

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: June 8, 2017

**RE: VARIANCE CASE V17-027
1408 Collier Drive – Reduction of Driveway Setback from 5 ft. to 3 ft.**

**VARIANCE CASE V17-028
1408 Collier Drive– Allow encroachment into 75 ft. Impervious Setback**

BACKGROUND

The applicant is requesting a variance to reduce the driveway setback from 5 ft. to 3 ft. and to allow encroachment into the city 75 ft. impervious setback for 1408 Collier Drive. The applicant proposes resurfacing the existing driveway and to construct an addition to the single family house. The existing driveway is non-conforming with respect to the driveway setback and impervious setback.

ANALYSIS

The subject parcel is located on the south side of Collier Drive (See Figure 1). The subject parcel and adjoining parcels to the north, south, east and west are zoned R-20. All are occupied by single-family detached residences. The subject property is 0.65 acres and a stream exists adjacent to the west side property line.

The subject property consists of a one-story single family home with basement. The applicant proposes modifying the structure into a two-story single family home with basement. Along with the second level addition, the applicant proposes adding an elevated screened porch and elevated deck accessible from the second level. The elevated porch and deck are proposed over the existing driveway on the west side of the property. This area of the property is within the 75 ft. impervious setback. The proposed addition does not increase impervious area in the buffer, only to replace the existing driveway and build the elevated porch and deck above it.

The main driveway is along the east side of the property and extends nearly across the side property line. The applicant is proposing to resurface the existing driveway and plans to reinstate a portion of the non-conforming setback. However, the placement of the existing home limits how far the driveway alignment may be shifted, thus a driveway setback of 3 ft., rather than 5 ft., is requested. The applicant is also proposing an additional access point on Collier

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Drive to create a circular drive. A small portion of this improvement will extend into the impervious setback.

The applicant has consulted with the City Engineer regarding reasonable methods of ensuring water quality and channel protection on site. A 10 ft. by 60 ft. bio-retention area is shown on the site plan for conceptual purposes and is a feasible solution. The bio-retention area will function to collect the additional run-off as well as to provide water quality measures ensuring the long-term viability of the stream. Prior to issuing permits, specific details for stormwater management will be submitted, and are subject to approval by the City Engineer.

Community Development believes the variance requested is the minimum variance needed, while also improving existing conditions on the subject property. The addition will bring the non-conforming house size into compliance. The hardships on the subject property are not self-created as they have existed since the lot was created.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the R-20 zoning district, as well as the impervious setback requirement. The applicant requests encroachment into the 75 ft. impervious setback, where impervious materials currently exist and a driveway setback reduction where a driveway currently exists. 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 variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Eastern Perspective



Figure – 4
Western Perspective



Figure – 5
Proposed Plan

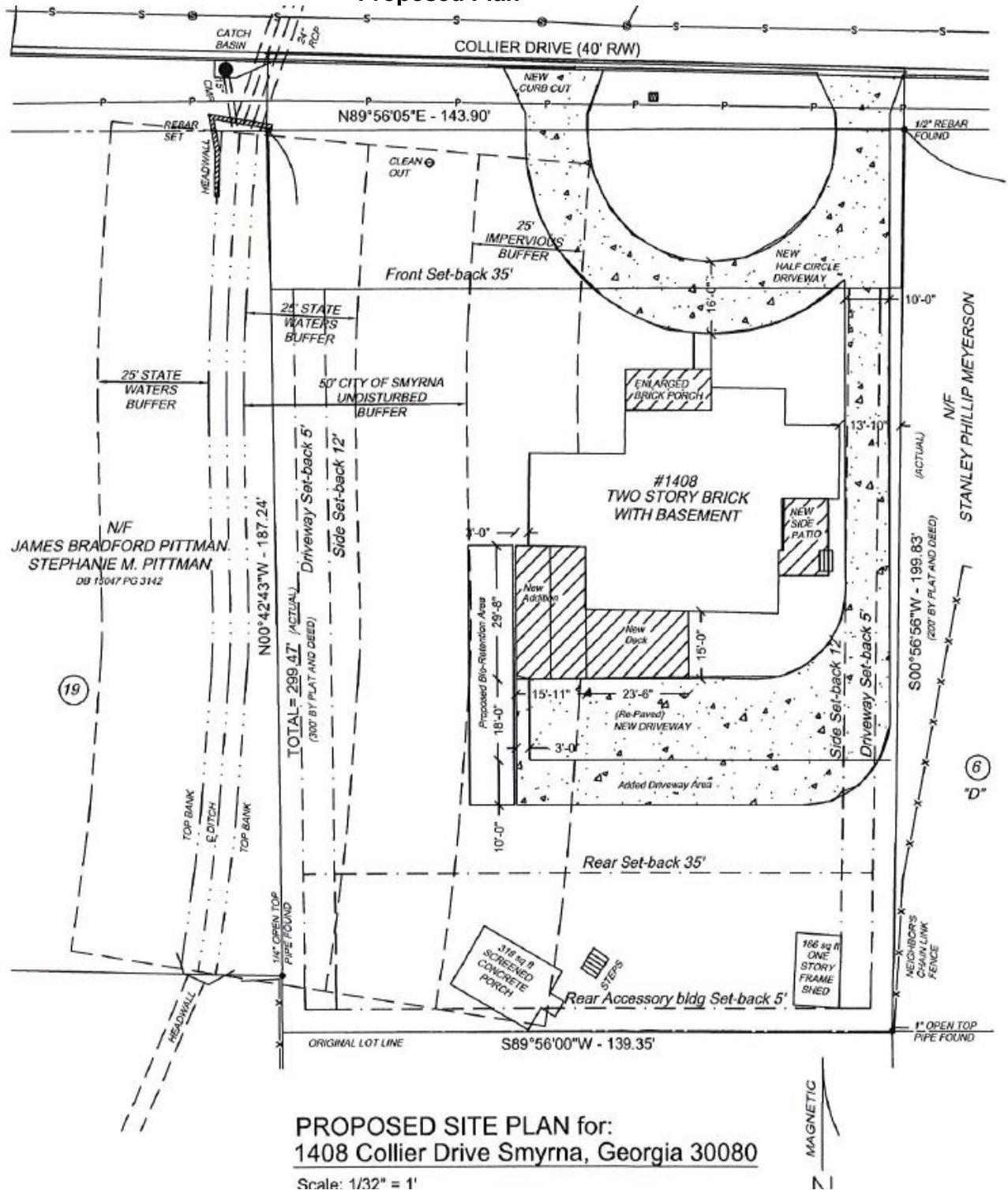


Figure - 6
As-Built Survey

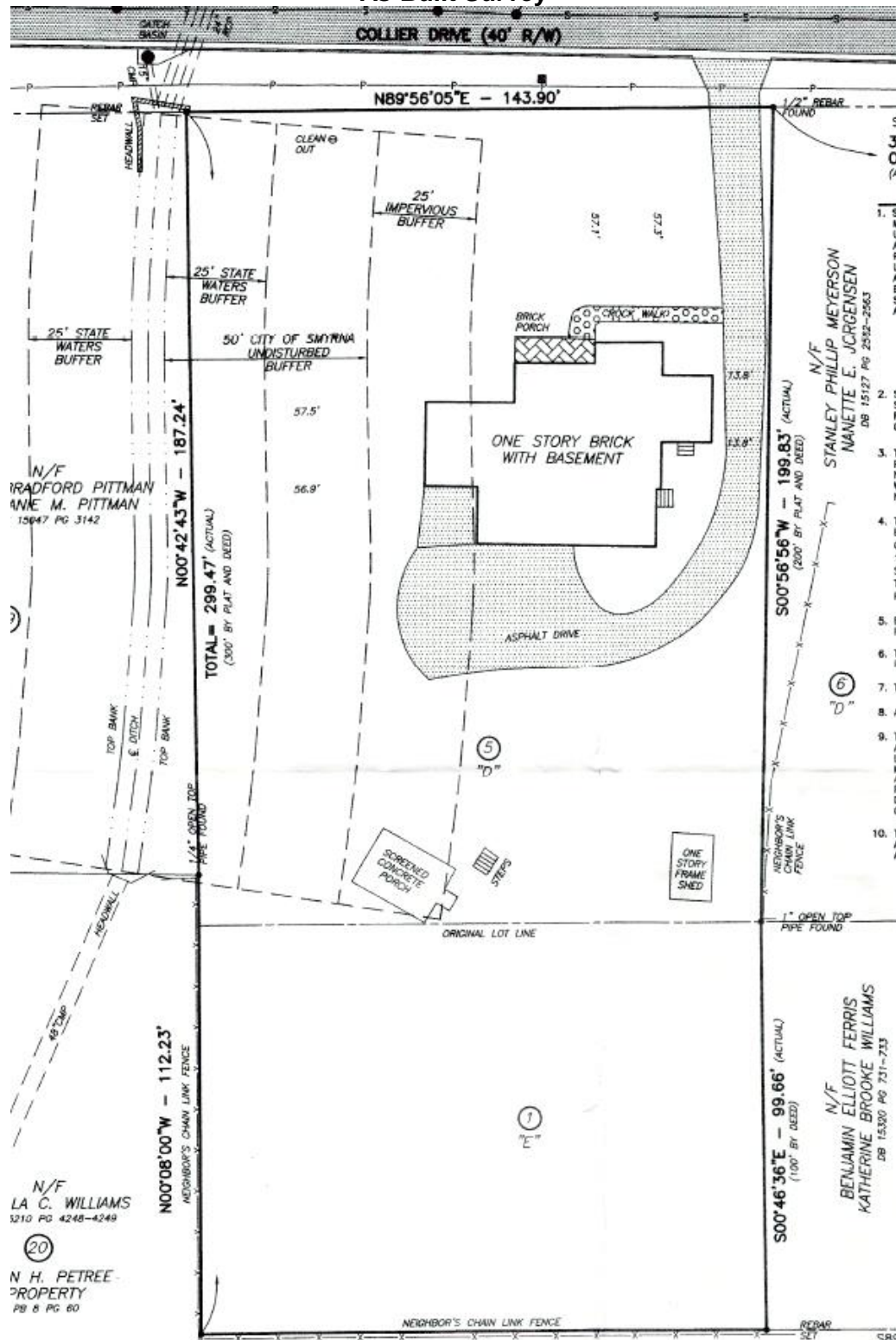


Figure – 7
Proposed Rear Elevation

