

RESOLUTION

GRANTING

APPEAL NO. 2023-01

WHEREAS, Atlantic Sign Company, 2328 Florence Avenue, Cincinnati, OH 45206, Appellant, on December 20, 2022, filed Appeal No. 2023-01 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the reconfiguration and enlargement of the existing monument sign located at the entrance to Symmes Elementary, 11820 Enyart Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, public hearings were held on said appeal on February 6, 2023 and March 6, 2023, notice of such hearings were 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 dates of said hearings 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, Article XXXV provides, in part, that a school be permitted as a Conditional Use provided that it is properly integrated in the overall neighborhood and that said use shall be evaluated by the Board of Zoning Appeals on an individual basis; and

WHEREAS, according to testimony offered at the public hearing, the applicant originally submitted a plan to modify the existing brick monument sign to include an electronic variable message center, an internally illuminated identification panel and two (2) oval plaques for an overall size of forty-three (43) square feet of sign area. However, after the Board had concerns about permitting the proposed sign in a residential area, the hearing was continued in progress to allow the school to submit revised plans; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is now proposing a double-sided sign with a smaller electronic message center and a smaller internally illuminated identification panel with an overall size of thirty-two (32) square feet of sign area; and

WHEREAS, Section 385 and 386 provides for the General Considerations and Specific Criteria pertaining to Conditional Uses; and

WHEREAS, according to further testimony offered at the public hearing, the proposed freestanding sign expansion is consistent with the spirit and intent of the Zoning Resolution in that electronic variable message centers are allowed for schools in residential districts; and

WHEREAS, according to further testimony offered at the public hearing, the proposed freestanding sign expansion would not likely have any adverse effect on the surrounding properties since it is located perpendicular along Enyart Road and will not utilize any animations nor flashing graphics. The electronic variable message center will also include a photocell that automatically adjust the sign brightness to ambient light levels so it does not have an adverse effect on adjacent properties; and

WHEREAS, according to further testimony offered at the public hearing, the proposed freestanding sign expansion will not affect any natural, scenic or historic features that would affect the public interest; and

WHEREAS, according to further testimony offered at the public hearing, the freestanding sign expansion is consistent with objectives, policies and plans related to the land use adopted by the Township Trustees; and

WHEREAS, according to further testimony offered at the public hearing, the proposed freestanding sign expansion complies with the specific criteria as follows:

Section 386(l) provides that measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration and dust on adjacent properties. No noise, odor, vibration, or dust would occur as a result of the replacement sign; and

Section 386(o) provides that landscaping shall be installed in accordance with Article XXXII, Sections 326 through 331.2, inclusively. As part of the 2020 conditional use approval, a streetscape buffer was required and appears to have been installed along Enyart Road. Boundary buffer yards were also reviewed by the Board at this time. No new landscaping would be required for the proposed freestanding sign expansion; and

Section 386(p)(3) provides that one sign is permitted at a maximum of thirty-two (32) square feet. The applicant is requesting the installation of a thirty-two (32) square foot sign that includes an electronic variable message center which equates to approximately seventy four percent (79%) of the total sign area where the Zoning Resolution only permits up to twenty-five percent (25%) of the sign area to be used. Therefore, a variance is required; and

Section 386(s) provides that all exterior lighting shall be directed away from adjacent residential properties and not exceed 0.5-foot candles at the property line when abutting a Residential Use or Residential District. Aside from the illumination of the digital sign, no new lighting has been proposed as part of the freestanding sign expansion. Any future lighting proposed on the site should comply with the Zoning Resolution; and

WHEREAS, Section 381, empowers this Board to approve by resolution those uses listed as conditional uses; and

WHEREAS, Section 383.6 provides that the Board shall approve the conditional use, approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards, or disapprove the conditional use; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, including the revised plan submitted to this Board, that the approval of the requested Conditional Use is appropriate at this particular location and in the particular matter proposed in that the proposed plan complies with the standards and conditions set forth in Article XXXV of the Zoning Resolution; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a Conditional Use for Symmes Elementary as per the revised plan submitted in accordance with the authority granted in Section 381 and does hereby determine that a conditional use and 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 variable message center portion of the freestanding sign expansion shall be permitted to include up to seventy-nine percent (79%) of the total sign area where a maximum of twenty-five percent (25%) of the total sign area is permitted;
2. That the freestanding sign shall have a maximum area of 32 square feet;
3. That, the variable message center portion of the freestanding sign expansion shall be equipped with an auto dimming photocell system to ensure that the brightness of the sign will adjust to the amount of natural light depending on the time of day or weather conditions;

4. That, with the exception of Condition #1 above, the variable message center portion of the freestanding sign expansion shall comply with all aspects of Section 319.2 of the Zoning Resolution;
5. That, the electronic variable message center and the internally illuminated cabinet of the freestanding sign shall be illuminated only between the hours of 6:00am to 9:00pm;
6. That, the freestanding sign expansion comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
7. That, a Zoning Certificate and Building Permit, if required, for the proposed freestanding sign expansion be obtained within sixty (60) days and all work be completed within six (6) months from the date of adoption of this Resolution;
8. That, the freestanding sign expansion shall not be relocated or enlarged without the approval of this Board;
9. That, the proposed freestanding sign expansion 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 this 6th day of March 2023.

Mr. Deutsch – ‘aye’, Mr. Jamison – ‘aye’, Mr. Trick – ‘aye’ and Mr. Wolfe – ‘aye’.

APPROVED: MARCH 6, 2023

Luanne C. Felter
Zoning Secretary

Ralph Wolfe, Board Chairperson