



MEMO

Date: 09/20/2021
To: Board of Adjustment
From: Yvonne Janssen, Planning Technician
Re: 18905 Riverwest Ct– Variance Request

1. INTRODUCTION

APPLICANT INFO

- **Owner:** Jennifer and Charles Andrew Little
- **Location:** 18905 Riverwest Ct, Davidson, NC (Parcel ID #00734157)
- **Area:** 0.460 Acres
- **Planning Area:** Conditional

The subject site includes a single family detached house located on a corner lot.

2. DESCRIPTION OF REQUEST

The applicants, Jennifer and Charles Andrew Little, own the single family detached house at 18905 Riverwest Court, Davidson, NC. The applicants consulted with Pools by Aloha to build a swimming pool on the subject property. On July 30, 2021, Pools by Aloha submitted a building permit application for a 308 sf. inground swimming pool and spa project.

The proposed location of the pool, as noted on the submitted site plan, does not comply with Section 4.5.8.C.6 of the Davidson Planning Ordinance (DPO), which requires pools to be located in the rear yard only. While the application was initially approved, both applicant and contractor were notified a mistake was made in the review process and that the permit was revoked.

Photos provided show a substantial amount of landscaping along the side and rear property lines indicating the ability to screen the proposed pool from street view. (See Exhibit D: Series of Photographs). The applicant is seeking relief through variance from the accessory structure location standard of Section 4.5.8.C.6, so that they may be permitted to have a swimming pool built in their side yard.

3. ANALYSIS

Below is a summary of the relevant standards, along with an explanation of how the proposal seeks to modify those standards:

The Davidson Planning Ordinance (DPO) Section 4.5.8.C.6 states for “Location of Accessory Structures” that:

“Pools must be located in the rear yard only. Pools must also be at least 5 feet from the property line. All pools must meet Mecklenburg County’s rules governing swimming pools.”

The site plan submitted as part of the permit application shows the pool being located forward of the back building line of the home and in the street-facing side yard of a corner lot. (See Exhibit C: Proposed Site Plan).

Mr. and Ms. Little (the applicants) filed a variance request under Section 14.18 of the DPO. This section grants the Board of Adjustment the right to hear and decide appeals from any order, decision, determination, or interpretation made by the Planning Director pursuant to or regarding these regulations. In this case, the applicant is requesting relief from the requirement that swimming pools must be located in the rear yard only, pursuant to Section 4.5.8.C.6 of the DPO.

4. CONCLUSIONS

The applicants wish to be granted a variance allowing them to build a pool in the street-facing side yard of 18905 Riverwest Court. Due to an existing sanitary sewer right of way that runs across the length of the rear yard and an underground powerline also in the rear yard, there is limited buildable space for a swimming pool. Since a swimming pool built in the side yard does not comply with DPO Section 4.5.8.C.6, the only route forward for legally building a pool in the side yard is a variance through the Board of Adjustment.

5. EXHIBITS/RESOURCES

- **Exhibit A:** 18905 Riverwest Court Board of Adjustment application
- **Exhibit B:** Series of maps
- **Exhibit C:** Proposed Site Plan
- **Exhibit D:** Series of photographs