



City of Smyrna

Issue Sheet

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

File Number: V24-031

Agenda Date: 2/28/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: E

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-014 - Increase the maximum impervious surface area from 35% to 43.2% - Land Lot 406 - 4322 Goswell Road - Teresa Pastore

Ward 4 Councilmember - Charles

ISSUE AND 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%.

RECOMMENDATION / REQUESTED ACTION:

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.