



License and Variance Board Meeting - Final

May 08, 2024
10:00 AM

J. V24-027 Public Hearing - Variance Request - V24-027 - Allow encroachment into the City's 75-foot impervious surface setback - Land Lot 598 - 3355 Kathy Lane - Jessica Bock



City of Smyrna

Issue Sheet

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

File Number: V24-045

Agenda Date: 5/8/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: J

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-027 - Allow encroachment into the City's 75-foot impervious surface setback - Land Lot 598 - 3355 Kathy Lane - Jessica Bock

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious surface setback to allow for the construction of a deck and addition at 3355 Kathy Lane. 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 setback to build an addition and deck in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, 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 City Engineer believe that the encroachment will not adversely affect surrounding residents nor the existing stream; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variance shall be 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 building permit.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 23, 2024

RE: **VARIANCE CASE V24-027**
3355 Kathy Lane – Allow encroachment into the City’s 75-foot impervious surface setback

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City’s 75-foot impervious surface setback to allow for the construction of a deck and addition at 3355 Kathy Lane. The City’s stream buffers are controlled by Chapter 46, Article VI.

ANALYSIS

The subject parcel is a 0.53-acre lot located on the east side of Kathy Lane at the termination of Veneta Way (see Figure 1). The subject parcel and all adjoining parcels are zoned R-20 and all are occupied by single-family detached residences. The subject property is in the C M Hamby subdivision, originally platted in 1955.

The property is currently occupied by a single-family home with a stream that runs through the rear of the property and continues through the adjacent properties to the south and east and a public sanitary sewer main line that bisects the rear yard with an accompanying 20-foot sanitary sewer easement. Due to the stream, a portion of the existing house and deck is currently encroaching into the 75-foot impervious surface setback. The applicant is proposing to remove the existing deck to construct an addition in its place; the addition and accompanying interior renovation will include an expansion of the master bathroom, adding a third bathroom, and adding a new deck to the rear of the home. Due to the stream, the rear yard is greatly encumbered by the State’s 25-foot undisturbed buffer, the City’s 50-foot undisturbed stream buffer, and the City’s 75-foot impervious surface setback, with virtually no section of the rear yard untouched by stream buffers. Although the new proposed addition is within the previously encroached area as much as possible, there is a 445 square foot encroachment into the 75-foot impervious surface setback from a small portion of the addition and the deck.

The applicant will require relief from the City’s Stream Buffer Protection ordinance in order to make the improvements to the existing home in the rear yard. Since the property was platted in 1955, prior to the Stream Buffer Ordinance implemented in 2005, the hardship is not self-created. No other variances are needed as the property is below their impervious coverage

VARIANCE CASE V23-054

July 17, 2023

Page 2 of 6

maximum of 35% and there will be no proposed conflict with the sewer line easement in the rear of the property.

The applicant will mitigate the rear yard disturbance by installing two flo-wells to the north of the existing house, just outside the 75-foot impervious surface setback. The City Engineer has reviewed the application and accompanying mitigation plan and supports the method used for buffer mitigation per Georgia Stormwater Management Manual requirements.

Due to the existing stream buffers encumbering the entirety of the rear yard and the existing home, Community Development believes this is the minimum variance needed to allow for any exterior renovations or outdoor amenity. Strict application of the ordinance would require the existing home to be removed and shifted west 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 setback to build an addition and deck in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, 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 City Engineer believe that the encroachment will not adversely affect surrounding residents nor the existing stream; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variance shall be 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 building permit.

Figure - 1

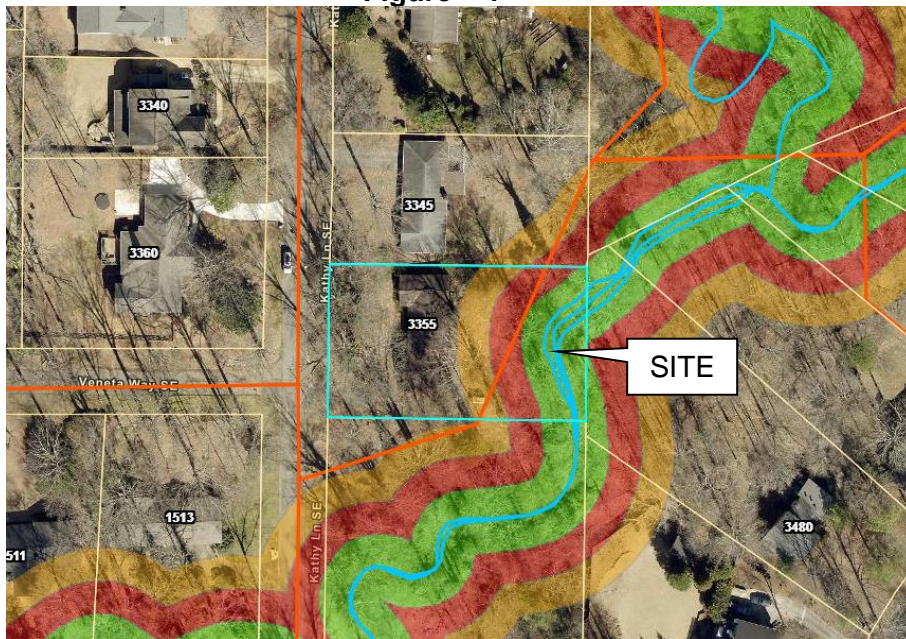


Figure - 2
Site Plan

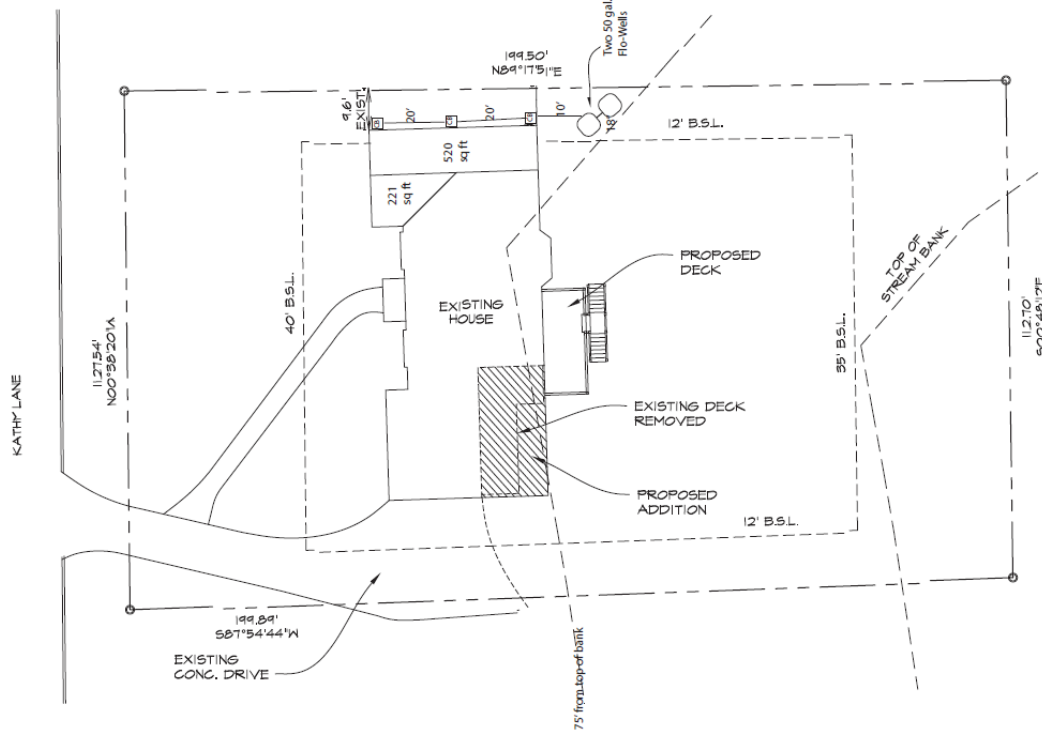


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Property across Kathy Lane






Variance Application

VAR-24-28

Submitted On: Apr 1, 2024

Applicant

 Jessica Bock
 404-803-9013
 jessicalparks@gmail.com

Primary Location

3355 KATHY LN SE
SMYRNA, GA 30080

Applicant Information

First Name

Jessica

Last Name

Bock

Street Address

2870 Elizabeth St SE

City

Smyrna

State

GA

Zip Code

30080

Email

jessicalparks@gmail.com

Phone Number

404-803-9013

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

3355 Kathy Lane, Smyrna, GA 30080

Description of Requested Variances

Stream buffer encroachment

Please check the box below if the requested variance(s) includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer.

true

****If the request includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer, a stormwater mitigation plan is REQUIRED prior to submittal of the variance application.****

Please contact City Engineer, Mark Wolff with any questions relating to the stormwater mitigation plan; 678-631-5546 or mwolff@smyrnaga.gov.

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.

We are seeking a variance to allow for a slatted wood deck on the east side of the existing structure for our family to enjoy the beautiful wooded lot. There is an existing deck and permeable patio that we will replace, but it will push into the stream 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

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

For delivery information, visit our website at www.usps.com

Smyrna, GA 30080

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To MARY EDWARDS

Street and Apt. No., or PO Box No. 1513 Veneta Way

City, State, ZIP+4® Smyrna GA 30080

Postmark Here 0675 15 04/04/2024

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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

For delivery information, visit our website at www.usps.com

Smyrna, GA 30080

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To THOMAS COLLINS

Street and Apt. No., or PO Box No. 3480 Vinings North Trl.

City, State, ZIP+4® Smyrna GA 30080

Postmark Here 0675 15 04/04/2024

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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

For delivery information, visit our website at www.usps.com

Smyrna, GA 30080

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To Joel & Anna Wascher

Street and Apt. No., or PO Box No. 3360 KATHY LN SE

City, State, ZIP+4® Smyrna, GA 30080

Postmark Here 0675 15 04/04/2024

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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

For delivery information, visit our website at www.usps.com

Smyrna, GA 30080

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To JIM PARKS

Street and Apt. No., or PO Box No. 3583 KATHY LANE

City, State, ZIP+4® Smyrna GA 30080

Postmark Here 0675 15 04/04/2024

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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

For delivery information, visit our website at www.usps.com

Smyrna, GA 30080

Certified Mail Fee \$4.40

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.68

Total Postage and Fees \$5.08

Sent To KATHERINE THYNE

Street and Apt. No., or PO Box No. 3345 KATHY LN SE

City, State, ZIP+4® Smyrna, GA 30080

Postmark Here 0675 15 04/04/2024

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Real Estate (Your House or Land)

Payments/Adjustments

As of 4/1/2024			
Bill Year		2023	
Bill		1774	
Activity	Posted	Entered	Reference #
Adjustment	11/20/2023	11/20/2023	300146
Payment	9/28/2023	9/29/2023	3224613
		Jacob Bock	



Printed: 4/1/2024

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:
Jacob Bock

BOCK JACOB & JESSICA

Payment Date: 9/28/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	17059800160	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	\$92.48	\$0.00	



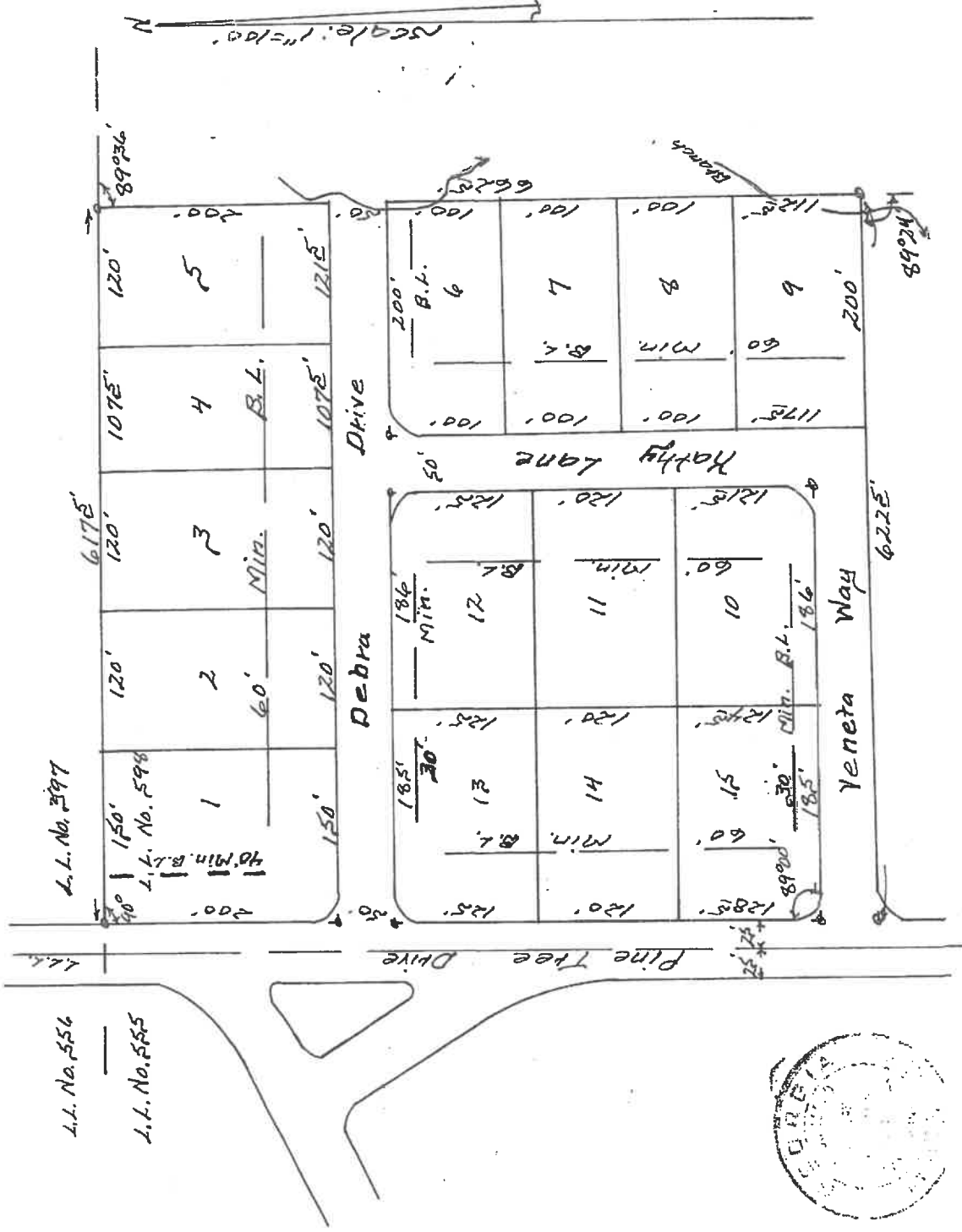
Scan this code with your
mobile phone to view
this bill!!

L.L. No. 556

L.L. No. 555

L.L. No. 597

L.L. No. 598



I G. M. Hamby, owner of the property shown & described herein, hereby adopt this plan for Subdiv. & dedicate the streets to public use.

Signed: *G. M. Hamby*
Owner

Approved: *J. P. Phillips*
Chairman Cobb County Planning Commission

Property of G. M. Hamby
Located in L.L. No. 598-17th District-
2nd Section - Cobb County - Ga.
J. P. Phillips, Surveyor
April 25, 1955
I.P. at all 4 corners

