

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

May 29, 2024

6:30pm

Present:

Don Anderson  
Terry Tomaszewski  
Al Berezney  
Heather Knoble  
John Jeffreys

Excused:

Other City Officials:  
Atty Ward  
David Macartney  
Tammy Nixon

Mr. Tomaszewski opened the meeting at 6:31pm.

Mr. Tomaszewski swears everyone in the audience that would be speaking before them tonight.

1. Ms. Amanda Patton stated she is representing Ms. Denise Girard who resides at 780 Cleveland. Ms. Patton stated they would like to install a 4ft black aluminum fence 15' in the side yard area. Ms. Patton stated they bought the house because they loved the property and was very open. Ms. Patton stated if they complied with the ordinance, they would cut the property on the outside area by 2/3. Ms. Patton stated they have no sidewalks on the Jackson side of the property. Mr. Macartney stated there is 20 ft from the roadway which would leave 5 ft from the roadway if the fence is installed. Attorney Wared asked for clarification if the proposed installation is 15 ft or 16ft. Mr. Macartney stated he calculated 15 ft.

After deliberations, the Board made the following findings:

- Given the property's large lot size, 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 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 proposed fence would be consistent with the surrounding neighborhood, particularly existing similarly situated corner lot fences located in or near the same neighborhood.
- The proposed fence would not obstruct the line of sight for passing motorists.
- 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 erect a fence which extends fifteen feet from the East side of your home closer to Jackson Street than allowed by ACO § 1151.04(a) and (b).

2. Mr. Carl Rosso residing at 595 Milan is requesting two variances. The first variance is to install a 1120 sq ft accessory structure which is 576 sq ft larger than allowed Amherst Codified Ordinance Chapter 1145. The second variance request is for 2'5" to increase the height of the proposed accessory structure to 18'5" which is not allowed by Amherst Codified Ordinance Chapter 1145. Mr Rosso stated there are currently wo lots and he is asking for the largest accessory structure, although he may go smaller. Mr. Rosso stated he is asking for a 28x40 sq. ft. accessory building. Mr. Rosso stated he is also asking for a 2'5" height increase of the building. Mr. Rosso stated this would be like a 3-car garage with an extra 4 ft. Mr. Macartney stated there are two separate parcels with an existing garage that crosses the property line. Mr. Tomaszewski asked if the existing garage will come down. Mr. Rosso said yes. Mr. Tomaszewski asked if the existing shed will be coming down and the size of that shed. Mr. Rosso stated the shed is 8x12 and will be keeping that shed. Mr. Tomaszewski asked if the lots are combined. Mr. Rosso stated they are not but if the board wanted to approve the new building on the condition of it being combined he would. Attorney Ward had no questions at this time.

After deliberations, the Board made the following findings:

#### **Variance Request No. 1**

- The requested variance would allow for an accessory structure nearly twice the total square footage of the size permitted by ACO § 1145.05(b)(1). Accordingly, 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.
- 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 purchased the property with knowledge of the applicable zoning restriction.
- The proposed 1,120 sq. ft. accessory structure would encroach onto an abutting parcel.
- 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 1,120 sq. ft. accessory structure, 544 sq. ft. larger than allowed by ACO § 1145.05(b)(1).

#### **Variance Request No. 2**

- 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.

- 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 purchased the property with knowledge of the applicable zoning restriction.
- 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 build an accessory structure with a height of 18½ ft., thirty inches higher than allowed by ACO § 1145.05(c).

3. Mr. Jeffreys motions to go into deliberative session, seconded by Ms. Knoble. Jeffreys.  
Approved 5-0
4. Mr. Berezney motions to move back into regular session, seconded by Mr. Jeffreys.  
Approved 5-0
5. Approval of minutes: Mr. Anderson motions to approve the April 24, 2024, minutes as submitted, seconded by Ms. Knoble. Approved 5-0
6. Next scheduled meeting: Motion by Mr. Berezney to move the ZBA meeting to Tuesday, June 18<sup>th</sup> at 6:30pm, seconded by Ms. Knoble. Approved 5-0
7. Adjourn: Motion made to adjourn at 7:15pm by Mr. Berezney, seconded by Mr. Jeffreys. Approved 5-0

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Terry Tomaszewski, Chairman      Date

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Tammy L. Nixon, Sec      Date