



# 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 #:** V19-015      **Version:** 1      **Name:** 922 McLinden Ave - V19-015  
**Type:** Variance Request      **Status:** Agenda Ready  
**File created:** 2/22/2019      **In control:** License and Variance Board  
**On agenda:** 2/27/2019      **Final action:** 2/27/2019  
**Title:** Public Hearing - Variance Request - V19-015 - Allow west side setback reduction from 23 feet to 14 feet for an addition to a single family residence - Land Lot 451 - 0.20 acres - 922 McLinden Avenue - Preston Thomas

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/27/2019	1	License and Variance Board	Approved with Condition(s)	Pass

**WARD:** 3

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V19-015 - Allow west side setback reduction from 23 feet to 14 feet for an addition to a single family residence - Land Lot 451 - 0.20 acres - 922 McLinden Avenue - Preston Thomas

: The applicant is requesting variances to reduce the side setbacks for the property at 922 McLinden Ave. The property is non-conforming in lot area and minimum house size. The applicant plans to construct an addition to the property and requests variance to reduce the east side setback to 2 ft. and the west side setback to 14 ft. Section 801 requires a side setback in R-15 zoning district of 10 ft. for an internal side setback and 23 ft. for a side setback adjacent to a road. The subject property is non-conforming with respect to lot area and minimum house size. The property is zoned R-15, which requires a lot area of 15,000 sq. ft., while the subject property is 9,101 sq. ft. in area. R-15 also requires a minimum house size of 2,000 sq. ft. while the existing house is 971 sq. ft. Additionally, the subject property has an irregular shape as the lot runs to the north and west of the property. The applicant plans to construct an approximately 915 sq. ft. addition to the existing structure. The additional area will convert the existing structure into a 3 bedroom/2 bath house. However, due to the non-conforming lot size and shape of the property, the applicant request variances on both side setbacks. This variance is associated with V19-014.

**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 ft. and 23 ft. The applicant is requesting a variance to reduce the east side setback to 2 ft. and west side setback to 14 ft. to construct an addition to an existing home. According to Section 1403 of the

Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or ordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of a 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) standards. Similar variances have been approved throughout the city. At the time of this report, Community Development has not received any phone calls regarding the variance requests. 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 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 be installed to divert stormwater away from adjacent property.

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