

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

September 27, 2023

6:30pm

Present:

Don Anderson
Terry Tomaszewski
Al Berezney
Bob Valenti
John Jeffreys

Excused:

Other City Officials:

Atty. Ward
David Macartney
Tammy Paterson

Mr. Tomaszewski opened the meeting at 7:00pm.

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

1. Mr. Patrick Resetar residing at 728 Lincoln Street. Mr. Resetar is requesting two (2) variances:
 1. Chapter 1149.06(e): No single temporary sign shall have an area on a single face of the sign which exceeds six (6) sq. ft. Variance requested: 34 sq. ft variance to install a sign 40 sq. ft.
 2. Chapter 1149.06(h)(3): No temporary sign permitted for more than ninety (90) days from the date of first placement. Variance requested: 90 days allowing the sign to be placed up for 180 days.

Mr. Resetar stated he is not set on the size of the sign, and he could adjust if the board felt he should change it. Mr. Resetar stated he asked for an additional 90 days because he did not want to have to come back requesting more time from the board. Mr. Resetar stated he wanted the sign to be used during the holidays. Mr. Tomaszewski stated they will not negotiate the size of the sign; the board will review and consider what was asked on the application. Mr. Macartney had nothing to add but he did state he has not approved in the past this size sign in a residential district. Mr. Resetar stated he is allowed ten (10) signs, and this size would be smaller than the ten signs together. Attorney Ward had no comments.

After deliberations, the Board made the following findings:

Variance Request No. 1

- Without the requested variance, the property would still yield a reasonable return and have a beneficial use.
- The requested variance of 34 square feet 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.
- 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 Board received objections to the requested variance from two other property owners residing in the same neighborhood as the applicant.
- The requested variance would not adversely affect the delivery of governmental services.
- The property owner's predicament feasibly can be obviated through some method other than the requested variance.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the requested variance.
- A denial of the requested variance would be consistent with prior decisions of the Board.

It is the decision of the Board to uphold the decision of the Building Official and deny Variance Request No. 1. Denied 5-0

Variance Request No. 2

- Without the requested variance, the property would still yield a reasonable return and have a beneficial use.
- The requested variance of 90 days 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.
- 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 Board received objections to the requested variance from two other property owners residing in the same neighborhood as the applicant.
- The requested variance would not adversely affect the delivery of governmental services.
- The property owner's predicament feasibly can be obviated through some method other than the requested variance.
- 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 Variance Request No. 2. Denied 5-0

2. Mr. Jeffreys motions to move not deliberative session, seconded by Mr. Anderson. Approved 5-0

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

4. Next scheduled meeting will be October 25, 2023, at 6:30pm. Approved 5-0

5. Adjourn: Motion made to adjourn at 7:15pm by Mr. Berezney, seconded by Mr. Jeffreys. Approved 5-0

Terry Tomaszewski 10/5/23
Terry Tomaszewski, Chairman Date

Tammy Paterson 10/5/23
Tammy Paterson, Sec Date