

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS  
DECEMBER 5, 2013**

The Anderson Township Board of Zoning Appeals held its regular monthly meeting, duly called, on December 5, 2013, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Cincinnati, Ohio. Present were the following members:

Rick Oberschmidt, Brian Elliff, Fred Heyse,  
Steve Haber and Brian Sanders, Alternate

Also, present when the meeting was called to order, Allison Hodson, Planning and Zoning Technician, and Betty Cowan, Secretary. A list of citizens in attendance is attached.

**Mr. Oberschmidt** called the meeting to order, welcomed attendees, and called for swearing in. Persons testifying were asked to stand, raise their right hands and swear or affirm to the following oath as read by Mr. Oberschmidt: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you God?

**The Board made a Motion to approve the Agenda as written.  
A unanimous vote was taken.**

**Approval of Minutes**

**Mr. Heyse moved, Mr. Haber seconded to approve the Minutes of November 6, 2013.  
A unanimous vote was taken with two abstentions Mr. Elliff and Mr. Sanders.**

**Consideration of Case 24-2013 BZA  
Donna Jeanne Childs, 7655 Clough Pike**

**Ms. Hodson** read the staff summary for an appeal filed by Donna Jeanne Childs, property owner of 7655 Clough Pike, Book 500 Page 311 Parcel 304, zoned "B" Residence.

**Ms. Hodson** stated that the applicant was requesting a variance to allow a camper to be located in the front yard where it is required to be located in the rear yard per Section 174 (A) (7).

**Ms. Hodson** stated that the tract was approximately 2.97 acres, and had approximately 250' of frontage on Clough Pike. The topography of the site was hilly, with a steep decrease in grade at the northern end of the property, adjacent to Clough Pike. The existing use of the site is as a single family home. There are existing accessory structure on the site.

**Ms. Hodson** stated that the surrounding properties to the north, south, east and west were all zoned "B" Residence, and that the property to the south was being redeveloped as Fox Brook Place subdivision.

**Ms. Hodson** stated that the applicant is proposing to locate a parking pad for the purposes of storing a camper on the property during summer months.

**Ms. Hodson** stated that a permit to repair a split rail fence damaged by a vehicle was issued in 2000, no other zoning information is on file for this property.

**Ms. Hodson** stated that staff finds that the variance is not substantial. The side yard of the property is located directly adjacent to a panhandle which is only proposed to house utilities for the new Fox Brook Place subdivision. There will be no driveway or residence in this location. The adjacent neighbor to the east may be able to view the camper from their property, but it will be located a considerable distance farther from their home than if it were located in the rear yard as required by the Zoning Resolution.

**Ms. Hodson** stated that the essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance. The development of the Fox Brook Place subdivision will create homes at the rear of Ms. Childs' property, which would be able to view the camper if it were parked in this location as required by the Zoning Resolution. By locating the camper in the side yard, it will be further removed from the view of these future residences.

**Ms. Hodson** stated that the variance will not adversely affect the delivery of governmental services.

**Ms. Hodson** stated that the spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance. The side yard of the property is not visible from adjacent properties, or the roadway of Clough Pike.

**Ms. Hodson** stated that other items that the Board may consider in its decision on the case are; the surface of the parking pad, and the screening of the camper. Parking surface materials are not specified within the application, however the Zoning Resolution requires parking areas to be a hard, dust-free surface as opposed to gravel. In addition, a landscape plan was not included with this application.

**Ms. Hodson** stated the aforementioned variance requested should be evaluated on the following criteria: 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 not 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.

**Terry Childs**, stated that his wife, Donna Jean Childs, is the owner of the property. Mr. Childs stated that they want to place the camper on a hard dustless surface in the front area for the summer months. The concrete pad will have pine trees around it and in the winter months, the camper will be moved to his other home on Pastoral. With the new subdivision going in this would be a better location.

**Mr. Heyse** asked if Mr. Childs had spoken with the builder of the subdivision. **Mr. Childs** replied that they have been in contact with Zicka Homes and that they did not feel that the rear yard was the place to put a camper.

**Mr. Heyse** asked about the neighbor next door. **Mr. Childs** replied that they do not talk.

**Mr. Sanders** asked what type of hard dustless surface was planned. **Mr. Childs** replied it would be stone with grass growing through it,

**Mr. Oberschmidt** asked how large the pad area was proposed. **Mr. Childs** replied it was about 60 feet.

**Mr. Elliff** asked how this part of the property was chosen. **Mr. Childs** replied that it is a flat area on a very hilly lot.

**Mr. Oberschmidt** asked if they would be removing any trees. **Mr. Childs** answered no.

**Mr. Haber** asked about existing trees on the side property line. **Mr. Childs** replied they are pines, though he is not sure what type.

**Mr. Elliff** asked if additional trees would be planted around the pad area. **Mr. Childs** replied they would be planting evergreens.

**Deliberation of Case 24-2013 BZA  
Donna Jeanne Childs, 7655 Clough Pike**

The Board discussed the storage of the camper in the front yard in detail.

Mr. Elliff moved, Mr. Sanders seconded to continue the case to February and ask the applicant to submit a site plan showing the dimensions of the pad, the materials of the pad, and any proposed landscaping.

**Vote: 5 yeas.**

**Discussion of Bylaws**

The Board discussed several proposed changes to the Bylaws.

**Mr. Heyse moved, Mr. Haber seconded to approve the Bylaws as presented.**

**Vote: 5 yeas.**

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,



Rick Oberschmidt, Chair

