

RESOLUTION

GRANTING

APPEAL NO. 2016-12

WHEREAS, Sycamore Presbyterian Church, 11800 Mason Road, Appellant, on September 23, 2016, filed Appeal No. 2016-12 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for Sycamore Presbyterian Church at 11800 Mason Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, public hearings were held on said appeal on November 7, 2016 and December 5, 2016, 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 dates of said hearings 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 a modification to the Conditional Use to permit the construction of a third freestanding ground mounted sign near the entrance on Montgomery Road for identification and bulletin board purposes; and

WHEREAS, according to further testimony offered at the public hearing, the applicant originally submitted a plan to construct a seven (7) foot high by nine point five (9.5) foot freestanding ground mounted sign with an internally lit identification panel and electronic variable message center display with an overall size of sixty six point five (66.5) square feet of sign area. However, after the Board had concerns about permitting such a large sign in a residential area, the church agreed to modify the plans; and

WHEREAS, according to further testimony offered at the public hearing, the applicant is now proposing to construct a seven point five (7.5) foot high freestanding ground mounted sign with a sign area of eight point three nine (8.39) feet by five point nine five (5.95) feet, including an internally lit identification panel and an electronic variable message center display with an overall size of forty nine point nine (49.9) square feet of sign area; 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 sign may not be consistent with the spirit and intent of the Zoning Resolution in that the variable message center portion of the sign is only permitted in retail districts and occupies more than twenty five (25%) of the sign area. Therefore, a variance would be required to permit this type of sign; and

WHEREAS, according to further testimony offered at the public hearing, the proposed sign would not likely have any adverse effect on the surrounding properties. The proposed sign location would be adjacent to single family homes that have been constructed such that they face away from this portion of Montgomery Road and the rear yard areas facing the sign location generally include privacy fencing and vegetation that screens the sign from view of these properties; and

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

WHEREAS, according to further testimony offered at the public hearing, the majority of the church property, including the area of the proposed church sign, is consistent with the Symmes Township Land Use Plan; and

WHEREAS, according to further testimony offered at the public hearing, the proposed freestanding ground mounted sign complies with the specific criteria as follows:

Section 386(e) provides that setbacks from any adjacent residential property shall be a minimum of fifty (50) feet for all buildings and twenty five (25) feet for all parking areas. This criteria is not applicable for the proposed freestanding ground mounted sign; and

Section 386(g) provides that the use shall have direct access to a collector or arterial street. This criteria is not applicable for the proposed freestanding ground mounted sign; and

Section 386(o) provides that landscaping shall be installed in accordance with Article XXXII, Sections 326 through 331.2, inclusively. There is streetscape landscaping along the frontage where the proposed sign would be located. However, no landscaping will be removed during construction of the proposed freestanding ground mounted sign; and

Section 386(p)(2) provides that one sign is permitted at a maximum of twelve (12) square feet and non-internally illuminated. The site currently has two (2) existing freestanding signs located on Mason Road. The two (2) signs together include more than twelve (12) square feet in sign area. Approval of the proposed sign would require variances to this section to both allow a third sign with more than twelve (12) square feet in area and allow an internally illuminated digital sign where there is a restriction. There may be sufficient reason to allow an additional sign given the large amount of frontage the church has on both Mason and Montgomery Road and the large size of the development overall, and the large separation between the parking lots on the eastern and western sides of the site. The internal illumination would depend on the appropriateness of the electronic portion of the sign to be located in a residential district. The internal illumination of the non-digital portion of the sign would not likely have a significant impact given the fencing and buffering of adjacent residential uses described above. However, there is little reason to support the proposed size of the sign given that twelve (12) square feet is the maximum size permitted for one sign, the site already has two (2) signs that together exceed twelve (12) square feet in area and the originally proposed sixty six point five (66.5) square foot sign is more than five (5) times larger than the permitted size; 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. This criteria is not applicable for the proposed freestanding ground mounted sign; 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 location of a third sign on this property may be appropriate in relation to the location, size and configuration of the tract given the large size, the location adjacent to homes that do not face the tract, and the configuration of the parking lots on opposite sides of the 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, including the revised plan submitted to this Board, that 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 Sycamore Presbyterian Church as per the revised 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, an additional freestanding ground mounted sign shall be permitted on the site to allow a total of three (3) signs on the property and that the additional sign shall be located on the property exactly as shown on the revised plats and plans submitted to this Board;
2. That, the dimensions of the proposed freestanding ground mounted sign shall not exceed fifty (50) square feet of sign face area per side;
3. That, the proposed freestanding ground mounted sign shall be permitted to contain an electronic variable message center display in compliance with the revised plats and plans submitted to this Board and with the following criteria;
 - a. That, the display change interval for the electronic variable message center, which is defined as the time period between when one message, graphic or display becomes illegible and the next message, graphic or display just reaches legibility, shall be zero point three (0.3) seconds or less or less than one (1) second when using a fade or dissolve feature;
 - b. That, the electronic variable message center shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m. daily, with the exception that the display may be used between these hours for emergency purposes only;
 - c. That, the electronic variable message center shall only be used to display church activities and shall not be used to display outdoor advertising messages;
 - d. That, the functional limits and parameters on time of day and temperature displays may be in five (5) second intervals and that no other message, graphic or display shall be moving, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner;
 - e. That, each message or copy shall be displayed for a minimum of eight (8) seconds;
 - f. That the electronic message display sign shall be equipped with an auto dimming photocell system that adjusts to ambient light levels;
4. That, the static identification panel above the electronic variable message center display area on the proposed freestanding ground mounted sign shall be permitted to be internally illuminated at all times;
5. That, the proposed freestanding ground mounted sign comply in all other respects with the Zoning Resolution and the lawful requirements of the Hamilton County Building Commissioner;
6. That, the Zoning Certificate and Building Permit, if required, for the proposed freestanding ground mounted sign be obtained within sixty (60) days and all work be completed within six (6) months from the date of adoption of this Resolution;
7. That, the proposed freestanding ground mounted sign not be relocated or enlarged without the approval of this Board;
8. That, the proposed freestanding ground mounted sign be maintained in a satisfactory condition at all times;

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 5th day of December 2016.

Mr. Havill – ‘aye’, Mr. Ruehlmann – ‘aye’, Mr. Wolfe – ‘aye’, Mr. Fowler – ‘aye’.

APPROVED: DECEMBER 5, 2016

Luanne C. Felter
Zoning Secretary

D’Arcy Havill, Board Chairperson