



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V24-053

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**Agenda Date:** 07/10/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**

**Agenda Number:** C.

Formal Business

**Department: Community Development**

**Agenda Title:**

Public Hearing - Variance Request - V24-053 - Increase the maximum impervious surface area - Land Lot 560 - 2730 Morris Circle - Ashley Dover This request is to be tabled to the July 10, 2024 License and Variance Board Meeting at the request of the applicant.

***Ward 3 Councilmember - Travis Lindley***

**ISSUE AND BACKGROUND:**

The applicant is requesting several variances for a cabana and pool addition in the rear yard of 2730 Morris Circle: increase the impervious surface area from 35% to 44%, reduce the side setback from 10 feet to 5 feet, and allow a second accessory structure. Section 801 sets the maximum impervious area and setbacks in the R-15 zoning district whereas Section 501 sets the maximum number of accessory structures.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the City's maximum impervious area, side setback, and maximum accessory structure requirements to build a swimming pool and cabana on the property. 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. After a review of the standards above, Community Development believes that the proposed variances will not adversely affect surrounding residents with implementation of the proposed mitigation plan; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the mitigation plan submitted with the variance application.
2. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the pool permit.
3. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.