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 Text

File #: 2021-147, **Version:** 1

WARD / COUNCILMEMBER: Ward 4 / Corkey Welch

$ IMPACT: N/A

Public Hearing - V21-034 - Reduce driveway side setback from 5 feet to 0 feet - Land Lot 385 - 3937 North Cooper Lake Road - North Cooper Lake Construction, LLC

AND BACKGROUND: The applicant is requesting a variance to reduce the driveway setback from 5 feet feet for the construction of a new single-family home at 3937 North Cooper Lake Road. The development rds established by the City for the R-15 zoning district require a minimum driveway setback of 5 feet.

RECOMMENDATION / REQUESTED ACTION: According to Section 1403 of the Zoning Ordinance, 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 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 not to be in compliance with any of the standards**, based on the lack of hardship and the self-creation of the variance request. Staff is not supportive of reducing the driveway side setback when adjustments could be made to accommodate City code. Community Development believes there are no unique and special extraordinary circumstances applying to the property to justify the variance requested. Strict application of the ordinance does not deprive the subject property owner of reasonable use of the property, as the lot can accommodate a single-family home to Code. After a review of the standards above, Community Development recommends **denial** of the requested variance.