

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: December, 2017

RE: VARIANCE CASE V17-059
1450 Walker Court– Allow reduction of side setback from 10 feet to 0 feet for a carport addition to an existing single family residence

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 10 feet to 0 feet at 1450 Walker Court for an attached carport addition at an existing single family residence. Section 801 of the city's code of ordinance requires a side setback of 10 feet in the R-15 zoning district.

ANALYSIS

The subject parcel is located at the intersection of Morris Circle and Walker Court (see Figure 1). The subject parcel is zoned R-15, and is occupied by a single-family residence. The adjacent properties to the north and east are zoned RAD, and to the south and west R-15; all are developed with detached single family homes.

The applicant is proposing to build an attached 16 ft. by 16 ft. carport over the driveway of an existing single family residence. The property is 0.40 acres and the applicant is constructing other modifications to enlarge the existing structure which is non-conforming due to its size. The driveway is on the north side of the house and extends to the side property line. The existing home is not centered on the lot, as was primarily located towards the northwest corner of the property. Due to the location of the existing structure, there is minimal area in which to provide a covered carport without a variance reduction.

The adjacent property at 2729 Morris Circle is also shifted to the northwest side of the property, so there is sufficient separation between the two structures if approved. Due to the amount of separation between the proposed and adjacent structure, the adjacent property owner would not be deprived of any buildable area should this request be approved. Also, the surrounding neighborhood has experienced significant infill development characterized by reduced front and side setbacks, therefore if approved the subject property would be consistent with the emerging development pattern.

The location of the home on the subject property is a unique condition that limits how the existing home may be remodeled. Community Development believes the variance requested is the minimum variance needed to build the carport, and if approved there should be no negative impact to adjacent properties.

STAFF COMMENTS

The applicant is requesting to deviate from the City's side setback requirement of 10 feet in the R-15 zoning district, found in section 801 of the Zoning Ordinance. 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 them to be in compliance with the review standards. Similar variances for additions have been granted, and Community Development believes that the requested variance will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance request. Therefore, Community Development recommends **approval** of the requested variance with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. Downspouts and gutters shall be installed to divert stormwater away from adjacent properties.

Figure – 1
Aerial of Subject Property



Figure – 2
Subject Property



Figure – 3
Side of Subject Property



Figure – 4
Adjacent Property



Figure – 5
Site Plan

