

**MINUTES OF THE:  
WALNUT TOWNSHIP BOARD OF ZONING APPEALS (BZA)  
VARIANCE HEARING #22-129  
October 13, 2022 – 7:00 PM**

**Board of Zoning Appeals members present:**

Ken Rienschild, Alex Fant, Ron Sharpe, Martha Snavelly (Alternate). Mark Helms & Jane Hanley absent

**Zoning Inspector:** Mike Berry - present

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

1. Skip VanDyne
2. Cherie Hunglet
3. Illegible signature
4. Mark and Kim Moyer (applicants)
5. Nancy and Bob Ball
6. Terry Horn
7. Amy Blankenship
8. Rick Cox – Sands and Decker (applicant's representative)
9. Darla Moody

The Hearing was called to order at 7:00 PM by Board of Zoning Appeals Chair Fant and the Pledge of Allegiance to the Flag was recited.

**HEARING PROCEEDINGS**

**Advertised Purpose of Hearing:**

The Hearing was for a Zoning Variance Application. An application was submitted by Mark Moyer of 4856 Decker Ave., Thornville, OH for a reduction in the front yard setback located at 4856 Decker Ave. Thornville, OH 43076. The applicant was making a request for a reduction of the front setback (lakeside) from 25 to 0 feet to build an accessory Structure (boat house). The Zoning Resolution allows 25 feet in the front for the setback and an Accessory structure in a R2-LF Zoning District per Section 9.7B, g of the Zoning Resolution.

**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*".

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

**Exhibit #22-129 A (4 pgs.):** Zoning Permit #22-129

**Exhibit #22-129 B (2 pgs.):** Proposed Site Plans

**Exhibit #22-129 C (1 pg.):** Notice to Contiguous Property Owners Letter

**Exhibit #22-129 D (1 pg.):** List of contiguous property owners

**Exhibit #22-129 E (2 pgs.):** ODNR Application for seawall (boat dock)

**Exhibit #22-129 F (2 pgs.):** Current Permitted Docks, drawing #C-100.

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

**Exhibit #22-129 G (1 pg.):** Proposed Boathouse Plans, drawing #A-100.

**Exhibit #22-129 H (1 pg.):** 1994 historic aerial map

**Exhibit #22-129 i, (1 pg.)** Fairfield County Auditor's office, aerial map

**Opening Summary Comments:** Chair, Alex Fant

Chair Fant went through and noted all Exhibits provided to the Board as noted above.

**Discussion:**

Chair Fant asked the Applicant Mr. Moyer and his representative Rick Cox of Sands Decker to make a statement on the reason for the variance request.

Mr. Cox noted that uncovered docks on Buckeye Lake go through ODNR do not require a Zoning permit. However, covered docks as in this case require a Zoning Permit because it is proposed to be cut into the land. There is a 25-foot setback requirement for the covered dock and the applicant is requesting that no setback be required due to the nature of the dock. Architectural plans of the dock were submitted (Exhibit 22-129 G). It is 780 S.F. in size and includes a restroom. All sides of the dock are open, except where the rest room is located. There is a rail on top of the dock that is decorative in nature. There will not be a patio on top of or access to the top of the dock. ODNR does not allow any occupied platforms on top of covered docks. ODNR has approved the Dock Permit (Exhibit 22-129 E).

Mr. Cox showed the Board a 1994 arial map of the Moyers property that indicated the house that existed at that time in the approximate location of the proposed boat dock.

Mr. VanDyne noted that on the Zoning Application (Exhibit 22-129 A), item #5 requires the applicant to note dimensions of the structure with respect to the lot. These dimensions are missing and believes they

are required to be compliant with the application. Mr. Cox said the dimensions would be noted on the actual Zoning Application to build.

Exhibit 22-129 H, "1994 historic aerial map" of the project area, was entered into the Hearing by Mr. Cox. This was provided to show that there was previous construction that blocked the view of the lake from Mr. VanDyne's property.

Mr. Ball shared information from a September 18th Columbus Dispatch article regarding a piece of property where a house was tilted on the property and a variance was granted for the front and back yards so the view of the sunset was seen by the neighbors. Mr. Ball asked that another variance be granted to allow adjustment of the new house (under a different variance) to increase the view of the Lake by the neighbors.

Cherie Hunglet was concerned that the boat house will block her view of the lake.

Mike Berry indicated that the owner intends to (and is a zoning requirement) combine all of the small parcels owned by the Moyer's that are being built on, into one large parcel before the Zoning Permit is approved.

Exhibit 22-129 i, "Fairfield County Auditor's office, aerial map" was entered into the Hearing by Mr. Cox.

Mr. Fant addressed the Board as to what they should be looking at for approval or denial of this Area Variance. As a Board they should be looking at whether or not one or two (2) factors are present. One of which is there a condition in this property in respect to physical size, shape and other characteristics that differentiates it from other premises in the same district such that a variance is required. And for the variance would result in an improvement of the property that is more appropriate or beneficial to the property than what we have here. In this application there does not seem to be anything that was particular about this land that would not be served by a dock that was in the lake that was covered, there was nothing on this land that would require cutting into the land and building another structure on top of that. Granted it does fit in with the setbacks from the building, there are no setback issues anywhere other than the Lake. It wouldn't necessarily substantially altar the property to allow the variance but the spirit of the code is to have some level of maintaining the frontage along the lake. However handsome the structure may be, having the structure on the lake where no other structures on that side appear to be on the lake.

Mr. Cox interjected that ODNR just recently started requiring that covered dock were not permitted to be built on the lake and must be built on your own property.

Mr. Fant continued that this is a substantial variance from 25 feet to 0 feet for the setback. He said that he did not think it was the minimum necessary to afford relief to achieve a beneficial use of the property. The property would be beneficial even with a standard dock. The property owner also bought the property knowing the restrictions that existed. He said, could the there be a beneficial use of the property without the variance? He believed it could.

Chair Fant asked if there was a motion to approve or deny the variance request.

At 7:44 PM Ron Sharpe made a motion to deliberate the case behind closed doors, second by Ken Rienschild. Motion passed with four (4) yes votes. The Board left the room. At 7:52 PM the Board returned to the meeting.

**To approve or disapprove the applicant's submission:**

Motion made by Ken Rienschild to approve the Variance, seconded by Martha Snavelly.

**Roll Call Vote:** (Yes, No, Abstain)

Rienschild - Yes, Sharpe - Yes, Snavelly – Yes, Fant - No

Applicants proposed Variance was approved.

**Reason(s) for support of the Variance by the ZC members:**

Chair Fant stated that his reasons for not approving the request were stated during the discussions.

Mr. Rienschild stated that since ODNR approved the dock location that he did not see a problem with it. Ms. Snavelly said that ODNR approved it and will be a nice structure and will not obscure any views. Mr. Sharpe agreed that the since ODNR approved it, that this holds a lot of weight.

**Adjournment:** At 7:54 PM, Martha Snavelly made a motion to adjourn. Ron Sharpe seconded the motion. The motion passed with 4 yes votes.

Minutes Recorded By: Terry Horn

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Alex Fant – Chair

Ron Sharpe – Member