

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: February 21, 2020

RE: VARIANCE CASE V20-008
1554 Spring Street – Allow encroachment into 50 ft. Undisturbed Stream Buffer

VARIANCE CASE V20-009
1554 Spring Street – Allow encroachment into 75 ft. Impervious Surface Setback

BACKGROUND

The City of Smyrna's Parks and Recreation Department is requesting two variances, allowing encroachment into the City's 50 ft. undisturbed buffer and the City's 75 ft. impervious surface setback. The applicant is proposing to construct a new formal entrance from Spring Street into Durham Park. Stream buffers are controlled by Chapter 6, Article VI.

ANALYSIS

The subject parcel is located on the corner of the intersection of Spring Street, Anderson Circle, and Bernard Way (see Figure 1). The subject parcel is zoned R-15 and RDA and is occupied by Durham Park. The adjoining parcels to the north are zoned R-15 while the adjoining parcels to the south, east, and west are zoned RDA. All are occupied by single-family detached homes.

The applicant is proposing to build a formal entrance from Spring Street into Durham Park since there are currently erosion issues on the hillside from an informal path into the park (see Figure 5). The entrance will consist of hardscaped steps made of Tennessee Stone and field stone as well as some landscaping along the entrance. The new entrance will tie into the existing trail system in the park.

The subject property is greatly impacted by the State 25 ft. undisturbed buffer, the City's 50 ft. undisturbed buffer, as well as the City's 75 ft. impervious surface setback so the applicant will require relief from the City's buffers in order to construct the new entrance. There are currently numerous impervious pathways throughout the park and in the buffers. The City Engineer has reviewed the application and supports the methods for buffer mitigation.

Community Development believes the hardship is not self-created, as the lot of record has existed before the stream buffer ordinance was adopted. Community Development was contacted by one citizen with concerns that the entrance is not necessary in that area. Otherwise, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting relief from the City's 50 ft. undisturbed buffer and 75 ft. impervious surface setback, to build a new formal entrance at Durham Park. The applicant requests encroachment into the City 50 ft. undisturbed buffer and 75 ft. impervious setback, where impervious materials currently exist. 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. 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 stipulations:

1. Prior to building permit issuance, a buffer mitigation plan will be submitted and approved by the City Engineer.
2. The applicant shall meet all ADA access requirements deemed necessary by the Fire Marshal during construction plan review.

Figure – 1



Figure – 2
Proposed Site Plan



Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Location of the Proposed Entrance



Figure – 6
Stream on the Subject Property



Figure – 7
Adjacent Property across Spring Street



Figure – 8
Adjacent Property Across Anderson Circle

