

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

September 29, 2021

6:30pm

Present:

John Jeffreys  
Don Anderson  
Al Berezney  
Terry Tomaszewski  
Bob Valenti

Excused:

Other City Officials:  
Atty. Ward  
David Macartney  
Mayor Costilow  
Tammy Paterson

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. Jim Yorks and Ms. Teresa Gilles representing Main Street Amherst. Mr. Yorks stated he has been involved with Main Street for many years and they have done a great job growing the city under their leadership. Mr. Yorks stated they had a professional marketing group mark certain areas in the city for the best location. Mr. Yorks stated the marketing group stated the hospital corner was the best location. Mr. Yorks stated Main Street was notified by Lormet they were relacing their sign and would be willing to donate the sign to Main Street. Mr. Yorks stated they spoke to the Amherst Historical Society, and they were willing to donate sandstone for the base of the sign. Mr. Yorks stated this would be a community bulletin board. Mr. Yorks stated it would be used for the library events, Main Street events, and other community events. Mr. Yorks stated the sign was approved by the Design Review Board continent of the Zoning Board Approval. Mr. Yorks stated they don't want any advertising of any business. Mr. Yorks stated they did their due diligence and make sure the sign would not obstruct vehicles or pedestrians. Mr. Yorks stated the off-site advertising premise, in his opinion, does not pertain to what they are wanting since they do not anticipate advertising any business's. Mr. Yorks spoke about each variance request regarding the size of the sign and unobstructed view. Mr. Yorks stated

University Hospital is allowing them to place a sign on the corner of Cleveland and Church. Mr. Yorks stated that part of the parking lot is not in use. Mr. Yorks stated the hospital is allowing them to take one additional parking space for landscaping. Mr. Yorks stated Main Street would be maintaining the landscape. Mr. Yorks spoke about other monument signs in the area, St. Joes Church, Mercy Health, Huntington Bank. Mr. Yorks stated the Design Review Board requested bollard to protect the sign. Mr. Yorks stated you can only turn right with the signal so there should be no obstruction for vehicles. Mr. Yorks stated there is a city power pole, after speaking to Ron Merthe the Utility Supervisor they can use. Mr. Yorks stated they wanted to keep the sign understated with no flashing. Mr. Yorks stated all messages would be controlled by Main Street. Mr. Yorks stated the sign is 6 feet height and 9 feet long. Mr. Macartney asked who is responsible for the maintenance of the property. Mr. Macartney stated, per our ordinance, if there is an issue with the landscaping or the sign, we must send a violation notice to the Hospital. Mr. Macartney also stated his concern if the hospital changes hands or Main Street discontinues what happened to the sign. Mr. Jefferys asked what other locations the professional marketing group suggested. Mr. Yorks stated the only other one he remembers would be on the corner of Cleveland and Leavitt at the bank. Mr. Yorks stated they did reach out to the bank, and they were receptive but then the bank turned hands and the new bank was not interested. Mr. Yorks stated one of the reasons for the sign is to bring out of towners to the downtown district. Mr. Tomaszewski stated the signs Mr. Yorks previously mentioned were pre-existing signs except for one or two who requested variances. Mr. Jefferys stated early Mr. Yorks stated they had no intention on advertising other businesses, but then he stated they “don’t anticipate”. Mr. Yorks stated he misspoke on the wording, and they have no intention on advertising other businesses. Attorney Ward had no comments or questions at this time.

After deliberations, the Board made the following findings:

- The proposed signage constitutes “off-premises advertising” under ACO §§ 1149.02(a)(18) and 1149.08(k).
- The variance requested is substantial for this property.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.
- Main Street Amherst’s predicament feasibly can be obviated through some method other than a variance. There are ways for Main Street Amherst to share information with the general public other than off-premises advertising.

It is the decision of the Board to uphold the decision of the Building Inspector and deny your request for a variance to install off-premises advertising signage prohibited by ACO § 1149.08(k). Given the Board’s decision to deny your first request for a variance, the Board has

deemed your second and third requests for variances moot. Approved 4-1 to deny (Tomaszewski-No, Anderson-Y, Berezney-Y, Jeffreys-Y, Valenti-Y)

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

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

6. Approval of minutes from August 25, 2021: Mr. Anderson motions to approve the minutes, seconded by Mr. Anderson. Approved 5-0

7. Next scheduled meeting October 27, 2021. Approved 5-0

8. Adjourn: Motion made to adjourn at 7:31pm by Mr. Valenti, seconded by Mr. Jeffreys. Approved 5-0

Terry Tomaszewski 10/5/2021  
Terry Tomaszewski, Chairman      Date

Tammy Paterson 10-4-2021  
Tammy Paterson, Secretary      Date