

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: October 19, 2021

**RE: VARIANCE CASE V21-069
863 Church Street – Reduce the side setback on eastern property line from 10 feet to 5 feet**

**VARIANCE CASE V21-070
863 Church Street – Reduce rear setback from 30 feet to 15 feet**

**VARIANCE CASE V21-071
863 Church Street – Allow encroachment into the 50-foot undisturbed stream buffer and 75-foot impervious surface setback for new single-family home**

BACKGROUND

The applicant is seeking several variances to allow for the construction of a new home on the subject property. These variance requests include setback reductions and stream buffer encroachments. The applicant is proposing to build a new 2,828 square foot two-story single-family home on an undeveloped property within Cheney Woods. Section 801 of the Zoning Ordinance sets the setback requirements in the R-15 zoning district and stream buffers are controlled by Chapter 46, Article VI in the Code of Ordinances.

ANALYSIS

The subject parcel is located on the north side of Church Street, near the intersection of Flagler Circle and Church Street (see Figure 1). The subject parcel and all adjoining parcels to the north, east and west are zoned R-15 and are occupied by single-family detached residences. The properties to the south are zoned LI and R-15 and are occupied by a funeral home and the City's Wolfe Center, respectively. The Cheney Woods subdivision was established in 1954 and the property is an existing lot of record; however, the property has yet to be developed with a single-family home.

The applicant is proposing to build a 2,828 square foot two-story single-family home with a daylight basement on the subject property, accessed by a 350 square foot bridge over the existing creek. The subject property is greatly impacted by the State's 25-foot stream buffer, City's 50-foot undisturbed buffer as well as the City's 75-foot impervious surface setback due to the creek that runs along the entire south side of the property. The applicant has requested a

rear and side setback reduction to orient the house in such a way as to encroach as little as possible into the stream buffer.

The applicant will require relief from the City's buffers in order to construct the new home. The applicant will mitigate the buffer encroachment by providing a bio-retention pond. Although there will be a loss in buffer volume this way, there will be an increase in water quality to the buffer and stream. Additionally, the applicant will utilize pervious pavers for the driveway to lessen impact to the stream buffers. The City Engineer has reviewed the application and supports the methods used for buffer mitigation.

Community Development believes the hardships are not self-created, as the lot of record existed before the stream buffer ordinance was adopted.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by the City for the following: eastern side setback reduction from 10 feet to 5 feet, rear setback reduction from 30 feet to 15 feet, and encroachment into the City's 50 foot undisturbed buffer and 75 foot impervious surface setback. 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 encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances are conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The applicant shall provide stormwater management plan for the site subject to approval by the City Engineer.
3. Prior to framing the structure, a Flood Elevation Certificate shall be provided to the City Engineer.
4. The Certificate of Occupancy shall be contingent upon an as-built cut-fill analysis of the property, reviewed and approved by the City Engineer.

Figure – 1

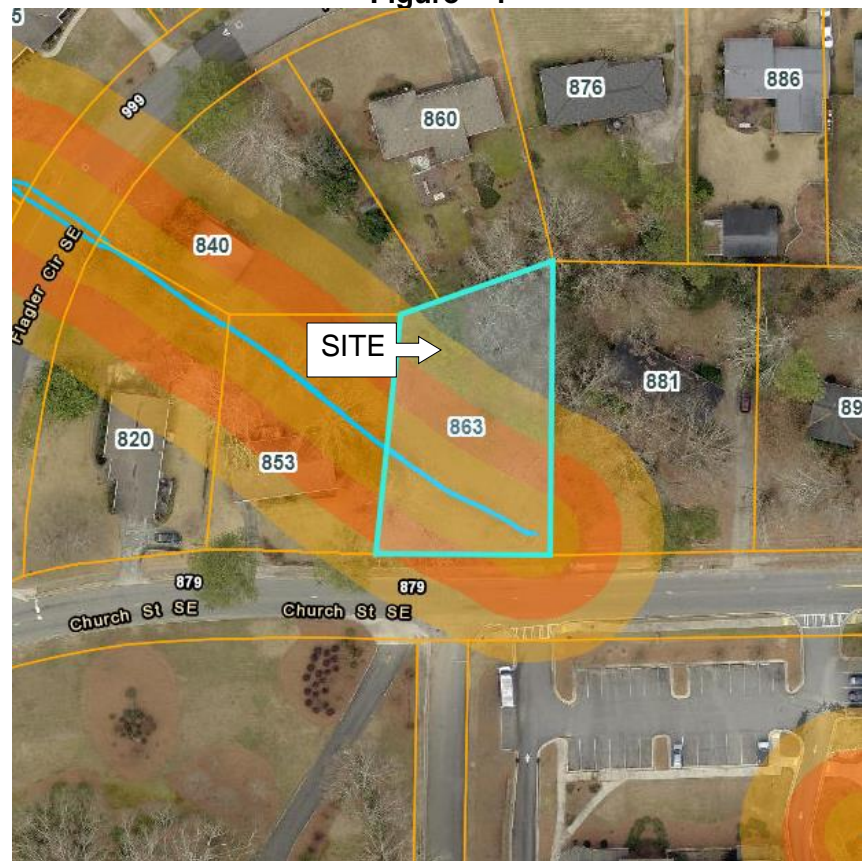


Figure – 2 Proposed Site Plan

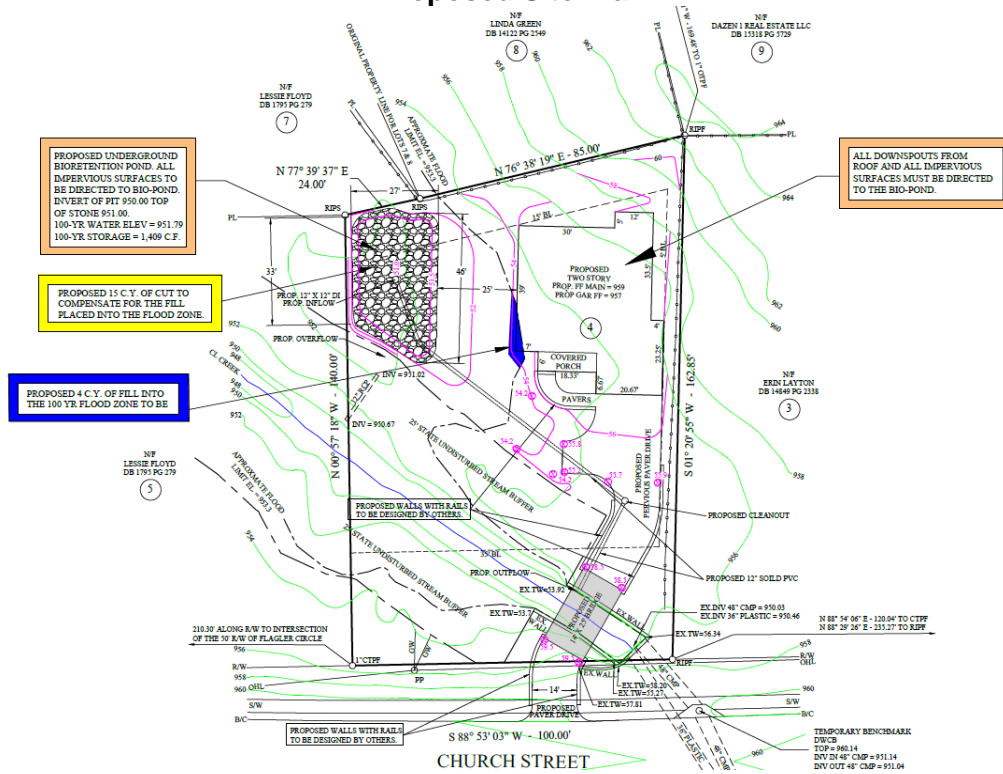


Figure – 3
Proposed Front Elevation



Figure – 4
Subject Property



Figure – 5
Creek on Subject Property



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property to the West



Figure – 8
Adjacent Property across Church Street

