

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

April 27, 2022

6:30pm

Present:

John Jeffreys  
Don Anderson  
Al Berezney  
Terry Tomaszewski  
Bob Valenti  
Officials:

Excused:

Other City

Atty. Patrick Ward  
David Macartney  
Tammy Paterson

Mr. Tomaszewski opened the meeting at 6:33pm.

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. Matt Jacobs residing at 43 Baldwin Ct. Amherst, Ohio. Mr. Jacobs stated they are replacing an existing fence and is requesting the good side of the fence face into his yard. Mr. Jacobs stated the exiting fence in the back of his property currently faces in but with the new ordinance this is not allowed. Mr. Jacobs stated he installed that fence 23 year ago. Mr. Jacobs stated he would like to have his back yard look uniform which would also be aesthetically pleasing to look at. Mr. Jacobs stated his neighbors at 53 Baldwin Ct also submitted a written statement they would prefer us to have the good side facing in so when their fence is installed their back yard would also look the same on all sides. Mr. Tomaszewski asked if they could install a shadow box style fence. Mr. Jacobs stated the cost for a shadow box is about \$6,000 more than what they are requesting to install. Mr. Jacobs stated the back of his property abuts up to a wooded area and the neighbors at 33 Baldwin have an existing fence. Mr. Macartney had no comments at this time. Attorney Ward had no comments 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 back of the property abuts a wooded area.
- The owners of the property at 53 Baldwin Court have written to the Board requesting that the variance be granted so the back-yard fencing on both properties appears consistent.
- 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.
- There is an existing fence bordering the rear of the property and installed approximately twenty-three years ago, prior to the adoption of ACO § 1151.06(c)(2), with the finished side facing toward the applicant's home.

It is the decision of the Board to reverse the decision of the Building Inspector and approve your variance request to install a fence with the good side facing in which is not permitted per ACO § 1151.06(c)(2). Approved 5-0

2. Mr. Jeffrey Merrell residing at 210 Brandt Avenue Amherst, Ohio. Mr. Merrell stated he is requesting to install a second driveway onto Lincoln St. Mr. Merrell stated he is building a new accessory structure in the back of his property and would like to install a driveway to access the building. Mr. Merrell stated he would also like more parking spaces. Mr. Merrell stated he has two fire hydrants, one in the front of his property and the other on the side of his property. Mr. Merrell stated with these two hydrants there is no overflow parking allowed in the street by his house. Mr. Macartney stated he was granted a permit for his new 24x24 building and when asked about the access he was informed he could not add a second driveway without ZBA approval. Mr. Anderson asked what the surface of the new driveway will be made with. Mr. Merrell stated it would be concrete and he would also replace his existing driveway with concrete. Mr. Tomaszewski asked about the new structure and Mr. Macartney stated he was within the restrictions of the city ordinance. 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 property is unique. It is located on a corner lot, across the street from another property with a second driveway installed before ACO § 1145.14(b) was adopted. The property also

includes two fire hydrants, one on Brandt Avenue and another on Lincoln Street, limiting available parking for the applicant's guests.

- 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 new driveway will be concrete or asphalt and comply with all City-required specifications

It is the decision of the Board to reverse the decision of the Building Inspector and approve your second driveway onto Lincoln Street which is not permitted per ACO § 11145.14(b)151.06(c)(2). Approved 4-1 (T-Y, J-Y, B-Y, A-N, V-Y)

4. Mr. Jeffreys motions to move into deliberative session, seconded by Mr. Bereznay.  
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 March 30, 2022: Mr. Anderson motions to approve the minutes, seconded by Mr. Valenti. Approved 5-0

7. Next scheduled meeting May 25, 2022. Approved 5-0

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

Terry Tomaszewski 5/9/2022  
Terry Tomaszewski, Chairman      Date

Tammy K. Paterson 5/9/2022  
Tammy Paterson, Secretary      Date