

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY, JANUARY 8, 2024, IN THE TOWN HALL MEETING ROOM. AUDIO RECORDING ON FILE.

Chairman Barton Ziganti called the January 8, 2024, Chester Township Board of Zoning Appeals meeting to order at 7:02 p.m.

Roll Call

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

Members absent: Ms. Fadorsen

Admin present: Ms. McCarthy

Zoning Inspector: Mr. Mark Purchase

Assistant Zoning Inspector: Mr. Chris Alusheff

New Year Business:

Motion to adopt Robert's Rules of Order for use in every meeting of the Board of Zoning Appeals for 2024. Motion to adopt – Ms. Muehling; Seconded by Ms. Denamen

Roll called

Ms. Denamen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes – Motion passed

Motion that the Board of Zoning Appeals will meet on the second Monday of each month during the coming year at 7:00 p.m. unless amended. Motion to adopt – Ms. Sritalapat; Seconded by Ms. Denamen

Roll called

Ms. Denamen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes – Motion passed

Motion to appoint Kathleen McCarthy as the Administrative Assistant for the Board of Zoning Appeals for the coming year. Motion to adopt – Ms. Klemm; Seconded by Ms. Denamen

Roll called

Ms. Denamen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/yes – Motion passed

Motion to appoint Ms. Sritalapat as Vice-Chairperson for the Board of Zoning Appeals for the coming year. Motion to adopt - Ms. Muehling; Seconded by Mr. Ziganti

Roll called

Ms. Denamen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/abstain; Mr. Ziganti/yes – Motion passed

Motion to appoint Mr. Ziganti as Chairman for the Board of Zoning Appeals for the coming year. Motion to adopt – Ms. Sritalapat; Seconded by Ms. Muehling

Roll called

Ms. Denamen/yes; Ms. Klemm/yes; Ms. Muehling/yes; Ms. Sritalapat/yes; Mr. Ziganti/abstain – Motion passed

Mr. Ziganti led the Board members and audience in reciting the Pledge of Allegiance. He also read the public hearing process of the Board of Zoning Appeals.

Appeal ZA-2024-1
Mr. David Allen Perchinske, Jr.
12827 Morning Glory Trail

Mr. Ziganti asked if there was any additional information on the following case. Mr. Purchase said there was an updated Form 4 and presented all board members with a copy. There were two revisions. The first revision is on page two that all information has been supplied by the appellant and in section 2 above, the % of variance has been changed to 13.9% variance. All information was initialed by the appellant and the Zoning Secretary.

At that time, Mr. Ziganti swore in all members of the audience who may testify.

Form 4 was read into the record by the secretary.

Ms. Muehling asked for the plot map supplied by Mr. Perchinske be displayed on the monitor. She pointed out that in Section 2, Number 3, plans and maps requires a complete set of drawings for setback in feet from all lot lines. There is no setback indicated from the house and from the shed as required in number 3. She also mentioned that the sketch does not show the existing driveway or the parking spaces. These are important items in judging the variance. She was also looking for a photo that indicated the growth currently on the property. She noted there is considerable growth during a recent drive by. Using iWorQ's, a photo of the property was pulled up which showed the driveway and growth on the north of the property. The location of the septic tank was also requested. Mr. Perchinske indicated where the septic system is on the original plot plan which was the south-west corner of the property. The plan was updated with this information and initialed by Mr. Perchinske. Mr. Purchase supplied

the board with measurements (utilizing REALink) to determine setbacks for the front of the house and from the shed.

Mr. Purchase gave a summary of the case. The proposed accessory building is a 30 x 40 square foot building for 1,200 square feet. The allowance for accessory buildings is 1,280 square feet which means the other accessory building currently on the lot will come down if this variance is requested. There was no issue with setbacks. The primary purpose of this building is for storage of the RV. Because the structure is steel, he is able to bring the height of the building down a bit which helps reduce the variance requested.

Mr. Ziganti asked Mr. Perchinske if he was in agreement with the information that had been presented and he was.

Mr. Perchinske testified that he is seeking a variance for the height of the building. If you build the building with 10' walls and an 8/12 roof pitch, the building can be 20 foot tall. The building I am asking for is 19'2". It just happens to be built in a different way. I consider this new way an even safer structure. The other accessory building you see, will be taken down should this variance be approved.

The building costs about \$16,000, but if I'm paying \$4,500 a year to repair this RV, it will outweigh the cost of the building. I feel it is a small ask. Especially considering if it were to be built a different way, it would be 20 foot tall. I also feel this would help beautify the neighborhood a bit by keeping the RV off the driveway.

Ms. Muehling asked where the RV is usually parked. Using the photo on the monitor, Mr. Perchinske showed the board where the RV is usually parked, to the north of the house.

Ms. Muehling asked if he has a turnaround. Mr. Perchinske said it's a larger pad than usual but would require moving all vehicles out of the garage to do this.

Ms. Muehling asked how big the motor home is.

Mr. Perchinske said it was 31' long, 32' with a hitch and with a cargo puller, 35'.

Ms. Muehling asked how wide the motor home is.

Mr. Perchinske said 10'.

Ms. Muehling asked if this is a Class C motor home.

Mr. Perchinske – Yes.

Ms. Muehling asked if it is 12'2" high.

Mr. Perchinske – Yes, because of the AC vents.

Mr. Ziganti asked if the construction is a metal roof with a 3/12 pitch. “And is this rated for snow load?”

Mr. Perchinske said yes.

Mr. Ziganti asked about the 8” concrete pad as indicated on the site plan.

Mr. Perchinske said we are altering the pad to 6”.

Ms. Muehling asked if the 19’2” is measuring from the top of the pad up?

Mr. Perchinske said yes.

Ms. Muehling referred back to Section 2 of Form 4 and was confused with the contour map. “Is your lot level?”

Mr. Perchinske said yes.

Ms. Muehling asked how the owner would get his RV from where it is to the new building.

Mr. Perchinske – That 60’ is pretty dry so I will probably put some gravel there.

Ms. Muehling – How much growth is there on that path?

Mr. Perchinske – Nothing.

Ms. Sritalapat – Looking at the drawings, on the elevations, are you having two garage doors?

Mr. Perchinske – Yes, we will have two doors so we can put our other outside yard equipment in the same building.

Ms. Sritalapat – Are you planning on getting a second RV?

Mr. Perchinske – When I get a second job! No, we have no plans on owning two RV’s.

Ms. Sritalapat – I asked because I believe you are not able to store two RV’s in Chester, per Section 5.01.10.

Mr. Perchinske confirmed again that he will not own two RV’s at one time.

Mr. Ziganti asked if he planned on doing mechanic work in the garage.

Mr. Perchinske said no.

Mr. Ziganti asked if there would be electrical in the garage.

Mr. Perchinske said yes, but not running water.

Mr. Ziganti asked about Mr. Perchinske's comment, a major selling point of buying this home was the potential to have an RV on the property. "Was that indicated to you by a realtor?"

Mr. Perchinske – No, we just wanted to have our RV on our property and of course we also looked at the school system.

Mr. Ziganti opened the hearing for Public Comments. – There were no questions.

Ms. Sritalapat – Can the RV be stored in a garage that meets the Zoning requirements or is it that you want this particular design of garage?

Mr. Perchinske – It might be in a different garage, but the steel gables would still require the same height.

Ms. Sritalapat – Did you get this design "out of the box" or did you go to an engineer and have this designed?

Mr. Perchinske – I worked with this company and worked on different models that may be available to get the pitch down. We just couldn't seem to come up with an answer that accommodated the steel gables with the higher garage door needed for the doors. If it was open and there was no garage door, it may be possible, but we really need the garage door.

Ms. Muehling – Is the need to safely store the RV or is the variance requested to accommodate other needs. For instance, a 30 x 15 with the same pitch roof would be able to store the RV. That type of building would not require a higher roof. I am not sure why this needs to be one building and perhaps the structure could be built as two separate buildings and that would negate the need for a height variance. I am also concerned that this building will be 4 foot higher than your house.

Mr. Perchinske – I don't think this would change the essential character of the neighborhood. Pointing to his side, Mr. Perchinske identified the neighbors behind them and said they have 10' walls, but they don't have an RV. They have an 8/12 pitch. I couldn't get my RV under his garage door.

Mr. Henry Crouse – I live behind David. The heights of the interior walls with 11', you cannot get an RV in there. That means he must go with a 12' wall and with conventional trusses, that would exceed the maximum height even more. His garage height will be at or less than ours. There are other garages in the neighborhood that have higher heights than what David would end up with. In talking with the neighbors,

they are very happy with what has been done and is being done at their house. Also, I'm not sure about the conversation about two buildings. I just think one building would be far better appearance for the neighborhood. We tucked our garage in the back to be out of the view from the road. That's the same thing David wants to do – tuck it back and out of view.

Ms. Sritalapat – Is your garage door the “typical” overhead door that comes up and over?

Mr. Perchinske – Yes. We looked at roll up doors too. That did not help enough with the headroom to negate the need for increased height which would have still required the variance. Roll up doors are hard to insulate also.

Ms. Sritalapat – If you were to have one 13' door in the center of the building and other doors lower, would that reduce the building height?

Mr. Perchinske – This company told me that either way, the walls still have to be 15' to get the trusses in. No matter what, the walls have to be 15'.

At this point, the Public Comments Portion of the meeting was closed.

Ms. Klemm motioned that Mr. Perchinske be granted an area variance for a 13.9% variance on the height of the proposed requested accessory building for ZA-2024-1 per the plans submitted. Ms. Sritalapat seconded the motion.

Discussion:

Mr. Ziganti said that an additional clearance needs to be provided for a 13' door to allow for the arc of the track that permits the overhead door to retract into the horizontal stored position. Because of snow issues, swing-out doors don't work. A building could be made with lower sidewalls and a higher pitch if that overhead door was centered. The 3/12 pitch is only possible because it is steel construction and could not be built using lumber.

Mr. Ziganti- We had testimony that the concrete pad of the accessory building would not be 8" as shown on drawings. Rather it would be 6" as Mr. Perchinske said.

Mr. Perchinske was asked to initial this correction on the building construction plans.

Question number one of the Duncan Factors was read and the applicant's response of yes was discussed as a group. Mr. Ziganti explained that an applicant is entitled to answer the questions any way they want.

Mr. Ziganti brought up Duncan Factor number 7 as he was interested to find out if Chesterland has been identified by the realtor who showed the home as a community

that permits the storage of an RV. "What that would mean is we will have more people coming before the board expecting accessory buildings are approved for RV's.

Ms. Denamen asked Mr. Ziganti if he disagreed with the answer given to number one.

Mr. Ziganti said yes, but it is their right to answer any way they wish. "What did they say as far as in their attachment to the Duncan Factors responses on Form 4?"

Ms. Denamen read the applicant's response to number one from the attachment for the Duncan Factors responses.

Mr. Ziganti had detailed in his notes that he wanted to know if Mr. Perchinske had experienced problems with vandalism but felt that his response was the accessory building would reduce the possibility of vandalism.

Ms. Denamen said she looked at number one as being a positive as being exposed to the weather and could cause damage.

Ms. Muehling agreed with the response on number one also. She also felt that the response of "parking our RV in the driveway taking away parking spaces for our guests" does not deprive them of permitted use of the lot. "First, you can park outdoors. Taking away parking spaces is an inconvenience. It is not a hardship. Secondly, I do think you have a problem because of the weather. I also think several of your responses are opinions, not facts."

Ms. Klemm asked about Duncan Factor number 3, Is there any beneficial use of the lot without a variance? "I would offer that they do have a home on the lot and there are other beneficial uses of the lot without the variance, but not for RV storage."

Ms. Muehling brought up Duncan Factor number 2 and 3. "Will you get a reasonable return without the variance? Sure you will."

Ms. Sritalapat brought up number 4, is the variance substantial? The group agreed, it was not substantial.

Ms. Muehling felt that in all fairness, a reasonable effort has been made to reduce the height. "But, the fact of the matter is, if this building is going to stand 5'2" over his residence, and that is considerable."

Mr. Ziganti suggested that the home is actually higher than 14' as written in on the applicant's plan.

Ms. Muehling said that when she drove by, she did see growth on the side.

Mr. Ziganti asked if Ms. Muehling had a concern about a view of this building from Morning Glory.

Ms. Muehling said, yes.

Mr. Ziganti asked if a supplementary condition should have been put in place for certain live screening to be put up?

Ms. Denamen didn't think screening was a problem and it was probably already there.

Ms. Muehling said in regard to the essential character of the neighborhood, she drove by Morning Glory and Wellswood the street behind and she did not notice any storage building higher than a house. "The character of the neighborhood, that is an opinion thing. It should be considered, but not sure how much. Once we say the building can go up, we have no control over it. This is a variance that will be there forever as it is for the land, not the current property owner."

Ms. Muehling questioned the phrase, "it will enhance the view of the neighborhood. I feel that Morning Glory Trail is a community of single-family residences that are largely ranch style. A drive by did not discern any visible accessory buildings that stood out from the residential appearance of the lots. Is a building of that nature going to do it? We won't know until it's up there."

Ms. Denamen felt there was a variety of homes in that neighborhood, and "I don't feel like the height of this one is or will be unusual."

Mr. Ziganti said he would be surprised if the house height is only at 14'. "If the gable goes north and south, that would be 12' to midline and I'm sure they probably have a 6/12 roof, so that means it's going to be at least 16' high."

Ms. Klemm and Ms. Denamen offered that their ranch home is 18' high.

There was no discussion on Duncan Factors number 6.

Duncan Factor number 7: He was not aware of any restriction and the group felt that was pretty common.

Duncan Factor number 8: The group felt that the various attempts to get the building lowered had been discussed enough.

Ms. Sritalapat asked if there might be another way(s) they can achieve their goals. "Clearly, there are other ways. Although I am not one to deprive someone of an accessory building if it meets requirements. I do think there are other ways to build this other than by asking for a variance."

Ms. Muehling – I didn't see a scale on the drawings. I think he could build a building and house just the RV and keep within the height requirements. This could help drop the variance to 7%. Is it fair to ask that? He then has the option of putting up a normal height accessory building later on.

There was continued group discussion on various buildings and size variations that could be built.

Duncan Factors number 9 was read along with the response from the attached sheet. No responses were brought up.

Ms. Muehling brought up a comment from a prior hearing where a resident said, "I would rather have to see the RV than to see the building it would be housed in. One day they will move, and I will no longer have to see the RV, but had the building been built, it would be there forever." That is one point of view.

Duncan Factors number ten relating to other questions asking if the zoning criteria is equitable. The attached response listed other homes in the neighborhood that had buildings 20' tall. However, we have restrictions because of the higher garage door and steel framing that make it safe. It was noted that no neighbors spoke in opposition.

Ms. Denamen said she agreed that the zoning criteria is equitable. Ms. Klemm agreed.

Mr. Ziganti explained why the walls need to be higher because of the truss system. He also felt the group should consider the permanence.

Mr. Ziganti also said he happens to be for this. "A 13.9% height variance is well under what we have typically granted in the past. I think it's unreasonable to have two structures. That would be cost prohibitive. I also feel that would be aesthetically impractical though we're not supposed to be concerned with that at all."

Ms. Muehling asked Mr. Ziganti to explain again about the possible height of the house on the property is probably higher than 14'.

Roll Call vote:

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

Motion was passed.

Conclusions of Fact for Appeal ZA-2024-1

Applicant, David Allen Perchinske, Jr. requested an area variance for his property located at 12827 Morning Glory Trail. He requests constructing an accessory building with a proposed wall height of 15' and ridge height of 19' 2" requiring a 13.9% variance from Section 5.01.05. The proposed accessory building is a 30' x 40' or 1,200 square foot building to be constructed of steel built on a concrete pad of 6". The accessory building is to be located in the northeast corner of the property and sited 15' from the side and rear yard lot lines. Testimony was given that the existing shed on the property would be dismantled with the approval of the variance. The testimony is that the use of the accessory building will be for parking a single personal RV vehicle measuring 32' long by 10' wide by 12' high, thus requiring a 13' overhead door for that purpose. Testimony was given that electrical will be run to the building but not running water. Testimony was also given that the structure will not be used for mechanical work and the second port of the structure will not be used for parking of commercial vehicles. BZA members stress that all construction parameters that have been submitted will be adhered to. Testimony also was given that the applicant may wish to install a gravel driveway to the structure. One neighbor indicated their approval of the variance request.

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

Ms. Klemm made a motion to accept the Conclusions of Fact. Ms. Denamen seconded the motion.

Roll Call vote:

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

Review of December 11, 2023 Meeting Minutes

Ms. Muehling moved approval of the December 11, 2023 meeting minutes as amended; Ms. Klemm seconded.

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

Review of November 13, 2023 Meeting Minutes

Ms. Denamen made a motion to rescind November 13, 2023 Meeting Minutes and replace with modified minutes striking through incorrect property addresses and indicating correct property addresses in red. Ms. Klemm seconded the motion.

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

There was a general discussion amongst the Board regarding how, when and who signs minutes and conclusions of fact moving forward. Questions regarding the directive for these signatures, as stipulated in Section 12.02.04-F2 of the Chester Township Zoning Resolution were raised. Because of the lateness of the hour, it was decided that Ms. McCarthy would gather from five local BZA communities in Geauga County sample minutes, signatures and directives from their respective Zoning Resolutions and supply that information at the next meeting. Meeting was closed at 9:53 p.m.

Approval Date February 12, 2024

Kathleen McCarthy, Admin. Assistant

Barton Ziganti, Chairman