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3 CITY OF ELYRIA, BOARD OF ZONING APPEALS  
4 Meeting, held at Elyria City Hall, 131 Court Street,  
5 2nd Floor Council Chambers, Elyria, Ohio, on Thursday,  
6 August 21st, 2025, at 3:00 p.m.  
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10 BOARD OF ZONING APPEALS MEMBERS PRESENT:  
11 Joel Fritz Chairman  
12 Timothy Golden Member  
13 Julianne Sadowski Member  
14 James Miller Member  
15 Ann Tanner Member  
16  
17 ALSO PRESENT:  
18 Christopher Schoenig City Planner  
19 Mark Craig Administrative Legal  
20 Counsel  
21 Mary Tomski Secretary  
22  
23 ---  
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1 PROCEEDINGS  
2 MR. FRITZ: We're going to call this meeting  
3 to order. This is the City of Elyria Board of  
4 Zoning Appeals. Today is Thursday, August 21st,  
5 2025. It's approximately 3:03 p.m. here at Elyria  
6 City Hall, 131 Court Street, 2nd Floor Council  
7 Chambers.  
8 At this time, I will ask Madam Secretary to  
9 call the roll.  
10 MS. TOMSKI: Joel Fritz.  
11 MR. FRITZ: Present.  
12 MS. TOMSKI: Timothy Golden.  
13 MR. GOLDEN: Present.  
14 MS. TOMSKI: Juliann Sadowski.  
15 MR. FRITZ: I believe she's excused.  
16 MS. TOMSKI: Ann Tanner.  
17 MS. TANNER: Present.  
18 MS. TOMSKI: James Miller.  
19 MR. MILLER: Present.  
20 MR. FRITZ: At this time, the Chair will  
21 entertain a motion for approval of our minutes of  
22 our June 5th, 2025.  
23 MR. GOLDEN: Mr. Chairman, I'd like to make  
24 that motion to approve the minutes of the June 5th  
25 meeting.

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1 MR. MILLER: Mr. Chairman, I second that  
2 motion.  
3 MR. FRITZ: It's been moved and seconded.  
4 All in favor, say aye.  
5 MR. GOLDEN: Aye.  
6 MS. TANNER: Aye.  
7 MR. MILLER: Aye.  
8 MR. FRITZ: Aye.  
9 The ayes have it, and those minutes are  
10 approved.  
11 Prior to talking about today's case  
12 presentation format, I just want to let you know  
13 that we do not have a full board. We have five  
14 board members. There's only four here.  
15 You can pass your case, if you wish, to our  
16 next meeting in September, or you live with the  
17 decision of the four of us as opposed to the five  
18 of us. I'm not sure that would make a big  
19 difference, but who knows.  
20 Having said that, also just acknowledge that  
21 Building Department Chris Schoenig's here, and for  
22 the City of Elyria, Attorney Mark Craig.  
23 And we will now begin talking about our case  
24 presentation format. When we call your case,  
25 we're going to ask that you come up close to us

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1 and speak loud enough --  
2 Well, actually, what we'll do is have you go  
3 over to the podium. Sometimes we do it  
4 differently, but today we'll have you go to the  
5 podium so the court reporter can take down your  
6 testimony, and you'll tell us why you want the  
7 variance that you're requesting.  
8 After you've presented your case, we're going  
9 to let the City of Elyria give their case. They  
10 may say they're okay with it. They may not want  
11 you to have it. We don't know.  
12 And then there might be a discussion between  
13 the board members, we might ask questions of you,  
14 at which time, we will put your case to a vote,  
15 and you will walk out of here today knowing  
16 whether or not your variance is granted.  
17 (Julianne Sadowski just entered the meeting)  
18 MR. FRITZ: Oh, and now we do have a full  
19 board. I didn't think she was coming.  
20 So you don't have to worry about the first  
21 thing I said because now we have a full board and  
22 you can live with our decision today.  
23 Seeing as that we have no old business, we'll  
24 start with our new business:  
25 Case Number 2025-9: Continental Management

<p style="text-align: right;">5</p> <p>1 located at 20545 Center Ridge Road, Suite LL20,  2 Rocky River, Ohio 44116, for 52 Bunker Hill Lane  3 in Elyria, Ohio, requesting a variance from  4 Section 1137.15(C)(1) of the Elyria Codified  5 Ordinances, a 6 foot fence chain link fence is  6 proposed in the front yard. The front yard fences  7 shall be no more than 4 feet in height and shall  8 be 50 percent open.  9 And I take it you are a representative. Will  10 you please state your name and have --  11 Has she been sworn?  12 THE REPORTER: No.  13 MR. FRITZ: Okay. Will you swear her in.  14 (Sworn)  15 MS. KYER: My name's Marie Kyer, and I work  16 for Continental Management. We manage Village  17 Green Condominium Owners Association which is on  18 the corner of West River and Fox Hill Lane.  19 So they would like to put up a 6 foot fence to  20 deter people from jumping over it. They currently  21 have a 4 foot fence, which I included pictures of  22 the entire fence line. People are jumping over  23 it, and it's completely ruined the fence.  24 So that's basically it. They just want to  25 know if they can put a higher fence in to stop</p>	<p style="text-align: right;">7</p> <p>1 Elyria, Ohio.  2 Before we do that, I forgot to ask,  3 Madam Secretary -- where is she?  4 MR. SCHOENIG: Mr. Chair, I'm assuming that  5 you are to ask about any mail-outs that were sent?  6 MR. FRITZ: Yes, any of the property owners.  7 MR. SCHOENIG: Proper noticing was submitted,  8 and no responses were provided.  9 MR. FRITZ: Thank you.  10 And we will move on, then. The Chair will  11 entertain that motion.  12 MR. MILLER: Mr. Chairman, I move that the  13 variance be accepted.  14 MS. SADOWSKI: I'll second.  15 MR. FRITZ: It's been moved and seconded that  16 we grant Case Number 2025-9.  17 All in favor, say aye.  18 MR. GOLDEN: Aye.  19 MS. SADOWSKI: Aye.  20 MS. TANNER: Aye.  21 MR. MILLER: Aye.  22 MR. FRITZ: Aye.  23 Those opposed.  24 The ayes have it. Your variance is granted,  25 and you'll get a letter in the next couple of</p>
<p style="text-align: right;">6</p> <p>1 people from jumping over it.  2 MR. FRITZ: Okay.  3 City of Elyria.  4 MR. SCHOENIG: Thank you, Mr. Chair.  5 Case 2025-09, the property at 52 Bunker Hill  6 Lane has a zoning of Residential-Multi-Household  7 High Density. Per Section 1137.15(C)(1) of our  8 Codified Ordinances, front yard fences are  9 required to be no more than 4 feet that are  10 located in the front yard and shall be open for no  11 more than 50 percent of the projected area.  12 The fence here is indicated as 6 feet, as the  13 applicant has indicated, and there is no projected  14 open area for the proposed fence.  15 Thank you.  16 MR. FRITZ: Okay. Are there any people in the  17 audience either for or against this request that  18 wish to speak?  19 No?  20 Any questions by board members?  21 No?  22 Okay. At this time, the Chair will entertain  23 a motion on Case Number 2025-9: Continental  24 Management, 20545 Center Ridge Road, Suite LL20,  25 Rocky River, Ohio 44116, for 52 Bunker Hill Lane,</p>	<p style="text-align: right;">8</p> <p>1 days.  2 MS. KYER: Okay. Thank you, guys, very much.  3 MR. FRITZ: Thank you.  4 Next case is Case Number 2025-10: Willard  5 Murphy, 328 Concord Avenue, Elyria, Ohio 44035,  6 requesting a variance from Sections 1142.07 and  7 1125.115 of the Elyria Codified Ordinances. The  8 proposed deck is 20 feet from the property line.  9 25 feet is the minimum allowed per ECO Section  10 1125.115 exception. The minimum front yard  11 setback shall not be less than 30 feet.  12 And you are the Murphys?  13 MR. MURPHY: Yes, sir.  14 MR. FRITZ: Have they been sworn?  15 THE REPORTER: No.  16 (Sworn)  17 MR. FRITZ: So tell us why you would like this  18 variance.  19 MR. MURPHY: Well, we have a -- presently a  20 porch in the front of the house that is starting  21 to deteriorate, and we just wanted to do an  22 8-by-10 front porch. There seems to be some  23 discrepancy as far as distance. The paperwork  24 that we presently have states that -- what you  25 have mentioned, but it also stated the minimum</p>

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1 front yard setback shall not be less than 30 feet.

2 Where this deck would end would be more than

3 25 feet from the variance indicated. And I have

4 several people on our street already -- my

5 neighbor -- next-door neighbor, his is out even

6 farther than what I chose to have.

7 And I do have some pictures of that if you're

8 willing to see those.

9 MR. FRITZ: Sure. We'll take a look at

10 whatever you want to present.

11 MR. MURPHY: Brandon Borrelli, who I spoke

12 with in the City, he said that it would -- you

13 know, with my friend who was going to help me

14 build the deck -- or the front porch, he has more

15 knowledge in this than I do. I'm just a grunt.

16 And he had spoke to Mr. Borrelli about all the

17 structural things that would be required, and

18 Mr. Borrelli had said that it was probably okay to

19 do it.

20 But I would like to show -- who do I go to?

21 MR. FRITZ: Sure. Come on up.

22 (Thereupon, pictures were presented to the

23 Board by Mr. Murphy.)

24 (Off the record)

25 MR. FRITZ: Okay. Thank you.

10

1 City of Elyria.

2 MR. SCHOENIG: Thank you, Mr. Chair.

3 Case Number 2025-10 for 328 Concord Avenue,

4 per Section 1142.07 of the code indicates a

5 minimum front yard setback for properties in the

6 R-LD District have no less than 30 feet. An

7 exception is permitted in 1125.115 allowing for an

8 extra 5 feet. Minimum distance there for the deck

9 can be 25 feet from the front property line.

10 The applicant has indicated 20 feet from the

11 property line.

12 Thank you.

13 MR. FRITZ: And just for edification purposes,

14 this Concord Avenue is in a part of the City that

15 I think they're, like, called post World War II

16 homes and the properties are much smaller. I

17 think this board has, in the past -- much like the

18 Heights area, we have granted almost every one

19 that violated that 30 foot setback, and I think,

20 as a rule, that's why they made that exception.

21 Are there any opponents or proponents that

22 wish to speak about this particular request?

23 How about adjoining property owners?

24 MS. TOMSKI: They were notified, and I did not

25 hear back from anybody.

11

1 MR. FRITZ: Then the Chair will entertain a

2 motion on Case Number 2025-10: Willard Murphy,

3 328 Concord Avenue, Elyria, Ohio 44035.

4 MR. MILLER: Mr. Chair, I move that the

5 variance be granted.

6 MS. SADOWSKI: I'll second it.

7 MR. FRITZ: It's been moved and seconded that

8 we grant Case Number 2025-10: Willard Murphy, 328

9 Concord Avenue.

10 All in favor, say aye.

11 MR. GOLDEN: Aye.

12 MS. SADOWSKI: Aye.

13 MS. TANNER: Aye.

14 MR. MILLER: Aye.

15 MR. FRITZ: Aye.

16 Those opposed.

17 The ayes have it. Your variance is granted.

18 You'll get a letter in the next couple of days.

19 MR. MURPHY: Thank you.

20 MRS. MURPHY: Thank you.

21 MR. FRITZ: Okay. Let's call the next case,

22 Case Number 2025-11: Jason Huffman, 160 Antioch

23 Drive, Elyria, Ohio 44035, requests a variance

24 from Section 1137.15(C) of the Elyria Codified

25 Ordinances. The plan show a 6 foot high fence

12

1 being installed within the front setback. The

2 front yard fence shall not be more than 4 feet in

3 height and at least 50 percent open.

4 You are Jason Huffman?

5 MR. HUFFMAN: Yes.

6 MR. FRITZ: Tell us why you would like your

7 variance, sir?

8 Oh, yeah, you have to be sworn.

9 THE REPORTER: Do you want me to swear them

10 all in at once?

11 MR. FRITZ: Yeah, you can do that.

12 Anybody that's going to testify, if you want

13 to stand and raise your right hand, we can swear

14 you all in right now.

15 (All participants sworn)

16 MR. FRITZ: Great. Thank you.

17 Mr. Huffman, why would you like us to grant

18 your request?

19 MR. HUFFMAN: There's a couple reasons. The

20 main one being is at the normal 30 feet away from

21 the sidewalk, there's a tree in the way which is

22 the only tree shade in the backyard, so -- but

23 that would be in the way of the fence.

24 So if I go out to 19 feet away from the

25 sidewalk, it allows me to get past that tree and a

<p style="text-align: right;">13</p> <p>1 stump, and it allows for a swingset -- room for a</p> <p>2 swingset for my granddaughter. It's a 15-by-11</p> <p>3 swingset, so there's a concrete pad on the left</p> <p>4 side. And on the right side -- you know, it's a</p> <p>5 limited area with a 6 foot fall zone around that</p> <p>6 with the house, the fence, and a tree. So the</p> <p>7 extra 11 feet allows, you know, me to have the</p> <p>8 space for that because I intend -- she's supposed</p> <p>9 to move in and the house is going to be left to</p> <p>10 her, so it's actually going to end up being her</p> <p>11 home.</p> <p>12 So she's here as well. She wants it primarily</p> <p>13 for the safety of my six-year-old granddaughter</p> <p>14 and my grandson, because Antioch is a very busy</p> <p>15 street and -- you know, driving-wise and also, you</p> <p>16 know, a lot of people walk through the</p> <p>17 neighborhood there. So, you know, she just wants</p> <p>18 to also have the privacy with the kids to not have</p> <p>19 to worry about them wandering out of the yard, you</p> <p>20 know. But the privacy, you know, is definitely</p> <p>21 wanted for, you know, the minor children.</p> <p>22 And then I just -- I had some pictures here if</p> <p>23 you want to look at them or not.</p> <p>24 MR. FRITZ: Sure. If you want to present</p> <p>25 them, we'll take anything you got.</p>	<p style="text-align: right;">15</p> <p>1 MR. FRITZ: Okay.</p> <p>2 MR. HUFFMAN: And then I think you guys have</p> <p>3 already -- that's what I'm speaking of when</p> <p>4 there's a concrete slab on one side. So I really</p> <p>5 only have room here for a playground area, and</p> <p>6 that's -- it makes a big difference. And that's</p> <p>7 the tree that would be -- If I was 30 feet away,</p> <p>8 it's in the line of the fence. Allowing me to</p> <p>9 extend another 11 feet, I get past the tree and</p> <p>10 the roots, you know, and I'm still 19 feet from</p> <p>11 the sidewalk.</p> <p>12 So that's what the backyard -- I put pins in</p> <p>13 and lines so you can kind of see.</p> <p>14 MR. FRITZ: Yeah, we have a couple of those</p> <p>15 pictures.</p> <p>16 MR. HUFFMAN: And then you guys have these</p> <p>17 pictures already. So that's it.</p> <p>18 MR. FRITZ: Okay. Great. Thank you.</p> <p>19 Appreciate it.</p> <p>20 City of Elyria.</p> <p>21 MR. SCHOENIG: Thank you, Mr. Chair.</p> <p>22 Case Number 2025-11: The property located at</p> <p>23 160 Antioch Drive has a zoning classification of</p> <p>24 Residential-Low Density. Per Section 1137.15(C),</p> <p>25 front yard fences shall be no more than 4 feet in</p>
<p style="text-align: right;">14</p> <p>1 (Thereupon, pictures were presented to the</p> <p>2 Board by Mr. Huffman.)</p> <p>3 (Off the record)</p> <p>4 MR. FRITZ: Are any of those corner lots like</p> <p>5 your --</p> <p>6 MS. TOMSKI: Mr. Chair, I'm sorry to</p> <p>7 interrupt. The court reporter can't hear him.</p> <p>8 MR. FRITZ: Okay. Yeah, if you're going to</p> <p>9 say anything, you just have to speak up a little</p> <p>10 bit so the court reporter can take it down.</p> <p>11 MR. HUFFMAN: So I just have 13 pictures here</p> <p>12 of different properties in Elyria with corner lots</p> <p>13 where they have the variance already.</p> <p>14 MR. FRITZ: Did you check every one of these</p> <p>15 to see if they had a variance? Did you ask every</p> <p>16 property owner?</p> <p>17 MR. HUFFMAN: No, I just talked to two in my</p> <p>18 neighborhood.</p> <p>19 MR. FRITZ: Okay.</p> <p>20 MR. HUFFMAN: And then I didn't see if they</p> <p>21 have a variance or not, but these are corner lots</p> <p>22 where they're within -- you know, they had</p> <p>23 variances.</p> <p>24 And then there's a list of -- there's 24</p> <p>25 altogether, but pictures are 13 here.</p>	<p style="text-align: right;">16</p> <p>1 height and shall be open for at least 50 percent</p> <p>2 of its projected area.</p> <p>3 The site plan provided in your staff report</p> <p>4 indicates that the fence is 6 feet high and is</p> <p>5 installed within the front yard.</p> <p>6 Thank you.</p> <p>7 MR. FRITZ: Okay. Again, have there been any</p> <p>8 property owners that were either responding to any</p> <p>9 of the mailers?</p> <p>10 MR. SCHOENIG: Mr. Chair, there was a letter</p> <p>11 that we did receive from Council Member Kenny</p> <p>12 Oswald. He was in favor of granting of the</p> <p>13 variance for this.</p> <p>14 MR. FRITZ: Okay. Thank you.</p> <p>15 Is there anybody in the audience, proponent or</p> <p>16 opponent, of this request.</p> <p>17 MS. MAZIARZ: I would like to speak, if I may.</p> <p>18 MR. FRITZ: Certainly.</p> <p>19 MS. MAZIARZ: I'm Alexa Maziarz, Jason's</p> <p>20 daughter. This is my son Elijah. So thank you</p> <p>21 for giving me the chance to speak.</p> <p>22 So the house in question at 160 Antioch</p> <p>23 belonged to my late grandmother. We lovelily</p> <p>24 called her yiayia. She was born in Greece, and</p> <p>25 she raised her three boys by herself.</p>

<p style="text-align: right;">17</p> <p>1 I grew up in a terrible -- with a horrible</p> <p>2 mother. My parents were divorced, and my dad and</p> <p>3 my ylayia's house was my safe place. Yiayia just</p> <p>4 opened everybody -- loved everybody with open</p> <p>5 arms, so I'm so excited to move back there and get</p> <p>6 things back to life because it wasn't taken care</p> <p>7 of. She ended up getting pancreatic cancer and</p> <p>8 passing on.</p> <p>9 My dad has poured so much resources and time</p> <p>10 into getting the house back to where it needs to</p> <p>11 be, and so have I, and so to be able to have my</p> <p>12 kids protected in the backyard would be awesome.</p> <p>13 They're used to 15 acres of open land, and they</p> <p>14 know no boundaries. Every time we go over there,</p> <p>15 I'm constantly yelling at my daughter and her</p> <p>16 friends to stay away from the street, you know, no</p> <p>17 running that way. My daughter chased a butterfly</p> <p>18 off in -- there's a bush over there and I couldn't</p> <p>19 see her, and I was losing it.</p> <p>20 We have people -- college kids and people from</p> <p>21 the bar -- the Dawg House Bar up the road</p> <p>22 constantly cutting through the side yard, and I</p> <p>23 don't know them or their intentions, which is a</p> <p>24 little concerning when I have two little ones.</p> <p>25 And my kids also like to climb, so I don't</p>	<p style="text-align: right;">19</p> <p>1 All in favor, say aye.</p> <p>2 MR. GOLDEN: Aye.</p> <p>3 MS. SADOWSKI: Aye.</p> <p>4 MS. TANNER: Aye.</p> <p>5 MR. MILLER: Aye.</p> <p>6 MR. FRITZ: Aye.</p> <p>7 Those opposed.</p> <p>8 The ayes have it. The variance is granted,</p> <p>9 and you'll get a letter in the next couple of</p> <p>10 days.</p> <p>11 MR. HUFFMAN: All right. Thank you.</p> <p>12 MS. MAZIARZ: Thank you so much for your time.</p> <p>13 MR. FRITZ: Next case, Case Number 2025-12:</p> <p>14 Glenn Pickens, 1000 Lowell Street, Elyria, Ohio</p> <p>15 44035, requesting a variance from Section 1164.07</p> <p>16 of the Elyria Codified Ordinances, side yard</p> <p>17 setback. A proposed addition on the east side of</p> <p>18 the property is 10 feet from the existing</p> <p>19 structure from the eastern side of the property</p> <p>20 line. The minimum side yard setback is 15 feet.</p> <p>21 Is Mr. Pickens here?</p> <p>22 Yes, if you'd just step up to the podium.</p> <p>23 MR. PICKENS: Good afternoon. My name is</p> <p>24 Glenn Pickens. I'm here on behalf of 1000 Lowell,</p> <p>25 LLC.</p>
<p style="text-align: right;">18</p> <p>1 think a 4-foot fence would do a whole lot in</p> <p>2 protecting them. My son's not even one yet and</p> <p>3 he's climbing the stairs and getting into</p> <p>4 everything. And my daughter's the same way, so...</p> <p>5 MR. FRITZ: Thank you.</p> <p>6 Well, I'll let you folks know that, first of</p> <p>7 all, when you live on a corner lot, you basically</p> <p>8 have two front yards. That's basically what the</p> <p>9 law is in the City of Elyria. And in the past,</p> <p>10 we've granted these before so long as the City of</p> <p>11 Elyria doesn't tell us that it impedes the sight</p> <p>12 lines of vehicles because that's a very important</p> <p>13 safety feature.</p> <p>14 So I think this board would agree that the</p> <p>15 factors of Duncan v. Middlefield would be</p> <p>16 satisfied.</p> <p>17 So in that vein, the Chair will entertain a</p> <p>18 motion on Case Number 2025-11: Jason Huffman, 160</p> <p>19 Antioch Drive, Elyria.</p> <p>20 MR. MILLER: Mr. Chair, I move that the</p> <p>21 variance be granted.</p> <p>22 MS. SADOWSKI: I'll second.</p> <p>23 MR. FRITZ: It's been moved and seconded that</p> <p>24 we grant Case Number 2025-11: Jason Huffman, 160</p> <p>25 Antioch Drive, Elyria, Ohio.</p>	<p style="text-align: right;">20</p> <p>1 I'm requesting the side yard setback variance.</p> <p>2 The reason being, there is an existing</p> <p>3 drive-through canopy that is actually in place of</p> <p>4 where I'm proposing this addition. I believe I'm</p> <p>5 extending it maybe 2 feet beyond that existing</p> <p>6 canopy to utilize an existing retaining wall as</p> <p>7 part of the foundation.</p> <p>8 The design kind of maximizes the space, that</p> <p>9 length that I'm proposing, for an optimized floor</p> <p>10 plan.</p> <p>11 But other than those two reasons, that's...</p> <p>12 MR. FRITZ: That's the old bank building,</p> <p>13 right?</p> <p>14 MR. PICKENS: Yes, sir.</p> <p>15 MR. FRITZ: City of Elyria.</p> <p>16 MR. SCHOENIG: Thank you, Mr. Chair.</p> <p>17 Case 2025-12: 1000 Lowell Street has a zoning</p> <p>18 classification of Light Industrial. Per</p> <p>19 Section 1164.07, there shall be a minimum side</p> <p>20 yard setback of 15 feet for properties in the LI</p> <p>21 District. The proposed expansion of the building</p> <p>22 is approximately 10 feet from the eastern side</p> <p>23 property line.</p> <p>24 The site plan provided did dimension it</p> <p>25 improperly. The accurate measurements were</p>

1 provided via the county auditor.  
 2 Thank you.  
 3 MR. FRITZ: Thank you.  
 4 Madam Secretary, were there any property  
 5 owners who are adjacent, we're they notified and  
 6 did you receive any replies?  
 7 MS. TOMSKI: They were notified, and I did not  
 8 hear from anybody.  
 9 MR. FRITZ: Thank you.  
 10 I think this one we should go through the  
 11 factors.  
 12 So we're going to go through the factors that  
 13 we need to discuss.  
 14 The first one being whether the special  
 15 conditions or circumstances exist which are  
 16 peculiar to the land or structure involved, which  
 17 are not applicable generally in other lands or  
 18 structures.  
 19 My recollection -- what's the property to the  
 20 east? Who's the property owner to the east where  
 21 you're expanding?  
 22 MR. PICKENS: It is a -- I believe a screw  
 23 factory, and it's directly adjacent to their  
 24 drive. Their building is probably another 75 feet  
 25 behind this proposed structure.

1 MR. FRITZ: Okay. Thank you.  
 2 Then I believe the answer to that would be no.  
 3 Would everybody agree?  
 4 MR. GOLDEN: Yes.  
 5 MS. SADOWSKI: Yes.  
 6 MS. TANNER: Yes.  
 7 MR. MILLER: Yes.  
 8 MR. FRITZ: Okay. The second one would be  
 9 whether the property in question will yield a  
 10 reasonable return or whether there can be any  
 11 beneficial use of the property without the  
 12 variance.  
 13 Well, I mean, again, it's in use now, but it's  
 14 being expanded for greater use, so I think the  
 15 answer to that would yes.  
 16 Does everybody agree?  
 17 MR. GOLDEN: Yes.  
 18 MS. SADOWSKI: Yes.  
 19 MS. TANNER: Yes.  
 20 MR. MILLER: Yes.  
 21 MR. FRITZ: Three: Whether the variance is  
 22 substantial and is the minimum necessary to make  
 23 possible the reasonable use.  
 24 It appears from the projections that you gave  
 25 us that it doesn't seem to be excessive.

1 Does everybody agree?  
 2 MR. GOLDEN: Yes.  
 3 MS. SADOWSKI: Yes.  
 4 MS. TANNER: Yes.  
 5 MR. MILLER: Yes.  
 6 MR. FRITZ: Thank you.  
 7 Four: Whether the essential character of the  
 8 neighborhood would be substantially altered or  
 9 whether the adjoining properties would suffer  
 10 substantial detriment.  
 11 I believe the answer to that would be no.  
 12 Does everybody agree?  
 13 MR. GOLDEN: Yes.  
 14 MS. SADOWSKI: Yes.  
 15 MS. TANNER: Yes.  
 16 MR. MILLER: Yes.  
 17 MR. FRITZ: And the fifth element, whether the  
 18 variance would adversely affect the delivery of  
 19 governmental services such as water, sewer, trash  
 20 pickup.  
 21 Didn't hear anything from the City, and they  
 22 would usually tell us that.  
 23 The answer to that is no; correct?  
 24 MR. GOLDEN: Yes.  
 25 MS. SADOWSKI: Yes.

1 MS. TANNER: Yes.  
 2 MR. MILLER: Yes.  
 3 MR. FRITZ: Thank you.  
 4 Number six: Whether the property owner  
 5 purchased the property with knowledge of the  
 6 zoning restrictions.  
 7 I hate this one because how many people --  
 8 Raise your hand if anybody checked out the  
 9 zoning restrictions or anything before you bought  
 10 your property.  
 11 I didn't, and I'm a lawyer.  
 12 So there, don't worry about it.  
 13 All right. Seven: Whether special conditions  
 14 or circumstances exist as a result of the actions  
 15 of the owner.  
 16 No, he's doing this properly.  
 17 Everybody agree?  
 18 MR. GOLDEN: Yes.  
 19 MS. SADOWSKI: Yes.  
 20 MS. TANNER: Yes.  
 21 MR. MILLER: Yes.  
 22 MR. FRITZ: Eight: Whether the property  
 23 owner's predicament feasibly can be obviated  
 24 through some method other than the variance.  
 25 Well, I suppose you could build it on the



<p style="text-align: right;">25</p> <p>1 other side and take away your parking.  2 Yeah, I don't think that would be the right  3 thing to do.  4 Does everybody agree?  5 MR. GOLDEN: Yes.  6 MS. SADOWSKI: Yes.  7 MS. TANNER: Yes.  8 MR. MILLER: Yes.  9 MR. FRITZ: All right. Nine: Whether the  10 spirit and intent behind the zoning requirement  11 would be observed and substantial justice done by  12 granting the variance.  13 That's an interesting one because, actually, I  14 believe, Chris, aren't you rewriting all these  15 right now, working on those?  16 MR. SCHOENIG: Yes, Mr. Chair, we are  17 currently rewriting --  18 MR. FRITZ: I'm just being factious here. I  19 apologize. I believe the spirit of our zoning  20 code would not be affected by this.  21 Does everybody agree?  22 MR. GOLDEN: Yes.  23 MS. SADOWSKI: Yes.  24 MS. TANNER: Yes.  25 MR. MILLER: Yes.</p>	<p style="text-align: right;">27</p> <p>1 MR. GOLDEN: I'll second that motion,  2 Mr. Chairman.  3 MR. FRITZ: It's been moved and seconded that  4 we grant Case Number 2025-12: Glenn Pickens, 1000  5 Lowell Street, Elyria, Ohio, on behalf of Lowell  6 Street, LLC.  7 Those in favor, say aye.  8 MR. GOLDEN: Aye.  9 MS. SADOWSKI: Aye.  10 MS. TANNER: Aye.  11 MR. MILLER: Aye.  12 MR. FRITZ: Aye.  13 Those opposed.  14 The ayes have it. Your variance is granted,  15 and you'll get a letter in the next couple of  16 days.  17 MR. PICKENS: Thank you.  18 MR. FRITZ: All right.  19 Again, folks, I appreciate your patience. We  20 have a very large docket, as we did not have a  21 meeting in July.  22 All right. Our next case is Case Number  23 2025-13: Jamil Elder, 346 Broad Street, Elyria,  24 Ohio 44035 --  25 Oh, is that pulled?</p>
<p style="text-align: right;">26</p> <p>1 MR. FRITZ: All right. Ten: Whether the  2 granting of the variance requested will confer on  3 the applicant any special privilege that is denied  4 by these regulations of other land structures.  5 Well, we just granted a set here; right?  6 MR. GOLDEN: Right.  7 MR. FRITZ: Thank you.  8 And the last factor: The variance sought is  9 the minimum which will afford relief to the  10 applicant.  11 I believe the answer to that is yes.  12 Does everybody agree?  13 MR. GOLDEN: Yes.  14 MS. SADOWSKI: Yes.  15 MS. TANNER: Yes.  16 MR. MILLER: Yes.  17 MR. FRITZ: Having said all that, the Chair  18 will entertain a motion on Case Number 2025-12:  19 Glenn Pickens, 1000 Lowell Street --  20 And that was on behalf of the LLC -- Lowell  21 Street, LLC?  22 MR. PICKENS: Yes, sir.  23 MR. FRITZ: Thank you.  24 MS. TANNER: Mr. Chair, I move that we grant  25 the variance.</p>	<p style="text-align: right;">28</p> <p>1 MR. SCHOENIG: Mr. Chair, that has been  2 removed from the agenda, and a variance is no  3 longer needed.  4 Thank you.  5 MR. FRITZ: All right. Well, we'll pass on  6 that.  7 And then the next case is Case Number 2025-14:  8 Alice --  9 Is it Gobeille?  10 MS. GOBEILLE: Gobeille.  11 MR. FRITZ: -- Gobeille, 121 Harrison Street,  12 Elyria, Ohio 44035, requesting a variance from  13 Section 1142.05(B) of the Elyria Codified  14 Ordinances, a chicken coop 90-by-19.7 feet.  15 MS. GOBEILLE: That's incorrect.  16 MR. FRITZ: Well, yeah. It's 90 feet by 19.7  17 inches; right?  18 MS. GOBEILLE: It's 9 feet.  19 MR. FRITZ: Okay. By 19.7.  20 MS. GOBEILLE: 9 feet, not 90.  21 MR. FRITZ: Yeah, that's what I said,  22 90-by-19.7. Thank you.  23 It is constructed in the rear yard of the  24 property that contains 17 hens. Total lot  25 coverage consists of .64 acres and has a lot width</p>

<p style="text-align: right;">29</p> <p>1 of 135 feet.</p> <p>2 Agricultural uses shall have a minimum lot</p> <p>3 area of not less than 5 acres and have a width of</p> <p>4 not less than 300 feet.</p> <p>5 Tell us why you want your variance. Probably</p> <p>6 because of the hens.</p> <p>7 MS. GOBEILLE: Well, that's one thing, but I</p> <p>8 did look up the code before I did get hens, but I</p> <p>9 didn't find the one that you have there.</p> <p>10 Okay. So I got lost within it, but I thought</p> <p>11 I was clear and -- but my house and my property is</p> <p>12 rather unique for the area. I actually have the</p> <p>13 largest single-family home -- historical home in</p> <p>14 Elyria, and it's on one-and-a-half acres of land.</p> <p>15 Although it says that's the lot size, I actually</p> <p>16 have 324 frontage and three and a half -- or</p> <p>17 one-and-a-half acres. And I have a very large red</p> <p>18 barn.</p> <p>19 What I'm trying to do with that property,</p> <p>20 because it is very unique to the area -- in the</p> <p>21 spirit of that, the area -- we're in the</p> <p>22 Hickories, so we have the Hickories Museum, which</p> <p>23 is also on the National Registry of Historic</p> <p>24 Landmarks. My house, too, is on the National</p> <p>25 Registry of Historic Landmarks.</p>	<p style="text-align: right;">31</p> <p>1 City of Elyria.</p> <p>2 MR. SCHOENIG: Thank you, Mr. Chair.</p> <p>3 Case 2025-14 at 121 Harrison Street, the</p> <p>4 property is zoned Residential-Low Density. Per</p> <p>5 Section 1142.05(B), agricultural uses, as this</p> <p>6 would be classified, shall have a minimum lot area</p> <p>7 of not less than 5 acres and a width of not less</p> <p>8 than 300 feet.</p> <p>9 Per the report received from the Building</p> <p>10 Department, a chicken coop -- point of correction</p> <p>11 9.8 feet by 19.7 feet is constructed in the rear</p> <p>12 yard of the property referenced and contains 17</p> <p>13 hens. Total lot coverage of the property is .64</p> <p>14 of an acre and has a lot width of 135 feet at the</p> <p>15 front property line per the Lorain County</p> <p>16 Auditor's office.</p> <p>17 Historically, the board has denied these</p> <p>18 requests for chicken coops or chickens on the</p> <p>19 property. A point to remember, though, with that</p> <p>20 is the proposed zoning code, which is in draft</p> <p>21 form and has not been approved is, shall, or may</p> <p>22 allow for chickens on properties as low as a</p> <p>23 quarter of an acre in its current form. But as I</p> <p>24 stated, that is not in final form and has not been</p> <p>25 approved by City Council.</p>
<p style="text-align: right;">30</p> <p>1 What I'm trying to do, because we do live</p> <p>2 there with my mother and my granddaughter, I'm</p> <p>3 trying to restore it back to the 1870s when this</p> <p>4 house was built and the kind of uses that it had.</p> <p>5 Back then, it was a farm and it had a lot of</p> <p>6 farm land, and they raised horses and the barn and</p> <p>7 they had chickens and they had an orchard. I'm</p> <p>8 trying to bring back some of that history into the</p> <p>9 house, into that yard.</p> <p>10 It is a special property in the area. Anyone</p> <p>11 that knows that area, knows that house, so that's</p> <p>12 why I -- my hobby is to -- is this house. That's</p> <p>13 my hobby. That's what I do. I'm retired and</p> <p>14 that's what I do. And that's why I wanted the</p> <p>15 chickens.</p> <p>16 And now it's at the point, I've had them for a</p> <p>17 year, and I love them. And they all have names</p> <p>18 and they come when I go outside and -- and they're</p> <p>19 adorable.</p> <p>20 And I've contacted all my neighbors. They</p> <p>21 sent -- I've attached two letters from two of the</p> <p>22 neighbors and the other neighbor sent in a letter.</p> <p>23 They were all in favor of the chickens and of this</p> <p>24 variance to the ordinance.</p> <p>25 MR. FRITZ: Thank you.</p>	<p style="text-align: right;">32</p> <p>1 A letter was received from the Washington</p> <p>2 Avenue Christian Church to read this into the</p> <p>3 record. They were not in favor of the request for</p> <p>4 a variance at this property. Their address is --</p> <p>5 actually, my apologies. I don't have the address,</p> <p>6 but the Washington Avenue Christian Church</p> <p>7 provided us a letter as well.</p> <p>8 Thank you.</p> <p>9 MR. FRITZ: Okay. Other than that letter, all</p> <p>10 property owners were notified? Any response?</p> <p>11 MS. TOMSKI: Yes, and no responses.</p> <p>12 MR. FRITZ: Okay. Other than the church, even</p> <p>13 though they're not -- are they an adjacent</p> <p>14 property owner?</p> <p>15 And, again, I'll get to you folks.</p> <p>16 MS. TOMSKI: Let me rephrase that, please.</p> <p>17 So last month when I sent the letters, I did</p> <p>18 have a couple of people respond. One didn't care.</p> <p>19 A couple people said that they didn't want them.</p> <p>20 This time when I sent the letters, I didn't hear</p> <p>21 anything.</p> <p>22 MR. FRITZ: Okay. Thank you.</p> <p>23 It appears that there are some opponents or</p> <p>24 proponents in the audience. If you'd like to</p> <p>25 speak up, I'd like you to come over to the podium.</p>



1 I'm hoping you were intending to testify, so I'm  
 2 hoping you stood up and were sworn.  
 3 Were you?  
 4 REVEREND RUSSELL: Yes.  
 5 MR. FRITZ: Thank you.  
 6 Before you start, just please state your name  
 7 and your address.  
 8 REVEREND RUSSELL: Sure. I'm the Reverend  
 9 Nathan Russell. I'm the senior pastor at  
 10 Washington Avenue Christian Church Disciples of  
 11 Christ in Elyria, Ohio, 301 Washington Avenue.  
 12 Do you want my home address?  
 13 MR. FRITZ: I'm sorry?  
 14 REVEREND RUSSELL: Do you need my home  
 15 address?  
 16 MR. FRITZ: No, that's okay.  
 17 REVEREND RUSSELL: So the aforementioned  
 18 letter was already stated, but with your  
 19 permission, I'd like to read the letter.  
 20 MR. FRITZ: Sure.  
 21 REVEREND RUSSELL: "Dear Members of the Zoning  
 22 Board:  
 23 "Last week, Alice Gobeille notified me of her  
 24 intention to request a zoning variance to allow  
 25 her to keep chickens on her property at

1 121 Harrison Street. Alice presently has chickens  
 2 on her lot, but we understand she is seeking a  
 3 variance so that she may have more than six winged  
 4 birds of egg-laying capacity in her backyard.  
 5 "While our congregation has no real vested  
 6 interest in the approval or denial of her  
 7 requested variance, I have witnessed some of her  
 8 brainless birds escaping her backyard. They have  
 9 run across our church parking lot, which has  
 10 amused some of our members.  
 11 "As an aside, my German Shepherd, Thunder, and  
 12 I often play ball in our church parking lot.  
 13 While Thunder is on a strict kibble diet, I  
 14 imagine her enjoying fresh chicken on the bone  
 15 should a fowl specimen fly the coop.  
 16 "A hawk has twice grabbed its midday meal from  
 17 Alice's backyard. Once I heard an alarming  
 18 cluster cluck of commotion in Alice's yard only to  
 19 see her chase the hawk-grabbing chicken and then  
 20 run through our parking lot after the victorious  
 21 bird of prey. I cannot vouch for that hawk, but I  
 22 do not think it was deterred as much as it was  
 23 entertained by Alice's antics.  
 24 "Alice likely has the best intentions for her  
 25 backyard farm. She probably envisions fluffy hens

1 pecking peacefully, laying eggs like little  
 2 breakfast heros, but we must tell the truth, the  
 3 whole truth, and nothing but the truth about the  
 4 inevitable chicken chaos.  
 5 "Chickens smell and are Shawshank-level escape  
 6 artists. Chickens are both fast and strangely  
 7 aerodynamic given their odd shape. They also have  
 8 team strategies that rival that of the Ohio State  
 9 football team.  
 10 "Finally, let us not forget the rooster  
 11 problem. Chickens are surprisingly hard to gender  
 12 at hatch. Neighbors could be lulled into a false  
 13 sense of egg-laying security only to be awoken by  
 14 Chanticleer, the Destroyer, screeching his battle  
 15 cry at 5:30 a.m.  
 16 "Also roosters do not have the best reputation  
 17 of the christian tradition. If a cock were to  
 18 crow three times during worship on Sunday morning,  
 19 we may fear the rapture or Armageddon to be  
 20 imminent. This will not end well.  
 21 "Please, I implore you, do not allow this  
 22 feathered fiasco to fester. The peace of  
 23 Washington Avenue and Harrison Street depends on  
 24 your courage, your judgment, and your commitment  
 25 to poultry-free zoning."

1 MR. FRITZ: Thank you.  
 2 Was there somebody else that raised their hand  
 3 that wanted to speak?  
 4 No?  
 5 Okay.  
 6 MR. RAHL: I'll speak.  
 7 MR. FRITZ: Yeah. Sure.  
 8 (Sworn)  
 9 MR. RAHL: Yeah, my name is Keith Rahl. I  
 10 live in Elyria. I'm Dr. Alice's son. I'm pretty  
 11 much the groundskeeper of the area, and I would  
 12 like to correct like when he said there was only  
 13 less than one acre. This is a big lot we're  
 14 talking about. It's got a big red barn on it.  
 15 It's got a separate two-car garage. And then it's  
 16 got fruit trees all over the place.  
 17 I don't know what the Reverend is talking  
 18 about "smell." These chickens are kept like pets.  
 19 They're not kept like, you know, hogs in a pen.  
 20 Do they -- I have seen them -- a hawk did  
 21 attack once, and I recall him mentioning that, but  
 22 precautions were taken. You know, like I said,  
 23 these are treated like pets. That was a horrible  
 24 day. The chicken survived.  
 25 And I would just like to say that Dr. Alice is

1 a great, great caregiver to animals. She always  
 2 has been and she always will be.  
 3 MR. FRITZ: Thank you.  
 4 And I believe that you operate as a bed and  
 5 breakfast, do you not?  
 6 MS. GOBEILLE: No longer.  
 7 MR. FRITZ: Oh, okay. A friend of mine from  
 8 New York stayed there a couple years ago and loved  
 9 it. I was over there. I loved it. It was nice,  
 10 very nice.  
 11 MS. GOBEILLE: I do have some other residents  
 12 at the house, but it's not a bed and breakfast.  
 13 MR. FRITZ: Okay. So this is a use variance.  
 14 Does any member of the board have any questions?  
 15 And before we start, I just have to tell you,  
 16 we've had, in my time here, several chicken cases,  
 17 and, unfortunately, really what you're going to  
 18 have to do is you're going to have to go to  
 19 Council and have them change the law.  
 20 But we're going to go over the factors if you  
 21 want to appeal this decision to the Court of  
 22 Common Pleas; okay? And you have that right, but  
 23 I'm telling you, you're going to be denied this  
 24 because we do not permit chickens on property less  
 25 than 5 acres and that is -- now, the ordinance may

1 change because they're rewriting the ordinances.  
 2 I don't know the answer to that. But just for  
 3 your edification, every chicken case we've ever  
 4 had come before us, we cannot grant, and we have  
 5 not granted.  
 6 MS. GOBEILLE: Wouldn't it be a shame to have  
 7 to re-home these chickens just to have them change  
 8 the ordinance to being much less than what I have?  
 9 MR. FRITZ: Ma'am, it happens all the time.  
 10 We had a lady give us a one-hour presentation on a  
 11 PowerPoint about how educational it was. It was a  
 12 real tearjerker. Unfortunately, we had to do  
 13 that; okay?  
 14 But if you want to appeal this, we're going to  
 15 go through the factors so you can take this to the  
 16 proper court if you'd like.  
 17 MS. GOBEILLE: Okay.  
 18 MR. FRITZ: Okay. So the first one is that  
 19 the property cannot be put to any economically  
 20 viable use under any of the permitted uses in the  
 21 zoning code.  
 22 Well, the answer to that is false. It can be  
 23 and it has; correct?  
 24 Everybody agree?  
 25 MR. GOLDEN: Yes.

1 MS. SADOWSKI: Yes.  
 2 MS. TANNER: Yes.  
 3 MR. MILLER: Yes.  
 4 MR. FRITZ: Two: The variance request stems  
 5 from a condition which is unique to the property  
 6 at issue and not ordinarily found in the same  
 7 zoning district.  
 8 There's a lot of big houses and old houses in  
 9 that area.  
 10 Does everybody agree?  
 11 MR. GOLDEN: Yes.  
 12 MS. SADOWSKI: Yes.  
 13 MS. TANNER: Yes.  
 14 MR. MILLER: Yes.  
 15 MR. FRITZ: Okay. Three: The hardship  
 16 condition is not created by actions of the  
 17 applicant.  
 18 That's false. The hardship -- well, it is  
 19 true, she hasn't. She just bought the property,  
 20 but -- so that doesn't apply.  
 21 Does everybody agree?  
 22 MR. GOLDEN: Yes.  
 23 MS. SADOWSKI: Yes.  
 24 MS. TANNER: Yes.  
 25 MR. MILLER: Yes.

1 MR. FRITZ: All right. Four: The granting of  
 2 the variance will not adversely affect the rights  
 3 of adjacent property owners or residents.  
 4 Well, we've already heard from one person or  
 5 resident, and, you know, they do -- it does affect  
 6 people. We've had, in many of our chicken cases,  
 7 people come forward and oppose that request.  
 8 Everybody agree?  
 9 MR. GOLDEN: Yes.  
 10 MS. SADOWSKI: Yes.  
 11 MS. TANNER: Yes.  
 12 MR. MILLER: Yes.  
 13 MR. FRITZ: Five: The granting of the  
 14 variance will not adversely affect the public  
 15 health, safety or general welfare.  
 16 My recollection was the PowerPoint lady, we  
 17 did either have somebody from the City or somebody  
 18 come and talk about the safety factor because of  
 19 the chicken mess, stench, and things of that  
 20 nature.  
 21 And so I believe, even though nobody has  
 22 testified to that, we've had that happen before,  
 23 and that would possibly affect things.  
 24 Does everybody agree?  
 25 MR. GOLDEN: Yes.

1 MS. SADOWSKI: Yes.

2 MS. TANNER: Yes.

3 MR. MILLER: Yes.

4 MR. FRITZ: Six: The variance will be  
5 consistent with the general spirit and intent of  
6 the zoning code.

7 Obviously not. We have all been involved in  
8 these. Even if it's 1.55 acres, we wouldn't be  
9 able to do that. Maybe if you had 4.9 we probably  
10 would, I would imagine, but that might be for  
11 another day.

12 And those are the six factors that you have to  
13 overcome. And you can do that, so before -- I can  
14 talk to you afterwards and give you some ideas  
15 what you need to do.

16 But having said that, the Chair will entertain  
17 a motion on Case Number 2025-14: Alice Gobeille,  
18 121 Harrison Street, Elyria, Ohio 44035.

19 MR. GOLDEN: Mr. Chairman, I'd like to make a  
20 motion to deny the applicant's request for a  
21 variance.

22 MS. SADOWSKI: I second it.

23 MR. FRITZ: It's been moved and seconded that  
24 we deny Case Number 2025-14: Alice Gobeille,  
25 121 Harrison Street, Elyria, Ohio.

1 All in favor, say aye.

2 MR. GOLDEN: Aye.

3 MS. SADOWSKI: Aye.

4 MS. TANNER: Aye.

5 MR. MILLER: Aye.

6 MR. FRITZ: Aye.

7 Those opposed.

8 The ayes have it. The variance is not  
9 granted. You will get a letter.

10 If you want to stay afterwards, I can give you  
11 an idea -- you're going to have to get a  
12 transcript, and I can tell you where to go if you  
13 really want to appeal this, but your best bet is  
14 to go to City Council.

15 Thank you.

16 MS. GOBEILLE: Thank you.

17 MR. FRITZ: Okay. Next case is Case Number  
18 2025-15: Richard A. Frederickson, Rafter A. LTD,  
19 for 364 Griswold Road, Elyria, Ohio 44035,  
20 requesting a variance from Section 1175.09(D)(8)  
21 of the Elyria Codified Ordinances for the use of  
22 ODOT 441 asphalt concrete in lieu of the Portland  
23 cement concrete.

24 And you are Mr. Frederickson?

25 MR. FREDERICKSON: Yes, I'm Rich Frederickson.

1 MR. FRITZ: So tell us why you need this

2 variance.

3 MR. FREDERICKSON: Okay. Mostly the main --  
4 I've created a set of drawings. I think you guys  
5 have a copy of what the site plan is. This is for  
6 Cornerstone Pregnancy on Griswold, and they need  
7 some additional parking for their employees. We  
8 have resubmitted the drawings again this past  
9 July, and we have to put a crosswalk in now.

10 The variance is essentially so that the --  
11 they have a contract with a company called  
12 All Ways Construction that is primarily an asphalt  
13 contractor, and they're going to be doing the  
14 parking lot in asphalt anyway.

15 And if you look at Sheet 2.0 on the section  
16 view there, you have the asphalt concrete section  
17 there. That would be basically an asphalt apron  
18 in between stand-up curbs for the entire parking  
19 lot area. So it's not going to look physically  
20 unappealing. It's going to look similar to the  
21 Get-Go aprons over on 49th Street there. So it  
22 would look strange if it was in a residential  
23 neighborhood, but in these circumstances, I think  
24 it will look fine with everything else that's out  
25 there.

1 And the cost savings that my client will save  
2 on this back end the project that's already  
3 overrun considerably what they had in their  
4 budget.

5 MR. FRITZ: Thank you.

6 City of Elyria.

7 MR. SCHOENIG: Thank you, Mr. Chair.

8 BOZA Case Number 2025-15 for 364 Griswold  
9 Road, per Section 1175.09(D)(8), drive aprons  
10 constructed on curb streets -- which this street  
11 is here for Moran Street -- shall be constructed  
12 with Portland concrete. Minimum thickness shall  
13 be 6 inches for drives.

14 The site plan provided by the applicant  
15 indicated the proposed parking lot will include a  
16 asphalt drive apron instead of the concrete.

17 Thank you.

18 MR. FRITZ: Did it indicate how thick that  
19 asphalt would be?

20 MR. SCHOENIG: I don't have the information.  
21 I would defer to the applicant on that.

22 MR. FREDERICKSON: Yeah. So we've got -- for  
23 thickness for the whole pavement section, we have  
24 6 inches of ODOT 304, which is basically limestone  
25 base, and 4 inches of asphalt for the parking lot.

1 That's for the whole parking lot.  
 2 MR. FRITZ: And the apron.  
 3 MR. FREDERICKSON: The same.  
 4 MR. FRITZ: Okay. Thank you.  
 5 Madam Secretary, adjacent property owners?  
 6 MS. TOMSKI: I did not hear from anybody.  
 7 MR. FRITZ: Okay.  
 8 Anybody in the audience have anything to say  
 9 about this one?  
 10 Any questions by board members?  
 11 Okay. Then the Chair will entertain case  
 12 Number 2025-15: Richard A. Frederickson and the  
 13 Rafter A. LTD for 364 Griswold Road, Elyria, Ohio  
 14 44035, requesting that variance.  
 15 MR. MILLER: Mr. Chair, I move that the  
 16 variance be granted.  
 17 MR. GOLDEN: Mr. Chairman, I second that  
 18 motion.  
 19 MR. FRITZ: It's been moved and seconded that  
 20 we grant Case Number 2025-15.  
 21 All in favor, say aye.  
 22 MR. GOLDEN: Aye.  
 23 MS. SADOWSKI: Aye.  
 24 MS. TANNER: Aye.  
 25 MR. MILLER: Aye.

1 MR. FRITZ: Aye.  
 2 Those opposed.  
 3 The ayes have it, and you will get your  
 4 variance in a couple of days.  
 5 MR. FREDRICKSON: Thank you.  
 6 MR. FRITZ: Okay. Moving along, we do have a  
 7 few more on our docket.  
 8 Case Number 2025-16: Aidan McNulty,  
 9 1200 Prospect Avenue, Elyria, Ohio 44035,  
 10 requesting a variance from Sections 1144.02,  
 11 1144.05, and 1144.10 of the Elyria Codified  
 12 Ordinances for acreage from 5 to .13 and for  
 13 frontage from 300 feet to 66 feet to allow for  
 14 principally permitted agricultural use in the R-MD  
 15 zoned district.  
 16 (Sworn)  
 17 MR. FRITZ: You are Mr. McNulty?  
 18 MR. MCNULTY: Yes.  
 19 MR. FRITZ: Please tell us why you want your  
 20 variance, sir.  
 21 MR. MCNULTY: So the reason for requesting  
 22 this was last summer I moved houses from Hawthorne  
 23 Street to Stanford Avenue because we needed a  
 24 slightly larger house. And the house that we  
 25 purchased has two giant oak trees, one in the

1 backyard and one in the front yard. And I've  
 2 always been an avid gardener and there's really  
 3 not much I can do in that space. And it's a  
 4 beautiful house. It fits our family. It fit our  
 5 budget, so, you know, we felt like we had to jump  
 6 on that, but it's been really impacting my ability  
 7 to garden, which is something that I prioritize.  
 8 And so in thinking of ways where I could try  
 9 to still make this happen, I was looking into  
 10 basically vacant lots and things of that sort.  
 11 And while this one had been purchased in 2023 and  
 12 then basically relisted and was on the market for  
 13 two years without being sold, prior to that, it  
 14 was through the Lorain County Land Bank and it had  
 15 been a basically unused parcel of land for about  
 16 10 years, give or take.  
 17 And so my intent with the property is just to  
 18 be able to have some gardening space in it. Long  
 19 term, I would love to be able to have some type of  
 20 community garden space, but right now, I can't  
 21 commit to that. There's not even necessarily a  
 22 full water supply.  
 23 I would also specify that I have no interest  
 24 in having any animals on the property. I view  
 25 that as a nuisance to the neighbors. It just

1 strictly would be some garden crops -- you know,  
 2 potatoes, some garlic, some flowers -- things of  
 3 that sort.  
 4 MR. FRITZ: Is that all?  
 5 MR. MCNULTY: I think so, yeah.  
 6 MR. FRITZ: City of Elyria.  
 7 MR. SCHOENIG: Thank you, Mr. Chair.  
 8 BOZA Case 2025-16: The property at 1200  
 9 Prospect Street has a zoning of Residential-Medium  
 10 Density, R-MD. Agricultural uses are permitted  
 11 principally, however, Section 1144.05 does  
 12 indicate that minimum lot area shall be 5 acres  
 13 and a width of not less than 300 feet.  
 14 Per the site plan provided by the applicant,  
 15 the frontage is 40 feet and approximately the  
 16 property is .13 of an acre.  
 17 Thank you.  
 18 MR. FRITZ: Okay. Point of order.  
 19 Mr. Craig, I have a question. I believe this  
 20 would be more a use variance than an area  
 21 variance, but wouldn't this be something for  
 22 somebody -- I don't know that this is even under  
 23 our purview as a zoning board.  
 24 Is it?  
 25 MR. CRAIG: It is an area variance.

1 MR. FRITZ: It is an area variance; okay.  
 2 MR. GOLDEN: Mr. Chairman, may I?  
 3 MR. FRITZ: Yes.  
 4 MR. GOLDEN: I guess to the zoning  
 5 administrator: He wants to put up a community  
 6 garden? Is that what he's requesting?  
 7 MR. MCNULTY: Can I clarify?  
 8 MR. GOLDEN: Yeah, is that what you're asking?  
 9 MR. MCNULTY: No. Right now I'm requesting  
 10 not a community garden. A community garden would  
 11 entail inviting others in, and I feel like, as the  
 12 property owner, it would require me to be able to  
 13 provide certain services to them. Right now, I'm  
 14 not able to provide those.  
 15 You know, I'm basically funding this myself,  
 16 and it's something that I want to do for me and my  
 17 family. Eventually, if the use is granted, I  
 18 would love to open it up as more of a community  
 19 garden space, I just can't commit to it at this  
 20 point.  
 21 So for right now, I wouldn't consider it a  
 22 community garden. I would consider it, you know,  
 23 a garden space within a community, if that makes  
 24 sense.  
 25 MR. GOLDEN: If I can ask you another

1 question: Is there a principal building on this  
 2 lot?  
 3 MR. MCNULTY: No. And so that --  
 4 MR. GOLDEN: And so it's strictly a vacant lot  
 5 that you wish to put a garden on?  
 6 MR. MCNULTY: Yes.  
 7 MR. GOLDEN: And you don't own the property on  
 8 either side?  
 9 MR. MCNULTY: No.  
 10 MR. GOLDEN: Okay. That explains. Thank you.  
 11 MR. FRITZ: Okay. Well, let's go -- anybody  
 12 in the audience want to speak on this?  
 13 Any other questions from board members?  
 14 Okay. Let's go through the factors.  
 15 Whether special conditions and circumstances  
 16 exist which are peculiar to the land or structure  
 17 involved and which are not applicable generally to  
 18 other lands or structures in the same zoning  
 19 district.  
 20 Well, I guess special or peculiar because of  
 21 what the applicant wants, but otherwise, no.  
 22 Does everybody agree?  
 23 MR. GOLDEN: Yes.  
 24 MS. SADOWSKI: Yes.  
 25 MS. TANNER: Yes.

1 MR. MILLER: Yes.  
 2 MR. FRITZ: Two: Whether the property in  
 3 question will yield a reasonable return or whether  
 4 there can be any beneficial use of the property  
 5 without the variance.  
 6 Yeah, I think there certainly wouldn't be a  
 7 reasonable return.  
 8 Does everybody agree?  
 9 MR. GOLDEN: Yes.  
 10 MS. SADOWSKI: Yes.  
 11 MS. TANNER: Yes.  
 12 MR. MILLER: Yes.  
 13 MR. FRITZ: And number three: Whether the  
 14 variance is substantial and is the minimum  
 15 necessary to make possible the reasonable use of  
 16 the land.  
 17 Answer: Obviously, no. It is substantial.  
 18 Does everybody agree?  
 19 MR. GOLDEN: Yes.  
 20 MS. SADOWSKI: Yes.  
 21 MS. TANNER: Yes.  
 22 MR. MILLER: Yes.  
 23 MR. FRITZ: Four: Whether the essential  
 24 character of the neighborhood would be  
 25 substantially altered or whether adjoining

1 properties would suffer substantial detriment as a  
 2 result of the variance.  
 3 I think the answer would be yes.  
 4 Does everybody agree?  
 5 MR. GOLDEN: Yes.  
 6 MS. SADOWSKI: Yes.  
 7 MS. TANNER: Yes.  
 8 MR. MILLER: Yes.  
 9 MR. FRITZ: Whether the variance would  
 10 adversely affect the delivery of governmental  
 11 services such as water, sewer, trash pickup.  
 12 I think that's a non-applicable factor.  
 13 Does everybody agree?  
 14 MR. GOLDEN: Yes.  
 15 MS. SADOWSKI: Yes.  
 16 MS. TANNER: Yes.  
 17 MR. MILLER: Yes.  
 18 MR. FRITZ: Six: Whether the property owner  
 19 purchased the property with knowledge of the  
 20 zoning restrictions.  
 21 We all know that -- I mean, if he did, he did,  
 22 but, again, I don't think that that has a bearing  
 23 in what he wants to do.  
 24 Does everybody agree?  
 25 MR. GOLDEN: Yes.

1 MS. SADOWSKI: Yes.  
 2 MS. TANNER: Yes.  
 3 MR. MILLER: Yes.  
 4 MR. FRITZ: Seven: Whether special conditions  
 5 or circumstances exist as a result of the actions  
 6 of the owner.  
 7 No, not at this time, but it certainly would  
 8 if this were granted; right?  
 9 Everybody agree?  
 10 MR. GOLDEN: Yes.  
 11 MS. SADOWSKI: Yes.  
 12 MS. TANNER: Yes.  
 13 MR. MILLER: Yes.  
 14 MR. FRITZ: Eight: Whether the property  
 15 owner's predicament feasibly can be obviated  
 16 through some method other than the variance.  
 17 I suppose he could put a garden on it now, I  
 18 suppose.  
 19 Does everybody agree?  
 20 MR. GOLDEN: Yes.  
 21 MS. SADOWSKI: Yes.  
 22 MS. TANNER: Yes.  
 23 MR. MILLER: Yes.  
 24 MR. FRITZ: Okay. Nine: Whether the spirit  
 25 and intent behind the zoning requirement would be

1 observed and substantial justice done by granting  
 2 the variance.  
 3 I believe the answer to that would be no.  
 4 Does everybody agree?  
 5 MR. GOLDEN: Yes.  
 6 MS. SADOWSKI: Yes.  
 7 MS. TANNER: Yes.  
 8 MR. MILLER: Yes.  
 9 MR. FRITZ: Ten: Whether the granting of the  
 10 variance requested will confer on the applicant  
 11 any special privilege that is denied by these  
 12 regulations to other land structures or buildings.  
 13 I believe the answer would be yes, he would  
 14 have some special conditions that he would have  
 15 only.  
 16 Does everybody agree?  
 17 MR. GOLDEN: Yes.  
 18 MS. SADOWSKI: Yes.  
 19 MS. TANNER: Yes.  
 20 MR. MILLER: Yes.  
 21 MR. FRITZ: And the last one, the variance  
 22 sought is the minimum which will afford the relief  
 23 to the applicant.  
 24 Answer: No.  
 25 Does everybody agree?

1 MR. GOLDEN: Yes.  
 2 MS. SADOWSKI: Yes.  
 3 MS. TANNER: Yes.  
 4 MR. MILLER: Yes.  
 5 MR. FRITZ: Having said all that, the Chair  
 6 will entertain a motion on Case Number -- oh,  
 7 that's right.  
 8 MR. GOLDEN: I have a question.  
 9 MR. FRITZ: Oh, please do.  
 10 MR. GOLDEN: Thank you, Mr. Chairman.  
 11 To the applicant: This is a kept property  
 12 meaning that you cut the grass there once a week,  
 13 you keep the grass in order and things of this  
 14 nature?  
 15 MR. MCNULTY: Yes. So that's what I have been  
 16 doing since I purchased it. When I purchased it,  
 17 although I think it was maintained at variance  
 18 points, it was very much not maintained. The  
 19 grass was about 3 feet tall. I mean, it just  
 20 looked like a completely vacant lot.  
 21 And so sort of my line of thinking was if this  
 22 is going to be a bit of an eyesore on the  
 23 neighborhood, if, you know, whoever is owning it  
 24 is, at minimum, keeping it up, then it wouldn't be  
 25 too much of a stretch to just keep up with it and

1 then in certain parts of it have some small garden  
 2 space which you can't do without a structure  
 3 otherwise.  
 4 I do have some pictures I can show you from  
 5 when I purchased it if that would be any help.  
 6 MR. GOLDEN: I have one question, then, for  
 7 the City. If he planted flowers on this property  
 8 and cultivated them, would he be denied that  
 9 right?  
 10 Basically he's maintaining the property and  
 11 he's planted a flower garden on the property of  
 12 vacant land. Would he be denied by the City?  
 13 MR. SCHOENIG: In terms of the use being  
 14 agricultural, this is under the threshold of what  
 15 is permitted in that zoning district. Zoning  
 16 district permits the, you know, 5 acres and 300  
 17 feet, so it would need a variance.  
 18 We've considered this as a principally  
 19 permitted use under our -- yeah, it is a  
 20 principally permitted use under our zoning  
 21 district for R-MD, therefore, it is, you know,  
 22 permitted, but the area is the issue, the area  
 23 being under 5 acres and under the frontage  
 24 requirement.  
 25 MR. GOLDEN: Then one other question, if I may



1 is: How did we come up with an agricultural use  
2 for this property? Who has determined that?

3 MR. SCHOENIG: That was determined by our  
4 zoning administrator, as well as myself. The  
5 definition of gardening would come under the  
6 purview of the agricultural use, which is just  
7 tilling and keeping of crops on the property.

8 MR. GOLDEN: Okay. Thank you.

9 MS. TANNER: I just have a question.

10 So it's a corner lot and the setback that you  
11 have, I believe, is 6 feet from where the crops  
12 would be. Do you intend on planting anything like  
13 corn that would be high that you could not see on  
14 that corner; that there would be a concern with  
15 the line of sight for the street being a corner  
16 lot.

17 MR. MCNULTY: You're talking about on the  
18 actual corner of Prospect and Case?

19 MS. TANNER: Yes.

20 MR. MCNULTY: No, there's two large trees  
21 right on the corner, and there is really no  
22 sunlight there. So that part was -- if anything,  
23 on the northeast end, over on -- away from  
24 Prospect, on Case, there's some sun. And then  
25 along the neighbor's fence, there's little pockets

1 of sun.

2 The property is actually largely shaded.  
3 There's not a ton of space, so I had sort of made  
4 the site plan to encompass that space as  
5 potential. But to be honest, I'm more than happy  
6 to make any adjustments that would be needed.  
7 It's -- I really don't have a strong preference.  
8 I just need a little bit of garden space, and I  
9 don't want to -- I'm not trying to break the law.  
10 I have no interest in, you know, doing any of  
11 these things. I want to go at it the proper way.  
12 But no, no plans to do anything that would  
13 obstruct the sight on the road.

14 MS. TANNER: Thank you.

15 MR. FRITZ: Mr. Breunig, it looks like you'd  
16 like to speak up.

17 MR. BREUNIG: If I may, Mr. Chair.

18 MR. FRITZ: Certainly.

19 MR. BREUNIG: Good afternoon. Erik Breunig,  
20 Assistant Law Director for the City.

21 We were just here observing on some other  
22 matters and the law director and I were kind of  
23 listening to this case, and we think this might be  
24 a difference of opinion with regard to the  
25 definitions contained in our zoning code.

1 So it sounds like the issue here revolves  
2 around the definition of agriculture, and I think  
3 there might be a little bit of an internal  
4 difference of opinion as to what agriculture  
5 entails.

6 To me, what's being described is a small-scale  
7 garden as opposed to a large-scale agricultural  
8 operation, which I think the zoning code intends  
9 by the use of its definition here. In other  
10 words, it would be my opinion that this is a  
11 non-issue from a zoning perspective. It's  
12 permitted as of right in the zoning district  
13 because it's a garden. It is not an agricultural  
14 operation. This isn't a large-scale farm or  
15 animal husbandry or any of those things that fall  
16 under the agricultural definition.

17 You could argue, I supposed, that the raising  
18 of crops is there, but, again, I look at  
19 Mr. Golden's question about a flower garden  
20 versus, you know, a small agricultural garden and  
21 what the difference is there.

22 This isn't, you know, our decision by any  
23 means. I certainly respect the zoning  
24 administrator and the administration's opinion on  
25 this, but I think our opinion defers. And I would

1 say this is a small scale garden permitted as of  
2 right, and as such, I would say that there is no  
3 case to be made here and no decision to be made.

4 It would be permitted as of right in the  
5 residential zoning district. That's just my  
6 opinion.

7 MR. FRITZ: I have a question, then.

8 So even though this is an empty lot, I believe  
9 it's right across from the rec center; is that  
10 correct?

11 I -- and, well, this -- I guess, it could be  
12 for both of you maybe -- or Mr. McNulty, do you  
13 plan on putting a fence around this garden or  
14 anything like that, or are you just going to make  
15 a plot and plant some stuff?

16 MR. MCNULTY: There again, I'm open to  
17 suggestions from the City. If there was any  
18 strong preference on any of this, I'm happy to  
19 adjust my plans, but initially when I proposed my  
20 site plan and had it reviewed, there were a lot of  
21 variances that came back because it was a corner  
22 lot on the fencing. So I then changed my plans  
23 and decided to forgo the fencing because I don't  
24 view it as being necessary.

25 Now, if it would appeal to the City and that

1 would make it more sightly or seem more contained,  
2 which was originally my thinking, I'm happy to go  
3 through with something that like, but at the  
4 moment, I do not plan on putting any fencing up.

5 MR. FRITZ: Mr. Breunig, would your opinion  
6 change if he was growing sunflowers or field corn  
7 versus tomatoes and peppers?

8 MR. BREUNIG: No, it would not. I think that  
9 would potentially raise other issues with regard  
10 to visibility as far -- you know, like on a corner  
11 lot, that type of issue, but that is separate from  
12 the actual use and the definition of agriculture.

13 MR. FRITZ: Okay. Thank you.

14 Does anybody else have any questions or any  
15 comments they want to make on this?

16 Okay. Then the Chair will entertain a motion  
17 on Case Number 2025-16: Aidan McNulty, 1200  
18 Prospect Avenue, requesting a variance for  
19 1144.02, 1144.05.

20 And the Chair will entertain a motion on this,  
21 but I agree, I don't think it's an issue that  
22 needs a variance myself.

23 MR. GOLDEN: I don't either. So why don't we  
24 get a legal interpretation.

25 MR. FRITZ: Yeah.

1 Mr. Craig.

2 MR. CRAIG: If you approve an agricultural  
3 variance, then it can be used.

4 MR. FRITZ: Right.

5 MR. CRAIG: If not --

6 MR. FRITZ: So I'll entertain --

7 MR. MILLER: Mr. Chair, I move that we deny  
8 the variance as it is moot and doesn't need to be  
9 issued in this case.

10 MR. GOLDEN: I'll second that motion.

11 MR. FRITZ: It's been moved and seconded that  
12 we deny Case Number 2025-16: Aidan McNulty.

13 All in favor, say aye.

14 MR. GOLDEN: Aye.

15 MS. SADOWSKI: Aye.

16 MS. TANNER: Aye.

17 MR. MILLER: Aye.

18 MR. FRITZ: Aye.

19 Those opposed.

20 The ayes have it. You can do it anyway.

21 MR. MCNULTY: Thank you.

22 MR. GOLDEN: For personal use.

23 MR. FRITZ: Yeah, personal use.

24 All right. Case Number 2025-17: Richard and  
25 Nita Christensen, 263 Silver Spring Circle,

1 Elyria, Ohio, requesting a variance from Sections  
2 1144.12, 1144.09, 1144.03 and 1144.08 of the  
3 Elyria Codified Ordinances. A 10-by-12-by-9 foot  
4 in height gazebo was constructed prior to  
5 approvals. Variance is needed for lot coverage,  
6 rear yard setbacks, accessory uses, and side yard  
7 setbacks.

8 Hello, folks.

9 MR. CHRISTENSEN: Hello.

10 MRS. CHRISTENSEN: Hi.

11 MR. FRITZ: Tell us why you would like the  
12 variances.

13 MR. CHRISTENSEN: We'd like to use that to  
14 enjoy the green space behind our house. It's  
15 basically 50 feet between -- the house is a  
16 multiunit area and everybody has a 14-by-12 patio  
17 directly out the back of their house. And we --  
18 when we moved in, we weren't aware of any zoning  
19 problems that way. And we saw at least two or  
20 three other similar pagoda-type structures, and we  
21 just would like to use it for shade to enjoy the  
22 backyard.

23 MR. FRITZ: Okay. Anything else.

24 MRS. CHRISTENSEN: There's several photos in  
25 there of similar structures and some signatures

1 from neighbors that don't have any issues with it.

2 MR. FRITZ: City of Elyria.

3 MR. SCHOENIG: Thank you, Mr. Chair.

4 Case Number 2025-17 for 263 Silver Spring  
5 Circle, a variance is being sought for 1144.12,  
6 09, 03, and 08. Per Section 1144.12, buildings of  
7 the Residential-Medium Density District shall  
8 occupy not more than 30 percent of the total area.  
9 The site plan provided to the Building Department  
10 showed a 10-by-12 foot by 9-and-a-half feet high  
11 accessory structure on the rear porch covering  
12 over 80 percent of the lot coverage.

13 Per Section 1144.09, minimum rear yard setback  
14 shall not be less than 30 feet.

15 And 1144.03, accessory uses other than signs  
16 on fences shall not be located -- or shall be  
17 located in the rear yard only and located no  
18 closer than 3 feet from any lot lines, 6 feet from  
19 any alley, and covering not more than 40 percent  
20 of the required rear yard. The site plan provided  
21 showed a proposed 10 foot by 12 foot by  
22 9-and-a-half foot structure on the rear yard.  
23 Rear yard setback is 8 feet.

24 Moving along here to the final variance being  
25 sought for 1144.08, the site plan showed a

1 proposed -- the same dimensions. Between the two  
2 units is a porch bump which triggers side yard  
3 setbacks. Gazebo is less than 1-and-a half feet  
4 from the side yard.

5 MR. FRITZ: Thank you.

6 Madam Secretary, adjacent property owners?

7 How is that determined, by the way, in these  
8 types of developments?

9 MS. TOMSKI: Well, you know, the direct  
10 neighbors across the street -- you know, just the  
11 whole surrounding area.

12 But they were sent out. I did not have --  
13 from my understanding, this was a complaint  
14 because, I guess, there were multiple ones up  
15 there. Some of them agreed to take them down.

16 I did have one lady contact me and ask me for  
17 a copy of all the complaint information, but she  
18 didn't want to say whether she was for it or  
19 against it, so I'm not quite sure, but nobody did  
20 tell me directly that they were against it.

21 MR. CHRISTENSEN: Pardon me. The one they  
22 took down was like twice as big as ours.

23 MR. FRITZ: I mean, I guess, from the City of  
24 Elyria's standpoint, what's the difference between  
25 a gazebo and these big over -- porch overhangs off

1 the back of the -- over the patio. What's the  
2 difference?

3 MR. SCHOENIG: A gazebo would be considered a  
4 separate structure. The deck would be attached to  
5 the building. That's the interpretation.

6 MR. FRITZ: Okay.

7 MRS. CHRISTENSEN: Sir, may I speak?

8 MR. FRITZ: Yes.

9 MRS. CHRISTENSEN: We essentially have no  
10 yard.

11 MR. FRITZ: Right.

12 MRS. CHRISTENSEN: We have the patio off the  
13 back. We don't take care of any of that.

14 MR. FRITZ: And that's where you put the  
15 gazebo?

16 MRS. CHRISTENSEN: The gazebo is on the patio  
17 strictly. Not attached.

18 MR. FRITZ: So you're asking for...

19 MRS. CHRISTENSEN: That the gazebo be able to  
20 remain.

21 MR. FRITZ: -- forgiveness instead of  
22 permission.

23 MRS. CHRISTENSEN: Yeah. Well, we didn't  
24 realize we needed a permit to start with, so we  
25 listed that.

1 MR. FRITZ: I know.

2 Okay. Anybody else?

3 Anybody in the audience want to speak on this?

4 Okay. The Chair will entertain a motion in

5 Case Number 2025-17: Richard and Nita

6 Christensen, 263 Silver Spring Court in Elyria,  
7 44035.

8 MS. TANNER: Mr. Chair, I moved that we grant  
9 the variance.

10 MR. MILLER: I second it.

11 MR. FRITZ: It's been moved and seconded that  
12 we grant Case Number 2025-17.

13 All in favor, say aye.

14 MR. GOLDEN: Aye.

15 MS. SADOWSKI: Aye.

16 MS. TANNER: Aye.

17 MR. MILLER: Aye.

18 MR. FRITZ: Aye.

19 Those opposed.

20 The ayes have it. The variance is granted.

21 You'll get a letter in the mail.

22 MR. CHRISTENSEN: Thank you.

23 MRS. CHRISTENSEN: Thank you.

24 MR. FRITZ: You're granted forgiveness.

25 MRS. CHRISTENSEN: Thank you, again.

1 MR. FRITZ: Next case, Case Number 2025-18:  
2 525 Mussey Avenue, LLC, 525 Mussey Avenue, Elyria,  
3 Ohio 44035, requesting a variance from Section  
4 1168.05 of the Elyria Codified Ordinances for the  
5 existing building setbacks.

6 This address went to the Planning Commission  
7 for a rezone and conditional use. The Case  
8 Numbers are 2025-183, 184, and 185.

9 Thank you. What would you like to say?

10 MS. NEIDER: Hi. My name is Anisa Neider.

11 I'm the architect working on the project,  
12 525 Mussey, representing the ownership team.

13 We are requesting a variance for the three  
14 buildings in the front yard. They are actually  
15 existing, built probably several decades ago at  
16 this point. They have been there. We are just  
17 requesting a variance to keep the buildings to  
18 remain in the front yard. They do serve also as a  
19 visual barrier for the industrial property.

20 MR. FRITZ: Okay. Anything else?

21 MS. NEIDER: That's all, sir.

22 MR. FRITZ: Thank you.

23 City of Elyria?

24 MR. SCHOENIG: Thank you, Mr. Chair.

25 Case Number 2025-18: The existing zoning of

1 this property is Heavy Industrial. Proposed  
2 zoning is Special Industrial. This application  
3 just went through our Planning Commission and was  
4 approved for transparency with the board here on  
5 August 12th. And those were under two separate  
6 cases for special -- or for rather conditional  
7 uses which were also approved under their  
8 applicable case numbers.

9 The variances, as the applicant has stated,  
10 are needed for existing Building D shown on the  
11 site plan, which is 51 feet from the property  
12 line, and then two other existing accessory  
13 buildings also located in the front yard and  
14 existing. And they are zero feet from the front  
15 property line.

16 If the variances above are approved by the  
17 Board of Zoning Appeals, it should be noted that  
18 the approval of the variances are contingent on  
19 final approval from City Council for the rezoning  
20 and the conditional uses.

21 As stated, it was approved at Planning  
22 Commission on August 12th.

23 Thank you.

24 MR. FRITZ: Thank you.

25 I'm assuming, Madam Secretary, that the

1 adjacent property owners were also notified. Any  
2 replies?

3 MS. TOMSKI: Yeah, there was just only a  
4 couple and...

5 MR. FRITZ: All okay?

6 MS. TOMSKI: Yeah.

7 MR. FRITZ: Thank you.

8 Then the Chair will entertain a motion on Case  
9 Number 2025-18: 525 Mussey Avenue, LLC for 525  
10 Mussey Avenue.

11 MR. GOLDEN: Mr. Chairman, I'd like to make a  
12 motion to approve the variance.

13 MR. MILLER: I second it.

14 MR. FRITZ: That would be also contingent upon  
15 final approval through the Planning Commission;  
16 correct?

17 MR. SCHOENIG: Point of clarification: It was  
18 approved at Planning Commission on August 12th.  
19 Final approval from City Council.

20 MR. FRITZ: Okay. Thank you.

21 All in favor, say aye.

22 MR. GOLDEN: Aye.

23 MS. SADOWSKI: Aye.

24 MS. TANNER: Aye.

25 MR. MILLER: Aye.

1 MR. FRITZ: Aye.

2 Those opposed.

3 The ayes have it. The variance is granted.

4 MS. NEIDER: Thank you.

5 MR. FRITZ: You'll get a letter in a couple of  
6 days.

7 MS. NEIDER: Thank you.

8 MR. FRITZ: Okay. We have a few more left.

9 Case Number 2025-19: John Baird, Lowell  
10 Street Holdings, 1111 Lowell Street, Elyria, Ohio  
11 44035, requesting a variance from Section 1160.08  
12 of the Elyria Codified Ordinances. The minimum  
13 rear yard setback should be 20 feet. Request is  
14 to allow parking to be 6 feet off the rear  
15 property line.

16 Mr. Baird.

17 MR. BAIRD: Yes, I'm John Baird from Lowell  
18 Street Holdings.

19 MR. FRITZ: I see you actually have three  
20 cases with us. You're the last one it looks like  
21 on our docket today.

22 MR. BAIRD: That is correct.

23 MR. FRITZ: All right. So tell us why you  
24 need this variance.

25 MR. BAIRD: So we're actually -- just so

1 you're aware also, there's a 30-foot parcel behind  
2 us that we are purchasing right now, so that once  
3 we purchase that parcel, all right, this will be a  
4 non-factor. We just need to get this building up  
5 that we proposed here because of the demand of our  
6 products.

7 And so this is kind of like we're going to own  
8 the 30 foot that's behind us. We're asking to go  
9 within 6 feet of the property that we're going to  
10 own.

11 MR. FRITZ: I understand.

12 And are you in the process of purchasing it or  
13 you're just --

14 MR. BAIRD: Yes. We're just waiting for the  
15 surveyor to wrap up his stuff.

16 MR. FRITZ: City of Elyria.

17 MR. SCHOENIG: Thank you, Mr. Chair.

18 Case Number 2025-19 for Mr. Baird, 1111 Lowell  
19 Street. Property is currently -- has a zoning  
20 classification of Business General. The applicant  
21 is seeking a variance for 1160.08. Minimum rear  
22 yard setback shall be 20 feet. As indicated by  
23 the site plan, it is 6 feet and does cross over  
24 multiple parcels shown in the Appendix B of your  
25 report for the zoning, as well as in your site

1 plan, Appendix A.

2 Thank you.

3 MR. BAIRD: Excuse me. Also the property  
4 that's back there, that 30 foot, it's just a  
5 non-buildable vacant parcel of land. That's why  
6 we're purchasing it.

7 MR. FRITZ: City, are you aware of the  
8 possible purchase of that vacant land?

9 MR. SCHOENIG: Yes, I am aware of it, but it  
10 is currently not owned by the entity, so,  
11 therefore, it would not be classified for the site  
12 plan.

13 MR. FRITZ: Right.

14 And would you agree that if this variance was  
15 granted and then the property was purchased, it  
16 would be -- the variance would be rendered moot?

17 MR. SCHOENIG: I do concur with that opinion,  
18 yes.

19 MR. FRITZ: Okay. Thank you.

20 Does anybody have any questions?

21 Anybody in the audience?

22 Okay. Then the Chair -- and let's do this one  
23 at a time. I was thinking about doing them all  
24 three together, but let's do them one at a time.

25 The Chair will entertain a motion on Case

1 Number 2025-19: John Baird, Lowell Street  
2 Holding, 1111 Lowell Street, Elyria, Ohio 44035.

3 MR. MILLER: Mr. Chair, I move that the  
4 variance be granted.

5 MS. TANNER: Second.

6 MR. FRITZ: It's been moved and seconded we  
7 grant Case Number 2025-19.

8 All in favor, say aye.

9 MR. GOLDEN: Aye.

10 MS. SADOWSKI: Aye.

11 MS. TANNER: Aye.

12 MR. MILLER: Aye.

13 MR. FRITZ: Aye.

14 Those opposed.

15 The ayes have it. The variance is granted on  
16 that one.

17 MR. BAIRD: Thank you.

18 MR. FRITZ: You might as well stay right  
19 there.

20 And you will get a letter in the next couple  
21 of days.

22 Let's go to Case Number 2025-20: John Baird  
23 of Lowell Street Holdings, 1111 Lowell Street  
24 Elyria, Ohio 44035, requesting a variance from  
25 Section 117.06 of the Elyria Codified Ordinances.

1 The code states that 34 parking spaces are needed.

2 The request is to be able to have 26 parking  
3 spaces.

4 All right. I'm guessing you're going to be  
5 able to have way more than that when you buy the  
6 property behind you, right?

7 MR. BAIRD: Yes. So we actually own the  
8 property to the east of our facility right now.  
9 We own that. It just happens to be a different  
10 zoning.

11 Way back in the day, it was supposed to be --  
12 it was actually deeded to the old owners. It was  
13 supposed to be changed back then to the same  
14 zoning and someone erroneously forgot to do that,  
15 but we're letting that all slide through; okay?

16 So anyway, we own the property that's next to  
17 us. It's going to be -- when we have time, we're  
18 going to put it all together and we're going to  
19 put a really big parking lot there to park our  
20 other stuff, but right now, we only have 11  
21 employees and my tenant only has three.

22 So 26 parking spaces until we have the time.  
23 It will probably take three months or so to get  
24 that -- whatever we have to do to get that parcel  
25 attached to everything else. We have more than

1 ample parking for our facility with 26. And once  
2 we do this and we combine the lots, we could have  
3 a hundred parking spots if we wanted them.

4 MR. FRITZ: Thank you.

5 City of Elyria.

6 MR. SCHOENIG: Thank you, Mr. Chair.

7 Case Number 2025-20 for a variance for 1175.06  
8 of the zoning code, based on the overall square  
9 footage of the site, including the proposed  
10 structure and using the calculations for  
11 manufacturing and warehousing uses, the  
12 requirement of 34 spaces would be required for the  
13 site. The applicant does indicate 26, therefore,  
14 a variance is being requested.

15 Thank you.

16 MR. FRITZ: And, Madam Secretary, adjacent  
17 property owners? Well, actually isn't he an  
18 adjacent property owner?

19 MR. BAIRD: Yeah, that would be me.

20 MS. TOMSKI: Yeah, I didn't hear from anybody.

21 MR. FRITZ: Okay. And I believe the City  
22 would concur, once he purchases that piece of  
23 property, that this probably would be moot as  
24 well?

25 MR. SCHOENIG: Yes, if it is rezoned and all

1 the lots are consolidated as one contiguous -- I  
2 mean, a site plan -- a revised site plan will be  
3 needed to ensure consistency with the code moving  
4 forward, of course. So that does not grant any  
5 approval or anything from my end, but more spaces  
6 could be possible if more properties were  
7 obtained.

8 MR. FRITZ: Thank you.

9 MR. BAIRD: Excuse me.

10 MR. FRITZ: Yeah.

11 MR. BAIRD: I actually own that parcel right  
12 now. The one that we can add 50 parking spots  
13 right now, I already own that one.

14 MR. FRITZ: Did you get a letter from the City  
15 about your variance? You're an adjacent property  
16 owner, right?

17 MR. BAIRD: I don't even know if I got one,  
18 but maybe I did.

19 MR. FRITZ: All right. Never mind.

20 The Chair will entertain a motion on Case  
21 Number 2025-20: John Baird of Lowell Street  
22 Holdings, 1111 Lowell Street, Elyria, Ohio.

23 MS. SADOWSKI: I motion we accept Case Number  
24 2025-20.

25 MR. GOLDEN: I'll second that motion.

1 MR. FRITZ: It's been moved and seconded we  
2 grant Case Number 2025-20.

3 All in favor, say aye.

4 MR. GOLDEN: Aye.

5 MS. SADOWSKI: Aye.

6 MS. TANNER: Aye.

7 MR. MILLER: Aye.

8 MR. FRITZ: Aye.

9 Those opposed.

10 The ayes have it. And that one's granted, and  
11 you'll get a letter in the next couple of days.

12 Last one, folks, at about -- wow, and this has  
13 to be the longest -- on my term on this board,  
14 it's got to be the longest meeting we've ever had,  
15 other than maybe the windmill case or the strip  
16 club, maybe that was it.

17 Anyway Case Number 2025-21: John Baird,  
18 Lowell Street Holdings, 1111 Lowell Street,  
19 Elyria, Ohio 44035, requesting a variance from  
20 Section 1160.07 of the Elyria Codified Ordinance  
21 for a side yard setback. Code calls for a side  
22 yard setback of 10 feet and the request is for a 9  
23 yard setback.

24 Tell us why you want this one.

25 MR. BAIRD: Well, I already own the property

1 that's next to it, okay, it just doesn't happen to  
2 be zoned properly at this point. Again, it was an  
3 error on the City's part 20 years ago.

4 MR. FRITZ: Okay. Now, let's not blame the  
5 City of 20 years ago.

6 MR. BAIRD: I don't want to say that, but  
7 darn, it just happens, you know.

8 But anyway, yeah, so I actually -- from the  
9 City's request, they said, any chance you can  
10 scooch the building over a little bit. And I  
11 already did that once for them, so they said we  
12 can probably make this work.

13 So anyway -- but I am going -- just so you, we  
14 also did -- I don't know if you can see it on the  
15 drawings there, we put a no build thing right next  
16 to our building so we could never build anything  
17 within 20 feet of it or something. So I think  
18 we've covered every basis here.

19 MR. FRITZ: Thanks.

20 City of Elyria.

21 MR. SCHOENIG: Thank you, Mr. Chair.

22 Case Number 2025-21, once again, the property  
23 is zoned Business General. The variance being  
24 sought for Section 1160.07 for 1111 Lowell Street,  
25 as indicated, it needs to be 10 feet away from a

1 property line. It is currently 9 feet. Based on  
2 the site plan provided, the property that is owned  
3 by Mr. Baird at Parcel Number 0624025105027 has a  
4 zoning classification of Residential-Two  
5 Household, therefore, causing the need for a  
6 variance.

7 It should be noted, too, that a rezoning  
8 application has not yet been submitted to the City  
9 and we are waiting for Mr. Baird to submit that  
10 for the sake of the zoning in the area.

11 Thank you.

12 MR. FRITZ: Thank you.

13 Anybody else have anything to say about that?

14 Then the Chair will entertain a motion on Case  
15 Number 2025-21: John Baird, Lowell Street  
16 Holdings, 1111 Lowell Street, Elyria, Ohio.

17 MS. SADOWSKI: I motion we accept Case Number  
18 2025-21.

19 MS. TANNER: I second the motion.

20 MR. FRITZ: It's been moved and seconded we  
21 grant Case Number 2025-21.

22 All in favor, say aye.

23 MR. GOLDEN: Aye.

24 MS. SADOWSKI: Aye.

25 MS. TANNER: Aye.



MR. MILLER: Aye.

MR. FRITZ: Aye.

Those opposed.

The ayes have it, and you'll get a letter in the next couple of days.

MR. BAIRD: Thank you. I appreciate it.

MR. FRITZ: On the clock here, it is 4:28, and at this time, seeing that we have no other business --

MR. MILLER: I move that we adjourn.

MR. FRITZ: All in favor...

MR. GOLDEN: Aye.

MS. SADOWSKI: Aye.

MS. TANNER: Aye.

MR. MILLER: Aye.

MR. FRITZ: Aye.

Anybody opposed?

I don't think so.

Thank you, everyone.

C E R T I F I C A T E

The State of Ohio,     )  
                                  ) SS:  
County of Erie.         )

I, Mary A. Hammond, a Court Reporter and Notary Public within and for the State of Ohio, do hereby certify that I attended the foregoing meeting, wrote the same in stenotype, and that this is a true and correct transcript of my stenotype notes.

I do further certify that I am not a relative, employee of, or attorney for any of the parties or otherwise interested in the outcome of this action.

I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

In WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Berlin Heights, Ohio, this 15th day of September, 2025.

*Mary A. Hammond*

Mary A. Hammond  
Court Reporter, Notary Public  
My Commission Expires 12-25-27  
Recorded in Erie County, Ohio