



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** V19-002      **Version:** 2      **Name:** 1639 Corn Rd - V19-002  
**Type:** Variance Request      **Status:** Passed  
**File created:** 1/4/2019      **In control:** City Council  
**On agenda:** 2/18/2019      **Final action:** 2/18/2019

**Title:** Public Hearing - Appeal the decision of the License and Variance Board for request - V19-002 - Allow reduction of side setbacks from 35 feet to 10 feet - Land Lot 594 - 0.53 acres - 1639 Corn Road - The Woodbery Group - David Woodbery

**Sponsors:** Andrea Blustein

**Indexes:**

**Code sections:**

**Attachments:** 1. Issue Sheet, 2. Staff Memo V19-002, 3. APPLICATION, 4. SITE PLAN, 5. First Appeal Letter Deaf Baptist Church 1.9.19.pdf, 6. Second Appeal Letter Deaf Baptist Church 1.17.19.pdf

| Date      | Ver. | Action By                  | Action                     | Result |
|-----------|------|----------------------------|----------------------------|--------|
| 2/18/2019 | 2    | City Council               | denied                     | Fail   |
| 2/18/2019 | 2    | City Council               | Approved Item              | Pass   |
| 1/9/2019  | 1    | License and Variance Board | Approved with Condition(s) | Pass   |

**WARD:** 2

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Appeal the decision of the License and Variance Board for request - V19-002 - Allow reduction of side setbacks from 35 feet to 10 feet - Land Lot 594 - 0.53 acres - 1639 Corn Road - The Woodbery Group - David Woodbery

**ISSUE:** The Deaf Baptist Church located at 3000 Jonquil Drive ajoins the property at 1639 Corn Road. A variance request was granted for side setback to be reduced from 35 feet to 10 feet to allow construction of a 5 unit townhome. The License and Variance Board voted to approve the applicants request by a vote of 3-0.

The applicant proposed side setbacks of 10 feet. Section 801 requires setbacks in RM-12 zoning district of 35 feet for side setbacks. The property is currently undeveloped. Each townhome unit is 27' by 50'. The subject property has an irregular shape and the depth varies from 124 feet to 133 feet. The subject property allows a density of 12 units per acre. The development as proposed is 9.43 units per acre. Therefore, the setbacks requested will not increase density above what is allowed under the RM-12 zoning. Additionally, the setbacks requested are necessary to provide stormwater detention on the subject property.

**BACKGROUND:** The License and Variance Board approved the requested variance on January 9, 2019. The adjoining property owner filed an appeal to that decision for Mayor and Council to hold a

new public hearing.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting to deviate from the development standards established by the City for the side setbacks of 35 feet. The applicant is requesting a variance to reduce the setbacks to 10 feet to construct a 5 unit townhome building. 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 prevent 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 determined it to be in compliance with four (4) of the four (4) standards. Similar variances have been approved throughout the city. After a review of the standards above, Community Development believes that the setback reductions will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following condition:

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.

**REQUESTED ACTION:** Mayor and Council hold a public hearing per Section 1400 of the Smyrna Code.