

Brian & Molly Gerbus

*Home Owner: Molly Gerbus Trust*

6859 5 Mile Road

Cincinnati, Ohio 45230

513-635-8130

brianmatthewgerbus@gmail.com

August 2, 2024



Anderson Township Board of Zoning Appeals

7850 Five Mile Road

Anderson Township, OH 45230

Subject: Zoning Appeal for Temporary Use of RV During Construction at 6859 5 Mile Road Cincinnati, Ohio 45230

Dear Members of the Board,

My name is Brian Gerbus and I reside at 6859 5 Mile Road. I am writing to formally appeal for a variance of Article 5.3, I, 1, b of the Zoning Resolution to allow the temporary use of a Recreational Vehicle (RV) on our property (Molly & Brian Gerbus, referred to as "we" for the purposed of this document) during the construction of an addition to, as well as, renovations to our existing home structure.

**Overview:** Per the Anderson Township Board of Zoning appeals: Instructions for Filing a Zoning Appeal, I am utilizing the following basis for my filing; "Failure to comply with the Anderson Township Zoning Resolution" (*Article 5.3, I, 1, b*). I am appealing prior to submitting a zoning certificate due to the clear nature of the referenced Zoning Resolution Article per my reading and discussions with the Anderson Township Zoning Department (Paul Drury).

#### **1. Description of the Project**

We are currently planning to undertake a construction project (pending approval of all applicable permits) to add an addition to our existing home, as well as some interior renovations/modifications to the existing structure. This addition will include an attached 3-car garage, an Owner's suite, a laundry room, and additional storage on the second floor above the garage. The construction is set to commence on October 1, 2024 and is expected to be completed by April 15, 2024. During this period, our family requests to remain on-site to manage the project and oversee the construction activities and schedule adherence effectively.

Two different schedules exist for the home addition construction & home renovations.

- a. Schedule 1 - will take approx. 9 months (approx. October 2024 - June 2024) if my family chooses to remain in the existing home until the point that the addition is tied into the existing structure.
- b. Schedule 2 will take approx. 7 months if my family is afforded a variance and can leave the existing structure on or around October 1, 2024 and reside in an RV onsite. The shortened schedule is due to tasks being able to be done in parallel and us being generally "out of the way" if contractors are not working around us in the home.

## 2. Reason for Appeal

Due to the scope and nature of the construction, living in the main house for the duration of construction is impractical and potentially unsafe at times. Therefore, we seek to utilize an RV as temporary accommodation on our property for a period of approx. 7 months (*see schedule discussion in section 1; a,b*). This arrangement is essential to ensure the timely and efficient progress of the construction work and to provide a safe and convenient living environment for our family.

Also of note, our eldest child attends Ayer Elementary, and these accommodations would make her able to maintain bus transportation on the existing schedule allowing for us to manage other transportation needs, including shuttling my pre-school daughter to Anderson Hills Preschool. Not being allowed to live "onsite" during this period would create a hardship in regard to school transportation, among other considerations.

## 3. Compliance with Zoning Regulations

We understand that the current zoning ordinance does not permit the use of RVs for habitation, living or housekeeping (*Article 5.3, l, 1, b*). However, we respectfully request a variance for temporary use. The RV will be parked in a manner that complies with all property line setback requirements and will not obstruct any neighboring properties. Additionally, if successful, we are willing to obtain the necessary Zoning Certificate and comply with any reasonable conditions imposed by the Board.

## 4. Impact on the Community

The presence of the RV will not adversely affect the character of the neighborhood. We reside on over 3 acres of property and intend to have the RV sufficiently setback from any neighboring homes.

- 420 LF from adjacent neighbor 1 – southeastern neighbor (Hunter)
- 441LF from adjacent neighbor 2 – northwestern neighbor (Caldwell)

The RV will be well-maintained, hidden as best as practical from street and neighbor view, and all other necessary measures will be taken to minimize any potential disturbances to the surrounding community.

We have discussed this with our adjacent neighbors on my side of 5 Mile Road, and they have expressed their support for this temporary arrangement. **See Attachment C**

We understand through some discussions with the Zoning Department, that one referenced supporting neighbor had a similar situation and applied for the use of an RV as a construction office. We also understand that multiple complaints have been made regarding the use of that facility, therefore we would like to ensure clarity on what we consider to be distinguishing the differences in our situations:

1. We are not claiming this as a construction office but seeking variance as a temporary living quarter for our family.
2. The RV facility will be new and well-maintained.
3. The RV facility will be hidden from public view as best as possible given the need to utilize some existing utilities (electric, water, etc.)
4. Our property will be available for inspection if needed (with adequate notice obviously), and we have no intent to be deceitful in our request for variance.

#### 5. Supporting Documents

Enclosed with this letter are the following supporting documents:

*Attachment A.* Site Plan Showing the Proposed Location of the RV

*Attachment B.* Letters of Support from Immediate Neighbors

*Attachment C.* Letter allowing Brian Gerbus to speak on behalf of Molly Gerbus, holder of Molly Gerbus Trust (homeowner)

*Attachment D.* Anderson Township Zoning Resolution as Amended: May 19, 2016 - (*Article 5.3, I, 1, b*)

#### 6. Conclusion

We kindly request the Board to grant a variance allowing the temporary use of an RV on my property during the construction period. This will enable our family to oversee the construction effectively while ensuring our safety and comfort. As well as eliminate a potential hardship on the family unit as it pertains to being away from home, the financial implications of renting an alternative structure (potentially outside of school district), the latter with significant "trickle-down" hardships (i.e. school transportation).



I would also like to note that since we have occupied the address at 6859 5 Mile Road, we have ensured compliance and understanding of any new structures (Pool, Shed, Fence) as well as corrected a structure (shed) situation that the previous owner did not apply for a permit for, nor put in a proper location. That structure has since received a zoning certificate, and relocated to an approved location via the Zoning Department.

Also, we believe strongly that since we have arrived at that property, we have strongly enhanced the look of the home, upgraded the landscaping, and increased the aesthetic of the community.

In utilizing the RV for temporary living, we understand that it may temporarily create what some residents of Anderson Township could deem an "eye sore", although that will be mitigated as practical, our goal is to create a suitable home for my family that will also increase the aesthetics and value of the community.

Thank you for considering our appeal. Please feel free to contact Brian at 513-635-8130 or [brianmatthewgerbus@gmail.com](mailto:brianmatthewgerbus@gmail.com) if you have any questions or require further information.

Sincerely,



Brian Gerbus & Molly Gerbus

# ATTACHMENT A

**Property Report**

Owner: GERBIS MOLLY E TR  
 Address: 6859 FIVE MILE RD  
 Jurisdiction: Anderson Township  
 Parcel Id: 054003200130  
 Zoning: AA - RESIDENCE

Tax Map Print

**Mailing Address**

GERBIS MOLLY E TR  
 6859 FIVE MILE RD  
 CINCINNATI OH 45230

**Owner Address**

GERBIS MOLLY E TR  
 6859 FIVE MILE RD  
 CINCINNATI OH 45230

**Previous Owner**

CENTNER ADAM J

**Districts**

Street Code Name	FOREST HILLS LSD
Tax District	42
Appraisal Area Name	ANDERSON 10
Jurisdiction	Anderson Township

Orange Indicated RV Location. Blue Line illustrates setback from side property line.

**ATTACHMENT B – SUPPORT LETTERS**

**Attached**

- 1. Hunter**
- 2. Caldwell**

Sean & Lindsay Hunter  
6915 5 Mile Road  
Cincinnati, OH 45230  
July 31, 2024

Anderson Township Board of Zoning Appeals  
7850 Five Mile Road  
Anderson Township, OH 45230

Subject: Support for Zoning Variance Request for Temporary Use of RV at 6859 5 Mile Road  
Cincinnati OH, 45230

Dear Members of the Board,

I am writing to express my support for the zoning variance request submitted by my neighbors, Brian & Molly Gerbus, who reside at 6859 5 Mile Road. Brian and Molly are requesting permission to temporarily use an RV on their property during the construction of an addition to their home.

I understand that the construction project involves adding a 3-car garage and second-story addition to their existing home. This project is expected to last approximately 7 months if the zoning variance is approved, during which time Brian, Molly, and their family intend to reside in an RV on their property for safety and convenience.

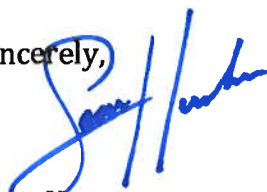
As a close neighbor, I have no objections to the temporary use of an RV on their property.

I am confident that the temporary presence of the RV will not adversely affect the character or aesthetics of our neighborhood.

I kindly request that the Board of Zoning Appeals grants the variance to allow the temporary use of an RV at 6859 5 Mile Road during the construction of their home addition.

Thank you for considering my support for this request. Please feel free to contact me at 513-490-1518 or [SEANMHUNTER78@GMAIL.COM](mailto:SEANMHUNTER78@GMAIL.COM) if you have any questions or require further information.

Sincerely,



Sean Hunter



Brian Gerbus <brianmatthewgerbus@gmail.com>

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## Construction

Tim Caldwell <tim\_caldwell@outlook.com>  
To: Brian Gerbus <brianmatthewgerbus@gmail.com>

Sat, Aug 3, 2024 at 3:08 PM

Here you go.

Tim

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**From:** Brian Gerbus <brianmatthewgerbus@gmail.com>  
**Sent:** Wednesday, July 31, 2024 11:01 AM  
**To:** Tim Caldwell <tim\_caldwell@outlook.com>  
**Subject:** Re: Construction

[Quoted text hidden]

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 **In Support.docx**  
16K

Tim Caldwell  
6847 Five Mile Road  
Cincinnati, Ohio 45230

**Date:** August 3, 2024

**To:** Anderson Township Board of Zoning Appeals  
7850 Five Mile Road  
Anderson Township, OH 45230

**Subject:** Support for Zoning Variance Request for Temporary Use of RV at 6859 5 Mile Road Cincinnati OH, 45230

Dear Members of the Board,

I am writing to express my support for the zoning variance request submitted by my neighbor, Brian & Molly Gerbus, who reside at 6859 5 Mile Road. Brian & Molly are requesting permission to temporarily use an RV on their property during the construction of an addition to their home.

I understand that the construction project involves adding a 3-car garage and second-story addition to their existing home. This project is expected to last approximately 7 months if the zoning variance is approved, during which time Brian, Molly, and their family intend to reside in an RV on their property for safety and convenience.

As a close neighbor, I have no objections to the temporary use of an RV on their property.

I am confident that the temporary presence of the RV will not adversely affect the character or aesthetics of our neighborhood.

I kindly request that the Board of Zoning Appeals grants the variance to allow the temporary use of an RV at 6859 5 Mile Road during the construction of their home addition.

Thank you for considering my support for this request. Please feel free to contact me at (513) 328-7089 or [tim\\_caldwell@outlook.com](mailto:tim_caldwell@outlook.com) if you have any questions or require further information.

Sincerely,

Tim Caldwell

Tim Caldwell



**ATTACHMENT C**

**August 2, 2024**

Anderson Township Zoning Appeals Board  
7850 Five Mile Road  
Anderson Township, OH 45230

Dear Members of the Zoning Appeals Board,

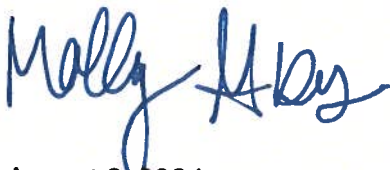
I, Molly Gerbus, as the owner of the property located at 6859 5 Mile Road held under the Molly Gerbus Trust, hereby authorize my husband, Brian Gerbus, to speak on my behalf at the upcoming zoning appeal hearing.

Brian Gerbus is fully authorized to represent my interests and present all necessary information related to our appeal.

Thank you for your consideration.

Sincerely,

Molly Gerbus

A handwritten signature in blue ink that reads "Molly Gerbus". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

August 2, 2024

## ATTACHMENT D

### 5.3 | Parking, Loading, and Access

#### 2. Design and Layout

- a. Stacking spaces shall be a minimum of 9 feet by 20 feet in size.
- b. Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.
- c. Stacking spaces shall be separated from other internal driveways by surface markings. Raised medians may be required where deemed necessary by staff for the purpose of traffic movement and safety.

#### L. Parking and Storage of Recreational Vehicles and Equipment:

Outside parking of recreational vehicles and equipment are subject to the following provisions:

##### 1. General Requirements:

- a. Vehicles or equipment stored or parked on a trailer intended for such use shall count as one recreational vehicle. (For example, a boat on a trailer)
- b. No recreational vehicle or mobile home shall be used for the purpose of permanent habitation, living, or housekeeping purposes in Anderson Township.
- c. There shall be a minimum setback of three (3) feet from the side and rear lot lines.
- d. The recreational vehicle shall be maintained and be in good condition and safe for effective performance of the function for which it is intended. The exterior of the vehicle shall be intact.
- e. Recreational vehicles shall be roadworthy. Vehicles that require a license shall be properly licensed, operable, and tagged.

- f. The wheels or any similar transporting devices of any trailer permitted within any Residence District shall not be removed, except when the trailer is parked in a completely enclosed garage or accessory building, nor shall any such trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.
- g. One (1) recreational vehicle may be parked or stored openly in the rear yard or within an enclosed garage or other permitted building on any single-family lot outside the "FPM" Flood Plain Management Overlay District.
- h. The following recreational vehicles may be parked or stored on any multi-family lot outside the "FPM" Flood Plain Management Overlay District:
  - i. One (1) recreational vehicle may be parked or stored openly in the rear yard or within an enclosed garage or other permitted building, or within the area allowed for main buildings;
  - ii. When located within the area allowed for main buildings, the recreational vehicle shall be set back a minimum of one hundred (100) feet from the front property line and twenty-five (25) feet from any side property line.
- i. The temporary use of one (1) or more trailers for construction office or storage, as well as dumpsters, for construction purposes may be permitted on any premises, provided such use is also located outside the "FPM" Flood Plain Management District and a Zoning Certificate is issued by the Director of Planning and Zoning specifying location of the trailer or dumpster. The duration of such temporary use shall be no earlier than thirty (30) days prior to commencement of construction and shall