

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

March 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 6:30pm.

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

1. Mr. Brian Daily at 749 Tenney Avenue is requesting two variances. The First variance request is for 288 sq. ft. for a proposed 12'x24' addition to an existing 24'x36' accessory Structure. The 24'x36' existing structure was BZA approved on February 28, 1995. Chapter 1145.05 states single accessory structure not to exceed 576 sq. ft. The Second variance request is for 436 sq. ft. for the existing 18'x10' and 8'x32' Lean-to addition on approved 24'x36' accessory structure. Mr. Daily stated he is planning on taking down the 8'x10' structure behind the garage and if permitted he would like to add onto the back making the building look like one structure instead of pieces. Mr. Macartney stated he has nothing to add to the first request. Mr. Macartney stated the second request is more administrative. Mr. Macartney stated 24'x36' was given BZA approval in 1995 and between that date and now there was an addition on the building. Mr. Macartney stated he is unaware since there are no records indicating the date when this was built. Mr. Macartney stated if the first request is approved, the second request would need to have approval. Mr. Tomaszewski asked Mr. Daily if he built the Lean-to. Mr. Dailey stated yes, when the main building went up is also when the Lean-to was built. Mr. Tomaszewski asked how long Mr. Daily has lived in the house. Mr. Dailey since 1990.

After deliberation, the Board made the following findings:

Variance Request No. 1

- 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. The Building Department received a written objection to the requested variance from another resident in the same neighborhood.
- 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 Variance Request to build a 12 ft. x 24 ft. (288 sq. ft.) addition onto an existing 24 ft. x 36 ft. (864 sq. ft.) accessory structure. Denied 5-05-0

2. Ms. Sue Johnson representing Ryan Homes. Ms. Johnson is requesting six variances.

1. Chapter 1149.07(h): 16 sq. ft. variance for a proposed residential development identification sign 32 sq. ft. (4'x8') Chapter 1149.07 states residential development sign not to exceed 16 sq. ft.
2. Chapter 1149.06(e): .25 sq. ft variance for a proposed temporary sign 30"x30" arrow signs (2 total). Chapter 1149.06 stated temporary signs may not exceed 6 sq. ft. per side.
3. Chapter 1149.06(e): 9 sq. ft. variance per side for proposed 30"x72" rigid banners. Chapter 1149.06 stated temporary signs may not exceed 6 sq. ft per side.
4. Chapter 1149.06(d): 5'7" variance for a residential development identification sign to be approximately 10'7" above grade. Chapter 1149.06 states temporary signs may not exceed 5' in height from grade.
5. Chapter 1149.06(d): 8'0" variance for rigid banners to approximately 13'0" above grade. Chapter 1149.06 stated temporary signs may not exceed 5" in height from grade.
6. Chapter 1149.08: Variance for proposed rigid banners considered to be in violation of ordinance. Chapter 1149.08 stated banners/pennants not permitted for commercial purposes. (Selling property)

Ms. Jonson stated the new Quarry Creek development is at the end of N. Dewey and they are trying to inform the community where they are located. Ms. Johnson stated the first variance request is on the corner of N. Dewey and North Ridge Road. Ms. Johnson stated there is currently a guard rail there and they need to work around that and would like the sign to be taller than allowed. Ms. Johnson stated there are some trees that would block the sign without the variance. Ms. Johnson stated the banners requested would be in the development and not on any city streets. Ms. Johnson stated two banners would be at the entrance and one at the back of the property that abuts up to Rt 2. Ms. Johnson stated they are requesting taller banners since they are hoping for traffic visibility. Ms. Johnson stated that the area is ODOT-owned so they cannot remove any trees. Ms. Johnson stated two (2) arrow signs, if

approved, will be located on the township property. Ms. Johnson stated they had previously submitted a permit for those signs, but the township stated it is not their property. Mr. Macartney stated his office verified from the County Auditor that the property in question is Amherst Township. Mr. Macartney stated the signs they have requested are similar in size and height that have been previously requested for Eagle Ridge and The Reserve of Beaver Creek. Mr. Macartney stated the variances requested are about the size, not the placement. Mr. Tomaszewski asked about the sign that will be located on the corner of N. Dewy and North Ridge Rd. Ms. Johnson stated there is an opening at the guardrail that they will utilize for the sign. Mr. Vilagi asked how long they anticipate the signs being up. Mr. Macartney stated when they are 80% built out, they will start removing the signs. Attorney Ward had no questions or comments at this time.

After deliberations, the Board made the following findings regarding your First Variance Request:

- The requested variance is not substantial for this property, especially given the makeup of the surrounding properties and the Board's granting of prior similar variances requests. While this determination alone is not sufficient to justify the variance, it is important, particularly 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 requested variance.

Please also note that no temporary sign may be placed on property located within the City of Amherst without the consent of the property owner. *See* ACO § 1149.06(a). It is the decision of the Board to reverse the decision of the Building Official and grant your First Variance Request to install a 4 ft. x 8 ft. (32 sq. ft.) residential development identification sign, 16 sq. ft. larger than permitted by ACO § 1149.07(h), **conditioned upon the applicant obtaining written consent from the Board of Commissioners for the Lorain County Metropolitan Park District, owner of the subject property, regarding the installation of such sign.** Approved 5-0

Your second variance request relates to the proposed installation of two temporary arrow signs, each 30 in. x 30 in. (6.25 sq. ft.), 0.25 sq. ft. larger than permitted by ACO § 1149.06(e) ("**Second Variance Request**"). Notably, the proposed signage would be installed on property identified as Permanent Parcel No. 05-00-042-106-020, located in Amherst Township, **NOT** the City of Amherst, and thus ACO § 1149.06(e) does not apply. Since the Board has no jurisdiction over Amherst Township, upon the advice of legal counsel, the Board has determined that it cannot lawfully consider the Second Variance Request. Accordingly, the Board takes no action regarding such request.

Your third variance request relates to the proposed installation of certain temporary pole banner signs, each 30 in. x 72 in. (15 sq. ft.), 9 sq. ft. larger than permitted by ACO § 1149.06(e) ("**Third Variance Request**"). The proposed signage would be installed on property identified as Permanent Parcel No. 05-00-041-110-114. After deliberations, the Board made the following findings regarding your Third Variance Request:

- The requested variance is not substantial for this property, especially given the makeup of the surrounding properties. While this determination alone is not sufficient to justify the variance, it is important, particularly 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 requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Third Variance Request to install certain temporary pole banner signs, each 30 in. x 72 in. (15 sq. ft.), 9 sq. ft. larger than permitted by ACO § 1149.06(e). Approved 5-0

Your fourth variance request relates to the proposed installation of a temporary residential development identification sign 10 ft. 7 in. above grade, 5 ft. 7 in. higher than permitted by ACO § 1149.06(d) ("**Fourth Variance Request**"). The proposed signage would be installed at 45820 N. Ridge Road, Amherst, Ohio 44001 (PPN: 05-00-042-104-092). After deliberations, the Board made the following findings regarding your Fourth Variance Request:

- The requested variance is not substantial for this property, especially given the makeup of the surrounding properties and the Board's granting of prior similar variances requests. While this determination alone is not sufficient to justify the variance, it is important, particularly 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 requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Fourth Variance Request to install a temporary residential development identification sign 10 ft. 7 in. above grade, 5 ft. 7 in. higher than permitted by ACO § 1149.06(d). Approved 5-0

Your fifth variance request relates to the proposed installation of certain temporary pole banner signs 13 ft. above grade, 8 ft. higher than permitted by ACO § 1149.06(d) ("**Fifth Variance Request**"). The proposed signage would be installed on property identified as Permanent Parcel No. 05-00-041-110-114. After deliberations, the Board made the following findings regarding your Fifth Variance Request:

- The requested variance is not substantial for this property, especially given the makeup of the surrounding properties. While this determination alone is not sufficient to justify the variance, it is important, particularly 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 requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Fifth Variance Request to install certain temporary pole banner signs 13 ft. above grade, 8 ft. higher than permitted by ACO § 1149.06(d). Approved 5-0

Your sixth variance request relates to the proposed installation of certain temporary pole banner signs for commercial purposes in violation of ACO § 1149.08(b) ("**Sixth Variance Request**"). The proposed signage would be installed on property identified as Permanent Parcel No. 05-00-041-110-114. After deliberations, the Board made the following findings regarding your Sixth Variance Request:

- The requested variance is not substantial for this property, especially given the makeup of the surrounding properties. While this determination alone is not sufficient to justify the variance, it is important, particularly 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 requested variance.

It is the decision of the Board to reverse the decision of the Building Official and grant your Sixth Variance Request to install certain temporary pole banner signs for commercial purposes. Approved 5-0

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

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

5. Approval of Minutes from February 26, 2025: Mr. Jeffreys motions to approve the minutes as submitted, seconded by Mr. Vilagi. Approved 5-0

6. Next scheduled meeting: April 30, 2025, at 6:30pm. Approved 5-0

7. Adjourn: Motion made to adjourn at 6:54pm by Mr. Anderson, seconded by Ms. Knoble.
Approved 5-0

Terry Tomaszewski 4/7/2025
Terry Tomaszewski, Chairman Date

Tammy Nixon 4/7/2025
Tammy Nixon, Sec Date