

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

September 25, 2024

6:30pm

Present:

Terry Tomaszewski

Don Anderson

John Jeffreys

Heather Knoble

Scott Vilagi

Excused:

Other City Officials:

Mayor Costilow

Atty. Patrick Ward

David Macartney

Tammy Paterson

Chuck Winiarski

Mr. Tomaszewski opened the meeting at 6:35pm.

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. Matt Pechaitis residing at 189 Crownhill. Mr. Pechaitis is appealing the Building Official notice to remove new stone driveway within 15 days of the notice. Mr. Pechaitis stated he thought he was being targeted since there are other properties in his neighborhood that has unlicensed vehicles and vehicles in the grass area. Mr. Pechaitis stated there are also some neighbors that have stone driveways. Mr. Pechaitis stated he has every intention of removing the stone but needs more time than the required fifteen (15) days. Mr. Macartney explained Mr. Pechaitis was and is not being targeted. Mr. Macartney stated when he drove by, he noticed a new stone driveway. Mr. Macartney stated City Council changed the ACO 1121.07(17) and 1121.07(31) not allowing any new stone driveways. Mr. Macartney stated if you have an existing stone driveway you are allowed to maintain that but are not permitted to increase the size or make a new driveway. Mr. Pechaitis stated his property has a severe water run off problem and his yard is very wet. Mr. Pechaitis stated he rented a dumpster so he could start cleaning up the property. Mr. Macartney stated he would send a message over to the Amherst Utilities to see if

they can review the issue. Mr. Tomaszewski asked how long of an extension is being asked for. Mr. Pechaitis stated he would like a 6-month extension. Mr. Pechaitis stated he is also looking at increasing the size of his garage so a new driveway would be installed. Mr. Tomaszewski asked when the stone was placed down. Mr. Pechaitis stated in 2023, he didn't realize how bad Crown Hill was with the water issue.

After deliberations, the Board modified the decision of the Building Official. Specifically, the Board determined the loose stone on your property is, in fact, a violation of the above-referenced ordinances. The Board further determined that you shall remove the loose-stone driveway by March 25, 2025. Approved 5-0

2. Mr. Ryan Brady from Brady Signs representing Mercy Health Center located at 47185 Cooper Foster Park Road. Mr. Brady stated Akron Children's Hospital has recently decided to partner up with Mercy Health Center and would like to add signage for Mercy Health. Mr. Brady stated the first sign would be on the NE Corner of the building and the second sign would be on the SE corner of the building. Mr. Brady stated they would like to have exposure on Cooper Foster Park Road and Rt. 2. Mr. Brady stated the monument sign will have a refacing only showing both Akron Children's and Mercy Health. Mr. Macartney stated Chapter 1149.05 allows the building to have four (4) signs, the variance request is for two (2) additional signs giving them a total of six (6). Mr. Tomaszewski asked if there were any consideration to collaborate on the signs. Mr. Brady stated not that he is aware of.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property. While this determination alone does not justify the variance, it is important, especially in the context of other factors.
- The request variance is consistent with neighboring commercial properties.
- 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.

It is the decision of the Board to reverse the decision of the Building Official and approve your request for a variance to install two (2) additional wall signs at 47185 Cooper Foster Park Road, making a total of six (6) signs on such property, two more signs than permitted by ACO § 1149.05. Approved 5-0

3. Mr. Jeffrey's motions to move into deliberative session, seconded by Mr. Anderson. Approved 5-0

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

5. Approval of minutes from August 28: Ms. Knoble motions to approve the minutes, seconded
by Mr. Vilagi. Approved 5-0

6. Next scheduled meeting October 30, 2024, at 6:30pm. Approved 5-0

7. Adjourn: Motion made to adjourn at 7:07pm by Mr. Jeffreys, seconded by Mr. Anderson.
Approved 5-0

Terry Tomaszewski 9/30/2024
Terry Tomaszewski, Chairman Date

Tammy Paterson 9/30/2024
Tammy Paterson, Secretary Date