

# RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

## HEARING #24-80 MEETING MINUTES

AUGUST 8, 2024 – 7:00 PM

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

Members present - Alex Fant, Martha Snavelly, Ken Reinschield, Mark Helms, Rick Singer – Alternate.

**Zoning Inspector:** Mike Berry – present

Members absent: Ron Sharpe

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

1. Joseph Catlett
2. Jodi Maxwell

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:

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

**Exhibit 24-80 - A (4 pgs.):** Zoning Application #24-80

**Exhibit # 24-80 - B (4 pgs.):** Property Photos

**Exhibit #24-80 - C (2 pgs.):** Site Plan

**Exhibit #24-80- D (2 pgs.)** Notice to Property Owners

**Exhibit #24-80 – E (2 pgs.)** List of Property owners (contiguous)

### 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*”.

**Discussion:** Chair Fant asked the applicant to address the Board and explain his request for Variance application #24-80. Joseph Catlett, the applicant, addressed the Board and said the variance application #24-80, for the property located at 5374 Cypress Dr. NE, Thornville, OH. He is requesting a setback variance for the east side of the property which faces Juniper Rd. The variance request is to reduce the 25 ft. space required from the property line to a structure to 15 ft. from the property line to the structure. In addition, he is requesting to reduce the set back variance of 10 ft. from the house to a structure from 4 ft. from the house to a structure. This will allow a shed to be placed on the property to store lawn equipment, lawn and garden tools, seasonal decorations, and other various items.

When making a decision on whether to approve or disapprove a variance, there are 9 factors considered by the Board of Zoning Appeals.

- 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 “because we have two front yard setback and placement of the well and sewer areas, it gives this property a unique breakdown of the property that meets this requirement.”

- 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. “more appropriate and beneficial to the community”.
- 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; doesn’t think that it would be a detriment “character will not be substantially altered and it wouldn’t be a variance if not a corner lot.”
  - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; again, the spirit and intent is to maintain and make a liveable home “this is unique as it is a corner lot”.
  - 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 “balance not having it up against the house and not up to the road”
  - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). “Mike Berry testified that nothing 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 zoning restriction; “this came after the purchase but wasn’t intent”
  - 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 “
  - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. “we could, but it would require placing the shed in the backyard and it would not be unique to the neighborhood.”

Mike Berry stated that he drove down Juniper and there are houses that are closer.

Chair Fant asked for a Motion to Approve Variance Application #24-80, Martha Snavelly made the motion to accept Variance #24-80, second by Ken Reinschild.

**Roll call: Fant – Yes, Helms – Yes, - Snavelly – Yes, - Reinschild, Yes, - Singer - Yes**

Motion to approve Variance passed with yes votes.

Chair Fant asked the BZA members to explain their vote:

Snavelly – as stated by Chair, Helms, as stated by Chair , Rienscheild - will look nice and serves purpose, Singer agreed with Reinschild.

**Adjournment:** Motion to adjourn by Martha Snavelly, second by Mark Helms at 7:18 PM

Motion passed with 5 votes.

Minutes Recorded By: Patricia McLoughlin

  
Alex Fant – Chair

  
Martha Snavelly - Acting Vice Chair