

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Caitlin Crowe, Planner I

Date: March 31, 2021

RE: **VARIANCE CASE V21-032**  
**639 Vinings Estates Drive – Allow additional accessory structure**

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#### **BACKGROUND**

The applicant is requesting a variance to allow for an inground swimming pool at 639 Vinings Estates Drive. The property is currently occupied by an existing single-family home and a shed in the rear of the property. Thus, the applicant requires a variance to be allowed to have an additional accessory structure. Section 501 controls the maximum allowable number of accessory structures.

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#### **ANALYSIS**

The subject parcel is a 0.64-acre lot located on the south side of Vinings Estates Drive, at the intersection of Vinings Estates Drive and Vinings Estates Trace (see Figure 1). The subject parcel and all adjacent parcels are zoned RDA and are all occupied by detached single-family residences with the exception of the property to the south, which is open space for the Vinings Estates Subdivision.

The subject property is currently occupied by a single-family home and a 100 square foot shed in the rear of the property. The applicant is proposing to construct a 564 square foot in-ground swimming pool between the house and existing shed. The accessory structure ordinance allows one accessory structure or use per lot; thus, a variance is required due to the existing shed on the property. The existing shed has been used for tools and additional storage and is currently in the far rear of the property, with no other structures within 100 feet. In fact, the closest property to the shed is open space for the Vinings Estates subdivision, which has no structures on the property.

The subject property is buffered from adjacent properties by an existing 6-foot wooden privacy fence and is largely wooded in the rear. Due to the size of the lot and the existing wooden fence, Community Development believes the proposal will not adversely impact adjacent properties. Similar variances for additional accessory structures have been granted where approval would not impact adjacent properties so no negative precedent would be set. Community Development believes the variance requested is the minimum variance needed to allow for a swimming pool on the subject property. Community Development has not received any calls in opposition to the request.

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**STAFF COMMENTS**

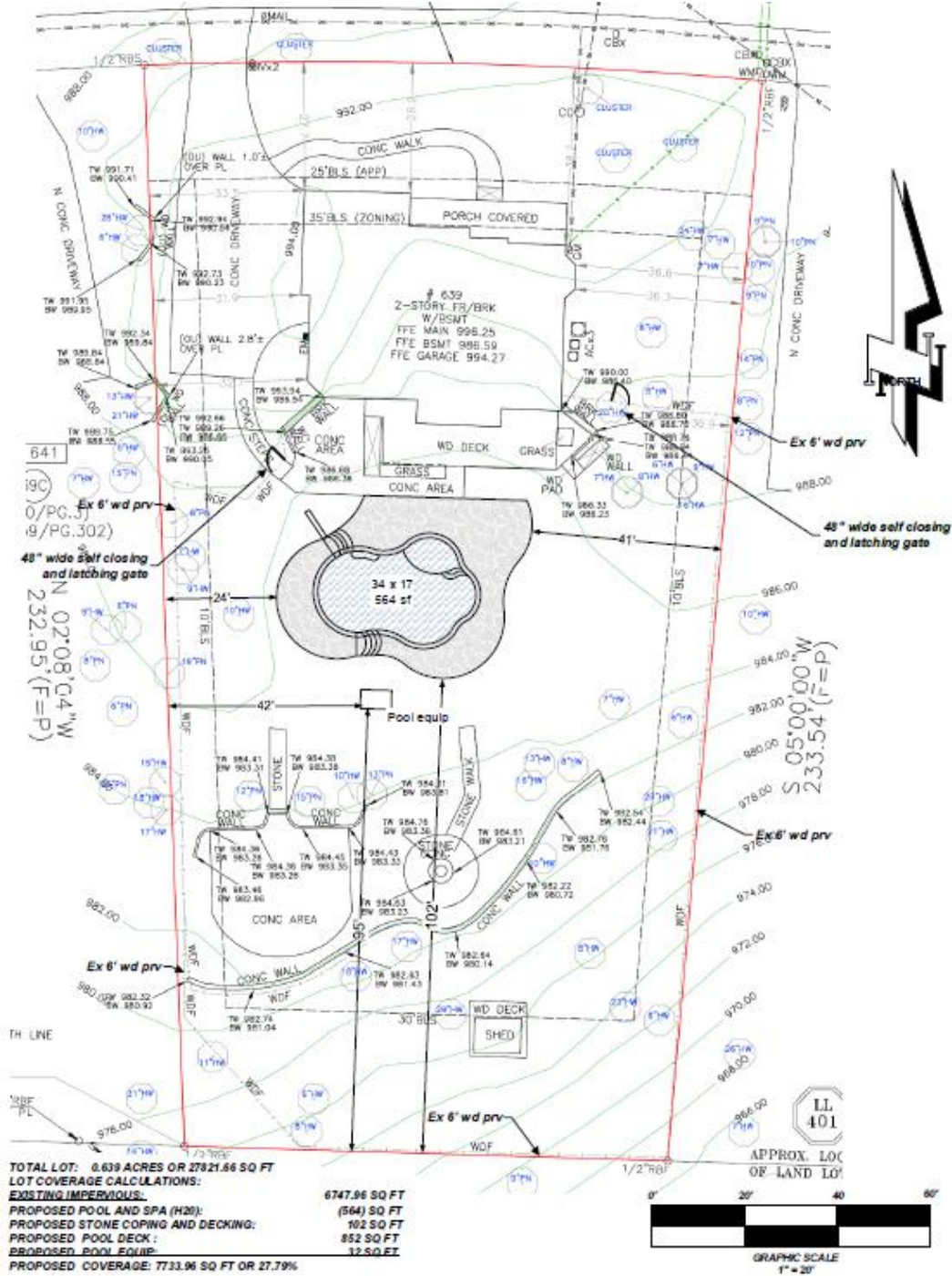
The applicant is requesting to deviate from the City’s accessory structure ordinance to allow a second accessory structure. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Community Development believes that the requested variances will not adversely affect surrounding residents. Therefore, Community Development recommends **approval** of the requested variance with the following condition:

1. Approval of the subject property for the requested variances shall be conditioned upon substantial compliance with the site plan submitted.

**Figure – 1**



Figure – 2  
 Site Plan



**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property to the West**



**Figure – 5**  
**Adjacent Property across Vinings Estates Drive**



**Figure – 6**  
**Adjacent Property to the East**

