



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 13-2025 BZA

1383 VOLL ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON JUNE 5, 2025

APPLICANT: Rodney J Sabo, Sabo Design Associates, on behalf of Susan B Peck TR, property owner.

LOCATION & ZONING: 1383 Voll Road
(Book 500, Page 272, Parcel 34) – “C” Single Family Residence

REQUEST: A variance request for an addition, size 384 SF, with a 25’-7” rear yard setback where 30’ is required per Article 3.7, C, 2, c of the Anderson Township Zoning Resolution located at 1383 Voll Road.

SITE DESCRIPTION:

<i>Tract Size:</i>	0.142 Acres
<i>Frontage:</i>	Approximately 60’ on Voll Rd.
<i>Topography:</i>	Flat with a slight slope at driveway
<i>Existing Use:</i>	Single Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“C” Residence	Single Family Residential
South:	“C” Residence	Single Family Residential
East:	“C” Residence	Single Family Residential
West:	“C” Residence	Single Family Residential

PROPOSED DEVELOPMENT: The applicant is proposing to enclose an existing deck and add space to each side of the deck, size 384 SF, with a 25’7” rear yard setback. The final space will be a 12’ x 21’ Hearth Room and a 12’-4” x 11’ screened porch. The proposed addition encroaches on the required 30’ rear yard setback per Article 3.7, C, 2, c of the ATZR.

HISTORY: There is a Zoning Certificate on file from August 12, 1988, for the construction of a fence. A Zoning Certificate for the construction of the existing deck is on file from April 8, 2022 with the dimensions of 16’ x 12’.

FINDINGS: To authorize a variance after public hearing, the Board of Zoning Appeals shall make the findings that a property owner has encountered practical difficulties in the use of his/her property. The findings shall be based upon the general considerations set forth in Article 2.12, D, 2, b of the Anderson Township Zoning Resolution.

Staff is of the opinion that the variance is not substantial. The proposed addition would encroach less than 5’ and located in the same area as existing deck

structure. The addition is proposed to be 12' deep. Reducing the width of the addition by 5' to meet the setback requirement may make the space unfeasible.

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. The proposed variance would not be detrimental to the adjacent neighbors as the property is screened by a privacy fence and existing vegetation.

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

The property owner's predicament may not be feasibly obviated through some method other than a variance. The property owner is proposing to use the existing deck as the base for their addition and reducing the width may make the space unfeasible.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. The intent of the zoning requirement of a 30' rear yard setback is to prevent overcrowding and negative impacts on neighboring properties. The new addition would be screened from neighboring properties due to the privacy fence and tree coverage in the rear yard.

**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.