

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 5, 2025

RE: VARIANCE CASE V25-013
1068 Mclinden Avenue – Allow new construction on lot of record below minimum requirements

BACKGROUND

The applicant is requesting to build a new single-family home on a substandard lot at 1068 Mclinden Avenue. Section 1208 requires a variance to build on a lot of record below minimum lot size requirements.

ANALYSIS

The subject parcel is a 0.27-acre lot located at the southwest intersection of Mclinden Avenue and Hollis Street (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are occupied by detached single-family homes. The subject parcel is part of the Dunton subdivision, which was platted in 1950, prior to the current Smyrna Zoning Ordinance, which was implemented in 1976.

The applicant is proposing to demolish the majority of the existing 1,184 square foot house to the foundation and build a new 3,177 square foot one-story single-family home which will consist of 5 bedrooms and 4 ½ bathrooms and a hardiplank façade. The home will be accessed off the existing driveway off Mclinden Avenue, which will be repaved as part of the project. Per the applicant, the existing chain link fence that circles the property will be removed from the front of the property and remain untouched in the rear. Although chain link fencing is not allowed per Section 503-A.3, since it has existed at least since 2008, it is considered legal non-conforming. However, if it is replaced in any way, additional variances would be required.

The subject property is 11,914 square feet, while the R-15 zoning district requires a minimum lot size of 15,000 square feet. Since the subject property is an existing lot of record, originally platted in 1950, the hardship is not self-created. If it were not for the nonconforming lot, no other variances would be required to build the new home. As mentioned, the existing one-story home is 1,184 square feet, which is below the minimum house size of the R-15 zoning district of 2,000 square feet. With the new construction, the home will be brought into compliance with the R-15 zoning district floor area requirement.

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The subject property is unique in that it has less square footage than what the R-15 zoning district requires. The hardship is not self-created as the property is an existing lot of record. The variance requested is the minimum variance needed to build a new single-family home on the subject property. Community Development does not believe building a new single-family home on the subject property in accordance with the R-15 zoning requirements will negatively impact the surrounding properties as there is an existing home on the subject property. The same variance was granted across the street at 1069 McInden Avenue in 2020 (V20-054) so there is a precedence for this type of variance in the immediate neighborhood. At the time of this report, Community Development has not received any calls in opposition to the request.

STAFF COMMENTS

The applicant is requesting to deviate from the City's minimum lot area requirement established for the R-15 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 believes that the requested variance will not adversely affect surrounding properties. Therefore, staff recommend **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. An as-built survey shall be submitted prior to foundation pour due to the proximity to the setbacks.
3. The chain link fence along Hollis Street cannot be replaced in its current location without first obtaining an additional variance.

Figure – 1



Figure – 2
Site Plan

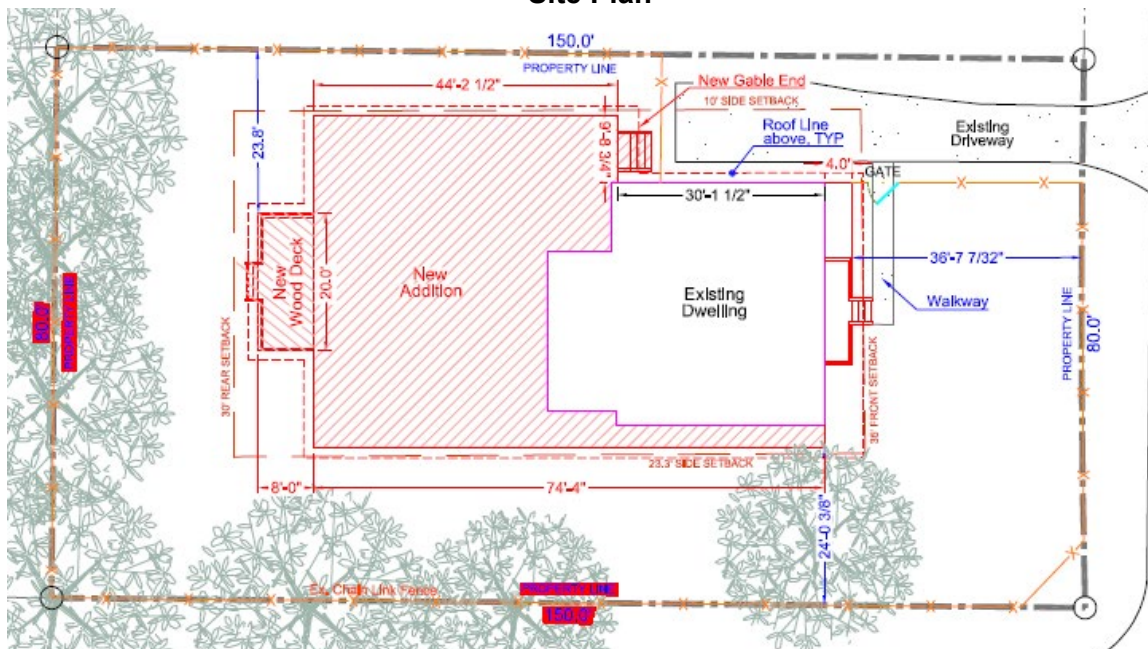


Figure – 3
Building Elevations (from Mclinden Avenue & Hollis Street)

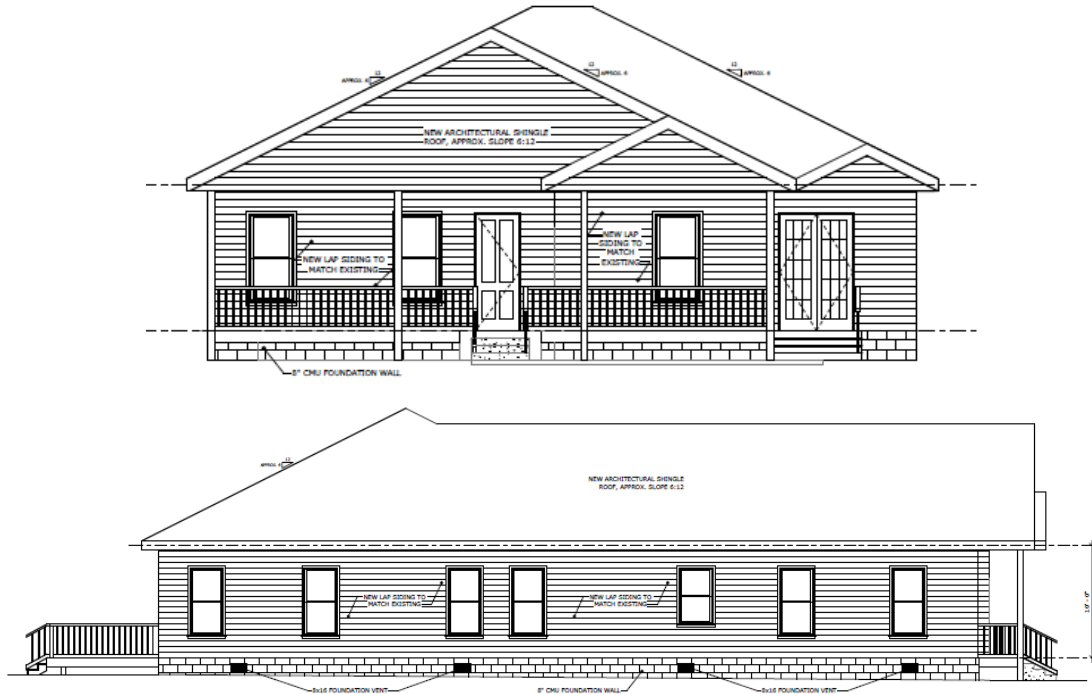


Figure – 4
Subject Property from Mclinden Avenue



Figure – 5
Subject Property from Hollis Street



Figure – 6
Adjacent Property to the South

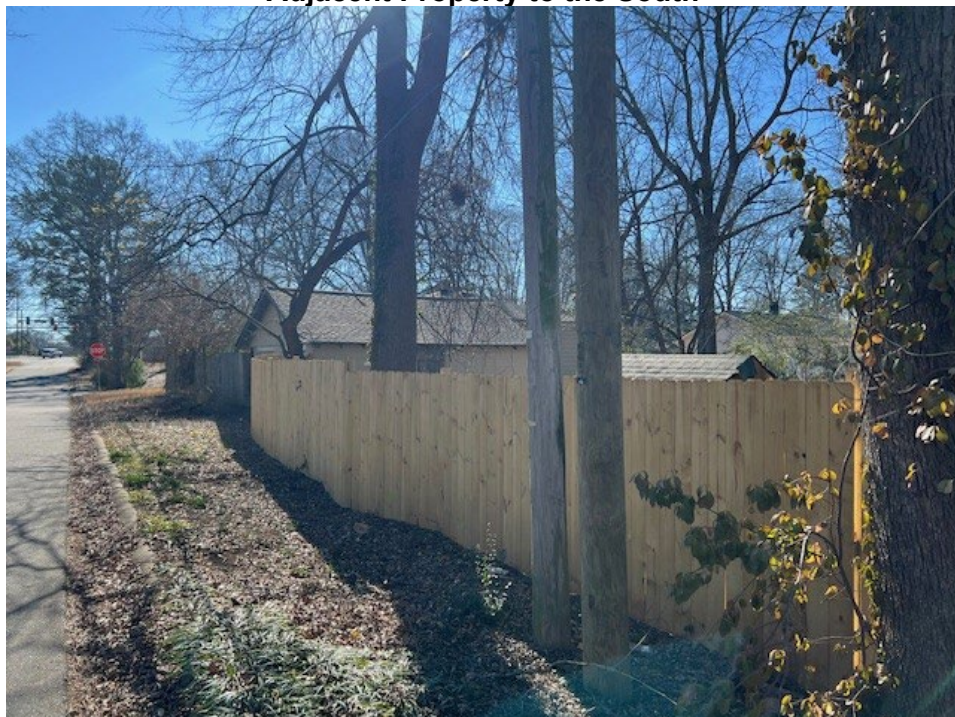


Figure – 7
Adjacent Property to the West



Figure – 8
Adjacent Property across Hollis Street



Figure – 9
Adjacent Property across Mclinden Avenue

