

MEETING OF August 27, 2014

WARD/COMMITTEE 6

ITEM NUMBER V14-026

\$ IMPACT N/A

ISSUE: Approval for a reduction of the side setback from 10 feet to 5 feet.

SUMMARY: The applicant is requesting a variance for a reduction of the side setback from 10 feet to 5 feet at 1314 Hayes Drive for the construction of an attached garage.

BACKGROUND: None

STAFF RECOMMENDATION: The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a minimum side yard setback of 10 feet. The applicant is requesting a reduction of the side setback for 1314 Hayes Drive to 5 feet for the construction of a garage on a single-family home. 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 so no negative precedent would be set. 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 and elevations submitted with the variance application.

REQUESTED ACTION: License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.