

RESOLUTION

GRANTING

APPEAL NO. 2023-02

WHEREAS, Cincinnati Hills Christian Academy, 11525 Snider Road, Cincinnati, OH, Appellant, on January 31, 2023, filed Appeal No. 2023-02 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted for improvements to the existing athletic fields with seating that includes locker rooms, a practice field, a softball field, a covered shelter with restrooms and a storage building with associated lighting, fencing and landscaping on the property located at 11312 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on March 6, 2023, 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, 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 is requesting Conditional Use approval to allow the reconfiguration of the existing sports field area and associated improvements as follows:

- a. Remove the existing hockey rink and baseball field located at the south end of the property and add a softball field with synthetic turf.
- b. Reconfigure the existing sports field into a full-size combination soccer and lacrosse field with synthetic turf northwest of the softball field.
- c. Construct an approximately one thousand (1,000) seat stadium with locker rooms east of the proposed soccer/lacrosse field.
- d. Construct a covered shelter with restrooms south of the stadium.
- e. Construct a one thousand two hundred twenty-five (1,225) square foot storage building south of the existing maintenance building.
- f. Install a half-sized soccer/practice field between the softball field and the storage building with synthetic turf.
- g. Add locations for food trucks, dugouts, batting cages, a student bailey area, team benches and temporary bleachers to the proposed site.
- h. Install a chain link fence on top of new retaining walls as required from grading on site.
- i. Install a thirty (30) foot long concrete wall for lacrosse training along the eastern fence line.
- j. Install concrete and decorative paving along the western and southern edges of the sports field to allow for a paved connection to the stadium, shelter, half soccer field and softball field.
- k. Install ten (10) outdoor stadium lights and a public address system for use during games; and

WHEREAS, according to further testimony offered at the public hearing, the Board of Zoning Appeals has approved ten (10) previous Conditional Use requests on the subject property. The most recent group of requests between 2016 and 2020 have involved a large campus construction project which includes construction of several building additions to both the upper and lower school buildings, approval for construction of a new gymnasium building on the site with modified signage related to the new construction and an outdoor chapel area. However,

the gymnasium building was never constructed. The proposed outdoor sports stadium will be constructed in its place; 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 use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. The proposed development would generally comply with the spirit and intent of the Zoning Resolution in that athletic facilities associated with schools are permitted as a Conditional Use in residential districts and the proposed structures would meet the required setbacks of the "A" Residence district; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall not have an adverse effect upon adjacent property or the public health, safety, morals and general welfare. The single-family homes located along the southern and eastern property lines may be affected by the PA system and glow of stadium lights. Therefore, the fifteen (15) foot area of existing mature vegetation around the property should not be removed; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development should respect, to the greatest extent practicable, the natural, scenic and historic features of significant public interest. There are no known features of significant public interest on the property; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Township Trustees. School uses are permitted as a Conditional Use in residential uses, and as such, would be considered a related compatible use; and

WHEREAS, according to further testimony offered at the public hearing, the proposed signage complies with the specific conditional use criteria as per Section 386 as follows:

Section 386(l) provides measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. The applicant is proposing a public address system for the proposed sports field to use during games which could create noise impacts on the adjacent properties. Therefore, the speakers should be mounted so the sound is directed to the north and/or east only and the hours of use should be limited.

Section 386(o) provides landscaping shall be installed in accordance with one of the following buffers as described in detail in Article XXXII, Sections 326 through 331.2, inclusive. The required landscaping for the majority of the site has been addressed as part of the previous cases. The landscape plan indicates that a 15-foot strip of existing mature vegetation surrounding the site would not be removed and at the hearing the applicant agreed to plant twenty (20) new giant Arborvitae along the southern property line between the maintenance area and the proposed retaining wall for an additional buffer.

Section 386(p)(3) provides signage shall be regulated as one sign permitted at a maximum of thirty-two (32) square feet. No new signage is proposed as part of this application.

Section 386(s) provides all exterior lighting shall be directed away from adjacent residential properties and not exceed zero point five (0.5) foot candles at the property line when abutting a Residential Use or Residential District. Ten (10) stadium lights are proposed as part of the request to be mounted at a height of sixty-five (65) feet. Therefore, lighting should be directed away from all residential properties to the south and west and maintain the maximum lighting level of zero point five (0.5) footcandles at all property lines. Also, the stadium lights should be limited for use between the hours of

9:00am and 11:00pm.

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, the approval of the requested Conditional Use is appropriate at this particular location and in the particular manner proposed in that the proposed plan, as revised by the applicant at the hearing, 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 Cincinnati Hills Christian Academy as per the plans submitted and revised at the hearing 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, there shall be no PA system or loudspeaker use for the proposed softball field; and
2. That, the speakers for any PA system or loudspeaker use for the soccer/lacrosse stadium shall be mounted such that sound is directed to the north and/or east only and shall be limited to use between the hours of 9:00am and 11:00pm;
3. That, no existing vegetation shall be removed within 15 feet of the southern and eastern property lines and that this area shall be preserved as an undisturbed woodland area;
4. That a landscape plan shall be submitted including a minimum of twenty (20) giant Arborvitae, or similar evergreen screening plant, to be planted along the southern property line outside of the required undisturbed woodland area and spaced evenly from the southwestern corner of the maintenance area to the western end of the retaining wall;
5. That, a lighting plan shall be submitted that directs lighting away from all adjacent residential properties to the south and west and indicates a maximum lighting level of 0.5 footcandles at all property lines;
6. That, the use of the stadium lighting for all fields on the property shall be limited to use between the hours of 9:00am and 11:00pm;
7. That there shall be no lights or light poles for the softball field or practice area south of the stadium field;
8. That, the proposed reconfiguration to the sports field be maintained in a satisfactory condition at all times;
9. That, the Zoning Certificate and Building permit for the reconfiguration of the sports fields be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this

Resolution;

10. That, the proposed reconfiguration to the sports fields complies in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;

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

APPROVED: MARCH 6, 2023

  
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Luanne Felter, Zoning Secretary

  
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Ralph Wolfe, Board Chairperson