



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

**CASE NUMBER 22-2025 BZA**

**6666 CLOUGH PIKE**

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

**APPLICANT:** Martin Feltman, owner of Anderson Township Family Pet Center, on behalf of Anderson Land Holdings LLC, property owner.

**LOCATION & ZONING:** 6666 Clough Pike  
(Book 500, Page 360, Parcel 34) – “E” Retail Business

**REQUEST:** A variance request for an 8’ high privacy fence where 6’ high is the maximum height permitted per Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

**SITE DESCRIPTION:**

<i>Tract Size:</i>	1.418 Acres
<i>Frontage:</i>	Approximately 150’ on Clough Rd.
<i>Topography:</i>	Relatively flat, slight slope in rear yard
<i>Existing Use:</i>	Anderson Family Pet Center

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
	North: “E PUD” Retail Business	American Legion
	South: “E PUD” Retail Business	Anderson Township Pub
	East: “A-2” Residence	Residential
	West: “B CUP” Residence	Greenspace

**PROPOSED DEVELOPMENT:** The applicant is proposing to build a new 8’ high wood privacy fence. This proposed fence would replace the existing 6’ high wood privacy fence which the applicant states is rotting and unsafe. The proposed fence is also designed to expand the turf area and provide better protection for pet safety and containment.

During staff’s review of the application, it was noted that the outdoor run is expanding. Per ATZR Article 3.14, B, 2, outside runs are not permitted if closer than 200’ to a residence district. Staff have reached out to the applicant to determine the distance of the expanded turf area to the residence district to the rear (east) of the property. If closer than 200’, the plan will need to be revised, or the case continued, and a second variance request will be needed at a later BZA hearing.

**HISTORY:** This building was constructed in 1953. There are currently 22 Zoning Certificates on file.

Multiple zoning certificates were issued for various layouts of the indoor and outdoor kennel, which were never constructed. The last zoning certificate for this improvement was ZC 2012.284 for a new commercial structure, 11,629 sq. ft. to be retail and dog daycare. Only the outside area of this zoning certificate was constructed.

**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 could be substantial. The existing fence is currently 6 feet in height and a solid privacy fence. The proposed 8' tall replacement fence would be very visible to the parking areas of the neighboring properties. The current fence is not visible from Clough Pike as it is in the rear of the property and masked by trees along the side of the building.

Staff is of the opinion that the essential character of the neighborhood would not be altered. The proposed privacy fence would be constructed out of wood which would be consistent with the existing fence located on the property.

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

The property owner's predicament could be feasibly obviated through some method other than a variance. Staff is unaware of a current predicament on this property that the current 6' tall fence is unable to solve other than potential issues with sound.

Staff is of the opinion that the spirit and intent behind the zoning requirement might be observed by granting the variance. The current fence, which has been up for over a decade, is compliant with the 6' tall maximum. However, the additional 2' height on the proposed fence could provide additional benefits such as safety with the containment of animals to surrounding properties and barriers to the sound.

**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.*