



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 12-2021 BZA

1423 GRAND OAKS DRIVE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 5, 2021

APPLICANT: Jessica Hagen, All Decked Out 513, LLC, on behalf of Richard and Diana Hagen, Property Owner.

LOCATION & ZONING: 1423 Grand Oaks Drive
(Book 500, Page 201, Parcel 373) – “B” Residence

REQUEST: The applicant is requesting a variance to allow for an addition with a rear yard setback of 23’ where 35’ is required per Article 3.5, C, 2, c of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:
Tract Size: 0.3 acres
Frontage: Approximately 100’ on Grand Oaks Dr.
Topography: Flat
Existing Use: Single Family Residential

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

PROPOSED DEVELOPMENT: The applicant is proposing the construction of a 16’ x 14’ covered patio in the rear yard with a roof attached to the existing house, serving as an outdoor living area. The proposed construction includes columns and a shingle roof matching the existing home.

HISTORY: A zoning certificate was issued on January 11, 2006 for a single-family home on lot 23 of the Grand Oaks Subdivision. There is no other zoning history for this property.

FINDINGS: Staff is of the opinion that the variance would not be substantial. The rear yard of the property faces a 3.4 acre vacant lot, with no immediate neighbor to the south. In addition, mature trees would screen the proposed addition from the properties to the east and west.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The proposed addition is planned to match the existing residence and building style. The proposed addition would face a vacant lot and would not be visible from Grand Oaks Drive.

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

The property owner’s predicament could be feasibly obviated through some other method other than a variance. An uncovered patio or a detached accessory structure in the rear yard would be permitted, however, the applicant has requested the covered

patio to be attached to the house as an addition. The addition could be shortened by 12' and comply with the required 35' setback of Article 3.5, C, 2, c of the Zoning Resolution, however, this would only allow for a 2' building area.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance based on vegetative screening, consisting of mature trees, along the eastern and western property line, the presence of similar outdoor features at neighboring properties, and the proposed addition matching the existing residence and character of the neighborhood.

**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 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.