

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

October 27, 2021

6:30pm

Present:

John Jeffreys

Don Anderson

Al Berezney

Terry Tomaszewski

Excused:

Bob Valenti

Other City Officials:

Atty. Ward

David Macartney

Mayor Costilow

Tammy Paterson

Mr. Tomaszewski opened the meeting at 7:00pm.

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. Ms. Rachelle Conrady representing 153 Park Avenue. Ms. Conrady stated they were seeking approval to lay gravel down behind their building where they park their cars. Ms. Conrady stated this is unsafe and so is the alley way that has a lot of foot traffic. Ms. Conrady stated they have thought about putting up gates for the alley way but thought they would be destroyed late at night and would have to keep replacing or fixing them. Ms. Conrady stated their parking area abuts up to the Huntington bank and there is a difference in levels. Mr. Macartney stated they have a unique situation with the bank parking lot. Mr. Macartney stated there is a 1-2-inch difference between parking lots. Attorney Ward had no comments or questions at this time.

After deliberations, the Board made the following findings:

- The property will yield a reasonable return without the requested variance. There is also a beneficial use of the property without such variance.
- 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 installation of a dustless parking surface, as required by the relevant ordinance, would benefit adjoining properties.
- The property owner's predicament can feasibly be obviated through some method other than a variance. The existing uneven parking surface can be remedied through the installation of a new parking surface in accordance with ACO § 1121.07(31).
- The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the requested variance.

It is the decision of the Board to uphold the decision of the Building Inspector and deny your request for a variance to install a gravel parking surface in the back of your property at 153 Park Avenue, Amherst, Ohio 44001 Denied 4-0

2. Mr. Timothy Dore residing at 190 Edgewood. Mr. Dore is seeking two variances. The first variance is to build an accessory structure on a vacant property without a main structure, Chapter 1145.06. The second variance is to build a 24'x26' accessory structure, larger than permitted on the vacant property, Chapter 1145.05(b)(1). Mr. Dore stated he has two classic cars and some lawn maintenance items he would like to be able to store in the new building. Mr. Macartney had no comments or questions. Mr. Berezney asked if this new building could be placed in the back property where the house sits. Mr. Dore stated there is a creek bed that runs behind his house close to the property line. Mr. Tomaszewski asked if there would be driveway to the new building. Mr. Dore stated no, he would only be driving the cars in and out a few times a year for car shows so there would be no damage to the grass area. Attorney Ward had no comments or questions.

After deliberations the Board made the following findings:

- The property will yield a reasonable return without the requested variance. There is also a beneficial use of the property without such 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 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 spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.
- The property owner's predicament can feasibly be obviated through some method other than a variance, namely consolidating the two parcels.

It is the decision of the Board to uphold the decision of the Building Inspector and deny your request for a variance to construct a non-temporary accessory building on a parcel without a main building in violation of ACO § 1145.06. Given the Board's decision to deny your request for a variance relating to ACO § 1145.06, the Board has deemed your second request for a variance relating to ACO § 1145.05(b)(1) moot. Denied 4-0

3. Mr. Ruben Quinones & Ms. Jennifer Kish residing at 208 S. Leavitt Road. Mr. Quinones stated he installed 16 inches of fencing onto his existing fencing so they could have privacy from the neighbors. Mr. Quinones stated if they are in the back yard on their deck, they can see eye to eye with the neighbors. Mr. Quinones stated they like to walk around their house without any clothes on and don't want to worry about it the neighbors are watching them. Mr. Quinones stated they would like to enjoy their property as they see fit with as much privacy as they can get. Mr. Quinones stated he previously had an agreement with Mrs. Zabrecky on where he would be able to place the extension. Mrs. Zabrecky residing at 1170 Park Avenue stated they never had an agreement. Mrs. Zabrecky stated the material used is plastic lattice work and is tacky. Mrs. Zabrecky stated she feels this will take away from her home values. Mrs. Zabrecky stated this fence extension has been there for 2 years but a recent argument with Mr. Quinones made her bring this to the Building Department attention. Ms. Kish stated there is a lot of garbage over the fence and they don't want to see it. Mr. Quinones stated the Zabrecky's have a fire pit close to their fence and they use it to burn which he is not sure if that is legal in the City. Mr. Quinones stated the neighbors would show up on his property, so he has added shrubbery and additional fencing to prevent that happening.

After deliberations, the Board made the following findings:

- The property will yield a reasonable return without the requested variance. There is also a beneficial use of the property without such variance.
- 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 2-foot fence extension request making the fence taller than allowed by code. Chapter 115101/1151.03 Denied 4-0.

4. Mr. Jacob Clark residing at 48540 North Ridge Road. Mr. Clark is seeking a 384 sq. ft. variance to install a 30x 32 (960 sq. ft.) accessory structure, which is over the 576 sq. ft. maximum allowed per ACO § 1145.05 (b)(1). Mr. Clark stated they bought this property and was told it was in Amherst Township. Mr. Clark stated he has 35 acres and would like to build a pole barn to store all his equipment and bring all his tools home from his friend's house. Mr. Clark stated the barn would be approximately 30 yards west of the property line. Mr. Macartney had no questions or comments. Mr. Berezney asked about the abutting property. Mr. Clark stated he also owns the property, which is in the township. Mr. Clark said originally, he wanted to build the barn there, but it is more of a swamp area. Attorney Ward had no comments or questions at this time.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property given the acreage of the property and the lack of proximity to neighbors. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The new structure will sit on a small portion of a large, unique piece of property totaling thirty-five (35) acres.
- 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 applicant's neighbor who appeared at the Board's meeting has no objection to the proposed structure.
- 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 grant your variance request to build a 960 sq. ft accessory structure on your property at 48540 North Ridge Road. Approved 4-0.

5. Mr. Berezney motions to move into deliberative session, seconded by Mr. Jeffreys. Approved 4-0
6. Mr. Anderson motions to move back into regular session, seconded by Mr. Berezney. Approved 4-0
7. Approval of minutes from September 29, 2021. Motion made by Mr. Berezney to accept the minutes as submitted, seconded by Mr. Jeffreys. Approved 4-0

8. Next scheduled meeting: November 24th at 6:30pm. Approved 4-0

9. Adjourned at 8:21pm. Approved 4-0

Terry Tomaszewski 11/2/2021
Terry Tomaszewski, Chairman Date

Tammy Paterson 11/2/2021
Tammy Paterson, Secretary Date