

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: February 12, 2019

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

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#### BACKGROUND

The applicant is proposing to construct a 5-unit townhome at 1639 Corn Road. The applicant was approved for a side setback reduction from 35 feet to 10 feet by the License and Variance Board on January 9, 2019. The adjacent property owner filed an appeal to that decision and requested that Mayor and Council hold a new public hearing.

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#### 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 side setbacks be reduced from 35 feet to 10 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.

The adjoining property owner is opposed to the side setback reduction and has concerns that the new structure will have negative impacts on their property. The adjoining property is occupied by an existing church, constructed in 1940, according to the Cobb County Tax Assessor. The adjoining property was annexed into the city in 1997. An addition to the church was constructed in 2011, for ADA improvements. The church is non-conforming as it is setback approximately 2 ft. from the adjoining property line.

The applicant is proposing to reduce the side setback to 10 feet. However, due to the angle of the eastern property line, the proximity of the townhome will vary from 10 feet to 30 feet (Figure 6). Each townhome is required to be sprinklered, and the applicant has agreed to add sound proofing material to the external wall adjacent to the church. The applicant has agreed to modify the placement of the townhomes, if possible, upon completion of a hydrology study.

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 variance proposed is the minimum variance needed. Community Development believe the variance should have no negative impact on adjacent properties.

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### **STAFF COMMENTS**

The applicant is requesting to deviate from the development standards established by the City for the side setbacks of 35 feet. The applicant is requesting a variance to reduce the side setbacks to 10 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. 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**  
**Adjacent Property**



**Figure – 5  
 Adjacent Property**



**Figure – 6  
 Proposed Site Plan**

*Variance Plat*

**1639 Corn Road**

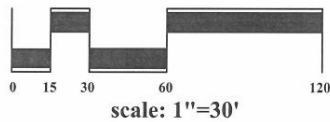
City of Smyrna, Georgia Land Lots 594 and 595, 17th District, 2nd Section  
 Parcel ID # 17059401820

prepared for:

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December 17, 2018

**DGM**  
 LAND PLANNING  
 CONSULTANTS

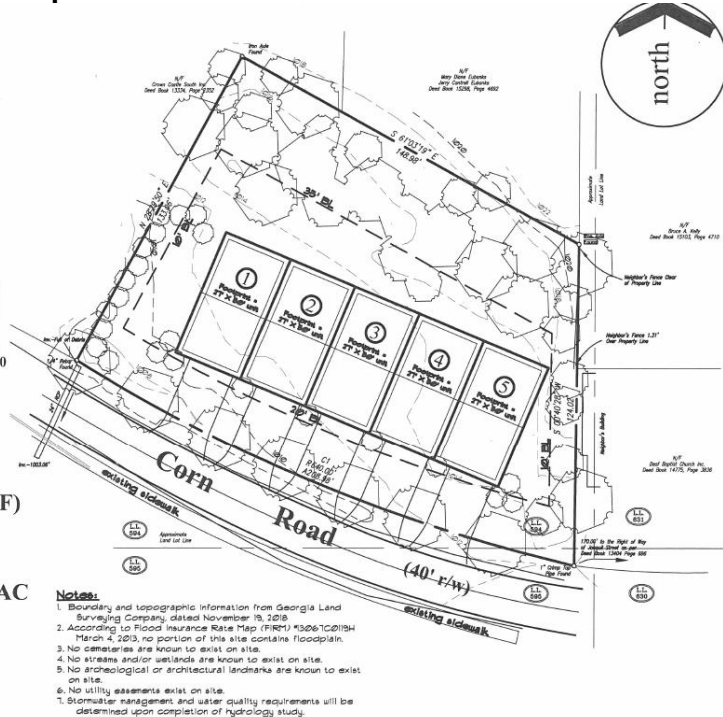


975 COBB PLACE  
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 KENNESAW  
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**Site Data**

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)





**Figure – 7**  
**Proposed Front Elevation**



**Figure – 7**  
**Adjacent Property Site Plan**

