

RECORD OF PROCEEDINGS

WALNUT TOWNSHIP, FAIRFIELD COUNTY, OH - BOARD OF ZONING APPEALS (BZA)

11420 Millersport Rd., Millersport, OH 43067

HEARING #23-102, 103 MEETING MINUTES

August 10, 2023 7:46 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Mark Helms, Ken Rienschild, Ron Sharpe, Martha Snavelly, Rick Singer – Alternate. Members absent –

Zoning Inspector: Mike Berry - present

List of members of the public present, from sign-in sheet:

1. Tamarra Parker-Stephens

The hearing was called to order at 7:46 PM by Board of Zoning Appeals Chair Fant and the Pledge of Allegiance to the Flag was recited.

Advertised Purpose of Hearing:

The purpose of the Hearing was for the Zoning Application #23-102, 103. An application was submitted by Tamarra Parker-Stephens, owner of 10650 Lake Rd. Millersport, Ohio. The applicant is requesting a reduction in the road frontage to 178 feet from the required 200 feet and a reduction in area to 1 acre from the required 2 acres of the Zoning Resolution to split a parcel into two separate parcels. Parcel number 0460018500 is currently zoned RR.

Swearing in of ALL members of the public that intend to speak by the Chair: Chair stated. Any member of the public intending to speak or think they may want to speak during these proceedings shall rise to be sworn in. Please raise your right hand and repeat *“I state your name, agree to tell the truth the whole truth and nothing but the truth during these proceedings, so help me God”*.

Information provided to the Board of Zoning Appeals prior to the proceedings:

Exhibit #23-102A, 103A (5 pgs.): Variance Application

Exhibit # 23- 102B, 103B (1 pgs.): Auditor Property Card

Exhibit #23-102C, 103C (1 pgs.): Picture Split Measurements

Exhibit #23-102D, 103D (2 pgs.): Photographs of Property

Exhibit #23-102E, 103E (1 pgs.): Notice to Property Owners

Exhibit #23-102F, 103F (1 pgs.): List of Property Owners – Contiguous

Opening Summary Comments: Chair Alex Fant asked the applicant why she was requesting the variance. Tamarra Parker-Stephens stated that she had owned the property with her husband who passed away in December of 2022. She stated that without the additional income and with her disability she has a hardship and would like to split the property. She has found someone to purchase the other lot and help her maintain the property.

Discussion: Chair Alex Fant stated that there are certain factors to be considered when approving a variance.

- I. **Area Variance:** If the applicant is asking for a variance in the area requirements of the Code (size, setbacks, etc.), a variance should be granted if strict adherence results in practical difficulties with the use of the property. To determine if there is a practical difficulty, using the variance application and testimony from the applicant at hearing, review the following:
 - a. In granting an Area Variance, the Board shall determine that one or both of the following factors are met by the request:
 - i. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district; or

- ii. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.
- b. In granting an Area Variance, the Board shall also determine that all of the following factors are met by the request:
 - i. The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the Variance;
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance;
 - iii. The Variance is not substantial and is the minimum necessary to afford relief to the applicant and achieve an appropriate and beneficial improvement of the property; and
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- c. In granting an Area Variance, the Board shall also consider the following factors:
 - i. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - ii. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance; and

Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

Chair Fant stated that the applicant had met the requirements for an Area Variance:

The character of the neighborhood would not be adversely affected and there were no objections from property owners; spirit and intent would not be adversely affected, would not affect delivery of government services, did you purchase the property with the knowledge of the restrictions and there was no issue there, property owner's predicament could be solved in any other manner than through a variance and the answer was no.

At roll call, the Board members concurred with Chair Fant that the applicant had met the requirements to approve an Area Variance.

To approve or disapprove the applicant's submission:

Motion made by Martha Snavelly to approve Variance #23-102, #23-103 seconded by Ron Sharpe.

Rienschield - Yes, Helms – Yes, Fant – Yes, - Sharpe – Yes, Snavelly - Yes, - Rienschield, - Yes

Applicants proposed Variance was approved.

Adjournment: At 8:20 PM, Ken Rienschield made a motion to adjourn. Martha Snavelly seconded the motion. The motion to adjourn passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

Alex Fant – Chair

Martha Snavelly – Vice Chair