



License and Variance Board Meeting - Final

September 11, 2024
10:00 AM

E. V24-070 Public Hearing - Variance Request - V24-070 - Allow increase in impervious coverage from 35% to 38.2% - Land Lot 388 - 0.34 acres - 4520 Derby Lane - Tameika Matthews



City of Smyrna

Issue Sheet

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

File Number: V24-129

Agenda Date: 9/11/2024

In Control: .

File Type: Variance Item

Agenda Section:
Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-070 - Allow increase in impervious coverage from 35% to 38.2% - Land Lot 388 - 0.34 acres - 4520 Derby Lane - Tameika Matthews

Ward 4 Councilmember - Charles 'Corkey' Welch

ISSUE AND BACKGROUND:

The applicant is requesting a variance to increase the impervious surface area from 35% to 38.2% due to the construction of a pool in the rear yard. Section 801 sets the maximum impervious surface area in the R-15 zoning district at 35%.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the City's maximum impervious area to retain a swimming pool 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 impervious surface increase will not adversely affect surrounding residents with implementation of the proposed mitigation plan; 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 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 the issuance of the Certificate of Completion.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: August 29, 2024

**RE: VARIANCE CASE V24-070
4520 Derby Lane – Increase maximum impervious surface area from 35% to 38.2%**

BACKGROUND

The applicant is requesting a variance to increase the impervious surface area from 35% to 38.2% due to the construction of a pool in the rear yard. Section 801 sets the maximum impervious surface area in the R-15 zoning district at 35%.

ANALYSIS

The subject parcel is a 0.34-acre lot located on the east side of Derby Lane in the Churchill Downs subdivision (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences.

A pool permit was issued to the subject property in November 2022 with an approved 32.8% impervious surface area. The subject property is currently occupied by a 2,450 square foot single-family home and the 880 square foot swimming pool in the rear of the property. During construction, the applicant expanded the permitted amount of concrete decking that surrounded the pool and thus increased the allowable impervious surface area. After the addition of the pool and accompanying decking on the property, the impervious surface area increased the impervious surface area 3.2% over the allowable 35% (or 483 square feet). The pool has been under construction for nearly two years, so the applicant is proposing to retain the pool in its current form and location.

To offset the increase in impervious surface area, the applicant is installing an infiltration trench between the swimming pool and fence in the side yard. The City Engineer has reviewed the application and is supportive of the proposed mitigation method with the stipulations that a Stormwater Inspection & Maintenance Agreement be submitted prior to final inspection.

Community Development believes the requested variance is the minimum variance needed to retain the pool on the property. Similar variances have been approved throughout the city when an appropriate mitigation method has been included and implemented. At the time of this report, Community Development has not received any calls in opposition to this request.

STAFF COMMENTS

VARIANCE CASE V24-070

August 29, 2024

Page 2 of 5

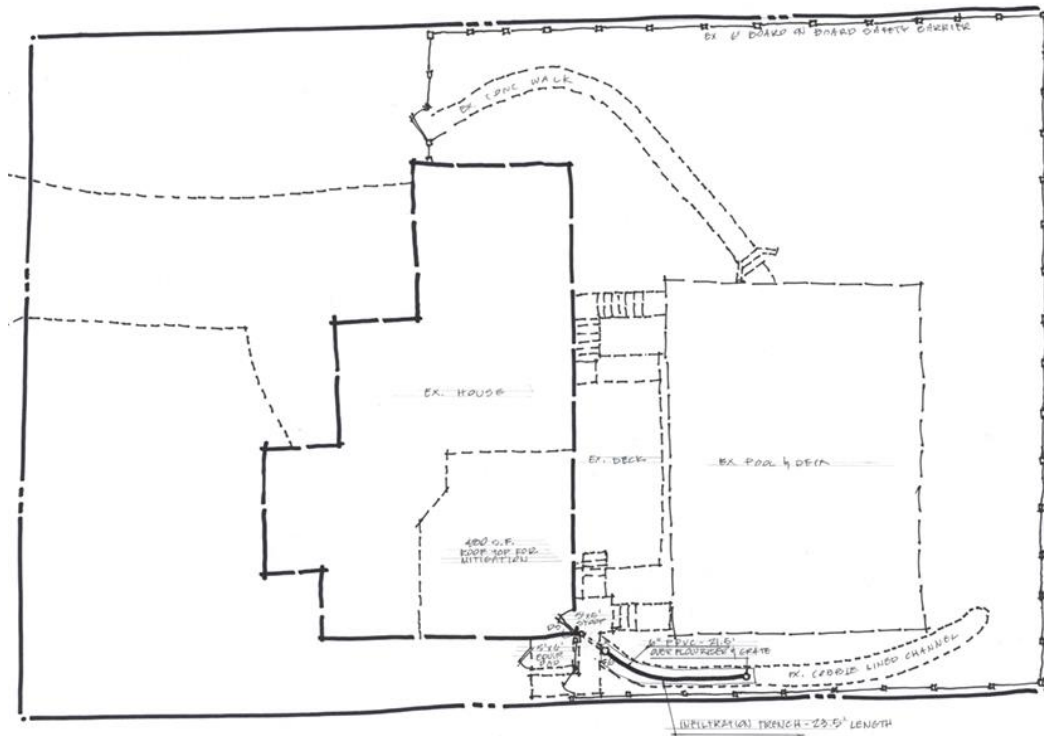
The applicant is requesting to deviate from the City's maximum impervious area to retain a swimming pool on the property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances 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 impervious surface increase will not adversely affect surrounding residents with implementation of the proposed mitigation plan; 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 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 the issuance of the Certificate of Completion.
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
Adjacent Property to the North



Figure – 5
Adjacent Property to the South



Figure – 6
Adjacent Property across Derby Lane



Figure – 6
Adjacent Property across Derby Lane



Variance Application

VAR-24-50

Submitted On: Aug 5, 2024

Applicant

 Tamikia Mathews
 4043041686
@ tamikia.mathews@gmail.com

Primary Location

4520 DERBY LN SE
SMYRNA, GA 30082

Applicant Information

First Name

Tamikia

Last Name

Mathews

Street Address

4520 Derby Lane

City

Smyrna

State

GA

Zip Code

30082

Email

tamikia.mathews@gmail.com

Phone Number

4043041686

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

4520 Derby Lane

Description of Requested Variances

increase in the maximum impervious surface area

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. 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. The property is 15,000 square feet rectangle shaped with stabilized vegetation in the form of grass and shrubs;

2. There are no streams on the property;

3. No buffer or setback intrusion is required;

4. This design is not intrusive;

5. There is no long-term and construction water-quality impacts of the proposed variance;

6. This is not a result of an exchange of buffer area; and

7. The issuance of the variance is at least as protective of natural resources and the environment in controlling and maintaining runoff.

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



**APPLICATION FOR VARIANCE
TO THE CITY OF SMYRNA**

Type or Print Clearly

APPLICANT: Tamikia Mathews

Representative's Name (print): _____

Address: 4520 Derby Lane, Smyrna, GA 30082

Business Phone: _____ Cell Phone: 4040 304 1686

Home Phone: _____

E-Mail Address: tamikia.mathews@gmail.com

Signature of Representative: _____

TITLEHOLDER: Tamikia Mathews

Address: 4520 Derby Lane, Smyrna, GA 30082

Business Phone: _____ Cell Phone: 4040 304 1686

Home Phone: _____

Signature: _____

VARIANCE:

Present Zoning: R3

Type of Variance: increase in the maximum impervious surface area

Explain Intended Use: _____

Location: 4520 Derby Lane, Smyrna, GA 30082

Land Lot(s): 338

District: 17

Size of Tract: 0.344

Acres

CONTIGUOUS ZONING

North: R3

East: R3

South: R3

West: R3

ZONING ORDINANCE
SECTION 1403 VARIANCE REVIEW STANDARDS

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.

Please include your narrative here, or you may submit a typed narrative as a supplement to this application.

COMPREHENSIVE NARRATIVE

1. The property is 15,000 square feet rectangle shaped with stabilized vegetation in the form of ~~grass and shrubs~~;

2. There are no streams on the property;

3. No buffer or setback intrusion is required;

4. This design is not intrusive;

5. There is no long-term and construction water-quality impacts of the proposed variance;

6. This is not a result of an exchange of buffer area; and

7. The issuance of the variance is at least as protective of natural resources and the environment in controlling and maintaining runoff.

thews
Lane
30082

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Michael & Haley Avery
4510 Derby Lane
Smyrna, GA 30082

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$

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Joseph & Sherri Mitchell
4521 Derby Lane
Smyrna, GA 30082

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Sergio & Kathryn Correa
4530 Derby Lane
Smyrna, GA 30082

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Janet Condo
4550 Saddle Court
Smyrna, GA 30082

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7015 1730 0001 8221 5058

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Gordon & Janet Gray
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<input checked="" type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$ 8.16

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Munis Self Service

Real Estate (Your House or Land)

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Payments/Adjustments

As of 8/5/2024

Bill Year	2023
Bill	10973

Activity	Posted	Entered	Reference #	Paid By/Reference	Amount
Gl Account Update	7/1/2024	7/1/2024	25214		\$0.00
Gl Account Update	7/1/2024	7/1/2024	43376		\$0.00
Adjustment	11/20/2023	11/20/2023	292334		\$0.00
Payment	10/24/2023	10/25/2023	3249714	CORELOGIC	\$1,241.70
Abatement	9/17/2023	9/18/2023	3642	HOMEOWNER TAX RELIEF GRANT	(\$161.82)

[Return to view bill](#)



Printed: 8/5/2024

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:
LOANDEPOT

MATHEWS TAMIKIA

Payment Date: 10/12/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17038800490	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	\$2,904.44	\$0.00

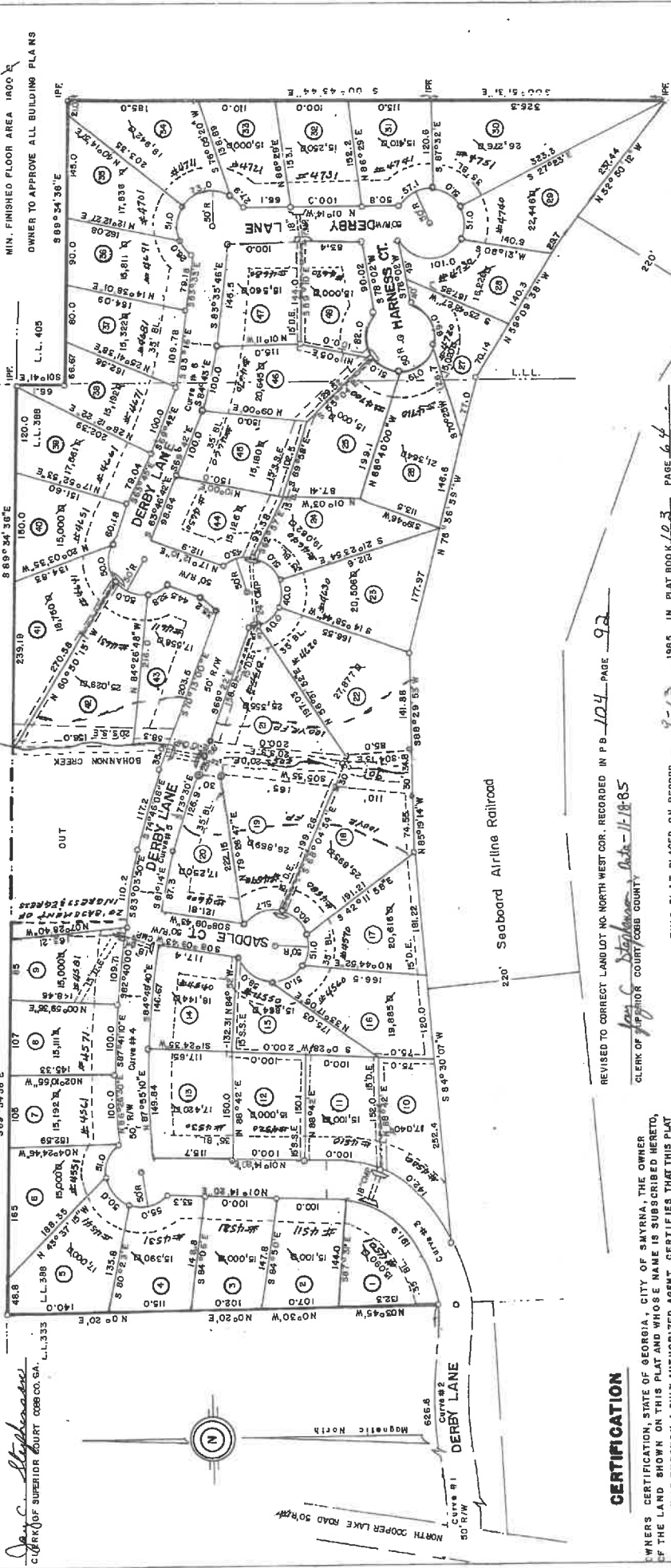


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CURVE DATA			
NO.	A	R	L
1	15.38	713.04	100.0
2	10.91	104.15	100.0
3	9.00	160.00	100.0
4	1.15	21.66	100.0
5	1.30	27.25	100.0
6	1.30	27.25	100.0

NOTE: REVISED LOTS 33, 34, 35 TO CHANGE LOT LINES.
 RECORDED 10-14 1985 B. 104 PAGE 25
 CLERK OF SUPERIOR COURT COB COUNTY GA.

NOTE: MAXIMUM LOT COVERAGE 35%
 ZONING R-1B
 REAR YARD 30'
 SIDE YARD 10'
 MIN. B.L. 35'
 L.L. 406
 MIN. FINISHED FLOOR AREA 1800 sq. ft.
 OWNER TO APPROVE ALL BUILDING PLANS



CERTIFICATION

OWNERS CERTIFICATION, STATE OF GEORGIA, CITY OF SNYRNA, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY OF THE GROUND AND THAT ALL STATE AND COUNTY AND TOWN TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID AND THAT HE DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS AND WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER W. J. Fouts SEPT. 1985
 G. J. FOUTS

CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST OR ARE ALREADY CORRECTLY SHOWN AND LOCATION OF THE PROPERTY IS CORRECTLY SHOWN AND THE ENGINEERING REQUIREMENTS OF THE LAND SUBDIVISION REGULATIONS OF THE CITY OF SNYRNA, GEORGIA HAVE BEEN FULLY COMPLIED WITH

BY A. C. Cribble
 REGISTERED GEORGIA LAND SURVEYOR NO. 1468

CHURCHILL DOWNS

LOCATED IN LAND LOT 333 368 405 17TH. DIST. 2ND. SECT.

CITY OF SNYRNA, COBB COUNTY, GEORGIA

A.O. CARLILE-SURVEYOR 723 COLLINS RD. MARIETTA, GEORGIA 30066 (404) 422-3895

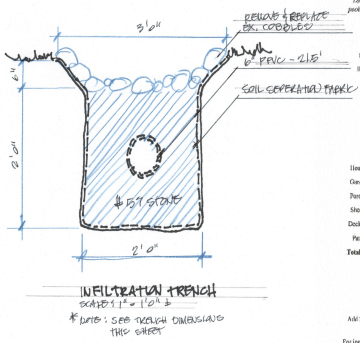


CITY OF SNYRNA GA. CERTIFICATION

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

DATE Sept 13, 1985 CITY ENGINEER W. J. Fouts
 DATE Sept 13, 1985 CHAIRMAN, PLANNING COMMISSION W. J. Fouts
 DATE Sept 13, 1985 MAYOR W. J. Fouts
 DATE Sept 13, 1985 W. J. Fouts

SCALE 1" = 100'



Tamikia Matthews Residence
IMPERVIOUS SURFACE CALCULATIONS
July 9, 2024

Property Address: 4520 Derby Lane SE, Smyrna, GA 30082
Zoning District: R15
Maximum Impervious Coverage Allowed per Subdivision Ordinance: 35% %

Let coverage exceed the part of a lot occupied by buildings, including shade, driveways, sidewalks, tennis courts, pools, patios, porches, and decks and any impervious surfaces responsible for water. It does NOT include anything in the ROW (Right of Way).

1 Lot Square Footage and Calculation of allowable impervious area.
 (a) Lot square footage is calculated by: Lot Width 100 ft x Lot Depth 150 ft = 15,000 sq. ft.
 (b) Calculate allowable impervious area, take Zoning District's allowable % expressed as a decimal 0.35 x 15,000 (lot square footage) = 5,250 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 6,000 ft. 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 2298 sq. ft. (Assessor S.F.)
 Garage(s) included sq. ft.
 Porch(es) included sq. ft.
 Shed(s) none sq. ft.
 Deck 386 sq. ft.
 Paved (driveway or porch) none sq. ft.
 Total 2a. 2884 sq. ft.

2b. Other impervious surfaces are to R.O.W.
 Driveway 1180 sq. ft.
 Sidewalks included sq. ft.
 Paved areas included sq. ft.
 Paved (surface area) none sq. ft.
 Paved decks none sq. ft.
 Other none sq. ft.
 Total 2b. 1180 sq. ft.

3a. Proposed added square footage of impervious area 1845 sq. ft.
 pool and deck 1845 sq. ft.
 pool equipment 100 sq. ft.
 concrete sidewalk 700 sq. ft.

3b. Total impervious area 1845 sq. ft. + 1180 sq. ft. = 3025 sq. ft.
 Total impervious area 3025 sq. ft. - 5250 sq. ft. = -2225 sq. ft.

3c. Proposed added square footage of impervious area 1845 sq. ft. + 1180 sq. ft. = 3025 sq. ft.
 Total impervious area 3025 sq. ft. - 5250 sq. ft. = -2225 sq. ft.

4. For instance, 40% would be 40 percent. Compare the percent you calculated to the allowed percentage to get rate and if 40% + 24% = 64% extension. It is equal to or less than allowed. 40% + 24% = 64% extension. It is equal to or less than allowed. 40% + 24% = 64% extension. It is equal to or less than allowed.

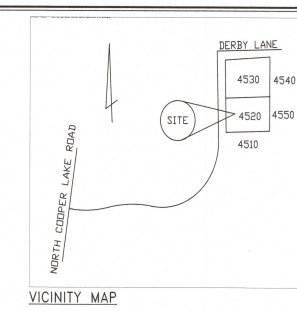
RUNOFF REDUCTION

BASIN #1

TOTAL SITE AREA (A) = 0.011478 acre

DRAINAGE AREAS

Drainage Area	Impervious Area
Subcatchment-1	0.011 acre
Subcatchment-2	0.000 acre
Subcatchment-3	0.000 acre
Total Impervious	0.011 acre
Design Precipitation (P)	1.0 inch
% Impervious Cover (I)	100
Volumetric Runoff Coefficient (R)	0.950
RRV	0.001 ac-ft
	40 cu-ft



EXCAVATED BASIN DIMENSIONS

INFILTRATION SYSTEM I.S. BMP#1

Pipe Dia =	6"	0.5 ft
Pipe Length =	21.5 ft	
Number of Pipes =	1.0 ea	
Pipe Stormwater Volume	4.2 cf	
Trench Width =	2.0 ft	
Storage Depth =	2.0 ft	
Trench Length =	23.5 ft	
Trench Excavated Volume =	94.0 cf	
Trench Gravel Volume =	89.8 cf	
Gravel Stormwater Volume (40%) =	35.9 cf	
Runoff Reduction Volume Provided	40.1 cf	

TRENCH RRV DIMENSIONS

RRV LENGTH:	23.5'
RRV WIDTH:	2'
RRV DEPTH:	2.5'

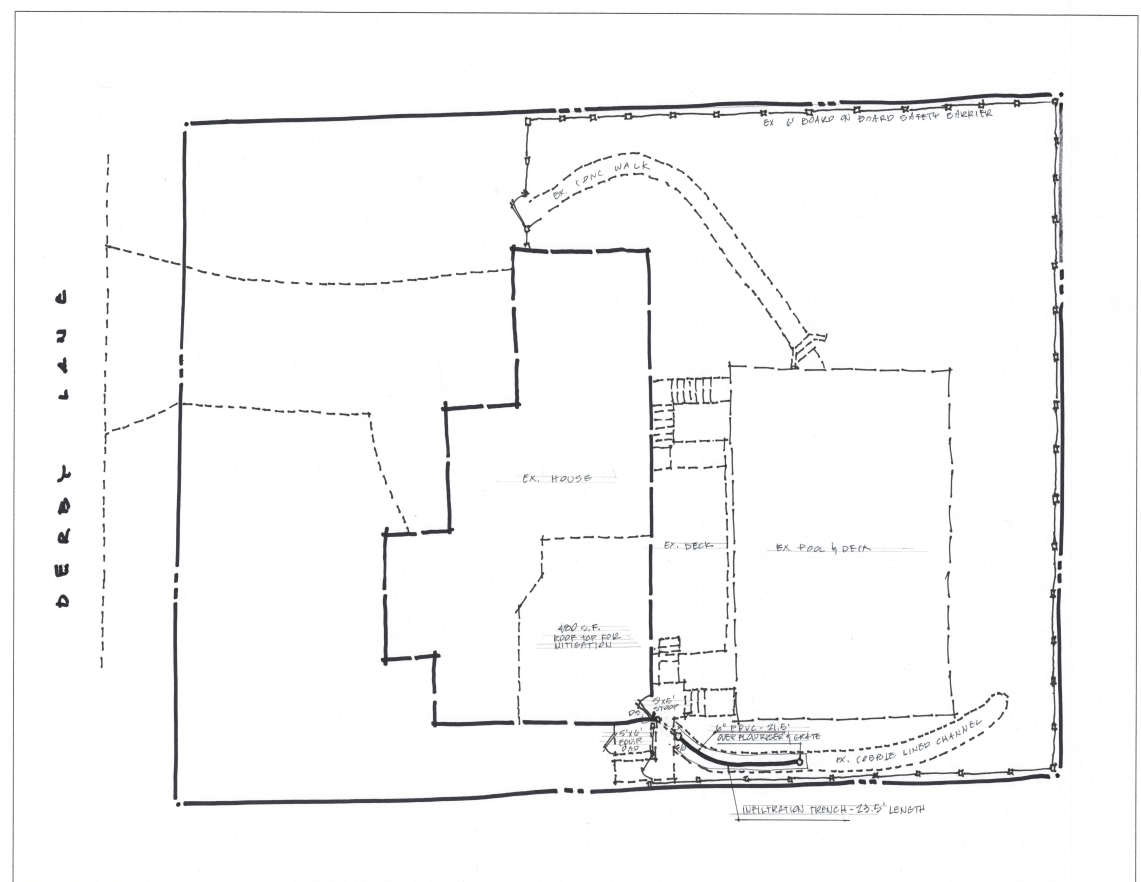
VICINITY MAP

GENERAL NOTES

- OWNER: TAMIKIA MATTHEWS
- LOT INFORMATION TAKEN FROM: LOT 12 CHURCHILL DOWNS PLAT BOOK 104 PAGE 17; RECORDED 10-9-1985. LOT AREA 15,000 S.F. LAND LOTS 333,368,405
- SURVEY BY A.D. CARLILE-SURVEYOR, 723 COLLINGS RD MARIETTA GA 30066 PH. 404-422-3655

SCOPE OF WORK

- CONTRACTOR: REMOVE AND STORE EXISTING RIVER STONE. REPLACE AFTER INSTALLING INFILTRATION TRENCH.
- EXCAVATE TRENCH ACCORDING TO TRENCH DIMENSIONS GIVEN, INSTALL INFILTRATION TRENCH USING #57 STONE, 6" PERFORATED PVC PIPE, FILTER FABRIC WRAP
- END PIPE WITH 6" OVERFLOW WITH SAFETY GRATE.



IMPERVIOUS MITIGATION PLAN:
1"=10'0"

DATE 07/09/2024 **SUBMISSION**

REVISION

STEWARDSHIP ENTERPRISE, LLC
Land Planning, Landscape Architecture, Land Development
2420 Mills Wood Run
Canton, GA 30114
240-405-7065
davidadams@msn.com
COPYRIGHT STEWARDSHIP ENTERPRISE, LLC

IMPERVIOUS MITIGATION SITE PLAN
TAMIKIA MATTHEWS RESIDENCE
4520 DERBY LANE SE
SMYRNA, GA 30082
JULY 9, 2024

GEORGIA
REGISTERED
LANDSCAPE ARCHITECT
DAVID ADAMS
LICENSED ALLMAN ADAMS

SHEET 1 **OF** 1