

RESOLUTION  
GRANTING  
APPEAL NO. 2020-10

WHEREAS, SHP, 312 Plum Street, Suite 700, Cincinnati, OH 45202, Appellant, on August 10, 2020, filed Appeal No. 2020-10 under Section 383.1 of the Zoning Resolution, requesting that a Conditional Use be permitted for building additions and modifications to Symmes Elementary School located at 11820 Enyart Road, Symmes Township, Hamilton County, Ohio; and

WHEREAS, a public hearing was held on said appeal on September 14, 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 approval for the construction of four (4) building additions onto the existing elementary school, converting the existing northwestern parking lot off Enyart Road to a bus parking lot with a turnaround area, expanding the southernmost parking lot with an additional curb cut onto Enyart Road and the construction of a new playground; and

WHEREAS, according to testimony offered at the public hearing, the property is located on the east side of Enyart Road, southeast of the Enyart Road and Symmes Valley Drive intersection; and

WHEREAS, according to further testimony offered at the public hearing, the proposed additions include a thirteen three hundred (13,300) square foot preschool/kindergarten academic wing onto the southwestern portion of the building extending west off of the western facade of the building facing Enyart Road, a one thousand five hundred twenty-five (1,525) square foot addition to the existing kitchen which is located in the southwestern portion of the building, a one thousand five hundred seventy (1,570) square foot performance platform extending north off of the northern facade of the building and a one thousand nine hundred five (1,905) square foot classroom addition onto the eastern facade of the building. The proposed construction will contain similar materials to match the existing building; and

WHEREAS, according to further testimony offered at the public hearing, the proposed changes to the parking lots include converting the existing northwestern parking lot into a thirteen (13) space school bus parking lot with a bus turnaround area and expanding the southernmost parking lot to the west towards Enyart Road with an additional seventeen (17) parking spaces and adding a second curb cut onto Enyart Road to be used for cars only; and

WHEREAS, according to further testimony offered at the public hearing, the site improvements are needed to accommodate the enrollment growth and provide a more modern learning environment; 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 proposed building additions would meet all required setbacks for structures in the district. However, the applicant is requesting a light pole height variance to replace the existing twenty (20) foot high light poles with new twenty (20) foot high light poles where a maximum of height of fifteen (15) feet is permitted; 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 building additions would not adversely affect the surrounding

residential areas. The largest proposed addition will be located in the southern portion of the site near the Retview Estates subdivision and would extend west out towards Enyart Road and will be located over one hundred (100) feet from the southern property line. The addition of two (2) storm water detention basins will control storm water exiting the site; 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 entire school property is designated as Public, Semi-public, & Institutional on the adopted Symmes Township Land Use Plan. The existing school use is consistent with this designation; and

WHEREAS, according to further testimony offered at the public hearing, the proposed development 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 proposed playground in the southern portion of the site may generate noise. However, a privacy fence and additional landscaping can be added to minimize the sound.

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. Most of the existing landscape buffer around the perimeter of the property will be maintained. Additionally, landscape improvements will be provided throughout the site including around and within the proposed southernmost parking lot expansion area and in between the proposed school bus parking area and play field located in the northwestern portion of the site which may screen headlights from view. However, a streetscape buffer is required along Enyart Road that is not shown on the Landscape Plan; and

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. A lighting plan has been submitted which indicates 0.5 foot-candles along the property lines in accordance with the Zoning Resolution. However, the applicant requests that the existing twenty (20) foot high light poles be replaced by twenty (20) foot high light poles which are five (5) feet higher than the maximum height permitted; 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 manner 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 Symmes Elementary as per the plans submitted and conditions below 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, a lighting plan shall be submitted for the proposed additions and modifications for Symmes Elementary in compliance with the maximum illumination of zero point five (0.5) foot candles at the property line and with up to twenty (20) foot high light poles where a maximum of fifteen (15) foot high light poles are permitted;
2. That, a revised landscape plan shall be submitted for the proposed additions and modifications for Symmes Elementary to comply with the interior and streetscape landscaping requirements with a streetscape buffer along Enyart Road and including an addition of a minimum of eight (8) Evergreen trees shown planted between the southernmost playground and the southern property line;
3. That, a six (6) foot chain-like fence with privacy slats shall be constructed along the south side of the southernmost playground for the proposed additions and modifications for Symmes Elementary;
4. That, the proposed additions and modifications for Symmes Elementary shall be installed and located exactly as shown on the plats and plans submitted to this Board; and
5. That, the proposed additions and modifications for Symmes Elementary shall not be relocated or enlarged without the approval of this Board;
6. That, the proposed additions and modifications for Symmes Elementary shall be maintained in a satisfactory condition at all times;
7. That, the Zoning Certificate and Building permit for the additions and modifications for Symmes Elementary shall be obtained within ninety (90) days and all work be completed within one year (1) from the date of adoption of this Resolution;
8. That, the proposed additions and modifications for Symmes Elementary shall 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 14th day of SEPTEMBER 2020.

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

APPROVED: SEPTEMBER 14, 2020

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Luanne Felter, Zoning Secretary

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Jennifer Harlow, Board Chairperson