ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 23-2026 BZA
COLDSTREAM COUNTRY CLUB – 400 ASBURY ROAD

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

APPLICANT: Ross Lorenz on behalf of Coldstream Country Club, property owner.

LOCATION & ZONING: 400 Asbury Road
(Book 500, Page 181, Parcel 13) – "AA" Residence

REQUEST: A conditional use and variance request for two new sheds per Article 5.4, I, 14, c of the Anderson Township Zoning Resolution, located less than 100' from adjacent properties where a 100' setback is required per Article 5.4, H, 1, d of the Anderson Township Zoning Resolution.

SITE DESCRIPTION:

Tract Size:	Approximately 173 Acres on the whole parcel
Frontage:	Approximately 1,760' on the west side of Asbury Road & 445' on Ayers Road for the parcel
Topography:	Rolling
Existing Use:	Coldstream Country Club

SURROUNDING CONDITIONS:

	ZONE	LAND USE
North:	"A" Residence & "AA" Residence	Country Club/ Single Family Residence
South:	"AA" Residence	Country Club/Single Family Residence
East:	"AA" Residence	Country Club/Single Family Residence
West:	"AA" Residence	Country Club/Single Family Residence

PROPOSED DEVELOPMENT: The applicant is requesting approval for two existing accessory structures (sheds) as part of an existing conditional use under Article 5.4, I, 14, c of the Anderson Township Zoning Resolution (swimming and tennis clubs). Shed 1 is 10' x 16' with a sloped roof and appears to be less than 100' from the nearest property line or right-of-way. Shed 2 is 10' x 24' with a gabled roof and appears to be approximately 100' from the nearest property line. Both sheds are around 10' tall and have grey wood siding, with white trim, and doors and windows. A variance is needed from criteria "d" to permit structures with setbacks less than 100'. The country club is also planning a pool deck expansion as part of the improvements on this site which does not require BZA approval. The expansion includes a 12' x 94' area on the south side of the existing pool deck, a 39' x 18' area on the west side, and a 12' x 75' area on the north side.

HISTORY:

Coldstream Country Club was established in 1960 and has had seven requests before the BZA.

The first, Case 27-95 BZA, allowed for the construction of the existing pool building within the 100' setback requirement.

The next two, Case 12-96 BZA and Case 14-97 BZA, allowed for the construction of other additional buildings within the 100' setback requirement.

Case 5-2010 BZA allowed the construction of two stone entry columns.

Case 9-2016 BZA permitted the replacement of an existing 1,960sqft. swimming pool, diving well, baby pool, and associated shade structure with a new swimming pool with attached diving area, detached baby pool, and associated shade structure, and to relocate the existing children's play equipment. A new indoor golf training facility for year-round practice was also approved with this request. A third request in Case 9-2016 BZA for the installation of three new platform tennis courts was denied by the BZA.

Case 11-2017 BZA allowed the construction of two platform tennis courts within the 100' setback requirement.

Case 15-2022 BZA allowed the installation of an additional platform tennis court, accessory structure, and an awning addition over an existing deck.

Case 6-2023 BZA allowed the construction of a sand silo in the front yard, within the 100' setback requirement and the paving of an existing gravel parking lot.

In September 2026, Coldstream Country Club contacted Planning & Zoning for approval of a pool deck expansion project. While reviewing that request, Planning & Zoning became aware that two sheds had been constructed at the property without zoning approval.

On October 15, 2026, the Township received an application to the Board of Zoning Appeals for the two sheds in order to bring them into compliance with the Anderson Township Zoning Resolution.

CONDITIONAL USE FINDINGS:

In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 8 as well as the designated specific criteria for specific uses contained in Article 5.4, H.

General Standards in Article 2.12, D, 8

Spirit and Intent: The proposed development complies with the spirit and intent of the Zoning Resolution and district purposes by substantially complying with the conditional use criteria for swimming and tennis clubs, and being consistent with other structures at the site which have been granted variances for setbacks less than 100'. The intent of the conditional use review is to ensure the use does not adversely impact adjacent properties. The proposed development does not expand the existing use area of the site and will be used to support existing operations.

No Adverse Effect: Granting approval of the sheds would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare. The applicant has stated that the use of the building will be most active during the summer and minimal during off seasons. The sheds are used to store items to support the existing tennis and pool facilities. They also have no exterior lighting and aesthetically match other structures in the area. As a result, the impact on adjacent properties will likely not be substantially different from before their construction.

Protection of Public Services: The sheds will respect natural, scenic, and historic features of significant public interest. No trees or vegetation were removed or damaged in order to put these sheds in place.

Consistent with Adopted Plans. The proposed use complies with the following goals and initiatives of the Township's Comprehensive Plan:

> **Quality of Place –** The community will maintain a high quality of life that includes quality schools, entertainment, cultural activities, health care, religious offerings and a diverse parks, open space, and recreation system.
>
> **3.2.6 –** Make Anderson Township a destination by looking for opportunities to enhance social interaction.
>
> **5.1.2 –** Support the establishment of neighborhood services, preservation efforts, and activities that promote a sense of community.

Specific Criteria in Article 5.4, I, 14, c
Swimming and tennis clubs – (d), (e), (h), (i), (l), (n), (o,ii), (p,iii), (q), (r), (s), (u), (y)

d. Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line. **– Non-compliant – Shed #1 has a setback of approximately 93' from the right of way along Ayers, and 84' along Asbury. A site plan showing the setbacks on the plan would confirm if Shed 2 is compliant or not as its setback appears to be right around 100'.**

e. Setbacks from any adjacent residential property line shall be a minimum of fifty feet (50') for all buildings and twenty-five feet (25') for all parking areas. **– Compliant – Both sheds have a setback greater than 50' to residential property lines. No new parking is proposed.**

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. **– Compliant – The sheds utilize existing paths on the property and do not interfere with neighborhood function. No modifications to the vehicular use area are proposed.**

i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede traffic **– No changes to parking or street design are proposed.**

l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties **– Compliant – Nuisance issues are unlikely in relation to the shed, and no greater than impacts from the existing pool and tennis facilities on the property. Parts of the property are buffered by vegetation which will further minimize impacts on adjacent properties.**

n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood. — **Compliant – Both sheds use the same siding and roofing as the other structures on the property, minimizing the aesthetic impact of the new structures. Shed 2 is screened by an existing tree line on the neighboring property to the west, further preventing any issues with neighboring property structures.**

o. Landscaping shall be installed in accordance with one of the following buffers
ii. Boundary Buffer of 20 feet with 2.8 canopy trees and 8 shrubs at per 100 l.f. **– Compliant – The applicant has not outlined any landscaping plans to improve buffers. However, the sheds do not expand the site from the area already permitted for use.**

p. Signage shall be regulated as follows:
iii. Subject to sign standards in Article 5.5, F ,4. – **No new signage is proposed.**

q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character **– Compliant – Both sheds are smaller than the primary structure as well as other accessory structures on site.**

r. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence **– Compliant – No new playgrounds or alterations are proposed. There is an existing fence on the property enclosing the pool and playground.**

s. All exterior lighting shall be directed away from adjacent residential properties. **— No exterior changes to lighting proposed.**

u. Proposed security measures shall be submitted as part of the application. **– While security measures were not included in the application, the pool and playground are secured by multiple locked gates and a fence. One shed is within this gated area. Information from the applicant regarding the security of the sheds would help to confirm compliance with this criteria.**

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. **— Compliant – The sheds will be utilized for the storage of various supplies and decoration associated with the club's existing operations. Access will be daily in the summer and minimal during the off season. The sheds comprise a small and minimally intensive part of the overall property.**

VARIANCE FINDINGS: When considering whether to grant a variance for criteria d, the Board should consider the variance standards in Article 2.12, D, 2, b:

Staff is of the opinion that the variance is not substantial. The setbacks for shed #1 are around 85' to Asbury Road and 92' to Ayers Road which are not substantial in the context of the site because there are multiple structures which have been approved within the 100' setback, and the shed does not expand the use area of the site. The setback for shed #2 is right around 100', so a variance may not be required.

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 property is zoned AA residence; however, Coldstream Country Club predates the Township's conditional use standards, and aspects of the property zoning are non-conforming. While the sheds are visible from Asbury Road and Ayers Road and are roughly 15' or less into the setback, there are several other structures in that area of the property which have been granted variances for a setback less than 100'. As such, granting a variance would not alter the essential character of the neighborhood.

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

The property owner's predicament may be feasibly obviated through some method other than a variance. There may have been other feasible locations the sheds to have been located that would not require a variance.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. Shed #1 is within the existing fenced-in area of the pool facility, and the applicant has taken measures to ensure the character of the existing neighborhood is not harmed by this development by using materials which match surrounding structures. Shed #2 is either compliant or is close enough that granting a variance would not infringe on the spirit and intent of the Zoning Resolution.

RECOMMENDED CONDITIONS:

In addition to the standard condition of substantial conformance with the submitted plans, Township staff recommends the following conditions should the Board approve this request:

1. Submission and approval by Township staff of a site plan, drawn to scale, identifying the setbacks to the right-of-way and property lines on the site plan. The site plan shall also include the proposed pool deck expansion.
2. An application for a building permit for Shed #2 shall be submitted to Hamilton County Planning and Development.

STANDARDS TO BE CONSIDERED:

In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 8 as well as the designated specific criteria for specific uses contained in Article 5.4, H.

<u>General Standards in Article 2.12, D, 8, a:</u>

i. Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with purposes.
ii. No adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety and general welfare.
iii. Protection of public services: the proposed used and development should respect, to the greatest extent practicable, any natural, scenic and historic features of significant public interest.
iv. Consistent with adopted plans; the proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.

Specific Criteria in Article 5.4, I 14, c
Swimming and Tennis Clubs - (d), (e), (h), (i), (l), (n), (o,ii), (p,iii), (q), (r), (s), (u), (y)

d. Any structure (except fences), parking area, or storage area shall be setback at least one hundred feet (100') from every property line.

e. Setbacks from any residential property line shall be a minimum of fifty feet (50') for all buildings and twenty-five feet (25') for all parking areas.

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.

i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.

l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.

n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.

o. Landscaping shall be installed in accordance with one of the following buffers:
ii. Boundary buffer of twenty feet (20') with 2.8 canopy trees and eight (8) shrubs per 100 linear feet.

p. Signage shall be regulated as follows:
iii. Subject to sign standards in Article 5.5, F, 4.

q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.

r. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.

s. All exterior lighting shall be directed away from adjacent residential properties.

u. Proposed Security Measurers shall be submitted as part of the application.

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of thetract.

The aforementioned variance requested should be evaluated on the following standards in Article 2.12, D, 2, b:

(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.