

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
DECEMBER 1, 2022**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on December 1, 2022, at 5:30 p.m. at the Anderson Center. Present were the following members:

Paul Sheckels, John Halpin, Steve Haber, Paul Sian, and Jeff Nye

Also, present when the meeting was called to order, Paul Drury, Director, Brendan Cloutier, CO-OP, Lauren Gleason, Planner I, and Chris Cavallaro, Planner I. A list of citizens in attendance is attached.

Staff and members of the public were asked to raise their right hand and swear or affirm to the following oath as read by **Mr. Sheckels**: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you God?

Staff and those testifying replied "yes" to the oath issued by **Mr. Sheckels**.

Approval of Agenda

The Agenda for December 1, 2022 was approved by unanimous consent with no objections from the Board.

Approval of Minutes

The Minutes for November 3, 2022 were approved by unanimous consent with no objections from the Board.

Consideration of Case 31-2022 BZA

Mr. Cloutier stated that the public hearing was for Case 31-2022. The request was filed by Melissa and John Adkins, property owners, located at 304 Bishopsbridge Dr, (Book 500, Page 320, Parcel 065) zoned "A-A" Residence.

Mr. Cloutier stated that the applicant is requesting a variance request for an addition of a covered porch, size 16' x 22', in the rear yard area with a setback of 46'-9", where a 60' rear yard setback is required per Article 3.1, D, 2, c of the Anderson Township Zoning Resolution.

Mr. Cloutier stated the applicant is proposing the construction of an addition, covered porch, size 16' x 22', in the rear yard area with a setback of 46'-9", where a 60' rear yard setback is required. This porch addition would be attached to a new kitchen addition which does not require a variance.

Mr. Cloutier stated that the home was built in 1992. The current owners purchased the home in 2018 and moved into the home in the spring of 2019. In May of 2022 the home experienced a fire causing extensive damage on the interior of the home. Now the owners are looking to renovate and reconstruct everything all at once which includes a new covered porch addition that requires the variance. This home has been vacant since the fire. It should be noted that this

addition will be attached to a kitchen addition that will be on the rear of the home as part of the overall renovations to the property.

Mr. Cloutier stated that to authorize by the grant of a special zoning certificate after public hearing, the Board of Zoning Appeals shall make a finding that the proposed variance is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 2, b.

Mr. Cloutier stated that staff is of the opinion that the variance would not be substantial. While the house is currently built at a setback of 60', the addition would bring the house 46'-9" from the rear property line. The property is located on a large lot on a private drive and heavily wooded, so the addition would not be visible to adjacent properties. In addition, there is steep topography to the rear which faces the Withrow Nature Preserve (a Hamilton County Great Parks property), so the covered porch addition would not be visible to any rear neighbor.

Mr. Cloutier stated the essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The property is on a private drive on a large pan handle lot with few neighbors who can view the house. While the home experienced a fire earlier this year and is undergoing renovations and reconstruction, it is staffs' understanding that the only large exterior changes are the kitchen addition (does not require a variance) and covered porch addition that will match the character of the rest of the home. The covered porch addition would not alter the character of the neighborhood, nor would it be visible to any neighboring property.

Mr. Cloutier stated that the variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).

Mr. Cloutier stated that the property owners purchased the property with knowledge of the zoning restrictions.

Mr. Cloutier stated that the property owners' predicament may not be feasibly obviated through another method other than a variance. The placement and orientation of the home on the lot restricts any further additions onto the rear of the home. The proposed location of the covered outdoor space seems to be the most logical due to the orientation of the home.

Mr. Cloutier stated that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Staff is of the opinion that due to the property's topography in relation to the private drive, the amount of foliage surrounding it, as well as it being located off of a private drive, the essential character of the neighborhood would not be altered. The majority of the fire related damage to the home was interior, therefore, the character of the exterior would not be lost during reconstruction. The changes to the exterior are the kitchen and covered porch addition to the rear of the house. However, due to the previously stated reasoning, these additions would not create substantial detriment to the neighborhood character.

Mr. Cloutier stated the standards to be considered.

Mr. Sheckels asked if there were any questions from the board.

Mr. Nye asked if he has it right that it's a 22' or 24' porch but only half of it requires a variance? In other words, the first 10' or so are permitted based on the sketch, the line cuts right through right where the deck would be and so only what's above it on this view would require the variance?

Mr. Cavallaro stated yes that's correct, that line represents the setback.

Mr. Sheckels asked if there were any other questions from the board.

Mr. Sheckels asked if the appellant or appellant's representative would please come to the podium, speak their name into the microphone, state their address, any affiliation and present their appeal.

Mr. John Adkins stated that he is the homeowner, and his appeal is that he'd like the porch.

Mr. Sheckels asked if his address was 304 Bishopsbridge Dr.

Mr. Adkins confirmed his address.

Mr. Sheckels asked if there was anything else he'd like to add.

Mr. Adkins said no, not particularly.

Mr. Sheckels asked if there were any questions from the board.

Mr. Nye asked if the design was going to be consistent with the design of the existing home.

Mr. Adkins stated yes.

Mr. Sheckels asked if there were any further questions from the Board.

Mr. Sheckels asked if there was anyone else who'd like to speak in support of the appeal.

Mr. Sheckels asked **Ms. Amy Broghamer** to raise her right hand and swear or affirm to the oath as read by Mr. Sheckels.

Ms. Broghamer replied yes.

Ms. Broghamer, 8053 Meadowcreek Drive, stated that she was a local real estate agent and familiar with the property. The property backs up to quite a wooded area, so it's not going to impede on other neighbors, nor would anyone be able to see it because it's so far tucked back in the subdivision. It won't harm value around it or near it.

Mr. Sheckels stated that the property behind 304 Bishopsbridge is the Withrow Nature Preserve.

Mr. Sheckels asked anything further, then asked any questions from the board.

Mr. Sheckels asked if there was anyone else who'd like to speak in support of the appeal.

Mr. Sheckels asked if there was anyone who'd like to speak against the appeal.

Mr. Sian moved to close the public hearing and **Mr. Nye** seconded the motion.

The public hearing was closed at 5:42 pm.

Deliberation of Case 31-2022 BZA

The board discussed the variance request to allow a 16' x 22' addition, a covered porch, in the rear yard area with a 46'-9" rear yard setback where a 60' rear yard setback is required, for the property located at 304 Bishopsbridge Drive (Book 500, Page 320, Parcel 65), per Article 3.1, D, 2, c of the Anderson Township Zoning Resolution, submitted by Melissa & John Adkins, property owners of 304 Bishopsbridge Drive, zoned "AA" Residence.

Vote: 5 Yeas

Mr. Nye Motioned

Mr. Sian Seconded

Mr. Sian moved to come out of executive session, **Mr. Halpin** seconded the motion.

Consideration of Case 32-2022 BZA

Mr. Cavallaro stated that this public hearing was for Case 32-2022 BZA. The request was filed by Coleman 16 LLC (Brandon and Brittany Atkins), property owners, located at 7492 Towerview Lane, (Book 500, Page 211, Parcel 294) zoned "B" Residence.

Mr. Cavallaro stated that the request was a conditional use request to allow a short-term rental (SRT) facility, for the property located at 7492 Towerview Lane (Book 500, Page 211, Parcel 294), per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Cavallaro stated that the applicant proposed to operate a Short-Term Rental in an existing single-family residence. The applicant has not proposed any changes to the exterior of the property.

Mr. Cavallaro stated that in December of 2021 the current property owner purchased the property.

Mr. Cavallaro stated that on October 6, 2022, the Township received a complaint of a fence without a permit and a Short Term Rental at the property; a violation letter was sent on October 11, 2022. Mr. Atkins called on October 18, 2022, to discuss how to resolve the violations.

Mr. Cavallaro stated that on October 18, 2022, the fence contractor for 7492 Towerview Lane came in to apply for a fence permit. October 19, 2022, the fence permit was issued for 4' high 75% open fence, and 6' high privacy fence in the rear yard.

Mr. Cavallaro stated that upon inspection of 7492 Towerview Lane, the 6' high privacy fence comes into the side yard partially on the left-hand side of the property, which does not comply with the zoning certificate (Z2022-0534) that was issued on October 19, 2022. The applicant has not requested a variance for the 6' tall fence in the side yard, therefore it needs to be relocated to the back corner of the house to be brought into compliance.

Mr. Cavallaro stated that in April 2020, the Anderson Township Board of Trustees adopted text amendments to the Zoning Resolution which made Short Term Rentals a conditional use in single-family residence zoning districts.

Mr. Cavallaro stated that in 2022 there have been three cases for conditional uses for Short Term Rental facilities (not including Cases for December BZA) and all three conditional uses were granted.

Mr. Cavallaro stated to authorize by the grant of a special zoning certificate after a public hearing, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The findings shall be based upon the general considerations set forth in Article 2.12, D, 8 as well as the designated specific criteria for specific uses (Short Term Rental) contained in Article 5.4, I, 15.

Mr. Cavallaro stated the General Considerations in Article 2.12, D, 8: Spirit and Intent: The proposed use and development would comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

Mr. Cavallaro stated No Adverse Effect: It is unclear if the proposed Short Term Rental would have an adverse effect upon adjacent property, or the public health, safety, and general welfare. The applicant has indicated that the property has limitations on the number of people permitted to stay at the house and no party conditions. Maximum occupancy has not been provided. In addition, the applicants live in Anderson Township, however it is unclear if they will also be staying in the house while rented out for the Short Term Rental.

Mr. Cavallaro stated Protection of Public Services: The proposed Short Term Rental will respect natural, scenic, and historic features of significant public interest. The applicant has not changed the exterior of the existing single-family residence other than the fence. The fence will need to be brought into compliance with the approved zoning certificate.

Mr. Cavallaro stated Consistent with Adopted Township Plans: The proposed Short Term Rental is consistent with the Anderson Township Zoning Resolution as the existing property is compliant with the height and setback requirements for the property. The conditional use is in accordance with the following areas of the Township's Comprehensive Plan: The project is consistent with the following goal and initiative in the "Housing" chapter in the 2022 Comprehensive Plan, which states: "Anderson Township is home to diverse housing options to meet changing demographics and market demands", "Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the township" This property is designated for single-family residential use on the Future Land Use Map, and staff feels that the proposed Short Term Rental is consistent with this use classification.

Mr. Cavallaro stated the Specific Criteria in Article 5.4, I, 15, for Short Term Rental

Mr. Cavallaro stated f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. Compliant

Mr. Cavallaro stated h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. Compliant

Mr. Cavallaro stated I. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. Compliant – the applicant has a list of guidelines and restrictions within the rental agreement which all incoming guests are expected to adhere to. The owners do live in the Township and their adult son lives in the house in question. It is unclear if the son and caregiver will remain in the house during rentals. If they do stay in the house, this will also minimize potential nuisances to adjacent properties.

Mr. Cavallaro stated m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible. Compliant – no proposed changes to the existing structure. However, there is a fence that needs to be brought into compliance with the approved zoning certificate.

Mr. Cavallaro stated s. All exterior lighting shall be directed away from adjacent residential properties. Compliant – no changes to lighting proposed.

Mr. Cavallaro stated v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility. Compliant – the applicant stated that contact information will be distributed to surrounding neighbors in a 200' radius so they contact the property owners on any issues, but it is unclear if this has been done.

Mr. Cavallaro stated x. Meals shall be served only to guests or residents of the facility and not to the general public. Compliant – no meals will be served.

Mr. Cavallaro stated z. An emergency response plan shall be submitted detailing safety measures and response procedures. Compliant – an emergency plan is provided with emergency information. The property is equipped with a fire extinguisher, smoke detectors, and carbon monoxide detectors.

Mr. Cavallaro stated if approved, staff recommends that the Board of Zoning Appeals applies the condition that the property either be locally owned or have a local property manager to comply with conditions “I” and “v”. As well as move the fence to the approved location from Z2022-0534 to bring property into zoning compliance.

Mr. Cavallaro stated the standards to be considered.

Mr. Sheckels asked if there were any questions from the board.

Mr. Nye asked to confirm that there was no variance application for the fence.

Mr. Cavallaro stated no.

Mr. Nye stated that the staff report said that there have been three cases this year for Short Term Rentals, is that right, he thought the one on Strathcoma was denied.

Mr. Cavallaro stated that he believes all three were approved.

Mr. Drury stated that all three were approved.

Mr. Sheckels stated that there were conditions on them.

Mr. Nye stated that that’s not how he remembered it.

Ms. Gleason stated that it was denied on the straw poll, but it was approved at a later meeting, the third meeting, because it was continued two times and that’s when it was passed.

Mr. Nye asked to view the aerial view if possible. Immediately south of this property, the area between Towerview and Mercy (Hospital), that’s going to be developed right?

Mr. Drury stated yes, the area in between Towerview and the creek that separates it from Mercy. There’s an old white farmhouse with a barn garage, that property is going to be developed into a single family subdivision.

Mr. Nye asked about three dozen houses.

Mr. Drury replied about 35 single family residences.

Mr. Nye asked if **Mr. Drury** could tell them anything else about the general development.

Mr. Drury stated that it was a zone change because they requested a Community Unit Plan so the homes are going to be clustered, and only half of the property can be developed and the other half will remain open space. The open space is part of the Community Unit Plan and that's where the creek is, so the homes will be focused more on the flat surface closer to Towerview Lane, and the undeveloped portion will be the Creek.

Mr. Haber stated that there seemed to be a bit of lack of clarity. Maybe these are questions for the appellant... **Mr. Nye** did talk about the fence being non-compliant but there not being any plan for resolution there. Under 'No Adverse Effect' "it's unclear if the Short Term Rental would have adverse effect on adjacent property", so there's some things, from staff's point of view, that aren't clear.

Ms. Gleason stated that since the staff report was written that she has been in contact with the fence contractor who said he would move the fence into compliance.

Mr. Haber stated that there is a lack of clarity about if the son and the caregiver are going to remain in the house. Regarding item v. 'the applicant will provide a plan...' wants to understand if they were there to hear testimony about how the appellant is going to resolve these issues or are these issues that shall be a part of the application process. This being new he's not sure and kind of general on that right now.

Mr. Haber stated regarding parking, it says, "parking shall not be permitted in the area defined as the front yard setback" and in the appellants house rules, parking is available in the garage or on the driveway only, no on street parking. **Mr. Haber** stated he was lacking clarity on what is required versus what the appellant may testify tonight; so, he stated he would have a bunch of questions that may be answered as we continue in this case.

Mr. Sheckels asked if parking is a part of the original zoning resolution as it pertains to these cases.

Mr. Drury replied it's a condition, it's condition letter 'f. parking shall not be permitted in the area defined as the front yard setback of the existing zoning district'. The applicant had stated that parking is available in the garage, it's a front entry garage, so if you do choose to approve the Short Term Rental and you feel like a variance is needed that it should be clarified (by the Board). The driveway goes into the front entry garage, there is not a separate parking area being created in the front yard. Staff did not think that it needed a variance, but if the Board feels more comfortable clarifying it, if the Board chooses to approve it, make it a variance.

Mr. Sheckels asked by front yard setback is **Mr. Drury** referring to, the setback or front yard. When **Mr. Drury** said setback, it implies if it's a 50' right of way, it's 25' or 12.5' from the curb that you can park.

Mr. Drury stated correct.

Mr. Haber stated that that's only the right of way, then you have a setback from the right of way.

Mr. Sheckels stated that's what I'm asking.

Mr. Drury stated right, this is the B zoning district so the setback from the right of way is 35'.

Mr. Sheckels stated so, 35' from the right of way, so that's 12.5 ft from the curb.

Mr. Nye asked 35' from the right of way or 35' from the centerline.

Mr. Sheckels stated 35' from the right of way.

Mr. Drury stated 35' from the right of way.

Mr. Sheckels stated it's a 50' right of way...

Mr. Drury stated that **Mr. Cavallaro** would pull up the CAGIS map which shows the right of way. When the Township measures front yard setback, staff measures from the right of way which is that blue line, and a house can be constructed outside of 35' from that blue line.

Mr. Haber stated that's what he saw as the required front yard setback.

Mr. Sheckels stated well that's what we were trying to define, the front yard setback.

Mr. Nye stated the question is, is the driveway in the front yard setback, it looks like it is.

Mr. Sheckels stated what he was asking was, if that's the right of way, we go back 35' from the right of way and that's where they can start parking.

Mr. Nye stated which looks like they can park in the garage not in the driveway, don't ya think?

Mr. Sheckels stated well he'd have to go tape it off, but they could potentially have two cars outside the garage without having to go out with a tape (measure).

Mr. Drury stated again, don't get too hung up on that because this is a single family home, one would use their driveway to park in a single family home, if the Board chooses to approve the Short Term Rental and you don't feel comfortable with that language, put a variance for that letter.

Mr. Sheckels stated okay, I'm just trying to find where the line is for that.

Mr. Drury stated that the intent behind it (condition f) was so no additional parking would be created in the front yard for Short Term Rentals, so it doesn't look out of character with a single family home.

Mr. Sheckels asked anything further, Steve, anything further, John?

Mr. Sheckels asked if maximum occupancy is listed anywhere in the zoning resolution.

Mr. Cavallaro stated no.

Mr. Sheckels stated okay that's what he wanted to know, if there is none then there is none.

Mr. Sheckels asked if the appellant or appellant's representative would please come to the podium, state their name, address, affiliation, and present their appeal.

Mr. Brandon Atkins, 6932 Turpin View Dr, Cincinnati 45244, stated that his siblings run a local family business, Beechmont Racquet Club, and has family that all live in Anderson Township, his children and siblings' children all went through Forest Hills School District. He stated he's moved three times in a four-mile radius and considers Anderson his permanent home. He met his wife Brittany at Turpin High School, and he has a daughter who's 25 and son who is 24. He stated their son has Autism and is non-verbal and communicates with a letter board. He stated his son is a good looking, pleasant young man, he understands everything, but will need supervision the rest of his life and is dependent on himself (Mr. Atkins) and his wife (Mrs. Atkins). He stated that he and his wife have had workers (who help their son) over the years, but it has become more awkward for he and his wife as they feel they have to leave the house when the staffer comes, and if they leave and come back, they feel like they are looking over the staffer's shoulder.

Mr. Atkins stated that a year ago his wife (Mrs. Atkins) decided that it's time for she and her husband to live their lives and decided to pursue a house... 7492 Towerview Lane. He stated that they (Mr & Mrs. Atkins) got the house for their son. Over the winter they bought some furniture and did some things on the house and his wife's relatives came and stayed in the house. He stated that the plan was for his wife (Mrs. Atkins) to stay there one night a week and himself stay there one night a week, and then one weekend a month have his son stay there with a helper.

Mr. Atkins stated that his realtor told him that he should list the house on Airbnb, and Mr. Atkins thought it was a good idea, so he googled Airbnb Anderson Township and many listings popped up. He stated they he took photos and listed the house to see what happens, in that time frame he had about eight renters who had various things like family in town for holidays, for a Bengals game, for a wedding reception, etc. So that's how this all started. He stated that he didn't know that this wasn't allowed until he received a letter. He stated he had a VRBO property in Florida for 10 years and had never had to go through this and didn't know any better. He stated that what he described was his situation and hoped this will be their (Mr. & Mrs. Atkins) son's home. As they get help that will be their son's home, Mr. Atkins stated he drives there on his way to and from work.

Mr. Sheckels asked if there were any questions from the board.

Mr. Halpin asked about the Short Term Rental.

Mr. Atkins stated that there were questions; the stated maximum occupancy is six people, it's a three bedroom, the site in question (7492 Towerview Lane) is right across the street from

Clough Church where all the kids sled ride, about a block and a half away. He stated that his family will not be staying there with the rental.

Mr. Halpin asked where Mr. Atkins' son will be.

Mr. Atkins stated that his son will be with him and his wife at home (6932 Turpin View Drive), he stated he lived right by Turpin High School and passes by there on his way to work.

Mr. Sheckels asked if he distributed notices to neighbors.

Mr. Atkins said he stopped by his neighbors' houses with a note that said who he was and what he's doing and his contact information. He stated while he understands some apprehension, if he found out his neighbor was doing an Airbnb his first thought would be ah, they're going to have parties and it'll be loud and it's going to be a mess, but a lot of people don't do that. If you've ever done Airbnb, VRBO, even Uber, it has a rating system and if you get bad reviews people aren't going to rent to you or pick you up in Uber and it takes care of itself. He stated that he and his wife have put a lot of money into the property already and it's never looked better. His wife cleans the house, and he (Mr. Atkins) does the yard work to get it ready. He stated he wants to comply with anything and everything he needs to, and as far as the fence goes, he doesn't feel like he is the guy to speak to it. He stated he hired a fence contractor who said in the midst of all this the neighbor to the left moved in and had a Pitbull (dog breed). He stated he suspected what happened was that the fence guy, who is a member of the Beechmont Racquet Club, maybe jumped him in line and probably couldn't go through the permit process as timely as he would have liked.

Mr. Atkins stated, as far as the offset (of the fence), it was about 2 feet off the back of the house, the contractor said his installer ran into trouble with a big rock that he hit and said what's the big deal, it's 18", maybe 2'. He stated that he asked his fence contractor if he wants to fight this that he will delay this another month, and the fence contractor said that he would just move it. He stated that the fence will be moved by year end.

Mr. Sheckels asked if there were any other questions from the Board.

Mr. Haber asked if **Mr. Atkins'** son lives there (7492 Towerview Lane) currently.

Mr. Atkins stated no, his son lives with he and his wife (at 6932 Turpin View Dr).

Mr. Haber asked if **Mr. Atkins** is looking for this (7492 Towerview Lane) to be a residence for his son in the long term.

Mr. Atkins stated that's correct.

Mr. Haber asked if **Mr. Atkins** will continue the Short Term Rental then (when it's his son's long term home).

Mr. Atkins stated that they (the Atkins family) need about three to four workers is what it amounts to, and they currently only have one worker.

Mr. Haber asked to take care of your son?

Mr. Atkins stated that's right, so we need to build our staff and it'll take some time and it's hard for him and his wife to let go somewhat. Over a period of years, it is the Atkins's plan for their son to be there (7492 Towerview Lane).

Mr. Haber asked with the caregivers there and this would be your son's permanent home.

Mr. Atkins stated yes.

Mr. Haber asked if there was a time frame for when that would happen.

Mr. Atkins stated no, COVID had made it more difficult to hire people, but yes if they found someone tomorrow, they would move in that direction.

Mr. Sian asked when did **Mr. Atkins** list this on Airbnb.

Mr. Atkins stated guessing August.

Mr. Sheckels asked if there were any further questions from the Board or anything further from **Mr. Atkins**.

Mr. Atkins stated that he was unsure about the parking thing and asked if the Board was just looking that a car doesn't park in front of the home or can they just park in the street there against his house. He stated he wasn't sure what the Board was getting at, he's (Mr. Atkins) assuming that anyone would park in the driveway or the garage because it's closest and most convenient.

Mr. Halpin stated that he thought the logic might be that people might park in the grass.

Mr. Atkins stated yeah that's not going to happen.

Mr. Halpin stated that as long as the driveway and the garage are being used that it's not a problem.

Mr. Sheckels asked if there's anyone who would like to speak in support of the appeal. Please come to the podium give us your name, address...

Mr. Charley Wilson stated that has lived on Towerview for 54 years, it was a nice neighborhood and went downhill over the years.

Mr. Drury asked **Mr. Wilson** to give his address.

Mr. Wilson stated there are three other rentals we know of on the street.

Mr. Sheckels asked the address that you're at, your address.

Mr. Wilson stated his house is here and we're right here. We were basically thrown into this and had no knowledge it was going on.

Mr. Halpin asked, but what's your address.

Mr. Wilson stated 7481. He and his wife (and neighbors on the street) had no idea anything was renting, until a lady came over who was renting the place... his wife and himself (Mr. & Mrs. Wilson) take very good care of their place... and they asked he and his wife how they felt about it. It was on a short-term basis; they had no knowledge of it. So that was good, it was going on, nobody knew. The other rentals (long-term) on the street have caused problems. **Mr. Wilson** stated he thought it would be better off with short term (rentals), where it could go to somebody who wasn't a problem. **Mr. Wilson** stated that he thought **Mr. Atkins** didn't check it out too well. Years ago, the house on the left put up a fence and the zoning commission said, 'that fence is okay because that's his side yard'. **Mr. Atkins's** fence is in the side yard too and I don't blame him for putting it there... so that might be something to consider. **Mr. Wilson** stated he doesn't really see a problem with it (the Short Term Rental) some people thought it's going to be a business, aren't the other three houses a business, when one thinks about it aren't the other three a business, somebody bought a house to rent, making money off of it.

Mr. Wilson stated there's only two things he objected to, cause I got a letter from the township (referring to Anderson Township public hearing notice) attached with **Mr. Atkins** letter, and **Mr. Wilson** stated he came here (to Anderson Center) and said this (the public hearing notice) is wrong and he said he was told he didn't understand government, a notice should just be sent letting him know the hearing is going on and that's it, and let **Mr. Atkins** later... **Mr. Atkins** did come around and tell everybody about it, and **Mr. Wilson** stated he (**Mr. Atkins**) forced everyone into it, but he (**Mr. Wilson**) has no objections to anything wrong as long as the place stays the way it's been. There's been no problem whatsoever over there (7492 Towerview Lane).

Mr. Sheckels asked if there were any other questions from the Board.

Mr. Sheckels asked if there was anyone else who'd like to speak in support, please come to the podium state your name, address, and your affiliation.

Mr. Walt Kauscher, 7511 Towerview Lane, stated that he lived across the street from the property but he's not familiar with Short Term Rentals.

Mr. Kauscher asked if he could ask questions to the Board.

Mr. Sheckels stated sure.

Mr. Kauscher stated that he doesn't know how this all works, then asked if there were laws or parameters to take care of safety and congestion possible of multiple... it's a three bedroom

house so one can put a lot of people in there and he stated that he wasn't sure if there were restrictions on the amount of people, and 'short term' doesn't that mean one day or is it a month of two months.

Mr. Sheckels asked if one of the staff members would like to address those questions.

Mr. Sheckels stated that the Board already answered the max occupancy, there is no max occupancy.

Mr. Kauscher asked there is no max, then stated that he had a hearing problem and eye problem and couldn't see (what was on the screen).

Mr. Sian stated that the owner (**Mr. Atkins** stated that the max occupancy was six.

Mr. Sheckels stated that the owner (**Mr. Atkins** said that), but there's nothing in the Resolution correct.

Mr. Kauscher stated then there aren't any standard rules for this type of business.

Mr. Sheckels stated that there are rules, then asked **Ms. Gleason** if she wanted to address the general the zoning for it.

Ms. Gleason stated that in general the timeframe for Short Term Rentals is defined as any period of time that's less than 30 days.

Mr. Kauscher asked so any period less than 30 days.

Ms. Gleason stated yes.

Mr. Kauscher asked, so there isn't a minimum maximum, like two-day rental or one day. (**Mr. Atkins** stated that he had a three-day minimum).

Mr. Kauscher stated that he didn't know how one would screen the people and that's a concern for Towerview residents. The history of Towerview in recent years with all the criminal activity and each time it was renters, so there are some concerns. There are young families and small children, in fact there's a family directly across the street from this property (7492 Towerview Lane) with three young children with a six year old little girl, so Towerview residents have concerns... (the residents of Towerview Lane) don't know these people, one day there may be an incident and there's nobody there to check, he (**Mr. Kauscher**) guessed that he (**Mr. Atkins**) could call a neighbor to look over the property when they're (**Mr. Atkins**) not there. In today's world with all the killings and the drugs, he stated he wasn't sure how that's controlled.

Mr. Halpin asked if **Mr. Kauscher** was speaking for this application or against this application

Mr. Kauscher stated that he's against it, then asked if it sounded like he was for it.

Mr. Sheckels stated that he called people up who were speaking for it, but that's fine, go ahead and finish since **Mr. Kauscher's** here and finish the testimony.

Mr. Kauscher stated that he didn't understand.

Mr. Halpin asked, so you're speaking against this.

Mr. Kauscher stated yes.

Mr. Sheckels stated alright that's clarification.

Mr. Kauscher stated that it wasn't clear.

Mr. Nye stated that **Mr. Kauscher** mentioned that there had been crime on Towerview (Lane) in recent years, he stated that he (**Mr. Nye**) wasn't aware of any of that, then asked if **Mr. Kauscher** could tell the Board more about that.

Mr. Kauscher stated that Charley (**Mr. Wilson**) knows more, but he knows that there was a felon, they might be in jail now and assault with a weapon (he tried asking **Mr. Wilson** in the audience about the renters).

Mr. Nye stated to stick with him (**Mr. Kauscher**) for now and if **Mr. Wilson** wants to come back up, the Board can let him in a minute, but tell me what you (**Mr. Kauscher**) know.

Mr. Kauscher stated well he knew that there was... he doesn't know he doesn't remember all the details, but there was an incident.

Mr. Nye asked so **Mr. Kauscher's** concerns are that he won't know who's there, he's worried that it will be overcrowded, he's worried that it might bring a criminal element.

Mr. Kauscher stated yes, he wasn't sure how that's policed.

Mr. Nye stated so **Mr. Atkins** said...(interrupted by **Mr. Kauscher**).

Mr. Kauscher stated there was a time there was three cars in the driveway and one time saw some dogs in the backyard...

Mr. Nye asked if he (**Mr. Kauscher**) had any similar concerns in respect to long-term rentals. For example...

Mr. Kauscher stated that he didn't know, he guessed...

Mr. Nye stated that **Mr. Atkins** was going to require renters to be there for a minimum of three nights, then asked **Mr. Kauscher** if it made it less risky to him in his view than if they (renters) could only be there one night.

Mr. Kauscher stated that he didn't think that it made much difference, he didn't know.

Mr. Nye asked if it would make a difference if it was...

Mr. Kauscher stated one day is enough to have... cause a problem. He stated that with the conditions of the world today you don't know who's... someone rents it three times a week or so, you (figurative) know, that's how many people could be in these places (referring to Short Term Rentals). He stated he thought Milford... forbids Short Term Rentals.

Mr. Sheckels asked if **Mr. Kauscher** had any additional concerns that you haven't expressed.

Mr. Kauscher stated no that's probably it.

Mr. Sheckels stated alright, thank you, then asked if the Board has any more questions for this witness.

Mr. Sheckels stated just to clarify (with staff) that **Mr. Kauscher** is against it.

Mr. Sheckels asked if there was anyone who'd like to speak in support of this application.

Mr. Sheckels asked if there was anyone left who'd like to speak against this application.

Mr. Sheckels stated hearing none...

Mr. Nye asked if the Board could go back to the applicant.

Mr. Sheckels asked **Mr. Nye** if he (**Mr. Nye**) wanted him (**Mr. Atkins**) to come back, then asked **Mr. Atkins** to please come to the podium again.

Mr. Nye stated that he knew **Mr. Atkins** lived not too far away, and drives by the property regularly; one of the things, and he (**Mr. Nye**) stated that he may be misremembering things in the application, one of the things that the Board sees in these applications (Short Term Rental BZA applications) are electronic locks, there are video cameras on the exterior of the building, there are noise monitors where if it gets too loud the owner will get an alert on their phone or that kind of thing.

Mr. Nye asked if he (**Mr. Atkins**) had looked into any of those systems or devices that might help you police against unruly tenants so to speak.

Mr. Atkins stated yes, (there is) an electronic keypad for the door entry, but he would have (get)... after seeing this... he will get cameras on the front and the back.

Mr. Sheckels asked if **Mr. Nye** had anything else.

Mr. Nye asked if **Mr. Atkins** had a three-night minimum.

Mr. Atkins stated yes.

Mr. Nye asked if **Mr. Atkins** had a maximum.

Mr. Atkins stated no, not at this time. It (the booking schedule/system) is blocked out Monday through Thursday and the weekend that the caregiver is there... she (his wife) said that they (Mr. & Mrs. Atkins) didn't get the place (7492 Towerview Lane) to run a business and that they are going to spend the night there one night; so she (his wife) spends the night (at 7492 Towerview) and **Mr. Atkins** goes to golf and spend the night with him (his son at 6932 Turpin View Dr) and she (his wife) goes out with the girls, and then one night a month they (Mr. & Mrs. Atkins) do whatever they want. So really, it's three- or four-day rentals.

Mr. Sian asked **Mr. Atkins** if he allowed pets in the rental.

Mr. Atkins stated no, what he (**Mr. Kauscher**) was referring to was his (**Mr. Atkins's**) family. Someone was listing their house and they (his family) brought their dogs over for the backyard because it's fenced in... they were showing a house.

Mr. Sheckels asked if there were any further questions from the Board.

Mr. Sheckels asked if **Mr. Atkins** had anything else he'd like to address.

Mr. Atkins stated no.

Mr. Sheckels stated okay thank you, then asked if there was a motion to go into executive session.

Mr. Sian moved to close the public hearing, **Mr. Nye** seconded the motion.

The public hearing was closed at 6:28 pm.

Deliberation of Case 32-2022 BZA

The Board discussed the conditional use request to allow a short-term rental (SRT) facility, for the property located at 7492 Towerview Lane (Book 500, Page 211, Parcel 294), per and Article 5.4, I, 15 of the Anderson Township Zoning Resolution, submitted by Brandon and Brittney Atkins, property owners of 7492 Towerview Lane, zoned "B" Residence. The board discussed in detail and took a straw vote.

Vote: 5 Yeas

Mr. Haber Motioned

Mr. Sian Seconded

Mr. Sian motioned to come out of executive session, **Mr. Halpin** seconded the motion.

Consideration of Case 33-2022 BZA

Mr. Cavallaro stated that the public hearing was for Case 33-2022. The request was filed by Andrew & Carissa Crawford, property owners, located at 7071 Hunley Road, (Book 500, Page 290, Parcel 155), zoned "A-2" Residence.

Mr. Cavallaro stated that the applicant is requesting a conditional use to allow a Short Term Rental (STR) facility for the property located at 7071 Hunley Road (Book 500, Page 290, Parcel 155) per Article 5.4, I, 15 of the Anderson Township Zoning Resolution. The definition of a Short Term Rental is as follows: The rental of a primary residence or portion thereof for a period of less than 30 nights, for which the guest compensates a hosting platform, owner, or lessee of the unit.

Mr. Cavallaro stated the permitting history: After a fire at the original non-conforming house, a zoning certificate was issued, Z2011-0398, for repair of residence as granted through Case 19-2011 BZA, October 6, 2011. Ultimately these repairs were not made and the house was removed. In 2017 a zoning certificate was issued, Z2017-0059, for a new single family residence with a front yard setback of 16.3', where 40' is required, granted with Case 32-2015 BZA, December 3, 2015, with 3 conditions: 1. Construction shall be started within 1 year and completed within 3 years of the date of this decision. 2. Substantial conformance with the previous home's footprint on plans dated November 13, 2015 is required, compliant with the main rectangular footprint. 3. Future access to the site shall be reviewed and approved by the Hamilton County Engineer.

Mr. Cavallaro stated that in March 2020 the current property owners purchased the property. The property owner also registered the property with Hamilton County for residential rental in March of 2020.

Mr. Cavallaro stated that on October 14, 2022, the Township received a call from Andrew Crawford, property owner, asking about how to obtain a Short Term Rental zoning certificate. He was given information on how to apply for the Board of Zoning Appeals. No complaint was received about this property regarding an active or nuisance Short Term Rental.

Mr. Cavallaro stated in April 2020, the Anderson Township Board of Trustees adopted text amendments to the Zoning Resolution which made Short Term Rentals a conditional use in single-family residence zoning districts.

Mr. Cavallaro stated that as of now there have been four cases seen and all four have been approved by the Board of Zoning Appeals, this will be the fifth Case of this year.

Mr. Cavallaro stated conditional use findings. Spirit and Intent: The proposed use and development would comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

Mr. Cavallaro stated No Adverse Effect: The proposed Short Term Rental would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare. The applicant has indicated that the property has one exterior camera triggered by motion with DVR recall monitoring. The applicants live in Anderson Township, a 10-minute drive away.

Mr. Cavallaro stated Protection of Public Services: The proposed Short Term Rental will respect natural, scenic, and historic features of significant public interest. The applicant has not changed the exterior of the existing single-family residence. The applicants have indicated that landscaping, lawn, & surrounding areas will be maintained by a professional landscaping company.

Mr. Cavallaro stated Consistent with Adopted Township Plans:

The proposed Short Term Rental is consistent with the Anderson Township Zoning resolution as the Short Term Rental is compliant with the height and setback requirements for the property. The conditional use is in accordance with the following areas of the Township's Comprehensive Plan: The project is consistent with the following goal and initiative in the "Housing" chapter in the 2022 Comprehensive Plan, which states: "Anderson Township is home to diverse housing options to meet changing demographics and market demands", "Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the township". This property is designated for a single-family residential use on the Future Land Use Map, staff feels that the proposed Short Term Rental is consistent with this use classification.

Mr. Cavallaro stated the Specific Criteria.

Mr. Cavallaro stated f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. Compliant.

Mr. Cavallaro stated h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. Compliant – the applicants have listed in the Short Term Rental contract and websites that there can only be two (2) cars in the driveway with no additional parking available.

Mr. Cavallaro stated i. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. Compliant – the applicant has established quiet hours, no parties/events, no smoking/ drug use, all listed within the contract that the guest must agree to when booking the property. There is also an electronic locking system to enter the home and camera that sends notifications to property owners. Mr. & Mrs. Crawford own the neighboring west and east parcels which are vacant land (7019 Hunley Rd. and 7077 Hunley Rd. respectively) with over 800' of frontage on Hunley Road in total. To the northwest and east of this property is Township Greenspace. They have few immediate neighbors that have visibility of the property due to steep topography and foliage to the south and greenspace to the northwest and east.

Mr. Cavallaro stated m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by

code or necessitated by licensing requirements shall not be deemed incompatible. Compliant – no proposed changes to the existing structure other than a fresh coat of paint when needed. The property owners will be required to remove gravel and pave driveway with a hard, dust free surface.

Mr. Cavallaro stated s. All exterior lighting shall be directed away from adjacent residential properties. Compliant – no changes to lighting proposed.

Mr. Cavallaro stated v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility. Compliant – contact information has been distributed to surrounding neighbors and information on how to file grievances with the Township.

Mr. Cavallaro stated x. Meals shall be served only to guests or residents of the facility and not to the general public. Compliant – no meals will be served.

Mr. Cavallaro stated z. An emergency response plan shall be submitted detailing safety measures and response procedures. Compliant – an emergency plan is provided with emergency information. The property is equipped with fire extinguishers, smoke detectors, and carbon monoxide detectors.

Mr. Cavallaro stated that if approved, staff recommends that the Board of Zoning Appeals applies the condition that the property either be locally owned or have a local property manager to comply with conditions "I" and "V". In addition, that the driveway be paved with a hard, dust free surface, as required by the Anderson Township Zoning Resolution.

Mr. Sheckels asked if there were any questions from the board.

Mr. Sian asked if staff could show the overhead map again where the front yard would be.

Mr. Drury stated that this case is a little unique because the Board already granted a variance for the house to be constructed where it is, so the house currently doesn't meet a normal front yard setback in that zoning district which is A-2; again, the staff feels like the intent of that requirement (Specific Criteria h) is not to create a parking area/ pad/lot in the front yard setback. But yes, technically the whole house is in what would normally be the front yard setback in that zoning district.

Mr. Sian stated ... no parking in the front yard setback.

Mr. Sheckels asked if there were any other questions from the Board.

Mr. Nye asked staff to go to the wide topographical map, then asked which ones (parcels/lots) are the Township Greenspace, so 7019 and 7077 are owned by the same/ common ownership, which ones are greenspace then.

Mr. Cavallaro stated where the Township Greenspace was on the map.

Mr. Nye stated that's all, thank you.

Mr. Sheckels asked any other questions, then asked if the applicant or the appellant's representative please come to the podium and please speak their name, address, and affiliation.

Mr. Andrew Crawford, 7071 Hunley Road, stated he was the owner along with his wife and had owned the property since 2020, it had been a long-term rental since with a single tenant who had moved out since September, hence the transition to Short-Term Rental. The intent of the property is to house their (Mr. & Mrs. Crawford's) in-laws from Florida periodically throughout the year, intermittently instead of turning to a long-term rental again, which is registered with the county (Hamilton County) as noted in 2020. He and his wife intend to house their in-laws and use it as a Short Term Rental.

Mr. Sheckels asked if there was anything else he'd (**Mr. Crawford**) would like to present.

Mr. Crawford stated no that's about it, it's (7071 Hunley Rd) maintained professionally, and he and his wife manage the property themselves. They are experienced property managers and have other properties as well.

Mr. Sheckels asked if there were any questions from the Board.

Mr. Sian asked where **Mr. Crawford** lived.

Mr. Crawford stated that he lived on 8524 St. Ives Pl, Anderson Township.

Mr. Sheckels asked any further questions from the Board.

Mr. Sheckels asked if there was anyone else who'd like to speak in support.

Mr. Sheckels asked if there was anyone that would like to speak against.

Mr. Sian moved to close the public hearing, **Mr. Halpin** seconded the motion.

The public hearing was closed at 7:08 pm.

Deliberation of Case 33-2022 BZA

The Board discussed the conditional use request to allow a short-term rental (SRT) facility, for the property located at 7071 Hunley Road (Book 500, Page 290, Parcel 155), per and Article 5.4, I, 15 of the Anderson Township Zoning Resolution, submitted by Andrew & Carissa Crawford, property owners of 7071 Hunley Road, zoned "A-2" Residence. The board discussed in detail and took a straw vote.

Vote: 5 Yeas

Mr. Haber Motioned
Mr. Nye Seconded

Mr. Haber moved to come out of executive session, **Mr. Nye** seconded the motion.

Decision and Journalization of Case 31-2022 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve the variance request in Case 31-2022 BZA with conditions.

Vote: 5 Yeas

Decision and Journalization of Case 32-2022 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve the conditional use request in Case 32-2022 BZA with conditions.

Vote: 5 Yeas

Decision and Journalization of Case 33-2022 BZA

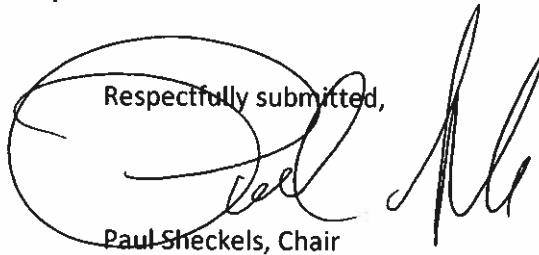
Mr. Haber moved, and **Mr. Halpin** seconded to approve the conditional use request in Case 33-2022 BZA with conditions.

Vote: 5 Yeas

Mr. Sian moved to adjourn, and **Mr. Haber** seconded the motion.

The next meeting is scheduled for Thursday, January 5, 2023, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **7:30 pm**.

Respectfully submitted,

Paul Sheckels, Chair

PLEASE PRINT - THANK YOU

ADDRESS:

[illegible]