

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 1, 2024

RE: VARIANCE CASE V24-053
2730 Morris Circle – Increase the maximum impervious surface area from 35% to 44%

VARIANCE CASE V24-062
2730 Morris Circle – Reduce the side setback from 10 feet to 5 feet

VARIANCE CASE V24-063
2730 Morris Circle – Allow second accessory structure

BACKGROUND

The applicant is requesting several variances for a cabana and pool addition in the rear yard of 2730 Morris Circle: increase the impervious surface area from 35% to 44%, reduce the side setback from 10 feet to 5 feet, and allow a second accessory structure. Section 801 sets the maximum impervious area and setbacks in the R-15 zoning district whereas Section 501 sets the maximum number of accessory structures.

ANALYSIS

The subject parcel is a 0.24-acre corner lot located to the west of the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north, south, and west are zoned R-15 while the adjacent parcels to the east are zoned RDA; all are occupied by single-family detached residences.

The subject property is currently occupied by a 3,589 square foot single-family home, built in 2020. The existing house is currently situated in the middle of the lot with the front porch on Morris Circle and a side-entry garage off Walker Court. The applicant is proposing to build a 381 square foot pool and spa with a 320 square foot cabana in the rear of the property. The cabana will feature cedar posts, be open on all four sides, and cover an outdoor kitchen area. Due to the location of the home and the corner lot setbacks, several variances are required to erect the pool and the cabana.

The accessory structure ordinance allows one accessory structure or use per lot; since the applicant is proposing both a pool and a cabana, a variance is required for the additional

structure. Since the pool and cabana are both separate outdoor uses, staff are supportive of the request.

Since the lot is a corner lot with front setbacks on both Walker Street and Morris Circle, the applicant has minimal area to build the swimming pool and cabana without encroaching into the setbacks. The applicant is able to maintain the 5-foot accessory structure rear setback but is requesting to reduce the side setback to 5 feet in order to construct both the pool and cabana fully in the rear yard. If the pool was moved over an additional five feet to accommodate the side setback, the cabana would be moved into the front setback and spur an additional two variances. Thus, this is the minimum variance needed to allow for both structures within the side setback.

After the addition of the pool and the accompanying cabana to the property, the impervious surface area will be above the allowable 35% by 9% (or 954 square feet). To offset the increase in impervious surface area, the applicant is adding a rain garden to the northwest corner of the rear yard, directly behind the proposed swimming pool. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to pool permit issuance.

Community Development believes the requested variances are the minimum variances needed to build an outdoor amenity on the property. A similar variance request was approved across the street at 1429 Walker Court in 2020 (V20-041-043). Thus, there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any opposition to the requests.

STAFF COMMENTS

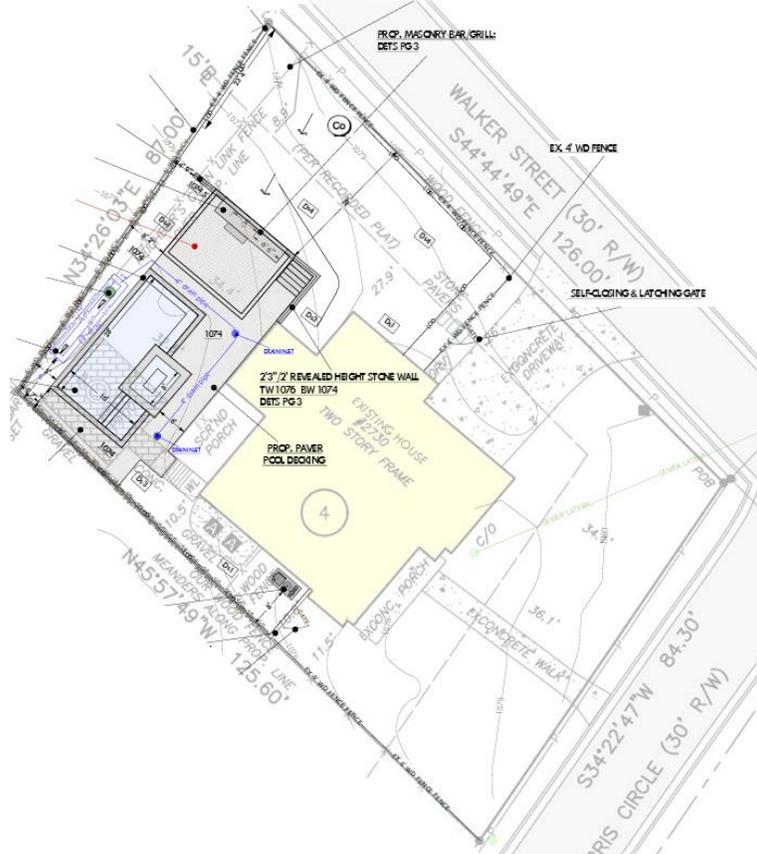
The applicant is requesting to deviate from the City's maximum impervious area, side setback, and maximum accessory structure requirements to build a swimming pool and cabana on the property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (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 proposed variances will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the pool permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

Figure - 1



Figure - 2
Site Plan



**Figure – 3
Subject Property**



**Figure – 4
Location of the Proposed Pool & Cabana**



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Properties across Walker Court



Figure – 8
Adjacent Property across Morris Circle

