

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

December 17, 2025

6:30pm

Present:

Don Anderson

John Jeffreys

Scott Vilagi

Terry Tomaszewski

Heather Knoble

Excused:

Other City Officials:

Atty. Ward

David Macartney

Tammy Nixon

Mr. Tomaszewski opened the meeting at 6:30pm.

Pledge of Allegiance

No one was in attendance in the audience at the time of meeting.

1. Mr. Ryan Banyas, residing at 5506 Linn Rd, is requesting a variance to house a total of 13 chickens. Mr. Tomaszewski stated Mr. Banyas had requested a variance on November 19, 2025, to house thirteen fowl, which he would need a variance for nine. Mr. Tomaszewski stated in November the Board tabled this item so they could have Mr. Banyas come back before the Board to answer a few more questions. Mr. Tomaszewski stated Mr. Banyas is not present so they will review what is in front of them. Mr. Macartney had no additional information or comments at this time. Attorney Ward stated he did have additional questions for Mr. Banyas but seeing he is not present he has no additional comments. Mr. Jeffreys asked if the Amherst Building Department had any communications from Mr. Banyas. Mr. Macartney stated they have not. Mr. Tomaszewski stated he researched how long chickens can live and found the average life age is 8 to 10 years but could live longer. Mr. Tomaszewski stated he also had questions for Mr. Banyas on how long he has had his current chickens and if he has replaced any. Attorney Ward stated it is the burden of the applicant to prove this is a non-conforming use, which in his opinion the applicant has not proven. Mr. Vilagi stated if the average age of the fowl is 10 years, statistically some fowl have passed. Mr. Vilagi stated he felt it was safe to say some fowl had not been there for twelve years.

After deliberation, the Board made the following findings:

- The variance requested 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.
- There is a beneficial use of the property without the requested variance.
- 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 spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.
- The variance requested would not adversely affect the delivery of governmental services.
- The property owner's predicament can feasibly be obviated through some method other than a variance.

It is the decision of the Board to uphold the decision of the Building Official to deny your request for a variance to house thirteen fowl at 5506 Linn Road, nine more than permitted. See ACO §505.13(a)(4). Please remove one fowl from the above-referenced property within thirty (30) days of this notice. Denied 5-0

2. Motion made by Mr. Anderson to move into deliberative session, seconded by Mr. Jeffreys. Approved 5-0
3. Motion by Mr. Jeffreys to move back into regular session, seconded by Ms. Knoble. Approved 5-0.
4. Approval of minutes from November 19, 2025: Mr. Vilagi motions to approve the minutes, seconded by Mr. Jeffreys. Approved 5-0
5. Next scheduled meeting Wednesday, January 28, 2026, at 6:30pm. Approved 5-0
6. Adjourn: Ms. Knoble motions to adjourn at 6:40pm, seconded by Mr. Jeffreys. Approved 5-0

 12/18/2025  12/18/2025  
Terry Tomaszewski, Chairperson      Date      Tammy Nixon, Secretary      Date