

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
JULY 11, 2024**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on July 11, 2024, at 5:30 p.m. at the Anderson Center. Present were the following members:

John Halpin, Paul Sheckels, Scott Lawrence, Jeff Nye, and Greg Heimkreiter

Also, present when the meeting was called to order, Stephen Springsteen, Planner I, Eli Davies, Planner I, Sarah Donovan, Assistant Director of Planning and Zoning and Sage Morrison, 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. Lawrence**: 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. Lawrence**.

Approval of Agenda

Mr. Halpin moved, Mr. Nye seconded to approve the Agenda for July 11, 2024 was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Halpin moved, Mr. Nye seconded to approve the minutes for the June 6, 2024 as amended, Board of Zoning Appeals meeting

Vote: 5 Yeas

Mr. Springsteen introduced Eli Davies, the newest Planner I at the Township, to the Board of Zoning Appeals.

Consideration of Case 15-2024 BZA

Mr. Springsteen gave a summary of the staff report for Case 15-2024 BZA.

Mr. Nye asked if the permitted signage are the current 3D signs on the front of the building, **Mr. Springsteen** showed photos of what has been approved by the Planning and Zoning Department.

Mr. Nye asked for clarification on the dimensions of the signs and what could stay, **Mr. Springsteen** replied that they could probably keep one as of right, but that the applicant can speak to their sizes.

Ms. Donovan explained the definitions of a mural, noncommercial sign and sign.

John Lanni of Thunderdome Restaurant Group for CityBird Development LLC, on behalf of Cobblestone Street II LLC, property owner stated that they are proud of this restaurant and are

glad to be in the Township, he stated that they have put a large amount of money into the Township between this restaurant and Currito across the street and would ask that the Board approve the additional signage. He stated that the messages on the wall are important to the brand.

Mr. Nye stated that one of the factors that the Board considers is whether there is a way to solve the problem, and asked if it is possible to match the bird on the other side of the building to bring it closer to compliance, **Mr. Lanni** replied that it would probably be an addition 5 grand that the business would have to spend.

Mr. Sheckels asked if they received a building permit for the signage, **Mr. Lanni** replied that he was not sure. **Ms. Donovan** stated that the Hamilton County Building Department permits the 3D signage, but not painted.

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

The public hearing was closed at 5:49 PM.

Deliberation of Case 15-2024 BZA

The Board discussed a variance request for existing wall signs for a combined size of 643 sq. ft., where 250 sq. ft. is the maximum amount of signage allowed, per Article 5.5, G, 2 of the Anderson Township Zoning Resolution.

Mr. Sheckles motioned to grant a variance request for a total combination of wall signage of 643 sq. ft., where 250 sq. ft. is the maximum amount allowed at the premises designated as 7893 Beechmont Avenue, per Article 5.5, G, 2 of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Consideration of Case 16-2024 BZA

Ms. Morrison gave a summary of the staff report for Case 16-2024 BZA.

There were no questions of staff from the Board

Kevin Witschger, property owner of 417 Van Vista, stated that he did not build a new fence, he replaced an old one that had been there before the house was built. He stated that when he bought the house, the grass was cut up to the fence and continued that maintenance.

Mr. Halpin asked if the addition has been there since 2008 and if he is proposing to add anything, **Mr. Witschger** replied that no, they're not adding anything to the garage and that the addition has been there since 2008.

Mr. Halpin asked if there are close neighbors to the addition and what is behind the property, **Mr. Witschger** replied that the western and rear of his yard is Greenspace and the other side is all trees and hillside.

Carl Obermeyer, 428 Van Vista Dr, stated that this area has a lot of Greenspace property line issues, so an addition onto an existing building and granting a variance is only giving him permission for doing the wrong things.

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

The public hearing was closed at 6:08 PM.

Deliberation of Case 16-2024 BZA

The Board discussed a variance request for an existing 15' x 24' addition to an existing noncompliant detached garage located in the side yard where detached accessory buildings shall be located in the rear yard and not less than 3' from the rear and side lot lines, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

Mr. Sheckles motioned to grant a variance request for an existing 15' x 24' addition to an existing noncompliant detached garage located in the side yard, where only allowed in the rear yard at the premises designated as 417 Van Vista, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Consideration of Case 17-2024 BZA

Mr. Springsteen gave a summary of the staff report for Case 17-2024 BZA.

Mr. Heimkriter asked if the variance is approved, is for that specific structure, **Mr. Springsteen** replied that the variance runs with the land and they would be approved for an agricultural structure, so if it needed to be replaced down the line, they could do that.

Mr. Nye asked if the structure is measured from other structures and houses, **Mr. Springsteen** replied that it has not been measured that way, that staff looked that the property line.

Mr. Halpin asked where the current structure is. **Mr. Springsteen** pointed it out and stated where the proposed new location is.

Mr. Nye asked for confirmation that the Zoning Resolution regulates the structure, not the animal, **Mr. Springsteen** replied that is correct.

Angela Campos, property owners of 7867 State, stated that the green fencing is gardening fence, but that the shed is a standard shed from Home Depot, but the pen is attached to it so the ducks can be inside and outside. She stated that it also helps them contain the ducks' water and food inside the pen and keep everything clean. She stated that they have owned the ducks

for 6.5 years and that the previous couple that lived next to them was an older couple and they had no problem with the ducks for 2 years and would frequently talk to the neighbors regarding it. She stated that the property was turned over to the son, who sold the house recently. She stated that they've spoken to the new neighbor and have made improvements to help the smells based on the neighbor's request. She stated that a lot of neighbors love to stop by for fresh eggs. She stated that she's not sure how it would affect the character of the neighborhood when you can't see the shed from the street. She stated that Anderson Township was founded on farmland, and that they are happy to teach their kids about the history.

Mr. Nye asked how far the proposed location would be from neighboring houses, **Ms. Campos** replied that the shed is probably close to 200' from the house to the right to them based on how the house sits higher up, closer to State. She stated that moving it back any further would be a struggle because then they are running out of hose line, and the slope of the yard increases toward the rear.

Mr. Lawrence asked if the house with the solar panels is the family that part owns the ducks, **Ms. Campos** replied that yes, they are and they help when her family travels.

Mr. Halpin asked if the new neighbor has complained, **Ms. Campos** replied that she spoke to the new neighbor recently via messenger and they mentioned they could smell it from their deck, so she laid additional pine.

Mr. Nye asked if the outside portion of the enclosure is on the front or back of the shed. **Ms. Campos** replied that it is their preference for it to open into their yard.

Halina Guzik, 7849 State, stated that they enjoy the ducks and would hope that the Campos could keep the ducks.

Mr. Halpin asked which house **Ms. Guzik** lives in, **Mr. Springsteen** replied by showing on the CAGIS map which house is **Ms. Guzik's**.

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

The public hearing was closed at 6:30 PM.

Deliberation of Case 17-2024 BZA

The Board discussed a variance request to allow a structure incidental to the use of the land for agricultural purposes within 100' from any property line, per Article 3.1, C, 11, a and Article 3.1, C, 14, e of the Anderson Township Zoning Resolution.

Mr. Nye motioned to grant a variance request for an accessory structure incidental to the use of the land for agricultural purposes within 100' from any property line at the premises designated as 7867 State Road, per Article 3.1, C, 11, a and Article 3.1, C, 14, e of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 4 Yeas, 1 No- Sheckles

Decision and Journalization of Case 15-2024 BZA

Mr. Nye motioned to grant a variance request for a total combination of wall signage of 643 sq. ft., where 250 sq. ft. is the maximum amount allowed at the premises designated as 7893 Beechmont Avenue, per Article 5.5, G, 2 of the Anderson Township Zoning Resolution, with one (1) additional conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 16-2024 BZA

Mr. Nye motioned to grant a variance request for an existing 15' x 24' addition to an existing noncompliant detached garage located in the side yard, where only allowed in the rear yard, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution, with one (1) additional conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 17-2024 BZA

Mr. Nye motioned to grant a variance request for an accessory structure incidental to the use of the land for agricultural purposes within 100' from any property line, per Article 3.1, C, 11, a and Article 3.1, C, 14, e of the Anderson Township Zoning Resolution, with two (2) additional conditions. **Mr. Halpin** seconded.

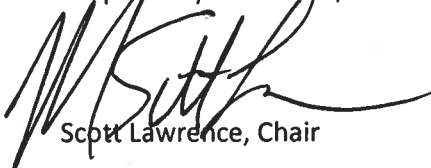
Vote: 5 Yeas

Mr. Sheckles moved to adjourn, **Mr. Nye seconded**. Meeting adjourned with unanimous consent and with no objections from the Board.

The next meeting is scheduled for Thursday, August 1, 2024, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **7:02 PM**.

Respectfully submitted,



Scott Lawrence, Chair

