

# RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

## HEARING #25-3 MEETING MINUTES

February 13, 2025 – 7:00 PM

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

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

**Zoning Inspector:** Mike Berry – present

Members absent: Rick Singer, Alternate

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

1. Janet Pearce, 13514 King Rd. NE Thornville, OH
2. Eddie Pearce, 13514 King Rd. NE Thornville, OH
3. Roger Kilbarger, 11895 Shell Beach Rd. Thornville, OH
4. Shawn Wharton, 13423 Rosewood Rd. NE Thornville, OH

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.

### Advertised Purpose of Hearing:

The purpose of the Hearing was for the Variance Application #25-3 by Edward C. Pearce and Janet L. Pearce for the property located at 13514 King Rd. NE Thornville, OH requesting a reduction in the rear yard setback from 25 ft. to 21 ft.

**Chair administered the oath to all members addressing the Board of Zoning Appeals. 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 25-3 - A (4 pgs.):** Zoning Application #25-3

**Exhibit # 25-3- B (1 pgs.):** Site Plan

**Exhibit #25-3 - C (1 pgs.):** Right and Left Elevation

**Exhibit #25-3 – D (1 pgs.)** Front and Rear Elevation

**Exhibit #25-3 – E (1 pgs.)** First Floor Plan

**Exhibit #25-3– F (1 pgs.)** Notice to Property Owners (Contiguous)

**Exhibit #25-3 – G (1 pgs.)** List of Property Owners (Contiguous)

Chair Fant recited and swore in the applicants “Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?”

Chair Fant asked the applicants to state their reasons for requesting the Variance

Eddie Pearce said that they wanted to increase the size of the house. Chair Fant asked why he was requesting a 25 ft. setback, and Mr. Pearce responded that the garage was already 25 ft. back. Mr. Pearce said that the original house was not changed because of the garage. Chair Fant asked why the setback is so far back from the garage? Mr. Pearce stated that they didn’t have any additional square footage to build. Chair Fant asked if it was a standard lot? Answer, yes, and he asked Mr. Pearce if this will be their primary residence? Mr. Pearce answered yes. He stated that everyone asks him that question.

Is the applicant asking for a variance dealing with?

1.
  - 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:
  - 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; "Chair Fant said that they are good in this respect
  - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; "based on Mike granting the rear variance rather than the front,"
  - 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 "it's not possible to build any other way"
  - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). "a 4 ft. setback will not affect the services"
- 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 restriction;
  - ii. Whether the property in question will yield a reasonable return or whether there 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. the lot is what it is"

Chair Fant asked for a Motion to Approve Variance Application #25-3. Martha Snavelly made a motion to approve, second by Ron Sharpe.

**Roll call: Fant, - Yes, - Snavelly - Yes, - Helms, - Yes, - Sharpe - Yes, Reinschild - Yes**

**Applicant's proposed variance Application #25-3 passed with 5 yes votes.**

**Adjournment:** At 7:10 PM, Martha Snavelly made a motion to adjourn, Mark Helms seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

  
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Alex Fant – Chair

  
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Martha Snavelly - Vice Chair