



# City of Smyrna

## Legislation Text

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

---

**File #:** V17-008, **Version:** 1

---

**WARD:** 6

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V17-008 - Allow encroachment into City 50 ft. Undisturbed Buffer and 75 ft. Impervious setback - 0.50 acres - Land Lot 626 - 1747 Cedar Ridge Court - Miguel Cristech

: The applicant is requesting a variance to allow encroachment into the City's 50 ft. Undisturbed Stream Buffer. The applicant is proposing a deck in the rear yard at an existing single family residence. Regulations regarding stream buffers are located in Chapter 46, Article VI - Stream Buffer Protection. Request was previously denied on 2/22/17 until applicant could update the survey with additional necessary information. Applicant has updated the survey as requested he be placed on the next available agenda which is 6/14/17.

**BACKGROUND:** License and Variance Board originally heard the subject request on 2/22/17 and directed the applicant to update the survey indicating sewer man hole covers on and adjacent to the property to ensure that the addition would not encroach sewer easements. The applicant submitted the revised site plan to Community Development, indicating placement of man hole covers, stream buffers, and accurate representation of the proposed deck. As such, the applicant requests the Board hear the request for next course of action.

**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 shall 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 required. 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 submitted with the variance application.

Issuance of a building permit is contingent upon the submittal of a stormwater management and buffer protection plan that meets the requirements of the City Engineer.

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