



City of Smyrna

City of Smyrna
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Issue Sheet

File Number: 2022-481

Agenda Date: 12/5/2022

Version: 2

Status: Agenda Ready

In Control: City Council

File Type: Appeal

Agenda Number: A.

WARD / COUNCILMEMBER: Ward 6 / Mayor Pro Tem / Councilmember Tim Gould

\$ IMPACT: N/A

Public Hearing - Appeal the denial by the License and Variance Board for Variance Request V22-055 - Allow encroachment into the 75-foot impervious surface area setback - Lot 696 - 1921 Sadler Drive - Eddie Karr by Wayne S. Melnick who resides at 1921 Sadler Drive SE, Smyrna, GA 30080 as filed with the City Clerk's office on September 1, 2022 at 4:12 PM via electronic email.

Ward 6 / Councilmember Gould

ISSUE AND BACKGROUND:

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious surface area setback to allow for the construction of a new swimming pool at 1921 Sadler Drive. The City's stream buffers are controlled by Chapter 46, Article VI.

The property was originally platted in 2006, after the Stream Buffer Ordinance was enacted in 2005 and no mitigation plan has been proposed for the property. The hardship is self-created, as the lot of record has existed after the Stream Buffer Protection Ordinance was adopted. Without a mitigation plan to offset any potential effects of the buffer encroachment, staff cannot assume that there would be no negative impacts to adjacent properties if approved.

Community Development recommended **denial** of the 75-foot impervious surface area setback encroachment. The variance requests were denied by a vote of 3-0 at the August 24, 2022 meeting of the License and Variance Board. The homeowner, Wayne S. Melnick of 1921 Sadler Drive, has appealed that decision.

RECOMMENDATION / REQUESTED ACTION: Staff requests Mayor and Council hold a public hearing per Section 1400 of the Smyrna Code to review the Appeal as described.