

# RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

## HEARING #23-101 MEETING MINUTES

August 10, 2023 – 7:00 PM

### Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Mark Helms, Ken Rienschield, Ron Sharpe, Martha Snavelly

**Zoning Inspector:** Mike Berry - present

### List of members of the public present, from sign-in sheet:

1. Tatum Dennis, 5278 Orchid Dr. Thornville, Ohio
2. Jennifer Dennis, 5278 Orchid Dr. Thornville, Ohio
3. Kevin Neff, 5273 Orchid Dr. Thornville, Ohio
4. Robert Marsh, 13165 Ivy Rd NE, Thornville, Ohio
5. Denise Hoermle, 13165 Ivy Rd NE, Thornville, Ohio

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

### Advertised Purpose of Hearing:

The purpose of the Hearing was for the Application submitted by Tatum and Jennifer Dennis of 5278 Orchid Dr. Thornville, Ohio for a reduction in the side yard setback to build an Accessory Structure. The applicant is requesting reduction in the side setback from 25 to 10 feet on Parcel 0461000800. The Parcel is currently zoned R2.

**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 #23-101 - A (4 pgs.):** Zoning Permit #23-101 Zoning Application

**Exhibit # 23-101 -B (1 pgs.):** Auditor site survey

**Exhibit #23-101 - C (1 pgs.):** Hand drawing

**Exhibit #23-101- D1, D2, (2 pgs.)** Title survey and building pic

**Exhibit #23-101 – E (1 pgs.)** Notice to property owners (letter)

**Exhibit #23-101 – F (1 pgs.)** List of property owners (contiguous)

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

**Exhibit #23-102 G - (1 pgs.):** Site photo, provide to the board by Mike Berry, Zoning Inspector

**Opening Summary Comments:** Tatum Dennis, applicant, addressed the board and stated he is requesting a variance for an accessory building to store his vehicles, lawn mower, etc.

**Discussion:** Mike Berry, Zoning Inspector stated that he and Nate Wagner, township roads and parks supervisor were at the site today measuring the area and there were no concerns. Alex Fant, Chair, asked the applicant if there were any issues if Licking County Waste Water needed to gain access and the applicant stated there were no obstructions. Chair Fant asked if there was truck access for any utilities if they needed to gain access.

Kevin Neff, 5273 Orchid Dr. Thornville, Ohio stated he was concerned that the 15 ft. setback request was excessive.

Chair Fant stated the following factors are considered when granting a variance:

- a. In granting an Area Variance, the Board shall determine that one or both of the following factors are met by the request:
  - i. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district; or
  - ii. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.
- b. In granting an Area Variance, the Board shall also determine that all of the following factors are met by the request:
  - i. The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the Variance;
  - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance;
  - iii. The Variance is not substantial and is the minimum necessary to afford relief to the applicant and achieve an appropriate and beneficial improvement of the property; and
  - iv. The Variance would not adversely affect the delivery of government services (e.g., water, sewer, garbage).
- c. In granting an Area Variance, the Board shall also consider the following factors:
  - i. Whether the property owner purchased the property with knowledge of the zoning restriction;
  - ii. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance; and
  - iii. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

Chair Fant asked if the Board needed to have an executive session or any further discussion. The Board stated they were ready to vote. Chair Fant stated that the applicant had met at least two of the considering factors for an Area Variance.

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

Motion made by to approve by Martha Snavelly, second by Ron Sharpe

Rienschield - Fant, - Yes, Sharpe, - Yes, Snavelly, - Yes, Rienschield, - Yes, - Helms, Yes

Applicants proposed Variance was approved

**Reason(s) for support or non-support of the Variance by the Board of Zoning Appeals:**

The BZA members concurred with Chair Fant that the applicant had met the considering factors.

**Adjournment:** At 7:20PM, Ron Sharpe made a motion to adjourn. Martha Snavelly seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

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Alex Fant – Chair

Martha Snavelly – Vice Chair