



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 11-2026 BZA

648 DUNWOODIE DRIVE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MAY 7, 2026.

APPLICANT: Kyle Slagh, on behalf of Mark McCall, property owner.

LOCATION & ZONING: 648 Dunwoodie Drive
Book 500, Page 333, Parcel 72 - "AA" Residence.

REQUEST: A variance request for a 20' x 21' covered patio addition in the rear yard with a setback of 25', where 60' is required per Article 3.1, D, 2, c of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:
Tract Size: 0.462 Acres
Frontage: Approximately 159' on Dunwoodie Drive and 122' Woodsedge Drive.
Topography: Fairly flat with a downward slope at the rear of the house to the property line.
Existing Use: Single Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
<i>North:</i>	"AA" Residence	Single Family Residence
<i>South:</i>	"AA" Residence	Single Family Residence
<i>East:</i>	"AA" Residence	Single Family Residence
<i>West:</i>	"AA" Residence	Single Family Residence

PROPOSED DEVELOPMENT: The applicant is proposing a 20' x 21' covered patio addition over top of a portion of the existing patio in the rear yard. The addition is proposed to be an open concept with 6' x 6' pressure treated columns wrapped in LP Smart Siding and an Asphalt Shingle Roof. The color of the Smart Siding is not mentioned.

HISTORY: The Hamilton County Auditor lists the home as being built in 1974. The current owner purchased the property in 2018. There is no zoning history on file.

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 35' variance in the rear yard, giving the property a new setback of 25', where 60' is the required rear yard setback. The home currently has a nonconforming rear setback of 43'.

Staff is of the opinion that the essential character of the neighborhood could be adversely affected. However, there are many properties in this subdivision that have nonconforming setbacks such as this property. The rear yard for 648 Dunwoodie abuts the side yard of 7025 Woodsedge Dr. because of the corner lot configuration. The proposed addition will be located approximately 60' from the adjacent residence to the east and will maintain a 25' setback from the property line.

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

Staff is of the opinion that the property owners' predicament might not be feasibly obviated through some other method than a variance. The property is a corner lot and the nonconforming setback for the rear yard makes any addition of this size impossible as it would encroach on the required setback. The applicant had stated that they had reduced the addition to 20' x 21' instead of 21' x 21' to at least meet the hypothetical side-yard setback requirement.

Staff is of the opinion that the spirit and intent behind the zoning may not be observed by granting the variance. The reduction from a 60' required rear yard setback to 25' is substantial and significantly diminishes the intended separation between properties. However, as noted, similar nonconforming conditions appear throughout the area.

**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.