

**MINUTES OF THE:  
WALNUT TOWNSHIP BOARD OF ZONING APPEALS (BZA)  
VARIANCE HEARING # 22 - 02  
February 10, 2022 – 7:18 PM**

**Board of Zoning Appeals members present:**

Ken Rienschild, Mark Helms, Alex Fant, Ron Sharpe, Alternate Martha Snavelly

Jane Hanley was absent

**Zoning Inspector:** Mike Berry - present

**Invited guest(s) present:**

Mr. Gerald J. Gillian (GG), Representing property at 6300 Old Millersport Rd., Pleasantville, OH (Variance #22-02)

**List of members of the public present:**

1. Robert Slater
2. Terry Horn

The Hearing was called to order at 7:18 PM by BZA Chairman Fant.

**HEARING PROCEEDINGS**

**Advertised Purpose of Hearing:**

The purpose of this Hearing is to for a variance to the 200-foot foot minimum rod frontage requirement to build in RR (Rural Residential ) Zone. The proposed 2-acre plot would be split from the 4.31 acres at 6300 Old Millersport Rd. NE, Pleasantville, OH. The road frontage requested in the variance would be 125 feet as 200 feet would place the property line of proposed lot in the existing house. County requirement is 60 feet so he meets that requirement.

**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 #22-02 - A:** Application for Zoning Permit # 22-02, pages 1-4

**Exhibit #22-02- B:** Answer to question #7 – Justification of Variance, 1 page

**Exhibit #22-02- C:** Attachment for Question 2 Physical Property Information, 1 page

**Exhibit #22-02- D:** Attachment for Question 6 – a list of neighboring property owners and mailing addresses, Letters sent out 31 January 2022, 1 page

**Exhibit #22-02-E:** Attachment Question 2 – Survivorship Deed, 1 page

**Exhibit #22-02 – F:** Attachment Question 2 – Site Map, 1 page

**Exhibit #22-02 -G:** Question 5, 1 page

**Exhibit #22-02-H:** Attachment Question 6, Fairfield County GIS, 1 page

**Exhibit #22-02-I:** Notice of Public Hearing, 1 page

**Opening comments by Mike Berry (MB):** Applicant is requesting a variance to the 200-foot minimum road frontage requirement to build in RR zone. The proposed 2-acre plot would be split from the 4.31 acres at 6300 Old Millersport Rd. NE Pleasantville, Oh. The road frontage requested in variance would be 125 feet as 200 feet would place the property line of proposed lot in front of existing house.

Chair F: Mr. Berry (MB), a follow-up question based on the site plan and the testimony; 400 + feet of road frontage, what's our issue with the 200 feet? Why is the variance coming?

MB: He want to put a variance so you can see his driveway goes up here (Exhibit H-GIS).

Chair F: Is this a nature of the way the property is being divided or is it the nature of where the driveway ends? Where are we measuring the 200'?

MB: Measuring from the top, from the northern most part down to the driveway is 125 feet.

GG: The 200' would be almost halfway of the existing house. The house isn't far enough over to the south boundary so that we have the 200 feet. We talked about 125 feet and that would get us right to the edge of the existing driveway.

Chair F: If we moved the line 200 feet, it would be right up against it on the house.

MB: Yes, the house has got to have a 30 -foot setback.

Chair F: So, by enforcing the rule as written, we would be creating another variance situation on the setback.

: more discussion herro

:So, turning to the matter at hand, is there anything about the property other than the placement of the house that's standing in the way of the 200-foot frontage?

GG: no, just where we built the house originally, we didn't plan on splitting this lot in half to build another house.

Chair F: Purpose is to see the house to your daughter and you're both planning to keep the houses?  
GG: Yes

Chair F: the standards out there , Mike?

MB: The county wants 60 feet of frontage county wide, not sure why the Township wants 200 feet.

Chair F: Any other question from the board? No response.

:Any replies from Exhibit D?

MB: No

: Variance could improve property , not doing anything detrimental to neighborhood, meets county requirements, not a substantial variance, not going to affect any government services, do I have any further discussion?

Summary from the Chair: we heard from both the Zoning Inspector and the applicant and how granting the variance impacts the neighborhood. We've looked at some of the factors as determined by Ohio jurist prudence that boards need to look at when trying to decide whether or not to the variance and that includes if it's going to be an improvement to the property that's more beneficial to the community, if it affects the essential character of the neighborhood of the spirit and intent was of the code and is that going to be observed by the variance. The variance is not substantial. It is minimum necessary to afford relief to the applicant for what he's looking or, it's not going to affect any government services, and we can also consider whether he purchased the property with knowledge of the zoning restrictions, which based on the date of purchase he did. Are there any reasonable use of the property without the variance and the answer is yes, but those are things we can look at and that's how we go through our decision-making process. That being said, do we have a motion to approve?

Comment: State your name please.

Robert Slater (RS): What the gentleman's asking for sounds pretty reasonable to me, but my question is Old Millersport Rd- is it a county or township road?

MB: Township, down there.

RS: Township down that far. There are other parts of Old Millersport Rd. where the county has required proper site lines accesses that are certain distances away from intersection and so forth. I don't know if there' a site line issue here that would require comingled access point or not.

GG: We're more than 800 feet from an intersection (What the county requires)....we're a couple thousand feet from Leitnaker Rd.)

MB: We're pretty far from the intersection.

RS: OK

GG: And Pleasantville Rd, too.

Chair F: That's a good point is there anything else?

RS: Maybe the access lane isn't the board's concern. That's all I have.

Chair Fant: OK, thank you sir. So, do I hear a motion, one way or the other?

Ms. Snavelly: Motion to approve.

Chair F: Motion to approve, do I hear a second?

Mr. Rienschild: Second

Chair Fant: Seconded by Ken Rienschild. Further discussion?

Mr. Sharpe; Clarification: Why didn't you go with the original 200 foot right on the road?

GG: Because it would go right into my existing house, the property line.

MB: It wouldn't meet the side yard setback of the house.

RS: That's the reason.

Chair F: That's what we were saying Ron, we would be creating a zoning violation by doing that. Any further discussion? Roll Call

Roll Call passed with 5 yes votes.

Chair F: The applicant's proposed variance is approved. Do I hear a motion to close the hearing?

Ms. S. Motion to close.

RS. Second.

Chair F: Roll Call: passed with 5 yes votes.

**Adjournment:** At 7:47 PM, Martha Snavelly made a motion to close this Hearing. Ron Sharpe seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Diane Powell