

RESOLUTION

GRANTING

APPEAL NO. 2020-05

WHEREAS, Rick Purdy, 8889 Remington Road, Loveland, OH 45140, appellant, on April 6, 2020, filed Appeal No. 2020-05 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Sections 342.3 and 351.3 of said Resolution as applied to the property at 8889 Remington Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 6, 2020, applied to the Symmes Township Zoning Inspector for a Zoning Certificate to allow the location of a detached accessory storage shed in the front yard area of the home located at 8889 Remington Road; and

WHEREAS, said Zoning Inspector, on April 6, 2020, 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 June 1, 2020, 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 "F" Light Industrial District; and

WHEREAS, Section 342.3 provides, in relevant part, that no accessory structure shall be located in the front or side yard; and

WHEREAS, Section 351.3 provides, in relevant part, that no detached garage or storage barn shall be located in the front or side yard; and

WHEREAS, according to testimony offered at the public hearing, the request is for variance approval to construct a five hundred sixty (560) square-foot storage shed on the northeastern side of the home which is located within the front yard area; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the southwestern side of a private driveway that extends southeast off of Remington Road;

WHEREAS, according to further testimony offered at the public hearing, the shed would be setback approximately ten (10) feet from the northern property line and thirty point forty-four (30.44) feet from the eastern property line; and

WHEREAS, according to further testimony offered at the public hearing, the existing home is accessed off a driveway that exists north of the home and within the abandoned public street right-of-way from old Loveland Madeira Road; and

WHEREAS, according to further testimony offered at the public hearing, the proposed location of the shed would be mainly be screened from Remington Road by existing pine trees and completely screened from Glendale Milford Road by an existing building; and

WHEREAS, according to further testimony offered at the public hearing, the existing home and proposed shed would be completely surrounded by light industrial uses except for a single-family home located across Remington Road where the impact would be minimal; and

WHEREAS, according to further testimony offered at the public hearing, the proposed shed cannot be located in the rear of the property because there is an existing pool followed by steep slopes to the south which leads down to the existing Sycamore Creek; 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 Sections 342.3 and 351.3 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 Sections 342.3 and 351.3 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 Sections 342.3 and 351.3 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 storage shed shall be located a minimum of ten (10) feet from the northern property line and thirty point forty-four (30.44) feet from the eastern property line; and
2. That, the proposed storage shed shall remain exactly as shown on the plats and plans submitted to this Board;
3. That, the proposed storage shed shall not be relocated or enlarged without the approval of this Board;
4. That, the proposed storage shed shall be maintained in a satisfactory condition at all times;
5. That, the proposed storage shed shall comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
6. That, the Zoning Certificate and Building permit (if required) for the proposed storage shed shall be obtained within sixty (60) days and all work be completed within six (6) months 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 1st day of June 2020.

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

APPROVED: JUNE 1, 2020

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Luanne Felter  
Zoning Secretary

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Jennifer Harlow, Board Chairperson