

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 17, 2023

RE: VARIANCE CASE V23-053
220 Early Parkway – Allow encroachment into the 50-foot undisturbed stream buffer and 75-foot impervious surface area setback

BACKGROUND

The applicant is seeking a stream buffer variance to allow for the construction of a new home on the subject property. The applicant is proposing to build a new 3,800 square foot two-story single-family home on an undeveloped property within the Bennett Woods North subdivision. Stream buffers are controlled by Chapter 46, Article VI in the Code of Ordinances.

ANALYSIS

The subject parcel is a 0.76-acre lot located on the south side of Early Parkway and is currently vacant (see Figure 1). The subject parcel and adjacent parcels to the east and west are zoned R-20 whereas the adjacent parcels to the north and south are residential lots in Unincorporated Cobb County. All adjacent parcels are occupied by single-family detached homes. The subject parcel is located within the Bennett Woods North Subdivision, which was platted in 1977, prior to the Smyrna Stream Buffer Ordinance, which was implemented in 2005.

The applicant is proposing to build a roughly 4,266 square foot two-story single-family home on the subject property, accessed by a pervious driveway over the existing creek and drainage easement. The subject property is greatly impacted by the State's 25-foot stream buffer, City's 50-foot undisturbed buffer as well as the City's 75-foot impervious surface setback due to the creek that runs along the middle of the property. The applicant has designed the building footprint to stay out of the 50-foot undisturbed stream buffer but encroaches into the 75-foot impervious surface area setback by 600 square feet due to the setback and topography constraints. No other variances are needed for the construction of the new home.

In order to construct the new home and accompanying driveway, the applicant will impact the State's buffer by 500 square feet, the City's 50-foot undisturbed stream buffer by 100 square feet, and the City's 75-foot impervious surface area setback by 600 feet, for a total stream buffer impact of 1,200 square feet. Prior to permitting, the applicant will need to provide approval from the State for the 25-foot stream buffer encroachment. The applicant will mitigate the 50-foot and 75-foot stream buffer encroachments by providing a 2,000 square foot streambank restoration within the 25-foot state buffer (see Figure 2). Additionally, the applicant will utilize pervious

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pavers for the driveway to lessen impact to the stream buffers. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

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 this is the minimum variance needed to allow for any building construction, and that there should be no negative impacts to adjacent properties if approved. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

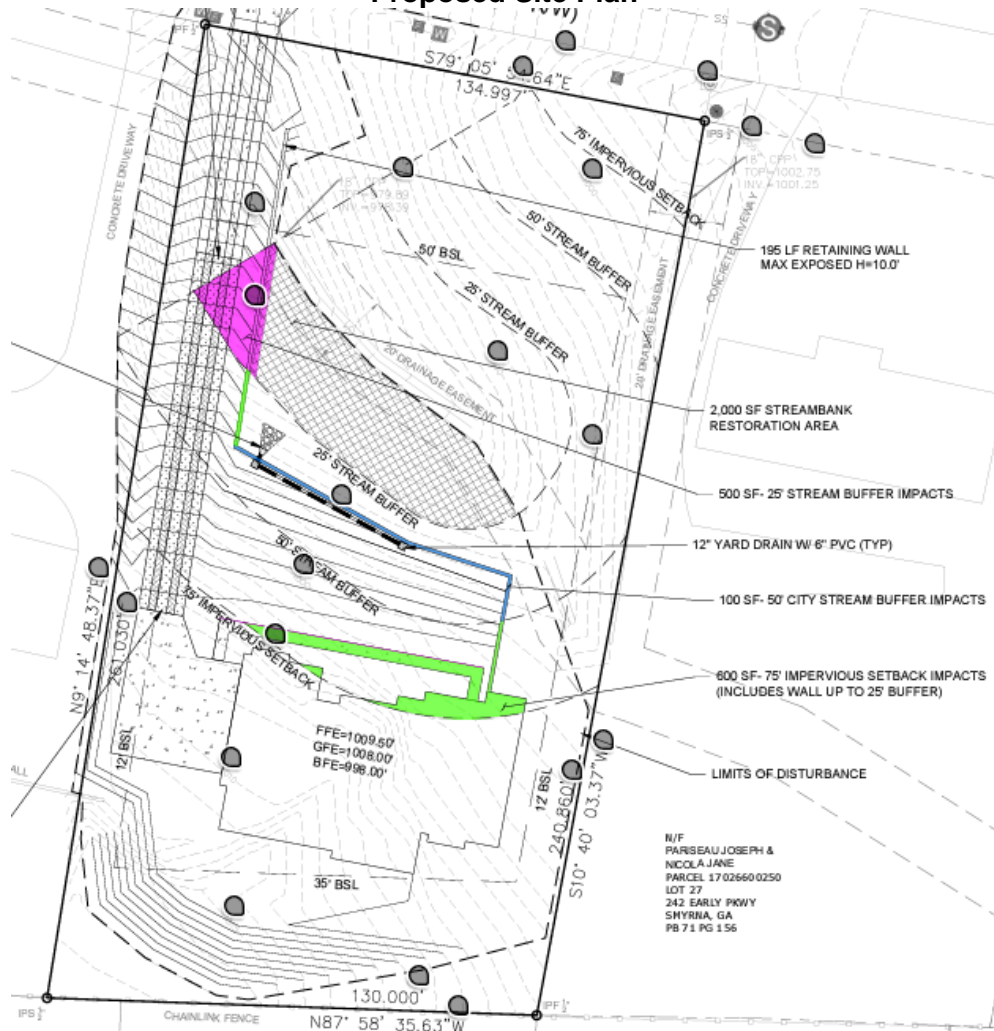
The applicant is requesting relief from the City's 50-foot undisturbed stream buffer and the City's 75-foot impervious surface area setback to build a new single-family home on the vacant property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (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 encroachments 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 and elevations submitted with the variance application.
2. An approval of a State variance application for the 25-foot stream buffer impacts shall be provided prior to permitting.

Figure – 1



Proposed Site Plan



Proposed Front Elevation



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the East



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Early Parkway

