

RESOLUTION

GRANTING

APPEAL NO. 2015-01

WHEREAS, John Sedziol, 11251 Montgomery Road, Cincinnati, OH, Appellant, on December 29, 2014, filed Appeal No. 2015-01 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the property located at 11251 Montgomery Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, public hearings were held on said appeal on February 2, 2015 and March 2, 2015, notice of such hearings were 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 is for the installation of seventeen (17) new directional signs throughout the church campus for lot numbering, entrance numbering, building identification and general way finding information; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the west side of Montgomery Road, south of East Kemper Road; and

WHEREAS, according to testimony offered at the public hearing, the applicant originally submitted a request to install thirty three (33) new directional signs. However, after the Board raised concerns about the excessive amount of signs the applicant agreed to modify the site plans; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is proposing to install eleven (11) freestanding signs for lot identification and way finding messages throughout the church campus and to mount four (4) wall signs and two (2) window signs on various church structures for building identification; and

WHEREAS, according to further testimony offered at the public hearing, four (4) of the parking lot identification signs will be two sided with one (1) square foot of sign area and located within the parking areas on existing light poles; and

WHEREAS, according to further testimony offered at the public hearing, six (6) of the freestanding signs will be two-sided with seven (7) square feet of sign area containing the church logo, messages or directions to various locations within the church campus and one (1) freestanding sign will be two-sided with five point five (5.5) of square feet of sign area containing a building entrance message; and

WHEREAS, according to further testimony offered at the public hearing, five (5) of the building mounted signs would contain six (6) square feet of sign area and include the entrance numbers, name of the entrance and church logo and would be mounted next to the building entrances and the Student Center would include three (3) square feet of sign area including the name of the building; and

WHEREAS, according to further testimony offered at the public hearing, the signage is necessary to help people navigate their way on campus and provide better traffic flow due to several church expansions; 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 directional signage would be partially consistent with the intent of the Zoning Resolution to allow reasonable site identification signage in appropriate locations. However, the number, size and location of the signs is unreasonable; and

WHEREAS, according to further testimony offered at the public hearing; the proposed directional signage would not have any adverse effect on the residential properties. However, the number, size and location of the proposed directional signs could set a precedent for other cases; and

WHEREAS, according to further testimony offered at the public hearing, there are no known features that affect the natural, scenic and historic features of significant public interest on the property; and

WHEREAS, according to further testimony offered at the public hearing, the existing church use is consistent with the adopted Symmes Township Land Use Plan; and

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

Section 386(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) for all parking areas. No new buildings or parking areas are proposed as part of this request; and

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

Section 386 (o) provides landscaping shall be installed with a buffer in accordance with the Zoning Resolution. Landscaping has already been installed for this site as part of previous BZA cases; and

Section 386 (p) (2) provides that one (1) sign is permitted at a maximum of twelve (12) square feet non-internally illuminated. The church has previously received BZA approval for a ninety five (95) square-foot electronic message freestanding sign along Montgomery Road. Some of the proposed signage would not be considered additional freestanding signage due to the message and location of the signs. However, the larger signs that include the church logo and building identification would be considered additional freestanding signs; and

Section 386(s) provides that all exterior lighting shall be directed away from adjacent residential properties. No new lighting has been proposed as part of this request; and

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 total development consists of the main church building, a student building and office building and a garage structure. The majority of the signage relates to uses that occur in the main church building;

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 a modification of the requested Conditional Use is appropriate at this particular location and in the particular matter proposed in that the

proposed plan as modified by this Board 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 Montgomery Community 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, freestanding signs #2, #4, #6, #13, and #18 for lot identification and way finding messages be constructed and located exactly as shown on the plats and plans submitted to this Board; and
2. That, the building mounted signs for #3, #5, #10 and #19 and the window signs for #1 and #21 for building identification be installed and located exactly as shown on the plats and plans submitted to this Board; and
3. That, the proposed signs comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
4. That, the proposed signs not be relocated or enlarged without the approval of this Board;
5. That, the proposed signs be maintained in a satisfactory condition at all times;
6. That, the Zoning Certificate and Building permit for the construction of the signs 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 2nd day of March 2015.

Mr. Flagel - "aye", Ms. Harlow - "aye", and Mr. Havill - "aye".

APPROVED: MARCH 2, 2015

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Luanne Felter, Zoning Secretary

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Todd Flagel, Board Chairperson