



## Legislation Text

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File #: 19-847B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance to permit a detached accessory structure to enclose the existing pool for the property located at 1291 Leverenz - PZC 19-1-087.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on September 4, 2019 and voted to recommend approval of the case (Approved 8,0). Staff concurs.

#### **BACKGROUND:**

The subject property, 1291 Leverenz Road, is generally located on the northwest side of Leverenz Road approximately 221 feet northeast of the intersection of Leverenz Road and Waupaca Court, and is zoned R1A (Low Density Single-Family Residence District). The property is approximately 0.23 acres and is currently improved with a single-family residence with an attached patio surrounding a detached, in-ground pool. The City issued a pool permit for the property in 1998 which precedes the current petitioners and owners, Dhimitraq and Monika Marko.

#### **DISCUSSION:**

Section 6-2-10:5 permits detached accessory structures to cover a maximum of 25% of the required rear yard. The required rear yard is the area included within the 30' required rear yard setback. For the subject property, the required rear yard is 2,075.26 square feet in size thereby permitting a maximum of 518.8 square feet of detached accessory structure area.

The existing pool was approved by the City in 1998. A portion of the pool's footprint encroaches into the required rear yard but does not exceed the 25% allowance. It should be noted unroofed patios under 500 square feet in size are exempt from inclusion in the rear yard coverage calculation. The petitioners are proposing to enclose the pool and a portion of the surrounding patio within a detached accessory structure. Due to maintaining a 4' gap between the walls of the proposed structure and the edge of pool, the structure's footprint in the required rear yard exceeds the threshold of 518.8 square feet by 68.2 square feet. The proposed pool enclosure complies with all other accessory structure requirements including the required 5' rear and side yard setbacks, not exceeding the footprint of the primary structure, and meeting the maximum height per the attached site plan and elevations.

Staff has reviewed the proposal and found that it does not increase the impervious area compared to existing conditions. Staff also found that with the removal of the larger shed and relocation of the pool equipment into the proposed structure, the amount of open space actually increases. The

petitioner also revised the proposal to keep the structure detached from the house in order to mitigate the number of variances being sought. Letters of support from adjacent neighbors can be found in the attachments. Given these reasons, staff is supportive of the requested variance.

*Findings of Fact*

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff is in agreement with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

**Planning and Zoning Commission Action**

The Planning and Zoning Commission conducted the public hearing for PZC 19-1-087 at their meeting on September 4, 2019. No members of the public provided testimony. Following limited questions regarding adjacent neighbor approval and building code requirements, the Planning and Zoning Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 19-1-087 (approved 8, 0). Staff concurs with the Planning and Zoning Commission's recommendation.

**Key Takeaways**

- The petitioner is requesting approval of a variance to allow for a detached structure to enclose the existing pool on the subject property that exceeds the maximum 25% lot coverage in the required rear yard by 68.2 square feet.
- Staff is in support of the variance request given the existing conditions and decrease in overall lot coverage.
- The Planning and Zoning Commission recommended approval of the variances at their meeting held on September 4, 2019 (approved 8,0). Staff concurs.

**FISCAL IMPACT:**

N/A