

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

May 30, 2018

6:30pm

Present:

Terry Tomaszewski

Don Anderson

Al Berezney

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. Ms. Susan Schneider residing at 171 Westchester. Ms. Schneider is requesting a variance to install a fence closer to the front yard setback than allowed by the City of Amherst Codified Ordinance Chapter 1151. Ms. Schneider stated they live on a corner lot and have an in ground pool. Ms. Schneider stated they have very little grass area in the space currently fenced in and little space for her two (2) dogs and four (4) children to play. Ms. Schneider stated they would like to come to within 5 feet of the sidewalk with a fence. Ms. Schneider provided pictures to the members showing where the fence would be installed and that they believe would have no impact on vehicle visibility around the fence. Ms. Schneider stated she would like to match the location of the neighbor's fence across the street. Mr. Tomaszewski asked if a variance was granted for the low fence across the street and Mr. Macartney stated he was unsure as to whether a variance had been granted for that particular fence as it was installed in line with an existing fence to the adjoining property directly to the north. Mr. Tomaszewski asked Mr. Macartney the distance she was asking for. Mr. Macartney incorrectly calculated the distance and stated the variance requested was in an amount smaller than the actual request of 55'-0" as properly calculated from the northwest corner of the proposed fence location to the side of the dwelling.

After deliberations, the Board made the following findings:

- The variance request is substantial given the fence location and its orientation to the street.
- The Board felt the location of the fence would have a traffic impact on visibility.

- The variance 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.

2. Ms. Diane Bya from new Creation Builders representing Mr. Dembinski at 782 Peregrine. Mr. Macartney stated he received an email from Mr. Dembinski requesting this item be tabled until the June meeting.

Motion made by Mr. Jeffreys to table this item at the request of the applicant, seconded by Mr. Berezney. Motion approved 5-0

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

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

5. Approval of minutes from April 25, 2018: Mr. Berezney motions to approve the minutes, seconded by Mr. Anderson. Approved 5-0

6. Next scheduled meeting: Mr. Macartney stated he received a request from Wing Stop asking for a special meeting so they can get the approval or denial for signs for a new tenant space. Wing Stop missed the deadline by two days.

Motion made to have a special meeting on Tuesday June 12<sup>th</sup> at 5pm by Mr. Jeffreys, seconded by Mr. Berezney. Approved 5-0

Next regular meeting will be held on Wednesday June 27, 2018 at 6:30pm.

7. Adjourn: Motion made to adjourn at 7:04pm by Mr. Jeffreys, seconded by Mr. Valenti. Approved 5-0

Terry Tomaszewski 6/8/18  
Terry Tomaszewski, Chairman      Date

Tammy Paterson 6/8/18  
Tammy Paterson, Secretary      Date