

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: December 29, 2020

RE: VARIANCE CASE V21-003
1406 Roswell Street – Reduction of streetside setback from 23.3 feet to 9 feet

VARIANCE CASE V21-004
1406 Roswell Street – Allow 5.6-foot wooden fence in front yard on a corner lot

BACKGROUND

The applicant is requesting a variance to reduce the streetside setback from 23.3 feet to 9 feet to allow for the construction of an enclosed garage on a single-family residence at 1406 Roswell Street. The applicant is also requesting a variance to allow for a 5.6-foot wooden fence in the front yard. The development standards established by the City for the R-15 zoning district require a minimum streetside setback of 23.3 feet. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is located to the northeast of the intersection of Rowell Street and Whitfield Street (see Figure 1). The subject parcel and adjoining parcels to the north and east are zoned R-15. The adjacent property to the south is zoned RDA. Of the three parcels to the west of the property, two are zoned RDA and the third is zoned R-15. All properties, including the subject property are occupied by single-family homes. The subject property is 0.33 acres (14,320 square feet).

The subject property currently has two driveways on the property, both off Whitfield Street. The applicant is proposing to remove the existing detached garage and one its corresponding driveway and building a roughly 420 square foot attached garage on the side of the existing home. The garage will have cement siding with a shingle roof, painted to match the existing home. To access the new garage, the applicant will use the existing driveway. The applicant is requesting a variance to reduce the streetside setback from 23.3 feet to 9 feet to allow for the construction of the garage. Due to the existing concrete driveway, the most logical area to construct the enclosed garage is within the streetside setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would deny the applicant the ability to add any enclosed parking over the existing driveway since it is already within the streetside setback.

Due to the property having road frontage on two sides, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 23.3 feet from the property line on the Whitfield Street side. However, the applicant has an existing non-conforming 5.6-foot wooden fence already, which will be removed in part for the garage addition. Due to the fence's previous existence and its location on the corner lot, Community Development believes it is the minimum variance needed to enclose a portion of the yard.

The orientation of the existing driveway prevents the applicant from building a garage attached to the house outside of the streetside setback line. The proposed garage will replace an existing detached garage and use the existing concrete driveway. Strict application of the ordinance would deny the applicant the ability to construct the enclosed garage attached to the home. The variances proposed are the minimum variance needed and should have no negative impact on adjacent properties. 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 and Section 503-A, which requires a four-foot fence in the front yard. 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 encroachments 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 and elevations submitted with the variance application.

Figure - 1



Figure - 2
Site Plan

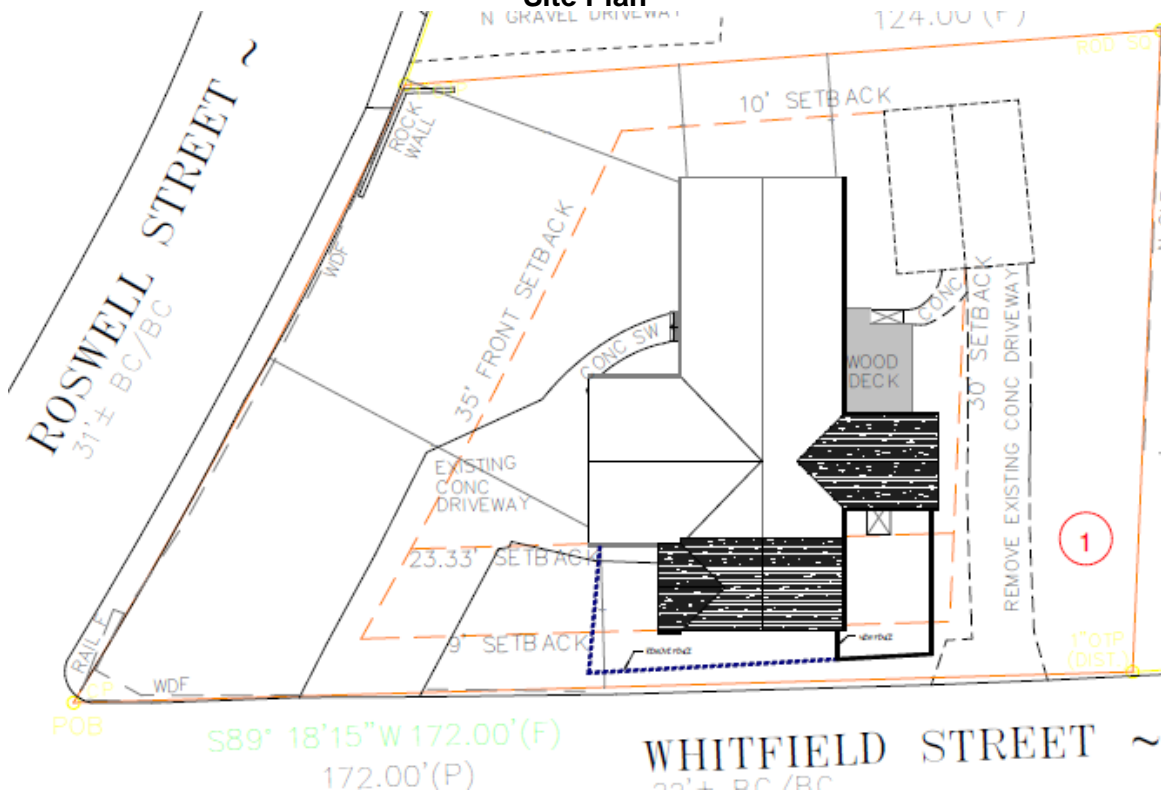


Figure – 4
Existing Detached Garage and Driveway to be Removed



Figure – 4
Existing 5.6-foot Wooden Fence



Figure – 4
Adjoining Properties across Roswell Street



Figure – 4
Adjacent Property to the North



Figure – 4
Adjacent Property to the East



Figure – 5
Adjoining Property across Whitfield Street



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