

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
FEBRUARY 5, 2026**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on February 5, 2026, at 5:31 p.m. at the Anderson Center. Present were the following members:

Paul Sheckels, Jennifer Barlow, John Halpin, and Paul Sian

Also, present when the meeting was called to order, Eli Davies, Planner I, Stephen Springsteen, Planner, and Carly Sherman, Legal Counsel. 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. Sheckels**: 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. Sheckels**.

Approval of Agenda

Mr. Sian moved, **Mr. Halpin** seconded to approve the Agenda for **February 5, 2026**, which was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Sian moved, **Mr. Halpin** seconded to approve the minutes for the **January 8, 2025**, Board of Zoning Appeals meeting.

Vote: 4 Yeas

Consideration of Case 4-2026 BZA

Mr. Davies gave a summary of the staff report for Case 4-2026 BZA.

Katherine & Jonathan Colasurd, 2981 Newtown Road, property owner and applicant, stated that they agreed with staff’s description that this location is the only viable location for the pool.

Mr. Sian moved to close the public hearing. **Mr. Sheckels** seconded the motion.

Vote: 4 Yeas

The public hearing was closed at **5:43 pm**

Deliberation of Case 4-2026 BZA

The Board discussed a variance request for a new 18’ x 32’ inground pool, and a 5’ tall privacy fence, both in the front yard where pools are required to be in the rear yard per Article 5.2, A, 7 and fences are limited to 4’ tall and 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Mr. Halpin motioned to approve a variance request for a new 18' x 32' inground pool, and a 5' tall privacy fence, both in the front yard where pools are required to be in the rear yard per Article 5.2, A, 7 and fences are limited to 4' tall and 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution with two conditions. **Mr. Sian** seconded.

Vote: 4 Yeas

Consideration of Case 5-2026 BZA

Mr. Davies gave a summary of the staff report for Case 5-2026 BZA.

Elyn Buscani, 836 Forest Acres Drive, property owner and applicant, stated that they built this home to accommodate their son. As they continue to age and as there is not sufficient housing for individuals with special needs, they are hoping to use their residence as a home for their son and three other individuals with special needs.

Mr. Halpin asked if this is a temporary housing facility. **Ms. Buscani** stated that the use would last for Nick's lifetime which would be typical for a typical adult male. The family is working with an accountant, lawyer, and financial planner to fund the use in perpetuity so that funding will be available for upkeep and management when they are no longer able to directly manage the house. The house will be owned by their LLC which is funded and directed by Elyn and her husband.

Mr. Sheckels asked if she and Nick are currently living at the house. **Ms. Buscani** replied that there are five bedrooms in the house. They are living there along with her husband and their oldest son while he saves to move out.

Mr. Halpin asked if the property would become a group home after the Buscanis are no longer living at the property. **Ms. Buscani** replied that the use is an adult family home, and that the LLC will operate during the lifetime of the parents and of Nick. The LLC will dissolve after he has passed and the assets will be sold. **Mr. Halpin** asked whether the house would become a single-family residence. **Ms. Buscani** confirmed that the house would become a single-family residence that can accommodate anyone, whether they're aging or have mobility issues due to the modifications in the house.

Mr. Sheckels asked a question regarding the definition of the adult family home and whether staff would be at the residence on a 24-hour basis. **Ms. Buscani** stated staff would not be there 24 hours because caregivers are limited to 40 hours per week. The agency the Buscanis will work with limits shifts to 12 hours. Staff may be sleeping overnight, but they will primarily come and go as shifts change. **Mr. Sheckels** asked whether the schedule will be different on weekends. **Ms. Buscani** clarified that the weekend would follow a similar schedule. The family will meet with HCDDS to determine the optimal staffing ratio. There are other homes in Anderson which have staff support for adults with disabilities, but this proposal has more staffing than those homes typically do.

Mr. Sheckels asked for confirmation that the house will be sold when Nick has passed away. **Ms. Buscani** replied that the LLC would dissolve and the assets would be sold. **Mr. Sheckels** clarified

that conditional uses are granted for perpetuity, and that it doesn't necessarily matter if the house is sold as the use can be maintained. **Mr. Springsteen** added that future use would need to comply with the Board's conditions. **Ms. Barlow** asked whether the use moves back to a single-family residence. **Mr. Davies** clarified that the property could still be used as a single-family residence as that use is permitted within the zoning district. **Mr. Springsteen** agreed and reiterated that future use as an adult family home would need to comply with the conditions approved by the Board.

Mr. Halpin asked about the number of people who would be at the house. **Ms. Busceni** replied that they won't have confirmation of how many staff are needed until they meet with HCDDS. She added that during the week, the residents will be out of the home at various day programs. **Mr. Halpin** replied asking whether that could lead to an increase in traffic. **Ms. Busceni** replied that it could potentially happen, but none of the residents drive or own cars. The property has space to accommodate multiple cars and has been operating with four drivers in their home with the current family.

Mr. Halpin stated that he had concerns the use would be a commercial venture. **Ms. Busceni** clarified that the costs involved in raising her family and funding this project are significant, and she will not be earning money from the home. They are making their request so that they can provide a safe living environment for their son and a few of his friends.

Ms. Barlow asked whether they already have other residents in mind to live with their son. **Ms. Busceni** confirmed that they do have people in mind who are friends of Nick and whose parents are friends with herself and her husband, and two of the parents are at the meeting.

Ms. Busceni stated that Mr. Halpin gave her the impression that he does not understand the reality of caring for a child with the disabilities her son has. **Mr. Halpin** replied that he understands as his own son has disabilities. However, he states his family lives as one family, and they are not doing a group home for their son. **Ms. Busceni** asks if they have plans for his son's care once his wife passes. **Mr. Halpin** replied that he is not sure and another one of his children would likely have to care for his son. **Ms. Busceni** replied that it can be a lot to ask of someone focused on raising their own family.

Ms. Sue Wood, 8109 Pine Terrance Dr, expressed her support for the conditional use request. She stated that she also has a child with a disability and her family is exploring options to care for them. She said that her family and those who would have their child living at the home are trying to answer the question that Mr. Halpin had no answer to, about what happens when both parents have died. She stated that it will be privately funded by the Buscanis. The adult family home plan provides all the residents with the support and socialization that they need.

Mr. Michael "Merv" Murry, 833 Forest Acres Dr, expressed his opposition for the conditional use request. He provided a letter that he stated 9 out of the 13 houses have signed expressing their opposition to the proposed use. He stated they understand the application's circumstances, but the Board's job is to review the standards with the burden on the applicant to prove they meet the standards. He read from the letter which was provided to the Board.

Mr. Sian asked for confirmation whether the neighbors who signed the letter live within the cul de sac. **Mr. Murry** confirmed that to be accurate.

Mr. Rich Arnold, 800 Forest Acres Dr, stated his opposition for the conditional use request. He stated that it is a difficult situation as he is friends with his neighbors and understands their situation, but he wants to focus on the facts. He discussed that the neighborhood is home to families with young children and the traffic caused by the change of use will impact the neighborhood. He said that in the original proposal, the Buscanis provided other examples of similar homes, but he visited the homes and did not find any in similar neighborhoods. He also stated his concern about whether the Buscanis will be collecting rent, which would be a business opportunity and not a residential use. He also finds the staffing to significantly change the use and impact the neighborhood.

Mr. Chris McCorvey, 801 Forest Acres Dr, stated his opposition for the conditional use request. He stated that he is friendly with all of his neighbors, including the Buscanis. He expressed his concern with the traffic and the lack of certainty regarding how many staff will be needed and regarding the use of the property after the LLC is dissolved. He asked the Board about the reference to adult family home on page 21 of the Zoning Resolution which refers to ORC 3722.03 which discusses licensure. He asks whether the house would need to be licensed to comply with the requirements. **Ms. Sherman** replied that due to Nick being a family member of the property owner, there is an exception to the licensure requirement. **Mr. McCorvey** stated he is still concerned about the amount of traffic from the staff who will be visiting the property in relation to the size of the neighborhood.

Mr. Ray Sanchez, 818 Forest Acres Dr, stated his opposition to the conditional use request. He stated his concern that the use will impact the value of homes in the neighborhood or the ability to sell their homes.

Ms. Buscani stated that they were advised not to pursue licensure as it would change the use of the home from an adult family home to a licensed facility which would result in the family losing control over the care provided. She asked **Ms. Sherman** if her summary was consistent with the law. **Ms. Sherman** replied that she can't speak to her motivations but agrees that they are exempt from licensure requirements.

Ms. Lisa Byrne, 26 Locust Hill Rd, stated her support for the conditional use request. Her daughter Alison would be one of the residents of the home. She expressed her desire to find a way to ensure her daughter has care for her lifetime and highlighted that many people have unrealistic concerns about the families.

Ms. Diana Stone, 865 Forest Acres Dr, stated her support of the request. She stated she is the longest resident of the neighborhood. She said the Buscanis have been wonderful neighbors and that the neighborhood is a wonderful, supportive neighborhood.

Mr. Peter Buscani, 836 Forest Acres, expressed his support for the request. He spoke about the typical day for a resident of the house and that they designed the proposal to be as compatible with the neighborhood as possible.

Mr. Sheckels asked how many bedrooms are in the house. **Mr. Buscani** stated there are 5 bedrooms. **Mr. Sheckels** asked if the family would be living at the home while their son is there. **Mr. Buscani** replied that they would move. He also mentioned that they would have a house manager. **Mr. Sheckels** asked if there would be a care professional on site during evening hours and nights. **Ms. Buscani** replied that the motivation for the family to set this home up at the time they are, is so they can be involved in the process and ensure it's a quality situation for all. **Mr. Sheckels** asked how many people will be sleeping in the house on a regular basis. **Ms. Buscani** replied that the County still needs to determine the appropriate staffing level for the home, but it is likely to be six people. She expressed flexibility with having people park off-site and willingness to bring information back to the Board. **Mr. Sheckels** asked whether there would be any staff overnight. **Ms. Buscani** replied that there would likely be two staff on site while the residents were home. **Mr. Sheckels** asked about having one resident at the home. **Ms. Buscani** replied that there would be at least one staff person on site while a resident is at home. Overnight there would likely be two staff and four residents. There will be one resident per bedroom, one staff in another bedroom, and one who could use a pull-out couch.

Ms. Page Murphy, 4308 Grove Ave, Cincinnati, 45227, stated her support for the request. She explained that her son is one of the prospective residents and he is currently at a facility which does not have the level of care she wants for her son.

Mr. Arnold reiterated his opposition to the conditional use request. He said the Board must look at the law and not the emotions of the situation.

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

Vote: 4 Yeas

The public hearing was closed at 6:40 pm.

Deliberation of Case 5-2026 BZA

The Board discussed a conditional use request for an Adult Family Home per Article 3.1, B, 2, i, of the Anderson Township Zoning Resolution.

Mr. Sian motioned to reopen the public hearing, **Ms. Barlow** seconded.

The public hearing was reopened at 6:52 pm.

Mr. Sheckels asked the applicant if they would be comfortable with conditions limiting the residents to 4 and that on Pete, Elyn, and Nick Buscani's passing the use goes away. He also asked the applicant if they would be open to postponing until a future meeting to provide time to gather more information. **Ms. Buscani** replied that the snow had delayed their ability to meet with HCDDS staff, so they would ideally have met with them to provide more information to the Board at a later date. **Mr. Sheckels** explained the conditions were just possibilities, not set in stone. He asked the applicant to talk with the county while the Board discusses with their counsel. He clarified that the number of residents was just a number he thought of, but wanted the applicant to consider reducing the number of residents. In other words, what number of

residents would the applicants be comfortable vs. not comfortable with. **Ms. Buscani** replied that they would be comfortable with continuing the case.

Mr. Sian moved to continue Case 5-2025 BZA, **Mr. Halpin** seconded.

Vote: 4 Yeas

The case was continued at **6:55 pm**.

Consideration of Case 1-2026 BZA

Mr. Davies gave a summary of the staff report for Case 1-2026 BZA.

Mr. Halpin asked how many conditions the applicant has met compared to the number they have not met. He mentioned a condition that referred to the applicant dumping industrial waste and asked why the Township would want to allow additional pollution. **Mr. Springsteen** replied that the NPDES permit regulates runoff, but the Board has authority to add conditions. Based on the information available to the Township the staff report reflects the understanding of the Township. **Mr. Halpin** asked if the Township is informed of issues. **Mr. Springsteen** replied that typically Mr. Paul Drury is the external agency contact. He also said that the applicant could address that question.

Mr. Dan Utt, 1 E 4st St Ste 1400, applicant introduced **Bernie Robben, General Manager for Evans Gravel, 4485 Howards Creek Rd, 45053**. Mr. Utt stated that application was prompted by the Township noticing activity related to dredging the ponds. Historically the ponds were dredged every couple of years. He also pointed out that the applicant is meeting the conditions approved in the previous BZA cases. The applicant did not have an understanding with the Township that the detention ponds needed to be included in the area subject to the conditional use permit. The Division of Mines permit covers the entire parcel. The original conditional use approval and subsequent extensions did not require the detention ponds to be incorporated in the approval area. **Mr. Robben** confirmed that he reviewed the conditions and the operations satisfy those conditions. **Mr. Utt** clarified that the request is not an expansion of the gravel mining operation itself, but it is just an incorporation of existing detention ponds in the conditional use approval area. He clarified that the discharge is not industrial waste. The ponds capture surface and process water before it reaches the Little Miami River. The EPA regulates the pH and number of suspended solids in the water in the NPDES permit. The client has submitted a renewal application and are in discussions about an appropriate testing scheme for the discharge.

Mr. Utt asked **Mr. Robben** to explain how the mining facility operates. **Mr. Robben** explained the day-to-day operations of the facility.

Mr. Utt asked **Mr. Robben** to explain the detention ponds and his responsibility with the NPDES permit. **Mr. Robben** explained these questions, including that the renewal application has been submitted which will be renewed before the current permit expires. He confirmed that he was

unaware of any other violations. He also confirmed that the detention ponds are necessary for the clean operations of the mine.

Mr. Utt asked if the Board had questions on the other areas of the property, particularly the area which involved the consent decree for capping and provided a summary of the application.

Mr. Halpin asked if any gravel work will happen in the expansion. **Mr. Utt** confirmed that no expansion is proposed for the mining operations. **Mr. Halpin** asked for clarification regarding the different areas noted on the site plan. **Mr. Utt** provided clarification of the site plan.

Mr. Utt asked for clarification regarding new roads. **Mr. Springsteen** replied that the mention of roads was included in the application.

Mr. Sheckels asked the applicant to confirm that the request is not for a change of the use of the ponds, just to correct the boundary. **Mr. Utt** confirmed that to be accurate. He also commended the Board on their handling of Case 5-2026 BZA.

Mr. Aaron Habig, 2702 East Kemper Rd, Cincinnati, OH, 45201, stated that there were no active violations that with OEPA, Public Health, and Hamilton County Conservation District that he is aware of.

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

Vote: 4 Yeas

The public hearing was closed at 7:42 pm

Mr. Sian moved to reopen the public hearing. **Mr. Halpin** seconded the motion.

Mr. Sheckels asked the applicant about the silt fence in the capped portion of the property. **Mr. Utt** clarified that the capped area is currently exposed. **Mr. Robben** provided more context on the site operations. **Mr. Habig** clarified the operations of the site are operating in a compliant manner.

Deliberation of Case 1-2026 BZA

The Board discussed an expansion of a previously-approved gravel mine conditional use (Case 16-2003 BZA, Case 2-2009 BZA, and Case 10-2018 BZA) to incorporate extraction-related operations (detention ponds, sediment structures, and a service road) outside of the previously approved conditional use area per Article 3.16, C, 1 of the Anderson Township Zoning Resolution.

Mr. Sian motioned to approve an expansion of a previously-approved gravel mine conditional use (Case 16-2003 BZA, Case 2-2009 BZA, and Case 10-2018 BZA) to incorporate extraction-related operations (detention ponds, sediment structures, and a service road) outside of the

previously approved conditional use area per Article 3.16, C, 1 of the Anderson Township Zoning Resolution with no new conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

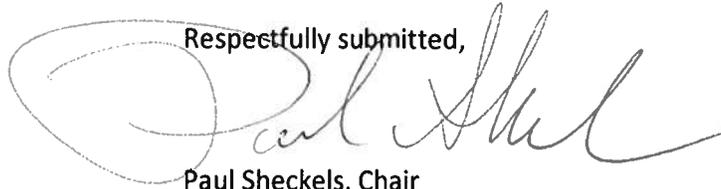
Decision and Journalization of Case 4-2026 BZA

Mr. Sian motioned to Halpin a variance request for a new 18' x 32' inground pool, and a 5' tall privacy fence, both in the front yard where pools are required to be in the rear yard per Article 5.2, A, 7 and fences are limited to 4' tall and 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

The meeting was adjourned at **6:07pm**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul Sheckels", written in black ink. The signature is fluid and somewhat stylized, with a large initial "P" and "S".

Paul Sheckels, Chair

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
ATTENDANCE SHEET**

**THURSDAY, FEBRUARY 5, 2026 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
Daniel Wt+	One East Fork Cincinnati, OH
Aaron Habig	2702 E. Kenner Rd. Cin. 45241
Matthew Greenby	4040 Mant Corn Rd 45244
Ray Sanchez	818 Forest Acres Dr. 45255
Kathy Sanchez	
Nick Buscanti	836 Forest Acres Dr
Peter Buscanti	" " " "
Elyse Buscanti	" " " "
Shel Wood	8109 Pineterrace Dr 55
Page Murphy	4308 Grove Avelanti 45222
Joel Coussant	2971 New Town Rd
Kate Coussant	" "
Bernie Robben	4485 Howards Creek 45253
HENRIETTA CALDWELL	817 FOREST ACRES DR. 45255
Rich & LYNN ARNOLD	800 " " " "
Ray Ralfes	897 FOREST ACRES DR.
Chris McCawley	801 Forest Acres Dr
Virginia McCawley	801 Forest Acres Dr
Shawn Taylor	849 Forest Acres Dr.
David, Janet Ali Byrne	26 Laurel Hill Rd
Michael Murry	833 Forest Acres Dr
Jan Murry	833 Forest Acres Dr
Alex Mochly	896 Forest Acres Dr