

ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT
CASE 1-2022 ANDERSON MAJOR MODIFICATION
CROSS CREEK SUBDIVISION – 7945 CROSS CREEK DRIVE LOT #25

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP ZONING COMMISSION ON JANUARY 27, 2025

APPLICANT: Julie Zicka, President Zicka Homes, on behalf of Wolfangel Development LLC, property owner.

LOCATION & ZONING: 7945 Cross Creek Drive (Lot #25)
 (Book 500, Page 214, Parcel 312)
 “C-CUP” – Single-Family Residence, Community Unit Plan

REQUEST: A Major Modification to the Final Development Plan for Case 1-2022 Anderson. The applicant is requesting a rear yard setback of 27.2’ where 30’ is required.

SITE DESCRIPTION:

Tract Size: .2144 acres
Frontage: Approximately 80’ on Cross Creek Drive, and approximately 120’ on Creek Side Drive.
Topography: Relatively flat, slight decrease in grade from north to south.
Existing Use: Vacant Single-family lot

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
<i>North:</i>	“B” – Single-family residence	Single-family homes
<i>South:</i>	“OO” Planned Office District	Mercy Hospital
<i>East:</i>	“B” – Single-family residence	Single-family homes
<i>West:</i>	“B” – Single-family residence	Single-family homes

PROPOSED DEVELOPMENT: The applicant is proposing the construction of a new single-family home with a rear yard setback of 27.2’, where the requirement is 30’ for a rear covered porch. The applicant stated that the porch floor is at ground level with a concrete floor. This is the first home being built in this subdivision.

ZONING HISTORY: A pre-submittal open house was held at the Anderson Center on January 5, 2022. Having notified surrounding property owners within 200’, the overall concerns as a result of this open house were regarding the proposed landscape buffer along the northern property line, utilities (sewer and gas), and sight distance for the new road.

Hamilton County Regional Planning Commission held a public hearing on February 10, 2022, in regard to Case 1-2022 Anderson. Their staff report recommended that the planned 30-foot natural landscape easement along the northern property line be plotted as a separate open space parcel and not within a landscape easement. This was presented as a solution to property owners clearing any foliage planted on this land or constructing anything in this space. Additionally, their staff report suggested that the applicant modify their submittal for “A-CUP” or “B-CUP” Residence zoning, rather than “C-CUP” Residence. However, the Regional Planning Commission stated that they felt that with the surrounding properties, “C” Residence was compatible in this area and moved forward with a recommendation to the Anderson Township Zoning Commission

for approval. The applicant submitted updated plans to reflect HCRPC conditions, which included a new open space lot.

The Anderson Township Zoning Commission held a public hearing on February 28, 2022, regarding Case 1-2022 Anderson and recommended approval with 9 conditions.

The Board of Township Trustees held a public hearing on March 17, 2022, regarding Case 1-2022 Anderson and approved the zone change from “OO” Planned Office District to “C-CUP” Residence, Community Unit Plan with 9 conditions.

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 10 conditions.

The Board of Township 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 and #8, as well as the addition of condition #10.

The applicant submitted for a Major Modification to be heard at the March 27, 2023 Zoning Commission hearing, but requested a continuation prior to the meeting. At the May 22, 2023 meeting, the applicant requested the following: Request A: Removal of sidewalk along the detention basin. Request B: Reduction of the front yard setback on Lot 3 from 30’ to 27’. Request C: An increase in the depths of Lots 17-21 and Lots 26-30 by 20’ and a reduction of open space area from 9.50 acres to 9.07 acres. Requests “A” and “C” were denied, and “B” was approved.

FINDINGS:

Major Modification: Any modification to the approved Final Development Plan that fails to meet the requirements set forth in Article 5.1, C, 1, but does not infringe upon a specific requirement or standard as set forth in the development’s approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees.

Approving Zone Change Resolution:

The following are the conditions set in Trustee Resolution #22-0519-01 on 05/19/2022:

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.

Final Development Plan

The following are the conditions set in Zoning Commission Resolution #2022-0627-01 on 06/27/2022:

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.

The following is the condition set in Zoning Commission Resolution #2023-0522-01 on 05/22/2023:

1. 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.

Trustee Resolution Compliance / FDP Compliance

The applicant is requesting a 27.2' rear yard setback where a 30' rear yard setback is required.

Applicable Plans

Anderson Plan

The *Anderson Plan* states the following (p. 49): When faced with land-use related decisions, decision-makers should consider the following guidelines:

- Unless otherwise noted, lot sizes and subdivisions should be compatible with adjacent developments in terms of lot sizes, density, character, and scale. New development or redevelopment should not be detrimental to the general character of the surrounding neighborhoods.

RECOMMENDATION:

Lot #25 is a corner lot and the rear yard is oriented toward the side yard of Lot #26. Reduction of the rear yard setback on Lot #25 to 27.2' may be substantial. The proposed 27.2' rear yard will make this area compact as Lot #26 will only have a setback of 5'. During the original hearings for the subdivision, the concern from the Commission in maintaining a 30' rear yard setback was to minimize possible encroachment into the open space areas. Lots #24 and #25 both back up to Lot #26, so it is an interior lot. However, reduced setbacks were already approved with the original CUP approval to make accommodations for the proposed homes. As this is one of the first homes being constructed in the subdivision, it may set a precedence for future homes.

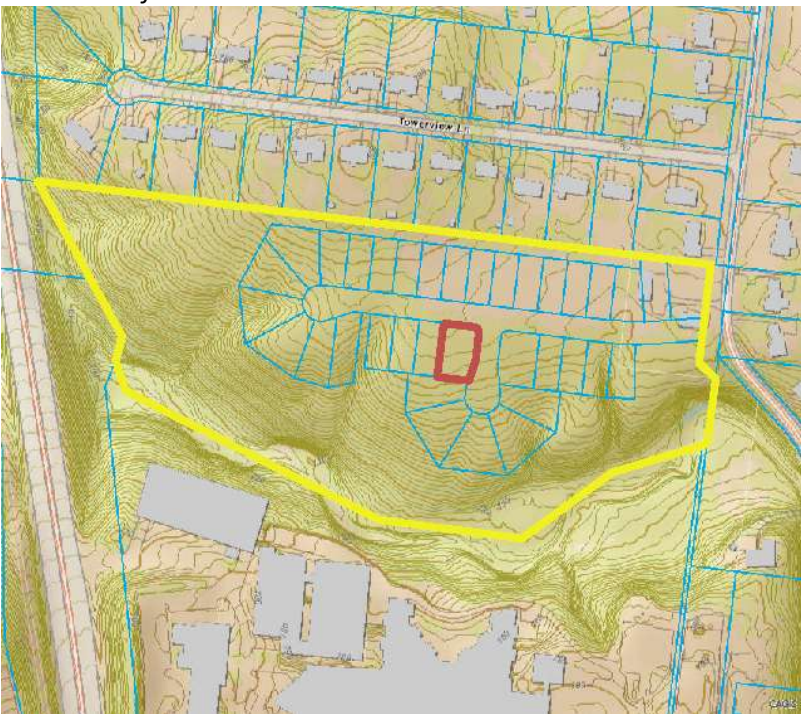
VARIANCE STANDARDS TO BE CONSIDERED:

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.



2023 Aerial from CAGIS



Topography Map, CAGIS 2020



