



Legislation Details (With Text)

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**On agenda:** 9/20/2022      **Final action:**

**Title:** Pass the ordinance granting a variance to permit a lockable spa cover and waive the additional barrier requirement for 2515 Pine Cone Court

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - BRB Case #110, 2. BRB Application - 2515 Pine Cone Ct, 3. BRB Minutes 061522 - DRAFT

Date	Ver.	Action By	Action	Result
9/20/2022	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to permit a lockable spa cover and waive the additional barrier requirement for 2515 Pine Cone Court

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Peter Zibble, Operations Manager

**BOARD/COMMISSION REVIEW:**

The Building Review Board (BRB) considered this matter on June 15, 2022. Following the presentations made by staff and the applicant, the Board asked a few questions confirming the details of the lockable cover and the installation of security cameras on the house. There were no public speakers. The BRB voted to recommend approval of the variance with the caveat that a camera would be trained on the area of the spa. (Approved, 5-0). Staff concurs.

**BACKGROUND:**

The City amended the 2018 International Pool and Spa Code (IPSC) to require barriers for all pools and spas regardless of whether or not they are equipped with a lockable safety cover. The one exception provided in the amendment is for spas or hot tubs that are pre-manufactured, self-contained units equipped with lockable safety covers. Such spas or hot tubs were excepted because they are above-ground and are significantly more difficult to enter even if inadvertently left uncovered. The resulting barrier requirement for all other aquatic vessels is generally satisfied by a fenced yard.

The applicant is seeking a variance to the City's local amendment and requesting that an in-ground spa with lockable cover be permitted, but that the additional barrier requirement (i.e., fence) be waived. The applicant argues a hardship due to HOA restrictions on fences in the neighborhood.

**DISCUSSION:**

The applicant provided the following narrative describing the proposed improvements:

*Due to the fact that our HOA does not allow fencing, we are requesting that in lieu of a fence we are allowed to install a hot tub with a secure electronic cover. Specifically an ASTM-1346 approved automatic/electric cover. The ASTM-1346 is an electric cover that has a 4 digit code that is required to open it. It can also withstand 285 pounds of weight. It can be closed in 30 seconds to completely secure the hot tub. Our installer Swim Shack, has researched and learned that municipalities in our surrounding area allow these covers on hot tubs without requiring a fence. This hot tub is not a free standing self-contained unit. The hot tub will partially be in the ground, only raised above the ground approx. 16-18". It will have a 14" capstone around it. The stonefinish around the hot tub will match the stone work on our home and outdoor grill area. The hot tub equipment will be located in the basement of the home with a shut off outdoor by the hot tub. It is our plan to equip the hot tub with a powered automatic cover that meets ASTM-1346. This is significantly more secure than any other hot tub cover that would be on a free standing unit. Though this hot tub isn't as high off the ground as a free standing spa, with this cover, it is significantly safer and more secure. The freestanding hot tub covers can literally be opened by anyone. This electric cover can only be opened if you know the 4 digit code to operate the cover. We have a beautifully landscaped yard that meets all our HOA requirements. Due to the HOA no fencing requirement, I specifically hired Swim Shack to install the hot tub and research the safety of a proper cover.*

Staff has no objection to the variance request.

**FISCAL IMPACT:**

N/A