
**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
January 4, 2021**

The meeting was called to order at 7:00 p.m. Members of the Commission present were: Mr. Fowler, Ms. Harlow, Mr. Havill, Mr. Horvath, and Mr. Wolfe.

Also present were: Bryan Snyder, Hamilton County Zoning Inspector and Luanne Felter, Zoning Secretary.

ELECTION OF OFFICERS

MR. HAVILL made a motion to elect Byron Fowler as Chairperson. MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler, - 'aye', Ms. Harlow – 'aye', Mr. Havill – 'aye', Mr. Horvath – 'aye'.

MS. HARLOW made a motion to elect D'Arcy Havill as Vice-Chairperson. MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye', Mr. Havill – 'aye', Mr. Horvath 'aye'.

Mr. Wolfe logged in to the meeting after the vote was taken.

PUBLIC HEARINGS

MS. HARLOW convened the public hearing for BZA 2020-13 for the property located at 9247 Cactus Lane.

MR. SNYDER stated that this is a variance request for approval of an in-ground pool located in the side yard area of the home which is located in an "A" Residence district. The property is located on the south side of Cactus Lane east of McKinney Road. The home was destroyed by fire in 2013. Prior to that the garage was not connected to the home. During the renovations, the homeowners connected the two making it one big structure. With that change the "rear yard" begins south of the southernmost edge of the garage making the area of the proposed pool the side yard necessitating the request for a variance. The subject site was previously granted a variance for an 8-foot-high privacy fence on the east side of the existing home.

MR. HORVATH wanted to know if the pool could be moved further south into the rear yard.

MR. SNYDER stated that the pool could be moved into the rear yard; however, it would be more visible to the surrounding properties and closer to the home located to the south. In addition, moving the pool further to the south would push it into an existing playset area.

MR. HAVILL wanted to know if the pool would be permitted if the garage was detached from the home.

MR. SNYDER stated that it would because the area behind the house would then be considered the rear yard.

JIM BURKHART (Aquarian Pools & Spas, 631 Loveland Miamiville Road, Loveland) stated that they will add additional fencing to enclose the pool. Currently there is an 8-foot-tall privacy fence on the east side of the property and a Kentucky board fence along the rear property line.

LEE WINTERS GIBSON (9247 Cactus Lane, Loveland) stated that they would like to install the pool in the side yard where they would have easy access from the home and feels it would also provide more privacy. They plan to install an automatic pool cover and cameras to aid in

security. If the pool is installed in the rear yard, they would need to move the playset. Lastly, the neighbors are aware of our plans and seem to have no objections.

MR. FOWLER wanted to know if they plan to install landscaping near the property line to obstruct the view.

MRS. GIBSON stated that they plan to install landscaping closer to the pool.

MR. BURKHART noted that if they have to move the pool into the rear yard it would highly impact the neighbors as it would be 10 feet from the neighbor's fence line.

MR. FOWLER suggested that if the motion is approved the Board consider adding a condition that landscaping be added to screen the pool from view.

MR. HAVILL noted that the best location for the pool appears to be in the side yard.

MR. HORVATH agreed.

MR. WOLFE noted that he logged in too late into the testimony to make a determination.

MS. HARLOW made a motion to approve BZA 2020-13 for variance approval for the installation of an in-ground pool in the side yard of 9247 Cactus Lane. MR. HAVILL seconded the motion and the roll call vote was as follows: Mr. Fowler, - 'aye', Ms. Harlow - 'aye', Mr. Havill - 'aye', Mr. Horvath - 'aye', Mr. Wolfe - 'abstain'.

MS. HARLOW convened the testimony for BZA 2020-14 for the property located at 9976 Washington Avenue.

MR. SNYDER stated this is a request for variance approval for the construction of an uncovered wooden porch addition with less front yard setback than required in a "C" Residence district. The property is located on the north side of Washington Avenue, east of Twilight Road. The existing home on the property is located on two parcels of land where the home straddles an existing property line. Prior to issuance of any zoning certificate for the proposed porch, these two parcels would need to be consolidated into one lot. The existing home is located 15.5 feet from the property line. Typically, the minimum front yard setback would be 30 feet in the "C" Residence District. However, the home is permitted to be 13.75 feet from the front property line since the average of the minimum depths of the existing front yards on the lots adjacent on each side are 19 feet and 9.5 feet respectively. The applicant is proposing to extend the porch 8 feet off the front of the home which creates the need for a 6.25-foot front yard setback variance. Section 171.13 of the Zoning Resolution allows unenclosed or screened porches to extend up to 10 feet into the required front yard setback. However, since this home is utilizing the average alignment of the adjacent properties to determine the front yard setback and not the standard 30-foot front yard setback this section of the Zoning Resolution does not apply and the proposed porch would need a variance to be located 7.5 feet from the right-of-way. In reviewing adjacent properties within the surrounding area, it appears that none of the homes along this section of Washington Avenue meet the required front yard setback of 30 feet. Therefore, the proposed porch would not likely have much of an impact on the surrounding properties. Lastly, there have been several variances granted in this area of the Township.

MR. FOWLER noted that from the photos in the Staff Report there is a house next door on the left that extends further into the setback area because it has stairs and a rock wall and wondered if the porch would be coming out this far.

MR. SNYDER stated that the applicant's porch would not extend that far. The difference in setbacks from the two properties will be about two feet.

MR. HORVATH noted that in the photos it appears that there is a gravel area in front of the home. What is this?

MR. SNYDER stated that there is a 5-foot gravel area for parking between the right-of-way and the street so in reality the porch will not appear to be that close to the road.

MR. HORVATH noted that on the Vicinity Map you can see a house four houses down with hardly any setback area.

MR. SNYDER reiterated that there is no consistency with setbacks in this area.

SCOTT SCHLOTTERBECK (9976 Washington Avenue, Loveland) stated that he would like to install an 8 foot by 12-foot platform porch in the front of the house so he can enjoy the outdoors. The stairs will contain three riser steps coming off onto the driveway instead of the front yard. As indicated previously, the porch will not extend past the rock wall that is located next door.

MR. HAVILL stated that he was in support of this variance since there is so much inconsistency in this neighborhood.

MR. WOLFE agreed and liked that the steps will be installed on the left side of the deck instead of extending out front.

MR. FOWLER made a motion to approve the variance request for the construction of an uncovered wooden porch addition with less front yard setback than required in a "C" Residence district for the property at 9976 Washington Avenue. MR. HORVATH seconded the motion and the roll call vote was as follows: Mr. Fowler, - 'aye', Ms. Harlow – 'aye', Mr. Havill – 'aye', Mr. Horvath – 'aye', Mr. Wolfe – 'aye'.

MS. HARLOW convened the public hearing for BZA 2020-15 for the property at 11850 Enyart Road.

MR. SNYDER stated that this is a request for a Conditional Use. The applicant is proposing to construct a new book drive-thru window and two building-mounted canopies on the northern façade of the existing Symmes Township Branch Library. The proposed canopies would be located over the new book drive-thru window and an existing book drop-off box.

The property is located on the east side of Enyart Road, south of Symmes Landing Drive. The library is located in an "A" Residence district and therefore, any changes or additions to the library property located in a residential district shall be reviewed under the Conditional Use sections of the Symmes Township Zoning Resolution. No other improvements have been proposed for this site. The existing landscaping both along the northern property line and within existing islands in the parking lot would adequately buffer the proposed drive-thru window from the adjacent condominiums. Though it is not stated in the applicant's letter, it is likely that a new speaker system would be installed to allow visitors to speak with library staff at the drive-thru window. This additional noise may have an effect upon the residents. However, the hours of operation are currently 10:00 a.m. to 6:00 p.m. so it would not likely be significant.

JEFF SACKENHEIM (SHP, 312 Plum Street, Suite 700, Cincinnati) stated that he is the architect for this project. Mr. Snyder gave a very good summary of the project so he doesn't have much to add except that both canopies will be mounted off of the building. There will be no columns.

MS. HARLOW wanted to know if there will be a speaker system.

MR. SACKENHEIM stated that there would be one similar to a pharmacy or bank.

MR. WOLE wanted to know if they did any traffic counts.

MR. SACKENHEIM stated that they did. However, they are offering a hybrid service now with COVID and they have not seen an increase in traffic.

MR. WOLFE noted that he was in the drive thru lane at the library recently and cars were backed up into the parking lot.

MR. SACKENHEIM stated that they have had conversations with the library about the overall Facility Master Plan for improvements and that is something that they will address down the road.

MS. HARLOW made a motion to approve BZA 2020-15 for a Conditional Use for minor exterior improvements at the Symmes Township Branch Library located at 11850 Enyart Road per the findings in the Staff Report. MR. WOLFE seconded the motion and the roll call vote was as follows: Mr. Fowler, - 'aye', Ms. Harlow – 'aye', Mr. Havill – 'aye', Mr. Horvath – 'aye', Mr. Wolfe – 'aye'.

ADMINISTRATIVE MATTERS

MS. HARLOW made a motion to approve the minutes of the November 2, 2020 meeting. MR. WOLFE seconded the motion and the roll call vote was as follows: Mr. Fowler, - 'aye', Ms. Harlow – 'aye', Mr. Havill – 'aye', Mr. Horvath – 'aye', Mr. Wolfe – 'aye'.

ADJOURNMENT

MS. HARLOW adjourned the meeting at 8:20 p.m.

Approved:

Jennifer Harlow, Chairperson

Luanne Felter, Zoning Secretary