



City of Smyrna

2800 King Street
Smyrna, GA 30080
www.smyrnacity.com

Issue Sheet

File Number: V17-054

Agenda Date: 1/16/2018

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Appeal

Agenda Number: D.

WARD: Ward 5

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Appeal the denial by the License and Variance Board for V17-054 -
Allow accessory structure in front yard of commercial property - 4.95 acres - Land Lot 345
- 2552 S Cobb Drive - SunTrust

ISSUE: The applicant is requesting a variance for the placement of a free standing Automated Teller Machine (ATM) at 2552 South Cobb Drive. The proposed location of the ATM will be in the front yard of the property, in the parking lot 50 feet from the front property line, however the canopy will extend within the front setback. Per Section 501.2 of the Zoning Ordinance, accessory structures are prohibited in the front or side yards.

BACKGROUND: The License and Variance Board denied the request (3-0) at the November 8, 2017 hearing. The applicant is appealing that decision.

RECOMMENDATION/REQUESTED ACTION: 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. Community Development has reviewed the request against the variance review standards and found it not to be in compliance with the standards, based on the lack of hardship. No variances for similar structures have been approved, thus, approval of the request would set a negative precedent. At the time of this report, there has been no public objection to the request. After a review of the standards above, Community Development believes that there is no justifiable hardship for the accessory structure in the front yard and approval would set a negative precedent; therefore, staff recommends **denial.**

REQUESTED ACTION: Mayor and Council hold a public hearing per Section 1400 of the

Smyrna Code.