

RESOLUTION

GRANTING

APPEAL NO. 2013-15

WHEREAS, Wethington Design Build LLC, 8150 Camargo Road, Madeira, OH 45243, appellant, on July 1, 2013, filed Appeal No. 2013-15 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 68.2 of said Resolution as applied to the property at 11638 Symmes Creek Drive, Loveland, Hamilton County, Ohio; and

WHEREAS, said appellant, on July 1, 2013, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for approval for a building addition on an existing home with less side yard setback than required for the property located at 11638 Symmes Creek Drive; and

WHEREAS, said Zoning Inspector, on July 1, 2013, acting upon said application and the plats and plans submitted, refused to issue said Certificate, his reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on August 5, 2013, notice of such hearing was given by first class mail to parties in interest and also by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of said hearing in accordance with Section 303.15 of the Ohio Revised Code; and

WHEREAS, Section 41 et seq. of the Zoning Resolution and the Symmes Township District Maps designate said premises to be in the "A" Residence District; and

WHEREAS, Section 68.2 provides, in relevant part, that there shall be a side yard on each side of a building with a width of not less than fifteen feet; and

WHEREAS, according to testimony offered at the public hearing, the request is for variance approval for a building addition on an existing home with less side yard setback than required in the "A" Residence District; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the east side of Symmes Creek Drive, south of Symmes View Court and north of Symmes Knoll Court; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is proposing to construct a garage addition onto the side of the existing single family home. The home currently has an attached two-car garage on the front façade and the addition would give the home a third garage for an additional vehicle and storage; and

WHEREAS, according to further testimony offered at the public hearing, the size of the garage structure would be approximately fourteen feet point four inches wide and would connect to the side of the existing garage; and

WHEREAS, according to further testimony offered at the public hearing, the roof of the new addition would be integrated with the roofline of the existing garage. The materials selected for the addition would match the existing home and include matching brick for all three sides of the garage; and

WHEREAS, according to further testimony offered at the public hearing, the new garage would be setback slightly from the front of the existing garage and would line up with the front wall of the home. The garage would extend to within four feet four inches of the northern side yard property line; and

WHEREAS, according to further testimony offered at the public hearing, the proposed location of the addition would be screened from the neighboring house to the north by existing

vegetation and the garage addition would be adjacent to the side of the garage on the neighbor's property; and

WHEREAS, according to further testimony offered at the public hearing, the construction of the garage addition would impact the adjacent property owners and may affect the property value of their home; and

WHEREAS, according to further testimony offered at the public hearing, the neighborhood does not have many homes with three car garages; and

WHEREAS, 184.6 empowers this Board to permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare; and

WHEREAS Section 185 provides, in exercising the above mentioned powers, the Board may reverse or affirm, wholly, or partly, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, that the literal enforcement of the strict application of Section 68.2 of the Zoning Resolution will result in to the owners of the property in question; and

WHEREAS, the variation, in accordance with the following conditions, will not seriously affect any adjoining property owners or the general welfare; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a variance from the requirement of Section 68.2 of the Zoning Resolution in accordance with the authority granted in Section 68.2. Furthermore, the decision of the Zoning Inspector to deny the issuance of a zoning certificate for the reason that the application failed to comply with Section 68.2, of the Zoning Resolution is affirmed, but in accordance with the authority of Section 185, the Board of Zoning Appeals, having granted a variance as stated above, hereby determines that a zoning certificate may be issued to the applicant consistent with the terms set forth in this Resolution; and

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That, the proposed garage addition shall not exceed fourteen point four feet;
2. That, the proposed garage addition remain exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed garage addition comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
4. That, the Zoning Certificate and Building permit (if required) for the proposed garage addition be obtained within sixty (60) days and all work be completed within six (6) months from the date of adoption of this Resolution;
5. That, the proposed garage addition not be relocated or enlarged without the approval of this Board;

6. That, the proposed garage addition, be maintained in a satisfactory condition at all times;

BE IT FURTHER RESOLVED that all plats, plans, applications and other data submitted be and are hereby made a part of this Resolution.

ADOPTED at a regularly scheduled meeting of the Symmes Township Board of Zoning Appeals in session this 5th day of August.

Mr. Fligel – “nay,” Mr. Havill – “absent”, Mr. Misrach – “nay”, Mr. Ruehlmann – “nay”, Mr. Wolfe – “absent”, Ms. Harlow – “nay”.

JOURNALIZED: AUGUST 6, 2013

Brian E. Elliff
Township Zoning Inspector

Ron Ruehlmann, Chairperson

*DUE TO A LACK OF THREE AFFIRMATIVE “AYE” VOTES THIS RESOLUTION WAS NOT PASSED.