



City of Smyrna

Issue Sheet

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

File Number: V24-127

Agenda Date: 9/11/2024

In Control: .

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - V24-069 - Allow rear setback reduction from 20 feet to 16 feet - Land Lot 487 - 0.70 acres - 3028 Trae Court - Ari Kowalsky

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting a variance to reduce the rear setback from 20 feet to 16 feet to build a deck on the rear of 3028 Trae Court. The subject property was approved in 2020 (zoning case Z20-004) with conditions, one of which required a rear setback of 20 feet.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by zoning case Z20-004 for the rear setback of 20 feet to erect a deck on the rear of a new home in the Trae Court subdivision. 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 encroachments will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. An Engineer's Letter with a detail showing the depth of the sanitary sewer pipe and its zone of influence in relation to the house foundation shall be submitted prior to building permit issuance.
3. An as-built survey shall be submitted to Community Development prior to the foundation pour inspection.
4. Survey stakes must be installed to reflect the edge of the sanitary sewer easement and must be



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maintained throughout construction.