

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: February 22, 2019

**RE: VARIANCE CASE V19-011
2730 Fraser Street – Allow encroachment into City’s 50 ft. Undisturbed Stream Buffer
VARIANCE CASE V19-012
2730 Fraser Street – Allow reduction of front setback from 35 feet to 20 feet**

BACKGROUND

The applicant is requesting two variances, allowing encroachment into the City’s 50 ft. undisturbed buffer and front setback reduction to 20 ft. The subject property is non-conforming, as it contains an older structure that sits 20 ft. from the front property line, and within the 50 ft. Undisturbed Buffer. The applicant plans to either build a new home or remodel the existing home. Stream buffers are controlled by Chapter 6, Article VI. Setbacks are controlled by section 801 of the zoning ordinance.

ANALYSIS

The subject parcel is located on the west side of Fraser Street (See Figure 1). The subject parcel and adjoining parcels to the north, south, and east are zoned R-15 and occupied with single family homes. The adjoining properties to the west are zoned PI (Public Institutional) and occupied with a school. The subject property is 0.24 acres (10,146 sq. ft.).

The subject property is occupied by an existing single family residence, constructed in 1954 prior to the adoption of zoning ordinances, and is non-conforming. The property requires a 35 ft. front setback and the existing home was built on a 20 ft. front setback. The original home was constructed prior to the adoption of the city’s 50 ft. Undisturbed Stream Buffer, and a portion of the home is within the buffer. Furthermore, the lot is below the minimum lot area of 15,000 sq. ft., and the existing house is 960 sq. ft., below the minimum 2,000 sq. ft. floor area minimum

The applicant plans to either remodel the existing home with a new addition to the rear, or to demolish the existing home and retain the existing 20 ft. front setback and stream buffer encroachment. The applicant has provided site plans for both options (See Figures 5 & 6). The applicant plans to install flow wells in the rear yard to provide channel protection and peak flow reduction, regardless of which option is selected.

The City Engineer has reviewed the proposal and has no concerns with proposed encroachment into the City's 50 ft. Undisturbed Buffer. The City Engineer has approved the preliminary stormwater management plan proposed by the applicant. Prior to issuance of building permit, the City Engineer will provide final approval of the stormwater management plan.

Community Development believes the hardship is not self-created, as the lot of record existed before the stream buffer ordinance was adopted. Additionally, the existing home was constructed in 1954, before the zoning ordinance was adopted. Community Development believes these are the minimum variances needed, 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 35 ft. front setback to remodel the existing home, or build a new home. 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 encroachment of the setback and buffer will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Prior to issuance of building permit, the applicant will obtain approval of the stormwater management plan from the City Engineer.

Figure – 1 Aerial of Subject Property



**Figure – 2
Subject Property**



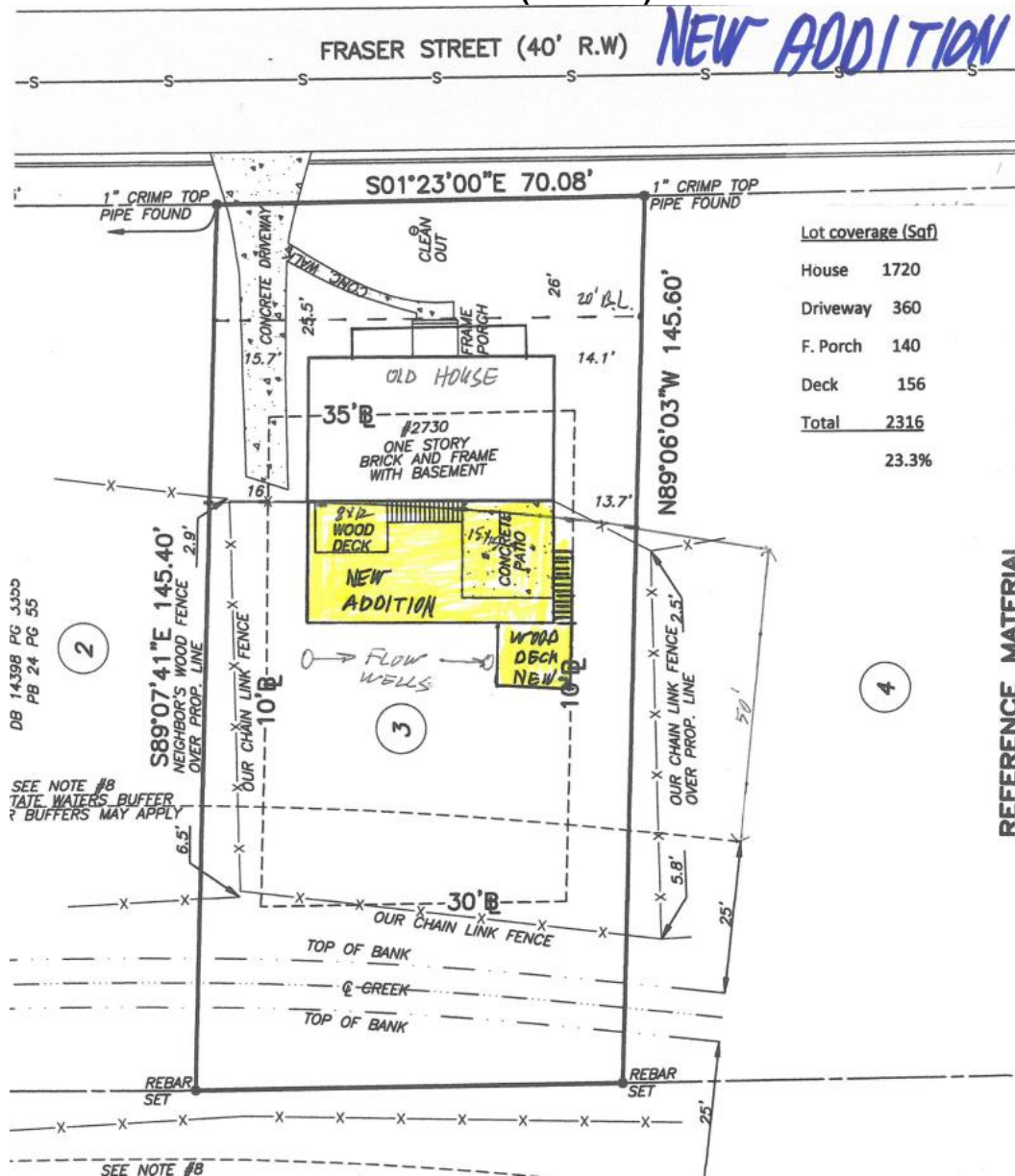
Figure – 3
Adjacent Property



Figure – 4
Adjacent Property



Figure – 5
Site Plan (Addition)



REFERENCE MATERIAL

Figure - 6
Site Plan (New House)

