

Variance Request To Exceed The Maximum Building Height Of An Accessory Structure By 4 Feet - 8 Inches (F.Z.O. 3.10.7), and To Exceed The Maximum Height Of 6 Feet For A Rear Or Side Retaining Wall at 1414 Amesbury Lane. (F.Z.O. 13.2.4).

Ms. Hensley stated the subject parcel is located at 1414 Amesbury Ln. in the Preserve at Echo Estates subdivision. Ms. Hensley stated the applicant wishes to build a new accessory structure and pool in the rear yard of the property and as proposed, the two-story accessory structure would be 4 ft 8 in taller than the highest point of the principal building, or approximately 6 ft 6 in higher than the FFE of the principal building. Ms. Hensley stated the overall pool design includes a grotto, where the retaining wall is proposed. Ms. Hensley stated the retaining wall is proposed to be 7 ft to accommodate a required interior head clearance for the pool grotto.

Ms. Hensley stated the BZA may authorize a variance only when the request has met all three criteria in accordance with F.Z.O §20.10.6 and State law. Ms. Hensley stated staff has completed an analysis of the request in light of these criteria and stated the following:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such a piece of property is not able to accommodate development as required under this Ordinance.

The subject property, located on Amesbury Lane, does not present a case of exceptional narrowness, shallowness, or shape. However, the property does have an approximately 15 ft elevation change from the rear retaining wall to the drainage easement in the rear yard. The applicant is seeking to develop the pool and pool house in this portion of the property. Because of the significant slope upwards toward the rear of the property, staff believes this represents an exceptional topographic condition and this criterion is met.

2. The strict application of any provision enacted under the Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property.

The applicant describes the 15 ft elevation change as the reason the height of the pool house will be greater than the height on the principal structure. However, the number of stories and the pitch of the proposed pool house roof, combined with the chimney, add to the height of the structure. The proposed pool house is approximately 4 ft 8 in taller than the highest point of the principal building. From the FFE, the proposed pool house would be 6 ft 6 in higher than the principal building. If the pool house were designed as a one story or a one-and-a-half story building, it could likely meet the Zoning Ordinance standards.

Therefore, staff believes this criterion is not met for the accessory structure.

The proposed retaining wall is integrated into the overall pool design. While it is a retaining wall by definition, the proposed retaining wall does not serve the same purpose as the walls described in the Zoning Ordinance. The building code requires a 7 ft minimum head

clearance for the grotto for public safety, while the Zoning Ordinance has a 6 ft height maximum for the wall.

Staff believes this is a practical difficulty and this criterion is met for the retaining wall.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Ordinance.

Allowing for the construction of an accessory structure that is taller than the principal building does impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance states that accessory structures must be subordinate in area and size to the principal building (F.Z.O. 3.10.7). The height of the proposed pool house at 4 ft, 8 in taller than the height of the principal structure impairs the intent of subordinate accessory structures.

Therefore, staff believes this criterion is not met for the accessory structure.

The Zoning Ordinance has wall height maximums to avoid tall, monolithic retaining walls in residential settings. This wall is proposed at 7 ft, but it is integrated into a rock landscaped area as part of a grotto for the pool, so it is not a typical residential retaining wall. Allowing for the construction of a retaining wall that is one foot above the maximum allowable height does not impair the intent of the Zoning Ordinance, as the retaining wall is integrated into the overall design of a pool to be constructed in a rear yard.

Therefore, staff believes this criterion is met for the retaining wall.

Ms. Hensley stated based on the reasoning detailed above, staff recommends disapproval of the Variance request to exceed the maximum height of an accessory building to the principal structure and staff recommends approval of the Variance request to exceed the maximum height of 6 ft of a rear retaining wall.

Mr. Charlie Massey stated he is the designer of said pool and pool house and would be representing the item for the owners. Mr. Massey stated per ARC within the development they wanted them to match the pitch of the existing house which has a fairly steep pitch. Mr. Massey stated they want the architecture of the pool house to match that of the existing house which is high. Mr. Massey stated the clients want a two-story pool house because they want to put an office out there and have a workout room on the second floor and it's pretty substantial pool house which is almost like another house than a pool house. Mr. Massey stated the ARC approved the plan and the excessive height I get it but I mean if you're standing at the street your 20-foot elevation change from the street looking up to the first floor elevation of the house the pool house is pretty obscured from the street, especially with plantings around it. Mr. Massey stated staff was right it is not really a hardship but trying to meet the ARC's design criteria.

Chair Langley requested to know if any citizens wished to comment and no one requested to comment.

Mr. Jones moved to close the public comment. Mr. Fleishour seconded the motion and the motion carried 3-0.

Chair Langley stated since there are two different staff recommendations let's take them separately.

Mr. Jones requested to start with the retaining wall first because it would be the easiest.

Chair Langley agreed and requested to know if there were any questions based on staff's presentation or the applicant. Chair Langley stated he was ready to entertain a motion on the retaining wall request.

Mr. Jones moved to approve the height of the wall to 7 feet because the wall is proposed to integrate to the rock area landscape and allowing the construction of a retaining wall that is one foot above the maximum height does not impair the intent of the Zoning Ordinance because the retaining wall is integrated into the overall design pool constructed in the rear yard. Mr. Fleishour seconded the motion and the motion carried 3-0.

Chair Langley stated they would move along to the second request of exceeding the maximum height of an accessory structure by four feet and eight inches.

Mr. Jones requested staff to give a description of the excessive plant material mentioned by the applicant because I know it is possible to build a shorter structure by changing the pitch on the house.

Ms. Hensley stated the elevations received do not necessarily show landscaping as you can see in the exhibit here on the screen and then also, we have designs that do not show landscaping.

Ms. Dannenfelser stated the elevations also show two stories for the accessory structure and often height is reduced by doing a story and a half and adding some dormers to reduce that overall height of the accessory structure so that it stays subordinate to the principal dwelling.

Ms. Hensley found an exhibit with landscaping and projected it on the screen.

Mr. Fleishour requested to know the ceiling height of the second floor.

Mr. Massey stated nine-foot ceilings that are pitching in the center.

Mr. Fleishour requested to know from the applicant if they had considered lowering the ridge line.

Mr. Massey stated they could easily do that there are some dormers actually on it already because of the height of the pitch

Mr. Jones moved to disapprove the Variance request because he agrees with staff's comments that it has not met all three criteria and because it would not keep them from building a pool house structure but they could use a little bit different method that at the same time will not infringe on

the ordinance for height to exceed the current resident's home. Mr. Fleishour seconded the motion and the motion carried 3-0.

Other Business.


No other business.

Adjourn.

Chair Langley stated he would entertain a motion to adjourn.

Mr. Fleishour moved to adjourn. Mr. Jones seconded the motion and the motion carried 3-0.

With there being no further business, the meeting was adjourned at 6:24.


Chair _____