



# City of Smyrna

City of Smyrna  
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## Issue Sheet

File Number: 2021-283

Agenda Date: 7/14/2021

Version: 1

Status: Agenda Ready

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: E.

**WARD / COUNCILMEMBER:** Ward 3 / Travis Lindley

**\$ IMPACT:** N/A

### Agenda Title:

**Public Hearing** - V21-061 - Allow encroachment into the 75-foot impervious setback for a deck addition - Lot 382 - 3554 South Sherwood Road - Jenina & Billy-Joe Lagasca

**ISSUE AND BACKGROUND:** The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to construct a deck and screened-in porch in the rear of 3554 South Sherwood Road. The City's stream buffers are controlled by Chapter 46 of the City's Code of Ordinances.

**RECOMMENDATION / REQUESTED ACTION:** The applicant is requesting relief from the City's 75-foot impervious setback to construct a deck in the rear yard. 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 to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1.Approval of the subject property for the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.