

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

January 31, 2024

7:00pm

Present:

Don Anderson
Terry Tomaszewski
Al Berezney
Heather Knoble
John Jeffreys

Excused:

Tammy Paterson

Other City Officials:

Atty Ward
David Macartney
Mayor Costilow
Chuck Winiarski

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

Mr. Tomaszewski acknowledged Mayor Costilow who introduced Ms. Heather Knoble as the newest member of the Board to fill a vacancy. Ms. Knoble spoke of her background and experience. Mr. Tomaszewski welcomed Ms. Knoble on behalf of the Board.

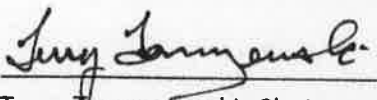
1. Nomination of Chairman: Mr. Jeffreys nominated Mr. Tomaszewski as Chairman for the 2024 year, seconded by Mr. Berezney. Approved 5-0
2. Nomination of Vice-Chairman: Mr. Jeffreys nominated Mr. Berezney as Vice-Chairman for the 2024 year, seconded by Mr. Anderson. Approved 5-0.
3. Mr. Tomaszewski confirms the Board of Zoning Appeals monthly meeting will be held the final Wednesday of each month with no objections.

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

4. Mr. Arthur Johnson residing at 724 Lincoln Street is seeking a variance for an existing fence, the majority of which was constructed in 2012 with the remainder being constructed in 2023, with the finished side facing out toward SR2 in violation of chapter 1151.06(c)(2) which states the finished side of fencing to face neighboring properties. Mr. Johnson stated that he was finishing a portion of the fence facing SR2 in December of 2023 in the line and manner of fence originally constructed in 2012. Mr. Macartney confirmed Mr. Johnson's remarks and clarified the yard was previously all wood privacy fence as installed in 2012. Mr. Macartney stated recently the fence was replaced, with an appropriate permit, with open chain link along the east and west sides of the

property, a section of white vinyl fence at the driveway and the existing wooden privacy fencing remaining along the northern property line. Mr. Macartney stated the building department received a neighbor complaint that the rear corner of the fence was open and in violation of the barrier requirements for in-ground pools. Mr. Macartney stated that Mr. Johnson, upon receiving the notice of violation, installed approximately 30' of salvaged wooden privacy fence panels to properly close the yard. Mr. Berezney asked if the variance was only for the 30' section. Mr. Macartney stated the variance is for the full northern property line, not just the 30' section newly installed. Mr. Tomaszewski asked if any of the fence is open and if Mr. Johnson did the fence in 2012. Mr. Johnson stated that he did not own the home in 2012. Mr. Macartney clarified the total length of the rear property line fence is 165' with 20-30' of newly installed fence from the accessory structure to the corner. Mr. Jeffreys asked if the whole fence from 2012 was installed with the finished side facing in. Mr. Johnson stated that, to the best of his recollection, the fence was installed in 2012 with the posts on the outside and the finished side facing in. Mr. Macartney confirmed that permits were secured for each fence installation. Mr. Johnson thanked the Board for their consideration.

5. After deliberations, the board decided to reverse the decision of the Building Official and approve the fencing along the northern property line to be installed with the finished side facing in. Approved 5-0
6. Mr. Berezney motions to go into deliberative session, seconded by Mr. Jeffreys. Approved 5-0
7. Mr. Jeffreys motions to move back into regular session, seconded by Mr. Anderson. Approved 5-0
8. Approval of minutes: Mr. Berezney motions to approve the November 29, 2023, minutes as submitted, seconded by Mr. Jeffreys. Approved 5-0
9. Next scheduled meeting will be Wednesday February 28, 2024, at 6:30pm.
10. Adjourn: Motion made to adjourn at 7:21pm by Mr. Jeffreys, seconded by Ms. Knoble. Approved 5-0

 2/15/2024
Terry Tomaszewski, Chairman Date

 2/15/24
David Macartney, Building Official Date