

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

November 19, 2025

6:30pm

Present:

Don Anderson

John Jeffreys

Scott Vilagi

Terry Tomaszewski

Excused:

Heather Knoble

Other City Officials:

Atty. Ward

David Macartney

Tammy Nixon

Mr. Tomaszewski opened the meeting at 6:33pm.

Pledge of Allegiance

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. Ms. Anna Flaso residing at 1244 Old Oak Road, is requesting a variance of 32 sq. ft. for existing 96 sq. ft. accessory structure to remain with proposed 120 sq. ft. gazebo. Mr. Michael Callahan stated they bought a gazebo and would like to place it on their existing stamped pad. Mr. Callahan stated it would be 1 to 2 feet from the roof of the house. Mr. Callahan stated that he and his wife like to sit outside and it would make it easier. Mr. Macartney went over the variance request and explained that Ms. Flaso has two accessory structures and how they are sized. Mr. Tomaszewski asked about the second accessory structure and Mr. Callahan stated they use it for lawn equipment. Mr. Callahan stated the house is only a 3 bedroom and they don't have a lot of storage space. Mr. Tomaszewski asked if the gazebo could be attached to the house. Mr. Macartney stated no, the differences in construction methods would not be allowed.

After deliberation, the Board made the following findings:

- The requested variance is not substantial for this property. While this determination alone is not sufficient to justify granting 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 a substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.
- The requested variance would not adversely affect the delivery of governmental services.

It is the decision of the Board to reverse the decision of the Building Official and grant your request for a 32 sq. ft. area variance relating to an existing 96 sq. ft. accessory structure, 32 sq. ft. larger than allowed by ACO § 1145.05(b)(3). Approved 4-0

2. Mr. Ryan Banyas, residing at 5506 Linn Rd, is requesting a variance to house a total of 13 chickens. Mr. Banyas stated he has had chicken for about 12 years now and never had any issues. Mr. Banyas stated he received a notice and decided to apply for the variance before the chickens need to be rehomed. Mr. Banyas stated the shed is in the back corner and is a pre-built structure. Mr. Tomaszewski asked if the chicken coop was large enough for 13 chickens. Mr. Banyas stated yes. Attorney Ward had no comments or questions at this time. Mr. Jeffreys asked about the lot size. Mr. Banyas stated 75 x 225.

After deliberations, the Board found it necessary to inquire further with you regarding the circumstances underlying your request for a variance and tabled a decision regarding such request until the next Board meeting on **December 17, 2025, at 6:30 p.m.** at which **YOUR APPEARANCE IS REQUESTED**. Approved 4-0

3. Mr. William Muller, residing at 806 S. Lake Street, is requesting a 32 sq. ft. variance for his secondary existing building to remain with a proposed 576 sq. ft. accessory structure. Mr. Muller stated he would like to keep his existing shed but would like to build a 576 sq. ft garage. Mr. Tomaszewski asked where the new accessory structure would be located. Mr. Muller stated straight down the driveway behind the fence. Mr. Tomaszewski asked if there was a business being run out of the house. Mr. Muller stated he does own a concrete company but has been working on exterior projects at his house. Mr. Muller stated he recently poured a new driveway, installed a retaining wall and added a fence around the property. Attorney Ward had no comments or questions at this time.

After deliberation, the Board made the following findings:

- The requested variance is not substantial for this property. While this determination alone is not sufficient to justify granting 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 a substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the requested variance.

- The requested variance would not adversely affect the delivery of governmental services.

It is the decision of the Board to reverse the decision of the Building Official and grant your request for a 32 sq. ft. area variance relating to an existing 200 sq. ft. accessory structure, 32 sq. ft. larger than allowed by ACO § 1145.05(b)(2). Approved 4-0

4. Motion made by Mr. Vilagi to move into deliberative session, seconded by Mr. Jeffreys. Approved 4-0
5. Motion by Mr. Anderson to move back into regular session, seconded by Mr. Jeffreys. Approved 4-0.
6. Approval of minutes from October 29, 2025: Mr. Vilagi motions to approve the minutes, seconded by Mr. Jeffreys. Approved 4-0
- 6 Next scheduled meeting Wednesday, December 17, 2025, at 6:30pm. Approved 4-0
7. Adjourn: Motion made to adjourn at 7:24pm by Mr. Anderson, seconded by Mr. Jeffreys. Approved 4-0

<u>Terry Tomaszewski</u>	<u>11/21/2025</u>	<u>Tammy Nixon</u>	<u>11/21/2025</u>
Terry Tomaszewski, Chairperson	Date	Tammy Nixon, Secretary	Date