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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 September 18, 2025, at 3:01 p.m.
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10 BOARD OF ZONING APPEALS MEMBERS PRESENT:
11 Joel Fritz Chairman
12 Ann Tanner Member
13 James Miller Member
14
15 ALSO PRESENT:
16
17 Mark Craig Administrative Legal
18 Counsel
19 Christopher Schoenig City Planner
20 Mary Tomski Secretary
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1 PROCEEDINGS
2 MR. FRITZ: Okay. Now, the Chair will call
3 the Elyria Board of Zoning Appeals meeting to
4 order. It is Thursday, September 18th, 2025.
5 It's roughly 3:01 on the clock here, Elyria City
6 Hall, 131 Court Street, 2nd Floor Council
7 Chambers.
8 At this time, I'll ask Madam Secretary to call
9 the roll.
10 MS. TOMSKI: Joel Fritz.
11 MR. FRITZ: Present.
12 MS. TOMSKI: Timothy Golden.
13 MR. FRITZ: He's excused.
14 MS. TOMSKI: Julianne Sadowski.
15 MR. FRITZ: She's excused.
16 MS. TOMSKI: Ann Tanner.
17 MS. TANNER: Present.
18 MS. TOMSKI: James Miller.
19 MR. MILLER: Present.
20 MR. FRITZ: Okay. And before we get started,
21 the Chair will entertain a motion for approval of
22 our August 21st, 2025 minutes.
23 MS. TANNER: I make a motion to approve the
24 minutes.
25 MR. MILLER: Second.

3

1 MR. FRITZ: It's been moved and seconded that
2 we approve the minutes.
3 All in favor, say aye.
4 MS. TANNER: Aye.
5 MR. MILLER: Aye.
6 MR. FRITZ: Aye.
7 Those opposed.
8 The ayes have it, and our minutes are
9 approved.
10 Before we talk about your case format, I just
11 want everybody to know that we do not have a full
12 compliment of the board. There's five board
13 members. So you can have your case heard before
14 the three of us today, but then you'll live with
15 the decision of the three of us. We have a
16 quorum, and our laws and bylaws allow us to go
17 forward with a quorum. It's kind of usually the
18 way Robert's Rules of Order go.
19 So if you want to pass until next month,
20 that's fine with us as well, but I just wanted to
21 let you-all know that; okay?
22 So let's talk about the case presentation
23 format. It's actually been changed for a long
24 time, and I don't know why it's always this way,
25 but we will ask you when we call your case up to

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1 come and step to the podium over there, speak into
2 the microphone so our court reporter can swear you
3 in first, and then you tell us why you want the
4 variance.
5 And once you've explained your side, the City
6 will give us their opinion, and then we will
7 possibly talk about it. There could be people in
8 the audience that want to talk about it. And then
9 we'll get to the issue at hand and vote on your
10 request.
11 So having said that, the first -- and we don't
12 have any old business, so the first order of
13 business on our agenda today is Case
14 Number 2025-22: Jeff Olsin, Bright Covers,
15 3453 West 140th Street, Cleveland, Ohio 44111, for
16 148 Bethesda Circle, Elyria, Ohio, requesting a
17 variance from Section 1114.08 of the Elyria
18 Codified Ordinances. The site plan shows a
19 proposed 38.1 inch by 23.4 inch (280 square foot)
20 deck to be installed in the rear west corner of
21 the home. The side yard setback on the proposed
22 plans are 3.5 feet, and 6 feet is required per the
23 code.
24 So we'd ask you to go over here to the podium
25 and you'll have to be sworn, sir.

1 THE REPORTER: Do you want me to swear them
2 all in at once?

3 MR. FRITZ: Yeah, you might as well.

4 If anybody's going to testify, stand up, and
5 raise your right hand.

6 (All audience participants sworn)

7 MR. FRITZ: Thank you.

8 And you are?

9 MR. OSLIN: I am Jeff Oslin. This is spelled
10 incorrectly. It's O-s-l-i-n. So it's Oslin, just
11 so you guys are aware.

12 MR. FRITZ: Okay.

13 MR. OSLIN: I am the applicant for Bright
14 Covers. I'm representing the owner as far as this
15 case is concerned.

16 MR. FRITZ: And what would you like us to
17 know? Why would you want your variance?

18 MR. OSLIN: As far as the variance is
19 concerned, I've been through several dozen of
20 these throughout the State of Ohio, and we have a
21 few of these built in Elyria as well. Just due to
22 the uniqueness of this plot and the plans here,
23 obviously, we're just trying to cover up the slab
24 that's existing. We don't want to really exceed
25 that more than -- so -- so that slab is pretty

1 hear from anybody.

2 MR. FRITZ: No responses?

3 MS. TOMSKI: No responses.

4 MR. FRITZ: I have just a quick question. I'm
5 looking at your plans, and is there any way that
6 you can -- not that it really makes a difference
7 between that -- those posts could be just a little
8 closer to the corner of the patio?

9 MR. OSLIN: Yeah, let me take a look at this
10 real quick.

11 Yeah -- I mean, we're putting the posts pretty
12 far out. On sheet 3, you'll see the post can go
13 out as far as -- end to end there, it's going to
14 be 20 feet roughly in there. Those posts are
15 4-by-4. Going out even further on the slab, we
16 can't, based off our -- well, we don't really want
17 to attach too close to the end of it just so we
18 can --

19 MR. FRITZ: Okay.

20 MR. OSLIN: -- keep the integrity of the slab
21 existing. So we want to kind of cover that
22 diameter of at least given --

23 MR. FRITZ: Anybody know when that home was
24 built or when that patio was put in? Looks like
25 pre code.

1 close to that property line as is. I haven't gone
2 out there with measuring tape to ensure that it's
3 6 feet or more, or whatever it is, but as far as
4 from the survey, we're getting about 3-and-a-half
5 feet from that corner. The post line would be
6 roughly 4-and-a-half feet. But with that said,
7 just wanted to cover that patio for the homeowner.
8 They don't have a lot of shade back there and
9 they're just wanting to put the patio cover on top
10 of it.

11 MR. FRITZ: Okay. Thank you.

12 Mr. Schoenig, City's position?

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

14 Through you, the existing zoning for the
15 property is Residential-Medium Density. The
16 requirement, as you indicated, is 6 feet. The
17 site plan indicated 3-and-a-half feet -- or rather
18 at 3 feet, 5 inches from the property line. That
19 is in Section 1144.08(B).

20 Thank you.

21 MR. FRITZ: Is there anybody in the audience
22 that wants to talk about this case?

23 Madam Secretary, were the adjoining property
24 owners notified?

25 MS. TOMSKI: Yes, they were, and I did not

1 MR. OSLIN: Yeah, the slab is fairly -- I know
2 it's -- there's an existing structure already that
3 was there. I'm not sure if it was torn down yet.

4 As far as the home -- it seems like early '80s --

5 MR. FRITZ: Okay.

6 MR. OSLIN: -- as far as the home. The slab
7 itself was in fairly good shape as far as I
8 remember and concerned. But, yeah, I mean, we're
9 just also replacing an existing structure that was
10 there, and I'm not sure if that structure was
11 permanent at all.

12 MR. FRITZ: Mr. Schoenig, did anybody get a
13 permit or a variance for the patio that was put
14 in, whenever that was put in? Are you aware of
15 any?

16 MR. SCHOENIG: I'm not aware of any permit for
17 that.

18 MR. FRITZ: So the patio itself would be in
19 violation, too; right?

20 MS. TOMSKI: Mr. Chairman, a concrete slab
21 patio like that does not require a permit.

22 MR. FRITZ: No, but they'd still be in
23 violation of the 6 feet rule; correct?

24 MR. SCHOENIG: Yes, that is correct.

25 MR. FRITZ: Thank you.

1 All right. Now, let's go over our factors
2 here.
3 So the first factor we have to consider is
4 whether special conditions and circumstances exist
5 which are peculiar to the land or structure
6 involved and which are not applicable, generally,
7 in other lands and structures in the same zoning
8 district.
9 Actually, it seems like a lot of those
10 properties over there kind of pie towards the back
11 of the property as opposed to the front of -- you
12 know, instead of pieing out, they pie in. So I
13 would say that that would be in favor of this
14 case.
15 Would everybody agree with me?
16 MS. TANNER: Yes.
17 MR. MILLER: Yes.
18 MR. FRITZ: Okay. The second factor is
19 whether the property in question will yield a
20 reasonable return, and whether that can be of any
21 beneficial use of the property without the
22 variance.
23 Looks like the beneficial use would be to get
24 some shade in that backyard.
25 Does everybody agree with me?

1 MS. TANNER: Yes.
2 MR. MILLER: Yes.
3 MR. FRITZ: Three would be whether the
4 variance is substantial and is the minimum
5 necessary to make possible a reasonable use of the
6 land and the structures.
7 I think the way I see those plans, it looks
8 like it is about as minimal as you possibly can
9 get. They're not going way over and they're not
10 adding on.
11 Does everybody agree?
12 MS. TANNER: Yes.
13 MR. MILLER: Yes.
14 MR. FRITZ: Four, whether the essential
15 character of the neighborhood would be
16 substantially altered or whether adjoining
17 properties would suffer a substantial detriment as
18 a result of the variance.
19 Well, if the neighbors are real nice to them,
20 maybe they can get some shade, too.
21 Does everybody agree with me?
22 MS. TANNER: Yes.
23 MR. MILLER: Agree.
24 MR. FRITZ: All right. Five, whether the
25 variance would adversely affect the delivery of

1 any governmental services such as water, sewer,
2 trash pickup.
3 Obviously, no.
4 Does everybody agree?
5 MS. TANNER: Agree.
6 MR. MILLER: Yes.
7 MR. FRITZ: Six, whether the property owner
8 purchased the property with knowledge of the
9 zoning restrictions.
10 Everybody knows my feelings on that. It's
11 actually worse for you if -- I think, if you knew
12 there was a restriction and you still did it. So
13 that's called asking for forgiveness, not
14 permission. So I'm sure that they really didn't
15 know.
16 Seven, whether special conditions or
17 circumstances exist as a result of the actions of
18 the owner.
19 I don't know -- we didn't hear any evidence as
20 to whether that owner purchased that house with
21 the patio on it or whether they put it in, but
22 that's how that cookie crumbles.
23 Does everybody agree with me?
24 MS. TANNER: Yes.
25 MR. MILLER: Yes.

1 MR. FRITZ: Eight, whether the property
2 owner's predicament feasibly can be obviated
3 through some method other than a variance.
4 Well, if you want shade, the answer is no.
5 Does everybody agree?
6 MS. TANNER: Yes.
7 MR. MILLER: Yes.
8 MR. FRITZ: Whether the spirit and intent
9 behind the zoning requirement would be observed
10 and substantial justice done by granting the
11 variance.
12 Obviously, yes.
13 Does everybody agree?
14 MS. TANNER: Yes.
15 MR. MILLER: Yes.
16 MR. FRITZ: Ten, whether granting the variance
17 requested will confer on the applicant any special
18 privilege that is denied by the regulations to
19 other land, structures, buildings.
20 No.
21 Everybody agree?
22 MS. TANNER: Yes.
23 MR. MILLER: Agree.
24 MR. FRITZ: And the very last factor that we
25 have to consider: Is the variance sought the

1 minimum which will afford relief to the applicant.
 2 Obviously, yes.
 3 Does everybody agree?
 4 MS. TANNER: Yes.
 5 MR. MILLER: Yes.
 6 MR. FRITZ: Okay. So the Chair will entertain
 7 a motion on Case Number 2025-22: Jeff Oslin from
 8 Bright Covers, 3453 West 140th Street, Cleveland,
 9 Ohio 44111, for 148 Bethesda Circle, Elyria, Ohio.
 10 MR. MILLER: Mr. Chairman, I move that we
 11 grant the variance.
 12 MS. TANNER: I second it.
 13 MR. FRITZ: It's been moved and seconded that
 14 we grant Case Number 2025-22.
 15 All in favor, say aye.
 16 MS. TANNER: Aye.
 17 MR. MILLER: Aye.
 18 MR. FRITZ: Aye.
 19 Those opposed?
 20 The ayes have it. Variance is granted.
 21 You'll get a letter in a couple of days.
 22 MR. OSLIN: Thank you.
 23 MR. FRITZ: Thank you.
 24 Moving on, our next case is 2025-23: Nancy
 25 Tester, 211 East River Street, Elyria, Ohio 44035,

1 requesting a variance from Sections 1137.13 and
 2 1148.03 of the Elyria Codified Ordinances. There
 3 is a temporary garage and a boat parked on a
 4 vacant lot. Front yard parking of recreational
 5 vehicles on an unapproved surface is prohibited
 6 and the accessory structure is to be located in
 7 the rear yard per the code.
 8 Mr. Klein.
 9 MR. KLEIN: Yes. I am speaking on behalf of
 10 Nancy Tester and Lowell Cavin. Nancy has a
 11 medical condition that would prohibit her from
 12 speaking up here, so with the board's
 13 permission...
 14 As far as the request, they would like to
 15 allow their 9 foot 4 inch by 17 foot canvas tent
 16 to remain in its present location and their 16
 17 foot boat and trailer to remain in its present
 18 location.
 19 The tent is actually being used for physical
 20 workouts during the warmer months and to house the
 21 boat during the winter. The trailer will be
 22 placed on blocks or paver blocks if the variance
 23 is granted.
 24 I'd like to go over the special conditions
 25 that apply to this property in this R-TH zoning.

1 The house which Nancy Tester had built in 1977
 2 sits on a narrow 37-and-a-half foot by 120 foot
 3 lot. The vacant lot, which she purchased in 2018,
 4 is a corner lot, and it's only 34-and-a-half feet
 5 by 120 feet in dimension and too small to
 6 construct a home without numerous variances. They
 7 cleaned up the lot when they bought it because it
 8 was littered with debris and overgrown weeds.
 9 It's now well-manicured and kept up with shrubs,
 10 flowers, decorative fencing and other
 11 improvements.
 12 If you have a chance to go out and look at
 13 their yard, you'll see how beautiful it is.
 14 There is no room for additional construction
 15 of a boat and trailer on their existing lot that
 16 the house sits on, so it has to sit on that corner
 17 lot. They purchased the house (sic) in 2018
 18 because it was not being taken care of and was
 19 reducing their property value. As previously
 20 stated, the lot is too small for a residential use
 21 without numerous variances. Also as stated, the
 22 two lots and the house are very well kept up.
 23 Typical R-TH lots are larger than
 24 34-and-a-half by 5. They're 34-and-a-half feet by
 25 120 feet. Section 1148.05 of the code requires

1 lots to be a minimum of 60 feet by 125 feet. So
 2 this lot is 40 percent smaller than most lots.
 3 Other homes along Quincy Street extend beyond the
 4 front of the tent, some being as close as 10 feet
 5 to the street and 3 feet across the street. Their
 6 tent is more than 18 feet from Quincy Street
 7 sidewalk, which is the distance between the house
 8 to the sidewalk -- house to the south and the
 9 sidewalk. The boat trailer is 11 feet from the
 10 sidewalk. The Quincy Street road pavement is only
 11 20 feet wide and does not allow any parking on
 12 either side of the street, and it has only a 3
 13 foot sidewalk adjacent to the street. So it's a
 14 very cramped neighborhood. In order to park the
 15 trailer, it must be pulled southwest on Mound
 16 Street, south on Cross Street, then northeast on
 17 Quincy. It then must be backed carefully into the
 18 narrow vacant lot. This is no small feat if any
 19 of you have tried to back a trailer in somewhere.
 20 The City of Elyria, as you probably know, is
 21 currently proposing a new zoning code. Said
 22 proposal includes a front setback of only 20 feet
 23 for the R-TH and many single-family dwellings.
 24 So, you know, 20 feet, there will be no place --
 25 you're going to be a busy group. There will be no

1 place to park recreational vehicles in the front
2 yard anymore because the code requires them to be
3 10 feet from the sidewalk. So people will
4 probably have to get rid of their recreational
5 vehicles or find a place to park them during the
6 winter when they're not used.

7 The tent would comply under the proposed code
8 for the R-Two district.

9 I had a conversation with Erik Bruenig about
10 the new code because I thought the setbacks should
11 be deeper, but he confirmed that the Law
12 Department's position is strongly to promote
13 greater density in all residential neighborhoods.

14 The City Planner's letter categorizes the tent
15 as a temporary garage. It is currently not
16 housing any vehicle and is being used for personal
17 workouts. With all due respect, we do, however,
18 request permission to use it to cover the boat and
19 trailer for a few months during the winter.

20 The variance request is not substantial. The
21 tent sits behind all of the buildings that front
22 on Quincy Street, and the boat and trailer are 11
23 feet from the Quincy Street lot line. Some of the
24 homes on Quincy Street are much closer to the
25 street than the boat and trailer, one of them as

1 close as 3 feet to the front property line. We
2 don't feel that there would be any adverse affect
3 on any neighboring properties. The boat trailer
4 and tent have been in their present locations for
5 at least three years, and Nancy did get a petition
6 signed by five of the neighbors that are in favor
7 of the variance request.

8 And I'd like to present that to the secretary.
9 I can do that at the end of the meeting.

10 Also, we have at least 17 photographs of
11 boats, trailers, recreational vehicles,
12 playhouses, and similar situations that are either
13 in violation of the City regulations within a half
14 a mile radius of Michigan Avenue in Elyria. So
15 they would like to just do what a lot of people
16 are already doing.

17 MR. FRITZ: Thank you.

18 Mr. Schoenig, City of Elyria.

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

20 Through you, to give you context of the
21 situation, a citizen's complaint was filed to the
22 Building Department on June 12th, 2025, this year,
23 regarding the parking of the boat, as well as the
24 accessory use.

25 An inspector was dispatched the following day.

1 The pictures, as you can see, were provided on
2 Page 3 of your report that was provided to you the
3 other day. As Mr. Klein indicated that this is
4 considered -- well, not in his words, but it is a
5 front yard by the code, 1148.06 and 1125.54. This
6 would be by definition a front yard, therefore,
7 the boat, as well as the temporary structure or
8 what could be considered a shed, a temporary
9 portable shed, is in that area. It is held down
10 by bricks, as indicated by the picture. If you
11 have any further comments, I'm available.

12 Thank you.

13 MR. FRITZ: Thank you.

14 Mr. Klein, you know that there's another
15 remedy for this so there will not be a need for
16 this variance, perhaps another one that would
17 likely be granted, you have to combine the lots.

18 MR. KLEIN: In order -- well, that was
19 presented to the property owners, and through my
20 previous job as building official and zoning
21 administrator for Elyria and Grafton and other
22 communities and working closely with the Lorain
23 County Map Office and -- in order to combine --
24 you can't combine sublots anymore. That stopped
25 in -- probably in the mid '80s. The county does

1 not allow you to combine sublots. This is a
2 subplot, both of them. In order to combine the two
3 lots, and it -- you would still need these
4 variances if the lots were combined. But in order
5 to combine the lots, you have to replat that
6 entire block. So that would cost several thousand
7 dollars because what now may be sublots 5 and 6 or
8 4 and 5, whatever they are, they would now become
9 one number higher than the highest number of lots
10 within that area. So they -- it would be totally
11 impractical for them to combine the lots because,
12 first of all, the county wouldn't allow it. It
13 would have to be replatted and go through Planning
14 Commission.

15 MR. FRITZ: Mr. Schoenig, is that true?

16 MR. SCHOENIG: Through you, I'm not aware of
17 that. As of -- now is the only time I've heard of
18 that. I would have to look into that and -- get
19 that information and look into it further.

20 MR. FRITZ: All right.

21 Okay. And, again, traditionally -- and I
22 think, Mr. Schoenig, you would agree that this
23 board tells people that they have to combine the
24 lots.

25 So if what you say, Mr. Klein, is true and she

1 can't because it's too cost prohibitive, then I
2 think we would consider this. But because we have
3 a history of telling people you have to combine
4 your lot in this City, that's what we're going to
5 have to do in this case.

6 However, if for some odd reason what you say
7 is true -- because the City always says, you
8 know -- and we've told many people in the City,
9 and I'm sure they had sublots -- to combine their
10 lot and we never heard from them again.

11 So, again, if that's true, then I think this
12 board would be much more apt to consider that if
13 she cannot do that.

14 MR. KLEIN: Yeah, it -- one more point about
15 that. I started as building official and zoning
16 administrator in 1972, and the county did allow us
17 to combine sublots up until late '70s, early '80s.
18 And then they changed their rules and said, no, in
19 order to combine sublots, you have to replat the
20 entire block or -- if they're ten lots, ten
21 sublots in that block, this would be Number 11 and
22 there would no longer be a 4 and 5.

23 MR. FRITZ: I'm not doubting your word, but
24 you still got to show me something from the county
25 that says they can't do it. If you showed me

1 something from the county that says they can't do
2 it, I think this board would consider granting
3 some form of a variance.

4 And I don't even know if the new zoning codes
5 might even be dealing with this issue.

6 Do you know if they're dealing with any of the
7 combination lot verses an empty lot without -- you
8 know, you can't have a structure on a non --
9 without a residence on the lot?

10 So is that going to be considered at all?

11 MR. SCHOENIG: We're looking at that
12 currently. In fact, I was, earlier today, with
13 the Law Department regarding principal structures
14 being required on every single lot within the
15 City, that language. We're looking at neighboring
16 communities to see if they are including language
17 to diminish that requirement. And that is, you
18 know, under consideration at this time.

19 MR. FRITZ: Okay. And you're aware that we
20 have never allowed a variance and we've always
21 told everybody they have to get and combine the
22 lot, right, this board, as long as I've been on
23 it?

24 MR. SCHOENIG: Yes.

25 MR. FRITZ: Okay. Is the City -- are they

1 vehemently opposed? Because one of the other
2 things I've considered is this lady -- no offense,
3 but you're no spring chicken. You probably don't
4 have -- it cost you probably \$3,000 or so to
5 combine your lot. If that's cost prohibitive, I
6 think that's another reason why we should consider
7 this.

8 MR. KLEIN: Excuse me. Plus if they were
9 combined, if they did spend the money and get them
10 combined, they would still need both variances.

11 MR. FRITZ: Yes, but we've granted those
12 before.

13 MR. KLEIN: Yeah, so...

14 MR. FRITZ: Yeah, so...

15 City, Mr. Schoenig, what's the level of
16 opposition from the City other than it violates
17 the code as it was written in, what, 1974 or
18 whatever it was?

19 MR. SCHOENIG: In terms of concerns from the
20 City, it's due to a citizen complaint. That's
21 where this all stemmed from. And, of course, us
22 having to do our due diligence, we had to have a
23 inspector dispatched to look at the property and
24 confirmed -- and I do agree with Mr. Klein's
25 point, that this still would be in need of a

1 variance regardless of whether it's combined or
2 not because it would be front yard.

3 MR. FRITZ: Yes. We've granted those before
4 when they're kind of on the corner.

5 What was the specifics of the complaint?

6 MR. SCHOENIG: I do not have the complaint in
7 front of me, but, in summary, the complaint --
8 hold one minute.

9 But, in summary, the complaint was a concern
10 regarding a boat, as indicated on the site plan
11 provided by the applicant, potentially being blown
12 over a fence, something to that effect. Do not
13 quote me on that, but it was -- it concerns the
14 equipment that is being stored on that portion of
15 the lot. At the end of the day, it was the tent
16 or portable shed, as well as the boat, its
17 position in close proximity to the property line.

18 MR. FRITZ: It doesn't appear that clearly it
19 was any of the adjoining property owners because
20 it looks like a lot of the people were okay and
21 have no objection to the tent and the boat being
22 parked on 211 East River, so it probably had to be
23 just a nosey neighbor.

24 I think we ought to take a vote.

25 The Chair's going to take a vote on

1 Case 2025-23, Nancy Tester, 211 East River Street,
2 Elyria, Ohio 44035, requesting a variance from
3 Section 1137.13 and 1148.03 of the Elyria Codified
4 Ordinances.

5 All right. Let's go through what we need to
6 do. Our factors for consideration are whether
7 special conditions and circumstances exist which
8 are peculiar to the land or structure involved and
9 which are not applicable generally to other lands
10 or structures in the same zoning district.

11 I believe the answer to that would be yes.

12 Does everybody agree?

13 MS. TANNER: Yes.

14 MR. MILLER: Yes.

15 MR. FRITZ: Two, whether the property in
16 question will yield a reasonable return whether
17 there can be any beneficial use of the property
18 without the variance.

19 I don't -- I think the cost effectiveness and
20 the potential that you can't do a subplot would be
21 the answer to that.

22 Does everybody agree?

23 MS. TANNER: Yes.

24 MR. MILLER: Yes.

25 MR. FRITZ: Now, the third one is whether the

1 purchased the property with knowledge of the
2 zoning restrictions.

3 Once again, people don't have knowledge of
4 that unless they're zoning board -- you know, they
5 work in that area.

6 Seven, whether the special conditions or
7 circumstances exist as a result of the actions of
8 the owner.

9 Yeah, but did it impact anything? I would say
10 no.

11 Does everybody agree?

12 MS. TANNER: Yes.

13 MR. MILLER: Yes.

14 MR. FRITZ: Next one is whether the property
15 owner's predicament feasibly can be obviated
16 through some method other than the variance.

17 Yes, it can, but I believe it's either, A,
18 cost prohibitive, or, B, impossible.

19 Does everybody agree?

20 MS. TANNER: Yes.

21 MR. MILLER: Yes.

22 MR. FRITZ: Nine, whether the spirit and
23 intent behind the zoning requirement would be
24 observed and substantial justice done by granting
25 the variance.

1 variance is substantial and is the minimum
2 necessary to make possible the reasonable use of
3 the land or structures.

4 In this case, I would say yes.

5 Does everybody agree?

6 MS. TANNER: Yes.

7 MR. MILLER: Yes.

8 MR. FRITZ: Whether the essential character of
9 the neighborhood would be substantially altered or
10 whether adjoining properties would suffer
11 substantial detriment as a result of the variance.

12 I think the answer would be no unless the boat
13 blows over a fence, I suppose, but --

14 Does everybody agree with that?

15 MS. TANNER: Yes.

16 MR. MILLER: Yes.

17 MR. FRITZ: Number five, whether the variance
18 would adversely affect the delivery of
19 governmental services such as water, sewer, trash
20 pickup.

21 No evidence on that. I would say no.

22 Does everybody agree?

23 MS. TANNER: Yes.

24 MR. MILLER: Yes.

25 MR. FRITZ: Six, whether the property owner

1 I would say yes.

2 Does everybody agree?

3 MS. TANNER: Yes.

4 MR. MILLER: Yes.

5 MR. FRITZ: And then, ten, whether the
6 granting of the variance requested will confer on
7 the applicant any special privileges that is
8 denied by these regulations to other lands,
9 structures, or buildings in the same district.

10 Yeah, I think because this is the first time
11 we've done this, I think the answer to that is
12 yes.

13 Does everybody agree?

14 MS. TANNER: Yes.

15 MR. MILLER: Yes.

16 MR. FRITZ: And then 11, the variance sought
17 is the minimum which will afford relief to the
18 applicant.

19 And at this stage, I would say the answer to
20 that is yes.

21 Does everyone agree?

22 MS. TANNER: Yes.

23 MR. MILLER: Yes.

24 MR. FRITZ: Then let's vote on Case
25 Number 2025-23, Nancy Tester.

1 MR. MILLER: Mr. Chairman, I move that we
2 grant the variance.
3 MS. TANNER: I second it.
4 MR. FRITZ: It's been moved and seconded that
5 we grant variance -- or Case Number 2025-23.
6 All in favor, say aye.
7 MS. TANNER: Aye.
8 MR. MILLER: Aye.
9 MR. FRITZ: Aye.
10 All opposed?
11 The ayes have it. Variance is granted, and
12 you'll get a letter in the mail in a couple of
13 days.
14 Okay. Case Number 2025-24: Mae Fence,
15 109 East Main Street, Fulton, Ohio 43321, for 604
16 Cedarwood Trail, Elyria, Ohio 44035, requesting a
17 variance from Section 1137.15(C) of the Elyria
18 Codified Ordinances for the installation of a
19 6 foot fence on the corner lot. Code states front
20 yard fence shall be no more than 4 feet in height
21 and shall be at least 50 percent open.
22 Ma'am, you're going to need to be sworn in. I
23 don't think you were here when we -- were you
24 sworn in yet?
25 MS. BONILLO-FARIAS: No.

1 MR. FRITZ: Okay. You'll need to be sworn in.
2 MS. BONILLO-FARIAS: Okay. Sure.
3 (Sworn)
4 MR. FRITZ: All right. Can you tell us why
5 you want your variance.
6 MS. BONILLO-FARIAS: So I'm the owner of the
7 property. The company that is actually requesting
8 the variance is not here. Their representative
9 couldn't be here today, so I'm here defending
10 myself. So I appreciate you listening to our
11 question here.
12 So we are --
13 THE REPORTER: Could you state your name?
14 MS. BONILLO-FARIAS: My name is Rosa
15 Bonilla-Farias.
16 MR. FRITZ: I was just going to ask for that.
17 MS. BONILLO-FARIAS: Yeah, so they were
18 supposed to come here today, but they had an
19 emergency and they couldn't come.
20 So as an owner, when we bought the house, the
21 builder told us that we could put a fence -- our
22 house is a corner-corner lot, and that takes like
23 a huge part of the yard. Actually, it's more on
24 the corner lot than on the back. On the back is
25 pretty significant. But also they told us that we

1 could put a fence from the front corner and just
2 kind of wedge it to the back.
3 So the company just sent me the -- like they
4 kind of recalculated the measurements, and they're
5 saying now that -- to see if it's possible to put
6 the fence 15 feet from the property line. That
7 will -- so they are changing the lines in there to
8 see if it's possible to do it that way.
9 MR. FRITZ: Okay. Is that all?
10 MS. BONILLO-FARIAS: Yeah.
11 There are other -- and we got this idea from
12 other houses in the same neighborhood, so I was
13 surprised that this was requested and needed to
14 get a variance.
15 MR. FRITZ: Sure. Thank you.
16 Mr. Schoenig, City of Elyria.
17 MR. SCHOENIG: Thank you, Mr. Chair.
18 Through you, the request for variance is due
19 to the front yard requirements for fencing not
20 exceeding 4 feet, as site plan provided by the
21 applicant indicated a 6 foot fence high by
22 approximately 272 foot long vinyl fence on a
23 corner lot in the front yard.
24 Thank you.
25 MR. FRITZ: Question: Does it prevent any

1 blind spots for automobiles or anything like that?
2 Are there any cross streets right there, stop
3 signs, whatnot?
4 MR. SCHOENIG: There is a 12-foot utility
5 easement that is indicated on the plan, so it is
6 set back further than traditionally up to the
7 6 inch requirements which does deviate it from
8 what we traditionally do get. So line of sight, I
9 don't have the definition in front of me right
10 now, but this is not like traditional requests
11 that we get for corner lots where it usually is
12 right up on the corner lot line.
13 MR. FRITZ: Yeah, I was going to ask you,
14 isn't this over in the new development off of
15 Middle Avenue and Indian Hollow?
16 MR. SCHOENIG: That is correct.
17 MR. FRITZ: Yeah. And I think we've granted
18 several of those, haven't we?
19 MR. MILLER: Yes.
20 MR. FRITZ: Okay. All right. Well, let's go
21 through the factors.
22 All right. If the property cannot be
23 economically viable use under any of the permitted
24 uses of the zoning code.
25 And I think the answer to that is no.

1 Does everybody agree?
 2 MS. TANNER: Agree.
 3 MR. MILLER: Yes.
 4 MR. FRITZ: The variance requested stems from
 5 a condition which is unique to the property at
 6 issue and not ordinarily found in the same zoning
 7 district.
 8 Again, there were several other ones that --
 9 the way those lots were built, so the answer to
 10 that is yes.
 11 Does everybody agree?
 12 MS. TANNER: Yes.
 13 MR. MILLER: Yes.
 14 MR. FRITZ: Three, the hardship condition is
 15 not created by actions of the applicant.
 16 No, it was the dog-gone builder, and it's his
 17 fault.
 18 Does everybody agree?
 19 MS. TANNER: Agree.
 20 MR. MILLER: Yes.
 21 MR. FRITZ: Four, the granting of the variance
 22 will not adversely affect the rights of the
 23 adjacent property owners or residents.
 24 And by the way, was any of the adjoining land
 25 owners notified, and did you hear of anything?

1 MS. TOMSKI: Yes, they were, and I've got no
 2 response.
 3 MR. FRITZ: Thank you.
 4 Okay. So the answer to that is no.
 5 Does everybody agree?
 6 MS. TANNER: Yes.
 7 MR. MILLER: Yes.
 8 MR. FRITZ: Five, the granting of the variance
 9 will not adversely affect the public, health,
 10 safety, or general welfare.
 11 Obviously, no.
 12 Does everybody agree?
 13 MS. TANNER: Yes.
 14 MR. MILLER: Yes.
 15 MR. FRITZ: Six, the variance will be
 16 consistent with the general spirit and intent of
 17 the zoning code.
 18 We've done it before over there. Answer:
 19 Yes.
 20 Does everybody agree?
 21 MR. MILLER: Yes.
 22 MS. TANNER: Yes.
 23 MR. FRITZ: Seven, the variance sought is the
 24 minimum which will afford relief to the applicant.
 25 Yes, I think they're doing it in a very

1 tasteful manner.
 2 Does everybody agree?
 3 MS. TANNER: Yes.
 4 MR. MILLER: Yes.
 5 MR. FRITZ: All right. So at this point,
 6 the Chair will entertain a motion on Case
 7 Number 2025-24 for the Mae Fence Company for 604
 8 Cedarwood Trail, Elyria, Ohio 44035.
 9 MS. TANNER: I make a motion to grant the
 10 variance.
 11 MR. MILLER: I second it.
 12 MR. FRITZ: It's been moved and seconded that
 13 we grant Case Number 2025-24.
 14 All in favor, say aye.
 15 MS. TANNER: Aye.
 16 MR. MILLER: Aye.
 17 MR. FRITZ: Aye.
 18 Those opposed?
 19 The ayes have it, and your variance is
 20 granted. You'll get a letter in the next couple
 21 of days.
 22 MS. BONILLO-FARIAS: Thank you. I appreciate
 23 it.
 24 MR. FRITZ: Okay. Moving on. Next case, Case
 25 Number 2025-25: Rick Twining, 446 9th Street,

1 Elyria, Ohio 44035, requesting a variance from
 2 Section 1148.03 of the Elyria Codified Ordinances
 3 for the setback of a new garage that was
 4 constructed prior to the permit issuance. The
 5 setback is less than the required 3 foot per code.
 6 And you are Mr. Twining?
 7 MR. TWINING: Yes, sir.
 8 MR. FRITZ: Tell us why you want your
 9 variance.
 10 MR. TWINING: I don't know your rule on asking
 11 forgiveness, but I did not pull a permit ahead of
 12 time.
 13 MR. FRITZ: It comes up a lot. Don't worry
 14 about it.
 15 MR. TWINING: The garage footing that was
 16 there -- the whole garage was falling apart. It
 17 was literally -- it was a stick garage, 2-by-6,
 18 and it was -- it had racking going on. I took
 19 down a nuisance. It wasn't usable really. It was
 20 dangerous to go in. So I took the old one down
 21 and put up a really nice, so far, garage built,
 22 well, on the existing footings without knowing any
 23 of the rules. That is absolutely my fault. I'm
 24 just --
 25 MR. FRITZ: Did you stop your work when you

1 got your stop work order?
 2 MR. TWINING: Absolutely. Matter of fact,
 3 immediately.
 4 MR. FRITZ: Okay. Is that it?
 5 MR. TWINING: I'm just asking for a variance.
 6 A lot of the garages in the neighborhood there are
 7 very, very close to the property line, so...
 8 MR. FRITZ: Yeah.
 9 Okay. Mr. Schoenig, City of Elyria.
 10 MR. SCHOENIG: Thank you, Mr. Chair.
 11 Through you, as indicated by your site plan on
 12 Page 3 of your memo that you were issued, it is 2
 13 feet from the property line as indicated. Section
 14 1148.03 of the code indicates 3 feet from the
 15 property line.
 16 Thank you.
 17 MR. FRITZ: Thank you.
 18 I think I read somewhere that this garage was
 19 probably built the same time the house was in --
 20 MR. TWINING: 1953.
 21 MR. FRITZ: Yeah. Prior to this code, that's
 22 a fact. And you put it just back on the
 23 foundation; right?
 24 MR. TWINING: Yes, sir.
 25 MR. FRITZ: All right. Let's go through the

1 factors.
 2 Property cannot be put to any economically
 3 viable use under any of the permitted uses in the
 4 zoning code.
 5 Answer to that: No.
 6 Does everybody agree?
 7 MS. TANNER: Agree.
 8 MR. MILLER: Yes.
 9 MR. FRITZ: Two, the variance request stems
 10 from a condition which is unique to the property
 11 at issue and not ordinarily found in the same
 12 zoning district.
 13 The place was rotten.
 14 Does everybody agree?
 15 MS. TANNER: Yes.
 16 MR. MILLER: Yes.
 17 MR. FRITZ: Three, the hardship condition is
 18 not created by actions of the applicant.
 19 Obviously, no.
 20 Does everybody agree?
 21 MS. TANNER: Yes.
 22 MR. MILLER: Yes.
 23 MR. FRITZ: And, four, the granting of the
 24 variance will not adversely affect the rights of
 25 adjacent property owners or residents.

1 Does everybody agree?
 2 MS. TANNER: Yes.
 3 MR. MILLER: Yes.
 4 MR. FRITZ: And by the way, Madam Secretary,
 5 were the adjoining property owners notified, and
 6 did you receive any responses?
 7 MS. TOMSKI: They were notified, and no
 8 response.
 9 MR. FRITZ: Thank you.
 10 Fifth factor is, the granting of the variance
 11 will not adversely affect public health, safety,
 12 or general welfare.
 13 I think the old one probably would.
 14 Does everybody agree?
 15 MR. MILLER: Yes.
 16 MS. TANNER: Yes.
 17 MR. FRITZ: Thank you.
 18 Six, the variance will be consistent with the
 19 general spirit and intent of the zoning code.
 20 I believe the answer to that is yes.
 21 Does everybody agree?
 22 MS. TANNER: Yes.
 23 MR. MILLER: Yes.
 24 MR. FRITZ: Seven, the variance sought is the
 25 minimum which will afford relief to the applicant.

1 Well, he built it on the old foundation. Yes.
 2 Does everybody agree?
 3 MR. MILLER: Yes.
 4 MS. TANNER: Yes.
 5 MR. FRITZ: All right. Having gone through
 6 the factors for this use, the Chair will entertain
 7 a motion on Case Number 2025-25: Rick Twining,
 8 446 9th Street, Elyria, Ohio 44035.
 9 MR. MILLER: Mr. Chair, I move that the
 10 variance be granted.
 11 MS. TANNER: Second.
 12 MR. FRITZ: All in favor, say 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 MR. TWINING: Thank you very much.
 19 MR. FRITZ: Still got a little daylight left
 20 if you want to go start working on it.
 21 MR. TWINING: No, I got to get all those other
 22 permits filed.
 23 MR. FRITZ: All right. You have a good day.
 24 You'll get a letter in the next couple of days.
 25 All right. Our last case on our agenda today,

1 Case Number 2025-26: LS Architects, 22082 Lorain
2 Road, Fairview Park, Ohio 44126, for 607 Cleveland
3 Street, Elyria, Ohio 44035, requesting a variance
4 from 1175.06 and 1160.03 of the Elyria Codified
5 Ordinances requesting a 28-space variance and a
6 variance for the proposed dumpster located less
7 than 6 feet from the property line.

8 And who are you, sir?

9 MR. SAMPAT: Leon Sampat, LS Architects.

10 MR. FRITZ: Were you sworn in?

11 MR. SAMPAT: No.

12 MR. FRITZ: If you haven't been sworn in,
13 you'll need to be sworn in.

14 (All participants sworn)

15 MR. SAMPAT: Leon Sampat, LS Architects.

16 MR. OLIVER: I'm Hubert Oliver.

17 MR. FRITZ: Mr. Oliver, we meet again, don't
18 we? Another parking thing; right?

19 MR. OLIVER: Yeah, again.

20 MR. FRITZ: My lord.

21 MR. OLIVER: Yeah.

22 I want to say something to Mr. Oswald.

23 You're here every time we get ready to do
24 something like this. What's your problem with me?

25 MR. OSWALD: I can't hear you.

1 MR. OLIVER: I said, you be here all the time,
2 and I have a problem with that. What's your
3 problem with me getting this? Because you
4 objected a lot of times on this subject here.

5 MR. FRITZ: Well, you'll have to be sworn in,
6 but why don't we hold off on that. And I want
7 to -- let's get to the meat of that matter first,
8 and then if you want to testify, you'll have to be
9 sworn in as well; okay?

10 MR. SAMPAT: All right. So the existing
11 building was built many years ago. It's currently
12 vacant. It's a little over 6,400 square feet. So
13 it's -- Mr. Oliver is looking at opening up a
14 restaurant -- bar/restaurant, and as part of that,
15 the restaurant area that we're looking at having
16 is about 4,200 square feet. The remainder of the
17 building was just going to be office space for him
18 and storage area. Part of that is because we
19 can't be over 5,000 square feet for a restaurant,
20 otherwise, we have to have a sprinkler system
21 which would put this building out of the cost for
22 him.

23 So -- but when we do our calculations for
24 parking, you know, we come up with 28 parking
25 spaces required for the restaurant and two

1 required for the office use. So that gives us the
2 30 parking spaces required.

3 However, in talking with Mr. Schoenig, he's
4 stating that the City code and the way it's
5 written right now, that we have to show the entire
6 building being a restaurant, which is just
7 impossible to be done because of the sprinkler
8 system. They're saying the requirement is 40
9 parking spaces.

10 So on the lot, we're able to get 12 parking
11 spaces and then there's an additional eight
12 parking spaces that we've looked and seen that
13 they were not -- throughout different days and
14 times, they're never used by any of the other
15 adjoining businesses. So that's why we're just
16 showing those as the total of 20 kind of available
17 for our use, you know, versus -- so we're actually
18 looking at the numbers being 30 required; 20
19 provided.

20 You know, the code, the way it's written
21 stating 40, in talking with Mr. Schoenig several
22 times, we've come up that -- it's come up that the
23 City's code is going to be rewritten and the
24 current requirement's going to come down to, I
25 think, about 28 required. So then, again, those

1 numbers start getting a little bit more into in
2 line with each other.

3 You know, as part of the variance, we are
4 trying to maximize parking. We can't get the
5 dumpster within 6 feet of the property line to
6 maximize the parking, so -- and I think there's
7 other dumpsters within this area that are close to
8 the lines, too.

9 And if you look at this building, too, even if
10 it was all office space at 1 to 400, you'd still
11 be required to have 16 parking space. We can't
12 even get 16 -- so this building couldn't be used
13 for anything the way it was built. So that's kind
14 of the way I see it as a variance.

15 MR. FRITZ: Okay. Anything further?

16 MR. SAMPAT: No.

17 MR. FRITZ: Thanks.

18 Mr. Schoenig, City of Elyria.

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

20 Through you, the property at 603 Cleveland
21 Street was determined to have 40 parking spaces.
22 In speaking with the current zoning administrator
23 regarding our requirements for parking has been
24 traditionally treated as such. I'm aware there is
25 a multi-use provision that is indicated within our

1 zoning code currently, but that interpretation has
2 been for traditionally any sort of strip mall
3 where there's a separation between the buildings
4 in our conversation. So, therefore, that is where
5 that 40 requirement has been brought forth.

6 A point of note, of course, as indicated in
7 your memo, the City does recognize the hardship of
8 these parking requirements. This was redone in
9 1998, and we have significantly increased that
10 square footage requirement which, therefore, will
11 lower. Based on the calculations I have here,
12 approximately 22 parking spaces would be required
13 with a proposed zoning code.

14 Keep in mind, of course, that has not been
15 brought forth to City Council.

16 MR. FRITZ: Right. Currently you do the
17 square footage of the entire building, not just
18 where the patrons would be, the people coming into
19 work and eating or whatever?

20 MR. SCHOENIG: Correct. So the whole thing is
21 considered the restaurant use.

22 MR. FRITZ: Yes.

23 MR. SCHOENIG: We looked at it from doing a
24 perspective of breaking it down to office, which
25 is a component of their structure, but per my

1 question will yield a reasonable return or whether
2 there can be any beneficial use to the property
3 without the variance.

4 I believe the answer to that would be no.

5 Does everybody agree?

6 MS. TANNER: Yes.

7 MR. MILLER: Yes.

8 MR. FRITZ: Third factor, whether the variance
9 is substantial and is the minimum necessary to
10 make possible the reasonable use of the land or
11 structures.

12 Answer: Absolutely yes.

13 Does everybody agree?

14 MS. TANNER: Yes.

15 MR. MILLER: Yes.

16 MR. FRITZ: Four, whether the essential
17 character of the neighborhood would be
18 substantially altered or whether adjoining
19 properties would suffer substantial detriment as a
20 result of the variance.

21 And, again, Madam Secretary, were the
22 adjoining land owners notified, and did you
23 receive any response?

24 MS. TOMSKI: They were notified, and no
25 response.

1 conversation with the current zoning
2 administrator, that's not been traditionally done.
3 It's been treated singularly as one use.

4 MR. FRITZ: But that's been discussed and it
5 currently --

6 MR. SCHOENIG: That was discussed with the
7 zoning administrator internally. And, like I
8 said, there is a multi-use provision that is
9 defined, as well as provided in the code under
10 Chapter 1175.

11 MR. FRITZ: All right. So let's go to our
12 factors. I got a really sneaking suspicion, our
13 factors are going to be in the same way they were
14 for the Payless Shoe store, but let's go through
15 them anyway.

16 Number one, whether special conditions and
17 circumstances exist which are peculiar to the land
18 or structure involved and which are not applicable
19 generally in other lands or structures in the same
20 zoning district.

21 Answer to that is yes.

22 Does everybody agree?

23 MS. TANNER: Yes.

24 MR. MILLER: Yes.

25 MR. FRITZ: Two, whether the property in

1 MR. FRITZ: I know. It will really improve
2 the area, to be quite honest.

3 Number five, whether the variance would
4 adversely affect the delivery of governmental
5 services such as water, sewer, trash pickup.

6 We've heard no evidence that it would.

7 Does everybody agree?

8 MS. TANNER: Yes.

9 MR. MILLER: Yes.

10 MR. FRITZ: Six, whether the property owner
11 purchased the property with knowledge to the
12 zoning restrictions.

13 You should have because you knew; you were
14 back here before, but that's all right.

15 Seven, whether special conditions or
16 circumstances exist as a result of the actions of
17 the owner.

18 No.

19 Does everybody agree?

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 other way than the variance.

25 No.

1 Does everybody agree?
 2 MS. TANNER: Yes.
 3 MR. MILLER: Yes.
 4 MR. FRITZ: Nine, whether the spirit and
 5 intent behind the zoning requirement would be
 6 observed and substantial justice done by granting
 7 the variance.
 8 The answer to that is yes.
 9 Correct? Does everybody agree?
 10 MS. TANNER: Yes.
 11 MR. MILLER: Yes.
 12 MR. FRITZ: And ten, whether the granting of
 13 the variance requested will confer on the
 14 applicant any special privilege that is denied by
 15 these regulations to other land, structures,
 16 buildings in the same district.
 17 Answer is not -- no.
 18 Does everybody agree?
 19 MS. TANNER: Yes.
 20 MR. MILLER: Yes.
 21 MR. FRITZ: And our last factor, Factor 11,
 22 the variance sought is the minimum which will
 23 afford relief to the applicant.
 24 Everybody agree that the answer to that is
 25 yes?

1 MS. TANNER: Yes.
 2 MR. MILLER: Yes.
 3 MR. FRITZ: Then the Chair will entertain a
 4 motion on Case Number 2025-26: LS Architects that
 5 are located at 22082 Lorain Road, Fairview Park,
 6 for 607 -- I think you mentioned -- somebody said
 7 "603," but it's 607; right?
 8 MR. SCHOENIG: Point of correction, Mr. Chair.
 9 Through you, it is 603 Cleveland Street. The
 10 County Auditor had 607 and 603 on the website, so
 11 we made clarification of that. And this was
 12 properly noticed as well.
 13 MR. FRITZ: So it's actually then 603;
 14 correct?
 15 MR. SCHOENIG: Yes.
 16 MR. FRITZ: Thank you.
 17 MR. SCHOENIG: And any advertisements that
 18 were sent out were corrected to 603 as well to
 19 ensure compliance.
 20 MR. FRITZ: Thank you.
 21 Okay. The Chair will entertain that motion.
 22 MR. MILLER: Mr. Chairman, I move that we
 23 approve the variance.
 24 MS. TANNER: Second.
 25 MR. FRITZ: It's been moved and seconded that

1 we grant the variance requested -- the two
 2 variances that we requested in 2025-26.
 3 Just by the way, that dumpster abuts a vacant
 4 lot; correct?
 5 MR. SAMPAT: Correct.
 6 MR. FRITZ: Those in favor say aye.
 7 MS. TANNER: Aye.
 8 MR. MILLER: Aye.
 9 MR. FRITZ: Aye.
 10 Those opposed?
 11 The ayes have it. Your variance is granted.
 12 Now, I want to know the same thing,
 13 Mr. Oswald, did you have an objection? Because if
 14 you have an objection to this, we want to hear
 15 from you and I wanted to give you time, but I,
 16 too, would like to know what your issues are.
 17 MR. OSWALD: Kenny Oswald, 237 Pepperdine
 18 Drive.
 19 Mr. Oliver, I like you. I have nothing
 20 against you; okay? And you probably don't believe
 21 me, but that's the truth.
 22 Now, that being said, I come to all these
 23 meetings. I come to all the Planning Commission
 24 meetings. I interject. I come today for Nancy
 25 and Lowell because they're in my ward, and they

1 had an issue, so I was here supporting them.
 2 The thing that we were going through -- and I
 3 kept saying the problem that we're having in all
 4 these that I know we have to work on is our
 5 parking.
 6 When I was in Smitty's having lunch today,
 7 that place was packed. They had to have a lot of
 8 parking. Now, when you get a lot of people in,
 9 what's that going -- so it does matter.
 10 When I heard that you were doing this, that
 11 you got this, I'm -- you don't think this, but I
 12 said, yay, I'm glad. I hope it works out. That's
 13 what I was thinking. That's it.
 14 So I'm not against you. I have to think about
 15 the City of Elyria and the job that I'm doing. I
 16 have to look out for the police, the safety, the
 17 fire. That's what my job is. And so I have to
 18 interject as much as I can so everybody can make
 19 their decision.
 20 So I don't want no ill will against you guys.
 21 I'm serious.
 22 MR. FRITZ: Mr. Oliver, I will say that
 23 Mr. Oswald is very passionate for the City and he
 24 speaks the truth. There's no question about that.
 25 I don't believe he has anything against you

1 either.

2 But what did you do with the Payless? Do you
3 still own that, too?

4 MR. OLIVER: Yes, I do.

5 MR. FRITZ: Oh, my God. Mo money, mo money;
6 right?

7 MR. OSWALD: Good luck. I'm serious. I hope
8 everything works out for the best.

9 MR. OLIVER: Thank you, guys.

10 MR. FRITZ: All right. It is 3:54 p.m.

11 MR. MILLER: Mr. Chair, I move that we
12 adjourn.

13 MR. FRITZ: All in favor, say aye.

14 MS. TANNER: Aye.

15 MR. MILLER: Aye.

16 MR. FRITZ: Aye.

17 We are adjourned. Thank you, everybody.

18 - - -

19 (Whereupon, the meeting concluded at 3:54 p.m.)
20
21
22
23
24
25

1 C E R T I F I C A T E

2 The State of Ohio,)
3 County of Erie.) SS:
4)

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

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

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

16 In WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my seal of office at Berlin Heights, Ohio,
18 this 13th day of October, 2025.

19 *Mary A. Hammond*
20 _____

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