

RESOLUTION

GRANTING

APPEAL NO. 2013-19

WHEREAS, Studio Ramer, 3794 Fallen Timbers Way, Cleves, OH 45002, appellant, on September 10, 2013 filed Appeal No. 2013-19 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Sections 34.2.3 and 351.3 of said Resolution as applied to the property at 10225 Meadowknoll Drive, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on September 10, 2013, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of a detached garage located in the front yard of the home at 10225 Meadowknoll Drive; and

WHEREAS, said Zoning Inspector, on September 10, 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 October 7, 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 "B" Residence District; and

WHEREAS, Section 342.3 provides, in relevant part, that no accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty (30%) percent of the required area of the rear yard; and

WHEREAS, Section 351.3 provides, in relevant part, that no detached garage or storage barn shall be located in the front or side yard; and

WHEREAS, according to testimony offered at the public hearing, the request is for variance approval to construct a nine hundred square foot detached two-car garage structure in the front yard of the subject home; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the east side of Meadowknoll Drive, south of Fields Ertel Road; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is proposing to construct a detached two-car garage to the south of the existing home that is located on a panhandle lot. The nine hundred square-foot garage would be thirty feet by thirty feet with a height of twelve point five feet from grade; and

WHEREAS, according to further testimony offered at the public hearing, the structure would be constructed with vinyl siding on all four sides with an asphalt shingle roof; and

WHEREAS, according to further testimony offered at the public hearing, the proposed location of the garage would be setback fourteen feet from the western property line, forty-two feet from the southern property line and eighteen feet from the eastern property line; and

WHEREAS, according to further testimony offered at the public hearing, the pavement of the existing driveway would be extended to provide access to the new garage; and

WHEREAS, according to further testimony offered at the public hearing, the purpose of the garage is to accommodate full size SUVs and trucks; and

WHEREAS, according to further testimony offered at the public hearing, the proposed garage will be screened from Meadowknoll Drive by the long setback and existing vegetation; and

WHEREAS, according to further testimony offered at the public hearing, the garage structure could not be constructed in the rear yard area as required due to the existence of storm drainage easements and concrete drainage lines; 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 Sections 34.2.3 and 351.3 of the Zoning Resolution will result in practical difficulties 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 Sections 34.2.3 and 351.3 of the Zoning Resolution in accordance with the authority granted in 184.6. 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 Sections 34.2.3 and 351.3, 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 structure remain exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed garage structure not be relocated or enlarged without the approval of this Board;
3. That, the proposed garage structure be maintained in a satisfactory condition at all times;
4. That, the vegetation between the proposed garage structure and the southern property line be maintained for the life of the structure;
5. That, the proposed garage structure comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
6. That, the Zoning Certificate and Building permit (if required) for the proposed garage structure be obtained within sixty (60) days and all work be completed within six (6) months from the date of adoption of this Resolution;

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 7<sup>th</sup> day of October.

Mr. Flagel – “aye,” Ms. Harlow – “aye”, Mr. Havill – “aye”, Mr. Misrach – “absent”,  
Mr. Ruehlmann – “aye”, Mr. Ruehlmann – “aye”, Mr. Wolfe – “aye”.

JOURNALIZED: OCTOBER 7, 2013

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Brian E. Elliff  
Township Zoning Inspector

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Ron Ruehlmann, Chairperson