

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 1, 2024

RE: **VARIANCE CASE V24-015**
1362 Wynbrook Trace – Allow encroachment into the 75-foot impervious surface area setback

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to allow for the construction of a new swimming pool at 1362 Wynbrook Trace. The City's stream buffers are controlled by Chapter 46, Article VI.

ANALYSIS

The subject parcel is a 0.46-acre lot located on the south side of Wynbrook Trace with a stream running to the south of the property (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are occupied by single-family detached residences within the Vinings Estates subdivision, with the exception of the property to the south, which is occupied by Whitefield Academy, a private school.

The subject property is currently occupied by a 7,149 square foot single-family home with a stream to the south of the property. Due to the stream, the rear yard is encumbered by the City's 50-foot undisturbed stream buffer and the City's 75-foot impervious surface area setback. The applicant has designed the pool to stay out of the 50-foot undisturbed buffer but encroaches into the 75-foot impervious surface area setback by 1,104 square feet. The proposed pool is outside the stream buffers as much as possible without infringing on the house foundation. No other variances are needed as the property is just below their impervious coverage maximum of 45% and there are no additional accessory structures.

The applicant will require relief from the City's stream buffer ordinance in order to construct the pool and decking in the rear yard. The applicant will mitigate the encroachment by installing 3 flo-wells to the west side of the home. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to issuance of the pool permit.

Due to the existing stream buffers in the rear yard, Community Development believes this is the minimum variance needed to allow for any outdoor amenity. Due to the location of the pool in

the rear yard, Community Development believes the proposal will not adversely impact adjacent properties. Strict application of the ordinance would deny the applicant the ability to build any outdoor amenity in the rear yard due to the existing stream buffers. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the City's 75-foot impervious surface area setback to install an inground swimming pool in the rear yard. 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. 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 mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement must be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the pool permit.

Figure – 1

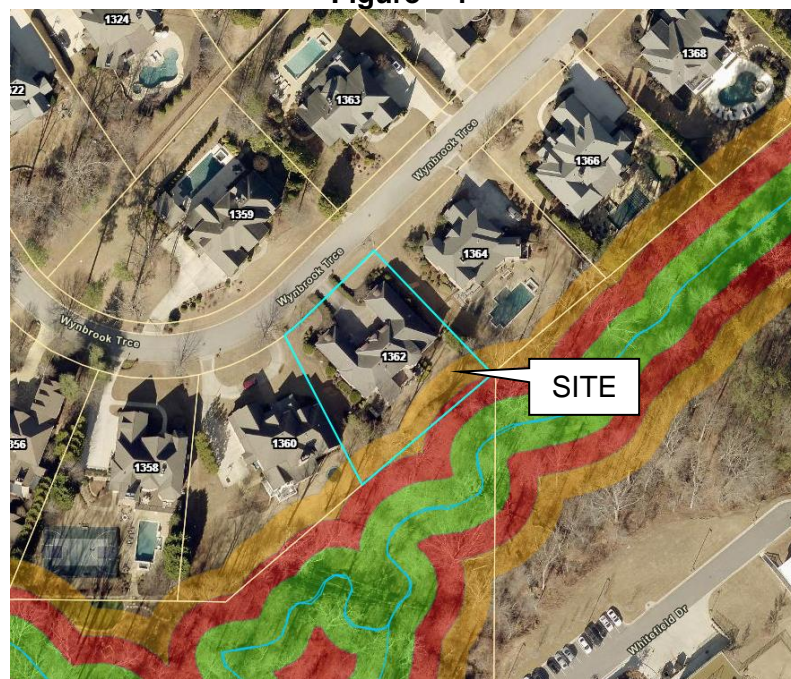


Figure – 2 Site Plan



Figure – 3 Subject Property



Figure – 4
Adjacent Property to the East



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property across Sadler Drive

