

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: January 19, 2023

RE: VARIANCE CASE V22-064
3341 Pretty Branch Drive – Increase maximum impervious surface area from 35% to 39.78%

BACKGROUND

The applicant is requesting a variance to retain a 650 square foot in-ground swimming pool at 3341 Pretty Branch Drive. Due to the increased impervious area, the applicant is requesting an increase in the impervious surface area from 35% to 39.78%; Section 801 sets the maximum impervious area in the R-20 zoning district.

ANALYSIS

The subject parcel is a 0.50-acre lot located on the east side of Pretty Branch Drive (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and are all occupied by single-family detached residences.

The subject property is currently occupied by a 3,324 square foot single-family home and large circular driveway in the front of the property. In December 2021, the pool company submitted plans for a new 650 square foot pool and accompanying decking. However, to keep the property under the 35% maximum impervious surface area, the pool company showed a removal of 819 square feet from the existing driveway. However, the applicant has submitted the variance to keep both the pool and existing driveway and thus increase the impervious surface area to 39.78%.

To offset the increase in impervious surface area, the applicant is proposing three dry wells in the rear of the garage. The City Engineer has reviewed the application and is supportive of the proposed mitigation method. Additionally, the subject property is buffered from adjacent properties by a 5-foot wooden privacy fence. In fact, the closest structure to the proposed pool is almost 50 feet away. Due to the existing fence and location of the pool in the middle of the rear yard, Community Development believes the proposal will not adversely impact adjacent properties.

Community Development believes the variance is the minimum variance needed to retain the inground pool on the property. Similar variances have been approved throughout the City when

an appropriate mitigation method has been included. Community Development has received an email in support of the request from an adjacent neighbor.

STAFF COMMENTS

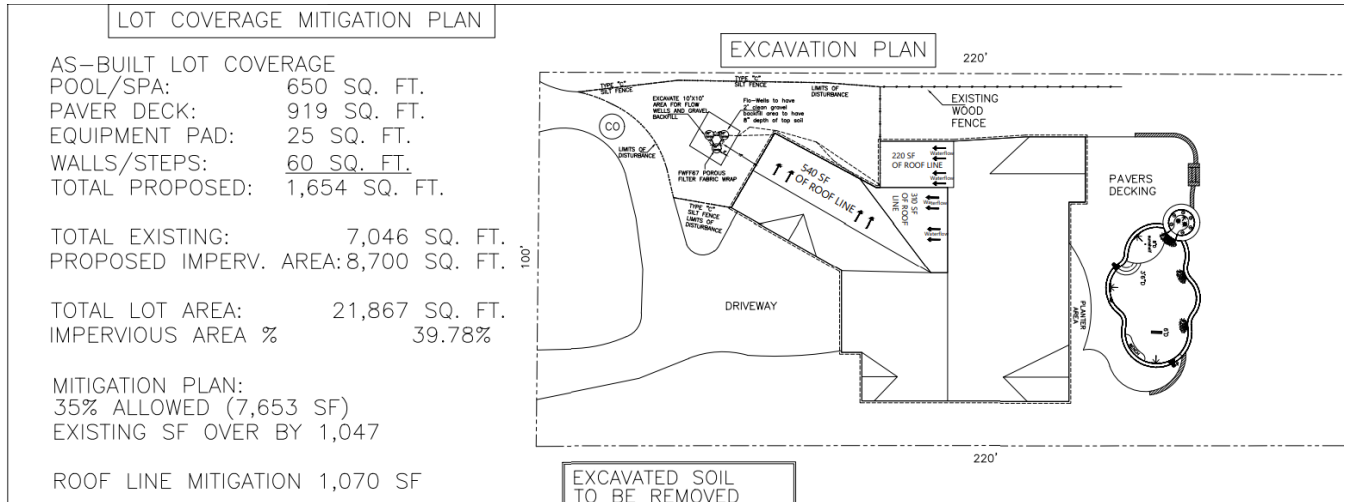
The applicant is requesting to deviate from the City's accessory structure ordinance and maximum impervious area to retain an inground swimming pool on the property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique 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. 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 of the variance is conditioned upon substantial compliance with the site plan and 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 completion of the pool permit.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Adjacent Property across Pretty Branch Drive



Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property to the North

