

RESOLUTION

GRANTING

APPEAL NO. 2021-04

WHEREAS, Heather Harris, Chief Operating Officer, Five Seasons Sports Club, 100 East River Center Boulevard, Suite 1100, Covington, KY 41011, Applicant, on August 2, 2021, filed Appeal No. 2021-04 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted for the construction of an inflatable bubble over the swimming pool located at 11790 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on September 13, 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 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 construction of an inflatable bubble over the swimming pool at the Five Seasons Sports Club during the winter months for recreational use and training; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the east side of Snider Road, north of Interstate 71; and

WHEREAS, according to testimony offered at the public hearing, the proposed pool bubble would be approximately nine thousand nine hundred fifteen (9,915) square feet in size and be twenty-three (23) feet tall; 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. Consequently, the proposed pool bubble meets the yard setback and height requirements 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. Since there already is a pool with existing noise in operation during the summer months, the proposed pool bubble would not likely create any adverse effects. Further, the pool is screened from public view by mature vegetation. The nearest residential area exists three hundred fifty (350) feet from the existing pool and proposed pool bubble; 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. However, 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. The Five Seasons Sports Club currently operates at this site; therefore, there is no change in use. The private club property, including the proposed pool bubble is designated as Public, Semi-Public and Institutional on the adopted Symmes Township Land Use Plan. The Five Seasons Sports Club is considered a private club, which is a use that is conditionally permitted in a residence district. Therefore, the proposed use would be consistent with this designation; and

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

Section 386(f) provides that parking shall not be permitted in the area defined as the front yard setback of the existing zone district. The proposed areas of construction would not involve any expansion or changes to the existing vehicular use areas. The existing parking lot in front of the main building is not located within the fifty (50) foot required front yard setback as it is located approximately sixty (60) feet at its closest point to the right-of-way line along Snider Road.

Section 386(g) provides that the use shall have direct access to a collector or arterial street. The Five Seasons Sports Club has access to Snider Road. According to the Hamilton County Thoroughfare Plan, this section of Snider Road is designated as a minor arterial. Therefore, the proposal complies with this section.

Section 386(h) provides that the vehicular use area shall be located and designated so as to minimize impact on the neighborhood. The proposal does not involve expansion or changes to any vehicular use areas and the existing evergreen tree line and berm along Snider Road screens most of the existing parking from public view.

Section 386(n) provides that the architectural design and site layout of the structure and the location, nature and height of any walls, screens and fences are to be compatible with adjoining land uses and the residential character of the neighborhood. This proposed bubble over the existing pool may not be compatible with the surrounding residential land uses. However, the proposed pool bubble would be setback approximately two hundred eight (280) feet from the northern property line (side) and two hundred thirty (230) feet from the southern (side) property line. The location is also surrounded by mature trees and would not be visible from any residential area.

Section 386(o) provides that 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. There is substantial vegetation along the northern, eastern and southern property lines as well as along Snider Road so no additional landscaping would be necessary in these areas.

Section 386(p)(3) provides that signage shall be regulated as one sign permitted at a maximum of thirty-two (32) square feet. However, 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. No new lighting has been proposed as part of the pool bubble construction.

Section 386(y) provides the intensity of the particular use shall be evaluated with regard to the location, size and configuration of the tract. However, the pool uses and associated noise already exists. The tract is large and the pool and proposed bubble are located in the middle of the parcel which would minimize the impact on the adjacent

properties.

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 Five Seasons Sports Club as per the plans 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 proposed pool bubble be installed and located exactly as shown on the plats and plans submitted to this Board; and
2. That, the proposed pool bubble not be relocated or enlarged without the approval of this Board;
3. That, the proposed pool bubble be maintained in a satisfactory condition at all times;
4. That, the Zoning Certificate and Building permit for the pool bubble 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 pool bubble 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 13th day of SEPTEMBER 2021.

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

APPROVED: SEPTEMBER 13, 2021

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Luanne Felter, Zoning Secretary

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Byron Fowler, Board Chairperson