

**ZONING BOARD OF APPEALS  
MINUTES**

**DATE: July 7, 2021  
TIME: 9:00 a.m.  
PLACE: Council Chambers**

**Mr. Soto: Good morning, everyone. I'd like to call the Zoning Board of Appeals Meeting to order. If I can ask the audience, if you have cell phones please place them on silent. Let's start with roll call. Actually, let me back up. Today's date is actually Wednesday July 7<sup>th</sup>, time is 9:06am, and can we please have roll call. Mr. Kramer?**

**Mr. Kramer: Present.**

**Mr. Soto: Mr. Patterson?**

**Mr. Patterson: Present.**

**Mr. Soto: Mr. Nardini?**

**Mr. Nardini: Here.**

**Mr. Soto: Assistant Chief Neal?**

**Assistant Chief Neal: Here.**

**Mr. Soto: Mr. Crawford?**

**Mr. Crawford: Here.**

**Mr. Soto: And I, myself Mr. Soto, is present. As for disposition of minutes from previous zone, everybody had a chance to read the minutes—previous minutes? Can I have a motion for approval?**

**Mr. Patterson: Move.**

**Mr. Kramer: Support.**

**Mr. Soto: Moved by Mr. Patterson supported by Mr. Kramer. All those in favor?**

**All: Aye.**

**Mr. Soto: All those against? Matters for discussion and consideration. First matter #12-2021, 1302 Root Road, Variance requested to erect a 1,200 square feet accessory use structure. Section 10.28 (E), R-2 zoning, Accessory Structure total maximum permitted**

accessory building area 576 square feet. R-2 zoning. Robert Ulichney, applicant. Is the applicant in the audience? Will you please step up to the mic and be sworn in?

Mr. Zaleski: Raise your right hand, sir. Do you promise to tell the truth, the whole truth and nothing but the truth?

Mr. Ulichney: I do.

Mr. Zaleski: Thank you.

Mr. Soto: Can you please state your name and your address for the record?

Mr. Ulichney: My name is Robert Ulichney. I live at 1012 Euclid Avenue, but I inherited a house at 1302 Root, which was my parents but they're deceased. I plan on remodeling the house for my grandson to be his first house, and we've been in the process of it for about a year. And right now we're at the point of replacing the rear of the house. It needs a driveway, which is all crumbled and cracked. And also I have a 20x20 garage there that is in bad shape, and I'd like to remove that and replace it with a new one which is a little bit larger. I have some older vehicles that I'd like to keep out of the weather, the older cars like everybody does. And put up a steel garage.

Mr. Soto: Just for clarification—Mr. Ulichney? Is that correct? I apologize.

Mr. Ulichney: That's okay.

Mr. Soto: 1302 Root road, just for clarification, does that fall on the east side of Root Road, or the west side of Root Road?

Mr. Ulichney: It's on the west side of Root Road.

Mr. Soto: West side, okay.

Mr. Ulichney: And there is park behind the house and a wooded area which probably will never be built of anything. It's been like that ever since I was born and raised in the house. It's never changed.

Mr. Soto: Any of the board members have any questions for Mr. Ulichney? Are there any members in the audience of the public that have a comment in regards to this request? If you do please step up to the mic and I will need you to identify yourself and your address?

Mr. Zaleski: Raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

Mr. Stull: Absolutely. My name is Larry Stull. I live a 1242 Root Road.

Mr. Soto: Excuse me, sir. Could you speak up to mic?

**Mr. Stull:** My name is Larry Stull. I live at 1242 Root Rd, right next to the house where he wants to put a two and half car—two and a half town building in his back yard. And according to what he told me when he first showed me the brochure. I was outside one day, that 30x40 pole barn. He told me he was gonna put it in there so him and his grandson could work on cars. And I don't really believe the lot is big enough for a building that big.

**Mr. Soto:** For clarification, you do believe or you do not?

**Mr. Stull:** I don't believe that property is big enough to put that size of a building up.

**Mr. Soto:** You do not believe.

**Mr. Stull:** And the woods he was talking about between the park and our house, a few years back they surveyed it. Sweden and Sweden was the developer that was going to develop it, evidently it fell through somewhere along the line. But they surveyed it and they had the ribbons and everything else up in that woods where they were gonna try to make a chance of developing that property. And like he said, he lives on Euclid Avenue. He don't even live in the house. And he's got a nice oversized garage in his backyard. I put a lot of time and a lot of money into that house to make it look as good as it does. And I don't need to hear no impact wrenches and everything else after five o'clock in the evening. I'm retired now. I don't want to listen to all that noise. He's talking about bring compressors in. You said you was gonna bring compressors, air lines, and impact wrenches and everything else—I don't want to listen to it. I'm 68 years old, I don't want to listen to it. I went up and down the highway for 33 years listening to all these loud trucks and everything else, I don't want to sit on my patio and listen to all this. And I'm just asking for you people to go by the rules and regulations according to the zoning law of a 576 square foot, not 1200. I mean, I don't know what else to tell you.

**Mr. Soto:** Alright, well thank you for your comments. Please step closer to the mic.

**Mr. Zaleski:** Do you promise to tell the truth, the whole truth and nothing but the truth.

**Mrs. Stull:** I do. Cynthia Stull, 1242 Root Road. I'm his wife. Basically, that's what it is. I don't think the City of Lorain really wants to set a precedent allowing something that massive over with the rules and regulations, that the codes call for. I mean 576 square feet is what it calls for for that size property. It's not 800, it's not 1000, and definitely 1200 is massive compared to what's allowed. I mean I don't want to live in a tunnel. Right now we have a wonderful view. We set there and we can watch the deer from five houses down. We can watch his brother in law, who lives on the other side of that property—he golfs down to our house, he golfs from our house back to his house. It's very therapeutic. I've got a feeling if that goes up there goes our view for one thing, but it also sets a precedent for the who City of Lorain. This place is full of storage units, and you really want people to start putting storage units in their backyard. Thank you.

**Mr. Soto:** Thank you for your comment. Is there anybody else in the audience?

**Mr. Stull:** I just wanna—

**Mr. Soto:** Go ahead and repeat your name, just for the record.

**Mr. Stull:** Larry Stull 1242 Root Road. I'm not the only one complaining about this. I got a petition here with seven or eight signatures that they don't want it in their backyard either. I mean I get a lot of compliments on my house. Like I said I put a lot of work into that house. I asked him one day when he was showing me about that brochure. I said, "what's this gonna do to my property value?"

**\*\*inaudible conversation between Mr. Stull and Mr. Ulicheny**

**Mr. Zaleski:** Stop. Stop. Let him talk.

**Mr. Soto:** Gentleman, what we're gonna do is when you address the board and the audience you'll do it with respect and with courtesy. You'll speak into the mic. You'll speak with us, not with each other. If you have a disagreement we will ask you that you remove yourselves from the chambers and you can go outside and have your disagreement, or argument there. We will maintain order here in the chambers while we are speaking. I ask for courtesy and respect to not only the board members, but to the audience. Thank you.

**Mr. Stull:** Can I go ahead and finish then?

**Mr. Soto:** Yes. Absolutely.

**Mr. Stull:** I was outside cutting grass or doing something in my yard one day, and he pulled in he had brochure from either Home Depot or Lowe's showing me a picture of this 30 X 40 pole barn. And I said, "What are you gonna do with that?" He said, "I'm gonna put it in my backyard." I said, "I don't think so. I don't think your property is big enough for it." Then he said that him and his grandson are gonna work on cars. I said, "What's this gonna do to my property value?" Then he quit talking to me all together after I asked him that. He wouldn't even answer that question. I been on Root Road for 33 years, and I'll tell you what as long as I been on Root Road I've never seen a commercial building going up in everybody's yard in the whole time I been in the city. Root Road has always been residential, not commercial. That's all I got to say.

**Mr. Soto:** Thank you for your comments and that will be taken under consideration here. Do I have any other member of the audience? Mr. Ulicheny would you like to speak?

**Mr. Ulicheny:** Yes, sir. Number one, when I was planning this new garage I mentioned to Larry that I saw this picture at Menards and this is what I'd like to put in the backyard. Number two, it's not an industrial building. It's for my grandson and myself, for our personal use. I am retired mechanic of 50 years and I had a business in Sheffield Lake, in which my grandson is working now. Why the heck would he want to work on somebody's car in his backyard, when he has a business? I was partners with a person, I retired—the idea was that he's gonna take over my share of the business. And this is for our own time

together. We have older cars that we have there now that will be stored in there during the Winter. He has ATV's, he has a motorcycle at my house, and he has a tractor—we need more storage to put these out of the weather. It is not an enormous building if you look at it and see the size of it. And I did not show him the drawings of what I plan to do. The only person I showed the drawings to was Mr. Crawford. So, that's all I have to say. And I don't believe it's affect anything at all behind the house, because right now the garage I have now is not safe and I would like to replace it and at the same time make it a little bit larger. That's all I'm asking. And it's not gonna change the house—the value of his home because it's just gonna improve the neighborhood. And there's a person two houses down that is pulling engines and doing all kind of mechanical work right now, and I don't know why he's not complaining about them. I'm trying to keep everything clean over there. So, that's all I have to say.

**Mr. Soto:** Thank you, Mr. Ulicheny. Thank you. You can be seated. You can have a seat.

**Mr. Ulicheny:** Okay.

**Mr. Patterson:** Mr. Ulicheny?

**Mr. Soto:** Mr. Ulicheny? I apologize. You can come back up to the mic there's a question.

**Mr. Ulicheny:** Okay.

**Mr. Patterson:** So, my question is, you know if I'm reading the current code properly you can go to 576 square feet within the code, which is almost 40% larger than your current garage. Why can't you tear the old one down and put up one, you know, quite a bit larger than what you got right now?

**Mr. Ulicheny:** Well, all I'm asking is—how big can I go?

**Mr. Patterson:** You can go 576 square feet.

**Mr. Ulicheny:** Yeah, but that's what I have now.

**Mr. Patterson:** No, you have 400 square feet. Correct? It's 20x20?

**Mr. Ulicheny:** Yes, it's 20x20 right now. It's 400 square feet.

**Mr. Patterson:** Yeah, so you can add another 165 square feet to your current garage that you're not using if you're gonna put a new one up. Why do you—you're going from—you're actually tripling the size of the garage. It's gonna go from the existing garage, of 400 square feet, to 1200. So, three times the size?

**Mr. Ulicheny:** Well, the problem is I have four vehicles that I store in the Winter, plus the ones he's driving. And like I said, all the other equipment I have there that, you know, I'm

gonna need a little bit more room. I mean I'm not—if I can't go 30x40 how big can I go? I mean, can I still put a 30x40 concrete slab back there?

Mr. Patterson: I'm not sure about the slab, but that's up to—

Mr. Soto: You'd have to check with The Building Department on codes for concrete slabs in the back yard. What's allowable and what's not.

Mr. Patterson: I'm just saying you can absolutely right now build a 576 square foot and there's no issue whatsoever with us, but going from 400 square foot to 1200 square foot is pretty considerable, particularly when you have some neighbors that are not okay with that.

Mr. Ulicheny: I understand that.

Mr. Soto: Thank you. Do I have any other comments from any of the other board members? Ms. Henley? Councilwoman Henley?

Councilwoman Henley: Thank you, Mr. Soto. I'm familiar with both properties and I've talked with some of the neighbors, including Mr. and Mrs. Stull. My concerns, and correct me if I'm wrong Mr. Ulichney, did you say this would be a metal building?

Mr. Ulichney: Yes, ma'am.

Councilwoman Henley: So, it's not a framed structure?

Mr. Ulichney: No.

Councilwoman Henley: No, okay. I have concerns that this could set a precedent in a residential—I believe it's over-sized and 1200 square feet, and I'm sorry Mr. Ulichney, is larger than some of the homes in that area. So, while I understand because my husband is a car buff and we own too many vehicles, seven of them, we pay for storage off site and that way he can go and keeps them out of the weather. I think this would set a bad precedent in a residential area. Thank you.

Mr. Soto: Thank you, Councilwoman Henley. Director Upton?

Mr. Upton: Thank you, Mr. Soto. I wanted to echo Councilwoman Henley's comments with respect to the planning department's position relative to this matter. A pole barn structure 1200 square feet in a primarily residential neighborhood is not keeping with the feel and fit of that neighborhood. And just wanted to state that for the record as the Planning Department's position relative to this matter.

Mr. Soto: Thank you, Director Upton. Any more comments? Now I'll ask the board for a determination. Do I have a motion to support?

**Mr. Patterson: Motion to deny the variance.**

**Mr. Kramer: Support.**

**Mr. Soto: We have a motion to deny and supported by Mr. Kramer. Ask for a voice vote. All in favor?**

**All: Aye.**

**Mr. Soto: All against? The motion to deny is approved. Mr. Ulichney, at this time your variance—your motion for a varia—your request for a variance has been denied.**

**Mr. Ulichney: Okay. Well, then you're saying the only size can go is 576 square feet?**

**Mr. Soto: That is correct. That is by the ordinance, by the zoning. That's correct.**

**Mr. Ulichney: Okay. Thank you.**

**Mr. Soto: You're welcome. Next matter for consideration B.A. #13-2021, 1730 West 19<sup>th</sup> Street, Variance requested for front, rear, and side setbacks in I-1 (Industrial-1) zoning. Section 6.03, table 6.03-1, Area, Height, and Placement Requirements. Front—30 feet setback, Rear—35 feet setback, Side (interior) setback—20 feet. I-1 zoning. Jas Gill, applicant. Matthew Hasel, representative. If we have a representative here step to the mic and raise your right hand to be sworn in?**

**Mr. Zaleski: Do you promise to tell the truth, the whole truth and nothing but the truth?**

**Mr. Hasel: Yes, sir.**

**Mr. Soto: Please state your name and your address?**

**Mr. Hasel: Matt Hasel, Adaptive Engineering Group. 5065 Oberlin Avenue Lorain Ohio.**

**Mr. Soto: Thank you. Can you please explain the reason for your appeal.**

**Mr. Hasel: I do have some handouts to distribute. Okay, so I am here representing the applicant at 1730 West 19<sup>th</sup>, who's under conditional contract to purchase the property to use as a self-storage facility. It would be repurposing the existing Cleveland Demolition site, which is zone I-1. Currently, the required set-backs with the recent zoning change require 30 foot front, 20 foot side, and rear 35 foot. The applicant is requesting for removal for the side back, so essentially zero foot set-backs in order to put—kinda build a fortress style arrangement where he can put portable units up against the existing fence line. That style arrangement decreases exposure of the doors to the outside perimeter and increases the security by channelizing all of the traffic into the two gates, and prevents the ability of a car driving through the fence. It just kind of adds that extra layer of security. So, the fence line would stay the same it would just be putting these portable units right up against the fence**

line. So, as discussed the perimeter fence that is in place would remain. The handouts I provided, the first—the pictures that's the existing industrial building that's about 40,000 square foot. That would be repurposed into interior storage. Then the pictures below are examples of portable units that look like traditional storage units that are brought in fully assembled, placed along the perimeter on the site. Which on the site plan they would represent the yellow blocks would be these portable units. The following page is the auditors—the aerial from the auditor's site with the orange clouded area being our property limits. So, you can kind of see what is surrounding it. We've got the Norfolk Southern Railroad tracks to the north. We've got the city of Lorain schools, looks like a delivery and maybe the maintenance facility to the west. We've got a vacant lot to the east, which is owned by Habitat for Humanity. To the northeast we have an exterior building and storage site already in place. So, we're not looking to change the footprint of the properties. It's all existing improvements here. We're just looking to utilize the space. Use these portable units. In doing so we're asking for removal of the setbacks in order to put these portable units right up against that fence line.

**Mr. Soto:** Thank you, Mr. Hasel. Is there any member of the audience or public that wishes to speak on behalf of this?

**Mr. Zaleski:** Do you promise to tell the truth, the whole truth and nothing but the truth?

**Councilwoman Moon:** Yes. I'm Joann Moon, 3543 Toledo Avenue. Mr. Upton I think Mrs. Carter, this is her ward—the third ward, and I think she questioned you last night. Could you please speak on that and let them know how she feels about this. Thank you.

**Mr. Upton:** Absolutely, Ms. Moon. Councilwoman Carter expressed some concern relative to this particular development. Not with the development persay, but with specific provisions within our zoning code. And I will read them at this point in time. It is our departments recommendation that based upon Section 13.02 of the new zoning code, Chapter 13 is landscaping and buffering. 13.02 specifically subsection a-1 reads that all residential—excuse me, non-residential (industrial, commercial, office, institutional and civic), attached single-family and multifamily construction on lands within the city which, on the effective date of this ordinance, effective date being February 4<sup>th</sup> is when it went into effect, requires a building permit. So, what this is saying is that if this particular building requires a building permit, which it does, it is subject to the conditions of Chapter 13 relative to landscaping and buffering. And follow me one more step as I go to Chapter 12.06 specifically subsection D-4, which says screening this is relative to Plan Review. Where a non-residential use abuts residential uses, appropriate screening shall be provided, in accordance with Chapter 13, to shield residential properties from noise, headlights and glare associated with the non-residential use. So, at this point in time it would be our departments recommendation to the board that this matter be held in abeyance subject to us being provided renderings with respect with how the fence looks as it abuts a residential property. I don't feel that this type of investment particularly with outdoor storage that a chain link fence with barb wire abutting a residential neighborhood is appropriate and there should be some measure taken to how this particular property shows itself to the abutting property owners on 19<sup>th</sup> Street. So, at this time we would



request to the board that this matter be held in abeyance until such time that we have been given renderings relative to the screening of the property.

**Mr. Soto:** Thank you, Mr. Upton. Any further comments from Mr. Hasel?

**Mr. Hasel:** So, I guess my question or my response to that would be are we only speaking on the front yard since that would be the only portion of the property that adjoins a residential neighborhood? Is that correct?

**Mr. Upton:** I'm going to ask Mr. Crawford to look to the vacant lots to the east. What is the zoning of those vacant lots to the east.

**Mr. Crawford:** It's the same. It's industrial.

**Mr. Upton:** So, in this matter, yes. Because the only non-residential use per our code, abutting property owners includes the property owners across the street. So, you would need to have some type aesthetically pleasing fencing so that those property owners are not looking at chain link barb wire fence that we all know rusts and just doesn't look good.

**Mr. Hasel:** Okay.

**Mr. Soto:** Thank you. Any questions, comments, concerns from the board?

**Mr. Patterson:** I have at least one. Also, wondering about the traffic impact. I know it's self-storage, so have you looked into that at all. I'm just thinking with 19<sup>th</sup> Street coming off of 21<sup>st</sup>, this could be—if you're successful, and I hope you are—how many total units can you have when you're done?

**Mr. Hasel:** That I'm not real sure. I can be honest with you, with where he's at with the process, his purchase is contingent upon—we're on the Planning Commission for the Conditional Use—if that falls through and this project doesn't get approved the whole real estate deal kinda falls apart. So, I don't know what level planning he's done as far as the units. We've just kinda put this conceptual site plan together just to get it through this approval process. We get into more of aaff detail, and we know we'd have to come back for final site plan approval. It's just kinda getting maybe that first approval in order to move forward with the real estate transaction and then more detailed site planning.

**Mr. Patterson:** At least for me, I know that if we hold this in abeyance and see the renderings I'm also, at least for me, I'm gonna want to know what you look at in terms of traffic, because we want to get a rough idea—again I know this is an industrial area, but one storage facility possibly having people coming in and out at different times of day. That's a concern that I consistently had about a lot of places. So, if held in abeyance you might want to look into that matter and let him know, hey that's an issue that they're gonna ask. Because this is, it's industrial, but it's right in the middle of a residential area, and that would be a concern that I have.

**Mr. Hasel:** So, to confirm, would the city then be requesting a full traffic impact study as part of the next step?

**Mr. Patterson:** I'd like you to at least look at that. It would probably help you, but I'm not saying you're required to do that. But I just want to know that have you looked at what the traffic impact is. I've heard the expenses of a traffic study can be pretty expensive. There may be other things you can do. You can talk to the city, but I just want to know if you've thought about what type what type of traffic is going to be go in and out of there and how it's going to effect the residents should this go in.

**Mr. Hasel:** Okay. Thank you.

**Mr. Upton:** One more thing, Mr. Soto, if I may? To the applicant, it is zoned I-2. It's in the middle of a dense residential neighborhood and relative to other uses that are permitted in and I-2 I think self-storage is the most environmentally friendly of all the permitted uses. So, I think it's the right use for the property. But at this point in time without that screening, I don't think it would be in the board's best interest to approve both the variance and the conditional use permit until we understand what this is going to look like to the street front, because that's a particular focus of our department.

**Mr. Crawford:** Just a point of clarification is that it's zone I-1, Industrial one, not I-2.

**Mr. Upton:** Thank you.

**Mr. Crawford:** Mr. Hasel, could you tell us a little bit about to your knowledge the real estate transaction at this point, because you did mention that this could fall apart? I'm just a little curious on that statement, if you could just add more information please.

**Mr. Hasel:** Correct. I'm not 100% on the timing of it. I do know that it was important to get onto today's agenda. Whether or not an extension is available, but I do know that the clock was ticking and it was very important for me to get onto today's agenda. I understand the concern, and I understand the—I don't know if it's an option for us, at this time, to drop the front yard variance and maybe seek that later. Because really if you look at our site plan, so little of this is really the front yard variance. You know, it's just a strip along the front, and more of it relies on the side and rear yard variances, which those adjoin the industrial properties. So, really it seems like the screening and the front yard variance, if that's an option for me to just drop the front yard, and pursue that maybe down the road because really it's just that section here \*points to site plan\* and the section here \*points to site plan\* all the blue buildings, the existing building everything else kinda stays in compliance with that front yard variance. And then it's a matter of telling the applicant that he's gotta meet the code, and in my opinion as part of the final site plan approval, in compliance with the code. Maybe we come back and ask for that front yard variance at that time with more detail, but I think that may be an option for us to consider.

**Mr. Soto:** Thank you, Mr. Hasel for that explanation there. I think at this time we have, based on your statement we have a couple options here for the board. We could hold this in

abeyance, to come back and have those concerns by the BHP, Mr. Upton and Mr. Crawford addressed. We could go ahead and vote either for approval or denial. Or a third we could vote for approval based on your last statement of let's not ask for the front. I see you got roughly 180 feet plus 110 foot of what you stated. Later on you could come back and concert that in front of the board at a future time.

Mr. Hasel: Correct.

Mr. Soto: I would ask—

Mr. Upton: Mr. Soto, a couple more questions of the applicant. Mr. Hasel, if you could just answer yes or no on a couple of these questions. Does the plan as it's presented include an expansion of greater than 20% of the gross floor area, or more than 10,000 square feet? So, in other words, are you expanding your storage capacity by more than 10,000 square feet with the current plan as it sits?

Mr. Hasel: From the existing building?

Mr. Upton: Correct.

Mr. Hasel: Yes.

Mr. Upton: Okay. So, that being said, this particular applicant also falls under Final Plan Review. So, for the pleasure of the board, if you approve the variance and the Conditional Use Permit it is still subject to Final Plan Review. We've had a couple of those, and it's new to the zoning code, so there is one more stop along the way if you will. So, just for the board's edification and in interest of the real estate transaction, there's still one more check where you have to come present us your screening plan and full final site plan and it is subject to final site plan review, which the board can approve or deny at their pleasure as well.

Mr. Hasel: Yes, we completely understand that. I think this is just that first step. So, thank you for the clarification.

Mr. Upton: It wasn't clear from the application that you were increasing the building size by more than 10,000 usable square feet. So, we weren't sure as to whether or not you fell under Final Plan Review—whether or not that was applicable.

Mr. Soto: Thank you Mr. Upton. So, again a little guidance here from the board. Mr. Zaleski, we have several options here. Mr. Hasel, you have the authority, again based on your last statement, that lets forget about the front 180 and 110. We can take a vote on that. Or we can place it in abeyance, based on the concerns the council person, and The Building, Housing and Planning Division. I would like to actually throw it into your court, so that the board can make the decision. What would be your pleasure today?

**Mr. Hasel:** I think what the board has brought up and the council reps concerns about the screening are fair. I understand that. And I understand the request for the renderings to kinda see that. And I understand that even with the removal of the front yard variance that we're still gonna have to provide screening, and I would agree that that kinda comes into that final site plan approval. I think the clearest path to kinda seeking what the applicant, who I'm representing, would be removal of that front yard variance request. And just request the side and rear yard variance, and then if we seek to have the front yard variance put back we would come in with more of an artist rendering that kinda shows the fence and the units co-mingled in that front yard that shows the screening and all that. At this time, I think that I would like to modify my request to remove the front yard variance request, and just move forward with just the side and the rear yard variance.

**Mr. Soto:** Any questions from the board before we proceed? Okay, since there's none I would ask for a motion to consider the removal of the front set back variance. Mr. Zaleski, would we have to do that in a formal like—

**Mr. Zaleski:** My personal opinion is that you should hold this in abeyance and get all your ducks lined up in a row, and know what you're doing before you—I wouldn't try to do this half-heartedly.

**Mr. Soto:** Okay.

**Mr. Zaleski:** Because Max raised other issues. Henry raised issues about traffic implications, and those have not been answered yet. And you're voting on something and you don't have all your ducks lined up. I would hold it in abeyance.

**Mr. Soto:** Okay. Thank you, counsel. Per the recommendation of Mr. Zaleski from the Law Department, what I would like to ask is for a motion to place this in abeyance?

**Mr. Neal:** I will make that motion.

**Patterson:** Second.

**Mr. Soto:** Motion by Mr. Neal, seconded by Mr. Patterson. All those in favor?

**All:** Aye.

**Mr. Soto:** All those against? At this time, Mr. Hasel, your request for a variance is going to be placed in abeyance. What I would ask—I know you mentioned out of courtesy you were trying to get this onto the agenda today. I think we have another issue later on here, probably two more down, that we're going to ask for another item be placed abeyance in a Special Call. Just for the board, would that be something that you would be able to entertain, and again based on financial and your real estate deal there. Is that something that we could possibly have a special meeting next Wednesday, and that would be July 14<sup>th</sup>? It would be at the same time, 9:00am. Would that be something that the board would entertain? Mr. Crawford?

**Mr. Crawford:** Yes. Yes I'm available for that.

**Mr. Soto:** Mr. Neal?

**Mr. Neal:** Yes.

**Mr. Soto:** Mr. Kramer?

**Mr. Kramer:** Yes.

**Mr. Soto:** Mr. Nardini?

**Mr. Nardini:** I will be out of town.

**Mr. Soto:** You will be out of town. Mr. Patterson?

**Mr. Patterson:** Yes.

**Mr. Soto:** Okay. Why don't we go ahead and do that. Mr. Secretary, can you please note that.

**Mr. Crawford:** Yes.

**Mr. Soto:** We will have a—Mr. Hasel we will have a Special Call for this issue. Wednesday July 14<sup>th</sup> at 9:00am here at Council Chambers.

**Mr. Hasel:** Okay. Should I coordinate, just to make sure we're on the same page with Mr. Upton or Mr. Crawford as far as making sure I have everything that is being asked?

**Mr. Soto:** Well, they work together in the same building. What I would recommend is prior to you leaving today, and if you can if you have to leave prior to everything finishing here, get ahold of them and make an appointment so you can visit them and they can kinda go over. Also, what I recommend you do is get in touch with Councilwoman Carter. This is her ward, she has some concerns and just out of courtesy give her a call and see what additional information she might want to share with you.

**Mr. Crawford:** Mr. Hasel, you can coordinate through me, Mr. Crawford. Then any information will go through Max Upton.

**Mr. Hasel:** Okay. And to confirm there's no reason for me to stick around for the Conditional Use. These are kinda lumped in together. We'll talk about both of them on the 14<sup>th</sup>, correct?

**Mr. Soto:** Yes.

**Mr. Hasel:** Thank you very much.

**Mr. Soto:** Thank you. Next matter for consideration on the agenda #14-2021, 803 Allison Avenue, Variance requested to erect a fence on a corner lot within the required setback. Section 10.8 (F) No fence that encloses a rear yard or side yard shall be erected closer to the front lot line than the front building line of the principal building. 10.08 (G) On corner lots, no fence shall be erected within 20 feet of the public right-of-way to either corner. R-2 zoning. Brittany Nazario, applicant. Is Miss Nazario or a representative present? Are there any members from the public that want to—have a comment in regards to this request? As I see none. Board members, any questions or comments?

**Mr. Kramer:** It's always been in the past that if the participant doesn't show up the motion is denied.

**Mr. Soto:** Since we have no member or the applicant available, can I have a motion for either approval or denial?

**Mr. Kramer:** I make the motion to deny.

**Mr. Patterson:** Second.

**Mr. Soto:** Made by Mr. Kramer, supported by Mr. Patterson. All those in favor?

**All:** Aye.

**Mr. Soto:** All those against? The aye's have it. The request for the variance has been denied. Next matter for consideration #15-2021, 822 Broadway, Variance requested to erect a balcony in the public right-of-way. Section 10.19, No buildings, structures, services areas, or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way. Mixed-Use zoning. N and H LLC (Jeff Neal/Tony Horn), applicants. Do I have any--

**Mr. Zaleski:** At this time I believe we have three members who have conflicts of interest and cannot vote on this, and I think we need to call a Special Call for next Wednesday and get those members--we could have a member replaced and we could have people here that can vote on this. And for the record, the conflicts of interest are Mr. Patterson is the attorney for the applicant, I believe Mr. Neal is the brother of the applicant, and Mr. Nardini also is a partner with the applicant and he rents business space from them. So, we have conflicts of interest we should hold this in abeyance until we get all the members who can vote on this present.

**Mr. Soto:** Thank you, Mr. Zaleski. Can I have a motion to hold this matter in abeyance?

**Jeff Neal:** May I say something?

**Mr. Soto:** Okay. Mr. Neal please step up to the mic. Please raise your hand to be sworn in.

**Mr. Zaleski:** Do you promise to tell the truth, the whole truth and nothing but the truth?

**Jeff Neal:** Yes, sir. Jeff Neal, one of the representatives for our company and as I understand the advance thing and what I just heard when the other people didn't show up. You asked us to be here today, obviously. And you knew who could vote and who couldn't vote for us, in this situation.

**Mr. Zaleski:** For the record I didn't know anything—

**Jeff Neal:** No, no, no. I'm talking to everybody. I apologize. I apologize. And you made us sit through this whole meeting, obviously again. We just kinda want to get this done. We're trying to improve this town. We just want to keep moving forward. I mean, you denied somebody because they didn't show up. We did show up, and now you're telling me you can't vote on our issue. That's the only thing I wanted to say, basically. I wanted it on record just because we showed up, we wanted to take care of this, we wanted to move forward. We've already been held up three weeks, and now you're gonna hold us up another week, basically.

**Mr. Crawford:** If I could say for the record, too, the applicant was not held up three weeks. The applicant submitted the application, if I'm not mistaken I believe it was actually a day after the application I gave the courtesy, but it's standard practice that we meet once a month.

**Jeff Neal:** He is correct. They did grant us a courtesy. Obviously, due to reasons out of our control, basically, because The Building Department actually inspected the footers. They approved our footers. We thought this was all taken care of. So, I just wanted that on record. And I appreciate what you guys did to try to get this done. Thank you.

**Mr. Soto:** Thank you, Mr. Neal. Do I have—Mr. Kramer? Mr. Neal?

**Mr. Kramer:** Do you have a certified structure engineer?

**Jeff Neal:** Pardon?

**Mr. Kramer:** Has it been inspected by a certified structure engineer?

**Jeff Neal:** What has been certified?

**Mr. Kramer:** Your balcony.

**Jeff Neal:** Has it—it was designed. Yes. Architecturally, yes. Correct.

**Mr. Kramer:** Who designed it?

**Jeff Neal:** Gary Fischer. Arkinetics.

**Mr. Kramer:** Is he a structure engineer?

**Jeff Neal:** No, he is not. I don't think so. No.

**Mr. Kramer:** Do you know what the weight barrier per square foot would be if people were on that balcony?

**Jeff Neal:** My architect would know that. Yes. I do not.

**Mr. Kramer:** Okay. I have a couple things I want to ask.

**Jeff Neal:** Sure.

**Mr. Kramer:** Due to all the stuff that's going on in Florida and other balconies collapsing. We don't need to have anything like this happen in The City of Lorain.

**Jeff Neal:** I understand that concern. Yes.

**Mr. Kramer:** I just want to make sure.

**Jeff Neal:** What's that? \*inaudible conversation with audience member\* You want to say that? You want me to say it? Okay.

**Mr. Soto:** Is there any other comment or question?

**Jeff Neal:** No, I mean honestly, like I said. You can't stop building balconies just because one collapsed in another town. I get what you're saying, but you just can't stop people from building.

**Mr. Kramer:** But if it does. If it does collapse, let's say it doesn't, but if it does. Who's the finger going to be pointed to?

**Jeff Neal:** Obviously, the owners.

**Mr. Kramer:** The owners, who passed the legislation, city engineers.

**Mr. Zaleski:** So, The Engineering Department is here. They wanted to say something.

**Jeff Neal:** Oh, okay.

**Kate Golden:** Good Morning. Kate Golden, City of Lorain Engineering Department.

**Mr. Zaleski:** Do you promise to tell the truth, the whole truth and nothing but the truth?

**Kate Golden:** I do. Okay. So, the city—The Engineering Department is not currently in favor of the proposal, as it sits. The concern is an impediment being placed within the city



right of way. There are existing ordinances that would preclude this type of facility be constructed. And that might be something that the Law Department needs to potentially weigh in on. There may be other ordinances that variance would need to be requested from. That being said, the main concern with this specifically is that piers or posts that are being proposed are within six foot ADA right of way. So, Americans Disabilities Act. That is the main crux of the concern from The Engineering Department. If those posts were moved out of that six foot right of way, out of that six foot area within the right of way, there would be less concern from The Engineering Department. Which is why I wanted to indicate this now, so that you have this information, so you can take it back to try to make some of the changes if there's another request next week. So, that would be the position of The Engineering Department. That we would suggest that there be some modifications made. Again, I think that it still would beg some additional consideration from The Law Department as to what additional ordinances might be at play here, and what variances can or could not be requested from us.

Mr. Soto: Thank you, Ms. Golden. Any further comment from the applicant?

Jeff Neal: No.

Mr. Soto: No.

Jeff Neal: Well, we appreciate engineering and what she has to say. Obviously, we are impeding in that aspect of the right of way, but just one building north of us you have a clock sitting in the same exact nine foot three inches in your right of way. You actually moved the right of way around the clock. Just again. Just a fact. Thank you. I appreciate it. We'll do whatever we can to make this happen. So, I appreciate your time.

Mr. Soto: Thank you, Mr. Neal.

Mr. Crawford: Mr. Chairman, I just want to know if there is—perhaps if someone could confirm that statement, but also if there's any other public comment? Or anybody from the public that would like to make a comment or question?

Mr. Soto: Do we have any member from the public or in the gallery that wishes to speak on this request? I see none. Okay, just for the record, Mr. Neal and Mr. Horn, the reason why—the situation would be just like the prior with Mr. Hasel. We can vote either to approve or deny, we can approve for an abeyance. And at this point we can't vote for approval or denial because three out of the five members have to abstain, and it's enough for a quorum. So, we can't vote. This is why we're asking, and this recommended by The Law Department that we take this to abeyance so that we can have a Special Call Meeting, and that's Wednesday, so that we would have the proper membership here in order to either approve or deny your request. And I think within this week it gives what Ms. Golden has requested, gives the engineering, gives the law department and the building, housing and planning department a few more days in order to whatever Ms. Golden has asked for from the engineering department. It gives everyone a little bit more time so that, again, the comments Mr. Kramer has can be answered and—so that the board is making a fair and

educated decision on this. Not something because we're under pressure or you know we've been three weeks and now we're waiting another week. We want to make sure that the board is making the proper recommendation. So, at this time I would ask if I have a motion for this particular request to be placed in abeyance.

Mr. Patterson: Moved.

Mr. Greg Neal: I support

Mr. Soto: Moved my Mr. Patterson, seconded by Mr. Greg Neal. All those in favor?

All: Aye.

Mr. Soto: All those against? The motion was approved for abeyance. Mr. Neal, for board members we're moving to a Special Call, again for Wednesday July 14<sup>th</sup>. That will be at 9:00am, that will be here in Council Chambers. Thank you. Moving on. Our next item for—matter for consideration will be #16-2021, South Side of Cooper Foster Park Road, approximately .25 miles west of South Broadway. Variance requested for riparian and wetland setback. Section 12.05, Final Development Plan required for existing water bodies (lakes, streams, wetlands, etc.). City of Lorain, applicant. And I see Ms. Golden is representing The City of Lorain. Ms. Golden?

Ms. Golden: Good Morning. Do I need to be sworn in? Kate Golden, City of Lorain Engineering Department. I gave you prior to the meeting a larger copy of the map had been included in the application request. So, what this is is a request for a riparian setback as well as wetland setback from our wetland and riparian setback requirements. The Martin's Run upland wetland complex, which is what this proposal is requesting, is a program that is being completed by The Engineering Department with funding through \*inaudible\*, which is a program that championed by Governor DeWine for water quality improvements in shore areas and Lake Erie. As many of you are likely aware Martin's Run is historic location of concern for the city with regard with culvert overtopping and roadway flooding between Oberlin Avenue and about W. 35<sup>th</sup> Street. This program is intended to help mitigate many of those issues. Reduce the frequency of culvert overtopping and provide critical water quality benefits to Martin's Run and Lake Erie. The specific request—it's a unique application and it took some forethought to get it put together. So, the current stream channel, as it sits, enters the property, which the city is in the process of acquiring currently, and heads kinda northwest and then turns and becomes a roadside ditch adjacent to the south side of Cooper Foster. So, what this project is doing is that it's actually moving that stream channel through the center of the property that's being proposed and you can see that, it's the yellow line that's showing on the map that I provided to you. So, with regard to the riparian setback we're requesting a riparian setback from you this stream channel as well as the future proposed stream channel in order for us to construct the facility. It is being constructed as a natural wetland complex, so we will be providing much more riparian and wetland at the completion of this project than what currently exists. There is the wetlands that are shown in very light green on your maps, I apologize for that, that are being filled as part of an army corp permit in order to

complete this project. There's one category two wetland on the property that is remaining, it's within a wooded area. We are requesting a variance from that 75 foot setback. We will not be disturbing much additional property other than what is already farmed farm field, but again this is critical for ensuring the success of this program. Are there any questions?

**Mr. Soto:** Thank you, Ms. Golden. Any questions from the board for Ms. Golden? Thank you, Ms. Golden. Any members of the public or the—have a question or a comment in regards to this request? As I see none, I'd like a motion.

**Mr. Kramer:** I make a motion to approve.

**Mr. Soto:** Motion made by Mr. Kramer.

**Mr. Neal:** Support

**Mr. Soto:** Seconded by and supported by Mr. Greg Neal. All those in favor?

**All:** Aye.

**Mr. Soto:** All those against? Okay. Congratulations Ms. Golden your request has been approved. As I see no more agenda—items on the agenda for the Zoning Board what I would ask is for a motion to adjourn?

**Mr. Neal:** Motion.

**Mr. Patterson:** Support.

**Mr. Soto:** Motion to adjourn has been seconded. All those in favor?

**All:** Aye.

**Mr. Soto:** All those against? The Aye's have it. Thank you everyone for attending the Zoning Board of Appeals, and thank you board members.

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**Drew Crawford, Planning & Zoning Administrator**

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**Sanford Washington, Chairman**

Planning Commission

**Mayor Bradley:** I'm going to call the Planning Commission to order. Drew would you do the roll call honors?

**Mr. Crawford:** Yes. Mr. Kramer?

**Mr. Kramer:** Still here.

**Mr. Crawford:** Mr. Patterson?

**Mr. Patterson:** Present.

**Mr. Crawford:** Mr. Nardini?

**Mr. Nardini:** Here.

**Mr. Crawford:** Mayor Bradley?

**Mayor Bradley:** Here. One more. Acting Safety Service Director.

**Mr. Crawford:** Thank you. Mr. Soto in place of Mr. Washington? Thank you.

**Mr. Soto:** Here.

**Mayor Bradley:** Okay. Hopefully everyone's had a chance to review the minutes. Do I have a motion regarding disposition of minutes?

**Mr. Soto:** Make a motion.

**Mr. Patterson:** Support.

**Mayor Bradley:** All in favor?

**All:** Aye.

**Mayor Bradley:** So, the minutes are approved. We'll move onto the first item on the agenda which is Z.C.A. #9-2021, Submission for Planning Commission's recommendation to Lorain City Council, for the rezoning of PPN # 03-00-101-119-001, # 03-00-101-120-031, # 03-00-101-108-029, -030, -031, -032, -033, -034, known as 3956 Globe Avenue, from I-1 to R-3 for residential use. (This is a new application with updated zoning request changes. Previously we had considered Z.C.A. #5-2021 was held in abeyance while Z.C.A. #7-2021 is null based on an updated request.) Todd Hall, is the applicant. So, Mr. Hall I think you've been here before but you need to be sworn in.

**Mr. Zaleski: Raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?**

**Mr. Hall: Yes, Sir.**

**Mr. Zaleski: Thank you.**

**Mayor Bradley: Mr. Hall would you please state your name and state your current address.**

**Mr. Hall: Todd Hall, 924 Grace Street Sheffield Township.**

**Mayor Bradley: Okay, Mr. Hall we understand that you'd like to build your residence on this property.**

**Mr. Hall: Yes, sir.**

**Mayor Bradley: What parcel would you be building your residence on?**

**Mr. Hall: It's the second lot back. I don't have it clear. It's on the plans. It would be a 50x200 lot basically.**

**Mayor Bradley: Is that the 032, 033 and 034?**

**Mr. Hall: It would be the—if you're on Globe it would be the second lot back. The first lot will be 56 point something, and then the lot behind that'll be 50x191 or something like that.**

**Mr. Crawford: Mayor, if I may for a point of clarification, show Mr. Hall the map to confirm for the record.**

**Mr. Hall: Thank you.**

**Mayor Bradley: Thank you, Mr. Crawford.**

**Mr. Hall: I believe it's 033. Which would be the middle of the property basically, the 033.**

**Mayor Bradley: Okay, so I see that that particular triangle is divided into three small parcels.**

**Mr. Hall: Three smaller parcels. That is correct.**

**Mayor Bradley: You want to build your residence on the 033, which would be the middle of that triangle, basically?**

**Mr. Hall: Yes, sir.**

**Mayor Bradley:** Okay. Are you asking to re-zone all those other parcels as residential also?

**Mr. Hall:** As a group it would make sense, sir.

**Mayor Bradley:** Okay. I see that there residential dwellings across the street from that property.

**Mr. Hall:** As well as beside it. As well a couple doors down. There was a residence on there previous, about a year ago. 3956 Globe. There was a residence on that property.

**Mayor Bradley:** But you had it torn down?

**Mr. Hall:** It was torn down. Yes, sir.

**Mayor Bradley:** Okay. Anything else you wanted to tell us before we open it up to questioning from the board?

**Mr. Hall:** No, sir.

**Mayor Bradley:** Any questions from any of the board members?

**Mr. Crawford:** I do have couple questions.

**Mayor Bradley:** Mr. Crawford?

**Mr. Crawford:** Thank you. Mr. Hall, I just want to get a little clarification because we've discussed this numerous times and residential zoning, I can see the case for that. I think the new element in here is that you have indicated an interest in rental properties. Can you tell us a little bit about that, as well as what your plan is—the parcels they would be on, the type of rental units they would be?

**Mr. Hall:** Well, I considered because we've had to change the zoning that right now I want to build my residence and in the future if I want to build other properties on that residence I want to be able to do so. Whether it be for my own personal use, or re-sale.

**Mr. Crawford:** Okay. And I just want to state for the record, R-3 zoning, as the commission is probably well aware, is the most dense residential zoning that is allowed. I think this makes sense given that the parcel sizes would allow for residential uses to be built on it. The commission may want to consider special use populations because we can go as far as 18 units per one acre as the zoning code exists. So, these are far less than an acre on each parcel, but we could consider some specific stipulations that they can't be more than a duplex or something like that because R-3 zoning is pretty flexible in what it allows. I don't know if the Councilwoman has any thoughts on that. I would just say—I wouldn't say it's a concern, but I would just say that since you don't necessarily have a master plan of what all of the parcels are going be used for, which there are a lot parcels

there, we might want to consider a specific stipulation that allows you to have rental units, but in the future doesn't allow for a large apartment complex to be built there. Because I don't think it would be in line with the neighborhood. So, perhaps a point of discussion or clarification, or just my thoughts on what could or could not happen today.

**Mayor Bradley:** Any response to what Mr. Crawford has indicated?

**Mr. Hall:** I hear what he's saying, and right now I just want to build a residence. I purchased another property that is commercial that I can do whatever, so the apartment complex isn't really on my mind right at this point. I'm more of an investor kind of person. So, it makes sense right now to build me a house there so my kid can continue to go to Clearview school district.

**Mayor Bradley:** So, I think Mr. Crawford is suggesting that if we approve this that we would amend, or add to this particular approval that you would be restricted from building anything other than a duplex on the lots that we are reclassifying—to single family duplex.

**Mr. Hall:** At this time that's fine with me.

**Mayor Bradley:** Okay. Any members of the board have any questions? Anyone from the public here who would like to make a comment? Sir, we're gonna ask that Mr. Zaleski from our Law Department swear you in first of all.

**Mr. Zaleski:** Raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

**Mr. Hancock:** Yes.

**Mayor Bradley:** And sir would you please state your name and your address?

**Mr. Hancock:** Robert Hancock, 1735 Fir Court.

**Mayor Bradley:** Okay. What are your comments?

**Mr. Hancock:** I own commercial building right next to the property he's wanting develop. I want to know, because I built that in an industrial property what it's gonna do if he puts a bunch of duplexes in there to my property value?

**Mayor Bradley:** Mr. Crawford, do you have any opinion on that?

**Mr. Crawford:** Thank you. It's an opinion because I'm not a tax expert, nor a real estate expert, but my assumption is that zoning does not—your property from what you described will continue to be zone Industrial-1, which is in use with what you've described. So, my assumption is that would not have any effect on taxes or property values or anything like that.

**Mr. Upton:** If I could expound on that Mr. Crawford? Sir, you have an existing industrial building, correct?

**Mr. Hancock:** Yes, sir.

**Mr. Upton:** That's correct. So, now the adjacent properties don't have much of an impact when you go to determine property values they do what's called a comp analysis, or they find comparable properties in terms of size, square footage, building condition and that's what they use to value your property. So, the fact that there's a different use, land use, next door doesn't detrimentally impact your property values.

**Mr. Hancock:** The next question, how will that change the effect of my industrial building? Will I still be able to do what I'm supposed to be allowed to do?

**Mr. Upton:** It doesn't change your zoning at all. The applicant will place that burden upon himself, as to how the residential buildings fit next to industrial buildings, because the applicant knows full well that this is an existing industrially zoned district for a reason. So, that burden is on the applicant and not on you.

**Mr. Hancock:** Okay.

**Mayor Bradley:** Does that answer your question, sir?

**Mr. Hancock:** For the time being, yes.

**Mayor Bradley:** Thank you very much. Okay is there anyone else here that wanted to make any comments? Councilwoman Moon?

**Councilwoman Moon:** Do I have to state my name again?

**Mayor Bradley:** You've already been sworn in?

**Councilwoman Moon:** Yes, sir.

**Mayor Bradley:** And you've already stated your name, so we will recognize you as a member of our city council.

**Councilwoman Moon:** Thank you, sir. I've been working with Mr. Hall I think since February. We were out there yesterday in the area, I've been out there several times, to be honest with you it's just a big—it's just a lot of land out there that's going to waste. And I feel that if he wants to do something lets let this gentleman, Mr. Hall, come in and take care of it. He's very concerned about residential, which I like that, not always industrial. But if any of you have ever been over in that area, I don't know if you have, it's just a bunch of woods out there just sitting there. So, if this gentleman wants to come in and he wants to do something lets pass this, let's get this over so he can go to work, because he's talking about



**moving and going someplace else. And I don't want to lose him to Sheffield. I want him to stay. That area out there is nothing but woods out there, and I think you bought that property years ago, right Mr. Hall?**

**Mr. Hall: Yes.**

**Councilwoman Moon: He put a lot of money into Lorain, not just in that area but in other areas. For once I have someone who wants to put residents there and not, you know, a factory or something. Hopefully the board will work with him and pass this for him today. Thank you for your time.**

**Mayor Bradley: Well, Mr. Hall I hope you understand that having councilwoman Moon on your side is a good thing, but if you do her wrong it's not gonna be good for you, you understand.**

**Mr. Hall: I have no intention on doing anybody wrong.**

**Mayor Bradley: Alright. Well, that's good. And again because you're going to build your residence there we would hope that you want to live in an area that you yourself would want to live in.**

**Mr. Hall: Most definitely. It will be an improvement for sure.**

**Mayor Bradley: Okay. Anyone else have any comments, questions or concerns? Mr. Crawford I see you did a review here and for the most part I would say that you found that this application was acceptable under our zoning code standards?**

**Mr. Crawford: That's correct. Yes.**

**Mayor Bradley: And your letter to the board is part of the record in this case?**

**Mr. Crawford: Correct.**

**Mayor Bradley: We'll ask that the board make a motion regarding this particular submission?**

**Mr. Kramer: I'll make a motion to approve.**

**Mayor Bradley: Mr. Kramer moved to approve.**

**Mr. Nardini: Second.**

**Mayor Bradley: Mr. Nardini seconded. All in favor?**

**All: Aye.**

**Mayor Bradley:** Mr. Hall I guess you won't have to visit us again. Mr. Hall, again just for clarification either single family or duplex, nothing more than that. That is what we approved.

**Mr. Hall:** Yes, sir.

**Mayor Bradley:** Okay. Mr. Kramer you wanna just again state your motion to approve subject to that provision?

**Mr. Kramer:** Yes, I do.

**Mayor Bradley:** Okay. So, the motion was to approve your submission subject to the condition that it be only for single family or duplex use.

**Mr. Hall:** Very good.

**Mayor Bradley:** You got that?

**Mr. Hall:** Yes, sir.

**Mayor Bradley:** Okay. Thank you, Mr. Hall. Alright we're gonna vote on that again. All in favor?

**All:** Aye.

**Mayor Bradley:** Opposed? Alright. Okay. Second matter is Z.C.A. #10-2021, Submission for Planning Commission's recommendation to Lorain City Council, for the rezoning of PPN # 02-01-003-168-006 from B-2 to R-3, and PPN # 02-01-003-168-036 from R-2 to R-3. 205 West 21<sup>st</sup> Street, and adjoining rear land, West 22<sup>nd</sup> Street. Family and Community Services, applicant. Matthew Slater, representative. And I understand this has to do with the Valor Home.

**Mr. Yorks:** It does.

**Mr. Zaleski:** Do you promise to tell the truth, the whole truth and nothing but the truth?

**Mr. Yorks:** Absolutely.

**Mr. Zaleski:** Thank you.

**Mayor Bradley:** For the record state your name and your address?

**Mr. Yorks:** My name is James Yorks, I'm the project architect and the representative filling in for Matthew today, who couldn't be with us.

**Mayor Bradley:** Matthew Slater?

**Mr. Yorks:** Yes. Matthew is the Director of Veteran Services, and you are correct with your comment as this relates to we call them Valor House, but Family and Community Services are the managing company that handle that. There's two items. Then next item on the agenda will also be on the same project. Two different buildings. The first one that we are talking about right now is what we call Building A, and that is an old medical office that was donated to family and community services. It's about a 2400 square foot building-2700. It's going to be adaptively renovated. A new roof put on it and a small entry porch. That will be used for transitional efficiency apartment for female veterans. There's four units in there with a small common area. The second parcel you'll see on your application is a rear parcel that our only intention there is to have that as passive recreation if somebody wanted to go out and have a picnic or something. When we originally submitted this it was our understanding that we were a permitted use within that district, but with the new zoning ordinances adopted it was discussed and felt that even though a group home or a multi-family home is allowed in an R-2 we're a B-2, and rather than revert back to R-2 it would just be better if we requested R-3 zoning which is multi-family and we have a rather low density. That way it would be clear and there would be no mistaking then that we're allowed to be there. And I think obviously we're improving an existing blighted area to some extent. We look forward to cooperating with you and any concerns that you have.

**Mayor Bradley:** Okay. And what you're telling us is that that is going to be the residence for four female veterans?

**Mr. Yorks:** Yes.

**Mayor Bradley:** Does anyone from the board have any questions or comments or concerns?

**Mr. Kramer:** I applaud this project.

**Mayor Bradley:** Mr. Kramer, thank you. Anyone else from the board? Okay. Thank you, sir. Anyone from the public here that would like to make any comments or have any concerns?

**Mr. Zaleski:** Raise your right hand, sir. Do you promise to tell the truth, the whole truth and nothing but the truth?

**Mr. Smith:** Yes, sir. Steve Smith, 5529 Manhattan Drive, Lorain. I had met this gentleman before. I'm involved with The Valor Home and had been for some ten years or more since it was first conceived. What he's stated is just an addition to what we're currently doing, which is our facility on 21<sup>st</sup> Street, which used to be the medical buildings and this is a physician's office two doors away. We have a women's facility over on G Street that we started some years ago. We run pretty much under the radar, but we've helped a lot veterans—a hundred or more at The Valor Home on 21<sup>st</sup> Street. We call it transitional housing and it's just to give them a place to get their thoughts back together so we can put them back into a social situation. Get their own home or whatever, and meet their needs.

Basically, that's it. If there are questions the C.F.O. of Family and Community Services is also here if you have questions we can have him answer them if you would like.

**Mayor Bradley:** Well, thank you, Mr. Smith. Not only for your service to our country, but also for all the hard work you do for the veterans in our community, in the county actually. So, thank you for being here and your word and your service mean something to all of us. We certainly appreciate what you've done and what you will continue to do for the brave men and women that served our country. We know Max Upton here is one of those people, and yourself, sir. In any event, any questions from members of the board?

**Mr. Kramer:** As a veteran I've been through that facility. You guys have done a great job. I just applaud you guys. You're doing a great job. I appreciate it.

**Mr. Smith:** We have to thank Family and Community Services because it's a professional operation. They came in and they helped design this whole program and put it together. The concept was put up here, but they actually engineered it. We've been very successful because of them.

**Mr. Upton.** Mr. Mayor, one quick comment. I do serve on the board of Valor Home. I didn't know if members of the board or the administration is aware that The Valor Home will be renamed the Samuel Felton Jr. Valor Home here in the not too distant future. Just wanted to provide that bit of insight relative to the new name for The Valor Home to honor one of our local heroes.

**Mayor Bradley:** Make sure you include Sergeant Samuel Felton Jr. Okay. Thank you, Mr. Smith. Anyone else who would like to approach and be sworn in and then identify themselves?

**Mr. Zaleski:** Raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

**Ms. Baxter:** I do.

**Mayor Bradley:** Please state your name and address?

**Ms. Baxter:** My name is Sue Baxter and I'm the owner of Small Scholars University at 201 W. 21<sup>st</sup> Street.

**Mayor Bradley:** What do you have to say to the board?

**Ms. Baxter:** I just have a question, because I have no problem with The Valor Home they've been wonderful neighbors, but the building directly next to us—my question I tried to call somebody yesterday but no one returned, is there an outdoor smoking section and where would that be? The proximity to how close our buildings are and if our children are outside and the wind is blowing it would not be a good scene for them to be breathing in all the smoke. So, that was my only concern and my question.

**Mayor Bradley:** Mr. Crawford, do you have any insight into that?

**Mr. Yorks:** I can address that.

**Mayor Bradley:** Thank you, sir.

**Mr. Yorks:** Yeah, there is not designated smoking area immediately outside the building. There is a small porch we would encourage it not to be a smoking area. If any smoking were to take place on premises we would prefer that would occur in the rear parking lot of the building and we don't want that by your space any more than we want it by our entrance.

**Mayor Bradley:** Okay. And Councilwoman Moon we don't need you to be sworn in or identify yourself.

**Councilwoman Moon:** This is not my ward, but my grandchildren attended your day care. She really enjoyed it. I work with Mrs. Wright, who is here, and thank you for serving our country, my dad served in the Korean War. I think this is wonderful for the women because so many times we have a tendency-- the men, the men and I feel sometimes we forget about the women that also serve our country. Just like the one on G Street is just wonderful. I think you're allowed to have children on G Street, am I right? Which I think is wonderful. Had a young lady who went there, they were homeless, and her son was there and he was able to attend school. So, a lot of the homeless, but there able to bring their children and they can go to school and have a regular school. So, I think this wonderful idea. I collected blankets and stuff for them. So, hopefully Lorain will do the right thing—the board, and thank you for your time.

**Mayor Bradley:** Thank you for your comments, councilwoman Moon. Okay. Anyone else from the public who wanted to make any comments, hopefully Valor Home will recognize the need to make sure that smoking is done in an appropriate area, and the young children are not exposed to smoke. I know I was walking through Lakeview Park last night and we have signs up discouraging people from even smoking at Lakeview Park because we don't want young children exposed to secondary smoke. Please keep that in mind as you run your operation. I know that many veterans smoke, and hopefully you can help discourage that habit. In any event, any other comments or questions from the board. Okay. No one else from the public is here. I'd entertain a motion.

**Mr. Kramer:** Motion to approve.

**Mayor Bradley:** Mr. Kramer moved to approve.

**Mr. Nardini:** Second.

**Mayor Bradley:** Mr. Nardini second. All in favor?

**All:** Aye.

**Mayor Bradley:** Any opposed? Alright so that is approved. We'll move on to the next item on the agenda which also involves The Family and Community Services, which is Z.C.A. #11-2021, Submission for Planning Commission's recommendation to Lorain City Council, for the rezoning of PPN # 02-01-003-167-017 from B-2 to R-3. 2100 Reid Avenue. Family and Community Services, applicant. Matthew Slater, representative. We have a representative here for Mr. Slater. Again sir, you don't have to be sworn in, but would you please again state your name.

**Mr. Yorks:** My name is James Yorks. I reside at 7525 Leavitt Road, Amherst Ohio, and I'm representing Family and Community Services as the project architect.

**Mayor Bradley:** Tell us about this particular project.

**Mr. Yorks:** This particular building, here again, it's an existing building. It's been vacated for quite some time. It's right at the corner of Reid and 21<sup>st</sup>. It was basically a law office and multiple medical offices with additions over the years. It's been sitting vacant. That property has been acquired. That building itself is I've got it at 5943 square feet. It sits on approximately 150x150 foot lot. It is the same as the previous request. It's currently zoned I believe it is B-2 and we're requesting the R-3 to accommodate transient housing for eight male veterans. That building is large enough that we are going to have an office and a receptionist, and a small community gathering area as well. But basically the same request as the previous, same zoning request. This will help us to house additional male veterans.

**Mayor Bradley:** Very good. And I know that that was the John V Otero law offices for many years and medical offices. Certainly good to see that Valor Home is going to be using that particular property, and using it for a good purpose. Does anyone have any questions or concerns or comments about this particular request? Okay. Any members of the public that wanted to give us any of their thoughts? I know Mr. Smith you've given your thoughts. I'm sure that your thoughts would be identical to the thoughts that you gave us on the first request and so are the members of the board's responses. So, hearing no other comments or concerns from the public I would request a motion.

**Mr. Kramer:** I would make a motion to approve.

**Mayor Bradley:** Mr. Kramer moves to approve.

**Mr. Soto:** I'll second.

**Mayor Bradley:** That was Mr. Nardini—or Mr. Soto. Mr. Soto, second. All in favor?

**All:** Aye.

**Mayor Bradley:** So, no opposed. That is approved. Thank you very much for being here, sir.

**Mr. Yorks:** I thank you very much for your understanding and consideration. I just wanted to say that it never goes without saying enough that I couldn't be more happier with the cooperation that we got through The City of Lorain and Drew helped us so much in getting our application in and handling this since the re-zoning. It was much appreciated, so thank you.

**Mayor Bradley:** Thank you. I know our Building Housing and Planning Department has been getting a lot of praise lately. Not only from the public, but also from City Council last night. So, I hope their heads don't get too big, and that they continue to do good work for our city, but they are getting a lot of praise. I'm happy to hear that. We'll move on to the next matter which is Z.C.A. #12-2021, Submission for Planning Commission's recommendation to Lorain City Council, for the rezoning of PPN # 02-01-003-150-016 and PPN # 02-01-003-150-001 from I-2 to I-1. 1657 Broadway. Which was old the former Lorain Journal property by The Vermillion Shores LLC, applicant. Chris Russo, representative. Is Mr. Russo here?

**Mr. Upton:** He is not, Mr. Mayor.

**Mayor Bradley:** Is someone here for him?

**Mr. Upton:** I don't believe the applicant is here. I can answer any questions that the board- or I can maybe make a request that it be held in abeyance and be added to the agenda next week. Mr. Russo was notified of the meeting. I don't know if he had a conflict or not.

**Mayor Bradley:** Okay. It's my understanding that he wants to do some improvements to that building. What's the board's pleasure? Do you want to hold it in abeyance and make it part of the agenda for the Special Call. Or—

**Mr. Upton:** Again, Mr. Mayor, I'm happy to answer any questions—not to be construed as speaking on behalf of the applicant.

**Mayor Bradley:** Well, again, you know the board requires applicants for these types of matters to be present. Unless I hear a motion to hold this in abeyance then the only other appropriate motion would be to deny based upon the fact that the applicant did not appear. I'll entertain whatever motion.

**Mr. Crawford:** If I could make a comment briefly. Not asking for any special consideration and we have let this applicant know several times, but this is a large project. There was a CRA approved last evening by council for this, so there's many moving parts to this re-zoning and to updating this property. I would respectfully ask for an abeyance and not denial.

**Mayor Bradley:** Okay. Well, I'm gonna move that this matter be held abeyance until next Wednesday, and ask that this be put on the agenda for a Special Call on July the 14<sup>th</sup> at 9:00am. Again, with the understanding that if the applicant or the representative does not

appear that this would be denied. So, I would ask that Building, Housing and Planning reach out to him. Is there a second?

**Mr. Soto: I can second that.**

**Mayor Bradley: Mr. Soto seconds. All in favor?**

**All: Aye.**

**Mayor Bradley: Any opposed? Alright so we're going to reset this to July 14<sup>th</sup> at 9:00am and hold this in abeyance. The last matter is C.U.P. #5-2021, Submission for Planning Commission's review and consideration, a Conditional Use Permit for Indoor and Outdoor Storage at 1730 W.19<sup>th</sup> Street. Section 6.02, Table 6.02-1 Schedule of Uses. Jas Gill, applicant. Matthew Hasel, representative. Mr. Hasel was here earlier on a request before the Zoning Board of Appeals, and asked that his matter be reset for a Special Meeting, or Special Call on July 14<sup>th</sup>. So, we're gonna move this matter to July 14<sup>th</sup> at 9:00am. I so move. Do we have second?**

**Mr. Patterson: Second.**

**Mayor Bradley: Mr. Patterson seconds. All in favor?**

**All: Aye.**

**Mayor Bradley: Any opposed? Okay. So that matter is moved to July 14<sup>th</sup> at 9:00am. Any other matters coming before the Planning Commission? Hearing none, I would entertain a motion to adjourn.**

**Mr. Soto: I make a motion to adjourn.**

**Mr. Patterson: Second**

**Mayor Bradley: Mr. Soto. Mr. Patterson seconds. All in favor?**

**All: Aye.**

**Mayor Bradley: So this particular meeting is adjourned. Thank you very much.**

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**Drew Crawford, Planning & Zoning Administrator**

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**Jack W. Bradley, Mayor**