

**SYCAMORE TOWNSHIP BOARD OF ZONING APPEALS**

**RESOLUTION NO. SYCB210002**

**A RESOLUTION APPROVING A REQUEST FOR A VARIANCE**

**WHEREAS**, David & Shannon Smith, (Applicant) made application (the “Application”) for a variance to allow for the construction of a 8 ft tall fence in the rear yard at the property located on 5109 Autumnwood Drive, Sycamore Township, Hamilton County, Ohio, Auditor’s Parcel Number 060000930258 (the “Real Property”); and

**WHEREAS**, notice of a public hearing to consider the Application for such a variance was given by mail to parties in interest within two hundred feet of the Real Property and also by publication in a newspaper of general circulation in Sycamore Township, prior to the date of the public hearing; and

**WHEREAS**, a public hearing was held on Monday, March 15, 2021 by the Sycamore Township Board of Zoning Appeals to consider the Application at which time testimony and evidence was taken concerning the application; and

**WHEREAS**, the Sycamore Township zoning text and map indicate that the Real Property is located in the “B”- Single Family Residential district; and

**WHEREAS**, the Sycamore Township Board of Zoning Appeals has the authority to grant variances from the provisions of the Sycamore Township Zoning Resolution where a literal interpretation of the zoning regulations would result in an unnecessary hardship to the owner of real property; and

**WHEREAS**, the Sycamore Township Board of Zoning Appeals finds that the granting of the variance requested in the Application will not seriously affect the general health, safety and morals of the Township or the adjoining property owners;

**NOW THEREFORE, BE IT RESOLVED**, by the Sycamore Township Board of Zoning Appeals:

**SECTION 1.** That the Application of David & Shannon Smith (Applicant) for the property located at 5109 Autumnwood Drive, Sycamore Township, Hamilton County, Ohio is hereby approved.

**SECTION 2.** No Zoning Certificate shall be issued by the Zoning Administrator until:

A. A Zoning Compliance Plan in compliance with this Resolution has been received and approved by the Zoning Administrator; and

B. All documents submitted for zoning certificates are fully coordinated and consistent with the approved Zoning Compliance Plan.

The Hamilton County Building Commissioner shall issue no building permit for actual construction before a Zoning Certificate is received from the Zoning Administrator.

**SECTION 3.**

The Zoning Administrator shall issue no Final Zoning Certificate until the development complies with all requirements contained in this Resolution and the Zoning Compliance Plan.

**SECTION 4.**

All aspects of the development of the property including, but not limited to, property improvements, landscaping, and ground cover, as set forth in the plans, specifications, covenants, conditions, requirements and limitations of the Zoning Compliance Plan and contained in this Resolution shall be continually maintained by the owner of the property. Any failure to maintain the development shall be considered a violation of the Zoning Resolution and shall be subject to all penalties and remedies there under.

**SECTION 5.**

Subject to an extension of time granted upon application to the Board of Zoning Appeals, no variance shall be valid for a period longer than six (6) months unless applications for permits or approvals referenced in Section 21-9 of the Sycamore Township Resolution have been filed, building permits issued and construction is diligently pursued to completion. This variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six (6) months following such removal unless extended in writing by the Board of Zoning Appeals.

**VOTE RECORD:**

Mr. Ten Eyck- Yes  
Mr. Leugers- Yes  
Mr. Schwartz-Yes  
Mr. Heidel- Yes

**APPROVED** at a meeting of the Sycamore Township Board of Zoning Appeals this 15<sup>th</sup> day of March, 2021.

/s/ Ted Leugers

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Ted Leugers, Chairman

/s/ Steve Scholtz

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Steve Scholtz, Secretary