

RESOLUTION

GRANTING

APPEAL NO. 2017-08

WHEREAS, Cincinnati Hills Christian Academy, 11525 Snider Road, Cincinnati, OH, Appellant, on March 31, 2017, filed Appeal No. 2017-08 under Section 383.1 of the Zoning Resolution, requesting that a conditional use be permitted for building signage on the property located at 11300 and 11312 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on May 1, 2017, 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; and

WHEREAS, according to testimony offered at the public hearing, the applicant is requesting Conditional Use approval to allow for the installation of building mounted signage for the lower and upper elementary school and Early Childhood building entrances; 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 testimony offered at the public hearing, Cincinnati Hills Christian Academy has been granted various conditional use approvals over the years. The most recent case in 2016 included approval of building additions to the lower and upper elementary school buildings, construction of a new recreation center building, modification to the Early Childhood Learning Center and construction of new parking lots on the property. Signage was not included at that time; and

WHEREAS, according to further testimony offered at the public hearing, the signs for the lower and upper elementary school buildings will include non-illuminated channel letters pin mounted to the masonry above each school building and will total forty one point four (41.4) feet in area. The third sign would be located over the glass area of the main entrance to the Early Childhood Learning Center and would total fifty point thirty three (50.33) square feet in area. The style and mounting type are not indicated; 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 use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. 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

WHEREAS, according to further testimony offered at the public hearing; the proposed use and development shall not have an adverse effect upon adjacent property or the public health, safety, morals and general welfare. The two proposed signs on the lower and upper elementary buildings would not be visible to any adjacent residential properties and would have no adverse effect. The sign on the Early Childhood Learning Center is located on a façade that faces directly toward adjacent residents on Avant Lane. Details for the proposed signage related to lighting and mounting type need to be provided for consideration to ensure that there will be no increased adverse effect on the adjacent properties; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development should respect, to the greatest extent practicable, the natural, scenic and historic features of significant public interest. There are no known features of significant public interest on the property; and

WHEREAS, according to further testimony offered at the public hearing, the proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Township Trustees. The majority of the school property is designated as Public, Semi-Public, & Institutional on the adopted Symmes Township Land Use Plan, including all portions of the site where signage is proposed. The existing school use is consistent with this designation; and

WHEREAS, according to further testimony offered at the public hearing, the proposed signage complies with the specific conditional use criteria as per Section 386 as follows:

Section 386(l) provides measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. The signage would not likely create any additional nuisances.

Section 386(o) provides landscaping shall be installed in accordance with one of the following buffers as described in detail in Article XXXII, Sections 326 through 331.2, inclusive. Required landscaping has been addressed as part of previous cases.

Section 386(p)(3) provides signage shall be regulated as one sign permitted at a maximum of thirty two (32) square feet. The signage requested by the applicant is in addition to the existing signage on the site, which would not be removed. There are also two small existing monument signs of unknown size located on either side of the entrance drive from Snider Road. For that reason, the total size and number of building and freestanding direction signs that currently exist on the site is unclear. The existing signage may be greater than the permitted thirty two (32) square feet and the proposed ninety one point seventy three (91.73) square feet would be a substantial variation from the Zoning Resolution. However, the setback and orientation of the buildings would not result in high visibility from anywhere except internally on the site, with the possible exception of the proposed building sign facing the rear of the homes on Avant Lane. Regardless, the size and number of signs, both existing and proposed, would likely be consistent with the size and configuration of the overall school development and would not likely be seen as excessive or as setting a negative precedent for other similarly sized institutional uses.

Section 386(s) provides all exterior lighting shall be directed away from adjacent residential properties and not exceed zero point five (0.5) foot candles at the property line when abutting a Residential Use or Residential District. Light levels at the property lines of the adjacent homes on Avant Lane should not be increased.

WHEREAS, according to further testimony offered at the public hearing, the applicant is no longer requesting the third sign on the Early Childhood Learning Center and is only requesting the two (2) signs for the lower and upper elementary school buildings at forty one point four (41.4) square feet.

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, as revised by the applicant at the hearing, 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 Cincinnati Hills Christian Academy as per the plans submitted and revised at the hearing 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 building signage for the lower and upper elementary schools be installed and located exactly as shown on the plats and plans submitted to this Board; and
2. That, the proposed building signage for the Early Childhood Learning Center is not approved; and
3. That, the proposed building signage for the lower and upper elementary schools shall be non-illuminated; and
4. That, the proposed building signage for the lower and upper elementary schools not be relocated or enlarged without the approval of this Board;
5. That, the proposed building signage for the lower and upper elementary schools be maintained in a satisfactory condition at all times;
6. That, the Zoning Certificate and Building permit for the building signage for the lower and upper elementary schools be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;
7. That, the proposed building signage for the lower and upper elementary schools 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 1<sup>st</sup> day of May 2017.

Ms. Harlow – ‘aye’, ‘Mr. Havill – ‘aye’, Mr. Misrach – ‘aye’ and Mr. Wolfe – ‘aye’.

APPROVED: MAY 1, 2017

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Luanne Felter, Zoning Secretary

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Donald Misrach, Board Chairperson