
MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
MAY 1, 2017

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

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

PUBLIC HEARINGS

MR. MISRACH convened the public hearing for BZA 2017-07 for the property at 11897 Nathanshill Lane.

MR. SNYDER stated that the applicant is proposing to replace an existing nonconforming fence with the same type of fence around an existing patio located to the rear of the existing single family home. The fence would be six feet in height and would include a one foot decorative slatted wood section at the top of the fence, a four foot lattice section in the middle of the fence and a one foot open area at the bottom of the fence. The overall open face area will be 58.5 percent where 75 percent is required. The property is located on the southwest corner of the intersection of Nathanshill Lane and Chapelsquare Lane. The privacy fence is currently located partially within what is technically considered to be the side yard. On corner lots the builder is required to provide two front yards prior to construction of a home. In this case, the builder chose to place the house on an angle facing mostly towards Nathanshill even though the required rear yard depth of 35 feet could only be provided on the south side of the lot. Because the rear of the home is located approximately 20 feet from the western property line, the area behind the home cannot be considered the rear yard because the area does not provide the required rear yard setback. However, the fence would not stand out as being unusual or out of character with fences on similar lots in the neighborhood and provides a less imposing view from the street than a typical solid privacy fence.

MS. HARLOW wanted to know if the fence was installed before Symmes Township adopted its zoning code.

MR. SNYER stated that it was; however, the county had the same zoning requirements prior to adoption by Symmes. Therefore, it is unclear how the previous fence was permitted on the property without a variance.

JAMES WITT (11897 Nathanshill Lane 45249) stated that due to the location of his house the fence is necessary to provide privacy from traffic entering and exiting the subdivision. A similar fence has been in the same location since 1985 shortly after the home was constructed.

MR. WOLFE stated that he has no issues with the fence and made a motion to grant the installation of a wooden lattice screening fence in the side yard of 11897 Nathanshill Lane as indicated in the plats and plans submitted to the Board.

MS. HARLOW seconded the motion and the roll call vote was as follows:

Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Misrach – ‘aye’, Mr. Wolfe – ‘aye’.

MR. MISRACH convened the public hearing for Cincinnati Hills Christian Academy at 11300 and 11312 Snider Road.

MR. SNYDER stated that the applicant is requesting Conditional Use approval to allow for the installation of building mounted signage for the lower and upper elementary school and Early Childhood building entrances. The property is located on the east side of Snider Road, south of Marlette Drive and north of Millview Drive. Cincinnati Hills Christian Academy has been granted various conditional use approvals over the years. The most recent case in 2016 included approval of building additions to the lower and upper elementary school buildings, construction of a new recreation center building, modification to the Early Childhood Learning Center and construction of new parking lots on the property. Signage was not included at that time. The signs for the lower and upper elementary school buildings will include non-illuminated channel letters pin mounted to the masonry above each school building and will total forty one point four (41.4) feet in area. The third sign would be located over the glass area of the main entrance to the Early Childhood Learning Center and would total fifty point thirty three (50.33) square feet in area. The style and mounting type are not indicated.

The two proposed signs on the lower and upper elementary buildings would not be visible to any adjacent residential properties and would have no adverse effect. The sign on the Early Childhood Learning Center is located on a façade that faces directly toward adjacent residents on Avant Lane. Details for the proposed signage related to lighting and mounting type need to be provided for consideration to ensure that there will be no increased adverse effect on the adjacent properties.

MIKE WALLACE (11524 Snider Road 45249) stated that he is the Chief Financial Officer for the school. They are no longer requesting the third sign on the Early Childhood Learning Center as it did not meet the donor’s specifications. They will come back with plans for that sign at a later time. The purpose of the signage on the lower and upper elementary school buildings is to direct parents to the correct schools. None of the signs will be illuminated.

MR. WOLFE stated that he has no issue with the signage and thinks it will help the school. He believes that any visibility of the signs from the street will be miniscule.

MR. MISRACH agreed.

MR. WOLFE made a motion to approve two signs for Cincinnati Hills Christian Academy for the lower and upper elementary school buildings as indicated in the plats and plans submitted to the Board.

MR. HAVILL seconded the motion and the roll call vote was as follows:

Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Misrach – ‘aye’ and Mr. Wolfe – ‘aye’.

MR. MISRACH convened the hearing for BZA 2017-09 for the property at 9449 Kempergrove Lane.

MR. SNYDER stated that the applicant is proposing to construct a new four foot Kentucky board style fence within the front and side yard areas of the home. The house is located on

a panhandle lot which sits behind the neighboring homes on Kempergrove Lane. The driveway extends straight through the 20 foot panhandle between the neighboring homes then widens out behind the adjacent properties to provide a turnaround area. The driveway then extends further back along a ridge top to the home. The property falls off to both the east and the west of the driveway. The fence would be located on both sides of the driveway and would include three five one half inch rails and a decorative angled top cap board. The overall open face area would total 57 percent where 75 percent is required.

DARREN MYERS (8050 Hosbrook, Suite 106 45249) stated that he is the representative for the homeowners. The house is located on a flag lot and the front yard is surrounded completely by the neighbors' rear yards. Also, the existing driveway is on a ridge which has very steep slopes on each side. The homeowners would like to build a heavy duty fence in order to make the driveway safer for their children as they play ball and ride bikes. The wider boards will provide more protection. They selected the angled top cap because it is more appealing. They believe the fence will not be visible from the street unless you look down the driveway.

MR. MISRACH wanted to know if the turnaround area is included because it is not indicated on the plans.

MR. MYERS stated that they would like to include it for safety for cars entering and exiting the site and will resubmit revised plans.

MR. MISRACH stated that he would prefer to see the modification first before the Board considers the request.

ZACH IMPERIAL (9449 Kempergrove Lane 45140) stated that he is the homeowner and provided a petition from residents showing their support of the fence.

MR. MISRACH stated that they cannot accept the petition as testimony because it not notarized.

MR. IMPERIAL stated that they have five children. Due to the shear drop off of the driveway a split rail fence is not adequate. They need a sturdier fence so his kids do not fall over the edge.

SONDRA THOMAS (9350 White Rose Court 45140) stated that the fence will directly affect her view of the woods and wildlife. One fence would be bad enough but she will actually be looking at two fences because it will be installed along both sides of the driveway. She believes there are other places the children can play and thought the homeowners should have considered the situation before they purchased the home. She hopes that they will at least consider using a wood tone to buffer her view.

MR. WOLFE made a motion to continue BZA 2017-09 until June 5, 2017 so the homeowners can provide a revised plan for the four foot Kentucky board style fence.

MR. HAVILL seconded the motion and the roll call vote was as follows:

Ms. Harlow – 'aye', 'Mr. Havill – 'aye', Mr. Misrach – 'aye' and Mr. Wolfe – 'aye'.

ADMINISTRATIVE MATTERS

MR. WOLFE made a motion to approve the minutes of the April 3, 2017 meeting.

MR. HARLOW seconded the motion and the roll call vote was as follows:

Ms. Harlow – ‘aye’, ‘Mr. Havill – ‘aye’, Mr. Misrach – ‘aye’ and Mr. Wolfe – ‘aye’.

MS. FELTER reminded the Board that a training class is scheduled for May 10, 2017 and will send an email reminder later in the week.

ADJOURNMENT

MR. MISRACH adjourned the meeting at 7:54pm.

Approved:

Luanne Felter, Secretary