

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 V17-032
1215 Hill Street – Allow reduction of rear setback from 20 ft. to 9.6 ft. for addition of a covered patio

BACKGROUND

The applicant is requesting a variance to reduce the rear setback from 20 ft. to 9.6 ft. at 1215 Hill Street for an addition to a single family residence. Section 801 of the city's code of ordinance requires a rear setback of 20 feet in the RAD zoning district.

ANALYSIS

The subject parcel is located to the north of Hill Street, within the Village Walk subdivision (see Figure 1). The subject parcel is zoned RAD, and is occupied by a two story single-family residence. The adjacent properties to the north, south, east and west are zoned RAD and are developed with detached single family homes. The subject property is approximately .129 acres (5,648 sq. ft.) and the existing two-story single family home is 3,433 sq. ft.

The applicant is proposing to cover and expand the existing patio which is 14 ft. wide by 12 ft. in depth in the rear yard. The expanded covered patio is proposed to be 18.5 ft. wide by 12 ft. in depth (see Figure 6). The proposed addition will encroach the rear setback no further than the existing at grade patio. Since the patio is currently at grade, it is not subject to setback requirements. The subject property is 89 ft. in depth, with a front and rear setback of 20 ft. each. As proposed, the addition will require a rear setback reduction from 20 ft. to 9.6 ft. The adjacent property to the rear is occupied by townhomes within the same subdivision. A row of evergreen shrubs and six foot wooden privacy fence extend along the rear property line providing a visual buffer between the two sections (see Figure 5). While the roof may be visible from adjacent properties, the majority of the addition will be screened by established buffers.

In conjunction with the covered patio addition, the applicant is proposing a freestanding fireplace in the rear yard that will provide an additional visual buffer to adjoining properties. As the fireplace is freestanding it is considered an accessory structure it is only subject to a 5 ft. rear setback and no variance is necessary. The fireplace is shown only to disclose the totality of improvements proposed for the subject property. The total impervious area will be just below

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the 45% coverage maximum. The applicant proposes improvements to enhance drainage of the site, so that no negative impacts to adjacent properties occur.

The applicant is proposing to cover the existing at grade patio at the rear of the subject property. The subject property is unique given the limited buildable area available. As the patio is an existing condition, there is negligible additional impervious area added to the property. Despite the addition remaining as outdoor space, strict application of the ordinance would disallow the improvement without a variance. Community Development believes the request is the minimum variance needed.

STAFF COMMENTS

The applicant is requesting a reduction of the rear setback from 20 ft. to 9.6 ft, at 1215 Hill Street. 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 rear setback reductions 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 condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. Applicant will implement stormwater management best management practices, subject to approval by the City Engineer, to ensure adjacent properties are not adversely impacted .

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An aerial photograph of a residential development. The image shows several large, multi-unit buildings with grey roofs and white walls. The buildings are arranged in a U-shape around a central area. A yellow rectangle highlights a specific lot, labeled '1215', which is identified as the 'SITE' by a callout box. Other lots are labeled with numbers: 1180, 1201, 1207, 1210, 1214, 1216, 1219, 1220, 1221, 1222, 1223, 1225, 1226, 1227, 1231, 1233, 1260, and 2620. The surrounding area includes trees, a parking lot, and a road.

**ZONING
VARIANCE NOTICE**
 ANY VIOLATION AND NON-DEED TO THIS
 CITY GOVERNMENT OR VIOLATION OF
 ZONING ORDINANCE WILL BE PROSECUTED
 BY THE CITY OF CHICAGO

05/31/2017

Figure – 3
Adjacent Property



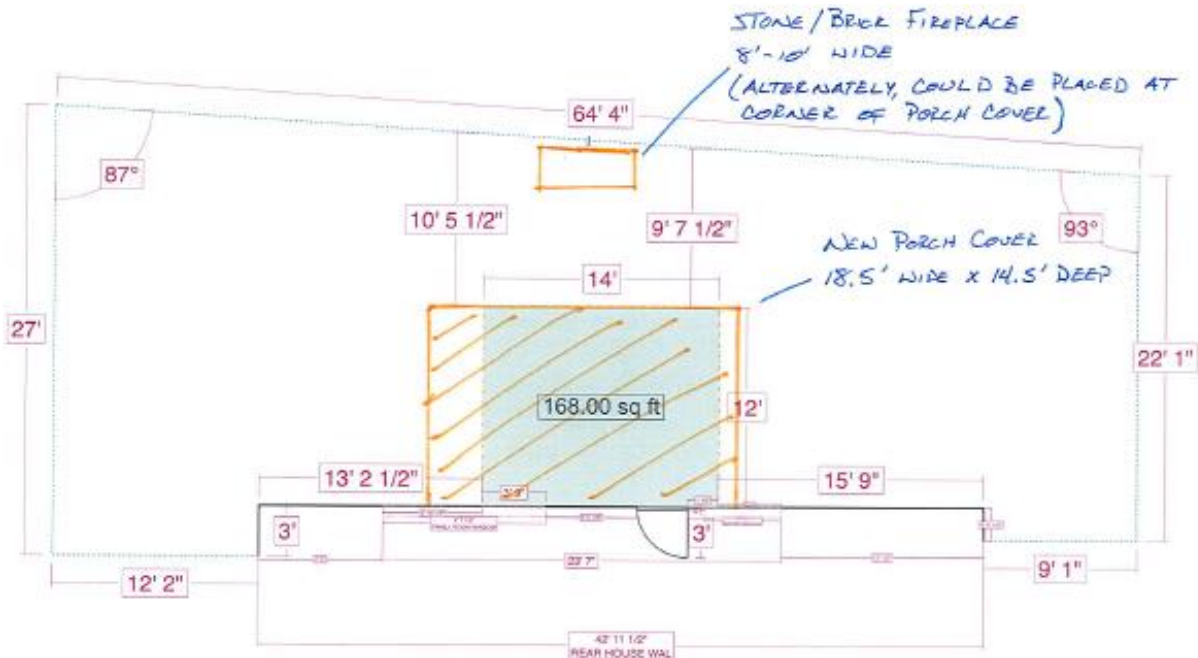
Figure – 4
Adjacent Property



Figure – 5
Adjacent Townhomes



**Figure – 6
Site Plan**



**Figure – 7
Example of Proposed Improvement**

