

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-101 MEETING MINUTES

OCTOBER 10 2024 – 7:32 PM

Board of Zoning Appeals members present/absent:

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

Members absent: Mark Helms

Zoning Inspector: Mike Berry – present

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

1. Charles & Jane Shonebarger 5022 Bateson Beach Rd. Thornville
2. James Montie 4932 Island Dr. Thornville

Advertised Purpose of Hearing: The Variance application is for the property located at 5022 Bateson Beach Dr. Thornville, OH. Applicant Charles Shonebarger

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

Exhibit 24-101 - A (4 pgs.): Zoning Application #24-101

Exhibit # 24-101- B (1 pgs.): Letter to Property Owners (Contiguous)

Exhibit #24-101 - C (4 pgs.): Property Photos

Exhibit #24-101 D (1 pgs.) Builder's Quote

Exhibit #24-101 - E (1 pgs.) Auditor's Site 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 explain the reason for the variance. Mr. Shonebarger stated that he has a truck, tractor and trailer that he would like to store in this structure. He stated that there have been instances of damages to equipment and he wants to store and protect his truck, tractor and trailer. Chair Fant asked if they are removing the old structure and the reply was yes. Chair Fant asked Mike Berry if there was any pushback from neighbors, Mike replied no. Mike stated that they were just taking down the old structure and replacing it with a new one.

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 **"there is with this one because you have an empty lot owned by the same owner but is not able to be tied to their home property even if they wanted to"**

- 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. **“keeping a clean neighborhood by storing items”**
 - 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 **“matching what is already in the neighborhood.”**
 - 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). **“will not affect the delivery, not impeding access”**
- 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; **“property was purchased in 1986 before zoning was codified”**
 - 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. **“it can’t be since they cannot tie the lots together.”**

Chair Fant asked for a Motion to Approve Variance Application #24-101 by Martha Snavely, second by Ken Rienscheld.

Roll call: Fant – Yes, Sharpe – Yes , - Snavely – Yes , - Rienschield – Yes, Singer - Yes

Motion to approve Variance passed with 5 yes votes.


Chair Fant asked the BZA members to explain their vote: All Board members concurred with the comments from the Chair.

Adjournment: Motion to adjourn by Martha Snavely, second by Ken Rienscheld at 7:50 PM

Motion passed with 5 votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavely - Acting Vice Chair