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

August 5, 2026

6:30pm

Present:
Don Anderson
Heather Knoble
Scott Vilagi
Terry Tomaszewski

Excused:
John Jeffreys

Other City Officials:
Law Director Pecora
Atty Rachel Reinbolt
David Macartney
Tammy Nixon

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

Pledge of Allegiance

Mr. Tomaszewski swears all in that will speaking before the Zoning Board. Mr. Tomaszewski briefly reviews rules, regulations and procedures for the Board of Zoning Appeals.

1. Mr. Joseph Arias residing at 622 Cherry Vvalley. Mr. Arias is requesting a 32 sq. ft. variance for his tertiary accessory structure of 96 sq. ft. so he can build a proposed 168 sq. ft. gazebo. Chapter 1145.05(b)(3) states tertiary accessory structures not to exceed 64 sq. ft. Mr. Arias stated he would like to build a 12'x14' gazebo but that would throw his existing building out of compliance. Mr. Arias stated the existing shed was there when he bought the property. Mr. Arias stated he is asking for the variance, so he does not have to tear down the shed. Mr. Macartney stated when Mr. Arias submitted for the gazebo permit, we notified him that this would throw his existing shed out of compliance. Mr. Macartney stated the Board has reviewed these kinds of variance in the past. Mr. Macartney stated if the Board wishes to approve, this will allow Mr. Arias to rebuild if anything happens to the buildings. Mr. Tomaszewski asked Mr. Arias where the new gazebo will be placed. Mr. Arias stated on the existing concrete patio on the south side. Mr. Vilagi asked if the gazebo would be anchored to the patio. Mr. Arias stated no, but it will be anchored into the ground. Law Director Pecora 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 96 sq. ft. tertiary accessory structure, 32 sq. ft. larger than allowed by ACO § 1145.05(b)(3). Approved 4-0 This is not a building permit, please contact the Amherst Building Department for your next steps.

2. Mr. Zachary Dixon residing at 232 Sleepy Hollow. Mr. Dixon is requesting two variances. The first variance is for 288 sq. ft. to build a proposed 864 sq. ft. accessory structure. Chapter 1145.05(b)(1) states primary accessory structure not to exceed 576 sq. ft. The second variance request is for 1'0" to build the proposed accessory structure 4 ft from the side yard setback property line. Chapter 1145.05(a) states accessory structures not permitted to be nearer than 5' from the side or rear property line. Mr. Dixon stated he would like to build a 24'x36' detached garage that would match the coloring of his house and would like, if possible, to add the same stone that is on the front of his house. Mr. Dixon stated he would like to be able to store his cars and extra vehicles in this new garage since the attached garage is a side load and he has issues getting the cars in and out. Mr. Dixon also stated the attached garage and holds all the toys, bikes and some storage. Mr. Dixon stated he did speak to the abutting neighbor at 234 Sleepy Hollow and Mr. Ramirez stated to him he was worried about water run-off and water issues. Mr. Dixon stated he informed Mr. Ramirez the new garage will have gutters that connect to the house gutter system. Mr. Dixon stated he will be adding new concrete entirely back to the new building. Mr. Dixon stated he is asking for the 1' variance so he can have enough room for the new building and to make sure he has enough space for his lawn mower to go between the new structure and his house. Mr. Dixon stated the 1' variance would also allow the cars to go into and exit the new structure more easily. Mr. Macartney had no comments at this time. Mr. Tomaszewski asked to be shown on the screen where the new building would be place. Ms. Abena Boakye was sworn in prior to speaking. Ms. Boakye asked how far off the back property line the new structure would be. Mr. Dixon stated more than the required 5 ft. Mr. Dixon stated there is another larger than allowed structure at 143 Westchester. Mr. Tomaszewski asked Mr. Macartney to go over the standards for accessory structure. Law Director Pecora had no comments or questions at this time.

After deliberation, the Board made the following findings:

First Variance Request

- The variance requested is not substantial for this property. While this determination alone is not sufficient to justify denying variance, it is important, especially in the context of other factors.
- Consistent with other accessory buildings in surrounding neighborhood.
- 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 variance.
- The variance requested would not adversely affect the delivery of governmental services.

It is the decision of the Board to reverse the decision of the Building Official to grant your request for 288 sq ft to build an 864 sq ft building at 232 Sleepy Hollow, larger than allowed. See ACO §1145.05(b)(1). Approved 4-0. This is not a building permit, please contact the Amherst Building Department for your next steps.

Second Variance Request

- The variance requested is not substantial for this property. While this determination alone is not sufficient to justify denying variance, it is important, especially in the context of other factors.
- No opposition form abutting neighbors.
- 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 variance.
- The variance requested would not adversely affect the delivery of governmental services.

It is the decision of the Board to reverse the decision of the Building Official to grant your request for 1'0" side yard setback variance to install your new accessory structure no closer than 4' from side yard property line. See ACO §1145.05(a). Approved 4-0 This is not a building permit, please contact the Amherst Building Department for your next steps.

3. Mr. Jonathon Settle residing at 123 Alexander Avenue, is requesting a variance to install a proposed fence that will encroach into the established 35' building setback toward Charles Avenue by 10'. Chapter 1151.04 states no fence shall encroach into the front yard setback or the setback lines of existing property; corner lots are considered to have two (2) front yards. Mr. Settle stated he is asking for the variance so they can install a fence 25' east beyond the front line. Mr. Settle stated he is aware the side yard facing Charles

stated a portion of the yard is exposed. Mr. Settle stated this property will remain to be residential, and the fence will have the good side facing out. Mr. Settle stated the traffic, and pedestrian traffic would have no safety issues. Mr. Settle stated the fence would not change the character of the neighborhood, would not adversely affect the delivery of government services or utilities. Mr. Settle stated he believes the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting is variance request. Mr. Settle stated he provided written signatures from abutting neighboring stating they had no issue s with the variance request. Mr. Macartney stated the fence will be encroaching by 10'. Mr. Anderson asked the distance from the sidewalk to the fence. Mr. Macartney stated approximately 13'. Law Director Pecora had no 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.
- The requested variance will not impede traffic or pedestrian sightlines.

It is the decision of the Board to reverse the decision of the Building Official and grant your request for a 10' area variance to install a fence that will encroach into the established 35' building setback toward Charles Avenue than allowed by ACO § 1151.04. Approved 5-0 This is not a building permit, please contact the Amherst Building Department for your next steps.

4. Motion made by Ms. Knoble to move into deliberative session, seconded by Mr. Anderson. Approved 4-0

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

6. Approval of minutes from July 29, 2026: Mr. Anderson motions to approve the minutes, seconded by Mr. Vilagi. Approved 4-0

7. Next scheduled meeting Wednesday, August 26, 2026, at 6:30pm. Approved 4-0

8. Adjourn: Ms. Knoble motions to adjourn at 7:34pm, seconded by Mr. Anderson. Approved 4-0

Terry Tomaszewski, Chairperson Date 8/7/2026 Tammy Nixon, Secretary Date 8/7/2026