

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-100 MEETING MINUTES

OCTOBER 10 2024 – 7:20 PM

Board of Zoning Appeals members present/absent:

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

Member absent: Mark Helms

Zoning Inspector: Mike Berry – present

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

1. Steve Zalis

Advertised Purpose of Hearing: The Variance application is for the property located at 5304 Fairfield Beach Rd. NE Thornville, OH. Applicant Steve Zalis is requesting to put in a fence. The applicant is requesting to install a 5 ft. high fence in lieu of a 4 ft. high fence along the Hawthorn Rd side of the property. Also, extend the 6ft high privacy fence 15 ft. to the SE corner of the house.

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

Exhibit 24-100 - A (4 pgs.): Zoning Application #24-100

Exhibit # 24-100- B (1 pgs.): Property Photo

Exhibit #24-100 - C (1 pgs.): Auditor’s Site Photo

Exhibit #24-100 D (1 pgs.) Mortgage Location Survey

Exhibit #24-100 - E (1 pgs.) Letter to Property Owners (Contiguous)

Exhibit #24-100 – F (3 pgs.) Property photos provided by applicant Steve Zalis

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:

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 **“Chair Fant doesn’t think this property is unique and the size of the property**
 - 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. **“both for privacy and privacy of the neighbors and dogs, and people coming up and down the road, peace of mind would be beneficial”**
- iii. 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 “
 - iv. 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 livable home **“the spirit would certainly be upheld”**
 - v. 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 “
 - vi. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“actually improving the access with the gate”**
- b. 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;
 - 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. **“simple fact is no”**

Chair Fant asked for a Motion to Approve Variance Application #24-100 by Martha Snavely, second by Ken Rienschild,

Roll call: Fant – Sharpe – , Helms – , - Snavely – , - Reinschild,

Motion to approve Variance passed with 5 yes votes.

Chair Fant asked the BZA members to explain their vote:

Adjournment: Motion to adjourn by , second by at 7:30 PM

Motion passed with votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavely - Acting Vice Chair