



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 10-2026 BZA

7774 GLEN EDEN LANE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MAY 7, 2026.

APPLICANT: Mary Jo and Richard Cleveland, property owners

LOCATION & ZONING: 7774 Glen Eden Lane
(Book 500, Page 220, Parcel 737) – “A” Residence

REQUEST: A conditional use request for an Accessory Apartment, per Article 5.4, I, 1 of the Anderson Township Zoning Resolution and a variance for a side yard setback of 7.56’ where a 15’ side yard setback is required per Article 3.3, C, 2, b of the Anderson Township Zoning Resolution.

SITE DESCRIPTION: *Tract Size:* 0.971 acres
Frontage: 190’ on Glen Eden Ln
Topography: Slopes from the East to the West
Existing Use: Single-Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“A” Residence	Single Family Residence
South:	“A” Residence	Single Family Residence
East:	“A” Residence	Single Family Residence
West:	“A” Residence	Single Family Residence

PROPOSED DEVELOPMENT: The applicant is proposing to create an Accessory Apartment. The space is approximately 22’ x 30’ and has an average height of 13’-3” tall located in the side yard. The Apartment will be setback 7’-6.75” from the property line where 15’ is required. The Accessory Apartment will consist of horizontal lap siding designed to match the existing character of the neighborhood.

HISTORY: The home was constructed in 1987 and on November 8, 1996, Mary Jo Sheckels transferred ownership to Mary Jo and Richard E. Cleveland, current property owners. In 1988, an 800 sq. ft. pool was added on to the property, there is no zoning certificate on file, but it is noted by the Hamilton County Auditor. In August 2024, staff received and approved of an addition to the principal structure.

In November 2025, the applicant submitted plans requesting a conditional use for a Granny Cottage (not connected to the residence) with Case 24-2025 BZA which was approved, however the applicant discovered this would require stricter septic requirements that would make the project cost prohibitive.

The property currently has a private septic system, which is regulated through Hamilton County Public Health. As stated in the applicant’s letter, per Hamilton County Public Health’s regulations, if the two structures on the property (house and detached garage) utilize the septic system, this would create a commercial system. To avoid this, the applicant is proposing to physically connect the two (2) structures resulting in one (1) primary structure.

FINDINGS:

To authorize 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 consideration set forth in Article 2.12, D, 8, and as well as the designated specific criteria for specific uses contained in Article 5.4, H, 1.

General Considerations in Article 2.12, D, 8, a

Spirit and Intent: The proposed use and development would 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 Accessory Apartment and addition would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare. While the structure sits within the side yard setback, the neighboring property is set far back behind thick wooded screening. Additionally, the neighboring property sits at a lower grade, further minimizing visibility and potential impacts.

Protection of Public Services: The conditional use will not impact governmental services.

Consistent with Adopted Township Plans: The conditional use is in accordance with the Township’s Comprehensive Plan:

The project is consistent with the following goals and initiatives in the “Housing” chapter of the 2022 Comprehensive Plan, which states:

“Encourage the development of a variety of housing options, at varying price points, to attract and retain a diverse population and that include open spaces, sidewalks, trails, and other neighborhood scale amenities.”

“Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the Township.”

This property is designated for a single-family residential use on the Future Land Use Map, staff feels as though the proposed Accessory Apartment is consistent with this use classification.

The aforementioned conditional use request should be evaluated on the following criteria from Article 5.4, I, 1 of the Zoning Resolution:

Accessory Apartment – (m), (p, i), (q), (y)

Specific Criteria

- (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 improvements required by code or necessitated by licensing requirements shall not be deemed incompatible. **Compliant –The structure would be residential in character. Staff feels the proposal is consistent with residential character of the surrounding neighborhood.**

(p, i) Signage shall be regulated as follows:

- i. No signs shall be erected except those exempt under Article 5.5, D, 3
Compliant - No signage is being proposed.

(q) The conditional use shall be subordinate to the principle permitted use with regard to usage and character. **Compliant**

(y) The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. **Compliant - Staff is of the opinion that the proposed intensity of the Accessory Apartment is appropriate for the location, size, and configuration of the tract. The proposed Accessory Apartment will be occupied by the property owners allowing them to age in place.**

VARIANCE FINDINGS:

Staff is of the opinion that the variance could be substantial. The structure is within the side yard setback; however, significant existing vegetation helps create a physical buffer to shield neighboring properties of this encroachment.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. There are multiple properties in the subdivision that have attached structures that would be in side or rear yards. Additionally, the building materials will be consistent with the character of the neighborhood.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament could be feasibly obviated through some method other than a variance. The existing structure could be used as a detached Granny Cottage (as approved by Case 24 2025 BZA); however, the applicant is proposing to physically connect the Accessory Apartment to the existing house to comply with Hamilton County Public Health's requirements for a private septic system.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. Though the proposed apartment does encroach into the side yard setback, there is still significant separation between 7774 Glen Eden, 7778 Glen Eden, and 7784 Glen Eden in addition to the screening provided by existing vegetation.

STANDARDS TO BE CONSIDERED:

In determining whether to grant a special zoning certificate, the Board shall consider and apply the following standards, per Article 2.12, D, 8:

1. Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with the District 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 conditional use request should be evaluated on the following criteria from Article 5.4 of the Zoning Resolution:

Accessory Apartment – (m), (p, i), (q), (y)

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

- (1) The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) The variance is substantial.
- (3) The essential character of the neighborhood would 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.