

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Joey Staubes, Planner II

Date: July 17, 2024

**RE: VARIANCE CASE V24-056**  
**1546 Walker Street – Allow encroachment into the City’s 50-foot undisturbed stream buffer**

**VARIANCE CASE V24-057**  
**1546 Walker Street – Allow encroachment into the City’s 75-foot impervious surface setback**

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## **BACKGROUND**

The applicant is requesting a variance to allow encroachment into the City’s 50-foot undisturbed buffer and 75-foot impervious surface setback to build an addition at 1546 Walker Street. The City’s stream buffers are controlled by Chapter 46, Article VI.

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## **ANALYSIS**

The subject parcel is a 0.31-acre lot located at the south side of Walker Street (see Figure 1). A stream runs through the property and continues through the adjacent properties to the north and south. The subject parcel and adjacent parcels to the north, east, and south are zoned R-15 and the adjacent property to the west is zoned RDA. All are occupied by single-family detached residences.

The applicant is proposing to build a 497 square foot addition to the rear of the existing 1,263 square foot home. The majority of the lot and the existing home are 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 home was built in 1950 and property was platted 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 addition meets all building setback requirements.

The proposed addition lies within the City’s 50-foot undisturbed buffer and 75-foot impervious surface setback. To offset the encroachment into the stream buffers, the applicant is installing a rain garden to the rear yard, directly behind the proposed addition. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulation

## VARIANCE CASE V24-056 & 057

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that a Stormwater Inspection & Maintenance Agreement be recorded prior to pool permit issuance.

A sewer line runs along the western side of the property and the rear yard. The applicant was unable to verify the exact pipe location without excavation and camera location service. The sewer line appears to be a sufficient distance from the proposed addition. However, the pipe location will need to be verified prior to the issuance of the building permit to ensure the pipe does not service the home on the subject property and run underneath the area of the proposed addition.

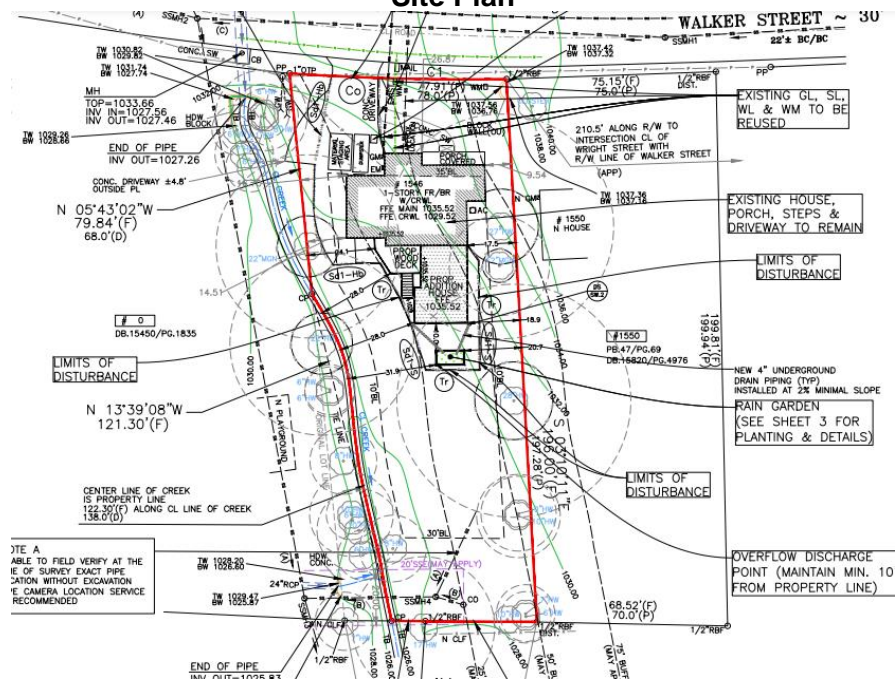
Due to the existing stream buffers encumbering the entirety of the rear yard and the existing home, Community Development believes this is the minimum variance needed to allow for any addition and that there should be no negative impacts to adjacent properties if approved. At the time of this report, Community Development has not received any calls in opposition to the request.

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### STAFF COMMENTS

The applicant is requesting relief from the City's 50-foot undisturbed stream buffer and 75-foot impervious surface setback to construct an addition to the existing home. 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 variances shall be conditioned upon substantial compliance with the site plan and 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 prior to issuance of the pool permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.
4. The location of the sewer line must be verified prior to issuance of the building permit to ensure no conflicts exist with the sewer line and proposed addition.





**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property**





**Figure – 5**  
**Adjacent Property**



**Figure – 5**  
**Adjacent Property**

