

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

March 29, 2023

6:30pm

Present:

Excused:

Bob Valenti
Al Berezney
Terry Tomaszewski
Don Anderson

John Jeffreys

Other City Officials:
Atty. Ward
David Macartney
Tammy Paterson

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

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

1. Mr. Joel Copley from Janotta & Herner. Mr. Copley is representing KTM of North America located at 1119 Milan and is requesting three (3) variances.
 1. Chapter 1141.03: 7'0" height variance request for proposed new addition from adjacent grade.
 2. Chapter 1141.02: 6'0" variance request to reduce the rear setback to 19'0".
 3. Chapter 1141.02: A 122'0" buffer reduction related specifically to the area of residential districts making the total buffer 120'0".

- A. Mr. Copley stated KTM is looking to expand on the North and West side of the existing building. Mr. Copley stated the North side addition is 114x170 and they will have vertical storage, so they are requesting the 7' height variance. Mr. Copley stated the new additions will match the existing building with siding and windows. Mr. Macartney stated KTM is in an Industrial zoned district and 40' is the restricted height of a building. Mr. Copley explained their new vertical storage and how it's like a rotisserie and easy to retrieve products when needed, therefore the height variance requested. Mr. Macartney stated the height would start from the adjacent grade and will slope so only part of the roof will be over the required 40'. Attorney Ward had no questions or comments.

After deliberations, the Board made the following findings:

- The requested variance is not substantial due to the drop-off in elevation of the proposed expanded structure. The requested variance also would not result in any significant change to the appearance of the building. 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 Janotta & Herner's request for a variance to build an expansion onto an existing building with a height of 47' above the grade level, 7' taller than allowed by ACO Section 1141.03(b). Approved 4-0

B. Mr. Copley stated they would like to utilize the property as efficiently as possible but for the addition they would need the rear yard reduction of 6'0". Mr. Macartney stated the 6'0" foot reduction is need if KTM would like the addition. Mr. Macartney stated the storm sewer will be relocated around the addition on the NE corner. Attorney Ward had no questions or comments.

- 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 Janotta & Herner's request for a variance to expand the building structure to include a rear yard setback of 19', 6' less than required by ACO Section 1141.02(e). Approved 4-0

C. Mr. Copley stated they currently are an Industrial Zoned District which required a 300' buffer from residential zoned districts. Mr. Copley stated their buffer currently is 242' but would need a 122'0" variance to reduce the buffer to 120'0". Mr. Copley stated the have the railway that runs directly behind their property and on the other side is the residential district. Mr. Copley stated this is more like a warehouse than a manufacturing company. Mr. Copley stated they will not produce any more noise than they have now. Mr. Copley stated there is more noise from the trains. Attorney Ward had no questions or comments. Mayor Costilow stated he is excited that KTM is expanding and staying in Amherst.

- Given the unique location of the property, 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 property is unique in that there are railroad tracks running between the I-1 Industrial District subject property and the R-1 Single-Family Residence District to the north. There is also vegetation providing a natural buffer between the two zoning districts.
- There is substantial square footage between the railroad tracks and the area where the single-family homes are positioned.
- 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 Janotta & Herner's request for a variance to allow a 120' buffer area from the R-1 Single-Family Residence District north of the subject property and railroad, 180' less than the 300' buffer required by ACO Section 1141.02(a). Approved 4-0

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

6. Mr. Anderson motions to reconvene into regular session, seconded by Mr. Valenti.
Approved 4-0

8. Approval of minutes from January 25, 2023: Mr. Berezney motions to approve the minutes, seconded by Mr. Anderson. Approved 4-0

9. Next scheduled meeting will be April 26, 2023, at 6:30pm. Approved 4-0

10. Adjourn: Motion made to adjourn at 6.57pm by Mr. Berezney, seconded by Mr. Valenti.
Approved 4-0

Terry Tomaszewski 4/3/23
Terry Tomaszewski, Chairman Date

Tammy Paterson 4/3/23
Tammy Paterson, Secretary Date