

3. Zack Pence

22656 Peach Tree Ln

Variance: To install a private swimming pool in the side and rear yard vs private swimming pools are only permitted in the rear yard. Per Schedule: 1153.15 (6).

Schedule 1153.15

Permitted Accessory Structures in Front, Side and Rear Yards

Use	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
(1) Detached accessory buildings, including garages	Rear	NP	5 ft.	5 ft.
(2) Driveways	Front, corner side, side, rear	NA	3 ft.	3 ft.
(3) ATTACHED ARCHITECTURAL FEATURES	Rear	See also Section 1153.13		
(4) Fences, walls	Front, corner side, side, rear	0 ft.	0 ft.	0 ft.
(5) Outdoor storage of recreation vehicle/equipment	Rear	See also Section 1153.15(m)		
(6) Private Swimming Pools	Rear	NP	See also Section 1153.15(h)	
(7) Play Structure, Pergola, Gazebo, PATIO FIREPLACE	Rear	NP	See also Section 1153.15(g)	
(8) Boat House	Rear	NP	See also Section 1153.15(i)	

Notes to Schedule 1153.15:

NA Not Applicable.

NP Not Permitted

1153.15 ACCESSORY USES AND STRUCTURES.

(h) Private Swimming Pools. A private swimming pool, not including farm ponds; retention basins; and lakes, shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1.5) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any R-1 or R-2 District, except as an accessory use and unless it complies with the following conditions and requirements:

(1) Private swimming pools shall be located on the same zoning lot with the principle use to which it is an accessory use.

(2) The pool shall not be located, including any walks or paved areas or accessory structure adjacent thereto, closer than eight (8) feet to any property line of the zoning lot on which it is located.

(3) Every outdoor pool shall be enclosed by a fence forty- eight (48) inches in height around the perimeter of the pool, except the freestanding aboveground pools with sides greater than thirty-six (36) inches high from the ground on which its rests shall not require additional fencing, insofar as the side of such pool itself constitutes a barrier equal to a fence, and ladders and/or any means of access used to enter such pool shall be removed when not in use. One (1) or more gates shall be provided, and each is to be secured so as to prevent access by children. The location of the fence shall be at the discretion of the applicant, but must be at the approval of the Building Division. The fence shall be constructed of permanent and durable materials, and shall be fifty-percent (50%) or more open to light and air, which shall permit a person to see through into the swimming pool.

(4) A pool constructed of masonry type material shall be located and installed to conform to the natural grade as determined by the Building Division. No portion of the pool itself shall be higher than one (1) foot above such grade. All other pools, regardless of construction material, may not exceed five (5) feet above grade level.

(5) Every pool shall have a drainage device so that it can and will be drained into the City storm sewer.

(6) Whenever light is used to illuminate such pool, such lights shall be installed and shielded in such a manner as to direct light onto the pool only, and not to reflect light onto any abutting residential property. All wiring and electrical fixtures, accessories and appliances shall be installed under the National Electrical Code.

(7) The swimming pool shall comply with the locational and coverage requirements set forth in this Chapter.