

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 6, 2021

RE: VARIANCE CASE V21-034
3937 North Cooper Lake Road – Reduce driveway side setback from 5 feet to 0 feet

BACKGROUND

The applicant is requesting a variance to reduce the driveway setback from 5 feet to 0 feet for the construction of a new single-family home at 3937 North Cooper Lake Road. The development standards established by the City for the R-15 zoning district require a minimum driveway setback of 5 feet.

ANALYSIS

The subject parcel is a 0.34-acre lot located on the east side of North Cooper Lake Road (see Figure 1). The subject property and all adjacent parcels are zoned R-15 and are all occupied by single-family detached homes, with the exception of the parcel to the east, which is the subdivision's detention facility.

In January 2019, the former property owners subdivided the 2.28-acre property on the corner of North Cooper Lake Road and Reed Road into 5 separate lots, one of which is the subject property. No variances nor rezoning was required at that time since each lot could meet the minimum R-15 zoning requirements. Since the subdivided plat was recorded, a land disturbance permit was issued to grade the property for the new homes. The subject property is currently vacant, so the applicant is proposing to build a new single-family detached residence with a side-entry garage. The applicant is requesting the variance to reduce the driveway setback to be on the property line in order to create the necessary turning radius to access the side-entry garage.

The applicant cited the sight distance issues on North Cooper Lake and the busy traffic along the road as part of the rationale to obtain the variance. Although staff agrees that North Cooper Lake Road is a busy road and there is a sight distance concern, this is a new home on a vacant lot that has no preexisting conditions that would create special circumstances nor extraordinary conditions to the lot to merit a required variance. The lot is a flat, rectangular lot with no lot geometry issues, topographical issues, nor environmental or site constraints. The hardship is self-created since the new home could be designed to accommodate either a side-entry garage by reducing the width of the home, or a front-entry garage with a bump out to allow cars to turn

around. Strict application of the Zoning Code would not deprive any reasonable use of the property since a different design would allow for the construction of a home that complies with the zoning requirements of the R-15 zoning district. Finally, the proposed variance is not the minimum variance needed because the home can be built to meet the minimum zoning requirements and the requested variance completely eliminates the driveway setback requirement.

At the time of this report, there has been one phone call of public objection to the request.

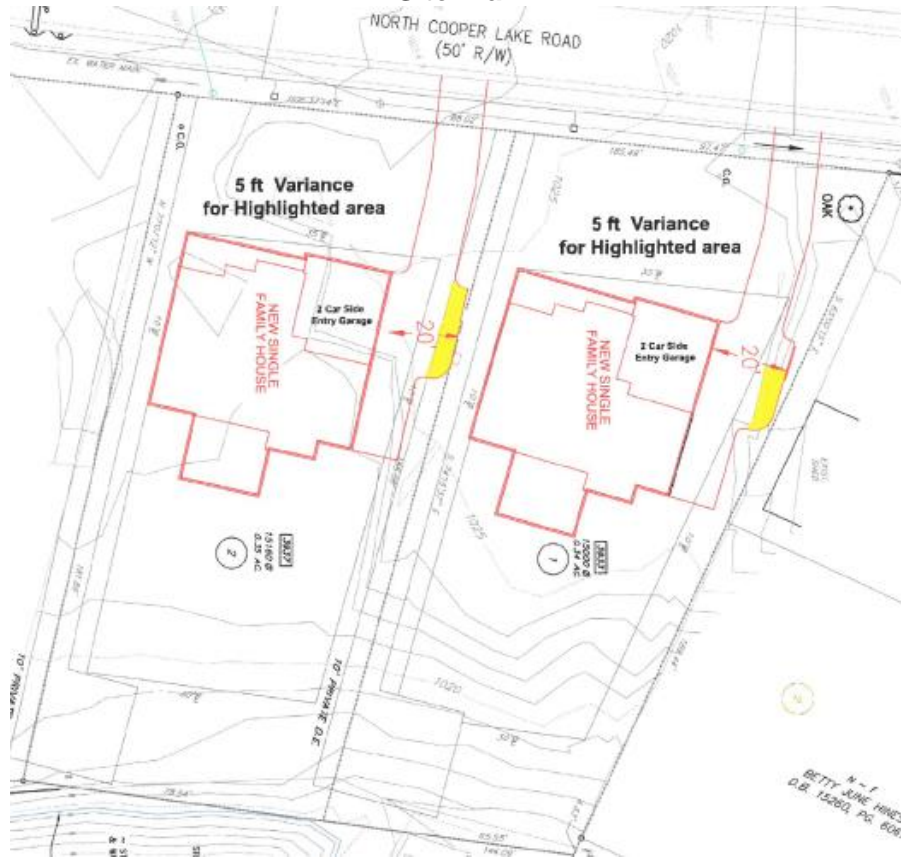
STAFF COMMENTS

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 not to be in compliance with any of the standards**, based on the lack of hardship and the self-creation of the variance request. Staff is not supportive of reducing the driveway side setback when adjustments could be made to accommodate City code. Community Development believes there are no unique and special extraordinary circumstances applying to the property to justify the variance requested. Strict application of the ordinance does not deprive the subject property owner of reasonable use of the property, as the lot can accommodate a single-family home to Code. After a review of the standards above, Community Development recommends **denial** of the requested variance.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Front Elevation**



Figure – 4
Subject Property



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across North Cooper Lake Road



Figure – 7
Adjacent Property to the South

