



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 10-2025 BZA

645 NORDYKE ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MAY 1, 2025.

APPLICANT: Michael Ellerbrock, Strand Associates, on behalf of Hamilton County Park District Board of Park Commissioners, property owner

LOCATION & ZONING: 645 Nordyke Road
(Book 500, Page 114, Parcel 22) – “AA” Residence

REQUEST: A conditional use request for an accessory structure, size 53’ x 19’, related to a governmental facility in a residential district per Article 5.4, I, 8 of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	5.296 acres
<i>Frontage:</i>	195’ on Nordyke Rd
<i>Topography:</i>	Relatively flat on the eastern half, hilly on the western half
<i>Existing Use:</i>	Maintenance facility for Woodland Mound Park

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: “AA” Residence	Single Family Residence
	South: “AA” Residence	Single Family Residence
	East: “AA” Residence	Vineyard Golf Course
	West: “AA” Residence	Woodland Mound Park

PROPOSED DEVELOPMENT: The applicant is proposing to upgrade their existing four uncovered material storage bins constructed with large concrete blocks to cast-in-place concrete storage bins which will be the same size and location. Three of the bins would be covered by a new 3-sided metal roof. The applicant also proposes to install a concrete apron in place of the gravel/sand surface currently near the storage bins.

Per Article 5.4, J, 1, an application for a structure accessory to a conditional use must satisfy the same conditional use standards as the existing conditional use. This property is classified as a governmental facility in a residential district per Article 5.4, I, 8.

HISTORY: The Hamilton County Auditor lists the construction date as 1950. Hamilton County Park District purchased the property in 1976. The maintenance facility was in use prior to the subdivision to the south of the property being developed. A zoning certificate is on file from August 1996 for the garage building east of the storage bins. Another zoning certificate is on file from September 1996 for an expansion of the shed on the northern side of the property. A third zoning certificate is on file for roof repairs in October 2001.

FINDINGS: 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 (Governmental Facility) contained in Article 5.4, I, 8.

Specific Criteria in Article 5.4, I, 8
Governmental Facility (e), (f), (h), (i), (o,i), (p, iii)

e. Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25' for all parking areas. **The proposal does not comply with this standard, and the applicant is requesting a variance for a 22' setback from the southern property line. Staff is of the opinion that this request is reasonable due to the reduction from the existing 15' setback for the storage bins and the existing 22' setback for the adjacent garage building. Furthermore, the metal roof will likely decrease the potential for nuisances to the adjacent properties.**

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zoning district. **In compliance, all parking is at least 50' from Nordyke Rd.**

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. **In compliance, vehicle use is mainly restricted to the interior of the property, and there are no changes to the area.**

i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic. **In compliance, the picking up and dropping off people, products or vehicles is not a common occurrence and the existing layout is sufficient.**

o. Landscaping shall be installed in accordance with one of the following buffers:

i. Boundary buffer of 10 feet with 3.3 canopy trees and 10 shrubs per 100 l.f.

In compliance due to existing vegetation provided that any reduction below the required amount that occurs during construction is replaced.

p. Signage shall be regulated as follows:

iii. Subject to sign standards in Article 5.5, F, 4. **In compliance, there are no changes proposed to any signage on the property.**

General Criteria in Article 2.12, D, 8, a:

i. Spirit and Intent: *The applicant is upholding the spirit and intent of the zoning resolution by adhering to the conditional use standards. In the case of the variance for the setback, the development will likely minimize disruptions to neighboring properties which upholds the spirit of the resolution.*

ii. No adverse effect: *The proposed development will not significantly alter the activities already taking place at the site, and the metal roof may decrease potential dust and noise impacting adjacent properties.*

iii. Protection of Public Services: *There will be no change to any natural, scenic, and historic features of significant public interest.*

iv. Consistent with Adopted Plans: *The application is consistent with the following goals from the Anderson Comprehensive Plan (2022):*

“The community will maintain a high quality of life that includes quality schools, entertainment, cultural activities, health care, religious offerings and a diverse parks, open space, and recreation system” (pg. 6).

“The vast natural and environmental resources of Anderson Township will be protected for future generations.” (pg. 7).

**STANDARDS TO
BE CONSIDERED:**

The aforementioned conditional use request should be evaluated on the following criteria:

Specific Criteria from Article 5.4, I, 8:

- e. Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas.
- f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.
- h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.
- i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.
- o.i. Boundary Buffer of 10' with 3.3 canopy trees and 10 shrubs per 100 l.f.
- p.iii. Subject to sign standards in Article 5.5, F, 4.

General Criteria from Article 2.12, D, 8, a:

- i. Spirit and Intent. The proposed use and development shall comply with the spirit and intent of the Zoning Resolution and with District purposes.
- ii. No Adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, and general welfare.
- iii. Protection of Public Services. The proposed use and development should respect, to the greatest extent practicable, any natural, scenic, and historic features of significant public interest.
- iv. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.

Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.