

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, Planner - I

Date: March 31, 2014

RE: **VARIANCE CASE V14-007**  
**2535 Rolling View Drive – Reduction of side setback from 10 feet to 0 feet.**

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#### BACKGROUND

The applicant is requesting a variance to reduce the side yard setback for 2535 Rolling View Drive from 10 feet to 0 feet for the construction of carport on a single-family residence. The development standards established by the City for the R-15 zoning district require a minimum side yard setback of 10 feet.

#### ANALYSIS

The subject parcel is located on the east side of Rolling View Drive (See Figure 1). The subject parcel and all adjoining parcels to the north, south, and west are zoned R-15 which are occupied with single family homes and the parcel to the east is zoned RM-12 which is occupied by apartments.

The applicant is requesting a variance to reduce the side setback from 10 feet to 0 feet to allow for the construction of a carport on an existing single family residence. According to the site plan, the setback reduction varies from 10 feet to 7 feet, due to the shape of the lot. The proposed encroachment will allow a carport in the required side yard. The lot is 0.41 acres. The proposed carport is approximately 12 feet wide by 20 feet in length. The proposed addition will allow the applicant to enter the residence from the driveway while still being covered. Currently, the area of the proposed addition is already a paved impervious surface. The carport will have a roof that connects to the house, which is a consistent architectural style of the neighborhood (See Figures 6, 7, and 8).

The shape of the lot prevents the applicant from building a carport outside of the side setback line as the side property line angles in towards the house. The proposed carport will be constructed over an existing section of the concrete driveway and will have appropriate gutters and downspouts to convey water away from neighbor's property.

The placement and orientation of the house and driveway has existed since it was built so the hardship is not self created. Strict application of the ordinance would deny the applicant the ability to construct the carport. The variance proposed is the minimum variance needed, as

placing the addition anywhere else on the property is not feasible due to the existing placement of the house and driveway. The adjacent property owner has been notified of the request and has not expressed any opposition.

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## **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 side yard setback of 10 feet. The applicant is requesting a reduction of the side setback for 2535 Rolling View Drive to 0 feet for the construction of a car port 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. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
2. Appropriate gutters and downspouts will be installed to divert stormwater away from adjacent property, prior to final inspection.
3. Roof overhang shall not encroach the adjacent property.

Figure – 1



**Figure – 2**  
**Subject Property**



**Figure – 3**  
**Adjacent Property to South**



**Figure – 4**  
**Adjacent Property to North**



**Figure – 5**  
**Adjacent Property across Rolling View Dr**



**Figure – 6**  
**Example of Non-Conforming Setback in Neighborhood**



**Figure – 7**  
**Example of Non-Conforming Setback in Neighborhood**



**Figure – 8**  
**Example of Non-Conforming Setback in Neighborhood**

