

RECORD OF PROCEEDINGS

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

11420 Millersport Rd., Millersport, OH 43067

HEARING #25-33 MEETING MINUTES

April 10, 2025 – 7:40 PM

Board of Zoning Appeals members present/absent:

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

Zoning Inspector: Mike Berry – Absent

Members absent: Rick Singer, Alternate

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

1. Tom Cumbow – TWC
2. Bob & Ruth Lingo
3. Sean O’Hara

Advertised Purpose of Hearing: The applicant is asking to build a warehouse within 3’ of the 60’ setback. He stated that he is embarrassed with the amount of equipment he has sitting outside with the school traffic, etc.

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 stated that it is music to his ears to hear that he wants to store industrial equipment out of site. His concern is that he is so close to the road with this variance, the school traffic both bus and foot traffic. He said that it is one thing to have an accident with a fence, but quite another with an accident with a building. He asked the size of the building and Mr. Cumbow stated a 40 x 60. Chair Fant asked why not build a smaller building. Mr. Cumbow said that quite frankly, the 40 x 60 is too small. He wants to stay in this area for his business and keep 35-40 people employed in the community. Chair Fant stated that the board is supportive of getting things stored into buildings into a more secure setting. Chair Fant is concerned because it is a 15 ft. right-of-way and it gives him a little pause when reviewing this variance application.

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

Exhibit #25-33 - A (4 pgs.): Zoning Application #25-33

Exhibit #25-33 – B – (1 pgs.) Auditor’s Site overview

Exhibit #25-33 – C – (1 pgs.) List of Property owners (contiguous)

Exhibit #25-33– D - (1 pgs.) Letter to property owners

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 “
 - 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. "yes, making it safer, making it better and better for the community"

- 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 would be observed, but there would be more safety"
 - 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 "it is substantial, but minimum necessary to afford relief."
- c. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage). "none would be impacted because it's not going outside the footprint already existing."
- 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; "yes, in the fact that he could have had accessed to the code, but he didn't know at the time he would need to have to build a storage building. A blessing and a curse."
 - 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 "already using it in the same manner."
 - iii. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance. "only if he reduced the size of his warehouse that would adversely affect his business."

Chair Fant asked for a Motion to Approve Variance Application #25-33 by Martha Snavelly, seconded by Ken Rienscheld seconded the motion.

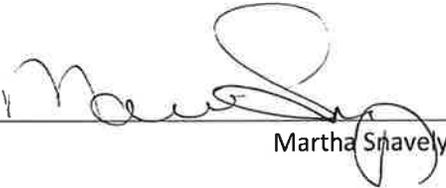
Roll call: Fant, - Yes - Helms, - Yes- Snavelly - Yes, - Sharpe – Yes, - Reinschild – Yes.

Applicant's proposed variance Application #25-33 with 5 yes votes.

Adjournment: At 7:54 p.m. 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