director Boshane commented, "Way finding has been created."

Dickerson moved to approve aesthetic review approval, per Planning and Zoning Code Section 1155.07 Aesthetic Review Procedure, for the construction of a new two story single family residence, with two conditions:

- 1. The applicant shall obtain all proper and required permits prior to any construction.
- 2. The applicant shall on the final site work include at least three replacement trees that are 2"-3" caliper in the same vicinity of any removal.

Kinsinger seconded.

		Yea	Nay	
	Murphy		Χ	
	Kinsinger (Seconded)	Χ		
	Dickerson (Moved)	Χ		
	Donovsky	Χ		
	Pomante		X	
Vote:		3-2. n	notion pa	sses with conditions.

There being no further business, the meeting was adjourned at 9:48 p.m.

Megan Lonergan, Clerk Building and Zoning Department

Board of Zoning Appeals

## **DECLARATION OF ROBERT S. LIVESEY**

I, Robert S. Livesey, hereby have been sworn and declare under oath:

- 1. I have been retained as an expert on behalf of James Hyre and Kerry Ruberg in the current application for aesthetic review, and, in that capacity, I have personal knowledge of the matters attested to herein.
- 2. I am currently an Emeritus Professor and in the Knowlton School of Architecture at The Ohio State University. I am also a licensed architect in the State of Ohio with a Master of Architecture degree from Harvard University. I have over forty years of design experience, including the design of single-family homes. My CV is attached hereto as Exhibit A.
- 3. I have reviewed the design for the Hyre residence (the "Hyre Residence"). I have also examined the property on Elmwood Avenue, Parcel #030-003216-00 (the "Hyre Property"), where the Hyre Residence will be located. Additionally, I have examined the surrounding neighborhood, including those homes and structures facing upon Elmwood Avenue and Goodale Boulevard and within 250 feet of the Hyre Property (the "Neighborhood").
- 4. I am familiar with Grandview Zoning Code § 1155.07, setting forth the aesthetic review standards and procedure.
- 5. The Hyre Residence is designed so as to maintain the character of the Grandview community by utilizing proper architectural principles, including through the design, use of materials, finished grade, lines and orientation.
  - a. The materials are primarily stone and stucco. Both materials are used in multiple residences in the community. Of particular importance is the balance

- of the materials. The mixture of stone and stucco creates a façade that is consistent with and complimentary of other homes in the community.
- b. The finished grade is left essentially as it is. The car court is cut into the side of the hill with only a driveway to the street, which allows the Hyre Residence to appear as essentially a two-story home on top of a hill. The location and orientation of the driveway is optimal, as it does not face another house but instead faces the retaining wall on the west side of the street.
- c. The main orientation of the house to Goodale Boulevard is in keeping with the house across the street.
- 6. The Hyre Residence is not excessively similar to any other structure in the Neighborhood.
  - a. The façade of the Hyre Residence is not identical to any other home in the Neighborhood. The Hyre Residence is not a copy of other homes in the neighborhood in size, arrangement of its doors, windows, porticos, other openings or breaks in the façade facing the street. Nor does it copy the other houses with a "mirrored" or reverse arrangement.
  - The Hyre Residence is not excessively similar to other homes in the Neighborhood with respect to other significant features of design.
- 7. The Hyre Residence is not excessively dissimilar to other structures in the Neighborhood.
  - a. The Hyre Residence does not have excessively dissimilar volume compared to other homes in the Neighborhood.

b. The Hyre Residence does not have an excessively dissimilar gross floor area compared to other homes in the Neighborhood.

c. The height of the roof of the Hyre Residence is not excessively dissimilar compared to other homes in the Neighborhood.

d. Other significant design features of the Hyre Residence, such as the quality of architectural design or the materials to be used, are not excessively dissimilar compared to other homes in the Neighborhood.

8. The Hyre Residence is in keeping with the established character of other structures in the Neighborhood and surrounding area with respect to significant design features, such as the scale of the house, the hip roof, and the building materials. Of particular note is the canopy roof over the garage doors, which compliments the façade facing the street, as it appears as a continuation of the hill that is in front of the car court.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of August, 2018.

RNOW 5 MUDITY

Robert S. Livesey FAIA

## **ROBERT S. LIVESEY FAIA FAAR**

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#### ACADEMIC EXPERIENCE

2018	Visiting Professor, School of Architecture, Tianjin University,
2017-	Professor & Director Emeritus, Knowlton School, The Ohio State University
2013-2017	Professor and Architecture Section Head, Knowlton School, The Ohio State University
2011-2013	Professor and Interim Landscape Architecture Section Head, KSA, The Ohio State University
2005-2011	Professor, Knowlton School of Architecture, The Ohio State University
1997-2005	Professor and Director, Knowlton School of Architecture, The Ohio State University
1991-1997	Professor, Knowlton School of Architecture, The Ohio State University
1983-1991	Professor and Chair, Department of Architecture, The Ohio State University
1976-1983	Visiting Professor, School of Architecture, Yale University
1981	Visiting Professor, School of Architecture, Syracuse University
1979-1980	Visiting Professor, Department of Architecture, University of Pennsylvania

## PROFESSIONAL EXPERIENCE

1983-

ROBERT LIVESEY, ARCHITECT

Principal responsible for the design and development of the following projects:

Boone Residence, Powell, OH

Schematic design for a renovation and addition

Northern Kentucky University Development, Highland Heights, KY (w/ Moody Nolan)

Winning competition entry for 420,000 sq ft office, retail, hotel complex

Town Street Condominiums, Columbus, OH

Concept design for 110 condominium apartments and mixed use building

Delaware Health Center, Ohio Health, Delaware, OH (w/ Karlsberger)

Master plan for a health facility and schematic design for phase 1

Central Community Center, Columbus, OH (w/ J. L. Bender)

Community and day care facility 58 Warren St, Columbus, OH

58 Warren St, Columbus, C

Renovation and addition

"True" Residence, Weston, CT

Schematic design for a renovation and addition

Guest House, Block Island, RI

Barn renovation and addition

Friedman / Barkan Residence, South Truro, MA

Residence, studio and study for an artist and a writer

Kansai-Kan of the National Diet Library, Kansai, Japan (w/ D. Graf and J. Guldenzopf)

Competition entry

Children's Hospital, Denver, CO (w/ NBBJ)

Renovation and addition to an acute care facility

Marshall University Medical Center and Cabeli-Huntington Hospital Ambulatory Care Facility,

Huntington, WV (w/ NBBJ)

Medical School and clinic

Roswell Park Cancer Institute, Buffalo, NY (w/ NBBJ)

Research facility and vivarium

Austrian Cultural Institute, New York, NY (w/ F. Bohm and J. Kipnis)

Competition entry

Cleveland Clinic Emergency Room, Cleveland, OH (w/ NBBJ) Emergency suite and master plan for a surgery suite St Rita's Medical Center, Lima, OH (w/ NBBJ) Renovation and addition Harold Nestor Hall, Columbus State Community College, Columbus, OH (w/ NBBJ) Classroom, laboratory, theater arts and conference facility with student lounge Performing Arts Center, Clemson University, Clemson, SC Competition entry Bowman Residence, Blacklick, OH Renovation and addition Barresi Residence, Grandview, OH Townhouse renovation Turton Residence, St Thomas, VI New residence on existing foundations Moss Residence, Bexley, OH Renovation and addition Asher Residence, Columbus, OH Schematic design for a renovation Braunstein Residence, Columbus, OH Schematic design for a renovation and addition Loch Lomond, Powell, OH (w/ J. Reagan) Master plan for a 60 unit residential community High Street Capital Improvements, Columbus, OH (w/ J. Reagan) Paving and street furniture for the University District Samuel P. Harn Museum of Art, University of Florida, Gainesville, FL (w/ Wandel & Schnell) Competition entry

#### 1981-1983

Director of Design responsible for the design direction of the following projects:

Ortho Pharmaceutical, Johnson & Johnson, Raritan, NJ Master plan and schematic design for a research campus Nabisco Brands Technology Center, East Hanover, NJ Winning competition entry for a laboratory and office building M&M / Mars National Office, Hackettstown, NJ Schematic design for a headquarters building New Communities Nursing Home, Paramus, NJ 180 bed facility and master plan for 2 urban blocks Veterans' Nursing Home, Paramus, NJ 100 bed facility and master plan for 200 bed expansion Trenton State College, Trenton, NJ 250 bed dormitory, conference center, and aquatic center gymnasium addition United States Post Office, Princeton, NJ Postal facility in a corporate park Waksman Institute of Microbiology, Rutgers University, New Brunswick, NJ Microbiology genetics laboratory Mobil Chemical Research and Development Center, Edison, NJ Schematic design for an office and fabrication facility New Jersey Department of Transportation, Ewing Township, NJ New office building RCA, Moorestown, NJ Schematic design for an office building RCA Government Systems Headquarters, Moorestown, NJ Schematic design for an electronics laboratory and office facility Connecticut College Athletic Center, New London, CT Schematic design for an indoor sports facility ATT, Lawrenceville, NJ Site evaluation for an 800 acre office and laboratory development

RCA, Moorestown, NJ Site evaluation for a manufacturing and office facility

1978-1981 LIVESEY / ROSENSTEIN ASSOCIATES

Partner responsible for the design of the following projects:

Baum Residence, Fairfield Beach, CT
Schematic design for a new residence
Smith Residence, Quogue, NY
Schematic design for a house renovation
Maysles Films, New York, NY
Schematic design for an office and studio renovation
Katz Residence, West Orange, NJ
Schematic design for an addition and renovation
Logos, San Juan, PR
Office and showroom

Kusnetz / Iano Loft, New York, NY
Loft conversion
Late Entry for the Chicago Tribune Competition
Invited competition
Strouse Apartment, New York, NY
Apartment renovation
Torpedo Factory, Alexandria, VA
Schematic design to convert a factory into housing and artist studios with retail and parking
Chicago Art Fair, Navy Pier, Chicago, IL
Exhibit installation
Regal Car Care, Manchester, NH
Prototype for an auto-maintenance garage
Professional Children's School, New York, NY
Conversion of one floor of warehouse to a multi-purpose space
Feature Systems, New York, NY

1979-1981 STIRLING WILFORD ASSOCIATES (New York, NY)

Warehouse renovation

Project designer responsible for the preliminary designs for the following projects:

Chandler North, Columbia University, New York, NY
Schematic design for a chemistry laboratory
Sackler Museum, Fogg Art Museums, Harvard University, Cambridge, MA
Early studies for a gallery and classroom building
Solow Townhouses, New York, NY
Limited competition for 11 townhouses

1976-1978 I. M. PEI AND PARTNERS

Designer for phase III on Dallas Centre and project designer on J & J:

Phase III Dallas Centre, Dallas, TX
Schematic design for 500 units of housing
Johnson & Johnson Corporate Headquarters, New Brunswick, NJ
Corporate headquarters

1975-1976 JAMES STIRLING AND PARTNER

Designer responsible for the development of the conceptual design on the following projects:

Wallraf-Richartz Museum, Cologne, Germany Design competition entry Museum for the North Rhine Westphalia, Dusseldorf, Germany Design competition entry

## **PUBLICATIONS**

May 2011	"Ahead of Its Class", <u>Dwell</u> , San Francisco, CA	
October 2009	58 Warren St: Columbus Monthly, Columbus, OH	
October 2005	58 Warren St: Homefront, Business First, Columbus, OH	
2002	Introduction, Moody Nolan: Aesthetics, Function, Technology, Maurizio Vitta, Ed., Arcaedizioni, Milan	
2002	Various entries: City Secrets New York, Robert Kahn, Ed., Little Bookroom, New York, NY	
2001, 2011	Various entries: City Secrets London, Robert Kahn, Ed., Little Bookroom, New York, NY	
2000	Various entries: City Secrets Florence, Venice & the Towns of Italy, Robert Kahn, Ed.,	
	Little Bookroom, New York, NY	
1999	Various entries: City Secrets Rome, Robert Kahn, Ed., Little Bookroom, New York, NY	
July-October 1997	Harold M. Nestor Academic Center: Livesey, Paesaggio Urbano 4-5	
1996	Roswell Park Cancer Institute Research Facility: Medical Research Complex, Roswell Park Cancer	
	Institute, Delmar New York, Advanced Technology Facilities Design: 1996 Review, p. 88-91	
April 1996	Roswell Park Cancer Institute Research Facility: Robert Livesey, Architectural Criticism	
April 1996	Harold M. Nestor Academic Center: Robert Livesey, Architectural Criticism	
1995	Harold M. Nestor Academic Center: World Architecture, Number 35	
1995	Austrian Cultural Institute: World Architecture, Number 35	
1993	Austrian Cultural Institute: Austrian Cultural Institute, New York: An Architectural Competition,	
	Haymon-Verlag, Innsbruck, Austria	
January 1993	Turton Residence: Caribbean Getaway, Columbus Monthly	
December 1992	Jim and I, The Architectural Review, Number 1150	
November 1992	Moss Residence: Precious Detailing Makes the Difference, Qualified Remodeler	
August 1990	Nabisco Brands Technology Center: Progressive Architecture	
September 1987	Nabisco Brands Technology Center: Young American Architects, Ottagano, Number 86	
1989	Nabisco Brands Technology Center: Architects and Designers Diary, Selsey, England	
September 1987	Baum Residence: Young American Architects, Ottagano, Number 86	
1989	Baum Residence: Architects and Designers Diary, Selsey, England	
1986	Nabisco Brands Technology Center: Lab of the Year, Research and Development	
September 1986	Waksman Institute: Forty under Forty, Interiors	
September 1986	Samuel P. Harn Museum of Art: Forty under Forty, Interiors	
September 1986	New Jersey Department of Transportation: Forty under Forty, Interiors	
1984	Nabisco Brands Technology Center: New Work: 10 Architects, Perspecta 21	
August 1982	Strouse Apartment: Young American Architects, Space Design	
August 1982	Kusnetz / Iano Loft: Young American Architects, Space Design	
February 1982	uary 1982 Kusnetz / Iano Loft: <u>Home</u>	
1980	Chicago Tribune Tower: Chicago Tribune Tower Competition / Late Entries, Volume II, New York, NY	

## **LECTURES & EXHIBITIONS**

2016	Architectural Stuff: Two Houses, AIA Columbus
2010	An Architect's Legacy, James Stirling's Students at Yale, 1959-1983, School of Architecture, Yale
	University
2010	Architecture and Technology, AIA Ohio Convention, Toledo, OH
2010	Architectural Stuff, School of Architecture, University of New Mexico
2009	Celebrating Architecture, Keynote Lecture, AIA Cleveland
2009	Moderator, Working with Stirling panel, James Stirling: Architect and Teacher, School of Architecture
2009	Architectural Stuff, Knowlton School of Architecture, The Ohio State University
2007	Building Schools of Architecture, ACSA Administrators' Conference, Minneapolis, MN
2007	Advancement to Fellowship, AIA Ohio Convention, Columbus, OH
2003	Faculty Show, Knowlton School of Architecture, The Ohio State University
2002	The New Face of Urban Development in Columbus, Columbus Museum of Art and Columbus College
	of Art and Design

1999	Architecture's Role at a University, ACSA Administrators' Conference, Savannah, GA
1996	Stirling's Students' Work roundtable, School of Architecture, Yale University
1992	Inquiry and Culture, from Modernism to Eclecticism, School of Architecture, Kent State University
1991	Reading Corb Out of Context, School of Architecture, Iowa State University
1991	Reading Corb Out of Context, School of Architecture, Tulane University
1991	Reading Corb Out of Context, School of Architecture, The Ohio State University
1990	Adding Value with Visiting Critics, ACSA Administrators' Conference, Phoenix, AZ
1987	The Comprehensive Design Studio, ACSA Teachers Conference, Cranbrook Academy
1982	The Last Works of Livesey/Rosenstein, School of Architecture, University of Kentucky
1982	The Last Works of Livesey/Rosenstein, School of Architecture, University of Maryland
1980	Young Architects Show, School of Architecture, Yale University
1975	Fellow's Show, American Academy in Rome
1974	Fellow's Show, American Academy in Rome

## PROFESSIONAL & CIVIC SERVICE

2016	Juror, AIA Charlotte Design Awards
2016	External Examiner, Department of Architecture and Graphic Design, American University of Beirut
2014-2015	Chair, AlA Columbus Fellowship Committee
2010	Member, NAAB Visiting Team, School of Architecture, Syracuse University
2010	Member, NAAB Visiting Team, School of Architecture, Pratt Institute
2009	Member, Harvard University Presidential Ad Hoc Committee for Tenure Appointments
2009, 2011	Juror, Thesis Awards, School of Architecture, Syracuse University
2009	Consultant, Antoine Predock and Moody Nolan competition entry for the National Museum of African
	American History and Culture
2009	Chair, AlA Cleveland Design Awards
2009	Juror, AlA Indiana Design Awards
2009	Juror, AlA Michigan Design Awards
2009	Member, NAAB Visiting Team, School of Architecture, University of Illinois @ Chicago
2008	Chair, Awards Jury, School of Architecture, University of Illinois @ Chicago
2007	Juror, Re-Wired Columbus Competition, Columbus, OH
2007-2010	External Examiner, Department of Architecture, Chinese University of Hong Kong
2005	Juror, Goodale Park Fountain Competition, Columbus, OH
2005-	Member, Design, Construction and Maintenance Committee, Short North Foundation, Columbus, OH
2004	Member, NAAB Visiting Team, Department of Architecture and Urban Design
2002-2008	Member, Neighborhood School Development Partnership and Project Oversight Sub-Committee,
	Columbus Public Schools, Columbus, OH
2002-2005	Director, American Institute of Architects Columbus
2002	Member, Fellowship Committee, AIA Columbus
2001	Juror, AIA Dayton Design Awards
2001	Moderator, The Good, the Bad and the Ugly, AIA Ohio, Columbus, OH
2001	Juror, Form-Z Joint Study Awards, AutoDesSys, Inc., Columbus, OH
2000-2003	Director, American Institute of Architects Ohio
2000	Chair, AIA Eastern Ohio Design Awards
1999-2000	Director, American Institute of Architects Columbus
1998-2004	Chair, Design Review Board, The Ohio State University
1997-2005	Member, Board of Trustees, Neighborhood Design Center, Columbus, OH
1993	Juror, <i>Columbus Un-Built</i> , AIA Columbus
1992-1996	Member, Designers' Critical Discussion Group, Columbus, OH
1990-1991	Director, American Institute of Architects Ohio
1989	Juror, Kidspeak Fountain Competition, Columbus, OH
1989	Juror, First Community Church Design Competition, Upper Arlington, OH
1988	Chair, Columbus Convention Center Design Competition, Columbus, OH
1987-1989	Member, Columbus Civic Center Ad Hoc Group, Capitol South Community Urban Redevelopment Corporation,
	Columbus, OH
1987-1993	Regional Representative, Society of Fellows, American Academy in Rome
1986-2010	Vice President. Board of Trustees. Columbus Architecture Foundation

1985-1991 Member, Board of Trustees, Columbus Landmarks Foundation 1983-1987 Member, Board of Trustees, Neighborhood Design Center, Columbus, OH

## **AWARDS & HONORS**

2017	Robert S. Livesey Professorship established by the Knowlton Foundation
2017	American Institute of Architects Ohio, President's Citation
2017	DesignIntelligence: 30 Most Admired Educators for 2017
2016	Robert S. Livesey Endowed Teaching Award established by KSA alumni and friends
2016	The American Institute of Architecture Students Outstanding Educator Award
2016	The Ohio State University Alumni Award for Distinguished Teaching
2015	DesignIntelligence: 30 Most Admired Educators for 2015
2012	Inducted as honorary member Sphinx Senior Honor Society
2011	Columbus Architecture Foundation Certificate of Appreciation
2010	American Institute of Architects Ohio Gold Medal
2008	Winning Entry for Northern Kentucky University Gateway Competition (w/ Moody Nolan)
2005	American Institute of Architects Columbus President's Award
2004	Construction Specification Institute, Columbus Chapter President's Award
2001	American Institute of Architects, elected to the College of Fellows
1994	American Institute of Architects Columbus, Design Award for Harold M. Nestor Academic Center
1994	American Institute of Architects Ohio, Professional Development Award
1980	Yale University School of Architecture, Judith M. Capen Award for Outstanding Teaching
1978	Progressive Architecture, Design Citation for Maison Truc
1973-1975	American Academy in Rome, Rome Prize Fellowship
1972-1973	Harvard University, Sheldon Travelling Fellowship
1972	Rotch Travelling Fellowship, Finalist

## **EDUCATION**

1972 Master of Architecture, Harvard University Graduate School of Design
 1969 A. B. (Architecture), Princeton University

## PROFESSIONAL REGISTRATION

Connecticut, Ohio, NCARB Certified

## AFFIDAVIT OF DEBI WILCOX, MAI, CCIM

STATE OF OHIO

: SS:

COUNTY OF FRANKLIN

Now comes Debi Wilcox, MAI, CCIM, and having been duly placed under oath and cautioned to state the truth, deposes and states as follows:

- 1. I am over eighteen years of age.
- 2. I am a certified real estate appraiser in Ohio, Kentucky, Pennsylvania, and South Carolina, and work as an appraiser, real estate consultant, and broker. Over the course of my over thirty (30) years of experience as an appraiser, I have earned the MAI designation, as a Member of the Appraisal Institute, which is the highest designation in the profession. I am a long-standing member of the Appraisal Institute and have served as a president of the Institute's Ohio Chapter and as a member of the Appraisal Institute's regional board of directors. I have taught basic appraisal principals at The Ohio State University, Columbus State Community College, and various Continuing Legal Education seminars. My CV is attached hereto as Exhibit A.
- 3. I have been retained as an expert by Vorys, Sater, Seymour and Pease LLP on behalf of James Hyre and Kerry Ruberg with respect to the current application for aesthetic review for property on Elmwood Avenue, Parcel #030-003216-00 (the "Hyre Property"), and, in that capacity, I have personal knowledge of the matters attested to herein.
- 4. I have reviewed the design for the Hyre residence (the "Hyre Residence"). I inspected the Property and surrounding area (the "Community") on July 31, 2018. The purpose of the inspection was to consider whether the Hyre Residence will impair property values of both improved and unimproved property within the Community.

- The Hyre Residence will cause absolutely no impairment, diminishment, or 5. destruction of property values within the Community, nor will it cause impairment, diminishment, or destruction of the desirability of property within the Community. The Hyre Residence will not have a detrimental impact on the development of the Community. Additionally, the Hyre Residence will not have a detrimental impact on the stability of property values within the Community. The adjacent property owners will not experience any negative impact caused by the development of the Hyre Residence, and certainly the Community will not experience any negative impact.
- 6. In fact, property values within the Community will benefit from the presence of the Hyre Residence. Additionally, the development of the Hyre Residence will result in an increase in the desirability of property within the Community.

Further affiant sayeth naught.

Debi Wilcox, MAI, CCIM

Subscribed and sworn to me this \_\_\_\_\_\_ day of August, 2018.

My commission expires on 3-21-2021.



PENNY A. CLARK Notary Public, State of Ohio My Commission Expires 03-21-2021

## Debi Wilcox, MAI, CCIM wilcox.L.debi@gmail.com

#### **Professional Designations:**

MAI Member of the Appraisal Institute, Membership Number 8659
CCIM Certified Commercial Investment Member, CCIM Institute, #4578

#### Licenses and Certificates:

State of Ohio, Certified General Appraiser, Certificate Number 380149 Ohio Real Estate License, File Number 309588

State of Kentucky, Certified General Appraiser, 004985 Commonwealth of Pennsylvania, Certified General Appraiser, GA00343

State of South Carolina, Certified General Appraiser, GC 4765 State of South Carolina, Broker in Charge, License #54548

#### Real Estate Experience:

**Eminent Domain** – Valuation of industrial, commercial, and residential improved properties; vacant, development, and agricultural land for various Departments of Transportation, other governmental agencies, and private individuals. More than 1,000 eminent domain valuations since 1998 with additional experience in title research, negotiation, and closing.

Appraisal – Valuation of apartment complexes, office buildings, retail centers, industrial properties; vacant development, agricultural, and residential land for financial institutions, insurance companies, pension funds, private investment groups, developers, and individuals.

Appraisal Review – Review of all types of commercial, investment, and industrial appraisals for Huntington National Bank, FDIC, Resolution Trust Corporation, and private clients. Review Appraiser for South Carolina Department of Transportation.

**Consulting** – Consultation concerning the valuation, performance, and financing alternatives for commercial, investment and industrial real estate. Consultation with regard to eminent domain processes involving title work, appraisal, acquisition, and closing procedures.

**Investment Sales** — Work with individual investors, private investment groups, pension funds, insurance companies, and real estate investment trusts in the purchase, sale and performance analysis of all types of commercial, investment and industrial real estate.

#### Clients Served:

Insurance companies and pension funds
Public and private corporations
Developers and individuals
Federal Aviation Administration and various county airports
Various state, county, and city governmental agencies, including state departments of transportation

## **Professional Organizations:**

Banks and financial institutions

Appraisal Institute
CCIM Institute
CCAR – Coastal Carolina Association of Realtors
IRWA – International Right of Way Association
SCAA – South Carolina Aviation Association

#### Education:

Graduate, Franklin University, 1982, B.S. Degree, Business Administration
Appraisal Institute - Various classes and seminars
CCIM Institute - Various classes and seminars
Continuing Education - Various classes and seminars in Ohio, North Carolina, and South Carolina