

Variance Justification

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

The variance will not affect the public health, safety or welfare because we always follow local building codes. There will be 48' tall, black powder coated aluminum fence, with no openings greater than 4", self closing and latching gates as per code.

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

The variance does not alter the feel of the vicinity or neighborhood because there are already quite a few pools in rock springs. At least 15 show up when looking through google.

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

Through fencing and professional landscaping on the property, the variance will not be a hazard or a nuisance to the public.

4. Explain how the variance will not allow an unreasonable circumvention to the requirement of the zoning regulation.

The zoning regulation requires a 30' setback to the side street. The pool is positioned so there is still an almost 20' setback from the pool to the side street.

Additional Considerations

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

Due to the fact that my clients house sits on a corner lot, they have setbacks on two sides of the lot from two streets. They also have a sewer & drain easement along the rear of the property. We were aware of the easement and took measures to stay out of the easement. We were not aware of the 30' setback to Rock Ridge Drive nor was it shown on the plot plan that I used for the permitting process which included HOA approval, MSD and the health department. Only then can you submit it to Construction review for permitting.

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.

The gunite swimming pool would be deemed inappropriate and would have to be taken out at a huge loss financially to my clients. They have paid for more than half of the contracted price.

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

We used every and best business practices to get this building permit. We first went through the HOA for approval. They only asked that we add some more landscaping to create more privacy, which my clients were happy to accommodate. Getting a building permit for a swimming pool requires quite a few steps. After drawing the pool location on a legal plot plan with a surveyors stamp, it must be reviewed by an MSD employee. When they approve that it is not in an easement, it next goes through the Health Department to see if the home has a septic system or it is on sewers. If the house is on a septic system the pool builder is required to get the system mapped before approval. This client is on sewers so it was approved and went on to construction review. It was approved and we started construction. I even had a surveyor stake the property so that we would not encroach on the MSD easement. That survey by Bill Schroll is the one that does show the 30' setback and made me aware of it after the fact that the swimming pool was constructed.