

SYCAMORE TOWNSHIP BOARD OF ZONING APPEALS

RESOLUTION NO. SYCB190010

**A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT
FOR A PARKING LOT IN AN AREA ZONED FOR RESIDENTIAL USE**

WHEREAS, Archbishop Moeller High School, (the "Applicant") made application (the "2019 Application") for a conditional use permit to construct a parking lot on the rear of the real property parcels located at 7745 Kennedy Lane and 7755 Kennedy Lane, Sycamore Township, Hamilton County, Ohio, being Hamilton County Auditor's Parcel Numbers 600-0050-0021-00 and 600-0050-0023-00 (the "Real Property"); and

WHEREAS, on July 2, 2018, the Sycamore Township Board of Zoning Appeals denied a prior application for a conditional use permit to construct a parking lot on the Real Property (the "2018 Application") and such decision is on appeal to the Hamilton County Court of Common Pleas in Case Number A1804183; and

WHEREAS, notice of a public hearing to consider the 2019 Application was given to parties in interest by regular first class mail within two hundred feet of the Real Property and also by publication in a newspaper of general circulation in Sycamore Township, at least ten days prior to the date of the public hearing; and

WHEREAS, public hearings were held on August 19, 2019, September 16, 2019, and October 21, 2019 by the Sycamore Township Board of Zoning Appeals to consider the 2019 Application;

WHEREAS, at the public hearings on August 19, 2019, September 16, 2019, and October 21, 2019, the testimony of all witness was given under oath and subject to cross-examination and evidence was received by the Board concerning the Application; and

WHEREAS, the Sycamore Township zoning text and map indicate that the Real Property is located in the "B" Single Family Residential District; and

WHEREAS, the Sycamore Township Board of Zoning Appeals has the authority to grant a conditional use permit and variances for an institutional use such as a school in a residential district; and

WHEREAS, the Sycamore Township Board of Zoning Appeals finds that the granting of the conditional use permit requested in the 2019 Application will not seriously affect the public convenience, prosperity, and general welfare of the Township and the adjoining property owners;

NOW THEREFORE, BE IT RESOLVED, by the Sycamore Township Board of Zoning Appeals:

SECTION 1. The Board hereby makes the following findings of fact and conclusions of law:

- a. The Real Property is located at 7745 and 7755 Kennedy Lane;
- b. The Real Property is zoned "B" single family residential;
- c. The applicant is proposing to install and use a parking lot with space to park 117 vehicles; the 2018 Application proposed 130 parking spaces;
- d. Buffering is proposed around the parking lot; the 2018 Application proposed a 10 foot buffer on the west property line, the 2019 Application proposes a 20 foot buffer on the west property line;
- e. The proposed parking lot would include a mounded 8 foot high privacy fence of sound deadening materials; the 2018 Application proposed a 6 foot high privacy fence;
- f. The 2019 Application proposes an increase in landscape planting on the perimeter of the proposed parking lot with additional trees and shrubbery that constitutes an increase in the landscaping from the proposed 2018 Application;
- g. The proposed parking lot would contain outdoor lighting not exceeding 4 to 6 feet in height; the 2018 Application proposed outdoor lighting 25 feet in height;
- h. the 2019 Application provides for an improved drainage system that will benefit the neighboring properties;
- i. The parking lot is intended for use during normal school operations and special events;
- j. The Board has the right to consider the public convenience, prosperity, and general welfare of the Township in deciding whether to grant a conditional use permit;
- k. The Board finds that there are substantial changes between the 2018 Application and the 2019 Application;
- l. The Board finds, through the testimony and exhibits presented, that the proposed conditional use is appropriate in the location proposed;
- m. The Board finds that Section 17-6 of the Zoning Resolution is satisfied because the proposed conditional use is appropriate in the proposed location and as a result, the health, safety, and general welfare of the Township will be enhanced by this proposal;
- n. The Board finds that Section 17-6(a) of the Zoning Resolution is satisfied as the proposed parking lot is in keeping with the spirit and intent of the Sycamore Township Zoning Resolution;
- o. The Board finds that Section 17-6(b) of the Zoning Resolution is satisfied as the proposed parking lot will not have an adverse effect upon the surrounding properties, nor will it have an adverse effect on the public health, safety, morals and general welfare of the Township;
- p. The Board finds that Section 17-6(c) of the Zoning Resolution is satisfied as the proposed use and development will respect the natural features of the Real Property and that there are no scenic nor historic features of significant public interest;

- q. The Board finds Section 17-6(d) of the Zoning Resolution is satisfied as the proposed use and development is consistent with the objectives, policies and plans related to land use adopted by the Board of Township Trustees;
- r. The Board finds that the Application is appropriate for the location proposed, is in keeping with the spirit and intent of the Sycamore Township Zoning Resolution;
- s. The Board finds that the Specific Criteria Pertaining to Conditional Uses under Section 17-7 of the Zoning Resolution being Numbers 12, 15(a), 15(c), 16(c), and 19 have been met.

SECTION 2.

The 2019 Application of Moeller High School, for the Real Property located at 7745 and 7755 Kennedy Lane, Sycamore Township, Hamilton County, Ohio is hereby approved, subject to the following condition:

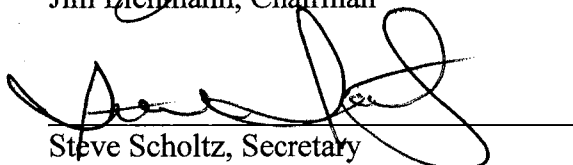
- a. There shall be no vehicular nor pedestrian access for ingress, egress, to Kennedy Lane

VOTE RECORD: For Approval of the 2019 Application

Mr. Scheve -	<u>YAY</u>
Mr. Leugers -	<u>YEA</u>
Mr. Eichmann -	<u>YEA</u>
Mr. Heidel -	<u>YEA</u>
Mr. Scholtz -	<u>YEA</u>

2019 APPLICATION APPROVED, subject to a condition, at a meeting of the Sycamore Township Board of Zoning Appeals this 6th day of November, 2019.


Jim Eichmann, Chairman


Steve Scholtz, Secretary