

RESOLUTION

GRANTING

APPEAL NO. 2020-14

WHEREAS, Scott Schlotterbeck, 9976 Washington Avenue, Loveland, OH 45140, appellant, on December 4, 2020, filed Appeal No. 2020-14 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 84.1-1 of said Resolution as applied to the property at 9976 Washington Avenue, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on December 4, 2020, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of an uncovered, unenclosed porch addition with less front yard setback than required at 9976 Washington Avenue; and

WHEREAS, said Zoning Inspector, on December 4, 2020, acting upon said application and the plats and plans submitted, refused to issue said Certificate, her reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on January 4, 2021, notice of such hearing was given by first class mail to parties in interest and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of said hearing in accordance with Section 303.15 of the Ohio Revised Code; and

WHEREAS, Section 41 et seq. of the Zoning Resolution and the Symmes Township District Maps designate said premises to be in the "C" Residence District; and

WHEREAS, Section 84.1-1 states, in relevant part, that there shall be a front yard having a depth of not less than thirty (30) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet; and

WHEREAS, according to testimony offered at the public hearing, the appellant is proposing to construct an eight (8) foot by twelve (12) foot uncovered wooden porch addition onto the front of the existing single-family home extending into the front yard. The porch addition would be located twenty-seven (27) inches off the ground with a wooden railing surrounding the perimeter with stairs on the side facing the driveway; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the north side of Washington Avenue, east of Twightwee Road; and

WHEREAS, according to further testimony offered at the public hearing, the existing home on the property is located on two (2) parcels of land where the home straddles an existing property line. Prior to issuance of any zoning certificate for the proposed deck, these two (2) parcels would need to be consolidated into one lot; and

WHEREAS, according to further testimony offered at the public hearing, the existing home is located fifteen point five (15.5) feet from the front property line. Typically, the minimum front yard setback would be thirty (30) feet in the "C" Residence district. However, the home is permitted to be thirteen point seventy-five (13.75) feet from the front property line since the average of the minimum depths of the existing front yards on the lots adjacent on each side are nineteen (19) feet and nine point five (9.5) feet respectively; and

WHEREAS, according to further testimony offered at the public hearing, the proposed porch would extend the porch eight (8) feet off the front of the home which creates the need for a six point two five (6.25) foot front yard setback variance; and

WHEREAS, according to further testimony offered at the public hearing, in reviewing adjacent properties within the surrounding area, it appears that none of the homes along this section of Washington Avenue meet the required front yard setback of thirty (30) feet; and

WHEREAS, according to further testimony offered at the public hearing, the proposed porch would not likely have any negative effect on the adjacent properties; and

WHEREAS, 184.6 empowers this Board to permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape of the lot, topographic or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare; and

WHEREAS Section 185 provides, in exercising the above-mentioned powers, the Board may reverse or affirm, wholly, or partly, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, that the literal enforcement of the strict application of Section 84.1-1 of the Zoning Resolution will result in unnecessary hardship to the owners of the property in question; and

WHEREAS, the variation, in accordance with the following conditions, will not seriously affect any adjoining property owners or the general welfare; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a variance from the requirement of Section 84.1-1 of the Zoning Resolution in accordance with the authority granted in Section 184.6. Furthermore, the decision of the Zoning Inspector to deny the issuance of a zoning certificate for the reason that the application failed to comply with Section 84.1-1 of the Zoning Resolution is affirmed, but in accordance with the authority of Section 185, the Board of Zoning Appeals, having granted a variance as stated above, hereby determines that a zoning certificate may be issued to the applicant consistent with the terms set forth in this Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That, the proposed porch addition remains exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed porch addition not be relocated or enlarged without the approval of this Board;
3. That, the Zoning Certificate and Building permit (if required) for the proposed porch addition be obtained within sixty (60) days and all work be completed within one (1) year from the date of adoption of this Resolution;
4. That, the proposed porch addition, once constructed, be maintained in a satisfactory condition at all times;

5. That, the proposed porch addition complies in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;

BE IT FURTHER RESOLVED that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

ADOPTED at a regularly scheduled meeting of the Symmes Township Board of Zoning Appeals in session this 4th day of January 2021.

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Horvath – ‘aye’ and Mr. Wolfe - ‘aye’.

APPROVED: JANUARY 4, 2021

Luanne C. Felter
Zoning Secretary

Jennifer Harlow, Board Chairperson