



RESOLUTION
GRANTING
APPEAL NO. 2025-01

WHEREAS, Viox & Viox, 602 Lila Avenue, Milford, OH 45150, appellant, on January 13, 2025, filed Appeal No. 2025-01 under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Sections 124.4, 124.4-1, 124.4-3, 328.2-1, and 328.2.6 of said Resolution as applied to the property at 8500 Glendale Milford Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on January 7, 2025, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of a building addition with greater height than permitted, less rear yard and side yard setbacks than required and no required streetscape buffer; and

WHEREAS, said Zoning Inspector, on January 7, 2025, 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, public hearings were scheduled for said appeal on February 3, 2025 and March 3, 2025, notice of such hearings were given by first class mail to parties of 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 hearings 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 "G" Heavy Industrial; and

WHEREAS, Section 124.4 provides, in relevant part, that transition regulations shall apply to "G" Heavy Industrial District uses located or constructed adjacent to or abutting any "A" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses; and

WHEREAS, Section 124.4-1 provides, in relevant part, that the minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards; and

WHEREAS, Section 124.4-3 provides, in relevant part, that the maximum height of buildings shall be one story or fifteen (15) feet; and

WHEREAS, Section 328.2-1 provides, in relevant part, that transition buffer yard requirements adjoining right-of-way in all districts except "A" Residence District shall require streetscape buffers. Streetscape buffers are only required in Residence District for parking areas of five (5) or more vehicles; and

WHEREAS, Section 328.2.6 provides, in relevant part, that a streetscape buffer of ten (10) feet shall be required in a "G" Heavy Industrial District. Such buffer shall be a minimum of two and one-half (2.5) canopy trees and twenty (20) shrubs per one hundred (100) linear feet of boundary buffer required; and

WHEREAS, according to testimony offered at the public hearing, the appellant is proposing to construct a one-story, eleven thousand (11,000) square-foot building addition with similar building materials on the north side of the existing structure; and



WHEREAS, according to further testimony offered at the public hearing, the subject property is bounded by public right-of-way on Glendale-Milford Road to the west, the Indian Hill Winter Club to the north and property owned by the Village of Indian Hill to the east and south (Grand Valley Nature Preserve); and

WHEREAS, according to further testimony offered at the public hearing, the proposed building addition would have a height of twenty-four (24) feet to match the existing building. However, it would not appear out of character since the Indian Hill Winter Club building which is located approximately fifteen (15) feet from the shared property line has an approximate height of twenty (20) feet; and

WHEREAS, according to further testimony offered at the public hearing, the location of the proposed building addition cannot be relocated due to the location of an existing septic system and leach field in the front yard; and

WHEREAS, according to further testimony offered at the public hearing, the appellant originally requested a variance for providing no streetscape buffer; however, a landscape plan was presented at the March meeting to meet the transition requirements for the portion of the street frontage north of the existing southern driveway; 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 Sections 124.4, 124.4-1, 124.4-3, 328.2-1, and 328.2.6 of the Zoning Resolution will result in practical difficulties to the appellant 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 Sections 124.4, 124.4-1, 124.4-3, 328.2-1, and 328.2.6 of the Zoning Resolution in accordance with the authority granted in 184.2. 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 Sections 124.4, 124.4-1, 124.4-3, 328.2-1, and 328.2.6 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 building addition shall be setback not less than twenty (20) feet from the rear yard and side yard;



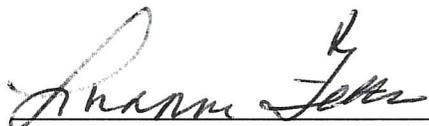
2. That, landscaping shall be installed and maintained for the proposed building addition in accordance with the submitted and approved landscape plan;
3. That, the height of the proposed building addition not exceed more than twenty-four (24) feet;
4. That, the proposed building addition shall be located exactly as shown on the plans submitted to Board;
5. That, the proposed building addition shall comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
6. That, the Zoning Certificate and Building permit (if required) for the proposed building addition shall be obtained within six months (6) months and all work be completed within one (1) year from the date of adoption of this Resolution;
7. That, the proposed building addition shall not be relocated or enlarged without the approval of this Board;
8. That, the proposed building addition shall be maintained in a satisfactory condition at all times;

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 3rd day of MARCH 2025.

Ms. Bucco – ‘aye’, Ms. Harlow – ‘aye’, Mr. Trick – ‘aye’ and Mr. Snider – ‘aye’.

JOURNALIZED: MARCH 3, 2025



Luanne Felter
Township Zoning Secretary



Jennifer Harlow, Board Vice-Chairperson