

RESOLUTION

GRANTING

APPEAL NO. 2017-06

WHEREAS, Ralph Fruechtemeyer, Zicka Homes, 7861 East Kemper Road, Cincinnati, OH 45247, appellant, on March 6, 2017, filed Appeal No. 2017-06 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 68.1-1 of said Resolution as applied to the property at 11166 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on March 6, 2017, applied to the Symmes Township Zoning Inspector for a Zoning Certificate to build a new single family residence with less front yard setback than required; and

WHEREAS, said Zoning Inspector, on March 6, 2017, 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 April 3, 2017, 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 68.1-1 provides, in relevant part, there shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting a twenty two (22) foot variance to construct a new single-family home on the north side of a corner lot and accessed by a private drive; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the east side of Snider Road approximately two hundred (200) feet north of the Snider Road and Vicksburg Drive intersection; and

WHEREAS, according to further testimony offered at the public hearing, the buyer wants to build a two (2) story home with deck and a three (3) car garage with access from the private drive; and

WHEREAS, according to further testimony offered at the public hearing, the front yard setback variance is required because of the deepness of the floor plan desired and the limited depth of the lot; and

WHEREAS, according to further testimony offered at the public hearing, the property contains a drainage swale along the southern property line that could be affected if the home is built without obtaining a setback variance. It would also lessen the buffer between the existing neighbor located behind the property; and

WHEREAS, according to further testimony offered at the public hearing, the setback variance will allow the home to be placed in line with the existing homes on the private drive; 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 68.1-1 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 68.1-1 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 68.1-1 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 single family home shall not have a front yard depth less than twenty eight (28) feet;
2. That, the proposed single family home shall be constructed exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed single family home shall comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
4. That, the proposed single family home shall not be relocated or enlarged without the approval of this Board;
5. That, the proposed single family home, once constructed, shall be maintained in a satisfactory condition at all times;
6. That, the Zoning Certificate and Building permit (if required) for the proposed single family home shall be obtained within ninety (90) days and all work be completed within one (1) year 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 3rd day of April 2017.

Mr. Havill – ‘aye’, Ms. Harlow – ‘aye’, Mr. Misrach – ‘aye’, Mr. Ruehlmann – ‘aye’, and Mr. Wolfe – ‘recused’.

APPROVED: APRIL 3, 2017

Luanne C. Felter
Township Zoning Inspector

Donald Misrach, Board Chairperson