

RESOLUTION  
GRANTING  
APPEAL NO. 2020-15

WHEREAS, SHP, 312 Plum Street, Suite 700, Cincinnati, OH 45202, Appellant, on December 7, 2020, filed Appeal No. 2020-15 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted for new canopy structures and book drive-thru window above the existing drive-thru lane at the Symmes Township Branch Library located at 11850 Enyart Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on January 4, 2021, 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 library 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 proposing to construct a new book drive-thru window and two (2) building-mounted canopies on the northern façade of the existing Symmes Township Branch Library. The proposed canopies would be located over the new book drive-thru window and an existing book drop-off box; and

WHEREAS, according to testimony offered at the public hearing, the property is located on the east side of Enyart Road, south of Symmes Landing Drive; and

WHEREAS, according to further testimony offered at the public hearing, the purpose of this construction is to allow library patrons to pass materials directly to library personnel while the canopy would provide cover from adverse weather. No other improvements have been proposed for this site; 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 intent of the Zoning Resolution and with district purposes. The proposed improvements for the existing library use are consistent with the spirit and intent of the Zoning Resolution in that the existing building and proposed canopy additions would meet the required setbacks of the district and library uses are permissible within 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 proposed canopy structures and book drive-thru window would be located directly south of an existing access drive connecting to the existing Symmes Landing condominiums. A new speaker system would be installed to allow visitors to speak with library staff at the drive-thru window. However, this additional noise would not likely have an adverse effect on the condominiums to the north as they are buffered by an existing tree line and shrubs which are located along the northern property line and there is a row of pine trees in an island directly adjacent to the existing drive-thru lane that would not be disturbed. Additionally, the hours of operation of the library are currently 10:00am to 6:00pm and the existing drive-thru lane and book drop-off box have been located on this façade of the library for a number of years; 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 site; 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 The library property is designated as Public, Semi-public, &

Institutional on the adopted Symmes Township Land Use Plan. The library use of the property is consistent with this designation; and

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

Section(e) provides that setbacks from any adjacent residential property line shall be a minimum of fifty (50) feet for all buildings and twenty-five (25) feet for all parking areas. The existing parking lot for the library use is setback approximately ten (10) feet from the adjacent residential property where twenty-five (25) feet is required. The site was likely constructed prior to adoption of Symmes Township zoning in 1996 and, therefore, the parking would be legally non-complying. However, since the current proposal would not impact the existing parking lot in any way, the existing parking should be allowed to remain with the understanding that if this parking is altered or adjusted in the future, it will be reviewed for compliance at that time.

Section 386(g) provides that the use shall have direct access to a collector or arterial street. The existing library property has direct access to Enyart Road, which is classified on the Hamilton County Thoroughfare Plan, a minor arterial.

Section 386(h) provides that the vehicular use area shall be located and designed so as to minimize impact on the neighborhood. The applicant is not proposing to change any parking areas or the vehicular access drive but should be reviewed in future projects.

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 existing landscaping buffer between the library use and the adjacent residential use likely meets the buffering requirements. The existing landscaping both along the northern property line and within existing islands in the parking lot would adequately buffer the proposed drive-thru window from the adjacent condominiums but should be reviewed in future projects.

Section 386(p)(2) provides signage shall be regulated as one sign permitted at a maximum of twelve (12) square feet non internally illuminated. No new freestanding or building signage is proposed on the site.

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. No pole lights have been indicated on the site plan and no lighting plan has been submitted.

Section 386(y) provides the intensity of the particular use shall be evaluated with regard to the location, size and configuration of the tract. The property where the library is located is three point eight one (3.81) acres and has a large amount of frontage on Enyart Road. The proposed book drive-thru window and canopy structures would not increase the intensity of the use as the drive thru lane already exists in this area and the proposed improvements would not involve the reconfiguration of the parking area or access drive; 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, the approval of the requested Conditional Use is appropriate at this particular location and in the particular manner 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 the Symmes Township Branch Library as per the plans submitted and conditions below 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 proposed canopy structures and book drive-thru window for Symmes Township Branch Library shall be installed and located exactly as shown on the plats and plans submitted to this Board; and
2. That, the proposed canopy structures and book drive-thru window for Symmes Township Branch Library shall not be relocated or enlarged without the approval of this Board;
3. That, the proposed canopy structures and book drive-thru window for Symmes Township Branch Library shall be maintained in a satisfactory condition at all times;
4. That, the Zoning Certificate and Building permit for the canopy structures and book drive-thru window for Symmes Township Branch Library shall be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;
5. That, the proposed canopy structures and book drive-thru window for Symmes Township Branch Library shall comply 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 4th day of JANUARY 2021.

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

APPROVED: JANUARY 4, 2021

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Luanne Felter, Zoning Secretary

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Jennifer Harlow, Board Chairperson