

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, AICP, Planner II

Date: January 4, 2019

RE: VARIANCE CASE V19-001
1639 Corn Road – Allow reduction of front setback from 50 feet to 20 feet

VARIANCE CASE V19-002
1639 Corn Road – Allow reduction of side setbacks from 35 feet to 10 feet

VARIANCE CASE V19-003
1639 Corn Road – Allow reduction of rear setback from 40 feet to 35 feet

BACKGROUND

The applicant is requesting several variances to allow construction of a 5 unit townhome at 1639 Corn Road. The applicant proposes a front setback of 20 feet, side setbacks of 10 feet, and rear setback of 35 feet. Section 801 requires setbacks in RM-12 zoning district of 50 feet for front setback, 35 feet for side setbacks, and 40 feet for rear setback.

ANALYSIS

The subject parcel is located on the north side of Corn Road (See Figure 1) and is zoned RM-12. The properties to the north, east, and west are zoned GC (General Commercial). The property to the south is zoned RTD (Residential Townhome). The adjacent properties are occupied by residential and commercial uses. The subject property is undeveloped and is 0.53 acres.

The applicant plans to build a 5 unit townhome building on the subject property. The property is currently undeveloped. Each townhome unit is 27' by 50'. The subject property has an irregular shape and the depth varies from 124 feet to 133 feet. The applicant is requesting the front setback be reduced from 50 feet to 20 feet, the side setbacks from 35 feet to 10 feet, and the rear setback from 40 feet to 35 feet. The subject property allows a density of 12 units per acre. The development as proposed is 9.43 units per acre. Therefore, the setbacks requested will not increase density above what is allowed. Additionally, the setbacks requested are necessary to provide stormwater detention on the subject property.

An adjacent property owner has expressed concerns regarding stormwater impacting their property. Further study is needed to determine existing conditions of the subject property. However, should the variances be granted, engineered plans will be submitted for further review by the city. Prior to permitting staff will ensure stormwater management is properly sized and oriented so that there are no negative impacts to the adjacent property.

The irregular shape and lot size are unique circumstances applying to the subject property which reduce the buildable area of the lot. The hardship is not self-created since the subject property is an existing lot of record. Strict application of the ordinance would prevent the applicant from achieving the density entitled for the subject property. The variances proposed are the minimum variances needed, and should have no negative impact on adjacent properties. Community Development has not received any call in opposition to the request; however an adjacent property owner has expressed concerns regarding stormwater.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the front setback of 50 feet, side setbacks of 35 feet, and rear setback of 40 feet. The applicant is requesting a variance to reduce the front setback to 20 feet, side setbacks to 10 feet, and rear setback to 35 feet to construct a 5 unit townhome building. 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. At the time of this report, Community Development has not received any call in opposition to the request; however an adjacent property owner has expressed concerns regarding stormwater. After a review of the standards above, Community Development believes that the setback reductions will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances 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 submitted with the variance application.

Figure – 1



Figure – 2
Subject Property



**Figure – 3
 Adjacent Property**



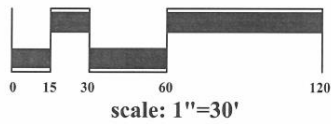
**Figure – 4
 Proposed Site Plan**

Variance Plat
1639 Corn Road
 City of Smyrna, Georgia Land Lots 594 and 595, 17th District, 2nd Section
 Parcel ID # 17059401820

prepared for:
The Woodbery Group
 1310 Seaboard Industrial Blvd. NW
 Suite 300
 Atlanta, GA 30318
 404.849.4832

December 17, 2018

DGM
 LAND PLANNING
 CONSULTANTS

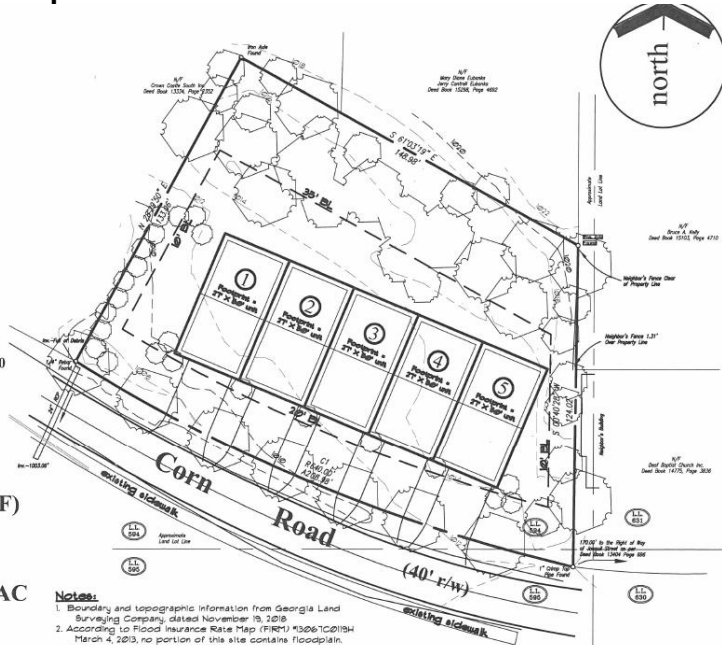


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 770 514-9006
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Site Data

Total Site Area: .53 AC
 (23,081 SF)
Present Zoning: RM-12
Proposed Zoning: RM-12
Proposed Density: 9.43 UN/AC
RM-12 Building Setbacks:
 front: 50' (*20' requested)
 side: 35' (*10' requested)
 rear: 40' (*35' requested)



- Notes:**
1. Boundary and topographic information from Georgia Land Surveying Company, dated November 19, 2018.
 2. According to Flood Insurance Rate Map (FIRM) 13067C0194 March 4, 2013, no portion of this site contains floodplain.
 3. No cemeteries are known to exist on site.
 4. No streams and/or wetlands are known to exist on site.
 5. No archeological or architectural landmarks are known to exist on site.
 6. No utility easements exist on site.
 7. Stormwater management and water quality requirements will be determined upon completion of hydrology study.

Figure – 5
Proposed Front Elevation

