

**MINUTES OF THE:
WALNUT TOWNSHIP BOARD OF ZONING APPEALS (BZA)
VARIANCE HEARING # 22 - 72
July 14, 2022 – 7:00 PM**

Board of Zoning Appeals members present:

Alex Fant, Ron Sharpe, Alternate Martha Snavelly

Ken Rienschild, Mark Helms, & Jane Hanley were absent

Zoning Inspector: Mike Berry (MB) - present

Invited guest(s) present:

Dakota Freeman, representing Variance #22-72

The Hearing was called to order at 7:00 PM by BZA Chairman Fant and the Pledge of Allegiance was recited.

HEARING PROCEEDINGS

Advertised Purpose of Hearing:

The purpose of this Hearing is to allow a variance in the front yard setback off of Queen Road from 25 feet to 15 feet to allow for the building of a garage. "This size garage (20' X 24') would allow me space to park a vehicle, as well as store my woodworking equipment".

Swearing in of ALL members of the public that intend to speak by the Chair: 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*".

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

Exhibit #22-72 - A: Application for Zoning Permit # 22-72, pages 1-4

Exhibit #22-72- B: Current Map Pic page 1

Exhibit #22-72- C: Proposed Garage Map Pic, page 1

Exhibit #22-72- D: Letter/Notice to Property Owners, page 1

Exhibit #22-72-E: List of Property Owners, page 1

Opening comments by applicant: Dakota Freeman, having been duly sworn in states that my wife and I just moved to Queen about a month ago. Upon viewing the property with my real estate agent, she said I could build any size barn and garage I wanted, but she was wrong. While I was doing some measurements, a neighbor from across the street came over and told me that if I was measuring to build something, Walnut Township has rules and I can't just do whatever I want. I decided to proceed with the closing and go forward with WT zoning. The house was originally set exactly in the middle of the lot. With the front yard setbacks and the back yard setback, there was no place to set the garage and meet all of the restrictions. I thought about putting the garage in front of the house where I could meet the setback, but they put the septic tank there. Then I thought about putting the garage beside the house, but they dug my well there, so I couldn't do that either. I'm asking for a reduction of the setback off of Queen from 25 feet to 15 feet. It would still meet the 25-foot requirement off of Cypress and it would set about 46" into the ground, sticking up 6-8 feet above ground, not interfering with the intersection.

Chairman Fant: You have a retaining wall there, yes?

Mr. Freeman: Yes, and I would tear that out. I will rotate that so it's along the backside of the garage.

Mr. Fant: So, Queen is the side yard setback, right Mike?

Mr. Berry: Yes.

Mr. Fant; OK, and this was the house you had purchased and done some remodeling on it.

Mr. Freeman: No, I bought it as is. There used to be a house, they tore it down and built this one.

Mr. Fant: Right in the middle.

Mr. Freeman: Right in the middle.

Mr. Berry: I can tell you why. The gentleman who built the house, well, the house that was torn down was actually clear over into Queen at the edge of the road right of way. When the gentleman tore the house down, he thought he could go back and build on that same footprint. He had his foundation poured, we caught it, put a cease order on him and he had to tear all that out. He actually put it in the middle of the lot, see on a corner lot you're kind of penalized cause you've got 3 25-foot setbacks; the rear and the two fronts and you have a 15 foot over here on the side so it really challenges you to get a house, garage and what ever you want on a corner lot.

Mr. Fant: So, if this was not a corner lot, he would be well within the side yard setbacks. So, the way the house was built limits you with the other things already in place as to where you can put the garage of any substantial size (not a shed). There's no where else you could put a garage that would not require a variance.

Mr. Berry: the road inspector on July 11 drove out there with the map, walked it all off and said it does not block any intersections.

Mr. Fant: I assume you have the letters to the neighbors in the packet?

Mr. Berry: I did not hear from anyone and it was is the paper. I actually sent out 7 letters.

Mr. Fant: So, you're asking for this variance because of the weird way the house was placed on the property. The variance with the garage will only improve the property. It fits within what the neighborhood is, it's character. The spirit of the zoning requirement would be met and it's not a substantial variance, I don't think and there's no government services that would be interfered with; not blocking any intersections, so I would be inclined to vote in support. In the meantime, I would ask our fellow board members if they have any questions or if they want to weigh in.

Ms. Snavely: I think it's all been handled and I would support it as well.

Mr. Sharpe: I have a question about your garage. Is there a reason you went with one wide rather than two deep?

Mr. Freeman: I wanted to submit this request with the garage running the entire length of the house, but because of where they dug the well, I had to stop it at 24 feet.

Mr. Sharpe: The well is right in front of the retaining wall?

Mr. Freeman: The well is on the Queen side about smack dab in the middle of the house – it's within the retaining wall.

Mr. Berry: What do you, Dakota consider the true front of the house?

Mr. Freeman: I think it's off of Cypress. That's where they put the front door. We put the garage there we, can park there.

Mr. Fant: That's what I'd consider the front, too. Do we have a motion to approve Variance #22-72, Ron?

Mr. Sharpe: I move to approve the variance.

Ms. Snavely: I second the motion

Roll Call; 3 yes votes.

Mr. Fant: So, at 7:14 PM, it's approved. With that being said, do we have a motion to adjourn?

Ms. Snavely: I make a motion to adjourn.

Mr. Sharpe: Second.

Roll Call passed with 3 yes votes.

Motion by Ron Sharpe to approve Variance # 22-72, second by Martha Snavelly.

Roll Call Vote: 3 yes votes

Applicants proposed Variance #22-72 is approved.

Adjournment: At 7:14 PM, Martha Snavelly made a motion to close this Hearing. Ron Sharpe seconded the motion. The motion passed with 3 yes votes.

Minutes Recorded By: Diane Powell

Alex Fant – Chair

Mark Helms – Vice Chair