

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Joey Staubes, AICP, Planner II

Date: September 13, 2021

**RE: VARIANCE CASE V21-101**  
**570 Disposal Plant Road – Allow reduction of the front setback from 35 feet to 12.5 feet.**  
**VARIANCE CASE V21-102**  
**570 Disposal Plant Road – Allow encroachment into the 75-foot impervious surface setback.**

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## **BACKGROUND**

The applicant is proposing to build a new home on an existing lot of record that is currently undeveloped at 570 Disposal Plant Road. The applicant is requesting a variance to allow a front setback reduction and encroachment into the City's 75-foot impervious setback to construct the new home. The City's stream buffers are controlled by Chapter 46 of the City's Code of Ordinances and residential setbacks are controlled by Section 801 of the City's Zoning Code.

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## **ANALYSIS**

The subject parcel is a 2.65-acre lot located on the south side of Disposal Plant Road (see Figure 1). The subject parcel and adjoining parcels to the east, west, and south are zoned R-15. The properties to the north are zoned RDA. All are occupied with detached single-family homes except the property to the east which is vacant.

The subject property is greatly encumbered by the State's 25-foot stream buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious setback. Only approximately 0.5 acres of the 2.65-acre lot is buildable due to stream buffers and topographical challenges. The stream runs diagonally through the property emanating from a spring head on the westerly side of the property; thus, stream buffers consume much of the property.

The applicant is proposing to build a 4,933 sq. ft. single-family home on the subject property. The applicant is requesting a front setback reduction from 35 feet to 12.5 feet for the preservation of the 50' Undisturbed Stream Buffer. Approximately 9,091 sq. ft. of impervious surface will encroach the 75' Impervious Surface Setback; however, the applicant will dedicate 21,000 sq. ft. of area elsewhere on the property for compensation. The site plan indicates there will be four guest parking spaces on the west side of the property. Community Development

recommends those spaces be removed to reduce impervious coverage for the site and lessen impact to the stream.

The City Engineer has reviewed the plan and can support the proposed buffer compensation. Prior to issuance of a land disturbance permit, the applicant will be required to submit a water quality plan for the site with 80% TSS removal.

Community Development believes the hardship is not self-created, as the lot of record existed prior to the adoption of the stream buffer ordinance. Community Development believes these are the minimum variances needed to allow the property to be developed, due to the location of the stream buffers and topographical challenges of the site, and that there should be no negative impacts to adjacent properties if approved.

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## **STAFF COMMENTS**

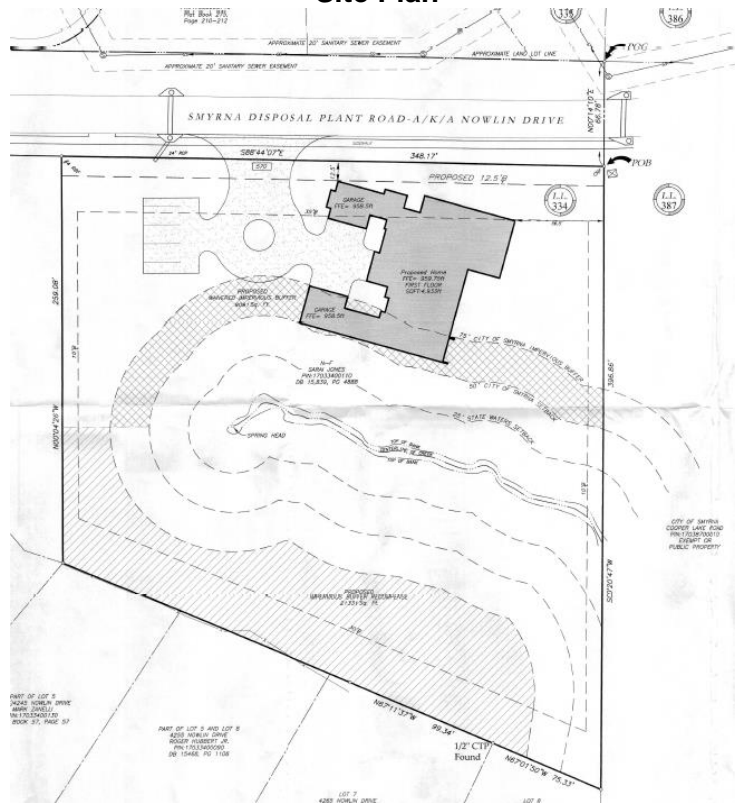
The applicant is requesting relief from the City's 75-foot impervious setback and 35-foot front setback to construct a new home on the subject property. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special 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. 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 subject property for 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.
2. The four guest parking spaces be removed from the site plan.
3. The applicant shall provide water quality for the site subject to approval by they City Engineer.

Figure – 1



Figure – 2  
Site Plan



**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Adjacent Property to the East**





**Figure – 5**  
**Adjacent Property across Disposal Plant**

