



City of Smyrna

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Issue Sheet

File Number: 2020-92

Agenda Date: 2/12/2020

Version: 1

Status: Agenda Ready

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: L.

WARD / COUNCILMEMBER: Ward 6 / Tim Gould

\$ IMPACT: N/A

Agenda Title:

Public Hearing - V20-011 - Reduce the side setback from 12 feet to 1 foot for an addition - Land Lot 555 - 3463 Lee Street - Ben Geer

ISSUE AND BACKGROUND:

The applicant is requesting two variances to build an addition on an existing home with a non-conforming rear setback. Section 801 of the zoning ordinance requires a rear setback of 35 feet and a side setback of 12 feet for R-20 lots.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district, which requires a minimum rear yard setback of 35 feet and a side setback of 12 feet. The applicant is requesting two variances to build an addition on the existing non-conforming setback at 3463 Lee St. 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. At the time of this report, Community Development has not received any phone calls regarding the variance request. 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 variances with the following condition:

1. Approval of 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.