

**ANDERSON TOWNSHIP ZONING COMMISSION  
OCTOBER 24, 2016**

The Anderson Township Zoning Commission of Anderson Township held a regular meeting, duly called, on October 24, 2016, at 5:30 P.M. at Anderson Center. Present were the following members:

**Jonathan Gothard, Brian Elliff, Anne McBride,  
Jay Lewis, and Scott Boone**

Also present when the meeting was called to order were Paul J. Drury, Director, and Levi Koehl, Planner I. A list of citizens in attendance is attached.

**Approval of Agenda**

**Mr. Elliff moved, Mr. Boone seconded, to approve the Agenda, as written.**

**Vote: 5 Yeas**

**Mr. Elliff**

**Ms. McBride**

**Mr. Lewis**

**Mr. Boone**

**Mr. Gothard**

**Approval of Minutes**

**Ms. McBride** wished to impress upon Staff that they should stress to the Trustees during their hearing of the Mayerson Case that there was a great deal of discussion that the proposal was too big, too tall, and too massive.

**Mr. Lewis moved, Mr. Boone seconded to approve the Minutes of September 26, 2016 as written.**

**Vote: 4 Yeas**

**Ms. McBride**

**Mr. Lewis**

**Mr. Boone**

**Mr. Gothard**

**Mr. Elliff abstained.**

**Mr. Gothard** swore in those audience members present to testify. Persons

testifying were asked to stand, raise their right hands and swear or affirm to the following oath as read by Mr. Gothard: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth?

**Continuation of Quasi-Judicial Hearing  
Case 6-2016 PUD, 2625 & 2655 Newtown Road**

**Mr. Drury** provided an overview of the site a brief history of the case. He stated the Board had continued this case and asked for the following information: landscape plan, detailed information regarding storm water management, and potentially a preliminary review by Hamilton County, tree inventory of the mature trees, especially on Lots 4 and 5, indicating what is proposed to remain or be removed.

**Mr. Elliff** confirmed the documents being reviewed for the meeting.

**Mr. Boone** asked if the circular drive at 2631 Newtown Road was proposed or existing. **Mr. Drury** confirmed that there is an encroachment into the subject site.

**Joseph Allen** of Development Planning Inc., 3400 Werk Road, Cincinnati, Ohio 45211 stated they have met with some neighbors in an effort to work out some issues concerning their development. He stated the Planned Unit Development is proposed to feature roughly 1.4 per acre. Additional acreage was purchased to add additional lots. **Mr. Allen** stated that there are no objections to any of Staffs recommended conditions of approval. Easements will be granted to Mr. Douglas at 2631 Newtown Road. **Mr. Allen** stated that home prices could range from \$600,000 to \$800,000, possibly over \$1,000,000.

**Mr. Boone** questioned if the applicant was ok with the existing access drive and circular drive. **Mr. Allen** confirmed, yes.

**Mr. Boone** asked for clarification regarding why the trees along the entry to development stop where they do on the submitted landscape plan.

**Dan Henkel** of Henkel Homes PO Box 62142, Cincinnati, Ohio 45262 stated that there are some existing trees and the trees shown are where additional buffer is needed. Trees are located on both sides to create an aesthetic balance as you enter the development.

**Ms. McBride** stated that additional screening should be considered along the entry to the proposed development as well as long the rear property line of

2631 Newtown road to ensure privacy. **Mr. Allen** was agreed.

**Mr. Elliff** requested a summary of the storm water requirements as determined by Hamilton County Soil and Water and confirmed that all runoff would need to be detained.

**Mr. Allen** confirmed that they will have to submit subdivision plans to the County to be reviewed to meet those criteria.

**Mr. Elliff** asked and **Mr. Allen** confirmed that the 15' ingress/egress easement for Lot 6 along the eastern edge of the development would be removed and temporary signs would not be located in the right of way.

**Mr. Gothard** asked for clarification regarding the area of the existing buildings on Lot 2.

**Mr. Allen** stated that the buildings would be strategically demolished to minimize the need for clearing and there would be no hard surface left when done. All areas would be seeded.

**Barrett Tullis** of Keating Muething & Klekamp, 1 E 4<sup>th</sup> St, Cincinnati, Ohio 45202 on behalf of Jim Douglas, 2631 Newtown Road, stated that their main concerns have been addressed. He requested that the trees along the south drive aisle be permanent evergreen trees as deciduous trees would drop leaves in the pool at the 2631 home and would not provide as much screening when leaves were shed. He also asked that the granting of access easements be included as a condition of approval as well.

**Mr. Elliff** asked if Mr. Tullis was agreeable that evergreens would only be planted along a portion of the access drive to the development. **Mr. Tullis** confirmed, yes as there are existing evergreens along the drive entry bordering Mr. Douglas's property.

**John Crutcher**, 2679 Newtown Road stated he is opposed to the proposal as he believes there are too many houses. He is concerned that the detention basin will serve to dam the creek at the bottom of the ravine featured on the site. Mr. Crutcher stated he is also concerned with buffering along the properties to the north as well as the magnitude of the variation from the underlying zoning.

**Sally Crutcher**, 2679 Newtown Road stated she is concerned with the removal of trees in the ravine that is present on the subject site. She stated she would

like a buffer between her property and the proposal.

**Cindy Atkins**, 6318 Mercers Pointe Drive stated that she is concerned with runoff from the proposed development to her property. The culvert that runs through her property flows heavily and the added runoff will increase flooding in her property. She is further concerned with the amount of clearing required and trees lost in the development and the number of homes.

**Dan Motz**, 2640 Saddleback Drive stated he does not believe drainage through the deep ravine can be detained. Mud from the drainage will flow downhill into his property.

**Mr. Allen** stated he is willing to address any evergreen screening and buffering concerns. He stated Hamilton County Public Works and Hamilton County Soil and Water will review their work and they have strict guidelines they must meet in regard to storm water detention which they will be forced to meet to be granted approval.

**Mr. Elliff** asked if the detention basin would be able to capture the runoff from the proposed homes.

**Mr. Allen** stated that the hard surface runoff from lots 4 and 5 will go to the detention basin as the homes sit higher than the basin.

**Mr. Boone** asked if anything could be done to address buffering concerns on the north side of the proposal near the Crutcher's home.

**Mr. Allen** stated that there is some natural buffering present but they have no objection to additional buffering.

**The hearing was closed at 6:24 p.m.**

**Mr. Gothard** opened discussion of the case amongst the Commission.

**Mr. Boone** stated that he would like to add language to any motion requiring buffering to the north side of the development.

**Mr. Lewis** requested clarification of the process for obtaining drainage approval.

**Mr. Drury** stated that Hamilton County Planning and Development and

Hamilton County Soil and Water would review the drainage calculations and would approve or deny based on that submittal which is not at hand tonight.

**Ms. McBride** stated that storm water is approved at the County level and is outside the control of Anderson Township.

**Mr. Elliff** stated that he is comfortable with storm water because of the greater than normal level of scrutiny that Hamilton County has given and the strict guidelines that must be met. He is somewhat uncomfortable with making so many conditional changes on the fly but is generally in favor of the plan. Though he is hesitant about the density of lots.

**Ms. McBride moved, Mr. Lewis seconded to approve Case 6-2016 PUD, with the following conditions:**

This approval shall be based on the following conditions:

1. Substantial compliance with the site plan, dated October 18, 2016, shall be achieved.
2. The revised Plan shall be reviewed by staff to ensure compliance with the Anderson Township Zoning Resolution and other agency requirements, as applicable, prior to the issuance of a Zoning Certificate for a single-family home. This final plan set shall also include the addition of a plan sheet containing copies of the approving Resolution and any Zoning Commission correspondence related to this application.
3. If a Township sidewalk is constructed along Newtown Road across the frontage of this property, an easement shall be made available for the construction of the sidewalk, consistent with the Anderson Trails Plan.
4. A grading plan shall be submitted that assures minimal disturbance of the hillside.
5. A tree survey shall be undertaken to identify all trees 6" in diameter or greater and submitted with the PUD Zoning Compliance Plan. Efforts shall be taken to preserve as many of these trees as possible.
6. An easement shall be provided to the property at 2631 Newtown Road to access their property from an existing driveway to the north and a proposed driveway to the south.
7. There shall be no direct access from an existing drive on the north panhandle to Lot 6.
8. Buffers along both the north and south sides of the south access drive, the east property line of Lot 1 abutting 2631 Newtown Road, and the north property line of lot 6 abutting 2677 Newtown Road shall be revised to include a mixture of blue spruce and firs to be planted at 8' in height,

at 20' on center, with Allegheny arborvitae planted between at 5' in height at planting.

9. Additional spruce and fir trees shall be planted to fill any gaps in screening in the area adjacent to the residence at 2679 Newtown Road.
10. Additional plantings shall be included west of the terminus of the existing north access drive to 2631 Newtown Road.
11. The 15' access easement along the western property line of 2631 Newtown Road shall be removed.

In addition, as part of this approval, variances are being requested from the following sections of the Anderson Township Zoning Resolution:

Article 3.3 (C) (2) for a portion of front yard setback to be 30' where 50' is required.

- (1) The variance is not substantial as the reduced front yard setback is to a private drive that only serves two additional homes, not a public street.
- (2) The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance. The property is being developed as a PUD that will allow placement of the homes to have minimal impact on surrounding properties.
- (3) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage). A sewer easement bisects the property. The sewer line is proposed to be relocated so the proposed building sites will have no impact on the easement.
- (4) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The intent of a PUD is to allow for flexibility in layout and design of a property in order to minimize impacts that may be incurred with traditional / standard lot sizes. Staff is of the opinion that this is being achieved.

Article 5.2 (B) (1) (a) for lot sizes above 20,000 SF where 40,000 SF is required.

- (1) The variance is not substantial. Subdivision regulations allow right-of-way for a PUD to be reduced to 40'. While this PUD request proposes a private drive with no right-of-way, a public street could be developed without the need for a variance
- (2) The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance. The adjacent properties range in size from 18,000 SF to 116,000 SF.

- (3) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage). A sewer easement bisects the property. The sewer line is proposed to be relocated so the proposed building sites will have no impact on the easement.
- (4) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The intent of a PUD is to allow for flexibility in layout and design of a property in order to minimize impacts that may be incurred with traditional / standard lot sizes. Staff is of the opinion that this is being achieved.

Article 5.2 (B) (1) for panhandles 13.33' in width where 20' is required.

- (1) The variance is not substantial as the width of the panhandles allows adequate access for one private driveway to access the six proposed lots. The overall density of the proposed development is consistent with 2.178 homes per acres if using the lot standards of the "A" zoning district.
- (2) The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance.
- (3) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
- (4) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The intent of a PUD is to allow for flexibility in layout and design of a property in order to minimize impacts that may be incurred with traditional / standard lot sizes. Staff is of the opinion that this is being achieved.

Article 5.5 (E) (6) (d) for a temporary sign to remain until the lots are sold but no longer than nine months from the date construction begins where 12 days are permitted.

- (1) The variance is not substantial as typically this type of sign is permitted in lieu of a permanent sign. It is unclear whether this development will have a permanent sign.
- (2) The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance.
- (3) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
- (4) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. A 32 SF sign is the maximum size temporary sign permitted in a residential area.

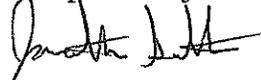
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**Vote: Yeas**  
**Mr. Elliff**  
**Ms. McBride**  
**Mr. Lewis**  
**Ms. Boone**  
**Mr. Gothard**

**The meeting was adjourned at 6:36 p.m.**

The next regular meeting would be held on Monday, November 28, 2016, at 5:30 p.m. at the Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio.

Respectfully submitted,



Jonathan Gothard, Chair

ANDERSON TOWNSHIP ZONING COMMISSION MEETING  
ATTENDANCE SHEET

DATE: MONDAY, OCTOBER 24, 2016

PLEASE PRINT - THANK YOU!

NAME:	ADDRESS:
BEAR TOLLIS	1 E. 4 <sup>th</sup> St, Cuthi, 45202
JIM DOUGLAS	2631 Newtown Rd.
Cindy Atkins	6318 Mercers Pointe Dr
CAL TAYLOR	8061 Pinetrestace Dr.
Marybeth Taylor	8061 Pinetrestace Dr.
Steve & Lynn Wood	8109 Pinetrestace
Dan Henke	
JOHN & SALLY CRITCHER	2679 NEWTOWN RD