

## **STAFF REPORT**

### **ON AN APPLICATION FOR THE FOLLOWING:**

**ZBZA-2026-0004**: An application from Connie Robertson requesting a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 181 feet for an 18-foot above-ground pool, to be located at 1072 N. 1200 Rd.

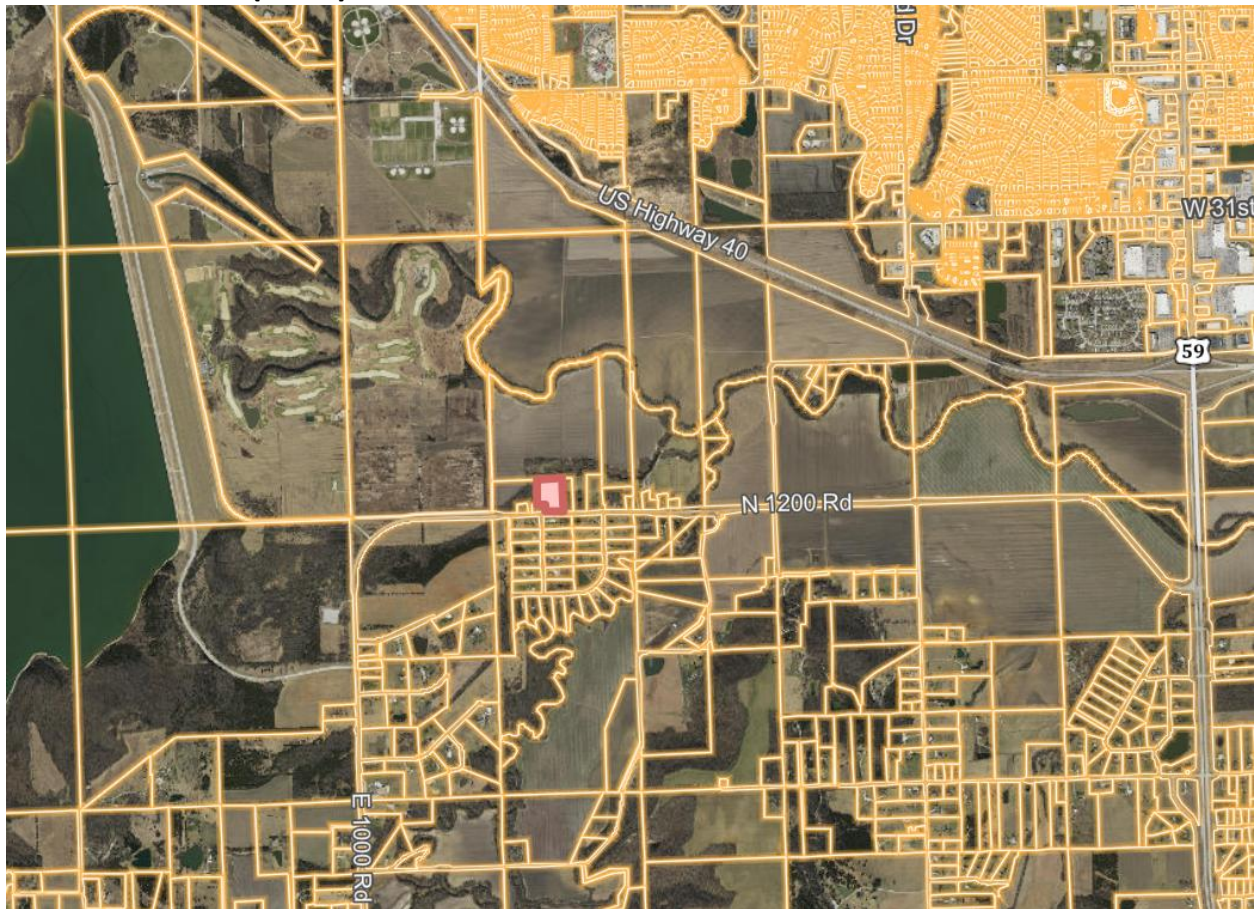
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|--------------------------------------|-----------------------------------------------------------------------|
| <b>APPLICANT/OWNER:</b>              | Connie Sue Robertson                                                  |
| <b>LOCATION:</b>                     | 1072 N. 1200 Rd (Plate № 800952A)                                     |
| <b>AREA:</b>                         | 6.58 acres                                                            |
| <b>DATE OF PUBLIC HEARING:</b>       | Monday, August 17, 2026, 10:00 AM.                                    |
| <b>DATE PUBLIC NOTICE PUBLISHED:</b> | July 28, 2026                                                         |
| <b>PRESENT ZONING AND LAND USE:</b>  | Ag-2 – Transitional Agricultural; Detached single-family dwelling use |

### **SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:**

- **12-303-2.04 Dimensional Standards**: Establishes a minimum front/exterior side setback from a principal arterial road of 210 feet.

### **DESCRIPTION OF VARIANCE REQUESTED:**

The subject property, located at 1072 N 1200 RD., is approximately 6.58 acres in size and is developed with a detached single-family dwelling, built in 2005, and two outbuildings. The buildings on the property were built prior to current setback requirements and have legal-nonconforming status. The applicant is proposing an above-ground swimming pool to be located adjacent to the residence, within the required front setback. This property has previously been approved for a Boat/RV Storage (CUP-19-00413) and Vacation Rental CUPs (CUP-19-00415).

**VICINITY MAPS (2024)****STANDARDS FOR VARIANCES:*****Criteria supporting approval:***

- A. That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by this Resolution and not by an action or actions of the property owner or the applicant

The subject property is approximately 6.58 acres in size and is developed with a legal-nonconforming residence, built in 2005, prior to current setback requirements. The parcel in its current configuration has existed since 2005. Subdivision of parcels of this size are no longer permitted, and as such, the lot is also considered legal-nonconforming.

The property slopes down to the north, where a creek is located. The septic lines and underground utilities are located to the East of the residence. The creek, slope, mature trees, and utilities further limit the developable area of the property.

**B. Granting the variance would not adversely affect the rights of adjacent property owners or residents**

The applicant is proposing an above-ground swimming pool adjacent to the residence. The addition of a swimming pool, accessory to a single-family residence, is permitted in the AG-2 District. Granting of the Variance is not anticipated to adversely affect the rights of adjacent property owners or residents.

**C. The strict application of the regulations for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application**

The AG-2 Zoning District is intended for lots with areas between 10 and 19.9 acres. The subject property is approximately 6.58 acres in size and is developed with a legal-nonconforming residence, built in 2005, prior to current setback requirements. The property slopes down to the north, where a creek is located. The septic lines and underground utilities are located to the East of the residence. The creek, slope, mature trees, and utilities further limit the developable area of the property.

The applicant intends to install an above-ground swimming pool, as proposed within the required front yard, adjacent to the existing residence. The typical location for a pool similar to the one proposed is adjacent to a residence. Strict compliance with the regulations would require the pool to be further from the house or interfere with underground utilities. Pools similar to the one proposed are common in the neighborhood. As such, the owner of the subject property is limited in their ability to use their property in a manner consistent with their neighbors.

**D. The variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare**

As previously stated, the proposed pool will be accessory to the residential use and is permitted in the AG-2 Zoning District. The property is subject to all other zoning requirements, which are intended to uphold health, safety, and welfare.

**E. Granting the variance desired would not be opposed to the general spirit and intent of these Regulations**

The front setback is intended to limit roadside distractions and provide space for future road improvements. Currently, there are trees along the road that are intended to remain in place, which serve to partially screen the existing house from the road. Additionally, the proposed pool will be adjacent to the existing residence, not increasing the extent of the nonconformity. A distance of 181 feet from the center of the road will be maintained at the closest point of the pool. The front plane of the existing house is approximately 172 feet from the center of the road. Buildings on nearby properties also appear to be within the required setback.

**PUBLIC COMMENTS:**

One resident reached out asking for the packet link and more information.

**AGENCY COMMENTS:**

None received as of August 17, 2026. Additional comments may be pending.

**STAFF RECOMMENDATIONS**

Staff recommend approval of a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 181 feet for a proposed pool accessory to a single-family residence, to be located at 1072 N 1200 RD., with the following stipulation:

1. This variance shall apply only for the pool accessory to the single-family residence, per the submitted plans. Any further development of the property shall satisfy the setback requirements, or another Variance shall be obtained from the Board of Zoning Appeals.

Prepared by: Amaya Dajani, AICP Candidate, Zoning Technician

Date: July 28, 2026

# APPENDIX I:

## Applicant Responses (Verbatim)

1. Describe the proposed project and explain why a Variance is requested. The explanation should be in sufficient detail for the BZA to completely and clearly understand the project.

I am requesting a variance to install an above-ground pool within the front setback. The existing house is approximately 172 feet from the center of the road. I am proposing to install the pool to the west of the house, approximately 181 feet from the center of the road.

2. Explain why the granting of the Variance will not adversely affect the rights of adjacent property owners or residents.

The proposal is for an above-ground pool, similar to others in the area. No adverse impacts on neighbors are anticipated.

3. Explain why the Variance requested arises from a condition, or conditions which are unique to the property in question and which are not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.

The property slopes to the north and is largely wooded. The property was developed prior to the adoption of current setback requirements.

4. Explain why the strict application of the provisions from which a Variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

*(The BZA cannot consider economic hardship).*

Strict compliance with the zoning regulations would require installing the pool further from the house or in an area that would conflict with the septic system and underground utilities.

CUPs have previously been approved for a vacation rental use and a boat storage use. Requiring the pool to be further back from the house would conflict with the boat storage area.

5. Explain how the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The proposal is for an above-ground pool, similar to others in the area. No adverse impacts to public health are anticipated.

6. Explain why granting the Variance will not be contrary to the general spirit and intent of the Zoning Regulations.

The proposed pool will remain behind the front plane of the house. Existing trees are to remain and limit visibility from the neighbors.

## APPENDIX II: SITE PLAN

