



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT  
**CASE NUMBER 2-2026 BZA**  
**237 FOUR MILE ROAD**

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON JANUARY 8, 2026.

APPLICANT:	Jeffery M. Nye, SSP Law, on behalf of David Katsikas, property owner.		
LOCATION & ZONING:	237 Four Mile Road (Book 500, Page 403, Parcel 88) – “H” Riverfront		
REQUEST:	A variance request for a new single-family residence to have a front yard setback of 35.6’ where 50’ is required, per Article 3.20, C, 2, a of the Anderson Township Zoning Resolution.		
SITE DESCRIPTION:	Tract Size:	Approximately .272 acres	
	Frontage:	Approximately 150’ of frontage on Four Mile Rd	
	Topography:	Downward slope to Four Mile Rd with slope steeper closer to the road.	
	Existing Use:	Vacant parcel with existing foundation	
SURROUNDING CONDITIONS:	<u>ZONE</u>		<u>LAND USE</u>
	North:	“H” Riverfront & “A” Residence	Single Family Residences
	South:	“H” Riverfront	Ohio River Trail
	East:	“H” Riverfront & “A” Residence	Vacant land
	West:	“H” Riverfront & “A” Residence &	Township Open Space & Ohio River Trail
		“E” Retail	
PROPOSED DEVELOPMENT:	The applicant is seeking to construct a new single-family residence on an existing foundation from a previous single-family residence with a non-conforming front yard setback of 35.6’ where 50’ is required in the “H” Riverfront district.		
HISTORY:	There are no zoning certificates on file for this parcel. The auditor lists the construction date as 1959. The current owner purchased the property in August 2024 from the probate estate of the prior owner. with the intent of renovating the property. During the winter of 2024 / 2025, due to partial demolition, the house collapsed during a snowstorm, resulting in a loss of nonconforming status under Article 1.4, E of the Anderson Township Zoning Resolution.		
FINDINGS:	Staff is of the opinion that the property in question may not yield a reasonable return without the variance. The applicant submitted information that the proposed residence at the 35.6’ setback would be the only suitable way of building the house due to the distance between the western property line and the right of way for Four Mile Road.		
	Staff is of the opinion that the variance is not substantial. The setback of 35.6’ is from the right of way to the residence. The setback from the proposed residence to the roadway is approximately 55’. Given the hilly topography of the lot and the speed of Four Mile, staff believes it will not be noticeable by a passerby.		
	Staff is of the opinion that the essential character of the neighborhood will not be substantially altered, and adjoining properties will not suffer a substantial detriment as a result of the variance. This property is in a heavily wooded area where all but one of the		

neighboring parcels are vacant lots or Township Greenspace. The one residence adjacent to the property is over 100' away from the proposed residence with substantial vegetative screening, and there is no variance requested for the side yard setback.

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 it is near impossible to build a reasonably sized residence maintaining setbacks from the rear and side property lines as well as from the right of way along Four Mile Road.

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 setback from the proposed residence to the right-of-way is only 35.6', the setback to pavement is approximately 55' which is over the required 50' setback. The spirit of the zoning requirement to maintain reasonable separation between the road and the residence is still upheld if the variance is granted.

**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.*