



City of Smyrna

City of Smyrna
A. Max Bacon City Hall /
Council Chambers
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Legislation Details (With Text)

File #: V17-016 **Version:** 1 **Name:** 1836 Roswell Street - V17-016
Type: Variance Request **Status:** Passed
File created: 3/2/2017 **In control:** License and Variance Board
On agenda: 3/8/2017 **Final action:** 3/8/2017
Title: Public Hearing - Variance Request - V17-016 - Allow encroachment into City 50 ft. undisturbed buffer and 75 ft. impervious setback - 21.69 acres - Land Lot 663 - 1836 Roswell Street - Avonlea Square, LLC - Mark Keappler, Manager/Kevin Moore, Attorney

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Memo - V17-016, 2. Application - V17-016

Date	Ver.	Action By	Action	Result
3/8/2017	1	License and Variance Board	Approved	Pass

WARD: 2

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Variance Request - V17-016 - Allow encroachment into City 50 ft. undisturbed buffer and 75 ft. impervious setback - 21.69 acres - Land Lot 663 - 1836 Roswell Street - Avonlea Square, LLC - Mark Keappler, Manager/Kevin Moore, Attorney

The applicant is requesting a variance to allow encroachment into the City's 50 ft. Undisturbed Stream Buffer. The applicant is proposing a playground and nature park within the buffer. Regulations regarding stream buffers are located in Chapter 46, Article VI - Stream Buffer Protection. City Engineer and Community Development staff reviewed the request and found no objections so long as there is no further increase of impervious area within the buffer area.

BACKGROUND: None.

RECOMMENDATION/REQUESTED ACTION: The applicant is requesting to deviate from the stream buffer regulations established in Chapter 46, Article VI. The applicant requests encroachment into the city 50 ft. undisturbed buffer and 75 ft. impervious setback. 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 alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the code provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance requested 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. At the time of this report, Community Development has not received any phone calls regarding the variance request. 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 conditions:

approval is conditioned upon substantial compliance with the site plan and buffer restoration as submitted in the variance application.

Additional impervious area within the 50 ft. undisturbed buffer or 75 ft. impervious setback other than that depicted on the site plan shall be allowed.

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