



June 27, 2006

MEMORANDUM

Bulletin G-10-06

To: All Permit Applicants

From: Thomas H. Goldsbury, P.E., C.B.O., Chief,
Building Inspection Division

Subject: **Zoning Code Interpretation – Setback Requirements for Swimming Pool Enclosure Attached to a Principal Residential Structure in a Residential Zoning District**

I have been asked to forward the above referenced Zoning Code Interpretation. Please note that while the attached copy is not signed, the original has been signed and is official.

Xc: James Schock
All Inspectors

June 2, 2006

Zoning Code Interpretation - Planning and Development Department

(No. 2006-1)

RE: SETBACK REQUIREMENTS FOR A SWIMMING POOL SCREEN ENCLOSURE ATTACHED TO A PRINCIPAL RESIDENTIAL STRUCTURE IN A RESIDENTIAL ZONING DISTRICT

Background:

Pursuant to **Section 656.109 of the Zoning Code**, the Director of the Department of Planning and Development is vested with the duty and authority to interpret the provisions of the Zoning Code.

Screened pool enclosures are common structures in residential zoning districts and are considered to be in keeping with the character of a residential neighborhood. A screened pool enclosure is transparent and does not have a solid roof or solid walls allowing for circulation of light and air. A screened pool enclosure also maintains the perception of open space between structures unlike a solid walled structure. Screened pool enclosures are of a nature that is customarily incidental and clearly subordinate to the principal residential use and structure.

Section 656.403 - Accessory Uses and Structures states where a “building” or portion thereof is attached to a building or structure containing the principal use, the building or portion shall be considered as part of the principal building, and not as an accessory building.

Section 656.1601 - Definitions defines a “building” as a structure, either temporary or permanent, “having a roof impervious to weather” and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

A screened pool enclosure does not have a roof that is impervious to weather and therefore does not meet the definition of a building.

Determination:

The Zoning Code definition of a building, as opposed to a structure, implies a distinction that is consistent with the definition of a swimming pool screened enclosure. Whether the pool enclosure is attached to the primary structure or detached, it meets the definition of an accessory structure and is clearly incidental to the primary use.

After contemplating both the nature of a screened pool enclosure and the typical size, bulk, and length of these structures along a rear or side property line, when compared to other common types of residential accessory structures that have solid walls and a roof impervious to weather, it is the opinion of the Planning and Development Department, that a screened

pool enclosure may be located no closer than five-feet (5') from a rear or side lot line as a matter of right.

Furthermore, if the attached swimming pool enclosure exceeds the maximum height for an accessory structure, then the setback requirement shall be the equivalent to that of the primary structure.

Approved as to form:

Michael J. Saylor, AICP, Director

By: _____
Assistant General Counsel