



# 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 #:** 2021-291      **Version:** 10      **Name:** V21-069 - 863 Church Street  
**Type:** Variance Request      **Status:** Agenda Ready  
**File created:** 7/8/2021      **In control:** License and Variance Board  
**On agenda:** 10/27/2021      **Final action:** 10/27/2021  
**Title:** Public Hearing - Variance Request - V21-069 - Reduce the side setback from 10 feet to 5 feet - Lot 415 - 863 Church Street - Nathan Corbitt

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Issue Sheet 2021-291 - V21-069 - 863 Church Street.pdf, 2. Varmemo\_V21-069-071.pdf, 3. Site Plan, 4. Elevations, 5. Application\_V21-069-071

Date	Ver.	Action By	Action	Result
10/27/2021	10	License and Variance Board	Approved	Pass
10/13/2021	10	License and Variance Board	Tabled	Pass
9/22/2021	7	License and Variance Board	Tabled to a Specific Date	Pass
9/8/2021	7	License and Variance Board	Tabled to a Specific Date	Pass
8/25/2021	3	License and Variance Board	Tabled to a Specific Date	Pass
8/11/2021	3	License and Variance Board	Tabled to a Specific Date	Pass
7/28/2021	2	License and Variance Board	Tabled to a Specific Date	Pass
7/14/2021	1	License and Variance Board	Tabled	Pass

**WARD / COUNCILMEMBER:** Ward 5 / Susan Wilkinson

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V21-069 - Reduce the side setback from 10 feet to 5 feet - Lot 415 - 863 Church Street - Nathan Corbitt

**AND BACKGROUND:** The applicant is seeking several variances to allow for the construction of a new home on subject property. These variance requests include setback reductions and stream buffer encroachments. The applicant is planning to build a new 2,828 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 regulated by Chapter 46, Article VI in 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

ated by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the could deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum e needed. Community Development has reviewed the request against the variance review standards and found it to ompliance with four (4) of the four (4) standards. After a review of the standards above, Community Development s that the encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the ted 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.