

2. DEFICIENS IN ARCHITECTURAL PRESENTATION

a. Letter of intent is insufficient. Explain how each variance satisfy criteria included in section 118-353 (d) of the City Code:

1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; **because is originating from the specific plan of the pool built in the rear yard of the lot 6030 and the subsequent division of the original lot**

2) That the special conditions and circumstances do not result from the action of the applicant; **At the time of drafting the project of the pool it wasn't expected the division of the original lot, and the applicant didn't aim to build the pool with an insufficient side setback**

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district; **The actual position of the pool didn't confer on the applicant any privilege because it won't preclude the neighbor lot owner to full use their own lots in the present or in the future. Particularly, it won't preclude the construction of a similar building and a pool in the new lot 6020, currently empty**

4) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; **The respect of the provisions of this ordinance would involve the demolition of the pool, a new project and the construction of a new pool**

5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; **The division of the original lot and, consequently, the new side line are subsequent to the construction of the pool; the position of this line has been determined so the width of lot 6020 was 60'**

6) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; **The variance concerns only the pool, located in the rear yard, and the distances from the pool to the boundary of the lot; it doesn't reduce the use of the rear yard and it doesn't concern the public welfare**

7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. **The variance doesn't reduce the possibilities to use the lot, the pool and the building that insist on the lot, nor the use of the neighbor lots and the new lot 6020, for the intended uses on those lots**

3. ZONING/VARIANCE COMMENTS

- a. Missing: landscape plan by registered landscape architect;
- b. Survey shall be updated to not older than 6 month from the submittal on March 19; **missing**
- c. Revise survey to indicate side setback to the pool deck and water's edge, rear setback to the pool deck and to the water's edge; **missing**
- d. Missing demolition plans; **done**
- e. Missing site plan with dimensions, location of decks, location of equipment; **done/missing**
- f. As depicted on survey, the following variances are required:
 - 8) A variance from the required 6'-0" setback from the rear property line to the pool deck; **done**
 - 9) A variance from the required 7'-6" setback from the rear property line to the pool water's edge. It is not clear if the 7'-6" indicated in survey is to the exterior walls or to the water's edge; **done**
 - 10) A variance from the required 7'-6" setback from the side property line to the pool deck; **done**
 - 11) A variance from the required 9'-0" setback from the side property line to the pool water's edge.
- g. Provide copy of the building permit for the construction of the pool; **done**
- h. Revise open space calculations. The rear yard is 1800 sf (20x90). **done**