



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: V24-169

Agenda Date: 11/13/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-090 - Allow encroachment into the City's 50-foot undisturbed buffer - Land Lot 416 - 2805 Eastfield Road - Joshua Oliver

Ward 5 Councilmember - Susan Wilkinson

ISSUE AND BACKGROUND:

The applicant is requesting a variance to encroach into the City's 50-foot impervious surface setback to allow for the construction of a deck at 2805 Eastfield Road. The City's stream buffers are controlled by Chapter 46, Article VI.

A variance was approved on the property in 2016 to encroach into the 75-foot impervious surface setback (V16-050) for an addition that did not include the deck. At the time, stipulations were placed to install a water quality treatment measure. However, there is no evidence to state that this was done at the time and was done under a previous homeowner. The deck was then built without a permit nor variance sometime in 2020 based off aerial records, also under a previous homeowner.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting relief from the City's 50-foot undisturbed buffer to replace a deck in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, variances must be reviewed under the following standards: (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; (2) The locations of all streams on the property, including along property boundaries; (3) The location and extent of the proposed buffer or setback intrusion; (4) Whether alternative designs are possible which require less intrusion or no intrusion; (5) The long-term and construction water-quality impacts of the proposed variance; (6) Whether as a result of an exchange of buffer area the net buffer area is not reduced; and (7) Whether issuance of the variance is at least as protective of natural resources and the environment. After a review of the standards above, Community Development and the City Engineer believe that the encroachment will not adversely affect surrounding residents nor the existing stream; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A plat shall be submitted to the City for approval and subsequently recorded with the Cobb County



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Superior Court to show the extension of the undisturbed buffer and impervious surface setback prior to issuance of the building permit.