

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

August 25, 2021

6:30pm

Present:

John Jeffreys
Don Anderson
Al Bereznay
Terry Tomaszewski
Bob Valenti

Excused:

Other City Officials:

Atty. Ward
David Macartney
Mayor Costilow

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

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

Mr. Tomaszewski explained to the applicants the procedure and how they will be notified of the decision for their variance request.

1. Mr. Ryan Brady representing Mery Health located at 1957 Cooper Foster Park Road. Mr. Brady stated they are seeking a variance to install a monument sign in their tree line with the 10 ft unobstructed distance from grade to right of way. Mr. Brady stated they do not have a lot of options on the placement of the sign on this particular property. Mr. Brady stated the sign proposal is approximately 2 feet off the right of way on the lawn. Mr. Brady stated this sign would not be illuminated and would be two sided. Mr. Macartney stated this property has a shallow tree lawn. Mr. Macartney stated the size of the sign complies, but the unobstructed view is not. Mr. Bereznay asked if they had other options if the variance was not approved. Mr. Brady stated they have not considered any other options or raising the sign. Mr. Hofecker stated this is Mercy's standard sign. Mr. Hofecker stated they would need to go back to corporate for them to approve a special sign for this location. Mr. Brady stated they could place it on the Amchester side, but the tree lawn is less than the Cooper Foster side and they would be closer to the traffic lights. Attorney Ward had no comments.

After deliberations, the Board made the following findings:

- The make-up of this commercial property is unique given that the small strip of grass between the right-of-way on Cooper Foster Park Road and the parking lot is the only feasible location for the sign.
- The variance requested 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.
- The proposed signage would not result in any visibility issue for ingress/egress.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and grant your request for a 10 ft. variance to install a monument sign that rests flat to the ground. *See* ACO § 1149.04. Approved 5-0

2. Ms. Angela Campana residing at 114 S. Lake Street. Ms. Campana is requesting a variance to house 5 additional fowl on her property. Ms. Campana stated she previously had her chickens in Vermilion Township and that property was 18 acres but had to relocate back to the City of Amherst. Ms. Campana stated her coop can house 10-12 chickens and the coop has already been inspected and approved by the Building Inspector. Ms. Campana stated you can't buy only 4 chickens; you must buy them in a set of six. Mr. Macartney stated Ms. Campana applied for the fowl once she relocated back to the city. Mr. Macartney stated he did inspect the chicken coop and it complies to City ordinance. Mr. Macartney stated Ms. Campana is permitted to have fowl on her property, but only 4. Attorney Ward had no comments. Mr. Timothy Branscum residing at 750 Milan stated he objects to the amount of chickens Ms. Campana is requesting a variance for. I object to the requested variance being granted for the following reasons: 1. I believe that the City government went to great lengths in crafting the regulations for keeping fowls. The number of hens allowed by the legislation should be satisfactory. 2. Ms. Campana has raised litters of puppies in the past. I had to speak to her on several occasions regarding dogs being left outside while barking for hours. For this reason, I do not believe that she will be a good steward of animals in the long term. Ms. Campana has not resided in the home at 114 South Lake for a significant period of time. (Over a year.) Now she has returned and brought her 9 fowl with her. As I write this message, I am listening to a duck continuously quacking (might be a new neighborhood record) while a chicken is squawking in accompaniment.

After deliberations, the Board made the following findings:

- The variance requested 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.
- There is a beneficial use of the property without the requested variance.
- 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.
- The variance requested would not adversely affect the delivery of governmental services.
- The property owner's predicament can feasibly be obviated through some method other than a variance.

Based on deliberations, it is the decision of the Board to uphold the decision of the Building Inspector and deny your request for a variance to house nine fowl at 114 S. Lake Street, five more than allowed. *See* ACO § 505.13(a)(4). Please remove five of the fowl from the above-referenced property within thirty (30) days of this notice. Denied 5-0

3. Mr. Kothe residing at 1085 N. Quarry is requesting two variances. The first variance is to build a 1,520 sq. ft accessory building, 944 sq. ft. over the allowed size. The second variance is for a 2.5 ft height, making the total height of this building 16.5 ft high. Mr. Koth stated he bought the property May of 2020. Mr. Koth stated at that time the property was in desperate need of clean up. Mr. Koth stated he is requesting the size and height of the building to use as storage for all his equipment to maintain his property. Mr. Koth stated the placement of the new building had to be placed on the side of the house since he has a septic tank in the back, and it is recommended he has so much square footage for his leech bed which would take up most of his back yard. Mr. Koth stated the new building would match his house as much as possible. Mr. Bereznay asked Mr. Koth to describe his land and where the new building would be placed. Mr. Koth stated the side yards between houses has some wooded areas. Mr. Koth said the part of the building would be seen by the neighbors, but they plan on adding windows so it's not just a black wall. Attorney Ward asked for clarification on the size of the building.

After deliberations, the Board made the following findings:

- The requested variances are not substantial given the size of the 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 requested variances would not adversely affect the delivery of governmental services.
- This particular property is unique, and a septic tank and leach bed would prevent placement of the accessory structure in the rear of the property.

Based on deliberations, it is the decision of the Board to reverse the decision of the Building Inspector and grant your requested variances to build a 1,520 sq. ft. accessory structure with a height not to exceed 18.5 feet. Chapter 1145.05(b)(1)(c). Approved 5-0

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

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

6. Approval of minutes from June 30, 2021: Mr. Valenti motions to approve the minutes, seconded by Mr. Anderson. Approved 5-0

7. Next scheduled meeting September 29, 2021. Approved 5-0

8. Adjourn: Motion made to adjourn at 7:16pm by Mr. Jeffreys, seconded by Mr. Bereznyay.
Approved 5-0

Terry Tomaszewski 9/3/2021
Terry Tomaszewski, Chairperson Date

Tammy Paterson 9/3/2021
Tammy Paterson, Secretary Date