

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
JUNE 4, 2026**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on June 4, 2026, at 5:30 p.m. at the Anderson Center. Present were the following members:

Paul Sheckels, Jennifer Barlow, John Halpin, Paul Sian, Tom Caruso

Also, present when the meeting was called to order, Eli Davies, Planner I, Stephen Springsteen, Planner I, and Cooper McGurn, 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. 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 to approve the amended Agenda staff had modified for **June 4, 2026**, by **Mr. Caruso** seconded.

Approval of Minutes

Mr. Sian moved to approve the minutes for the **May 7, 2026**, Board of Zoning Appeals meeting, **Mr. Halpin** seconded.

Consideration of Case 12-2026 BZA

Mr. Davies gave a summary of the staff report for Case 12-2026 BZA.

Danielle Donley, 7006 Martha Rd, property owner, stated her request. She mentioned that a fence had been in the current location since at least 2009, prior to her purchase of the property. A recent survey showed that the fence isn't aligned with the property line. She would like to replace the fence due to age and reposition it to align with the property line. She stated the request would not introduce a new use or significantly change the appearance of the property. The fence would remain in the side and rear yard and not impact visibility or public access along with governmental services. The variance request is necessary for meaningful privacy and screening. Landscaping has been identified by staff as a possible alternative, but landscaping would require time to establish and require ongoing maintenance and might not provide comparable results due to the invasive vegetation along the property line. She stated that these factors lead her to say that the variance request is the only practical option to achieve the desired outcome. She stated her view that the request would not alter the essential character of the neighborhood as it would be limited to a side boundary and would maintain openness and visibility of the front yard. While she understands that the history of the fence is not the basis of the request, it demonstrates that the current fence has existed for many years without creating safety concerns. She stated she has a statement from a local landscaper available discussing the invasive species. She stated that over the last 10 years as an Anderson resident, she has worked to maintain her property including repaving the driveway, upgrading the landscaping, replacing

the roof, painting the home, and regularly making other improvements. This request is just another step to continue maintaining her property.

Mr. Sian asked about the letter a landscaper provided regarding the invasive vegetation on the neighboring property. **Ms. Donley** submitted the letter as evidence. She stated the letter discusses the types of invasive vegetation that exist and the remedies needed to prevent spread.

Mr. Halpin asked if the fence went up to the garage or behind the garage. **Ms. Donley** replied that the fence would not go behind the garage. It would only go to the front side of the garage.

Mr. Sheckels asked the applicant to clarify where the 4' high fence would be located and how the 6' fence would connect with the garage. **Ms. Donley** stated the 4' high fence would be in the rear yard. **Mr. Sheckels** asked if the 4' fence would be around the full rear of the property. **Mr. Davies** clarified that the submitted plan shows the 4' high fence starting at the back corner of the garage and ending at the back corner of the residence. **Ms. Donley** confirmed that explanation to be accurate. **Mr. Sheckels** asked whether there was any concern with that fence from zoning staff. **Mr. Davies** confirmed that the 4' split rail fence is compliant. The only concern is the section of the 6' fence in the side yard area.

Mr. Sian asked about the metal screening installed under the fence discussed in the letter from the landscaper, and whether the property owner planned to install the screening. **Ms. Donley** replied that the screening is not in the budget, but she would eventually like to install it since it would be the primary barrier for the invasive vegetation.

Mr. Caruso asked if the neighbor had bamboo. **Ms. Donley** replied that they did. **Mr. Caruso** asked if bamboo is what she was trying to screen. **Ms. Donley** replied that she is trying to stop the bamboo with a physical barrier and maintain privacy with a 6' fence. She spoke about the difference in height between the properties being a motivation for a 6' privacy fence.

Mr. Sheckels asked for clarification on what the metal screen would be. **Ms. Donley** replied that she believes it refers to a metal screen tighter than chicken wire, installed in the ground below the fence.

Mr. Halpin asked for confirmation of the fence material. **Ms. Donley** confirmed it would be cedar.

Mr. Sheckels asked if the fence would be stained. **Ms. Donley** confirmed that her plan was to stain it.

Mr. Caruso asked staff if they were aware of other cases with fences in similar arrangements. **Mr. Davies** replied that there were a couple of other cases on Sutton Rd where the fence screened existing nonconforming structures in the front and side yard of an adjacent property or where the property requesting the fence was farther setback than the adjacent property. Other cases are typically for corner lots. He stated that the current case is fairly unique. **Mr. Sheckels** asked for confirmation that no other similar case had come before the Township. **Mr. Springsteen** confirmed that none come to mind. **Ms. Donley** stated that 1383 Voll Rd has a

privacy fence attaching to the front of the home, but it's a shorter fence. **Mr. Sheckels** stated that the Board doesn't make decisions based on what may be on other properties.

Mary Puckett, 7002 Martha Rd, stated she had concerns about access to her garden in the side yard if the fence was constructed on the property line.

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

Vote: 5 Yeas

The public hearing was closed at **6:00 pm**

Deliberation of Case 12-2026 BZA

The Board discussed 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. Halpin motioned to 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 with 3 conditions. **Ms. Barlow** seconded.

Vote: 2 Yeas; Ms. Barlow, Mr. Halpin
3 No; Mr. Sian, Mr. Caruso, Mr. Sheckels

Consideration of Case 13-2026 BZA

Mr. Davies gave a summary of the staff report for Case 13-2026 BZA.

Mr. Michael Prince, Prince King Architects, 8230 Topaz Court, West Chester, OH 45241, on behalf of the property owners, stated that the property is approximately .438 acres with about 105' of frontage located in the "AA" Residence district. Her stated there was previously a residence on the site which was demolished in 2023 after falling into disrepair. The current property owners purchased the property in 2025. The property has challenging topography, sloping down to Little Dry Run Rd with steeper grades farther back on the lot. The property owners plan to construct a split-level single-family residence, approximately 25' tall. They are requesting a 20' front yard setback motivated primarily by the steep slope towards the rear of the property, the need to avoid extensive grading and disturbance, and preservation of mature trees which contribute to the character of both the lot and the neighborhood. He added that granting the request would not introduce a new condition but instead reestablish a prior condition on the lot. He also mentioned that the house has been designed and laid out so that it meets the side yard setback. Another factor motivating the request is the optimal slope of the driveway.

Mr. Caruso asked how far the residence would be from the edge of pavement. **Ms. Prince** stated he was unsure of the exact measurement, but the distance to the centerline was 50'.

Mr. Andrew Argo, 3134 Little Dry Run Rd, voiced his opposition. He stated that when he built his residence in 2007, he did so to meet zoning setback development standards. He also stated support for seeing a sidewalk in that section of Little Dry Run, but he expressed concern that the proximity of the house to the road would impact that project.

Mr. Sian asked when his home was constructed. **Mr. Argo** confirmed his home was constructed in 2007.

Mr. Halpin asked what his recommendation would be. **Mr. Argo** replied that the property owners should comply with the proper setbacks with the proper foundation and pier wall behind the house. He stated that a pier wall would be to the property owner's benefit due to the instability of the hillside. He also stated his view that construction could impact people at the top of the hill.

Mr. Prince stated that they had a geotechnical report on the property. The report predates some design revisions to the home due to some of the zoning constraints. The report makes recommendations for retaining walls and other elements. **Mr. Sheckels** asked if it was included in the drawings. **Mr. Prince** replied that it was not because it predates the current design revision. He stated it would be revised and submitted to the County, and he could submit it to the Township if the Board thought it necessary. He also stated that the team has a licensed structural engineer. **Mr. Sheckels** asked when the report would be updated. **Mr. Prince** replied that the update was paused pending the results of the variance request.

Mr. Caruso asked how much width was reduced from the house. **Mr. Prince** replied that the design was reduced by 11' on the right side. He emphasized the careful consideration in designing the slope of the driveway.

Mr. Sheckels asked if the applicant had an estimate of when an updated geotechnical report would be available. **Mr. Prince** replied that he would need to talk with the engineers to have a timeline for the update. He added that the report is substantially the same and the recommendations for the lot remain the same. The only change is that initially a two-step retaining wall system was proposed which has been revised to one, at the recommendation of the engineering team. **Mr. Sian** added that he would not condition approval on the revised report because approval would be needed from the County which would review the requirements for earthwork. **Mr. Sheckels** replied that the issue had been brought up.

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

Vote: 5 Yeas

The public hearing was closed at 6:33 pm

Deliberation of Case 13-2026 BZA

The Board discussed a variance request for a new single-family residence to have a front yard setback of 20' where 50' is required, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution.

Mr. Sian motioned to approve a variance request for a new single-family residence to have a front yard setback of 20' where 50' is required, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution with 2 conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

Discussion of Case 26-2022 BZA

The board discussed extending the construction timeline at the request of the applicants for Case 26-2022 BZA.

Mr. Sian moved to amend the conditions of approval so that construction starts within one year and finishes within two years of June 4, 2026. **Mr. Halpin** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 12-2026 BZA

The Board reviewed the Resolution for Case 12-2026 BZA and continued the Journalization to the next Board meeting to allow legal counsel to review the resolution.

Decision and Journalization of Case 13-2026 BZA

Mr. Sian motioned to approve a variance request for a new single-family residence with a front yard setback of 20' where 50' is required per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution with 2 conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

The meeting was adjourned at **6:49 pm**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'PS' followed by a stylized flourish.

Paul Sian, Acting Chair

