

**City of Medina, Ohio**

**Board of Zoning Appeals**

**Case No. Z25-09**

**Appellant: Minit Mart, LLC**

**“Subject Property”: 999 Lafayette Road, Medina, Ohio**

**Findings/Conclusions and Final Decision**

The Board of Zoning Appeals (hereinafter the “BZA”) of the City of Medina, Ohio (hereinafter the “City”), renders the following findings/conclusions and final decision in the above-referenced appellate case.

This case is an appeal to the BZA brought by a neighboring property owner to the Subject Property, Minit Mart, LLC (the “Appellant”), whose property is located at 1010 Lafayette Road, Medina, Ohio, seeking to overturn a decision of the City of Medina Planning Commission (“PC”) rendered after an evidentiary hearing before the Commission on March 13, 2025 (hereinafter the “Commission Hearing”), whereby the PC granted Site Plan and Conditional Zoning Certificate approval for a convenience store, motor vehicle filling station, and drive-through facility at 999 Lafayette Road in a C-3 (General Commercial) zoning district.

Harpreet Singh Aujla, Davinder Paul Singh, and TJ Petroleum LLC (collectively, the “Interested Parties”) are proposing the commercial use of the Subject Property that is the subject of the Conditional Zoning Certificate and Site Plan approvals by the PC.

After a full review of the evidence and arguments presented at the Commission Hearing, the papers submitted by the Appellant and Interested Parties in this case, and the oral arguments of legal counsel for both the Appellant and the Interested Parties at the quasi-judicial administrative hearing held at a public meeting of the BZA on June 12, 2025, the BZA unanimously passed an oral motion denying the appeal, affirming the PC’s decision, and requesting the BZA’s legal counsel to draft findings which support its final decision for the BZA’s review and adoption.

The following are the BZA’s findings/conclusions and final decision in this Case No. Z25-09.

**A. PRELIMINARY FACTS**

1. The Subject Property is known as 999 Lafayette Road in the City of Medina, Ohio, with Medina County PID#: 028-19C-12-023, is comprised of approximately 1.96 acres, and is located on the northeast corner of the Lafayette Road and Lake Road intersection.
2. The Property is located in the "C-3 General Commercial" zoning district as described in the City of Medina Planning and Zoning Code and Zoning Districts Map, adopted pursuant to Chapter 1113 of the Code.

3. The Subject Property is currently owned by Leonard and Sandra Shetler and the proposed commercial use of the Subject Property which is the subject of the Conditional Zoning Certificate and Site Plan approvals rendered by the PC is being proposed by the Interested Parties.
4. The business location of the Appellant Minit Mart, LLC is on the southwest corner of Lafayette and Lake Roads, 1010 Lafayette Road, Medina, Ohio.

B. BZA RULINGS ON PRELIMINARY LEGAL MATTERS RAISED BY THE PARTIES

5. The Interested Parties have contested the BZA's jurisdiction to hear the within appeal. The BZA finds that it has jurisdiction over this appeal pursuant to City of Medina Codified Ordinance 1107.08(b)(1) which states in pertinent part, "Generally, an appeal may be taken to the Board by a person ... aggrieved by a decision of any administrative ... body charged with the enforcement of this Ordinance [Zoning Code]". The Appellant is a "person" who appeared at the Commission Hearing and opposed the application before the PC through testimony of its store manager and the arguments of legal counsel. The PC is a "body" of the City of Medina that is charged by ordinance with enforcement of the Zoning Code. Appellant, therefore, has standing to appeal the PC decision.
6. The Appellant advocated for an evidentiary hearing *de novo* before the BZA in this appeal case. There is no provision of the City of Medina Charter or Codified Ordinances that requires an evidentiary hearing *de novo* when there is an appeal from a PC decision to the BZA. Generally, the term "hearing" can refer to either an evidentiary hearing or an oral hearing with arguments of the parties being presented to the appellate body. The within appeal is wholly unlike an aggrieved party's appeal of an interpretation of a Zoning Code provision by a City enforcement officer. In that situation, the City enforcement officer does not provide an evidentiary hearing; whereas, here there was a full-blown evidentiary hearing on this matter before the PC on March 13, 2025. There is no provision in the law that a party is entitled to a second evidentiary hearing on a matter without first having a finding by an appellate tribunal of an error committed by the tribunal below.
7. Additionally, the Appellant asserted that an evidentiary hearing before the BZA was required because the BZA was provided with the PC's Conclusions of Fact which the PC adopted after the Appellant had filed its notice of appeal to the BZA. Appellant asserted at that point the PC was divested of jurisdiction in this matter. The PC's Conclusions of Fact were adopted in aid of the appeal to BZA which is a proper procedure that has been accepted by common pleas courts when appeals are made from local administrative body decisions to the court.
8. Finally, the Appellant asserted objections to the Planning Director's correspondence to the BZA and opening remarks at the BZA hearing to the effect that variances were previously granted by the BZA with respect to the Interested Parties' application for approval of a convenience store, motor vehicle filling station, and drive-through facility. Obviously, the BZA is aware of those variances being granted. They are also a matter of public record and the subject of a current administrative appeal to the Medina County Common Pleas Court. Therefore, this fact need not be stricken from the record. Appellant also objected to there being references in the transcript of the Commission Hearing of a discussion among members of the PC that were out of the hearing of the court reporter. Appellant did not present any evidence or argument as to how that was prejudicial to Appellant's case.

9. The Interested Parties raised the objection to the Appellant's filing a defective application wherein the signature on the application was not notarized as provided for in the City ordinances. The application provided to the Appellant by the Planning Director did not provide for a notarized signature and the ordinances also provide that the Planning Director is to approve the form. At most, this is a *de minimis* error that does not negate the appeal to the BZA.

C. BZA DECISION ON THE SUBSTANCE OF THE APPEAL

10. Medina Codified Ordinance Section 1107.08(i)(4) sets forth the criteria applicable to appeals to the BZA as follows:

Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion.

11. The BZA has reviewed the verbatim transcript of the Commission Hearing that was produced by a court reporter and finds and concludes as follows:

- a. There is factual support in the Commission Hearing transcript of record that the PC's decision in this case was not arbitrary or capricious and not unreasonable;
- b. The decision of the PC did not rely on any *erroneous* finding of a material fact;
- c. There is no evidence or argument having been presented that the PC decision was based on any erroneous interpretation of the Zoning Code's provisions or zoning law in general;
- d. There is no evidence or persuasive argument having been presented that the PC decision constitutes an abuse of the PC's discretion as that discretion is set forth in the Medina Zoning Code;
- e. The Appellant's evidence presented to the PC, as opposed to the arguments of its legal counsel, was not supported by sufficient evidence that the applications for a conditional zoning certificate and site plan approval should not have been approved and as being conditioned on the granting of certain area/size-type variances by the BZA;
- f. The Appellant's only evidence presented to the PC, as opposed to the arguments of its legal counsel, was unsupported comments by Appellant's store manager regarding current traffic conditions and photographs of a stacking up of trucks on a different roadway two miles from the Subject Property;
- g. Even the testimony of a third party at the Commission Hearing, who did not live in the vicinity of the Subject Property, did not support a denial of the application since it only addressed current traffic conditions in the area of the Subject Property;
- h. At the Commission Hearing on March 13, 2025, Appellant was not prohibited from offering expert witness testimony with respect to any adverse conditions which could be caused by the proposed business uses of the Subject Property, particularly because the

Appellant knew in advance of that Hearing the location and the nature of the uses being proposed and could have presented such expert witness testimony at that Hearing;

12. The BZA reviewed the Interested Parties' counsel's letter to the BZA, dated June 12, 2025, which was also reviewed and summarized to the BZA by their legal counsel at the appeal hearing. The BZA finds that the contents of Exhibits A and B to that letter which analyze the facts presented at the Commission Hearing related to the Medina Codified Ordinance criteria for site plan and conditional use approvals are supported by the facts in record of the PC.
13. For all of the foregoing reasons, the BZA denies the appeal and affirms the decision of the Planning Commission.

The adoption of the within "Findings/Conclusions and Final Decision" constitutes the final decision of the City of Medina related to the subject application for a Conditional Zoning Certificate and Site Plan approval.

The City of Medina Planning Director/Community Development Director shall serve a copy of this "Findings/Conclusions and Final Decision" upon the Appellant and the Interested Parties through their respective legal counsel.

APPROVED BY:

Motion of the City of Medina Board of Zoning Appeals on \_\_\_\_\_, 2025.

Confirmed: \_\_\_\_\_

Bert Humpal, Chair of the Board of Zoning Appeals