

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 13, 2021

RE: **VARIANCE CASE V21-077**
984 Bank Street – Reduce the front setback from 35 feet to 25 feet

BACKGROUND

The applicant is requesting a variance to reduce the front setback for 984 Bank Street from 35 feet to 25 feet for the construction of a front porch. The minimum front setback is required based upon the standards associated with the R-15 zoning district per Section 801 of the Zoning Code.

ANALYSIS

The subject parcel is a 0.30-acre lot located on the south side of Bank Street, at the intersection of Bank Street and Fraser Street (see Figure 1). The subject parcel and all adjacent properties to the north, east and west are zoned R-15 and are occupied by single-family residences. The subject property to the south is zoned RM-12 and is occupied by the Madison Station condominiums.

The applicant currently has an uncovered 6-foot x 6-foot (36 square feet) front stoop on the existing home. The applicant is proposing to replace the existing stoop with an 8-foot x 16-foot (128 square foot) covered front porch with a gable roof. This will allow the applicant to enjoy the front yard as well as enter the home in inclement weather more easily. The existing home is currently 3 feet from the front setback line, leaving little room for a roof on the existing front porch, much less any other frontward expansion. The applicant has proposed the new porch will be 28 feet from the front property line and will encroach on the front setback by 7 feet. However, after staff went onsite and measured the house to the curb (38 feet) and taking into account the roughly 5 feet of City right-of-way, the new front porch will actually be roughly 25 feet from property line. Therefore, the variance request is to reduce the front setback from 35 feet to 25 feet.

The existing home was constructed in 1954, prior to the adoption of the zoning ordinance. Community Development believes the variance requested is the minimum variance needed to construct a usable front porch in the front yard. 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. Similar variance requests were approved up the street at 2759 Fraser Street in 2013 (V13-004) and 2749 Fraser Street in 2019 (V19-060).

STAFF COMMENTS

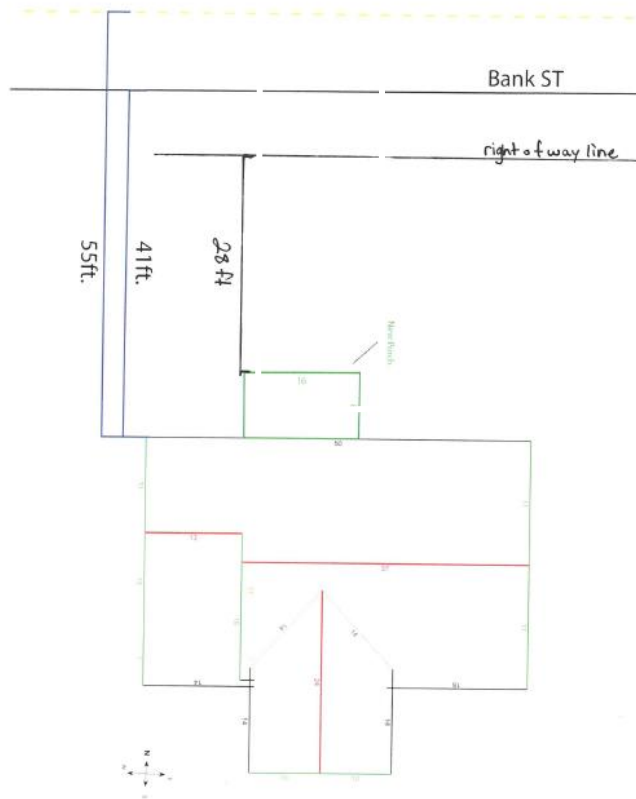
The applicant requests a variance to reduce the front setback for 984 Bank Street from 35 feet to 28 feet for the construction of a front porch. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary 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. Furthermore, there is a precedent for variances of this type in the area. 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 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 – 2
Proposed Elevations**



Figure – 2
Subject Property



Figure – 3
Adjacent Property to the West



Figure - 4
Adjacent Property to the East



Figure - 5
Adjacent Property across Bank Street

