

Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Recommendation

Approve a 5-foot Building Line Variance for the swimming pool contingent on:

- No raised planting beds, decking or other elements between the pool and the fence
- Contractor to submit a drainage plan demonstrating how runoff will not be redirected on the lot behind the 128 Dina Lane.

Discussion

(tabled at the April 28, 2023 meeting for lack of voting members in attendance)

City Council reviewed a variance request for this proposed swimming pool from the owner of 128 Dina Lane last month at the March 28th meeting. The request was for an encroachment of approximately 8-feet into the 10-foot rear yard setback. The homeowner has revised the variance request and resubmitted it for consideration by City Council. The revisions include:

- Encroachment of 5-ft into the rear building line (3-ft reduction from previous request).
- Provide drainage behind the pool and ensure that no runoff is redirected to the adjacent lot.

Information from the March agenda report:

Residential lots in the city are required to have a 10-foot rear yard. Given the pool does not project above the fence line and the backyard of 128 Dina Lane abuts the side/front yard of the lot behind it, staff does not object to the variance request. However, the slope of the lot means storm runoff drains from right to left. Staff recommends requiring a minimum of 5-feet between the pool and the rear property line to allow room for drainage behind the pool. Staff also recommends the contractor submit a drainage plan that demonstrates that runoff will not be redirected to the lot behind the pool. Compliance with the drainage plan will be reviewed at the pool final inspection.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/03/2023
City Administrator	Gary Palmer	Date: 05/03/2023