

Amherst Zoning Board of Appeals
206 Main Street
Amherst, Ohio 44001

April 26, 2017

6:30pm

Present:

Terry Tomaszewski

Don Anderson

Al Berezney

Bob Valenti

John Jeffreys

Excused:

Other City Officials:

Frank Carlson

David Macartney

Mr. Tomaszewski opened the meeting at 6:30pm

Mr. Tomaszewski swears in everyone that will be speaking before the Board.

1. Mr. Roger Marshall at 344 James Street is requesting a Home Occupation to store a food trailer on his property. Mr. Marshall stated he has a contract to have his food truck at Rockin on the River in Lorain and when he was on Legal Zoom it recommended that he ask for a Home Occupation certificate. Mr. Marshall stated the food trailer is 8 x 2 ½ x 6 ½ feet tall. Mr. Marshall stated the sides fold down and he can park the food trailer in his garage. Mr. Jeffreys asked how he will be stocking his food supply. Mr. Marshall stated he will have a small refrigerator that will fit in the back of his truck. Mr. Marshall stated he will not be selling or preparing food at his home. Mr. Tomaszewski asked if he has all his paperwork with the county health department. Mr. Marshall stated yes. Mr. Tomaszewski asked where he would be cleaning the food trailer. Mr. Marshall stated he would be doing the majority of the cleaning at the job site and the oil will need to be removed into approved buckets prior to bringing the trailer home. Mr. Marshall stated the only thing he would need to do at home is hose down the trailer and light maintenance. During deliberation the Board found that Mr. Marshall would not need a Home Occupation Certificate for the following reasons:

- Not performing any commercial business at the home address.
- Nothing stated in the zoning code prohibits the storage of properly parked vehicles in an R-1 district.

Motion made by Mr. Berezney that Mr. Marshall would not need a Home Occupation to store his food truck at his home location, seconded by Mr. Anderson. Approved 5-0

2. Mr. Lyle Turner at 1024 Cleveland Avenue is requesting to install an addition to his existing accessory structure by 105 sq. ft. Mr. Turner stated he wanted to add more buildings to his property but it took up his whole back yard since he has restrictions being on a corner lot. Mr. Turner stated the structure he is requesting is an awning structure that the sides can be placed up or down depending on the weather. Mr. Turner stated he wanted to place items under the awning and keep his property neat and not place items under tarps. Mr. Turner stated he did apply twice for a variance a few years ago to build a garage larger than what the city allowed and was denied both times so he built a 576 sq. ft. garage. Mr. Tomaszewski asked if this structure was already completed. Mr. Turner stated yes but he still needs to build the panels. Mr. Macartney went over the history of the property and accessory structures. Mr. Berezney asked if the neighbors were notified. Ms. Paterson stated that only Ms. Kelly stopped by to look at the plans.

Based on deliberations, the Board decided to reverse the Building Inspectors decision and approve the variance request based on the following. Approved 5-0

- The variance request is not substantial for this property. While this determination is not sufficient in itself to justify the variance, it is important especially in the context of other factors.
- The variance request will not alter the character of the neighborhood therefore not causing any substantial detriment as a result of the variance.
- The variance would not affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

Mr. Jeffreys motions to move into deliberative session, seconded by Mr. Valenti. Approved 5-0

Mr. Berezney motions to move back into regular session, seconded by Mr. Jeffreys. Approved 5-0

4. Approval of Minutes from March 29, 2017. Mr. Valenti motions to approves minutes, seconded by Mr. Berezney. Approved 5-0

3. Next schedule meeting: May 31, 2017. Approved 5-0

9. Adjourn. Mr. Berezney motions to adjourn at 7:08pm, seconded by Mr. Valenti. Approved 4-0



Mr. Terry Tomaszewski, Chairman Date



Tammy Paterson, Secretary Date