



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** V17-017      **Version:** 1      **Name:** 417 Downfield Way - V17-017  
**Type:** Variance Request      **Status:** Passed  
**File created:** 3/16/2017      **In control:** License and Variance Board  
**On agenda:** 3/22/2017      **Final action:** 3/22/2017  
**Title:** Public Hearing - Variance Request - V17-017 - Allow construction of pool deck within sanitary sewer easement - 0.35 acres - Land Lot 335 - 417 Downfield Way - James Atria

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Memo - V17-017, 2. Site Plan - V17-017, 3. Application - V17-017

Date	Ver.	Action By	Action	Result
3/22/2017	1	License and Variance Board	Approved	Pass

**WARD:** 4

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V17-017 - Allow construction of pool deck within sanitary sewer easement - 0.35 acres - Land Lot 335 - 417 Downfield Way - James Atria

: The applicant is requesting a variance to build a pool deck within a sanitary sewer easement at 417 Downfield Way. The applicant is building a pool in the rear yard with a portion of the deck extending into the easement. Regulations regarding easement obstructions are located in Sec. 90-33.

**GROUND:** The applicant is requesting to build a pool and deck with pavers in the sanitary sewer easement. Section 90-33 restricts permanent structures within an easement. 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 determined 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, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **denial** of the requested variance. Should the Board recommend approval, staff recommends the following conditions:

Approval is conditioned upon substantial compliance with the site plan submitted with the variance application. The City of Smyrna shall not be responsible for any repairs or replacement to the pool and deck in the rear yard.

ed through maintenance of sewer line.

applicant provides a letter acknowledging condition 2 that shall be provided to subsequent owners of the  
ty.

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