

**ZONING BOARD OF APPEALS  
MINUTES**

**DATE: July 3<sup>rd</sup>, 2019**  
**TIME: 9:00 a.m.**  
**PLACE: Council Chambers**

**Public Hearing**

**Chairman Given called the Public Hearing regarding the Conditional Use for 2426-2428 Elyria Ave. Two of our members aren't here yet, but since this is just a public hearing they don't have to be present at the moment. Mr. Klinar?**

**Richard Klinar: Public hearing for conditional use permit as per Section 1131.05 of the Planning and Zoning code to allow for a church at 2426-2428 Elyria Ave. R-3 Zoning Anthony Horn, applicant.**

**Chairman Given: Would the applicant like to address the body with regards to the plans?**

**Anthony Giardini: Sure. My name is Anthony Giardini I am an attorney here in Lorain and I represent Mr. Horn. Mr. Horn is here, Pastor Ray Robinson and Gary Fischer the architect is here. This application is being made because I think all of you guys are familiar with the property – this is the old Holy Trinity church; after the church closed the diocese sold it and it had not been used as a church for more than a year. As a consequence under Lorain's ordinances it lost it's conditional use permission to be a church and this public hearing is required and a conditional use permit is required to become a church again. I want to make something clear right now; this has nothing to with a previous issue that I think a prospective tenant had with respect to the back building for the rectory. This is about the church itself, the sanctuary and the hall. Pastor Robinson pastors the Living Word Pentecostal Christian Church on Delaware Ave. in Lorain on the east. That church is probably the largest African American Pentecostal in Lorain – maybe even in Lorain County. That facility is small and what Pastor Robinson also owns a funeral home here in Lorain on the west side and central Lorain. It is his intention – they are in process of negotiating a lease right now to conduct services there and get the sanctuary fixed up because it is somewhat in disrepair. It needs some repairs, some cosmetic things and plans to conduct services there and probably will have time to time funeral services there and use the hall for church related functions. Pastor Robinson do you have anything to say?**

**Pastor Robinson: Good morning. Again as Attorney Giardini mentioned; I Pastor on the east side of Lorain and I am also a local mortician. The church we have now can only hold three to four hundred people. Our congregation has already doubled in size and we are looking at relocating or having a satellite so that we can do ministry on both sides of the City. Again it would be a wonderful place; I believe to establish and continue to grow. To make grow and make impact and I am even more concerned about being on the west side after some tragedies just hit last week with two young African American men who passed**

away. I just see a need to make a voice on the west side to do some strong ministry. So hopefully that helps us move forward.

**Chairman Given:** What is the size of your congregation?

**Pastor Robinson:** Eight hundred.

**Chairman Given:** Eight hundred. Okay. At this time I would add if any members of the audience have any questions or comments on the topic? No motions will be made it is just here for commentary.

**Gerald W. Phillips:** I would like to hand out something to each board member.

**Chairman Given:** Could you state your name for the record ?

**Gerald W. Phillips:** Gerald W. Phillips.

**Chairman Given:** Address?

**Gerald W. Phillips:** 461 Winward Way Avon Lake, Ohio. My first comments have to deal with the application for the conditional use permit. The application doesn't comply with 1131.02 (E) it is supposed to contain a detailed description of the proposed use. It says that it is going to use three buildings; what is called a church building, what is called a fraternal building which is the social hall and the rectory. When you look at what is stated in the application it just says that those three buildings will be used for church purposes as previously used. It doesn't indicate which days of the week the services are going to be on, what times the services will be held, how frequent the services are going to be, how large the congregation – we know now how large the congregation is because there was a statement. What type of religious services? What holidays will be the services on? All of that information is not there in order to determine the impact on the surrounding neighborhood. Also in reference to the fraternal building the same questions are unanswered as far as the application as far as the days it will be used, what times, how frequent, how large of a gathering, what types of church activities, will non congregational individuals use the fraternal building, will the fraternal building be rented to third parties or members of the community (and if so, what are the terms/provisions/ conditions?). So because of the lack of information you can't determine the impact of the fraternal building and the activities in that building. The third building is the rectory again the same questions – what days of the week will it be used, what times, how frequent, will individuals be permanently residing there, will any individuals be residing there temporarily, what type of residence will be there, will non-congregational individuals use the rectory, will the rectory be rented out to third parties in the community and if so under what terms/conditions/ provisions? Will the rectory be used as a group home or a residential social service facility? Again since the application doesn't contain such detail you can't determine the impact of the use of the rectory on the surrounding neighborhood. Also the application doesn't comply with 1131.02 (F) there is supposed to be a detailed plan, and the plan is supposed to contain for the proposed site for the conditional use showing the location of all buildings, parking, loading areas, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other information. There is no plan in the file that was filed with the application. Also it

doesn't comply with 1131.02 (H) which requires that a specific narrative be provided; that narrative for the proposed use should contain a statement evaluating the effects of such elements as noise, glare, odor, fumes, vibration on the adjoining property, a discussion of the general compatibility with adjacent properties in the district and the relationship to the proposed use to the comprehensive plan. That is missing – there is no detailed narrative. Also it appears that the prior applicant Spary Carey has had furniture delivered there for the rectory, bedding, tables, chairs and living facilities. It may be used for a group home which was denied by this Board on May 22, 2019. In the file was the lease agreement; with between Elyria Opportunities LLC who is the owner of the property and God's Kingdom is that correct or is there a new tenant there? I heard an individual come up who didn't appear as God's Kingdom. So is God's Kingdom going to be running the facility or somebody else if that question could be answered by the applicant I can either make additional comments or delete them.

**Chairman Given:** Would the applicant or their attorney like to respond to that?

**Attorney Giardini:** First of all I don't know why he is here; he is not a resident of the City of Lorain and he didn't indicate that he is representing any resident of the City of Lorain. So his comments to me; are irrelevant. Secondly he is totally wrong. This is the United States of America we have a Constitution and the Constitution says that..

**Gerald W. Phillips:** Can you answer the question?

**Attorney Giardini:** I will answer the question.

**Gerald W. Phillips:** Answer the question.

**Chairman Given:** Mr. Phillips I chair the meeting.

**Attorney Giardini:** We are here on a public hearing and you are talking about the application which is later on in the agenda. So I wanted to make it clear that the City of Lorain doesn't have any right nor does any government to talk about when church services are held, what times church services are held or anything else. We don't tell Saint Peter's that, we don't tell Nativity that and we don't tell any Catholic Churches that and now we are going to tell a Pentecostal Christian Church that? I doubt it. Church of God was negotiating to move in there, but they are not going to. Tony Horn is a member of the Living Word Church he talked to his Pastor and his Pastor wants to – he wants a bigger facility and that is who they are negotiating with. The issue is here is whether a church can go there; not a group home, not a whatever – a church.

**Attorney Phillips:** To answer Mr. Giardini's question; I am here on behalf of residents and residence businesses in the City of Lorain. Based on the answers to the questions then the one section of my handout I can ignore because it is a different tenant. The application for a conditional use permit must meet the requirements of 1131.03; as I indicated in my handout that section has not been complied with. If you take an inspection of the property you will see that fencing is missing in a number of locations, broken in locations, in disrepair and needs fixing, leaning and falling down, there is inadequate buffering and landscaping to screen the noise, lights, dirt and there is a lack of significant opacity which is blockage to protect the surrounding neighborhoods. Those same conditions also

violation 1131.03 (D) which provides that the proposed use must be compatible with the surrounding neighborhood and that it won't be hazardous or disturbing to the neighborhood. There has been no fire inspection for the property, no occupancy permit. This property was previously inspected for the proposed use for the group home and they were cited for a number of violations which to date there have been no follow up report that those have been corrected. Until corrected the property violates 1131.03 (D). Also it violates 1131.03 (F) that deals with providing for adequate parking. The parking lot has deteriorated has holes. Based on the size of the congregation and the entrance no traffic study has been done. Depending upon the services it will cause problems with the circulation of traffic in peak times and may even require a police officer to direct traffic during those services. Also it violates for the same reason 1131.03 (G). Also the conditional permit use must comply with 1131.04 which is specific conditions and those same conditions concerning the fencing, the lack of landscaping, the lack of opacity, the traffic, the parking lot. It violates 1134.03 ( C). You can also look at 1125.04 (B, H) that deals with fencing that is supposed to be kept in repair and in good condition to protect the surrounding neighbors as far as the buffering. Also it's supposed to be in good repair and in good condition to prevent drainage problems to the surrounding neighbors. Your codified ordinance 1201 deals with parking. The application doesn't provide and doesn't do any computation for what the parking will be. In my handout I have indicated what the proper parking should be based on your code. In this particular case there is three proposed uses; the fraternal building which is the social hall has a separate computation for parking requirements, the church building has a separate parking requirement, there is an office building which I am not sure will be used and there is the rectory. Because there are multiple uses you have to compute each separate use and come up with the total. Nowhere in the application is there anything submitted to indicate that there is adequate parking. That ordinance 1201.04 (F) also 1201.08 requires that the parking lot have adequate drainage, maintenance and kept in good repair and lighting. If you take a physical inspection of the parking lot you will see that it does not comply with 1201.08. If you look at the file on this property you will see that it has a history of disabled and abandoned vehicles on it. It has been cited 1201.12.

**Chairman Given:** Mr. Phillips I am going to cut you short here...

**Attorney Phillips:** Then the last item..

**Chairman Given:** Mr. Phillips I am cutting you short here. You could have submitted this prior to the meeting. I understand where you are going. I have one question I would like you or for your clients to answer. That church has been there my entire life (that facility) okay – I went to church and Catholic church down the street and spent a lot of time there for activities. So for the last fifty plus years that has been a catholic facility of some sort and they had a hall, they had kids there going to school, they had a church and they had a lot of other activities. So my question to you or your clients just for my own benefit; what use would that facility allowed in your mind to have going forward? We have a facility there – what use do you envision those facilities – the church building, the hall building, the rectory building – what use is acceptable to you and your clients?

**Attorney Phillips:** This property has had previous applications since the church closed which one was an educational center which was abandoned.

**Chairman Given: I asked you what use?**

**Attorney Phillips: One was for a social service operation which was abandoned. A conditional use permit doesn't necessarily mean that it is a prohibition. A conditional use means that you provide conditions for the proposed use. If this Board determines..**

**Chairman Given: And that is what you are hearing..**

**Attorney Phillips: Based on their detailed plan.**

**Chairman Given: That is what you are hearing and I have attorney here that will advise this body with regards to our obligation.**

**Attorney Phillips: Well you can't. You can't put conditions when you grant this conditional use and all of those comments that I made concerning the condition of the property. Any prudent board; if they would indeed approve this as a church which in the application we don't know what those activities are because it doesn't comply with the application requirements. You can put those conditions as a condition proceeding to grant it. Those conditions are reasonably necessarily to protect the neighborhood and the property.**

**Chairman Given: Thank you Mr. Phillips. We have given you enough time to speak and there are other people that have to address the body.**

**Attorney Phillips: I am not necessarily opposing it. (Inaudible) It is up to your discretion. You just can't put conditions...**

**Chairman Given: There other people that have the opportunity to speak. I don't know if the applicant wants to respond or whether or not there is anyone else in the audience that wants to respond to the topic of the conditional use for the church.**

**Duffield Enterprises: First let me say that I am sorry for my grandson. Second..**

**Chairman Given: He feels how we feel right now.**

**Duffield Entrprises: I know. I feel this way too.**

**Chairman Given: One second before you start; I need your name and address for the record.**

**Duffield Enterprises: Duffield Enterprises Inc. I own 2550 Elyria Ave. and I own 2465 Apple Ave. One is in the back and one is next door. A tree blew over and they never replaced the fence that they said that they were going to even at the last meeting when they tried to make it into a nursing home. I mean how did it become from a nursing home to a church. I know they just want to open which I understand that it is money for the tax payers, but I just want them to fix the fence that they supposedly already fixed. The whole back of the church isn't fenced in. We already have the people from 28<sup>th</sup> Street trying to get into our property and that is just going to put more people jeopardizing my tenants.**

As far as the church I don't have a problem with that. I just would like them to fix the fence.

Chairman Given: Okay, anything else?

Duffield Enterprises: That is it.

Chairman Given: Thank you.

Dennis Flores: Dennis Flores 212 W. 18<sup>th</sup> St. In your handout I guess it is page three it states that there is no description of any schedule or detail for the rectory use. The applicant has failed to provide such a plan; there is no plan. No narrative has been received and it has come to the attention of the objector any such attempt because of the living – the furniture, the tables and chairs that have been delivered to the rectory from North Coast Liquidations have been delivered. The tenant God's Kingdom is not a recognized 501c entity. There is no such record of non-profit, religious corporation or an unincorporated non-profit corporation operating in the state of Ohio. Also no entity exists.

Chairman Given: Mr. Flores if I can interrupt you don't have to read the document to us we are receiving it for the record and our Attorney has it.

Dennis Flores: Okay if there is no tax exemption that determines this entity then they don't exist. So how are you going to grant an application – it says here that a lease agreement has been entered into by and between Elyria Opportunities LLC (the owner/landlord) and God's Kingdom so if God's Kingdom doesn't exist with the state of Ohio I mean all there is an empty Facebook page showing God's entity. They aren't registered. So how could they enter into a lease agreement with an entity or corporation that doesn't exist? What about the fire inspection? No fire inspection has been made. There are several issues here. They should be remediated before you proceed to the next step. You guys do what you do as a board and do the right thing. Thank you.

Chairman Given: Thank you Mr. Flores. Mr. Radman would you like to address the fire issue in terms of the inspections?

Chief Radman: I normally go out with the Building Department when the application is made for an inspection. I am not sure at this time if we have been in there or not.

Chairman Given: Okay. Mr. Klinar?

Richard Klinar: Initially there was an inspection done on part of the property over there. The initial inspection we found out at that time that the purpose of that was for a residential social service facility. At that time we notified the owners that they would need a conditional use prior to moving forward with anything else. So that is where the inspections stopped. This is going to be an entirely different type occupancy. Before they can enter the church or those buildings those inspections will be completed so that they can get their Certificate of Occupancies. No one is going to pay for the inspections to be done unless they know they can go ahead and get their occupancy so that is where we are with that.

**Chairman Given: Mr. Resar do you have any comments?**

**Attorney Resar: Just following up on the comments by Mr. Klinar. The conditional use permit would come first. Obviously after the conditional use permit is issued then they would have to comply with all the other requirements of the City code to obtain the necessary permits and if there are inspections to be done if there are improvements to be made prior to getting an occupancy permit those would have to be done. Obviously this is a conditional use permit there are some issues that have been raised in respect to whether the application is fully compliant with the code. There again there is nothing I believe in the code that specifically says that unless everything in the application is there that you have to deny it. You can certainly still consider it. If the applicant provides sufficient information to you that you believe satisfies the city code based on the fact that the existing building versus the new building the board can vote however it wants to vote. With respect to an existing building versus a (inaudible) building a lot of times you will come in and attempt to get a conditional use permit before any structures go up. That is how come there is so much detail in the code as to what has to be provided especially when you are looking at a new structure that has not yet been put in place. Obviously when you dealing with an existing structure the location of those buildings are known, the existing parking spaces are known, the layout of the property is known, the setback – all of that is already in place. As far as I know there is not an application to amend those buildings, to change the size or location of anything. There is a drawing in the file which lay out and shows the location of buildings, shows the locations of the side yards, the number of parking spaces and a lot of the detail even though not specified as x number of parking spaces is on the drawing. On the drawing it specifies how many parking spaces are there. As you have indicated previously it has been used as a church and if the application is for a use as a church well that is what it is for it is not necessarily for a prior application as a group home which was denied as a conditional use. If the application is for a conditional use as a church well the uses would be limited to those uses. Whatever goes with a church and an accessory use of a church such as a rectory, a meeting hall. Those are typical things that churches have.**

**Chairman Given: So a follow up to your commentary; if the Board were to consider this could they also put conditions on you know – clarify all of the permits have to be achieved first and all the conditions that the neighboring residents have concerns about the fallen tree, the broken fence etc. all that has to be repaired and corrected prior to occupancy being granted?**

**Attorney Resar: Yes the board can certainly grant a conditional use subject to certain conditions and those conditions would have to be spelled out.**

**Chairman Given: Thank you. Mr. Giardini?**

**Attorney Giardini: Yes if I may I just wanted to address a couple of other things that were brought up by Mr. Phillips. First of all as the Chairman mentioned; Holy Trinity was there since I was a kid. Obviously that facility can handle a congregation of a pretty good size and did for over fifty years, not only that handled the school. The Auxiliary Bishop used to live in the rectory house when Lorain County had an Auxiliary Bishop assigned to it. I am Roman Catholic and I belong to Saint Peters. A lot of my friends belonged to Holy Trinity. The fact of the matter is that the property was at one time a beautiful property.**

The sanctuary is a beautiful sanctuary, and it has gone into disrepair. The tree incident that the lady talked about happened three or four years ago before Mr. Horn owned the property. Maybe a couple of years ago, but the bottom line is this isn't the only church in Lorain that has gone empty. Saint Stan's a block away the same thing. Thank God Nativity has been able to maintain itself. The school I went to at Nativity is now a retirement home for seniors. So adaptations will have to be made and these facilities are going to continue to fall in disrepair unless we get them operating again. We are talking if the Roman Catholic Church were here today saying that we wanted to reopen Holy Trinity we wouldn't even be having this discussion would we? That is the truth of the matter. I do agree with the Assistant Law Director that this Commission has the right to impose reasonable restrictions, but the truth of the matter is that we don't tell any of the other churches around here what their mass schedule should be and what their service schedule should be. Reasonable restrictions yes that makes sense. To say that we won't have services at one o'clock in the morning or that sort of thing after that; it is a church. Church related functions should be expected. If Pastor Robinson decides that he wants to live what used to be the rectory – that is his business. It isn't our business – our business is to make sure that it was safe and secure. The last time I checked there isn't a fence around my church Saint Peter's. There isn't a fence around Nativity that I can think of. So this stuff that Mr. Phillips brought up about fences and security and all this stuff – this is for fifty years that was a functioning, operating church that was a lot bigger than eight hundred members. We just have to address that. At some point in time – I think it is fantastic that a church would go back in there like the one over on Broadway or on Reid Ave. these churches have continue to be reused in some fashion. We ought to be happy. I thought this was the Public Hearing part not the application part, but we don't have any problem with reasonable conditions being imposed for a real church not a group home.

**Chairman Given:** Thank you Attorney Giardini. Is there anyone else in the audience that would like to address the body? Please state your name and address for the record.

**Galila Samuel (sp?):** Galila Samuel 537 Bayberry Rd. I am just here to say that the people the members at Hotel Liquidation did state that Ms. Carey has bought furniture such as bedding and stuff like couches and anything like that floor lamps for residents to live. They did deliver it to the church. Thank you.

**Chairman Given:** Okay. Any other comments? At this time I would like to adjourn the Public meeting. Is there support?

**Mr. Zellers:** Support.

**Chairman Given:** All those in favor signify by saying aye?

**All:** Aye.

**Chairman Given:** Those against? Meeting adjourned.

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**Richard Klinar, Acting Secretary**

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**Daniel Given, Chairman**

**ZONING BOARD OF APPEALS**

**Chairman Given: Mr. Klinar we will call the Zoning Board of Appeals meeting to order?**

**Richard Klinar: Roll call. Mr. Kramer? Mr. Patterson? Mr. Zellers?**

**Mr. Zellers: Here.**

**Richard Klinar: Chief Homolya – not Homolya. Chief Radman.**

**Chief Radman: Here.**

**Richard Klinar: Mr. Given?**

**Chairman Given: Present.**

**Richard Klinar: First item on the agenda is B.A. 12-2019 2410 Garfield Blvd. Variance requested to increase size of apron width to eighty one feet. Section 1201.09 Maximum allowable width of driveway is twenty nine feet at walk and thirty five feet at curb. B-1 Zoning City of Lorain, applicant.**

**Chairman Given: Mr. Resar?**

**Attorney Resar: I believe there is going to be a problem with this. At this point in time there are only three members here as the Safety Service Director the applicant is the City of Lorain. There may be a conflict of you voting on that as the Safety Service Director.**

**Chairman Given: What about the Fire Chief – it is his building.**

**Attorney Resar: Fire Chief is a little bit different – the applicant – I know I understand, but the Fire Chief is a little bit more removed.**

**Chairman Given: That is fine. We are not in any urgent situation in getting this passed.**

**Attorney Resar: I would suggest to have the matter tabled until there are more members here.**

**Chairman Given: Very good. I will make a motion to hold the matter in abeyance.**

**Mr. Zellers: Second.**

**Chairman Given: Am I allowed to make that motion? Thank you Mr. Resar. Motion has been made and seconded. All those in favor signify by saying aye?**

**All: Aye.**

**Chairman Given: Motion passes.**

**Richard Klinar:** Next item on the agenda is B.A. #13-2019 3306 Lincoln St. Variance requested to erect fence in front and side yard on corner lot. Section 1125.04 (D) No fence shall be erected closer to the front line than the front building line. Section 1125.04 (E) No fence shall be erected closer than twenty feet to the right of way on a corner lot. R-1 Zoning Misty McTee, applicant.

**Chairman Given:** Is Misty McTee present? Please state your name and address for the record and then explain what your thoughts are.

**Misty McTee:** Hi I am Misty McTee 3306 Lincoln St. Lorain Ohio We are wanting to put up a fence around the property and honestly I am willing to do it however necessary. We are on the corner lot and the back side on the Wilson Street side our first idea is to put up more of a privacy fence. Right at our property line. I talked to our neighbors and they are wanting to remove their fence and I am going to give them permission to connect to my fence on that line. For the line of the back of the house on the Lincoln Street side only from the front corner of our house line to the back of the line again I am wanting to put up a privacy fence. On our side of the property and I would give any permission for the neighbors to connect to the fence at a later date if they would like. Now right there we would not be able to pull it in two feet because the garage and house line is only three feet away from the property line. I have the neighbor here saying that it was okay as long as it is on our side of the property. As far as the front yard goes; if allowed we would like to put up a little kind of more of a picket fence. The number one thing we are wanting to do is for safety for our dog and our five year old. She will be turning five and the second thing is we are kind of wanting to do more picket fence style for the looks of the house. It is very plain around there and it would give it a better look than a chain link. But going out from the front line of the house to the road it wouldn't be the twenty foot mark. Our house is only twenty foot from the road. We are asking to bring the fence out – I don't know – I hope the drawings are okay. We are hoping to bring the fence out far enough to give us a little more but keep it back behind the stop sign area so that when people pull up that there view of sight is not interfered with. Then again with the side of the house where the road is at we are hoping to do it about two feet from the sidewalk. It would not interfere at all with any drivers or anything like that. Again our first choice would be a wood fence and if not we would be fine with a chain link fence for safety. I would also like to say if coming from the front line of the house to Lincoln St. itself if that would be a concern we could just leave that off of the plan. So it is really however you want us to do it. There may be some confusion in the paperwork. I had no idea that this was this extensive asking for a fence but I would like to state that I am in no (inaudible) planning on damaging anyone else's property and this fence is to be on my side. Again I would give anyone permission to connect to it. I do not plan to remove anyone else's stuff or cross any property lines.

**Chairman Given:** Okay. Members of the board any questions?

**Mr. Zellers:** My only comment would be; the fence going out towards Lincoln street if you drive up and down Lincoln street there are no other fences (from what I saw) in anyone's front yard. I am assuming that is your front yard because that is the street address that was given. I would oppose any fencing going from the house to the street. The rest of it I think I would be okay. I really think it looks out of place if you are the only one on Lincoln that has a fence in their front yard.

**Misty McTee:** Yeah we were talking about that. If that would work that would be fine. I would keep everything from the Lincoln street side – from the corner of the house and we would just do everything from the other sides.

**Chairman Given:** I have similar concerns. Putting a fence in the front yard is something that we don't do in the City of Lorain. In looking we have your plot pulled up here – just the layout to have the whole house wrapped in fence I have a problem with. I think I would prefer that you come back to the Building Department and come back with a different plan with something that would be more readily accessible or successful for passage. Wrapping the front doesn't work Mr. Zellers has a problem with it extending to closer to Lincoln street; I would recommend that you would just go parallel to the house down to the Wilson side and then wrap your house around it but not to extend it as far as you want. Although I understand exactly what you want to do it for your animals and your child it's just not the way we allow fencing in the City of Lorain. Those are my comments.

**Mr. Zellers:** So if she takes away the fence and ties it back into the house parallel with Lincoln it takes the corner issue out of the equation. Does she even have to come back for a variance for that?

**(Inaudible)**

**Mr. Zellers:** So it sounds like this can all get worked out if you work with Building Department to come up with a new sketch but I don't see that you would need to come back here. So based on that I would make a motion that we would deny..

**Chairman Given:** Table.

**Mr. Zellers:** Table? I don't think she needs to come back.

**Chairman Given:** I think that the message that we are sending you is that we only have three people that are here today and two are objecting to the magnitude of the fenced area that you have requested. With what is allowable to our current code you wouldn't have to come back to this board – you would just have to go to the Building Department. Mr. Klinar?

**Richard Klinar:** Basically what this Board is doing is denying the variance?

**Chairman Given:** Right as requested. Right.

**Mr. Zellers:** I would hate to see her have to come back and pay other fees to get a variance – so should we hold it in abeyance? Or?

**Chairman Given:** I will make the recommendation that we hold the matter in abeyance or table it.

**Mr. Zellers:** Second.

**Chairman Given:** Any questions on the motion? Mr. Klinar roll call.

**Richard Klinar: Voice vote.**

**Chairman Given: Voice vote. All those in favor signify by saying aye.**

**All: Aye.**

**Chairman Given: Those against? Motion carries. Ma'am I would make the recommendation that you go to the Building Department and meet with the staff or Mr. Klinar about getting a clear direction of what the city will allow so that you don't have to come back here. If during those discussions he tells you that you would still have to come back because of another circumstance you are still on the agenda and we can bring it up again with no additional fees. Just the way that it was submitted to us isn't not allowable.**

**Misty McTee: I apologize. We are new here.**

**Chairman Given: No apology necessary.**

**Misty McTee: We came from West Virginia and they don't do things like this there.**

**Chairman Given: Okay. Thank you. Stop up on the fifth floor and talk with the Building Department.**

**Patricia Gotro: My name is Patricia Gotro and I live at 3322 Lincoln St. Can I say one thing? I just wanted to say for the record that I did not give her any permission to take down my chain link fence that was stated kind of in the papers. As long as nothing is being done with my property...**

**Chairman Given: Correct and we did not authorize anything so you are okay. Mr. Klinar?**

**Richard Klinar: Next item on the agenda is B.A. #14-2019 936 Oberlin Ave. Variance requested to erect accessory structure in front setback. Section 1129.03 (A) Accessory buildings shall be located between the front principle structure and the rear lot lane. R-2 Zoning Marina Vinczi, applicant.**

**Chairman Given: Mr. Vinczi? Once again state your name and address for the record.**

**Bruce Vinczi: My name is Bruce Vinczi I am here on behalf of my ex-wife Marina Vinczi about her property 936 Oberlin Ave. Her house sits way back on the property. She owns a lot and a third and there is no way for her to put a garage in the back of the structure seeing that there is only four feet to the north side from the property of the house and three from the south side. She does have the area in the front of the house and her proposed area will in fact sit back (the front of the carport) will sit back farther back than the fronts of the existing houses. In a future date she may want to build a garage there. We are just requesting a variance to erect a steel carport and one of the reasons is because the decaying house next door the debris is flying all over her new vehicle and is scratching it and dinging it. She would like to protect it or have the house torn down next door.**

**Chairman Given: Thank you. Members of the Board any questions? Any members of the neighborhood? Any neighbors present? Any comments?**

**Mr. Zellers:** Only a comment; it is too bad that carport has to go in. You keep your house pristine and it looks very nice and it's going to block that but it's understandable why you need a carport. I will make a motion to approve.

**Chairman Given:** Is there support?

**Chief Radman:** I will support.

**Chairman Given:** Motion has been made and seconded. All those in favor signify by saying aye?

**Zellers, Radman:** Aye.

**Chairman Given:** Those against?

**Chairman Given:** Nay. Next item?

**Audience (inaudible)**

**Chairman Given:** The variance was denied. Yes sir.

**Bruce Vinczi:** There is not some grandfather thing could be addressed in there? Where as the house has to be one of the original houses standing on Oberlin Ave. and because of the size of the lot she does have the square footage required to erect such a structure.

**Chairman Given:** I think the question is having the accessory structure in the front yard.

**Bruce Vinczi:** Well there is no way that she can put it in the backyard.

**Chairman Given:** I understand.

**Bruce Vinczi:** That is a temporary thing. Everything is screwed together and tied down. Mobile home ties. It is not considered a permanent structure.

**Chairman Given:** I can't help you with that sir. Mr. Klinar?

**Richard Klinar:** Last item on the agenda is C.U.P. #8-2019 2426-2428 Elyria Ave. Conditional Use Permit requested to allow church at 2426-2428 Elyria Ave. R-3 Zoning Anthony Horn, applicant.

**Chairman Given:** Further comments from the applicant?

**Attorney Giardini:** No sense rehashing things. I think we got through the application in the public hearing. I would like to say again that the building inspector said that no one is going to make plans or repairs if we don't know that the conditional use has been granted and have the right to have the church there. (Inaudible) been reinstated. It is not a new facility there has always been a church there. We are talking about putting another church there and reasonable conditions are appropriate. Certainly inspections have to be done to make sure that it is safe for services to be held there.

Chairman Given: Could you please elaborate on your comment that you made in the public hearing with regard to the social service agencies.

Attorney Giardini: There is zero plan; to the extent that there was someone there who I think made an application for some kind of permit I wasn't here for it so I don't know. That is not in the plans. We are talking about church and church related functions period. We are not here on behalf of anyone else. I may add that the people that are here for the public hearing the public comment and the Attorney Phillips they represent a competitor of that lady so that is why they are here. It has nothing to do with their concern with the church. We are here for the church period. If someone else or if Pastor Robinson proposes a use for one of the buildings that is not appropriate I am sure that the Building Department will let him know that. This is about a church period and all three buildings are part of it.

Mr. Zellers: All three buildings are part of the church?

Attorney Giardini: Yes absolutely. If that lady was there and she moved something in she is moving out.

Chairman Given: So for our own benefit the three buildings we are referencing; the sanctuary, the hall to the south and what is the third?

Attorney Giardini: The rectory.

Chairman Given: The rectory building.

Attorney Giardini: Yes to the north.

Chairman Given: Okay so all for church activities – no social service agencies whatsoever?

Attorney Giardini: That is not a church.

Chairman Given: Correct, absolutely. I would like to make the motion then..Mr. Resar?

Attorney Resar: With respect to that the application – this is a conditional use permit; the application says that the use of the site would be for the for the same purposes as originally designed with no further clarification. Just so that it is clear for what uses are being requested here and what is being authorized it is for the church sanctuary, the social hall and the rectory. Attorney Giardini has stated that it's going to be used for church purposes and I don't know if the applicant wants to clarify what the church building will be used for, what the social hall will be used for and what the rectory will be used for with respect to clarification of what those conditional uses actually are. Is the social hall going to be used as a church or is it going to be used for social hall purposes?

Chairman Given: I think Mr. Robinson will have to answer that. The tenant.

Attorney Giardini: Yeah but Pastor Robinson and I have talked about that. So the sanctuary will be used for church services and he may have funeral services there and the like. The social hall will be used like any other church for social functions, and I am sure from time to time it may be rented by him for facilities. All the churches rent their halls out

to people that aren't necessarily members of their church but it will be a social hall. The rectory as indicated will be used as a rectory for whether it is Pastor Robinson or for people who are ministering and doing the outreach it will be for them. Not a group home. Not some third party renting it for some other purpose. We are directly related to the church. Back when the Catholic Church had it of course the Pastor lived there, the Bishop lived there as well – the Auxiliary Bishop I should say because that was his office and the social hall was used for social purposes and the sanctuary used for church services the same thing.

Chairman Given: Mr. Resar any further questions?

Attorney Resar: With respect to that when you refer to it as a rectory that typically would include not only as a residence for a Pastor but office...

Attorney Giardini: Office...correct.

Attorney Resar: I would just suggest that if there is any motion made that those items be included in there that those specific uses are the ones that the conditional uses actually is being authorized for. So that there is no question as to what the specific uses are authorized and what rights they have and don't have.

Attorney Giardini: That is perfectly acceptable to us.

Chairman Given: I will make a motion then and be willing to allow people to add on to it as well. Add the commentary in there with regards to what Attorney Giardini stated with regards to the use of the church the sanctuary, the social hall and the rectory. Used strictly for those purposes mentioned. I would also make the motion that the property owner/tenant take care of all the property maintenance issues that are visible and that our Building Housing and Planning Department will point out to you. That being a down tree, broken fencing that is in existence any sort of painting or upkeep that we would call out for any other property within the City of Lorain. I think that it's important to the neighborhood and I think it is absolutely essential that we get someone into this property before it falls into further decay like a lot of the churches that have gone derelict over time. So I would make that motion is there a second?

Mr. Zellers: Second.

Chairman Given: Motion has been made and has been supported.

Chief Radman: I just have a question about the fourth building. Are there any plans for that?

Attorney Giardini: I don't think he has any plans for it right now. I think he wants to grow into the church. The first thing is to get it repaired and get it cosmetically right. See how the ministry goes. That area is in desperate need of outreach and I think if it is something that will be different from what it was used for in the past then obviously we would have to come back to the City to get it, but right now the plan is for a social hall.

Chairman Given: Chief Radman any questions?

**Chief Radman: Are we voting on the use for the three buildings?**

**Chairman Given: You are voting for conditional use for the property for church services. One other point for clarification the applicant understands that you have to go through the entire permit process for every City department correct?**

**Attorney Giardini: Absolutely. Yes.**

**Chairman Given: Okay.**

**Attorney Giardini: Well there has been a fire inspection on part of one of the buildings, but he is talking about...**

**Chairman Given: Any other activity that the Building Department, Fire Department etc.**

**Attorney Giardini: Including the fourth building yes.**

**Chairman Given: A motion has been made and seconded. I would ask for a roll call vote on this topic. Mr. Klinar?**

**Richard Klinar: Mr. Given?**

**Chairman Given: Yes.**

**Richard Klinar: Mr. Zellers?**

**Mr. Zellers: Yes.**

**Richard Klinar: Chief Radman?**

**Chief Radman: Yes.**

**Chairman Given: Motion is passed. Any other items Mr. Klinar?**

**Richard Klinar: That is it.**

**Chairman Given: Okay. No other items I will make a motion to adjourn.**

**Mr. Zellers: Second.**

**Chairman Given: Motion has been made and seconded. All those in favor signify by saying aye?**

**All: Aye.**

**Chairman Given: Those against? This meeting is adjourned.**

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Richard Klinar, Acting Secretary

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Daniel Given, Chairman