

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: December 6, 2023

RE: VARIANCE CASE V23-074
2294 Goodwood Boulevard – Allow maximum impervious surface area increase
from 30% to 55.6%

BACKGROUND

The applicant is seeking a variance to allow an increase in the impervious surface area from 30% to 55.6% for a deck replacement on the rear of the single-family townhome located at 2294 Goodwood Boulevard. Section 801 sets the maximum impervious surface area at 30% for any properties within the RTD zoning district prior to the Ordinance amendment in September 2022 (Ordinance 22-21).

ANALYSIS

The subject parcel is a 0.14-acre lot located on the west side of Goodwood Boulevard within the Oakley Downs subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned RTD and are all occupied by single-family townhomes, with the exception of the property to the northeast, which is open space.

The subject property is currently occupied by a single-family townhome with a public sanitary sewer easement through the middle of the rear yard. In September 2023, the applicant submitted a building permit to replace the 504 square foot wooden deck in the rear of the property. During plan review, the property survey revealed that the existing deck is not only encroaching into the sanitary sewer easement, but the deck is directly over the sewer pipe. Additionally, the property is currently over the maximum impervious surface area by 26%. Staff were unable to locate permits for the original deck or variances to account for the location or increased impervious surface area.

From historic aerial photography, staff determined that the deck has existed at least since 2013. Since the Stormwater Ordinance does not differentiate between replaced and new impervious area, a variance is required for the nonconforming impervious area. Additionally, per Section 1102, “no nonconforming building, structure or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the provisions of this ordinance.” With the full deck replacement, the property is required to be brought to current code, including the allowable impervious surface area coverage.

The applicant is proposing to replace the deck with a new, slightly smaller 496 square foot deck, which will be shifted from its current location to be four to six feet off the sewer pipe but remaining within the sanitary sewer easement. Since the existing 20-foot sanitary sewer easement encompasses a majority of the property's rear yard, the Public Works Assistant Director has agreed to allow the encroachment into the easement to remain, so long as the homeowner provides an indemnity letter and ensures the deck is no longer built directly over the pipe. Additionally, since the original increase in impervious surface area occurred at least in 2013 and there is no addition of land disturbing activities or stormwater runoff with the current deck, the City Engineer has determined that no remediation is required in order to support the variance.

Strict application of the ordinance would deny the applicant any ability to modify any portion of the home since the existing impervious area is already over the allowable maximum impervious coverage. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the RTD zoning district, which requires a maximum impervious area of 30%. 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; 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 site plan submitted with the variance application.
2. An indemnity letter shall be provided by the property owner prior to issuance of the building permit.
3. The portion of the deck on the western side of the home shall either be built of fire-retardant lumber or painted with fire-retardant paint, or as deemed necessary by the Chief Building Official.

Figure – 1



**Figure – 2
Proposed Site Plan**

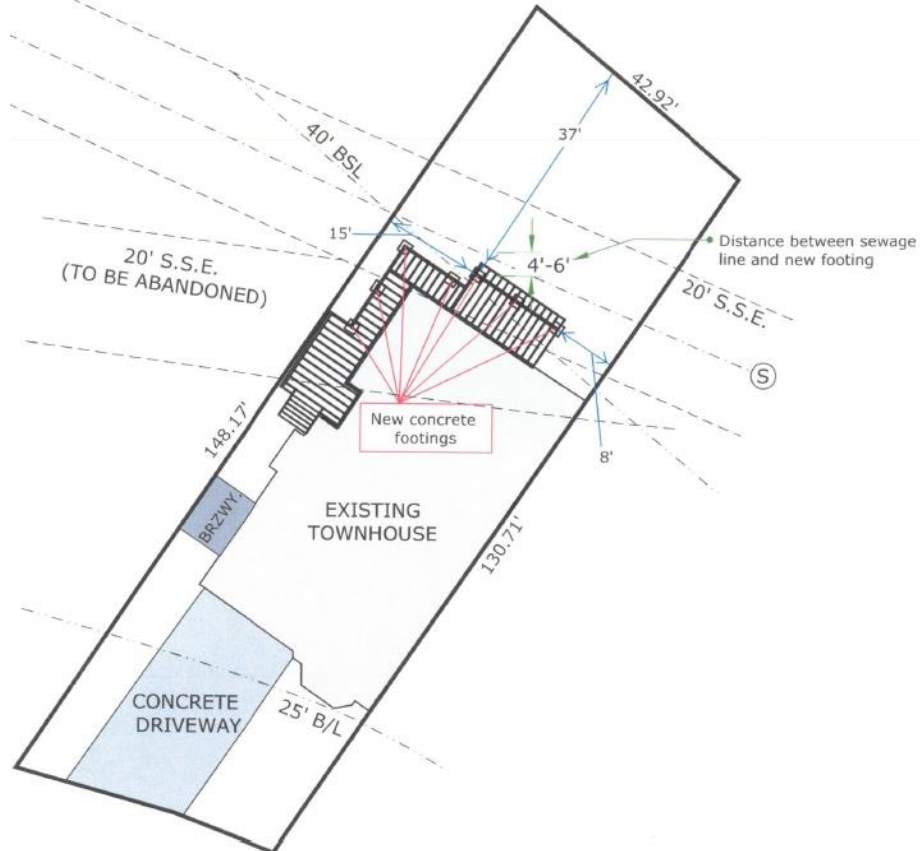


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Goodwood Boulevard

