



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 21-2026 BZA

1319 SCHIRMER AVENUE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON OCTOBER 1, 2026.

APPLICANT: Sean S. Suder, Suder LLC, on behalf of Whole Pillar 99 LLC, property owner.

LOCATION & ZONING: 1319 Schirmer Avenue – Book 500, Page 342, Parcel 86
“C” 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: *Tract Size:* 0.15 Acres
Frontage: Approximately 50’ on Schirmer Avenue
Topography: Relatively flat
Existing Use: Single Family Residence

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

PROPOSED DEVELOPMENT: The applicant is proposing to continue operating a Short-Term Rental (STR) in an existing house. No exterior modifications to the property are proposed. The STR would be operated as a conditional use in accordance with Anderson Township Zoning Resolution Article 5.4, I, 15.

The applicant states that the property owner will not rent rooms to separate parties, will not host events, and will not permit the property to be used for purposes other than residential occupancy. Additionally, the property will be limited to six overnight guests, have parking restrictions, local management accessible 24-hours, quiet hours and noise restrictions, and tenants must acknowledge the property rules at booking.

HISTORY: The Hamilton County Auditor lists the home as constructed in 1923. The current property owner purchased the property in March of 2026. No other zoning history is on file. The property has operated as a short-term rental without approval from the Board. The property owner applied for approval after being notified of the requirement by Planning & Zoning staff due to a complaint received about a potential STR operating at the property.

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 will not have an adverse impact on adjacent properties, public health, safety, or the general welfare of the community. The Applicant stated that the use will be consistent with a single-family dwelling and addresses concerns surrounding parking spillovers, noise, refuse, over-occupancy, and absentee ownership.

Staff is of the opinion that the proposed STR will respect natural, scenic, and historic features of significant public interest. No exterior or structural modifications are proposed. There will be no additional impact on public services.

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. **Compliant - The applicant states that the existing driveway on the property provides parking for up to three (3) vehicles and will be primarily used for parking. No new vehicular areas are proposed, and guests are instructed that street parking is not necessary.***

*l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. **Compliant - Applicant proposes conditions regarding occupancy numbers and use, including quiet hours, rules prohibiting parties, and other operating measures. However, the applicant did not mention if cameras or sound monitoring devices are present at the property. The use of these tools may help monitor violations to property rules.***

*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. **Compliant - No exterior alterations or new structures are proposed.***

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

Compliant - Applicant states that all exterior lighting is currently directed away from adjacent 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. The Applicant will be the primary contact for any complaints and will be available nearby to access any issues. The application does not provide a specific plan for how neighbors will be notified of how to contact the property owner. More information on this plan would be useful to confirm compliance with the condition.

x. Meals shall be served only to guests or residents of the facility and not to the general public. Compliant - No meal service is proposed. Guests will have use of the kitchen in the normal sense of single-family residential use.

**STANDARDS TO BE
CONSIDERED:**

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:

- (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.

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.

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.

**RECOMMENDED
CONDITIONS:**

In addition to the standard condition of substantial conformance with the submitted plans, Township staff recommends the following conditions should the Board approve this request:

1. Local property management is accessible when the property is rented.
2. Participation in the host platform's ID verification program.
3. Maintain contact information accessible for Law Enforcement and Fire/EMS Services.

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.