

SYCAMORE TOWNSHIP BOARD OF ZONING APPEALS

RESOLUTION NO. SYCB190013

A RESOLUTION DENYING A REQUEST FOR A CONDITIONAL USE PERMIT FOR AN INSTITUTIONAL USE IN AN AREA ZONED FOR RESIDENTIAL USE

WHEREAS, Five Star Equity Investors, LLC, (the “Applicant”) made application (the “Application”) for a conditional use permit to construct a church with supporting parking and infrastructure on the real property located at 6100, 6331, 6341, 6491 and 6551 Kugler Mill Road, Sycamore Township, Hamilton County, Ohio, being Hamilton County Auditor’s Parcel Numbers 600-0094-0001-00, 600-0094-0002-00, 600-0092-0046-00, 600-0092-0298-00, 600-0092-0045-00 and 600-0092-0048-00 (the “Real Property”); and

WHEREAS, notice of a public hearing to consider the 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, a public hearing was held on July 15, 2019 by the Sycamore Township Board of Zoning Appeals to consider the Application;

WHEREAS, at the public hearing on July 15, 2019 sworn testimony 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 church 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 Application will 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 6100 (Parcel Numbers 600-0094-0001-00 and 600-0094-0002-00), 6331, 6341, 6491 and 6551 Kugler Mill Road;
- b. The Real Property is zoned “B” single family residential;
- c. The applicant is proposing to construct a church building with supporting parking lot and infrastructure;

- d. 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;
- e. The Board finds, through the testimony and exhibits presented, that there will be a negative impact to the surrounding community due to the proximity of the proposed church building and parking lot to adjacent residential properties;
- f. The Board finds that Section 17-6 of the Zoning Resolution is not satisfied because the proposed conditional use is not appropriate in the proposed location and as a result, the health, safety, and general welfare of the Township will be negatively affected by this proposal;
- g. The Board finds that Section 17-6(a) of the Zoning Resolution is not satisfied as the proposed institutional use will not comply with the spirit and intent of the Zoning Resolution;
- h. The Board finds that Section 17-6(b) of the Zoning Resolution is not satisfied as the proposed institutional use will have an adverse effect upon the surrounding properties in that it will reduce property values in the area of the proposed use;
- i. The Board finds that Section 17-6(c) of the Zoning Resolution is not satisfied as the proposed use and development does not respect the natural features of significant public interest;
- j. The Board finds that the proposed institutional use is not compatible with Section 17-6(d) of the Zoning Resolution as it is not consistent with objectives, policies and plans related to land use adopted by the Board of Township Trustees;
- k. The Board finds that the Application is not appropriate for the location proposed, is not in keeping with the spirit and intent of the Sycamore Township Zoning Resolution; and that there are not sufficient conditions that the Board could impose that would make the Application compliant with the spirit and intent of the zoning resolution.

SECTION 2. The Application of Five Star Equity Investors, LLC, for the Real Property located at 6100, 6331, 6341, 6491 and 6551 Kugler Mill Road, Sycamore Township, Hamilton County, Ohio is hereby denied.


VOTE RECORD: For Denial of the Application

Mr. Scheve -	Aye
Mr. Eichmann -	Nay
Mr. Heidel -	Aye
Mr. Scholtz -	Aye

APPLICATION DENIED at a meeting of the Sycamore Township Board of Zoning Appeals this 5 day of August, 2019.



 Jim Eichmann, Chairman



 Steve Scholtz, Secretary