

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

October 30, 2024

6:30pm

Present:

Don Anderson
John Jeffreys
Heather Knoble
Terry Tomaszewski

Excused:

Scott Vilagi

Other City Officials:

Atty. Ward
David Macartney
Tammy Nixon

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

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

1. Mr. Eric McQueen, McQueen Signs, requesting a variance to install an additional wall sign located at 315 N. Leavitt Road Amherst, Ohio 44001. Chapter 1149.05(b) states each premises shall not be permitted more than two (2) signs or any function permitted.

Mr. McQueen stated his client would like to install an additional sign on the south side of their building for visibility. Mr. McQueen stated there is new construction at the abutting property and they would like additional sign to help locate their business. Mr. Macartney stated this property currently has a monument sign. Attorney Ward had no questions or comments at this time.

After deliberations, the Board made the following findings:

- The requested variance is not substantial for this property. 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 infringe upon sight lines for traffic. In fact, the requested additional signage would make the site safer by giving drivers approaching from the south earlier notice of the location of Skolnik Retirement Solutions, thus minimizing the number of abrupt slow-downs or turn-arounds.

- The requested variance would not substantially alter the essential character of the neighborhood, and the adjoining properties would not suffer substantial detriment as a result of the variance.
- The desired additional signage would be consistent with neighboring commercial properties.
- 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 one additional wall sign on the south side of the building at 315 N. Leavitt Road, Amherst, Ohio 44001, making a total of three signs on-premises, one sign more than the two allowed by ACO § 1149.05(b). Approved 4-0

2. Mr. Daniel Cwalina of Lormet Community Federal Credit Union at 2051 Cooper Foster Park Road is requesting a variance two variance. The first variance is to install a monument sign located on grade 5' from right -of-way. Chapter 1149.04 stated a sign requires a minimum of 10ft of unobstructed distance from grade to bottom of sign if located within 10ft of the right-of-way.; Second variance request is to install a monument sign 187.5 sq ft which would be variance request of 127.5 sq. ft. Chapter 1149.04 stated the maximum square footage surface area shall not exceed 50sq. ft. at the property line with 2 sq. ft. additional surface area permitted per one (1) ft setback up to 40 lineal feet.

Mr. Cwalina stated they have an easement access into the plaza, but they are not the owners. Mr. Cwalina stated they currently host many seminars, continuing education and work with young people understanding their future finances. Mr. Cwalina stated with all their involvement it is very difficult with parking. Mr. Cwalina stated at any given time, Tractor Supply Company has the parking lot, the area that is owned by Lormet, taken over with trailers or outside retail including a green house in the summer months. Mr. Cwalina stated a monument sign would help with their customers defying what parking spaces are owned by Lormet. Mr. Cwalina stated the monument sign will be tastefully designed and will not be a visual deterrent. Mr. Macartney stated he reviewed the sign ordinance and felt a variance request would be best. Mr. Jeffreys asked if the sign would be double sided. Mr. Cwalina stated yes. Mr. Tomaszewski asked if the sign would be electronic. Mr. Macartney stated yes, and where the property is located it is permitted. Attorney Ward had no comments or questions.

After deliberations, the Board made the following findings:

Variance Request No. 1

- The requested variance is not substantial for this property. 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 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 variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Variance Request No. 1. Approved 4-0

Variance Request No. 2

- The requested variance is not substantial for this property. 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 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 variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Variance Request No. 2. Approved 4-0

3. Jim and Carrie Roth residing at 47965 Cooper Foster Park Road is appealing the notice of violation issued by the Building Official for the placement of a temporary accessory structure. Chapter 1145.06(b) states temporary accessory structures for storage of personal property, including, but not limited to, portable storage units (e.g. Pods, packrat), shipping containers, membrane covered structures, etc. shall be permitted for a period not to exceed thirty (30) days.

Ms. Roth stated they placed this unit back in 2017 and the new ordinance was put into effect in May 2023. Ms. Roth stated they came before the Zoning Board of Appeals on June 29, 2023, and under ORC 715.15 this is grandfathered in and is not sure why they are back before the Board. Mr. Macartney explained the Law Department has researched this issue and will refer to Attorney Ward for his comments. Attorney Ward stated after further review, the law department had concluded the OC 713.15 does not apply to these storage units. Attorney Ward stated ORC 713.15 is strictly for permanent structures which these storage containers are not a permanent structure. Mr. Tomaszewski asked if the shipping container has moved since the last meeting. Ms. Roth stated no. Mr. Tomaszewski asked if they have any other detached buildings. Ms. Roth stated they have a detached two car garage and the container.

Mr. Jeffreys asked if they have a pergola in the back yard. Mr. Roth stated yes. Attorney Ward stated the key here is focusing on the container, which is not a dwelling, not something that was built or constructed or is a structure and this container does not fall under the ORC.

Appeal Request

After deliberations, it is the decision of the Board to affirm the decision of the Building Official and deny your appeal. The Board determined your placement of a storage container (or portable storage unit) on the above-addressed property for a period in excess of thirty (30) days in a given year constitutes a violation of ACO § 1145.06(b). Please also note that per the Board's determination, the storage container (or portable storage unit) on your property must be removed from such property by December 8, 2024. Deied 4-0

4. Ms. Melissa Dietrich residing at 295 Crocker Street is requesting approval to operate a massage and skin care home occupation.

Mr. Kevin Reed stated that Ms. Dietrich is a Licensed Massage Therapist and Esthetician from the State of Ohio. Mr. Reed stated they are required to modify their home since all clients are required to have their own entrance and bathroom. Mr. Macartney stated the renovations to the home is separate from this request. Mr. Jeffreys asked how much traffic this will generate. Mr. Reed stated she can only have one client at a time for approximately 1- 1 ½ hours each. Mr. Reed stated most likely one customer per day. Mr. Reed stated their driveway can hold up to 4 cars and no additional parking would need. Mr. Reed stated the additional entrance will be in the front of the house and will be newly created. Mr. Jeffreys asked if there would be any entrances in the back. Mr. Reed stated no. Mr. Reed stated they will not be walking through house and will need to make some renovations to a bedroom for a massage room. Mr. Reed stated they are also required to have a sign for customers. Attorney Ward asked if anyone else in the house besides Ms. Dietrich providing services. Mr. Reed stated no. Mr. Tomaszewski asked if this is on the main floor or lower floor. Mr. Reed stated on the main. Mr. Jeffreys asked about the signage. Mr. Reed stated this is required by the State of Ohio, so clients know which door to come through. Attorney Ward stated they are permitted dot have one (1) non-illuminated sign 6 sq. ft, but not illuminated. Mr. Reed wanted verification this is not a variance, but an approval. Attorney Ward stated yes and comes with the sunset clause. Mr. Mark Lombardi, whose parents live at 289 Crocker Street stated the neighborhood has a lot of elderly homeowners and this street is on a dead-end street. Mr. Lombardi stated he felt this is not an ideal situation to have in the neighborhood and their driveway is very small.

After conducting the hearing and deliberating in accordance with Chapter 1130 of the Amherst Codified Ordinances (“ACO”), the Board made the following findings:

- The Property is located within an R-1 – Single Family Residence District.
- The operation of a home massage and skincare business at the Property would not be compatible with the residential character of the neighborhood; nor would it satisfy all requirements set forth in ACO § 1130.02(b), including, without limitation, subsections (b)(2) and (b)(5).
- Traffic/parking patterns and neighbors would be especially impacted since Crocker Street has a dead-end (with no turn-around) near the Property. Furthermore, additional traffic resulting from the proposed home occupation is not suitable for Crocker Street.

Pursuant to ACO § 1130.03(e), it is the decision of the Board to deny your application to operate a massage and skincare business from your home at the Property. Denied 4-0

5. Mr. Jeffreys motions to move not deliberative session, seconded by Mr. Anderson.
Approved 4-0
6. Mr. Jeffreys motions to move back into regular session, seconded by Mr. Anderson.
Approved 4-0

7. Next scheduled meeting: Motion to move the meeting from Wednesday November 27th to November 20, 2024, at 6:30pm Approved 4-0

8. Adjourn: Motion made to adjourn at 7:35p2024, Mr. Jeffreys, seconded by Mr. Anderson.
Approved 4-0

 11/14/2024
Terry Tomaszewski, Chairman Date

 11/14/2024
Tammy Nixon, Sec Date