

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

Zoning Application 24-16 MEETING MINUTES

March 14, 2024 – 7:00 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Ken Rienschield, Ron Sharpe, Martha Snavely,
Members absent – Mark Helms, Rick Singer, Alternate

Zoning Inspector: Mike Berry - present

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

1. Ned Coffman, 258 Lakeshore Dr. W. Hebron, OH
2. Christy Trumps

The hearing was called to order at 7:00 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 a request for Variance by Ned Coffman for the property located at 5568 Fairfield Beach Rd. Thornville, OH. The request involves setbacks on two sides which are roads Maple Rd. and Maple Rd. Subject lot is a triangle. Parcel is unique in that it has roads on all three sides.

Chair administered the oath to all members addressing the Board of Zoning Appeals.

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

Exhibit 24 - 16A (5 pgs.): Zoning Application #24-16

Exhibit # 24 – 16 B (1 pgs.): 3D View

Exhibit #24 – 16 C (1 pgs.): 3D View

Exhibit #24 – 16 D (1 pgs.) 3D View

Exhibit #24 – 16 E (1 pgs.) 3D View

Exhibit #24 – 16 F (1 pgs.) Auditor's Plat

Exhibit #24 – 16 G (1 pgs.) Auditor's Plat

Exhibit #24 – 16 H (1 pgs.) Auditor's Aerial View

Exhibit #24 – 16 I (1 pgs.) Notice to Property Owners

Exhibit #24 – 16 J (1 pgs.) List of Property Owners (Contiguous)

NEW BUSINESS

Chair Fant asked the Applicant to state his request for Variance. Mr. Coffman stated that this will be a residence with a garage for storing vehicles. He said that his initial thought was to make this an office, but he decided to make it a residence. Mr. Coffman stated that the Variance will not change the footprint of the existing structure. This is a corner lot, with two 25' setbacks on two sides. Mike Berry stated that this will not block any views on any sides and that the setbacks are the same for residential or commercial. Zoning Inspector Mike Berry said that he had visited the site. Chair Fant asked Mike if there is plenty of access for fire trucks, etc. and he replied yes. Mr. Coffman stated he would have to dig a new well, the old well has been capped.

Is the applicant asking for a variance dealing with?

1. The area requirements of the Code? (See I: Area Variance)
2. Use of the property in a way not authorized by the Code? (See II: Use Variance) or
3. Use the property as allowed by Code but in a way that will have a significant impact on the property? (See III: Conditional Uses)

- 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 **“the applicant purchased this property in November of 2023 and seeks to split the property into lots. The lot sizes are irregular. Based on the irregular size as purchased would only be able to split into 3 rather than 4 lots.**
 - 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; would not substantially alter the neighborhood
 - 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
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance.

II. Use Variance: If the applicant is seeking to use the property in a manner not authorized under current zoning, a variance should be granted if the Code creates an unnecessary hardship to the use of the property. Review the following :

- a. The Board shall determine that all of the following conditions are met by the request:
 - i. The property cannot be put to ANY economically viable and appropriate use under any of the permitted uses in the zoning district;
 - ii. The Variance requested stems from conditions that are particular to the subject property and are not applicable, generally, to other properties within the same zoning classification;
 - iii. The hardship condition is not created by actions of the applicant;
 - iv. Granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - v. Granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - vi. The Variance will be consistent with the general spirit and intent of the Zoning Code; and
 - vii. The Variance sought is the minimum that will afford relief to the applicant.
 - viii.


Chair Fant asked for a Motion to approve Variance Application #24-40, 41, motion by second by Ken Rienschild.

Roll call: Fant, - Yes, - , Rienschild, - Yes, Helms, - Singer, - Motion passed with 4 yes votes.

Adjournment: At 8:22 PM, Mark Helms made a motion to adjourn, Ken Rienschild seconded the motion. The motion passed with 4 yes votes.

Minutes Recorded By: Patricia McLoughlin


Alex Fant - Chair


Martha Snavelly - Vice Chair

