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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 April 3, 2025, at 3:03 p.m.
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9

10 BOARD OF ZONING APPEALS MEMBERS PRESENT:

- 11 Joel Fritz Chairman
- 12 Timothy Golden Member
- 13 James Miller Member
- 14 Ann Tanner Member
- 15
- 16 ALSO PRESENT:
- 17 Darryl Farkas Official Building
Inspector
- 18
- 19 Chris Schoenig City Planner
- 20 Mark Craig Administrative Legal
Counsel
- 21 Mary Tomski Secretary
- 22
- 23 ---
24
25

1 be a difference, but that's up to you. If you
2 want to pass to make sure we have five people and
3 come back next month, you can do that as well.
4 Either way, we're fine with it. We won't hold it
5 against you if you want to wait until we have all
6 five of us.

7 So after having said that, the Chair will
8 entertain a motion for approval of our minutes
9 from the February 6th meeting.

10 MR. MILLER: So moved.

11 MR. FRITZ: And it is granted.

12 So we will go to our presentation format.

13 So when we call your case, we'll ask you to
14 come up and make sure that you can speak clearly
15 so the court reporter can take down what you have
16 to say, give us your reasons why you would like to
17 have your variance approved.

18 After you present your case to us, we will ask
19 the City what their position is on that matter,
20 and then we may have some questions. There may be
21 people in the audience that might want to ask some
22 questions. And after that, we'll put your
23 variance request to a vote.

24 Having said that, and seeing that there is no
25 old business, we will move on to new business.

1 PROCEEDINGS

2 MR. FRITZ: Okay. Let's -- sorry about that,
3 folks. We're going to call this meeting to order.
4 It is Thursday, April 3rd, 2025 here at the City
5 of Elyria Board of Zoning Appeals, Elyria City
6 Hall, 131 Court Street, 2nd Floor in Council
7 chambers.

8 It's about 3:03 on the clock, and I will ask
9 Madam Secretary to call the roll.

10 MS. TOMSKI: Joel Fritz.

11 MR. FRITZ: Present.

12 MS. TOMSKI: Timothy Golden.

13 MR. GOLDEN: Present.

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 to let all you folks know that we don't have a
22 full compliment of our Board. You have the
23 opportunity to go forward today and you live with
24 the results that the four of us, instead of five
25 of us make. It could be a difference, it may not

1 The first case is Case Number 2025-4,
2 Andrew -- is it Scina?

3 MR. SCINA: Nailed it.

4 MR. FRITZ: Oh, thank you.

5 MR. SCINA: Thank you.

6 MR. FRITZ: 319 Pheasant Run, Elyria, Ohio
7 44035, requesting a variance from Section 1175.03
8 of the Elyria Codified Ordinances. A driveway is
9 proposed to be installed that exceeds the
10 one-third front yard lot coverage. The proposed
11 driveway is 42 percent and the maximum permitted
12 coverage is 3.33 percent.

13 Mr. Scina, if you'd like to come up.

14 (Sworn)

15 MR. FRITZ: Just make sure you speak clearly
16 into the microphone so everybody can hear you.

17 MR. SCINA: Absolutely.

18 Thank you all so much for your time today.
19 I'm requesting the variance you have before you
20 for my property at 319 Pheasant Run. My neighbors
21 expressed no objection to the extension in
22 question. The land in question is, otherwise,
23 useless and can be repurposed to increase the
24 accessibility issues we face today and we
25 anticipate very soon.

1 Some additional information. I was not able
2 to bring my aunt with me today because we parked
3 in the front of the building, and I wasn't able to
4 lift her over the concrete that was being poured.
5 I'm a strong guy, but not that strong.

6 My wife and I are the primary caregivers for
7 my aunt who has the primary mobility issues linked
8 to her disability. I also have a serious
9 disability, which is not really something that you
10 can see, unfortunately, but I do have a disability
11 placard and require mobility adjustments inside
12 the house and accessibility modifications as well
13 to my property.

14 I don't think I have anything else today. I'm
15 okay with the votes of the four of the five
16 members today. I do appreciate your time,
17 understanding, and consideration for my request.

18 MR. FRITZ: Thank you.

19 Mr. Farkas, City of Elyria, please.

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

21 The current zoning of the site is
22 Residential-Low Density District, the requirements
23 of which are found in Chapter 1142 of the Codified
24 Ordinance. That particular section defers to 1175
25 of the parking requirements which indicates that

1 parking spaces in the front yard shall not exceed
2 33 percent. The calculation completed indicates
3 at 42.

4 Would like to bring to the Board's attention
5 that historically we have approved similar
6 requests of this nature. Thank you.

7 MR. FRITZ: Thank you.

8 Does anybody on the Board have any questions
9 of this gentleman?

10 I'd just like to note that -- and there has
11 been times where we've even granted a little in
12 excess for people with disabilities, have we not?

13 So let's go through the factors real quick.

14 Does everybody believe that all of the
15 factors, the 11 that we have for the variance, all
16 of them would indicate a positive note in order to
17 grant this variance?

18 MR. GOLDEN: Mr. Chairman, if I may, the
19 factors that he filled out are for an area
20 variance --

21 MR. FRITZ: I noticed that.

22 I'm sorry. I didn't mean to -- I did notice
23 that and I was going to mention that.

24 MR. GOLDEN: That's fine.

25 MR. FRITZ: Even though they are probably the

1 wrong factors, we know what -- or not the wrong
2 factors, but the way it is written that --

3 MR. GOLDEN: Right. I have no problem with
4 that.

5 MR. FRITZ: -- it would still be in the -- in
6 favor of that.

7 So having said that, the Chair will entertain
8 a motion on Case No. 2025-4, Andrew Scina,
9 319 Pheasant Run in Elyria.

10 MR. MILLER: Mr. Chairman, I move that the
11 variance be granted.

12 MR. GOLDEN: I'd like to second that.

13 MR. FRITZ: It's been moved and seconded that
14 we approve Case No. 2025-4.

15 All in favor, say aye.

16 MR. GOLDEN: Aye.

17 MS. TANNER: Aye.

18 MR. MILLER: Aye.

19 MR. FRITZ: Aye.

20 Those opposed.

21 The ayes have it, and your variance is
22 granted. You'll get a letter in the mail in a
23 couple of days.

24 MR. SCINA: Thank you all so much. I
25 appreciate it. Have a wonderful rest of your day.

1 MR. FRITZ: You, too.

2 Okay. Next case, Case No. 2025-5,
3 Kelly Adkins, 114 River Run Drive, Elyria, Ohio
4 44035, requesting a variance from Section 1175.03
5 of the Elyria Codified Ordinances. Site plan
6 shows a proposed 4 foot by 29 section -- or, I'm
7 sorry -- of the driveway as an addition. The
8 addition will increase the concrete coverage to
9 44.99 percent, and the maximum allowed per the
10 City ordinance is one-third or 33.33.

11 Is Kelly Adkins here?

12 Going once.

13 Apparently -- Madam Secretary, did anyone call
14 for Mr. Adkins?

15 MS. TOMSKI: He's the one that I spoke to you
16 about. He called and said he couldn't make it
17 today.

18 MR. FRITZ: Okay. It is my understanding that
19 the City would still like us to go forward on this
20 issue?

21 MR. FARKAS: Mr. Chair, yes, as it is already
22 installed.

23 MR. FRITZ: Okay. Has this individual had an
24 opportunity to come before this Board before on
25 the same issue?

1 MS. TOMSKI: I don't know.
 2 MR. FRITZ: Okay.
 3 Well, let's put that to a vote. My personal
 4 opinion would be everybody has a right to a
 5 hearing and somewhat of a due process, even though
 6 we're in another setting, but I believe he has a
 7 right to have a hearing.
 8 And he called, did he not?
 9 MS. TOMSKI: He called.
 10 MR. FRITZ: Said he couldn't make it?
 11 MS. TOMSKI: Right.
 12 MR. FRITZ: Okay.
 13 It would be my personal view, but I will defer
 14 to the votes of the Board, that we pass this to
 15 next month.
 16 MR. GOLDEN: Mr. Chairman, I agree with you,
 17 and I also second that.
 18 MR. FRITZ: Okay. All in favor.
 19 MR. GOLDEN: Aye.
 20 MS. TANNER: Aye.
 21 MR. MILLER: Aye.
 22 MR. FRITZ: Aye.
 23 Those opposed.
 24 Let's pass this.
 25 I'm sorry, Mr. Farkas, but we just feel that

1 I took some of it down, and for some reason
 2 everybody thinks I just put up a fence. The fence
 3 has been there for 25 years. The buildings have
 4 been there for 25 years, except for one shed.
 5 I just want to repair the fence. The shed is
 6 going to disappear as soon as weather breaks and I
 7 can haul it away. But I just want to repair the
 8 fence that's there or replace it with something
 9 more solid. I was going -- I asked for a permit
 10 for a chain link fence, but then now this came up.
 11 MR. FRITZ: How long has the shed been there?
 12 MR. CROFTS: Five years.
 13 MR. FRITZ: Did you put it up?
 14 MR. CROFTS: Yeah. It was a kit.
 15 MR. FRITZ: Okay.
 16 MR. CROFTS: Just four walls and a roof, you
 17 know.
 18 MR. FRITZ: Okay. Anything further?
 19 MR. CROFTS: Huh?
 20 No, I just want to be able to put the fence
 21 back for security reasons really.
 22 MR. FRITZ: You say you're going to take down
 23 the shed at some point?
 24 MR. CROFTS: Yeah, within the next week or
 25 two.

1 he has a right to have a hearing. And, you know,
 2 if he has to chop off a couple percent now or
 3 later, it isn't going to really matter that much,
 4 I don't think.
 5 Okay. Moving on, our next case, Case
 6 No. 2025-6, Richard Crofts, 612 Middle Avenue,
 7 Elyria, Ohio 44035, requesting a variance from
 8 Section 1156.03 of the Elyria Codified Ordinances.
 9 A 6 foot high wooden fence and a shed is
 10 constructed on that site. And there were some
 11 prior approvals for a shed, it looks like. I'm
 12 trying to -- the way the sentence reads, I'm not
 13 sure. It's constructed on the site, though. And
 14 any accessory structure may not be built on a
 15 vacant lot without first having a principal
 16 structure for use.
 17 Is Mr. Crofts here?
 18 MR. CROFTS: Yes.
 19 MR. FRITZ: Mr. Crofts, would you step over to
 20 the podium, please.
 21 (Sworn)
 22 MR. FRITZ: Sir, tell us why you need a
 23 variance.
 24 MR. CROFTS: The wooden fence, the neighbor
 25 next-door complained that it was falling over. So

1 MR. FRITZ: Mr. Farkas, City of Elyria.
 2 MR. FARKAS: Thank you, Mr. Chair.
 3 The site is currently zoned
 4 Business-Neighborhood District, the requirements
 5 of which are found in Chapter 1156 of the Codified
 6 Ordinance. Very similar, that Section defers to
 7 the shed section of accessory uses. As we have
 8 had similar cases like this before for residential
 9 structures, this is more for commercial as it is
 10 in a B-N District.
 11 For some history for the Board's use, once
 12 upon a time, it did have a home on the property
 13 that was demolished years ago. The site also has
 14 a two-story garage that is also existing. Over
 15 the years, little sheds have popped up, fences
 16 have popped up which generated complaints which
 17 got the attention of one of our inspectors and we
 18 pursued some issues. It was an open flea market
 19 at one time. There was outside storage. It
 20 generated multiple concerns.
 21 From a perspective of the uses, we had
 22 indicated that, unfortunately, you lack a
 23 principal use, therefore, any accessory use
 24 require a variance.
 25 The detached garage is existing, and I don't

1 think has ceased use to my knowledge. I think it
2 was used for storage. To my knowledge, it hasn't
3 changed. But the exterior uses of where we are
4 now, there are multiple sheds, there was a fence,
5 as Mr. Crofts indicated, which led us to the point
6 now of requiring variances.

7 We do have other orders on this particular
8 property from a PMC standpoint. From the
9 building, we had some outside storage issues. We
10 had some vehicles that were parked on the property
11 which were now relocated to the neighbor's
12 property.

13 We're looking to resolve this case in a timely
14 manner. And regarding these accessory uses, as
15 the Board knows, I've shared my opinion of my
16 stance on these accessory uses on vacant lots
17 because it promotes where we are today.
18 Thank you.

19 MR. FRITZ: Sure.

20 But we're not here for the sheds today, right?

21 MR. FARKAS: We are here for the accessory
22 structure, fence, and shed.

23 MR. FRITZ: Okay. Any questions by Board
24 members?

25 MS. TANNER: Yes, just one.

1 The shed that is in question today, because
2 you said there's multiple, is that the one that's
3 been there for nine years?

4 MR. CROFTS: Say again.

5 MS. TANNER: The shed that the variance is
6 required for, how long has that been on the site?

7 MR. CROFTS: Well, that -- he has to tell you
8 which one it is. I don't know which one. There's
9 two. Actually, there's two garages and a shed.

10 The two garages have been there for a hundred
11 years. The shed's only been there five.

12 MR. FARKAS: Mr. Chair, through you.

13 For clarity, we don't agree with the five-year
14 scenario. We think it's much sooner. And
15 Mr. Crofts is deferring to two garages. That
16 really is a separate issue not before the Board,
17 but that second smaller garage was tore down,
18 reconstructed without approvals, and I gave grace
19 from a zoning code saying it was nonconforming,
20 but we still have to get compliance for its
21 construction, which we're still working towards
22 that method.

23 So the shed in question -- I wish the
24 inspector was here that was actually assigned the
25 case, he has more details to it.

1 Mr. Crofts, I can't recall the colors. Was
2 one orange-ish and the other green? Am I at the
3 right property?

4 MR. CROFTS: The orange-ish one is the one
5 that the neighbor complained about, but she called
6 it gold.

7 MR. FARKAS: I do believe both those sheds are
8 similar in size. I think it's irrelevant. Pick
9 one.

10 MR. FRITZ: No, I understand.

11 MR. FARKAS: Thank you.

12 MR. FRITZ: And then just for my own
13 clarification, you said one of the garages has
14 been there probably since the house was built
15 that's now demolished?

16 MR. FARKAS: Yes. Mr. Chair, the two-story
17 garage was on-site and utilized. And the
18 secondary garage on the same property was in such
19 bad condition, Mr. Crofts decided to demolish it
20 and rebuild it.

21 MR. FRITZ: Right.

22 And even though we aren't subject to that
23 today, the City is dealing with those issues
24 separately, correct?

25 MR. FARKAS: Yes.

1 MR. FRITZ: Okay. Anybody else with
2 questions?

3 MR. MILLER: Mr. Crofts, I -- just a simple
4 question: Do you live next-door to this site or
5 do you live somewhere else? Do you own the
6 property next door?

7 MR. CROFTS: I just own the property.

8 MR. MILLER: The one single lot, the one we're
9 talking about?

10 MR. CROFTS: The lot. I lived in the house
11 next-door. The lady sold the house, and I was
12 stuck with the property.

13 MR. MILLER: Okay.

14 MR. CROFTS: So I mean, it's not like I just
15 walked up and decided to do this.

16 MR. MILLER: Okay. But you don't --

17 MR. CROFTS: I got stuck with it, now I can't
18 do anything with it. And every time I turn
19 around, there's a variant or a permit or
20 something, so I'm trying to get a variant so I can
21 put the fence back up and I can store my stuff in
22 there until I can get something built up front.

23 MR. MILLER: Okay.

24 MR. CROFTS: They want a primary building. I
25 want to build one, but at this time, financially,

1 I can't do it. So I can't do it swiftly enough.

2 MR. MILLER: I understand. I was just trying
3 to, I guess, get some more detail as to why you're
4 at this lot on Middle Avenue. You used to live
5 next-door and then she sold the property.

6 MR. CROFTS: I wanted to purchase the house
7 next-door and lot and put them together to make
8 one lot. Well, I had an agreement with the lady
9 that had the house. Then she decided, no, I got
10 to get out of all of these rentals or whatever and
11 sold it out from underneath me. I had 30 days to
12 get out, and I'm stuck with property.

13 MR. MILLER: Okay.

14 MR. CROFTS: I mean, it's not like I just went
15 out and bought it just for the heck of it. I had
16 something else planned and it fell through.

17 MR. MILLER: Gotcha.

18 MR. CROFTS: So I'm just looking for a variant
19 so that I can use the property for my storage, for
20 my use, and put the fence back up. That's it.

21 MR. FRITZ: Just for my clarification, you're
22 living or renting next-door, but you had purchased
23 that lot in hopes that you were also going to then
24 purchase the house from the lady?

25 MR. CROFTS: Yeah.

1 MR. FRITZ: How long did you own that lot
2 before she sold the house?

3 MR. CROFTS: Five years.

4 MR. FRITZ: Okay. Anybody after that?

5 Okay. Madam Secretary, the adjacent land
6 owners --

7 MS. TOMSKI: They were notified, and I did not
8 hear back from anybody.

9 MR. FRITZ: Okay.

10 All right, folks. Well, does anybody else
11 have anything to add with regard to this one?
12 City, anything else to add?

13 MR. FARKAS: Mr. Chair, through you.

14 I've had multiple conversations with
15 Mr. Crofts over the many years actually regarding
16 this topic, and he's correct, he intended to build
17 a business on the front half to support his, at
18 the time -- I don't know if he's still in it --
19 his repair. He likes to tinker and do things
20 around -- fix things for people. That intent was,
21 at the time to do that structure years ago, never
22 came to pass.

23 I had then offered come to the Board, seek
24 relief to have that accessory use of outside
25 storage that accommodates all the materials that

1 he has. My conversation with him was the house
2 next-door that he once owned, sold it, and then
3 came back, but I don't think he's living in it
4 now. He may live elsewhere. So I'm not quite
5 sure if he owns that property.

6 MR. FRITZ: Gotcha.

7 Well, folks, let's go through the factors.

8 Number 1, that this property cannot be put to
9 any economically viable use under any kind of
10 permitted uses in the code.

11 And would everybody agree with me that that's
12 correct?

13 MR. GOLDEN: Yes.

14 MS. TANNER: Yes.

15 MR. MILLER: Yes.

16 MR. FRITZ: He probably can't do anything;
17 okay?

18 2, this variance request, does it stem from a
19 condition which is unique to the property at issue
20 and not ordinarily found in the same zoning or
21 district.

22 I would say it's probably more unique to
23 Mr. Crofts, not so much the other way around.

24 Does everybody agree?

25 MR. GOLDEN: Yes.

1 MS. TANNER: Agree.

2 MR. MILLER: Yes.

3 MR. FRITZ: Okay.

4 Number 3, that the hardship condition is not
5 created by actions of the applicant.

6 Well, if you take into all of the factors,
7 just because he wasn't financially able at the
8 time, I would imagine if he were to outbid the
9 other seller, he might have been able to buy the
10 house or whatever, so I would believe that it was
11 not created. There was a hardship that was
12 actually created probably by the applicant.

13 Does everybody agree?

14 MR. GOLDEN: Yes.

15 MS. TANNER: Yes.

16 MR. MILLER: Yes.

17 MR. FRITZ: Okay.

18 Number 4, granting the variance will not
19 adversely affect the rights of the adjacent
20 property owners.

21 Well, when you do something like this, it
22 affects everybody else because then they come and
23 say, well, I want to do that.

24 And does everybody agree with that?

25 MR. GOLDEN: Yes.

1 MS. TANNER: Yes.
 2 MR. MILLER: Yes.
 3 MR. FRITZ: Okay.
 4 Number 5, the granting of the variance -- oh,
 5 we already went through that. I apologize.
 6 6, the variance will be consistent with the
 7 general spirit and intent of the zoning code.
 8 We have historically, I believe, and I can't
 9 recall ever granting a use on a property that
 10 doesn't have a principal primary structure. I do
 11 not believe we've been able to do that.
 12 Is that correct? Does everybody agree?
 13 MR. GOLDEN: Agreed.
 14 MS. TANNER: Yes.
 15 MR. MILLER: Yes.
 16 MR. FRITZ: Okay.
 17 7, the variance sought is the minimum which
 18 will afford relief to the applicant.
 19 Well, actually what he's asking for, I can
 20 understand he wants to replace a fence that was
 21 all beat up or whatever, so I would imagine that
 22 would be the minimum for him.
 23 Does everybody agree?
 24 MR. GOLDEN: Agreed.
 25 MS. TANNER: Yes.

1 MR. MILLER: Yes.
 2 MR. FRITZ: Okay.
 3 And we ran out of the other three, but, I
 4 mean, this is -- you know, one of the questions in
 5 one of factors that we have to consider is any
 6 governmental provisions that, you know, provide
 7 sewer, trash, would that be affected, I would say
 8 it would not.
 9 Does everybody agree with that?
 10 MR. GOLDEN: Agree.
 11 MS. TANNER: Agree.
 12 MR. MILLER: Agree.
 13 MR. FRITZ: And is this the minimum -- you
 14 know, is he only asking for the minimum
 15 requirement to get this done?
 16 I believe the answer to that is yes; correct?
 17 MR. GOLDEN: Yes.
 18 MS. TANNER: Yes.
 19 MR. MILLER: Yes.
 20 MR. FRITZ: Okay.
 21 And having said that and gone over the
 22 factors, the Chair will entertain a motion on
 23 Case No. 2025-6, Richard Crofts, 612 Middle
 24 Avenue, Elyria, Ohio.
 25 MR. GOLDEN: Mr. Chairman, I'd like to make a

1 motion to deny the applicant's request to replace
 2 the fence and to do the shed that he wishes to do.
 3 MR. MILLER: I second the motion.
 4 MR. FRITZ: It's been moved and seconded that
 5 we deny Case No. 2025-6, Richard Crofts.
 6 All in favor, say aye.
 7 MR. GOLDEN: Aye.
 8 MS. TANNER: Aye.
 9 MR. MILLER: Aye.
 10 MR. FRITZ: Aye.
 11 Those opposed.
 12 The ayes do have it, sir. I'm sorry, but your
 13 variance is denied.
 14 MR. CROFTS: Okay.
 15 MR. FRITZ: All right. Seeing as it's about
 16 3:25 now, the Chair will entertain a motion to
 17 continue this meeting to our next ensuing meeting.
 18 MR. GOLDEN: So moved.
 19 MR. FRITZ: All right. Thank you, everybody.
 20 MR. CRAIG: Point of order, Mr. Chairman. Are
 21 you continuing the meeting or are you adjourning?
 22 MR. FRITZ: No, we adjourned.
 23 I'm sorry. We adjourned until our next
 24 ensuing meeting. That's what I meant. Thank you.
 25

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 attended the foregoing meeting, wrote
 9 the same in stenotype, and that this is a true and
 10 correct transcript of my stenotype notes.
 11
 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
 16 I am not, nor is the court reporting firm with
 17 which I am affiliated, under a contract as defined in
 18 Civil Rule 28(D).
 19
 20 In WITNESS WHEREOF, I have hereunto set my hand
 21 and affixed my seal of office at Berlin Heights, Ohio,
 22 this 24th day of April, 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