

# RECORD OF PROCEEDINGS

WALNUT TOWNSHIP, FAIRFIELD COUNTY, OH – ZONING COMMISSION (ZC)

11420 Millersport Rd., Millersport, OH 43067

## REGULAR MEETING MINUTES

January 19, 2023 7:23 PM

### Zoning Commission members present/absent:

Members present - Charles Pillon, Thomas Upp, Greg Groves, Ben Patterson, Dick Williams

**Zoning Inspector:** Mike Berry - present

**Invited guest(s) present:** Terry Horn

### Number of members of the public present:

1. Rich Warren – 3661 North Bank Road NE Millersport OH 43046
2. Aaron Carrow – 1055 Market Street Baltimore OH
3. Megan Brunn 3617 South Bank Road NE Millersport OH

The meeting was called to order at 7:23 PM, by Zoning Commission Chairman Charles Pillon and the pledge of Allegiance to the flag was recited.

### Approval of Minutes:

The minutes for Month, day, 2023 Regular Meeting were presented for approval. Charles Pillon made a motion to approve the minutes. seconded the motion. The motion passed with \_\_\_\_ yes votes.

The minutes for Month, day, 202# Regular Meeting were presented for approval. Name Name made a motion to approve the minutes. Name Name seconded the motion. The motion passed with \_\_\_\_ yes votes.

The minutes for Month, day, 202# Regular Meeting were presented for approval. Name Name made a motion to approve the minutes. Name Name seconded the motion. The motion passed with \_\_\_\_ yes votes.

Zoning Inspector Mike Berry addressed the Board regarding a previous hearing where there was a BZA hearing in November of 2021 for an Application of Variance for the property located at 3776 South Bank Road NE. Millersport Ohio. The applicant, Matt McClellan had previously requested a Variance from 25 feet to 12 feet to add a porch. There was a detached garage back by the road. The applicant stated that he was going to tear the house down. Ron Sharpe BZA asked the applicant what he was going to do about the existing garage since the setback had to be 10 feet from the road. The applicant stated that he was going to leave the garage. At that hearing, the applicant stated to zoning inspector Mike Berry that it was his understanding that if he decided to tear down the garage and had the same footprint, he would not have to apply for a zoning variance. Zoning inspector Berry stated that if he demolished the garage, he would have apply for a new variance. When the zoning inspector drove by the property in January, he noticed that the garage had been demolished, but the applicant had not notified the zoning inspector to apply for a variance for a new build. When the zoning inspector notified the applicant about the new variance, the applicant stated again that it was his understanding that if he allowed one wall of the structure to remain standing, he would not need to apply for a new variance. Zoning Inspector Mike Berry reviewed the audio file and the written minutes from the initial meeting and determined that he in fact notified the applicant about having to apply for a new variance.

Chair Charles Pillon commented on the previous meeting minutes to address a change: 2<sup>nd</sup> page, section 9.10 Neighborhood Commercial District: B1. Chair Charles Pillon stated that they were going to add short-term rentals under Conditional Use under C9 not B2. Not permitted, they will go under conditional and he recalled that it was a unanimous decision of the Board that short-term rental would always appear under conditional. Zoning Inspector commented that it is a “permitted use” under B3. Chair Charles Pillon stated that they discussed that short-term rentals be removed from B3. Zoning inspector commented that “tourist home” was listed and Chair Charles Pillon stated that they discussed that it be stricken. It was the Board’s decision to place short-term in B1 and therefore it would be carried through B2 and B3 as conditional. Inspector Berry stated that it is currently in B3 listed the same as hotel/motel. To clarify Mike Berry asked if they wanted B1 and B2 under conditional use.

Chair Charles Pillon reviewed the discussion on December 15, 2022 and stated it reiterates the current discussion. On Page 5 of 10, paragraph 4 short-term rentals are listed under conditional use. Chair Charles Pillon requested the minutes be revised to state B(1) permitted, strike that and put C(4) for conditional uses.

Returning to reviewing the previous minutes, Chair Charles Pillon requested Second line “permitted use” change to “conditional”.

Inspector Mike Berry stated that Page 6 refers to “tourist home” but that they are adding “short-term rental” to “hotel/motel”. Chair Charles Pillon recalls a redundant phrase that falls under classification of upcoming proposed definition of “short-term rental” and to remove tourist home to remove confusion. It was agreed that 9.10 is changed to conditional uses and not permitted uses. Chair Charles Pillon said to change last sentence to allow B1 and also B2 and B3 Districts.

On the December 15, 2022 document, paragraph 7 red line states striking “tourist home” as a permitted use. The red line states striking “tourist home” but does not state add “short-term rentals”. The Board agreed to state “tourist home” definition, see “short-term rentals”, that both terms shall mean the same. The Board indicated that the minutes are incorrect.

Chairman Charles Pillon made a motion to table the December 15, 2022 minutes until there is an opportunity to review the audio files, seconded by Dick Williams. The discussion was there is an agreement that Section 9.10 is correct, but that the audio files must be reviewed for Section 9.12 prior to approval. The Chair Charles Pillon called for a vote: Charles Pillon, Yes - Thomas Upp, Yes - Greg Groves, Yes – Ben Patterson, Yes – Dick Williams, Yes.

### **OLD BUSINESS**

Chair Charles Pillon stated that they still do not have the meeting minutes from the September 2022 meeting. Mike Wolfe was going to review the audio recordings and try to get something transcribed.

### **NEW BUSINESS**

Chair Charles Pillon stated that they were previously working on Solar Regulations Resolutions. Ben Patterson and Dick Williams they were making progress but not ready to present. He said they were far enough along to discuss. They referred to the December 15, 2022 minutes and stated that is what they are currently working on. December 15 2022 Resolution and Amendment on Page 8 they were working on definitions, how they were going to define a solar energy accessory system or anything beyond and to determine the definition of larger solar panel systems.

Chair Charles Pillon asked about any excess production, how would that be consumed? Does excess production go back to the utility company? The intent is to create a section between 50 Megawatts and 25 Kilowatts.

2022-02 Proposed Zoning Resolution Amendment December 15, 2022 update on Page 2 on Roof Line and Solar Panels needs to be moved from a formatted view to roof and poles in one section.

Ben Patterson and Dick Williams had an opportunity to review the solar plans from Regional Planning Commissioner James Maaco, and also the City of Lancaster Solar plans. Dick Williams stated that he believes they have gathered all the information regarding up to 25K. He stated that they will work more on section between 25 Kilowatts and 50 Megawatts.

Township Trustee Terry Horn advised the Board that there will be a Special Meeting of the Walnut Township Trustees on February 1, 2023 in Pleasantville Municipal Building at 7:00 PM. This will be a community meeting to address utility scale and community solar.

Megan Brunn of 3617 South Bank Road NE Millersport Ohio. She stated that she purchased the property in 2021. She is operating a short-term rental and was asking the ZC as to the status of whether there had been any appeals made regarding the short-term rentals. The ZC advised her that she would need to address the Board of Zoning Appeals and that there were ongoing discussions regarding the short-term rentals. She stated that she is currently banned from renting, so she was requesting an update. The ZC said that currently many townships are struggling with the regulation of these types of rentals. The ZC advised her that the township is in the midst of determining the definition and regulations on short-term rentals. She would need to attend a meeting and address the Board.

Chair Charles Pillon made a motion to accept the revisions of section 10.9 and definitions of the signed regulations, Greg Groves seconded the motion.

**Roll call Vote:** Pillon, Yes,, Upp, Yes - Patterson, Yes, Groves, Yes - Williams, Yes

Trustee Terry Horn stated he would leave part two out of 10.9 so Motion revised to accept Revised 10.9.

**Adjournment:** At 9:51 PM Chair Charles Pillon made a motion to adjourn. Thomas Upp seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Charles Pillon

---

Charles Pillon - Chair

Dick Williams – Vice Chair