

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

April 30, 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. Keith Welch from Keen Property Solutions. Mr. Welch is representing Robert & Jessica Dooley who reside at 165 Edgewood. Mr. Welch stated they were requesting a 7 ft. variance to build a front open-air porch. Mr. Welch stated this would be covered but there would be no walls. Mr. Welch stated the house across the street is similar to what they would like to build. Mr. Welch stated the neighbor was approached to sign off, but their house is being sold, and they did not want to cause any issues on the closing. Mr. Macartney stated there is an existing established building setback and this structure would encroach into the front yard setback. Mr. Jeffreys asked if neighbors home was already transferred would this be an issue. Mr. Macartney stated this would not be an issue since they would sign the waiver. Mr. Welch stated he has the signed waiver by the new owners.

After deliberation, the Board decided to table this application until May 28, 2025, at 6:30pm for further consideration. Approved 5-0

2. Mr. Khaled Bikawi represents Kal Biko Properties at 1255 N. Main Street. Mr. Bikawi is requesting two variances. The First variance is to eliminate the 10ft side yard buffer. Chapter 1137.03 states there is a 10ft buffer required where such use abuts a residential use. The second variance is to eliminate the 30ft rear yard buffer. Chapter 1137.03 states there is a 30ft buffer required where such use abuts a residential use. Mr. Bikawi stated he had been negotiating with the previous owners of this property for a year and finally came to an agreement and bought the property. Mr Bikawi stated they are a family-owned business, and they have a dealership that has been open for about 12 years. Mr. Bikawi stated they sell 100-150 cars a year. Mr. Bikawi stated he is looking to open a car lot at 1255 N. Main. Mr. Bikawi stated this will be a quiet operation. Mr. Bikawi stated this property has been vacant and has a total of 7 acres broken down to 4 parcels (0202001104017; 0202001104075;0202001104019;0202001104077). Mr. Bikawi stated one parcel is commercial and the remainder parcels are residential. Mr. Bikawi stated there is an existing 8ft high fence on the commercial property with some pine trees. Mr. Bikawi stated the rest of the commercial property is all asphalt. Mr Bikawi stated he would need to dig up the asphalt if he is required to plant trees. Mr. Bikawi stated he is unsure why he would need the 30 ft buffer in the rear since the property is heavily wooded and he owns both properties. Mr. Bakawi stated he does not feel there is a need for the buffer, and it would be very expensive. Mr. Macartney stated this property was previously Rich's Auto Body and has been on sale for a few years. Mr. Macartney stated since the business has been gone for 2 years the property must comply with the current city ordinances regarding the buffer requirements. Mr. Jeffreys asked for clarification on the property lines. Mr. Vilagi asked if there were any lighting plans. Mr. Bikawi stated there is already lighting on the property.

After deliberations, the Board found the following findings regarding your First Variance request:

**Variance Request No. 1**

- The Property would yield a reasonable return and have a beneficial use without the requested variance.
- The requested variance is substantial for this property, especially given the homes currently located to the north and south of the Property. While this determination alone is not sufficient to justify denying the variance, it is important, particularly in the context of other factors.
- The requested variance would substantially alter the essential character of the neighborhood, and the adjoining properties would suffer substantial detriment as a result of the variance. The abutting residential property owners must be protected from any commercial activities on the Property, including, without limitation, the operation of a car dealership.
- The property owner purchased the Property with knowledge of the applicable zoning restriction. Indeed, the property owner discussed such restrictions with the Building Official prior to buying the Property.

- 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 10-foot variance to eliminate the side yard buffer required for the Property by ACO § 1137.03(b). Denied 5-0

After deliberations, the Board found the following findings regarding your Second Variance request:

### **Variance Request No. 2**

- The Property would yield a reasonable return and have a beneficial use without the requested variance.
- The requested variance is substantial for this property given the potential for residential development on and around the Property to the east. While this determination alone is not sufficient to justify denying the variance, it is important, particularly in the context of other factors.
- The property owner purchased the Property with knowledge of the applicable zoning restriction and even discussed the restriction with the Building Official before purchasing the Property.
- 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 30-foot variance to eliminate the rear yard buffer required for the Property by ACO § 1137.03(c). Denied 5-0

3. Mr. Jeffreys 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 March 26, 2025: Mr. Jeffreys motions to approve the minutes as submitted, seconded by Ms. Knoble. Approved 5-0
6. Next scheduled meeting: May 28, 2025, at 6:30pm. Approved 5-0
7. Adjourn: Motion made to adjourn at 7:27pm by Ms. Knoble, seconded by Mr. Anderson.  
Approved 5-0

Terry Tomaszewski 5/15/2025  
Terry Tomaszewski, Chairman Date

Tammy Nixon 5/15/25  
Tammy Nixon, Sec Date