



License and Variance Board Meeting - Final

July 10, 2024
10:00 AM

F. V24-062 Public Hearing - Variance Request - V24-062 - Reduce the side setback from 10 feet to 5 feet - Land Lot 560 - 2730 Morris Circle - Ashley Dover



City of Smyrna

Issue Sheet

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

File Number: V24-062

Agenda Date: 7/10/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: E.

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-062 - Reduce the side setback from 10 feet to 5 feet - Land Lot 560 - 2730 Morris Circle - Ashley Dover

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting several variances for a cabana and pool addition in the rear yard of 2730 Morris Circle: increase the impervious surface area from 35% to 44%, reduce the side setback from 10 feet to 5 feet, and allow a second accessory structure. Section 801 sets the maximum impervious area and setbacks in the R-15 zoning district whereas Section 501 sets the maximum number of accessory structures.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's maximum impervious area, side setback, and maximum accessory structure requirements to build a swimming pool and cabana on the 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 proposed variances will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the pool permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

Variance Application

VAR-24-36

Submitted On: May 6, 2024

Applicant

 Ashley Dover
 404-863-2450
 ashley@georgiaclassicpool.com

Primary Location

2730 MORRIS CIR SE
SMYRNA, GA 30080

Applicant Information

First Name

Ashley

Last Name

Dover

Street Address

1301 Iron Mountain Road

City

Canton

State

GA

Zip Code

30115

Email

ashley@georgiaclassicpool.com

Phone Number

404-863-2450

Are you the titleholder of the subject property?

No

Titleholder Information

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

Michael & Erin Arrigo

Street Address

2730 Morris Circle SE

City

Smyrna

State

GA

Zip Code

30080

Email Address

msarrigo@gmail.com

Phone Number

404-909-6177

Property Information

Property Address

2730 Morris Circle SE

Description of Requested Variances

Request for variance on allowed lot coverage to increase from 35% to 41.6%.

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 mwofff@smyrnaga.gov.

Comprehensive Narrative

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

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.

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

1. Currently, the property has an existing lot coverage of 34%. With a maximum of 35% lot coverage, this limits the ability to make much of any improvements on this property. This property is also a corner lot. Therefore, the house sits back off the street on two sides further than most properties. This also causes the need to have a large/long sidewalk coming off of Morris Circle and a driveway off of Walker St. The need for this causes an increase in lot coverage to account for those areas.
2. No streams located on this property.
3. No stream/buffers on this property.
4. We feel we are proposing the least amount of impervious adds as possible while still maintaining a good design aesthetic for this property. The pool itself, is fairly small - approx 336 sq ft. We are proposing to demo the existing brick patio and lay pool decking down in its place. Therefore, decreasing the existing lot coverage, then adding it back versus adding on top of that.
5. We have proposed a rain garden to assist with the water quality impacts. We have drains spaced evenly throughout the pool decking that are routed to a rain garden off the rear of the pool. This has been designed to account for the added impervious space we are proposing.
6. N/A: not encroaching into any buffer areas.
7. If the variance were approved, it would not negatively affect the natural resources or surrounding environment. We have proposed the installation of silt fencing to protect any runoff during construction. The site would be stabilized appropriately per city code and requirements. Any drainage would be directed to the rain garden as appropriate.

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 770-319-5387 / Fax 770-431-2808

I, Mike Arrigo, swear that I am the Property Owner of the property

located at: 2730 Morris Circle SE Smyrna, GA 30080

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Ashley Dover

Address: 1301 Iron Mountain Road Canton, GA 30115

Telephone: 404-863-2450 Email: ashley@georgiaclassicpool.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

2730 Morris Circle SE

Address

Mike Arrigo

Name of Property Owner (print clearly)

Smyrna, GA 30080

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Mike and Erin Arrigo

Intends to make an application for a variance for the purpose of _____
Increasing their allowed max lot coverage from 35% to 41.6% in order to build a swimming pool.

_____ on the premises described in the application.

NAME	ADDRESS
<u>1ZA82C200302114110</u>	<u>2740 Morris Circle</u>
<u>1ZA82C200302114218</u>	<u>1396 Roswell St SE</u>
<u>1ZA82C200335447646</u>	<u>1390 Roswell St SE</u>
<u>1ZA82C200302114414</u>	<u>2729 Morris Circle</u>
<u>1ZA82C200302114512</u>	<u>1429 Walker Court</u>
_____	_____
_____	_____
_____	_____

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.

From: [Mike Hickenbottom](#)
To: [Caitlin Crowe](#)
Subject: RE: 2730 Morris Cir
Date: Monday, May 6, 2024 2:54:48 PM

Hey Caitlin,

Yes, everything is paid in full.

Thank you,

Mike Hickenbottom
City of Smyrna
678-631-5325

From: Caitlin Crowe <ccrowe@smyrnaga.gov>
Sent: Monday, May 6, 2024 2:53 PM
To: Mike Hickenbottom <mhickenbottom@smyrnaga.gov>
Subject: 2730 Morris Cir

Hi Mike,

Can you confirm if 2730 Morris Cir is current on their City taxes?

Thank you!

Caitlin Crowe
Planner I, Community Development
City of Smyrna
Phone: (678) 631-5360
ccrowe@smyrnaga.gov



Printed: 5/6/2024

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:
WELLS FARGO REAL ESTATE TAX SERVICE

ARRIGO MICHAEL & ERIN

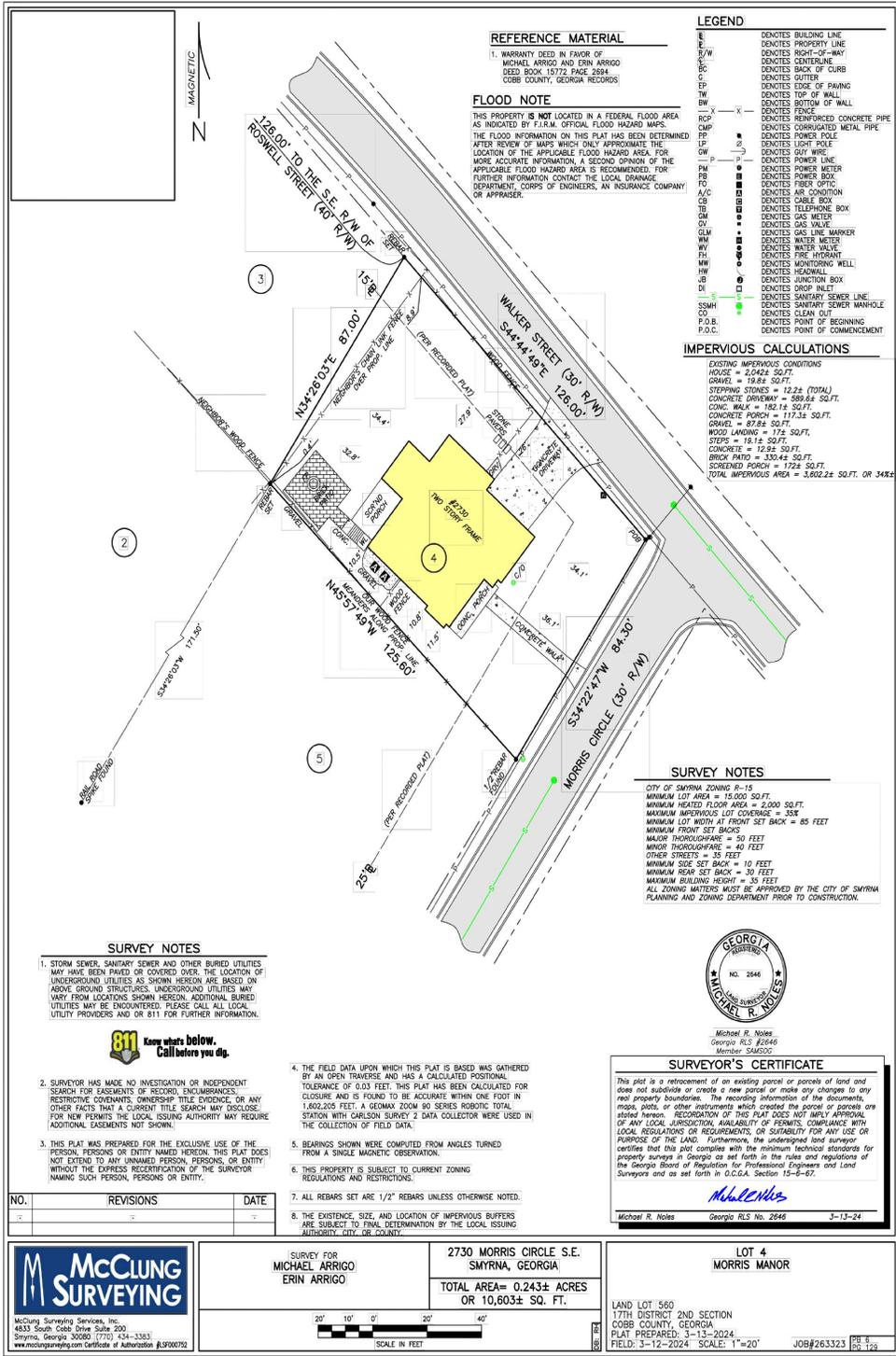
Payment Date: 9/30/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17056000120	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	\$7,429.46	\$0.00



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



REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF MICHAEL ARRIGO AND ERIN ARRIGO DEED BOOK 15772 PAGE 2894 COBB COUNTY, GEORGIA RECORDS

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. THE FLOOD INFORMATION ON THIS PLAN HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

LEGEND

- E DENOTES BUILDING LINE
- DENOTES PROPERTY LINE
- S/W DENOTES RIGHT-OF-WAY
- PC DENOTES CENTERLINE
- BC DENOTES BACK OF CURB
- GP DENOTES GUTTER
- TP DENOTES TOP OF PAVING
- BTW DENOTES TOP OF WALL
- BS DENOTES BOTTOM OF WALL
- X—X—X DENOTES REINFORCED CONCRETE PIPE
- CMP DENOTES CORRUGATED METAL PIPE
- PP DENOTES POWER POLE
- LP DENOTES LIGHT POLE
- OW DENOTES OUTLET
- PMI DENOTES POWER METER
- PB DENOTES POWER BOX
- FO DENOTES FIBER OPTIC
- A/C DENOTES AIR CONDITION
- CB DENOTES CABLE BOX
- TL DENOTES TELEPHONE BOX
- GM DENOTES GAS METER
- GMV DENOTES GAS VALVE
- WM DENOTES WATER METER
- WMV DENOTES WATER VALVE
- FW DENOTES FIRE HYDRANT
- MW DENOTES MONITORING WELL
- HW DENOTES HEADWALL
- JB DENOTES JUNCTION BOX
- DI DENOTES DROP INLET
- SSMH DENOTES SANITARY SEWER LINE
- CO DENOTES SANITARY SEWER MANHOLE
- CO DENOTES CLEAN OUT
- P.O.B. DENOTES POINT OF BEGINNING
- P.O.C. DENOTES POINT OF COMMENCEMENT

IMPERVIOUS CALCULATIONS

EXISTING IMPERVIOUS CONDITIONS
HOUSE = 2,042± SQ.FT.
GRAVEL = 18.2± SQ.FT.
STEPPING STONES = 12.2± (TOTAL)
CONCRETE DRIVEWAY = 588.1± SQ.FT.
CONC. WALK = 182.1± SQ.FT.
CONCRETE PORCH = 117.3± SQ.FT.
GRAVEL = 87.8± SQ.FT.
WOOD LANDING = 17± SQ.FT.
STEPS = 15.1± SQ.FT.
CONCRETE = 12.8± SQ.FT.
BRICK PATIO = 130.4± SQ.FT.
SCREENED PORCH = 172± SQ.FT.
TOTAL IMPERVIOUS AREA = 3,602.2± SQ.FT. OR 34%

SURVEY NOTES

CITY OF SMYRNA ZONING R-13
MINIMUM LOT AREA = 15,000 SQ.FT.
MINIMUM HEATED FLOOR AREA = 2,000 SQ.FT.
MAXIMUM IMPERVIOUS LOT COVERAGE = 35%
MINIMUM LOT WIDTH AT FRONT SET BACK = 85 FEET
MINIMUM FRONT SET BACKS
MAJOR THOROUGHFARE = 50 FEET
MINOR THOROUGHFARE = 40 FEET
OTHER STREETS = 25 FEET
MINIMUM SIDE SET BACK = 10 FEET
MINIMUM REAR SET BACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET
ALL ZONING MATTERS MUST BE APPROVED BY THE CITY OF SMYRNA PLANNING AND ZONING DEPARTMENT PRIOR TO CONSTRUCTION.



Michael R. Niles
Georgia RLS #2646
Member SWSGS

SURVEYOR'S CERTIFICATE

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording jurisdiction is the documents, maps, plats, or other instruments which created the parcel or parcels are attached hereto. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF SERVICES, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Regulation for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-8-87.

Michael R. Niles
Michael R. Niles Georgia RLS No. 2646 3-13-24

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.



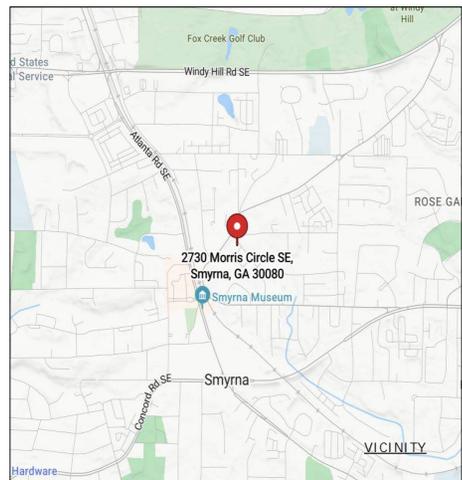
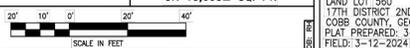
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECONSTRUCTION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.

NO.	REVISIONS	DATE
-	-	-

McClung SURVEYING
McClung Surveying Services, Inc.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-1383
www.mccclungsurvey.com Certificate of Authorization #LP000752

SURVEY FOR
**MICHAEL ARRIGO
ERIN ARRIGO**
2730 MORRIS CIRCLE S.E.
SMYRNA, GEORGIA
TOTAL AREA = 0.243± ACRES
OR 10,603± SQ. FT.

LAND LOT 560
17TH DISTRICT 2ND SECTION
COBB COUNTY, GEORGIA
PLAT PREPARED: 3-13-2024
FIELD: 3-12-2024 SCALE: 1"=20'
JOB#263323



SITE PLAN PREPARED FOR
THE ARRIGO RESIDENCE:
2730 MORRIS CIRCLE, SE
SMYRNA, GA 30080

LAND LOT 560
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

CONTRACTOR

GEORGIA
CLASSIC
POOL
1301 IRON MOUNTAIN RD
CANTON, GA 30115
770-521-0708

24 HR CONTACT
ASHLEY DOVER
GEORGIA CLASSIC POOL
404-863-2450
GeorgiaClassicPool.com

INDEX:

PAGE 1 - COVER/EXISTING CONDITIONS
PAGE 2 - PROPOSED CONDITIONS
PAGE 3 - BUILDING DETAILS
PAGE 4- STORMWATER DETAILS

04/17/2024
REVISED 04/25/2024 PER COMMENTS. STORMWATER PAGE ADDED.
REV 05/22/2024 PER COMMENT ON FENCING.
REV 06/11/2024 TO ADD PROPOSED CABANA.

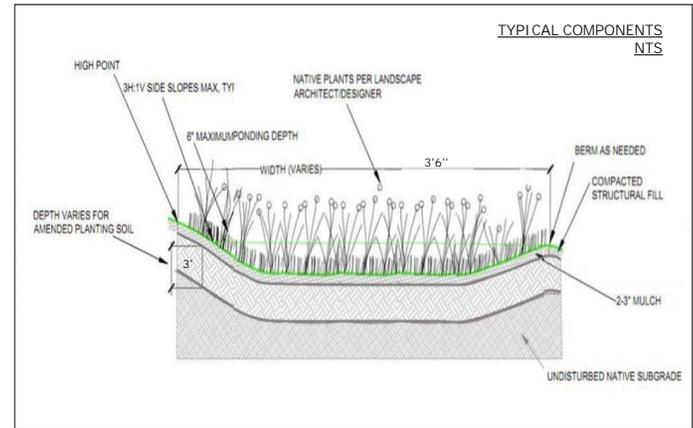
ALL PAGES TO BE PRINTED
ON 36" X 24" PAPER TO
BE TO SCALE.



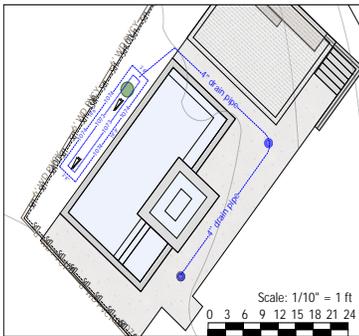
BIOINFILTRATION - RAIN GARDENS

Rain Gardens are one name for a range of vegetated, infiltration practices. Also called "bioinfiltration," Rain Gardens are shallow, landscaped depressions that are filled with a mix of native soil and compost and planted with trees, shrubs, and other perennial vegetation. Rain Gardens are designed to temporarily store stormwater runoff as surface ponding before it filters through the specialized soil and infiltrates into the underlying soil. In soils with lower infiltration rates, runoff is collected by an underdrain and discharged to the drainage system. Rain Gardens can be individual cells or multiple cells connected in series. Rain Gardens can be used to manage stormwater runoff from rooftops, driveways, patios, and other areas around your home. Rain Gardens control runoff volumes and rates via detention, attenuation, and losses due to infiltration, interception, evaporation, and transpiration. Water quality treatment is accomplished through sedimentation, filtration, adsorption, uptake, or biodegradation and transformation of pollutants by soil organisms, soil media, and plants. A Rain Garden can be a beautiful and functional addition to your landscape.

Figure 9. Rain garden or Bioinfiltration in front yard.



LOCATION



Design

- Proper construction methods and pre-planning are essential for the success of any infiltration practice, including Rain Gardens. Over compaction of the underlying soil or fine sediment contamination onto the existing subgrade during construction will significantly degrade or completely eliminate the infiltration capability of the practice.
- A maximum ponding depth of 6 inches is allowed within Rain Gardens. On average, Rain Gardens drain within a day which will not create a mosquito problem.
- Design the entrance to the Rain Garden to immediately intercept inflow and reduce its velocity with stones, dense hardy vegetation or other means.
- If the sides of the Rain Garden will be mowed, the sides should be designed with slopes of 3:1 (H:V) or flatter.

Figure 10. Bioinfiltration with cobble inlet.



- For best results, test the soil characteristics as you would for a garden, or contact your local County Extension Service for help www.caes.uga.edu/extension/fulton.
- Soils for Rain Gardens should be amended native soils containing: 2/3 native soils and 1/3 compost.
- A mulch layer consisting of 2 to 3 inches of non-floatable organic mulch (fine, shredded, hardwood mulch, pine straw, or leaf compost) should be included on the surface of the Rain Garden. Pine bark and wood chips should not be used.
- Rain Gardens have a better appearance and can be more easily maintained if they have defined edges as seen in image above.
- Overflows from the Rain Garden should be designed and constructed to resist erosion and may consist of a small berm or an inlet grate set at the proper elevation in the garden. The grate should be domed or set at a slant to allow clogging debris to fall off.
- Vegetation commonly planted in Rain Gardens includes native trees, shrubs, and other herbaceous vegetation. When developing a vegetation plan for the Rain Garden, choose vegetation that will stabilize soils and tolerate the stormwater runoff rates and volumes that will pass through the Rain Garden.
- Incorporating trees into traditional bioretention practices is Highly Recommended. The Tree Protection Ordinance provides extra (2x) credit for trees planted in rain gardens and other infiltration practices.
- Vegetation used in Rain Gardens should also tolerate both wet and dry conditions. See Appendix F of Volume 2 of the Georgia Stormwater Management Manual (ARC, 2001) for a list of vegetation appropriate for use in Rain Gardens in Georgia.

CONSTRUCTION STEPS:

- Locate Rain Garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from structures with basements, not within the public right-of-way, away from utility lines, not over septic fields, and not near a steep bluff edge.
- Measure the contributing drainage area and determine required surface area and planned excavation depth from the table on the next page.
- Perform infiltration test according to Appendix A. If the rate is less than 0.25 in/hr an underdrain is necessary. If the rate is more than 0.50 in/hr the size of the garden may be decreased 10% for every 0.50 in/hr infiltration rate increase above 0.50 in/hr.
- Measure elevations and stake out the garden to the required dimensions. Ensure: (1) positive flow into garden, (2) the overflow elevation allows for six inches of ponding, and (3) the perimeter of the garden is higher than the overflow point.
- If the garden is on a gentle slope, a berm at least two feet wide can be constructed on the downhill side, or the Rain Garden can be dug into the hillside and ensuring erosion control at the garden inlet(s).
- Remove turf or other vegetation in the Rain Garden. Excavate garden without compacting the soils in the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
- Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. The soil mix should be 1/3 compost, 2/3 native soil (topsoil and subsoil combined).
- Fill Rain Garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" of mulch. The surface of the Rain Garden should be as close to level as possible.
- Build a berm at the downhill edge and sides of the Rain Garden with the remaining subsoil. The top of the berm needs to be level and set at the maximum ponding elevation.
- Plant the Rain Garden using a selection of plants chosen from those listed in Appendix B.
- Add two to three inches of non-floating organic mulch to the surface of the Rain Garden with. The best choice is finely shredded hardwood mulch. Pine straw is also an option.
- Water all plants thoroughly. Regular watering is likely necessary to establish plants during the first growing season.
- During Rain Garden construction, build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. An impedeable liner under the rocks at the end of the swale near the house is recommended to keep water from infiltrating there. Test the drainage of water from the source to the garden prior to finishing.
- Create an overflow of at least 10 feet from property lines and ensure it is protected from erosion.

MINIMUM MAINTENANCE REQUIREMENTS:

- Irrigate vegetation as needed in first two seasons
- Remove weeds
- Replace unsuccessful plantings
- Replenish mulch
- Repair eroded areas
- Rake clogged surface to restore infiltration
- Monitor Rain Garden for appropriate drainage times. If garden does not drain an underdrain may be necessary.

SITE PLAN PREPARED FOR
THE ARRIGO RESIDENCE:
2730 MORRIS CIRCLE, SE
SMYRNA, GA 30080

LAND LOT 560
17TH DISTRICT, 2ND SECTION
COBIE COUNTY, GA

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404-863-2450
GeorgiaClassicPool.com

PAGE 4 OF 4
STORMWATER DETAILS

04/25/2024

REV 06/11/2024

SIZING CALCULATION:

Contributing Drainage Area (square feet)	Depth of Amended Soil (inches)			
	18	24	30	36
	Area of Rain Garden (square feet)			
100	6.6	5.7	5.1	4.6
500	35	30	25	23
1000	65	60	50	45
2000	135	115	100	90
3000	200	170	150	140
4000	260	230	200	185
5000	330	290	255	230

Measure contributing drainage area and read area for given media depth.

Contributing Drainage Area:	1,393	Sq Ft
Depth of Soil Media:	36	Inches
Area of Rain Garden:	68	Sq Ft

*RAIN GARDEN VEGETATION TO BE CHOSEN BY HOMEOWNER & LANDSCAPER FROM VOL. 2 OF THE GEORGIA STORMWATER MANAGEMENT MANUAL.

***RELEASED FOR CONSTRUCTION



CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 1, 2024

RE: VARIANCE CASE V24-053
2730 Morris Circle – Increase the maximum impervious surface area from 35% to 44%

VARIANCE CASE V24-062
2730 Morris Circle – Reduce the side setback from 10 feet to 5 feet

VARIANCE CASE V24-063
2730 Morris Circle – Allow second accessory structure

BACKGROUND

The applicant is requesting several variances for a cabana and pool addition in the rear yard of 2730 Morris Circle: increase the impervious surface area from 35% to 44%, reduce the side setback from 10 feet to 5 feet, and allow a second accessory structure. Section 801 sets the maximum impervious area and setbacks in the R-15 zoning district whereas Section 501 sets the maximum number of accessory structures.

ANALYSIS

The subject parcel is a 0.24-acre corner lot located to the west of the intersection of Walker Court and Morris Circle (see Figure 1). The subject parcel and adjoining parcels to the north, south, and west are zoned R-15 while the adjacent parcels to the east are zoned RDA; all are occupied by single-family detached residences.

The subject property is currently occupied by a 3,589 square foot single-family home, built in 2020. The existing house is currently situated in the middle of the lot with the front porch on Morris Circle and a side-entry garage off Walker Court. The applicant is proposing to build a 381 square foot pool and spa with a 320 square foot cabana in the rear of the property. The cabana will feature cedar posts, be open on all four sides, and cover an outdoor kitchen area. Due to the location of the home and the corner lot setbacks, several variances are required to erect the pool and the cabana.

The accessory structure ordinance allows one accessory structure or use per lot; since the applicant is proposing both a pool and a cabana, a variance is required for the additional

structure. Since the pool and cabana are both separate outdoor uses, staff are supportive of the request.

Since the lot is a corner lot with front setbacks on both Walker Street and Morris Circle, the applicant has minimal area to build the swimming pool and cabana without encroaching into the setbacks. The applicant is able to maintain the 5-foot accessory structure rear setback but is requesting to reduce the side setback to 5 feet in order to construct both the pool and cabana fully in the rear yard. If the pool was moved over an additional five feet to accommodate the side setback, the cabana would be moved into the front setback and spur an additional two variances. Thus, this is the minimum variance needed to allow for both structures within the side setback.

After the addition of the pool and the accompanying cabana to the property, the impervious surface area will be above the allowable 35% by 9% (or 954 square feet). To offset the increase in impervious surface area, the applicant is adding a rain garden to the northwest corner of the rear yard, directly behind the proposed swimming pool. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulation that a Stormwater Inspection & Maintenance Agreement be recorded prior to pool permit issuance.

Community Development believes the requested variances are the minimum variances needed to build an outdoor amenity on the property. A similar variance request was approved across the street at 1429 Walker Court in 2020 (V20-041-043). Thus, there is a precedent for variances of this type in the area. At the time of this report, Community Development has not received any opposition to the requests.

STAFF COMMENTS

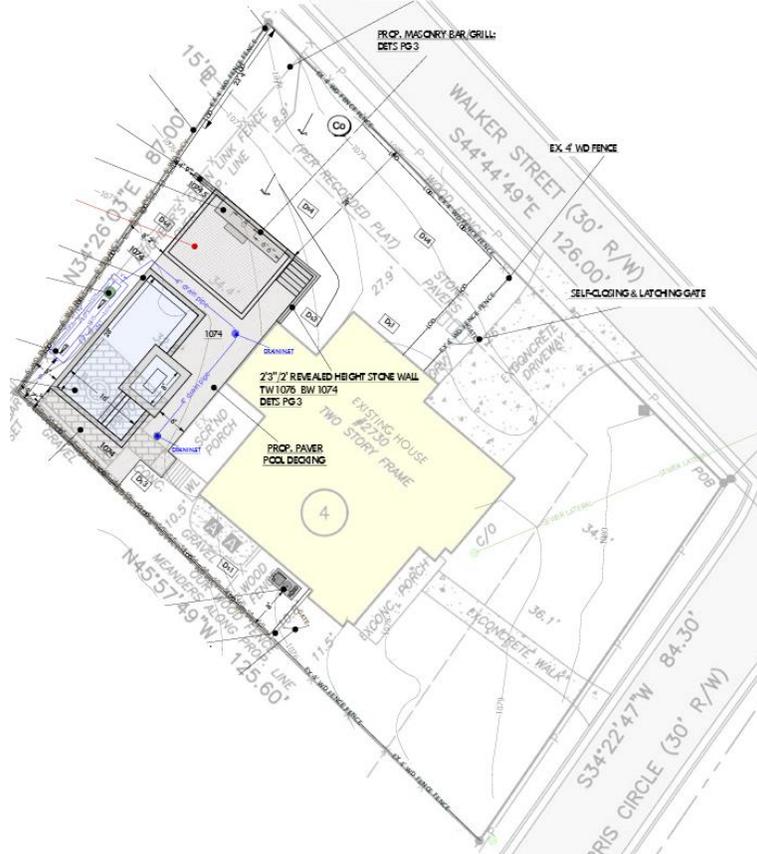
The applicant is requesting to deviate from the City's maximum impervious area, side setback, and maximum accessory structure requirements to build a swimming pool and cabana on the property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (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 proposed variances will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the pool permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

Figure - 1



Figure - 2
Site Plan



**Figure – 3
Subject Property**



**Figure – 4
Location of the Proposed Pool & Cabana**



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Properties across Walker Court



Figure – 8
Adjacent Property across Morris Circle

