

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-99 MEETING MINUTES

OCTOBER 10 2024 – 7:00 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Martha Snavelly, Ron Sharpe, Ken Rienschield, Rick Singer – Alternate.

Members absent: Mark Helms

Zoning Inspector: Mike Berry – present

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

1. Debra Boylen 13495 Pine Rd. NE Thornville
2. Jon Moore 13498 Pine Rd. NE Thornville
3. Bobbie Herbert 13521 Pine Rd. NE Thornville
4. Braadley Herbert 13521 Pine Rd. NE Thornville

Advertised Purpose of Hearing: The Variance application is for the property located at 13521 Pine Rd. NE, applicants Bradley and Bobbi Herbert. The request of the applicants is to increase the setback from the house from 10 ft.

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

Exhibit 24-99 - A (4 pgs.): Zoning Application #24-99

Exhibit # 24-99 - B (1 pgs.): Auditor Site Photo

Exhibit #24-99 - C (1 pgs.): Letter to Property Owners (Contiguous)

Exhibit #24-89 D (1 pgs.) Builder's Quote

Exhibit #24-89 - E (2 pgs.) Foundation Plan

Exhibit #24-89 - F (1 pgs.) Duplex #1 Drawing

Exhibit #24-89 – G (1 pgs.) Duplex #2 Drawing

Exhibit #23-89 – H (11 pgs.) Information provided by resident

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: The applicant Bobbie Herbert stated that they have a shed on the right side of the property. It is currently 2 ft. from the property, not the required 10 ft. Chair Fant asked why the applicants wouldn't pay for the changing of the shed, as variance applications aren't cheap. Zoning inspector Mike Berry stated that the property owners never applied for a permit initially and that they couldn't meet the setbacks to apply for a permit now. Mike stated that the setback is 2 ft. from the house and could possibly move it to 5 ft. but couldn't meet the required 10 ft. Chair Fant said take the money out of the equation why can't they move it to the back yard. The applicants replied that there is a sewer in the back yard and they cannot put it there. Chair Fant said that this an existing, non-conforming structure.

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 **“Based on the placement of the house, the accessory structure and the sewer, this is unique, because the shed is like an orphan on 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. **“if we said you cannot have the shed, then what do you do with the items to store?”**
 - 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 **“testimony states having a shed will not alter the character, actually benefits because storing items correctly.”**
 - 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
 - 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 **“if variance denied it would be denying the applicant to own a shed”**
 - vi. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“Chair is concerned about the safety issue as far as fire, etc. he would personally be uncomfortable but it does not inhibit the services to 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;
 - 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. **“no, there is no place to move the shed.”**

Chair Fant asked for a Motion to Approve Variance Application #24-89 to accept by Martha Snavelly, second by Rick Singer,

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

Motion to approve Variance passed with 5 yes votes.


The members concurred with the comments from the Chair.

Adjournment: Motion to adjourn, by Martha Snavelly second by Ken Rienschild at 7:19 PM

Motion passed with 5 votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavelly - Acting Vice Chair