

RESOLUTION

DENYING

APPEAL NO. 2020-09

WHEREAS, Bruce Groseclose, 10033 Fields Ertel Road, Loveland, OH 45140, appellant, on July 27, 2020 filed Appeal No. 2020-09 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 351.2 of said Resolution as applied to the property at 10033 Fields Ertel Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on July 27, 2020, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for the construction of a detached accessory pole barn larger than permitted on the property; and

WHEREAS, said Zoning Inspector, July 27, 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 September 14, 2020, 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 351.2 provides, in relevant part, that on parcels more than one (1) acre having a minimum width of not less than one hundred fifty (150) feet at building line, no more than two thousand (2,000) square feet in area and twenty four (24) 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 two thousand five hundred sixty (2,560) square foot detached accessory pole barn in the rear yard to the south of the existing home to park his RV and trailer and provide a work shop; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the south side of Fields Ertel Road, west of Meadowknoll Drive; and

WHEREAS, according to further testimony offered at the public hearing, the proposed detached accessory pole barn would be less than twenty-four (24) feet in height and located twenty-five (25) feet from the rear and western property line and thirty-nine (39) feet from the eastern property line. A green or red color will be selected; and

WHEREAS, according to further testimony offered at the public hearing, the proposed detached accessory pole barn would most likely have an impact on the adjacent properties to the east and west due to the color and size and sparse vegetation in that area; and

WHEREAS, according to further testimony offered at the public hearing, no similar variances have been requested or granted in this area; 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 351.2 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 351.2 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 351.2 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 14th day September 2020.

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

DENIED: SEPTEMBER 14, 2020

Luanne C. Felter
Zoning Secretary

Jennifer Harlow, Chairperson