



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 16-2026 BZA

1099 DOOLITTLE LANE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 6, 2026.

APPLICANT:	Nicholas Muennich, on behalf of Anna & Nicholas Muennich, property owners		
LOCATION & ZONING:	1099 Doolittle Lane (Book 500, Page 412, Parcel 15) – “C” Residence		
REQUEST:	A variance request for a 10’ x 12’ accessory structure in the front yard where accessory structures must be located in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.		
SITE DESCRIPTION:	<i>Tract Size:</i>	0.41 acres	
	<i>Frontage:</i>	Approximately 117’ on Thole Road and approximately 81’ on Doolittle Lane	
	<i>Topography:</i>	Mostly flat with a slight incline in the rear of the property	
	<i>Existing Use:</i>	Single Family Residence	
SURROUNDING CONDITIONS:		<u>ZONE</u>	<u>LAND USE</u>
	North:	“C” Residence	Single Family Residences
	South:	“C” Residence	Single Family Residences
	East:	“C” Residence	Single Family Residences
	West:	“C” Residence	Single Family Residences
PROPOSED DEVELOPMENT:	The applicant is proposing to construct a new 10’ x 12’ accessory structure in the front yard for a single-family residence on a corner lot, where it is only permitted in the rear yard, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.		
HISTORY:	The Hamilton County Auditor lists the house as being constructed in 1958 and the current owner purchased the home in 2018. There are no zoning certificates 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 could be substantial. Not only is the structure located outside the rear yard, it is less than 20’ from the right of way and would not meet the front yard setback requirement for a primary structure for the “C” zoning district. Staff is of the opinion that the essential character of the neighborhood would be altered, and adjoining properties would suffer a substantial detriment as a result of the variance. The structure is proposed to be constructed in the front yard area. There are several newly planted evergreen trees that currently provide minimal screening. These trees		

could provide more screening in the future if the trees and landscaping are properly maintained.

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

The owner's predicament can be feasibly obviated through some method other than a variance. Though there are topographic changes on the property, there appear to be multiple locations in the rear yard of the property that would be viable options for the placement of an accessory structure. Therefore, the structure could be moved to the rear yard where it is permitted per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

Staff is of the opinion that the spirit and intent behind the zoning requirement could not be observed by granting the variance. The shed is proposed to be constructed in the front yard, which is a direct contradiction to Article 5.2, A, 7. Additionally, the accessory structure does not meet the lot standards minimum setback for a front yard, which is 30'. The intent of the 30' setback from the right of way is to provide separation between roadways and residential buildings which this would contradict.

**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.