



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 9-2025 BZA

673 FOUR MILE ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MAY 1, 2025.

APPLICANT:	Marty Ober, Coldstream Exteriors, on behalf of Stephen P. Kosky III, property owner.		
LOCATION & ZONING:	673 Four Mile Road Book 500, Page 401, Parcel 19 - "A" Residence.		
REQUEST:	A variance request for an addition, size 1,322 SF, with a 28' front yard setback where 50' is required per Article 3.3, C, 2, a of the Anderson Township Zoning Resolution.		
SITE DESCRIPTION:	<i>Tract Size:</i>	3.0 Acres	
	<i>Frontage:</i>	Approximately 290' on a private drive (Rock Hill Lane)	
	<i>Topography:</i>	Consistent slope down from the front to the rear of the property. 90' change in elevation.	
	<i>Existing Use:</i>	Single Family Residence	
SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	<i>North:</i>	"A" Residence	Single Family Residence
	<i>South:</i>	"A" Residence	Single Family Residence
	<i>East:</i>	"A" Residence	Single Family Residence
	<i>West:</i>	"A" Residence	Single Family Residence
PROPOSED DEVELOPMENT:	The applicant is proposing an addition to the existing house in the front yard area of the property, including an additional four (4) bedrooms and two (2) full baths to accommodate family size.		
HISTORY:	The property was constructed in 1956 and currently has three (3) bedrooms and one (1) full bathroom. The current property owner, Stephen P. Kosky III, purchased the property in 2014. In September 2001, Anderson Township approved an accessory structure permit for a 24' x 28' detached garage. In September 2002, Anderson Township approved a pool and fence permit, the pool being 28' x 36' and a 4' chain-link fence.		
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 substantial. The applicant is requesting a deviation of 22' from the front yard setback, making the requested setback 28'. Granting this variance would reduce the front yard setback by almost 50%. Though the setback to the front property lines is substantial, the setback to the private drive appears to be more than 50 feet.		

Staff is of the opinion that the essential character of the neighborhood could be altered. The applicant has not specified the type of material proposed for the addition, nor whether it would match the current structure. However, the property is located on a private drive off Four Mile Road and is significantly screened by existing woods and vegetation on all sides, except near the driveway entrance. The home is set down lower than the road due to the topographic changes as well. The proposed addition is also currently situated 300' from the house on the adjacent property to the left, and approximately 375' from the house on the property to the right.

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

Staff is of the opinion that the property owners' predicament cannot be feasibly obviated through some other method other than a variance. The property shape and its topography make any other option unviable without a significant increase in cost.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. Due to the property being on a private drive, which is privately owned, measuring the front yard setback to the edge of pavement instead of the property line would exceed the 50' requirement, which is the underlying goal of the setback, even if it doesn't meet the setback to the property line.

**RECOMMENDED
CONDITIONS:**

If the Board approves the variance, staff recommends the following conditions:

- (1) A site plan drawn to scale shall be submitted prior to the zoning certificate being issued.
- (2) The completed project shall be compliant with the submitted plans received April 14, 2025.
- (3) Construction must be started within one year and completed within three years.

**STANDARDS TO BE
CONSIDERED:**

The aforementioned variance request should be evaluated on the following criteria:

- (1) The property in question will yield a reasonable return and there can be beneficial use of the property without the variance;
- (2) The variance is not substantial;
- (3) The essential character of the neighborhood would not 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.