

Agenda #1

December 4, 2024

Proposal: Plunge Pools only (max size 10 wide x 18 long):

- Reduce side yard setbacks for plunge pools only from 10 feet to 6 feet
- Reduce rear yard setbacks from 6 feet to 4 feet.
- Allow feature wall on one side (fountain, water fall)
- Encourages preservation of more yard green space.
- Full size recreational pools would continue to adhere to current pool setbacks
- Preserve Tree Canopy

Purpose of the Proposed Legislation:

Pools, plunge pools and therapeutic swim spas has become increasingly popular, especially in resort Towns. The Town confirms that almost all new home construction plans include an inground pool

Currently, our code allows for installation of any size pool as long as it conforms to current setbacks, 6 feet rear yard and 10 feet side yard. On many properties, you could build a 30 foot long x 15 wide inground pool with a swimming/recreational capacity of 20 plus bodies

This legislation is proposed to offer relief to those setbacks to encourage the installation of much smaller plunge pools with far more limited body/load capacity. Plunge pools are generally designed for "dipping" or cooling off and not swimming or recreating as the pool is not large enough for that function. Most plunge pools are 7-10 feet wide by 12 to 18 feet long. These pools also have more elaborate seating areas inside the pool (multiple benches, seats, etc). The body capacity of a plunge pool measuring 8x15 is 6-10 persons, versus a full size pool that could accommodate 20-25 people.

Many of the rear yards are small and compact, often 15-20 feet deep. Even at 18 feet deep, a property owner could install a 30 foot long x 9-10 foot wide pool. The volume of activity and noise generated from a pool this large is exponentially greater than a plunge pool with a capacity of 8 persons

Currently, we have no incentives for owner's to install a non-recreational plunge pools versus full-service lap or recreational pools which increase the noise factor

As more and more owners are installing inground pools we feel this legislation would encourage more plunge/spa pool as the smaller plunge pool could be shifted closer to the side yard (by 4 feet) allowing for more usable yard area and also encouraging more green space in yards.

Public/Commissioner Concerns:

There have been two main concerns that have arisen from this proposal:

- 1. Structural Engineering concerns:** The public has voice concerns relative to whether installing a 5 foot deep pool, 6 feet or 4 feet from the property line would present any structural hazards or concerns for the neighbors properties.
- 2. Noise concerns:** Would placing a plunge pool 6 feet from a side yard and 4 feet from a rear yard line cause any noticeable excess noise for the adjacent properties.

Noise concerns: By the sheer nature of reducing the size of the pool by half of what is currently permitted, you greatly reduce the bathing load and noise. Whether voices will travel further at a greater velocity by located a plunge pool 6 feet from a side yard line versus 10, will make very little difference in noise volume. However, the greatest affect here will be the reduction in bathing capacity from 25 (lap or recreational full size pool) to 8-10 persons (plunge pool)

Structural Concerns: Attached please find a diagram from Kevin Orndorf, Principal, Founder, Orndorff & Associates, Wilmington DE. Mr. Orndorff has confirmed that this presents absolutely no structural concerns with footers, installation or other by reducing the set backs. In fact, this diagram shows no concerns at 3 foot side and rear yard set backs

Note: Our Town Code currently permits an accessory structure (shed, outdoor kitchen cabana, etc) to be built three feet from the side or rear lot line. Those structure usually have footings install from 24-36 inches.

Also, many of the new homes being built have full basements 8-10 feet deep. If the home is built at the 8 foot side yard setback, the excavation for that basement would likely encroached 1-3 feet from the neighbor's property line.

Summary: The Town already permits the construction of structures 3 feet from side and rear yard lines up to 10 feet deep with no concerns for compromising the neighbor's property.

Attachments

Relevant Dewey Town Code

[§ 1-16Definitions.](#)

As used in this Code, the following terms shall have the meanings indicated:

SWIMMING POOL

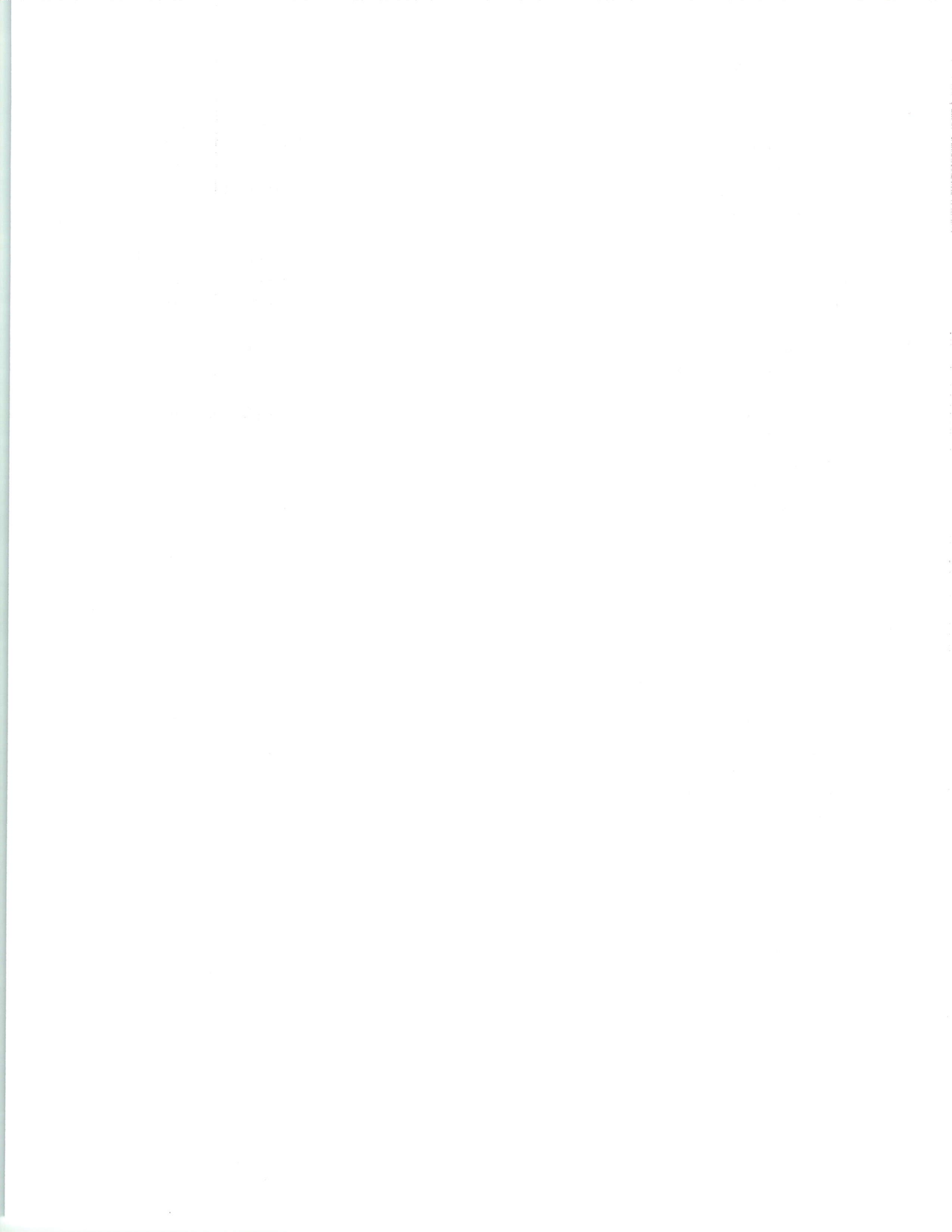
Any structure that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools and hot tubs, but not including children's wading pools, ornamental reflecting pools or fish ponds or other types of pools located and designed so as not to create a hazard or be used for swimming or wading. Swimming pool requirements shall also apply to any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool.

SPA

A unit containing water primarily designed for nontherapeutic recreational use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air-induction bubbles or any combination thereof. The term "spa" includes, but is not limited to, hot tubs.

ACCESSORY BUILDING

A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with the main building or principal use of the land and, except as



otherwise provided in this Code, located on the same lot or parcel as the main building or principal use of the land.

ACCESSORY STRUCTURE

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

ACCESSORY USE

A use which is clearly incidental to or customarily found in connection with the principal use of the premises and, except as otherwise provided in this Code, is located on the same lot or parcel as the principal use of the premises. When the term "accessory" is used in the Code, it shall have the same meaning as "accessory use." Also referred to as "ancillary use."

§ 185-51 Accessory buildings and structures.

A.

A hedge, fence or wall not more than 3.5 feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Any fence, hedge, or wall for residential use may project into or enclose other required yards, provided such fences, hedges, and walls do not exceed a height of seven feet. This height limit does not apply to fences or walls used for commercial screening or tennis courts.

B.

Accessory swimming pools, open and unenclosed, may occupy a required yard or side yard, provided they are not located closer than 10 feet to an interior side lot line or six feet to a rear lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier at least 4.5 feet in height and constructed of concrete, stockade wood or material of equal quality.

C.

Accessory storage of a boat trailer or camp trailer shall not be allowed in a front yard. Accessory storage of mobile homes is prohibited.

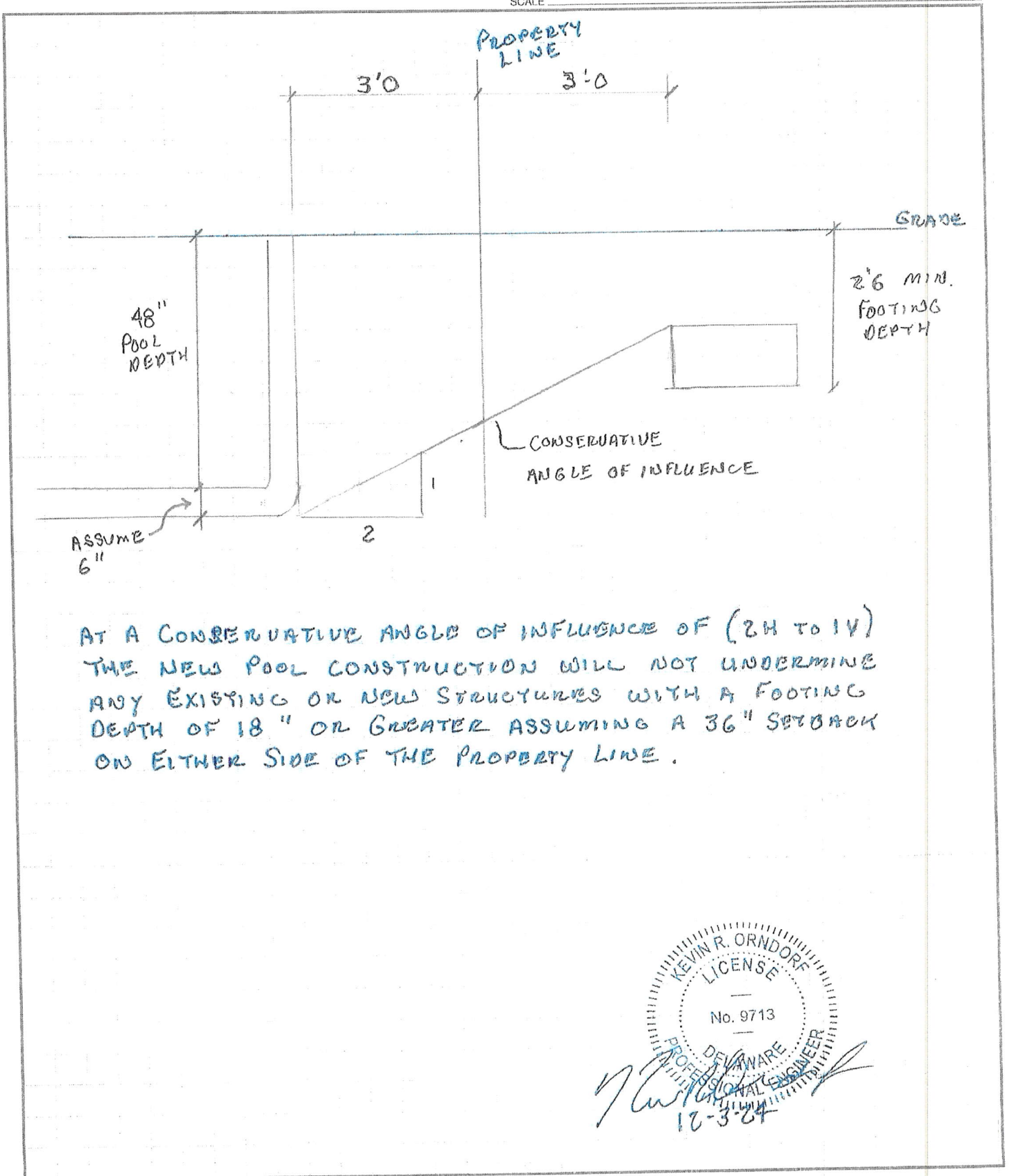
D.

An accessory building which is not a part of the main building may be **constructed in a rear yard three feet from the side lot line and three feet from the rear lot line, provided such** accessory building contains not more than 200 square feet of area, is not more than 12 feet in height and is used exclusively for storage and not for residential purposes. Note: This code is in conflict with the definitions above which describe "accessory building or structure" as a structure that is incidental and subordinate to, the principal structure. "the use of which is clearly incidental to or customarily found in connection with the main building" Those definitions never limit the use to "storage" and we have many homes currently with accessory structures that are not storage sheds.



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JOB _____
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____



AT A CONSERVATIVE ANGLE OF INFLUENCE OF (2H TO 1V) THE NEW POOL CONSTRUCTION WILL NOT UNDERMINE ANY EXISTING OR NEW STRUCTURES WITH A FOOTING DEPTH OF 18" OR GREATER ASSUMING A 36" SETBACK ON EITHER SIDE OF THE PROPERTY LINE.

KEVIN R. ORNDORF
LICENSE
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DELAWARE
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12-3-24

