

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: October 19, 2021

RE: VARIANCE CASE V21-111
341 Mockingbird Lane – Allow new construction on lot of record below minimum requirements

VARIANCE CASE V21-112
341 Mockingbird Lane – Allow increase in impervious coverage from 35% to 36.5%

VARIANCE CASE V21-113
341 Mockingbird Lane – Allow a second accessory structure.

BACKGROUND

The applicant is requesting to build a new single-family home at 341 Mockingbird Lane on a substandard lot. Section 1208 requires a variance to build on a lot of record below minimum requirements. The applicant also requests a variance to increase impervious coverage to 36.5%. Section 810 requires a maximum lot coverage of 35%. Additionally, the applicant is requesting a second accessory structure to construct a pool and gazebo. Section 501 limits accessory structure or uses to one per lot.

ANALYSIS

The subject parcel is a 0.41-acre vacant lot located on the north side of Mockingbird Lane (see Figure 1). The subject parcel and adjacent parcels to the north, east, and west are zoned R-20 and are occupied by detached single-family homes. The adjacent property to the south is zoned R-15. The subject parcel is located within the Bennett Woods Subdivision, which was platted in 1969, prior to the current zoning ordinance, which was implemented in 1976.

The applicant is proposing to build a new single-family home on the subject property; however, the lot is 17,640 square feet and the R-20 Zoning District requires lots to be a minimum of 20,000 square feet. Since the subject property is an existing lot of record, originally platted in 1969, no hardship was self-created. Many of the surrounding properties do not meet the minimum 20,000 square feet lot size.

The applicant is proposing to build a two-story single-family house, pool, and gazebo that will meet setback requirements. However, the applicant will require a variance for the gazebo as

Section 501 limits to one accessory structure or use per lot. The new home and pool and gazebo will exceed the impervious coverage maximum of 35% to 36.5%. Due to the increase in impervious coverage, the applicant will provide a water quality plan to review before permitting.

The subject property is unique in that it has less square footage than what the R-20 zoning district requires. The hardship is not self created as the property is an existing lot of record. The variances requested are the minimum variance needed to build a new single-family home on the subject property. Furthermore, variances of this nature have been approved in the past so no negative precedent would be set. Community Development does not believe building a new single-family home on the subject property will negatively impact the surrounding properties.

STAFF COMMENTS

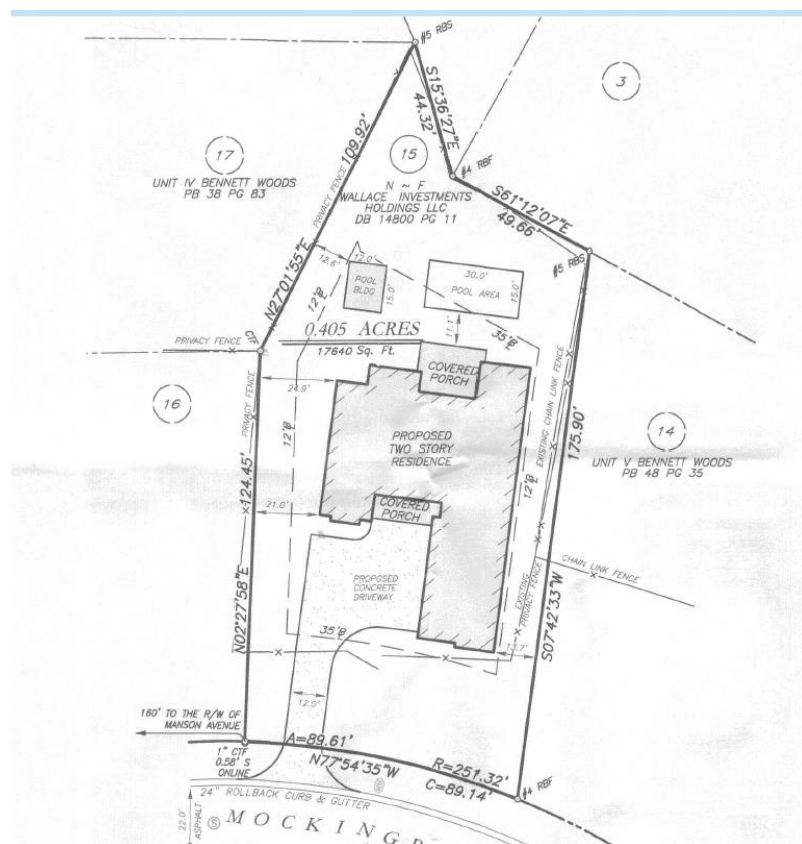
The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-20 Zoning District. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances 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 the four (4) standards and believes that the variance will not adversely affect surrounding residents. At the time of this report, Community Development has received no opposition to this request from surrounding property owners. 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 and elevations submitted with the variance application.
2. The applicant shall provide a water quality plan subject to approval by the City Engineer prior to issuance of the building permit.

Figure – 1



Figure – 2
Site Plan



**Figure – 3
Elevation**



**Figure – 4
Subject Property**



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property



Figure – 7
Adjacent Property

