



City of Smyrna

City of Smyrna
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Legislation Details (With Text)

File #: 2021-494 **Version:** 1 **Name:** Variance Request - V21-071 - 863 Church St
Type: Variance Request **Status:** Agenda Ready
File created: 10/21/2021 **In control:** License and Variance Board
On agenda: 10/27/2021 **Final action:** 10/27/2021
Title: Public Hearing - Variance Request - V21-071 - Allow encroachment into the 50-foot undisturbed stream buffer and 75-foot impervious surface setback for a new single-family home - Lot 415 - 863 Church Street - Nathan Corbitt

Sponsors:

Indexes:

Code sections:

Attachments: 1. Varmemo_V21-069-071.pdf, 2. Site Plan, 3. Elevations, 4. Application

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------|----------|--------|
| 10/27/2021 | 1 | License and Variance Board | Approved | Pass |

WARD / COUNCILMEMBER: Ward 5 / Councilmember Wilkinson

\$ IMPACT: N/A

Public Hearing - Variance Request - V21-071 - Allow encroachment into the 50-foot undisturbed stream buffer and 75-foot impervious surface setback for a new single-family home - Lot 415 - 863 Church Street - Nathan Corbitt

ISSUE AND BACKGROUND:

Applicant is seeking several variances to allow for the construction of a new home on the subject property. These requests include setback reductions and stream buffer encroachments. The applicant is proposing to build a new square foot two-story single-family home on an undeveloped property within Cheney Woods. Section 801 of the Zoning Ordinance sets the setback requirements in the R-15 zoning district and stream buffers are controlled by Chapter 46, Article 1 of the Code of Ordinances.

RECOMMENDATION / REQUESTED ACTION: The applicant is requesting to deviate from the development standards established by the City for the following: eastern side setback reduction from 10 feet to 5 feet, rear setback reduction from 30 feet to 15 feet, and encroachment into the City's 50 foot undisturbed buffer and 75 foot impervious surface setback. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether the circumstances are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the Ordinance 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 recommends that the encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

Approval of the requested variances are conditioned upon substantial compliance with the site plan and

elevations submitted with the variance application.

The applicant shall provide stormwater management plan for the site subject to approval by the City Engineer.

Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.

The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.