

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS  
February 2, 2023**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on February 2, 2023, at 5:30 p.m. at the Anderson Center. Present were the following members:

**Steve Haber, Paul Sian, John Halpin, Scott Lawrence, and Brian Johnson**

Also, present when the meeting was called to order, Lauren Gleason, Planner I, Chris Cavallaro, Planner I, and Ashley Reynolds, CO-OP. 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. Haber**: 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. Haber**.

**Approval of Agenda**

**The Agenda for February 2, 2023 was approved by unanimous consent with no objections from the Board.**

**Approval of Minutes**

**The Minutes for January 5, 2022 were approved, Mr. Sian moved to approve, Mr. Halpin seconded the motion.**

**Vote: 3 Yeas, 2 Abstain—Mr. Lawrence and Mr. Johnson**

**Consideration of Case 5-2023 BZA**

**Mr. Cavallaro** gave a summary of the staff report for Case 5-2023 BZA.

**Mr. Haber** asked if there were any questions from the board.

**Mr. Haber** asked if requiring a land survey of the property should be a condition on granting the conditional use.

**Ms. Gleason** stated no.

**Mr. Nick Motz**, 5531 Clough Pike, stated that the property was inherited, he and his brother Matthew Motz own it together, and has operated as a long-term rental since 2007, with no complaints over the years, but long-term rental tenants were not keeping proper care of the property and decided to do short-term rental to keep better care of the property.

**Mr. Motz** stated that he and his brother own other STR's and keep a 3 night minimum, 5-7 night rental is more typical as it is geared toward families.

**Mr. Haber** asked **Mr. Motz** about the land survey.

**Mr. Motz** stated that he is working with the abutting property, CAGIS is way off, the survey is currently underway, and CAGIS should reflect that soon.

**Mr. Haber** moved to close the public hearing with unanimous consent with no objections from the Board.

**The public hearing was closed at 5:45 pm.**

**Mr. Haber** asked **Mr. Cavallaro** about criteria (v.) and if that is something that needs to be timed.

**Mr. Cavallaro** stated it could be something to add as a condition if they liked.

**The public hearing was reopened at 5:49 pm.**

**Mr. Motz** stated that he could distribute contact information.

**Ms. Gleason** stated that staff would provide a list of addresses within 200' of his property to send contact information to.

#### **Deliberation of Case 5-2023 BZA**

The Board discussed the conditional use request to allow a short-term rental (SRT) facility, for the property located at 5531 Clough Pike (Book 500, Page 440, Parcel 030), per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Vote:                      5 Yeas  
                                    0 Nays

**Mr. Lawrence** Motioned

**Mr. Johnson** Seconded

#### **Consideration of Case 6-2023 BZA**

**Mr. Cavallaro** gave a summary of the staff report for Case 6 - 2023 BZA.

**Mr. Haber** asked if there were any questions from the board.

**Mr. Randy Merrill**, executive vice president of MSP, architecture and engineering for this project at Coldstream Country Club, stated their client wants to continue to enhance their facility and screen this use. Improving the parking lot and landscape screening are a significant improvement. The location is key to their operations.

**Mr. Haber** asked **Mr. Merrill** about the timetable for construction.

**Mr. Merrill** stated by this year it will be completed, the final design work still needs to be done.

**Mr. Haber** asked if there is anyone to speak for or against the case.

**Ms. Cathy Nieberding** at 7645 Coldstream Drive, asked if the landscaping would affect the drainage and ditch.

**Mr. Haber** asked **Mr. Merrill** to come back to the podium to help answer the question.

**Mr. Merrill** stated the drainage will need to be detained as an engineering solution, that must be engineered to Hamilton County standards. Specific details have not been determined yet.

**Mr. Haber** asked **Ms. Nieberding** if the ditch she was referring to was between the proposed location of landscaping and the road.

**Ms. Nieberding** stated yes.

**Mr. Haber** asked **Mr. Merrill** if there were any changes there.

**Mr. Merrill** stated no, designs have not been finalized for drainage but will be designed to Hamilton County standards.

**Ms. Nieberding** asked if there was any way she could find out what MSP does for that purpose?

**Mr. Merrill** stated it will be public record once finished, and it must conform to Hamilton County standards; a permit cannot be acquired without one.

**Ms. Nieberding** stated that she will talk to Hamilton County.

**Mr. Halpin** asked **Ms. Nieberding** to clarify her concern about the drainage and if it would come toward her property.

**Ms. Nieberding** stated yes, she's on Coldstream drive and is affected greatly by the changes and drainage.

**Mr. Halpin** stated that the likelihood is that the drainage will go into the sewer.

**Ms. Nieberding** stated that then, goes into the creeks which run by downhill properties. It is a concern that there will be more water that comes down and therefore deeper problems.

**Mr. Haber** asked **Mr. Merrill** if he has any storm water detention requirements.

**Mr. Merrill** stated he wasn't sure because design plans have not been finalized but that there were opportunities to direct the water to appropriate places.

**Ms. Nieberding** stated that she had a question, that was all.

**Mr. Haber** moved to close the public hearing with unanimous consent with no objections from the Board.

**The public hearing was closed at 6:14 pm.**

#### **Deliberation of Case 6-2023 BZA**

The Board discussed the conditional uses and two variance requests for the accessory structure (sand silo) and paving of an existing gravel parking lot per Article 5.4, I, 14 (b) and (d) of the Anderson Township Zoning Resolution. The variances requested are: (1) To permit the accessory structure (sand silo) to be located in the front yard area where accessory structures are only permitted in the rear yard per Article 5.2, A, 7; and (2) To permit an accessory structure and parking lot within 100' to a property line, and to permit the parking lot in the front yard area per Article 5.4, H, 1, d and f.

Vote:           5 Yeas  
                  0 Nays

**Mr. Sian** Motioned  
**Mr. Halpin** Seconded

#### **Consideration of Case 7-2023 BZA**

**Mr. Cavallaro** gave a summary of the staff report for Case 7 - 2023 BZA.

**Mr. Haber** asked if there were any questions from the board.

**Mr. Ryan Heitkamp**, 7247 Ayers Road, stated he is requesting to put a prefabricated shed on the property mainly for storage reasons and can't put it elsewhere on the property due to the topography.

**Mr. Heitkamp** stated that it wouldn't be visible from the road, will be placed near the neighbor's shed and colors will either be like the photo submitted or black and white to match the rails on the deck as well as their neighbors shed which are similar colors.

**Mr. Sian** asked if there was a final plan for what it will look like.

**Mr. Heitkamp** stated that it will either be that one or one just like it but may have a front gable on it and will be on a 30–45-degree angle from the garage with a sitting area.

**Mr. Sian** asked if the dimensions were accurate.

**Mr. Heitkamp** stated yes, 10' x 14'.

**Mr. Haber** moved to close the public hearing with unanimous consent with no objections from the Board.

**The public hearing was closed at 6:37 pm.**

#### **Deliberation of Case 7-2023 BZA**

The Board discussed the variance request to allow a 10' x 14' accessory structure located in the side yard area where accessory structures are only permitted in the rear yard, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

Vote:           5 Yeas  
                  0 Nays

**Mr. Lawrence** Motioned  
**Mr. Sian** Seconded

#### **Decision and Journalization of Case 1-2023 BZA**

**Mr. Haber** moved, and **Mr. Sian** seconded to **DENY** the request of an appeal of a zoning violation letter dated 11/15/22, which affirms staff's interpretation in Case 1-2023 BZA.

Vote:           3 Yeas  
                  2 Abstain

#### **Decision and Journalization of Case 3-2023 BZA**

**Mr. Sian** moved, and **Mr. Halpin** seconded to **DENY** the variance request in Case 3-2023 BZA.

Vote:           3 Yeas  
                  2 Abstain

#### **Decision and Journalization of Case 5-2023 BZA**

**Mr. Sian** moved, and **Mr. Halpin** seconded to approve the conditional use request in Case 5-2023 BZA with conditions.

Vote:           5 Yeas  
                  0 Nays

#### **Decision and Journalization of Case 6-2023 BZA**

**Mr. Sian** moved, and **Mr. Halpin** seconded to approve the conditional uses and two variance requests in Case 6-2023 BZA with conditions.

Vote:           5 Yeas  
                  0 Nays

**Decision and Journalization of Case 7-2023 BZA**

**Mr. Sian** moved, and **Mr. Halpin** seconded to approve the variance request in Case 7-2023 BZA with conditions.

Vote:           5 Yeas  
                  0 Nays

**Mr. Haber** moved to adjourn with unanimous consent with no objections from the board.

The next meeting is scheduled for Thursday, March 2, 2023, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **7:12 pm**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve Haber', written over the typed name below.

Steve Haber, Chair