



Petition Number: 1312-VS-12

Subject Site Address: 622 Stockbridge Drive (the "Property")

Petitioner: Jennifer Adkins

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance for a reduction of the minimum rear yard setback line in the Single-Family 3 cluster (SF-3) District (WC 16.04.030.E.6) to construct an in-ground swimming pool.

Current Zoning: SF-3 (Single-Family 3 Cluster)

Current Land Use: Residential

Approximate Acreage: .23 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the January 14, 2013 Board of Zoning Appeals meeting.

Property Information

The subject property is .23 acres +/- in size and is located on one (1) parcel within the Centennial subdivision. The Property is improved with single family residence. The subject property is accessed from Stockbridge Drive.

The property is zoned SF-3 (Cluster). Abutting property in all directions is also zoned SF-3 (Cluster). Adjacent property to the south, east, and west is improved with single-family residential uses. Abutting property to the north is common area within the Centennial Subdivision.

Analysis

The submitted plans indicate that the proposed in-ground swimming pool would be located to the north of the existing residence in the rear yard of The Property. The minimum rear yard setback for The



Property is thirty (30') feet. The proposed in-ground swimming pool reduces the rear yard setback from the required thirty (3') feet to fifteen (15') feet. The submitted plans indicate that an automatic pool cover will be installed along with existing six (6') foot fence.

An existing fifteen (15') foot drainage utility and sanitary easement runs along the north end of The Property. The easement would not be impacted by the installation of the in-ground pool.

Procedural

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: 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 fifteen feet (15') from the property line, which is approximately fifteen feet (15') closer than the required thirty feet (30') per the Zoning Ordinance. The rear property line of the subject property abuts common area for the subdivision. It is unlikely that moving a setback line for a swimming pool closer to a common area will be injurious to the public health, safety, morals and general welfare of the community.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: 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 south, east, and west. The most directly impacted property to the north is a common area.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: With only ten (10') feet to construct an in-ground pool to comply with the thirty (30') foot rear yard setback, it is very difficult to meet the requirement.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

January 14, 2013

1312-VS-12

Exhibit 1

Recommendation

If the Board finds the application of the terms of the zoning ordinance would result in practical difficulties in the use of the Property and adjacent property values will not be affected in a substantially adverse manner, then the Department recommends approving 1312-VS-12.