



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 6-2025 BZA

225-237 COLDSTREAM CLUB DRIVE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON APRIL 3, 2025.

APPLICANT: David Kitzmiller, on behalf of property owners for 225 Coldstream Club Drive (Michael J & Denise M Zins), 229 Coldstream Club Drive (Sharon M Kitzmiller TR), 233 Coldstream Club Drive (Albert V & Lauren B Early), and 237 Coldstream Club Drive (John R & Anna A Zeilman).

LOCATION & ZONING: 225-237 Coldstream Club Drive
Book 500, Page 186, Parcels 15-18 - "AA" Residence.

REQUEST: A variance for a 6'-6" tall security gate, to be located in the front yard, where fences exceeding 4' are only permitted in the rear yard, per Article 5.2, A, 9, of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

<i>Tract Size:</i>	11.67 Acres
<i>Frontage:</i>	Approximately 80' on Coldstream Club Drive
<i>Topography:</i>	Relatively flat at the entrance, where the security gate is proposed.
<i>Existing Use:</i>	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 6'-6" tall security gate, located in the front yard areas (panhandles) of 225-237 Coldstream Club Drive, with a minimum height of 5'-6" at either ends, rising across an arc to the maximum height of 6'-6". The applicant is also proposing two (2) 6' tall brick columns on either end with limestone caps, accentuated by either ground mounted up lighting, or chandeliers mounted to each column. The gate is set to be a length of 22' and is placed 45' back from the curb of Coldstream Club Drive.

HISTORY: The properties were constructed between 2017 and 2018, with two homes having zoning certificates for fences and pools. There are two gates that have been constructed in the area, one located on a private drive located near the eastern end of Ayers Rd and the other located at the entrance to Waterfront Estates. Case 16-2013 BZA approved a variance for 6' columns at 7967 Ayers Rd to be permitted at a location that was partially in the right of way. Case 2-2024 PUD approved a PUD modification for a private drive with gate .

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 variances are substantial. The applicant is requesting a 2'-6" increase in height, over the allowed 4' maximum. The gate is permitted at a height of 4' given that it is also at least 75% open.

Staff is of the opinion that the essential character of the neighborhood would not be altered. The applicant had stated that the purpose of this height was to match neighboring characteristics along with proposed material that would match the overall character of the neighborhood. There are two other gates for private drives in the Coldstream area. Additionally, there are residences with 4' columns in the front yard and 4', 75% open columns and fences in the front yard in the Ayers Rd area as well.

The variance would adversely affect the delivery of governmental services. The security gate will delay emergency response times for fire, police, and EMS regardless of if proper access provisions are implemented.

Staff is of the opinion that the property owners' predicament can be feasibly obviated through some other method other than a variance. If the gate and columns are lowered to a height of 4' and are 75% open, the request could be approved administratively.

Staff is of the opinion that the spirit and intent behind the zoning requirement would not be observed by granting the variance. The intent of the Resolution is to not permit any barrier in the front yard that exceeds 4' in height and is less than 75% open.

**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.