



## License and Variance Board Meeting - Final

September 11, 2024  
10:00 AM

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K. **V24-076** Public Hearing - Variance Request - V24-076 - Allow an increase in impervious coverage from 35% to 40.7% - Land Lot 523 - 0.48 acres - 3036 Lee Street - Andrew Pepiot



# City of Smyrna

## Issue Sheet

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

File Number: V24-141

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**Agenda Date:** 9/11/2024

**In Control:** .

**File Type:** Variance Item

**Agenda Section:**

Formal Business

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-076 - Allow an increase in impervious coverage from 35% to 40.7% - Land Lot 523 - 0.48 acres - 3036 Lee Street - Andrew Pepiot

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

**ISSUE AND BACKGROUND:**

The applicant is seeking a variance to increase the impervious surface area from 35% to 40.7% to build a new deck and accompanying patio on the side of the single-family home located at 3036 Lee Street. Section 801 sets the maximum impervious surface area of the R-15 zoning district.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above, Community Development believes that the impervious surface increase will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the variance is conditioned upon substantial compliance with the mitigation plan and elevations 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 building permit.
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

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To: License and Variance Board

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

Date: August 29, 2024

RE: **VARIANCE CASE V24-076**  
**3036 Lee Street – Increase maximum impervious surface area from 35% to 40.7%**

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#### BACKGROUND

The applicant is seeking a variance to increase the impervious surface area from 35% to 40.7% to build a new deck and accompanying patio on the side of the single-family home located at 3036 Lee Street. Section 801 sets the maximum impervious surface area of the R-15 zoning district.

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#### ANALYSIS

The subject parcel is a 0.48-acre lot located on the west side of Lee Street (see Figure 1). The subject parcel and adjoining parcels to the east, west, and south are zoned R-15 and are all occupied by single-family detached homes. The two adjacent properties to the north are both zoned LC (Limited Commercial) and are occupied by a swimming school and future daycare facility.

The subject property is currently occupied by a 3,522 square foot single-family home, built in 1930, which has had significant renovations over the years. As part of a large landscaping endeavor on the property, the applicant is proposing to build a deck on the side of the house with an accompanying tiered stone patio. The current home, driveway, and shed constitute a 32.5% existing impervious surface area. After the addition of the deck and patio to the property, the impervious surface area will be 5.7% over the allowable 35% (or 222 square feet).

To offset the increase in impervious surface area on the property, the applicant is adding a drywell to the southwest corner of the rear yard. 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 the issuance of the building permit for the deck.

Community Development believes the requested variance is the minimum variance needed to add more outdoor amenity space 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 the request.

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## STAFF COMMENTS

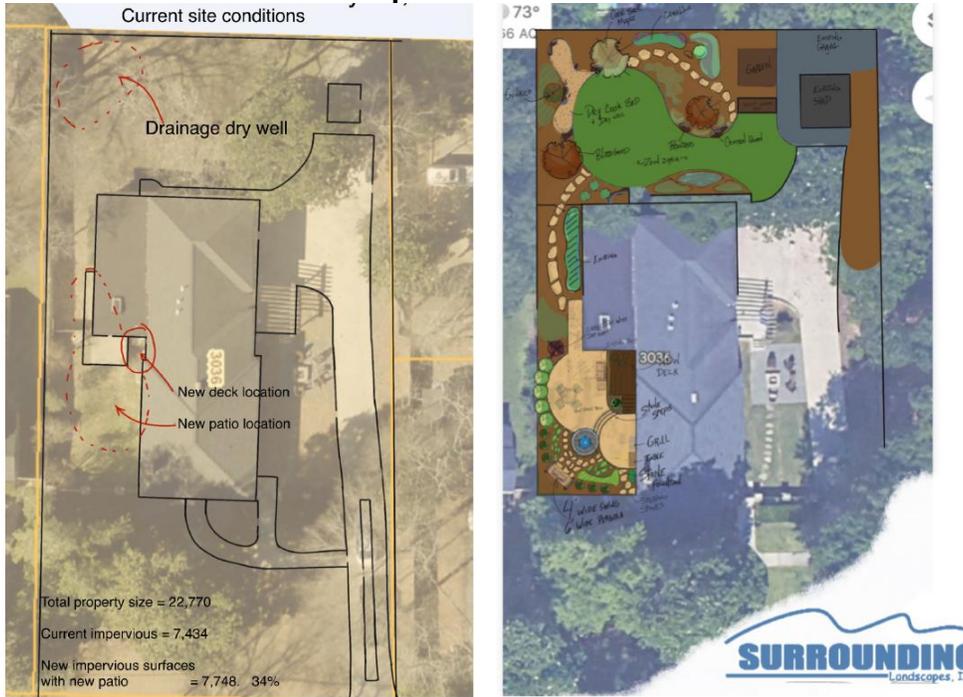
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1. Approval of the variance is conditioned upon substantial compliance with the mitigation plan and elevations submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building 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**  
**Proposed Site Plan**



**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property to the South**



**Figure – 5**  
**Adjacent Property to the North**



**Figure – 6**  
**Adjacent Property across Lee Street**



**Variance Application**

**VAR-24-56**

Submitted On: Aug 16, 2024

**Applicant**

 Andrew Pepiot  
 4048191368  
@ slinccompany@gmail.com

**Primary Location**

3036 LEE ST SE  
SMYRNA, GA 30080

**Applicant Information**

**First Name**

Andrew

**Last Name**

Pepiot

**Street Address**

1278 Davis Rd

**City**

Smyrna

**State**

GA

**Zip Code**

30080

**Email**

dpepiot@gmail.com

**Phone Number**

7704805352

**Are you the titleholder of the subject property?**

No

**Titleholder Information**

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

Jon Molander

**Street Address**

3036 Lee St

**City**

Smyrna

**State**

GA

**Zip Code**

30080

**Email Address**

Jon.molander66@gmail.com

**Phone Number**

4047250590

**Property Information**

**Property Address**

3036 Lee St. Smyrna, GA 30080

**Description of Requested Variances**

Impervious surface coverage. Storm water mitigation

**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.**

We are planning to install a new patio that exceeds the impervious coverage on property. A dry well is currently being designed to cover the overages.

## 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, Jon Molander, swear that I am the Property Owner of the property

located at: 3036 Lee St. 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): Andrew Pepiot

Address: 1278 Davis Rd Smyrna, GA 30080

Telephone: (770)480-5352 Email: dpepiot@gmail.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.)

Jon Molander  
Signature of Property Owner

3036 Lee St SE  
Address

Jon Molander  
Name of Property Owner (print clearly)

Smyrna, GA 30080  
City, State, Zip





Printed: 8/16/2024

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: 770-528-8800  
 Fax: 770-528-8679

Payer:  
 SPECIALIZED LOAN SERVICING

**CLEVENGER DAVID L**

**Payment Date: 10/12/2023**

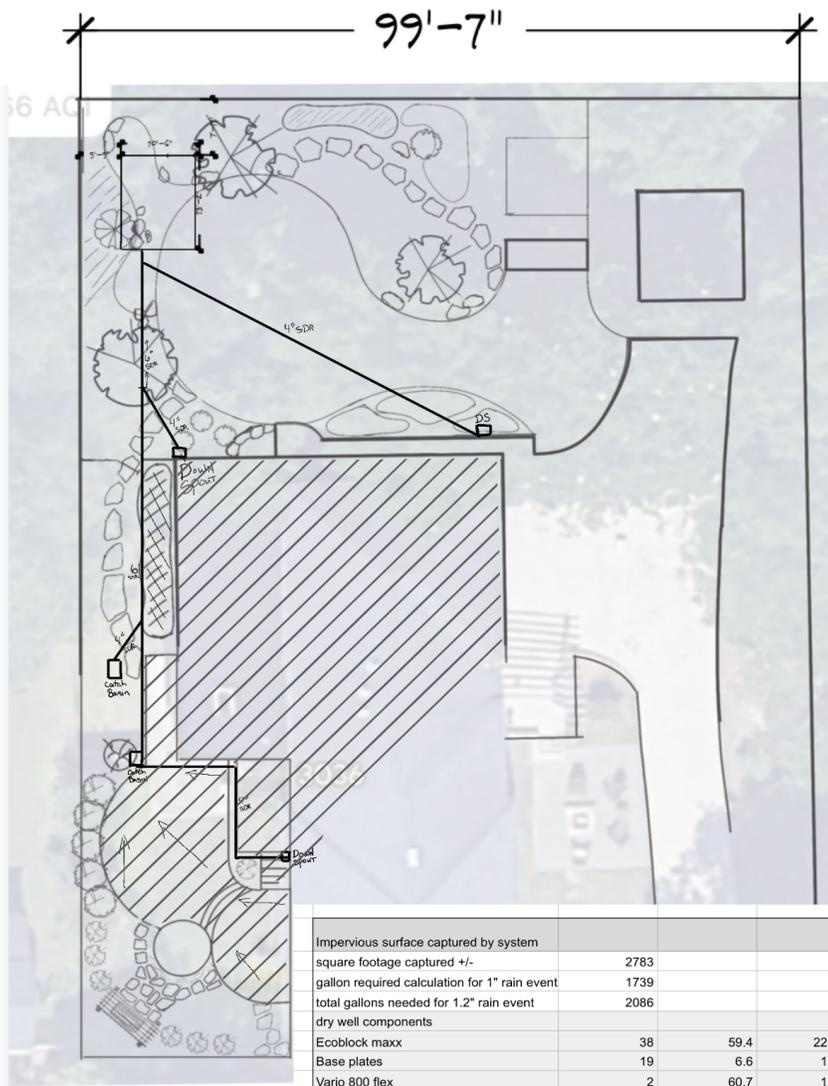
Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17052300040	10/15/2023	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$5,594.42	\$0.00



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

# Storm water mitigation plan

3036 Lee st  
Smyrna, GA 30080



**GRAF EcoBloc Configurator** 08/2024

**Otto Graf GmbH**  
Kunstorferweg 24  
DE-79331 Teningen  
Tel.: +49 7641 589-0  
Fax: +49 7641 589-50  
www.graf.info  
mail@graf.info

**Project address:**  
Surrounding Landscapes  
3306 Lee St.  
30080 Smyrna  
United States

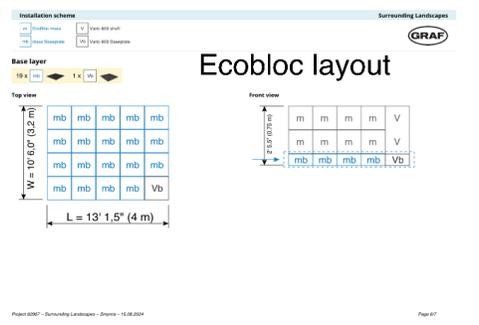
**Provided:**  
Russell Jackson  
4425 Alcala Lane  
GA 30028 Cumming  
United States  
Tel.: +1 770-889-2533  
Fax:  
E-Mail: russ@rainharvest.com

**Data:**

<b>Application</b> Infiltration	<b>Product selection</b> EcoBloc maxx	<b>Inspection and cleaning</b> No inspection and cleaning
<b>Loading</b> Pedestrian	<b>Tank sizes</b> Length: 13' 1.5" (4,00 m) (5 Pieces) Width: 10' 6.0" (3,20 m) (4 Pieces) Height: 2' 5.5" (0,75 m) (2 Pieces) Layers: 2	<b>Shafts</b> Inlet shafts: 1
<b>Installation parameters</b> Min. earth covering: 2' 0.0" (0,61 m) Max. earth covering: 2' 11.8" (0,91 m)	<b>Tank volume</b> Gross: 2,527.8 US gal. (9,57 m <sup>3</sup> / 338 R <sup>3</sup> ) Net: 2,411.4 US gal. (9,13 m <sup>3</sup> / 322 R <sup>3</sup> )	<b>Inlets</b> Number: 1 Largest inlet: DN (nominal width) 160

The EcoBloc Inspect flex crates are furnished with an inspection channel, which allows access for commercially available inspection vehicles as well as the possibility of high pressure jetting. The access is ideally created with the Vario 800 shaft system.

**Installation instruction**



Impervious surface captured by system			
square footage captured +/-	2783		
gallon required calculation for 1" rain event	1739		
total gallons needed for 1.2" rain event	2086		
dry well components			
Ecobloc maxx	38	59.4	2257.2
Base plates	19	6.6	125.4
Vario 800 flex	2	60.7	121.4
Total gallon capacity not including 6" gravel base			2504

Total lot size .4445 acre	19362	30.01%
Total new impervious sq ft with deduction for storm water capture	5810	
house	3522	18.19%
existing concrete patio included in new patio	0	0.00%
existing driveway	2767	14.29%
existing sidewalk	421	2.17%
existing shed	106	0.55%
New patio	604	3.12%
slate patio by firepit	300	1.55%
existing stepping stones	33	0.17%
existing gravel behind shed	558	2.88%
existing brick column	28	0.14%
New stepping stones/boulders	162	0.84%
wood deck with landscape below	92	0.48%
Sq ft storm water captured. (hashed area)	-2783	-14.37%

38 blocks

**EcoBloc maxx**  
4.5" deep, 40 tons/HSD, 4x4x10" (108x108x254 US gal.)/Truck

Load \*\*\*\*\*  
Logistics \*\*\*\*\*

**EcoBloc maxx**  
Connecting surfaces on EcoBloc maxx end plates

Volume	Length	Width	Height	Weight	Colour	Order no.
193.1	10' 6.0"	10' 6.0"	4.5"	132.0	grey	400000
10.4	10' 6.0"	12' 7.5"	12' 7.5"	129.8	grey	400000

Webcode: 64108

**EcoBloc maxx base plate**  
Forms the foundation of the EcoBloc maxx system

Volume	Length	Width	Height	Weight	Colour	Order no.
193.1	10' 6.0"	10' 6.0"	1.0"	132.0	grey	400001
6.4	10' 6.0"	12' 7.5"	12' 7.5"	131.8	grey	400001

**Vario 800 flex shaft system**

2 →

**Vario 800 flex, Type 1**  
 shaft body for use in more layer of EcoBloc system

Volume	Length	Width	Height	Weight	Colour	Order no.
6.2	10' 6.0"	10' 6.0"	2' 5.5"	115.5	grey	400002
129.8	10' 6.0"	12' 7.5"	12' 7.5"	115.5	grey	400002

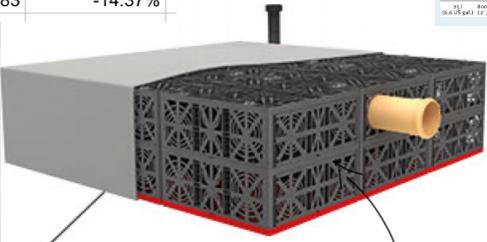
Webcode: 64103

**Vario 800 flex, Type 2**  
 shaft body for use in more layer of EcoBloc system

Volume	Length	Width	Height	Weight	Colour	Order no.
6.2	10' 6.0"	10' 6.0"	2' 5.5"	115.5	grey	400003
129.8	10' 6.0"	12' 7.5"	12' 7.5"	115.5	grey	400003

**Vario 800 flex, base/cover set**  
base and cover for Vario 800 flex shaft

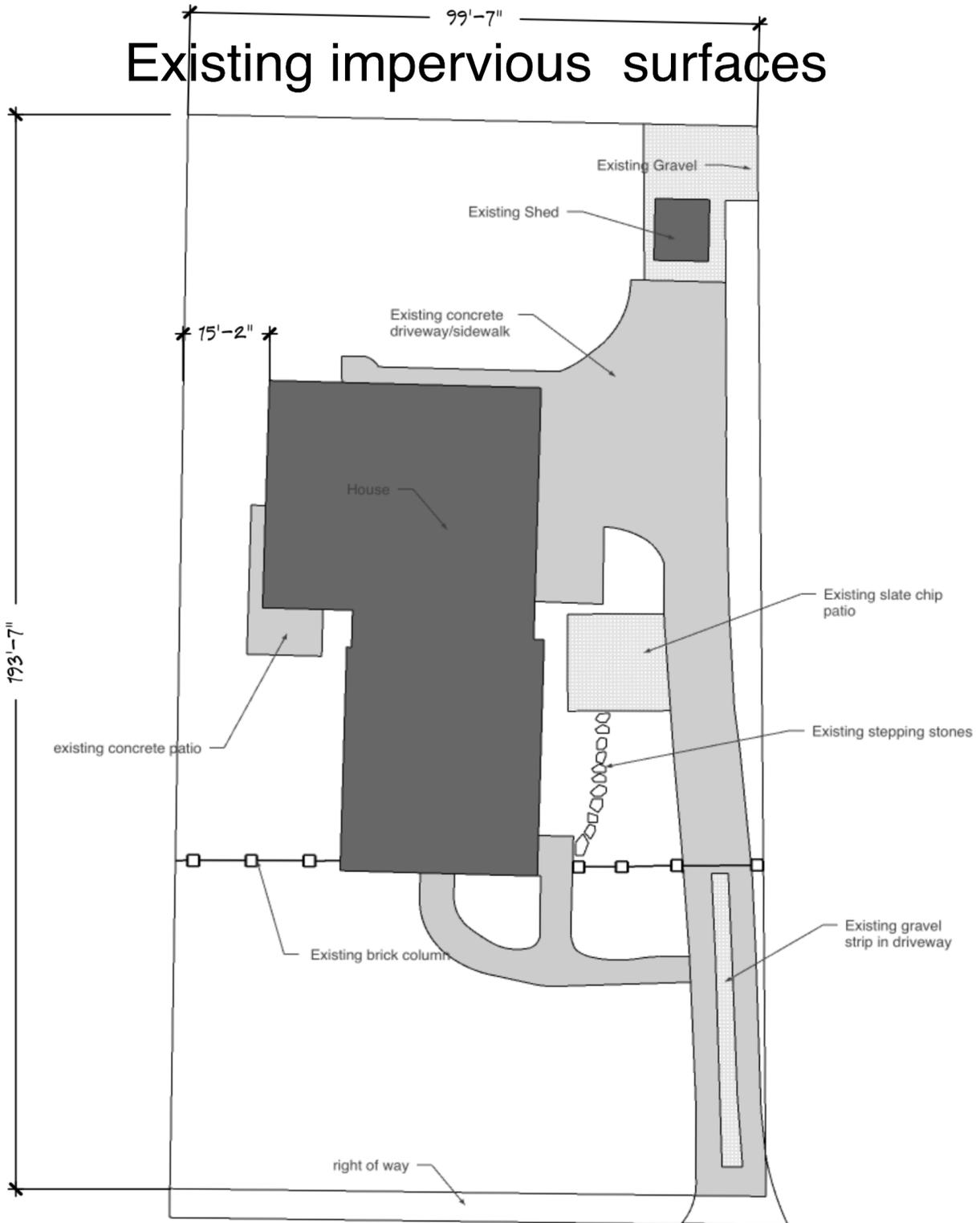
Volume	Length	Width	Height	Weight	Colour	Order no.
6.2	10' 6.0"	10' 6.0"	2' 5.5"	115.5	grey	400004
129.8	10' 6.0"	12' 7.5"	12' 7.5"	115.5	grey	400004



Geotextile fabric  
EcoBloc maxx  
Gravel base



# Existing impervious surfaces



	Square footage		% of property
Total lot size .4445 acre	19362	+/-	41.00%
Total impervious	7890	+/-	
house	3522	+/-	18.19%
existing concrete patio	155	+/-	0.80%
existing driveway	2767	+/-	14.29%
existing sidewalk	421	+/-	2.17%
existing shed	106	+/-	0.55%
slate patio by firepit	300	+/-	1.55%
existing stepping stones	33	+/-	0.42%
existing gravel behind shed	558	+/-	2.88%
Existing brick columns	28	+/-	0.14%

3036 Lee st  
Smyrna, GA