

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
NOVEMBER 2, 2023**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on November 2, 2023, at 5:30 p.m. at the Anderson Center. Present were the following members:

Steve Haber, Paul Sian, John Halpin, Paul Sheckels, and Jeff Nye

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. Haber**: 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. Haber**.

Approval of Agenda

Mr. Cavallaro noted that the agenda the Board received in their packet had been amended to continue Case 21-2023 BZA to the following month. **The revised Agenda for November 2, 2023 was approved by the Board with unanimous consent.**

Approval of Minutes

The Minutes for October 5, 2023 were approved, Mr. Sian moved to approve, and Mr. Halpin seconded the motion.

Vote: 5 Yeas

Consideration of Case 22-2023 BZA

Ms. Stewart gave a summary of the staff report for Case 22-2023 BZA.

Mr. Nye asked if staff knew how far the fence was going to be from the road. **Ms. Stewart** stated the fence was approximately 359 feet from the road.

Ms. Lisa Byrd, property owner, 8552 Batavia Rd. stated that the neighboring property was recently renovated. During the renovation, the property owner of the neighboring property cleared vegetation on her property that she wanted untouched. She is requesting a privacy fence to provide the privacy she felt has been lost from that cleared vegetation.

Mr. Haber asked **Ms. Byrd** to clarify the location of where the fence was going. **Ms. Byrd** stated the start of the fence would be at the deck line of the neighboring property and would finish just past the garage on her property.

Ms. Byrd stated if her neighbor applied for the fence, it would be permitted, however, it makes more sense for the fence to go on her property because of how the lot lines for the properties were recorded.

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

The public hearing was closed at 5:43 PM.

Deliberation of Case 22-2023 BZA

The Board discussed a variance request for a 6-ft tall privacy fence in the front and side yards, located at the premises of 8552 Batavia Rd., per Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance request for a 6-ft tall privacy fence in the front and side yards, located at the premises of 8552 Batavia Rd., per Article 5.2, A, 9 of the Anderson Township Zoning Resolution, with two additional conditions. **Mr. Sian** seconded.

Vote: 5 Yeas

Consideration of Case 23-2023 BZA

Mr. Sheckles announced that he received a public notice letter as a result of living within 200 feet of the proposed property and as such recused himself.

Mr. Cavallaro gave a summary of the staff report for Case 23-2023 BZA.

Mr. Ben Necessary, applicant, 6840 Clough Pk. shared the reason for this request is to expand Native Roots, the tenant at 6840 Clough Pk, and use the existing business location's charming property in a different manner. The goal is to use the property in question for landscaping and use the existing site the business operates on as a café style retain garden center. **Mr. Necessary** stated there is a lot of flexibility to the plan and reiterated his desire to preserve as much of the existing vegetation as possible.

Mr. Haber asked if **Mr. Necessary** was planning to use gravel for the parking as the site plan indicated. **Mr. Necessary** stated that as of right now, the plan was for gravel, however, if their budget allows they would prefer asphalt.

Mr. Paul Sheckels, 6894 Old Chapel Dr, shared his support for the proposal.

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

The public hearing was closed at 6:10 PM.

Deliberation of Case 23-2023 BZA

The Board discussed a variance request to allow agricultural structures within 100' from any residential zoning district, per Article 3.1, C, 11 (a) of the Anderson Township Zoning Resolution, a conditional use request for a greenhouse per Article 3.1, B, 2, e, and a special use certificate

for a parking lot expansion, per Article 2.12, D, 8, c, located at the premises of 6898 Hunley Road.

Mr. Nye motioned to grant a variance request to allow agricultural structures within 100' from any residential zoning district, per Article 3.1, C, 11 (a) of the Anderson Township Zoning Resolution, a conditional use request for a greenhouse per Article 3.1, B, 2, e, and a special use certificate for a parking lot expansion, per Article 2.12, D, 8, c, located at the premises of 6898 Hunley Road, with two additional conditions. **Mr. Sian** seconded.

Vote: 4 Yeas

Decision and Journalization of Case 22-2023 BZA

Mr. Nye motioned to grant a variance request for a 6-ft tall privacy fence in the front and side yards, located at the premises of 8552 Batavia Rd., per Article 5.2, A, 9 of the Anderson Township Zoning Resolution, with two (2) additional conditions. **Mr. Sian** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 23-2023 BZA

Mr. Nye motioned to grant a variance request to allow agricultural structures within 100' from any residential zoning district, per Article 3.1, C, 11 (a) of the Anderson Township Zoning Resolution, a conditional use request for a greenhouse per Article 3.1, B, 2, e, and a special use certificate for a parking lot expansion, per Article 2.12, D, 8, c, with three (3) additional conditions. **Mr. Sian** seconded.

Vote: 4 Yeas

Discussion Items

Mr. Haber moved to adjourn, with unanimous consent and with no objections from the Board.

The next meeting is scheduled for Thursday, December 7, 2023, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:41 pm**.

Respectfully submitted,



~~Steve Haber, Chair~~

PAUL SEAN

ACTING CHAIR

