

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

March 30, 2022

6:30pm

Present:

John Jeffreys
Don Anderson
Al Bereznay
Terry Tomaszewski

Excused:

Bob Valenti

Other City Officials:

Atty. Ward
David Macartney
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. Mr. Golski residing at 1025 Rome Beauty. Mr. Golski is requesting a 42 sq. ft. variance to install a 210 sq. ft. pergola over his existing deck. Mrs. Golski stated they hired Elyria Fence to design a pergola for their existing deck that would sit outside the deck seating area which causes variance request. Ms. Golski stated they could remove the seating area but would be very costly and they would need to install new railings. Ms. Golski stated they were not aware this would need a variance until their contractor submitted a permit request to the Building Department. Ms. Golski stated this would not be attached to the house and would not interfere with their back window. Ms. Golski stated this would not interfere with their neighbor's view of the back yard. Mr. Macartney stated the plans submitted were very well drawn but the pergola is considered an accessory structure. Ms. Golski stated their property is very wide and deep, but the pergola would sit behind their house. Attorney Ward had no comments.

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 new structure will sit on an existing deck in the applicant's back yard.
- 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 variance request of 42 sq. ft to install a 210 sq. ft. pergola per ACO § 1145.05.
Approved 4-0

2. Mr. Timothy Dore residing at 190 Edgewood. Mr. Dore is requesting a 48 sq. ft. variance to build a 624 sq. ft. accessory structure. Mr. Dore stated he had come before the Board before and was denied building his accessory structure on a vacant parcel. Mr. Dore stated he has combined both lots and is requesting to build this accessory building. Mr. Dore stated they like to keep their property nice, neat, and maintained and needs a little extra room to house all his equipment. Mr. Dore stated he and his wife both have antique cars they like to keep indoors. Mr. Dore stated he does have a shed and its full of his lawn mowers and more storage items. Mr. Dore stated the new building will sit farther back on the property by the creek but not close to the creek. Mr. Macartney went over his last submittal with the Board, including the recent changes with the property. Mr. Jeffreys asked what the total square footage of the property is now. Mr. Dore stated just under an acre. Mr. Jeffreys asked if the new building will be standard height. Mr. Dore stated yes. Attorney Ward had no comments or questions. Mr. and Mrs. Goerlich residing at 193 Edgewood stated they live directly across from the Dore's and have no issues with the variance request. Mrs. Goerlich stated whatever Mr. Dore builds, he does with class.

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 property is unique, and the proposed structure would sit on recently combined parcels totaling almost 1 acre.
- 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 neighbor residing directly across from the property attended the meeting and had no objection to the requested variance.

It is the decision of the Board to reverse the decision of the Building Inspector and approved your 48 sq. ft. variance request to build a 624 sq. ft. accessory building per ACO § 1145.05. Approved 4-0

3. Mr. Dave Hribal residing at 566 West. Mr. Hribal is requesting a 720 sq. ft. variance to build a 1,296 sq. ft. accessory building. Mr. Hribal stated he has two sheds on the property that will be coming down or being removed off the property. Mr. Hribal stated he did not know the existing shed on the property, for 31 years was illegal and encroaching onto his back property. Mr. Hribal stated he was not aware until recently the parcels were separate. Mr. Hribal stated he has contacted a surveyor to combine both parcels, but they are waiting to see if the new building would be approved. Mr. Macartney stated Mr. Hribal did come into the office and then found out about the encroachment. Mr. Macartney stated he does own both properties. Mr. Tomaszewski asked if the building is 5 feet from the property line. Mr. Macartney stated the applicant would be allowed to follow that line. Attorney Ward asked Mr. Hribal is he would be keeping the shed up temporarily. Mr. Hribal stated the smaller shed will be gone and the large will be removed after the garage is complete.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property, given the applicant's representations that Parcel No. 0500024118015 and Parcel No. 0500024118014 will be consolidated and that the two existing accessory structures on the latter parcel will be removed. 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 be consistent with similar variances previously granted relating to other accessory structures in the surrounding neighborhood.
- 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 Official and grant your request for a variance to build an addition onto an existing accessory structure, making such structure 1,296 sq. ft., which variance is expressly contingent upon: (a) consolidation of Parcel No. 0500024118015 and Parcel No. 0500024118014; and (b) the two existing accessory structures on Parcel No. 0500024118014 being removed no later than six (6) months prior to expiration of the applicable building permit. It is also the decision of the Board that no building permit shall be issued unless and until written confirmation of the parcel consolidation described above is submitted by the applicant to the Building Department. Approved 4-0

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

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

6. Approval of minutes from February 23, 2022: Mr. Berezney motions to approve the
minutes, seconded by Mr. Jeffreys. Approved 4-0

7. Next scheduled meeting April 27, 2022. Approved 4-0

8. Adjourn: Motion made to adjourn at 8:03pm by Mr. Jeffreys, seconded by Mr. Anderson.
Approved 4-0

Terry Tomaszewski 4/7/2022
Terry Tomaszewski, Chairman Date

Tammy Paterson 4/7/2022
Tammy Paterson, Secretary Date