

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 V19-013
1120 Dell Avenue – Allow front setback reduction from 35 feet to 31 feet**

BACKGROUND

The applicant is requesting a variance to reduce the front setback from 35 ft. to 31 ft. to construct an addition to a single-family home at 1120 Dell Avenue. Section 801 requires a front setback in FC (Future Commercial) zoning district of 35 ft. The FC zoning district utilizes the same setbacks as R-15.

ANALYSIS

The subject parcel is located to the south of Dell Avenue (See Figure 1). The subject parcel is zoned FC (Future Commercial). The adjacent properties to the east and west are zoned FC. The properties to the north are zoned R-15. The properties to the south are zoned GC (General Commercial). The properties to the north, east, and west are occupied with residential uses. The properties to the south are occupied with commercial uses. The subject property is 0.32 acres.

The applicant is requesting a variance to reduce the front setback to construct an addition on an existing single-family residence. The existing home is 4 ft. behind the 35 ft. front setback. The addition will consist of a (8' by 23') front porch that extends into the front setback approximately four feet. Therefore, the applicant is requesting a variance to reduce the front setback from 35 ft. to 31 ft. The home is currently under renovation, however, that scope of work does not require any variances.

The location of the existing structure is a unique circumstance applying to the subject property which limits where the front porch may be constructed. The hardship is not self-created since the lot size and location of the home have existed since the original house was constructed. The variance proposed is the minimum variance needed and should have no negative impact on adjacent properties. Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the front setback of 35 ft. The applicant is requesting a variance to reduce the front setback to 31 ft. to construct a front porch on an existing single-family residence. 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 variance with the following condition:

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.

Figure – 1

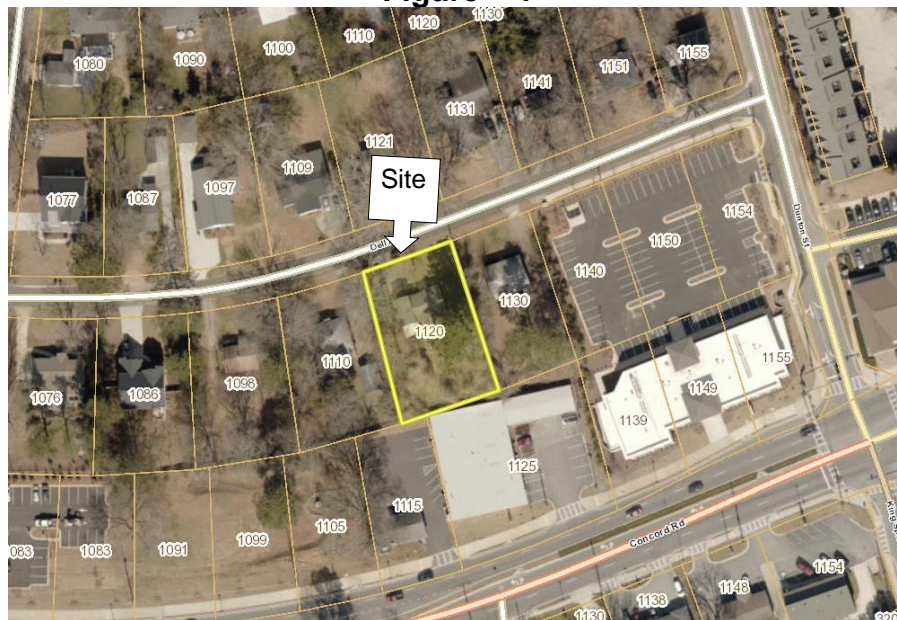


Figure – 2
Subject Property



Figure – 3
Adjacent Property



Figure – 4
Adjacent Property



Figure – 5
Proposed Site Plan

