

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner I

Date: October 4, 2021

RE: VARIANCE CASE V21-053A
1355 Marston Street – Allow impervious surface increase from 35% to 48.7%

VARIANCE CASE V21-053B
1355 Marston Street – Allow second accessory structure

BACKGROUND

The applicant is seeking variances to allow for an increase in the impervious surface area from 35% to 48.7% and to allow for a second accessory structure to construct an inground pool at 1355 Marston Street. Section 801 sets the maximum impervious area in the R-15 zoning district whereas Section 501 controls the maximum allowable number of accessory structures.

ANALYSIS

The subject parcel is a 0.18-acre lot located on the north side of Marston Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are occupied by single-family detached residences.

The subject property is currently occupied by a single-family home and a 96 square foot shed in the rear corner of the property. The applicant is proposing to build a 350 square foot inground pool in the rear yard. The lot is a pre-existing platted lot from 1950 that is 7,937 square feet. When the home was built in 2007, the builder went over the allowable 35% by roughly 9.2% without obtaining a variance. Due to the existing home and the size of the lot, the impervious surface area will increase from 45.9% to 48.7% with the addition of the inground pool. Since the existing single-family home was already non-conforming, the hardship is not self-created.

To offset the increase in impervious surface area, the applicant is proposing to use pervious pavers for the majority of the patio space that will allow filtration of the additional surface water. The City Engineer has reviewed the application and is supportive of the variance without further mitigation measures.

Since the subject property is currently occupied by the home and shed, it requires a variance for a second accessory structure to build the pool. The subject property is buffered from adjacent properties by an existing 6-foot wooden privacy fence. Due to the existing fence and rear

location of the pool, Community Development believes the proposal will not adversely impact adjacent properties. Strict application of the ordinance would deny the applicant any ability to add a pool on the property due to the existing storage shed. Similar variances for additional accessory structures have been granted where approval would not impact adjacent properties.

Community Development believes the variances are the minimum variances needed to construct an inground pool on the property. Strict application of the ordinance would deny the applicant any ability to build any additional usable outdoor space due to the existing shed, driveway and house already over the allowable impervious coverage.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. The applicant is requesting to increase the impervious surface area to 48.7% to allow for the construction of an inground swimming pool. 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 impervious surface increase 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 & Mitigation Plan

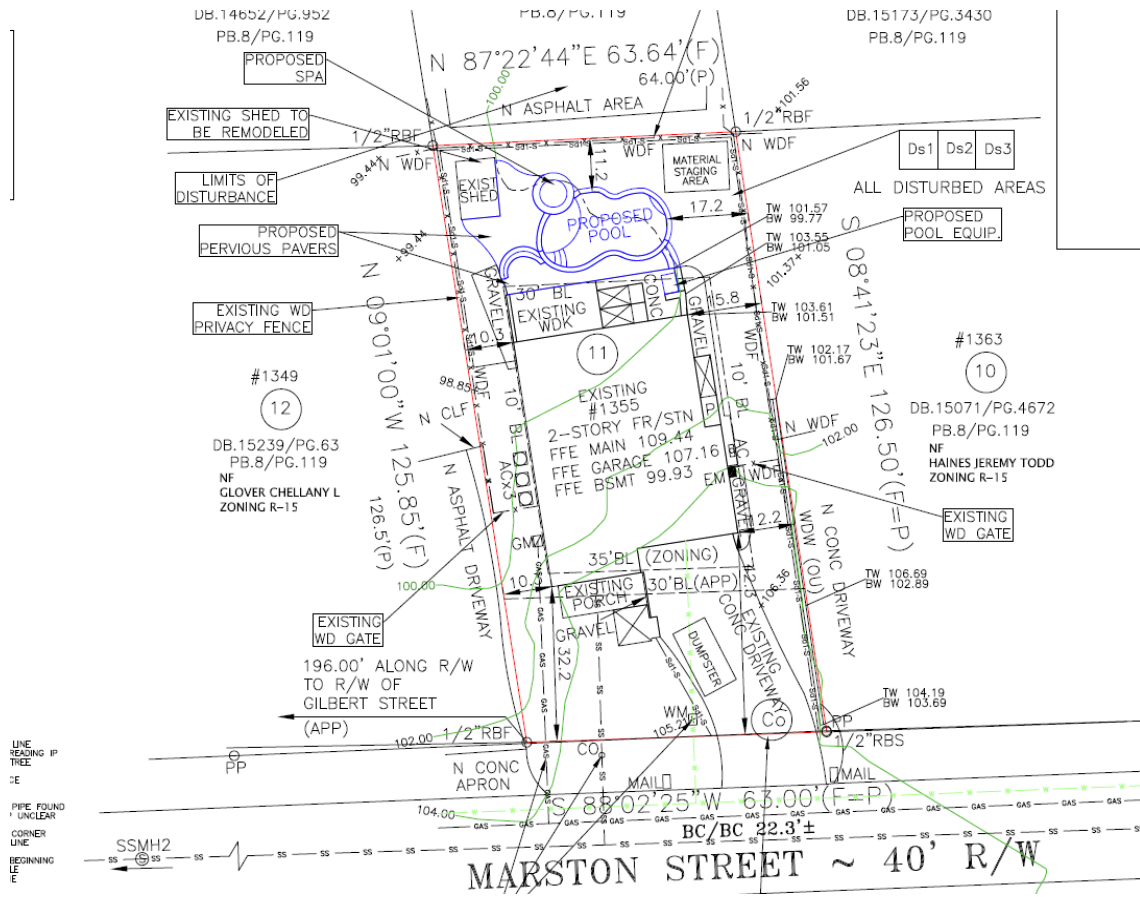


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the East



Figure – 5
Adjacent Property Across Marston Street



Figure – 6
Adjacent Property Across Marston Street



Figure – 7
Adjacent Property to the West

