

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
JANUARY 5, 2023**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on January 5, 2023, 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, Gary Powell, Zoning Attorney, 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 January 5, 2023 was approved by unanimous consent with no objections from the Board.

Approval of Minutes

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

Mr. Sheckels introduced Gary Powell, Anderson Township zoning attorney, for clarification on Case 1-2023 BZA.

Mr. Powell explained the basis for Case 1-2023 BZA and how the Board should proceed before determining a vote.

Mr. Powell stated that Case 1-2023 BZA is an appeal of staff's interpretation of the Anderson Township Zoning Resolution and that the Board should make their voting decision on whether or not staff accurately interpreted a provision or provisions in the Zoning Resolution; unlike a variance that applies to a particular piece of property, a decision made on an appeal case can then control the staff's interpretation of the same sections of the Zoning Resolution later on.

Consideration of Case 1-2023 BZA

Ms. Gleason stated that the public hearing was for Case 1-2023. The request was filed by Michael & Carol Vorhees, property owners, located at 7999 Spicewood Ln., (Book 500, Page 213, Parcel 281) zoned "B" Residence.

Ms. Gleason stated that the applicant is requesting an appeal of a zoning violation letter, dated 11/15/2022, regarding a 6' high privacy fence installed without a zoning certificate in the front yard where 6' high privacy fences are only permitted in the rear yard, for the property located at

7999 Spicewood Lane (Book 500, Page 213, Parcel 281), per Articles 2.1 and 5.2, A, 9. This appeal is made pursuant to Article 2.12, D, 1 of the Anderson Township Zoning Resolution, submitted by Michael & Carol Voorhees, property owners of 7999 Spicewood Lane, zoned "B" Residence.

Ms. Gleason stated the applicant is appealing a letter of violation for a 6' tall privacy fence located in the front yard, without a permit, of 7999 Spicewood Lane.

Ms. Gleason stated that the home was purchased in April 2008. On July 19, 2016, a zoning permit (Z2016-0322) was granted for a fence, 4' high, decorative aluminum, 75% open, to be located in the front and side yard areas.

Ms. Gleason stated that on November 15, 2022, the Township received a complaint indicating a possible zoning violation of a 6' tall privacy fence located in the front yard of 7999 Spicewood Ln, and the violation was confirmed by staff on November 16, 2022. A letter was sent to Mr. Voorhees at 7999 Spicewood Ln that same day.

Ms. Gleason stated that on November 28, 2022, staff received an email response from Mr. Voorhees. In this email, Mr. Voorhees stated he disagreed with the Anderson Township Zoning Resolution, Article 2.1 and 5.2, A, 9. Mr. Voorhees asked staff to rescind the letter of violation. On November 29, 2022, staff responded to Mr. Voorhees's email stating that according to the Anderson Township Zoning Resolution, a zoning certificate is required for a fence (Article 2.1), and that the unpermitted fence had been constructed in the front yard area (Article 5.2, A, 9). Instructions were provided for how to obtain a permit and how to apply to the Board of Zoning Appeals.

Ms. Gleason stated that according to the Anderson Township Zoning Resolution, a fence is considered a 'structure' per the definition found in Article 6, Definitions. Structures are required to receive a zoning certificate (Article 2.1).

Ms. Gleason stated that the fence is installed without a permit is currently located in the front yard area of the property. The definition of 'yard' and 'front yard' are found in Article 6, Definitions.

Ms. Gleason stated that the property is located on a corner lot of Spicewood Lane and Huntcrest Drive and provided a definition of a corner lot.

Ms. Gleason stated the standards to be considered.

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

Mr. Drury clarified that the diagram was produced by staff based on site visits and photos taken during inspection of the property. Staff did not receive a site plan from the property owner of the location of the fence.

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. Michael Voorhees (property owner, 7999 Spicewood Ln.), stated that he disagrees with the staff's interpretation of the fence being located in the front and rear yards.

Mr. Voorhees stated that the current location of the fence is the only applicable area in his yard to build a fence.

Mr. Voorhees stated that if a variance is needed for the fence, he would begin that process to obtain one.

Mr. Nye asked Mr. Voorhees if the grey line next to the wording, "P201", is sidewalk?

Mr. Voorhees stated that there is no sidewalk on his property.

Mr. Nye stated that he was not asking if it was on Mr. Voorhees property, but on the property to the south.

Mr. Voorhees asked staff to show a photo taken of the fence and sidewalk and explained that the photo was taken from a bad angle.

Mr. Nye asked Mr. Voorhees believed his the fence was close to the sidewalk?

Mr. Voorhees answered, yes.

Mr. Nye asked because the address of the property is 7999 Spicewood that this is the front yard, and that the current location of the fence is located in the rear yard?

Mr. Voorhees answered, yes.

Mr. Voorhees stated that he does know how to read resolutions and statutes and that the Zoning Resolution is convoluted and does not provide clarity. He stated, based on common sense where his fence is located, is the rear yard.

Mr. Powell stated that the zoning resolution does provide a definition of a rear yard and corner lot.

Mr. Powell stated that according to the zoning resolution, the location outlined in red (on the map from the presentation) is considered the rear yard for this property.

Theresa Boeing (property owner 1557 Huntcrest Dr.) gave a brief history of the installation of the fence.

Ms. Boeing stated that Mr. Voorhees does not live at 7999 Spicewood Ln., and perhaps rents or leases the property.

Ms. Boeing stated that the Voorhees knowingly violated the zoning resolution.

Mr. Nye asked where the location of the other fence is located on the property of 7999 Spicewood.

Ms. Boeing stated that the fence she was referring to was located near the Spicewood side of the property.

Tim Herschner, land planner and representative for Ms. Boeing, 903 Adams Crossing, stated that according to a previously shown photo, the fence is clearly in the right-of-way and that staff is correct.

Mr. Herschner stated he believes that the fence could be located on the property of 1557 Huntcrest Dr. due to a curve in the fence, when there is a straight property line.

Mr. Herschner stated he wholly believes staff is correct when determining that the fence is located in the front yard area of 7999 Spicewood Dr.

Mr. Halpin asked if there was any fencing in the rear yard of the property.

Mr. Herschner stated no he didn't believe so.

Mr. Herschner stated that in other cases due to the grade of a rear yard that fencing is placed closer to the home or halfway up the rear to provide privacy, not necessarily on the rear property line.

Christina Willis, 1549 Huntcrest Dr., stated as an architect, she has knowledge of zoning codes, etc.

Ms. Willis stated that driving and walking along Huntcrest, this fence does create a safety hazard for passersby.

Ms. Willis stated that there is a property with a very similar situation to 7999 Spicewood Ln. that has a privacy fence and is in the proper area for a corner lot, and to make an exception for this case would be inappropriate.

Mr. Voorhees stated that he believes the approximate location of the fence provided by staff to be incorrect and believes the fence to be wholly on his property and that it is not a violation.

Mr. Halpin asked, why?

Mr. Voorhees stated that the property to the south is an AirBNB and that his daughter currently occupies the house at 7999 Spicewood Ln.

Mr. Voorhees stated that the ad for the AirBNB includes access to a creek, which is located on his property and not the AirBNB's property. He states that this is a liability issue for him.

Mr. Voorhees stated that there are neighbor issues that have been going on for years. The neighbors have, in the past, trimmed and cut back vegetation that I located on the property of 7999 Spicewood without the consent of the property owner.

Mr. Voorhees stated that he relied on the fence company to obtain a fence permit, but the fence company did not state one was required.

Mr. Powell clarified it was the fence company representative, not the fence company.

Mr. Nye asked if Mr. Voorhees could identify the distance from the property lines to the various sides of the house.

Mr. Voorhees stated that he did not know.

Mr. Nye stated that according to the zoning resolution, there has to be a front yard on the north and east side of the house.

Mr. Nye asked Mr. Voorhees where the front yard of the east side of the property would be located.

Mr. Voorhees stated that he does not agree with the interpretation.

Mr. Powell stated that the Zoning Resolution provides definitions of a front, rear, side yards, and also a definition of a corner lot and how front, rear, and side yards are determined in those situations.

Mr. Haber, in referencing a slide from the presentation, asked Mr. Voorhees what he means that the dotted red lines are incorrectly drawn on the map.

Mr. Voorhees stated that the blue dotted line (approximate location of fence on staff's map) is located in the street.

Mr. Sheckles stated that the "blue line" which the blue dotted lines (approximate location of the fence) cross over is the property line, not the street and approximately 12.5 feet from that line to the curb is the Right of Way.

Mr. Nye reads Article 3.5, C, 2, a, i of the Zoning Resolution and asks Mr. Voorhees how the east side of the property is not a front yard.

Mr. Voorhees states he is unable to answer that question.

Mr. Powell explained the variance process to Mr. Voorhees and what would need to be done if he were to choose to apply for a variance for the fence.

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

The public hearing was closed at 6:18 pm.

Deliberation of Case 1-2023 BZA

The Board discussed the appeal of staff's interpretation regarding a 6' high privacy fence installed without a zoning certificate in the front yard where 6' high privacy fences are only permitted in the rear yard, for the property located at 7999 Spicewood Lane (Book 500, Page 213, Parcel 281), per Articles 2.1 and 5.2, A, 9. This appeal is made pursuant to Article 2.12, D, 1 of the Anderson Township Zoning Resolution, submitted by Michael & Carol Voorhees, property owners of 7999 Spicewood Lane, zoned "B" Residence. A "Yea" vote would confirm staff's interpretation, while a "Nay" vote would reverse staff's interpretation.

Vote: 5 Yeas
 0 Nays

Mr. Nye Motioned
Mr. Sian Seconded

Consideration of Case 2-2023 BZA

Ms. Gleason stated that this public hearing was for Case 2-2023 BZA. The request was filed by Ross Webster, Mio's Pizzeria/Happy 2 Brewery, for Clough & Eight Mile 1 Centre I LLC, property owner, located at 8298 Clough Pike, (Book 500, Page 135, Parcel 016) zoned "E" Retail.

Ms. Gleason stated that the request was a variance request for a detached accessory structure, size 20'x 30', in the front yard area with a front yard setback of 68' and side yard setback of 1' (to Parcel 016), where accessory structures are only permitted in the rear yard area, under Article 5.2, A, 7.

Ms. Gleason stated that the applicant is proposing a detached accessory structure, size 20'x30', in the front yard area with a front yard setback of 68' and a side yard setback of 1' to the neighboring parcel (016) which is a parking lot and 130' to parcel (019) which is a single family residence, where accessory structures are only permitted in the rear yard area per Article 5.2, A, 7 of the Anderson Township Zoning Resolution. This accessory structure is an outdoor seating area with a roof and takes up 4 parking spaces.

Ms. Gleason stated that the building was constructed in 2002 (Z2002.272) and purchased by the current property owner, Clough & Eight Mile 1 Centre I LLC, in September 2022.

Ms. Gleason provided the permit history of 8298 Cough Pike.

Ms. Gleason stated that on September 22, 2022, staff received a complaint of an accessory structure without a permit. Upon inspection on September 23, 2022, the complaint was confirmed; the applicant has built the accessory structure without applying for a zoning certificate. A violation letter was sent on September 24, 2022. No response was received from the property owner, so a second violation letter was sent October 24, 2022.

Ms. Gleason stated that on November 2, 2022, the applicant (Ross Webster) came to Anderson Center to speak with staff and submit plans for the accessory structure. Due to the location of the accessory structure in the front yard area, the applicant was notified that he can apply for the Board of Zoning Appeals and was issued a Notice of Refusal. The applicant did not apply for the December BZA hearing and was notified by staff on December 2, 2022, of the application deadline for January BZA hearing.

Ms. Gleason stated 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.

Ms. Gleason stated that staff is of the opinion that the variance would not be substantial. The structure being at the front of the building makes it visible from both Eight Mile Rd and Clough Pike; however, the roof structure does resemble the roof of the main building. There is also ample parking available, and the accessory structure adds an additional use (outdoor dining area) for the building. The required parking for this location is 60 parking spaces at minimum and there are 95 spots in total, so the 4 parking spots covered by the accessory structure do not affect the parking requirements.

Ms. Gleason stated the essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The proposed structure is in a commercial area and would not have any effect on any adjacent residential areas. There is a single-family residence to the west of this property, however, due to the distance, parking lot and foliage separating the properties, the accessory structure is not visible from this residence.

Ms. Gleason stated the variance would not adversely affect the delivery of governmental services.

Ms. Gleason stated that the property owner's predicament could be feasibly obviated through some method other than a variance. The applicant wishes for the structure to remain detached from the main building in the front yard area. However, if the applicant attached to the main building, what would be considered an addition, a variance would not be required and would meet front yard setback requirements in this zoning district (30' required front yard setback). Additionally, due to the lot being a corner lot and location of the 'back of house' exterior

(garbage/ storage/ etc.) of the property in the rear yard area/ west side of the property, this accessory structure could not be located on the west side of the building/ rear yard area.

Ms. Gleason stated that staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. While the accessory structure is located in the front yard and there being different methods other than a variance to amend this, the essential character of the neighborhood would not be altered and the outdoor seating area would add an additional use to the commercial building.

Ms. Gleason stated the standards to be considered.

Mr. Ross Webster, 762 Kingswood Ct. (tenant/operator of Mio's), explained that during Covid, outdoor seating became very important for his business. The location of the outdoor seating would not impact other tenants of the building because their business hours end before the dinner hours of Mio's.

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

Mr. Sheckels asked if there is anyone to speak for or against the Case.

Mr. Sheckels asked if there was a motion to go into executive session.

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

The public hearing was closed at 6:28 pm.

Deliberation of Case 2-2023 BZA

The Board discussed the variance request for a detached accessory structure, size 20'x 30', in the front yard area with a front yard setback of 68' and side yard setback of 1' (to Parcel 016), where accessory structures are only permitted in the rear yard area, under Article 5.2, A, 7.

Vote: 5 Yeas
 0 Nays

Mr. Haber Motioned

Mr. Sian Seconded

Consideration of Case 3-2023 BZA

Ms. Gleason stated that the public hearing was for Case 3-2023. The request was filed by Kevin & Laura Schmidt, property owners, located at 1145 Pamela Road, (Book 500, Page 123, Parcel 193), zoned "C" Residence.

Ms. Gleason stated that the applicant is requesting a variance request to allow an addition, an attached garage, with a front yard setback of 15' where 30' is required, per Article 3.7, C, 2, a of the Anderson Township Zoning Resolution.

Ms. Gleason stated the applicant is proposing an attached garage addition in an 'L' shape, extending from their current garage, size 15' x 20' and 10' x 35' approximately 650 SF, in the front yard and side yard areas with a front yard setback of 15', where 30' front yard setback is required per Article 3.7 C, 2, a of the Anderson Township Zoning Resolution. This garage addition would change the setback to 5' to the side property line and 15' to the front property line.

Ms. Gleason stated the permit history of the property.

Ms. Gleason 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.

Ms. Gleason stated that staff is of the opinion that the variance is substantial. The lot is a panhandle lot; however, it predates text amendments adopted for panhandle lots which require panhandle lots to be double the size required per Article 5.2, B, 1, a (adopted July 10, 1997). So, this particular panhandle lot has similar acreage to the lot in front of it (ex. 1143 Pamela Rd) which is .152 acres compared to 1145 Pamela which has .261 acres. Additionally, the lots in this subdivision (Hannah Subdivision) are small in size / with very tight lots and built at the required front yard setbacks of 30'. Therefore, the garage addition would be visible from Pamela Road and very visible to all surrounding neighbors.

Ms. Gleason stated that the essential character of the neighborhood would be altered, and adjoining properties would suffer a substantial detriment as a result of the variance. While the current house does not sit 5' from the side property line (the required side yard setback), the side yard portion of the garage addition would bring the house to the 5' required side yard setback. While this portion would be in compliance, meeting the side yard setback requirement, the lot is already very tight as mentioned previously. In addition, the portion of the addition extending into the front yard setback is substantial in size as it would have a 15' front yard setback when 30' is required. Also, due to how the lots are situated in the Hannah subdivision, the lots in front of the panhandle lots, have their backyards directly view the panhandle lots behind them. While the applicant wishes for the addition to keep the same look and feel of the houses in the subdivision, the size of the addition is substantial and very visible to all neighbors.

Ms. Gleason stated the variance would not adversely affect the delivery of governmental services.

Ms. Gleason stated the property owner's predicament could be feasibly obviated through some method other than a variance. While there is not room in the rear yard to build a detached garage due to a deck and accessory structure already located in the rear yard, the garage could still be extended in the side yard, creating a deeper garage, that would not require a variance.

Additionally, the home currently has a 2-car garage and a parking space at the end of the lot. While the lot is very tight, the lots in front of the panhandle lots in the Hannah subdivision do not have this additional parking space. Also, the other homes in this subdivision are experiencing similar circumstances of having tight lots and homes built at the front yard setback leaving no room for any additions without a variance.

Ms. Gleason stated that staff is of the opinion that the spirit and intent behind the zoning requirement would not be observed by granting the variance. While a portion of the proposed garage addition extending into the side yard would not require a variance and the façade of the addition will have a similar look and feel to the house and houses in the subdivision, the size of the garage addition extending 15' into the 30' required setback is substantial. The proposed addition would also be very visible to surrounding neighbors, who are also experiencing similar circumstances of tight lots.

Ms. Gleason stated the standards to be considered.

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

Mr. Nye asked if the side setback requirement was five feet and if the front setback was and currently is thirty feet?

Ms. Gleason answered yes.

Mr. Nye asked if the garage could be extended into the side yard as of right, and if the garage could be extended in what is currently their driveway (in front of the current garage).

Ms. Gleason stated yes.

Mr. Kevin Schmidt, resident and property owner of 1145 Pamela Rd., stated that he has lived at the property for about 20 years.

Mr. Schmidt stated that the developer crammed the houses onto the properties without much room for expansion or the addition of accessory structures to be permitted on the property.

Mr. Schmidt stated that because none of the properties have room to build sheds, yard and lawn tools must be stored in the garage. He stated that he has never been able to use his garage for parking his vehicles because of the amount of storage needed in his garage.

Mr. Schmidt explained that he had to add an additional three feet of asphalt to accommodate parking his vehicles on the driveway and allow access to them.

Mr. Schmidt stated that he is a small business owner of a tour boat company and does use his garage for storage of materials/tools for his business.

Mr. Schmidt stated that he believes that the greenspace area between the properties would not disappear if he were to get approval for the addition.

Mr. Schmidt explained that he met with the neighbors and developed a list of community concerns and provided his responses to those concerns.

Mr. Sheckels asked if there was anyone that would like to speak in support of the appeal.

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

Mr. Justin Bonomini, property owner, 1135 Pamela, stated he would lose his view to Pamela Road and it would create a very commercial or industrial feel, and change the aesthetics of the neighborhood and the greenspace.

Ms. Evelyn Brehm, resident and property owner, 1133 Pamela Rd., stated she believes that allowing the addition to be built would completely alter the character of the neighborhood. All residents in this area have the same storage problems.

Ms. Kay Ferrell, resident and property owner, 1143 Pamela Rd., stated she is against the proposed addition and restated that everyone in the neighborhood has storage issues and lack of parking but make it work

Ms. Ferrell stated that the addition would take away from the greenspace between the properties and she could not enjoy sitting on her deck.

Mr. Halpin asked where is the location of Ms. Ferrell's deck.

Ms. Ferrell gave a description of the location of her deck in comparison to the proposed addition.

Mr. Nye asked if the trees in the photo are on Ms. Ferrell's property.

Ms. Ferrell replied, yes.

Ms. Heather Stonecipher property owner and resident, 1147 Pamela Rd., stated that the proposed addition would be a substantial size in comparison to the neighborhood.

Ms. Stonecipher presented additional photos of the parking situation that occurs at the property on a normal day.

Ms. Stonecipher stated that the precedent would allow others to build additions similar to the proposed addition at 1145 Pamela Rd., and this would severely impact the neighborhood and future attract-ability.

Ms. Stonecipher stated disruption of use was a concern with construction possibly blocking potential use of their house.

Ms. Stonecipher stated she was in agreeance with previous testimony stating that other solutions exist.

Mr. David Ferrell, resident and property owner, 1143 Pamela Rd., stated that he agrees with staff review of the case.

Ms. Lisa Sutherland, resident and property owner, 1155 Pamela Rd., stated she supports the staff's review of the case and previous testimony.

Ms. Sutherland stated she believes this addition would change the character of the neighborhood.

Mr. John Plahovinsak, resident and property owner, 1131 Pamela Rd., stated that he used to be the County Regional Planning Commission Director for Sandusky County and that he concurs with staff assessment of the staff report.

Mr. Sheckels asked if Mr. or Mrs. Schmidt wanted to submit any additional information or rebuttal they would like to address.

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

The public hearing was closed at 7:02 pm.

Deliberation of Case 3-2023 BZA

The Board discussed the variance request to deny an addition, an attached garage, with a front yard setback of 15' where 30' is required, per Article 3.7, C, 2, a of the Anderson Township Zoning Resolution.

A vote of "yea" would indicate affirmation to deny the variance.

Vote: 5 Yeas
 0 Nays

Mr. Haber Motioned

Mr. Sian Seconded

Consideration of Case 4-2023 BZA

Ms. Gleason stated that the public hearing was for Case 4-2023. The request was filed by Architects II Limited, on behalf of EBC Estates LLC, property owner located at 8050 Ayers Road, (Book 500, Page 182, Parcel 48), zoned "AA" Residence.

Ms. Gleason stated that the applicant is requesting two variance requests, (1) to allow an accessory structure, a pool, size 20' x 40', to be located in the side yard, where accessory structures are only permitted in the rear yard, and (2) to allow motor court masonry accent

walls, 4' tall, to be located in the front and side yard areas, where walls/fence must not exceed 4' high, 75% open, per article 5.2, A, 7 and Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Ms. Gleason stated the applicant has proposed to construct an inground pool, size 20' x 40' in the side yard area of their property, where only permitted in the rear yard, per Article 5.2, A, 9 of the Anderson Township Zoning Resolution. The applicant is also proposing four motor court masonry accent walls, to be 4' high and located in the front and side yard, where walls/fence must not exceed 4' high, 75% open, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

Ms. Gleason stated the history of the property.

Ms. Gleason 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.

Ms. Gleason stated that staff is of the opinion that the variance would not be substantial. The location of the pool will be approximately 800' from the property line to the west, and approximately over 550' from the property line to the north. The required setback for a pool in the rear yard is 3' from the edge of pavement around the pool. The applicant has ample space on the property to provide an adequate buffer. Similarly for the motorcade walls, they are proposed to be located approximately 600' from the south property line, and approximately 800' from the east property line. In addition, the lot is just over 60 acres.

Ms. Gleason stated that the essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The applicant has provided graphics illustrating how the proposed pool area and the motorcade walls will fit with the character of the house, as well as the surrounding properties on Ayers Road.

Ms. Gleason stated the variance would not adversely affect the delivery of governmental services.

Ms. Gleason stated the owner's predicament cannot be feasibly obviated through some method other than a variance. While the applicant was aware of the issue that the orientation of the proposed single-family residence would provide when determining the "yard" areas, the applicant has stated that the topography lends itself to being constructed in this manner. The house is permitted to be constructed on the plateau of the property.

Ms. Gleason stated that Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance based on the substantial buffer and distance from the proposed pool and motorcade walls to the closest property lines, as well as the large size of the lot.

Ms. Gleason stated the standards to be considered.

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

Mr. Steve Ginter, Architects 2 (architect of the house), stated that he agrees with the staff report and gave a brief description of land and layout of the property, the proposed location of the pool would be the only reasonable location.

Mr. Sheckels asked if there is anyone to speak for or against the Case.

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

The public hearing was closed at 7:14 pm.

Deliberation of Case 4-2023 BZA

The Board discussed two variance requests, (1) to allow an accessory structure, a pool, size 20' x 40', to be located in the side yard, where accessory structures are only permitted in the rear yard, and (2) to allow motor court masonry accent walls, 4' tall, to be located in the front and side yard areas, where walls/fence must not exceed 4' high, 75% open, per article 5.2, A, 7 and Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Vote: 5 Yeas
 0 Nays

Mr. Haber Motioned
Mr.Sian Seconded

Mr. Sheckels asked board members to nominate and vote for Chairman and Secretary for the 2023 Board of Zoning Appeals.

Mr. Sheckels nominated Steve Halpin for Chairman of the 2023 Board of Zoning Appeals.

Mr. Sheckels nominated Jeff Nye for Secretary of the 2023 Board of Zoning Appeals.

Mr. Sheckels nominated Paul Sian for Vice-Chairman of the 2023 Board of Zoning Appeals.

Mr. Sheckels moved, and **Mr. Nye** seconded the nominees for the 2023 Board of Zoning Appeals

Vote: 5 Yeas
 0 Nays

Decision and Journalization of Case 2-2023 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve the variance request in Case 2-2023 BZA with conditions.

Vote: 5 Yeas
 0 Nays

Decision and Journalization of Case 4-2023 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve the variance request in Case 4-2023 BZA with conditions.

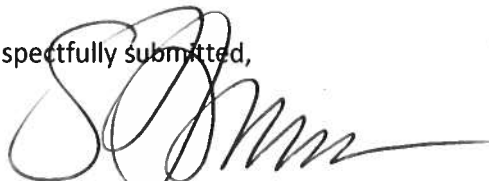
Vote: 5 Yeas
 0 Nays

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

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

The meeting was adjourned at **7:33 pm**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Haber', with a long horizontal flourish extending to the right.

Steve Haber, Chair