

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

August 28, 2024

6:30pm

Present:

Terry Tomaszewski

Don Anderson

John Jeffreys

Heather Knoble

Scott Vilagi

Excused:

Other City Officials:

Atty. Patrick Ward

David Macartney

Tammy Paterson

Mr. Tomaszewski opened the meeting at 6:32pm.

Mr. Tomaszewski swears in everyone that will be speaking before the board.

Mr. Tomaszewski explained to the applicants the procedure and how they will be notified of the decision for their variance request.

1. Mr. Shawn Camera residing at 357 Greenlawn Drive requesting a 35' variance to extend a proposed fence into the front yard setback. Mr. Camera stated they would like to extend a fence closer to the right of way. Mr. Camera stated he measured, and it would be approximately 18' from the road. Mr. Camera stated the fence is almost identical to the fence installed at 452 Greenlawn. Mr. Macartney had no comments at this time. Mr. Tomaszewski asked if the fence was already installed. Mr. Camera stated no, maybe it was the neighbor's fence. Attorney Ward asked for clarification on the setback. Mr. Macartney stated this is an established neighborhood and the setback is the building line of neighboring houses. Attorney Ward asked Mr. Camera why he is requesting such a variance. Mr. Camera stated they would like to eventually install a pool and where he is allowed to place a fence without the variance cuts right through his back yard making it not usable. Mr. Camera stated he spoke to the neighbors and no one had an issue with his request and believes one of the neighbors sent in a notice. Mr. Tomaszewski asked what style fence would be installed. Mr. Camera stated a wooden shadow box. After deliberations, the Board made the following findings:

- The requested variance is substantial for this property. However, this determination alone does not justify denying the variance, especially in the context of other factors.
- The requested variance would not infringe upon sight lines for traffic.
- 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 Board previously granted a similar variance for the property at 452 Greenlawn Drive.
- No objections to the requested variance were made by any of the applicants' neighbors. Indeed, one neighbor submitted a writing to the Board in favor of granting 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 variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your request for a variance to install fencing extending 35 ft. into the front-yard building line setback on the east side of your property in violation of ACO § 1151.04(b).

3. Mr. Jeffreys motions to move into deliberative session, seconded by Ms. Knoble. Approved 5-0

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

6. Approval of minutes from July 31, 2024: Ms. Knoble motions to approve the minutes, seconded by Mr. Anderson. Approved 5-0

7. Next scheduled meeting September 25, 2024, at 6:30pm. Approved 5-0

8. Adjourn: Motion made to adjourn at 6:51pm by Mr. Jeffreys, seconded by Ms. Knoble. Approved 5-0

Terry Tomaszewski 9/3/2024  
Terry Tomaszewski, Chairman Date

Tammy Paterson 9/3/2024  
Tammy Paterson, Secretary Date

