



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 20-2024 BZA

752 PICKWICK DRIVE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON SEPTEMBER 5, 2024.

**APPLICANT:** Michelle White, property owner

**LOCATION & ZONING:** 752 Pickwick Drive  
(Book 500, Page 111, Parcel 105) – “B” Residence

**REQUEST:** A variance request to allow an 18’ diameter above ground pool with decking on two sides in the southern front yard of a double frontage lot, per Article 5.2, A, 7, a of the Anderson Township Zoning Resolution.

**SITE DESCRIPTION:**

<i>Tract Size:</i>	0.317 acres
<i>Frontage:</i>	Approximately 45’ on Pickwick Drive and approximately 192’ on Woodruff Road (double frontage lot)
<i>Topography:</i>	Decrease in grade from east to west; mostly flat in center and southeast of property
<i>Existing Use:</i>	Residential

**SURROUNDING CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“B” Residence	Single Family Residences
South:	“B PUD” Residence	Single Family Residences
East:	“B” Residence	Single Family Residences
West:	“B” Residence	Single Family Residences

**PROPOSED DEVELOPMENT:** The applicant has proposed to construct an 18’ diameter above ground pool with decking on two sides in the southern front yard of a double frontage lot, adjacent to Woodruff Road. The height of the pool is 52” and would be set back 13.5’ from the western property line and 9.5’ from the southern property line. The proposed decking would be 19’ in length, with the width at 11.5’ on either edge and 8’ towards the center, keeping the curve of the pool.

Article 5.2, A, 7 of the Anderson Township Zoning Resolution states that accessory buildings shall be located in the rear yard. In the case of a double frontage or corner lot, the structure needs to be outside the front setback area.

**HISTORY:** The house was built in 1971 and the current owner purchased the property in August of 2020. In April 2021, an application was requested for a 6’ high privacy fence. This fence replaced the 4’ chain link fence in the southern front yard. This replacement fence is approximately 192’ long and set back 20.5’ from Woodruff. Request was approved on three conditions; conformance with plans for May 3<sup>rd</sup>, 2021, construction will begin within 1 year and be completed within 2 years of the decision, the 4’ chain-link fence will be removed upon completion of the new fence.

In December 2021, a follow up request was made for a 6' high privacy fence in the side yard. This was approved based on the condition of substantial conformance with October 2021 plans.

**FINDINGS:**

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 variance is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 2, b.

Staff is of the opinion that the variance would not be substantial. Though the pool is proposed to go 9.5 feet from front property line adjacent to Woodruff Road, the existing privacy fence, trees and bushes provide enough screening to act as a barrier for the pool.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. Because of the previously approved fence variance request, the pool would be hidden from those traveling along Woodruff and residents across the street. Fencing, along with trees and bushes would prevent neighbors from seeing the pool. The overall character of the neighborhood would remain as is.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament may not be feasibly obviated through some other method other than a variance. Based on the existing location of the home relative to the lot lines, the rear yard of the property is approximately 7 feet in depth which would not be large enough for the proposed pool.

Staff is of the opinion that the spirit and intent behind the zoning requirement may be observed by granting the variance. The lot is double frontage, so there is limited space to construct a pool without requesting a variance. The layout of the fenced yard leaves enough space for the pool and deck in the corner where it is currently proposed to go.

**STANDARDS TO  
BE CONSIDERED:**

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 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.

*Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.*