

**MINUTES  
HISTORIC COMMISSION  
April 21, 2022**

**TYPE:** Regular Meeting  
**PLACE:** City Council Chambers

**MEMBERS PRESENT:** Jeremy Loukinas            Roger Daniel  
   Andy Brickler                 Levi Cramer  
   Matt Dixon                     James Stabler

**STAFF PRESENT:** James Metz, City Planner

**OTHERS PRESENT:** Mayor Condrey

Mr. Dixon called the meeting to order at 5:30 PM. Roll call was made; a voting quorum was present.

**SWEARING IN WITNESSES**

Mr. Dixon called for a swearing-in of witnesses. James Metz, Mr. Armbruster, and Ms. Levitt were sworn in.

**PREVIOUS MEETING MINUTES**

Mr. Dixon asked the members if they had reviewed the meeting minutes. Mr. Cramer addressed the correction needed for March 17, 2022, minutes on page 2 in which the minutes stated “the applicant stated that the applicant was in complete ownership of the alleyway” which Mr. Cramer wanted clarity brought to the minutes to denote that the applicant did not actually own both vacated portions of the alleyway regardless of the applicant’s statement. Having heard no additional changes, corrections, or additions, Mr. Dixon noted that he had several changes that he would like made. Mr. Metz asked to have the multiple changes emailed to him. Mr. Dixon made a motion to table the minutes. The minutes were tabled for the next meeting unanimously through roll.

**2704 CENTRAL AVE – FENCE  
CERTIFICATE OF APPROPRIATENESS**

Mr. Dixon requested a staff report. James Metz presented the staff report. During the staff report, Mr. Metz also stated that the applicant will have to receive approval through the BZA for an area and dimensional variance as the applicant has stated that he would like to have a portion of his fence face inwards to accommodate his fence builder’s requirement.

Mr. Daniel asked if the neighbor has an opinion on the fence facing inwards. Mr. Metz stated that he told the applicant that a supporting letter from the neighbor would strengthen his application. Mr. Daniel asked if the neighbor’s existing fence and the applicant’s proposed fence are of the same material. Mr. Metz stated they are not.

Mr. Loukinas states that the application does not state that they want the fence facing two different ways. Mr. Metz stated that this was a recent development and was communicated over the phone with the applicant. This is due to the fence company requesting either a 3-foot set back from the

neighbor's fence or for the boards to face inwards even though the City of Middletown does not have a fence set back requirement.

Mr. Brickler asked how far back would the fence face inwards. Mr. Metz stated that it would go back as far as the neighbor's fence which he believes is to the garage.

Mr. Cramer asks about a portion of the fence that dog legs along the neighbor's house. Mr. Metz clarified that this portion of the fence is to face out like normal and is jugged back as such as not to have a privacy fence right beside the neighbor's house.

Mr. Dixon asks if the front portion of the fence will cover a section of the house and if it will be on the dotted lines. Mr. Stabler said that the diagram shows that the fence will only be on the sides and rear of house and the dotted lines on the front are just to show the fence is even with the house. Mr. Metz stated that along with switching a portion of the fence inwards that the applicant would also like to receive approval for a fence along the front portion of his house.

Mr. Loukinas stated that whatever direction the fence goes. He would like it to just go the same way for the whole fence.

Mr. Kramer asks how did they make these amendments. If they were in writing or just over the phone. Mr. Metz stated they were over the phone.

Mr. Brickler stated that he agrees with Mr. Loukinas that the way a portion of the fence faces isn't that big of a deal but that he agrees with Mr. Dixon that there is an issue with the fence covering a portion of the front of the house. Mr. Brickler also asks about a gate and if they intend to add a gate. Mr. Metz stated the application and his conversations with the applicant did not include a gate.

Mr. Dixon stated that there should have been a public comment period before it is up for debate by the Historic Commission. Mr. Dixon states he would like to go on the record asking if there is a public comment. Hearing none Mr. Dixon closed the public comment period.

Mr. Brickler states he wouldn't have a problem with the application if they brought the fence back so it wasn't blocking a portion of the front of the house.

Mr. Dixon stated that he believes they may need to deny as submitted with an invitation to submit a new application.

Mr. Loukinas made a motion to deny. Mr. Cramer seconded the motion. The motion was approved unanimously through roll.

The applicant, Mr. Gunsher walked in and Mr. Dixon stated they just denied his application and if he would like to have an opportunity to answer some questions. Mr. Gunsher was sworn in.

Mr. Gunsher states that he was not planning on fencing the front but just the sides and rear portion of the yard.

Mr. Dixon asked whether or not the neighbor knows the fence would be installed contrary to what the code would otherwise require.

Mr. Gunsher stated that it is his understanding that the certificate of appropriateness wouldn't be dealing with the issue of potential variances and that speaking to the fence company that they would require to observe the ordinance setting up the fence at least three feet from the property line.

Mr. Cramer states that the variance doesn't come before the Historic Commission.

Mr. Metz apologizes to the applicant stating that he was under the impression from speaking to the applicant that he did want to amend the application to construct on the front portion of the fence along the dotted lines. Mr. Metz explained the process of the applicant needing to be seen by both the Historic Commission and the Board of Zoning Appeals.

Mr. Brickler asked if there would be a dog leg in the actual fence. Mr. Gunsher stated that there would not be a dog leg in the fence when constructed. It was only to illustrate that the fence would have to be that far back to accommodate the set back requirement from the builder.

Mr. Daniel states he would like a bit more clarity on the dotted line and if a fence will be there. Mr. Gunsher stated that no fence would go there and it was only drawn to show how far forward the side yard fences would go. Mr. Dixon asked if there was ever going to be a point that he would want to put a fence there. Mr. Gunsher stated that he can't confirm there wouldn't ever be a fence across the front of the property. Mr. Dixon stated that if it's something Mr. Gunsher is contemplating in the future and if that is the reason why the fence is extended all the way up that they have some concerns. Mr. Gunsher agreed and stated that if they completed the fence across the portion closest to Central that they would make sure the architectural features aren't interrupted by me.

Mr. Loukinas asked if there would be a directional change in the fence on the side facing the neighbors. Mr. Gunsher stated there wouldn't be and that is the intended plan. Mr. Gunsher also stated he is looking for a fence contractor that would install the fence with the smooth side facing out and close to his neighbors fence.

Mr. Cramer asked if the applicant if he has attempted to reach out to the neighbor. Mr. Gunsher said no formal attempt has been made and that as the neighbor was selling his house that he felt like this was an opportune time.

Between 30:56 and 31:39 there was an undistinguishable discussion.

Mr. Cramer states that Robert's Rules of Order does allow for what's called a motion to reconsider that must be introduced by somebody that voted in favor. So that's all of us. It's just a simple majority after a second, and that basically undoes the no vote, and it puts it back in front of us as it previously was, and then we can vote from. Mr. Cramer made a motion to reconsider.

Mr. Dixon asked for all in favor of the new motion put forth by Mr. Cramer. The motion was passed unanimously. Mr. Dixon reopens and then closes the public comment period. Mr. Brickler makes a motion to approve as presented. Mr. Cramer seconds the motion. The motion is passed unanimously through roll.

**1131 CENTRAL AVENUE - WALL SIGN**  
**CERTIFICATE OF APPROPRIATENESS**

Mr. Dixon requested a staff report. James Metz presented the staff report. Mr. Dixon opens the public forum. Seeing no one to speak in favor or opposition to the application the public forum was closed.

Mr. Dixon stated that his issue with this is that it's another business that has skipped this step at a building that is very familiar with the process. Mr. Brickler agrees with Mr. Dixon and stated that the applicant is well aware of the process. Mr. Cramer states he agrees as well but that there is now an application for the sign and we wouldn't necessarily want to punish the applicant for actually going through the process.

Between 37:08 and 37:45 there was an undistinguishable discussion.

Mr. Metz stated that the application came from the restaurant owner and not the building owner. The applicant stated that her last location wasn't in a historic district. Mr. Cramer corrected the notion and confirmed that the location of her last restaurant was in a Historic District and that he was not going to hold it against the applicant because there is an application now.

Mr. Brickler asks to save this for new business and to look at the COA as it is now.

Mr. Cramer makes a motion to approve. Mr. Daniel seconds the motion. The minutes were approved unanimously through roll.

#### **2804 CENTRAL AVE - FENCE & POOL** **CERTIFICATE OF APPROPRIATENESS**

Mr. Dixon requested a staff report. James Metz presented the staff report. Mr. Dixon opens the public forum.

Ms. Levitt and then Mr. Armbruster speaks in favor of the project. They detail how the project is just a replacement of previously existing features on their home. Mr. Gunsher speaks in favor of the new home additions as well. Seeing no one else. Mr. Dixon closes the public forum.

Mr. Loukinas made a motion to approve. Mr. Cramer seconded. The motion was approved unanimously through roll call.

#### **OLD/NEW BUSINESS**

Mr. Dixon states we need to fill the position of Mr. Emrick. Mr. Loukinas asks if there are requirements for the CLG states such as having an architect on the Historic Commission. Mr. Dixon agrees and states that what may be on the city's website and what CLG requires might not be exactly the same. Mr. Metz states that he can look into it.

Mr. Dixon asked if we have an update on the historic designation process. Mr. Metz stated he has reached out to the homes that are key priorities in the city but has not heard back yet. Mr. Loukinas asks how to have a site designated as a local landmark or historic site. Mr. Metz said he was unfamiliar with the local process and will look into that. Mr. Dixon briefly covers the process for a property to become a local historic designated property.

Mr. Loukinas gives a brief overview of the Historic Designation Process and then asks what is the current status of the Historic Designation Process for the Oakland. Mayor Condrey notes that the application was submitted approximately 6 days ago. Mr. Loukinas reaffirms that the application submitted wasn't approved by the Historic Commission and does not have the boundaries necessary

to get on the National Registry. Mr. Loukinas notes that you need architectural, cultural, and historic significance to get on the registry. Mr. Loukinas states rolled steel was invented at the East Works so we have the context with the research center but the district that was previously submitted would have a much easier time being accepted into the National Registry.

Mr. Loukinas asks Mr. Metz asks who represents the Historic Commission when the civil penalties get to the court room as they usually get thrown out.

Between 1:08:01 and 1:09:05 there was an undistinguishable discussion.

Mr. Loukinas reiterates that the importance of having a violation not be dismissed when the City is working hard on following up on violations. Mr. Metz states that it would be an excellent question for the City's legal department and that he would reach out to them.

Mr. Dixon states he would like to move onto window signs and asks if everyone has seen that. He states he would like to take the position that if it is visible from the street that the Historic Commission should review it. Mr. Dixon asks if everybody is in favor of it.

Mr. Cramer said he has not read the email and will read that after the meeting.

Mr. Dixon moves onto code enforcement and asks about an update from the tracker. Mr. Loukinas explains that Annette previously had an excel sheet that she used to track code violations within Historic Districts. Mr. Loukinas also states that he previously worked on an inventory and that he would be willing to do it again. Mr. Metz stated that after a thorough discussion with colleagues that the excel sheet Anette kept was on her personal drive not on shareable file. Mr. Metz stated that he would continue to look to find the tracker and keep it updated. Mr. Brickler asked about Citizen Serve and if that is still being used. Mr. Loukinas stated that he has not had much success submitting requests via Citizen Serve. Mr. Brickler stated that he thought he'd at least bring up that idea as a way to be a bit more expedient than to have staff fill out an excel sheet. Mr. Metz states he will ask about citizen complaints and how that process works through Citizen Serve.

Mr. Daniel asks about the window signage and states that it may be confusing to people. As downtown doesn't require approval from the City if the window sign is under 25% but may need Historic Commission approval. Mr. Cramer thanked the staff for receiving an answer from the Law Department as he has wanted clarity for a while. Mr. Metz asked for the record and for future reference, what is the consensus from the Historic Commission on window signage. Mr. Metz stated that the email from the Law Department made it seem like window signs could be controlled by Historic Commission or be left as is but ultimately, the discretion is up to the Development Director and the biggest issue is ensuring that we are consistent as possible when it comes to dealing with window signs. Mr. Cramer states that the Development Director could view the window signs as a material change and if that is the interpretation that they are going with then the size doesn't really matter. Mr. Metz states he will have to reach out to the Development Director to understand her stance on this particular subject.

Mr. Dixon asks if there has been any progress on the City's Historic Preservation Plan? Mr. Metz stated that it was mentioned to him informally that it was next after the Comprehensive Plan but currently does not have any additional information.

Between 1:22:05 and 1:22:55 there was an undistinguishable discussion.

Mayor Condrey was sworn in.

Mayor Condrey states she made a special request to the City Manager that we add our historic buildings that the city owns onto the capital improvement plan. Mayor Condrey states that in order to be good stewards of the Historic Buildings that we should at least keep them in code compliance if not upgrade them. She continues by stating that it helps with economic development and is an incentive to the next owner as well.

Mr. Brickler asked how are we going to market these properties. Mayor Condrey stated that she is working on that on a strategic level and states that there is progress right now.

Mayor Condrey states that the City should put out an RFQ for the Manchester First Financial and determine if there is an elevated interest in the building after that.

Mr. Loukinas stated he will volunteer to put together a document that showcases the buildings, what they need, and the contact information.

Mayor Condrey states that at this current time that the City is staffed right now for the day to day tasks and not staffed to be as proactive as we might need or want. Mayor Condrey follows that statement up with confirming how the Historic Commission is a force multiplier in our City's efforts. Mayor Condrey continues with a lesson she's learned that good developers aren't actively looking for buildings as they're busy and that they're used to having people send them good buildings to redevelop. Mr. Loukinas thanks Mayor Condrey for all of her effort.

Mr. Dixon asks if there is any additional new or old business.

Mr. Brickler acknowledges the previous COA application for the sign and asks how can we best address these as they are rapidly changing before us. Mr. Metz states a new sign face change or any new sign added would spark a COA. Every time we're out, anytime our code enforcement officers or specialists see anything we take note. We can send letters and ask businesses or property owners to please fill out the application. Mr. Brickler noted that maybe there's a more proactive approach to this and suggested we send out letters to property owners what it means to be in a Historic District and the process as well for permits. Mr. Brickler acknowledges that the city is short staffed but it would be very beneficial to the community.

Mayor Condrey stated that she has sent out an email asking how we can stop someone from making a change that would require a COA and only sending an application in once they are caught.

Between 1:32:52 and 1:35:09 there was a discussion that involved fining applicants who are repeat offenders of making changes prior to receiving COA approval. It was difficult to distinguish who was speaking.

ADJOURNMENT

Mr. Dixon moved for adjournment at 6:35 PM. Mr. Daniel seconds. The meeting was adjourned unanimously.



Matt Dixon  
Chairperson



James Metz  
City Planner

\*Full recording of the meeting available in the Planning/Zoning Department.

**STAFF REPORT  
CERTIFICATE OF APPROPRIATENESS**



**OWNER/APPLICANT:**

Angela Sberna  
2700 McGee Ave  
Middletown, Ohio 45044

**PROPERTY ADDRESS:**

2700 McGee Ave  
Middletown, Ohio 45044

**REQUESTED ACTION**

Issuance of a Certificate of Appropriateness for an installation of a fence.

**PROPERTY HISTORY**

2700 McGee is a single-family Tudor home built in 1926 by architects Burroughs & Deeken. The primary exterior material is stucco. The home has approximately .87 acres.

**PROPOSAL OF WORK**

The applicant is proposing:

- Installation of a fence.

*Per the Middletown Development Code:*

No person owning, renting, or occupying property which has been designated a landmark or which is situated in a designated historic district shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a historic landmark or property within a historic district, nor shall any person make any material change in appearance of such property, its light fixtures, signs, awnings, windows, siding, roof, doors, shutters, sidewalks, fences, walls, retaining walls, steps, paving, or other exterior elements which affect the appearance and cohesiveness of the historic landmark or historic district, without first obtaining a certificate of appropriateness from the Historic Commission or Development Code Administrator, as applicable. No permits for zoning, building, or demolition shall be issued without first obtaining a certificate of appropriateness.

**OTHER APPROVALS/PERMITS REQUIRED**

Certificate of Zoning Compliance

**TIME LIMIT**

1. The applicant shall submit a completed application for a certificate of zoning compliance within one year of the date the COA was approved or the approval shall expire. The date of approval shall be the date the Development Code Administrator issues the COA.
2. Upon expiration of a COA, a new application, including all applicable fees, shall be required before a new application will be reviewed.
3. Upon written request, one extension of one year may be granted by the Development Code Administrator if the applicant can show good cause for a delay.
4. The Historic Commission may authorize alternative time limits for certificate of zoning compliance issuance based on the scale of the proposed development.

**APPEALS**