

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, APRIL 13, 2026, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the Regular, April 13, 2026, Chester Township Board of Zoning Appeals meeting to order at 7:03 p.m.

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

Roll Call

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

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

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

Mr. Dobrzynski made a motion to accept Mr. Ridley's request for a continuance till the June 8, 2026, meeting. Ms. Muehling seconded the motion.

Mr. Dobrzynski/yes; Ms. Klemm/yes; Ms. Muehling/yes; Mr. Ziganti/yes
*Ms. Denamen arrived at 7:10 p.m. and was not present for this vote

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

**APPEAL ZA-2026-3 – Brian Boss
11191 Winding Brook Lane
Area Variance**

Zoning Inspector Overview

Mr. Boss would like to locate a detached accessory building which is of conforming size and height basically in the front yard of his property, which does not meet the provision of Section 501.3 requiring detached accessory buildings be no closer than 70 feet from the road. He has some topographical features which affect the placement of this building.

Mr. Brian Boss – The creek limits our access to the additional four acres that we have. Due to the incline on the back property, this structure just wouldn't work. We're asking for a variance to put our building six foot closer to the road than our home is.

Mr. Ziganti indicated that it would actually be 14 feet closer to the road per the drawings. Mr. Boss understood.

The building would be positioned 20' from our home (referencing the photo on page 10 of the Staff Summary and displayed on the monitor.)

Mr. Dobrzynski – Is there any way that structure can go back further or rotate?

Mr. Boss – There is a possibility, but the creek makes the property drop down further and that is why we went in our chosen spot and not back there. This is a flatter area. I'm not sure how structurally sound this is being close to the creek.

Ms. Denamen – If you turned it, to be more in line with the house, is that possible?

Mr. Boss – Possible. The reason I am asking for it to be here is, I have a truck, trailer, excavator. It's easiest if I were to pull in, drop my equipment and drive back out. My thought is, for curb appeal, the front of the building would be more visible vs. just a big, plain side of a building.

Mr. Ziganti – Began review of the Duncan Standards with the appellant.

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;
Mr. Boss asked for clarification on this question. Board and appellant agreed, the property has value.
2. Whether the variance is substantial;
It is not substantial.
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;
I did not realize there are zoning restrictions.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
No

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

Mr. Ziganti – Is this a garage or a shop?

Mr. Boss – As a man, I think of it as a shop. That's where I go out and do my tinkering.

Mr. Ziganti – Will this building have utilities? Heat?

Mr. Boss – Yes

Mr. Ziganti – Is this going to be a pole structure?

Mr. Boss – Yes, it's going to be model K building. It comes from a local company in Middlefield.

Ms. Muehling – Do you have a plan there?

Mr. Boss – No, I have their brochure.

Ms. Klemm – That was not included in our packet. We would be interested in seeing it.

Mr. Boss – Entered the sales brochure "K Building" and color Bronze into the record. It will have two garage doors and a man door and a few windows sprinkled throughout.

Ms. Muehling – That is white and is that what it will look like?

Mr. Boss – No, it will be bronze.

Ms. Muehling – Will it be totally enclosed?

Mr. Boss – Yes

Ms. Muehling – I do drive-bys. Is it on the same level as the road?

Mr. Boss – It's below the road about 8 – 10'. The structure would be about the same level as the house.

Ms. Muehling – What you're saying is, the building is lower than the road.

Mr. Boss – Yes.

Ms. Muehling – Is it still visible from the road?

Mr. Boss – Yes.

Ms. Muehling – Will the building be visible from your home?

Mr. Boss – Yes.

Ms. Muehling – The other day we had flood warnings. Did you notice any difference in your creek?

Mr. Boss – You bet I did! I would guess the creek rose 8'. At the closest point to our home, it was about 18" from coming over the bank toward our home.

Ms. Muehling – Do you know the source of that stream?

Mr. Boss – I do not.

Ms. Klemm – Verified size and height of the structure were within standards with the Zoning Inspector.

Mr. Alusheff – Yes.

Mr. Ziganti – This looks like this is about a 20% variance request from the road right of way.

Ms. Muehling – addressing the Zoning Inspector – I thought any building in the front yard was a 100% variance. This has a corner in the front yard, does it not?

Mr. Alusheff – Yes

Ms. Muehling – So it's a 100% variance?

Mr. Alusheff – Yes

Mr. Ziganti – I'm wondering if you could minimize the impact here if you moved the structure back to be at least 70' from the road right of way. That might be done by rotating the structure clockwise.

Mr. Boss – As indicated on the map, that area drops off more than 5' there.

Mr. Ziganti – If the structure was rotated clockwise, you could at least get 70' away from the road right of way.

Ms. Muehling – Another option might be to cut the length slightly. Maybe 4' smaller could help.

Mr. Boss – That is not what I wish to do. I've got a lot of stuff. I've got a camper. I've got a lot of stuff I want to get out of the yard which is why we are asking to build this building.

Mr. Ziganti – I could see how that building could be rotated and not diminish it in size.

Ms. Denamen – From a hardship perspective, because of the creek it makes sense it has to be in front of the house. The 70' is a little bit harder to swallow.

Mr. Ziganti – That being said, if you were to agree to rotating your building and put it completely in the side yard, and behind the house, we would not have to issue you a variance.

Mr. Dobrzynski – Do you know what the distance is from the creek (the red line) to the forward corner? Have you looked at that?

Mr. Boss – I don't think that would look good and here is why I say that. If I have a 60' building and it's on its side, anyone that comes down the driveway sees the whole side of the building. Turned, now I can see garage doors, concrete leading up to it. For functionality, I think it works best for me the way it is. If I had to turn it, I would, but that is not what I wish to do.

Ms. Muehling – I hope you don't plan to operate your business out of this building.

Mr. Boss – I do not have a business.

Ms. Muehling – But you do understand a business cannot be operated out of it.

Mr. Boss – Understood.

Mr. Dobrzynski – Where are the doors? Are they on the 40' or 60' side?

Mr. Boss – On the 60' side. That's why I wanted it angled in that way.

Ms. Kristen Boss came to the front monitor and showed the board how turning it the way that was suggested would not look appealing to them or the neighborhood.

Mr. Ziganti – We are not supposed to consider appearance. We are charged with minimizing impact to the community by minimizing the variance request. As you can see, this would allow you to go forward without even having a variance. That's what makes it an attractive idea.

Mr. Boss – It looks like it works on the topo map, but it doesn't look like that on the actual property.

Public Comment

Ms. Jessica Zatroch – Does our zoning have any limits regarding riparian setbacks?

Mr. Alusheff – Not in Chester Township.

Ms. Zatroch – You had mentioned a water rise, do we have any rules regarding structures that it would be a benefit to be further from that waterway? Any water that hits that roof has to go somewhere.

Mr. Alusheff – Those regulations are no longer in our Zoning Resolution. They were taken out several years ago. Only land disturbance greater than 1-acre is subject to Stormwater Management and Erosion Control and that is administered by Geauga County Soil & Water Conservation District.

Ms. Zatroch – I'm just wondering if there might be any other way to show his hardship.

Ms. Muehling – He has the privilege of asking Geauga County Soil & Water Conservation to come take a look at his property and see if there are any mitigating problems.

Ms. Candice Minello – (next door neighbor of the Boss's) I wanted to speak in support of their plan. If you were on our street, you would see the property is down. They do have the trees – as they stated. You're not going to see much of that building. Being neighbors, their home is built toward the street, our home goes up the hill, and it is a very steep hill. There is no way he can build his structure elsewhere on his property. My husband and I have no objection to his request to build this accessory building in the proposed location. It's our hope that you will find favorably for him to build this building.

Public Comments were closed

Mr. Ziganti – Speaking for myself as one of the board members, I think there is a practical solution here for you not to require a variance. I think it would be reasonable for you to consider this and we could offer you a continuance to look at this. It appears this building could be set back even further. I'm suggesting that you could do that.

Mr. Boss – What does that matter?

Ms. Denamen – You could ask for a continuance and ask Geauga Soil & Water or if you thought you could show something that we are missing from the topographical map.

Mr. Boss – The problem is it's easy to place this building on a map here, but when you are actually on the property, it doesn't work this way.

Ms. Minello – If you are talking about their building being in that position, I'm just wondering how they would have access going up to it. Going up their hill and down their hill?

Ms. Denamen – Ultimately, we cannot tell you to make it smaller. We can't tell you to turn it. We can't tell you to do any of those. We're just making suggestions of things to think about that pose a problem and just simply saying, we're going to throw these rules aside to approve something, when we don't have a practical difficulty.

Mr. Ziganti -Practically speaking, you would then not need a variance.

Mr. Boss – Unintelligible

Mr. Ziganti – Correct, and that's what we go by, as suggested. You may be able to look at what they're proposing and come back and say, "it can't be done for this reason."

Mr. Boss – Right, but then again, I'd be delayed another month – which ends up being two months, so in order to get a structure by fall, now we're getting tough. To be quite honest, I don't know what to do. I would like it to be where it was because I think it's more functional for us, I think it looks better from the street that way. So, I know what you see up there, you see – OK, everything is hunky-dory, but it's not on the property. Like I said, it's very difficult to measure 60 feet and 40 feet and put a rectangle in there and try to shimmy it in there where it's going to work. That's why we came up with.... if you don't approve it, you don't approve it.

Mr. Ziganti – OK, so we'll move forward.

Mr. Boss – Yeah, because if you don't approve it, I'm just gonna build it and I'm going to make it in line with the house and if I have to shorten it because of that, then ... Never mind.

Discussion was closed.

Ms. Denamen made a motion to accept the variance request. Mr. Dobrzynski seconded the motion.

Ms. Klemm – Personally, I feel like he went to a lot of work to figure out where to put this. His options were really limited on this lot. I feel like a lot of thought went into this. I don't think a little rotation here and there is going to make that much of a difference as to where he puts it. I personally feel he should be allowed to put it where he has it planned.

Ms. Denamen – For me it's just hard to determine if it doesn't fit in that space based on the information we have.

Mr. Dobrzynski – I see there are other options that have not been eliminated to show it would not be able to work. Cost is not a viable factor in this case. Water well was not an issue. I see there are viable alternatives.

Ms. Muehling – I would try to go to Soil & Water to see what is viable about the creek. It appears there are other options that can be used. As long as there are options, then I think we have to stick to the standards that we have.

Mr. Ziganti – If we were to place this accessory building in a different location – as in rotating it – the appellant wouldn't have to even have a variance. I see a solution in which a variance would not be required.

Ms. Denamen/no; Mr. Dobrzynski/no; Ms. Klemm/yes; Ms. Muehling/no; Mr. Ziganti/no
Motion does not pass

CONCLUSIONS OF LAW: Discussion of the Standards to be Considered:

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;

Denamen/yes; Dobrzynski/yes; Klemm/yes; Muehling/yes; Ziganti/yes

2. whether the variance is substantial;

Denamen/no; Dobrzynski/yes; Klemm/no; Muehling/yes*; Ziganti/yes

*The building is located in the front yard which would require 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;

Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no

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

Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no

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

Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no

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

Denamen/yes; Dobrzynski/yes; Klemm/no; Muehling/yes; Ziganti/yes

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

Denamen/no; Dobrzynski/no; Klemm/yes; Muehling/no; Ziganti/yes

**Findings of Fact
ZA-2026-3**

Mr. Brian Boss of 11191 Winding Brook Lane came before the board requesting proposed location for an accessory building measuring 2,400 square feet to be utilized as an accessory building for storage of vehicles and equipment. The proposed location had the corner of the proposed accessory building closest to the road such that the southernmost corner of the proposed accessory building would have been located 56.5

feet from the road right of way and 70 feet is required. This is a 100% variance request as the Zoning Resolution requires an accessory building to be located in the side or rear yard of the property.

It was noted that the proposed location put the proposed accessory building forward of the front line of the residence. Review of the topographical information available to the board indicated that a clockwise rotation of the proposed accessory building would permit placement of the proposed accessory building behind the front line of the residence and more than the required 70-foot clearance to the road right of way per Section 501.3 (C) of the zoning resolution. Thus, negating the need for a variance. Mr. Boss indicated that altering the proposed location was not to be considered.

**APPEAL ZA-2026-4 – Cody Timmer
11545 Blackberry Lane
Area Variance**

Persons planning on testifying were sworn in.

Zoning Inspector Overview

This 5-acre parcel has topographical issues. Their proposal is to locate their detached accessory building which complies in height and size closer to the road than the house.

Mr. Cody Timmer – I would like to build an accessory building, but due to topographical issues of the property unable to do so while meeting the zoning regulations. Proposed site is the only feasible site to place the accessory building.

As a result of the site survey, we have been made aware that our propane tank is partially placed on our westward neighbor's property. It is our intention to relocate this tank through our propane service provider. Our proposed 40' x 30' and 1,200 sf proposed building is well below the allowable 2,500 sf.

Mr. George Hess, civil engineer for the Timmer's presented a full-size survey to the board.

Duncan Factors asked of the appellant.

Mr. Ziganti – What kind of structure will this be?

Mr. Timmer – The 30' side will be facing our existing garage. The other wall will be facing the road.

Mr. Timmer agreed to a revised placement rotating the 20' x 30' building to be no less than 39' from the road right of way as shown on Exhibit A signed and dated and included in the file.

Public Comment

Ms. Doreen Sockel (11575 Blackberry Lane) – What are the side yard requirements for a side yard turnaround?

Mr. Alusheff – Currently, 10 feet from the property line. When was it put in? Prior to 2000, there was no side yard restriction. January 2000 is when that changed.

Ms. Sockel – My concern is it may be encroaching on my property and is it in violation?

[Mr. Alusheff will research and inform all interested parties.]

Ms. Sockel – I wanted to confirm there really is nowhere else to put this building on this lot.

Mr. Rick Sockel – I had a long conversation with Cody and I have no objection to where he intends to place the building.

Ms. Jessica Zatroch – What is the purpose of 70' from the road right of way?

Mr. Alusheff – That's a great question. It's supposed to be tied to health, safety and welfare of residents. That's what all zoning regulations are supposed to be.

Ms. Zatroch – Is this a street that is in consideration for future sewers or culverts or anything involved in being this close to the road? As we look to the future, this should not impact anything in the future.

Public Comments were closed

Ms. Klemm motioned that the board approve Appeal ZA-2026-4 as amended by Exhibit A. Mr. Dobrzynski seconded the motion.

Mr. Dobrzynski felt that the board exhausted everything that could be done to minimize the variance requested.

Ms. Klemm agrees with Mr. Dobrzynski that the board has exhausted all possibilities in placement of this building. Ms. Muehling and Mr. Ziganti concurred.

Denamen/yes; Dobrzynski/yes; Klemm/yes; Muehling/yes; Ziganti/yes
Motion passes

**Findings of Fact
ZA-2026-4**

Cody and Alyssa Timmer of 11545 Blackberry Lane propose locating a 30' x 40' accessory building with a 14' height on their property that encroached upon the required

70' right of way. The applicant agreed to relocate the accessory building to be within the required setback of 10' of the side yard and increase the distance to the road right of way to 39'.

In addition, a neighbor south of this property (11575 Blackberry Lane) requested a determination of the construction date for an existing concrete pad that approaches the side yard line. If placed after the year 2000, the Timmer's agreed to remove that section of the concrete apron to comply with the present Zoning Resolution.

CONCLUSIONS OF LAW: Discussion of the Standards to be Considered -

1. Will the property yield a reasonable return or can there be a beneficial use of the property without the variance?
Denamen/yes; Dobrzynski/yes; Klemm/yes; Muehling/yes; Ziganti/yes
2. Is the variance substantial?
Denamen/yes; Dobrzynski/yes; Klemm/yes; Muehling/yes; Ziganti/yes
3. Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if the variance is granted?
Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no
4. Will the variance adversely affect the delivery of governmental services?
Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no
5. Did the property owner purchase the property with knowledge of the zoning restrictions?
Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no
6. Can the problem be resolved by some manner other than the granting of the variance?
Denamen/no; Dobrzynski/no; Klemm/no; Muehling/no; Ziganti/no
7. Will the variance preserve the "spirit and intent" of the zoning resolution and will "substantial justice" be done by granting the variance?
Denamen/yes; Dobrzynski/yes; Klemm/yes; Muehling/yes; Ziganti/yes

Mr. Dobrzynski will not be at the May 11, 2026 meeting.

Letter distributed and signed requesting BoT consider formal Zoning training.

April 28, 2026 at 7:00 p.m. will be the next BZA Bylaws review.

Meeting closed at: 9:48 p.m.

Approval Date May 11, 2026

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

Mindy Denamen, Vice-Chair

Mark Dobrzynski

Justin Enger

Christina Klemm

Margaret Muehling