

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

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

Scott Lawrence, Jeff Nye, Paul Sheckels, John Halpin, and Paul Sian

Also, present when the meeting was called to order, Stephen Springsteen, Planner I, Eli Davies, Planner I, and Brody Smith, 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. Lawrence**: 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. Lawrence**.

Approval of Agenda

Mr. Sian moved, Mr. Nye seconded to approve the modified Agenda for June 5, 2025, which was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Sian moved, Mr. Nye seconded to approve the minutes for the June 5, 2025, Board of Zoning Appeals meeting

Vote: 5 Yeas

Consideration of Case 16-2025 BZA

Mr. Davies gave a summary of the staff report for Case 16-2025 BZA.

Mr. Sheckels asked staff if the applicant submitted documentation requesting the accessory structure to be used as a short-term rental. **Mr. Davies** responded that the request is to be allowed to use the accessory structure for a short-term rental.

Mr. Nye confirmed that the Township’s position is that short-term rentals in accessory structures and accessory dwelling units are not permitted, and that a zone change would be more appropriate. **Mr. Springsteen** shared that there are two conditional uses that are similar to accessory dwelling units that are permitted as conditional uses, however, this application does not meet those standards. Mr. Nye asked if the detached structure was attached to the home via a breezeway and it was rented as one rental, would it be permitted. Mr. Springsteen stated that if the structure was attached to the home, it would be an accessory apartment, which would require the property owner to live on the property for that to be a permitted use.

The Board and staff discussed if there were multiple residences on the property, what zoning would permit that, and confirming that there is no multifamily zoning in the area.

Mr. Matthew Motz and Ms. Dena Motz, 1002 Nimitz Ln, applicant and property owner, summarized his application and reaffirmed their desire to rent out the apartment located in the

detached accessory structure. Mr. Motz stated their targeted demographic for the apartments has shifted slightly to traveling nurses.

Ms. Motz asked for clarity on granny cottages and how their appeal fits in relation to that use.

Mr. Sheckels and Mr. Springsteen explained to Ms. Motz what a granny cottage is per the Zoning Resolution and why their appeal would not meet that definition.

Mr. Nye asked if the Hamilton County Building Department had inspected it for compliance with their regulatory departments. **Mr. Motz** stated that they had not, however, he stated he would be willing to have them inspect it.

Mr. Sian asked if the septic system had been inspected recently by the County. **Mr. Motz** stated that they inspect it every year and he has the system pumped annually.

Mr. Nye asked if the two structures were rented separately, **Mr. Motz** stated that the same family rented both structures and used them both.

The Board, staff, and the applicant discussed the lot standards for the property and if it would be possible to split the lot so they would be two single family lots. There was also discussion on what challenges there could be regarding possible utility and easement challenges if the lot were split.

Ms. Motz asked if the Board and staff had discussed this appeal as she thought that was the reasoning for the continuation from the previous month. **Mr. Lawrence** stated that the applicant was supposed to discuss their application with staff, not staff discuss the application with the Board.

Mr. Motz, the Board, and staff discussed the options to become compliant with the zoning regulations. Ideas discussed included building a breezeway and conditioning the property to be used as one rental, though there was no solution that could be found that would be compliant with the Zoning Resolution.

Robert Holley, 1092 Azure Ct, stated that there are other accessory dwelling units in their vicinity, including one a few houses down.

Mr. Sheckels stated that though there may be other accessory dwelling units in the area, if they are unpermitted then it doesn't serve as justification.

Mr. Halpin asked if the garage portion of the accessory structure was being used as a garage, Mr. Motz confirmed that it was.

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

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

Deliberation of Case 16-2025 BZA

The Board discussed a conditional use and variance request for permitting an accessory structure to be used for dwelling purposes as part of a short-term rental per Article 5.2, A, 8 and Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

Mr. Nye motioned to deny a conditional use and variance request for permitting an accessory structure to be used for dwelling purposes as part of a short-term rental per Article 5.2, A, 8 and Article 5.4, I, 15 of the Anderson Township Zoning Resolution. **Mr. Sian** seconded.

Vote: 4 Yeas
 1 Nay – John Halpin

Consideration of Case 19-2025 BZA

Mr. Davies gave a summary of the staff report for Case 19-2025 BZA.

Mr. Nye asked if the height of the fence included the decorative lattice. **Mr. Springsteen** stated that he believed that the lattice was included in the 6 feet, however, he would let the applicant confirm that.

Pam Ford, 1119 Sutton Road, applicant and property owner, reiterated her application.

Mr. Halpin asked if the garden was located behind the fence in question, **Ms. Ford** stated that the fence was south of the fence.

Mr. Sheckels asked if the fence company included the zoning certificate in the quote, **Ms. Ford** stated that she would have to look at the paperwork.

Mr. Halpin asked how far back the fence was from the right-of-way, **Ms. Ford** did not know the exact setback. Staff pulled up the images of the property and **Mr. Halpin** stated he thought it was substantially setback from the roadway.

Mr. Nye asked if the fence was 6 feet tall with lattice on top or if it was 6 feet including the lattice. **Ms. Ford** stated it was 5 feet of fence and 1 foot of lattice at the top. **Mr. Nye** confirmed that it was a small sitting area behind the fence, **Ms. Ford** confirmed that it was a small patio with furniture. **Mr. Nye** asked if during the evening hours if cars driving on Sutton Rd had been shining their lights on them prior to the fence installation, **Ms. Ford** confirmed that to be accurate.

Ms. Ford added that she did share her displeasure with the fence company that the fence was not compliant with zoning restrictions and that if there were neighbors that requested changes to the fence that she was open to modifications to the fence.

Mr. Michael Reed, 1130 Sutton Road, stated that he was in favor of the appeal.

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

The public hearing was closed at **6:43 pm**.

Deliberation of Case 19-2025 BZA

The Board discussed variance request for a 6' high privacy fence in the side yard where fences cannot exceed 4' in height and must be at least 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Mr. Nye motioned to approve a variance request for a 6' high privacy fence in the side yard where fences cannot exceed 4' in height and must be at least 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution. **Mr. Sian** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 19-2025 BZA

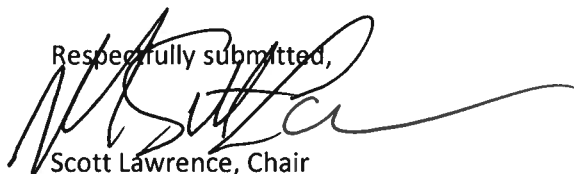
Mr. Sian motioned to grant a variance request for a 6' high privacy fence in the side yard where fences cannot exceed 4' in height and must be at least 75% open per Article 5.2, A, 9 of the Anderson Township Zoning Resolution. **Mr. Nye** seconded.

Vote: 5 Yeas

The next meeting is scheduled for Thursday, August 7, 2025, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:54pm**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott Lawrence', is written over the typed name.

Scott Lawrence, Chair

