

# 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: August 5, 2014

RE: **VARIANCE CASE V14-026**  
**1314 Hayes Drive– Reduction of side setback from 10 feet to 5 feet.**

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#### **BACKGROUND**

The applicant is requesting a variance to reduce the side yard setback for 1314 Hayes Drive from ten feet to five feet for the construction of an attached garage on a single-family residence. The garage will be attached by breezeway. The development standards established by the City for the R-15 zoning district require a minimum side yard setback of ten feet.

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#### **ANALYSIS**

The subject parcel is located on the south side of Hayes Drive (See Figure 1). The subject parcel and all adjoining parcels to the north, south, east, and west are zoned R-15, and all are occupied by single-family detached residences (See Figures 4, 5 & 6).

The applicant is requesting a variance to reduce the side setback from ten feet to five feet to allow for the construction of an attached garage on an existing single family residence. The applicant is proposing to remodel the interior of the existing brick ranch and add additional living area to the house. The additional living area will include a porch on the front and master bedroom suite to the rear. An attached garage is also proposed that will be joined to the house by a covered breezeway 13 feet in length. The garage will enclose two cars and have office area above. The total area of the garage is approximately 1,500 square feet. The applicant is requesting a setback reduction on the west side from ten feet to five feet to utilize the location of the existing driveway. The applicant is requesting the five foot setback reduction for the entire 27 foot length of the garage. The garage will be setback approximately 90 feet behind the front property line.

Without a variance the applicant could feasibly place the garage within the front yard. However, placing the garage in the front yard is inconsistent with the development pattern of the neighborhood. Community Development is supportive of the garage placement to the rear of the house and allowing the reduction of the side setback. The adjacent property to the west has a six foot wooden privacy fence along their property line, which will partially screen the garage. It appears there are no other buildings on the western adjacent property that may conflict with the proposed garage.

The subject property is currently comprised of two parcels. The survey submitted by the applicant shows the property as one parcel. If the rear lot line separating the two parcels remains there should be no conflict with the rear setback. It should be noted, however, that if the applicant wishes to utilize the rear parcel for construction in the future, both parcels will need to be combined into one parcel, as the rear parcel has no road frontage or access and is currently undeveloped.

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 garage in the proposed location. The variance proposed is the minimum variance needed. The adjacent property owner has been notified of the request and has not expressed any opposition. Several variances for side setback reductions in the City have been approved by the License and Variance Board so no negative precedent would be set if approved.

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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 ten feet. The applicant is requesting a reduction of the side setback for 1314 Hayes Drive to five feet for the construction of an attached garage 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 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**  
**Side View of Subject Property**



**Figure – 4**  
**Adjacent Property to West**



**Figure – 5**  
**Adjacent Property to East**



**Figure – 6**  
**Adjacent Property Across Hayes Drive**



Figure - 7  
Site Plan

