

TOWN OF PLAINFIELD BOARD OF ZONING APPEALS

DATE: April 17, 2023
CASE NO.: BZA-23-027
PETITIONER: Raft to Rafters for Jay Hundley
REQUESTED ACTIONS: Variance of Development Standards to allow a pool to encroach into a rear yard.
LOCATION: 1230 Providence Pass
PARCEL SIZE: 0.36 acres +/-
APPLICABLE REGULATIONS: Plainfield Zoning Ordinance
 Plainfield Subdivision Control Ordinance
 Plainfield Comprehensive Plan



EXISTING ZONING AND LAND USE			COMPREHENSIVE PLAN		
Site:	R2	Low Density Residential	Site:	SFD	Single Family Detached
North:	R2	Low Density Residential	North:	SFD	Single Family Detached
South:	R2	Low Density Residential	South:	SFD	Single Family Detached
East:	R2	Low Density Residential	East:	POS	Park/Open Space
West:	R2	Low Density Residential	East:	SFD	Single Family Detached
			West:	POS	Park/Open Space

PROJECT DESCRIPTION

The contractor is requesting a Variance of Development Standards to allow a pool to encroach into a rear yard. The setback is ten (10) feet and the applicant is requesting to encroach with a pool 7.8 feet into that setback.

PLANNING OVERVIEW

The site is located along Providence Pass, adjacent to a common area/drainage easement. The applicant is requesting to encroach 7.8 feet into the ten (10) foot setback.

STAFF COMMENTS, QUESTIONS AND CONCERNS

1. In 2018, the Board approved a similar Variance of Development Standards to allow a patio/basketball court to encroach into the required rear yard to the property line.
2. Due to the location of this easement in proximity to the Providence Estates open space and floodplain for Harden's Creek, there should be ample room for any work that should be necessary in the future. However, the applicant should be aware that even if this variance is approved and work needs to be constructed within the easement in which the improvement encroaches, the Town will not be responsible for the cost of repair or replacement of an improvement placed within the easement.

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3. An Improvement Location Permit/Building Permit and a Drainage Permit for Construction within a Drainage Easement will be required at time of construction.
4. It appears that other pools are encroaching into the required rear yard. Staff was unable to ascertain whether similar requests have been made/granted by the Board.

MOTION

I move that the Board of Zoning Appeals **approve / deny / continue** BZA-23-027, a petition requesting a Variance of Development Standards to allow a pool to encroach into a rear yard, finding that:

1. The approval **will not/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/will** be affected in a substantially adverse manner; and
3. The strict application of the terms of this ordinance **will/will not** result in practical difficulties in the use of the property.

And that such approval shall be subject to the following condition(s):

1. Substantial compliance with the plans and document approved by the Board of Zoning Appeals provided April 17, 2023.