

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

July 26, 2023

6:30pm

Present:

Bob Valenti
Don Anderson
Al Berezney
Terry Tomaszewski
John Jeffreys

Excused:

Other City Officials:
Atty. Ward
David Macartney
Tammy Paterson

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

Mr. Tomaszewski stated it was great to have Mr. Jeffreys back!

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. James Denger residing at 185 S. Lake Street. Mr. Denger is requesting a 24 sq. ft. variance to build a 192 sq. ft. accessory building. Mr. Denger stated he recently moved to Amherst and would like to be able to get both cars into his garage but with all his lawn equipment, bikes for the grandchildren, snow blower, etc. it's not possible. Mr. Denger stated he owns the houses on both sides of 185 S. Lake, and he spoke to the neighbors across the street, explained what is wanted to build and they had no objections. Mr. Macartney stated this was very cut and dry request. Mr. Macartney stated there is an existing detached garage and the new accessory structure would need a t 24 sq. ft. variance. Mr. Tomaszewski asked where this new building would be placed on the property. Mr. Denger stated right behind the existing garage. 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 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 new building would be built behind an existing garage and would not be seen from the road.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.
- The applicant owns the abutting properties to the north and south of the property at issue.

It is the decision of the Board to reverse the decision of the Building Official and approve your request for a variance to erect a 192 sq. ft. accessory structure, 24 sq. ft. larger than allowed by ACO § 1145.05(b)(2). Approved 5-0

2. Mr. David Chavez residing at 47561 Middle Ridge is requesting to install a fence 24'6" encroachment into the established setback on the corner lot. Mr. Chavez stated they would like to fence in the whole back yard and will be splitting the fence in the back with the abutting neighbor. Mr. Chavez stated they have a island of trees on the side of their property that they would like to enclose with a 4 ft high aluminum fence. Mr. Chavez stated the back fence would be 6 ft high. Mr. Chavez stated they would also like to have their dog off the leash, so he is not running into the street or on the neighbor's property. Mr. Macartney stated he included on the request how the property would look with or without the variance. Mr. Jeffreys asked what style fence. Mr. Chavez stated a decorative aluminum 4 ft fence. Mr. Anderson asked what color. Mr. Chavez stated black. Attorney Ward had no comments.

After deliberations, the Board made the following findings:

- The property in question would still yield a reasonable return without the requested variance.
- The property in question would still have beneficial use without the requested 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.
- Without the requested variance, the property would still yield a reasonable return and have a beneficial use.
- 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 property owner's predicament could feasibly be obviated through some method other than a variance. The applicant's dog could roam without being "chained up" if the applicant were to erect a fence which complies with all local ordinances.
- The proposed fence would negatively impact the neighboring property owner's sight line.
- 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 Official and deny your request for a variance to erect a fence 24'6" into the established 27'6" setback in violation of ACO § 1151.04. Denied 5-0

3. Mr. Joel Miller residing at 1016 N Quarry Rd. Mr. Miller is requesting a 384 sq. ft. variance to build a 960 Sq. Ft. accessory building on his property. Mr. Miller stated last fall he had a fire and it burned down his accessory building and he would like to rebuild. Mr. Miller stated he has 5 acres and would like to store all his lawn equipment under roof and outside of the weather. Mr. Miller stated he and his wife also live in Arizona for 6 months then Amherst for 6 months and would like their vehicles in the building while they are gone. Mr. Miller stated the new structure will match the house. Mr. Miller stated they live on a dead-end street and the new building will be covered with woods and won't be seen at the street. Mr. Miller stated he spoke to the neighbors, and no one had an issue with the new building. Mr. Macartney stated in your packets are Sattelight images with measurements. Mr. Tomaszewski asked what the tarp area was. Mr. Miller stated that is his boat and will go into the new structure. Attorney Ward had no comments.

After deliberations, the Board made the following findings:

- Given the size and location of the property, 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.
- There are no objections of record from any of the applicant's neighbors regarding the requested variance.
- The property is unique. It includes approximately 5 acres, sits on a dead-end street, and backs up to railroad tracks.
- The applicant owns the adjoining property to the west.
- The area surrounding the subject property is heavily wooded.
- 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 new structure would be built approximately 150 yards from the properties on the opposite side of the railroad tracks.
- The spirit and intent behind the zoning requirement 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 approve your request for a variance to erect a 960 sq. ft. accessory structure, 384 sq. ft. larger than allowed by ACO § 1145.05(b)(1). Approved 5-0


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

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

6. Approval of minutes from June 28, 2023: Mr. Valenti motions to approve the minutes,
seconded by Mr. Anderson. Approved 5-0

5. Next scheduled meeting August 30, 2023. Approved 5-0

6. Adjourn: Motion made to adjourn at 7:06pm by Mr. Jeffreys, seconded by Mr. Valenti.
Approved 5-0


Terry Tomaszewski, Chairman 8/4/23
Date


Tammy Paterson, Secretary 8/4/2023
Date