

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: March 11, 2021

RE: VARIANCE CASE V21-025
535 Benmac Road – Allow new construction on lot of record below minimum requirements

BACKGROUND

The applicant is requesting to build a new single-family home at 535 Benmac Road on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum requirements.

ANALYSIS

The subject parcel is a 0.22-acre vacant lot located on the north side of Benmac Road (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are occupied by detached single-family homes. The subject parcel is located within the Green Hills Subdivision, which was platted in 1953, prior to the current zoning ordinance, which was implemented in 1976.

The applicant is proposing to build a new single-family home on the subject property; however, the lot is 9,886 square feet and the R-15 Zoning District requires lots to be a minimum of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1953, no hardship was self-created. In fact, none of the surrounding properties meet the minimum 15,000 square feet lot size. No other variances are required to build the new home which will be a two-story detached home with two-car garage.

The subject property is unique in that it has less square footage than what the R-15 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Furthermore, variances of this nature have been approved in the past so no negative precedent would be set. Community Development does not believe building a new single-family home on the subject property will negatively impact the surrounding properties.

STAFF COMMENTS

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 Zoning District. According to Section 1403 of the Zoning Ordinance, variances must

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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 the four (4) standards and believes that the variance will not adversely affect surrounding residents. At the time of this report, Community Development has received no opposition to this request from surrounding property owners. 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 Site Plan

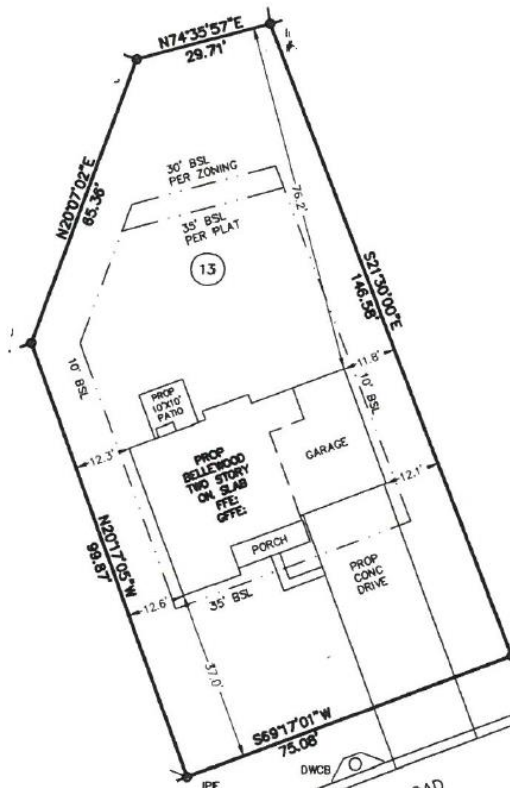
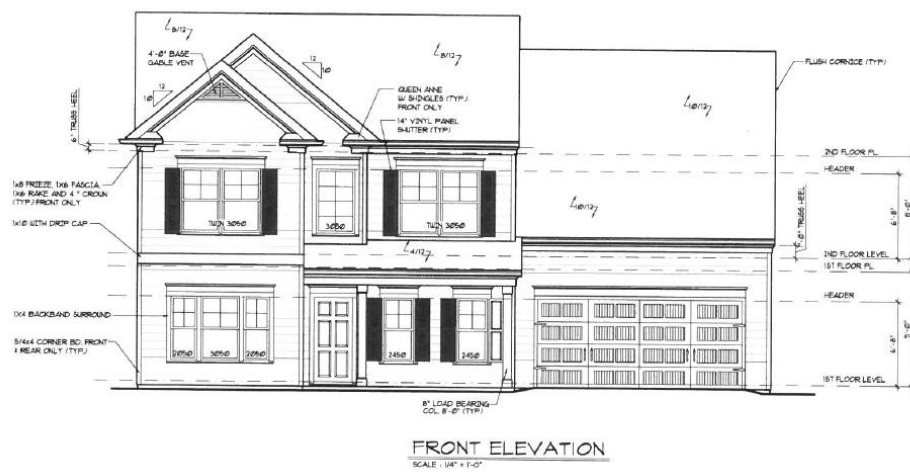


Figure – 3 Elevations



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Subject Property



Figure – 5
Adjacent Property to the West



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Benmac Road

