



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 3-2026 BZA

734 CEDAR CREST LANE

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

APPLICANT:	Shelia Winders, property owner.		
LOCATION & ZONING:	734 Cedar Crest Lane Book 500, Page 331, Parcel 12 - "AA" Residence.		
REQUEST:	A variance request for a 16' x 18' addition in the rear yard, with a 40' rear yard setback where 60' is required per Article 3.1, D, 2, c of the Anderson Township Zoning Resolution.		
SITE DESCRIPTION:	<i>Tract Size:</i>	1.171 Acres	
	<i>Frontage:</i>	Approximately 185' on Cedar Crest Lane and 170' on Cedar Point Drive.	
	<i>Topography:</i>	Fairly flat with a downward slope at the eastern corner of the lot.	
	<i>Existing Use:</i>	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 / Township Greenspace
	<i>West:</i>	"AA" Residence	Single Family Residence
PROPOSED DEVELOPMENT:	The applicant is proposing a 16' x 18' "four seasons" addition that will replace a portion of the existing patio in the rear yard. The addition is proposed to be veneer siding with the color to match the existing residence.		
HISTORY:	The Hamilton County Auditor lists the home as being built in 1957. In March of 1990, staff approved zoning certificate a 4-foot-tall fence in the rear yard. In April of 1994, staff approved a zoning certificate for a 6-foot-tall fence in place of the deteriorating 4-foot tall fence. In November of 2016, the Township stamped off on plans for interior alterations. The current owner purchased the property in 2016.		
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. The applicant is requesting a 20' variance in the rear yard, giving the property a new setback of 40', where 60' is the required rear yard setback. The home currently has a nonconforming rear setback of 52.3'.		
	Staff is of the opinion that the essential character of the neighborhood might not be altered. The applicant has stated the addition will use veneer siding materials to match the colors of the existing 1-story white brick residence and is located within the rear yard, where visibility is limited to Cedar Point Drive. Visibility from 719 Watch Point Lane will be screened by existing arborvitae landscaping and a privacy fence and is situated at		

a lower elevation. The neighboring property to the east, 692 Cedar Crest Lane, will likewise be screened by existing fencing and landscaping. Additionally, the property owner could construct a detached structure of the same design, without a variance in this location. The addition proposed would not deviate significantly from how a detached structure would appear.

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. Due to the property's unique shape and location, and the placement of the house on the lot, any addition of this size would likely encroach on the required setbacks. Additionally, the interior layout of the primary structure limits practical alternatives, making the proposed location the most logical and functional option.

Staff is of the opinion that the spirit and intent behind the zoning requirement might be observed by granting the variance. Although the proposed addition will have a 40' rear yard setback, where 60' is required (current rear yard setback is 52.3'), the addition would be located approximately 132' away from the closest neighboring residence, maintaining the intended separation between structures. The proposed addition will match the existing house and may not alter the established character of the neighborhood.

**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.