

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, 2018

RE: VARIANCE CASE V18-044
1375 Twin Oaks Lane – Allow side setback reduction from 12 feet to 8 feet for an attached garage addition on a single family residence.

VARIANCE CASE V18-045
1375 Twin Oaks Lane – Allow encroachment into the City's 75 ft. Impervious Surface Setback.

BACKGROUND

The applicant is requesting a variance to reduce the side setback from 12 feet to 8 feet in order to construct an attached garage addition on a single family home at 1375 Twin Oaks Lane. Section 801 requires a side setback in R-20 zoning district of 12 feet. The applicant will also require relief from the City's 75 ft. Impervious Surface Setback as required in Chapter 46, Article VI.

ANALYSIS

The subject parcel is located along the cul-de-sac on Twin Oaks Circle (See Figure 1). The subject parcel and adjoining parcels to the north, south, east, and west are zoned R-20 and are occupied with single family homes. The subject property is 1.06 acres.

The applicant is proposing to construct an attached garage addition to the side of an existing single family residence. The existing structure is setback deep into the lot with minimal area on the side. The applicant is requesting a variance to reduce the side setback from 12 feet to 8 feet, as the corner of the two-car garage will encroach the side setback. Also, the existing house is non-conforming as it is within the City's 75 ft. Impervious Surface Setback. The City Engineer has reviewed the request and has no objections, provided that the applicant dedicates area outside of the impervious setback to be remain impervious for buffer averaging.

The hardship is not self-created since the orientation of the house has existed since the lot was created. Strict application of the ordinance would limit the size of the attached garage to a one car garage. Additionally, the existing structure is non-conforming, as it is was originally

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constructed within the City's 75 ft. Impervious Surface setback. The variance proposed is the minimum variance needed, and should have no negative impact on adjacent properties. Community Development has not received any call in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the side setback of 12 feet. The applicant is requesting a variance to reduce the side setback to 12 feet to construct an attached two-car garage to a single family residence. The applicant also requires relief from the City's 75 ft. Impervious Surface Setback. 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. Similar variances have been approved throughout the city. 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 variances with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
2. Prior to issuance of building permit, the applicant shall designate an area outside of the impervious setback, and equal to the area of the garage, to remain impervious.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Adjacent Property



Figure – 4
Adjacent Property



129° 28' E	48.24
129° 38' E	31.25'
152° 29' W	56.81'

