

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 31, 2021

RE: VARIANCE CASE V21-035
1202 Church Street – Allow new construction on lot of record below minimum requirements

VARIANCE CASE V21-036 & V21-037
1202 Church Street – Reduce side setbacks from 10 feet to 4.9 feet

BACKGROUND

The applicant is requesting approval to reduce the side setbacks to build a new single-family home at 1202 Church Street on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum requirements whereas Section 801 requires side setbacks of 10 feet in the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.21-acre lot located on the south side of Church Street (see Figure 1). The subject parcel and all adjacent parcels to the west, east, and south are zoned R-15 and are occupied by detached single-family homes; the adjacent parcels to the north are zoned RM-12 and are occupied by condominiums. The subject parcel is located within the Reid & Walker Subdivision, which was platted in 1927, prior to the current Zoning Ordinance, which was implemented in 1976.

The applicant is proposing to build a new 3,209 square foot two-story single-family home which will consist of 3 bedrooms, 2.5 bathrooms, an unfinished basement and a mixture of cement siding and board and batten siding. However, the lot is 9,118 square feet and the R-15 Zoning District requires lots to be a minimum of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1927, the hardship was not self-created.

Due to the narrow lot width, the applicant will require side setback reductions of roughly 5 feet on both sides of the new home. The existing lot is 39 feet wide; if the applicant built a home that met the required R-15 side setback standards of 10 feet, the applicant would only be allowed a home that is 18 feet in width. An 18-foot-wide home would be out of character with the existing neighborhood. The proposed home on the subject property will be 29 feet; this will bring the house closer in line with surrounding properties within the subdivision with the site restrictions in place. This increase in width will also allow for a 2-car garage which will prevent on-street

parking on the busy roadway and remove much of the concrete parking pad from the front yard. Additionally, the proposed home will be approximately 14 feet from the homes on either side and will not require a fire suppression system.

The subject property is unique in that it has less square footage than what the R-15 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variances requested are the minimum variances needed to build a new single-family home on the subject property. Furthermore, variances of this nature have been approved in the past so no negative precedent would be set. Community Development does not believe building a new single-family home on the subject property will negatively impact the surrounding properties.

STAFF COMMENTS

The applicant is requesting to deviate from the City's minimum lot area and site setback requirements established for the R-15 Zoning District. 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 them to be in compliance with the four (4) standards and believes that the variances will not adversely affect surrounding residents. Therefore, staff recommends **approval** of the requested variances with the following condition:

1. Approval of the requested variances 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
 Elevations**

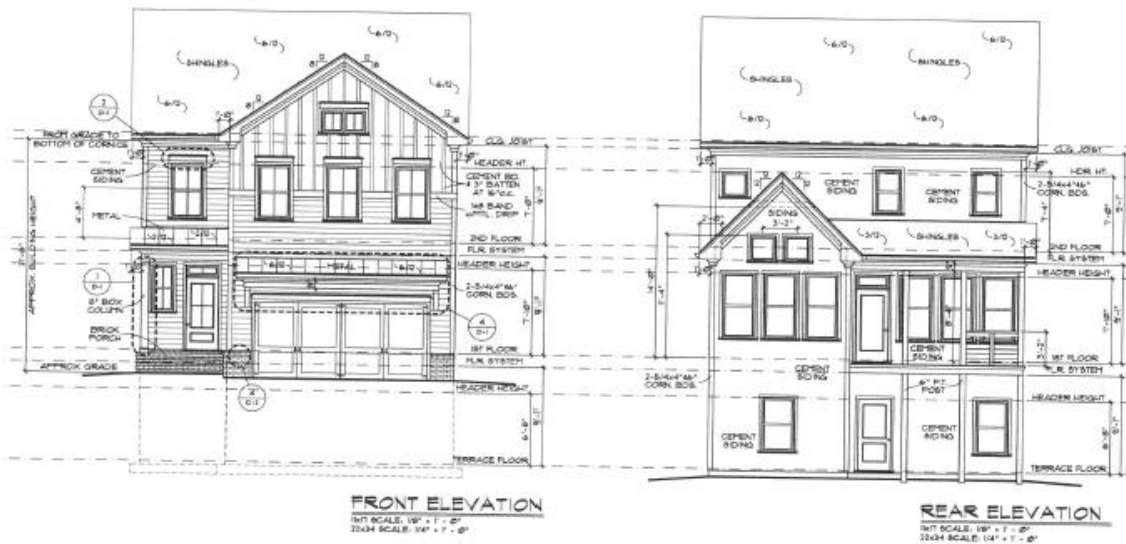


Figure – 4
Subject Property



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Church Street

