

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: January 24, 2024

RE: VARIANCE CASE V24-004
1181 Bank Street – Allow new construction on lot of record below minimum requirements

VARIANCE CASE V24-005
1181 Bank Street – Increase the maximum impervious surface area from 35% to 45.5%

BACKGROUND

The applicant is requesting approval for two variances to build a new single-family home at 1181 Bank Street on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum requirements whereas Section 801 allows a maximum 35% impervious surface area in the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.34-acre lot located on the north side of Bank Street (see Figure 1). The subject parcel and adjacent parcels to the south and east are zoned R-15 whereas the adjacent parcels to the north and west are zoned RDA; all properties are occupied by single-family detached residences. The subject parcel was platted in 1910, prior to the current Zoning Ordinance, which was implemented in 1976.

The applicant demolished the former 1,988 square foot home in December 2023 and is proposing to build a new 3,455 square foot two-story single-family home which will consist of 4 bedrooms, 3 bathrooms and 2 ½ bathrooms. The façade will be a mixture of board and baton and hardiplank with a brick water table. Since the subject property is 14,870 square feet, which is just under the R-15 zoning district minimum requirement of 15,000 square feet, a variance must be acquired prior to construction of the new home. However, since the subject property is an existing lot of record, originally filed for platting in 1910, the hardship is not self-created. Additionally, as noted above, the former one-story structure was 1,988 square feet while the minimum house size of R-15 is 2,000 square feet. Since the new home will be 3,455 square feet, the home will be brought into compliance with the R-15 floor area requirement.

In addition to the new home, the applicant is proposing a new swimming pool in the rear yard. With the larger home and pool proposed on the property, the applicant will be over the

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maximum impervious coverage of 35% by 10.5%. To offset the increase in impervious surface area, an infiltration basin, 13 feet by 25 feet in area, will be constructed near the rear of the property. Stormwater from portions of the proposed patio roof, pool deck, and back yard area will be directed to drain to the basin by way of buried piping and site grading. The City Engineer has reviewed the application and is supportive of the proposed mitigation method.

The subject property is unique in that it has less square footage than what the R-15 zoning district requires; the hardship is not self-created as the property is an existing lot of record. Similar impervious surface area variances have been approved throughout the city when an appropriate mitigation method has been included. 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 City's minimum lot area and maximum impervious surface area for the R-15 zoning district. 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 believes that the lot size and setback encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site 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 and an as-built certification statement submitted to Community Development prior to completion of the pool permit.

Figure – 1



Figure – 2
Site Plan

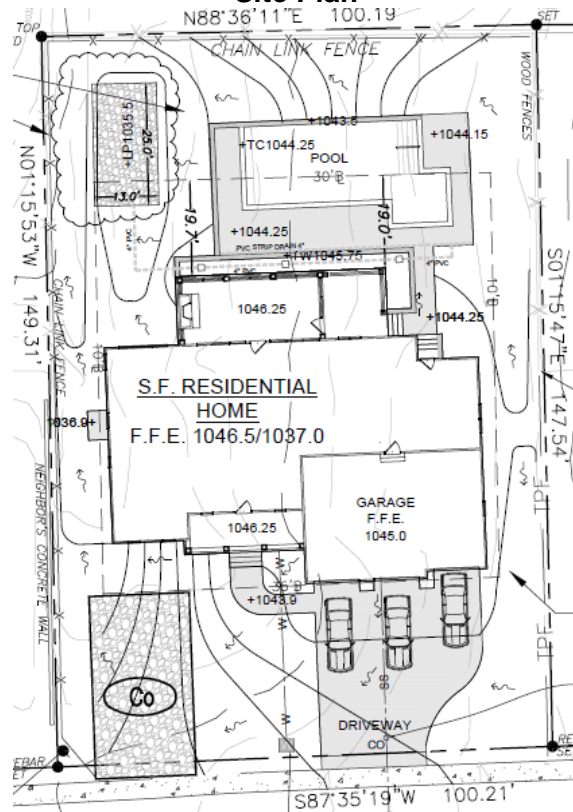


Figure – 3
Front Elevation



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Bank Street

