

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #25-6 MEETING MINUTES

February 13, 2025 – 7:11 PM

Board of Zoning Appeals members present/absent:

Members present - Alex Fant, Martha Snavely, Mark Helms, Ken Rienscheld, Ron Sharpe,

Zoning Inspector: Mike Berry – present

Members absent: Rick Singer, Alternate

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

1. Shawn Wharton, 13423 Rosewood Rd. NE, Thornville, OH
2. Roger Kilbarger, 11895 Shell Beach Rd. Thornville, OH

Advertised Purpose of Hearing:

The purpose of the Hearing was for the Variance Application #25-6 by Shawn and Christa Wharton for the property located at 13423 Rosewood Rd. NE Thornville, OH requesting the reduction of the rear setback from 12 ft. to 8 ft.

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"*.

Chair Fant asked the applicant to state the reason for request for variance. Mr. Wharton said he is requesting the variance for the purpose of building a pool. He stated that they are building their retirement home after retiring this year. He stated that the property is a flag shaped lot, therefore he is limited. He would like the pool to be the centerpiece and have easy access for his wheelchair bound son. He is asking to reduce the setback from 12 ft. to 8 ft. He further stated that when his builder comes out to review the lot, he may be able to go to 9 ft. Chair Fant asked zoning inspector Berry if there were certain restrictions regarding variance for pools. Mike stated that if it is an inground pool, there must be a fence. An above ground pool requires a lockable ladder. These restrictions are in place so that a child cannot wander off of the street and get into the pool.

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

Exhibit 25-6 - A (4 pgs.): Zoning Application #25-6

Exhibit # 25-6 B (1 pgs.): Site Plan

Exhibit #25-6- C (1 pgs.): Pool and House plan

Exhibit #25-6 – D (1 pgs.) Architect's Drawing

Exhibit #25-6– E (1 pgs.) Auditor's Site Plan

Exhibit #25-6– F (1 pgs.) Notice to Property Owners (Contiguous)

Exhibit #25-6 – G (1 pgs.) List of Property Owners (Contiguous)

Is the applicant asking for a variance dealing with?

1.

- l. **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

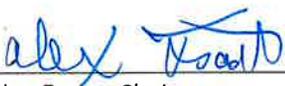
- the premises or adjoining premises, differentiating it from other premises in the same district; or “
- ii. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance. “a pool is an improvement”
- b. In granting an Area Variance, the Board shall also determine that all of the following factors are met by the request:
- i. 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; “
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; “it is by having only a 4 ft. difference with an 8 ft. setback”
 - iii. 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
 - iv. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). “it’s only a 4 ft. variance and if there were a road it would not be in the way of fire equipment, etc.”
- c. 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 restriction;
 - ii. Whether the property in question will yield a reasonable return or whether there 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 #25-6. Ron Sharpe made a motion to approve Variance #25-6, Martha Snavelly seconded the motion.

Roll call: Fant, - Yes, - Helms, - Yes, - Sharpe, - Yes, Snavelly - Yes, Reinschild - Yes
Applicant’s proposed variance Application #25-6 is approved with 5 yes votes.

Adjournment: At 7:20 pm Ron Sharpe made a motion to adjourn, Mark Helms seconded the motion. The motion passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin


 Alex Fant – Chair


 Martha Snavelly Vice Chair