

RESOLUTION

DENYING

APPEAL NO. 2019-04

WHEREAS, Traci Sparks, Royal Construction Plus, 5456 Camelot Drive #10, Fairfield, OH 45014, appellant, on April 1, 2019 filed Appeal No. 2019-04 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 of said Resolution as applied to the property at 11729 Retview 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 the construction of a detached garage with a height taller than permitted on the property; 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 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 provides, in relevant part, that on parcels of less than one (1) acre the detached garage structure may not exceed more 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; and

WHEREAS, according to testimony offered at the public hearing, the appellant is proposing to construct a seven hundred sixty-eight (768) square foot detached garage in the rear yard of the home that would contain siding and brick on the front of the structure to match the existing home; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the west side of Retview Lane, south of Pinewood Drive; and

WHEREAS, according to further testimony offered at the public hearing, the proposed garage structure would include a lift to work on classic cars and the remaining space would be used for workspace and storage. Therefore, a variance of three point five (3.5) feet is being requested; and

WHEREAS, according to further testimony offered at the public hearing, the property shares a common driveway with two other homes which are located to the north and west so the proposed detached garage structure will be highly visible to the neighbors; and

WHEREAS, according to further testimony offered at the public hearing, there may be other lifts available that the appellant can install that would not require the extra garage height. Also, the proposed garage can be constructed without the lift at twelve point five (12.5) feet in height to be in compliance with the Zoning Resolution; 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 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 351.1 of the Zoning Resolution will not result in unnecessary hardship or practical difficulty to the appellant of the property in question; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby deny the requested variance from the requirement of Section 351.1 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 351.1 of the Zoning Resolution is affirmed; and

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 May 2019.

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

DENIED: APRIL 1, 2019

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Luanne C. Felter  
Zoning Secretary

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Ralph Wolfe, Chairperson