

Chairman J. Calabro called the May 25, 2022 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

Ch. Calabro noted that this meeting is being taped for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting.

Ch. Calabro stated that any Board member that has any monetary interest or has a conflict including ex parte communication should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Wrubel, Schaefer. In the audience were Alternate Schrader, Trustee Augustine, Zoning Inspector Wilson, Zoning Secretary Suzanne Peterlin, Brian Richter, Medina County Assistant Prosecutor, applicants Mr. Syms, Mr. Rumes with their Counsel, William Muniak and 5 residents. There were 10 virtual attendees.

The Recording Secretary read the legal ad and confirmed that the legal notice was mailed to the applicant and adjacent property owners.

Ch. Calabro stated that the Hinckley Township Board of Zoning Appeals acts within the authority of Section 519 of the Ohio Revised Code and exercises its power as provided under Chapters 7 and 13 of the Hinckley Township Zoning Regulations. All public hearings are open to the public. All persons wishing to testify must do so from the podium or virtually, must identify themselves and give their address and must be sworn in. Evidence and testimony must be pertinent to the hearing. It is the Chairperson's discretion to limit personal comments, personal attacks, opinions, editorializing, and/or repetitious statements or testimony or evidenced previously given. Disruptive persons will lose their right to remain at the hearing. Personal attacks will not be tolerated. Any person may request a schedule or an agenda be mailed to them, providing a self-addressed and stamped envelope be included with request.

Ch. Calabro stated that this is a hearing upon the application of 729 W. 130<sup>th</sup> Street LLC and Brent Rumes, property owner of the property located at 729 W. 130<sup>th</sup> Street, Hinckley, Ohio to appeal the decision of the Zoning Inspector ruling that the building and land no longer qualifies as a non-conforming use as a tavern, bar or night club.

Ch. Calabro noted that the applicant has submitted a packet that the Board has in front of them, it includes the original application for the applicant submitted by the Counsel for Appellee and the copies of emails to the Board of Zoning Appeals, emails from the Applicant's counsel, email from the Medina County Assistant Prosecutor and an email from the Zoning Inspector and a site map with the owner information that should all be in the Board's packets and all the items are related to this Appeal.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application and supporting documentation has been available for public review and comments.

Ch. Calabro asked the Recording Secretary if there were any letters, phone calls or emails received related to this application. The Recording Secretary stated no letters or correspondence received and there was a resident, Peter Perillio, who visited the Zoning Office.

Ch. Calabro noted for the record that non-written communication or written communication made by known or unknown persons not under oath and not properly given during the hearing are not accepted by the Board of Zoning Appeals as testimony. Each member of the Board of Appeals has been provided a copy of this application and a copy of each of the documents submitted in support of it.

Ch. Calabro asked the Recording Secretary to poll the Board as to whether they received the packet of information and inspected the property at 729 W. 130<sup>th</sup> Street, Hinckley, Ohio 44233.

**Response: Calabro – yes and yes inspected on 5/21/2022, Hoop – yes and yes inspected on 5/24/2022, Zeleznak – yes and yes inspected on 5/21/2022, Schaefer – yes and yes inspected on 5/22/2022; Wrubel – stated she did not receive the packet other than what was provided via email – yes inspected on 5/25/2022.**

Ms. Wrubel stated she received the notice of appeal via email, but did not have a chance to review the packet.

Ch. Calabro stated that written communication from persons not present this evening may include communications that are not made by affidavit because these communications are made by persons not under oath they are not accepted by this Board. Written communication may include writing by affidavit by persons not present this evening and therefore cannot be subjected to cross examination. These affidavits will not be given much weight, if any, in the decision of the Board on this matter.

Ch. Calabro stated that the Board has the power to grant an applicant's request for an appeal from a decision of administrative officer.

Ch. Calabro stated that all people that wish to give testimony will be sworn in individually, must state their name and address and testimonies, if any, shall be given from the podium.

Ch. Calabro stated that on behalf of the virtual audience we ask that everyone save personal conversations until after the meeting as additional voices cause confusion for those attending virtually.

Ch. Calabro asked the applicant or his representative to come to the podium.

**Will Muniak – 921 Shorewood Drive, Medina**

Mr. Muniak was sworn in accordingly.

Ch. Calabro asked Mr. Muniak if he submitted the Appeal. Mr. Muniak confirmed he did. Mr. Muniak stated he understood there are two issues, one being the notice provided to the applicant which was given by Mr. Wilson in an email which was sent to only one property owner, not both property owners. Mr. Muniak stated the email that Brent Rumes received didn't contain specific findings or anything about appeal rights and was sent to only one of the property owners. Mr. Muniak stated this was very much unlike the notices that are set forth in the Zoning Code for other kinds of things that people get notices for. Mr. Muniak stated that since it was sent to only one property owner, if there are any issues with respect to the timing of the Appeal these are some things that need to be taken into consideration with respect to a very significant taking of the property without much notification to both property owners.

Ch. Calabro asked who the other property owner is. Mr. Muniak stated 729 W. 130<sup>th</sup> Street, LLC and Tom Syms is a statutory agent and lives in Hinckley. Ch. Calabro asked if they are saying that Tom (Syms) was not aware of this decision and Mr. Muniak stated that Tom (Syms) did not receive notice. Ch. Calabro asked if Tom (Syms) was aware of any of this prior to March 15, 2022. Mr. Muniak stated he doesn't believe he was aware of the decision that had been made. Ch. Calabro asked Mr. Muniak if he is referring to the March 15, 2022 email sent by their Zoning Inspector and Mr. Muniak confirmed that. Ch. Calabro asked Mr. Muniak if he is saying that email didn't explain anything and Mr. Muniak stated it didn't explain what their appeal rights are and Ch. Calabro stated it's not in the Zoning Code that they need to do that. Mr. Muniak stated that in the email it stated there hasn't been a liquor permit at the location since January, 2019 and Mr. Muniak stated he believes that is technically incorrect because it was actually open until April, 2019.

Ch. Calabro asked Mr. Muniak if he is aware how the Zoning Inspector became aware that the bar wasn't operating and Mr. Muniak stated he hasn't spoken with Mr. Wilson.

Ch. Calabro asked Mr. Muniak if he is saying that March 15 is not when notice was given and Mr. Muniak stated that an email notice was sent and Ch. Calabro stated that the applicant/owner was notified on March 15 and Mr. Muniak stated the owner didn't open his email so the owner wouldn't have known on March 15. Ch. Calabro asked Mr. Muniak when he thought the owner opened the email and Mr. Muniak said he doesn't now, probably a few weeks after that.

Ch. Calabro stated that the email was sent to the owner on March 15 and prior to March 15 conversations had taken place because there is a phone log kept by the Hinckley Township Zoning Office. Ch. Calabro read from the phone log (a copy of which is in the Hinckley Township Zoning Office) that “Brent Rumes and Thomas Syms stopped in to discuss the Adult Day Care and has an interested buyer, owner of the Caddyshack who is looking to purchase the property and transfer liquor license and run as a restaurant/bar at 729 W. 130<sup>th</sup>, they would like to discuss with you and the Trustees as to why they are not allowed to continue their business at that location.” Specifically, subsection 8.3.d Discontinuance of Use – and it states the Code. Ch. Calabro read further that “Brent Rumes tells me that Nick from Caddy Shak. Spoke with Nick, Nick is asking if there is any recourse for him to appear before the BZA.” Ch. Calabro stated that was on March 4. Mr. Muniak requested a copy of the phone log that Ch. Calabro read and Ch. Calabro complied. Ch. Calabro clarified that it is actually a Zoning Activity Log that she obtained from the secretary which she can testify to.

Ch. Calabro stated that to the point that the owner didn’t know on March 15 she believes he did. Mr. Muniak stated the owner knew there was an issue, but he didn’t know that he was stopped from operating at that location. Ch. Calabro stated she believes the owner was given notice by the Zoning Inspector to that effect exactly – that the non-conformed use ceased after two years, and it was way beyond two years. Mr. Muniak stated it gets into another issue that the discontinuance has to be voluntary. Ch. Calabro stated that she doesn’t want to talk about that, they need to establish the issue of the notice.

**Tom Wilson – Hinckley Township Zoning Inspector**

Zoning Inspector Wilson was sworn in accordingly.

Ch. Calabro asked Zoning Inspector Wilson to give the history on the email notification. Zoning Inspector Wilson stated that the building being discussed is in the R-2 Residential District and it had been closed for awhile and Zoning Inspector Wilson confirmed the Zoning Code states that Tavern is not a conditional use in an R-2 and on page 89 of the Code it discusses non-conforming uses and a non-conforming building happens when something is established in a location before the code is written and once the code is enforced that business stays there as a non-conforming use and the Code states that if a business remains inactive for a period of two years it loses its status of a non-conforming use. Zoning Inspector Wilson stated he called the liquor license bureau in Columbus and asked if the liquor license for this business is still active and Zoning Inspector Wilson stated they told him it had not been active since January 11, 2019. Zoning Inspector Wilson stated that since the tavern had not been operating for over two years, he made the ruling that the owner had lost their non-conforming status.

Ch. Calabro asked Zoning Inspector Wilson about the email sent to Brent Rumes on March 15. Zoning Inspector Wilson confirmed he sent the email and then he called Mr. Rumes. Ch. Calabro asked Zoning Inspector Wilson if he sent an email on March 15 stating they were no longer able to operate because it was a non-conforming use and they were not operating for over two years and Zoning Inspector Wilson confirmed that.

Ch. Calabro asked if Zoning Inspector Wilson also called Mr. Rumes on March 15 and Zoning Inspector Wilson confirmed that. Ch. Calabro stated she read on the Zoning Office log that Zoning Inspector Wilson sent an email and called. Ch. Calabro asked Zoning Inspector Wilson if Mr. Rumes stated he was obtaining an attorney and Zoning Inspector Wilson confirmed that Mr. Rumes told him that and Zoning Inspector Wilson contacted the Assistant County Prosecutor Brian Richter by email to make him aware.

Ch. Calabro asked if Zoning Inspector Wilson received a response from the owners and Zoning Inspector Wilson stated yes, they came into his office on either March 15 or 16 and they talked about the ruling. Ch. Calabro asked Zoning Inspector Wilson who came in and Zoning Inspector Wilson stated Mr. Syms and Mr. Rumes.

Ch. Calabro asked Zoning Inspector Wilson, according to his testimony, on March 16 both Mr. Syms and Mr. Rumes both knew that he had sent them a decision and prior to that there were conversations, but what prompted him to send the email on March 15. Zoning Inspector Wilson stated he wanted to let them know about the ruling, so they were formally noticed by the email sent on March 15. Ch. Calabro stated that on March 16 they came in and wanted an explanation. Zoning Inspector Wilson confirmed that.

Ch. Calabro asked if anyone else had any questions for Zoning Inspector Wilson.

Mr. Zeleznak asked about the referenced conversations prior to March 15. Ch. Calabro stated she was addressing the question by counsel that the other owner was not aware. Mr. Zeleznak stated he thought there was a comment about a conversation with someone else inquiring about the place. Ch. Calabro stated that on March 4 Mr. Syms and Mr. Rumes stopped in the Zoning Office to discuss the Adult Day Care because they had an interested buyer. Mr. Zeleznak asked if that was with Zoning Inspector Wilson and Ch. Calabro stated she doesn't know who that was with, but it is noted on the Zoning call log. Zoning Inspector Wilson stated he believes it was with him. Zoning Inspector Wilson stated he told the owners that they would have to ask the State of Ohio why the liquor license had been cancelled.

Ch. Calabro stated that an Appeal was filed on April 14, 2022.

**Suzanne Peterlin – Zoning Secretary, Hinckley Township**

Ms. Peterlin was sworn in accordingly.

Ch. Calabro stated an Appeal was filed on behalf of the owners (Mr. Syms and Mr. Rumes) by their counsel Mr. Muniak and according to what they have the Appeal was filed on April 14 – Ch. Calabro asked Ms. Peterlin if she received that on April 14 and Ms. Peterlin stated yes. Ch. Calabro asked Ms. Peterlin if the Appeal was also forwarded to the Board of Zoning Appeals as it states in the Code and Ms. Peterlin stated yes, later in the afternoon on the 14<sup>th</sup> it was forwarded to Ch. Calabro, Zoning Inspector Wilson and the email that was received was forwarded to the Board of Zoning Appeals members that afternoon.

Ch. Calabro stated the reason they are going over the dates is because the Board of Zoning Appeals operates under the authority of Section 519 and Section 519.15 discusses Appeals to the Board of Zoning Appeals. Ch. Calabro then read the language in Section 519.19. Ch. Calabro emphasized that the Appeal should be taken within 20 days of the decision by filing with the Officer from whom the Appeal is taken.

Ch. Calabro stated the owners were notified on March 15 and then an Appeal was filed on April 14, that is 29 days later, which is beyond the 20 days so they may not even be able to move forward.

Mr. Muniak asked if he could have his clients respond to Zoning Inspector Wilson’s testimony and Ch. Calabro stated yes.

**Brent Rumes – 3500 Wiltshire, North Royalton**

Mr. Rumes was sworn in accordingly.

Mr. Muniak asked Mr. Rumes about the sequence of events stated by Zoning Inspector Wilson regarding the notice and the meetings that took place and asked if he can verify that information. Mr. Rumes stated no it is not correct. Mr. Rumes stated they came in when they heard from the party they were thinking of selling the property to, regarding the liquor license. Mr. Rumes stated that he and Mr. Syms came into the office and they talked to the lady working behind the desk, Ch. Calabro asked if he was referring to Ms. Peterlin and Mr. Rumes stated he thought so. Mr. Rumes stated that they were told they have to talk to Zoning Inspector Wilson. Mr. Rumes stated they called a couple times and eventually talked to Zoning Inspector Wilson over the phone and he told Mr. Rumes that it had been over two years, but Mr. Rumes stated they he and Tom had never met Zoning Inspector Wilson in person. Mr. Rumes stated they never knew there was a

certain amount of time to Appeal and they never got any kind of notice and Ch. Calabro stated it is not in the Zoning Code that they have to give him the procedure or anything. Ch. Calabro asked Mr. Rumes to state what day he is testifying that he received notice of the non-conforming use. Mr. Rumes stated he found out in the email, but he doesn't know when he received the email. Ch. Calabro stated that according to the records they came in the next day and Mr. Rumes stated he never came in the next day and he has never met Zoning Inspector Wilson. Discussion followed regarding the notification and the liquor license.

**Tom Syms – 1200 River Road, Hinckley**

Mr. Syms was sworn in accordingly.

Mr. Muniak asked Mr. Syms the name of the LLC is that he is a member of and Mr. Syms stated 729 W. 130<sup>th</sup> and they have an interest in the property located at 729 W. 130<sup>th</sup> St. Mr. Muniak asked Mr. Syms if he received any notice or phone calls from Hinckley Township that the property no longer constituted a non-conforming use and Mr. Syms stated no. Mr. Muniak asked if Mr. Syms wife is a statutory agent and did she receive any notices and Mr. Syms stated no and Mr. Muniak asked if he and his wife live at the same place and what is the address. Mr. Syms stated yes they live at the same place and the address is 1200 River Road, Hinckley. Mr. Muniak asked if that is the address for the statutory agent and Mr. Syms stated yes. Mr. Muniak asked again if Mr. Syms or his wife received any notice from Hinckley Township and Mr. Syms stated no.

Mr. Muniak asked Mr. Syms about Zoning Inspector Wilson's statements and if there is anything he needs to correct and Mr. Syms stated he has never had a conversation with Zoning Inspector Wilson and he doesn't know who he is.

Ch. Calabro asked Mr. Syms when he became aware of the issue – Ch. Calabro stated that if Mr. Syms hasn't had a conversation with Zoning Inspector Wilson did Mr. Syms have a conversation with his partner. Mr. Syms stated he did have a conversation with his partner and he doesn't know the date. Mr. Syms stated Mr. Rumes discussed the email with him maybe a couple weeks later. Discussion followed whether the notice should be in writing.

Mr. Zeleznak stated that he believes emails are considered legal documents.

Ch. Calabro stated they are trying to establish when Mr. Syms received notice. Mr. Muniak stated for the record that he had met with his clients and written a letter to the Township on April 6 and he didn't file an appeal because he didn't know a decision had been made and he didn't find out until April 12 when he received Brian Richter's letter to him enclosing a copy of the decision. Ch. Calabro stated that is between him and his client.

Ch. Calabro stated Mr. Muniak's April 6 email is asking if any written notices and/or applicable violations were issued and please forward the same. Ch. Calabro stated that Mr. Richter responded to that on April 12 saying that he serves as legal counsel for Hinckley Township and he is responding as such. Ch. Calabro stated that Mr. Richter specifically stated that Mr. Rumes was provided with the attached written ruling in the form of an email on March 15. Ch. Calabro stated that Mr. Richter simply provided what Mr. Muniak asked for. Discussion followed regarding notification to his clients.

Ch. Calabro asked if anyone else on the Board had any questions. Ch. Calabro stated that all she can go on is based on the dates when the notice was sent, when the Appeal was filed and based on the Ohio Revised Code, the authority that the Board has, this is beyond the 20 days therefore it's out of the Board of Zoning Appeals jurisdiction to even hear this. Mr. Muniak asked if that included notification to both of the owners, because one of the owners did not receive notice.

Medina County Assistant Prosecutor Brian Richter asked if Mr. Syms is one of the owners and Mr. Rumes is an owner and Mr. Syms stated yes. Mr. Richter asked if Mr. Syms wife's name is Debbie Syms and he stated yes and Mr. Richter asked if she is the statutory agent and Mr. Syms stated yes. Mr. Richter asked who Adam Halavaty is and Mr. Syms stated he is one of the original owners. Mr. Richter asked Mr. Syms if he is aware that Mr. Halavaty is listed as a statutory agent and Mr. Syms stated there is a discrepancy – there are two LLCs filed under 729 and that is a different one. Mr. Richter asked for clarification that it is not 729 W. 130<sup>th</sup> dba Adult Day Care and Mr. Syms stated no it is 729 W. 130<sup>th</sup> LLC. Mr. Richter stated he just wanted to clarify that.

Mr. Zeleznak stated that it sounds like there is confusion who the second owner was and if there was knowledge that there was a second owner and if the one owner was notified, as a partner, he should have talked to his partner. Mr. Zeleznak stated that it coming up two weeks later doesn't make sense to him.

Ch. Calabro stated that the notice was sent on March 15 and 3 weeks later, April 6, there is an email from Mr. Muniak asking for any notices sent to the applicant – nothing is mentioned about filing an Appeal, and it is not in the Code to send anything to the Applicant. Ch. Calabro stated the prior to March 15 the owners said they didn't get any kind of formal notice so Zoning Inspector put something together on March 15 giving them formal notice. Ch. Calabro stated that it is hard for her to believe that they are partners and they haven't discussed this serious matter. Discussion followed.

Mr. Muniak referred to a print out from the Medina County Auditor's site and asked Mr. Rumes what property was listed and Mr. Rumes stated 729 W. 130<sup>th</sup> and Mr. Muniak asked who the

property owner listed are and Mr. Rumes stated 729 W. 130<sup>th</sup> LLC and Brent Rumes. Mr. Rumes asked what the tax mailing address is for 729 W. 130<sup>th</sup> LLC and Mr. Rumes stated 1200 River Road, Hinckley, Ohio.

Mr. Muniak referred to a print out from the Ohio Secretary of State and asked Mr. Syms if his entity is 729 W. 130<sup>th</sup> as listed on that print out and if he is a member of the entity and if he is active – Mr. Syms stated yes and Mr. Muniak asked Mr. Syms who the agent is and Mr. Syms stated his wife, Deborah Syms, 1200 River Road, Hinckley.

Ms. Wrubel asked if they could explore the possibility of adjourning to an executive session with Mr. Richter for the purpose of obtaining legal advice. Mr. Richter stated it is up to the Board but they wouldn't adjourn to Executive Session but they could adjourn the hearing for deliberation.

Mr. Muniak stated if they do adjourn for the purpose of deciding the timeliness of the Appeal, he assumes that is different from the issue of the underlying merits and Ch. Calabro stated yes. Mr. Muniak stated that if they do that he wants to make sure they are not waiving their arguments, that their issue is only with the timeliness and Ch. Calabro confirmed that. Mr. Richter stated he would instruct the Board that way also.

Mr. Syms stated he never knew about the email until a couple weeks later. Ch. Calabro stated he may not have received an email but was he aware of the situation and Mr. Syms stated he knew there was a problem but he wasn't sure what it was exactly.

Ch. Calabro asked Mr. Syms if he came into the Township, Mr. Syms stated yes. Ch. Calabro asked if Mr. Syms spoke with Ms. Peterlin and he said yes. Ch. Calabro asked if Mr. Syms came in with Mr. Rumes and Mr. Syms stated yes. Ch. Calabro asked Mr. Syms if he thinks they came in on March 4 and Mr. Syms stated he doesn't know what the date was. Ch. Calabro stated that prior to the March 15 email does he remember coming into the Zoning Office and Mr. Syms stated yes. Ch. Calabro asked if he remembers the conversation and Mr. Syms stated they wanted to talk to Zoning Inspector Wilson and he wasn't there and they never made it back to talk to him.

Ch. Calabro stated to Ms. Peterlin that she had asked for any documentation that Ms. Peterlin had and Ms. Peterlin sent to Ch. Calabro in an email, a Zoning Activity Log and Ms. Peterlin stated yes. Ch. Calabro asked what exactly is the log and Ms. Peterlin stated it is their internal phone or activity log that they track either phone calls or zoning related questions – with Zoning Inspector Wilson being part time that is how they document some of the activity that occurs in the office. Ch. Calabro asked who writes in the log and Ms. Peterlin stated Zoning Inspector Wilson and Ms. Peterlin and their other office Assistant.

Ch. Calabro stated in the zoning log there is something noted on January 13 and March 2 and then Ch. Calabro stated on March 4 it states Brent Rumes and Thomas Syms under name of contact and phone numbers – Ch. Calabro stated she would like to read what is written and asked if Ms. Peterlin could confirm if she wrote it. Ch. Calabro read: stopped in to discuss the Adult Day Care and has an interested buyer, owner Caddyshack who is looking to purchase property and transfer liquor license and run as restaurant/bar at 729 W. 130<sup>th</sup> Street, they would like to discuss with you and the Trustees as to why they are not allowed to continue their business at that location. Ch. Calabro asked if Ms. Peterlin wrote that and she stated yes. Ch. Calabro stated that she is assuming when Ms. Peterlin wrote “they would like to discuss with you and the Trustees” you is Zoning Inspector Wilson and Ms. Peterlin stated correct. Ch. Calabro stated Ms. Peterlin logged this in and they came in and this is what their purpose was – Ms. Peterlin stated yes. Ch. Calabro stated that at that point Ms. Peterlin told Mr. Syms and Mr. Rumes when Zoning Inspector Wilson is in the office and when the Trustees would be available and Ms. Peterlin stated correct.

Mr. Muniak asked Zoning Inspector Wilson if he met with Mr. Syms and Mr. Rumes and Zoning Inspector stated he knows he met with Mr. Rumes, but he’s not sure if Mr. Syms was there. Mr. Muniak asked if the email sent on March 15, 2022 was the only notice sent and Zoning Inspector Wilson stated yes and he followed up with a phone call letting him know that he sent the email. Mr. Muniak asked Zoning Inspector Wilson if he contacted Mr. Syms and Zoning Inspector Wilson stated no. Mr. Muniak asked Zoning Inspector Wilson if he knew the property was owned by two people and who did he think it was owned by and Zoning Inspector Wilson stated he didn’t know it was owned by two people and he thought it was owned by Mr. Rumes. Mr. Muniak asked how Zoning Inspector Wilson would know who owns the property and Zoning Inspector Wilson stated he could go to the County Auditor’s office but he doesn’t have a record in Hinckley who the property owners are. Mr. Muniak stated that is all he has.

Mr. Richter asked Zoning Inspector Wilson if he is saying he sent the email on March 15 and Mr. Rumes came in the next day. Zoning Inspector Wilson stated he believes it was the next day. Mr. Richter stated that Zoning Inspector Wilson indicated he made a phone call and Zoning Inspector Wilson stated he made the phone call when he sent the email to let him know there was an email coming and Mr. Richter asked Zoning Inspector Wilson if he talked to Mr. Rumes on the phone and he stated yes.

Ch. Calabro asked Zoning Inspector Wilson about the Zoning log – on March 15, 2022 it states – sent email explaining the reason for the non-conforming tavern was no longer permitted in R-2 District, also phoned Mr. Rumes and told him I would be more than willing to set an appointment

to go over the Code – he informed me he had retained an attorney who may call me. Ch. Calabro asked if Zoning Inspector Wilson wrote that.

Ch. Calabro stated that Zoning Inspector Wilson sent an email on March 15 at 1:06 p.m. to Mr. Rumes, Zoning Inspector Wilson stated correct; Ch. Calabro stated that he also sent an email on March 15 at 1:12 p.m. to Brian Richter making him aware that Mr. Rumes engaged an attorney to overturn his ruling. Ch. Calabro stated this shows an email was sent on March 15 and he called Mr. Rumes and he also followed up with an email to Mr. Richter on March 15 and Zoning Inspector Wilson stated that is correct.

Ch. Calabro asked if there was anything else and there was nothing.

Ch. Calabro asked for a motion to adjourn. Mr. Schaefer moved and Mr. Zeleznak seconded. The Board adjourned at 7:52 p.m. for deliberation.

Ch. Calabro stated the Board is returning from deliberation with their legal counsel at 8:11 p.m.

Mr. Richter noted for the record that he was in their deliberations for legal questions only.

Ch. Calabro stated that based on the testimony given and because they operate under Ohio Revised Code Section 519 and based on that the Appeal shall be taken within 20 days.

Ch. Calabro would like to make a motion to dismiss this hearing for an Appeal of the decision of the Zoning Inspector because it was not filed on a timely basis and the decision of the Zoning Inspector ruling that the building and land no longer qualifies as a non-conforming use as a tavern/bar/nightclub based on the Ohio Revised Code Section 519.15 which states that such Appeal shall be taken within 20 days after the decision. This Board does not have the jurisdiction to hear this Appeal and make the decision on it, therefore, Ch. Calabro stated that she moves to dismiss this hearing at this time. Schaefer seconded.

Calabro – yes; Hoop – yes; Zeleznak – yes; Schaefer – yes; Wrubel – yes

Motion passed 5-0 that they are dismissing the Appeal of the decision by the Zoning Inspector.

Ch. Calabro stated that anyone adversely affected by this decision may appeal to the Court of Common Pleas in Medina County on the grounds that such decision was unreasonable or unlawful.

Ch. Calabro asked for a motion to adjourn the Public Hearing. Mr. Zeleznak moved and Mr. Schaefer seconded. All in favor.

The May 25, 2022 Board of Zoning Appeals Public Hearing was adjourned at 8:13 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2022

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Josephine Calabro, Chairperson

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Jeff Hoop, Vice-Chairperson

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Dave Zeleznak, Member

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Bill Schaefer, Member

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Lindsey Wrubel, Member