

ANDERSON TOWNSHIP BOARD OF ZONING APPEALS

April 4, 2024

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on April 4, 2024, 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 Sarah Donovan, Assistant Director of Planning and Zoning, and Stephen Springsteen, Planner I, and Makenzie Stewart, UC 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. Sheckels seconded to approve the Agenda for April 4, 2024 was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Halpin moved, Mr. Sheckels seconded to approve the minutes for the March 7, 2024 Board of Zoning Appeals meeting.

Vote: 4 Yeas

Consideration of Case 4-2024 BZA

Ms. Stewart gave a summary of the staff report for Case 4-2024 BZA.

There were no questions from the Board for staff.

Ms. Robinson, property owner, 1220 Bondick Dr. stated that she agreed with the staff presentation and that she brought the house manual and interior photos for the record.

Mr. Halpin asked if the property owner lives in the Township. **Ms. Robinson** replied that she lives part time in this property and half in Eastern Kentucky.

Mr. Halpin moved to close the public hearing. **Mr. Lawrence** seconded the motion.

The public hearing was closed at 5:39 PM.

Deliberation of Case 4-2024 BZA

The Board discussed a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1220 Bondick Dr, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1220 Bondick Dr, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 4 Yeas

Consideration of Case 5-2024 BZA

Ms. Stewart gave a summary of the staff report for Case 5-2024 BZA.

The board did not have any questions for the

Sarah Buschman and Jacob Saunders, property owner, 760 Pickwick Dr. stated that she when they bought the house in February and moved in, the privacy fence was already there. She stated that they also had half of a Kentucky board fence in the front yard that was not completed, so she applied for a fence and was notified of the double frontage yard at that time. She stated that a Kentucky board in this location would not prevent the lights from Sandker lane shining in

Mr. Lawrence asked for clarification on when they bought the property. Ms. Buschman stated that the previous owner bought the house in July 2023, they flipped it, and when they bought it in February it was already there. She stated that they also included the Zillow listing in their submittal to show that it was there. She stated their intent is to tear down this fence and replace it with a much nicer fence, making it look more uniform.

768 Pickwick, stated that she has lived next door since 1987, she stated that this privacy fence has been there the entire time she has lived there. She stated that there were flippers who put in the fence board by board, so it is very scalloped looking. She stated that they welcome this privacy fence because of the development across Woodruff. She stated that it helps with noise, lights and safety. She stated that the approval at 752 Pickwick would connect to this one and will look appropriate for their neighborhood.

Michelle White, 752 Pickwick, stated that she received a variance for her fence a couple of years ago and was able to improve her fence from a 4' chain link fence to a privacy style fence. She stated that her fence is 192' and this is a small section of fencing that just connects both. She stated that this house was a huge eyesore for years and finds it ironic that now that a nice young couple wants to approve it and they are back at the Board of Zoning Appeals.

Mr. Halpin moved to close the public hearing. **Mr. Sheckles** seconded the motion.

The public hearing was closed at 5:54 PM.

Deliberation of Case 5-2024 BZA

The Board discussed a variance request for a 6' privacy fence in the front yard where only a 4' tall, 75% open fence is permitted, at the premises designated as 760 Pickwick Dr, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance request for a 6' privacy fence in the front yard where only a 4' tall, 75% open fence is permitted, at the premises designated as 760 Pickwick Dr, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution, with two conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

Consideration of Case 6-2024 BZA

Mr. Springsteen gave a summary of the staff report for Case 6-2024 BZA.

There were no questions for staff from the Board.

Brad D'Agnillo, of Kleingers, on behalf of the Park District and Mike Smith of the Anderson Park District stated that Stephen covered it, this is a continuation of the fields from 2010. He stated that they will not be as large as the other fields due to the bend of the river. Mr. D'Agnillo stated that the gravel has been removed and it was probably bare earth during those photos, and that it will be seeded.

Mr. Halpin asked if there will be pickle ball courts? Mr. Smith replied to stay tuned for other park updates.

Mr. Lawrence asked if the other field has similar height poles. Mr. Smith replied that they are

Mr. D'Agnillo stated that the gravel entrance drive that is remaining and if the condition can be removed. Mr. Springsteen stated that if it was strictly a maintenance area that staff would be ok with it remaining. It was mainly just that if it was a public parking lot, to bring it into compliance with the Zoning Resolution. Mr. Smith replied that there is probably no way to stop the public from using it. Mr. Springsteen replied that potentially a maintenance only sign would be appropriate.

Mr. Halpin moved to close the public hearing. **Mr. Lawrence** seconded the motion.

The public hearing was closed at 6:05 PM.

Deliberation of Case 6-2024 BZA

The Board discussed a variance request for light poles with a height of 70' where a maximum of 45' is permitted and a 6' tall chain link fence within the 50' front yard setback per Article 3.20, C, 1 and Article 3.20, C, 2 a of the Anderson Township Zoning Resolution, zoned "H" Riverfront.

Mr. Sheckels motioned to grant a variance request for light poles with a height of 70' where a maximum of 45' is permitted and a 6' tall chain link fence within the 50' front yard setback per Article 3.20, C, 1 and Article 3.20, C, 2 a of the Anderson Township Zoning Resolution, with the condition of adding a sign to the gravel area that it is maintenance only, **Mr. Halpin** seconded.

Vote: 4 Yeas

Consideration of Case 7-2024 BZA

Ms. Stewart gave a summary of the staff report for Case 7-2024 BZA.

The Board did not have any questions for staff.

Steven and Jovi Self, property owners, 7080 Hunley Rd. Mr. Self stated that he was not aware the shed was in violation and will be on the May agenda.

Mr. Halpin asked if they live in the home. Mr. Self replied that they live at the property. Mr. Halpin asked where they would stay during. Mr. Self replied that they will stay with relatives.

Mr. Halpin asked where parking is. Mr. Self replied that the driveway is located across the front yard areas of the three homes and they maintain their portion of it.

Ting, 7076 Hunley Rd, property owner stated that she is strongly opposed to a short term rental that could diminish the value of her property. She stated that the easement was granted for the driveway through the property, only for private use and not for business purposes. She stated that the trends of airbnbs across the nation are safety concerns.

Mr. Lawrence asked if there is a recorded easement for the driveway. Ms. Ting replied that according to the title company, there is a recorded easement.

Mr. Sian asked when she bought the property. Ms. Ting replied that she purchased the property in 2022. Mr. Sian asked if the hope is to flip and sell the property, Ms. Ting replied yes and that she is very happy with the rising property value.

Mr. Halpin asked if Ms. Ting lives on Hunley. She replied no, that she does not live on Hunley.

Mr. Self stated that the house of 7076 Hunley is in horrible condition and is an eye sore. He stated that he isn't sure why she would have concern when the house is in this horrible condition and she intends to flip the house and make a profit and arguing that he shouldn't be allowed to.

Ms. Ting replied that she has no intention of abandoning this house. She stated that she is running short on capital and that is why she is waiting to restore the house.

Mr. Self replied that the house is falling in and shouldn't be allowed to be in the condition that it is in. He stated that she is concerned over people making a profit and is doing exactly the same thing.

Mr. Halpin moved to close the public hearing. **Mr. Sheckles** seconded the motion.

The public hearing was closed at 6:24 PM.

Deliberation of Case 7-2024 BZA

The Board discussed a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 7080 Hunley Rd, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Sheckles motioned to grant a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 7080 Hunley Rd, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution, with the condition that they apply for the variance for the shed in May. **Mr. Halpin** seconded.

Vote: 4 Yeas

Consideration of Case 8-2024 BZA

Mr. Springsteen gave a summary of the staff report for Case 8-2024 BZA.

The Board did not have any questions of staff

Mr. Tim Yacks and Lee Wagner, property owners of 7583. **Mr. Yacks** stated that they bought the house a couple of years ago and its time to add some dimension to the house and make it more beautiful on that side.

Mr. Halpin asked if they live there. **Mr. Yacks** replied yes.

Mr. Halpin asked how many rooms. **Mr. Yacks** replied four rooms, six bathrooms. He stated that the garage will then be double stacked since it is currently a two car garage. **Ms. Wagner** stated that it will be a two story covered porch on the golf course side.

Mr. Sheckles asked if it is enclosed. **Ms. Wagner** replied that it will not be enclosed in anyway.

321 Asbury, stated that they are neighboring this property. He stated that he has lived there with his wife in 52 years and stated that this couple has made more improvements in the last five years than anyone else that has owned the property. He stated that they believe these improvements will greatly improve the entire neighborhood. He stated that they see no problem with the additions being closer to the road, as his property sits 25 feet from the roadway.

Mr. Halpin asked if he can see the pickle ball courts. **Mr. Thompson** stated that he is opposed to the pickle ball courts and will continue to be opposed of them.

Mr. Halpin asked for clarification of the location of his property.

Mr. Halpin moved to close the public hearing. **Mr. Sheckles** seconded the motion.

The public hearing was closed at 6:37 PM.

Deliberation of Case 8-2024 BZA

The Board discussed a variance request for a set of additions including two (2) additions with a proposed front yard setback of 30.3' and 36.2' where a 50' front yard setback is required, located at the property of at the premises designated as 7583 Ayers Rd, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance request for a set of additions including two (2) additions with a proposed front yard setback of 30.3' and 36.2' where a 50' front yard setback is required, located at the property of at the premises designated as 7583 Ayers Rd, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution with conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 4-2024 BZA

Mr. Sheckels motioned to approve and journalize a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1220 Bondick Dr, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution with two (2) conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 5-2024 BZA

Mr. Sheckels motioned to approve and journalize a variance request for a 6' privacy fence in the front yard where only a 4' tall, 75% open fence is permitted, at the premises designated as 760 Pickwick Dr, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution, with two (2) additional conditions. **Mr. Lawrence** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 6-2024 BZA

Mr. Sheckels motioned to approve and journalize a variance request for light poles with a height of 70' where a maximum of 45' is permitted a 6' tall chain link fence within the 50' front yard setback per Article 3.20, C, 1, and Article 3.20, C, 2, a of the Anderson Township Zoning Resolution with four (4) conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 7-2024 BZA

Mr. Sheckels motioned to approve and journalize a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 7080 Hunley Rd, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution with three (3) conditions, **Mr. Halpin** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 8-2024 BZA

Mr. Sheckels motioned to grant a variance request for a set of additions including two (2) additions with a proposed front yard setback of 30.3' and 36.2' where a 50' front yard setback is required, located at the property of at the premises designated as 7583 Ayers Rd, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution, with two (2) additional conditions.

Mr. Halpin seconded.

Vote: 4 Yeas

Mr. Sian moved to adjourn, with unanimous consent and with no objections from the Board.

The next meeting is scheduled for Thursday, May 2, 2024, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:59 pm**.

Respectfully submitted,



Paul Sian, Chair

