



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 18-2025 BZA

7125 FOXVIEW DRIVE

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

APPLICANT: Cassidy Staver, Nstil Studio LLC, on behalf of Brad & Sara Fahrenkamp, property owners.

LOCATION & ZONING: 7125 Foxview Drive
(Book 500, Page 261, Parcel 37) – “A” Single Family Residence

REQUEST: A variance request for a new covered porch addition in the rear yard, sized 808.5 SF with a 29’-9” rear yard setback where 35’ is required per Article 3.3, C, 2, c of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	0.461 Acres
<i>Frontage:</i>	Approximately 65.7’ on Foxview Dr.
<i>Topography:</i>	Slight downhill slope from east to west
<i>Existing Use:</i>	Single Family Residence

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

PROPOSED DEVELOPMENT: The applicant is proposing a new covered rear porch addition. The new covered rear porch is proposed to be 49’-6.5” x 16’-4.5”. The addition would have a rear yard setback of 29’-9” where a 35’ setback is required. A new concrete patio (uncovered) size 14’ x 16’-4.5” is proposed to the right of the new porch.

HISTORY: There is one zoning certificate on file from April 16, 1995, for the construction of the existing deck size 12’ x 28’ in the rear yard. There is a zoning certificate on file from August 24, 1999, for the construction of a storage shed size 10’ x 10’ located in the rear yard.

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 as the request for a 29’-9” rear yard setback is only 5.25’ less than the required 35’ rear yard which is not a significant decrease.

Staff is of the opinion that 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 covered porch would include materials such as composite decking, metal railing, and asphalt shingles which would blend well with the surrounding properties.

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 location and shape of the lot create the hardship of a smaller rear yard.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. The irregular shaped lot creates a more shallow rear yard compared to other nearby lots; which limits the area for any rear additions.

**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.