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CITY OF MEDINA HISTORIC PRESERVATION BOARD

CASE H21-13

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Transcript of Proceedings held on Thursday,
the 10th day of February, 2022, before the City of
Medina Historic Preservation Board, commencing at
approximately 5:00 p.m., as taken by
Nicholas Glatzhofer, Notary Public within and
for the State of Ohio, and held in Medina City Hall,
132 North Elmwood Avenue, Medina, Ohio 44256.

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APPEARANCES:

Elizabeth Biggins-Ramer, Chairwoman,
Leslie Traves, Member,
Patty Stahl, Member,
Rebekah Knaggs, Member.

City of Medina Planning and Community,
Development Department,
Andrew Dutton, Community Development Director,
Sarah Tome, Administrative Assistant.

Brendan Rose, Applicant, Rose Company.

Anthony Cerny, Architectural Design Studios, Inc.

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1 (Whereupon, all those intending to
2 testify were then placed under oath by the
3 notary.)

4 - - -

5 PROCEEDINGS

6 - - -

7 CHAIRWOMAN: So the first
8 case that we have before us is Case H21-13,
9 the Rose Company dealing with the property at
10 241 South Court Street.

11 MR. DUTTON: I can give an
12 overview, if you would like.

13 CHAIRWOMAN: Please.

14 MR. DUTTON: And then just
15 for any of the applicants, any one of these
16 open microphones, if you could speak into those
17 so we can --

18 MR. CERNY: Any one of
19 them? We don't have to go all the way back
20 there (indicating)?

21 MR. DUTTON: Any one that's
22 open.

23 MR. CERNY: Excellent.

24 MR. DUTTON: So this
25 property is on the west side of South Court

1 Street just north of Smith, kind of halfway up
2 the block I suppose.

3 We heard this application at the previous
4 meeting. It has to do with the external
5 alterations at the rear of the building.
6 Here's the previous picture of the building
7 rear (indicating). There was an upper floor
8 structure that was torn down that was approved
9 by the building official due to safety
10 concerns. As a result, there's kind of mix of
11 brick and wood exterior surfaces and three
12 doors, one on the second floor that no longer
13 goes to anything.

14 The changes were recently made to the
15 back of the building, including horizontal
16 Hardie® Plank siding, a gray color, painting of
17 the upper portion of the building, and
18 installation of one of the two doors.

19 At the last meeting it was tabled by the
20 Board. The Board requested that the Applicant
21 bring in material samples of the Hardie® Plank,
22 lighting fixtures, and the colors that are
23 used. So that's -- there was no motion made at
24 the last meeting to approve or deny, so
25 basically we're looking for more information

1 from the Applicant.

2 CHAIRWOMAN: Thank you.

3 Would the Applicant like to --

4 MR. CERNY: Okay, yeah.

5 We brought in siding colors and the siding
6 material.

7 So this is just the Hardie® Board siding
8 (indicating).

9 This is the cement board siding, which is
10 kind of like lap siding (indicating).

11 And then the only color that's not on there
12 is this gray color, which is -- that's the
13 color that is intended for the doors, the
14 replacement doors. The replacement doors are
15 going to be a six-panel door, solid.

16 And then there's an example of the light
17 fixture that's up on the screen right now
18 (indicating).

19 CHAIRWOMAN: Okay. I'm
20 sorry, could you -- we probably should have had
21 you state your name and address for the record.

22 MR. CERNY: My name is
23 Tony Cerny, Architectural Design Studios.

24 CHAIRWOMAN: Any questions
25 from the Board?

1 MS. TRAVES: So the light
2 fixture is just one light fixture over the
3 door?

4 MR. CERNY: No. The
5 intent's going to be to put that light fixture
6 probably in the center of the building, up a
7 little bit higher so that it will illuminate
8 that courtyard a little bit.

9 MS. TRAVES: And then the
10 door is the color of the paint chip?

11 MR. CERNY: There's a gray
12 paint chip there; that's the color of the door.
13 The door that you see in that photo right now,
14 that's a temporary door. The door as intended
15 are still on order, but it's going to be a
16 six-panel door like that (indicating).

17 CHAIRWOMAN: Will there be
18 two doors then --

19 MR. CERNY: Yes.

20 CHAIRWOMAN: -- of that
21 nature?

22 MR. CERNY: Yes.

23 MS. TRAVES: I guess in the
24 picture, the samples of the actual siding look
25 a little bit darker than they look in the

1 picture.

2 CHAIRWOMAN: Is all of the
3 trim installed on the building currently?

4 MR. CERNY: Except for
5 what would go around the doors.

6 CHAIRWOMAN: Okay. And
7 gutters and whatnot are installed?

8 MR. CERNY: To my
9 understanding just from earlier, the gutters
10 haven't been installed yet.

11 MS. TRAVES: So which of
12 the three colors of the trim are going to be
13 around the door?

14 MR. CERNY: It will be the
15 trim color that's on there, that tan color.

16 MS. TRAVES: Okay.

17 CHAIRWOMAN: So the balcony
18 that had been removed, can you speak to that?
19 I know that last time you said it was covered
20 over because it wasn't safe. Is there a reason
21 why it wasn't replicated? Was it an original
22 fixture to the building?

23 MR. CERNY: I don't know
24 if it was original to the building or not. I
25 wasn't involved specifically with that.

1 I know there was issues with its condition.
2 The owners asked the building official to come
3 over and take a look at it, and he said it was
4 structurally not sound and told him he should
5 take it down.

6 CHAIRWOMAN: Does the Board
7 have any other questions?

8 MS. TRAVES: I guess I
9 still think that the back side of the building
10 looks a little off without any windows on the
11 second floor.

12 MR. CERNY: There was no
13 windows on the second floor before. There
14 happened to be a door that led to the summer
15 porch, but there were no windows back there.

16 MS. TRAVES: All right.

17 CHAIRWOMAN: Would the
18 Applicant consider reinstalling the door and
19 the summer porch if that was an historical
20 aspect of the building?

21 MR. CERNY: I'm sorry,
22 what's the question?

23 CHAIRWOMAN: Would you
24 consider reinstalling the door and the summer
25 porch if it was determined it was an historical

1 aspect to the building?

2 MR. CERNY: You would have
3 to answer that one.

4 MR. ROSE: We would have
5 to look at that. I think that would be pretty
6 difficult at this time. The summer porch that
7 had been there had been unused for a number of
8 years. I think even when we originally
9 obtained the building, it was not being used.
10 I guess we would have to look to see if that
11 was an original feature or not, but I think --

12 MR. LAMB: That's not
13 true.

14 MR. ROSE: Pardon?

15 MR. LAMB: I said,
16 "That's not true."

17 MR. ROSE: What's that?

18 MR. LAMB: That it wasn't
19 being used.

20 I'll talk when I have a chance.

21 MR. ROSE: My
22 recollection, for as long as I've owned the
23 building, that porch hadn't been being used and
24 that door had been inaccessible from the
25 inside.

1 MR. DUTTON: I'm sorry,
2 could you please state your name for the
3 record.

4 MR. ROSE: I'm sorry. My
5 name is Brendan Rose with Rose Company. We
6 manage the property.

7 CHAIRWOMAN: Okay. What
8 year did you procure the property? Do you
9 remember?

10 MR. ROSE: I don't
11 remember off the top of my head.

12 CHAIRWOMAN: Okay. I have
13 a question about just the state of the brick.
14 I know -- and Andrew already -- thank you.

15 I know at the last meeting we inquired as
16 to whether or not the brick could be -- if
17 there was consideration given to having the
18 brick repointed, and the answer was "no." I
19 mean, not having seen kind of any building
20 plans to understand how the Hardie® Board was
21 installed, you know, is this installation
22 providing stability to the back of the building
23 or not? My fear is, if the bricks needed to be
24 repaired, they should have been repaired.

25 MR. CERNY: I don't think

1 there was an issue with the bricks. I mean,
2 there's just -- you know, essentially it was --
3 my understanding was the summer porch was the
4 problem, that was removed.

5 The back of the building was a mixture of
6 materials. There's a little bit of brick, as
7 you can see, and then there's some infill
8 materials. They wanted to clean the overall
9 appearance up, so I believe they just basically
10 faced over that with some furring and some
11 siding material.

12 CHAIRWOMAN: Okay.

13 MR. CERNY: We have gone
14 through, in the past, the bricks that were over
15 on the south side. Those were in severe
16 damage, that was repointed. Actually a lot of
17 them were taken down and put back up, but that
18 was repointed a couple years ago.

19 CHAIRWOMAN: Okay.

20 MR. CERNY: And that's the
21 portion that's exposed to the public over on
22 the south side.

23 CHAIRWOMAN: Okay.

24 MS. TRAVES: So is the
25 first -- was the first floor not brick?

1 MR. CERNY: Well, when you
2 look in that photograph, you can see that dark
3 area that's on there, that's wood siding.
4 That's a vertical pine. Some people call it
5 barn siding.

6 MS. TRAVES: Can they take
7 that off? Is there brick behind it?

8 MR. CERNY: It doesn't
9 make sense that there would be brick behind
10 there, because you've got the brick exposed on
11 the edges. So I'm not sure exactly what the
12 situation was and why there's barn siding there
13 in those locations. It's not a brick facade
14 all the way across.

15 MS. TRAVES: Okay. I think
16 it looks nicer with the siding. I just miss
17 having a window or something on the second
18 floor.

19 MR. CERNY: It is a facade
20 that's basically not seen by the public unless
21 you go back into that particular area. It
22 doesn't really have exposure to the public on
23 any of the sides.

24 CHAIRWOMAN: Understood.

25 We have had, however, several instances now

1 in the last couple years with property owners
2 actually rehabilitating the backs of the
3 buildings for a variety of different uses. So
4 that's a trend we are seeing, one; and two,
5 regardless of if it's the back side or the top
6 of the building, the whole building sits within
7 the footprint of the Historic District, so we
8 do need to have consideration.

9 MR. CERNY: It does, but
10 if you consider the fact that when those
11 buildings were built at that time, the back
12 sides were not getting any real attention. All
13 of the attention at the time the buildings were
14 built was on the front. That's where they
15 spent the money to do the additional brickwork,
16 that's where they spent the money for the
17 cast iron and tinwork and stuff like that, and
18 backs of the buildings were purely utilitarian.

19 CHAIRWOMAN: I understand;
20 however, we are charged to try to keep each of
21 the historical buildings intact.

22 Okay. Any other questions from the Board?

23 (No verbal response.)

24 CHAIRWOMAN: Any comments
25 from the public?

1 MR. LAMB: (Indicating.)

2 CHAIRWOMAN: Go ahead.

3 Please state your name and address.

4 MR. LAMB: Do you want me
5 to go over there (indicating)?

6 MR. DUTTON: As long as you
7 can turn that on, you're fine (indicating).

8 MR. LAMB: Okay. Thanks.

9 My name is Bill Lamb. I live at 721 South
10 Court Street, Medina.

11 I have a number of things, I guess. First
12 is that this issue in particular exemplifies, I
13 think, what you have just addressed, which is
14 an ongoing issue and a really sad example of
15 the approach to work that's being done in the
16 Historic District without approval of the
17 Board. It is not -- the rules and regulations
18 that are necessary to follow when you work in
19 the Historic District, they're not if you want
20 to follow them.

21 The rules don't anywhere exempt the backs
22 of the buildings any more than they exempt the
23 sides or the fronts. And they're not really
24 rules; these are laws. These are regulations
25 that need to be enforced, and this intentional,

1 kind of, "Well, we hurried up and we had to do
2 it," well, you maybe had to take the sleeping
3 porch down because it was a safety issue, but
4 beyond the sleeping porch coming down, there
5 was no reason that this should not have come
6 before the Board to be approved, and it's an
7 awful example of the back of a building in the
8 Historic District that is visible from public
9 places.

10 I owned this building for a number of years
11 and used that sleeping porch. There was a door
12 to it. When I sold it, I believe that the
13 current owner -- that door was there. I know
14 it was intact because I had things on that
15 porch, and you cannot -- the Board cannot
16 continually approve after the fact.

17 To me, looking at the building, it looks
18 like siding on a ranch house that was put up.
19 What was there originally, even what was just
20 referred to as barn siding, at least it seemed
21 to have some integrity to some period of work
22 that was done thoughtfully to the back of the
23 building.

24 So my view of this -- of these regulations
25 are that they simply need to be followed, and

1 the best thing that could happen for the City,
2 so as not to continually set examples of poor
3 work being done without approval, no
4 consideration from the Board, no input from the
5 Board of the quality of the work, the kind of
6 material that's being used, the color that's
7 going up, whether a window should go or the
8 door should go back, this work should come down
9 and then approval could be made of what should
10 go back up.

11 Further, my memory is that when the
12 building, that is currently occupied by
13 Gardener's Cottage, when the walls fell off
14 that building, those walls were replaced with
15 brick because the walls that came down were
16 brick. The building had to be rebuilt as it
17 was.

18 So that sleeping porch, which was part of
19 the original building - because that's what it
20 was, it was a sleeping porch - there is no
21 reason that you would approve not putting that
22 back anymore than you would have said to
23 Gardener's Cottage, "It's not a problem, you
24 don't need to do it in brick, you can just --
25 you can just put siding up because it's not

1 really visible," right? "It's just an alley."
2 But that's not what the rules say.

3 And so the sleeping porch -- the sleeping
4 porch, by all rights, being part of the
5 historic building, in a very small historic
6 district, simply nine blocks, and anybody that
7 knows anything about the District should know
8 that they -- that this is what -- this is the
9 economic engine of the City, this is what makes
10 the City economically viable. This is what
11 matters.

12 For twenty years the restoration took place
13 with no rules, no regulations. The majority of
14 the work was done in those twenty years by
15 people with a good heart and a commitment to
16 spend their own money to take the false fronts
17 down, to get rid of the hundreds of signs, and
18 to do it because it's the right thing to do,
19 not to do work simply because you think you can
20 get away with it, because maybe nobody will
21 notice, or "I'm in a hurry" or "I don't want to
22 go to the Board" or "I don't want to put the
23 sleeping porch back" or "I'm going to pretend
24 that you can't see this because it's in the
25 back of the building." People for twenty years

1 did this with no rules and no regulations. Now
2 we have the rules, the rules are the law.

3 The sleeping porch needs to go back and the
4 back needs to be restored to what it originally
5 looked like. That's my comment.

6 CHAIRWOMAN: Thank you.

7 MS. STAHL: I think at
8 this point we need to go back and look at the
9 historical nature of this building and see what
10 pieces are truly historical, if that sleeping
11 porch is historical and that falls within our
12 jurisdiction to say that that needs to go back
13 up. I don't have enough information personally
14 right now to know whether that porch meets
15 those qualifications, but I think we do need to
16 flesh that out and make sure that we're doing
17 our due diligence on it, whichever way it
18 falls, that we need to follow those procedures,
19 whether it meets that requirement or not.

20 MR. DUTTON: And I don't
21 know that -- the sleeper porch is kind of a
22 separate situation.

23 MS. STAHL: I can't hear
24 you.

25 MR. DUTTON: The sleeping

1 porch is kind of a separate situation as it was
2 approved for removal administratively.

3 In this case, I think you need to look at
4 it -- obviously the work was done before
5 approval, it shouldn't have been done before
6 approval. We need to look at this as if this
7 work hasn't happened yet, and that's how you
8 should evaluate it against the regulations.

9 CHAIRWOMAN: I guess my
10 problem is the work was done without our
11 approval, so it's not following the rules,
12 so --

13 MR. DUTTON: Correct. But
14 you can't just deny it because of that. You
15 need to take this as if none of this ever
16 happened. This is what they're proposing. Is
17 it appropriate or not?

18 CHAIRWOMAN: Okay.

19 MR. CERNY: If I could
20 just say a couple more things.

21 First off, I don't think there's anything
22 within the rules or the guidelines that mandate
23 that everything that is necessarily historic
24 has to be saved, preserved, or restored.
25 That's not how the guidelines read. There are

1 intentions to try to preserve as much as
2 possible, but not everything that can be
3 preserved, not everything needs to be
4 preserved. There's an understanding within the
5 guidelines that things change over time, and I
6 think part of what you should be looking at
7 when you're evaluating these things is, is the
8 changes or the work that's proposed, does that
9 have a detrimental effect to the overall
10 character of the District, or is it just part
11 of maintaining the building that's there and it
12 allows the owner of that building to continue
13 to use that building in a useful fashion?

14 Kind of speaking in a little bit with what
15 the planning director had mentioned also, I
16 feel a little bit -- I understand that
17 there's -- the Board feels a little bit
18 offended that work was done without going
19 through the proper procedures, but at the same
20 time, I do agree that the Board shouldn't be
21 looking at this and denying because the
22 procedures weren't necessarily followed. That
23 seems to be something punitive, which is, I
24 think, outside of the scope of what the Board
25 should be doing. I think it is a matter of

1 looking at -- while I don't disagree that the
2 owner probably should have come in, in advance,
3 they didn't. They didn't necessarily think
4 they were trying to skirt by something as it's
5 been implied. They thought they were doing
6 what they were supposed to do, and they were
7 trying to maintain this building. They've
8 spent money on it to maintain it, like I said
9 before, with the effort done to re-tuckpoint
10 the one side.

11 They've got multiple buildings in the
12 district where they spend a fair amount of
13 money trying to do maintenance and maintaining.
14 We've gone through extra effort to do things
15 that we think are positive attributes for the
16 Historic District.

17 This particular facade, while it may not be
18 something that you would normally want to see
19 on the front of the building, I don't find it
20 to be substantially any less than what was
21 there before, and so I do think you should give
22 consideration to approving this.

23 And I doubt seriously that we'll be able to
24 put the summer porch back up. Once again, if
25 you follow the guidelines, we're not supposed

1 to put something up if we really don't know
2 what it was. We don't have any documentation
3 as to what it was and it would be very
4 difficult to do that at this point.

5 MS. STAHL: And what I was
6 referring to before, I mean, it's the summer
7 porch, it's the brick, it's the doorway, even
8 the columns down below. And I apologize that I
9 did not look further into this until we were
10 discussing it right here, but I think you know
11 that part of our due diligence here is to make
12 sure that there aren't pieces that are not
13 supposed to be covered up like that. You know,
14 and it does open, you know, the bag of -- or
15 the door for other people to kind of throw
16 something up similar to this without us
17 fleshing that out. So I think we need to go
18 back and look at those pieces.

19 And again, I think -- I apologize that, you
20 know, we didn't look to see the -- do our
21 research on how -- what pieces were historic
22 there in order to determine that right now, but
23 I think we do need to do that.

24 So I would propose that we - I don't know
25 what the right term is - table this and we look

1 up those -- you know, what pieces are historic
2 here, what falls within our jurisdiction, to
3 make sure that we do it right, so --

4 CHAIRWOMAN: I would like
5 to make a comment.

6 One, I don't think the Board is being
7 punitive.

8 Secondly, the reason for the process is for
9 the Board to make comments, do its research,
10 and make adjustments before the first step of
11 construction or alteration is done. So have
12 the Applicant come to us with a set of plans,
13 you know, laying out what the Hardie® Board was
14 to be used in this section, these are the
15 gutters, the gutter colors, these are the panel
16 doors which, you know, again, we haven't --
17 other than you telling us what the color is, we
18 have still not seen a picture of the doors.

19 You know, we had asked for a light. We
20 would be having the discussion about the door
21 on the second floor and the sleeping porch
22 before the work is done where, you know, we
23 probably would, you know, make the
24 recommendation, if it was historical to the
25 building, after we had done the research, that

1 that should have been kept, the Hardie® Board
2 adjusted accordingly, the sleeping porch, you
3 know, reinstalled to some nature.

4 I mean, that is -- the entire intent is not
5 to ask for forgiveness after the fact, but
6 present how things are going to be restored or
7 renovated and allow the Board to evaluate
8 accordingly.

9 And to Patty's point, you know, had we been
10 presented some material in the proper process,
11 we would have been able to fully evaluate.
12 We're just being put in, to be quite frank, a
13 very awkward situation of now having to deal
14 with something that's up, money that's been
15 spent and, you know, having to deal with this
16 after the fact.

17 MS. STAHL: So let's
18 get some -- let's move forward with this
19 process and get the research and get the
20 historical photographs of the original
21 building. You know, I don't know if that porch
22 was added on later on or if that was part of
23 the original, but we need that information, and
24 then we can. You know, go through the process,
25 like you said, as if it hadn't gone up yet.

1 Let's just do the process and make sure we do
2 that.

3 Thank you.

4 CHAIRWOMAN: Now, according
5 to what the Code says, you know, the
6 Applicant --

7 MR. CERNY: Well, it's
8 unclear to me what you're asking us to do at
9 this point. Are you asking us to come up with
10 old photographs of the building on the back
11 facade, or is it something that the Board is
12 going to be doing? What's -- what are you
13 trying to have us do?

14 CHAIRWOMAN: Well, actually
15 it's the Applicant. According to the Code, it
16 says, "In order for an application to be
17 reviewed and approved, the Applicant shall
18 submit drawings, photographs, specifications,
19 and material samples, as required by the
20 procedure."

21 MR. CERNY: I understand
22 that, but you're asking now for us to come up
23 with some sort of documentation that shows what
24 that porch was in the past, which we don't have
25 that information.

1 CHAIRWOMAN: Well, it would
2 have been nice to --

3 MS. STAHL: So what you
4 have to do is, you know, you have to -- if you
5 want to take the porch down, you have to show
6 that it doesn't have significance, historical
7 significance, that you can take it down.

8 MR. DUTTON: And just to be
9 clear --

10 CHAIRWOMAN: I think what
11 Patty is saying is - if you go back one slide,
12 please, Andrew - this is even an after-the-fact
13 photograph (indicating). This is not a
14 photograph of what the situation was
15 (indicating).

16 MR. CERNY: Yeah, I
17 understand that.

18 CHAIRWOMAN: It should have
19 been brought to us for some type of evaluation.

20 And our assumption is you would have had
21 other photographs, you know, that would have,
22 you know, probably substantiated the shape that
23 it was in, and so I think we're requesting
24 additional information that should have been
25 submitted originally had the application come

1 forward.

2 MR. CERNY: And I'm saying
3 that information, those photographs don't
4 exist. So what are you asking us to do?

5 MS. TRAVES: Have you
6 had --

7 MR. CERNY: I don't have
8 any documentation. I can't show you what the
9 back of that building used to look like. I
10 don't know where that information would be.

11 So if you want me to come back with some
12 sort of documentation that says, "Look, this is
13 how it was, I can show you because of these
14 pictures that it wasn't historic or it is
15 historic or significant," that doesn't exist.
16 I don't know where to find that. That
17 doesn't -- that's not a document I can come up
18 with. If that's what you're relying on, we're
19 not going to be able to do it.

20 MS. TRAVES: Did Dan take
21 any pictures of it before they started the
22 demo?

23 MR. DUTTON: I'm not sure.
24 I don't believe so.

25 MR. CERNY: I suspect not.

1 MR. DUTTON: Yeah, I don't
2 believe so. I'm not positive on that, though.

3 And just to be clear, the removal of the
4 summer porch is not part of this application.
5 That was already administratively approved, but
6 obviously anything after that is certainly in
7 the purview of the Board.

8 MS. STAHL: And I don't
9 think -- it's not just the summer porch, it's
10 the whole back side, you know, the door, the
11 columns there.

12 MR. CERNY: Okay. So the
13 door still exists, just like the guidelines
14 asked for. When you actually do some sort of
15 alteration, there's a methodology to alter it
16 so that if somebody wants to go back at a later
17 date and remove that alteration, the original
18 materials are still there, the door still
19 exists in that position, it's just covered up
20 by the siding. That's a hundred percent
21 consistent with how the guidelines read.

22 Same thing with the columns. All of that
23 stuff is still there. The two doors aren't,
24 but the structure itself is still there. It's
25 just behind the facade that was placed up over

1 top of it, and that is consistent with what the
2 guidelines call for on those kinds of
3 situations. The guidelines do not mandate that
4 everybody has to restore their buildings.
5 That's not what the guidelines require, and I
6 don't think that's the position the Board
7 should be taking. Just because you have a
8 historic building, doesn't mean --

9 MS. STAHL: No, I don't
10 think that's -- that's not the position we're
11 taking. I personally own two historic
12 buildings on the Square, so I've been through
13 this process. So it's not replicating what's
14 there, it's just preserving the pieces that
15 make that building historic.

16 MR. CERNY: Okay.

17 MS. STAHL: So at this
18 point, I don't know what pieces of that back
19 side are considered that, and we -- to Beth's
20 point, you need to bring that information as
21 part of that application. So we're asking you
22 to bring that information about this building.
23 Find what you can about that.

24 MR. CERNY: That's where
25 I'm at a loss. I mean, that's as much

1 information as I have on how the back of the
2 building is (indicating).

3 MS. STAHL: Bill, do you
4 have resources? I mean, when I had to do that
5 for my building, I had to reach out to several
6 different people to find old photographs. What
7 about the State of Ohio -- I forget what it's
8 called.

9 MR. DUTTON: The OHI forms?
10 OHI forms? Is that what you're referring to?

11 MS. STAHL: I think so.
12 Or is it the archives for Ohio historic
13 buildings?

14 MR. DUTTON: There are
15 specific forms that are created. I'm not sure
16 if this building has one or not --

17 MS. STAHL: Okay.

18 MR. DUTTON: -- or if
19 there's an evaluation approved by the State.

20 CHAIRWOMAN: I would also
21 say --

22 I'm sorry. Go ahead, Bill.

23 MR. LAMB: I guess -- one
24 point I guess. Yeah, I'm pretty sure I have
25 pictures of the back of the building, you know,

1 because we painted the back and restored the
2 back, you know, when we owned the building.

3 Like I said, we used that porch, and when
4 we sold the building it had a door because we
5 stored things there. So actually I don't think
6 you're asking for anything that's -- that the
7 Applicant actually is not required to get.

8 You know, the real question is, did the
9 Applicant try to skirt the issue and do the
10 work that they wanted to do without coming to
11 the Board.

12 And secondly, the issue about the summer
13 porch, just as the porch, yes, it was
14 administratively approved to be taken down, but
15 that has absolutely nothing to do with the
16 question to you of whether it should be put
17 back, because that was part of the original
18 building. That was a summer porch. That was
19 an integral part of the building that was used,
20 and there are photographs of that and those
21 kinds of things are available. I have them,
22 the people I bought the building from have
23 them, and there was not urgency to tear that --
24 that was not an urgent thing to tear that down.
25 That wasn't imminently going to fall. That

1 back wasn't going to just come falling down
2 today. You could walk there -- I mean, people
3 go to dinner and people go to restaurants and
4 take pictures of their meals. It's not like
5 you had to go find a camera.

6 The fact that there was nothing brought to
7 you, not one single thing, you know, there's a
8 great effort here to deflect from the issue of
9 failing to follow the law.

10 And it's absurd to say that the Board's
11 being punitive. The Board could levy a fine.
12 They should be punitive. This is an idea of
13 how you can run through a stop sign and it's
14 okay. Well, that's not how things work here,
15 and that's the reason this Board was created,
16 to protect the District from just this kind of
17 behavior of, "I'm going to come in late, I did
18 this, it's not right, but you're going to
19 approve it anyway, and if you don't, you guys
20 are being punitive and you guys are being wrong
21 because I failed to do what I was supposed to
22 do."

23 And particularly, previous work in the
24 District has nothing to do with this issue.
25 You know, you could do wonderful work in the

1 Historic District, but if you behave like this,
2 it doesn't make it okay.

3 So yes, I have pictures of the back of the
4 building.

5 CHAIRWOMAN: I was also
6 going to ask the Applicant, I would assume when
7 you purchased the building, for appraisal
8 purposes, you know, to obtain a commercial
9 loan, that there might be pictures that you
10 have in that file when you purchased the
11 building.

12 MR. ROSE: There may be.
13 It was quite some time ago.

14 I think the question is when -- if that
15 porch was an original part of the building. It
16 may have been there when we purchased -- it
17 certainly was there when we purchased it.

18 I do want to address the issue for a moment
19 that we weren't intentionally attempting to
20 skirt any issues. We have several tenants and
21 occupants throughout the Historic District as
22 well as the remainder of the City. We take
23 incredibly seriously the life, safety, and
24 health of the buildings and the people that
25 occupy them and visit and patronize them. It

1 was brought to our intention that it was a
2 structural concern and so we immediately went
3 forward to take it down.

4 There was some weather consideration for
5 the remainder of the building, and we didn't
6 want a brick wall on the back of the building
7 that was going to collapse, and so we did want
8 to protect it. Shame on us for not coming
9 sooner. It was, also, the back of the
10 building, and so it wasn't top of mind. The
11 top of mind for us was to make the building
12 safe for the people that were coming in and out
13 of those rear doors.

14 CHAIRWOMAN: Did you secure
15 the brick?

16 MR. ROSE: Pardon me?

17 CHAIRWOMAN: Did you secure
18 the brick that you just alluded to that was in
19 danger of falling?

20 MR. ROSE: I'm not
21 suggesting that there was brick on this
22 building. There are other buildings that have
23 been in this district that because they weren't
24 appropriately maintained, or for whatever
25 reason, had collapsed, and we certainly didn't

1 want a similar issue. So we didn't want any --
2 we wanted to protect -- get it enclosed for the
3 pending weather. That was our immediate
4 concern.

5 As Tony mentioned, we did actually address
6 quite a bit of brick on the south side of the
7 building that was a major concern as well.

8 MS. STAHL: So I think we
9 should move forward and go through the proper
10 steps, like we said.

11 As an Applicant, you're supposed to present
12 pictures. I think the Board -- I think we
13 should also do some research to see if we can
14 find historical -- I don't know if there's a
15 drawing of the building or anything that we can
16 find on our end so that we can work together on
17 this to make sure we're doing the right thing
18 here. So I think that would be a good approach
19 at this point.

20 MS. TRAVES: Andrew, can
21 you check with Dan Gladish and see if he has
22 pictures?

23 MR. DUTTON: I'll certainly
24 check with Dan.

25 Were there any other items the Board wanted

1 to see, the door, or anything like that?

2 CHAIRWOMAN: Well, I think
3 a complete application, you know, the
4 photographs, there should be a drawing. I
5 mean, we've required other applicants, for the
6 work that they were doing, to present drawings
7 of what the finished product would look like.
8 We have yet to see that, you know, where that
9 drawing delineates. For example, what color
10 are the gutters that haven't been installed
11 yet? What do the six-panel doors look like?
12 That type of thing. So, you know, we would
13 like to see a complete application as it should
14 have been submitted initially.

15 Do we have a motion?

16 MS. TRAVES: So yeah. Do
17 you want to -- do you just want to table this
18 for the time being then?

19 CHAIRWOMAN: Yes.

20 MS. TRAVES: I make a
21 motion to table it.

22 MS. STAHL: I second the
23 motion.

24 MS. TOME: Biggins-Ramer?

25 CHAIRWOMAN: Yes.

1 MS. TOME: Knaggs?

2 MS. KNAGGS: Yes.

3 MS. TOME: Stahl?

4 MS. STAHL: Yes.

5 MS. TOME: Traves?

6 MS. TRAVES: Yes.

7 MR. CERNY: Thank you.

8 MR. DUTTON: Can we just --

9 Tony, can you help Sarah get a picture of the
10 material that you submitted so we have that?

11 MR. CERNY: Can I what?

12 MR. DUTTON: Help Sarah get
13 a picture of the materials.

14 MR. CERNY: You can keep
15 those. I don't need them.

16 MR. DUTTON: Great.

17 (Hearing adjourned.)

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1 STATE OF OHIO)
2) ss:
3 COUNTY OF MEDINA.)

4 CERTIFICATE

5 I, Nicholas Glatzhofer, Notary Public within
6 and for the State of Ohio, duly commissioned and
7 qualified, hereby certify that before the giving of
8 their testimony, all witnesses were first duly sworn
9 to testify to the truth, the whole truth, and nothing
10 but the truth in the case aforesaid and that the
11 testimony was taken by me by means of stenotype in the
12 presence of said witnesses.

13 I further certify that said hearing was held at
14 the time and place specified in the above caption and
15 was concluded on the 10th day of February, 2022.

16 Further, I certify that I am not a relative,
17 counsel, or attorney at law for any party to this
18 suit, nor am I interested in the event of same.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 and affixed my seal of office at Medina, Ohio this
21 25th day of April 2022.

22 Nicholas Glatzhofer
23 Nicholas Glatzhofer,
24 Notary Public within and for
25 the State of Ohio.
My commission expires 10/24/23

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CITY OF MEDINA HISTORIC PRESERVATION BOARD
CASE H21-13

Transcript of Proceedings held on Thursday,
the 10th day of February, 2022, before the City of
Medina Historic Preservation Board, commencing at
approximately 5:00 p.m., as taken by
Nicholas Glatzhofer, Notary Public within and
for the State of Ohio, and held in Medina City Hall,
132 North Elmwood Avenue, Medina, Ohio 44256.

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APPEARANCES:

- Elizabeth Biggins-Ramer, Chairwoman,
- Leslie Traves, Member,
- Patty Stahl, Member,
- Rebekah Knaggs, Member.
- City of Medina Planning and Community,
Development Department,
- Andrew Dutton, Community Development Director,
- Sarah Tome, Administrative Assistant.
- Brendan Rose, Applicant, Rose Company.
- Anthony Cerny, Architectural Design Studios, Inc.

(Whereupon, all those intending to
testify were then placed under oath by the
notary.)

PROCEEDINGS

CHAIRWOMAN: So the first
case that we have before us is Case H21-13,
the Rose Company dealing with the property at
241 South Court Street.

MR. DUTTON: I can give an
overview, if you would like.

CHAIRWOMAN: Please.

MR. DUTTON: And then just
for any of the applicants, any one of these
open microphones, if you could speak into those
so we can --

MR. CERNY: Any one of
them? We don't have to go all the way back
there (indicating)?

MR. DUTTON: Any one that's
open.

MR. CERNY: Excellent.

MR. DUTTON: So this
property is on the west side of South Court

Street just north of Smith, kind of halfway up
the block I suppose.

We heard this application at the previous
meeting. It has to do with the external
alterations at the rear of the building.
Here's the previous picture of the building
rear (indicating). There was an upper floor
structure that was torn down that was approved
by the building official due to safety
concerns. As a result, there's kind of mix of
brick and wood exterior surfaces and three
doors, one on the second floor that no longer
goes to anything.

The changes were recently made to the
back of the building, including horizontal
Hardie® Plank siding, a gray color, painting of
the upper portion of the building, and
installation of one of the two doors.

At the last meeting it was tabled by the
Board. The Board requested that the Applicant
bring in material samples of the Hardie® Plank,
lighting fixtures, and the colors that are
used. So that's -- there was no motion made at
the last meeting to approve or deny, so
basically we're looking for more information

1 from the Applicant.

2 CHAIRWOMAN: Thank you.

3 Would the Applicant like to --

4 MR. CERNY: Okay, yeah.

5 We brought in siding colors and the siding
6 material.

7 So this is just the Hardie® Board siding
8 (indicating).

9 This is the cement board siding, which is
10 kind of like lap siding (indicating).

11 And then the only color that's not on there
12 is this gray color, which is -- that's the
13 color that is intended for the doors, the
14 replacement doors. The replacement doors are
15 going to be a six-panel door, solid.

16 And then there's an example of the light
17 fixture that's up on the screen right now
18 (indicating).

19 CHAIRWOMAN: Okay. I'm
20 sorry, could you -- we probably should have had
21 you state your name and address for the record.

22 MR. CERNY: My name is
23 Tony Cerny, Architectural Design Studios.

24 CHAIRWOMAN: Any questions
25 from the Board?

1 MS. TRAVES: So the light
2 fixture is just one light fixture over the
3 door?

4 MR. CERNY: No. The
5 intent's going to be to put that light fixture
6 probably in the center of the building, up a
7 little bit higher so that it will illuminate
8 that courtyard a little bit.

9 MS. TRAVES: And then the
10 door is the color of the paint chip?

11 MR. CERNY: There's a gray
12 paint chip there; that's the color of the door.
13 The door that you see in that photo right now,
14 that's a temporary door. The door as intended
15 are still on order, but it's going to be a
16 six-panel door like that (indicating).

17 CHAIRWOMAN: Will there be
18 two doors then --

19 MR. CERNY: Yes.

20 CHAIRWOMAN: -- of that
21 nature?

22 MR. CERNY: Yes.

23 MS. TRAVES: I guess in the
24 picture, the samples of the actual siding look
25 a little bit darker than they look in the

1 picture.

2 CHAIRWOMAN: Is all of the
3 trim installed on the building currently?

4 MR. CERNY: Except for
5 what would go around the doors.

6 CHAIRWOMAN: Okay. And
7 gutters and whatnot are installed?

8 MR. CERNY: To my
9 understanding just from earlier, the gutters
10 haven't been installed yet.

11 MS. TRAVES: So which of
12 the three colors of the trim are going to be
13 around the door?

14 MR. CERNY: It will be the
15 trim color that's on there, that tan color.

16 MS. TRAVES: Okay.

17 CHAIRWOMAN: So the balcony
18 that had been removed, can you speak to that?
19 I know that last time you said it was covered
20 over because it wasn't safe. Is there a reason
21 why it wasn't replicated? Was it an original
22 fixture to the building?

23 MR. CERNY: I don't know
24 if it was original to the building or not. I
25 wasn't involved specifically with that.

1 I know there was issues with its condition.
2 The owners asked the building official to come
3 over and take a look at it, and he said it was
4 structurally not sound and told him he should
5 take it down.

6 CHAIRWOMAN: Does the Board
7 have any other questions?

8 MS. TRAVES: I guess I
9 still think that the back side of the building
10 looks a little off without any windows on the
11 second floor.

12 MR. CERNY: There was no
13 windows on the second floor before. There
14 happened to be a door that led to the summer
15 porch, but there were no windows back there.

16 MS. TRAVES: All right.

17 CHAIRWOMAN: Would the
18 Applicant consider reinstalling the door and
19 the summer porch if that was an historical
20 aspect of the building?

21 MR. CERNY: I'm sorry,
22 what's the question?

23 CHAIRWOMAN: Would you
24 consider reinstalling the door and the summer
25 porch if it was determined it was an historical

1 aspect to the building?

2 MR. CERNY: You would have
3 to answer that one.

4 MR. ROSE: We would have
5 to look at that. I think that would be pretty
6 difficult at this time. The summer porch that
7 had been there had been unused for a number of
8 years. I think even when we originally
9 obtained the building, it was not being used.
10 I guess we would have to look to see if that
11 was an original feature or not, but I think --

12 MR. LAMB: That's not
13 true.

14 MR. ROSE: Pardon?

15 MR. LAMB: I said,
16 "That's not true."

17 MR. ROSE: What's that?

18 MR. LAMB: That it wasn't
19 being used.

20 I'll talk when I have a chance.

21 MR. ROSE: My
22 recollection, for as long as I've owned the
23 building, that porch hadn't been being used and
24 that door had been inaccessible from the
25 inside.

1 MR. DUTTON: I'm sorry,
2 could you please state your name for the
3 record.

4 MR. ROSE: I'm sorry. My
5 name is Brendan Rose with Rose Company. We
6 manage the property.

7 CHAIRWOMAN: Okay. What
8 year did you procure the property? Do you
9 remember?

10 MR. ROSE: I don't
11 remember off the top of my head.

12 CHAIRWOMAN: Okay. I have
13 a question about just the state of the brick.
14 I know -- and Andrew already -- thank you.

15 I know at the last meeting we inquired as
16 to whether or not the brick could be -- if
17 there was consideration given to having the
18 brick repointed, and the answer was "no." I
19 mean, not having seen kind of any building
20 plans to understand how the Hardie® Board was
21 installed, you know, is this installation
22 providing stability to the back of the building
23 or not? My fear is, if the bricks needed to be
24 repaired, they should have been repaired.

25 MR. CERNY: I don't think

1 there was an issue with the bricks. I mean,
2 there's just -- you know, essentially it was --
3 my understanding was the summer porch was the
4 problem, that was removed.

5 The back of the building was a mixture of
6 materials. There's a little bit of brick, as
7 you can see, and then there's some infill
8 materials. They wanted to clean the overall
9 appearance up, so I believe they just basically
10 faced over that with some furring and some
11 siding material.

12 CHAIRWOMAN: Okay.

13 MR. CERNY: We have gone
14 through, in the past, the bricks that were over
15 on the south side. Those were in severe
16 damage, that was repointed. Actually a lot of
17 them were taken down and put back up, but that
18 was repointed a couple years ago.

19 CHAIRWOMAN: Okay.

20 MR. CERNY: And that's the
21 portion that's exposed to the public over on
22 the south side.

23 CHAIRWOMAN: Okay.

24 MS. TRAVES: So is the
25 first -- was the first floor not brick?

1 MR. CERNY: Well, when you
2 look in that photograph, you can see that dark
3 area that's on there, that's wood siding.
4 That's a vertical pine. Some people call it
5 barn siding.

6 MS. TRAVES: Can they take
7 that off? Is there brick behind it?

8 MR. CERNY: It doesn't
9 make sense that there would be brick behind
10 there, because you've got the brick exposed on
11 the edges. So I'm not sure exactly what the
12 situation was and why there's barn siding there
13 in those locations. It's not a brick facade
14 all the way across.

15 MS. TRAVES: Okay. I think
16 it looks nicer with the siding. I just miss
17 having a window or something on the second
18 floor.

19 MR. CERNY: It is a facade
20 that's basically not seen by the public unless
21 you go back into that particular area. It
22 doesn't really have exposure to the public on
23 any of the sides.

24 CHAIRWOMAN: Understood.

25 We have had, however, several instances now

1 in the last couple years with property owners
2 actually rehabilitating the backs of the
3 buildings for a variety of different uses. So
4 that's a trend we are seeing, one; and two,
5 regardless of if it's the back side or the top
6 of the building, the whole building sits within
7 the footprint of the Historic District, so we
8 do need to have consideration.

9 MR. CERNY: It does, but
10 if you consider the fact that when those
11 buildings were built at that time, the back
12 sides were not getting any real attention. All
13 of the attention at the time the buildings were
14 built was on the front. That's where they
15 spent the money to do the additional brickwork,
16 that's where they spent the money for the
17 cast iron and tinwork and stuff like that, and
18 backs of the buildings were purely utilitarian.

19 CHAIRWOMAN: I understand;
20 however, we are charged to try to keep each of
21 the historical buildings intact.

22 Okay. Any other questions from the Board?

23 (No verbal response.)

24 CHAIRWOMAN: Any comments
25 from the public?

1 MR. LAMB: (Indicating.)

2 CHAIRWOMAN: Go ahead.
3 Please state your name and address.

4 MR. LAMB: Do you want me
5 to go over there (indicating)?

6 MR. DUTTON: As long as you
7 can turn that on, you're fine (indicating).

8 MR. LAMB: Okay. Thanks.

9 My name is Bill Lamb. I live at 721 South
10 Court Street, Medina.

11 I have a number of things, I guess. First
12 is that this issue in particular exemplifies, I
13 think, what you have just addressed, which is
14 an ongoing issue and a really sad example of
15 the approach to work that's being done in the
16 Historic District without approval of the
17 Board. It is not -- the rules and regulations
18 that are necessary to follow when you work in
19 the Historic District, they're not if you want
20 to follow them.

21 The rules don't anywhere exempt the backs
22 of the buildings any more than they exempt the
23 sides or the fronts. And they're not really
24 rules; these are laws. These are regulations
25 that need to be enforced, and this intentional,

1 kind of, "Well, we hurried up and we had to do
2 it," well, you maybe had to take the sleeping
3 porch down because it was a safety issue, but
4 beyond the sleeping porch coming down, there
5 was no reason that this should not have come
6 before the Board to be approved, and it's an
7 awful example of the back of a building in the
8 Historic District that is visible from public
9 places.

10 I owned this building for a number of years
11 and used that sleeping porch. There was a door
12 to it. When I sold it, I believe that the
13 current owner -- that door was there. I know
14 it was intact because I had things on that
15 porch, and you cannot -- the Board cannot
16 continually approve after the fact.

17 To me, looking at the building, it looks
18 like siding on a ranch house that was put up.
19 What was there originally, even what was just
20 referred to as barn siding, at least it seemed
21 to have some integrity to some period of work
22 that was done thoughtfully to the back of the
23 building.

24 So my view of this -- of these regulations
25 are that they simply need to be followed, and

1 the best thing that could happen for the City,
2 so as not to continually set examples of poor
3 work being done without approval, no
4 consideration from the Board, no input from the
5 Board of the quality of the work, the kind of
6 material that's being used, the color that's
7 going up, whether a window should go or the
8 door should go back, this work should come down
9 and then approval could be made of what should
10 go back up.

11 Further, my memory is that when the
12 building, that is currently occupied by
13 Gardener's Cottage, when the walls fell off
14 that building, those walls were replaced with
15 brick because the walls that came down were
16 brick. The building had to be rebuilt as it
17 was.

18 So that sleeping porch, which was part of
19 the original building - because that's what it
20 was, it was a sleeping porch - there is no
21 reason that you would approve not putting that
22 back anymore than you would have said to
23 Gardener's Cottage, "It's not a problem, you
24 don't need to do it in brick, you can just --
25 you can just put siding up because it's not

1 really visible," right? "It's just an alley."
2 But that's not what the rules say.

3 And so the sleeping porch -- the sleeping
4 porch, by all rights, being part of the
5 historic building, in a very small historic
6 district, simply nine blocks, and anybody that
7 knows anything about the District should know
8 that they -- that this is what -- this is the
9 economic engine of the City, this is what makes
10 the City economically viable. This is what
11 matters.

12 For twenty years the restoration took place
13 with no rules, no regulations. The majority of
14 the work was done in those twenty years by
15 people with a good heart and a commitment to
16 spend their own money to take the false fronts
17 down, to get rid of the hundreds of signs, and
18 to do it because it's the right thing to do,
19 not to do work simply because you think you can
20 get away with it, because maybe nobody will
21 notice, or "I'm in a hurry" or "I don't want to
22 go to the Board" or "I don't want to put the
23 sleeping porch back" or "I'm going to pretend
24 that you can't see this because it's in the
25 back of the building." People for twenty years

1 did this with no rules and no regulations. Now
2 we have the rules, the rules are the law.

3 The sleeping porch needs to go back and the
4 back needs to be restored to what it originally
5 looked like. That's my comment.

6 CHAIRWOMAN: Thank you.

7 MS. STAHL: I think at
8 this point we need to go back and look at the
9 historical nature of this building and see what
10 pieces are truly historical, if that sleeping
11 porch is historical and that falls within our
12 jurisdiction to say that that needs to go back
13 up. I don't have enough information personally
14 right now to know whether that porch meets
15 those qualifications, but I think we do need to
16 flesh that out and make sure that we're doing
17 our due diligence on it, whichever way it
18 falls, that we need to follow those procedures,
19 whether it meets that requirement or not.

20 MR. DUTTON: And I don't
21 know that -- the sleeper porch is kind of a
22 separate situation.

23 MS. STAHL: I can't hear
24 you.

25 MR. DUTTON: The sleeping

1 porch is kind of a separate situation as it was
2 approved for removal administratively.

3 In this case, I think you need to look at
4 it -- obviously the work was done before
5 approval, it shouldn't have been done before
6 approval. We need to look at this as if this
7 work hasn't happened yet, and that's how you
8 should evaluate it against the regulations.

9 CHAIRWOMAN: I guess my
10 problem is the work was done without our
11 approval, so it's not following the rules,
12 so --

13 MR. DUTTON: Correct. But
14 you can't just deny it because of that. You
15 need to take this as if none of this ever
16 happened. This is what they're proposing. Is
17 it appropriate or not?

18 CHAIRWOMAN: Okay.

19 MR. CERNY: If I could
20 just say a couple more things.

21 First off, I don't think there's anything
22 within the rules or the guidelines that mandate
23 that everything that is necessarily historic
24 has to be saved, preserved, or restored.
25 That's not how the guidelines read. There are

1 intentions to try to preserve as much as
2 possible, but not everything that can be
3 preserved, not everything needs to be
4 preserved. There's an understanding within the
5 guidelines that things change over time, and I
6 think part of what you should be looking at
7 when you're evaluating these things is, is the
8 changes or the work that's proposed, does that
9 have a detrimental effect to the overall
10 character of the District, or is it just part
11 of maintaining the building that's there and it
12 allows the owner of that building to continue
13 to use that building in a useful fashion?

14 Kind of speaking in a little bit with what
15 the planning director had mentioned also, I
16 feel a little bit -- I understand that
17 there's -- the Board feels a little bit
18 offended that work was done without going
19 through the proper procedures, but at the same
20 time, I do agree that the Board shouldn't be
21 looking at this and denying because the
22 procedures weren't necessarily followed. That
23 seems to be something punitive, which is, I
24 think, outside of the scope of what the Board
25 should be doing. I think it is a matter of

1 looking at -- while I don't disagree that the
 2 owner probably should have come in, in advance,
 3 they didn't. They didn't necessarily think
 4 they were trying to skirt by something as it's
 5 been implied. They thought they were doing
 6 what they were supposed to do, and they were
 7 trying to maintain this building. They've
 8 spent money on it to maintain it, like I said
 9 before, with the effort done to re-tuckpoint
 10 the one side.

11 They've got multiple buildings in the
 12 district where they spend a fair amount of
 13 money trying to do maintenance and maintaining.
 14 We've gone through extra effort to do things
 15 that we think are positive attributes for the
 16 Historic District.

17 This particular facade, while it may not be
 18 something that you would normally want to see
 19 on the front of the building, I don't find it
 20 to be substantially any less than what was
 21 there before, and so I do think you should give
 22 consideration to approving this.

23 And I doubt seriously that we'll be able to
 24 put the summer porch back up. Once again, if
 25 you follow the guidelines, we're not supposed

1 to put something up if we really don't know
 2 what it was. We don't have any documentation
 3 as to what it was and it would be very
 4 difficult to do that at this point.

5 MS. STAHL: And what I was
 6 referring to before, I mean, it's the summer
 7 porch, it's the brick, it's the doorway, even
 8 the columns down below. And I apologize that I
 9 did not look further into this until we were
 10 discussing it right here, but I think you know
 11 that part of our due diligence here is to make
 12 sure that there aren't pieces that are not
 13 supposed to be covered up like that. You know,
 14 and it does open, you know, the bag of -- or
 15 the door for other people to kind of throw
 16 something up similar to this without us
 17 fleshing that out. So I think we need to go
 18 back and look at those pieces.

19 And again, I think -- I apologize that, you
 20 know, we didn't look to see the -- do our
 21 research on how -- what pieces were historic
 22 there in order to determine that right now, but
 23 I think we do need to do that.

24 So I would propose that we - I don't know
 25 what the right term is - table this and we look

1 up those -- you know, what pieces are historic
 2 here, what falls within our jurisdiction, to
 3 make sure that we do it right, so --

4 CHAIRWOMAN: I would like
 5 to make a comment.

6 One, I don't think the Board is being
 7 punitive.

8 Secondly, the reason for the process is for
 9 the Board to make comments, do its research,
 10 and make adjustments before the first step of
 11 construction or alteration is done. So have
 12 the Applicant come to us with a set of plans,
 13 you know, laying out what the Hardie® Board was
 14 to be used in this section, these are the
 15 gutters, the gutter colors, these are the panel
 16 doors which, you know, again, we haven't --
 17 other than you telling us what the color is, we
 18 have still not seen a picture of the doors.

19 You know, we had asked for a light. We
 20 would be having the discussion about the door
 21 on the second floor and the sleeping porch
 22 before the work is done where, you know, we
 23 probably would, you know, make the
 24 recommendation, if it was historical to the
 25 building, after we had done the research, that

1 that should have been kept, the Hardie® Board
 2 adjusted accordingly, the sleeping porch, you
 3 know, reinstalled to some nature.

4 I mean, that is -- the entire intent is not
 5 to ask for forgiveness after the fact, but
 6 present how things are going to be restored or
 7 renovated and allow the Board to evaluate
 8 accordingly.

9 And to Patty's point, you know, had we been
 10 presented some material in the proper process,
 11 we would have been able to fully evaluate.
 12 We're just being put in, to be quite frank, a
 13 very awkward situation of now having to deal
 14 with something that's up, money that's been
 15 spent and, you know, having to deal with this
 16 after the fact.

17 MS. STAHL: So let's
 18 get some -- let's move forward with this
 19 process and get the research and get the
 20 historical photographs of the original
 21 building. You know, I don't know if that porch
 22 was added on later on or if that was part of
 23 the original, but we need that information, and
 24 then we can. You know, go through the process,
 25 like you said, as if it hadn't gone up yet.

1 Let's just do the process and make sure we do
2 that.

3 Thank you.

4 CHAIRWOMAN: Now, according
5 to what the Code says, you know, the
6 Applicant --

7 MR. CERNY: Well, it's
8 unclear to me what you're asking us to do at
9 this point. Are you asking us to come up with
10 old photographs of the building on the back
11 facade, or is it something that the Board is
12 going to be doing? What's -- what are you
13 trying to have us do?

14 CHAIRWOMAN: Well, actually
15 it's the Applicant. According to the Code, it
16 says, "In order for an application to be
17 reviewed and approved, the Applicant shall
18 submit drawings, photographs, specifications,
19 and material samples, as required by the
20 procedure."

21 MR. CERNY: I understand
22 that, but you're asking now for us to come up
23 with some sort of documentation that shows what
24 that porch was in the past, which we don't have
25 that information.

1 CHAIRWOMAN: Well, it would
2 have been nice to --

3 MS. STAHL: So what you
4 have to do is, you know, you have to -- if you
5 want to take the porch down, you have to show
6 that it doesn't have significance, historical
7 significance, that you can take it down.

8 MR. DUTTON: And just to be
9 clear --

10 CHAIRWOMAN: I think what
11 Patty is saying is - if you go back one slide,
12 please, Andrew - this is even an after-the-fact
13 photograph (indicating). This is not a
14 photograph of what the situation was
15 (indicating).

16 MR. CERNY: Yeah, I
17 understand that.

18 CHAIRWOMAN: It should have
19 been brought to us for some type of evaluation.

20 And our assumption is you would have had
21 other photographs, you know, that would have,
22 you know, probably substantiated the shape that
23 it was in, and so I think we're requesting
24 additional information that should have been
25 submitted originally had the application come

1 forward.

2 MR. CERNY: And I'm saying
3 that information, those photographs don't
4 exist. So what are you asking us to do?

5 MS. TRAVES: Have you
6 had --

7 MR. CERNY: I don't have
8 any documentation. I can't show you what the
9 back of that building used to look like. I
10 don't know where that information would be.

11 So if you want me to come back with some
12 sort of documentation that says, "Look, this is
13 how it was, I can show you because of these
14 pictures that it wasn't historic or it is
15 historic or significant," that doesn't exist.
16 I don't know where to find that. That
17 doesn't -- that's not a document I can come up
18 with. If that's what you're relying on, we're
19 not going to be able to do it.

20 MS. TRAVES: Did Dan take
21 any pictures of it before they started the
22 demo?

23 MR. DUTTON: I'm not sure.
24 I don't believe so.

25 MR. CERNY: I suspect not.

1 MR. DUTTON: Yeah, I don't
2 believe so. I'm not positive on that, though.

3 And just to be clear, the removal of the
4 summer porch is not part of this application.
5 That was already administratively approved, but
6 obviously anything after that is certainly in
7 the purview of the Board.

8 MS. STAHL: And I don't
9 think -- it's not just the summer porch, it's
10 the whole back side, you know, the door, the
11 columns there.

12 MR. CERNY: Okay. So the
13 door still exists, just like the guidelines
14 asked for. When you actually do some sort of
15 alteration, there's a methodology to alter it
16 so that if somebody wants to go back at a later
17 date and remove that alteration, the original
18 materials are still there, the door still
19 exists in that position, it's just covered up
20 by the siding. That's a hundred percent
21 consistent with how the guidelines read.

22 Same thing with the columns. All of that
23 stuff is still there. The two doors aren't,
24 but the structure itself is still there. It's
25 just behind the facade that was placed up over

1 top of it, and that is consistent with what the
2 guidelines call for on those kinds of
3 situations. The guidelines do not mandate that
4 everybody has to restore their buildings.
5 That's not what the guidelines require, and I
6 don't think that's the position the Board
7 should be taking. Just because you have a
8 historic building, doesn't mean --

9 MS. STAHL: No, I don't
10 think that's -- that's not the position we're
11 taking. I personally own two historic
12 buildings on the Square, so I've been through
13 this process. So it's not replicating what's
14 there, it's just preserving the pieces that
15 make that building historic.

16 MR. CERNY: Okay.

17 MS. STAHL: So at this
18 point, I don't know what pieces of that back
19 side are considered that, and we -- to Beth's
20 point, you need to bring that information as
21 part of that application. So we're asking you
22 to bring that information about this building.
23 Find what you can about that.

24 MR. CERNY: That's where
25 I'm at a loss. I mean, that's as much

1 information as I have on how the back of the
2 building is (indicating).

3 MS. STAHL: Bill, do you
4 have resources? I mean, when I had to do that
5 for my building, I had to reach out to several
6 different people to find old photographs. What
7 about the State of Ohio -- I forget what it's
8 called.

9 MR. DUTTON: The OHI forms?
10 OHI forms? Is that what you're referring to?

11 MS. STAHL: I think so.
12 Or is it the archives for Ohio historic
13 buildings?

14 MR. DUTTON: There are
15 specific forms that are created. I'm not sure
16 if this building has one or not --

17 MS. STAHL: Okay.

18 MR. DUTTON: -- or if
19 there's an evaluation approved by the State.

20 CHAIRWOMAN: I would also
21 say --

22 I'm sorry. Go ahead, Bill.

23 MR. LAMB: I guess -- one
24 point I guess. Yeah, I'm pretty sure I have
25 pictures of the back of the building, you know,

1 because we painted the back and restored the
2 back, you know, when we owned the building.

3 Like I said, we used that porch, and when
4 we sold the building it had a door because we
5 stored things there. So actually I don't think
6 you're asking for anything that's -- that the
7 Applicant actually is not required to get.

8 You know, the real question is, did the
9 Applicant try to skirt the issue and do the
10 work that they wanted to do without coming to
11 the Board.

12 And secondly, the issue about the summer
13 porch, just as the porch, yes, it was
14 administratively approved to be taken down, but
15 that has absolutely nothing to do with the
16 question to you of whether it should be put
17 back, because that was part of the original
18 building. That was a summer porch. That was
19 an integral part of the building that was used,
20 and there are photographs of that and those
21 kinds of things are available. I have them,
22 the people I bought the building from have
23 them, and there was not urgency to tear that --
24 that was not an urgent thing to tear that down.
25 That wasn't imminently going to fall. That

1 back wasn't going to just come falling down
2 today. You could walk there -- I mean, people
3 go to dinner and people go to restaurants and
4 take pictures of their meals. It's not like
5 you had to go find a camera.

6 The fact that there was nothing brought to
7 you, not one single thing, you know, there's a
8 great effort here to deflect from the issue of
9 failing to follow the law.

10 And it's absurd to say that the Board's
11 being punitive. The Board could levy a fine.
12 They should be punitive. This is an idea of
13 how you can run through a stop sign and it's
14 okay. Well, that's not how things work here,
15 and that's the reason this Board was created,
16 to protect the District from just this kind of
17 behavior of, "I'm going to come in late, I did
18 this, it's not right, but you're going to
19 approve it anyway, and if you don't, you guys
20 are being punitive and you guys are being wrong
21 because I failed to do what I was supposed to
22 do."

23 And particularly, previous work in the
24 District has nothing to do with this issue.
25 You know, you could do wonderful work in the

1 Historic District, but if you behave like this,
2 it doesn't make it okay.

3 So yes, I have pictures of the back of the
4 building.

5 CHAIRWOMAN: I was also
6 going to ask the Applicant, I would assume when
7 you purchased the building, for appraisal
8 purposes, you know, to obtain a commercial
9 loan, that there might be pictures that you
10 have in that file when you purchased the
11 building.

12 MR. ROSE: There may be.
13 It was quite some time ago.

14 I think the question is when -- if that
15 porch was an original part of the building. It
16 may have been there when we purchased -- it
17 certainly was there when we purchased it.

18 I do want to address the issue for a moment
19 that we weren't intentionally attempting to
20 skirt any issues. We have several tenants and
21 occupants throughout the Historic District as
22 well as the remainder of the City. We take
23 incredibly seriously the life, safety, and
24 health of the buildings and the people that
25 occupy them and visit and patronize them. It

1 was brought to our attention that it was a
2 structural concern and so we immediately went
3 forward to take it down.

4 There was some weather consideration for
5 the remainder of the building, and we didn't
6 want a brick wall on the back of the building
7 that was going to collapse, and so we did want
8 to protect it. Shame on us for not coming
9 sooner. It was, also, the back of the
10 building, and so it wasn't top of mind. The
11 top of mind for us was to make the building
12 safe for the people that were coming in and out
13 of those rear doors.

14 CHAIRWOMAN: Did you secure
15 the brick?

16 MR. ROSE: Pardon me?

17 CHAIRWOMAN: Did you secure
18 the brick that you just alluded to that was in
19 danger of falling?

20 MR. ROSE: I'm not
21 suggesting that there was brick on this
22 building. There are other buildings that have
23 been in this district that because they weren't
24 appropriately maintained, or for whatever
25 reason, had collapsed, and we certainly didn't

1 want a similar issue. So we didn't want any --
2 we wanted to protect -- get it enclosed for the
3 pending weather. That was our immediate
4 concern.

5 As Tony mentioned, we did actually address
6 quite a bit of brick on the south side of the
7 building that was a major concern as well.

8 MS. STAHL: So I think we
9 should move forward and go through the proper
10 steps, like we said.

11 As an Applicant, you're supposed to present
12 pictures. I think the Board -- I think we
13 should also do some research to see if we can
14 find historical -- I don't know if there's a
15 drawing of the building or anything that we can
16 find on our end so that we can work together on
17 this to make sure we're doing the right thing
18 here. So I think that would be a good approach
19 at this point.

20 MS. TRAVES: Andrew, can
21 you check with Dan Gladish and see if he has
22 pictures?

23 MR. DUTTON: I'll certainly
24 check with Dan.

25 Were there any other items the Board wanted

1 to see, the door, or anything like that?

2 CHAIRWOMAN: Well, I think
3 a complete application, you know, the
4 photographs, there should be a drawing. I
5 mean, we've required other applicants, for the
6 work that they were doing, to present drawings
7 of what the finished product would look like.
8 We have yet to see that, you know, where that
9 drawing delineates. For example, what color
10 are the gutters that haven't been installed
11 yet? What do the six-panel doors look like?
12 That type of thing. So, you know, we would
13 like to see a complete application as it should
14 have been submitted initially.

15 Do we have a motion?

16 MS. TRAVES: So yeah. Do
17 you want to -- do you just want to table this
18 for the time being then?

19 CHAIRWOMAN: Yes.

20 MS. TRAVES: I make a
21 motion to table it.

22 MS. STAHL: I second the
23 motion.

24 MS. TOME: Biggins-Ramer?

25 CHAIRWOMAN: Yes.

1 MS. TOME: Knaggs?
 2 MS. KNAGGS: Yes.
 3 MS. TOME: Stahl?
 4 MS. STAHL: Yes.
 5 MS. TOME: Traves?
 6 MS. TRAVES: Yes.
 7 MR. CERNY: Thank you.
 8 MR. DUTTON: Can we just --
 9 Tony, can you help Sarah get a picture of the
 10 material that you submitted so we have that?
 11 MR. CERNY: Can I what?
 12 MR. DUTTON: Help Sarah get
 13 a picture of the materials.
 14 MR. CERNY: You can keep
 15 those. I don't need them.
 16 MR. DUTTON: Great.
 17 (Hearing adjourned.)
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 24
 25

1 STATE OF OHIO)
 2 COUNTY OF MEDINA.) ss:
 3 CERTIFICATE
 4 I, Nicholas Glatzhofer, Notary Public within
 5 and for the State of Ohio, duly commissioned and
 6 qualified, hereby certify that before the giving of
 7 their testimony, all witnesses were first duly sworn
 8 to testify to the truth, the whole truth, and nothing
 9 but the truth in the case aforesaid and that the
 10 testimony was taken by me by means of stenotype in the
 11 presence of said witnesses.
 12 I further certify that said hearing was held at
 13 the time and place specified in the above caption and
 14 was concluded on the 10th day of February, 2022.
 15 Further, I certify that I am not a relative,
 16 counsel, or attorney at law for any party to this
 17 suit, nor am I interested in the event of same.
 18 IN WITNESS WHEREOF, I have hereunto set my hand
 19 and affixed my seal of office at Medina, Ohio this
 20 25th day of April 2022.
 21
 22 _____
 23 Nicholas Glatzhofer,
 24 Notary Public within and for
 25 the State of Ohio.
 My commission expires 10/24/23