

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #25-161 MEETING MINUTES

JANUARY 8, 2026 – 7:16 PM

Board of Zoning Appeals members present/absent:

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

Zoning Inspector: Mike Berry – present

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

1. Craig and Carol Shull, 4741 Canal Rd. Millersport, OH
2. Casey Smith, 13494 Oak Rd. 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. Casey Smith addressed the Board and said she and her husband are requesting to reduce the rear setback from 12 ft. to 4 ft. in order to put in an above-ground pool. The proposed pool sizes is 12ft. x 20 ft. Water depth approximately 4 ft.

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

Exhibit #25-161- A (4 pgs.): Zoning Applicant

Exhibit #25-161 – B (1 pgs.) Auditor’s Site Survey

Exhibit #25-161 – C (1 pgs.): Property Diagram

Exhibit #25-161 – D – (1 pgs.): Notice to Property Owners

Exhibit #25-1601– E (1 pgs.): List of Property Owners contiguous

Is the applicant asking for a variance dealing with?

- 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 **“We don’t actually have this here because we have a standard 100 x 100 ft. lot and a house in the middle.”**

- 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. *“a lot of people in the community have above-ground pools in this area and it is good for the property, he is certain they will take care of it, they are building a deck around it.”*
- 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; *“an above-ground pool in this area is not uncommon, they are not putting it anywhere that is conspicuous, there are bushes around and the Chair assumes they will be putting more in for privacy, they are building a deck around it.”*
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; *“Chair thinks we have that moving the pool closer especially since it is above-ground.”*
 - 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 is substantial as we are looking at 8 ft. into the backyard.”*
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). *“as the Chair stated the sewer is in the front, the well is in the back, nothing will be affected.”*
- 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; *“they did, but it will not sway the board’s decision.”*
 - 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 *“obviously they are living in it now, but again will not sway the Chair’s decision.”*
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. *“honestly, unless the pool is put darn near the back of the house, which they don’t want to do.”*

Chair Fant asked for a Motion to Approve Variance Application #25-161, sticking to the request for an above-ground pool, 4 ft. from the property line, 12 x 12 ft. Keri Melfi made a motion to approve, Ken Reinscheld seconded the motion.

Roll call: Fant, Yes, - for the reasons stated above in red, Helms, Yes - for the reasons stated by the Chair, - Snavely – Yes, for reasons stated by the chair, Rienschield- Yes, for the reasons stated by the Chair, Melfi – Yes for the reasons stated by the Chair.

Applicant’s proposed variance Application #25-161 passed with 5 yes votes.

Adjournment: At 7:29 pm., Mark Helms made a motion to adjourn, Keri Melfi seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

