

**ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT****CASE NUMBER 5-2026 BZA****836 FOREST ACRES DRIVE**

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON FEBRUARY 5, 2026.

APPLICANT: Peter & Elyn Buscani, property owners.**LOCATION & ZONING:** 836 Forest Acres Drive
Book 500, Page 111, Parcel 218 - "B" Residence.**REQUEST:** A conditional use request for an Adult Family Home per Article 3.1, B, 2, i, of the Anderson Township Zoning Resolution. Article 6.1 defines an Adult Family Home as: *A residence or a facility that provides accommodations for three to five unrelated adults with supervision and personal care services to at least three of these unrelated adults. This definition shall include paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.***SITE DESCRIPTION:**
Tract Size: Approximately 0.36 Acres
Frontage: Approximately 72' on Forest Acres Dr
Topography: Relatively flat
Existing Use: Single Family Residence**SURROUNDING CONDITIONS:**

| | <u>ZONE</u> | <u>LAND USE</u> |
|---------------|---------------|-------------------------|
| <i>North:</i> | "B" Residence | Single Family Residence |
| <i>South:</i> | "B" Residence | Single Family Residence |
| <i>East:</i> | "B" Residence | Single Family Residence |
| <i>West:</i> | "B" Residence | Single Family Residence |

PROPOSED DEVELOPMENT: The applicant is requesting to use the house as an Adult Family Home, a conditional use under Article 3.1, B, 2, i, of the Anderson Township Zoning Resolution. The home will be owned by the current property owners through their small business. They have hired a staffing agency, Total Homecare Solutions, licensed by Hamilton County Department of Disability Services, to provide care for residents of the home. The home will also have a manager on site 40 hours per week and staff will have, at minimum, an auditory monitoring system in the event of an emergency. The residence will be home to four adults. No changes are proposed to the exterior of the structure.**HISTORY:** The current property owners, Peter & Elyn Buscani, built the home in 2010 as a fully ADA accessible residence to support the needs of their son who has used a walker and wheelchair since he was a toddler. A zoning certificate is on file from April 2010 for this residence.**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.

General Criteria in Article 2.12, D, 8, a:

- i. **Spirit and Intent.** 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 as the home will continue to be used as a single-family residence, and no exterior changes are proposed.
- ii. **No Adverse Effect.** Staff is of the opinion that the proposed Adult Family Home will not have an adverse impact on adjacent properties. The impact on the neighborhood will be consistent with a single-family dwelling. There are no proposed changes to the exterior of the structure or lighting of the structure. Parking will be available in the garage and driveway for staff and an accessible van. The property owners have also stated they will have plans in place to ensure the home is maintained even if they are unable to actively manage the home themselves.
- iii. **Protection of Public Services.** Staff is of the opinion that the proposed use will not impact any natural, scenic, or historic features of significant public interest.
- iv. **Consistent with Adopted Plans.** The conditional use is in accordance with the following goals and initiative in the “Housing” chapter of the 2022 Comprehensive Plan, which state:

“Anderson Township is home to diverse housing options to meet changing demographics and market demands.”

“The Township will ensure upkeep and maintenance of existing housing stock.”

Initiative 4.1.3 - “Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the township”

**STANDARDS TO BE
CONSIDERED:**

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 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.

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.