

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

May 26, 2021

6:30 pm

Present:

John Jeffreys

Bob Valenti

Al Berezney

Terry Tomaszewski

Don Anderson

Excused:

Other City Officials:

Atty. Ward

David Macartney

Tammy Paterson

Mayor Costilow

Mr. Tomaszewski opened the meeting at 6:42 pm.

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

1. Mr. Glenn King residing at 6701 Crosse Road. Mr. King is seeing two variances. The first request is for 416 sq. ft. variance to install a 992 sq. ft. accessory structure. The second request is for a 374 sq. ft. variance for an existing 206 sq. ft. accessory structure. Mr. King stated he has owned his property for 5 years and it had a small barn that turned into a "She shed" and the second small shed was for storage. Mr. King stated the property had a small pond and has since enlarged. Mr. King stated he would like to build a new shed that overlooks the pond. Mr. King stated he has a gym unit and a golf stimulator which requires a 12-foot-high ceiling, and he does not have the space in the main house. Mr. King stated he has just under 8 acres and the property is camouflaged with large trees. Mr. King stated he did not feel the variance would alter the character of the neighborhood since it is in the back of the property. Mr. Macartney went over both variance request. Attorney Ward had nothing to add.

After deliberations, the Board made the following findings:

- The requested variances are not substantial for this property. The proposed new accessory structure would occupy only 0.20% of the 8-acre 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. Neither of the proposed structures would be readily visible to neighboring property owners.

- Neither of the requested variances would adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances.

Based on deliberations, the Board decided to reverse the decision of the Building Inspector and grant your requests for variances to build a 992 sq. ft. accessory structure. Chapter 1145.05(b)(1). Approved 5-0.

It is also the decision of the Board to reverse the Building Inspector's decision and grant your request for a variance relating to the existing 374 sq. ft. accessory structure, 206 sq. ft. larger than allowed by ACO § 1145.05(b)(2). Approved 5-0

2. Mr. Dan Beeman from Wagner Electric Sign representing St. Peter's United Church of Christ at 582 Church Street. Mr. Beeman stated the church was looking to upgrade their existing sign and add a new identification sign with a changeable sign. Mr. Beeman stated the size is comparable to the existing sign. Mr. Beeman stated the church felt the new technology was a major change but needed. Mr. Macartney stated they have seen some signs come before the Zoning Board in the past. Mr. Macartney stated most churches are in a R-1 zoned. Mr. Macartney stated there was no change to the size and the church is not located in the Historical area. Mr. Jeffreys asked to expand on the hours of operation, light structure, and the type of message board. Mr. Beeman stated they came up with a good neighbor policy and the sign will only be illuminated from 6am to 11pm. Mr. Beeman stated the light has an auto dimming with a manual override. Mr. Beeman stated there will be no scrolling and the message would hold for 30 seconds then change. Mr. Beeman stated there will be no flashing. Mr. Kobuski, church trustee, reaffirmed that the sign would be illuminated 6am to 11pm with no scrolling and will adjust their lighting and scrolling on the recommendation from the Zoning Board. Mr. Kobuski stated they would like to promote the church along with their pre-school but continue to be a good neighbor. Mr. Tomaszewski asked about the size of the sign. Mr. Beeman stated the existing sign is 4x8 and the new sign is 4 ½ x 8 both illuminated. Attorney Ward had no questions.

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 requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

It is the decision of the Board to reverse the decision of the Building Inspector and approve your request for a variance to install an electronic changeable message sign ("ECM") at 582 Church Street, a sign otherwise prohibited under ACO § 1149.03. The Board's granting of the variance is contingent upon compliance with the following conditions:

- The sign manufacturer shall provide certification of compliance with the requirements set forth in ACO § 1149.09(g)(1-4).
- The ECM sign will be pre-set at the factory to exceed the light output restrictions of ACO § 1149.02(a)(10). The church's ECM sign restrictions shall be 50% more restrictive than what is permitted by said ordinance during the hours of dusk until 10:00 p.m. From 10:00 p.m. until dawn, the ECM sign shall be turned off.
- The church shall program its messaging so that after dusk hours, all messaging will be text only on a dark background with red text only.
- The church's ECM sign messaging shall be illuminated for a minimum of 5 minutes before transitioning to a message.
- Subject to the dusk to 10:00 p.m. requirements stated herein, the church's ECM sign may only be illuminated between the hours of dawn in the morning and 10:00 p.m.
- Should there be a city-wide emergency that requires immediate notification to the City's residents, the church will cooperate with the City to display appropriate emergency messaging.

Approved 3-2 (T-y, A-y, V-n, J-y, B-n)

3. Mr. Michael Allen business located at 1927 Cooper Foster Park Road. Mr. Allen is seeking a variance to allow for the assembly of firearm components. Mr. Allen stated he did not want to manufacture firearms, but he simply wants to change out parts. Mr. Allen stated he needs a new AF class and right now he is not permitted. Mr. Allen stated he is doing the same as Milks Mowers if they were changing your blade on your saws. Mr. Allen stated he has no intention on bringing a manufacture facility to 1927 Cooper Foster. Mr. Macartney stated Mr. Allen needs a special license from ATF for parts, like a middleman. Mr. Macartney stated he is wanting to change his license type so he can take parts and apply them to the firearm for a finished product, but the ATF is looking for an approval from the City for their current space. Mr. Macartney stated the business model not changing. Mr. Jeffreys stated he learned a lot about this subject. Mr. Jeffreys stated he currently has a LLF Category 1 license which is like a dealer status in a way. Mr. Jeffreys asked if Mr. Allen had any intention on obtaining a Category 10 license. Mr. Allen stated no intention ever. Mr. Jeffreys asked if he will be building or selling ammunition. Mr. Allen stated no. Attorney Ward had no questions at this time.

After deliberation, the, the Board made the following findings:

- The applicant would suffer an unnecessary hardship in the event a use variance is not granted.
- The demands of the applicant's customers are such that the viability of his business would be at risk without a use variance.
- The variance requested would be harmonious with the existing zoning.
- The variance requested would not alter the character and use of the zoning district where the property is located.

It is the decision of the Board to reverse the decision of the Building Inspector and grant your request to allow for the assembly of firearm components. Chapter 1137.01. Approved 4-1 (T-y, A-y, V-y, B-y, J-n)

4. Mr. Eric Anthos residing at 464 N. Main Street. Mr. Anthos is requesting a variance to install a 768 sq. ft. accessory structure that would be 192 sq. ft. variance. Mr. Anthos stated he currently has a 20x20 accessory structure that is being to deteriorate and would like to take this down and replace it with a new shed. Mr. Macartney stated when Mr. Anthos submitted for the variance, he was also going to need a front- and rear-line setback variance but has since received written notice from all abutting neighbors to go half the distance so this variance is not needed. Attorney Ward had no questions at this time.

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 requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variance.
- The existing 560 sq. ft. accessory structure will be razed upon completion of the new pole building.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and approve your variance request to install a 768 sq. ft. accessory structure. Chapter 1145.05 (b) (1). Approved 5-0

5. Ms. Lucinda Anthony residing at 416 Braeburn Court. Ms. Anthony is seeking a variance to operate a speech and language pathology services out of her home. Ms. Anthony stated

she would like to see clients in her home. Ms. Anthony stated she is a licensed speech pathology. Ms. Anthony stated she would see one client a week but could expand into small group sessions of 1-3 clients. Ms. Anthony stated they home school their children so they already have a space laid out like a school they would be using. Mr. Tomaszewski asked what the time frame is if this cease. Attorney Ward said if after 6 months this home occupation stops, they would need to come back before the Zoning Board for approval.

After deliberations, the Board made the following findings:

- All requirements of Chapter 1129 applicable to an R-1 Single Family Residence District have been satisfied.
- All requirements of Chapter 1130 applicable to home occupations have been satisfied.
- The use of the property, in part, for the operation of a speech and language pathology services business is compatible with the residential character of the neighborhood.
- Only one person other than a family member residing on the premises will be engaged in the home occupation on the premises.
- The appearance of any structure on the premises would not be altered nor would the business be conducted in a manner which would cause the premises to differ from the residential character of the neighborhood.
- No traffic will be generated by the operation of the home occupation which is greater than traffic volumes normally expected in the neighborhood.
- No space on the premises and outside of a principal or accessory building will be dedicated to storage or for any home occupation use.
- Not more than twenty-five percent (25%) of the floor area of the dwelling unit will be used in the conduct of the home occupation.

Based on deliberations, the Board decided to reverse the decision of the Building Inspector and approved your variance to operate a speech and language pathology services of your home at 416 Braeburn Court. Approved 5-0

6. Mr. Robert Triniszewski residing at 624 S. Lake Street. Mr. Triniszewski is requesting to install a second driveway to create a "U" shaped driveway and second ingress/egress to main roadway. Mr. Triniszewski stated they have lived in the house for 3 years and has been fixing it up. Mr. Triniszewski stated he has an existing driveway to the garage, and he would like to install a second driveway that would go through his front yard and exit onto the road. Mr. Triniszewski stated the exiting the driveway is very unsafe and is a dangerous intersection. Mr. Triniszewski stated there are many car accidents at the intersection. Mr. Triniszewski stated this would also give him extra parking spaces since his current driveway is short. Mr. Triniszewski stated his neighbor currently has the same driveway he is requesting a variance for.

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 proposed second driveway would mitigate the safety risk posed by the curvature of the road.
- 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 requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Based on deliberations, the Board decided to reverse the decision of the Building Inspector and grant your variance to install a second driveway to create a “U” shaped driveway and a second ingress/egress to the main roadway. Chapter 1145.14(b). approved 5-0

7. Mr. Greg Christian residing at 601 Greenlawn Drive. Mr. Christian is requesting a 3-foot side yard setback variance. Mr. Christina stated they would like to add a one car garage to his existing two car garage on the west side. Mr. Christian stated he spoke to his neighbor, and they had no problems with his plan. Mr. Christian stated he wanted to keep his property area neat, but he would need the variance to build closer to the lot line. Mr. Macartney stated there was a little confusion about the application. Mr. Macartney stated initially the submission was for 3 feet but reviewing the property the building would go to the property line. Mr. Macartney stated there was confusion on where the property line was. After further discussion, attorney ward suggested the applicant withdraw his application and submit a new application with corrected information. Mr. Christian stated he would like to withdraw his application at this time.

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

7. Mr. Anderson motions to reconvene into regular session, seconded by Mr. Valenti.
Approved 5-0

8. Approval of minutes from April 28, 2021: Mr. Valenti motions to approve the minutes, seconded by Mr. Bereznyay. Approved 5-0

9. Next scheduled meeting will be June 30, 2021, at 6:30pm. Approved 5-0 Mr. Jeffreys stated he will not be able to attend June 30th meeting.

10. Adjourn: Motion made to adjourn at 8:45pm by Mr. Bereznay, seconded by Mr. Jeffreys.
Approved 5-0

Terry Tomaszewski 6/9/2021
Terry Tomaszewski, Chairman Date

Tammy G. Paterson 6/9/2021
Tammy Paterson, Secretary Date