

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

February 26, 2025

6:30pm

Present:

Don Anderson

Scott Vilagi

Heather Knoble

Terry Tomaszewski

John Jeffreys

Excused:

Other City Officials:

Atty. Patrick Ward

David Macartney

Tammy Nixon

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

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

1. Ms. Elizabeth Bodnar representing Mr. Kory Herchler. Ms. Bodnar stated they are looking to buy the home at 1066 N. Main Street but are requesting a variance to install a fence in the front yard setback. Ms. Bodnar stated they would also like to add a gate that runs across the driveway. Ms. Bodnar stated due to the property topography the fence would resolve the hardship of where they can place a fence. Ms. Bodnar stated she and her husband have safety concerns for their two children and the fence would give them boundaries. The backyard is steep. Ms. Bodnar stated they will enclose a part of the backyard but very minimal due to the decline. Ms. Bodnar stated they would also add a fence in the side yard. Ms. Bodnar stated the fence would be 4-5 ft high and would allow visibility for oncoming traffic. Ms. Bodnar stated they reviewed the area and the house at 323 Broadway has a similar gate they would like to use across the driveway. Ms. Bodnar stated this fence would not disrupt the neighborhood. Mr. Macartney had nothing to add. Mr. Tomaszewski asked if they would be installing a fence in the back. Ms. Bodnar stated yes. Attorney Ward asked if they are currently under contract. Ms. Bodnar stated yes. Attorney Ward asked if they had contingencies regarding the fence. Ms. Bodnar stated no. Mr Vilagi asked if they had contingencies if the fence would not be approved. Ms. Bodnar stated no, not a lot of homes in Amherst and they have been looking for 2 years.

After deliberations, the Board made the following findings:

Variance Request No. 1

- Without the requested area variance, the property would still yield a reasonable return and have a beneficial use.
- 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. This is especially true here where another resident of the same neighborhood expressed concern about the possibility of the Board granting the requested variance.
- The applicant entered into a contract to purchase the property with knowledge of the applicable zoning restriction.
- The property owner's predicament could feasibly be obviated through some method other than a variance (*i.e.* erecting a fence which complies with all local ordinances).
- 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 fence thirty-one (31) feet into the established building line setback in violation of ACO § 1151.04(a). Denied 5-0

2. Mr. Jeffreys motions to move into deliberative session, seconded by Ms. Knoble. Anderson. Approved 5-0
3. Mr. Jeffreys motions to move back into regular session, seconded by Ms. Knoble. Anderson. Approved 5-0
4. Approval of Minutes from January 29, 2025: Mr. Jeffreys motions to approve the minutes as submitted, seconded by Mr. Vilagi. Approved 5-0
5. Next scheduled meeting: March 26, 2025, at 6:30pm. Approved 5-0
6. Adjourn: Motion made to adjourn at 6:54pm by Mr. Anderson, seconded by Ms. Knoble. Approved 5-0

 3/11/2025  
Terry Tomaszewski, Chairman Date

 3/11/2025  
Tammy Nixon, Sec Date