



City of Smyrna

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Issue Sheet

File Number: 2020-86

Agenda Date: 2/12/2020

Version: 1

Status: Agenda Ready

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: F.

WARD: Ward 5

COMMITTEE: Community Development

\$ IMPACT: N/A

Agenda Title:

Public Hearing - V20-003 - Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure- Land Lot 415 - 840 Flagler Circle - Jeff Williams

ISSUE: The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachments, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.

BACKGROUND: None.

RECOMMENDATION/REQUESTED ACTION: The applicant is requesting to deviate from the development standards established by the City for the following: rear setback of 35 feet, side setback of 10 feet, rear setback of 30 feet, the City's 50 foot undisturbed buffer, the 75 foot impervious surface setback, and maximum accessory structure size of 25% of the main structure. The applicant is requesting variances to reduce the front setback from 35 feet to 24 feet, reduce the side setback on the northeast property line from 10 feet to 5 feet, reduce the rear setback from 30 feet to 12 feet, allow encroachment into the City's 75 feet impervious surface setback, allow encroachment into the City's 50 feet undisturbed buffer, and increase the allowed accessory structure size from 25% to 31% of the main structure. 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. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. At the time of this report, Community Development has not received any calls in opposition to the request. 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 conditions:

- 1.Approval is conditioned upon substantial compliance with the site plan and elevation submitted with the variance application.
- 2.The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.
- 3.Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
- 4.The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.