

## MINUTES BZA March 11, 2024

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### **MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, MARCH 11, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.**

Chairman Barton Ziganti called the March 11, 2024, Chester Township Board of Zoning Appeals meeting to order at 7:04 p.m.

#### **Roll Call**

Members present: Ms. Muehling, Ms. Sritalapat, Mr. Ziganti

Members absent: Ms. Denamen, Ms. Fadorsen, Ms. Klemm

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Mark Purchase

Assistant Zoning Inspector: Mr. Chris Alusheff

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

All persons wishing to testify were sworn in.

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

#### **APPEAL ZA-2024-3 (Continuation) New Creation Builders on behalf of Mr. Mark Dobrzynski 7255 Stacy Lane**

Board reviewed email received February 27, 2024 confirming request to withdraw. Board asked for a more formal letter with original signature be produced for a meeting in the future.

Ms. Muehling moved to continue the continuance for ZA-2024-3 to next meeting. Ms. Sritalapat seconded the motion.

Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes

#### **APPEAL ZU-2024-2 Wibert J. Steigerwald, III on behalf of Mayfield United Methodist Church 7747 Mayfield Road**

Mr. Alusheff gave a summary of the conditional renewal request for Mayfield United Methodist Church. There have been no concerns raised to the Zoning office about this church nor are any known changes anticipated in the future.

## MINUTES BZA March 11, 2024

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Mr. Steigerwald introduced Ted Diadion and Boris Bubnow, Trustees emeritus and Steve Vegel, Building Manager to the Board. Mayfield United Methodist Church opened in April, 2004. A pavilion was built in 2009, a gazebo in 2010 and a barn in 2012. A new street sign was put in in 2011.

Our well water meets Ohio standards. Tim Frank Septic Cleaning Co. maintains the wastewater treatment plant. Pond in front is aerated by two aquafers and frequent Fire Inspections. 24-hour security system and security cameras. Initiated a no-mow zone where wildflowers will be planted to improve biodiverse ecosystem. Building is power washed regularly. Parking lot repaired and resurfaced in 2019. No plans to build any new structures/additions.

Two Sunday Worship Services. Weeknight meetings include: Scouts, Rotary Club, AA, Aktion for special needs and MUMS for special needs. Other community events: Chardon and West G Choir, blood drive, elections, sports, St. Helen's unicycle competition and Chester Fire Dept uses pond water to train and test equipment.

Community events include: Truck night, Trunk or Treat, VBS, July 4<sup>th</sup> parade, First Responders picnic and Unity Day. Services provided: Geauga County Food bank, Geauga Faith Rescue mission, gift cards for local families in need, little library and little food pantry, monthly community meal and Habitat for Humanity.

Mr. Ziganti – In 2019 (the last hearing date) it was indicated that the parking lot was to be repaved. Is that complete?

Mr. Steigerwald – Yes.

Mr. Ziganti – Is your church in good financial condition?

Mr. Steigerwald – Yes.

Mr. Ziganti – Going back to 2019, you were doing a monthly septic system pump out?

Mr. Vegel – Actually, they do not pump out. We have a sewage treatment plant. It's looked after by Tim Frank Septic once a month. There is a holding tank in the beginning for solids and it is monitored and pumped as needed. Mr. Vegel then presented a letter from Tim Frank Septic Co. attesting to the maintenance of the system.

Ms. Muehling – Do you have any plans to change or anything in the future?

Mr. Steigerwald – No.

Ms. Muehling – Did you complete the paving of the parking lot in 2019?

## MINUTES BZA March 11, 2024

---

Mr. Steigerwald – Yes.

Ms. Muehling – After repaving, did you check to verify you still had the required number of parking places?

Mr. Steigerwald – Yes.

Ms. Muehling – Several lower-level rooms were referenced on the report. Do you have a day care center now and do you rent to any outside parties?

Mr. Steigerwald – No, it's all church related.

Ms. Muehling – Do you still have a trailer used for disaster relief?

Mr. Steigerwald – No, that was returned to Chardon. We were storing it in our barn for Chardon.

Ms. Muehling – Did you have a structure for that trailer?

Mr. Steigerwald – It was part of the barn.

Ms. Muehling – Do you have any plans for the small triangle of land next to King's Auto?

Mr. Steigerwald – Right now we don't. We have a for sale sign on it, but nothing has happened.

Ms. Muehling – “There was a discussion about Farm Markets. There is a distinct difference between a Farm Market which is governed by ORC 519 and a Farmer's Market which is a commercial use. I think that you got that cleared up with Steve [Averill, Zoning Inspector] did you not? OK, because that's a very tricky thing for zoning.”

How about your signs? Do you have any plans for changing your signs?

Mr. Steigerwald – We have the one that's out there that stays. We also put up the temporary banner signs.

Ms. Muehling – Thank you, that answers all my questions.

Ms. Sritalapat – How many members do you have in your congregation?

Mr. Steigerwald – We have over 500 members. Typically, on a Sunday morning we have closer to 200 between the two services.

Ms. Sritalapat – Thank you.

## MINUTES BZA March 11, 2024

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Mr. Ziganti – One of my questions was about the structure for holding the Emergency Use Trailer. That was the purpose of that structure, correct?

Mr. Steigerwald – No, that was not the total purpose for that structure. We also have lawn and tractor items stored there. Four zero-turn mowers plus a tractor and also snowplow equipment is kept in there.

Mr. Ziganti – So that accessory building, built in 2012, is now just used for landscaping equipment?

Mr. Steigerwald – Yes. They sent the Emergency Use Trailer to Chardon so it was more accessible.

Mr. Ziganti asked if there were any further questions from the Board or the Public. There being none, he asked Mr. Steigerwald how long a renewal they would like to request – from one to five years maximum.

Mr. Steigerwald – We request a five-year renewal.

Mr. Ziganti – The last point would be that typically we as a board have five members present. This evening we have three members. You require three affirmative votes for approval of your request. So, I am asking if you would like to have this meeting continued to next month when we might have those five members present. Or we can vote this evening.

Mr. Steigerwald – We would like to move forward with a vote.

Ms. Muehling made a motion to approve the Conditional Permit for Mayfield United Methodist Church for five years. Ms. Sritalapat seconded it.

Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes.

Mr. Ziganti asked Mr. Steigerwald to initial the Tim Frank letter and had it added to the file.

**APPEAL ZA-2024-2  
Russell Perry  
11341 Chillicothe Rd**

All persons in attendance who may testify were sworn in.

Mr. Chris Alusheff gave a summary of this case. Mr. Perry is asking for an Area Variance of an accessory building that is not placed properly in the side yard contrary to 5.01.03. It is not 20 feet away from the primary structure and it is not behind the primary structure, but it does comply with side yard set-back requirements.

## MINUTES BZA March 11, 2024

---

Ms. McCarthy read Appeal ZA-2024-2 into the record.

Mr. Ziganti – Addressing Mr. Perry, the reason we had that read into the record is because we as a board, when considering the area variance, we have to consider the Duncan Factors. Do you agree with what was just read?

Mr. Perry – Yes.

Mr. Ziganti had Mr. Perry begin presenting his case.

Mr. Perry – As far as us getting the shed prior to the permit is because we had a two-month waiting period for the shed and we thought we could get a permit in two months time. As far as the flooding in the back, it is excessive. We got estimates in excess of \$20,000 to potentially reduce the flooding.

He introduced Mr. Mike Kolbe, his south side neighbor and Mr. Thad Youngen his north side neighbor as persons who can verify the flooding in the backyard.

The reason I said this is a safety issue because in the winter, we have to pack everything into our garage and when it is all in there, we have no access to the house, as the door is blocked, and there is no way out.

Mr. Ziganti – Just for clarification, you ordered the building presently in place with the expectation that a permit would be issued. You did this for that reason?

Mr. Perry – Right.

Mr. Ziganti – As you know, we were expecting to hear your case a couple of months ago and in that application, the variance request was to place and now you're requesting permission to keep a building.

Mr. Perry – Right.

Mr. Ziganti – We talked about the Duncan Factors. Number 7 asks if the lot owner had knowledge of the zoning restriction? So, you weren't aware at the time that you couldn't just put up an accessory building?

Mr. Perry – Right.

Mr. Ziganti – You just mentioned safety. You indicated you require the accessory building because of safety issues. Again, what are the safety issues?

Mr. Perry – Most of the stuff that has to go in garage is during the wintertime. The garage is so packed, that we don't have access from the house to the garage.

Mr. Ziganti – Is that a palletized structure or on a platform?

## MINUTES BZA March 11, 2024

---

Mr. Perry – It's palletized.

Mr. Ziganti – What are you storing in that accessory building?

Mr. Perry – The boat, a three-wheeler, kayak, outdoor furniture, boxes and shelving.

Mr. Ziganti – You do understand there are a few problems here. An accessory building is supposed to be located behind the rear line of your dwelling. The accessory building you have is in the side yard. Typically, that requires a variance. The next is, the accessory building on your property has to be separated by at least 20 feet from your house. It is my understanding the reason that is in the Zoning Resolution is because of a safety concern about fire from one building being transferred to the next just by proximity.

Ms. Muehling – In addition to that, the 20 feet is to guarantee that safety fire and police services can access that property through that 20 feet. Beside the fire jumping from one structure to another, it's that access.

Mr. Ziganti – that is something we have to consider is the safety and welfare of our community. What we have as it now exists is a 100% variance being 6" from the house.

Ms. Sritalapat – In looking at the presented documents, there is confusion on the man door of the garage door.

It was determined that drawing D2 was submitted with the original variance request and was submitted with this variance request in error. Drawing D2 was removed from the packet.

The Board spent some time reviewing the topography of the property and location of the stream. They also reviewed and discussed the submitted photos.

Mr. Ziganti explained to Mr. Perry what the Board had been discussing. He explained that what we see on this map is that your house is higher than the back of your yard.

Mr. Ziganti – Looking at the photographs, why did you not consider bringing in a gravel base, setting it up higher and then putting your shed on top of that?

Mr. Perry – I really believe that that gravel will sink with the weight of the shed because the yard is so wet.

Mr. Ziganti – Did you then consider putting in a stone base?

Mr. Perry – Then the problem becomes I would have to put in a driveway to connect to it. Because I am moving a boat, I would have to take my truck back there and there's no way that land will support it.

## MINUTES BZA March 11, 2024

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Mr. Ziganti – Your present driveway is stable?

Mr. Perry – Yes.

Mr. Ziganti – So in other words, you could put a driveway in.

Mr. Perry – Yes, but that would also include removing some of the trees too.

Mr. Ziganti – So this photograph you submitted; this is the boat in question?

Mr. Perry – Yes.

Ms. Muehling – Do you have a standard septic tank? Like a tank and leach field?

Mr. Perry – Yes, it's on the other side of the house.

Ms. Muehling – You haven't had any trouble with your system, have you?

Mr. Perry – No.

Ms. Muehling – How much of the creek is on your land?

Mr. Perry – It's actually right on the property line. When it rains, it comes up. If it's a dry spell, it will dry up.

Ms. Sritalapat – Along the property line, you've indicated there's a French drain. Can you explain to me how that works?

Mr. Perry – That's water from the driveway in the front of the house.

Mr. Vogel – It goes to the back about 75' to a 5' x 5' x 5' hole in the ground. It's filled with stone. This new building is set on a cement pad and the drain will have no effect on it.

Mr. Ziganti – So has any thought been put into connecting a drain line that is on your property to that dry well that would be located behind...

Mr. Vogel – That can't be done because you would be forcing the water up hill. From the back of his house, the property goes down.

Mr. Ziganti – One of the problems we have is that your request goes with the land and stays with it forever. If we were to grant this, this accessory building will be allowed to be there into the future. We need to look at your practical difficulty.

As testified, there is a drainage system that is in place that apparently is sufficient to drain that front area of the house.

## MINUTES BZA March 11, 2024

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Mr. Vogel – Just the driveway.

Mr. Ziganti – Is the driveway a concrete driveway? Is there a trench drain that is draining this water?

Mr. Vogel – No, because from the front of the garage from the street, everything is rolling to the drain. Plus his downspouts go toward that drain also.

The hearing was now opened to the public.

Mr. Michael Kolbe – I am the neighbor to the south. Part of the problem is the parcels to the south of me are higher than our properties. I would guess there is a 10' to 15' drop between the properties. When it rains, there is essentially a 3' river running through my backyard and into Russ's [Mr. Perry] yard. The water is what is also rolling down the hill into our yards. It crosses my property and into his yard.

Mr. Thad Youngen – I'm the neighbor to the north. Another issue is the neighbor to the back of me, their yard is graded to drain into mine and that drains into Mr. Perry's yard as well. That water ends up in Mr. Perry's yard as well.

Mr. Ziganti reminded Mr. Perry the benefit he has is that he can move the shed to an area where he can raise that area with an appropriate base.

Mr. Perry said quotes for construction cost to raise an area in the backyard were included with his first BZA hearing. Those quotes were copied and distributed to BZA board members.

Ms. Muehling – What I hear the neighbors saying is they have a much larger water issue caused by the topography.

Ms. Sritalapat – In the photo submitted, is that what the property looks like today?

Mr. Perry – Yes.

Ms. Sritalapat – Is that white roof, right behind your garage a temporary structure that I see in the pictures.

Mr. Perry – Yes, but now it's gone.

Copies of the submitted estimates were distributed at this point.

Mr. Ziganti – this photograph of the boat under cover...

Mr. Perry – We got rid of that cover a long time ago.

After reviewing the estimates provided, the following questions were asked.

## MINUTES BZA March 11, 2024

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Mr. Ziganti – This estimate from Sewer Cleaning Company is for waterproofing your house? It has nothing to do with drainage for where your shed could be placed?

Mr. Perry – Yes

Ms. Sritalapat – What is the blue tarp over?

Mr. Perry – That is over my trailer. It's a 4 x 6 utility trailer.

Ms. Sritalapat – Are these quotes for the patios on the other side of the house or am I looking at the wrong one?

Mr. Perry – From my understanding, they're going to put a drain around the patio and then a drain to the back to the creek. That would help alleviate the water coming to the house.

Mr. Ziganti – If you look at page 2 – what they're indicating is they are going to dig down and apply waterproofing. That has to do with the basement. Further down, the \$7,200 is for the patio. I'm not seeing where this addresses water in the back yard.

Ms. Carrie Krueger – If we're going to put \$20,000+ in, we want the water to not be in our home first and then it would be another \$20,000+ to try to keep it out of the yard.

Mr. Ziganti – So this is to address the house issue. We do not have an estimate to take care of the backyard?

Ms. Krueger – No, but our impression was this would be the first step in alleviating the backyard water problem.

Mr. Ziganti – My impression is this is to address issues with water in the house.

Ms. Muehling – Is your house partially on a crawl space also?

Mr. Perry – Yes. It's a split level.

Ms. Sritalapat – So the estimate from Steigerwald, is this for your septic system?

Ms. Krueger – No, they came out because they thought our problem may be a septic problem. They gave us a quote because they could also do snaking out for a footer tile.

Ms. Muehling – Addressing Mr. Vogel. You did work on his property?

Mr. Vogel – Yes.

Ms. Muehling – Let me see if I have this clear. Basically, you think the water problem on lots either side of him are caused by external water problems to the property. In other words, the neighbors all have the same problem.

## MINUTES BZA March 11, 2024

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Mr. Vogel – Yes, in between Kirkwood and the cemetery are higher ground. We all know water runs downhill and whoever is at the lower point is going to get the worst of it.

Ms. Muehling – If you were to solve the problem, how would you solve it?

Mr. Vogel – A lot of drain tile, a lot of digging, a lot of expense.

There were no further questions from the board.

Mr. Ziganti – As we discussed at the last case, there are only three of us. For you to receive an approval, three affirmative votes are required. Considering the accessory building is already there, would you prefer to request a continuance to next month where we might have additional members. That means it might be easier for you to get three affirmative votes.

Mr. Perry – Would my neighbors have to be here again?

Mr. Ziganti – That would be up to you.

Ms. Krueger – So their testimony on record wouldn't hold over to the next?

Mr. Ziganti – We have an audible record. That record and the minutes are able to be reviewed by the missing board members. They'll be able to review what we had in our original packets also. You too would be able to bring additional information also.

This isn't advice, but perhaps an estimate to alleviate the wet area where your accessory building should be located.

Ms. Krueger – Our main concern is we would like to save our neighbors the burden of having to come back for this again.

Mr. Ziganti – That would be up to them as to whether they need to add additional testimony.

Mr. Perry – OK, we would like to request that continuance.

Motion to continue ZA-2024-2 to the April meeting made by Ms. Sritalapat; seconded by Ms. Muehling

Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes

Ms. Muehling – Mr. Perry, when you return, I would like to see some evidence of the water flow in the general area. Maybe a statement from Steigerwald about the necessity of a sump pump. Mr. Vogel, if you're in the business, you might give a statement of what needs to be done. You need a good story.

## MINUTES BZA March 11, 2024

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### **Conclusions of Fact Mayfield United Methodist Church APPEAL ZU-2024-2**

Mr. Steigerwald, III, Mr. Budnow and other trustees presented information on the present status of the church including finances, grounds, buildings, etc. Testimony indicated that the water well meets standards, and that Tim Frank Septic Cleaning has been maintaining on a monthly basis the sewage treatment plant that is part of the church's infrastructure.

Mr. Steigerwald presented a review of the building and property activities that indicated there were no outstanding issues as verified by the Zoning Inspector. It was noted that the parking lot that was resurfaced in 2019 still meets parking space requirements for the congregation and it was indicated that the congregation is presently over 500 members, and the finances of the Mayfield United Methodist Church were adequate to maintain the facility. The members of the Mayfield United Methodist Church requested a five-year renewal of their conditional use permit which was so granted. They gave testimony that they are not planning any changes on their sign. All activities in the church are church related and the facility is not rented out.

We the Board incorporate into these Conclusions of Fact the application forms and exhibits of the appeal including all corrections, clarifications and additions.

It is noted that per Section 6.04.0 of the Zoning Resolution the conditional certificate may be revoked if any of the conditions set forth in the conditional certificate are violated.

Ms. Sritalapat moved to approve the Conclusions of Fact; Ms. Muehling seconded the motion.

Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes

Review of DRAFT minutes is tabled to the next meeting in April 2024.

### **New Business**

As the next meeting is scheduled for April 8<sup>th</sup> and several members will not be available, the board decided to ask all board members via email what date would work best for all. The choices are April 15<sup>th</sup> or April 9<sup>th</sup>.

Signatures on approved minutes continues to be a concern. Mr. Ziganti distributed a suggested sample for consideration of signing. Ms. McCarthy asked the board to consider using Form 18 from the Geauga Model Zoning.

## MINUTES BZA March 11, 2024

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Discussion about who will sign these forms. If a member votes yes, they must sign according to the Zoning Resolution. The Zoning Resolution is silent on a member voting no, whether or not they will sign.

Group agreed it's not that we are signing to approve the meeting minutes, we are signing to attest that we made a decision along with the Conclusions of Fact. These signatures would not be posted on the website, but they would be kept as permanent record with the signed copy of the appropriate minutes.

It was decided to wait for the entire Board of Zoning Appeals to discuss further and to make a final determination.

Meeting closed at 9:10 p.m.

Approval Date June 12, 2024

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Kathleen McCarthy, Admin. Assistant

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Barton Ziganti, Chairman

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Deana Sritalapat, Vice-Chair

Absent

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Mindy Denamen

Absent

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Kathy Fadorsen

Absent

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Christina Klemm

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Margaret Muehling