

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

August 30, 2023

6:30pm

Present:

Don Anderson
Bob Valenti
Terry Tomaszewski
Mayor Costilow

Excused:

Al Berezney

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. Reggie Vants residing at 295 Crosse Road. Mr. Vants is requesting three (3) variances:

1. Chapter 1145.14(b)(1): Largest primary structure not to exceed 576 sq. ft. Variance requested is for 324 sq. ft. to build a 900 sq. ft. accessory structure.
2. Chapter 1145.05(b)(2): Largest secondary accessory structure not to exceed 168 sq. ft. Variance requested is for 170 sq. ft. to bring his existing 338 sq. ft. accessory structure into compliance.
3. Chapter 1145.05(b)(3): Largest tertiary accessory structure not to exceed 64 sq. ft. Variance request is for 16 sq. ft. to bring his existing 80 sq. ft. accessory structure into compliance.

Mr. Vants stated he would like some extra storage so he can park his collective cars under roof. Mr. Vants stated he would also like to keep his lawn equipment and maintenance tools also in the new building. Mr. Vants stated his wife would like to keep all their holiday decorations also in the new building and in one place. Mr. Vants stated the two smaller buildings has the small lawn mowers and tilers and has their firewood for the winter. Mr. Macartney stated the first agenda item is what Mr. Vants applies for but if approved would throw his second and third building out of compliance and he would not be able to re-build. Mr. Macartney stated if the variance request is denied, then items 2 and 3 are moot. Mr. Jeffreys asked about parcel size.

Mr. Vants stated it's approximately 3.2 acres. Attorney Ward had no comments or questions at this time.

After deliberations, the Board made the following findings:

Variance Request No. 1

- Given the lot's exceptional size and uniqueness, 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 property owner did not have knowledge of the zoning restriction when he purchased the property.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.
- The proposed accessory structure would be consistent with the neighboring properties.

It is the decision of the Board to reverse the decision of the Building Official and approve your request to build a 900 sq. ft. accessory structure, 324 sq. ft. larger than allowed by ACO § 1145.05(b)(1). Approved 4-0

Variance Request No. 2

- Given the lot's exceptional size and uniqueness, 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 property owner did not have knowledge of the zoning restriction when he purchased the property.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.

It is also the decision of the Board to reverse the decision of the Building Official and approve your request for a variance allowing 338 sq. ft. accessory structure, 170 sq. ft. larger than allowed by ACO § 1145.05(b)(2). Approved 4-0

Variance Request No. 3

- Given the lot's exceptional size and uniqueness, 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 property owner did not have knowledge of the zoning restriction when he purchased the property.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.

It is also the decision of the Board to reverse the decision of the Building Official and approve your request for a variance allowing 80 sq. ft. accessory structure, 160 sq. ft. larger than allowed by ACO § 1145.05(b)(3). Approved 4-0

2.Mr. David Chavez residing at 475616 Middle Ridge Road has withdrawn his application.

3 Ms. Emily Marty residing at 730 Park Avenue. Ms. Marty is requesting one (1) variance:

1. Chapter 1145.05(b)(3): Largest tertiary accessory structure not to exceed 64 sq. ft. Variance requested is for 92 sq. ft making the accessory structure 1156 sq, ft,

Ms. Marty stated they bought the home two years ago and installed their shed about 1 year ago. Ms. Marty stated they purchased a gazebo to sit in since they have no shade in the back yard and after installing it received a notice from the Building Department. Ms. Marty stated they did not bolt it down in case it's not approved. Mr. Macartney stated he didn't have much to add, and this would not have been an issue, but they have a detached garage. Attorney Ward had no comments or questions.

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 proposed pergola structure would be erected behind the applicant's home and would not be visible from the road.
- There are no objections of record from any of the neighboring property owners to the requested variance.

- 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 156 sq. ft. accessory structure, specifically a pergola, 92 sq. ft. larger than allowed by ACO § 1145.05(b)(3). Approved 4-0

4. Mr. Brooks Burton residing at 785 Blossom. Mr. Brooks is requesting one (1) variance:

1. Chapter 1145.05(b): No more than three (3) accessory structures are permitted in a residential district. Variance request is for a 192 sq. ft. fourth (4) structure at/near newly constructed deck not to exceed 192 sq. ft.

Mr. Brooks stated they would like to install a gazebo over their hot tub which would be on the new deck so they can use it year-round. Mr. Macartney had no comments at this time. Mr. Jeffreys asked how high the current deck is. Mr. Brooks stated 12 ft high and 2 ft above grade. Mr. Brooks stated the gazebo would be 14ft from finished grade. Mr. Brooks stated they currently have a green house, a shed, and a trellis that holds greenery. Attorney Ward had no comments or questions at this time. Ms. Lori Betcher who resides at 795 Blossom stated she has concerns that the structure is too large and if allowed they can move it anywhere in the back yard. Ms. Betchker stated she has water issues now and does not want additional water coming onto her property. Ms. Betchker stated this structure has LED lights and her fence is only 6 ft tall, so she does not want the lights shining into her property. Ms. Betchker stated this structure does not have gutters and will cause more water issues. Mr. Macartney stated city ordinance does not require accessory structures to have gutters and no ordinance restricting lighting on accessory structures. Mr. Macartney stated the city ordinance does not have a total lot coverage restriction. Mr. Macartney stated Ms. Betchker's concerns are valid but nothing in the ordinance to prevent and the structure must be a minimum of 5 ft away from property lines. Mr. Brooks stated they have not completed the deck yet so they can bolt down the gazebo if approved. Mr. Brooks stated this structure, if approved, will be approximately 25 ft from the property lines and does have gutters. Ms. Betchker stated if approved, will set a precedent for the neighbors that a fourth (4) structure is acceptable. Ms. Lam stated the LED lights are adjustable and would be dimmed.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property, especially given the proposed location of the fourth accessory structure. 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 spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.
- The proposed fourth accessory structure would be located up against the owner's existing home, thus minimizing its impact on adjoining properties and the surrounding neighborhood.
- The three accessory structures currently existing are insignificant in size, thus also limiting the impact of the proposed fourth accessory structure on adjoining properties and the surrounding neighborhood.

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 fourth accessory structure in violation of ACO § 1145.05(b).

Approved 4-0

5.Mr. Mark Zakrajsek residing at 1002 N. Quarry Rd. Mr. Zakrajsek is requesting one variance:

1. Chapter 112903(a): No building may project nearer to the street than the average established setback of 81' for the residential structure fronting Milan Avenue. Variance requested is for 22' encroachment into front hard setback (secondary front yard of corner lot).

Mr. Zakrajsek stated they were before the Zoning Board prior and was denied their variance but has decided to attach his garage to the house, so he is now asking for a 22' encroachment into the front yard. Mr. Zakrajsek stated houses on Milan Avenue currently sit approximately 50 feet from the road. Mr. Zakrajsek stated he has a one (1) acre lot and with the new building it would only take up 2.5% of the area. Mr. Zakrajsek stated he felt with his new attached garage it would increase property values for not only him, but the surrounding neighbors. Mr. Zakrajsek stated his neighbor behind has built a 2-story garage and there are multiple larger buildings in the neighborhood. Mr. Zakrajsek stated the new addition will match the house and will have siding. Mr. Zakrajsek stated the intend to plant trees along the abutting property with the neighbor's help. Mr. Zakrajsek stated this new placement of the structure will help block out the lights at IGA. Mr. Macartney has no comments or questions at this time. Attorney Ward had no comments or questions at this time.

After deliberations, the Board made the following findings:

Variance Request No. 1

- 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 on record from any of the applicant’s neighbors regarding the requested variance.
- 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 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 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 build a garage addition encroaching into the front-yard setback (or secondary front-yard setback on a corner lot) by twenty-two feet along Milan Avenue in violation of ACO § 1129.03(a). Approved 4-0

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

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

8. Approval of minutes from July 26, 2023: Mr. Jeffreys motions to approve the minutes, seconded by Mr. Valenti. Approved 4-0

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

10. Adjourn: Motion made to adjourn at 7:29pm by Mr. Jeffreys, seconded by Mr. Valenti.
Approved 4-0

Terry Tomaszewski, Chairman Date

Tammy Paterson, Secretary Date