

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

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

Date: January 24, 2024

**RE: VARIANCE CASE V24-003  
728 Park Manor Drive – Increase maximum impervious surface area from 45% to 61%**

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## **BACKGROUND**

The applicant is requesting a variance to increase the impervious surface area from 45% to 61% due to the construction of a pool in the rear yard. Section 801 sets the maximum impervious area in the RDA zoning district at 45%.

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## **ANALYSIS**

The subject parcel is a 0.11-acre lot located on the south side of Park Manor Drive in the Sherwood Park subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are all occupied by single-family detached residences.

A pool permit was issued to the subject property in March 2023 with the stipulation that the land sale with 732 Park Manor Drive, as shown on the approved plans, would be completed and the property re-platted prior to final inspections being performed. However, rather than purchase neighboring land, the applicant has chosen to submit a variance and subsequent mitigation plan for an increase in impervious surface area.

The subject property is currently occupied by a 2,818 square foot single-family home and 658 square foot swimming pool in the rear of the property. After the addition of the pool and accompanying retaining wall to the property, the impervious surface area increased the impervious surface area 16% over the allowable 45% (or 747 square feet). The pool has been under construction for nearly one year, so the applicant is proposing to retain the pool in its current form and location.

To offset the increase in impervious surface area, the applicant is implementing a infiltration/retention system between the swimming pool and retention wall in the rear yard. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulations that a private drainage easement be recorded and a Stormwater Inspection & Maintenance Agreement be submitted prior to final inspection.

Community Development believes the requested variance is the minimum variance needed to retain the pool on the property. Similar variances have been approved throughout the City when an appropriate mitigation method has been included.

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## STAFF COMMENTS

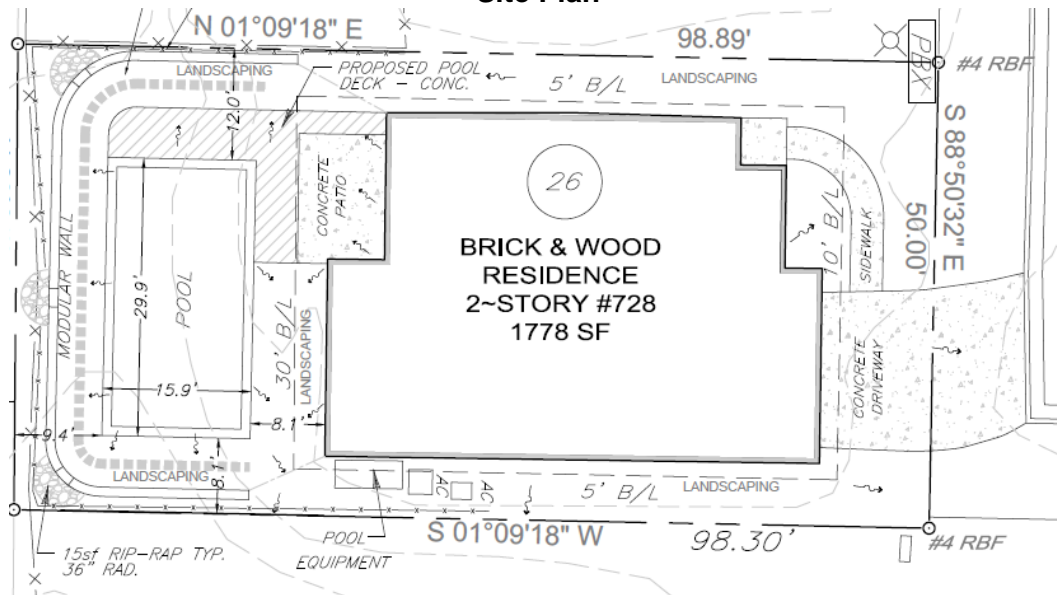
The applicant is requesting to deviate from the City's maximum impervious area to retain a swimming pool on the property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances 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. After a review of the standards above, Community Development believes that the impervious surface increase will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance is conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A private drainage easement shall be completed and recorded with the Cobb County Superior Court prior to completion of the pool permit.
3. A Stormwater Inspection and Maintenance Agreement shall 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 to the East**



**Figure – 5**  
**Adjacent Property to the North**



**Figure – 6**  
**Adjacent Property across Parks Edge Drive**

