

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

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

Date: February 7, 2018

**RE: VARIANCE CASE V18-007  
1272 Kingsview Cir – Allow encroachment into 50 ft. Undisturbed Stream Buffer  
VARIANCE CASE V18-008  
1272 Kingsview Cir – Allow encroachment into 75 ft. Impervious Surface Setback**

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## **BACKGROUND**

The applicant is requesting two variances, allowing encroachment into the City's 50 ft. undisturbed buffer and the City's 75 ft. impervious surface setback. The applicant is proposing to construct a new single family home on the undeveloped property. Stream buffers are controlled by Chapter 6, Article VI.

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## **ANALYSIS**

The subject parcel is located on the east side of Kingsview Circle (See Figure 1). The subject parcel and adjoining parcels to the north, south, east, and west are zoned R-15 and all are occupied by single-family detached residences (See Figures 3 & 4). The Kingsview subdivision was created in 1965, and the property is an existing lot of record, however the property has yet to be developed.

The applicant is proposing to build a two story, single family home, approximately 2,200 sq. ft. in area on the subject property. The subject property is greatly impacted by the state 25 ft. undisturbed buffer, the city's 50 ft. undisturbed buffer, as well as the city's 75 ft. impervious surface setback. The house is oriented so that the state buffer will remain undisturbed. According to the site plan, only 20% of the lot will be impervious after construction. R-15 allows up to 35% impervious surface. The applicant has imposed a 50 ft. front setback on the home which is consistent with other homes in the neighborhood.

The applicant will require relief from the city's buffers in order to construct the new home. The applicant has designed a bio retention area in the rear of the property to compensate for the addition of impervious surface in the buffers, and also to filter sediment that would otherwise

impact the stream. The City Engineer has reviewed the application and supports the methods used for peak flow reduction and water quality.

Community Development believes the hardship is not self-created, as the lot of record has existed before the stream buffer ordinance was adopted. Community Development was contacted by one citizen with concerns that some vegetation be retained along the rear of the property, however the applicant revised the site plan so that the area at the rear of the property will remain undisturbed. Otherwise, Community Development has not received any calls in opposition to the request.

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## **STAFF COMMENTS**

The applicant is requesting relief from the city's 50 ft. undisturbed buffer and 75 ft. impervious surface setback, to build a new single family home on the undeveloped lot of record. The applicant requests encroachment into the city 50 ft. undisturbed buffer and 75 ft. impervious setback, where impervious materials currently exist. 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 calls in opposition to the 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 tree inventory and tree protection and replacement plan by the applicant and approval by the City's Arborist.

**Figure – 1 Aerial of Subject Property**



**Figure – 2  
Subject Property**



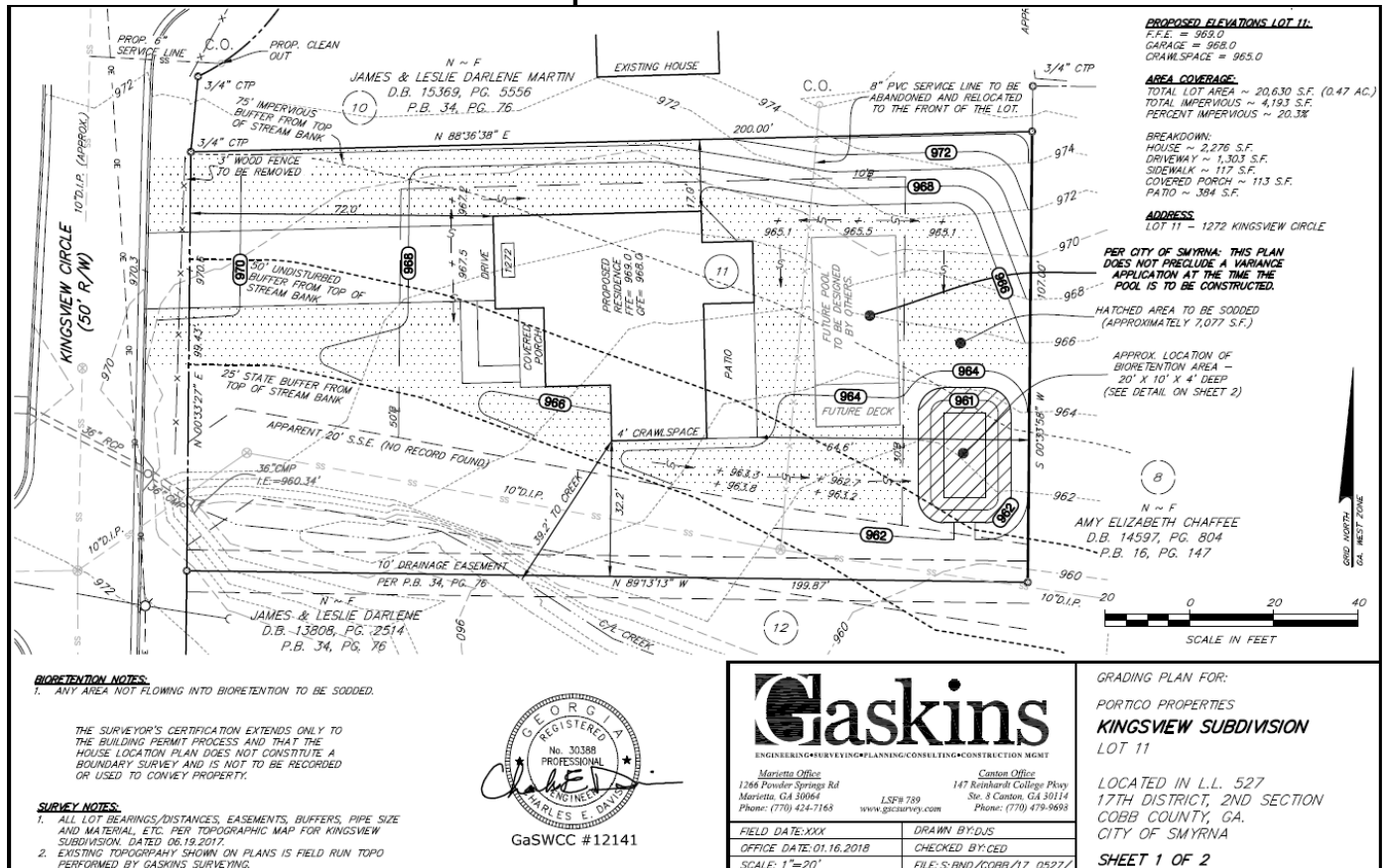
**Figure – 3**  
**Adjoining Property**



**Figure – 4**  
**Adjacent Property Across Kingsview Cir**



### Figure – 5 Proposed Plan



**Figure – 6**  
**Proposed Front Elevation**



FRONT ELEVATION