

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: October 6, 2017

**RE: VARIANCE CASE V17-051
861 Wayland Court– Allow reduction of front setback from 35 feet to 30 feet for an
addition to a single family residence**

BACKGROUND

The applicant is requesting a variance to reduce the front setback from 35 feet to 30 feet at 861 Wayland Court for an addition to an existing single family residence. The existing structure is non-conforming being 31 feet from the front property line instead of 35 feet, and the applicant wishes to maintain the existing building line. Section 801 of the city's code of ordinance requires a front setback of 35 feet in the R-15 zoning district.

ANALYSIS

The subject parcel is located on the north of Wayland Court (see Figure 1). The subject parcel is zoned R-15, and is occupied by a single-family residence. The adjacent properties to the north, south, east, and west are zoned R-15 and are developed with detached single family homes, except to the north which is used as a park.

The applicant proposes to remodel the existing structure by adding additional square footage to the front of the house, as well as to add an attached garage to the back of the house. The existing home is 31 feet from the front property line. The existing structure is non-conforming being 31 feet from the front property line instead of 35 feet, and the applicant wishes to maintain the existing building line. There are various front setbacks in the neighborhood; thus if approved the proposal would remain consistent with the neighborhood character.

One note to clarify, the application for the subject property also lists a rear setback reduction. After further review staff determined that no such variance was needed since the proposed plan meets rear setback requirements as it is shown.

The location of the home on the subject property is a unique condition that limits how the existing home may be remodeled. Community Development believes the variance requested is the minimum variance needed to build the addition, and that the addition will substantially improve the front façade. Strict application of the code would not deprive the applicant of

reasonable use of the property; however granting a waiver from the code will result in a front façade that is more typical of the neighborhood character.

STAFF COMMENTS

The applicant is requesting to deviate from the City's front setback requirement of 35 feet in the R-15 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 request against the variance review standards and found them to be in compliance with the review standards. Similar variances for additions 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 variances 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.

Figure – 1
Aerial of Subject Property



Figure – 2
Subject Property



Figure – 3
Side of Subject Property and Adjacent Property



Figure – 4
Adjacent Property



Figure – 5
Proposed Site Plan

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