

CITY OF DELAWARE
HISTORIC PRESERVATION COMMISSION
AGENDA

CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M.

REGULAR MEETING

FEBRUARY 28, 2018

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Historic Preservation Commission meeting held on January 24, 2018 as recorded and transcribed.
3. REGULAR BUSINESS
 - A. 2018-0272: A request by Buns Restaurant LLC for a Certificate of Appropriateness for reinstating storefront entrances at 49 North Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay.
 - B. 2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.
 - C. 2018-0086: A request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay. (Tabled January 24, 2018)
4. STAFF COMMENTS
5. COMMISSION MEMBER COMMENTS AND DISCUSSION
6. NEXT REGULAR MEETING: March 28, 2018
7. ADJOURNMENT

**HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
January 24, 2018**

ITEM 1. Roll Call

Chairman Koch called the Historic Preservation Commission meeting to order at 7:00 p.m.

Members Present: Joe Coleman, Erinn Nicley, Sherry Riviera, Stephanie Van Gundy, Councilman Kyle Rohrer and Vice-Chairman Hatten, Chairman Roger Koch

Staff Present: Dianne Guenther, Development Planner

ITEM 2. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on November 29, 2017 as recorded and transcribed.

Motion: Mr. Nicley motioned to approve the amended Motion Summary of the Historic Preservation Commission meeting held on November 29, 2017, as recorded and transcribed, seconded by Mr. Coleman. Motion approved by a 5-0-2 (Riviera, Hatten) vote.

ITEM 3. REGULAR BUSINESS

A. 2018-0086: A request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay.

Ms. Guenther provided an overview of the request from the applicant to have a temporary sidewalk vestibule. She discussed the recent façade renovations that the applicant completed on the building since 2016, and discussed the problem of having a wind tunnel effect when patrons enter or exit the building. Ms. Guenther discussed that the vestibule would be installed on the approved patio and provided the dimensions and potential color pallet. She provided a proposed rendering of the vestibule and that no issues or concerns were provided by other departments, such as, Fire, Police, Public Works, and Economic Development.

A discussion was held with the Commission regarding the lack of rules or regulations set to create standards on vestibules by the Historic Preservation Commission. They discussed the need to set a more definite timeline of when they would be allowed. The Commission reviewed the beta test that they set to allow the establishment on 12 W. William St. to use a sidewalk vestibule. Mr. Nicley recommended to form a working group to help establish these

recommendations to Council. Vice-Chairman Hatten voiced concerns over having multiple vestibules throughout the historic downtown.

APPLICANT:

Amanda Sykes
324 Pecan Court
Delaware, Ohio 43015

Ms. Sykes discussed the option of using a vestibule than other options, such as a heat curtain. Vice-Chairman Hatten recommended to table the request until the Commission can recommend standards or determine if vestibules will be continued in the historic downtown area. Ms. Sykes discussed the cost and tentative construction and installation timeline. She discussed the desire to only use the vestibule during the winter season to provide maximum use of the patio area in warmer weather. She recommended the Commission set specific dates to allow vestibules with penalties if it is not taken down. Vice-Chairman Hatten requested information on other historic districts using vestibules.

Motion: Vice-Chairman Hatten motioned to table 2018-0086, seconded by Mr. Coleman. Motion approved by a 4-3 (Nicley, Riviera, Van Gundy) vote.

ITEM 4. STAFF COMMENTS

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION
The Commission requested a review of the approval for the 12 W. William Street vestibule.

ITEM 6. NEXT REGULAR MEETING: February 28, 2018

ITEM 7. ADJOURNMENT

Motion: Mr. Nicley moved to adjourn the meeting, seconded by Ms. Riviera. The Historic Preservation Commission meeting adjourned at 8:24 p.m.

Roger Koch, Chairman

Elaine McCloskey, Clerk

APPLICANT/OWNERS

Buns Restaurant LLC
12 West Winter Street
Delaware, OH 43015

REQUEST

2018-0272: A request by Buns Restaurant LLC for a Certificate of Appropriateness for reinstating storefront entrances at 49 North Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION

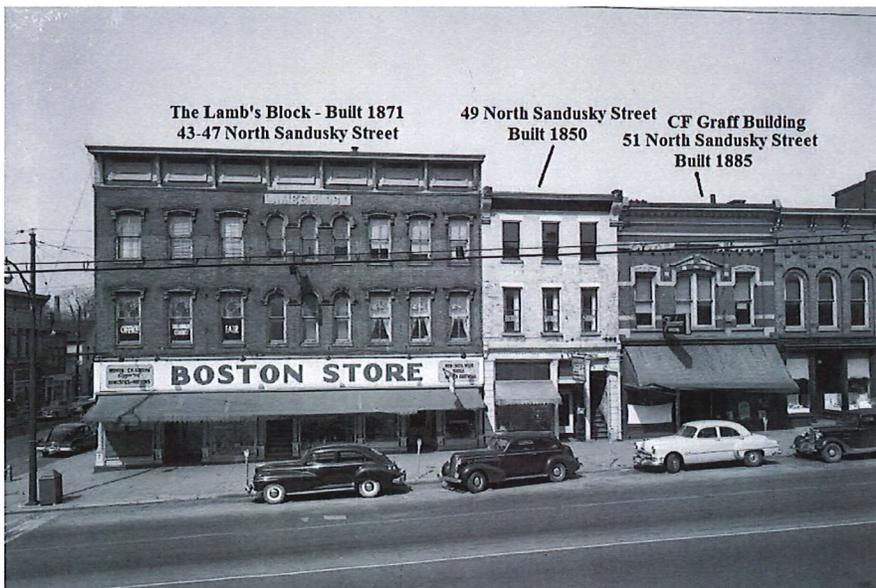
The project site is located at 49 North Sandusky Street, on the west side of North Sandusky Street between Winter Street and Central Avenue, in the Downtown Core of the Downtown Historic District Overlay. The properties immediately to the north, south, and east of this parcel lie within the Downtown Core, while the properties immediately to the west lie within the Transitional Sub-District of the Downtown Historic District Overlay. The zoning of the property is B-2 (Central Business District), as are the surrounding properties to the north, south, and east. The properties to its west are zoned B-3 (Community Business District).

BACKGROUND/PROPOSAL

The building at 49 North Sandusky Street is listed as a contributing building in the Sandusky Street National Register Historic District. The Delaware County Auditor's Office indicates the year built as 1885. However, the Delaware County Historical Society indicates the building was constructed circa 1850 by J. & I. Day and notes the "plain upper window style is a clue to its early construction date." The original cornice remains intact.

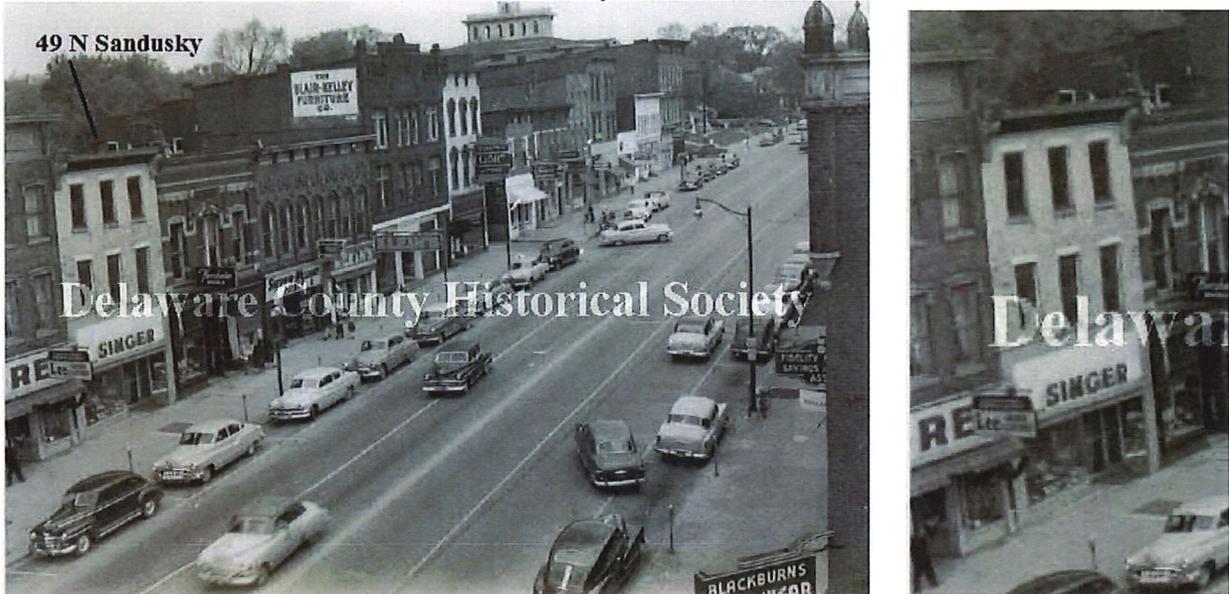
The original storefront, however, has been modified over time and covered with modern materials. A 1950 photograph shows what is more than likely the original storefront configuration. On the north end of the building, between columns, is an open stairwell to the second floor, which exits directly onto the sidewalk. A right-side inset entry door to the storefront is also set between two columns with a transom window and adjacent to a flush storefront window topped by a transom window.

49 North Sandusky Street – Circa 1950



By 1952, a “modern” aluminum storefront was installed which covered the transom windows; eliminated the storefront columns, lintel with corbels and dentils, and stairwell opening; and extended the size of the inset entry to accommodate double aluminum entry doors. (It is speculated the stair to the second floor perhaps was removed at that time, which would have increased the interior retail space to accommodate double entry doors.)

49 North Sandusky Street – Circa 1952



(Note: Photograph taken in 1952 looking north on North Sandusky Street from the East Winter Street elevation of the former Delaware Hotel.)

By 1999, it appears the storefront was modified again. One of the entry doors was eliminated and the storefront window display area was extended further north, which again increased the size of the interior retail space. This is the same configuration in place today.

49 North Sandusky Street – 1999 and 2018



The building has been occupied by many retail uses since its construction, including: a druggist and an attorney in the 1930s, the Singer Sewing Machine Company in the 1950s, the State Unemployment Office, a coffee and tea store, a furniture store, a communications store, family financial services, and most recently, a family-owned jewelry store which moved to another location in 2017 (Delaware Diamonds). The storefront is currently vacant. The upper floors were also used as retail or office spaces, as well as living units, throughout time and are currently vacant.

The Applicant took ownership of the building in 2004. He has retained an architect and a contractor and is in the process of rehabilitating the second floor into an apartment, which requires the reinstatement of the stairwell to the second floor. The stairwell and stairs are being re-installed in the same location as originally built to exit onto the sidewalk and as defined by the building's original configuration. According to current code standards, the stairs are terminating onto a landing, rather than directly onto the public sidewalk. The current storefront inset entry door is in the precise location to accommodate the reinstated stairway and landing to the second floor. The Applicant is proposing to leave this door intact.

Current Storefront and Reinstated Interior Stair with Landing and Current Storefront Inset Entry Door



(Note reinstated stairs behind entry door)



The reinstated stairwell, however, necessitates creating a new entry door opening into the retail space. Similar to the original entry door arrangement, the Applicant is proposing a storefront entry door immediately adjacent and to the south of the current entry door. The angled storefront window will be reframed and reinstalled at a 90 degree angle to accommodate the new storefront entry door into the retail space. Both entry doors will be contained within the inset area, open outward and opposite of each other, and be 100 percent transparent glass. To help contain costs, the new entry door and any new storefront window glass framing are proposed to be aluminum to match the existing natural aluminum color materials currently in place.

Existing Storefront Display Window Area



**Proposed Concept for Modified Storefront Display Window
With New Entry Door to Retail Space and Reinstated Stairwell Existing Entry Door**



The Applicant is respectfully seeking concurrence from and extends appreciation to HPC regarding the storefront modification to create the retail space entry door and the use of materials to match what is in place to help contain costs, rather than installing a totally new storefront system at this time. In the future, there might be a possibility of a complete rehabilitation, but in the interim, separating the upstairs stairway from the ground floor space is needed.

STAFF ANALYSIS

City Staff is supportive of the proposed plan as presented. The storefront modification does give a nod to the building's original design. The proposed plan will not detract any less from the historic fabric of the district than from what has been in place for many years. The building's overall original 1850s architectural significance and design has been compromised years ago. The cornice and second and third floor windows appear to be of original design; however, the storefront is covered with modern materials with the original design and materials being lost.

The Architectural Standards indicate when undertaking changes to a non-historic storefront on a historic building, the new work shall be designed and constructed to reflect the historic character of the building. The aluminum cladding of replacement windows shall not be a mill finish and/or natural aluminum color. In addition, new entry doors shall be glazed, with at least 50% and not more than 75% glass in area. The Applicant is simply slightly modifying the modern storefront design to gain access and fully utilize the upper floors of the building, and more importantly, to create an entry to gain a separate access to the first floor retail space. The aluminum full glass entry door to the retail space now in place is being re-purposed to serve as the stairwell entry door. A new aluminum full glass entry door proposed for the retail space is to match the current door in place. The aluminum framing needed to widen the inset entryway is to match the storefront window glass framing currently in place.

The Applicant is not in a position to perform a complete storefront modification to 1850s era building design. The "modern" storefront application from 1952, at 66 years of age, is now itself becoming "historic." To contain costs, the proposal appears to be the most practical and most cost-effective in this particular circumstance, while maintaining the general appearance of the building as it has appeared since the 1950s. Staff offers that the proposal presented is the most reasonable alternative that exists for this application and would not be substantial enough to preclude a future complete storefront renovation.

STAFF RECOMMENDATION (HPC 2018-0272) – CERTIFICATE OF APPROPRIATENESS

Staff recommends approval of the request by Buns Restaurant LLC for a Certificate of Appropriateness for reinstating storefront entrances at 49 North Sandusky Street, which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay, with the following Condition that:

- 1) The Applicant shall adhere to Historic District Architectural Standards for this project, with the exception of the storefront window glass and entry door installations as described in this Application, and all applicable zoning and building code requirements.

COMMISSION NOTES:

CASE NUMBER: 2018-0272 _ 49 North Sandusky Street Storefront Entrances

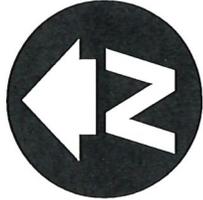
MEETING DATE: February 28, 2018

PAGE: 6 of 6

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

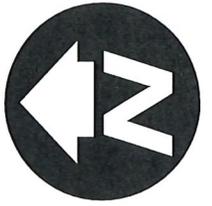
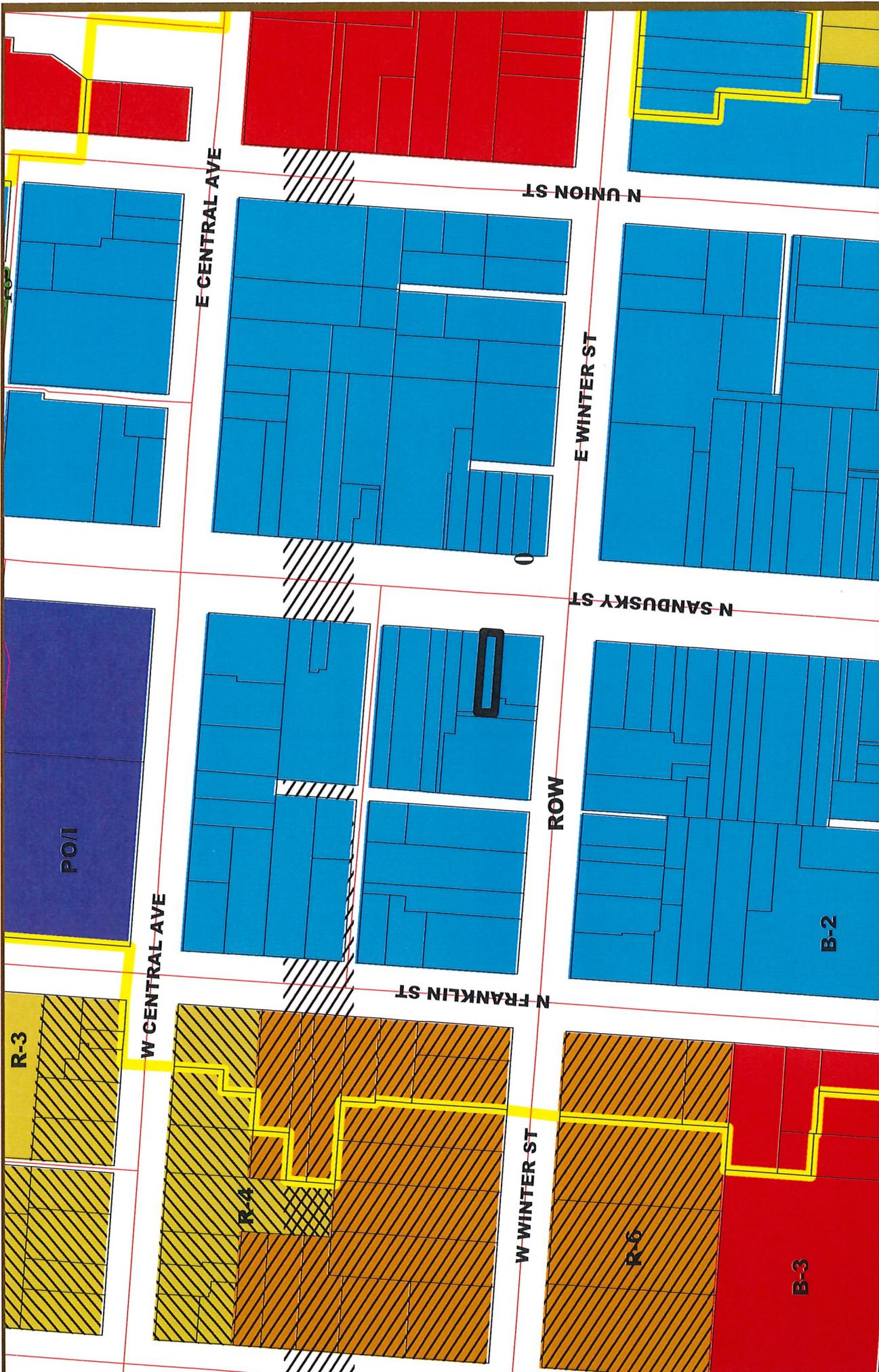
CONDITIONS/MISCELLANEOUS:

FILE: PLANNING/HPC CASES/2018 CASES/2018-0272_49 N SANDUSKY STREET STOREFRONT ENTRANCES
ORIGINAL: 2/21/2018
REVISED:

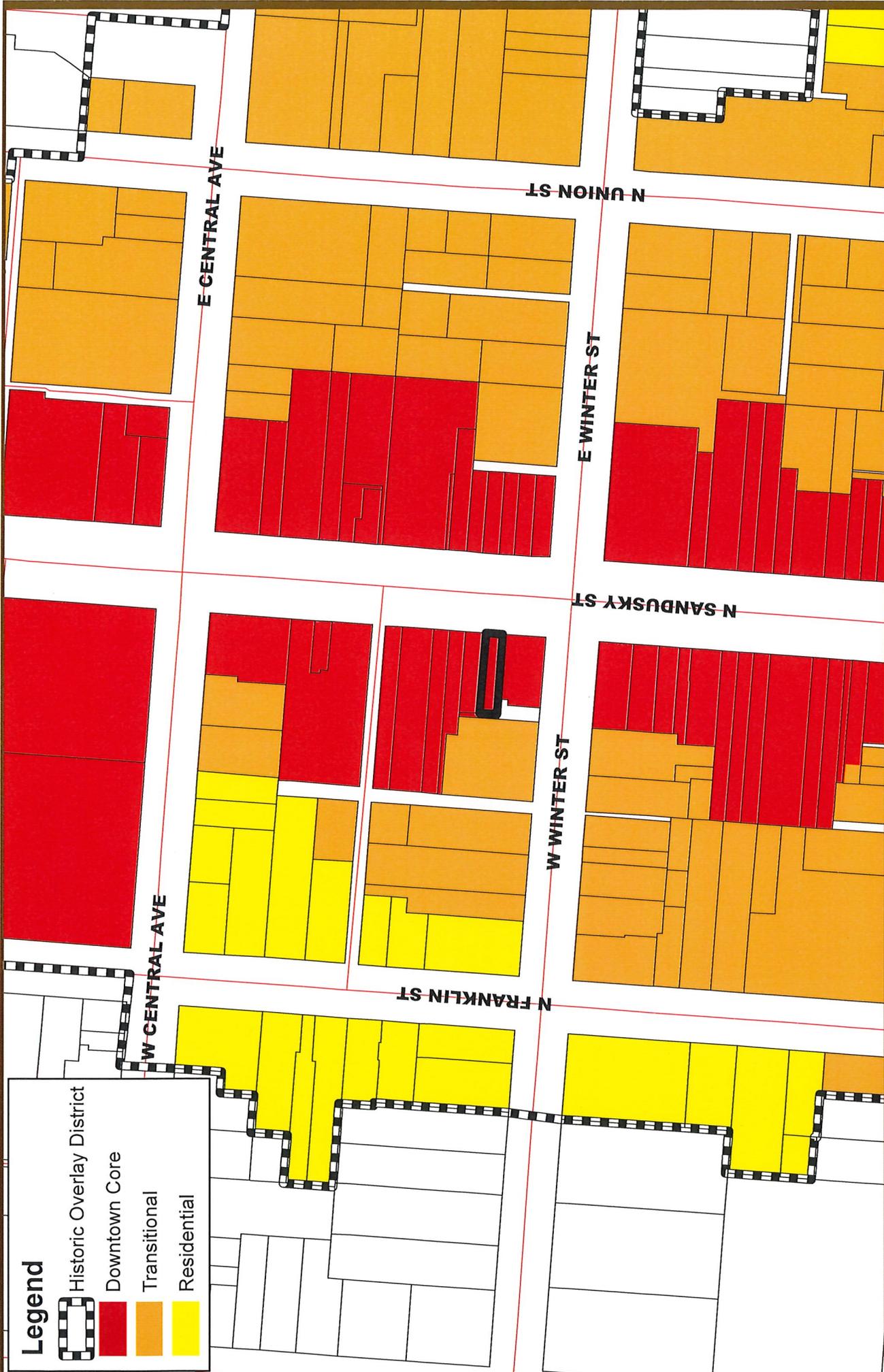


2018-0272
Certificate of Appropriateness - Storefront & Stairwell Entrances
49 North Sandusky Street
Location Map



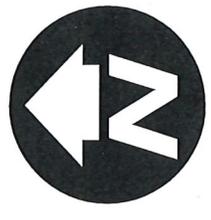


2018-0272
 Certificate of Appropriateness - Storefront & Stairwell Entrances
 49 North Sandusky Street
 Zoning Map



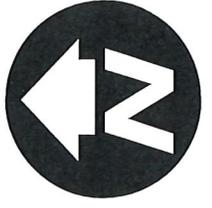
Legend

-  Historic Overlay District
-  Downtown Core
-  Transitional
-  Residential



2018-0272
 Certificate of Appropriateness - Storefront & Stairwell Entrances
 49 North Sandusky Street
 Historic District Map





2018-0272
Certificate of Appropriateness - Storefront & Stairwell Entrances
49 North Sandusky Street
Aerial (2016) Map





CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

FOR STAFF USE ONLY:
2018-0272

Certificate of Appropriateness Application

Historic Subdistrict Downtown Core Residential Transitional

Address 49 N. SANDUSKY ST.

Business name

Applicant Name/Contact Person Vasilios Konstantinos Phone 740 363-2867

Address 14 WEST WINTER ST

Email BUNKRESTAURANT@FRONTIER.COM

*if the Applicant is not the owner of the property, the Property Owner is required to sign the application to authorize proposed changes.

Property Owner Vasilios Konstantinos Phone 740-363-2867

Address 14 WEST WINTER ST

Email

Project Type

- Signs, Graphics or Awnings
- Demolition Permit(s)
- Other
- New Construction
- Exterior Building/Site Alterations (specify):

Work Description (please type or print legibly)

Describe the proposed project in detail, describing materials and colors proposed, including all changes to the building, site or lot. Include all features to be removed, altered, or added and provide a narrative of why the particular type of construction or other environmental changes are being proposed. Indicate all materials to be used. Attach additional sheets as needed.

Add (+) NEW DOOR OPENING to MATCH ORIGINAL Building Design.

RECEIVED

FEB 14 2018

CITY OF DELAWARE
PLANNING & COMMUNITY DEV.

Materials to submit with application: 1 electronic copy and 12 hard copies if required to appear before HPC Commission.

- *Check made payable to the City of Delaware in the amount of \$50.00
- *Legible Photographs, digital copies or copied from a negative, not photocopied
- *Site Plans showing view from above, plus elevation plans showing the view from front, sides, and rear drawings for new construction, modifications or signs showing *dimensions, setbacks, colors, and specifications* of any window, door, trim, lintel, sign, base, header, or other element to be installed/modified
- *Material samples/manufacturers brochures which show/describe materials to be used
- *Color samples must be provided, such as manufacturer paint chip cards or brochures depicting proposed color selections
- *Interior floor plans, where appropriate

Variance Explanations: If the Applicant believes that strict application of the Standards and Guidelines for the Historic District will create a substantial economic hardship or that there is an unusual and compelling circumstance, a narrative to support a Variance from, or waiver of, the Code requirements may be submitted. The Variance or waiver shall be granted only if the Commission deems that at least one of the following six (6) criteria is met:

- o There would be substantial economic reduction in the value of the property due to application of the Standards and Guidelines;
- o The property cannot be maintained in its current form and substantial economic burden would result from the application of the Standards and Guidelines;
- o No reasonable alternative exists;
- o The property has little or no historical or architectural significance;
- o The property cannot be reasonably maintained in a manner consistent with Standards and Guidelines; or
- o No reasonable means of saving the property from deterioration, demolition, or collapse exists.

Deadline: Applications must be submitted THIRTY (30) DAYS prior to the Historic Preservation Commission meeting.

Public Notification: Staff will notify property owners within 150' of the site as required.

Meeting Date/Time: 4th Wednesday of each month at 7:00 pm in Council Chambers on the second floor of Delaware City Hall, 1 South Sandusky Street, Delaware, OH 43015.

***Please Note** the Commission might table the application if the applicant is not present to answer questions.

Constantinakis 2/14/18
 Signature of Applicant Date

SAME
 Signature of Owner (if not the Applicant) Date

Application Fee \$50.00 Fees Received \$ _____ Received by _____ Date _____
2/13/18 J.W.

APPLICANT/OWNERS

12 WEST Restaurant
12 West William Street
Delaware, OH 43015

REQUEST

2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION

The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north, south, and east lie within the Downtown Core Sub-district, while the properties immediately to the west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business) District, as are the surrounding properties. It is considered a 'background building' in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL

- Dialogue with the Applicant regarding temporary sidewalk vestibules began September 30, 2015 with an informal request for comments from HPC.
- The Applicant's property at 12 West William Street became the subject of a beta test of a temporary sidewalk vestibule on October 25, 2015 when HPC approved its installation with the design and materials submitted on a temporary, revocable basis within the confines of an approved patio permit until March 31, 2016, when the topic would be revisited to discuss preliminary results.
- The Applicant re-appeared before HPC on April 27, 2016 indicating positive results on the interior restaurant dining conditions and overall acceptance of the vestibule by its patrons. The Applicant also requested a time extension for year-round use of the vestibule. HPC granted a time extension to September 30, 2016, on which date the Temporary License would expire. The Applicant would re-apply for the Temporary License and Revocable Sidewalk Use Permit for continued use of the vestibule for consideration by the City of Delaware.
- At the August 24, 2016 HPC meeting, during discussion of another of the Applicant's projects (HPC 2016-2532: 14 West William Street new building construction), HPC asked the Applicant about the status of the sidewalk vestibule. The Applicant continued to report positive results during both cooler and warmer weather use. HPC remained supportive of the installation.
- A discussion was held by HPC with David Efland, Director of Planning and Community Development, at the September 27, 2017 HPC meeting regarding sidewalk vestibules and the process to permit their use. Essentially, each application (which have been minimal) would be judged individually on its own unique circumstances against the basic markers of storefront size, installation within an approved enclosed patio area, with design and materials similar to the 12 WEST beta test. The beta test appeared successful.
- The Applicant consistently maintained a Revocable Sidewalk Use Permit with appropriate liability insurance, inclusive of the patio seating area and the vestibule, during 2016, 2017, and now 2018.
- On January 24, 2018, a request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street (HPC 2018-0086) was tabled until HPC can recommend standards or determine if vestibules will be continued in the historic downtown area. Staff was requested to notify 12 WEST Restaurant that the beta test for sidewalk vestibules is over and to remove the sidewalk vestibule until further notice. Staff is uncomfortable simply removing the vestibule without affording the Applicant the opportunity to request its extension.

CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street

MEETING DATE: February 28, 2018

PAGE: 2 of 4

The Applicant, David DiStefano of 12 WEST Restaurant, is requesting the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year. The Applicant was advised by City Staff that an appearance before the HPC was needed to accommodate the request. The Applicant was also advised of the Appeals process of HPC decisions per Section 1190.08 of the City Codified Ordinance.

The Applicant provided the following statement regarding this agenda item to share with HPC members, provided here verbatim:

"There are a multitude of key reasons for the continuation of the vestibule. First, know that more than 50,000 guests come through that front door each year. The following reasons describe the impact each time the door is opened with no vestibule.

When the door is opened the outside air draw directly impacts about 10 guests, which is 25% of our seating capacity. Their dining experience as it relates to comfort is directly impacted by the front door. Whether it is the cold weather of the winter, hot summer, and the stormy/windy weather we experience year around.

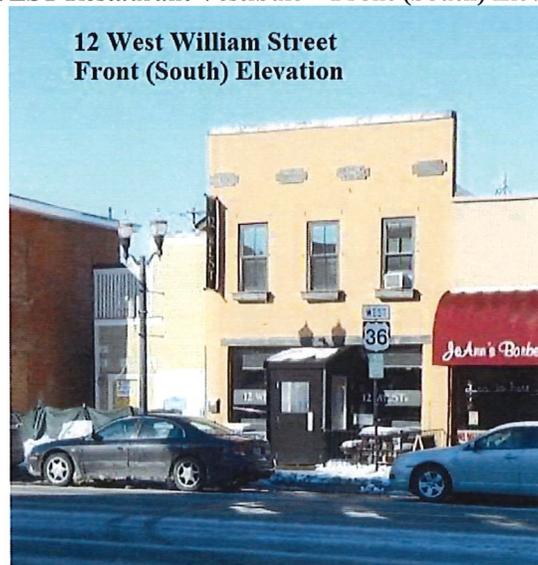
Additionally, when the front door is opened, air with grease is pulled from the kitchen into the dining room. This is not good for the guest nor the front of the house equipment. Also, the air draw causes a significant strain for our heating and cooling which bills range from \$1,000 to \$1,500 per month.

As you know, 12 West is located on major state route and therefore noise pollution is a real issue. Tractor trailers, commercial trucks, and the sheer number of traffic impacts the guest experience. Again, the vestibule helps significantly cut down on this type of pollution.

On a special note, a large segment of our guests are local Delaware seniors. It is very common for seniors to wait in the vestibule while waiting for their ride to pick them up. They are comfortable here as they are not blocking other guests, yet they are protected from the outside elements.

This vestibule helps our business, our guests, and I believe helps leaves an overall good experience which reflects positively on downtown Delaware."

12 WEST Restaurant Vestibule – Front (South) Elevation



12 WEST Restaurant Vestibule – Facing West and Facing East



STAFF ANALYSIS

The Staff Reports from the October 28, 2015 and April 27, 2016 HPC meetings, with all pertinent background and research information HPC requested, as well as Staff Analyses, are attached for Commission reference and use. Staff finds the beta test successful. There have been no complaints received, the vestibule is in good repair and condition, and the Applicant has continually maintained required sidewalk permits and insurance. Staff finds the Applicant's arguments to maintain this vestibule in place to be compelling; and, because of its temporary nature long term, Staff finds that it does not detract from the historic fabric of the downtown district overall or at this location. One notion originally conceived early in this process, and reiterated by the Flying Pig Ale House case (HPC 2018-0086) is the idea to require the removal of vestibules during the warmer months. Staff believes this could be a reasonable condition, but discussion should balance the additional damage / work to the sidewalk that would result against the arguments of this Applicant, as well.

STAFF RECOMMENDATION (HPC 2015-1768 – CERTIFICATE OF APPROPRIATENESS)

Staff recommends approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness for the existing temporary sidewalk vestibule to remain in place in the public right-of-way from October 1 through September 30 of each calendar year for 12 West William Street, which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

- 1) The Applicant maintains an approved Revocable Sidewalk Use Permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 2) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1 through September 30 of each year, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
- 3) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 4) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street

MEETING DATE: February 28, 2018

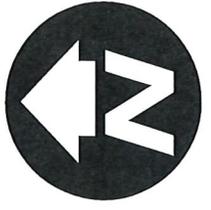
PAGE: 4 of 4

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

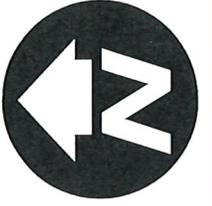
CONDITIONS/MISCELLANEOUS:

FILE: PLANNING/HPC CASES/2015 CASES/2015-1768_12 W WILLIAM SIDEWALK VESTIBULE STAFF RPT 22818
ORIGINAL: 2.22.2018
REVISED:

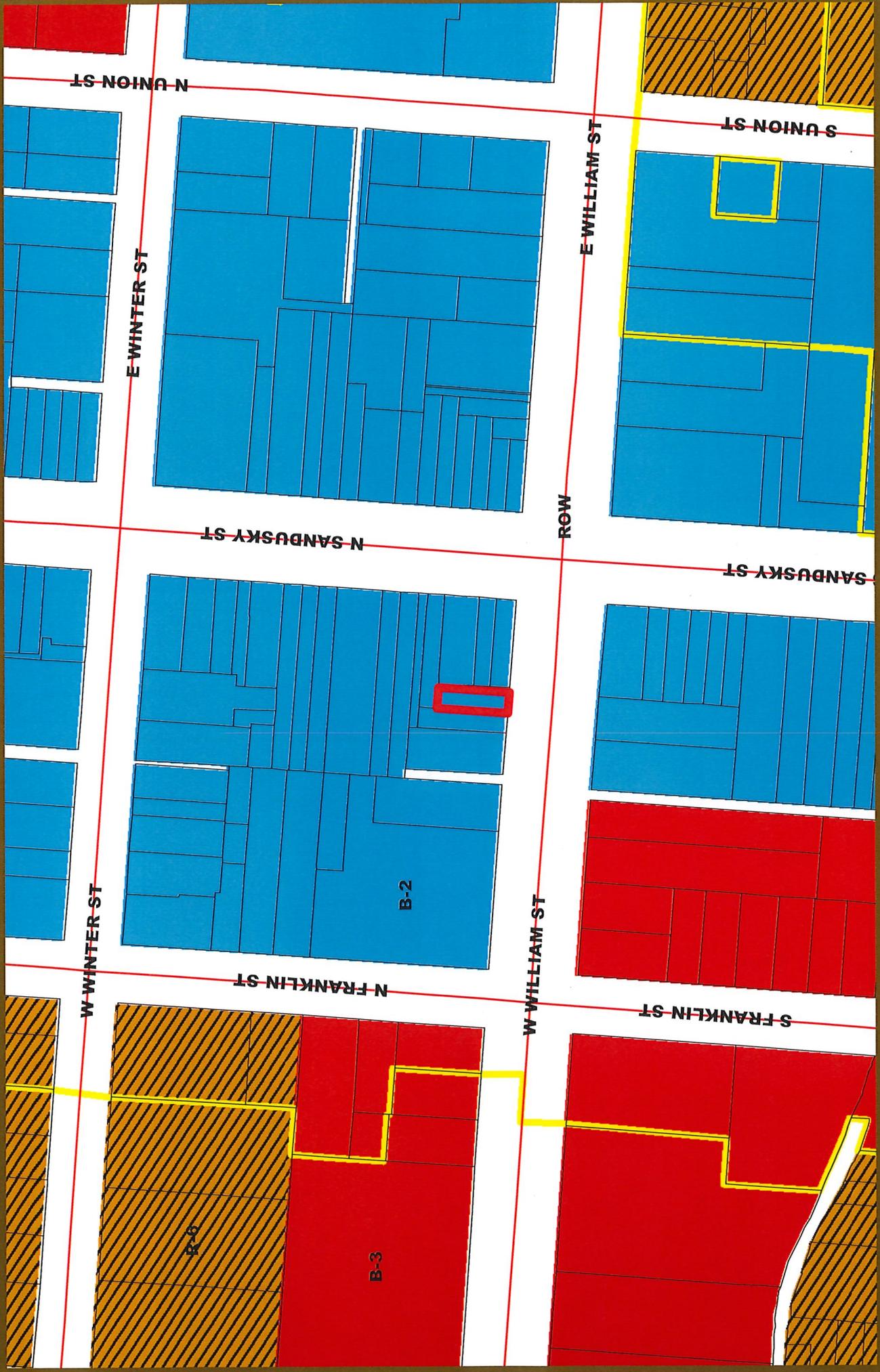


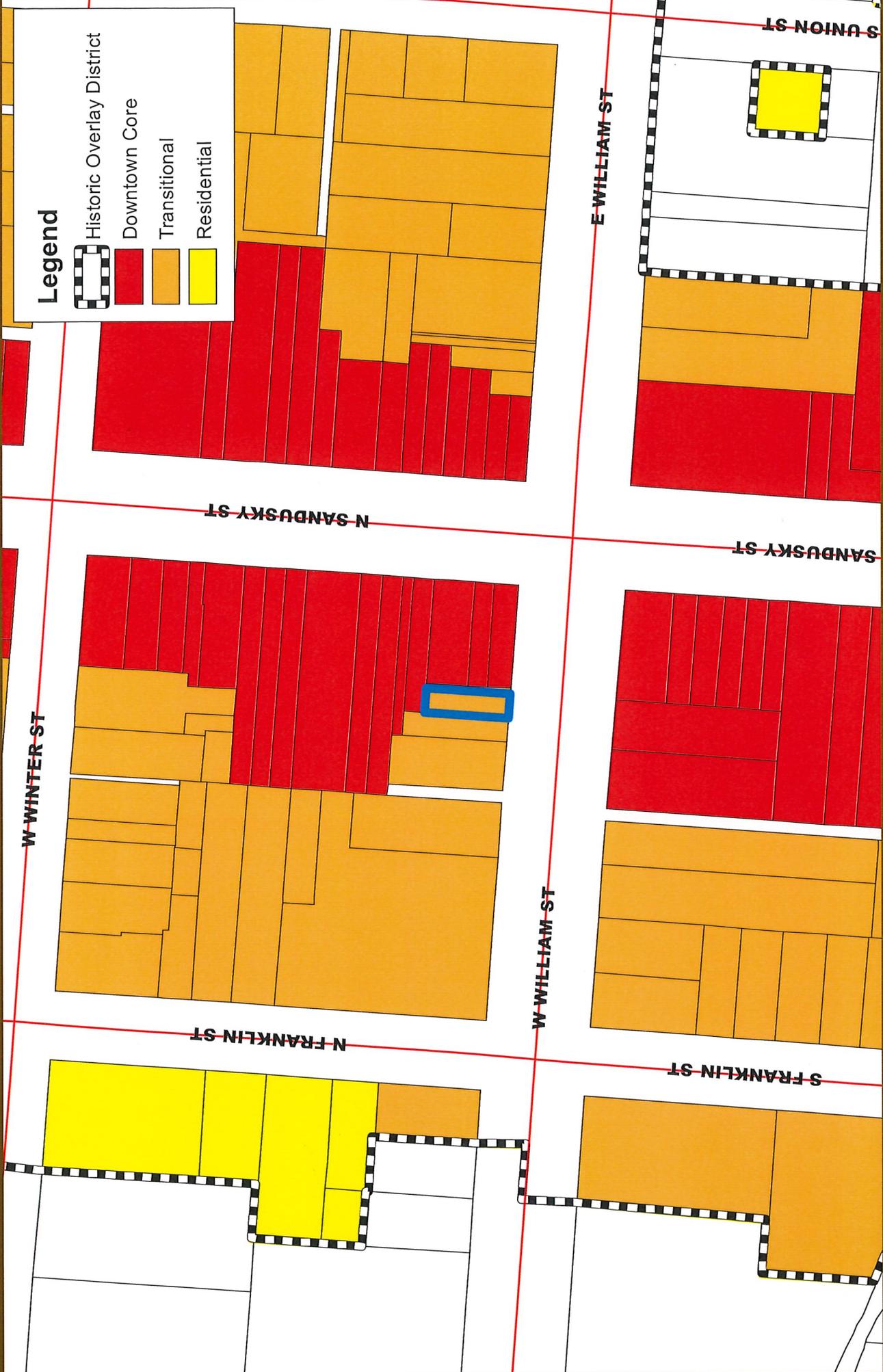
2015-1768
Certificate of Appropriateness
12 West Restaurant - 12 W. William Street
Location Map





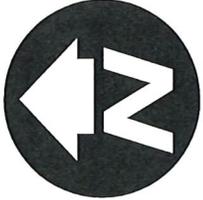
2015-1768
Certificate of Appropriateness
12 West Restaurant - 12 W. William Street
Zoning Map





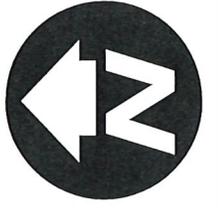
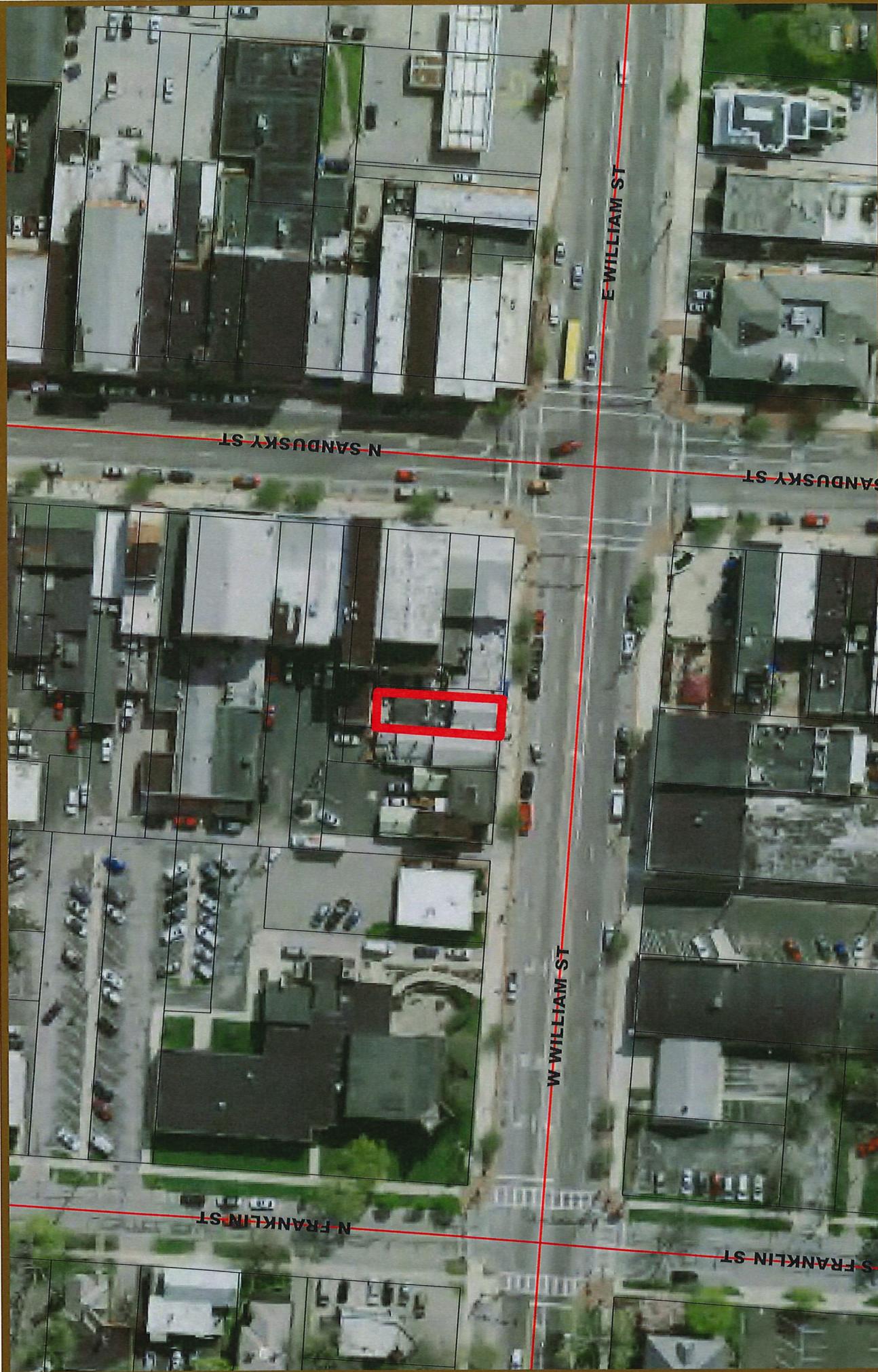
Legend

- Historic Overlay District (dashed black border)
- Downtown Core (red)
- Transitional (orange)
- Residential (yellow)



2015-1768
 Certificate of Appropriateness
 12 West Restaurant - 12 W. William Street
 Historic District Map





2015-1768
Certificate of Appropriateness
12 West Restaurant - 12 W. William Street
Aerial (2013)



TEMPORARY LICENSE

KNOW ALL MEN BY THESE PRESENTS that the City of Delaware, Ohio, an Ohio Municipal Corporation, does hereby grant unto the Grantee, **2ND HALF VENTURES LLC**, its successors, assigns, lessees, employees, agents, consulting engineers, contractors, and subcontractors, the right to encroach upon the following described public right-of-way (ROW) for the purpose of construction, operation, maintenance, repair, removal, replacement, or reconstruction of a temporary sidewalk vestibule at the West William Street entrance of the building at **12 West William Street, Delaware, Ohio 43015** ("the Improvement") at said Grantee's real property being fully described as follows:

Street Address: 12 West William Street, Delaware, Ohio 43015

Situated in the State of Ohio, County of Delaware, and City of Delaware:

Parcel No.: 519-432-25-023-000

Deed Reference: Book No. 1279, Pages 388-389 in the Recorder's Office, Delaware County, Ohio

Situated in the County of Delaware, in the State of Ohio and in the City of Delaware and bounded and described as follows:

Being the southeast part of Lot No. Sixty-three (63) and beginning at a point in the north line of William Street, N. 88-1/2^o W. One Hundred Five (105) feet west from the southeast corner of Inlet No. Sixty-four (64), being the southeast corner of Latimer (now M. Frank's estate) brick store building; thence N. 1-1/2^o E. along the west line of a twelve (12) foot alley, eighty-four (84) feet and three and one-fourth (3-1/4) inches to a post; thence N. 88-1/2^o W. parallel with William Street, twenty-three (23) feet; thence S. 1-1/2^o W. eighty-four (84) feet three and one-fourth (3-1/4) inches to the north line of William Street; thence S. 88-1/2^o E. along said north line of William Street twenty-three (23) feet to the place of beginning.

The licensed Improvement, as described and approved in **Historic Preservation Commission Case No. 2015-1768 and Building and Zoning Permit 2016-0026** encroaches into the public right-of-way of the municipal sidewalk on West William Street between North Sandusky Street and North Franklin Street, along the southern property line of the subject building described above, and each description incorporated herein by their respective references.

The License shall be in effect between the dates of October 1, 2015 and March 31, 2016 only as long as the present building referenced above exists and serves a public purpose, and the Improvement serves its desired intention of controlling adverse airflow in that building. This license may be renewed for the same date ranges for additional years by the City..

The License rights granted herein are "non-exclusive," and Grantor reserves the right to use the area in any manner that will not prevent or interfere with the accessibility granted by this License. The Grantor also reserves the right to revoke this License at its discretion.

Grantee agrees to indemnify and hold harmless the Grantor from any and all claims which may result from the use of the License area by Grantee, or its successors, assigns, lessees, employees, agents, consulting engineers,

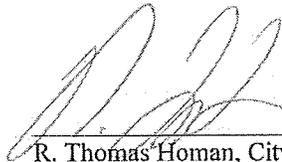
contractors, subcontractors, and customers in the construction, operation, maintenance, repair, removal, replacement, reconstruction, or use of the Improvement.

The Grantor hereby covenants with Grantee to be the true and lawful owner of the above described public property and having good right and full power to grant this License.

IN WITNESS WHEREOF, Grantor has hereunto set its hand this 13 day of January, 2016.

Signed in the presence of:

Michele Kohler



R. Thomas Homan, City Manager
City of Delaware

State of Ohio, Delaware County, ss:

The foregoing instrument was acknowledged before me by R. Thomas Homan, City Manager, City of Delaware, this 13 day of January, 2016.



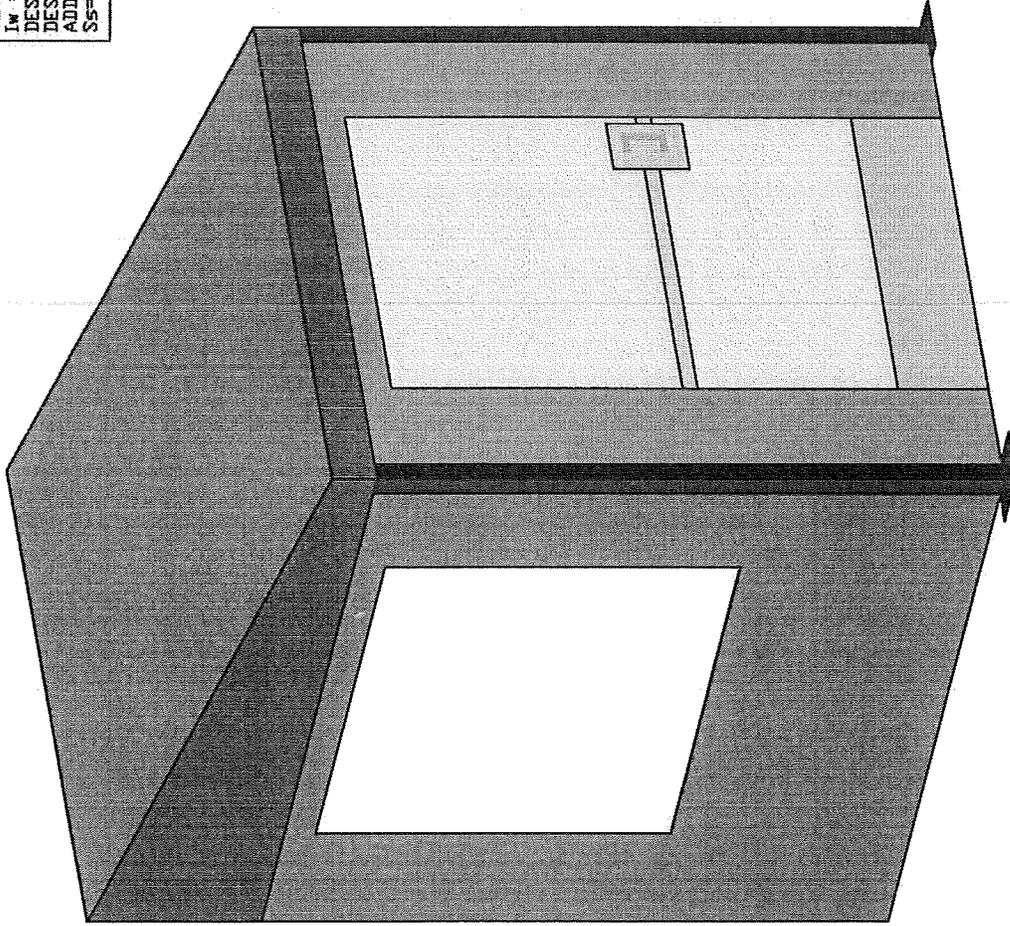
Notary Public

MICHELE KOHLER
Notary Public, State of Ohio
My Commission Expires August 8, 2017

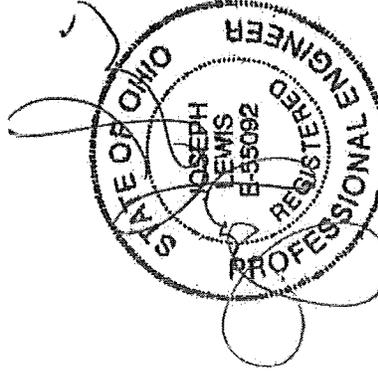
This instrument prepared by:
Darren Shulman
Delaware City Attorney
City Hall, 1 South Sandusky Street
Delaware, OH 43015

OVERVIEW OF VESTIBULE

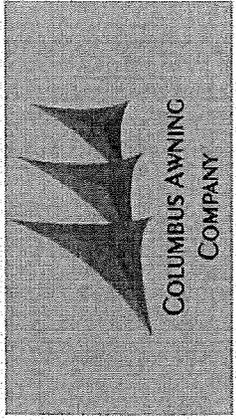
DESIGNED IN STRICT ADHERENCE TO CHAPTER 16
OF THE 2011 OHIO BUILDING CODE.
DESIGN WIND SPEED = 90 MPH (3-SEC GUST)
I_w = 1.00
DESIGN SNOW LOAD = 20 PSF
DESIGN LIVE LOAD = 20 PSF
ADD'L 5 PSF UNIFORM ICE LOAD
S_s=0.175J S_i=0.064



City of Delaware Approved Plans
[Signature]
Jerry Warner T. Co. Inc.
Chief Building Official



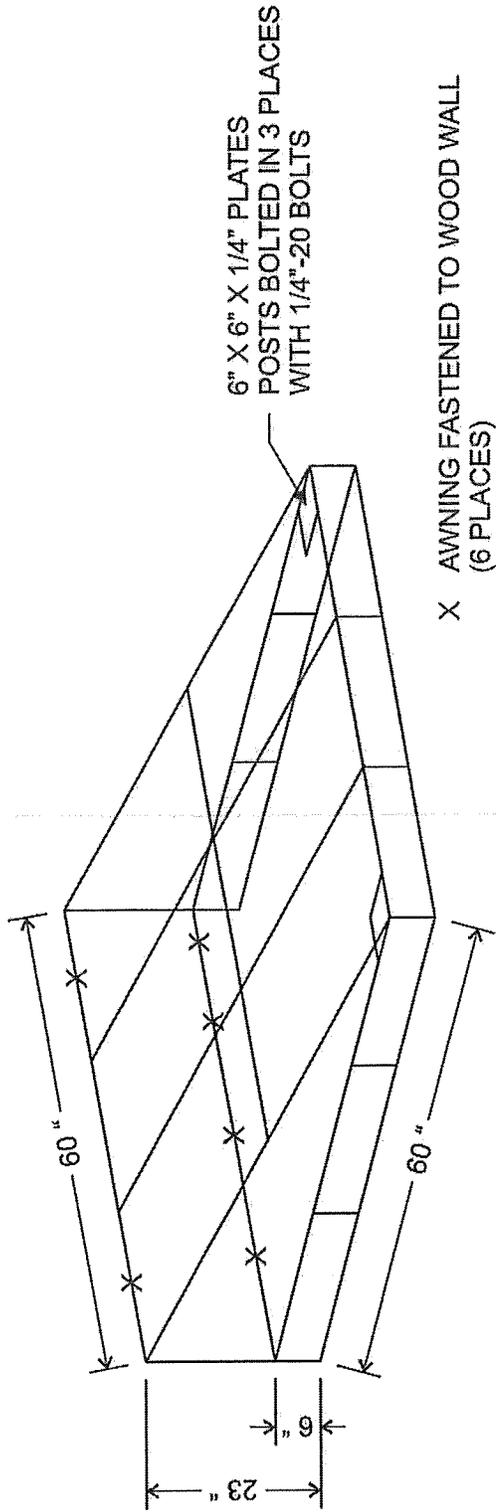
12/8/2015



Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

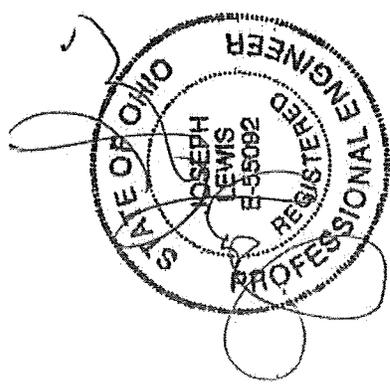
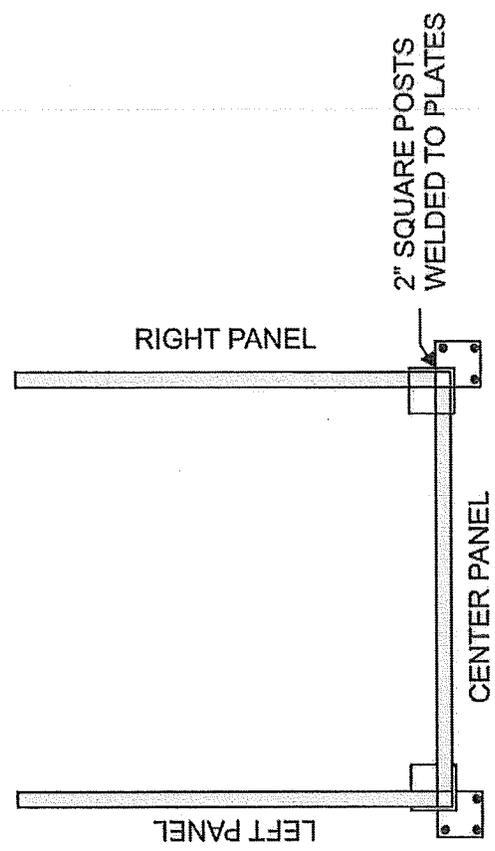
Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black



1"=24"

PLAN VIEW OF PANELS



12/8/2015



Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

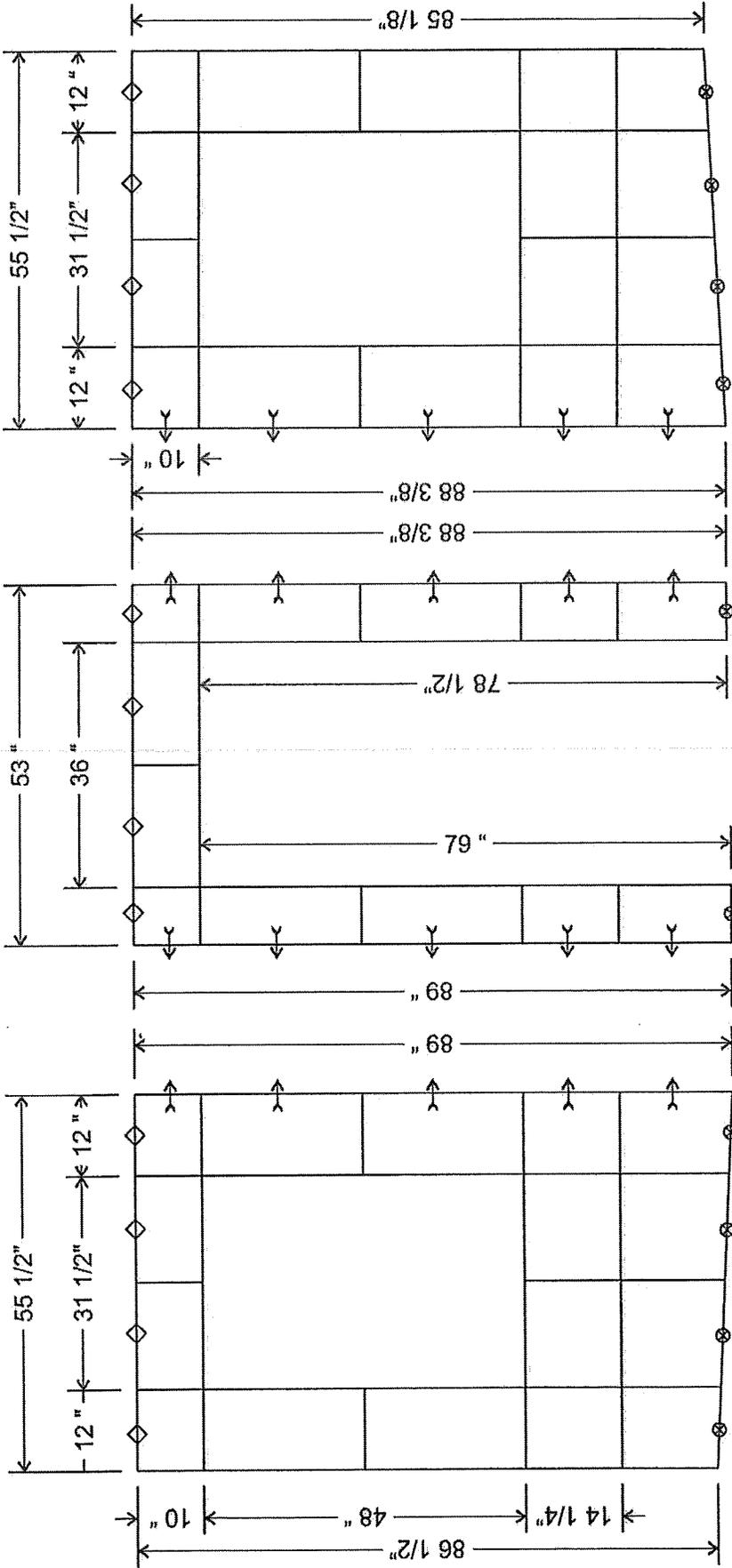
Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black

LEFT PANEL

CENTER PANEL

RIGHT PANEL

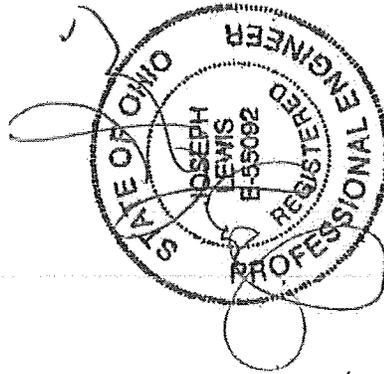


1X2 ALUMINUM

1"=24"

FASTENING POINTS

- ⊗ FRAME TO CONCRETE
- ◇ FRAME TO AWNING
- ⋈ FRAME TO POST

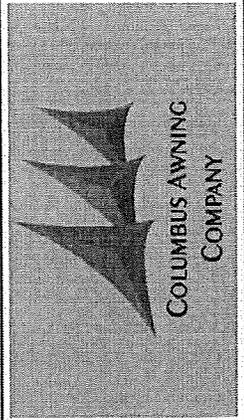


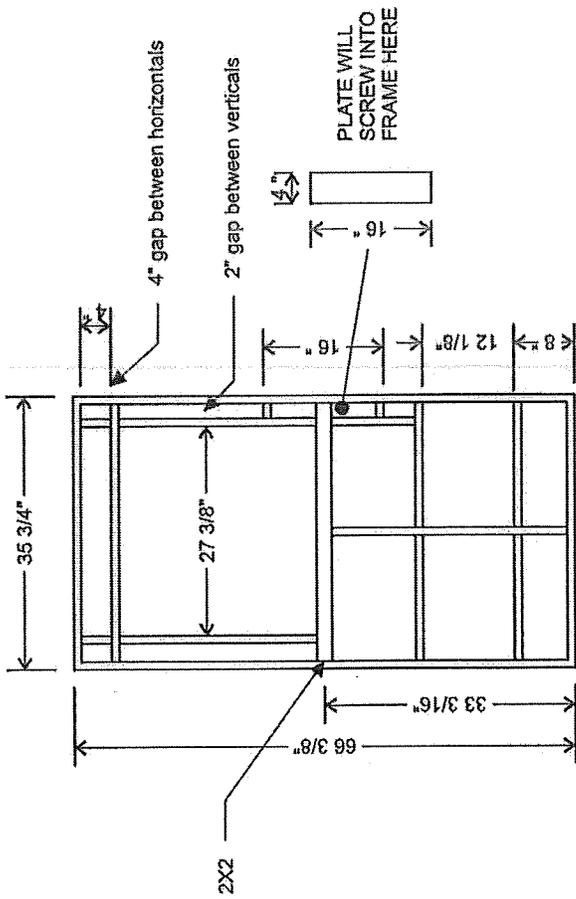
12/8/2015

Columbus Awning Co.
 225C East Broadway
 Westerville, Ohio 43081

Project:
 12 West
 12 W Williams St.
 Delaware, OH

Vestibule
 Black Sunbrella with Clear Vinyl
 Aluminum Frame
 Posts Painted Black

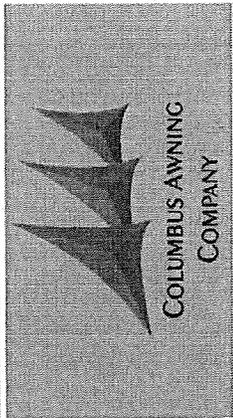
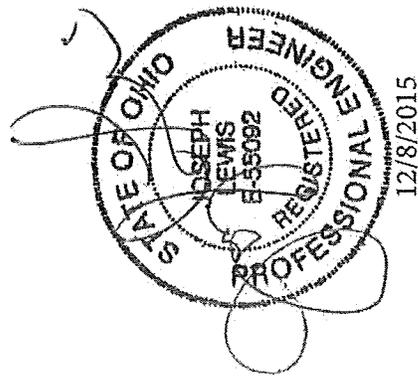




1X2 ALUMINUM

FASTENING POINTS

- ⊗ FRAME TO CONCRETE
- ◇ FRAME TO AWNING
- FRAME TO POST

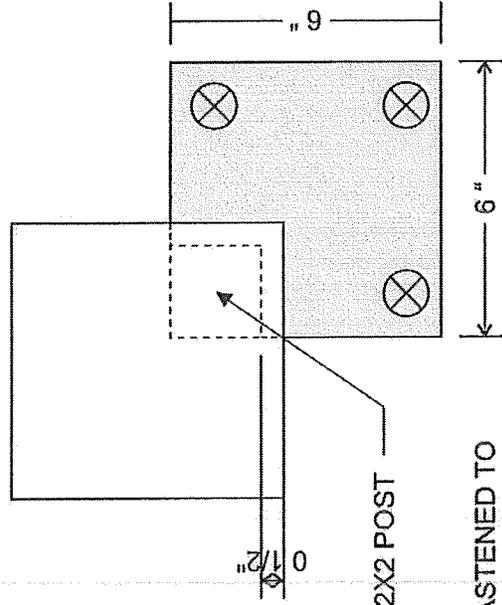


Columbus Awning Co.
 225C East Broadway
 Westerville, Ohio 43081

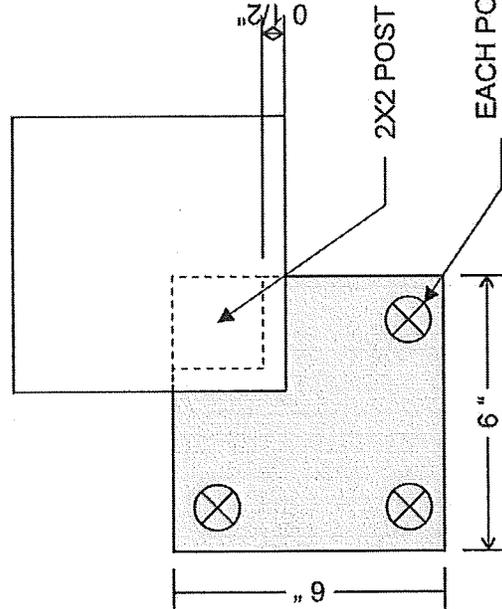
Project:
 12 West
 12 W Williams St.
 Delaware, OH

Vestibule
 Black Sunbrella with Clear Vinyl
 Aluminum Frame
 Posts Painted Black

RIGHT POST



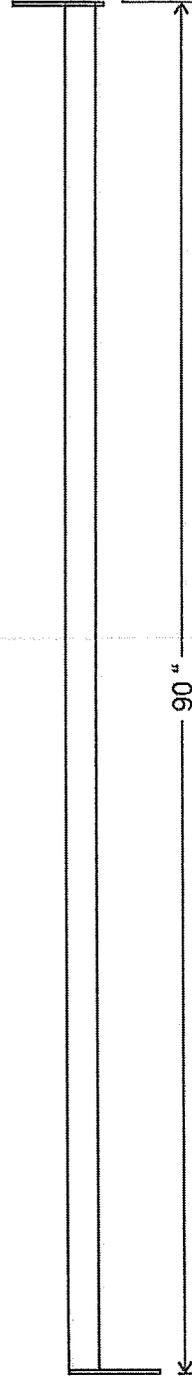
LEFT POST



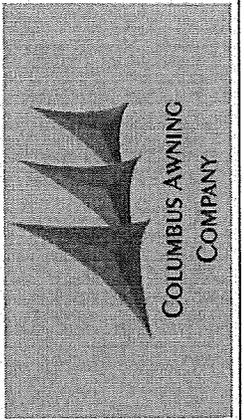
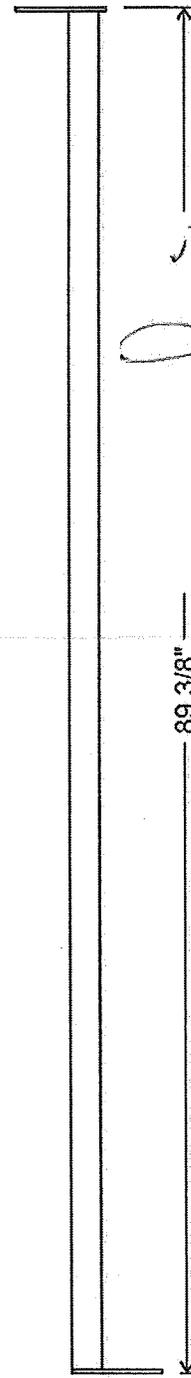
EACH POST FASTENED TO CONCRETE IN 3 PLACES

1"=4"

LEFT POST

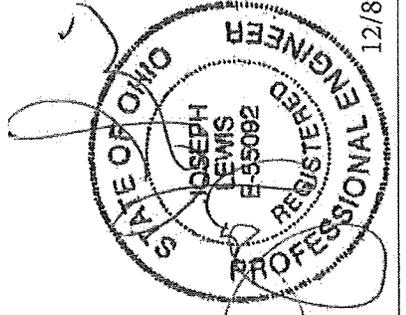


RIGHT POST



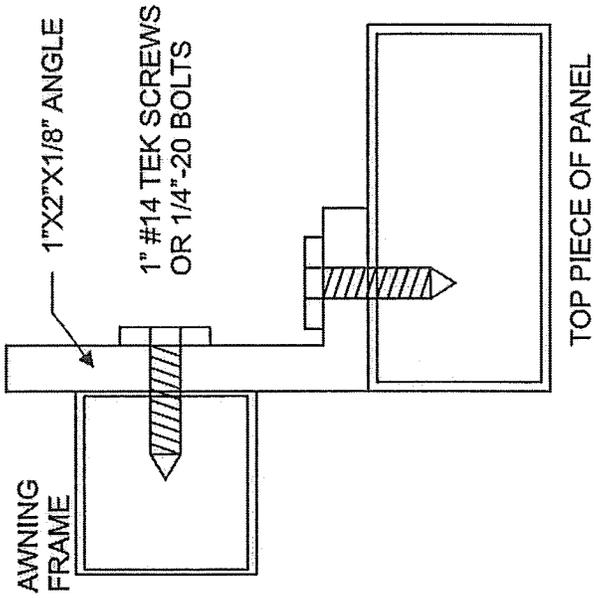
Columbus Awning Co.
 225C East Broadway
 Westerville, Ohio 43081
 Delaware, OH

Vestibule
 Black Sunbrella with Clear Vinyl
 Aluminum Frame
 Posts Painted Black



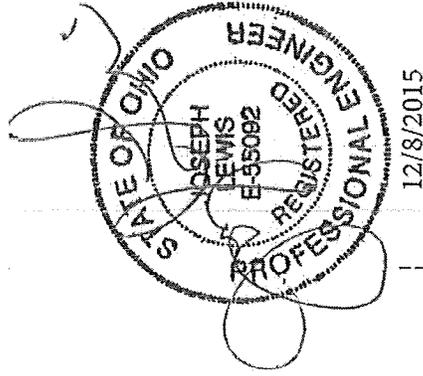
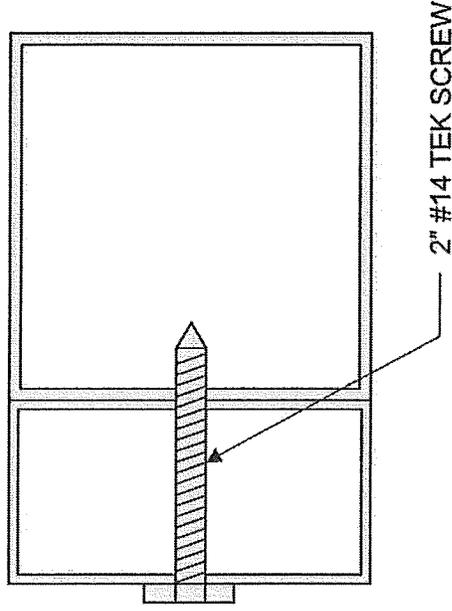
12/8/2015

◇ FRAME TO AWNING



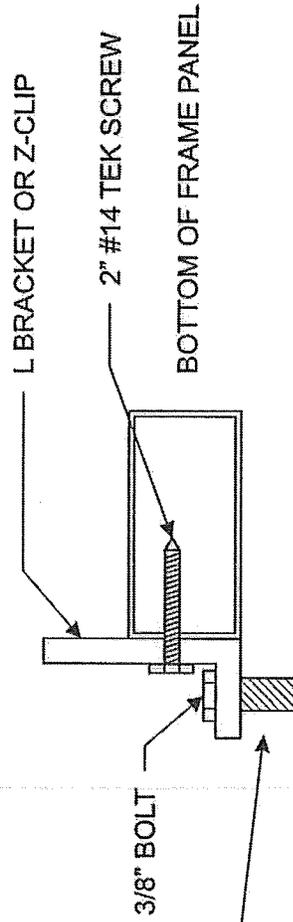
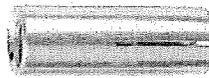
» FRAME TO POST

TOP VIEW



⊗ FRAME TO CONCRETE

3/8 DROP IN ANCHORS every 2', min



Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

Project:
12 West
12 W Williams St.
Delaware, OH

Vestibule
Black Sunbrella with Clear Vinyl
Aluminum Frame
Posts Painted Black





COPY

**CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION
CERTIFICATE OF ACTION
CASE NO. 2015-1768 – 12 West William Street, 12 WEST Restaurant**

Certificate Date: October 28, 2015

Case Number: HPC 2015-1768

Applicant: 12 WEST Restaurant
12 West William Street, Delaware, OH 43015

Request: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule for 12 West William Street zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Public Hearing: Notice of meeting posted on City of Delaware website with agenda.

Exhibits provided:

1. Staff Report dated 10/28/2015 and all attachments
2. Certificate of Appropriateness Application and all attachments

Staff Recommendation: Approval of the application which adequately addressed zoning code and Historic District Architectural Standards to the satisfaction of the decision criteria contained within the regulation, with Conditions in Staff Report.

Commission Action: On 10/28/2015, the Historic Preservation Commission granted Approval of this application with the following Conditions that:

- 1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
- 3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
- 4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.

CERTIFICATE OF ACTION - CASE NO. 2015-1768

Page 2

5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

Commission Findings:

The Historic Preservation Commission reviewed all exhibits provided and Staff recommendations, and all applicable decision and review criteria given within Chapter 1190 of the Delaware City Zoning Code and determined beyond a reasonable doubt, that the decision criteria and standards for approval of a Certificate of Appropriateness had been met. Approval is granted, provided the project proceeds as presented and with Conditions noted.

STAFF SIGNATURE



Dianne L. Guenther
Development Planner

This Certificate of Action is not a permit and does not authorize the commencement of any construction.
Contact the City of Delaware Inspection Division at 740-203-1600 regarding required permits for this project.
Retain this Certificate of Action for your project file.

APPLICANT/OWNERS

12 WEST Restaurant
12 West William Street
Delaware, OH 43015

REQUEST

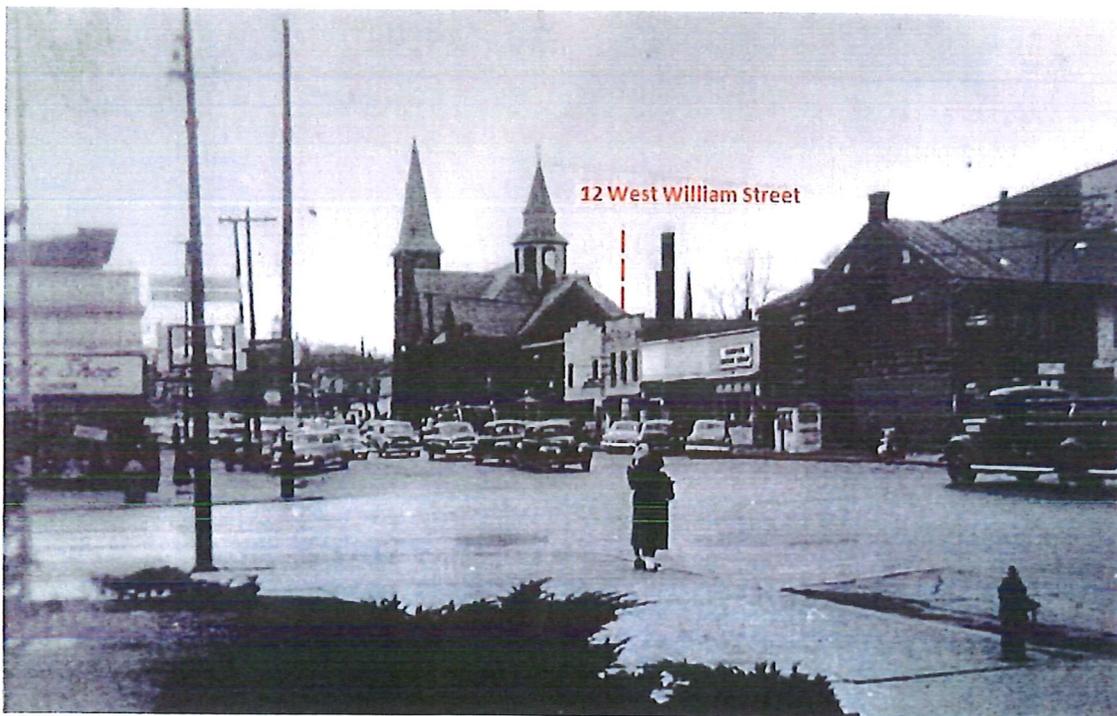
2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION

The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north and south lie within the Downtown Core Sub-district, while the properties immediately to the east and west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business) District, as are the surrounding properties. It is considered a 'background building' in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL

The Delaware County Auditors Office records the year constructed as 1920, but the building at 12 West William Street has more than likely been in place since the early 1900s and used for commercial facilities. The 1930 City Business Directory lists this location as "Delaware Electric Supplies." A late 1930s/early 1940s photograph, presumably of a funeral procession from the church, shows the stuccoed façade of 12 West William Street in the streetscape:



In recent years, the property has been used for a series of restaurants. The building is currently occupied by 12 WEST.

12 WEST – October 2015



At the September 30, 2015 Historic Preservation Commission Meeting, HPC indicated to Applicant Ron Criswell, chef and manager of 12 WEST Restaurant that, overall, HPC is open to approving the concept of a ‘temporary exterior sidewalk vestibule.’ (See attached rendering and specification sheets.) The Applicant is proposing to install a 5 foot wide by 4 foot long vestibule at the front entrance to the restaurant (the south elevation of the building, facing West William Street). The vestibule will be constructed of stationary panels of sturdy black Sunbrella fabric and clear vinyl on a mill-finish aluminum frame. The entry door panel and the side panels will be clear vinyl trimmed by Sunbrella fabric with an aluminum cross-support. The entry door will have a door handle, push plate, door closure arm, and hinges. The side panels will also be clear vinyl trimmed by Sunbrella fabric with an aluminum cross-support. The top of the vestibule will be a shed-type ‘roof’ made of Sunbrella fabric and will be installed over the exterior light fixture above the restaurant entry door, which will illuminate the interior of the vestibule. The vestibule will be anchored to the building façade with metal brackets and bolts. The vestibule will be anchored to the public sidewalk with metal clips; the metal clips will be secured with bolts that are screwed into stainless steel cylinder ‘sleeves’ that are bored into the concrete sidewalk. When the vestibule is disassembled in the spring, the cylinder ‘sleeves’ are capped with metal screw-in ‘plugs’ which are flush to the sidewalk. The wall brackets could be left in place or removed if desired (which could possibly damage the façade).

The Applicant indicated interior options, such as an interior vestibule or hot air curtain will not be feasible due to space limitations and loss of seating. The vestibule would be installed on the city sidewalk, at the primary entrance, within the annually-approved revocable sidewalk permit patio area. The structure would be 'temporary,' installed on possibly October 1 and removed by March 31, with enforcement by City Staff. The Applicant shall be responsible for maintenance, as well as removed by the dates indicated. Approval would be for one (1) year only and is revocable at any time and at the full discretion of the City of Delaware, as with any other sidewalk permit use.

The Applicant wishes to install the vestibule within the next month if possible, and the matter is coming before HPC for a final determination related to design. The selected awning company has provided a specification sheet showing how the vestibule is to be affixed to the building and to the sidewalk. They said the vestibules are easily dis-assembled and stored and that some customers hire them to do that for them. The fabric and frame are designed to withstand three (3) foot snow loads and up to 80 mph winds. They will provide engineering drawings when requested indicating all code details, including ADA requirements. The size of the door opening and the vestibule itself allows for appropriate passage and turn-around for a wheelchair. The awning company would be required to obtain an installation permit and submit engineering drawings, which would be reviewed by the Chief Building Official and Zoning Administrator for code compliance, as well as other City Departments to ensure concurrence with the installation.

STAFF ANALYSIS

City Staff is also generally supportive of the proposed plan; however, the support is not without reservation and concern surrounding the impact of the appearance of possibly multiple vestibules within confined areas of a downtown city block and the quality of the vestibules themselves on the historic fabric of the commercial historic district. Liability issues regarding placement on the public right-of-way is also a matter of importance.

At the September meeting, HPC indicated that interior space limitations, exterior placement parameters, material and design details, and city and state code requirements would need to be established and defined in further detail. HPC also understood that this is a new concept in this community, and the approval of this Application could set a precedent for future applications; however, these require specific case-by-case review. Therefore, each new application would need to appear before HPC and an evaluation made of the circumstances specific to each applicant prior to approval. In addition, the business will need to have a current approved patio permit in place. The temporary vestibule would currently fall under the jurisdiction of a Sidewalk Use Permit, currently included in the Architectural Standards for approved patios.

The Applicant cited the restaurants "in German Village and the Short North" in Columbus as examples. City Staff spoke with the City of Columbus Urban Design Manager and the City Historic Preservation Officer, who oversee the installation of restaurant vestibules in accordance with municipal code and Short North/German Village Design Standards. Both gentlemen indicated that there are not currently temporary installations approved in their neighborhood districts on the sidewalks, but there are private property examples. This permanent installation is related to Awning guidelines, with emphasis on where it is located (public or private property), how it is affixed to the structure, and the assurance it is a reversible installation—there should be no evidence on the historic structure that the vestibule was there when removed. The final design components (such as style/materials/colors/signage) are subject to the individual neighborhood design guidelines and approval by those historic commissions.

Staff also contacted the Community Planning & Preservation Manager with the Ohio History Connection (formerly known as the Ohio Historical Society). This gentleman works with Certified Local Governments (CLG) and Main Street Programs throughout the state. He indicated (as of this writing) that he is not aware of any examples of restaurant vestibules in historic districts in smaller communities. The City of Delaware is a CLG, which means the City has partnered with and has been certified by the National Park Service and the State Historic Preservation Office (the Ohio History Connection) to make a local commitment to preserve, protect, and

increase awareness of historic preservation and our unique cultural heritage found in the built environment in our community.

City Staff then requested comments from City Departments. An informal concept review by City Departments indicated concerns with occupying the public right-of-way with an enclosed structure; egress for fire and access for emergency personnel; proximity to underground utilities and shut-offs below the sidewalk; impeding stormwater drainage; creating corners where trash, leaves, snow, etc. can accumulate; and installation on uneven sidewalks.

Staff recommends that the process be two-fold with (1) HPC reviewing the design and basic approach of the temporary nature of the improvement under the jurisdiction of approved sidewalk use permit and on qualifying environmental change, and (2) the City of Delaware must give approval for temporary occupancy of the sidewalk or right-of-way for this type of installation. Staff would suggest that this be a one-time, one-year test for this particular business, with future consideration based upon a Staff and Applicant (and possibly HPC) debriefing in the Spring of 2016.

STAFF RECOMMENDATION (HPC 2014-1768 – CERTIFICATE OF APPROPRIATENESS)

Staff recommends approval for compliance with design and HPC regulations only at this time for a Certificate of Appropriateness for a temporary exterior sidewalk entrance vestibule as submitted for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

- 1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
- 3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
- 4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:

FILE: PLANNING/HPC CASES/2015 CASES/2015-1768_12 W WILLIAM SIDEWALK VESTIBULE
ORIGINAL: 10/23/2015
REVISED:



COPY

**CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION
CERTIFICATE OF ACTION #2
CASE NO. 2015-1768 – 12 West William Street: 12 WEST Restaurant Vestibule Time Extension**

Certificate Date: April 27, 2016
Case Number: HPC 2015-1768

Applicant: 12 WEST Restaurant, 12 West William Street, Delaware, OH 43015

Request: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a time extension to April 30, 2016 for the existing temporary vestibule and to request a permanent installation of the previously approved temporary vestibule for 12 West William Street.

Exhibits provided:

1. Staff Report dated 4/27/2016 and all attachments
2. Certificate of Appropriateness Application and all attachments

Staff Recommendation: Approval of the application only for a time extension to April 30, 2016 for the existing Temporary License for the temporary exterior sidewalk entrance, with Conditions listed in Staff Report, which adequately addressed zoning code and Historic District Architectural Standards to the satisfaction of the decision criteria contained within the regulation.

Commission Action: On 4/27/2016, the Historic Preservation Commission granted Approval of this application with the following Conditions that:

- 1) The Applicant removes the temporary sidewalk vestibule by **September 30, 2016**, on which date the Temporary License expires.
- 2) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 3) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1, 2016 through April 30, 2017, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
- 4) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

CITY OF DELAWARE HISTORIC PRESERVATION COMMISSION ACTION

CERTIFICATE OF ACTION #2 -- CASE NO. 2015-1768

Page 2

Commission Findings:

The Historic Preservation Commission reviewed all exhibits provided and Staff recommendations, and all applicable decision and review criteria given within Chapter 1190 of the Delaware City Zoning Code and determined beyond a reasonable doubt, that the decision criteria and standards for approval of a Certificate of Appropriateness had been met. Approval is granted, provided the project proceeds as presented and with Conditions noted.

STAFF SIGNATURE



Dianne L. Guenther
Development Planner

This Certificate of Action is not a permit and does not authorize the commencement of any construction.
Contact the City of Delaware Inspection Division at 740-203-1600 regarding required permits for this project.
Retain this Certificate of Action for your project file.



HISTORIC PRESERVATION COMMISSION / STAFF REPORT

CASE NUMBER: 2015-1768

REQUEST: Certificate of Appropriateness

PROJECT: Temporary Sidewalk Vestibule for 12 West William Street

MEETING DATE: April 27, 2016

APPLICANT/OWNERS

12 WEST Restaurant
12 West William Street
Delaware, OH 43015

REQUEST

2015-1768: A request by 12 WEST Restaurant for a Certificate of Appropriateness for a time extension to April 30, 2016 for the existing temporary vestibule and to request a permanent installation of the previously approved temporary vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION

The project is located at 12 West William Street, between Sandusky and Franklin Streets, in the Transitional Sub-District of the Downtown Historic District Overlay. The properties immediately to the north and south lie within the Downtown Core Sub-district, while the properties immediately to the east and west lie within the Transitional Sub-District. The zoning of the property is B-2 (Central Business) District, as are the surrounding properties. It is considered a 'background building' in the National Register Sandusky Street Historic District due to the stucco application to the façade, which was apparently applied along with the buildings to its east in the late 1950s-early 1960s and covers any pre-existing historical architectural features.

BACKGROUND/PROPOSAL

At the September 30, 2015 Historic Preservation Commission (HPC) Meeting, HPC indicated to the Applicant that, overall, HPC is open to approving the concept of a 'temporary exterior sidewalk vestibule.' The vestibule would be installed on the city sidewalk, at the primary entrance, within the annually-approved revocable sidewalk permit patio area. The structure would be 'temporary,' installed on possibly October 1 and removed by March 31, with enforcement by City Staff. The Applicant would be responsible for maintenance, as well as removed by the dates indicated. Approval would be for one (1) year only and would be revocable at any time and at the full discretion of the City of Delaware, as with any other sidewalk permit use. At the October 28, 2015 meeting, HPC granted Approval of the application with the following Conditions that:

- 1) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule is on a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in the Spring of 2016. The subject will be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
- 3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
- 4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

The Certificate of Action is attached to this report for reference.

The selected awning company provided engineering drawings indicating all code details, including ADA requirements, for building plan and zoning review (attached to this report for reference). An installation permit was issued (Permit No. 2016-0026) with the following Conditions:

- 1) Subject to Conditions of HPC 2015-1768 Certificate of Appropriateness.
- 2) Subject to Temporary License

3) Contractor must have approved 2016 City of Delaware Contractor Registration.

The permit received final inspection on January 29, 2016 by the Chief Building Official. The Applicant also obtained a Revocable Sidewalk Use Permit (Permit No. 2015-1160) for the patio and vestibule. In addition, the City of Delaware issued a Temporary License allowing the temporary encroachment into the public right-of-way of the municipal sidewalk from October 1, 2015 through March 31, 2016, on which date the vestibule was to be removed. (A copy of the Temporary License is attached to this report for reference.)

The owners of 12 WEST Restaurant acknowledged that this is the initial pilot test case for the allowance of temporary sidewalk vestibules in the Downtown Historic District and the future of this and possibly other vestibule installations in the Historic District were dependent upon the successful implementation of this particular case. Despite a reminder on March 24, 2016, Staff found on April 6, 2016 that the vestibule, with only the door removed, was still on site. With receiving no communication from the Applicant up to that point, Staff contacted the Applicant on April 7, 2016 requesting the status of its removal. The Applicant acknowledged exceeding the removal date and indicated the awning company was contacted three times for its removal and storage. On that same date, the Applicant subsequently requested a time extension to April 30, 2016 for the existing Temporary License and also requested a License for permanent installation of the temporary exterior sidewalk entrance vestibule.

Sidewalk Vestibule at 12 WEST Restaurant – 4/6/2016 and 4/12/2016



The Applicants were advised that an appearance before the HPC was needed to accommodate those requests and that Staff would perform its in-house review of this test pilot case for discussion with the HPC members. The Applicant provided the following notes regarding this agenda item to share with HPC members, provided here verbatim:

1) The Vestibule test case has been a great success with no reported downside to the public or the business. The previous statement is based on our five month experience with the vestibule. It has protected the public from the harsh winter weather and into the spring rain and high winds. It would do the same for the summer high heat, rain, and humidity.

Prior to installation of the vestibule and the front door open, 25% of our customers are immediately impacted by the outside air, high winds, and/or rain. This created an uncomfortable dining experience where we received complaints. Also realize, our customers not only open the front door, but most times hold it open when deciding to enter or saying goodbye when leaving. This only adds to the negative experience of those 25%.

Next, in an historic and aged building as 12 W William St., the vestibule helps in decreasing our high utility bills by controlling the airflow in and out of the building. The restaurant business is one of the most difficult small

businesses to operate with very slim margins. Therefore cost controls help us stay in business and allow us to continue to be a positive addition to the downtown community. We are striving to maintain that key balance with an historic building while operating a business that employs local people and contributes to the tax-base.

Last, as we have done with our entire business, we the owners of 12 West made certain to purchase a vestibule that blends into the HPC approved color concept and one of the highest quality. During the last five months, we've received only compliments and gratitude from the local community for improving their experience by adding the vestibule addition.

STAFF ANALYSIS

The City of Delaware is experiencing an obvious uptick in the local economy, and with that, a substantial increase in the number of visitors and patrons to the Downtown Historic District. The techniques employed by local businesses to attract visitors and patrons (such as patios, sidewalk signs, planters, displays, etc.) are now creating an unfortunate side effect of becoming a deterrent to the free-flowing movement of pedestrians on the city sidewalks and the feeling and appearance, to a certain extent, of a "cluttered" sidewalk. Additionally, the entire regulatory premise that allows patios and the described temporary sidewalk intrusions (at Codified Ordinances Section 1149.13 Sidewalk Use & Occupation, Part (c) Temporary Displays and Occupations in the Historic District and Ohio Wesleyan University) is based upon the notation of the 'temporary' nature of these uses and intrusions into the public right-of-way.

To provide for a more enjoyable dining experience for patrons, the Applicant proceeded with the installation of the temporary sidewalk vestibule with the agreement and understanding that this was allowed by the HPC and the City of Delaware on a one-time, one-year basis only, and according to the specifications submitted with the request for a Certificate of Appropriateness. Future consideration for re-installing the vestibule for subsequent seasons is contingent upon a Staff and Applicant debriefing in the Spring of 2016, and the subject was to be brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful. The Applicant, however, failed to fully disassemble the vestibule by the agreed-upon date, is approaching HPC for a time extension for the temporary vestibule currently installed, and, in addition, is requesting a permanent installation of the temporary sidewalk vestibule, which is contrary to the original agreement, understanding, and 1149.13 of the Codified Ordinances.

City Staff requested comments from City Departments regarding this test case. Extending the timeframe for temporary occupancy of the city sidewalk from October 1, 2015 to April 30, 2016 (rather than March 31, 2016) under the existing Temporary License for this particular pilot case was generally supported. Allowing the structure to be permanent was not. The vestibule is to be fully disassembled and removed from the public right-of-way by the end of April.

City Staff's support of temporary sidewalk vestibules is still not without reservation and concern surrounding the impact of possibly multiple vestibules within confined areas of a downtown city block as well as ensuring the temporary nature of these uses and structures. In addition, the quality of the vestibules themselves on the historic fabric of the commercial historic district, an increase in Staff time for monitoring vestibule installation and enforcement of conditions, and liability issues regarding placement of these structures in the public right-of-way are also important considerations.

If temporary vestibules are to be allowed, a formalized specific case-by-case review criteria would need to be established, taking into account such items as interior space limitations, exterior placement parameters, material and design details, city and state code requirements, and a current approved patio permit in place as previously approved by the HPC. Each new application would need to appear before HPC and an evaluation made of the circumstances specific to each applicant prior to approval. The temporary vestibule would fall under the jurisdiction of a Revocable Sidewalk Use Permit and must comply with construction permit requirements, including engineered drawings. In addition, City Staff recommends execution of a Temporary License allowing

the temporary encroachment into the public right-of-way for a specific timeframe which is revocable at the City's discretion. Staff recommends that the process be two-fold with (1) HPC reviewing the design and basic approach of the temporary nature of the improvement under the jurisdiction of approved sidewalk use permit and on qualifying environmental change, and (2) the City of Delaware must give approval for temporary occupancy of the sidewalk or right-of-way for this type of installation via both a Temporary License and a Revocable Sidewalk Use Permit (this would be potentially annually renewable). This entire process would need to be vetted and the proper legislative processes undertaken in order to incorporate this new use into the Architectural Standards for Downtown Delaware.

The Applicant expressed to Staff the understanding that the City is bound to review this pilot test case in terms of current legislative and legal parameters. That said, the Applicant's request for a License for permanent installation of the temporary sidewalk entrance vestibule enters the realm of a permanent structure erected within the city right-of-way and, therefore, is not in keeping with the temporary sidewalk permit-enabling legislation at Codified Ordinance Section 1149.13. The entire premise, legal basis, and administration of the sidewalk permit process relies upon the fact that intrusions are indeed temporary. Fences by definition are temporary and are not structures but rather separately regulated within the code. If the vestibule is to be permanent with its two sidewalls and an entry door, the entire basis of the sidewalk permit program could be jeopardized. The cap of the vestibule is described and designed as an 'awning' on the engineered drawings, which can remain permanently providing shade to the door and cover from the rain in the warmer months, thereby addressing that concern of the Applicant.

Jeopardizing the entire sidewalk permit program would not be advantageous for the downtown economy, especially for the dozens of other businesses that take advantage of the ability to use the temporary program. Holders of Revocable Sidewalk Use Permits report bringing in thousands of dollars of additional revenue from the temporary extension of their dining rooms and bars during the warmer months of the year. In this particular case, and in light of the fact that the City views each individual business as critical to the success of the central business district, logic would dictate that the needs of the many may outweigh the needs of the one and require a compromise for the common good of the community. Staff understands and has no objection to extending the timing of 'temporary,' in this case, to the end of April 2016. Staff also understands the rationale of the Applicant in this case and that the configuration of the building lends to the cold weather infiltration into the restaurant. Staff supported this request as a test pilot for the general concept of temporary vestibules since this is not the only storefront with this configuration in the downtown, thus it is likely that others may seek the same approvals. Staff is aware of a few other businesses to date that expressed interest, but are awaiting the results of the test pilot application. As a point of reference, a test pilot approach was used for the initial sidewalk patio (at Rudy Z's, now Typhoon at 10 North Sandusky Street) which proved successful because of the cooperative actions of the Applicant, thereby enabling the dozens of other establishments to take advantage of this sidewalk permit process (Ordinance 06-22). Had it not been successful, it would be very likely that the City would have no temporary sidewalk uses in the downtown today.

The Applicant executed a very well-designed vestibule with a capable awning company, and both the Applicant and the awning company were extended the same, and perhaps more, courtesies offered to other applicants and contractors navigating through the city review and permit processes. Staff recommends that the vestibule maintains its temporary status and believes this can be viewed as a tremendous business friendly compromise since it allows the continuation of the temporary sidewalk use permit process as written and conceived. It allows temporary intrusions into the downtown right-of-ways to continue, but with clear parameters that these are indeed temporary uses. The temporary vestibule will provide the Applicant (in this case) cold weather protection for patrons, as well as a pre-existing choice as to if the patio or vestibule is more or less important to use, given weather, business patterns, and business decisions for the space they chose (and continue to choose) to occupy. Allowing and integrating the cap of the vestibule, after the removal of the two sidewalls and entry door, as a permanent awning was expressly to provide for shade and weather cover during the warmer months, thereby addressing that issue. Staff contends this ultimately could not be a more business-friendly compromise as a result, while still being temporary.

A permanent intrusion into the public right-of-way, however, would rest within the confines of the existing parameters of the City Zoning Code. The HPC would play a role in the process as to design, use (a three-sided structure – a vestibule in this case), location, and timing. While a decision to move forward with permanent installation of the vestibule in the public right-of-way as requested by the Applicant could involve the dispensation of public property ultimately involving legal opinions (and other processes), as well as potential action by City Council. The City Engineer indicated creating permanent conditions could jeopardize state and federal roadway funding as well. Since existing code precludes this type of permanent sidewalk use, the City historically has operated within the auspices of a ‘temporary’ condition to date and these other issues and processes have not come into in play. If HPC approved the permanent condition from its perspective, then there would be more approval processes and steps required that would have to be determined. As an example, Section 1149.13 (c) of the Zoning Code – Temporary Displays and Occupations in the Historic District Overlay and Ohio Wesleyan University – at a minimum would require a zoning change to this enabling legislation. At this time and for the reasons stated above, Staff would not be in support of a change to that legislation, although ultimately this would be a decision made by City Council. The Applicant would be required to maintain the ‘temporary’ status of the sidewalk vestibule until such time a ‘permanent’ status could be established.

STAFF RECOMMENDATION (HPC 2015-1768 – CERTIFICATE OF APPROPRIATENESS)

Staff recommends approval of the request by 12 WEST Restaurant for a Certificate of Appropriateness only for a time extension to April 30, 2016 for the existing Temporary License for the temporary exterior sidewalk entrance vestibule for 12 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay, with the following conditions that:

- 1) The Applicant removes the temporary sidewalk vestibule by April 30, 2016, on which date the Temporary License expires.
- 2) The Applicant maintains an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 3) The Applicant re-applies for a Temporary License and Revocable Sidewalk Use Permit for consideration by the City of Delaware for the installation of the temporary sidewalk vestibule for the time period of October 1, 2016 through April 30, 2017, according to the specifications previously approved by the October 28, 2015 Certificate of Appropriateness.
- 3) The Applicant understands and agrees that, per the temporary sidewalk use regulations; this approval is fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant is responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 5) The Applicant understands and agrees that, at the Applicant’s sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

COMMISSION NOTES:

CASE NUMBER: 2015-1768 Temporary Sidewalk Vestibule for 12 West William Street
MEETING DATE: April 27, 2016
PAGE: 6 of 6

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:

FILE: PLANNING/HPC CASES/2015 CASES/2015-1768_12 W WILLIAM SIDEWALK VESTIBULE
ORIGINAL: 4/19/16
REVISED:



CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

FOR STAFF USE ONLY:
2015-1768

Certificate of Appropriateness Application

Historic Subdistrict Downtown Core Residential Transitional

Address 12 W. William St.

Business name 12 West

Applicant Name/Contact Person David DiStefano Phone 202 674 1516

Address 12 W. William St.

Email daved@columbus.r.r.com

*If the Applicant is not the owner of the property, the Property Owner is required to sign the application to authorize proposed changes.

Property Owner David DiStefano Phone _____

Address _____

Email _____

Project Type

Signs, Graphics or Awnings New Construction Exterior Building/Site Alterations
 Demolition Permit(s) Other (specify): _____

Work Description (please type or print legibly)

Describe the proposed project in detail, describing materials and colors proposed, including all changes to the building, site or lot. Include all features to be removed, altered, or added and provide a narrative of why the particular type of construction or other environmental changes are being proposed. Indicate all materials to be used. Attach additional sheets as needed.

RECEIVED

FEB - 9 2018

CITY OF DELAWARE
PLANNING & COMMUNITY DEV.

Dianne Guenther

From: David DiStefano <daved@columbus.rr.com>
Sent: Wednesday, February 21, 2018 1:23 PM
To: David M. Efland
Cc: Dianne Guenther
Subject: Re: Written Request for 12 WEST Sidewalk Vestibule

*****ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*****

Written below is the reasoning for the continuation of the vestibule.

"There are a multitude of key reasons for the continuation of the vestibule. First, know that more than 50,000 guests come through that front door each year. The following reasons describe the impact each time the door is opened with no vestibule.

When the door is opened the outside air draw directly impacts about 10 guests, which is 25% of our seating capacity. Their dining experience as it relates to comfort is directly impacted by the front door. Whether it is the cold weather of the winter, hot summer, and the stormy/windy weather we experience year around.

Additionally, when the front door is opened, air with grease is pulled from the kitchen into the dining room. This is not good for the guest nor the front of the house equipment. Also, the air draw causes a significant strain for our heating and cooling which bills range from \$1,000 to \$1,500 per month.

As you know, 12 West is located on major state route and therefore noise pollution is a real issue. Tractor trailers, commercial trucks, and the sheer number of traffic impacts the guest experience. Again, the vestibule helps significantly cut down on this type of pollution.

On a special note, a large segment of our guests are local Delaware seniors. It is very common for seniors to wait in the vestibule while waiting for their ride to pick them up. They are comfortable here as they are not blocking other guests, yet they are protected from the the outside elements.

This vestibule helps our business, our guests, and I believe helps leaves an overall good experience which reflects positively on downtown Delaware."

Materials to submit with application: 1 electronic copy and 12 hard copies if required to appear before HPC Commission.

*Check made payable to the City of Delaware in the amount of \$50.00

*Legible Photographs, digital copies or copied from a negative, not photocopied

*Site Plans showing view from above, plus elevation plans showing the view from front, sides, and rear drawings for new construction, modifications or signs showing *dimensions, setbacks, colors, and specifications* of any window, door, trim, lintel, sign, base, header, or other element to be installed/modified

*Material samples/manufacturers brochures which show/describe materials to be used

*Color samples must be provided, such as manufacturer paint chip cards or brochures depicting proposed color selections

*Interior floor plans, where appropriate

Variance Explanations: If the Applicant believes that strict application of the Standards and Guidelines for the Historic District will create a substantial economic hardship or that there is an unusual and compelling circumstance, a narrative to support a Variance from, or waiver of, the Code requirements may be submitted. The Variance or waiver shall be granted only if the Commission deems that at least one of the following six (6) criteria is met:

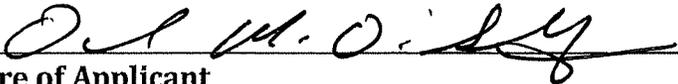
- There would be substantial economic reduction in the value of the property due to application of the Standards and Guidelines;
- The property cannot be maintained in its current form and substantial economic burden would result from the application of the Standards and Guidelines;
- No reasonable alternative exists;
- The property has little or no historical or architectural significance;
- The property cannot be reasonably maintained in a manner consistent with Standards and Guidelines; or
- No reasonable means of saving the property from deterioration, demolition, or collapse exists.

Deadline: Applications must be submitted THIRTY (30) DAYS prior to the Historic Preservation Commission meeting.

Public Notification: Staff will notify property owners within 150' of the site as required.

Meeting Date/Time: 4th Wednesday of each month at 7:00 pm in Council Chambers on the second floor of Delaware City Hall, 1 South Sandusky Street, Delaware, OH 43015.

***Please Note** the Commission might table the application if the applicant is not present to answer questions.

 _____
Signature of Applicant Date 2-9-18

Signature of Owner (if not the Applicant) Date

Application Fee \$50.00 Fees Received \$ _____ Received by _____ Date _____

APPLICANT/OWNERS

The Flying Pig Ale House
12 South Sandusky Street
Delaware, OH 43015

REQUEST

2018-0086: A request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay.

LOCATION & DESCRIPTION

The project site is located at 12 South Sandusky Street, on the west side of South Sandusky Street between Spring and William Streets, in the Downtown Core of the Downtown Historic District Overlay. The properties immediately to the north, south, and east of this parcel lie within the Downtown Core, while the properties immediately to the west lie within the Transitional Sub-District of the Downtown Historic District Overlay. The zoning of the property is B-2 (Central Business District), as are the surrounding properties to the north, south, and east. The properties to its west are zoned B-3 (Community Business District).

The building is listed as a Background Building in the Sandusky Street National Register Historic District. (The background buildings are late 19th and early 20th century buildings whose facades have been covered with newer materials. The site maintains the scale, roofline, and uniform setback of the district and may still have original architectural features, although currently covered.) The Delaware County Auditor's Office indicates the year built as 1920, but interior architectural evidence indicates the late 1800s.

BACKGROUND/PROPOSAL

The circa 1910s streetscape photograph, taken from the intersection of West William and South Sandusky Streets, depicts the subject site on the west side of South Sandusky within a well-established city block. The circa 1940s photograph depicts city employees removing snow from South Sandusky Street in front of City Hall. Occupying the subject site is Moore's retail shop, shown in the background

12 South Sandusky Street – Circa 1910s and 1940s



A brief review of business directories indicates the site was occupied by retail uses, a bakery, and various eateries. It is unclear what the building's original storefront looked like. In 2017, however, the Applicant achieved the goal of helping to revitalize this block of South Sandusky Street with completion of an extensive building renovation project, while maintaining an accurate and historical representation of Downtown Delaware (HPC Case 2016-2479).

12 South Sandusky Street – c 1950s and 2016 Prior to Renovation

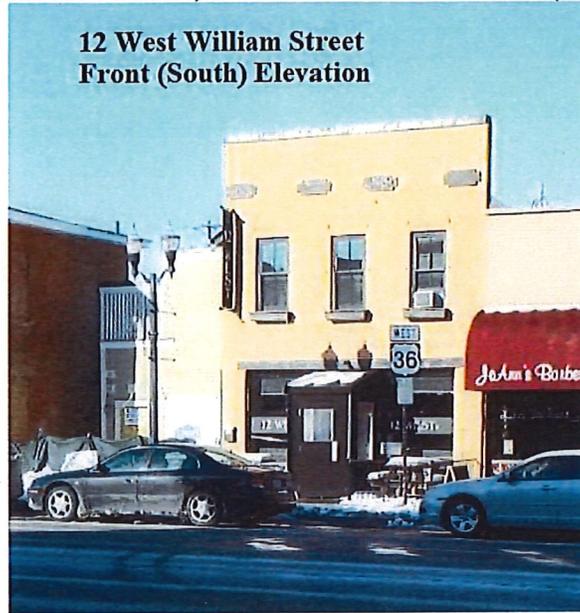


12 South Sandusky Street -- Post-Renovation 2018



The Applicant also successfully opened for business in late 2017. The Flying Pig Ale House is “a classic bar with a modern touch, serving the finest comfort food, located in the heart of Delaware...” The menu offers a variety of craft beers, cocktails, and a lunch and dinner menu featuring barbecue inspired dishes and traditional comfort foods. With the onset of a frigid winter, and the wind-tunnel effect along Sandusky Street, the restaurant is unexpectedly experiencing blasts of cold air primarily affecting the seating area nearest the inset entry door each time a patron enters or exits the restaurant. To help shield guests from these wind events, the Applicant is requesting to install a temporary sidewalk vestibule, similar to that installed at 12 WEST restaurant less than a block away to the northwest at 12 West William Street (HPC 2014-1768). The main difference is that the Applicant will be removing the vestibule in the warmer weather in order to fully utilize the patio area.

12 WEST Restaurant Vestibule, 12 West William Street – Front (South) Elevation



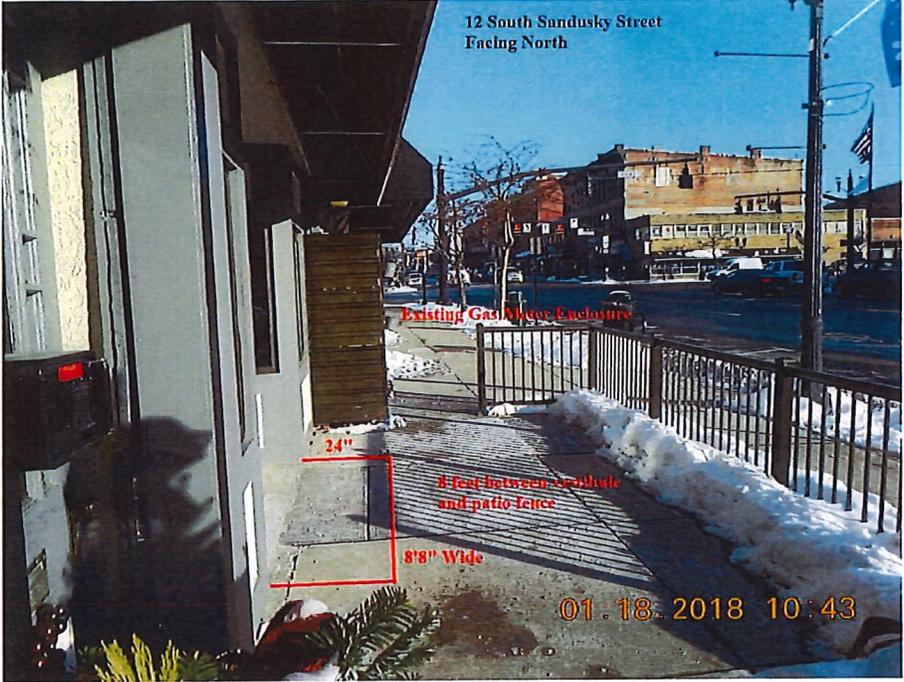
12 WEST Restaurant Vestibule, 12 West William Street – Facing West and Facing East



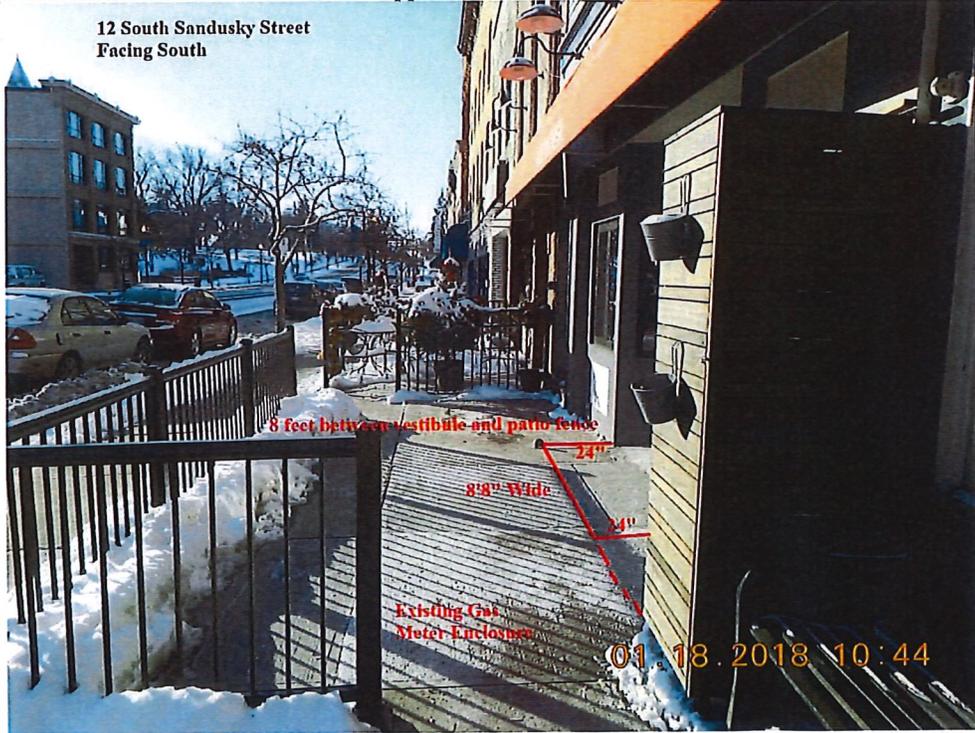
The proposed vestibule at 12 South Sandusky Street will be contained within the approved patio fence located in front of the restaurant. With the inset entry, it will extend only 24 inches away from the storefront and will also

extend the width of the inset entry opening, which is 8 feet 8 inches wide. The top of the vestibule will be attached under the existing awning. From a visual perspective, the vestibule will extend no further, and will be approximately in line with, the gas meter enclosure already in place.

Approximate Location of Vestibule in Approved Patio of 12 South Sandusky Street – Facing North



Approximate Location of Vestibule in Approved Patio of 12 South Sandusky Street - Facing South



As explained by the Applicant, the vestibule will be constructed by the same awning company which installed the storefront awning. (This is the same company that constructed the vestibule at 12 WEST restaurant.) According to the awning company, the vestibule meets current ADA standards, with a 48” depth from the vestibule door to the storefront inset entry door. The width of the interior of the vestibule will be a comfortable 8 feet 8 inches—which is the width of the inset entry. The vestibule door opening is 36 inches. To maintain consistency with the appearance of the storefront, 21 inch by 64 inch (clear vinyl) ‘windows’ will be installed on the vestibule allowing light into the entryway. The vestibule will be affixed to the concrete sidewalk with tapcons, which will allow for the vestibule removal in the warmer months. Plugs will be inserted into the tapcon openings. The vestibule frame will be aluminum and will be covered with Sunbrella fabric.

The awning company has provided vestibule renderings in three different colors for consideration by HPC:

- 1) Sunbrella Tuscan (to match the existing awning and the Applicant’s first choice):



- 2) Sunbrella Charcoal Grey (to complement the storefront paint color):



3) Sunbrella Black (to match the existing vestibule at 12 WEST restaurant and to complement the storefront paint color):



The Applicant wishes to install the vestibule within the next month if possible, and the matter is coming before HPC for a determination (1) to allow the installation of a temporary sidewalk vestibule at 12 South Sandusky Street and (2) for approval of one of the design presented. The Applicant prefers the Sunbrella Tuscan color fabric to match the existing awning, but is open to HPC's recommendation. The selected awning company has provided a specification sheet showing how the vestibule is to be affixed to the building and to the sidewalk. They said the vestibules are easily dis-assembled and stored, and the Applicant desires to remove the vestibule in the warmer months to fully utilize the patio. The fabric and frame are designed to withstand three (3) foot snow loads and up to 80 mph winds. The awning company will provide engineering drawings when requested indicating all code details, including ADA requirements. The size of the door opening and the vestibule itself allows for appropriate passage and turn-around for a wheelchair. The awning company would be required to obtain an installation permit and submit engineering drawings, which would be reviewed by the Chief Building Official and Zoning Administrator for code compliance, as well as other City Departments to ensure concurrence with the installation. If approved, the Applicant understands a License would be issued by the City of Delaware and recorded at the County Recorder's Office.

The Applicant indicates that while vestibules are not standardized because each storefront is unique and this is only the second such request in the City of Delaware, it is felt that it is necessary for the comfort of the guests of The Flying Pig Ale House. The color selections are appropriate and are similar to the awning colors already approved in the Historic Downtown.

STAFF ANALYSIS

City Staff is generally supportive of the proposed plan; however, the support is not without reservation and concern surrounding the impact of the appearance of possibly multiple vestibules within confined areas of a downtown city block and the quality of the vestibules themselves on the historic fabric of the commercial historic district. Liability issues regarding placement on the public right-of-way is also a matter of importance.

The vestibule at 12 WEST restaurant at 12 West William Street is the beta test for temporary sidewalk vestibules in the City of Delaware. To date, and as reported by the building owner to Staff and the HPC, the vestibule seems to be well received by the community and the restaurant patrons. The building owner finds the vestibule is helpful to contain the weather elements for this particular building throughout the year in warmer and colder

weather. It also appears to help with both heating and cooling costs in the restaurant. Per Staff experience during the winter months, cold air still enters the restaurant affecting the tables nearest the entry door depending on how the vestibule entry door and the restaurant entry door are opened by the patrons. However, interior conditions are certainly better than they were without the vestibule.

HPC has consistently indicated that interior space limitations, exterior placement limits, material and design details, and city and state code requirements would essentially constitute the outside parameters of the addition of temporary sidewalk vestibules in the Historic Downtown. Staff offers that a concrete set of guidelines is difficult to establish and define in further detail since each parcel, building, and business is unique onto itself with its own set of defining circumstances, as well as the fact that the sidewalk areas are all different with different obstructions. HPC also understood that this is a new concept in this community, and the approval of the 12 WEST Application could set a precedent for future applications; however, these require specific case-by-case review. Therefore, each new application would need to appear before HPC and an evaluation made of the circumstances specific to each case prior to approval. In addition, the business will need to have a current approved patio permit in place as one parameter was to have the vestibule inside a conforming patio area. Thus, the temporary sidewalk vestibule would currently fall under the jurisdiction of a Sidewalk Use Permit, currently included in the Architectural Standards for approved patios. And indeed this has occurred since the 12 WEST vestibule approval in 2014. A number of business and building owners have inquired about vestibules, with some appearing before HPC for guidance.

Another parameter that has evolved over time has been the effort of the Applicant in exploring other avenues to stop the cold air infiltration into the business space. Therefore, the request for a sidewalk vestibule is intended to be a 'last resort' request. In the case of The Flying Pig Ale House, per Staff experience, cold air from the entry door does create an uncomfortable atmosphere for dining closer to the entry door. The Applicant indicated that the dining room tables have been reconfigured, that adding additional space heaters in the small spaces near the entry door dining area may pose a fire and trip hazard, that there are interior space limitations for an interior vestibule, and that the installation of an air curtain at the entry door would be cost prohibitive and require major electrical re-routing to accomplish.

Staff confirms that the Applicant has a valid sidewalk use permit for an enclosed outdoor patio. Staff also offers that considering the storefront inset entry layout and that the extension of the vestibule is proposed to be only 24 inches and is approximately in line with the gas meter enclosure, the vestibule's appearance may not be as obtrusive to the public view.

Interior of The Flying Pig Ale House Inset Entry Way



Due to the delay in the submission of Application materials, Staff is currently in the process of collecting comments from others City Departments regarding this proposed project. Referring to the 12 WEST submission, an informal concept review by City Departments indicated concerns with occupying the public right-of-way with an enclosed structure; egress for fire and access for emergency personnel; proximity to underground utilities and shut-offs below the sidewalk; impeding stormwater drainage; creating corners where trash, leaves, snow, etc. can accumulate; and installation on uneven sidewalks.

Staff recommends that the review process for temporary sidewalk vestibules continue to be two-fold with (1) HPC reviewing the design and basic approach of the temporary nature of the improvement under the jurisdiction of approved sidewalk use permit and on qualifying environmental change, and (2) the City of Delaware must give approval for temporary occupancy of the sidewalk or right-of-way for this type of installation. Staff would suggest that the Application for The Flying Pig Ale House also be a one-time, one-year test for this particular business, with future consideration based upon a Staff and Applicant (and possibly HPC) debriefing in 2019. For the sake of consistency and minimizing visual impact, Staff recommends that the vestibule fabric color be black.

STAFF RECOMMENDATION (HPC 2018-0086) – CERTIFICATE OF APPROPRIATENESS

Staff recommends approval of the request by The Flying Pig Ale House for a Certificate of Appropriateness for a temporary sidewalk vestibule for 12 South Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core Sub-District of the Downtown Historic District Overlay, with the following conditions that:

- 1) The Applicant shall maintain an approved sidewalk use permit for the outdoor patio area, current insurance coverage, and liability waiver in favor of the City of Delaware.
- 2) The Applicant understands and agrees the installation of the temporary sidewalk vestibule shall be a one-time, one-year basis only, according to the specifications submitted with this request for a Certificate of Appropriateness. Future consideration is based upon a Staff and Applicant debriefing in 2019. The subject shall be revisited and brought before the HPC for approval at that time should Staff and the Applicant find the test to be successful.
- 3) The Applicant shall adhere to Historic District Architectural Standards and zoning and building code requirements for this installation.
- 4) The Applicant understands and agrees that, per the temporary sidewalk use regulations, this approval shall be fully revocable at any time for any reason at the sole discretion of the City of Delaware. The Applicant shall be responsible for any and all costs in this regard. The City may require, at its sole discretion, additional licensure, lease, or permits to be required for this proposed temporary occupation of its right-of-way.
- 5) The Applicant understands and agrees that, at the Applicant's sole expense, the Applicant shall restore the sidewalk as required by the City of Delaware and to the satisfaction of the City in its sole discretion.

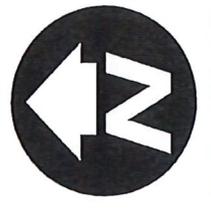
COMMISSION NOTES:

CASE NUMBER: 2018-0086 Temporary Sidewalk Vestibule for 12 South Sandusky Street
MEETING DATE: January 24, 2018
PAGE: 9 of 9

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

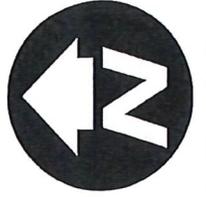
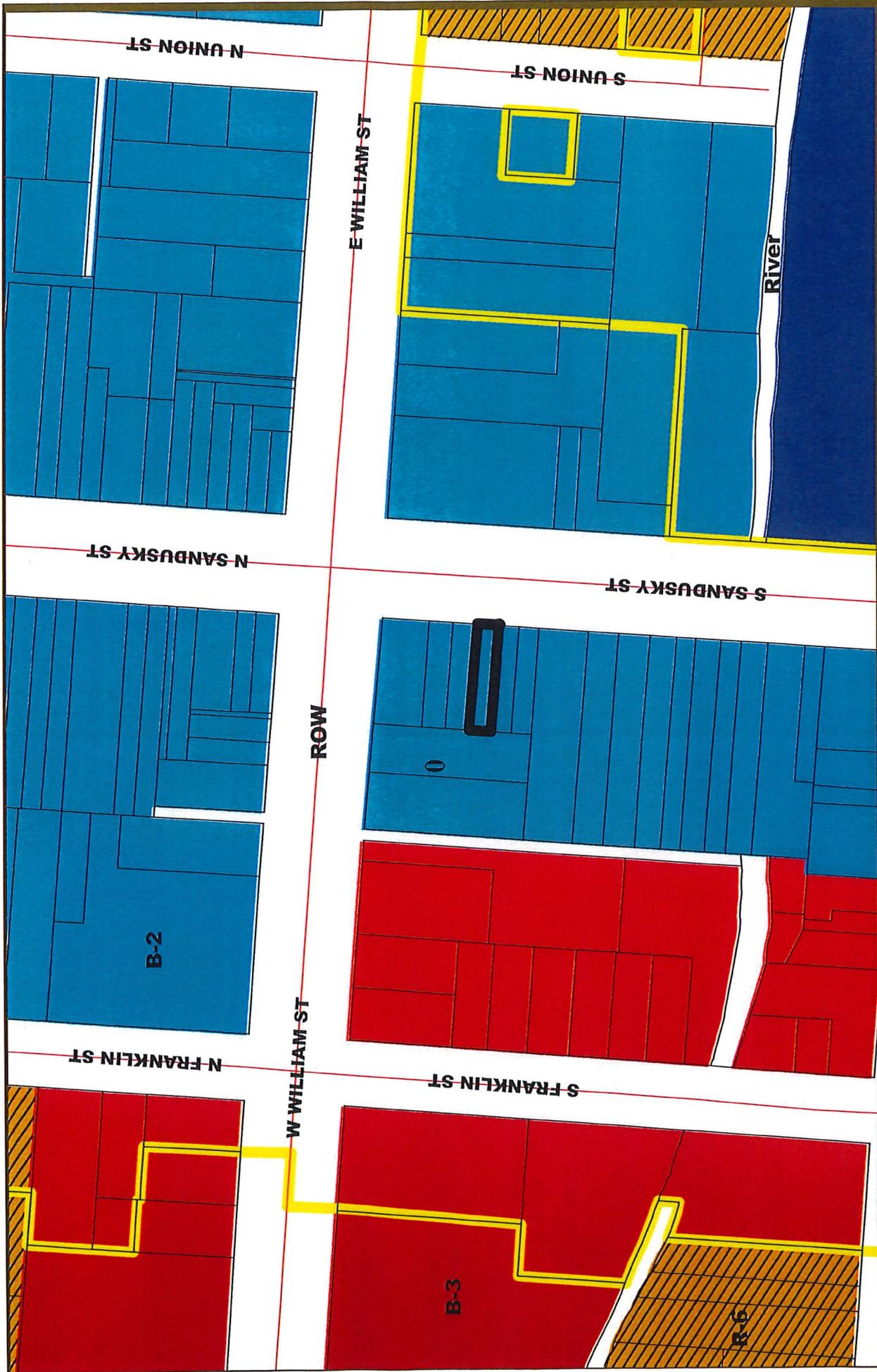
CONDITIONS/MISCELLANEOUS:

FILE: PLANNING/HPC CASES/2018 CASES/2018-0086_12 S SANDUSKY TEMPORARY SIDEWALK VESTIBULE
ORIGINAL: 1/18/2018
REVISED:



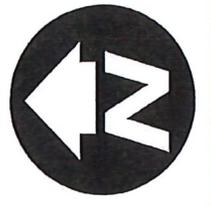
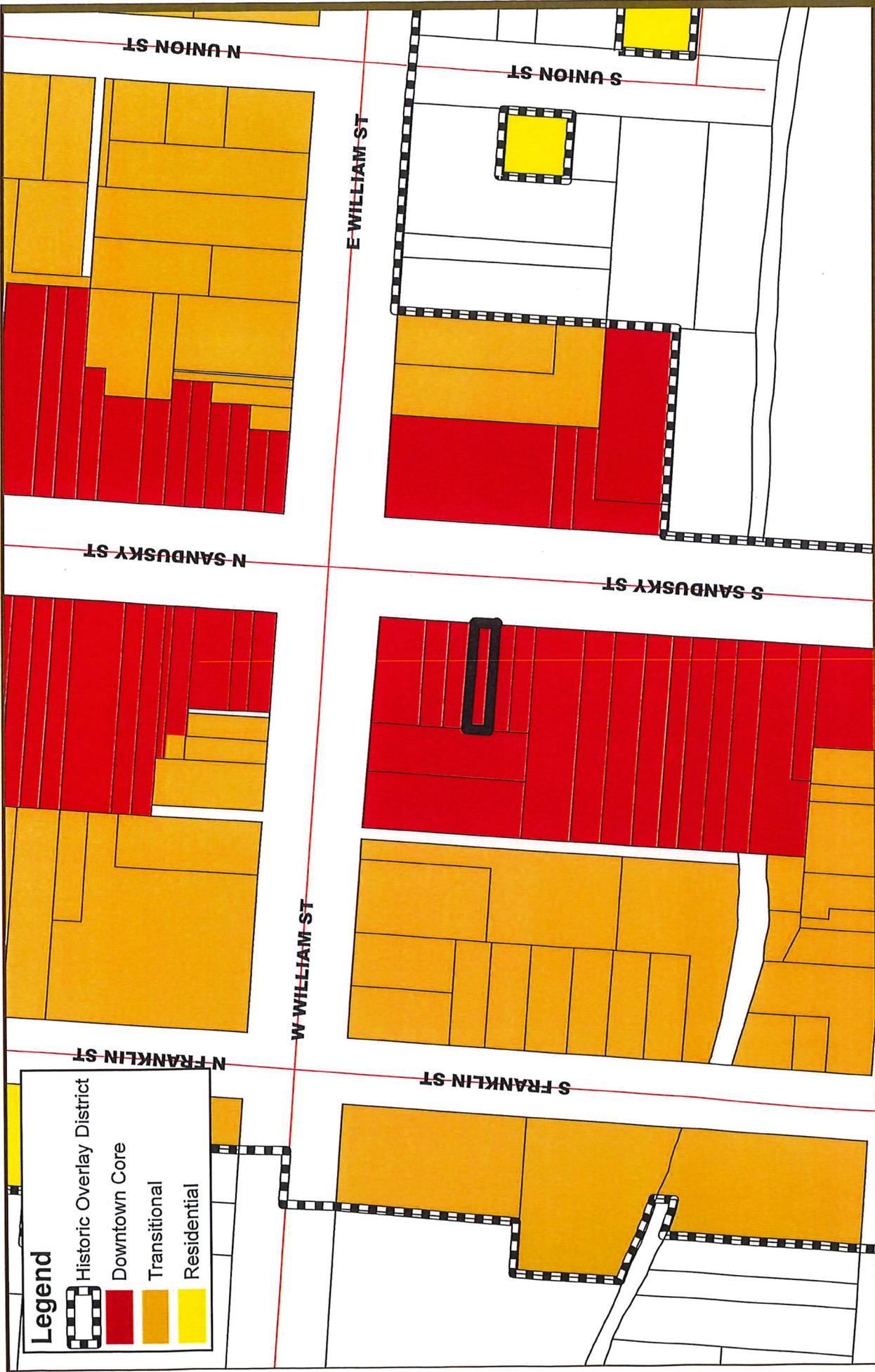
2018-0086
Certificate of Appropriateness - Temporary Sidewalk Vestibule
The Flying Pig Ale House - 12 South Sandusky Street
Location Map





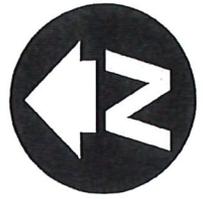
2018-0086
 Certificate of Appropriateness - Temporary Sidewalk Vestibule
 The Flying Pig Ale House - 12 South Sandusky Street
 Zoning Map





2018-0086
 Certificate of Appropriateness - Temporary Sidewalk Vestibule
 The Flying Pig Ale House - 12 South Sandusky Street
 Historic District Map





2018-0086
Certificate of Appropriateness - Temporary Sidewalk Vestibule
The Flying Pig Ale House - 12 South Sandusky Street
Aerial (2016) Map





APPROVAL: _____
NAME: _____
DATE: _____

Note This rendering is provided to the customer for the purpose displaying a product from Columbus Awning Company.
It is an approximate illustration and is not an exact reflection of the completed work..



Color Choice:
Sunbrella ~~Teem~~
Tuscan

Columbus Awning Co. Flying Pig
225C East Broadway 12 S. Sandusky
Westerville, Ohio 43081 Delaware, OH

COLUMBUS AWNING
COMPANY



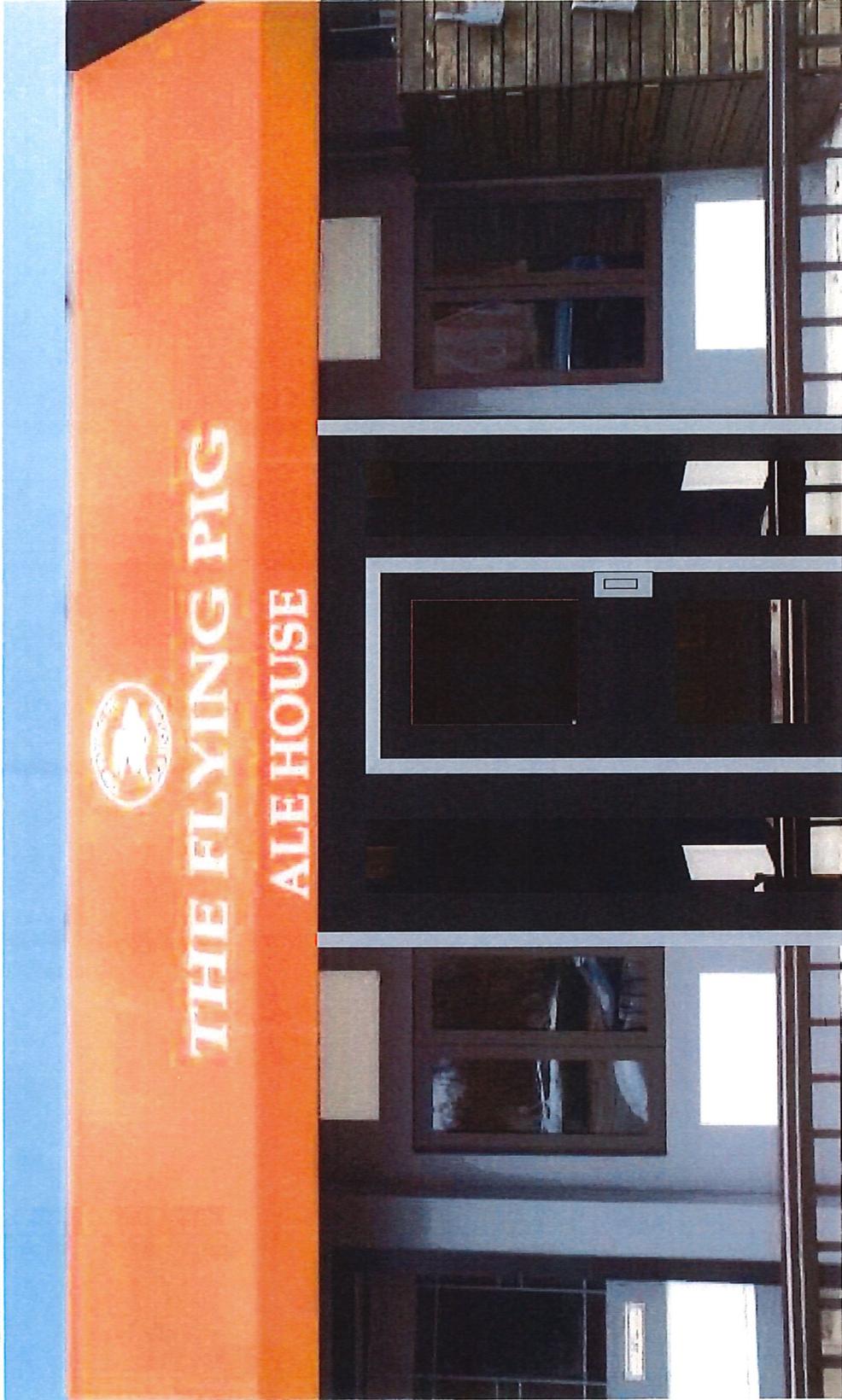
APPROVAL: _____
NAME: _____
DATE: _____

Note: This rendering is provided to the customer for the purpose of displaying a product from Columbus Awning Company. It is an approximate illustration and is not an exact reflection of the completed work.



Columbus Awning Co. Flying Pig
225C East Broadway Rt. # S. Sandusky
Westerville, Ohio 43081 Delaware, OH

Color Choice:
Sunbrella Charcoal Grey



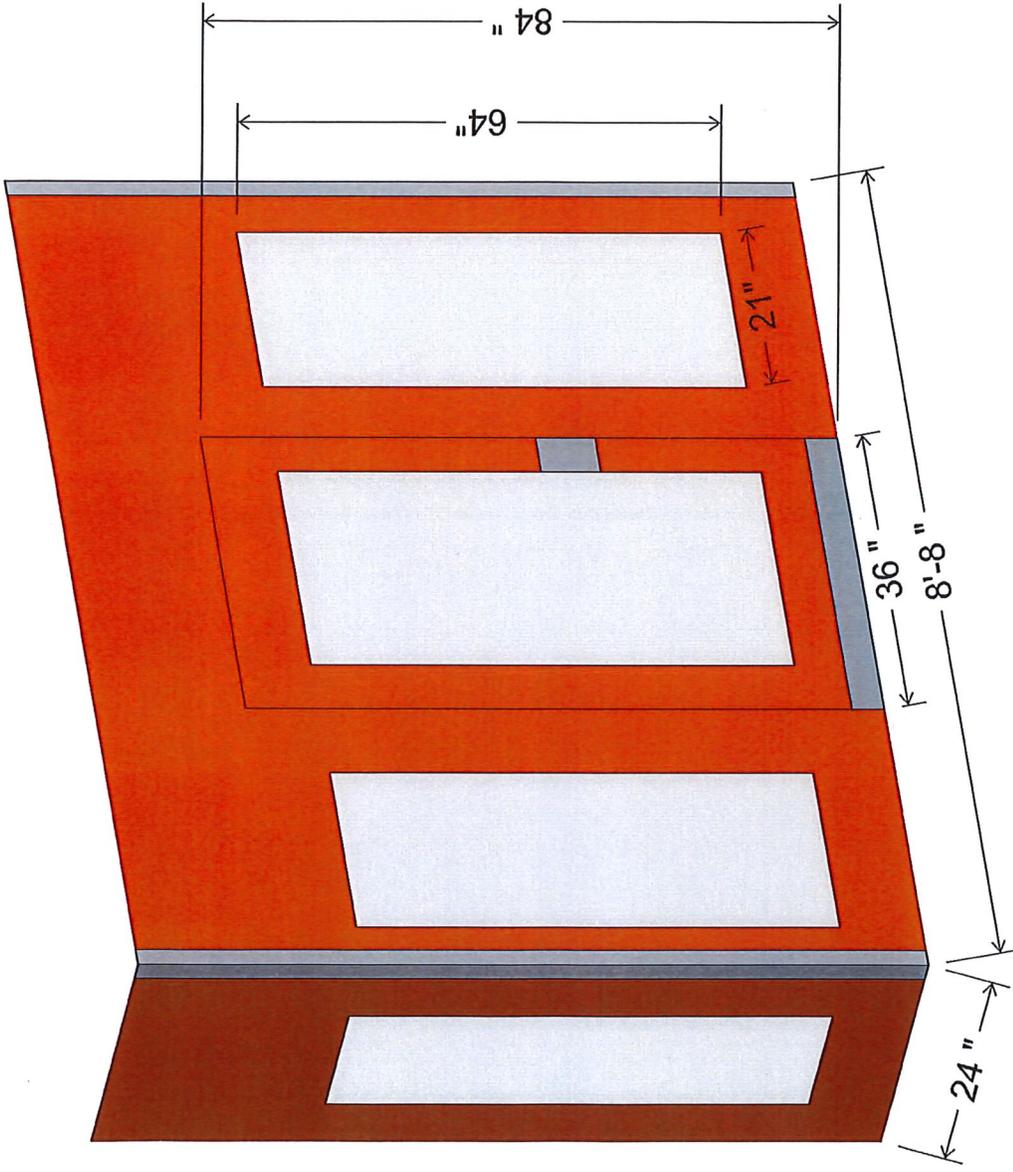
APPROVAL: _____
NAME: _____
DATE: _____

Note This rendering is provided to the customer for the purpose displaying a product from Columbus Awning Company. It is an approximate illustration and is not an exact reflection of the completed work..



Columbus Awning Co. Flying Pig
225C East Broadway 12, N.S. Sandusky
Westerville, Ohio 43081 Delaware, OH

Color Choice:
Sunbrella Black



Sunbrella Tuscan

Flying Pig
4 S. Sandusky
Delaware, OH

Columbus Awning Co.
225C East Broadway
Westerville, Ohio 43081

