

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: August 25, 2014

RE: VARIANCE CASE V14-031
833 Frances Drive– Reduction of Front Setback from 35 feet to 24 feet for the construction of a front porch.

BACKGROUND

The applicant is requesting a variance to reduce the front yard setback for 833 Frances Drive from 35 feet to 24 feet for construction of front porch to a single-family residence. The development standards established by the City for the R-15 zoning district require a minimum front yard setback of 35 feet.

ANALYSIS

The subject parcel is located on the north side of Frances Drive (See Figure 1). The subject parcel and all adjoining parcels to the north, south, east and west are zoned R-15 and occupied by single-family detached residences (See Figures 3 & 4).

The applicant is requesting a variance to reduce the front setback from 35' to 24' to allow for the construction of a 6' x 12' front porch on an existing single family residence. The existing home is 30 feet from the front property line, as there was a 30 foot building setback with the residence was constructed. The proposed eleven foot encroachment will allow a front porch in the required front yard. The original subdivision plat shows a front setback of 30 feet, however, that setback has been increased to 35 feet since the structure was built.

The current structure does not have a front door on the Frances Drive side of the house. The applicant is proposing to add a front door and covered porch to the house on the Frances Drive elevation. The porch will extend six feet into the front yard and have a similar appearance to the property to the west (Figure 4). The existing structure is legal non-conforming as the front setback has been increased since the structure was built.

The existing structure is legal nonconforming as it does not comply with the required front setback. The front setback was originally 30 feet, however subsequent changes to the zoning ordinance have increased the setback to 35 feet. The alleged hardship is not self-created by

the applicant as the home was constructed where it is currently located. Strict application of the code would prohibit the applicant from building the front porch. Community Development believes the variance requested is the minimum variance needed.

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 front yard setback of 35 feet. The applicant requests a reduction of the front setback for 833 Frances Drive to 24 feet for the construction of 6 feet in depth and 12 feet in length front porch 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. 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 condition:

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
Subject Property



Figure – 3
Adjoining Property to the East



Figure – 4
Adjacent Property to West



Figure 5 – Adjacent Property Across Frances Drive

