



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 21-2025 BZA

7321 CLOUGH PIKE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 7, 2025.

APPLICANT: Rob Caffaro, on behalf of 7321 Clough Pike LLC, Property Owner.

LOCATION & ZONING: 7321 Clough Pike
(Book 500, Page 280, Parcel 12) – “B” Residence

REQUEST: A variance request for an accessory structure, size 50’ x 100’, located in the front yard and larger than the existing primary structure, where accessory structures are required to be in the rear yard and being defined as a subordinate building per Article 5.2, A, 7 and Article 6.1 of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	5.929 Acres
<i>Frontage:</i>	Approximately 172’ on Clough Pk
<i>Topography:</i>	Slopes from the northeast to the southwest, but is generally flat around the site location
<i>Existing Use:</i>	Single-Family Residence

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

PROPOSED DEVELOPMENT: The applicant is proposing the construction of a detached garage, 50’ x 100’ and 22’4” in height, in the front yard area of the property. The applicant has stated that this structure will be 5,000 sq. ft., making it bigger than the existing primary structure. The applicant is also adding a 60’ x 30’ paved area on the southern side of the structure for parking purposes. The applicant has also stated his plan to build a new residence that will be at least 5,100 sq. ft. which will be constructed after the accessory structure is completed. According to the proposed plan, when the new residence and accessory structure would both be built, the accessory structure would still be located in the front yard of the property.

HISTORY: In January of 2006, Anderson Township approved the Zoning Certificate for a new single-family residence, 4,301 sq. ft., two-story, plus a 14’ x 20’ covered patio and terrace both in the side yard, with a 36’ x 36’ barn (for private stable) in the rear yard.

In February of 2006, Anderson Township approved the Zoning Certificate for a 4’ galvanized fence. 75% open, located in the front, side, and rear yard areas.

In April of 2006, Anderson Township approved the Zoning Certificate for a new 36’ x 48’ detached barn for the keeping of horses (private stables), located in the rear yard.

In November of 2009, Anderson Township approved a Zoning Certificate through Case 22-2009 BZA for a 16' x 32' inground pool in the front yard with two (2) conditions. The pool was not constructed.

The property was transferred to an LLC, 7321 Clough Pike LLC, in May of 2021 by the previously registered owner, Robert Caffaro TR.

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 requested variances are substantial. The proposed accessory structure is in the front yard and is significantly larger than the existing principal structure (approximately 700 sq. ft. larger), which is a significant deviation from the regulations. Though the principal structure on the property is proposed to be torn down and may be rebuilt to exceed the size of the proposed accessory structure, the location of the accessory structure will remain in the front yard regardless, which is a significant deviation from the Zoning Resolution. Staff has not received or approved any plans for the new proposed primary structure but received a preliminary timeline for the start of construction between summer or fall of 2026.

Staff is of the opinion the essential character of the neighborhood may be altered. While the property is well-screened by vegetation, and the applicant has proposed additional evergreen landscaping along the side of the structure, there are portions of the buffering which are seasonal and may be less effective during fall and winter months. As a result, the structure would be more visible from Clough Pike and neighboring properties during those periods. The proposed structure may appear visually inconsistent with surrounding homes. The accessory structure would also be larger than nearby houses, including the existing house on the property, further altering the character of the area. However, it is noted that the accessory structure meets the setback requirements for principal structures within the "B" Zoning District, which may help mitigate immediate proximity impacts to adjacent properties and visibility from Clough.

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

Staff finds that the property owner's situation may be feasibly addressed without variances. While the current proposed location is flat and open, the southern portion of the proposed location provides space that may allow the structure to be placed farther from adjacent properties and be less visible from the public right-of-way. Although it is noted that topography and the presence of a floodplain and creek are challenges in relocating the structure, these constraints do not preclude other locations on the property. The applicant has also stated intentions to demolish and rebuild the primary residence with a new 5,100+ sq. ft. home. As this site is going to be reconfigured with the construction of the new home, it is plausible to construct the residence and accessory structure simultaneously or construct the residence prior to the accessory structure. Additionally, since the site is going to be reconfigured with the improvements proposed, there are potential locations on the site behind the proposed location for the

new residence where the 5,000 sq. ft. accessory structure could be located in a compliant location.

Staff is of the opinion that the spirit and intent of the zoning resolution would not be observed by granting the variances. While the proposed location is topographically suitable, and the structure meets setback requirements, the zoning code intends for accessory structures to remain subordinate and located in the rear yard. Given the current location of the house however, it may not be feasible to place a structure of this size entirely in the rear yard area.

**STAFF RECOMMENDED
CONDITIONS:**

Should this variance request be approved, staff recommend the following conditions:

- (1) A mix of evergreen trees or large shrubs should be planted along the western and northern property lines to help screen the structure from nearby homes and Clough Pike.
- (2) The structure should use exterior materials and colors that better match nearby residential homes to reduce visual impact.
- (3) The accessory structure shall not be used for any retail or commercial purposes and must remain residential accessory use only.

**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.