

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-81 MEETING MINUTES

AUGUST 8, 2024 – 7:20 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. Emily and Chris Bennett, 3610 Geiger Rd. NE Millersport

The hearing was called to order at 7:20 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 #24-81, requested by applicant Emily Bennett of 3610 Geiger Rd. NE Millersport OH

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

Exhibit 24-81 - A (4 pgs.): Zoning Application #24-81

Exhibit # 24-81 - B (1 pgs.): Site plan

Exhibit #24-81 - C (2 pgs.): Property Photos

Exhibit #24-81- D (2 pgs.) Building Estimate

Exhibit #24-81 – E (2 pgs.) Building Drawings

Exhibit #24-81 – F (1 pgs.) Notice to Property Owners

Exhibit #24-81 – G (1 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 the request for Variance application #24-81. The applicant stated the request is to build a second pole barn (50 x 60) to have additional room to park current vehicles, a small tractor and utility vehicle as well as to utilize the space to work on cars. In addition, the space would be used to train dogs and store barn hunt equipment.

Mike Berry stated that this is borderline ag, and if so, she would fill out an agriculture permit and not need a variance; but they are going to store things that are not agriculture so the applicant wanted to do the right thing and apply for the variance. Mike said he gives the applicant credit for that consideration.

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
 - 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. **“ appropriate and beneficial based on the fact that they are on 9 acres.**
- 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 **“no”**
 - 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
 - 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 **“this variance is not substantial”**
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“no government 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 zoning restriction; **“property was purchased in 2018, and this is later on down the line, circumstances have changed”**
 - 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. **“yes, because they are utilizing it now”**

Chair Fant asked for a Motion to Approve Variance Application #24-81 by Martha Snavelly, second by Rick Singer,

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

Motion to approve Variance passed with 5 yes votes.

Chair Fant asked the BZA members to explain their vote:


Snavelly – as chair stated, Helms – reasonable use of the property, Rienschild, 9 acre lot, Singer, doing the right thing pays off.

Motion to Adjourn: Motion to adjourn by Martha Snavelly, second by Mark Helms.

Motion passed with 5 yes votes.

Adjournment: Motion to adjourn at 7:31 PM

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavelly - Acting Vice Chair