

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

---

To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, Planner - I

Date: May 21, 2014

RE: **VARIANCE CASE V14-016**  
**1257 Pinehurst Cir – Reduction of side setback from 10 feet to 1 feet.**

---

#### **BACKGROUND**

The applicant is requesting a variance to reduce the side yard setback for 1257 Pinehurst Cir from 10 feet to 1 foot for the construction of carport on a single-family residence. The development standards established by the City for the R-15 zoning district require a minimum side yard setback of 10 feet.

---

#### **ANALYSIS**

The subject parcel is located on the south side of Pinehurst Circle (See Figure 1). The subject parcel and all adjoining parcels to the north, east, and west are zoned R-15 and the parcel to the south is zoned R-20, and all are occupied by single-family detached residences (See Figures 3, 4 & 5).

The applicant is requesting a variance to reduce the side setback from 10 feet to 1 foot to allow for the construction of a carport on an existing single family residence. The applicant is proposing to enclose her existing carport to create 200 square feet of livable area so that she may care for an aging relative. The current home is 1000 square feet. Enclosing the existing carport will add another 200 square feet of heated floor area. The applicant is proposing to build a new carport, next to the existing carport over an existing driveway which runs along the property line. Due to the configuration of the lot in relation to the street, the side property line angles towards the house. The applicant will require a variance to build the carport, as it will encroach 9 feet into the setback.

The steep front yard eliminates the possibility of building a covered parking area within the front yard without expensive retaining walls and without significant grading to change the slope of the property. Also, the aging relative would not be able to manage the slope of the driveway at the front of the house unless a change in grade is made. The areas of the driveway within the setback are directly in front of the house which would create an architectural feature out of keeping with the neighborhood if the carport was built in this location. The carport will not create additional impervious area and thus not increase runoff. The proposed carport will be constructed over an existing section of the concrete driveway and will have appropriate gutters

and downspouts to convey water away from neighbor's property. The neighbor's view of the carport will be partially blocked by their existing vegetation.

The placement and orientation of the house and driveway has existed since it was built so the hardship is not self created. Strict application of the ordinance would deny the applicant the ability to construct the carport. The variance proposed is the minimum variance needed, as placing the addition anywhere else on the property is not feasible due to topographical conditions. The adjacent property owner has been notified of the request and has not expressed any opposition. Several variances for side setback reductions in the City have been approved by the License and Variance Board, most recently V14-007, approved April 9, 2014 for a reduction to 0 feet for a new carport.

---

#### **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 minimum side yard setback of 10 feet. The applicant is requesting a reduction of the side setback for 1257 Pinehurst Circle to 1 feet for the construction of a car port on a single-family home. 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. Similar variances have been approved throughout the city so no negative precedent would be set. At the time of this report, Community Development has not received any phone calls regarding the variance 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. Appropriate gutters and downspouts will be installed to divert stormwater away from adjacent property, prior to final inspection.

Figure - 1



**Figure – 2**  
**Subject Property**



**Figure – 3**  
**Adjacent Property to the East**



**Figure – 4**  
**Adjacent Property to West**



**Figure – 5**  
**Sideview of Subject Property**

