

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, JULY 1, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular July 1, 2024, Chester Township Board of Zoning Appeals meeting to order at 7:02 p.m.

Roll Call

Members present: Ms. Denamen (serving as non-voting Alternate), Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Ms. Sritalapat/yes, Mr. Ziganti/yes
Zoning inspector: Mr. Alusheff
Admin present: Ms. McCarthy

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

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

Approval of Minutes

Motion to approve the minutes of June 10, 2024

Ms. Fadorsen made a motion to accept the June 10, 2024, minutes as written. Ms. Klemm seconded the motion.

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

**APPEAL ZA-2024-8
Thomas Rutledge
Area Variance
7120 Old Mill Road**

All persons wishing to testify at tonight's meeting were sworn in.

Mr. Alusheff – Mr. Rutledge applied to erect an accessory building which does not meet the requirements of Section 5.01.03 of the Chester Township Zoning Resolution.

Mr. Rutledge – We purchased the property about a month ago. We would like to have the accessory building to house our garden tractor, lawn tractor, snow blower and various other pieces of lawn equipment; and possibly use it as a small woodshop. The house is located at the point where Mayfield and Old Mill come together. Using the map included with the application and displayed on the monitor, he indicated the leach field is located behind the home on the northwestern side.

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 Section 4 of Form 4?

Mr. Rutledge – 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 – My first question is, what is the purpose of the shop?

Mr. Rutledge – For woodworking. I'm a retired teacher and it would be nice if I had an area to continue my woodworking.

Ms. Sritalapat – Are there any other accessory buildings on your property?

Mr. Rutledge – There are not.

2. Will the lot in question yield a reasonable return without the variance? Appellant answered, Yes. No questions from the board.
3. Is there any beneficial use of the lot without a variance? Appellant answered, Yes. No questions from the board.
4. Is the variance substantial? Appellant answered, No.

Mr. Ziganti – One of the things the Board does is look at the variance percentage and this would be a 100% variance.

Ms. Muehling – That location is necessary because he has no other compatible areas on his lot.

Mr. Rutledge – The other option I discussed with the Zoning Inspector would be to move the building to the north so the front line of the building could be in line with the front line of the house. If that's what you would like me to do, I would turn it 90° so the 16-foot length would face Old Mill.

Mr. Ziganti – This is a 3.6-acre lot.

Ms. Muehling – I would like to point out this is a 3.6-acre lot in an "R" District. He has a larger lot than is deemed necessary.

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. Muehling – Using the overhead photo of the property (and displayed on the monitor), as you look at that, you see a 105’ naturally wooded area that is along Mayfield Road. I think the nature and character of the neighborhood would be substantially changed if any damage would be done to that 105’ natural barrier.

Mr. Ziganti – I am of the opinion that the 105’ natural barrier is quite substantial, and it allows for that structure to be located behind the rear line of the house. You would still be able to have a substantial buffer between Mayfield Road and that building far exceeding what is typical for most of our residential properties. In referencing the GIS overhead view Mr. Ziganti mentioned that there was a greater distance between Mayfield Road and the rear line of the house than that indicated on the photograph.

Ms. Muehling – I’m of a different opinion. You need to take into account that Mayfield Road is a four-lane divided highway and is heavily trafficked. Any breach in that 105’ of that wooded area would open that area to the excessive traffic noise and pollution that comes from Mayfield Road. If you drive down Mayfield Road now and look at the barrier, you do not see the house. I think that would be considerably different when the leaves are not on the trees. You have to consider whether or not it is going to give protection both in the winter and summer seasons. I think the character of the neighborhood would be greatly damaged if that that barrier is impinged upon in any way. That’s my opinion.

Mr. Alusheff – That 105’ from Mayfield Road is required because this is a corner lot. (Group referred to chart in Section 5.01.17 in Zoning Resolution.)

Mr. Ziganti – Looking at the east of the house on the drawing, there has to be an area in there where he could build this building within Zoning regulations.

At this point, Mr. Alusheff made a map (using Nearmap) and drew in where the accessory building could possibly be built. That map is included in the ZA-2024-8 BZA file.

Mr. Ziganti – Going on to the sixth question.

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 No. 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. No questions from the Board.

Mr. Ziganti indicated we are waiting for the Zoning Inspector to complete the measurements on Nearmap to determine if the accessory building could be placed behind the rear line 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.

Ms. Muehling – Addressing Mr. Alusheff – Is it true that at least 100 feet of the lot is covered and cannot be removed because of what is written in the Zoning Resolution.

Mr. Alusheff – Actually, he could clear cut the property.

Ms. Muehling – That’s my point. If you’re familiar with the area of Old Mill Road and Mayfield, it is an area I avoid at all costs because of the difficulty in making a turn onto Mayfield Road. I was more concerned with environmental issues like the impact of a possible removal of those trees for any reason. I think that area should be protected. Also, for the homeowners who live on the other side of the street, that barrier keeps that noise and pollution away from them. If it’s not protected by any Zoning Resolution, then it should be protected by any variance we may grant for an accessory building on that property.

Mr. Ziganti – There is nothing that says they must maintain that buffer – number one. Number two, the neighborhood includes houses that are much closer to Mayfield Road. I see the Zoning Inspector has some information to share.

Mr. Alusheff – There are two possible locations where the accessory building could be placed as long as trees were taken down. That drawing was displayed on the monitor and is included in the case file.

Mr. Rutledge – If we were to rotate the accessory building 90° and moving it fully to the side yard, no other trees would be affected.

Mr. Ziganti -

10. Other criteria that is related to determining whether the zoning regulation is equitable: Appellant answered – placing the building behind the residence requires removing forested buffer with Mayfield Road.

Mr. Ziganti – My comment would be we have a couple of different options that would lessen the impact of the variance.

General questions from the Board of the applicant was opened up.

Ms. Sritalapat – If this variance was granted, would you be willing to plant live screening in front of it so as not to be visible from Old Mill Road?

Mr. Rutledge – Yes, we would be willing to do that.

Ms. Muehling – To confirm, the 16' would face the road and the 30' would run along the side of the house.

Mr. Rutledge – Yes.

Ms. Fadorsen – So which way would you prefer the building be placed?

Mr. Rutledge – Honestly, either way. The 16' facing the road would actually be less intrusive.

Mr. Ziganti opened the hearing for any sworn in audience member to question the applicant on the appeal.

Ms. Linda Gifford – I am totally against taking down any trees.

Ms. Mindy Denamen – In looking at *American Legal Publishing*, there are reasons for granting variances. One of those reasons would be cost for making the property workable to comply with local ordinances. So, have you asked for any quotes on removing trees that would need to be removed for placing this building in the proposed area. Do you have an idea of how many trees you would need to take down and what that cost might be?

Mr. Rutledge – Based upon some trees I had removed recently; I could easily see \$1,200- \$1,500.

Ms. Denamen – While the impact of removing trees is subjective to the group, but certainly something that should be considered.

There being no further questions directed to the appellant by the audience, the Board of Zoning Appeals continued with their inquiries.

Mr. Ziganti – So for clarification, the 16' side would have the large door opening?

Mr. Rutledge – Yes.

Mr. Ziganti – What is the cost of the structure you would like to build?

Mr. Rutledge – About \$1,500.

Mr. Ziganti – For clarity for the Board, are you, Mr. Rutledge, interested in shifting the structure into the side yard and turning it 90° and shift it behind the front line of the house so it's totally in the side yard?

Mr. Rutledge – Yes.

Ms. Muehling – This would not entail removing some additional trees?

Mr. Rutledge – It would not.

Ms. Klemm – Will you be running electric back there?

Mr. Rutledge – No, I have a portable generator.

Mr. Alusheff asked Mr. Rutledge for a new drawing of the building and placement on the lot. This will be supplied by Mr. Rutledge before a permit is issued.

Mr. Ziganti requested Mr. Rutledge indicate the new proposed placement of the building for use of the Board of Zoning Appeals on the drawing submitted with his application – which Mr. Rutledge did.

Ms. Sritalapat – Would you just verify the height of the building is 10'?

Mr. Rutledge – The side walls are 7 ½ feet.

There being no further testimony from the appellant, and no further questions from the board, the public presentation portion of the meeting was closed.

Ms. Fadorsen motioned approval of ZA-2024-8 on the side of the building facing Old Mill Road. Ms. Sritalapat seconded.

Ms. Muehling – I would be opposed to any variance that did not provide some sort of protection to that wooded area. To clear cut that area would be a detriment to the community and his property and we should have a condition attached to this variance with the condition that the 100' buffer, adjacent to 703.97 property line of parcel #11-388645 be preserved and maintained in its natural condition. There is nothing now that preserves that. It is in essence why we are giving this 100% variance. It is to protect the nature of his property and to protect the nature of the neighborhood. Without that protection, it can be clear cut. I would be more comfortable voting for this variance with this protection in place.

Mr. Ziganti re-opened the public presentation portion of the meeting and asked the appellant if they will be in agreement with a supplementary condition on the variance that they will maintain the forested buffer zone in its natural condition.

Mr. Alusheff suggested that the supplementary condition should state the 100' is to be measured from the center line of the road.

Mr. Rutledge – I absolutely agree, it's one of the reasons we bought that house.

Mr. Fadorsen modified the motion to indicate that the approval of ZA-2024-8 include a supplementary condition, and contingent upon the 100-foot buffer of the trees, between the residence and Mayfield Road remain in place.

Mr. Ziganti – My feeling is, this building can be placed completely behind the rear line of the house, or it could be done with a 20' clearance from the house, and we would require a smaller variance. I think there is no real practical difficulty of not locating the building as required by our Zoning Resolution.

Ms. Muehling – Call for the question as stated by Ms. Fadorsen.

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

Conclusions of Fact ZA-2024-8

Mr. Thomas Rutledge of 7120 Old Mill Road requests building a 16' x 30' structure of 480 square feet to the east of the residence and located completely in the side yard of the home requiring a 100% variance. Testimony was given that no utilities will be run to this accessory building. There are two supplementary conditions on granting of this Area variance. First, live screening of the structure would be maintained as to the view from Old Mill Road. Second, a supplementary condition that the 100' deep buffer as measured from the center line of Mayfield Road, adjacent to the 703.97 north property line of parcel #11-388645 be preserved in its natural condition.

We the Board of Zoning Appeals incorporate into these Conclusions of Fact the application forms, documents, and exhibits including all corrections, clarifications and additions discussed or presented at this hearing.

Ms. Fadorsen made a motion to approve the Conclusions of Fact. Ms. Klemm seconded the motion.

Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Ms. Sritalapat/yes, Mr. Ziganti/yes.

APPEAL ZA-2024-7
Jaclyn Davey and Michael Wacker
11781 Summers Rd.
Area Variance

All persons intending to testify were sworn in.

Mr. Alusheff – The applicants are seeking to build a structure 1,200 sq. ft. under roof with a 400 sq. ft. lean-to attached. The property also has a 140 sq. ft. shed that will remain on the property. All required setbacks have been maintained. This is in violation of Zoning Resolution 5.01.03.

Mr. Ziganti – There is an indication of the existing driveway not meeting standard requirements of the existing Zoning Resolution. Mr. Alusheff, where would you like to deal with that question?

Mr. Alusheff – This case identified some new information that is relevant to this case. The requirement that a driveway be 10' off the property line did not appear in our Zoning Resolution until December 2003. This driveway is a pre-existing, legal non-conforming driveway. Using a 2003 aerial map on REALink, I was able to establish this driveway was there at that time. What he is proposing to add in the back will meet the 10' requirement of being placed away from the property line.

Mr. Ziganti – What was the requirement prior to December 2003?

Mr. Alusheff – There was no minimum setback required for a driveway including the pad.

Mr. Ziganti – So is this property considered, legal non-conforming?

Ms. Alusheff – Yes, it is pre-existing, legal non-conforming. (Mr. Alusheff will include an aerial view from 2000 for any future similar cases.)

Mr. Wacker – We have combined two full houses into one home. I have a lot of woodworking tools, I work on my own cars, I work on my own motorcycle. I have two pickup trucks, a work car and I really don't have anywhere to store these things. My garage is full. I have two storage units packed to the ceiling. I would like to have the room to store my things on my own property.

Mr. Ziganti – We would like to review your answers to the Duncan Factors and the BZA needs to review those answers.

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.

Ms. Klemm – What is the square footage of your current garage?

Mr. Wacker – 600 square feet.

2. Will the lot in question yield a reasonable return without the variance? Appellant answered yes.
3. Is there any beneficial use of the lot without a variance? Appellant answered yes.
4. Is the variance substantial? Appellant answered, it is a 35% variance over the 1280 square foot maximum.

Mrs. Muehling – I would like to cite a court case where the variance is 36%. In the Court of Appeals, 11th District Snyder vs. LeRoy Twp. Board of Zoning Appeals is this quote: “In considering the second of the seven Duncan Factors, this court has indicated that a 25% deviation or higher must be deemed substantial in nature.” So, this is a substantial variance.

Mr. Ziganti – I am in agreement with Ms. Muehling. Anything over 25% is something I consider to be substantial.

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. No questions from the board
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 no. 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, I would not be able to fit all belongings in a building that meets the size requirements.

Ms. Sritalapat – So anything smaller than the building you are proposing right now would not meet your needs?

Mr. Wacker – I also have two other vehicles I plan on storing inside of it. Plus, I would like to have some use of the building with my tools.

Ms. Fadorsen – Do you have another storage building on the lot?

Mr. Wacker – Yes, it's a small shed and it's stacked full.

Ms. Fadorsen – Do you want to keep that?

Mr. Wacker – We would like to.

Ms. Klemm – In this building are you planning on putting in a hoist?

Mr. Wacker – No

9. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance? Appellant answered Yes.
10. Other criteria that is related to determining whether the zoning regulation is equitable: Appellant answered – I would like to not have to pay for offsite storage for my belongings.

Mr. Ziganti – My comment is in my estimation, storing your stuff is not a practical difficulty. The Zoning Resolution is structured in such a way that should be able to meet your needs.

Ms. Muehling – For a complete understanding of this request, you have to understand what completely enclosed is. According to our Zoning Resolution, "Building, completely enclosed is a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior or party walls pierced only by windows and usual doorways."

Looking at prior Zoning Resolutions, I found ZR – January 14, 2023, the pertinent phrase is the minimum distance from a detached accessory building. Just the word detached is there. In the next resolution, February 11, 2023, the pertinent phrase becomes the minimum distance from a completely enclosed detached accessory building. Between those two, they changed from the word "detached" to the words "completely enclosed detached." The maximum permitted storage varied by acreage. A lean-to is not completely enclosed. Apparently, that is non-compliant with 5.01.03. It is not referenced in the Chester Zoning Resolution therefore since it is not listed, a lean-to is prohibited. I think we should ask the applicant if he will consider removing his lean-to as shown in the drawing attached to his application.

Mr. Ziganti – So the lean-to accounts for 400 square feet.

Ms. Muehling – Without the lean-to it's roughly a 5% variance request.

Mr. Ziganti – So we could ask the applicant if removing the lean-to from the request is something they would consider doing.

Mr. Wacker – If that's what it comes to, I certainly would. The idea of the lean-to was to keep our firewood for the house dry.

Mr. Ziganti – What are you using the present shed for?

Mr. Wacker – Two sets of yard tools also.

Mr. Ziganti opened the hearing for any sworn in audience member to question the applicant on the appeal.

Mr. Ziganti then opened the floor to any sworn in persons who would like to question the applicant.

Ms. Nancy Douglas – Our neighborhood is clustered at the cul-de-sac end of Summers Road. I have resided here for 45 years. During that time our neighborhood has preserved a wooded, semi-rural, natural character, with many back yards that are park-like. We have some barns, but they are wood barns and are in keeping with the essence of the neighborhood. So personally, I am extremely upset about the prospect of a huge, steel, industrial style pole barn being built in our neighborhood which will be in close proximity and view of its closest neighbor. I presume it will devalue both of the adjacent properties, and in my opinion can very well have a negative effect on the neighborhood as a whole.

I've always been proud to say I'm from Chesterland, and my friends think of it as a picturesque, quiet, attractive small community. This is a one-acre wooded lot with a frontage of approximately 100 feet, and this structure appears to be an exceedingly large building for this size lot. There is also a 10x14 shed on the lot. The house itself is a beautiful brick colonial with an attached 2 car garage. It has had several owners over the years, and the yard has always been well maintained and natural looking. To cut down enough trees to house a 24 ft by 50 ft steel building with an 8 ft by 50 ft lean-to on the long side is very troubling to me and could conceivably indicate use as a small business. Even if the current owners don't plan to use it for business purposes, how does the Board plan to monitor its use if the residence is sold or rented in the future?

The Area Variance requested is 460 sq ft, which is 36% over the maximum allowed ground floor area. I believe this would be considered a substantial variance in accordance with Duncan Factor #2.

There does not appear to be any zoning regulations for a lean-to or roof extension in Section 5.01 of the most recent Chester Township Zoning Resolution. Therefore, I am concerned that granting this variance would set a precedent for more lean-tos in our neighborhood and Chesterland as a whole. In fact, several years ago in our neighborhood, someone's teenage son was asked by the Township to take down a

temporary canvas car port to protect his new car. If there is zero tolerance for a canvas car port, then this request is a far greater transgression.

Mr. Brad Hughes – I am the neighbor directly next to the south of them. I don't think there is any problem with this building. I don't see an issue.

Ms. Joanne Meyerhoffer – I live directly to the north of them. I will see the entire building. They've already torn down trees to make room for this and it sickens me. I've lived in that house for over 60 years. There's been a lot of changes in Chesterland. I understand that, but I think that building is way too big for our one acre lots.

Ms. Linda Gifford – I think the most important thing to consider is that a lean-to is not allowed in Chesterland. It is not described in the Zoning Resolution, and I don't think you can consider it. If he put up the building without the lean-to, you could consider that.

Ms. Meyerhoffer – What I will be looking at is his camper and all the crap that is not in that building now. Right now, he's torn down all these trees.

Ms. Jaclyn Davey – Co-owner of the property. With regards to the structure, we have lots of things. Granted the building is quite large. With regards to the camper, it was purchased recently and put into our back yard. We do plan on storing it for the wintertime. We also want Mike to be able to work on cars. In my opinion, the building is very nice. Grayish sides and black roof.

Ms. Douglas – Would you be willing to consider building this building in wood?

Mr. Wacker – It's like triple the price.

Mr. Alusheff – I would like to clarify from a Zoning standpoint, Zoning does not regulate the looks of buildings or what people do with the building. It is a size question. If the applicant had proposed to build a building of 1,140 square feet, this discussion would not be happening, and the building would be going up.

Ms. Douglas – Duncan Factor #3 – That's the big question. When somebody comes to look at a house, they do look at what's next door. Our end of the street is semi-rural. I think a big steel building devalues it. Is there going to be a small business in there someday?

Ms. Davey – You will not see this building until you walk halfway up our driveway. We consider looking for a home with an outbuilding, but that is not in the budget.

Ms. Denamen – Do you have any plans of replanting any trees that have been cut down?

Mr. Wacker – 75% of the trees we cut down were dead already. The small section of the barn is going to be facing out.

Ms. Meyerhoffer – I just feel the size of the building is really big.

Ms. Davey – Anything that we can add in screening to that side, I have no issue with.

Ms. Denamen – What is the allowable size of that building?

Mr. Muehling – If they could reduce the size of that building by 60 square feet, they would be in compliance.

There being no further questions directed to the appellant by the audience, the Board of Zoning Appeals continued with their inquiries.

Ms. Muehling – Looking at the picture of your structure. Is that picture in black and white? Is that what color the building will be?

Mr. Wacker – The building will be a gray/blue and the garage door will be gray.

Ms. Fadorsen – If they got rid of the existing detached building away, they would be 100% in compliance?

Mr. Ziganti – Yes, they would be in compliance. So, addressing Mr. Wacker, would you be opposed to eliminating the lean-to which would make your building 1,200 square feet and keeping your 140 square foot shed which would result in a 5% variance? Also, would you consider planting live screening on the north side?

Mr. Wacker – Yes.

Mr. Ziganti – Just for the audience members in attendance, we do not determine what a structure would look like.

There being no further testimony from the appellant, and no further questions from the board, the public presentation portion of the meeting was closed.

Ms. Fadorsen made a motion to approve ZA-2024-7 with the lean-to removed and live screening added on the north side. Ms. Sritalapat seconded the motion.

Ms. Sritalapat – By removing the lean-to, it does take away the bulk of the scale of the building and since it is not in our Zoning Resolution, I think it's a good idea we are not reviewing that. Now that it's down to 5%, the variance is much smaller.

Ms. Fadorsen – I agree. Anybody in town can have a 1, 280 square foot building.

Ms. Klemm – I did drive by the house and from the street view, you cannot see in back of the house. Obviously though, it does impact the neighbors.

Ms. Muehling – With the changes, the variance is not substantial. Now we are talking 60 feet over. Is it a consideration they could reduce the building by 60 square feet, and they would not need a variance at all.

Mr. Ziganti – That’s why I asked if this is a pole building construction. This seems to be an engineered prefab metal sheeting type of structure. We didn’t ask them if they wanted to reduce the size of the structure. Based on your comments Ms. Muehling, we have some questions to put in front of the Zoning Commission. That being said, I feel that 35% variance was unusually large, and I believe reducing that variance to 5% is less than substantial.

Ms. Muehling – It is difficult for people to understand that we can only control what is stated in the Zoning Resolution. I think there was a real move to get all storage indoors so as not to have a cluttered looking neighborhood. Removing the lean-to, I think will help do that.

Roll Call:

Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Ms. Sritalapat/yes, Mr. Ziganti/yes Motion passed – Variance request is approved.

Conclusions of Fact

ZA-2024-7

Jacklyn Davey and Michael Wacker of 11781 Summers Rd propose building a 1,200 square foot accessory building and maintaining an existing 140 square foot storage shed, totaling 1,340 square feet, requiring a 5% variance. The applicants indicated the proposed building would be used for storage of personal belongings and the structure would not be used for commercial purposes. The applicant testified that electric is the only utility to be run to the accessory building in the future. The applicants agree to the supplementary condition that live screening will be maintained as a buffer in the area between the accessory building and the north property line. The proposed building will be built to 15’ height and the other specifications stipulated in the submitted engineering drawings.

The planned driveway to the accessory building meets existing zoning regulations. The existing driveway and pad to the residence have been determined to be pre-existing, legal, non-conforming as determined by the Zoning Inspector. Changes in Zoning

Resolutions from January 14, 2023 to February 11, 2023 show an interest in having storage completely enclosed.

We the Board of Zoning Appeals incorporate into these Conclusions of Fact the application forms, documents, and exhibits including all corrections, clarifications and additions discussed or presented at this hearing.

Ms. Fadorsen made a motion to approve the Conclusions of Fact. Ms. Sritalapat seconded.

Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Ms. Sritalapat/yes, Mr. Ziganti/yes

The Board signed Forms 18 and 19 for both of tonight's hearings and the hearing from June 10, 2024.

Ms. Sritalapat made a motion to approve June 12, 2024 minutes, Ms. Muehling seconded.

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

After all the documents were signed, Mr. Alusheff spoke to the group.

Mr. Alusheff began group discussion on whether Zoning Resolutions should be easily read by the general public and this concern may have to be addressed by the Zoning Commission. Group discussion by all members of the Board of Zoning Appeals. The Chester Twp. Zoning Resolution was set up so that if something is not listed as a permitted use, it is not permitted. Currently a porch is not permitted on an accessory building.

Mr. Alusheff reported that before 2011, a prosecutor's opinion determined that if someone wants to add a lean-to, they call it a patio. The definition of a patio at the time included a roof. The prosecutor said include the roof in the ground floor area and if it's below the maximum square footage allowed, then it's OK. At that time, the Zoning Commission changed the definition of patio and porch to address this situation.

BZA Board members need to determine a solution and agree amongst themselves, so this question is not raised during a hearing and the appellant is completely caught off guard.

If the Zoning Commission determines that lean-tos should be added, careful attention needs to be paid to the definition. The concern is some people will use a lean-to to store their "stuff/junk" and that is difficult to regulate.

The Zoning Inspector will continue to handle future cases involving a lean-to in the same manner as tonight's case.

BZA members were updated with the upcoming proposed amendments being presented by the Zoning Commission.

Meeting closed at 9:50 p.m.

Approval Date August 12, 2024

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Deana Sritalapat, Vice-Chair

Alternate
Mindy Denamen

Kathy Fadorsen

Christina Klemm

Margaret Muehling