



City of Smyrna

Issue Sheet

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

File Number: V24-013

Agenda Date: 2/14/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: {{item.number}}

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-081 - Reduce the western side setback from 10 feet to 4 feet -
Land Lot 449 - 1015 Hillsdale Street - Leslie Dean

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is seeking five variances to construct a two-story detached accessory structure in the rear of 1015 Hillsdale Street: reduce the side setback from 10 feet to 4 feet, increase the accessory building size from 25% to 57% of the primary dwelling, reduce the accessory structure rear setback from 5 feet to 4.8 feet, increase the accessory structure height from 15 feet to 18.4 feet, and increase the maximum impervious surface area from 35% to 39.16%. The maximum accessory structure size, height, and distance to the rear property line is required per Section 501 of the Zoning Code whereas the 10-foot side setback and the 35% maximum impervious surface area is associated with Section 801 of the Zoning Code.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the main structure, the maximum accessory structure height of 15 feet, the side setback of 10 feet, the accessory structure rear setback of 5 feet and the maximum impervious surface area of 35%. 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 variances will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variances is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. Gutters and downspouts will be installed to divert stormwater away from adjacent properties.



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3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to completion of the pool permit.
 4. Any wall within 3.1 feet of the property line shall be fire rated with a maximum of 25% openings in each wall.
 5. All bedroom windows must have the minimum required egress of 5.7 square feet with the window in the open position.
 6. The proposed accessory structure shall not be rented or occupied for gain.
 7. These conditions shall run in perpetuity with the property and as such are also applicable to any future owner.