

- a) Scott and Jamie Nagy, 1912 Sugar Maple Place, Bellbrook, OH 45305  
Scott: 937-304-9426  
Jamie: 605-695-0707
- b) Insert "Legal description of property; and a site plan based on an accurate survey showing existing and/or future building locations and the locations of building on adjacent properties. This site should be prepared by a registered surveyor attesting to the accuracy of same"
- c) The nature of our variance request centers around adding a swimming pool to our property. We request a variance that allows an auto-cover (that meets all the ASTM requirements) over our pool as an approved additional horizontal barrier--in conjunction with our existing vertical four-foot fence to meet zoning requirements.
- d) Without the variance, we would have to tear down and remove our current four-foot fence only to replace it with a new one—one-foot taller. Doing this seems much less practical, labor intensive, and quite expensive; by installing the auto-cover as an added horizontal barrier to the vertical barrier we already have, we can avoid unnecessary labor and cost.
- 1) An auto-cover proves very safe (as it meets all the ASTM requirements), has an attractive appearance, and improves the value of the pool as a desired feature. Many communities surrounding Bellbrook have already reduced the required fence heights or eliminated fence requirements when auto-covers that meet the ASTM safety requirements are used on swimming pools.
  - 2) The variance we request is substantial to us, as it involves sparing us thousands of dollars going toward destroying and re-installing the fence we already paid for and had installed.
  - 3) The essential character of the neighborhood would not be substantially altered by this variance; and adjoining properties would suffer a substantial detriment during the project--should we have to completely uproot our existing fence, bordering their properties.
  - 4) The variance would not adversely affect the delivery of governmental services such as water, sanitary, sewer or garbage removal.
  - 5) As we did not imagine adding a pool to our backyard when we first purchased the property in 2016, we were not aware of any fencing ordinances that would affect us until now.
  - 6) While our predicament of needing a five-foot fence for our backyard could be solved in another way than this request for a variance, we refer again to "d)" for this answer—that without the variance, we would encounter unnecessary and troublesome labor and expense.
- 7) The spirit and intent behind the zoning requirement would be observed, as we would have two barriers rather than just one: both a horizontal and a vertical barrier. We stand in complete agreement with the spirit and intent of the zoning requirement to protect our neighbors. Substantial justice would be done towards us by saving us thousands of dollar and the stress of unnecessary work and expense—and by recognizing our desire to not dismiss the zoning requirement, but to meet it in an alternative manner.