

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

June 27, 2018

6:30pm

Present:

Terry Tomaszewski

Don Anderson

Al Bereznay

Bob Valenti

John Jeffreys

Excused:

Other City Officials:

Frank Carlson

David Macartney

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

Mr. Tomaszewski swears in everyone that will be speaking before the board.

1. Mr. Dembinski residing at 782 Peregrine requesting to build a second garage 24x30 x 17 ft. 3inches. Mr. Dembinski stated the garage would be tan in color and would match the house. Mr. Dembinski stated they want to make the garage blend into the neighborhood and not to change the character of the neighborhood. Mr. Dembinski stated they will be using the garage for storage and their own use and will not be running a business out of it. Mr. Dembinski stated the building would be completely shielded by his pine trees that are 35 feet tall. Mr. Dembinski stated he did speak with the direct neighbors on the side of his property and neither of them had an issue. Mr. Dembinski stated there currently is a shed on the property and that would be removed. Mr. Bruce Peterson residing at 791 Peregrine Place spoke against this variance. Mr. Peterson stated he felt this would detract from the neighborhood with the amount of buildings in the neighborhood. Mr. Peterson stated he appreciated that it would match the house but has concerns. Mr. Bereznay asked what the purpose of the garage variance request. Mr. Dembinski stated he likes tinkering on things like computers but would like to get an old car, but it would be for all personal use.

After deliberations, the Board made the following findings:

- The variance request is not substantial for this property. While this determination is not sufficient in itself to justify the variance, it is important especially in the context of other factors.
- The variance request will not alter the character of the neighborhood therefore not causing any substantial detriment as a result of the variance.
- The variance would not affect the delivery of governmental services.

- The spirit and intent behind the zoning requirement would be observed and substantial injustice done by granting the variance.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and approve your variance request. Motion passed 5-0.

2. Mr. Bryan Petel representing Airgas USA located at 1897 Cooper Foster Park Road. Mr. Petel is requesting to install a fence 12 inches taller than is allowed by code. Mr. Petel stated they would like to add barbed wire on top of the fence. Mr. Petel stated this is just to protect some of their assets like their delivery trucks, cylinders, etc. Mr. Berezney asked if this is a common fence practice on their facilities. Mr. Petel stated yes, Department of Homeland Security and their internal security teams recommend it for type flammable materials they store onsite.

After deliberations, the Board made the following findings:

- The variance request is not substantial for this property. While this determination is not sufficient in itself to justify the variance, it is important especially in the context of other factors.
- The variance request will not alter the character of the neighborhood since all abutting properties are commercial, therefore not causing any substantial detriment as a result of the variance.
- The variance would not affect the delivery of governmental services.
- The spirit and intent behind the zoning requirement would be observed and substantial injustice done by granting the variance.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and approve your variance request. Motion passed 5-0.

3. Mr. Don Meyer residing at 1008 Coopers Run requesting to install a fence closer to the front setback than allowed by City Ordinance. Mr. Meyer is seeking approval for a 26 feet encroachment into existing setback area. Mr. Meyer stated his property is on a corner lot. Mr. Meyer went over how he interpreted the Ordinance. Mr. Meyer stated how his house sits does not leave him a lot of room to expand his back yard for his dog. Mr. Meyer stated he would like to install a picket fence 36 to 40 inches high. Mr. Meyer stated he did not want to block off the neighbors. Mr. Tomaszewski stated there is currently a fence up. Mr. Meyer stated yes, he replaced a fence two years ago and wants to take that down to expand the yard. Mr. Macartney stated the fence line would be about 2 feet off the sidewalks. Mr. Bruce Peterson asked questions on where the fence would be installed. Attorney Carlson stated you could not stipulate on the type of fence that could or could not be installed.

Attorney Carlson stated you either grant the variance or deny it. Mr. Dembinski stated he did not have an issue with the fence. .

After deliberations, the Board made the following findings:

- The fence request is substantial given the fence location and its orientation to the street.
- The fence would alter the essential character of the neighborhood and the adjoining properties would suffer substantial detriment as a result of the variance.
- The spirit and intent behind the zoning requirement would not be observed and substantial justice done by granting the variance.

Based on deliberations the Board decided to uphold the decision of the Building Inspector and deny your variance request. Motion passed 5-0.

4. Mr. Michael Thrasher residing at 310 Charles Avenue. Mr. Thrasher is requesting a variance to install an addition (360 sq.) onto his existing accessory structure. Mr. Thrasher stated they just recently moved into this house. Mr. Thrasher stated the structure is a 24 x 30 and there was a variance granted back in 2000 by the previous owner. Mr. Thrasher stated his property is about 1 acre and his neighbor in the back has over 2 and half acres. Mr. Thrasher stated he would like to come off the side of the garage which is 30 foot and come out 12 foot. Mr. Thrasher stated this would have a concrete pad and would be a sitting porch. Mr. Thrasher stated eventually they would like to have a pool in that area as well. Mr. Thrasher stated he did speak with the neighbors and no one had any issues or objections. Mr. Macartney stated there are two other structures on the property. Mr. Macartney stated the homeowners stated the structure closest to the house would be taken down so that is why there was not an additional variance for an additional size variance request. Mr. Tomaszewski asked what that building was and Mr. Thrasher stated he was not really sure. Mr. Thrasher stated the one additional structure that sits in the back of the property is a kid's club house.

After deliberations, the Board made the following findings:

- The variance request is not substantial for this property. While this determination is not sufficient in itself to justify the variance, it is important especially in the context of other factors.
- The variance request will not alter the character of the neighborhood therefore not causing any substantial detriment as a result of the variance.
- The variance would not affect the delivery of governmental services.
- The spirit and intent behind the zoning requirement would be observed and substantial injustice done by granting the variance.

Based on deliberations the Board decided to reverse the decision of the Building Inspector and approve your variance request. Motion passed 5-0.

4. Mr. Jeffreys motions to move into deliberative session, seconded by Mr. Valenti.
Approved 5-0

5. Mr. Berezney motions to move back into regular session, seconded by Mr. Jeffreys.
Approved 5-0

6. Approval of minutes from May 30, 2018: Mr. Valenti motions to approve the minutes, seconded by Mr. Jeffreys. Approved 5-0

7. Approval of minutes from June 12, 2018: Mr. Anderson motions to approve the minutes, seconded by Mr. Jeffreys. Approved 5-0

8. Next scheduled meeting July 25, 2018. Approved 5-0

9. Adjourn: Motion made to adjourn at 7:25pm by Mr. Jeffreys, seconded by Mr. Berezney.
Approved 5-0

Terry Tomaszewski 7/9/18
Terry Tomaszewski, Chairman Date

Tammy Paterson 7/9/18
Tammy Paterson, Secretary Date