

RECORD OF PROCEEDINGS

WALNUT TOWNSHIP, FAIRFIELD COUNTY, OH - BOARD OF ZONING APPEALS (BZA)
11420 Millersport Rd., Millersport, OH 43067

HEARING #25-7 MEETING MINUTES

February 13, 2025 – 7:37 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. Lois Littler & John Littler, 5725 Blacklick-Eastern Rd. Thornville, OH
2. Roger Kilbarger, 11895 Shell Beach Rd. Thornville, OH

Advertised Purpose of Hearing:

The purpose of the Hearing was for the Variance Application #25-7 by Lois Littler for the property located at 5725 Blacklick-Eastern Rd., Thornville, OH requesting a reduction in the front setback from the required 100 ft. to 53 ft., 5 inches. Also requesting a reduction in the rear setback from the required 50 ft. to 12 ft. for the purpose of building a new home.

Chair administered the oath to all members addressing the Board of Zoning Appeals. 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*”.

Chair Fant asked the applicants to explain their request for variance. The applicants stated that they want to build a new house and the existing structure is non-conforming and they want to tie this structure to the new house.

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

Exhibit #25-7 - A (5 pgs.): Zoning Application #25-7

Exhibit #25-7 – B (5 pgs.) Future home photos

Exhibit #25-7 – C (11 pgs.): Health Dept. soil test

Exhibit #25-7 – D – (6 pgs.) – Before photos

Exhibit #25-7 – E - (6 pgs.) - After photos

Exhibit #25-7– F (1 pgs.) List of Property Owners (Contiguous)

Chair Fant asked the applicants to state their reasons for requesting the Variance. The applicants stated that they are requesting a front setback from the required 100 ft. to 53 ft. 5 inches. In addition, they are requesting a reduction in the rear setback from the required 50 ft. to 12 ft. in order to build a new home. Chair Fant said that it looks like the applicants would be further restricted with the leach bed. Chair Fant also stated that the existing structure on the property is already non-conforming. Chair Fant said there is no other place they can build to get the 100 ft. setback because of the current zoning. Chair Fant asked zoning inspector Mike Berry that without the variance, they cannot use the property? Mike replied, yes that is correct.

Is the applicant asking for a variance dealing with?

- 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; “
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; “because it is a weird shaped lot, without a variance the property is not useable.”
 - 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 “the variance is not substantial and would improve the property.”
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). “no services will be affected.”
- 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; “yes you probably did, but it the variance is an improvement.”
 - 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 “because of the size of the lot, the property would not yield a return without the variance.”
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. “The chair says there is no other remedy without the variance.”

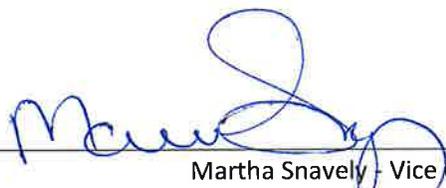
Chair Fant asked for a Motion to Approve Variance Application #25-7, Martha Snavelly made a motion to approve, Mark Helms seconded the motion.

Roll call: Fant, - Yes, - Helms, -Yes, - Snavelly - Yes, - Sharpe - Yes, Reinschild - Yes
Applicant’s proposed variance Application #25-7 passed with 5 yes votes.

Adjournment: At 7:57 PM, Martha Snavelly made a motion to adjourn, seconded the motion, Ron Sharpe, seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavelly - Vice Chair

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