
MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
JUNE 5, 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 HEARING

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

MR. SNYDER stated that the applicant is proposing to construct a new four (4) foot Kentucky board style fence within the front and side yard areas on both sides of a private driveway leading to the existing home. However, after conflicting site plans were included with the submittal the Board continued the meeting until June so the applicant could submit a revised plan.

The house is located on a panhandle lot with the front yard completely surrounded by the neighbors' rear yards and includes a long extended driveway that is located on top of a ridge with very steep slopes on each side. The proposed fence would include three (3) five and one half (5 ½) inch rails and a decorative angled top cap board with an overall open face area of fifty seven (57) percent where seventy five (75) percent is required. The proposed fence will not be seen from the street unless you look directly down the driveway. It will also not likely be visible to adjacent property owners in the summer months due to heavy vegetation.

ZACH IMPERIAL (9449 Kempergrove Lane 45140) stated that the wider boards on the proposed fence will make the driveway safer for their children as they play ball and ride bikes and protect cars as they enter and exit the site. Also, the wider boards and angled top cap on the proposed fence will be more appealing.

MR. MISRACH asked if they have considered installing a different type of fence.

MR. IMPERIAL stated that due to the sheer drop off of the property a split rail fence will not provide adequate protection and a metal fence design would be impractical for yard maintenance.

MR. HAVILL wanted to know if any gates would be installed.

MR. IMPERIAL stated that they plan to provide two access gates that can be tied back.

MR. HAVILL said that from his experience the fire department would need to be able to have access to the gates per the Ohio Fire Code.

DARREN MYERS (8050 Hosbrook, Suite 106, 45249) stated that he does not believe private property applies under the Code but would look into it.

MR. IMPERIAL stated that the gates are easily removable and can be eliminated if required.

MR. SNYDER suggested that the Board include a condition in the Resolution that the two access gates on the proposed fence shall comply with the Ohio Fire Code if necessary.

JOHN DAKOSKE (9445 Kempergrove Lane 45140) stated that he lives to the right of the Imperials. Mr. Imperial came and talked to each of the neighbors in the cul-de-sac individually about the plans for the proposed fence and he does not have a problem with it. He understands that they want to create a safe environment for their kids. He believes the fence is nice looking. As for installing another type of fence, he has a wire fence and it is not easy to maintain. Lastly, most people are used to seeing fences in their backyard so he doesn't see the difference.

SONDRA THOMAS (9350 White Rose 45140) stated that she is not opposed to a fence but feels they can use a different design that won't block her view of the woods and wildlife. As stated previously, 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. Also, in the Staff Report it is noted that no variances have been granted for similar fencing requests in the neighborhood. Based on past decisions, granting variances are rare and only for compelling reason. We don't believe that the request is a compelling enough reason to deviate from the Zoning Code.

MR. WOLFE stated that from the topography map it appears that the Thomas's house is located below the Imperial's property and wondered how it could be an issue.

MR. SNYDER stated that the Thomas's property is located above the property; the ravine drops down and goes back up.

MS. HARLOW stated that the difference in openness is 18 percent. She does not believe that is a substantial deviation from the Zoning Code. The character of the neighborhood will also not be altered or suffer substantial detriment as a result of the variance.

MR. HAVILL disagreed and believes there are other types of fence that can be installed. He suggested that if the variance is approved the Board specify a color in the Resolution.

MR. WOLFE stated that he likes the design of the fence and thinks it has a lot of character. If the property owner installed another type of fence it wouldn't be strong enough to protect his children. He understands the neighbor's concern but a house could have been built to block her view. He believes the variance will not be a substantial deviation from the Zoning Code due to the amount of foliage.

MR. HAVILL asked MR. WOLFE what he thought of the angle cap.

MR. WOLFE stated that he thinks it adds character.

MR. MISRACH stated that the topography of the area is pretty significant and warrants the Kentucky board style fence; however, he would like to see it be a natural color.

MR. WOLFE made a motion to grant the reduced open face area to allow a four-foot Kentucky board style fence in the front and side yard areas on the north and west side of the home on the property located at 9449 Kempergrove Lane with the following conditions:

1. That, the proposed fence shall be constructed exactly as shown on the plats and plans submitted to this Board and be painted or stained in a wood tone;
2. That, the two (2) access gates on the proposed fence shall comply with the Ohio Fire Code if necessary;

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

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

ADMINISTRATIVE MATTERS

MR. WOLFE made a motion to approve the minutes of the May 1, 2017 meeting as submitted.
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’.

MS. FELTER stated that the meeting date for the July meeting needed to be rescheduled due to the Independence Day holiday.

MS. HARLOW made a motion to move the July meeting to July 10, 2017. MR. HAVILL seconded the motion and the roll call vote was as follows:

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

ADJOURNMENT

MR. MISRACH adjourned the meeting at 7:55pm.

Approved:

Luanne Felter, Secretary