

RESOLUTION
GRANTING
APPEAL NO. 2019-03

WHEREAS, Jason Goodin, 833 Genebill Drive, Cincinnati, OH 45238, appellant, on April 1, 2019, filed Appeal No. BZA 2019-03 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 76.3 of said Resolution as applied to the property at 11910 Fallcreek Lane, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 1, 2019, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for a variance for the construction of a building addition on an existing home with less rear yard setback than required; and

WHEREAS, said Zoning Inspector, on April 1, 2019, 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 May 6, 2019, 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 76.3 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 appellant is requesting approval for the construction of a three hundred fifty (350) square foot dining room addition onto the rear of the existing two-story home that would require a setback of thirty-two (32) feet from the western property line; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the northeast corner of the Fallcreek Lane and Streamside Drive intersection; and

WHEREAS, according to further testimony offered at the public hearing, an existing deck has been removed for the construction and a new patio would be constructed to the east of the proposed addition; and

WHEREAS, according to further testimony offered at the public hearing, the variance would not likely have a significant impact on the adjacent property or the character of the area; 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 76.3 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 76.3

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 76.3 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 shall not extend more than three (3) feet into the required thirty-five (35) foot rear yard setback; and
2. That, the proposed room addition shall remain exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed room addition shall not be relocated or enlarged without the approval of this Board;
4. That, the proposed room addition shall 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 shall be obtained within sixty (60) days and all work shall be completed within six (6) months from the date of adoption of this Resolution;
6. That, the proposed room addition, once constructed, shall 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 6th day of May 2019.

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

APPROVED: MAY 6, 2019

Luanne C. Felter
Zoning Secretary

Ralph Wolfe, Chairperson