

# 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: July 17, 2023

**RE: VARIANCE CASE V23-054**  
**1558 Sophia Lane – Allow encroachment into 50-foot undisturbed stream buffer**  
**and 75-foot impervious surface area setback**

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#### BACKGROUND

The applicant is requesting a variance to allow encroachment into the City's 50-foot undisturbed buffer and 75-foot impervious surface area setback to allow for the construction of a deck, in-ground trampoline, and accompanying artificial turf at 1558 Sophia Lane. The City's stream buffers are controlled by Chapter 46, Article VI.

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#### ANALYSIS

The subject parcel is a 0.24-acre lot located on the north side of Sophia Lane in the North Cooper Lake Place subdivision (see Figure 1). A stream runs through the northern end of the property and continues through the adjacent properties to the west. The subject parcel and adjoining parcels to the east, west, and south are zoned RDA whereas the adjoining parcels to the north are zoned R-15. All properties are occupied by single-family detached residences.

There is currently a stream that runs through the northern end of the North Cooper Lake Place subdivision, impacting the northern four lots (1554, 1558, 1562, and 1566 Sophia Lane). In order to construct the home on 1558 Sophia Lane, the encroachment of approximately 2,631 square feet into the 75-foot impervious surface area setback was mitigated through buffer averaging on 1562 and 1566 Sophia Lane at a 1:1 ratio (see Figure 3).

The rear yard of 1558 Sophia Lane remains greatly encumbered by the City's 50-foot undisturbed stream buffer and the City's 75-foot impervious surface area setback with a steep 6-foot slope behind the existing deck. The applicant is proposing to renovate the rear yard for more usability, including a new 324 square foot deck, 438 square feet of artificial turf and in-ground trampoline, and a 370 square foot putting green in the rear yard. Although the new proposed impervious area is within the previously mitigated area as much as possible, there is additional encroachment into both the 75-foot impervious surface area setback and 50-foot undisturbed stream buffer. No other variances are needed as the in-ground trampoline and putting green are not considered accessory structures and the property is below their impervious coverage maximum of 45%.

The applicant will require relief from the City's stream buffer ordinance in order to make the improvements in the rear yard. The applicant will mitigate the rear yard disturbance by installing two flo-wells under the proposed putting green. 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 in the rear yard, Community Development believes this is the minimum variance needed to allow for any outdoor amenity. 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.

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## **STAFF COMMENTS**

The applicant is requesting relief from the City's 75-foot impervious surface area setback and City's 50-foot undisturbed stream buffer to install a deck, artificial turf, and trampoline 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 of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations 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 building permit.

Figure – 1

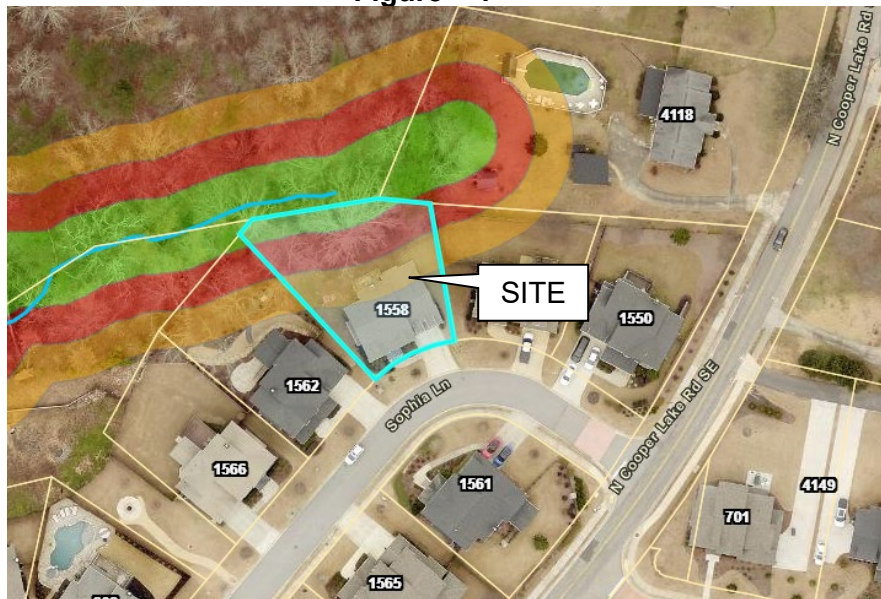
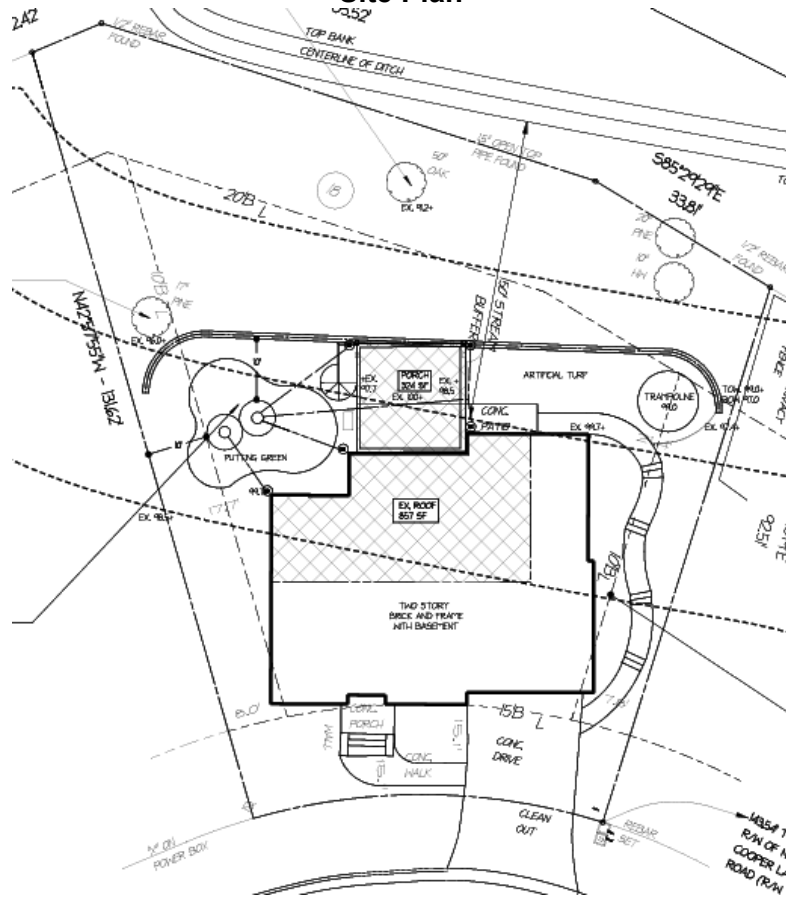
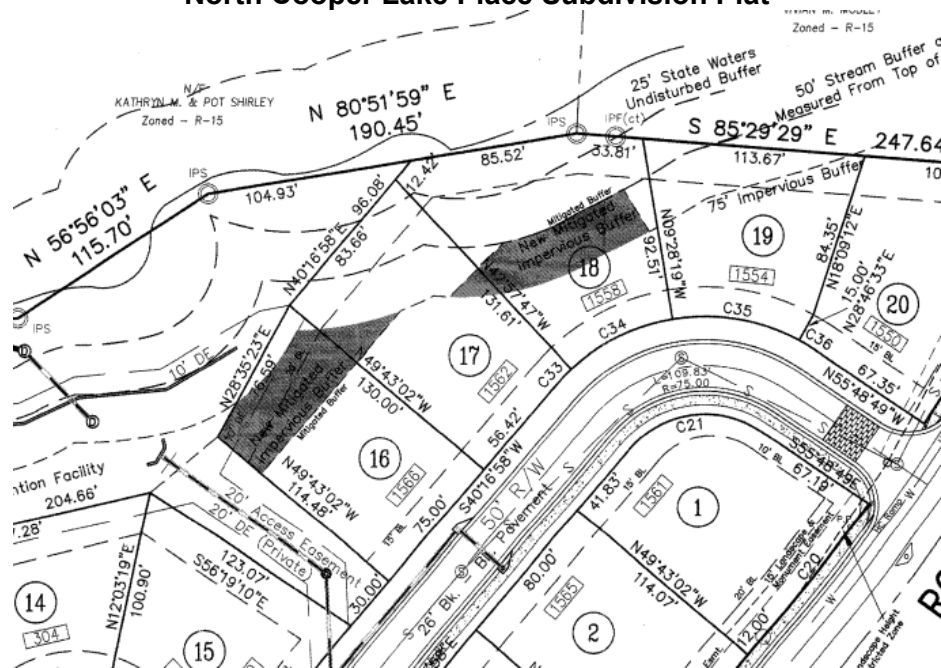


Figure – 2  
Site Plan



**Figure – 3**  
**North Cooper Lake Place Subdivision Plat**



**Figure – 3**  
**Subject Property**





**Figure – 4**  
**Adjacent Property to the East**



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



**Figure – 5**  
**Adjacent Property across Sophia Lane**

