

Chester Township Zoning Commission Meeting Minutes

| Wednesday, March 19, 2025 7:00 PM |

Chester Town Hall

Audio Recording Available

Meeting Called to Order by Mr. Oswick at 7:06 p.m.

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Minello, Mr. Oswick

Zoning Inspector: Chris Alusheff

Admin present: Ms. McCarthy

Mr. Oswick led the group in the Pledge of Allegiance

Approval of Minutes

- Motion to approve the minutes of February 5, 2025.

Move to approve the minutes of the February 5, 2025 meeting as presented.

Moved by: Mr. Lauro; Seconded by: Mr. Minello

Mr. Chess/abstain; Mr. Kats/abstain; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passes

- Motion to approve the minutes of February 19, 2025.

Move to approve the minutes of the February 19, 2025 meeting as presented.

Moved by: Mr. Lauro; Seconded by: Mr. Kats

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/abstain; Mr. Minello/yes

Motion passes

- Motion to approve the minutes of March 6, 2025. – tabled for further discussion

Chris Alusheff – Zoning Inspector

The Zoning Commission reviewed Exhibit A for ZC-2025-2 for any final changes/questions. Group discussion on lean-tos and placement from road right of way. This was submitted to the Planning Commission earlier for an informal review. Question on Board of Trustees stand on this amendment. No known questions/concerns from the Board of Trustees. Discussion on need for new definition, “*yard, required.*”

Mr. Oswick asked for any Public Comments

Mr. Mike Wacker – Supports this amendment. Had this wording been in the Zoning Resolution about a year ago, he would have been able to build his accessory building the way he had hoped to. He was also unhappy about the requirement of having to put up shrubbery along one side of the building because of a supplemental variance given by the BZA.

Conversation regarding screening being required in a Residential district should not be allowed. Screening is in the Zoning Resolution, but only in the Commercial District. It also cannot be enforced.

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Ms. Tina Klemm – Our ZR Section 5.02.14 also helps control the ground water by including the lean-to square footage in the maximum allowed ground coverage.

No further comments.

Motion to Initiate; Set the Date for a Public Hearing; Public Notice and Transmit the Proposed Amendment to the County Planning Commission for Zoning Amendment ZC-2025-2

- Move to adopt the following motion – Form 22

That an amendment to the Chester Township Zoning Resolution, identified as number ZC-2025-2, consisting of 2 pages, Marked Exhibit “A” and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Chester Township Zoning Commission this 19th day of March, 2025.

Moved by Mr. Chess; Seconded by Mr. Lauro

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passed

- Move to adopt the following motion – Form 27

That the Chester Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number ZC-2025-2, to the Cheser Township Zoning Resolution as attached hereto on the 16th day of April, 2025 at 7:00 p.m. at the Chester Town Hall.

Moved by Mr. Lauro Seconded by Mr. Kats

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passed

- Move to adopt the following motion – Form 29

Move to approve public noticing the public hearing for ZC-2025-2 of the Chester Township Zoning Resolution in the Legal Notices of the Chesterland News print edition on March 26, 2025 and the Geauga County Maple Leaf print edition on March 27, 2025 and to have the amendment available for public examination at the Chester Town Hall during regular office hours and available on the Chester Township website from March 20, 2025 to the end of all public hearings.

Moved by Mr. Lauro; Seconded by Mr. Chess

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passed

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- Move to adopt the following motion – Form 30

The Chester Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment, identified as number ZC-2025-2, to the Chester Township Zoning Resolution together with the attached text pertaining thereto to the Geauga County Planning Commission on the 20th day of March, 2025.

Moved by Mr. Lauro; Seconded by Mr. Chess

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passed

New Business

Resident petition for amendment ZC-2025-3 submitted to board

Mr. Greg Mersol submitted a proposed amendment, ZC-2025-3 for solar panels being an acceptable use in all districts. He went before BZA on March 10, 2025 and a question arose if solar panels are a permissible use or not. They suggested they seek legal advice on that. My thought is solar is a wave of the future. With Chris's assistance and forms from the Ohio Township Association, I took our Zoning Resolution and a proposal for an acceptable use for rooftop solar subject to certain limits.

In the state of Ohio, townships can regulate anything under 50 megawatts. That is not what we are asking for. I used an arbitrary limit of 100 kilowatts and that should cover any home in a residential district.

Mr. Lauro suggested doubling the limit of 100 kilowatts to 200 kilowatts because there are several homes with 200 amp service.

Mr. Mersol had compared his 3,000 square foot home usage for the last year and his utilization suggested 15 kilowatts is what we would need.

Mr. Lauro agreed that 100 kilowatts might be correct, but he will do more research.

Group discussion on the fact that currently residents are not allowed to have solar panels. This amendment will add solar panels to a permitted use.

Ms. Denamen (BZA member) added further comment to the discussion. One of the things that drove Mr. Mersol's application to a continuance (because we didn't all necessarily agree one was needed) was there is a line in the Zoning Resolution that says, *if there is nothing in here the BZA does not have the right or authority to approve this BZA hearing.*

Mr. Oswick clarified that the Zoning Resolution hasn't been updated in a while, but he has seen rooftop solar panels on homes in Chester Township and asked the Zoning Inspector how that could have passed.

Mr. Alusheff acknowledged that he only knows of one applicant who had applied for solar panels in the past and that applicant died before it was heard by the BZA. He does have

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certificates in the Zoning office for solar panels for residents issued to residents. He was not able to say why those certificates were issued.

Ms. Denamen spoke about townships not being allowed to regulate utilities.

Mr. Alusheff – The state expressly gives townships the authority to regulate solar with generations less than 50 megawatts. That doesn't mean you do what the state says. It means you have the authority to adopt and create regulations which we have never done. The default to that means, solar panels are currently prohibited in Chester.

Mr. Alusheff then began reviewing and explaining ZC-2025-3 Exhibit A regarding suggested changes to the Zoning Resolution.

Ms. Denamen – referring to prior discussion on trees and supplemental variances by the BZA, Section 5.00.02 (E) of the Zoning Resolution is where some people believe a supplemental variance regarding live screening is within the scope of the BZA.

Mr. Lauro recalls there was a legal opinion in the past saying that the BZA could not do supplemental variances on live screening.

Mr. Alusheff asked him if he knew what legal opinion that was as he has not seen that legal opinion.

No one seemed to know of a legal opinion in writing.

Ms. Klemm asked the Zoning Commission to look into this further and then clear it up in writing in the Zoning Resolution. This issue is causing residents confusion in BZA meetings and causing the meetings to go longer than necessary.

Motion to Set the Date for a Public Hearing; Public Notice and Transmit the Proposed Amendment to the County Planning Commission for Zoning Amendment ZC-2025-3

- Move to adopt the following motion – Form 27

That the Chester Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number ZC-2025-3, to the Chester Township Zoning Resolution as attached hereto on the 16th day of April, 2025 at 7:00 p.m. at the Chester Town Hall.

Moved by Mr. Chess Seconded by Mr. Lauro

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Oswick/yes; Mr. Minello/yes

Motion passed

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New Business

Mr. Alusheff discussed direction of Board of Trustees to look into old Firehouse parcel being rezoned from R: One Family Residential to I: Restricted Industrial. This will be a text and map amendment and we are still waiting on surveyor to write the language to be used in Section 4 of the Zoning Resolution.

Water Management and Sediment Control – This was taken out several years ago because it put the Zoning Inspector in charge of this and that is not a good idea. The county does not require a submission to their department unless the zoning resolution requires it. The county did put together a document that would ideally go into this area, especially in the subdivisions where it is needed. This would be a section within 5.01. It would no longer be its own article.

Correspondence received

Correspondence received from Linda Crombie – Geauga County Planning Commission Letter regarding Senate Bill 122 dated 3/10/2025

Chester has not currently acted on it.

- Members of the Zoning Commission are asked to review old notes to see if they can find any discussion/documentation on live screening not being allowed. Bring to the next meeting anything that is found.
- Members of the Zoning Commission are also asked to bring any previous information/documentation regarding accessory buildings regarding size, height and lot coverage regulations. This will be on the next agenda for discussion.

Next Meeting

April 2, 2025 at 7:00 p.m.

Meeting Called to Close at: 8:20 p.m.

Approved by:

Chester Township Zoning Commission April 2, 2025

Final Review by: _____
Jon Oswick, Chair