

# 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: July 28, 2020

**RE: VARIANCE CASE V20-041**  
**1429 Walker Court – Allow impervious surface increase from 45% to 48%**

**VARIANCE CASE V20-042**  
**1429 Walker Court – Reduce accessory structure rear setback from 5 feet to 3 feet**

**VARIANCE CASE V20-043**  
**1429 Walker Court – Reduce side setback from 10 feet to 3 feet**

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#### **BACKGROUND**

The applicant is seeking several variances to allow for the construction of a new swimming pool on the subject property. These variance requests include a side setback reduction, rear setback reduction, and an impervious surface increase. Section 801 sets the setback requirements and maximum impervious area in the RDA zoning district while Section 501 governs accessory structures.

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#### **ANALYSIS**

The subject parcel is a 0.22-acre lot located on the east side of Walker Court, at the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north are zoned RDA while the adjoining parcels to the east, south, and west are zoned R-15. All parcels are occupied by single-family detached residences.

The applicant is proposing to build a 200 square foot pool in the rear of the property. In order to construct the pool in the rear yard, the applicant is requesting to reduce both the rear setback and side setback to 3 feet. Due to the ratio between the property size and the house square footage, the applicant had minimal area to build the swimming pool without encroaching into the setbacks. Therefore, the hardship is not self-created.

In order to minimize the increase in impervious area, the applicant will be constructing the pool deck with pervious pavers to offset the increase. However, even with the pervious pavers, the impervious surface area will be above the allowable 45% by roughly 3% due to the size of the existing house and driveway on the property. The City Engineer has reviewed the application and proposed pervious pavers and is supportive of the variance.

The subject property is buffered from adjacent properties by an existing wooden six-foot privacy fence. Due to the size of the lot and the existing fence, Community Development believes the proposal will not adversely impact adjacent properties. Community Development believes the hardships are not self-created and are the minimum variances needed to construct a swimming pool in the rear of the property. Community Development has not received any calls in opposition to the request.

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## STAFF COMMENTS

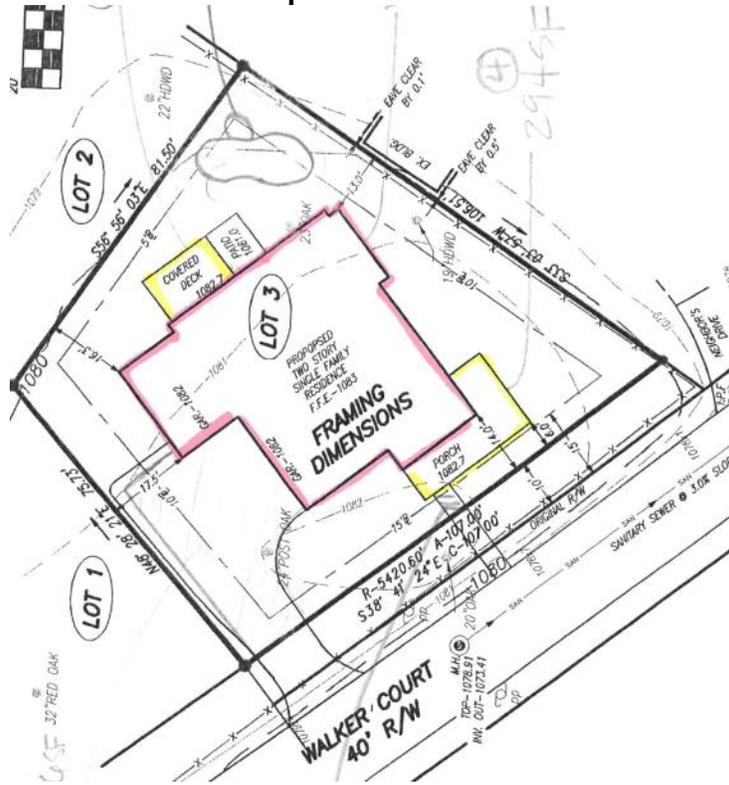
The applicant is requesting to deviate from the development standards established by the City for the following: maximum impervious area of 45%, rear setback of 5 feet, and side setback of 10 feet. The applicant is requesting variances to increase the impervious surface area from 45% to 48%, reduce the rear setback from 5 feet to 3 feet, and to reduce the side setback from 10 feet to 3 feet. 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 with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.

Figure – 1



**Figure – 2  
Proposed Site Plan**



**Figure – 3  
Subject Property**



**Figure – 4**  
**Adjacent Property**



**Figure – 5**  
**Adjacent Property**

