

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: April 13, 2021

**RE: VARIANCE CASE V20-043
1210 Pierce Avenue – Reduce streetside setback from 23.3 feet to 11 feet for a pool**

BACKGROUND

The applicant is seeking a variance to reduce the streetside setback from 23.3 feet to 11 feet to allow for the construction of a new swimming pool on the subject property. Section 801 sets the setback requirements in the R-12 zoning district.

ANALYSIS

The subject parcel is a 0.42-acre lot located at the intersection of Dixie Drive and Pierce Avenue (see Figure 1). The subject parcel and adjoining parcel to the east are zoned R-12 while the adjoining properties to the north and south are in Cobb County; all are occupied by detached single-family homes. The adjacent property to the west is occupied by the railroad in between Dixie Avenue and Atlanta Road.

The applicant is proposing to build a 432 square foot inground pool in the rear of the existing house. Due to the unique triangular property shape and being a corner lot, although the pool will be behind the home, it will encroach into the streetside setback by 12 feet. The existing home, built in 2005, sits in line with the surrounding homes at the front setback line of 35 feet. This creates a large front yard with a small rear yard area. In order to construct the pool behind the home, the applicant is requesting to reduce the streetside setback to 11 feet. The interior side setback of 10 feet will be maintained. Due to the property shape and existing house location, the applicant had minimal area to build the swimming pool without encroaching into the setbacks. Therefore, the hardship is not self-created.

The subject property is buffered from adjacent properties by an existing vinyl privacy fence and landscaping (see Figure 5). Due to the location 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.

STAFF COMMENTS

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The applicant is requesting to deviate from the City's setback requirements established in Section 801 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 with four (4) of the four (4) standards. 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 condition:

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

Figure – 1



Figure – 2
Proposed Site Plan

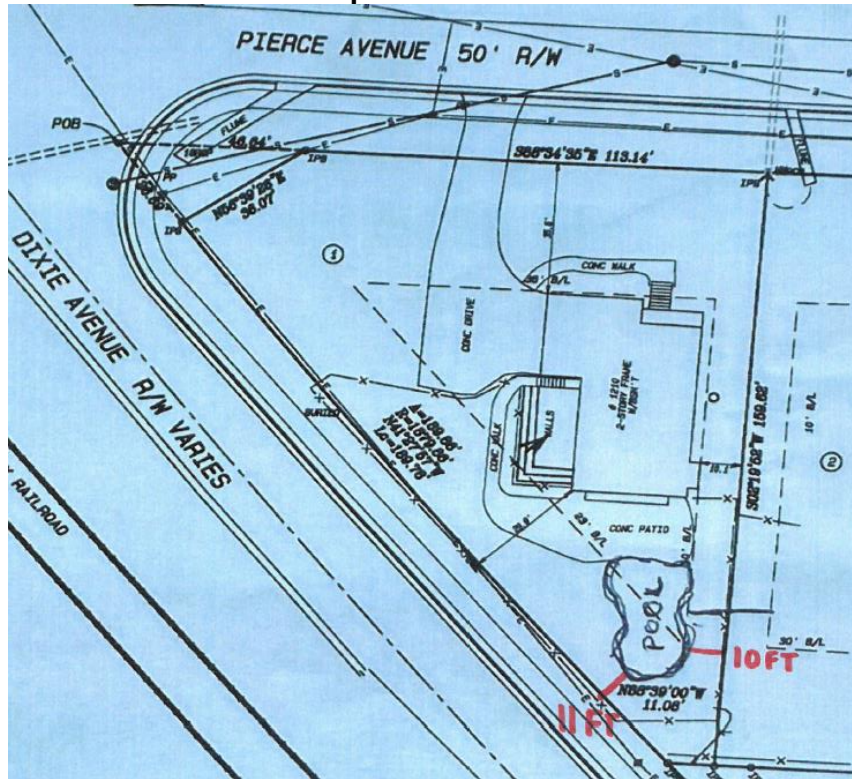


Figure – 3
Subject Property from Pierce Avenue



Figure – 4
Subject Property from Dixie Drive



Figure – 5
Existing Fence and Vegetation along Dixie Drive



Figure – 6
Adjacent Property across Pierce Avenue



Figure – 7
Adjacent Property across Pierce Avenue



Figure – 8
Adjacent Property to the East



Figure – 9
Railroad Tracks across Dixie Drive

