

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #23-137 MEETING MINUTES

November 9, 2023 – 7:48 PM

Board of Zoning Appeals members present/absent:

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

Members absent: Mark Helms

Zoning Inspector: Mike Berry - present

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

1. Kyle Mapel, 57 Blue Bonnett Drive, Newark OH 43056
2. Tabi & Shawn Lamme, 5052 Fairfield Beach Rd.
3. Aleisa Culp, 13061 Cedar Rd.
4. Jordan Cremeans, 13038 Dogwood Rd. NE
5. Christina Hicks, 13026 Dogwood Rd. NE
6. Henry Gayheart, 13038 Dogwood Rd. NE

The hearing was called to order at 7:48 PM by Board of Zoning Appeals Chair Fant and the Pledge of Allegiance was previously cited.

Advertised Purpose of Hearing:

The purpose of the Hearing was for the justification for length of time for demolition of non-conforming accessory structure is such that to approve the lot split on Hearing #23-138 & #23-139, the scheduling of demolition will need time to be planned and contractors hired.

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 #23-137 A (4 pgs.): Zoning Permit #23-137

Exhibit # 23- 137B (1pgs.): Auditor's Aerial photo

Exhibit #23-137 - C (1 pgs.): List of Property Owners

Exhibit #23-137 - D (1pgs.): Letter to Contiguous Property Owners

Opening Summary Comments: Chair Fant responded to Henry Gayheart asking why the applicant was waiting to tear down the garage on the property. The structure referred to is on the Dogwood lot. The applicant Kyle Mapel stated that a shed, a pool and another shed was removed and another shed would be demolished within the next few weeks. Mr. Mapel stated he needed the garage in question to store construction material, etc. and therefore wanted to delay the demolition.

To approve or disapprove the applicant's submission #23-137 – contingent on the buildings on Track's 3 and 5 being demolished by 11/9/2024.

Chair Fant recited the contributing factors in approving or disapproving the Variance: Chair Fant's comments in red:

- I. **Area Variance:** If the applicant is asking for a variance in the area requirements of the Code (size, setbacks, etc.), a variance should be granted if strict adherence results in practical difficulties with the use of the property. To determine if there is a practical difficulty, using the variance application and testimony from the applicant at hearing, review the following:
 - a. In granting an Area Variance, the Board shall determine that *one or both* of the following factors are met by the request: **"Chair Fant's comments are in red below:"**

- 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 **“The essential character of the property will not be altered since it will be a similar single structure home;**
- 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. **“The variance will result in improvement of the property, otherwise you would have the structures that are not within the intended spirit of zoning allowing the lots to be split contingent on the demolition of the structures”**
- 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; **“variance will result in improvement of the property”**
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; **“the variance is not substantial as this is granted for temporary only”**
 - 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;*
 - iv. *The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).* **“will not affect governmental services in any way**
- 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; **“the applicant did purchase the property with knowledge of the zoning restrictions;”**
 - 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 **“because you would have a structure that would inhibit the sale of the property”**
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. **“No, because the other lots have already been split.”**

Motion made by Martha Snavelly to approve #23-237, seconded by Ken Reinschild.

Roll Call Vote:

Rienschield - Yes, Fant – Yes, Sharpe - Yes, Snavelly – Yes, Rick Singer, Alternate, - Yes

Applicants proposed Variance #23-137 is approved

Adjournment: At 8:00 PM Martha Snavelly made a motion to adjourn, Ken Reinschild seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

Alex Fant – Chair

Martha Snavelly – Vice Chair