

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: October 17, 2019

RE: VARIANCE CASE V19-049
1070 Karen Court – Allow front setback reduction from 35 feet to 30 feet

BACKGROUND

The applicant is requesting a variance to reduce the West Cooper Lake Drive front setback from 35 feet to 30 feet to tear down and rebuild a 477 sq. ft. cantilevered deck to a single-family home at 1070 Karen Court. There is currently a deck on the property that lies within the front setback. Section 801 requires a front setback in the R-15 zoning district of 35 ft.

ANALYSIS

The subject parcel is a corner lot located at the intersection of West Cooper Lake Drive and Karen Court (See Figure 1). The subject parcel and all adjacent parcels are zoned R-15, all of which are occupied with single-family homes. The subject property is 0.41 acres (17,801 sq. ft.).

The applicant is requesting a variance to reduce the West Cooper Lake Drive front setback to construct a 477 sq. ft. rear deck on an existing single-family residence. The subject property was constructed in 1989 and has a non-conforming deck that encroaches into the West Cooper Lake Drive front setback. The renovation will consist of a 16 ft. by 29.8 ft. rear deck that follows the line of the existing home, encroaching into the front setback by five feet. Therefore, the applicant is requesting a variance to reduce the front setback from 35 feet to 30 feet. The property, platted in 1987, had setbacks on both frontages of 35 feet. This is a unique circumstance applying to the subject property which limits where the front porch may be constructed. When the applicants purchased the property earlier this year, the home inspection recommended the existing deck be removed due to safety concerns. There is ongoing construction at the subject property, but the renovations did not require variances to proceed.

The location of the existing structure is a unique circumstance applying to the subject property which limits where the front porch may be constructed. The hardship is not self-created since the location of the porch and home have existed since the original house was constructed. The variance proposed is the minimum variance needed and should have no negative impact on

adjacent properties. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the front setback of 35 feet. The applicant is requesting a variance to reduce the West Cooper Lake Drive front setback to 30 feet to construct a deck on an existing single-family residence. 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 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 submitted with the variance application.

Figure – 1

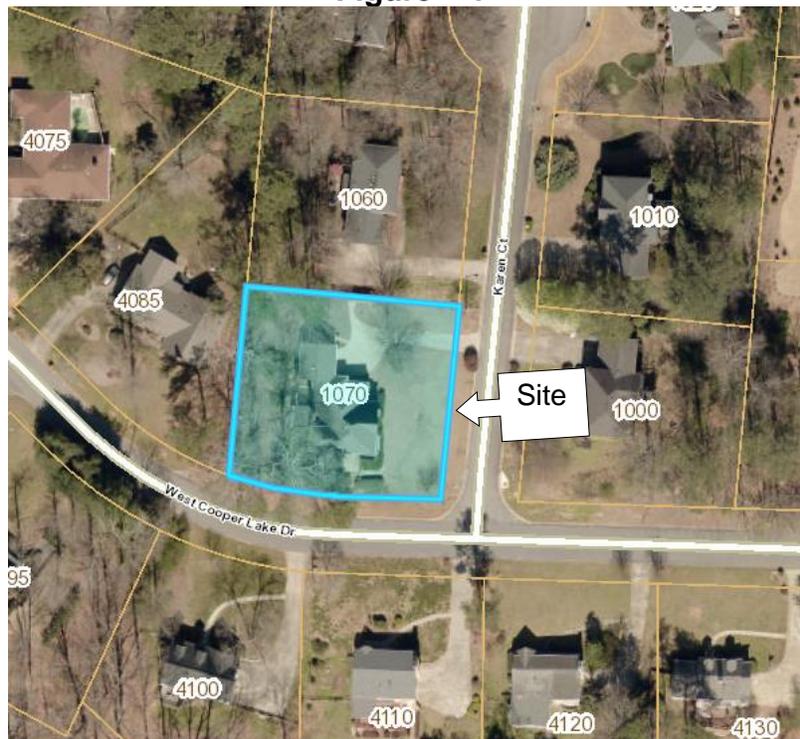


Figure – 2
Subject Property



Figure – 3
Subject Property



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure - 6
Adjacent Property



Figure - 7
Proposed Site Plan

