



City of Smyrna

Issue Sheet

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

File Number:

Agenda Date: 10/25/2023

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 - V23-069 - Allow encroachment into the City's 50-foot undisturbed stream buffer - Land Lot 556 - 3351 Lee Street - Karls Mundaray

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

ISSUE AND BACKGROUND:

The applicant is requesting to encroach into the City's 50-foot undisturbed stream buffer to expand the existing deck on a single-family residence at 3351 Lee Street. The property received approval for two variances in August 2015 to construct a new two-car garage (Variance Case- V15-036 and V15-037), which constituted a front setback reduction and 50-foot and 25-foot stream buffer encroachments, respectively. Since the proposed deck extension is outside the scope and stipulations of the originally approved variances, the applicant is required to request another variance.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting relief from the City's 50-foot undisturbed stream buffer to expand the deck in the rear yard. 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 additional encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall submit a full stormwater mitigation plan, to be reviewed and approved by the City Engineer, prior to issuance of the building permit.
3. A Stormwater Inspection and Maintenance Agreement must 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 building permit.



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