

RESOLUTION

GRANTING

APPEAL NO. 2013-21

WHEREAS, Cincinnati Hills Christian Academy, 11525 Snider Road, Cincinnati 45249, Appellant, on October 4, 2013, filed Appeal No. 2013-21 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the property located at 11312 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on November 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 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 to allow the placement of a temporary modular classroom building on the site to the rear of the existing elementary school building; 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, the proposed modular building would include two classrooms and would be accessed by existing sidewalks behind the existing building; and

WHEREAS, according to further testimony offered at the public hearing, the proposed modular classroom building is necessary to allow the expansion of the existing preschool program and would allow the school to gauge support for the expanded program prior to investing in permanent facilities; and

WHEREAS, according to further testimony offered at the public hearing, the proposed modular classroom building would be located so as to provide minimum impact on surrounding residents and would remain at the site for up to four years;

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 modular classroom building is consistent with the spirit and intent of the Zoning Resolution in that the building is located within an interior portion of the site in compliance with all required setbacks; and

WHEREAS, according to further testimony offered at the public hearing, the location of the proposed modular classroom building would not be visible from any adjoining residential property or public street right-of-way and would not likely have any adverse effect on the surrounding 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 existing school development and the proposed modular classroom would be consistent with the adopted Land Use Plan; 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 modular classroom building would be located behind an existing building in an area that would have no impact on adjacent properties;

Section 386 (o) provides that landscaping shall be installed in accordance with the Zoning Resolution. The site is currently heavily landscaped and no construction or improvement is proposed adjacent to any required buffer area;

Section 386 (p)(3) provides that one sign is permitted at a maximum of thirty two (32) square feet. 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. No new lighting is proposed on the site;

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 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 temporary modular classroom building be located exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed temporary modular classroom building not be relocated or enlarged without the approval of this Board;
3. That, the proposed temporary modular classroom building be maintained in a satisfactory condition at all times;
4. That, the temporary modular classroom building be allowed to remain at the site for up to five (5) years with a two (2) year extension, if required, in order to determine the school's preschool program feasibility;
5. That, the Zoning Certificate and Building permit for the placement of the temporary modular classroom building be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;

6. That, the proposed temporary modular classroom building 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 November 2013.

Mr. Flagel ____aye____, Ms. Harlow ____absent____, Mr. Havill____aye____, Mr. Misrach ____aye____, Mr. Ruehlmann ____aye____, Mr. Wolfe ____aye____.

APPROVED: NOVEMBER 4, 2013

Brian E. Elliff
Township Zoning Inspector

Ron Ruehlmann, Board Chairperson