

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

THE PROPOSED POOL WILL BE FENCED FOR SAFETY. THERE ARE NO OTHER SAFETY ISSUES RELATED TO THIS VARIANCE.

2. Explain how the variance will not alter the essential character of the general vicinity.

THE GRANTING OF THIS VARIANCE WILL NOT CHANGE THE CHARACTER OF THE VICINITY SINCE NO ~~TREES~~ TREES WOULD BE REMOVED. THE PROPOSED POOL CANNOT BE SEEN FROM LONG RUN ROAD OR MERRIMONT RIDGE ROAD.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

THE PROPOSED POOL CANNOT BE SEEN OR ACCESSED FROM LONG RUN ROAD AS IT IS 30 FEET HIGHER IN ELEVATION AND IS SCREENED BY TREES. THE POOL ITSELF WILL BE FENCED AND LANDSCAPED.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

THE POOL IS BEING PLACED AS CLOSE AS POSSIBLE TO THE HOUSE TO MINIMIZE THE ENCROACHMENT.

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Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

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2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Will the waiver adversely affect adjacent property owners?

NO. NONE OF THE EXISTING TREES WILL BE REMOVED. THE POOL CAN ONLY BE SEEN FROM THE REAR YARD OF ADJOINING PROPERTIES. THE POOL CANNOT BE SEEN FROM MERRIMONT RIDGE ROAD OR LONG RUN ROAD.

2. Will the waiver violate the Comprehensive Plan?

~~THE WAIVER~~
BY GRANTING THIS WAIVER, NONE OF THE EXISTING VEGETATION WILL BE REMOVED. THIS POOL AREA CANNOT BE SEEN FROM LONG RUN ROAD AS IT HAS THICK TREES AND BRUSH AND IS 30 FEET HIGHER THAN THE ROAD. THERE WILL BE NO CHANGE IN SCENERY.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

THE POOL IS BEING PLACED AS CLOSE TO THE HOUSE AS POSSIBLE TO MINIMIZE THE ~~AREA~~ THE ENCROACHMENT INTO THE BUILDING SETBACK / SCENIC AREA.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

EVEN THOUGH NONE OF THE EXISTING TREES WILL BE REMOVED, THE OWNER PLANS TO LANDSCAPE THE AREA AROUND THE POOL, THEREBY INCREASING THE AMOUNT OF LANDSCAPING.

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