



BOARD OF ZONING APPEALS STAFF REPORT

To: Board of Zoning Appeals Members

From: Elizabeth Fields, AICP, Planner
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Meeting Date: June 8, 2026

BZA 26-06 212 W. 8th Street – Variance Request Regarding the Location of a Swimming Pool

Property Information: Location: 212 W. 8th Street
Zoning: TN-2 Transitional Mixed Use District
Property Use: Single Family Dwelling
Existing Setbacks: three feet along the side and rear property line
Required Setbacks: 10 feet from the side or rear property line

Variance Request: The applicant, Sarah Conner, is requesting a variance from the following section of the City’s Unified Development Ordinance (UDO):

Section 1107.11(x)(1)(B): All swimming pools or parts thereof shall be located in the rear yard, shall be at least ten feet (10') from the side or rear line of the lot or parcel upon which it is situated, and shall be at a distance 10 feet greater than the building setback line as fixed by the UDO from any street on which such lot or parcel abuts. The area of the swimming pool proper, including decks, walks and other appurtenances, shall not exceed the percentage of lot area specified in Section 1107.19(a)(4).

Comments: The swimming pool is set back three feet (3') from the side and rear lot lines. A seven foot (7') variance is required for the side and rear yard setback requirements.

Project Overview:

The applicant, Sarah Conner, is requesting a variance to reduce the minimum side and rear yard setbacks required for an accessory swimming pool at the property located at 212 W. 8th Street within the TN-2 Transitional Mixed Use District.

The proposed variance arises from the applicant's request to keep the existing above-ground swimming pool in its current location near the southeast corner of the property. According to the applicant, the request to maintain the current placement is necessary to maximize the usable backyard area. The pool measures approximately 23.75 feet in width, which would leave roughly 10 feet of clearance on either side if centered within the backyard. However, based on preliminary measurements, it does not appear that the pool could be relocated in a manner that complies with the required rear yard setback while remaining on the property due to the location of the existing garage.

As part of the application materials, the applicant submitted a letter of support from neighboring property owner to the west, Carrie Million, in support of the requested variance. The applicant also noted that the adjacent property nearest to the pool location to the east is currently condemned and vacant.

Comments:

Variance General Standards for Approval:

Standards for Approval: Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variances shall only be granted if the Appeals Board finds that all of the following standards are met:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.).

The size and dimensions of the property are consistent with other properties located on the southern side of W. 8th Street. While the location of the garage is consistent with the neighboring property at 220 W. 8th Street, it is set back slightly further than other properties on the same blockface (120 and 124 W. 8th Street).

2. The special conditions or circumstances that exist did not result from the actions of the applicant.

The circumstances related to the location of the detached garage were not created by the actions of the applicant. However, the placement of the above-ground swimming pool in its current location was the result of the applicant's actions.

3. There cannot be any beneficial use of the property without the variance.
Without the variance, there would still be beneficial use of the property as a single-family dwelling.
4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.
The variance is not substantial and is the minimum relief necessary to allow for the current pool in it's existing location.
5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.
The requested variance represents the minimum relief necessary to allow the existing above-ground swimming pool to remain in its current location. Based on the dimensions of the lot and the location of the detached garage, compliance with the required setbacks would likely require removal and replacement of the existing pool with a smaller pool capable of meeting the setback requirements.
6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance.
The essential character of the neighborhood will not be substantially impacted.
7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.
Governmental services will not be impacted.
8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.
While the requested variance is not fully consistent with the general purpose and intent of the setback requirements, approval of the variance would not otherwise appear to be detrimental to the public health, safety, or welfare.
9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.
Granting the variance would allow a special privilege to be conferred upon the applicant.