

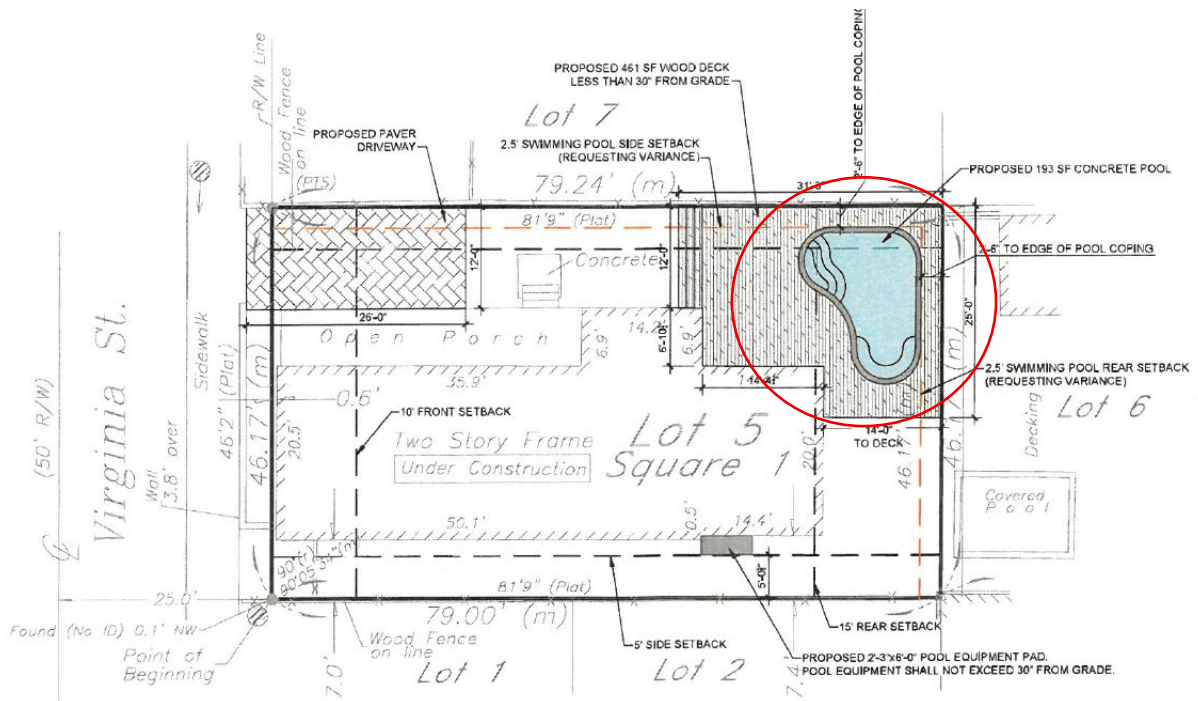
Background & Request

The subject property is a 3,553.7 square-foot parcel located at 1208 Virginia Street, within the HMDR Zoning District. The site is currently developed with a two-story single-family residence. The applicant is requesting a variance to add a pool in the rear of the home. The pool will have rear and side yard setbacks of just 2.5 feet, and fails to meet minimum open space requirements.

SITE DATA

Zoned	Permitted	Existing	Proposed	Variance?
Lot Size	4,000 sq. ft. MIN	3553.7 sf sq. ft.	No Change	
Building Coverage	35% MAX	45.2%	45.2%	No Change
Impervious Surface	60% MAX	3.7%	16.4%	No
Open Space	35% MIN	52.4%	28.1%	Yes
SETBACKS				
Front Setback	10'	0.6"	No Change	No
Side Setback	5'	5'	No Change	No
Side Setback	5' Accessory	N/A	2.5 (Pool)	Yes
Rear Setback	5' Accessory	N/A	2.5 (Pool)	Yes

Existing / Proposed Site Plan



Process:

Planning Board Meeting:

November 20, 2025

Local Appeal Period:

10 Days

Planning renders to DOC for review:

Up to 45 days

Staff Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

There are no special circumstances which exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

There are no special conditions or circumstances that exist.

NOT IN COMPLIANCE

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

Granting the variance would confer on the applicant the ability to decrease open space, and encroach into the rear and side setback which is not permitted for other properties in the same zoning district.

NOT IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same site requirements.

NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is not the minimum variance that will make possible the reasonable use of the land, building or structure. The applicant could propose a smaller pool in compliance with the setbacks and site data.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

IN COMPLIANCE

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing nonconforming uses of other properties are not the basis of this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

As of November 12th, staff have received one letter of objection and no letters of support for this item.

Recommendation:

The variance request to the minimum required accessory rear yard setback, accessory side yard setback, and minimum open space requirement in order to build a pool at the property located at 1208 Virginia Street does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance be **DENIED**.

If the Planning Board chooses to approve the variances, the Planning Department recommends the following conditions:

General Conditions:

1. The proposed work shall be consistent with the attached signed and sealed plans on July 9th, 2025 by Alexander N. Fernandez, PE.