

RESOLUTION
GRANTING
APPEAL NO. 2025-06

WHEREAS Evangeline Devol (appellant) on April 22, 2025 filed Appeal No. 2025-06 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 346.1 of said Resolution as applied to the property located at 11905 Rich Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 16, 2025, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the installation of a privacy fence to be located within the north front yard at the premises; and

WHEREAS, said Zoning Inspector, on April 17, 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 June 2, 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, said hearing was continued until July 7, 2025; and

WHEREAS, staff of The Hamilton County Regional Planning Commission prepared a Staff Report for case No. 2025-06, a request replace a previous picket fence with a 6-foot-tall wooden privacy fence that extends into the front yard area on the north side of the existing home located on a corner lot, stating the facts of the case and such report being part of the record for this case; and

WHEREAS, Evangeline Devol, owner, spoke for the case. There was no one in attendance to speak against the case; and

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

WHEREAS, Section 346.1 provides, in relevant part, that no fence or wall located in the front or side yard shall be built to a height greater than three (3) feet and shall have an open face area of no less than fifty (50%) percent or when constructed to a height of no more than four (4) feet above grade, shall have an open face area of no less than sixty-two (62%) percent.; and

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 346.1 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 346.1 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 346.1 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 the Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the fence shall be painted with a color consistent with the house.
2. That vertical landscaping shall be planted on both sides of the fence that face Rich Road and Brentmoor Lane and be planted no less than ten feet apart.
3. That, the proposed privacy fence shall be maintained in a satisfactory condition at all times;
4. That, the proposed privacy fence shall be located exactly as shown on the plans submitted to Board;
5. That, the proposed privacy fence 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 privacy fence 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 privacy fence shall not be relocated or enlarged without the approval of this Board;

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