

## **ANDERSON TOWNSHIP BOARD OF ZONING APPEALS**

**June 5, 2025**

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

**Scott Lawrence, John Halpin, Paul Sian, Greg Heimkreiter, and Jennifer Barlow**

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. Halpin seconded to approve the Agenda for June 5, 2025, which was approved by the Board with unanimous consent.**

### **Approval of Minutes**

**Mr. Sian moved, Mr. Halpin seconded to approve the minutes for the May 1, 2025, Board of Zoning Appeals meeting.**

Vote: 5 Yeas

### **Continuation of Case 11-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 11-2025 BZA.

**Mr. Tom Molloy, 1829 Stonehouse Ln, Architect and Applicant**, commented on whether the property owner's predicament can be feasibly obviated without a variance, saying that there were other designs which did comply with the setbacks, but the garage was located underneath the addition, and the character of the neighborhood would be more impacted by the size of the driveway needed to accommodate the garage in the compliant location. The revised design also compromises on the initial variance request by converting the two-car garage to a one-car garage which reduced the encroachment on the setback. Otherwise, he agrees with what staff presented.

**Mr. Sian** asked about the sewer easement. **Mr. Molloy** replied that the county has not found anything that would be problematic. The easement is to accept stormwater from the street and predates many of the houses.

**Mr. Dennis Bacon, 179 Sunny Acres Dr**, spoke in support of the application, praising **Mr. Molloy** and the owner of 161 Sunny Acres Dr for being willing to compromise on their design to reduce the proximity of the addition to his property line.

**Mr. Lawrence** asked whether he had any issues with drainage. **Mr. Bacon** replied that he did not see an issue with the easement being relocated if the easement was designed to slow water to mitigate erosion which he had discussed with the applicant.

**Mr. Lee Schimmelfing, 104 Buckeye Ln Chapel Hill NC, 27516**, stated that he is related to the applicant and will be living at the property and urges the board to approve the request.

**Ms. Bianca Slater, 7357 Eastborne Rd**, spoke in opposition to the request citing concerns about drainage in the valley between her property and the 161 Sunny Acres. She asked whether there had been any sort of environmental or stormwater study to determine any detrimental impacts to the neighboring properties. She also mentioned that the properties already flood when it rains, and she is concerned this development will exacerbate the issue.

**Mr. Gary Powell** stated that drainage is not a zoning issue and is beyond the scope for the Board to consider, but that the applicant will need to get the easement approved by the county which will require a review process. **Ms. Slater** responded that the drainage issue is still relevant because it may be increased by the addition and easement realignment. She also questioned whether wanting a “casita” for your family constitutes a “practical difficulty.”

**Ms. Lisa Walsh, 7345 Eastborne Rd**, spoke in opposition to the request citing concerns about drainage on her property. She described how there is a “box” at the corner of her property, the property of **Ms. Slater**, and 161 Sunny Acres Dr which she was designed to help manage the drainage issue, but there have still been drainage issues at her property and She provided several photos to the Board which she stated showed flooding in her yard due to the drainage issues in the valley between the two houses.

**Mr. Gary Powell** reiterated that drainage is not a zoning issue, and that the realignment of the easement provides an opportunity for the county to review whether there is an issue with drainage at the site.

**Ms. Walsh** answered questions from Board members regarding the drainage issues impacting her property.

**Mr. James Sanitato, 7333 Eastborne Rd**, spoke in opposition to the request citing drainage concerns at his property. He clarified where his property is in relation to 161 Sunny Acres Dr.

**Mr. Powell** asked **Mr. Sanitato** whether all the water flooding his property is coming from 161 Sunny Acres Dr. **Mr. Sanitato** replied that the water comes from 161 Sunny Acres and the adjacent property owned by **Mr. Bacon**.

**Mr. Powell** stated that the request is for a 4.5’ variance to the side yard setback. The township does not deal with stormwater, and the architect can talk more about stormwater with the county. **Mr. Sanitato** replied that the county says it’s the township’s issue. **Mr. Powell** replied that drainage still is not a zoning matter. The easement being moved means the county will examine the impact of the flow on the neighbors. **Mr. Sanitato** replied that the addition should also be modified to comply with the zoning regulations. He also mentioned that he invited one

of the builders of the houses to attend the meeting and said he could speak more to the existing conditions and context of the development.

**Mr. Vincent Terranova, 7343 Ridgepoint Dr.**, stated that he served as a general contractor for the development and worked on several of the houses in the area including the houses of the three attendees who gave opposing testimony. He stated that when the subdivision was developed there were minimal guidelines for stormwater management, and that only a few years later stormwater management would become much more important when designing subdivisions. He stated that the size of the addition proposed would likely worsen the stormwater issues in the area. He also explained the topography of the area for the board.

**Mr. Molloy** responded to the concerns, stating that the drainage issue is an existing condition of the site, and would only be minimally impacted by the addition. He argued that the property owner should not face a higher burden due to their property containing the easement draining water from the road.

**Mr. Bacon** spoke again in support of the applicant's request, stating that he recalled the size of the pipe on **Ms. Walsh's** property being smaller than what would be needed to account for more severe storms. He explained that when he installed a culvert in his yard, he sized the pipe larger than what was required and he has not had drainage issues. **Ms. Walsh** responded, stating that she had upgraded the size of the pipe since she moved to the property.

**Mr. Terranova** spoke again in opposition to the request, reiterating his view that the addition would add water which would worsen the issues the properties have with drainage.

**Mr. Sanitato** spoke again in opposition to the request.

**Mr. Molloy** responded again to the concerns with drainage, emphasizing that the property owner should not be unfairly burdened for having property with an easement, and that the drainage issues are existing conditions. He also mentioned that the compliant design would likely lead to more drainage issues since it would require a longer driveway than the proposed design. He did offer to compromise by saying that the design could be modified to provide delayed drainage for stormwater from the house which would mitigate any impact the addition itself would cause.

**Mr. Sian** moved to close the public hearing. **Mr. Halpin** Seconded.

Vote: 5 Yeas

#### **Discussion of Case 11-2025 BZA**

The Board discussed a variance request for an addition, size 57'-4" x 52'-8", with a 20'-6" side yard setback where 25' is required per Article 3.1, D, 2, b of the Anderson Township Zoning Resolution.

**Mr. Sian** motioned to approve a variance request an addition, size 57'-4" x 52'-8", with a 20'-6" side yard setback where 25' is required per Article 3.1, D, 2, b of the Anderson Township Zoning Resolution with three conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Consideration of Case 12-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 12-2025 BZA.

**Mr. Chris Patek, MSA Design, 6244 Stirrup Rd, Applicant**, spoke about the broader vision for the church and how the signage request fits into those plans. He spoke about how the church essentially has two separate entrances, with one at the northern side for the older sanctuary, and one at the southern side for the newer auditorium space. He stated that the church felt the number of signs were important to help visitors and members navigate the campus. He also stated that the large size of the signs facing Beechmont Ave were designed with consideration of the large setback between the church and Beechmont Ave.

**Jon Ferguson 2873 Eight Mile Rd, Lead Pastor of Anderson Hills Church**, spoke in support of the application. He also thanked staff for working with such a complicated request.

**Mr. Halpin** asked whether construction had started for the plans approved by the Board at its April meeting. **Mr. Ferguson** replied that they were still getting ready for construction to begin.

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

Vote: 5 Yeas

#### **Discussion of Case 12-2025 BZA**

The Board discussed a conditional use and variance request for the addition of new signage including two banners, size 14 SF, proposed to be hung for longer than 48 days, total wall signage at approximately 182 SF where banners can only be displayed for a maximum of 48 days and wall signage shall not exceed 20 SF per building, Article 5.5, E, 10 and Article 5.5, F, 4 of the Anderson Township Zoning Resolution.

**Mr. Sian** motioned to approve a conditional use and variance request for the addition of new signage including two banners, size 14 SF, proposed to be hung for longer than 48 days, total wall signage at approximately 182 SF where banners can only be displayed for a maximum of 48 days and wall signage shall not exceed 20 SF per building, Article 5.5, E, 10 and Article 5.5, F, 4 of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Consideration of Case 13-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 13-2025 BZA.

**Mr. Rod Sabo, 550 Wards Corner Rd, Loveland OH, applicant**, explained that some years ago he was hired by the property owner, Susan Peck, to install an addition at her old house, 1427 Stanley Rd. He explained that the property owner had downsized to her current house at 1383 Voll Rd, but missed some of the features of the previous house such as the sunroom and covered porch area, so she asked the applicant to add an addition to her new house on Voll Rd. He further explained that she has many friends in the neighborhood and chose to live in the area to stay close to her neighbors.

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

Vote: 5 Yeas

#### **Discussion of Case 13-2025 BZA**

The Board discussed a variance request for an addition, size 384 SF, with a 25'-7" rear yard setback where 30' is required per Article 3.7, C, 2, c of the Anderson Township Zoning Resolution.

**Mr. Halpin** motioned to approve a variance request for an addition, size 384 SF, with a 25'-7" rear yard setback where 30' is required per Article 3.7, C, 2, c of the Anderson Township Zoning Resolution with two conditions. **Mr. Sian** seconded.

Vote: 5 Yeas

#### **Consideration of Case 14-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 14-2025 BZA.

**Mr. Michael J. Friedmann, RKPT, 312 Elm St Suite 2200, Cincinnati, OH, appellant** spoke to the appeal citing several concerns with staff's actions. He described the township's definition of "structure" as being unenforceably broad and highlighted that the township has no regulations for temporary structures or temporary zoning certificates. He argued that the Township is applying zoning regulations which they do not have the authority to enforce since there is no language regarding temporary structures or fees for temporary structures in the zoning resolution. He also questioned whether the PUD was still in effect as the zoning maps on CAGIS and the Township's website did not show the PUD layer and there were conditions in the PUD which had not been enforced. He stated that the appellant felt that staff were moving the goalposts regarding how to resolve the violations on the property. The appellant had previously been informed that the canopy was allowed, but was later informed by the notice of violation that the

**The Board** asked clarifying questions regarding the canopy structure that is presently on the property as well as the two tent structures which were previously on the property. **Mr. Friedmann** clarified that the differentiating aspect is that the canopy does not have sides while the two tents previously located on the property were completely enclosed. He also suggested that if the board is not inclined to completely overturn the interpretation of staff that the

matter should at least be considered by the Zoning Commission instead of being completely denied by the Board.

**Nick Fucito, ATP Owner, 3005 Walworth Ave 45226**, spoke in support of the appeal and confirmed that his intention is to install a permanent structure.

**Mr. Powell** added context that he had miscommunicated with the appellant and had previously informed them that the canopy structure would be permitted, but he was referring to Hamilton County Building Code, not to Anderson Township Zoning. He informed the appellant about the miscommunication when township staff informed him of the mistake. **Mr. Friedmann** added that this incident was one of the factors leading to his description of the township as “moving the goal posts” for the property owners.

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

Vote: 5 Yeas

#### **Discussion of Case 14-2025 BZA**

The Board discussed an appeal of a zoning violation letter, dated 4/1/2025, regarding a temporary tent erected where it was prohibited as conditioned by the Zoning Commission in Case 1-2023 PUD.

**Mr. Sian** motioned to postpone the appeal of a zoning violation letter, dated 4/1/2025, regarding a temporary tent erected where it was prohibited as conditioned by the Zoning Commission in Case 1-2023 PUD to the August BZA meeting unless the matter is resolved by the Anderson Township Zoning Commission before that date. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Consideration of Case 15-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 15-2025 BZA.

**Mr. Charlie Jahnigen, SHP, 312 Plum St, Cincinnati, OH, 45202, applicant**, said staff did a good job summarizing the project and said he was happy to answer questions from the board.

**Ms. Barlow** asked the applicant to clarify whether the existing bleachers would need to be removed. **Mr. Jahnigen** replied that they would need to rearrange some of the bleachers to accommodate the addition.

**Mr. Halpin** asked whether the football field is level. **Mr. Jahnigen** replied that the field is outside the scope of work for the project.

**Ms. Barlow** asked the applicant to explain the interior renovations to the storage building. **Mr. Jahnigen** explained that there is currently not enough available accessible restrooms at the field,

and that this project will increase accessibility for spectators by modifying the existing restroom facilities to become accessible.

**Mr. John Eckert, Director of Business Operations, Forest Hills School District, 7946 Beechmont Ave** spoke in support of the application saying the improvements allow them to make better use of the facility and are possible due to donor funds.

**Ms. Amy Miller, 2092. Butlersbridge Ct., President, AHS Athletic Boosters** spoke in support of the application.

**Mr. Todd Obbie, 1043 Streamers Ln,** spoke in opposition, citing noise pollution from the high school field during events. He described how he had measured sound at 80 dB which he stated was higher than the recommended noise levels for a residential area. **Mr. Jahnigen** responded that there are no proposed modifications to the sound system, so the neighbor's concern is outside the scope of the project. **Mr. Obbie** responded that he felt that the use of the field has gone from normal school games to becoming a sports complex, disrupting the neighborhood. He also stated that one of the standards for evaluating the conditional use is nuisance due to noise and he finds their current noise level to be a nuisance. He asked that the speakers be changed to face the school and stands rather than the field and neighborhood.

**Mr. Halpin** said that this concern would be better directed towards the school board.

**Mr. Powell** emphasized that the Township understands the concern, but that it is not a factor in this case due to being an existing condition.

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

Vote: 5 Yeas

#### **Discussion of Case 15-2025 BZA**

The Board discussed a conditional use request for a 660 SF expansion to the existing press box at the Anderson High School athletic field, per Article 5.4, I, 10 and 5.4 J of the Anderson Township Zoning Resolution.

**Mr. Sian** motioned to approve a conditional use request for a 660 SF expansion to the existing press box at the Anderson High School athletic field, per Article 5.4, I, 10 and 5.4 J of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Consideration of Case 16-2025 BZA**

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

**Mr. Matthew Motz, 1002 Nimitz Ln, Applicant and Property owner**, summarized his application, discussing his intent to use the loft in the garage and the house as part of a “fox and hound” rental where people could reserve one building or both, and both areas could be rented by different families at the same time. He also described how the loft has existed for at least 20 years based on what a family friend said who previously lived at the property.

**Mr. Motz** answered questions from **Mr. Halpin** and **Mr. Lawrence**.

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

Vote: 5 Yeas

#### **Discussion 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.

The Board reopened the public hearing.

**Mr. Powell** provided clarification to the board regarding the legality of permitting the applicant’s request when the question of accessory dwelling units had not been considered by the Township Trustees, and the property is zoned for single family residence.

**Mr. Springsteen** and **Mr. Davies** emphasized the position of staff discussed in the staff report.

**Mrs. Dena Motz, 1002 Nimitz Ln, property owner**, stated that they are township residents and will be able to take an active role in monitoring the property. She also stated that the proposed short-term rental would be a better fit for the neighborhood than the previous tenants.

**Mr. Springsteen** and **Mr. Davies** further emphasized the view of staff as presented in the staff report, including that the use of the property as a short-term rental was not the main concern of staff. Rather, the use of the structure for dwelling and the use of the property by more than one family at a time would be significant deviations from the zoning resolution and from precedent.

**Mr. Motz** asked whether constructing a breezeway or some other connection between the buildings would let the township permit dwelling in the garage. **Mr. Springsteen** replied that a breezeway may be the best solution, but staff would need to review the specific regulations.

The board continued their discussion of the conditional use and variance request. The board asked whether **Mr. Motz** would like to request a continuance for the case. **Mr. Motz** said that he would continue the case to discuss the options with staff in more detail.

**Mr. Sian** motioned to continue Case 16-2025 BZA to the July BZA meeting. **Mr. Halpin** seconded.

Vote: 5 Yeas



#### **Consideration of Case 17-2025 BZA**

**Mr. Springsteen** gave a summary of the staff report for Case 17-2025 BZA.

**Mr. Lawrence** and **Ms. Barlow** asked questions regarding the staff report. **Mr. Springsteen** and **Mr. Powell** replied and clarified aspects of the staff report including the location of the fence and the involvement of the township with the property.

**Ms. Tejal Bhatt, 7793 Foxtrail Ln, Applicant and Property Owner**, gave a summary of her request, emphasizing that the fence is needed due to the proximity of the structures on the neighboring property.

**Mr. Jason Mallott, 7793 Foxtrail Ln, Husband of Applicant and Resident**, spoke in support of the application.

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

Vote: 5 Yeas

#### **Discussion of Case 17-2025 BZA**

The Board discussed a variance request for an 8 foot tall privacy fence in the in the side yard where fences in the side yard 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** motioned to approve a variance request for an 8 foot tall privacy fence in the in the side yard where fences in the side yard 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 three conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Consideration of Case 18-2025 BZA**

**Ms. Barlow** recused herself from considering the case.

**Mr. Springsteen** gave a summary of the staff report for Case 18-2025 BZA.

**Ms. Cassidy Staver, 555 church St, St Bernard, OH 45217, Applicant and Architect**, summarized the application and provided supplementary plans with elevation drawings and a floorplan of the space. She described that the property owners are fixtures in the neighborhood and see the space being used as a community gathering space along with providing more space for her kids who need more space to be independent.

**Mr. Sian** and **Mr. Lawrence** asked a couple of questions regarding the application and asked to see the supplemental plans. **Ms. Staver** provided the plans and clarifications.

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

Vote: 4 Yeas

#### **Discussion of Case 18-2025 BZA**

The Board discussed a variance request for a covered porch addition, size 808.5 SF, with a 29'-9" rear yard setback where 35' is required per Article 3.3, C, 2, c of the Anderson Township Zoning Resolution.

**Mr. Sian** motioned to approve a variance request for a covered porch addition, size 808.5 SF, with a 29'-9" rear yard setback where 35' is required per Article 3.3, C, 2, c of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 4 Yeas

The Board recessed **9:16pm**

The Board resumed their meeting at **9:20pm**

#### **Decision and Journalization of Case 11-2025 BZA**

**Mr. Sian** motioned to approve a variance request for an addition, size 57'-4" x 52'-8", with a 20'-6" side yard setback where 25' is required per Article 3.1, D, 2, b of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Decision and Journalization of Case 12-2025 BZA**

**Mr. Sian** motioned to approve a conditional use and variance request for the addition of new signage including two banners, size 14 SF, proposed to be hung for longer than 48 days, total wall signage at approximately 182 SF where banners can only be displayed for a maximum of 48 days and wall signage shall not exceed 20 SF per building, Article 5.5, E, 10 and Article 5.5, F, 4 of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

#### **Decision and Journalization of Case 13-2025 BZA**

**Mr. Sian** motioned to approve a variance request for an addition, size 384 SF, with a 25'-7" rear yard setback where 30' is required per Article 3.7, C, 2, c of the Anderson Township Zoning Resolution with two conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

**Decision and Journalization of Case 15-2025 BZA**

**Mr. Sian** motioned to approve a conditional use request for a 660 SF expansion to the existing press box at the Anderson High School athletic field, per Article 5.4, I, 10 and 5.4 J of the Anderson Township Zoning Resolution with two conditions. **Mr. Heimkreiter** seconded.

Vote: 5 Yeas

**Decision and Journalization of Case 17-2025 BZA**

**Mr. Sian** motioned to approve a variance request for an 8-foot-tall privacy fence in the in the side yard where fences in the side yard 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 three conditions. **Mr. Halpin** seconded.

Vote: 5 Yeas

**Decision and Journalization of Case 18-2025 BZA**

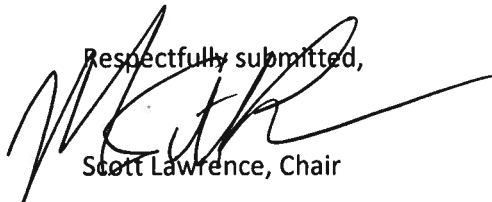
**Mr. Sian** motioned to approve a variance request for a covered porch addition, size 808.5 SF, with a 29'-9" rear yard setback where 35' is required per Article 3.3, C, 2, c of the Anderson Township Zoning Resolution with two conditions. **Mr. Heimkreiter** seconded.

Vote: 4 Yeas

The next meeting is scheduled for Thursday, July 3, 2025, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **9:54**

Respectfully submitted,

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

Scott Lawrence, Chair

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

**THURSDAY, JUNE 5, 2025 AT 5:30 P.M.  
ANDERSON CENTER, 7850 FIVE MILE ROAD**

**PLEASE PRINT - THANK YOU**

NAME:	ADDRESS:
CHARLIE JAHNIGEN	312 PLUM ST. 45202
Lisa Walsh	7345 Eastborne Rd
Bianca Slater	7357 Eastborne Rd.
Tyler Bhatt	7193 Fox Hill Lane
Jason Maltby	7783 Fox Hill
J.J. Sanitato, MD	7333 Eastborne Rd.
Matt Dea Motz	1002 UNIT 45230
DERIN'S CURRAN	5150 CHUCKER PT. LN.
CHRIS PATEK	6244 STIRRUP RD.
RODNEY SABO	1620 FAIRWAY CREST
Leslie Rylander	179 Sunny Acres Dr
Dennis Bacon	179 Sunny Acres Dr
LEE SCHIMMELFING	141 SUNNY ACRES DR.
THOMAS MOLLON	1829 STONEHOUSE LANE
Nick Fucito	3005 Welworth Ave.
JILL ECKERT	8544 Sunn
MICHAEL FRIEDMANN	312 ELM, Cn, 45202
TOOY & KATHY OBBIE	1043 STREAM RIDGE LN
Cassidy Stever	555 Church St, 45217