

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: August 29, 2024

RE: **VARIANCE CASE V24-076**
3036 Lee Street – Increase maximum impervious surface area from 35% to 40.7%

BACKGROUND

The applicant is seeking a variance to increase the impervious surface area from 35% to 40.7% to build a new deck and accompanying patio on the side of the single-family home located at 3036 Lee Street. Section 801 sets the maximum impervious surface area of the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.48-acre lot located on the west side of Lee Street (see Figure 1). The subject parcel and adjoining parcels to the east, west, and south are zoned R-15 and are all occupied by single-family detached homes. The two adjacent properties to the north are both zoned LC (Limited Commercial) and are occupied by a swimming school and future daycare facility.

The subject property is currently occupied by a 3,522 square foot single-family home, built in 1930, which has had significant renovations over the years. As part of a large landscaping endeavor on the property, the applicant is proposing to build a deck on the side of the house with an accompanying tiered stone patio. The current home, driveway, and shed constitute a 32.5% existing impervious surface area. After the addition of the deck and patio to the property, the impervious surface area will be 5.7% over the allowable 35% (or 222 square feet).

To offset the increase in impervious surface area on the property, the applicant is adding a drywell to the southwest corner of the rear yard. 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 the issuance of the building permit for the deck.

Community Development believes the requested variance is the minimum variance needed to add more outdoor amenity space on the property. Similar variances have been approved throughout the city when an appropriate mitigation method has been included and implemented. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

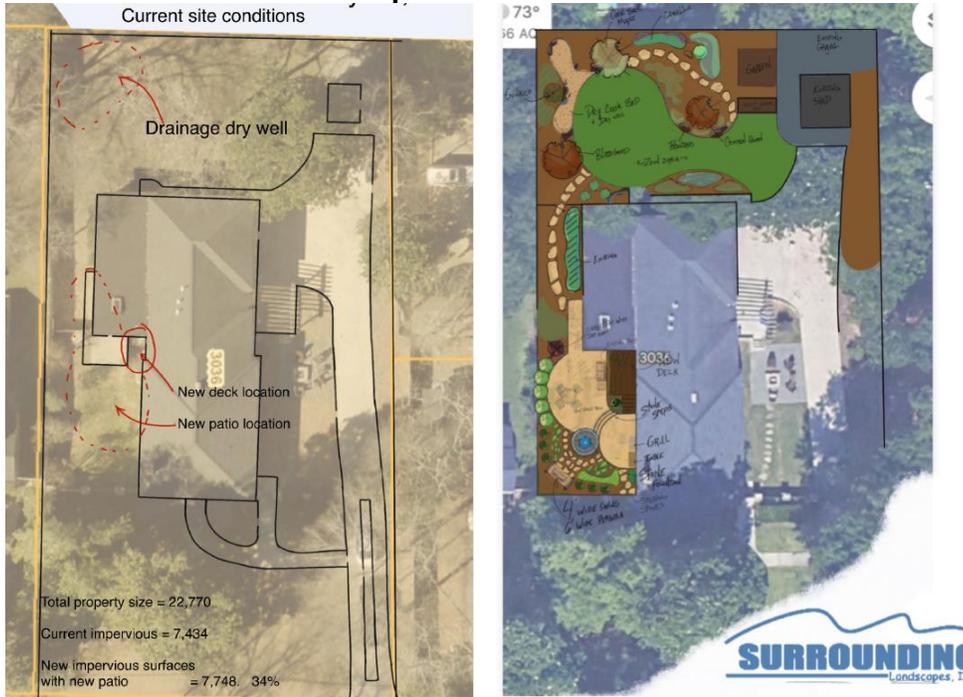
The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are 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; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the variance is conditioned upon substantial compliance with the mitigation plan and elevations 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 building 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
Proposed Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Lee Street

