



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 15-2026 BZA

7747 FIVE MILE ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 6, 2026.

APPLICANT: Linda Doyle, Cincy Cat Connection, on behalf of Five Mile Shopping Center LLC, property owner

LOCATION & ZONING: 7747 Five Mile Rd.
(Book 500, Page 273, Parcel 424) – “E” Retail

REQUEST: A variance request for a cat foster and adoption lounge where small animals are boarded, with a setback of 71.9’ from a Residence District where 100’ is required per Article 3.14, B, 2, of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	Approximately 4.597 acres
<i>Frontage:</i>	Approximately 404’ of frontage on Five Mile Rd.
<i>Topography:</i>	Flat with a berm along the western property line.
<i>Existing Use:</i>	Multi-tenant retail development

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: “E” Retail	Childcare center
	South: “E” Retail	Multi-tenant retail development
	East: “E PUD” Retail PUD	Anderson Towne Center
	West: “C” Residence	Single Family Residences

PROPOSED DEVELOPMENT:

The applicant is a prospective tenant at 7747 Five Mile Road. The applicant stated that they are planning to operate a non-profit organization providing a cage-free space for rescued cats to be showcased. Operations at the premise include adoption services, visitor interaction with adoptable cats, coffee and beverage service in a separate cat-free area, educational programming, volunteer coordination, administrative offices, retail sales supporting the mission of the organization. No breeding, veterinary services, or overnight public events will be conducted.

Article 3.14, B, 2 of the Anderson Township Zoning Resolution restricts the use of a retail zoned property for use as an animal hospital or structure where small animals are boarded, if the structure is within 100’ of a Residence District. The proposed space for this use is approximately 71.9’ from the nearest Residence District.

HISTORY:

The Hamilton County Auditor lists the construction date of the shopping center as 1984. There are two zoning certificates on file for commercial additions at the out-lot restaurant building – one issued in 1992 and the other in 2002. All other zoning certificates on file are for signage. A variance for wall signage was granted by the Board of Zoning Appeals in 1999 for the portion of the shopping center on parcel 500-0273-0423.

FINDINGS:

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.

Staff is of the opinion that the variance may be substantial. The setback of 71.9' is a substantial reduction of the required 100' setback.

Staff is of the opinion that the essential character of the neighborhood would not be altered. No exterior modifications aside from typical retail signage are proposed for the premise. There is substantial vegetative screening and change in elevation between the shopping center and adjacent residential properties. Impact from noise or odor would likely be similar if not less impactful than any other use that is permitted by right on retail zoned properties.

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

Staff is of the opinion that the property owner's predicament cannot be feasibly obviated through some method other than a variance. A variance is required to use the property for boarding animals. The only other options for the applicant are finding a different property, or offering adoption events without boarding the animals overnight.

Staff is of the opinion that the spirit and intent of the zoning requirement would be observed, and justice done by granting the variance. No exterior changes are proposed to the premise, and the impact of the use will likely be minimal on the adjacent residences.

**STANDARDS TO
BE CONSIDERED:**

The aforementioned variances 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 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.