



SYMME TOWNSHIP ZONING

HAMILTON COUNTY, OHIO

OFFICE OF THE ZONING INSPECTOR

138 E Court Street • Room 801 • Cincinnati, OH 45202

513-946-4550

NOTICE OF REFUSAL

APPLICATION NO

S20230130

BZA CASE NO

ZVSM202304

TO APPLICANT ANGELA APKING
11814 SPIRAL PASS
CINCINNATI, OH 45249

TO OWNER SCOTT & ANGELA APKING
11814 SPIRAL PASS
CINCINNATI, OH 45249

AUDITOR'S ID NUMBER

BOOK: 620

PAGE: 203

PARCEL: 51

Your application dated July 27, 2023, for a zoning certificate for an inground pool in the side yard area at premises designated as **11814 Spiral Pass** is hereby refused on this 27th day of July 2023 under Sections 41, 342.3, 352, and 281 of the Zoning Resolution in that:

- Section 41** of the Zoning Resolution and the Symmes Township District Maps designate said premises to be in the "A" Single Family Residence district.
- Section 342.3** Location: No accessory use or structure shall be located in the front or side yard...
- Section 352** Private Swimming Pools: Swimming pools... shall be permitted as an accessory use... provided they are located behind the rear line of the principal structure...
- Section 281** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation in or any provision of this Resolution or any amendment or supplement thereto.

An appeal from this decision to the Symmes Township Board of Zoning Appeals is governed under **Sections 183, 184, 184.1, 184.2 and 184.6** of the Zoning Resolution.

Kimberly Lapensee, ZONING INSPECTOR

Tim Hershner, ZONING PLANS EXAMINER

NOTE: ANY APPEAL MUST BE FILED WITH THE BOARD OF ZONING APPEALS WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS REFUSAL IN ORDER TO BE SCHEDULED FOR A HEARING BEFORE THE SYMMES TOWNSHIP BOARD OF ZONING APPEALS. **FOR FURTHER INFORMATION,** CONTACT THE ZONING PLANS EXAMINER, OFFICE OF THE ZONING INSPECTOR AT THE HAMILTON COUNTY RURAL ZONING COMMISSION, 513-946-4471. **ALL BOARD OF ZONING APPEALS HEARINGS WILL BE SCHEDULED BY SYMMES TOWNSHIP. THE HEARINGS WILL TAKE PLACE AT THE SYMMES TOWNSHIP ADMINISTRATION BUILDING, 9323 UNION CEMETERY ROAD, LOVELAND, OHIO, 45140, and 513-683-6644.**

Appeal No. ZVSM2023-04
Filed 7/27/23



Board of Zoning Appeals
9323 Union Cemetery Road
Symmes Township, OH 45140-9386

APPEAL UNDER THE ZONING RESOLUTION

The appellant must file herewith an explicit typewritten statement setting forth the following:

- a. The principal points on which the appeal is made. In any case, the principal points set forth in this appeal shall be the same as those under which the administrative officer acted, whether the granting or refusal of a zoning certificate or any other decision based upon the regulations of the Zoning Resolution.
- b. A clear and accurate description of the construction use.
- c. Specific reference to the Sections of the Zoning Resolution which, it is claimed, authorize the determination sought.
- d. Names and addresses of owners of all abutting lots and lands within two hundred (200) feet of the property in question. (This list is now provided by the Board on the applicant's behalf.)

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NAMES AND ADDRESSES

Appellant Angela ApKing

Address 11814 Spiral Pass, Symmes Twp OH 45249

owner Scott & Angela ApKing

Address 11814 Spiral Pass, Symmes Twp OH 45249

Lessee _____

Address _____

The undersigned ANGELA APKING
183, 184, 184.2, 184.6

hereby appeals under Sections
of the Zoning Resolution

In accordance with the plats, plans and other data hereto attached and made a part of this appeal.

I hereby depose and say that all the above statements and the statements contained in all of the exhibits transmitted herewith are true.

[Signature]
Appellant

Sworn to and subscribed before me, this 27th day of July



Chastity F Byers
Notary Public, State of Ohio
My Commission Expires 8-10-2025
Comm# 2020-RE-818235

[Signature]
Notary Public

Address of subject property 11814 Spiral Pass Symmes Twp, OH 45249

Lot Number 620-0203-0051-00

Identification	Name	Address	City	State	Zip Code	Phone No.
Owner	<u>Scott ApKing</u>	<u>11814 Spiral Pass</u>	<u>Symmes TWP</u>	<u>OH</u>	<u>45249</u>	<u>5137025171</u>
Contractor	<u>Quality Pools for less</u>	<u>5575 Chesapeake</u>	<u>Fairfield</u>	<u>OH</u>	<u>45014</u>	<u>5132005402</u>
Plans By	<u>Cardinal</u>	<u>250 Rt 61 South</u>	<u>Schuylkill Haven</u>	<u>PA</u>	<u>17972</u>	<u>570-385-4738</u>

Type of improvement: (Briefly describe proposed work)
18' x 42' Rectangular pool (in ground)

- Commercial
- Residential
- Other
- Appeal
- Conditional Use
- Non-Conforming Use
- Compatible Non-Conforming Use
- Other

State in detail all existing and proposed uses of this building and premises:

- Existing residential home located on .785^{acres} parhandle lot
- Proposed installation of inground pool and fence

Ownership Private Public (Federal, State, Local) Corporate Other

Cost
Estimated cost of improvement for which this application is made:
\$ 78,307.00

The owner of this building and undersigned, do hereby covenant and agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Symmes Township, pertaining to building and structures, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specifications are the best of their knowledge, true and correct.

Application by: Angela ApKing Address: 11814 Spiral Pass Symmes Twp OH 45249

DO NOT WRITE BELOW THIS LINE (office use only)

Adopted: _____ Journalized: _____

BZA Filing Fee: \$ 769.65

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To whom it may concern,

We purchased 11814 Spiral Pass Symmes Township, Ohio 45249 in February of 2018 with the intention of adding a pool when our youngest entered high school. Most of the usable yard space is located on the western side of the house. When we purchased the home, the previous owner had a large playset located in this space. We have always used this area as our backyard since owning the property. The space in question is completely surrounded by trees and bushes as shown in the attached pictures. In February of 2022, we contracted Quality Pools for Less to install a 18' x 42' inground pool in this area and install a 4' high fence (black aluminum) in accordance with Calumet Farm HOA guidelines. When our contractor applied for the permit with Hamilton County, we learned that our backyard is actually considered our side yard. Our surrounding neighbors are all aware of the addition of a pool in our yard and no one has expressed any concerns. We feel the addition of a pool would enhance the use of this space with no impact on the surrounding properties and request a variance to allow this inground pool to be installed in our side yard in accordance with the attached documents.

Kind regards,

Scott & Angela Apking

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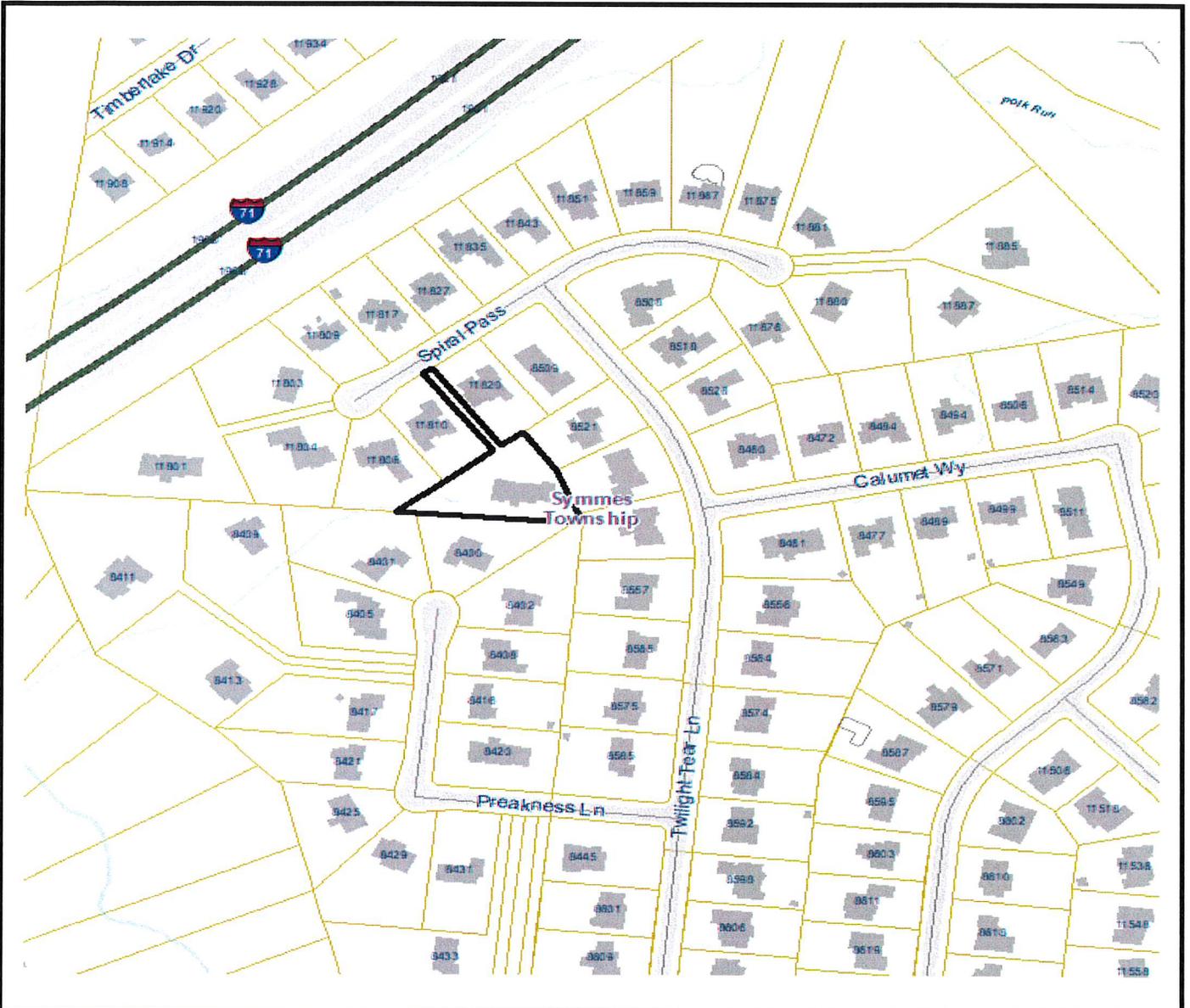
JUL 28 2023

Neighboring residents

- 1) Jesse & Aliana Oaks, 11810 Spiral Pass
- 2) Robyn & Scott Friend, 11806 Spiral Pass
- 3) Ikram Mohammad & Fozia, 11820 Spiral Pass
- 4) David & Stacey Luken, 8521 Twilight Tear Ln
- 5) Karen Buckey, 8533 Twilight Tear Ln
- 6) James & Jada Hill, 8400 Preakness Ln
- 7) Darrin & Lori Smith, 8402 Preakness Ln
- 8) Susan Kirkpatrick, 8401 Preakness Ln

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Vicinity Map

Case: Symmes Twp.11814 Spiral Pass {ZVSM2023-04}
Request: Variance

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 In no event, will the provider or any party of CAGIS be liable for direct, indirect, incidental, or consequential damages resulting from any defect in the information or any other part of the map product, even if advised of the possibility of such damages. In particular, neither the provider nor any party of CAGIS shall have any liability for any other information, programs or data used with or combined with the information received, including the cost of recovering such information, programs or data.
 Any floodway and flood fringe information provided on this map is for conceptual planning purposes only. For official determination of limits recipient must refer to the 2004 FEMA floodway fringe maps. Large differences can exist between actual flood prone area and official FEMA flood fringe areas.

HAMILTON COUNTY RURAL ZONING COMMISSION
 138 E COURT ST RM 801
 CINCINNATI, OH, 45202-020
 (513) 946-4500

Signed: _____ Date: _____

Created: 08-01-2023

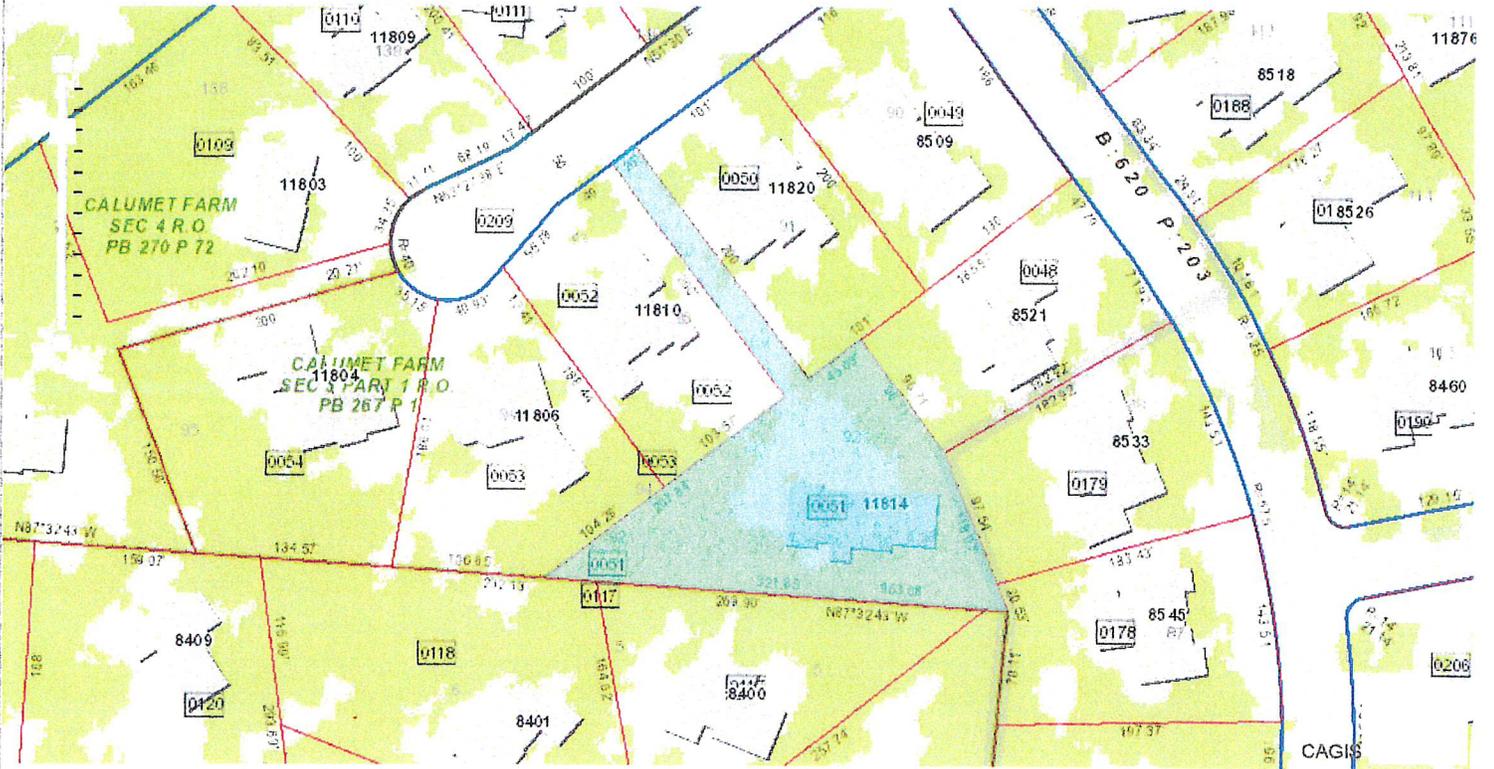
Parcel ID
620-0203-0051-00

Address
11814 SPIRAL PASS

Index Order
Parcel Number

Tax Year
2022 Payable 2023

Property Map



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View from Spiral Pass



Driveway entrance

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View facing North



Proposed pool area

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View facing Friends & Fitzpatrick's



View facing Hills

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View facing the house



Wooded rear yard area

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