

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

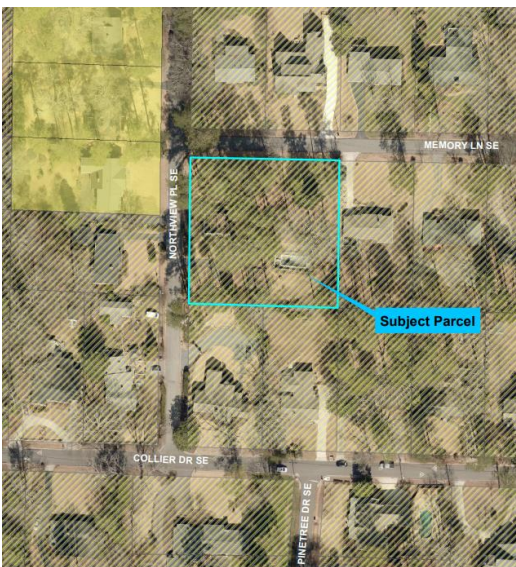
From: Russell Martin, AICP, Director of Community Development
Joey Staubes, AICP, Planner II

Date: November 3 2020

CC: License and Variance Board
Joe Bennett, Interim City Administrator

RE: **Appeal of Variance Approval to allow reduction of minimum lot size – 1460 Memory Lane**

Applicant:	<u>CMS Custom Homes, LLC</u>	Existing Zoning:	<u>R-20</u>
Titleholder:	<u>CMS Custom Homes, LLC</u>	Proposed Zoning:	<u>R-20</u>
Location:	<u>1460 Memory Lane</u>	Size of Tract:	<u>0.90 acres</u>
Land Lot:	<u>557</u>	Contiguous Zoning:	
Ward:	<u>6</u>	North	R-20
Access:	<u>Memory Lane & Northview Place</u>	South	R-20
Existing Improvements:	<u>Vacant Lot</u>	East	R-20
		West	R-15 & R-20



Proposed Use: The applicant is requesting a reduction in lot size from 20,000 sq. ft. to 19,463 sq. ft. for the development of two new single-family homes.

Staff Recommendation: Approval of the variance to reduce lot size from 20,000 sq. ft. to 19,463 sq. ft.

License and Variance Board Recommendation: Approve by a vote of 3-0 at the October 14, 2020 meeting.

BACKGROUND

CMS Custom Homes, LLC is seeking approval for a reduction in minimum lot size at 1460 Memory Lane for the development of two single-family detached residences at a density of 2.22 units per acre. The proposed lots will be 19,463 sq. ft. and 19,594 sq. ft. (or 18,018 sq. ft. and 19,094 sq. ft. after the 5' right-of-way dedication along Memory Lane & Northview Place). Lot 1 will have a side entry garage accessed from Northview Place, and Lot 2 will have a front entry garage accessed from Memory Lane. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick, stone, and siding for the façade materials for each home.

The subdivision was created in 1951 and the subject property was originally two lots (Lot #11 & #12 of the FM Collier Subdivision). The subject property was annexed into the city in 2001, and the R-20 zoning designation was applied to the subject property, even though the lots were below the minimum 20,000 sq. ft. lot area requirement, making the lots non-conforming lots under the R-20 zoning district. The subject property was later consolidated into one lot when a single-family home was built over the lot line separating the two lots. In addition, a swimming pool was constructed on the property, further in supporting the property was consolidated because accessory uses must be located on the same lot as the principal building (home) per section 501.1 of the zoning ordinance.

That home has been demolished within the last year. The applicant is requesting to revert to the original subdivision plan with the lot configuration as originally platted. The number of units and density will remain unchanged from the original subdivision plan. The lots in the immediate area are zoned R-20, however many are non-conforming and are also below the 20,000 square foot lot minimum. Therefore, if the rezoning is approved, the lots would be consistent with the other non-conforming lots immediately adjacent to the subject property.

The applicant requested a rezoning in 2019 from R-20 to R-15. During the Planning and Zoning Board meeting on December 9, 2019, several members of the community had concerns that rezoning to the subject property to R-15 would set a negative precedent and allow other lots in the area to be rezoned to R-15 allowing additional density in the neighborhood. After hearing those concerns, the Planning and Zoning Board recommended to deny the request by a vote of 7-0. Thereafter, staff recommended modifying the requested zoning category from R-15 to R-20-Conditional with variances for the lot sizes to maintain the R-20 zoning designation in the immediate neighborhood. Mayor and Council voted 6-1 to deny the request at the February 17, 2020 meeting.

The applicant subsequently submitted a variance application on September 2, 2020 to lower the minimum lot size to 19,463 sq. ft.

The License and Variance Board held a public hearing for the variance and recommended approval by a vote of 3-0 at the October 14, 2020 meeting. An appeal was filed by adjacent property owners on October 23, 2020.

STAFF COMMENTS

Engineering Review

The City Engineer has reviewed the proposed variance with respect to transportation, stormwater management and stream buffer issues. In addition, each lot will have its own stormwater detention facility located at the rear of the property. The applicant has provided a site plan with the variance application for reference. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the site plan and believes it meets the Fire Code requirements for fire truck access and building separation requirements.

Planning Review

The proposed variance would provide for two (2) new residences at density of 2.22 units per acre. The subject property is located in an area with a future land use designation of Low Density Residential (up to 3 units per acre). The proposed lot sizes and widths are in line with other nearby developments. Table 2 below shows the infill development in the immediate area as it relates to density, lot size and lot width. As mentioned previously, many of the adjacent properties are zoned R-20 but are below the minimum 20,000 square foot area requirement. The proposed development, if approved, will be consistent with the other non-conforming lots that were created by the original subdivision plat in the 1950's.

Table 2: Proposed Development vs. Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	1460 Memory Ln	2 (2 units)	2.22	19,463	100'
Existing Use	1460 Memory Ln	1 (1 units)	1.11	39,057	100'
Stonegate	Stonegate Ln	8	1.72	20,000	100'
Collier Place	Collier Place	18	4.3	6,545	53'

The unique and special circumstances of the subject property are that it was originally subdivided in 1951, as were other lots in the immediate area. There are several lots that are now non-conforming as they are below the minimum lot size of the R-20 zoning district when

they were annexed in 2001. The hardship is not self-created since the subject property is consistent with other non-conforming lots in the immediate area. Strict application of the relevant provisions would deny the applicant the ability to revert to the original subdivision plat. The variance proposed is the minimum variance needed and would be consistent with other lots in the immediate area with respect to lot size.

Community Development has reviewed the variance request against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The construction of the two single-family homes will not exceed the density established under the original subdivision plan. The proposed lots will have the same lot width and lot area as the existing lots in the neighborhood and comparable to the original subdivision plat. The proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.

STAFF RECOMMENDATION

Community Development is supportive of the variance request for reduction of minimum lot size from 20,000 sq. ft. to 19,463 sq. ft. Staff feels comfortable that this will not create a future precedent due to this property previously being two recorded lots of record and tying approval of the request to the specific site plan. Therefore, Community Development recommends **approval** of the variance request for reduction of minimum lot size for the development of two single-family units at a density of 2.22 units per acre with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted on September 2, 2020.

Subject Property



Adjacent Properties





Proposed Site Plan

