

RESOLUTION  
GRANTING  
APPEAL NO. 2018-01

WHEREAS, Wood Architects, LLC, 3344 Wagner Road, Cincinnati, OH 45245, appellant, on January 2, 2018, filed Appeal No. 2018-01 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 68.2 of said Resolution as applied to the property at 9903 Walnutridge Court, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on January 2, 2018, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for a variance for the construction of a room addition with less side yard setback than required; and

WHEREAS, said Zoning Inspector, on January 2, 2018, acting upon said application and the plats and plans submitted, refused to issue said Certificate, her reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on February 5, 2018, 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 68.2 provides, in relevant part, that there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting variance approval for the construction of a two hundred four (204) square foot one-story addition onto the existing single family home for a dining room that would extend into the side yard on the west side of the home; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the northwest corner of the Walnutridge Court and Humphrey Road intersection and contains approximately zero point forty eight (0.48) acres; and

WHEREAS, according to further testimony offered at the public hearing, the appellant is also proposing to construct an addition above the existing one-story garage portion of the home but it complies with all zoning requirements and is not subject to this variance request; and

WHEREAS, according to further testimony offered at the public hearing, the proposed room addition would extend twelve (12) feet out from the existing home and would be eleven point five (11.5) feet high to the midpoint of the gabled roof; and

WHEREAS, according to further testimony offered at the public hearing, due to the angle of the home the setback to the northern property line will be fifteen (15) feet and thirteen point five (13.5) feet from the western property line providing a maximum intrusion of one point five (1.5) feet; and

WHEREAS, according to further testimony offered at the public hearing, the property has a significant amount of vegetation that would screen the proposed room addition from the adjacent property owner; and

WHEREAS, according to further testimony offered at the public hearing, the proposed room addition would add substantial value to the house and would not change the character of the neighborhood; 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 68.2 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 68.2 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 68.2 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 room addition shall be permitted to extend a maximum of two (2) feet into the required fifteen (15) foot side yard setback; and
2. That, the proposed room addition remain exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed room addition not be relocated or enlarged without the approval of this Board;
4. That, the proposed room addition comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
5. 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;
6. 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 on this 5<sup>th</sup> day of February 2018.

Mr. Fowler – ‘aye’, Mr. Havill – ‘aye’, Mr. Ruehlmann – ‘aye’, and Mr. Wolfe – ‘aye’.

APPROVED: FEBRUARY 5, 2018

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Luanne C. Felter  
Zoning Secretary

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Ronald Ruehlmann, Chairperson