

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
NOVEMBER 6, 2025**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on November 6, 2025, at 5:30 p.m. at the Anderson Center. Present were the following members:

Scott Lawrence, Jeff Nye, John Halpin, Paul Sian, and Jennifer Barlow

Also, present when the meeting was called to order, Eli Davies, Planner I, Stephen Springsteen, Planner I, Logan Vaughn, UC 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. Nye moved, Mr. Sian seconded to approve the Agenda for November 6, 2025, which was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Nye moved, Mr. Halpin seconded to approve the minutes for the October 2, 2025, Board of Zoning Appeals meeting.

Vote: 5 Yeas

Consideration of Case 24-2025 BZA

Mr. Vaughn gave a summary of the staff report for Case 24-2025 BZA.

Ms. Emily Ahouse, 7774 Glen Eden Lane, applicant, stated that she is the daughter of the property owners, Mary Jo and Richard Cleveland. Mary Jo built the residence in 1987 and has lived there since then, and Ms. Ahouse grew up in the residence. It is a great house in a great neighborhood. The property owners would like to stay in the house, but as they age, the house is not as good of a fit. The house is three stories with a large yard and pool which is a lot to maintain. They have looked at other properties in Anderson, but there is not a lot of true single-story living. The property owners considered an addition, and a zoning certificate was received, but the cost required to construct it made it unfeasible. Now, they are working with Keystone Tiny Homes on this detached dwelling unit granny cottage. It is 615 sq. ft. with a bedroom, living room, bathroom, and laundry making it a complete dwelling, allowing independent living for both families while allowing her family to be around to support her parents if needed. The placement of the structure at the end of the driveway is the only viable location that allows true single-story, accessible living. Placing it elsewhere would require stairs to accommodate the terrain. The materials and detailing are consistent with those on the primary residence. More information and analysis can be found in the application.

The use is consistent with Article 2.12, D, 8. In terms of being consistent with the spirit and intent of the code, the property will remain in use by one family and meets the required development standards. In terms of adverse effects, she states that her family of four lived in the house ten years ago with her parents, then recently moved back this summer, so all six have easily lived on the property in terms of impact on adjacent properties. This will allow the same number of people to live at the property in a manner which better suits their needs. Regarding adverse effects from construction, the two closest properties with likely adverse effects are 7778 and 7784 Glen Eden Ln. 7784 has landscaping and two driveways which buffer it from the impacts of construction. 7778 has a substantial grade change and landscaping from the granny cottage. As such, they don't anticipate any adverse effects for those most-impacted neighbors. Both neighbors are aware of the project, and neither expressed any concerns. There will be minimal tree removal – just enough to build the granny cottage. Staff noted that it is consistent with the goals of the 2022 Comprehensive Plan in that it will bring new, diverse housing to the Township.

In terms of the specific conditional use standards, it is consistent with all standards. Regarding the architectural design and site layout, it is compatible with the adjoining land uses. It's located in the rear yard and substantially set back from the street. The design is subordinate to the primary residence, but compatible architecturally. It has similar massing and placement as existing one-story detached garages found in the neighborhood. There are no signs. The proposal is under the lot coverage requirements for height and maximum square footage. As for the continuation of use, the structure is intended to be a permanent investment in the property, but it is only intended to be a residence while Mary Jo and Richard Cleveland are living in it. When they are no longer living on the property, the structure would just be a normal accessory structure like a pool house. The applicant stated they understand by the definition of a granny cottage that it must be used by related individuals in both units. They have no intention or understanding that we could rent out the structure or use it as a separate dwelling unit, and they are amenable to all of staff's recommendations for conditions.

Mr. Nye asked the applicant about the basement shown on the plans since they mentioned single-story living in their testimony. **Ms. Ahouse** replied that the options were either to build a retaining wall or an unfinished basement for storage, and the cost difference made the basement the best choice.

Mr. Lawrence asked the applicant to confirm that the only access to the basement is from an exterior door on the side of the structure. **Ms. Ahouse** confirmed that to be accurate.

Mr. Patrick Fredette, 7784 Glen Eden Ln, expressed his support for the application, stating that he lives at one of the two homes in closest proximity to the granny cottage. He discussed two factors that resonated with him when considering this proposal. If you're on a piece of property and someone moves into an adjacent property and does something to it, you want it to make sense, and you want it to not have an impact. He stated that in both respects the proposal is perfect. The project does not have an impact for his family despite being an adjacent property owner. There is no physical impact, no sight impact, and zero impact that he is concerned about. He said that while he can't speak for the neighbors between his house and 7774 Glen Eden Ln, they are close friends, and they feel the same way. In terms of the project making sense, he expressed his surprise that this application was one of the first requests for a granny cottage

since he finds it to be such a wonderful idea from a public policy standpoint to have the luxury of having a physical space that large and without impact to nearby neighbors, but be able to have a residence for parents to age in place.

Mr. Sian asked **Mr. Fredette** to show on the map where his house is in relation to 7774 Glen Eden Ln. **Mr. Fredette** confirmed where his house is located.

Mr. Stephen Crowley, 7735 Glen Eden Ln, expressed his opposition to the application, stating that he understands the applicant's motivation for the project having gone through similar conversations with his own elderly parents. However, he is concerned that a Pandora's Box will be opened leading to many subsequent changes in the neighborhood. There have been additions in the house, the key word being attached, not detached. These additions look like they are part of the structure. The applicant's proposal looks like a separate single-family dwelling. He ponders what other kinds of single-family dwellings will come in the future. As far as the design goes, he states that he does not believe it is consistent with the existing house. From the street the house is brick, while the proposed structure is siding. The back of the house is siding, but from a frontage perspective it will look different. Other houses where people have additions have a more consistent overall design. He is also concerned about the future of the structure though he acknowledged the condition staff requested regarding the cessation of the use. He stated that the structure will not be a large residence. He again emphasized that the request was the first of its kind, and he said he could not think of another instance it had been made. He asked the board whether there are tiny homes which have been approved in the Township. **Mr. Nye** recalled a similar case north of Clough near Anderson Cove in the last few years. **Mr. Crowley** asked whether it was in a subdivision. **Mr. Nye** replied that it was in a subdivision.

Mr. Nye asked to confirm whether he was remembering the case correctly. **Mr. Springsteen** stated that he remembers the application being withdrawn based on the Township's case logs. **Mr. Nye** described more details from the case which **Mr. Lawrence** said sounded familiar. **Mr. Nye** said there may not have been a hearing and agreed with **Mr. Crowley** that it is not a common request.

Mr. Crowley summarized his concerns that the request is for a detached structure, does not match the existing structure, and he is concerned about what will come next for the neighborhood. He stated that a tiny house is not consistent with the other houses in the neighborhood.

Mr. Nye asked whether he would be concerned if the request was for a detached garage. **Mr. Crowley** replied that he would be concerned with a detached garage. A shed is one thing, but usually people construct attached garages which look like a consistent structure, not two different buildings. The proposed structure would be completely different from the primary structure.

Mr. Eric Howland, 3050 Williams Creek Drive, expressed his opposition to the request, stating that his biggest concern is regarding a covenant for the Homeowners' Association (HOA) approved by 90 people in the subdivision. It is very specific that no building or structure shall be erected, placed, or permitted to remain on any lot except for one single family residence, not to

exceed two-stories. No structure shall be erected, placed, or permitted to remain on any lot. He stated he could provide the document as evidence if requested. He stated that a shed is permitted, but it must be under 72 feet. A garage is permitted, but it must be attached. This request is in direct violation of the covenants of the HOA. He stated that other than the twelve families which drive past the sign at the property, the other 80 families have no idea what is happening in their HOA right now regarding the property. He acknowledged that it might not be a zoning problem, but there is a majority of people in the community who he states have no idea what is going on. He said that the covenants were accepted back in 1989, and he has the notarized copies. He stated that if the request is approved, he requests an immediate injunction until the HOA approves the request. He stated that according to state law, section 5312-13, they can engage in compliance and legal action against the home. He also requests the board to require the structure to be removed after the Clevelands leave the property since no structures are permitted according to the covenants.

Mr. Nye asked **Mr. Howland** whether he had raised his concerns with the HOA. **Mr. Howland** replied that he raised the issue, but the president ignored him. The treasurer said he saw the sign two weeks prior to the meeting, but he did not share the information with other residents. **Mr. Howland** stated he informed his neighbors of the project, and the 12 families had no idea what was happening with the property. Most of them spoke up, but they had prior commitments the night of the hearing.

Mr. Nye stated that the Board is not a court and cannot issue injunctions. The Board also has no jurisdiction over HOA regulations. If the Board approves the application, and the HOA says the project is not permitted, that debate is between the HOA and the property owners. The Township is not involved. He stated he appreciates the concern, but the Board has no authority to help. **Mr. Howland** stated he finds it odd that the Board would not take the covenants agreed upon by 90 homes that have been legally authorized as approving of the covenants. **Mr. Nye** replied that the zoning code is specific about what the Board considers in evaluating the application. He read some of the required conditions for granny cottage in the Zoning Resolution. HOA compliance is not one of the requirements. He emphasized that those conditions do not mean the issue is not important, or that **Mr. Howland** is not correct, but it is not a factor in the Board's decision. He stated **Mr. Howland** should enforce his rights, but the Board has no authority over HOAs.

Mr. Howland restated his request for the Board to require the granny cottage be removed after the use has ceased so it cannot be used by another family in the future or used as an AirBNB.

Mrs. Karen Crowley, 7735 Glen Eden Lane, expressed her opposition to the request, stating that one of the conditions is that the value of the adjacent properties will not decline. She asks how that can be determined. There is no similar case in the Township to compare this request with to confirm that the values will not decrease. She also stated the building will be clearly visible from the street. She stated that if she was looking to buy a home in the neighborhood and saw the detached structure, she would hesitate whether to live in that area because other structures may be built in the future. She stated that there are varied opinions, so once one is built, who is to say that more will not be built. Many of the homes in the neighborhood are larger acreage homes, and many people have room to put additional buildings on the property.

Ms. Ahouse emphasized that the overall use of the property will not change and will remain consistent with the definition of a single-family dwelling, just with another detached structure. The Township has approved the granny cottage as a conditional use. The presence of others in the township is not relevant to the case. The proposal meets the conditions specified in the Zoning Resolution. The materials selected are designed to maintain the prominence of the primary structure, clearly differentiated. By nature of being a granny cottage, the structure cannot be rented out and must be used by related people in both units. Future homeowners should do their due diligence about what the property can be used for.

Mr. Nye asked whether the applicant understands the Board has no authority over the HOA. **Ms. Ahouse** said this was the first time she had heard of those restrictions. She stated that they had discussed the plan with neighbors and provided plans to everyone in the cul de sac inviting them to ask them questions. She stated she understands that the HOA regulations would be a separate issue to resolve.

Mr. Nye clarified his question, asking whether the applicant understands that if the Board grants approval, and the HOA does not permit the project, the HOA's regulations still apply. **Ms. Ahouse** confirmed that she understands them to be two separate issues.

Mr. Crowley asked the Board to identify what the front of the applicant's house is made of. **Mr. Halpin** replied that Mr. Crowley had already stated what the materials are, and the Board does not need to tell him what the materials are. **Mr. Crowley** stated that the house is brick and shingles. He stated that there is no siding on the front of the house as viewed from the road. He stated that there is no way the proposed structure is consistent with the existing house. One of the key criteria is for there to be no adverse effect on adjacent properties. He stated he finds the discrepancy between the designs of the structures to have an adverse effect.

Mr. Nye asked whether there are other houses in the neighborhood which have siding rather than brick. **Mr. Crowley** replied that those houses have cedar siding, but when those houses had additions, they were consistent with the existing structure. This request is for a detached structure with vinyl siding where the house has a brick façade.

Mr. Lawrence asked whether he would be okay with the proposal if the structure was brick instead of siding. **Mr. Crowley** replied that he would want the structure to be attached and made of consistent materials.

Mr. Patrick Fredette, stated that it is understandable that those in the neighborhood would have disparate views. He stated that he understands the concern regarding property values. The staff would not have recommended the case move forward if it was not in compliance with the standards. As the closest neighbor, whose house has siding, he has zero concern and finds the project to be good for the neighborhood. He stated he lived in other areas outside of Ohio with these types of structures and they seemed like a good investment as a public policy decision which should be embraced.

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

The public hearing was closed at 6:08pm

Deliberation of Case 23-2025 BZA

The Board discussed a conditional use request for a Granny Cottage (accessory structure), size 22' x 30', per Article 5.4, I, 4 of the Anderson Township Zoning Resolution.

Mr. Nye motioned to approve a conditional use request for a granny cottage (accessory structure), size 22' x 30', per Article 5.4, I, 4 of the Anderson Township Zoning Resolution with four conditions. **Mr. Sian** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 24-2025 BZA

Mr. Nye motioned to approve a conditional use request for a granny cottage (accessory structure), size 22' x 30', per Article 5.4, I, 4 of the Anderson Township Zoning Resolution with 4 conditions. **Mr. Sian** seconded.

Vote: 5 Yeas

Mr. Nye motioned that Mr. Halpin be appointed as acting secretary. **Mr. Sian** seconded. The Board approved the motion by unanimous consent.

The next meeting is scheduled for Thursday, December 4, 2025, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:30**

Respectfully submitted,

Scott Lawrence, Chair

JEFF NYE

THURSDAY, NOVEMBER 6, 2025 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD

PLEASE PRINT - THANK YOU

NAME:

ADDRESS:

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