



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 20-2025 BZA

7980 OLD KELLOGG ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON JULY 3, 2025.

APPLICANT: Saida & Dennis Heher, property owners

LOCATION & ZONING: 7980 Old Kellogg Rd
Book 500, Page 185, Parcel 27 - "AA" Residence.

REQUEST: A conditional use request for a Short-Term Rental (STR) per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	2.006 Acres
<i>Frontage:</i>	Approximately 20' on Old Kellogg Road
<i>Topography:</i>	Very hilly with a 200' increase from south to north
<i>Existing Use:</i>	Single Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	<i>North:</i> "AA" Residence	Single Family Residence
	<i>South:</i> "AA" Residence	Single Family Residence
	<i>East:</i> "AA" Residence	Single Family Residence
	<i>West:</i> "AA" Residence	Single Family Residence

PROPOSED DEVELOPMENT: The applicant is proposing to operate a Short-Term Rental (STR) in an existing house in a single-family residence through Airbnb, in accordance with Anderson Township Zoning Resolution Article 5.4, I, 15.

HISTORY: There are two zoning certificates on file. The first, ZC 1990-124, was issued for the construction of the single family residence, and the second, ZC 2009-344, for the entry gate on the driveway on parcel 500-185-31, also owned by the property owner.

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 (Short Term Rental) contained in Article 5.4, I, 15.

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

Staff is of the opinion that the proposed use would comply with the spirit and intent of the Anderson Township Zoning Resolution and with the district purposes by meeting the conditional use standards.

Staff is of the opinion that the proposed STR would not have an adverse effect. Due to existing vegetation, elevation and distances between residences (over 300 feet to the closest property to the north and over 500 feet to the closest property to the south), the property appears to be isolated from surrounding properties. In addition, the current

property owner owns all adjacent lots with panhandles on Old Kellogg, off of the driveway.

Staff is of the opinion that the proposed STR will respect natural, scenic, and historic features of significant public interest. The applicant has stated that no exterior alterations or lighting changes will be made. There will be no effect on public services. The applicant has stated to maintain the property to the highest standards, preserving the natural and scenic qualities of the area.

The conditional use is in accordance with the following areas of the Township's Comprehensive Plan:

The project is consistent with the following goal and initiative in the "Housing" chapter of the 2022 Comprehensive Plan, which states:

"Anderson Township is home to diverse housing options to meet changing demographics and market demands"

"Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the township"

Specific Criteria in Article 5.4, I, 15

Short- term Rental (h), (l), (m), (s), (v), (x)

*h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. **The applicant has stated that traffic and parking for this Short-Term Rental would be fully contained on site.***

*l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. **The applicant has stated that they are committed to ensuring that this temporary use would be managed in a way that is respectful to the surrounding community. The applicant has stated that this property will be properly maintained, and guest stays will be closely managed. It would be beneficial for the applicant to further expand on the steps they will take to mitigate potential nuisance, such as devices for noise monitoring, security cameras on site, or how they plan to address concerns from adjacent property owners.***

The property currently has few immediate neighbors that have visibility of the property due to location, and dense foliage on each side of the property.

*m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible. **The applicant has stated that no exterior alterations will be made.***

*s. All exterior lighting shall be directed away from adjacent residential properties. **The applicant has stated no changes to the existing lighting.***

*v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility. **The applicant will provide contact information and Anderson Township contact information, which will be distributed to neighbors.***

*x. Meals shall be served only to guests or residents of the facility and not to the general public. **No meals will be served.***

**STANDARDS TO BE
CONSIDERED:**

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

Short-term Rental (f), (h), (l), (m), (s), (v), (x), (z)

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.

l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.

m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

s. All exterior lighting shall be directed away from adjacent residential properties.

v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility.

x. Meals shall be served only to guests or residents of the facility and not to the general public.

In determining whether to grant a special zoning certificate, the Board shall consider and apply the following standards:

- (1) Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with purposes.
- (2) No adverse affect. The proposed use and development shall not have an adverse affect upon adjacent property, or the public health, safety and general welfare.

- (3) 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.
- (4) 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.