

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-63 MEETING MINUTES

July 11, 2024 – 7:00 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Martha Snavely, , Ken Reinschild, Ron Sharpe, Rick Singer – Alternate.

Zoning Inspector: Mike Berry – present

Members absent: Mark Helms

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

1. Ken Oehlers, 14440 St. Rt. 13, Millfield, OH 45761
2. Martha Rusler, 11235 Ridenour Rd. Thornville, OH 43076
3. Debbie Queen, 9191 Cooks Hill Rd. Glenford, OH 43739
4. Michael Kapar, 7590 Basil Rd. NW, Baltimore, OH 43105
5. Dan & Charla Green, 13513 King Rd., Thornville, OH
6. Kim & Shaun Hamilton, 13199 Forrest Rd., Thornville, OH
7. Joni Maxwell, Joe Catlett, 5374 Cypress Dr., NE
8. David L. Lexam, 12345 Wolfe Blvd., Millersport
9. James C. Scott, 13655 King Rd., NE Thornville, OH
10. Beth Mason, 5216 Beaver Rd., Thornville, OH
11. Rich Mason, 5216 Beaver Rd., Thornville, OH
12. Deborah Stimmel, 13212 Forrest Rd., Thornville, OH
13. Savio Soura 2785 Musser Rd. NE, Baltimore, OH

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 for the Variance Application #24-63, requested by applicant Ken Oehlers, representing Habitat for Humanity.

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

Exhibit 24-63 - A (5 pgs.): Zoning Application #24-63

Exhibit # 24-63 - B (1 pgs.): Auditor's Site Survey

Exhibit #24-63 - C (1 pgs.): Notice to Property Owners (Letter)

Exhibit #24-63- D (1 pgs.) List of Property Owners (Contiguous)

Exhibit #24-63 – E (1 pgs.) Property Photo

Exhibit #24-63 – F (1 pgs.) Property Photo

Exhibit #24-63 – G)1 pgs.) Fairfield Board of Commissioners support letter

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

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"*.

Discussion:

Ken Oehlers, Applicant and Executive Director of Habitat for Humanity of Southeast Ohio. Mr. Oehlers explained that Habitat for Humanity build and repair a house for families in need. The way the program works is that Habitat for Humanity will build a house and sell the house to a homeowner who has to go through and pass a current background check, be able to afford to repay a 0% interest mortgage, and also have to have a housing need. The house is sold, the owner pays property taxes, pays insurance and pays on the mortgage.

There are housing affordability issues as well as lack of housing in our community.

The Application proposed is to reduce the square footage of the house by 100 ft. in order to meet the Habitat for Humanity requirements for affordability of the home. The average cost of the HFH homes range from \$120,000-\$140,00. The home referred to in the application is to be built modular style at Fairfield Career Center. To clarify the difference between manufactured and modular homes is manufactured homes are typically mobile homes and have HUD regulated codes where modular are built according to Ohio Building Codes and are inspected by the State of Ohio at all phases of construction. Currently there are a few homes in Lancaster, Pleasantville and in Fairfield County but none in Walnut Township as of this date.

Mr. Oehlers further explained that HFH is not a government program, but funded by donations and sale of the homes sold. He said that HFH is seeking approval of this application prior to purchasing the property as to not incur the expense if the variance is not approved.

Chair Fant confirmed with Zoning Inspector Berry what they are looking for is a reduction in square footage of 1300 sq. ft. to 1196 sq. ft. there are no setback restrictions no accessory structure issues, and is for one lot located on Beaver Rd. Chair asked if water or power had been installed yet? Habitat is seeking a variance prior to putting any utilities. Chair asked these are modular homes and then trucked onto the property. Habitat tries to keep square foot size to a size that a family can afford. Sometimes families have disabilities and cannot maintain a larger home. Chair asked zoning inspector Berry the size of the lots and he replied they are 100 x 100 ft lots, standard lot sizes. Chair Fant asked zoning inspector Berry if there were similar size homes in the area and he replied that yes there were some homes less than 1300 sq. ft. but were grandfathered in before zoning.

Chair Fant asked Mr. Oehlers if the variance were not approved, would he build the home on this lot and Mr. Oehlers replied he would probably no. He said that he has regulated or square footage that make the homes affordable and without the variance he couldn't afford to build. Chair Fant asked if there were requirements for Walnut Township, Mike Berry replied that it is followed under Federal guidelines. build because there is a certain square footage he would need to comply with and anything larger would probably not be affordable for the potential families.

Applicants

1. Willing to partner with habitat, and attend education classes
2. Unaffordability or homelessness (living with another family member, etc.)
3. Ability to repay a 0% loan
4. Pass a criminal background check
5. Someone who has a disability who needs housing

Chair Fant recognized Commissioner Dave Levacy asked about funding in Fairfield County, is driven by property tax? He replied not necessarily, but the primary recipient of the property taxes are the schools.

Chair Fant said we are considering a single family in an R2 residential district, single family home matching what other homes are in the area, ability to put in sewer and water. Zoning Inspector said they would need to work with Licking County wastewater, inspection by the health department, meet setbacks.

Commissioner Dave Levacy attended a dedication ceremony for Habitat for Humanity home within the past 10 days, and said the home was initially purchased by the Land Bank and then transferred to HFH. He said that there is a shortage of funds in Fairfield County and they are trying to address the lack of housing issues in this way.

Deborah Stimmel addressed the Board and stated that she has lived in the community for many years and lives in a home that is under 1300 square ft. but was grandfathered in. She said she is not against HFH but is opposed to the new guidelines asking for 1300 square ft. with offset.

Beth Mason, stated she moved in 1999 and says the concern is how this will affect their property values, obviously there has been an increase over the years and the main concern is property values depreciating; Rich Mason asked if this would be a single or multiple family home. Mr. Oehlers stated that these are single family homes.

Martha Rusler, lives nearby and is not opposed but not necessarily in support of the home.

Kim Hamilton questioned had to stay within the guidelines of the square footage, 1196 is the maximum based on building guidelines and loan guidelines.

Chair Fant said the only reason they are hearing this variance is because of the square footage. If HFH was building a home 1300 sq. ft. plus, they wouldn't need a variance. He understands that change is scary and that being on Fairfield Beach over the past years, the residents have witnessed a lot of change. It can be a challenge, however, he said that some Board members are also residents of Fairfield Beach, so the decisions impact them as well.

Board of Zoning Appeals member Ken Rienschild asked if the homeowner or future homeowner was from Fairfield County. Mr. Oehlers replied that an owner had not yet been selected. He said that the applicants have to put in 25 hours of sweat equity prior to selection. He further stated that if 10 applications were received, 6 would be from Fairfield County. He further stated that 99% of the applicants stay within the County they currently live.

The question asked would this home be setup for 2 families? Mr. Oehlers replied this is a single-family detached house. He further stated that HFH places deed restrictions on their properties and one of the requirements is that the owner remain in the property for the length of the mortgage. Mr. Oehlers said that the property cannot be rented as long as it is under the HFH program. BZA member Rick Singer asked what the typical length of a HFH loan and Mr. Oehlers replied 20-30 years. Mr. Oehlers addressed additional concerns about the people who move into these houses. He said that HFH extends further than the selling of the home. He is in favor of local zoning regulations and HFH supports the local zoning. He said that HFH has more control than a normal bank. Zoning Inspector Mike Berry stated that Walnut Township also has a property maintenance inspector. She can enforce zoning violations through the Common Pleas Court in Fairfield County.

Michael Kapar with the Fairfield County Landbank said he was there to answer any questions. He explained that this property came available through tax delinquency. He said that this a slow process, but they are trying to identify buildable lots. He stated that the Land Bank is very supportive of HFH and their efforts.

Commissioner Levacy stated that homes support the school system and that our local school system is suffering. Additional housing can only be a positive impact on our community.

Chair Fant asked if the Board needed to enter into Executive Session for further discussion. The Board replied no.

When making a decision on whether to approve or disapprove a variance, there are 9 factors considered by the Board of Zoning Appeals.

- 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 "no restrictions"
 - 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. Single family home would be a net benefit to the community"
 - 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; doesn't think that it would be a detriment "there is no setback or usage difference"
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; again, the spirit and intent is to maintain and make a liveable home "single family homes exist in the area and this would not be different". Concern of the neighbors is noted, but there is always a risk. However, going through the HFH standards to obtain a home will help with this.
 - 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 "if the home were minimum 1300 square ft. there would be no need to hear this variance."

- iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). "single family home in a single family community and no adverse affects to government services."
- 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; "technically the property has not yet been purchased"
 - 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 "yes someone could come in and build a larger home on the property."
 - iii. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance. "The answer is no due to the restrictions of HFH for an affordable home"

Chair Fant asked for a Motion to Approve Variance Application #24-63 by Martha Snavelly, second offered by Ken Rienschild,

Roll call: Fant – Yes, Sharpe – Yes, - Snavelly – Yes, - Rienschild, - Yes, Singer, - Yes

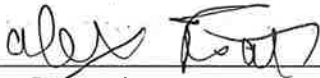
Motion to approve Variance passed with 5 yes votes.

Chair Fant asked the BZA members to explain their vote:

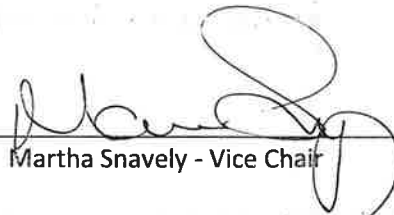
Fant, - Yes, "Chair comments in red above". Sharpe - Yes, he agreed with the comments of Chair Fant and that this would benefit the community; - Snavelly – Yes , she has history with HFH homes as working for Licking County and stated these are nice homes and benefit the community. There are strict standards with HFH and they are a little higher than a normal mortgage; Rienschild – yes, for same reasons mentioned prior; Singer - Yes, it is a positive impact on the community and that HFH screening process in addition to the property maintenance standards in the township it will be a positive impact.

Adjournment: Motion to adjourn at 8:08 pm, Martha Snavelly, second by Ken Rienschild.

Minutes Recorded By: Patricia McLoughlin



Alex Fant – Chair



Martha Snavelly - Vice Chair