

**RECORD OF PROCEEDINGS**

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

11420 Millersport Rd., Millersport, OH 43067

**HEARING #25-160 MEETING MINUTES**

JANUARY 8, 2026 – 7:06 PM

**Board of Zoning Appeals members present/absent:**

Members present - Alex Fant, Martha Snavely, Ken Rienscheld, Mark Helms, Keri Melfi, Shirley Kaye Perkins

**Zoning Inspector:** Mike Berry – present

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

- 1. Craig and Carol Shull, 4741 Canal Rd. Pleasantville, OH
- 2. Casey Smith, 13494 Oak Rd. NE Thornville, OH

**Advertised Purpose of Hearing:**

**Chair administered the oath to all members addressing the Board of Zoning Appeals. 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:** Chair Fant asked the applicant to state the reason for application. Mr. Shull addressed the board and stated that 159 ft. of frontage and 200 ft. is the minimum. He said that many other properties on Canal Rd. are 150 ft. Mike Berry stated that any of the contiguous neighbors listed, there is no way that they have 200 ft. of frontage. Mike stated that the county requirement is 120 ft. and Mr. Shull meets that. Mr. Shull is asking to build a new house on the property.

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

**Exhibit #25-160- A (5 pgs.):** Zoning Application

**Exhibit #25-160 – B (1 pgs.)** Auditor’s Site Survey

**Exhibit #25-160 – C (1 pgs.):** Road Frontage Reduction diagram

**Exhibit #25-160 – D – (2 pgs.):** Notice to Property Owners

**Exhibit #25-160 – E (2 pgs.):** List of Property Owners contiguous

**Exhibit #25-160 – F (1 pgs.):** Survey Plat

Is the applicant asking for a variance dealing with?

1.

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 **“this is basically land-locked and they have owned the property for 19 years. He doesn’t feel comfortable as chair to erase and easement and not allow him to build.”**

- 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. **“this would be beneficial to the community one being that he is building a permanent residence, that is beneficial for multiple reasons.”**
- 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; **“it isn’t being altered, it is a single-family home in a rural residential district.”**
  - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; **“he believes it would and it is within the county limits.”**
  - 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 **“it would be because he has been using the property without the variance, but granting the variance and the new build will benefit the property.”**
  - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“he still has 169 ft. or thereabouts so there is no fire, water, etc., issues.”**
- 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 restriction; **“he has owned the property for a long time and the code was adopted in 1992.”**
  - ii. Whether the property in question will yield a reasonable return or whether there be any beneficial use of the property without the Variance; and **“it would be because he has use of the property now without the variance, but if the variance would deny it would not be beneficial to the property now.”**
  - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. **“short of the neighbors selling Mr. Shull 21 ft., and Mr. Shull said he explored that, but it is very close and would interfere with the sewer lines so that is not an option.”**

Chair Fant asked for a Motion to Approve Variance Application #25-160, Mark Helms made a motion to approve, Keri Melfi seconded the motion.

**Roll call: Fant, Yes, - Helms, Yes for the reasons stated by the Chair - Melfi - Yes – for the reasons stated by the Chair - Snavelly – Yes – for the reasons stated by the Chair - Rienschild,- Yes, there is plenty of property for access.**

**Applicant’s proposed variance Application #25-160 passed with 5 yes votes.**

**Adjournment:** At 7:15 pm., Mark Helms made a motion to adjourn, Martha Snavelly seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

