

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #25-26 MEETING MINUTES

April 10, 2025 – 7:00 PM

Board of Zoning Appeals members present/absent:

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

Zoning Inspector: Mike Berry – Absent

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

1. Kahley Wilkins 13045 Cedar Rd. NE Thornville
2. Tommy Thompson 13045 Cedar Rd. NE Thornville
3. Sean O'Hara 10925 Millersport Rd. NE Millersport OH
4. Bob & Ruth Lingo 12140 Bright Street, Millersport, OH
5. William Culp 13061 Cedar Rd. NE Thornville, OH
6. Nathan Hyde 13030 Birch NE Thornville, OH

Advertised Purpose of Hearing: The applicant is asking for a variance for section 5.4 A 2 in the side yard setback. According to what is currently stated, the applicant would need to be 7.5' from the left side of the property. The applicant is asking for a minimum of a 5' setback to be applied to the left side.

Chair administered the oath to all members addressing the Board of Zoning Appeals. 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 applicants what they are asking for in the variance. Applicant Kahley Wilkins stated that there is a main transmission pipeline that takes up a lot of the property. Chair Fant stated that this is an RMU and said that to share history, there was a parcel split. Chair stated at the time this was the easier way to go when they initially discussed the split. Because this is a non-conforming lot, there is a formula the frontage x 25% divide by 2 to figure the setback. That is normally 7.5'. The applicant stated that they cannot build a house that someone would want to inhabit without the requested setback. Chair asked if there would be a reduction in the floor plan without the variance. Ms. Wilkins replied yes by 2 ft. Chair Fant commented that would result in a less equitable home.

Chair Fant recognized a letter introduced into the Exhibits from Tabitha Lamme, contiguous neighbor to the property. Ms. Lamme explained that she would be out of the country and requested that the BZA grant a continuance so that she could attend a meeting at a later date. Chair Fant stated that the BZA was already overbooked due to a high volume of variance applications and therefore denied a continuance. Nathan Hyde, another neighbor to the property stated that he was representing Ms. Lamme and he was communicating with her through text messages during the meeting.

Chair Fant asked if the applicants were aware of the non-conformity when they purchased and they replied that they thought there was a normal gas line on the property, not the main transmission line. Nathan Hyde, contiguous neighbor asked the Board if that responsibility wouldn't have been on the realtor that sold the property? Chair Fant said that it really didn't make a difference. Mr. Hyde stated that he is opposed to the variance because he is affected by the same restrictions with the main transmission line. Further, he stated that this is a flood plain. William Culp said that he lives 13061 Cedar Rd. and he agreed with Mr. Hyde that the lot is in a flood plain and the other day when it rained the lot was flooded so much that there were ducks swimming on it. Mr. Hyde brought up his concerns along with other neighbors of the water, and also with all of the building that perhaps the wells could be affected. Chair Fant said that even if the Board would deny this variance application for the setback, the applicants will still build a house.

The Chair said that the Board supports additional housing in the community as it benefits schools and the community as a whole.

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

Exhibit #25-26 - A (4 pgs.): Zoning Application #25-26

Exhibit #25-26 – B – (1 pgs.) Aerial Map

Exhibit #25-26 – C – (1 pgs.) Lot Diagram

Exhibit #25-26 – D - (1 pgs.) Letter from contiguous neighbor, Tabitha Lamme

Exhibit #25-26 – E – (1 pgs.) List of property owners (contiguous)

Exhibit #25-26 – F – (1 pgs.) Letter to property owners (contiguous)

Exhibit #25-26 – G – (1 pgs.) Photo of 13045 Cedar Rd. Thornville, OH

Exhibit #25-26 – H – (1 pgs.) First floor plan

Exhibit #25-26 – I – (1 pgs.) Second floor plan

Is the applicant asking for a variance dealing with?

- 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 “this is with respect to size, and the Board already approved the unusual size of the subject 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. “we could say there is an increase in the property value with a house and two-car garage:
 - 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; “the variance is not substantial as it is only a 2ft. setback.”
 - ii. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance; “the spirit and intent is to provide the space for the property value”
 - 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
 - c. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). “there was no testimony that any of this would be adversely impacted.”
 - d. 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; “there is some back and forth on this, perhaps they did, perhaps they didn’t.”
 - 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 “there would be a benefit since they would still build a house.”
 - iii. Whether the property owner’s predicament feasibly can be obviated through some method other than a Variance. “reviewing the floor plans, they couldn’t build the house without the setback.”

Chair Fant asked for a Motion to Approve Variance Application #25-26 by Martha Snavelly, Ron Sharpe, seconded the motion.

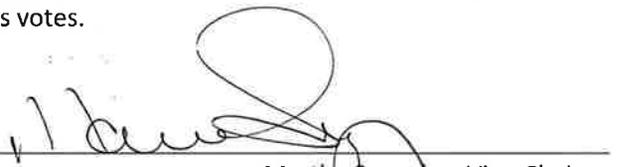
Roll call: Fant, - Yes - Helms, - Yes- Snavelly - Yes, - Sharpe – Yes, - Reinschield – Yes.

Applicant’s proposed variance Application #25-26 with 5 yes votes.

Adjournment: At 7:38 pm, Chair Fant asked for a motion to adjourn, motion by Martha Snavelly second by Mark Helms. The motion to adjourn passed with 5 yes votes.

Minutes Recorded By: Patricia McLoughlin


Alex Fant – Chair


Martha Snavelly – Vice-Chair