



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** V18-046      **Version:** 1      **Name:** 2474 Spring Dr - V18-046  
**Type:** Variance Request      **Status:** Agenda Ready  
**File created:** 6/8/2018      **In control:** License and Variance Board  
**On agenda:** 6/27/2018      **Final action:** 6/27/2018  
**Title:** Public Hearing - Variance Request - V18-046 - Allow reduction of side setback from 10 feet to 1 foot for a carport addition to a single family residence - 0.31 acres - Land Lot 778 - 2474 Spring Drive - Thomas DeSousa

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Issue Sheet, 2. Varmemo18-046, 3. 2474 SPRING DR - APPLICATION, 4. Site Plan

Date	Ver.	Action By	Action	Result
6/27/2018	1	License and Variance Board	Approved with Condition(s)	Pass
6/13/2018	1	License and Variance Board	tabled	Pass

**WARD:** 2

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V18-046 - Allow reduction of side setback from 10 feet to 1 foot for a carport addition to a single family residence - 0.31 acres - Land Lot 778 - 2474 Spring Drive - Thomas DeSousa

The applicant is requesting a variance to reduce the side setback from 10 feet to 1 foot in order to construct a carport to a single family home at 2474 Spring Drive. Section 801 requires a side setback in R-15 zoning district of 10 feet. The applicant has constructed a 12 ft. by 18 ft. carport on the north side of the house. The City Marshall was notified and advised the owner that the structure is within the side setback. The City approved a similar variance on Rolling View Drive, and there are similar non-conforming structures in the neighborhood as well (See Figure 5). The carport was constructed in this location because the driveway is on the north side of the property, and there is no other reasonable location in which to place the carport. An adjacent property owner contacted Community Development and has concerns about stormwater runoff impacting their property.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting to deviate from the development standards established by the City for the side setback of 10 feet. The applicant is requesting a variance to reduce the side setback to 1 foot for a carport attached to a 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

quest against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. variances have been approved throughout the city. At the time of this report, Community Development has not had any phone calls regarding the variance request. After a review of the standards above, Community Development concludes that the encroachment will not adversely affect surrounding residents provided gutters and downspouts are installed; therefore, staff recommends **approval** of the requested variance with the following conditions:

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.

2. Downspouts and gutters will be installed to divert stormwater away from adjacent properties. If approved, applicant shall apply for building permit and have inspections in order to ensure the structure meets building code requirements.

**REQUESTED ACTION:** License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.