

MINUTES BZA June, 13 2022

1 **MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD**
2 **OF ZONING APPEALS HELD MONDAY 13 JUNE 2022, IN THE TOWN HALL**
3 **MEETING ROOM**

4 Chairman Barton Ziganti called the June 13, 2022, Chester Township Board of Zoning
5 Appeals meeting to order at 7:12 pm.

6 Chairman Ziganti requested that Board members and audience stand and recite the
7 Pledge of Allegiance.

8 Chairman Ziganti: Requested all adults that are present have signed in at the lectern
9 with their name and address.

10 Mr. Ziganti welcomed everyone to the regular meeting of the Chester Township Board
11 of Zoning Appeals, explained the public hearing process and stated that anyone who
12 wishes to testify will be sworn in.

13

14 Roll Call

15 Present: Ms. Klemm, Mr. Pona, Ms. Sritalapat, Ms. Muehling*, Mr. Ziganti

16 Absent: Ms. Fadorsen

17 *Ms. Muehling (alternate) served in place of Ms. Fadorsen

18 Zoning Inspector: Ms. Berglund

19 Admin Assistant: Ms. McCarthy

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Appeal No. 2022-06

Duane Schreiner / Shannonwood Homes - Applicant

22

Ricky Jackson – Owner

23

12470 Caves Rd

24

25

26 Applicant is requesting an area variance of 100% to build a garage forward of the rear
27 line of the principal dwelling.

28

29 Mr. Duane Schreiner of Shannonwood Homes (representing owner of record, Ricky
30 Jackson) and Mr. Marc Kruzer were sworn in to testify. Mr. Schreiner was speaking on
31 behalf of property owner and presented a contract between Mr. Jackson and
32 Shannonwood Homes. Copies of the contract were presented to the members of the
33 Board. Form No. 4, Notice of Appeal No. 2022-06 Requesting an Area Variance was
34 read into the record. The purpose of reading Form No. 4 into the record was to highlight
35 the applicant's response to the Duncan Factors.

36

37 Prior to beginning Mr. Schreiner's presentation on the appeal, file records were updated
38 and initialed to recognize an existing 80 sq. ft. shed presently existing on the Jackson
39 property. Mr. Schreiner initialed page 1 of submitted drawings indicating 24' x 24'
40 proposed building would be 576 sq. ft.

41

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42 Mr. Schreiner began his presentation and indicated the 100% variance request is for a
43 24' x 24' garage with a proposed location to be in the north side yard.

44
45 Mr. Pona asked if the home currently has an attached garage?

46
47 Mr. Schreiner answered, yes, the principal dwelling includes an attached 2-car garage.

48
49 Mr. Pona asked if the usage of the proposed accessory building was for vehicle
50 storage?

51
52 Mr. Schreiner testified that the purpose for the proposed garage is for the storage of Mr.
53 Jackson's collectible vehicles.

54
55 Board members questioned Mr. Schreiner as to why the proposed garage could not be
56 located behind the rear line of the house as required by the Chester Twp Zoning
57 Resolution.

58
59 Mr. Schreiner indicated that the garage could not be positioned behind the rear line of
60 the house because the connecting driveway would be at a difficult grade.

61
62 Mr. Pona asked if the health issues indicated in the Duncan Factors actually were safety
63 issues?

64
65 Mr. Schreiner said the driveway in winter can present hazard situations.

66
67 It was noted by Board members that the topographic maps (as shown in Geauga
68 REALink) indicated that the present driveway connecting to the attached garage has a
69 similar grade as compared to a driveway that could connect to a garage located behind
70 the rear line of the home.

71
72 Mr. Pona asked what is the current shed used for?

73
74 Mr. Schreiner said lawn mower and yard tool storage.

75
76 The Board paused the presentation of the applicant to allow any sworn audience
77 member the opportunity for cross examination.

78
79 Mr. Marc Kruzer of 12493 Bentbrook Dr asked, what is the purpose of the proposed
80 garage?

81
82 Mr. Schreiner answered, the garage will be used to house collector vehicles.

83
84 There being no further questions from Board members, and no further presentation by
85 Mr. Schreiner, the public portion of the meeting was closed at 7:55 p.m.

86
87 Mr. Pona made a motion to accept Appeal 2022-06. Ms. Sritalapat seconded.

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88 Ms. Muehling stated that she had contacted property owner for approval to go on
89 property to look at it. Mr. Jackson had been out of town and although he approved, Ms.
90 Muehling did not have enough time to visit the property before meeting. She suggested
91 a continuance on hearing to allow time to go visit property.

92

93 Mr. Pona said, based on what had been presented, he may have been in favor of
94 approval if the facts were different. Convenience of the home owner is not a necessity.

95

96 Ms. Sritalapat said she wishes the drawing on the last page would have been a bit more
97 clear.

98

99 Prior to voting on approval of the appeal, Ms. Muehling made a motion for a
100 continuance to ask the property owner for photos and a better understanding of the
101 hardship caused by the land. Mr. Ziganti seconded the motion.

102

103 Roll was called

104 Ms. Sritalapat/no; Ms. Klemm/no; Mr. Pona/no; Ms. Muehling/yes; Mr. Ziganti/yes

105 Motion did not pass

106 Discussion for approving the appeal was resumed. There being no further discussion
107 the vote on the motion to approve the appeal was taken.

108 Ms. Sritalapat/no; Ms. Klemm/no; Mr. Pona/no; Ms. Muehling/no; Mr. Ziganti/no

109 Motion did not pass

110

111 Findings of Fact

112 12470 Caves Rd

113 Duane Schreiner / Shannonwood Homes representing Ricky Jackson – Owner

114

115 Appellant requested a 100% area variance to locate a 24' x 24' garage in front of the
116 rear line of the principal dwelling, and in the north side yard of the property. Testimony
117 was made that the proposed garage was for storage of collectible vehicles. The
118 appellant indicated the garage would not be used for commercial purposes. The
119 testimony of the neighbor was neither for or against the proposal of the appellant. An 8
120 x 10 shed is presently located behind the principal dwelling. A number of board
121 members indicated that there was no practical difficulty demonstrated for approval of
122 the proposed location.

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

125

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126

127 Motion to accept Findings of Fact 2022-06

128 Ms. Klem moved to accept the Findings of Fact. Mr. Pona seconded.

129 Ms. Sritalapat/yes; Ms. Klemm/yes; Mr. Pona/yes; Ms. Muehling/yes; Mr. Ziganti/yes

130 Minutes of May 9, 2022 reviewed

131 Ms. Muehling made a motion to approve the minutes of the May 9, 2022 meeting. Ms.

132 Klemm seconded it.

133 Ms. Sritalapat/yes; Ms. Klemm/yes; Mr. Pona/abstain; Ms. Muehling/yes; Mr. Ziganti/yes

134 Motion passed

135 New Business

136 Ms. Berglund announced this would be her last meeting as Zoning Inspector. She

137 thanked the Board members for their support. The Board members also thanked Ms.

138 Berglund for her support.

139 Meeting called to close at 8:28 p.m.

140

Approval Date July 11, 2022

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144

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman