

RESOLUTION
GRANTING
APPEAL NO. 2025-08

WHEREAS Rodney Sabo (appellant) and Stephen Schricten (owner) on June 3, 2025 filed Appeal No. 2025-08 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Sections 84.2 and 346.4 of said Resolution as applied to the property located at 10167 Lincoln Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on May 9, 2025, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for a residential addition having a less than required side yard setback and a retaining wall having a less than required front yard setback as well as extending into the road right-of-way; and

WHEREAS, said Zoning Inspector, on May 30, 2025, acting upon said application and the plats and plans submitted, refused to issue said Certificate, his reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on July 7, 2025, 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, staff of The Hamilton County Regional Planning Commission prepared a Staff Report for case No. 2025-05, a request to allow an existing building addition onto the existing single family home and a retaining wall in the front yard of the property to remain as constructed, stating the facts of the case and such report being part of the record for this case; and

WHEREAS, Rodney Sabo, appellant, and Stephen Schricten, owner, spoke for the case; and

WHEREAS, Scott Farmer spoke for the case; and

WHEREAS, according to testimony by Stephen Schricten, the retaining wall has been removed and a variance is no longer requested for the retaining wall; 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, staff of The Hamilton County Regional Planning Commission prepared a Staff Report for case No. 2025-05, a request to allow an existing building addition onto the existing single family home and a retaining wall in the front yard of the property to remain as constructed, stating the facts of the case and such report being part of the record for this case;

WHEREAS, Section 84.2 provides, in relevant part, that there shall be a side yard on each side of a building which yard shall have a minimum width of not less than five (5) feet; and

WHEREAS, Section 346.4 provides, in relevant part, that retaining walls facing a residential district shall be setback from the residential property line a minimum of two (2) feet for each foot of height.

WHEREAS, Section 184.2 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 that 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 as ought to be made, and to that end shall have all the 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 that the literal enforcement of the strict application of

Section 84.2 of the Zoning Resolution will result in practical difficulties to the owner of the property in question; and

WHEREAS, the variation, in accordance with the following conditions, will not seriously affect any adjoining property in question; 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 requirements of Section 84.2 of the Zoning Resolution in accordance with the authority granted in Section 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 Section 84.2 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 the Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That, the proposed single-family home addition shall be located exactly as shown on the plans submitted to Board;
2. That, the proposed single-family home addition shall comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
3. That, the Zoning Certificate and Building permit (if required) for the proposed single family home 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;
4. That, the proposed single-family home addition shall not be relocated or enlarged without the approval of this Board;
5. That, the proposed single-family home 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 7th day of July, 2025.

Ms. Bucco – “aye”, Mr. Trick - “aye”, Mr. Wolfe – “aye”, Mr. Deutch – “aye”. Ms. Harlow- “aye”.

APPROVED: JULY 7, 2025



Wayne Gates
Zoning Secretary



Ralph Wolfe, Board Chairperson