

**CITY OF MIDDLETOWN  
ARCHITECTURAL REVIEW BOARD  
MINUTES**



**DATE:** Tuesday, April 19<sup>th</sup>, 2022  
**PLACE:** Conference Room 3C, One Donham Plaza 45042  
**TIME:** 4:30 PM

**MEMBERS PRESENT:** Monica Nenni Roger Daniel Jeremy Loukinas

**STAFF PRESENT:** Devra Wells, Assistant Development Services Director  
James Metz, City Planner

**OTHERS PRESENT:** Pete Esposito

**CALL MEETING TO ORDER**

Mr. Loukinas called the meeting to order at 4:30 PM. Mr. Metz called the roll. All of the members were present and constituted a voting quorum.

**APPROVAL OF NEW CHAIRMAN**

Mr. Loukinas became the Chairman of the Architectural Review Board.

**APPROVAL OF MEETING MINUTES**

Mr. Loukinas stated that the first order of business would be to approve the meeting minutes from the September 7, 2021 meeting. Ms. Nenni called to approve the minutes. Mr. Loukinas seconded the motion. The meeting minutes were approved and Mr. Daniel abstained.

**CASE 1-22: 2<sup>ND</sup> AVE & S. VERITY PARKWAY – BUILDING ADDITION**

Mr. Loukinas introduced the case as a request for a variance for the building located at 2<sup>nd</sup> Ave and S. Verity Parkway, Middletown, OH 45044.

Devra Wells, Assistant Development Services Director, presented the staff report.

Ms. Wells stated a request by Mark Quinn for approval of a variance for the building material used on a principal structure in a B-2 zoning district. The proposed building is a primarily metal commercial building built on a vacant lot. The principal building requires review and approval by the Architecture Review Board due to the structure not meeting the Middletown Development Code requirements. The property is located at the corner of 2nd Ave & S Verity Parkway, Middletown, OH 45044.

Ms. Wells stated that per the Middletown Development Code, all building facades, except in the UC District, shall be constructed of the following materials: stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (E.I.F.S.). When the above provisions shall not be met, the materials shall be reviewed by the Architectural Review Board pursuant to section 1226.01 of the Middletown Development Code.

Ms. Wells explained that the Architectural Review Board has the ability to grant variances to the architectural standards provided that they find the following:

1. That the intent of the architectural standards is upheld;
2. That the applicant clearly demonstrates that the strict enforcement of the architectural standards causes an undue hardship; and
3. That an exceptional and extraordinary circumstances exist which would not be found elsewhere in the community.

Ms. Wells stated that each staff report packet included the application submitted, site plan, and property photos. Ms. Wells also stated that the applicant was present.

Ms. Wells concluded her staff report.

The board discussed the application with Mr. Quinn. Mr. Quinn states that it is no longer financially feasible to construct a building out of the current list of approved materials and stated that at the time of purchase of the site from the City metal was an approved material. Ms. Nenni asked if U-Haul would construct similar buildings with an approved material in other cities. Mr. Quinn stated they would if it was required and that depends on how much they would be able to charge per square foot.

Mr. Quinn states that he just recently started working on this project and has not been there since the beginning when the contract between the City of Middletown and U-Haul was negotiated but it is his belief the purchased the property when U-Haul believed they could construct a building for \$600,000. Mr. Quinn stated with the update of the Development Code that his building costs would increase to \$1,500,000 and that U-Haul would rather not pursue the project.

Ms. Nenni asked what U-Haul could receive per square foot in Middletown versus other neighboring cities to better understand why U-Haul would be willing to build to their development code but not Middletown's. Ms. Nenni explains that this location is a major thoroughfare and gateway into the City.

Mr. Quinn stated that U-Haul bought the building with the presumption that they would be able to build a metal building and it was around the time that the Development Code had changed. Mr. Quinn also states that U-Haul did not receive a notice that their contract with the City expired or that the Development Code had been updated.

Ms. Wells stated that the new Development Code was published in 2018 and that is when the old zoning was replaced. It was in 2020 that the self-storage was zoned out of the B zoning districts and it was at that time that the City determined it would honor the expired contract with U-Haul for the construction of the building as long as it met the Development Code standards.

Ms. Nenni asked Ms. Wells if the City has to honor the agreement since it is expired. Ms. Wells stated that the Law Department stated it was at the City's discretion whether the City would honor the contract or not. Ms. Wells stated that the City Staff at the time wanted to see the project move forward and new negotiations stated from there under the new Development Standards.

Mr. Daniel asked if the metal building material was the only issue with this project moving

forward. Ms. Wells stated that it was. Ms. Nenni stated that it would be hard to approve a variance from the building material when this building is on a major gateway into downtown and that the City has standards. Mr. Quinn stated that he would like to build beautiful buildings as well but he has to turn a profit as well. Mr. Quinn stated that if he has to abide by the Development Code that U-Haul will stand down on the project and it will be left as a vacant lot.

Mr. Daniel asks if there are any additional plans for the lot. Mr. Quinn stated that possibly turning it into a parking lot but he's not sure whether that would require zoning approval. Ms. Wells states that if the building is not built that there is language in the contract for the City to take back the property as the agreement was not fulfilled. Mr. Quinn asked if that would hold up as he believes U-Haul did not receive notification and Ms. Wells responds back stating that is a better question for the Law Department. Mr. Daniel stated he would be surprised that the City would be required to send notification of the expiring contract.

Mr. Quinn stated that he would rather have a productive building built rather than it being an empty lot and that if the City sets the standards too high that many businesses won't come to our City.

Mr. Daniel made a motion to deny the variance as requested. Mr. Loukinas seconded. The motion to deny the variance for a metal building at 2<sup>nd</sup> Ave and S. Verity Parkway was carried unanimously through roll call.

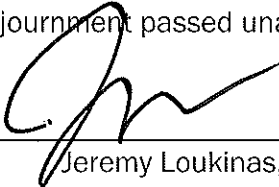
Ms. Wells stated that she would send an outcome letter to Mr. Quinn.

#### NEW/OLD BUSINESS

There was no new business.

#### ADJOURNMENT

With no further business, Mr. Loukinas made a motion for adjournment. The motion for adjournment passed unanimously and the meeting ended at approximately 4:57 PM.



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Jeremy Loukinas, Chairman



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James Metz, City Planner