

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: April 6, 2018

**RE: VARIANCE CASE V18-029
1522 Grace Meadows Drive – Allow encroachment into 30 ft. Undisturbed Buffer
VARIANCE CASE V18-030
1522 Grace Meadows Drive – Allow encroachment into 50 ft. Undisturbed Stream
Buffer**

BACKGROUND

The applicant is requesting two variances, allowing encroachment into the City's 50 ft. undisturbed buffer as well as a 30 ft. undisturbed buffer. The applicant is proposing to grade the rear yard as it is unusable in the current state. Stream buffers are controlled by Chapter 6, Article VI. The 30 ft. undisturbed buffer is a zoning condition adopted with then land was subdivided.

ANALYSIS

The subject parcel is located on the south side of Grace Meadows Drive (See Figure 1). The subject parcel and adjoining parcels to the north and west are zoned R-12. The adjoining properties to the east are zoned R-12 and R-15, and the properties to the south are zoned R-15. All are occupied by single-family detached residences (See Figures 3 & 4). The subject property is within the Grace Meadows Subdivision and the rear of the property is adjacent to Austin Drive.

The applicant is proposing to grade a small section of the rear yard and install a 2 ft. retaining wall to make the rear yard functional. In order to sod this section of the yard, the applicant is requesting the ability to remove existing trees. The rear yard is encumbered by two buffers, a 50 ft. undisturbed stream buffer, and a 30 ft. undisturbed buffer zoning condition adopted when the property was subdivided. The intention of the 30 ft. buffer is to screen the new houses from the existing houses along Austin Drive. A 6 ft. wooden privacy fence is approximately 6 ft. from the property line along Austin Drive, and the trees on the outside of the fence will remain. Community Development believes the privacy fence and existing trees will be an adequate buffer to provide screening and satisfy the intention of the zoning condition.

The City Engineer has reviewed the proposal and has no concerns with tree removal and grading in the City's 50 ft. undisturbed buffer. The applicant has stated that the existing trees are primarily tall pine trees that become hazardous during high wind events. Beyond the 2 ft. retaining wall there will be no structures or impervious surface, only sod and mulch. Additionally, the house was constructed 1997, prior to the adoption of the stream buffer ordinance in 2005.

Community Development believes the hardship is not self-created, as the lot of record has existed before the stream buffer ordinance was adopted and the remaining trees and privacy fence will provide an adequate buffer to screen it along Austin Drive. Community Development believes these are the minimum variances needed to make the yard functional, and that there should be no negative impacts to adjacent properties if approved. Community Development has not received any calls or opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the city's 50 ft. undisturbed buffer and 30 ft. undisturbed buffer zoning condition, to grade and sod the rear yard. 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 variances with the following condition:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.

Figure – 1 Aerial of Subject Property



Figure – 2
Subject Property



Figure – 3
Adjacent Property



Figure – 4
Trees and Fence along Austin Drive



Figure – 5
Property Survey

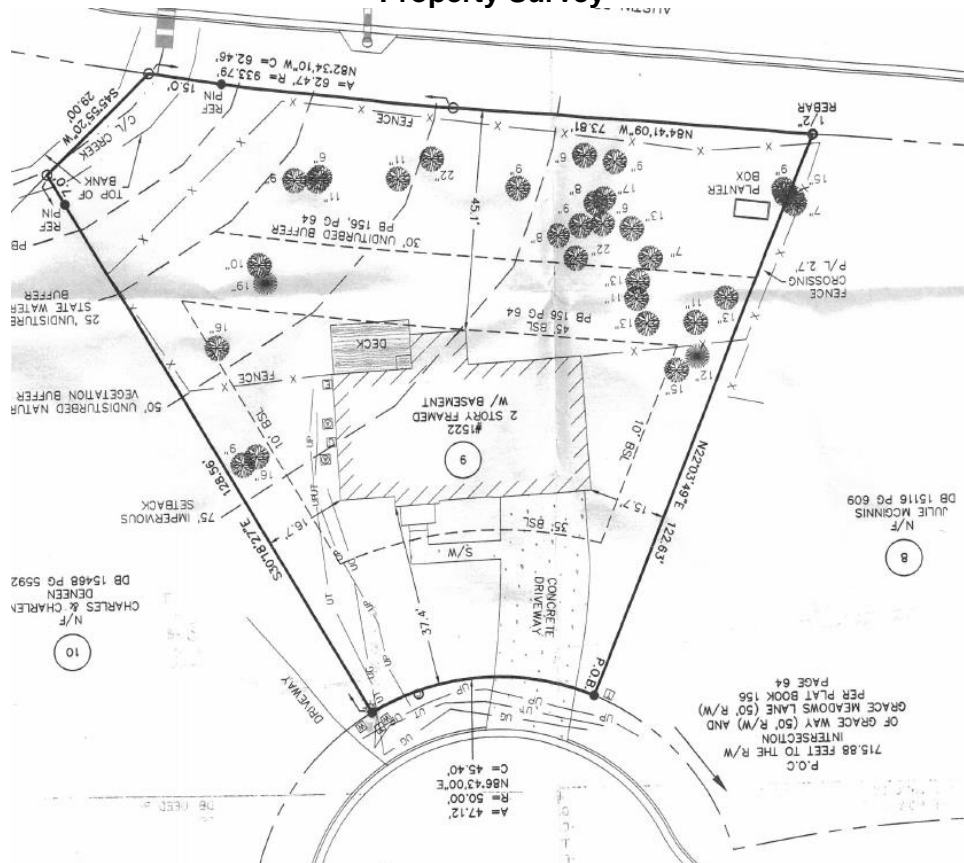


Figure – 6
Proposed Landscape Plan

