

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

January 25, 2023

6:30pm

Present:

John Jeffreys  
Bob Valenti  
Al Berezney  
Terry Tomaszewski  
Don Anderson

Excused:

Other City Officials:

Atty. Ward  
David Macartney  
Tammy Paterson  
Chuck Winiarski

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

1. Nomination of Chairman: Mr. Jeffreys nominated Mr. Tomaszewski as Chairman for the 2023 year, seconded by Mr. Berezney. Approved 5-0
2. Nomination of Vice-Chairman: Mr. Jeffreys nominated Mr. Berezney as Vice-Chairman for the 2023 year, seconded by Mr. Anderson. Approved 5-0.

Mr. Tomaszewski swears in everyone that will be speaking at this meeting.

3. Mr. Motassan Altam requesting a 6" variance to install a new wall sign at 2219 Kresge Drive. Mr. Altam was not present at the meeting. Mr. Macartney stated Mr. Altam was requesting a 6" variance to install a 42" sign. Mr. Macartney stated this sign looks to be larger but it is typical or similar to what has been seen in the past for buildings that set back off the street to increase the visibility of the sign. Mr. Berezney asked how this sign compares to other signs in the area. Mr. Macartney stated it's a hard comparison since Giant Eagle is in the same development, but it will be 6 inches taller than the Eagle Loan sign.

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 variance requested 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.
- Granting the requested variance would promote fairness and consistency.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your request for a variance to install a wall sign six inches taller than allowed by ACO § 1149.04. Approved 5-0

4. Ms. Ashley Newnam representing Raising Cane's. Ms. Newnam is requesting three separate sign variances:

- A. Chapter 1149.04: Wall Sign not to exceed 36". Ms. Newnam is requesting a 11" variance to install a 48 1/8 high wall sign.
- B. Chapter 1149.04: Marquee/Canopy sign not to exceed the top of the roof line. Ms. Newnam is requesting a 2'2" variance to install a canopy sign that will exceed the roof line.
- C. Chapter 1149.04: Pylons sign is not to exceed 82 sq. ft.. Ms. Newnam is requesting a 19 sq. ft. variance to install their pylon/monument sign.

Ms. Newnam stated nothing has changed from their previous submittal. Ms. Newnam stated these the wall sign is for a prominent sign on Rt. 58. Ms. Newnam stated she believes this falls in with the consistency of the other business's. Ms. Newnam stated the marquee/canopy sign is consistent with their branding and does not feel this will impact the surrounding business's. Mr. Newnam stated the pylon sign will be 50 sqft on either sign and will not affect the character of the neighborhood. Mr. Macartney went over each sign and the location. Mr. Macartney stated the wall sign is similar to the first application on the agenda. Mr. Macartney stated the marquee/canopy sign is new to the Zoning Board so there is no comparison signage but will have the sign reviewed, if approved, to make sure it will be safe. Mr. Macartney reviewed the pylon sign and how the size is determined. Mr. Macartney stated the sign is consistent with other businesses in the area. Mr. Bereznyay asked if the resident at the back of the property will be affected with the lighting. Mr. Macartney stated the signs are lite internally so no residential will be affected.

After deliberations, the Board made the following findings for the Wall Sign:

- The requested variance is not substantial given that the Board previously granted a similar variance. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.

- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.
- Granting the requested variance would promote fairness and consistency.

It is the decision of the Board to reverse the decision of the Building Official and grant OLIO's request for a variance to install a wall sign with the height of 48 1/8" , 11" taller than allowed by ACO § 1149.04. Approved 5-0

After deliberations, the Board made the following findings for the Marquee/Canopy sign:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant OLIO's request for a variance of 2'2" to install a marquee/canopy sign that will exceed the roof line of the marquee/canopy by 2'2". Approved 5-0

After deliberations, the Board made the following findings for the Pylon sign:

- The requested variance is not substantial. While this determination alone is not sufficient to justify the variance, it is important, especially in the context of other factors.
- The essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer substantial detriment, as a result of the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.
- The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the requested variance.
- The requested variance would promote fairness and consistency with surrounding commercial properties.

It is the decision of the Board to reverse the decision of the Building Official and grant OLIO's request for a variance to install a 101 sq. ft. pylon/monument sign, 19 sq. ft. larger than allowed by ACO § 1149.04. Approved 5-0

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

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

8. Approval of minutes from December 30, 2020: Mr. Valenti motions to approve the minutes, seconded by Mr. Jeffreys. Approved 5-0

9. Next scheduled meeting will be February 22, 2023, at 6:30pm. Approved 5-0

10. Adjourn: Motion made to adjourn at 7:10pm by Mr. Jeffreys, seconded by Mr. Berezney. Approved 5-0

Terry Tomaszewski 2/8/2023  
Terry Tomaszewski, Chairman      Date

Tammy Paterson 2/8/23  
Tammy Paterson, Secretary      Date