



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 3-2024 BZA

7689 COLDBROOK LANE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON MARCH 7, 2024

APPLICANT: Sarah Ackerman, property owner.

LOCATION & ZONING: 7689 Coldbrook Lane
(Book 500, Page 203, Parcel 254) – “B” Single Family Residence

REQUEST: A variance request for an addition (screened-in porch) with a rear yard setback of 26.4’ where 35’ is required per Article 3.5, C, 2, c of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:
Tract Size: 0.316 Acres
Frontage: Approximately 106’ on Coldbrook Ln.
Approximately 101’ on Stream View Ct.
Topography: Flat with a slight slope to the south
Existing Use: Single Family Residence

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

PROPOSED DEVELOPMENT: The applicant is proposing a screened-in porch addition, next to an existing deck. The screened-in porch is proposed to be 19’ x 14’. The addition would have a rear yard setback of 26.4’ where a 35’ setback is required.

HISTORY: The house was built in 1990 and purchased by the applicant on June 20, 2023. There is one permit on file from March 20, 1990, for the construction of the house. An application was submitted by the applicant for the February 1, 2024, BZA meeting. Upon review of that application, staff found inconsistencies between the submitted site plan and original survey for the house. Staff requested a new survey, and as a result of the survey, the requested variance was amended to 8.6’ instead of the original 4’-5” request.

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 is not substantial. The orientation of the house is set at an angle, resulting in the corner of the proposed addition to encroach 8.6' into the rear yard setback. Please note that the proposed addition will be lining up with an existing deck. The eastern portion of the addition which lines up with the existing deck will have a setback of 31', which will only encroach into the required rear yard setback by 4'.

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 only encroaches 4'" into the rear yard setback, aligning the rear of the addition with the existing deck.

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

The property owner's predicament may not be feasibly obviated through some method other than a variance; the location of the proposed addition will align with the rear of the deck making is more visually appealing, and will provide screening from Stream View Ct.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. While the addition would be encroaching on the 35' setback, there is no other feasible way to construct an addition to 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.