

# 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: February 19, 2024

**RE: VARIANCE CASE V24-014**  
**4322 Goswell Road – Increase the maximum impervious surface area from 35% to 43.2%**

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#### **BACKGROUND**

The applicant is requesting a variance to increase the impervious surface area from 35% to 43.2% due to the addition of a pool in the rear yard. Section 801 sets the maximum impervious area in the R-15 zoning district at 35%.

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#### **ANALYSIS**

The subject parcel is a 0.23-acre lot located on the northwest side of Goswell Road in the King Valley at Vinings subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

A pool permit was issued to the subject property in December 2023 for a 22-foot x 11-foot pool with no pool decking to keep the property under the maximum impervious surface area. However, the pool that was delivered to the property was 30-feet x 15-feet, an increase of 208 square feet than what was approved. Rather than remove the larger pool, 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 2,548 square foot single-family home and 450 square foot swimming pool currently under construction in the rear of the property. After the addition of the pool and the accompanying decking to the property, the impervious surface area increased 8.2% (or 819 square feet) over the allowable 35%. 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 adding two flo-wells to the northwest 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 final pool 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 and implemented.

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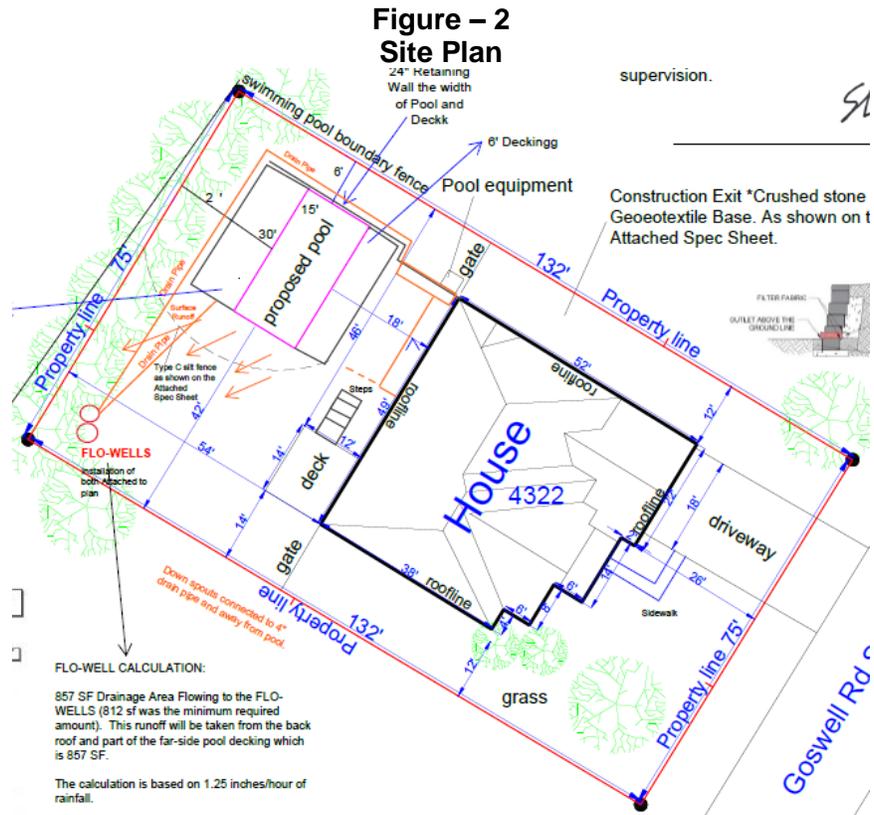
## STAFF COMMENTS

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 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 – 3  
Subject Property**



**Figure – 4**  
**Adjacent Property to the South**



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



**Figure – 6**  
**Adjacent Property across Goswell Road**

