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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 January 2, 2025, at 3:00 p.m.
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10 BOARD OF ZONING APPEALS MEMBERS PRESENT:
11 Joel Fritz Chairman
12 Julianne Sadowski Member
13 James Miller Member
14 Ann Tanner Member
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16 ALSO PRESENT:
17 Darryl Farkas Official Building
Inspector
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19 Mark Craig Administrative Legal
Counsel
20 Mary Tomski Secretary
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1 PROCEEDING
2 MR. FRITZ: All right. We'll call this
3 meeting to order. It is Thursday, January 2nd,
4 2025. Happy New Year to everyone, and it is
5 approximately 3:00 p.m. here at Elyria City Hall,
6 131 Court Street, 2nd Floor Council Chambers.
7 And before we get started, at this time, I'll
8 ask Madam Secretary to call the roll.
9 MS. TOMSKI: Joel Fritz.
10 MR. FRITZ: Present.
11 MS. TOMSKI: Timothy Golden.
12 MR. FRITZ: He's excused.
13 MS. TOMSKI: Juliann Sadowski.
14 MS. SADOWSKI: Here.
15 MS. TOMSKI: Ann Tanner.
16 MS. TANNER: Present.
17 MS. TOMSKI: James Miller.
18 MR. MILLER: Present.
19 MR. FRITZ: Very good.
20 And, again, before we get started, I'll ask
21 for a motion for the approval of our minutes of
22 our December 5th, 2024 meeting.
23 MR. MILLER: So moved.
24 MS. TANNER: Second.
25 MR. FRITZ: It's been moved and seconded, and

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1 the minutes are approved.
2 Before we get started, there are only four of
3 us here today, not five, and you deserve a full
4 compliment of our Board, if you want. But if you
5 want to go forward, then you live with the
6 decision of the four as opposed to the five, and
7 that could potentially change the position of the
8 Board if -- perhaps. So just so you know that.
9 The format is going to be as follows: We'll
10 call your case and you come up and tell us why you
11 want your variance, give us your reasons. And
12 then the City will give us their position on the
13 matter. And then if there is anybody out in the
14 audience, which I don't see, they would have a
15 chance to talk and say their piece. And then, of
16 course, the Board can ask questions, and we'll
17 move on to making a decision.
18 And seeing that we have no old business, we'll
19 go to new business, which is Case Number 2025-1,
20 Randy Lawhorn, 115 Fremont Street, Elyria, Ohio
21 44035, requesting a variance from Sections
22 1149.03(a) and 1137.15(c) of the Elyria Codified
23 Ordinances. A 6 foot high wooden fence was
24 proposed to be constructed on a recently
25 discovered vacant lot. An accessory structure may

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1 not be built on a vacant lot without first having
2 a principal structure. An 8 foot high by
3 approximately 43.32 feet section of wood privacy
4 fence is constructed on the corner lot adjacent to
5 a portion of the City right-of-way on Lorain
6 Boulevard. A front yard fence shall be no more
7 than 4 feet in height and shall be open 50
8 percent.
9 I believe that you're Mr. Lawhorn.
10 Okay. If you'd go over to the podium.
11 Mr. Lawhorn, before you get started, I want
12 you to raise your hand. I have to swear you in
13 for this meeting.
14 (Witness sworn)
15 MR. FRITZ: So why do you want a variance?
16 MR. LAWHORN: I would like to put my fence up.
17 And I didn't realize that this was in the front
18 yard. I went through all the process that I was
19 told to be able to put a fence up, which was to
20 consolidate my lot, so on. Did all that. Did not
21 know there was a property line variance or
22 whatever all that means, that it was laid out a
23 hundred years ago that split a piece of property
24 into a smaller section of property until all this
25 was done and I applied for a permit.

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1 And I would like to have the fence up mainly
2 because of all the noise and the trash that
3 accumulates in that area. I've been maintenancing
4 the area, cleaning the trash up for now on 40
5 years, trying to make the place nice. It would
6 just be a lot nicer, easier for me to maintain the
7 piece of property and the outlook of our City
8 street if I was to be able to put this fence up
9 and a flower bed, which is what I was planning on
10 doing, to make it easier and less complicated just
11 to take care of it and maintain the area.
12 And the fence for the noise and to keep people
13 from using my yard as a thruway to wherever they
14 feel like going.
15 MR. FRITZ: All right. Anything else?
16 MR. LAWHORN: No, not really other than that.
17 I mean, I already put a bunch of money and effort
18 into it, and I would be out substantially for the
19 surveying and everything if I, you know, have to
20 get rid of it or whatever.
21 MR. FRITZ: Okay. Thank you.
22 Mr. Farkas, City of Elyria.
23 MR. FARKAS: Mr. Chair, thank you. Through
24 you. The current zoning of this site is zoned
25 Residential-Two Household District, the

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1 requirements of which are found in Chapter 1148 of
2 the Codified Ordinance. That section defers to
3 fences under 1137.15.
4 For a little back story: This permit was
5 issued in '23, but was recently revoked due to a
6 call received for a fence being installed on a
7 corner lot in excess of 6 feet high. The
8 inspectors went out to the site and measured it at
9 8 feet high due to grade and contouring of the
10 land.
11 We subsequently had a meeting with
12 Mr. Lawhorn, very cooperative, understood the
13 situation ultimately and the reason of revoking it
14 and how it triggered a variance. Because this is
15 a unique site. It does about a corner lot on
16 Lorain Boulevard and Fremont. Some of the parcels
17 located adjacent to Lorain Boulevard are City
18 owned and, in essence, buffer him from the
19 right-of-way, which means it's not really abutting
20 a corner lot. But one section is, and that is
21 called out on my letter of a section of about 43
22 feet of fence.
23 I do have a copy of the map if the Board
24 wishes to see the area in question. If I can
25 approach and let you guys know.

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1 MR. FRITZ: Please.
2 (Discussion between Mr. Farkas and Council)
3 MR. FRITZ: Mr. Farkas, other than that little
4 pow-wow that we had back here, is there anything
5 else that you wish to advise us on from the City?
6 MR. FARKAS: That is all, Mr. Chair. Thank
7 you.
8 MR. FRITZ: Thank you.
9 I took a ride over there today. You might
10 have noticed a car in your driveway. That was me.
11 MR. LAWHORN: I was wondering, so, yeah.
12 MR. FRITZ: Did you -- are your lots combined?
13 MR. LAWHORN: Yes.
14 MR. FRITZ: They are combined?
15 MR. LAWHORN: Yes.
16 MR. FRITZ: So there was something in our
17 paperwork that indicated that it hasn't been
18 combined.
19 MR. LAWHORN: I have it all in where I put
20 in --
21 MR. FRITZ: That's what I thought. Okay.
22 MR. LAWHORN: There's a legal description
23 explaining the piece --
24 MR. FRITZ: Yeah.
25 MR. LAWHORN: -- that's supposed to --

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1 MR. FRITZ: Okay. I don't know. I read
2 somewhere I thought that you said it was a vacant
3 lot that was not part of your joined properties.
4 Because you own about three properties over
5 there; right? Three --
6 MR. LAWHORN: Yeah, three in that section,
7 yes.
8 MR. FRITZ: Okay. Anybody else from the Board
9 have any questions?
10 All right. Well, let's go through our
11 factors.
12 And, again, you have a lot of sandstone that
13 you have ready there in preparation to finish the
14 one that you started?
15 MR. LAWHORN: Mm-hmm.
16 MR. FRITZ: And what's up there now is based
17 on the erroneous approval of the permit by the
18 City back a year or two ago?
19 MR. LAWHORN: Yes.
20 MR. FRITZ: Okay. I just wanted to get that
21 straight.
22 Anybody else? Any questions from the Board?
23 Okay. Let's go through the factors: Whether
24 special conditions and circumstances exist that
25 are particular to this land or structure involved

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1 which are not applicable generally to other lands,
 2 structures of the same in the zoning district.
 3 I would say the answer to that is yes. I've
 4 gone over there. The contour of the land, it
 5 would really look like a weird fence.
 6 Because you're trying to keep it all level
 7 with that backside, too; right?
 8 MR. LAWHORN: Yes, straight across.
 9 MR. FRITZ: Okay. So does everybody agree?
 10 MR. MILLER: Yes.
 11 MS. TANNER: Agree.
 12 MS. SADOWSKI: Yes.
 13 MR. FRITZ: Okay. Second: Whether the
 14 property in question will yield a reasonable
 15 return or whether there could be any beneficial
 16 use of the property without the variance.
 17 I think that's kind of a yes and no. It's a
 18 nice -- it's not a junky fence. From all my
 19 observations, looks pretty good. However, I
 20 imagine if you didn't have the fence there, you
 21 could still use your property.
 22 Does everybody agree?
 23 MR. MILLER: Agree.
 24 MS. TANNER: Agree.
 25 MS. SADOWSKI: Agree.

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1 MR. FRITZ: All right. Third one: Whether
 2 the variance is substantial and is the minimum
 3 necessary to make possible the reasonable use of
 4 the land or structures.
 5 Again, unique property. The street that it's
 6 so-called front yard, there's really not much on
 7 the other side, if I recall, when I was over
 8 there, I mean, across the street on Lorain
 9 Boulevard.
 10 MR. FARKAS: Mr. Chair, through you.
 11 There is some vacant parcels, but there is a
 12 home to the northeast.
 13 MR. FRITZ: Okay. And were there any adjacent
 14 properties, Madam Secretary, that were not City
 15 owned that you had to inform?
 16 MS. TOMSKI: There was. And they were sent
 17 out, and I did not hear back from anybody.
 18 MR. FRITZ: Okay. Thank you very much.
 19 And I think that answer to that would probably
 20 support this person's variance request.
 21 Does everybody agree?
 22 MR. MILLER: Agree.
 23 MS. TANNER: Agree.
 24 MS. SADOWSKI: Agree.
 25 MR. FRITZ: Number four: Whether the

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1 essential character of the neighborhood would be
 2 substantially altered or whether adjoining
 3 properties would suffer a substantial detriment as
 4 a result of the variance.
 5 Obviously, the answer is no, other than the
 6 City, and who cares about the City; right?
 7 Just joking.
 8 Does everybody agree?
 9 MR. MILLER: Agree.
 10 MS. TANNER: Agree.
 11 MS. SADOWSKI: Agree.
 12 MR. FRITZ: Okay. Again, I understand that
 13 that encroachment -- I get it. Thank you.
 14 Five: Whether the variance would adversely
 15 affect the delivery of governmental services such
 16 as water, sewer, trash pickup.
 17 Answer: No.
 18 Does everybody agree?
 19 MS. TANNER: Yes.
 20 MR. MILLER: Agree.
 21 MS. SADOWSKI: Agree.
 22 MR. FRITZ: Six: Whether the property owner
 23 purchased the property with knowledge of the
 24 zoning restrictions.
 25 Well, most people don't do that.

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1 How long have you owned the property?
 2 MR. LAWHORN: I've owned it now for probably
 3 seven years. It was given to me as a gift, so I
 4 didn't know anything about it other than the
 5 people who gave it to me. That's it.
 6 MR. FRITZ: That's pretty much standard, and
 7 that's okay.
 8 All right. Number seven: Whether special
 9 conditions and circumstances exist as a result of
 10 the actions of the owner.
 11 I would say that the answer to that is no;
 12 right? He didn't know anything.
 13 Does everybody agree?
 14 MR. MILLER: Agree.
 15 MS. TANNER: Agree.
 16 MS. SADOWSKI: Agree.
 17 MR. FRITZ: All right. We'll go to the eighth
 18 factor: Whether the property owner's predicament
 19 feasibly can be obviated through some other method
 20 other than the variance.
 21 For what he wants to do, I would believe he
 22 could not.
 23 Does everybody agree?
 24 MR. MILLER: Agree.
 25 MS. TANNER: Agree.

1 MS. SADOWSKI: Agree.
 2 MR. FRITZ: Number nine: Whether the spirit
 3 and intent behind our ordinances would do justice
 4 by granting the variance.
 5 Does everybody agree that the answer to that
 6 would be yes?
 7 MR. MILLER: Yes.
 8 MS. TANNER: Yes.
 9 MS. SADOWSKI: Yes.
 10 MR. FRITZ: Ten: Whether the granting of the
 11 variance requested will -- this is really blurry,
 12 so -- confer on the applicant any special
 13 privileges that would be denied by any other lands
 14 in the area.
 15 I think the answer to that would be no. It is
 16 a very strange, contoured level and unlevel area.
 17 Does everybody agree?
 18 MR. MILLER: Agree.
 19 MS. TANNER: Agree.
 20 MS. SADOWSKI: Agree.
 21 MR. FRITZ: And the last one: The variance
 22 sought is the minimum which can afford relief to
 23 this applicant.
 24 I believe the answer to that would be yes.
 25 Does everybody agree?

1 adjournment until our next ensuing meeting.
 2 MS. TANNER: I motion we adjourn.
 3 MR. MILLER: Second.
 4 MS. SADOWSKI: Second.
 5 MR. FRITZ: It's been -- everybody likes to do
 6 that one.
 7 We are so adjourned.
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1 MR. MILLER: Agree.
 2 MS. TANNER: Agree.
 3 MS. SADOWSKI: Agree.
 4 MR. FRITZ: All right. At this time, the
 5 Chair will consider a motion on Case Number
 6 2025-1, Randy Lawhorn, 115 Fremont Street, Elyria,
 7 Ohio 44035.
 8 MR. MILLER: I move that we grant the
 9 variance.
 10 MS. SADOWSKI: Second.
 11 MR. FRITZ: It's been moved and seconded that
 12 we grant the variance in Case Number 2025-1.
 13 All in favor, say aye.
 14 MS. TANNER: Aye.
 15 MR. MILLER: Aye.
 16 MS. SADOWSKI: Aye.
 17 MR. FRITZ: Aye.
 18 Those opposed.
 19 The ayes have it. Your variance is granted,
 20 and you will get a letter in the next couple of
 21 days.
 22 MR. LAWHORN: Okay.
 23 MR. FRITZ: All right. And seeing as though
 24 there is nothing else on our agenda, and it is
 25 about 3:15, I will now consider a motion for

1 C E R T I F I C A T E
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 3 The State of Ohio,)
 4 County of Erie.) SS:
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 6 I, Mary A. Hammond, a Court Reporter and Notary
 7 Public within and for the State of Ohio, do hereby
 8 certify that I transcribed the foregoing meeting from
 9 digital media, wrote the same in stenotype, and that
 10 this is a true and correct transcript of my stenotype
 11 notes.
 12 I do further certify that I am not a relative,
 13 employee of, or attorney for any of the parties or
 14 otherwise interested in the outcome of this action.
 15 I am not, nor is the court reporting firm with
 16 which I am affiliated, under a contract as defined in
 17 Civil Rule 28(D).
 18 In WITNESS WHEREOF, I have hereunto set my hand
 19 and affixed my seal of office at Berlin Heights, Ohio,
 20 this 8th day of January, 2025.
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Mary A. Hammond

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