

Victor - Building Department
DECKS, POOL DECKS & PATIO INFORMATION



A deck or patio is a structure which forms a level, unenclosed roofless walking surface at or above ground level. Most commonly, decks may be classified as:

- Attached decks
- Freestanding decks
- Pool decks

ALL DECKS REQUIRE A PERMIT

PERMITS:

To obtain a permit for the construction or erection of a new or replacement deck or patio, the following information must be provided with the completed permit application form available at the Victor Town Hall - Building Department.

A.) Tape Location Map or Instrument Survey Map

Copies of this map are often included with the papers you received at closing or at the office of the mortgage holder. Frequently, a copy may be found in the Town Building Department files. Please call ahead to determine availability.

The tape location or survey map must show the following information:

- 1.) The deck or patio dimensions.
- 2.) The scaled location of the proposed deck or patio in relation to property lines, septic system and any pool.
- 3.) Easements of record.

B.) Cost of Construction (Value)

This must be reported to the department on the application for a building permit. The value of construction is defined as:

- 1.) "The cost of the improvement", including the value of donated or own materials or labor.
- 2.) For contractor performed work, it is the total contract cost.

C.) Construction Drawings

One set of construction drawings for the proposed deck or patio must be submitted to the Building Department. (Stamp plans may be required)

- 1.) A Floor Plan
- 2.) Elevations
- 3.) Cross Sections
- 4.) Material Types and Sizes

The Building Department may request additional information for review.

D.) Requirements for Applicants

The contractor must provide a current Certification of Worker's Compensation. For self-employed contractors or homeowners, a waiver of Worker's Compensation must be submitted.

E.) Permit Fees

Permit fees vary from year to year. They are user fees that offset the cost of the permit, inspections and record maintenance. The State of New York requires records for this type of permit and inspections performed by the Town of Victor.

F.) To Obtain a Permit for an Existing Deck or Patio

It is not always possible for the Town of Victor to issue a permit for an existing deck or patio. Often existing decks or patios that were installed without a permit do not conform to the Building Code or Zoning Ordinance, and must be removed, modified or a variance requested. Call for an inspection and determination.

INSPECTIONS

A.) Structural and Safety Inspections

Inspections are required during construction for all decks, patios and pool decks. We do three (3) separate inspections.

- 1.) **Deck Footings:** shall have solid bearing at least forty-two (42) inches below grade.
- 2.) **Framing:** shall have carriage bolts in beams at unsupported locations, lag bolts at least every thirty-two (32) inches in ledger attached to house, and hangers of appropriate size for unsupported joists with all nail holes filled with galvanized hanger nails.
- 3.) **FINAL:** an inspection is required upon completion of the deck or patio. It requires that:
 - A.) Decks, landing and platforms more than 30" above adjacent floor or grade level shall be provided with railings not less than 36" in height on the open sides.
 - B.) Stairs must have equal rise from grade to finished deck or patio floor, not to exceed 8 1/4" in height and minimum widths of treads of fixed stairs shall be 9". Stairs that have 2 risers or more must have a railing on at least one side. Railing heights will be 34"-38" in height above the top of the riser. Where stairs are more than 30" in height railings shall be provided on all open sides. Width of stairs shall be not less than 27" clear between handrails or 31.5" between handrail and opposite wall surface and 36" between stair enclosures.

- 4.) If deck is attached to pool, all applicable enclosure requirements must be met. Refer to Section IV of this brochure.

B.) To Schedule an Inspection

Notify the Building Department 24 hours in advance for all required inspections and receive approval before any portion, equipment or system is covered or enclosed. If the final inspection performed results in an approval, a Certificate of Compliance will be mailed to the permit applicant. Call the Building Department to schedule all inspections at 585-742-5035 ext. 1.

LOCATING A DECK

A.) Setbacks to Property Lines

- 1.) Decks and patios shall conform to the setbacks established in the Town of Victor Zoning Ordinance.
- 2.) Decks and patios must generally be set back from the side lot lines a dimension equal to or greater than fifteen (15) feet and equal to or greater than fifteen (15) feet from rear lot lines. Setbacks may vary for different subdivisions. Confirm with the Building Department.

B.) Separation from Active Well or Private Waste Disposal System (Septic)

All decks are required to be at least fifteen (15) feet away from active wells or private waste disposal systems, unless written relief is obtained from the Ontario County Health Department.

C.) Vertical Clearance From Overhead Electric Wire Services

Except for pool decks or patios, which are more restrictive, overhead service electric wire shall have a minimum vertical clearance of ten (10) feet from the walking surface of a deck or patio.

POOL DECK REGULATIONS (ACCESS)

All pool decks not wholly enclosed within a complying pool enclosure must be constructed to restrict access as follows:

- 1.) The top of the railing must be at least four (4) feet in height above adjacent grade or other walking surface, with maximum vertical clearance to grade of two (2) inches.
- 2.) The railings must be constructed with openings not exceeding four (4) inches between vertical pickets.
- 3.) The deck must be constructed so as not to provide footholds on exterior of structure to prevent climbing.
- 4.) Gates to the deck shall be at least forty-eight (48) inches high from the top step if served by fixed access stairs.
- 5.) The latch handle shall be located within the enclosure with the gate swinging away from the pool.

RAILS ON DECKS

Railings are required on all decks where the walking surface is greater than thirty (30) inches above grade. Rails not part of a required pool enclosure, must be 36" or greater in height and rigid (capable of withstanding a 200 pound force applied along the rail, without deflection).

SOME COMMON MISTAKES TO AVOID

*Placing decks or pool decks within existing easements without first obtaining a license agreement, release of easement, or other written permission from the easement holder.

*Violating deed restrictions. In many cases, the intended construction activity of the applicant is restricted by deed and/or the applicant's participation in a homeowners' association that prohibits certain types of structures or uses.

*Filling or placing a deck or pool deck in a swale that channels storm water runoff.

*Placing decks over abandoned septic and fuel tanks that have not been properly closed.