

**ANDERSON TOWNSHIP ZONING COMMISSION
JANUARY 27, 2025**

The Anderson Township Zoning Commission held a regular meeting, duly called, on January 27, 2025, at 5:30 P.M. Present were the following members:

Jay Lewis, Chair, Jonathan Gothard, Vice Chair, Brian Elliff, and Janet Baker, Alternate

Also, present when the meeting was called to order were Paul Drury, Director of Planning and Zoning and Sarah Donovan, Assistant Director of Planning and Zoning, and Logan Vaughn, UC Co-op. A list of citizens in attendance is attached.

Mr. Lewis welcomed everyone and reminded all to sign in at the front of the doorway.

Approval of Agenda

Mr. Gothard moved, Mr. Elliff seconded, to approve the agenda for tonight's meeting with no modifications.

A unanimous vote was taken

Approval of Minutes

Mr. Lewis stated that the Zoning Commission does not have the correct quorum to approve the December 16, 2024 Zoning Commission minutes tonight.

CASE 1-2022 ANDERSON MAJOR MODIFICATION

Mr. Drury stated that this is a public hearing for Case 1-2022 Anderson Major Modification and read the staff report for an application filed by Julie Zicka, President of Zicka Homes, on behalf of Wolfangel Development LLC, property owner, located at 7945 Cross Creek Drive Lot 25 (Book 500, Page 214, Parcel 312), zoned "C-CUP" Single Family Residence, Community Unit Plan.

Mr. Drury stated that the applicant is requesting 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.

Mr. Drury stated the tract is .2144 acres, with approximately 80' on Cross Creek Drive and approximately 120' on Creek Side Drive, the topography is relatively flat with a slight decrease in grade from north to south, and the existing use is a vacant single-family lot.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

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

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Dury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Drury stated that 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.

Mr. Elliff asked if the variance standards are applicable to this case. **Mr. Drury** replied yes, they are requesting a variance.

Mr. Elliff asked about the issue with lot 3 and the reduced front yard setback for only half of the lot. **Mr. Drury** replied that lot 3 has a curve in the front property line, which the Zoning Commission chose to place a reduced setback on part of the lot starting at the curve.

Mr. Gothard asked if the 26' front yard setback is correct or if it should be 30' as well. **Mr. Drury** replied that it was approved during the zone change, and in the record plat, so they do not need a variance for that.

Mr. Lewis asked who was notified with the 200' requirement. **Ms. Donovan** replied that staff measured the 200' from the entire subdivision since every lot in the subdivision is still under Zicka ownership.

Dr. Baker asked about the potential implications written in the staff report and requested further explanation. **Mr. Drury** replied that during the Community Unit Plan process, the buffer to Towerview was critical to protect those neighboring properties and ultimately the overall theme through each Major Modification hearings was for protecting the open space. **Mr. Drury** added that the concern today is that there is further potential for encroachment if the requests for reduced setbacks continue.

Julie Zicka, 183 Coldstream Villa Drive, stated that she is the builder for this property, and that they do have several sales in the subdivision but that they own the lots through construction. She stated that they have three sales and one model and that this is the only site that is asking for a variance.

Mr. Lewis asked if lot 26 has sold. **Ms. Zicka** replied that it has not.

Ms. Zicka stated that the new homeowner for lot 25 is an older couple that would like more space on the covered porch.

Mr. Elliff stated that he hears that it will be a one time thing for the one couple that wants an encroachment, but also hears staffs' concerns on granting this modification. **Mr. Elliff** asked what kind of assurances can be given that this won't continue to happen. **Ms. Zicka** replied that she can ensure if it is denied, she won't be back to request another variance. As for future lots, she can provide that this won't be an option to potential buyers.

Mr. Gothard asked if the 3' was presented to the client or if it was their idea. **Ms. Zicka** replied that it was their request and that she is willing to do anything for her buyer.

Ralph Fruechtemeyer, Zicka Homes, 7681 E Kemper Rd, stated that lot 26 will have a 5' side yard and will have another 27.2' feet from this neighboring property so it is not a detriment to the side yard of lot 26. He stated that these homes are a million dollars and they are trying to accommodate their new owners. He stated that they don't often come in for variances, but in an attempt to maximize their potential on a small lot, this was an option.

Mr. Gothard asked if its been considered to use the half of a foot on the front yard setback, **Mr.**

Fruechtemeyer replied that they try to build in a couple of inches to give themselves room in case there is an encroachment that they didn't see happening.

The public hearing was closed at 5:57 pm.

DECISION

M Elliff moved, Dr. Baker seconded to deny the application on the recommendation of staff for the property of 7945 Cross Creek Drive, Lot 25 for the request of a modified rear yard setback of 27' where 30' is required.

3 Yes, 1 No- Lewis

The next regular meeting would be held on February 24, 2025, at 5:30 p.m. at Anderson Center.

Respectfully submitted,


Jay Lewis, Chair

MONDAY, January 27, 2025 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD

NAME:

[illegible]