

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, NOVEMBER 10, 2025, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular, November 10, 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/absent, Ms. Fadorsen/yes, Ms. Klemm/absent, Ms. Muehling/yes; Mr. Ziganti/yes
*Mr. Dobrzynski will serve as a voting member tonight in the absence of Ms. Klemm
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.

Approval of Minutes

- Ms. Fadorsen motioned to accept the October 13, 2025, minutes as modified; Ms. Denamen seconded the motion.
Ms. Denamen/yes, Ms. Fadorsen/yes, Ms. Klemm/absent, Mr. Dobrzynski/abstain, Mr. Ziganti/yes
Motion passed.

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

**APPEAL ZA-2025-11
Dr. Leah Gongola/Proactive Behavior Services, LLC
12573 Chillicothe Road
Area Variance**

Mr. Alusheff – Gave a review of this case for an existing structure that currently has a side yard setback variance because it is on a corner lot. She is coming before the BZA to request an expansion of the existing parking lot which is currently non-conforming in setbacks and number of spaces. This variance, if approved, would make the parking less non-conforming for the number of required parking spaces.

Currently there are 23 spaces. Based on current staffing, the required amount of parking spaces would be 54 spaces. The proposal would bring the total number of spaces to 36. The encroachment of the proposed expanded parking lot is on the required rear setback.

Board discussion/concern as the appellant is asking for 36 parking spaces, but 37 were counted on the drawing. Clarification needed on which number the BZA would be looking at. There was confusion on which diagram to use and which number of actual parking places. The board determined to use the drawing which states 36 spaces. The appellant, testified that the plan is to add 36 spaces.

Dr. Gongola – We are looking for an expansion of our existing parking lot to meet the needs of our growing business. We have eight doctors in our practice and a variety of behavior technicians. We have a total of 36 employees that are mostly there every day. We have at least 32 staff members on-site at any one time. We work one-on-one with children with disabilities. We also provide parent and school district trainings. We're looking for something to help accommodate those parking needs.

The tree at the east end of the property will have to be removed to allow this expanded parking lot.

Mr. Alusheff – If this were to go through, Proactive would have no more than 50% lot coverage where she is allowed to have 60% lot coverage.

The board asked how many feet the parking lot would be from the east end of the rear property line.

Mr. Alusheff – per the drawings, it will be 10' at the northeast point of the proposed paving and tapering down to 5' at the southeast point. That required setback is a 60' rear yard setback.

Mr. Alusheff – as for the side yard on the north and south side, it will be 15' off and 5' on the east and west side. The parking lot will remain tipped.

Ms. Muehling asked – How long have you been in this building?

Dr. Gongola – This past September it was year number four.

Ms. Muehling – Has your business grown so much you need the additional spaces?

Dr. Gongola – Definitely.

Ms. Muehling – Are you an owner or a lessee?

Dr. Gongola – I am both. I own the building and my company leases the building.

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.

Dr. Gongola – Definitely a return to the community. It would offer value??

2. Whether the variance is substantial.

Dr. Gongola – No, we already have an established variance and this would just be an expansion.

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.

Dr. Gongola – No, it is unused space.

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

Dr. Gongola – No it would not.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions.

Dr. Gongola – No, I thought the parking lot at the time was perfect, and it was for the first two years. Now we see the need for more parking.

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

Dr. Gongola – No.

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

Dr. Gongola – I think so.

Ms. Muehling asked for clarification of who the people were that sent letters. Mr. Ziganti indicated the board does not accept letters as factual unless presented by the writer as sworn testimony. However, individual members may consider these letters as opinion.

The first letter of support was from Daniel Hazen, President Hazen Contracting. The second letter of support was from Daniel Smith, President Consolidated Investment Corporation – owner of the Drug Mart Plaza.

Mr. Dobrynski reopened discussion on number of parking spots being asked for. Group BZA discussion continued. The number of spaces added determines how much closer we are bringing it to conformity. We need to determine that the parking lot enlargement will be able to contain the number of parking spaces they want.

Ms. Muehling said we need to know the dimensions of the actual parking space too. She noted that the pictures say 18' x 10'. The resolution requires the parking space measure 20' x 10'. It was determined the parking stall size would be 18' by 8'11" and 5/16" wide. It should be 20' and it's 18' and it should be 10' wide and it's 8'11" and 5/16".

Mr. Ziganti confirmed that what was being proposed was a new aisleway and parking spaces on the eastside. That would mean the new parking spaces would need to conform to the 10' x 20' size.

Ms. Muehling asked for confirmation of the parking spaces in the existing lot. Dr. Gongola confirmed that the existing parking spaces are 8' 11" and 5/16" wide and 18' long.

Mr. Ziganti asked if the parking pad would be deep enough to accommodate parking spaces configured for a 10' x 20' size.

Dr. Gongola – I was trying to be consistent with the current parking lot spaces. If we need to make the slots larger to be in conformity, we will and we'll just lose the extra two spaces.

Mr. Ziganti – We're actually talking about depth as well. You need to have an aisleway for ingress/egress. You are proposing to add an aisle to the east side of the property and the area in which the cars are to be parked. The question is – Do we actually have enough room to do that?

Mr. Alusheff – The answer is, No.

Group discussion continued examining ways that may result in more parking spaces and greater conformity.

Mr. Ziganti summarized the findings as – Existing parking lot has 23 existing parking spaces that are under sized, but if we went with this plan, an aisle sufficient of 22' could be put in place that would include an apron that goes all the way to Seminary Lane. Instead of this drawing showing 13 spaces added, we will only get 11.7 spaces. If the lot was made to mirror the existing lot, then it would be 13 spaces. Mr. Ziganti pointed out that 13 spaces would not be permitted because they would be undersized.

Mr. Ziganti suggested considering a professional look at this to determine if there may be a better opportunity than what was determined today. "Right now we are at 34 spaces and you wanted 36. We as a board are aware of that now and it needs to be taken into account."

Ms. Denamen made a motion to approve the existing parking spot sizes as is. "I also motion we approve the same non-conforming size in the expansion which would give

her the full request of parking sizes totaling 36 parking spots.” Ms. Fadorsen seconded the motion.

Ms. Muehling – We need an accurate drawing and as near as possible we need to bring it into the available space as best possible. My own feeling is this case may be more beneficial to the applicant if someone else looked at that map. That would mean a slight delay. I don’t see how that would affect your daily business since you’ve been going ahead with it anyway.

Mr. Dobrynski – I tend to agree. I do not feel it’s my place to force the corrections for the existing spots. They are what they are. But the new aisle in the new spaces should be conforming.

Ms. Denamen – If we tell her to get a professional opinion and they want to change it all around and she loses those front parking spaces, then we have to spell out what she is allowed to put in there. Are we saying, it has to be the 10’ x 20’? My thinking is she is asking for an Area variance. I think it definitely limits the resale value because you have to have someone in there that does not have a booming business because of the existing parking spaces.

Mr. Dobrynski – That is one option. The other option is move forward with what she has, but I would say with the understanding the aisleway and the spaces of the new lot have to conform with the current requirements.

Group review/discussion of possible solutions continued.

Mr. Dobrynski – addressing the Zoning Inspector – Is it in your professional responsibility – is it a concern that we would knowingly approve spaces that don’t conform? I’m speaking about the new spaces, not the current ones. Would that be an issue?

Mr. Alusheff – The BZA has the authority to grant a variance on the spot in the case. I think it’s within the BZA’s authority to do so.

Ms. Denamen – I call the question.

Ms. Muehling – I am concerned about passing a variance without an accurate map stating precisely what you would do. I believe whenever possible we should move to conform to the zoning regulations as they stand. I vote No.

Ms. Fadorsen – I vote yes.

Mr. Dobrynski – I vote yes.

Ms. Denamen – I vote yes.

Mr. Ziganti – I vote no.

Motion passes.

Findings of Fact

ZA-2025-11

Proactive Behavior Services, LLC came before the board requesting a variance for an expansion of their existing parking lot of 23 spaces to the proposed 36 parking spaces. By expanding the parking lot to encroach further on the side and rear property lines. The existing parking area would be expanded to include a second byway of a third row of parking spaces that will be expanded to within the southeast property line of 5' and the northeast property line of 10'.

The expanded parking area will also include expanded apron area off of Seminary Lane to permit ingress and egress to the added aisleway. It was determined during examination that the existing 23 parking spaces measured 18' depth and 8' 11" and 5/16" width.

The board determined that the additional parking spaces to be added may be sited to be 18' depth and 8' 11" and 5/16" width and mirror the size of the existing parking spaces.

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

Old Business

We're waiting on a response from the Zoning Commission to clarify Section 12.02.04 of the Zoning Resolution which has to do with the board being required to meet within 30 days from an appeal so the minutes can be approved.

Mr. Alusheff reported that the Zoning Commission is open to revising the schedule to match the O.R.C.

Ms. Muehling distributed an updated proposal from 2015 on pool covers. After review at the next BZA meeting, the BZA will make a decision on how to proceed.

New Business

Next meeting November 18 at 6:30 p.m. to discuss BZA Bylaws.

Ms. Muehling had trouble relating the drawings of tonight's hearing and was unhappy with the red font type the appellant used in their submission. It was not apparent that the required parking spaces per the resolution is 54 spaces and that figure is necessary

to determine the % of variance. (It was later identified that figure was in the letter of support submitted by the contractor.)

Meeting closed at: 9:08 p.m.

Approval Date December 8, 2025

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Mindy Denamen, Vice-Chair

Mark Dobrzynski

Justin Enger

Kathy Fadorsen

Christina Klemm

Margaret Muehling