

**MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, JUNE 10, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.**

Chairman Barton Ziganti called the June 10, 2024, Chester Township Board of Zoning Appeals meeting to order at 7:02 p.m.

**Roll Call**

Members present: Ms. Denamen\*, Ms. Fadorsen, Ms. Klemm, Ms. Sritalapat, Mr. Ziganti  
\*Ms. Denamen will serve as a voting member tonight.

Members absent: Ms. Muehling

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Chris Alusheff

Mr. Ziganti led the audience in reciting the Pledge of Allegiance.

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

All persons wishing to testify were sworn in.

**Approval of Minutes**

**May 13, 2024**

Ms. Fadorsen made a motion to accept the May 13, 2024, minutes as written. Ms. Denamen seconded the motion.

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

**APPEAL ZA-2024-6  
John L Pierson Jr.  
Area Variance  
7340 Wilson Mills Road**

All persons wishing to testify were sworn in.

Mr. Alusheff gave a review of this case. Mr. Pierson seeks to build a 12' x 16' shed in the front of the principal building. This is in violation of Section 5.01.03 of the Chester Zoning Resolution.

Mr. Ziganti asked about a missing topography map from the file. It was indicated that the topography map would be displayed on the monitor later in the meeting. (Because of internet connection issues, this information was not available later in the meeting.)

Mr. Pierson – The purpose of this request is to build a small storage space in a usable location on the property. My request is to store typical lawn care equipment and toys in this space. We have 3 ½ acre property that is mostly wooded and has some drainage issues. We prefer to keep it close to the garage as it would be most convenient.

The restrictions we face are in the backyard. Using copies submitted in the application packet, Mr. Pierson reviewed the areas available for the proposed accessory building and the difficulties with each potential location. He indicated cleared areas that are taken up by the septic field, septic lines and some wet areas.

Mr. Ziganti – We would like to review your answers to the Duncan Factors and the BZA needs to review those answers. Do you agree with your answers on the questions on Form 4?

Mr. Pierson – Yes.

Mr. Ziganti - {Reference Section 4- Area Variance, of Form No. 4 \*\* for the written responses of the appellant.}

1. Does the current zoning requirement that you seek a variance for unreasonably deprive you of a permitted use of the lot? Appellant answer Yes.

Mr. Ziganti – You are living there, and it is a residence?

Mr. Pierson – Yes

Ms. Sritalapat – Do you have any other accessory buildings on your lot currently?

Mr. Pierson – No

Ms. Sritalapat – Do you have a garage?

Mr. Pierson – Yes

Ms. Sritalapat – How large is your garage?

Mr. Pierson – It's a 2-car garage.

Ms. Sritalapat – Do you park your cars in there or are you using it to store other things?

Mr. Pierson – Right now we are storing other things in it that we would like to move to the shed.

Ms. Denamen referring to the Zoning Inspector-- What is the permitted square footage of the shed on this property?

Mr. Alusheff – On a 3 ½ acre lot it would be 1,500 square feet.

There were no further questions from the board.

2. Will the lot in question yield a reasonable return without the variance? Appellant answered, No

Mr. Ziganti – Again, you are living there, and it is a residence. My question is, you answered “wooded areas prevent locating a shed elsewhere on the property.” So, with a lot of over 3 acres, and referencing the aerial view on Nearmap, to the west of your property there is a large area that you indicated is wooded. There is quite a bit of property to the rear of your property and behind your home. Should you take down some trees, you would be able to build in that area without requiring a variance.

Mr. Pierson – On that side of the property, it is not only the trees, but also the access as well. On the plan I provided you can see a pond near the front which would make it difficult to get a machine back there to remove a tree. Also, that location would not be ideal for access to the items we would like to store in there. The area you indicated is also an area that gets wet and drains into the pond. It would also go across the home gutter drainage pipes that lead to the pond.

Ms. Denamen – I have a question about the drainage that comes to the pond. Where is that?

Mr. Pierson indicated where the pipes come using the Nearmap aerial view shown on the monitor.

3. Is there any beneficial use of the lot without a variance? Appellant answered No.

Mr. Ziganti – Again, you are living in the house so there seems to be a beneficial use of the lot.

4. Is the variance substantial?

Mr. Ziganti – It is 100% and that is because the proposed location of the accessory building is forward of the residence and closer to Wilson Mills. If this variance is granted, it goes with the land into perpetuity.

Ms. Tina Klemm – I’m trying to determine the setback to Wilson Mills Rd. {Group calculated that the proposed accessory building would be 158 feet from Wilson Mills Road.}

5. Will the essential character of the neighborhood be substantially altered or will adjoining lots suffer a substantial detriment as a result of the variance? Appellant answered No.

Ms. Sritalapat – will you be able to see the shed from Wilson Mills?

Mr. Pierson – It may be difficult, but you may be able to in the wintertime when we lose leaves from the shrubbery. We are concerned about our neighbors to the east and there are much taller trees, and they will be able to see the roof. We are trying to make the structure look nice and we are looking to plant some shrubbery to help block their view.

6. Will the variance adversely affect the delivery of governmental services?  
Appellant answered No. No questions from the board.
7. Did the lot owner purchase the lot with knowledge of the zoning restriction?  
Appellant answered Yes. No questions from the board.
8. Can the lot owner's predicament feasibly be obviated through some method other than a variance? Appellant answered No.

Mr. Ziganti – The appellant would of course have the option of placing the accessory building to the west and rear of the residence.

9. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance? Appellant answered Yes.
10. No answer to this question was provided by the appellant.

Mr. Ziganti – What are the utilities that you plan to put in there?

Mr. Pierson – Eventually, I would probably put electric in and that's it. The shed will not be heated. It's just for storage.

Ms. Sritalapat – How does the shed arrive to your property? Does it arrive fully assembled or is it built on site?

Mr. Pierson – I had both options with the model shown. They can do delivery or build on site. At this point, I am not sure which one I would do.

Ms. Fadorsen – Will this be on a concrete slab?

Mr. Pierson – No, I intend to put it on gravel.

Ms. Sritalapat – Have the driveway concrete improvements already been made?

Mr. Pierson – No, they haven't.

Mr. Ziganti invited members of the audience who were sworn in to offer testimony.

Mr. Joe Tomaric – of 10220 Mulberry Road in Chardon. I've been in construction for 53 years and done quite a bit of different buildings in my career. In the custom homes I have built, I have always built the driveway much like John's. Curved driveways so you can't see the residence immediately from the road. In 1979, Bob Walsh built this house. He was friend of mine. I was at that house when he was pouring footers and putting up the house. That property used to be a pine tree farm. The highest point of this property is on the east side of the home where the septic cleanouts are.

Mr. Ziganti – So your practical difficulty is...

Mr. Pierson – I believe my situation is worth a variance because I am not taking away from the community in appearance or placing an obstruction. It will be done in an aesthetic manner that enhances the current property. Anywhere else on the property gets in the way of infrastructure of the property which is drainage. We believe in taking care of nature and keeping nature as much as possible. We don't like to just take down trees unless absolutely necessary. Our request is based on the practical notion that it is not only easier for us and cheaper for us, it keeps in spirit of the zoning regulations and doesn't cause harm on anyone else.

Ms. Sritalapat – If this variance were to be granted, would you be open to live screening of your shed from the street?

Mr. Pierson – We intend to plant native species throughout that area. Mostly 10 ft in height because of the power lines. Absolutely.

Ms. Denamen – Once again, where is the well?

Mr. Pierson – The well head is located just to the east of the pond.

There being no further questions, the public presentation portion of the meeting was closed.

Ms. Fadorsen motioned to approve Appeal ZC-2024-6 as presented. Ms. Klemm seconded.

Ms. Fadorsen – In my opinion, he has many places to place the shed.

Mr. Ziganti – All of that is located to the east of the house.

Ms. Denamen – It is also located in the rear and the drainage issues are on the west side.

Mr. Ziganti – Sometimes the best way to dry out an area is to remove trees and the fact is, sometimes we have to remove trees to build structures. This is a 3.8 acre lot with much room available for locating a shed properly. Of course there is a cost with everything. The cheapest thing to do would be to not build a shed. We have a Zoning

Resolution that says these buildings are to be built to the rear of the principal building. There doesn't seem to be a difficulty with the land. I don't see where there is a practical difficulty.

Ms. Klemm – We heard testimony that the land is very wet and is historically wet. It was always a forested area, so it's always been wet. The front edge of the proposed structure would be 158 feet from the right of way and will be screened. My personal feeling is it may be in front of the structure, but there is a time when we need to consider the impact on the neighborhood.

Ms. Denamen – Are we able to determine when these neighborhoods are built and what type of forethought is put into a 3 ½ acre lot. We allow them to have sheds up to a certain square footage, but if these lots are wet and you put the house in a dry spot and then we say you can't put a shed in a particular place, is there any forethought on where they could put a shed. That house could have been moved closer to the front of the property line.

Mr. Ziganti – There are no structures on the west side of the house. People build a house where they wish to build it. Grade is important and of course soil type. On 3.8 acres of property there are loads of area to place a second leach field.

Ms. Sritalapat – I think if the appellant is planning on building this shed, it doesn't seem practical to not put it where his driveway is already located. I think he would have to invest a lot more money to prepare a suitable area and maybe he could find a spot to the rear of his house, but for me, that doesn't seem practical.

Mr. Ziganti – I would agree it wouldn't have an effect on the neighborhood, but I don't think cost is a practical difficulty.

Ms. Denamen – My fear would be cutting down trees that may not necessarily make the lot somewhat drier.

Ms. Fadorsen – Building farther away from the proximity to his driveway would defeat the purpose.

Mr. Ziganti – The driveway is typically to the front of your house, connecting to the roadway. In every instance, the accessory building is to be placed to the rear of the house; therefore, the driveway is not a consideration for locating an accessory building.

Ms. Denamen – I think what we are talking about is the wetness of the land both behind the house and on either side of the house.

Mr. Ziganti – Just a reminder – practical difficulties do not include cost. If you don't build the shed, that is the least costly option.

Ms. Sritalapat – But they do include things such as the character of the neighborhood.

Mr. Ziganti – Sure, and I would say the impact to the neighborhood would be nil if it was put all the way behind the residence.

Ms. Fadorsen – It's nil where the proposed placement is too.

Roll Call Vote:

Ms. Denamen/yes; Ms. Fadorsen/yes; Ms. Klemm/yes; Ms. Muehling/absent; Ms. Sritalapat/yes; Mr. Ziganti/no. Motion passed.

### **Conclusions of Fact**

Mr. John Pierson proposes to build a 12' x 16' accessory building totaling 192 square feet to be located in the front yard of the property and located 158' from the road right of way. The applicant indicated that the accessory building is a shed and would be used for storage of ancillary equipment. The shed will be supplied only with electric power in the future. The applicant would provide and maintain live screening of the shed from Wilson Mills Road. The location of the septic and leach fields were considered when reviewing the north and east open area to the rear of the home for the proposed location of the accessory building. Though a topography map for the property was not available for review there was testimony of the lot being historically wet.

Ms. Fadorsen moved to approve the Conclusions of Fact. Ms. Denamen seconded it.

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

**New Business**

Special meeting scheduled for Wednesday, June 12<sup>th</sup> at 5:15 p.m. for approval of the March 11<sup>th</sup> Board of Zoning Appeals minutes.

Discussion on letter received from Fire Chief and Fire Department viewpoints on 20-foot separation between structures. It is understood that the zoning resolution that requires this separation was done from a firefighting safety concern. The BZA requests that when plans for a proposed accessory building be located less than twenty feet from a residence, those plans should be reviewed with the Fire Department and as such, be incorporated into future forms.

Mr. Alusheff spoke about the Zoning Forms that are potentially being amended pending the initiation of an amendment. Forms are being streamlined to help residents better understand and prepare their own zoning forms. All Zoning Forms will be approved by the Board of Trustees.

July 8<sup>th</sup> BZA meeting rescheduled to July 1, 2024, at 7:00 p.m.

Meeting closed at 8:38 p.m.

Approval Date July 1, 2024

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Kathleen McCarthy, Admin. Assistant

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Barton Ziganti, Chairman

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Deana Sritalapat, Vice-Chair

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Mindy Denamen

\_\_\_\_\_  
Kathy Fadorsen

\_\_\_\_\_  
Christina Klemm

Absent  
\_\_\_\_\_  
Margaret Muehling