



License and Variance Board Meeting - Final

September 11, 2024
10:00 AM

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

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

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%

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.

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.

STAFF COMMENTS

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.

Figure – 1

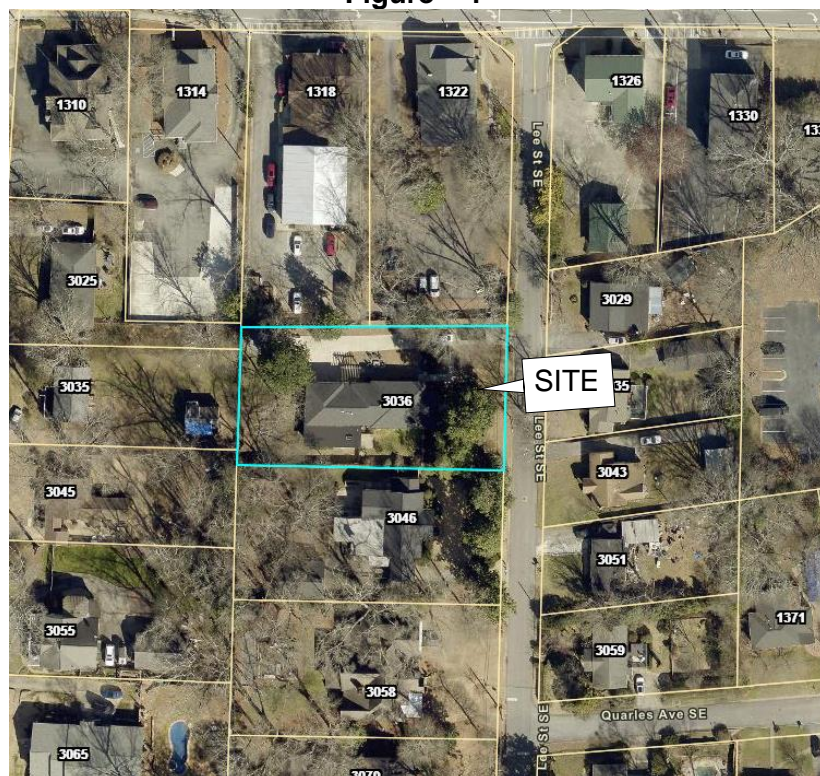


Figure – 2
Proposed Site Plan

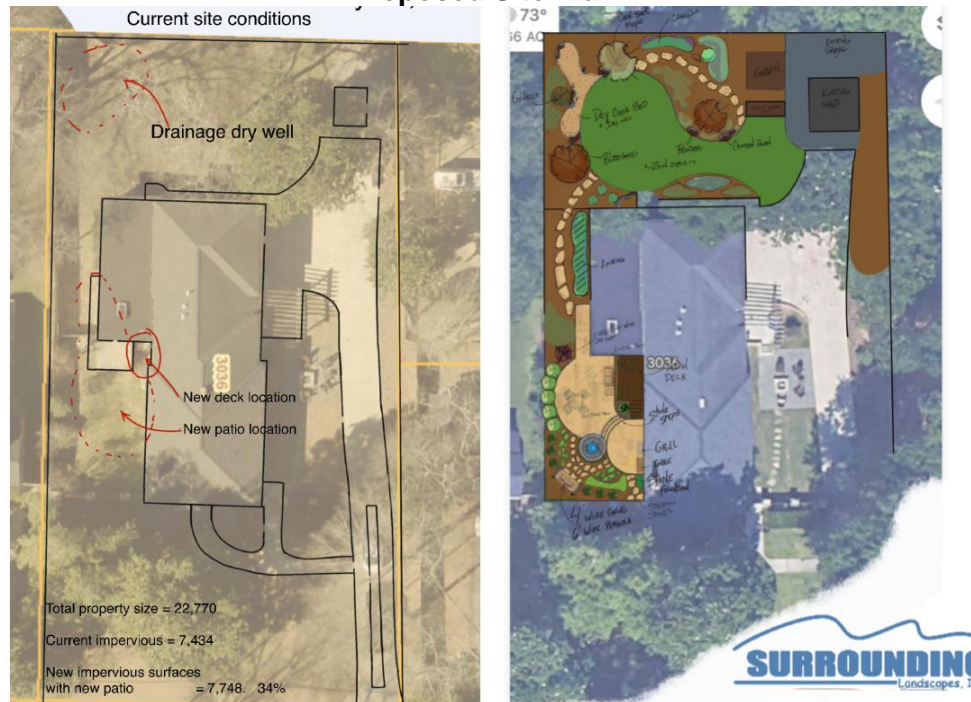


Figure – 3
Subject Property



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

[illegible]



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

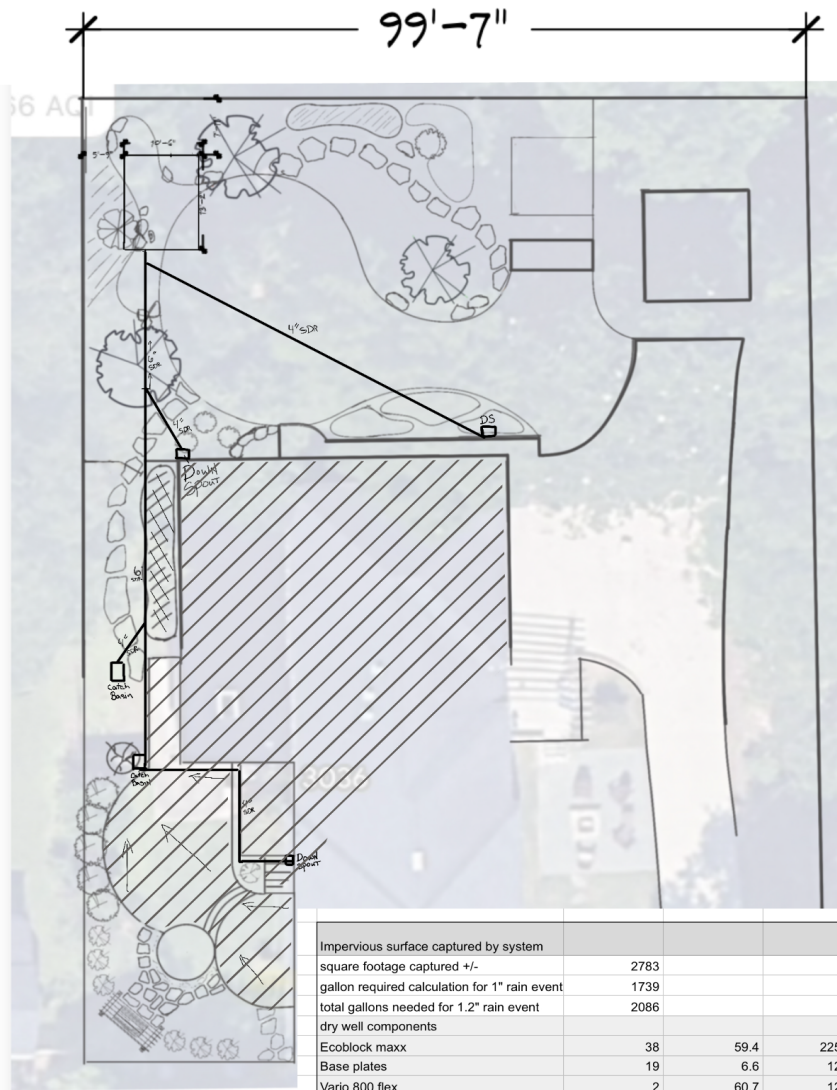


Scan this code with your
mobile phone to view this
bill!

Storm water mitigation plan

3036 Lee st

Smyrna, GA 30080



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%

GRAF EcoBloc Configurator

Otto Graf GmbH
Kunststoff-Perforation
Carl-Zeiss-Strasse 3-5
D-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
4475 Alcala Lane
GA 30028 Cumming
United States
Tel.: +1 770-889-2533
Fax:
E-Mail: russ@rainharvest.com

Data:

Application
Infiltration

Loading
Pedestrian

Installation parameters
Min. earth covering: 2' 0" (0.61 m)
Max. earth covering: 2' 11.8" (0.91 m)

Product selection
Ecobloc maxx

Tank sizes
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

Tank volume
Gross: 2,527.8 US gal. (9.57 m³ / 338 ft³)
Net: 2,411.4 US gal. (9.13 m³ / 322 ft³)

Inspection and cleaning
No inspection and cleaning

Shafts
Inter shafts: 1

Inlets
Number: 1
Largest inlet: DN (nominal width) 160

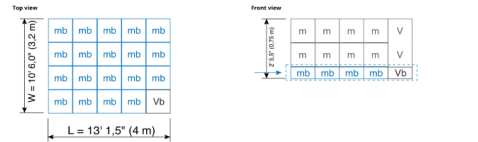
The Ecobloc inspection flex crates are furnished with an inspection channel, which allows access by commercially available inspection vehicles as well as the possibility of high pressure jetting. The access is ideally created with the Vario 800 shaft system.

Installation instruction
QR code

Installation scheme
Ecobloc maxx
Vario 800 shaft
Ecobloc maxx
Vario 800 shaft

Surrounding Landscapes
GRAF

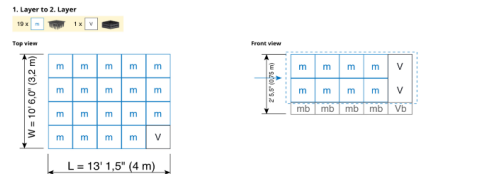
Ecobloc layout



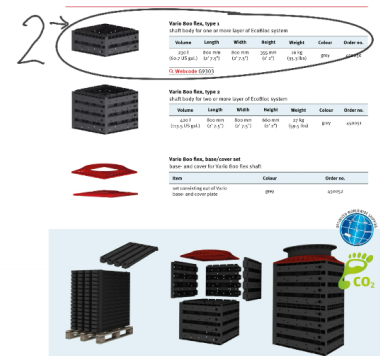
Project 0207 - Surrounding Landscapes - Smyrna - 10.08.2024

Installation scheme
Ecobloc maxx
Vario 800 shaft
Ecobloc maxx
Vario 800 shaft

Surrounding Landscapes
GRAF

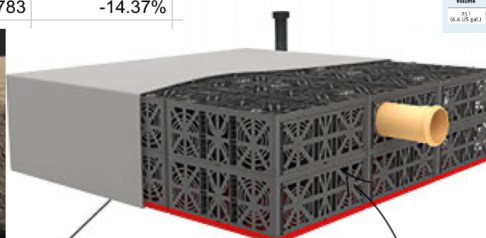
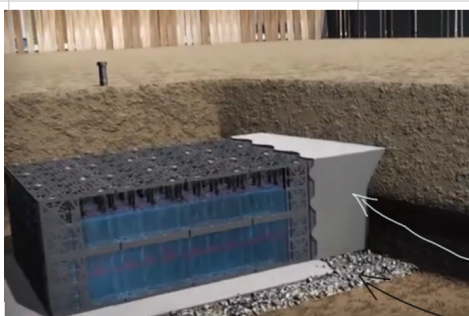


Vario 800 flex shaft system



38 blocks

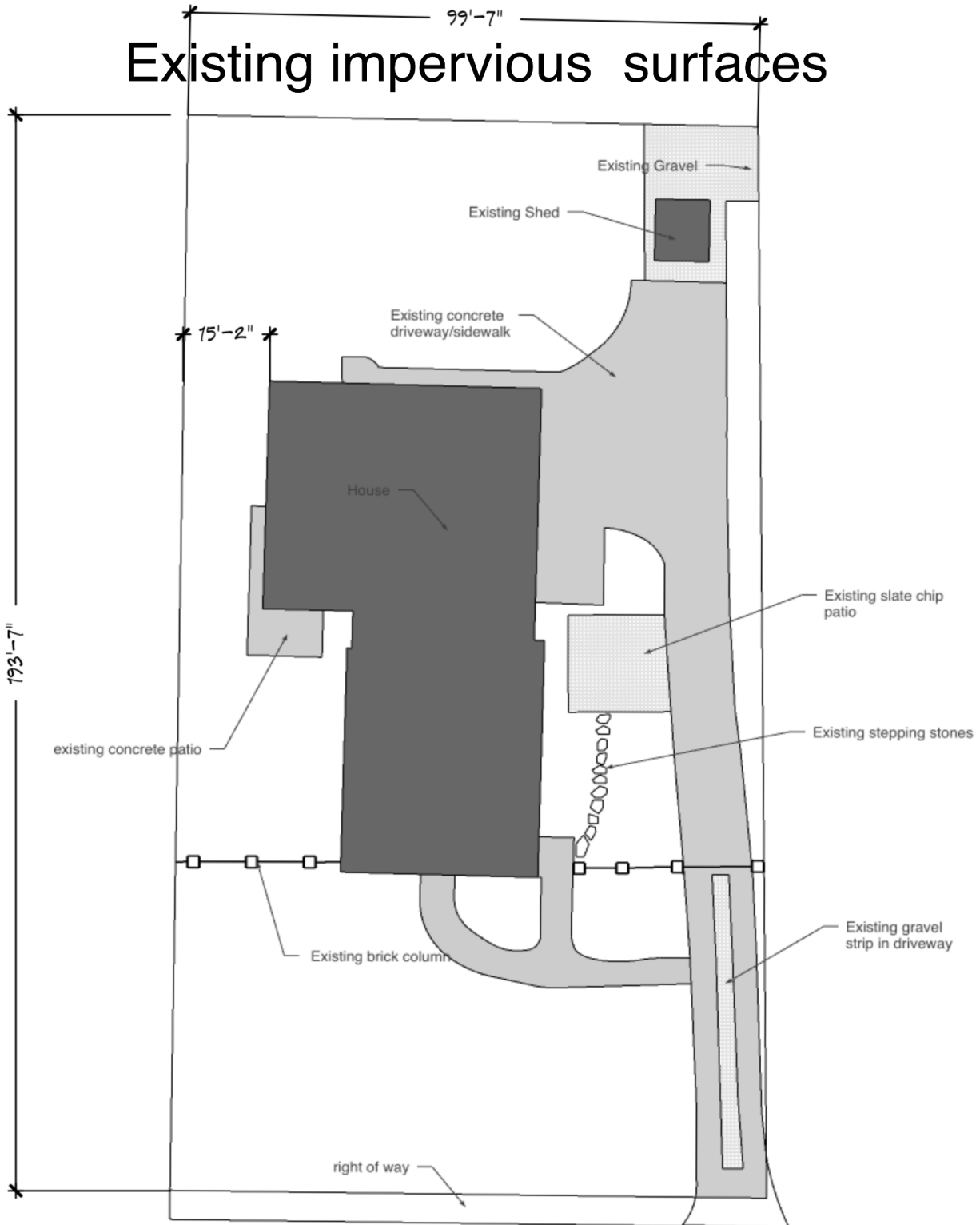
19 →



Geotextile fabric
Ecobloc maxx
Gravel base

SURROUNDING
Landscapes, Inc.

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