

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: February 6, 2020

RE: VARIANCE CASE V20-001
840 Flagler Cir – Reduce front setback from 35 feet to 24 feet

VARIANCE CASE V20-002
840 Flagler Cir – Reduce side setback on northeast property line from 10 feet to 5 feet

VARIANCE CASE V20-003
840 Flagler Cir – Reduce rear setback from 30 feet to 12 feet for existing non-conforming accessory structure

VARIANCE CASE V20-004
840 Flagler Cir – Allow encroachment into 75 foot impervious surface setback for new single-family home

VARIANCE CASE V20-005
840 Flagler Cir – Allow encroachment into 50 foot undisturbed stream buffer for a concrete driveway

VARIANCE CASE V20-006
840 Flagler Cir – Increase accessory building size from 25% to 31%

BACKGROUND

The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions, stream buffer encroachments, and increases in the size of an accessory building. The applicant is proposing to build a new 3,200 square foot single-family home on a mostly undeveloped property within an existing subdivision. The applicant is proposing to keep the existing 992 square foot accessory structure on the property and maintain its use as a detached garage. Section 801 sets the setback requirements in the R-15 zoning district, Section 501 governs accessory structures, and stream buffers are controlled by Chapter 6, Article VI.

ANALYSIS

The subject parcel is located on the south side of Flagler Circle, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels are zoned R-15 and the adjoining parcels are occupied by single-family detached residences. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home. The property currently has a detached garage, built in 1975 per the Cobb County Tax Assessor's Office. The applicant plans on keeping the accessory structure on the property and continuing its use as a garage by adding a new concrete driveway from the structure for better access off Flagler Circle.

The applicant is proposing to build a 3,200 square foot two-story single-family home on the subject property. The subject property is greatly impacted by the City's 50 foot undisturbed buffer as well as the City's 75 foot impervious surface setback due to the creek that runs along the west side of the property. The applicant has requested a front and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.

The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the front yard disturbance by planting the rear yard with a vegetative buffer. Although there will be a loss in buffer volume this way, there will be an increase in quality to the buffer. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

The existing 992 square foot accessory structure is currently encroaching into the rear setback of the property by 18 feet. Due to the existing concrete footprint, the applicant is proposing to maintain the garage within the rear setback to minimize disturbance to the existing trees and surrounding neighbors. The applicant is planning on cutting into the concrete siding to install a new garage door as well as some other minor adjustments to the structure. Since the improvements are less than 50% of the assessed value of the structure, it will not currently be required to be brought up to the Flood Ordinance requirements. Finally, to keep the existing structure, the applicant is requesting a variance to increase the allowable size from 25% of the principal building to 31% of the principal building.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted. 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 following: rear setback of 35 feet, side setback of 10 feet, rear setback of 30 feet, the City's 50 foot undisturbed buffer, the 75 foot impervious surface setback, and maximum accessory structure size of 25% of the main structure. The applicant is requesting variances to reduce the front setback from 35 feet to 24 feet, reduce the side setback on the northeast property line from 10 feet to 5 feet, reduce the rear setback from 30 feet to 12 feet, allow encroachment into the City's 75 feet impervious surface setback, allow encroachment into the City's 50 feet undisturbed buffer, and increase the allowed accessory structure size from 25% to 31% of the main structure. 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-

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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 calls in opposition to the 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 conditions:

1. Approval is conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall plant the area shown as the relocated buffer on the site plan with native riparian vegetation as approved by the City Engineer.
3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.

Figure – 1



Figure - 2
Proposed Site Plan

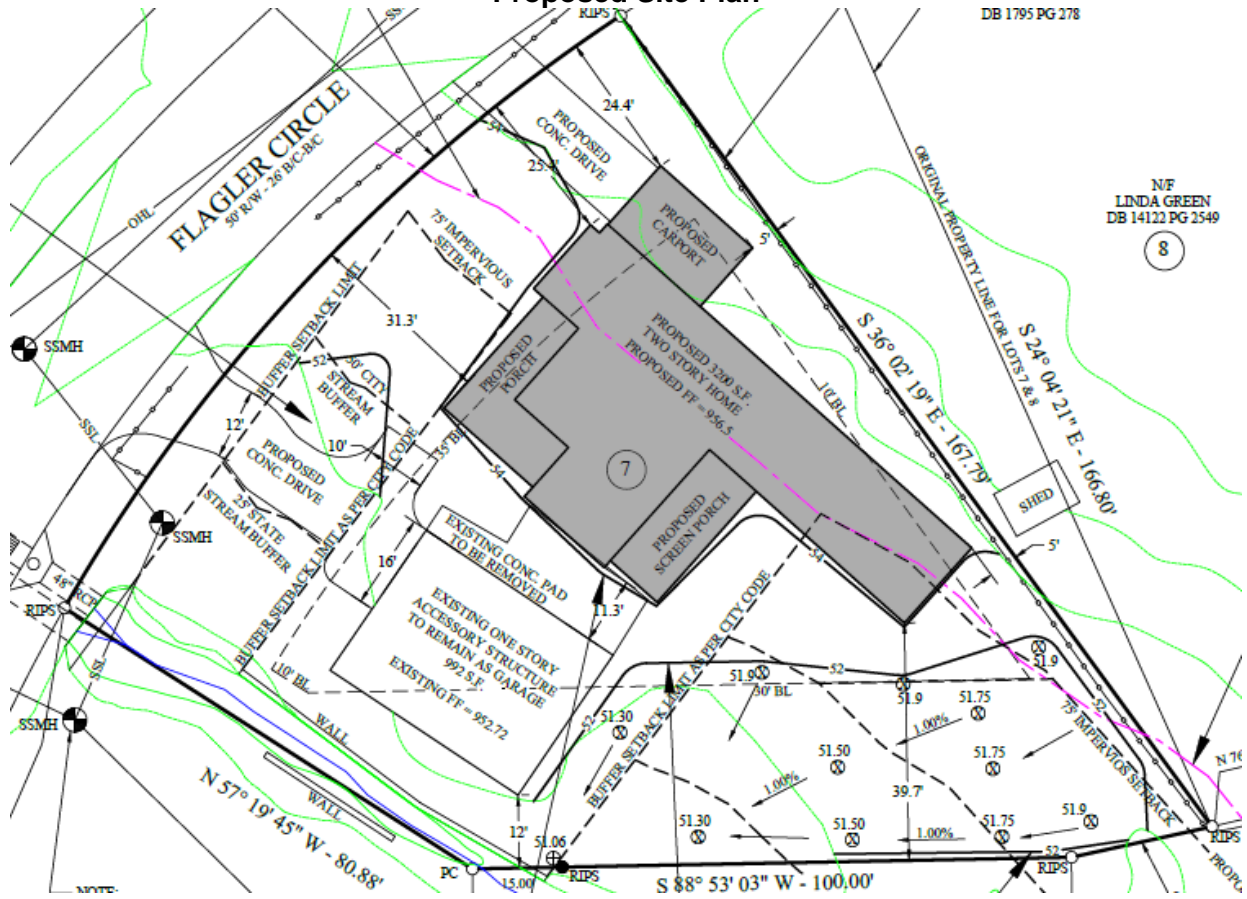


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property



Figure – 7
Adjacent Property



Figure – 8
Adjacent Property



Figure – 9
Proposed Front Elevation



Figure – 10
Proposed Side Elevation

