

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, Community Development Director
Caitlin Crowe, Planner I

Date: November 4, 2019

**RE: VARIANCE CASE V19-050
2760 Bell Drive – Reduce porch front setback from 10 feet to 9.8 feet**

**VARIANCE CASE V19-051
2760 Bell Drive – Reduce building front setback from 15 feet to 14.6 feet**

**VARIANCE CASE V19-052
2760 Bell Drive – Reduce building side setback from 10 feet to 9.7 feet**

BACKGROUND

The applicant is requesting a variance to build a front porch on a new single-family townhome residence at 2760 Bell Drive. During rezoning in 2017 (zoning case Z17-016), the subject property was approved with conditions for front setbacks of 15 feet for the townhome building, 10 feet for the side setbacks of the townhome building, and 10 feet for the front porches. The plans were submitted and approved with foundations meeting the setback requirements listed in the zoning stipulations. However, when the townhome building started constructed, each of the townhomes within the building were over the required setbacks. Coupled with additional façade materials on the exterior of the building, several sections of the building encroached in the setback requirements.

ANALYSIS

The subject parcel is located on the west side of Bell Drive (see Figure 1). The subject parcel and all adjacent parcels are zoned RM-15, all of which will be occupied with single-family townhomes. The properties to the north, south, and west are still under construction. The subject property is currently being developed for a new single-family townhome residence within the Woodbury subdivision.

The townhome building has frontage on two streets, the front of the townhome facing Bell Drive and the rear of the townhome facing Oakbourne Lane. The townhome will be rear-entry with the garage and driveway off Oakbourne Lane.

The rear-entry driveway is the required 22 feet in length, which, together with the shallow depth of the property in between the two streets, creates the encroachments into the porch front

setback by 0.2 feet, into the building front setback by 0.4 feet, and into the building side setback by 0.3 feet.

Community Development believes that the encroachments will not adversely affect the surrounding residents. At a maximum of 0.4 feet, the requested variances for the encroachments will not be noticeable to the general public. 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 zoning case Z17-016 for the porch front setback of 10 feet, the building front setback of 15 feet, and the building side setback of 10 feet. The applicant is requesting a variance to reduce the front porch setback to 9.8 feet to construct a front porch on a new single-family residence. The construction of the porch also led to the variances of the building front setback of 14.6 feet and the building side setback of 9.7 feet. 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 requests against the variance review standards and found them to be in compliance with the four (4) standards. Community Development has not received any calls in opposition to the request. After a review of the standards above, Community Development believes that the encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances.

Figure – 1



Figure – 2
Subject Property from Bell Drive



Figure – 3
Subject Property from Oakbourne Lane



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property



Figure – 7
Site Plan

