



License and Variance Board Meeting - Final

March 13, 2024
10:00 AM

F. V24-015 Public Hearing - Variance Request - V24-015 - Allow encroachment into the 75-foot impervious surface area setback - Land Lot 543 - 1362 Wynbrook Trace - James Lamar Lea



City of Smyrna

Issue Sheet

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

File Number: V24-034

Agenda Date: 3/13/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: F

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-015 - Allow encroachment into the 75-foot impervious surface area setback - Land Lot 543 - 1362 Wynbrook Trace - James Lamar Lea

Ward 7 Councilmember - Rickey N. Oglesby

ISSUE AND BACKGROUND:

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to allow for the construction of a new swimming pool at 1362 Wynbrook Trace. The City's stream buffers are controlled by Chapter 46, Article VI.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting relief from the City's 75-foot impervious surface area setback to install an inground swimming pool 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 is conditioned upon substantial compliance with the mitigation plan 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 issuance of the pool permit.

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: March 1, 2024

RE: **VARIANCE CASE V24-015**
1362 Wynbrook Trace – Allow encroachment into the 75-foot impervious surface area setback

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to allow for the construction of a new swimming pool at 1362 Wynbrook Trace. The City's stream buffers are controlled by Chapter 46, Article VI.

ANALYSIS

The subject parcel is a 0.46-acre lot located on the south side of Wynbrook Trace with a stream running to the south of the property (see Figure 1). The subject parcel and all adjoining parcels are zoned RDA and are occupied by single-family detached residences within the Vinings Estates subdivision, with the exception of the property to the south, which is occupied by Whitefield Academy, a private school.

The subject property is currently occupied by a 7,149 square foot single-family home with a stream to the south of the property. Due to the stream, the rear yard is encumbered by the City's 50-foot undisturbed stream buffer and the City's 75-foot impervious surface area setback. The applicant has designed the pool to stay out of the 50-foot undisturbed buffer but encroaches into the 75-foot impervious surface area setback by 1,104 square feet. The proposed pool is outside the stream buffers as much as possible without infringing on the house foundation. No other variances are needed as the property is just below their impervious coverage maximum of 45% and there are no additional accessory structures.

The applicant will require relief from the City's stream buffer ordinance in order to construct the pool and decking in the rear yard. The applicant will mitigate the encroachment by installing 3 flo-wells to the west side of the home. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to issuance of the pool permit.

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. Due to the location of the pool in

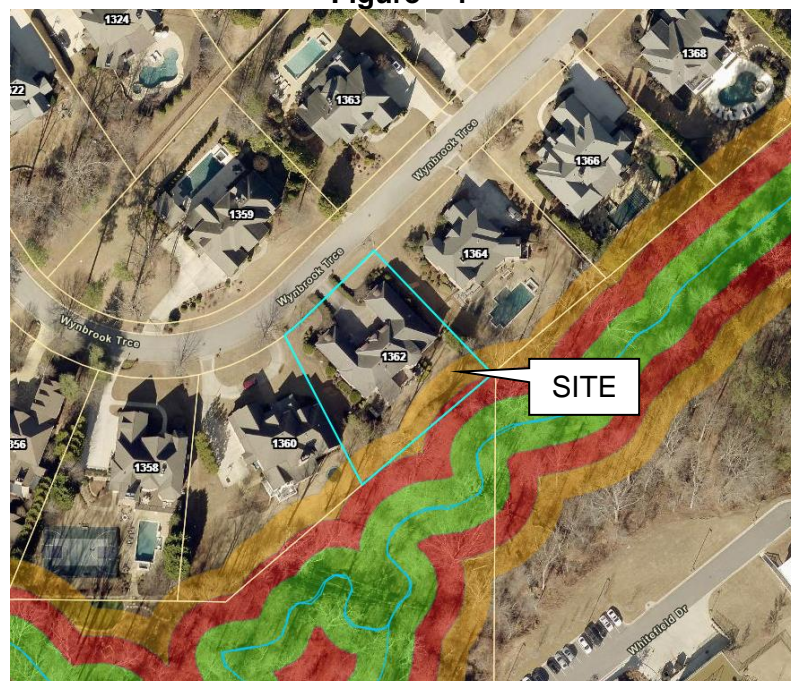
the rear yard, Community Development believes the proposal will not adversely impact adjacent properties. Strict application of the ordinance would deny the applicant the ability to build any outdoor amenity in the rear yard due to the existing stream buffers. Similar variances have been approved throughout the city when an appropriate mitigation method has been included. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the City's 75-foot impervious surface area setback to install an inground swimming pool 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 is conditioned upon substantial compliance with the mitigation plan 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 issuance of the pool permit.

Figure – 1



VARIANCE CASE V23-085
November 21, 2023
Page 3 of 5

Figure – 2 Site Plan



Figure – 3 Subject Property



Figure – 4
Adjacent Property to the East



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property across Sadler Drive



Proposed Site (PAGE 1 OF 2)

1"=20'

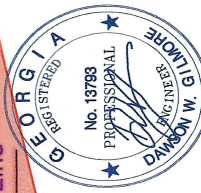
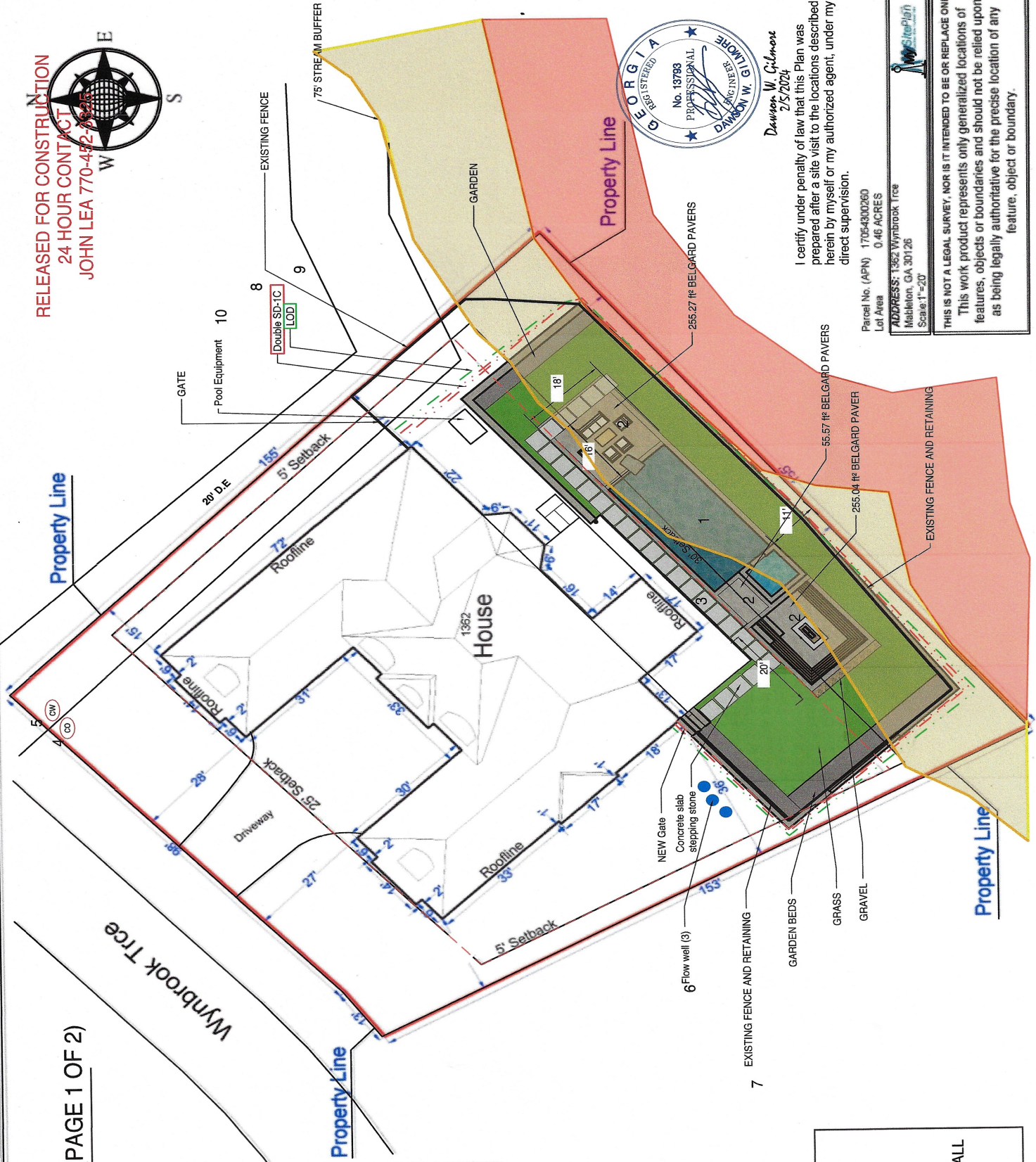
The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to any land disturbing activities. Erosion control measures will be maintained at all times. If full implementation of the approved Plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.

- Any disturbed area left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding.
- Prevent tracking of mud onto all public rights-of-way. Immediately remove mud and debris tracked or spilled onto public roads.
- Leave silt fence in place until all areas are permanently stabilized.
- Washout of the concrete mixer drum at the construction site is prohibited.

1104sf in Buffer



RELEASED FOR CONSTRUCTION
24 HOUR CONTACT
JOHN LEA 770-452-3625



Dawson W. Gilmore
7/5/2024

I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision.

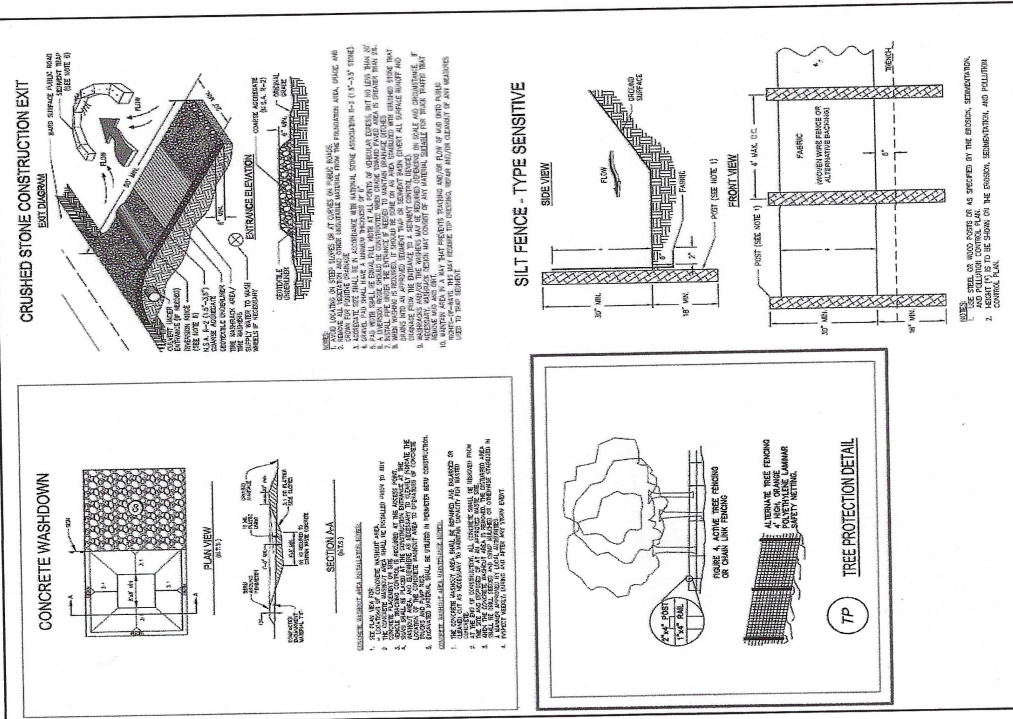
Parcel No. (APN) 17054300260
Lot Area 0.46 ACRES

ADDRESS: 1362 Wynbrook Tree
Mableton, GA 30126
Scale: 1"=20'

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

LEGEND

1. PROPOSED POOL
2. PROPOSED PATIO
3. PROPOSED WALL
4. CO
5. CW
6. FLOW WELL
7. EXISTING FENCE/ RETAINING WALL
8. SILT SD-1C
9. TREE PROTECTION FENCE TPF
10. POOL EQ



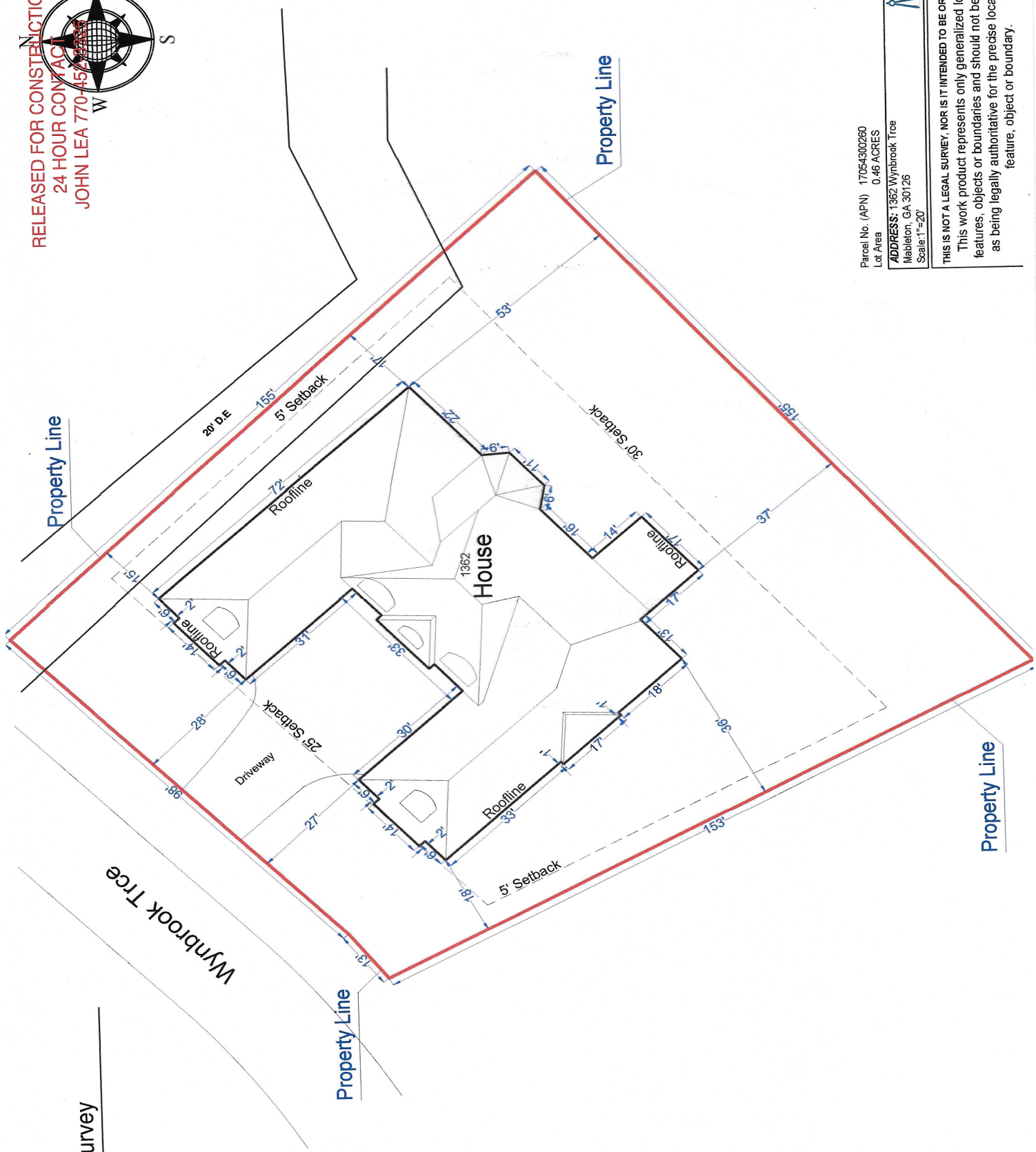
1104 SF STORMWATER MITIGATION

1. SF AREA TO BE MITIGATED	1104
2. COEFFICIENT OF RUNOFF FOR ROOF	<u>1.0</u>
3. RUNOFF IN/HR	<u>1.25</u>
4. DEPTH OF GRAVEL BACKFILL =	24"
5. THICKNESS OF GRAVEL AROUND=	12"
6. RUNOFF=	14.35 GPM
7. VOL WATER STORED=	430.50 GAL
8. # FLOW WELLS NEEDED=	57.55 CU FT
9. AMOUNT OF GRAVEL NEEDED=	3
	3.44 CU YDS
	92.88 CU FT.

RELEASED FOR CONSTRUCTION
 24 HOUR CONTACT
 JOHN LEA 770-452-2255





Existing Survey
 1" = 20'



Parcel No. (APN) 17054300260
 Lot Area 0.46 ACRES
 Address: 1362 Wynbrook Trce
 Mableton, GA 30126
 Scale: 1"=20'

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
 This work product represents only generalized locations of
 features, objects or boundaries and should not be relied upon
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Variance Application	Applicant	Primary Location
VAR-24-11	 James Lamar Lea	1362 WYNBROOK TRCE SE
Submitted On: Feb 3, 2024	 404-626-8303	SMYRNA, GA 30126
	@ lamar@decksouth.com	

Applicant Information

First Name	Last Name
James Lamar	Lea
Street Address	City
1465 Field Park Circle	Marietta
State	Zip Code
GA	30066
Email	Phone Number
lamar@decksouth.com	404-626-8303
Are you the titleholder of the subject property?	
No	

Titleholder Information

Full Name (i.e., First and Last Name, or Name of Entity)	Street Address
Lecrae Moore	1362 Wynbrook Trace
City	State
Mableton	Ga
Zip Code	Email Address
30126	leemoore303@gmail.com
Phone Number	
470-371-7054	

Property Information

Property Address
1362 Wynbrook Trace
Description of Requested Variances
Will be building a pool/patio that will encroach into the 75' stream buffer

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.

Homeowner was unaware of the 75' stream buffer assigned to his property as it does not appear on the plat provided to him at time of closing of the property. The homeowner would like to have the same benefit as his neighbors on his street that enjoy the features of a pool in the back yard. Lot # 648 (subject of this variance application), is approximately 28% smaller than the average size of the other 15 lots on this street (27,455 sf vs 20003 sf). Additionally it is smaller by 1492 sf than the next largest lot in the 15. Homeowner did not contribute to this inequity in any way. Is a result of the original zoning.

If relief is not granted for this homeowner, he would not be able to enjoy the same outdoor amenities as his neighbors.

The proposed pool/patio project would encompass 1478 sf, of which 1104 sf would encroach into the buffer. There would not be enough usable space to accomplish the build and not encroach into the buffer.

Acknowledgement

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

**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080
Office Phone 678-631-5387 / Fax 770-431-2808

I, Lecrae Moore, swear that I am the Property Owner of the property located at 1362 Wynbrook Trace, Mableton, GA 30126 as shown in the records of Cobb County, Georgia, which is the subject property of the attached application.

I authorize the business named below to act as the Contractor of Record in pursuit of this permit.

Contractor Business Name (print clearly): Decksouth, Inc.

Business Contact Person: James Lamar Lea

Business Address: 1465 Field Park Cir., Bldg. 100, Marietta, GA 30066

Contact Telephone: 404-626-8303

Contact Email: lamar@decksouth.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

Signature of Property Owner

1362 Wynbrook Trace

Address

Lecrae Moore

Name of Property Owner (print clearly)

Mableton, GA 30126

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified to

LEONARD MORRIS

Intends to make an application for a variance for the purpose of

BUILDING A NEW

POOL + PATIO

on the premises described in the application.

NAME

ADDRESS

~~James H. Clark~~ Lillian H. Clark

~~1359 WYNBROOK TRACE~~

~~Sharon Johnson~~ John Sharon Johnson

~~1364 WYNBROOK TRACE~~

~~James H. Clark~~ Lillian H. Clark

~~1360 WYNBROOK TRACE~~

Chris and Rebel Sullivan

1359 Wynbrook Trace

MAIL

WHITEFIELD ACADEMY

1 WHITEFIELD DR
MABLETON, GA 30126

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



**UNITED STATES
POSTAL SERVICE**

**Certificate Of
Mailing**

To pay fee, affix stamps or
meter postage here

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing
This form may be used for domestic and international mail

From: DECK SOUTH
1465 FIELD PARK CIR BLDG 100
MARIETTA, GA 30066

To: WHITEFIELD ACADEMY
1 WHITEFIELD DR
MABLETON, GA 30126



3:42



service.com



Munis Self Service



(0)

LOG IN

Expand Menu

Real Estate (Your House or Land)

[View Bill](#)

[View bill image](#)

As of

2/3/2024

Bill Year

2023

Bill

6516

Owner

GORDON MOTON NICOLE

Parcel ID

17054300260

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits
1	11/15/2023	\$4,944.18	\$4,944.18
TOTAL		\$4,944.18	\$4,944.18



31

Real Estate (Your House or Land)

[Return to view bill](#)

Payments/Adjustments

As of 2/1/2024

Bill Year

2023

Bill

6516

Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Adjustment	11/20/2023	11/20/2023	298049		\$0.00
Payment	10/24/2023	10/25/2023	3251970	CORELOGIC	\$4,944.18

[Return to view bill](#)



Printed: 2/1/2024

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:
CENTRAL LOAN ADMINISTRATION

GORDON MOTON NICOLE

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17054300260	10/15/2023	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$14,810.13	\$0.00	



Scan this code with your
mobile phone to view this
bill!

THE OPEN CHANNEL DRAINAGE EXISTING (A), SHOWN
WAS NOT TO BE CONSTRUCTED AS EXISTING IN LOCATION,
THESE ELEMENTS ARE INTENDED TO PROVIDE AN AREA
FOR THE FINEST CONVEYANCE OF STORMWATER RUNOFF
BETWEEN DRAINAGE STRUCTURES AND THE PROPERTY
OR BETWEEN DRAINAGE STRUCTURES AND THE EXTERIOR
PROPERTY LINE. THE LOCATIONS SHOWN ARE INTENDED
LOCATIONS BUT ARE CONVEYANTS UPON FINAL
AND LANSCHING OF THE INDIVIDUAL LOTS.

LOT	AREA	AC.
637	11000	0.38
638	21717	0.71
639	11660	0.40
640	22718	0.75
641	22703	0.75
642	20884	0.71
643	11618	0.41
644	22703	0.75
645	11883	0.40
646	21883	0.75
647	11862	0.40
648	20005	0.68
649	24403	0.80
650	24403	0.80
651	11118	0.38

C/L CURVE DATA

NO.	DATA
1	$\Delta = 100^{\circ} \text{F}$ $\Delta t = 100^{\circ} \text{F}$ $\Delta t = 100^{\circ} \text{F}$ $\Delta t = 100^{\circ} \text{F}$

ABBREVIATIONS	LEGEND	DEFINITION
---------------	--------	------------

D.E.	DOWNHILL EASEMENT
S.S.E.	SUBURBAN SENER EASEMENT
A.E.	ACCESS EASEMENT
W.L.E.	WATER LINE EASEMENT
F.M.E.	FORCE MAIN EASEMENT

OWNER'S LEGEND

STRUCTURE'S LEGEND

<input type="checkbox"/>	HEADWALL
<input checked="" type="checkbox"/>	PLAIED END SECTION (P.A.T.)
<input checked="" type="checkbox"/>	SINGLE-WING CATCH BASIN
<input checked="" type="checkbox"/>	DOUBLE-WING CATCH BASIN
<input checked="" type="checkbox"/>	WERN INLET
<input type="checkbox"/>	JUNCTION BOX
<input type="checkbox"/>	FIRE HYDRANT

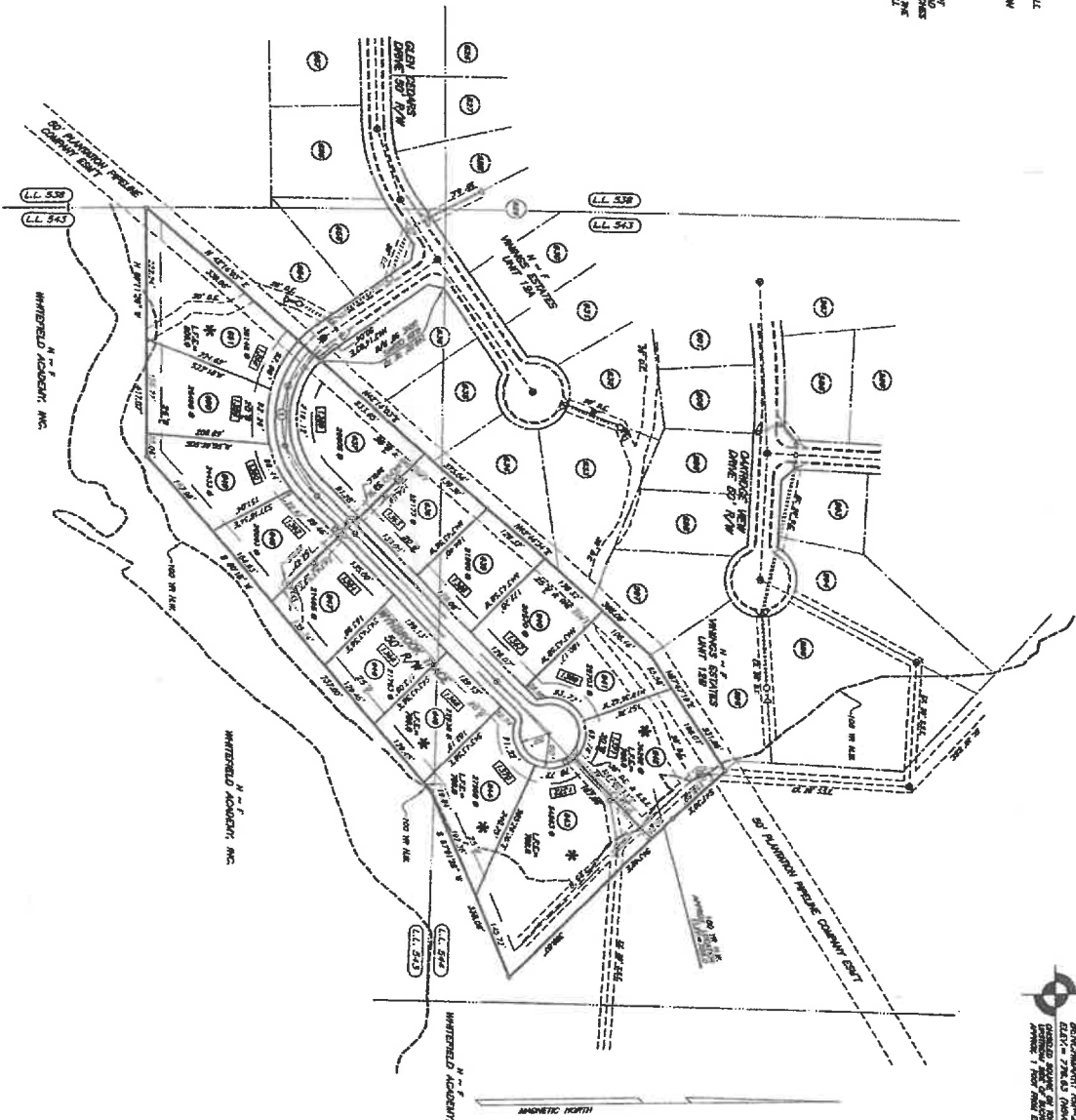
NOTE: ALL STORM DRAINS ARE
 ANTI-SUCK DRAINS CONTROLLED BY THE
 FLOOD CONTROL DISTRICT. ALL
 FLOOD CONTROL DISTRICTS ARE
 (C.D.) UNLESS OTHERWISE NOTED.

TABLE OF DEDICATION

STREET NAME	LENGTH IN L.F.
WASHINGTON TRAILS	827'

WYNEROCK TRACE

TOTAL AREA = 10.00 ACRES
TOTAL NO. OF LOTS = 18
DENSITY / YIELD = 1.42 LOTS PER ACRE
PRESENT ZONING = R-1.5 CONDITIONAL
MIN. FRONT YARD = 30'
MIN. SIDE YARD = 7.5'
MIN. REAR YARD = 25'
MIN. LOT SIZE = 1,400 sq. (NEATED SPACE)



BENCHMARK: RM-267
ELEV. = 778.65 (MSVD)



THE OWNER OF THE LAND SHOWN ON THIS PLAY ACKNOWLEDGES THAT THE PLAY MUST BE MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WITHIN COUNTRIES, DRINKS, EXISTENCES AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

THIS PLAN HAVING BEEN SUBMITTED TO THE CITY OF SALT LAKE AND HAVING BEEN FOUND TO COMPLY WITH THE CITY OF SALT LAKE SUBDIVISION REGULATIONS AND THE CITY OF SALT LAKE ANNOY REGULATIONS IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

CITY ENGINEER
DATE 1-9-06
MAJOR CITY OF SEATTLE

ENGINEERING DEPT.
DATE 1/6/04

PA-B
BUILDING INSPECTION
DATE 1-6-04


COALITION LEADERSHIP DIRECTOR
I HEREBY CERTIFY THAT THE PAST STATEWIDE DISSENTION HAD AS A TRUE AND CORRECT SUMMARY MADE ON THE OSWALD BY ME OR UNDER MY SUPERVISION, THAT THE MEMORANDUM HAD BEEN PLACED AS SUMMARY HAD AS A SUMMARY RESULTS.

W. C. Barker
12/18/03
DATE

W. C. BARKER, OSWALD, P. S. # 2008
DATE

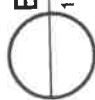
THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS DATED 8-30-84, WHICH HEREIN BECOMES A PART OF THIS PLAT, RECORDED IN DEED BOOK 6822, PAGE 312, CASS COUNTY DEED RECORDS AND SIGNED BY THE OWNER

PLAT FILED IN OFFICE ON 11/24/04 @ 9:04 AM
 RECORDED IN PLAT BOOK 219 PAGE 81
 2004-0007504
Paul C. Stephens
 CLERK-COUNTY SUPERIOR COURT
11/24/04
 DATE


GASKINS SURVEYING & ENGINEERING COMPANY
 1001 N. 10th St., Suite 100, Oklahoma City, OK 73102
 Phone: (405) 234-1111, Fax: (405) 234-1112
 Website: www.gaskinsurveying.com

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GA
CITY OF SMYRNA

1"=20'



Property Line

House

Driveway

5' Setback

72
Roofline

5' Setback

Property Line

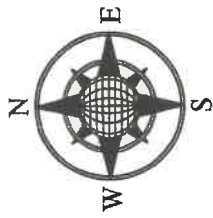
Parcel No. (APN) 17054300260
Lot Area 0.46 ACRES

ADDRESS: 1362 Wynbrook Trce

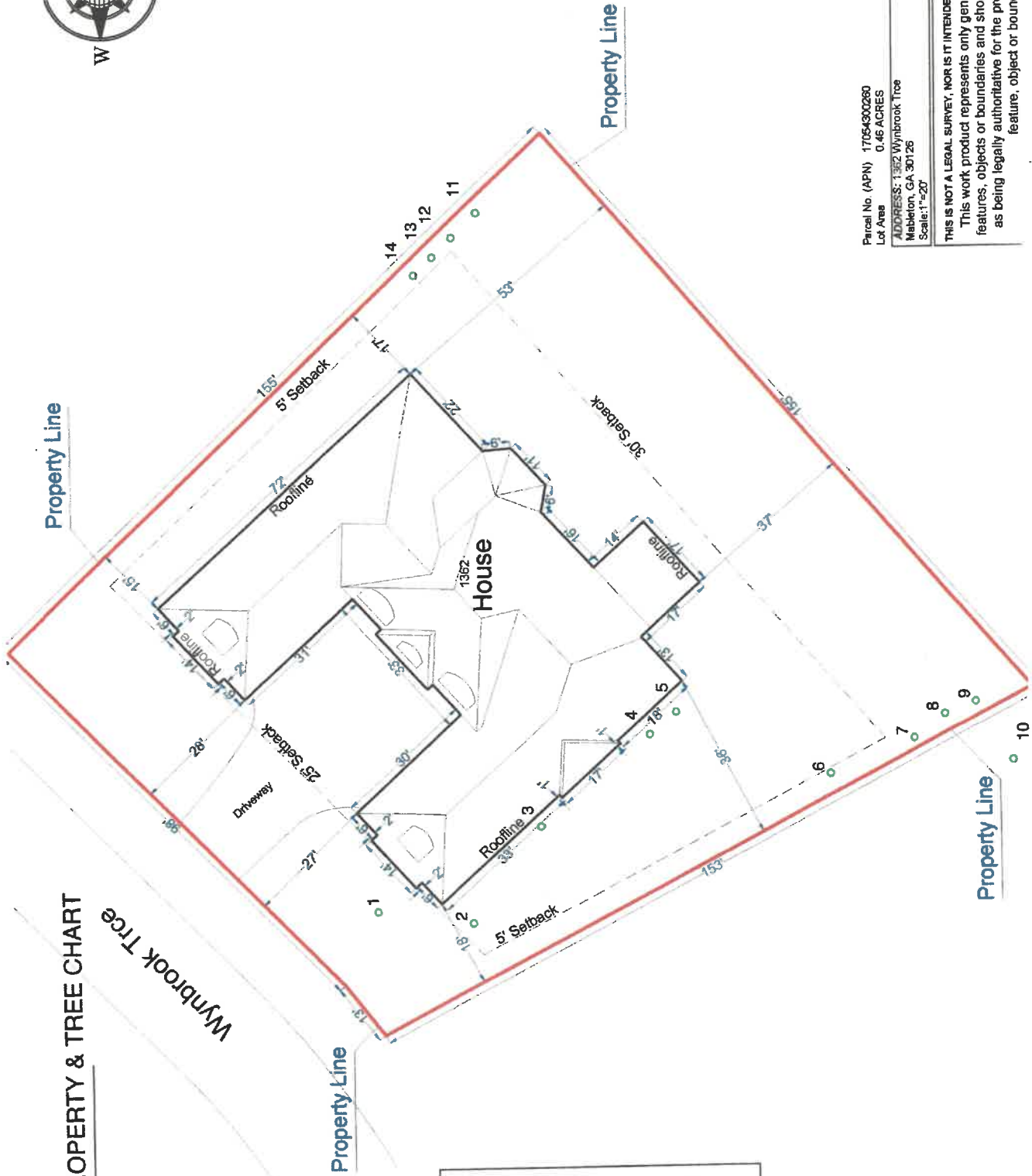
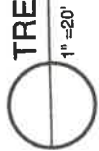
ADDRESS: 1362 Wynbrook Trce
Nabloton, GA 30126

Scale: 1"=20'

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TREES ON PROPERTY & TREE CHART



TREE CHART	
1.	10" HOLLY
2.	6" HOLLY
3.	6" HOLLY
4.	7" HOLLY
5.	7" LEYLAND CYPRESS
6.	8" LEYLAND CYPRESS
7.	8" LEYLAND CYPRESS
8.	8" LEYLAND CYPRESS
9.	8" LEYLAND CYPRESS
10.	16" H/W
11.	8" LEYLAND CYPRESS
12.	8" LEYLAND CYPRESS
13.	8" LEYLAND CYPRESS
14.	8" LEYLAND CYPRESS

Parcel No (APN) 17054300260
Lot Area 0.46 ACRES
ADDRESS: 1362 Wynbrook Trce
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PENDING W/ 75' BUFFER VARIANCE REQUEST

