

## VARIANCE CRITERIA RESPONSES

1. What are the special conditions and circumstances that exist that are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district?

The pool is already under construction. It was permitted and approved by the County. After substantial investment and progress, the County informed us the permit was issued in error due to an encroachment into the front yard setback. Without the variance, we would face the hardship of demolishing or significantly redesigning an already-permitted and partially-built structure, which would impose a substantial and unfair burden not caused by us.

Additionally, unlike most homes in the zoning district, this property does not have enough room in the rear yard to accommodate a swimming pool. Due to the placement of the home in the far back corner of the lot and the septic system occupying the front yard, the side yard is the only feasible location for a pool.

2. How are the special conditions and circumstances that exist not the result of the actions of the applicant?

Prior to designing, engineering and beginning construction of the pool in its current location, we called the County for setbacks and designed and engineered the pool to fall within those quoted setbacks. The plans and drawings with the current location of the pool site were approved by planning and zoning and the building department and a permit was issued. This was an administrative error and not the fault of the homeowner. Construction was commenced and a significant investment has been made not due to the fault of the homeowner.

The location of the home and septic tank were pre-existing when the lot was purchased. These are inherent aspects of the property and are not the result of any action by the homeowner.

3. How would the granting of the variance request not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district?

We obtained a valid building permit from the County and began construction in good faith. This situation does not apply generally to others in the same zone who have not been granted — and then retroactively rescinded — a permit. Additionally, the placement of our home in the far back corner of our lot and the placement of our side door into our home makes alternative pool placements infeasible

4. How would the literal interpretation of the zoning regulations deprive the applicant of rights, commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant?

Literal interpretation would cause undue financial and practical hardship, as it would require us to halt or remove a structure that was legally permitted and substantially built in good faith. This would impose costs and losses far beyond those normally associated with zoning compliance, especially since the issue arose from an administrative error, not action on our part.

5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?

The project is already under construction. Relocating or redesigning the pool at this stage would involve significant demolition, cost, and waste. Alternative placements are limited by the door leading from the driveway into our home and the side yard setback requirements make changing to a compliant design infeasible or substantially less functional

6. How would the granting of the variance be in harmony with the general intent and purpose of the zoning regulations and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

Granting the variance will not negatively affect neighboring properties. The pool is consistent with residential use, will be aesthetically landscaped, will be blocked from view, and poses no safety, noise, or visibility concerns. Neighboring properties will be buffered by fencing and landscaping, and we've received no objections from adjacent homeowners. In fact, we have letters and a petition showing the support of our neighbors.

The purpose of the setback is to preserve neighborhood character, visibility, and spacing between structures. The pool, while technically within the front setback due to the property's layout, does not violate the spirit of the code. It is not a habitable structure, it is low-profile, and it does not crowd the street or affect the look and feel of the neighborhood.