

Heather Bennett  
78 Shady Lane  
Ross, CA 94957

May 2, 2025

Town of Ross Council Members  
31 Sir Francis Drake Blvd.  
Ross, CA 94957

Subject: Response to Public Comment by Mr. and Mrs. Untermann (May 1, 2025)

Dear Council Members,

I was disappointed to learn that Mrs. Untermann of 1 Locust Avenue has raised new concerns regarding our project at 78 Shady Lane. While she referenced comments from two Advisory Design Review (ADR) members, I want to clarify that we have thoughtfully addressed and incorporated their key recommendations into our revised plans:

- The pool equipment has been relocated inside our garage to eliminate noise and visual impact.
- The pool has been moved further from the rear property line and is now set back 9 feet 8 inches.
- The front yard fence and gate heights have been reduced to 4 feet.
- The gate material has been changed from metal mesh to wood, aligning better with the character of the neighborhood.

It's also important to note that both ADR members had no objection to the overall design of the pool, fences, landscaping, and BBQ and recommended that the project move forward to the Council for approval.

The proposed 12 by 24-foot pool and spa are modest in scale and have been carefully placed in a portion of the yard already used as a gathering space. Whether or not a pool is present, this area would serve that purpose. We do not anticipate any additional noise or disturbance to our neighbors as a result of the project. The pool also maintains generous distances from nearby living spaces: 49 feet from 80 Shady Lane, 75 feet from 82 Shady Lane, and 38 feet from 1 Locust Avenue.

To clarify, the pool and BBQ are not located within the side setback shared with 1 Locust Avenue and will not be visible from that residence.

Throughout this process, we have prioritized open and respectful communication with all of our neighbors, including the residents at 1 Locust Avenue. We have committed to enhanced landscaping along our shared property line, with careful selection of plant type, size, and spacing to meet their preferences and provide effective, immediate screening.

We're especially grateful to our neighbors at 80 Shady Lane, directly behind us, who have submitted two letters of support. With their own pool and parking pad directly adjacent to ours, their support affirms that our proposed improvements are consistent with the character and use patterns of the neighborhood.

Due to the special circumstances of our undersized lot and the existing house's placement just 2 feet from the rear setback, strict application of the zoning ordinance—which requires a 40-foot rear yard setback—would effectively prevent us from having a pool or BBQ in the backyard. A swimming pool is a substantial and commonly enjoyed property right among our neighbors, and our request seeks only parity with other properties in the R-1, B-10 zoning district. We are simply requesting a reasonable accommodation that aligns with the established character of the neighborhood.

To illustrate, here are nearby properties within our zoning with similar pool setbacks:

<b>Address</b>	<b>Approximate Distance from Lot Line</b>	<b>Lot Size</b>
5 Locust Ave	Pool is 8 feet from side lot line	11,761 SF
11 Locust Ave	Jacuzzi is 10 feet from lot line	43,560 SF
75 Shady Lane	Pool is 8 feet from rear lot line	6,446 SF
80 Shady Lane	Pool is 9 feet from front lot line	14,375 SF
84 Shady Lane	Pool is 6 feet from side lot line	11,761 SF
92 Shady Lane	Pool is 10 feet from side lot line	9,016 SF
96 Shady Lane	Pool is 6 feet from side lot line	12,632 SF

There is also a strong precedent for Council-approved variances for pools and spas located within setback areas in this zoning district. These past decisions demonstrate a consistent, balanced approach to zoning flexibility—especially in cases involving physical constraints—while preserving the aesthetic and character of the Town of Ross.

Thank you very much for your time, attention, and consideration. We believe our request reflects a reasonable, respectful, and responsible use of our backyard space. We remain committed to completing this project in a way that supports our family, respects our neighbors, and contributes positively to the community we care deeply about.

Kind regards,  
**Heather Bennett**