

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-88 MEETING MINUTES

SEPTEMBER 12, 2024 – 7:00 PM

Board of Zoning Appeals members present/absent:

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

Zoning Inspector: Mike Berry – present

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

1. Donald and Sheri Clay

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 applicants Donald and Sheri Clay requesting Variance application #24-88 for the property located at 5311 Lakeshore Dr. NE Thornville. The request is for the building of a new house replacing a cottage built in 1901. A new well will be drilled in addition to a new septic tank being installed during construction.

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

Exhibit 24-88- A (4 pgs.): Zoning Application #24-88

Exhibit # 24-88 - B (1 pgs.): Survey Platte

Exhibit #24-88 - C (1 pgs.): Mortgage Location Survey

Exhibit #24-88- D (1 pgs.) Drawing of Setback

Exhibit #24-88 – E (1 pgs.) List of Property Owners (Contiguous)

Exhibit #24-88 – F (2 pgs.) Architectural Drawing

Exhibit #24-88 – G (11 pgs.) Photos provided by applicant

Exhibit #24-88 – H (1 pgs.) Lot Drawing

Exhibit #24-88 – I (1 pgs.) Photo

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. Mr. Clay stated that he and his wife have owned the property for 20 years and it is their second home. They want to make this property their permanent home. They would like to tear down the current structure and build another structure within the same footprint. Zoning requires a 25 ft. setback, current is 15 ft. He would like to tear down the existing garage and build a larger garage to accommodate storage of his boat, cars, etc.

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

1. **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 "Chair Fant doesn't think this is the case for this 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. "The current house is nice and appropriate to the neighborhood, however, what the applicant is replacing it with, but not outlandish for the area, not encroaching on other properties, and would result in the improvement of the property."
- 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 "will not be a detriment"
 - 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 "no the deck is the only change".
 - 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
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). "not in the way of fire, septic tank, etc."
- 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; "Chair Fant can't say one or the other or what the applicant was thinking in 2004"
 - 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 "there is but the board doesn't need to determine this"
 - iii. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.

Chair Fant asked for a Motion to Approve Variance Application #24-88, motion to approve by Ron Sharpe, second by Martha Snavelly,

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

Motion to approve Variance passed with 4 yes votes.

Chair Fant asked the BZA members to explain their vote:

The Board concurred with the Chair, as reasons stated above.

Adjournment: At 7: 30 p.m., Chair Fant asked for a motion to adjourn, motion by Martha Snavelly, second by Ron Sharpe.

Motion passed with 4 yes votes.

Minutes Recorded By: Patricia McLoughlin



Alex Fant – Chair



Martha Snavelly - Acting Vice Chair