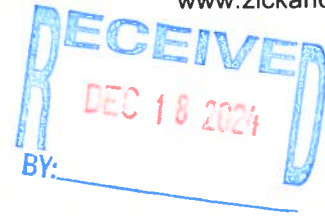


December 17, 2024

Anderson Township
Planning & Zoning Department



RE: Major Modification Filing 7945 Cross Creek Drive lot#25

Zicka Homes / Ralph Fruechtemeyer applied for a zoning certificate based on the attached site plan to Anderson Township for lot#25 Villas at Crosscreek / 7945 Cross Creek Drive in November 2024. We were turned down because the rear covered porch extends 3' into the rear yard setback.

Zicka Homes is applying for a Major Modification to the resolution approved for the Villas at Crosscreek community. See the attached approved resolutions.

We are asking for the allowing of the rear covered porch to encroach into the rear 30' setback by 3'. This is a sold home, and our buyers are requesting that they get an extra 3' depth on their rear covered porch per the attached site plan.

This is the first home we will be building in this community. Zicka Homes is associated with the developer of the community and will be the builder on all the lots. The porch floor is at ground level with a concrete floor. See the attached home plans.

We don't anticipate any negative effects from granting the Major Modification for this lot. Thank you for your consideration in this matter.



Julie Zicka
President Zicka Homes
513 477-2317
juliez@zickahomes.com

**RESOLUTION
2022-0627-01
CASE 1-2022 FDP
1949 WOLFANGEL ROAD**

WHEREAS, in Case 1-2022 Anderson, Doug Smith of McGill Smith Punshon, on behalf of Beaver Creek Interests, LLC, for Our Lady of Mercy of Mariemont, Ohio, property owner, of 1949 Wolfangel Road (Book 500, Page 214, Parcels 26 and 10), containing 17.2 acres, made application for a zone change from "OO" Planned Office to "C-CUP" Single Family Community Unit Plan for the property located at 1949 Wolfangel Road, for the purpose of a new 36 lot subdivision, with 35 buildable lots and 1 open space lot, with minimum lot sizes of 6,480 SF, minimum lot width of 54', minimum front yard setback of 30' on lots 1-25, and lots 31-35, minimum front yard setback of 25' on lots 26-30, side yard setback of 5' and rear yard setback of 30'; and

WHEREAS, on February 10, 2022, the Hamilton County Regional Planning Commission heard and recommended approval of the zone change to "C-CUP" Single Family Residence Community Unit Plan with conditions; and

WHEREAS, in Case 1-2022 Anderson, the Anderson Township Zoning Commission held a public hearing for the Zone Change request from "OO" Planned Office District to "C-CUP" Single Family Residence Community Unit Plan on February 28, 2022 and recommended approval with conditions; and

WHEREAS, in Case 1-2022 Anderson, the Anderson Township Board of Township Trustees approved a Zone Change from "OO" Planned Office District to "C-CUP" Single Family Residence Community Unit Plan on March 17, 2022 and recommended approval with 9 conditions; and

WHEREAS, the Zoning Commission held a public meeting to discuss the Final Development Plan for Case 1-2022 Anderson on April 25, 2022 and approved with 9 conditions;

WHEREAS, the Board of Trustees held a public hearing on May 19, 2022 for a Substantial Modification to the Resolution 22-0317-01 for the modification to condition #3, #8, as well as the addition of condition #10.

NOW, THEREFORE, BE IT RESOLVED that as a result of the June 27, 2022 meeting, the Final Development Plan shall be approved the Anderson Township Zoning Commission for Case 1-2022 FDP, as the proposed plan is consistent with the approving resolution for the zone change, subject to the following conditions:

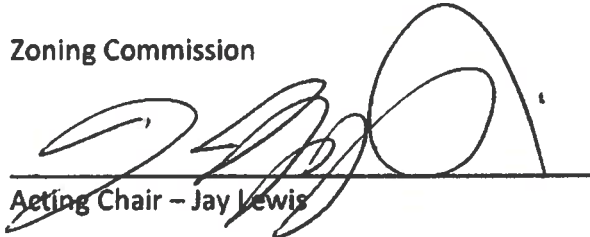
- 1. That the development shall be limited to a maximum of 35 dwelling units.**
- 2. That the landscape buffer area to the north shall be located on a separate open space parcel and not within a landscape easement. The dedicated open space parcel(s) shall be owned and maintained by a Homeowner's Association.**
- 3. That the trees on lots 13-16 be surveyed for trees where no vegetation is proposed to be planted, and that additional trees be supplemented to provide a buffer.**
- 4. That detailed signage and lighting plans in compliance with the Zoning Resolution shall be submitted as part of the Final Development Plan.**
- 5. That further subdividing of the development shall be prohibited to assure conservation of all open space tracts.**
- 6. That prohibitions/restrictions for the open space tracts shall be submitted as part of the Final Development Plan and approved by the Anderson Township Law Director to ensure preservation of existing trees and prohibit future development of the open space.**
- 7. That the development shall comply with the Subdivision Rules and Regulations unless modified by the Regional Planning Commission.**
- 8. That the landscaping plan submitted with the Final Development Plan include an increase in size of evergreens to 8' - 9' tall, include a mixture of trees including Tulip Poplar and American Basswood (or similar species), and that the plan notes the ANSI 3000 standards for landscaping and tree planting.**

9. A sidewalk shall be installed along the Wolfangel Road frontage and continue south to the mulch trail across the creek to the private drive on the Mercy Hospital property to connect to State Road. The location of the proposed trail shall be approved by the Township and be made of woodchips.
10. That the landscape plan be modified to include additional shade trees in lieu of some of the ornamental trees in the buffer area to the north, as well as include additional shade trees in the grading area that extends into the open space parcel.
11. That the sidewalk be modified to curve rather than be on an angle and terminate on the south side of Wolfangel.

Adopted at the meeting of Anderson Township Zoning Commission this 27th day of June, 2022

Vote: Mr. Lewis Aye Mr. Doenges Aye Mr. Guyer Aye

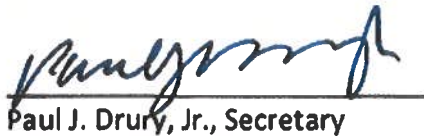
Zoning Commission



Acting Chair – Jay Lewis



Acting Vice-Chair – Mike Doenges



Paul J. Drury, Jr., Secretary

**ANDERSON TOWNSHIP
SECRETARY CERTIFICATE**

The undersigned, Secretary of the Anderson Township Zoning Commission, County of Hamilton, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Zoning Commission of said Township on the 27th day of June 2022, together with true records of the roll call votes thereon, and that said Resolution has been duly entered upon the Journal of said Zoning Commission.

I further certify that said Resolution is now in full force and effect, all as appears from the official records of the Anderson Township Zoning Commission in my custody and under my control.

WITNESS my hand as Secretary of the Zoning Commission of Anderson Township this 27th day of June, 2022.



Paul J. Drury, Jr., Secretary

**RESOLUTION
2023-0522-01
CASE 1-2022 ANDERSON MAJOR MODIFICATION
1949 WOLFANGEL ROAD**

WHEREAS, in Case 1-2022 Anderson Major Modification, Richard A. Paolo, esq., Aronoff, Rosen & Hunt, on behalf of Beaver Creek Interests, LLC and Wolfangel Development LLC, property owner, of 1949 Wolfangel Road (Book 500, Page 214, Parcels 26 and 10), containing 17.2 acres, requested the following modifications to the Final Development Plan: **Request A: To remove the sidewalk adjacent to the detention basin at Lot 35; **Request B:** Reduce the front yard setback on Lot 3 from 30' to 27'; and **Request C:** Increase the depths of Lots 17-21 and Lots 26-20 by 20' and reducing the adjacent open space from 9.50 acres to 9.07 acres; and**

WHEREAS, on February 10, 2022, the Hamilton County Regional Planning Commission heard and recommended approval of the zone change to "C-CUP" Single Family Residence Community Unit Plan with conditions; and

WHEREAS, in Case 1-2022 Anderson, the Anderson Township Zoning Commission held a public hearing for the Zone Change request from "OO" Planned Office District to "C-CUP" Single Family Residence Community Unit Plan on February 28, 2022 and recommended approval with conditions; and

WHEREAS, in Case 1-2022 Anderson, the Anderson Township Board of Township Trustees approved a Zone Change from "OO" Planned Office District to "C-CUP" Single Family Residence Community Unit Plan on March 17, 2022 and recommended approval with 9 conditions; and

WHEREAS, the Zoning Commission held a public meeting to discuss the Final Development Plan for Case 1-2022 Anderson on April 25, 2022 and approved with 9 conditions;

WHEREAS, the Board of Trustees held a public hearing on May 19, 2022 for a Substantial Modification to the Zone Change Resolution #22-0317-01 for the modification to condition #3, #8, as well as the addition of condition #10, which was approved by the Board of Trustees; and

WHEREAS, the Zoning Commission held a public meeting on May 26, 2023 to review the Request for Major Modification to the approved C-CUP Plan for Case 1-2022 Anderson.

NOW, THEREFORE, BE IT RESOLVED that as a result of the May 26, 2023 meeting, the following portion of the requested Major Modifications shall be APPROVED by the Anderson Township Zoning Commission for Case 1-2022 Anderson Major Modification, as this part of the proposed plan is consistent with the approving resolution for the zone change:

Request B: Reduction of the front yard setback on Lot 3 to 27', with the condition that the variance only apply to 35' from the east property line.

The following portions of the requested Major Modifications shall be DENIED by the Anderson Township Zoning Commission for Case 1-2022 Anderson Major Modification, as the requests are inconsistent with the approved Final Development Plan, inconsistent with the Anderson Trails Plan, and increasing the depths of lots in Request C would decrease the previously approved amount of open space that is to be maintained by a Homeowner's Association, reducing the overall amount of trees preserved:


Request A: The removal of the sidewalk along the detention basin.

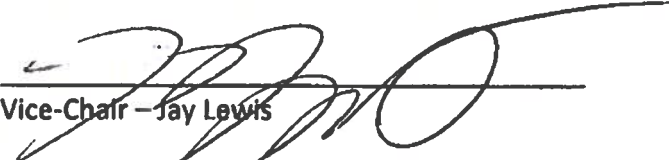
Request C: Increase in depths of Lots 17-21 and Lots 26-30.

Adopted at the meeting of Anderson Township Zoning Commission this 22nd day of May, 2023.

Vote: Mr. Lewis	Aye	Mr. Gothard	Aye	Mr. Elliff	Aye
Ms. McBride	Aye	Mr. Henson	Aye		

Zoning Commission


Chair – Ben Henson


Vice-Chair – Jay Lewis


Sarah E. Donovan, Secretary

**ANDERSON TOWNSHIP
SECRETARY CERTIFICATE**

The undersigned, Secretary of the Anderson Township Zoning Commission, County of Hamilton, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Zoning Commission of said Township on the 22nd day of May, 2023, together with true records of the roll call votes thereon, and that said Resolution has been duly entered upon the Journal of said Zoning Commission.

I further certify that said Resolution is now in full force and effect, all as appears from the official records of the Anderson Township Zoning Commission in my custody and under my control.

WITNESS my hand as Secretary of the Zoning Commission of Anderson Township this 22nd day of May, 2023.



Sarah E. Donovan, Secretary

**BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO**

The Board of Township Trustees met in regular session at 5:00 p.m. this 19th day of May, 2022, with the following members present:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Mrs. Lausten introduced the following resolution and moved its passage:

**RESOLUTION NO. 22-0519-01
CASE 1-2022 ANDERSON SUBSTANTIAL MODIFICATION
1949 WOLFANGEL RD
(Book 500, Page 214, Parcels 26 & 10)**

Approving and Adopting a Substantial Modification to Conditions #3 & #8 of the zone change Resolution No. 22-0317-01 and adding Condition #10 (Case 1-2022 Anderson) for the property located at 1949 Wolfangel Road.

WHEREAS, this Board of Township Trustees ("Board"), on June 19, 2022 has discussed a Substantial Modification to Case 1-2022 Anderson, an application filed by Doug Smith, McGill Smith Punshon, on behalf of Beaver Creek Interests, LLC, for Our Lady of Mercy Mariemont, Ohio, property owner, requesting a modification to Conditions #3 & #8 of the zone change Resolution No. 22-0317-01 for property located at 1949 Wolfangel Road (Book 500, Page 214, Parcels 26 & 10), containing approximately 17.256 acres to effect, to remove language including the "existing woods to remain" requirement and allowing for flexibility in tree species; and

WHEREAS, this Board of Township Trustees ("Board"), on March 17, 2022, approved an amendment to the map of the Anderson Township Zoning Resolution for property located at 1949 Wolfangel Road (Book 500, Page 214, Parcels 26 & 10), containing 17.256 acres to effect, a modification to the Anderson Township Zoning Map from "OO" Planned Office District to "C-CUP" Residence, Community Unit Plan, to allow the construction of a 36-lot single family subdivision, with 35 buildable lots, 1 for open space, the open space parcel is

9.517 acres, which is approximately 55.15% of the total site acreage, and a density of 2.03 units per acre; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Hamilton County Regional Planning Commission recommended approval of an application for a zone change to "C-CUP" on February 10, 2022; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission recommended approval of Case 1-2022 Anderson, with 9 conditions on February 28, 2022; and

WHEREAS, on May 19, 2022, this Board reviewed the Application, the documents and testimony pertaining thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township ("Township"), Hamilton County, Ohio, as follows:

SECTION 1. The Board hereby finds that the Application will not be in conflict with the best interest of the Township and the public, and therefore approves the Application, with conditions, for the following reasons:

1. The "C-CUP" zoning is consistent with the density of surrounding properties.
2. The proposed use is compatible with the surrounding neighborhood and furthers the ideas laid out in the Anderson Township Comprehensive Plan.
3. The health and safety of the neighborhood and the Township are maintained.
4. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant's use of the subject land.
5. The Board believes that modifying the original conditions is necessary after reviewing the additional information provided in the revised grading plan.
6. The Board believes that the application is still consistent with the intent of the

original resolution.

SECTION 2. The Board further finds that the Preliminary Plan for the Application (the Plan) shall be subject to the conditions and declarations of Article 5.1, General Development Plan Provisions, Section 5.1 et. seq., inclusive, of the Anderson Township Zoning Resolution, and subject further to the following conditions:

This approval shall be based on the following conditions as approved by the Trustees in Resolution No. 22-0317-01, modified conditions #3 & #8, and additional condition #10:

1. That the development shall be limited to a maximum of 35 dwelling units.
2. That the landscape buffer area to the north shall be located on a separate open space parcel and not within a landscape easement. The dedicated open space parcel(s) shall be owned and maintained by a Homeowner's Association.
3. That the trees on lots 13-16 be surveyed for trees where no vegetation is proposed to be planted, and that additional trees be supplemented to provide a buffer.
4. That detailed signage and lighting plans in compliance with the Zoning Resolution shall be submitted as part of the Final Development Plan.
5. That further subdividing of the development shall be prohibited to assure conservation of all open space tracts.
6. That prohibitions/restrictions for the open space tracts shall be submitted as part of the Final Development Plan and approved by the Anderson Township Law Director to ensure preservation of existing trees and prohibit future development of the open space.
7. That the development shall comply with the Subdivision Rules and Regulations unless modified by the Regional Planning Commission.

8. That the landscaping plan submitted with the Final Development Plan include an increase in size of evergreens to 8'- 9' tall, include a mixture of trees including Tulip Poplar and American Basswood (or similar species), and that the plan notes the ANSI 300 standards for landscaping and tree planting.
9. A sidewalk shall be installed along the Wolfangel Road frontage and continue south to the mulch trail across the creek to the private drive on the Mercy Hospital property to connect to State Road. The location of the proposed trail shall be approved by the Township and be made of woodchips.
10. That the landscape plan be modified to include additional shade trees in lieu of some of the ornamental trees in the buffer area to the north, as well as include additional shade trees in the grading area that extends into the open space parcel.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 4. Final Development Plan: No Final Development Plan shall be approved by the Anderson Township Zoning Commission before:

1. All "Requirements for Submission" have been completed;
2. Building and parking setbacks, building heights, floor area, density, construction limits and impervious surfaces are in conformance with those which are specified or depicted on the approved Preliminary Development Plan;
3. A landscape plan for perimeter buffers and other required areas is prepared by a registered landscape architect, complete with all necessary details and specifications for new landscaping features, a depiction of existing landscaping and tree mass that is to remain, and specifications for soil erosion and sedimentation control, and submitted to and approved by the Anderson Township Zoning Commission.
4. The plan complies with applicable recommendations of:
 - (1) The County Engineer regarding site distance analysis, right-of-way and access improvements and circulation concept;
 - (2) Hamilton County Planning and Development regarding surface drainage

concept;

- (3) The Metropolitan Sewer District and/or O.E.P.A. regarding sewerage concept;
- (4) The Natural Resource Conservation Service regarding erosion and sedimentation control concept; and
- (5) The authorized Fire Prevention Officer under the jurisdiction of the Board regarding Fire Prevention concepts.

SECTION 5. Construction Permits: No Zoning Certificate or building permit for actual construction shall be issued before a Final Development Plan has been approved by the Anderson Township Zoning Commission.

SECTION 6. Occupancy Permit

1. No Certificate of Occupancy shall be issued before the following documents are submitted to or received from the following officials or agencies:

- (a) A letter from the County Engineer certifying that the approved plans and specifications for right-of-way and access improvements, on-site and off-site, have been completely implemented;
- (b) A summary report from the Applicant's registered engineer or surveyor as required by and addressed to the Director of Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Director of Public Works shall inform the Anderson Township Zoning Inspector when such report is received and accepted.
- (c) A letter from the Metropolitan Sewer District or O.E.P.A. certifying that the approved Plan and specifications for sanitary sewer and wastewater treatment have been completely implemented;
- (d) A summary report from the registered landscape architect who prepared the landscape plan, attesting to completion of the landscape plan and soil erosion and sedimentation control measures, noting any deviations and the reasons for such deviations;
- (e) A letter from the authorized Fire Prevention Officer under jurisdiction of the Board, certifying that the approved plan and specifications for fire prevention have been completely implemented;

- (f) A letter from the Ohio Department of Transportation stating that all applicable requirements have been fulfilled.
2. No Certificate of Occupancy shall be issued before the development complies with all of the terms, covenants, and conditions of approval, as imprinted on the Final Development Plan and contained in this Resolution.

SECTION 7. Maintenance of Improvements:

1. All landscaping, ground cover and other property improvements shall be maintained by the subject owner of the property or its successors in title in perpetuity or until the approved use ceases to exist.
2. All specifications, conditions, and limitations, which are imprinted on the Final Development Plan or contained in this Resolution shall be enforced throughout the life of the development by the Anderson Township Zoning Inspector.

SECTION 8. A certified copy of this Resolution be directed, by the Fiscal Officer, to the Applicant and its Agent for this Amendment, to the Anderson Township Zoning Commission, to the Township Zoning Inspector, the Department of Public Works, the County Engineer Permit Department, the Metropolitan Sewer District, and the Ohio Department of Transportation, and a certified copy be filed with the Hamilton County Recorder and Hamilton County Regional Planning Commission within five (5) days after the effective date of this Resolution.

SECTION 9. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 10. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

Mrs. Stone seconded the motion, and the roll being called being called upon the question of passage, the vote resulted as follows:

Mr. Gerth yes Mrs. Stone yes Mrs. Lausten yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 19th day of May, 2022, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 19th day of May, 2022.



Kenneth G. Dietz
Fiscal Officer