



City of Smyrna

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

Issue Sheet

File Number: 2019-386

Agenda Date: 10/23/2019

Version: 1

Status: Agenda Ready

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: D.

WARD: Ward 4

COMMITTEE: Community Development

\$ IMPACT: N/A

Agenda Title:

Public Hearing - V19-049 - Allow front setback from 35 feet to 30 feet - Land Lot 333 & 334 - 0.41 acres - 1070 Karen Court - David Zachariah Nuckols

ISSUE: The applicant is requesting a variance to reduce the West Cooper Lake Drive front setback from 35 feet to 30 feet to tear down and rebuild a 477 sq. ft. cantilevered deck to a single-family home at 1070 Karen Court. There is currently a deck on the property that lies within the front setback. Section 801 requires a front setback in the R-15 zoning district of 35 ft.

BACKGROUND: None.

RECOMMENDATION/REQUESTED ACTION: The applicant is requesting to deviate from the development standards established by the City for the front setback of 35 feet. The applicant is requesting a variance to reduce the West Cooper Lake Drive front setback to 30 feet to construct a deck on an existing single-family residence. 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. Similar variances have been approved throughout the City. 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 variance 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 submitted with the variance application.

