

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 23, 2024

RE: **VARIANCE CASE V24-027**
3355 Kathy Lane – Allow encroachment into the City’s 75-foot impervious surface setback

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City’s 75-foot impervious surface setback to allow for the construction of a deck and addition at 3355 Kathy Lane. The City’s stream buffers are controlled by Chapter 46, Article VI.

ANALYSIS

The subject parcel is a 0.53-acre lot located on the east side of Kathy Lane at the termination of Veneta Way (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and all are occupied by single-family detached residences. The subject property is in the C M Hamby subdivision, originally platted in 1955.

The property is currently occupied by a single-family home with a stream that runs through the rear of the property and continues through the adjacent properties to the south and east and a public sanitary sewer main line that bisects the rear yard with an accompanying 20-foot sanitary sewer easement. Due to the stream, a portion of the existing house and deck is currently encroaching into the 75-foot impervious surface setback. The applicant is proposing to remove the existing deck to construct an addition in its place; the addition and accompanying interior renovation will include an expansion of the master bathroom, adding a third bathroom, and adding a new deck to the rear of the home. Due to the stream, the rear yard 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 virtually no section of the rear yard untouched by stream buffers. Although the new proposed addition is within the previously encroached area as much as possible, there is a 445 square foot encroachment into the 75-foot impervious surface setback from a small portion of the addition and the deck.

The applicant will require relief from the City’s Stream Buffer Protection ordinance in order to make the improvements to the existing home in the rear yard. Since the property was platted in 1955, prior to the Stream Buffer Ordinance implemented in 2005, the hardship is not self-created. No other variances are needed as the property is below their impervious coverage

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maximum of 35% and there will be no proposed conflict with the sewer line easement in the rear of the property.

The applicant will mitigate the rear yard disturbance by installing two flo-wells to the north of the existing house, just outside the 75-foot impervious surface setback. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per 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 exterior renovations or outdoor amenity. 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 75-foot impervious surface setback to build an addition and 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 variances 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 Stormwater Inspection and Maintenance Agreement must be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the building permit.

Figure - 1

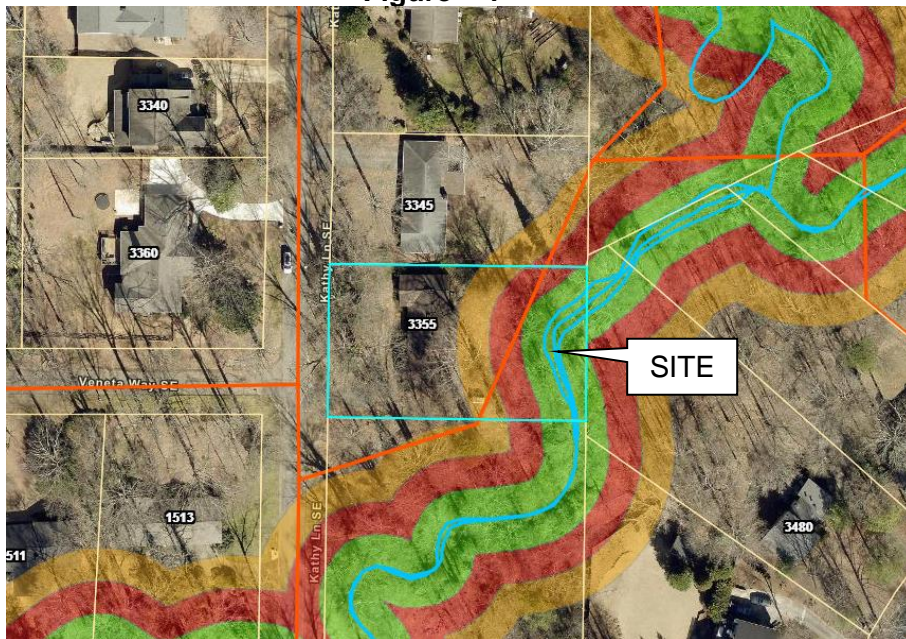


Figure - 2
Site Plan

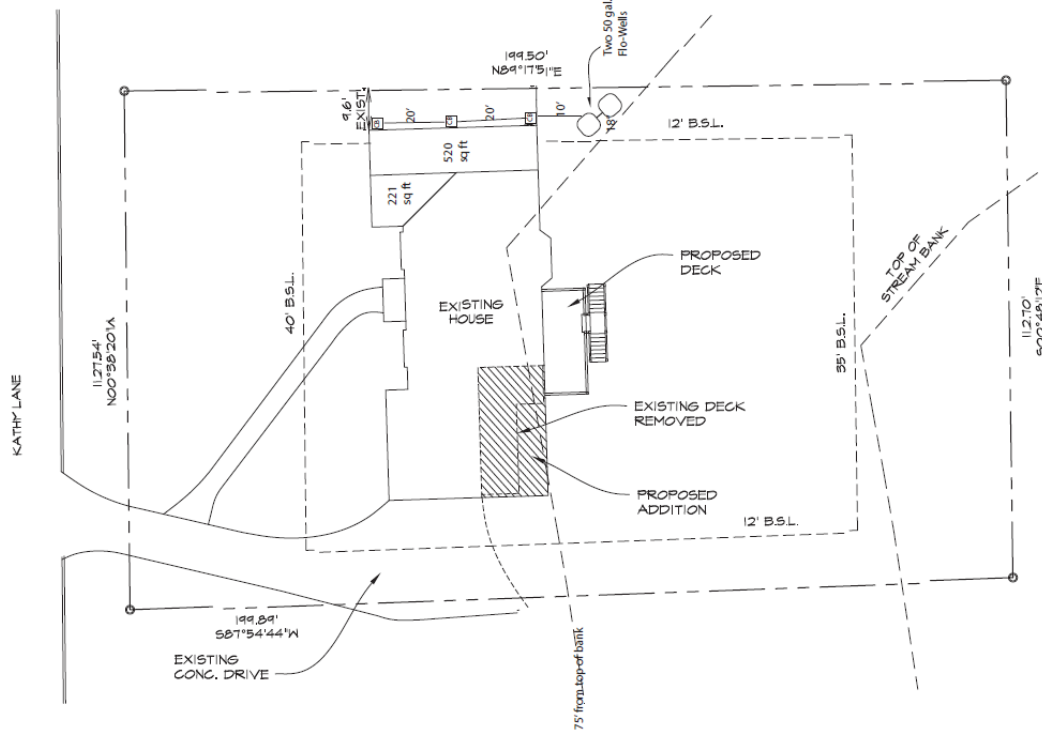


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property across Kathy Lane

