

RESIDENTIAL AND NON-RESIDENTIAL VARIANCE APPLICATION

Variance applications are due Thursday by 12:00 pm, 20 days prior to the License and Variance Board hearing. Applications are to be submitted to the Community Development Office located at 3180 Atlanta Road. The City of Smyrna License and Variance Board meets the 2nd and 4th Wednesday of each month. Hearings begin at 10:00 am in the Council Chambers in City Hall at 2800 King Street. The following materials and information must be provided in the variance application.

1. Location of property, to be identified by land lot number, street address, and present zoning classification. Also, general descriptive information such as major streets or other well-known landmarks.
2. A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use. See Zoning Ordinance Section 1403 - Variance Review Standards on Page 4 of the application. **(Required)**
3. Signature of the subject property owners or in the case of a corporation a duly authorized officer.
4. A to-scale site plan, if constructing a new structure or an addition to an existing structure on the subject property.
5. An elevation, rendering or photographic example of the structure, if constructing a new structure or an addition to an existing structure on the subject property. Also, a brief description of building and exterior materials proposed for the structure must accompany elevation, rendering or photographic example.
6. A copy of the paid tax receipts (**City and County**) for the subject property or a statement signed by an official in the Tax Commissioner's Office. If the application consists of several tracts, a copy of the paid tax receipts of each tract is required.
7. The petitioner shall notify all adjacent and abutting property owners by delivering a copy of the variance petition by hand delivery or by certified mail with return receipt requested. For the purposes of this section, adjacent shall also include parcels separated by a publicly dedicated right-of-way.
8. Application fee is:
 \$450.00 per Commercial Variance, or
 \$250.00 per Residential Variance, plus \$50 per add'l Variance

APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Brian Denis

Business Phone: 678-223-8708 Cell Phone: 678-223-8708 Home Phone: _____

Representative's Name (print): Brian Denis

Address: 2821 Fraser Street, Smyrna, GA

Business Phone: 678-223-8708 Cell Phone: 678-223-8708 Home Phone: _____

E-Mail Address: briandenis@gmail.com

Signature of Representative: 

TITLEHOLDER: Brian Denis

Business Phone: 678-223-8708 Cell Phone: 678-223-8708 Home Phone: _____

Address: 8191 Banks Mill Road, Douglasville, GA 30135

Signature: 

VARIANCE:

Present Zoning: Residential Type of Variance: To install a fence on side yard of a corner

lot. The setbacks are 23' from the right of way and we would like the fence to be inside of that. It would extend from the back to corner of the home (approx. 13'3" from ROW) to the neighbors existing fence (approx. 10'9" from ROW)

Explain Intended Use: Resident is a single woman and would like the fence for privacy and security. She would like to have the Banks Street side built at 8' tall due to the home being elevated so high above the street. The back would be at 6' tall and mirror the rear neighbor's existing chain link fence and then turn to connect to the left side neighbors fence.

Location: 2181 Fraser Street, Smyrna, GA 30080

Land Lot(s): 449 District: 17 Size of Tract: .23 Acres

(To be completed by City)

Received: _____

Posted: _____

Approved/Denied: _____

CONTIGUOUS ZONING

North: residential _____

East: residential _____

South: residential _____

West: residential _____

**NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LAND OWNERS TO
ACCOMPANY APPLICATION FOR VARIANCE**

By signature, it is hereby acknowledged that I have been notified that _____

Intends to make an application for a variance for the purpose of _____

on the premises described in the application.

NAME

ADDRESS

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. Also you may provide certified mail receipts of notification letters sent to adjacent properties. Adjacent and adjoining properties include any property abutting the subject property as well as any directly across a street.

ZONING ORDINANCE
SEC. 1403. VARIANCE REVIEW STANDARDS.

(a) In rendering its decisions, the License and Variance Board or Mayor and City Council shall consider the following factors:

- (1) Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
- (2) Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
- (3) Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
- (4) Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

Please include your narrative here, or you may submit a typed narrative as a supplement to this application.

COMPREHENSIVE NARRATIVE

The purpose of the variance is to allow for a fence to be constructed and provide privacy and security for the resident. This is a corner lot and the side yard is located on Bank Street, but has the restrictions of a front yard, so we would like to ask permission to build a 8' tall privacy fence on this side of the home. The fence would extend from the back corner of the home and extend to the back corner of the property where the rear neighbor already has a fence in place. The home is significantly elevated from the street so the taller fence is in an effort to create privacy and cut down on noise from that street.

There is also a concern for security that the fence would address as well; this is an important factor as well.

Once the fence reached the back right corner of the property, it would drop to 6' in height and extend along the back property line to the left side property line where it would turn towards the house before connecting to the left side neighbors' 6' privacy fence.

There would be a gate on the left side of the home to provide access from the front to the back, and there would be another gate towards the front of the right side fence as well.

The fence style would either be traditional 6" wide pickets, vertically run, with a top cap or a horizontal run "shadow bow" style with a top cap. The "pretty" side of the fence would face bank street and the rear neighbor along the back. It would be installed by professional contractors.
