



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

**CASE NUMBER 14-2021 BZA**

**313 FOUR MILE ROAD**

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

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**APPLICANT:** Jason & Bethany Dearwester  
**LOCATION &** 313 Four Mile Road

**ZONING:** (Book 500, Page 403, Parcel 71) – “A” Residence

**REQUEST:** A variance request to allow an accessory structure in the side and front yard area where accessory structures are only permitted in the rear yard, per Article 5.2, A, 7 of the Anderson Township Zoning Resolution.

**SITE DESCRIPTION:**

<i>Tract Size:</i>	1.016 Acres
<i>Frontage:</i>	Approximately 283.5 on Four Mile Road
<i>Topography:</i>	Steep slope from East to West
<i>Existing Use:</i>	Single-Family Residence

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

**PROPOSED DEVELOPMENT:** The applicant is proposing the construction of a 16’ x 30’ (480 SF) structure in the side and front yard area. The proposed height of the accessory structure will be no greater than 15’. The proposed structure meets the side, rear, and front yard setback requirements of the “A” Residence zoning district. The applicant has stated that the proposed accessory structure will match the character and style of the existing residence.

**HISTORY:** On June 1, 1988 a zoning certificate was issued for a single family residence on Lot 18 of the River View Heights Subdivision. In 2009, the applicant purchased the property at 313 and 327 Four Mile Road and consolidated the two parcels.

**FINDINGS** Staff is of the opinion that the variance is not substantial. The proposed accessory structure is in compliance with the size and setback requirements of Article 5.2, A, 7 of the Zoning Resolution if it were located in the rear yard. The applicant has stated that the proposed structure will match the character and style of the existing residence.

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 accessory structure is located approximately 180' from the nearest residence to the northeast and approximately 250' from the residence to northwest. The proposed garage will be screened from the neighboring residences by existing vegetation and topography.

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

The owner's predicament could be feasibly obviated through some other method other than a variance. The proposed structure could be located in the rear yard, however, due to the steep topography of the property, placing the proposed barn in the rear yard would require clearing of vegetation and extensive grading.

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 the distance to adjacent residences, the existing vegetation consisting of mature trees, on the property, and the topography of the property.

**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.*