

Sheffield Lake Zoning Board of Appeals Minutes
Held November 21, 2024

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, November 21, 2024 at 7:03pm with Chairman Heckert presiding.

ROLL CALL:

Present: Heckert, Piskura, Springborn, Kemble, Lanzer, Law Director Graves, Council Representative Petrucci, Building Official Gudat.

Absent: None.

Attending: Appellants, Attorney Matt Mishak, Citizens.

APPROVAL OF MINUTES:

August 15, 2024. *Motion by Piskura/Second by Springborn to accept the minutes with any corrections. ROLL CALL: Piskura, Springborn, Kemble, Lanzer, Heckert. Yeas All.

Correspondence: None

Council Representative Petrucci report: Council has been very, very busy recently, but there isn't anything that pertains to the zoning board at this time.

Planning Commission Member Springborn report: No report.

Law Director Graves states typically the board hears requests for variances, this is not a request for variance. This is an appeal pursuant to section 1105.10 of the Sheffield Lake planning and zoning code. The one applicant tonight, Pez's Bar & Grill is appealing the determination by the City of Sheffield Lake Building Official. Specifically, correspondence that was sent on July 30, 2024 identifying the Tuesday night outdoor events as extensive impact temporary special events as defined in 1111.02 of our code requiring a permit. Because it is extensive impact, it would have to go through the conditional use process through planning commission and city council. So, they have filed an appeal of that decision arguing that they do not require a permit and these are not special events. In reviewing the appeal, the criteria for the board is set forth in 1105.11(e) review criteria. This decision or determination shall not be reversed or modified unless there is competent material and substantial evidence in the record that the decision and determination fails to comply with either the procedural or substantive requirements of the code. That's the standard of review before the board tonight on this appeal.

OATH ADMINISTERED

As provided in 1353.37 of the Sheffield Lake Building Code, procedure at hearings, an oath was administered by Law Director Graves to all members of the audience who would be speaking at this meeting.

Appeal from Pez's

Chairman Heckert says I'll remind you before you state your case, state for the audio record your name, your address and also confirm that you have been sworn in.

Attorney Matt Mishak says I appreciate the opportunity to be heard by the board tonight. I understand it's a little bit of a different proceeding for the board, but I want to just kind of lay out our case for you and explain. Chairman Heckert asks would you be able to, you have stated your name, your address as well and confirm that you were sworn in. Attorney Mishak replies so, I was not sworn in, I'm here as an advocate. Law Director Graves says as legal counsel, he doesn't. Attorney Mishak says my comments are not testimony, I'm more or less making a legal argument. 199 N. Leavitt Rd. Suite 200 Amherst, OH 44001 is my business address. The citation that was issued is in 1111.02 temporary uses and structures. I don't know if the board has a copy of this. Essentially, the purpose of this section is, this section allows for establishing certain temporary uses and structures of limited duration provided that uses and structures do not negatively affect adjacent properties and provide that such uses or events are discontinued upon expiration of said time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure. I draw the BZA's attention that this section addresses how any type of activities affect adjacent properties. I don't think, most of the adjacent properties in this situation are actually industrial storage buildings if I'm not mistaken about that. I don't think there is any allegations that it's affecting any adjacent properties. Also, this does involve conditional use permits and as is defined in the code that the purpose of the conditional use procedure is to allow consideration for certain uses that due to their unique and special nature relative to location, design, size, operations, circulation and general impact on the community, need to be evaluated on an individual basis. As the BZA may be aware, sometimes perhaps somebody will have a tax business that's in a residential area, right? It's a residential area, it's not a business area. So, sometimes BZA will look at how much traffic the tax business would create. Is it going to be anything out of the ordinary for what the neighborhood normally has? You know? Is it going to be any different than the coming and going of your neighbors and their children and people that visit them? Is it going to have some impact that you are going to say, hey that really doesn't belong here, right? So, Pez's is located in a business district and it is a bar. So, the premise of a conditional use permit is that it's something outside of what you would expect at a bar. I would tell the board that Pez's also has an outdoor patio, so they're allowed to be outdoor. I'm sure that at some point in time you have been to a bar or restaurant with an outdoor patio and they have events out there. There will be people eating food. There will be people drinking and that's what happens at bars. I think the evidence is going to show here that there's really not anything out of the ordinary going on at Pez's patio. I don't know if you've been to Pez's (inaudible). (Hands out papers) That is a picture of the front of Pez's and I have some more pictures for you. That's Pez's. Looks like a typical bar, they have an outdoor patio that is by the way, that is licensed by the State of Ohio for individuals to be outside and drinking outside. The state has licensed them to do that. Obviously, if people are allowed to be outside, they are talking, they are allowed to drink outside with a permit. At bars, we have music. You can't be super loud, but I mean there's nothing atypical about this. I

have some more exhibits for you showing you that other bars throughout the area have what the former building inspector had cited Pez's for. He's essentially saying hey, this is way out of the ordinary for what a bar is supposed to be doing. A lot of other bars in Elyria have bike night, outdoor events. You know, it's summertime. People are outside, having fun at a bar. Law Director Graves asks for explanation of a photo that looks like a bar with an address in Michigan. Attorney Mishak replies you might not be Michigan fans, but you expect in Michigan, that a bar probably is operating somewhat similar to a here in Ohio. They may be wearing different colors there, but ya know it's the same thing. It's a bar, it's an outdoor patio and you know what is so unique about this situation that it would require a conditional use permit? There have been numerous complaints, police reports and there is daily logs. I'd like to show you some of those. A complaint of loud music. I believe so, they call these reports dailies. So, you need to know a police report that has daily logs. You may be used to a police report that has a narrative, a showed up on the scene and talked to this person. This is a more abbreviated log that your city does. If a citation is issued, I'm sure the law director would agree with me on this, it'll state in here what is happening and if there is a citation issued. So, in that one I gave you, there was no citations issued. This here, exhibit 11, you will see that there was a call; female advised not to misuse 911. It was a noise complaint and not over the decibels limit. So, that daily log of the police report itself backs up that this is normal type of use, normal type of thing to be having at a bar. I believe this is from the same complainant listed as Coletta Kiss. You'll see there that the complaint is people are revving their motorcycles and music loud. Complainant is probably the same caller, she wants to remain anonymous, she wants it shut down permanently. No citations issued, nothing found, no noise violations. So, thirteen you'll see multiple calls for bike night going on. Callers advised they are revving engines, drinking and riding their bikes. You will see there it says does not see or hear anything. Advised did see them in the public storage lot, the public storage lot is next to this, with small cones set up doing some kind of competition. All advised to stay in their lot, but no indication of any citations issued for that call either. You can see the date on the top there. This one is from May 7th, so complaint of loud music, serving beer outside, odor of marijuana. Caller says ongoing complaint. No beer bottles outside, they were shutting down as we speak. There's no citations issued for that call either. People are calling on Pez's complaining, the police are arriving there, they're not seeing what supposedly people are complaining about. This one is from May 21st, and says complaint of noise coming from the bar. Caller says they turn down the music when PD shows up. She states they do drugs in the parking lot and have guns visible on them. There is no one on motorcycles in the parking lot (inaudible). It is noted here, definitely not loud. Nothing was observed in the complaint, music was turned down. Complainant was called back and advised. It says complainant would like extra patrol on Tuesday. No violations, nothing going on, but they want extra patrol on Tuesday. There was a complaint to the Lorain County Health District and this complaint said the facility was serving food and drinks in the parking lot and does not have a permit for the patio. I can tell you that they do have a permit for the patio. So, they are operating within their license with the state. Attorney Mishak continues to go over the attached complaints. Attorney Mishak discusses the sound equipment and says the officers have not been trained how to use

it. There is no evidence it has ever been calibrated. It looks like Officer Kory advised Shelly Pezzulo the city has sent a letter indicating the need to have a special event permit for the events they run on Tuesday nights. They advised they did not get the letter. They were then advised they could be cited for violation of this by the building dept. The event continued as planned. What is a little bit unusual about this is that police officers don't handle building complaints. They don't know about the building code. Where is this officer getting this information about the building code? Officers aren't supposed to be enforcing building code. Think about you are operating a business here and you have the police continually called to your location and continually clearing what's going on. If you are a patron at this bar and eating food and police are constantly coming to the bar, you may want to go somewhere else. You may be chased away by all this activity. Member Springborn asks what do the police calls pertain to about obtaining a temporary use permit? Attorney Mishak replies the temporary use permit is not required unless there is something... I'll read the definition. The purpose of the conditional use procedure is to allow consideration for certain uses that do to their unique and special nature relative to the location, design, size, operations, circulation and general impact on the community, need to be evaluated on an individual basis. Law Director Graves asks you are quoting the code on the standard review for conditional use, correct? Attorney Mishak responds the letter that was sent had cited 1111.02 and then that had to get the permit under 1111.05. Law Director Graves states that is the standard of review for a conditional use permit which is the same standard of review that they would consider if they applied for the temporary extensive impact temporary event. We're not even there yet, because they haven't even applied. The question is, do they even need to apply? That is what's being appealed, not if you got there should it be granted or not. Attorney Mishak says you have to understand, a special event permit is not needed if you are doing what you are allowed to do. That extensive impact is not defined, that's why we have to go to this conditional use permit which is in the citation letter by the way. If you have this extensive impact, it doesn't apply to events that are of the normal character. In a situation where you have a bar operating as a bar, there is no special consideration that is needed. If you wanted to have something like a block party or something that was outside of the normal like blocking the streets, etc., Pez is just operating as a normal bar. They don't need this permit. They don't need to apply for it, because there is nothing special or unique. There was a violation on June 25, 2024. Caller reported loud music and cursing songs. At 7:05 the sound registered at 85 and manager was advised. There are a couple sections in your ordinances that talk about sound. I think your officers were under the mistaken belief that it would be (inaudible) decibels for this particular establishment. The police have been there 59 times checking on it. It's not illegal to drink in a legal bar. I think that my client is being, quite honestly, chastised. You saw the police reports and there is nothing here. They are operating this bar, they have the permit, they have the permit on the outside for the patio. What is Pez's doing that would require some special event permit? There's no noise violations, they have a patio permit. It just doesn't make a lot of sense to me. My clients are just trying to operate a business. I would ask the board to consider that. There are a very few number of callers. Most of them live across on Lake Rd. from my understanding. You're moving into a business district, it's got industrial, I

mean this is just the nature of where you live. You knew that when you moved there. People should not be able to complain incessantly about a place and run it out of town because they don't like it. If Pez was violating the law, that would be an issue that would be addressed. If they were doing something that was so out of the character for a business on Lake Rd., they should have to get, there would be an extensive impact issue maybe. There's no evidence of that. I ask the board to find that the decision of the former building official in requiring that they obtain a permit for temporary use/structures was not correct and that you reverse the decision. Law Director Graves asks a lot has been made about how there haven't been a lot of citations and noise violations, but wouldn't you agree that you don't have to be violating the law in order to have a special event? In other words, you could have a temporary, outdoor, special event and still be within all of our other codes, wouldn't you agree? Attorney Mishak responds your code does not define what exactly what an extensive impact event is. So, there is absolutely no guidance for my clients as far as your codified ordinances what they would even need a permit for. Law Director Graves says just because they haven't been cited for a noise violation doesn't mean it wasn't a temporary special event. Attorney Mishak says under 1105.03, it says the purpose of conditional use procedure is to allow consideration of certain uses that do to their unique and special nature relative to the location, design, size, operations, circulation and general impact on the community, need to be evaluated on an individual basis. This is an outdoor patio that features individuals that are outdoors. Yes, they ride motorcycles and they are legal. One of the main attendees that comes to the bar is a charitable organization. In fact, they are raising money for kids and a lot of good causes. So, not only is this just a normal bar activity that is not in the conditional use category, to answer your question Mr. Law Director, I don't think they have to be cited for a noise violation, but if they were noisy that could be something that affected the general area. Member Piskura asks are you considering a bike night with, are we familiar with the number of bikes that typically show up to a bike night such as this? Attorney Mishak replies I don't know the exact number. Can you tell me why it's important? Member Piskura responds because if you are going to say or the assertion is that this is not a temporary special event and that this is within the realm of what would be normal for a bar, and sound ratings and decibels; I would say that if there are a significant number of bikes that show up to this and are coming in and leaving at certain times based on the confines of the event, would you not consider that additional noise on top of what a normal bar would experience? Attorney Mishak responds this parking lot has a capacity and cars do come and go. Member Piskura says we aren't talking about cars, we are talking about a bike night and a significant number of motorcycles that are pretty typically loud. Attorney Mishak responds motor vehicles are allowed to operate on the streets, they are allowed to operate in the parking lot and whether you are driving a car or motorcycle really doesn't have any effect on whether you can visit a bar or park in a parking space. My understanding at these events is that at this bar (inaudible) nights, they will have a number of patrons that will come there. In the summertime, people are riding motorcycles, it's warm. Law Director Graves asks these events are advertised, correct? Attorney Mishak replies does a bar advertise? Yes. Law Director Graves states the particular event is advertised as an event on Tuesdays from 5-9. They don't have it every Tuesday from 5-9. Attorney Mishak replies

there's events at this bar and one of them does occur on Tuesday. That's the charitable organization. Law Director Graves asks you say the complaints come in incessantly, would you say these complaints are isolated primarily around those Tuesdays from 5-9? Attorney Mishak responds I'm not sure that is correct, but I would agree that they are isolated to 3-4 people across the street. Law Director Graves says I would like to address the patio issue. I realize they have a permit from the state, have they received anything from the city in regard to designating this as a patio? Attorney Mishak replies I don't believe they have been cited for not obtaining anything required. Law Director Graves gives the definition of parking lot per the code. This area designated as the patio, do they ever park cars there? Attorney Mishak replies I'm unaware of any citations for misuse of a patio.

Building Official Gudat states I want to start off saying I love bike nights. My wife and I go to them and it's a great time. This is in no way saying the City of Sheffield Lake or myself are trying to stop the businesses from having a nice bike night or even different things on different nights. In this case however, in part of our code is that when there is a uniqueness involved here with an event, it's stated here we have a different organization/association coming in to take over or to present bike night for Pez Bar & Grill. This is not Pez's bike night. This is a bike night that is from the Ohio non-profit motorcycle association that raises money in helping local families in need. This is an outside organization that is being sponsored/hosted by Pez's. The Worthless Nuts Motorcycle Association obviously does this at other bars too. Their Facebook page has these events listed of what they do at these events. The one posted for Pez's shows music, games, prizes, food, drinks, etc. They run these events and even call them events on the page. If you look at page 3, it says the commercial activity occurring during bike night events is not for the benefit of Pez's, but for Worthless Nuts. This says they come in and offloads a massive amount of equipment including a large tent, folding tables, chairs, PA system, etc. It does say the events and activities may be typical for Worthless Nuts, but not for Pez's. You can go to bike nights at a lot of other bars and you won't see these events. As the city's side of it, this is a unique event that is actually held outside of the bar, in a parking lot area that does affect the surrounding properties. I concur with the previous Chief Building Official that an event permit is necessary. The violations were because they need to come down and pull a permit so that it can be reviewed and given permission. Law Director Graves asks if receive a temporary special event permit and then you proceeded to exceed the decibel limit, you could still be cited? Building Official Gudat replies not by code enforcement, but by laws. Law Director Graves says in other words, that temporary special event permit doesn't give you permission to violate the noise ordinance. Building Official Gudat replies no permit gives you the permission to violate any laws within the city. Member Piskura asks you referenced some temporary structures being put up; do we have evidence of that being the case? Building Official Gudat responds I believe that was the previous building official mentioning that. I have been there for three Tuesdays in a row and at that time there were no law or enforcement codes that were violated. The complaints really have no significance on whether or not they need to get a permit. Member Piskura asks were there temporary structures up when you were there? Building Official Gudat replies yes, there were tents, they were selling paraphernalia. There was a tent that was up there that generally within itself,

temporary tents themselves need a permit. If they were to apply for a permit, they would have to disclose what they were doing like putting up a tent. That tent has to be put up to code. Law Director Graves says the standard of review that has been referenced under the conditional use section, we don't even get there to decide if it has negative impacts on the community, etc., unless they apply for the permit. The issue tonight is whether or not they need a permit. Attorney Mishak asks Building Official Gudat do you agree that adjacent properties would be on the Pez side of Lake Rd.? Building Official Gudat replies it is within a certain amount of footage. Attorney Mishak asks so you would agree that a lot of the complainants here live across the road and those aren't adjacent properties? In considering if you were even to grant this, you would not consider the affect on the properties across Lake Rd., but only adjacent properties per the code section. Law Director Graves responds a point of clarification here; we do have a definition in our code of abutting, adjoining and adjacent. Those terms refer to abutting, the land, lot or property adjoining the property in question along a lot line or separated only by an alley, easement or street. So, when you talk about adjacent, there is a distinction between adjacent and adjoining and abutting. Attorney Mishak asks is there a definition of what extensive impact is? Building Official Gudat replies it tells you up here, anything temporary and above 50 people, sale of alcoholic beverages, etc. Attorney Mishak says that might just be any Tuesday at Pez's bar. So, why do they need a temporary event permit to do what a bar does? Building Official Gudat replies because they are bringing in an outside organization to run events. Short back and forth discussion on extensive impact. Attorney Mishak asks you want to have some friends over, do you have to apply for extensive impact temporary permit? Member Kemble says I hosted a Christmas Party and that is something I did look into. We had enough people coming over that I had to reach out to the city to request a special permit. Attorney Mishak replies and how did you determine if you were limited or extensive impact? Member Kemble replies I determined how many people I had coming and that's when I was told I didn't have to have one at all. Chairman Heckert states what we are deciding here as a board is not whether bike night continues or if people are allowed to be outside of Pez's or anything like that. We are deciding whether or not Pez's needs to apply for a permit in order to continue with bike nights on Tuesday.

OLD BUSINESS: None

NEW BUSINESS: None.

CITIZENS COMMENTARY: *David Cheyne, 5365 Lake Rd.* (sworn in) says I definitely feel this is a special event and it's advertised as such. I have been one of the complainants regarding this for the last 7.5 months. We thought that the use of the special event citation was going to be the deterrent. Although there is some industrial property surrounding/behind this particular area and need I remind you, at the moment outdoor events on industrial property are not yet permitted. On either side is business property and across the road, adjoining is a bunch of residential properties. I must note that in terms of having an event, all laws must be complied with. I do think that going through that going through the adjudication procedure

would allow this business to be able to conduct itself appropriately and allow it to know the terms and conditions and rules that would then be necessary to carry out this business in the appropriate manner. At the moment, it has a patio, but they only got the patio on the 9th of July. They didn't have the patio back in April, May, June and July. So, for that entire period it was conducting its' activities and allowing the consumption of alcohol illegally. Let's try and bring this business back into the law so all of us can feel comfortable that they have gone through the process, they understand the process, etc.

Cindy Cheyne, 5365 East Lake Rd., (sworn in) states a lot of things have been provided already countering what Mr. Mishak has said. Lists what they have given. What I really want to say is it is not in the ordinary course of business to need a police presence in order for you to function within the law and that has been a big thing. They have a warning system when police are coming. I think an important point to state is bike nights typically are to display your bikes, to show your appearance, have contests of what they're about like upgrades you have done to your bike, etc. They do have raffles and things like that, but they don't have events that involve alcohol and then getting on a bike and then riding around in a parking lot. If you look at the bike nights in the area, none of those are near a residential area. It's just not in the normal course of business to operate where you are disturbing the neighbors. If that's their normal course of business, then we have other issues. They don't do this other nights. Law Director Graves asks can you describe one of these typical bike nights and what you have observed? Mrs. Cheyne replies there is a large blue trailer that is towed by an SUV and it actually drives across this patio area and they open it up and take out folding tables, chairs, a big sign, games, a huge tent, speakers and flashing strobe lights. Then they just kind of stand around and eat and drink and then people start arriving and they start having the games. There is a period of time where they have tricycle races and you may think they aren't loud, but if you are riding and all of a sudden skid to a stop, you hear that and they do it repeatedly. Then they do slow drags. Sometimes they have a weenie bite where they have passengers on the back and they have a hot dog hanging from a bar and the passenger has to stand up and try to grab it. After that is slow drags where they have rounds of two bikes facing our property and wavering on these cones to stay upright. Then they conclude. They say 9 o'clock, but I have several videos that it is past 9. Then they tear down their equipment and stand in the parking lot and talk. Then as each bike leaves, they rev, joke around and do burnouts sometimes and then leave. This was actually confirmed June 4th when they had an undercover operation at Pez's which resulted in administrative citations via the liquor control division as well as by the police dept. An attendee confirmed they love going to bike nights because they drink, smoke marijuana and then do burnouts in the parking lot and proceeded to show the detective the burnout marks. It's terrifying, you don't know what's going to happen.

Attila Kiss, 5345 Willow Lane (sworn in) says thank you for listening to us. I've lived there for 15 years and in front of the property is about an acre of woods that I've left like that primarily because I wanted to keep the impact of noise from Lake Rd. to a minimum. It's never bothered me up until this last summer when this bike night stuff, and I love bikes. The problem is, I don't see what's going on there. I can't see the bar, but I can hear it. It is absolutely loud. I'm sitting in the back of my house; it's a two-story house and we are 50ft.

off the lake and I can hear it. That's not the only thing, it's the revving. It's not just at 9 o'clock when it ends, it's sometimes 11:30-12 when they are going home. This is not personal in no means. When it was open as a bar before, I didn't care. I never heard it. The corner store where there used to be a pool hall, not a bother. I want them to succeed like any other bar would. It's just the noise. I think if you have a special event permit, the forces that come to make sure these things remain contained and within a reasonable level, is good. That's all I'm asking for. There has to be some containment of the noise.

Athanasia Markou, 836 Mansfield St. (sworn in) states my parents used to own the bar and I wanna tell you this: I don't know how you want people to have businesses in our city with this ridiculousness. Guess what? I have my windows open in the summer and people are smoking marijuana and it is legal and I can smell it. You know what I do? I close my windows. Should I call the police? They're not gonna do anything, it's legal. A man that lives across the street from me has a motorcycle and gets it out at 7am and starts it up 5 min. go by and he hasn't left, should I call the police because I want to sleep? No. Should I call the police because kids wanna play outside? Get a hobby. I understand some of you, yes, I get that, but come on. This is absolutely ridiculous and a waste of taxpayer's money. People are continually calling the police on these asinine things. What happens if something actually happens and the police are over here every Tuesday night? My father went over and talked to these people and do you know what they told my father? We don't like bikes. We don't want bikes here, we don't; want bikes. Perhaps they should have done their home work before they bought a house across the street from a bar. I'm sorry.

John Pezzulo, 5348 Pez's Bar & Grill (sworn in) says we did apply for that permit and nobody bothered to get back to us. Right to Rocky, he said I don't know of any such permit, but I'll check into it. Then we emailed him and nothing. We applied. The Worthless Nuts applied and no answer at all. This is not our fault. He is the one that should have come back to us and said you need to get the permit. We were all over looking for somebody to do something for us and nobody wanted to lift a finger. I own a motorcycle, I also own trucks, I own hot rods and they are all loud. Get used to it, that's the name of the game. Does the car show at the corner, do they have a permit? Member Piskura replies that is outside the scope of this conversation. Mr. Pezzulo replies it might be outside the scope, but it's the same thing. He don't have a permit and there's 75 cars there. Law Director Graves says they should. Mr. Pezzulo says well he don't, I've talked to him. This is a whole bunch of two-faced stuff here. We are just trying to run a business and make money and we can't get it done here. Law Director Graves replies this is just about whether or not you have to apply for a permit. Mr. Pezzulo replies and I just told you, we tried. Law Director Graves responds I find that to be not credible. How many times have you been cited into Lorain Municipal Court for failure to obtain a permit? Mr. Pezzulo replies none. Law Director Graves replies you were cited once for noise violation and you have been cited four times for failure to obtain a permit. At any point in the months you have been cited, you could have come in and applied for a permit. There's been no application, there's been nothing. Mr. Pezzulo says I own businesses and ride bikes and I have never run up anything like this in my life. This is just ridiculous.

Kat Oskar, 276 Cove Beach (sworn in) says I do not live in an adjoining, abutting or adjacent property. I live behind the storage lockers and I can hear it every Tuesday. I have not called, but it is getting ridiculous. Being that far away, I can hear it. I can't imagine what some of the other people who are closer experience. I have seen people out in front of the bar looking for police and I have heard the drags going in and out of the parking lot. It continues past 9 o'clock and I do think they need a special event permit for these events. I also believe that there should not be any outdoor speakers allowed. That is one of the biggest problems. I don't believe they should be able to move the motorcycles. They should be able to bring them in and show everybody, but the drag racing can't happen in a residential neighborhood. I think it's very unsafe and somebody is going to get hurt.

Muhsan Ali, 5337 East Lake Rd. and 5327 East Lake Rd. (sworn in) states I do agree with everybody mostly here. When she said you should just close your windows, doesn't work. I've lived there since 2017 and when we bought the house, like they are stating we should have known what we were getting into, it wasn't Pez's it was a different name, Gus. We stood out there and there was no noise, no nothing. I don't know what happened to be honest with you. This has just been recently. It's not just from 5-9, it's way past it. Once in October, it was 1am. We want these people to succeed, but have some kind of courtesy. It looks so sloppy on Lake Rd.

*Motion by Piskura/Second by Springborn to affirm the Building Officials determination. Member Piskura says really what we are trying to determine here is if we need to apply for a permit. I see a couple of things determining his factors here as to whether or not this is a temporary special event. One, it's being hosted by an outdoor organization. Two, there are temporary structures being put up; folding chairs, tables, speakers and merchandise is being sold. It is advertised online by this third party as well. The patio referenced was stipulated as a parking lot just a couple of months ago. I think our code is very particular on what a parking lot is. Based on the pictures I see; this looks very similar to a parking lot to me. I don't see noise as a part of the decision here. From a resident's perspective, noise might be the reason that a temporary special event permit might be issued. However, I see a lot more factors playing into the decision and for those reasons I would affirm the decision. Chairman Heckert says just to reiterate part of what Member Piskura said, and I agree with all the things he said, for both sides here, we are not aiming to shut down Pez's Bar & Grill, bike night, etc. The scope of this board's responsibility tonight is to decide whether or not a permit is required for this event. We talked about what the steps after are if a determination is made that a permit is required. After hearing everybody's concerns on both sides of the issue, I think they are valid concerns. I think they are concerns to be raised in front of the planning committee and/or city council. I do want you all to know I sympathize. I live on Cove Beach Ave. which is farther away than you guys, but I do hear music. Personally, I don't mind it. I've raised five kids and all but two of them have spent their baby/infant years in that house and I personally have not had issues with the music keeping kids up or anything like that. I do empathize and I do understand that being closer to the venue, those things are definitely concerns and I do encourage everyone to bring these concerns to the next step in the process. I've been to Pez's, but not on a bike night. I'm sure it's fun. I'll echo what we've heard a lot of here which is I

want to see that succeed. I've loved my experiences there and I want businesses in Sheffield Lake to be successful. It's a cool event. The decision is whether or not it constitutes a special event that needs a permit.

ROLL CALL: Piskura, Springborn, Kemble, Lanzer, Heckert. Yeas All.

MEETING ADJOURNED: With no further business before this board, *Motion by Piskura/Second by Springborn to adjourn at 8:49 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This Meeting Of The City Committee Of The City of Sheffield Lake, Ohio Was Held and Conducted Under All Rules and Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council's office.

CLERK OF COUNCIL

Brandy Randolph

I, Brandy Randolph, duly appointed Clerk of the Zoning Board of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of the Zoning Board of Appeals meeting of November 21, 2024.

CHAIRPERSON

Joseph Heckert

PRESIDENT OF COUNCIL

Rick Rosso