

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #26-19 MEETING MINUTES

MARCH 12, 2026 – 7:00 P.M.

Board of Zoning Appeals members present/absent:

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

Zoning Inspector: Mike Berry – present

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

Advertised Purpose of Hearing:

1. Don Waller, 14970 Rustic Lane Thornville, OH 43076
2. Kyle Waller, 23 Woody Knoll Dr. Thornville, OH 43076
3. Matt McLellan, 3776 South Bank Rd. NE Millersport, OH 43046

Advertised purpose of the hearing: The Applicant, Donald Waller owns a parcel with 20' x 100' lot. He also owns an additional parcel that consists of five 100' x 100' lots. He is requesting to take the most northern lot from the parcel with five lots and add it to the 20' x 100' lot. This would make the first parcel a buildable lot.

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. Don Waller said he has 5 lots. The applicant would like to take the lot north and add it to another parcel and this would result in a buildable lot. Mike Berry said the current lot is 100' x 100' advised and it is currently buildable lot. It is zoned RMU. He further stated that since the applicant wants to make the lot an 80' x 100' lot which is buildable. One contiguous neighbor, Joe Hicks contacted Mike Berry just to ask where the 20' x 100' lot was located. Keri Melfi asked where it stated that a 40' x 100' lot would be buildable. Chair Fant asked the same. Mike stated that it is a non-conforming lot, but it would be buildable. that the applicant is attempting to make the lot more useful by taking the 20' away from the 100' x 100' (buildable), but leaving it an 80' x 100' lot (non-confirming) and therefore needs a variance He said the applicant is making a non-conforming lot and the variance is to make the lot smaller, but buildable. He also informed the board that the lots are currently zoning RMU. Mike said. Chair Fant said he is concerned that the board is now in the place of the business of creating these smaller lots, that he is not in favor of. Chair Fant asked the applicant why only the 20' why not a 60' x 60'. The applicant said that he is planning to build another in the future for another son. Chair Fant stated that the board has had a lot of push back from the community in regard to allowing these smaller, buildable lots. Chair Fant stated that the board may or may feel differently, but he has concerns.

The Board entered into Executive Session at 7:14 p.m. The Board entered back into session at 7:25 p.m.

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

Exhibit #26-19 – B (1 pgs.) Justification of Variance

Exhibit #26-19 – C (1 pgs.): Plat Survey

Exhibit #26-19 – D – (1 pgs.): Auditor's Site Survey

Exhibit #26-19 – E (1 pgs.): Letter to Property Owners contiguous

Exhibit #26-19 – F (1 pgs.): List of Property Owners contiguous

What 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 **“the size is particular to the subject property, in the Chair’s mind, breaking into an 80 ft. creates an 80 ft. lot, which is buildable, but the Chair feels it would not be beneficial to the community.”**
 - 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; **“probably wouldn’t be because there are other existing 40’ lots in the area.”**
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; **“in the Chair’s mind, it is not being met.”**
 - 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 **“The Chair does not believe it is being met, as there is another lot further North that could be tied in.”**
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“probably will not do that.”**
 - 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; **“just by fact that you purchased in December, that would be the caes.”**
 - 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.”**
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. **“The Chair believes that would be the case”**

Chair Fant asked for a Motion to Approve Variance Application #26-19, Martha Snively a motion to approve, Ken Reinschield seconded the motion.

Roll call: Fant, No - Helms, Yes - it's a reasonable use of the property, he heard these lots were initially created for camping but it is a reasonable use of the property. Melfi - No – the applicant purchased the property with the knowledge of zoning restrictions. - Snively – Yes – because she disagrees with the Chair and feels like the spirit and the intent in the variance is not substantial, and it will make a decent area. Rienschild,- Yes, because there is already a 40' lot existing next to the property.

Applicant's proposed variance Application #26-19 passed with 3 yes votes, 2 no votes.

Adjournment: At 7:30 pm., Martha Snively made a motion to adjourn, Ken Reinschield seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

Alex Fant – Chair

Martha Snively - Vice Chair