

1

1
2
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 December 18, 2025, at 3:03 p.m.
7
8 ---
9
10 BOARD OF ZONING APPEALS MEMBERS PRESENT:
11 Joel Fritz Chairman
12 Ann Tanner Member
13 Timothy Golden Member
14 James Miller Member
15 Julianne Sadowski Member
16 Chris Sito Alternate Member
17 Tammy Koleski Alternate Member
18
19 ALSO PRESENT:
20 Mark Craig Administrative Legal
Counsel
21
22 Christopher Schoenig City Planner
23
24 Mary Tomski Secretary
25
26 ---

2

1 PROCEEDINGS
2 MR. FRITZ: Well, good afternoon, everybody.
3 Sorry we're getting started a little bit late, but
4 we'll be all right once I get this out of the bag.
5 There we go.
6 Okay. It's about 3:03 here at the Elyria
7 Board of Zoning Appeals. This is 131 Court
8 Street, 2nd Floor Council Chambers of Elyria City
9 Hall.
10 At this time, I'll ask Mr. Schoenig to call
11 the roll.
12 MR. SCHOENIG: Joel Fritz.
13 MR. FRITZ: Present.
14 MR. SCHOENIG: Ann Tanner.
15 MS. TANNER: Present.
16 MR. SCHOENIG: Timothy Golden.
17 MR. GOLDEN: Present.
18 MR. SCHOENIG: James Miller.
19 MR. MILLER: Present.
20 MR. SCHOENIG: Julianne Sadowski.
21 MS. SADOWSKI: Present.
22 MR. SCHOENIG: Chris Sito.
23 MR. SITO: Present.
24 MR. SCHOENIG: Tammy Koleski.
25 MS. KOLESKI: (Inaudible.)

3

1 MR. FRITZ: Okay. So normally we have a Board
2 of five. We do have alternates. They are here
3 today because our second case on our agenda,
4 Mr. Miller will have to abstain from making any
5 decisions. So thankfully our alternates are here
6 so you have a full compliment. Otherwise, I would
7 tell you folks that if we don't have a full
8 compliment, you can pass to go to the next month
9 when we do have a full compliment because the vote
10 might be different.
11 But seeing as though we don't have that, at
12 this point, I'll ask for a motion to approve our
13 minutes of our November 20th meeting.
14 MS. SADOWSKI: I motion we approve.
15 MR. MILLER: I second.
16 MR. FRITZ: It's been moved and seconded that
17 our minutes from November 20th, 2025 are approved.
18 All in favor, say aye.
19 MS. TANNER: Aye.
20 MR. GOLDEN: Aye.
21 MR. MILLER: Aye.
22 MS. SADOWSKI: Aye.
23 MR. FRITZ: Aye.
24 Those opposed.
25 The ayes have it. Minutes are approved.

4

1 Okay. So when we call your case, we're going
2 to ask you to -- we do not have a court reporter,
3 do we?
4 Are we recording?
5 MR. SCHOENIG: Mr. Chair, through you.
6 We are currently recording. There will be no
7 court reporter in attendance this afternoon.
8 MR. FRITZ: Okay. Very good.
9 So when we call your case, I'm going to ask
10 you to stand over there at the podium -- I believe
11 the green light's on -- so we can all hear why you
12 want your variance granted.
13 After that, we'll ask the City to give their
14 position on the matter, whether they're in favor
15 of it or not. And once that happens, there could
16 be questions from the Board. If there is anybody
17 in the audience that wants to speak about a
18 particular case, they can do that as well.
19 And seeing that there is no old business,
20 we'll call our first case, Case No. 2025-37:
21 Elyria Fence, 230 Oberlin Road, Elyria, Ohio
22 44035, for Diamond Products, 333 Prospect Street,
23 Elyria, Ohio 44035. They're requesting a variance
24 from Section 1156.02 of the Elyria Codified
25 Ordinances for the installation of fencing. The

1 zoning code requires that accessory uses shall be
 2 placed on a property that contains a principal
 3 use.
 4 Now, before we start, and before I ask someone
 5 to come up and speak on this, how many hands want
 6 to speak for the Elyria Fence today?
 7 Just one?
 8 Okay. And just so everybody knows, myself and
 9 my esteemed colleague, Julianne Sadowski, we do
 10 have a social relationship with Mr. Sauer, who's
 11 sitting in the middle over there, and that would
 12 have no effect on my voting or I don't think it
 13 would be on Julianne's voting, but if anybody
 14 objects to it, speak now or forever hold your
 15 peace. But we do have alternates, so if you want
 16 her kicked off, you can, or me. I don't think you
 17 want to do that, though.
 18 All right with that?
 19 So whoever wants to speak for Elyria Fence,
 20 why don't you come on up and I'll swear you in.
 21 (Sworn.)
 22 MR. FRITZ: Thank you. Please state your
 23 name, sir.
 24 MR. WILGOR: Mike Wilgor with Elyria Fence,
 25 Incorporated.

1 MR. FRITZ: Okay. And why do they need this
 2 variance?
 3 MR. WILGOR: The variance is needed so that we
 4 can put a fence around their parking lot. There
 5 are no buildings on the two lots that are involved
 6 with the fence. It's to keep passers-through from
 7 breaking into the employees' cars mostly in the
 8 evening shift, but it's happened before on daytime
 9 shifts, too. But that's the main thing, is to
 10 fence in the parking lot for their employees'
 11 vehicles.
 12 MR. FRITZ: Okay. Anything else?
 13 MR. WILGOR: No, that's it.
 14 MR. FRITZ: Okay. All right.
 15 Mr. Schoenig, City of Elyria.
 16 MR. SCHOENIG: Mr. Chair, through you.
 17 Case No. 2025-37: The code for a Business
 18 Neighborhood indicates that a principally
 19 permitted use must be granted on each property.
 20 Historically, the Board has, in certain
 21 circumstances, permitted this to be deviated from,
 22 from the standard code, usually with residential
 23 properties. Looking at the circumstances faced by
 24 Elyria -- or rather Diamond Products here, due to
 25 the age of this property, there's deviations and

1 they don't follow any, so to speak, standards here
 2 in terms of parcels where they're located;
 3 therefore, recommendation of approval of the
 4 variance from the City's perspective for the
 5 safety of the employees. Thank you.
 6 MR. FRITZ: Thank you.
 7 I just have a couple questions. How often are
 8 you going to keep that gate closed? What times?
 9 MR. WILGOR: The gate is closed -- probably
 10 close to 5:30 in the morning (inaudible).
 11 MR. FRITZ: Are you talking about 8:00 at
 12 night or it's going to be open during the day
 13 or --
 14 MR. WILGOR: (Inaudible.)
 15 MR. FRITZ: Okay. And there's also access
 16 from the shared space of the Knights of Columbus
 17 there off of Kipling, is that correct? So that
 18 wouldn't have any problems with any fire access,
 19 ambulance?
 20 MR. WILGOR: (Inaudible.)
 21 MR. FRITZ: Thank you.
 22 All right. Does anybody else have any
 23 questions?
 24 MR. GOLDEN: Did Planning Commission hear this
 25 case at all?

1 MR. SCHOENIG: Planning -- Mr. Chair, through
 2 you.
 3 There was no case for Planning Commission. As
 4 this came through Design Review, only variances
 5 were applicable for this.
 6 MR. FRITZ: All right. So anybody else?
 7 Okay. Do you have anything else you want to
 8 say?
 9 MR. WILGOR: No, that's it.
 10 MR. FRITZ: All right. Does everybody here
 11 agree that basically all of the 11 factors that we
 12 have to consider, they would all be in favor of
 13 Diamond Products?
 14 MS. TANNER: Yes.
 15 MR. GOLDEN: Yes.
 16 MR. MILLER: Yes.
 17 MS. SADOWSKI: Yes.
 18 MR. FRITZ: Okay. Then the Chair will
 19 entertain a motion on Case No. 2025-37, Elyria
 20 Fence, 230 Oberlin Avenue, for Diamond Products,
 21 Prospect Street in Elyria.
 22 MR. MILLER: Mr. Chairman, I move that the
 23 variance be granted in Case 2025-37.
 24 MR. GOLDEN: Mr. Chairman, I'd like to second
 25 that motion.

1 MR. FRITZ: It's been moved and seconded that
 2 we grant Case No. 2025-37. All in favor, say aye.
 3 MS. TANNER: Aye.
 4 MR. GOLDEN: Aye.
 5 MR. MILLER: Aye.
 6 MS. SADOWSKI: Aye.
 7 MR. FRITZ: Aye.
 8 Those opposed.
 9 The ayes have it. You'll get a letter in a
 10 couple of days, so congratulations.
 11 All right.
 12 MR. MILLER: I will recuse myself.
 13 MR. FRITZ: Thank you, Mr. Miller.
 14 Okay. The next case on our agenda is
 15 Case No. 2025-38: Taylor Koch, 2101 West River
 16 Road North, requesting a variance -- requesting
 17 several variances.
 18 The first one is a variance for
 19 Section 1156.03 of the Elyria Codified Ordinances
 20 for the installation of an accessory structure on
 21 the side yard property.
 22 Then we have a request for a variance from
 23 Section 1156.03 for the installation of accessory
 24 structures in the front yard.
 25 Then the next one would be Section 1156.09(A).

1 That's for to exceed the maximum height of 25
 2 feet. The site plan confirms the project is a
 3 single four-story building requiring a height of
 4 45 to 50 feet.
 5 The next request for a variance from
 6 Section 1175.06(AA) requiring two off-street
 7 parking spaces for each dwelling unit. The
 8 122-unit project requires 244 parking spaces per
 9 ordinance. The request is to permit 209 spaces.
 10 And then the last request for a variance is
 11 from Section 1175.08(b) to allow parking within
 12 the required side yard and reduce the minimum
 13 setback from 10 feet to 5 feet where the property
 14 abuts a residential district.
 15 How you doing today?
 16 MR. KOCH: Doing all right.
 17 How are you?
 18 MR. FRITZ: Okay.
 19 Would you please raise your right hand for me.
 20 (Sworn.)
 21 MR. FRITZ: Okay. Please state your name and
 22 tell us why you want these -- well, we'll do them
 23 one at a time.
 24 So we'll start with the installation of an
 25 accessory structure on the side yard property.

1 MR. KOCH: Sure.
 2 So, good afternoon, Chairman Fritz, Members of
 3 the Board. Taylor Koch with Hill Tide Ventures.
 4 We're requesting five variances for our proposed
 5 project, which is called Black River Forge. It's
 6 a \$41 million investment for workforce housing
 7 community at 2101 West River Road North.
 8 So can I give a little bit of background on
 9 this before we jump in?
 10 MR. FRITZ: Absolutely. The floor is yours.
 11 MR. KOCH: Okay. So there's a lot of
 12 variances here. I just want to make sure we're
 13 all on the same page. I'm sure some of you have
 14 heard about our project or heard about it, you
 15 know, either through the media or through the
 16 conditional use permitting process.
 17 So this workforce development project has
 18 already secured a housing tax credit reservation,
 19 which is highly competitive, from the State of
 20 Ohio back in October. There were 50 applications,
 21 ten awards. We were one of ten. However to move
 22 forward on that reservation, we have to submit a
 23 final application, which is in January. And as
 24 part of that final application, we have to have
 25 all discretionary zoning approvals, including

1 variances by that date so it's affirming to the
 2 state that we are ready to move forward. So it's
 3 kind of the next step in the process, so that's
 4 why we're here today.
 5 So to clarify, we're not seeking a use
 6 variance. Multi-family housing is already a
 7 conditionally permitted use in this district.
 8 This is in the Business Neighborhood District, BN.
 9 We're strictly here for area variances regarding
 10 dimensions and locations.
 11 So the practical difficulty behind each one of
 12 these variances is pretty simple and they're all
 13 related, it's the Black River itself. Unlike a
 14 standard commercial lot, we cannot build in the
 15 rear of this lot. About 40 percent of this lot,
 16 all in the rear, is in a 100-year flood plain. So
 17 we are compressing the entire development into the
 18 front upland portion of the site. Again, we don't
 19 want to build in a flood plain. I'm sure you
 20 don't want us to build in the flood plain. And
 21 then also, it's very expensive given the
 22 topography falloff towards the back of the site.
 23 So every variance that we're requesting today
 24 is a direct result of avoiding the flood plain.
 25 In other words, if not for the river and flood

1 zone constraints, none of these variances would be
2 necessary.

3 So I'll start with the first one. The
4 accessory structures, Section 1156.03 of the code
5 requires generators, transformers -- and this kind
6 of bleeds into the second variance, the gazebo --
7 to be placed in the rear yard.

8 In our case, the rear yard is that flood
9 hazard zone. We cannot, under safety standards,
10 place high voltage transformers or emergency
11 life-saving equipment in that location that's
12 prone to flooding. So we're asking to locate the
13 backup generator and the transformer in the front
14 yard and the gazebo and covered porch in the side
15 yard, which are the only dry upland areas
16 available on the site. So that's kind of the
17 first two variances. I can stop there.

18 MR. FRITZ: All right.

19 Mr. Schoenig, City of Elyria.

20 MR. SCHOENIG: Mr. Chair, through you.

21 The City's point of view is in agreeance
22 with the applicant in terms of the site
23 restrictions of this property due to wetlands, due
24 to the flood zones. It would be a disservice to
25 not grant variance from a City perspective.

1 Additionally, I would like to note that the
2 parking space requirement, as we have seen with
3 multiple projects that have come through recently
4 through the Board of Zoning Appeals such as
5 McGregor Landing, as well as Mr. Oliver's project
6 on Cleveland Street, we have deviated from our
7 parking standards.

8 And to note also, the City is working on
9 approval, as many of you know, of the new zoning
10 code which will hopefully be going to our
11 Strategic Planning Commission on January 20th of
12 this upcoming year, and deviations from those
13 parking space requirements are within the scope of
14 that proposed zoning code.

15 Like I said, overall, we see no concern with
16 deviating from the standards that are set forth in
17 the existing zone code. Thank you.

18 MR. FRITZ: Thank you.

19 You guys had a nice write-up in the paper over
20 the weekend that kind of explained the whole
21 thing --

22 MR. SCHOENIG: Thank you.

23 MR. FRITZ: -- that we've been waiting for,
24 well, since 1998; right?

25 All right. So since the City has kind of gone

1 a little bit further than you have, we're not
2 going to need you to ask any of those questions.
3 What I will ask of the Board is: Does everybody
4 agree that all of the 11 factors that we have to
5 consider in each one of these -- one, two, three,
6 four -- five requests for variances, does
7 everybody agree that those factors would support
8 the granting of these variances.

9 MR. SITO: Mr. Chairman, I do agree.

10 MS. SADOWSKI: Yes.

11 MS. TANNER: Yes.

12 MR. GOLDEN: Yes.

13 MR. FRITZ: Thank you.

14 Then the Chair will entertain a motion on
15 Case No. 2025-38 for 2101 West River Road North,
16 granting those variances.

17 MS. SADOWSKI: I'll motion we accept
18 Case No. 2025-38.

19 MS. TANNER: I second.

20 MR. FRITZ: It's been moved and seconded that
21 we grant the five requests for variances in
22 Case No. 2025-38. All in favor, say aye.

23 MS. TANNER: Aye.

24 MR. GOLDEN: Aye.

25 MR. SITO: Aye.

1 MS. SADOWSKI: Aye.

2 MR. FRITZ: Aye.

3 Any opposed?

4 The ayes have it. The variances are granted.
5 You'll get the letter in the next couple of days.

6 MR. KOCH: Thank you.

7 MR. FRITZ: Thank you.

8 It is now about 3:20. We have no other
9 business on our agenda, so the Chair will
10 entertain a motion to adjourn until our next
11 ensuing meeting.

12 MS. SADOWSKI: I motion we adjourn.

13 MR. GOLDEN: Second.

14 MR. FRITZ: It's been moved and seconded that
15 we adjourn.

16 All in favor, say aye.

17 MS. TANNER: Aye.

18 MR. GOLDEN: Aye.

19 MR. MILLER: Aye.

20 MS. SADOWSKI: Aye.

21 MR. FRITZ: Aye.

22 I don't think anybody is opposed to that
23 never. The ayes have it. We're adjourned. See
24 you on January 15th.

25

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

In WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Berlin Heights, Ohio, this 12th day of January, 2026.

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