

RESOLUTION

GRANTING

APPEAL NO. 2013-03

WHEREAS, Jack Taylor, 11800 Mason Road, Cincinnati, OH, Appellant, on January 7, 2013, filed Appeal No. 2013-03 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the property located at 11800 Mason Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on February 4, 2013, 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 church 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 request for the Conditional Use is to allow for the construction of an outdoor columbarium within an existing courtyard area of the church; and

WHEREAS, according to further testimony offered at the public hearing, the subject property consists of approximately nine point sixteen (9.16) acres and is located on the northeast corner of the Mason Road/Montgomery Road intersection; and

WHEREAS, according to further testimony offered at the public hearing, the appellant is proposing to construct an outdoor columbarium within an existing courtyard area on the western side of the existing church building. This area would contain four hundred (400) spaces for urns and would encompass an approximate one thousand eight hundred twenty four (1,824) square foot landscaped area with a gated enclosure and wrought iron fence; and

WHEREAS, according to further testimony offered at the public hearing, the urns would be placed in one of six (6) proposed stone wall structures. Two of these structures would be built immediately with the remaining four (4) structures built in the future; and

WHEREAS, according to further testimony offered at the public hearing, the development would also include a new shelter structure that would include four (4) stone and wooden posts and a hipped shingled roof. This area would be used for inurnment ceremonies; 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 columbarium is consistent with the spirit and intent of the Zoning Resolution in that the columbarium is located within an interior courtyard and within an area that would meet the required setbacks; and

WHEREAS, according to further testimony offered at the public hearing; the proposed columbarium would not likely have any adverse effect on the surrounding properties. The columbarium would be landscaped and minimally visible from Mason Road. The inurnment ceremonies are described as solemn in nature and should have no negative effect on surrounding properties; and

WHEREAS, according to further testimony offered at the public hearing, the proposed columbarium would have no impact to the public interest; and

WHEREAS, according to further testimony offered at the public hearing, the proposed church expansion to include a columbarium would be consistent with the Symmes Township Land Use Plan; and

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

Section 386(e) provides that setbacks from any adjacent property line shall be a minimum of fifty (50) feet for all buildings and twenty-five (25) feet for all parking areas. The proposed columbarium would be located in compliance with this section;

Section 386(g) provides that use shall have direct access to a collector or arterial street. The existing church property has direct access to both Montgomery and Mason Roads, which are both major arterials;

Section 386 (h) provides that the vehicular use area shall be located and designed so as to minimize impact on the neighborhood. No changes are proposed to the parking lots on the site as part of this request;

Section 386 (o) provides that landscaping shall be installed in accordance with the Zoning Resolution. Landscaping is proposed within the columbarium area. No additional landscaping is required to comply with these sections;

Section 386 (p)(2) provides that one sign is permitted at a maximum of twelve (12) square feet non-internally illuminated. No new signage is proposed on the site;

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 applicant has indicated that subtle lighting will be used in the columbarium area to permit evening visits and to assist with security in nighttime hours. Any new lighting in the area should meet the zero point five (0.5) foot candle limit along the western property line;

Section 386(y) provides that the intensity of the particular use shall be evaluated with regard to the location, size and configuration of the tract. The location and size of the columbarium area would be appropriate due to proposed buffering and being located within an interior courtyard which is minimally visible from Mason Road. The proposed columbarium area would not significantly increase the size of the project and would not be located closer to the adjacent residential 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 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 the Sycamore Presbyterian Church 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 columbarium be constructed exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed columbarium comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
3. That, the proposed columbarium not be relocated or enlarged without the approval of this Board;
4. That, the proposed columbarium be maintained in a satisfactory condition at all times;
5. That, the Zoning Certificate and Building permit for the construction of the columbarium be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;

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 February 2013.

Mr. Flagel - "aye", Ms. Harlow - "aye", Mr. Havill - "absent", Mr. Misrach - "aye", Mr. Ruehlmann - "aye", Mr. Wolfe - "aye".

APPROVED: FEBRUARY 4, 2013

Brian E. Elliff
Township Zoning Inspector

Ronald Ruehlmann, Board Chairperson