

CITY OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	March 11, 2008
Docket Number:	0802-VS-02
Appellant:	Pools of Fun, on behalf of Rich and Amy Henderson
Property Address:	15391 Whistling Lane
Variance of Standard Request:	<i>Ord. 06-49, Exhibit 12</i> 35' Rear Setback in Parcel B of the Bridgewater PUD

EXHIBITS

- | | |
|--|----------|
| 1. Staff Report | 03/11/08 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 03/11/08 |
| 3. Property Card | 03/11/08 |
| 4. Bridgewater PUD Ordinance, Exhibit 12 | 10/09/06 |
| 5. Indiana Residential Code, Section R309 | 09/11/05 |
| 6. Appellant's Application and Plans | 02/29/08 |

RELATED CASES

None

PETITION HISTORY

The March 11, 2008 BZA meeting represents the second appearance of this case before the Board. At the February 12, 2008 meeting, the Board continued the petition to allow for further review by staff.

VARIANCE OF STANDARD REQUEST

This variance request is to reduce the rear yard setback requirement for an in-ground pool in Parcel B of the Bridgewater PUD. Swimming Pools are required to meet all setbacks (WC 16.04.100, 4, b, iii).

PROPERTY INFORMATION

The subject property is comprised of one (1) parcel, consisting of approximately 0.57 acre. The property is currently under construction for a single-family residence. The subject property is accessed by Whistling Lane, a private street.

The property is zoned Bridgewater PUD. Abutting property in all directions is also zoned Bridgewater PUD. Adjacent property to the north, east, and west is improved with single-family residential uses. Abutting property to the south is part of the golf course of the Bridgewater Club.

PROPERTY HISTORY

There are no previous variances, special exceptions, development plans, subdivision plats, rezoning cases, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted plans indicate that the proposed in-ground swimming pool would be located to the south of the attached garage and to the west of the patio. The residential structure is currently under construction.

The subject property is within the Bridgewater PUD and is governed by the Bridgewater PUD Ordinance (Ord. 06-49). The PUD Ordinance requires a thirty-five foot (35') rear yard setback. The largest rear yard setback in any of the regular Westfield single-family zoning districts (AG-SF1, SF-1, SF-2, SF-3, SF-4 or SF-5) is thirty feet (30'). The submitted plans to locate the pool 30' from the rear property line are consistent with the standards found in the regular Westfield zoning districts for single-family districts.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain suburban residential in character and use. A detached single-family residence, with an in-ground pool, within a platted subdivision complies with recommendations of the Plan.

FINDINGS

No variance of standard request shall be granted unless the BZA finds all of the following to be true:

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Findings: The intent of the setback requirement for swimming pools is to help mitigate any impact of the pool and the use of the pool from neighboring properties. The proposed swimming pool would be located approximately thirty feet (30') from the property line, which is approximately five feet (5') closer than the required thirty-five feet (35') per the Bridgewater PUD Ordinance. The rear property line of the subject property abuts the golf course at the Bridgewater Club. It is unlikely that moving a setback line for a swimming pool closer to a golf course will be injurious to the public health, safety, morals and general welfare of the community.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: It is unlikely that the submitted proposal for the reduction of the rear setback line for the pool would negatively affect the use and value of neighboring properties. The subject property is surrounded by similar uses on the north, east and west. The most directly impacted property to the south is a recreational use, a golf course. The impact of the pool on the golf course is likely to be negligible.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The Indiana Residential [Building] Code indicates that a minimum of six feet (6') shall be open between the primary structure and an accessory structure (Indiana Residential Code, 2005 Edition, Section R309.5.1) (Exhibit 5). The Westfield-Washington Zoning Ordinance treats swimming pools as accessory structures. Therefore, there must a minimum of six feet (6') between the corner of the residential structure and the corner of the pool. In order to comply with the building code's requirement, the 16'x32' pool must be positioned within the required 35' rear yard – there is physically no space on the subject property to accommodate the pool and meet all required setbacks (including the required minimum distance between structures). A smaller pool (or a pool in a different configuration), however, could possibly be located on the property and meet all setback requirements.

RECOMMENDED MOTION

Approve this variance request based on the findings of this report.

KMT





0802-VS-02
 08-10-17-00-08-013.000
 15391 Whistling Lane
 Exhibit 2

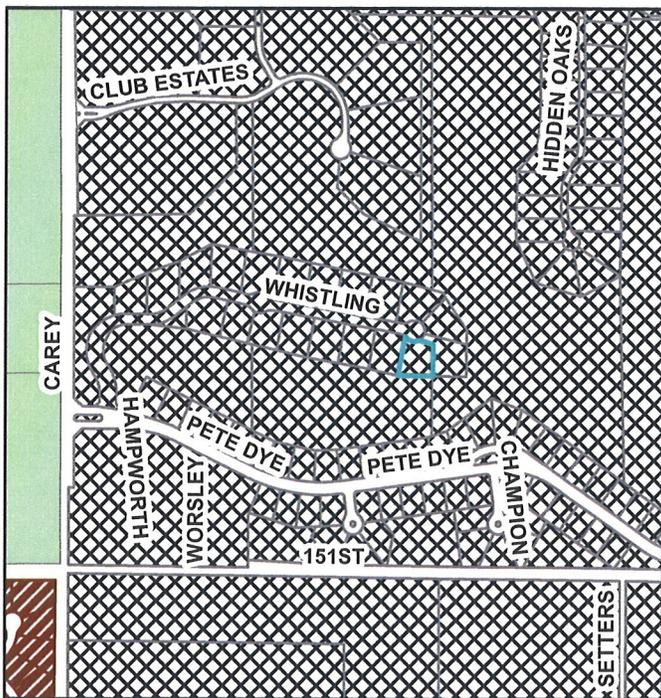


Aerial Location Map

Site

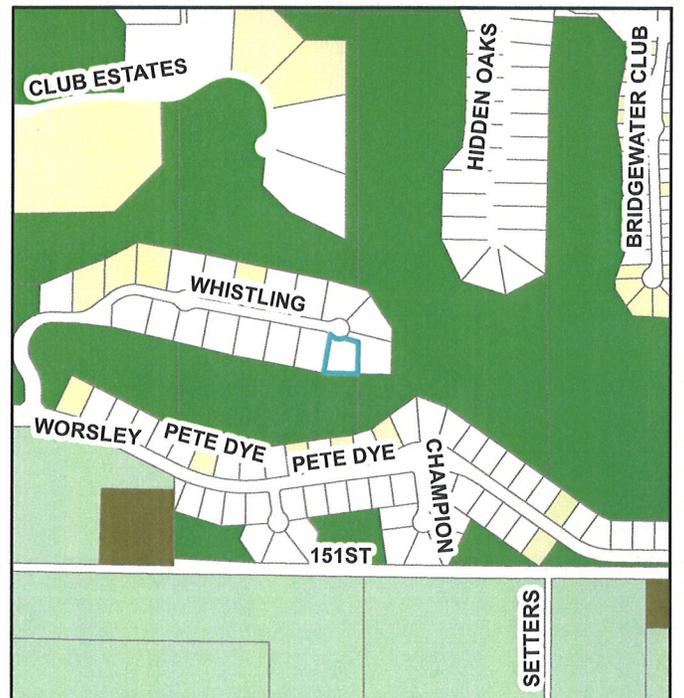


Zoning Map



- Agriculture - Single Family 1
- Special Business-Planned Development
- Planned Unit Development

Existing Land Use Map (2005)



- Agriculture
- Residential
- Residential Non-Urban
- Recreation
- Vacant

EXHIBIT 3

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Services

Property Card Report

1. report type

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-10-17-00-08-013.000

Property Data

Parcel Location	15391 WHISTLING LN,CARMEL
Taxing Unit	Westfield
Legal Description	BRIDGEWATER CLUB 74.99 X 185.99 IRR
Section/Township/Range	S17 T18 R04
Subdivision Name	BRIDGEWATER CLUB
Lot and Block	Lot B13 Block B
Acres	0.57
Effective Frontage	
Effective Depth	
Property Class	Vacant Lot

Exterior Features and Out Buildings**Property Owner as of April 30, 2007**

Carefree Enterprise Inc

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	274500
Assessed Value: Improvements	0
Total Assessed Value:	274500

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EXHIBIT 12
Development Standards for Detached Single Family Residential

	Parcel A	Parcel B	Parcel C	Parcel D	Parcel E	Parcel F	Parcel G	Parcel H
Minimum Lot Width at Building Line at which the building is actually built	200' for all lots	150' for all lots	120' for all lots	100' for all lots	90' for all lots	85' for all lots	65' for all lots	60' for all lots
Minimum Lot Frontage on Street ¹	40'	40'	30'	30'	30'	25'	20'	20'
Minimum Lot Area	30,000 SF	20,000 SF	15,000 SF	12,500 SF	10,000 SF	10,000 SF	7,750 SF	7,500 SF
Minimum Front Yard Setback ²	30'	30'	25'	25'	25'	25'	20'	20'
Minimum Separation Between Buildings	30'	30'	20'	20'	20'	15'	10'	10'
Minimum Side Yard Setback ³	10'	10'	8'	8'	8'	7'	4'	4'
Minimum Rear Yard Setback ⁴	35'	35'	30'	30'	25'	25'	10'	10'

Section R302.1; exterior walls

Sec. 19. Change SECTION R302.1 as follows: (a) Delete the last sentence of the first paragraph and the first exception without substitution.

(b) Delete the exception to the second paragraph and substitute to read as follows:

EXCEPTIONS: 1. Tool and storage sheds, playhouses, and similar structures are not required to provide wall protection based on location on the lot. Projections beyond the exterior of the structure shall not extend over the lot line.

2. Where structures are placed closer than 3 feet to the property lines, the one-hour fire-resistive rating shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at least 6 feet between structures on adjacent properties.

(675 IAC 14-4.3-19) Eff. September 11, 2005

Section R302.2; openings

Sec. 20. Add Exception 3 to the end of SECTION R302.2 to read as follows: 3. Where structures are placed closer than 3 feet to the property line, the limitation on openings in exterior walls shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at least 6 feet between structures on adjacent properties (675 IAC 14-4.3-20) Eff. September 11, 2005

Section R303.1; habitable rooms

Sec. 21. Delete the third sentence of SECTION R303.1. (675 IAC 14-4.3-21) Eff. September 11, 2005

Section R303.4.2; exhaust openings

Sec. 22. Delete SECTION R303.4.2. (675 IAC 14-4.3-22) Eff. September 11, 2005

Section R303.6; stairway illumination

Sec. 23. In the first paragraph, delete everything after the first sentence and substitute to read as follows: For interior stairs the artificial light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located so that the top landing of the stairway is illuminated. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located so that the bottom landing of

the stairway is illuminated. (675 IAC 14-4.3-23) Eff. September 11, 2005

Section R305.1; minimum height

Sec. 24. Change Exception 4 to SECTION R305.1 to read as follows: Bathrooms shall have a minimum of 6 feet 8 inches (2,036 mm) at the center of the front clearance area for fixtures as shown in Figure R307.2. Ceiling height above fixtures shall be such that the fixture may be used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2,036 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead. (675 IAC 14-4.3-24) Eff. September 11, 2005

Section R308.4; hazardous locations

Sec. 25. Make the following change to SECTION R308.4: Change Exception 5 to read as follows: 5. Glazing in SECTION 308.4, Item 6, when a protective bar is installed on the accessible sides of the glazing 34 inches (864 mm) to 38 inches (965 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds (22.68 kg) per linear foot without contacting the glass and be a minimum of 1 inches (38 mm) in height. (675 IAC 14-4.3-25) Eff. September 11, 2005

Section R309; garages and carports

Sec. 26. Change the title and text of SECTION R309 as follows: (a) Change the title of SECTION R309 to read as follows: GARAGES, CARPORTS, OR ACCESSORY STRUCTURES.

(b) Change the text of SECTION R309.2 to read as follows: The garage shall be separated from the residence and its attic area by a smoke separation of not less than inch (13 mm) gypsum board applied to the garage side of the framing.

EXCEPTION: Pull down stairs may be installed in garage/attic separations when installed in a manner that resists the passage of smoke.

(c) Change the second paragraph of SECTIONS R309.3 and R309.4 to read as follows: The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to an approved drain or toward the main vehicle entry doorway.

(d) Delete the title and text of SECTION R309.5, Flood hazard areas, and substitute to read as follows: R309.5 Detached garages, carports, or accessory structures. R309.5.1 Separation. Detached garages, carports, or accessory

structures shall provide not less than 6 feet of open space between same and the residence, except that such space may be roofed in compliance with Chapters 8 and 9 of this code. Detached garages, carports, or accessory structures separated from the residence by less than 6 feet of open space shall be considered the same as attached and shall comply with this code. In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure to be attached are above the frost line and the adjacent footings of the dwelling are at or below the frost line unless approved by the building official.

R309.5.2 Requirements. Detached garages, detached carports, or accessory structures shall be constructed to applicable sections of this code unless otherwise noted in TABLE R309. Any habitable rooms(s) located within a detached garage, detached carport, or accessory structure shall meet all applicable sections of this code and shall be provided with an exit door as specified in SECTION R311.1.

(e) Add TABLE R309 at the end of SECTION R309 to read as follows:

TABLE R309
DETACHED GARAGES, DETACHED CARPORTS, OR ACCESSORY STRUCTURES

CONSTRUCTION REQUIREMENTS	Portable 200 Square Feet Maximum	Monolithic ¹ Footings 721 Square Feet Maximum	Structures with Conventional Foundation
Footings and Foundations	No Requirements	8 W 18 D ² or 12 W 12 D ²	Indiana Residential Code
Floors	No Requirements	Indiana Residential Code	
Exterior Walls	No Requirements		
Girders and Headers	No Requirements		
Roof Systems	No Requirements		
Electrical Power Limits	One 20 Amp. Circuit		
Water Supply/Sanitation	Not Allowed	¹	Indiana Residential Code
Permanent Heat	Not Allowed	¹	
Maximum Number of Stories	1	1 ³	3

NOTES:

¹In structures utilizing monolithic floor systems, the water and sanitation systems and permanent heating facilities may be installed when approved flexible connections are provided.

²6 - W2.9 W2.9 welded wire fabric or equivalent is required when monolithic slab footing system is used.

³One story unless otherwise approved by the building official.

(675 IAC 14-4.3-26) Eff. September 11, 2005

Section R310; emergency escape and rescue openings

Sec. 27. Change SECTION R310 as follows: (a) Change the first sentence of SECTION R310.1 to read as follows: Every sleeping room shall have at least one operable emergency escape and rescue opening.

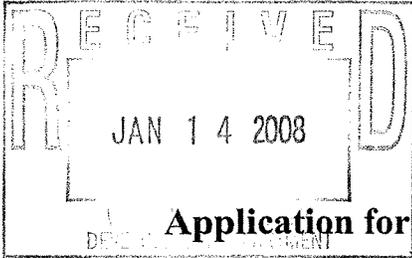
(b) Delete the second sentence of SECTION R310.1 without substitution.

(c) In SECTION R310.1.2, change "24 inches (610 mm)" to "22 inches (559 mm)".

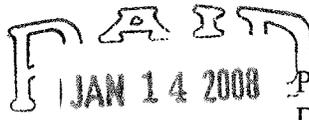
(d) Add SECTION R310.1.5 to read as follows: R310.1.5 Sleeping room replacement window alterations. When

replacing existing sleeping room windows, at least one of the replacement windows within that sleeping room shall comply with SECTION R310.5. Replacement windows that do not meet the current emergency escape requirements of SECTION R310, without structural alterations to the dwelling, may be installed as long as they meet the following requirements.

1. Replacement window installation shall not reduce the existing net clear opening by more than 6 inches horizontally and 6 inches vertically, except that awning replacement windows shall not reduce the existing net clear opening by more than 3 inches vertically.
2. In no case shall the replacement window net clear opening height be less than 22 inches (559 mm) and the net clear opening width be less than 20 inches (508 mm).
3. Double hung or sliding replacement windows shall have



TOWN OF WESTFIELD, INDIANA



Petition Number: 0802-VS-02

Date of Filing: 01/14/08

BY: CREEK 7669 (Kne)

Application for VARIANCE OF DEVELOPMENT STANDARD

**Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Pools of Fun
 Address 3891 Clarks Creek Road
Plainfield IN 46168
 Telephone Number 317 839 3311
 E-Mail Address mmikels@poolsfun.com

2. Landowner's Name Rich + Amy Henderson
 Address 15391 Whistling Lane
Carmel IN 46033
 Telephone Number 317 727-2198

3. *Representative Marge Mikels / Rick Kendall - Pools of Fun
 *Address 3891 Clarks Creek Road
Plainfield IN 46168
 *Telephone Number 317 714 3495 - 281-7710
 *Email Address mmikels@poolsfun.com
RKendall@poolsfun.com

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
Lot 13 in "The Bridgewater Club" Addition
Washington Twp. Known as 15391 Whistling Lane - Carmel
IN 46033

5. Legal description of property (list below or attach)
Lot Number 13 in the Bridgewater Club - Section B-2
addition in Hamilton County, IN # 200300-48108

6. Complete description of the nature of the development standard variance applied for:
Setbacks - rear from 35' 30' for installation of an
In-ground swimming pool

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Marge Mikels
Applicant

SUBSCRIBED AND SWORN TO ME THIS 14th DAY OF January, 2008.

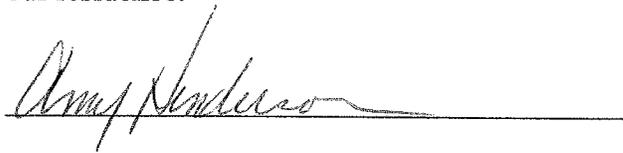
Patricia J. Leuteny
Notary Public

My commission expires: 3/13/08

Consent to file for Variance of Standards
City of Westfield

Property: 15391 Whistling Lane – Lot #13 Carmel IN. 46033
Owners: Rich & Amy Henderson

We give our consent for Pools of Fun and their representatives to file for a variance of setbacks (from 35; to 30') to allow for the installation of an in-ground swimming pool at our residence.



Date 1-14-08



LOT# 13
 24,663.4 S.F.

	PROPOSED GRADE PER PLAN
	GROUND WATER FLOW
	SANITARY SEWER LINE
	STORM SEWER LINE
	WATER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE

THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM RECORD PLATS, SUBDIVISION PLANS, RECORD DRAWINGS AND PLANS PROVIDED BY CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE S E A GROUP LLC OF ANY DISCREPANCIES.

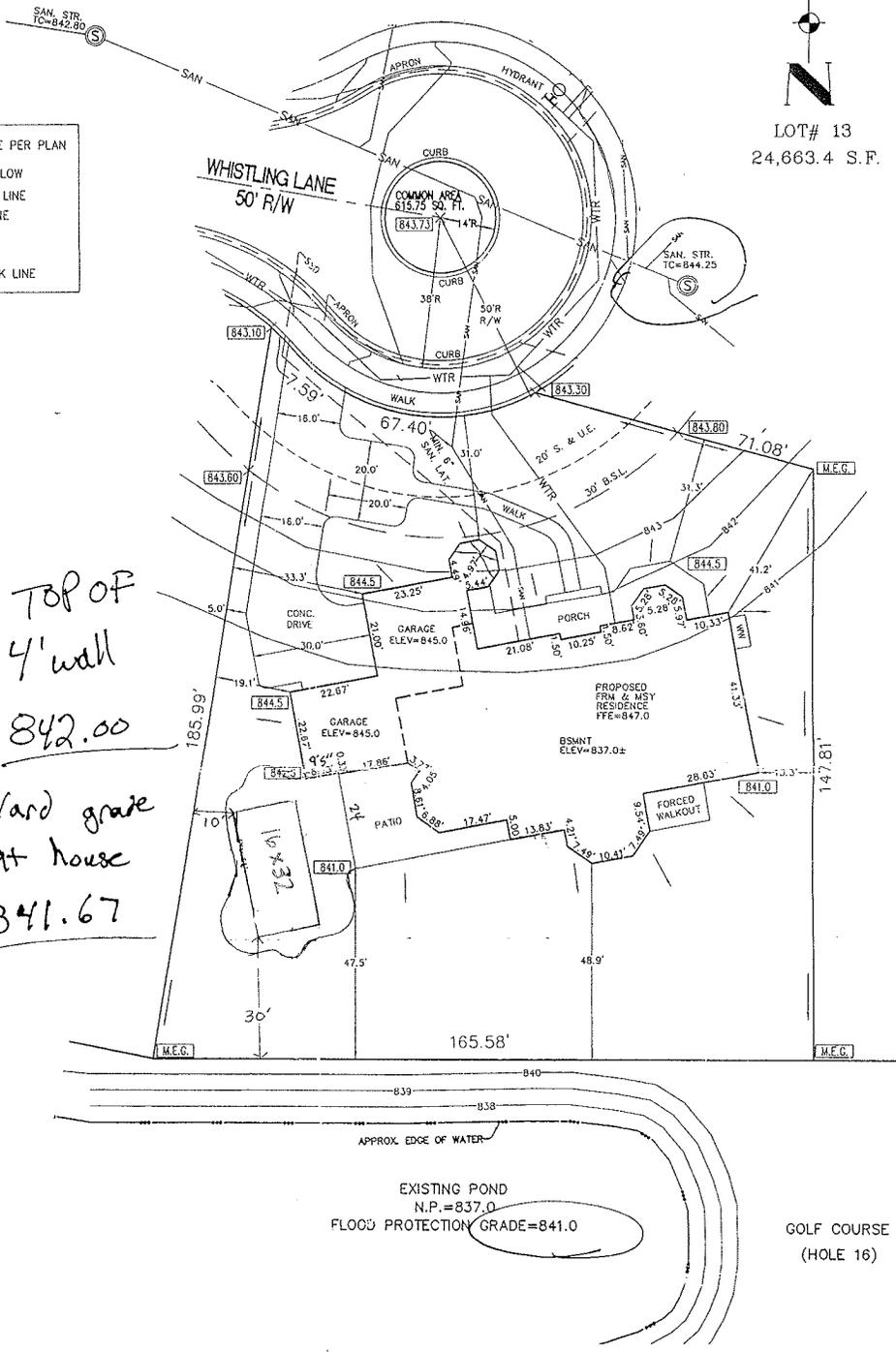
LOCATION OF UTILITY LATERALS ON PLOT PLAN ARE GENERAL LOCATIONS PER PLAN AND SHOULD BE VERIFIED IN THE FIELD.

MINIMUM SETBACKS
 MIN. SIDE YARD = 10 Feet
 MIN. REAR YARD = 35 Feet
 Agg. = 20 Feet

NOTE:
 BUILDER TO ENSURE POSITIVE FLOW AWAY FROM STRUCTURE.

NOTE:
 SUMP TO BE PLACED BY BUILDER AS NEEDED.

TOP OF 4' wall 842.00
Yard grade at house 841.67



Property Description:
 Lot Number 13 in The Bridgewater Club, Section B-2, an Addition in Hamilton County, Indiana, as per plat thereof recorded as Instrument Number 20030048108 found in the Office of the Recorder of Hamilton County, Indiana.



Brian Rismiller

PLOT PLAN		Prepared For: Jones Building Group
Scale: 1"=30'	Drawn by: DJR	Residence 15391 Whistling Lane
Date: July 11, 2007	Revised:	

0802-VS-02



08-02-VS-02



08-02-VS-02



08-02-VS-02-



08 01 VS 02 2-28-08

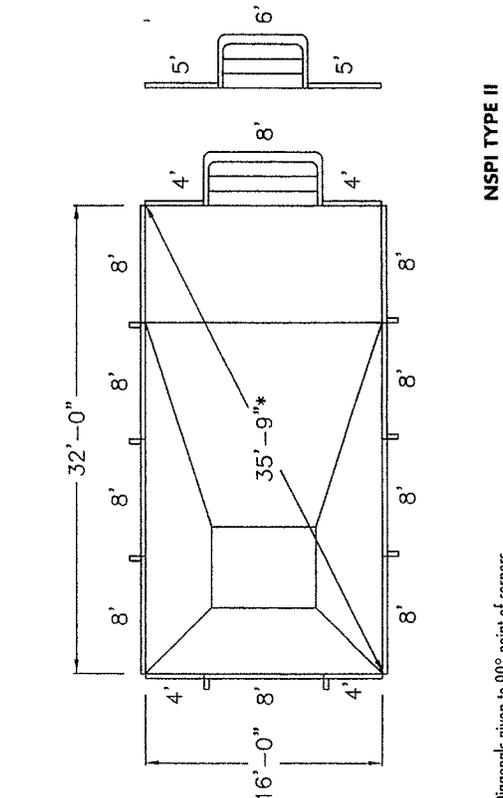
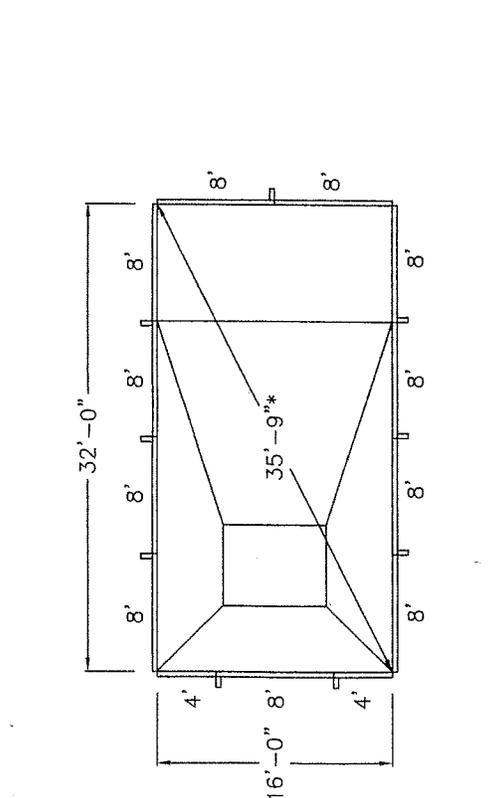
16' X 32' RECTANGLE 6" RADIUS

AREA: 512 SQ. FT. PERIMETER: 95' GALLONS: 21,747

- BILL OF MATERIALS**
- 11-8' Plain Panels 0801-009
 - 2-4' Plain Panels 0801-016
 - 1-90° Corner Set 0801-020
 - 9-Braces 0801-214W/0
 - 9-Dead Man Plates 0800-066
 - 1-Steel Hardware Kit 0801-204
 - 2-1/2" Straight Coping (4/box) 1001-094
 - 1-90° Coping Corner Set 1001-004
 - 1-Vinyl Liner

- STEP OPTIONS**
- 6' Step: Remove 2.8' panels. Insert 1-6' step, 2-5' panels and 1-brace.
 - 8' Step: Remove 2.8' panels. Insert 1-8' step, 2-4' panels and 1-brace.

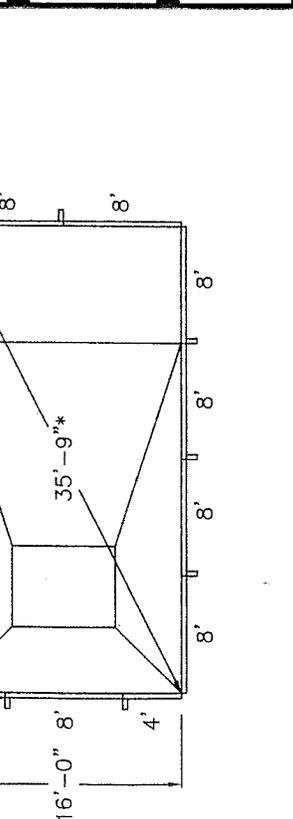
- STEEL PANEL OPTIONS**
- Replace 4-8' plain panels with:
- 1-8' skimmer panel
 - 2-8' inlet panels
 - 1-8' light panel
- Optional:
0801-010
0801-012



NSPI TYPE II

- EXCAVATION NOTES**
1. Excavation shall be 2" larger than pool all around.
 2. Seal to have minimum bearing capacity of 2000 P.S.F.
 3. Slope to top of pool at least 6" above surrounding load elevation.
 4. Backfill with non-expansive material.

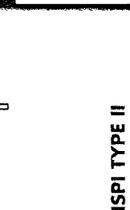
- ADJUSTABLE TURNBUCKLE BRACE**
- | SIZE | A | B | C | D | E | F | G | H | J | K | L |
|---|-----|-----|------|------|----|-----|------|------|------|----|------|
| 16' x 32' | 16' | 32' | 8' | 3/4" | 8' | 14' | 5/6" | 4/6" | 4/6" | 7' | 4/8" |
| NSPI TYPE II NON DIVING POOL STOCK OPTION | 16' | 32' | 5/6" | 3/4" | 8' | 14' | 5/6" | 4/6" | 4/6" | 7' | 2/2" |



STEEL STEP OPTIONS

- 6' Steel Step (side)
Remove 1-8' panel.
Insert 1-(0801-302) 6' steel step, 1-(0801-167) 45"x1' filler panel, 1-1' panel, 1-4' panel, and 1-brace.
1-(1001-083) steel step coping set and 1-(1001-085) coping corner set required. See page 1.
- 8' Steel Step (end)
Remove 2-8' steel panels.
Insert 1-(0801-301) 8' step, 1-brace, 2-3' panels and 2-(0801-167) 45"x1' filler panels.
1-(1001-083) steel step coping set and 2-(1001-085) coping corner sets required. See page 1.

TYPICAL CORNER ASSEMBLY

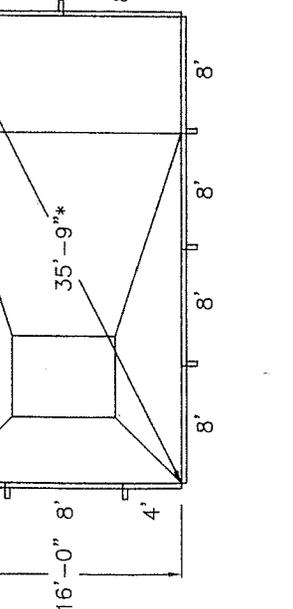


ADDITIONAL NOTES

THIS DOCUMENT IS FOR ILLUSTRATIVE PURPOSES ONLY. FWP makes only those representations which are stated in its written warranty. Any other representations, statements, or contracts made by the dealer/builder/contractor to the customer regarding any materials produced by FWP are attributable to the dealer/builder/contractor only. The dealer or contractor who sells or installs your pool is an independent contractor and is not an agent or employee of FWP. The construction methods, illustrations and materials shown are for general information only. The dealer/builder/contractor must follow the manufacturer's instructions for the proper installation of the pool. The dealer/builder/contractor is responsible for the proper installation of the pool. The dealer/builder/contractor must follow the manufacturer's instructions for the proper installation of the pool. The dealer/builder/contractor must follow the manufacturer's instructions for the proper installation of the pool.

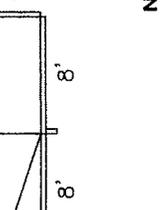
GENERAL NOTES

1. All vertical dimensions are from liner.
2. Diagonals given to 90° point of corners.



NO DIVING

NO DIVING
DANGER: NO DIVING IN THIS POOL.
Attention Dealer: It is your responsibility to see that the safety package provided by FWP is delivered to pool owner and that the "No Diving" warning labels are properly installed in the pool in the locations indicated in the diagram above.



FORT WAYNE POOLS, INC.
6930 Gettysburg Pike
FT WAYNE, IN 46804 USA
(260) 432-9731
surfthepool.com

DATE: JUNE 2004
TITLE: 16' X 32' RECTANGLE 6" RADIUS
DRAWING NUMBER: SP-002

