

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: November 4, 2024

**RE: VARIANCE CASE V24-090
2805 Eastfield Road – Allow encroachment into the City’s 50-foot undisturbed buffer**

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.

ANALYSIS

The subject parcel is a 0.28-acre lot located on the east side of Eastfield Road in the Cheney Woods subdivision (see Figure 1). A stream runs through the rear of the property and continues south. The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

The applicant is proposing to replace an existing 256 square foot deck in its current location. The rear yard and a portion of the home itself is greatly encumbered by the State’s 25-foot undisturbed buffer, the City’s 50-foot undisturbed stream buffer, and the City’s 75-foot impervious surface setback, with no section of the rear yard untouched by stream buffers. Since the property was platted in 1954, prior to the Stream Buffer Protection Ordinance in 2005, the hardship is not self-created. No other variances are needed as the property is below their impervious coverage maximum of 35% and the deck is well outside the setbacks.

The applicant will require relief from the City’s stream buffer ordinance in order to make the improvements in the rear yard. The applicant will mitigate the rear yard disturbance by extending the 50-foot undisturbed buffer into the 75-foot impervious surface setback and then extending the 75-foot impervious surface setback on the south side of the home to offset the

256 square foot encroachment. The new impervious area will be contiguous with the existing setback area and will require an update to and recording of the parcel plat to delineate the new undisturbed and impervious setback limits. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per the Georgia Stormwater Management Manual requirements.

Due to the existing stream buffers encumbering the entirety of the rear yard and the existing home, Community Development believes this is the minimum variance needed to allow for any deck replacement. Strict application of the ordinance would require the existing home to be removed and shifted west due to the existing stream buffers. Similar 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 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 Superior Court to show the extension of the undisturbed buffer and impervious surface setback prior to issuance of the building permit.

Figure – 1



Figure – 2
Site Plan

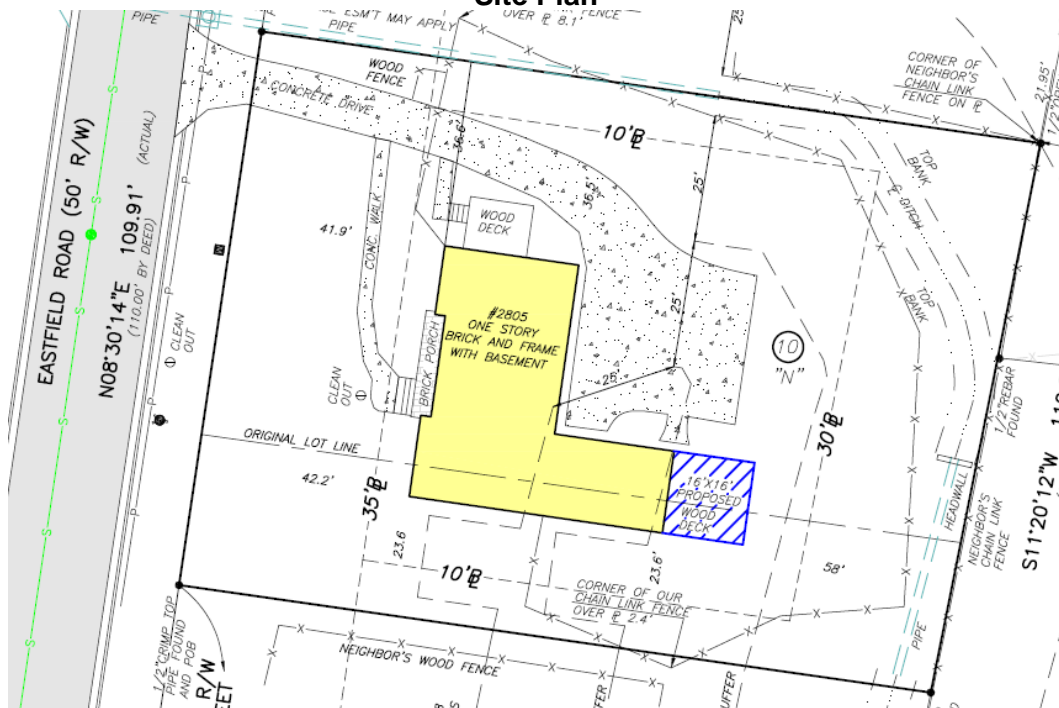


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the North



Figure – 5
Adjacent Property to the South



Figure – 5
Adjacent Property across Eastfield Road

