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**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS  
REGULAR MEETING  
December 3, 2018**

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

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

**PUBLIC HEARINGS**

MR. WOLFE convened the public hearing for BZA 2018-12 for the property at 9076 Cummings Farm Lane.

MR. SNYDER stated that the appellant is requesting permission to construct a 24 x 16 foot covered deck addition in the rear of the home that would extend to within 28 feet of the rear property where a 35-foot rear yard setback is required. The deck would be covered with a hipped roof extension perpendicular to the main structure and would match the color and appearance of the existing home. There are two homes that will be able to see the proposed deck addition but the view will be somewhat mitigated by existing vegetation. Nevertheless, the proposed deck addition would not likely have a negative impact on the adjoining properties or the character of the neighborhood as there have been several variances granted to properties in the vicinity of the subject site for similar requests.

SHAWN FOSTER (747 Coot Court, Alexandria, KY 41001) stated that homeowners want to build a covered deck addition that is big enough off the living room for entertaining and can use more than just the summer months. The covered addition will also provide shade which they currently do not have. The walkout patio and trellis that is there now will be removed.

MR. HAVILL stated that he would like some type of screening to be provided for privacy.

MR. SNYDER stated that they can add a condition in the resolution as long as they are specific.

MR. HAVILL made a motion to approve BZA 2018-12 to allow a covered deck addition with less rear yard setback than required at 9076 Cummings Farm Lane with the condition that the covered deck addition be screened from view with privacy fencing or a minimum of six evergreen plantings.

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

Mr. Fowler – ‘nay’, Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Horvath – ‘aye’ and Mr. Wolfe – ‘aye’.

MR. WOLFE convened the public hearing for BZA 2018-11 for the property at 11621 Symmescreek Drive.

MR. SNYDER stated that this is a variance approval to allow the required parking area for an “A” Residence District to be located within the required front yard. The appellants purchased the subject property with the intent to use the house as a Residential Facility in accordance with the provision of the Zoning Resolution and the requirements of the Ohio Revised Code. The plans for the property include converting the existing garage within the home to additional living space. The renovation was submitted to Hamilton County for zoning approval as part of the building permit application. When reviewing these plans, zoning staff determined that the garage provided the required parking spaces for the home and that conversion of the garage

and moving the parking to the existing driveway would result in the parking spaces being located within the required 50-foot front yard setback of the "A" Residence District, which is not permitted by the Zoning Resolution. In addition, the facility would house up to eight residents with a maximum of two staff members and would require a total of four spaces. Following this review, the appellant prepared a revised site plan that included construction of a second driveway with the required four parking spaces located to the south side of the home and beyond the required 50 feet from the right-of-way of Symmescreek Drive. Staff also discussed the requirements for compliance with the Zoning Resolution and State Law regarding Residential Facilities located in single family zoning districts and received all required documentation from the appellant to prove compliance with these requirements. As there are no zoning restrictions regarding the maximum number of driveways permitted on a property and the proposed plan met all other zoning requirements, zoning staff signed off on the building permit application to allow the interior renovation to convert the garage into additional living space. The building permit was issued and conversion of the garage is currently underway. However, the appellant is now requesting a variance to allow the existing driveway to provide the required four parking spaces within the 50-foot front yard setback. Allowing the appellants to do this would not likely change the existing character of the neighborhood since there are no zoning restrictions to prevent people from using the required parking spaces within the garage for storage and parking permanently in the driveway nor are there any limitations on the number of vehicles per household. However, a second driveway can better accommodate a residential home that requires frequent deliveries, staff changes and visitors and alleviate on street parking. Also, this would not be completely out of character with the neighborhood since there are five other properties in the neighborhood with two driveway entrances. Lastly, there has only been one other such request in the entire Township within the last 10 years and that case was denied.

MARK HUTTON (4320 Randall Drive, 45011) stated that constructing the additional driveway and parking area would not be consistent with the character of the neighborhood since the additional parking area would make the home stand out and look more like a business instead of a residential home. He also stated that there will be no more than two employees on site at a time and their policy does not allow residents living in the home to have cars parked at the facility so the existing driveway will be adequate to provide the required parking spaces.

JANET DAVIES (4320 Randall Drive, 45011) stated that she had lived in the area and raised her kids here and saw many other properties with cars parked in the driveway and on the street and would like to be able to park cars just like the neighbors do.

BOB HENSON (9084 Symmes Ridge Court, 45140) stated he was speaking in favor of the request. He stated that he is not in favor of the Residential Facility which he feels is a business in a residential area. However, granting the variance to prevent construction of another driveway and commercial parking lot would help retain the character of the neighborhood better.

AL TURNWALD (11590 Symmescreek Drive, 45140) stated that he believes the State was in error allowing this type of business in a subdivision. It has a lot of families with young children and he has safety concerns. The road curves creating a sightline problem for motorists trying to maneuver between parked cars. Also, there are approximately eight buses a day that pick up and drop off kids in the neighborhood and there are no sidewalks.

MR. HORVATH noted that the Board cannot do anything about the business. Their job is to decide whether to grant a variance to allow the required parking spaces to be relocated within the required front yard.

MIKE HUBER (11627 Symmescreek, 45140) stated that he lives next door and also has safety concerns. The last business had visitors parked up and down the street making it hard for cars to pass so he wants the second driveway. However, he does not want the driveway to look like a commercial parking lot.

MR. HAVILL wanted to know if it is feasible for a second driveway because from the photos it looks like the property is elevated on the other side. He thought a better compromise might be to share the private driveway located next door.

MR. HUBER stated that there was more than enough room on the property for a second driveway but liked the idea of utilizing the private driveway. Maybe a parallel driveway could be added off the private drive.

GAIL PRATHER (11613 Symmescreek, 45140) stated that she owns the private drive and will not give permission to share it. There are four homes that utilize the private drive and it is very busy. She also had an issue with the other business with water runoff that damaged her property. She doesn't know what the best solution is because the additional driveway may require a retaining wall which will encroach onto her property.

JACK VESELENY (9035 Symmesknoll Court, 45140) stated he was in favor of eliminating the second driveway and allowing four cars in the existing driveway.

CHRIS TURNWALL (11590 Symmescreek Drive, 45140) stated that the neighbors had issues with the prior business. It was not well run and went out of business then sat empty for two years. We all hoped that someone would buy it and convert it back to a single-family home but that did not happen. The biggest problem is that they changed this from a five to eight resident home and we were not informed by the applicant or anyone in the Township. This is a big change that will require more than four parking spaces and will increase traffic, require more deliveries and ambulance runs. Would the Board like to have this facility in their neighborhood? She thinks the building permit was issued under false pretenses.

CLARENCE STOGNER (9011 Symmesknoll Court, 45140) stated that he lives right behind this residential home. He will be looking onto a parking lot from his deck if the second driveway is installed. He noted that residential facilities are not included in the Symmes Township Master Plan, Land Use Plan or Zoning Code. He is opposed to the second driveway and parking lot.

MR. WOLFE wondered if the applicants are seeking a variance now because adding a second driveway is too costly. It's obvious the business needs extra parking. He worked for nursing homes and doesn't even think the additional parking will be enough. There will be a lot of activity going on. He thinks a better solution is that they request a variance for a circular driveway. That would provide additional parking and look more residential.

MR. HAVILL noted that a building permit has already been issued and a second driveway is required in order to meet the Zoning requirements. He understands that it will have a negative impact on the neighborhood but there is no way the existing driveway can accommodate all the vehicles and it will look like a parking lot. Maybe the second driveway can be screened from view with landscaping.

MS. HARLOW stated that she doesn't think either option will solve all the issues. However, the factors to be considered for granting a variance outlined in the Staff Report cannot be met. A second driveway will have to be constructed. She realizes that it may not look great but it will solve some of the basic safety issues.

MR. FOWLER agreed that none of the factors to be considered for granting a variance can be met and the request is a substantial deviation from the Zoning Code. Essentially it will alter the character of the neighborhood due to increased traffic and adversely affect school buses, trash pickup, snow removal and other government services that are important. An alternative is available and that is to install a second driveway.

MR. HORVATH wanted to thank everyone for participating in this process. He believes the testimony was very informative. He reminded everyone that the Board's role is to either

approve or disapprove the request for variance. Unfortunately, they cannot undo what has already been done.

MR. WOLFE made a motion to deny the request for BZA 2018-11 to allow the required parking area to be located within the required 50-foot front yard setback on the property located at 11621 Symmescreek Drive.

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’, and Mr. Wolfe – ‘aye’.

MR. HORVATH wanted to know if the appellants are able to make any modifications with the building permit.

MR. SNYDER stated that they can until it is closed out.

#### ADMINISTRATIVE MATTERS

MR. WOLFE made a motion to approve the minutes of the September 10, 2018 meeting. MS. HARLOW second the motion and the roll call vote was as follows:

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Havill – ‘abstain’, Mr. Horvath – ‘aye’, and Mr. Wolfe – ‘aye’.

MR. WOLFE wanted to know if everyone had a chance to review the changes to the bylaws.

MR. MCDONOUGH stated that he was just given a copy and would like time to review it.

MR. HAVILL noted that he was absent at the last meeting and requested that the Board table the revision of the bylaws until the next scheduled meeting so he and Mr. McDonough can review it. The Board agreed.

#### ADJOURNMENT

MR. WOLFE adjourned the meeting at 8:59 p.m.

Approved:

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Ralph Wolfe, Chairperson

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Luanne Felter, Zoning Secretary