

RESOLUTION

GRANTING

APPEAL NO. 2020-01

WHEREAS, Matthew T. Rechel, 2733 Werkrigde Drive, Cincinnati, OH 45248, Appellant, on January 31, 2020, filed Appeal No. 2020-01 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted for the construction of an outdoor chapel on Cincinnati Hills Christian Academy property located at 11300 Snider Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on March 2, 2020, 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 the construction of a fourteen (14) foot tall chapel between the existing early childhood school and existing upper elementary school buildings for an Eagle Scout project. The proposed chapel would be connected by an existing walking path; 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, the Board granted Conditional Use approval to Cincinnati Hills Christian Academy previously for a large campus construction project that included the expansion of the upper and lower school buildings, the construction of a new gymnasium and modified signage on the campus. All work has been completed except the gymnasium; 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's use is permissible in this location. The chapel would provide an outdoor area for classes and would meet all required setbacks for structures in the residence district; 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 proposed chapel would be located directly west of an existing secondary drive and connecting to an existing pedestrian walkway. The proposed chapel would not impact existing traffic patterns on this secondary drive. Also, this area is currently buffered by an existing tree line and berm which is located between the proposed chapel and the residences along Snider Road; 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 the portion of the site where the chapel 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 chapel would not likely create any additional nuisances because this area is already being utilized by students as a walking path and there is significant vegetation and a landscaped berm between the area and the nearest adjacent residents on the west side of Snider Road.

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. The required landscaping has been addressed as part of previous cases and no additional buffering would be needed for the proposed chapel.

Section 386(p)(3) provides signage shall be regulated as one sign permitted at a maximum of thirty-two (32) square feet. No new signage is proposed as part of this application.

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. No new lighting has been proposed as part of the chapel construction.

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 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 chapel be installed and located exactly as shown on the plats and plans submitted to this Board; and

2. That, the proposed chapel not be relocated or enlarged without the approval of this Board;
3. That, the proposed chapel be maintained in a satisfactory condition at all times;
4. That, the Zoning Certificate and Building permit for the chapel be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;
5. That, the proposed chapel 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 2nd day of MARCH 2020.

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

APPROVED: MARCH 2, 2020

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Luanne Felter, Zoning Secretary

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Jennifer Harlow, Board Chairperson