

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 V20-010
3463 Lee Street – Reduce the rear setback from 35 feet to 19 feet for an addition

VARIANCE CASE V20-011
3463 Lee Street – Reduce the side setback from 12 feet to 1 foot for an addition

BACKGROUND

The applicant is requesting two variances to build an addition on an existing home with a non-conforming rear setback. Section 801 of the zoning ordinance requires a rear setback of 35 feet and a side setback of 12 feet for R-20 lots.

ANALYSIS

The subject parcel is a 0.36-acre lot located on the southern intersection of Lee Street and Forest Drive (see Figure 1). The subject parcel is zoned R-20 and is occupied by a single-family home. The adjacent parcels to the north and west are also zoned R-20. The adjacent parcels to the north, east, south, and west are zoned R-20. All adjacent properties are occupied by single-family residences.

The applicant is proposing to remodel a one-story home by adding an addition in the rear for a new master bedroom, bathroom, and covered porch. The existing home sits catty-corner on the property, pushed to the rear of the property with a large front yard. According to Section 402.35, the front yard of the property is deemed the side with the least road frontage, in this case, the Lee Street side since it is smaller by 3.73 feet. Due to the orientation of the existing structure on the property and the existing layout of the home, the most logical area to put the additions was in the rear of the property. The subject property was constructed in 1955 and has a non-conforming rear setback of 19.1 feet from the rear property line. The requested rear setback is based off the location of the rear of the existing home. The proposed addition encroaches into the rear setback, but not closer than the existing home.

Additionally, the existing one-story structure is 1,107 sq. ft., while the minimum house size of R-20 is 2,100 sq. ft. With the addition, the home will be 1,860 sq. ft, bringing the home closer to compliance. The adjacent building to the south will exceed the minimum 10 feet of separation from the subject property, thus no fire suppression system is required.

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 ordinance would require the foundation be removed and reconfigured, resulting in additional land disturbance. Community Development believes the variances requested are the minimum variances needed to build the addition. The hardship is not self-imposed, 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 variances be approved. 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 R-20 zoning district, which requires a minimum rear yard setback of 35 feet and a side setback of 12 feet. The applicant is requesting two variances to build an addition on the existing non-conforming setback at 3463 Lee St. 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. 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 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

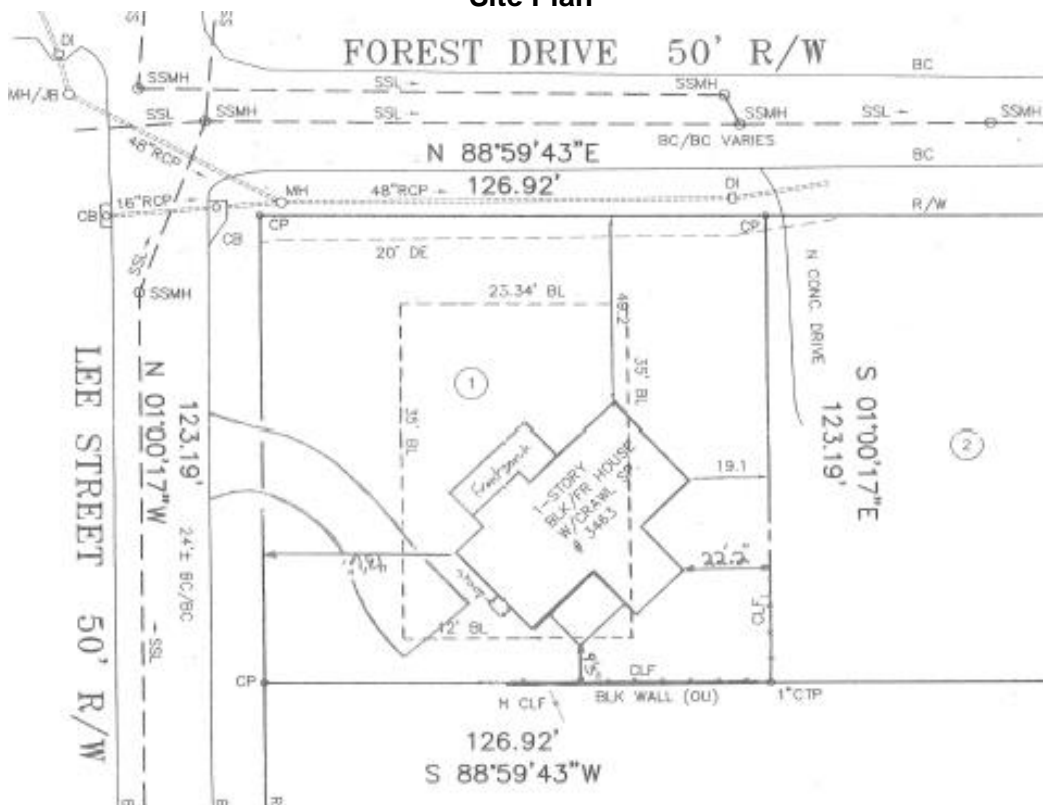


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property to the West



**Figure – 7
Elevations**

