
**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
August 9, 2021**

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

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

PUBLIC HEARING

MR. WOLFE stated that he worked with the applicant, David Darwiche, about 10 years ago and is willing to recuse himself if the Board is concerned. The Board did not have any issues and allowed him to remain.

MR. FOWLER noted that only three Board members out of five are in attendance tonight. Since three affirmative votes are required to approve a variance, the applicant has the option to continue the case until next month if he likes. The applicant agreed to proceed.

MR. FOWLER convened the public hearing for BZA 2021-03 for the property at 9436 Union Cemetery Road.

MR. SNYDER stated that this is a variance request for a detached garage with greater height and area and occupying more area of the required rear yard than permitted on the property which is located in an "A" Residence District.

The applicant is proposing to construct a 5,000 square foot, 18 feet 2-inch-tall detached accessory garage in the rear of the home. The proposed garage would contain materials that would match the existing home while the existing concrete drive that provides access to the rear/side entry garage would be extended to provide access to the proposed garage. The proposed garage would exceed the maximum coverage of 30% of the required rear yard area and would require size and height variances as the maximum size permitted on parcels that have less than 150 feet of lot width is 1,032 square feet and the maximum height is 12 feet 6 inches. If approved, the proposed structure would be nearly five times larger and nearly twice as tall as permitted.

Staff believes that other options are available. The proposed structure could be turned 90 degrees and moved further south out of the required rear yard setback area which may eliminate the need for the required rear yard area variance. The two existing properties that are owned by the appellant could be consolidated to create a property with more than one acre and greater than 150 feet in width and eliminate the need for the height variance. Lastly, the proposed detached garage could also be broken up into multiple structures and likely designed in a way to meet all zoning requirements and still permit the applicant to get a total of 5,000 square feet.

KYLE MURRAY (Rebold Larkin Murray, 8800 Montgomery Road, Cincinnati 45248) stated that his client would like to build this garage to store his boat, RV and multiple ATVs. The proposed garage would look better than having the vehicles parked in the rear yard or having multiple structures in the rear yard. Although the property is zoned residential, there are commercial buildings located across the street and the condominiums located to the north are zoned by City of Loveland so it would blend in.

MR. WOLFE stated that he has concerns about the size of the garage. He suggested they come back next month with revised plans.

MIKE STEIN (11867 Shenandoah Trace, Loveland 45140) stated that he would prefer that the garage be built as indicated on the plans. If they decide to turn it 90 degrees he would be looking right into the side of the building from his backyard.

MR. MURRAY noted that they are willing to come back with revisions.

DAVID DARWICHE (RIC CONSTRUCTION INC., 4221 Malsbary Road, Blue Ash 45242) is puzzled why the Zoning Resolution would permit five separate structures in lieu of one big structure, especially since the garage will look really nice and match the house. However, if size is a concern they can come up with a better plan.

MR. WOLFE suggested that they provide the dimensions of the RV and other vehicles so they can see why the structure needs to be that big.

MR. DARWICHE noted that they can do that. They want to be a good neighbor and comply with Symmes Township's zoning.

MS. HARLOW made a motion to continue BZA 2021-03 for variance approval for a detached garage with greater height and area and occupying more area of the required rear yard at 9436 Union Cemetery Road until September 13, 2021. MR. WOLFE seconded the motion and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye' and Mr. Wolfe – 'aye'.

OLD BUSINESS

MS. FELTER noted that the Court of Common Pleas has upheld their decision to deny the construction of an outdoor fireplace in the side yard at 11988 Timberlake Drive (BZA 2020-07). The Zoning Inspector has advised us that the fireplace has been removed.

ADMINISTRATIVE MATTERS

MS. HARLOW made a motion to approve the minutes of the May 3, 2021 meeting. MR. WOLFE seconded the meeting and the roll call vote was as follows: Mr. Fowler – 'aye', Ms. Harlow – 'aye' and Mr. Wolfe – 'aye'.

ADJOURNMENT

MR. FOWLER adjourned the meeting at 7:50pm.

Approved:

Byron Fowler, Chairperson

Luanne Felter, Zoning Secretary