



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 13-2026 BZA

3085 LITTLE DRY RUN ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON JUNE 4, 2026.

APPLICANT: Milissa J. Michel & Kenneth Seitzer, property owners

LOCATION & ZONING: 3085 Little Dry Run Road
(Book 500, Page 151, Parcel 5) – “AA” Residence

REQUEST: A variance request for a new single-family residence to have a front yard setback of 20’ where 50’ is required, per Article 3.1, D, 2, a, i of the Anderson Township Zoning Resolution.

SITE DESCRIPTION: *Tract Size:* Approximately .438 acres
Frontage: Approximately 105’ of frontage on Little Dry Run Rd
Topography: Downward slope to Little Dry Run Rd with a steeper slope farther from the road.
Existing Use: Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“AA” & “A” Residence	Single Family Residences
South:	“AA” Residence	Vacant land & Johnson Hills Park
East:	“AA” Residence	Johnson Hills Park
West:	“AA” and “A” Residence	Single Family Residences

PROPOSED DEVELOPMENT: The applicant is seeking to construct a new single-family residence with a 20’ front yard setback, reduced from the required 50’ front yard setback. The residence will be a two-story structure, approximately 25’ tall.

HISTORY: There are no zoning certificates on file for this parcel. The previous residence on the property was demolished in August of 2023 after falling into disrepair. The current owners purchased the property in August of 2025.

FINDINGS: Staff is of the opinion that the property in question may not yield a reasonable return without the variance. Meeting the required setback of 50’ would require significant grading of the existing hillside and removal of mature trees.

Staff is of the opinion that the variance is substantial. The requested setback of 20’ is a substantial reduction of the required 50’ setback.

Staff is of the opinion that the essential character of the neighborhood might be altered. This property is in a wooded area where neighboring properties are setback at least 60’ from the right of way. The proposed residence would be closer to the right of way which may alter the character of the neighborhood. However, the original residence at the property, which was only recently demolished, also encroached on the required front yard setback, so there may be less impact on the character of the neighborhood than if the reduction were brand new. The applicant estimated that the original house had a front yard setback of approximately 19.5’. In addition, locating the new residence closer will prevent extensive grading of the hillside and loss of mature trees, which help establish the character of the neighborhood.

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

Staff is of the opinion that the property owner's predicament may not be feasibly obviated through some method other than a variance. The applicant states that constructing a house that complies with the front yard setback would require significant regrading of the hillside which would likely disturb the ecosystem and add significant cost to the project, making the house unfeasible to build.

Staff is of the opinion that the spirit and intent of the zoning requirement would be observed and justice done by granting the variance. While the reduction in the front yard setback is substantial, it is a response to the unique topographical challenges of the property, and the property owners' efforts to minimize disruption to the hillside ecosystem. Furthermore, the original character of the neighborhood included a nonconforming residence at the property which also encroached on the front yard setback. Granting the variance would likely not cause adverse impacts on neighboring properties.

**STANDARDS TO
BE CONSIDERED:**

The aforementioned variances 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 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.