



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 6-2026 BZA

7320 RIVERBY DRIVE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MARCH 5, 2026.

APPLICANT: Stan Messerly of MessCo Engineering, on behalf of Vancy Investments, LLC, property owner.

LOCATION & ZONING: 7320 Riverby Drive
Book 500, Page 253, Parcel 012 - "AA" Residence.

REQUEST: A variance request for a new 18' x 30' inground pool, in the front yard where pools are required to be in the rear yard per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:
Tract Size: 0.97 Acres
Frontage: Approximately 70' on Riverby Dr.
Topography: Significant grade change decreasing from north to south.
Existing Use: 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
<i>West:</i>	"AA" Residence	Single Family Residence

PROPOSED DEVELOPMENT: The applicant is proposing a new 18' x 32' inground pool located in the front yard of the property.

HISTORY: The residence on the property is currently under construction and obtained its zoning certificate in May of 2025. There are no other zoning certificates or code enforcement cases on file for this property. Prior to construction of the home, the applicant discovered that due to the soil typology of the property, the Household Sewage Treatment System must be located in the rear yard. This inhibits the ability for a pool to be constructed in the rear yard and leaves the front yard as the only viable location for the pool.

An inground pool in the front yard of 7302 Riverby Road was granted through Case 12-2001 BZA.

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 to locate a swimming pool in the front yard where it is prohibited. However, the pool will be setback significantly from the property lines and screened from view at street level by a retaining wall. The pool has a proposed setback of 120' from the right-of-way which is well outside the required front yard setback for the "AA" Residence district.

Staff is of the opinion that the essential character of the neighborhood would not be altered. The residence and the proposed improvements are setback from the road significantly, beyond the 50' front yard setback for residences in the zoning district. The pool is located approximately 35 feet higher than the level of the road with an existing retaining wall which provides separation from the road and the neighbors except for the adjacent properties to the East and West. The owners of both adjacent properties have written letters of support.

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

Staff is of the opinion that the property owners' predicament may not be feasibly obviated through some other method than a variance. Due to the soil composition on the site dictating that the Household Sewage Treatment System be placed in the rear yard precluding the possibility of a pool occupying the same space.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. Although the proposed pool is not compliant with the Township's zoning regulations, it is set back significantly from the roadway which will help the property match the character of the neighborhood. Due to the steep topography in the front yard, the pool cannot be seen from the street.

**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.