



City of Smyrna

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Smyrna, GA 30080
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Issue Sheet

File Number: V17-058

Agenda Date: 1/16/2018

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Appeal

Agenda Number: E.

WARD: 6

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Appeal the denial by the License and Variance for Variance Board Request - V17-058 - Allow parking of 11,000 lb commercial vehicle on residential property - 0.59 acres - Land Lot 554 - 3624 Lee Street - Rob Wagner

ISSUE: The subject parcel is located at 3624 Lee Street and contains an existing single-family residence. A. Wagner Plumbing is requesting a variance to park an 11,000 lb. commercial vehicle at his residence. Section 80-3 prohibits parking of commercial vehicles above 10,000 lb. Section 80-3 of the Smyrna Code limits the parking of a vehicle weighing more than 10,000 pounds upon residential property or residential street. Originally zoning code restricted vehicles to 6,000 lbs. and below, but was amended in 2005 to allow up to 10,000 lb. The applicant has requested a variance to permit the continued parking of a large Isuzu, 2006 NPR box truck weighing approximately 11,000 lbs. on the subject parcel. The applicant's stated hardship is that they have no other location to park the truck.

BACKGROUND: The License and Variance Board denied the request (3-0) at the December 13, 2017 public hearing. The applicant is appealing that decision.

RECOMMENDATION/REQUESTED ACTION: The applicant is requesting a variance to allow parking of an 11,000 lb. commercial vehicle on residential property. 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 four (4) standards. At the time of this report, Community Development has received no opposition to this request from surrounding property owners; however the issue did arise from a warning of code violation by City Marshalls. Staff recommends **denial** of the requested variance as no unique hardship has been identified and no similar variances have been approved.

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

Smyrna Code.