

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 13, 2021

RE: VARIANCE CASE V21-040
3766 Ashwood Drive – Reduce the rear setback from 35 feet to 25 feet for a building addition

BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 35 feet to 25 feet to build a building addition with a 3-car garage and second floor storage area on an existing home with a non-conforming rear setback. Section 801 of the zoning ordinance requires a rear setback of 35 feet for lots zoned R-20.

ANALYSIS

The subject parcel is a 0.44-acre lot located on the south side of Ashwood Drive, near the intersection of Ashwood Drive and Hickory Circle (see Figure 1). The subject parcel and adjacent parcels to the east and west are all zoned R-20 while the adjacent parcels to the north are zoned R-15; all are occupied by detached single-family homes. The adjacent parcel to the south is zoned RM-12 and is occupied by an apartment complex.

The applicant is proposing to remodel the existing 1,912 square foot two-story home by adding a roughly 1,314 square foot building addition with a 3-car garage and a second-floor storage area off the eastern side of the home. The existing home is pushed to the rear of the property with a large front yard. The subject property was constructed in 1972 and has a non-conforming rear setback of roughly 20 feet from the rear property line. The requested rear setback is based off the location of the rear of the existing home (excluding the large wooden deck). The proposed building addition encroaches into the rear setback, but not closer than the existing home to the rear property line. Moreover, the building on the adjacent property to the south is over 100 feet away from the proposed addition.

As noted above, the existing one-story structure is 1,912 square feet while the minimum house size of R-20 is 2,100 square feet. With the addition, the home will be roughly 3,226 square feet, bringing the home into compliance with the R-20 floor area requirement.

The subject property was constructed prior to the adoption of the zoning ordinance and has an existing non-conforming setback and is below the minimum house size. Strict application of the rear setback requirement would require the garage be pushed in front of the home, causing the

garage to be the central focus of the home as opposed to the home itself. Community Development believes the variance requested is the minimum variance needed to build the garage addition. The hardship is not self-created, as the original home was built prior to the adoption of the zoning ordinance. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district, which requires a minimum rear yard setback of 35 feet. 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 the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances 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.

Figure – 1



Figure - 2
Site Plan

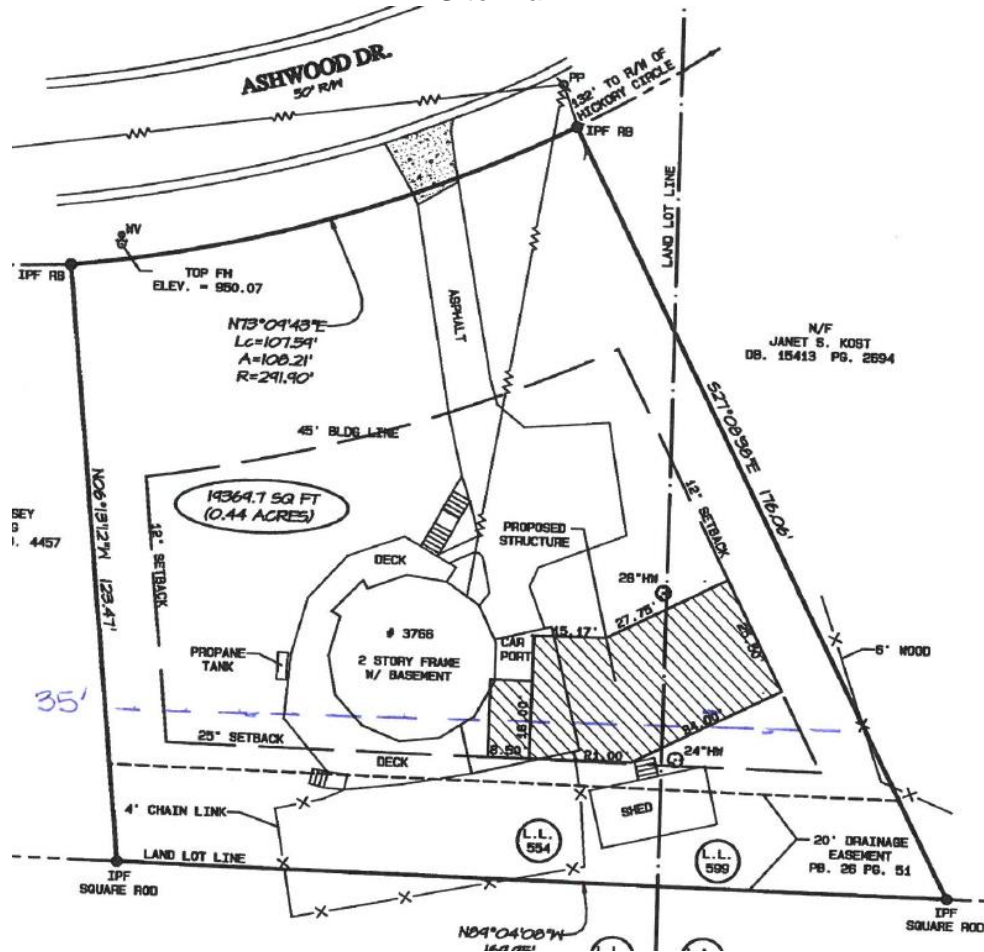


Figure - 3
Front Garage Elevation



Figure – 4
Subject Property



Figure – 5
Proposed Garage Location



Figure – 6
Adjacent Property across Ashwood Drive



Figure – 7
Adjacent Property to the West



Figure – 8
Adjacent Property to the East

