

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, MARCH 9, 2026, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular, March 9, 2026 Chester Township Board of Zoning Appeals meeting to order at 7:00 p.m.

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

Roll Call

Members present: Ms. Denamen/absent, Mr. Dobrzynski/yes, Mr. Enger/yes*, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

*Mr. Enger is a voting member in the absence of Ms. Denamen

Zoning inspector: Mr. Alusheff

Admin present: Ms. McCarthy

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

Approval of Minutes

- Mr. Dobrzynski moved to approve the February 9, 2026, minutes; Ms. Muehling seconded the motion.
Mr. Dobrzynski/yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes
Motion passed.

Ms. Muehling moved and Mr. Dobrzynski seconded the acceptance of the withdrawal of Appeal ZA-2025-12 from Mr. Paul Ridley.

Mr. Dobrzynski/yes, Mr. Enger/yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

**APPEAL ZA-2026-1 - Paul Ridley
12524 Caves Road
Area Variance (Continued)**

Mr. Ziganti had members of the audience who wanted to testify in this case stand and be sworn in.

Zoning Inspector Overview

Mr. Alusheff described the proposed accessory building as an 8,424 square feet building where the current Zoning Resolution has a maximum accessory building size of 2,500 square feet. This is in violation of Section 501.3. The proposed height of the structure is 25' with a maximum size of 20' per Section 501.17 This appeal is also

contingent on a proposed lot consolidation as the proposed structure crosses the lot line between his two properties.

Mr. Paul Ridley – We are seeking a variance that would allow us to improve our property by building a medium size barn that would be carefully tucked back into the woods portion of our land. The location we have selected ensures the structure would not be visible from Caves Rd., Bentbrook Dr. or any of those homes. The barn would primarily be used for storage, recreational equipment such as – boats, RV, side by side jet skis, dirt bikes, tractors, etc. It would also provide a space for indoor recreation such as pickle ball, basketball and similar activities for our family and guests.

As we continue to grow our family, our goal is to create a property where family, friends and neighbors can gather and enjoy their time together. Following the guidance of the [BZA] board, we withdrew our original variance request and submitted a new application that consolidates our two parcels of property.

This provides an approach for us to increase the square footage of an accessory building and no longer require an additional septic system or an additional driveway. It also allows the barn to be tucked further back in the woods which is the main reason we are pursuing this process.

There are several large barns in the surrounding areas. For example, across the street and on Sherman Rd. there is a large barn located close to the road. The barn we propose would be significantly smaller than those and would not be visible from the road. Our goal is to make a thoughtful investment to our property while keeping the structure discreet and respectful of the surrounding area.

We have neighbors who have signed support for this project. We ask for your support.

Board Review of Practical Difficulty Standards

Mr. Ziganti – Directed the board to review Mr. Ridley's responses to the standards of the case as submitted on page 11 of the Staff Summary.

Mr. Ridley read his response from the Variance Statement he submitted and as included on page 11 of the Staff Summary.

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

Mr. Ziganti – You indicated the land is non-productive and by building this structure it is going to be productive. You're indicating this structure will be used for storage as well as indoor recreation. Correct?

Mr. Ridley – Yes

Ms. Muehling – The property in question does have market value. The landlocked property can be used for agriculture, to protect the view, for recreation or to protect a historic site. The Geauga County sub-division regulations do permit a no-fee transfer to an adjacent owner that does not create an additional building site. If Mr. Ridley chose, he could attach that lot to his at no charge. I do believe he has compliant places on his original lot to begin with. When did you buy the house?

Mr. Ridley – About two years ago.

Ms. Muehling – In 2023?

Mr. Ridley – Yes

Ms. Muehling – Did you realize the lot had to be recorded? There is a process it has to go through, and have you started that process?

Mr. Ridley – No, I would like the variance first – otherwise there is no point in doing it.

Ms. Muehling – That's your right. OK.

Mr. Ridley read his response from the Variance Statement for Standard 2 as included on page 11 of the Staff Summary. Whether the variance is substantial.

Mr. Ziganti – This variance would allow for an existing building to remain which would amount to close to 10,000 square feet which would be a 400% or 300% variance.

Ms. Muehling – It's actually, 8,424 sf. He has already used 480 sf. 2,500 sf is permitted. 2,500 less 480 leaves 2,020 sf. The size of the detached accessory building is 8,424 – 2,020 leaving 6,404 sf. That's the variance – 6,404 / 2,500 (permitted) equals 256.16% variance and that is substantial.

Mr. Ridley – It is a big change, but that does not consider the fact that Chesterland has said over and over again that 2,500 is ridiculously low which they may be looking to change and if I was trying to do this a year from now, I probably wouldn't even need to come to this board.

Mr. Ziganti – We operate on the Zoning Resolution as it presently stands.

Mr. Dobrzynski – Can you clarify the discrepancy with the height? You feel that 35' is acceptable?

Mr. Ridley – the regulation has different heights depending on the size of the structure. The problem is because it cuts off at 2,500 sf, it doesn't continue. If it did continue, it would allow for a higher roof and of course it doesn't.

Mr. Dobrzynski – And that is why you applied for two variances because this structure will probably be higher than 20 feet.

Mr. Ridley read his response from the Variance Statement for Standard 3 as included on page 11 of the Staff Summary. 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.

Mr. Enger – You said, you can't see it from Caves Road. Can you see it from any other roads behind that?

Mr. Ridley – There is a road behind that, and they will not be able to see it.

Mr. Dobrzynski – What do you base that on?

Mr. Ridley – From that location, you cannot see the homes in the back. If I can't see the homes, they cannot see this structure. There's a lot of woods back there. Because it is on a hill you can't see.

Mr. Dobrzynski – Have you stood at a height of 24' above the ground to see if you can see them or they can see you?

Mr. Ridley – No, I have not stood at 24' above the ground.

Mr. Dobrzynski – You would not be able to tell us with certainty that they could not see this structure from their property.

Mr. Ridley – It is my opinion that they would not be able to see this building.

Ms. Klemm – Are you planning on putting any lighting on this structure?

Mr. Ridley – In the front, there would be a motion sensor, and the front faces my home.

Ms. Muehling – The proposed detached accessory building is a large building and not compatible with the surrounding residential development. It will be visible from adjoining properties and existing roads adjacent to the lot because of its size, height and elevation. The site plan on the proposed consolidated lot indicates a detached accessory building with an area of 8,433 sf. The perimeter is 372 feet; the height will be between 30' and 32'. I think the sheer bulk of this building is going to make it visible. I am concerned about drainage flow from the building to the neighbors in the back on Bentbrook.

Mr. Ridley – There is a building on Sherman that is Residential and that would be more of a fair comparison.

Ms. Muehling – The building you are talking about is an attached garage.

Mr. Ridley – His options were, he had to attach it because the limit on the accessory building is so low. I would be willing to bet that if he had other options, he would have put this large structure further back. This variance is to prevent my accessory building being placed closer to the road.

Mr. Ziganti – We can look at the neighborhood and contiguous properties should be considered. Your variance request needs to stand on its own merits against the Zoning Resolution.

Mr. Dobrzynski – I would like to comment about potential detriment to the neighbors behind you. You could cut every tree down on your property and that would have a detrimental impact on them. But you could do that and it would affect drainage and all that. That aside, you're putting this structure there and haven't really shown how that is going to impact, or more importantly, how it will not be a detriment to them. In terms of water run-off.

Mr. Ridley – Certainly, we could get a study to show that this wouldn't cause any problems.

Mr. Dobrzynski – You have a neighbor that's roughly 76 feet from that building. They potentially would have an impact with that and the aesthetics with it. Those are both factors that have to be considered when we ask that question to you.

Mr. Ridley – The one property would be able to see parts through the woods. I will be planting large evergreen trees in front of the building.

Mr. Dobrzynski – I can respect that, but unfortunately, I don't see that. It's not part of this plan. It's stated, but it doesn't show where.

Mr. Ridley – It will be done so that the building cannot be seen.

Mr. Dobrzynski – I understand that, but I don't see where. Will it be from the east, from the west, seen from the south?

Mr. Ridley – They will be planted from the east, the south and the west.

Mr. Dobrzynski – I'm not seeing that on your map. Those are the things that help us understand your position.

[Mr. Ridley drew the locations of evergreens onto his site map, and it was included as part of the file for this case.]

Mr. Ziganti – I want to state that I made a misstatement earlier. If we look at page 7 and 8 and page 9 and 10. Did Mr. Ridley apply for two variances? What I stated before is

incorrect. We have two separate variances that can be voted on separately (one is for the height, and one is for the overall square footage).

Mr. Ridley – The house to the north has already signed a document saying they support this.

Ms. Klemm – Is there a reason this building isn't further north behind your property?

Mr. Ridley – In our backyard, we have a pool, a 100-year-old patio with a chimney, we have a well. We have a number of things that would be in the way. We kept it back in the woods to keep it from being visible from the road.

Mr. Dobrzynski – What would help is precise pictures and sketches. I don't see that on the sketch. It would have benefited us to have that on the sketch.

Mr. Ridley read his response from the Variance Statement for Standard 4 as included on page 11 of the Staff Summary. Whether the variance would adversely affect the delivery of governmental services.

Ms. Muehling – I agree. It won't.

Mr. Ridley read his response from the Variance Statement for Standard 5 as included in page 11 of the Staff Summary. Whether the property owner purchased the property with the knowledge of the zoning restrictions.

Ms. Muehling – You bought the property in 2023, right?

Mr. Ridley – Right.

Ms. Muehling – So actually, there hasn't been any evidence to show you knew what was going to happen there. Was the house in 2023 exactly as it is today?

Mr. Ridley – There have been no additions.

Ms. Muehling – Did you have the same need now as then?

Mr. Ridley – We always planned to build a barn. I had no idea it would be so difficult to do so. One of the reasons we moved out here is because we wanted to have land and space.

Ms. Muehling – You got the land-locked piece at the same time?

Mr. Ridley – Yes, it was a package deal.

Ms. Muehling – There was no evidence that I could find that indicated you knew you were going to have trouble. However, there are some coincidences. Your statement that you bought it in 2023 and immediately you put in for variances which is quite a coincidence. There was hardly a living spell in the dwelling before you requested variances, the first one in December 2025. I think this indicates they knew they were going to need a barn and maybe a large one. I don't want to present that as evidence though.

Mr. Ridley – It was over two years before we filed this variance. We lived there for a year, we had our son and then we started talking again about getting the barn done. As we dug into it more, it got more complicated as it unfolded.

Mr. Ridley read his response from the Variance Statement for Standard 6 as included on page 11 of the Staff Summary. Whether the property owner's predicament feasibly can be obviated through some method other than a variance

Ms. Muehling – There's a difference between a want and a need. The difficulties that are being asked in this variance are self-imposed and larger than a reasonable request. A variance of approximately 250% is substantial. The applicant should consider a less intensive, on-site accessory structure that does not exceed the storage permitted in the Chester Township Zoning Resolution. The lot is large enough to locate compliant sites. Any storage that cannot be accommodated should be off-site storage. This is a huge building and a very intensive use in a residential area. It is more appropriate to an Industrial area – I think.

Mr. Ridley read his response from the Variance Statement for Standard 7 as included on page 11 of the Staff Summary. Whether the spirit and intent behind the zoning requirement(s) would be observed and substantial justice be done by granting the variance;

Ms. Klemm – What the board has approved before has no bearing on this case.

Ms. Muehling – No, this is not the intent of the Zoning Resolution. The appellants are requesting a more intensive use of property than would normally be permitted under the residential district regulations. The spirit and intent behind the Zoning requirement would not be observed and substantial justice would not be done by granting the variance. Since the purpose of Zoning is to secure the most appropriate use of land to promote health, safety, general welfare stability, to protect the character and established pattern of desirable development in each area and to encourage and facilitate orderly growth and development. Each case is examined on its own merit. No variance shall adversely affect the use or value of the area or neighborhood nor alter its essential character. Substantial justice requires that the interests of the community, the neighborhood and the adjoining property owners be given due consideration. A property owner encounters practical difficulties whenever the area zoning requirements – that is size, building and height have unreasonably deprived him or her of a permitted

use of the property. Personal conveniences are not a practical difficulty. Disagreement with an existing zoning regulation is not a practical difficulty unless it deprives the appellant of all reasonable use of the property. The appellant has reasonable use of this property.

Mr. Ridley – I have no use of that property. I cannot use it. I'm paying taxes on that lot and I cannot use it.

Ms. Klemm – You could put trails on it. Maybe you consider a lesser size of the building.

Mr. Ridley – I'm open to moving it.

Ms. Klemm – Would you consider less square feet?

Mr. Ridley – I could trim it a little bit, but the problem is we don't want to have an RV or boat in the yard. Is the alternative better to have stuff out in the yard? Increasing the value of this property increases the value of the properties around it.

Mr. Ziganti – Article Two in the Zoning Resolution defines Accessory Building as: *ACCESSORY BUILDING, STRUCTURE, OR USE means a subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use.* What you are describing is a rather unusual use of an accessory building.

Ms. Muehling – It says an accessory building is incidental to the remaining structures. I don't think a building that is 8,400 sf is incidental to this lot. I also think it is a misnomer to think of it as a barn which it is not. It is a storage building. It's massive. It's a very intensive use, I think.

Mr. Ridley – The house itself has more square footage than this building will have. The livable area is 8,600 sf.

Ms. Klemm – This footprint of the proposed accessory building is larger than the footprint of the house.

Mr. Ridley – That is correct.

Public Comment

Mr. Marc Kruzer 12497 Bentbrook Dr. – Was the geological impact of this building considered for water runoff because I am at the bottom of that hill. How will runoff be controlled/mitigated for the building?

Mr. Ridley – My goal is to minimize any impact to neighbor's when possible. Otherwise, I could just attach it to my house, put it in the front yard and make it so everyone could see it.

Obviously, everything would be built to code to make sure that water runoff does not cause a problem.

Mr. Ron Schabroni – 12544 Caves Rd – What is the reason we have the code in the first place?

Mr. Ziganti – We have a Zoning Resolution that's been in place for many decades and in general, determines what can go into a community. In particular to protect the health, safety and welfare of all the citizens.

Mr. Schabroni – Will this building affect my property value? Technically, he could attach this building to his house. If he really wants this building, he could take away his pool.

Pictures submitted by Mr. Schabroni were displayed on the monitor and are part of the permanent file. These pictures show where his building would be and he says you can't see it from the road or any other house. Yellow is where the building is going to be put. This is my residence looking west. The board spent time reviewing the pictures.

Mr. Ridley – While this structure will be visible to Mr. Schabroni's house, it will not be visible from the road.

Mr. Greg Mersol – Using the picture submitted by Mr. Schabroni, asked to have the picture of the building in the front of his property identified.

Mr. Schabroni – That was a pig barn. When I first moved in there it was sold as a garage.

Mr. Mersol – The pictures you took and had displayed are on Caves Road?

Mr. Schabroni - No, it's much closer to my house.

Mr. Mersol – So if I was driving down Caves Road, I would not be able to see this structure?

Mr. Schabroni – No.

Ms. Jessica Zajac – General questions – Can an accessory building every be attached to a home in the future?

Mr. Alusheff – Anything attached to the house is considered part of the primary structure.

Ms. Zajac – Are taxes paid on an accessory building?

Mr. Ziganti – They are paid as part of the valuation of the property as a whole.

Ms. Alexandria Kruzer – Water drainage is our primary concern. My question is, what does the process look like to have a study done?

Mr. Alusheff – Geauga County Soil and Water Conservation District regulates erosion control and storm water management. Chester used to have a requirement for erosion control in our Zoning Resolution. That was taken out several years ago.

Mr. Mark Maltry – Jemm Construction – builder/developer for case # ZA-2026-2 – Water management comment – Property is to be surveyed by a civil engineer who creates a grading plan and how water is managed on the property – and that storm water does need to be managed on that property. There can be no runoff to any neighboring properties. That is reviewed and approved by the County Engineers as well.

Ms. Muehling – Are you saying that if we had a plan to look at, the builder would have examined that?

Mr. Maltry – The civil engineer that the builder hires surveys the property and creates a grading plan.

Ms. Muehling – and do we have a plan?

Mr. Maltry – That would be part of his next steps. If he gets this variance, in order to build, he would then need to get building approval.

Ms. Mehling – So he would like to get the variance and then submit the plan.

Public Comments were closed

Mr. Enger – Is the building to be two stories?

Mr. Ridley – There will not be a second floor. I would like to get a lift in there. I've got a 1948 tractor that I restored and I have a lot of tools.

Mr. Enger – Do you have RV's and boats currently stored on your property?

Mr. Ridley – Not currently. We're big dreamers and we would like to accumulate some of these things, but we didn't want to do it until we had a space to put it.

Mr. Ziganti – What type of utilities will you have in this accessory building?

Mr. Ridley – Electric and gas.

Mr. Ziganti – Water?

Mr. Ridley – Possibly water.

Mr. Ziganti – This is a pole barn structure?

Mr. Ridley – Yes

Mr. Ziganti – I'm going to indicate that there was a discussion about Mr. Ridley possibly moving this structure to another position. Anyone want to ask any questions about that or not?

Mr. Enger- Could you move the proposed building 100 – 200' to the north? More to the center of your main property.

Mr. Ridley – It could be moved further north. The 100-year old chimney/fireplace with a built out patio was discussed and not wanting to take it down.

Mr. Enger – What's in the garage?

Mr. Ridley – My 1948 tractor. The garage is not attached and separate from the home.

Mr. Enger – Would you be willing to change your plan to go 150' to the north?

Mr. Ridley – I have no problem moving it. The reason I put it where it is currently drawn is to have it completely in the woods. If I moved it north, it will be more visible to the other neighbors.

Ms. Klemm – But it would be further away from your neighbor, Mr. Schabroni.

Mr. Ridley – The other neighbor has windows right there vs. Mr. Schabroni who has his garage there with no windows.

Multiple conversations about where the proposed building will ultimately be placed. It was agreed the proposed building could be 100 feet to the north. The structure would be entirely on the property where the residence is.

Mr. Ziganti – We'll now begin to deliberate and leave the voting on the individual Duncan Factors at the end of our deliberations.

Ms. Muehling – When we examine a variance, we can look at the size, the height and the placement.

Mr. Alusheff – I would agree except in this case, the structure meets the appropriate setbacks and this variance is only for size and height.

Ms. Muehling – We do not have any dimensions on the original lots. We do not know on any drawing what the lot dimensions are. This lot is to be consolidated with another lot. We also do not have the dimensions of the other lot. When the lots are combined, we do not have the dimensions of the combined, new lot. This is not a recorded lot. This means, the new lot has not been surveyed. The new lot does not have a map. The new lot has not gone through the tax office or the county recorder. It is an unrecorded lot. We are being asked to pass a variance on an unrecorded lot. If you read our definition of a lot, it says, it must be recorded.

Mr. Ziganti – If we are shifting the proposed building 100 feet, it will be on the one lot.

Ms. Muehling – If we knew the dimensions of the original lot ...

Mr. Ziganti – We typically do not have surveyors submit that information.

Ms. Muehling – A Nearmap drawing frequently shows us the dimensions of the existing lot. The Nearmaps we get in most cases give us the dimensions with setbacks. We usually get elevations of proposed buildings and the placement of the proposed building and we can check that it meets setbacks.

I'm at a loss because we don't have any of those numbers. We are asking to locate a building and frankly we don't know where it is. We have a picture, but nothing to verify that picture.

Mr. Alusheff – Page 1 of the Staff Report has the two parcel numbers and the size.

Ms. Muehling – We do not have any specific numbers that show X feet in this direction, Y feet in the next direction.

The board told Ms. Muehling those numbers were found on page 3 of the Staff Summary.

Ms. Muehling - I am not satisfied that we do not have specific numbers. I know why we do not have them on the adjoining lot. We are working from two known sources. We should have at least one picture of the placement of all buildings. We do not have site plans showing existing roads. We do not have a site plan that shows Caves Rd. and Bentbrook. We do not have all lot lines and the total lot acreage. We do not have setbacks for all buildings and that includes all proposed and existing structures. We don't have a picture that shows us the parking spaces and driveways. We do not have elevations of any additional structures. We don't have any pictures of what it's going to look like. We have no drawings of this building. I don't see how we can consider a variance without this information.

Mr. Ziganti – We know that this present location is well within the area it needs to be and we are well beyond being in error by many feet as far as side yard setbacks. We know that this present location is behind the rear line of the principal residence on

parcel #1 and if we shifted it 100 feet to the north it would be more than 10 feet away from the south property line. If you think we need more information, then make that motion.

Where is the requirement to consolidate a lot before building on a lot that already exists?

Ms. Muehling – We're not required to. I think if we're being asked to approve a building, we should have elevations of that building. We are looking at a patch we don't have good information on.

Ms. Muehling made a motion and Ms. Klemm seconded that this hearing be continued until such a time that we have: **1:58:00**

- Map of some sort – existing roads (public and private) adjacent to the lot. Both sets of roads – Caves and Bentbrook with the lots involved.
- Dimensions and area of all existing and proposed lot lines and the total lot acreage.
- Dimensions and area of existing and proposed setbacks from all lot lines of buildings and structures.
- Dimensions and area of existing and proposed parking spaces and driveways.
- Buildings and structures or any other additional alteration.
- Blueprint or accurate building plans including proposed elevations and floor plans for each proposed building structure.

Mr. Dobrzynski/no, Mr. Enger/ yes, Ms. Klemm/yes, Ms. Muehling/yes;
Mr. Ziganti/yes
Motion passed.

Mr. Ziganti – Mr. Ridley you heard the information the board requires to vote on your two variance requests. The requirement to have some sort of drawing of what the structure looks like is important when we are voting on a variance for height. We would like to see something that shows your proposed structure actually meets the median height requirements that you're asking a variance for.

Additionally, we would need drawings for your proposed location of your existing and proposed accessory building, and setbacks from any property lines.

Let the zoning inspector know when you have those things.

**APPEAL ZA-2026-2 – Scott and Latasha Sharp
13475 Sperry Road
Area Variance**

Mr. Alusheff – The property in question currently has a derelict home and a permitted accessory building. The home is in a non-conforming location. The appellant proposes tearing down the existing home, rebuild a new home on the property to the rear of the

accessory building thereby rendering the location of the accessory building non-conforming in relation because it would be closer to the road than the proposed home. This violates 501.3 (C) of the Zoning Resolution.

Mr. Ziganti – We're indicating that the new residence will be on a new site, and not where the original home is currently located.

Mr. Mark Maltry/Jemm Construction – The proposed location is based on the fact that we have no other viable area on the property to put the new home. Should this home be built on the site of the original home – which is in a non-conforming location, we would have some conflicting grading. As a builder developer, we do not like the idea of placing a new home on the site of an old structure location.

The accessory structure itself is a really nice structure. The proposed location is on a plateau of the property. A site plan identifies the elevation of the property.

Mr. Ziganti – What is the size of the accessory building that exists?

Mr. Maltry – 40 x 46'

Ms. Muehling – 1,760 sf

Mr. Ziganti – Now we're going to go through the Duncan Factors

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
Board and appellant agreed, the property has value.
2. Whether the variance is substantial;
It is not substantial. The board considers it a 100% variance.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of the variance;
Character would not be substantially altered.
4. Whether the variance would adversely affect the delivery of governmental services;
None
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
As the builder, I didn't realize we would need a variance. The prior land owner did not know that either.

Ms. Muehling asked if a zoning permit had already been issued allowing the current owner to tear down the existing home and put up a new one?

I have information that permit # Z-2026-008 was issued 2/17/26 to tear down the existing building and build a new home.

Mr. Alusheff – that’s the permit that they applied for, that I denied to get this case in front of the BZA.

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

Mr. Maltry - No

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

Yes, approval of this variance will allow for full and intended use of the lot by the homeowner in building a home for their family.

Ms. Muehling – Asked Mr. Sharp if he had ever been in the barn.

Mr. Sharp – Actually today was the first day I was in the barn.

Ms. Muehling – Is there plumbing in that barn?

Mr. Sharp – No. The building was just used for storage.

Mr. Ziganti – Asked if this variance is for an accessory building to remain because it will be in the front yard after the old residence is torn down? I think we should put supplementary conditions on the structure so that the structure cannot be rebuilt if it were destroyed for some reason. The structure cannot be replaced.

Mr. Alusheff – Since variances run with the land, are you saying this should be a pre-existing, non-conforming structure in relation to the proposed new home?

Mr. Ziganti – Yes, you could maintain the building, repair it, you just couldn’t replace it.

Mr. Sharp – I would be fine with that.

Public Comments

Mr. Greg Mersol – Handed out photos of the property which are part of the permanent file while describing each labeled photo. We are dealing with someone who is trying to build a nicer house on a very nice piece of property. Qualitatively, this is a substantial variance, but quantitatively this is not a substantial variance. This is an improvement for taking down a dilapidated structure at the end of our township. We hear zero complaints from nearby neighbors. These folks should be allowed to build their nice house.

Mr. Dobzynski – motioned that ZA-2026-2 be approved and the existing detached accessory building be deemed a non-conforming structure that cannot be enlarged or improved but be allowed to remain when the old home is demolished and a new residence is built. Ms. Klemm seconded the motion.

Mr. Dobzynski/yes, Mr. Enger/ yes, Ms. Klemm/yes, Ms. Muehling/yes;

Mr. Ziganti/yes

Motion passed.

2:45:30

Mr. Ziganti -

1. Whether the property in question will yield a reasonable return or 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. The property with existing principal building or proposed buildings has value. The requested area variance for the attached accessory building, whether approved or denied would not change the value of the property.

Mr. Dobzynski/yes, Mr. Enger/ yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

2. Whether the variance is substantial;

Ms. Muehling – The variance is substantial. The proposed building is located in the front yard – a non-compliant area which would require a 100% variance.

Mr. Dobzynski/yes, Mr. Enger/ yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

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

Ms. Muehling – No. No evidence has been presented that the essential character of the neighborhood would be substantially altered or that adjoining properties would suffer substantial detriment. The size of the existing, detached accessory building is in keeping with those on adjacent lots. Although it is visible from Sperry Road, it is not conspicuously visible due to terrain and existing growth.

Mr. Dobzynski/no, Mr. Enger/ no, Ms. Klemm/no, Ms. Muehling/no; Mr. Ziganti/no

Mr. Ziganti – It is my belief that the character of the neighborhood will be improved.

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

Ms. Muehling – No. No evidence has been presented that the variance would affect any government services.

Mr. Dobzynski/no, Mr. Enger/ no, Ms. Klemm/no, Ms. Muehling/no; Mr. Ziganti/no

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

Ms. Muehling – Yes, evidence has been presented indicating the owners purchased the property with knowledge of the zoning requirements.

Mr. Dobzynski/no, Ms. Muehling/yes;

Mr. Dobrzynski - I heard very clearly that the builder advised them to buy it and he himself didn't think there was any type of issue with it.

Ms. Muehling – That's right. I'll change my vote to no.

Mr. Dobrzynski/no, Mr. Enger/ no, Ms. Klemm/no, Ms. Muehling/no; Mr. Ziganti/no

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

Ms. Muehling – No. Raising a non-compliant structure is a possible solution that does not make sense. Compliant areas are not available due to the contour of the lot. The total area of the existing non-conforming accessory building is not in excess of what is permitted. So it should be allowed.

Mr. Dobrzynski/no, Mr. Enger/ yes, Ms. Klemm/no, Ms. Muehling/no; Mr. Ziganti/yes

Mr. Ziganti – I'm going to have to vote yes because we are offering something other than a variance.

Mr. Dobrzynski – I thought we were doing all of this from the view that this really isn't a variance.

Mr. Ziganti – It's not a variance.

Mr. Dobrzynski – That's why I was taking it from the standpoint that this isn't a variance.

Mr. Ziganti – So, it's being obviated through some method other than a variance.

Mr. Dobrzynski – But this whole thing is not a variance. That's why ...

Ms. Muehling – I think Mr. Dobrzynski is right. We are not doing this from a position of a variance.

Mr. Dobrzynski – So that's why I voted no to it because this whole thing is not a variance.

Ms. Muehling – Well then, we should say, No, the property owner's predicament to have it feasibly obviated has been obviated through declaring it a legal, non-conforming structure. So I change my vote to Yes.

Ms. Klemm – Me too.

ADJUSTED VOTE:

Mr. Dobrzynski/no, Mr. Enger/yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

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

Mr. Dobrzynski/yes, Mr. Enger/yes, Ms. Klemm/yes, Ms. Muehling/yes; Mr. Ziganti/yes

Findings of Fact ZA-2026-2

Mr. Scott Sharp, owner of 13475 Sperry Road and Mr. Mark Maltry of Jemm Construction presented a plan for razing an existing residential structure on the property to then be replaced with new construction in a location setback further from Sperry Road thereby eliminating the non-conforming location of the existing residence.

When construction of the new residence is completed, as stipulated in the plans in the file of ZA-2026-2, the existing accessory building of 1,760 square feet that remains will be in a location considered to be a new front yard. The existing accessory building has been deemed by the board of zoning appeals to then become a legal non-conforming structure with all limitations that exist for said structure per the Chester Township Zoning Resolutions 1003.0 and 1004.0 per Section 501.3.

It should be noted that the existing accessory building location is located 225 feet from the center line of Sperry Road.

We will vote on Findings of Fact at the next meeting.

That concludes our appeals.

Next date for Bylaws approval will be April 8, 2026 at 7:00 p.m.

July BZA meeting date is changed from July 13 to July 6, 2026.

All members of the BZA were invited to attend the Land Use Plan Public Forum on March 31, 2026 at 6:00 p.m. at Mayfield United Methodist Church.

Meeting closed at: 10:04 p.m.

Approval Date April 8, 2026

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Mindy Denamen, Vice-Chair

Mark Dobrzynski

Justin Enger

Christina Klemm

Margaret Muehling