

**MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, AUGUST 11, 2025, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.**

Chairman Barton Ziganti called the Regular August 11, 2025 Chester Township Board of Zoning Appeals meeting to order at 7:12 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.

**Approval of Minutes**

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

**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.
- August 11, 2025 received request to continue to September 8, 2025 the location of the existing shed.
  - Ms. Fadorsen moved to approve continuance; Ms. Denamen seconded.
    - Ms. Denamen/yes, Ms. Fadorsen/yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

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

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

**APPEAL ZA-2025-7  
Jamie and Steven Saric  
Area Variance  
7880 Mayfield Road**

Mr. Alusheff – Mr. and Mrs. Saric are looking to expand an existing structure on their property. The property is zoned Commercial. They were before the BZA on February

13, 2023 discussing the non-conforming Residential use of the Commercially zoned property. The structure they are proposing to expand would cause the current non-conforming square footage to become conforming, but the current side yard setback on that building is 7 ½ feet at the front corner and the back corner shades away from the property line. It would make the overall structure size conforming and it would continue the non-conforming side yard setback of the structure.

Ms. Saric and Mr. Matt Plecnick (architect) began their testimony.

Ms. Saric – We are looking to put our business in the addition we have proposed. We were here in February of 2023 talking about what we had planned to do in the future and now we have the property ready and we are ready to move forward with our business.

Mr. Plecnick – There are three existing structures on this site. We are looking to extend one of the structures which is already non-conforming. We would like to expand on that existing structure. There are several reasons why. The biggest reason is to share the plumbing and electric utilities.

Mr. Ziganti – So we are looking to extend the existing block structure. What is the size of that block structure?

Mr. Plecnick – Approximately 546 square feet. The proposed addition is 1,351 square feet.

Ms. Muehling – What is the length of the beige structure on the architectural drawing?

Mr. Plecnick – It is 68' long and 20' wide.

Ms. Muehling – That does not include the porch?

Mr. Plecnick – It does not. The Porch is an additional 10'. The dimensions of the porch are 10' x 30'.

Ms. Muehling – How are the existing building and new building attached?

Mr. Plecnick – It will be attached.

Ms. Muehling – What are the dimensions of the existing white building?

Mr. Plecnick – Approximately 32' x 18'.

Ms. Muehling – Can you give me the dimension of the southwest corner of the existing building and the northeast corner of the dwelling?

Ms. Saric – 28'.

Ms. Saric – The reason we are not able to move our building into a different configuration is because of the existing plumbing, HVAC and electrical. Also, our previous garage is moved over a bit to the right to meet the 20' setback on that side. If we were to move the new building, we would lose the conforming of the parking lot to allow enough parking to get in and out.

Mr. Ziganti – What is the separation between the existing garage and the proposed structure?

Ms. Saric – 71'.

Ms. Klemm – Does that include the porch?

Mr. Plecnick – If it took into account the porch, it would be 61'.

Ms. Saric – It also helps us with security in being able to see the parking in front of our building. If we were to move parking spaces and scatter them throughout the property, that would be a security issue. Being a jewelry store, we need to be able to see people coming into the door.

Mr. Ziganti – What kind of security are you putting in place?

Ms. Saric – We have a 7' fence around the property. We also have a security service that is monitored 24/7 and we have a lock on the door. The lock keeps people from coming in freely. We have to buzz them in. We would like this property to be more secure than when we were in the [Geauga] Plaza.

Ms. Muehling – What is the setback of the west, existing garage to the road?

Mr. Alusheff – 140 feet, 28 feet off the west property line.

Ms. Muehling – What is the approximate width of the semi-circular, existing driveway?

Mr. Plecnick – Approximately 12 – 14'.

Ms. Muehling – Should this variance be approved, those driveways would need to be made non-pervious.

Ms. Saric – We plan to update our driveway.

Mr. Plecnick – The driveway has already been prepped for paving.

Ms. Muehling – Do you have written proof that you intend to do this?

Ms. Saric – We have written proof that this was an existing business. We also have proof that Mr. Podojil has installed drainage in the center lot area in the back. This will help emergency services having opened up that center area.

Mr. Ziganti – One of the things we like to do is establish a practical difficulty and we do that by going through the Duncan Factors.

### **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.

Ms. Saric – The purpose of buying the property was to put our business there. I feel like the money we've spent on corrections is definitely an improvement to the community. It also improves the charm of a historic area. We can't do our jewelry store here unless we do this building. It was our purpose from the beginning.

Mr. Plecnick – Without the variance the project would be much more difficult – if not impossible.

Ms. Muehling – That question required a yes or no answer. Are you saying the property has no value if you don't get the variance?

Ms. Saric – I think it is asking if the property would have a reasonable return. We are making it have a reasonable return by improving it further.

Ms. Muehling – Then your answer is, No.

Mr. Ziganti – They can answer it any way they wish.

2. Whether the variance is substantial.

Ms. Saric – I don't think, as I look down Mayfield Road, that it is a substantial variance. We still have a distance between us.

Ms. Muehling – I believe the variance from the southern point is 60.8%. If you take the northern point it turns to be 43.7%. Nowhere is it greater than 60% or less than 43%. I think by the numbers, it is a substantial variance.

Ms. Denamen asked if that is Marshall's on the east side of the Saric property.

Ms. Saric – Yes. The large building you see on the northwest part of their property was built last year and did not receive a variance and it is on the property line. The existing building is also on the property line. Moving forward, this is where we come into the "morality" of it.

Ms. Muehling – I think the Marshall lot had a water problem that they were causing and that was corrected?

Ms. Saric – We had to sue them civilly to get them to correct the water problem and it was corrected.

Ms. Denamen – I think what Ms. Saric is saying is that they spent all this money in preparation for being able to put their business on this property.

Ms. Muehling – In terms of looking at their lot, no matter how it was solved, it was solved.

Ms. Saric – The other issue was that no one in town had the ability or authority to help us solve it. What is the point of going through legal either way. We had no choice but to challenge Marshall's.

Ms. Muehling – You had a problem, you took it in your hands and solved it. Our issue is to look at whether the problem was solved or not – not how it was solved. Any issues that are now on that lot are of no concern to us unless they cause a problem to you. We have to look at what you're doing on your lot. For us, the water problem was solved.

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;

Ms. Saric – The visual of what we have now – I believe we are improving the look of the area.

Ms. Klemm – I looked next door and I don't see any windows that would interfere with them.

Ms. Denamen – (Pointing at Nearmap), will that area (the northern part of the property) all be greenspace? (Drawing is on Staff Summary for this case.)

Ms. Saric – Yes.

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

Mr. Plecnick – I don't believe it affects services at all.

Ms. Denamen – Police, Fire, Emergency...

Ms. Saric – We don't have anything blocking the area back there. With the improvements we have done, it is far more accessible than it has ever been.

Ms. Muehling – Do emergency services have clear access to all of your buildings? They clearly cannot go down the east lot line – that is where the distance is small. Do they have capacity to get equipment in there and will the condition of the driveways and access ways be able to handle the weight of the equipment that would be necessary?

Mr. Plecnick – If you mean a fire truck? I believe you could pull it down the center and I believe it will not obstruct any governmental services.

Mr. Ziganti – It sounds to me like it would enhance the accessibility.

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

Ms. Saric – We did not. We were told that this would be very simple and we would probably have everything operational within a year. Here we are, almost three years later. We didn't know until we were in it. We obviously had to address the issues and fix them.

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

Ms. Saric – Based on the space and set up of everything, I think this is the only way we can do this. Based on what it would look like, the accessibility, the parking and the ability to have a slight overhang to protect people from the weather. I don't think it could go any other way. I feel like this is a very small ask.

Ms. Muehling – What use will the small existing building now have in your new plan?

Ms. Saric – That will be our storage area. Christmas decorations, gift wrap, overflow.

Mr. Plecnick – It will also include a restroom and mechanical room.

Ms. Muehling – Asked the Zoning Inspector this question – Of the three existing buildings right now, how would you classify them? Are they non-conforming Commercial?

Mr. Alusheff – The house is pre-existing, non-conforming because it is zoned Commercial, but it has a non-conforming residential use that was determined by the BZA in 2023. The west garage, that is used as a personal residential garage accessory building.

Ms. Muehling – But when it was built, it was built on a Commercial Zoning Certificate.

Mr. Alusheff – That garage was permitted by a prior Zoning Inspector. That garage was permitted before they came to the BZA in February, 2023. I would not agree the permit was issued properly, but the permit was issued. From the Saric's point of view, they

went to the Zoning Inspector, they said exactly what they wanted to do, they filled out an application, had it approved and they built the structure.

I did spend over 2 ½ hours with the Saric's in reviewing this case.

Ms. Muehling – My point is, how is the garage classified? Is it non-conforming? If someone wanted to make a change on that and it's non-conforming, what set of rules would you look up?

Mr. Alusheff – You would have to look up Commercial because it is in the Commercial District.

Ms. Muehling – So, it's non-conforming, Commercial.

Mr. Alusheff – Yes.

Ms. Muehling – What is the classification for the original, little garage?

Mr. Alusheff – That's a non-conforming structure. It still abides by the same rules, but that structure has been around, as far as I can tell, prior to Zoning being in effect.

Mr. Ziganti – If this block structure is non-conforming because it is too small, if this is allowed to be extended, we will remove that one non-conformity?

Mr. Alusheff – Because it's too small and causes the non-conformity and it is too close to the property line. At the February 2023 BZA hearing, Mr. Ziganti asked the Saric's if we find this property to be non-conforming, anything you want to do in the future, you'll have to come back as an extension of a non-conforming use and here they are.

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

Ms. Saric – I feel the justice would be in allowing the variance based on what we've been through. It would improve the township if we kept our business in the town. Instead of going elsewhere, we are trying to stay in the town where my husband and his family have had their business for 35 years. We've done a lot for the town.

Mr. Ziganti invited sworn in audience members who would like to speak to the Board to come forward.

Ms. Gifford – I noticed you have two driveways. Is one going to be an entrance and the other an exit? When the Bakery went in, there was an ODOT concern about the Bakery using Mayfield Road. Have you checked into that?

Ms. Saric – Yes. Because the driveways were used by a previous business, ODOT is not concerned.

Ms. Gifford – I thought I read in the Commercial section of the Zoning Resolution that there can only be one driveway for a Commercial business. Is that true?

Ms. Muehling – If the lot is less than 200', there can only be one driveway permitted.

Mr. Alusheff – That is referring to new development. A vacant lot that is not touched – this would apply. But, Zoning does not have the ability to go back on existing properties and apply the new rules.

Ms. Muehling – Did you check with ODOT to make sure they had no concerns.

Ms. Saric – ODOT did not have any concerns.

Ms. Nissen – I think as a business owner and for what they have gone through, this should be approved.

Public Comments was closed

Ms. Klemm – What about signage? Do you have a plan for that?

Ms. Saric – We've left the current sign, because it is grandfathered.

Ms. Muehling – Will you have poles for lighting on your lot?

Mr. Plecnick – No, I don't believe additional lighting will be necessary.

Ms. Muehling – What is the square footage of your house?

Ms. Saric – I really don't know.

Group discussion discussing the house layout and porch. Concern was lot coverage.

Mr. Ziganti – Is the parking required calculated at 8 spaces being required.

Mr. Alusheff – Per the Zoning Resolution, 8 spaces are required.

Group discussion evaluating the number of parking spaces required. Final determination was 8 parking spaces was sufficient.

Public portion of the meeting was closed.

Ms. Fadorsen made a motion to approve ZA-2025-7, granting a variance for the plan showing the extension of a pre-existing, non-conforming building closer to the side yard setback than is required by Section 5.02.03(A)(3), in accordance with Section 10.05.0(E) of the Chester Township Zoning Resolution. Ms. Klemm seconded the motion.

Ms. Fadorsen – I think they have done a great job on improving the curb appeal of this property. Now that the front building is going to no longer be non-conforming because of size, I think we can live with the 9' off the lot line.

Ms. Klemm –By making the building larger, it will decrease part of the non-conformity.

Ms. Denamen – I also think the alterations done to the property, specifically with the improved drainage has had a positive impact. I do think the additional parking configuration makes it more accessible for emergency vehicles.

Ms. Muehling – What we approve tonight is whether this plan is the best use of the land or makes it the most non-conforming. Is there another solution that has not been examined? We are asked to look at a drawing, but is that the only place that building could be used? Is there another option that was not looked at? Speaking to the Zoning Inspector – Chris, could you please tell me if other options were looked at and what they were?

Mr. Alusheff – Putting it in the back of the property, moving it over further, cutting off some of the parking area, having it perpendicular to where it is. We discussed at least three to four different locations. They came into my office, and we worked on this for over 2 ½ hours. Believe me, if there was a way to get this done without them coming to the BZA, we would have done that.

Ms. Muehling – Did you discuss possibly using the existing 24 x 60 building for their jewelry business? It's a non-conforming building and is approximately the size of the new building. It's placed so that it would be conforming. If it went there, then we would not be creating a non-conforming building and we would be changing a non-conforming use to a conforming use.

General discussion continued amongst the members of the BZA about using/considering the existing garage.

Mr. Alusheff – The reason we did not discuss the garage is it was not what they wanted. There were many other things we could have discussed, but they are not feasible for what they wanted.

Mr. Ziganti – It was stated that utilities – water, electric, perhaps gas and sewer is all there. That's practicality. I'm also looking at it from a practicality standpoint with the architect's drawing, *A1 01 (attached)*. As I look at it, you're coming in from a covered porch. From a security standpoint, the customer is just in the middle section. It allows for the back areas (storage) to not have a bowling alley effect. Finally, we're taking a non-conforming building and we're making it more conforming. It's not unusual to take a non-conforming structure and extend it. We've done that previously.

Mr. Ziganti – Asking the Zoning Inspector – Did you generate the numbers on the side yard setback?

Mr. Alusheff – Yes, based on the material submitted by the Saric's (attached).

Mr. Ziganti – So, is this accurate?

Mr. Alusheff – Yes, they submitted the highlighted aerials showing ...

Ms. Muehling – I don't think this is relative to this discussion.

Mr. Ziganti – Well, it is as many of these properties are less than two feet off the property line.

Ms. Denamen – It sounds like everyone has their reason for practical difficulties based on what we have heard. Are we ready to make a decision?

Ms. Muehling – Do we do the Duncan Factors first?

Call the Roll –

Ms. Muehling/No; Ms. Klemm/Yes; Ms. Fadorsen/Yes; Ms. Denamen/Yes; Mr. Ziganti/Yes Motion passes

Duncan Factors:

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.

Ms. Muehling – With or without the variance, the property would yield a reasonable return of the property as it existed at present. Vote - Yes

Ms. Denamen – I don't disagree the property has value. I think the improvements do enhance the value along with the improvements to the property drainage. I think it's a positive. Vote – Yes

Ms. Klemm – It will not yield a reasonable return for a commercial property. Vote – No

Ms. Fadorsen – Yes

Mr. Ziganti – This is a commercial property that we granted a residence on and therefore it should have a commercial use. I'm hesitant to say no, but I have to vote – No.

2. Whether the variance is substantial.

Ms. Denamen – No; Ms. Klemm – No; Mr. Ziganti – Yes; Ms. Fadorsen - No

Ms. Muehling – It starts with a variance of 68.8% and moves to a variance of 43% and that is still substantial. It is an improvement, but still a substantial variance. Vote – 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;

Ms. Muehling – No evidence has been shown that this would create any change. Vote - No

Ms. Denamen – No; Ms. Klemm – No; Ms. Fadorsen - No; Mr. Ziganti - No

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

Ms. Denamen – No; Ms. Klemm – No; Ms. Fadorsen – No; Mr. Ziganti – No

Ms. Muehling – Yes; I think information is missing showing driveways and distances. I'm talking about exact distances for emergency vehicles is adequate or that ingress and egress is in compliance. I think a site plan is needed. A site plan based on a survey showing location and dimensions of proposed building and structures. Especially in regard to distances between buildings and driveways on the east side of the lot. I don't think there can be guesswork when working on a difficult situation. I don't think Nearmap or REALink can be relied on. Those are approximate.

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

Ms. Denamen – No; Ms. Fadorsen – No; Ms. Klemm – No; Mr. Ziganti - No

Ms. Muehling – Yes, during the public hearing on February 13, 2023, the BZA moved to accept the withdrawal of the Use Variance request, found the property to have a pre-existing, non-conforming residential use, contemplated a future commercial use on the property along with the continued residential use, and informed the Saric's that any future proposed development would require an appearance before the BZA; the Saric's agreed. Therefore, it would seem the appellants had prior knowledge of the Zoning requirements.

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

Ms. Denamen – No; Ms. Klemm – No; Ms. Fadorsen – No; Mr. Ziganti – No, because of the practicality of putting in a business that they expect to put in. I think it was a very reasonable solution.

Ms. Muehling – Yes, I think there’s a possibility. I think compliant areas exist where the proposed building could be located. Without a site plan, based on a survey showing location and dimensions of all existing and proposed buildings, it is difficult to accurately examine possible areas to accommodate the appellants proposed building. Vote – Yes.

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

Ms. Denamen – Yes, we are not in the business of making it hard for businesses to do business or be in Chesterland. My practicalities include: taking something and building off of it because of the utilities, the security layout – the way no one can drive through the building, the removal of one variance – taking it from two non-conforming to one non-conforming, and altering the environment for the drainage and I feel they have increased accessibility to those back buildings for the emergency vehicles. For all those reasons, I feel it is our duty to work with a local business in this situation.

Ms. Klemm – Yes, because they’ve taken the time to go the Zoning Inspector, come before this Board – multiple times to ask permission and to do their due diligence;

Ms. Fadorsen – Yes;

Mr. Ziganti – Yes

Ms. Muehling – No, the spirit and intent behind the zoning requirement would not be observed if the variance was granted. Zoning attempts to bring non-conforming buildings into compliance. This variance request has increased the size of a non-conforming building seemingly without examining if it could be located in a compliant area. The plan shows that the existing, non-conforming east building (576 square feet) proposed new addition (1,726 square feet). The increase shows a resulting non-conforming building of 2,302 square feet. It’s larger than it was. In other words, we took a small, non-conforming building and we increased it to a large non-conforming building. I don’t think that’s the spirit and intent of the zoning requirement.

### **Findings of Fact**

Steven and Jamie Saric and Matt Plecnick came before the Board to request an Area Variance for the property located at 7880 Mayfield Rd. The request was to extend a pre-existing, non-conforming building measuring 576 square feet by adding a 68’ x 20’ extension with a 10’ x 30’ canopy resulting in an overall square footage of 2,132 square feet. It was noted that by increasing the size of the non-conforming building to greater than 1,000 square feet, a non-conformity for the property would be removed. It is noted that the extension will continue with the structure being within the 20’ yard setback. The southeast corner of the preexisting building is 4’ 8” from the east property line. The northeast corner of the extension will be 5’ 9” from the east property line.

The appellant presented reasons for this design to allow for existing utilities in the block structure to be utilized and to allow for the required 8 parking spaces to be located on the western edge of the extended building.

This was done in accordance with Section 10.05.0 (E) of the Chester Township Zoning Resolution. The side yard setback was done in accordance with 5.02.03 (A)(3) of the Chester Township Zoning Resolution.

**Point of Clarification:** Testimony during the meeting of August 11, 2025 used dimensions obtained through REALink. A stamped survey was received prior to approving the Findings of Fact. Exhibit 1A, 1B and 1C in the file were contained in an email received from Mr. Matt Plecnick, architect for the project.

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

**Old Business**

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

Both items were tabled for the next meeting

Meeting closed at : 9:14 p.m.

Approval Date September 8, 2025

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Kathleen McCarthy, Admin. Assistant

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Barton Ziganti, Chairman

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Mindy Denamen, Vice-Chair

\_\_\_\_\_  
Mark Dobrzynski

\_\_\_\_\_  
Alternate  
Justin Enger

\_\_\_\_\_  
Kathy Fadorsen

\_\_\_\_\_  
Christina Klemm

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Margaret Muehling