

6859 5 Mile Road

Cincinnati, OH 45230

Zoning Appeal Documents

Brian Gerbus



Basis for Zoning Appeal

- Zoning Application denial for failure to comply with zoning resolution:
 - 3.1.14e

14. Accessory buildings and uses customarily incident to any of the above uses, including:
- a. Quarters for domestic employees employed on the premises as provided in the "AA" Residence Districts
 - b. A private garage or parking spaces, provided that this shall not be deemed to permit parking of a truck or other commercial vehicle on the premises other than as defined in Article 6
 - c. A private stable, subject to the requirements of Article 3.1.C.11.a
 - d. Home Occupations
 - e. The keeping of animals and fowls as pets, provided, however, that any building or enclosure for such animals or fowls, other than for not more than two adult dogs or cats, shall be at least one hundred (100) feet from every property line.
 - f. Farm Markets where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

"A-A" Residence District Regulations

3.1

2. Area Regulations: (See Illustration on Next Page)
- a. Front Yard:
 - i. There shall be a front yard having a depth of not less than fifty (50) feet provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
 - ii. Where lots have a double frontage, the required front yard shall be provided on both streets
 - iii. Where a lot is located at the inter of two or more streets there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.
 - b. Side Yard: Except as hereinafter

Ownership:

6859 5 Mile Road, Cincinnati, OH 45230 is owned by Molly Gerbus Trust. Brian Gerbus is an agent of the trust.

Required Information for Filing an Appeal:

1. ***Facts and reasons for granting appeal:*** For consideration per Article 2.12, D, a. (Standards to be considered...)
 - I. Due to the location of the residence, it is not practical to situate the accessory building (chicken coop) where the following criteria can be achieved:
 - a. Behind the corners of the primary residence
 - b. 100' off each property line
 - II. The location of the original built residence was not selected by current owner, which does not allow enough area off the rear property lines for compliance with zoning resolution. The home was a converted horse barn, and zoning requirements for dwelling were likely not considered during original construction.
 - III. N/A
 - IV. Due to the layout of the property, there will be no material impact to public welfare. Immediate adjacent neighbors (Hunter – 6915 5 Mile) are aware and do not have issue with the chicken coop, they also will be shielded from view by existing barn.
2. ***Facts and reasons for granting appeal:*** For consideration per Article 2.12, D, b. (Standards to be considered...)
 - I. Construction of accessory structure should be viewed as an improvement to the practical use of the property.
 - II. Given the property itself, I do not view the variance as substantial, not do I believe it creates precedent due to the unique nature of the property.
 - III. This area of 5 Mile Road is not a “neighborhood” and I do not believe the area will be substantially altered, not will adjoining properties suffer a detriment.
 - IV. The variance will have no impact on delivery of governmental services.
 - V. Initially, the property was not purchased with any knowledge of Anderson Zoning restrictions, but I am aware now, and decided to do a significant remodel even knowing the zoning restrictions.
 - VI. I cannot find another location on the property that can be behind the corners of the home AND 100' off all property lines. So no, I cannot find another method.

VII. The zoning variance I strongly believe meets the spirit and intent of zoning requirements. In theory, if my home was 30' closer to 5 Mile Road, a zoning variance would not have been needed.

3. ***Specific references to zoning resolution:*** The accessory structure as submitted does not meet section 3.1.14e. To this, I am requesting a variance to approve location as submitted (see attachment).
4. ***Plats and Plans:*** See attached.
5. ***Description:*** Accessory structure is designed to house chickens for the purposes of laying eggs. Eggs will be for personal consumption. Intent is to house 6 chickens initially. Coop is technically capable of housing up to 20, but that is not intended.
6. ***Consent to inspect:*** See attached.

Summary:

In summary, I believe this is a simple variance due to the layout of the home itself and how far back on the property it is constructed.

I do not have any "true" neighbors. Immediately next to me is a vacant lot (which I own), Withrow nature preserve, and the Hunters (who are blocked in view by a barn), and do not have issue with the coop.

This will have no impact to a "neighborhood" and will be an overall net positive for the property.

Attachments:

1. Original Zoning Permit Request
2. Updated Google Earth Image
3. Consent to Inspect
4. Rough Concept of Coop (not ordered yet until approval granted)



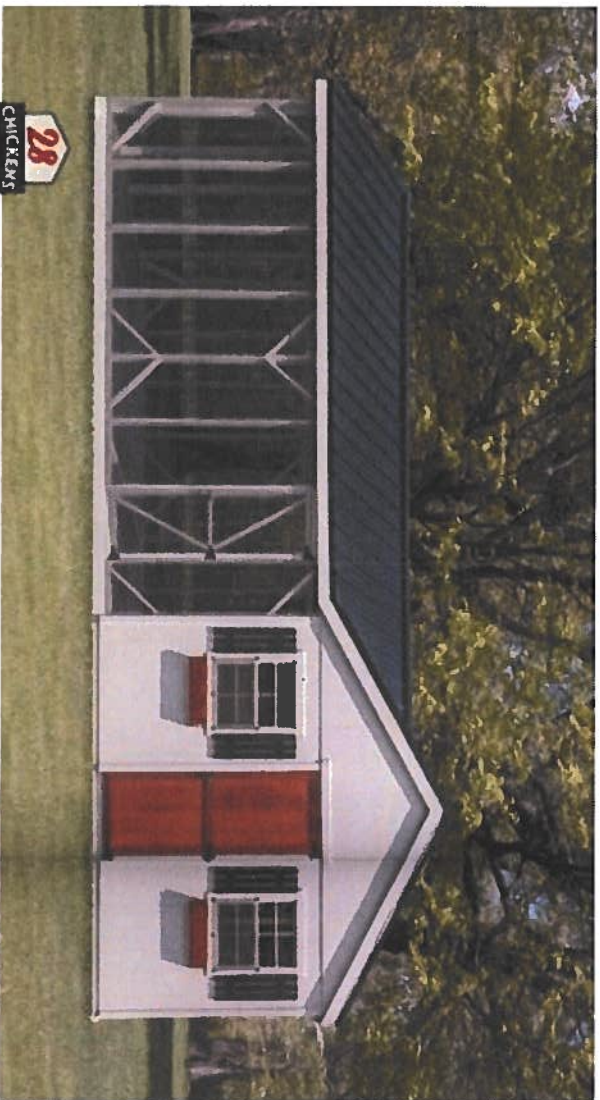
6859 5 Mile Road
Cincinnati, OH 45230

Owner: Molly Gerbus Trust
(Molly & Brian Gerbus)

Preferred method of response: Mailed.

Overall Site Plan:

1. 10'(W)x28'(L)x10'(H)
chicken coop
2. Fenced in area inside
property boundary



A1028CRC

10x28 A-Frame Reverse Cable Combo

- Reversed Layout
- LP Saver! Side Sliding
- White Paint
- White Trim
- 4.5x12x10" Frame Windows
- Black Wood Panel (Optional)
- Reversed Table
- 12' High
- 10'18" Run
- 12'17" Chicken Coop Area
- 12'x12" Feed Room
- Sit Structure (Optional)
- Power House (Optional)
- 8 Working Doors
- Slatted Walk Door (Optional)
- 17' x 17' View (Optional)
- Litter Tins (Optional)
- Clean out Aids (Optional)



40 Dimensions in square. Chicken coop are designed to fit. Your choice is to fit the coop into existing walls, or to fit the walls into the coop.





Image © 2026 Airbus