

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 31, 2021

RE: VARIANCE CASE V21-031
3286 Creatwood Trail – Reduce the side setback from 10 feet to 5 feet

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 10 feet to 5 feet at 3286 Creatwood Trail. The applicant plans to construct a new 249 square foot garage as part of a larger renovation to the existing one-story house. Section 801 requires a side setback in the R-15 zoning district of 10 feet.

ANALYSIS

The subject parcel is a 0.36-acre lot located on the north side of Creatwood Trail, at the entrance to the Creatwood Forrest subdivision (see Figure 1). The subject parcel and adjacent parcels to the south and east are zoned R-15 and are occupied by detached single-family homes. The adjacent properties to the west are zoned RDA and are also occupied by detached single-family homes. The adjacent property to the north is zoned NS-C (Neighborhood Shopping- Conditional) and is occupied by a variety of commercial uses.

The applicant is requesting a variance to construct a 249 square foot one-car garage over an existing driveway. The garage addition is part of a larger renovation project on the subject property, which will include adding a second story (including a 1,010 square foot addition to the rear of the home) and a 480 square foot wooden deck. The existing one-story structure is 1,005 square feet, while the minimum house size of R-15 is 2,000 square feet. With the all the renovations, including the garage, the home will be roughly 3,032 square feet, bringing the home into compliance. Additionally, the existing driveway is currently more than 5 feet from the side property line, so no additional variance is needed.

Due to the existing concrete driveway, the most logical area to construct the garage is within the side setback to decrease disturbance to the subject property and surrounding neighbors. Strict application of the ordinance would deny the applicant the ability to add any covered parking area over the existing driveway since the driveway is currently within 10 feet of the side property line. Additionally, the adjacent building to the north will exceed the minimum 10 feet of separation from the subject property since there is a large parking lot separating the two buildings, so no fire suppression system is required.

The variance proposed is the minimum variance needed and the hardship is not self-created since the driveway has historically existed in the same location. Similar variances have been approved throughout the City so no negative precedent would be set. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

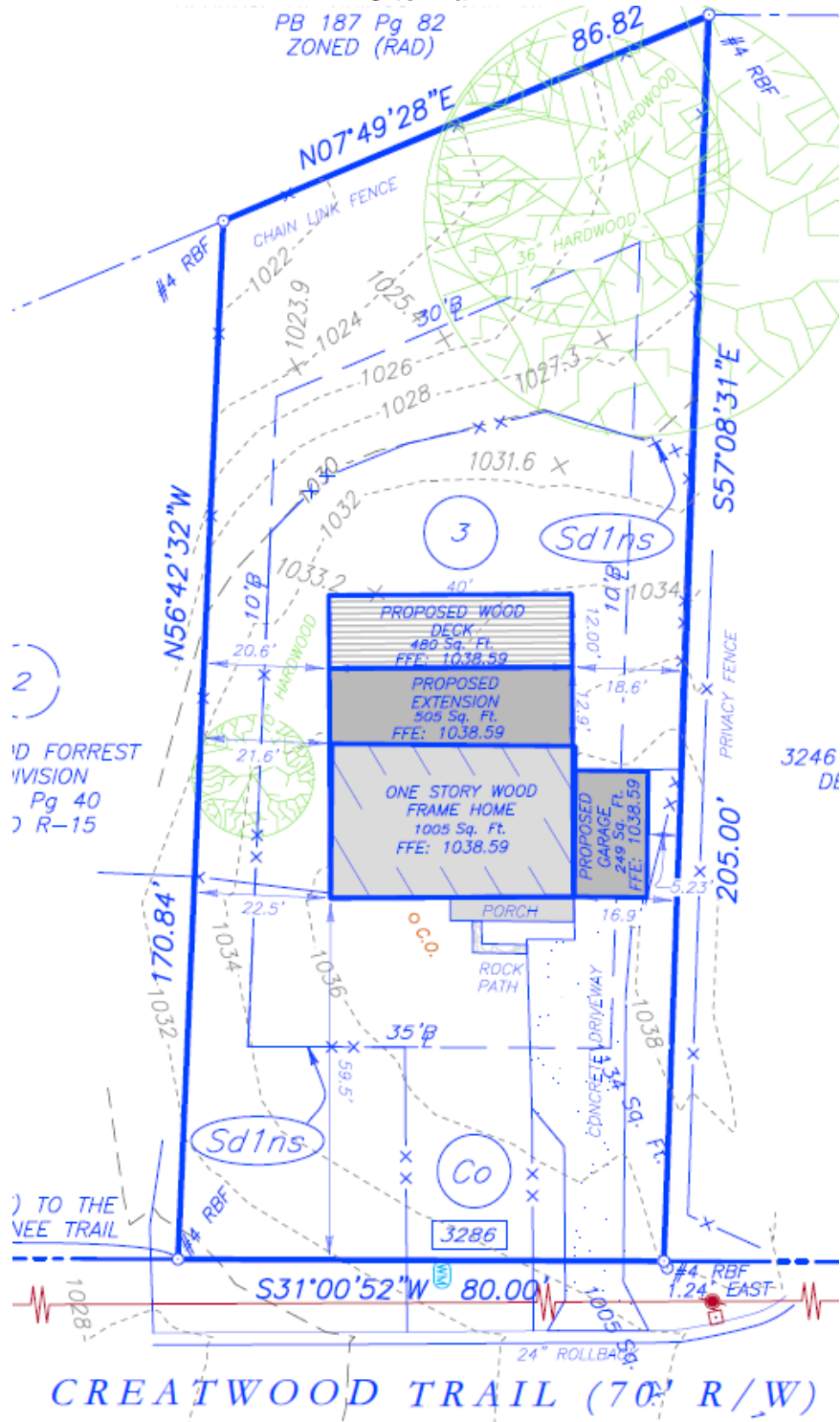
The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district, which requires a side setback of 10 feet. The applicant is requesting to construct a garage in the side setback, approximately 5 feet from the side property line. According to Section 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. After a review of the standards above, Community Development believes that placing the garage in the side setback will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the subject property for 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.

Figure – 1



Figure - 2
Site Plan



**Figure – 3
Subject Property**



**Figure – 4
Location of Proposed Garage**



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Creatwood Trail



Figure – 7
Adjacent Property to the South

