




Staff Report

Subject: 2nd Reading- Zoning Map Amendment
Author: Kimberly Barlett, Senior Planner
Department: Development Services
Meeting Date: September 16, 2025
Item Description: **April Relf as agent for April & Joe Anderson** requests approval for a **variance** from Section 3.41.3 to allow for a reduction in the required minimum setbacks for a pool in PD. Located at 107 Broken Bit Circle. **[Map# 416A Parcel# 267]**

Executive Summary/Background

- Pursuant to Appendix B-Subdivision regulations Article IX-Variances, Section 9.1, variances may only be granted if the following findings are made: *When, due to a particular hardship experienced by an owner of a tract of land such as inadequate size, shape, drainage, etc., it is impractical for a developer to comply with these regulations, the board of commissioners may vary such requirements provided the intent and purpose of these regulations are not violated. The board of commissioners shall not grant such variances unless it finds based on the evidence presented to it in each specific case that : A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and; b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and; c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and; d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.*
- The request for approval of a **variance** is a requirement of **Article III- Section 3.41.3 Swimming pools, private community, or club.**
- The applicant is requesting a reduction in the required minimum setbacks for a pool. The current setbacks for a pool are ten feet from the water's edge to any property line and ten feet from any dwelling.
- The applicant is requesting 5 feet from the rear property line, 2 feet from the side property line, and 3 feet from the dwelling. The pool has a layout of 29x11.
- The property is currently located on a 0.20-acre lot zoned PD, in the Belmont Glen subdivision.
- The pool installation began in July 2021 and was completed in May 2022. It was later discovered that the original permit listed the homeowner as the applicant and included inaccurate measurements from the rear of the home to the property line. The homeowner asserts that he was unaware the permit had been submitted under his name and with false information.
Following the completion of the installation, the homeowners have been left with a pool that presents multiple critical issues. These include:
 - Improper pitch on the concrete decking, resulting in flooding into the home and adjacent outdoor shed
 - Low spots that collect standing water ("birdbaths")
 - Excessively steep areas on the deck that are not functional

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- A failing wood retaining wall constructed to elevate the pool near the property line

Given the extent of these issues, the homeowner is requesting that the current pool structure be demolished and rebuilt entirely within the existing footprint. Although the original permit was intended for a remodel, a variance is now required in order to retain the current configuration while correcting the structural deficiencies and ensuring the safety and usability of the space for the residents.

Determination:

Staff has reviewed the application, and it is complete.

Department Review: Development Services
N/A

FUNDING:

Attachments: 1. Zoning Map Amendment