

RESOLUTION

GRANTING

APPEAL NO. 2016-01

WHEREAS, Cincinnati Hills Christian Academy, 11525 Snider Road, Cincinnati 45249, Appellant, on December 7, 2015, filed Appeal No. 2016-01 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the properties located at 11300 and 11312 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on January 4, 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 to add onto to existing buildings and to construct a new recreation center building with an additional outdoor playground and parking lot area; 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 construction to the elementary school building would include a twenty-five (25) foot high two thousand eight hundred (2,800) square-foot addition for indoor motor skills space, a new twenty (20) foot 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 middle school building additions would include a new five thousand six hundred (5,600) square foot cafeteria, kitchen, and media room on the rear of the building at the height of the existing building and a new thirty-five (35) foot high twelve thousand eight hundred (12,800) square-foot classroom addition on the front of the west end of the building. A new one hundred twenty-nine (129) space parking lot would also be constructed in front of the middle school building; and

WHEREAS, according to further testimony offered at the public hearing, a new forty-five (45) foot tall twenty-five thousand five hundred (25,500) square foot recreation center would be constructed in the middle of the site adjacent to the middle school building. This center would include two (2) full size basketball courts and other related recreation support spaces; and

WHEREAS, according to further testimony offered at the public hearing, the purpose of the improvements is to move the fourth grade classrooms to the upper elementary school building in order to expand the early childhood facilities; 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 improvements would generally not have an adverse effect on the adjacent properties due to the large setbacks of the proposed improvements from the adjacent property lines and the existing vegetation surrounding the site; 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 vast majority of the site improvements would not have a negative impact on adjacent properties. However, the playground area on the north side of the early childhood/elementary school building could cause increase noise levels for adjacent homes on Avant Lane since the landscaping in this area is not substantial. Nevertheless, there is currently an existing playground in this area that has not caused any issues;

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 and the applicant is proposing substantial new landscaping as part of the proposed improvements. However, no shrubs have been indicated on the plans, as required, for the proposed parking lot. There appears to be adequate space within the parking lot to plant the required shrubs;

Section 386 (p)(3) provides that one sign is permitted at a maximum of thirty-two (32) square feet. No new freestanding or directional signage is proposed as part of this request. However, the applicant is proposing illuminated building signs on each of the buildings. It is unclear how many signs are proposed and how many existing signs on the property will remain. A variation from the Zoning Resolution would be required to approve the requested signage although the setback and orientation of the buildings would not result in high visibility from anywhere except internally 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 submitted lighting plans for all new lighting in the proposed additions and parking lot areas. There appears to be one issue with the proposed lighting in the area adjacent to the early childhood/elementary school playground area that violates the 0.5 foot candle maximum at the northern property line with the adjacent homes on Avant Lane. The applicant will comply with the Zoning Resolution;

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 additions to existing buildings and the construction of a new recreation center building with an additional outdoor playground and parking lot area be located exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed additions to existing buildings and the construction of a new recreation center building with an additional outdoor playground and parking lot area not be relocated or enlarged without the approval of this Board;
3. That, the proposed additions to existing buildings and the construction of a new recreation center building with an additional outdoor playground and parking lot area 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 additions to existing buildings and the construction of a new recreation center building with an additional outdoor playground and parking lot area 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 addition to existing buildings and the construction of a new recreation center building with an additional outdoor playground and parking lot area 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 January 2016.

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

APPROVED: JANUARY 4, 2016

Luanne C. Felter
Zoning Secretary

D'Arcy Havill, Board Chairperson