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CITY OF MEDINA HISTORIC PRESERVATION BOARD

5

SPECIAL MEETING

6

CASE H20-06

7

133 NORTH COURT STREET

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Transcript of Proceedings held on Thursday,

12

the 10th day of November, 2021, before the

13

City of Medina Historic Preservation Board,

14

commencing at approximately 7:30 p.m., as taken by

15

Makenzie J. Sabo, RPR, Notary Public within and for

16

the State of Ohio, and held in Medina City Hall,

17

132 North Elmwood Avenue, Medina, Ohio 44256.

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23 NOTE: Exhibits B and C were premarked by
 24 Attorney Huber and retained by the Board
 25 at the conclusion of the hearing.

1 APPEARANCES:

2 Leslie Traves, Chairwoman,
3 Elizabeth Biggens-Ramer, Member,
4 Rebekah Knaggs, Member,
5 Paul Wood, Member.

6 City of Medina Planning and Community
7 Development Department,
8 Andrew Dutton, Community Development Director.

9 Gregory A. Huber, City of Medina Law Director,
10 on behalf of the City of Medina.

11 Walter Haverfield, Attorneys at Law,
12 by R. Todd Hunt, Esq.
13 on behalf of the City of Medina Historic
14 Preservation Board.

15 Witschey, Witschey & Firestine Co., LPA,
16 by Frank J. Witschey, Esq.
17 on behalf of the Applicant.

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PROCEEDINGS

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CHAIRWOMAN: Good evening, everyone. We have a special session this evening for Case Number H20-06 for 133 North Court Street, the demolition application.

I move for the Board to go into executive session to obtain legal advice from our attorney assigned to the Board regarding hearing procedural matters.

Do I have a second?

MS. BIGGENS-RAMER: I'll second.

MR. DUTTON: Biggens-Ramer?

MS. BIGGENS-RAMER: Yes.

MR. DUTTON: Knaggs?

MS. KNAGGS: Yes.

MR. DUTTON: Traves?

CHAIRWOMAN: Yes.

MR. DUTTON: Wood?

MR. WOOD: Yes.

(Whereupon, at 7:33 p.m., the Board and Attorney Hunt entered executive session until 7:50 p.m., at which time the further following proceedings were had and placed upon the record.)

1 CHAIRWOMAN: Okay. Good
2 evening. We'd like to resume the meeting of
3 the Historic Preservation Board for
4 Case H20-06, 133 North Court. I'm going to
5 read the demolition guidelines for the
6 Historic Preservation Board.

7 "With respect to demolition, it is in the
8 interest of the Board that landmark buildings,
9 buildings with historic -- within the
10 Historic District be preserved and renovated
11 for economically productive uses. The Board
12 encourages the saving and adaptive reuse of
13 buildings significant to the character of the
14 Historic District and the history of the city.
15 Consistent with this intent, the Board also
16 realizes that the Historic District is not a
17 static environment, but an ever-changing and
18 developing entity. Applications for demolition
19 shall be reviewed based on the overall impact
20 the demolition will have on adjacent historic
21 landmarks, historic districts, and the
22 community. In reviewing an application,
23 the Board will also consider the impact of
24 the proposed use of the site on the
25 Historic District. Demolition of existing

1 buildings which are not a significant loss to
2 the Historic District to allow for the
3 construction of new development which enhances
4 the Historic District may be acceptable."

5 MR. HUNT: Just to introduce
6 myself, my name is Todd Hunt. I am an attorney
7 who's been engaged by the City to advise the
8 Board this evening in this case. I was also
9 engaged to advise the Board of Zoning Appeals
10 on an appeal of this case quite some time ago
11 where it was remanded back to the Historic
12 Preservation Board, and I'd just like to say
13 that obviously what had just been read by the
14 Chair is the important standards for this case.
15 So that everybody knows that, that is the
16 demolition criteria that they will judge this
17 case upon.

18 And there was a resolution that came out of
19 the Board of Zoning Appeals on this case back
20 in early 2021, earlier this year, and there
21 were three things that the Board of Zoning
22 Appeals asked that this Board look at and make
23 written findings on, one of which is
24 specifically whether the subject property has
25 some historic significance to the City of

1 Medina, and that was meant to comport with the
2 language that was just written with respect to
3 the code provision of 145.07 of the codified
4 ordinances.

5 The second thing was whether the reasonable
6 estimated minimum cost to repair the existing
7 structure to a safe and useable condition
8 within the C-2 zoning code permitted uses
9 outweighs the fair market value of the
10 property.

11 And the third thing is whether there's an
12 economically viable use of the property without
13 regard to the future use of the property, and
14 there was a word left out here, if demolition
15 is not approved.

16 So all of that, I believe, fits within
17 145.07 of the codified ordinances, and the
18 board's mission tonight is that, of course,
19 there's a balancing in these criteria between
20 the property rights of the owner and the
21 significant interest the City has in preserving
22 and enhancing its Historic District.

23 So with that said --

24 CHAIRWOMAN: So we would like
25 to ask the Applicant and anyone else that would

1 be speaking to the Board to stand up for an
2 oath of truthfulness to all witnesses for the
3 court reporter.

4 (Whereupon, Andrew Dutton and all
5 members in attendance were then placed under
6 oath by the Notary.)

7 MR. HUNT: It would also be
8 important, when you're up to testify, to give
9 your full name and address for the court
10 reporter.

11 CHAIRWOMAN: So at this time,
12 we would ask the Applicant to please present
13 his case.

14 MR. WITSCHHEY: Thank you. My
15 name is Frank Witschey, and I'm an attorney in
16 Akron, Ohio, and I represent Twin Pines, which
17 is a limited liability company that is the
18 owner of the property and an Applicant along
19 with Loren Raymond -- Dr. Loren Raymond, who is
20 the owner of Twin Pines.

21 And what I thought -- I have some -- we
22 have some witnesses that we would like to
23 present this evening, and I would just kind of
24 briefly go through what it is we're going to
25 present and kind of outline some important

1 points that we would like for you to listen
2 to -- or listen for in the testimony.

3 So the first witness that we will call --
4 you should have had a report that was written
5 by him. There's already a report, I believe,
6 in the record from previous hearings, but
7 Mr. Ian Jones from MPG has updated -- provided
8 an updated report, and in that he will talk
9 about that first resolution that came from the
10 Board of Zoning Appeals, and that was whether
11 there was some historic significance to the
12 property.

13 And the one thing that I wanted to do at
14 the outset, and Mr. Hunt alluded to, that it is
15 this demolition section that we're to look at,
16 but that particular language, "some historic
17 significance," the word "some" I don't see in
18 the statute, and I think the important language
19 that would really help, and that we want to
20 hone in on, is in this last sentence where
21 it says, "Demolition of existing buildings
22 which are not a significant loss to the
23 Historic District to allow for the
24 construction of new development which enhances
25 the Historic District may be acceptable."

1 So we will have -- Mr. Jones will testify
2 about whether the demolition of this building
3 would be any kind of a significant loss to the
4 Historic District that the property is in or is
5 adjacent to.

6 We will also hear testimony this evening
7 from Dan Kendel. Dan Kendel reviewed the
8 building, inspected the building. He is a
9 construction contractor and he has provided an
10 estimate. He did so at previous hearings and
11 has some updated information that we'll
12 present.

13 And then finally Michael Marquard will
14 testify, and those -- his testimony as well as
15 Mr. Kendel's testimony will concentrate on the
16 dollar cost to get this property -- if it is to
17 be usable in its present state, what would need
18 to be done from a construction standpoint, from
19 a cost standpoint to get it up and functional
20 to be able to be used, and is it worth -- is
21 there economic viability to this property if
22 it's not demolished.

23 And so with that, I'll ask Ian to go ahead
24 and give his presentation, and then I might
25 have some questions for him as follow-up as

1 well as anyone else that might want to ask him
2 questions.

3 Ian? Thank you.

4 MR. HUBER: Frank, before we
5 get started, would it be possible to put into
6 the record who the owner is, when the property
7 was purchased, and what the purchase price was.

8 MR. WITSCHHEY: Yeah. And I
9 think -- as I recall, I believe that there was
10 evidence presented. I believe it was two
11 hundred and fifteen thousand dollars on the
12 purchase price.

13 MR. HUBER: Two hundred and
14 fifty?

15 MR. WITSCHHEY: Fifteen.

16 MR. HUBER: Two hundred and
17 fifteen?

18 MR. WITSCHHEY: Yes.

19 MR. HUBER: And Dr. Raymond
20 is the landowner. Is that correct?

21 MR. WITSCHHEY: Right now, the
22 property -- and I'm not sure whether when he
23 acquired the property, it was acquired in his
24 individual name, but I know that he eventually
25 transferred it into Twin Pines. So it was

1 either acquired initially by Twin Pines or was
2 later transferred to Twin Pines.

3 MR. HUBER: And when was
4 that?

5 MR. WITSCHHEY: 2017.

6 MR. HUBER: And I apologize
7 for interrupting you.

8 MR. WITSCHHEY: No problem.

9 MR. JONES: Hi, my name is
10 Ian Jones. I am from Mann Parsons Gray
11 Architects. Our address is 3660 Embassy
12 Parkway in Fairlawn.

13 So in regards to Item A for the written
14 findings, I thought, you know, it would make
15 sense to try to look at this building in an
16 objective manner on determining its historical
17 significance, so the place that that led me to
18 was the National Register of Historic Places
19 which has criterion for how to establish
20 whether something has significance or not, and
21 there's a few criterion that I thought, you
22 know, most fit this property and that were
23 discussed to a point in previous meetings.

24 The first criterion was person and whether
25 there's somebody historically relevant to the

1 city or, you know, had some type of career or
2 life that was kind of valuable to the history
3 of the city, and what was discussed in previous
4 meetings was someone named Abner Bishop.

5 Now, the National Register has a few, you
6 know, qualitative points that it uses to
7 establish whether that significance is true or
8 whether, you know, this is kind of a tertiary
9 property to that person's life, and so the
10 length of association is an important factor,
11 so how long that important person lived at the
12 building or worked at the building, properties
13 that illustrate that person's important
14 achievements or properties that were, you know,
15 maybe their home during that productive life,
16 and what we learned was Abner Bishop built this
17 building five years prior to his death, so the
18 building was built in 1909, and he died in
19 1914.

20 And 1909 is an estimate, so I don't have a
21 confirmed date of 1909, but that's, I think,
22 what the Board previously established so, you
23 know, that length of association is very
24 narrow.

25 His historical significance to the city was

1 that he was a carriage builder that rose to
2 prominence in the 1870s, had some patents under
3 his name, and displayed his carriages at the
4 Chicago World Fair. That productive period of
5 his life predates his time in this home which
6 was -- you know, kind of seems, as far as his
7 life was concerned, kind of almost like a
8 retirement period of his life, a period where
9 he was no longer active in carriage building.

10 And lastly, you know, it wasn't the
11 property where he built the carriages. That
12 was a church that he converted to build his
13 carriages.

14 So in those three regards, you know, no
15 significance in terms of how it's rated
16 objectively by the National Register is
17 established for this building in that regard.

18 Likewise, there's a separate criterion
19 about the design and construction of the home
20 and whether that in itself has significance,
21 and the period that this home was built was a
22 period when the late Victorian style was waning
23 in popularity while the Craftsman style was
24 beginning to gain popularity, and this home was
25 built in a time where it doesn't really embody,

1 you know, the signature features of either of
2 those typologies, so it doesn't have the ornate
3 details of a Victorian or the asymmetrical kind
4 of corner turret or, you know, some of those
5 signature features that even other homes in
6 Medina have.

7 And it doesn't have the kind of signature
8 Craftsman elements that are -- you know, to a
9 point, they're often in smaller scale or
10 they're kind of -- they are more symmetrical,
11 and some of these features, you know, just
12 aren't present in this home.

13 And secondly, this home was also built in a
14 period where railroad -- that came to Medina, I
15 think, in the 1870s. It brought building
16 components that were pre-manufactured from
17 other places. So this isn't really a home that
18 was built by a Craftsman per se, but most
19 likely a home that was built from components
20 that were brought in from somewhere else and
21 assembled, more like homes today almost.

22 So those two criteria really are an
23 objective way to establish significance in
24 evaluating the building, and that way really
25 didn't return those results as far as

1 establishing significance for the
2 National Register.

3 Even if it was to establish significance,
4 the next question that the National Register
5 would ask is, does the building have integrity?
6 So does the building kind of display that
7 significance that it once had still to this
8 day? And I think -- you know, we all know the
9 building doesn't look quite like it did when it
10 was originally built as far as the type of
11 siding, the size of the windows which have been
12 changed, the addition to the porch, kind of
13 closing in the porch, and masking what details
14 might remain. So in terms of integrity, even
15 if it were to meet the criteria for
16 significance, that integrity is also missing.
17 And so that was one method to kind of determine
18 if this established significance.

19 A second thing that we looked into was
20 the actual original establishment of the
21 Historic District for the Medina Square, and so
22 that was submitted to the National Register in
23 1975, and when it was created, a boundary had
24 to be established for the assemblage of
25 architecture that kind of embodied the

1 significant characteristics of the Square in
2 that kind of 1870 to 1900 period. This
3 building and property was left out of that
4 boundary, and the report notes specifically
5 that the architecture outside of that boundary
6 changes erratically and immediately.

7 Now, that would be language that applies to
8 kind of every building outside of that
9 boundary, but I think, you know, when we
10 consider whether or not this building was
11 significant to them at that time, I think, you
12 know, the conclusion would have been -- would
13 be no. And I would think if it was kind of
14 integral to the Square and that assemblage of
15 architecture, it would have been included in
16 that boundary.

17 Otherwise, you know, I've also reviewed the
18 report that the architect commissioned by the
19 City - Kevin Robinette - drafted and shared
20 with the City and, I think, you know, some
21 excerpts of that are important and kind of
22 establish similar thoughts that we had in that
23 it is a residential structure within an area
24 that has evolved into a commercial district
25 with multilevel storefronts and, also, that as

1 a standalone structure, its historic
2 significance is very limited.

3 So, you know, we thought some of that
4 report kind of affirmed what we considered to
5 be the case, and then, you know, looking at the
6 National Register from 1975 and looking at the
7 kind of criterion it must meet today, we've
8 come to the conclusion that this is not
9 significant and not a significant loss to the
10 City of Medina and not significant to the
11 history of the town.

12 MR. WITSCHHEY: If I could ask a
13 follow-up.

14 Mr. Jones, did you review the cost
15 estimates that Mr. Robinette provided and
16 Mr. Dan Kendel?

17 MR. JONES: Yes.

18 MR. WITSCHHEY: For that type of
19 construction that would be needed to bring the
20 property up to code, would there typically need
21 to be costs that would be expended for
22 engineering or architecture before construction
23 like that could occur?

24 MR. JONES: Yeah. We would,
25 you know, be engaged -- or an architect would

1 be engaged to, you know, design the
2 accessibility requirements to meet the building
3 code today, or at least meet Chapter 34 of the
4 Ohio Building Code to bring an existing
5 building up to some semblance of the code.

6 MR. WITSCHHEY: What would be an
7 estimate of engineering or architectural costs
8 to do a project to get the property up to code
9 and functioning?

10 MR. JONES: I would say the
11 fees would be around six to eight percent of
12 the construction costs. So I know the
13 construction cost was just under three hundred
14 thousand, so doing some quick math, that would
15 be, I don't know, twenty-five thousand or so.

16 MR. WITSCHHEY: Okay. And I want
17 to read this pertinent section and then ask a
18 question about this. Where it says in the
19 code, "Demolition of existing buildings
20 which are not a significant loss to the
21 Historic District to allow for the
22 construction of new development which
23 enhances the Historic District may be
24 acceptable," have you done any work regarding
25 what kind of proposal Dr. Raymond and

1 Twin Pines might have for this particular
2 project?

3 MR. JONES: Yes. So I've
4 created kind of an idea of what that would be.

5 And so this was an image that was created
6 to give an idea of what we would want to -- at
7 least kind of what could be put in place at
8 this building. You know, I think there's a
9 certain level of icing or decorative materials
10 that could always be adjusted, but they would
11 always have to fall in the spirit of the
12 Medina City design guidelines.

13 But the idea would be to be a mixed-use,
14 multistory, you know, two-story kind of
15 commercial zero-setback building with a retail
16 or service business kind of bottom use with a
17 residential multifamily use above on the second
18 floor. So similar to what Dr. Raymond has done
19 at the parcel next door but, you know,
20 obviously this property is a lot smaller, so
21 that kind of envelope would be reduced, but it
22 would utilize the property lines as much as
23 possible to give it that -- the zero setback
24 kind of characteristic that is throughout the
25 rest of the commercial district in the City.

1 MR. WITSCHHEY: And with that,
2 we'll open up questioning that anyone might
3 have.

4 CHAIRWOMAN: Can I ask the
5 City's lawyer to ask questions that you might
6 have at this time.

7 MR. HUBER: I don't have any
8 questions.

9 CHAIRWOMAN: Okay. I have a
10 question. So the presentation that you have
11 before the Board here of the drawings of the
12 proposed potential new structure, so on the
13 Auditor's website, you refer to the subject
14 property as 028-19A-21-072 as the parcel number
15 for Twin Pines, the owner's property at
16 133 North Court Street. So you're suggesting
17 that that drawing there will fit on that
18 parcel?

19 MR. JONES: That is correct.
20 So that drawing -- those same exterior walls in
21 that drawing are also in those representations.

22 CHAIRWOMAN: Okay.

23 MR. HUNT: Just for the
24 Board's information then, this proposed
25 building, will it meet the zoning setbacks for

1 that zoning district?

2 MR. JONES: Yes. This
3 district has a zero setback.

4 MR. HUNT: Not just front,
5 but I'm talking about side.

6 CHAIRWOMAN: Side and back.

7 MR. JONES: Oh, got you.

8 Yes. I know of no setback requirements in
9 the Historic District, so I believe a zero
10 setback is applicable on all sides of the
11 property.

12 CHAIRWOMAN: Can anybody with
13 the City confirm that, either law or Andrew?

14 MR. DUTTON: Andrew Dutton;
15 1035 Brookpoint Drive, Medina.

16 If you give me a minute, I can look that
17 up. I don't know that offhand.

18 CHAIRWOMAN: Does the Board
19 have any questions they'd like to submit to the
20 Applicant at this time?

21 (No verbal response.)

22 MR. HUNT: And, again, this
23 is for clarification for the Board. I did the
24 actual math of the professional costs that were
25 testified to with respect to engineering and

1 architectural, and it's not really twenty-five
2 thousand. Six percent would be about --
3 because the cost that I saw was two hundred and
4 eighty-eight thousand, I believe
5 Mr. Robinette's report. Six percent would be
6 \$17,280; and at eight percent, it would be
7 \$23,040. So it doesn't quite meet twenty-five
8 thousand.

9 MR. JONES: Thank you. Sorry
10 about that.

11 MR. HUNT: That's fine.

12 MR. DUTTON: If I could
13 respond to the setback question. That is
14 correct, it would be a zero setback on all
15 sides as it's not adjacent to any residential
16 district.

17 CHAIRWOMAN: Does the subject
18 property have to have a certain amount of
19 parking associated with it?

20 MR. DUTTON: It is in our
21 parking-exempt district, so it would not need
22 to provide any on-site parking.

23 CHAIRWOMAN: Okay. Do we have
24 any other statements to be made from the
25 Applicant's attorney or any other questions

1 from our Board?

2 (No verbal response.)

3 CHAIRWOMAN: No?

4 MR. WITSCHHEY: So we do have
5 more statements from the Applicant, yes.

6 CHAIRWOMAN: Okay.

7 MR. WITSCHHEY: So I assume
8 Mr. Jones is done. If we could have Dan Kendel
9 please come up.

10 So, Mr. Kendel, if you can just kind of
11 give us a little bit of an introduction of
12 yourself, what it is you do, and your history
13 with the property.

14 MR. KENDEL: My name is
15 Dan Kendel, 799 Fowler Avenue, Akron, Ohio,
16 and I work for Dr. Raymond. I was the
17 construction manager on the Raymond Building at
18 139 North Court, and I prepared this estimate
19 in September of '20 of \$287,400 to bring the
20 133 North Court up to code standards, and since
21 that time, due to rising construction costs,
22 it's probably about twenty percent higher now
23 to do the same amount of work as it was a year
24 ago -- a year ago plus.

25 MR. WITSCHHEY: Have you done any

1 work on the property to, you know, attempt to
2 preserve at least the condition that it was in
3 when Twin Pines acquired it?

4 MR. KENDEL: Yes. We've
5 maintained the property, mowing and mulching
6 and maintaining the mechanicals of the
7 building. We were going to redo the back
8 portion of the building last year about
9 this time, and we were advised by then
10 Jonathan Mendel that we could not do anything
11 to the building because of the ongoing
12 litigation of the project.

13 MR. WITSCHHEY: Was there any
14 time before being stopped by Mr. Mendel that
15 you made any repairs or did anything to the
16 premises to keep it dry or anything of that
17 nature?

18 MR. KENDEL: Yes. We had a
19 couple leaks in the older windows which were
20 repaired and a repair to the roof -- the front
21 Court Street side, the bow of the lower roof
22 was leaking also, so we repaired that, but we
23 kept everything -- you know, we maintained it.

24 MR. WITSCHHEY: Okay. Your
25 estimate about a year ago was at two hundred

1 and eighty-seven thousand dollars, and you
2 mentioned that there would be inflation or
3 increases of about twenty percent, so the
4 project would be now over three hundred
5 thousand dollars?

6 MR. KENDEL: Yes.

7 MR. WITSCHHEY: As a construction
8 expert, as somebody who -- well, first of all,
9 how long have you been involved in this kind of
10 construction?

11 MR. KENDEL: Thirty years.

12 MR. WITSCHHEY: With your
13 education and experience involving
14 construction, would you have an opinion on
15 whether it would be worth putting three hundred
16 thousand dollars into this building?

17 MR. JONES: No. That would
18 be -- no. That would bring the building up to
19 code.

20 MR. WITSCHHEY: Okay.

21 MR. KENDEL: And then you have
22 your tenant build-outs, which depends on
23 whether it's commercial or residential or a
24 mixed use, and then you have to add your
25 additional costs on to that, and that would not

1 be feasible, not economically feasible at all.

2 MR. WITSCHHEY: All right. Would
3 there be any risks from the standpoint of
4 doing -- putting this kind of money into a
5 building that sits on that -- the foundation of
6 this over one-hundred-year-old building?

7 MR. KENDEL: No. I would be
8 very hesitant to do so without that structural
9 engineering and testing.

10 MR. WITSCHHEY: And that would be
11 additional costs?

12 MR. KENDEL: Yes.

13 MR. WITSCHHEY: With that, my
14 examination is concluded, so if anyone has
15 questions, they're welcome to ask Mr. Kendel.

16 CHAIRWOMAN: Does anybody on
17 the Board have any questions -- oh, sorry. Go
18 ahead.

19 MR. HUBER: Mr. Kendel, did
20 you have an opportunity to look at the report
21 prepared by Mr. Marquard who's a REALTOR?

22 MR. KENDEL: No, I did not.

23 MR. HUBER: Well, he's going
24 to testify to his report, but just assume that
25 his estimate is that the property could be

1 rented at eight to ten dollars per square foot
2 and that the square footage of rental value
3 there is about thirteen to fourteen hundred
4 square foot and that roughly translates to rent
5 about a thousand dollars a month. Would that
6 seem to line up with your own experience in
7 terms of what your expectation would be?

8 MR. KENDEL: Yes. He's the
9 expert in, you know, rental costs in the area
10 and he's very well-respected, and I agree with
11 him that that's, you know, probably about what
12 you can get out of it.

13 MR. HUBER: So that's roughly
14 fourteen thousand a year that you could hope to
15 earn in rental value if you rented that out?

16 MR. KENDEL: Yes.

17 MR. HUBER: And that's what
18 the building was prior to Dr. Raymond buying
19 it, right?

20 MR. KENDEL: Yes. It was
21 sparsely rented out, different offices, and the
22 first and second floor, it was -- it was just
23 kind of shoddily run. We weren't quite sure,
24 you know, what we were getting into when we got
25 the building as far as tenants and --

1 MR. HUBER: So if you bought
2 the building for two hundred and fifteen
3 thousand dollars and put three hundred thousand
4 more into it, I guess the reasonable
5 expectation would be that you would be earning
6 back roughly fourteen, fifteen thousand dollars
7 a year. There's a second floor to this
8 property, correct?

9 MR. KENDEL: Yes. Yes, sir.

10 MR. HUBER: So your
11 expectation in terms of the economic aspect
12 would be to put this money in and then hope to
13 get that money back through the rental of the
14 property, correct?

15 MR. KENDEL: Yes, sir.

16 MR. HUBER: You would agree
17 with me that that is -- assuming that's what
18 you wanted to do, that is an economically
19 viable use, correct?

20 MR. KENDEL: Well, that's --
21 you know, you would have an additional cost,
22 and if it's residential, you know, you've got
23 your kitchen and utilities and appliances and
24 any type of a tenant build-out would be at an
25 additional cost added to that, so you would

1 have that also. So, you know, you're looking
2 at over and above what bringing it up to code
3 is. That would be, you know, at today's
4 cost, and probably plus an additional fifty
5 thousand onto this cost, and then you add in
6 your cost of tenant build-outs, basically is
7 what it would be.

8 MR. HUBER: So I don't really
9 understand what you just talked about because
10 you're kind of hard to hear and --

11 CHAIRWOMAN: Is your mic on,
12 sir?

13 MR. KENDEL: Yeah.

14 CHAIRWOMAN: Do you have a
15 green light lit?

16 MR. KENDEL: Yes.

17 MR. HUNT: Could you move
18 closer?

19 MR. KENDEL: Better?

20 CHAIRWOMAN: Yes.

21 MR. HUBER: So what -- are
22 you now, in response to my questions, adding
23 thousands of dollars to this project --

24 MR. KENDEL: No, no.

25 MR. HUBER: -- that we hadn't

1 talked about prior to your testimony? What are
2 you doing?

3 MR. KENDEL: No. We're -- the
4 original estimate was to bring the building to
5 code to the requirements of the building codes
6 of the City of Medina. That's it.

7 Now, when you do a tenant build-out, that's
8 over and above.

9 MR. HUBER: What do you mean
10 "a tenant build-out"?

11 MR. KENDEL: Well, whoever
12 would rent the space, you know, they would have
13 requirements as to what they want within the
14 building for what their use is, and if it was
15 residential, you know, then you're -- you have
16 to build -- treat it as a residential
17 build-out, which adds to the cost.

18 MR. HUBER: Well, I mean, I
19 was in this building. There's spaces for
20 offices. It doesn't appear that -- if you
21 brought it up to code and made it in accordance
22 with what you as a builder would do, how do you
23 know that you're going to have a tenant
24 build-out? Because most people want offices
25 and want a place to put their coffeepot and

1 want a place to put their printer. I don't
2 know what you're trying to say then. Because
3 it's been used as office space previously just
4 the way it is.

5 MR. KENDEL: Hm-hm.

6 MR. HUBER: You fix it to
7 code. Why wouldn't it be rented just the way
8 it is? It could be, couldn't it?

9 MR. KENDEL: Well, he was
10 renting office spaces that I believe -- I don't
11 know if Mike knows this or not, but they were
12 approximately like three hundred dollars a
13 month, so you're not going to gain anything
14 back.

15 MR. HUBER: We already
16 established through what Mr. Marquard -- who
17 hasn't testified yet. We're a little out of
18 order here, but we're looking at -- roughly
19 fourteen, fifteen thousand a year would be a
20 reasonable expectation, right?

21 MR. KENDEL: Yes.

22 MR. HUBER: And we could get
23 that without a whole lot of money in tenant
24 build-out. Wouldn't you agree?

25 MR. KENDEL: It just depends

1 on who is in there, if it's residential or
2 commercial or --

3 MR. HUBER: Well, if you're
4 going to bring it up to code, then what money
5 are you talking about with respect to tenant
6 build-out over and above the three hundred
7 thousand you already testified to?

8 MR. KENDEL: If you have to
9 install any kitchen appliances, if it's
10 residential, you know, new bathrooms.

11 MR. HUBER: Well, we know
12 it's not residential. This is commercial.

13 MR. KENDEL: Well, right, yes.

14 MR. HUBER: Okay.

15 MR. KENDEL: It just depends
16 on what -- you know.

17 MR. HUBER: So you really
18 don't know whether there's going to be any
19 money on a tenant build-out, right?

20 MR. KENDEL: Well --

21 MR. HUBER: And you don't
22 know what that amount might be?

23 MR. KENDEL: No, I don't know
24 what the amount might be, but there will be an
25 additional cost onto that, that I do know.

1 MR. HUBER: So your testimony
2 is that to fix this building up, you're looking
3 at three hundred thousand plus some uncertain
4 additional expense; the expectation, on the
5 other end, is that you'd be able to lease
6 this -- or reasonably rent the space for
7 fourteen, fifteen thousand dollars a year.
8 That's the summary?

9 MR. KENDEL: Yes.

10 MR. HUBER: Okay. Thank you.

11 CHAIRWOMAN: Could we have the
12 real estate agent go ahead and give his
13 testimony.

14 MR. MARQUARD: Hi.

15 CHAIRWOMAN: Hi. You need a
16 microphone.

17 MR. MARQUARD: You ready?

18 MR. WITSCHHEY: Yes.

19 MR. MARQUARD: Can everyone hear
20 me?

21 CHAIRWOMAN: Yes.

22 MR. MARQUARD: My name is
23 Michael Marquard. I've been a real estate
24 broker for forty years. I own a company called
25 M.C. Real Estate.

1 I am the property manager of Twin Pines. I
2 was asked to manage this building when
3 Dr. Raymond of Twin Pines bought it. I can
4 give you the lowdown of what I did when we went
5 in there from the beginning, the type of
6 tenants that were there, what it was leased
7 for, whether there was any leasehold
8 improvements or not, so I guess I'll back up to
9 answer some of the questions that were coming
10 up so that I can give you the lowdown.

11 When Dr. Raymond bought the building, I
12 wasn't involved in the purchase of it. He
13 bought it directly from an owner that was
14 there. He asked me to manage the building. I
15 went in, met the tenants. There was an
16 attorney there, it was a psychologist, and a
17 gentleman who owned Dan's Dogs that was on the
18 third floor. The building was pretty much
19 trashed on the top two levels. Will maintained
20 the top level very well because he had a nice
21 library up there, who I happen to know. I know
22 all these people.

23 CHAIRWOMAN: Can I just
24 interrupt you?

25 MR. MARQUARD: You can interrupt

1 me all you want.

2 CHAIRWOMAN: Could you tell us
3 what year that was?

4 MR. MARQUARD: 2017 or '18. I
5 don't know for sure. It was right after he
6 bought the building. About six months in he
7 realized that he needed a property manager to
8 take over, so I went in.

9 The first thing I did is I asked the third
10 floor tenant to leave because it was a wreck,
11 it wasn't inhabitable to be up there, and he
12 did so, and he did leave.

13 The second floor tenant - Will - who
14 happens to be my next-door neighbor, said he
15 wanted to leave anyway, so he was going to
16 leave, too.

17 The gal on the first floor, I tried to
18 satisfy and keep her there because the first
19 floor is what is rentable in this building.
20 It's nonfunctional, but it's rentable to rent a
21 section of it, if you have the entryway it's
22 in. There's more square footage than the
23 fourteen hundred square feet. There's about
24 sixteen hundred and eight square feet without
25 bathrooms and without entry. The problem with

1 the building being not functional is you have a
2 staircase at the back of the building of a
3 house and you can't divide things up properly
4 to make it in today's world and you have to
5 have baths, handicap-accessible baths, and
6 different things.

7 Leasehold improvements are something -- as
8 an example, on the Raymond Building, when I
9 leased Firestorm Gear, Heart and Soul their
10 property, even though the building was built
11 out, there were particular leasehold
12 improvements that were made, and in that
13 building, each tenant had about fifty to eighty
14 thousand dollars of leasehold improvements up
15 above.

16 I own a building, 403 East Washington
17 Street, where my office is. It was built in
18 1900. It's in the historic society. I'm very
19 proud of it. It's on the corner.

20 I own a building, 129 Broadway. We manage
21 about two hundred and fifty properties, my
22 property management company.

23 The reason why I bring that up is, certain
24 buildings are functional, certain buildings are
25 not. This building is not functional to make

1 it worthwhile for the dollars you have to put
2 in to get a return on your investment. It's
3 always a shame, but it's the way it is.

4 I laid in the back of the building on the
5 casket elevator. It was as dangerous as can
6 be. You know, it was there. There were things
7 there that just should not have been there.
8 They were safety issues.

9 I think when you open up a building, you
10 open up more than just three hundred thousand.
11 You open up more to it than that once you get
12 those walls open. You're going to find a lot
13 more than what's there. I found in both of the
14 buildings that I have and both of the buildings
15 I have in Wadsworth the same thing.

16 I think the building is nonfunctional. I
17 checked with a colleague; my colleague said
18 nonfunctional. The last time this building was
19 renovated I found out was 1990. Since then, he
20 hasn't done -- the previous owner did not do a
21 thing to it.

22 I don't know what else you want from me. I
23 kind of went -- it's not what I was going to
24 say when I came up here, but I'm trying to
25 answer some of the other questions at the same

1 time.

2 CHAIRWOMAN: Does anyone from
3 the Board have a question for the real estate
4 agent?

5 (No verbal response.)

6 CHAIRWOMAN: Does this
7 building have a back stairway or just one --

8 MR. MARQUARD: He has a back
9 stairway that's not usable.

10 CHAIRWOMAN: So there's two
11 stairways?

12 MR. MARQUARD: There's two
13 stairways. The one in the back was the old --
14 probably an old maid's quarter upstairs.

15 CHAIRWOMAN: Sure.

16 MR. MARQUARD: It's --

17 CHAIRWOMAN: Real narrow?

18 MR. MARQUARD: You can't --
19 yeah, it's real narrow.

20 CHAIRWOMAN: So when you
21 testified that you did have renters in there --

22 MR. MARQUARD: Yes.

23 CHAIRWOMAN: -- did they have
24 no bathroom to use and no kitchen?

25 MR. MARQUARD: They had one

1 bathroom downstairs --

2 CHAIRWOMAN: And it was a
3 functioning bathroom?

4 MR. MARQUARD: -- and they had a
5 sink.

6 It's still functioning right now, if you
7 can call it functioning.

8 CHAIRWOMAN: Okay.

9 MR. MARQUARD: But it works
10 and -- it is there and it works, and they were
11 using it, yes.

12 CHAIRWOMAN: Okay. But no
13 kitchen?

14 MR. MARQUARD: It does have a
15 sink, but there's no appliances in it, nothing
16 else in it. It has an old sink.

17 CHAIRWOMAN: No refrigerator
18 or anything like that?

19 MR. MARQUARD: No refrigerator
20 was in there.

21 CHAIRWOMAN: Okay.

22 MR. WOOD: Is it
23 nonfunctional because of the way --

24 MR. MARQUARD: The layout.

25 MR. WOOD: It is?

1 MR. MARQUARD: Absolutely it's
2 the layout. That's a part of it. It's
3 nonfunctional because you can't get enough rent
4 out of it because of the way it functions. You
5 come in, you lose all the square footage having
6 a central area where then you divide it off
7 into office here, office here, office upstairs
8 (indicating). Nobody wants to go upstairs and
9 have to walk through somebody else's office to
10 go upstairs.

11 I had a title company. I tried to lease it
12 and, also, my colleague tried to lease it. He
13 was unsuccessful, too, my colleague. And so I
14 called on him because I wanted to make sure my
15 numbers were right. I wanted to make sure I
16 had the right numbers -- of an opinion of
17 numbers, and those are -- eight to ten is the
18 ask rate. You get what you get. It's like
19 anything. That's an ask rate that's there.

20 But the point I'm making is, it doesn't
21 function well. Nobody wants to walk upstairs
22 today. I had a -- I was saying I had a title
23 company laid out. By the time we got to the
24 costs, they couldn't afford the leasehold
25 improvements. We didn't want to do it at that

1 point; it didn't make sense. He ended up going
2 out to Medina Township renting a new one for
3 the same price he could have rented from me.
4 That's the problem.

5 So you can't just get a return. And if you
6 get a return for it, great. Or if somebody
7 wants to give us a grant, great. A grant would
8 be great. It would be wonderful, like they do
9 in Wadsworth.

10 CHAIRWOMAN: So the two
11 hundred and eighty-eight thousand dollars that
12 they would have to invest in it, would that
13 restructure the inside of it so that it would
14 be more functional?

15 MR. MARQUARD: No. I think
16 that's just to bring it up to code.

17 CHAIRWOMAN: Oh, okay.

18 MR. MARQUARD: That was my
19 understanding, the two hundred and eighty-eight
20 thousand dollars was to bring it up to where it
21 was inhabitable for tenants.

22 CHAIRWOMAN: So handicap
23 bathrooms and things like that?

24 MR. MARQUARD: Yeah.

25 CHAIRWOMAN: Locking doors?

1 MR. MARQUARD: Yeah. And I
2 can't -- you can hardly get in that bathroom
3 downstairs.

4 CHAIRWOMAN: Okay.

5 MR. MARQUARD: And the one
6 upstairs doesn't work. So that's why I had the
7 tenants move. The heat doesn't work in all the
8 different areas of the building.

9 CHAIRWOMAN: Right. But after
10 the investment, the heat would be working?

11 MR. MARQUARD: Well, it would
12 have to. Either that or you can't rent it.
13 Nobody wants to lease without heat.

14 CHAIRWOMAN: Okay.

15 MR. MARQUARD: So any other
16 questions of me?

17 MR. HUBER: Yes, I have some
18 questions.

19 MR. MARQUARD: Yes, sir.

20 MR. HUBER: Mr. Marquard,
21 this property was rented continuously right up
22 until 2017, correct?

23 MR. MARQUARD: I don't know what
24 the vacancy rate was, but he did have people
25 in -- he was in there himself, yes.

1 MR. HUBER: And after 2017,
2 because of the mechanicals and all the problems
3 with it, that in and of itself was going to
4 make a problem for somebody to come and look at
5 it now, correct?

6 MR. MARQUARD: Yes, sir.

7 MR. HUBER: You prepared a
8 report at my request. You are a REALTOR in
9 Medina for a long period of time. Is that
10 correct?

11 MR. MARQUARD: Yes, sir.

12 MR. HUBER: And your business
13 is known as M.C. Real Estate?

14 MR. MARQUARD: Yes, sir.

15 MR. HUBER: I've got what I
16 marked as Exhibit C, which is your report
17 concerning average rental value in the City of
18 Medina. Is that correct?

19 MR. MARQUARD: Yes, sir. That's
20 an asking range for properties that are like --
21 similar like that one redone.

22 MR. HUBER: And your report
23 is indicating that the rental rate asking range
24 would be eight to ten dollars per square foot?

25 MR. MARQUARD: Yes, sir.

1 MR. HUBER: And you estimate
2 the square footage as being thirteen to
3 fourteen hundred dollars -- or thirteen to
4 fourteen hundred square feet, correct?

5 MR. MARQUARD: Yes, sir.

6 MR. HUBER: So that
7 translates roughly to fourteen thousand a year?

8 MR. MARQUARD: If you take the
9 ten dollars a square foot, that's fourteen
10 thousand times that, yes.

11 MR. HUBER: Okay.

12 MR. MARQUARD: That is an asking
13 price, but yes, that would be -- that would be
14 max.

15 MR. HUBER: So that would be
16 roughly a thousand dollars --

17 MR. MARQUARD: Fourteen thousand
18 divided by twelve, yes.

19 MR. HUBER: About eleven
20 hundred dollars a month?

21 MR. MARQUARD: Yes. Just about
22 covers the taxes and water, sewer, you know,
23 for the rental costs there, but it doesn't
24 cover anything else.

25 MR. HUBER: You would agree

1 with me -- I mean, you've seen where I rent as
2 an attorney. Basically I need space for a
3 secretary to put her desk, I need a copier, I
4 need some room for a computer, I need a desk
5 and a room for myself. This property would
6 ostensibly -- because it's downtown, it could
7 work along those lines. Isn't that true?

8 MR. MARQUARD: Yes.

9 MR. HUBER: But it needs to
10 have mechanicals if that were to happen, it
11 would need to be up to code?

12 MR. MARQUARD: It would need to
13 be up to code and it would need to be renovated
14 inside to make it liveable for someone, yes.

15 MR. HUBER: Does anybody have
16 any objection to me introducing into the record
17 Mr. Marquard's report as Exhibit C?

18 MR. WITSCHHEY: No objection.

19 CHAIRWOMAN: No objection.

20 MR. HUBER: Thank you very
21 much.

22 MR. MARQUARD: Thank you, sir.

23 MR. WITSCHHEY: Greg, there's an
24 attachment from his colleague who he's made
25 reference to, and he gave permission, Greg, for

1 you to review that. I don't think he wants the
2 communication with the colleague --

3 MR. MARQUARD: Right.

4 MR. WITSCHHEY: -- to be a part
5 of the public exhibit, so if we could redact
6 that or pull it off.

7 MR. HUBER: That's fine.

8 MR. WITSCHHEY: Is that okay?

9 MR. HUBER: Sure.

10 MR. MARQUARD: Thank you.

11 MR. HUBER: I've got to see
12 what he's talking about.

13 MR. MARQUARD: There's a flier
14 in there. There's an e-mail and flier. I just
15 don't want it part of the record.

16 MR. HUBER: Just take that
17 off?

18 MR. MARQUARD: Yes. I would
19 have to get permission from him to make that a
20 part of the public record.

21 MR. HUBER: I just gave him
22 what you gave me, Mike.

23 MR. MARQUARD: That's fine. I
24 don't think he would object, but I don't want
25 to take that professional liberty.

1 MR. WITSCHHEY: So I have maybe a
2 follow-up question and that is, have you had
3 occasion to consider the fair market value of
4 this property as it presently exists and have
5 an opinion on that?

6 MR. MARQUARD: The property was
7 purchased for two hundred and fifteen thousand.
8 It's probably worth the lot value. It's
9 probably a fifty-thousand-dollar demolition if
10 I was to guess on that, and that is a guess,
11 forty to fifty thousand in today's world. I'm
12 not sure now what demolition is for that kind
13 of a building downtown, but I would think the
14 building would be worth a hundred and
15 seventy-five thousand. I just bought one
16 around the corner for a hundred and fifty. It
17 was less square footage. 129 Broadway is the
18 address that I paid one-fifty for. It was less
19 square footage and in good shape, mechanical
20 shape, which is also next door.

21 MR. WITSCHHEY: So is that
22 essentially the cost, two hundred and fifteen
23 thousand less demolition cost?

24 MR. MARQUARD: Yeah, that's --
25 it's worth about a hundred and seventy-five

1 thousand dollars roughly. Yes, one-sixty-five,
2 one-seventy.

3 MR. WITSCHY: Thank you.

4 Unless anyone else has questions --

5 CHAIRWOMAN: I guess I'm kind
6 of confused. If they put twenty-three thousand
7 dollars into it, where does that get us?

8 MR. MARQUARD: Twenty-three
9 thousand what?

10 CHAIRWOMAN: To make it
11 functional, was the statement, to make it
12 functional.

13 MR. MARQUARD: To make it
14 functional is two hundred and eighty-eight
15 thousand dollars, was the estimate.

16 CHAIRWOMAN: Well, there was a
17 statement made that a minimum would be
18 twenty-three thousand.

19 MR. MARQUARD: I don't know
20 whether that came from me.

21 CHAIRWOMAN: I believe that
22 came from the architect.

23 MR. MARQUARD: I don't know what
24 twenty-three thousand dollars --

25 MR. JONES: Oh, that was the

1 architect's fee for the drawings.

2 CHAIRWOMAN: Oh, a fee.

3 MR. HUNT: Professional
4 fees.

5 CHAIRWOMAN: Got you.

6 MS. BIGGENS-RAMER: Could you clarify
7 for me, a hundred and seventy-five thousand
8 market value price, that is if you put it on
9 the market for sale right now, or you're
10 suggesting that is -- you know, could you
11 explain that again, please?

12 MR. MARQUARD: If I did an
13 actual analysis of it, we'd have to get it --
14 at least get the heat running. We'd have to do
15 some investing in it to even put it on the
16 market and make a determination on what market
17 value -- he asked me to give a value off my
18 head and I just did. We would have to
19 analyze -- you know, I don't know whether the
20 heat is working in there anymore. I don't know
21 whether the hot water tank is working in there
22 anymore, so all those are for just showing the
23 property. You may get an offer, a hundred and
24 twenty-five, you know. I don't know that.

25 I think a fair market value of that

1 property would be in the value of
2 one-seventy-five based on a property I just
3 bought.

4 MS. BIGGENS-RAMER: Can you give your
5 professional estimate as, you know, what is
6 the -- you just bought a property. What did
7 the square footage for that cost?

8 MR. MARQUARD: I don't recall.
9 Well, I mean, if you divide it out, it's
10 between -- it's about eighteen hundred square
11 feet divided by a hundred and fifty thousand.

12 MS. BIGGENS-RAMER: Okay. Thank you.

13 MS. KNAGGS: If I could ask a
14 question as well. So just -- in a lot of
15 these, like, full calculations of costs to
16 bring the building to code, was any
17 consideration considered in, like, historic tax
18 credits and things like that for a project to
19 bring the building to code, or that's just off
20 of current calculation?

21 MR. MARQUARD: That's off of
22 current -- I don't know that. I can't answer
23 that question. I'm not the one who did that.

24 MR. JONES: I could jump in
25 and say, I think your number (indicating)

1 didn't have anything to make it kind of
2 historically accurate, it was only to bring it
3 up to --

4 MR. KENDEL: Yes.

5 MR. JONES: So if you applied
6 for tax credits, they would expect that to be
7 invested, and you have a period to correct the
8 windows or, you know, detailing that would --
9 it would be a whole separate cost that would be
10 to make it look as if it was originally built
11 for during the period of significance and --
12 yeah. And that would have to go through a
13 process where it gets submitted to the State to
14 see if it's eligible. It's kind of like a
15 lottery system to a point, you know, where they
16 might pick five properties, and if that's not
17 one, you can just keep reapplying.

18 MS. KNAGGS: Thank you.

19 MS. BIGGENS-RAMER: I have another
20 question, and I guess to the construction
21 individual.

22 You mentioned -- could you specify what was
23 completed in regards to the mechanics? You
24 mentioned that there was work done on the
25 mechanics. Could you specify what was done and

1 when that was done?

2 MR. KENDEL: Everything was
3 working properly, you know, when Dr. Raymond
4 bought the building. It never had hot water in
5 the building. The hot water tank has been
6 disintegrated years and years ago, so these
7 people were in there with no hot water, just
8 cold water. But everything else has been
9 maintained and we've had, you know, your
10 typical maintenance repairs to it and that's
11 about it.

12 MS. BIGGENS-RAMER: Can you elaborate
13 on that, please?

14 MR. KENDEL: We had the boiler
15 repaired a couple times, had some minor
16 electrical work done on the panel, because a
17 lot of it is the old knob-and-tube wiring,
18 which is kind of dangerous. But we had to
19 reroute in a few areas some updated wiring to
20 the panel, which the panel was replaced
21 obviously long -- the panel is probably thirty,
22 forty years old, but it's functioning.

23 MR. WOOD: But there's still
24 no hot water?

25 MR. KENDEL: No. There was

1 no --

2 CHAIRWOMAN: Is there some
3 reason why you can't put a hot water tank in?

4 MR. KENDEL: You can, yes, but
5 it would --

6 MR. WOOD: Maybe that's why
7 it was never rented.

8 MR. MARQUARD: No. It was
9 rented and the tenants didn't care whether they
10 had hot water or not. Those are the tenants
11 that I thought needed to be -- either fix
12 things safety-wise and fix the --

13 MR. WOOD: But if you're
14 trying to rent out more units in the building
15 and there's no hot water --

16 MR. MARQUARD: Absolutely.

17 MR. WOOD: -- then other
18 people are not going to want it.

19 MR. MARQUARD: Absolutely.

20 MS. BIGGENS-RAMER: This goes back
21 also -- can you elaborate on the repairs that
22 you did to the roof?

23 MR. KENDEL: The valley on the
24 lower section where the -- that originally was
25 a porch area on the original structure and that

1 was turned into, you know, space -- heated
2 space, there was a leak there and, also, one of
3 the windows up above which was repaired.

4 MS. BIGGENS-RAMER: Meaning what?

5 MR. KENDEL: We had to take
6 out all the old caulking and reseal it and
7 reglaze the old window that was in there, and
8 then we had repairs to the ceiling from where
9 the water was leaking so it wouldn't --

10 MS. BIGGENS-RAMER: Is that the
11 extent of renovations since 2017 that have been
12 done at the building?

13 MR. KENDEL: We've put in
14 vinyl plank flooring in the entry area where
15 the offices are and that was about it.

16 CHAIRWOMAN: Does the
17 Applicant have anything else they'd like to
18 present to the Board?

19 MR. WITSCHHEY: No.

20 CHAIRWOMAN: Does the
21 City Administration have anything else they'd
22 like to present?

23 MR. HUBER: We have
24 Kevin Robinette here. He presented us with a
25 report that I would like to submit to the panel

1 as Exhibit B, and before we do that, I'll
2 question Mr. Robinette as to what he was doing
3 and what his opinions are.

4 CHAIRWOMAN: Thank you.

5 MR. HUBER: Kevin, can you,
6 for the record, tell us your full name.

7 MR. ROBINETTE: Kevin Charles
8 Robinette. I -- out of Kevin C. Robinette
9 Architect, LLC.

10 MR. HUBER: How long have you
11 been an architect?

12 MR. ROBINETTE: It would be
13 almost forty-three years.

14 MR. HUBER: You've done work
15 in the City of Medina before?

16 MR. ROBINETTE: Yes.

17 MR. HUBER: Can you talk a
18 little bit about that?

19 MR. ROBINETTE: I most recently
20 renovated this atrium space for the City
21 (indicating). I also redesigned and renovated
22 the Visitor's Center and restaurants off the
23 Square. I'm currently working on a residential
24 redevelopment of a historic home, 524 East
25 Washington Street. Over the past -- I've done

1 quite a bit of work here. My first job was in
2 Medina in the late '70s, '80s. I worked for
3 Ron Kohanski who designed this building at
4 about that time. I've also done other work in
5 the area, the Human Services building just
6 north of town as part of the County Complex.

7 MR. HUBER: And your business
8 is located up in South Euclid, Ohio?

9 MR. ROBINETTE: Yes, sir.

10 MR. HUBER: You're familiar
11 with renovation of historical buildings?

12 MR. ROBINETTE: I am.

13 MR. HUBER: You were asked to
14 take a look at the building owned by
15 Dr. Raymond. Is that correct?

16 MR. ROBINETTE: Yes, it is.

17 MR. HUBER: Did you do that?

18 MR. ROBINETTE: Yes, I did.

19 MR. HUBER: Can you tell us
20 when?

21 MR. ROBINETTE: I believe we
22 started in the middle of the summertime when we
23 looked at the building. The date of my report
24 is August 27th. I believe we were in there
25 initially end of June, beginning of July, and

1 then I produced the report follow-up.

2 The first sentence on the report was the
3 goal that I was asked to provide for. "We have
4 been asked to conduct a survey of existing
5 building at 133 North Court for the purpose of
6 providing an outline of recommended work scope
7 in order to achieve current code compliance
8 standards allowing for a functional and generic
9 'Business' occupancy."

10 MR. HUBER: And you did that?

11 MR. ROBINETTE: Yes, I did.

12 MR. HUBER: Your report dated
13 August 27th is the end work product of your
14 efforts?

15 MR. ROBINETTE: Yes, it is.

16 MR. HUBER: Can you summarize
17 what you've looked at and summarize what you
18 found and then tell us your opinions as to the
19 cost of the repair that's required?

20 MR. ROBINETTE: The charge that I
21 had was essentially to evaluate the existing
22 building, its envelope, its systems, and what
23 it would cost to bring it back to a point where
24 it could be reasonably used going forward into
25 the future, meeting current code standards.

1 And subsequently I walked through the
2 building thoroughly. I have a series of photos
3 as exhibits that demonstrate the different
4 components to the building.

5 I looked at the site. From a code
6 standpoint, the building lacks accessibility.
7 It's a typical traditional home where it's, if
8 I remember correctly, approximately four to
9 five steps above grade in the back, seven to
10 eight steps from the front -- from the
11 sidewalk. None of the interior spaces
12 themselves are accessible at this time.

13 Although it was zoned commercial business,
14 it was essentially more of a residential
15 structure from the standpoint of its layout.
16 Mr. Marquard mentioned you walk into a large
17 room on the first floor and there were a number
18 of smaller spaces off of that large room. The
19 stair going upstairs came off of that large
20 space in the back of the house, and then it
21 brought people up to the second and the third
22 floor, similar to a center hall colonial would
23 be.

24 But the upper floors were essentially
25 residential in nature with a series of what

1 used to be bedrooms and a bathroom on the
2 second floor. Although some of the spaces had
3 been used just prior to that as commercial
4 office spaces, the house is still -- it's still
5 a house for all intents and purposes.

6 The systems were all at the end of their
7 useful life and would have to be replaced. The
8 envelope requires repairs. The windows are
9 inconsistent. The windows have been replaced
10 on the second and third floors, if I recall
11 correctly. I believe the original windows are
12 still on the first floor.

13 In my summary I indicated that the
14 structure of the house is sound. I was able to
15 get into a couple of attic spaces off the
16 second floor and the structure is sound.

17 There was a fire in the basement at one
18 point in time. Some of the floor joists and
19 the decking is charred. It's hard to see
20 exactly how much damage was done there based
21 upon the fact that it's now covered up with a
22 tin or a metal interior.

23 The head height in the basement is
24 substandard. It's a very low ceiling height.
25 As was mentioned, there's a boiler that

1 provides for heat to keep the structure warm.
2 There's no air conditioning, there's no
3 ventilation at this time.

4 And from the summary of looking at the
5 different components of the building, I was
6 asked to put together a cost estimate, and the
7 estimate that I came up with was \$288,700 to
8 bring it up to a bear standard. And as we've
9 had some discussion about what that cost really
10 means, I did include a very moderate cost for
11 some interior improvements, basically paint and
12 floor finishes. The interior plaster work
13 drywall is in fairly decent shape, but just to
14 put it in perspective, the first floor was
15 eighteen thousand, the second floor was
16 thirteen thousand, the third floor was eight
17 thousand. It's unknown how far that would go,
18 but I was just asked to bring it for an
19 estimate that brings it up to a place where
20 it's reasonable and usable.

21 CHAIRWOMAN: What was what
22 total number again?

23 MR. ROBINETTE: Pardon me?

24 CHAIRWOMAN: What was the
25 total number?

1 MR. ROBINETTE: \$288,700.

2 MR. HUBER: Does that figure
3 take into consideration the inflation that's
4 taken place in the last couple years with
5 respect to billing costs?

6 MR. ROBINETTE: No, it really
7 hasn't. I'm an architect, I'm not a
8 contractor. When I'm asked to put together an
9 estimate, what I'll generally do is refer to
10 similar relevant projects that I've worked on
11 reasonably -- within reasonable proximity and
12 reasonable time frame to this one.

13 For example, the systems costs, I did
14 receive a proposal for new mechanical,
15 electrical, and plumbing systems on the home
16 I'm working on at 524 East Washington, and that
17 came up to about ninety thousand dollars. I
18 used eighty-five-five on this study.

19 CHAIRWOMAN: So does your
20 estimate include handicap bathroom with hot and
21 cold water and --

22 MR. ROBINETTE: Yes, it does.

23 CHAIRWOMAN: -- a kitchen of
24 some sort?

25 MR. ROBINETTE: Just a

1 kitchenette, not a full kitchen.

2 CHAIRWOMAN: Right. But
3 something with a refrigerator?

4 MR. ROBINETTE: Yeah. You know,
5 the improvements that I had on the first floor
6 was eighteen thousand dollars. You know, I
7 didn't try to -- I wasn't asked to redesign the
8 building and assign specific costs.

9 CHAIRWOMAN: Right, or make it
10 elaborate or anything.

11 MR. ROBINETTE: Yeah.

12 CHAIRWOMAN: Got you. I
13 understand.

14 MR. HUBER: You indicated in
15 your report that you thought the historic
16 significance of this house is very limited. Is
17 that correct?

18 MR. ROBINETTE: It is correct.

19 MR. HUBER: Why do you say
20 that?

21 MR. ROBINETTE: Well, I
22 wouldn't -- I've worked on a lot of historic
23 structures. I wouldn't consider myself to be a
24 historicist at the same level that some are,
25 but just looking at the home, I really don't

1 believe there's anything distinctive about it
2 from a historical standpoint.

3 It's got a traditional form and traditional
4 roof lines. At one time it had a traditional
5 porch, but that porch has been bastardized,
6 it's been enclosed. It's got a very unusual
7 front porch entry. The balusters, the piers,
8 the columns, they're made out of
9 poured-in-place concrete, which I had never
10 seen before, and over the years they've
11 shifted, they moved, they're coming apart. I'm
12 not sure how you'd repair something like that,
13 in all candor. And you can see places where
14 the concrete is split and separated and you'll
15 see the little reinforcing wires they put
16 inside.

17 The only original openings of value are the
18 first floor windows. You know, to really make
19 those usable again, bring those back to life,
20 it would be a fairly significant expense to
21 keep those. You have the four windows that
22 have been replaced. There is some articulation
23 in the framing of the eaves and the soffits
24 where there's some exposed wood members that
25 are somewhat decorative. Some of that's been

1 covered up at this point with siding and
2 soffits.

3 In my opinion, there just isn't that much
4 that contributes historically. If you look at
5 some of the homes in Medina that are really
6 nice and really have a period presence to them,
7 in my opinion, when you see it, you know it.
8 When I look at this house, personally I just
9 don't see it.

10 CHAIRWOMAN: Does anybody know
11 what the structure -- what we would call this
12 house? We haven't -- nobody has actually named
13 it, like it's not a Craftsman or --

14 MR. ROBINETTE: I really don't --
15 I mean, it was expressed by this young man
16 (indicating) that it was somewhere between
17 Victorian and Craftsman style, but I really
18 believe that was more of a reference to the
19 time that it was built.

20 CHAIRWOMAN: Right.

21 MR. ROBINETTE: I mean, in all
22 candor, if you go into a typical subdivision
23 and look at the form of the home that's built
24 today, I think it's more in keeping with that
25 than it is with anything that has a period

1 style to it. I think in its day when it was
2 first built, the wraparound porch would have
3 offered some aspect to it that would have been
4 appealing and attractive. In its current state
5 with it being enclosed, I don't think it really
6 does.

7 MR. HUBER: Does it make more
8 sense to you, Mr. Robinette, if this house were
9 to be returned to use as a house as opposed to
10 trying to call it a commercial building?

11 MR. ROBINETTE: Well, there
12 really hasn't been anything done to it that
13 would turn it into a commercial building. It's
14 got an old set of cabinets, it's got a
15 residential sink, the restrooms on the first
16 floor are still residential in nature, the
17 bathroom on the second floor is still
18 residential in nature. None of the spaces are
19 segregated like you might expect in a
20 modern-day office building.

21 As I was sitting here listening to the
22 conversation, the thing that came into my mind,
23 it would make a good frat house. You've got a
24 nice big space -- and I'm not trying to be
25 cute. You've got a nice big space on the first

1 floor where people can kind of gather and then
2 you've got a bunch of bedrooms upstairs.

3 MR. HUBER: In your opinion,
4 the commercial zoning that has been attached to
5 this property doesn't necessarily fit what it
6 actually is?

7 MR. ROBINETTE: I don't believe
8 so, no.

9 MR. HUBER: Okay. We heard
10 testimony from Mr. Marquard that he finds the
11 building to be nonfunctional. Do you have any
12 opinion on that?

13 MR. ROBINETTE: From a commercial
14 standpoint, I would concur for the most part.

15 If you were able to find a number of
16 single-person tenants that are interested in an
17 office space where they can put a desk and a
18 chair and file cabinets you described and lock
19 the door, it would be functional; that could
20 work for them. You'd still have to pass
21 through other people's offices to get there, to
22 get to the stair unless you were to make --
23 renovate the first floor to create access off
24 the back, segregate the stair so that you
25 separate it from the first-floor tenants, and

1 that's what we asked you to do, give an
2 objective opinion. I think we're getting down
3 to the truth of this case.

4 CHAIRWOMAN: Yep.

5 MR. HUBER: Thank you, sir.

6 MR. ROBINETTE: Yes.

7 CHAIRWOMAN: Does anyone from
8 the Board have any more questions for them?

9 MS. BIGGENS-RAMER: I have a
10 question.

11 MR. ROBINETTE: Yes, ma'am.

12 MS. BIGGENS-RAMER: In looking at the
13 property, it was mentioned prior that there was
14 a back stairwell. Does that go to just the
15 second floor or the third floor as well?

16 MR. ROBINETTE: They had some
17 sort of contraption on the back previously that
18 lifted caskets, and that was taken down at the
19 time I observed it, so I have no idea what that
20 was like.

21 And I can try to find the photograph of the
22 back. I believe there were two doors on the
23 back of the property. One goes -- there were
24 two stairs. One was -- it was described as a
25 main stair, which was substandard in size, and

1 it was directly adjoining the main stair of the
2 house, what we call the center home stair, as I
3 would refer to it, but there was a door to the
4 porch off the back on the north end and sort of
5 in the middle of the house where the -- I
6 believe the main stair is. There's a door that
7 comes in on the landing, and then you go up to
8 the first floor and down into the basement, and
9 somehow as part of what I believe was -- I
10 don't know if it raised the caskets or not, but
11 there's a door that comes out of the second
12 floor and I'm not sure what that ever did or
13 how it functioned, and then there's a door that
14 came off of the porch that's been enclosed.

15 CHAIRWOMAN: So up on the
16 screen there's a photograph of the back of the
17 house.

18 MR. ROBINETTE: There it is,
19 yeah.

20 CHAIRWOMAN: Is that large
21 window -- is that actually a door and was there
22 a fire escape there?

23 MR. ROBINETTE: There might have
24 been. Fire escape is as good a guess as any.

25 CHAIRWOMAN: Because that

1 looks like a door to me on the second story.

2 MR. ROBINETTE: Yeah, it's the
3 second story.

4 DR. RAYMOND: That was the
5 embalming room.

6 MR. ROBINETTE: That was the
7 embalming room?

8 MR. KENDEL: Yes. There was a
9 two-car garage attached to it and then the
10 embalming room was on top of it, and that door
11 went into it from the second floor and the
12 casket elevator was there on -- just on the
13 outside of it, and they were able to lower the
14 caskets down into the hearse within the garage
15 area. And we got permission to demolish that
16 when we were --

17 CHAIRWOMAN: Taking the shed
18 off?

19 MR. KENDEL: Yes, yes.
20 Because it was in very bad disrepair.

21 CHAIRWOMAN: Yeah.

22 MR. KENDEL: And that's where
23 that --

24 CHAIRWOMAN: I remember that.

25 MR. KENDEL: It was bad.

1 MR. ROBINETTE: I'm grateful to
2 say I've never needed an embalming room.

3 CHAIRWOMAN: I was just going
4 to ask, did anybody have any problems renting a
5 former funeral home?

6 MR. KENDEL: A lot of people
7 expressed concern over that.

8 MS. BIGGENS-RAMER: I have a
9 question. You mentioned that the home
10 currently resides in a state that still
11 resembles a residential structure and that the
12 estimate you provided was to bring it to code
13 as a commercial structure. Can you provide any
14 insight on what the estimate would be to return
15 it to a residential structure?

16 MR. ROBINETTE: You know, I'd
17 really be hesitant to hazard a guess, because
18 whenever a client or an entity asks about a
19 cost estimate, there has to be some knowledge
20 to give an intelligent answer of what you're
21 really going to achieve. If you want to take
22 the house back to what it was, you're now
23 taking the porch back to what it was, you're
24 now finding a way to replace or repair the
25 concrete assembly that makes up the front

1 porch.

2 I think in the interior it wouldn't
3 necessarily be that much. The home hasn't
4 been -- I use the term "bastardized" for
5 historic homes that have been ill-treated on
6 the interior, and I don't think this house has
7 been subjected to that. To put a modern
8 kitchen in it -- I mean, people expect big
9 kitchens today. This was built in a time where
10 it was built for a maid to do the cooking in a
11 very small kitchen. It didn't have what most
12 people would be looking for, a modern kitchen,
13 today.

14 Again, bathrooms. The one bathroom on the
15 second floor is a modest, typical five-by-eight
16 bathroom. The restroom on the lower floor is
17 substandard at this point.

18 To do to it what you would need to do to it
19 residentially, your systems costs are going to
20 be the same. I think your envelope cost would
21 go up based upon trying to do something of
22 value for purchase and I think -- I'm talking
23 myself into this now. I think your kitchen and
24 bathroom costs would go up to provide something
25 that's going to be appealing for somebody to

1 actually buy it, so I think you usually put
2 yourself into a range of -- this didn't take
3 into account inflation. I'm not a contractor,
4 but I would push it into the range of close to
5 four hundred thousand by the time you put a
6 real kitchen that somebody's going to find
7 desirable, bathrooms that somebody's going to
8 find desirable, try to do something with the
9 porch.

10 MS. BIGGENS-RAMER: And what is the
11 total square footage of the house?

12 MR. ROBINETTE: That I cannot
13 tell you, ma'am. I never computed that.

14 MS. BIGGENS-RAMER: Can someone
15 please tell me what the total square footage of
16 the home is?

17 MR. MARQUARD: The first floor
18 has seventeen hundred and twenty square feet.
19 The second floor has eleven hundred and ten
20 square feet.

21 MR. ROBINETTE: If I could just
22 ask, does that first floor include the porches?

23 MR. MARQUARD: It includes the
24 two hundred and fifty square feet and one porch
25 that's not really -- shouldn't be included in

1 the square feet.

2 MR. ROBINETTE: Right.

3 MR. MARQUARD: But that's from
4 Kovack's site.

5 Ma'am, that's from Kovack's site that the
6 City has.

7 CHAIRWOMAN: Yeah, this is the
8 Auditor's website. Yeah, we're looking at it.

9 MR. DUTTON: If I could add on
10 the zoning side of things, it's on C-2, which
11 would not allow the entire structure to be used
12 residentially. You could have commercial on
13 the first floor, residential on the upper
14 floors, but the whole house could not be
15 residential.

16 CHAIRWOMAN: So they would
17 have to go to a zoning Board and have it
18 reverted back to housing?

19 MR. DUTTON: It would either
20 need to be rezoned or a use variance would be
21 necessary. Both of them are a somewhat complex
22 process with pretty high criteria for approval.

23 CHAIRWOMAN: It's really a
24 particular street since the houses -- since
25 there are homes behind it but commercial on

1 either side of it.

2 MR. HUBER: Only in Medina.

3 CHAIRWOMAN: Why did they do
4 this to us.

5 So we've had the administration present its
6 case, questioning of the City witnesses by the
7 Applicant's attorney and Board members, we've
8 done the testimony of the third party who have
9 special interests in the case.

10 MR. HUNT: I just thought
11 maybe there would be somebody who would be
12 attending this evening that would have an
13 interest in the case who would be testifying,
14 but it appears that everybody here has already
15 testified.

16 CHAIRWOMAN: Okay.

17 Questioning of the third-party witnesses by
18 the Applicant's attorney --

19 MR. HUNT: No third-party
20 witnesses.

21 CHAIRWOMAN: Okay. Do we have
22 a rebuttal of evidence by the Applicant?

23 MR. WITSCHHEY: No.

24 MR. HUBER: We would like to
25 introduce formally Mr. Robinette's report as

1 Exhibit B for the record.

2 CHAIRWOMAN: Thank you.

3 Do we have any closing statements by the
4 Applicant and the City attorney?

5 CLOSING ARGUMENTS

6 MR. WITSCHHEY: Yeah. So I would
7 just like to point out a couple of things I
8 think that were evident here tonight, and that
9 is that this property may have had a small
10 amount of historical significance with some
11 adaption of perhaps Victorian-style features
12 that have all for -- I think virtually all,
13 because we can't even identify -- the experts
14 can't even identify what type of property it
15 is, and I think it's because there's been a lot
16 of adaptations, a lot of work on the property
17 throughout a hundred years that have -- that
18 has taken it, you know, to a point where it
19 really has no historical significance.

20 And then that one question about if it's
21 demolished, would it be a significant blow to
22 the Historic District, and I think the answer
23 to that is a resounding no. Especially then
24 when you add onto what could be put there to
25 enhance, you know, the Victorian style or what

1 is the Town Square, so I think that element has
2 definitely not been -- and that was Letter A in
3 the Board of Zoning Appeals Resolution, so I
4 think that that particular answer is that we
5 just don't have historical significance here
6 and we don't have something that the loss of
7 would deal a blow to the Historic District.

8 Then we also have costs and expenses that
9 just don't make this an economically viable
10 property to rent in a commercial context. We
11 have costs that even exceed what the numbers
12 were when we -- say that we have to add some
13 engineering to it. In the instance of
14 Mr. Kendel's report, there's been inflation so,
15 you know, to -- we have limited zoning where we
16 can't just alter the property to become
17 entirely residential. So the economic
18 viability, as the experts have said, is just
19 simply not there.

20 So we believe that on all three of those
21 questions posed by the Board of Zoning Appeals,
22 the answer here is that the application for
23 demolition, we would respectfully request, be
24 granted.

25 Thank you.

1 CHAIRWOMAN: Thank you.

2 MR. HUBER: The Board of
3 Zoning Appeals sent this case back with some
4 specific questions, and in order to answer
5 those questions, we took the step of hiring
6 Mr. Robinette to really bear down on an
7 objective assessment.

8 The question you have to weigh essentially
9 is the kind of balancing of economic costs
10 versus benefit, and in this case, with respect
11 to fair market value, it seems to be from the
12 evidence in the range of at least two hundred
13 and fifteen thousand, a hundred and
14 seventy-five thousand, in that area, in terms
15 of what the value of that property is.

16 Currently it seems to be agreed that the
17 cost to bring the building up to usability is
18 in the area of two hundred and eighty-eight
19 thousand to three-hundred-and-some thousand,
20 dependent upon what number you want to pick for
21 added costs for a renter, so maybe say three
22 hundred to three hundred and twenty-five. I'm
23 not sure exactly, but that seemed to be what I
24 was getting out of the testimony.

25 And you could reasonably, I think, expect

1 MR. ROBINETTE: Sure.

2 CHAIRWOMAN: So if the
3 house -- if they invested the two hundred and
4 eighty-eight thousand into the house, what
5 could you sell it for?

6 MR. MARQUARD: If they do it
7 commercially?

8 CHAIRWOMAN: Yes. Because
9 that's what it's zoned.

10 MR. MARQUARD: I would have to
11 do an analysis on it. I can't give a fair
12 answer without doing an analysis on it. Just
13 add the numbers what you need and then you take
14 a look at what you're going to get in rent and
15 you have to make a decision. So I don't know
16 many investors are going to come in and --
17 unless it's something they own, like I do with
18 my building.

19 CHAIRWOMAN: Right.

20 MR. MARQUARD: I own the
21 building, my company operates out of it. I way
22 overpaid to get it the way it is. I'm very
23 proud of it and I hope you come down to see it,
24 because I'm very proud of the building. I have
25 plenty of parking.

1 setting a new date as of the second Thursday of
2 December.

3 Do I have a second?

4 MS. BIGGENS-RAMER: Second.

5 MR. DUTTON: Biggens-Ramer?

6 MS. BIGGENS-RAMER: Yes.

7 MR. DUTTON: Knaggs?

8 MS. KNAGGS: Yes.

9 MR. DUTTON: Traves?

10 CHAIRWOMAN: Yes.

11 MR. DUTTON: Wood?

12 MR. WOOD: Yes.

13 CHAIRWOMAN: Do we have any
14 further business to attend to?

15 MR. DUTTON: No.

16 CHAIRWOMAN: Okay. Meeting
17 adjourned.

18 (Proceedings adjourned.)

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

3 CERTIFICATE

4 I, Makenzie J. Sabo, RPR, 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 persons were first duly sworn
 8 to testify to the truth, the whole truth, and
 9 nothing but the truth in this case aforesaid and
 10 that the testimony was taken by me by means of
 11 stenotype in the presence of said persons.

12 I further certify that this is a full and
 13 complete transcription of the above-entitled cause.

14 IN WITNESS WHEREOF, I have hereunto set my hand
 15 and affixed my seal of office at Medina, Ohio this
 16 29th day of November, 2021.

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 Makenzie J. Sabo, RPR
 and Notary Public within and for
 the State of Ohio.
 My commission expires 09/19/23.

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