

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, JULY 7, 2025, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular July 9, 2025 Chester Township Board of Zoning Appeals meeting to order at 7:02 p.m.

Roll Call

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

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

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

Appeals to be heard

- ZA-2025-3 – (Continuation from April 14, 2025). The applicant, Greg Baggott is requesting an Area Variance for his property located at 11692 Cambridge Dr.
 - June 2, 2025 received request to withdraw the portion of his request on site location of an accessory building. Continue to August 11, 2025 the location of the existing shed.
- ZA-2025-6 – The applicant, Anthony Albino is requesting an Area Variance for his property located at 12188 Shiloh Dr. He proposes building an accessory building in excess of the maximum combined 1,280 square feet permitted for accessory buildings.

All members of the audience wishing to testify in this case were sworn in.

**APPEAL ZA-2025-6
Anthony Albino
Area Variance
12188 Shiloh Drive**

Mr. Alusheff - Mr. Albino is on 1.54 acre lot so he is limited to a 1,280 square foot (SF) accessory building. He proposes constructing a 1,824 SF accessory building which is 544 SF over what is permitted for that lot size. That results in a 42.5% variance.

Ms. Muehling verified that this case is being heard with the newest Zoning Resolution as amended July 2, 2025. She also asked for an elevation of the building. Mr. Alusheff

indicated the median of the building at 18.5 feet is on the Garage Blueprint. She was concerned what the roof looks like.

Mr. Ziganti asked for the current resolution to be displayed on the monitor.

Mr. Ziganti invited Mr. Albino to begin his presentation with the reminder that the board will be looking for Mr. Albino to establish a practical difficulty. He referred to the list that the appellant was given of the Duncan Factors.

Mr. Albino – Referring to the Duncan Factors sheet:

1. Will the property yield a reasonable return or can there be a beneficial use of the property without the variance.
 - The property can be used, but not to the potential that I would like to use it. We have a boat that we enjoy and in order to get it in a garage, we would need to get it in a building of this size. With a smaller size, there would still be things sitting in the yard. We will also be putting in drainage to help level out the yard.
2. Is the variance substantial?
 - I'm asking for a 544 SF exception. 1280 being the max I am allowed. Only 64 SF of that is actual building and the rest of it is a covered porch. I want the porch to help the building look less commercial and more homey to match the house. I feel that if the porch isn't there, it would look very commercial and not in uniformity with the rest of the development. We plan on it matching the house. We have to look at it every day too.
3. Will the essential character of the neighborhood be substantially altered?
 - No, following all the other zoning regulations and tastefully decorating the structure will make it blend in with my neighbors.
4. Will the variance adversely affect delivery of governmental services?
 - It will not. It is not in the way of gas, electric or septic.
5. Did the property owner purchase the property with knowledge of the zoning restrictions?
 - I did not, but I also did not look into it when I bought the property.
6. Can the predicament be resolved by some manner other than granting of the variance?
 - No, in order to fit the intended equipment in the garage, this size is necessary with the trailers and lawn equipment. We also do a lot of water sports and we don't want to leave these things in the yard or the driveway.
7. Will the variance preserve the spirit and intent of the Zoning Resolution and will substantial justice be done by granting the variance?
 - I believe if this building is put in the correct way, it will look nice. I will put the building to good use and I will not abuse it.
 - I've talked to all my neighbors and they are in support of the building. I invited them here tonight, but they didn't feel it was necessary.

Mr. Ziganti – So, what is the height of the structure going to be?

Mr. Albino – 18.5’ That will be going along the same elevation of the house. Right now it looks like low ground, but that will be graded to make it level with the house.

Mr. Ziganti – Is this a pole building?

Mr. Albino – Yes, it is.

Ms. Fadorsen – Do you have a garage attached to the house?

Mr. Albino – Yes, it is a 2-car garage.

Ms. Muehling – I notice there seems to be a building on your property already. Was there a building there?

Mr. Albino – Yes, I had a shed there. It was a 12’ x 16’ shed. I’ve had it removed.

Ms. Muehling – The shed, was it used for storage?

Mr. Albino – Yes.

Ms. Muehling – Tell me again why you need more room?

Mr. Albino – We have a family boat and a bunch of rental properties. My dad keeps a lot of the stuff at his house, but he’s running out of room. I’m trying to make a solution to all of this.

Ms. Muehling – You do know you have to establish a practical difficulty?

Mr. Albino – Yes.

Mr. Ziganti – What kind of utilities will you have?

Mr. Albino – Gas, electric and water.

Ms. Klemm – Would you consider doing it without the covered porch?

Mr. Albino – I would, but I think it would substantially deter the beauty of the building. I think it will look very utilitarian without the porch.

Ms. Klemm – So for aesthetic reasons?

Mr. Albino – Yes, and it will make the backyard look more like a courtyard.

Ms. Klemm – And you could also use that for storage if you need to?

Mr. Albino – If I had to, but that is not my plan.

Ms. Muehling – With the covered porch, it's a 42.5% variance which is considerable. If you take the covered porch off, it becomes only a 5% variance which is considerably less.

Ms. Muehling asked for a sketch of the roof line on the white board.

Mr. Albino – If it makes a difference, I could take it off the wall.

Mr. Ziganti – So your practical difficulty is a storage requirement?

Mr. Albino – Yes.

Public Comments

Mr. Enger – Are there other houses in the area with similar structures?

Mr. Albino – Yes, both my neighbors have large structures.

Ms. Muehling – Do you know how large the Javorek structure is?

Mr. Albino – I just talked to him the other day. I think he said 36' x 38'.

Ms. Klemm – You're sticking point here is, you're "covered porch" which according to our Zoning Resolution a covered porch is something that is attached to a house. It's a common issue we deal with here. It's just an issue that is on-going with our Zoning Resolution. Many people ask for a lean-to and we're constrained by what is in the Zoning Resolution when we make our decision.

Mr. Ziganti – We have our Zoning Resolution, Section 5.01.03 which says this is permissible. I don't think there should be a sticking point on nomenclature of a lean-to or a covered porch. It is an extension of the roof.

Mr. Alusheff clarified that the fact is, either one of those makes the extension of the roof included in the overall calculation.

Ms. Muehling – I don't read it that way. (Referring to the drawing on the whiteboard-reproduction attached as Exhibit A) I read that the first one is a roof extension. The second drawing is not.

Mr. Ziganti – The intention of the Zoning Commission was to apply to either one of these two examples (referring to the whiteboard).

Ms. Denamen – I have a question for the applicant. You mentioned a boat and trailer, are there any other vehicles that would be stored in this building?

Mr. Albino – My wife’s vehicle and we plan on having kids and we would like to live in this house for as long as we can. If we don’t have enough room to fit all the cars, I guess we would have to move. We love the area and the house.

Mr. Ziganti – Would you consider instead of running the covered area along the entire length of the building to only cover half of the building length?

Mr. Albino – If I really had to, but I don’t think that would look nice at all. Wouldn’t that look funky?

Ms. Muehling – Can you get your stuff in if the length of your garage is 44’?

Mr. Albino – The length of the trailer is 40’ long plus 5’ or 6’ feet to get it off.

Ms. Muehling – If you didn’t have that porch and you cut the length from 48’ to 44’ you wouldn’t even need a variance because you would comply.

Mr. Albino – With that length, it would not work.

Ms. Fadorsen – According to the meeting we just went to (Planning & Zoning Workshop presented by APA on June 13th in Niles, OH), we should not be negotiating with the appellant with what they want. They know what they want when they came in. We shouldn’t even offer an alternative.

Ms. Muehling asked for the authority on that finding.

Mr. Alusheff – Ms. Tonya Rogers of Baker, Dublikar.

Ms. Denamen – (Addressing the Zoning Inspector) In looking at the neighborhood, there are several homes with larger accessory buildings. Do those buildings have variances?

Mr. Alusheff – I do not know off the top of my head.

Ms. Denamen – It also speaks to the character of the neighborhood which is why I was asking.

Mr. Ziganti reminded the board that they are to look at this appeal on its own merits.

Ms. Muehling – The fact is, practical difficulties have to do with the land. In a drive-by, I noticed that your property does not appear to be unique from any of the other lots in your subdivision. It bothered me that we did not have any contour maps. When I drove by your house the first time, I didn’t see any construction and the second time I drove by, I did see construction and I wondered about it. You are not permitted to change the

waterflow and let it dump on your neighbor's property in any way. I wondered why you raised that up.

Mr. Albino – My neighbor's (Javorkek) yard comes into mine and makes it wet. I talked to my neighbors about what I am trying to do. He explained what he was doing to alleviate the water problem on his property to the other side of his property.

Ms. Muehling – That's a difference in your land that might be looked at as a practical difficulty if we had more information.

Mr. Ziganti – The location of the proposed building is being placed on the downhill and it has nothing to do with size.

Ms. Muehling – It may have something to do with the lay of his land.

Mr. Enger – Neighbors were given notice and they said they don't have an objection, so the water flow doesn't necessarily matter in this case.

Ms. Fadorsen made a motion to approve the variance requested of ZA-2025-6 per the plans submitted. Ms. Klemm seconded the motion.

Ms. Fadorsen – My opinion is that it conforms with what the rest of the neighborhood looks like. If all the neighbors were unhappy with it or if it was different from the others, I don't have a problem with it.

Ms. Denamen – They do have stuff and in this neighborhood, it is logical to want to put their stuff away. It would be negatively adverse if they did not put their stuff away and instead left it outside. It sounds like he's fitting all his stuff inside.

Ms. Muehling – I question the person from the Planning & Zoning Workshop. I would want to know what universal judgements there were, not just that one person. I would also ask if she comes from an incorporated practice.

Mr. Ziganti – It was also said that most appeals should not be approved as they don't usually have a "practical difficulty."

Ms. Muehling – I do not think a practical difficulty has been established. Breaks my heart to say that, but I do not think we have a practical difficulty. I do not think the lot has any special features. I think it matters that lots on either side have large buildings.

Ms. Klemm – I would like it if it could be considered without the extended porch because that would drop the % of the variance requested. I see the reason for having the extended roof line for aesthetics. I know it's going to be a good-looking building. I don't think it will be a detriment to the neighborhood. I am generally in favor of granting the variance.

Ms. Muehling – Call the question.

Ms. Klemm/yes; Ms. Fadorsen/yes; Ms. Denamen/yes; Ms. Muehling/no*; Mr. Ziganti/no
Motion passes

*Ms. Muehling went through a detailed reasoning for her “no” vote by answering Duncan factor responses. Her detailed comments appear later in these minutes.

Findings of Fact

Anthony Albino of 12188 Shiloh came before the Board proposing to build an accessory building that exceeds the allowable 1,280 square feet by 544 square feet requiring a 42.5% variance. The structure is to include a 48' x 10' extended roof line which is permitted per Section 5.01.03. The applicant indicated that a 12' x 16' shed was recently removed. The structure that he intends to build will be a pole structure of 18.5 feet in height. It will include utilities of electric, gas (for heat) and water.

We the board incorporate into these Findings of Fact the applications, exhibits of the appeal including all corrections, clarifications and additions.

Board Review of Practical Difficulty Standards

1. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance;

Denamen Yes; Fadorsen Yes; Klemm Yes; Muehling Yes*; Ziganti Yes

*With or without the variance the property would yield a reasonable return. The lot is a buildable lot in a platted subdivision and does not have any unique characteristics

Majority of Board: Yes

2. Whether the variance is substantial;

Denamen Yes*; Fadorsen No; Klemm No; Muehling Yes**; Ziganti Yes***

*I considered the lack of a substantial variance on the enclosed portion vs. the extension of the roof.

**The variance is substantial and the request for an oversized accessory barn is just based upon wishing to store items.

***The variance is 42.5%.

Majority of Board: Yes

3. Whether the essential character of the neighborhood would be substantially altered or whether the adjoining property owners would suffer a substantial detriment as a result of the variance;

Denamen No; Fadorsen No; Klemm No; Muehling No*; Ziganti** Yes

*No evidence has been presented that the essential character of the neighborhood would be substantially altered or that the adjoining properties would suffer substantial detriment.

**Considering that the property is 1.54 acres, the Zoning Resolution is clear what size an accessory building should be. It has the effect of changing the character of the neighborhood into perpetuity.

Majority of Board: No

4. Whether the variance would adversely affect the delivery of governmental services;

Denamen No; Fadorsen No; Klemm No; Muehling No*; Ziganti No

*No evidence has been presented that the variance would affect any government services such as sewer, emergency, etc.

Majority of Board: No

5. Whether the property owner purchased the property with the knowledge of the zoning restriction;

Denamen No*; Fadorsen No; Klemm No; Muehling No**; Ziganti No

*He admitted he did not check into them and had no knowledge of the restrictions.

**No evidence has been presented that the applicant purchased the property with knowledge of the zoning requirements. However, the lot was purchased in 2023 and the requirements for the zoning requirement have not been changed for a number of years prior to 2023. It would seem the applicant was aware of zoning requirements.

Majority of Board: No

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

Denamen No*; Fadorsen No; Klemm No; Muehling Yes**; Ziganti Yes

*I believe he doesn't have any other places to put his stuff.

**The appellant's predicament feasibly can be resolved by adjusting the proposed plan to the permitted allowable ground floor area.

Majority of Board: No

7. Whether the spirit and intent behind the zoning requirement(s) would be observed and substantial justice be done by granting the variance;

Denamen Yes*; Fadorsen Yes; Klemm Yes; Muehling No**; Ziganti No

*Partly because I believe they have some business-related needs for their real estate that they have to store.

**The spirit and intent behind the zoning requirement would not be observed and substantial justice be done by the granting of the variance since the purpose is to secure the most appropriate use of land to promote stability, protect the character and established pattern of desirable development in each area and to encourage and facilitate orderly growth and development. The appellant has not demonstrated any unique characteristics of the lot. Compliant areas exist. Personal conveniences are not a practical difficulty and disagreement with an existing zoning requirement is not a practical difficulty unless it deprives the appellant of all reasonable use. The appellant has reasonable use of the lot.

Majority of Board: Yes

Approval of Minutes

Motion to approve the minutes as modified of June 9, 2025

- Ms. Fadorsen motioned to accept the June 9, 2025, minutes as presented. Ms. Klemm seconded the motion.
Ms. Denamen/yes, Ms. Fadorsen/yes, Ms. Klemm/abstain, Ms. Muehling/yes, Mr. Ziganti/yes, Mr. Dobrzynski/yes
Motion passed.

Old Business

- Sheet 1 – Zoning Information Sheet – Review for suggested changes - TABLED
- BZA Bylaws review - TABLED

Both items were tabled to next meeting

Meeting closed at : 9:20 p.m.

Approval Date August 11, 2025

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Mindy Denamen, Vice-Chair

Alternate

Mark Dobrzynski

Alternate

Justin Enger

Kathy Fadorsen

Christina Klemm

Margaret Muehling