



City of Smyrna

2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Issue Sheet

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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 - Variance Request V20-009 - Allow encroachment into the 75 foot impervious surface setback - Land Lot 594 - 1554 Spring Street - City of Smyrna

ISSUE AND BACKGROUND: The City of Smyrna's Parks and Recreation Department is requesting two variances, allowing encroachment into the City's 50 ft. undisturbed buffer and the City's 75 ft. impervious surface setback. The applicant is proposing to construct a new formal entrance from Spring Street into Durham Park. Stream buffers are controlled by Chapter 6, Article VI.

RECOMMENDATION / REQUESTED ACTION: The applicant is requesting relief from the City's 50 ft. undisturbed buffer and 75 ft. impervious surface setback, to build a new formal entrance at Durham Park. The applicant requests encroachment into the City 50 ft. undisturbed buffer and 75 ft. impervious setback, where impervious materials currently exist. 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 stipulations:

1. Prior to building permit issuance, a buffer mitigation plan will be submitted and approved by the City Engineer.
2. The applicant shall meet all ADA access requirements deemed necessary by the Fire Marshal during construction plan review.