



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT
CASE NUMBER 22-2026 BZA
7030 FIVE MILE ROAD
FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON OCTOBER 1, 2026.

APPLICANT: Alexander & Allyson Keegan, Property Owners.

LOCATION & ZONING: 7030 Five Mile Road
(Book 500, Page 330, Parcel 19) – “AA” Residence

REQUEST: A variance request for an addition to an accessory structure, size 40’ x 56’, larger than the existing residence where accessory structures are defined as being a subordinate building per Article 6.1 of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	3.363 Acres
<i>Frontage:</i>	Approximately 760’ on Five Mile Rd
<i>Topography:</i>	Slopes uphill from the South to the North, becoming more level around the site location.
<i>Existing Use:</i>	Single-Family Residence

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
	North: “AA” Residence	Interstate 275
	South: “AA” Residence	Withrow Nature Preserve
	East: “AA” Residence	Single Family Residence
	West: “AA” Residence	Single Family Residence

PROPOSED DEVELOPMENT: The applicant is proposing the construction of a pole barn, 40’ x 56’ and 21’ in height, connecting to an existing barn size 21’ x 20’ in the rear yard area of the property. The applicant has stated that this new structure will be 2,660 sq. ft., making it bigger than the existing primary structure. The gable of the garage roof will line up with the slope of the existing barn’s roof. The garage is proposed to provide shelter for the applicant’s vehicles and other personal property.

HISTORY: The Hamilton County Auditor lists the construction of the residence as 1986, and the property was transferred to an Alexander & Allyson Keegan in November of 2021. Based on the County Auditor’s appraisal information, the property consists of a house (approximately 1,400 sq ft.) detached garage (Approximately 780 sq ft.), and a detached barn (approximately 600 sq ft.)

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 requested variance is substantial. The proposed accessory structure is significantly larger than the existing principal structure (approximately 1,100 sq. ft. larger).

Staff is of the opinion the essential character of the neighborhood may not be altered. The project site is well-screened by vegetation, but there are portions of the buffering which are seasonal and may be less effective during fall and winter months. As a result,

the structure would be more visible from Five Mile and neighboring properties during those periods. The proposed structure may appear visually inconsistent with adjacent properties and the structures on the lot, so clarification on the proposed façade material would help the Board confirm that the proposal will be consistent with the other structures on the property. While the proposed barn is significantly larger, it will not be easily visible from the road. The accessory structure meets the setback requirements for principal structures within the “AA” Zoning District, which may help mitigate the impact on the existing character of the neighborhood. In addition, the residences in the vicinity are varied in size and building material, potentially minimizing the impact overall on the neighborhood.

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

Staff finds that the property owner’s situation may not be feasibly addressed without granting the variance. The construction of the pole barn will ensure protection of the applicant’s personal property.

Staff is of the opinion that the spirit and intent of the zoning resolution may be observed by granting the variance. While the zoning code intends for accessory structures to remain subordinate to the primary residence, the proposed location minimizes impacts to existing mature trees and maximizes screening from neighboring properties with existing and proposed vegetation. Additionally, the barn meets setback requirements for a primary residence. There are a variety of different styles and sizes of homes in this area, so the proposed barn structure may be more consistent with the neighborhood compared to other areas of the Township with more homogenous neighborhood styles.

**STAFF RECOMMENDED
CONDITIONS:**

Should this variance request be approved, staff recommend the following conditions:

- (1) A mix of evergreen trees or large shrubs should be planted along the western property line to help screen the structure from the adjacent residence.
- (2) The structure should use exterior materials and colors that match the existing structures on the property to reduce visual impact.
- (3) The accessory structure shall not be used for any retail or commercial purposes and must remain residential accessory use only.

**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.