

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
DECEMBER 7, 2023**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on December 7, 2023, 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 Chris Cavallaro, Planner I, Stephen Springsteen, Planner I, and Makenzie Stewart, 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

The Agenda for December 7, 2023 was approved by the Board with unanimous consent.

Mr. Springsteen stated that the Board will have to elect a temporary secretary for this meeting. **Mr. Scheckels** nominated **Mr. Halpin** as secretary, and **Mr. Lawrence** seconded the motion.

Vote: 4 Yeas

Approval of Minutes

The Minutes for November 2, 2023 were approved, Mr. Sheckels moved to approve, and Mr. Halpin seconded the motion.

Vote: 4 Yeas

Consideration of Case 21-2023 BZA

Mr. Springsteen gave a summary of the staff report for Case 21-2023 BZA.

Mr. Andrew Hibner, 802 Four Mile, owner of 1399 Washington Circle,

Mr. Sian asked if there was anything that Mr. Hibner would like to add in addition to the staff report. Mr. Hibner replied that he did not.

Mr. Lawrence asked if the driveway abuts, or has an easement with the adjoining property. Mr. Hibner replied that it abuts the adjoining driveway.

Ruth Hardy, 7757 Anderson Oaks Drive, explained that she would recommend denial of the conditional use permit. Mrs. Hardy stated that despite the background check procedures, there is a chance for unwelcome criminal activity in the neighborhood if the short term rental is allowed. She stated that she does not believe the property being used as a short term rental is

not consistent with the goals and initiatives of the adopted Township plans as it is being used as a business within a neighborhood.

Michael Hardy, 7757 Anderson Oaks Drive, explained that he would recommend denial of the conditional use permit. Mr. Hardy is concerned that this short term rental would bring more crime to the area. He stated that there are at least 13 bars within the area that could attract crime to the area.

Mr. Hibner responded that this neighborhood already has several rental properties. He addressed the use of the Party Squasher technology. Mr. Hibner addressed the concerns of Mr. Hibner.

Mr. Sian asked if there is an occupancy limit and Mr. Hibner replied that there is a 6-person limit.

Mr. Sheckels asked if the applicants had spoken with surrounding residents discussing the issue. Mr. Hibner said that they have only spoken with the neighbors directly adjacent to the property, but if the conditional use was approved, he would then reach out to additional neighbors and property owners. Mr. Hibner also explained that he plans to give his personal cell phone number to neighbors and that there is a specific email address for this property.

Mr. Halpin asked how long he had lived in Anderson. Mr. Hibner stated that he has lived in Anderson for 22 years.

Timothy Hudson, 1398 Columbus, stated that he has had numerous conversations with the property owners. He stated that he has previously used a short term rental in Anderson Township and has no problems with the proposed short term rental. Mr. Hudson stated that he is in approval of the short term rental.

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

The public hearing was closed at 6:02PM.

Deliberation and of Case 21-2023 BZA

The Board discussed a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1399 Washington Circle, 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 1399 Washington Circle, the condition that it be consistent with the 10/02/2023 plans. **Mr. Halpin** Seconded.

Vote: 4 Yeas

Consideration of Case 24-2023 BZA

Mr. Springsteen gave a summary of the staff report for Case 24-2023 BZA.

Stuart & Catherine Scheller, property owner, 1016 Markley Rd., stated that they have lived at the property since 1995. Mrs. Scheller explained that they still use the house and the property. The plan was to raise her children and begin a Bed & Breakfast but thought otherwise. **Mrs. Scheller** stated that because of the changing family dynamics, they want to continue to use the house and live in the house, but the costs of upkeep continue to rise. They do not want to sell the property or subdivide the land for additional income, and a short term rental would allow them to keep the property.

Mr. Sian asked if they were going to live in the house.

Mr. Scheller said that they did live in the house but do travel and are away from the property at times.

Mrs. Scheller stated that they have two sons locally that can watch over the property if they happen to be traveling or out of town.

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

The public hearing was closed at **6:16PM**.

Deliberation of Case 24-2023 BZA

The Board discussed a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1016 Markley Rd., per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a conditional use for a Short-Term Rental (STR) Facility at the premises designated as 1016 Markley Rd., per Article 5.4, I, 15 of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 4 Yeas

Consideration of Case 25-2023 BZA

Mr. Springsteen gave a summary of the staff report for Case 25-2023 BZA.

Ms. Scheller, property owner, 1006 Markley Rd., stated that they purchased the property when was available for sale and look forward to having this property for guests that visit Anderson.

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

The public hearing was closed at **6:22PM**.

Deliberation of Case 25-2023 BZA

The Board discussed a conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1006 Markley Rd., per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Schekels motioned to grant a conditional use for a Short-Term Rental (STR) Facility at the premises designated as 1006 Markley Rd., per Article 5.4, I, 15 of the Anderson Township Zoning Resolution., with two additional conditions. **Mr. Lawrence** seconded.

Vote: 4 Yeas

Consideration of Case 26-2023 BZA

Mr. Springsteen gave a summary of the staff report for Case 26-2023 BZA.

Mr. Kent Roush, 4142 Airport Rd #3, representative for 7322 Lawyer Rd. stated that this house is a tri-level house which makes the design a bit more difficult. Mr. Roush stated that he had been in earlier discussions with Anderson Township about the proposed project and that the main concern was to keep the line of sight clear from Lawyers Pointe Dr. turning on to Lawyer Rd. He stated that the area chosen for the addition would not interfere with the existing layout of the house.

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

The public hearing was closed at **6:30 PM**.

Deliberation of Case 26-2023 BZA

The Board discussed a conditional use request for a variance request for an attached garage located at the property of 7322 Lawyer Rd, (Book 500, Page 220, Parcel 139), with a proposed front yard setback of 35'- 4" where a 50' front yard setback is required per Article 3.3, C, 2, a of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance for an attached garage located at the property of 7322 Lawyer Rd, (Book 500, Page 220, Parcel 139), with a proposed front yard setback of 35'- 4" where a 50' front yard setback is required per Article 3.3, C, 2, a of the Anderson Township Zoning Resolution, with two additional conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 21-2023 BZA

Mr. Halpin moved, and **Mr. Lawrence** seconded to approve the conditional use request in Case 21-2023 BZA with no conditions.

Vote: 4 Yeas

Decision and Journalization of Case 24-2023 BZA

Mr. Halpin moved, and **Mr. Lawrence** seconded to approve the conditional use request in Case 24-2023 BZA with one (1) condition.

Vote: 4 Yeas

Decision and Journalization of Case 25-2023 BZA

Mr. Halpin moved, and **Mr. Lawrence** seconded to approve the conditional use request in Case 25-2023 BZA with one (1) condition.

Vote: 4 Yeas

Decision and Journalization of Case 26-2023 BZA

Mr. Halpin moved, and **Mr. Lawrence** seconded to approve the variance request in Case 26-2023 BZA with two (2) conditions.

Vote: 4 Yeas


Discussion Items

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

The next meeting is scheduled for Thursday, January 4, 2024, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:57 pm**.

Respectfully submitted,


Paul Sian, Vice Chair

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
ATTENDANCE SHEET
THURSDAY, DECEMBER 7, 2023 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
DREW HIBNER	802 FOUR MILE RD
JULIE HIBNER	802 FOUR MILE RD
Stu Scheder	1016 Markley Rd
Cathy Scheder	1016 Markley Rd
Terri & Barbara Bennett	7749 Anderson Duh D
Bob Masters	1140 Markley Rd
Ruff HARDY	Anderson Oaks
Mike Hardy	"
Fran Holmes	7322 Lawyer Rd
KENT ROUSH	4142 Airport Rd #3 45226
Maria Holmes	7322 Lawyer Rd 45244

