

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, OCTOBER 14, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular October 14, 2024, Chester Township Board of Zoning Appeals meeting to order at 7:02 p.m.

Roll Call

Members present: Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Ms. Sritalapat/yes, Mr. Ziganti/yes
Ms. Denamen(alternate)/yes; Mr. Dobrzynski (alternate)/yes
Zoning inspector: Mr. Alusheff
Admin present: Ms. McCarthy

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

Mr. Dobrzynski was welcomed and thanked for his willingness to serve as an alternate to the BZA by Mr. Ziganti.

Mr. Ziganti read the public hearing Purpose and Procedures of the Board of Zoning Appeals.

Approval of Minutes

Motion to approve the minutes of September 9, 2024

Ms. Fadorsen made a motion to accept the September 9, 2024, minutes as amended.
Ms. Klemm seconded the motion.

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

Mr. Ziganti announced there are three hearings scheduled to be heard tonight.

Mr. Alusheff stated BZA case# ZA-2024-12 is postponed.

**APPEAL ZA-2024-10
Allan C. Szczepinski
Area Use
12473 Bentbrook Drive**

All persons wishing to give testimony were sworn in.

Mr. Alusheff – Additional photos of the property as taken by one of the BZA members

are being distributed. Pictures sent by Mr. Szczepinski in addition to a drawing of what the inside of the potential building may house were distributed.

Mr. Ziganti asked Mr. Alusheff if the height of the structure is acceptable as shown on the drawing just passed out.

Mr. Szczepinski changed and initialed the plans submitted to reflect a 15' sidewall, 14' garage door and 24' overall height.

Mr. Szczepinski – I am seeking a variance for the oversize footprint of this building. I'm allowed 2,500 square feet. I am not requesting to infringe on any neighbors. I'm well off the 20 ft. setback requirement. The main purpose of the building is storage of my vehicles and personal items. We would like to store some of our trailers and boat under the lean-tos. I own a Snap-On tool franchise. My truck will be able to fit inside the 14' door. The inventory inside the truck is significant and I want to be able to secure it. Everything I now have in my yard will be condensed and put in that building. I submitted a drawing of how everything will fit in that building. Truthfully, we could use an even bigger building than what we are asking for. Out of respect for the zoning rule, I'm trying to keep it as modest as I can.

I am tearing down my existing accessory building. It has some rot. I'm trying to condense and secure my work inventory.

Mr. Ziganti – Reviewed the standards as written on Form 4 – pg. 3. These are known as the Duncan Factors.

{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. Szczepinski - I feel it deprives me because I am not asking for much more than what I am allowed to have. I need the space to store these things.

Mr. Ziganti – Asked the Zoning Inspector to confirm this is over an 80% variance.

Mr. Alusheff – That's correct.

Ms. Muehling – That's correct, 84.32% variance. According to Court of Appeals, 11th Appellant District, Snyder vs. LeRoy Twp. Board of Zoning Appeals, indicated a 25% deviation or higher must be discerned substantial in nature.

I would also like to point out that a lean-to is not allowed as it is not completely enclosed. If those two lean-tos were removed, his variance would become a

23% variance request. The way the building is described, it is not a permitted building with lean-tos.

Mr. Ziganti suggested continuing with the Duncan Factors to see if there might be any other issues.

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, Yes.

Mr. Ziganti – Typically, anything over 25% is thought to be substantial.

No questions from the Board.

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. No questions from the Board.
9. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance? Appellant answered Yes. No other questions from the Board.
10. Other criteria that is related to determining whether the zoning regulation is equitable: Appellant answered – For storage of vehicles.

Mr. Szczepinski – My house garage is currently used for my work garage as well. The vehicle is not commercial. The only thing I intend to do out of there is hobby shop and storage of my commercial vehicle. If the lean-tos were taken off to reduce the square footage, I'm only asking for an additional 768 square foot of interior space.

Ms. Klemm – Will you have electricity in your new space?

Mr. Szczepinski – Electricity and heat. Yes.

Ms. Klemm – What about water?

Mr. Szczepinski – Not sure about water, but there's a good chance, yes.

Ms. Klemm – Will you be putting in a lift?

Mr. Szczepinski – No lifts – just storage.

Ms. Muehling – What was the peak height that was decided?

Mr. Alusheff – 24' for the peak and the sidewall would be 15'. That would make his mean height at 19 1/2'.

Ms. Muehling – I don't think this building can be permitted with lean-tos. I think you should consider submitting your plan without the lean-tos. What do you have in your attached garage?

Mr. Szczepinski – My current home garage has my wife's vehicles in it and one of my personal vehicles as well as some of my personal inventory on stacked up shelving. There's also a bunch of toys in there as well.

Ms. Muehling – About the character of the neighborhood would not be changed. The size of this structure is about as large as your house.

Mr. Szczepinski – Yes, roughly.

Ms. Muehling – Is it visible from Bentbrook?

Mr. Szczepinski – Using the monitor, Mr. Szczepinski showed where the proposed building would be.

Ms. Muehling – I would like to address this Snap-On truck. It seems to me you are running a business from this building.

Mr. Szczepinski – Yes, product is sent to my home.

Ms. Muehling – So you are running a business from your home. I don't know how a Snap-on business works. What does it look like?

Mr. Szczepinski – All my customers are in Cuyahoga County. The truck is full of tools and equipment. I go to them at their place of business.

Ms. Muehling – Then you are running a business from your home, and I don't think that is permitted. If landscapers can't do it, I don't think you should be able to do it.

Mr. Kats – I don't think we are in a position to establish what he is doing and how he is paying his taxes. That gets into a bit of a legal issue. Not to mention, I don't think there is a zoning law prohibiting businesses from your home.

Ms. Muehling – I don't think that matters. If he didn't have his truck there, what would he have to do.

Mr. Kats – Our zoning does allow him to have one commercial vehicle, correct?

Ms. Muehling – Parked.

Mr. Kats – He parks his one commercial vehicle at his house, so he is in line with current zoning.

Mr. Muehling – I don't agree but point well taken.

Ms. Sritalapat – Would you be open to not having the lean-tos on your building?

Mr. Szczepinski – The lean-tos are to store what is in the building that is coming down.

Ms. Sritalapat – Do you have any other options of storing your things at another site or uncovered?

Mr. Szczepinski – Some of it could be uncovered. I have storage at other locations, and I am trying to alleviate that. At some point, I would close in some of those lean-tos or else I would be out of room again.

Mr. Ziganti asked Mr. Alusheff for his perspective on lean-tos and with discussion, perhaps we could move on from Ms. Muehling's concern.

Mr. Alusheff – I know we are in disagreement with lean-tos being permissible. If the Zoning Commission intended to prohibit lean-tos as accessory structures, it would have been a lot easier to insert a sentence saying, "Lean-tos are prohibited." The chain of interpretations that needs to be made to arrive at the conclusion that lean-tos are prohibited is very problematic. I think maybe in theory on paper in whatever way these various amendments were written it makes sense, but as the person that is the forward facing public representative of Zoning in Chester Township that has to interact with the public explaining these regulations to the public and enforce them and given the proliferation of lean-tos in the township, I think it is untenable that this document expressly prohibits lean-tos. In addition, the point Mr. Szczepinski is making the point for, if they're not expressly prohibited and there's area on the roof that counts toward the total square footage on the good chance that in the future it's going to be enclosed, that alleviates the problem. If it's just counted toward the overall square footage, under roof counts as square footage, whether it's enclosed or not because it can easily be enclosed in the future – even over a weekend – with or without a zoning certificate.

Sometimes I get a call from somebody that says there's a project going on a Saturday – go take a look. By the time you get there, now the unenclosed lean-to has been enclosed. The remedy for that is now simple. It is come in, get the zoning certificate. If the lean-to portion of the structure was already permitted, now it's just enclosing an addition. The problems are cut off at the pass as in when the lean-to was constructed, rather than at one point in the future it's enclosed.

Mr. Ziganti – Historically, the BZA has looked at this being square footage as viewed by the bird.

Ms. Muehling – Historically doesn't count, much of the conversation was to get storage under a roof. If an item is not expressly permitted, the item is prohibited. Without the lean-tos, you have a 23% variance. The bottom line is, we have to go by what is written in the Zoning Resolution.

Ms. Fadorsen – Asked for clarification as the Zoning Resolution was to make sure that everything was “under cover”. Wouldn't that mean that lean-tos would make storage “under cover”?

Ms. Muehling – No, it was written so a type of undercover should be done. It is detached, specifically, totally enclosed and there are definitions in the Zoning Resolution for that.

Mr. Ziganti – Asked Mr. Szczepinski if he would consider removing the lean-tos making the variance less substantial.

Mr. Szczepinski – That just would not accomplish what I want. I think the lean-tos would actually make the building more aesthetically pleasing.

Ms. Muehling – Read Section 5.01.03, which was displayed on the monitor, and addressed the chart in 5.01.17 to make the point about lean-tos. No where will you find lean-tos. Not in definitions. You go by what is printed, not what might be in the future.

Mr. Alusheff – If the term lean-to is not mentioned or defined in the Zoning Resolution, how do we know that the structure has a lean-to?

Group discussion continued.

Mr. Ziganti opened the floor for public comments.

Mr. Bruce Smalheer – My only question is what is your practical difficulty? This is a self-created difficulty. Does the Zoning Resolution as applied to the property in question prevent the applicant from doing something that every other resident can do without a variance? In this case, I think the answer is clearly no. If you didn't have all this stuff, you wouldn't want a bigger building, correct?

Mr. Szczepinski – Correct, but I am allowed one commercial vehicle and I'm allowed to have it secured.

Mr. Smalheer – The problem is, you are asking for a variance of a single building that exceeds the allowable amount in the Zoning Resolution. If you didn't have all this stuff, you wouldn't be asking for this variance. Basically, it seems to me that what you are asking for is an ad hoc amendment of the Zoning Resolution to allow a bigger building than the Zoning Resolution permits.

Mr. Szczepinski – I'm just asking for a single variance for my property, not something for the entire community.

Mr. Smalheer – That's the problem, if the Zoning Commission were to decide that 2,500 square feet is the limit in size, everyone has to live with that size. A practical difficulty needs to be something like a steep hill, or a slope or a ravine or a cul-de-sac needing set back consideration...

Mr. Szczepinski – I think we're talking about two different things though. Obviously, I'm not presenting a practical difficulty for you. I moved out here. I'm second-generation Chesterland and I don't think I should be told what I'm not allowed to have. I'm trying to clean up my lot. I'm obviously not presenting practical difficulties as far as location. I'm simply asking for an oversize variance.

Mr. Smalheer – The problem is when you ask for a size variance, it has to be supported by a practical difficulty. That's why I think this is actually a use variance.

Mr. Ziganti – This is an area variance.

Mr. Smalheer – Usually an area variance deals with setbacks on lot lines and dwellings. Still, there is no practical difficulty.

Mr. Szczepinski – Does my property abut up to yours?

Mr. Smalheer – Yes, it does.

Mr. Szczepinski – In the back there?

Mr. Smalheer – Yes.

Mr. Kevin Poropat – In Section 2, question #21 of the application asks if there are gas wells within 750 feet of the structure. The answer was "no".

Mr. Ziganti – We, the township, cannot deal with that question. It is not within our purview to even consider that question.

Mr. Alusheff – The zoning applications we have are thirty + years old. At the time, oil wells fell under zoning. Somewhere in 1998-2000, the state took over all responsibility for oil and gas wells. Our applications have not yet been updated. A change to the applications requires an amendment for change to the Zoning Resolution and we are in the process of getting that updated. Actually, the final public hearing for that amendment is scheduled for later this week. That will allow us to take that question out.

Mr. Poropat – Could you please elaborate on question 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?” My big concern is in my backyard, I will see a big building. What is your plan with trees, foliage and are you taking it down?

Mr. Szczepinski – I have no plans on taking down any foliage. I have new pines that are growing back there. You wouldn’t have a direct view of the building. It’s also set back into the wood line. The only trees that are coming down are on the left side of my property and it’s only seven of them to actually push it away from your site view.

Mr. Steve Westcott – Only 10% of his property is visible and that is what I see everyday from my house. I personally feel the structure is a great idea and my question is, why did it take you this long and why are you going so small? I do feel this structure would improve the landscaping and the layout keeping the property in good appearance.

Mr. Sergey Kats – I am the house on the other side directly across from him. It was mentioned this is a self-created problem. You’re allowed to make a living for your kids, right? Not going through specifics, your truck is a high value truck right? If somebody wanted to steal something, wouldn’t you be better protected with your truck in an enclosed garage? Do you feel that having it outside puts your truck and possibly the neighborhood at risk for theft?

Mr. Szczepinski – I do because the contents of the truck are of very high value.

Mr. Kats – You have a 2 ½ car garage you are not able to use right now, correct?

Mr. Szczepinski – Correct.

Mr. Kats – This building would actually help you use your house as it was intended. In regard to the zoning and variances, from the Zoning Commission – I will speak for myself – we did think that 2,500 square feet was not sufficient enough and we did get pushback. His lot is fully enclosed by 30-40 pine trees. The only people who actually see his house are Steve (Westcott) and I and we think it would look better enclosed because it would keep all his stuff out of view. The things he has are things he has worked hard his entire life to provide his family to enjoy. For this board or anyone else

to say he is not allowed to enjoy the things he has provided his family by working hard is not our place to say.

Ms. Muehling – I would like to point out Mr. Kats is a member of the Zoning Commission and I believe was a member of the Zoning Commission when this was passed.

Mr. Kats – That is correct. If you recall, the majority of the Zoning Commission wanted a bigger building, but we were nixed by the Trustees. Thus, we had to amend certain parts of the Zoning Resolution. The lean-tos was also addressed and that too was nixed by the Board of Trustees. We are well aware the problem exists, however our hands have been tied on multiple occasions trying to rectify the situation.

Mr. Ziganti – had the appellant change the drawing height to 24' which he did.

Mr. Ziganti – The question was put to you Mr. Szczepinski, would you consider removing the two lean-tos which are 1, 536 square feet, from your plan?

Mr. Szczepinski – No.

Mr. Ziganti – Anything else anyone would like to add? There being no further conversation, Mr. Ziganti closed the public part of the meeting.

Ms. Muehling – The question about the oil well. That should stay on the checklist because oil wells deteriorate and become a problem. As for the location of the trees, that is an arbitrary thing. Someone else may buy the property and clear cut the trees. Trees is not a sure thing.

Ms. Fadorsen made a motion to approve the area variance, #ZA-2024-10. Ms. Sritalapat seconded the motion.

Ms. Sritalapat – I believe this is a substantial request as compared to what is allowed in our resolution.

Ms. Muehling – It is not necessary to consider all the Duncan Factors equally strong. One may carry more weight than the other. I think the argument that he does not have a practical difficulty is very strong. An argument was made about wage earning and that is an emotional argument. It is not a practical difficulty. I believe he said he stored some things off site. He does have the choice to store some of these things off site and keep the nature of the neighborhood perhaps a little less disturbed than it would be with a building of this size.

Ms. Klemm – Actually, I think the nature of the neighborhood would be improved, at least with a building – I don't know about the lean-tos. He has a lot of vehicles that are out year-round. Putting those vehicles away and storing them would be practical and in my opinion improve the look of the neighborhood.

Ms. Fadorsen – I agree with Ms. Klemm. I think it would improve the neighborhood substantially to have all these things under cover – whether it's under a lean-to or it is in a building. I know 83% is a high variance, but he's shown how he needs the space. He's also planning on taking down the building that is currently there.

Mr. Ziganti – My thoughts are that 83% is very substantial. I don't believe a practical difficulty has been shown in the sense that it has been created. There was an option given to eliminate the lean-tos from the building down to a more reasonable size as far as requiring a variance request. We also had two neighbors with concerns about granting the variance and two who supported the variance.

Ms. Muehling – As far as the Duncan Factors go, the lot in question has a reasonable return without the variance. There is beneficial use of the lot without the variance. The variance as submitted is substantial. (84%) The essential character of the neighborhood would be altered, I believe so. Will the variance adversely affect the government services? No. Was the lot purchased with knowledge of the zoning restriction? No, there's been no evidence that he knew of it ahead of time. Can the lot owner's predicament be feasibly obviated? Yes, he could reduce the size of the building and that would take care of the problem. Will the spirit and intent of the zoning requirement behind the zoning requirement be observed? I don't think so. I don't think he establishes a practical difficulty.

Mr. Ziganti – Yes, it seems to be oriented around having more space for more stuff.

Roll Call:

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

Motion did not pass

Conclusions of Fact

ZA-2024-10

Mr. Allan Szczepinski of 12473 Bentbrook Drive requested an area variance for construction of an accessory building with an overall bird's-eye view of 4,608 square feet. It was noted that this overall size included two lean-tos measuring 1,536 square feet which brought the variance request to 84.3%. During discussion, a board member indicated that lean-tos are not allowed for in the Zoning Resolution. The appellant was asked if they would consider removing the lean-tos and have the enclosed accessory building of 3,072 square feet requiring a 22.9% variance request. The applicant did not accept that change of plan. It will be noted that two neighbors voiced their concern with supporting and two neighbors voiced their concern with rejecting the variance request.

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 accept 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-2024-11
Timothy Kramer
Area Use
11546 Ferry Road**

Everyone wishing to testify in this case was sworn in.

Mr. Alusheff – Mr. Kramer has a pre-existing legal, non-conforming structure on his property. He is looking to build an additional building that would exceed his allowable percentage by 760 square feet for a lot of this size.

Mr. Ziganti – Just for the record, would you elaborate on the non-conforming, pre-existing situation that we have for this property?

Mr. Alusheff – This is one of the older roads in Chester. It is one of the two sideroads that showed on the 1937 aerials. This road is at least 87 years old. If you look at the neighboring property, who has a similar barn to Mr. Kramer, you can actually see the neighbor updated his barn similar to Mr. Kramer. There is no zoning certificate on file for the existing barn that is on the road. The other structures on the parcel have zoning certificates on file.

Mr. Kramer – The existing property was split. The little barn on my neighbor's property is on my property line and my driveway is on their line. What I'm proposing to do is move my driveway to 12' off the line to bring it into compliance. The driveway would go back to the corner of my property. The storage building that I have is not really good for storage. I can't tear it down. It's part of the history of Chester Township.

I have a boat that I bought. It's amazing how many people have stopped by and commented about the boat. It makes sense to put it under cover and out of view. I did speak with all my neighbors and I don't believe any of them have any issues with it. The neighbor closest to me was happy to see the greenery we had planted in advance of hopefully getting this variance approved.

Mr. Ziganti – We are going to go over the Standards now.

{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, I need additional useable storage.

Mr. Ziganti – Usable caught my eye.

Mr. Kramer – Because the barn I have, you couldn't put a boat into it. It's good for Christmas decorations on the second floor and my zero-turn mower, but I couldn't put a boat into it.

Mr. Ziganti – So that's your intention to put a boat into it?

Mr. Kramer – Yes.

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. I didn't know how to answer that.

Ms. Muehling – It's a 59% variance.

No questions from the Board.

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, Not at this time.

Mr. Ziganti – That caught my eye.

Mr. Kramer – Because the cost of putting a boat into storage of that size is pretty substantial and it does not make sense for me to pay that kind of money to keep it out of my yard when it would be kept secure on my property.

9. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance? Appellant answered Yes. No other questions from the Board.

10. Other criteria that is related to determining whether the zoning regulation is equitable: Appellant answered – I will also move the existing driveway a minimum of 10' from the neighboring property line.

Mr. Ziganti – So, is the existing driveway on the south property line?

Mr. Alusheff – In 2008, Zoning Inspector Meiring Borchers wrote a letter to Mr. and Mrs. Kramer stating that the driveway and gazebo by the pool had been erected without a zoning permit. Immediately following that is a zoning certificate #08-155 that was issued by the zoning inspector for the driveway and gazebo.

Ms. Sritalapat – Do you and your neighbor share the driveway on the south side?

Mr. Kramer – No, it's my driveway on my property.

Mr. Ziganti – So the new driveway that you would be putting in, you will move away from the south property line so that the edge closest to the property line is at least 10 feet away and you have sufficient room to put in a driveway because it runs up along the side of the existing barn.

Mr. Kramer – Yes.

Mr. Ziganti – So putting up a 900' accessory building puts you at a total of 2,040 square feet which is a 59.4% variance request. What kind of utilities are going to be put into the requested building and its purpose again is for storing what?

Mr. Kramer – Primarily, my boat, but I also have a golf cart and other items and get them out of everyone's sight.

Ms. Muehling – I have a question about your neighbor. Pointing to the red structure shown in the photo on the monitor, what do they store in that?

Mr. Kramer – It's like a "she shed." Like a little garden shed.

Ms. Muehling – What do you store in your existing barn right now?

Mr. Kramer – Christmas decorations, my mower, crates of baby clothes...

Ms. Muehling – What is the floor of that barn?

Mr. Kramer – Prehistoric plywood. There's no nails. It's hand pegged together.

Ms. Klemm – Looking at your drawing, it looks like there is 28' from the back and how much from the side?

Mr. Kramer – It will be more than that. 12' off the line and the curve.

Discussion of the dimensions continued. Determined that the side is 24' off the side.

Ms. Sritalapat – Where is it placed from the house?

Mr. Kramer – It should be 20' from the back of the house.

Ms. Muehling – He's not in a side yard. He's in the rear yard.

Multiple conversations – unintelligible on recording

Mr. Ziganti – Any other questions from the audience or board members?

Ms. Klemm – Addressing Mr. Alusheff – Is a permit needed for the driveway?

Mr. Alusheff – The driveway would be permitted with or without a variance. He's not going to put a driveway in unless the variance is granted.

Ms. Fadorsen made a motion to approve the area variance, #ZA-2024-11. Ms. Sritalapat seconded the motion.

Ms. Muehling – Once again, I would like to remind the board that we do not have to give equal weight to each of the Duncan Factors responses. So, are we going through the Duncan Factors?

Mr. Ziganti – We already did.

Ms. Muehling – I would say that normally on a 59% variance, you know where I would stand because it would be substantial. In this case, I think we have a piece of inherited history to consider. Whether that substantial variance should stand by itself or whether we should consider the history attached to the place.

Ms. Fadorsen – I have no comments/questions.

Ms. Klemm – No comments/questions.

Ms. Sritalapat – I think this is a substantial request. It is unique. There is a historic barn on this property. It does provide storage. I think it becomes, what does he want to store on his property – which is a boat which requires another building on his property. A boat could be stored off-site. I'm not sure it poses a practical difficulty in my opinion.

Ms. Muehling – I would like to point out that I asked questions about the floor in there. I know there used to be sawmills where you could get raw lumber and they weighed a ton. The floor of that barn is raw lumber, cut – not treated – just thick raw lumber that is at least 100 years old. If you look at the base of the building, it's rocks. In terms of being practical storage, it is on the farthest corner away from the house and it is genuinely old. On the other hand, some improvements have been made to the siding and the top so it didn't rot. Aside from that, the basic structure has not been changed. I think these facts have to be considered. You're not talking about air-tight storage when you're talking about a barn like this. My tendency is to lean to history.

Ms. Sritalapat – I am all for historical preservation, but once you do start making modifications, and if they are not done with historical preservation in mind, the building can become less accurate to the time period of which it was originally built. It seems like the structure has already been altered.

Mr. Alusheff – Read Article 10.06.0 in the Zoning Resolution about work being done on existing structures for consideration.

Ms. Sritalapat – Would it be possible for a concrete floor to be poured into the barn?

Mr. Kramer – Because of the way it is built, it could cause difficulties. It's really a horse barn with three stalls.

Ms. Sritalapat – I think they can still store items in the barn but now they have a larger item they would like to store. Is it a practical difficulty to have a large item, prompting another building on the property?

Mr. Ziganti – Indeed it is reasonable to maintain structures and this barn was done in a practical way using modern materials. When I saw the original packet, my first thought was, if it could be modified in size to make it more practical, but considering that it is a historical structure, that would not be a good choice. This is a substantial request for a variance, but we do have the caveat that we can get a non-conforming driveway into compliance and that is a plus.

Roll Call:

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

Motion passed

Conclusions of Fact

ZA-2024-11

Mr. Timothy Kramer of 11546 Ferry Road requested an area variance to construct an additional 30 x 30 square foot (900 square foot) accessory building to the southwest corner of the property. This would be in addition to the existing barn of 1,140 square feet that is located in the southeast corner of the property. Testimony was given that the existing accessory building pre-dates zoning in Chesterland indicating that the structure is considered to be a building.

The 900 square foot building being requested would be used for storage only for items such as a boat and a trailer. The testimony was given that the existing non-conforming driveway is located along the south property line would be relocated to at least 10 feet off of the property line going back to the proposed accessory building.

The drawing was modified to show that the location of the proposed building will meet all side and rear yard setbacks. The Zoning Inspector added additional information from the Zoning Resolution Article 10.06.0 indicating alterations to non-conforming grandfathered structures is permitted.

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

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

Motion passed

New Business

Next meeting scheduled for November 11, 2024

November 11, 2024 is a Federal holiday. On the chance that we may have legal counsel present for the meeting, the date needs to be changed. The group agreed that Tuesday, November 12th works well for all.

Copies of undated BZA Chester Township By-Laws distributed

Discussion on Monaco hearing ZA-2024-12 postponed

Meeting closed at 8:28 p.m.

Approval Date November 12, 2024

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Deana Sritalapat, Vice-Chair

Alternate
Mindy Denamen

Kathy Fadorsen

Christina Klemm

Margaret Muehling