

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: June 8, 2018

**RE: VARIANCE CASE V18-046**  
**2474 Spring Drive – Allow side setback reduction from 10 feet to 1 foot for a carport addition to single family residence.**

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#### **BACKGROUND**

The applicant is requesting a variance to reduce the side setback from 10 feet to 1 foot in order to construct a carport to a single family home at 2474 Spring Drive. Section 801 requires a side setback in R-15 zoning district of 10 feet.

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#### **ANALYSIS**

The subject parcel is located to the west of Spring Drive (See Figure 1). The subject parcel and adjoining parcels to the north, south, and east, are zoned R-15 and are occupied with single family detached homes. The property to the west is zoned RM-12 and is occupied with apartments. The subject property is 0.31 acres.

The applicant has constructed a 12 ft. by 18 ft. carport on the north side of the house. The City Marshall was notified and informed the owner that the structure is within the side setback. The City approved a similar variance on Rolling View Drive recently, and there are similar non-conforming structures in the neighborhood as well (See Figure 5). The carport was constructed in this location because the driveway is on the north side of the property, and there is no other reasonable location in which to place the carport. An adjacent property owner contacted Community Development and has concerns about stormwater runoff impacting their property.

The location of the driveway and house are existing conditions that limit where a carport can be constructed. Strict application of the ordinance would prevent the applicant from constructing the carport. The variance proposed is the minimum variance needed, and should have no negative impact on adjacent properties provided that downspouts and gutters are installed. Community Development has received concerns from one adjacent property.

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## STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the side setback of 10 feet. The applicant is requesting a variance to reduce the side setback to 1 foot for a carport attached to a 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 provided gutters and downspouts are installed; therefore, staff recommends **approval** of the requested variance with the following conditions:

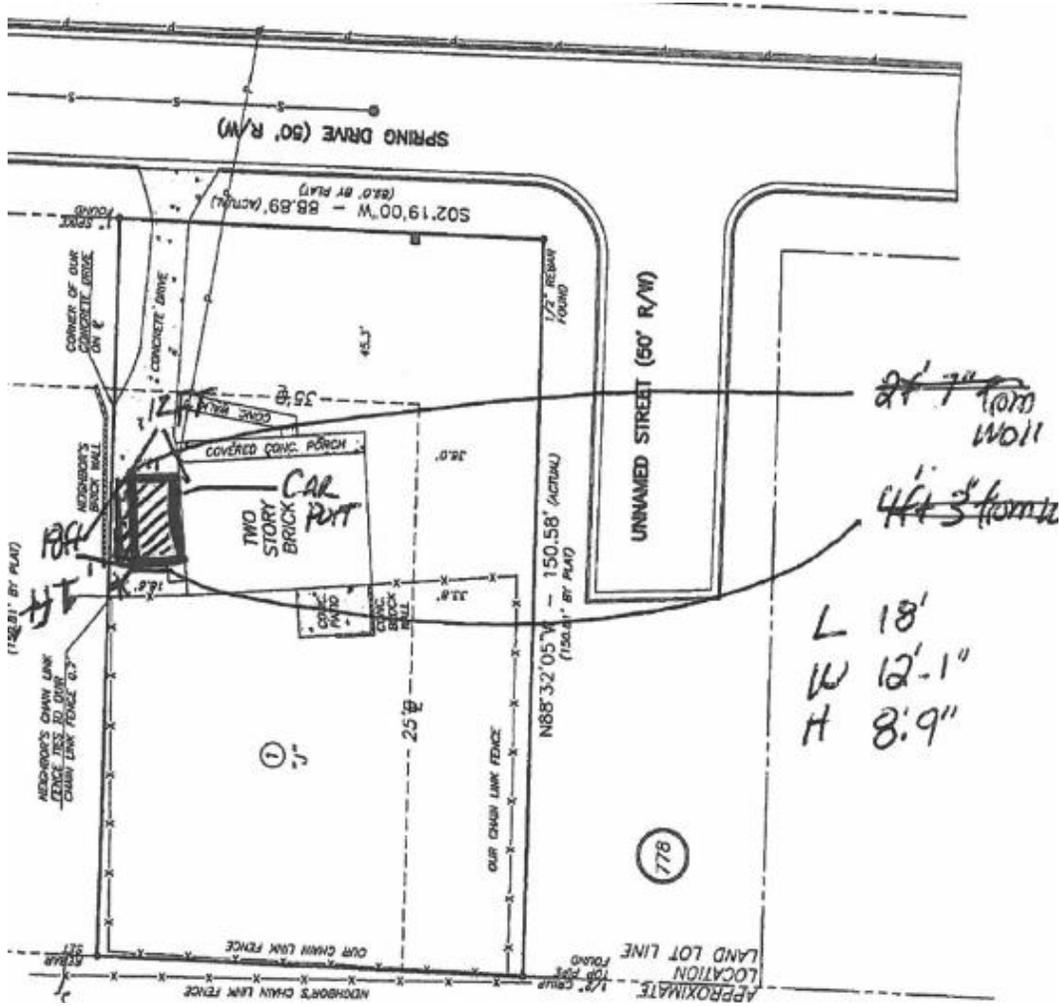
1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
2. Downspouts and gutters will be installed to divert stormwater away from adjacent properties.
3. If approved, applicant shall apply for building permit and have inspections in order to ensure the structure meets building code requirements.

Figure – 1





Figure - 4  
Proposed Site Plan



**Figure – 5**  
**Similar Structures in Neighborhood**

