

WALNUT TOWNSHIP, FAIRFIELD COUNTY, OH - BOARD OF ZONING APPEALS (BZA)
11420 Millersport Rd., Millersport, OH 43067
HEARING #25-128 MEETING MINUTES
OCTOBER 9, 2025 – 7:15 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Martha Snavelly, Mark Helms, Ken Rienshield, Keri Melfi,

Zoning Inspector: Mike Berry – present

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

1. Greg Gibson 3520 Twp. Rd, 20 Glenford OH
2. Peyton Lunsford 3520 R, 20 Glenford OH
3. Landon Gibson 3520 Rd. 20 Glenford OH

Advertised purpose of the hearing: Applicants Greg and Tara Gibson are requesting a variance for a rear setback from 25' to 15'.

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*".

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

Exhibit # 25-128 - A (4 pgs.): Zoning Application

Exhibit #25-128- B – (1 pgs.) Auditor's Site Survey

Exhibit #25-128- C – (1 pgs.) Site Setback

Exhibit #25-128 – D – (1 pgs.) Plat Survey

Exhibit #25-128 – E – (1 pgs.) Notice to Property owners

Exhibit #25-128 – F – (1 pgs.) List of Property owners (contiguous)

Exhibit #25-128 – G – (2 pgs.) Proposed house photos

Exhibits provided by the applicant at hearing:

Exhibit #25-128 – H – 3 (pgs.) – Property photos

Discussion: Chair Fant asked the applicant to explain the request for variance. Applicant Greg Gibson addressed the Board. Mr. Gibson stated that he and his wife recently purchased the property. He said that the lot had been previously split in March through a variance presented to the BZA. Mr. Gibson is requesting to tie the lots back together to create a single large lot. He is requesting instead of a 25' rear setback to a 15' rear setback. The structure of the home itself will be 25', he is building a wooden porch.

Zoning inspector Mike Berry stated he received some inquiries from neighbors, but was told that by these neighbors that after speaking to Mr. Gibson they no longer had an issue. Chair Fant read an email received from Bobbie Writsel from 13285 King Rd. opposing the variance and Chair Fant read it into the record. Chair Fant stated that the contents of the email is not germane to this particular variance. Chair Fant stated by tying the lots back together, the Board has addressed the concerns of the opposition from the neighbors for the previous variance that split the lots.

Ms. Melfi asked the applicant if he considered reconfiguring the size and the shape of the house to fit once the lot is tied back together? Mr. Gibson replied to pull the house in 10' it would shrink the bedrooms to almost nothing. It would be difficult. She asked if he purchased the property knowing the zoning restrictions? Mr. Gibson replied he wasn't aware of the restrictions. Chair Fant stated that the zoning restriction still existed at the time of purchase.

Mr. Reinscheld asked the applicant if the variance were granted, would Mr. Gibson sell the 40' lot? Mr. Gibson replied no, and that if the Board approved this variance, he would note that in the record he would not sell. Chair Fant further stated that he doubted the Board would approve a 40' variance and that he would enter that into the record.

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 **“we don’t have that here because we have a 140’ x 140’ lot and there is nothing particular here that is unique in swaying the variance.”**
 - 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. **“even if he didn’t go with this house design and went with another design, it would be a single family home which is what they contemplated when considering the previous split.”**
 - 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; **“in this case he will be bringing it more into the character of the neighborhood.”**
 - c.
 - i. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; **“**
 - ii. 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 is only 10’ into the back yard.”**
 - d. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“will not affect the services, but fire is always a concern, but this has a 25’ setback and it will allow access completely around the structure.”**
 - e. 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; **“this was discussed he had constructive knowledge”**
 - 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 **“yes he could build another house.”**
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. **“not in the case of the type of design of house he has chosen that fits his budget.”**

Chair Fant asked for a Motion to Approve Variance Application #25-128. Martha Snavelly made a motion to approve, Mark Helms seconded the motion. Further discussion: Zoning inspector asked if they had been given a road address yet? Mr. Gibson replied not yet, he had applied but hasn't heard back.

**Roll call: Fant, - Yes, - Helms, - Yes, for reasons stated, - Snavelly – Yes, very minimal setback being requested - , Rienschild – Yes, it is a double lot, Melfi - Yes
Applicant's proposed variance Application #25-128 with 5 yes votes.**

Adjournment: At 7:38 p.m. Chair Fant asked for a motion to adjourn, Martha Snavelly made a motion to adjourn, Mark Helms seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin

Alex Fant – Chair

Martha Snavelly - Vice Chair