

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS  
APRIL 3, 2025**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on April 3, 2025, at 5:30 p.m. at the Anderson Center. Present were the following members:

**Paul Sian, John Halpin, Paul Sheckels, and Scott Lawrence**

Also, present when the meeting was called to order, Steve Sievers, Assistant Twp. Administrator for Operations, Stephen Springsteen, Planner I, Eli Davies, Planner I, and Logan Vaughn, Co-op. A list of citizens in attendance is attached.

Staff and members of the public were asked to raise their right hand and swear or affirm to the following oath as read by **Mr. Sian**: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you, God?

**Staff and those testifying** replied "yes" to the oath issued by **Mr. Sian**.

**Approval of Agenda**

**Mr. Halpin moved, Mr. Lawrence seconded to approve the modified Agenda for April 3, 2025, which was approved by the Board with unanimous consent.**

**Approval of Minutes**

**Mr. Halpin moved, Mr. Lawrence seconded to approve the minutes for the February 6, 2025, Board of Zoning Appeals meeting.**

Vote: 4 Yeas

**Consideration of Case 6-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 6-2025 BZA.

**Mr. Sheckels** asked if the other gates in the area are within the 4' height requirement. **Mr. Springsteen** responded that the one approved through a PUD was taller than 4', and the height on the other gate is not confirmed. **Mr. Sheckels** replied that he does not recall either case. **Mr. Springsteen** replied that one was a 2013 BZA case and the other was a 2024 Zoning Commission case.

**Mr. David Kitzmiller 229 Coldstream Club Dr., property owner and applicant** stated that the residents had initially applied for a zoning certificate which was denied given the 4' height requirement, so they redesigned the gate with two goals. First, the gate should look nice. Second, the gate should match the other gates in the neighborhood. There's a gate at the end of Ayers Rd which is the entrance to a private drive and has a very similar style in terms of the gate and columns. Waterfront Way had recently been approved for a gate which was designed based on the gate at the end of Ayers. They feel very comfortable with our design. Does it meet code? No, but they feel the variance would be justified. It is 6'-6" at the highest point, but the height starts at 5'-6", so it's a gradual climb to the highest point which creates the highest encroachment. However, the residents felt that keeping with the character of the neighborhood was important. They meet the criteria of the 75% transparency.

**Mr. Sheckels** asked if Mr. Kitzmiller understands that there may be issues with access during an emergency if the gate has a failure, and how such a situation would be handled. **Mr. Kitzmiller** responded that first, all residents have control of the gate from their phones. They have agreed that in the event of an emergency the first thing they do after calling 911 will be to open the gate. This solution is something all residents are comfortable with. Second, in the event of a power failure, there is a battery backup. In the worst case, there will be a Knox Box. **Mr. Sheckels** replied that he didn't see a Knox box on the submitted plans. **Mr. Kitzmiller** replied that the gate has not been designed to that level of detail, and they can revise the plans to show a Knox box.

**Mr. Sheckels** asked if Mr. Kitzmiller acknowledges the risk involved if there is a failure of the gate regarding access to emergency services. **Mr. Kitzmiller** replied that it could be an issue, but the residents have worked with their contractor to mitigate potential issues and feel that the risk is justified.

**Mr. Lawrence** asked if there are issues with people driving down the private drive. **Mr. Kitzmiller** replied that it has been an issue which another resident will speak about.

**Mr. Sian** asked if there is clearance for an emergency vehicle that needs to go around the gate. **Mr. Kitzmiller** replied that there's grass on either side, so it's possible.

**Mr. Al Early, property owner of 233 Coldstream Club Dr.**, shared his support for the appeal and stated that the residents want the aesthetic of the gate to be consistent with the neighborhood. The gate is an investment in the property and its value. There may be 4' gates, but most are comparable in size to the gate being requested. Both gates in the area are a similar size. This gate will increase property values which will increase property tax revenue for the Township. Lastly, emergency vehicles would be able to drive around the gate if needed.

**Mr. Mike Zins, property owner of 225 Coldstream Club Dr.**, shared his support for the gate, stating that in regard to emergency services, the property owners have discussed the issue together and are comfortable with their emergency plan of calling 911, then opening the gate from their phone, along with adding the Knox Box to the gate.

**Mr. John Zeilman, property owner of 237 Coldstream Club Dr.**, shared his support for the gate, stating that he lives in the last house at the end of the drive. The private drive does not end with a cul-de-sac, so his driveway has become the cul-de-sac. People are not very good about staying on the driveway.

**Mr. Guy Wolf, property owner of 6001 Stirrup Rd.**, expressed his concern with the gate due to the potential for light pollution from the proposed lighting of the gate. He stated he had no opposition to the gate itself.

**Mr. Kitzmiller responded** that they did not go into that level of detail in the design, and he is open to revising the lighting being proposed.

**Mr. Halpin** moved to close the public hearing. **Mr. Lawrence** seconded the motion. The public hearing was closed at **5:53pm**.

#### **Deliberation of Case 6-2025 BZA**

The Board discussed a variance request for a 6'-6" tall security gate, located in the front yard, where fences exceeding 4' are only permitted in the rear yard, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution.

**Mr. Sheckels** moved to reopen the public hearing. **Mr. Halpin** seconded the motion. The public hearing reopened at **5:57pm**.

#### **Consideration of Case 6-2025 BZA (cont'd)**

**Mr. Kitzmiller** stated that early in the process he spoke with the Fire Department, which was suggested by Planning & Zoning staff. He described the gate and Asst. Chief Herlinger sent the department's requirements for gates which the project complies with. **Mr. Sheckels** replied that he appreciates that and wants to include a condition of fire department approval to ensure compliance with their guidelines.

**Mr. Lawrence** asked if the Knox Box was included in the requirements. **Mr. Kitzmiller** replied that it was not, but they will be installing one regardless.

**Mr. Early** stated that he would be happy to revise the lighting for the gate.

**Mr. Sheckels** moved to close the public hearing. **Mr. Halpin** seconded the motion. The public hearing was closed at **5:59pm**.

#### **Deliberation of Case 6-2025 BZA (cont'd)**

The Board continued their discussion of the variance request.

**Mr. Sheckels** motioned to approve a variance request for a 6'-6" tall security gate, located in the front yard, where fences exceeding 4' are only permitted in the rear yard, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution with additional conditions for a Knox Box, review by Anderson Township Fire & Rescue. **Mr. Halpin** seconded.

Vote: 4 Yeas

#### **Consideration of Case 7-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 7-2025 BZA including the following correct criteria:

- (a) Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site. – *In compliance, the site is over 5 acres, and all buildings on the site do not occupy 10 percent of the total area.*

- (e) Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas. – *In compliance, the site is well over 50' for all buildings and 25' for all parking areas.*
- (f) Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. *In compliance, parking locations are in the same area as previous and are not located in the front yard.*
- (g) Use shall have direct access to a collector or arterial street. – *In compliance, the site has access to Sutton Rd.*
- (h) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. – *In compliance, the parking modifications result in a net decrease of 2 spaces which does not impact the neighborhood.*
- (i) Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. – *In compliance, there should be no impact to noise, odor, vibration, and dust on adjacent properties, the addition is more than 241 feet from neighboring properties, and the property is heavily wooded.*
- (o) Landscaping shall be installed in accordance with one of the following buffers:
  - (i) Boundary Buffer of 10 feet with 3.3 canopy trees and 10 shrubs per 100 l.f. – *In compliance, the property is heavily wooded which satisfies the landscape buffer.*
- (p) Signage shall be regulated as follows:
  - (iii) Subject to sign standards in Article 5.5, F, 4 – *In compliance, the applicant is making no changes to the existing signage.*
- (s) All exterior lighting shall be directed away from adjacent residential properties. – *In compliance, the applicant has stated that lighting levels will not be altered.*
- (y) The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. – *In compliance, the proposal is a small 2,000 square foot addition creating no change.*

**Mr. Sheckels** asked staff to clarify what the Board is reviewing in the request. **Mr. Springsteen** replied that the request is for the 2200 sq. ft. addition.

**Mr. Steve Kenat of SHP, 312 Plum St, applicant,** stated that he is representing NewPath, formerly St. Joseph's Orphanage, and he is joined by staff from NewPath who can help answer questions about the facility. The property is 40 acres. The building being added onto is about 9,000 ft. sq., and the addition will add 2,200 sq. ft. The goal of the project is to take better care of the kids who are in NewPath's care. Also, the project is responding to an exponentially growing need in Hamilton County. The addition is mostly to add a bigger common space to accommodate the interior renovation, converting classroom and office space into bedrooms. There have been challenges keeping residents on the campus, but they are working to remedy

those issues. There have been conversations with Planning & Zoning staff about increasing the height of the fence. The goal is to implement modifications to the fence and access control at a different stage, but before the addition is constructed.

**Mr. Sheckels** asked what is being done to resolve concerns about the protection of public services, which seems to be the greatest concern in the staff report. **Mr. Kenat** replied that NewPath is working on increasing staffing. They are also considering replacing a fence around the courtyard playground space. The fence is currently 6', and they would like to increase the height. They are also working on modifications to access control and working with Township, county, and state agencies to upgrade the locks while complying with regulations for access and egress.

**Mr. Sheckels** asked whether a fence greater than 6' would need a variance if it is internal. **Mr. Springsteen** replied that it would need a variance. **Mr. Kenat** added that their goal is to start construction on the addition and replace the fence at a later date before the renovated building is occupied.

**Mr. Halpin** asked what the age bracket is of residents. **Mr. Kenat** replied that all are under 18, and the youngest residents are five years old.

**Mr. Halpin** asked if the residents come from foster homes. **Mr. Kenat** directed the question to NewPath Staff. **Mr. Halpin** elaborated on his question, asking for an overview of the population and how people come and go. **Ms. Esther Urick, VP of Clinical Services at NewPath, 274 Sutton Rd., responded** that the facility serves mainly Hamilton County residents who are minors. They come to the facility primarily through Hamilton County Jobs and Family Services child welfare division, and a large percentage are foster children.

**Mr. Lawrence** asked how long the children normally stay at the facility. **Ms. Urick** replied that they normally stay anywhere from 3 weeks to 9 months. A year would be a really long stay, and typically that would mean the treatment has finished and they are waiting to be placed in the community.

**Mr. Halpin** asked whether the facility serves those with developmental disabilities. **Ms. Urick** replied that the facility treats behavioral issues, and that children with issues related to developmental disabilities are referred to other facilities specialized in those needs.

**Mr. Sheckels** asked how concerned the Township is with the security of the facility. **Mr. Sian** replied that Mr. Sievers, Anderson Township Assistant Administrator for Operations, was in attendance to address those concerns.

**Mr. Sheckels** asked what actions NewPath is taking to remedy the security concerns. **Ms. Urick** replied that the building where the addition is proposed is not the building which has been having security issues. The 25-year-old building has been the cause of the issues, not the newer building. Additionally, the difference in issues between the buildings allows them to look at the older building and evaluate what changes are needed to improve security. Staff have been visiting other facilities to identify best practices. Some of these practices are having a 10' fence and upgrading the locking system. NewPath is pursuing these strategies.

**Mr. Sheckels** asked if NewPath would be willing to discuss these issues with the Township. **Ms. Urick** replied that they would be willing to have a conversation but emphasized that the security issues are related to the older building, not the building being renovated.

**Mr. Lawrence** suggested that the issue is related to technology more than anything else. **Ms. Urick** confirmed this suggestion and stated that NewPath has the resources and ability to make the improvements needed to increase access control, and they are actively working on upgrading the facility.

**Mr. Halpin** asked how many residents the facility has currently. **Ms. Urick** replied that there are around 26 residents. **Mr. Halpin** asked whether the addition and renovation would increase that population. **Ms. Urick** replied that it would increase the number by 16. The facility is licensed for 33 beds, but they typically have closer to 29 residents. They do not envision reaching capacity with the additional rooms.

**Mr. Halpin** asked for a description of a new arrival and how they are treated by the facility. **Ms. Urick** replied that in general when a child arrives, staff meet with the guardian, who is often from Hamilton County Jobs and Family Services, and review the treatment and services that would be provided as well as expectations from both the facility and the guardians while the child is in the care of the facility. Most children transition back to foster homes or families of origin after treatment.

**Mr. Halpin** asked why the police are constantly being called. **Ms. Urick** replied that the population is different, and more challenging than it was 10 years ago. Costs have also gone up, which has meant children with less severe needs are turning to different, less expensive, treatment options. Across the state, many residential programs have closed. NewPath is dedicated to serving youth locally and works to ensure they still have an option in the state.

**Mr. Lawrence** asked if all the residents are from Hamilton County. **Ms. Urick** replied that the majority are from Hamilton County.

**Mr. Sievers, Assistant Administrator for Operations, Anderson Township 7850 Five Mile Rd,** stated that he is representing the concerns of the Anderson Township Board of Trustees. First, he highlighted that the Township has frequently been a partner and supporter of the work at the facility. He highlighted that the Trustees are concerned with the 50% increase in the number of residents. He pointed to the number of Hamilton County Sheriff's Office and Township Fire & Rescue runs, which has reached 86 runs in 2025. Despite Township administrators meeting with facility staff multiple times in the last year, there has been no improvement. In their most recent meeting on 3/10/25, there was no discussion of the BZA application, despite the application being submitted on 3/14/25. NewPath staff discussed a fence in their meeting, but it was not included in the BZA application despite needing a variance due to the height. The trustees are concerned that the application will be approved without any plans in place to mitigate the security concerns, particularly the improved fence. He noted the distances residents who escaped the facility have travelled and the strain placed on Township services to manage these incidents. He also noted that due to NewPath's nonprofit status, the Township does not receive any funding from the property.

**Mr. Sheckels** asked if Township Administration would be willing to discuss the issue with NewPath if the request is continued until the May 1 BZA meeting. **Mr. Sievers** replied that staff were supportive of the plan for the fence which was discussed during the meeting on 3/10/25. Township staff were surprised that the fence was not included in the application.

**Mr. Sheckels** asked **Mr. Kenat** if they would be willing to postpone consideration of the application until the May 1 BZA meeting to resolve the Township's concerns. **Mr. Kenat** suggested an alternative for a conditional approval in order to begin the building permit process. **Mr. Sheckels** replied that he would not feel comfortable with that proposal.

**Mr. John Colegrove, CFO at NewPath, 4721 Reading Rd.,** stated that the tariffs are putting the project at risk. He also advocates for a conditional approval. He stated that NewPath has already begun discussing fencing and has the money to upgrade it. He emphasized that the addition in question will likely not add to the problem with security, and that those issues will be dealt with regardless of the outcome of the case.

**Mr. Sheckels** stated that he would not feel comfortable approving the request with conditions.

**Mr. Lawrence** asked whether the current fence is around the property and how people are reaching the highway. **Mr. Colegrove** replied that there are multiple points of egress in the current building. One area is the playground area with the fence. There are other access points which need to be addressed. **Mr. Lawrence** asked whether the doors could be locked. **Mr. Colegrove** replied that the doors are not allowed to be locked per regulations. **Mr. Sheckels** added that the doors would need to stay unlocked for emergency egress, but they could be locked for entry. **Mr. Colegrove** confirmed that to be accurate.

**Mr. Halpin** asked how the frequency of Sheriff calls has been addressed by the facility. **Mr. Colegrove** replied that the clients present a lot of difficulties, and staff are prohibited from placing hands on the children to prevent them from leaving the building. There have been staff shortage issues and a lack of trained staff. They are also working on access control strategies.

**Mr. Davies** asked what the regulatory body is for the facility. **Mr. Colegrove** replied OMHAS (Ohio Mental Health and Addiction Services).

**Mr. Halpin** asked if the Township could provide a list of the issues it would like addressed. **Mr. Sievers** replied that the primary issue is keeping the residents on the campus. The previous conversations have not been productive in resolving the situation. There have also been issues with false alarms recently.

**Mr. Sheckels** asked for clarification whether the fence along the highway is 4' or taller. **Mr. Sievers** replied that it is only a 4' high fence.

**Mr. Sheckels** asked whether the residents have a bracelet or other technology to alert staff if they leave the facility. **Ms. Urlick** replied that they do not and added that there seems to be a

communication issue. She stated staff have been responding to Township concerns and emphasized again that the project is in a different building than the one with most of the security issues. The facility started having a detail officer M, W, and F, which have been the peak time for emergency response calls. NewPath has been implementing changes and is willing to make more changes. **Mr. Sievers** noted that the Township has not been informed that these projects have been taking place, so Administration felt this meeting was the best opportunity to ensure a resolution was reached. **Ms. Urick** replied that she has been frustrated that the Township has not been meeting with NewPath proactively to stay in communication. **Mr. Sievers** responded that the Township Administration was concerned due to the BZA application being submitted without any advanced notice.

**Mr. Sheckels** commented that there needs to be further communication between the Township and NewPath, and that he would not approve the application that night. He is open to supporting the application if the concerns of the Township are addressed by NewPath.

**Mr. Halpin** commented that delaying the application a month would allow the Board to get a fuller picture of the conditions needed for approval.

**Mr. Sheckels** added that there are two choices: discussion, or the applicants could request a continuance until the May 1 meeting.

**Mr. Lawrence** commented that he agrees with the previous comments and is concerned about the safety issues.

**Mr. Sian** asked whether the applicants would like the Board to vote that night or postpone to the next meeting, knowing the way the Board is leaning on the application. **Mr. Kenat** asked for clarification on whether a conditional approval could be granted where they come back in 30 days and show compliance with the conditions. **Mr. Sian** asked staff to clarify whether a conditional approval could be granted. **Mr. Kenat** replied that the condition would be offered by the applicant. **Mr. Sheckels** added that it would put NewPath in a bad negotiating position. **Mr. Springsteen** added that the 10' fence still needs a variance which would need Board approval. **Mr. Kenat** replied that needing the variance means that NewPath will be at the BZA meeting the following month. **Mr. Springsteen** replied that the Township would not issue a zoning certificate until the conditions are met, even if the Board granted approval with conditions at that meeting. **Mr. Kenat** replied that he believes a conditional approval would allow NewPath to begin the county's plan review process sooner. **Mr. Springsteen** replied that he is not aware of the Township ever issuing a zoning certificate of that nature, and asked Mr. Sievers if he recalled anything. **Mr. Sievers** replied that he did not want to advise the Board as he is attending to represent the Trustees. **Mr. Springsteen** clarified that the Board could issue approval with conditions, but those conditions would need to be met before a zoning certificate is issued by the Township. **Mr. Kenat** replied that Hamilton County has said that zoning approval is needed before the building permit process can begin. **Mr. Springsteen** replied that he understands, but the Township needs to be consistent.

**Mr. Halpin** asked where the fence was discussed is located. **Mr. Kenat** replied that the fence being discussed encloses the courtyard space between the buildings. **Mr. Halpin** replied that residents could technically jump out of a window. **Mr. Kenat** acknowledged that to be true, and



added that not all of the doors to the outside go into the courtyard space which is why NewPath is working on lock improvements. **Mr. Lawrence** replied that he was going to ask whether there were doors which did not exit to the courtyard space. **Mr. Kenat** replied that they do not, and the facility is installing additional locks which comply with regulations to mitigate that issue. **Mr. Sian** asked for clarification on what type of locks will be used. **Mr. Kenat** clarified that staff would have access to unlock the doors, and that the upgrades are allowing the facility to better serve the current population.

**Mr. Sheckels** asked whether NewPath would prefer to have a continuance until the May 1<sup>st</sup> meeting or have the Board vote during the April 3<sup>rd</sup> meeting. **Mr. Kenat** replied that they would prefer the continuance to allow them to discuss concerns with the Township. **Mr. Sheckels** replied that he thinks the Township will be receptive to discussions to resolve the concerns.

Consideration of Case 7-2025 BZA ended at **6:55 pm**.

#### **Decision and Journalization of Case 6-2025 BZA**

**Mr. Sheckels** motioned to grant a variance request for a 6'-6" tall security gate, located in the front yard, where fences exceeding 4' are only permitted in the rear yard, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution with four conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

#### **Election of Officers**

**Mr. Sheckels** nominated himself to serve as Secretary. **Mr. Halpin** seconded.

Vote: 4 Yeas

**Mr. Sheckels** nominates Mr. Lawrence to serve as Chair. **Mr. Sian** seconded.

Vote: 4 Yeas

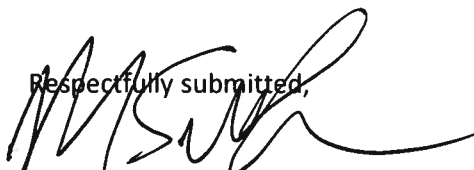
**Mr. Halpin** nominates Jeff Nye to serve as Vice Chair. **Mr. Sian** seconded.

Vote: 4 Yeas

The next meeting is scheduled for Thursday, May 1, 2025, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **7:04**.

Respectfully submitted,



Scott Lawrence, Chair

**THURSDAY, APRIL 3, 2025 AT 5:30 P.M.**  
**ANDERSON CENTER, 7850 FIVE MILE ROAD**

**PLEASE PRINT - THANK YOU**

**NAME:**

**ADDRESS:**[illegible]