

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

June 18, 2024

6:30pm

Present:

Don Anderson

Terry Tomaszewski

Al Berezney

Heather Knoble

John Jeffreys

Excused:

Other City Officials:

David Macartney

Tammy Nixon

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

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

1. Mr. Keith Butler resides at 155 East Martin. Mr. Butler is requesting an 18" variance to keep current porch, built in January 2024, to remain 6" from property line. Chapter 1145.09 states uncovered porches, platforms less than 2' above grade adjoining first story may project into the side yard within 24" of the property line. Mr. Butler stated they originally installed a fence and found out the property line was not where he thought and had to remove the fence and re-install it. Mr. Butler stated they were having some issues with the neighbor and now she is wanting the deck removed and pushed back to the 24" from the property line. Mr. Butler stated the deck is complete on his property and is asking the variance to be approved. Mr. Macartney stated Mr. Butler came in last year for a permit for the deck and fence. Mr. Macartney stated he has submitted before and after pictures. Mr. Macartney stated his office informs residents that they need to know where the property lines are. Mr. Macartney stated deck can be 2 ft from property lines and at the time his deck met the criteria until the property line was that was verified. Mr. Macartney confirmed the deck is completely on Mr. Butlers property. Mr. Berezney asked if a conversation was had with the contractor to find out how much it would cost to adjust the deck. Mr. Butler stated he has not since he had to pay him to relocate the fence and that was not cheap.

After deliberations, the Board made the following findings:

- 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. A sign notifying adjacent property owners of the requested variance was posted approximately two weeks prior to the hearing. No adjacent property owners appeared at the hearing to object to the requested 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.

It is the decision of the Board to reverse the decision of the Building Official and approve your request for a variance permitting the continued existence of a previously constructed uncovered deck projecting into the side yard to six inches from the adjacent side property line, eighteen inches less than allowed by ACO § 1145.09.

2. Ms. Tricia Nejman from Wagner Electric Signs representing Brewed Awakening at 1977 Cooper Foster Park Road. Ms. Nejman stated they are asking for a 12' variance for a wall sign that will face Liberty Bell Road. Ms. Nejman stated they felt the larger sign would have better visibility with the traffic. Ms. Nejman stated their main concern is the readability and visibility to promote this new business and felt the 36" sign would be too small. Mr. Chris Francis stated there is also a tree on that side of the building that in their opinion would hide the smaller sign and they do not wish to remove the tree. Mr. Macartney had no comments or questions at this time. Mr. Tomaszewski asked what type of business is going on. Mr. Francis stated a new bagel and coffee shop.

After deliberations, the Board made the following findings:

- 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 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 variance would enhance the sign's visibility and readability and allow the property owner to properly advertise her business. The Board also previously granted a similar sign-related variance to another business located in the same area of the City.

It is the decision of the Board to reverse the decision of the Building Official and approve your request for a variance permitting the erecting of a wall sign forty-eight inches high, twelve inches higher than allowed by ACO § 1149.04.

3. Mr. Jeff Jannuzzi resides at 851 Princeton. Mr. Jannuzzi is requesting a 72 sq ft variance to install a secondary accessory structure on his property. Mr. Jannuzzi stated he would like to add a second building right behind his existing 20x20 structure. Mr. Jannuzzi stated he has neighbors on two sides but the rear faces Rt. 2. Mr. Jannuzzi stated his lot is deep and is in a pie shape. Mr. Jannuzzi stated he would like to get all his equipment from outside into the building. Mr. Macartney stated he verified the existing structure, and it is 24x24 but has no bearing on this variance. Mr. Jannuzzi stated Mr. Macartney is correct after he re-sized the building.
- Given the unique shape and location of the property backing up to Route 2, 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. Specifically, since the property backs up to Route 2 and the proposed structure would be located behind an existing detached garage, such structure would not infringe upon the ability of any neighbors to use or enjoy their property.
 - 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 permitting the erecting of a 240 sq. ft. accessory structure, seventy-two feet larger than allowed by ACO § 1145.05(b)(2).

4. Mr. Anderson motions to go into deliberative session, seconded by Ms. Approved 5-0
5. Mr. Anderson motions to move back into regular session, seconded by Mr. Jeffreys. Approved 5-0
6. Approval of minutes: Mr. Jeffreys motions to approve the May 29, 20204 minutes, seconded by Mr. Anderson Approved 5-0
7. Next scheduled meeting: July 31, 2024, at 6:30pm Approved 5-0
8. Adjourn: Motion made to adjourn at 7:10pm by Mr. Jeffreys, seconded by Ms. Knoble. Approved 5-0

Terry Tomaszewski 6/25/2024
Terry Tomaszewski, Chairman Date

Tammy L. Nixon 6/25/24
Tammy L. Nixon, Sec Date