

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Bob Summerville, AICP - Planner I

Date: May 12, 2017

CC: Mayor and Council

RE: VARIANCE CASE V17-026
2139 Dundee Drive – Reduction of front setback from 35 to 28 feet for expansion of a front porch

BACKGROUND

The applicant is proposing to expand the front porch of an existing single family home with a front yard setback reduction from 35 to 28 feet. The front setback standard in the R-15 zoning district is 35-feet pursuant to Section 801 of the Smyrna zoning code.

ANALYSIS

Located in the R-15 zoning district, the subject single family residence was constructed in 1960 in The Highlands subdivision along the north side of Spring Road at its intersection with Glenroy Drive. Surrounding properties to the north, east, and west are in the R-15 district and were similarly developed with single family residential uses. Adjacent to the south of the site is a vacant City parcel. A seasonal creek straddles the site's rear (east) property line (see Figures 1 - 5).

In compliance with a condition of The Highlands subdivision plat, the subject ranch-style home was originally constructed with a front yard setback of 30-feet, five feet less than the 35-foot setback required under current zoning regulations. The applicant's current expansion began without the issuance of a building permit and extends the porch approximately 1.5 feet further into the front setback (see Site Plan, Figure 6), resulting in a front yard setback of approximately 28.5 feet (nearly a 7-foot encroachment into the required 35-foot setback).

The unique hardship applicable to this project regards the original construction of the applicant's home which was constructed with a 30-foot front yard setback in accordance with a condition of The Highlands Subdivision plat. Subsequently, the current zoning ordinance was adopted requiring a 35-foot front yard setback and rendering the home nonconforming.

Staff does not believe the proposed encroachment creates a visual impact to the streetscape, negative impacts to adjacent properties, nor the established character of the neighborhood. In

addition, the expanded porch adds sheltered area, facilitates easier access into the home for the elderly residents, and enhances the aesthetics of the house.

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 proposed variance is the minimum needed. Staff recommends **approval** of the variance request with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevation submitted with the variance application (date stamped May 4, 2017).

Figure 1 – Aerial Photo, Subject Property



Figure 2 – Front Elevation, Subject Property



Figure 3 – Adjacent Property to the West



Figure 4 – Adjacent Property to the South-West



Figure 5 – Adjacent Property to the North



Figure 6 – Site Plan

