

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #24-113 & #24-114 MEETING MINUTES

OCTOBER 24, 2024 7:17 PM

Board of Zoning Appeals members present/absent:

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

Member absent: Ken Rienschield

Zoning Inspector: Mike Berry – present

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

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

Advertised Purpose of Hearing: The Variance application is for the property located at 4386 Canal Rd. NE Pleasantville, OH by applicants Randall C. and Deborah A. Bell. The variance requests a lot split of Parcel #0470213940 from 7.15 acres to 2 lots: 1 of 1.53 acres and 1 of 5.6 acres.

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

Exhibit #24-113 & #24-114- A (6 pgs.): Zoning Application #24-113 & #24-114

Exhibit # 24-113 & #24-114 (1 pgs.): Protective Covenant

Exhibit #24-113 & #24-114 C (1 pgs.): List of Property Owners (Contiguous)

Exhibit #24-113 & #24-114 D (3 pgs.) Protective Covenants, Survey, Legal Description

Exhibit #24-113 & #24-114 E (4 pgs.) Septic System, Soil

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 state his request for variance. He explained that his daughter was trying to find a home or lot and was unsuccessful. He is asking to split the lot on Parcel #0470213940 to two lots; 1 to 1.53 acres, and 1 to 5.6 acres.

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 **“the applicant is trying to limit the effect**
 - 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. **“Chair Fant said it is a benefit since home ownership in the community seems to be getting more and more difficult to obtain”**

- 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 "looking at both 113 and 114 we are looking at frontage, zoning code isn't being violated"
 - 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 "variance is at least substantial as it can be"
 - vi. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). "the applicant produced evidence that these will not be affected"
- 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 2003 and factors have changed since then and now"
 - 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. "obviously, it can, but nothing that will change the Chair's decision"

Chair Fant asked for a Motion to Approve Variance Application #24-113 & #24-114, Motion by Rick Singer, second by Martha Snavelly.

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

Motion to approve Variance passed with 5 yes votes.

Chair Fant asked the BZA members to explain their vote:

The Board concurred with the reasons stated by the Chair.

Adjournment: Motion to adjourn by Martha Snavelly, second by Ron Sharpe at 7:40 PM

Motion passed with 5 votes.

Minutes Recorded By: Patricia McLoughlin



Alex Fant – Chair



Martha Snavelly - Acting Vice Chair