

**BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS
MEETING HELD IN THE COMMUNITY DEVELOPMENT CONFERENCE ROOM,
TUESDAY, MARCH 9, 2021 AT 4:00 P.M.**

PRESENT

Chris Vitale
Dennis DeWulf
Mark Moffitt
Christopher Rayes
Shantelle Hubbard, Recorder

ABSENT

ALSO, PRESENT

DeWulf called the meeting to order at 4:02 p.m. (ZOOM)

Case No. PBBA210002: Request to use a material other than brick on a new construction at 22588 Ardmore Park. (Ordinance 22.012, Sec. 25-12)

Mr. DeWulf stated the issue that we are taking up today does not have to do with the size or the layout of the house. It only has to do with the facing materials. Please confine your comments to those matters.

Mr. DeWulf has received two correspondences from Mr. Rayes.

Mr. Romita, general contractor, he is here for 22588 Ardmore Park. He dropped off a sample board of the stone, batten board and the vinyl used for the horizontal siding into city hall. On the batten board that is what it will look like the color and the spacing. It is an all-weather product. The horizontal siding, he could not get a 7" or 8" size piece it is a special-order foam back and with an insulated back. This is the most premium siding from Vortex and the stone as well too. It is not brick veneer it is a full stone. No different than a brick size. He stated that there are a lot of houses on the block that have this product. Some are from ¼ the way up and some are from the first floor and up.

DeWulf stated that it is not a full bed stone it is a lick & stick product. This cannot be laid on a brick ledge it is only a couple inches thick. Mr. Romita stated that it will be laid on a brick ledge and it is not a veneer stone. DeWulf stated that veneer brick is a full brick to him. The sample board shows a thin material not a full stone. Mr. Romita stated that the codes suggest that it cannot be a veneer. DeWulf sees it as a lick & stick product not a veneer. Mr. Romita stated that it will be on a brick ledge. The size varies but it is not a veneer stone.

DeWulf asked Mr. Rayes can he clarify the building code definition of a veneer. DeWulf stated that a full brick is a veneer. Mr. Rayes stated that the ordinance defies the brick as a modular not a thin brick with foam backing. All products are veneers unless they are structural. A thin brick is not a veneer. Rayes stated that traditional thin brick ¼" thick and foam.

Mr. Romita stated that the stone that he has is the same width as a normal brick. DeWulf stated that the sample he has is not. It is intended to be mortared onto a wall surface. Mr. Romita asked if he dry stack it what is that considered or grout around it? DeWulf stated that it has to do with the thickness of the material. And what we saw that the materials are only a couple of inches thick. It is not met to be laid up on a brick ledge or adhered to a wall surface.

DeWulf stated that the materials that the product is meant to be adhere.

Mr. Rayes stated that Mr. Romita did bring a sample board and it was given to the residents on Ardmore for them to look at. They brought the sample board back. They were also given the plans.

Mr. Vitale asked if the material has cross hatching on the back. Mr. Romita stated that he is not 100% sure on that product but he believes so. They are talking about the stone. Mr. Romita stated that the stone would be 2" to 2 ¾" thick. DeWulf stated that the product that he has needs to be adhered to another product.

Mr. Romita asked about the split face.

Rayes showed the back and front of the stone. It is a heavy texture backing on it. Vitale stated that there are two definite edges here one is to face out and one is to face in. This material requires adhesive bond in order to stay on the wall. No adhesive bond required for brick.

Mr. Romita asked does it state in any of the city codes that it cannot be bonded to the wall on any sort of the exterior.

Vitale stated in lieu of actual wording he would refer it into two different characteristics one requires an adhesive bond and the other doesn't. Mr. Romita asked if these can be put on a brick ledge. DeWulf and Vitale stated "no". Not this stuff. This material needs adhesive bond to stay on the wall. We don't need adhesive on a brick. It is depending on the physical aspects of the surrounding bricks to lock it in place.

Mr. Romita stated that nowhere in the city codes states that I cannot use adhesive on any type face veneer brick to attach it to the house.

Mr. Rayes stated that the ordinance states brick veneer construction shall require brick. We have allowed similar materials to brick specifically in lieu of brick. The whole idea that it is freestanding on a brick ledge is not the argument here in terms of it is allowed by the ordinance or not. The ordinance only allows brick and it is not glued to the wall it sits independent on a brick ledge.

Vitale stated that the times that we have allowed something like that was for a legitimate hardship for an existing structure or for an addition attached to something that does not have a brick ledge or an accent material not from brand new scratched built construction.

Mr. Romita stated that there is a home on the street that has split face stone and blue hardy board on it. DeWulf stated that was a full thickness stone was laid on a mortar bed which is 4" thick. It is not a lick and stick.

Moffitt stated that he agrees with Vitale and the chair on this. To the first floor and vinyl siding going above it.

Mr. Romita asked why won't the city allow that type of stone versus a brick. DeWulf stated that it is not a dependable bond there will be pieces of stone falling off. If water gets behind it and it freezes it will pop off. It will not happen with full stone. This is probably why the code was written the way it was because it does have the tendency to fall off of the wall.

Mr. Romita asked if he got that same stone at a three inch and it was on top of each other would that be okay. He said that he will get the same stone with a mortar bed.

DeWulf stated that it is a concrete material. Mr. Romita stated it will not be a dry stack it will be a mortar bed and a mortar joint all the way around. DeWulf does not think that the esthetics would look good. DeWulf asked Vitale what if he used a 4" stone. Vitale stated all the way up to the first floor. Vitale stated that it is still not full brick on the first floor. If the contractor wants to do more than that it will open up with new possibilities.

DeWulf stated that the ordinance states brick will go all the way up to the first-floor joists.

Mr. Romita stated that he could go with stone part of the way up and then hardy board

DeWulf stated that we have used hardy board in the past in lieu of vinyl siding. There is a dislike of vinyl siding on this board

Mr. Romita asked if he went with full stone on a mortar bed mortar joint about $\frac{1}{4}$ of the way up and using cement/fiber board the rest of the way up. Will this be acceptable.

Vitale stated that he does not see the hardship for exemption it is a brand-new construction. DeWulf stated that he agrees with Vitale. He does not see any reason why brick or stone to the top of the first floor. Vitale stated that if it goes with two-foot band then it looks like trailer skirting. Vitale stated the whole first floor not part of the way.

DeWulf stated that the masonry material whether brick or stone to go up to the first-floor line as the code requires it to. DeWulf asked Mr. Romita will he use a cement fiber board with wood look to it? Mr. Romita stated if he were to do that then he can put vinyl siding. Mr. DeWulf stated "no". Rayes stated that by ordinance if he does brick or stone to the first floor, he can have vinyl siding above it. Mr. Romita stated that he does not know what the hardship is. So, if there is a two-foot ribbon if he can go a little higher and use a cement board up the rest of the way. He feels a first-floor brick or stone doesn't look good. Most of the houses are brick ranches and then a lot of the secondary homes are a quarter brick up or half the way up. He does know exactly. He is hoping that they can do a $\frac{1}{4}$ of the way up. The only visible part of the quarter is the front of the house which the garage window is all the way up same as the front door. They would have to walk around the house that it is a $\frac{1}{4}$ done or halfway done. There will be a deck on the back of the house so there would be no stone. East and west and very limited on the north side they would have to look at it. They will have two decks an upper and lower deck so there is no stone needed.

DeWulf stated that the back side is just important as the street side because they are facing a house on the canal side. Mr. Romita stated that it is open to the break wall and the bay. It is ¼ mile away before you hit a resident.

DeWulf stated that he can go either way depending how low the stone is laid up how neat it is. He prefers that it go up to what the ordinance states. He doesn't object to going down the side where it is far enough away from the street. That would be a hardship to him not one on a new home if this was an existing home, he would be fine with that. This is a new construction he does not see a hardship. DeWulf stated that the cost of the home is not a hardship. Hardship cannot be financial it is something that you have no control over.

DeWulf asking about the hardy board light material. Mr. Romita stated that it all depends where they would start and stop the stone. The stone will place a big thing. He stated that the hardship is the stone enhancing the architect of the house. Vitale stated that there is no style to this home it is not a cape cod it is not a style that is built in wood. He asked what is the architectural style of the home. Mr. Romita stated it is a modern farm style house contemporary on the inside. It is a mixture of everything. The reason that we give hardship if someone wants to build a cape cod house which is not traditionally built with stone. It is not a traditional style that can't be built out of masonry.

Mr. Romita stated that the street is 90% brick and it is 90% ranches. Mr. Romita stated that the hardship will be the enhance of the architectural. One story brick will change the design of the house.

Mr. Romita stated that he is asking for the same variance as the blue house that is on the street. Why is it okay for them to get that? DeWulf stated that he knows it is attractive. He does not take exception to having a sill wall.

Mr. Romita stated that is the style that they are looking for. He doesn't think that the owners will have a problem with that. He said that they will do the hardy board.

The house that Mr. Romita is talking about is a snout house.

Mr. Romita stated that the style he is looking for is New England Coastal.

The house that Mr. Rayes was showing the board has a side entry garage and it is a three-car garage. Mr. Romita stated that this house has two doors on the garage. One is 16' x 8' and the other is 9' x 8'.

DeWulf stated that we should try to adhere to the brick ordinance to the top of the first floor.

Audience Participation:

Shawn Lily, 22609 Ardmore, across the street from this property. They looked at the commission to continue to protect that for us. He reviewed the sample board of the masonry as well as the siding. We all came to the similar conclusions with vertical type of stick brick. If he does do mortar that could work. And on this style of the home with the two feet brick and siding that they want to do and the size of it almost resembles some of the cheapest condos that he has seen. That massive of a home with very little brick. One of the neighbors pointed out that

these will be located on an open portion to the water. They get severe winds which will rip the siding off the house.

DeWulf stated that is one of the reasons why they don't like vinyl siding.

Shawn Lily stated that it will look like a condo and put it in the neighborhood which will depreciate the homes around it. Make it appealing to everyone.

DeWulf stated that the stone he is showing it is going higher about 3' not 2'. Mr. Romita stated that it is from grade so we cannot get good a visual until we begin the process. So, it could go 4' or maybe 5'.

Shawn Lily, overall were looking to this commission to help protect their street. He agrees depending on the architectural there are certain materials that go with that. This is going to be a behemoth house.

DeWulf stated that it is kind of a craftsman's style house, they use a lot of stone and siding like the blue and grey house on the north side of the street.

Shawn Lily stated that there is one house that does have the hardy board does not compare to this massive of a home. Proportion size it will look very much off.

DeWulf stated that when he was driving down the street, he was noticing a number of homes on both sides of the street are very long homes from front to back. The one that we are speaking about lately is the one with the stone and grey house on the north side that is pretty comparable to this one as far as the depth.

Shawn Lily stated that there are several homes that have a water view and everybody should have a view of the water to enjoy. Mr. Lily stated that it maybe the house next to him that used commercial block which looks like a bank. This house is not as deep as the new home. The new house is double the size in depth.

Vitale stated that he would like to hear from the resident. They are talking about a different product that would be mortar and the other input is at what height. He likes full floor or maybe the neighbors like the 3'. These are the kind of points going forward.

Sandra Skinner, 23012 Ardmore, she built a two-story home with full brick façade. To the home that they are talking about is across the street. This house at 22588 Ardmore is 26 feet longer. And 90% of the homes are not ranches. There are definitely more than seven two story houses on this street. This house has to meet the 4' setback on each side. She would be able to see the home from the canal, from the bay and her yard. Her house is worth more than \$700,000. This is not a vinyl siding street. There is a mention of cape cod style less than 5 percent of the street. Only two houses. The builder mentioned there are more ranch style homes. There is only 3 percent on this street. There is a new city ordinance stated that they are not allowed that type of garage unless they have a hardship. She explained the materials on her house. When they looked at the ordinance it stated the use of accent material (stone and siding) is not to exceed more than 30% of the façade. So, half brick and half siding would be 50%. Is that another variance.

Gerry Warnack, regulation officer for the association. He is speaking for himself he said that the committee should enforce the first story brick issue in accordance with the ordinance. All of the house that are relatively new have brick at least to the first floor. And the vinyl siding on the second floor is unacceptable. They should consider a hardy board for the second floor. The depth of the house is 116 feet long and there are no houses on this street that are that long. He wants the committee to enforce the ordinance for the first story being all brick.

Vitale stated that the length that they are at 116 feet approaching or well at size of the construction. There is some relevance to the terms of scale.

DeWulf stated that they are not supposed to talk about the scale of the house or the layout on site. Vitale stated that the scale factors in whether or not it is appropriate to do a band or whether or not it is appropriate to do the first floor.

DeWulf stated that the last gentleman stated that we have to enforce the ordinance. There is no hardship here. What materials are we to consider meets the ordinance is it brick and stone are they allowable. We proved to be the case in the past. We don't have an issue above the first-floor line because we allowed vinyl siding.

Mr. Romita stated that the house is 116 feet is the length of the house which is true if they consider the garage living space. DeWulf stated It is the length of the structure not the living part of the house.

Vitale stated that in the Harper Overlay with commercial buildings at 100 feet or more we require them to break up the façade. We could do this with residential as we do this with commercial.

Mr. Romita asked if we can do 4' to 6' full stone or full brick and a hardy board all the way up.

Vincenzo Pizzo, he is speaking in regards to the contractor. The gray house on the north side 23017 Ardmore was built 6 or 7 years ago. That neighbor tried to get variances to get the split stone look and the hardy board the neighbors next to them did not want it. He ended of winning and getting what he wanted. He believes that the blue house did the same thing brick with hardy board. It looks like a great modern style home. He is not objecting to anything if the gentleman wants to move in tearing down a house and rebuilding a new one making the neighborhood look better, he doesn't have a problem with it. He said that he saw the plans he didn't see the samples that was submitted to the board. Normally when you ask for a zoning variance and it is within five hundred feet of the house. He saw the plans It looks like three or four feet off of the ground with stone and with hardy board all the way up front view. If the city already approved all of the other houses that way, he believes that they should approve this one. DeWulf stated that these other houses were done at a different time. He believes that one of them was built one year ago and the other four or five years ago. He does not have any problem going with split stone or brick veneer at 4 feet.

Mike Conwell, 23001 Ardmore, unless there is a safety concern the residents should be able to use any materials that they choose. They will never have everyone to agree with what they want or how they want to design their house. It shouldn't be up to others except for the

homeowner. The house at 23012 Ardmore where they have culture stone tapered up two or three feet above grade and some type of siding above that. He thinks that house looks fine. There are plenty of houses on the street that don't look good. These eyesores have not affected the desire for people that want to live on this street and it definitely has not affected the assessment of the property on this street. We can trust people that want to invest a major renovation or reconstruction on our high rent on this street should be budgeted accordingly. One neighbor wanted to paint his garage door purple that was their prerogative.

Karen Beaver, 23017 Ardmore, we are 26 feet less in length. It is not cultured stone they have customized cut stone mortared on the base of the home. They are the gray one across from the Skinner's. They have custom high end fiber cement which is Nichiha which has more definition than the hardy board. They are a thicker board and they have more elevation in the shingle.

Mike Skinner, 23012 Ardmore, he heard the other comments they are not talking about stone or other types of stone they are talking about the vinyl siding. He agrees with the other neighbor that it looks cheap and should not be allowed. It is going to look like a cheap condo.

Correspondence: in the file

Mr. Romita stated he will put a full stone and they can justify it from the grade they can make it four to six feet however the grade falls on it and the homeowners would not have a problem to put in hardy board like some of the houses on the street. The hardy will be all the way up. They can do it horizontal and he can do a board and batten with the hardy as well too.

Vitale stated that he will allow full bed mortared stone, not the product that was shown, to the first floor and then hardy board above that. He wants to essentially comply with the ordinance. He does not want to choose a particular material. It is a masonry material installed depending on the adhesive backing. It has to be a material that can stand on its own to the first floor. DeWulf stated that they must allow the use of vinyl siding above the first floor.

Moffitt stated that every case that they look at is unique and different. A lot of the decisions are made because how unique it is. This variance in his opinion that they turned in they made their own hardship it is a brand-new start. More or less to vote down a variance for this and let them come back with a different idea. They laid it out that they want it up to 3 foot with lick and stick and vinyl siding above it. He would not be for that variance what so ever. Now we are trying to create something for the petitioner that he thinks that they might need to rethink how they get their look that they want. He would vote "no" to what they are asking for.

Mr. Romita stated that they will adjust if they have to, they will go up to 4' to 6' with the stone and hardy the rest of the way up. If siding is an issue that would be no problem.

DeWulf stated that Mark's comment had more to do with the nature of the motion that was made. We should not be looking to limit what you can use but to either to allow you to do what you want to do or to decline. If we decline, he would have to come back with an alternate solution to his plan.

Vitale stated that he withdrew the motion.

Vitale made a motion, supported by Moffitt, to deny the variance to use a material other than brick on a new construction until the next meeting.

AYES: VITALE, RAYES, MOFFITT, DEWULF

NAYES: NONE

ABSENT: NONE

MOTION: PASSED

The contractor stated that he was mandated to put brick or stone to the top of the first-floor line as required by the building code unless he would like to come back with a separate petition.

The contractor stated that he would like to go 4' to 6' like some of the other houses on the street and to go with hardy the rest of the way up.

DeWulf stated to the contractor that the commissioners want him to follow the ordinance. That clearly states that he must use a masonry material or brick to the top of the first-floor line.

Commissioner Vitale stated that we are talking about some of the homes on the street. One thing that he did notice when he looked at them was homes that had the ledge the front of the home was brick or stone to the first floor. He thinks that the front of the home meaning the first floor does significance.

AUDIENCE PARTICIPATION: NONE

**APPROVAL OF BUILDING/PROPERTY MAINTENANCE BOARD OF APPEALS MEETING
MINUTES OF FEBRUARY 9, 2021.**

Rayes made a motion, supported by Vitale, to approve the minutes from February 9, 2021, amended.

AYES: ALL

NAYES: NONE

ABSENT: NONE

MOTION: PASSED

ADJOURNMENT

Rayes made a motion, supported by DeWulf, to adjourn at 5:26 p.m.

AYES: ALL

NAYES: NONE

ABSENT: NONE

MOTION: PASSED