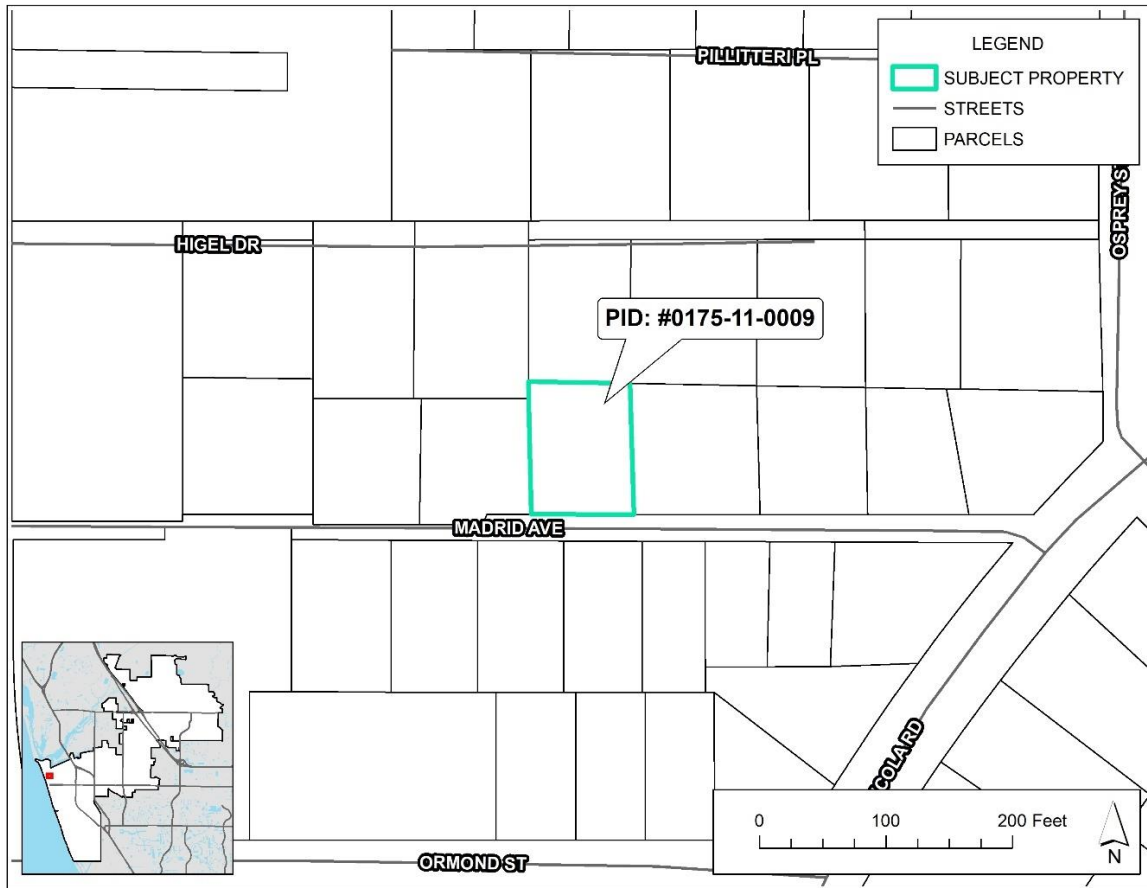


23-61VZ 816 Madrid Ave

Staff Report



GENERAL INFORMATION

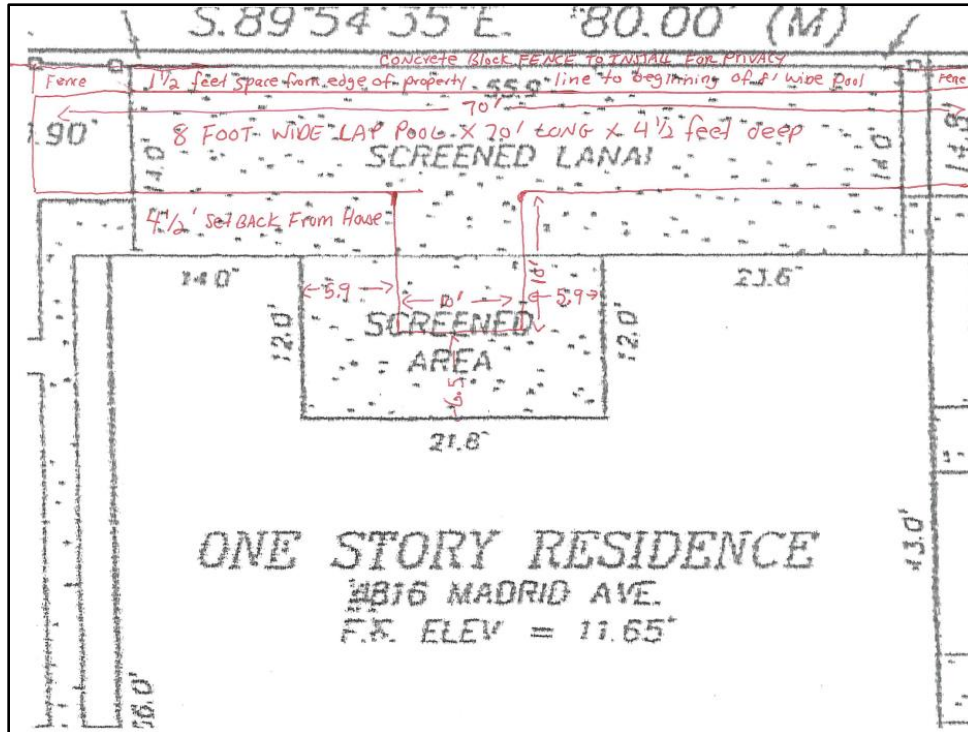
Address:	816 Madrid Ave
Request:	Request for Variance for a Lap Pool
Owner/Agent:	Michael Parsons and Ronnie Appling
Parcel ID:	0175-11-0009
Parcel Size:	.19 ± acres
Future Land Use:	Low Density Residential
Zoning:	Residential Single Family (RSF-3)

I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is located at 816 Madrid Ave. The applicant is requesting relief from Chapter 87 Section 3.1.9.C.1 to have a lap pool that is located closer to the side or rear property line. The proposed project area currently has a concrete patio and cage structure that was part of the original construction.

The home owner has suffers from sciatic attacks and the pool would provide the applicant with the ability to swim which would relieve symptoms by providing physical therapy and mitigating pain. The request is to have the lap pool directly along the rear of the property approximately 1.5' from the edge of the property.

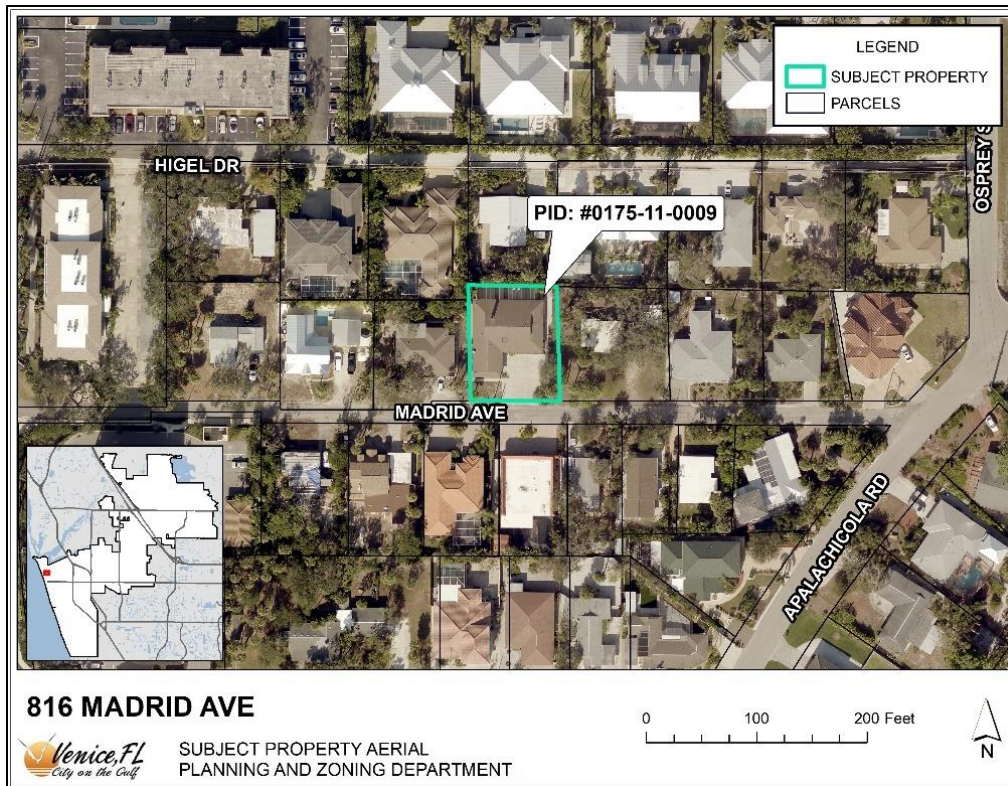
Site Plan



Site Photographs



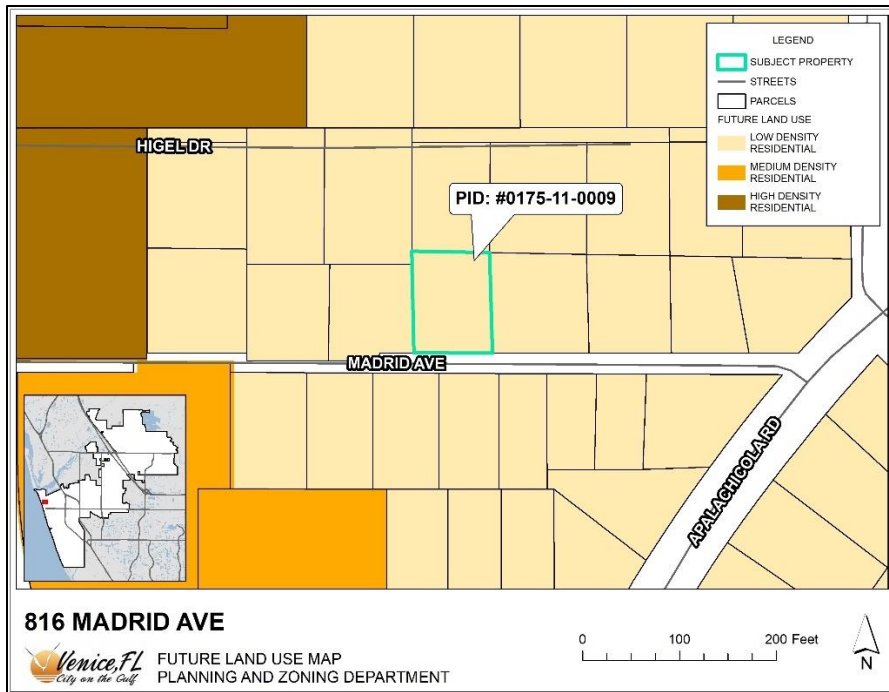
Aerial Map



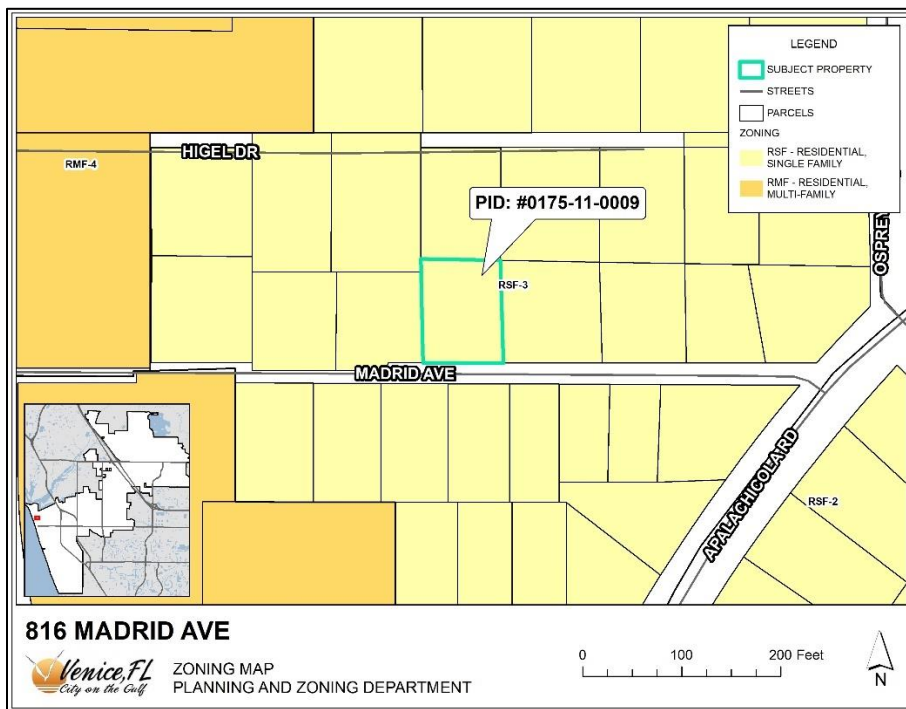
Future Land Use and Zoning

This property is surrounded by the same Low Density Residential Future Land Use (FLU) designations. It is also surrounded by the same Residential Single Family (RSF-3). The property is not within an Architectural Control District.

Future Land Use Map



Zoning Map



II. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Chapter 87 Section 1.2 concerning receipt of written petition, notice of public hearing and scheduling of hearing have been satisfied. Chapter 87- Section 1.13.3 specifies that the Planning Commission shall, based upon substantial and competent evidence, make an affirmative

finding on each consideration in granting a variance application or find that variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:

- 1. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

Applicant's Response: *"The particular physical surroundings, shape, topographical condition, or other physical environmental condition of the specific property involved would NOT result in a particular hardship upon the owner or surrounding owners, as distinguished from a mere inconvenience, if the variance were to be carried out."*

- 2. The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity.**

Applicant's Response: *"The condition upon which the request for a variance is based are unique to the parcel, in that the yard is only 14 feet from the edge of the existing house structure to the rear property lone, and would not be applicable, generally, to other property within the vicinity, in that most have deeper yards/setbacks. ."*

- 3. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application.**

Applicant's Response: *"The variance is not based on any conditions including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application."*

- 4. The alleged hardship has not been created by any person presently having an interest in the property or, it was it was created as a result of a bona fide error.**

Applicant's Response: *"There is no alleged hardship to this variance request to owner's knowledge."*

- 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.**

Applicant's Response: *"The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity."*

- 6. The variance granted is the minimum variance that will make possible the reasonable use of the property.**

Applicant's Response: *"The variance granted is the minimum variance that will make possible the reasonable use of the property as requested."*

- 7. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.**

Applicant's Response: *"The property cannot be put to a reasonable use (in-ground lap pool) which complies fully with the requirements of the Code unless the variance is granted."*

Summary Staff Comment: The responses provided here are sufficient to allow the Planning Commission to take action on the subject petition.