

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, AICP, Planner II

Date: April 6, 2017

**RE: VARIANCE CASE V17-019
3491 Vinings North Way – Allow reduction of side setback from 12 feet to 1 foot
for an addition to a single family residence.**

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 12 feet to 1 foot at 3491 Vinings North Way for an addition to a single family residence. Section 801 of the city's code of ordinance requires a side setback of 12 feet in the R-20 zoning district.

ANALYSIS

The subject parcel is located at the intersection of Vinings North Way and Vinings North Trail (see Figure 1). The subject parcel is zoned R-20, and is occupied by a single-family residence. The adjacent properties to the north, south, east, and west are zoned R-20 and are developed with detached single family homes.

The applicant is proposing to build an attached addition to the existing house. The addition is a pool house with an addition bedroom and bathroom. The addition is one story and approximately 27 x 39 feet. The addition will be utilized as a pool house with a bedroom and bathroom.

The subject property is a corner lot at the intersection of Vinings North Trail and Vinings North Way, thus the property has a front setback of 35 feet along both roads. The R-20 zoning district requires a rear setback of 35 feet and side setback of 12 feet. The subject property is approximately 21,000 sq. ft. Due to the constraints of the property given the restrictive setbacks, there is minimal area on the property to expand the existing house.

The area of the proposed addition is adjacent to the rear yard of the property to the south and the side yard of the property to the east; there are no structures on either properties in the area of the proposed addition. The subject property has a fence and retaining wall which provides a buffer to each property. If approved, the proposed structure should not negatively impact either adjacent property.

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The subject property is unique in that it requires 35 foot setbacks on three sides which greatly limit the buildable area of the property. The hardship is not self-created and is the minimum variance needed in order to build the addition. Strict application of the ordinance would deprive the applicant from building the proposed addition.

STAFF COMMENTS

The applicant is requesting to deviate from the City's side setback requirement of 12 feet in the R-20 zoning district, found in section 801 of the Zoning Ordinance. 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 requests against the variance review standards and found them to be in compliance with the review standards. Similar variances for accessory structure height and area increases have been granted, and Community Development believes that the requested variance will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance request. Therefore, Community Development recommends **approval** of the requested variance with the following conditions:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. The proposed addition is not permitted to have a full kitchen, or to be rented or occupied for gain.
3. Prior to final inspection, downspouts and gutters shall be installed to divert stormwater away from adjoining properties.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Adjacent Property to South

Figure – 4
Site Plan

