
**MINUTES OF SYMMES TOWNSHIP BOARD OF ZONING APPEALS
REGULAR MEETING
MAY 16, 2016**

The meeting was called to order at 7:00 p.m. Members of the Commission present were: Mr. Fowler, Ms. Harlow, Mr. Havill, Mr. Ruehlmann and Mr. Wolfe.

Also present were: Bryan Snyder, Hamilton County Zoning Inspector and Luanne Felter, Zoning Secretary.

MR. HAVILL convened the hearing for BZA 2016-01 Modification for the properties at 11300 and 11312 Snider Road.

MR. SNYDER stated that Cincinnati Hills Christian Academy is requesting approval of a modification to the Conditional Use Plan approved as part of BZA 2016-01. However, since the meeting was continued on May 2, 2016 the school has requested to add a small two story addition to the back of the middle school addition. This information was not included in the legal notice sent out to residents. Therefore, the Board has the option to hear the testimony tonight or continue the meeting so the residents can be notified. He noted that only the back portion of the neighborhood would be affected by the change to the middle school building. Also, to date, the Township has not received any complaints from the neighbors about this construction project.

MS. HARLOW wanted to know if there would be any legal ramifications.

MR. SNYDER stated that there are no legal requirements in the Zoning Resolution that the Township needs to notify residents every time an applicant makes a change to the plans. If no residents showed up to the hearing or called to complain, the Board can assume they are not opposed to the project.

MR. RUEHLMANN made a motion to continue the testimony for BZA 2016-01 Modification.

MR. WOLFE seconded the motion and the roll call vote was as follows:

Ms. Harlow - "aye", Mr. Havill - "aye", Mr. Ruehlmann - "aye", Mr. Wolfe - "aye" and Mr. Fowler - "aye".

MR. SNYDER noted that as part of the approved conditional use, the applicant was permitted to construct a 25-foot high 2,800 square-foot addition to the early childhood/elementary school building for indoor and outdoor motor skills space with a 20-foot high covered drop off canopy extending 27 feet out from the front of the building. The approved building addition would have enclosed an existing courtyard area between two wings of the existing building but because of construction and building code issues, and the associated cost increases, the applicant has determined that this proposed enclosure is no longer viable. Therefore, the applicant has proposed to modify the approved plan for this building by constructing the indoor motor skills building addition further to the north of the existing building.

The addition would be 29 feet in height to the highest point and include 1,990 square feet. In addition, the proposed drop off canopy has been extended from the existing entrance to the wall of the proposed addition but would no longer cover the driveway and would extend only 10 feet from the front of the building. The existing outdoor playground/motor skills area

located between the two wings of the existing building will now remain in its current location. This area will become a courtyard like location between the existing building wings and behind the proposed new building addition.

Lastly, the applicant is requesting to add a small two story addition on the back of the middle school addition to accommodate a teachers' lounge on the first floor and a nurse's office on the second floor.

RANDY BRUNK (11525 Snider Road, 45249) presented the Board with a revised set of plans. He stated that upon review they realized their plans to cover an area between two buildings was unrealistic. The configuration as designed would cause major modifications of the existing structure which is not in their budget and desired hopes for use of the new center. Therefore, they have decided to move the new large motor indoor play area to a location more acceptable and more advantageous to the function of the Early Childhood program. The small two story addition to the back of the middle school is needed because the plans did not accommodate space for a teachers' lounge or a nurse's office.

The Board had no objections to the changes.

MR. RUEHLMANN made a motion to consider the following:

RESOLUTION
GRANTING
APPEAL NO. 2016-01-Modification

WHEREAS, Cincinnati Hills Christian Academy, 11525 Snider Road, Cincinnati 45249, Appellant, on March 31, 2016, filed Appeal No. 2016-01 - Modification under Section 383.1 of the Zoning Resolution, requesting a modification to the approved Conditional Use Plan for the relocation of the early childhood/elementary school building addition, enlargement of the approved middle school addition, and other minor site plan adjustments at 11300 and 11312 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on May 2, 2016, 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, said public hearing was continued in progress; and

WHEREAS, said public hearing was resumed on said appeal on May 16, 2016, 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;

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting approval of a modification to the Conditional Use Plan approved as part of BZA 2016-01; and

WHEREAS, according to further testimony offered at the public hearing, the property is located on the east side of Snider Road, south of Marlette Drive and north of Millview Drive; and

WHEREAS, according to further testimony offered at the public hearing, as part of the approved conditional use, the applicant was permitted to construct a twenty five (25) foot high two thousand eight hundred (2,800) square foot addition to the early childhood/elementary school building for indoor motor skills space, a new twenty foot (20) high covered drop off canopy extending twenty seven (27) feet out from the front of the building and a new three thousand five hundred (3,500) square foot outdoor motor skills play area enclosed by a six (6) foot aluminum picket fence with brick columns and knee wall; and

WHEREAS, according to further testimony offered at the public hearing, the approved building addition would have enclosed an existing courtyard area between two (2) wings of the existing building but because of construction and building code issues, and the associated cost increases, the applicant has determined that this proposed enclosure is no longer viable; and

WHEREAS, according to further testimony offered at the public hearing, the applicant has proposed to modify the approved plan for this building by constructing the indoor motor skills building addition further to the north of the existing building. The addition would be twenty nine (29) feet in height to the highest point and include one thousand nine hundred ninety (1,990) square feet. In addition, the proposed drop off canopy has been extended from the existing entrance to the wall of the proposed addition but would no longer cover the driveway and would extend only ten (10) feet from the front of the building. The existing outdoor playground/motor skills area located between the two (2) wings of the existing building will now remain in its current location. This area will become a courtyard like location between the existing building wings and behind the proposed new building addition; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is also requesting to add a small two (2) story addition to the back of the middle school addition to accommodate a teacher lounge on the first floor and a nurse's office on the second floor; 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 improvements would generally comply with the spirit and intent of the Zoning Resolution in that the school use is permissible in this location and the proposed construction would comply with required setbacks and district purposes; and

WHEREAS, according to further testimony offered at the public hearing, the proposed modifications will move the building addition closer to the northern property line but would screen the existing outdoor play area from adjacent properties to the north and likely reduce any potential adverse effect on the adjacent properties; and

WHEREAS, according to further testimony offered at the public hearing, there are no known features of significant public interest; and

WHEREAS, according to further testimony offered at the public hearing, the majority of the school property is designated as public, semi-public, & institutional on the adopted

Land Use Plan including all portions of the site where proposed improvements would occur;
and

WHEREAS, according to further testimony offered at the public hearing, the proposed buildings and improvements comply with the specific criteria as follows:

Section 386(l) – provides that measures be taken to minimize the impact of potential nuisances such as noise, odor, vibration and dust on adjacent properties. The proposed modification would essentially enclose an existing outdoor playground within a courtyard surrounded by the existing building and the proposed modified building addition and would essentially eliminate any potential impact of the playground on the adjacent properties;

Section 386 (o) provides that landscaping shall be installed in accordance with the Zoning Resolution. The site is generally well buffered in all locations, including the perimeter and streetscape areas. No new boundary buffer landscaping was proposed or required along the northern property line as part of the previous request;

Section 386 (p)(3) provides that one sign is permitted at a maximum of thirty-two (32) square feet. No signage has been proposed as part of the modification request;

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. The previous plan for the modification area included light levels that exceeded 0.5 foot-candles at the northern property line directly adjacent to the modification area. The previous lighting plan was required to be revised to comply with the Zoning Resolution as part of the previous approval. The lighting plan has since been revised to indicate compliance and the lighting plan submitted with this modification request continues to show compliance with the resolution;

WHEREAS, according to further testimony offered at the public hearing, the proposed enlargement of the middle school building addition would be consistent with both the General Considerations and Specific Criteria of Sections 385 and 386 of the Zoning Resolution pertaining to Conditional Uses; 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 Cincinnati Hills Christian Academy 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 relocation of the early childhood/elementary school building addition, enlargement of the middle school addition, and other minor site plan adjustments be located exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed relocation of the early childhood/elementary school building addition, enlargement of the middle school addition, and other minor site plan adjustments not be relocated or enlarged without the approval of this Board;
3. That, the proposed relocation of the early childhood/elementary school building addition, enlargement of the middle school addition, and other minor site plan adjustments be maintained in a satisfactory condition at all times;
4. That, the no new building signage for the development shall be permitted until final signage plans are submitted and approved by the Board as part of a future conditional use request;
5. That, the Zoning Certificate and Building permit for proposed relocation of the early childhood/elementary school building addition, enlargement of the middle school addition, and other minor site plan adjustments be obtained within one (1) year and all work be completed within two (2) years from the date of adoption of this Resolution;
6. That, the proposed relocation of the early childhood/elementary school building addition, enlargement of the middle school addition, and other minor site plan adjustments 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.

MR. WOLFE seconded the motion and the roll call vote was as follows:

Ms. Harlow - "aye", Mr. Havill - "aye", Mr. Ruehlmann - "aye", Mr. Wolfe - "aye" and Mr. Fowler - "aye".

MR. HAVILL convened the hearing for BZA 2016-03 for the property at 11690 Symmes Valley Drive.

MR. SNYDER stated that the applicant is requesting approval to construct a 484 square-foot family room addition to the rear of an existing single family home that would extend nine feet into the required rear yard setback. The subject property is a panhandle lot located on the east side of Symmes Valley Drive, south and west of Enyart Road. The addition would be 17 feet high to the midpoint of the proposed hipped style roof and would extend out perpendicular from the rear line of the existing home. The top of the proposed roof would be even with the gutter line of the existing two-story home. The materials for the addition would match the

existing home. Finally, the adjacent homes on Enyart Road are setback greater than 100 feet from the common property line and screened from view with vegetation.

MR. HAVILL wanted to know why the addition could not be extended across the length of the house or moved to where the deck is so it would not encroach into the setback area.

MR. SNYDER stated that the purpose of the addition is to allow for the expansion of the existing kitchen area. Moving or expanding the addition would not be practical.

CLIFF KUHNELL (9811 Hunters Ridge, Cincinnati 45249) stated that he is representing the property owner. The purpose of the addition is to create an open floor plan with spacious kitchen so it would not be practical to move it or extend it across the back of the house. Besides if it was extended across the length of the house it would not align with the garage roofline. Because of the irregular shape of the lot, there are not any other options.

MR. WOLFE noted that the addition cannot be moved to a location where it would block the bedroom windows because they need to be used for egress. He also doesn't want the applicant to change the architecture of the house.

MR. RUEHLMANN stated that he likes the plans for the addition and thinks there is enough vegetation so it will not impact the neighbors.

MR. FOWLER stated that he normally doesn't like to approve setback variances but there are mitigating factors in this case because of the irregular lot.

MR. WOLFE reminded the Board that they have given variances to other homes in the area.

MR. RUEHLMANN made a motion to consider:

RESOLUTION
GRANTING
APPEAL NO. 2016-03

WHEREAS, Jason A. Born, 11690 Symmes Valley Drive, Loveland, OH 45140, appellant, on April 1, 2016, filed Appeal No. 2016-03 with the Symmes Township Board of Zoning Appeals under Section 183 of the Zoning Resolution, seeking a variance from the literal enforcement of Section 68.3 of said Resolution as applied to the property at 11690 Symmes Valley Drive, Symmes Township, Hamilton County, Ohio; and

WHEREAS, said appellant, on April 1, 2016, applied to the Symmes Township Zoning Inspector for a Zoning Certificate for a variance for the construction of a room addition with less rear yard setback than required at premises designated as 11690 Symmes Valley Drive; and

WHEREAS, said Zoning Inspector, on April 1, 2016, acting upon said application and the plats and plans submitted, refused to issue said Certificate, his reasons being based upon the maps and regulations of the Zoning Resolution; and

WHEREAS, a public hearing was held on said appeal on May 2, 2016, notice of such hearing was given by first class mail to parties in 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, said public hearing was continued in progress; and

WHEREAS, a public hearing was held on said appeal on May 16, 2016, notice of such hearing was given by first class mail to parties in 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" Single Family Residence District; and

WHEREAS, Section 68.3 provides, in relevant part, that there shall be a rear yard having a depth of not less than thirty-five (35) feet; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting approval to construct a four hundred eighty four (484) square foot family room addition to the rear of an existing single family home that would extend nine (9) feet into the required rear yard setback; and

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

WHEREAS, according to further testimony offered at the public hearing, the addition would be seventeen (17) feet high to the midpoint of the proposed hipped style roof and would extend out perpendicular from the rear line of the existing home. The top of the proposed roof would be even with the gutter line of the existing two-story home; and

WHEREAS, according to further testimony offered at the public hearing, the addition would be constructed with a brick veneer and dimensional shingles to match the existing home; and

WHEREAS, according to further testimony offered at the public hearing, the reduced setback is necessary to make a functional space within the addition and allow for the expansion of the existing kitchen area; and

WHEREAS, according to further testimony offered at the public hearing, the irregular shape of the lot does not allow the home to support current housing trends for open floor plans and larger kitchen areas; and

WHEREAS, according to further testimony offered at the public hearing, the adjacent homes on Enyart Road are setback greater than one hundred (100) feet from the common property line and screened from view with vegetation; and

WHEREAS, according to further testimony offered at the public hearing, the Zoning Code would allow the room addition to be placed further north but it would not be functional as a living space nor would it align with the garage roofline; and

WHEREAS, Section 184.6 empowers this Board to permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to irregular shape of the lot, topographic or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare; and

WHEREAS Section 185 provides, in exercising the above mentioned powers, the Board may reverse or affirm, wholly, or partly, or may modify the order requirement, decision

or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken; and

WHEREAS, it is the consensus of this Board, after careful consideration of all the facts, testimony, and evidence submitted, that the literal enforcement of the strict application of Section 68.3 of the Zoning Resolution will result in practical difficulties to the owner of the property in question; and

WHEREAS, the variation, in accordance with the following conditions, will not seriously affect any adjoining property owners or the general welfare; and

NOW, THEREFORE BE IT RESOLVED that upon consideration of the foregoing, the Symmes Township Board of Zoning Appeals does hereby grant a variance from the requirement of Section 68.3 of the Zoning Resolution in accordance with the authority granted in Section 184.6. Furthermore, the decision of the Zoning Inspector to deny the issuance of a zoning certificate for the reason that the application failed to comply with Section 68.3 of the Zoning Resolution is affirmed, but in accordance with the authority of Section 185, the Board of Zoning Appeals, having granted a variance as stated above, hereby determines that a 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 room addition remain exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed room addition not be relocated or enlarged without the approval of this Board;
3. That, the proposed room addition comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
4. That, the Zoning Certificate and Building permit (if required) for the proposed room addition be obtained within sixty (60) days and all work be completed within six (6) months from the date of adoption of this Resolution;
5. That, the proposed room addition, once constructed, 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.

MS. HARLOW seconded the motion and the roll call vote was as follows:

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

MR. HAVILL adjourned the meeting at 7:55 p.m.

Approved: _____
Luanne Felter, Secretary