

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.

ADOPTED at a regularly scheduled meeting of the Symmes Township Board of Zoning Appeals in session this 16th day of May 2016.

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

APPROVED: MAY 16, 2016

Luanne C. Felter
Zoning Secretary

D'Arcy Havill, Board Chairperson