



# City of Smyrna

## Legislation Text

City of Smyrna  
A.Max Bacon City Hall /  
Council Chambers  
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**File #:** V19-011, **Version:** 1

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**WARD:** 3

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V19-011 - Allow encroachment into City's 50 ft. Undisturbed Stream Buffer - Land Lot 449 - 0.24 acres - 2730 Fraser Street - New Oak Homes LLC

: The applicant is requesting two variances, allowing encroachment into the City's 50 ft. undisturbed buffer and front setback reduction to 20 ft. The subject property is non-conforming, as it contains an older structure that sits 20 ft. from the property line, and within the 50 ft. Undisturbed Buffer. The applicant plans to either build a new home or remodel the existing home. Stream buffers are controlled by Chapter 6, Article VI. Setbacks are controlled by section 801 of the zoning code. The applicant plans to either remodel the existing home with a new addition to the rear, or to demolish the existing home and retain the existing 20 ft. front setback and stream buffer encroachment. The applicant has provided site plans for both options (See Figures 5 & 6). The applicant plans to install flow wells in the rear yard to provide channel protection and flow reduction, regardless of which option is selected. This variance is associated with V19-012.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting relief from the city's 50 ft. undisturbed buffer and 5 ft. front setback to remodel the existing home, or build a new home. According to Section 1403 of the Zoning Code, 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 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) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that encroachment of the setback and stream buffer will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

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

Prior to issuance of building permit, the applicant will obtain approval of the stormwater management plan from the City Engineer.

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