

**ANDERSON TOWNSHIP ZONING COMMISSION  
MARCH 24, 2025**

The Anderson Township Zoning Commission held a regular meeting, duly called, on March 24, 2025, at 5:30 P.M. Present were the following members:

**Jay Lewis, Chair, Jonathan Gothard, Vice Chair, Susan Ward, Molly DeFosse, Alternate, Jason Brewer, 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, Brodi Conover, Legal Counsel from Bricker Graydon, 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, Ms. DeFosse seconded**, to approve the agenda for tonight's meeting with one modification, noting the continuation of Case 1-2025 PUD.

**A unanimous vote was taken**

**Approval of Minutes**

**Mr. Gothard moved, Ms. Ward seconded** to approve the December 16, 2024 Zoning Commission minutes.

**A unanimous vote was taken.**

**Mr. Gothard moved, Ms. ward seconded**, to approve the January 27, 2025 Zoning Commission minutes.

**A unanimous vote was taken.**

**Ms. Donovan swore in all those who wish to testify for the following quasi-judicial hearing.**

**CASE 1-2016 PUD MAJOR ADJUSTMENT**

**Mr. Drury** stated that this is a public hearing for Case 1-2016 PUD Major Adjustment and read the staff report for an application filed by Kristopher Milner, Associate for KMK Law, on behalf of BEE Properties Inc, property owner, located at 4270 Round Bottom Road (Book 500, Page 170, Parcel 36), zoned "ID-PUD" Industrial Development Planned Unit Development

**Mr. Drury** stated that the applicant has installed (without permits) two portable structures, size 138.90' x 47.89' and 17.55' high and 69.78' x 41.04' and 10.5' high on the property to shelter equipment stored on the property.

**Mr. Drury** stated the tract is 4.421 acres, with approximately 845' of frontage on Round Bottom Road, the topography is relatively flat, and the existing use is Round Bottom Rentals.

**Mr. Drury** stated that the applicant has installed (without permits) a portable structure, size 138.90' x 47.89' (approx. 6,500 SF) and 17.55' high on the property to shelter equipment stored on the property. The applicant stated that "the structure does not have any foundation or footers, has no lighting or utilities, and is situated and anchored to the existing parking and storage lot."

**Mr. Drury** stated that a second structure was identified on the site during the inspection on 11/8/2024 that had been installed since August. This structure is 69.78' x 41.04' (2,863 SF) and 10.5' high, with a front yard setback of 64.33' from the right-of-way.

**Mr. Drury** stated that the applicant purchased the property in May, 2013 and began making improvements to the property prior to receiving zoning approval. The PUD request proposed a change of use from The Brewer Company which used the site as storage, maintenance, and repair of trucks / equipment to Round Bottom Rental. Round Bottom Rental is a commercial, equipment rental business. There are two buildings on the site, and a blighted house was removed. The larger is used for the retail component of the business and small equipment repair. The smaller building is used for storage. A twenty-car parking lot was constructed and is primarily used for employees who work across the street at Evans Landscaping. The number of driveways along the County road were reduced from 5 to 3. Decorative fencing and parking lot lighting was installed. The Zoning Commission approved the PUD in February 2016 with one variance for a parking lot setback of 5' from the right-of-way vs 10'. This decision was appealed by the applicant, but the appeal was later dropped.

**Mr. Drury** stated that a violation letter was sent to the applicant on August 7, 2024 regarding a structure constructed without permits. During the inspection on 11/8/2024, an additional structure appeared to have been constructed. A site visit was scheduled with the applicant's attorneys, Hamilton County Building Inspectors, and Township staff on 11/20/2024. It was clarified by Hamilton County that building permits are required for the two new structures once zoning has been resolved. An updated site plan was submitted via email on 11/18/2024 and included with a revised submittal on 11/25/2024. No impervious surface ratio (ISR) was provided.

**Mr. Drury** stated that on December 16, 2024, the Zoning Commission heard Case 1-2016 PUD Major Adjustment. As a result of the quasi-judicial hearing, a motion was made to approve the PUD application. The motion received two affirmative votes, where three affirmative votes to pass are required per the Anderson Township Zoning Commission by-laws, which state: "The failure of any proposed amendment or supplement to receive a minimum of three (3) affirmative votes shall constitute a recommendation against such an amendment or supplement and the vote shall be so reported to the Township Trustees."

**Mr. Drury** stated that the applicant filed an appeal of the December 16, 2024 Zoning Commission decision to the Board of Township Trustees. At the February 20, 2025 Board of Township Trustees meeting, the Board of Trustees moved to remand Case 1-2016 PUD Major Adjustment back to the Zoning Commission to be heard by a Zoning Commission Board of five members.

**Mr. Drury** stated that the two structures are compliant with the setbacks required in Article 3.16, G of the Zoning Resolution. No landscaping or lighting plans were submitted, and an ISR was not provided. There is existing landscaping and fencing that was installed in 2016.

**Mr. Drury** stated that the following Goals of the Anderson Plan should be considered when evaluating this application:

Economic Vitality

The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.

Land Use and Development

The Ancor Area will continue to be the Township's target site for future economic development and enhanced infrastructure.

**Mr. Drury** stated that the two structures are compliant with setbacks in the ID zoning district and are consistent with other structures on nearby properties. The structures are used to shelter rental equipment, also consistent with the underlying PUD. The ISR was not provided so it is unclear if the structures created additional impervious area or if they were constructed on existing impervious surfaces. No information was provided on landscaping and lighting, which is existing.

**Mr. Drury** stated that if approved, staff recommends the following conditions:

1. Building permits shall be obtained for all structures.
2. If these two structures are relocated on site, a minor adjustment to the PUD is required, and an application for a zoning certificate shall be submitted.
3. If new structures are proposed, a major adjustment application shall be submitted to the Zoning Commission for review.

**Mr. Lewis** asked where the demarcation is between temporary and permanent structures. **Mr. Drury** replied that for the building department, it is any structure that is over 200 sq. ft., therefore the ones in today's Case are permanent structures.

**Mr. Lewis** asked if there are any safety issues with no footers. **Mr. Drury** replied that the building department would look at that with their review.

**Mr. Lewis** asked for confirmation on what the ISR is. **Mr. Drury** replied that it's now about 80%, but that the structures covered existing parking lot.

**Dan Utt, KMK, 1 East 4<sup>th</sup> Street, on behalf of the applicant,** stated that there was disagreement between the applicant and the building department on whether or not these are permanent structures.

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**Mr. Lewis** asked if they are aware that any additional buildings will need permits. **Mr. Utt** replied yes, and that they have a couple of other temporary structures that they are going to work on permits for with zoning. He stated that the purpose of these structures was to protect items purchased and used for Round Bottom Rentals and that it gives them the storage that they need currently. He stated that it is consistent with the land use plan and the surrounding industrial uses.

**Mr. Brewer** asked how it is possible to move a 6,000 sq. ft. building. **Mr. Utt** replied that they are on steel skids, so it would need a large piece of equipment.

**Mr. Brewer** asked when the second structure was installed. **Mr. Utt** replied that it was discovered by zoning staff between the inspection in August and another inspection in October.

**Mr. Brewer** asked why it was believed that a 6,000 sq. ft. structure could be put in place without zoning. **Mr. Utt** replied that there was a difference in opinion between Mr. Evans and the Hamilton County Building Department and it required an onsite inspection to determine.

**Mr. Gothard** confirmed that the additional structures mentioned previously are not proposed to be on this property. **Mr. Utt** replied no, they are on other properties owned by Evans.

**Mr. Gothard** asked if they are currently there without permits. **Mr. Utt** replied yes and added that they are aware of the process now and will move forward correctly.

The public hearing was closed at 5:51 pm.

#### DECISION

**Mr. Gothard** moved, **Ms. Ward** seconded to approve Case 1-2016 PUD Major Adjustment for the property of 4270 Round Bottom Road, also known as Round Bottom Rentals, as recommended by staff findings, with the following conditions: that no additional structures, regardless whether temporary or permanent shall be installed without permits and complying with zoning prior to installation, that the two structures approved tonight remain in place, and if moved that they are approved by staff prior to the moving of the structures, that the Township be able to inspect the site for violations and violations be addressed timely, that building permits be obtained by Hamilton County.

A unanimous vote was taken.

Election of Officers:

**Mr. Lewis** moved, **Ms. Ward** seconded to appoint Jonathan Gothard as Chair of the Zoning Commission for 2025. 4 yes, 1 abstain- **Mr. Gothard**

**Mr. Gothard** moved, **Ms. Ward** seconded to appoint Brian Elliff as Vice Chair of the Zoning Commission for 2025. 5 yes

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The next regular meeting would be held on April 28, 2025, at 5:30 p.m. at Anderson Center.  
The meeting was adjourned

Respectfully submitted,

A handwritten signature in red ink, appearing to read "Jonathan Gothard", written in a cursive style.

Jay Lewis, Chair

JONATHAN GOTHARD

