

LETTER OF INTENT
RE: APPLICATION FOR VARIANCE BY KENWOOD BAPTIST CHURCH

July 22, 2011

Sycamore Township
Board of Zoning Appeals
8540 Kenwood Rd.
Cincinnati, Ohio 45236

This letter is written to provide an explicit typewritten statement as to the nature and intent of the variance that is being requested by the Kenwood Baptist Church which is located at 8341 Kenwood Rd. Cincinnati, Ohio 45236. The size of the property involved is 11.213 acres more or less. The 11.213 acres includes a parcel (no. 264) of approximately .9 acres which is not consolidated with the remainder of the property and is the subject of this variance request. The Kenwood Baptist Church (the Church) is both the owner and the applicant. Stanley A. Mathews will represent the Church for all purposes relative to this variance application with authority to execute documents relative to the variance as he may deem necessary or appropriate.

PURPOSE OF THE REQUEST:

The Church has had a problem with the entrance to the building off of the lower (northern) parking lot since the initial construction in that wind which builds unimpeded across the lower parking lot and blows into the building every time the current entrance doors are opened with air blasts reaching deep within the building. This not only increases our utility costs summer and winter but causes the area inside the door to be chilled in winter and hot in summer which makes that area something less than hospitable for guests. Accordingly we would like to construct a small vestibule (approximately 190 sq ft.) on the outside of the existing door so that we will have a double door entry system as is common in many establishments where a door is frequently opened and closed.

Our request for a zoning certificate has been denied because of a non-conforming land use on the other side of the Church relative to another parcel owned by the Church. Apparently our original ten acre plot contains a parcel at the south west corner of our property along Kenwood Rd (Auditor's parcel No. 600-202-264), of approximately .9 acres, that has never been consolidated. This predates current zoning rules but creates a setback conflict under the current code.

The problem which occasioned our request for this variance occurred when we took a new consolidation plat to the Auditor and learned why the .9 acre parcel had not been consolidated originally. At that point we were told that this parcel along Kenwood Rd was in the Deer Park Schools taxing district while the rest of our property was in the Indian Hill Schools taxing district and a consolidation of parcels in different school districts is not permitted. Part of the footprint of our original building is on that lot. Our original building is grand-fathered but the situation prevents any addition to our existing building because we now have setback issues that did not exist at the time of the original construction forty-three years ago. Our hardship is that we are required by the zoning rules to add parcel 264 to our consolidation in order to be in full compliance with all zoning rules while rules of land taxation prohibit us from doing that.

The end result is that our property is located on the edge of two taxing districts and contains property in both and, due to this issue totally beyond our control, we are not allowed to rectify it. Because we are not allowed to consolidate parcel 264 we cannot rectify the problem and our tiny vestibule project is caught in the middle.

OUR VARIANCE REQUEST:

We respectfully request that our consolidation, excepting the prohibited parcel (no. 264) but eliminating the Kugler Mill lots and the offending side setback lines with them, be deemed adequate to allow the issuance of a zoning certificate so that we may obtain a building permit for a new small entry vestibule, as this is the most that we are legally permitted to do. In order for our project to proceed we need a variance recognizing that, although part of the footprint of our original building is on parcel 264 which is not consolidated with the remainder of the property, this legal pre-existing use (dating back to 1968) shall be permitted to continue and shall not be considered for purposes of granting a zoning certificate to permit construction of the new entry vestibule on the other side of the building..

SPECIFIC SECTION OF THE ZONING RESOLUTION IN QUESTION IS CHAPTER 9- NON-CONFORMITIES

The specific section of the Zoning Code that we are in violation of is _____ dealing with setback requirements. Because our Church is built on more than one parcel we cannot be set back and need to request a variance. Accordingly, we think our problem may be with 9-2.1 dealing with nonconformities.

Section 9-2.1 provides as follows:

Authority to continue: Any lawfully existing use of land or of any structure which becomes nonconforming through an amendment (*or in our case through the enactment of the Zoning Resolution itself*) of this Resolution or the Zoning Map, may be continued. So long as no structural alterations are made, it may be changed to another nonconforming use or a more restricted use permitted as of right in the zoning district in which it is located.

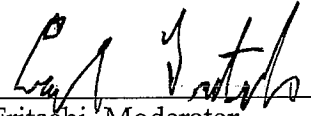
Section 9-1.1 provides in the first paragraph as follows:

Purpose: This chapter regulates the continued existence of uses, structures and lots lawfully established prior to the effective date of this Resolution (*our building was constructed prior, in 1968*) that do not conform to the regulations of this Resolution applicable in the zoning districts in which such uses, structures and lots are located. The continued existence of nonconforming uses is frequently inconsistent with the purposes for which such regulations are established.

Thus their gradual elimination is generally desirable. The regulations of his chapter generally permit such nonconformities to continue without specific limitation of time but are generally intended to restrict further investments in such uses that would make them more permanent or less desirable. The regulations also restrict further investment in noncomplying structures and lots of record that would increase the degree of noncompliance (emphasis added).

We submit that the addition of a small entry vestibule on a large church building would not make the church more permanent or less desirable and being on the other side of the building it could not increase the degree of noncompliance. If that is true then our request is completely consistent with and even anticipated by the stated purpose of Chapter 9 of the Zoning Resolution dealing with non-conformities.

The Kenwood Baptist Church

By: 
Carl Fritsch, Moderator

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