

**MINUTES OF THE:  
WALNUT TOWNSHIP BOARD OF ZONING APPEALS (BZA)  
VARIANCE #22-132  
November 10, 2022 – 7:00 PM**

**Board of Zoning Appeals members present:**

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

**Zoning Inspector:** Mike Berry - present

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

1. Terry Horn – 5140 Baltimore-Somerset Rd., Pleasantville
2. Barb Matos – 13975 Custer’s Point Rd., Thornville
3. Dale Durthalea -
4. Richard Reinhhorn -

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 Barbara Matos of 13975 Custers Point Rd. Thornville, OH. The applicant requested a reduction in the rear yard setback from 25 feet to 2 feet for an addition to the house. The zoning resolution allows a rear yard setback of 25 feet. Parcel number 0480241900 is currently zoned RMU (Recreational Mixed-Use District).

**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 #22-132 A (4 pgs.):** Variance application

**Exhibit # 22-132 B (1 pg.):** Survey plat plan

**Exhibit #22-132 C1 (1 pg.):** Fairfield County Auditor’s Office aerial map

**Exhibit #22-132 C2 (1 pg.):** Fairfield County Auditor's Office aerial map

**Exhibit #22-132 D (1 pg.):** Letter to contiguous property owners

**Exhibit #22-132 E (1 pg.):** List of contiguous property owners

**Exhibit #22-132 F (1 pg.):** House addition plans

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

**Exhibit #22-132 - G(1 pg.):** Property owner site picture.

**Opening Summary Comments:** Chair Alex Fant

Chair Fant asked who was present for the variance #22-132. Barb Matos, Dale Durthalea and Richard Reinhorn responded.

Chair Fant went through all exhibits noted above provided to the Board.

**Discussion:**

Chair Fant asked the applicant Ms. Matos to state her reason for the variance request.

Barb Matos, stated the house is a one bedroom cottage, with the only bedroom located upstairs. She went on to state she has Multiple Sclerosis and when she purchased the cottage a year ago, she told the sellers she would like to add a first floor bedroom in the future. Ms. Matos stated the way the property is located there is only one place to put the addition, which will be 11-feet by 16-feet and will be attached to the home. She said the addition will not infringe on any setbacks any more than the current structure already does. She went on to say the addition is a medical necessity for her to remain in the home.

Chair Fant stated he had an issue visualizing what he was seeing while referring to exhibit #22-132B. Ms. Matos had a photo on her phone to which she emailed to Zoning Inspector Mike Berry. Terry Horn also brought up a Google Map of the site area and showed it on the Meeting Rm. Monitor. She said the photo can give a clearer idea of where the addition will be located. Chair Fant entered the photo as exhibit #22-132G. He then asked Ms. Matos where her front door faces, to this she replied it faces Custer's Point.

Chair Fant asked if Ms. Matos had official plans drawn by a contractor, to which she replied she was waiting until after the variance hearing to do so.

Chair Fant then brought attention to exhibit #22-132F 1 also asking Ms. Matos to clarify the which side of the drawing the addition will be located. She said to the left at the back side. Zoning Inspector, Mike Berry said all the homes at the entire rear are non-conforming and can't meet the current setback. Alex Fant mentioned the homes Mr. Berry spoke of, existed before the current zoning. In addition, he also noted per exhibit #22-132C that they are on the line not meeting the setback.

Chair Fant made mention of Ms. Matos health related problems and asked what is currently on the first floor to which Ms. Matos replied it is a living room, bath room and 4-foot by 9-foot kitchen. Mr. Fant asked what square feet is the existing first floor, Ms. Matos replied approximately 1000 square feet.

Chair Fant asked if there is anywhere else the addition could go that would not need a variance. Zoning Inspector Mike Berry, said she would need a variance for any changes on the property. Chair Fant mentioned the character of the neighborhood has changed because the cottages are now permanent homes as they used to be seasonal cottages. He then asked Ms. Matos what she would do with the second story bedroom she currently uses, to which she replied she will use it as a guest room. He also asked if the restroom will be moved or added, she stated not at the current time, no. She also stated at the front of the house there is a utility easement, so nothing can be built in that spot. Chair Fant asked the board if they had any questions, no response was made. Board member Ron Sharpe mentioned that the eaves should be taken into consideration, everyone agreed the eaves will not change the variance.

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

Motion made by Martha Snavelly to approve the Variance, seconded by Ron Sharpe.

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

Rienschield -Y , Fant -Y , Sharpe -Y , Snavelly-Y

Applicants proposed Variance was approved.

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

Chair Fant stated the unique property line, the shape of the property, and the fact that the addition is only 11-foot by 16-foot on the south side of the property with no encroachment to the roads gives reason for the variance. Furthermore, Ms. Matos current health conditions require her to have a first-floor bedroom to remain in the home. Martha Snavelly supported her decision that the current properties are currently nonconforming and to take into the fact Ms. Matos current health conditions.

**Adjournment:** At 8:08 PM, Ken Rienschield made a motion to adjourn. Ron Sharpe seconded the motion. The motion passed with 4 yes votes.

Minutes Recorded By: Mendi Rarey

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Alex Fant – Chair

Ron Sharpe - Secretary