



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 7-2026 BZA
6597 KENTUCKYVIEW DRIVE

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

APPLICANT: Brett Lowery on behalf of 6578 Kentuckyview Drive, LLC, property owner.

LOCATION & ZONING: 6597 Kentuckyview Drive
(Book 500, Page 403, Parcel 44) – “A” Residence

REQUEST: A variance request for a new single-family residence to have a front yard setback of 25.33’ where 50’ is required, per Article 3.3, C, 2, a of the Anderson Township Zoning Resolution.

SITE DESCRIPTION FOR THE PROPOSED LOT:

<i>Tract Size:</i>	Approx. 1.38 Acres (proposed Lot 1)
<i>Frontage:</i>	Approximately 87’ of frontage on Kentuckyview Drive Approximately 213’ of frontage on Gwendolyn Drive
<i>Topography:</i>	Fairly flat with a steep downward slope at the rear of the property toward Gwendolyn Drive
<i>Existing Use:</i>	Vacant

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“A” Residence	Single Family Residence
South:	“A” Residence	Single Family Residence
East:	“A” Residence	Single Family Residence
West:	“A” Residence	Vacant Parcel

PROPOSED DEVELOPMENT: The applicant is proposing developing a consolidated 3 acre property into 4 lots, including the existing house at 6578 Kentuckyview. For the proposed Lot #1 at 6597 Kentuckyview, the applicant is requesting a variance to allow a new single-family residence with a 25.33’ front yard setback where 50’ is required by Article 3.3, C, 2, a of the Anderson Township Zoning Resolution.

HISTORY: There are no zoning certificates on file for this property. The County Auditor lists the home on the current parcel as being constructed in 1980. The County Recorder shows that Lots 37, 38, 39, 48, and 49 were approved on February 5, 1957. The lots were previously consolidated into one according to CAGIS and the County Auditor, though the exact date is unknown. The current property was transferred to 6578 KENTUCKYVIEW DR LLC on December 10, 2025. The applicant was proposing to split the parcel back to the original 5 lots for development but was informed by Hamilton County Public Health that due to current septic system requirements, only 3 new houses would be permitted.

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 property in question may not yield a reasonable return without the variance. The vacant portion of the property was platted as 4 lots with the original River View Subdivision. The applicant states that Hamilton County Public Health will require them to consolidate to 3 lots in order to receive approval for septic systems

on each lot. The optimal location for the septic system on Lot 1 limits the buildable area of the property. Without a variance, the house would need to be constructed deeper into the lot with the steep topography.

Staff is of the opinion that the variance could be substantial. The applicant is requesting a reduction in the front yard setback less than the front yard setback requirement for the "C" Zoning District which is 30'.

Staff is of the opinion that the essential character of the neighborhood may not be substantially altered, and adjoining properties may not suffer a substantial detriment as a result of the variance. The property was initially planned with four lots. The decreased front yard setback for lot 1 will likely have a minimal impact on the neighborhood character as it is at the end of a cul-de-sac which limits the visual impact of the variance. Front yard setbacks on this portion of the street are inconsistent and range from 45'-95'.

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 has identified site-specific physical constraints, including grade differentials and septic system requirements, that limit alternative placement options without putting financial strain on the applicant.

Staff is of the opinion that the spirit and intent of the zoning requirement would be observed and substantial justice done by granting the 25' front yard setback variance. The purpose of the front yard setback is to maintain adequate separation between structures and the public right-of-way as well as visual consistency along the street. While the requested variance represents a 25' deviation from the required setback, the reduction would not adversely affect the established character, scale, or density of the surrounding neighborhood. Granting the variance would allow reasonable residential development of the property without undermining the intent of the zoning code.

**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.