



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** 2021-448      **Version:** 1      **Name:** Variance Request - V21-053-B - 1355 Marston St  
**Type:** Variance Request      **Status:** Agenda Ready  
**File created:** 10/6/2021      **In control:** License and Variance Board  
**On agenda:** 10/13/2021      **Final action:** 10/13/2021  
**Title:** Public Hearing - Variance Request - V21-053-B - Allow second accessory structure - Land Lot 561 - 1355 Marston Street - Kenya Brock & Yvonne Lloyd

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Varmemo\_V21-053.pdf, 2. Application\_V21-053.pdf, 3. Site Plan V4.pdf

Date	Ver.	Action By	Action	Result
10/13/2021	1	License and Variance Board	Approved	Pass

**WARD / COUNCILMEMBER:** Ward 3 / Councilmember Lindley

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V21-053-B - Allow second accessory structure - Land Lot 561 - 1355 Marston Street - Kenya Brock & Yvonne Lloyd

### **ISSUE AND BACKGROUND:**

Applicant is seeking variances to allow for an increase in the impervious surface area from 35% to 48.7% and to allow for second accessory structure to construct an inground pool at 1355 Marston Street. Section 801 sets the maximum impervious area in the R-15 zoning district whereas Section 501 controls the maximum allowable number of accessory structures.

**RECOMMENDATION / REQUESTED ACTION:** The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a maximum impervious area of 35%. The applicant is requesting to increase the impervious surface area to 48.7% to allow for the construction of an inground swimming pool. 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 caused 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 concludes that the impervious surface increase will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.