



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT
CASE NUMBER 23-2025 BZA
5709 CHESTNUT RIDGE DRIVE
FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON OCTOBER 2, 2025.

APPLICANT:	Scott A. & Susan L. Zimmerlee, property owners.		
LOCATION & ZONING:	5709 Chestnut Ridge Drive (Book 500, Page 470, Parcel 182) – “A” Residence		
REQUEST:	A variance request for an accessory structure, size 28’ x 38’, located in the side yard, where accessory structures are required to be in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.		
SITE DESCRIPTION:	<i>Tract Size:</i>	1.705 Acres	
	<i>Frontage:</i>	20’ on Chestnut Ridge Dr	
	<i>Topography:</i>	The property is situated on a hillside with steep terrain. It is flat around the building pad, then falls off quickly to the southwest	
	<i>Existing Use:</i>	Single-Family Residence	
SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	North:	“A” Residence	Single Family Residence
	South:	“A” Residence	Hill Crest Cemetery
	East:	“A” Residence	Single Family Residence
	West:	“A” Residence	Single Family Residence
PROPOSED DEVELOPMENT:	The applicant is proposing the construction of a detached garage, 28’ x 38’ with an average height of 14’ 5” located in the side yard. The proposed detached garage will be opposite from the attached garage, bordering Hill Crest Cemetery, remaining out of view from adjacent neighbors. The structure will contain material and architectural designs matching the primary structure.		
HISTORY:	A zoning certificate was issued in October 1989 for the house on the property, and a zoning certificate was issued for a pool and fence in January 2004.		
	Scott A. & Susan L. Zimmerlee purchased the property in 2018.		
	On September 9, 2025, staff received submittals from the applicant containing neighbor feedback of the detached garage proposal as well as emails from the Chestnut Ridge Architecture Review Board.		
	On September 19, 2025, staff conducted a site visit and discovered two sheds which were not shown on the submitted survey and did not have zoning certificates on file for their construction. The applicant responded to staff’s questions about the structures stating that the woodshed was on the property prior to his purchase of the property. The applicant also stated that both sheds will be removed for regrading if the variance is approved.		

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 variance is substantial. The proposed location of the garage is completely in the side yard which is a substantial deviation from the rear yard requirement.

Staff is of the opinion the essential character of the neighborhood will likely not be altered. The proposed garage is set to match the material and architectural design of the house on the parcel. There is also existing vegetation that would screen the structure from adjacent neighbors. The proximity of the garage to the Hill Crest Cemetery will make this structure visible from their property line, however the property owner could build a shed further west, equally close to the cemetery without consideration by the Board.

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

Staff is of the opinion that the property owner's situation cannot be feasibly obviated without the variance being granted. The steep topography in the rear portion of the yard makes it difficult for the structure to be located in the required rear yard area.

Staff is of the opinion that the spirit and intent of the zoning resolution would be observed by granting the variances. Given the hilly topography on the property, the only viable location for the structure appears to be the side yard. It is also important to note that 5709 Chestnut Ridge Drive is a panhandle lot and the second property accessed from the private drive. The accessory structure is located approximately 570 feet from the edge of pavement along Chestnut Ridge Drive, and its proximity to Hill Crest Cemetery is not impacted by the requested variance.

**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.