

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, FEBRUARY 12, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the February 12, 2024, Chester Township Board of Zoning Appeals meeting to order at 6:45 p.m.

Roll Call

Members present: Ms. Denamen, Ms. Fadorsen, Ms. Sritalapat, Mr. Ziganti

Members absent: Ms. Klemm; Ms. Muehling

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Mark Purchase

Assistant Zoning Inspector: Mr. Chris Alusheff

Mr. Ziganti led the Board members and audience in reciting the Pledge of Allegiance

Review of other Geauga County townships procedure for Findings of Fact

Ms. McCarthy began presentation of various Geauga County township procedures for recording Conclusions of Fact. BZA Board opted to read summary. Discussion on how minutes are to be signed. Mr. Ziganti asked for a follow-up meeting. Group did not determine a follow-up meeting date.

Mr. Ziganti read the public hearing process of the Board of Zoning Appeals.

**Appeal ZA-2024-3
New Creation Builders on behalf of Mr. Mark Dobrzynski
7255 Stacy Lane**

All persons wishing to testify were sworn in.

Mr. Ziganti asked if there was any additional information on the following case.

Mr. Alusheff said yes. The requested position of the garage was changed reducing the variance from 80% to 40% and new photographs were submitted.

Application #4 for an Area Variance was read into the record. The applicant, Mr. Dobrzynski clarified that the additional pictures were meant to clarify where the measurements were taken. Originally, it was recorded that the new, proposed structure was 4' from the current garage. It should have been recorded as 12' as the proposed cement slab of 8' width would not have a structure on it. Adding 8' to the original 4' brought the new measurement to 12' from the existing garage.

Mr. Dobrzynski explained they would like to add a 22' x 32' garage as shown on the monitor (using Photo 1). He indicated where the current garage is located and pointed to the red line on the photo as where they would like to add a new garage. The blue line represented where an 8' cement slab for a patio would be poured and the yellow line represented 4' from the corner of the existing garage to the beginning of the proposed cement slab. It's 12' from the corner of the existing garage to the corner of the proposed garage.

In October, we consolidated households with my in-laws and my oldest daughter. We have a three-car garage and between the five adults, we would like to be able to house the five cars in a garage. The depth of the proposed garage would be used to house lawn equipment.

The issue is where the two septic tanks are located and the pipe that leads to the leach field as was indicated on the slide presentation.

The original blueprints of when the home was built were displayed on the monitor and Mr. Dobrzynski indicated where the septic was and where the pipe ran. We need to be able to avoid that pipe.

Mr. Ziganti - The reason you are asking for this variance is you cannot push the garage further back on your property because of the existence of a septic pipe going from the septic tanks to the leach field.

Mr. Ziganti had Mr. Dobrzynski draw the septic pipe on the site plan that had been presented.

Mr. Ziganti asked if the proposed garage location would be within 8' of the sanitary line.

Mr. Dobrzynski – yes.

Mr. Ziganti asked if the proposed garage could be shifted west.

Mr. Dobrzynski – No, there is a stream there.

Mr. Ziganti – Where is the stream?

Mr. Dobrzynski, using the monitor on the REALink slide, indicated where the stream was.

Mr. Ziganti – So what is that distance?

Mr. Dobrzynski – From the edge of the proposed garage to the stream is about 4'.

Mr. Ziganti – The reason for asking that question is, we – the Board of Zoning Appeals are supposed to help reduce the number of the variances or the size of the variance

request. Because a variance once granted, goes with the land forever. Whatever we can do working with you to minimize your variance request is what we are doing.

Mr. Dobrzynski – So the stream is there and that would negate any movement further to the west.

Ms. Sritalapat – Would you be open to decreasing the depth of your garage? I know right now it is 32’.

Mr. Dobrzynski – We did reduce that. If we reduced it more, it would not meet our needs of putting the additional yard equipment in.

Mr. Ziganti – What is the size of this proposed garage in square feet?

Mr. Dobrzynski – It’s 24’ x 32’.

Mr. Ziganti – so 768 square feet? Is that correct?

- No audible response heard.

Mr. Ziganti – So your limitation so far is, we have a sanitary line that is located a bit further north than the original surveyor’s drawing. And we have a stream located to the south that prevents the garage from being moved.

Mr. Dobrzynski – correct.

Mr. Ziganti – as the builder is here... On your fourth sheet, I don’t know what that is. That’s not a 4 – 12. That is a rise of 12’ and a run of 4’.

Mr. Wood – That’s the pitch of the roof.

Mr. Ziganti – So the drawing is wrong. In your drawing, the 4 is a 12 and the 12 is a 4.

Mr. Ziganti had the builder change the drawing and Mr. Dobrzynski initialed it.

Mr. Ziganti – Again, the reason we ask these questions is, when we approve a variance, we need to have the structure clearly drawn.

Mr. Ziganti – Please explain, you’re indicating a fire wall will be applied for safety. I’m seeing you are using a sheet of 5/8” X rated drywall?

Mr. Wood – Yes.

Mr. Ziganti – And this is going to be vinyl sided?

Mr. Wood – Yes.

Mr. Ziganti – Something that the Board of Zoning Appeals asks whenever there is a variance request that comes before us about a building in proximity to the residence that doesn't meet our zoning resolution, have any of these plans been reviewed with the Fire Department?

Mr. Dobrzynski – No

Mr. Wood – Is there a requirement on that? We've never had to do any of that with our current customers.

Mr. Ziganti – We have requested that every single time that this kind of an issue comes up before the Board.

Mr. Wood – OK

Ms. Sritalapat – I have a question for the Zoning Inspector. What is the process of a resident wanting to build a structure such as this? If the gentleman is indicating he wants to have fire protection, there's usually an area of separation that has to occur and that dictates if it is a one-hour barrier or a two-hour barrier. Do these drawings go to a code official to be checked for those things or...

Mr. Alusheff – That's a good question. That is something that was offered by the builder. There's nothing in our Zoning Resolution or application that requires a fire wall in these types of circumstances. From a Zoning standpoint, the regulation is 20 feet regardless of a firewall. I'm not sure what role the firewall plays. From a Zoning standpoint, we don't have that requirement.

Ms. Sritalapat – I have a question for the Builder. Sir, are you a licensed professional? A licensed architect or a licensed engineer? Would you be able to sign and seal drawings?

Mr. Wood – No.

Ms. Sritalapat – Because there are specific requirements that go into designing any type of fire barrier.

Mr. Wood – Well, we don't have to put one in, but we are putting one in.

Ms. Sritalapat – I was more getting at, who is doing the checks and balances? If this were to be approved, and the firewall went in...?

Mr. Purchase – Dan Spada of the Geauga County Building Department.

Mr. Ziganti – What will the proposed garage be used for?

Mr. Dobrzynski – Storage of two vehicles and yard equipment. Yard equipment is riding mower, chipper, weed wacker and what not.

Ms. Sritalapat – I understand the efficiency of wanting to have all those things together in one location. If you gave us a few more feet, that might help. Would you be open to a shed somewhere else on your site? That way, with a smaller footprint of your garage, you can scoot it back a little and you won't be within that variance zone.

Mr. Dobrzynski – I think that came from the logistics of being in one structure and not being spread out on the property. Aesthetically, for our ourselves and neighbors, it wouldn't be multiple buildings there. It would just be under one roof. For functionality, I would not want my father-in-law dredging out 200-300 feet in the backyard to a shed to be able to access a riding mower that he might want to use vs. having it right there.

Ms. Denamen – I have a question for the Chair. From a process standpoint, typically it's a majority vote and we only have four people, so does one of us not vote so that it's three or how does this impact the vote?

Mr. Ziganti – When we typically have less than a full board, what we do is we go over that with the appellant before the close of their presentation and we would indicate to them that we give them the courtesy of having five members present because it's easier to get three affirmative votes with five members present than with three. Then they have the right to request a continuance. What we typically do is we always have the presentation of the information, as like we have seen here tonight, there was information that wasn't available and perhaps we'll find other opportunities if it were to be continued, they would have the opportunity to get that information for the next meeting. Does that answer your question?

Ms. Denamen – Yes.

Mr. Ziganti asked if there were any sworn in persons in attendance who would like to ask questions of Mr. Dobrzynski. –There were none.

Mr. Ziganti – My next question has to do with that you do have a detached porch to the home. Is that correct?

Mr. Dobrzynski - It's a deck.

Mr. Ziganti – So that roof line comes right off the house roof?

Mr. Dobrzynski – Yes.

Mr. Ziganti – OK then, I'm going to ask the question. Historically, we've always determined the rear line of the dwelling to be that which is the dwelling. So, do you have any intentions of enclosing that porch in the future?

Mr. Dobrzynski – The deck. No.

Mr. Ziganti – Again, the reason why is what you're asking for is a variance that goes with the land so that means you would not be able to add onto the back of the house in the future because all of a sudden, that would put the proposed garage in a side yard instead of a rear yard – so you're aware of that now – correct?

Mr. Dobrzynski – Nodded his head yes.

Mr. Ziganti – I think my last question is, why does this concrete pad need to be placed on the side of the building that comes closest to the home? The reason why is, a concrete patio that doesn't have an overhang or an awning, will have quite a bit of items on it – that's why it's there – and again, we the Board must consider the general safety and health and welfare of the community. That's why I asked about the fire department reviewing these plans. All of a sudden there could be obstructions keeping the fire department from actually getting around to the backside of your house via that corner. So, my question is, does that concrete patio have to be on that side of the garage and not let's say to the rear?

Mr. Dobrzynski – I think it would eliminate any functionality of the slab. It's a 24' patio. I don't see any functional purpose of it behind the garage vs. the side that goes to the rear deck.

Mr. Ziganti – Again, that patio is 32' long?

Mr. Dobrzynski - No, it's 24' long and that is because of the pipe. Are you referring to the concrete pad as the patio?

Mr. Ziganti – I'm referring to the concrete pad next to the garage. It runs along the side of the proposed garage and the proposed garage is 32' deep.

Mr. Dobrzynski – It's 24' deep. The patio, cement slab is 24' deep.

Mr. Ziganti had the builder and Mr. Dobrzynski clarify these dimensions on the drawing, then date and initial it.

Mr. Ziganti asked if there were any other questions.

There were no further questions.

Mr. Ziganti said – I would like to request that you consider reviewing these plans with the fire department so they know what would be perhaps built in the community. They can voice any of their concerns. In the past we've had those plans reviewed by the Fire Chief and a letter written either indicating their approval or disapproval of the plan and then that would be reviewed at a future date and that would require you to request a

continuance to a future date. Or we could go ahead and vote this evening on what your proposal is, based on the information that has been submitted. So, what would you like to do?

Mr. Dobrzynski – You're advising to have a meeting with the Fire Department to review this, to have them write on letter head their concerns and if they are OK with this?

Mr. Ziganti – I'm not advising. I'm indicating what has typically been done in the past and it is again with the consideration of protecting the general safety, health and morals of the community that this be reviewed and the people who would be of that concern know about it.

Mr. Dobrzynski - We can do that.

Mr. Ziganti – So, you are requesting a continuance to the next month's meeting?

Mr. Wood – What would be the possibility that you could vote pending approval by the Fire Chief?

Mr. Ziganti – Normally, I don't take questions from the audience right now, but just to go over what would happen. What would happen, as we discussed earlier, three affirmative votes for the variance request must be secured by you to go ahead. If it is rejected, what you are proposing cannot be considered in the future. It would require that you would have a significant change in your proposal, and then to apply for a variance with a different plan, with a different structure.

Mr. Dobrzynski – So I do have a question. If I do request this continuance, how does this information get shared with a fifth person if they are here in the future?

Mr. Ziganti – We have something called minutes and they are in a draft form. So, everything that has been discussed tonight is on the audible record. We will be able to have fresh drawings of what you are proposing – I would hope. And all that would be reviewed by the fifth member. You as well would have the opportunity to ask them questions and they would have the opportunity to ask you questions. You would have the opportunity to file any other drawings you would like. I would recommend that we get better drawings as to what is being proposed than what we have here. Because it wasn't clear to me at all what was being requested.

Mr. Dobrzynski – So, we will request the continuance.

Mr. Ziganti – Wonderful. Any other information we want to give Mr. Dobrzynski before we call this section done?

Ms. Fadorsen made a motion to continue this hearing, ZA-2024-3 to next month. Ms. Denamen seconded the motion.

Ms. Denamen/yes; Ms. Fadorsen/yes; Ms. Klemm/absent; Ms. Muehling/absent; Ms. Sritalapat/yes; Mr. Ziganti/yes.

Appeal ZU-2024-1
Bronze Stone LLC/Western Reserve Memorial Gardens
11521 Chillicothe Road

All persons wishing to testify were sworn in.

Ms. Jackie Bonomo, Project Manager representing Bronze Stone LLC, who owns and manages Western Reserve Memorial Gardens. Here for Conditional Renewal which was granted five years ago. Currently, we have no changes to our use. We do in the future have some items that will need an addendum to our conditional use permit, but they are not ready to be presented at this time.

Mr. Ziganti – Looking at my notes from 2018, you had some construction projects for some crypts along 306. Were those ten crypts built?

Ms. Bonomo – they are built as needed. They are private mausoleums. They are intended for two people and one of them was a single crypt. The single crypt has been installed – pre-need. There is another one that is built for two people. If you remember, it is an all granite, prefabricated building and craned into place. They are about 3' high. Enough for two caskets to go into.

Mr. Ziganti – So of the crypts, only two are currently in use?

Ms. Bonomo – Yes.

Mr. Ziganti – We require that any Memorial Garden/cemetery have something called, an endowment care trust. Basically, that is where a cemetery will set aside a certain amount of funds each year from the proceeds they make to place into a trust fund. Should Bronze Stone group fail as a business, that Endowment Trust would be used by the community for upkeep of the grounds. That would explain what this document represents (holding up the Endowment Care Trust Annual Fund Report filed in 2023), which is filed with the Ohio Department of Commerce.

One of the sticky points, in Section 6.06.03 H. of the Zoning Resolution talks about a Fiscal Plan. We are coming at this for the protection of the Township. Cemeteries are required to have this Trust Fund set up and that is what Letter L2 is all about. It was requested some time ago that the Zoning Commission look at this requirement that's in our Zoning Resolution Section H because it is indicating we should be looking over this Fiscal Plan and the problem has been specifically that this appellant does not want to share this information with us.

Ms. Bonomo – Actually, we have no problem sharing it with the Board members. We do not want to put it into Public Record because we are a private entity.

Mr. Ziganti – That’s fine. In the past, we’ve asked for the Zoning Commission remove this requirement because we, the Board of Zoning Appeals, we’re not accountants, and we’re not finance individuals. In the past we asked the appellant, who swore that their testimony was truthful, if they had filed with the Ohio Department of Commerce and if they had followed the requirements of the Endowment Care Trust. Or, tonight, we could look at these numbers, and do a calculation to determine 10%. So, what would you like to do as a Board?

Ms. Fadorsen – My opinion would be to ask her if they filed all the paperwork with the Ohio Department of Commerce.

Ms. Denamen – I agree.

Ms. Sritalapat – Yes

Mr. Ziganti – I think that is reasonable because that protects the township from the fact that all of a sudden we are OK’ing the financial numbers that are presented. So, I’ve worked this through and I came up with the following:

“Under penalty of perjury, you have testified that the financials of the cemetery have been filed with, accepted by, and approved by the State of Ohio by being submitted to the Ohio Department of Commerce per the requirements of an Endowment Care Trust.”

Ms. Bonomo – Yes, we have.

Mr. Ziganti – OK, that’s affirmed then. My next question is, is the Western Reserve Memorial Garden still a functional business?

Ms. Bonomo – Yes.

Mr. Ziganti – Has the Annual Fund Report that you have attached with the redacted financial numbers been approved by the Ohio Department of Commerce?

Ms. Bonomo – Yes. Much like when you file your taxes, we have filed this with them. We have not gotten word that we’ve done anything incorrectly.

Mr. Ziganti – I have a question for the Zoning Inspector. In our packet, is a Bronze Stone LLC Western Reserve Memorial Gardens letter showing buildings and heights and dimensions. Is that your work?

Mr. Alusheff – No.

Mr. Ziganti – Addressing Ms. Bonomo, is that your work?

Ms. Bonomo – Yes, I submitted it. To let you know, I did this work in Google Maps.

Mr. Ziganti – Any other questions?

Ms. Sritalapat – Do you know how far into the future you are intending to return?

Ms. Bonomo – Yes, we have a family who would like to build on the private mausoleum road. It does not conform to what we were approved for. We may be in for that sooner than later. Maybe within six months. We do have an architect working on the addition to one of our public mausoleums. We're probably shooting for the end of the year, but I do not have an exact date yet.

Ms. Sritalapat – I have no further questions.

There were no questions from the audience.

Mr. Ziganti asked the Zoning Inspector - What is the sign area that is permitted after clarifying this is in a R3A District?

Mr. Alusheff read the regulations from the Zoning Resolution.

Mr. Ziganti said he brought this up so that in the future, Bronze Stone knows that the signage exceeds what is allowed.

Ms. Bonomo – OK. It's been built for decades.

Mr. Ziganti – I just wanted to bring this to your attention. It exceeds what is allowed in today's Zoning Resolution. I'm not suggesting that there's an issue here. I'm saying, in the future, this sign would have to be smaller and I'm making you aware of this fact.

Ms. Bonomo – That's absolutely fine. We have no intention of putting up another sign.

Mr. Ziganti asked Ms. Bonomo how many years she would prefer for this Conditional Use Permit renewal.

Ms. Bonomo – I would prefer the five-year renewal.

Ms. Fadorsen made a motion to approve a five-year renewal of the Conditional Use Permit for Bronze Stone LLC, Western Reserve Memorial Gardens. Ms. Sritalapat seconded the motion.

Ms. Denamen/yes; Ms. Fadorsen/yes; Ms. Klemm/absent; Ms. Muehling/absent; Ms. Sritalapat/yes; Mr. Ziganti/yes.

**Conclusions of Fact
Bronze Stone LLC/Western Reserve Memorial Gardens
ZU-2024-1**

The applicant, Western Reserve Memorial Gardens requested a conditional use permit renewal on behalf of Bronze Stone LLC for the property located at 11521 Chillicothe Road; Chester Township, OH. Ms. Bonomo, representing Bronze Stone LLC presented information outlining that they have submitted to the Ohio Department of Commerce the information required to maintain an Endowment Care Trust Annual Fund Report. This is a requirement of the Chester Twp. Zoning Resolution, Section 6.06.03 Section H where a memorial park has a fiscal plan that protects the township should the business fail. The applicant offered testimony under penalty of perjury that the financials of the cemetery, Western Reserve Memorial Gardens, had been filed with and accepted by the State of Ohio. The Ohio Department of Commerce has approved the Endowment Care Trust Annual Fund Report and have issued a certificate of compliance. This fulfills the Board of Zoning Appeals responsibility for review of the fiscal plan as noted in our Zoning Resolution.

The applicant indicated that since the last Conditional Use Permit was granted in 2018, two crypts have been built of the ten that were approved in a variance in 2018-8. The applicant indicated that at present time, there are no definite plans for expansion of the memorial garden. It was brought to the attention of the applicant that an existing ground sign for the memorial garden, measuring 40 square feet, exceeds the allowed 36 square feet of the current Zoning Resolution.

The Board approves the renewal of the Conditional Use Permit for a period of five years.

Ms. Fadorsen moved to approve the Conclusions of Fact as presented for Appeal ZU-2024-1. Ms. Sritalapat seconded the motion.

Ms. Denamen/yes; Ms. Fadorsen/yes; Ms. Klemm/absent; Ms. Muehling/absent; Ms. Sritalapat/yes; Mr. Ziganti/yes

Review of Meeting Minutes of January 8, 2024.

Ms. Sritalapat moved to approve the minutes of January 8, 2024 as modified. Ms. Denamen seconded the motion.

Ms. Denamen/yes; Ms. Fadorsen/abstain; Ms. Klemm/absent; Ms. Muehling/absent; Ms. Sritalapat/yes; Mr. Ziganti/yes

Meeting was closed at 8:49 p.m.

Approval Date April 15,2024

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Deana Sritalapat, Vice-Chair

Absent

Mindy Denamen

Kathy Fadorsen

Christina Klemm

Margaret Muehling