



RESOLUTION

GRANTING

APPEAL NO. 2025-13

WHEREAS, Mark Wiley, 5114 Darkvalley Court, Cincinnati, OH, Appellant, on October 14th, 2025, filed Appeal No. 2025-13 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted to replace an existing kiosk building with a new kiosk building located at 12025 Shore Drive, Symmes Township, Hamilton County, Ohio; and

WHEREAS, public hearings were held on said appeal on January 5, 2026, notice of such hearing was 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 "C" Residence and "H" Riverfront district; and

WHEREAS, Article XXXV provides, in part, that a museum be permitted as a Conditional Use provided that it is properly integrated in the overall neighborhood and that said use shall be evaluated by the Board of Zoning Appeals on an individual basis; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting Conditional Use approval to allow the construction of a kiosk-style shed that would serve as a check-in point to welcome and register visitors at the entrance of the castle. This new structure would replace the existing kiosk structure in the same location to the south of the parking lot and north of the main castle building; and

WHEREAS, Section 385 and 386 provides for the General Considerations and Specific Criteria pertaining to Conditional Uses; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. Museum uses are permitted in residential districts through the Conditional Use process, and the existing and proposed use would comply with the spirit and intent of the Zoning Resolution; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall not have an adverse effect upon adjacent property or the public health, safety, morals and general welfare. Due to its orientation and location within the interior of the site, the proposed kiosk would not likely be visible or have an adverse effect on the adjacent properties. Additionally, the proposed kiosk is replacing the existing kiosk in the same location. The homes located to the north, west, and south of the museum are all located over four hundred (400) feet away with mature vegetation buffering the homes for the kiosk. The nearest residence on Cedar Drive would be located approximately four hundred twenty (420) feet west of the proposed kiosk; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development should respect, to the greatest extent practicable, the natural, scenic and historic features of significant public interest. The subject site abuts the scenic Little Miami River and contains the Historic Loveland Castle and Museum. No changes are being proposed to the structure or riverbank; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Township Trustees. Symmes Township has an adopted Land Use Plan for this area. The existing property is designated as Public/Semi-Public/Institutional, which allows for museums and other related institutional or community uses; and

WHEREAS, according to further testimony offered at the public hearing, the proposed signage complies with the specific conditional use criteria as per Section 386 as follows:

386(d) provides any structure (except fences), parking area, or storage area shall be setback at least one hundred (100) feet from every property line. The proposed structure would be located approximately fifty-nine feet away from the eastern property line, which would not meet this section. Staff supports a variance to this setback since none of the currently existing structures or parking areas meets this eastern and southern property line setbacks. Further, the proposed kiosk would not be located any closer than the castle building to the eastern property line. Plus, a kiosk already exists in this location. Specifically, the parking area has a setback of sixteen (16) feet from the eastern property line, the castle has a setback of approximately thirty-three feet from the eastern property line and an accessory structure to the southwest of the castle has a setback of approximately seventy-seven (77) feet from the southern property line. All the structures and the parking area meet the one hundred (100) foot setback for the northern and western property line, where the site more directly abuts residential uses; and

Section 386(g) provides that use shall have direct access to a collector or arterial street. The access to the site would not change. The parking lot for the museum is accessed through Shore Drive, which is not classified as a collector road. Shore Drive is connected to the nearest collector road, Rich Road, through a side street that is Mulberry Street. This is not direct access to a collector street but the entrance and exit of the parking lot is located less than half a mile away from Rich Road; and

Section 386(h) provides that vehicular use area shall be located and designed so as to minimize impact on the neighborhood. The parking area has been addressed as part of previous cases. The applicant is not proposed any changes to the vehicular use area. However, the parking area is located and designed to minimize impact on the neighborhood; and

Section 386(l) provides measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. The applicant has stated that the kiosk would only be utilized during daytime hours. Since the kiosk is replacing the existing kiosk, no additional noise, odor, vibration or dust would occur as a result of the proposed improvement. The overall use is screened from adjacent residents by a heavily wooded hillside to the west and south; and

Section 386(o) provides landscaping shall be installed in accordance with one of the following buffers as described in detail in Article XXXII, Sections 326 through 331.2, inclusive. There are no changes proposed to the landscaping for the property and the kiosk building would be located within the interior of the site and would not be highly visible from surrounding properties; and

Section 386(p)(3) provides one sign permitted at a maximum of thirty-two (32) square feet. The existing twelve (12) square foot sign located on the premises that identifies the museum at the entrance of the parking lot was approved to remain as part of a previous non-conforming use approval. There is no addition signage proposed; and

Section 386(s) provides all exterior lighting shall be directed away from adjacent residential properties and not exceed zero-point five (0.5) foot candles at the property

line when abutting a Residential Use or Residential District. No new lighting has been proposed and any future lighting proposed on the site should comply with the Zoning Resolution; and

Section 386(y) provides the intensity of the particular use shall be evaluated with regard to the location, size and configuration of the tract. The replacement of the kiosk with a larger kiosk would not significantly increase the intensity of the use and the proposed kiosk is mainly for ensuring a more comfortable space for volunteers that are greeting and registering guests. No other changes are being proposed to the location, size and configuration. Given the size of the existing use and the location along the riverbanks, the use is located as far from the adjacent residents as possible and the hillside to the west of the castle ensures that expansion of the existing use in the future is unlikely; and

WHEREAS, Section 381, empowers this Board to approve by resolution those uses listed as conditional uses; and

WHEREAS, Section 383.6 provides that the Board shall approve the conditional use, approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards, or disapprove the conditional use; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, the approval of the requested Conditional Use is appropriate at this particular location and in the particular manner proposed in that the proposed plan, as revised by the applicant at the hearing, complies with the standards and conditions set forth in Article XXXV of the Zoning Resolution; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a Conditional Use for the replacement of a kiosk at Loveland Castle as per the plans submitted and revised at the hearing in accordance with the authority granted in Section 381 and does hereby determine that a conditional use and 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, all previously approved conditions of case Symmes 2000-02 shall remain in effect for the site and shall continue to govern the operation of the site; and
2. That, the kiosk shall be permitted to have a minimum setback of fifty-nine (59) feet from the eastern property line where a minimum setback of one hundred (100) feet is required; and
3. That, the proposed kiosk shall remain exactly as shown on the plats and plans submitted to this Board;
4. That, the proposed kiosk not be relocated or enlarged without the approval of this Board;
5. That, the proposed kiosk shall be maintained in a satisfactory condition at all times;
6. That, the Zoning Certificate and Building permit for the proposed kiosk be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;

7. That, the proposed kiosk 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 5th day of JANUARY 2026.

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

APPROVED: JANUARY 5, 2026

Peter Pandilidis, Zoning Secretary

Ralph Wolfe, Board Chairperson