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CITY OF OBERLIN, OHIO
ZONING BOARD OF APPEALS AGENDA

THURSDAY, JULY 24, 2025
4:30 p.m.

Live Streamed @<https://www.cityofoberlin.com/city-government/streaming-video/>

LIVE MEETING at: The Oberlin Enrichment and
Activities Center
36 South Prospect Street
Oberlin, OH

Board members present:

Catherine Oertel, member; Alan Campbell, member;
Gerard Findlan, member - via Zoom

Present on behalf of the Board:

Chris Yates, Code Administrator

Michael McFarlin, Oberlin City Council liaison

ALSO PRESENT:

Kenneth & Zita Smith
Bruce Laczko

- - - - -

Taken stenographically via Zoom recording and
later transcribed by Marlene S. Lewis, Registered
Professional Reporter and Notary Public in and for
the State of Ohio.

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New Business:

1. Application for a Variance to the
Minimum Front Yard Setback and the
Minimum Front Right of Way Setback for
a Porch Addition at 131 Groveland
Street submitted by Kenneth Smith..... 3 9

Explanation by Mr. Yates..... 3 15

Discussion between the Board members..... 4 17

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members, Mr. Yates and Kenneth Smith..... 5 18

Further discussion between the Board
members and Mr. Yates..... 19 2

Motion to approve the variance by Mr.
Campbell..... 22 1

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(passed unanimously)

Motion to adjourn - by Mr. Campbell..... 22 18

Second by Mr. Findlan..... 22 22

Meeting was adjourned..... 24 8

1 MR. YATES: All right, guys, so
2 I'm going to hit "record" so we can record this.
3 All right. This is the Zoning Board of Appeals
4 meeting; date, July 24th, 2025, and does everybody
5 have an agenda if you need one?

6 MR. FINDLAN: (Indicating).

7 MR. YATES: Roll Call has already
8 been taken, so I'm going to go ahead and just
9 begin this meeting, so this meeting will look
10 at -- we got an application for a variance to the
11 minimum front yard setback requirements and the
12 minimum right of way setback requirements for a
13 front porch replacement at the property of 131
14 Groveland Street, okay.

15 Kenneth Smith, the property owner of 131
16 Groveland Ave, has applied for a variance to the
17 minimum front yard setback requirements and to the
18 minimum right of way setback requirements for a
19 proposed front porch addition at the property
20 listed, so the applicant proposed the construction
21 of a 7 foot long by 4 foot wide one-story front
22 porch addition. This proposed addition will also
23 be serviced by a porch roof. The proposed porch
24 will encroach the current front yard property line
25 and the current front yard right of way setback by

1 4 foot, but there's a caveat here; this property's
2 front yard line setback and front yard right of
3 way setback do not correlate with code, so...

4 In 2010 for the R-1 District Code change, they
5 changed the setback to 60 foot from the middle of
6 the street right of way, and you're supposed to
7 have a 30 foot front yard. As his property
8 exists today, he has a right of way setback of
9 39 feet, close to 40 -- closer to 40, and he has a
10 front yard of 15 foot 6 without the porch.
11 That's what requires us to do this -- to have --
12 have this (inaudible) held as a variance, meaning,
13 that even though he's only butting out 4 foot, you
14 know. The property to (inaudible) does not
15 correlate with the current code, but is
16 grandfathered in, so --

17 MR. CAMPBELL: Weren't we going to do
18 something about changing this --

19 MR. YATES: Yes --

20 MR. CAMPBELL: -- back --

21 MR. YATES: -- we are.

22 MR. CAMPBELL: Okay.

23 MR. YATES: Yeah, it's being
24 changed --

25 MR. CAMPBELL: Okay.

1 MR. YATES: -- so, and I'll
2 further inform you guys about the changes here in
3 a minute --

4 MR. CAMPBELL: Yeah, (nod indicating
5 yes).

6 MR. YATES: -- 'cause we got a
7 date that we're going to have planned in zone
8 meetings at the same time, so Kenneth Smith and
9 Zita Smith is here if anybody has any questions,
10 and we got Bruce Laczko, which, I mean, he's just
11 here as -- attending for the meeting, so... did
12 anybody have any questions about this?

13 (NO AUDIBLE RESPONSE).

14 MR. YATES: Did anybody want to
15 see the Staff report? Yeah, I did have it
16 online. I don't know if you guys got to look at
17 it, but --

18 MS. OERTEL: I did have one
19 question from the Staff report --

20 MR. YATES: Yeah.

21 MS. OERTEL: -- and that's just to
22 kind of orient myself --

23 MR. YATES: Sure.

24 MS. OERTEL: -- on this plan, I
25 think, so --

1 MR. YATES: Uh huh.

2 MS. OERTEL: -- in the Public Works
3 statement --

4 MR. YATES: Yes.

5 MS. OERTEL: -- it says, you know,
6 "We recommend that Mr. Smith confirm the location
7 of the water service. If service for one or both
8 is from the South Park Street side" --

9 MR. YATES: Uh huh.

10 MS. OERTEL: -- "we, similarly,
11 recommend that he evaluate their condition prior
12 to building a porch over them," --

13 MR. YATES: Yes.

14 MS. OERTEL: -- but this porch is
15 going to be facing Groveland?

16 MR. YATES: Right.

17 KENNETH SMITH: Yes.

18 MS. OERTEL: Okay.

19 MR. YATES: Yes.

20 MS. OERTEL: Okay. So I guess I
21 wasn't quite sure. I didn't understand that
22 comment in light of here --

23 MR. YATES: Yeah --

24 MS. OERTEL: -- so --

25 MR. YATES: -- so they -- the key

1 piece of that is that they recommend.

2 MS. OERTEL: Right.

3 MR. YATES: They cannot hold him

4 to that --

5 MS. OERTEL: Yeah.

6 MR. YATES: -- but they -- the

7 service doesn't come --

8 MS. OERTEL: Okay. And --

9 MR. YATES: -- it's not going to

10 be hindered by the --

11 MS. OERTEL: -- and, I mean, if

12 it --

13 MR. YATES: -- front porch --

14 MS. OERTEL: -- came in from

15 this --

16 MR. YATES: -- anyways.

17 MS. OERTEL: -- Park side, it would

18 be over here, I mean --

19 MR. YATES: Yes.

20 MS. OERTEL: -- so it doesn't

21 really --

22 MR. YATES: It does not.

23 MS. OERTEL: Okay.

24 MR. YATES: You're right.

25 MS. OERTEL: So... okay.

1 MR. YATES: It does not hinder the
2 porch.
3 KENNETH SMITH: We did just put a
4 section of fence up between us and our neigh --
5 MS. OERTEL: (Nod indicating yes).
6 KENNETH SMITH: -- next-door
7 neighbor --
8 MS. OERTEL: Uh huh.
9 KENNETH SMITH: -- on Groveland --
10 MS. OERTEL: Okay.
11 KENNETH SMITH: -- and when we did, we
12 did call the, you know, Call Before You Dig --
13 MS. OERTEL: Uh huh.
14 KENNETH SMITH: -- before we put that
15 in so they could come out and --
16 MS. OERTEL: So you already
17 (inaudible)?
18 KENNETH SMITH: -- won -- wondered
19 where the water --
20 MS. OERTEL: Okay.
21 KENNETH SMITH: -- and all of that
22 comes in off of Park.
23 MR. YATES: And can I stop you for
24 a second, Ken?
25 KENNETH SMITH: Yeah.

1 MR. YATES: I got to swear you in
2 if you're going to speak, so...

3 Do you solemnly swear to tell the truth, the
4 whole truth, and nothing but the truth?

5 KENNETH SMITH: I do.

6 MR. YATES: Thank you, sir --

7 KENNETH SMITH: (Chuckle).

8 MR. YATES: -- so... and if you
9 could just repeat that comment one more time, just
10 what you said there --

11 KENNETH SMITH: When we --

12 MR. YATES: -- as a legal --

13 KENNETH SMITH: -- got the building
14 permit to put a section of the fence up between us
15 and our next-door neighbors' area on Groveland
16 there, we weren't putting the whole -- we were
17 only putting about 30 foot of fence up --

18 MS. OERTEL: (Nod indicating yes).

19 KENNETH SMITH: -- but we called the
20 call appointed day to get -- have and -- well,
21 actually, I did it online, applied to them where
22 (inaudible) check or whatever --

23 MS. OERTEL: Uh huh.

24 KENNETH SMITH: -- and Water

25 Department and the gas, all that, you know,

1 (inaudible), but everything comes in off of Park,
2 so there is -- there is no service that is coming
3 into the house --

4 MS. OERTEL: (Nod indicating yes).
5 KENNETH SMITH: -- underground --
6 MS. OERTEL: Uh huh.
7 KENNETH SMITH: -- off of Groveland
8 (inaudible).
9 BRUCE LACZKO: (Inaudible).
10 MS. OERTEL: Okay.
11 BRUCE LACZKO: Can't see around that
12 corner at all.
13 KENNETH SMITH: Huh?
14 BRUCE LACZKO: You wouldn't be able
15 to see around the corner at (inaudible), but...
16 MR. YATES: All right. Is there
17 anymore questions?
18 BRUCE LACZKO: (Indicating). I'm
19 kind of hard of hearing, so I may be repeating
20 something. This place -- this house was built in
21 1862 --
22 MR. YATES: Uh huh.
23 BRUCE LACZKO: -- by a Swiss
24 immigrant, and, as far as I can tell, it's the
25 last remaining immigrant cottage in that area, you

1 know, and --

2 MR. YATES: Uh huh.

3 BRUCE LACZKO: -- this is -- that
4 area is mostly Irish, and it's before the very
5 southern migration.

6 MR. YATES: Uh huh.

7 BRUCE LACZKO: The house sits 16 feet
8 from the easement line, and all the other houses
9 were built after zoning was -- was enacted.
10 They're about 30 feet from the easement line --

11 MR. YATES: Yes.

12 BRUCE LACZKO: -- so I'm not sure --
13 I don't -- I haven't seen exactly what a person
14 wants to build --

15 MR. YATES: Uh huh.

16 BRUCE LACZKO: -- but it would be
17 a -- the way of obstruction to the corner, you
18 know, seeing what -- you know, for people going
19 right on Groveland or left on --

20 MR. YATES: Right, so it will not
21 be an obstruction --

22 KENNETH SMITH: No.

23 MR. YATES: -- to the corner
24 and -- I'll answer that, so --

25 KENNETH SMITH: Yeah. There --

1 MR. YATES: Let me show you.

2 KENNETH SMITH: -- it's part --

3 (inaudible) of an (inaudible).

4 MR. YATES: Here's the road.

5 BRUCE LACZKO: Well, I measured --

6 yeah.

7 MR. YATES: See that right there?

8 BRUCE LACZKO: Yeah.

9 MR. YATES: That's where this

10 4 by 7 porch is going to be.

11 BRUCE LACZKO: Right, well --

12 MR. YATES: That -- that is not

13 going to hinder any sight from this corner.

14 BRUCE LACZKO: Yeah. Yeah, I made

15 my -- I made my own measurement --

16 MR. YATES: Yeah.

17 BRUCE LACZKO: -- so... but I

18 think -- I don't know exactly what this thing

19 would look like, this construction --

20 MR. YATES: Uh huh.

21 BRUCE LACZKO: -- but they're --

22 right, now there are just some simple fabricated

23 steps in front of the house, I mean, if --

24 KENNETH SMITH: Can I see?

25 THEREUPON, Mr. Yates conferred with Kenneth

1 Smith.

2 (BRIEF PAUSE).

3 MR. YATES: Four foot from here.

4 BRUCE LACZKO: Okay.

5 KENNETH SMITH: Only one foot farther

6 out from what is --

7 MR. YATES: Right.

8 KENNETH SMITH: -- already there.

9 MR. YATES: Yes.

10 BRUCE LACZKO: Okay. So where does

11 this go, here or there?

12 ZITA SMITH: No.

13 KENNETH SMITH: Here.

14 BRUCE LACZKO: There?

15 KENNETH SMITH: This is part here.

16 That's part of them there.

17 MR. YATES: Here you go.

18 KENNETH SMITH: That's going to go on

19 that side of it.

20 BRUCE LACZKO: Built out -- oh, yeah,

21 (inaudible) there? The proposal, you know, would

22 bring out 13 minus, you know -- 16 minus

23 whatever's built, you know, if -- if you're to

24 really put it farther out of line with the curb.

25 MR. YATES: They were to put it,

1 yes.

2 KENNETH SMITH: Ah, I don't agree,
3 but --

4 BRUCE LACZKO: I think this is a
5 subject of interest to the Historic Preservation
6 Committee. I think it became one of the
7 (inaudible).

8 MR. YATES: It would be if it was
9 labeled -- it would be if the house was on the
10 National Registry. The house is not on the
11 National Registry, so it does not require a
12 Historic Preservation approval.

13 (BRIEF PAUSE).

14 MR. YATES: Any other questions?

15 KENNETH SMITH: And the design that we
16 are wanting to do would actually be brought in
17 line with the era of the house.

18 MR. YATES: Yes.

19 KENNETH SMITH: We're going to be
20 putting in an Italian age look.

21 MR. YATES: The Smith's traced the
22 house back to 1933.

23 KENNETH SMITH: Jacob Hallauer.

24 MR. YATES: The original plan,
25 and... guess what, it had a full front porch.

1 BRUCE LACZKO: (Inaudible).
2 KENNETH SMITH: (Inaudible).
3 MR. YATES: (Inaudible). The
4 original had a full front porch. There you go.
5 BRUCE LACZKO: Okay.
6 KENNETH SMITH: No, we did our
7 research --
8 MR. YATES: Yes --
9 KENNETH SMITH: -- and (inaudible).
10 No. Yeah, he is --
11 MR. YATES: -- so...
12 KENNETH SMITH: -- he is correct,
13 1862. It was built by Jacob Hallauer.
14 MR. YATES: The house actually had
15 a porch bigger than the one that they're proposing
16 on it --
17 KENNETH SMITH: Exactly.
18 MR. YATES: -- in its original
19 form.
20 BRUCE LACZKO: Of interest to course
21 here; this house --
22 MR. YATES: Uh huh.
23 BRUCE LACZKO: -- but any exception
24 being made might serve as a precedent --
25 MR. YATES: For what?

1 BRUCE LACZKO: -- other

2 neighborhoods --

3 MR. YATES: Yes.

4 UNIDENTIFIED: -- fall into

5 question --

6 MR. YATES: Uh huh.

7 BRUCE LACZKO: -- the validity of the
8 City Zoning Ordinances.

9 MR. YATES: You're right, and
10 that's why October 1st, we are having a zoning
11 update. This Commission is going to meet with
12 the Planning Commission, and we are going to
13 update all these ordinance, including looking at
14 those.

15 BRUCE LACZKO: Or make this to the
16 people incogitant, special exceptional zone,
17 (chuckle).

18 MR. YATES: No. We are probably
19 going to change the ordinance, so... he is
20 officially -- being that this house was built
21 before this building code that governs that area
22 was active, he is grandfathered in. If he was to
23 put a one foot porch on the front of his house, he
24 would still have to visit us being that his house
25 doesn't conform with current code, but we are

1 looking to address that, so... we don't know why
2 somebody came in in 2000 and had to change that
3 code --

4 BRUCE LACZKO: Okay.

5 MR. YATES: -- because he's not
6 the only house that has that setback, no. If you
7 look, there's houses all along that are listed R-1
8 around here that have the same setback problem.

9 KENNETH SMITH: (Inaudible).

10 UNIDENTIFIED: Yeah.

11 MR. YATES: Yeah.

12 KENNETH SMITH: Our whole
13 neighborhood, nobody meets --

14 MR. YATES: Nobody.

15 KENNETH SMITH: -- the code.

16 MR. YATES: Yeah, yeah. The
17 reason to have a variance, so...

18 BRUCE LACZKO: All the other houses
19 are at least, you know, 30, 60 years younger than
20 this one here. (Inaudible).

21 THEREUPON, Bruce Laczko and Kenneth and Zita
22 Smith conferred.

23 MR. YATES: Yeah.

24 KENNETH SMITH: They're even close to
25 the same age.

1 MR. YATES: Yeah.

2 KENNETH SMITH: Across the street on
3 the next corner, that house is almost about the
4 same age as ours.

5 BRUCE LACZKO: Yeah.

6 KENNETH SMITH: A lot of the houses in
7 the area are the late 1800's to early 1900's, and
8 none of them meet what the code says you're
9 supposed to be -- none.

10 MR. YATES: Right.

11 KENNETH SMITH: We're all within --

12 MR. YATES: Yeah.

13 KENNETH SMITH: -- some are closer,
14 some are a little further back, but, you know,
15 there's no uniformity to any of it.

16 MR. YATES: Right, yeah.

17 BRUCE LACZKO: There's a few that are
18 exceptional to being brick, you know, the guy who
19 built it was a -- like a stone --

20 KENNETH SMITH: Stone --

21 BRUCE LACZKO: -- laborer --

22 KENNETH SMITH: -- stone cutter.

23 BRUCE LACZKO: -- who did it himself
24 (inaudible), special specimen.

25 MR. YATES: All right. Are there

1 any other questions? Any other concerns?

2 MR. CAMPBELL: Well, you had the --
3 the police looked at it... the fire looked at
4 it --

5 KENNETH SMITH: Yeah.

6 MR. CAMPBELL: -- the neighbors, the
7 whole --

8 MR. YATES: Everybody. Nobody
9 had a problem.

10 MR. CAMPBELL: -- because what I
11 felt, 'cause I like to drive by and look at it --

12 KENNETH SMITH: Uh huh.

13 MR. CAMPBELL: -- to see how it's
14 really going to be, rather than this,
15 (indicating) --

16 KENNETH SMITH: Uh huh.

17 MR. CAMPBELL: -- and I didn't -- I
18 didn't see -- not to be argumentative, 'cause I
19 understand your point, I didn't see an obstruction
20 of --

21 MR. YATES: No, there isn't.

22 MR. CAMPBELL: -- visible things.

23 MR. YATES: No, there's no
24 obstruction.

25 MR. CAMPBELL: I -- I thought it

1 was --

2 MR. YATES: Yes.

3 MR. CAMPBELL: -- in keeping, it

4 sounded right.

5 MR. YATES: Yeah. He's literally

6 coming out one more foot than that --

7 MR. CAMPBELL: Yeah.

8 MR. YATES: -- little porch he has

9 there --

10 MR. CAMPBELL: Yeah.

11 MR. YATES: -- and there's no

12 obstruction to (inaudible).

13 MR. CAMPBELL: But I do take the

14 point, too, about setting a precedent --

15 MR. YATES: Uh huh.

16 MR. CAMPBELL: -- but we've had these

17 things come up before, and I don't know if we've

18 turned any down, but no one has ever brought up,

19 well, you did it for her... let me -- can you do

20 it for me...

21 MR. YATES: Yes.

22 MR. CAMPBELL: -- I mean, that isn't

23 even a (inaudible) --

24 MR. YATES: Yeah, and it doesn't

25 happen.

1 MR. CAMPBELL: And there are -- we
2 are going to change that in --

3 MR. YATES: Yeah, I mean, they
4 might address this area... I know they're looking
5 at this, but we're going to have a total zoning
6 update because this zoning ordinance, among a lot
7 other ones, side yard setbacks, ah, there's a lot
8 of things that do not really function comfortably
9 with normal residential use, you know. We have a
10 12 to 15 foot side yard setback or set up for
11 accessory structures, but you're allowed to put
12 your driveway right on the property line. Who
13 wants to put their driveway on the property line
14 and then have to make a, you know, a -- a left
15 turn 15 foot and then come back up on their
16 driveway? That's more of a, you know,
17 controversial approval, if you ask me, in my
18 opinion, than something like this --

19 MR. CAMPBELL: Uh huh.

20 MR. YATES: -- so... all right.
21 Well, we will open the floor for motions.

22 MR. CAMPBELL: Ah, how do we open the
23 floor, ah, I say -- how do I say to pass it?

24 MR. YATES: I would make a motion
25 to approve this application here --

1 MR. CAMPBELL: Make a motion to
2 approve the application.

3 MS. OERTEL: Second.

4 MR. FINDLAN: I'll second it.
5 That's Jerry Findlan.

6 MR. YATES: All right. We got
7 Alan first, Catherine second. All in favor?

8 MR. CAMPBELL: Aye.

9 MS. OERTEL: Aye.

10 MR. FINDLAN: Aye.

11 MR. YATES: All right. Motion
12 carries. All right, so, well, you are approved
13 and... oh, Michael McFarlin did make it here for
14 Council Communications, so we'll have to pick that
15 up on our next meeting, and I don't have any
16 minutes for approval, either, so...

17 Anyone like to make a motion to adjourn?

18 MR. CAMPBELL: Motion to adjourn.

19 (BRIEF PAUSE).

20 MR. YATES: Anyone want to second
21 it, or we have to --

22 MR. FINDLAN: Second it.

23 MR. YATES: -- stay? All right.

24 Yes.

25 MR. CAMPBELL: (Chuckle), we have to

1 stay...

2 MS. OERTEL: Yeah, Jerry's --

3 UNIDENTIFIED: I wondered if we'd
4 have to stay.

5 (CHUCKLE).

6 MR. CAMPBELL: I get it, (chuckle).

7 MR. YATES: All right. Well,
8 thank you, and thank you for attending, Jerry, on
9 the line, and that's it, and I will be notifying
10 you guys.

11 Now, October 1st, we're going to have a Zoning
12 Board of Appeals meeting, okay, and that's going
13 to be the meeting where we're going to look over
14 the entire Zoning Code. I mean, we're not going
15 to do it in one meeting, but we are going to look
16 at all of the significant changes, and we're going
17 to go over stuff, and it would be also nice for
18 people to take notes on this Commission of stuff
19 like this that might be kind of conforming,
20 non-conforming, or controversial to the
21 neighborhood, so, yeah...

22 MS. OERTEL: Do you know what time
23 that meeting will be?

24 MR. YATES: It'll probably be at
25 4:30.

1 MS. OERTEL: Okay.

2 MR. YATES: Yeah, I would say it
3 will be 4:30 and be in this room. Okay? All
4 right, so --

5 UNIDENTIFIED: October 1st?

6 MR. YATES: Yes. I'll send you
7 guys out everything, you know, so... all right.
8 Well, I will adjourn this meeting. Thank you,
9 guys.

10 KENNETH SMITH: Thank you.

11 MR. YATES: All right. We are --

12 UNIDENTIFIED: I do like the excuse
13 (inaudible) --

14

15

16 THEREUPON, the meeting was adjourned at
17 4:44 p.m.

18

19

20

21

GREGGOR MATTSON, (Chair)
{or other representative who was
present at the meeting}

22

23

24

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