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CITY OF ELYRIA, BOARD OF ZONING APPEALS
Meeting, held at Elyria City Hall, 131 Court Street,
2nd Floor Council Chambers, Elyria, Ohio, on Thursday,
February 6, 2025, at 3:03 p.m.

BOARD OF ZONING APPEALS MEMBERS PRESENT:

- Joel Fritz Chairman
- Timothy Golden Member
- Julianne Sadowski Member
- Ann Tanner Member

ALSO PRESENT:

- Darryl Farkas Official Building Inspector
- Chris Schoenig City Planner
- Mark Craig Administrative Legal Counsel
- Mary Tomski Secretary

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PROCEEDINGS

MR. FRITZ: Okay, everybody. It's about three minutes after 3:00 here at City Hall. This is an Elyria Board of Zoning Appeals meeting. We are at 131 Court Street, 2nd Floor Council Chambers. It is February 6, Thursday, 2025.

And at this time, the Chair will ask Madam Secretary to call the order.

MS. TOMSKI: Joel Fritz.

MR. FRITZ: Present.

MS. TOMSKI: Timothy Golden.

MR. GOLDEN: Present.

MS. TOMSKI: Julianne Sadowski.

MS. SADOWSKI: Present.

MS. TOMSKI: Ann Tanner.

MS. TANNER: Present.

MS. TOMSKI: James Miller.

MR. FRITZ: He's excused.

And then at this time, the Chair will entertain approval of our minutes of January 2nd, 2024.

MS. TANNER: I motion we approve the minutes.

MR. GOLDEN: I second that.

MR. FRITZ: It's been moved and seconded that we approve the minutes of January 2nd, 2024. All

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in favor, say aye.

MR. GOLDEN: Aye.

MS. SADOWSKI: Aye.

MS. TANNER: Aye.

MR. FRITZ: Aye.

The ayes have it, and the minutes are approved.

Before we started -- before we start today, I just want to let everybody know that we have a five-member board. There are only four of us here. We do have a quorum, so we can go forward, however, if you wish to pass your case until we have a full compliment here of our board -- and we meet the first Tuesday of every month -- you may do so. If you wish to go forward, you live with the decision.

I don't know whether that decision would be different if there was one other person here or not, but, certainly, it is up to you.

So if you'd like to go forward, that's fine. And if not, we will gladly pass your case to the next ensuing meeting.

So our case presentation format is we'll call your case, you'll come up here and ask us why or that you -- you request, why you want this

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variance, what the reasonings are.

We'll ask the City to give us their two cents on the matter and whether they think this is a good idea to give you a variance.

There can be discussion from board members. There can be discussions from anybody in the audience, and, certainly, any questions that may arise, we will then ask you those.

Once we've done that, we'll vote on your request for a variance, and it will be either, you know, accepted or denied.

Seeing as that we have no old business, we will go to our new business, and the first case on our agenda for new business today is Case Number 2025-2, Ray McGinnis, 502 Vermont Road, Elyria, Ohio 44035, requesting a variance from Section 1144.03 of the Elyria Codified Ordinances. The site plan shows a proposed 12-by-20 shed located in the side yard. Zoning code states that the accessory structures shall be located in the rear yard only.

Is Mr. McGinnis here?

Okay. Why don't you come on up here.

Okay. If both of you are going to give us some testimony, I'm going to have both of you

1 raise your right hands.
 2 (Sworn)
 3 MR. FRITZ: Okay. So tell us why you want
 4 your variance.
 5 MRS. MCGINNIS: So I'm not sure if you're
 6 familiar with the area, but our house is on
 7 Vermont Road and it's a U-shaped road. Our house
 8 is the last home on Vermont before it turns into
 9 North Pasadena, so we have that whole U-shape.
 10 Our home actually faces Vermont. We consider our
 11 backyard --
 12 MR. MCGINNIS: Well, what you consider --
 13 MRS. MCGINNIS: -- behind -- you consider it
 14 our side yard, but it is actually on the backside
 15 of our home.
 16 There was previously an 8-by-10 shed there
 17 that was there when we purchased the home in 2011,
 18 and it was disintegrating. We have no basement.
 19 We have no real attic space or any additional
 20 storage, so the 12-by-20 shed would accommodate
 21 those needs for us.
 22 And I did submit a list of signatures from all
 23 of the neighbors in the area, along with their
 24 parcel numbers.
 25 MR. FRITZ: Okay. Anything else that you'd

1 the Chair.
 2 The property located at 502 Vermont Road is
 3 zoned R-MD, Residential-Medium Density, the
 4 requirements of which are found in Chapter 1144 of
 5 the Elyria Codified Ordinances.
 6 The site plan provided by the applicant shows
 7 a proposed 12-by-20 shed located in the side yard
 8 as defined in Elyria Codified Ordinance
 9 Section 1125.117.
 10 A variance request here is needed from
 11 ECO 1144.03, Permitted Accessory Uses, and they
 12 are as follows: "Any use customary and incidental
 13 to the permitted use. The home occupations as
 14 regulated in Section 1137.11. C, signs as
 15 regulated in Chapter 1174.
 16 "Accessory uses other than signs and fences
 17 shall be located in the rear yard only and located
 18 no closer than 3 feet from any lot line, 6 feet
 19 from any alley, and covering not more than 40
 20 percent of the required rear yard."
 21 MR. FRITZ: Very good. Thank you.
 22 And was I accurate in describing the question
 23 by Mr. McGinnis?
 24 MR. FARKAS: It was close. Mr. Chair, through
 25 you.

1 like to add?
 2 Mr. McGinnis, do you want to add anything?
 3 MR. MCGINNIS: Well, I was just wondering how
 4 the City can come up with that being our side yard
 5 and not our backyard when the house was facing one
 6 direction, even though our driveway is right there
 7 on North Pasadena side.
 8 MR. FRITZ: Well, there's probably a better
 9 technical definition, but basically any time
 10 you're on a corner lot, your side lot is your
 11 front lot.
 12 MR. MCGINNIS: So -- but there's no way I
 13 could have put my shed in my front yard because
 14 you guys would have denied that.
 15 MR. FRITZ: Technically, you are putting it in
 16 your front yard if you get this granted.
 17 MR. MCGINNIS: Oh, okay.
 18 MR. FRITZ: Okay. And I did -- I am familiar
 19 with the area. I toilet-papered a few houses
 20 about 50 years ago over that way.
 21 All right. Well, we have a new member here,
 22 Mr. Chris Schoenig. I believe Mr. Schoenig is
 23 going to give us the City's position on this
 24 matter.
 25 MR. SCHOENIG: All right. Thank you. Through

1 Mr. Schoenig, again, intro, he's filling in
 2 and definitely taking over the zoning --
 3 MR. FRITZ: Yes.
 4 MR. FARKAS: -- but we have reviewed these
 5 cases together, and the way the zoning code is
 6 defined, it specifically spells out specific
 7 requirements for front yard, side yard, and rear
 8 yard.
 9 When the home was built, of course, it was,
 10 you know, well before those new zoning regulations
 11 were implemented. It is, therefore, grandfathered
 12 in. Unfortunately, anything new they wish to
 13 build has to comply to that setback.
 14 The current location of the proposed shed is
 15 in the side yard based on the definition that
 16 Chris mentioned, and it does, unfortunately,
 17 require a variance. But based on the unique
 18 configuration of the lot and the lack of line of
 19 sight concerns, our review, we have no concerns.
 20 Thank you.
 21 MR. FRITZ: Thank you.
 22 Anybody have any questions? Board members?
 23 MR. GOLDEN: I just have one question. This
 24 is a Vermont address, and directly behind the
 25 Vermont address, the front of the house that I

1 believe is the front, would be the new shed.
 2 Wouldn't that be the rear yard?
 3 For Mr. Farkas or whomever.
 4 MRS. MCGINNIS: That's why we were confused.
 5 MR. FARKAS: Thank you, Mr. Chair, to
 6 Mr. Golden.
 7 Though the site has a address on one street,
 8 it has -- it actually abuts two streets which
 9 conforms to having two front yards, therefore,
 10 that delineation establishes the rear and side
 11 yard requirements.
 12 If it was a continual street that swept around
 13 and had one -- I would feel differently, but I
 14 understand your question. Hopefully that helped.
 15 MR. GOLDEN: Okay.
 16 MR. FARKAS: Based on the road, right.
 17 MRS. MCGINNIS: Because the -- it changes from
 18 Vermont to North Pasadena right there at our
 19 mailbox, is that how you're explaining it?
 20 MR. FARKAS: The way the definition -- any
 21 time a house abuts a street, that's the front
 22 yard. You have two different streets that you
 23 abut, therefore, you have two front yards.
 24 MR. MCGINNIS: Okay.
 25 MRS. MCGINNIS: All right.

1 receive any phone calls.
 2 MR. FRITZ: Thank you very much.
 3 In that case, the Chair will entertain a
 4 motion on Case Number 2025-2, Ray McGinnis,
 5 502 Vermont Road, Elyria, Ohio 44035.
 6 MS. SADOWSKI: I motion --
 7 MS. TANNER: Go ahead.
 8 MS. SADOWSKI: I move to approve the variance
 9 as requested.
 10 MS. TANNER: I second.
 11 MR. FRITZ: It's been moved and seconded that
 12 we approve the variance requested in Case Number
 13 2025-2. All in favor, say aye.
 14 MR. GOLDEN: Aye.
 15 MS. SADOWSKI: Aye.
 16 MS. TANNER: Aye.
 17 MR. FRITZ: Aye.
 18 Those opposed.
 19 The ayes have it.
 20 Your variance is granted. You'll get a letter
 21 in the mail in the next couple of days.
 22 MR. MCGINNIS: Now, I got one other question.
 23 MR. FRITZ: Sure.
 24 MR. MCGINNIS: Do I have to pay the money for
 25 the permit or does that go along with the

1 MS. TANNER: May I ask a question?
 2 MR. FRITZ: Sure.
 3 MS. TANNER: Is there any portion of their lot
 4 that is a rear yard?
 5 MR. FARKAS: Through you, Mr. Chair, to
 6 Mrs. Tanner.
 7 There is a small section based on definition
 8 that would leave a very small sliver in the
 9 northeast corner of the property, which is another
 10 thing we considered regards to the approval of
 11 this request.
 12 MS. TANNER: Okay. I was looking at the
 13 street map, and I just -- from where the current
 14 shed looks like it's placed, it just doesn't look
 15 like there would be any rear yard.
 16 MR. FARKAS: Based on our current code, and
 17 that's why it's so unique, it leaves very little
 18 room for an actual rear yard, and that's their
 19 hardship.
 20 MR. FRITZ: Okay. Anybody else have any
 21 questions?
 22 MS. TANNER: Nope.
 23 MR. FRITZ: Madam Secretary, were the
 24 adjoining property owners mailed out any notices?
 25 MS. TOMSKI: Yes, they were, and I did not

1 variance?
 2 MR. FRITZ: No, just the hundred dollars to
 3 each one of us. I'm just kidding.
 4 MRS. MCGINNIS: We just weren't clear if --
 5 because we had to do the variance because the
 6 permit was denied.
 7 MR. FRITZ: No, you already paid -- they
 8 already paid for the permit.
 9 MRS. MCGINNIS: Okay. Please don't send me a
 10 bill because the City of Lorain just made me pay
 11 court costs.
 12 MR. FARKAS: Mr. Chair, through you.
 13 The variance process is independent from the
 14 actual application submittal.
 15 MR. FRITZ: Right.
 16 MR. FARKAS: So there were two fees due.
 17 We probably didn't charge you for the shed fee
 18 because we didn't know what the results would be
 19 here.
 20 MRS. MCGINNIS: Okay.
 21 MR. FARKAS: Now that this is going to go
 22 through, we now have to take care of the back end
 23 and get your shed permit issued.
 24 MRS. MCGINNIS: Okay.
 25 MR. MCGINNIS: And it's 75; right?

1 MS. TOMSKI: After the meeting or possibly
 2 even tomorrow morning, I can give you a call, and
 3 if you like, you can pay over the phone.
 4 If you'd like to stop down there now while you
 5 are here, I can send a message to the secretary
 6 that's down there and let her know that you're
 7 going to be coming to -- and I'll let her know I
 8 have the permit application because I have your
 9 file here.
 10 So you can either do it now or I can call you
 11 tomorrow morning and you can do it over the phone.
 12 MRS. MCGINNIS: Give us a call tomorrow.
 13 MR. MCGINNIS: Yeah, you'll be talking to her
 14 then.
 15 MS. TOMSKI: It is \$70.70.
 16 MRS. MCGINNIS: Okay.
 17 MS. TOMSKI: Okay?
 18 I'll give you a call in the morning.
 19 MRS. MCGINNIS: Okay. Perfect.
 20 MR. MCGINNIS: All right. Thank you.
 21 MR. FRITZ: Thanks, folks.
 22 MR. MCGINNIS: Thank you.
 23 MS. TOMSKI: Thank you.
 24 MR. FRITZ: Okay. Moving on to our next case
 25 in the agenda, Case Number 2025-3, Schramm Signs,

1 City regulations, if you have a building or area
 2 with two road frontages, they'll let you have
 3 another sign.
 4 But this is in this particular area, so we're
 5 asking for that variance for a request to help out
 6 with the parking and stuff. And they're both
 7 non-illuminated.
 8 MR. FRITZ: Thank you.
 9 Mr. Schoenig, City.
 10 MR. SCHOENIG: Thank you, through the Chair.
 11 The property that we're looking at here,
 12 318 West Avenue, is zoned Residential-Medium
 13 Density, site requirements of which can be found
 14 in Chapter 1174.07.
 15 The applicant is requesting the installation
 16 of two wall signs on the property. One wall sign
 17 is to be installed on the northern facade of the
 18 structure and the second is to be placed on the
 19 southern facade.
 20 Signs within residential districts are limited
 21 to one per property per Chapter 1174.07, Part
 22 (B)(2)(a). Applicant is indicating, as stated,
 23 the two wall signs on the property. Thank you.
 24 MR. FRITZ: Thank you.
 25 Are there any questions from any board

1 41431 Schadden Road, Elyria, Ohio for the YWCA,
 2 located at 318 West Avenue, Elyria, Ohio 44035,
 3 requesting a variance from Section 1174.07
 4 (B)(2)(a) of the Elyria Codified Ordinances for
 5 the installation of additional signing on the
 6 building.
 7 Mr. Schramm --
 8 MR. SCHRAMM: Yes, sir.
 9 MR. FRITZ: -- do you want to raise your right
 10 hand?
 11 (Sworn)
 12 MR. FRITZ: Thank you. Go ahead.
 13 MR. SCHRAMM: Dean Schramm, 41431 Schadden
 14 Road, Elyria, Ohio. I put the application in for
 15 the YWCA. We're allowed to have one sign in this
 16 particular area to advertise for that, and this
 17 sign is a non-illuminated sign, which you'll see
 18 in the big, tall pillar. But they have parking on
 19 that north side of the building, all along that
 20 building, and a lot of people come in on that
 21 alleyway there. And so our proposal was to add a
 22 little 3 foot by 6 foot sign to let them know this
 23 is the proper building.
 24 They have a lot of problems with people
 25 finding the location, and that's why in the normal

1 members?
 2 I thought I might have had one, but if not,
 3 we'll go to the factors.
 4 Does everybody agree that all 11 factors that
 5 we must consider would inevitably go in favor of
 6 the granting of this variance?
 7 MS. TANNER: Yes.
 8 MS. SADOWSKI: Yes.
 9 MR. FRITZ: Then this Chair will entertain a
 10 motion on Case Number 2025-3, Schramm Signs, 41431
 11 Schadden Road, Elyria, Ohio, for the YWCA, that
 12 second sign located at 318 West Avenue, Elyria,
 13 Ohio 44035.
 14 MR. GOLDEN: Mr. Chairman, I'll make that
 15 motion to approve this request for a variance.
 16 MS. TANNER: I'll second.
 17 MR. FRITZ: It's been moved and seconded that
 18 we grant the variance in Case Number 2025-3. All
 19 in favor, say aye.
 20 MR. GOLDEN: Aye.
 21 MS. SADOWSKI: Aye.
 22 MS. TANNER: Aye.
 23 MR. FRITZ: Aye.
 24 Those opposed.
 25 The ayes have it. The variance is granted.

1 You'll get a letter in the next couple of
 2 days.
 3 MR. SCHRAMM: Thank you very much.
 4 MR. FRITZ: And while you're at it, go over
 5 and take a look at 424 Middle Avenue. I sure
 6 would love to have a sign on that building.
 7 MR. SCHRAMM: 424?
 8 MR. FRITZ: Yeah.
 9 MR. SCHRAMM: I'll go right now.
 10 MR. FRITZ: Preferably a lighted one facing
 11 north and south.
 12 Okay. So it is about 3:21, according to the
 13 clock here, and the Chair will entertain a motion
 14 to adjourn until our next ensuing meeting.
 15 MR. GOLDEN: Mr. Chairman, prior to making
 16 that motion, I just want to make the board aware
 17 that next month, March, I will not be in town.
 18 MR. FRITZ: Did you get that, Mary?
 19 Mr. Golden will not be in town, nor will I. I
 20 can -- I could --
 21 MS. TOMSKI: Jim either.
 22 MR. FRITZ: Well, Jim won't be here either. I
 23 could appear by Zoom, but that's probably -- we
 24 might have to just skip March, because they'll be
 25 three of us that can't make it.

1 MS. TOMSKI: Okay.
 2 MR. FRITZ: Thanks.
 3 All in favor of --
 4 MS. TANNER: I motion to adjourn.
 5 MR. FRITZ: Okay. We're adjourned.
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1 C E R T I F I C A T E
 2
 3 The State of Ohio,)
 4 County of Erie.) SS:
 5
 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
 13 I do further certify that I am not a relative,
 14 employee of, or attorney for any of the parties or
 15 otherwise interested in the outcome of this action.
 16
 17 I am not, nor is the court reporting firm with
 18 which I am affiliated, under a contract as defined in
 19 Civil Rule 28(D).
 20
 21 In WITNESS WHEREOF, I have hereunto set my hand
 22 and affixed my seal of office at Berlin Heights, Ohio,
 23 this 26th day of February, 2025.
 24
 25

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