

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, DECEMBER 11, 2023, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the December 11, 2023, Chester Township Board of Zoning Appeals meeting to order at 7:10 pm.

Roll Call

Members present: Ms. Fadorsen, Ms. Klemm, Ms. Muehling, Ms. Sritalapat, Mr. Ziganti

Members absent: Ms. Denamen

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Mark Purchase

Assistant Zoning Inspector: Mr. Alusheff

Mr. Ziganti led the Board members and audience in reciting the Pledge of Allegiance.

Chairman Ziganti also requested all those present sign in at the lectern with their name and address. All those who would possibly testify were sworn in.

Prior to opening the hearing, the board had a discussion on the method used to designate Conditional Use Permits and differentiate these from Use or Area Variances. The Board of Zoning Appeals determined that the current numbering system for this hearing, and future CU Permits, be changed to using the prefix ZU, followed by the year, then a hyphenated number that is incremented with each new issuing of a certificate.

Mr. Ziganti read the Purpose and Procedures process of the Board of Zoning Appeals

**Conditional Appeal Z-2023-11 renamed ZU-2023-1
Rev. Ryan Young
Word of Grace Church
9021 Mayfield Road**

The Conditional Use application was read into the record by the Administrative Assistant.

Both the applicant giving testimony, and members of the audience intending to question the applicant were sworn in.

Mr. Ziganti distributed a printed copy of Section 6.06.01 of the Chester Zoning Resolution summarizing the conditions which must be met by a church in a residential district. (Attached) He also distributed a summary of the 9 September 2019 meeting minutes regarding the last approval of a conditional use permit for Word of Grace Church. This summary was reviewed by board members.

Ms. Muehling pointed out that a conditional use is permitted as long as the conditions are met. In other words, if there are six conditions required and the church meets those six conditions, we have no choice but to approve their request.

Rev. Young indicated his agreement with the application that was read into the record.

Rev. Young - Everything is operating essentially the same way as it was when we last came before you in 2019. We did remove several outbuildings. We also filled in our pool. It was just a lot of work keeping it up.

Mr. Ziganti asked about the Septic System. Do you perform monthly maintenance on your septic system?

Rev. Young said, we do perform monthly maintenance of our system and it is not a septic system, it is actually a semi-public water treatment plant. It's a more thorough way of taking care of sewage. We do have it serviced by Tim Frank Septic who comes at least once a month.

Mr. Ziganti asked why the pool was filled in.

Rev. Young mentioned there were many memories people shared about the pool. He himself spent hours taking care of that pool. Pool maintenance become a bit burdensome and certainly costly. "As we didn't have the funds to continue to repair and take care of it, we had to fill it in."

Mr. Ziganti said it seemed to make the community a bit safer. He asked the Zoning Inspector if there was any concern from the community about the manner in which the pool was filled in?

Mr. Purchase – No.

Mr. Ziganti asked which outbuildings were removed as shown on the attachments.

Rev. Young said the bathhouse was removed.

Ms. Sritalapat asked about the office building which had experienced some water damage and repairs were being done. "Does that building still exist for offices?"

Rev. Young – Yes, the office building is essentially the century building in the front of the property. Currently we have been getting much of the old records out of the building and we just came to an agreement with our insurance company about the repairs. We're quite happy as soon we will have a functional office again.

Ms. Muehling asked if the office building is 65 feet from Mayfield Road and if it is a legal non-conforming building.

Mr. Purchase confirmed that it is.

Rev. Young – We have had many conversations with Mr. Purchase about what we may do with that building in the existing footprint. We also have had many conversations with the State of Ohio about historical requirements.

Ms. Muehling asked about the measurements as listed on the document attached to the addendum.

Mr. Alusheff confirmed that he was able to check several of the setbacks and measurements and they all checked out with what was listed.

Ms. Klemm asked about the temporary sign. She likes the new sign, and it appears to be well within the zoning requirements.

Rev. Young said the church still uses the temporary sign, but only for special occasions.

Ms. Klemm recognized the paving that was recently done and how nice it looks.

Ms. Sritalapat asked if when the parking lot was redone, was the same footprint maintained?

Rev. Young – Yes.

Ms. Muehling – This is a 3-acre zone. Has anyone checked the coverage area?

Mr. Purchase – It has been checked.

Mr. Ziganti asked about the former problem with a firing range being on the property.

Rev. Young confirmed that there was no longer a firing range on the property.

Mr. Ziganti asked the Zoning Inspector if there were any complaints from the community.

Mr. Purchase indicated that there have been no other complaints on the property.

Mr. Ziganti asked if the church has sufficient funds to maintain their buildings and septic system on the property.

Rev. Young – Yes.

Mr. Ziganti- What is the number of members that financially support the church?

Rev. Young- There are 103 members with 140 Sunday attendees on average.

Mr. Ziganti – We can give a conditional certificate for up to five years. We are now going to ask the church what their thoughts are on that.

Rev. Young – We would love to have a five-year certificate.

Mr. Ziganti – My last question is, do you have any plans to make any changes in the near future for your property right now?

Rev. Young – No

Mr. Ziganti – Any other questions from the Board?

Ms. Klemm – Do you know how many parking spaces you have approximately?

Rev. Young – 227

Ms. Muehling – Do you have any problems with traffic congestion for Sunday morning services?

Rev. Young – No, not since the temporary light for the culvert was removed.

Ms. Sritalapat – I would like to reiterate that no part of any building or the land or property used for the church shall be used for non-church related activities. Correct?

Rev. Young – Correct.

Ms. Sritalapat – With the renovation work on the century home for the office, you don't foresee any additions?

Rev. Young – No. No changes to the footprint.

Ms. Muehling – On your buffer zones of 60', is there a building closer than 60' to the buffer zone?

Group later identified that there is a gas house that may be close to the 60' buffer zone.

Mr. Ziganti then closed the public portion of the meeting and asked for a motion for a conditional use certificate for Word of Grace Church.

Ms. Fadorsen proposed a conditional use certificate be issued to Word of Grace Church for five years for proposal ZU-2023-1. With that being said, Mr. Ziganti had Rev. Young

initial and date Form #3 with the revised designator ZU-2023-1, striking Z-2023-11. Ms. Klemm seconded the motion.

Discussion:

Ms. Klemm said that the property has been steadily cared for and that a five-year conditional certificate would be appropriate for Word of Grace Church.

Ms. Fadorsen seconded that.

Ms. Muehling – there are A through I - requirements of churches to be permitted in residential districts as listed in the Zoning Resolution. And to the best of my knowledge, they meet each one of those. One thing that hasn't been discussed, the last item says they need to also meet the "general" standards – and they do. They meet the general and specific requirements. The five-year extension should be granted.

Ms. Sritalapat – Was the previous conditional use permit approved for four years?

Mr. Ziganti - It was four years at their last Conditional Use hearing and various time lengths in the past. Five years is the max.

Mr. Ziganti requested that the roll call vote be taken:

Roll Call vote:

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

Motion was passed.

Conclusions of Fact for Appeal ZU-2023-1

Application to grant a conditional use certificate for Word of Grace Church located at 9021 Mayfield Road. Rev. Young presented an update on the condition of the buildings on the church property and the strength of the membership of the church. The existing pool was filled in due to the maintenance of the pool being intensive. A bath house was removed on the property. It was indicated that the building closest to Mayfield Road, which was a pre-existing office, was damaged recently and will be repaired to be used as an office once again. It was noted that the office is the only non-conforming building on the property. The Reverend presented testimony that the maintenance of the septic system is maintained on a monthly basis and a certificate from the service provider was presented and placed in the file dated August, 2023. The applicant requested a five-year certificate based on there being no outstanding issues with the property, and no expected modifications of the property. The testimony points out that they meet the

general standards (6.05.0) for a conditional use and the specific standards (6.06.01) for churches.

We the Board of Zoning Appeals incorporate into the Conclusions of Fact the application forms, documents, and exhibits; including all corrections, clarifications, and additions discussed or presented at this hearing.

Ms. Fadorsen made a motion to accept the Conclusions of Fact. Ms. Sritalapat seconded the motion.

Roll Call vote:

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

Review of November 13, 2023 Meeting Minutes

Mr. Ziganti asked for an update on the Zoning Forms revamping process and how it was coming along. He would like to know when we are going to get together again. Ms. McCarthy let him know that changes are still being gathered and the Zoning Office should be submitting rough drafts in the near future.

Discussion on who and how Board of Zoning Appeals minutes are to be signed. How the Conclusions of Fact are to be signed and by whom. Form 18 and 19 from the Geauga County Model Zoning references how to do the process as referred to in the Chester Zoning Resolution. More research needs to be done before changes are to be made.

Ms. Fadorsen moved approval of the November 13, 2023 meeting minutes as amended; Ms. Sritalapat seconded.

Vote: Ms. Fadorsen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes

New Business

Mr. Ziganti asked if anyone else on the board is interested in working on or streamlining the Zoning Forms.

Mr. Ziganti- I have some additional thoughts from that meeting and wanted to let Ms. McCarthy know that at that meeting we discussed not having a sign application, but we do have one.

MINUTES BZA 12/11/2023

Ms. McCarthy reminded everyone that December 19th there will be a Board of Zoning Appeals Training Session. Mr. Ziganti reiterated his request that the Training Session be videotaped. Ms. McCarthy will pass it along.

Meeting was closed at 8:50 p.m.

Approval Date January 8, 2024

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman

6.06.01

CHURCHES. Subject to the provisions of Article 6, churches may be permitted by the board of zoning appeals as a conditional use in any residential district, subject to the following conditions:

- A. **BUILDING OR PREMISES USE.** No part of any building or land used for church purposes shall be used for business, commercial use or non-church related activities, with the exception of farm markets in accordance with Article 5.00.08.
- B. **LOCATION.** No church shall be located closer than one-quarter (1/4) mile from any other place of assembly as defined in the Ohio Basic Building Code.
- C. **FRONTAGE.** The minimum front lot line of a church shall be three hundred fifty (350) feet, except for a corner lot where the minimum front and side lot lines shall be four hundred twenty-five (425) feet each.
- D. **DRIVEWAYS.** The driveways used to provide ingress and egress to such facilities shall be so located and arranged to minimize traffic congestion. Therefore, the center line of such driveways shall be at least three hundred (300) feet from any intersecting right-of-way as measured from the right-of-way.
- E. **YARDS.** The minimum side and rear yards setback line of any church shall be one hundred (100) feet. The minimum front yard setback line shall be two hundred (200) feet or the line joining the front building lines of adjoining properties, whichever is the greater distance. Required front, side and rear yards shall be landscaped and maintained in a satisfactory condition.
- F. **HEIGHT.** The maximum church building height shall be the same as is specified for the district in which the church is proposed to be located, subject to the building height exceptions.
- G. **LOT AREA.** The minimum church lot size and coverage shall be the same as is specified for the district in which the church is proposed to be located.

H. PARKING. Except as otherwise provided in this section, parking spaces shall comply with the requirements of Article 7.

1. The required parking spaces for each church shall be one (1) space per six (6) seats located in the main assembly hall or sanctuary.

2. Parking spaces shall be screened as required in Section 7.00.0 K.

3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 7.00.0 C.

I. BUFFER ZONE. A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a church abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the church is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, the buffer zone shall be screened as required in Section 7.00.0 K.

McCarthy, Kathleen

From: bziganti@netzero.net
Sent: Monday, December 11, 2023 5:55 PM
To: bziganti@netzero.net
Cc: McCarthy, Kathleen; christina.eklemm@gmail.com; dsrit001@gmail.com; denamenmindyd@gmail.com; chesterlandarabica@gmail.com; larryfmuehling@yahoo.com; Purchase, Mark A
Subject: BZA Meeting Conditional Zoning Certificate Word of Grace Church

Hello BZA Members,

Concerning the Word of Grace appeal for a Conditional Zoning Certificate. I was able to review the meeting minutes of 9 September 2019. (9-11, a date that will live in infamy.) That was the last hearing that we had for this church, and I would summarize the hearing as follows: At that time the BZA had a concern with the church maintaining the on site septic system. Additionally, there were no reported issues or complaints of the church from the public. For these reasons we granted a four year Conditional Zoning Certificate.

F.Y.I. There have been some changes on the property. The swimming pool was filled-in due to its deteriorating condition. (This eliminates a safety concern for both the church and the community.) One or two outbuildings were removed. The office building, fronting on U.S. 322 experienced some water damage, and repairs to it are not known.

Thank you,
Bart