

RESOLUTION

GRANTING

APPEAL NO. 2014-01

WHEREAS, Monica Humbert, 11626 Enyart Road, Loveland, OH 45140, appellant, on November 22, 2013 filed Appeal No. 2014-01 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 351.1-1 of said Resolution as applied to the property at 11626 Enyart Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on November 22, 2013, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of a detached garage structure that exceeds the square foot area and height permitted on the property; and

WHEREAS, said Zoning Inspector, on November 22, 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 January 6, 2014, notice of such hearing was given by first class mail to parties of 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 351.1-1 provides, in relevant part, that no detached garage structure larger than one thousand thirty-two (1,032) square feet in area and twelve and one-half (12.5) feet in height measured to the mean height level between eaves and ridge for gable hip and gambrel roofs are allowed on parcels of less than one (1) acre; and

WHEREAS, according to testimony offered at the public hearing, the request is for variance approval to construct a fourteen (14) foot high, one thousand two hundred (1,200) square-foot detached accessory garage structure in the rear yard of the subject property; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the east side of Enyart Road, south of Pinewood Drive and north of Terwilligers Creek Drive; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is renovating the existing home and expanding the living area into the existing garage. An addition with a covered deck will be constructed onto the rear of the home. To replace the loss of the garage area the applicant is proposing to construct a new detached garage structure to the rear of the home; and

WHEREAS, according to further testimony offered at the public hearing, the proposed garage structure would include one thousand two hundred (1,200) square feet of floor area and would be approximately fourteen (14) feet high; and

WHEREAS, according to further testimony offered at the public hearing, the garage space would be large enough to park four (4) vehicles and provide a storage area for yard equipment, bicycles and other items; and

WHEREAS, according to further testimony offered at the public hearing, the height variance is being requested to allow the roof line and pitch to match that of the proposed home addition; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is proposing to locate the garage twenty five (25) feet from the southern property line and

approximately forty (40) feet from the northern property line both of which exceed the minimum required setback lines; and

WHEREAS, according to further testimony offered at the public hearing, the proposed structure would not likely have an impact on the adjacent properties; 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 351.1-1 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 Section 351.1-1 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 Section 351.1-1, 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 not exceeds twelve hundred (1,200) square feet in area and fourteen (14) feet in height. In no way may the pitch of the roof be higher than the peak of the main house;
2. That, the proposed garage structure not be used for any commercial purposes;
3. That, the proposed garage structure remain exactly as shown on the plats and plans submitted to this Board;
4. That, the proposed garage structure not be relocated or enlarged without the approval of this Board;
5. That, the proposed garage structure be maintained in a satisfactory condition at all times;
6. That, the proposed garage structure comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
7. 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 6th day of January.

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

JOURNALIZED: JANUARY 6, 2014

Brian E. Elliff
Township Zoning Inspector

Ralph Wolfe, Chairperson