



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT
CASE NUMBER 7-2025 BZA
274 SUTTON ROAD
FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MAY 1, 2025.

APPLICANT:	Steve Kenat, SHP, on behalf of SJO Kids Inc.		
LOCATION & ZONING:	274 Sutton Road (Book 500, Page 460, Parcel 008) – “A” Residence and “H” Riverfront		
REQUEST:	A Conditional Use Request for a 2,195 SF addition and parking lot modifications, per Article 5.4, I, 9, of the Anderson Township Zoning Resolution (hospitals and institutions of an educational, religious, charitable, philanthropic nature)		
SITE DESCRIPTION:	Tract Size:	29.568 acres	
	Frontage:	Approximately 620’ on Sutton Rd.	
	Topography:	Hilly, about 100’ increase in elevation from Sutton Rd to the facility	
	Existing Use:	NewPath Child & Family Solutions	
SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	North:	“A” Residence	Interstate 275
	South:	“E” Retail & “H” Riverfront	Ohio River Trail
	East:	“SF-20” SFR (20,000 sq. ft. lots)	Cincinnati Residential
	West:	“A” Residence	Vacant
PROPOSED DEVELOPMENT:	<p>The applicant is proposing to construct a 2,195 square foot addition to the rear building. The addition will include 3 additional sleeping rooms as part of a larger renovation, converting classroom and meeting space into a total of 16 beds, which will increase the total beds in the facility from 33 to 49. The addition will also contain a Milieu space and sensory room. The addition will also result in a net loss of 2 parking spaces. The applicant is also proposing a 10’ anti-climb fence to enclose the exits of the property.</p>		
HISTORY:	<p>The Hamilton County Auditor reports the construction year to be 1986. The first zoning certificate on file is for a freestanding sign, issued in 1991. In 1998 a zoning certificate was issued for a two story 33,050 sq. ft. addition to the main building. In 2007, a zoning certificate was issued for the rear single-story building. In 2013, a zoning certificate was issued for a pavilion in the front yard, granted by Case 12-2013 BZA. A zoning certificate was issued in 2022 for driveway modifications, and in 2023 for an accessory structure.</p> <p>Township Administration has raised concerns about the number of Fire/EMS and Sheriff service calls related to the facility. Between 2016 and 2024, there have only been two years when the Hamilton County Sheriff’s Office has responded 72 times or less. In every other year, there has been a minimum of 94 responses, or on average a minimum of one call every other day. There have been concerns about residents escaping the facility and reaching I-275, leading to law enforcement intervention. There have also been concerns about the number of false fire alarms, which require Township resources and can result in staff being unavailable to attend a simultaneous incident in another area of the Township. As a result, Township Staff is concerned about the impact that adding more beds could have on the Township’s safety services. After meeting with NewPath in April, there is a plan that NewPath is creating to help mitigate the strain on Anderson Township’s safety services. With the proposed 10’ fence made of anti-climb material and</p>		

the addition of a new locking system, there are steps NewPath is taking to keep their residents on their property and safe.

FINDINGS:

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 conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 8 and as well as the designated specific criteria for specific uses contained in Article 5.4, I, 10. To authorize a variance after public hearing, the Board of Zoning Appeals shall make the findings that a property owner has encountered practical difficulties in the use of his/her property. The findings shall be based upon the general considerations set forth in Article 2.12, D, 2, b of the Anderson Township Zoning Resolution.

Specific Criteria

Hospitals and institutions of an educational, charitable, philanthropic nature – (a), (e), (f), (g), (h), (i), (o,i), (p,iii), (s), (y);

- (a) Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site. – **In compliance, the site is over 5 acres, and all buildings on the site do not occupy 10 percent of the total area.***
- (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. – **In compliance, the setbacks are well over 50' for all buildings and 25' for all parking areas.***
- (f) Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. – **In compliance, no parking areas are within the required front yard setback.***
- (g) Use shall have direct access to a collector or arterial street. – **In compliance, the site has access to Sutton Rd.***
- (h) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. – **In compliance, the parking modifications result in a net decrease in 2 spaces which does not impact 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. – **In compliance, no changes to vehicle access to the property.***
- (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, the property is heavily wooded which satisfies the landscape buffer.***
- (p) Signage shall be regulated as follows:
(iii) Subject to sign standards in Article 5.5,F,4 – **In compliance, the applicant is making no changes to the existing signage.***

- (s) *All exterior lighting shall be directed away from adjacent residential properties. – In compliance, the applicant has stated that lighting levels will not be altered.*
- (y) *The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. – In compliance, the proposal of a 2,000 square foot addition does not significantly modify the use of the property.*

Article 2.12, D, 8, a

Spirit and Intent: The proposed use and development will comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

No Adverse Effect: The proposed development may have an adverse impact on adjacent properties and may have an adverse impact on the public health, safety and general welfare. There is concern regarding the number of visits Township safety services have to make to the facility. However, NewPath is currently taking steps to increase security measures to cut down on calls for safety services. As shown on the submitted plans from 4/25/2025, they are working to erect a new 10' fence to enclose the buildings and are changing out their locking system to make it more secure.

Protection of Public Services: The proposed development may impact public services in a detrimental way. With the addition of more rooms to the building, there is concern that there could be an increase in the number of calls for service for the Hamilton County Sheriff's Office and Anderson Township Fire and Rescue Department, however, there is now a plan in place by NewPath to increase security measures to prevent the need for additional runs to the property and to keep their residents on their campus.

Consistent with Adopted Township Plans: The conditional use is in accordance with the Township's Comprehensive Plan and Zoning Resolution:

The project is consistent with the following goal in the "Quality of Place" section of the 2022 Anderson Township Comprehensive Plan:

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

"Encourage new amenities and activities (i.e., walkable development, gathering spaces) that will make Anderson a more attractive community for new businesses and residents" (5.2.2).

Variance Criteria in Article 2.12, D, 2, b:

Staff is of the opinion that the variance is substantial. The applicant is requesting a 10' fence where 6' is the maximum height for fence in Anderson Township is significant. However, this fence is intended for security purposes in helping NewPath keep its residents safe and to cut down on the strain on Anderson Township safety services.

Staff is of the opinion that the essential character of the neighborhood would not be altered. The campus for the property is setback off the property lines by more than 200 feet in all directions and it is set in a heavily wooded area.

The variance would not adversely affect the delivery of governmental services. The applicant is making an attempt to reduce the strain on governmental services by installing the fence.

Staff is of the opinion that the property owners' predicament cannot be feasibly obviated through some other method other than a variance. A 6' fence is not sufficient in deterring residents from leaving the campus and the existing 8' fence has also not sufficiently dissuaded residents from leaving the campus. This 10' fence request is based on other campuses the NewPath staff has visited and has seen more desirable results.

Staff is of the opinion that the spirit and intent behind the zoning requirement may be observed by granting the variance. The fence is intended as a security measure to keep the NewPath residents from putting themselves in more harmful situations. This request and the use of the site is unique to this property. Additionally, the property has significant screening, resulting in no visual impact to neighboring properties.

**RECOMMENDED
CONDITIONS:**

- (1) The final plan submitted by NewPath shall get approval from the Anderson Township Fire Department and Hamilton County Sheriff's Office prior to the issuance of a Zoning Certificate.
- (2) Construction of the improvements shall start within one year, completed within two years.
- (3) Approval is based on substantial compliance with the plans submitted.

**STANDARDS TO
BE CONSIDERED:**

The aforementioned conditional use request should be evaluated on the following criteria from Article 5.4 of the Zoning Resolution:

Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools, provided no rooms are regularly used for housekeeping or sleeping rooms – (h), (l), (o,i), (p,iii), (s);

- (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.*
- (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.*
- (p) Signage shall be regulated as follows:*
 - (iii) Subject to sign standards in Article 5.5,F,4*
- (s) All exterior lighting shall be directed away from adjacent residential properties.*

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 effect: the proposed use and development shall not have an adverse effect 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.

The aforementioned variance request should be evaluated on the following criteria:

- (1) The property in question will yield a reasonable return and there can be beneficial use of the property without the variance;
- (2) The variance is not substantial;
- (3) The essential character of the neighborhood would not be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage);
- (5) The property owner purchased the property with knowledge of the zoning restrictions;
- (6) The property owner's predicament can be feasibly obviated through some method other than a variance;
- (7) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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.