

## MINUTES BZA 09/12/2022

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### **MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY 12 SEPTEMBER 2022, IN THE TOWN HALL MEETING ROOM**

Chairman Barton Ziganti called the September 12, 2022, Chester Township Board of Zoning Appeals meeting to order at 7:10 pm.

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

Board of Zoning Appeals members present: Ms. Fadorsen, Ms. Klemm, Ms. Sritalapat, Mr. Pona, Ms. Muehling (alternate) and Mr. Ziganti

Minutes of July 11, 2022 reviewed

Ms. Klemm made a motion to approve the minutes of the July 11, 2022 meeting. Mr. Pona seconded it.

Ms. Fadorsen/abstained; Ms. Sritalapat/yes; Ms. Klemm/yes; Mr. Pona/yes; Ms. Muehling/yes; Mr. Ziganti/yes

Motion passed

#### **New Business:**

Mr. Ziganti asked Ms. Muehling about her concerns regarding signage. Each member was given a copy of Form No. 2 – Application for Chester Township Zoning Certificate Sign Application for reference.

Ms. Sritalapat showed a PowerPoint presentation given by Wendy Moeller at the June 24, 2022 NE Ohio Planning and Zoning Workshop. General discussion by the entire Board followed.

Questions raised: Are banner signs allowed in the Township?

Concerns: No one is in place in the Township that is enforcing Zoning regulations. We need a Zoning Inspector who takes down signs that aren't allowed. Mr. Ziganti suggested Ms. Fadorsen put that in writing to the Board of Trustees. Ms. Klemm suggested that having a part-time Zoning Inspector means that the Zoning Inspector does not have time to enforce current Zoning regulations.

9.01.0 E of the current Zoning Resolution regarding abandoned signs was reviewed.

The Dollar General banner sign being held up by two carts was also discussed.

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Ms. Muehling agreed that the signage section of the Zoning Resolution needs to be updated. However, she cautioned that the Zoning Commission will need to wait till current, relevant court cases are resolved before updates may be done. Other townships may have some rules that may offer guidance. Also, check townships all over the state of Ohio.

Mr. Ziganti presented Form No. 2 and suggested (near the bottom of the form) the word, SIGN be used instead of LOT when providing a description of the proposed use.

Ms. Schwed asked questions about “gaudy” things put up by some companies. Are those considered signs? Group consensus was yes, those are considered signs.

The recent signage that was denied in S. Russell was discussed. Group consensus was that decision may be faulty. Ms. Muehling stated S. Russell is a village, not a township.

Mr. Ziganti asked the group what type of actions should be taken by the BZA.

Ms. Fadorsen will send an email to the Board of Trustees regarding enforcement of signage. Ms. Muehling would like to take a longer look before suggesting any changes. Mr. Ziganti asked if the BZA should ask the Zoning Inspector to update Section 1 of Form #2 with provided description of proposed use of the word SIGN instead of LOT and changing special event sign to temporary sign? Group consensus was to do that.

Mr. Ziganti recalled, in the past we had meetings with the Zoning Inspector and we came up with modifications to the Zoning Forms. Mr. Ziganti will send an email to the Zoning Inspector on the two suggested changes to Form # 2.

Ms. Fadorsen said that businesses are having a hard time saying what they want to say without electronic signs.

Mr. Ziganti asked who would like to suggest that the Zoning Commission look at information that came in front of us. Do we know they are looking at the information that came in front of us? Ms. McCarthy confirmed both Boards and the Board of Trustees were copied on the same email.

Mr. Ziganti brought up the 2019 Priority Ranking for Potential ZC Amendment Work. Item 30 on the list was Electronic Reader Boards. Previously the BZA has suggested that Section G of 9.01.0 be updated. Ms. McCarthy said the Zoning Commission is waiting for the Geauga County Planning Commission to update the Geauga County Model Zoning to be updated first. There are also pending court cases which could affect how signage will be addressed.

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Ms. McCarthy asked the BZA members document specific areas of concern. Most especially items that have come before the BZA that the ZC may need to look at.

Mr. Ziganti will send a letter to the ZC Chairman regarding recent items that have come up. For instance, Bremec is allowed to go with an electronic sign because they are agricultural. He will ask the ZC chairman if they might invite the BZA members to a future joint meeting – possibly October, 2022.

Use and Area variance forms distributed at June 24, 2022 Planning and Zoning Workshop were discussed. Forms identified good things to keep in mind regarding the Duncan Factors. Ms. Muehling raised some concerns regarding use of these forms, while they are a good guide, they should not be used exclusively. Mr. Pona referred to the disclaimer at the bottom. When dealing with an Area/Size variance, practical difficulties should be considered. When considering a Use variance, unnecessary hardships should be considered.

Mr. Pona suggested that when the Sign Form (Form #2) is looked at, that person should consider these models and compare to what is in our form to see if they should be updated.

General discussion on whether or not an individual BZA member should drive by a property of a pending case. July Webinar reviewing ORC vs Zoning Code of July 20, 2022 was discussed. Until recent years, we have not received good information from the Zoning Inspector. Now that we are receiving good information in a timely manner from our Zoning Inspector, the problem is basically eliminated. Mr. Ziganti will email the Zoning Inspector to consider reworking a couple of words on Form #2 and to look at the Area and Use printout from Todd Hunt to see if any of the wording on those forms can be changed by incorporating some of that language.

Mr. Pona discussed the legal concept of ex parte communications. For instance, it would not be right for a BZA member to visit the property owner and have a discussion without the other BZA members present. It would be improper for a BZA member to have a discussion with just the neighbor. Just driving by doesn't seem to be such a problem.

House Bill 563 discussed. Concern is that it puts a commercial use in a residential district. Do we know when it comes up for vote? May 11 was last discussion on the matter. Our Trustees did send a letter in opposition of HB 563.

Next meeting – October 10, 2022. As of today, there are no potential pending cases.

Move to adjourn: Mr. Pona; Seconded by Ms. Klemm.

Meeting closed at 8:35 p.m. by Mr. Ziganti

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Approval Date October 10, 2022

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Kathleen McCarthy, Admin. Assistant

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Barton Ziganti, Chairman