

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

September 26, 2018

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 6:35pm.

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

1. Ms. Michelle Morris and Pastor Burke representing Community Congregational United Church of Christ located at 379 S. Main Street. Community Congregational United Church is requesting a variance to install an electronic message board sign onto their existing sign. Pastor Burke stated they would like to utilize their existing sign but make it an electronic changeable message board. Pastor Burke stated the sign is from the same sign company. Pastor Burke stated no changes would be made to the existing sign size or location just the message board. Ms. Morris stated the new illumination will be within the required restrictions per city ordinance. Pastor Burke stated they went through all the information the Amherst Building Department supplied to them and they see no issues being in compliance with the ordinance. Ms. Morris stated they recently merged with another church and the church is growing and they would like more interaction with the community and what functions are going on at the church. Ms. Morris stated their youth group has grown and they are involved with many organizations. Ms. Morris stated the illumination would be less than what it is now since the flood lights would not be needed. Pastor Burke stated it meets all the requirements for night time dimming. Mr. Tomaszewski asked if the message board would only be on the bottom half of the sign. Pastor Burke stated the message board would only be the bottom half of the sign and their new church logo would be on the top. Attorney Carlson asked Pastor Burke to give a description of the neighborhood. Pastor Burke stated they have 1 to 2 houses on the South side before Central School; two to three houses to the North; residential houses across the street and the Amherst Fire Department to their back. Pastor Burke stated the sign was submitted to the Design Review Board and was approved.

After deliberations, the Board made the following findings:

- The request is substantial for a residential area. The Amherst Codified Ordinance Chapter 1149 prohibits illuminated signs, subject to certain exceptions, in all districts. Applicant was asking for a variance from that prohibition. The board concluded that the illumination, which in a residential neighborhood could be particularly offensive and would be a substantial deviation from other permitted signs.
- The request will alter the character of the neighborhood.
- The owner's predicament feasibly can be obviated through some method other than the variance. The Board felt that a traditional message sign with changeable letters could be used and would be more in keeping with the character of the church building and the surrounding neighborhood as you presently have.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice done by granting the variance. The ordinance expresses a policy that illuminated designs are not permitted, with certain exceptions. The Board found that this prohibition is particularly applicable in residential areas and in the area in particular. To grant a variance under the circumstances of this application would substantially vary from that policy.

Based on deliberations the Board decided to uphold the decision of the Building Inspector and deny your variance request. Denied 3-2 (Mr. Anderson and Mr. Tomaszewski voting to grant)

2. Mr. Joe Staveski from JRS Construction representing Mr. & Mrs. Jara. Mr. & Mrs. Jara reside at 927 N. Main Street. Mr. Staveski is asking for two separate variances. The first is to build a 30x40 accessory structure, 624 sqft. larger than permitted by code. The second variance request is to build the structure to a height of 24 feet, 8 feet higher than permitted by code. Mr. Staveski stated this building would be constructed at the back of the property that abuts up to the new housing development. Mr. Staveski stated you would not be able to see the building from the street since the property slopes down in the back. Mr. Staveski stated his customers would like to take down the existing shed in the back yard and get everything in the new building. Mr. Staveski stated he is asking for the additional height so they can have a full second level. Mr. Staveski stated the second level would be for storage. Mr. Staveski stated there would be no living space in the new accessory building.

After deliberations, the Board made the following findings for item # 1 to build a 30x40 accessory structure:

- 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 requirement would be observed and substantial injustice done by granting the variance.

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

After deliberations, the Board made the following findings for item #2 to increase the height of the structure to 24 ft.:

- The property will yield a reasonable return and will have a beneficial use without the variance.
- The variance request is substantial in this case. The request is for almost twice the height permitted by the ordinance.
- The variance would alter the character of the neighborhood therefore causing substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice done by granting the variance.

Based on deliberations the Board decided to uphold the decision of the building department and deny your variance request. Denied 4-1 (Mr. Tomaszewski voting yes)

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

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

5. Approval of minutes from June 27, 2018: Mr. Berezney motions to approve the minutes, seconded by Mr. Valenti. Approved 5-0

6. Next scheduled meeting: October 31, 2018 at 6:30pm. Approved 5-0

7. Adjourn: Motion made to adjourn at 7:45pm by Mr. Jeffreys, seconded by Mr. Valenti. Approved 5-0

Terry Tomaszewski 10/4/18

Terry Tomaszewski, Chairman

Date

Tammy Paterson 10-4-18

Tammy Paterson, Secretary

Date