

STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

Address:	514 Spring St SE	Parcel No.:	0384 22 D
Public Meeting Date:	7/17/2024	Case Number:	PF-1389422-BZA
Owner(s):	Sean & Lindsey Finn	Applicant:	Sean & Lindsey Finn
Existing Zoning:	RS-10	Existing Land Use:	Low Density Residential
Request:	<p>Request for approval of a variance from Section 18-407.3 Swimming Pools and Outdoor Hot Tubs., of the Town of Vienna Zoning Code, to construct a swimming pool in the rear yard of an existing single-family dwelling located at 514 Spring St SE, in the RS-10, Single-Family Detached Residential zone. The Zoning Code states the front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots. If the variance is approved, the proposed pool will be set closer than five feet from, and encroaching into, the extension of the rear wall line of the adjacent lots.</p>		
			
Site Improvements:	The subject property consists of a single-unit home with a deck, detached garage, and concrete driveway.		
Size of Property:	14,520 sq ft		
Public Notice Requirements:	<p>Code of Virginia Section 15.2-2204 <i>Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.</i>, has been followed:</p> <ul style="list-style-type: none"> • Written notices of the meeting provided to adjoining property owners on July 8, 2024. • Posting a placard on the subject property. The placard was posted on July 5, 2024. • Posting advertisements in local newspaper for two successive weeks prior to Board of Zoning Appeals meeting. This advertisement was published in the Washington Times newspaper on July 5, 2024, and July 12, 2024. • The Board Clerk filed an affidavit certifying that proper notification requirements were made as stated above. 		
Staff:	Andrea West, Zoning Administrator		

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Variance - 514 Spring Street SE

July 17, 2024

Request:

Request for approval of a variance from *Section 18-407.3 Swimming Pools and Outdoor Hot Tubs.*, of the Town of Vienna Zoning Code, to construct a swimming pool in the rear yard of an existing single-family dwelling located at 514 Spring St SE, in the RS-10, Single-Family Detached Residential zone.

The Zoning Code states the front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots. If the variance is approved, the front edge of the proposed pool will be set 24 feet closer to the home than the code allows.

Property Characteristics & History:

The subject property is 14,520 square feet in area, zoned RS-10 Single-Unit Detached Residential. The property has a frontage of approximately 72 linear feet on Spring Street SE. Spring Street is accessible from Battle Street SE and Moore Avenue SE. The existing 2-story home was constructed in 2012, replacing a single-story dwelling.



Figure 1 - Site Zoning and Location Map

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Proposed Improvements:

The applicants are proposing a 40' by 14', 529 square foot, swimming pool in the rear yard of the property, behind the principal structure. The pool is required to comply with regulations within *Section 18-407.3 Swimming Pools and Outdoor Hot Tubs.* of the Town of Vienna Zoning Code.

The construction of this feature would require a variance of the requirement within *Section 18-407.3*, which states all pools are to be constructed at least 5 feet from an extension of the rear wall line of adjacent residences within all single-unit residential zoning districts.

As shown in Figure 2 below, the front edge of the proposed pool would start 19 feet from the rear towards the front of the neighboring house located at 516 Spring Street SE. The pool meets the setback requirement from the neighboring property's rear wall at 510 Spring Street SE.

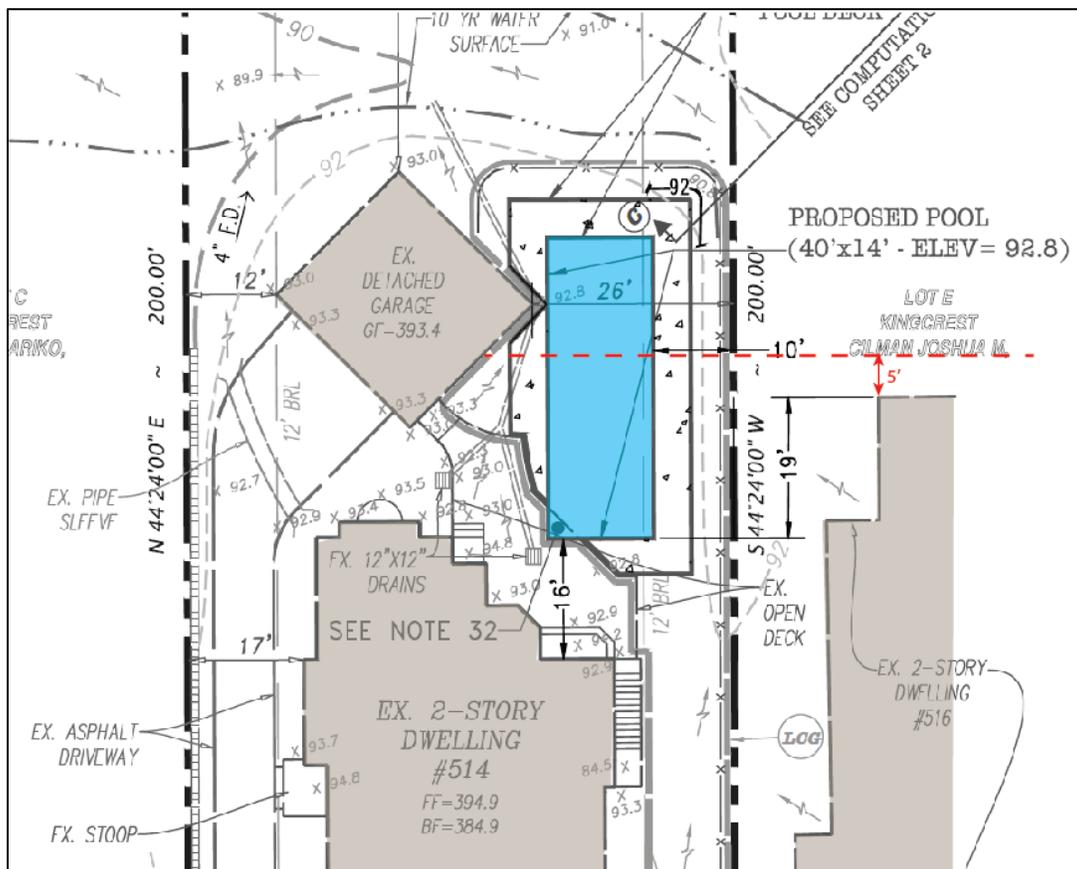


Figure 2 – Colored exhibit of proposed pool location

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Zoning Requirements:

The following is a summary of the zoning requirements relevant to pools within the Town of Vienna single-unit residential districts.

- 1. A swimming pool or hot tub may be located only in the rear yard.**
 - The proposed swimming pool is within the rear yard of the property.
- 2. A swimming pool may occupy not more than twenty-five (25) percent of the area of the rear yard.**
 - The proposed swimming pool is not greater than 25% of the rear yard.
- 3. The front edge of the swimming pool shall be no less than five feet from an extension of the rear wall line of the principal building on the adjacent lots.**
 - *Variance Required* - The proposed pool requires a variance from this requirement. The proposed pool is adjacent to the neighboring principal structure for a length of 19 feet. With the setback requirement of 5 feet from the extension of the rear wall, the variance required is for a total of 24 feet.
- 4. The setbacks for swimming pools and outdoor hot tubs are based on the following criteria, and multiple criteria may apply:**

Criteria	Setback
Located in rear yard	10 ft. min. from side or rear property line
Location in relation to principal structure	10 ft. min. from principal structure
Located near an alley	20 ft. min. from property line adjoining alley
Located on corner lot	35 ft. min. from corner side yard and 10 ft. min. from side yard of adjoining lot

- The proposed pool meets the applicable criteria.
- The criteria for corner lots and pools adjacent to an alley and not applicable to this property.

Required Board Decision:

The Board shall consider the approval of a variance from *Section 18-407.3 Swimming Pools and Outdoor Hot Tubs.*, of the Town of Vienna Zoning Code, to construct a swimming pool in the rear yard of an existing single-family dwelling located at 514 Spring St SE, in the RS-10, Single-Family Detached Residential zone, to allow a pool to be constructed beyond the required 5-foot setback from the extension of the rear wall line of the principal building on the adjacent lots.

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Attachments:

Staff Supporting Documents	Applicant Supporting Documents
1. Relevant Variance Code Sections 2. Section 18-407 Swimming Pools and Outdoor Hot Tubs., of the Town of Vienna Zoning and Subdivision Ordinance 3. Plat - 08/22/2012	4. Plan Review Application & Authorization 5. Statement of Justification (Request for Variance) 6. Site Photos 7. Pool Plan - Sheet 1 of 3 - Dated 07/08/2024