

# Chester Township Zoning Commission Meeting Minutes

| Wednesday, August 3, 2022 7:00 PM |  
West Geauga Library – Main Meeting Room

Meeting Called to Order by Mr. Radtke at: 6:30 pm

Members present: Trustee Radtke, Trustee Mazzurco, Trustee Richter.

This was a Special Session for the Board of Trustees for a continuation of a Public Hearing regarding the Z-2022-2 proposed amendment for Accessory Buildings. It was held in conjunction of the Zoning Commission Regularly scheduled meeting.

## **Zoning Commission Roll Call**

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Nastasi, Mr. Oswick, Mr. Peto

Members absent: None

Admin present: Ms. McCarthy

## **Pledge of Allegiance**

The Boards led the audience in reciting the Pledge of Allegiance.

## **Public Comment and Questions**

Minutes of the Board of Trustees meeting are attached to these minutes and can be found on the website at [Chester Township - Township Meeting Minutes \(chestertwp.org\)](http://chestertwp.org) Additionally, comments made by Linda Gifford and Margaret Muehling during the Public Hearing are attached to these minutes.

The Board of Trustees meeting ended at 7:54 pm and the regular meeting of the Zoning Commission continued.

## **Item 1. Approval of Minutes**

- Move to approve the minutes of the June 13, 2022 meeting as presented.  
Moved by Mr. Anthony Nastasi; Seconded by Mr. Oswick  
Mr. Chess/yes; Mr. Kats/abstain; Mr. Lauro/abstain; Mr. Nastasi/yes; Mr. Oswick/yes; Mr. Peto/yes  
Motion passed
- Move to approve the minutes of the July 20, 2022 meeting as presented.  
Moved by Mr. Kats; Seconded by Mr. Nastasi  
Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/abstain; Mr. Nastasi/yes; Mr. Oswick/yes; Mr. Peto/yes  
Motion passed

## **New Business**

None

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## Upcoming Items

- Mr. Oswick to attend Board of Trustees meeting August 11<sup>th</sup>
- August 15<sup>th</sup> Public Hearing of ZC-2022-3 for BoT at West Geauga Middle School Gymnasium – All members of the Zoning Commission will be present.
- Next regular meeting August 17<sup>th</sup> at 7:00 p.m. Chester Town Hall

**Meeting Called to Close at:** 8:09 pm

Approved by:

Chester Township Zoning Commission August 17, 2022

Final Review by: \_\_\_\_\_  
Jon Oswick, Chair

Z 2022-2

Thank you for the opportunity to speak.

My comments concern the 2<sup>nd</sup> paragraph. The purpose of the proposed amendment was to increase the amount of storage permitted and decrease the number of area variance requests to the BZA. I don't think it will reduce the number of area variance requests.

- It does not consider the needs of corner lot accessory buildings and structures.
- Many lots with a frontage of 150' or less will still need a variance to comply with the setbacks. Let's talk about a Residential District 1- ½ acre lot with 150 ft frontage.  
There are 2 - 25' side yards required that's 50'  
An average 2400 sq ft home is 60 x 40 60'  
add a 2 car garage 24 x 24 let's call it 25' Total 135 feet  
That leaves 15 feet (150 - 135) so an Accessory Building could not be placed in a side yard because it has to be 20 feet from the dwelling.
- The statement "An accessory building shall not be closer .... to the street." is not clear and had to be explained at the ZC Public Hearing. "Face of the building" is not defined and is open to misinterpretation.
- Variance requests concerning lot characteristics i.e. shape, contours showing ravines, etc. will not change. Records show that the BZA has NOT been inundated with side-yard variance requests.
- The proposed amendment permits accessory buildings in the required side yards. If it is passed any applicant who meets the requirements AUTOMATICALLY has the right to place an accessory building or structure in the required side yard. It becomes a PERMITTED USE. Therefore, it would be possible for a 2500 sq. ft. building to be placed 20 ft from the home.
- There may also be another concern regarding water runoff if an accessory building is placed closer to dwellings and roads.
- Research revealed the sizes of sheds and garages needed to enclose a Class A RV, boat trailer, and tractor. There are many types - open or completely enclosed, metal or lumber, even kits. These detached sheds and garages fall within the total ground area of the proposed amendment with various heights.
- If the buildings described above meet the setbacks for a side-yard use, ALL regardless of looks would be PERMITTED. If this amendment were passed, it would permit a building 2500 sq ft or less, that would be 25 feet from the side lot line and probably visible from the road.
- Storage buildings should remain in the rear yards. We do not have architectural regulations in our township zoning and, therefore, have no control over the style or design which can have an effect on the appearance of a neighborhood. Residents always have the right to appeal through the BZA.

THE PROPOSED AMENDMENT SHOULD BE DENIED.

8/3/22

*Linda Gifford*

Public Hearing 3 Aug. 2022: Section 5.01.03 Comments

Proposed Amendment Z2022-2 is a flawed amendment. Chester Township would be better served if it were denied. The current standards are sufficient until they can be updated with more thought about clarity, fairness and the ability to regulate.

The current regulations have been in place since Nov. 26, 2005. Discussion on the need for greater capacity in storage sheds seems appropriate after 17 years.

The proposed amendment considers updating Section 5.01.03 ACCESSORY BUILDINGS. The current resolution should be scanned for relevant sections, such as: Section 5.01.01 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES, Section 5.01.02 PERMITTED ACCESSORY BUILDINGS AND STRUCTURES, SECTION 5.01.06 PERMITTED BUILDING STRUCTURES AND USES IN REQUIRED YARDS plus ARTICLE 2 DEFINITIONS for any pertinent information, conflicts or additions.

Apparently these relevant sections were not consulted. Examine the comparison which follows:

Section 5.01.03 Accessory Buildings (Currently in the Zoning Resolution.)

**5.01.03 ACCESSORY BUILDINGS.** The minimum distance from a detached accessory building to any dwelling shall be not less than twenty (20) feet, however breezeways, decks, patios, and open-sided porches may be attached to or less than twenty (20) feet from the principal building. The maximum combined total ground floor area of all accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet, not including breezeways, decks, patios, and open-sided porches.

Detached accessory buildings shall be located to the rear of the principle building or structure, not in the required front and side yards, and shall be at least ten (10) feet from the rear and side lot lines, unless otherwise provided for. An accessory building shall not be closer to any street than the principal dwelling; decks, patios and open-sided porches may be permitted in the front, rear and/or to the side of the principal building provided they meet all the applicable setbacks. Health District regulations require that accessory buildings and structure shall not be located over leach fields.

Section 5.01.03 Accessory Buildings (As presented to the Trustees without strikeouts.)

**5.01.03 ACCESSORY BUILDING.** The minimum distance from an accessory building to any **building** shall be not less than Twenty (20) feet, however breezeways, decks, patios, and open-sided porches may be attached to or less than twenty (20) feet from the principal building. The maximum **combined** total ground floor area of all Accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet **or five hundred (500) square feet of ground floor area per acre, up to a maximum of 2,500 square feet of total ground area, whichever is greater**, not including breezeways, decks, patios, and open-sided porches.

Second paragraph not printed or discussed in this presentation.

Comparison of first paragraphs:

<u>Current</u>	<u>Proposed</u>
Detached	_____
Dwelling	Building
Missing how to measure distance (20')	Missing how to measure distance (20')
Missing gazebos & pavilions	Missing gazebos & pavilions
Size (1280 sq. ft.)	Size (1280 sq. ft. or 500 sq. ft. per acre Up to a maximum of 2500 sq. ft.)

Importance:

Regulations should be written accurately in order that the Zoning Inspector does not have to interpret them – only apply them.

- "Detached" should be used to describe the placement of the accessory buildings since detached accessory buildings are what is being considered in the proposed amendment. If a "breezeway" were connected between the dwelling and the accessory building, the accessory building would no longer be detached. (See definition of "Breezeway.")
- "Dwelling" is the exact word to use. The definition of "building" is too general to be used. It calls for an interpretation. The first line of the current regulations is what it should be – no interpretation necessary. However, an improved first line would be "**The minimum distance between a completely enclosed detached accessory building, including private garages and storage buildings per Section 5.01.02, to any dwelling shall not be less than twenty (20) feet.** The definition of "building, completely enclosed" describes a private garage or storage building exactly as needed in any updated regulations. This does not call for interpretation, and in addition, references exactly what is to be regulated and the section involved. (See list of PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES in Residential Districts, Section 5.01.01 and Section 5.01.02 PERMITTED ACCESSORY BUILDINGS AND STRUCTURES. Also definition of "building" and "building, completely enclosed" and "dwelling".)
- Standards for measuring distance must be included. The enforcement officer (i.e. Zoning Inspector) must apply the same standards for each application. Suggestion: **Said distance shall be measured in a straight line from the nearest point of the exterior foundation wall of any dwelling to the nearest point of the exterior wall of such accessory building.** No interpretation necessary.
- The current regulations have been in use for 17 years. "Gazebos" and "Pavilions" have been defined and added to Section 5.01.02 PERMITTED ACCESSORY BUILDINGS AND STRUCTURES. They should be included in an updated amendment. Suggestion: **However, breezeways, decks, patios, open-sided porches, gazebos and pavilions per Section 5.01.02, may be attached to or less than twenty (20) feet from any dwelling.**
- Probably, after 17 years, an adjustment to the ground floor area of all accessory buildings on a lot should be considered – keeping in mind the definition of "ACCESSORY BUILDING, STRUCTURE OR USE" which means a subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use. (The principal building, in this case, being a dwelling. Emphasis mine.)

- The proposed amendment about doubles the ground area square footage of accessory buildings and their placement without adequate comprehensive research. The maximum permitted is reached on a 5 acre lot with a sliding scale that does not make reference to the existing residential districts. Any proposed amendment should take into consideration the impact these larger buildings will have on the neighborhood and align the proposed growth with the existing residential districts: R District, 1 ½ acres; R3A, 3 acres; R5A, 5 acres plus existing lots of record greater than 5 acres. (See example, Parkman Township regulations addendum, page 3.)

In previous meetings, some residents have expressed storage needs of a Class A RV, Boat trailer, tractor and other personally used equipment and tools (alone or in combined use). Various types of materials (lumber, metal), dimensions and plans are available on line and might serve as a guide in deciding the total ground area of all completely enclosed accessory buildings on a lot.

- This proposed amendment is intended to regulate the size and placement of permitted storage buildings and private garages – nothing else – in relation to the principal dwelling. (See Section 5.01.02 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES, F and H.)

**The Proposed Amendment Z2022-2 should be DENIED** which would leave the current regulations in place.

Suggested first paragraph for future proposed amendment:

The minimum distance between a completely enclosed detached accessory building, including private garages and storage buildings per Section 5.01.02, to any dwelling shall not be less than twenty (20) feet. Said distance shall be measured in a straight line from the nearest point of the exterior foundation wall of any dwelling to the nearest point of the exterior wall of such accessory building. However, breezeways, decks, patios, open-sided porches, gazebos and pavilions per Section 5.01.02, may be attached to or less than twenty (20) feet from any dwelling. The maximum combined total ground floor area of all completely enclosed accessory buildings on a lot shall not exceed .....

Addendum: Parkman Township Zoning Resolution Section 402.2 C.

Accessory buildings designed and used for, but not limited to, the storage of tools, equipment, supplies, motor vehicles, freezer lockers, and other personal property owned by the occupants of the principal building or structure not to exceed 1,000 square feet per building on lots of record under 2.5 acres, 1,500 square feet per building on 2.5 to 5 acre lots, 2,000 square feet per building for more than 5 acres and up to 10 acre lots, and 2,500 square feet per building on greater than 10 acre lots. A maximum of two (2) accessory buildings per lot are permitted.