



**CITY OF BUNKER HILL VILLAGE**  
**ZONING BOARD OF ADJUSTMENT**  
**Agenda Request**

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**Agenda Date:** October 11, 2022

**Agenda Item No:** II - IV

**Subject/Proceeding:** CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE A VARIANCE IN THE REQUIRED LOCATION AND SETBACK FOR A NEW SWIMMING POOL FOR 330 FOLWELL LANE.

**Exhibits:** Variance Application  
Email from Adjacent Resident  
Proposed Plans

**Clearance:** Steve Smith, Director of Public Works/Building Official  
Karen Glynn, City Administrator

### **Executive Summary**

The City received a project submittal for a new pool to be located at 330 Folwell Ln. The pool is proposed to be located in a side yard with a desired side setback of 10 feet from the edge of water to the side property line. As outlined in the ordinance below, a pool located in a side yard must meet the same required setback (20') as the main structure.

#### **§ 7.08. Swimming pools.**

To qualify as an accessory structure or use, a swimming pool must comply with all yard and setback requirements of the main building unless such swimming pool is located in the rear one-third ( $\frac{1}{3}$ ) of the lot, in which event the following shall apply: If located in the rear one-third ( $\frac{1}{3}$ ) of an interior lot, a swimming pool must be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. If located in the rear one-third ( $\frac{1}{3}$ ) of a corner lot, a swimming pool must be set back at least ten (10) feet from the rear lot line, at least ten (10) feet from the interior side lot line (the side lot line farthest removed from the side street), and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the exterior side lot line (the side lot line which abuts the side street). All of the foregoing measurements shall be taken from the nearest water's edge of such swimming pool.

(Ord. No. 14-447, § 12, 10-21-14)



330 Folwell Lane



330 Folwell Lane

The application for the pool was rejected due to the noncompliance with the required setback. No further review was performed.

The applicant followed up with this variance request.

*History of Property:*

The size of the lot at 330 Folwell Lane is less than the standard requirement of 20,000 square feet for a District A lot. The lot is 19,367 square feet in size.

The existing house at 330 Folwell Lane was construction in 2009. The plans for the house were submitted for a construction permit on December 18, 2008 and was approved for a permit on January 22, 2009 (permit 8212). When the plans were submitted, a pool was shown on the site plan in the proposed location; however, no permit was requested for the pool. The following comment was on the review comments for the house project: *“Pool shown on site plan does not meet minimum setbacks. This will not impact approval of the house.”*

As shown on the exhibits and the above aerial photograph, back yard space is minimal for this lot and further restricted by an overhead power line which requires an additional 10 feet of horizontal setback from the location of the nearest power line.

The applicant, Mr. Sean Waggoner was not the owner when the existing home was built; Mr. Waggoner moved into the house in November 2019.

Recent history for this type of variance request has been limited to reconstruction of an existing non-compliant pool which did not meet the required side setback. A variance was approved for the reconstruction of the non-compliant pool. In addition, the City’s code was amended to allow for maintenance needs as “in kind/same kind.”

Impact to surrounding neighbors appears to be minimal as the neighboring property also has a pool in a similar side location but that pool appears to meet the required 20-foot side setback. Staff has received an email from the neighbor indicating that there is no objection to the issuance of a variance.