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

August 26, 2026 6:30pm

Present:
Don Anderson
John Jeffreys
Scott Vilagi
Terry Tomaszewski

Excused:
Heather Knoble

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

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. Jacob Politowski from Integrated Restoration represents Jim Polenske and Danielle Dopart who resides at 647 Mill Street Amherst, Ohio. Mr. Politowski is seeking two variances. The first variance is for an existing 8'x8' fourth accessory structure. Chapter 1145.05(b) states permitted accessory structures limited to three (3) per residential parcel. The second variance request is for an existing tertiary structure of 12'x16' (192 sq. ft.) accessory structure. During the applicant's request, it was determined that the initial first variance request of a fifth accessory structure was not needed and removed from the agenda.
   Mr. Politowski stated they are requesting approval for the 8'x8' accessory structure to block some of the backyard of his neighbor's property. Mr. Politowski stated they are also requesting approval for the pergola. Mr. Politowski stated Mr. Polenske's wife has Lupus, and this allows her to enjoy being outside but out of the sun. Mr. Polenske stated they had two trees in the backyard that shaded the back yard but those trees came down eliminating the shade. Mr. Politowski stated the 20'x'20 detached garage will be rebuilt but with a slightly taller roof structure. Mr.

Macartney stated the height will need to remain 16' in height or they would need a new variance. Mr. Macartney stated in 2024 the property owner came before the Board of Zoning Appeals and requested a variance for the 28'x30' (840 sq. ft) accessory structure and was granted the variance. Mr. Macartney stated since the 20'x20' garage is being taken down and rebuilt the applicant will only need the size variance for the third building and approval for the fourth building. Mr. Jeffreys asked if the garage being rebuilt will be different in size. Mr. Politowski stated no, just a little taller but still under 16' in height.
Mr. Tomaszewski asked if the larger building was granted size and height. Mr. Macartney stated yes. Mr. Tomaszewski asked if the pergola was built without the required permit. Mr. Polenske stated the pergola was built in 2024, prior to asking for a variance and the 8'x8' structure was just placed on the property. Mr. Tomaszewski asked if the whole back yard was fenced in. Mr. Polenske stated yes. Law Director Pecora had no comments or questions at this time.

After deliberation, the Board made the following findings:

Variance One:

- 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 fourth 64 sq. ft. (8'x8') accessory structure exceeding the total number of accessory structures allowed by ACO § 1145.05(b). This variance is contingent on applying for and paying for a building permit. Approved 4-0

Variance Two:

- 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 192 sq. ft. area variance relating to an existing pergola tertiary accessory structure, larger than allowed by ACO § 1145.05(b)(3). This variance is contingent on applying for and paying for a building permit. Approved 4-0

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

3. Motion by Mr. Jeffreys to move back into regular session, seconded by Mr. Anderson. Approved 4-0.

4. Approval of minutes from August 5, 2026: Mr. Vilagi motions to approve the minutes, seconded by Mr. Anderson. Approved 4-0

5. Next scheduled meeting Wednesday, September 30, 2026, at 6:30pm. Approved 4-0

6. Adjourn: Mr. Jeffreys motions to adjourn at 7:02pm, seconded by Mr. Anderson. Approved 4-0

Terry Tomaszewski 8/28/2026 Tammy Nixon 8/28/2026

Terry Tomaszewski, Chairperson Date Tammy Nixon, Secretary Date