



License and Variance Board Meeting - Final

September 11, 2024
10:00 AM

J. **V24-075** Public Hearing - Variance Request - V24-075 - Allow reduction of the streetside setback from 23.3 feet to 15.9 feet - Land Lot 488 - 0.33 acres - 1191 Bank Street - Joan Stuart



City of Smyrna

Issue Sheet

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

File Number: V24-139

Agenda Date: 9/11/2024

In Control: .

File Type: Variance Item

Agenda Section:

Formal Business

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V24-075 - Allow reduction of the streetside setback from 23.3 feet to 15.9 feet - Land Lot 488 - 0.33 acres - 1191 Bank Street - Joan Stuart

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The applicant is requesting a variance to reduce the streetside setback from 23.3 feet to 15.9 feet to allow for the construction of an addition on a single-family residence at 1191 Bank Street. The development standards established by the City for the R-15 zoning district requires a minimum streetside setback of 23.3 feet.

RECOMMENDATION / REQUESTED ACTION:

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum streetside setback of 23.3 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 the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following condition:

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.

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: August 28, 2024

RE: VARIANCE CASE V24-075
1191 Bank Street – Reduce the streetside setback from 23.3 feet to 15.9 feet

BACKGROUND

The applicant is requesting a variance to reduce the streetside setback from 23.3 feet to 15.9 feet to allow for the construction of an addition on a single-family residence at 1191 Bank Street. The development standards established by the City for the R-15 zoning district requires a minimum streetside setback of 23.3 feet.

ANALYSIS

The subject parcel is a 0.33-acre lot located at the northwest intersection of Bank Street and Hamby Street (see Figure 1). The subject parcel and adjoining parcels to the west and south are zoned R-15. The adjacent property to the north is zoned RDA and the adjacent properties to the east are zoned CBD. All properties, including the subject property, are occupied by detached single-family homes.

The subject property currently consists of a 1,269 square foot home, shed, and inground swimming pool. A large red maple tree takes up the southwestern corner of the property. The applicant is requesting a variance to encroach into the streetside setback to build a roughly 252 square foot addition on the east side of the existing home. The addition will consist of a new bedroom and half bath and have cement siding, painted to match the existing home. Due to the existing shed and pool in the rear yard and the maple tree in the front, the most logical area to construct the addition is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors.

The existing one-story home is 1,269 square feet, while the minimum house size of R-15 is 2,000 square feet. With the renovations, the home will be 1,521 square feet, bringing the home closer to compliance with the R-15 floor area requirement. Furthermore, the closest building, in this case across Hamby Street, will be nearly 70 feet from the addition, thus no fire suppression system is required.

Due to the location of the existing home and the existing accessory structures on the property, the location of the proposed addition will minimize disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would deny the applicant the ability to

add any building square footage to the subject property. The variance proposed is the minimum variance needed to increase the home's footprint. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum streetside setback of 23.3 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 the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

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.

Figure – 1



Figure - 2
Site Plan



Figure - 3
Front Elevation



PROPOSED FRONT ELEVATION 1/4" = 1'-0"

Figure – 4
Subject Property from Hamby Street



Figure – 5
Subject Property from Bank Street



Figure – 6
Adjacent Property to the West



Figure – 7
Adjoining Property across Bank Street

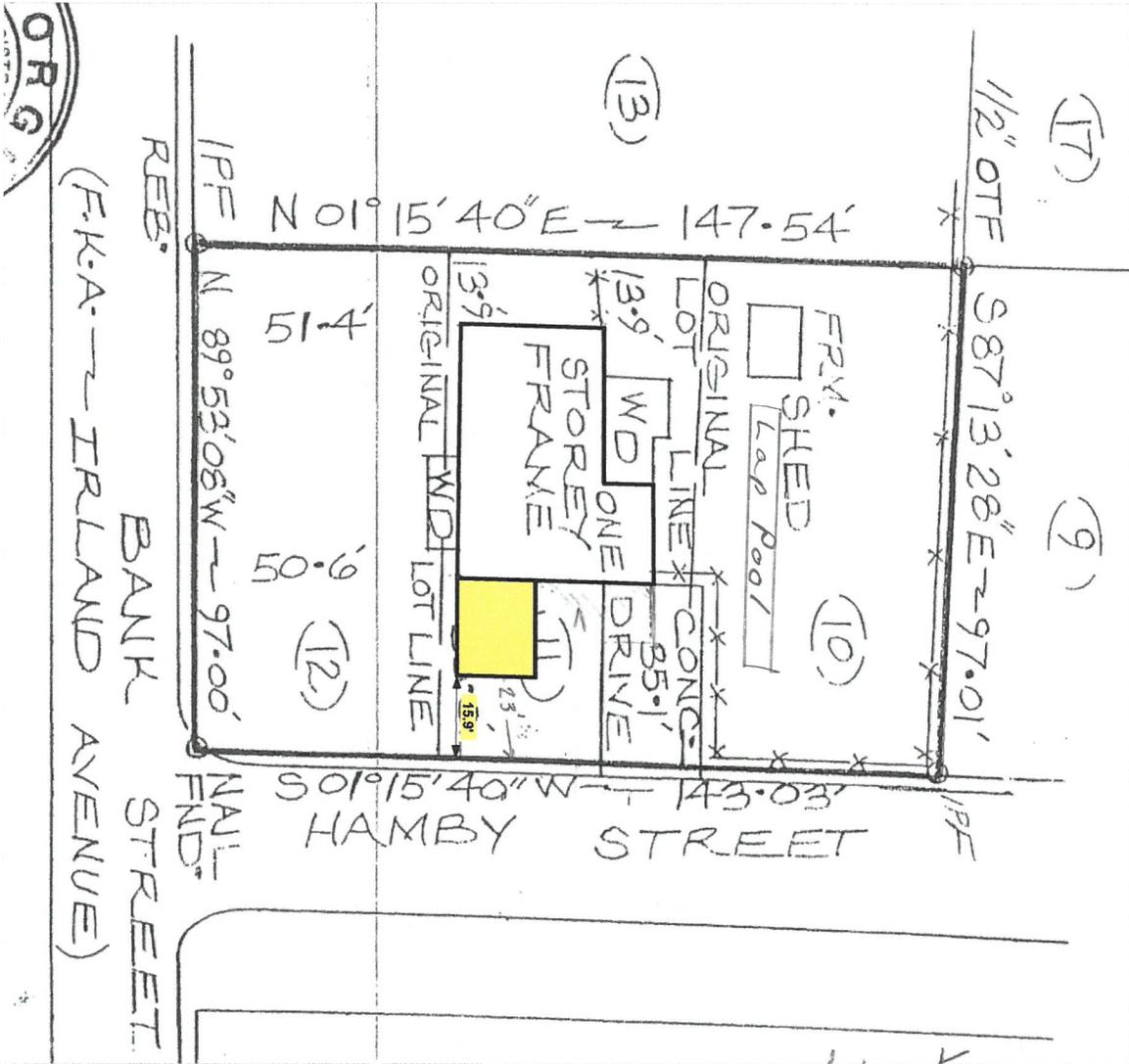


Figure – 8
Adjacent Property across Hamby Street



Figure – 9
Adjacent Property to the North





SITE PLAN 1/16" = 1'-0"

ORG

BANK STREET
(F.K.A. - IRLAND AVENUE)

HAMBY STREET

Variance Application

VAR-24-55

Submitted On: Aug 13, 2024

Applicant

 Joan Stuart
 404-310-3832
 montauker@charter.net

Primary Location

1191 BANK ST SE
SMYRNA, GA 30080

Applicant Information

First Name

Joan

Last Name

Stuart

Street Address

1191 Bank Street SE

City

Smyrna

State

GA

Zip Code

30080

Email

montauker@charter.net

Phone Number

404-310-3832

Are you the titleholder of the subject property?

Yes

Property Information

Property Address

1191 Bank Street SE

Description of Requested Variances

My home is a small ranch home and I would like to add a bedroom.

Please check the box below if the requested variance(s) includes an increase in the maximum impervious surface area or an encroachment into a City stream buffer.

--

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.

4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

I respectfully request a variance so that I can add a bedroom to my small ranch home. I would like to age in place. I understand that because my home is on the corner of Bank and Hamby Streets both yards are considered front yards. The location of this bedroom addition was chosen because it is realistically the only place it can be added. Placing the addition on Bank Street side of home was ruled out because I have a gorgeous red maple in the front yard that I would like to preserve.

FYI, the exterior of the addition will match material on the existing home. I appreciate your consideration for approval.

Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

Applicant Signature:

true

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Joan M. STUART

Intends to make an application for a variance for the purpose of adding a bedroom / exercise room

on the premises described in the application.

NAME	ADDRESS
Betty P. Kidd	1205 Bank Street
Michael A. Hanson	1186 Bank Street Smyrna 30080
Barbara Allen	2783 Hamby St SE, Smyrna 30080
Les Miller	1196 BANK ST SMYRNA 30080
Felicia Jan	2798 Hamby Street SE Smyrna 30080

→ 1181 Bank Street

9589 0710 5270 1735 6069 22

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
Smyrna, GA 30080

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage and Fees	\$5.58

Sent To
Jennifer + Brad Cottrell
Street and Apt. No., or PO Box No.
4689 Prater Way
City, State, ZIP+4®
Smyrna GA 30080

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



acknowledge they are aware of your variance request. Adjacent
the subject property as well as any properties directly across a

Owner Information

STUART JOAN M REVOCABLE TRUST UD 9/11/13
STUART JOAN M TRUSTEE
1191 BANK ST
SMYRNA, GA 30080

Payment Information

Status	Paid
Last Payment Date	09/06/2023
Amount Paid	\$183.48

Property Information

Parcel Number	17048800520
Acres	0.3
Assessed Value	\$159,684
Fair Market Value	\$399,210
Tax District	6 - City of Smyrna
Homestead Exemption	413 Age 65, Basic, School

Bill Information

Record Type	Parcel
Bill Type	Original
Tax Year	2023
Due Date	10/15/2023

Taxes

Base Taxes	\$183.48
Penalty	\$0.00
Interest	\$0.00
Fees	\$0.00
Good Through	
Balance Due	\$0.00

Property Address

1191 BANK ST

