

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: June 4, 2025

**RE: VARIANCE CASE V25-052**  
**1241 Kingsview Drive – Allow encroachment into the City’s 50-foot undisturbed stream buffer**

**VARIANCE CASE V25-053**  
**1241 Kingsview Drive – Allow encroachment into the City’s 75-foot impervious surface setback**

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#### **BACKGROUND**

The applicant is seeking two stream buffer variances to allow for the construction of a new single-family home at 1241 Kingsview Drive. The City’s stream buffers are controlled by Chapter 46, Article VI in the Code of Ordinances.

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#### **ANALYSIS**

The subject parcel is a 0.65-acre lot located at the northern intersection of Kingsview Drive and Kingsview Circle (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are occupied by single-family detached homes. The subject parcel is located within the Kingsview Subdivision, which was platted in 1965, prior to the Smyrna Stream Buffer Ordinance, which was implemented in 2005.

The applicant is proposing to build a two-story 5,295 square foot single-family home with accompanying in-ground swimming pool on the subject property, which has historically been a vacant lot. The new home will include four bedrooms and five bathrooms with a mixture of horizontal and vertical hardiplank. The subject property is greatly impacted by the State’s 25-foot stream buffer, City’s 50-foot undisturbed buffer, and the City’s 75-foot impervious surface setback due to a creek that runs along the middle of the property. The applicant has designed the building footprint and construction disturbance to stay out of the State’s 25-foot stream buffer but encroaches into both the City’s 50-foot undisturbed stream buffer and the 75-foot impervious surface setback due to the setback and topography constraints. No other variances are needed for the construction of the new home or pool.

In order to construct the new home, the applicant will disturb the City’s 50-foot undisturbed stream buffer and the City’s 75-foot impervious surface area setback by 3,705 square feet. The applicant will mitigate the disturbance by installing two bmps with a gravel sump system in both

the front and side yard. The Engineering Department has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per the Georgia Stormwater Management Manual requirements.

Community Development believes the hardship is not self-created, as the lot of record has existed before the stream buffer ordinance was adopted. Community Development believes these are the minimum variances needed to allow for any building construction, and that there should be no negative impacts to adjacent properties if approved. In fact, the same variances were approved in 2018 across the street at 1272 Kingsview Circle (V18-007-008) so there is a precedence for these types of variances in the immediate area. At the time of this report, Community Development has not received any calls in opposition to the request.

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### **STAFF COMMENTS**

According to Section 46-160 of the Stream Buffer Protection Ordinance, stream buffer 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 Engineering Department believe that the encroachments will not adversely affect surrounding residents nor the existing stream; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval is conditioned upon substantial compliance with the elevation and site 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 building permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the building permit Certificate of Completion.
4. Any damaged or broken curb caused during construction shall be replaced prior to issuance of the building permit Certificate of Completion.

Figure - 1

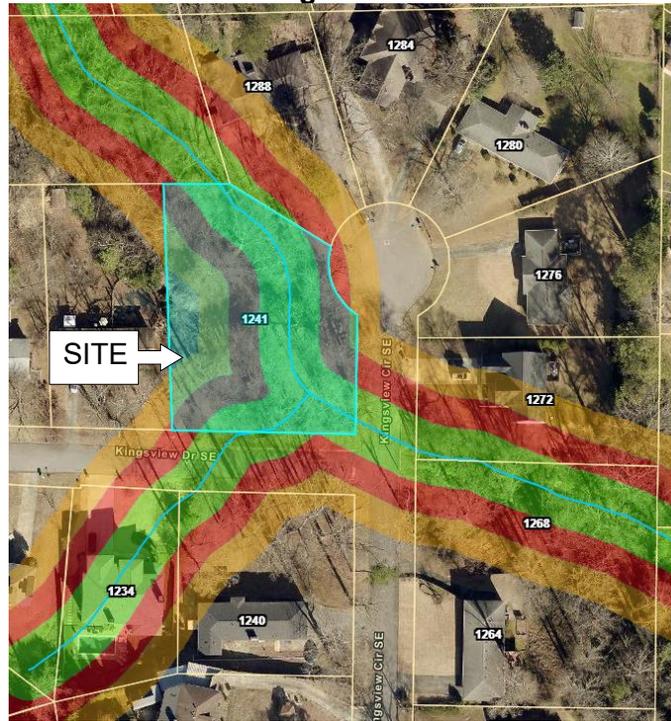
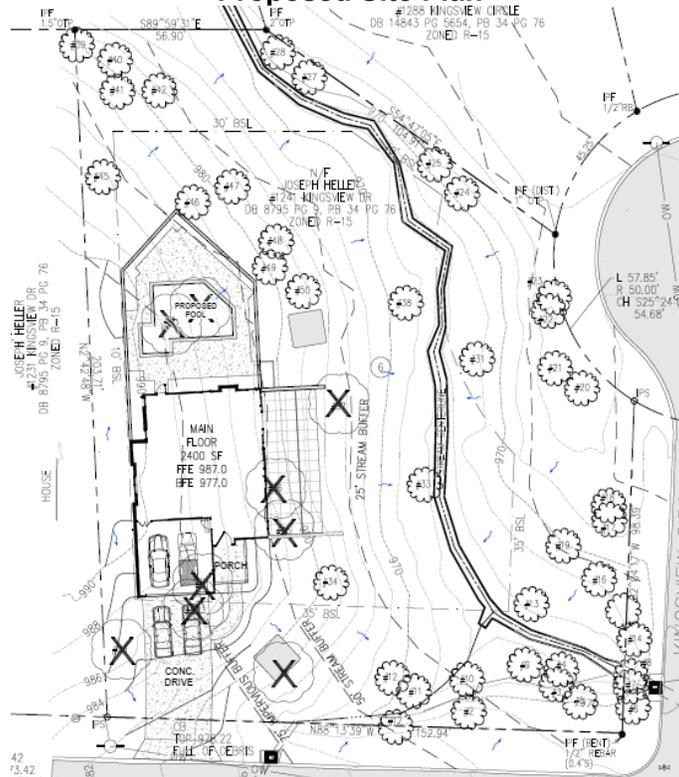


Figure - 2  
Proposed Site Plan



**Figure – 3  
Proposed Front Elevation**



**Figure – 4  
Subject Property**



**Figure – 5**  
**Adjacent Property to the North**



**Figure – 6**  
**Adjacent Property to the West**



**Figure – 7**  
**Adjacent Property across Kingsview Drive**



**Figure – 8**  
**Adjacent Property across Kingsview Circle**

