

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-112 MEETING MINUTES

OCTOBER 24, 2024 - 7:00 PM

Board of Zoning Appeals members present/absent:

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

Member absent: Ken Rienschield

Zoning Inspector: Mike Berry - absent

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

1. Randall and Deborah Bell
2. Natalie and Joseph Clum

Advertised Purpose of Hearing: The Variance application is for the property located at 8616 Millersport Road Millersport. The variance requests for 2678 square foot vs. the 1600 square foot that is allowed in the zoning resolution. Mr. Clum stated that he needed the new structure for storage.

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

Exhibit #24-112 - A (4 pgs.): Zoning Application #24-112

Exhibit # 24-112 B (3 pgs.): Auditor Site Survey

Exhibit #24-112 C (2 pgs.): 3d Drawing

Exhibit #24-112 D (1 pgs.) Notice to Property Owners

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
 - 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 board knows that Chair Fant is supportive of building sheds/garages to store 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
 - 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 **“it is a big difference but based on where the property is located, the variance is the minimum necessary to keep the area clean”**
 - vi. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). **“with the size of the lot and distance from house and other property lines, there is plenty of space”**
- 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; **“yes, but that isn’t an issue”**
 - 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.

Chair Fant asked for a Motion to Approve Variance Application #24-112, motion by Martha Snavelly, second by Mark Helms,

Roll call: Fant – Yes, Sharpe – Yes, Helms – Yes, - Snavelly – Yes, Singer - 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’s comments, Mr. Singer stated that the neighbors i.e., (brothers) are in agreement with the plans, and that they are surrounded by farmland. Mr. Singer previously was the property maintenance for the township and that the intent for the property maintenance was to get items stored.

Adjournment: Motion to adjourn by Martha Snavelly, second by Ron Sharpe at 7:16 PM

Motion passed with 5 votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavelly - Acting Vice Chair