

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, AICP - Planner II

Date: March 2, 2017

**RE: VARIANCE CASE V17-015  
1358 Wynbrook Trace – Additional Accessory Structure in Rear Yard.**

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## **BACKGROUND**

The applicant is requesting a variance for an additional accessory structure at 1358 Wynbrook Trace for an in-ground swimming pool where a basketball court and batting cage already exists. Regulations governing accessory structures are based upon the standards associated with Section 501.11 of the Zoning Code.

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## **ANALYSIS**

The subject parcel is located on the south side of Wynbrook Trace in the Vinings Estates Subdivision (Figure 1). The subject parcel and adjacent properties to the west, east, and north are zoned RAD and are occupied with single family residences. The property to the south is zoned R-15 and occupied by Whitefield Academy.

The applicant is requesting an additional accessory structure on the subject property. Currently the property contains a concrete basketball court and batting cage. The applicants have received approval from the Vinings Estates HOA as well as the endorsement of surrounding neighbors. The subject property is 0.83 acres. The property has houses on both sides however the rear yard is adjacent to dense vegetation that separates the neighborhood from the school. The proposed pool is 37 ft. x 17 ft. with decking around it, totaling 993 sq. ft. in area.

The basketball court and batting cage were built on the property prior to the applicants purchasing the subject property. However, the applicants purchased the property with the intent to build an in-ground swimming pool. Section 501.11 of the zoning ordinance restricts accessory structures to one per lot. Although the property contains an existing batting cage and basketball court, only the batting cage is a vertical structure. Community Development believes the intent of Section 501.11 is primarily to limit the size and quantity of accessory structure, which are vertical, rather than accessory uses, which are at grade. With the addition of the swimming pool the subject property remains below maximum impervious coverage requirements at 34%.

The applicant is requesting a variance to allow an additional accessory structure in the rear yard. The hardship is not self-imposed as the other property improvements existed prior to the

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applicants purchasing the property. Strict application of the ordinance would prohibit the additional accessory structure, as two already exist. Community Development believes the variance requested is the minimum variance needed and that if approved there should be no negative impacts to adjacent properties.

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### STAFF COMMENTS

The applicant is requesting to deviate from the City's requirement governing accessory structures under Section 501.11 of the Zoning Ordinance. 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 request against the variance review standards and found it to be in compliance. Furthermore, other variances of this type have been granted in the past. At the time of this report, Community Development has received no opposition to this request from surrounding property owners. Community Development recommends **approval** of a variance to allow the in-ground pool in the rear yard.

**Figure – 1**



**Figure 2 – Subject Property**



**Figure 3 – Adjacent Property**





**Figure 4 - Adjacent Property**



Figure 5 – Site Plan

