

RESOLUTION

GRANTING

APPEAL NO. 2016-03

WHEREAS, Jason A. Born, 11690 Symmes Valley Drive, Loveland, OH 45140, appellant, on April 1, 2016, filed Appeal No. 2016-03 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 68.3 of said Resolution as applied to the property at 11690 Symmes Valley Drive, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 1, 2016, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for a variance for the construction of a room addition with less rear yard setback than required at premises designated as 11690 Symmes Valley Drive; and

WHEREAS, said Zoning Inspector, on April 1, 2016, 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 May 2, 2016, 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, said public hearing was continued in progress; and

WHEREAS, a public hearing was held on said appeal on May 16, 2016, 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" Single Family Residence District; and

WHEREAS, Section 68.3 provides, in relevant part, that there shall be a rear yard having a depth of not less than thirty-five (35) feet; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting approval to construct a four hundred eighty four (484) square foot family room addition to the rear of an existing single family home that would extend nine (9) feet into the required rear yard setback; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the east side of Symmes Valley Drive, south and west of Enyart Road; and

WHEREAS, according to further testimony offered at the public hearing, the addition would be seventeen (17) feet high to the midpoint of the proposed hipped style roof and would extend out perpendicular from the rear line of the existing home. The top of the proposed roof would be even with the gutter line of the existing two-story home; and

WHEREAS, according to further testimony offered at the public hearing, the addition would be constructed with a brick veneer and dimensional shingles to match the existing home; and

WHEREAS, according to further testimony offered at the public hearing, the reduced setback is necessary to make a functional space within the addition and allow for the expansion of the existing kitchen area; and

WHEREAS, according to further testimony offered at the public hearing, the irregular shape of the lot does not allow the home to support current housing trends for open floor plans and larger kitchen areas; and

WHEREAS, according to further testimony offered at the public hearing, the adjacent homes on Enyart Road are setback greater than one hundred (100) feet from the common property line and screened from view with vegetation; and

WHEREAS, according to further testimony offered at the public hearing, the Zoning Code would allow the room addition to be placed further north but it would not be functional as a living space nor would it align with the garage roofline; and

WHEREAS, Section 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 irregular shape of the lot, topographic or other conditions, provided such variation 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 68.3 of the Zoning Resolution will result in practical difficulties to the owner 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 68.3 of the Zoning Resolution in accordance with the authority granted in Section 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 68.3 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 room addition remain exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed room addition not be relocated or enlarged without the approval of this Board;
3. That, the proposed room 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 room 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 room addition, once constructed, 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 16th day of May 2016.

Mr. Fowler – ‘aye’, Ms. Harlow – ‘aye’, Mr. Havill – ‘aye’, Mr. Ruehlmann – ‘aye’, Mr. Wolfe – ‘aye’.

APPROVED: MAY 16, 2016

Luanne C. Felter
Zoning Secretary

D’Arcy Havill, Chairperson