



License and Variance Board Meeting - Final

December 13, 2023

10:00 AM

-
- B. V23-074** Public Hearing - Variance Request - V23-074 - Allow maximum impervious surface area increase from 30% to 55.6% - Land Lot 702 - 2294 Goodwood Boulevard - Fernando Melo



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number:

Agenda Date: 12/13/2023

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: B

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-074 - Allow maximum impervious surface area increase from 30% to 55.6% - Land Lot 702 - 2294 Goodwood Boulevard - Fernando Melo

Ward 2 Councilmember - Latonia P. Hines

ISSUE AND 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).

RECOMMENDATION / REQUESTED ACTION:

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.



City of Smyrna

Issue Sheet

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Smyrna, GA 30080

File Number:

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

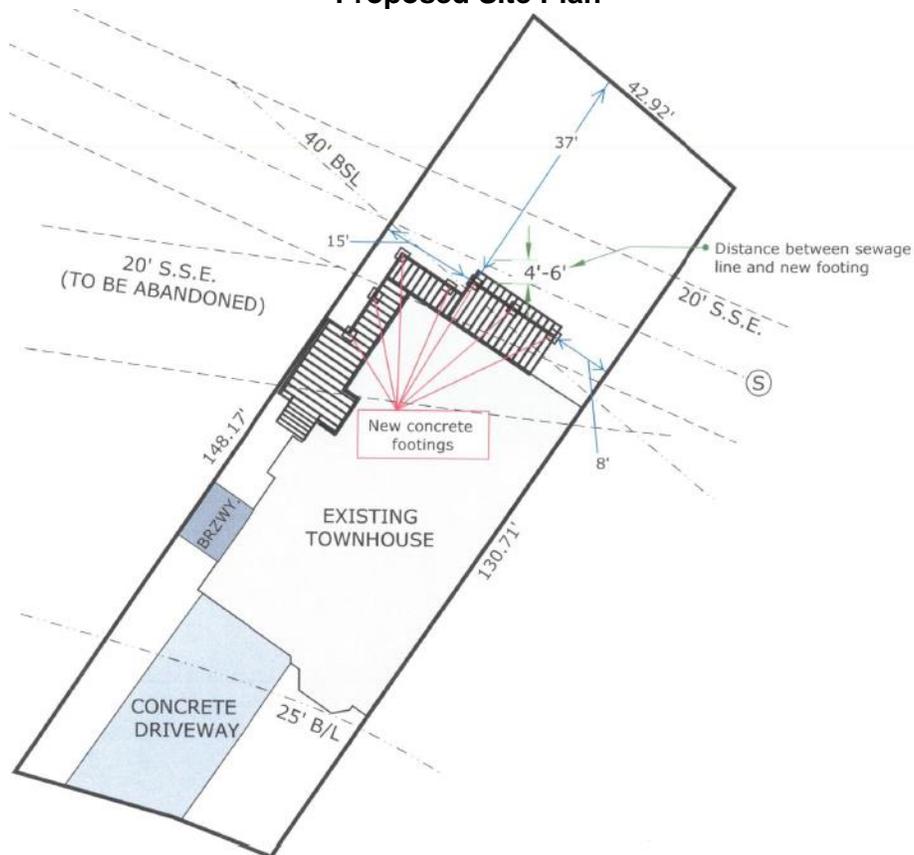


Figure – 3
Subject Property



Figure – 4
Adjacent Property to the South



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Goodwood Boulevard



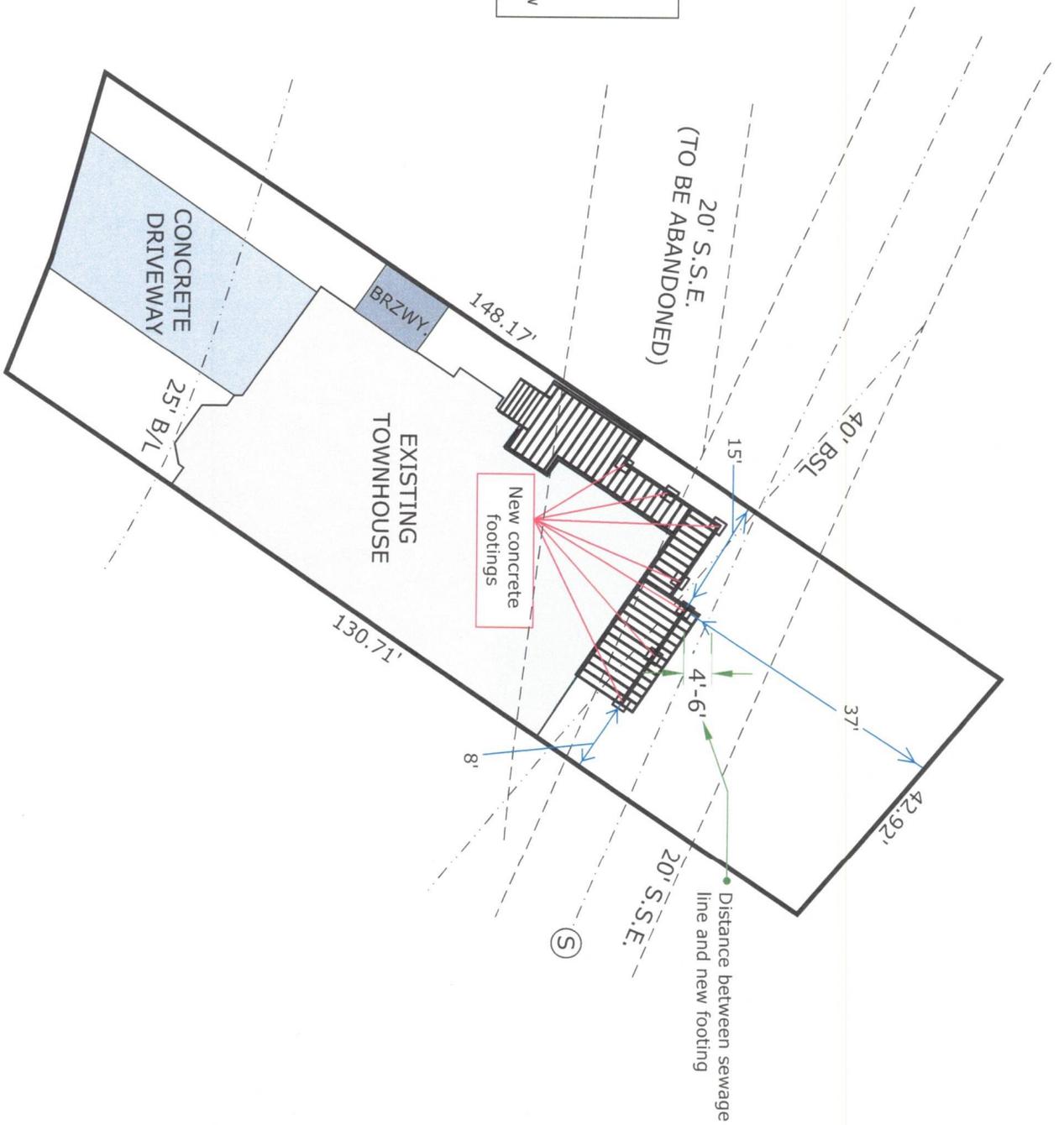
Good afternoon Caitlin, please see answers below:

- What is the "4'-6'" point referring to? That is the distance of the sewage line (S) to the new deck footing. It will be 4 to 6 feet in distance.
- What are the lines representing on either side of the 4'-6' point? Those are the dimension lines starting from the sewage line ending on the new footing spot. Tried to make it better in the revised plan.
- Why is the overall easement not shown? Only the sewer pipe and northern portion of the easement reflected. Please see the revised plan attached. Added lines that were on original plan to revised plan.
- Added back driveway and breezeway.
- Impervious calculation doc. attached as well.

Let us know if we can assist in answering any other questions,

Thanks

Color Key
 Blue Lines: Distance from deck to property line
 Pink Lines: New concrete footings
 Green Lines: Distance between sewage line and new footing



M&M Home Exteriors
 1769 Austell Rd
 Marietta GA 30008

Project Name: Lipman, L

Project Address: 2294 Goodwood Blvd SE
 Smyrna, GA 30080

IMPERVIOUS SURFACE CALCULATIONS

Property Address: 2294 Goodwood Blvd SE

Zoning District: RTD

Maximum Impervious Coverage allowed per Subdivision/District: 30 %

*Lot coverage means the part of a lot occupied by buildings, including sheds, driveways, sidewalks, tennis courts, pools, patios, pavers, turf, decks and any impervious surfaces impenetrable by water. It does **NOT** include anything in the ROW (Right of Way).*

1 Lot Square Footage and Calculation of allowable impervious area.

1a. Lot square footage is calculated by: Lot Width 42.92 ft. X Lot Depth 148 ft. = 5930 lot sq. ft.

1b. Calculate allowable Impervious Area, take Zoning District's allowable % expressed as a decimal. 30 X 5930 (lot square footage) = 1779 allowable Impervious area in sq. ft.

For example, take a lot that is 60 ft. wide and 100 ft. deep and the allowable impervious area is 60%. The calculations are: 60 X 100 = 6,000 sq. ft. X .60 = 3,600 sq. ft. of impervious area allowed.

2 Impervious Surfaces

2a. Impervious surfaces (includes roof overhangs)

House	<u>2288</u> sq. ft.
Garage(s)	<u>N/A</u> sq. ft.
Porch(s)	<u>N/A</u> sq. ft.
Shed(s)	<u>N/A</u> sq. ft.
Deck	<u>496</u> sq. ft.
Patio (conc. or pavers)	<u>NA</u> sq. ft.
Total 2a.	<u>2774</u> sq. ft.

2b. Other Impervious surfaces not in R O W

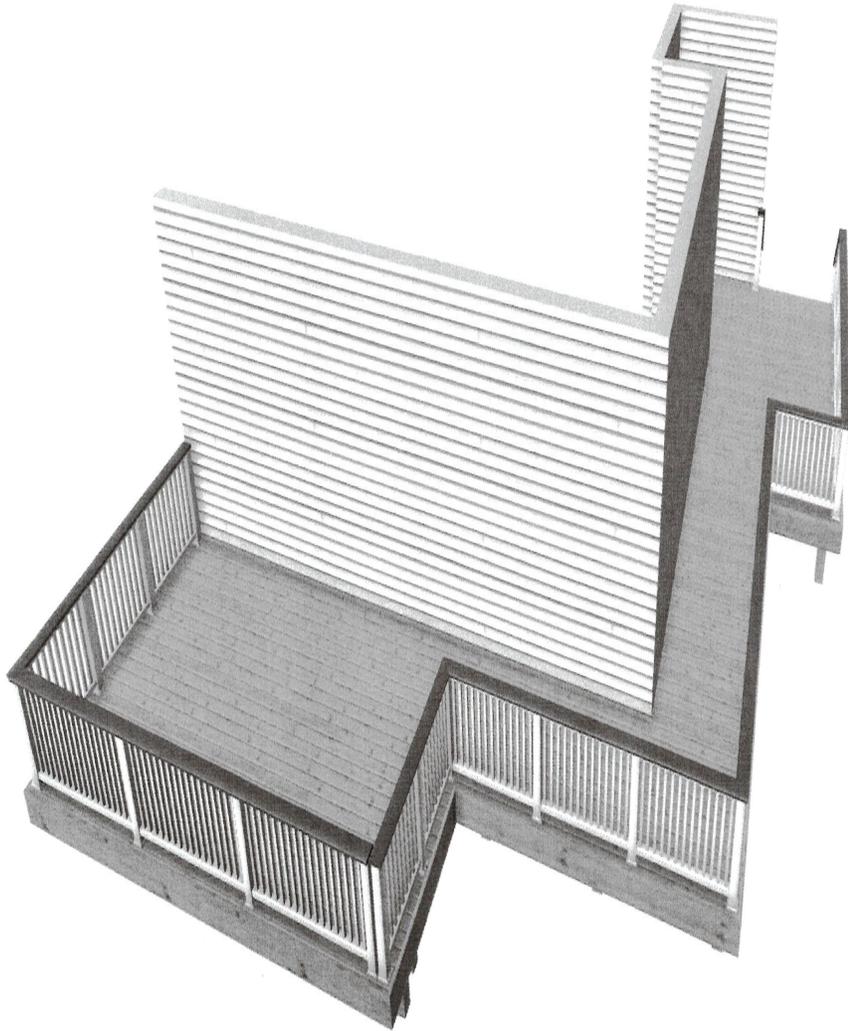
Driveway	<u>540</u> sq. ft.
Sidewalks	_____ sq. ft.
Paver areas	_____ sq. ft.
Pools (surface area)	_____ sq. ft.
Pool decks	_____ sq. ft.
Other	_____ sq. ft.
Total 2b.	<u>540</u> sq. ft.

2c. Proposed added square footage of impervious area: 0 sq. ft.

To compute the new Impervious Area coverage as a percent of lot square footage:

Add 2a + 2b + 2c = 3296 sq. ft. / (divided by) 1a (lot sq. ft.) = 5930 the impervious area as a decimal amount. Move the decimal point two places to the right to be a percent = 55 %.

For instance .60 would be 60 percent. Compare the percent you calculated to the allowed percentage in part one and if it is equal to or less it is allowed.



Variance Application**VAR-23-44****Applicant**

 Kirsten Darby
 7702983271
 kirsten@sidingatlanta.com

Primary Location

2294 GOODWOOD BLVD SE
SMYRNA, GA 30080

Applicant Information**First Name**

Fernando

Last Name

Melo

Street Address

1769 Austell RD

City

Marietta

State

GA

Zip Code

30008

Email

kirsten@sidingatlanta.com

Phone Number

404-788-7648

Are you the titleholder of the subject property?

No

Titleholder Information**Full Name (i.e., First and Last Name, or Name of Entity)**

Larry Lipman

Street Address

2294 Goodwood Blvd

City

Smyrna

State

GA

Zip Code

30080

Email Address

kidcoach@mindspring.com

Phone Number

404-234-3512

Property Information**Property Address**

2294 Goodwood Blvd

Description of Requested Variances

Additionally, the allowable maximum impervious surface area for RTD is 30%. Since this property is at 56%, a **variance will be required to alter the deck in any way**. In speaking with @Mark Wolff (<https://mandrillapp.com/track/click/30528190/smyrnaga.viewpointcloud.io?p=eyJzljoiZ1dlUWR3WnVpYlltTU9Mcnk3SIBlaS1XQ3prliwidil6MSwicCl6IntclnVcljozMDUyODE5MCxclnZcljoxLFwidXJsXCI6XCJodHRwczpcXFwvXFxcL3NteXJuYWdhLnZpZXdw2ludGNsb3VklmVlXFxcLyNcXFwvZXhwbG9yZVxcXC91c2Vyc1xcXC9hdXRoMHw2M2JjNTFmYTA3NzQxOTdlZDZlVIMzE4YmNclixclmlkXCI6XCIZNTliNzg1YWQyMTQ0NjU0YTczMmE0ZWVkyjA2ZGFkYwiLFwidXJsX2lkci1wiOitcljFIZDU5MmQzZGZjZGFmNmI1NzU4ZjI0OGMx>)

Yzg1ZTA3OWE4OTU3ZDNcII19In0), if the deck square footage remains roughly the same or smaller, no mitigation will be required as part of the variance application since it has existed on the property at least since 2013

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

- 1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
- 2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
- 3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
- 4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

Additionally, the allowable maximum impervious surface area for RTD is 30%. Since this property is at 56%, a **variance will be required to alter the deck in any way.** In speaking with @Mark Wolff ([**Acknowledgement**](https://mandrillapp.com/track/click/30528190/smyrnaga.viewpointcloud.io?p=eyJzIjoiZ1diUWR3WnVpYlItTU9Mcnk3SIBlaS1XQ3prliwidil6MSwicCI6IntcInVcljjozMDUyODE5MCxclnZcljoxLFwidXJsXCI6XCJodHRwczpcXFwvXFxcL3NteXJuYWdhLnZpZXdwY2ludGNsb3VklmVlVFcXcLyNcXFwvZXhwbG9yZVxcXC91c2Vyc1xcXC9hdXRoMHw2M2JjNTFmYTA3NzQxOTdlZDVIMzE4YmNclixclmlkXCI6XCIZNTliNzg1YWQyMTQ0NjU0YTczMmE0ZWVkyjA2ZGFkYlwiLFwidXJsX2lkci1wiOltcljFIZDU5MmQzZGZjZGFmNm11NzU4Zjl0OGMxYzg1ZTA3OWE4OTU3ZDNcII19In0), if the deck square footage remains roughly the same or smaller, no mitigation will be required as part of the variance application since it has existed on the property at least since 2013</p>
</div>
<div data-bbox=)

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

Applicant Signature:

true



STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

237 Coliseum Drive, Macon, GA 31217

404-424-9966

www.sos.ga.gov/plb

Authorized Permit Agent Form (ONE FORM PER PERMIT)

This form may be used by a qualifying agent to designate an individual to obtain a permit on his/her behalf for a project for the qualifying company. The contractor should submit an original Authorized Permit Agent Form for each project for which he/she has designated an individual to pull permits. This designated individual shall further be identified as the authorized permit agent. This notarized form with an ORIGINAL SIGNATURE (no copies or faxes accepted), a copy of the contractor's license, a copy of the contractor's company license, and a copy of the driver's license of the authorized permit agent is to be given to the permit office in the city or county in which the project is located. DO NOT SEND A COPY OF THIS FORM TO THE BOARD OFFICE UNLESS REQUESTED.

License verification by permitting office should be completed by visiting http://verify.sos.ga.gov/verification

Table with 2 columns: Field Name and Value. Fields include Name of Qualifying Agent (Marc W Tompkins), Contractor License # (RBI 002316), Name of Licensed Company, Company License #, Name of Authorized Permit Agent (Fernando Melo).

PROJECT (an original form is required for each project):

Table with 2 columns: Field Name and Value. Fields include Company listed on contract (MEM Home Exteriors), Property Owner's Name (Larry Lipman), Street Address (2294 Goodwood Blvd SE), Apartment or Suite #, City, State, Zip (Smyrna Ga- 30008).

I hereby designate the above listed Authorized Permit Agent to apply for and obtain the permit(s) for the project listed above. The undersigned, being licensed as a qualifying agent, do hereby affirm and swear, under oath, that all information on this form and on accompanying documents are true and correct.

Signature of Marc Tompkins, Original Signature of Qualifying Agent (no copies or faxes accepted)

State of Georgia County of Cobb

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE 19 DAY OF September 20 23. Notary Public signature and commission expiration date 5-5-2027.



U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

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Smart Mail # GA 30080

Certified Mail Fee \$4.35

Extra Services (check box, and fee if applicable)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.90

Total Postage and Fees \$5.25

Send To: Deborah L. Page
 305 Goodwood Blvd
 SWINGNA GA 30080

PS Form 3800, January 2023 (Rev. 7/20/2020) See Reverse for Instructions

SMITHKNOX POST OFFICE
 06757 US
 Postmark
 OCT 06 2023
 10/06/2023
 30080

Grand Total: \$5.25

Credit Card Remit \$5.25

Card Name: AMEX
 Account #: XXXXXXXXXXX1037
 Approval #: 824863
 Transaction #: 010
 AID: A000000025010801 Chip
 AL: AMERICAN EXPRESS
 PIN: Not Required

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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or call 1-800-410-7420.

UFN: 128019-0675
 Receipt #: 840-5300027-2-6718504-1
 Clerk: 03

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Larry Lipman

Intends to make an application for a variance for the purpose of _____
Rebuilding his deck with privacy walls.

_____ on the premises described in the application.

NAME

[Handwritten Signature]

ADDRESS

22916 Goodwood Blvd Smyrna, GA 300

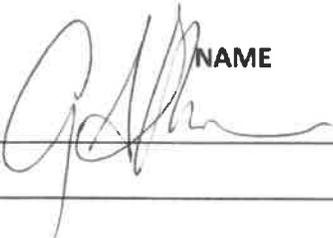
Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Larry Lipman

Intends to make an application for a variance for the purpose of _____
Rebuilding his deck with privacy walls.

_____ on the premises described in the application.

 **NAME**

ADDRESS
2292 Crookedwood Blvd SE Smyrna
GA

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226
 770-434-6600

2022 Property Tax Notice

LIPMAN LAWRENCE A
 2294 GOODWOOD BLVD SE
 SMYRNA, GA 30080

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2022 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
10119	2294 GOODWOOD BLVD STREET LIGHT RESIDENTIAL	17-0702-0-0630	327,660.00	131,064.00	67,624.00	63,440.00	8.99	570.33
	EXEMPTIONS: H1 RESIDENTS 62 YEARS AND OLDER FLOATING HOMESTEAD	10,000 57,624						42.00

Pay online at <http://portal.smyrnaga.gov/MSS/citizens/default.aspx>

Important Messages - Please Read

Total of Bills by Tax Type

Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00	Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600 If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100	Pen	0.00
		Int	0.00
		Fees	0.00
		Adjustments	0.00
		Payments	0.00
		Back Taxes	0.00
		TOTAL DUE	612.33
		DATE DUE	11/15/2022

LIPMAN LAWRENCE A
 2294 GOODWOOD BLVD SE
 SMYRNA, GA 30080

← If this address is incorrect, please write the correct address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
10119	17-0702-0-0630 STREET LIG	570.33 42.00
DATE DUE		TOTAL DUE
11/15/2022		612.33

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR CHECK



Printed: 10/2/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
LAWRENCE A LIPMAN

LIPMAN LAWRENCE A

Payment Date: 10/13/2022

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2022	17070200630	10/15/2022	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$711.38	\$0.00



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