

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: April 18, 2024

RE: VARIANCE CASE V23-086
2627 Argo Drive – Allow new construction on lot of record below minimum requirements

VARIANCE CASE V23-087
2627 Argo Drive – Reduce the side setback from 10 feet to 5.6 feet

VARIANCE CASE V23-088
2627 Argo Drive – Reduce the streetside setback from 23.3 feet to 10.1 feet

VARIANCE CASE V23-089
2627 Argo Drive – Reduce the front setback from 35 feet to 12 feet

VARIANCE CASE V23-090
2627 Argo Drive – Reduce the minimum floor area from 2,000 square feet to 1,480 square feet

VARIANCE CASE V23-091
2627 Argo Drive – Increase the maximum impervious surface area from 35% to 41.3%

BACKGROUND

The applicant is requesting several variances to build a new single-family home at 2627 Argo Drive: allow new construction on a lot of record below minimum requirements, reduce the side setback from 10 feet to 5.6 feet, reduce the streetside setback from 23.3 feet to 10.1 feet, reduce the front setback from 35 feet to 12 feet, reduce the minimum floor area from 2,000 square feet to 1,480 square feet, and increase the maximum impervious surface area from 35% to 41.3%. Section 1208 of the Zoning Ordinance requires a variance to build on a lot of record below minimum requirements whereas Section 801 establishes the building setbacks, minimum floor areas, and maximum impervious surface area for properties in the R-15 zoning district.

ANALYSIS

The subject parcel is a 0.07-acre triangular lot located to the north side of the intersection of Argo Drive and Bates Street (see Figure 1). The subject parcel and the adjacent parcel to the

VARIANCE CASE V23-086 through 091

April 18, 2024

Page 2 of 7

north are zoned R-15 whereas the adjacent parcels to the east, south, and west are zoned R-12. All properties are currently occupied by detached single-family homes with the exception of the subject property, which is a vacant lot. The subject parcel was created in 1989 via deed of sale in Cobb County, then shown on a recorded boundary plat for a neighboring property in 1999.

The applicant is proposing to construct a new 1,480 square foot two-story single-family home on the vacant corner lot, which will include three bedrooms and 2 ½ bathrooms. The home's architecture will be ultramodern; due to the existing speed hump along Argo Drive, the driveway access is proposed along Bates Street. Due to the existing public sidewalk along Bates Street, the applicant shifted the house to the north to allow for a standard 22-foot driveway to alleviate any encroachments to the sidewalk. Additionally, the driveway was shifted to be 51 feet from the road intersection to alleviate any conflicts with stop sign at the southwest corner of the property. The City Engineer has reviewed the proposed driveway and is supportive of the location.

The subject property is only 4,750 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, the hardship is not self-created. Additionally, due to the property being a corner lot and well below the required lot area, the setback requirements create an unfeasible buildable area. Due to the constraints of the site, the applicant is requesting to reduce the front, streetside, and side setbacks to build the new home. The proposed home is centered in the middle of the lot to both minimize the number and scale of the variances needed. The front of the proposed home will be a minimum of 12 feet from Argo Drive, which is in line with the nonconforming house to the north. Due to the triangular nature of the lot, the home is 10.1 feet from the streetside property line, which is a variance of 13.2 feet. Finally, due to the required 22-foot driveway and staff recommendation, the home was shifted into the setback at 5.6 feet from the property line. Due to the geometry of the lot, which is only 88 feet at its widest point (and 6.25 feet at its narrowest), the hardships are not self-created.

The R-15 zoning district requires a minimum house size of 2,000 square feet, which would not only take up nearly half the property, but also spur several additional variances if the buildable area were strictly adhered to. The applicant has added as much square footage as possible on both floors while maintaining the minimum encroachments necessary to build the home.

Even with a smaller-sized home on the property, the applicant will be over the maximum impervious coverage of 35% by 6.3%. To offset the increase to the impervious surface area, a dry well will be constructed near the rear of the property behind the proposed elevated deck. The City Engineer has reviewed the application and is supportive of the proposed mitigation method.

The subject property is unique in that it has less than 30% land area than what the R-15 zoning district requires; the hardship is not self-created as the property is an existing lot of record. The setback variances requested are the minimum variances needed to build a new single-family home on the subject property in line with the surrounding neighborhood, which has seen increased growth and development over the past few years. Similar impervious surface area variances have been approved throughout the city when an appropriate mitigation method has

been included. 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, floor area, impervious surface area, front setback, streetside setback, and side setback requirements 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 has reviewed the request and believes that the variances will not adversely affect surrounding residents. Therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.
2. The existing driveway entrance along Argo Drive shall be removed and replaced with curb and gutter and permanently stabilized prior to issuance of the Certificate of Occupancy. The existing sidewalk shall be reestablished once the driveway has been removed.
3. A Stormwater Inspection and Maintenance Agreement shall be completed and recorded with the Cobb County Superior Court and an as-built certification statement submitted to Community Development prior to issuance of the Certificate of Occupancy.

Figure – 1

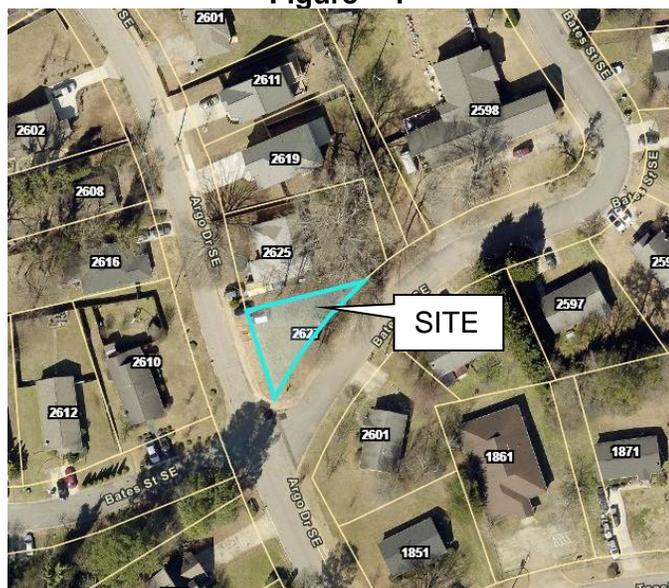


Figure – 4
Subject Property from Argo Drive



Figure – 5
Adjacent Property to the East



Figure – 6
Adjacent Property across Argo Drive



Figure – 7
Adjacent Property across Bates Street



Figure – 8
Adjacent Property across Pierce Avenue

