

ANDERSON TOWNSHIP BOARD OF ZONING APPEALS

March 7, 2019

The Anderson Township Board of Zoning Appeals held its regular monthly meeting, duly called, on March 7, 2019, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Cincinnati, Ohio. Present were the following members:

Yan Nasilevich, John Halpin, Steve Haber, Jeff Nye and Don Schenck, alternate

Also, present when the meeting was called to order, Sarah Donovan, Planner I, Brad Bowers, Secretary and Samantha Hoffman, Co-op. A list of citizens in attendance is attached.

Mr. Nasilevich 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. Nasilevich: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you God?

Approval of Agenda

Mr. Halpin moved, Mr. Haber seconded to approve the agenda of March 7, 2019.

Vote: 5 Yeas

Minutes

Mr. Haber moved, Mr. Halpin seconded to approve the Minutes of February 7, 2019 with one change.

Vote: 4 Yeas, 1 Abstained

Consideration of Case 4-2019 BZA

Ms. Donovan stated that the public hearing is for Case 4-2019 BZA, a variance request. The request was filed by Jason Barney, on behalf of James Barney, the property owner of 6328 Salem Road and described in book 500, page 412, parcel 230, and zoned "C" Residence.

Ms. Donovan stated that the application is a variance request for a new detached 1,200 square feet accessory structure, where a maximum size of 900 square feet is permitted per Article 5.2, A, 7.

Ms. Donovan stated the site is approximately 1.272 acres with approximately 100' of frontage on Salem road.

Ms. Donovan stated that surrounding zoning is "SF-10" Residence (City of Cincinnati) to the north, "C" Single Family Residence to the south, "C" Single Family Residence to the east, and "C" Single Family Residence to the west.

Ms. Donovan stated that the applicant is seeking to construct an accessory structure, size 30' x 40', within the rear yard. The structure is proposed to be 1,200 square feet where 900 square

feet is permitted, per the 30% of allotted rear yard based on the calculation provided in Article 5.2, A, 7. The proposed structure is otherwise compliant with Zoning Regulations as they relate to the location and height of the structure.

Ms. Donovan stated the history of the site is that the house was built in 1918 and the property owner purchased the property in 1976. An existing 1,300 SF accessory structure is located in the rear yard, however there is no zoning certificate on file. Aerial images indicate that it might have been built prior to Township Zoning.

Ms. Donovan stated that staff finds that the variance is not substantial; the applicant is requesting an additional 300 square feet, for a total size of 1,200 SF where 900 SF is permitted. The depth of the yard is 522 feet and the total area of the rear yard is approximately 44,500 SF, therefore even with the proposed accessory structure, the property would still consist of approximately 42,000 SF of open space in the rear yard.

Ms. Donovan stated the essential character of the neighborhood would not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance; the height of the proposed accessory structure is 13'-7", which is compliant with the zoning resolution. In addition, the properties to the east are screened by existing vegetation and are located approximately 450 Feet away from the proposed accessory structure, the property to the west is located approximately 140 Feet away from the proposed accessory structure. Furthermore, the property to the north is approximately 225 Feet away from the proposed accessory structure.

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

Ms. Donovan stated the property owner's predicament can be feasibly obviated through some method other than a variance; while the applicant could construct multiple accessory structures on the site, each a maximum of 900 SF, it is more practical to build one detached accessory structure at a larger size than multiple smaller structures.

Ms. Donovan stated the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; the applicant's property is very deep (522' deep) in comparison to neighboring properties on Salem Road. The subject property will still have a large open space in the rear yard, even with the proposed accessory structure.

Ms. Donovan stated the conditions that are recommended by staff: 1. The proposed structure shall only be used for personal use by the property owner and shall not be used for commercial or business activities.

Mr. Haber asked for clarification about the permitted location of the accessory structure and if it is allowed anywhere in the rear yard. **Ms. Donovan** replied yes.

Mr. Jason Barney, 6328 Salem Road, stated that he is building the structure for a few boats he is constructing. He stated he works on them in the winter and it would be nice to have the structure, so he can do his work indoors.

Mr. Haber asked about the need for the additional square footage. **Mr. Barney** stated the boats he has are twenty-three to twenty-five foot (23'-25') long and the garage he has now is not long enough for them to sit inside.

Mr. Haber stated that he has the length and asked if he still needs the width. **Mr. Barney** stated yes because he plans on having both of his boats in there with a work bench on the side.

Mr. Nye asked where are the boats now. **Mr. Barney** replied they're down at Ace's Marina and they're not under cover there is wear and tear. He stated this is his parents' house, so it would be more feasible for him to work on them there.

Mr. Nye asked if it's for personal use. **Mr. Barney** replied yes.

Mr. Haber asked if it would be a wood structure with a concrete slab. **Mr. Barney** replied yes.

Mr. Haber asked about the exterior of the structure. **Mr. Barney** stated it will be painted gray with metal framing, and the inside is two by four (2x4) structure, but he doesn't have plans for inside right now,

Mr. Haber stated he is more concerned with outside and asked if it would be a metal building using a wood pole frame. **Mr. Barney** stated he has a picture with him and stated that it would look like the picture but would be gray.

Mr. Haber asked if it would insulated or heated. **Mr. Barney** replied yes.

Mr. Haber asked about any consideration for anything other than a gray metal exterior. **Mr. Barney** stated he wanted to keep costs down but stated that if the Board wants something else he could go that route.

Mr. Haber asked what about landscaping. **Mr. Barney** replied he would put shrubs in the back, and if his neighbors have concerns they can plant trees on the side, but they've got woods on both sides, and the neighbors are ok with it.

The public hearing was closed at 5:45 pm

Consideration of Case 5-2019 BZA

Ms. Hoffman stated that the public hearing is for Case 5-2019 BZA, a conditional use zoning certificate request and variance request. The request was filed by Daryl Meyerrenke, on behalf of the Anderson Township Historical Society, the property owner of 2560 Bartels Road and described in book 500, page 360, parcel 32, 41, 51, and 45, and zoned "A" Residence.

Ms. Hoffman stated that the request is for a conditional use and variance request to allow use of the property, located in "A" residence zoning, for a cultural facility.

Ms. Hoffman stated the site is approximately 10.82 acres with approximately 667.71' of frontage on Bartels Road.

Ms. Hoffman stated that surrounding zoning is "A" Residence to the north, "DD" Planned Multiple Residence to the south, "OO" Planned Office to the east, and "A" Residence to the west.

Ms. Hoffman stated that the applicant is proposing to use their residential property as a conditional use for a cultural facility, called the Urban Garden of Anderson Township with a variance request for a gravel parking area. Proposed includes:

- Twelve 4' X 8' Raised garden beds
- One hundred twenty 5' X 20' garden plots
- Gravel parking area (80' X 60') with 16 spaces
- Renovation of existing bank barn
- Space for poultry and goats
- Renovation of three existing homes
- Renovation of three existing cisterns
- Space for bee keeping
- Space for herb gardens/mushroom farming
- One hoop house

Ms. Hoffman stated the history of the site the property, is comprised of six parcels. Prior to the Anderson Township Historical Society's purchase of all six parcels in 2005, the property was of agricultural use.

Ms. Hoffman stated that to authorize by the grant of a special zoning certificate after public hearing, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 8 and Article 5.3, D, 3 as well as the designated specific criteria for specific uses contained in Article 5.4, I, 13.

Ms. Hoffman stated the Specific Criteria associated with the case is as follows: Staff believes that the site falls under the conditional use of a Cultural Facility due to both the farming aspects as well as the potential keeping of animals on the site. While a conditional use of Institutional/Government Facility was considered, the added intensity of animals led more to a Cultural Facility.

Ms. Hoffman stated Cultural Facility, including but not limited to:

Botanical garden: (e), (f), (h), (p,iii), (s)
Museum: (g), (h), (l), (o,ii), (p,iii), (s), (y)

Outdoor drama theatres (not drive in's): (a), (d), (h), (l), (o,i), (p,iii), (s), (y)

Zoo: (a), (b), (g), (h), (l), (o,i) (p,iii), (s), (x), (y), (z), (aa,i)

Ms. Hoffman stated (a) Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site. – In Compliance, the property is 10.82 acres total

Ms. Hoffman stated (aa), (d) No structure, storage area, or vehicular use area shall be located closer than: (i) 100 feet to a residential use or district – The plan notes a compost/mulch barrel located near northern property line however, it is enclosed. Due to the current site plan, staff is unable to determine the actual distance from the property line.

Ms. Hoffman stated (e) Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas. – Staff is unable to confirm the distance from the buildings and parking areas due to the scale on the submitted plan.

Ms. Hoffman stated (f) Parking shall not be permitted in the area defined as the front yard setback of the existing zoning district. – Staff is unable to confirm the distance from the parking area to the front yard setback. The parking area would need to be 50' from the right of way of Bartels Road.

Ms. Hoffman stated (g) Use shall have direct access to a collector or arterial street. – In Compliance, the site has direct access to Bartels Road.

Ms. Hoffman stated (h) The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. – The location of the parking area is elevated and set back over 50' from the right of way along Bartels Road, however, the gravel parking area, gravel driveway width, and configuration and dimension of the parking area do not comply with the Article 5.3 of the Zoning Resolution. The applicant is working towards locating parking offsite at neighboring properties.

Ms. Hoffman stated (l) Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. – The applicant is working towards collaborating with adjacent properties for parking purposes for tours and has proposed to enclose the compost/mulch barrel.

Ms. Hoffman stated (o) Landscaping shall be installed in accordance with one of the following buffers: (i) Boundary Buffer of 10 feet with 3.3 canopy trees and 10 shrubs per 100 l.f. (ii) Boundary Buffer of 20 feet with 2.8 canopy trees and 8 shrubs at per 100 l.f. – The existing vegetation surrounding the property is to remain with honeysuckle and invasive species removal.

Ms. Hoffman stated (p) Signage shall be regulated as follows: (iii) Subject to sign standards in Article 5.5, F,4. – No signage proposed

Ms. Hoffman stated (s) All exterior lighting shall be directed away from adjacent residential properties. – No lighting plan was submitted. The application letter indicates existing lighting

will remain with no additions. In the submitted letter, the existing lighting are mercury vapor farm lights emitting 7000 lumens and are directed downward at a height of 15'.

Ms. Hoffman stated (x) Meals shall be served only to guests or residents of the facility and not to the general public. – In compliance, they are not planning on serving meals to guests, but are allowing them to bring food.

Ms. Hoffman stated (y) The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. – The applicant stated that any tours or presentations to groups at the farm would be scheduled during the work week, one tour a day, Monday to Friday.

Ms. Hoffman stated (z) An emergency response plan shall be submitted detailing safety measures and response procedures. – Not in compliance, no emergency response plan has been submitted.

Ms. Hoffman stated Article 5.3, D, 3 – Design Standards:

Ms. Hoffman stated (a) Dimensions: The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 5.3 and Illustration 5.5. –The submitted site plan shows the proposed parking stalls to be 9' x 18', where they are required to be 9' x19'.

Ms. Hoffman stated (b) Maneuverability Areas: The following provisions shall be followed to maintain efficient maneuverability:

Ms. Hoffman stated (i) Turn Around Area: Where more than three (3) parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision made, to permit cars to exit the parking lot without backing onto any street or sidewalk. See maneuvering aisle widths in table 5.3.

Ms. Hoffman stated (ii) Back-Up Area: Each parking space shall be provided with a sufficient back-up area so as to permit egress in one maneuver, consisting of one backward and forward movement. See maneuvering aisle widths in Illustration 5.5. – The current proposed aisle width is 14', the applicant is required to provide a 24' drive aisle.

Ms. Hoffman stated (c) Surface – (i) All off-street parking areas, driveways, and aisles in single family residential districts shall be graded and surfaced so as to be a solid surface and dust free. Pavers that allow for grass to grow through them may be permitted as part of a permitted shadow parking area as described in Article 5.3, I, 1.

(ii) Parking areas and aisles in all districts shall be paved with an asphalt or concrete surface. – Proposed gravel parking is not compliant with Article 5.3 of the Zoning Resolution and will require a variance for approval.

Ms. Hoffman stated Article 2.12, D, 8, a – Spirit and Intent: The proposed use and development will comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards and by bringing the parking area into compliance.

Ms. Hoffman stated No Adverse Effect: The adjacent single-family homes are located approximately 50' or more from the eastern property line and approximately 200' or more from the existing structures. There is a confined compost barrel near the northern edge of the property.

Ms. Hoffman stated Protection of Public Services: The natural features of the site will not be affected by the conditional use as there is an intent to protect the scenic nature of the site for educational purposes. The existing cisterns are proposed as water sources and require compliance with Hamilton County Soil and Water and Hamilton County Board of Health regulations. There is currently a creek running through the property, which the applicant is proposing to bring students into study the water quality. In the application letter, the applicant stated that they are not planning to alter the creek.

Ms. Hoffman stated Consistent with Adopted Township Plans: The conditional use is in accordance with the Township's Comprehensive Plan and Zoning Resolution: The project is consistent with the following goals of the "Quality of Life" chapter in the 2016 Comprehensive Plan, which states:

Ms. Hoffman stated, "Residents will maintain a high quality of life that includes quality schools, entertainment, and cultural activities, health care, religious offerings, and a diverse parks, open space, and recreation system."

Ms. Hoffman stated, "Anderson Township will be a community that strives to be sustainable and resilient in its practices by balancing the demand for development and activities with the needs of our environment, recognizing that what we as a community do now will affect future generations of Township residents and businesses."

Ms. Hoffman stated the project is consistent with the following goals of the "Land Use and Development" chapter in the 2016 Comprehensive Plan, which states:

Ms. Hoffman stated "The historical resources of Anderson Township will be protected for future generations."

Ms. Hoffman stated Variance Request Article 5.3, D, 3, c(parking standards)

Ms. Hoffman stated staff is of the opinion the variance is substantial. The location of the parking area is elevated and set back over 50' from the right of way along Bartels Road however, the gravel parking area, gravel driveway width, and configuration and dimension of the parking area do not comply.

Ms. Hoffman stated the essential character of the neighborhood would be altered and adjoining properties would suffer a substantial detriment as a result of the variance for a gravel parking

lot. With the drive aisle only being wide enough for one-way traffic, the potential to back onto Bartels Road is increased.

Ms. Hoffman stated the variance would not adversely affect the delivery of governmental services.

Ms. Hoffman stated the variance can be feasibly obviated through paving and expanding the drive aisle and parking lot instead of graveling, which would comply with the parking regulations of Article 5.3, D, 3, c.

Ms. Hoffman stated the spirit and intent behind the Zoning Resolution would not be observed and substantial justice would not be done by granting the variance based on the surface material and width of the driveway and dimensions and configurations of the parking area.

Ms. Hoffman stated Staff recommends the following conditions be placed in order to approve the special zoning certificate:

Ms. Hoffman stated 1. A scaled site plan showing the measurements of the proposed additions, as well as the distances from the property lines.

Ms. Hoffman stated 2. A complete landscaping plan for the site shall be submitted demonstrating compliance with Article 5.3, L of the Anderson Township Zoning Resolution.

Ms. Hoffman stated 3. A lighting plan shall be submitted in compliance with Article 5.3, K of the Anderson Township Zoning Resolution.

Ms. Hoffman stated 4. A site plan with a vehicular area in compliance with Article 5.3, D, 3 of the Anderson Township Zoning Resolution.

Ms. Donovan stated that staff would like clarification about the parcels involved and stated that as of now they are showing the log cabin piece and the historical society offices and staff believes that just the parcels to the north should be considered for the conditional use.

Mr. Nye asked to see the topographic map.

Mr. Nye asked about staff findings and the reference to whether or not the compost would be enclosed or covered and asked if there was any section that either required or prohibited it from being covered. **Ms. Donovan** stated we noted it in the staff report because of its proximity to the ball fields at Turpin High School. **Ms. Hoffman** stated it would be considered a storage area which is part of the conditional use criteria.

Mr. Schenk asked about lighting. **Ms. Hoffman** stated no new lighting proposed.

Mr. Nye asked about the parking and if a second driveway is feasible. **Ms. Donovan** stated she didn't know about putting in another curb cut.

Mr. Nye stated that it couldn't be downhill because of the retaining wall and that it would have to be between the existing driveway and the property line. **Ms. Donovan** stated we would like to keep it to one curb cut and have their parking circulation up top.

Mr. Don Perry, 2073 Wolfangel Road, representing the Anderson Township Historical Society, stated they have been around for fifty-one (51) years and they own the log house which is the main reason for their existence. He stated they preserve Anderson Township history and promote education. He stated they've been trying to capture the agricultural history in Anderson Township. He stated they initially purchased the property to shield the Log Cabin. He stated they've been trying to figure out what to do with it, with a small membership and a lot of property. He stated the Urban Farm group came up with the idea of turning it into urban gardens. He stated he understands that in a lot of areas of the township it's not legal to have gardens, but they thought it was a great educational opportunity and a real service to the community. He said it's not something to make money on and it's not that expensive. He stated it is being proposed just as a service to the community. He stated that based on this hearing, it's turning out to be a lot more than that and he's not sure he agrees with all the reasons. He stated Daryl may want to speak more to the actual plans.

Mr. Daryl Meyerrenke, 6015 Clough Pike, stated that late last year the township put out a call for ideas for use of the property, and he knew from owning the Family Pet Center that a lot of people like animals and farms, and there isn't anything around here. He stated there is a rich history of agriculture and it's slipping away. He stated that he proposed to the Historical Society that we create an interpretive farm where kids can come out to see a goat, find out where chickens come from, see a farm, learn about sustainable agriculture and the importance of bees and butterflies for our environment. He stated the Historical Society asked him to go ahead and do it, so he sent out an email and got an incredible group of residents who responded and wanted to get involved. He stated a teacher at Mercer Elementary who wanted to get involved and that they got a grant to work with the McClain Foundation in collaboration with Mercer Elementary. He stated that this thing has taken legs and it's brought community in Clough Valley closer together. He stated that as part of grant with McClain Foundation is to extend a trail over from Mercer Elementary to the farm, where kids would learn how to raise chickens. He talked about the valuable experience students from Mercer Elementary could have at the farm. He stated he has a revised site plan and a parking agreement with Knights of Columbus. He stated they understand parking is tough, and they don't have the money to pave the driveway. He stated they have been in touch with Moeller Knights of Columbus and they have granted permission for them to use their parking area after hours and on weekends for parking. He stated he also has an emergency plan which was put together with Bob Herrlinger, Anderson Township Fire Department Assistant Chief. He submitted the emergency plan and stated there is no more mention of the compost area, since that was a concern. He discussed more of what the site would consist of in detail and how it teaches people about the difficulties of an agricultural society and lifestyles from the past. He stated it would be a great learning experience and they would like to do seminars and training for gardeners. He stated they respectfully request that it be approved, and stated that yes, they have a gravel driveway.

Mr. Nye asked about the feasibility to make the parking lot a little wider and stated that our design standards call for twenty-four-foot (24') wide aisle and theirs is much smaller. Mr. Nye

asked if they could make it eight (8) or ten (10) feet wider. **Mr. Meyerrenke** replied that they could, but they would need retention walls on the side of it, but it would cost more money. He stated there is a bottleneck at the beginning, and on the map, it branches off so that can be one way and another way out. He stated a majority of the time that would be just for drop offs. He stated that while working on the property they have not experienced difficulty coming or going.

Mr. Nasilevich asked if anybody would like to speak in favor of the application.

Ms. Anne King, 7526 Heatherwood Lane, stated that she sees this as an extension of the Log House and the demonstrations they do about pioneer life. She stated she is a retired teacher, and this is important because she wants people to know Anderson was all farming. She stated that as far as coming in and out, it's always been a gravel road there especially because they were digging and chopping down trees, but grass seed has been planted and it will be green soon. She stated that as of now they have been lucky because everything has been donated and on a volunteer basis. She stated they don't have the money to spend and they just want to teach and show people what it was like.

Mr. Guy Wolf, 6001 Stirrup Road, stated that he hopes that they considered and bless the exception requested here and stated that staff did a nice job pointing out suitability of the use. He stated that just across the street is a multi-acre gravel parking lot which is absolutely suitable and this one is as well.

Mr. Nick Gressle, 6088 Turpin Hills Drive, stated that he volunteered to help Daryl in response to the email he sent out, and he whole heartedly supports it. He stated he belongs to the community garden at Valley View in Milford where the Valley View foundation set land aside for nature preserve as well as setting up gardens. He stated he thinks this would be such a good addition to Anderson Township for historic reasons that it is an agricultural community. He stated that they're seeing a lot of people interested in it from the Turpin Hills area, and when there is mention of a community garden they want to get involved and have the ability to grow their own food. He stated that yes they have bigger plans down the road, but for now the community garden brings people out and keeps the properties protected. He stated that it sounds like the driveway is an issue, but as Daryl said if they can get an agreement from the Knights of Columbus, which they do, he knows that there is usually not a throng of parking, and it's usually one (1) or two (2) people that come in at a time. He stated that he really hopes the Board will consider this as valuable to the community as he does and the rest of the people who have testified this evening.

Mr. Schenk asked about a written agreement with Knights of Columbus for parking. **Mr. Meyerrenke** replied yes and stated that it is attached to the packet he submitted during his testimony.

Mr. Halpin asked about a timeline for all the work and if they would start everything at once. **Mr. Meyerrenke** replied that most of the work is done and that they've done a lot of clearing, the gardens are turned over and they're in the process of renting out the spaces. He stated no animals would be there until 2020 and that they want to have the garden this year. He stated the chicken agreement with Mercer Elementary will happen after the first of the year

(school year). He stated they have a grant and they'd probably do a trail connection in the fall and early in the winter they'll have the chickens come on.

Mr. Halpin asked about other animals such as deer. **Mr. Meyerrenke** replied that they will not intentionally permit the feeding of deer, although they may have them. He stated it will be a learning process as far as how to deal with the deer.

Mr. Halpin asked about the poultry situation and asked if they would be in a coop. **Mr. Meyerrenke** replied possibly and said there used to be a coop there and they talked about reconstructing it. He said for the immediate future, all they're going to do is supply older students with plans for a chicken tractor. He stated that can be moved from space to space, it's on wheels and contains half a dozen chickens. He stated they can peck and free range in that general area, get natural food sources, and as the grass gets worn down they move to a new spot.

Mr. Halpin asked if the animals will be in enclosures. **Mr. Meyerrenke** replied yes and stated that all the enclosures will be at least 200' from the property line and they're way over that. He stated that there may be ducks, quail, pigeons, but no birds of prey.

Mr. Halpin asked if no roosters will be on the site. **Mr. Meyerrenke** replied no and stated you don't need a rooster to have chicken eggs and a lot of people don't know that.

Mr. Haber stated that up until this evening, staff was unable to verify compliance with some of the requirements, but we've got additional information here tonight. **Mr. Haber** asked if staff needs additional time in order to review the additional information that we've received here tonight so that they can make a recommendation to the Board. He stated that he is trying to figure out how to proceed, given the new information received tonight and being able to interpret the new data.

Ms. Donovan asked the applicant if this is the same plan that was brought to the Planning and Zoning office the other day. **Mr. Meyerrenke** replied yes.

Ms. Donovan asked if it is scalable. **Mr. Meyerrenke** replied that they thought it was a farm, since it was a farm and of agricultural use when they bought the property. He stated they didn't think there would be an issue, and the township was concerned that they should ask for a conditional use because if they were going to deviate from the residential zoning of the property, they need to let neighbors know so if there are any objections to it, they can address it up front. He stated that in the spirit of being open and transparent, they applied for this even though they don't have an engineer to draw it up and don't have the \$5,000 to spend on it. He stated that they do have a volunteer who is an architect and she put it in architect scale. He stated that he could have printed it on smaller or bigger paper than what it's supposed to be, but to tell the truth we're talking about 200', and he knows his measurements are not 100' off.

Mr. Haber stated that they could approve the conditional use request based on the information that they have, subject to your verification if staff feels comfortable with it. He stated that otherwise, we've got a safety plan here and he would want staff to look at it and it contains all

the elements that are necessary, and he does not know if staff has had time to do that. **Ms. Donovan** stated that the biggest concern is being able to scale the drawing, but we need to know how close the gardens are to Bartels Road and how close the parking is to Bartels Road and we've yet to have a drawing that can be accurately scaled.

Mr. Haber asked if the architect has the capability of being able to provide a scaled drawing and something that's not reduced.

Ms. Donovan stated that if Board chooses to continue the case they could email it to her and she can try to get it to scale. **Mr. Meyerrenke** replied that they can get scalable drawing. He stated that if the Board can approve this tonight pending review of a scalable drawing that's great with them. He stated that as far as footage goes he doubts gardens would be any closer than 400' from the road.

Mr. Meyerrenke asked what Ms. Donovan's other concerns were. **Ms. Donovan** replied the parking.

Mr. Meyerrenke stated that the parking is further back from the gardens.

Ms. Donovan stated that she knows it's a big lot, but we need to be able to scale it.

Mr. Schenck stated that his understanding was that they have a scaled drawing from the architect. **Mr. Meyerrenke** stated that she told him that it was scaled.

Mr. Nasilevich stated that it was probably printed on 11" x 17" paper instead of the proper size.

Mr. Nasilevich asked if there is a magic number of spots they're trying to achieve on the lot because you could potentially rework the parking lot to get rid of dual sided parking to meet the requirement. **Mr. Meyerrenke** replied that they could do that and that all of this was done prior to the agreement with the Knights of Columbus. He stated that they also have parking along the softball fields, but don't have written approval to use it. He stated that Erin Cox, one of the volunteers, is a teacher at Mercer and she assured him that the principal is behind it and they would be able to park along where the softball fields are as well.

Mr. Nasilevich asked that knowing we are going to get a revised site plan, if he could get a motion to keep case open to next meeting.

Mr. Haber asked if we are considering continuing the case until staff has time to review the additional information and revise their findings. **Mr. Nasilevich** stated that the appellant will provide a scaled site plan.

Mr. Meyerrenke stated that if it could be approved this evening, pending them providing a revised plan, that will enable to move forward quicker and that he would hate to wait another month. He stated that it seems like they are leaning towards approval. **Mr. Haber** replied that the Board relies on staff's written report to help guide them in the decision they're trying to make. He stated that he thinks what they are doing is great and if all of this were satisfied, he

would approve it. He stated that if staff comes up with something that's not right and it's already approved, they'll be empowering staff the ability to deny it because something isn't working, so his preference is to continue it and get the information so that it can be taken care of next month.

Mr. Meyerrenke stated that they are ok on timeframe, and they can do the garden spaces, but they can wait.

Mr. Perry stated that he was led to believe by the township the garden spaces themselves would be in compliance, and the further steps such as the chickens, the pathway, the macroinvertebrates study, and everything else would come after approval of this case. He asked if they could proceed with the plots themselves as it is a time sensitive issue and they want to get plants in the ground for this year. He stated there is no lighting plan but he does not see this as a nighttime activity.

Ms. Donovan stated that we had a meeting with Mr. Perry and Mr. Meyerrenke before they applied for Board of Zoning Appeals, and they had thought about doing just garden plots and waiting before submitting for Board of Zoning Appeals, and staff told them they could proceed with garden plots without approval. She stated that the hoop house, the mulch, the primitive resource skills, mushroom farming, bees and animals would need to come to the Board of Zoning Appeals, so now were looking at it all together.

Mr. Nye stated that, in other words, if it was denied, they could start building a garden tomorrow. **Ms. Donovan** stated correct.

Mr. Nye asked the applicant if that addresses the timeliness issue. **Mr. Meyerrenke** stated yes.

Mr. Haber stated regarding Case 5-2019 BZA, he moved to continue the case and leave the public hearing portion open, so staff can consider any additional information that was submitted and have time to revise their findings; and because of testimony given tonight, the appellant may proceed with garden portion of their conditional use request.

Ms. Donovan asked for clarification on if they are requesting a new drawing to scale. **Mr. Haber** stated yes, and anything else staff may need. He stated they will be able to proceed with the garden portion and we can also continue the variance portion as well.

Mr. Nye clarified that the Board wants to continue the case to get an additional drawing for staff to address the scale issues and to consider the parking agreement and whether that effects the need for a variance. **Mr. Haber** replied yes and to consider the emergency plan that was submitted tonight as well.

Mr. Nye seconded **Mr. Haber's** motion.

Deliberation of Case 4-2019 BZA

The board discussed the request for a special zoning certificate.

Decision and Journalization of Case 4-2019 BZA

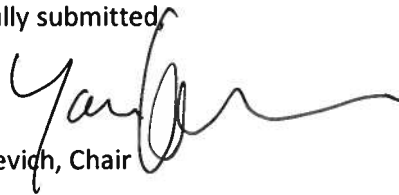
Mr. Halpin moved, and Mr. Nye seconded, with staff's recommended conditions.

Vote: 5 Yeas

The next meeting is scheduled for Thursday, April 4, 2019, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio.

The meeting was adjourned at 6:51 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Yan Nasilevich', written over the printed name below.

Yan Nasilevich, Chair

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
ATTENDANCE SHEET**

**THURSDAY, MARCH 7, 2019 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
Guy WOLF	6001 STIRRUP RD
Jane MISIEWICZ	6001 STIRRUP RD
Sonia Lee & hoveley	814 Ashgrove 45244
Kathleen Hoelscher	7384
LINDA MAGEE	2184 Telegraph Ct 45244
Ann King	7526 Heatherwood Ln 45244
Nick Gressde	6088 Turpin Hills Dr
Benjamin Gressde	6088 Turpin Hills Dr
Jason Barney	6328 Salem rd
Jim Brown	6328 Salem rd
BOB KING	2823 8 MILE RD
DON PERRY	2073 WOLFANGEL
LOU TRENT	7668 Burlinghulle Ct
Janet Quilligan	1043 Holz Ave. 45230
Daryl Meyerrenke	
Janae Haywood	1030 Burns Ave 45230
Jim Surface	2971 Saddleback