

BOARD OF ZONING APPEALS

Case No. Z22-06

Appeal of the Denial of H21-12

Door Replacement at 207 South Court Street

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A.

**Memo from the City of Medina
Community Development Director -
Andrew Dutton**



CITY OF MEDINA
Community Development Department
132 North Elmwood Ave., Medina, OH 44256
Phone: 330-722-9023 Fax: 330-764-4385

MEMORANDUM

DATE: February 17, 2022

TO: City of Medina Board of Zoning Appeals

FROM: Andrew Dutton, Community Development Director

SUBJECT: Application Z22-06, Appeal of an HPB Decision to Deny a Door Replacement at 207 South Court Street

Application History

Application H21-12 was submitted to the City of Medina Historic Preservation Board (HPB) for review in late 2021. The application was specifically a request for Certificate of Appropriateness approval to replace the front doors of a commercial building at 207 South Court Street. The HPB considered the application at their regular meeting on January 13, 2022. After the HBP's review, a motion was made to deny the door replacement. The motion carried with four votes in favor and one vote against and the application was denied.

Appeal

Per Section 145.06(f) of the City of Medina Codified Ordinances (*Italics added for clarification*):

(f) Appeals. Any applicant aggrieved by the enforcement of these Rules, Procedures and Design Guidelines and the provisions of this chapter or by a final decision of the (*Historic Preservation*) Board may appeal to the Board of Zoning Appeals within fourteen (14) days of notification in writing of the decision of the Planning Director or Historic Preservation Board.

On January 24, 2022, an application was submitted to appeal the HPB's denial of H21-12. A special meeting on February 24, 2022 has been scheduled in order for the Board of Zoning Appeals to review the appeal application.

Documents Provided for Review

The following information has been provided for the Board's review of the subject appeal:

- The appeal submitted by the applicant and supporting materials
- The staff report for H21-12 prepared by the Community Development Department
- The original application submitted to the HPB, H21-12, and supporting materials
- A transcript of the HPB's review of application H21-12 on January 13, 2022

B.

Appeal Application Z22-06

Submitted 1/24/22



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
Phone: 330-722-9023
Fax: 330-722-9045
www.medinaoh.org

Application Number 222-06

GENERAL	Date of Application <u>1/24/2022</u> Property Location <u>207 S. Court Street</u> Description of Project <u>Replace existing door.</u> _____ _____ _____
CONTACT INFORMATION	Applicant Name <u>Rose Company</u> Address <u>23 Public Square, Suite 200</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>(330) 725-6767</u> Email <u>info@roseplaces.com</u> Property Owner Name <u>Park Exchange, LTD</u> Address <u>23 Public Square, Suite 200</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>(330) 725-6767</u> Email <u>info@roseplaces.com</u>
APPLICATION TYPE	Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input type="checkbox"/> Appeal <input checked="" type="checkbox"/>
APPLICANT SIGNATURE	<p><i>By signing this application, I hereby certify that: (1) The information contained in this application is true and accurate to the best of my knowledge, (2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record, (3) I assume sole responsibility for correspondence regarding this application, and (4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application.</i></p> <p style="text-align: center;">Anthony Cerny 2022-01-24</p> Signature <u></u> T15:06:59-05:00 Date <u>1/24/2022</u>
OFFICIAL USE	Meeting Date <u>2/24/22</u> Fee (See Fee Sheet) \$ <u> </u> Meeting Outcome _____ Check Box when Fee Paid <input type="checkbox"/> Zoning District <u>C-2</u>



Architecture
Preservation
Graphics
Planning
Interior Design

620 East Smith Rd
Medina, Ohio
44256

330.723.6975
(phone)

330.723.7129
(fax)

January 24, 2022

Board of Zoning Appeals
c/o Mr. Andrew Dutton
Community Development Director, City of Medina
132 North Elmwood Street,
Medina, OH 44256

Re: H21-12 - Historic Preservation Board
207 S. Court Street

Dear Board Members,

On behalf of Rose Company, owners of the above referenced building, we are appealing the Historic Preservation Board's (HPB) denial of their request for a Certificate of Appropriateness (COA). An application was submitted to the HPB regarding the replacement of entrance doors for the commercial space at 207 S. Court Street. We believe this denial was erroneous and inconsistent with the purpose of the Historic Preservation Board and the city's Design Guidelines for Historic Properties for the following reasons:

207 S. Court Street is an Italianate style mercantile building as defined by the city's Design Guidelines. The building was most likely constructed in the 1880's. Unfortunately, sometime in the 1950's or 60's, the original storefront for the building was removed and replaced with a more "Modern" storefront consisting of aluminum and glass storefront glazing system and doors. Along with this, the original storefront cornice was removed. This can be seen in the attached photo showing the storefront when Western Auto occupied the building.

Sometime in the late 70's, the building underwent another renovation and an attempt was made to try and provide a storefront design that many would consider to be more in keeping with the original style of the building. The commercial aluminum and glass storefront and doors remained, but they were embellished with applications of a cornice element, molding to reference wood panels, and a plywood overlay to the aluminum and glass doors to try and make them appear to be old wood doors.

The need to replace these doors is the result of a functional failure of the existing doors. The lock for the doors was no longer working properly. The occupants struggled with the locks, sometimes they could not unlock the doors and at other times they had difficulty in locking the doors. Efforts were made to repair the locks, but the owners were not able to fit the old doors with new locks. The solution recommended to them was replacement of the doors. Since the existing doors were standard aluminum and glass storefront doors, the decision was made to replace the doors with the same type of door. This avoided having to alter or replace any of the surrounding storefront framing and glass. Since they were replacing the doors with essentially the same type of door to address the situation in a timely manner, it did not occur to the owners that a COA was required.

Upon replacing the doors, the owners received notice from the city they were required to obtain a COA from the HPB. The owners requested ADS make the application on their behalf. An application was filed for the December 2021 HPB meeting.

Application H21-12 was submitted to the HPB along with supporting documentation that was initially reviewed by Mr. Dutton, the city's Planning Director. After reviewing the application, Mr. Dutton recommended to the Board approval of the application. We presented the application to the Board during their January meeting. During their review, the Board did not discuss the Planning Director's recommendation for approval and in their deliberations, never stated why they elected not to follow staff's recommendation. The Board appeared to be much more concerned as to why the owner had failed to obtain the COA prior to replacing the doors. The urgency of need to address safety and security issues by making the doors functional, and the reality that the owners felt they were performing necessary and expedient maintenance on the building, appeared to provide no sway in their decision.

In addition to failing to consider the Planning Director's recommendation for approval, we believe the HPB, by denying this request, has ruled in a manner that is not consistent with their purpose as detailed in City of Medina ordinance Chapter 145 - Historic Preservation Board and the associated Design Guidelines.

1. The HPB has adopted the United States of America's Secretary of the Interior's Standards for Rehabilitation. The guidelines state these standards shall be applied in a *reasonable manner with due consideration to economical and technical feasibility*. There are ten standards set forth and we believe the following are particularly applicable to this situation:
 - a. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* In this case, all of the original historic elements associated with the storefront level of this building have been stripped away and there remains nothing of the original fabric at the storefront level to preserve.
 - b. *Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.* The current storefront was the result of a renovation in the 70's that attempted to give the Western Auto storefront an historic appearance. The reality is the work was done using some elements that were not consistent with the original style of the building and are not consistent with the city's Design Guidelines.
 - c. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.* Unfortunately, the removal of the original grade level storefront for the property did great harm to the historic integrity of the building. When this new facade was altered to try to make it more historic in appearance, the result actually diminishes the true historic qualities of the building as it created a false historic appearance, inconsistent with the typical characteristics of the Italianate style. While in essence, the goal when the doors were modified with the plywood panels was to try to make the storefront more compatible with the original historic character of the building, the detailing of the doors did not reflect the original fabric and are inconsistent with what would have been

the style of the original doors.

2. Under the city's guidelines, Section V. Preservation/Rehabilitation/Renovation, there are five general recommendations for rehabilitation of commercial historic structures. Two of these recommendations are specifically applicable here:
 - a. *If the appearance of a missing original element is unknown, a simple understated design should be considered for the replacement.*
 - b. *Avoid adding elements to a building that were not originally present.*

The oval detailing on the doors is inconsistent with both of these recommendations. The replacement doors are consistent with the recommendations and this is supported by how these doors are used on multiple storefronts within the district without diminishing the district's character.

3. Under the city's guidelines, Section V. Preservation/Rehabilitation/Renovation, specific to commercial storefronts, there is a recommendation dealing with missing elements:
 - a. *If no evidence can be found to document the element's original appearance, replacement should be consistent with the building's size, scale, and materials. The replacement should be simplified in order to avoid creating an elaborate detail that may not have been part of the original design.*

As noted above, the oval detailing on the doors is inconsistent with this recommendation. Based upon the style of this building and referencing other buildings in the area of the same style, the oval detailing would not have been utilized on this building. During the review meeting, one member of the HPB stated the oval doors have a Victorian appearance that the standard storefront aluminum doors do not and therefore is more appropriate. This statement is completely contrary to the Secretary of the Interior's Standards and the city's Design Guidelines as a whole. First, Victorian is not a style and I am fairly certain the term "Victorian" it is not even incorporated into the city's guidelines. Many people in the community often refer to Medina's Square as Victorian, but this is incorrect. The use of this misnomer most likely results because many of the prominent architectural styles found around the historic district date to the Victorian Era, but Victorian is an inappropriate term to define the architectural styles found around the square and should not be used as part of an assessment in the issuance of a COA.

In summary, we believe the replacement doors proposed for 207 are not inappropriate for the building and are consistent with the HPB's charge and the city's Design Guidelines.

1. As noted previously, the original storefront for the building has long been lost and there is no documentation as to the actual detail of this storefront.
2. The adaption of the plywood and decorative scrolls to the aluminum and glass doors to make them appear "Historic or Victorian" is inconsistent with the intent of the city's Design Guidelines and diminishes the true historic elements of the

building and the district.

3. Few of the Italianate buildings in the district retain their original cast iron and tin storefronts and entrances, but from these, we can get a sense of what is historically correct for this style building.
4. On the many other buildings in the district where the original storefronts have been lost, the use of standard aluminum storefront entrances is common. The use of these doors does not diminish the overall historic quality of the District and does support the historic fabric of the area in a manner consistent with the Design Guidelines. Reference the attached photos.

The replacement of the doors at 207 South Court Street was done by the owner in response to an issue with the operation of the doors that had become a safety and security issue. The owners performed work that they believed to be maintenance and work that needed to be performed in a timely manner. Since they were replacing aluminum storefront doors with aluminum storefront doors, and because this type of door is common within the district, they did not anticipate a need to obtain a Certificate of Appropriateness.

We believe the doors installed meet the spirit and intent of the city's Design Guidelines for the Historic District and do not diminish the character, quality, or historic fabric of the district. Substantial justice will be done in the granting of this appeal by the Board of Zoning Appeals.

Respectfully Submitted,

Anthony J. Cerny
Architectural Design Studios, Inc

J:\0STUDIOS\0JOBS\21004_Rose Company_General\207 S Court\Board of Appeals Application Letter_A Dutton_220124b.wpd

WESTERN AUTO
ASSOCIATE STORE NEW BULLHEAD DRIVE HOME OWNED

MEDINA TOYLAND

SALE

SALE

MEDINA TOYLAND
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US Accesspoint is a proud
financial sponsor of the
37th Medina Candlelight
Walk, Nov 19-21, 2021

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FREE
Diagnostics

R7TECH
FREE DIAGNOSTICS
FAST REPAIRS
SERVICE & PARTS
WARRANTY
WE OWN'S #1 MOST
RECOMMENDED TECH SHOP

POPSOCKETS





207



GIFT SHOP

Mon-Sat 10am-5pm
Sun 12pm-5pm

COME IN WE'RE
OPEN
AND AWESOME

Home Décor

*Subject Property



CITY OF MEDINA

Community Development Department

132 N. Elmwood Ave. Medina, OH 44256

Phone: 330-722-9056 Fax: 330-764-4385

January 14, 2022

Mike Rose
Rose Company
23 Public Square, Suite 200
Medina, OH 44256

Dear Mr. Rose,

At the January 13, 2022 meeting of the Historic Preservation Board, a motion was made to approve application H21-12: Mike Rose requesting Certificate of Appropriateness approval for the replacement of a front door at 207 South Court Street in the City of Medina Historic District.

The motion did not receive the necessary votes and the **application was denied**.

Per Section 145.06 of the City of Medina Codified Ordinances - Rules and Procedures of the Historic Preservation Board (emphasis added):

Section 145.06(d)(3)(D.) - The Board shall discuss the proposed project as it meets the criteria outlined in the Guidelines and is specifically appropriate for the subject building or structure and the City of Medina. The Board shall either approve or disapprove the project unless the Applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. ***If the application is denied, the Applicant may modify the documents and re-submit, may appeal the decision (see below), or may wait one year to resubmit an unmodified request for further consideration.***

Section 145.06(f) - Appeals. Any Applicant aggrieved by the enforcement of these Rules, Procedures and Design Guidelines may appeal to the Board of Zoning Appeals within fourteen days of notification in writing of the decision of the Planning Director or Historic Preservation Board.

Please feel free to contact me at (330) 722-9023 or adutton@medinaoh.org if you have any questions or need any further information.

Sincerely,

Andrew Dutton
Community Development Director



CITY OF MEDINA

Community Development Department

132 N. Elmwood Ave. Medina, OH 44256
Phone: 330-722-9056 Fax: 330-764-4385

December 29, 2021

Mike Rose
Rose Company
23 Public Square, Suite 200
Medina, OH 44256

Dear Mr. Rose,

You are receiving this notice because your application has been scheduled for review by the City of Medina Historic Preservation Board. The Board will review your application, as described below, at their next regular meeting at **5:00 pm on January 13, 2022**. The meeting will be held at City Hall, 132 North Elmwood Avenue, Medina, OH 44256.

H21-12: Mike Rose requesting Certificate of Appropriateness approval for the replacement of a front door at 207 South Court Street in the City of Medina Historic District.

Please feel free to contact me at (330) 722-0397 or stome@medinaoh.gov if you have any questions or need any further information.

Sincerely,

A handwritten signature in black ink that reads "Sarah Tome". The signature is written in a cursive, flowing style.

Sarah Tome
Administrative Assistant
Economic Development/Planning Department

C.

**Historic Preservation Board Application H21-12
Community Development Department
Staff Report 12/9/21**

H21-12 JK Gift Shop Front Door

Property Owner: Park Exchange Ltd.
Applicant: Mike Rose
Location: 207 South Court Street
Zoning: C-2 (Central Business)
Request: Certificate of Appropriateness approval for the replacement of the front door

LOCATION AND SURROUNDING USES

The subject site is composed of 0.06 acres on the west side of South Court Street. Adjacent properties include the following uses:

- North – Restaurant
- East – Bank
- South – Retail
- West – Barber



PROPOSED APPLICATION

The applicant is requesting approval for the replacement of the front door, which was recently completed. The applicant has indicated that previous doors incorporated plywood overlays to simulate a historic look. The installed doors include large glass areas and black aluminum framing and hardware.

DESIGN GUIDELINES/DEMOLITION CRITERIA (SECTION 145.07)

- (a) Preservation/rehabilitation/renovation. With respect to preservation/rehabilitation/renovation generally it is the interest of the Board that buildings within the Historic District be preserved, thus maintaining the character of the Historic District. Consistent with the U.S. Secretary of the Interior, Standards for the Treatment of Historic Properties, the intent of these Guidelines is to preserve and restore the features which establish a building's architectural character while making alterations and renovations necessary for the efficient and contemporary use of the building.
- The rehabilitation process assumes that some alterations may be necessary to meet the needs of the building Owner and the health, safety, and welfare of the building occupants. Such alterations should be done so as not to destroy the materials and features which help to define a building's historic, cultural and/or architectural character. The historic materials, features and/or craftsmanship are important in defining the building character and should be retained, protected, and repaired when possible.
- When the preservation of architectural features is not possible, alterations should be done in a manner respectful of the existing character, but done in a manner that is representative of architectural design and construction of contemporary times.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF RECOMMENDATION

Staff recommends **approval** of application H21-12 for the replacement of front doors at 207 South Court Street, as submitted.

D.

**Historic Preservation Board Application H21-12
Submitted Materials 11/15/21**



CITY OF MEDINA
Community Development Department
132 North Elmwood Street
Medina, Ohio 44256
PH (330) 722-9023 • FX (330) 722-9045
www.medinaoh.org

Boards and Commissions Application for Zoning Approval

Project Address: 207 S. Court Street, Medina, Ohio 44256

Parcel No: 028-19A-21-230 Case No: H21-12

Project Description: (describe below and check all that apply) Replace Existing Door

Planning Commission

- Site plan approval
- Conditional zoning certificate
- Conditional sign approval
- Code or Map Amendment
- Preliminary plan
- Subdivision
- Other:

Historic Preservation Board

- Certificate of Appropriateness
- Conditional sign approval

Board of Zoning Appeals

- Variance
- Appeal

Please note: applications will not be accepted as complete by the City of Medina until the applicant and property owner fulfill the requirements listed within the submittal requirements. Application fees are accepted in cash or by check payable to the City of Medina.

Affidavit of Applicant and Property Owner

The undersigned do hereby certify that the information to the City of Medina in and with this application is true and accurate and consents to employees and/or agents of the City of Medina entering upon the premises of this application for purposes of inspection pertaining to the application. Property Owner also consents to posting of a sign seven days prior to the scheduled meeting for public notice for variance, rezoning, code amendment, conditional use requests, and requests subject to a public hearing.

Applicant: Rose Company Property Owner: Park Exchange, LTD.
 Address: 23 Public Square, Suite 200 Address: 23 Public Square, Suite 200
Medina, Ohio 44256 Medina, Ohio 44256
 Email: info@RosePlaces.com Email: Info@RosePlaces.com
 Phone: 330-725-6767 Fax: 330-725-6768 Phone: 330-725-6767 Fax: 330-725-6768

Mike Rose Mike Rose 11-15-21
Applicant (please sign and print) Date

Park Exchange LLC 11-15-21
Property Owner (please sign and print) Date



Architecture
Preservation
Graphics
Planning
Interior Design

November 12, 2021

Historic Preservation Board
c/o Mr. Andrew Dutton
Community Development Director, City of Medina
132 North Elmwood Street,
Medina, OH 44256

Re: Certificate of Appropriateness
207 S. Court Street
New Facade on Back of Building

Dear Board Members,

On behalf of Rose Companies, owners of the building, we are requesting approval for the replacement of the entrance doors from South Court Street. The existing doors, an aluminum and glass storefront assembly had fallen into disrepair and needed to be replaced. As you can see in the attached photos, the older doors had been modified by adding in plywood overlays that gave the appearance of an oval glass door with decorative scroll elements added to try and create detail.

The original facade for this facility was replaced years ago. Attached is a photo of Western Auto that shows no signs of the original cast iron facade that would have graced this building. When renovated to the current condition, a facade was created without specific historic reference using materials common for the 1970's. The existing storefront materials from Western Auto were accessorized with moldings and trims to try and mimic historic character. The oval form is actually inconsistent with the detail found on any of the original doors in the area. A few doors down, at H2, an original cast iron storefront remains with the original doors. It is this type of door that is reflective of the original character for the buildings in the area from this period. It is this type of detail that is seen on the few original doors that remain in the district.

The replacement doors are essentially the same aluminum and glass style doors as replaced. The replacement addresses a maintenance issue with the building and the doors are consistent with many of the others doors in the area. Reference the photo for doors on 211 South Court.

We respectfully request approval and issuance of a Certificate of Appropriateness for the work.

Respectfully Submitted,

Anthony J. Cerny
Architectural Design Studios, Inc

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620 East Smith Rd
Medina, Ohio
44256

330.723.6975
(phone)

330.723.7129
(fax)

207





Google

Image capture: Nov 2020 © 2021 Google

Medina, Ohio

Google

Street View - Nov 2020

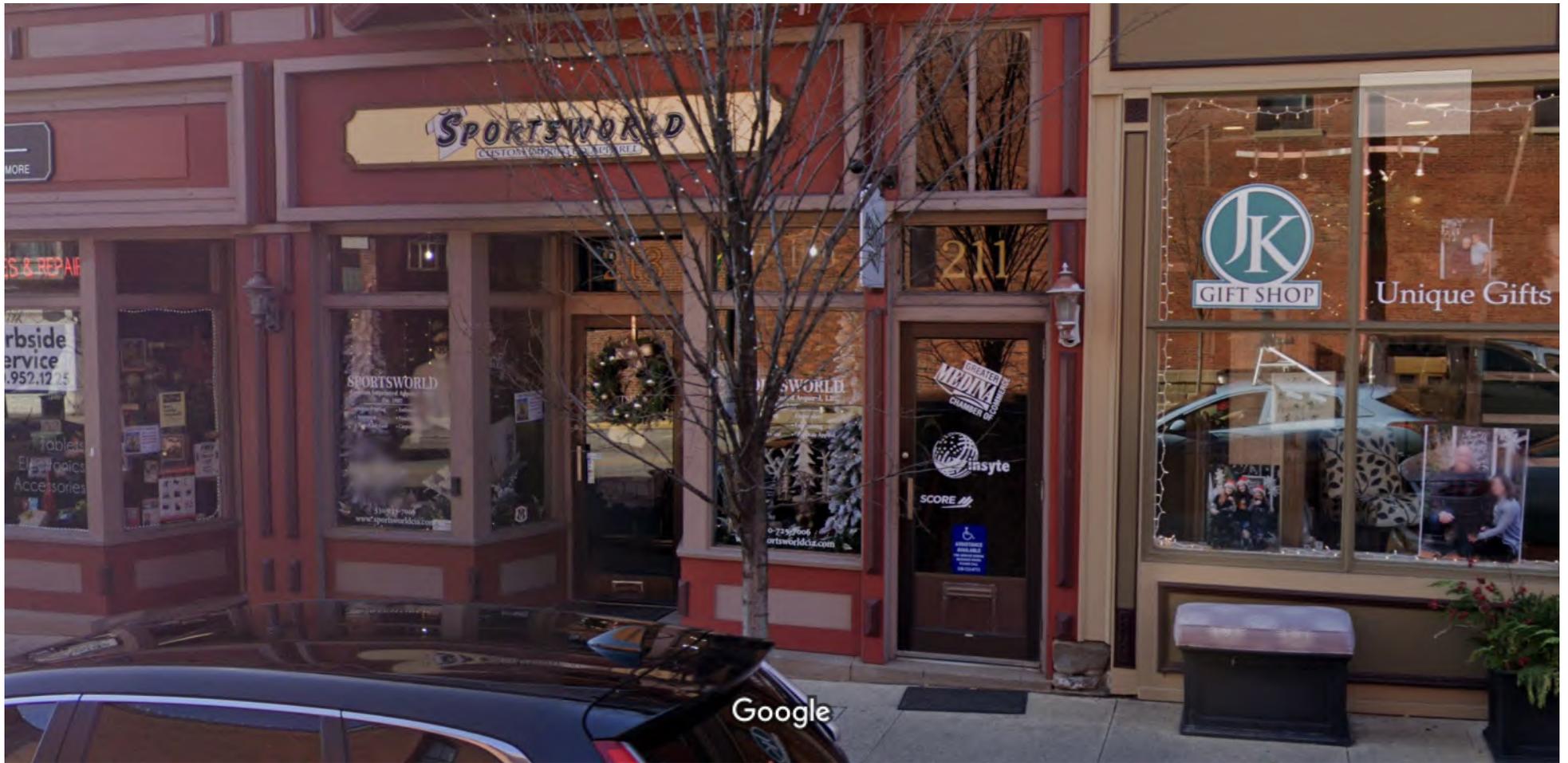


Image capture: Nov 2020 © 2021 Google

Medina, Ohio

Google

Street View - Nov 2020

WESTERN AUTO
ASSOCIATE STORE NEW BULLHEAD DRIVE HOME OWNED

MEDINA TOYLAND

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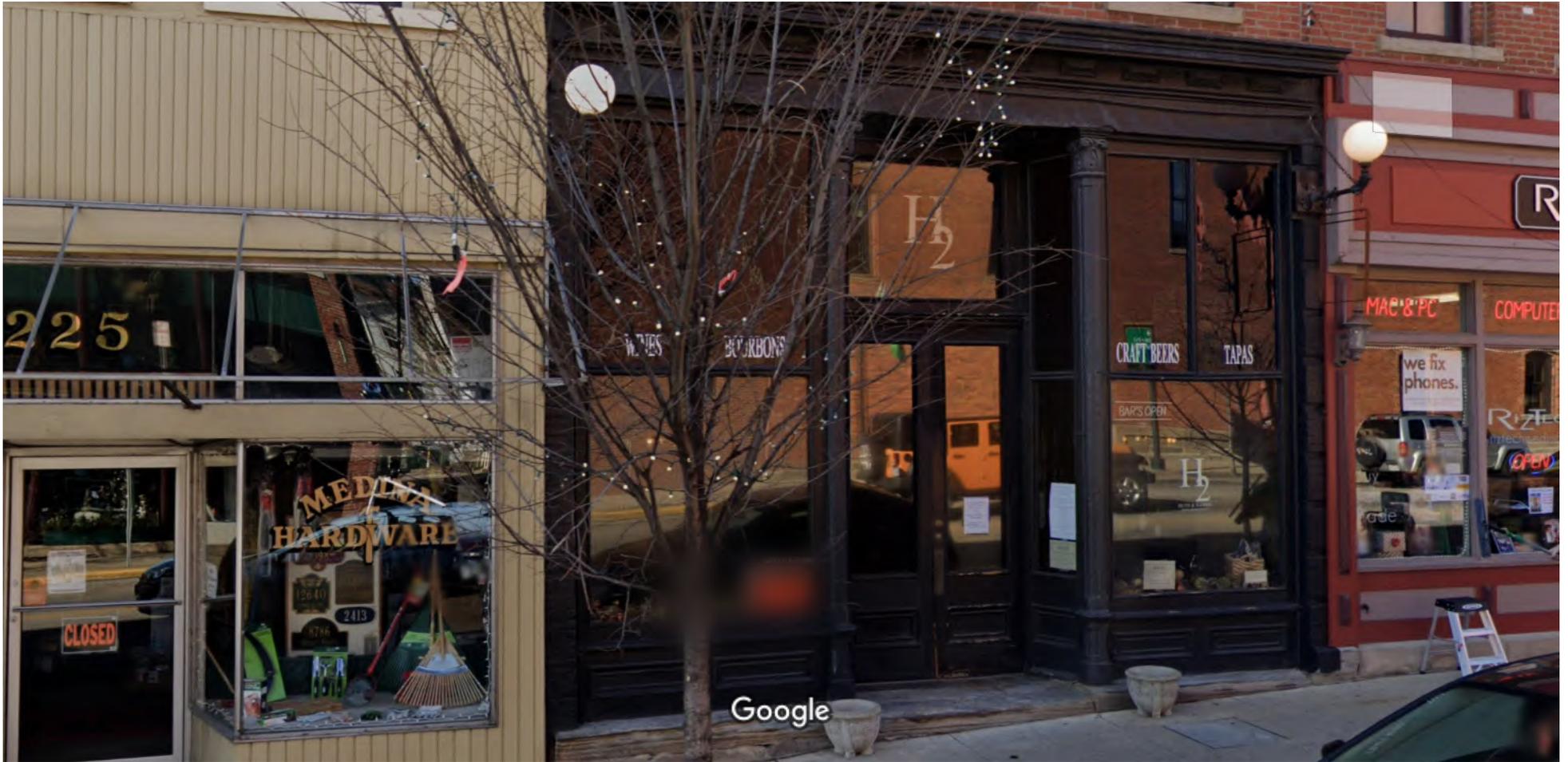


Image capture: Nov 2020 © 2021 Google

Medina, Ohio

Google

Street View - Nov 2020



Mike Kovack

Medina County Auditor

[Tax Bill](#)
 [Aerial Imagery](#)
 [Tax Map](#)
 [Transfers](#)
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Parcel Information

Parcel Number	028-19A-21-230
Owner Name	PARK EXCHANGE LTD
Location	207 S COURT ST 028 - Medina City (Medina City SD)
Property Class	420 Property Class Codes
Acreage	0.060100
Legal Description	LOT 33 MID E SIDE .000A
Tax Mailing Address	PARK EXCHANGE LTD 23 PUBLIC SQUARE #200 MEDINA, OH 44256 USA

Value

Land Value	63,610
CAUV Value	0
Building Value	185,250
Total Value	248,860

Taxable Value

Taxable Land Value	22,260
Taxable CAUV Value	0
Taxable Building Value	64,840
Taxable Total Value	87,100

Building Information

Card Number	001
Building Section ID	001
Section Area	2295
Section Story Count	1.00
Wall Height	14
Year Built	1870

Building Information

Card Number	001
Building Section ID	001
HVAC	Warmed & Cooled Air
Additional HVAC	Warmed & Cooled Air
Sprinklers	None
Elevator	None
Open Masonry Porch Area	90
Open Frame Porch Area	81

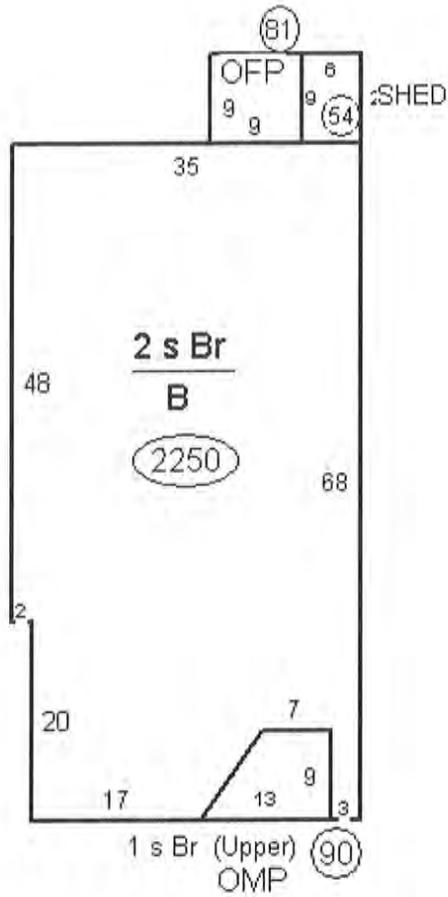
Building Information

Card Number	001
Building Section ID	001
Section Area	2295
Section Story Count	1.00
Wall Height	14
Year Built	1870

Building Information

Card Number	001
Building Section ID	001
HVAC	Warmed & Cooled Air
Additional HVAC	Warmed & Cooled Air
Sprinklers	None
Elevator	None

Building Sketch - Card Number 001



Sketch Codes Key

Other Improvements

Card Number	Key	Improvement	Width	Length	Area	Year Built
001	03	Residential Shed - Small Util	6	9	54	1870

E.

**Transcript of the Historic Preservation Board's
Review of H21-12 on 1/13/22**

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CITY OF MEDINA HISTORIC PRESERVATION BOARD

CASE H21-12

207 SOUTH COURT STREET

- - -

Transcript of Proceedings held on Thursday,
the 13th day of January, 2022, before the
City of Medina Historic Preservation Board,
commencing at approximately 5:00 p.m., as taken by
Makenzie J. Sabo, RPR, Notary Public within and for
the State of Ohio, and held in Medina City Hall,
132 North Elmwood Avenue, Medina, Ohio 44256.

- - -

MEDINA COURT REPORTERS, INC.
REGISTERED PROFESSIONAL REPORTERS
209 North Broadway Street
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APPEARANCES:

Leslie Traves, Chairwoman,
Elizabeth Biggens-Ramer, Member,
Rebekah Knaggs, Member,
Paul Wood, Member,
Patty Stahl, Member.

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

Anthony Cerny, Architectural Design Studios,
on behalf of the Applicant.

- - -

1 PROCEEDINGS

2 CASE H21-12

3 - - -

4 CHAIRWOMAN: So we're ready to
5 move on to new business.

6 MR. DUTTON: Our first new
7 application is H21-12. It's JK Gift Shop, and
8 it's for the replacement of their front door.
9 The property is on the west side of South Court
10 Street just south of Washington.

11 So as I noted, the Applicant is requesting
12 the replacement of the front door which was
13 recently completed.

14 Up there you have a picture of the previous
15 door, which has been indicated as -- was a
16 typical commercial glass door with wood
17 cutouts, giving it an historic look. It was
18 replaced with a -- just a general commercial
19 front door with a large glass area and black
20 metal frame.

21 And the staff recommendation of this
22 application is approval for the replacement of
23 the front doors at 207 South Court as
24 submitted.

25 That's all I have.

1 CHAIRWOMAN: Thank you.

2 Can the Applicant go ahead and state their
3 name and address for the record and give us a
4 brief summary of the case.

5 MR. CERNY: My name is
6 Tony Cerny, Architectural Design Studios,
7 620 East Smith Road, Medina.

8 MR. DUTTON: Actually, Beth,
9 can we pause for one second?

10 We need the court reporter to do the
11 swearing in of anyone that's going to address
12 the Board.

13 CHAIRWOMAN: Oh, okay.

14 (Whereupon, Andrew Dutton and all
15 members in attendance were then placed under
16 oath by the Notary.)

17 CHAIRWOMAN: Thank you.

18 MR. CERNY: Okay. So
19 essentially, from my understanding, the doors
20 were in poor shape and not repairable, so the
21 owners elected to replace the aluminum doors
22 with another set of aluminum and glass
23 storefront doors. That's essentially the
24 project.

25 CHAIRWOMAN: Do we have any

1 questions for the Applicant?

2 MS. BIGGENS-RAMER: (Indicating.)

3 CHAIRWOMAN: Go ahead, Beth.

4 MS. BIGGENS-RAMER: Can you tell me,
5 how long has the building owner owned this
6 property?

7 MR. CERNY: I'm not quite
8 sure how long they've owned it. They've owned
9 it for quite a while, but they were not the
10 ones that did the original renovations to it to
11 make it look like it does currently.

12 MS. BIGGENS-RAMER: The current
13 owner, though, installed these doors?

14 MR. CERNY: Yes.

15 MS. BIGGENS-RAMER: So the current
16 owner has been aware that this building is in
17 the Historical District?

18 MR. CERNY: Yes.

19 MS. BIGGENS-RAMER: Does the building
20 owner -- is he aware that there's a process
21 called a certificate that needs to be obtained
22 prior to this work being done?

23 MR. CERNY: Yeah. Well, the
24 certificate of appropriateness is intended for,
25 you know, changes. They thought they were

1 doing maintenance, so they -- it wasn't as if
2 they were ignoring this, they just thought they
3 were doing maintenance on the facility with
4 replacing an aluminum door with an aluminum
5 door.

6 CHAIRWOMAN: Go ahead, Paul.

7 MR. WOOD: Yeah, this is --
8 it's not apples and oranges. You know, it's
9 not apples for apples. It's a completely
10 different door.

11 MR. CERNY: So it's not a
12 completely different door, it's exactly the
13 same style door. The only difference is the
14 person who did it before took a piece of
15 plywood and glued it to the face of the
16 aluminum glass door and cut an oval in it and
17 added some decoration to it. Nothing about the
18 decoration is historic to the original
19 building. Maybe some people think it looks
20 better, but it's not an historic element that
21 was on the building, and the door that's in
22 there is essentially the same style door as
23 before lacking the plywood cutout.

24 MR. WOOD: The ornamentation
25 which is a -- it's -- you know, it looks

1 Victorian, and I think by replacing it with
2 something that looks institutional, it is a big
3 change, so I think they should have asked for
4 permission.

5 MR. CERNY: Okay. Well, they
6 should have, but they didn't, and we're here
7 now to talk about it.

8 MS. BIGGENS-RAMER: I'd like to
9 enter into the record, under our code, which is
10 Chapter 145, this would be Section (d)(e)(2),
11 "Failure to comply. Whoever constructs,
12 reconstructs or alters any exterior
13 architectural feature or demolishes all or
14 part of any building or structure within an
15 Historical District or any Historical Landmark
16 without a Certificate of Appropriateness from
17 the Historical Preservation Board shall be
18 fined not more than one hundred dollars per
19 offense. Each day of offense -- each day of
20 violation shall be considered a separate
21 offense. Whoever violates this section shall
22 be required to restore and reconstruct such
23 features in full detail. Restoration and
24 reconstruction shall be in addition to any
25 criminal penalty and not in lieu thereof."

1 So can you tell me whether the current
2 owner had those doors at the time he purchased
3 the building, the prior doors?

4 MR. CERNY: Are you asking if
5 the original doors are those doors?

6 MS. BIGGENS-RAMER: The ones that
7 were replaced.

8 MR. CERNY: Yeah, they were
9 there when he purchased the building.

10 MS. BIGGENS-RAMER: Okay. So this
11 would be a change to the exterior.

12 MR. CERNY: It's a change
13 from that appearance, yes.

14 MS. BIGGENS-RAMER: Okay.

15 CHAIRWOMAN: Andrew, can you
16 speak on that part of the code that she was
17 talking about where there's fines being
18 assessed?

19 MR. DUTTON: Yeah. So that's
20 a penalty section with some figures in there
21 for up to hundred dollars a day. There's
22 similar sections to that in different parts of
23 our ordinances. Planning and Zoning Code
24 violations, property maintenance, building,
25 they have a similar line that's probably not

1 exactly the same, but those penalties are
2 generally enforced after staff has tried to
3 remedy the situation or bring the property in
4 compliance or, in this case, run it through the
5 proper process.

6 If that has failed and the owner is not
7 responsive, we would typically forward it to
8 our law department and they would run it
9 through their process with the Municipal Court,
10 and at the end of that process, the fees or
11 penalties could be fined by the judge.

12 CHAIRWOMAN: Okay. Thank you.

13 So does anybody else have any further
14 questions for the Applicant?

15 MS. BIGGENS-RAMER: I do.

16 Were there any other types of doors
17 investigated?

18 MR. CERNY: No. I think they
19 basically have a storefront framing system
20 there and they replaced it with doors to fit
21 the storefront framing.

22 MS. BIGGENS-RAMER: Okay. So there
23 wasn't any consideration given to investigating
24 historical doors that were similar to what you
25 included in your package that -- for example,

1 at H2 you pointed out original doors.

2 MR. CERNY: Hm-hm.

3 MS. BIGGENS-RAMER: And there are
4 current contemporary doors that are made in
5 that same fashion. So those weren't
6 investigated at all for replacement?

7 MR. CERNY: The H2 doors are
8 original to that building.

9 MS. BIGGENS-RAMER: Understood.

10 MR. CERNY: And what I'm
11 trying to show you is, I mean, the character of
12 the buildings around the Square that are
13 historic match that particular style. The
14 doors that are on this building have no
15 historic quality to them. You people like them
16 because they've got some detail. The reality
17 is, it's contrary to what the whole intent
18 behind the preservation is. We're trying to
19 preserve things in the community that are truly
20 historic. We're not trying to mimic things,
21 we're not trying to make things appear to be
22 historic to people that are -- may not be
23 sensitive or understanding exactly what styles
24 are.

25 That particular style door, if it was

1 really a door of that nature, would not have
2 been on that building to begin with, so this
3 was somebody who renovated the building early
4 on in the whole process when the Square was
5 going through a renovation that thought this
6 looked nice.

7 You call it Victorian, which really isn't a
8 style.

9 They stuck that on the building. It looks
10 okay, it's fine, but it's not really
11 reflective. When you look back to what the
12 building was, all the historic character of
13 that building was long gone. So this is
14 somebody trying to mimic that more than
15 anything else.

16 So the fact that it's not there, I don't
17 personally find it a big loss. There's plenty
18 of buildings around the Square that use just
19 the stock aluminum door that haven't had
20 anything probably be done to them to make them
21 look like they're more than they really are.

22 The storefront that's there is the original
23 storefront when it was renovated before and
24 someone just added some stuff onto it, so --

25 CHAIRWOMAN: Every time we

1 lose another historic door in the historic
2 footprint of the City of Medina, we lose more
3 of our cultural heritage, so --

4 MR. CERNY: Again, that is
5 not an historic door.

6 CHAIRWOMAN: I understand
7 that.

8 MR. CERNY: There's nothing
9 historic about that door.

10 MR. WOOD: Even if it's not
11 historic, it was made to look historic, and
12 that was probably done in the early '70s when
13 Medina was changing.

14 MR. CERNY: Probably late
15 '70s, early '80s. I'm not sure when that door
16 was put on there.

17 MR. WOOD: Yeah. So, you
18 know, it just -- it looks much nicer than the
19 more industrial-looking metal door.

20 MR. CERNY: Okay.

21 MR. WOOD: And, I mean, I
22 know you have designed just a new building
23 that's going to be going up by Sullivan's -- or
24 Sully's Pub --

25 MR. CERNY: Right.

1 MR. WOOD: -- and made it to
2 look like it fits in with the city with
3 historic features even though it will be new.

4 MR. CERNY: Yeah, I think
5 you're crossing over here, because while the
6 building I did design has some qualities, has
7 some sense of rhythm and pattern, and things
8 like that, the -- you know, the essence of the
9 detailing is not trying to pull from late 1800s
10 architecture. Okay? It's all done with more
11 contemporary materials and done with more
12 contemporary detailing. It's not trying to
13 represent itself as being an 1880s building,
14 it's trying to represent itself as being a
15 contemporary building. It's done with a
16 sensitivity to the character of the community
17 but certainly not trying to mimic that.

18 That door, while you like the fact it has
19 an oval in it and it has a fancy panel on the
20 bottom of it, a door from that era doesn't have
21 like those little decorative corner elements or
22 stuff around the oval and stuff like that,
23 it's --

24 You know, there's nothing historic about
25 that door. Maybe, you know, if you want him to

1 put a piece of plywood on it and cut an oval in
2 it and add some doodads to it and stuff like
3 that so that it looks, you know, more like the
4 panel on top, that can be done, but it's -- you
5 know, replacing that with a wood door that
6 wouldn't be historic is not the right thing to
7 do on this building.

8 MR. WOOD: Well, again, I
9 think they -- if they had come to the Board
10 ahead of time, we could have alleviated all of
11 this.

12 MR. CERNY: Once again, it
13 was a sense of maintenance. I'm not sure what
14 condition the doors were in. I'm not sure if
15 they had something happen to them and they
16 needed to be repaired quickly for security
17 purposes. I don't know the whole story behind
18 it, I just know that they asked me to come in
19 and -- they first asked me to put the
20 application together for it and then they asked
21 me to come in and represent them.

22 So my guess is the doors were in pretty bad
23 disrepair because I doubt they would have
24 replaced them otherwise, and so maybe they
25 didn't think they needed to because of

1 maintenance or maybe it was a timeline issue
2 because they couldn't lock the doors for some
3 reason. I don't --

4 MR. WOOD: Actually, I heard
5 that, that they had trouble with the locks on
6 them.

7 MR. CERNY: Okay.

8 MS. BIGGENS-RAMER: You know, this
9 is kind of a procedural issue. You know, we
10 exist as a board to protect the Square, and we
11 can't -- you know, the code is pretty clear as
12 to any changes, maintenance or otherwise. Your
13 letter to the City is dated November the 12th.
14 These doors were on the building in October, so
15 whatever the pressing issue was for the
16 replacement of these doors, it wasn't too
17 pressing because it got done quite before we
18 pointed out to City Administration that these
19 have been done without approval.

20 MR. CERNY: I'm not following
21 your logic there. There was an issue with the
22 doors and they replaced the doors. That was
23 done because of that issue, not because of the
24 timing of when my letter was turned in.

25 MS. BIGGENS-RAMER: The point is, is

1 that, once again, it occurred before -- the
2 work was done before we had an opportunity to
3 review and approve it.

4 MR. CERNY: I understand
5 that. But if there was a security issue, there
6 was a security issue, and they certainly have a
7 right to try to re-secure the building. You
8 can't expect them to leave the building
9 unlockable while we go through a whole process
10 of trying to get it approved. You know, there
11 certainly needs to be the ability for the
12 building owner to secure the building.

13 CHAIRWOMAN: Okay. I'm going
14 to go ahead and thank you for your summary and
15 ask the public if anybody would like to come up
16 and speak to this case.

17 Mr. Lamb, if you'd state your name and
18 address for the record.

19 MR. LAMB: My name is
20 Bill Lamb. I live at 721 South Court Street,
21 Medina, Ohio 44256.

22 Listen, you have just listened to an
23 explanation that speaks to a larger issue, and
24 the larger issue is clear. You have a set of
25 standards that are the law and they specify the

1 procedure, and it isn't whether somebody thinks
2 the detail maybe isn't quite right or the door
3 is not particularly historic, it isn't whether
4 somebody thinks it's not a big loss. The
5 failure to follow the procedure which is
6 specific and legal, that's the issue, and
7 there's no reason for the failure to follow the
8 issue.

9 We have worked fifty-four years, seven
10 decades, to bring this Square and this
11 Historic District to where it is today, and it
12 was done by people who are committed to the
13 fact that it could become a thriving economic
14 center, and the reason people do business here
15 is because it is a thriving economic center.
16 It is the economic engine of the City, and the
17 specifications that are in the ordinance are
18 very clear about changing - in this case -
19 these doors.

20 And you have been given nothing factual
21 except really hearsay on this subject, and in
22 my opinion you have an obligation to follow the
23 exact language of the ordinance that created
24 this, that -- what material, what has to be
25 brought forward, what has to be brought back,

1 what has to be taken down.

2 Clearly -- the owner is not here. Clearly
3 the owner has more buildings than that one and
4 there is no excuse for not understanding the
5 procedure.

6 And nobody was informed about an issue that
7 required immediate attention. Issues that are
8 immediate attention can be dealt with in a
9 different way by the building code. I'm not
10 sure changing a lock would fall into that --
11 would fall into that category.

12 So the door here is not particularly the
13 point. The point is, there's a standard and we
14 can't allow -- we can't allow what appears to
15 be kind of a new approach, "Let's just do it,
16 ignore this board, sneak it in, hope we don't
17 get caught."

18 And this is not the first case that that's
19 happened, and there is no excuse for it, and in
20 my opinion, you all have an obligation to make
21 sure you follow the law point-by-point.

22 I'm thrilled that you're here. I'm
23 thrilled we have the board. That's the reason
24 we created the Historic District, to protect
25 this gem that a lot of people worked really

1 hard to create, not just to come forward and
2 try to make excuses.

3 Thank you.

4 CHAIRWOMAN: Thank you.

5 Do I have anybody else that wanted to speak
6 to this case?

7 MR. WIEDERHOLD: If I may.

8 Matt Wiederhold, Main Street Medina,
9 426 East Liberty or 39 Public Square.

10 I totally hear and understand Mr. Lamb and
11 Mr. Cerny's points. I worked with the business
12 owners on replacing these doors. There was a
13 serious issue with the lock. Sometimes the
14 store owners were locked in and couldn't get
15 in; sometimes they were locked out and couldn't
16 get out.

17 The way those doors were built was a
18 plywood panel over a solid piece of glass.
19 They did work with Medina Glass to see if they
20 could drill through the glass pane that was
21 existing to put a new lock and they were
22 unsuccessful in doing that.

23 They did do a lot of research to see if
24 that could be repaired so that they could keep
25 the doors. The one of the two business owners

1 CHAIRWOMAN: Do I have a
2 second?

3 (No response.)

4 CHAIRWOMAN: No second?
5 Motion denied.

6 Can I have a roll?

7 MR. DUTTON: What are we
8 voting -- we don't have a second.

9 CHAIRWOMAN: We didn't get a
10 second.

11 MR. DUTTON: We can't vote on
12 anything because there's no second.

13 CHAIRWOMAN: Okay.

14 MR. DUTTON: Someone needs to
15 make a motion that there's a second for.

16 CHAIRWOMAN: Okay. So the
17 application was not approved.

18 MR. DUTTON: We need to have
19 some kind of motion, whether it be approved --

20 MR. LAMB: A motion, a
21 second, and then if you're not in favor, vote
22 no.

23 MR. DUTTON: Okay.

24 CHAIRWOMAN: Okay. Do I
25 have --

1 MS. BIGGENS-RAMER: I'll second the
2 motion.

3 CHAIRWOMAN: Okay. And do I
4 have a motion to deny the application?

5 MR. WOOD: No, no.

6 CHAIRWOMAN: Okay, you already
7 did that.

8 MR. DUTTON: So this motion
9 was to approve, and Beth has seconded, so we
10 can vote on that motion now.

11 CHAIRWOMAN: Okay. Go ahead
12 and call roll.

13 MS. TOME: Biggens-Ramer?

14 MS. BIGGENS-RAMER: No.

15 MS. TOME: Knaggs?

16 MS. KNAGGS: No.

17 MS. TOME: Stahl?

18 MS. STAHL: Yes.

19 MS. TOME: Traves?

20 CHAIRWOMAN: No.

21 MS. TOME: Wood?

22 MR. WOOD: No.

23 MS. TOME: Motion denied.

24 CHAIRWOMAN: Thank you.

25 MR. DUTTON: And I suppose

1 with that, do we have any direction to the
2 Applicant, possible remediation or --

3 MS. BIGGENS-RAMER: I would like to
4 recommend to the Applicant that you do some
5 research for either doors that would have been
6 historical to the building for replacement, or
7 if you cannot find those, there are
8 contemporary door manufacturers that make
9 historical -- I'm not alluding to the picture
10 that's up there now with the ovals, but they do
11 make more historical-looking doors than the
12 ones that were installed, and that those
13 options be brought back to us for
14 consideration.

15 MR. CERNY: Okay.

16 MR. DUTTON: Thank you.

17 (Case concluded.)

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

CERTIFICATE

I, Makenzie J. Sabo, RPR, Notary Public within
and for the State of Ohio, duly commissioned and
qualified, hereby certify that before the giving of
their testimony, all persons were first duly sworn
to testify to the truth, the whole truth, and
nothing but the truth in this case aforesaid and
that the testimony was taken by me by means of
stenotype in the presence of said persons.

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

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office at Medina, Ohio this
8th day of February, 2022.

Makenzie Sabo

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