

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

March 31, 2021

6:32pm

Present:

John Jeffreys

Bob Valenti

Al Bereznay

Terry Tomaszewski

Don Anderson

Excused:

Other City Officials:

Atty. Ward

David Macartney

Tammy Paterson

Mr. Tomaszewski opened the meeting at 6:30 pm.

Mr. Tomaszewski swears in everyone that will be speaking at this meeting.

1. Ms. Gina Welch residing at 818 Cleveland Avenue is requesting two variances. The first is a 68 sq. ft. variance for an existing structure, second is a 32 sq. ft. variance for an existing structure. Mr. Macartney went over the application and discussed why the variance request is being presented as it is. Ms. Welch stated she currently has a 10x10 canvas canopy that she takes down and puts up every year. Ms. Welch stated she would like to take down the canopy and replace it with a 10x10 permanent structure so they can place a picnic table underneath. Ms. Welch stated she believes this will look much nicer than the canopy. Attorney Ward asked to clarify the number of accessory buildings currently on the property. Mr. Macartney stated Ms. Welch has a greenhouse that is attached to her garage that is considered one structure. Mr. Tomaszewski asked if the shelter has walls. Ms. Welch stated no walls.

After deliberations, the Board made the following findings:

- The variance requests are not substantial for this property. While this determination alone is not sufficient to justify the variances, it is important, especially in the context of other factors.
- The requested variances would not substantially alter the essential character of the neighborhood, and the adjoining properties would not suffer a substantial detriment as a result of the variances.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances.
- The variance requests would not affect the delivery of governmental service.

It is the decision of the Board to reverse the decision of the Building Inspector and grant your two variance requests as follows: (1) allow an existing accessory building 644 sq. ft. in size, 68 sq. ft. larger than allowed by ACO 1145.05(b)(1) Approved 5-0; and (2) allow an existing accessory building 96 sq. ft. in size, 32 sq. ft. larger than allowed by ACO 1145.05(b)(3). Approved 5-0

2. Ms. Marilyn Salvucci and Mr. Ralph Custer residing at 367 Pebble Creek requesting a 3-foot variance to install a rear yard addition. Ms. Salvucci stated they would like to build a 16x14 4 season room, but the new addition will encroach the rear setback by 3 feet. Mr. Macartney stated this new addition will not interfere with drainage and should cause no issues. Mr. Macartney explained that enclosures have different restrictions, therefore the homeowner needed the 3-foot variance approval Mr. Berezney asked if the addition was a package or did the homeowner decide the size. Ms. Salvucci stated this was the size they wanted.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The requested variance would not substantially alter the essential character of the neighborhood, and the adjoining properties would not suffer a substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.
- The requested variance would not affect the delivery of governmental service.

It is the decision of the Board to reverse the decision of the Building Inspector and grant your request for a variance, allowing a 17 ft. rear yard setback at the southwest corner of your property, three feet less than required by ACO 1145.04(a). Approved 5-0

3. Ms. Jennifer Hite residing at 408 Northpointe Blvd. Ms. Hite is requesting a 5.25' variance to install a shed closer to the front yard than allowed by code. Ms. Hite stated they recently installed an in-ground pool and realized they needed more space to store equipment. Ms. Hite stated the shed would be installed within the fence area and would not interfere or obstruct motorist. Ms. Hite stated the shed would also be blocked by a row of evergreens. Mr. Macartney stated the homeowners did receive a variance in 2014 to install a fence closer to the front yard setback than allowed by code. Mr. Macartney stated Ms. Hite's property is adjacent to the community building and pool. Mr. Jeffreys asked the homeowner to tell the zoning board about her property. Ms. Hite stated they have a 4-foot black wrought iron fence that matches the community building and pool. Mr. Tomaszewski asked if the evergreens are existing on the exterior of the fence. Ms. Hite stated yes. Attorney Ward had nothing to add.

After deliberations, the Board made the following findings:

- The requested variance is substantial for this property. While this determination alone is not sufficient to justify denying the variance, it is important, especially in the context of other factors.
- The requested variance would substantially alter the essential character of the neighborhood, and the adjoining properties would suffer a substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.

It is the decision of the Board to uphold the decision of the Building Inspector and deny your request for a variance to build a pool shed 5.25 feet closer to the street line than allowed by Amherst Codified Ordinance 1129.03(a). Denied 5-0

4. Mr. & Mrs. Ksenich residing at 3092 Creekview Lane Avon, Ohio. Mr. Ksenich stated they have a home at 249 Crocker street that was owned by Mrs. Ksenich grandparents and great-grandparents. Mr. Ksenich stated they are requesting a 19.43' variance at the northeast corner of the property to build an addition. Mr. Ksenich stated they needed extra room to house their vehicles. Mr. Macartney stated the homeowners have combined the lots and it is in process of completion. Mr. Macartney stated they have no issues with the side yard setbacks, neighbors have signed off allowing them to reduce the side yard setback which is permitted by ACO. Mr. Tomaszewski asked if the neighbors could sign off due to the age of the home. Mr. Macartney stated yes. Attorney Ward had no comments.

After deliberations, the Board made the following findings:

- The requested variance would not substantially alter the essential character of the neighborhood, and the adjoining properties would not suffer a substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.
- The requested variance would not adversely affect the delivery of governmental services.

It is the decision of the Board to reverse the decision of the Building Inspector and grant your request for a variance to construct an addition onto the existing home at 249 Crocker Street, creating a rear yard setback equal to 5.57 feet at the northeast corner of the addition, 19.43 feet less than required by Amherst Codified Ordinance 1129.03(c). Approved 5-0

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

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

7. Mr. Valenti motions to approve minutes as submitted, seconded by Mr. Anderson. Approved 5-0.

8. Next scheduled meeting will be held April 28, 2021 at 6:30pm.

9. Mr. Berezney motions to adjourn at 7:20pm, seconded by Mr. Jeffreys. Approved 5-0.

Terry Tomaszewski 4/12/2021
Terry Tomaszewski, Chairman Date

Tammy D. Paterson 4/12/21
Tammy Paterson, Secretary Date