

RESOLUTION  
GRANTING  
APPEAL NO. 2021-01

WHEREAS, Jeff and Lori Drasnin, 10236 Stablehand Drive, Cincinnati, OH 45249, appellant, on December 28, 2020, filed Appeal No. 2021-01 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 351.1 of said Resolution as applied to the property at 10236 Stablehand Drive, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on December 28, 2020, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of a detached pool house with more height than permitted at 10236 Stablehand Drive;

WHEREAS, said Zoning Inspector, on December 28, 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 February 1, 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 "A" Residence District; and

WHEREAS, Section 351.1 states, in relevant part, that for setbacks on parcels of less than one (1) acre, no more than one thousand thirty-two (1,032) square feet in area and twelve and one-half (12.5) feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs is permitted; and

WHEREAS, according to testimony offered at the public hearing, the appellant is proposing to construct a four hundred fifty (450) square-foot detached pool house in the back yard; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the south side of Stablehand Drive, east of Humphrey Road; and

WHEREAS, according to further testimony offered at the public hearing, the proposed pool house would contain brick with stone veneer and a pitched roof and shingles to match the style and dimensions of the existing covered patio located on the west side of the home. Therefore, since the height exceeds the height requirements for a detached accessory structure a variance of two point five (2.5) feet is required; and

WHEREAS, according to further testimony offered at the public hearing, the proposed pool house would contain a bathroom, storage space and an open bar area for entertaining; and

WHEREAS, according to further testimony offered at the public hearing, the proposed pool house would balance the covered patio area on the other side of the home and help with the overall aesthetics of the property; and

WHEREAS, according to further testimony offered at the public hearing, the proposed structure would not likely have an impact on the adjacent properties since there are large mature trees in the yard that provide screening; 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 351.1 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 351.1 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 351.1 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 pool house remains exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed pool house not be relocated or enlarged without the approval of this Board;
3. That, the Zoning Certificate and Building permit (if required) for the proposed pool house 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 pool house, once constructed, be maintained in a satisfactory condition at all times;
5. That, the proposed pool house 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 1st day of February 2021.

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

APPROVED: FEBRUARY 1, 2021

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Luanne C. Felter  
Zoning Secretary

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D’Arcy Havill, Board Vice-Chairperson