

MINUTES OF SPECIAL PERRYSBURG CITY COUNCIL MEETING

REGARDING APPEAL OF HLC DECISION

MEETING HELD AUGUST 23, 2018

Council President Jim Matuszak called the meeting to order at 5:32 p.m. Present were Council Members Deborah Born, Haraz N. Ghanbari, Jim Matuszak, Jonathan Smith, Barry VanHoozen, and Becky Williams (6). Absent: Tim McCarthy (1). Also present was Mayor Tom Mackin and Brody Walters, Planning and Zoning Administrator.

The purpose of the meeting was to consider an appeal of a Historic Landmarks Commission decision. Mayor Mackin explained the process of the appeal, and added that he was acting as the attorney in the absence of the Law Director. He stated that City Council would hear sworn testimony concerning the decision of the Historic Landmarks Commission in relation to the Administrative Appeal filed by Andrew and Valerie Wilhelms regarding the property at 120 West Second Street. Mr. Wilhelms requested a certificate of appropriateness to demolish the existing primary structure and to rebuild a new single family residence. The Historic Landmarks Commission denied the application by a 4-2 vote on June 11, 2018.

Brody Walters, Planning and Zoning Administrator, spoke on behalf of the Planning and Zoning Division and the Historic Landmarks Commission, representing the City as a liaison.

Mr. Ghanbari stated that he is concerned with the safety and stability of the structure. There was a brief discussion as to why the house on the corner of Walnut Street and Second Street was allowed to be demolished and rebuilt. Mr. Walters added that a need for the demolition has to be demonstrated, and that a suitable replacement has to be provided. Ms. Born questioned why neighboring properties were not notified of the Wilhelms' request. There was discussion as to when the house at 120 West Second Street was originally built, and Mr. Smith added that the home was originally built in a "piece meal" fashion. Mr. Matuszak questioned which factors the Wilhelms failed to satisfy for their application, and if they were even aware.

Mr. Wilhelms presented his case to City Council. He stated that he had invited HLC members to view and visit his property, but that no one took advantage of his offer.

City Council chose to deliberate within Council Chambers, rather than going into Executive Session. There was discussion about the historical significance of the home. Mr. Ghanbari asked if there was an inspection performed when the home was purchased in the fall of 2014, and if the deficiencies were noted at that time. Ms. Williams referenced several chapters of the code with reference to this application. Mr. Smith asked if an explanation for the denial was given to the applicants. Ms. Williams added that she has enough information to make an informed decision. There was further discussion about a procedural list of criteria that should be given to an applicant when an application is denied. Mayor Mackin noted that City Council can vote to affirm or reverse the denial by the Historic Landmarks Commission, or they can schedule their decision for a later date. Mr. Ghanbari questioned whether there is sufficient information to make an informed decision at this time.

Patrice Spitzer, 315 East Front Street, spoke on behalf of the Historic Landmarks Commission, and noted that she had attended one of the three HLC meetings where the Wilhelms requested a certificate of appropriateness.

Mark Weber, 836 Cherry Street, stated that he attended two of the three HLC meetings where the Wilhelms were present on behalf of their application. He added his concerns that the deterioration over the last four years has led to the current state of the property.

Kate MacPherson, 305 West Second Street, and an architect with MacPherson Architects Inc. added her concerns.

Mr. Ghanbari made a motion to take additional information under advisement, and to schedule a continuation of the appeal. Seconded by Mr. Matuszak. Ayes: Ghanbari, Matuszak, Smith, VanHoozen, and Williams (5). Nays: Born (1). A hearing was set for September 4, 2018 at 5:30 P.M. to be a continuation of the appeal filed by Andrew and Valerie Wilhelms with regards to the Historic Landmarks Commission decision regarding the property at 120 West Second Street.

ADJOURNMENT

Mr. Matuszak moved to adjourn the meeting at 8:19 p.m. Seconded by Mr. Ghanbari. Ayes: (6). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor