MEETING OF <u>May 28, 2014</u>   WARD/COMMITTEE <u>4</u>

ITEM NUMBER <u>V14-016</u>

$ IMPACT   <u>N/A</u>

<u>ISSUE</u>: Approval for a reduction of the side setback from 10 feet to 1 feet.

<u>SUMMARY</u>:   The applicant is requesting a variance for a reduction of the side setback from 10 feet to 1 feet at 1257 Pinehurst Circle for the construction of a carport.

<u>BACKGROUND</u>: None

<u>STAFF RECOMMENDATION</u>:   The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a minimum side yard setback of 10 feet.   The applicant is requesting a reduction of the side setback for 1257 Pinehurst Circle to 1 feet for the construction of a carport on a single-family home. 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. Similar variances have been approved throughout the city so no negative precedent would be set. At the time of this report, Community Development has not received any phone calls regarding the variance 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. Appropriate gutters and downspouts will be installed to divert stormwater away from adjacent property, prior to final inspection.

<u>REQUESTED ACTION</u>: License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.