

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: April 6, 2018

**RE: VARIANCE CASE V18-031**  
**2821 Fraser Street – Allow second story on existing single family home with non-conforming front and side setbacks.**

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#### BACKGROUND

The applicant is requesting a variance to build a second story on an existing home with non-conforming front and side setbacks. The current structure is one story with a front setback of 30 feet on Fraser, 15 feet on Bank Street, and north side setback of 5 feet. Section 801 of the zoning ordinance requires a front setback of 35 feet on Fraser, 23.1 on Bank Street, and side setback of 10 feet.

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#### ANALYSIS

The subject parcel is located at the intersection of Fraser Street and Bank Street (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 homes.

The applicant is proposing to remodel a one story home by adding a second story. The applicant will keep the existing slab and first floor framing, and build a second story above. The subject property was constructed in 1954, and has non-conforming setbacks on three sides. The existing one story structure is 1,260 sq. ft., while the minimum house size of R-15 is 2,000 sq. ft. With the second story addition, the home will be 2,557 sq. ft. The adjacent property to the north will maintain a minimum 10 feet of separation from the subject property, thus no fire suppression system is required. The subject property is 10,081 sq. ft., while R-15 requires a minimum lot size of 15,000 sq. ft. The applicant is removing the garage at the rear of the property and the driveway that connects to it. Only the four steel posts of the garage will remain, to be used for an outdoor seating area. Additionally, the property slopes down towards the rear of the property and to Bank Street, which requires the foundation to be in the current configuration.

The subject property was constructed prior to the adoption of the zoning ordinance and has existing non-conforming setbacks, is below the minimum house size, and below the minimum

## VARIANCE CASE V18-031

April 11, 2018

Page 2 of 6

lot size. Strict application of the ordinance would require the foundation be removed and reconfigured, resulting in additional land disturbance. Community Development believes the variances requested are the minimum variances needed to build the second story. The hardship is not self-imposed, as the original home was built prior to the adoption of the zoning ordinance. If approved, the remodeled home will be in compliance with the minimum house size, and overall impervious area will be reduced. The typography of the site considerably slopes towards the rear of the property and to Bank Street further justifying the need to maintain the existing foundation footprint. Community Development does not foresee any negative impacts to adjacent properties should the variances be 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 front yard setback of 35 feet on Fraser Street, 23.1 feet on Bank Street, and a north side setback of 10 feet. The applicant requests a variance to build a second story on the existing non-conforming setbacks at 2821 Fraser Street. 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. 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 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 and elevations submitted with the variance application.

VARIANCE CASE V18-031

April 11, 2018

Page 3 of 6

**Figure – 1**



**Figure – 2**  
**Subject Property**



**Figure – 3  
Subject Property**



**Figure – 4  
Adjacent Property**



## Figure 5 – Site Plan

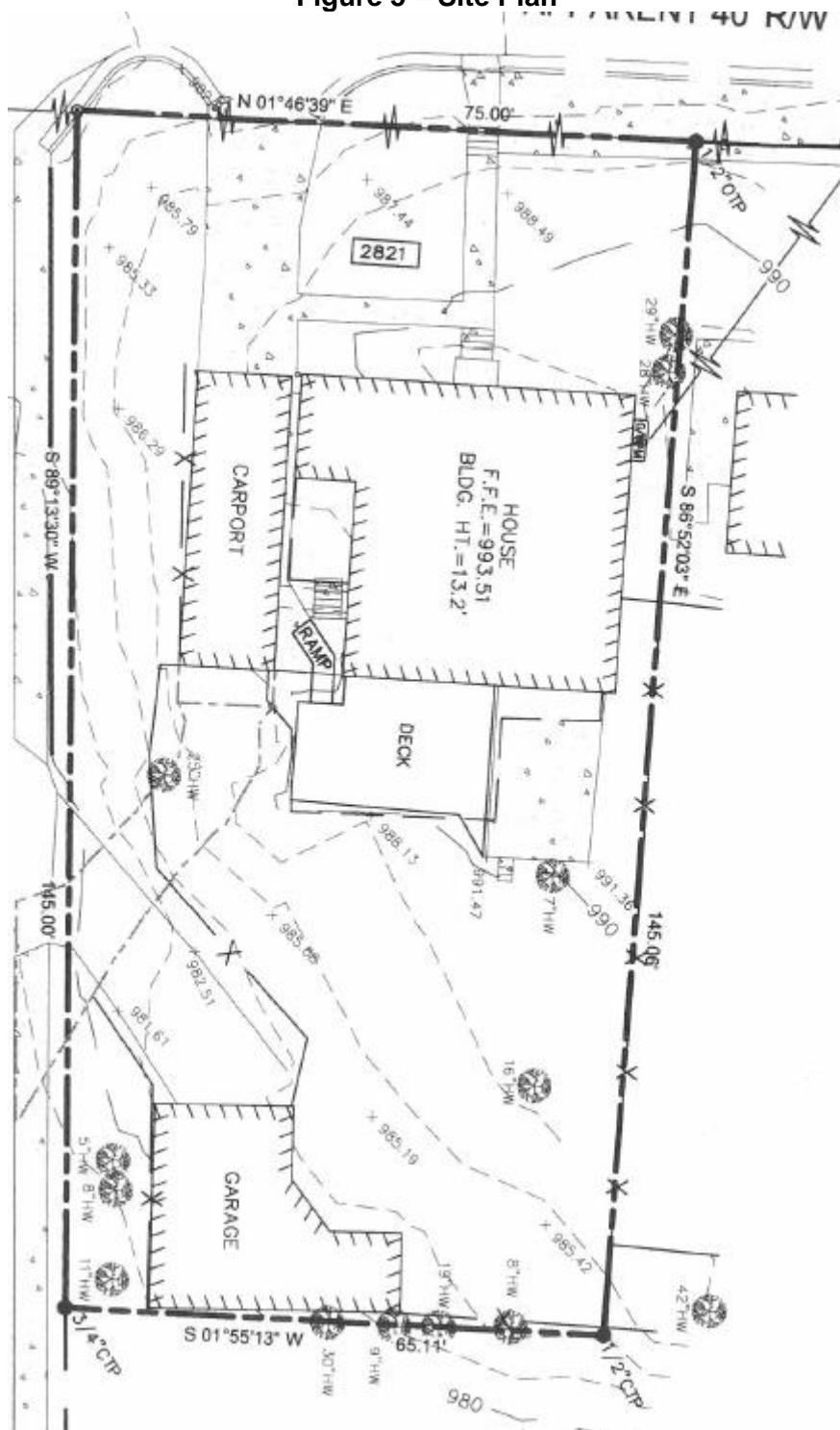


Figure 6 – Elevations

