

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

June 28, 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 6:34pm.

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

1. Mr. George Budzina located at 47840 Cooper Foster Park Road. Mr. Budzina is requesting to install an accessory structure that is taller than allowed by code by 1'3" and to install the accessory structure closer to the lot line than allowed by code (2 feet off property line). Mr. Budzina stated the accessory structure they would like to have is Amish built and is taller than what the city allows. Mr. Budzina stated that it has a 2<sup>nd</sup> floor for more storage space. Mr. Budzina stated they have no other outbuilding and would like to get his stuff out of the yard and into a shed. Mr. Tomaszewski asked what the shed would be abutting up to. Mr. Budzina stated that the back of his property abuts up to wooded undeveloped area and on the side is his neighbor. It was determined that the shed would be placed on the North-West corner of the property.

After deliberations, the Board made the following findings:

- 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 spirit and intent behind the zoning requirement would be observed and substantial injustice done by granting the variance.
- 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 back of the property abuts up to a wooded undeveloped area.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and grant your variance request. Approved 5-0

2. Mr. Rollin Young at 440 North Pointe Blvd. Mr. Young is requesting a variance to install a fence closer to the front yard setback line by 18'. Mr. Young stated his property sits on a corner lot and would like to install a white vinyl fence. Mr. Young stated if approved, he would need to seek the approval from the HOA for North Pointe Estates. Attorney Carlson asked what is the hardship with the variance request. Mr. Young stated he has a deck and if he placed the fence closer to the building line then you walk straight into the fence. Mr. Young also stated he has some trees he would like to avoid having to cut down. Mr. Young stated he has two dogs and children he would like to keep inside his back yard.

Evidence was presented that the applicant was the owner of a corner lot. The fence in question extended from the side of the house fronting on Eastpointe Court. Applicant gave information that the existing dimensions of the deck on the back of the house would present practical difficulties in locating the fence according to the ordinance as the steps down from the deck would terminate just at the permitted fence line. In addition existing trees would have to be removed. Applicant pointed out the garage of the neighbor to the east, which extends out from the front of the house, is nearest to his lot line and that as a result the neighbor's sight line would not be as adversely affected.

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 request will not cause any safety issues for vehicles seeing oncoming vehicles or pedestrians.
- The variance would not affect the delivery of governmental services.
- The spirit and intent behind the zoning requirement would be observed and substantial injustice done by granting the variance.
- By denying the variance, the fence would need to be moved closer to building line causing the homeowner to destroy trees to accommodate the fence.

3. Attorney Carlson discussed the appeal decision from Lorain County Common Plea Court regarding the denied sign for Trinity Evangelical Free Church from the Zoning Board of Appeals. Judge Betleski reversed the decision of the Zoning Board and granted their appeal to allow them an electronic sign. Attorney Carlson discussed that the church has been in contact with Mayor Costilow and is willing to work with the city on the best placement for the sign.

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

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

4. Approval of Minutes from April 26, 2017. Mr. Valenti motions to approves minutes, seconded by Mr. Jeffreys. Approved 5-0

5. Next schedule meeting: July 26, 2017. Approved 5-0

6. Adjourn. Mr. Jeffreys motions to adjourn at 7:21pm, seconded by Mr. Valenti. Approved 5-0

  
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Mr. Terry Tomaszewski, Chairman      Date

 6/29/17  
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Tammy Paterson, Secretary      Date