



City of Smyrna

Issue Sheet

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

File Number: V24-091

Agenda Date: 6/26/2024

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 - V24-050 - Reduce the front setback from 15 feet to 13.5 feet -
Land Lot 486 - 3083 Nichols Street - Joshua Berry

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting two variances for an addition at 3083 Nichols Street: to reduce the front setback from 15 feet to 13.5 feet and reduce the rear setback from 20 feet to 8.8 feet. The setbacks are associated with the Nichols Heights Lot 1-3 plat, recorded in 2017.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the recorded plat for Nichols Heights Lots 1-3, which requires a front setback of 15 feet and a rear setback of 20 feet. 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 placing the addition in the rear setback will not adversely affect surrounding residents; 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 site plan and elevations submitted with the variance application.
2. A plat shall be submitted to the City for approval and recorded with the Cobb County Superior Court to show the revised stormwater bmp locations prior to issuance of the Certificate of Completion.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court prior to issuance of the building permit.



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4. A stormwater as-built certification statement shall be submitted to Community Development for approval prior to issuance of the Certificate of Completion.