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## MEMORANDUM

**TO:** Howey-in-the-Hills Town Council  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** 414 Amola Way Swimming Pool Variance  
**DATE:** August 29, 2022

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The property owner at 414 Amola Way in the Talichet subdivision has applied for a variance from the 10-foot rear yard setback for swimming pools to allow the construction of a pool and pool deck to extend into the required rear yard. The Planning Board conducted a public hearing on the requested variance at their regular meeting of August 25, 2022. The Planning Board reviewed the application submitted by the property owner and the staff report, both of which accompany this report.

The Planning Board recommended a variance of five-feet to allow for construction of the pool and pool deck with the specific requirement that the applicant avoid impacting the five-foot utility and drainage easement that runs along the rear lot line of the property. The applicant has been directed to submit a revised design for the pool and pool deck showing the location of the pool and pool deck relative to the drainage and utility easement. With regards to the staff recommendation to relocate or replace the required trees in the rear yard, the property owner testified that he has already transplanted the trees to other locations on the lot.

The Town Council has the option to deny the variance, approve the variance as recommended by the Planning Board or approve a variance with other limitations and conditions. It is important to remember that encroachment into the existing drainage and utility easement should not be allowed unless the easement is vacated. The easement is an essential element of the drainage system for the Talichet subdivision and interest in the easement is held by the property owners' association for the benefit of all the property owners in the subdivision.