



# 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

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File #: 2020-309, Version: 1

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

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request V20-043 - Reduce side setback from 10 feet to 3 feet - Land Lot 560 - 1429 Walker Court - Arnaldo & Angela San Martin

**AND BACKGROUND:** The applicant is seeking several variances to allow for the construction of a new swimming pool on the subject property. These variance requests include a side setback reduction, rear setback reduction, and an impervious surface increase. Section 801 sets the setback requirements and maximum impervious area in the RDA zoning district while Section 501 governs accessory structures.

**RECOMMENDATION / REQUESTED ACTION:** The applicant is requesting to deviate from the development standards established by the City for the following: maximum impervious area of 45%, rear setback of 5 feet, and side setback of 10 feet. The applicant is requesting variances to increase the impervious surface area from 45% to 50%, reduce the rear setback from 5 feet to 3 feet, and to reduce the side setback from 10 feet to 3 feet. 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 self-created by any person having an interest in the property; (3) Whether strict application of the code provisions of the code 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. At the time of the report, Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding properties; 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.