

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: November 21, 2023

**RE: VARIANCE CASE V23-085
1921 Sadler Drive – Allow encroachment into the 75-foot impervious surface area setback**

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to allow for the construction of a new swimming pool at 1921 Sadler Drive. The City's stream buffers are controlled by Chapter 46, Article VI.

The property received a denial of the impervious surface area variance request by Mayor and Council in December 2022 (Variance Case V22-055). The applicant has resubmitted the same request with a different site plan and smaller pool to address the City Engineer's previous mitigation concerns.

ANALYSIS

The subject parcel is a 0.23-acre lot located on the north side of Sadler Drive (see Figure 1). A stream runs through the northern border of the property and continues through the adjacent western and eastern properties as well as a 15-foot drainage easement just north of the deck on the rear of the home. The subject parcel and all adjoining parcels to the east, south, and west are zoned RDA and are occupied by single-family detached residences within the Stonecrest Manor subdivision. The adjacent parcel to the north is in Unincorporated Cobb County and is currently vacant.

The subject property is currently occupied by a 2,716 square foot single-family home with a stream running through the north of the property. Due to the stream, the rear yard is encumbered by the State's 25-foot stream buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious surface area setback. The applicant has designed the pool to stay out of the 50-foot undisturbed buffer but encroaches into the 75-foot impervious surface area setback by 318 square feet. The proposed pool is outside the stream buffers as much as possible without infringing on the house foundation. No other variances are needed as the property is well below their impervious coverage maximum of 45% and there are no additional accessory structures.

The applicant will require relief from the City's stream buffer ordinance in order to construct the pool and decking in the rear yard. The applicant will mitigate the 318 square foot encroachment by installing 165 square feet of pervious pavers and extend the impervious surface area setback 153 square feet to the west of the existing deck. The new impervious area would be contiguous with the existing setback area and will require an update to and recording of the parcel plat to delineate the new impervious setback limits. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation.

Due to the existing stream buffers and drainage easement in the rear yard, Community Development believes these are the minimum variances needed to allow for any outdoor amenity. Due to the size of the pool and location of the pool in the rear yard, Community Development believes the proposal will not adversely impact adjacent properties. Strict application of the ordinance would deny the applicant the ability to build any outdoor amenity in the rear yard due to the existing stream buffers. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. 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 area setback to install an inground swimming pool in the rear yard. 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 encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan and 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 completion of the pool permit.
3. A plat shall be submitted to the City for approval and recorded with the Cobb County Superior Court to show the extension of the impervious surface area setback prior to completion of the pool permit.

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Figure – 1



Figure – 2 Site Plan

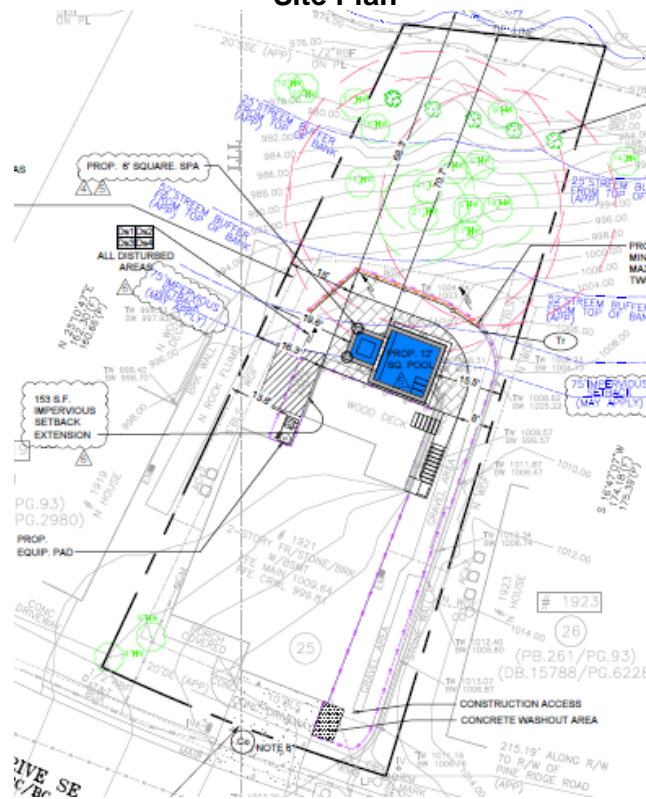


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the East



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property across Sadler Drive

