



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 15-2021 BZA

7950 BRIDLE ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 5, 2021.

**APPLICANT:** Jeff Stine, J.D. Stine and Associates, on behalf of Anderson Parks District, property owner.

**LOCATION & ZONING:** 7950 Bridle Road  
(Book 500, Page 155, Parcel 2) – “AA” Residence

**REQUEST:** A conditional use and variance request to construct a new parking lot area and expand the existing parking lot area for Johnson Hills Park (Athletic/ play field).

Recreation, Private or Public Community Facility, including, but not limited to: a. Athletic/ play field, per Article 5.4, I, 14, a of the Anderson Township Zoning Resolution.

The applicant is requesting a variance from Article 5.3, C, 2, e for provisions for vehicular and pedestrian circulation between the proposed parking areas. The proposed site plan does not allow for vehicular circulation between the two proposed parking areas. Staff is specifically concerned about a vehicle pulling into the parking area when all the spaces are full and then having to back out onto the entrance driveway.

**SITE DESCRIPTION:** *Tract Size:* Approximately 80.6 acres  
*Frontage:* Approximately 625’ on Bridle Road  
*Topography:* Varies, Proposed parking area is generally flat.  
*Existing Use:* Johnson Hills Park

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
North:	“AA” CUP Residence	Single Family Residences
South:	“AA” Residence	Single Family Residences
East:	“AA” Residence	Vacant
West:	“AA” Residence	Single Family Residences

**PROPOSED DEVELOPMENT:** The applicant is proposing a new parking lot, an expansion to the existing parking area, and interior parking lot landscaping at Johnson Hills Park. The increased parking is to meet the current parking demand for the site. The proposed expanded parking area provides an additional 48 parking spaces for a total of 83 parking spaces on the property.

**HISTORY:** The property was acquired by Anderson Park District in 2000 and was opened to the public in 2007. In 2012, a pedestrian bridge was constructed on the property.

In 2017, the Board of Zoning Appeals granted a conditional use request for an expanded parking area and driveway through Case 7-2017 BZA. Case 7-2017 BZA was approved as a Government Facility, including, but not limited to community fire house, library, park and ride facility, etc. However, staff has determined that the property in question should be a conditional use through Article 5.4, I, 14, a: Recreation, Private or Public Community Facility, including, but not limited to: a. Athletic/play field.

In 2018, a 1,100 SF accessory structure was constructed.

**FINDINGS:**

To authorize by the grant of a special zoning certificate after public hearing, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The findings shall be based upon the general considerations set forth in Article 2.12, D, 2, a as well as the designated specific criteria for specific uses (Government Facility and related uses) contained in Article 5.4, I, 14, a. In addition, the applicant is requesting a variance from Article 5.3, C, 2, e of the Zoning Resolution, for which the findings will be based upon the standards set forth in Article 2.12, D, 2, b.

**CONDITIONAL USE FINDINGS:**

General Considerations in Article 2.12, D, 2, a:

**Spirit and Intent:** The proposed use and development would comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

**No Adverse Effect:** The expanded parking lot area would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare of the public. The proposed parking area will be located 78’ from the residential property line to the south and will be screened by existing and proposed vegetation. In addition, the proposed parking area is located approximately 770’ from Bridle Road.

**Protection of Public Services:** The proposed parking lot expansion and site improvements would respect natural, scenic, and historic features of significant public interest. While grading will take place, efforts are being made to minimize hillside disturbance as the parking area will be located on a flat portion of the property. Additional trees and landscaping will also be added as part of this proposal.

**Consistent with Adopted Township Plans:** The conditional use is in accordance with the Township’s Comprehensive Plan and Zoning Resolution:

The project is consistent with the following goals and initiatives in the “Quality of Life” and “Land Use and Development” chapter in the 2016 Comprehensive Plan, which states:

“Residents will maintain a high quality of life that includes quality schools, entertainment, and cultural activities, health care, religious offerings, and a diverse parks, open space, Greenspace, and recreation system.”

“Continue to collaborate with the Forest Hills School District, Anderson Township Park District and Great Parks of Hamilton County in order to preserve and enhance the excellent school and community and regional park systems.”

“Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks, and recreational uses.”

Specific Criteria

*Athletic/ play field – (h), (l), (o,i), (p,iii), (s), (u), (v), (w), (y)*

*(h) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. In compliance – the proposed parking area will be located 78’ from the neighboring residence to the south and approximately 770’ from Bridle Road. The proposed parking area will be screened from the neighboring residence to the south by existing and proposed vegetation.*

*(l) Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. In compliance- the applicant has stated that that during construction efforts will be made to minimize potential nuisances to neighboring property owners. In addition, disturbed areas will be reseeded with additional vegetation planted around the proposed parking area.*

*(o,i) Landscaping shall be installed in accordance with one the following buffer: Boundary Buffer of 10 feet with 3.3 canopy trees and 10 shrubs at per 100 l.f. In compliance – the applicant has provided interior landscaping around the proposed parking area. In addition, there is existing vegetation along the south and east property line which satisfies this condition.*

*(p,iii) Signage shall be regulated as follows: Subject to sign standards in Article 5.5,F,4. No additional signage is planned with the exception of handicap parking signs within the parking area.*

*s. All exterior lighting shall be directed away from adjacent residential properties. No exterior lighting is planned with this application.*

*v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident’s grievances may be filed with the Township and resolved by the facility. In Compliance- the Park District has monthly public meetings where residents can address the Park Board. The Park District also maintains an office at 6915 Beechmont Avenue with normal business hours.*

*w. A refuse collection plan shall be submitted as part of the application. In compliance- Johnson Hills Park is serviced by Rumpke Waste Removal weekly.*

*y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. In compliance- The proposed parking area is located on a flat portion of the site, approximately 770’ from Bridle Road. The entire Johnson Hills Park area is approximately 140 acres with the proposed parking area accounting for 0.7% of the overall site.*

**VARIANCE REQUEST  
FINDINGS:**

Staff is of the opinion that the variance could be substantial. The proposed parking area does not provide vehicular circulation in accordance with Article 5.3, C, 2, e of the Zoning Resolution. Staff is specifically concerned about a vehicle pulling into the parking area when all the spaces are full and then having to back out onto the entrance driveway, which could cause a safety issue for pedestrians and other vehicles entering the park.

The essential character of the neighborhood would not be altered, and surrounding properties would not suffer a substantial detriment as a result of the variance. The proposed parking area is located 78' from the residential property line to the south. In addition, the residential properties to the south do not share an entrance driveway with Johnson Hills Park.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament can be feasibly obviated through some other method other than a variance. The applicant could provide an access drive between the two new parking areas to provide for vehicular circulation between the proposed parking areas, however the number of proposed parking spaces would have to be reduced.

Staff is of the opinion that the spirit and intent behind the zoning requirement may not be observed by granting the variance based on the potential safety issues caused by vehicles backing out of the proposed parking area onto the driveway.

**RECOMMENDED  
CONDITION:**

Should the Board approve the conditional use for the Athletic/ play field, staff recommends the following condition:

- A revised site plan, showing a pedestrian connection from the proposed parking area to the pedestrian lane on the west side of the driveway, in accordance with Article 5.3,D,2,b,3 of the zoning resolution shall be submitted to staff.

**STANDARDS TO  
BE CONSIDERED:**

The aforementioned conditional use request should be evaluated on the following criteria from Article 5.4, I, 8 of the Zoning Resolution:

- (1) Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with purposes.
- (2) No adverse affect; the proposed us and development shall not have an adverse affect upon adjacent property, or the public health, safety and general welfare.

- (3) Protection of public services: the proposed used and development should respect, to the greatest extent practicable, any natural, scenic, and historic features of significant public interest.
- (4) Consistent with adopted plans; the proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.

The aforementioned variance requested should be evaluated on the following criteria in Article 2.12, D, 2, b of the zoning resolution:

- (1) The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- (2) The variance is substantial.
- (3) The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (4) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
- (5) The property owner purchased the property with knowledge of the zoning restrictions.
- (6) The property owner's predicament can be feasibly obviated through some method other than a variance.
- (7) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.*