

RESOLUTION

GRANTING

APPEAL NO. 2016-02

WHEREAS, Paul Muller, Paul Muller Architects Inc., 2400 Gilbert Avenue, Cincinnati, OH, 45206, Appellant, on December 17, 2015, filed Appeal No. 2016-02 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for the property located at 10001 Loveland Madeira Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on February 1, 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 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 applicant is requesting Conditional Use approval to allow the construction of an arbor at Congregation Beth Adam; and

WHEREAS, according to further testimony offered at the public hearing, the subject property is located on the north side of Loveland Madeira Road, southwest of I-275 and northeast of Morganstrace Drive; and

WHEREAS, according to further testimony offered at the public hearing, the applicant has constructed an arbor over the walkway in front of the existing building without obtaining zoning and building permits; and

WHEREAS, according to further testimony offered at the public hearing, the arbor is approximately nine point five (9.5) feet high by five point five (5.5) feet wide and runs approximately forty-six point five (46.5) feet long along the front of the building leading to the existing parking lot; and

WHEREAS, according to further testimony offered at the public hearing, the arbor is constructed of wood and includes a three (3) foot high brick wrap along the base of each column; and

WHEREAS, according to further testimony offered at the public hearing, the arbor is necessary for the safety of pedestrians as it would protect the walkway from cars on the adjacent driveway; 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 arbor is consistent with the spirit and intent of the Zoning Resolution in that it is not located closer to the road than the existing building; and

WHEREAS, according to further testimony offered at the public hearing; the proposed arbor would not have an adverse effect on adjacent properties or the Township in general given that it is setback significantly from the road, the existing streetscape buffer screens view of the arbor from the road, and is not located near any adjacent properties; and

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

WHEREAS, according to further testimony offered at the public hearing, the proposed arbor would be consistent with the Symmes Township Land Use Plan; and

WHEREAS, according to further testimony offered at the public hearing, the proposed arbor 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. No new building or parking area construction is proposed as part of this request and the arbor structure would be greater than fifty (50) feet from all property lines; and

Section 386(g) provides that use shall have direct access to a collector or arterial street. The existing church property has direct access to Loveland Madeira Road, which is classified as a minor arterial; and

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

Section 386 (o) provides that landscaping shall be installed in accordance with the Zoning Resolution. Landscaping has been approved and installed for this site as per case BZA 2000-12; and

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 as part of this request; and

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 proposed installation of small landscape lights as part of the arbor construction. Given the setback of the arbor from all property lines and the street, it is unlikely that small landscape lights would significantly alter the light levels previously approved on site; 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 proposed size and location of the arbor would be consistent with the size and configuration of the existing property and would be located close to the center of the site, away from all adjacent property lines; 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 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 Congregation Beth Adam 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 arbor be constructed exactly as shown on the plats and plans submitted to this Board;
2. That, the proposed arbor comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
3. That, the proposed arbor not be relocated or enlarged without the approval of this Board;
4. That, the proposed arbor be maintained in a satisfactory condition at all times;
5. That, the Zoning Certificate and Building permit for the construction of the arbor 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 1st day of February 2016.

Mr. Fowler – “aye”, Ms. Harlow - “aye”, Mr. Havill - “aye”, Mr. Wolfe - “aye”.

APPROVED: FEBRUARY 1, 2016

Luanne C. Felter
Zoning Secretary

D’Arcy Havill, Board Chairperson