

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
FEBRUARY 6, 2025**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on February 6, 2025, at 5:30 p.m. at the Anderson Center. Present were the following members:

Paul Sian, John Halpin, Paul Sheckels, Scott Lawrence, and Jeff Nye

Also, present when the meeting was called to order, Stephen Springsteen, Planner I, Eli Davies, Planner I, and Logan Vaughn, Co-op. A list of citizens in attendance is attached.

Staff and members of the public were asked to raise their right hand and swear or affirm to the following oath as read by **Mr. Sian**: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you, God?

Staff and those testifying replied “yes” to the oath issued by **Mr. Sian**.

Approval of Agenda

Mr. Nye moved, Mr. Halpin seconded to approve the modified Agenda for February 6, 2025, which was approved by the Board with unanimous consent.

Approval of Minutes

Mr. Nye moved, Mr. Lawrence seconded to approve the minutes for the January 2, 2025, Board of Zoning Appeals meeting
Vote: 5 Yeas

Consideration of Case 2-2025 BZA

Mr. Davies gave a summary of the staff report for Case 2-2025 BZA.

The Board had no questions for staff.

Mr. Stephen Starky, Gregory Gates Architects, applicant, stated that he believed the structure was in compliance of the existing character of the neighborhood as it is replacing an existing structure in the same location. Additionally, he submitted the letter of approval from the Heritage Club for the project as evidence.

Mr. Nye asked if she the proposed structure is going to be larger than the existing structure. **Mr. Starky** stated that it will be slightly larger, the new size would be approximately 665 sq ft.

Mr. Lawrence asked if that included everything, **Mr. Starky** confirm that to be true.

Mr. Halpin moved to close the public hearing. **Mr. Nye** seconded the motion.

The public hearing was closed at **5:41pm**.

Deliberation of Case 2-2025 BZA

The Board discussed a variance request for an accessory structure, size 34' x 23'-8", located in the front yard, where accessory structures are only permitted in the rear yard, per Article 5.2, A, 7, of the Anderson Township Zoning Resolution.

Mr. Nye motioned to grant a variance request for an accessory structure, size 34' x 23'-8", located in the front yard, where accessory structures are only permitted in the rear yard, per Article 5.2, A, 7, of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Consideration of Case 3-2025 BZA

Mr. Davies gave a summary of the staff report for Case 3-2025 BZA.

The Board had no questions for staff.

stated the lambs in question are pets, they will not be used in a typical agricultural sense. She stated she intends to fence the yard, whether with a privacy fence or chain link fence. She reiterated that the location of the lamb enclosure would be a minimum of 200 feet from any residence.

Mr. Halpin asked for clarity in the location of the structure and potential fence, **Ms. Hollin** described the location of the structure as shown on the site plan and stated the intent would be to add the fence along the property lines.

Mr. Nye asked if she had looked into the feasibility of the structure's location based on the significant hillside on the site. **Ms. Hollin** stated she has gone to the proposed location and has connections with contractors who would be able to construct the structure. **Mr. Nye** is she would be open to moving the location of the structure based on the discussion this evening, **Ms. Hollin** confirmed she move the structure to wherever it would be approved. **Mr. Nye** shared his reasoning why it could make more sense to move the structure closer to the rear property line, while it may be further from the 200 foot setback requirement, it would increase the distance to the surrounding residences.

Mr. Sian asked if they would be in their structure all day or if they would be roaming the property. **Ms. Hollin** confirmed they would roam the property during the day and in the structure during the night.

Mr. Lawrence asked if the proposed fence would be similar to the one in submitted pictures, **Ms. Hollin** stated that it would be a wooden fence ideally to enclose the property. **Mr. Lawrence** asked if the lambs can jump that high and need a fence height of 6 feet. **Ms. Hollin** stated they don't jump that high, however, she wants to ensure she is keeping predators out too.

Mr. Nye confirmed she was aware that there are coyotes in the area, **Ms. Hollin** stated she was aware and that is why she is looking to fence in the property.

Susan Jones, property owner of 792 Sutton Road, shared her support for the appeal, stating that she believed the appeal would likely have a minimal impact on her property.

Julia Harris, partner of the property owner at 770 Sutton Road, shared her support for the appeal. Ms. Harris stated that they have a dog which she believes is likely more of sound nuisance to the neighborhood than these lambs would be and that her family is moving to a new location to find a more suitable surrounding for their family.

Mr. Lawrence clarified if she was the owner, **Ms. Harris** confirmed her partner is the owner and was unavailable to attend tonight. Mr. Lawrence asked about if she could provide clarity to the proposed location of the structure, Ms. Harris stated she was a little confused by the site plan shown tonight. She stated that the property south of 770 Sutton was a neighbor's, however, it used to be used for a dumping ground at one point and has more or less unclaimed for some time.

Kimberley Morales, property owner of 774 Sutton Road, shared her opposition to the appeal stating concerns of the smell and waste management for the lambs. She also stated that based on her research there had not been any approved variances for agricultural structure that are closer 100 feet to property lines.

Mr. Nye asked if the portion of the lot that hooks around the property in question was livable or usable. **Ms. Morales** stated that it she believed in currently was not usable, however, they are exploring ways to use it now that she has recovered from medical issues.

Mr. Halpin asked if her property encircles 770 Sutton Road, **Ms. Morales** stated that she believed so. She stated her property, and 760 Sutton Road surround the property.

Jonathan Morales, property owner of 774 Sutton Road, stated his opposition to the appeal mirroring his wife's concern for smell and waste management as the animals will roam the property. He stated that he does not have concerns regarding domesticated animals such as dogs, however, he does not wish to have livestock adjacent to his property.

Mr. Halpin confirmed that the request was for two lambs and asked if Mr. Morales anticipated a lot of lamb feces coming from the two animals. **Mr. Morales** stated that he would prefer not to find out and has concerns about an increase in more animals in the future.

Ms. Hollin stated that the wildlife in the area is likely leaving more feces in the area than her lambs will. **Mr. Nye** asked if she had a waste management plan, Ms. Hollin replied that she was plan to let the feces compost into the earth.

Mr. Sian asked about the weight of the lambs, **Ms. Hollin** responded that they are approximately 70lbs and 85 lbs. Mr. Sian asked that they were full grown, Ms. Hollin confirmed that they were.

Mr. Lawrence asked how long she had owned the lambs, **Ms. Hollin** replied approximately a year and a half. Mr. Lawrence asked what the typical lifespan of a lamb is, Ms. Hollin stated it is about 12 years. Mr. Lawrence how often she would be cleaning the lamb structure, Ms. Hollins

stated that since they will mostly be sleeping there it shouldn't require constant cleaning. She stated sometimes it may be a daily project, but since they will roam the property most of the day it shouldn't need constant attention.

Mr. Nye asked Ms. Hollin that she understands that the variance does not give her the ability to ignore nuisance law, Ms. Hollin replied that she understands that now and this may not be the property for her and stated she would like to remove her request for a variance.

Mr. Sheckels asked for clarity that she was officially withdrawing her appeal for a variance. **Ms. Hollin** stated that she is unsure if the variance will adequately protect her lambs so she is not sure whether or not to proceed with the variance request.

Mr. Nye suggested that it may be beneficial to suspend the public hearing and have the parties disagreeing with each other regarding the request.

Mr. Nye moved to suspend the public hearing. **Mr. Sheckels** seconded the motion.

The public hearing was suspended at **6:15 pm**.

Consideration of Case 4-2025 BZA

Mr. Davies gave a summary of the staff report for Case 4-2025 BZA.

The Board had no questions for staff.

Chris Patek of MSA Design, on behalf of Anderson Hills Church, property owner, stated that the submission is a part of an overall rebranding and reimagining happening at the church. He continued that the number of parking spaces on Beechmont will be reduced and expanded on some of the efforts the church is doing to provide adequate screening on the site.

Mr. Sheckels stated that he felt like moving the playground to the front of the property provides better control over the children's safety. **Mr. Patek** shared that the church was thinking the same thing.

Mr. Halpin moved to close the public hearing. **Mr. Nye** seconded the motion.

The public hearing was closed at **6:37pm**.

Deliberation of Case 4-2025 BZA

The Board discussed a conditional use request for the modification of an existing parking lot, per Article 5.4, I, 7 of the Anderson Township Zoning Resolution, and a variance request for a playset accessory structure, size 34' x 30', and two shade canopy accessory structures, size 20' x

10', all located in the front yard where accessory structures are only permitted in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a conditional use request for the modification of an existing parking lot, per Article 5.4, I, 7 of the Anderson Township Zoning Resolution, and a variance request for a playset accessory structure, size 34' x 30', and two shade canopy accessory structures, size 20' x 10', all located in the front yard where accessory structures are only permitted in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution. **Mr. Nye** seconded.

Vote: 5 Yeas

Consideration of Case 5-2025 BZA

Mr. Davies gave a summary of the staff report for Case 5-2025 BZA.

Mr. Nye asked about the recommended conditions regarding the footcandles for the lighting, **Mr. Springsteen** stated that the lighting in many areas of the proposed project exceeds the parking standards for lighting and the staffs' suggestion would be to make the lighting compliant. **Mr. Springsteen** also shared that at a previous public hearing not related to an Anderson Park District case, concerns were shared regarding the brightness of the field lighting at the adjacent turf fields. He finished by stating that the Park District may have a specific reasoning for needing that brightness.

Mr. Sheckles asked for clarity as far as what the standard would be at the right of way line along Round Bottom Road, **Mr. Springsteen** added that he believes the adjacent property is zoned residential which would make the maximum footcandle permitted to be .1 footcandles. **Mr. Sheckels** asked if .1 was going to be acceptable lighting to see anything, **Mr. Springsteen** and **Mr. Sheckels** both agreed that it would be more beneficial to hear from the Park District regarding lighting needs.

Mr. Nye clarified that the previous Riverside case that was being referred to are the fields to the East, **Mr. Springsteen** confirmed that was correct. **Mr. Sheckles** asked about the mention of netting in the request, **Mr. Springsteen** stated he believed they were using most of their existing fencing, however, he would let the applicant speak to their request.

Mike Smith, from Anderson Park District property owner, added clarity to the Board's questions about lighting needs and previous lighting complaints. **Brad D'Agnillo**, the Kleingers Group, applicant, added clarity to the question of the netting request for the new backstops.

Mr. Smith stated they believe this will make the park one of the premier sporting locations in the state.

Mr. Sheckels asked about the small baseball field at the back of the park not proposed to receive improvements, **Mr. Smith** shared that the intention is to let that revert back to a natural area over time due the flooding challenges they have experienced with that field.

Mr. Nye moved to close the public hearing. **Mr. Halpin** seconded the motion.

The public hearing was closed at 6:53pm.

Deliberation of Case 5-2025 BZA

The Board discussed a variance request for new lighting fixtures for athletic fields with a maximum height of 70' where 45' is permitted and a front yard setback of 16' where at least 50' is required per Article 3.20, C, 1 and Article 3.20, C, 2, a of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance request for new lighting fixtures for athletic fields with a maximum height of 70' where 45' is permitted and a front yard setback of 16' where at least 50' is required per Article 3.20, C, 1 and Article 3.20, C, 2, a of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Continued Consideration of Case 3-2025 BZA

Mr. Nye made a motion to reopen the public hearing for Case 3-2025 BZA, **Mr. Halpin** seconded the motion.

The public hearing was reopened at 6:54pm.

Ms. Hollin stated that she believes that she is here to get a variance for the accessory structure and the other party would prefer to debate about the animals. **Mr. Halpin** asked if they had come to an agreement, **Ms. Hollin** stated that they did not.

Mr. Morales stated he believes that it does not fall within the guidelines of the Zoning Resolution and they would not support the variance request.

Mr. Lawrence asked **Mr. Morales** if he was looking at the structure from his deck, would he be able to see the structure. **Mr. Morales** stated that he would be able to this time of year. **Mr. Lawrence** stated that the structure would likely be a couple hundred feet from **Mr. Morales'** house based on the location of his house and the proposed structure, **Mr. Morales** said he hasn't measure it but that is possible.

Mr. Halpin asked if **Mr. Morales'** concern was that the lambs would drop so many feces that it will cause a smell. **Mr. Morales** stated that it was a possible concern in unity with what his wife had testified. **Mr. Halpin** asked if they have plans for a portion of the property that is wrapped around 770 Sutton Road, **Mr. Morales** stated that they did have plans to use it prior to his wife's medical situation. **Mr. Halpin** asked what they intended on using the area for, **Mr. Morales** stated they intended to clear the brush and have space for their children to play.

Mr. Nye moved to close the public hearing. **Mr. Lawrence** seconded the motion.

The public hearing was closed at 6:56 pm.

Deliberation of Case 3-2025 BZA

The Board discussed a variance request for an accessory structure, for the use of keeping animals (lambs) as pets, size 10' x 10', located in the rear yard with proposed setbacks of 41' and 87.5' where 100' to each property line is required per Article 3.1, C, 14, e of the Anderson Township Zoning Resolution.

Mr. Sheckels motioned to grant a variance request for an accessory structure, for the use of keeping animals (lambs) as pets, size 10' x 10', located in the rear yard with proposed setbacks of 41' and 87.5' where 100' to each property line is required per Article 3.1, C, 14, e of the Anderson Township Zoning Resolution. **Mr. Nye** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 2-2025 BZA

Mr. Nye motioned to grant a variance request for an accessory structure, size 34' x 23'-8", located in the front yard, where accessory structures are only permitted in the rear yard, per Article 5.2, A, 7, of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 4-2025 BZA

Mr. Nye motioned to grant a conditional use request for the modification of an existing parking lot, per Article 5.4, I, 7 of the Anderson Township Zoning Resolution, and a variance request for a playset accessory structure, size 34' x 30', and two shade canopy accessory structures, size 20' x 10', all located in the front yard where accessory structures are only permitted in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution. **Mr. Halpin** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 5-2025 BZA

Mr. Nye motioned to grant a variance request for new lighting fixtures for athletic fields with a maximum height of 70' where 45' is permitted and a front yard setback of 16' where at least 50' is required per Article 3.20, C, 1 and Article 3.20, C, 2, a of the Anderson Township Zoning Resolution. **Mr. Sheckels** seconded.

Vote: 5 Yeas

Decision and Journalization of Case 3-2025 BZA

Mr. Nye motioned to grant a variance request for an accessory structure, for the use of keeping animals (lambs) as pets, size 10' x 10', located in the rear yard with proposed setbacks of 41' and 87.5' where 100' to each property line is required per Article 3.1, C, 14, e of the Anderson Township Zoning Resolution. **Mr. Lawrence** seconded.

Vote: 5 Yeas

The next meeting is scheduled for Thursday, April 3, 2025, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **7:38pm**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Sian", written in a cursive style.

Paul Sian, Chair

THURSDAY, FEBRUARY 6, 2025 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD

PLEASE PRINT - THANK YOU

NAME:

ADDRESS:

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