

# RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

**Variance #23-05**

February 9, 2023 7:21 PM

## Board of Zoning Appeals

Members present - Alex Fant, Mark Helms, Ken Rienschield, Ron Sharpe, Martha Snavelly,  
Members absent – Rick Singer, Alternate

**Zoning Inspector:** Mike Berry - present

## List of members of the public present,

1. Sherry Pymer
2. William and Paula Birch
3. Jim Phieffer, Trinity Home Builders representing Matt and Kristin McClellan
4. Keith Heater

The hearing was called to order at 7:03 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 is for Application 23-05, for a **Variance** of the Zoning Resolution. The application was submitted by Matt and Kristin McClellan of 3776 South Bank Rd. Millersport, Ohio 43046. The applicant is requesting reduction in the rear setback from 10 feet to 3 feet 6 inches for a new home. Parcel Number 0460189100 currently zoned R2-LF.

**Swearing in of ALL members of the public that intend to speak by the Chair:** Chair Alex Fant administered the oath to all members of the public wanting to address the Board.

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

**Exhibit #23-05 A, A2 (6 pgs.):** Zoning Permit #23-05 Variance Application

**Exhibit #23-05 - B (1 pg.):** Personal Letter

**Exhibit #23-05- C 1, 2 (2 pgs.):** Survey Plat Pics

**Exhibit #23-05 – D 1, 4 (4 pgs.):** Neighborhood Pics

**Exhibit #23-05 – E** Letter to Contiguous Property Owners dated

**Exhibit #23-05 – F** List of Property Owners (Contiguous)

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

**Exhibit #23-05- G (1pg.):** Letter from Neighbor Mark Powell

**Exhibit #23-05 - H (1 pg.):** Letter from Neighbor Matt Cacciato

**Opening Summary Comments:** Chair Alex Fant asked Mr. Phieffer to explain why he was requesting application for Variance #23-5. Mr. Phieffer stated he was representing the McClellan's. Mr. McClellan previously came before the Board requesting a Variance for a new home build and a reconstruction of the existing garage. Subsequently he discovered that the garage was not able to be reconstructed, and it was demolished. Zoning Inspector Mike Berry informed Mr. McClellan that if he tore the garage down, he would need to come before the Board for another Variance. The Variance requested 2.5 ft. setback from the road right-of-way. Mr. Phieffer said he was confused about having to request another Variance.

**Discussion:** Zoning Inspector Mike Berry explained that from the first variance hearing he explained to Mr. McClellan that if the existing garage remained and was reconstructed, he would not need to request a new variance. However, if the garage was demolished, he would have to request a new variance for a new build. Mr. McClellan was under the impression that if one existing wall remained, he would not need to request a new variance. Mr. Berry reviewed the audio files from that initial variance hearing and said that he informed Mr. McClellan that if he intended to tear down the garage and rebuild, he would need to request a new Variance.

Mr. Sharpe asked about the view from backing out of the driveway onto South Bank Road and was concerned about the close proximity to the road and that it might present a safety issue. Mr. Berry stated that the structure is not in the road right-of-way. Also, it was stated that the electrical lines are buried and do not present a hazard.

Chairman Fant asked if there were any further questions from the Board. There were none.

Chairman Fant stated that in consideration of the Variance the character of the neighborhood is not substantially altered, as this will be a nice new build but will also fit into the existing character. Chairman Fant said that he feels the Board would be within the spirit within the Variance Code to grant this Variance.

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

Motion made by Martha Snively to grant a 2.5 feet variance from the road right-of-way from the overhang. seconded by Ken Rienschild.

**Roll Call Vote:**

Rienschild – Yes, Helms - Yes, Fant - Yes Sharpe – No, Snively - Yes,

**Reason(s) for support or non-support of the Variance or [Appeal] by the ZC members:**

Mr. Sharpe voted No for safety reasons.

**Adjournment:** At 7:42 PM, Martha Snively made a motion to adjourn. Ron Sharpe seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

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Alex Fant – Chair

Martha Snively – Vice Chair